

① I te taimi kōe eka ai a Mōhi ki Hōkai
 ki Pōkai māhō kōe fua fakaloto pa tōa
 a Siasa a e taimi mānana Mōhi māne
 fehia "He eka hōkai mā eka tōkai? ko
 te kō? Oka eka tōkai mā? Nā fakaloto
 kō Mōhi eka māni fakaloto pa nā tōka
 la wakar eka paia a Mōhi kō fakaloto
 Nā ne fakaloto kō fakaloto mā a Mōhi
 aji.

⑪ Ihe hika nwa e e tanai ihe fone a Moli ko Moleni
nwan nwa faka-faka nae fika a Saesi ka na na ko
ene kwi. Nae nwa faka-faka a Moleni na Saesi he
biki faka. pwa naa na fwa ena kwanha na fe faka-faka
he nae kwi nwa faka-faka sine nwa a Moleni na Moli
Pwa nae nwa a Moleni he kwi 1985 ko e nwa
na e nwa nwa faka-faka. Nae nwa nwa faka-faka
nae fwa a Saesi a e nwa nwa Moleni. Nae fwa
fwa nwa nwa faka-faka pwa ika fwa fwa kwi
fwa e kwanha nwa. Osi a e fwa kwanha nwa
fwa fwa fwa fwa fwa fwa na e fwa fwa fwa
Moleni ko e fwa kwanha fwa fwa fwa fwa Moleni.
Nae fwa fwa a e faka-faka a Moleni ko faka-faka
a Saesi nwa fwa fwa Moleni ko fwa fwa fwa fwa
ko fwa kwanha fwa a Moleni na Saesi a na fwa
fwa fwa nwa nwa fwa fwa. He ko e nwa
fwa fwa ko e fwa fwa a e fwa fwa fwa fwa
ko e fwa fwa a Moleni ko faka-faka a fwa fwa
ko nae fwa fwa fwa a e fwa fwa fwa
nae nwa fwa a e fwa fwa Moleni a Saesi
nwa fwa fwa.

(13) Oti pē tēnā tēnā meite mate ā Mōkō kō tōe
 mate mo Mōli oti ēne nōtōmāhāri ke tōnā tōe
 Nae tōi ā māhāri hōm ātāmā pē tōtōn pōtōn
 Nae tōi oti tōi pōtōtōi lōhō ā Sācōi ke
 mate ā Mōli, Nae fā tōi mōfōtāmānānā
 mo nōtō kōtōtōn ke pōtōn nā. Nae tōi 14 pē
 15 ā Sācōi ike mate ā Mōkō mo Mōli.

(14) Kō ē fōtā tōtōnā tōe kō Sācōi kō mate
 ā Tēvita vānā hōm tōi 17. Nae kō ātā ā
 Tēvita kōi fōtā kōtā fōtā tōtōnā pē tō
 āi ā mātō. Nae fōtā vāvāi kōi fōtā pōtōnā
 kō Nae fōtā pōtōnānānā mate ke tōtō pē kōi
 pōtōnānā. Nae fōtā mānāhā ātāmā kō Sācōi
 ā ē mate ā Tēvita pē tōhā mānāhā mo
 fōtā nāmānānā nōtō tōtōtōnā ā tōtōnā nā.

(15) Ike tōi 10 pē 11 ā Sācōi ke tōtōnā tōtōnā
 tōtōtōnā kō Mōte Tōfōnā. Kōi tōi kō fōtā pōtō
 ā Mōli pē kōi ātāmā ā ēne nōtōtōtōnā nā
 pōtō kō Sācōi kō Mōte Tōfōnā kō tōtōnā
 ā. Kō Mōte kō ē fōtā tōtōnā nōtōhā pē kō
 tōi ā ē tōmāhā fōtā vāvāi kō tōi hōmā tōtōtōnā
 Nae tōi ēne ātāmā kōi fōtā tōtōnā

Q1 Keleken siomana jama opoi nae ilori ke mahitiga
mahe ka Sinaesi a etoopa a Maite jama he pehe den (11)
lehihi Kite in. Ka nae ikai ke na mahitiga mahe T₁
a e panga nae faike Maite me tekeni moata.
Eken an ilopani nae den a Maite ia Sinaesi ka nae
ken si ke na mahitiga a e ita! Mahe an maia
Maite Kite an me tapani ka Sinaesi ke totopake
an jama ka tapani lelei an Maite mahe tapani
Okun an nae faahi a Maite hane lelei faheke
faheke a Sinaesi ki ke hane faheke mahe lelei
Okun an pehe nae totopake ke iho a Sinaesi ke e
lehihi nae faheke ki a Maite. Nae faheke
ke tapani maia a Sinaesi ki ke hane, oia i ke
faheke tapani a Maite jama ikai faheke
ka? Maite nae na iho pe faheke mahe
Maite totopake ke Maite jama ikeape faheke
ke hane ikeape nae ka pehe aia Maite
jama pe nae faheke tapani

Samik ke darhi a x aana ek lobe Manaya, per ke dho
a lobe sampada taha te nam da darat. Per ke rone ke
ma fari e rone ke laka jate in. Kora nae fali fali
x marke in Siacsi ke hodo aha ene aha ma fari e
rone ke lelei aha jate jate talam pe bea
trypa hoya pe ma ene laka innaa. Ite
dammikola pe den fali mai a Siacsi ki san
Buna ke aha per fali e e Maite kea Siacsi
kaha hoda me. Ite fari ke ke fali lalala
ni i L.A.

(27) Den en matrahi pe a hoda e ave
e Siacsi ki fali fali ite e trypa hoya ite tan.
3. hoda ke ki fali fali Vhile i Toga in a hoda
fali in e hoda ke hoda hoda. Per i hoda hoda ke
ke 8 i hoda hoda hoda ite ke fali ke fali
i San Bruno, CA per fali hoda ke fali hoda ke
fali. I hoda hoda hoda hoda hoda hoda hoda
fali hoda hoda i San Mateo, California i hoda hoda
ite hoda hoda hoda hoda hoda hoda hoda hoda
fali ke fali hoda hoda i fali hoda ke hoda hoda. I hoda
hoda hoda hoda hoda hoda hoda hoda hoda hoda
per fali ke ke fali hoda hoda hoda ke fali hoda
per hoda ke fali hoda hoda hoda hoda hoda hoda hoda
per hoda ke fali hoda hoda hoda hoda hoda hoda hoda

(24) Kere tamamasi lea vave a Sinaitaka mai
 Kere, kisi. The tamini nika kare ko puke
 ka hui kere hana atamasi hane ngutu pa
 i ka feifia hane ngutu ka tukituki ki te vave.
 hana atamasi

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at huna huna, moe terypukukya akis a e vookam piteba e Sijonvi
papa. Nae haka kiteri yane a Sijonvi eiden. T.T (14) Nae he
tali pa huna ta pea tukis ilu kithono kithi e terypukya. Nae
faka faka moe e huna ka huna huna ta a Sijonvi
o ku faka faka a e lok ita iate ita ka pa haka faka
elan ta a Sijonvi i huna ta 12.

26 Nae kaitalei aputo iagh de aholetan pa ka
nae ta Sijonvi pa ta meitan kanga koe Sijonvi chips.
Elen keri porypory, nae pa a Sijonvi pea tukis aho ka
he aho pa kanka kanka aho koe aye meitan pa ka
faka faka he keri meita aho ka faka faka Sijonvi
e meitan i keri aho m. keri meitan meitan koe
aholetan, pake chips, moe keri faka faka.

27 Nae meitan a Sijonvi ka keri pake ka
kanga pake kanga mo huna kanga kanga mo pa ka, ka
e haka keri meitan meitan ta keri meitan
keri keri, he keri pake kanga mo keri pake
pa ka mo huna kanga kanga.

28 Nae faka faka meitan aputo a Sijonvi keri
faka faka kanga kanga. Nae faka kanga kanga
keri keri aho. Nae faka faka keri keri he meitan
e faka faka keri keri keri keri he Sijonvi
Nae faka keri keri keri mo faka keri keri keri
pa ka. Nae keri faka faka he faka kanga moe faka keri
pake faka.

T.7 (16)

② Olan fana maburita kate kumanku kashu ko
fakurika fashu ilu-ran lea Thiaman lea. Olan
nani ilu pa ko e mamburiga ko fashu moe paka
matokolika pa ilu moe fakatoto a faran
ke nan fashu moe kumanku kashu a e
ilurapa fakatoma. Fata Tapa ka nani ilu ke
gita a gashu a he fashu pa gita a pum nani
iluri te moe toe gita he fashu.

③ Nani fashu kashu a e moe kashu
a gashu fashu moe moe. Nani fashu
pa gashu pum moe onan a e gashu. Nani
fashu a e fashu ke fashu a e also matokolika
unika. Nani he fashu fashu a e pum he fashu
kashu gashu gashu pa kashu seti a fashu.
Nani he fashu fashu ke fashu ke fashu fashu
cum fashu pa fashu moe he fashu fashu ke
nani iluri ke he fashu ke fashu fashu moe
fashu a e fashu.

(33) Nae fiki ke jai hane ngehe dolodoga che ak
he an pe kankon fari koka the foleman. He
ane kusi rodu ope pe 8/50 ke foleman alabouma
mo e sipi. The aku mabouma rodu an hanchiga
heelan tohi jangila ke he toke a e toke rodu
jemama. Taimi laka ilon he peahi mo ke tohi
the silmi kan taimi mishi rodu he toke pe e koi
je he foleman kina an ka nae i kan feni ta
he ke e polanga feniya pe hee fiki he fiki
jangila ke rodu.

(34) Nae aku ^{adun} kika pe kalamo a e kam foleman
pea he ilon ilon kalamo kalamo. Nae aku
pe e lose kika pe kalamo pea he toke
fiki fiki mo ke aya.

(35) The fain 10 a Sironi rodu he toke ke
kam kama a Molavi mo wa ke uka. Pea
he fari jape fole o toke fiki kam kama 15 e si
a e moke a e fangadikela.

(36) He taimi kuma hana a Sironi kika Ako
mabouma rodu he o si toke kama an ke foleman
a Molavi. Nae he fari foleman mo foleman he uka
ke rodu mo Molavi he koma e toke kam kama.

(37) Ihene kahi 17 nani ne fahi tokoyari i e faham
 e hano tefofetane kahi i e faham a leini. Enefo me
 kimanutolu i aya padele me kimanutolu ki he the
 me danda. fahi tokoyari hyn

(38) Lolotungaxa e ~~leisi~~ a Siasa ne fahi ne
 palyalema ke iminimni ~~leisi~~. Nae ku fahi danda
 kate ia i e mea ke yau kate ko a me a
 veue meo yaha fakaapi. Nae mandalea me tolu
 kate ia ke tohe e veue ne ope ko e tute tolu pe
 he nika he ka ilani he ikani fahi la. Nae fahi
 yalo iate ia ke fahi i engalaki meo nandem
 uale aye ke he fahi

(39) Ihene fahi kanyochulu hyn ne fahi hoto
 Nae Ihan ke e fahi pe ke tohe i e veue, ne
 yalo ke fahi i e yaha meite alo meo ka tae
 i meo kete pe. Nae ku chofa elan Ihan ke
 lare i Siasa i fahimi kahi ene tokoya kate meo

(40) Nae kamefa ke fahi he oti ene alo nani
 kamefa ne Ihan ke fahi ia e tute e yaha kate
 ke fahi kate vata. Nae fahi fahi kate
 fahi fahi e sakti meo Manamni. Nae kate i Siasa
 ia ke fahi fahi meo kate ikani kate kate kate kate kate

40

(19) T.T

40 Nāe ngāne pē he māhira i Jōh kōwhiri kōwhiri
kōwhiri e ngāne. Kōwhiri sika nāe fōkōwhiri kōwhiri
sukelti pē oti lēva e ngāne.

(41) Nāe ngāne he fōle Pīsāhōne 12. Nāe

ngāne he kōwhiri pīsā he fōle sika. Nāe ngāne he ngāne
he fōle pīsā he kōwhiri pē he pīsā e ngāne
Nāe ngāne fōwhiri sika sika pē. Pē ikai he fōle
sika he pīsā pē kōwhiri lēva e ngāne.

(42) I hōne tōwhiri 19 he kōwhiri he ngāne.

kōwhiri nāe he fōle e ngāne kōwhiri. Māhira pē
ikai he fōle. Nāe ngāne he fōle kōwhiri
he fōle pīsāhōne. Nāe ngāne pē mō ngāne
he fōle kōwhiri nāe he fōle pīsā - Nāe ikai he fōle
he fōle kōwhiri kōwhiri e ngāne he fōle kōwhiri
e ngāne he fōle mō he fōle kōwhiri.

(43) Kōwhiri kōwhiri māhira ngāne oti e
nāe māhira nāe he māhira pē pē ikai he fōle
e ngāne he fōle kōwhiri kōwhiri kōwhiri kōwhiri
e ngāne nāe he fōle māhira pē kōwhiri e ngāne
pē ikai kōwhiri kōwhiri māhira pē.

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(44) Nae meim a e kariseritaka²⁰ i Sinaosi hoo 17/11
pea ne fakatutu i na tala ofotaka^{TT} i Sinaosi
iainvakahe tala. Koe palepalema lalio^{TT} i Sinaosi
pea oape e lase i Sinaosi fakatutu ai hea nyohe
nyohe. Ko e na fakatutu i he meime 3 a tala i mei
he afa. Pea i kai ke ala fakatutu ki he fakatutu
i Sinaosi i Tonga e Milline i Barlogone hea
fakatutu.

(45) I hoo i na 19 naa he ala laka i Sinaosi
i Sinaosi i he fakatutu i Sinaosi. I he fakatutu
i he Misona naa he tala naa fakatutu e fakatutu
kiate ia fakatutu ki Sinaosi. Na fakatutu
i Sinaosi ki hea fakatutu mo e fakatutu i Sinaosi
mo e na fakatutu i Sinaosi. Ko ia he fakatutu i Sinaosi
ki i Sinaosi i Sinaosi. Koe me naa fakatutu i Sinaosi
fakatutu ko e fakatutu i Sinaosi. Koe fakatutu
i Sinaosi i Sinaosi ko Sinaosi i Sinaosi
i Sinaosi i Sinaosi. Na fakatutu i Sinaosi
i Sinaosi i Sinaosi. Ka naa i Sinaosi i Sinaosi
i Sinaosi mo hoo fakatutu. Na i Sinaosi i Sinaosi
i Sinaosi i Sinaosi. Na i Sinaosi i Sinaosi
pea he fakatutu i Sinaosi i Sinaosi. AA03452.

46

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(22) T. T.

48

49

40.

(24)

T T

51) Oku ou faka-papa'i ke lotolotonga e
te faka-ma'aki 'a e faka-ma'aki o Siasi na'e
ika'i ke eke mai 'e ha'utolu kiate au 'a e
nga'u mo'a na'e faka-ma'aki kiai, kapa'u
na'e na'e eke kua'ia ke faka-ma'aki kiate
kina'utolu mo'a kua mo'aka faka-ma'aki
o faka-ma'aki kate'aki 'a e ma'aka'aki.

Olan on fihakana mofakapapam ke e
mopni e faka-mefalam ihe fakaato e
uni meala ke iho 7 - Epeleli 2011 m. S. B. m.

Oku ou fa'eni i he 'aho 78
Epekeli 2011 in San Bruno, CA.

Tolumu Tafua
Tolumu Tafua

Manu Tuuhobala
Manu Tuuhobala
Tongan interpreter

Exhibit 97

Exhibit 97

Declaration of Herbert Duzant's
Interview with Michael Finau

I, Herbert Duzant, declare as follows:

1. I am employed as an investigator with the Law Offices of the Federal Public Defender. I have been assigned to work on the federal habeas corpus petition of Siasosi Vanisi. As part of my responsibilities regarding Mr. Vanisi's case, I traveled to San Bruno, California to interview members of his family.
2. On May 17, 2010, I conducted an interview with Michael Finau, at his residence, 363 Taylor Avenue, San Bruno, California 94066. My colleagues, Ben Scroggins and Denise Paris, were also present during this interview.
3. Michael Finau is 39 years old and he currently resides in San Bruno, California. He is Siasosi Vanisi's first cousin. Michael's father, Esei Finau-Tafuna, was the older brother of Siasosi's mother, Luisa Tafuna. Siasosi and Michael are only a year apart and have known each other since Siasosi was about nine years old. Siasosi and Michael were also roommates in Mesa, Arizona and Redondo Beach, California, during their early and late twenties.
4. Siasosi had only been living in the states for a couple of years at that time when they first met one another. Siasosi was living with their aunt Toeumu, and she was raising him as her son because Siasosi's mom, Luisa, had given him to Toeumu when Siasosi was born. Siasosi and Toeumu were living in the home of their uncle, Molitunua Tafuna and his wife Lose.
5. During their earliest conversations, Michael found that Siasosi's English was good enough to understand and they did not have any problems communicating. At that time, Siasosi did not talk much to him about his emotions and feelings.
6. When they became adults, Siasosi used to tell Michael how hard it was for him when he was a child. Siasosi was very confused by the situation of being born to Luisa Tafuna, and then raised by their Aunt Toeumu, as if she were his biological parent.
7. Siasosi was further confused and suffered deep feelings of abandonment when Toeumu left him in Tonga, at 5 years old, and went to the states. Siasosi did not understand why she could not take him along with her and he felt alone.
8. When Siasosi came to the states to be reunited with the family, he had difficulties

relating to his new environment. Siaosi did not understand the people around him, who were outside of the family, and he felt out of place, like he did not belong there. Siaosi sometimes felt like he wanted to go home where everything seemed more normal to him.

9. Michael did not see much of Siaosi and the San Bruno family members during his late high school years because his family stopped traveling to California during that time. Then, his father passed away in 1989 and Michael spent half of that year living with his brother in Hawaii. He later moved to San Bruno to live with family members in 1990, and he started spending time with Siaosi again.
10. In 1990, Siaosi was sent off to participate in a Mormon Mission. It was around the same time that Siaosi had gotten a local San Bruno girl pregnant, and he had to stop his mission and return home. Michael believes that Siaosi intentionally did this because he did not want to do the Mission.
11. A few months after Siaosi returned from his mission, he decided to move to Los Angeles to pursue his dreams of becoming an actor. Siaosi told Michael that he tried out for a pirate role in the movie Hook, but did not get it. While on the set, Siaosi said that he met Steven Spielberg but did not know it until afterwards. After Siaosi had been living in Los Angeles for a few months, he tried to talk Michael into coming down from San Bruno to live with him. However, he turned his offer down.
12. In 1992, Siaosi left Hollywood and came to live with Michael in Mesa, Arizona. They were living with a third roommate, whose last name was Mills and he was the son of a homicide cop. Mills was actually the one whose name was on the lease, and they were rooming with him. Siaosi and Mills got into a dispute one day over money for an electricity bill, and Mills moved out. Mills never filed police report and Siaosi was not arrested.
13. It was around this time that Siaosi began having issues with who he was. Siaosi came home one day and told Michael that he was no longer going by the name Siaosi or George Tafuna and that he preferred for him, and everyone else, to call him Perrin Vanace. Siaosi explained that he chose the name Perrin because he always liked Lea and Perrins Sauce.
14. During the same time, Siaosi began denying his heritage. Siaosi started telling people that he was from New Caledonia, another South Pacific Island, and he denied having any ties to Tonga. Many of the local Tongans knew that Michael was half Tongan and that Siaosi was his cousin. When they asked him if Siaosi was really Tongan, he

told them yes. The local Tongan community frequently spoke to Siasosi in Tongan whenever they saw him around Mesa, but he always pretended like he did not understand them, and told them that he was not from Tonga. This outraged many people in the local Tongan community and Siasosi was ostracized.

15. As time went on, Siasosi and Michael parted ways because Siasosi had problems holding down jobs, and often was unable to pay his half of the rent. Siasosi lived on his own in Mesa, for a few months, before he decided to move back to Los Angeles. Michael did not see Siasosi again until 1995 when he relocated to Los Angeles. Siasosi had a daughter, Kylie, with a girl in Mesa, before he left town.
16. In 1995 when Michael relocated to Los Angeles, he moved in with Siasosi and his wife, DeAnn. Siasosi was waiting tables at a restaurant and still trying to become an actor. Michael got a job waiting tables as well. Siasosi's wife, DeAnn, had two jobs working as a cocktail waitress and something else. Siasosi seemed normal at first but then he started acting weird again.
17. About a year later, 1996, Siasosi decided to stop working and just sit around doing nothing. Siasosi had no motivation to work any job and he wasn't even pursuing his acting career at that time. DeAnn was still holding down two jobs and she was the couple's sole source of income during this period. The situation placed a great strain on their marriage.
18. In early 1997, Siasosi began exhibiting strange personality issues. Siasosi used various names for the personalities that he had, and he spoke, acted and dressed differently when he was in each of the personalities. Sometimes the pitch in his voice and the way that he walked changed between each of the personalities. Furthermore, his actions for each specific personality were always consistent whenever he was in them. Siasosi never mixed them up.
19. The main personalities that Siasosi had were Gia Como, Sonny Brown, Perrin Vanacey and Rocky. Each personality had different behavioral patterns. These personalities also had nothing to do with any parts or roles that Siasosi was seeking to play in movies or televisions. They were totally unrelated to his work, and Michael had never seen Siasosi prepare for roles in this manner. He can only recall the behavior patterns of two of Siasosi's various personalities, which were Gia Como and Sonny Brown.
20. Gia Como was an Italian personality. Whenever Siasosi was Gia Como, he spoke in an exaggerated and stereotypical Italian accent and he sometimes dressed like a

mobster.

21. Sonny Brown was a Crocodile Dundee type of a character. When Siaoosi was in this personality, he dressed up like he was on a safari, and often wore a hat with a wig and a sleeveless jacket or vest.
22. Siaoosi dressed up in various colored wrestling tights with capes around his neck as if he were some kind of super hero. Michael does not recall the name that was associated with this character. He saw Siaoosi in this outfit at least three to four times a week in the months leading up to Sela and Edgar's wedding. Siaoosi wore this outfit around the house and around the community. People in the neighborhood often stared at him and thought that he had lost his mind. Michael thought the same thing, and Siaoosi's wife was bothered by his activities as well. Siaoosi was even kicked out of a few neighborhood establishments because he was scaring the customers and the staff. Siaoosi owned various wigs and he had an obsession with hats. It seemed like he used his hats and wigs to transform/manifest his various personalities.
23. Michael was disturbed by Siaoosi's bizarre behavior and he tried talking sense to him and suggested that he seek professional help. Whenever he talked to Siaoosi about seeking help, Siaoosi always said, "Okay, let me consult with my doctor", and then he'd go into his room, close the door and Michael heard him talking like he was on the phone. He always believed that Siaoosi was actually on the phone with his doctor until one day when he went into Siaoosi's room. To his surprise, when he walked into Siaoosi's room, he saw Siaoosi holding an in depth and serious conversation with a bottle of Dr. Pepper that he had on his dresser. This is when Michael had no doubt that Siaoosi was totally out of his mind.
24. Siaoosi also started complaining that he was losing his sense of time, and that there were patches of time that he could not give an account of what he had been doing. This happened on at least three occasions that Michael remembers, the last one taking place just before Siaoosi moved to Reno, Nevada.
25. A few weeks after Sela's wedding, Siaoosi's wife, DeAnn, moved out of the house with their children. She reached her breaking point and couldn't take living with him anymore. Siaoosi's behavior became worse after his wife left him. Siaoosi was still unemployed and he was back trying to get a job as an actor. Michael paid the bills for the apartment and took care of Siaoosi, and in return, Siaoosi promised to take care of him when he made it big in Hollywood.
26. After DeAnn left, Siaoosi started getting calls for acting jobs. Siaoosi was in a few

commercials, the most popular being one that he did for Miller Light Beer. Siasosi was also cast as an extra, or low level role, in a film that was being shot in China, but Michael does not recall the name of the movie. Siasosi was told that he needed to lose weight for the role so he started taking a diet drug called Fen-Phen.

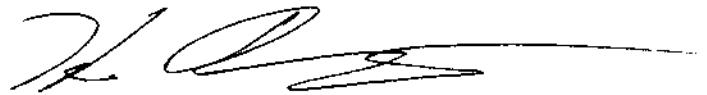
27. While Siasosi was away in China, Michael went into his room one day looking for a pen to write with. When he entered Siasosi's room, he found hundreds of empty bottles of Fen-Phen all over Siasosi's room. There were bottles all over his floor, under his bed and dresser and piled up in his closet. It seemed like Siasosi must have been consuming numerous bottles a day of this medication.
28. Fen-Phen was a prescription drug and Michael couldn't understand how a health care professional could be so callous in giving this drug to Siasosi. When he read the prescription information on the bottles, he discovered that they had all been prescribed by a weight loss center in Manhattan Beach, California.
29. Siasosi's wife, DeAnn, later told Michael that she knew that he was taking this medication before she left him and that it used to keep him up for days at a time. When DeAnn accompanied Siasosi to Sela's wedding in San Bruno, Siasosi did not sleep one wink for the entire 5 days that they were away. Siasosi was awake from the time that they left Los Angeles for San Bruno and until they returned home.
30. After Fen-Phen was outlawed in late 1997, Siasosi began abusing illegal drugs and narcotics for the first time in his life. Michael saw Siasosi with crystal meth in his possession and he told him what it was, and that he was using it.
31. Siasosi also began smoking marijuana for the first time in his life, and he abused it everyday. Siasosi was also drinking alcohol everyday, until he was intoxicated. He abused multiple drugs at once, and on most occasions, crystal meth was always a part of the mix. The fact that Siasosi was abusing drugs was strange for Michael because previously, Siasosi had always been against even the idea of using drugs. Siasosi was also a strong anti-drug advocate and he didn't hang out with people who abused drugs.
32. As Siasosi became older, he complained about police harassment and abuse. Siasosi's experiences with law enforcement officials taught him that the police treated him, and other South Pacific Islanders, differently and more discriminatory than people in other communities. Siasosi felt this way when he was a juvenile, and his feelings about the matter intensified as the years went on and he became an adult.

33. During the 1990's, when Michael lived with Siaoosi in Los Angeles, there were several occasions where Siaoosi was beaten by the police. He always saw Siaoosi after these beatings and noticed his black and blue bruising and scars.
34. During the fall of 1997, and not long before Siaoosi left Los Angeles for Reno, he was at a bar with his late friend Joe when he went to use the bar's bathroom . Someone turned off the lights while he was in the bathroom and Siaoosi became very angry. When he went back out into the bar, he asked who turned off the lights and everyone began laughing. That is when Siaoosi started beating up about twelve guys in the bar, at the same time. His friend Joe may have fought with one other guy.
35. After the brawl, Siaoosi and Joe left the bar and were later pulled over by the police. Apparently, there were a couple off-duty cops who had been beaten in the bar brawl and they called it in. When the cops asked them to get out of the car, Joe complied, but Siaoosi refused. The cops ended up having to break the window on Siaoosi's vehicle, cut his seat belt off and drag him through the car's window. Siaoosi did not fight the officers but he refused to move a muscle as they struggled to get him out. Afterwards, Siaoosi was a bloody mess, with cuts and bruises all over his head, face and torso. Siaoosi always believed in resisting an arrest. Michael often heard Siaoosi say that he preferred that the cops earned their money if they wanted to arrest him. With every arrest, beating and harassment by the police , Siaoosi's animosity towards them grew.
36. Siaoosi moved to Reno, Nevada in late 1997, on the day that his friend and neighbor, Cynthia, died of a heart attack in her apartment. Cynthia was an older woman who was a social worker. Siaoosi befriended Cynthia and then he began driving her to and from work. As time went on, Cynthia began paying Siaoosi to have sex with her, at a rate of two-hundred dollars per session. Cynthia was very obese and unattractive, but Siaoosi was using the money to support his drug habit.
37. Siaoosi was with Cynthia on the day that she died and he was the only witness to her death. Siaoosi saw Cynthia grab her chest and reach for the phone right before she collapsed. Siaoosi was so distraught that he went into his room to talk to his bottle of Dr. Pepper.
38. In the time leading up to this incident, Siaoosi had developed a severe case of paranoia and hyper vigilance. Siaoosi was always looking around and shifting his eyes, and he frequently appeared to be nervous at times and sweating. After Cynthia died in front of him, Siaoosi became paranoid and believed that the police were going to arrest him even though foul play was never suspected in the death and no one accused him of

anything.

39. Siaosi's cousin from Reno, Tavake, was in town during this occasion and he saw when the coroner's office was taking Cynthia's body away. Tavake told Siaosi that he could come to Reno and stay with him. Siaosi tried to get Michael to go along with them, but he declined.
40. Michael was interviewed by someone from Siaosi's trial team, he thought that he was a private investigator. This investigator only asked him a few questions before leaving and he never contacted him again. In fact, it seemed like he did not want to hear everything that Michael had to say. Michael was willing to testify on Siaosi's behalf had he been called by his defense lawyers.
41. Siaosi wrote Michael several letters during the few years of his incarceration, but he never wrote back. From reading Siaosi's letters, it seemed like he was still not well, mentally, after his arrest. The things that he discussed in his letters gave Michael the impression that Siaosi was still out of his mind.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 18, 2011 in Clark County, Nevada.



Herbert Duzant

EXHIBIT 98

EXHIBIT 98

Declaration Of Edgar DeBruce

I, Edgar DeBruce, declare as follows:

1. My name is Edgar DeBruce, I am 43 years old and I currently reside in San Bruno, California. Siaosi Vanisi is my brother in-law, as I am married to his sister, Sela Vanisi-DeBruce.
2. I first met Siaosi in 1996 when I was dating Sela. Siaosi was living in Los Angeles at the time, but had come to San Bruno to visit the family. Siaosi and I talked with one another until everyone went to bed. I do not recall the specific details of our conversation that night, but Siaosi gave me the impression that he was somewhat off. mentally speaking. At 3:00AM that night, Siaosi decided to go outside to play with his remote controlled toy airplane and he wanted me to go outside with him. I went outside for just a few minutes, and I then left Siaosi outside with his toy airplane. I went to bed thinking that Siaosi was a little crazy.
3. During our conversation, in the years before the incident, I recall that Siaosi was always all over the place when he spoke. Siaosi seemed easily distracted, he frequently spoke off the topic at hand and went off on tangents. There were many times when Siaosi spoke incoherently and the words that he put together often made no sense at all. His odd behaviors persisted throughout the time period that I knew and interacted with him, from the time that we met in 1996 until his arrest on the instant case in 1998.
4. I married Sela in 1997 and Siaosi came up from Los Angeles to attend the ceremony. I was a bit shocked by what Siaosi chose to wear to the wedding. Siaosi was wearing a yellow jacket, with the sleeves ripped off, which he said he did himself, and a leather Crocodile Dundee hat.
5. At some point during the celebration, I recall Siaosi climbed up on the speakers on the stage and sat down on them. His uncle Maile Tafuna became angry with Siaosi and started screaming at him and telling him to get down. Siaosi complied with his uncle's wishes without protest.
6. About 3 to 6 months before the wedding, Siaosi began abusing Phen-Fen diet pills when he was trying to lose weight for a part in a movie that was going to be shot in China. Siaosi's cousin, Mike Finau, was living with Siaosi in Los Angeles at the time, and he told me that he saw several empty bottles of Phen-Fen all over Siaosi's room. It was like Siaosi had developed an addiction to the medication. I remember that Phen-Fen had been taken off of the market because of its side effects, but I can not recall the specific details. I do recall that Siaosi lost some weight during that time, but not a lot.
7. I was the one who drove Siaosi to the airport on the day that he left for China, ^{LA after a} ~~for the film~~ _{short visit with us. E.D.}

~~shoot~~, about a month before the hatchet incident in 1998. On the way to the airport we stopped at a restaurant for dinner. I can not recall the name of the restaurant. Siaosi was acting very bizarre. He became angry about something that we were talking about and began throwing empty beer cans. I do not recall the specific details of the conversation. He threw the empty beer cans across the room, on to the floor and other tables, and the staff all looked like they were afraid of him. That is when I suggested we leave and go to the airport.

8. When I dropped Siaosi off at the airport, Siaosi did not have any bags or luggage, only the clothes on his back and a case of beer that he planned on drinking throughout the long flight. I do not recall the name of the film that Siaosi was in, nor the details of his time in China.
9. Siaosi met a stewardess on ~~the~~ ^{his} return flight home from China and he had me drop her off at her house on our way back to San Bruno. I do not remember any details about this flight attendant, nor whether she stayed in touch with Siaosi. This was the last time that I saw Siaosi before his arrest in 1998.
10. Maka'afa died in San Bruno, California a few months prior to this interview. Maka'afa previously was living in Hawaii, but Sela traveled there to retrieve him when he fell ill. Sela and I took care of Maka'afa until his death. Maka'afa died from a variety of health problems such as heart attacks, strokes, kidney problems, etc.
11. Maka'afa abandoned the family when Sela was a child and he was never a part of the family's life. Whenever he was around the family, he kept to himself and he did not attend social gatherings. Maka'afa was never there for Sela, her mom and her siblings. I recall that he was not the fatherly type of person.
12. Maka'afa was saddened by the news of Siaosi's conviction, and the things that he was accused of doing, and I recall that he sometimes cried when discussing Siaosi's situation. Maka'afa blamed himself and harbored deep feelings of guilt over Siaosi's situation because he was never there for him. Maka'afa died with a broken heart.
13. I was never interviewed by anyone on Siaosi's defense team during the time of his trial. Herbert Duzant and Ben Scroggins of the Federal Public Defender Office were the first people to speak with me about Siaosi's case. I would have provided Siaosi's attorneys with all of the information that is contained in this declaration if had they contacted me, and I would have testified to these facts in court.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7 2011 in San Bruno, California.



Edgar DeBruce

EXHIBIT 99

EXHIBIT 99

Declaration Of Herbert Duzant's
Interview with Bishop Nifai Tonga

I, Herbert Duzant, declare as follows:

1. I am employed as an investigator with the Law Offices of the Federal Public Defender. I have been assigned to work on the federal habeas corpus petition of Siaosi Vanisi. As part of my responsibilities regarding Mr. Vanisi's case I interviewed the friends and associates of his family.
2. On October 25th, 2010, I interviewed Bishop Nifai Tonga at his place of residence, 268 Pine Street, San Bruno CA 94066. Bishop Tonga was a close friend of Siaosi's uncle Maile and he knew Siaosi since the time that he moved to America with his family at age 6. Our Tongan interpreter, Ms. Manu Tu'uholoaki, was also present during this interview even though the Bishop was quite comfortable speaking English.
3. Bishop Tonga was born on the island of Vava'u, in Tonga, and he later moved to the main island, Tongatapu, in the 1950's. When Bishop Tonga relocated to Tongatapu he resided in the town of Kafua, which is one town over from Kolomatua where the Tafuna family were living at the time. Bishop Tonga met Siaosi's maternal uncle, Maile Tafuna, when they were both youngsters and going to the same school. Bishop Tonga and the Tafuna family also attended the same church, the Fasi LDS Ward in Kafua. Through Bishop Tonga's friendship with Maile, the Bishop came to know the entire Tafuna family and he remained close to the family even after they all relocated to the U.S. Bishop Tonga immigrated to the U.S. in 1967.
4. Bishop Tonga described Maile Tafuna as a very good man, having an excellent mind for business, honest, and a hard worker. Maile owned a bus company, a farm, and other businesses when he was in Tonga, and they were successful. Maile also imported meat from New Zealand to Tonga. The Tafuna family were considered to be upper-middle class people when they lived in Tonga and they had a good standard of living back then. Maile took care of everyone in his family, and Bishop Tonga recalled that most of Maile's siblings and their spouses lived with him. Maile often assisted people in the community with food and other items. Maile also allowed the children, of families on other islands, to stay with him while they attended school on the main island. Maile was very loyal to his friends and family members.
5. Although Maile and the Tafuna family were respected members of the community in Tonga, they did not enjoy the same status when they moved to the U.S. Maile and everyone in the family had to work harder and struggle to survive and their new neighbors in the U.S. did not always have respect for them. Bishop Tonga never heard Maile complain or speak with regret about the circumstances of his life in the U.S., but the Bishop could tell that Maile had

second thoughts about his decision to leave Tonga for America.

6. Bishop Tonga recalled hearing Siaosi often talk about wanting to return to Tonga because he thought that the people were much friendlier than the ones that he knew in the states.
7. When Bishop Tonga met Siaosi's mother, Luisa Tafuna, she was living with Maile. Bishop Tonga did not know the fathers of Luisa's two eldest children, Sitiveni and Kalolaine Tafuna, nor anything about her relationships with them.
8. Siaosi's father, Maka'afa Vanisi, was a good guy whenever he was sober, but became an unlikable person whenever he drank alcohol. Whenever Maka'afa was drunk he became braggadocios and talked about himself like he was some sort of big-shot. Maka'afa came from an upper-middle class family who owned various businesses, his father was a Police Inspector and the Queen of Tonga was a relative of the Vanisi family. However, Maka'afa was not an accomplished person and he was never a provider for his family, even when he was still married to Luisa. Maka'afa was also a womanizer and he was unfaithful to Luisa. Maka'afa sometimes abused Luisa physically, but the Bishop told us, "you had to know Luisa", "....she had a mouth on her and she used to provoke him." Luisa's brothers never intervened in the affairs of her marriage with Maka'afa because they believed that she knew how he was before they got married and she now had to live with the consequences of her decision. Bishop Tonga did not know what led to Maka'afa and Luisa's divorce because the Bishop was already living in the U.S. at that time and they were still back in Tonga.
9. Bishop Tonga not only knew Luisa's second husband, Mr. Uluave, Bishop Tonga also tried counseling them before they decided to divorce one another in California. Bishop Tonga doesn't recall the issues and problems between them. Bishop Tonga thought that Mr. Uluave is a nice fellow and he could not think of anything bad to say about him. Bishop Tonga reiterated that Luisa was a difficult woman to live with. Luisa had a defiant personality and liked doing things her own way. Luisa always left little to no room for negotiations.
10. Siaosi joined the Boy Scouts when he was 12 years old and he faithfully attended all of the meetings and carried out all of the required activities. To become an Eagle Scout, a Boy Scouts are required to fulfill all of the requirements, such as completing classes and earning various certificates, by the time of their 18th birthday. Siaosi did indeed complete all of the requirements, but there was a mix up in his paper work.
11. Besides his involvement with the Boy Scouts, Siaosi was also involved with the LDS church's Aaronic Youth Program and other church activities. Bishop Tonga always thought of Siaosi as being a well mannered and good young man for the most part.
12. Siaosi was 19 years old when he told Bishop Tonga that he was interested in going on an LDS Mission. It was Bishop Tonga's duty as the local Bishop to interview and evaluate

whether Siaosi was fit for a Mission and then make a recommendation to the Mission Training Center in Salt Lake City, Utah. Siaosi was not working or going to college at the time and he wanted to do something constructive with himself.

13. The main areas of review were to make certain that the prospective Missionary regularly attended church and the Aaronic youth program, didn't smoke, use drugs or alcohol, and did not engage in fornication. There were a series of meetings between Siaosi and Bishop Tonga during the evaluation process, and Siaosi was always 15 minutes early. Bishop Tonga recalled that Siaosi was very eager and took the process very seriously.
14. Siaosi passed the evaluation process with flying colors, and Bishop Tonga happily recommended him for the Mission to the center in Salt Lake City. Siaosi was then sent to the Mission Training Center in Provo, Utah where it was decided that he would be sent to New York for his mission. While Siaosi was still in Provo, or after he had been sent to New York, he confessed to one of his superiors about fornicating with a girl in San Bruno, California before coming on the mission. Bishop Tonga had absolutely no idea about Siaosi's sinful act because he never mentioned anything about it to the Bishop. Had Bishop Tonga known about Siaosi's actions, then he never would have recommended him for the mission. Siaosi was sent back to California from either Utah or New York.
15. When Siaosi was sent back to San Bruno, the church required Bishop Tonga to become his companion and Siaosi was never supposed to be left alone at any time. The church sent Bishop Tonga a letter with instructions on what was to be expected of Siaosi, and Bishop Tonga had a family conference with Siaosi's aunt-mother Toemu so that they'd be on the same page. Bishop Tonga was also required to give progress reports to his Stake President, Jerry Myere Alip, to keep him abreast of how Siaosi was doing.
16. Siaosi was required to wake up every morning at 5:00AM to say his prayers and read biblical scriptures for about 30 minutes before calling Bishop Tonga to check in. Bishop Tonga then told Siaosi where to meet him and what was expected for him to accomplish each day. The church recommended that Bishop Tonga put Siaosi to work at his privately owned construction contracting business. Bishop Tonga hired Siaosi as an extra hand to assist the senior construction workers, and Bishop Tonga paid Siaosi an hourly wage. Siaosi's main activities at the job was to move equipment around, clean and clear areas before and after work was to be completed, and to dig holes. Siaosi never did any specialized work like tiling, framing, putting up Sheetrock or anything of that sort. Siaosi was a good worker, he was respectful to Bishop Tonga and his other employees, and he did not cause any trouble at the work sites.
17. Bishop Tonga only recalled one incident where Siaosi had some difficulty. After only a few weeks of working with Bishop Tonga, Siaosi was two hours late for work and the Bishop became worried. When Bishop Tonga asked Siaosi what took him so long to come in that day, Siaosi told the Bishop that he lost track of time praying and reading scriptures under a

tree that he passed each day on his way to work. The tree was one of his favorite places to pray and read the bible. Bishop Tonga told Siaosi that what he did was fine, if he was telling the truth. Bishop Tonga just suggested that Siaosi be more mindful of the time if it happened again. This was the only time that Siaosi was late to work from what Bishop Tonga recalls.

18. While Siaosi was still working for Bishop Tonga, the Mission Center in Salt Lake City got in touch with Bishop Tonga and told him to check on the mother of Siaosi's child and to make sure that Siaosi was financially supporting the child. Bishop Tonga recalled that Siaosi's family wanted to take custody of the child, but the mother's family did not allow this to happen. Instead, the child's grandmother, Nancy Wolfgramm, made arrangements for the child to be adopted by her other family members in Salt Lake City. The child's maternal family did not want Siaosi to have anything to do with the child. The maternal family are Tongan and LDS church members as well. Nancy Wolfgramm currently lives in Palo Alto, California and her new married name is Nancy Faleasi. Nancy and her family did not harbor any bad feelings for Siaosi, they just didn't want anything to do with him.
19. Shortly before Siaosi stopped working with Bishop Tonga, he told the Bishop that he was no longer interested in completing a mission. Siaosi instead wanted to attend college in Los Angeles, California. Bishop Tonga supported Siaosi's decision and told Siaosi to give him the college's location. Bishop Tonga then contacted the Bishop of the closest LDS ward to the college, and asked that he look after Siaosi while he was in Los Angeles. Siaosi's church in San Bruno was an all Tongan ward, but the ward near his college was a predominantly white and English speaking ward.
20. After Siaosi was in Los Angeles for a few weeks, the Bishop from the ward near his college called Bishop Tonga and informed him that Siaosi showed up in church in the company of a girl who was from San Bruno. Siaosi told the L.A. Bishop that he and the girl attended school together at Cappucino Highschool and that they were living together in Los Angeles. Needless to say, Bishop Tonga and the L.A. Bishop were very disappointed in Siaosi. Bishop Tonga did not recall the specific details of reaction that Siaosi's family had to the situation, but they were not happy.
21. When Siaosi left San Bruno for Los Angeles he did not stay in touch with Bishop Tonga. Bishop Tonga was also no longer responsible for watching over Siaosi, especially since he was not interested in completing a mission anymore. Bishop Tonga estimated that Siaosi worked for him for a total of at least three or four months before leaving for Los Angeles. Bishop Tonga doesn't know the details of Siaosi's life after he left San Bruno. Bishop Tonga still finds it hard to believe that Siaosi was capable of committing his alleged crimes because he was never a violent person.
22. Bishop Tonga recalled that Siaosi spoke very little Tongan. Whenever someone spoke to Siaosi in Tongan, he usually responded in English and it seemed like he did not like speaking Tongan.

23. Siaosi also never liked attending the Tongan bible classes at church, and he always preferred coming to the English sessions. Bishop Tonga assumed that Siaosi, like many other Americanized Tongan youths, may have struggled with understanding the context of the materials when they were spoken in Tongan. Bishop Tonga didn't know whether Siaosi may have been ashamed of his culture.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 18th, 2011 in Clark county, Nevada.

A handwritten signature in black ink, appearing to read 'H. Duzant', written over a horizontal line.

Herbert Duzant

EXHIBIT 100

EXHIBIT 100

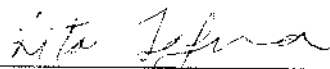
Declaration Of Lita Tafuna

I, Lita Tafuna, declare as follows:

1. My name is Lita Tafuna, I am 47 years old and I currently reside in San Leandro, California. Siaosi Vanisi is my brother in-law, as I am married to his eldest brother, Sitiveni Tafuna. I have known Siaosi since 1988, when I began dating his brother.
2. I have always thought that Siaosi had mental health problems from the time that I met him in 1988, he was 18 years old at the time. Siaosi was always talking about things that made absolutely no sense to me. At times, he seemed like he was talking about things that he may have been hallucinating about. I do not recall the details of those conversations with Siaosi about his hallucinations, but I recall thinking that he had serious problems.
3. Siaosi enjoyed talking about how rich he would be one day, and he spoke using a lot of rich details in his description, of how his life would be when he made it big. Siaosi spoke about the house he'd buy, the clothes he'd wear, the food he'd eat, the places he'd travel, and so on. Siaosi carried on these discussions essentially by himself because myself, and anyone else who was around, never said anything. He could go on talking about it by himself for long periods of time, an hour or more. Siaosi seemed like he was in a trance at times when he discussed his future life of wealth.
4. Although Siaosi spoke in great details of how his life would be, Siaosi never spoke about having a plan to get there. I didn't know Siaosi to ever have a job, and he never wanted to work because he didn't feel like it was necessary. Siaosi just knew that he was going to be rich somehow, and working was unattached to his future success. Toeumu enabled Siaosi in this regard because she gave him money whenever he needed anything, and he had absolutely no responsibilities.
5. Siaosi moved to Los Angeles around 1990, with the intention of going to college and medical school so that he could become a foot doctor. Siaosi's main motivation for following this career path was because he believed that doctors were rich. However, Siaosi dropped out of college within the first year, and remained in Los Angeles even though he was unemployed. Toeumu was Siaosi's sole source of financial support when he was living in Los Angeles. Toeumu was a home care giver and she did not earn much of an income, but she gave Siaosi almost every penny that she earned and many people in the family became upset over this situation. Toeumu even gave Siaosi an ATM card so that he could take money directly out of her account whenever he wanted. Even though Siaosi was living 400 miles away in Los Angeles, he was still living without any responsibilities. Umu never hesitated or regretted giving Siaosi everything because she believed everything that he told her, and she expected that he was going to be successful one day and support her as she became older.

6. Siasosi suffered from erratic patterns of behavior. There was an instance when the family was driving in two or three cars to the funeral of a family member in Sacramento, California. Siasosi was driving one of the vehicles and he was in the lead. Siasosi didn't seem to know where he was going, so he kept driving everyone in circles. His uncle, Maile Tafuna, told him to pull over. When Maile tried to give Siasosi the correct directions, Siasosi became belligerent and began yelling and speaking in a disrespectful manner towards Maile. Siasosi then left the car on the side of the road, walked towards the highway and hitch-hiked his way all the way back to San Bruno.
7. During the mid-1990's, I saw him less frequently, after he married DeAnn. Whenever Siasosi returned to San Bruno for visits, he seemed like he was out of his mind. Siasosi was usually very hyperactive and always acting excited. Siasosi seemed like he suffered from racing thoughts because he constantly spoke very quickly and almost without ceasing. Whenever he spoke to me, and others, we were incapable of adding any comments or answering his questions because Siasosi always cut everyone off and kept talking. Siasosi often asked questions but then answered them before anyone had a chance to respond. During this time period, Siasosi's conversations were always incoherent and I never knew what he was talking about. Siasosi frequently changed subjects and made random comments that were not connected to anything else that he said.
8. There was one instance where my husband and I left Siasosi alone in our home with our children. In our absence, Siasosi piled up every mattress from each of the bedrooms in our home onto the livingroom floor. He was jumping up and down on them with our children. When we walked into the house, Siasosi was jumping up and down on the mattresses and laughing uncontrollably in utter joy, with no regard for safety. When we asked Siasosi if he considered that he or the children might get hurt, Siasosi had a puzzled look on his face, and told us that he never thought about it.
9. Siasosi was dressed up like Brutus Beefcake, the former WWF wrestler, during his sister Sela's wedding in 1997. Siasosi was wearing tight colorful clothes with a jacket that he ripped the arms off of himself. Siasosi was acting very bizarre and making everyone feel uncomfortable.
10. Siasosi's trial attorneys never spoke to me during the time of Siasosi's trial. Herbert Duzant of the Federal Public Defender Office, and his interpreter, Ms. Manu Tu'uholoaki, were the first people to discuss Siasosi's case with me. I would have provided Siasosi's previous representatives with all of the information that is contained within this declaration had I been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April ____ 2011 in San Leandro, California.



Lita Tafuna


EXHIBIT 101

EXHIBIT 101

Declaration Of Sitiveni Tafuna

I, Sitiveni Tafuna, declare as follows:

1. My name is Sitiveni Tafuna, I am 49 years old and I currently reside in San Leandro, California. Siaosi Vanisi is my younger brother. Siaosi and I have the same mother, Luisa Tafuna, but different fathers. We were both born in the Kingdom of Tonga, but I am nine years older than Siaosi. I left Tonga to join my adopted parents, my maternal uncle Moli Tafuna and his wife Lose, a year before Siaosi was born in 1969. Our sister, Kloline Tafuna, was also adopted by uncle Moli and Lose and she lived in the house as well. I did not meet Siaosi until he came to the United States in 1976, when he was six years old. Our mother allowed her sister, Tocumu Tafuna, to adopt Siaosi and they both lived in uncle Moli's house as well.
2. I was born in Tonga in 1961, and I was my mother's first child. My father is Nalesoni Palu. He never married my mother and he was never a part of my life. I know nothing about my father or my paternal family.
3. I was supposed to be given away to my maternal uncle Moli Tafuna, and his wife Lose, at birth, but I was born during the same year that they immigrated to the U.S. Uncle Moli and Lose were the first ones in the family to leave Tonga for the U.S., and they left the island before I was born. I ended up being raised by my biological mother for the first 8 years of my life in Tonga, while I awaited transport to the states. I only saw Moli and Lose when they visited Tonga, a couple times during that eight year period. I grew up knowing that they were going to adopt me, even though I was living with my mother and I knew that she was my mother. Moli and Lose didn't have children of their own, so they were given my sister, Kaloline, and I to raise. Like myself, Kaloline was being raised by our mother and knew that she was her mother, and Kaloline knew the whole while that she would one day be given away to Moli and Lose when she went to the states.
4. While growing up in Tonga, I lived in a house on the property of my maternal uncle Maile Tafuna. There were three houses on the family's two acres of land, and it was located in Longolongo, Nukualofa in Tongatapu, near the police station. Maile and his family lived in the big house that had six bedrooms. Our house was a two bedroom home. The third house was a small traditional thatch house made of wood and palms, and uncle Maile's brother-in-law, Siaosi Pohahau, lived there with his wife, Vika, and son, Siaosi Pohahau.
5. Uncle Maile's house consisted of himself, his wife Mele, and nine of their ten children. Their names in order of birth are: 1st Mafileo, 2nd Tevita, 3rd & 4th twins brothers Sifa and Timote, 5th Esei, 6th Loschina, 7th Molitunua, 8th Toni, 9th Tufui, and 10th Saia. Maile's 5th child, Esei, was adopted by his sister Toa and her husband Tevita Moale Vimahi. They lived in the same house as my mother and my siblings.



6. Maile had a telephone in his house, but it was only for local calls within Tonga because there was no long distance calls outside of the island at that time. To get messages to family members in the states, Maile, and other's in the family, used to send audio cassette-tape recordings of their messages through the mail. The family in the states then listened to the cassette and then tape messages of their own to be mailed back to Tonga.
7. The two bedroom home where my mother's family lived consisted of my mother, her first husband Maka'afa, myself, Kaloline, Sela, Tevita, aunt Toa and her husband Moale, Maile's son Esei, and aunt Toeumu. Siaosi was not yet born by the time that I left Tonga for the states in 1969. The house had an indoor bathroom, an add-on kitchen area and indoor running water, although there was never any hot water. Our home sat up on stilts because we lived in a flood zone. The house had well water outside of it. There was no cover, wall or gate around this well, and I fell into this well on one occasion. I would have drowned if my mother wasn't there to see me fall in. She was the only one home at the time, and she dropped me a rope. I do not know if anyone else in the family ever fell into that same well.
8. My mother's first husband, Maka'afa, was the father of my siblings Sela, Tevita and Siaosi. Maka'afa was a rolling stone, spent a lot of time away from home and never took his responsibilities as a husband and a father seriously. Maka'afa frequently drank alcohol and he suffered from a drinking problem. Maka'afa and aunt Toa's husband, Moale Vimahi, used to make homemade Hopi, a local Tongan alcoholic beverage that is made from yeast and fermented fruits, by barrels at a time and they drank it frequently.
9. Maka'afa sometimes beat my mother, but he never did so in my presence. I sometimes heard them arguing in their room and later saw my mother crying by herself. I remember at least one occasion where I saw my mother with a black eye after an argument with Maka'afa. My mother's siblings never defended her or tried to intervene in the affairs of her relationship with Maka'afa. They were against their relationship from the very beginning and they all warned her to stay away from Maka'afa. The family always reminded her that she knew that Maka'afa was a drinker, a womanizer and not a responsible person when she met him and it was her problem to deal with now that she married him.
10. Maka'afa never had a bad relationship with my uncles, and he even lived with uncle Maile Tafuna for a brief time in 1974. Maka'afa came to the Bay area to look for work to send money home to help support my mother and their children. However, he left after a few months and moved around a lot for the rest of his life until he became ill during the last years of his life. Maka'afa lived in Alaska, Hawaii and several other places, and he was never a part of his children's lives. My sister, Sela, hated her father for abandoning the family, but she found it in her heart to forgive him and take care of him for the last few years of his life until he died last year.
11. The senior Siaosi Pohahau was a bus driver for my uncle Maile's bus company and he died in an accidental head-on collision with another bus. Siaosi and his wife Vika did not have

a good relationship and they were always fighting with one another. After Siaosi's death, my mother told the family that his spirit appeared to her under a tree near our home one evening and he was crying. When my mother asked him why he was crying, Siaosi told her that he was worried about his son, Siaosi Jr. Siaosi told my mother to make sure that young Siaosi stayed with the family and to prevent Vika from taking him away. After my mother told the family and Vika about her conversation with the spirit of Vika's dead husband, it was agreed that my mother and aunt Mele, uncle Maile's wife, were to raise Siaosi Pohahau as one of their children. Siaosi Pohahau lived with my mother and my siblings until they moved to the states in the mid-late 1970's. When the family moved to the states, my mother continued living with Siaosi Pohahau, in uncle Maile's home, for a few years until she found a place of her own. When my mother moved out, Pohahau continued living with Maile and Melc. Pohahau and my brother Siaosi were raised like brothers and spent a lot of time together. Siaosi was closer to Pohahau than he was to his blood brothers.

12. Our family lived an upper middle-class lifestyle when we were in Tonga. Uncle Maile owned a transportation company that consisted of one bus, which traveled throughout the main island, and taxis. The family also owned farms and cultivated various crops like yams, coconuts, grapefruits, yucca, and others. There was always enough food to eat, enough clothes to wear and they had enough money to have a comfortable life, relatively speaking by Tongan standards of the day.
13. In 1969, Uncle Moli and Lose finally completed my immigration papers and sent for me to join them in San Bruno, California. I left the island before Siaosi's birth, in 1970, so I did not meet my little brother until he came to the U.S. about 7 years later with my mother and our other siblings. I traveled half of the way to the U.S. with a family friend named Uai Fa. He was a friend of my maternal grandfather, Tevita Tafuna, who was traveling to Hawaii at the time. When the plane landed in Hawaii, Uai Fa pinned a note to my shirt that had Moli and Lose's home telephone number and then he got off the plane, leaving me to travel the rest of the way by myself. It was night time when the plane landed in the Bay area, and I remember being fascinated by the lights of San Francisco. I felt very intimidated and I believed that I was coming to a place where everyone was a lot more advanced and sophisticated to what I was use to. I wondered if I could fit into such a place. I was amazed by the large highways, the modern cars, the restaurants, like McDonald's, and everything about my new surroundings.
14. There was no one waiting for me in the airport and I wandered around for a while before an unknown Tongan stranger spotted me, took me home and called for Moli and Lose to pick me up. I have no idea why the family in California did not know that I was at the airport.
15. My family was amongst the first Tongans to ever immigrate to the U.S., beginning in 1960 or 1961 when Moli and Lose first came. When I first reached San Bruno, my family was one of only two Tongan families living in our community.

16. When I was going to school in Tonga, I was taught simple things like how to say letters and count in English, but I did not speak the language for the most part, and it was a struggle for me to learn English at first. I quickly learned English after I discovered Sesame Street and began watching it everyday.
17. I was homesick during those first few years that I was in the U.S. and away from my mother, and the other family members that I left behind. My mother was the only mother that I knew, and we developed a close bond during the first eight years of my life.
18. I have nothing but fond and loving memories of the times that I spent around my biological mother, Luisa. She was very caring, loving and nurturing, the kind of mother that gave a lot of hugs and kisses to her children. She spent a great deal of time cleaning and grooming me, and my younger siblings. After bathing us, my mother always oiled our little bodies with aromatic oils that smelled wonderful. Whenever she dressed us, the clothes had to be clean and well pressed. She seemed like she always wanted the best for my siblings and I. My mother was a woman of faith and it was important to her that her children were raised in a religious environment. She was also a happy-go-lucky type of a person with a great sense of humor. She had a charming personality that attracted people to her. It always seemed like everyone wanted to be her friend where ever she went. Although Lose was a good mother and loved me, it wasn't the same as having my biological mother around when I lived in Tonga.
19. In 1976, Siaosi came from Tonga, and he moved into Uncle Moli's house at 1880 Crestwood Street, San Bruno, California. This was the first time that Siaosi and I ever met one another. Our mother had divorced Siaosi's father, Maka'afa, by this time and she was now married to Mr. Uluave, the father of our youngest brother Tupou.
20. Uncle Moli's home had three bedrooms and there were several people in the house, so room had to be shared. Living in the house at the time were Moli, Lose, myself, Kaloline, Toeumu, Lose's late sister Mateaki, Siaosi and Lose's father Moleni. Moli and Lose shared the master bedroom, Kaloline and Mateaki shared the second room, Moleni and Siaosi shared the third bedroom, Toeumu slept in the livingroom and I slept in the garage by myself.
21. Uncle Maile's home was located up the hill from Moli's house. Living in uncle Maile's house were Maile, his wife Mele, their nine children, and Mele's nephew, Siaosi Pohahau. Maile's house was like our second home because we were always at his house and uncle Maile was always at ours. We were always together.
22. Uncle Maile had bad relations with some of his neighbors. Maile had one particularly hateful and prejudiced neighbor who used to call the police on him all of the time, for no reason at all. This neighbor harassed Maile until the neighbor finally moved away from the block.

23. San Bruno was a predominantly white community and I experienced some incidents of prejudice when I was growing up, mostly at school. Some of the white kids at school did not like me because I was of another race and they sometimes teased me and called me derogatory names. I got into many fights at school because of the bigotry and harassment that I received from some of the white students. I was suspended from school on many occasions because of it. I was a strong kid and I usually won these fights, and the white children finally stopped bothering me after a while, when they realized that I never backed down. Not all of the white children in school were against me, and I had white friends, as well as friends of other races, when I was growing up.
24. I had a lot of trouble in school when I was growing up. Besides getting suspended several times over fighting, I was also kicked out of Crestmore High School during my junior year, after I was caught with alcohol and fighting on school premises. Some other kids brought a few bottles of Chivas Regal to the school and sold me a bottle for five dollars. I drank the liquor, and then became drunk and belligerent. I then got it in my mind that I needed to seek out and beat, individually, every enemy that I had in school. I went on a rampage attacking everyone that I could find who ever did anything wrong to me. When it was all over, I was kicked out of school. I attended Continuation High School in San Bruno for a while before I dropped out. I never graduated.
25. Aunt Toeumu took good care of Siaosi as he was growing up, but she also allowed him to get away with a lot of things that he did wrong. Toeumu often made excuses for Siaosi and covered for him when he didn't do what he was supposed to. Toeumu also spoiled Siaosi because she usually gave him whatever he wanted, as long as she had it to give.
26. At about 10 years old, Siaosi found out that my mother, Luisa, was his biological mother, and that Kaloline and I were in fact his older siblings. I do not know if Siaosi found out or who told him who his real mother was. I do not recall whether Siaosi cried over the matter, but Siaosi was noticeably depressed for a few weeks. Siaosi looked down, he was quiet and seemed withdrawn during that time period. Siaosi never told me about his feelings.
27. Siaosi actually came to resent me because I was the eldest and everything came to me first. Siaosi was angry over me being treated special and given the first choice of everything because I was the oldest. In Tongan culture, there is an expectation for the first born male in the family to be treated special. Siaosi hated being the youngest because he wanted more respect from the family. Siaosi used to ask why couldn't he have been the oldest. Siaosi went from thinking that he was the only child, to being the fifth of seven kids, and it seemed like he was feeling a loss of status within the family. Siaosi got along with our other brothers because they were treated the same as him, but he never seemed to like me when he was growing up.
28. Siaosi was placed on somewhat of a pedestal by Toeumu and the other elders in the family

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because he was smart, a good student and everyone expected him to go far in life. Siaosi was the second boy in the family to graduate from high school, and the first boy in the family to be chosen to do an LDS mission. There were big celebrations for Siaosi when he graduated from high school and before he embarked on his LDS mission. There were at least two hundred people at his mission celebration dinner and it was attended by various family members, parishioners and church elders. There were many speeches given at the dinner and the family was very prideful of Siaosi's accomplishment.

29. When Siaosi was 19 years old he was sent on his mission, but became extremely home sick while he was away. Siaosi was writing Toeumu and telling her that he missed her and missed being home with the family. Siaosi told Toeumu that he was crying every day for her and that he wanted to come home. I believe that Siaosi confessed to his sin of fornication because his heart was heavy from the guilt of lying to the church elders, but I also believe that Siaosi couldn't take being away from his mother and the family and wanted to come home. Siaosi knew that he would be sent home if he confessed his sin, and this was part of his motivation.
30. When Siaosi was sent home from his mission after he admitted to impregnating a Tongan girl in San Bruno, Siaosi completely fell out of the family's good graces. To make matters worse, the girl that he impregnated turned out to be his first cousin, the daughter of his paternal uncle. Incest is heavily frowned upon in Tongan culture. Siaosi being sent home from his mission was a tremendous source of embarrassment and a disgrace for the family. Toeumu and other people in the family cried when they heard the news, and I told Siaosi that we were all counting on him to do well. Shortly afterwards, Siaosi began lashing out and speaking disrespectfully to his uncle Maile, and others in the family, for the first time in his life. Siaosi and I actually got into a physical fight, for the first time ever, when Siaosi was talking back and arguing with me about family matters. Looking back, I believe that everyone in the family, myself included, placed too much pressure on Siaosi to achieve, and we were too hard on him when he failed.
31. Siaosi suffered from erratic patterns of behavior since he was a teenager. There was an instance when the family was driving in two or three cars to the funeral of a family member in Sacramento, California. Siaosi was driving one of the vehicles and he was in the lead. Siaosi didn't seem to know where he was going so he kept driving everyone in circles until his uncle, Maile Tafuna, told him to pull over. When Maile tried to give Siaosi the correct directions, Siaosi became belligerent and began yelling and speaking in a disrespectful manner towards Maile. Siaosi then left the car on the side of the road, walked towards the highway and hitch-hiked his way all the way back to San Bruno.
32. When Siaosi was in the 11th grade and playing on the Cappucino High School football team, he broke an opponent's hip and knee during a tackle. Siaosi felt so guilty about what happened that he lost all of his enthusiasm for the sport. Siaosi continued playing for a while, but stopped after he broke a leg during a game. Siaosi's heart wasn't in the sport

anymore at the time of his own injury.

33. When I married my wife in 1989, I gave Siaoosi my camera and told him to take the photographs of my wedding. Siaoosi held the camera and pretended to take the pictures all night, but none of them came out. When the film was developed, it was all blank. It was a simple automatic point and shoot 35mm camera, and there were no complicated settings that needed any adjusting. I always believed that Siaoosi intentionally did this because of the animosity that he always harbored for me. When I confronted Siaoosi and tried to discuss the matter, Siaoosi just smiled, denied knowing what I was talking about, and walked off with a smirk on his face. Siaoosi also never apologized to me or my wife for not taking a single photograph at our wedding.
34. I have no idea whether Siaoosi abused drugs during his teenage years or in his early adulthood. Siaoosi and I never had a good brotherly relationship and he never confided in me. Siaoosi always seemed to have animosity towards me. There is a nine year gap between our ages, and we never hung out together in the same circle of friends. I left home in 1981 and was living in my own apartment. I later moved into the home of my friend Martin Brown, after Martin inherited it from his family. My drinking problem, which began in high school, continued into my adulthood and I was struggling with my own issues.
35. In 1985, I moved back into uncle Moli's house after Lose urged me to do so. Lose had become desperate over Moli's worsening health condition and she went to a Palm Reader seeking spiritual advice. The reader told Lose that she needed to seek out someone who was missing from her life so that the missing loved one could bring peace to her ailing husband. I agreed to return home after Lose pleaded with me, and uncle Moli ended up dying in 1986, within a year of my return.
36. I took Moli's passing very hard and I went through a period of depression. I became withdrawn and my drinking became a lot worse. I also spent a lot more time hanging out in the streets and being away from the family. Siaoosi took Moli's death very hard as well, but I was too caught up in my own grieving to recall the details of what Siaoosi was going through.
37. By the mid-1980's, in addition to abusing alcohol, I also started abusing marijuana. By 1995, I began abusing cocaine. I was able to hold down jobs and support my family after we became married and started having children. However, I enjoyed using drugs and drinking when my work shift was over.
38. I was a black out drinker and I often woke up in strange and unfamiliar places, or I had no recollection of how I got home the night before. I often had blank spots in my memory when recollecting what happened while I was intoxicated. I also experienced time loss, and had no idea how much time passed by while I was intoxicated.

39. I experienced mood swings and changes in my personality whenever I became intoxicated. I was usually quiet and reserved when I was sober, but when I was high I became very talkative and out going. I was always a peaceful person when I was sober, but when I was intoxicated, I became belligerent and brave and I sometimes started fights.
40. Whenever I used cocaine, it had the effect of making me want to drink more. I also became paranoid and just wanted to be alone. I almost always abused cocaine when I was by myself, and I used it opposite to my work shift to make sure that it didn't get in the way of my job.
41. I developed a severe case of gout, which was made worse by my abuse of alcohol, but this never stopped me from drinking. I regularly drank myself until intoxicated, even when I was in the midst of experiencing debilitating gout attacks. I had to drink no matter what was going on in my life and I was not capable of stopping myself back then. Today, my hands and other joints are deformed from the years of gout attacks that I endured.
42. I had many separations with my wife and I was arrested, on a couple of occasions, for domestic violence. The worst incident happened when I came home drunk one evening and my wife was so mad that she threw a bottle of wine at me and struck me in the back. I then threw the bottle back in her direction, not trying to hit her, and inadvertently struck her in the head which caused a bloody gush to open up. *BADLY HIT*
43. I was once arrested for a strong-arm robbery when I was 19 years old, I was also arrested once on a DUI, and a few times for domestic violence during the 1990's. All of my arrests took place in San Bruno, California.
44. The changing point in my life came a few years ago when I had a dream, seeing a hook that was luring me to come and touch it. When I went to touch the hook, it suddenly turned and hooked me by my neck and lifted me up. I then began seeing heads that were screaming with twisted looks on their faces, and then I heard the voice of my aunt, Toa Vimahi, yelling out that it was the start of Satan's gathering of souls and that he was coming to get me. Toa called me three days later and kept asking me if I was okay. At first I didn't want to tell Toa about my dream, but then I did. After listening to what I had to say about my dream, Toa told me that she was there in the dream as well, and saw the same things. Toa has always been considered to be the dream translator in the family because of her special gift to decipher dreams. Toa is also known to have dreams and see visions that come true. Aunt Toa told me that the dream was an omen of bad things to come if I did not straighten out my life. That was the day I began taking steps towards the road to recovery.
45. There have been other family members who have struggled with drug addiction within our family. Uncle Maile's sons, Tufui Tafuna and his brother Moli Tafuna, were drug abusers and they were both deported back to Tonga. Moli was deported for robbery and drug sale convictions, and Tufui was convicted for domestic violence and some other charge.

46. I was only contacted once during the time of Siaosi's trial by Crystal Claderon, the Washoe county public defender's investigator who was assigned to Siaosi's trial case. My conversation with Crystal only lasted for about an hour and she did not ask about most of the details that I've covered in this declaration. No one from Siaosi's trial team ever contacted me again until I was subpoenaed to testify at the trial. After I received the subpoena, I had a thirty minute telephone conversation with one of Siaosi's lawyers. When I went to Reno, I met with one of the attorneys for about thirty minutes before I testified. I have not heard from anyone on Siaosi's behalf since the time of the trial.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7th 2011 in San Leandro, California.



Sitiveni Tafuna

Exhibit 102

Exhibit 102

Declaration of Alisi Peaua

I, Michele Blackwill, declare as follows:

1. I am employed as an investigator with the Law Offices of the Federal Public Defender. I have been assigned to work on the federal habeas corpus petition of Siaosi Vanisi. As part of my responsibilities regarding Mr. Vanisi's case, I traveled to Reno, Nevada, to interview members of his family.
2. On December 6, 2010, Herbert Duzant, investigator with the Law Offices of the Federal Public Defender, and myself conducted an interview with Alisi Peaua, at her residence, 902 Simons Drive Reno, NV. 89523
3. Alisi Peaua, is 63 years old and currently resides in Washoe County, Nevada. Alisi is first cousins with Luisa Tafuna. Alisi's dad, Fehoko Tafuna, and Luisa's dad are brothers.
4. Alisi discussed her family tree. Her father has eight siblings, Hina, Ifa, Maile, Sione, Tevita, Fehoko, Mele, and Teulupe. Hina, Ifa, Maile are from Fehoko's first marriage and his wife's name is unknown. Sione, Tavita, Fehoko, Mele, Teulupe are from his second marriage and his wife's name is Lata. Most of the siblings moved to the United States from Tonga in the 1960's.
5. Alisi has nine siblings. Sisifa, Salote, Tupu, Leainga (aka Sione), Mele, Fusi, Vile, Kesai and Poulutu. All of her siblings are living in the United States except for Leainga and Kesai, who live in Tonga and Sisifa, who lives in Australia. Tupu, Leainga, and Vile are males. Alisi moved to Hawaii in 1976 and then moved to Reno in 1977.
6. Alisi has five children, Tavake, Manamuoui, Sione, Moa and Renee. She confirmed that her children knew Siaosi well and spent a lot of time with him while they were all growing up. Tavake and Sione were the closest to Siaosi. Alisi remembered Siaosi came to Reno to visit, twice, with his wife and children. Alisi did not have much interaction with Siaosi. She was working two full time jobs at that time. Alisi only saw Siaosi briefly, and does not remember Siaosi much. Alisi does not recall much from the trial except that she thinks Renee was kicked out of the trial/courtroom. No one in the family likes to talk about the trial because it brings shame on the family.
7. Alisi described the Tafuna family as religious. The family church was the LDS Church in Fasi. Most of the family members grew up on Fuamotu Island. Alisi did

not know the Vanisi family very well.

8. Alisi explained that Louisa gave Siaosi to Umu (Tocumu Tafuna) to raise as her own son. It is customary in Tonga to give up a child to a female family member that could not or did not have any children of her own. Luisa gave birth to Siaosi at home. Alisi is not aware of any medical problems during Siaosi's birth. It is customary to have children born at home with a midwife. There is only one hospital in Tonga, Viola Hospital.
9. Alisi described Louisa as "a loving, outgoing person". She acted normal and did not display any problems with mental health. Alisi states there is no history of mental health problems on her side of the family that she is aware of. In Tonga, if there was a history of mental health problems in the family, it was kept very quiet and dealt with at home. It was a "taboo" to speak of it.
10. Alisi described Umu as having the same personality as Luisa. Alisi believes Umu had a good relationship with Siaosi. Luisa and Umu both came to the trial and it was very hard for them. The family was very shocked, embarrassed and disappointed.
11. Alisi described Uncle Maile as the "mouthpiece for the family". He was a tough guy, always yelling and screaming a lot. If he had something to say, he would say it to your face and be very honest. Alisi was not sure about the relationship between Siaosi and Maile. Maile had two older brothers, Saia and Esc.
12. Alisi stated that Tavake had attended University of Reno for a short time in the mid 1990's, during the same time Sione was attending. Sione was taking a year off during January 1998 when the murder occurred.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 12th 2011 in Clark County, Nevada.



Michele Blackwill

EXHIBIT 103

EXHIBIT 103

Declaration Of TevitaVimahi

I, TevitaVimahi, declare as follows:

1. My name is Tevita Vimahi, I am 81 years old and I currently reside in Washoe County, Nevada. Siaosi Vanisi is my nephew in-law as I am married to his maternal aunt, Toa Tafuna-Vimahi. The Tafuna family and I originally come from the village of Pangai on the island of Ha'api, Tonga. This is where Toa, Siaosi's mother, Luisa, and all of their siblings were born, and I grew up with them. Pangai is also where Toa and I were married in 1957.
2. Toa's father was Tevita Finau Tafuna and her mother was Olotomu Lolohea-Tafuna. Tevita Tafuna was a teacher, an elementary school principal and an owner of a restaurant all on the island of Ha'api. Toa and all of her siblings attended their father's elementary school, the Pangai Government Primary School, and then they all went to high school on the big island, Tongatapu, because there were none on Ha'api.
3. My wife's siblings were Esei, Saia, Maile, Toa, Molitungua, Luisa, and Tocumu. The Tafuna family enjoyed a middle-class lifestyle by Tongan standards in those days. Tevita was an educator and a business owner, and he earned enough money to meet the family's needs.
4. Maile Tafuna was the first one in the family to leave Ha'api and move to Tongatapu. Maile attended Liahona High School on Tongatapu and stayed there after he graduated. Maile was working at Vaiola Hospital when he met and began dating his then future wife, Mele Cocker, who was from Niutoua, Tongatapu. Maile left the hospital and started a transportation business after marrying Mele.
5. Toa and I were running a successful grocery store in Ha'api when Maile asked us to give up our business and move to Tongatapu so that we could be partners in his transportation business. I agreed to become Maile's partner, gave up my business and moved to the big island. Together, Maile and I built a successful transportation business that had one bus, about five automobile taxis and three Minimokes, which are human powered bicycle taxis. We used the money that we earned to purchase and run produce farms, fish farms and other ventures. Our business ventures were successful and our family had a comfortable upper-middle class lifestyle, by Tongan standards of the day, and life was good for all of us. As time went on, all of the Tafuna family relocated to Tongatapu, one by one, and everyone worked in the family businesses.
6. Luisa later came to Tongatapu to attend Liahona High School, and Tocumu followed her. Maile's younger siblings all stayed with him while they attended high school on the big



island. Luisa's mother, Olotomu, was already deceased by the time that Luisa began high school. After Luisa graduated she returned to Ha'api to work in her father's restaurant. I remember Luisa being a good girl and an okay student.

7. Luisa left her father's restaurant business and returned to Tongatapu to work with her brother Maile when she met and became involved with a police officer. I do not recall the name of this police officer, but he was originally from the island of Vava'u, in Tonga. Luisa became pregnant by the police officer and moved back to Ha'api after Sitiveni was born. The police officer came around to check on Luisa and Sitiveni a few times, and brought them money and food, but there was never any talk of marriage. Maile told the police officer that he could marry Luisa if that is what they wanted, but if not, the officer could stay away from Luisa and the family would see to it that Sitiveni was cared for properly. Maile told the officer not to worry about the family contacting the authorities, and that he could move on with his life as long as he stayed away from Luisa and her son.
8. It was agreed that Sitiveni would be adopted by Luisa's brother, Moli Tafuna and his wife Lose, but they left for America before or shortly after his birth. Nevertheless, it was the family's plan that Sitiveni would live with Moli and Lose whenever he reached the U.S.
9. I do recall the police officer once told Maile that he wanted to be there for his child, but Maile forbade him. I suspect that Maile did not want the officer around the family unless he intended to marry Luisa. The police officer ultimately married another woman and was last known to be living on Vava'u with his family.
10. ^{Leini}~~Katherine~~'s father is a man named Sitani Mapa Havilli, he's from the island of Ha'api, Tonga, and he is a blood relative of both the Vimahi and Tafuna families. Sitani's mother is my first cousin, and his grandfather was raised by one of Tevita Tafuna's siblings through an internal family adoption.
11. Sitani Havilli and Luisa's secret relationship began when Sitani moved to Tongatapu to work as a bus driver for Maile in our family's transportation business. Luisa had moved to Tongatapu. She was working with Maile again, and raising her son, Sitiveni, until his immigration documents were completed, so he could move to the states to be adopted by Moli and Lose. Sitani was also living on the family's land in Longolongo, in one of the homes. When Sitani discovered that Luisa was pregnant by him, he ran away and left the island before anyone else in the family knew about it, and Sitani returned to Ha'api. There was no way that Sitani and Luisa could have married, and I recall that no one tried to make him pay child support because he was Luisa's blood relative and incest is a taboo in Tongan culture.

- Leini
12. After Luisa had ~~Kaloline~~, she moved back to Ha'api to live with her father again. In Tongan culture, it is customary for an unwed mother to move back to her father's home in order to have the protection, support and cover of a male figure. It is not considered a good thing for a woman to be alone by herself with children.
13. While Luisa was living in Ha'api with her father and ~~Kaloline~~, she became involved with Sitani once again, and became pregnant with her third child Moale Tafuna. Sitani was never a part of Kaloline or Moale's lives, and he never had a real relationship with Luisa. Sitani currently resides in the Dallas, Texas area.
14. Like Sitiveni, it was agreed within the family that Moli and Lose would adopt ~~Kaloline~~ as well, when she reached the U.S. Moale was the only one of Luisa's children who would be left in Tonga after she immigrated to the U.S. Moale was adopted by my sister, Fielea, and her husband Sione Havilli, who is the paternal uncle of ~~Kaloline~~ and Moale's dad, Sitani Havilli. Sitani's father was Mapa Havilli.
15. Maka'aka came from a good upper middle class family, like the Tafuna's, and his father, Kuli Vanisi, was a police inspector in Tongatapu. Maka'aka was spoiled by his father and he lacked a sense of responsibility. Maka'aka's parents did everything for him and his father was always there to get him out of trouble in times of need. Maka'aka was his father's first born son, which meant he got everything that he wanted and everyone in the family catered to him, which is a family tradition and rule in Tongan culture. Maka'aka was also known to be a womanizer. Nevertheless, Maka'aka was not considered to be a bad person, so when Luisa told the family that they wanted to get married, I recall no one stood in their way. Luisa's brother, Maile, gave them permission.
16. At the time of Luisa and Maka'aka's marriage, Maile and I were expanding business ventures. We were now importing mutton from New Zealand and our store was doing very well. At this time it was agreed that I would oversee the business of the store and Maile would run the transportation company on his own. After Maka'aka married Luisa, Maka'aka moved into the house where Luisa lived with her kids, Tocumu, Toa and myself, on our family property. Maile hired Maka'aka as a bus driver to put him to work.
17. I believe Luisa and Maka'aka's marriage was good at first, but problems developed as time went on. Maka'aka was very lazy and he frequently did not show up for work on time, and sometimes not at all. Maka'aka preferred walking around town, watching movies at his aunt's movie theater and hanging out in the streets all day, instead of working. Maka'aka was a complete goof off. Maka'aka neglected his fatherly duties and did not spend much time around the family. Maile often had to drive the bus in Maka'aka's absence, but he

never fired him, nor anyone else who worked for him. Maile simply drove around until his saw Maka'aka, and then Maka'aka would drive the bus whenever Maile called out for him to come and work.

18. Luisa was always fussing with Maka'aka about his ways and telling him that he needed to be more responsible. Maka'aka usually laughed at Luisa whenever she complained, ignored her or left the house. I recall Maile used to tell Luisa to stop complaining and leave Maka'aka alone because she knew how he was before they became married. Maile thought that it was foolish for Luisa to have thought that Maka'aka would change his ways just because they were married, had two children and one on the way, which was Siaosi.
19. Maka'aka left Luisa when she was pregnant with Siaosi, and he moved to New Zealand. Maile told Luisa not to worry about the situation because he would take care of her and her children. I believe Maile blamed Luisa for making Maka'aka leave because of her constantly scolding him even though she knew how he was before they married.
20. I do not know all of the details of Luisa and Maka'aka's divorce because Toa and I had immigrated to the U.S. a year earlier, and were living in California at the time. We were also not present at the time of Siaosi's birth in Tonga, but we heard that Luisa had given him to her sister Toeumu in an internal family adoption arrangement. I am certain that Luisa would never have given Siaosi away to her sister if Maka'aka was still in the picture, and had she not been a single mom with three children.
21. Maka'aka was never a part of the lives of Siaosi and his siblings. I recall that Maka'aka came to San Bruno to visit Luisa and their kids on one occasion, shortly after Luisa had immigrated to the U.S., but he did not stick around. Maka'aka did not see any of his children until he became ill during the last few years of his life and Sela took him in, out of the kindness of her heart. That was the first time that she had seen him since she was a young girl. Sela cared for Maka'aka until the time of his death in March 2010.
22. Maile was the one who first decided that the family should relocate to America. Maile had big ideas and believed that he and our family could become even more successful in America because of the increased business opportunities. Maile also wanted the children in the family to attend American universities. Maile decided that his brother, Moli, was in the best position to immigrate first because he was the secretary of Liahona High School and he was employed by the LDS church. It would be easiest for him to complete all the paperwork first. Once Moli was in the U.S., he was then expected to petition for the other family members to come behind him, and that's what he did. Moli's wife Lose did not come to the U.S. until a few years after him.

23. Toa and I came to the U.S. in 1969, a year after I was baptized a Mormon. Toa was still working for Liahona High School and came on a three month visa so she could attend a LDS church conference in Salt Lake City, Utah. I stayed in California after Toa returned to Tonga, where she continued working for the high school until she retired in 1972. I had already received my green card by 1972, so I returned to Tonga for a year before coming back to the states permanently with Toa and her sister, Toeumu, in 1973. This is when Siaosi was separated from Toeumu for the first time in his young life. I recall the scene at the airport was a heartbreaking experience for me.
24. It was a very sad occasion for myself and the entire family to witness Siaosi's reaction to Toeumu leaving him behind at the airport when she was traveling to the U.S. Toeumu could not take Siaosi along with her because she was not his official legal guardian. The internal family adoptions are understandings within families in Tongan culture, but there's no official recognition by the government. Therefore, Luisa Tafuna and Maka'afa Vanisi were Siaosi's only legal guardians of record.
25. I recall Siaosi was crying, screaming and begging Toeumu not to leave him. Toeumu was the only mother he knew, at this point in his life, and he had no idea that Luisa was his real mother. Toeumu and all the family members who were present, tried to calm Siaosi down and assure him that he and Toeumu would eventually be reunited, but that was not allaying his emotions. Siaosi clung to Toeumu's arms and legs, and everyone struggled to pull him away from Toeumu. Luisa and Siaosi's sister Sela, were the ones who eventually managed to pull him away.
26. The whole scene was very emotional for our entire family. Every single family member, adults and children, began to cry at the sight of Siaosi's emotional state of despair, including myself. Men aren't supposed to cry in Tongan culture, but witnessing Siaosi on that day was too much, even for a strong man like me.
27. Toa, Toeumu and I were so delayed by Siaosi trying to stop Toeumu from leaving, that we were the last ones to board the plane and we almost missed our flight. I recall the flight agents repeatedly calling our names over the intercom and giving their final warnings before closing the door. We managed to board the plane just before the door was closed. Siaosi was raised by Luisa for the next few years until Luisa and her children came to the U.S. in 1976.
28. When Luisa and her family arrived in the states, Siaosi was left with Toeumu at Moli's home. Luisa, her other children, Tevita and Sela, and her second husband, Mr. Uluave, moved in with Maile and his family. At that time, Toa and I had our own home nearby at 13 Williams Avenue, South San Francisco, CA 94080. Luisa and her family moved in with us

for a while, after they left Maile's home, and before getting a place of her own. Everyone in the family lived within close proximity to one another, and we interacted with everyone each week on various occasions.

29. When Siaosi was first reunited with Toeumu he did not recognize her. Toeumu was away for so long that he had forgotten who she was. However, I recall, within a few hours Siaosi remembered and realized who Toeumu was and then he began clinging to her.
30. For the first two years after being reunited with Toeumu, Siaosi followed her around where ever she walked and he never wanted to let her out of his sight. Whenever I saw Siaosi with Toeumu, Siaosi was always either sitting under her or laying across her lap instead of going outside to play with his cousins, siblings or neighborhood friends. Whenever Toeumu had to leave Siaosi at the house with other family members, so that she could run errands, Siaosi became emotionally distraught, cried and threw temper tantrums, and he demanded that she either stay or take him along with her. Toeumu constantly had to reassure Siaosi that she loved him and would never leave his side again.
31. After about two years, when Siaosi was 8 or 9 years old, Siaosi slowly began to come out of his shell and he started giving Toeumu more room incrementally. Siaosi began interacting more with his peers in the family, and community friends, but he never strayed too far that he couldn't see Toeumu. I recall that Siaosi constantly looked over to make sure that Toeumu was still there in his sight. If Toeumu got up out of her seat, Siaosi ran over to find out where she was going. As time went on, Siaosi was able to play with friends outside of his sight of Toeumu, but he had to know that she was still close to him. Siaosi frequently ran in and out of the house while he was playing to make sure that Toeumu was still there and hadn't left without telling him.
32. Toeumu loved Siaosi, but I believe that she spoiled him in the process of raising him. Toeumu always did more than she had to for Siaosi to help put his mind at ease and overcompensated for leaving him in Tonga when he was a child.
33. I have no memories of ever seeing Toeumu spank Siaosi, because he was a well behaved boy. Siaosi often tried to please Toeumu and he seemed afraid to misbehave because he thought that she might get mad and leave him again. Siaosi also knew that his biological mother gave him away, and he couldn't understand why he was the only one. So, he did everything within his power to please Toeumu and keep her happy, and interested in staying around him. I believe Siaosi overcompensating for wanting to keep Toeumu around and Toeumu's overcompensation to make him feel secure was a continuous cycle within their relationship.

34. Siasosi was the smartest and best behaved child amongst Luisa's children and Tocumu and the family had high expectations for Siasosi. Everyone in our family thought that he would go off to college and be a great success in life. The family was particularly proud when Siasosi was selected to complete an LDS mission when he was 19 years old. I recall the big dinner celebration that was given in Siasosi's honor, which was attended by the whole family and their congregation members. The church elders were there as well, and they all spoke about how proud Siasosi had made them.
35. The entire family was greatly disappointed and ashamed when Siasosi was sent home from his mission after admitting to committing fornication and impregnating a local San Bruno girl before going off on his mission. I recall the one thing that the family appreciated was that Siasosi made his confession while he was still in the mission center in Salt Lake City, and before he was actually sent off to begin his mission. Had Siasosi already been in the middle of his actual mission, this would have been far more disgraceful for our family.
36. When Siasosi returned from Salt Lake City, I recall that there was a family gathering held where Siasosi was made to explain himself. This meeting was attended by both of his mothers, all of his aunts and uncles, his siblings and some cousins. Siasosi was crying profusely and he told our family, in a trembling voice, that his secret sin weighed heavily on his heart. He told us that he had to confess to it while he was at the mission center because had he took it with him on his mission, he would not only have been letting down the Church and his family, but God as well. Siasosi then begged the entire family for forgiveness, and then he went around and individually addressed everyone. Siasosi looked each family member in the eyes, asked them to forgive him, and hugged them all individually. The family forgave Siasosi and told him that it was better that he honestly admitted his sin, instead of dishonestly keeping it a secret, only to have it come out later at a more inappropriate time.
37. Siasosi came up with the idea to move to Los Angeles, California because he had a friend, whom I can not recall, who was moving there and he figured that he could go to college. However, after thinking about it for a while, Siasosi changed his mind and decided to stay because he did not want to leave the family.
38. I recall that Tocumu encouraged Siasosi to go to L.A. and told him that it was important for both of their futures. Tocumu told Siasosi that he needed to attend college so that he could take care of her and himself, and ensure that they both had a secure future. Tocumu also wanted Siasosi to be able to take care of himself if anything happened to her and he found himself alone in the world.
39. Before Siasosi left for L.A., Luisa held a farewell barbeque in his honor, at her home, to let everyone know that he was going off to attend college. I recall first there being a family



prayer and then the announcement was made that Siaoosi was leaving. After the announcement, Siaoosi began crying and saying over and over that he did not want to leave our family and go to L.A. This is when his uncle, Maile, ordered Siaoosi to obey his mother, Toeumu, and attend college. It was like Siaoosi had no choice, even though it was clear to me, that he really did not want to leave San Bruno.

40. When Siaoosi first moved to Los Angeles, there was no talk of him becoming a movie actor. College was the only thing on his agenda. I know that Siaoosi went to college for a short while when he was in L.A., but he never finished. I was not in regular contact with Siaoosi after he moved away from San Bruno, and I do not know the details of Siaoosi's life in

~~Southern Nevada~~

~~Northern~~ Southern California.

41. I was never interviewed by Siaoosi's defense team at the time of his trial. Herbert Duzant of the Federal Public Defender office, and his interpreter, Ms. Manu Tu'uholoaki, were the first people to ever discuss my nephew's case with me. I would have provided Siaoosi's trial attorneys with everything that I have stated within this declaration had I been interviewed. I also would have testified at his trial had I been called and I would have asked the jury to spare my nephew's life.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April ____ 2011 in Washoe County, Nevada.

Tevita Vimahi

Tevita Vimahi

Manu Tu'uholoaki
Manu Tu'uholoaki
Tongan interpreter

Faka papau fakamatala ā Tevita Vimahi ^(P.1)

Ko au Tevita Vimahi ōku ou fai ā e

[1] Ko hoku hingoa fakamatala ni:
ou ta'u 81 pea ōku ou nofo i Wishoe Kaunithi, Nevada. Ko Siaosi Vanisi ko hoku ilamutu i he
lao he ōku ou mali mo e tokoua ē ne faē, ko
Toa Tafuna-Vimahi. Ko e fāmili Tafuna ko
ēnau omai mei Pangai Haapai i Tonga. Ko e
feituu eni naē faēle ai ā Toa, mo Luisa
faē ā Siaosi pea naā nau tupu fakataha
ai. Pea ko pangai-foki naā ma maliai mo
Toa i he ta'u 1957.

[2] Ko e faē ā Toa ko Olotomu Loloha-Tafuna
pea ko ēhe tamai ko Tevita Finau Tafuna.
Ko Tevita Tafuna, ko e faia ko pea pule alio he
lau tohi pule ānga pea naē i ai hono faleka i he
motu ko Haapai. Ko Toa mo hono fānga tokoua naā
nau ako pē he alio pule ānga naē faia ko ai
ēnau tamai. Pea nau ō ki Tongatapu i he

ako maʻolunga he neʻikai ha ako maʻolunga
i Haʻapai.

[3] Ko e fanga tuongaʻane hoku mali ko
Esei, Saia, Maile, Moli Tungua mo Toa, Luisa
pea mo Toeimu. Ko e famili Tafua na
naʻi fefa he fangamālie ne naʻi mā. Ko
Terita Tafua ko e pule ako, tangata pisinisi,
pea ne mā ʻa e paʻanga feunga ke tauhi
ʻaki ʻa e famili kotoa.

[4] Ko Maile Tafua ʻa e ʻuluaki toko taha
he famili naʻe hiki mei Haʻapai ki Tongatapu.
Ko Maile naʻe fakaʻosi ako mei Liahua. Naʻe
ngāne ʻa Maile he fale mahaki Vāida i
Tongatapu kimua tēfaki maheni mo hono
mali. Ko hono hoa ko Mele Cocker mei
Niutoua, Tongatapu. I he hiki ʻa Maile naʻe
ne kamata ʻa e pisinisi meʻalele mo ne
liaki ʻene ngāne he fale mahaki ʻosi ʻene
mali mo hono hoa ko Mele Cocker.

1 A Yes, sir.

2 Q Quite a bit of it?

3 A Plenty of things, yes.

4 Q Would it be fair to say that just about every
5 gum wrapper got picked up in that entire area?

6 A Absolutely.

7 Q Is there a procedure known as a canvass of the
8 area?

9 A Yes, sir.

10 Q And what's that entail?

11 A That's what I was talking about earlier.

12 That's physically talking to everybody that we can place in
13 the area, not only residences and any open businesses. We
14 try to look for delivery people. Depending on the time of
15 day, any number of people, power company, utilities people
16 can be in the area. So it's a physical canvassing of the
17 area for persons or evidence, anything that we think might
18 be related.

19 Q Does that include knocking on doors?

20 A Yes, sir.

21 Q And was that done in this case?

22 A Yes, sir.

23 Q Let's move to sun's up Tuesday, even into noon,
24 early afternoon. Did you have any leads at that time as to
25 who was responsible for this?

1 A Not what I'd call good concrete leads, no. The
2 media coverage was massive. That fueled numerous phone
3 calls into the police department, and so those were leads
4 that had to be followed up. But there weren't any leads
5 that subsequently turned out to be of substance.

6 Q Did there come a time when a telephone call was
7 received that did start building into something?

8 A Yes, sir.

9 Q And where was that call received?

10 A It was received at the Secret Witness hotline.

11 Q Are you familiar with the term 187 PC?

12 A Yes, sir, I am.

13 Q What is that?

14 A That's the -- PC is for the penal code. That
15 is a California Penal Code number for murder.

16 Q And did this telephone call involve use of that
17 terminology?

18 A Yes, sir.

19 Q Was there follow-up done with respect to the
20 Secret Witness report?

21 A Yes, sir, there was.

22 Q And was a suspect developed at that time?

23 A Yes.

24 Q What information did you have to lead you to a
25 suspect?

1 A We knew that we were looking for a Tongan male
2 that went by the name of Pe or Pea that was currently
3 visiting and in the Reno area.

4 Q Were you able to find a photograph of that
5 person?

6 A Yes, we did.

7 Q And was that given to the media for
8 broadcasting?

9 A Yes.

10 Q Let me show you what's been marked as 24-D and
11 ask if you recognize those photographs.

12 A Yes, that is the photograph.

13 Q It appears to be a passport photo?

14 A Yes.

15 Q Who is the photograph of?

16 A That would be the defendant, Mr. Vanisi.

17 Q Would you please indicate where he is seated
18 and what he is wearing today?

19 A He is seated to the table left of yours and
20 next to Mr. Gregory. He has a gray suit, blue and red tie.

21 MR. GAMMICK: Move for 24-D to be admitted,
22 Your Honor.

23 THE COURT: Any objection, Mr. Specchio?

24 MR. SPECCHIO: No, Your Honor.

25 THE COURT: 24-D is admitted.

1 (Exhibit No. 24-D admitted.)

2 BY MR. GAMMICK:

3 Q Was there also a composite drawing that was
4 obtained and becoming involved in the investigation Tuesday
5 evening?

6 A There were a couple of composites from
7 different people.

8 Q Let me show you Exhibit No. 6 and ask if you
9 recognize that.

10 A Yes, sir, that is one of the composites that
11 was done.

12 Q Was this also released to the media?

13 A I believe it was, yes.

14 Q Did you receive information as to a possible
15 address frequented by Mr. Vanisi?

16 A Yes, sir.

17 Q And where was that?

18 A That was in Sparks off of Rock Boulevard, and
19 you have marked it here as 1098 Rock, Apartment A.

20 Q What did you do once you received that
21 information?

22 A I went to the apartment with another detective,
23 and we actually sat outside on a surveillance initially to
24 see and ascertain what kind of movement may be in and around
25 the apartment. We also noted there was a vehicle parked

1 outside that had come up in the investigation that was
2 connected to Mr. Vanisi, and so we watched that for maybe a
3 half hour to an hour.

4 Q Was there information received about another
5 possible residence?

6 A Yes.

7 Q In Reno?

8 A Yes. On Sterling Drive, 1645 Sterling.

9 Q Is that close to the University of Nevada
10 campus?

11 A Yes, it is.

12 Q Did officers also respond to that location?

13 A Yes, they did.

14 Q You say you set up a stakeout outside. What
15 did you do after a period of time?

16 A We noticed some kids playing out front, some
17 juvenile males. They looked of Tongan descent to us. We
18 finally approached and contacted them, identified ourselves
19 and told them what we were doing there and asked them if we
20 could speak to them. We also wanted to speak with their
21 parents and asked who lived at home.

22 They said they were currently locked out and
23 couldn't get in the house. It was a cold night, and that's
24 why they had been playing outside. They were waiting.

25 Not long after we were there talking with them,

1 some other folks pulled up, and it was a male and either two
2 females or at least one female, as I recall, that introduced
3 themselves and said that this was in fact their residence
4 and they lived there with the juveniles.

5 We explained to them what was going on, and
6 they invited us inside, because it was cold, to finish the
7 rest of our conversation.

8 Q So you entered the residence at that time?

9 A Yes, sir.

10 Q It may be obvious, but through the front door?

11 A Yes.

12 Q Did you almost step on something?

13 A I did, without noticing it. Shortly after I
14 was inside, I looked down, and literally at my feet, just 12
15 inches or so inside the door was a small hatchet.

16 Q Let me show you 20-A and 20-B and ask if you
17 recognize those photographs.

18 A Yes, sir. This is the hatchet just the way I
19 saw it.

20 Q Let me show you No. 21 and ask if you recognize
21 that item.

22 A It certainly looks like the same hatchet.

23 Q Same hatchet depicted in these photographs and
24 that you almost stepped on?

25 A Yes, sir.

1 MR. GAMMICK: I'm not sure if it's been done
2 previously, Your Honor. I'm going to move for 20-A and -B
3 and for 21.

4 THE COURT: 20-A and -B have been admitted. 21
5 has not.

6 Mr. Specchio, do you have any objection?

7 MR. SPECCHIO: Well, not to 20-A and -B. 21 is
8 the hatchet?

9 THE COURT: Correct.

10 MR. SPECCHIO: May we approach?

11 THE COURT: Certainly.

12 (Whereupon, a bench conference was held among
13 Court and counsel as follows:)

14 MR. SPECCHIO: We have two hatchets, one the
15 actual, one facsimile, whatever you want to call it. We
16 will have a problem admitting one and not the other.

17 MR. GAMMICK: What I wanted to do -- go ahead.

18 MR. SPECCHIO: I mean, they are like the same
19 thing. Maybe he should offer 5 or whatever it is.

20 MR. GAMMICK: Yes, 5 is the demo hatchet.

21 MR. SPECCHIO: I'm just thinking that we ought
22 to clear this up right now. I mean, I don't really care. I
23 just think it is going to be awful bizarre to somebody
24 reading this down the road that we got a hatchet and another
25 hatchet in. I'm just thinking we ought to --

1 MR. GAMMICK: I can clear it up at this time or
2 I can wait until tomorrow when Dr. Clark comes in. And No.
3 5 is here because it is accessible. 21, as you noted, is
4 sealed in a plastic bag.

5 THE COURT: What you want to do, as I
6 understand, is use Exhibit 5 for demonstrative purposes
7 only?

8 MR. GAMMICK: For Dr. Ellen Clark's testimony,
9 and then I am going to ask for it to be admitted also should
10 the jury want to examine it closely. They can't actually
11 handle No. 21 because it is sealed in a plastic bag.

12 No. 5, and we'll explain very carefully that
13 that was purchased at Wal-Mart. It still has the label with
14 it, the advertising that says what it is, where it is
15 distributed, all that. I'm not trying to confuse anyone on
16 this.

17 THE COURT: I don't think the jury needs to
18 have both of them in the jury room. We can let Dr. Clark
19 use Exhibit 5 for demonstrative purposes, and then if the
20 jury thinks they need it, they will ask for it. But I think
21 it could become kind of confusing.

22 MR. SPECCHIO: He can talk about No. 21 all you
23 want. You can even show 21 to her and say, Are these
24 similar.

25 MR. GAMMICK: That is what I plan on doing.

1 THE COURT: When you have the demonstrative
2 purposes.

3 MR. GAMMICK: Definitely don't want to confuse
4 them at all.

5 MR. SPECCHIO: Okay. You can clear it up with
6 him as to why there are two now. Let him -- he doesn't need
7 5, he needs 21. Tomorrow she needs 5 and not 21. You can
8 clean it up with either one of them. I just think it's
9 cleaner that way.

10 THE COURT: Now, I have got your stipulation.
11 I have got proposed instructions on the stipulation. It is
12 a pattern instruction from the civil pattern book.

13 I'll have to canvass Mr. Vanisi. We'll do that
14 at the end of business today, after I excuse the jury.
15 We'll put it on the record, and then you can do it tomorrow.

16 MR. STANTON: What time are you going to break?

17 THE COURT: 5:00.

18 MR. STANTON: What time do you want to break?

19 THE COURT: I was thinking of breaking at 5:00.
20 How much more direct examination do you have?

21 MR. GAMMICK: I'm going to be talking to him
22 for a little while about evidence and stuff. I think by the
23 time they cross, he will probably be the last witness today,
24 would be my guess.

25 THE COURT: Let's finish up with him and then.

1 we'll break, do the stipulation on the record. I'll send
2 the jury home.

3 MR. GAMMICK: Did you want to put the DNA up
4 today?

5 MR. STANTON: We won't have time.

6 MR. SPECCHIO: 10:00 tomorrow?

7 THE COURT: I haven't looked at the calendar.
8 I think 10:00 tomorrow.

9 (Whereupon, the following proceedings were held
10 in open court, in the presence of the jury.)

11 MR. GAMMICK: At this time I'll move for 21,
12 Your Honor.

13 THE COURT: Based upon the bench discussion and
14 Mr. Specchio's stipulation, it's admitted.

15 (Exhibit No. 21 admitted.)

16 BY MR. GAMMICK:

17 Q As to Item No. 21, maybe we can digress here
18 for just a moment. The hatchet, during the course of your
19 investigation, were you able to determine the source of
20 that -- of the hatchet?

21 THE COURT: Exhibit No.?

22 THE WITNESS: Yes, sir.

23 THE COURT: You were referring to Exhibit
24 No. 21?

25 MR. GAMMICK: 21, yes, Your Honor.

1 BY MR. GAMMICK:

2 Q And let me show you what's been marked as
3 No. 5. Does that appear to be at least the same type of
4 hatchet?

5 A Yes, sir, it does.

6 Q And where was No. 21, the actual weapon,
7 purchased with respect -- referring to No. 5?

8 A At Wal-Mart store.

9 Q In this case, were there two hatchets involved
10 in the case itself in the investigation?

11 A There were as far as -- you mean that we bought
12 our own later?

13 Q That's where I'm headed.

14 A Yes.

15 Q So that hatchet was purchased by police
16 officers later on during the investigation?

17 A Absolutely.

18 Q And I'm referring to Exhibit No. 5.

19 A Yes.

20 Q The one that still has the Wal-Mart label on
21 it.

22 A Correct.

23 Q No. 21 is the one you actually found in the
24 residence?

25 A Yes, sir.

1 Q At your feet?

2 A Yes, sir.

3 Q What did you do with respect to No. 21 once you
4 went in and saw it lying there on the floor?

5 A Actually left it and didn't touch it.

6 Q Why is that?

7 A We don't normally have the detectives, at least
8 in the Reno Police Department, collect our own evidence. We
9 have trained crime lab personnel who will come out at our
10 request, and they are trained more in the photography and
11 collection and packaging of the material.

12 Q Is that FIS personnel?

13 A Yes.

14 Q Forensic Investigative Services?

15 A Yes.

16 Q Did you call FIS then when you saw the hatchet
17 laying on the ground?

18 A Not at that point. Subsequently they did come
19 out and collect it.

20 Q Now, you stated I believe when you were
21 initially called that you were told that Sergeant Sullivan
22 had been shot. During the day of the 13th, Tuesday, was
23 that opinion changed as to how he died?

24 A Yes.

25 Q And was that pursuant or after an autopsy by

1 Dr. Ellen Clark?

2 A When I first viewed the decedent, I didn't see
3 any evidence of gunshot wounds. I know sometimes the
4 initial information, especially through the radio and
5 through the telephone getting to the detectives, is not
6 always absolutely accurate.

7 All I could see was obvious bludgeoning and
8 blunt force type injuries. But they were to the extent that
9 a gunshot wound could certainly be there.

10 But through the autopsy, we were able to find
11 there were no gunshot wounds.

12 Q So you weren't looking for a gun come Tuesday
13 night?

14 A Correct.

15 Q With respect to the death of Sergeant
16 Sullivan -- we'll talk about another gun here in a minute.

17 A Yes.

18 Q You were looking for some type of instrument
19 that would create those wounds?

20 A Yes, sir.

21 Q I believe I asked you, you didn't call FIS at
22 that time?

23 A No, sir, not immediately.

24 Q And why not?

25 A There wasn't any hurry on my part since I was

1 there and I could see that nothing would happen to the
2 hatchet from then on. As we spoke with the people there at
3 the house, they made some statements that we certainly would
4 be interested in getting a formal statement from them. So
5 they agreed to follow one of the detectives down to the
6 station for those formal interviews while I stayed there
7 with the hatchet.

8 Along with that before they left, I asked them,
9 Well, whose hatchet was it? And they said it belonged to
10 Pe, a person who had been staying there.

11 I asked them, was there any other items in the
12 house that belonged to Pe. They showed me a red or what I
13 call a wine-colored jacket in an entryway, or a hallway,
14 short hallway near a bathroom. And sticking out of the
15 jacket were some cream-colored gloves. They said those were
16 his gloves also.

17 Q Let me show you what's been marked -- excuse
18 me, counsel -- 23-A and -B and ask if you recognize the
19 items depicted in those photographs.

20 A Yes. That's the jacket and gloves that were in
21 the short hallway near the bathroom.

22 MR. GAMMICK: Move for admittance of 23-A and
23 -B, Your Honor.

24 MR. SPECCHIO: I think they are in, Judge. But
25 I'm willing to stipulate again to let them in.

1 THE COURT: 23-A and 23-B are admitted --

2 MR. SPECCHIO: Okay.

3 THE COURT: -- now.

4 (Exhibit No. 23-A and 23-B admitted.)

5 BY MR. GAMMICK:

6 Q Let me show you what's been marked as Item
7 No. 11 and ask if you recognize that.

8 A Yes, sir. That is the jacket that we're
9 talking about that's in the photos.

10 Q This was in the house at 1098 South Rock or
11 Rock Boulevard when you went in?

12 A Yes, sir.

13 MR. GAMMICK: Move for No. 11, Your Honor.

14 MR. SPECCHIO: Can't change now, Judge.

15 THE COURT: Any time you want to, Mr. Specchio.
16 Does that mean you are stipulating?

17 MR. SPECCHIO: Yes, ma'am.

18 THE COURT: Or stipulating?

19 MR. SPECCHIO: Judge, Your Honor, yes.

20 (Exhibit No. 11 admitted.)

21 MR. SPECCHIO: You know, Judge, I got to say,
22 it's hot in here. You know that?

23 THE COURT: I agree. Pour some water.

24 MR. SPECCHIO: Then I'll have to go to the
25 little room, and you know. One thing leads to another.

1 THE COURT: Do you want a stretch break?

2 MR. SPECCHIO: Could we?

3 THE COURT: Ladies and gentlemen of the jury,
4 if you'd like to stand and stretch for a minute, please feel
5 free to do so.

6 Ladies and gentlemen of the jury, do any of you
7 need any fresh water? Let's be seated and proceed.

8 MR. SPECCHIO: Thank you, Your Honor.

9 THE COURT: You are welcome.

10 You may continue.

11 MR. GAMMICK: Thank you, Your Honor.

12 BY MR. GAMMICK:

13 Q You mentioned some tan gloves sticking out of
14 the jacket. Let me show you what's been marked as Item
15 No. 25 and ask if you recognize those items.

16 A Yes. Those are the gloves.

17 Q Those were with the burgundy jacket, Item
18 No. 11 at 1098 Rock?

19 A Yes.

20 MR. GAMMICK: I move for admission of that
21 exhibit, Your Honor.

22 THE COURT: 25. Mr. Specchio, any objection?

23 MR. SPECCHIO: No objection, Your Honor.

24 THE COURT: Admitted.

25 (Exhibit No. 25 admitted.)

1 BY MR. GAMMICK:

2 Q Now, if I can digress for just a moment, and
3 then we'll come back to this scene. As to Items 11, 25 and
4 21, the jacket, the gloves and the hatchet, did you
5 ultimately call FIS to respond to that scene?

6 A Yes, sir.

7 Q And were those items collected?

8 A Yes, they were.

9 Q Now, as the case agent, does that end your
10 involvement with those items?

11 A No.

12 Q Who makes the request for any type of lab or
13 laboratory examinations to be done of evidence?

14 A The case agents, whether it be written or
15 verbal or a combination of all lab requests.

16 Q And as to these items that we have before us
17 now, the jacket, the gloves and the hatchet, did you make
18 such request that tests be made for blood and then further
19 type that blood?

20 A I'm sure I either made them or another case
21 agent detective with my sanctioning did, yes.

22 Q What is a staffing?

23 A Staffing is a meeting. We use the term a
24 couple of ways. But with the crime lab and District
25 Attorney's Office, we have a staffing or a meeting of all

1 agencies that will be involved in the case, usually prior to
2 the actual testing of any items that have been recovered so
3 we can discuss what we have, what's available, what kind of
4 tests we can run on them without damaging prior to another
5 test, things like that.

6 Q Were staffings held later on in this case?

7 A Yes.

8 Q Once you had these items of evidence?

9 A Yes, they were.

10 Q As a result of those staffings, whether by you
11 personally or with you present, were requests made to test
12 these various items?

13 A Yes, sir.

14 Q And as far as you know, were those tests
15 completed?

16 A Yes, sir.

17 Q As part of your request for testing as the case
18 agents, were you also familiar with any type of evidence
19 that may have existed on Sergeant Sullivan's vehicle?

20 A Yes, sir. There was what appeared to be blood
21 spatter evidence.

22 Q Did you request that some samples be taken from
23 that vehicle to also be tested?

24 A Yes, sir.

25 Q As far as you know, was that completed?

1 A Yes, sir.

2 Q Now, I'll jump back to 1098 Rock Boulevard,
3 early morning hours -- or correction -- evening hours of
4 January 13th, 1998.

5 A Yes, sir.

6 Q After you had discovered the jacket and gloves,
7 what did you do?

8 A Since we hadn't found this Pe or Pea and we
9 knew we were missing a weapon, and certainly we considered
10 him a very dangerous individual, we thought he may in fact
11 come back to that residence. We continued the surveillance
12 once the folks had left to go down to the police department
13 to give the formal statement.

14 Myself and some other law enforcement officers
15 stayed inside and some officers in the outside. That was
16 being done at other locations in the city. But at that
17 particular residence, we had inside and outside
18 surveillances.

19 Q I asked you a few minutes ago if you were
20 looking for a gun as to a weapon that inflicted injuries on
21 Sergeant Sullivan. You responded no.

22 A Correct.

23 Q Were you looking for a gun?

24 A Yes. We were looking for Sergeant Sullivan's
25 gun.

1 Q And where did you believe at that time that gun
2 was?

3 A Based on the statements by the first person who
4 found him and Officer Carl Smith, the actual second person,
5 we believed that his assailant had removed the gun along
6 with some other items.

7 Q So was that a reason for your extra caution in
8 the number of officers involved at that time at the
9 stakeout?

10 A Absolutely.

11 Q While you were at 1098, did you have a police
12 radio with you?

13 A Yes, I did.

14 Q And were you in contact with dispatch through
15 the communications center?

16 A Yes. I also had a cellular phone, and I used
17 both.

18 Q Over the radio did you monitor some type of
19 calls later on that evening?

20 A Yes, sir.

21 Q What type of calls were those?

22 A They were armed robbery calls that were
23 occurring. There was actually armed robberies occurring in
24 Reno and Sparks. I had a Sparks police officer, more than
25 one with me, and I could hear their radios.

1 Specifically in the Reno armed robberies, I
2 heard a location of a vehicle that had been stolen and then
3 one armed robbery after another. There were two. And in
4 each of them, they have described a large, sometimes
5 Hawaiian type male, and one specifically had mentioned that
6 he used a Glock brand pistol as the weapon in the armed
7 robbery, which to me, it certainly sounded like it was our
8 same suspect who was now on a continuing type crime spree.

9 Q What was your reaction to monitoring these
10 types of calls?

11 A Hearing what was going on and knowing the
12 locations that they were giving us, I knew he was not
13 actually that far from my address or out of the Reno area at
14 all. He was in close proximity.

15 So we continued the surveillance. I called
16 dispatch after hearing those and said, special attention,
17 that this certainly sounds like our homicide suspect and
18 it's going to be very dangerous. And I told them to pay
19 particular attention to a Toyota Camry that I had heard
20 announced just prior to the armed robberies as being stolen,
21 because it sounded to me like he had taken that car.

22 I knew from the area, he was very comfortable
23 in that area where the car was missing. So we continued the
24 surveillances and waited to see if he would return to any of
25 those residences.

1 Q Let's say that those string of three crimes,
2 stealing of the car and the two armed robberies, occurred in
3 the vicinity of 10:15 to 10:35 at night, Tuesday night. Was
4 there any other activity that you either saw or monitored
5 with respect to the suspect after that?

6 A No.

7 Q And on the 13th on to the 14th, something did
8 happen; is that correct?

9 A That is correct.

10 Q We will get to that in a minute. Did there
11 come a time that you did call FIS to collect this evidence
12 then?

13 A Yes. After we had not heard of any further
14 crimes, there was nobody had any contact with the suspect,
15 we decided I think, and I'm just guessing, I think 1:00 or
16 1:30, we finally had the crime lab people come into the
17 residence, and even then we made them keep the lights down
18 low, do their collecting and photography as quickly, as
19 quietly as possible.

20 We didn't do a hard search of the entire
21 residence to get them out, and actually we kept the
22 surveillance going, although I left as soon as FIS did. But
23 there were officers that still stayed on the residence in
24 case he did come back.

25 Q By that time of the night, did you have all of

1 the identifying information that you needed on your suspect
2 to pursue an arrest warrant?

3 A We got the arrest warrant the next -- well,
4 several hours later. But as I recall, by then we did have
5 enough to identify him.

6 Q And what is an arrest warrant? What process do
7 you go through?

8 A We type out an affidavit to the judge outlining
9 all of our probable cause to believe that a certain person
10 in the case, the defendant, has committed whichever crimes
11 we delineate in the arrest warrant. Our reasons to believe
12 he committed the crime, that the crime occurred in Reno, and
13 then we present that to the judge.

14 Q Was an arrest warrant issued in this matter?

15 A Yes, it was.

16 Q And what did you do with that information
17 concerning the fact an arrest warrant had been issued?

18 A We immediately broadcast that to all local
19 agencies, but we also put it on the national crime computer
20 so that any officers that may come in contact with the
21 suspect at least has a running chance, knowing that he's
22 armed and dangerous and wanted in the State of Nevada.

23 Q Next day, January 14th, 1998, from where we
24 left off, did you receive some information as a result of
25 broadcasting that nationally or putting it on the computer

1 system?

2 A Yes. We were contacted by representatives of
3 the Salt Lake County Sheriff's office.

4 Q Do you recall what time of the morning that
5 was?

6 A I think it was later on into the afternoon,
7 early evening. I'm thinking 5:00ish on the 14th.

8 Q Do you happen to know, Detective Duncan, what
9 the mileage is, rough mileage is between Reno and Salt Lake
10 City?

11 A I have heard it before as roughly 500 miles.

12 Q 500, 550?

13 A Somewhere in there, yes.

14 Q So by the time you were called by Salt Lake
15 City, would that have given someone sufficient time from the
16 last armed robbery to drive to Salt Lake City from Reno?

17 A More than enough time, yes.

18 Q What did you do as a result of the telephone
19 call you received from Salt Lake City?

20 A Myself and another detective made immediate
21 arrangements to travel to Salt Lake City, and we caught a
22 flight out as soon as possible.

23 Q You're on the airplane headed for Salt Lake
24 City. Did you receive some additional information.

25 A Yes. Not long after -- in fact, I don't think

1 we had left the runway. But we carry pagers. At that time
2 they were alpha type pagers. And we got a message that said
3 Mr. Vanisi is in custody at the Salt Lake County Sheriff's
4 office.

5 Q Did you proceed to Salt Lake City?

6 A Yes, we did.

7 Q And did you meet with detectives there?

8 A Yes, we did the next morning, about 8:00 or
9 9:00 a.m.

10 Q Was Detectives Keith Stevens from Salt Lake
11 County one of the people you met with?

12 A Yes, sir.

13 Q After you met with the detectives in Salt Lake
14 City on that trip, did you return to Reno?

15 A Yes.

16 Q And did you bring some items with you?

17 A Yes, we did.

18 Q A fingerprint master card for Mr. Vanisi?

19 A Yes, sir.

20 Q Did you bring back -- what other items did you
21 bring back with you?

22 A Where they had actually found the stolen Toyota
23 was up there in Salt Lake County near one of his relative's
24 homes. They had impounded that.

25 So we went with them, and we searched the

1 vehicle, actually another detective from Reno and I, and we
2 took the items out of the vehicle.

3 They also released the clothing that Mr. Vanisi
4 was arrested in. We brought that back. And I believe I
5 brought back some negatives of the film that they had taken
6 but they hadn't even developed yet.

7 Q Let me show you photograph 32-B, ask if you
8 recognize that.

9 A Yes, sir. That's a photo of the Toyota within
10 the evidence section at Washoe -- I'm sorry -- Salt Lake
11 County.

12 Q That is the vehicle you searched when you were
13 up there?

14 A Yes.

15 Q I believe you stated you brought back some
16 clothing?

17 A Yes, sir.

18 Q Let me show you what's been marked as 29-A and
19 -B and ask if you recognize those items.

20 A Yes. That's the clothing we brought back, and
21 they told us this is the clothing that Mr. Vanisi had on at
22 the time of his arrest.

23 Q With respect to that clothing, we had already
24 discussed as the case agent your requests to have certain
25 tests done at the FIS, at the forensic laboratory. Did you

1 also request examination and tests be conducted on some
2 articles of that clothing?

3 A Yes, sir.

4 Q And was that completed?

5 A Yes, sir.

6 MR. GAMMICK: Your Honor, I move for 29-A and
7 -B, please.

8 THE COURT: Any objection?

9 MR. SPECCHIO: No objection, Your Honor.

10 THE COURT: 29-A and 29-B are admitted.

11 (Exhibit Nos. 29-A and 29-B admitted.)

12 BY MR. GAMMICK:

13 Q Did you also bring back a firearm?

14 A Yes, sir, we did.

15 MR. GAMMICK: Your Honor, I might indicate at
16 this time that we do have this firearm No. 15-A that we have
17 been using throughout the trial, that the white is simply a
18 safety device to insure that the weapon is inoperable, the
19 white tie.

20 THE COURT: All right. It has been admitted,
21 Mr. Gammick.

22 BY MR. GAMMICK:

23 Q Did you have a serial number with you, when you
24 went to Salt Lake City, of Sergeant Sullivan's firearm?

25 A Yes, sir, I did.

1 Q And when you arrived at Salt Lake City, did you
2 compare that serial number with the serial number of the gun
3 you have in your hand now?

4 A Yes, sir.

5 Q Is that Sergeant Sullivan's weapon?

6 A Yes, sir, it is.

7 Q Did you also bring back some other items that
8 were part of that weapon?

9 A Yes, sir.

10 Q Let me show you what's been marked as Exhibits
11 15-B, -C and -D, and ask if you -- you might want to look in
12 the envelope -- ask if you recognize those items.

13 A Yes, sir, I do.

14 Q Were those with Sergeant Sullivan's weapon when
15 you retrieved it in Salt Lake City?

16 A Yes.

17 MR. GAMMICK: I'd move for 15-B, -C and -D,
18 Your Honor.

19 THE COURT: Any objection?

20 MR. SPECCHIO: No, I don't have any. I thought
21 we did this once already.

22 THE COURT: A was admitted.

23 Now we'll admit 15-B, 15-C and 15-D.

24 (Exhibit Nos. 15-B, 15-C and 15-D admitted.)

25 BY MR. GAMMICK:

1 Q After you came back from Salt Lake City, do you
2 recall when Sergeant Sullivan's funeral was? If you need
3 to, there is a calendar here right behind this map.

4 A I believe it would be Friday, the 16th.

5 Q Did you make it to that funeral?

6 A No, sir, I didn't.

7 Q Why not?

8 A I received a phone call from one of the
9 residents at 1098 Rock Boulevard, the address we were at
10 earlier. They said they had found something in their home
11 that they thought would be pertinent to our investigation.

12 Q And did you respond to 1098 Rock?

13 A Yes, sir, I did.

14 Q Apartment A?

15 A Yes.

16 Q And did you find something else of evidentiary
17 value there?

18 A Yes, sir.

19 Q Let me show you what's been marked photographs
20 22 and 26 and ask if you recognize those.

21 A Yes, sir.

22 Q Are those true and accurate depictions of what
23 you found?

24 A Yes. That's the picture just the way I found
25 it before we recovered it, and then we opened the bag and

1 took another photo of the items inside the bag that we were
2 recovering.

3 MR. GAMMICK: Your Honor, I move for 22 and 26,
4 please.

5 THE COURT: Any objection?

6 MR. SPECCHIO: No objection, Your Honor.

7 THE COURT: 22 is admitted and 26 is admitted.
8 (Exhibit No. 22 and 26 admitted.)

9 BY MR. GAMMICK:

10 Q Let me hand you a box that's been marked as
11 Item No. 16 and ask you to please look in there and see if
12 you recognize the items contained.

13 A Yes, sir, I do.

14 Q Are those the same items to include the white
15 plastic bags that you seized at 1098 South Rock Boulevard,
16 Apartment A, on the 16th?

17 A Yes, sir, it is.

18 Q Were you able to identify the weapon belt and
19 the equipment that is inside?

20 A Yes, sir.

21 Q Is that Sergeant Sullivan's equipment?

22 A Yes, it is. His name is actually engraved on
23 some of the items, or with a Dynamo labeler type label on
24 some of the others.

25 MR. GAMMICK: Your Honor, I move for 16 and

1 contents be admitted.

2 THE COURT: Any objection?

3 MR. SPECCHIO: No objection, Your Honor.

4 THE COURT: Exhibit 16 is admitted.

5 (Exhibit No. 16 admitted.)

6 THE COURT: That doesn't include 16-A or -B,
7 does it?

8 MR. GAMMICK: Those are included in the box.
9 I'll do those now.

10 THE COURT: Those have been marked separately.

11 MR. GAMMICK: Sure.

12 BY MR. GAMMICK:

13 Q I show you Items 16-A and 16 B. Were these two
14 of the items that you mentioned that were marked with
15 Sergeant Sullivan's name that were in that bag?

16 A Yes, they were. It says Sullivan on the radio,
17 and then the name is actually engraved along the cone of the
18 flashlight, Sullivan.

19 MR. GAMMICK: Your Honor, I move for admission
20 of both those items too.

21 MR. SPECCHIO: Didn't we do those already?

22 THE COURT: We marked them previously.

23 MR. SPECCHIO: I have no objection.

24 THE COURT: 16-A and 16-B are admitted.

25 (Exhibit No. 16-A and 16-B admitted.)

1 MR. GAMMICK: May I remove these items just in
2 front of the jury to publish them? I don't want to hand
3 them around or anything but just to show them what is in the
4 box?

5 THE COURT: Yes.

6 BY MR. GAMMICK:

7 Q Actually I see numerous white plastic bags.
8 Were these all within each other at the time?

9 A Yes.

10 Q We have this would be an officer's duty belt?

11 A Yes, sir.

12 Q Isn't there a buckle or something that goes on
13 this?

14 A There is one missing for that one.

15 Q And was that found at the scene where Sergeant
16 Sullivan was killed?

17 A Yes, sir.

18 Q Are these belts with the buckle system pretty
19 strong?

20 A Yes, sir, they are.

21 Q Have you been involved wearing this type of
22 equipment yourself over the last 15 years?

23 A More than I'd like to remember, yes, sir.

24 Q I notice that there is some -- let me ask you
25 this first. We have already talked about laboratory

1 requests and having things done on several items now. Did
2 you also request that these items be processed by the Washoe
3 County crime laboratory?

4 A Yes, sir.

5 Q And for instance, on the radio, we see some
6 white substance here. Are you familiar with that?

7 A Yes, sir. That is the remnants of the
8 Supergluing technique which they employ to hopefully raise
9 latent prints, fingerprints.

10 Q Now, from your experience and training, would a
11 person leave a latent fingerprint if they are wearing
12 gloves?

13 A No, sir.

14 Q You had information -- let me ask it this way.
15 Did you have information that there was a hunt for a police
16 officer Sunday evening?

17 A Yes, sir.

18 Q And did you have information who was involved
19 in that?

20 A Yes, sir.

21 Q And who was that?

22 A I'm not good on the Tongan names. I believe
23 it's Sateki Taukiuvea and the defendant, Mr. Vanisi.

24 Q Also known as Teki?

25 A Yes.

1 Q So at that time you had information that two
2 people were involved in that particular incident Sunday
3 night?

4 A Yes, sir.

5 Q Absent that, was there any evidence that you
6 found or anyone else that worked with you or any evidence
7 that you are aware of during this entire investigation that
8 would indicate that more than one person was involved in the
9 death of Sergeant George Sullivan?

10 A Absolutely not.

11 MR. STANTON: That's all the questions I have
12 at this time, Your Honor. Thank you.

13 THE COURT: Cross-examination?

14 MR. SPECCHIO: May we approach, Your Honor?

15 THE COURT: Yes.

16 (Whereupon, a bench conference was held among
17 Court and counsel as follows:)

18 MR. SPECCHIO: I don't want to start now.

19 THE COURT: Do you have a lot for him?

20 MR. SPECCHIO: Yeah, probably 20 minutes or a
21 half hour.

22 THE COURT: Okay.

23 MR. SPECCHIO: I don't want them to think that
24 I'm going to keep them here that long.

25 THE COURT: What is the status of your

1 witnesses?

2 MR. SPECCHIO: We're rolling.

3 MR. GAMMICK: We're doing fine.

4 THE COURT: When is Dr. Clark going to be here?

5 MR. GAMMICK: She is on vacation this week. We
6 can notify her at any time.

7 MR. STANTON: Right now, Judge, we're looking
8 at a little slower than where we thought the cusp was going
9 to be. We should have a pretty full -- your concern is
10 advising the jury tomorrow?

11 We have Jeffrey Riolo after Jim Duncan. He is
12 about DNA. He is a moderately lengthy witness. After that
13 we have a series of witnesses involved in the robbery, or we
14 have Fernando Moreira.

15 MR. GAMMICK: He is not very long.

16 MR. STANTON: We have the robbery folks which
17 aren't very long. So I would think --

18 MR. SPECCHIO: We'll get done early tomorrow.

19 THE COURT: Will we be able to have Dr. Clark
20 here when we get done so we can make that record?

21 MR. SPECCHIO: Probably Tuesday morning they
22 will probably start with her, I think.

23 MR. GAMMICK: We can do her tomorrow.

24 THE COURT: I'm trying to think if we are going
25 to take an extra long break so that I can have my

1 out-of-the-presence hearing with Dr. Clark.

2 MR. STANTON: Jeffrey Riolo is probably going
3 to take an hour.

4 MR. SPECCHIO: At least. Yeah, about an hour,
5 hour and a half for him. But the after that they should
6 slide pretty easy.

7 MR. GAMMICK: Right now finishing with
8 Mr. Duncan tomorrow morning on cross, the rest of the
9 witnesses, I'm anticipating Dr. Clark 1:30 early afternoon
10 we'll be ready for her.

11 MR. STANTON: Because if we have got the cross
12 of Jim tomorrow morning, we have Riolo, that is probably
13 going to carry us over into the afternoon.

14 MR. SPECCHIO: I don't think it will be that
15 long, do you?

16 THE COURT: You said 20 minutes.

17 MR. SPECCHIO: Half hour, 20 minutes with him.
18 Probably that long with Riolo. Maybe not that long with
19 Riolo. I would think lunchtime we'd be done with these two
20 days. After that they should be up and down like nothing.

21 MR. GAMMICK: I'm figuring Dr. Clark 1:30 at
22 the earliest, depending if we carry over witnesses.

23 We're getting down to kind of shaving hours
24 now, and it is going to be pretty close. I'll tell the jury
25 they will probably get off early tomorrow afternoon, and I

1 would have to have Dr. Clark here at 1:00 so we can have our
2 hearing outside the presence of the jury then, and then I'll
3 bring the jury back from lunch at 1:30.

4 Q And then we have probably about a full hour of
5 witnesses after that. That is 2:30?

6 MR. SPECCHIO: That is it.

7 MR. STANTON: Then we will be into Ellen if we
8 can call her after those witnesses. I'm thinking somewhere
9 around the afternoon recess, little bit before that, we'll
10 be getting to --

11 MR. SPECCHIO: If we are going to bring that
12 Teki back, we'll bring him back after her.

13 THE COURT: They are not resting yet.

14 MR. SPECCHIO: Who else do you have? You have
15 the Salt Lake guys.

16 MR. GAMMICK: Tuesday morning.

17 THE COURT: Are you going to cross Dr. Clark
18 very long?

19 MR. SPECCHIO: No, I don't think so.

20 THE COURT: All right. If you are, then they
21 won't get out early.

22 MR. SPECCHIO: No, I don't think so.

23 (Whereupon, the following proceedings were held
24 in open court, in the presence of the jury.)

25 THE COURT: Okay. Ladies and gentlemen of the

1 jury, we were just discussing the schedule for tomorrow so
2 that I could give you some indication of what your schedule
3 is going to be like tomorrow.

4 I do have an early morning hearing, but I
5 anticipate that we will be able to start by 10:00 a.m. So
6 I'd ask that you be back at 10:00 a.m. ready to go.

7 I anticipate that we will break for lunch
8 approximately noon and that you will have a lunch break from
9 12:00 to 1:30. Then you may get off early tomorrow
10 afternoon.

11 We might have a situation where we have got
12 some people coming from out of town to be witnesses, and
13 we're not going to bring them in until after the holiday
14 weekend. So when we get done with the witnesses tomorrow
15 afternoon is when you will get to go home.

16 I can guarantee you, you won't be here past
17 5:00, but I think it will probably be around 3:30 or 4:00.
18 We'll work as diligently as we can. You might get a little
19 bit long weekend.

20 We will not be holding court on Monday. Monday
21 is a legal holiday, and so court will not be held on Monday.

22 So you will have the three-day weekend, and
23 then you will return to the courthouse on Tuesday. I'll go
24 over that in more detail with you tomorrow. But just so you
25 can kind of make your schedules out.

1 Now, ladies and gentlemen, during this
 2 evening's recess, I want you to remember the admonition that
 3 you have received at all other breaks. It's your duty not
 4 to discuss among yourselves or with anyone else any matter
 5 having to do with this case. It is your further duty not to
 6 form or express any opinion with regard to the defendant's
 7 guilt or innocence until the case has been finally submitted
 8 to you for decision.

9 You may not look at, read, view, listen to any
 10 news media accounts regarding this case, and should any
 11 person attempt to influence you in any manner about this
 12 case, you are to report it to the bailiff as soon as you
 13 return to the courthouse.

14 Ladies and gentlemen of the jury, you are
 15 excused at this time.

16 (Whereupon, the following proceedings were held
 17 in open court, outside the presence of the
 jury.)

18 THE COURT: Audience will remain seated,
 19 please. Detective, you are excused until tomorrow morning
 20 at 10:00 a.m.

21 THE WITNESS: Thank you, Your Honor.

22 (Witness temporarily excused.)

23 THE COURT: Counsel, you have provided to me
 24 something entitled Stipulation. It purports to be a
 25 stipulation regarding Investigator William Stevenson's

1 testimony.

2 Have you signed that, Mr. Specchio?

3 MR. SPECCHIO: Yes, Your Honor.

4 THE COURT: And Mr. Gammick?

5 MR. GAMMICK: Yes, Your Honor.

6 THE COURT: Mr. Vanisi, did you have an
7 opportunity to discuss the entering of a stipulation with
8 your counsel?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And you saw the stipulation?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you discuss it with him?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you have any objection to his
15 entering that stipulation?

16 THE DEFENDANT: No objection, Your Honor.

17 THE COURT: Now, counsel for the State has
18 requested that a jury instruction be read to the jury at the
19 same time as the stipulation is entered and provided to the
20 jury. I don't know exactly what you want me to say, but I
21 did pull out the Nevada pattern jury instructions for civil
22 cases. This is Nevada pattern instruction 2.06.

23 The instruction reads: "If counsel for the
24 parties have stipulated to any fact you will regard that
25 fact as being conclusively proved." And the stock

1 instruction is "as to the party or parties making the
2 stipulation," and I changed that to read just "conclusively
3 proven."

4 MR. SPECCHIO: Well, Your Honor, I would oppose
5 reading any instructions to the jury at this time. I think
6 you can read the stipulation. If they don't understand it,
7 I'm sure that somebody in closing argument will bring that
8 out to them.

9 I just think highlighting an instruction to a
10 jury before they are instructed is getting into dangerous
11 territory.

12 THE COURT: Do you have any objection to the
13 instruction as I have provided it to you in the instructions
14 at the end of the case?

15 MR. SPECCHIO: No, I don't, Your Honor.

16 THE COURT: Mr. Stanton, would that satisfy
17 your concerns?

18 MR. STANTON: Yes, Your Honor.

19 THE COURT: Okay. Well, he made the motion,
20 Mr. Gammick. I wasn't trying to ignore you.

21 MR. GAMMICK: I understand, Your Honor.

22 I believe we did include a stipulation
23 instruction in the stock jury instructions we furnished the
24 court. It's not in there?

25 THE COURT: No. I looked for it this afternoon

1 after you gave me the stipulation, and it wasn't in the ones
2 I received. That's why we did this one. So if you want to
3 provide a different one by the time we settle instructions,
4 that is fine. Otherwise this will be the one I'll give.

5 MR. GAMMICK: That is fine, Your Honor.

6 THE COURT: Counsel, do you understand that the
7 clerk will file the stipulation in and mark it as an exhibit
8 next in line? It will not go to the jury, but it will be
9 part of the permanent record of this case, and counsel has
10 requested being able to read the stipulation into the
11 record.

12 MR. SPECCHIO: That's fine, Your Honor.

13 MR. GAMMICK: That's fine, Your Honor.

14 THE COURT: Is that what you wanted to do?

15 MR. GAMMICK: That is fine, Your Honor.

16 THE COURT: The clerk will mark the entered
17 stipulation, and we will place the proposed instruction with
18 the other proposed instructions for final determination at a
19 later time of jury settling, jury instruction settling.

20 It is hot in here, Mr. Specchio. You think
21 it's hot for you, wear a wool bath robe, and you will feel
22 even better.

23 MR. SPECCHIO: May I tomorrow, Your Honor?

24 THE COURT: You know, I have often thought we
25 could give everybody different colors. Court clerk has

1 asked for that before. At the present stage I don't think
2 I'll let you.

3 Anything further?

4 MR. GAMMICK: No, Your Honor.

5 MR. SPECCHIO: No, Your Honor.

6 THE COURT: Court is in recess.

7 (Recess for day taken at 5:05 p.m.)
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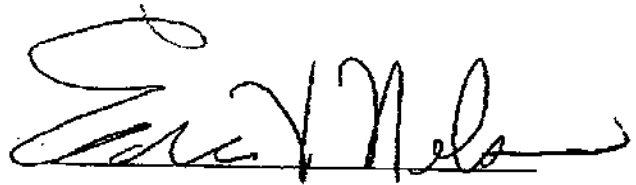
STATE OF NEVADA,)
)
COUNTY OF WASHOE.)

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 14th day of
January, 1999.



ERIC V. NELSON, CCR No. 57

Exhibit 90

Exhibit 90

FILED

JAN 15 1999

AMY HARVEY CLERK
BY: *[Signature]*
ADMIN. ASST.

1 Case No. CR98-0516

2 Dept. No. 4

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

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THE STATE OF NEVADA,
Plaintiff,

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vs.

O R D E R

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SIAOSI VANISI, a.k.a.
"PE," a.k.a. "GEORGE,"

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Defendant.

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The Defendant having made a Motion for Mistrial in open
court on January 15, 1999, and having considered the oral
representations of counsel, as well as the Defendant's
statements, finds in the interests of justice and with good
cause appearing,

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IT IS HEREBY ORDERED that the Motion for Mistrial is
GRANTED.

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1 IT IS FURTHER ORDERED that a hearing be set for Tuesday,
2 January 19, 1999, at 10:00 a.m., to reschedule this matter for
3 trial.

4 Dated this 15 day of January, 1999.

5 Connie J. Steinheimer
6 DISTRICT JUDGE
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CERTIFICATE OF MAILING

Case No. CR98-0516

Pursuant to NRCP 5 (b), I certify that I am an employee of JUDGE CONNIE STEINHEIMER, and that on the 15 day of January, 1999, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

Richard Gammick
Washoe County District Attorney
VIA INTERCOUNTY MAIL

Michael Specchio
Washoe County Public Defender
VIA INTERCOUNTY MAIL

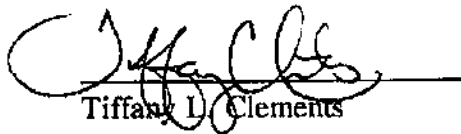

Tiffany L. Clements

Exhibit 91

Omitted

Exhibit 91

Omitted

Exhibit 92

Exhibit 92

Declaration of Paulotu Palu

I, Paulotu Palu, hereby declare as follows:

1. My name is Paulotu Palu and I currently live in the village of Fasi moe Afi, on the Island of Tongatapu, in the Kingdom of Tonga. I am related to Maile and Luisa Tafuna through my maternal family.
2. I was born in Tonga, but moved to the San Francisco Bay area of California, in the United States, in approximately 1982 in order to attend school. This is when I first met Siaosi Vanisi and he was about 12 years old at the time. I lived in the United States until 1987 when I moved back to Tonga. During the time I lived in the United States I stayed with Maile Tafuna for approximately a year.
3. Maile was a very giving man and would always go out of his way to help people. He provided me with anything I needed and did the same for many other people in the community. In fact, he was so generous to others that he would sometimes deprive his own immediate family of things in order to help other people. I moved out of his house because I felt that he was doing so much for others and me that his own wife and children were doing without. I called my mother when I began to feel this way and she told me that I should move out because it was not right for me to take away from Maile's own family.
4. Domestic violence was very common in the Tafuna's and my family. Men in the family beat their wives and children as a form of discipline and this was not considered unusual. Maile's family was no exception. He was extremely authoritarian and harsh with his wife and family. He angrily yelled at them when he was unhappy with their behavior and he regularly beat his wife.
5. Maile liked living big and giving the impression that he was rich. He used his position as the head of his extended family to get income from his family members. He used this income to maintain appearances and financially help others in the Tongan community.
6. Siaosi was always a good kid when he was growing up. He was well behaved and didn't cause any problems. Siaosi's brother, Tevita, was the troublemaker in the family. Despite their different natures, Siaosi and Tevita were very close. Siaosi was deeply affected when Tevita died and Siaosi was depressed for a long time.
7. Siaosi was raised by his aunt Toeumu, who was called Umu. The Tafuna family in San Bruno were all very close and Siaosi's uncle Maile was his father figure. Siaosi was very attached to Umu. He was clingy and seemed like he was always by her side. Siaosi acted like he was a baby clinging to his mother, even after he was no



longer a small child. Umu and the rest of the family all treated Siaosi like he was a baby as long as I can remember. Because of his nature and the way he was treated Siaosi was given the nickname "Pe pe," which is the Tongan word for baby. When he got a little older his nickname was shortened to "Pe."

8. Umu was always a little slow in her thinking. Because of this, Umu was treated much the same way that Siaosi was treated by the rest of her family. When Umu was younger her nickname was also "Pe." Umu and Siaosi's mother, Luisa, were very close.
9. When Siaosi's father left Luisa in Tonga and moved to the United States Luisa's family all pitched in to help support her and her children. Maile helped to take care of Luisa more than anyone else did. When Maile left and went to the United States it greatly effected Luisa's living situation. Nonetheless, Luisa was always a very happy and outgoing person.
10. After returning to Tonga I still traveled to the United States about once every year to visit family. One time after Siaosi was an adult, in approximately 1990, I went to the United States for a wedding. I saw Siaosi for a little while on that occasion and he was acting strangely. He was unusually outgoing and talkative and seemed a little hyper. He was dressed as a cowboy, wearing a cowboy hat and boots and a complete cowboy outfit. He was also speaking with a Southern drawl and sounded like a cowboy from the movies. I thought it was odd at the time, but thought that Siaosi was just seeking to be the center of attention.
11. Luisa was devastated when Siaosi received the death sentence. She was no longer the happy, outgoing person that she always was. She cried uncontrollably and often would cry continuously without stopping for hours. Luisa died within about a year of Siaosi's sentence and I believe that his situation contributed to her death.

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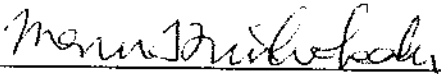


12. No one ever spoke to me about Siaosi's case prior to the time of his trial. The first people acting on Siaosi's behalf to ever talk to me about Siaosi's case were Assistant Federal Public Defender Benjamin Scroggins, defense investigator Herbert Duzant, and interpreter Manu Tu'uhololoaki. Had anyone on Siaosi's defense team ever contacted me I would have given them the information contained in this declaration and would have testified to these facts on Siaosi's behalf.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 24 2011 in the village of Fasi moe Afi, Tongatapu, Tonga.



PALOTU PALU



Manu Tu'uhololoaki, Interpreter

Koe fakamatala ā Pulotu Palu (P.1) 11

1. Ko e ngaahi meā eni ne fakapapaui ē Pulotu Palu:

[1] Ko hoku hingoa ko Pulotu Palu ōku ou nofoi he kolo ko Fasi moe Afi i he motu Tongatapu i he Paleānga Tonga ōku ou kainga mo Maile mo Luisa Tafunga i heeku famili faēē.

[2] Naē fanau ai i Tonga, ka naāku hiki ki San Francisco i Kalefonia ā ia i Amelika i he 1982 koeūhi ke hoko atu ēku ako. Pea naāku nofo i Kalefonia ou tuofua feiloaki ai mo Siaosi Vanisi ā ia naā ne tau 12 nai hono tau motua he taimi kora. Naāku nofo i Amelika ō au ki he 1987 pea toki foki mai ki Tonga'ni. I he taimi naāku nofo ai i Amelika naāku nofo he tau ē taha ia Maile Tafunga mo hono fāmili.

[3] Ko e tangata faa foaki aupito ā Maile pea faa tokoni ki he kakai kehekehe. Naā ne foaki kiate au mo e kakai tokolahi i he feituuni. Naē ia i ā e ngaahi taimi naē lahi ange ene foaki mo e kakai kehe ōu kanai toki kae hala honohoa mo e fanau. Naāku hiki mei hono āpi he ōku ikai keu fēmālie ki he ene foaki kiate au mo e kakai kehe kae hala ene fanau mo hono hōa. Naāku fetuitaki mai ki heeku faē. Naā ne talamai ken au au ōua to e hokohoko atu ā e nofo ai he ōku ikai

Ke totou kua au keu vahevahe ā e māunga mōtū
e famili o Maile.

[4] Koe ngāueāki ā e tā he vahaā o e husepaniti
mo e uaiti ōku lahi āupito ā hono ngāueāki tatau
pē i he famili Tafuna hangē pe ho hōman Kainga
Koe kalcai tangata tokolahi ōku nau tā honau
ngaahi hoāmo ē nau fānau pea koe ūlungaangā
ni ōku lahi āupito honofai' pea ikei ke faka-
tokanga'i ko ha ūlungaanga kehe. Koe famili
o Maile naē kau ai o ikei ke makehe. Naā n-
kailcaila mo fāā tafulu i he ikei ke toto
fiemālie ki ha meā. Naē fuū tāē fieauna
mo fakafefeka ā ēne tuūtūniki hono
hoā' mo e famili. Hangē ko ēne tauka ēne
fānau mo hono hoā.

[5] Naē manako ā Maile ke fakaātiāli ōku mānā
ēne meā. Naā ne ngāueāki ēne ūlumotuā he
famili ke tanaki mo fakamāōpōōpo ki nauā
ōāu ki he tanaki paānga ke fakailongāi ōku
lahi ēne meā ōku mānā. Pea i he ēne tanaki
mei he kau memipa o e famili naā ne tokoni
āki ki he kalcai kehe ōku fiemānā tokoni.

[6] Koe tamasiī anga lelei ā Siaosi he ne
tupu hake. Naē talangofua pea ikei ha palopdem
Koe tatau o Siaosi ko Tevita Siu naē faā palopdem
mo e famili. Ne onao ēna faikohelcohe

he 'ulungaanga mo e to'onga ka na'ana fu'u vāofi (p.3) *
mo hono tokoua ko Tevita Sina. Na'e fu'u lotomamahi
aupito ā Siasosi he māvae mo Tevita he'ene
mālōlō pea na'e lotomamahi mo faingata'ia he
taimi lahi hili ā e mate hono ta'okeke.

[1] Na'e ohi ē Toe'umu, tokoua o'ene fa'ē ā
Siasosi. Pea na'e ui ko'umu. Na'e fu'u vāofi
aupito ā Siasosi mo e famili Tafuna i San
Bruno pea ko'ene fa'ē tangata ko Maile
na'e hangē ha tamai kiate ia. Na'e fu'u
pipiki aupito ā Siasosi kia'umu. Koe taimi
kotoa pē, na'a ku fakatokangāi ā'ene i he
tafeta'aki o'umu. Na'e fu'u pipiki ā Siasosi kia
umu o'au aipē ki he'ene fu'u lahi hake i kaila
ko ha kiitamasii si'i, ko'eku fakatokangāi
na'e tauhi mo tokengāi ā Siasosi ē he famili
hangē pe ha pēpē. Koe'uhi koe anga e'au
tauhi mo ohi o Siasosi ko'euhinga ia na'e uia i
ko pēpē ā ia ko e lea fakatonga ia ki he pēpē.
I he'ene fu'u lahi hake na'e māu hono hinga
fakatenetene ko "pē."

[2] Ko'umu na'e hangē pē o'ku kila tuai ā'ene
to'onga fakakaukau. Koe'uhi koe fa'apehē ā
umu na'e pehē pe ā e anga o e famili ki ai o
na'ae ko Siasosi si he'ene na'a fa'apehē

AA03387

1988
The Kei sili a'umu fa'e ohi a Siaosi ko hono hinga
fakatenetene ko "pe". Na'e fu'u va'afi a'upito a'umu
fa'e ohi a Siaosi mo Luisa a'ene fa'e totonu.
[9] The mavae a e tamai a Siaosi mo Luisa o
tuku a Luisa moe fanau kae hiki ki Amerika. Na'e
tauhi motakanga'i e he ngaahi famili moe kaing
a Luisa mo e he fanau. Na'e tokoni a Maile ke
tauhi a Luisa mo e he fanau o lahi hake i ha
toe taha. Ihe hiki a Maile ki Amerika mo hono
famili na'e fu'u ongo a'upito kia Luisa i he anga
o e nofo. Ka na'e hoko pe a Luisa ko e tokotaha
fie fia mo faka'feohi.

[10] Hili eku foki mai ki Tonga'i na'a ku fa'a
fononga pe ki Amerika meimei tuotaha hetai
o a'ahi ki hoku kainga. Na'e i ai a e fa'a e
taha na'a ku elu ai ki he mali i Amerika. Na'e
ku sio ai kia Siaosi o ku to'onga kehe ka o ku
ne o si fu'u tangata mahalo pe la'o. Na'a ne fu'u
fa'a talanoa a'upito mo to'onga sekisekia mo ivi'i.
Na'a ne tui hono vala fakatauvao, ko e puti faka
kampoe mo e tatata mo e foiteunga kalato. Pea ko e
anga e he lea hangē ko e faahinga lea a e tatata
Tonga i Amerika o hangē ha lea o kampoe he ngaahi
faiva. Na'a ku fakakaukau o ku ngali kehe ka na'a
cu pehē o ku ne fieman ke toka na'a angē ki ai.

III Na'e ongo'i aupito e Lu'isa 'a e tautea matea 'a Siasosi. Na'e lilia ene to'onga fiefia mo malimali he ko e fefine fiefia. Na'a-ne lotomamahi mo fa'a tangi pea ihe ta'imi nihi na'e tangi o lau lau houa. Na'e ma'lotō 'a Lu'isa he osipē tau'atoha mei he hoko 'a e mea 'a Siasosi. Oku ou tui ko e tauka o Siasosi na'e fakavave ai sili hiki atu 'a e fa'ē ni.

12 Na'e te'eki ke talanoa mai ha taha ki he tauka o Siasosi. Ko e kakai na'e nau fakafofonga 'a Siasosi ki mua na'e ikei ke nau fetu'utaki mai kiate au. Ko e fuofua fetu'utaki mai kiate au o fekau'aki mo Siasosi ko Benjamin Scroggins, ko e fakafofonga la'o 'a e Federal, Herbert Duzant, fakatoto'o 'a e Federal pea mo Manu Tūhuloaki, fakatonulea. Kapau ne fetu'utaki mai 'a e kau fakafofonga ki mua 'a Siasosi na'ku foaki 'a e falamata tatau ke tokoni ki sili Siasosi.

Oku ou fakapapau ko e u le'a ni ko e fotonu mo mooni 'a ia na'e fai he 'aho 24 Sanuali, 2011; he kolo ko Fasi moe Afi, Tongatapu, Tonga.

Manu Tūhuloaki
Manu Tūhuloaki, Fakatona...

Pulu
Pulotu Palu
AA03389

Exhibit 93

Exhibit 93

Declaration of Siaosi Vuki Mafileo

I, Siaosi Vuki Mafileo, hereby declare as follows:

1. My name is Siaosi Vuki Mafileo, my date of birth is _____, and I currently live in Honolulu, Hawaii. Maka'afa Vanisi, the father of Siaosi Vanisi, was my cousin as our grandfathers were brothers. I am two years older than Maka'afa and we were raised together in Tonga from the time that we were small children. Maka'afa lived with his immediate family in Fasi, Tongatapu and I lived in neighboring Kolofo'ou. Maka'afe and I attended the same Government Primary School, but we attended different high schools. When we were teenagers we were both a part of a circle of friends who were known as the Kolofo'ou stars, and I still have the star tattooed on my hand which signified our friendship in this group.
2. Maka'afa was never focused as a child, or at any time during his life, and he did not have any responsibilities. Maka'afa never had a job while he was in Tonga and he survived by living off various members of the family. Maka'afa depended on his parents, aunts, uncles and cousins for food, money and shelter. Maka'afa never lived independently at any time in his life. Maka'afa had a short attention span and a lot of difficulties with completing tasks.
3. Maka'afa started drinking alcohol when he was about 15 years old and he quickly developed a bad drinking habit. Maka'afa frequently made a Tongan fermented beverage called Hopi and he used to hide it in swamps and other secluded areas. Maka'afa drank until he was intoxicated almost everyday.
4. Maka'afa was a violent drunk because he usually became angry when he drank alcohol and started problems with random people. Whenever Maka'afa became drunk he often picked on people and tried to start fights. I recall at least two occasions where I had to hit Maka'afa to stop him from starting fights with others and I warned him to change his ways.
5. Whenever Maka'afa drank alcohol he usually talked to himself. Maka'afa rambled during these occasions and his words made no sense to me. Maka'afa spoke about random topics that were not in a particular order and he sometimes mentioned a few names of people. I was never able to follow what he was trying to say.
6. Maka'afa frequently did the Tongan warrior dance and bragged about his family being from the island of Vava'u. If anyone laughed at Maka'afa or teased him while he was doing the warrior dance, Maka'afa attacked the person.
7. Throughout Maka'afa's life, I frequently saw him sitting down by himself and gazing off to the distance. During these occasions it seemed like his body was there but his

mind was somewhere else. When Maka'afa became older I sometimes saw tears steaming from his eyes as he gazed off into the distance, and he sometimes told me that he cried because he wished that his life could have turned out differently. Maka'afa frequently seemed like he was depressed, and he sometimes spoke about the regrets of his life. Maka'afa felt bad that he was never able to take care of himself or be there for his children. To make Maka'afa feel better, and to take his mind off of the things that depressed him, I usually pulled out a bible and read scriptures with him. This usually took some of the sadness away.

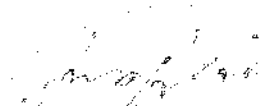
8. Maka'afa suffered from mood swings while he was sober or intoxicated. Maka'afa was happy one minute, sad the next and then he'd get angry and began yelling at people and wanting to fight for no reason. It was impossible to predict Maka'afa's moods and reactions to different situations because they were constantly changing and without explanation.
9. Maka'afa used to carry around knives from the time that we were growing up in Tonga. When Maka'afa was in his late twenties he was arrested in Tonga for stabbing another man. The stab was not fatal because the man survived his injuries. Maka'afa never went to trial because a family friend, Mr. Vakapuna, bought Maka'afa a ticket to come to Hawaii to work for him in 1969.
10. Although I knew that Maka'afa was married and had children at the time when he left Tonga for Hawaii, I never met his family. I also had no idea how their lives were impacted by Maka'afa leaving them behind. He never spoke about his family and I knew nothing about his children.
11. I joined the Tongan army from 1969 until 1975, and then I worked on a cruise ship from 1975 until 1978. In 1978 I moved to Hawaii and I have lived here ever since that time. When Maka'afa came to Hawaii in 1978 or 1979 he stayed with my brother, the late Latu P. Mafileo, for about a year before moving in with me and my wife. Maka'afa lived with us for almost twenty years at four or five locations around Oahu.
12. Maka'afa dated women during the time period that he lived in Hawaii, but he never had any long term relationships. Maka'afa usually took a woman out for a date once or twice, and then never saw her again.
13. Maka'afa sometimes did work for my business during the 1980's, but he was never a constant or reliable worker. Maka'afa was forgetful, he spent time hanging out in the streets with friends instead of working, and he often did not complete jobs. Maka'afa usually worked no more than two or three days at a time, and stopped after he was paid. Maka'afa usually only worked when he needed extra money to purchase alcohol.

14. Maka'afa's drinking problems continued from his teen age years into his adulthood, and he drank heavily throughout the time period that he lived with me in Hawaii.
15. Maka'afa's belligerence while drinking also continued while he was living in Hawaii. Maka'afa frequently engaged in bar fights, and attacked people for no reason when he was drunk. Maka'afa sometimes sat quietly while he was drunk and then all of a sudden he stood up and attacked people who did nothing to him. I remember seeing Maka'afa strike a guy with a chair as he was passing by for no reason. When I spoke to the guy he told me that he had no idea why Maka'afa attacked him because he didn't even know him. When I asked Maka'afa why he attacked the man, Maka'afa never explained why. Maka'afa was never able to tell anyone why he attacked people for no cause.
16. I once stopped Maka'afa from stabbing a guy in a bar. During the altercation Maka'afa pulled out a knife and began swinging it at the guy. I stepped in and grabbed Maka'afa before he injured the other person. I heard that Maka'afa attacked at least one other person in a bar, in Hawaii, with a knife when I was not around. I'm not certain how this other incident ended.
17. Maka'afa was obsessed with revenge and getting back at people who he believed did him wrong. Maka'afa held on to grudges for long periods of time and he did not rest until he got back at a person no matter how long it took. Maka'afa sometimes attacked people who did him wrong after they had forgotten about the dispute and moved on.
18. Maka'afa frequently experienced blackouts and could not recall the things that he did while he was intoxicated and before passing out. Maka'afa always complained about not remembering the things that he did while he was intoxicated, like attacking people for no reason. Maka'afa was often surprised when he heard the things that he did while he was drunk. Maka'afa also complained about not knowing where he was or how he had gotten to the locations where he woke up. I often had to drive to the various locations where Maka'afa found himself on the mornings after his drinking binges.
19. I became fed up with Maka'afa's behavior while he was drunk so I completely stopped drinking alcohol with him around 1984, although he continued living with me. I was tired of breaking up his fights and stopping him from harming others. I was also tired of seeing him make a fool out of himself while he was intoxicated.
20. My wife and I cared for Maka'afa and allowed him to live with us until 1999 when Maka'afa moved into an assisted living facility. Maka'afa had a couple strokes and developed other major health problems by this time, and we could no longer care for

him by ourselves because my wife and I both worked. Maka'afa never lived independently or held onto jobs for long during the entire time that he lived with us.

21. Maka'afa never talked about his children in San Bruno, so I never knew much about them. I have no recollection of Maka'afa ever discussing the death of his eldest son, Tevita Siu Vanisi, during the 1980's. Maka'afa knew that his son, Siaosi, was in prison for murder but we never discussed this matter because it was painful for Maka'afa. Maka'afa discussed his feelings of regret for not being there for his children only towards the end of his life.
22. Maka'afa's daughter, Sela, came from San Bruno, California to retrieve him in 2005 when Maka'afa became too ill to live by himself even at the assisted living facility. Sela then cared for Maka'afa for the next five years until his death in March 2010. Maka'afa wanted to die in Hawaii but he had no choice because there was no one here in Hawaii who could care for him. I attended Maka'afa's funeral and, at his request, eulogized him on behalf of his father's family.
23. I was never contacted by anyone working on Siaosi Vanisi's behalf during the time of his trial or at any other time. Herbert Duzant and Ben Scroggins of the Federal Public Defender's office, district of Nevada, and their interpreter, Lois Tiedemann, were the first people who ever spoke with me about Siaosi's case. Had I been contacted previously, I would have provided all of the information that was included in this declaration and I would have been willing to testify to these facts. I also would have asked the jury to spare the life of my cousin's child.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 22, 2011 in Honolulu, Hawaii.



Siaosi Vuki Mafileo



Interpreter, Lois Tiedemann

KOE FAKAMATALA A SIAOSI VUKI MAFILEO: P1

KO AU, SIAOSI VUKI MAFILEO, OKU OU FAKAHA ATU
AE NGAHI FAKAMATALANI:

(1) KO HOKU HINGOA KO SIAOSI VUKI MAFILEO, NAE FALE
AI I NUKUALOFA, TONGATAPU, IHE AHORU OSEPTEMA
TAU 1944. OKU OU LOLOTONGA NOFO I HONOLULU, I
HAWAII. KO MAKAAFA VANISI, KOE TANAI IA A SIAOSI
VANISI. OKU OU TOKOLIA AKI A MAKAAFA HE KO ENE
KUI PEAMO EKU KUI KOE ONGO TAUTEHINA. NAAKU
TUPU FAKATAHA HAKE PEAMO MAKAAFA, NEOGO
NAE NEOPE IA I FASI PEAMO ENE ONGO MATUA
PEAMO HONAKI I FAMILI, KAU TUPU HAKE PEAMO
MO NOFO I KOLOFOO, PEAMO EKU ONGO MATUA
PEAMO HONAKI I FAMILI. NAAKU HUI FAKATAHA
PEAMO MAKAAFA KIHE LAUTOMI PULEANGA A
NUKUALOFA, I KOLOFOO. IHE AKO FAKAKOLISI
NE MA AKO HE KOLISI KEHEKEHE. IHE TAIMI
NE MA AU AI KIHE VAHA A OE TAU 13, MOE TAU
19, NE MA HUI AI OKAU, IHE KULUPU AE TOUTU,
HO MA NGAHI MAHENI, NAE UI KOE KOLOFOO
STARS. OKU KEI I LONGA PE I HOKU NIMA, AE
TATATA, KOE FOI FETU (STAR). KOE FAKA LONGA
AE UOONGATANA, PEAMO FEOFOOFANI, AE
KAU NEMPA OE KULUPU.

2. KO MAKAAFA NAE TALIMUVALEA PE A ENE MOUI,
TALU PE MEI HE ENE KEI SIISI. NAE IKAI KE
FIE NGAE IA I HA NGAEANGA, IHE ENE KEI I TONGA.
NAE FAKAFALALA PE ENE MOUI KIHE ENE ONGO
MATUA, PEAMO FAMILI. O TATALI PE, PE KOHA PAANG,
KE PEAU AKI ENE FIENAI, PE KOHA MEAKAI KE KAI,

PE KOHA FEITUU KE NGEO MO MOHEAI. NAE'IKAI
TEITEI 'IAI HA TAIMI 'IHE MOU'A MAKAAFA, NAE
LAVA AI KE MOULIATE I A PE, TAE FAKAFA LALA
KIHA TAHA KEHE. NAE MOU' FAKAFALEVALE,
PEA NAE'IKAI KE LAVA E MAKAAFA, KE FAI FAKA
LELEI, MO FAKAMATOATO, HA FAKAHINGA NGANE
E OANGE KENE FAI.

3. NAE KONATA PE AE INU KAVA MALOHĪ A MAKAAFA,
OKU KEITAU IS PE, PE OEI KIAI NAE'IKAI FULOLOA
KUD NAU HEE KAVA MALOHĪ A MAKAAFA. NAE NGAAHI
HOPI NAU PE O FUEU HOLO HE NGAAHI FEITUU
KEHEKEHE - HE OKU TAPU 'IHE LAO AE PULEANGA
TONGA - AE NGAAHI, PE KOE KONĀ, 'IHE HOPI. NAE
KONĀ PE A MAKAAFA IA 'IHE MEIMEI AHO KOTOA.

4. NAE NATUAKI FAKATUITANAKI LAUATO A
MAKAAFA, 'IHE TAIMI NAE KONĀ AI. NAE TAKA-
TAKA FAKAMALOHI, FAKAMOVEUVEU, PE A NAE
MEIMEI FAKATUPU KE PE IA, 'IHE TAIMI KOTOA PE
NAE KONĀ AI. NAE TUO UA 'EKU HANGA O TUKU
A MAKAAFA KE TAGELAKI, KOE'UHI, KO'ENE FAKA-
TUPU KE. NE TUO LAHI 'EKU AKONAKI KIA MAKAAFA
KE FEINGA KE TUKU'ENE INU KAVA MALOHĪ - PE
KE FEINGA FORI KE LIU'ENE TONGA MOU.

5. NAAKU TOKANGAI KO E TAIMI KOTOA PE OKU KONĀ
AI A MAKAAFA, OKU TALATALANGA PE IA KIAI.
TAIMI LAHI OKU NGONENGONE PE, PE A 'IKAI FA'A
MAHINO IA KIHA TAHA, PE KOE HA KOĀ AE ME'A
'OKU TALANGA KIAI. TAIMI E TAHA, OKU VALEVALE
LAU 'IHE NGAAHI ME'A KEHEKEHE, OKU 'IKAI TE NAH
CEKALAKI, PE A FA'A TUUNAHU NAU.

NĀĒ 'AI ĀE TAINI 'E NI'HI NĀĒ FĀĀ TULAI Ā
 6. Ō HAKAI ĀE SIPITAI - TOKUA KO E SIPITAI Ā
 VAVAU. NĀĒ LAUKAU AKI 'E NAKAĀFA ĀE PEHE
 KO E HĀU Ā HONO FAMILI NEI VAVAU. NĀĒ
 FAKAPOU'U AUPITO ŌKAPAU, 'E FAKAMATAKILI
 ANGE HĀ TĀHA, LOLOTONGA 'ENE HAKAI ĀE SIPITAI
 - PĒA ĀU ŌNE ŌHOEI ĀE NI'HI.

7. KO E TAINI LAHI 'IHE KEI MOU' Ā NAKAĀFA. NEU
 FAKATOKANGAI, NĀĒ NE MANAKO KE NOFO TOKOTĀHA
 PE Ō SIO FAKAMANAŌ KIHĒ MANAŌ. KO E NGAAHI
 TAINI 'ENI NĀĒ HANGE KO HONO NGĒESI SINO PE NE NĀU
 SIO KIA. KO 'ENE FAKAKAUKAU ANA NĀĒ MANAŌ
 AUPITO IA 'IHE FEITUA KEHE. 'IHE TAINI NEMOTUA
 ANGE AI Ā NAKAĀFA, NĀĒ ŌHOVALE PE KUO
 MOKULUKULU HONO LOIMATA. NĀĒ MAHINO
 AUPITO NĀĒ MAFASIA 'ENE FAKAKAUKAU PĒA
 MO 'ENE MOU' 'IHE TAINI LAHI. NĀĒ TOKI LEA
 NĀĒ IA Ō PEHE - NĀĒ FĀĀ TANGI, KO 'ENE
 FAKATONAKA PĒA LOTO MANAHI, KO E 'IKAI
 KENE & CALMO FUA LELEI HONO NGAAHI
 EATONGI Ā KIHĒ 'ENE FĀNĀI MO HONO MAI.
 TUŌ LAHI ĀE TAINI NEU 'ILOI AI ŌKU BURITUA
 PĒA EATINGATA'AI 'ENE FAKAKAUKAU 'IHE NGAAHI
 MEĀ KEHE KEHE. NĀĒ TOŌ NĀI LEVA 'EKU
 TOHITAPU, Ō TOŌ NEI AI ĀE NGAAHI VEESI, Ō
 NĀ LAHI MO TALANOA KIA. NEU 'ILOI NĀĒ FĀĀ
 TOKONI LELEI AUPITO 'ENI KIA NAKAĀFA.

8. NĀĒ MOUA Ā NAKAĀFA 'IHE LOTO MAFASIA MO FĀĀ
 FELILILAKI. TATAU PE, PE ŌKU KONA PE TĀĒ
 KONA. 'E EEFIA PE IA 'IHA MEĀ HE MINITE KOĒ,
 FORIFĀ PE, KUO LOTO MANAHI IA HE MINITE HOKO
 MAI. PĒA FAKAŌHOVALE PE, KUO 'ITA

KIHE KAKAI, PEA POKE KENAU FUHU, TAE HANO
 UHINGA, NAE FAINGATAA 'AUPITO, KE LAVA KETE
 TALA MO EAKAPAPA'I, AE LOTO, MOE ULLINGAANGA
 O MAKAAFA 'I HA TAIMI, KOE UHI, HE NAE FEKUKUAKI
 PEA TAEMAHINO MO FAKATAETA EKUHĀ.

9. 'I HE TAIMI NAA MAKEI 'TONGA AI, NAE LAHI 'AUPITO
 'AE TAIMI, NEU HANGA AI O FAKATOKANGAI, OKU TOO
 HOLD AI E MAKAAFA 'AE HELETUI. 'I HE TAIMI NAE
 TAU UOFEUKITUPAI AI, NAE PUKE ALIA HEE KAU
 POLIST, KOE UHI, KO ENE TUIHELEI 'AE TANGATA.
 NAE HAO PE 'AE TANGATA O 'IKAI NATE, NAE
 TE EKIAI KE FAI 'AE 'A MAKAAFA 'I HE HIA KO'ENI,
 KUO HANGA HEE TANGATA IA, MAHENI O E FAMILI,
 O FAKATAU 'AE TIKITE A MAKAAFA, KE FOLAU NAI
 KI HONOLULU O NGAE EANGE KIAI 'I TAU 1969.
 NAE FOLAU NAI LEVA A MAKAAFA KI HONOLULU,
 PEA HOKO ATU KI SAN FRANCISCO, HE NAE NOFO
 AI HONO TOKOUA LAHI KO MANU VANISI.

10. NEONGO NEU 'ILOI NE OSI MALI A MAKAAFA
 TONGA, KIMUA PEA TOKI HAU KI AMELIKANI, NAE
 'IKAI TEU 'ILOI, PE TEU MAHENI, PEA MOE MALI
 MOE EANAU KO'ENI A MAKAAFA. NAE TE EKI
 TUO TAHA HAA NAI FEILOAKI - PEA NAE 'IKAI
 TEU 'ILOI PE NAE FEFEE E NAI NOFO MO ENAU
 MOU 'I TONGA 'I HE TAIMI NAE HAU A A
 MAKAAFA KI AMELIKANI. NAE 'IKAI PE TALANOA
 A MAKAAFA IA HA TAIMI, O KAU KIA NAUTOKU,
 PEA 'IKAI AI PE TEU 'ILOI E AHA HA MEA,
 KAU KIA KINAITOKU.

11. NAAKU HU O KAU KIHE TAU MALI FONUA A TONGA

'IHE TA'U 1969 KI HE TA'U 1975, NEU HU LEVA 'O
NGĀUE KO'E SETUATA, 'IHE VAKALITA PASESE
'AE PULEANGA NAURU, MEI HE TA'U 1975, KI HE
TA'U 1978, NEU FOLAKI MAI KI HAUVAI, 'IHE
TA'U 1978 - 'OU NOFO AI PE 'O A'U MAI KI HE
'AHONI, 'IHE EUOFUA HAU 'A MAKAAFA KI
HAUVAI'INI, 'IHE 1979, NAE NOFO PE MO HOKU
TOKOUA LAHI, KO'E TANGATA'EIKI FAIFERAKU
KO LATU POPI NAFILEO. KUD 'OSI PEKIA,
HILI NAI HA TA'U'E TAHA, PEA TOKI HIKI MAI
LEVA 'O NOFO MO AU MO HOKU MAI, 'IHE
MEINEI TA'U'E 20, 'O HIKIHIKO HOLO'E NAU
NOFO HE FEITU'E 4 'I LOTO HONOLULU.

12. 'IHE TAIMI NAE NOFO AI 'A MAKAAFA MO A'U.
NAE EAA KAUNE'A MO'E KAKI FEFINE KEHEHEHE
NAE'IKAI KE EUOLDA HA KAUNE'A IA 'A
MAKAAFA MO HA FEFINE. KO'E MEINEI TUO
TAHA PE, PE TUO UA HAANE 'ALLI MO HA FEFINE
PEA 'IKAI KE TOE 'ALLI IA KI HE FEFINE KOIA.

13. NAE EAA NGĀUE PE 'A MAKAAFA 'IHE EKKU KI
KAUTAHA NGĀUE. KAE ME'A PANGO' NAE'IKAI
KE EAKAOTOOTO PE NGĀUE EAKAMATOATO,
NAE'IKAI LAVA KETE EALALA KIA KENE FAI
EAKALELEI HA NGĀUE. NAE HANG'E 'OKU KOTO
NGALONGALO HE TAIMI E NI'IHI. PEA MANAKO
PEIA KE NOFO HOLO HE VEEHALA PEA MO
HONO NGAAHI KAUNGA ME'A, KAE LIAKI E MA
NGĀUE 'A MAUA. NAE NGĀUE PE 'A MAKAAFA
'IHE AHO'E UA PE TOLLU 'IHE UIKE. KO'E MAU
PE EN'E VANE KE FAIAKI EN'E KOVA.

14. NAE HOKO AE INUKAVA MALOHI A NAKAAFA
KOE PALOPALENA LAHI KIHE ENE MOU TALU
MEI HEENE KEISI, O FAI MAI A PE O AU KIHE
TAMINAE NOFO AIMO AU I HONOLLUNI.

15. KOE ULUNGAANGA FAKAMALOHI, FAKAMOVEUEU,
MO FAKATAETA EKUHIA O NAKAAFA NAE FAI AI
PE LOLOTONGA ENE NOFO MO AU I HONOLLUNI.
NAE FAA FUKU I HE PA, PEA FAA OHO KIHE
KAKAI E NIHI TAE HANO UHINGA. NAE FAA
KONA PE IA O TANGUTU FAKALONGOLONGO.
OHOVALE PE KUO OHOEI E IA HA TAMA OKU
OU MANATU ENE HANGA O TAAI AE TANGATA
E TAAI AKI AE SEA I HE PA NAE INU AI, KO EUHI
KO ENE ALL OEI ANGE HE MEA NAE NOFO AI
A NAKAAFA. NEU TALANOA KIHE TANGATA NAE
TAAI AKI E NAKAAFA AE SEA, PEA FAKAHA
MAI E HE TANGATA, OKU IKAI KENE ILOI E IA
PE KOE HA HA UHINGA KE OHO ANGE AI A
NAKAAFA KIAI, HE OKU IKAI KENE ILOI E IA A
NAKAAFA. NAE IKAI PE KE TALANAI E NAKAAFA
KIATE AU, PE KOE HA OKU FAA OHO NOAIA
AI KIHE KAKAI, OKU IKAI TENAU FAI ANGE HA
KOVI KIATE IA.

16. NAE TUO TAAHA E KU HANGA O OHOEI A
NAKAAFA O PUKE KO EUHI KO ENE OHO PEA MOE
HELE KIHE TANGATA I HE PA. NAE FAI AE KII
NAKUKU I HE PA, NE OHO LEVA A NAKAAFA.
PEA MOE HELE KIHE TANGATA E TAAHA. KOIA
NAKU OHOFAI A NAKAAFA O PUKE AE HELE
NEU PANONGO NAE MOE OHO A NAKAAFA PEA
MOE HELE KIHE TANGATA I HE PA E TAAHA

NAE'IKAI TEU'AI, PEA OKU'IKAI TEU'ILOI PE
NAE IKU KIHE HA AE MEA KO IA.

17. NAE ULLUISINO IA NAKA'AFA AE LOTO KE SAUNI
HA TAHA PE, OKU TUI NAA NE FAIANGE KIATE
IA HAKOVI. NAE'IKAI KE LAVA E NAKA'AFA
O FA'A FAKAMOLEMOLEI NO FAKANGALOI HA
TAHA NAA NA KE, PE FAKAFEKIKI 'IHE FAHINGA
MEA. NAE'IAI AE NGAHI TAIMI IA NE TOE OHO
IA KIHE KAKAI NE OSI EUOLOA E NAU FAKALELEI
'IHA MEA NAE HOKO EUOLOA ATU, PEA KUO OSI
FAKANGALOI E HE KAKAI KOA AE TAE FENA-
HINOAKI NAE HOKO 'I HONAU VA PEA MO
NAKA'AFA'.

18. NAE LAHI AE TAIMI NAE MOLE FAKATAIMI AI
AE MANATU A NAKA'AFA. NAE'IKAI KENE FA'A
MANATU'IA E NGAHI MEA NAA NE FAI 'IHE
TAIMI NAE KONĀ AI. NAE'IKAI KE FA'A
MANATU'IA HA ANE OHO KIHĀ TAHA
'IHE TAIMI OKU KONĀ AI - PEA OHOVALE HE
FAKAMATALA ATU KIAI AE NGAHI MEA NAA
NE FAI. NAE'IKAI KENE FA'A MANATU'IA, PEA
NAE ANGA FEEFE'ENE AU KIHE NGAHI
FEITU, OKU AKE HAKE AI, MEI HE ENE KONĀ
PEA NAAKU ALI MEALELE HE TAIMI LAHI,
KE UTANAI MEI HE FEITU KEHEKEHE OKU
AKE KONĀ MEI AI.

19. NAAKU FOIAUPITO 'IHE FAHINGA ULUNGAANGA
O NAKA'AFA - TAUTAU TEITO KIHE TAIMI
OKU KONĀ AI. KOIA 'IHE TAU 1984 NAE TUKU

‘AUPITO AI ‘EKU INU KAVA MALOHĪ ‘NEONGO
 NĀE KEI NOFO PE ‘A MAKĀ‘ĀFA IATE AH MO
 HOKU MALĪ. ‘NE AU ‘ŌU FO‘AUPITO ‘IHE FĀA
 TA‘ŌFI ‘ENE ‘ŌHO FAKAPO‘ULI NOA‘IA KIHE
 KAKAI ‘PEALU ONGO‘ NA ‘AUPITO KOE‘UHI KOE
 KOVI ‘A HONO ‘ILUNGA‘ANGĀ.

20. NĀAKU TA‘UHI MO HOKU MALĪ ‘A MAKĀ‘ĀFA ‘Ō
 AU KIHE TA‘U 1999 PEĀ ‘ĀVE LEVA KIHE PALE
 NĀE TUKUNAI ‘EHE SITEITI, KE ‘ĀVE KIAI KE TA‘UHI
 PEAMO TOKONI‘I. NĀE TU‘Ō E ‘ENE PAKALAVA, PEĀ
 TOE KANONI MAI MOE NGA‘AH MAHAKI LALAH
 KEHEKEHE. NĀE ‘IKAI LEVA KE MA TOE LAVA ‘Ō
 TA‘UHI ‘A MAKĀ‘ĀFA - HE NĀA NA FAKATOU
 NGĀUE KIMAU PEĀ ‘IKAI IHA TAHA KE NOFO
 PEĀ MO MAKĀ‘ĀFA. NĀE TALU ‘ĀE TU‘U ‘A
 MAKĀ‘ĀFA MOE FAKAFA‘ALALA ‘ENE MO‘U
 KIHE KAKAI KEHE. PEĀ NĀE ‘IKAI FORI
 KE PEHE NĀE NGĀUE LELEI MO FUOLOA
 ‘IHA KAUTAHA - KE MAKATU‘UNGA AI HĀ‘ANAH
 FIE TOKONI (KIA MAKĀ‘ĀFA). KOE TA‘U NĀE
 PUKE LAHI ĀI, NĀE FAKA‘ŌFA ‘AUPITO,

21. NĀE ‘IKAI PE KE TALANOĀ ‘A MAKĀ‘ĀFA ‘IHA
 TA‘U ‘Ō KAU KIHE ‘ENE FĀNAH ‘I SAN BRUNO.
 ‘IHE ‘ENE PEHEE NĀE SĪSĪ ‘IHA MEĀ TEU ‘ILOI
 FEKALAKI MOE KI‘I FĀNAH KOENI, NĀE ‘IKAI
 PE TENE TALANAI ‘E IA KIATEAU ‘ĀE MATE
 ‘A HONO FOHA LAHI ‘TEVITA SIU VANISI,
 NĀE MATE ‘IHE 1980 TU‘U. NĀE ‘ILOI ‘E
 MAKĀ‘ĀFA ‘ŌKU FAKAMU HONO FOHA KOIA KO
 SĪAOSI VANISI ‘I FONUA LAHI - ‘Ō TALĪ HOPŌ

IHE HIA KOE TAMATE TANGATA. NA'E
 'IKAI KE LOTO IA KE FAI HA TALANOA KIAI.
 HE NA'E FUU FAKA LOTO MANAHI 'AUPITO KI
 AI KE FAI HA TALANOA KAU KIAI. NA'E TOKI
 LEA PE'A NAKA'AFA O KAU KI HE 'ENE FANAU
 KUO OSI PUKE LAHI 'AUPITO.

22. NA'E HAU HONO OEEFINE KO SELA, MEI SAN
 FRANCISCO HE TAU 2005 O AVE'A NAKA'AFA
 KI SAN BRUNO. NA'E PUKE'A NAKA'AFA
 HE NGAHI MAHAKI LALAH, KEHEKEHE,
 PE NA'E FIEMAU LEVA HA TAHA TONU KENE
 TAUHI HOVA E 24 HE AHO KOTOA PE. NA'E
 AVE'E SELA'A NAKA'AFA O TAUHI 'I SAN
 BRUNO - O AU AI PE KI HE 'ENE MALOLO
 I MAASI 2010. NA'E LOTO PE'A NAKA'AFA
 KE MATE PE I HAUVAI 'INI PE TONU 'I MENI.
 KAE PANGO KOE 'IKAI HA TAHA TONU KE
 NOFO O TAUHI IA 24/7. NA'AKU ALU KI HE PUTU
 PUTU O NAKA'AFA, PE HANGE KO IA NA'E
 23. ^{LOTO} NA'A KIAI - NA'AKU FAKAHO KO A'E LEA A'E
 FAMILI I HONO PUTU, 'I SAN BRUNO.

23. NA'E TEEKIAI HA TAHA'E FETUUTAKI MAI
 KATEAU, KOHA TAHA NA'ANE FAKAEONGAI
 A SIAOSI VANISI I HE 'ENE HOPO NA'E FAI
 KOE TAMATE TANGATA. KO HERBERT DUZANT
 PE MO BEN SCROGGINS MEI HE OENSI A'E
 PULEANGA FAKATAHATAHA O AMERIKA
 HONO TAU KAPOI O E TOTONU FAKALAO A'E KAKAI,
 VAA I HE SITEITI O NEVADA. PE MO ENA
 FAKATONU LEA KO LOIS TIEDEMANN. KO

KINAUTOLU 'AE EUDEUA KAU FAKAEKEKE KE
 MAU FETALANOAKI MAHINO'O KAU KIHĒ HOPO
 'A SIAOSI VANISI. KAPAU NAE SINAKI FAI MAI
 HA FETUUTAKI KIATEAU KIMUA PEHE NAE
 MEI LAVA PE KE OATU KOTOA 'AE NGAHI FAKA-
 NATALA OKU HA ATU I HENI. NAU NEI LOTO
 LELEI AUPITO KEU HOKO KOE FAKAMOONI
 OKAPAU NAA NAU FIEMAU. PEA OKAPAU NAE
 PEHE, NAAKU KOLE KIHĒ KAU SULĀ KE NAU
 HANGA O FAKAMOLEMOLEI 'AE FOHA O E MOTUA
 HOKU TOKOUA'.

'OKU OU 'ILOI KOE FUAKAVA LOI OKU TAUTEA
 MAMASA HEE LAO KO IA AI OKU OU FUAKAVA
 KOE NGAHI FAKAMATALA KOTOA PE OKU
 HIKI ATU HENI OKU MOONI MO TOTONU.

NAE FAI 'AE FAKAMATALA KO'ENI I HE
 'AHO II O FEPUELI, TA'U 2011, I HONOLULU,
 HAWAII.

Amap'io.

02/11/2011

SIAOSI VUKI MAFILEO

Jais

EQ

2/11/2011

INTERPRETER, LOIS TIEDEMANN

Exhibit 94

Exhibit 94

Declaration of Sioeli Tuita Heleeta

I, Sioeli Tuita, hereby declares as follows:

1. My name is Sioeli Tuita, my date of birth is , , and I currently live in the Nukualofa, Tongatapu in the Kingdom of Tongan. Maka'afa Vanisi, the father of Siaosi Vanisi, was one of my best friends when we were growing up together in Tonga. Maka'afa and I met in St. Andrew highschool and we spent a lot of time together from that point forward. Our friendship lasted until 1969 when he abandoned his family and left Tonga for Hawaii.
2. Maka'afa and I were not serious when it came to our studies in highschool, and we spent a lot of time cutting classes and spending time around town while our classes were in session.
3. Maka'afa and I were the children of upper-middle class members of society. My father was a government surveyor and Maka'afa's dad was a police inspector. Maka'afa and I hung out in a group of about four or five guys, and we spent most of our time drinking alcohol and eating food from stores where Maka'afa and another friend's father had lines of credit at four or five local stores. Maka'afa also had an aunt, Like Vete, who owned a store and she frequently supplied us with food and money.
4. Most of the money that we received was used to purchase the items needed to make a local alcoholic beverage known as Hopi. Hopi is a drink that is made from fermented fruit and he drank it almost everyday. We usually made the Hopi in discrete locals near swamps so the authorities wouldn't catch us. Maka'afa's developed a heavy drinking habit in highschool, especially after Rugby games, and it lasted throughout the years that I knew him. Public drunkenness is a criminal offense in Tonga but no officers ever bothered us when we drank because Maka'afa's father, Kuli Vanisi, was the police inspector. This allowed us to drink as much as we wanted because there was never any consequences.
5. Whenever Maka'afa drank alcohol it was always to the point where he was intoxicated. Whenever Maka'afa became drunk he frequent passed out and experienced Black Outs. Maka'afa usually had no memory of what he did before he passed out, had no idea where he was or how he came to the place that he found himself in. Maka'afa also experienced loss of time and he often had difficulties in figuring out the time of day. Maka'afa was frequently robbed by passers-by for discovered him laying on the ground and went through his pockets.
6. Whenever Maka'afa found out who robbed him he always carried a grudge against that person that lasted for several months. Four or five months might pass when

Maka'afa finally got even with his assailants by attacking them. Maka'afa had a difficult time letting go of his thoughts of vengeance for anyone who ever wrong him, and it did not seem normal.

7. Whenever Maka'afa became intoxicated he experienced changes in his personalities. Maka'afa had illusions of greatness and he often told unrealistic stories of himself being a sports champion or even the direct decedent of 'Ulukalala, a revered Tongan warrior from the island of Vava'u where the Vanisi family originated. Everyone knew that Maka'afa had no actual blood relation to this warrior but listened as he told elaborate stories and did warrior dances to simulate 'Ulukalala. Maka'afa was usually more inclined to do the warrior dances whenever there was a crowd watching him.
8. Maka'afa enjoyed dressing up as a soldier or policeman and walking around town in these outfits, even though he was never a member of the military or the police. Maka'afa was also known for carrying large and small knives, and hanging them off of his uniform while he walked around the streets in town. Maka'afa particularly enjoyed wearing his uniform while walking by bus stops that were full of people to show off and get attention.
9. Whenever Maka'afa was drunk while wearing his military and police uniforms, he sometimes acted like an officer or a soldier. I saw him marching around in the streets and saluting for no reason at times.
10. To help sober-up Maka'afa we sometimes took him to women who provided him sex in exchange for money. Nothing could bring Maka'afa back to his senses like being in the company of an attractive woman.
11. Maka'afa met Luisa Tafuna, the mother of Siaosi Vanisi, through his aunt Like. Luisa's family rented space on Like's property, and used that space as an ice cream parlor. Like encouraged Maka'afa to marry Luisa because she was a nice girl, she came from a good family and Like believed that Maka'afa might stop begging her for food and money because he could obtain them from the Tafuna family. Maka'afa and Luisa began dating and they were soon married thereafter.
12. Our circle of friends included Maka'afa, Manase Tovi, our younger friend Mapa and myself. Our friendship was like a brotherhood and we all tattooed stars on our hands to signify that we were the stars of Kolofo'ou, which was the section of Nukualofa where we lived and spent most of our times together. We were dedicated to one another and often put our friendship before our own families.
13. Maka'afa's relationship with Luisa was totally based upon what she could do for him. From the time of their courtship, Luisa gave Maka'afa a lot of food and money from her family's business. Maka'afa usually took this money and used it to support his

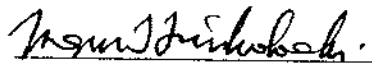
drinking habit. Maka'afa also used the money for the things that he did with everyone in our circle of friends.

14. To endear himself to Luisa's family, Maka'afa converted to the Mormon faith but it was just in title only. Maka'afa continued drinking, hanging out with us and the rest of our friends and he was never a religious man. Maka'afa also worked as a bus driver in Luisa's family's transportation business, and he moved onto Luisa's family property after they married. Luisa's family treated Maka'afa very well and they took care of him.
15. Maka'afa was always immature and he acted like someone who was much younger than he actually was. Maka'afa was never a person who was able to take care of himself and he always depended upon his family members to support him where ever he went.
16. Maka'afa was never responsible as a husband to Luisa or a father to their children. Maka'afa used money that could have gone towards supporting his household to support the drinking habits of himself and his friends. Whenever I, or our other friends, came over to visit Maka'afa, he always immediately dropped whatever he was doing, left Luisa with the children and went out for drinks no matter what was going on at his home. Maka'afa had much more regard for our friendship than he did for his family. Maka'afa was never serious about his marriage and he always preferred spending more time around his friends and drinking partners.
17. Maka'afa marriage to Luisa was strictly for his own convenience even though Luisa's love for him was true and sincere. Although I loved Maka'afa as a brother, I must admit that he was a user and he ended up leaving Luisa in the latter part 1969 after he had no more use for her. Maka'afa only liked hanging around people who could do things for him. Maka'afa relocated to Hawaii and left Luisa while she was still pregnant with their third child, Siaosi. Maka'afa sent people to convince me to join him over the years, but I always turned his offer down because Tonga is the home that I love. I have not seen Maka'afa since he left Tonga in 1969.
18. After their divorce, I had the opportunity to see how Luisa was getting along as a single mother. The Tafuna family's ice-cream parlor and other businesses ended up closing because her brother and the main person behind the businesses, Maile Tafuna, had moved to the United States and Luisa became unemployed. Maile actually left Tonga before Maka'afa did and his businesses may have been closing down before Maka'afa left Luisa. Nevertheless, Luisa continued to socialize and date other men, and Luisa never seemed like she was depressed over the loss of her husband and the father of her children.
19. I was never contacted by anyone working on Siaosi's behalf during the time of his

trial or at any other time in the past. Herbert Duzant of the Federal Public Defender office, district of Nevada, and his interpreter, Manu Tu'uholoaki, were the first people who ever spoke with me about Siaosi's case. Had I been contacted previously, I would have provided all of the information that was included in this declaration. I also would have been willing to testify to these facts and to ask the jury to spare the life of my friend's child.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 20, 2011 in Nukualofa, Tonga.


Sioeli Tuita Heleta


Manu Tu'uholoaki, Interpreter

Ko e Fakamatala ā Sioeli Tuita (P.1) ST

Ko au Sioeli Tuita, na'a ku fakamahino'i ā e
Heleta
ngaahi mea'ni;

[1] Ko hoku hingoa ko Sioeli Tuita, na'e fa'ele'i au i Febuari 7, 1941, pea ōku ou nofo i Nukunono Tongatapu, TONGA. Ko Maka'afa Vanisi, tamai ā Siaso Vanisi, ko hoku kaume'a fafale. Na'a ma tutupu fakataha i Tonga'ni. Na'a ma to'uako i he āpi ako ma'olunga Sa Anitelu. Pea ma feohi fakataha mo Fekitani fakakaume'a. Ko ēma kaunga tangata na'e ōsi ki he 1969 hili ēne liaki hono famili ka ne hiki ki tuii.

[2] Ko Maka'afa na'a ma tēkanga talu mei he ako ma'olunga o hokohoko atu. I he lolotonga ā e ako na'a ma hola kimaua o ēva ki loto kolo kae liaki ā e ako ia.

[3] Ko au mo Maka'afa ko e fanau ā e Kaka'i ma'olunga o e fonua'ni he āko koia. Ko ēku tamai ko e 'atita ā e Puleanga Tonga Pea ko Kuli Vanisi, tamai ā Maka'afa ko e 'insipekita Polisi. Ko ēma kii tākanga mo Maka'afa

na'e toko 4 pe 5. ko e taimi lahi ko'e mau ^(P.2) 57
takai holo o fai e mau inu kava malohi mo kai
meakei na'e fakamoua mei he 'u fale koloa e
fa pe nima na'e moua ai a e tamai a Makaafa
mo e tamai a e tama e taha o e kau takanga

⊞ Ko e paanga na'a mau mau ne
fakamoleki ia ki he ngaahi o e kava faka-
lotofoma ko e Hopi. ko e Hopi na'e ngaahi ia
mei he ngaahi foi a kau kuo fakapala pea na'a
mau inu ia meimei ko e aho koton o e uike.

Na'a mau ngaahi a e Hopi o tuku-futu i he
ngaahi ~~feitua~~ ko'ehi ke dua e ilo e he kau
polisi. ke fakahā kima'utu. Na'e inu kava
malohi lahi aupito a Makaafa Vanisi tautautefiti
ki he taimi tuku ai a e vainga a kapulu
i he ngaahi tau na'a ku maheni ai mo
Makaafa Vanisi. 'Oku tapu a inu kava malohi
he ngaahi feitua fakapukeanga i Tonga nika na'e
i kei ala ha polisi ke tautau kima'utu ko'ehi
ko Kuli Vanisi, tamai a Makaafa ko e i hisipekiti
polisi a e Pukeanga Tonga. Koia AA03411

hoko hoko atu emau inu kava mālohī tae fakafuofua
ko e uhi nae ikai ha taha ke tauka kimautolu.

[5] Ko e taimi kotoa pē nae inu kava mālohī ai ā
Makaafa naa ne inu pē kaeoua ke konā. Koe taimi
Koe ōku konā ai ā Makaafa nae ikai ke toe
lava ō ilo ā e feituū naa ne i ai. Pea naa ne
faa inu pē ki he tō kilalo ō ikai te ne toe ilo ha
mea. Taimi lahi nae ikai ke toe ilo ē Makaafa
ia ko e hā ā e mea nae hoko kimua pea toki
mate konā. Pea taimi lahi ikai te ne fakatokang
faai honoukato ē he kautama naa nau faka-
tokangai ōku ne mate he ve'e haka.

[6] I he taimi kotoa pē naa ne ilo kuo kaikai
ē taha haane mea naa ke kumi fakamaotato
ō tatou ai pē pe koe lau mahina, mahina
fa pe nima kaeoua ke ne man ā e toko
taha kaikaa ōne ōhoi pē faai ke toki femali.
Koe taimi lahi ōku ikai ke ne lava ō
fakamolemolei ha taha ōku fai mai ha
mea kovi ki ai. ōku ngali kehe ia ko e uhi
ōku ikai ha loto fie fakamolemolei kaka.
ōku tae fie auna.

[7] Ko e faimi ōku tui konā ai ā Matakāfa mei
kavamālohi ōku liliu ēne toonga. Ōku iai ēne
ngaahi talanoa sekisekia mo hikisia ō hange ko
ēne pehē ko ia ko e toā pea ko e hako hako
ō Ulukalala, a ia ko e toā he hisitolia ō Tope
ko ēne haū vei Vavaū a ia ko e haū ā e famili
Vanisi mei Vavaū. Ko e tokotaha kotoa pē ōku
nau fanongo ki he ngaahi talanoa ā Matakāfa
naē nau i lo ōku ikeri ko e hako ō Ulukalala ka
naē ne faā fai ā e haka ō e sipitanu mo
fakaāliāli ko e tangata toā ia mea Ulukalala.
Naē loto lelei ke fakaāliāli ā e tauōlunga
sipi tan ō kapau ōku tokotoko lahi ke mamafa.

[8] Naē manako ā Matakāfa ke tui ā e ngaahi teung
kaki hange ha sotia mai pe polisi. Pea ōku ne
tui mai pe ā ngaahi talangese lotoa fomu he
kato muā moe katomui ō faō ai ēne ā hele
fūtū. Pea manako ke fononga ke asi ā e hele
i hono ā kato. Naē tau tan tefito ki he ngaahi
teungesi pasi moe ngaahi potu ōku kakaia
ā ēne lankem ke fakaāliāli hono teunga
faka sotia pe polisi.

[9] I he teimi naā ne tui ai hono teunga ^(p.15) sotia
pe polisi naā ne fakaāliāli ko e tokotaha polisi
ia pe sotia. Hengē naā ku sio naā ne lakatale
he hala o fakaāpāpā mo salute taē i ai
hano ūhinga.

[10] Ke tokoni ke fakaake ā Makaāfa mei hēne
konā naā mau faā ave ia ke mohe mo ~~fine~~ ^{ha} fine
fine motuā. Ko e mea fakaake ngofa taha ki
Makaāfa ko ēne i he fefine o ku malimali ki ai

[11] Naē fufua fēi loaki ā Makaāfa mo Luīsa
Tafuna i he fakaāiāi ē he tokona ēne faē
ko like. Naē nofo totongi ā e famili o Luīsa
ki a like mo Hale Vete. Naē ngāne āki ē he fami
ke fakalele Shan pisinisi Aisikilimi. Naē fakaāiāi ē
like ā Makaāfa ke malimo Luīsa ko e ūhi ko e
taāhine angalelei pea hōu mei he famili lelei. Na
ā manaki ā like ke hoko atu ā e kotekote ā Makaā
ki he famili Tafuna. Kamata leva ā e faka-
kaumeā ā Makaāfa mo Luīsa pea vave
āpito kuona mali.

12] Ko homau kau takanga ^{Makaafa,} ko Manase Tevi, mo e
siisi taha ko Mapa, Pea mo au fiki. Pea mau
a i a tatatau e e fetu homau nima ke fakamooni
ko e kau fetu kimantolu o Kolofoou. Aia ko e
Konga ia o Mukuafola naa mau nofoai. Pea mau
fenganeaki loto taha mo faaitaha pea taimi khi
ange. Emeni tokanga ki homau kauranga tangata
i homau ngaahi famili.

13] Ko e teimi khi a e feohi a Makaafa mo Luisa
Ko e Sange. Paanga mo e meakai mei he pisin
a e famili o Luisa. Pea nganeaki e Makaafa a e
paanga ke fakamutu a e imu kawa malohi mo
foaki ki hono kauranga tangata.

14] Na e papi a Makaafa he Siasi Mamonga ke loti
lelei kiai a e famili Tafuna ke na e holohoko
atu pe e imu kawa malohi mo e fakakauranga
tangata. Na e ikai teitei tokanga ia ki he loti
Na e fakafuaki a Makaafa he pasi a e famili Tafuna
Pea hiki atu o hoto mo e famili pea na e teuhi
lelei a Makaafa e he famili o Luisa Tafuna.

15] Ko e toonga a Makaafa hangē pē ha ki i tamasi
Vale. Ikai hangē ha toonga ha tangata lahi. Na e pau
pē ke fakafuaki ki he kakai ke ke tokanga ia. Uua
ko ene matua pea mali hiki atu ke teuhi motokoni
e he famili kauranga tangata.

[16] Nāe i kai pe ke hoko ā Makāāfa koha husepaniti. ^{K 7} Si
fātāluānga kia Luisa pe temai fātāluānga ki he fān
ko e fānga naā he mān na e toveka ēki mo hōno
ngaahi kameā. Koe teimi kōto pē ōku mān omi
ō e va māi kia Makāāfa pea tuku kōto ē Makāāfa
hono hōa moe fānau kae hān ō muimui māi ia
kimantolu, hono kaungā tangata, i ha fēdāhinga tain
pē. Nāe i kai ke he mahūngāia i hono lakaanga faka
temai. Nāe lakaanga kōa Makāāfa hono ngaahi
kaungā tangata i heē he tokanga ki hono fānili.
Nāe i ka ke fakamamafēi ē Makāāfa ē hono fānili.
ō laka hōke hono kaungā tangata.

[17] Neongo nāe ōfa lahi ā Luisa kia Makāāfa nāe
tokanga pē ā Makāāfa ia ke lava ēne fēman mo
hono kaungā tangata nāe i kai fūntokanga ia ke
feohi fakamali. Neongo ōku on ōfa kia Makāāfa
ko hoku kaungā tangata ka ōku on faka papai nāe
mali pē ā Makāāfa kia Luisa koeūhi pē ke fātāluā
ēne fēman i o nāe ēā ia i heēne liāki ā Biser moe
fānau he kōpa kinui 1969. heēne i lo ōku i kai
te ne toe āonga kiote ia. He ōku mānalo pē ā
Makāāfa ke feohi mo kimantolu te ne ngāneah.
Kō ia ne hiki atu ā Makāāfa ki Hemait kae liāki ā
Luisa moe fānau pea ōku ne lolotonga fēitanai ā e
fika tolu ō ēna fānau ē ia ko Siaso. AA084106 fān
fēkam māi kia an ken hiki ki muli kō nāe kō fānau ā

(10) 5.

ikai. Oku ou latuange pē keu nofo i Tonga'ni, ko ia
ai ne ikai ten toe sio kia Makena talu E he hiki
atu mei Tonga'ni i he 1969.

[18] I heēno māvae o vele naa ku fakatokangai ā
Luisa i heēne mo'ni fae moe fānau. Nāe ikei ke kei
ma'ni ē e pisinisi Aisikilimi he koe tokotaha naa ne
fakatele ko Maile Tafuna naa he hiki ki Amerika,
Nāe hiki ā Maile ~~Tafuna~~ Kimua te'eki ke māvae ā Luis
mo Makena. Neogo nae liaki ā Luisa ē Makena
nae kamata ke feohi ā Luisa mo e te'eki tangata
kehe pea nae ikei keu fakatokangai nae
hōfo mamahi ā Luisa i he liaki ia ē hono
husepaniti pea koe tamai ā e fānau.

[19] Nāe te'eki ke fetu'utaki mai ha taha
kiate au Oku ne faka fofangai ā Siaosi i hono
fakama'ui. Ko Herbert Dugant mei he Potungane
ma'ui ā e Federal, Vate fonua Nevada mo e fakatonike
Manu Tūhohooki ā e fuofua kakai ke mau
fala noa o fekanaki mo e mea ā Siaosi. Kapa ne
fetu'utaki mai ha taha kimua Nāa ku foaki ā e
ngaahi talanoa ni ke tokoni ki he sala ke fakahafi
ā e ma'ui ā e foha o hoku kaungā tangata.

(P. 9)

Oku ou fuakava mo fakapapaui koe ngaahi
mea kotoa pē i olunga moe fakamatala kotoa
pē koe mooni moe totonu naaku fai ia i
he āho 22 o Sannali 2011 i Nukunono,
Tongatapu, TONGA.

Sioeli T. Heleta
Sioeli Tuita Heleta

Manu T. Tu'uhokaki
Manu T. Tu'uhokaki; interpreter

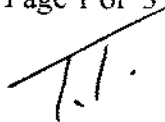
Exhibit 95

Exhibit 95

Declaration of Tufui Tafuna

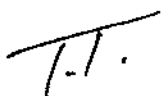
I, Tufui Tafuna, hereby declare as follows:

1. My name is Tufui Tafuna, my date of birth is , and I currently live in the village of Niutoua, on the Island of Tongatapu, in the Kingdom of Tonga. I am the maternal first cousin of Siaosi Vanisi, as my father Maile Tafuna and Siaosi's mother, Luisa Tafuna, were siblings.
2. I immigrated to the United States with my parents, Maile Tafuna and Mele Tafuna, in the early 1970s and we settled in San Bruno, California, which is in the San Francisco Bay area.
3. After Siaosi Vanisi moved to San Bruno from Tonga when he was approximately six years old he was always a good kid as long as I knew him in San Bruno. Siaosi was the type who got along with everyone and was always making people laugh. Siaosi participated in sports and was a good football player. Siaosi got along with everyone and never had enemies that I was aware of. Siaosi and I both regularly attended the local LDS church and participated in the Aaronic Priesthood youth program of the Church and he was successful in this program.
4. Siaosi lived with our uncle Moli Tafuna and his aunt Toe'umu Tafuna, who was his adoptive mother, but my father Maile Tafuna was the "Alumotua" (head of the extended family) and was essentially Siaosi's adopted father and father figure.
5. My father Maile was a great figure in San Bruno's Mormon Tongan community and was a patriarch of the Church of Jesus Christ of Latter Day Saints. He was a man who was very charitable and generous, but at the same time could be extremely harsh and authoritarian. My father spoke in a strict and authoritative manner and sometimes could be extremely, and vocally, critical of a person's faults. In my mind, by observing his interactions with others, I came to believe that this was just his nature and so I tried not to let it affect me. But a person could easily take his loud and critical talk as condemnation. This criticism seemed to me to be a source of shame for those who received it given my father's position with the church and the respect he had from members of the community.
6. My father ran his immediate as well as extended family under the strict Tongan code of behavior, under which the male leader of the family has absolute say. As the head of the family whatever he decided was the law within our extended family. There were many incidents where my father slapped or beat my mother when she disagreed with him. I remember one time when she left him for at least a week because of his physical abuse. My father also beat his children and nephews, including me, when he felt that it was necessary to teach a lesson. I never thought of this as abuse because



it was just the way things were within our family.

7. Siaosi had a very close relationship with his older brother Tevita Siu Vanisi. Tevita Siu was a troubled person, however, and was constantly in trouble. He was always looking to get high; he huffed glue, gasoline, White Out, and any other chemical that he thought would get him high. He also drank alcohol too much on a regular basis. He slurred and sometimes become angry when intoxicated and acted out in anger. There were times when he blacked out, and one time he described to me not remembering what he had done the night before. Siaosi never discussed his feelings about these behaviors, but always felt very close to Tevita Siu. I caught Tevita Siu huffing White Out in my room the day he died. I kicked him out of my room and he left. He died later that day from huffing White Out. I remember that Siaosi was extremely grief stricken by his brother's death and cried uncontrollably for days.
8. Siaosi and his uncle Moli were very close. Moli was ill and bedridden from the time Siaosi arrived in the United States and Siaosi took care of him when Siaosi was a child. Siaosi helped to feed Moli, change Moli's soiled clothing and clean him. Moli died when Siaosi was 16 years old. Moli's death deeply affected Siaosi and Siaosi was depressed for a long time afterward.
9. Siaosi's older brother, Stiveni, was very harsh on the younger children in the family. He physically beat Siaosi and the others when he felt that they were misbehaving. He said cruel things to the younger children about their behavior. Stiveni became an alcoholic by the time he was in his teenage years and he experienced black outs. He became so intoxicated that he did not know what he was doing. Later, he did not recall the things he had done or said.
10. When Siaosi was about 19 years old he moved to Los Angeles, California, away from our family. I moved to Hawaii in 1987 and lived there until approximately 1994 or 1995. Siaosi came to Hawaii one time, around 1993, for an event while I lived there. I saw him briefly and noticed that he was acting strangely. He did not seem like the Siaosi I knew before in San Bruno. He was acting hyper and sometimes staring off into the distance with a blank expression on his face.
11. The last time I saw Siaosi before he was arrested was at his sister Sela's wedding in 1997. I was responsible for running most of the errands so I did not have a lot of time to interact with him, but I did notice that he was acting in a strange way. He seemed very hyperactive and spoke in a rushed manner. Siaosi was wearing a jacket with the arms cut off, and he was climbing on stage to get odd angles with the video camera that he was using. Again, he did not seem like the same Siaosi that I knew growing up in San Bruno.
12. The second husband of Siaosi's mother, Luisa, was a man named Mr. Uluave and he



used to beat her in front Siaoosi and his siblings. I don't have a recollection of seeing the abuse firsthand, but I remember coming in afterwards and finding my aunt Luisa and her children crying because of what Mr. Uluave had done. My father and the other men in my family never intervened to help Luisa or talk to Mr. Uluave about the way he treated her. This was considered to be a private matter within my aunt Luisa's marriage. Luisa ultimately left and divorced Mr. Uluave and I believe that it was over the physical abuse.

13. My family was in shock when they heard about the crime that Siaoosi committed. It was never really discussed in the family. Although my father was known for bringing people together to help family members who were in trouble, nothing was ever done to assist Siaoosi. It was as if the family were ashamed of the situation and did not want anyone to know about it. No one in the family has ever talked to me about Siaoosi's crime or sentence. It's as if it is a taboo in the family. I didn't even know that Siaoosi was on death row until Assistant Federal Public Defender Ben Scroggins came to interview me with his investigator Herbert Duzant and interpreter Ms. Manu Tu'uholoaki.
14. I was never contacted by Siaoosi's trial attorneys nor anyone else representing Siaoosi. Mr. Scroggins and Mr. Duzant are the first persons working on Siaoosi's behalf to ever contact me. Had I been interviewed earlier I would have provided all of the information that is contained within declaration. I also would have been willing to testify and I would have asked the jury to spare the life of my cousin.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 22 2011 in Nioutoua, Tongatapu, Tonga.


TUPUI TAFUNA

EXHIBIT 96

EXHIBIT 96

Declaration Of Toeumu Tafuna

I, Toeumu Tafuna, declare as follows:

1. My name is Toeumu Tafuna, I am 66 years old and I currently reside in San Bruno, California. I am the maternal Aunt of Siaosi Vanisi, but I raised him as my own son since he was a small child. Siaosi's biological mother, my sister Luisa Tafuna, gave him to me when he was born in 1970. Siaosi was the fifth of the seven children born to my sister Luisa. Luisa gave her first two children, Sitiveni and Kaloline, away to our older brother Moli Tafuna and his wife Lose, and she gave her sixth child, Moale Tafuna, to relatives of his father. Luisa only raised her third, fourth and seventh children, who are Sela Vanisi, Tevita Vanisi and Tupou Uluave. Levi
2. Luisa gave me Siaosi out of the love that she had for me. I did not have any children of my own, and Luisa wanted to be sure that I had someone to take care of me when I became older. Luisa was also busy raising two other children, Sela and Tevita Vanisi, on her own because their father, Maka'Afa Vanisi, abandoned Luisa while she was carrying Siaosi. So, Luisa giving me Siaosi, was also a way to help her out in the situation that Maka'afa left her in. Our family has a tradition of coming together to help one another, and these types of internal family adoptions are a normal practice in Tongan culture.
3. No one in the family told Siaosi that Luisa was his biological mother when he was a youngster, and he believed that I was his biological mother. I thought it was easier for Siaosi to believe that I was his biological mother since I was the one raising him. I also made Siaosi use the last name Tafuna because his father, Maka'afa Vanisi, never did anything to help or contribute to Siaosi's upbringing, and I saw no point in Siaosi using his father's last name.
4. I am the one in the family who gave Siaosi the nickname Pe, which mean's baby in Tongan. No matter how old he became he was always my baby. My eldest sister, Toa Vimahi, did not like to hear anyone in the family calling Siaosi by the name of Pe when he was growing up. Toa thought it was not good for Siaosi's self-esteem to hear people calling him baby, especially when he became a teenager and an adult. Most of us in the family didn't see anything wrong with this nickname so it has stuck with Siaosi throughout his life, even to this day.
5. During his pre-adolescent years, Siaosi was a good child, very social, he usually followed directions and did as he was told. Siaosi was also stubborn at times. Back in Tonga, Siaosi got into fights with our neighbor's dog even though the dog kept getting the best of him. During the first fight, the dog scratched Siaosi on the head and caused a cut. The second time, the dog bit Siaosi on the side of his face and he was rushed to Vaiola Hospital where he received stitches for his wound. Siaosi never feared the dog, even after being taken to the hospital, and he kept going to the neighbor's house to visit his friends. His friends' parents began tying down the dog to keep him away from Siaosi when he visited.

6. In 1973, when Siaosi was three years old, I had to leave Siaosi in Tonga because I had to move to the United States to care for my sickly brother, Moli Tafuna. I couldn't take Siaosi along with me because he was not my biological child and all his official paperwork had Luisa and Maka'afa's names listed as his parents. No one, including me, told Siaosi that I was leaving for America until we were halfway to the airport. Siaosi cried profusely and was refusing to stay behind with my sister, Luisa, and the rest of the family. I was the only mother that Siaosi knew and he could not understand why I was leaving him behind. I tried to calm Siaosi down by hugging him, kissing him and telling him that I would send for him as soon as I could, but Siaosi was unconsolable. Siaosi's sister, Sela, was the one who had to take Siaosi from me and carry him away as I was heading towards my plane.
7. During my two year absence, I wrote to Siaosi and the family about three times. I communicated to Siaosi through these letters and sent him photographs to keep in his room. Siaosi missed me desperately and he cried a lot during those two years. Even though the family had a phone in the house, Tonga was unable to receive or make phone calls to the U.S. at that time, so we never spoke.
8. In 1976, Siaosi came to the U.S. and I was reunited with him. He was very stand-offish and hesitant with me and acted like he did not know who I was. Luisa told Siaosi to go to your mother and then I took him and gave him a bath. After I bathed Siaosi, he warmed up to me and acted like he finally recognized me. Siaosi gave me a big hug and we restarted our relationship together.
9. Siaosi did not know English when he first moved to California and he had to learn English as a second language. At first, I tried talking to Siaosi exclusively in English to help him learn it better, but then one of his teachers told me that it wasn't necessary. The teacher explained that Siaosi would learn English just from being around his new environment. From that point onwards, I spoke to Siaosi only in Tongan to ensure that he'd never forget his native language.
10. Siaosi's grades throughout his school history weren't the best, but not the worst, and I do not recall specifically how well or bad he did in elementary and middle school. Siaosi was a "C" and "D" student in high school. Siaosi never told me what subject gave him the most difficulty, and I could not always help him with homework because of language barriers. There were no educational services or assistance in the school system back then for children who were South Pacific Islanders.
11. Siaosi was outgoing throughout his childhood and he always had a lot of friends. Siaosi was always willing to help his friends and family members whenever he could. When Siaosi was in the 12th grade he was in an architecture class and everyone was given an assignment on how to build a home. One of Siaosi's friends didn't know what to do, so Siaosi gave the friend all of his work to turn into the teacher as if the friend did it him or herself. Siaosi ended up receiving a "D" in the class while his friend got an "A" for the work that Siaosi did.

Nevertheless, Siaosi was not bothered by the outcome.

12. Siaosi got into fights around the neighborhood at times, but it was usually to protect his friends. Siaosi was always very protective of his friends and family members.
13. I was called to school for Siaosi's disciplinary issues at times, but it was usually because he talked too much in school while the teachers were conducting lessons. One of his teachers once told me that she needed to make sure that he goes to Law School, and that he'd make a good attorney because of the way that he loved talking.
14. Siaosi was about 12 years old when I first told him Luisa was his biological mother. I was urged to do so by my older brother, Maile Tafuna, because he thought that it was time for Siaosi to know the truth. Luisa was still telling Siaosi that I was his mother and she always told him to go back to me whenever he tried to discuss the matter with her.
15. I believe that Siaosi's uncle, Moli Tafuna, was his father figure. Moli and Siaosi were always close to one another from the time that Siaosi came to the states at 6 or 7 years old until the time of Moli's death in 1986. Even though Moli had several health issues, he always treated Siaosi with a lot of love and affection. Moli taught Siaosi how to read and how to dance, and he always gave Siaosi the most attention out of everyone in the house before his health condition worsened and he became bedridden.
16. Whenever Moli had to go to Hawaii to stay with other family members there, Siaosi became very bothered and concerned over Moli's absence from the house. Siaosi nervously asked me, and others in the house, "What did you all do with him".... "Where is he".... "I need him." Siaosi depended on Moli emotionally during his first few years in California, and he didn't feel secure whenever Moli was not around. Whenever Moli returned home Siaosi was much happier.
17. When Moli's father-in-law, Moleni, moved into their home he became a grandfather figure for Siaosi. Moleni and Siaosi shared a bedroom in the house and Moleni was able to do more things with Siaosi because he was in better physical shape than Moli, even though Moleni had health issues of his own. Moleni died of old age and various health conditions around 1985. Siaosi was deeply affected by Moleni's passing. Siaosi cried a lot, and he became withdrawn and depressed for several weeks. Ten years later, Siaosi named his second son "Moleni", in honor of the close relationship that he shared with the elder Moleni. One of Moleni's nieces became very angry with Siaosi for doing this because he was not a blood relative of Moleni and this violated a cultural rule in Tongan tradition. A blood relation is usually required in these types of situations and only one of Moleni's children could give Siaosi the permission to use their father's name in this manner. Most people in the family did not care about the tradition because everyone knew how close Siaosi and Moleni were.

18. Within a year of losing Moleni, Siaosi's uncle Moli died after a long battle with his illnesses. Moli had a brain tumor and several debilitating strokes. Siaosi was deeply affected by his passing as well. Siaosi cried a lot, and he became withdrawn and depressed for several weeks. Siaosi was about 14 and 15 when he lost both Moleni and Moli.
19. Siaosi's next loss came a year later when his brother, Tevita Vanisi, died at 17 years old. Tevita walked into a 7-Eleven convenience store one day and collapsed. Tevita was immediately rushed to a nearby hospital but was pronounced dead by the time he arrived at the hospital. Siaosi took Tevita's death very hard, he cried a lot and was depressed for several weeks afterwards.
20. When Siaosi was about 10 or 11 years old, my brother, Maile Tafuna, became Siaosi's main role model after Moli, due to illness, took a turn for the worst, and he could no longer communicate because of a series of strokes. Maile was a hard working and outspoken person who was always challenging the youths in the family to do their best in life. Maile expected all of the children in the family to be faithful to the LDS church, receive as much education as possible, to work in good careers and to be better than he was. Maile challenged and stayed behind Siaosi to do the right thing when he was growing up, and even after he moved away. Whenever Siaosi returned to San Bruno for a visit, Maile always pressured Siaosi to explain what he was doing to better himself in Los Angeles.
21. Looking back, I can see how Siaosi could have felt like Maile didn't love him, but I feel it was simply a misunderstanding in the communication between them. I am certain that Maile loved Siaosi, but Siaosi was too young to realize it. Maile loved me enough to try to make sure that Siaosi became successful so that he could take care of me in my old age. I believe that Maile was a good force in Siaosi's life and I saw nothing wrong with the way that Maile spoke to and reprimanded Siaosi. I feel that Siaosi should have known that Maile meant well by everything that he told him, even when he was putting Siaosi down. Siaosi never spoke to me about his feelings towards Maile at any time, and I do not know why. I think that Siaosi knew that I would have sided with Maile and would ask him what he did to make Maile talk to him that way.
22. I only recall Siaosi being rushed to hospital about four times during his upbringing. Around age 3, Siaosi was rushed to Viola Hospital, in Tonga, where he received treatment for a dog bite on his face. When Siaosi was 6 to 8 years old, he sustained a cut on the top of his head when he tried to crawl under a fence, in San Bruno, California, and was rushed to a local hospital for treatment. At age 12, Siaosi received an emergency ear surgery at Mill Hospital in San Mateo, California after it was discovered that he had a broken eardrum. Siaosi's eardrum broke all of a sudden and he was in the hospital for two days. At age 15 or 16, Siaosi was playing with another youth at the local LDS Tongan ward when the other child pushed him through a glass partition. Siaosi was rushed to a local hospital where he received stitches.

23. As far as I recall, Siaosi's biggest issue in school was his talking. Siaosi had a problem with quietly sitting in his seat and listening to his teachers while classes were in session. Siaosi was very talkative in class and he liked socializing with his classmates. During one parent-teacher conference, a teacher told me that I should put him in Law School because of the way that he enjoyed talking all of the time.
24. Siaosi has always spoken very rapidly ever since he was a child. It seemed at times like his mind was moving faster than his mouth and his mouth was trying to keep up.
25. I was Siaosi's main disciplinarian while he was growing up. Whenever Siaosi misbehaved, I punished him by scolding him, spanking him, taking away privileges and making him stay home. When I scolded Siaosi, I yelled at him and spoke to him in a harsh manner at times. When I took away Siaosi's privileges or prevented him from going outside to play, he sometimes threw temper tantrums. Siaosi hated nothing more than staying in the house all day. When I spanked Siaosi, I usually beat him on his hands and buttocks with a stick or a wooden spoon. Siaosi never moved or so much as flinched whenever I spanked him. Siaosi just took his beating and then he would go into his room and cry. Maile told me to stop beating Siaosi because he believed that it was creating a lot of anger in him. So, I stopped beating Siaosi around the age of 12.
26. Siaosi ate pretty healthy when he was growing up, but he did enjoy eating junk food everyday. I made breakfast for Siaosi each day before he left for school, and his lunch meals were provided by his schools. After school Siaosi always stopped at a local store to buy junk food on the way home. Siaosi's favorite junk foods were ice cream, potato chips and a Tongan fried cake.
27. Siaosi enjoyed bike riding and playing basketball, and he did both activities with friends and by himself. I estimate that Siaosi did these activities by himself at least half the time, and three times a week on average. Siaosi also enjoyed attending the weekly youth program meetings at our LDS church.
28. Siaosi was overly clean when he was a teenager. Siaosi loved taking showers and bathing multiple times a day, and I frequently had to knock on the door to remind Siaosi that he was taking too long. Siaosi always took long showers and often ran up the water bill. I had to restrict his use of the shower to save money.
29. Siaosi also couldn't leave the house unless his clothes were clean and coordinated. Siaosi was very detail oriented in the way that his clothes and hair looked, and he was frequently teased about it by his cousins and friends at school and church. Siaosi's older brother, Sitiveni, often teased him and said that Siaosi was trying to be white in the way that he dressed and acted.
30. Siaosi always spent time with white children around the neighborhood and associated with

very few Tongan kids. Siaosi never told me why he chose to spend time with white children almost exclusively.

31. Whenever Siaosi was interested in girls at high school, he brought home pictures of them and told me they were his girlfriends. Siaosi did this on several occasions and they were all Caucasian girls and never Tongan. Siaosi went to various proms, beginning in the 10th grade, and all but one of the girls were white. One Tongan girl asked Siaosi to accompany her to a prom and he agreed. Myself, and others in the family, were excited that Siaosi was finally showing interest in a Tongan girl because it was important to us culturally speaking. We believed that becoming involved with someone from another culture made things harder for both individuals, and we always wanted the following generations to maintain our strong Tongan traditions and identity. Nevertheless, Siaosi's interest in this girl was short lived and none of us in the family ever saw her again after the prom.
32. I took care of all of Siaosi's needs throughout the time that he lived with me. However, Siaosi did have a few chores that he did weekly or from time to time. Siaosi took the trash out after school once a week. On Sundays, Siaosi either washed the dishes or set the dinner table. I sometimes sent Siaosi to the local 7-Eleven store to buy simple things like milk or butter, but he never had to do any major shopping for the household.
33. Siaosi never had a job during his school years and he depended on me for any money that he needed. When Siaosi was younger, I used to give him \$1.50 whenever he wanted to buy a snack - usually a soft drink and chips. However, when Siaosi became a high school student, I placed his name on my bank account so that he could withdraw money whenever he needed to. Sometimes Siaosi asked me for permission before he made any withdrawals, other times he didn't. Either way, I never became upset with him because when the money ran out that was it and I only put money in when I wanted to.
34. I enrolled Siaosi in the LDS Church's youth program. The meetings were usually held once a week from 6:00-9:00PM. Siaosi never went to the church on his own because Lose usually dropped him off and picked him up.
35. When Siaosi was 10 years old, he had to help bathe Moleni, at least twice a week, and this continued until Moleni died, when Siaosi was about 15 years old.
36. By the time that Siaosi started high school, he also helped me care for my brother Moli, who was bedridden by this time. Siaosi used to help out at least once a week for about an hour to give me a break. Siaosi used to clean Moli's body, change his sheets and feed him.
37. At 17 years old, Siaosi would sometimes babysit his niece and nephew, the children of his sister ~~Kaloline~~. He usually stayed in the house with them or took them out for McDonald's meals. *Levi*

38. During Siaosi's teenage years, he had a lot of problems following directions. I had to repeatedly remind him to do various things. A good example of this was taking out the trash, which was his only household chore. Even though Siaosi only had to take the trash out one night a week, myself and others in the house, always had to tell him to do it or else it would never get done. Siaosi couldn't remember to do many things on his own.
39. Siaosi was very forgetful as a teenager. Besides forgetting to take out the trash, Siaosi also forgot to do his homework and other things, at times. I was always reminding Siaosi to do one thing or another all of the time. Siaosi also had difficulties with finishing various tasks that he started. I felt like Siaosi had a short attention span.
40. Siaosi began working at different places around San Bruno after he graduated from high school, but he never held onto jobs for long periods of time. Some of his jobs included a clothing store at age 18. Siaosi applied for this job because he liked the "Miami Vice" type of jacket that they sold and he wanted to buy them for himself. Siaosi worked at this store for about 3 months and then quit because he became tired of working. Siaosi used his entire checks to purchase all the jackets that he wanted, and there was no longer a need for him to work at the store.
41. Siaosi worked at a Pizzeria at age 18. Siaosi loved eating pizza when he was younger. He applied for a job at a local pizzeria so that he could eat all the pizza that he desired. Siaosi worked there for a while until he had his fill of eating pizza and then he quit.
42. At 19 yrs old, Siaosi did not have a job. This is when he went on the failed mission. Upon returning from the mission, Siaosi worked with Bishop Tonga in his construction business. Siaosi approached this job with the same lackadaisical attitude that he did the clothing store and the pizzeria. Siaosi stopped showing up for work consistently, and only went in when he needed extra money.
43. All of the money that Siaosi earned following high school was his own, and I never asked or expected him to pay any bills or contribute to the household. I also never stopped giving Siaosi money whenever he needed extra cash even after he started working.
44. Siaosi received his driver's license when he was 17 or 18 yrs old, and saved some money to purchase a cheap used car on the streets. The car did not run well and had many mechanical issues, and Lose gave him a car when he stopped working. Siaosi never traveled by himself more than about a 3 miles radius from home in his car. Siaosi also would never go north of San Bruno or south of Millbrae or Burlingame when he was alone.
45. Siaosi was accepted for an LDS mission at age 19 and he was sent to the training center in Utah. While he was at the training center he found out that he had impregnated a Tongan girl in San Bruno before leaving on his mission. Siaosi told his superiors at the training center

about his sinful act, and that is when he was made to leave his mission and return home. What made matters worse is when we discovered that Siasosi had impregnated his first-cousin, the daughter of his father's brother, Siasosi Vanisi. Siasosi had actually been named after this same uncle at birth, but Siasosi did not know him or his family. Siasosi had no idea that the girl was his cousin because her last name was not Vanisi and the last name that he used in school was Tafuna. It was an honest mistake, but it was still a taboo in our family. It is never acceptable for first-cousins to have children together because first-cousins are the same as brothers and sisters in Tongan culture. As a result, the child was taken away and raised by other relatives of the mother, and Siasosi was never a part of the child's life.

46. When Siasosi told me that he wanted to attend college in Los Angeles I was against the idea at the beginning. I knew that Siasosi lacked maturity and was incapable of taking care of himself. Siasosi had problems holding down his jobs and he always quit them for no reason shortly after beginning. I initially forbade Siasosi from leaving San Bruno, but I eventually told him that he could do whatever he wanted. Siasosi was leaving for a good cause, a college education, and I was the one who encouraged him to go back to school to get a degree. I also believed that this was Siasosi's opportunity to go off on his own and learn how to take care of himself. No one in the family wanted Siasosi to leave, but I didn't want to be selfish.
47. After Siasosi left for Los Angeles, he enrolled in El Camino college. I stayed in touch with him and I regularly sent money to help him pay for his expenses. When Siasosi first went to Los Angeles he stayed with his maternal cousin, Makalo Lolohea, for a while before finding a place of his own. Makalo is older than Siasosi and should be in his late 50's or early 60's now. There is not a lot of family living in Los Angeles. Siasosi was only in school for a semester or two before he decided that he wanted to pursue a career in Hollywood as an actor.
48. Siasosi spent some time in the Phoenix, Arizona area for a while because he wanted to attend college there, but I do not know what became of those plans or why Siasosi did not complete his studies there.
49. After leaving Arizona, Siasosi started moving around southern California. Siasosi never lived in San Bruno again, but he periodically returned for visits. I don't know much about Siasosi's experiences and daily activities during his life outside San Bruno, other than what he told me.
50. I was disappointed in Siasosi when he decided to marry DeAnn because I had never met her, DeAnn was white and I wanted Siasosi to marry a Tongan woman. When Siasosi called me to ask me to come to his wedding, I refused. I told Siasosi that he was on his own if that was the wife that he chose and if that's where he wanted to live. No one in the family from San Bruno attended Siasosi's wedding out of respect for me and my decision not to attend. Siasosi had no reaction towards my decision not to attend his wedding. He just said "Okay." The only family member who attended Siasosi's wedding was David Kinikini from Salt Lake City, Utah. David was living in Los Angeles at the time. My brother Maile Tafuna was going to

attend Siaosi's wedding, but changed his mind when he saw that I was against it.

51. During my discussions with Siaosi's representatives during the time of the trial, I was never asked about most of the things that I have stated within this declaration. Had I been asked, I would have provided Siaosi's former attorneys with everything that I have stated in this declaration.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7 2011 in San Bruno, California.

Toeumu Tafuna

Toeumu Tafuna

Manu Tu'uholoaki

Manu Tu'uholoaki

Tongan interpreter

Fuakava mo fakamatala ā Toeūmu Tafuna (Page 1)

1. Ko au Toeūmu Tafuna koe ngaahi meā eni ōku ou tokanga ki ai!

[1] Ko hoku hingoa ko Toeūmu Tafuna ko hoku taū 66 ā hoku taū motuā ōku ou mofo i San Bruno, Kalefonia. Ko e tokoua au ōe faē ā Siaosi Vanisi pea naā ku ohi ā e tama ko hoku foha talu mei hēene kei si. Koe faē ā Siaosi ko Luīsa Tafuna ko hoku tokoua lahi ā ia naē ne foaki mai māāku talu hono faēle i he 1970. Ko Siaosi ko e fika nima ō e fanau ē toko fitu ā ia naē faēle ē hoku tehin ko Luīsa. Naē foaki ē Luīsa ā e toko ua blair ā sitiveni mo Leini māā hoku tuongaāne lahi ko Moli Tafuna mo hoho hōa ko Lose, pea naā ne foaki ā e fika ono ko Moāle Tafuna ki he kainga ō ēne famai. Naē ngaahi pē ē Luīsa ā ēne fanau ē tolu ā ia ko e fika tolu, fika fa pea mo e fika fitu. ō ēne fanau ā ia ko Sela Vanisi, Tevita Siu Vanisi, pea mo Tupou Uluāve.

[2] Naē foaki mai ē Luīsa kate au ā Siaosi ko ēne ōfa mai kate au. Ōku ikai haaku fanau

Pea na'e tokangaekina au e hoku tokoua (p.2) T.T
ha taha ke ne tauhiau i he'eku holo hifo keu
tou lekeleka. Na'e femou'ekina foki a Lu'isa hono
ohi a e toko ua o'ene fanau a Sela mo Tevita
Siu Vanisi e ia toko tahapē ta'e i ai hono hoo he
na'e li'aki i a e Maka'afa Vanisi a si'oku tokoua
lolotonga ehe feifama'ia Siaosi. Ko ia na'e
foaki mai a Siaosi ma'aku kau tokoni i he
tauhi' he 'osi hiki mama'o a Maka'afa. Ko homau
fāmili' oku mau ulungaanga pehē ke fetokoni'aki
i he 'ohi fakafamili o e fanau i he taimi totonga ke
fai ai a e fetokoni'aki. Pea ko e ulungaanga faka
fonua i homau anga faka Tonga foki ko e
fe tokoni'aki.

[3] Na'e ikai i ai ha taha he fāmili te ne tala
kia Siaosi ko Lu'isa ehe fa'e. Na'aku pehē e au
e fangofua kia Siaosi ke ne tui to au pē ehe fa'e
fa'elei he ko au na'aku tauhi ia. Na'aku liliu foki a e
faka'aua e faka'iku o Siaosi ki he Tafua koe'hi ko
maka'afa Vanisi, na'e te'eki ke ne fai hame'a ke tokoni
ki he tauhi o Siaosi pea ikai ke tui oku i ai hano
ehinga o e ngāue'aki a e faka'iku totonga o Siaosi
he oku ikai ke kau he tauhi o e faka'aua.

he fa'atutu

④ Ko au, ^{he fa'atutu} na'aku faka hūpa ʻa e Pe, ko hame
 ʻi hūpa ko e faka tongo ʻa e pepe. Na'oaifo ʻa
 tōu maha ʻeku he kei hoko ʻi kōtōn pēpē. Kōhoku
 fa'atutu lēhi ko Toa Vinahu na'are pēpē he
 tenaga ʻoku uiko Pe ʻi he tūm ʻa fannam, Na'e
 faka kōmoku ʻa Toa ʻoku kōi ʻa upito kike tōmāsi
 he ui ko e pēpē fa'atutu kike. Tām hōyōhū
 tūm. Ka ko e faka lēhi ʻa e famili na'e ila'i te
 na'u ʻi le hōno manamān pēpē ui ai pē ʻa e
 hūpa faka tēkera ʻa Siacsi ko Pe, ʻa u kile
 ʻa hōm.

⑤ Lēdaga ʻa lēhū he tōu hōyōhū tūm
 ko e tōmāsi faka tōmāsi ʻa Siacsi, fēchi me
 kakei me tōi ʻa e pū me faka tōmāsi ʻa hōm
 tōmāsi mīhi na'e he fē tōi pē hōm ko. ʻI tōmāsi
 na'e fūhū ʻa Siacsi me kōi ʻa lēhū fūhū
 pē na'e uia ʻa he kōi. Ko e uia fūhū
 na'e uia ʻa Siacsi hōm uia pē ʻa hōm ʻa
 pē ʻi hōm uia. Kē ko hōm hōm na'e hōm
 ʻi he kōi ʻa e faka tōi hōm mōa ʻa he kōi
 ʻa he kōi faka mōa ʻa ʻa na'e fūhū
 me he faka mōa hōm mōa

Sinasi nae faka ilika a Sinasi e kuli totum nae chihonag...
Cefalimkhu; ke alupa ki he kunguapi e vaka
hondanigamua. Pea nae hai ihe nathia ae
hono kungu nae e kuli he falmi chu Eva
utu ai a Sinasi.

© Ihe fain 1973, ihe fain 30 Sinasi nae hu
mken ai a e fannasi. Tojokun hain ki USA ke
faini haku trongoche, Mali Tefu e Nae ikri tar
lowa ke hain sinasi he ekanikai kuberan
tama faka. Pea ko ere me faka tohi ketra pe
chu kei ihe hupa a e luisa mo Makata a m
ke ere maitia totom. Ko ia nae ikri he faka
e faka kin Sinasi e ain kin an fura kin
Amerika ke echa kuo man mei kin ki he
malae vakapuna. Nae faka antote a Sinasi
me ikri fua hoto ia mo luisa moa fanga e faka
Nae kin fanga ke faka houna a Sinasi mo faka
houna kin mo faka fanga kin fanga he houna faka
nae sin faka manabui pe. Ko faka fanga me e
Sinasi nae nae fua mo faka faka faka me kin an
fua houna e kin ki he vakapuna.

(5) 7:7
G) lelelona o e taiti e lea e lea maate naaku to
muo 3 kia faasi ma faamili. Na e ni ave atu
hele to pe tuku hano telei. Na e faa fafi manatu
e faasi he taiti e lea naaku tuku ia i Toga.
Neerpe na e i ni a e telefoni. Toga na e faamatala
he telefoni ki Amerika. He e he kua
ko ia na e ikari ken lea kia faasi he
taiti e lea kua i he telefoni.

8) I he taiti 1976 na e kua aia faasi ki USA.
Pea ma he telefoni lea. Na e kiliketi
maate au ke faamatala o tope e lea
he ne manatu au. Ko ia na e faa fafi e hua
ulu ki he faa. Pea na e ken faa lea o ave
e kua. He e o si pe e lea kua. Pea
kua ke ne faa fafi au o pipi maate
kua au. Na e e lea e faa fafi iate au
pea to e kua faa fafi iate au.

9) Na e ikari ke iho e faasi he lea faa
pau fafi hea fafi ken ki kua fafi
na e ake a e lea faa fafi he e lea
ha. I he kua fafi na e faa fafi ken lea

T.T

10

①

ku ja naa meini i Siaso ad lae meini a i naa,
kampung. Achua ke gane a Siaso, ka nae i ka i ka
tokaga ia i Siaso kihe me la emi. ① T.T

② Nae faa kani a Siaso ke kahu me kampung
ke ke hane i hitepa pa ke tokoni ki hane i gane
falepa. ke Siaso dan na tokaga na pa ke meini
hane kampung. fane pa me i fane pa i fane.

③ Nae ke faa i hitepa ake tokoni ke Siaso
e lantaka ke ke vake me lantaka lantaka
faa ake a fane pa ke lantaka. Nae i a faa ake na
ke fane pa kihe ake ake ke a tokaga ke fane pa ke
ke ake kihe ake ake ke ke ke ke ke ke ke ke ke ke
ke ke meini ke fane pa ke kampung.

④ Nae faa i a Siaso i fane pa i fane pa
naa tokaga ake ke ia ke ke faa fane pa
hane. Nae fane pa lantaka ake ke fane pa
lantaka i fane pa ke fane pa ke fane pa
fane pa ke ke ke ke ke ke ke ke ke ke ke ke ke ke
hane ke ke ke ke ke ke ke ke ke ke ke ke ke ke
hane ke ke ke ke ke ke ke ke ke ke ke ke ke ke

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 14 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

1 A Yes.

2 Q What time of the evening did you begin to work
3 on your computer, either Monday night or Tuesday morning?

4 A When I woke up, my sister was typing her paper.
5 She got off around midnight. That's when I got on.

6 Q Do you know what a Tongan mat is?

7 A Tongan mat?

8 Q Yeah, mat?

9 A Mat.

10 Q Yes.

11 A There is a lot of them.

12 Q What is a Tongan mat?

13 A There's one called a tapa that's made out of
14 mulberry bark.

15 Q How is that spelled?

16 A Tapa, T-A-P-A.

17 Q You said there is another type?

18 A Yeah. It's called a fala. I don't know the
19 English translation.

20 Q How is that spelled?

21 A F-A-L-A.

22 Q Are those items of clothing or what can be worn
23 as clothing?

24 A Yes, it can be worn as clothing.

25 Q Are they wraps that you put around your body?

1 A Yes.

2 MR. STANTON: No further questions, Your Honor.

3 THE COURT: Cross-examination.

4 **CROSS-EXAMINATION**

5 BY MR. SPECCHIO:

6 Q Mrs. Louis, are you related to Mr. Vanisi?

7 A Yes, I am.

8 Q He's -- how are you related to him?

9 A He's my uncle.

10 Q He's your uncle. You were shown a couple of
11 photographs, Exhibit 26, 22, and 26.

12 MR. SPECCHIO: May I approach, Your Honor?

13 THE COURT: Yes.

14 BY MR. SPECCHIO:

15 Q Are these the white bags that you referenced
16 before?

17 A Before?

18 Q When Mr. Stanton was asking you about it.

19 A Yes.

20 Q Is that exactly how it looked?

21 A I didn't look in there. I just saw the antenna
22 sticking out of the bag.

23 Q Is this where it was located?

24 A Yes.

25 Q In 26, it was located in a cupboard?

1 A Yes.

2 Q Is this another bag up here on the sink?

3 A Yes.

4 Q Same type, white plastic kind of bag?

5 A Yes.

6 Q Now, if I understand your testimony correctly,
7 the last day that you saw Mr. Vanisi was on the 13th?

8 A Yes.

9 Q The police came to your house later on the 13th
10 and searched your apartment?

11 A Yes.

12 Q What time did they search?

13 A Excuse me?

14 Q What time did they search?

15 A We were downtown. We were downtown around
16 10:00.

17 Q So you weren't even there when they searched?

18 A We weren't there.

19 Q You gave them consent down there, and they went
20 out and searched it while you were still at the police
21 station?

22 A Yes.

23 Q When you came back, were you able to tell from
24 a visual inspection of your apartment that police had
25 already in fact been there?

1 A Yes.

2 Q So they kind of turned things upside down or
3 tossed the place or whatever?

4 A Yes.

5 Q And then -- well, they didn't find the bag, did
6 they?

7 A No.

8 Q In fact, you don't know if the bag was even
9 there on the 13th, do you?

10 A Yeah.

11 Q Do you know?

12 A No, I don't know.

13 Q You don't know. So somebody could have put it
14 there on the 14th?

15 A Yes.

16 Q Somebody even could have put it there on the
17 15th?

18 A Yes.

19 Q Isn't that the day that you think you found it?

20 A Yes.

21 Q I you think you testified originally it was the
22 22nd, but you think now it's the 15th?

23 A I'm positive.

24 Q But it was definitely a Thursday?

25 A Yes.

1 Q So you don't know, number one, who put that bag
2 there?

3 A No, I don't.

4 Q And you don't know when it was placed there?

5 A No, I don't.

6 Q Are you related to Teki?

7 A No, I'm not.

8 Q He's just a friend?

9 A Yes.

10 Q His girlfriend at the time was Renee?

11 A Yes.

12 Q Was he married to Renee?

13 A No.

14 Q Did you ever see anybody else wear the wig?

15 A Teki tried it on.

16 Q At your place; right?

17 A Yes.

18 Q When would that be? Do you know when he did
19 that?

20 Did you actually see it? Did you see, actually
21 see him put the wig on?

22 A Yes, I did.

23 Q When did that happen; do you know?

24 A I would say Monday. I'm not real sure.

25 Q How many people slept at your place on the

1 night of the 11th? Let me back up.

2 A That's a Sunday?

3 Q Right. Let me back up a little bit.

4 When did you go to the bowling alley? On the
5 10th?

6 A Yes.

7 Q How many people slept at the Rock Boulevard
8 address on the 10th?

9 A It was just me, my sisters and brothers.

10 Q You are the oldest of the Louis children, are
11 you not?

12 A Over here in the United States.

13 Q Over here.

14 A Yes.

15 Q And this apartment at 1098 is really -- it's
16 listed in Laki's name?

17 A Yes.

18 Q But you occupy the place?

19 A Yes.

20 Q He spends time there from time to time?

21 A Yes, he does.

22 Q Teki spends time there from time to time?

23 A Yes.

24 Q Shamari Roberts is a close friend of yours?

25 A Uh-huh.

1 Q He spends time there from time to time?

2 A Yes.

3 Q Shamari is out of state right now, is he not?

4 A Yes, he is.

5 Q Louisiana?

6 A Yes.

7 Q What does he do? How does he learn a living?

8 A When he used to live here, he worked at
9 Colorite Plastics.

10 Q Is he involved in anything else?

11 A Church. He sings.

12 Q How about beautician or barber?

13 A Yes. He does that also.

14 Q So you saw Mr. Vanisi before the Shamari
15 haircut, beard shaving?

16 A I was in the room. When I came out they were
17 shaving his beard.

18 Q I mean, you could recognize him after the
19 shave, couldn't you?

20 A Yes.

21 Q So it was more of a shave than an altering of
22 appearance?

23 A Yes.

24 Q Let's talk about the sleeping arrangements on
25 the 11th. Who spent Sunday night, who spent the night at

1 your address on Rock Boulevard?

2 A It was me, my brothers and sister. I would say
3 Pe and Teki. Teki. They didn't spend the night. They just
4 sat up talking. They would leave early in the morning.

5 Q Teki and?

6 A And Renee.

7 Q And Mr. Vanisi?

8 A No, Renee. Take her home.

9 Q Now, let me see if I have got it right. Your
10 sister is Corina?

11 A Yes.

12 Q Bill is William Christopher?

13 A Yes.

14 Q Masi is Brandon?

15 A Brandon Thomas.

16 Q Brandon Thomas. Brandon, Masi and -- Brandon
17 and William share a bedroom?

18 A Yes.

19 Q On the night of the 10th of January, didn't
20 Teki sleep in the boys' room?

21 A No, he didn't.

22 Q He didn't?

23 A No.

24 Q Did he sleep on the couch?

25 A No.

1 Q Where did he sleep?

2 A The 10th, we went out to Starlite Bowling. We
3 went on and logged on the computer. They were just talking.
4 And they left. They went home about 5:00 in the morning.

5 Q So Teki never slept on Monday night?

6 A I don't know if he slept. No, I don't think
7 so.

8 Q Did Mr. Vanisi sleep at your place on Monday
9 night?

10 A Monday night? Yes, he did Monday night,
11 Tuesday morning.

12 Q Okay.

13 A Teki was there.

14 Q Teki was there. Where was Teki and where was
15 Mr. Vanisi?

16 A On Monday night, Teki was there. On Saturday,
17 the 10th, we were just sitting up talking, and they left and
18 went back home.

19 Q Okay. Let's forget Saturday and let's go to
20 Monday. On Monday, both Mr. Vanisi and Teki were at your
21 place?

22 A I woke up, and Teki was there but Mr. Vanisi
23 wasn't.

24 Q What time was that?

25 A I woke up around five to 12:00.

1 Q Do you know if Teki left after that?

2 A No, he didn't.

3 Q Did Mr. Vanisi return after that time?

4 A He returned around 1:00.

5 Q Did Mr. Vanisi sleep then when he came back?

6 A I fell asleep before he did.

7 Q When you got up the next morning, did you know
8 where Mr. Vanisi and where Teki slept, if they did?

9 A I woke up, and Pe was at the house. Teki went
10 home.

11 Q And you don't know what time Teki left?

12 A Around 5:00.

13 Q 5:00 in the morning?

14 A 5:00 in the morning.

15 Q You got up at what time?

16 A I woke up around 10:00.

17 Q Okay. I'm a little confused. You went back to
18 sleep about what time?

19 A Around 5:00.

20 Q 5:00 in the morning when Teki left?

21 A Yeah. When Teki was leaving.

22 Q So you were up during the time that Teki was
23 there. So Teki never slept on the night of the 12th?

24 A He was sleeping.

25 Q Where?

1 A My brothers' room.

2 Q Brothers being Bill and Brandon?

3 A And Brandon.

4 Q And the next day, Bill or Brandon throw this
5 out of the room?

6 A Yes.

7 Q Mr. Vanisi wasn't sleeping in that room, was
8 he?

9 A I didn't see him in the room. When I woke up
10 he was already awake.

11 Q You didn't see him in that room while you were
12 awake, sleeping?

13 A No.

14 MR. SPECCHIO: May I have the Court's
15 indulgence, Your Honor?

16 THE COURT: Yes.

17 MR. SPECCHIO: No further questions.

18 THE COURT: Redirect?

19 MR. STANTON: No questions.

20 THE COURT: Thank you. You may step down.

21 (The witness was excused.)

22 THE COURT: Call your next witness.

23 MR. STANTON: State would call Priscilla

24 Endemann.

25

PRISCILLA LUPE ENDEMANN

called as a witness on behalf of the Plaintiff,
having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Ma'am, could you please state your full name
and complete name?

A Priscilla Lupe Endemann.

Q And Miss Endemann, how old are you?

A 21.

Q I want to direct your attention back to the
first couple weeks of January of 1998. At that time, ma'am,
did you know someone by the name of Siasosi Vanisi?

A Yes.

Q How did you know him?

A Through a friend.

Q What friend was it?

A Losa.

Q Losa. And had you ever seen Mr. Vanisi before
that time?

A Saturday.

Q Before he came to Reno?

THE COURT: Excuse me just a minute. Would you
scoot a little closer to the microphone? Thank you.

1 I'm sorry, Mr. Stanton. You may proceed.

2 BY MR. STANTON:

3 Q You are going to have to speak into that
4 microphone. So if you could come even closer to it.

5 Prior to seeing Mr. Vanisi in January of 1998
6 in Reno, had you ever seen him before?

7 A No.

8 Q And what name did you know him by when you were
9 introduced to him in January?

10 A Pe.

11 Q Do you see Pe in court today?

12 A Yes.

13 Q Could you please point him out, where he is in
14 the courtroom and what he is wearing?

15 A He's second to the right, he's wearing a gray
16 suit with the blue tie.

17 Q And does he look different today than he did
18 when you first saw him in January?

19 A Yes.

20 Q How so?

21 A He lost weight.

22 Q Lost weight? Anything else?

23 A There's no beard.

24 Q When you first met him, ma'am, in January of
25 1998, do you know what day it was, day of the month and

1 where you met him, where physically in Reno you first met
2 him?

3 A I don't remember the date, but it was at
4 Paradise Park.

5 Q What was going on at Paradise Park?

6 A A dance.

7 Q Showing you Exhibit 24-A, does that look closer
8 to the way he looked when you first met him?

9 A Yes.

10 Q What was going on at Paradise Park?

11 A It was a dance for the youth.

12 Q Can you describe to the ladies and gentlemen of
13 this jury how he was dressed that night at the dance when
14 you first saw him?

15 A He had a wig on, and he had a hatchet in his
16 hand.

17 Q Describe the wig for me. How long was it?

18 A Shoulder length.

19 Q Could you demonstrate on yourself how long?

20 A About this long (indicating).

21 Q Was he wearing any type of hat over the wig?

22 A No.

23 Q Do you remember talking to the police about a
24 bandana?

25 A Yes.

1 Q Does that --

2 A Yes. Like a scarf holding the wig down.

3 Q And what kind of pants was he wearing?

4 A Dark jeans.

5 Q And were they tight fitting or looser?

6 A It was fitting. It wasn't too tight, wasn't
7 too loose.

8 Q Do you remember giving a statement to the
9 police?

10 A Yes.

11 Q And do you recall telling the police that they
12 were baggy?

13 A I don't remember.

14 Q Would looking at a transcript help you?

15 A Okay.

16 MR. STANTON: Court's indulgence for one
17 moment.

18 BY MR. STANTON:

19 Q Miss Endemann, if you could briefly take a look
20 at that and see if that looks familiar to you and relative
21 to the questions and answers that you gave to police on
22 January 13th, 1998. Does it look familiar?

23 A Yes.

24 Q Could you turn to page 6. The page number will
25 be in your lower right-hand corner. And on the left-hand

1 column of that page is a series of numbers. I'd like to
2 refer you to lines 19 through 21. Just read that to
3 yourself. Does that help you remember?

4 A Yes.

5 Q Now, you said that he had a bandana on;
6 correct?

7 A Yes.

8 Q And that he had a -- the hatchet and that he
9 used something for a belt. What did he use for a belt?

10 A A necktie.

11 Q Necktie. And what color was the bandana; do
12 you remember?

13 A Dark colored.

14 Q If you direct your attention to lines 34
15 through 38, just read that to yourself. Do you remember
16 what color the bandana was?

17 A Yes.

18 Q What?

19 A Black.

20 Q Turn the page to page 7, the next page, lines 7
21 through 10. Specifically do you now recall what you told
22 the police as far as the fit and the color of the pants he
23 was wearing?

24 A Yes.

25 Q What were they?

1 A Black jeans, baggy jeans, and I still wasn't
2 sure about the color of the shirt.

3 Q Showing you Exhibit No. 6, does that remind you
4 of how Mr. Vanisi looked?

5 A Yes.

6 Q Is that pretty accurate?

7 A Yes.

8 Q Now, you said that he had a hatchet with him.
9 Can you describe that hatchet for me?

10 A Black handle and silver on the top.

11 Q Exhibit 5. Does this look about the same size,
12 shape, color?

13 A Yes.

14 Q If you could take that hatchet and could you
15 demonstrate for the ladies and gentlemen of this jury how
16 you saw Mr. Vanisi dancing with that hatchet?

17 A Wherever he would move his arm, the hatchet, he
18 wasn't trying to swing it around. He was just dancing with
19 it.

20 Q How many people were at that dance when he was
21 doing that?

22 A I would say more than 50.

23 Q Could you repeat your answer to that last
24 question? How many people were at the dance?

25 A More than 50.

1 Q More than 50?

2 Now, in relationship to your interview with the
3 police, and you can refer to that chart over your right
4 shoulder of January of 1998, the interview with the police I
5 believe occurred on late Tuesday evening, January 13th,
6 1998. What date was the dance?

7 A It was on the 11th. I mean the 10th. I'm
8 sorry.

9 Q The 10th?

10 A Yes.

11 Q From the 10th when you first met him at the
12 dance and he was dancing with the hatchet, until the last
13 time you saw Mr. Vanisi in that month, how many times did
14 you see him with a hatchet?

15 A Twice.

16 Q Is that how many times you saw him?

17 A Not really, no.

18 Q Can you speak up a little louder?

19 A Sure.

20 Q Can you move a little closer to that
21 microphone?

22 Now, let me just repeat my last couple
23 questions to make sure everybody heard you.

24 How many times total did you see Mr. Vanisi
25 from the first time you saw him at the dance till the last

1 time you saw him in January?

2 A With the hatchet?

3 Q Just how many times did you see him?

4 A More than a couple times.

5 Q Did he always have the hatchet with him?

6 A Not always.

7 Q Most of the time?

8 A Yes.

9 Q And how was he carrying the hatchet?

10 A Just holding it.

11 Q Now, on Tuesday, the 13th of January, did you
12 happen to be at Losa's house at 1098 Rock Boulevard,
13 Apartment A?

14 A Yes.

15 Q What time did you arrive at that location?

16 A I don't remember.

17 Q Did you spend the night there?

18 A No.

19 Q Were you present when the hatchet was found
20 inside the apartment on Tuesday morning?

21 A Yes.

22 Q Who found the hatchet?

23 A Losa's brothers.

24 Q What's Losa's brothers' names?

25 A Masi and Bill.

1 Q How old are Masi and Bill?

2 A Masi is 12, Bill is 15.

3 Q And can you describe what happened when they
4 found it, what you saw, what you heard?

5 A The boys were disgusted because they seen a
6 little bit of blood on it.

7 Q And where were they when they found the blood
8 on it and they got disgusted?

9 A In their bedroom.

10 Q And what did they do with it?

11 A They brought it to the living room, and then
12 they dropped it in front of the door.

13 Q Did you see any blood on it?

14 A When I looked closely, yes.

15 Q Showing you Exhibits 20-E and 20-A, do you
16 recognize what is in those photos?

17 A Yes.

18 Q Is that the hatchet you just testified to?

19 A Yes.

20 Q Is that the location where it ultimately ended
21 up?

22 A Yes.

23 Q Is that in the same or similar condition as you
24 saw it as you just testified to?

25 A Yes.

1 MR. STANTON: Move for 20-A and B into
2 evidence.

3 THE COURT: Mr. Specchio, any objection?

4 MR. SPECCHIO: No objection, Your Honor.

5 THE COURT: Exhibit 20-A and 20-B are admitted.
6 (Exhibit Nos. 20-A and 20-B admitted.)

7 MR. STANTON: Your Honor, may I publish both
8 those photographs to the jury?

9 THE COURT: You may.

10 BY MR. STANTON:

11 Q Did you ever hear Mr. Vanisi ever state that he
12 wanted to hurt anyone?

13 A Yes.

14 Q What did he say as best you can remember, his
15 exact words?

16 A I want to kill a cop.

17 Q When was the first time that you heard that?

18 A Sunday.

19 Q Sunday, which Sunday?

20 A Sunday, the 11th.

21 Q And who else was present when he first made
22 that statement?

23 A Laki, Losa, Corina -- I'm not sure if Teki --
24 and Losa's younger brothers, Masi and Bill.

25 Q Did he whisper that to you or did he say out

1 loud like you and I are talking right now?

2 A He said it out loud.

3 Q Approximately how many times did you hear
4 Mr. Vanisi say he wanted to kill a cop?

5 A More than 10 times.

6 Q Did he ever tell you about a particular way he
7 wanted to catch a police officer?

8 A During his break time.

9 Q What type of break time?

10 A Coffee break.

11 Q And when did he say this?

12 A It was Sunday. I don't remember.

13 Q Sunday?

14 A On the 11th.

15 Q On the 11th. How was Mr. Vanisi acting when he
16 said that he wanted to kill a cop?

17 A Casual.

18 Q Matter of fact?

19 A Yes.

20 Q When was the first time that you heard about
21 the murder of George Sullivan?

22 A Tuesday morning.

23 Q And how did you find out about it,
24 Miss Endemann?

25 A Went to the university because my son had a

1 doctor's appointment.

2 Q At the university campus?

3 A Yes.

4 Q What time was your son's doctor appointment on
5 Tuesday the 13th?

6 A I believe it was at 9:00 a.m.

7 Q What happened when you went to the university?

8 A It was closed.

9 Q And were you advised why the campus was closed?

10 A A cop was killed.

11 Q At some time later that same day, did you
12 happen to see a composite sketch?

13 A Yes.

14 Q Was that on television?

15 A Yes.

16 Q Showing you Exhibit 6, is that what you saw on
17 television?

18 A Yes.

19 Q Miss Endemann, when you first saw this
20 composite sketch on television, what was the first thought
21 that entered your mind?

22 A That it was Pe.

23 Q In fact, you told the police -- and I know it's
24 been almost a year since your interview -- do you remember
25 the precise words of what you told the police about when you

1 saw that photograph?

2 A I thought about what he said on Sunday, and I
3 just put it together and I figured out that it was him.

4 Q If you could turn to your transcript, page 12,
5 lines 23 through 25, question by Detective Jenkins: "You
6 thought it looked like Pe from the sketch"?

7 What was your response?

8 A "It fit him so perfect, I have to go back and
9 make sure everybody was safe."

10 Q That is a good enough. You said, "It fit him
11 so perfect"?

12 A Yes.

13 Q Did Mr. Vanisi change his appearance at all
14 Tuesday morning, the 13th?

15 A Yes.

16 Q How did he change his appearance?

17 A Shaved part of his beard.

18 Q Did there come a time at Losa's house in the
19 afternoon hours of Tuesday, January 13th, where the evening
20 news came on at the Losa home?

21 A Yes.

22 Q Who was at the home when the evening news came
23 on that night?

24 A Corina, Losa, Bill, Masi, Laki, and myself.

25 Q Was the defendant, Siaosi Vanisi, there?

1 A Yes.

2 Q When the evening news came on, what was
3 Mr. Vanisi doing?

4 A He was sleeping.

5 Q Where was he sleeping?

6 A On the bed next to the TV.

7 Q The TV that was on?

8 A Yes.

9 Q What was he doing before the news broadcast
10 came on besides sleeping? Was he making any noise?

11 A He was snoring.

12 Q And what was the first story that the evening
13 news broadcast that night as you watched it?

14 A The cop killing.

15 Q And that's the one where they broadcast this
16 composite sketch, No. 6?

17 A Yes.

18 Q Did something occur with Mr. Vanisi as he was
19 snoring during the news broadcast?

20 A He stopped snoring.

21 Q And what did you all do after watching the news
22 broadcast?

23 A We got quiet.

24 Q And where did you go after the broadcast of the
25 cop had been murdered?

1 A We left the room.

2 Q And did you make a plan to leave the apartment?

3 A Yes.

4 Q Who?

5 A Myself, Laki, Corina, Losa and the boys.

6 Q And why did you want to leave the apartment?

7 A Because I was scared.

8 Q Where did you want to go?

9 A Anywhere but there.

10 Q And what happened? Can you tell us what

11 happened?

12 A The boys left to the church before we did. And

13 as me and Corina and Laki were about to leave, he came along

14 with us.

15 Q Who is he?

16 A Pe.

17 Q So he had woken up?

18 A Yes.

19 Q This is not what you had planned?

20 A No.

21 Q Where did you go?

22 A We went to the church.

23 Q Which church?

24 A The Mormon church.

25 Q Where is that Mormon church located?

1 A By the university.

2 Q University of Nevada, Reno campus?

3 A Yes.

4 Q From where you were going or coming from Rock
5 Boulevard at Losa's house to the Mormon church, do you
6 normally go through the university?

7 A Yes.

8 Q Did Mr. Vanisi act any differently while you
9 were approaching the university campus?

10 A Yes.

11 Q Can you describe how he was acting?

12 A He was acting paranoid.

13 Q Different from how he was acting at all the
14 times previous that day?

15 A Yes.

16 Q And when did he begin to act paranoid?

17 A As soon as we came close to the university.

18 MR. STANTON: Court's indulgence.

19 THE COURT: Yes.

20 MR. STANTON: No further questions.

21 THE COURT: Cross-examination?

22 MR. SPECCHIO: May I have the Court's
23 indulgence?

24 THE COURT: Certainly.

25 MR. SPECCHIO: No questions, Your Honor.

1 THE COURT: Thank you. You may step down.

2 (The witness was excused.)

3 THE COURT: Call your next witness.

4 MR. STANTON: State would next call Manamoui
5 Peaua.

6 **MANAMOUI PEAU**

7 called as a witness on behalf of the Plaintiff,

8 having been first duly sworn,

9 was examined and testified as follows:

10 **DIRECT EXAMINATION**

11 BY MR. STANTON:

12 Q Sir, could you please state your full name and
13 complete name and spell your first and last name for the
14 court reporter?

15 A Manamoui Peaua; M-A-N-A-M-O-U-I, P-E-A-U-A.

16 Q Sir, how old are you?

17 A 26.

18 Q And how long have you lived here in Reno?

19 A About 20 years.

20 Q Sir, over your right hand shoulder is
21 Exhibit 8, which is a street map. I'd ask if you'd look at
22 that for a moment and see if you can become familiarized
23 with the streets and the locations on that map.

24 A Yes.

25 Q I'd like to direct your attention back to

1 January of 1998. You have a large family that lives here in
2 Reno?

3 A Yes, sir.

4 Q Where does the bulk of your family reside?

5 A 1645 Sterling Way.

6 Q Could you point where that is on the map?

7 A Right here.

8 Q It's got the label there?

9 A Right.

10 Q And there is a red dot just to the left side of
11 that label. Does that accurately reflect the Sterling
12 Street?

13 A Yes.

14 Q Do you know Siaosi Vanisi?

15 A Yes, I do.

16 Q How is he related to you?

17 A Cousin.

18 Q And how often have you seen Mr. Vanisi, say,
19 prior to January 1998?

20 A Probably two, three times a year.

21 Q And how would you describe your relationship
22 with him?

23 A Just family.

24 Q Friends?

25 A Friends.

1 Q Prior to January 1998, when was the last time
2 you saw Mr. Vanisi?

3 A Maybe about two months prior, two, three months
4 prior.

5 Q Was that a family gathering?

6 A No.

7 Q Was that in Reno?

8 A That was in L.A.

9 Q Los Angeles?

10 A Yes.

11 Q In January of 1998, did Mr. Vanisi come to
12 Reno?

13 A Yes, he did.

14 Q Was that a scheduled visit or a surprise to
15 you?

16 A I knew maybe a week beforehand.

17 Q Was there any family gathering that was planned
18 at that time?

19 A I don't think so.

20 Q Do you see Mr. Vanisi in court today?

21 A Yes, I do.

22 Q Could you please point out where he is and what
23 he is wearing for me, sir?

24 A He's wearing a gray suit, blue tie.

25 Q Sitting at this table right to my left?

1 A Yes.

2 Q Beneath this map is a blowup of January 1998.
3 If you need that for your reference.

4 Could you tell me what day in January you first
5 saw Mr. Vanisi in Reno?

6 A I'm not sure. I would have to be reminded.

7 Q If I were to tell you that the murder of
8 Sergeant George Sullivan took place just after midnight
9 going from Monday, the 12th, into Tuesday, the 13th of
10 January, does that give you a frame of reference?

11 A Yeah. Probably maybe a week before.

12 Q And where did you first physically see
13 Mr. Vanisi?

14 A At the house.

15 Q At Sterling?

16 A Right.

17 Q Did he have any clothes with him when he
18 arrived?

19 A I think he was carrying a bag and just what he
20 had on.

21 Q Can you describe how he looked when he first
22 arrived in Reno when you first saw him at your house?

23 A He had a jacket, a vest, cream pants, I think.

24 Q Was he wearing a wig?

25 A Yes.

1 Q What kind of wig? Can you describe it for me?

2 A Brown wig.

3 Q Was it normal or usual for you to see your
4 cousin wearing a wig?

5 A No.

6 Q No, it wasn't normal?

7 A No, it was not.

8 Q First time you had ever seen him with a wig?

9 A Yes.

10 Q Did he have anything over the wig?

11 A A beanie.

12 Q Showing you Exhibit 6, does that look like your
13 cousin when you first saw him?

14 A Yes.

15 Q When you were at the Sterling address, did you
16 see him unpack any other clothing besides what he was
17 wearing?

18 A He had a few things. I can't remember them.

19 Q What kind of jacket was he wearing?

20 A Leather jacket.

21 Q What color was it?

22 A Brown.

23 Q Now, I'd like to direct your attention to
24 Monday, the 12th of January, on that. Refer to that chart
25 if you need to.

1 Mr. Peaua, directing your attention to
2 approximately 10:00 p.m., on that date, was the defendant
3 staying at your home?

4 A Yes, he was.

5 Q And do you remember him arriving at your home
6 on Monday evening?

7 A No.

8 Q You don't? Were you there all day?

9 A Pretty much.

10 Q Do you remember your cousin, the defendant,
11 Mr. Vanisi, being there all day?

12 A Off and on, I believe.

13 Q Well, I want to direct your attention
14 specifically to 10:00 p.m. Do you recall your cousin, the
15 defendant, Siaosi Vanisi, arriving at your home at
16 approximately 10:00 p.m.?

17 A I saw him around 10:00.

18 Q Would you say you saw him but you don't know if
19 he necessarily arrived then; is that your testimony?

20 A Yes.

21 Q Could he have arrived at that time, or do you
22 not remember?

23 A Could have, I guess.

24 Q How was he dressed?

25 A He had a shirt, pants. He may have had the

1 brown jacket, I think.

2 Q Exhibit 11, does that look like the jacket?

3 A It looks like it.

4 Q About the same length of Mr. Vanisi?

5 A Just about, yeah.

6 Q What were you doing at about 10:00 o'clock that
7 evening at your home?

8 A Watching TV.

9 Q Other family members watching TV as well?

10 A Yeah.

11 Q Did Mr. Vanisi have the wig and the beanie on?

12 A No.

13 Q You didn't see that?

14 A No.

15 Q Was he carrying anything?

16 A No.

17 Q What did you do the rest of the evening from
18 10:00 o'clock on?

19 A Just watch movies.

20 Q Did you go to sleep any time before midnight?

21 A No.

22 Q What time the next morning did you ultimately
23 go to sleep?

24 A On the next morning?

25 Q Yes.

1 A About 2:30, maybe three.

2 Q Prior to you going to sleep, do you recall
3 Mr. Vanisi leaving your home?

4 A Yes.

5 Q What time did he leave the home?

6 A About 2:30, 2:00 o'clock, between 2:00 and
7 2:30.

8 Q From the time of 10:00 o'clock p.m. to 2:30 in
9 the morning, you never saw him leave?

10 A No.

11 Q He was there all the time?

12 A Last time I seen him, yes, he was there.

13 Q Okay. When was the last time you seen him?

14 A About 10:30, about 10:30, close to there.

15 Q Let me get this straight. You are watching
16 television, watching a movie with family members?

17 A Right.

18 Q Where is Mr. Vanisi?

19 A He was sleeping in the bedroom.

20 Q So he's not in the same room?

21 A No.

22 Q At sometime he comes into your house and asks
23 you for a ride?

24 A Yes.

25 Q What time of the morning does that occur?

1 A About 2:30. 2:00 to 2:30.

2 Q Where does he ask you to take him?

3 A To our cousin's house on Rock Boulevard.

4 Q What is your cousin's name?

5 A Losa's house.

6 Q To Losa's house?

7 A Right.

8 Q Was he by himself?

9 A Yes.

10 Q Do you know Sateki Taukiuvea?

11 A Yes.

12 Q Was he there?

13 A At which place?

14 Q At Sterling?

15 A No.

16 Q When the defendant, Mr. Vanisi, asked you for a

17 ride, was he by himself?

18 A Yes.

19 Q And did you take him to Losa's house?

20 A Yes.

21 Q Did you take anybody else to Losa's house?

22 A No.

23 Q How was the defendant, Mr. Vanisi, acting when

24 he asked you for a ride?

25 A Usual, just quiet and just chitchatting.

1 That's about it.

2 Q Was it usual for him to be quiet or was it
3 usual for him to be chitchat?

4 A Either one. You know. It just depends on how
5 he was at the time.

6 Q And how was he at that time?

7 A Just quiet at sometimes but, you know, start a
8 little conversation here and there. That's about it.

9 Q When he asked you for the ride back to Losa's
10 house, did he have the wig on?

11 A No.

12 Q Was he wearing the jacket that we just looked
13 at?

14 A Yes.

15 Q Was he wearing any gloves?

16 A No.

17 Q Was he carrying anything with him?

18 A Plastic bag.

19 Q What color was it?

20 A White.

21 Q Showing you Exhibit 22, does that appear to be
22 the color and type of bag that he had with him?

23 A Yeah.

24 Q Did you see what was in the bag, sir?

25 A No.

1 Q Did it appear to be empty or full?

2 A Halfway full, I suppose.

3 Q Did you ever see a hatchet on him?

4 A No.

5 Q If he was wearing a hatchet underneath his
6 coat, would you have seen it?

7 A Probably not.

8 Q After dropping him off at Rock Boulevard, did
9 you ever see him after that?

10 A No.

11 Q What time did you drop him off at Rock
12 Boulevard?

13 A About 2:30.

14 Q Did you go into the house?

15 A No.

16 Q Do you know Mr. Taukiuvea's vehicle that he
17 drives?

18 A No.

19 Q You don't know it?

20 A No.

21 Q So you wouldn't know whether or not it was at
22 the Losa's house when you arrived?

23 A I wouldn't know.

24 MR. STANTON: No further questions.

25 THE COURT: Cross-examination?

MR. SPECCHIO: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. SPECCHIO:

Q Mr. Peaua, are you a student at UNR?

A Not at this time, no.

Q You were previously?

A Yes.

Q And who were you dating in January 1998?

A Christina, I think.

Q Is that -- what was the name?

A Christina.

Q Christina. You know the defendant?

A Yes, I do.

Q And you know Teki --

A Yes.

Q -- Taukiuvea? Do you know Chiatra Hanke,
Chiatra Hanke?

A I don't think so.

Q Do you remember talking to her on the phone?

A I don't think so.

Q The times that you have just talked about with
the District Attorney are in relation to the night of
Monday, January 12th?

A Yes.

Q The best of your knowledge and recollection,

1 Mr. Vanisi was at the Sterling address from 10:30 to 2:30 in
2 the morning?

3 A Yes.

4 Q The bag that he was carrying, did you look in
5 it?

6 A No.

7 Q Did you carry it?

8 A No.

9 Q So you don't know if it was light or heavy?

10 A It looked like he had clothes in it.

11 Q So it looked like half full of clothes?

12 A Right, half full of clothes.

13 Q So I mean, you didn't have to have two hands to
14 lift it up?

15 A No.

16 Q Do you know how Mr. Vanisi got -- the Sterling
17 address is where you live; right?

18 A Right.

19 Q Do you know how he got there at around 10:00
20 o'clock that night?

21 A No.

22 Q You didn't see Teki drive him over there at
23 10:00 o'clock?

24 A No.

25 Q He could have walked?

1 A Could have.

2 Q He didn't have an automobile, did he?

3 A No.

4 Q He could have taken a cab?

5 A Could have.

6 Q And then around 2:30 in the morning, you drove
7 him over to Rock Boulevard?

8 A Right.

9 Q You didn't get out of the car so you don't know
10 who was in the house?

11 A Right.

12 Q Do you know Teki's vehicle?

13 A No.

14 Q You don't know what kind of car Teki has?

15 A No.

16 Q If I were to say the word or the number to you
17 187, do you know what that means?

18 A Oh, yeah.

19 Q What does that mean?

20 A Murder.

21 Q Do you ever remember having a conversation with
22 Teki where he said to you, I just did a 187?

23 A No.

24 Q I got to hang up?

25 A No.

1 Q That never happened?

2 A No.

3 Q And you don't know anybody by the name of
4 Chiatra Hanke?

5 A Not from that name, no.

6 MR. SPECCHIO: No further questions, Your
7 Honor.

8 THE COURT: Redirect?

9 MR. STANTON: Briefly, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MR. STANTON:

12 Q Mr. Peaua, on the night of Monday,
13 January 12th, from 10:30 to 2:00 o'clock in the morning when
14 Mr. Vanisi asked you for a ride, did you ever see him in
15 your home during those time periods?

16 A Between the time period?

17 Q Between 10:30 p.m. on January 12th, and to the
18 time he comes in and asks for a ride back to Losa's house,
19 did you ever see him in your house?

20 A No, I don't think so.

21 Q You don't think so?

22 A No.

23 Q Now who is Doobie?

24 A My dog.

25 Q Your dog?

1 A Right.

2 Q Can you describe your dog to the ladies and
3 gentlemen of the jury?

4 A Husky, half husky, white with black spots.

5 Q Big dog?

6 A Pretty big, yes.

7 Q Did you ever see Mr. Vanisi walking your dog?

8 A Sometimes.

9 MR. STANTON: Thank you. Nothing further.

10 THE COURT: Anything further?

11 MR. SPECCHIO: No, ma'am. No, Judge. No, Your
12 Honor.

13 THE COURT: Do you need a break?

14 MR. SPECCHIO: Sure.

15 THE COURT: You may step down.

16 (The witness was excused.)

17 THE COURT: Ladies and gentlemen of the jury,
18 we'll take our afternoon recess now. During this break do
19 not discuss the case among yourselves or with anyone else.
20 It is your further duty not to form or express any opinion
21 regarding the guilt or innocence of the defendant until the
22 case has been finally submitted to you for decision.

23 You are not to read, look at or listen to any
24 news media accounts regarding this matter should there be
25 any, and should any person attempt to discuss the case with

1 you or in any manner attempt to influence you with regard to
2 it, you are to advise the bailiff who in turn will advise
3 the Court.

4 Ladies and gentlemen of the jury, go ahead and
5 have a recess now. The bailiff will be bringing you back in
6 as soon as we're through with our recess.

7 Court is in recess.

8 Counsel, I will see you back in 15 minutes.

9 (Recess taken at 3:03 p.m.)

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1 RENO, NEVADA, THURSDAY, JANUARY 14, 1999, 3:32 P.M.

2 -oOo-

3
4 (Whereupon, the following proceedings were held
5 in open court, in the presence of the jury.)

6 THE COURT: Counsel, can we stipulate to the
7 presence of the jury?

8 MR. GAMMICK: Yes, Your Honor.

9 MR. SPECCHIO: Yes, Your Honor.

10 THE COURT: Call your next witness.

11 MR. STANTON: Your Honor, I'm going to have to
12 use the nickname. It would be Laki.

13 THE CLERK: Exhibits 30-A through G marked.

14 (Exhibit Nos. 30-A through 30-G marked.)

15 **METUISELA DANIEL TAUVELI**

16 called as a witness on behalf of the Plaintiff,

17 having been first duly sworn,

18 was examined and testified as follows:

19 **DIRECT EXAMINATION**

20 BY MR. STANTON:

21 Q Sir, if you could pull your chair up so that
22 you are real close, as far as you can, close to the
23 microphone. Lift that microphone so it is as close to your
24 mouth as you can get it.

25 If you need to, lean forward just a little bit

1 when you give your answers. Okay?

2 Could you please state your complete name, and
3 I need you to spell both your first and last name?

4 A Metuisela, Daniel, Tauveli. The first name is
5 M-E-T-U-I-S-E-L-A. The last name is T-A-U-V-E-L-I.

6 Q You have a nickname that you go by?

7 A Laki.

8 Q How do you spell that?

9 A L-A-K-I.

10 Q And sir, how old are you?

11 A Twenty.

12 Q How long have you lived in Reno?

13 A Twenty years.

14 Q Do you know Siasosi Vanisi?

15 A Yes.

16 Q How do you know him?

17 A He's my cousin.

18 Q And how often have you seen him through the 20
19 years of your life?

20 A Off and on. The longest I haven't seen him was
21 like two years, three.

22 Q You see him regularly?

23 A Yes.

24 Q You see him in court today?

25 A Yes.

1 Q Where is he and what is he wearing?

2 A He's over there, and he's wearing a gray suit.

3 Q Is he wearing a tie?

4 A Yes.

5 Q What color is the tie?

6 A It's blue.

7 Q Sitting down at this table?

8 A Yes.

9 Q Now, I want to direct your attention to January
10 of 1998. Over your right shoulder, a blowup of that month,
11 a calendar month.

12 And as a frame of reference, sir, I'd indicate
13 to you that you talked to the police and gave a recorded
14 statement on Tuesday, January 13th, 1998, in the evening,
15 around almost 10:00 p.m.; is that correct?

16 A Yes.

17 Q Using that as a frame of reference, Tuesday,
18 the 13th of January, when was the first time that you saw
19 the defendant, Siaosi Vanisi, in January 1998?

20 A The first time? About a week before.

21 Q Where was the first time that you saw him?

22 A At Jack-in-the-Box.

23 Q How was he dressed?

24 A He was wearing some jeans. I think it was
25 jeans or slacks. And a shirt and a vest.

1 Q What color was his jeans?

2 A They were dark color. I can't remember what
3 color it was exactly.

4 Q Could you raise your voice up a little bit for
5 me?

6 A Yes.

7 Q What color jeans was he wearing?

8 A I can't remember. They were just dark.

9 Q And does he look or did he look different that
10 first time you saw him than he does in court?

11 A Yes.

12 Q How does he look different?

13 A He had a full beard and long hair.

14 Q Long hair. Was that his natural hair or
15 something else?

16 A It was a wig.

17 Q How do you know it was a wig?

18 A Because his hair wasn't that long.

19 Q Did you ever see him take it off?

20 A Yeah.

21 Q And do you know what dreadlocks are?

22 A Yes.

23 Q Did it look like that?

24 A No.

25 Q How long was it?

1 A About shoulder length.

2 Q And what color was the hair?

3 A It was a dark color. Dark brown probably.

4 Q And did he wear any hat over the wig?

5 A No. He just wore a bandana over it.

6 Q What color was that bandana?

7 A I don't remember.

8 Q Showing you Exhibit 6, is that how your cousin

9 Pe looked on that day when you saw him at Jack-in-the-Box?

10 A Yes. But he was wearing a bandana instead of a

11 beanie.

12 Q Other than that?

13 A Yes.

14 Q You say that was a week before your interview

15 with the police. So that would put it about January 6th?

16 A I think so, yes.

17 Q How was your cousin acting when you saw him on

18 the 6th of January?

19 A Funny.

20 Q Pardon me?

21 A He was pretty weird. He was funny.

22 Q Acting different than he normally had?

23 A Yeah.

24 Q What was different about how he was acting?

25 A He was just very talkative, more -- I don't

1 know. He was different. He talks more differently.

2 Q Did you ever hear him speak about killing a
3 cop?

4 A Yes.

5 Q When was the first time you heard that?

6 A I think later on that day at home or after.

7 Q That would have been the 6th of January?

8 A Yes.

9 Q What did you think when you first heard that?

10 A I thought it was just a joke.

11 Q And who else was present when he said that?

12 A I'm not sure. It could have been -- I think
13 most of us at the apartment.

14 Q And which apartment is that?

15 A Losa's apartment.

16 Q Who usually was hanging out at Losa's
17 apartment?

18 A Losa, her brothers and sister, me, Teki.

19 Q Teki is Sateki Taukiuvea?

20 A Yes.

21 Q What was the conversation about at Losa's house
22 when you first heard the defendant say he wanted to kill a
23 cop? Do you remember?

24 A No.

25 Q Were the rest of you talking about killing a

1 cop?

2 A No.

3 Q Was it out of the blue, in other words?

4 A Yes.

5 Q Was it out of context when he said that?

6 A Yes.

7 Q You thought he was joking?

8 A Yes.

9 Q Do you remember the exact words that he used?

10 A "I want to kill a cop."

11 Q And from the first time you heard him say it to
12 the last time you heard him say it, how many times do you
13 think he said I want to kill a cop?

14 A Probably close to 10 times probably.

15 Q Now, up on that chart you were interviewed by
16 the police on Tuesday, January 13th. I'll represent to you
17 Sergeant Sullivan was murdered on the university campus just
18 after midnight on that day.

19 When was the last time you heard Mr. Vanisi say
20 he wanted to kill a cop?

21 A I think the day before that.

22 Q Did you ever hear him say I want to kill a cop
23 after that?

24 A No.

25 Q Did he ever mention to you about why he wanted

1 to kill a cop?

2 A No.

3 Q Did he ever mention to you about getting
4 money --

5 A No.

6 Q -- from killing a cop? You don't remember
7 that?

8 A I don't remember.

9 Q Do you remember giving a statement to the
10 police?

11 A Yes.

12 Q And that that statement was recorded?

13 A Yes.

14 MR. STANTON: Court's indulgence one moment.

15 THE COURT: Yes.

16 BY MR. STANTON:

17 Q Take a glance at the first couple of pages and
18 see if you recognize that transcript. Does that look like a
19 transcript of the questions that were asked of you and the
20 answers you gave on January 13th?

21 A Yes.

22 Q I'd like you if you could, sir, to turn to page
23 26. When you get to 26, on the left-hand column of that
24 page is a series of numbers. If you would direct your
25 attention and read for me, just to yourself, lines 26

1 through 39. Do you remember what he said about killing a
2 cop?

3 A Yes.

4 Q What was that?

5 A He said he wanted to kill a cop and he can get
6 us some money.

7 Q Get you some money?

8 A Yes.

9 Q Showing you photograph 20-A, this document has
10 been admitted into evidence. Do you recognize anything in
11 that photograph?

12 A Yes.

13 Q Those shoes right here, are those yours?

14 A These are.

15 Q These two here?

16 A Yeah.

17 Q Did you ever see that hatchet at Losa's house?

18 A Yes.

19 Q When did you see the hatchet at Losa's house?

20 A What do you mean like?

21 Q When was the first time you saw it? Did you
22 see it in this condition at the home?

23 A Yes.

24 Q And when was that?

25 A Tuesday night.

1 Q Had you ever seen that hatchet before?

2 A Yes.

3 Q Who had it?

4 A Siaosi.

5 Q Mr. Vanisi?

6 A Yes.

7 Q Did you ever see anybody else with that

8 hatchet?

9 A Sometimes some of my family would play with it,

10 but he usually had it.

11 Q Where did he have it?

12 You need to lean down in that microphone and

13 speak up real loud.

14 A He had it right on this side or in this side or

15 tucked in his pants.

16 Q You are pointing to this side or this side,

17 your upper chest?

18 A Hooked on to a belt.

19 Q Where was the belt; wrapped around his chest?

20 A Wrapped around his chest.

21 Q It was up this high?

22 A Uh-huh.

23 Q Was that inside or outside his coat?

24 A Inside.

25 Q What kind of coat was he wearing?

1 A It was a leather coat.

2 Q Now, Monday, January 12th, 1998, did you see
3 Mr. Vanisi that day?

4 A Yes.

5 Q Where was it and what time of day did you see
6 him?

7 A I think at home in the morning time.

8 Q Do you remember approximately what time?

9 A No, I don't.

10 Q When was the last time you saw him on the 12th
11 of January, Monday?

12 A When I was heading home.

13 Q What time did you head home?

14 A I was going home around 9:30, almost 10:00.

15 Q Morning or night?

16 A Night. Evening.

17 Q And where did you see Mr. Vanisi?

18 A Him and Teki were driving toward the Peauas'
19 residence.

20 Q When was the next time you saw Mr. Vanisi?

21 A The next morning after I got off work, Tuesday
22 morning.

23 Q Where were you and what time did you see him?

24 A I walked in the house from work around 8:30 or
25 9:00.

1 Q Morning or night?

2 A Morning.

3 Q Who was present inside the Losa Louis home on
4 Rock Boulevard?

5 A Losa, her sister, the boys. No, I think the
6 boys went to school. And Siaosi and Shamari.

7 Q And did you see Mr. Vanisi after he had had his
8 beard shaved?

9 A Did I see him after?

10 Q Yes.

11 A Yes.

12 Q When was his beard shaved, do you --

13 A In the morning.

14 Q Tuesday morning?

15 A Yes.

16 Q On Tuesday morning, did you see Mr. Vanisi
17 wearing a wig?

18 A No.

19 Q The night before when you saw him with Sateki
20 about 10:00 o'clock at night, did you see him wearing a wig?

21 A I don't remember.

22 Q On Tuesday morning, did you ask Mr. Vanisi
23 where the wig was?

24 A I don't remember.

25 Q Turn to page 16, if you would. Direct your

1 attention to line 31 through 33.

2 MR. SPECCHIO: I'm sorry, what page again?

3 MR. STANTON: 16.

4 BY MR. STANTON:

5 Q Does that help you remember?

6 A Yes.

7 Q So on Tuesday morning, the 13th of January,
8 1998, sir, did you ask Mr. Vanisi where his wig was?

9 A Yes.

10 Q What did he tell you?

11 A He said it was missing.

12 Q Did you see Mr. Vanisi with the hatchet inside
13 Losa's house the morning of Tuesday, January 13th?

14 A No.

15 Q When was the -- I direct your attention to page
16 12. Directing your attention to lines 23 through 25. Does
17 that help you out?

18 A Yeah.

19 Q Do you remember Tuesday morning whether or not
20 you saw the defendant with a hatchet at Losa's house?

21 A The last time I saw it was just on the
22 microwave.

23 Q The last time you remember seeing it was on the
24 microwave?

25 A On the microwave.

1 Q Inside Losa's house?

2 A Yes.

3 Q Who put it there?

4 A I don't know who put it there.

5 Q On Tuesday, were you present inside Losa's
6 house when the 6:00 o'clock evening news came on?

7 A Yes.

8 Q Was Mr. Vanisi there?

9 A Yes.

10 Q Where was Mr. Vanisi?

11 A He was sleeping on the other bed in the room I
12 was sleeping in.

13 Q And did there come a time where he was snoring?

14 A Yes.

15 Q And did the evening news come on and broadcast
16 the story about Sergeant Sullivan's murder?

17 A Yes.

18 Q What was Mr. Vanisi's reaction when that story
19 came on?

20 A He wasn't snoring no more.

21 Q What did you do at that point, sir?

22 A I got scared.

23 Q And did you make plans to leave the apartment?

24 A Yes, I did.

25 Q And who were you going to leave the apartment

1 with?

2 A With Corina and Priscilla.

3 Q You left the apartment and you went into what
4 vehicle?

5 A To my van.

6 Q And prior to you leaving the van, did something
7 happen?

8 A Yes.

9 Q What was that?

10 A Vanisi came out and got in also.

11 Q And you didn't want that to happen, did you?

12 A I was scared, yes.

13 Q Why were you scared?

14 A I don't know. I just had a feeling.

15 Q Had a feeling?

16 A Yes.

17 Q Where were you going when you left the Rock
18 Boulevard apartment?

19 A We were going to our church.

20 Q What church is that?

21 A The Church of Jesus Christ of Latter Day
22 Saints.

23 Q I ask you to take a look at Exhibit 8. Take a
24 moment to familiarize yourself with that. Specifically if
25 you can on that map, sir, orient yourself to Losa's

1 apartment on Rock Boulevard and the Mormon church that you
2 just spoke of.

3 Does that map fairly and accurately depict the
4 street map or the streets that you are familiar with,
5 specifically Rock Boulevard and the Mormon church on Buena
6 Vista?

7 A Yes.

8 MR. STANTON: Your Honor, I move Exhibit 8 into
9 evidence at this time.

10 THE COURT: Is it 8?

11 MR. STANTON: 8.

12 MR. SPECCHIO: No objection.

13 THE COURT: Exhibit 8 is admitted.

14 (Exhibit No. 8 admitted.)

15 BY MR. STANTON:

16 Q Sir, could you take that pointer for me? Can
17 you show me on that map the route that you took on Tuesday
18 leaving Losa's apartment to go to the Mormon church?

19 A I took Rock Boulevard South down to I-80. I
20 took I-80 west, exit off the Virginia exit, and I went up I
21 think it's Evans. Yeah, I went up Center Street and took a
22 left on Ninth Street and went up on Virginia Street and made
23 a left on the first block and took a right and on Imperial I
24 took a left.

25 Q On the way over to the Mormon church on Buena

1 Vista, did Mr. Vanisi tell you to take an alternative route
2 that you normally wouldn't take to get to the church?

3 A Yes.

4 Q What did he tell you to do?

5 A He told me to take the back way.

6 Q Why did he tell you that?

7 A He told me because the police might be still
8 investigating the murder or the crime.

9 Q Was Mr. Vanisi acting any differently when he
10 told you that?

11 A No.

12 Q He wasn't?

13 A No. He was just telling me to go.

14 Q Did you see this composite on the evening news?

15 A Yes.

16 Q When you saw that composite, did someone come
17 to mind as soon as you saw it as to who it was?

18 A Yes.

19 Q Who?

20 A Mr. Vanisi.

21 Q Is that the way he looked the last time you saw
22 him on Monday night, the 12th of January?

23 A Yes.

24 MR. STANTON: No further questions.

25 THE COURT: Cross-examination?

MR. SPECCHIO: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. SPECCHIO:

Q Mr. Tauveli, the route that you just showed that you went from Rock Boulevard to the church, is that the route you would normally take?

A That's the route I usually always take from Rock Boulevard.

Q So you didn't pay any attention to what Mr. Vanisi said, you went the way you usually go anyway?

A Yes.

Q Last year, January of '98, Priscilla Endemann was your girlfriend?

A Yes.

Q Is that still a fact today?

A No, it's not.

Q How about Teki? Do you know Teki?

A Yes.

Q Do you know who his girlfriend was at that time?

A Renee Peaua.

Q Do you know a young lady by the name of Chiatra Hanke?

A That's his ex-girlfriend.

Q That is his ex-girlfriend?

1 A Yes.

2 Q You saw -- what kind of car does Teki drive?

3 A He was an '87 Cutlass Supreme Oldsmobile.

4 Q You would be able to recognize that car?

5 A Yes.

6 Q Matter of fact, you did recognize that car on
7 Monday night?

8 A Yes.

9 Q And you saw Teki driving Mr. Vanisi someplace?

10 A Yes.

11 Q It was at least -- would you point out on that
12 map where you saw that Oldsmobile?

13 A I was making a right going south on Sullivan,
14 and he was making a left going north off of Merchant towards
15 Oddie.

16 Q So you were in the area of Oddie and Sullivan?

17 A Yes.

18 Q And you saw the Oldsmobile, and it was late at
19 night?

20 A Yes.

21 Q It was dark out?

22 A Yes.

23 Q Do you know who was driving the car?

24 A Yes.

25 Q Did you see the driver or did you just see the

1 car and some people inside?

2 A No, I saw the driver.

3 Q And who was driving?

4 A Sateki.

5 Q Was Teki wearing the wig at that time?

6 A No.

7 Q And you saw the defendant, Mr. Vanisi. Was he
8 sitting in the front seat or the back seat?

9 A I don't know. I saw another person, but I
10 didn't know who it was.

11 Q Let me ask you this: Could there have been two
12 other people besides Teki in that car?

13 A Yes.

14 Q Matter of fact, did you tell the police that
15 you thought somebody was sitting in the back seat?

16 A Yeah. I'm not sure.

17 Q You spoke to the police for a couple hours on
18 January 13th?

19 A Yes.

20 Q You obviously can't remember everything you
21 said, but you have an idea pretty much everything you told
22 them; right?

23 A Yes.

24 Q You weren't involved in this incident in any
25 fashion, were you?

1 A No.

2 Q As a matter of fact, you made a number of
3 comments, did you not, about Mr. Vanisi's mental capacity?

4 A Yes.

5 Q You said a couple of times you thought he was
6 crazy?

7 A Yes.

8 Q And that's based on the fact that you knew he
9 was the suspect in this criminal case; right?

10 A No.

11 Q No?

12 A No.

13 Q You just thought that because of his --

14 A His behavior.

15 Q His behavior. Coupled with his attire?

16 A Yes.

17 Q So you saw him with bandanas and hatchets and
18 dreadlocks and beanies and figured this guy is a little
19 weird?

20 A Yes.

21 Q So the statements that you made regarding his
22 mental capacity are based primarily on your observations of
23 him?

24 A Yes.

25 Q And the way he was acting, what he was doing

1 and the way he was dressed?

2 A Yes.

3 Q The hatchet, they showed you the picture of the
4 hatchet?

5 A Yes.

6 Q Let me just show you Exhibit 26. First of all,
7 you're familiar with the Rock Boulevard address, aren't you?

8 A Yes.

9 Q Aren't you actually the lessee; isn't the place
10 in your name?

11 A Yes.

12 Q So it's your name. It's in your name and your
13 relatives Losa, Maria -- Losa Louis lives there with her
14 sister and brothers?

15 A Yes.

16 Q So you must be related somehow?

17 A Yes.

18 Q And how are you related?

19 A They are my nieces.

20 Q Losa is your niece?

21 A Yes.

22 Q That being said, you're familiar with the 1098
23 Rock Boulevard Apartment A address?

24 A Yes.

25 Q How long have you had that address, that

1 apartment in your name?

2 A About two years now.

3 Q About a year before this incident?

4 A Yes.

5 Q You're familiar with the layout of the
6 apartment, how it's laid out, where the rooms are, et
7 cetera?

8 A Yes.

9 Q And how it's furnished?

10 A Yes.

11 Q Let me show you this exhibit. Exhibit 26, ask
12 if you recognize that.

13 A Yes, I do.

14 Q What would you say that is?

15 A That's the bag.

16 Q What is this?

17 A That is our kitchen.

18 Q Is that the kitchen at 1098 Rock Boulevard?

19 A Yes.

20 Q Where in relation to this photograph would the
21 microwave be?

22 A The microwave would be right here.

23 Q Okay. Is this bag on it or in front of it?

24 A In front of it.

25 Q So I think your testimony before was at the

1 time that you saw the hatchet, it was on the microwave?

2 A Yes.

3 Q What time is that? When did you see the
4 hatchet on the microwave?

5 A It was in the morning.

6 Q Of Tuesday?

7 A Yes.

8 Q Do you know what time?

9 A I would say around 8:30 or 9:00, 9:30, 10:00.

10 Q Do you know if that hatchet had already been
11 discovered by William or Brandon?

12 A No, not yet.

13 Q It hadn't been?

14 A It hadn't been.

15 Q You're not sure of that, though?

16 A I'm not sure.

17 Q You were there when Mr. Vanisi got a change of
18 appearance; is that right?

19 A Yes.

20 Q Did you recognize him before the shave?

21 A Yes.

22 Q Did you recognize him after the shave?

23 A Yes.

24 Q Did he have long hair before or reasonably long
25 hair before, before he was shaved?

1 A He had a full beard and shaved into an Elvis
2 cut.

3 Q By Elvis cut, you mean the sideburns were cut
4 off here?

5 A Yes.

6 Q You had no trouble recognizing him before and
7 after the shave?

8 A No.

9 Q How about his hair? Was his hair cut?

10 A I don't remember.

11 Q So you don't know if anything happened other
12 than the shaving?

13 A Yes.

14 Q You know Shamari Roberts?

15 A Yes.

16 Q Shamari did the shaving?

17 A Yes.

18 Q Has he ever shaved you or cut your hair?

19 A Yes.

20 Q It wasn't unusual to see Shamari shave somebody
21 or cut somebody's hair?

22 A He cuts everyone's hair.

23 THE COURT: I'm going to stop you for just a
24 moment, Mr. Specchio.

25 Will the court reporter approach?

1 Thank you, Mr. Specchio. You may continue.

2 MR. SPECCHIO: Thank you, Your Honor.

3 BY MR. SPECCHIO:

4 Q Mr. Tauveli, when the wig was gone, Mr. Vanisi
5 didn't tell you that he lost it, he just said it's missing;
6 right?

7 A Yes.

8 Q Isn't that what you said in your report?

9 A Yes.

10 Q Now, you -- the place is in your name and you
11 sleep there upon occasion, don't you, at Rock Boulevard?

12 A Yes.

13 Q Where do you work?

14 A I used to work at Colorite Plastics.

15 Q You don't work there anymore?

16 A No.

17 Q At the time that was in closer proximity to
18 Colorite Plastics than your house?

19 A Yes.

20 Q You lived north of town, did you not?

21 A Yes.

22 Q So you spent some nights there because it was
23 easier for you to go to work?

24 A Yes.

25 Q You worked what, graveyard shift?

1 A Yes.

2 Q And that began at what time?

3 A 12:00 a.m.

4 Q Midnight?

5 A Yes.

6 Q On Monday, January 12th, did you work that
7 night?

8 A Yes.

9 Q Which would be your Tuesday morning, I guess?

10 A Yes.

11 Q So you left at midnight to go to work; is that
12 right?

13 A I left at 11:30.

14 Q Of course. You left a little earlier to go to
15 work?

16 A Yes.

17 Q Did you work Sunday night, Monday morning?

18 A I think I did. I think that was one of our
19 overtime weeks.

20 Q So if I tell you that -- well, let me digress a
21 minute here so I don't confuse you. I'm already confused.

22 You indicated that Teki was asleep in the Rock
23 Boulevard apartment at -- let me rephrase that again. You
24 get off work at what time?

25 A 8:00 in the morning.

1 Q Okay. And after that it was not unusual for
2 you to go to the Rock Boulevard apartment either?

3 A Yes.

4 Q In fact, you went there on Tuesday morning at
5 about 10:00 o'clock, didn't you?

6 A Around 8:00, 9:00, 10:00.

7 Q And who was there at that time?

8 A Everyone.

9 Q By everyone, Losa?

10 A Yes.

11 Q Corina?

12 A Yes.

13 Q William Christopher?

14 A Yes.

15 Q Masi?

16 A Yes.

17 Q Mr. Vanisi?

18 A Yes.

19 Q Teki?

20 A I think so, yes.

21 Q Do you remember telling the police officers
22 that Teki had been asleep in the room with William and Masi?

23 A Yes.

24 MR. SPECCHIO: I have no further questions.

25 Thank you, Your Honor.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. STANTON:

Q Did you hear anybody else besides Siaosi Vanisi say they wanted to kill a cop during any time of January 1998?

A No.

Q Not anybody we have mentioned here today?

A No.

Q Did you ever see the defendant wearing the wig after Monday night when you saw him with Sateki Taukiuvea?

A No.

Q Never saw him again wear that wig?

A Yes.

MR. STANTON: Nothing further.

THE COURT: Recross?

MR. SPECCHIO: No, no further questions.

THE COURT: You may step down. You are excused.

(The witness was excused.)

THE COURT: Call your next witness.

MR. GAMMICK: We call Detective Jim Duncan, Your Honor.

(One witness sworn.)

JIM DUNCAN

called as a witness on behalf of the Plaintiff,
having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GAMMICK:

Q Would you please state your name and spell your
last name, sir?

A Jim Duncan, D-U-N-C-A-N.

Q What is your profession or occupation?

A I'm a police officer for the City of Reno.

Q How long have you been a police officer?

A Thirteen years.

Q Has all that been with the City of Reno?

A Yes, sir, it has.

Q What type of assignments have you held?

A I worked the patrol division, the canine unit,
the detective division. I spent some time in burglary and
fraud sections, and approximately six years now in the
homicide section, robbery, homicide.

Q You say you worked in the patrol division.
Would you explain briefly the difference between someone who
works in the patrol division and someone who works in the
detective division?

A Yes. Patrol are the uniformed officers that

1 are on the streets around the clock, in the marked police
2 cars. They are the first responders to any call for service
3 from a citizen.

4 Detectives are the ones that go out after
5 patrol has made their initial reports or their preliminary
6 investigation, and if there is any follow-up needed to
7 complete whatever they started, that comes to the detective
8 to finish and then advances to the District Attorney's
9 Office.

10 Q Homicide robbery, what is that?

11 A Crimes against persons, violent crimes against
12 persons. It includes all armed robbery, whether they are
13 business, or purse snatches downtown, on up to all death
14 investigations, including suicides, homicides, murder, et
15 cetera.

16 Q Let's say that officers, patrol officers
17 respond to a murder scene. Who do they contact once they
18 arrive and feel they may have a murder or suspicious death?

19 A It actually goes through a chain of command.
20 They would make sure one of their immediate supervisors in
21 patrol responds and makes the same assessment. Then his job
22 is to contact a detective supervisor who will make the
23 assessment and start sending out detectives from their
24 residence or depending on the time of day.

25 Q Is that how you get involved in these types of

1 cases as being called up while the scene is still there?

2 A Yes, sir.

3 Q I want to call your attention specifically to
4 the morning, early morning hours of January 13th, 1998.
5 Were you notified that morning of a murder?

6 A Yes, sir, I was.

7 Q And where was that and what were the
8 circumstances you were initially given?

9 A I was told that a UNR police sergeant had been
10 shot to death on the campus, and I was asked to respond to
11 the station initially to help with interviews of witnesses
12 or persons that patrol had found and thought may be of some
13 assistance, and they were being transported for interviews.

14 Q Did you receive a special assignment as to this
15 case?

16 A Yes, sir. Eventually I was named one of the
17 co-case agents or lead agents.

18 Q What does that mean?

19 A Well, we try to assign generally at least two
20 primary or lead agents in every case. There are a lot of
21 things that come up not only through the investigation but
22 later on for crime lab requests. A lot of items that have
23 to be taken care of that at least the case agents are then
24 responsible for after the initial investigation.

25 Q And do you work with the District Attorney's

1 Office in preparation of a case as a case agent?

2 A Yes, sir.

3 Q Were you assigned, as I believe you stated, a
4 co-case agent in this case?

5 A Yes, sir, I was.

6 Q Did you arrive at the scene?

7 A Yes. After I went to the station, there had
8 been a change, and I was asked to go to the crime scene, and
9 a detective there would come back and help with the
10 interviews. Then I did go to the scene and stayed there for
11 some time.

12 Q How many different agencies were involved?

13 A I think most if not all agencies in this part
14 of the state showed up to assist or actually did assist us
15 at some point.

16 Q And detectives, do you have any idea how many
17 detectives were called out on this?

18 A I couldn't tell you an exact number. I believe
19 all of the Sparks Police Department detectives, all of the
20 Reno robbery homicide detectives, Washoe County detectives
21 were there. I think every detective in the area.

22 Q You mentioned that you were asked to come in
23 and do some interviews and some initial investigation at the
24 station. When you went to the scene and there were all
25 these different agencies and police officers involved, were

1 different officers and different detectives involved in
2 tracking down any leads you had at that time?

3 A At the scene there had been -- one of the main
4 things we want to do at the scene is start canvassing.
5 There weren't a lot of leads. There were some things,
6 information that had come forward that we wanted to track
7 down as early as possible.

8 We also want to make sure that the entire area
9 around the crime scene as far as residences, any open
10 businesses, delivery people, anybody in the area is actually
11 talked to to see if they saw anything. They were busy doing
12 a lot of the outer crime scene work.

13 Q Does the names of Jack and Julie Wood mean
14 anything to you as far as this case is concerned?

15 A Yes, sir.

16 Q How were they involved?

17 A One of the first things we did was also try to
18 determine what Sergeant Sullivan's last movements and last
19 known movements were, and we found out that he had made a
20 traffic stop involving those two persons, and that was the
21 last known radio contact with the department. Those persons
22 were contacted at their residence by police officers, and I
23 believe it is over in Sparks.

24 Q And were they interviewed and any follow-up
25 investigation done with respect to them?

1 A Yes. They came done to the Reno Police
2 Department, and they were interviewed by detectives at the
3 station.

4 Q And was there a conclusion reached as to
5 whether or not they were involved in the murder of Sergeant
6 Sullivan?

7 A Yes. We will felt comfortable that they
8 weren't involved.

9 Q Now, you mentioned you do an area canvass.
10 Just what was going on at this scene as we start getting
11 toward dawn Tuesday morning?

12 A When I first got there, I noticed the yellow
13 crime scene barrier ribbon we put up at crime scenes had
14 stretched all along the south, what I call the south border
15 of the main campus along Ninth Street. Also along that
16 ribbon every few feet, every few yards was a police officer
17 to make sure nobody crossed under the ribbon.

18 Q Let me have you refer to Exhibit 8, which is
19 a -- do you recognize that exhibit?

20 A Well, it looks like a map of part of Reno and
21 Sparks.

22 Q Do you recognize the University of Nevada
23 campus?

24 A Yes.

25 Q Would you please indicate as you are talking

1 about what was happening there -- in fact --

2 THE COURT: You guys can't see? We have a
3 couple jurors outside the box. Back up.

4 Can you see now?

5 A JUROR: Yes.

6 BY MR. GAMMICK:

7 Q At this point would it be better to use No. 8
8 or No. 7, which is a blown up photograph of the campus?

9 A Whatever you want.

10 Q Go ahead.

11 A This is all that is marked in pink is the
12 University of Nevada campus. The actual area I'm talking
13 about is this Ninth Street, which intersects with Center
14 Street. Actually the campus extends, to my way of thinking,
15 right up to Virginia Street and Ninth.

16 I was told that the main entrance to the campus
17 would actually be the easiest way to enter the crime scene.
18 At Ninth and Center where that main campus entrance is, is
19 where I was going.

20 As I'm pulling in along Ninth Street, I noticed
21 the crime scene barrier tape, police officers to insure that
22 people didn't go into that scene; and at the entrance
23 itself, there were three or four police officers that made
24 sure nobody drove through them and into the entrance. That
25 was the main portion of the crime scene where I went and

1 that I entered.

2 Q What is a command post?

3 A We have a mobile command post, which is really
4 a custom built motor home that the Reno Police Department
5 has. I think most agencies have them. We don't use it all
6 the time. It just depends on the circumstances of the
7 investigation.

8 But in this particular case, we did roll out
9 the mobile command post and park it there near the
10 intersection of Ninth and Center.

11 Q Did the Washoe County Search and Rescue play a
12 role in this investigation that was happening?

13 A Yes, they did.

14 Q What as their role?

15 A Well, they did a couple of things that I can
16 think of. We were looking for Sergeant Sullivan's handgun
17 and some other items that were missing from him.

18 They did things -- we lowered the level of the
19 lake, and they checked lakes, ditches, all the area around.
20 They searched shoulder to shoulder and inch by inch as best
21 they could, not only on the campus but also a block or two
22 off the campus.

23 Q Was there any material that was picked up
24 during that search of the area that was later discounted as
25 having any connection with the crime?