told me and my siblings to tell him whatever we wanted and he could buy it for us. Siaosi also told us that he was going to college and he mentioned something about his wife. I thought that Siaosi may have been on drugs at the time of this visit, even though I didn't smell anything and I didn't see him using any substances. Siaosi's mannerisms and demeanor just looked like that of someone on drugs.

15. Siaosi kept telling me and my siblings how much he loved us and how important we were to him. Siaosi also talked about his desire get closer to everyone in the family, like he used to be, and get back in touch with his roots and culture. Siaosi said he had been away too long and he wanted to make up for the lost time.

16. Siaosi visited with us for about an hour on the evening that he brought the gifts, and then he said that he wanted to visit David Kinikini and others in the family who lived around Salt Lake City. Siaosi stayed in town for a few days but I have no idea where he stayed. I saw Siaosi a few times during the days that he was in town and he seemed like he was out of his right mind during each of our interactions.

17. I do not recall seeing Siaosi in the Salt Lake area a few weeks after his Christmas visit around the time of his arrest in mid-January 1998.

18. I believe that there are probably other people in the family with undiagnosed mental health issues. It is taboo in Tongan culture for someone to seek help for mental health issues or even admit having them.

19. Herbert Duzant of the Federal Public Defender office was the first person to discuss Siaosi's case and background with me. I would have provided the information in this declaration to Siaosi's previous attorneys 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 5th 2011 in Salt Lake county, Utah.

Le'o Kinikini-Tongi

AA03886
Docket 65774 Document 2015-01469

EXHIBIT 130

EXHIBIT 130

Declaration Of Sela Vanisi-DeBruce

I, Sela Vanisi-DeBruce, declare as follows:

1. My name is Sela Vanisi-DeBruce, I am 42 years old and I currently reside in San Bruno, California. Siaosi Vanisi is my younger brother and we had the same parents, Luisa Tafuna and Maka'afa Vanisi, both of whom are now deceased. Siaosi and I were both born in Nukualofa, Tongatapu, the Kingdom of Tonga's capital, and we came to the United States at the same time in 1976.

2. Back in Tonga, the Tafuna family were business owners and were considered to be upper middle-class. The family had a transportation company that consisted of one bus and a few taxis. They also cultivated various crops, owned a coconut grove, had a fish farm and raised cattle. The family had a good life and never wanted for anything when we were all back home in Tonga.

3. Like the Tafuna family, the Vanisi family were one of Tonga's upper middle-class families, but the Vanisis enjoyed an even higher status. The Vanisis owned businesses and held positions in government. They had a bus company, they owned plantations that produced various crops and several family members were police officers. The Vanisi family were also relatives of Queen Halevalu of Tonga, and enjoyed somewhat of a noble status.

4. After our parents married, my grandfather, Kuli, gave them a piece of land in the Pili section of Nukualofa, on the main island, Tongatapu. My mother was pregnant with me at the time when they married. My parents built a house on the land that my mother lived in for about a year or two before she decided to move herself and Tevita and I back to her family's land in "Longolongo", because she was having problems in her marriage. I was too young to remember the details of the family's home and our experiences in Pili.

5. My mother had a very difficult time during her marriage to my father because he had many personal problems and shortcomings. He was a heavy drinker and he often came home intoxicated. He enjoyed partying and he was an unapologetic womanizer. My father frequently cheated on my mother and often stayed away from home for days at a time, leaving my mother to care for us by herself. To make matters worse, he sometimes physically beat her at times. I was too young at the time to recall the severity or frequency of the beatings that he gave her. My mother's siblings gave her a lot of love and support during those days, but I do not know whether they ever tried to intervene to help her.

6. Kuli Vanisi was against my father's relationship with my mother from the start because she gave birth to two children before she met my father, and she was never married. Kuli also looked down on the Tafuna family because he felt that they were of a lower social status than the Vanisis. Kuli constantly tried to come between them even after my parents had married and began having children. Kuli knew that my father and my mother were having problems

in their marriage. He frequently tried to convince my father to leave her, and ultimately he did convince him and he ended up leaving her and me and my siblings. Kuli then purchased a one-way ticket for my father to leave Tonga for New Zealand. My mother was pregnant with Siaosi at the time when he left us, and she went into a deep depression for the balance of her pregnancy.

7. I recall my mother discussing her experience on many occasions throughout her life. My mother was so deeply affected by this time period that she carried the pain throughout her life. When he left her, she had no idea what she was going to do or how she was going to take care of me and my siblings. My mother depended heavily on her side of the family for both emotional and financial support.

8. After my father went to New Zealand, he sent divorce papers to Tonga for her to sign and the divorce was finalized while he was away. I have no recollection of interacting with my father at any time in my life, except when he took ill about 5 years before his death. My father was living in Hawaii at the time, and he did not have anyone around to look after him. My first inclination was to tell my father off for the way that he abandoned our family when I was a child. I wanted to leave him to suffer on his own, but several people in the family talked me into helping my father. Looking back, I was happy that I had a chance to get to know him before he died because it provided me with some closure after he passed away. I learned that he was just not a man of responsibility and he was not a family man. I learned not to take it so personally because, in a way, my father couldn't help himself because that was the person that he was. He had been spoiled by his parents because they always gave him anything that he wanted, and he was never taught responsibility. He was a free roaming spirit, a rolling stone, a person who never settled down. He lived in New Zealand, Alaska, California, Utah, Hawaii, and many other places, during the years that he was away from us.

9. After Siaosi was born, his umbilical chord fell off after two or three days, which is a bit odd because this normally takes about two weeks. A nun told my mother that Siaosi's early chord separation was a spiritual sign that he would either be really intelligent and successful in life, or really bad and mentally insane. This was based on some kind of Tongan superstition.

10. My mother's decision to give Siaosi away at the time of his birth to her sister, Toeumu, was based solely on the unfortunate situation that she was in. She had two children that she had to raise on her own. Actually it was three children, counting her second child Kaloline who she was still caring for until the family moved to the states where Luisa's brother, Moli Tafuna, could take custody of Kaloline. Having an additional child to support was too much for her to handle. I am certain that Siaosi would never have been given away had my father remained in the picture.

11. Siaosi was given to our maternal aunt, Toeumu, at the time of his birth and she raised him

from that point onwards. No one told Siaosi that his biological mother was our mother, Luisa, for the first several years of his life.

12. It is quite common in the Tongan community for a couple or someone to take on the duties of raising the children of other relatives. These types of adoptions are usually not officially done through the assistance of government agencies. Rather, they are based on the arrangements and understanding that the relatives have with one another.

13. These adoptions are done, in part, to give relatives without any children the chance to raise children of their own, and have a parental experience. However, they are also done to help relatives who become parents in less than fortunate circumstances. Good candidates for having their children adopted out to other family members are typically young unmarried mothers, mothers who were left by their husband by divorce or death, parents with too many children to raise with little financial resources, children born out of an incestuous relationship, and other situations.

14. Giving the children to more stable relatives can be a win, win situation for all involved. The biological parents have relief to establish themselves, or better care for their other kids. The adopting relatives have the benefit of parenthood, and the child has a better life. However, these situations don't always work out especially if deception is involved.

15. In most of these internal family adoptions, the children know who their real parents are and there's no illusions. In Siaosi's case, he was lied to when he was born, and he did not find out that our aunt Toeumu wasn't his mother until he was a little older. Upon learning who his real mother was, Siaosi developed questions about his identity and whether he was loved. At times, Siaosi seemed insecure to me. When we were children, he talked about the whole experience. This is why my husband Edgar and I didn't lie to our son when we adopted him from our relatives. Our son knows and still has a relationship with his parents and siblings. My aunt Toeumu doesn't agree with the way that I am raising my son and she gets mad whenever I take him to visit his biological siblings. I believe and tell my son that it's alright to love his biological parents and his siblings, and my husband and I at the same time. I try to maintain an atmosphere of love, patience and acceptance that Siaosi did not have.

16. My main motive for raising my son this way is to avoid him having to go through the same things that Siaosi, Sitiveni and Kaloline went through when they were growing up. Siaosi, Sitiveni and Kaloline always knew who their mom and siblings were, but they were forbidden from ever calling my mother, Luisa, their mother or their siblings sister or brother. Moli's wife, Lose, was ~~a very~~ jealous person and she had no problem making them feel guilty or like they betrayed her whenever they slipped up. Lose was ~~furious~~ when Sitiveni was asked to lead the funeral ceremony for my mother Luisa's burial in 2000. He was my mother's eldest child and in Tongan culture, the eldest son officiates the funeral ceremonies of parents. Lose took this as a sign of betrayal, but Sitiveni loved his biological mother and led the ceremony anyway. This kind of life was not healthy and this is why I don't want it for my son.

17. Although Siaosi was being raised by our aunt, Toeumu, he lived in the same household with his biological mom and his other siblings. We all lived on the Tafuna family's land in the "Longolongo" section of Nukualofa, which was owned by my uncle, Maile Tafuna. There were several homes on the family's land, and Maile lived in the biggest house with his wife and their 8 or 9 children. I lived with my mother Luisa, Kaloline, Tevita, Siaosi, Moale, Toeumu and Siaosi Pohahau. Siaosi Pohahau was the son of my aunt in-law Mele Tafuna's sister, and he was given to my mother after his mother left the family and his father died. Siaosi Pohahau and Siaosi Vanisi were like best friends when they were growing up in Tonga and in the states because they were close in age, and always together. Moale was the only one of my mother's children who was left behind when the family moved to the States. Moale and Kaloline have the same father, but he's never been a part of either of their lives. However, Moale was taken in and raised by our paternal uncle. My oldest sibling, Sitiveni Tafuna, was already living in the U.S. with our uncle Moli by the time that my brother Siaosi was born.

18. In 1973, when Siaosi was only three years old, Toeumu left Tonga for America to help take care of her ailing brother. Moli. I recall Siaosi was devastated when Toeumu left him behind in Tonga because she was the only mother he knew. Siaosi had been given to Toeumu at birth and everyone in the family always told him that she was his mother and that our mother Luisa was only his aunt. Siaosi took it very hard when Toeumu left Tonga to go to the U.S., and I remember the scene at the airport as being very sad. Siaosi was uncontrollably crying out and screaming for Toeumu and begging her not to leave him. The family did all that they could to pull him away so that Toeumu could board the plane. Toeumu also became very emotional and cried when she left Siaosi that day.

19. It took Siaosi several months to adjust to life in Tonga without Toeumu. I recall whenever Siaosi saw a plane flying overhead he often cried and called out for Toeumu to return home to him. Siaosi sometimes held and kissed photographs of Toeumu whenever he felt lonely. When my mother tried to tell Siaosi that she was his biological mother and that she loved him just as much as her other children, Siaosi rejected that idea and accused her of lying to him.

20. Whenever Siaosi was overcome with his feelings of abandonment by Toeumu's departure he was often unconsolable. My mother, and everyone in the house, usually tried to calm him down but often ended up having to leave him alone to cry himself to sleep.

21. Siaosi often became withdrawn, and isolated himself during the years that he was separated from Toeumu. He sometimes refused to interact with me and the other children in the family. Siaosi often ran into his room, hid under his bed and cried for long periods of time.

22. After a few months, Siaosi slowly came out of his shell and began to interact with our family in a more normal fashion, but the pain of his separation from Toeumu was always in the

background.

23. When Siaosi was about five years old, he used to tease the family dog to make the dog fight him. However, the dog always got the better of Siaosi. This never deterred him from teasing the dog even after the dog injured Siaosi on at least two occasions. I recall Siaosi was bit on his face during both incidents, but this didn't stop him from trying to fight the dog.

24. By the time that we moved to America in 1976, Siaosi had been living without Toeumu for three years and he had become used to being around my mother and his siblings. My mother was his primary caretaker during those three years and he developed a motherly trust for her.

25. When my mother, siblings and I joined the rest of the family in 1976, we all moved into the home of my uncle Moli. Moli was living with his wife Lose, Toeumu, and my two eldest siblings, Sitiveni and Kaloline, because they had been adopted by Moli and Lose. My mother, my mother's husband, Mr. Uluave, Tevita and I only stayed with Moli for one night before moving in with my other uncle, Maile, and his family. When my mother left Moli's home on the following day, she left Siaosi with Toeumu so that she could continue where she left off in raising him.

26. When Siaosi first saw Toeumu, he did not recognize her and my mother had to keep prodding him to go to his "mother." At first, Siaosi would go to Toeumu and then run back to my mother because he did not yet fully trust her. At first, when Toeumu tried hugging Siaosi, he pushed her away. It wasn't until Toeumu took Siaosi to the bathroom, and bathed him, that he remembered who she was and accepted her.

27. Being left alone at uncle Moli's house presented other adjustment issues for Siaosi. Siaosi was born after Moli, Lose and his eldest brother, Sitiveni had left Tonga so he never saw them before in his life. Our sister Kaloline left when Siaosi was younger and I do not recall whether or not he recognized her when he was left behind at Moli's house. Moli had many health problems and Toeumu had to take care of him everyday, so her attention for Siaosi was a bit divided. Moli was the only man in the house when Siaosi first moved in, but his illness prevented him from giving Siaosi the fatherly attention that he needed as a child. Lose's father Moleni moved in a couple years later.

28. When Siaosi was still in elementary school, in the ensuing years after my mother left him with Toeumu, he sometimes asked her why she gave him away. Siaosi wanted to know why she didn't love him enough to keep him, like she did her other kids. Siaosi also used to express that he felt unwanted and unloved. Siaosi knowing that my mother Luisa was his mother, was in need of answers to help him deal with the situation. However, I recall my mother never gave him any explanations and responded coldly to his emotional pleas. She would just tell Siaosi to go back to Toeumu because she doesn't have any children of her own, and that he needed to take care of her. She never hugged or kissed Siaosi during these conversations, and I believe she didn't handle him as gently as she should have.

29. By the time that Siaosi was about twelve years old, and in Junior HS, he wanted to leave Toeumu's house and move in with my mother and his other siblings. However, she rejected his idea and told him to go home to Toeumu. Sometimes, Siaosi expressed feeling like he didn't belong in the family throughout his childhood.

30. Siaosi received a lot of beatings at the hands of Toeumu, and many verbal scoldings by his uncle Maile. For what I believe were for little to no reasons, at times. Although Maile didn't live in Siaosi's household, he lived up the block, so they were always around one another. Maile was also the head of the family so he was usually giving everyone directions and telling them what to do.

31. Siaosi usually received beatings, primarily from Toeumu, when he came home late from school, didn't do his homework, didn't do his chores, talked back and acted rebelliously, or didn't listen or pay attention. Toeumu used to beat Siaosi with her hands, shoes, sticks and wooden spoons. I do not recall whether Siaosi was beaten by other family members, because we lived in different households and weren't together all of the time, even though we always saw one another throughout the week. I also do not recall seeing any marks on Siaosi's body that came from Toeumu's beatings.

32. I never saw my mother Luisa beat Siaosi because, I believe, she suffered from too much guilt over giving him away to be able to beat him. She overcompensated in the affection and attention that she showed Siaosi, whenever they were around one another. I feel my mother "smothered" Siaosi whenever he was around her and, at times, she acted like she didn't want him to leave her side. She was always hugging and kissing Siaosi more than she did her other children, although she was affectionate with us as well.

33. Although my mother didn't beat Siaosi, she had no problem beating me and my other siblings. When she beat me, she used to pull my hair, slap me, pinch me and punch me. She also used to beat me with sticks, shoes, brooms, belts and just about anything else that she could pick up around the house. My mother beat me in the privacy of the family's home, as well as in public, and in front of strangers. Her beatings often left red marks on my skin, but no cuts. My mother was a very free spirit and a defiant child, and it seemed like she was always trying to tame me. I believe that I received more beatings than my other siblings.

34. From the time that Siaosi was about ten years old, uncle Maile began giving him severe scoldings, often for little or no reason. Maile was overly strict and rigid with all of the children in our family, even his own kids, but he treated Siaosi the worst.

35. I recall Maile was always after Siaosi, picking on him and putting him down. It seemed at times like Siaosi could do nothing right. Maile frequently told Siaosi that he was "worthless", "useless" and "stupid." Maile didn't care who was around when he said these awful things to Siaosi and Maile frequently embarrassed him whenever there was an audience.

36. Maile yelled at Siaosi for not listening to Toeumu, not doing his chores, not doing something that he had to for church, being too lazy, etc. Whenever Maile scolded Siaosi, Siaosi usually responded by having a lost look on his face, mumbling to himself under his breath and withdrawing to go off somewhere by himself. I believe the pressure affected Siaosi and he was always afraid of failing and letting the family down.

37. Maile often spoke down to the children in the family and told us, "you're nothing." Maile was the head of the family and he bossed everyone around. Maile had a "my way or the highway" attitude about all decisions involving the family, and he always had total control.

38. Although Maile had a kind heart and did a lot for people in the community, he did far less for his own children, nieces and nephews. Maile also treated the children within the immediate family much harsher than other children.

39. Although Maile did a lot to help people in the community, he heavily relied on my aunts and mother's money s to help him accomplish everything that he was doing. Maile's siblings had to give him money, to give to others, to buy food and other supplies, and to travel. People around the community always thought that it was all coming directly from Maile. This helped Maile maintain the status amongst the community that he enjoyed when he was still living in Tonga.

40. Umu faithfully followed Maile's wishes and did anything that he told her to do without questions or hesitation. Thus, Umu gave Siaosi no protection from Maile at all. My mother, on the other hand, was a strong and opinionated person who questioned and disobeyed Maile's demands if she did not think that it was best for herself and her children.

41. Example - When one of Maile's sons was getting married, Maile ordered all of his siblings to give him $1,000.00 each so that he could present his son with all of the money at one time. When Kaloline saw Umu preparing the money for Maile's son, she questioned the wisdom of giving so much money when their household was financially in need. In response to Kaloline's inquiry, Umu lashed out at her and admonished Kaloline to never question Maile's directives. Many people in our family didn't care for Toeumu because it never seemed like she had a mind of her own.

42. When Maile told my mother to give his son $1,000.00, the response was totally different. She refused to give Maile's son so much money because she needed it to take care of herself, me, Siu and Tupou. My mother told Maile that she wasn't going to sacrifice her own family's needs for a wedding gift. She was a strong person and she refused to allow Maile to push her around, especially if his demands went against her family's interest. Toeumu was the complete opposite. Siaosi would have done better with my mother's direct care, because she would have given Siaosi more shelter from Maile's demanding and abrasive personality.

43. Overall, there was a lot of expectations and pressure placed on Siaosi to succeed in life and I believe that he was overwhelmed. Although Siaosi tried his best, he couldn't succeed in his LDS Mission, holding down jobs or going to college after graduating high school. Then Siaosi moved away from San Bruno when he was 19 years old. Siaosi seemed like he was trying to escape the pressures of family life.

44. Siaosi was in need of a supportive and nurturing father figure in his life, but he never received one. Uncle Moli was too sick and needy, Lose's father was too old, and Maile was too harsh and critical. By the time that Siaosi was in Junior HS, he began asking many questions about the identity of his father. Siaosi knew that our mother Luisa was his mother, and that his aunt Toeumu had adopted him, but he knew nothing of his real father.

45. When Toeumu registered Siaosi in school, she used the name George Tafuna instead of Siaosi Vanisi. Siaosi means "George" in Tongan so that was alright, but my mother believed that Siaosi should have used the last name of his father. I once overheard Toeumu tell my mother that she refused to allow Siaosi to use the last name Vanisi because his father was never a part of his life and he never did anything for Siaosi.

46. When Siaosi asked Toeumu where his father was, Toeumu used to tell him that his dad, Maka'afa Vanisi, died in a war. Siaosi later found out that this was a lie. Our father had gotten in touch with the family when Siaosi was in high school. Our father had come to town and was staying with relatives, and he wanted to see all me, Tevita and Siaosi. I had no intentions of going to see my father until Siaosi and Tevita talked me into going along with them. Siaosi and Tevita really enjoyed being around our father and they were very happy after the meeting. However, I recall Toeumu was very angry and never wanted the meeting to take place.

47. Although Toeumu strictly disciplined Siaosi and frequently spanked him, she also spoiled him at times. Toeumu always gave Siaosi anything that he wanted when he was growing up, like candy and money. I felt a certain sense of jealousy towards Siaosi, at times, when we were children because my mother didn't spoil me and my siblings at all. Also, my mother was hardly around most of the time because she was always busy working and trying to make ends meet. Toeumu's only task was to care for her brother Moli, and she never had a job outside of the house, so she was always around to care for all of Siaosi's needs. Toeumu's nickname for Siaosi was "Pe," which means baby in Tongan, and she treated him like a baby throughout his childhood. The name Pe stuck with Siaosi from the time that he was a small child, and everyone in the family called him Pe even after he became a grown man. I recall Siaosi was always uncomfortable being called Pe throughout his adolescence and into his early adulthood, but he never told anyone in the family to stop.

48. Siaosi would assist Toeumu in caring for his uncle Moli by feeding him, changing his urine catheter and bag, washing him and putting lotion on his skin. Siaosi began doing these tasks from the time that he was about ten years old and onward. After Lose's father, Moleni,

moved into the home Siaosi began helping him bathe as well. Moleni also shared a room with Siaosi during that time. Lose was the only one in the house who worked, so she was always away from the house and trying to make ends meet. Besides assisting Toeumu in caring for Moli and Moleni, Siaosi really didn't have any other responsibilities around the house. Everything was always done for him.

49. When Siaosi was eleven or twelve years old, he got a job working as a paperboy, but he never worked by himself. Our older sister, Kaloline, always went along with him while he was delivering the newspapers.

50. The entire family are members of the LDS church, and the church was an important centerpiece for the family when we were in Tonga and also here in the U.S. Uncle Moli's household was substantially more religious and strict than the homes of our other relatives in San Bruno. Toeumu and Lose had many household rules that all of the children, including Siaosi, had to follow. I recall, cursing wasn't allowed, talking back wasn't allowed, clothing had to be conservative, everyone had to attend church every Sunday, as well as all youth program meetings. Siaosi had to be enrolled in cub scouts, televisions were not allowed in the house and Sundays were like a sabbath which was reverenced and observed all day long. Children were seen and not heard, and there was no negotiating around the rules of the house. Although Lose and Toeumu ran a very strict and religious home, something did not seem right to me. They were very secret in the way that they kept each other's confidences.

51. Myself and all of the children in the family were made to speak Tongan at home to maintain our connection to Tongan culture. The adults in the family insisted on this.

52. Our family experienced various deaths in the family when Siaosi was growing up in San Bruno. Our paternal grandfather, Kuli Vanisi, died in Tonga when Siaosi was a small child and too young to remember. This was the first funeral that Siaosi attended.

53. Uncle Saia Tafuna passed away in 1978 in San Bruno, California, and he was the first person in the family to die during Siaosi's time in San Bruno.

54. Moleni Sika, aunt Lose's father and Siaosi's grandfather figure, passed away in 1985 in San Bruno, when Siaosi was in his mid-teens. Moleni was Siaosi's roommate and he was like a grandfather to Siaosi. I recall Siaosi being deeply impacted by the death of Moleni and I recall seeing him cry a lot and isolating himself during this time period.

55. Uncle Moli Tafuna passed away in 1986, in San Bruno, and the entire family was deeply impacted and saddened by this loss. Moli was the first family member to immigrate to America, and he was responsible for helping everyone to come behind him. Moli also suffered from a long-term illness which resulted from a brain tumor and several debilitating strokes. Aunt Toeumu was his main caretaker, however, Siaosi was one of his caretakers too. Siaosi and Moli enjoyed a positive and affectionate relationship with one another. With Moli

and Moleni gone, Uncle Maile became Siaosi's primary male figure, and Maile was never as loving and supportive of Siaosi as they were.

56. Mine and Siaosi's brother, Tevita Vanisi, passed away in 1987, and everyone in our family, including Siaosi, was deeply saddened and emotionally impacted by the loss. Siaosi spoke very reflectively of his relationship with his brother and how he wished that it was better. Siaosi deeply regretted not getting along better with Tevita and having a more positive relationship with his brother. Siaosi also spoke a lot about how he wished that he had taken the time to get to know Tevita better as a person.

57. Tevita was a nice, loving and handsome young man, but he gave our mother a lot of problems while she was raising him. Tevita was always in trouble at school, and may have had a learning disability. Tevita was a hyperactive child and he had a lot of trouble staying focused in class and with his studies at home. Tevita was very disruptive in school and had difficulties staying still. Tevita frequently got into trouble for talking and walking around the school while lessons were being taught. Tevita was kicked out of various schools, beginning in elementary school, for his behavioral issues.

58. Tevita was arrested on several occasions and charged with various juvenile offenses. Tevita had no remorse for the bad things that he did. I recall many people in our family believed that Tevita seemed more like the type who would end up on death row rather than Siaosi. Tevita was arrested on several occasions for stealing bikes around the neighborhood, shoplifting, fighting and other offenses. Tevita spent a lot of time in Juvenile hall while he was growing up. Tevita never tried to deny or hide anything that he did because he saw no problem with his actions.

59. Tevita had a very generous side to his personality. Whenever he had a job he always insisted on being paid in one dollar bills so that he could give them out to his nieces, aunts and female cousins. Tevita never gave any money to our mother because she was always away from the house working, and he did not believe that she needed the money because she had a job, unlike many other women in the family.

60. I recall Tevita and Siaosi had a strained relationship and were never close to one another. Siaosi was smarter and better in school than Tevita. Siaosi enjoyed showing off and proving to Tevita that he was smarter than him by asking Tevita to spell words that Siaosi knew he couldn't. Siaosi also used to ask Tevita the definition of words, and their correct pronunciation, just to see him struggle.

61. I believe Siaosi was ashamed of our brother. Whenever Siaosi was in the streets, he avoided being around Tevita, acting like he didn't want Tevita to be around him. Tevita had a bad reputation in the community. Siaosi acted like he was afraid that people may associate his behavior with Tevita if people knew that they were brothers. Siaosi was also afraid that Tevita might do something to embarrass him in front of his friends.

62. At times, Tevita and Siaosi had physical fights with one another, but Tevita was stronger than Siaosi and always got the better of him. Both Tevita and Siaosi were good athletes, particularly in football, but Tevita was the superior sportsman of the two. Sports was the only area that Tevita out- shined Siaosi. Tevita was such a good athlete that his coaches believed that he had an excellent chance of playing college football and then advancing to the NFL. However, Tevita's dreams of playing in the NFL were ended by his untimely death.

63. On the day of his death, Tevita was dirt biking in the hills behind Uncle Moli's house with friends, and then they all rode to a nearby 7-11 to buy drinks. Tevita walked into the store and then collapsed and died as he reached for the refrigerator door to retrieve a soda pop. Tevita was taken to Seton Medical Center where he was pronounced dead, and then he was taken to the County Hospital. I do not recall whether an autopsy was performed, but the cause of death was listed as a heart attack. The family found this hard to accept since Tevita was in such good shape. I knew that Tevita abused alcohol and marijuana, but I had no idea whether he used harder substances. Tevita was a senior in school and he was about to graduate at the time of his death. My mother and I attended his class graduation and I accepted Tevita's diploma on behalf of the family

64. 1985 to 1987 was a particularly hard period for Siaosi because he lost Moleni, Moli, and Tevita all within about a year's time. Our sister, Kaloline, became married that year as well. Kaloline's husband moved into the family home, and she was not able to provide Siaosi with the same level of attention that she had previously.

65. Uncle Esei Finau-Tafuna passed away in 1989, in Mesa, Arizona. Although he lived a couple states away, Siaosi grew up around Esei, and his family, and they were just as much a part of the family as everyone in San Bruno. Siaosi was particularly close to Esei's son, Mike Finau, and they lived together in later years in Los Angeles, California and Mesa, Arizona.

66. Moale was born after my mother had Siaosi and divorced my father. Moale's father, Sitani Havili, was also the father of Kaloline, and he briefly came back into the picture shortly after the divorce. I have fond memories of being around Sitani because he was a pleasant person. I recall he took me for piggy-back rides, and bought me a lot of candy. However, Sitani ended up leaving my mother again, for a second time, and he was never a part of Moale's or Kaloline's lives. I do not know what problems existed between Sitani and my mother in their relationship because I was too young to know what was going on.

67. My mother raised our brother Moale for the first three or four years of his life. When the rest of us immigrated to the U.S. around 1976, mt mother left Moale in Tonga to be raised by his paternal uncle, Sione Havili and his wife Felea Havili. Moale was the only one of our siblings who was left behind. Moale always knew my mother Luisa was his biological mother. He was old enough to remember all of us before we left for America without him.

68. Moale and I spent a lot of time together during my recent trip back to Tonga this past spring. He shared many of his feelings about the past with me. Moale told me that he grew up with many unanswered questions constantly going through his mind. Moale wondered why he was the only one who our mother left behind. Moale wondered if our mother would ever return for him, and take him to America to be with the rest of the family. Moale wondered if our mother ever loved him or had any feelings of regret over abandoning him.

69. Moale recalled seeing my mother during the 1980's when she returned to Tonga for a visit. She had been away for so long at that point, that she seemed like a stranger to him. Moale saw his aunt and uncle, who were raising him, as his parents. He did not feel the same connection to our mother that he once had years earlier. His aunt and uncle raised other children, but they were much older than Moale. They all had left the home by that time, so they paid a lot of attention to him and treated him like the baby of the family. When my mother tried to give Moale a hug, he pulled away from her and refused to go to her side. Moale told me that he did not want to betray or disrespect his aunt and uncle by showing her any parental affections. The purpose of my mother's trip was to retrieve Moale and bring him back to the States to live with us. Moale turned her offer down and opted to stay in Tonga with his aunt and uncle, where he felt more secure. However, a part of Moale wondered what life would have been like if he had gone back to the States with her. I recall my mother made this trip to retrieve Moale before the death of my brother Tevita.

70. Moale's biological father abandoned him, as well as my mother. Moale often wondered how life would have been if his real mother and father stayed in his life and loved him. Moale described his upbringing to me as being very painful.

71. Today, Moale is living an openly homosexual lifestyle, he is a cross dressing "Fakaleiti" and enjoys competing in "Miss Galaxy" drag queen competitions in Tonga. He also models in fashion shows. Moale is very feminine, and attractive, and the average person would have a difficult time telling that he was a man when he's dressed in women's clothes. In Tongan, the word "Fakaleiti" means "like a lady" and it has been an accepted part of Tongan culture for centuries, especially in families that had too many male children and not enough girls to help feminine chores in a household.

72. Moale has an alter-ego that is called "Moisha", and she comes out whenever he's dressed up in women's clothing. Moale and Mosiha are two completely different people. I believe that Moale may have developed the Moisha personality as a coping mechanism to help him deal with his conflicting sexual identity and family history. When Moale turns into Moisha, he is happier, more outgoing and in control of his environment.

73. I am very accepting of Moale's lifestyle and I spent a lot of time going out with him to various social gatherings when I was in Tonga a few months back. We were like "sisters" having the time of our lives. Moale and I went to dance clubs, restaurants and to the Pentecostal church where Moale is a member, and he was always dressed in his female regalia. Moale has many

friends and we were accepted wherever we went.

74. Although Kaloline is Moale's only full sibling, she does not interact with him at all. I believe that she does not accept his lifestyle. Kaloline returns to Tonga, more than anyone else in the family, and she never visits or even calls Moale to say hello. Kaloline is the most distant of all of my mother's children, even when it comes to Siaosi and his situation. I recall that Kaloline never made herself available to talk with Siaosi's previous lawyers or investigators, and she's never communicated with Siaosi since he's been incarcerated. I do not know why Kaloline is so detached from the family.

75. In 1989, it became known that Siaosi was going on an LDS mission, and this was a source of great pride for the family. There was a celebration that was held for him which was attended by all our family, friends, the church elders and fellow congregants. There were various speeches made on his behalf, and everyone had high expectations for him. However, Siaosi was sent home in disgrace after it was discovered that he had impregnated a girl in San Mateo before he left. I recall when Siaosi returned to San Bruno he was severely scolded by uncle Maile. I recall that Maile told Siaosi something that was so mean and cruel, that it really bothered Siaosi for sometime, but I do not recall the details. Siaosi suffered from a deep feeling of shame during this period.

76. To make matters worse, it was also discovered that the girl who Siaosi impregnated, Heather Wolfgram, was his paternal first cousin. Heather is the daughter of our father's eldest brother, uncle Siaosi Vanisi. It just so happens that Siaosi was named after Heather's father at birth but they never had much contact with one another because our father abandoned us as babies. Siaosi and Heather had no idea that they were related because Toeumu changed Siaosi's name to George Tafuna, when he was enrolled in school after moving to California. Heather's last name was changed from Vanisi to her mother's last name, Wolfgram, after her parents separated. Siaosi also did not grow up around his paternal uncle Siaosi Vanisi, even though he only lived a town away. Incest is a taboo in Tongan culture and this added to the shame of Siaosi being sent home from his mission. My mother blamed Toeumu for the situation because she was the one who decided to change Siaosi's last name.

77. The family had built up their hopes for Siaosi to be a success in life, because of his accomplishments in his adolescence. Siaosi was a decent student, a talented athlete, well behaved, the first of my mother's sons to graduate from high school, and the first son to go on an LDS mission. After experiencing the shame of being sent home from his mission, because of fornication, Siaosi fell out of the good graces of the family members and he felt like a complete failure. Siaosi believed that everyone in the family, and in the community viewed him differently, and he needed to escape his environment. I recall that this is when Siaosi decided to leave home and move to the Los Angeles area to attend college. He wanted to become a physician. The last thing that I remember Siaosi telling everyone, before he left, was that he was going to "make it and be someone." It seemed like Siaosi was determined to prove to our family that he was not a loser and that he could do something positive with his

life.

78. Siaosi dropped out of college shortly after he started and began pursuing a career in the film industry. I do not know many details of Siaosi's life in Los Angeles. During this time we did not communicate much.

79. Siaosi met DeAnn in Los Angeles and I have no details about when, where or how they met. Siaosi never brought DeAnn up to the Bay area to meet me or the rest of the family during their courtship. It came as a complete surprise to me when I found out that Siaosi was getting married. I would have attended the wedding if I was given more notice. Siaosi told Toeumu about his plans to marry DeAnn, but she did not approve, and did not tell anyone in the family about it until it was too late to go.

80. Uncle Maile, the head of the family, had a deep resentment for white Americans because of the discrimination that he experienced after coming to this country. He, like most elders in the family, held a preference that the children in our family marry only Tongans, or at least South Pacific Islanders. Toeumu knew that Maile would have been furious if he found out that Siaosi was going to marry a white girl, so she kept his marriage plans a secret. As a result of this, no one from the family attended Siaosi's wedding.

81. When Siaosi was growing up in San Bruno, he almost exclusively associated with his white friends. I never saw Siaosi hanging out with Tongans or other south pacific islanders. He also exclusively dated white girls, except for the Tongan cousin that he had his first daughter with. Many people in the family believed that Siaosi was not proud of his heritage and tried to avoid being around his people because he was ashamed.

82. By the mid-late 1990's, I recall that Siaosi had dramatic personality changes during the year leading up the incident for which he was convicted. He constantly engaged in rapid non-stop conversations where he would quickly move from one subject to another. Siaosi was speaking and changing the words and subjects so rapidly , that the person who he was addressing was never able to get a word in edgewise. Siaosi seemed like his mind was racing faster than his ability to get his words out.

83. Siaosi had always been very much against drinking and drug abuse, but I suspected that he may have been abusing these substances. In 1997, I asked Siaosi about his substance abuse, he would not confirm or deny that he was abusing drugs.

84. Siaosi began speaking a lot about Tonga. Siaosi believed that life was better in the islands and he wanted to know why the family decided to leave Tonga. I recall Siaosi wanting to know if the family still owned land in Tonga and he spoke about his desire to move back.

85. Siaosi allegedly took a trip to China. Siaosi told me that he went to China for a film shoot, but I never believed that he actually went anywhere. I never saw Siaosi with an airline ticket

or itinerary before he allegedly left, and he was financially broke and could not afford to pay for such a trip. When he was supposed to be away, Siaosi never sent a post-card, never took any pictures and did not shoot any video footage, and these were all the type of things he would normally do when he traveled. Siaosi did not return with any stories of anything that he did while he was supposed to be in China. I never even found out what the name of the movie, or the details of the role, that Siaosi allegedly played in the film. Overall, there was zero evidence that Siaosi went to China and I think it was all a delusion. I believe that Siaosi was delusional when he talked about the various movies that he claimed to be in. He never had anything to show that he participated in the film industry in Hollywood.

86. When I met with Siaosi's defense team, before the time of my trial testimony, they did not ask me about most of the details that I have covered in this declaration. I would have told his trial attorneys everything that I have stated here, 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 7 2011 in San Bruno, California.

Sela Vanisi-DeBruce

EXHIBIT 131

EXHIBIT 131

Declaration Of Vainga Kinikini

I, Vainga Kinikini, declare as follows:

1. My name is Vainga Kinikini, I am 36 years old and I'm currently incarcerated in Cache county, Utah. Siaosi Vanisi is my cousin and I have known him since the time of my childhood.

2. I am four years younger than Siaosi and I was raised in Salt Lake City. I never traveled to San Bruno, California while I was growing up but I interacted with Siaosi during his trips out to Salt Lake beginning in the early 1980's. Siaosi was not as close to me as he was with my older brother, David Kinikini.

3. Siaosi was always a goodie-two-shoes as a child. Siaosi was very involved in church activities and he enjoyed preaching to his cousins about doing the right thing. Siaosi also spoke properly and didn't use slang words like me and other kids in the family. Some of our cousins and I used to call Siaosi a white boy because of the way that he acted and talked. We also used to call him church boy because he was lecturing us about doing the right thing.

4. I used to see Siaosi a few times each year at family functions and reunions. Siaosi's uncle, Maile Tafuna, was frequently in attendance at these functions. Maile was like a father figure to Siaosi, and Siaosi had a lot of fear and respect for him. Siaosi's adopted mom, his aunt Toeumu, was very protective of Siaosi and the other kids in the family.

5. I was sent to live with family members in Texas in 1987, and I did not see Siaosi again until the day of his arrest on his instant case in January 1998. I have no idea what went on in Siaosi's life in between 1987 and 1998.

6. In January 1998, Siaosi looked broken down and tired when I saw him at my brother, David Kinikini's home in Salt Lake City. Siaosi's hair was not combed, his face was unshaven and he had bad personal hygiene.

7. When I saw Siaosi in January 1998, he looked so different that I did not recognize him when I first saw him. Siaosi was dressed strangely with sweat pants that were turned inside out and utility boots.

8. Siaosi was very nervous and jumpy during the visit. Siaosi became anxious and looked disturbed every time the house phone rang. Siaosi's eyes were moving rapidly and he was frequently moving around and turning like he was paranoid and was looking behind his back. Siaosi rambled when he spoke and at times I could not understand what he was trying to say. Siaosi seemed like he was confused and lost.

9. Siaosi spoke about not liking the police, but he never explained why. Siaosi spoke about outer space, and he also said that he was planning to build a laser beam gun.

10. Siaosi was acting totally out of character and talking like he was some kind of a fake street thug. ~~I had the sense that Siaosi was trying to impress me because he knew that I was~~ a ~~former gang member~~. Siaosi told me that he did a couple "Fahi Kesis," which was an outdated Tongan slang for gas station robbery. Fahi Kesi was an old word that was no longer being used on the streets anymore, even in 1998. Siaosi also told me that he had a "G ride," which is a street term for a stolen car, parked outside, but I never saw it. I never heard Siaosi talk in this manner and it sounded wrong coming out of his mouth because he was a church boy. I actually thought that he was making it all up because Siaosi was always known for being such a square. Siaosi was never affiliated with any gangs as far as I knew.

11. At one point during the visit, Siaosi pointed a handgun at a picture of LDS church leaders as they were standing in front of an image of Jesus. As Siaosi was pointing the gun, he stated, "Fuck that white man" and then Siaosi began ranting about going back to his roots and re-establishing the order of Lamanite and Stripling warriors to fight the evil forces of the west who have oppressed the Polynesian people for centuries. Siaosi talked about wanting to unite his people to fight the Nyphites.

12. The Lamanite are figures in Mormon history who were at war with the Nephite Nation. The Lamanites were a dark skinned people and the color of their skin was a curse for their evil ways and for turning their backs on God and fighting his righteous people, who were the white Nephites. The 2000 Stripling Warriors were Lamanites who turned from their evil ways and joined forces to fight on the side of the Nephites against their own people. The Lamanites moved to the Americas after the war and became the indigenous peoples of North, Central and South America. The Nephites and Lamanites were both tribes of Israelites and they both traveled to the Americas before the coming of Christ. The Lamanites are also the ancestors of the Polynesian people, and they are all believed to be the descendants of Hagoth, a Lamanite shipbuilder. They believe that Hagoth once sailed off the shores of the Americas with other Lamanites and became lost at sea during a storm. Hagoth never found his way back home, so he and those with him stayed in the south pacific and their descendants established the various Polynesian societies.

13. The LDS church is central to our family's life and we have many people throughout our family who are Bishops and church officials. My brother, David Kinikini, is currently a Bishop within the church.

14. I did not previously know about Siaosi's excommunication but I know it must have weighed heavily on him, mentally speaking. I am going through my own review process right now where the church elders are determining whether I will be excommunicated or disfellowshiped for being incarcerated. The situation is weighing very heavily on me.

15. Tonga is a religious nation and the church is like part of our DNA. Tonga's constitution actually says that we are a holy nation under the rule of God, and the Tongan crest says that God and Tonga are our inheritance. When a person is excommunicated it is like losing your heritage, culture and national identity.

16. I was used as a prosecution witness during Siaosi's death penalty trial, but I was never interviewed by Siaosi's trial or state post-conviction attorneys. Herbert Duzant of the Federal Public Defender office was the first person working on Siaosi's behalf to ever speak with me. I would have provided Siaosi's previous attorneys with all of the information in 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 12 2011 in Cache county, Utah.

Vainga

Vainga Kinikini

Jurat

State of Utah

County of Cache

Subscribed and sworn to (affirmed) before me this 12 day of April, 2011 by Vainga Kinikini

Kellyanne Leavitt

Notary Public

Notary Public
KELLYANNE LEAVITT
Commission Number 582418
My Commission Expires
April 10, 2014
State of Utah

AA03906

Exhibit 132

Exhibit 132

Declaration Of David Hales

I, David Hales, declare as follows:

1. My name is David Hales, I currently reside in Los Angeles county and I am a Stake president within the Church of Jesus Christ of Latter-Day Saints. I first came to know Siaosi Vanisi in 1994 when I was a Bishop at the Manhattan Beach Ward. In those days Siaosi went by the name Perrin Vanacey.

2. Siaosi was living with, then girlfriend, DeAnn and she was pregnant with their first child, Forest, when I first met them. Siaosi and DeAnn joined the Manhattan Beach Ward where I was a Bishop, and ~~I baptized~~ I presided at Baptism of DeAnn when she was converted into the faith. I conducted Sioaosi and DeAnn's wedding ceremony during that same year and I counseled Siaosi and DeAnn before their wedding and throughout the time of their marriage.

3. Siaosi was a good hearted and jolly fellow, but he was very immature. Siaosi never had any sense of responsibility, and he couldn't hold onto jobs or stick to anything that he wanted to do. I tried to help Siaosi understand basic concepts of being a responsible husband and father, things that he should have known at his age but didn't. I had to explain to Siaosi why it wasn't good for a husband to stay out all night with friends and come home the next day, because Siaosi didn't understand why this might anger his wife. Siaosi treated his children like he was one of them, and he did not provide them with any parental leadership. I had to explain to Siaosi how to talk to his children and set basic parameters like not letting them eat too much junk food or putting them to bed on time.

4. Everything was funny to Siaosi and he never took anything seriously because his mind was like that of a child. Siaosi had the maturity level of a 8 to 10 year old child. I know teenagers who were a lot more mature than Siaosi, who was in his early-mid twenties at the time when I counseled him.

5. Siaosi was caught up in materialistic ideas and was impressed by anything that suggested wealth. I recall an instance when Siaosi came to my home and just as he stepped into my garage he said, "Wow, you have six bikes!," "That's great!" I was shocked that Siaosi could count the bikes almost instantaneously. Siaosi was always mindful of what other people had and took notice. Siaosi did this in other instances as well.

6. Siaosi spoke about his desires to one day become rich, but he had no plan. Siaosi couldn't keep jobs or stick to anything, and he didn't study or take any courses to acquire skills to improve himself. Siaosi wanted to be an actor so he took jobs working as a grip on film sets to get his foot in the door, but he couldn't maintain these jobs or position himself to do more. Siaosi just knew he wanted to be wealthy, but he expected success to fall in his lap. Siaosi's approach to his goals gave me the impression that he was not in touch with reality.

7. Siaosi had identity issues and never seemed like he was comfortable in his own skin. Siaosi spoke like he didn't want to be Polynesian, he didn't want to be obese and he didn't want to be poor. ~~Siaosi seemed like he wanted to be anyone other than himself.~~

8. My main involvement in Siaosi's life was to help him keep his family together. My goal was to help Siaosi become a better husband to his wife and a better father to their children. However, I never felt like I ever truly reached Siaosi in a meaningful way because he never opened up and discussed all of the things that he was obviously holding inside. Siaosi was always very respectful to me and others at the church, but I never had the sense that Siaosi ever became a true partner with me in the effort to help him in his circumstances.

9. Siaosi's wife, DeAnn, was a good influence on him and she stayed in his corner through very tough times. DeAnn was also an excellent mother to their children. However, the pressure became too much for DeAnn to bear and she ended up leaving Siaosi after the first year or two of their marriage. The whole situation just wore her down over time and she couldn't take it anymore. DeAnn told me that she also left for the benefit of their children because Siaosi's personal problems were impacting them negatively. DeAnn didn't think it was a healthy environment for their sons.

10. I have no memory of seeing Siaosi again after DeAnn left him. My memories of Siaosi are only during the time that he and DeAnn were together and I have no recollection of Siaosi reaching out to the church for help after his marriage ended.

11. I recall that Siaosi was either excommunicated or dis-fellowshiped while he was attending the Manhattan Beach Ward. I believe that Siaosi was just disfellowshiped if anything, but I don't recall the specific details. I don't remember the exact reasons why Siaosi was disciplined by the church in this manner. I also don't recall the others who were involved in the process, but it's normally done by a closed council meeting of church elders. I have a tendency to forget the details of disfellowships and excommunications of members because it's not something that I enjoy.

12. Siaosi was not allowed to lay hands on his first son, Forest, during his blessing ceremony because Siaosi was not in the right relationship with the church at that time. I remember one of Siaosi's cousins stepping in to lay hands on Forest during the ceremony while Siaosi looked on in the background. I was not present for Moleni's blessing ceremony because it took place somewhere else.

13. The local LDS wards don't keep any records of any past or present congregation members. All congregant files are kept at the church's central archive in Salt Lake City.

14. Everything that I and the church did to help Siaosi and DeAnn was self-contained within the church. I never referred Siaosi to any outside organizations for additional assistance. I never knew Siaosi to have any substance abuse problems during the time that I counseled

him from 1994 to1996.

15. I only learned of Siaosi's arrest on the instant case after my brother in ~~Las~~ central Nevada Vegas, who is an attorney, called to tell me about the case and that a Tongan was alleged to have killed a UNR police officer. When I read news articles about the case, I discovered that it was Siaosi. I knew him as Perrin Vanacey, but I instantly recognized his photograph.

16. I was never contacted by Siaosi's trial or state post-conviction attorneys. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case and background with me. I would have provided Siaosi's previous attorneys with all of the information in 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 10 2011 in Los Angeles county, California.

David Hales

EXHIBIT 133

OMITTED

EXHIBIT 133

OMITTED

EXHIBIT 134
OMITTED

EXHIBIT 134
OMITTED

EXHIBIT 135

EXHIBIT 135

Svanis108336

State of Nevada vs. Siaosi Vanisi

SCR 250 Time Record

Michael R. Specchio
Bar Number 1017

1998

JANUARY, 1998:

1/19/98	Review newspapers; memoranda re: Killing of UNR Policeman	2.0
1/20/98	Assigned case to myself and Wally Fey	1.0
	Discussed, informally, case with Wally Fey and had him contact Salt Lake City P.D. to have client remain silent until discusses case with our office	2.0
1/21/98	Telephone conversation with Dick Gammick	.3
	Discussion with Wally Fey	.2
	Memorandum re: case	
	Preliminary Hearing to be set 2/17-2/18	
	Arrangements to view Sullivan's car – Crime Lab	3.0
1/22/98	Crime Lab – viewed victim's patrol car...notes	2.5
1/23/98	Review tape regarding vehicle	1.0
1/26/98	RJC – Arraignment /notes	1.5
1/26/98	WCJ – 1st interview with client; Memo; tape	
	television interviews	5.5
1/27/98	Review notes; taped interview	
	Prepare Trial Books	5.0
1/27/98	Conversation/interview with Defendant's wife; Memo	2.0
1/28/98	Telephone – wife	.5
1/28/98	WCJ – client interview and memo	3.0
1/29/98	Memo: re: police reports; autopsy; interview; view of photos;	
	defense team;	3.0
1/29/98	Jenkins P.C. Affidvait reviewed – Memo re: State's witnesses	2.5
1/29/98	Telephone with Jenkins re: blood draw	
	Telephone – client re: blood draw	.5
1/29/98	Telephone with Rusk State's Investigator on case	.5

TQUALLS08336

Svanis108337

(36.0)

FEBRUARY, 1998:

2/5/98	Discussed Vanisi with members of the Tongan community – memo	1.5
2/6/98	Discovery	3.5
2/7-8/98	Discovery- review and catalog	12.0
2/9/98	Viewed photographs memos	2.5
2/10/98	Prepare materials for Vanisi	2.0
2/11/98	Interview client at WCJ – Fey; documents, memo	2.5
2/12/98	New Discovery – memo	2.5
2/12/98	Ford and documents to WCJ	1.0
2/13/98	Discovery	1.0
2/14-15/98	Review, note and catalog new Discovery	9.5
2/18/98	Reviewed all t.v. news tapes – Reno and Utah	1.5
2/18/98	Letter to client's wife	1.5
2/19/98	Review and prepare witness re-cap	3.5
2/19/98	Discovery- review and catalog (PM)	3.0
2/20/98	Preliminary Hearing	10.0
2/24/98	WCJ- interview, other, memo	2.5
2/25/98	Notice of Intent (D.P.) to client	.5
2/26/98	New Discovery – Review / Memo	3.0
2/27/98	Discover – needs – list	3.5

(67.0)

(103.0)

Svanis108338

MARCH, 1998:

3/2/98	WCJ – D.P. Notification	1.5
3/2/98	Note – Wally – Motions	.5
3/2/98	Ok'd release of Officer's badge/name tag	.5
3/2/98	Memo; letter – wife;	1.5
3/3/98	(T) – Wife re: mothers; Letter	1.5
3/3/98	Reviewed P/H photographs	1.0
3/4/98	Compiled background profile on client	5.0
3/5/98	(T) – David Goodman; Letters/ memo	3.0
3/5/98	(T) client	.5
3/6/98	(R) P/H transcript	1.5
3/6/98	Letters; Pascetta (Fed. P.D.; Center for Capital Assist. S.F.; review material, affidavits	3.0
3/8-9/98	Review, prepare Motions list	10.0
3/10/98	ARRAIGNMENT D-4; Memo	2.0
3/10/98	Prepare State's witness list	3.0
3/11/98	Motions	3.0
3/11/98	Preparation	2.5
3/12/98	Prepare MOTIONS books	1.5
3/13/98	Interview – WCJ; memo	3.0
3/13/98	Review and preparation	2.5
3/19/98	CONTINUED ARRAIGNMENT; memos; meeting w/team re: motions	5.5
3/20/98	MOTIONS (P)	6.0
3/21-22/98	MOTIONS (P)	15.0
3/23/98	MOTIONS (P)	3.0

Svanis108339

3/22-23/98	JAIL INCIDENT – BLACK EYE MESSAGE –WIFE	1.0
3/24/98	MOTIONS (P)	4.5
3/25/98	MOTIONS (P)	4.5
3/26/98	MOTIONS (P)	4.0
3/27/98	MOTIONS (P)	3.0
3/30/98	Photos – jail incident	2.5
3/31/98	Tom – Tongan activist	1.0

(98)

(201)

APRIL, 1998:

4/2/98	WCJ	1.5
4/3/98	(T) wife	.5
4/8/98	Discovery	6.0
4/9/98	Motions/ polygraph/ misc.	8.0
4/10/98	WCJ (draft Motions to client {50})/ Motions	6.0
4/11/98	Review	4.5
4/13/98	Center for Capital Assistance (2x)	2.0
4/13/98	Jail re: prison transfer	2.5
4/14/98	Telephones, Letters, other (Doctors)	5.5
4/15/98	Motions (O); (P)	6.0
4/16/98	Doctors, correspondence, etc.	4.5
4/16/98	(T) David Goodman; correspondence, memo	2.0
4/16/98	Meeting – Investigator	1.0
4/17/98	Leeanne Morris – Telephone, memo, etc.	3.0
4/17/98	WCJ – client	2.0

Svanis108340

4/20/98	Investigations; defense witnesses; (L) client	5.5
4/21/98	WCJ – Leanne Morris papers; (L)	3.0
4/22/98	Tongan Culture – Internet – Center for Capital Assistance (CCA)	6.0
4/23/98	(")	6.0
4/24/98	(")	7.0
4/25/98	Helen Morton's Book from CCA	5.0
4/26/98	(")	6.0
4/27/98	Dr. Widman replacement – (t), (l's) etc.	2.0
4/27/98	Dr. Lynn (T's, O); Memo	2.5
4/29/98	Internet – Chat lines	4.0
4/30/98	(Book)	2.0

(104)

(305)

MAY, 1998:

5/1/98	Review Motions	4.0
5/1/98	Team meeting	1.0
5/7/98	(T) – David Goodman	.5
5/11/98	Murder Team up-date	1.0
5/12/98	Dr. Lynn (T); Memo	1.5
5/13/98	Pre-Trial Motions – Petty/Laura	1.0
5/14/98	WCJ	2.0
5/14/98	(T) – Client	.5
5/15/98	Murder Team Meeting	2.0
5/15/98	Possible Witnesses: (T's): Giorgio; Terry Williams; Greg Garner	1.5
5/18/98	Books for client; Crystal	1.0
5/20/98	Investigation – Pismo Beach	8.0

Svanis108341

	Travel	5.0
5/21/98	Investigation – Simi Valley (Redondo, Manhattan Beaches)	8.0
5/21/98	Travel	5.0
5/22/98	Investigation and Notes	8.0
	Travel	5.0
5/29/98	Team meeting	1.0

(160)

(361)

6/1/98	Investigation Memos	5.5
6/1/98	© J.P. re: Motions	1.5
6/2/98	(L) wife re: mother(s) addresses	1.0
6/3/98	(O) Memo re: finalizing investigation	1.5
6/4/98	WCJ	2.0
6/8/98	Discovery: Cell extrication – ordered tape from T. Rusk Albertson's threat – BMA	2.0
6/9/98	Reviewed tape of Cell Extrication, (O)	1.0
6/9/98	Memo – Investigation – Losa and Renee	1.0
6/10/98	D.P. LETTER	2.5
6/11/98	WCJ; MEMO	2.5
6/12/98	TEAM MEETING	1.0
6/15/98	LETTER – WIFE	1.0
6/18/98	WCJ –	1.5
6/19/98	© Investigator	.5
6/19/98	MEMO – TRIAL – INVESTIGATION	2.5
6/22/98	"AMOK"	1.5
6/22/98	CONSULATE	.5
6/23/98	MARGARET KAVAPALU (R) STATEMENT	1.5
6/26/98	RESPONSES TO MOTIONS (8)	3.5

Svanis108342

6/26/98	TEAM MEETING	1.0
6/29/98	RESPONSE TO CLIENT (L)	1.0
	(37)	
	(398)	
7/1/98	(L) CLIENT RE: WITNESSES	1.0
7/1/98	(T) – CLIENT	.5
7/2/98	(L) WIFE 3X FOR FAMILY ADDRESSES	1.0
7/1/98	RESPONSES TO MOTIONS (3)	1.0
7/2/98	(L) D.A RE: SULLIVAN RECORDS	1.0
7/2/98	RESPONSES TO MOTIONS (3)	1.0
7/2/98	(T) – CLIENT	.5
7/6/98	(T) CHILDS – "NUT HOUSE"	1.0
7/7/98	(T'S) CAPT. DON MEANS –SUICIDE ATTEMPT? - TRANSFER TO NSP?	1.0
7/7/98	TERRY RUSK FOR 2ND EXTRICATION TAPE	1.0
7/8/98	(C) - INVESTIGATOR	1.0
7/8/98	RESPONSES TO MOTIONS (3)	1.0
7/9/98	(M) – DENIAL OF SULLIVAN'S PERSONNEL FILE; MEMO TO JRP	1.0
7/9/98	(T) DAVID GOODMAN	1.0
7/10/98	RESPONSES TO MOTIONS (3)	1.0
7/10/98	TEAM MEETING	1.0
7/13/98	DNA – STATISTICAL REPORTS	1.5
7/13/98	MOTIONS	1.0
7/14/98	MOTIONS	1.0
7/15/98	MOTIONS	1.0
7/15/98	CAPTAIN MEANS – TRANSFER TO PRISON	.5
7/16/98	MOTIONS	2.0
7/16/98	RESPONSES TO MOTIONS (2)	1.0

Svan1s108343

7/17/98	(P)...MOTIONS, WITNESSES; DEFENSES; DISCOVERY; (T) WIFE	8.0
7/20/98	MOTIONS	2.0
7/21/98	WCJ	1.5
7/21/98	LETTER TO D.A. RE: DISCOVERY	2.0
7/22/98	STATUS HEARING (A, P) (CONT'D. BY CT.)	2.0
7/22/98	CRYSTAL – DISCOVERY – FORENSIC	1.5
7/22/98	REVIEW ALL FORENSIC REPORTS	3.5
7/22/98	RESPONSES TO MOTIONS (3)	1.0
7/24/98	INVESTIGATION RE: MEETING WITH SPOUSE/SISTER	2.5
7/24/98	TEAM MEETING	1.0
7/27/98	TRANSFER TO PRISON WIFE –NO SHOW- 7/23 PREPARATION	6.0
7/28/98	RESPONSES TO MOTIONS (2)	2.0
7/29/98	REVIEW AND PREPARATION	3.5
7/31/98	MEMO	1.0
7/31/98	(T) DA STANTON -CLIENT-PRISON-	.5
7/31/98	MEMO RE: CLIENT'S MENTAL STATUS – NSP.	1.0

(62.5)

(456.5)

8/1/98	INVESTIGATION MEMO	1.5
8/3/98	PREPARATION	1.0
8/4/98	PRPEARATION – HEARING	2.0
8/4/98	STATUS HEARING	1.5
8/4/98	COURT'S FIRST MOTION'S ORDER	1.5
8/5/98	HEARING MEMORANDUM	2.5

Svanis108344

8/6/98	REVIEW	2.0
8/7/98	TEAM MEETING	1.0
8/11/98	N.S.P. – INTERVIEW CLIENT	3.5
8/11/98	MEMO	1.0
8/12/98	REVIEW AND PREPARATION	2.0
8/12/98	REVIEW TRANSCRIPT – NOTES/MEMO	2.0
8/12/98	JURY BOOK - INDEX	2.0
8/13/98	MEETING WITH DA – DISCOVERY	2.0
8/13/98	PREPARATION - MEMOS, BOOKS, WITNESSES	3.5
8/14/98	MEMORANDUM	1.5
8/14/98	MEMORANDUM – UPDATE	2.5
8/14/98	INVESTIGATION MEETING	2.5
8/16/98	JURY QUESTIONAIRRE	6.0
8/17/98	JURY QUESTIONAIRRE	5.0
8/18/98	LETTER - D.A. - LAB PERSONNEL - DISCOVERY	1.0
8/20/98	RESPONSE MOTIONS (1)	1.0
8/21/98	TEAM MEETING	1.0
8/21/98	INVESTIGATION - WITNESSES	1.0
8/24/98	MOTIONS/GRANTED/DENIED/SUBMISSION	2.0
8/24/98	(T) DAVID GOODMAN	.5
8/26/98	FORENSIC REPORT - BLOOD SPLATTER	1.0
8/31/98	INVESTIGATION MEETING - MEMO	2.5
8/31/98	DISCOVERY	1.0
	(57.5)	
	(514.0)	

9/1/98	DISCOVERY	1.0

Svanis108345

9/2/98	DISCOVERY - SALT LAKE CITY	3.0
9/3/98	PREPARATION	1.0
9/3/98	DISCOVERY - DNA	1.0
9/4/98	STATUS HEARING	1.0
9/4/98	MEMO	1.0
9/4/98	INTERVIEW WITNESSES LOSA, CORRINA - MEMO (NO SHOW 3X- WAITED 2 HOURS)	1.5
9/4/98	WCJ (DEFENDANT RETURNED)	3.0
9/8/98	MEMO...MOTIONS...NEWSPAPER...LETTER	5.5
9/9/98	MEMO, REVIEW, MOTIONS	5.0
9/10/98	DISCOVERY PRINT COMPARISONS	1.0
9/10/98	VANISI (L) PENALTIES - OTHER CAHRGES	1.5
9/10/98	(L) DA. PRISON EVALUATIONS	1.5
9/11/98	DRAFT - MEDICAL RELEASE - NOTE -EXECUTE	1.5
9/11/98	WCJ - MEMO	3.5
9/12/98	MEMO - INVESTIGATOR FOR L.A.	2.5
9/12/98	LAB REPORTS - REVIEW - (L) CLIENT	2.5
9/14/98	MOTIONS - REVIEW - FOR SUBMISSION	4.5
9/14/98	MOTIONS FOR SUBMISSION - PETTY - MEMO	1.0
9/14/98	CONTACT DA - NO RESPONSE TO MOTION # 46	.5
9/15/98	INVESTIGATION UP-DATE REQUEST	.5
9/15/98	WCJ - MEMO	3.0
9/15/98	DISCOVERY - (R)	.5
9/16/98	REQUEST FOR SUBMISSION OF PRE-TRIAL MOTIONS	2.5
9/16/98	PRELIM. TRANSCRIPT BREAKDOWN	2.5
9/16/98	MEMO - INVESTIGATIONS	.5
9/17/98	MURDER TEAM MEETING MEMO	1.5
9/17/98	MODIFIED INDEX	4.5
9/17/98	DNA - REPORT	.5

Svanis108346

9/21/98	REVIEW PRISON MEDICAL RECORDS	1.0
9/22/98	D.A. LETTER RE: STIPULATION (UTAH COPS) & TRIAL WITNESSES	.5
9/23/98	DISCOVERY - DNA REPORT	.5
9/23/98	WCJ - CLIENT	2.0
9/24/98	BRIEFING - STEVE GREGORY, PRPEPARATION	4.0
9/25/98	WCJ - MEMO	2.5
9/26/98	REVIEW FILES	6.0
9/28/98	HEARING - MENTAL STATUS - MEMO	3.5
9/28/98	MEMO TO STEVE GREGORY RE: WITNESSES	1.5
9/29/98	WCJ - MEMO	3.0
9/30/98	REVIEW, MEMO, INVESTIGATION, PREPARATION	8.0
9/30/98	MEETING WITH EVO AND CRYSTAL	1.0
	(93)	
	(607)	
10/1/98	WCJ - MEMO	3.0
10/1/98	CONFIDENTIAL LETTER TO CLIENT	2.0
10/1/98	SET UP INVESTIGATION MEETING	.5
10/5/98	SET UP WCJ INTERVIEW	.5
10/5/98	TRIAL ASSIGNMENTS	1.5
10/5//98	E-MAIL, MEMOS TRIAL TEAM	1.5
10/6/98	MEETING - INVESTIGATION	1.5
10/6/98	C- - JEREMY BOSLER	.5
10/7/98	WCJ- WITH INVESTIGATORS	3.5
10/8/98	WCJ - MEMO	3.0
10/8/98	DEFENSE TEAM MEETING (ALL)	2.5
10/9/98	NOTICE OF ASSOCIATION OF COUNSEL	1.0
10/9/98	INVESTIGATION REPORT	.5

Svanis108347

10/9/98	MEMOS - TO DEFENSE TEAM - ATTORNEYS	2.5
10/11/98	REVIEW INVESTIGATION REPORT (FINAU)	1.0
10/12/98	WCJ	2.5
10/13/98	MEMO - RE: TRIAL TEAM - INVESTIGATORS	1.0
10/14/98	(L) CLIENT - STATE'S WITNESSES	1.0
10/14/98	(L) CLIENT - SON OF SAM LAW	1.5
10/15/98	(L) CLIENT - UTAH - HAT	1.0
10/15/98	REVIEW INVESTIGATION REPORT (GARNER)	2.0
10/15/98	(T) - CLIENT - ARIZONA PATERNITY - MEMO - TEAM	1.5
10/16/98	(L) CLIENT - BLOOD/DNA/GLOVE	2.5
10/18/98	(T) COLLECT - HOME	1.0
10/19/98	(L) (T-C)	2.0
10/19/98	REPRODUCTION	4.0
10/20/98	(L) COPIES	2.0
10/20/98	REPRODUCTION	4.0
10/20/98	(T) CLIENT -	.5
10/21/98	(L) COPIES	1.0
10/21/98	REPRODUCTION	3.0
10/21/98	CORRESPONDENCE - DISTRICT ATTORNEY RE: UTAH WITNESSES STATE'S GUILT PHASE WITNESSES HATCHET	4.0
10/21/98	(L) COPIES	1.0
10/22/98	REPRODUCTION - NEWSPAPERS	2.0
10/22/98	REPRODUCTION; (L)	4.0
10/23/98	WCJ - MEMO	3.5
10/23/98	LETTERS TO CLIENT - RESEARCH AND OTHER	6.0
10/24/98	REVIEW FILES	5.5

(79.5)

Svanis108348

(686.5)

11/4/98	REVIEW CORRESPONDENCE	1.5
11/4/98	(C) INVESTIGATOR	.5
11/4/98	REVIEW EVALUATIONS	1.5
11/5/98	REVIEW LETTER TO WIFE (COPIED)	1.0
11/5/98	PREPARATION - HEARING	1.0
11/5/98	REVIEW DNA CORRESPONDENCE OF DA	1.5
11/5/98	(T) CLIENT	.5
11/6/98	MEMO	1.0
11/6/98	MEDIA INTERVIEW	1.0
11/6/98	(A) HEARING RE: EVALUATIONS	1.0
11/9/98	SET TEAM MEETING	.5
11/9/98	TRIAL PREPARATION	5.5
11/10/98	(A) HEARING - SELF -REPRESENTATION	1.0
11/10/98	WCJ	2.5
11/10/98	MEMO	1.0
11/10/98	TRIAL PREPARATION	2.5
11/11/98	TRIAL PREPARATION	5.0
11/12/98	REVIEW, PREPARATION - MOTIONS	4.0
11/13/98	TRIAL PREPARATION	4.0
11/15/98	REVIEW WITNESS' STATEMENTS	5.0
11/16/98	WCJ	2.5
11/16/98	MEMO	1.0
11/17/98	REVIEW MATERIAL OF D.A. RE: DNA/RIOLO	2.0
11/17/98	COLLECT CALL - CLIENT	.5
11/19/98	PREPARATION - MOTIONS	3.0
11/19/98	SENT MOTION TO CLIENT; (r) INVESTIGATION REQ.	1.5

Svanis108349

11/20/98	TEAM MEETING - MEMOS	2.5
11/20/98	MISC.:	
	CAR INVENTORY - STANTON	
	DAVID KINIKINI - "O.C." - VAINGA	
	REVIEW OTHER DISCOVERY MATERIAL	2.5
11/21/98	PRPEPARATION - MOTIONS	2.0
11/22/98	PREPARATION - MOTIONS	2.5
11/23/98	PREPARATION - MOTIONS	4.0
11/23/98	MEMO - KINKINI	1.0
11/23/98	MEMO - MITIGATORS	1.0
11/24/98	HEARING - MOTIONS	6.0
11/24/98	TRIAL PREPARATION	2.5
11/24/98	MEMO - RE: MOTIONS	1.0
11/25/98	TRIAL PREPARATION - MEMOS	6.0
11/25/98	MEMO - COWBOY HAT - HILL VEHICLE	1.0
11/29/98	COLLECT CALL - WCJ - HOME	1.0
11/30/98	JAIL CLASSIFICATION - RELEASING HAND DURING ATTORNEY VISIT	.5
11/30/98	WCJ - CLIENT	3.0
11/30/98	MEMO, (O)	1.5
	(88.0)	
	(774.5)	
12/1/98	WCJ - MEMO	3.0
12/1/98	REVIEW, RESEARCH AND (L) CLIENT: DAVID KINIKINI VAINGA KINIKINI SISTER, WIFE (T) - INVESTIGATOR NEWSPAPER ARTICLE - SALT LAKE CITY TOYOTA INVENTORY	2.5

Svanis108350

12/1/98	REVIEW TRANSCRIPT - 11/6/98 HEARING	1.0
12/2/98	CORRESPONDENCE; OTHER	2.0
12/3/98	CORRESPONDENCE	1.0
12/4/98	OTHER	2.0
12/5/98	MISCE.LL.; LETTERS - WIFE TAPED STATEMENT INVESTIGATION MEMOS TRANSCRIPT OF 11/24 HEARING COURT ORDER - MOTIONS MEMO TO TEAM REVIEWING, COPYING, ETC.	8.0
12/7/98	WCJ	3.5
12/7/98	MEMO	1.5
12/7/98	MEETING - JUDGE - TRIAL/COURTROOM SECURITY (cancelled as to parties - Memo)	1.0
12/8/98	POST TRIAL MEMORANDUM	6.0
12/9/98	SET TEAM MEETING; (C); (O)	3.0
12/10/98	HEARING - MOTIONS -	2.5
12/10/98	COURT REPORTER - REAL TIME LETTERS - WIFE TRANSCRIPT OF TAPED EXAMINATION	4.0
12/11/98	MEMO RE: VANISI TESTIMONY	3.5
12/11/98	MEMO - FINAL PREPARATION	2.0
12/11/98	MURDER TEAM MEMO	1.0
12/12/98	REVIEW STATE'S WITNESS TESTIMONY PREPARE CROSS-EXAMINATION	6.5
12/12/98 - 12/23/98:	E- MAILS WITH D.A. GAMMICK	3.0
12/13/98	PREPARATION- PREPARE AND UP-DATE TRIAL BOOK REVIEW NEW DISCOVERY REVIEW NEW LAB REPORTS PREPARE PACKGE FOR VANISI TO REVIIEW JURY QUESTIONNAIRE	7.0
12/14/98	TEAM MEETING - MEMO	3.0

Svanis108351

12/15/98	(L) - JUDEG RE; MOTIONS	.5
12/15/98	CORRESPONDENCE - VANACEY	2.0
12/15/98	(T) MAFFI	.5
12/15/98	(L'S) JUDGE - DA RE: JURY QUESTIONNAIRE	.5
12/16/98	WCJ - MEMO	3.0
12/16/98	DISCOVERY - TAPE OF SCENE; (O)	2.5
12/16/98	CRYSTAL (T) - SAN BRUNO	.5
12/18/98	(R)	4.0
12/21/98	WCJ AND (R)	4.0
12/23/98	TEAM MEETING; (P); (O)	4.0
12/24/98	PHOTOS	1.0
12/28/98	TRIAL PREPARATION	6.0
12/28/98	SLC - TAPE 1/14/98	1.0
12/28/98	JAIL "PICTURE" DA - INVESTIGATOR	.5
12/29/98	TRIAL PREPARATION	6.0
12/29/98	E-MAILS - GAMMICK - PHOTOS	1.0
12/29/98	MEMO - SUBPEONAS	1.0
12/30/98	COLLECT CALL - HOME	.5
12/30/98	TRIAL PREPARATION	6.0
12/30/98	CONFERENCE CALL - DA- COURT	.5
12/30/98	MEMO RE: EVIDENCE - JURORS	1.0
12/31/98	PREPARATION AND SUBPEONAS	3.5
12/31/98	MEETING WITH D.A	1.0
12/31/98	MISCELLANEOUS AND CLEAN-UP	3.0

(130.5)

(905)

Svanis108352

1999

1/2/99	MEMO AND REVIEW, INSTRUCTIONS	3.5
1/3/99	PREPARATION OF TRIAL BOOK #4	5.0
1/4/99	WCJ; PREPARATION; JURY;	5.0
1/4/99	JURY ADMONISHMENT	2.0
1/5/99	PREPARATION; REVIEW	5.0
1/5/99	JURY QUESTIONNAIRES; LETTERS; OTHER	2.5
1/6/99	PREPARATION	5.0
1/6/99	CONFERENCE - TEAM; LETTERS	2.5
1/7/99	TRIAL PREPARATION	5.0
1/7/99	HEARING(s) RE: MOTIONS, SECURITY, JURY SELECTION	4.0
1/8/99	PREPARATION	5.0
1/8/99	MARKING EVIDENCE	2.0
1/10/99	PREPARATION	8.0
1/11/99	TRIAL (DAY ONE); PREPARATION	10.0
1/12/99	TRIAL (DAY TWO); PREPARATION	10.0
1/13/99	TRIAL (DAY THREE); PREPARATION	10.0
1/14/99	TRIAL (DAY FOUR); PREPARATION	10.0
1/15/99	TRIAL (DAY FIVE); PREPARATION	10.0
----------MISTRIAL----------		
1/17/99	REVIEW AND PREPARATION	3.0
1/19/99	HEARING - RE-SET - CHANGE OF VENUE - PREP.	5.0
1/20/99	TELEPHONE CPT. GANYON - MOVE VANISI - N.S.P. MEMO - OTHER	1.5
1/21/99	WCJ	2.0
1/25/99	E-MAILS - D.A. - DISCOVERY	1.0
1/26/99	POST-MISTRIAL JUROR INTERVIEWS - INVESTIGATORS' REPORTS	2.0

Svanis108353

1/27/99	PREPARATION AND RE-FORMULATION AND PREPARATION OF CAPITAL CASE QUESTIONNAIRE	6.0
1/28-29/99	DISCOVERY - 600 PAGES OF UNRPD REPORTS 76 AUDIO AND VIDEO TAPES	8.0
1/29/99	SPOUSE LETTERS	2.5
1/29/99	CHAITRA HANKE TAPES	1.5

(136)

(1,041)

2/1/99	CAUTIONARY LETTER TO CLIENT REGARDING CHOICE IF DEFENSE	3.0
2/2/99	DISCOVERY - TAPES	4.5
2/9/99	"HELLO, BABY" CORRESPONDENCE	3.5
2/23/99	CONFERENCE - DEFENSE STRATEGY EVIDENCE: DIAGRAM - UNR BY RPD - MC MENOMY; PICTURE OF "DOBIE"; CASSETTE INTERVIEW OF CHRISTIAN LAUDERDALE; REVIEW FILES	5.5
2/24/99	AMENDED NOTICE TO SEEK THE DEATH PENALTY; OPPOSITION TO AGGRAVATORS; "HELLO, BABY" LETTERS; TAPES OF LAUDERDALE	5.5
2/25/99	DISCOVERY...STATEMENTS OF: CATHLEEN KRUTZ AND JEANNE OHLSON. CRIME SCENE AND VICTIM PHOTOS. PROPERTY/EVIDENCE LOGS. PICTURES OF "DOOBIE", VANISI AND POLICE REPORTS (LAUDERDALE)	5.5

(27.5)

(1,068.5)

Svanis108354

3/1/99	"HELLO, BABY" CORRESPONDENCE	1.0
3/3/99	"	1.0
3/4/99	"	1.0
3/8/99	"	1.0
3/10/99	"	1.0
3/11-12/99	PREPARED MEMO AND DOCUMENTS FOR GREGORY AND BOSLER REPRESENTATION OF VANISI	3.0
	(8.0)	
	(1,076.5)	
5/14/99	DISCOVERY	1.0
5/21/99	TAPES (EXTRICATION)	3.0
5/27/99	NSP – ESCAPE ATTEMPT REPORTS	1.0
5/28/99	SCR – POST – TRIAL MEMORANDUM	10.0
	(15.0)	
	(1,091.5)	
6/1/99	MOTIONS HEARINGS	2.5
6/7/99	VIDEO – 7/11 ROBBERY	1.0
6/23/99	COMPETENCY; MOTION TO TERMINATE COUNSEL REVIEW MOTION, RESPONSE, TIME RECORDS PREPARE NOTES IN OPPOSITION	4.0
7-8-9/99	ADVISING COUNSEL DEFENDANT'S MOTION TO REPRESENT HIMSELF STATE BAR COUNSEL MOTION TO WITHDRAW WRIT TO THE SUPREME COURT TRIAL PREPARATION, STRATEGY	200.0
	(207.5)	
	(1,299)	

SVanis108355

Case re-assigned to other counsel
Total hours: 1,299

SVanis108356

EXHIBIT 136

EXHIBIT 136

Svanisi09506

Edward J. Lynn, M.D., Ltd.

Fellow American Psychiatry Association

Diplomate American Board Psychiatry and Neurology

411 North Division Street
Carson City, Nevada 89703-4102
Tel (775) 882-7770
Fax (775) 882-7294

July 8, 1999

Mr. Stephen Gregory
Chief Deputy Public Defender
Washoe County Public Defender's Office
P O Box 11130
Reno, NV 89520-0027

Re: Siaosi Vanisi, #58497

At your request I evaluated your client on 7/8/99 at the Nevada State Prison. I had seen him 4/24/98. At that time, there were suggestions of possible Bipolar and ADHD issues in addition to antisocial behaviors. I reviewed recent records including reports by Thomas Bittker, M.D. and Ole Thienhaus, M.D. Both of these psychiatrists (without having been able to interview him) concluded from the record, that he was malingering, based on bizarre behaviors, that he was "acting crazy". The inmate reports "I have selective mutism", admits to some difficulties communicating with his attorney. Dr. Mace Knapp, a prison psychologist, felt after interview, that although he was manipulating, Mr. Vanisi was suffering from Bipolar, Manic with psychosis on Axis I and Psychopathic Deviation on Axis II. The MMPI II I implemented suggested feelings of alienation and unusual thinking and his responses were consistent with antisocial features, with alcohol and drug problems.

He has been on a number of medications, including (Risperdal, Elavil, Depakote, Haldol, Cogentin, Ativan) none were reportedly helpful and he was also non compliant.

More recently, as per report of his custody officer, "He's been good lately". He had been acting bizarrely in the past (e.g. wearing underwear on his head).

He is extremely pressured today. He claims being "in the throes of depression for three weeks" and being "normal today". He notes, "I hate being manic ...it's magical". There is no evidence of psychosis. He occasionally goes off on a tangent and is able to return to the theme at hand. Occasionally he is flighty. He is now willing to take Lithium.

Svanis109507

Recommendation

- Consider Lithium
  - .Prelithium work up
  - .Titration with appropriate blood level monitoring.
- When he is at therapeutic lithium levels, start Wellbutrin and titrate to 300 mg/daily.

This regimen may help with mood stabilization and better impulse control. It is unlikely it will have any effect on his antisocial personality or any further pretense of craziness.

Respectfully submitted,

Edward J. Lynn — MP

Edward J. Lynn, M.D.

EJL:km

EXHIBIT 137

EXHIBIT 137

M E M O R A N D U M

To: Vanisi File

From: MRS

Re: Dr. Lynn

Date: 4/27/98

I spoke with Dr. Lynn (882-7770) this date. He advised as follows:

1. **He interviewed Pe at the jail on Friday afternoon (4/24/98);**

2. **He said that he left off a MMPI packet for the client to complete and mail back to him;**

3. **That he has some additional forms he need Pe to complete, I told him to send them to me and I will get them to Pe and back to him;**

4. **He wanted to know about Dr. Wildman...I explained the conflict; He said that since he is doing the MMPI, I probably do not need a psychologist in this case;**

5. **He said the client is not psychotic, he is not insane and, in fact, is quite intelligent;**

6. **He said that he will have some preliminary results back in about two (2) weeks;**

7. **He agreed not to reduce anything to writing until all tests are in and we have an opportunity to talk;**

8. **He indicated he would advise when all the testing/evaluation is complete and I will meet him for lunch and we can discuss the next steps;**

9. **He did indicate that the client has no indication, at this time of any mental illness;**

10. **He indicated that he was surprised at the "matter-of-fact" and nonchalant manner in which he speaks of this crime...he does not deny any of the allegations;**

11. **He said that he does not believe that this was a racial thing...he hates cops period...white or otherwise;**

12. **The story he was told is that he killed the cop, he was lying in wait, to get the gun and the radio...the gun to be able to rob convenience stores and the radio so that he could stay one step ahead of the cops;**

13. **He wants some more background, the MMPI and some ADD testing before he makes a formal evaluation. I explained that we had some time to deal with this;**

14. **I will wait until testing is complete and I hear from the Doctor.**

EXHIBIT 138
OMITTED

EXHIBIT 138
OMITTED

EXHIBIT 139

EXHIBIT 139

Svanisi2JDC03498

CASE NO. CR98-0516

DEPT. NO. 4

FILED

'98 JUL 15 P3:14

BETTY J. LEWIS
[redacted] CLERK
BY [redacted] DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

SIAOSI VANISI, aka "PE", aka "GEORGE",

Defendant.
_____/

MOTION TO LIMIT VICTIM IMPACT STATEMENTS

COMES NOW SIAOSI VANISI, Defendant herein, by and through counsel, the Washoe County Public Defender's Office, and respectfully moves this Honorable court for an Order limiting victim impact statements to family members and to exclude friends, co-workers and law enforcement. Additionally, it is requested that no victim be allowed to express an opinion regarding the sentence to be imposed herein.

POINTS AND AUTHORITIES

NRS 176.015(3) requires that a court afford a "victim" an opportunity to appear personally, by counsel or by personal representative and "[r]easonably express any views concerning the crime, the person responsible, the impact of the

Svanis12JDC03499

crime on the victim and the need for restitution." For purposes of this statute a "victim" is defined as a person against who a crime has been committed, a person who has been injured or killed as a direct result of the commission of the crime, and a relative of the person identified above. NRS 176.015(5)(b)(1-3). A "relative" is defined as a spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister or a parent of a spouse. NRS 176.015(5)(a)(1-4). Notably, friends and co-workers are not included within the definition of "victim." Accordingly, this Court should limit any victim impact statements -- if necessary to be given in this case -- to those individuals who fall within the definitions provided by statute. See also NRS 175.552(3)("[i]n the [penalty] hearing evidence may be presented concerning aggravating and mitigating circumstances relative to the offense, defendant or victim … .").

Additionally, while the United States Supreme Court in Payne v. Tennessee, 501 U.S. 808, 827 (1991), held that the Eighth Amendment erected no *per se* bar to the admission of victim impact evidence or prosecutorial argument on the

///

///

SVanisi2JDC03500

subject, a victim may not express an opinion regarding a defendant's potential sentence in a capital case. Randell v. State, 109 Nev. 5, 846 P.2d 278 (1993).

RESPECTFULLY submitted this 15th day of July, 1998.

MICHAEL R. SPECCHIO
WASHOE COUNTY PUBLIC DEFENDER

Counsel for Defendant

SVanis12JDC03501

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing document addressed to:

RICHARD A. GAMMICK
DISTRICT ATTORNEY

DATED this 15th day of July, 1998.

LISA LEE

Exhibit 140

Exhibit 140

ORIGINAL

The state has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served a jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true. In criminal cases, the state's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find him guilty. If on the other hand, you think there is a real possibility that he is not guilty, you must give him the benefit of the doubt, and find him not guilty.

FILED

SEP 24 1999

CLERK

DEPUTY CLERK

Defendants Offered Instruction A- refused

Instruction No. _____.

ORIGINAL

Willfulness, malice and premeditation may exist, without that cool purpose contemplated, and if so, the result is second-degree murder, not first.

FILED

SEP 24 1999

AMY HARVEY
By: M Stone
DEPUTY CLERK

State v. Brown, 836 S.W. 2d 530 (Tenn. 1992).

Deft's offered Instruction B - Δ's offered inst B refused

Instruction No. _____

ORIGINAL

Deliberate means formed or arrived at or determined upon as a result of careful thought and weighing of considerations for or against the proposed cause of action.

While intent and premeditation may arise instantaneously, the very nature of deliberation requires time to reflect, a lack of impulse, and a cool purpose.

FILED

SEP 24 1999

AMY HARVEY
By: M. Stogsdill
DEPUTY CLERK

State v. Brown, 836 S.W. 2d 530 (Tenn. 1992).

Defts's offered Instruction C-

D's offered inst C refused

Instruction No. _____

EXHIBIT 141

EXHIBIT 141

Vanisi2JDC03917

Case No. CR98-0516

Dept. No. 4

FILED

NOV 25 1998

JUDI BAILEY
By: Betty Lewis
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER

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

Defendant.

_____/

This Court having reviewed the pleadings and papers herein, and with good cause appearing,

IT IS HEREBY ORDERED that Defendant's Motion to Preclude Photographs and Television Coverage in the Courtroom is DENIED. The Court will allow the media to follow the procedure evidenced by Supreme Court Rule 230, Rule 231, Rule 232, Rule 233, Rule 234, Rule 235, Rule 236, and Rule 237, whereby one "pool" video camera may be set up in the corner of the courtroom prior to court commencing and once so set up shall remain in place until the Court takes a recess. The video camera may not take any video of the jurors serving in this case or the voir dire

Svanis i2JDC03918

process. Further, the pool still camera may be utilized, however the operator may not stand up or move around or use a tripod or flash or light attachments in the Courtroom while it is in session, they must be seated while Court is in session, and may not photograph the jurors or voir dire process.

IT IS FURTHER ORDERED that due to the security issues surrounding this case, no media interviews shall be conducted on the Fourth Floor of the Washoe County Courthouse, and further, no cameras shall be operated in the Fourth Floor hallways of the Washoe County Courthouse, during the course of the trial, deliberations, or penalty phase of this case.

DATED this 25 day of November, 1998.

Connie J. Steinheimer
DISTRICT JUDGE

Swanis12JDC03919

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 1st day of December, 1998, 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
David Stanton, Deputy
Washoe County District Attorney
VIA INTERCOUNTY MAIL

Michael Specchio
Washoe County Public Defender
VIA INTERCOUNTY MAIL

Marie Stone for
Tiffany L. Clements

EXHIBIT 142

EXHIBIT 142

SVanisi2JDC04103

Case No. CR98-0516

Dept. No. 4

FILED
AUG 04 1998
BETTY J. LEWIS
By: [redacted]
ADMIN. ASST.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

O R D E R

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

Defendant.

_____/

This Court having reviewed the pleadings and papers herein, and with good cause appearing,

IT IS HEREBY ORDERED, that the Defendant's MOTION IN LIMINE REGARDING PROSECUTORIAL MISCONDUCT is GRANTED. The Prosecutor will refrain from engaging in prosecutorial misconduct. However, the Defendant remains responsible for timely making and preserving objections if there is perceived misconduct.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR PRODUCTION OF SAMPLES, PROCEDURES AND REPORTS OF ALL DNA TESTING is GRANTED IN PART and DENIED IN PART. The State will produce samples and reports regarding DNA testing to Defendant so that he

Svanis12JDC04104

may conduct independent analysis of the evidence. However, the samples are to be sent only to a certified laboratory, and Defendant is responsible to ensure that proper protocol is maintained to preserve the integrity of the evidence. Defendant further is responsible to direct requests for any DNA testing "procedures" to the crime lab itself.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR DISCOVERY is GRANTED. The pre-trial agreement of open and reciprocal discovery must be fulfilled by both parties, with the exception that Work Product and other privileged material need not be produced. Defendant is entitled to exculpatory evidence in the possession of the State. Evidence is exculpatory if it is both favorable to the Defendant and material either to guilt or punishment. Roberts v. State, 110 Nev. 1121, 1127, 881 P.2d 1, __ (1995); Brady v. Maryland, 373 U.S. 83, __, 83 S.Ct. 1194, 1197, 10 L.Ed.2d 215, __ (1963). Any evidence whose materiality is questionable must be turned over to the Court for an *in camera* review. Pennsylvania v. Ritchie, 480 U.S. 39, 57-58 (1986).

IT IS HEREBY FURTHER ORDERED, that Counsel for the Defendant should raise concerns regarding the manner of security to the Court contemporaneously with any perceived problems. The general principle is that the Defendant should not appear to be in custody during trial. Chandler v. State, 92 Nev. 299, 301, 550 P.2d 159, __ (1976); State v. McKay, 63 Nev. 118, 155-56,165 P.2d 389, __ (1946); Haywood v. State, 107 Nev. 285, 287, 809 P.2d 1272, __ (1991). However, that principle is not absolute, and in

Svanis12JDC04105

exceptional circumstances imposition of physical restraints on the accused is permissible. McGervey v. State, 114 Nev. Ad.Op. 56 at p.3 (1998); Chandler, at 301, 550 P.2d at __ . It is within sound judicial discretion to find exceptional circumstances. McKay, at 155-56, 165 P.2d at 406-07. This matter will be handled by the Court in conjunction with the appropriate security personnel.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION IN LIMINE REGARDING THE CUSTODY STATUS OF THE DEFENDANT is GRANTED, insofar as it refers to the *current* in-custody status of the Defendant. Informing the jury that the defendant is in jail raises an inference of guilt and could have the same prejudicial effect as bringing the shackled defendant into the courtroom. Haywood v. State, 107 Nev. 285, 287-88, 809 P.2d 1272, __ (1991).

However this Order makes no findings on admissibility of testimony regarding the circumstances of the arrest of the Defendant.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR HEARING TO DETERMINE COMPETENCY OF WITNESSES UNDER AGE OF FOURTEEN YEARS is DENIED. The competency of child witnesses will be determined pursuant to a voir dire examination. Wilson v. State, 96 Nev. 422, 523, 610 P.2d 184, __ (1980); Lanoue v. State, 99 Nev. 305, 307, 661 P.2d 874, __ (1983).

The State must turn over evidence of any mental incompetence or incapacity of proposed witness if it becomes aware of any, and the Defendant has leave to renew his request if some evidence is

discovered by the Defense that a particular witness is without mental capacity to testify.

IT IS HEREBY FURTHER ORDERED, that the DEFENDANT'S MOTION TO EXPAND JURY ADMONITION is GRANTED. The admonition that will be given is as follows:

Ladies and gentleman of the jury:

During the recess we are about to take, you are admonished that:

A. It is your duty not to discuss among yourselves or with anyone else any matter having to do with this case.

B. It is your further duty not to form or express any opinion regarding the guilt or innocence of the defendant until the case has been finally submitted to you for decision.

C. You are not to read, look at, or listen to any news media accounts relating to this case should there be any.

D. You will be required to decide all questions of fact in this case from the evidence received at trial and not from any other source. You must not make any independent investigation of the facts. This means, for example, that you must not on your own visit the scene, or conduct experiments.

E. The attorneys in this case are not allowed to communicate with the jury outside of the courtroom or outside the presence of the Judge. Their inability to

SVanisi2JDC04107

converse with the jury is compliance with the Court and not intended as rudeness, and in no way should reflect on your decision in the case.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR PROPER NUMBER OF JURY VENIREMEN is DENIED. The Court will call the number of venirepersons it deems appropriate after reviewing with the Jury Commissioner the usual practice for this type of case in this district, and exercising the Court's discretion. The method of voir dire is within the sound discretion of the trial court. Sommers v. State, 102 Nev. 195, 199, 718 P.2d 676, 679 (1986); Libby v. State, 109 Nev. 905, 914, 859 P.2d 1050, 1056 (1993).

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR ADDITIONAL PEREMPTORY CHALLENGES is DENIED. The method of voir dire is within the sound discretion of the trial court. Sommers v. State, 102 Nev. 195, 199, 718 P.2d 676, 679 (1986); Libby v. State, 109 Nev. 905, 914, 859 P.2d 1050, 1056 (1993). States are not required to afford defendants a particular number of peremptory challenges and only if the number guaranteed by statute is denied is there a due process violation. Hines v. Enomoto, 658 F.2d 667, 672 (9th Cir. 1981).

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION TO SEVER is DENIED. NRS 173.115 governs joinder of charges. A "common scheme or plan" under NRS 173.115 is defined as "embracing the commission of two or more crimes so related to each other that proof of one tends to establish the others." Nester v. State, 75

Svanis12JDC04108

Nev. 41, 52, 334 P.2d 524, __ (1959); Howard v. State, 102 Nev. 572, 574, 729 P.2d 1341, __ (1986). In Nester, the Court upheld joinder where trying the charges together tended to prove identity. If evidence of one charge would be cross admissible in evidence at separate trial on another charge, then both charges may be tried together and need not be severed. Mitchell v. State, 105 Nev. 735, 738, 782 P.2d 1340, __ (1989).

The State makes the following allegations in support of joinder of these charges. Defendant made statements that he wanted to kill a cop so that he could steal his radio and badge. The murdered officer's duty belt and weapon were gone when he was found. The armed robbery victim of the 7-11 store described the gun used in that robbery as similar to the gun missing from the murder victim. Witnesses of the various crimes described the Defendant as wearing the same disguise, a wig and beanie, and wearing the same clothing at the crimes. Acquaintances of the Defendant testified that after the murder of the police officer, the Defendant shaved his beard, in accordance with the testimony of the victims of the subsequent robberies. Defendant, prior to his arrest in Utah for the murder charge, admitted that the money he had was "7-11" money and that he had killed a police officer. Several witnesses will testify that the Defendant wanted to gather people together to do crime. In Howard, 102 Nev. at 574, 729 P.2d at __, the Court held joinder to be proper in a case with circumstances similar to the facts of this case. In that case the

Svanis12JDC04109

defendant gained possession of the first victim's radio and security badge and then used them in his next crime. In this case, Defendant allegedly used the stolen weapon, automobile and money to facilitate his escape from the Reno area after the murder and wore the same clothes at all the crimes and in Utah, thus if proven establishing a pattern of flight.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR INVOCATION OF THE RULE OF EXCLUSION is GRANTED. Counsel are admonished that it is their responsibility to advise their witnesses of this Order and how to abide with the rule.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR EARLY JURY LIST is GRANTED. The Jury Commissioner is to assemble and distribute the list of potential jurors no later than 30 days prior to the trial date.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR ALL BACKGROUND INFORMATION ON PROSPECTIVE JURORS is DENIED. The Court's authority to compel the State to produce information to the defense is derived from NRS 174.235, and Brady v. Maryland, 373 U.S. 82 (1963), neither of which allow for the request made here.

IT IS HEREBY FURTHER ORDERED, that the Defendant prepare and submit to the Court a proposed jury questionnaire within 30 days following the hearing set for August 4th. After seeing said proposal, the Court will rule on the Defendant's MOTION FOR JURY QUESTIONNAIRE.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION FOR

Svanis i2JDC04110

ORDER OF EXCHANGE OF EXPERT WITNESSES is GRANTED. The Parties must exchange their list of expert witnesses at least 30 days prior to trial.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION TO COMPEL STATE TO DESIGNATE TRIAL WITNESSES is DENIED. The Parties are to follow NRS 174.234 et seq. and the Defendant is responsible for interviewing all potential witnesses.

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION TO DISQUALIFY CERTAIN POTENTIAL JURORS is DENIED. The authorities cited deal with jurors who have expressed an inability to be impartial, whereas in this case, the prospective jurors whom Counsel for the Defendant seeks to disqualify have made no expression whatsoever. State v. McNeil, 53 Nev. 428, 440, 4 P.2d 889, __ (1931); State v. Buralli, 27 Nev. 41, 49 (1903); Bryant v. State, 72 Nev. 330, 332-333, 305 P.2d 360, __ (1956); Thompson v. State, 111 Nev. 439, 440-441, 894 P.2d 375, __ (1995). In fact the Nevada Supreme Court has indicated that even if a juror has previously expressed an opinion as to the guilt or innocence of the Defendant, further examination is appropriate before determining whether or not "just cause" exists for the exclusion. Snow v. State, 101 Nev. 439, 446, 705 P.2d 632, __ (1985).

IT IS HEREBY FURTHER ORDERED, that the Defendant's MOTION TO ALLOW JURY CONSULTANTS & PSYCHOLOGIST AT COUNSEL TABLE DURING JURY SELECTION is GRANTED. However, the experts will be excluded if they disrupt the proceedings in any manner, and Counsel for the

Svanis i2JDC04111

Defendant is charged with insuring that the consultants conform to proper courtroom demeanor.

DATED this 4 day of August, 1998.

Connie J. Steinheimer
DISTRICT JUDGE

Syanis12JDC04112

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 4 day of August, 1998, and personally served a true copy of the attached document to:

Richard Gammick, District Attorney
David Stanton, Deputy District Attorney
IN COURT HEARING

Michael Specchio, Public Defender
IN COURT HEARING

Tiffany L. Clements

EXHIBIT 143

EXHIBIT 143

M E M O R A N D U M

To: VANISI FILE

From: MIKE SPECCHIO
Public Defender

Re: NSP

Date: 7/31/98

I received a call from Dave Stanton, DDA, he received a call from the NSP regarding Vanisi.

Apparently he is acting very strange and bizarre.

He is:

1. wearing a hand-made mask
2. drawing tattoos on his arms
3. he is talking gibberish
4. he is pissing off every guard and inmate with whom he has had contact
5. some inmates have indicated they want to kill him
6. he is speaking in strange language
7. he is saying bizarre things
8. he talks ALL THE TIME and in a very loud voice about things no one understands
9. etc., etc., etc.

Apparently the State is NOW concerned about his mental status.

I told Stanton:

1. **I would ask the Court to move him back here**
2. **I would seek an Order that we(each) get a copy of any evaluation they have done on Vanisi (Stanton appears confident the prison has done some evaluation)**
3. **Allow the Court to have him evaluated for the record**

This thing will keep getting more bizarre until we can finalize it!

cc: Crystal
Laura
File(s)

EXHIBIT 144

EXHIBIT 144

Law Offices of the Federal Public Defender
330 S. Third Street, Suite 700
Las Vegas, Nevada 89101
Tel: 702-388-6577
Fax: 702-388-6261

Franny A. Forsman
Federal Public Defender
District of Nevada

John C. Lambrose
Chief, Appellate/Habeas Division
Rene L. Valladares
Chief, Trial Division
Michael Pescetta
Chief, Capital Habeas Division

October 6, 1998

Via Overnight Mail

CONFIDENTIAL

Mr. Michael R. Specchio
Washoe County Public Defender
One S. Sierra Street
P.O. Box 11130
Reno, Nevada 89520

Re: State v. Vanisi

Dear Mr. Specchio:

I have received some information that Mr. Vanisi may be suffering from a bipolar disorder, and may have committed the offense in the manic phase of the disorder. I have consulted some experts informally, who have indicated that it is important to have a person suffering from such a disorder to be examined over a period of time long enough to allow the manic phase to manifest itself, under observation at a place like Lakes Crossing. I don't know what your experts have received in connection with examining Mr. Vanisi, but I would strongly advise getting all of his recent incarceration records and investigating what everyone who's come into contact with him can report.

I know this case is a tough one. Maybe this could be the one case in Nevada where a change of venue could actually be granted (or at least served up for the federal courts). Good luck with it.

Yours truly,

Michael Pescetta
Assistant Federal Public Defender

MP/kac

EXHIBIT 145

EXHIBIT 145

Washoe County Public Defender
Michael R. Specchio / Public Defender
Standard of Excellence Since 1969

October 9, 1998

Michael Pescetta
Chief, Capital Habeas Division
Federal Public Defender
330 South Third Street - Suite 700
Las Vegas, Nevada 89101

PERSONAL AND CONFIDENTIAL

Re: State of Nevada v. Siaosi Vanisi

Dear Michael:

Thank you for your letter of October 6, 1998. I wish the information you have relayed were correct. Our preparation in this case contradicts the information that you have received. Possibly if you would advise as to the source of your information, I could do some follow-up.

Mr. Vanisi has been tested and evaluated and is undergoing separate, court-ordered evaluations at this writing.

Mr. Vanisi has sporadically attempted to feign some sort of mental illness while admitting that he is "pulling the chains" of the authorities.

There have been rumors and reports that he has acted in a bizarre fashion. Unfortunately, he has acted in bizarre ways for many years. It is more to gain attention than an indication of ANY mental illness.

One South Sierra Street / P.O. Box 11130 / Reno, Nevada 89520-0027
Phone (702) 328-3464 / Fax (702) 328-3596

This is a very difficult case and I believe that the inclusion of a "mental" defense, if supported, would be to Mr. Vanisi's benefit. As you know, bizarre behavior, by someone craving attention is not sufficient.

Mr. Vanisi is of average to above-average intelligence. I have spent almost one hundred hours with Mr. Vanisi. He is competent.

I believe I know how this self-diagnosed claim of bipolar disorder came to pass. I would prefer not to go into specifics and a lengthy dissertation on the essence of our inquiry and investigation on this issue.

If you have any other, more enlightening information as to Mr. Vanisi's mental condition, I would like to hear about it.

As always, thank you for your concern and consideration in this most difficult matter.

Very truly yours,

MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: file

EXHIBIT 146

MANUALLY FILED

EXHIBIT 146

EXHIBIT 147

EXHIBIT 147

Ex 120

For

M E M O R A N D U M

To: FILE OF SIAOSI VANISI

From: MRS

Re: FIRST INTERVIEW

Date: 1/26/98

I interviewed this client at the WCJ after his video arraignment, which I attended.

The Preliminary Hearing is set for 2/20/98 at 9:00 a.m. – all day.

Cal Dunlap represents the Sullivan family.

My initial interview with the Defendant was for vitals and background…the "second" interview is on tape, very sensitive and in the safe.

From this interview, I learned:

Name: Siaosi (Say-ossie) Vanisi
Also called "Pe" and "George", he prefers that we call him Siaosi.

D.O.B. …he's 27

Born: Kolofo'ou, Tonga

Religion: Mormon…hasn't followed the faith for quite a while

Education: High school in San Bruno, California
Didn't complete first semester in college

History:

Came to the U.S. in 1976 at the age of 6

Was in San Bruno and from 1976-1990

Went to the L.A. – Manhattan Beach and the South Bay area 1990-1996

Was in Arizona parts of 1992-1993

Was in Reno less than one week

Family:

Mother: **Luisa Vanisi**
San Bruno, California
No contact almost 2 years

Father: **Maka'afa Vanisi**
Hawaii
No contact since young childhood

Brothers: **(one died)**
2 half brothers – mother re-married
no contact

Sisters: **Sela Vanisi DeBruce**
San Bruno, Ca. (with mother)
Older, not know age

Kalolaie Tukuafu
Older – unknown address – not seen over two years

No military

Was a Boy Scout as a young boy in San Bruno

Employment:

None now
Couldn't get e job at McDonalds
Works in building trades
Worked in movies – grip, lighting
Did a TV commercial

Charged with :

I	**Murder**	
II	**Robbery**	**(cop's gun)**
III	**Robbery**	**(7-11)**
IV	**Robbery**	**(Jackson Market)**

Will be charged with Count V. PSP – Black and Gold Toyota

Criminal History:

No felonies
Misdemeanors

California	)	
Arizona	)	**all misdemeanor traffic offenses**
Utah	)	
Nevada	)	

Jail time:

2-3 days in California, one time for FTA on a traffic case.

HE SAYS HE WANTS TO TALK TO THE NEWS MEDIA

I EXPLAINED THE DANGERS

I TOLD HIM POSSIBLY LATER

HE AGREED TO REFRAIN FOR THE TIME BEING

WCPD03812
AA03979

He is married to DeAnn Vanisi of Simi Valley

Separated about one year
2 kids - boys: Forest Vanisi (3 to 4)
Moleni Vanisi (1-2)

To his knowledge, his wife is unaware of the trouble that he is in

Her number is (805) 527-6925 (I called and left a recorded message)

She is employed as a representative for some home loan brokerage firm

He also has a child in Chandler, Arizona named Kylie...the mother is Leanna Morris...he has nad no contact with her in the past few months...he has little or no contact with the child...he does not pay child support. It is unknown whether his wife is aware of this other woman or the other child.

Saiosi was visiting with relatives at the Rock Blvd. address.

He does not know the address.

He does not know why these relatives would say bad things about him...

He did admit to one of the females that he killed the cop...hut only after he was continually hounded...he initially denied it and denied it and finally said yes, just to sbut them up.

The Rock Blvd. residents are:

Losa Louis (Tongan), about 21
Her mother and his mother are counsins
Does not know where she works, if at all
She is single

Carina Louis, about 17
Losa's sister

The statements they gave the cops "I want to kill a cop" is truthful

No one else probably heard it...hut could have.

AA03980 WCPD03813

The flashlight and gloves they turned over to the cops...is true

The flashlight (and Gun) that he found probably did belong to the deceased cop.

There are also two (2) younger brothers...under 18...he doesn't know their names.

Other "visitors" to the Rock Blvd. address are:

Teki (LNU) – Tongan, adult...met him the week he was there
They became friends

Laki (LNU) – Tongan, adult also hangs around this address

He did not "I want to kill a cop" from either of those two...he doesn't think

The next address that concerns this case is the Stirling street address

He does not have any house numbers

Tavake and Kathleen Peaua live there

On the night in question, Moa and Renee Peaua were also there
They may be able to give him an alibi for the night of the shooting between 11:00 p.m. and 1:30 a.m...(QUESTIONABLE)

FINAL STUFF:

He wants to take a polygraph – I told him I would arrange it after the Preliminary Hearing

When he refers to Doobie...he is referring to the dog that belongs to the Peauas

He readily admits robbing the Jackson and 7-11 stores

He readily admits stealing the car

He readily admits to having the cops gun in Salt Lake City...he found the cops stuff in the park???

He gave NO statements to the cops.

WCPD03814
AA03981

M E M O R A N D U M

To: VANISI FILE

From: MRS

Re: WIFE

Date: 1/27/98

The defendant's wife returned my telephone calls. I finally spoke with her this morning (800) 669-2443 ext. 4130...she is very cooperative and advised me as follows:

1. They were in 1994
2. They have two boys
3. She knew him for about 1 year before they married
4. It was an abusive marriage...he saw nothing wrong with this
5. She said he was arrested in Manhattan Beach, Ca. in November 1996 or 1997, she can't remember, for a bar fight he was a bouncer for a brief period of time...he failed to tell me about this...she doesn't know what the outcome was.
6. She says he is a compulsive liar...she NEVER believes anything he says...according to her he is storyteller and gets some degree of satisfaction from this.
7. He has a poor work ethic...not worked regularly for over two (2) years...may be considered lazy
8. He does drink
9. He uses marihuana

10. She understands he ahs also heen involved with speed since they separated ahout one (1) year ago

11. He offered to rob banks for her in the past when they needed money...she would have nothing to do with that

12. He gave her some money in early December, 1997...she does not know where he got the money from

13. Hc does not pay support or otherwise provide for his children

14. His children love and miss him

15. She found out ahout this case on 1/14/98, after he was arrested in Salt Lake City...she learned from his Reno relatives...the Peauas

16. She doesn't know the Rock Blvd. relatives...Losa and Carina

17. According to her the closest person to him is his cousin Michael Finau with whom he lived in Manhattan Beach. She will tell him I want to speak with him...he is an introvert and will not say much on the phonc...I will probably bave to go down there (I will see Deann – Simi Valley at the same time).

18. Michael may know about a planned robbery of a bar in Manhattan Beach where the Defendant was fired from a bouncer job...(probably same bar with the bar fight, above).

19. Michael probably knows a lot about the defendant...maybe even this thing about wanting to kill a cop

20. She says this is not the man she married

21. He always wanted to be a Super Hero...he would wear tights and wigs and always wanted to be someone, noticed, center of attention. This wearing of the wig and tights was NOT an isolated thing...he often pretends to be other people....one incident she recalls when he was the happiest was when he was wearing his tights and went to Chuckie Cheese and some kid thought he was Super Hero...he thought this was great.

22. She does not know if he was a faithful husband...she couldn't believe him anyway

23. She indicates nothing bizarre in their sex life

24. She says that he is known by many names: George, Pe Perren, Charlsie, Gincomo...only his mother calls his Siaosi...she calls him Perren

25. She says he has two (2) mothers....the biological mother and her sister that actually raised him

26. He changed her name, not legally, the spelling she uses is "Vanacey"...she believes this was his attempt to distance himself from his natural father

27. She is contact with the family...I believe most of the family except the father, hut she does not know the Rock Blvd. people here in Reno...only the Peauas

28. They advised her of the incident AFTER he was arrested in Salt Lake City

29. She advised the mother, I don't know which mother, hut the mother had to hospitalized with a heart "thing" after learning of this

30. After they separated he began "hanging" with a Tongan gang in Manhattan Beach...mostly teenagers...she says he probably liked being looked up to...she thinks this when the speed use began but she is not sure...Michael Finau will he able to fill in these gaps

31. He recently did do a Miller Lite television commercial

32. About a week before he came to Reno he found the body of an elderly neighbor woman. He did work for her and errands in exchange for help with his (share) of rent...she died of natural causes

33. The police have contacted her and she told them that he was ahusive and that he used drugs and there were drugs in the home (grass), she did not tell them about the speed...she didn't tell them mnch else. She won't talk to them again and tell them that she wants us to be present, I told that would he fine. She is sorry she said anything and hopes that she didn't hurt his case, I told her not to worry about that.

34. She advised that Michael Finau had his house surrounded with cops with weapons drawn to search...when looking for the Defendant. He ahs no phone... he lives at 1913 Du Four in Manhattan Beach...she will tell him to contact me. Michael also is heavy user of grass.

WCPD03817

AA03984

35. **I will discuss some of these issues with the Defendant and follow-up.**

cc: Wally Fey
Tim Ford
Laura

Ford

MEMORANDUM

To: Vanisi file

From: MRS

Re: interview

Date: 1/28/98

After speaking with the defendant's wife and reviewing my notes, I had some additional questions and re-interviewed the client today. It went like this:

1. I wanted to know about the Salt Lake City, Utah people that he went to see when he left Reno. They are Vaiga Kinikini and David Kinikini (brothers) they are "cousins". He has not seen Vaiga in about 10 years and David in about 4 years. Since their house was tear-gassed and Vanisi set their garage on fire during his capture, I am sure they were glad to see him go and probably do not miss him. They probably have little good to say about him. He said he does not know why he set the garage on fire...it help him escape...or help his relationship with his family.

2. The women at the Rock Blvd. address, Losa and Catrina told the cops that Vanisi left the residence the night of the killing, 1/13, wearing a hat and a wig. I explained to Vanisi that the cops, yesterday, found a hat and wig in a ditch by UNR... he said it was his.

3. He received his wife's letter that she sent to Salt Lake. I advised not to write ANYTHING about the case in his letters {and cautioned the wife, as well}, etc., etc. He does not want to see his wife, yet. I advised her by phone and they will correspond, for now. She does want to see him and is willing to do whatever we want or to assist in any fashion.

4. He is a bit TOO anxious to read about himself in the paper. Laura has sent him all of our press clippings.

5. He does not know about a bar fight in Manhattan Beach in 1996 or 1997. He WAS arrested once for a bar fight in 1994 and paid a $1,000.00 fine...he just forgot to tell me about that about his past...says that is the only other thing than the traffic cases.

6. He became extremely embarrassed when I talked to him about this "Super Hero" stuff. We did not go into it much other than for him to say that he liked what the super heroes did, etc. This is in response to information from the wife...we can discuss this further.

7. I asked about his cousin, Michael Finau, in Manhattan Beach with whom he lived before coming to Reno one week before the cop got killed. He says that Michael knows more about him than anyone...maybe even his wife. I told him that I would have to interview him...he says Michael knows about him wanting to "kill a cop" and this whole thing.

8. He did plan to rob a bar (Shellbacks) in Manhattan Beach...he was a bouncer there and then fired. He talked about it with his friend Mark...they never did anything about it though or made any plans...only talked about it.

9. I asked him to explain this two (2) mothers thing that his wife referenced. He says his natural mother is his biological mother...he lived with her sister (his aunt) BECAUSE she didn't have any kids and lived alone...close proximity to his family though {I wonder if this is consistent with my Polynesian folklore information...we can discuss this separately, as well}. I advised him that his mother had to be hospitalized when she heard he was arrested for killing a cop...he said "yeah, she has diabetes" I explained to him that I believ she had a heart attack...NO EMOTION. He did advise this would be his biological mother.

10. I asked him about the use of Pe, Perren, Giacomo George...he said all just nicknames. I asked about why his wife's last name is spelled different. He confirmed the wife's statement that he wanted to distance himself from his father's family name and they just did when the y married in Manhattan Beach in the Mormon Church. No other reason.

11. **I asked him if the Peauas are related to "Bubba" Peaua he said yes. They are...he doesn't know him, however...at least he doesn't remember him.**

12. **I told in the police report about of the 7-11...a witness said that he got into 1990-1995 Ford Ranger pick-up. He said NO, it was there when he robbed the place, a white one...he left in the stolen Toyota.**

THE REST OF THE MEMO IS THE CONFIDENTIAL PORTION AND WILL BE IN THE TRIAL BOOK AND NOT SET FORTH HERE.

M E M O R A N D U M

To: Vanisi file

From: MRS

Re: interview

Date: 1/28/98

After speaking with the defendant's wife and reviewing my notes, I had some additional questions and re-interviewed the client today. It went like this:

1. I wanted to know about the Salt Lake City, Utah people that he went to see when he left Reno. They are Vaiga Kinikini and David Kinikini (brothers) they are "cousins". He has not seen Vaiga in about 10 years and David in about 4 years. Since their house was tear-gassed and Vanisi set their garage on fire during his capture, I am sure they were glad to see him go and probably do not miss him. They probably have little good to say about him. He said he does not know why he set the garage on fire...it help him escape...or help his relationship with his family.

2. The women at the Rock Blvd. address, Losa and Catrina told the cops that Vanisi left the residence the night of the killing, 1/13, wearing a hat and a wig. I explained to Vanisi that the cops, yesterday, found a hat and wig in a ditch by UNR... he said it was his.

3. He received his wife's letter that she sent to Salt Lake. I advised not to write ANYTHING about the case in his letters {and cautioned the wife, as well}, etc., etc. He does not want to see his wife, yet. I advised her by phone and they will correspond, for now. She does want to see him and is willing to do whatever we want or to assist in any fashion.

4. He is a bit TOO anxious to read about himself in the paper. Laura has sent him all of our press clippings.

5. He does not know about a bar fight in Manhattan Beach in 1996 or 1997. He WAS arrested once for a bar fight in 1994 and paid a $1,000.00 fine...he just forgot to tell me about that about his past...says that is the only other thing than the traffic cases.

6. He became extremely embarrassed when I talked to him about this "Super Hero" stuff. We did not go into it much other than for him to say that he liked what the super heroes did, etc. This is in response to information from the wife...we can discuss this further.

7. I asked about his cousin, Michael Finau, in Manhattan Beach with whom he lived before coming to Reno one week before the cop got killed. He says that Michael knows more about him than anyone...mayhe even his wife. I told him that I would have to interview him...he says Michael knows about him wanting to "kill a cop" and this whole thing.

8. He did plan to rob a bar (Shellhacks) in Manhattan Beach...he was a bouncer there and then fired. He talked about it with his friend Mark...they never did anything about it though or made any plans...only talked about it.

9. I asked him to explain this two (2) mothers thing that his wife referenced. He says his natural mother is his biological mother...he lived with her sister (his aunt) BECAUSE she didn't have any kids and lived alone...close proximity to his family though {I wonder if this is consistent with my Polynesian folklore information...we can discuss this separately, as well}. I advised him that his mother had to be hospitalized when she heard he was arrested for killing a cop...he said "yeah, she has diabetes" I explained to him that I believe she had a heart attack...NO EMOTION. He did advise this would be his biological mother.

10. I asked him about the use of Pe, Perren, Giacomo George...he said all just nicknames. I asked about why his wife's last name is spelled different. He confirmed the wife's statement that he wanted to distance himself from his father's family name and they just did when the y married in Manhattan Beach in the Mormon Church. No other reason.

11. I asked him if the Peauas are related to "Bubba" Peaua he said yes. They are...he doesn't know him, however...at least he doesn't remember him.

12. I told in the police report about of the 7-11...a witness said that he got into 1990-1995 Ford Ranger pick-up. He said NO, it was there when he robbed the place, a white one...he left in the stolen Toyota.

CONFIDENTIAL----------CONFIDENTIAL

We discussed that fact that I read the autopsy report and I told him it indicates about 20 hlows to the head, face, neck, torso, etc...not the 6-8 wc discussed the other day...he said most of the blows were from a 45 degree angle...their numhers could be accurate.

He advised he is ambidextrous ...AND TOLD THE JAILERS this.

He said he had the hatchet in both his right and left hand during the attack.

He indicated there were two (2) cop cars around UNR that night...he watched as they stopped someone to check ID, a pedestrian. He is not sure if the other car was UNR Police or RPD...hut the UNR car was parked with Sullivan and the other car was farther South in a parking lot...he did watch these cops for awhile.

He walked hy the "other" car and the cop didn't say anything...didn't hassle him and drove off...he walked by Sullivan's car and Sullivan bassled him..."his career as a police office was ahout to come to an end".

He didn't say that he stalked him, he did refer to the fact that he did want to deal with a car with ONLY ONE officer, not a team.

There continues to be less and less to work with here.

Bielser, Laura

From: Specchio, Mike
Sent: Monday, February 09, 1998 7:51 AM
To: Ford, Tim; Bielser, Laura; Fey, Wally
Cc: Specchio, Mike
Subject: VANISI

BEFORE I FORGET...KEEEP THESE NAMES HANDY...

MAKELALA KAUAPALU

MELE MAVENI

PAI TAFUNA OR NAMIA KOFU

THESE THREE (3) TONGAN /SAMOAN HUG HIGH SCHOOL GIRLS ACCOMPANIED THE DEFENDANT TO THE SPARKS WALMART...WHEN HE PURCHASED THE HATCHET

16

M E M O R A N D U M

To: VANISI FILE

From: MRS

Re: DISCOVERY

Date: 2/9/98

I REVIEWED ALL DISCOVERY THIS WEEKEND AS PROVIDED BY TH D.A. TO DATE.

TIM WILL KEEP UP WITH THE BALANCE THAT IS BEING COPIED AND WILL BE SENT OVER.

AS EXPECTED, THERE WAS NO EXULPATORY MATERIAL.

THERE ARE MANY PAGES OF POLICE REPORTS OF THE DEFENDANT'S INCIDENTS IN MANHATTAN BEACH, CALIFORNIA AND MESA, ARIZONA.

THE WITNESS' STATEMENTS PRETTY MUCH MAKE THIS CASE INDEFENSIBLE.

I WOULD NOT BOTHER READING THE STATEMENTS UNDER THE FOLLOWING NAMES...THEY ARE INCONSEQUENTIAL:

Dallimore
Islam
Wilson
Wenzel
Mc Cabe
Galliland
Carruthers
Giridhar

Law Offices of the Federal Public Defender
330 S. Third Street, Suite 700
Las Vegas, Nevada 89101
Tel: 702-388-6577
Fax: 702-388-5819

Franny A. Forsman
Federal Public Defender
District of Nevada

John C. Lambrose
Chief, Appellate/Habeas Division
Rene L. Valladares
Chief, Trial Division
Michael Pescetta
Chief, Capital Habeas Division

March 4, 1998

Overnight Mail

Mr. Michael R. Specchio
Washoe County Public Defender
One South Sierra Street
Reno, Nevada 89501

Re: Vanisi

Dear Mr. Specchio:

I've been talking about your client, Mr. Vanisi, with the people at the Center for Capital Assistance in San Francisco. They have experience in dealing with clients from minority cultural backgrounds, and they steered me to the experts we used in the Calambro case. They have become interested in the Tongan aspect of Mr. Vanisi's case, and they have produced the enclosed material on potential experts and investigation in his case. I think you would be well-advised to contact Scharlette Holdman (Center for Capital Assistance, 529 Castro Street, San Francisco, California 94114, telephone 415-621-8860) and see if you can exploit their enthusiasm for this work.

Yours truly,

Michael Pescetta
Assistant Federal Public Defender

MP/ef

enclosure: as noted

M E M O R A N D U M

To: VANISI FILE

From: MRS

Re: MITIGATION WITNESSES

Date: 3/4/98

I received a call from David Goodman (213)660-3267, 931 North Tularosa Drive – Apt. 11, Los Angeles, California 96026.

He is a member of LDS...he is a counsellor/clergyman. He intends to come to Reno and visit with the Jail Chaplian as well as Vanisi.

He has known Perrin for a number of years...they were roommates I Hermosa Beach. California...they lived togetber about six (6) months. He knows Perrin's wife...he wants to talk with her...I told him I would let her know and give her his phone number if she wants to contact him.

I will send her a letter today.

He also wants me to tell Perrin that be sends his regards and wants to speak with him and will be coming to Reno.

I will send him a letter today as well.

Apparently, they played volleyball together and became roommates. They attended each other's wedding.

He reiterated MANY times that he could not believe this...he said this was totally out of character for Perrin...he still considers him a friend.

He indicated that he tried to speak with Michael Finau...Pe's cousin and former roommate but Finau would give little or no information...per my earlier discussions with Pe's wife.

He also advised that he spoke with another friend of his and Perrin's, Robert Kurts, (310) 540-7324, 1919 Rockefeller, Redondo Beach, California, who also does not believe this. He said that Robert may have some information about Perrin saying he "was going crazy" and carrying rocks and stuff. I will have to follow-up on this.

In any event, I told him that I would be at the Radisson Hotel in Simi Valley on May 21st to speak with DeAnn and Michael and he was free to attend...this could save me some time as well. I also told him I would appreciate it if Robert could accompany him.

cc: Wally Fey
Tim Ford
Laura Bielser
File (s) – mitigation
Travel file

Washoe County Public Defender
Michael R. Specchio / Public Defender
Standard of Excellence Since 1969

March 5, 1998

Michael Pescetta
Assistant Federal Public Defender
330 South Third Street – Suite 700
Las Vegas, Nevada 89101

Re: State of Nevada v. Vanisi

Dear Michael:

Thank you for your letter of March 4th. I am in the process of contacting the Center for Capital Assistance.

This is a particularly difficult case and any assistance we can compile will be a plus.

Thanking you, again, for your assistance and consideration, I remain

Very truly yours,

MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: file

One South Sierra Street / P.O. Box 11130 / Reno, Nevada 89520-0027
Phone (702) 328-3464 / Fax (702) 328-3596

Washoe County Public Defender
Michael R. Specchio / Public Defender
Standard of Excellence Since 1969

March 6, 1998

Scharlette Holdman
Center for Capital Assistance
529 Castro Street
San Francisco, California 94114

Re: State of Nevada v. Vanisi

Dear Ms. Holdman:

As you are aware, this Office represents Mr. Vanisi in the capital Murder case pending against him.

I am contacting you upon the advice of Mr. Pescetta of the Federal Public Defender's Office because of the difficulties we will be facing in presenting a defense and meaningful mitigation in this case.

I will give you a brief description of Mr. Vanisi and the case pending agaisnt him.

Mr. Vanisi is Tongan who has lived in the United States since the age of six (6) years. He has no contact with his natural father since a very young age. His father is believed to be living in Hawaii. He apparently has had little contact with his mother(s) {he was raised primarily by an aunt and considers them both his mother} over the past few years. His feelings of mistrust and detachment from his mother(s) are probably best exemplified by his statement to the police at the time of his arrest... referencing the handcuffs...: "my mother should be wearing these, she brought me here from Tonga".

One South Sierra Street / P.O. Box 11130 / Reno, Nevada 89520-0027
Phone (702) 328-3464 / Fax (702) 328-3596

Mr. Vanisi was raised in the Mormon faith but professes no beliefs at this time. I have been contacted by a number of Church officials who have indicated a desire to assist Mr. Vanisi if at all possible. I have also been contacted by various members of the local Tongan community who have taken a unique approach to this matter...they want to support him if he is innocent and they want to shun him if be is guilty. Their position apparently is that if he did this he is an embarrassment to the Tongan community and they do not want to support him. At this point in time, the church is more willing to support him than his family and the Tongan community.

Mr. Vanisi "Pe" (27) was raised in California...San Bruno, Redondo Beach, Manhattan Beach, spending some time in Mesa, Arizona and Salt Lake City, Utah. He was in Nevada about one (1) week before this alleged incident.

The testimony presented at the Preliminary Hearing basically indicated the following:

1. Pe was staying with his cousin Losa Louis;

2. He made statements (more than ten times) that he "wanted to kill a cop" and this statement was heard by more than a dozen people, most of whom are relatives;

3. He purchased a hatchet at Wal-Mart in the presence of three (two (2) Tongan and one (1) Samoan) high school girls;

4. On Saturday night he appeared at a local Tongan community dance where he had, demonstrated and danced with the hatchet;

5. The police officer was murdered on Monday night;

6. On Tuesday morning Pe had the blood-stained, bent hatchet at the Louis' residence...he told a number of people (only some of which were relatives) that he killed a cop;

7. On Tuesday, about noon, two convenience stores were robbed with a gun that was similar to the one taken from the deceased police officer...they were robbed about fifteen minutes apart;

8. **Needless to say, this incident was all over the television and newspapers;**

9. **They showed a picture of the convenience store robber (Pe) on television and the cousins told friends who told the police;**

10. **Pe went to Salt Lake City. The police were already looking for him there. He was at a cousin's home, there was a stand-off, he set the garage on fire in an effort to get away. He was shot with one of those rubber bullets...nothing serious, and he was taken into custody;**

11. **We contacted the Salt Lake City Public Defender and had them speak with him, tell him to keep quiet and waive extradition to return to Nevada;**

12. **His Salt Lake City cousin testified that Pe: said he killed a cop; said he thought it was funny; said that once he kills, he has to kill again, said he wanted to kill a WHITE cop{this provides the State with an additional HATE CRIME aggravating circumstance for the death penalty}; said he killed the cop with a hatchet; said he robbed the convenience stores with the cop's gun; said he stole a car to get to Salt Lake City;**

13. **They found the officers weapon on Pe at the time of his arrest;**

14. **They found Pe's clothes at the apartment in Reno...with the officer's blood.**

I have only listed the major highlights as presented at the Preliminary Hearing (February 20, 1998).

The District Court arraignment is set for next Tuesday, March 10th. We will be entering a plea of "not guilty" and set the trial for the latter part of this year.

Needless to say this community is outraged and they want to hang all of us, NOW!

had a switch that could be flipped on or off and their emotions changed in an instant. Maile and Luisa had it the worst. There are others in the family who suffered from this condition as well.

7. I was working as a prosecutor in the Churchill County District Attorney's office at the time of Siaosi's arrest in January 1998. I was the only Tongan attorney admitted in the Nevada bar, so the Washoe County DA, Dick Gammick, reached out to me for assistance with translating a letter that was intercepted from Siaosi. Gammick contacted my old boss, Art Mallory, who instructed me to help Gammick. Art Mallory even gave me leave to travel to Reno for my meeting with Gammick. Siaosi wrote the letter from the Washoe county detention facility and he wrote it in Tongan. I explained to Gammick that I was married to one of Siaosi's closest relatives but Gammick saw no conflict of interest in seeking out my help.

8. Siaosi's letter was an appeal to young Polynesians in America. In his letter, Siaosi talked about the Laminites and the 2000 Stripling warriors that are spoken of in the LDS Church's Book of Mormon. The LDS church taught that the Polynesians were the descendants of these warrior clans, and the belief is still held by many Polynesians today. Siaosi addressed the letter to young Polynesians and he was calling on them to reclaim their warrior heritage and rise up to fight the western powers that have colonized and oppress them. Siaosi also called for the youths to coalesce behind him as their leader. Much of Siaosi's letter was senseless rambling, and it was hard to follow all of the points he was trying to make. It was clear that Siaosi was totally out of his mind when he wrote this letter.

9. I was never asked to testify about anything that I translated from Siaosi's letter for Gammick and I was never given a copy of the letter. I have never seen or heard anything about the letter again after my meeting with Gammick.

10. Besides having me translate Siaosi's letter, Gammick also had many questions about the LDS church and our beliefs. He also asked a couple questions about Siaosi's background information, but nothing in-depth.

11. Siaosi's crime was devastating to the image of the local Tongan community in Reno. The community went from being relatively unrecognized to being demonized and cast in a negative light. Like Blacks, Hispanics and other minorities, Tongans were sometimes subjected to racial profiling and mistreatment by the police, but it was never as bad as the time following Siaosi's arrest. In the weeks and months following Officer Sullivan's death, many young Tongans in Reno complained about being profiled, harassed and disrespected by the local authorities across the valley. Many complained about being stopped and searched for no reason. Many felt like they were being held responsible for Siaosi's actions even though our community was just as appalled by Siaosi's actions as everyone else in town.

AA03881
Docket 65774 Document 2015-01469

12. When my husband and I heard what was taking place, we returned to Reno to speak with members of the Tongan community and the police. Olisi and I held meetings to explain to the community their rights not be profiled and harassed, but we also told the community to have patience and tolerance, and to try to see things from the perspective of the police officers. All the police knew was that a Tongan individual was accused of killing a cop and the officers around town were responding emotionally. As time went on, the tensions between the police and the Tongan community subsided and things went back to normal.

13. ~~I was the public defender in Ely, Nevada at the time when Siaosi was sentenced to death in 1999. I was employed with the White Pine County public defender's office and I was the only attorney stationed in Ely. My husband, Olisi Lui, was a corrections officer at Ely State Prison at that time, and we both saw a conflict in having Olisi work at the facility where his cousin, Siaosi, would be held on death row. This is why my husband decided to leave Ely to avoid the possibility of experiencing any conflicts.~~ I was a Nevada state not factually correct public defender's office and I was at the Churchill County District Attorneys when Siaosi was sentenced to death in 1999.

14. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case and background with me. I was never contacted by Siaosi's trial attorneys nor the attorneys who worked on his behalf during his state post-conviction proceedings. I would have given Siaosi's previous attorneys all of the information that I have stated in 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 7th 2011 in Salt Lake county, Utah.

Laura Lui

EXHIBIT 129

EXHIBIT 129

Declaration Of Le'o Kinikini-Tongi

I, Le'o Kinikini-Tongi, declare as follows:

1. My name is Le'o Kinikini-Tongi, I am the cousin of Siaosi Vanisi and I currently reside in Salt Lake county, Utah. I have known and interacted with Siaosi since the time that he came to the United States from the Kingdom of Tonga as a child during the 1970's.

2. My late father, Kime, worked for United Airlines which allowed our family to travel for free whenever we wanted to visited extended family members living in Reno, Nevada and San Bruno, California. As a result of this benefit, siblings and I frequently saw Siaosi and the other family members in San Bruno various times throughout each year. Whenever my family traveled to San Bruno we usually stayed in Siaosi's home, which was owned by his uncle Moli Tafuna and his wife Lose. Lose and Siaosi's other uncle, Maile Tafuna, also worked for United Airways so this allowed Siaosi and his other family members to travel to Salt Lake City each year for free as well. Siaosi spent various summers in Salt Lake City when he was growing up and he usually stayed in my immediate family's home at 733 Emery Street. The family usually came together each year to celebrate holidays, birthday celebrations, weddings, funerals, church events and other occasions.

Siaosi's aunt, Lose also worked for United Airways.

3. Siaosi was in elementary school when I first met him and he had not been in the United States for more than about a year. Siaosi was a well behaved child who always did what everyone in the family told him to do. Siaosi's aunt and adopted mother, Toeumu Tafuna, and others in the family were always telling Siaosi to go and get something for them. Siaosi always seemed like he was eager to please people and do anything that he could for everyone.

4. Toemu always had Siaosi's name in her mouth, calling him for various reasons throughout the day. Toeumu was always giving Siaosi something to do, and she yelled at him a lot for not doing a task fast enough or for forgetting to do something. Toeumu depended on Siaosi for help in caring for her ailing brother, Moli

5. There were three bedrooms in Siaosi's home. Uncle Moli and Lose shared a room, Kaloline had her own room, and Toeumu and Siaosi shared a room, the master with a bathroom, until Siaosi was in his mid-teens.

6. Siaosi's household was extremely religious and strict. Siaosi and his eldest sister, Kaloline, were only allowed to be in three places at any given time which were school, church and home. They were not allowed to hang out with friends around the neighborhood, go to the movies, or do many things that normal kids did. Kaloline made frequent trips to Salt Lake City when she was growing up because she knew that my parents allowed her to go to the movies, hang out in the mall, attend dances and do other things that were forbidden in her home. Kaloline and I are the same age and we spent a lot of time together.

7. Kaloline was always resentful that her birth mom, Luisa, gave her away to her Uncle Moli and his wife, Lose, when the family moved to the States. Kaloline also seemed like she was jealous of her younger sister, Sela, at times because Luisa kept and raised her. Whenever Sela came over to Lose's home or to the family's church, during my trips to San Bruno, I noticed that Kaloline became withdrawn and stopped talking. Kaloline sometimes just walked away. It was like Kaloline did not want to be around Sela even though Sela was always pleasant and never did anything wrong to Kaloline.

8. Besides avoiding interactions with Sela, Kaloline also seemed to be disconnected from her other siblings in San Bruno, including Siaosi. Even though Kaloline and Siaosi grew up together and lived in the same household, they did not seem to share a normal brother-sister relationship. Kaloline was distant from Siaosi and didn't spend much time around him.

9. I don't recall much about Siaosi's eldest brother, Sitiveni, because he never spent much time around me during my visits to San Bruno. Sitiveni spent a lot of time hanging out in the streets and he also left home around the early 1980's. I did not see Sitiveni at all for many years.

10. I knew that Siaosi left San Bruno shortly after he was sent home from his LDS mission in 1990, and this is when we lost touch with one another for a couple years. Siaosi distanced himself from the family and I do not know much about his life in southern California in the years that followed. I saw Siaosi a few times during the 1990's if he happened to be in San Bruno while I was visiting, but nothing more. The few times that I saw Siaosi inSan Bruno I remember hearing him talk about acting in films and his desire to lose weight. Siaosi was chubby as a child, but he took off a lot of weight at some point when he was in his late teens or early twenties.

11. Siaosi did not tell me when he became married, and I never met his wife, DeAnn, or their children. This was odd for Siaosi because he was always so close to me and the family members in Salt Lake City and he knew how much we all loved him.

12. During Christmas week 1997, just a couple of weeks before his arrest on the instant case, Siaosi drove to Salt Lake City to visit me and my family on Emery Street. Siaosi came with presents for me and my siblings, Susanna and Maile Kinikini. The gifts included name brand perfumes and colognes, and other items. Siaosi apparently decided to come to Salt Lake at the spur of the moment and he did not give anyone advance notice.

13. Siaosi did not seem like he was in his right mind during this visit. Siaosi had gum in his mouth and he was chewing it very quickly like a rabbit. Siaosi was talking rapidly and his words didn't make much sense. The things that Siaosi said gave me the impression that he was losing touch with reality.

14. Amongst Siaosi's various rambling, he talked like he was rich and had a lot of money. Siaosi

were all standing and speaking under a tree outside the school yard, Siaosi often stopped speaking with us and went to another tree to sit down by himself and stare off in the distance. It was like a switch went off in his mind which made him disengage from the conversation unexpectedly and without any reason..

13. Siaosi had an inappropriate and hyperactive way of acting familiar with people who he didn't know at all. Siaosi often walked down the hallways of our high school loudly telling people "hello", "what's up man?", "long time no see" and stretching out his hand to give the high-fives, which are over the head hand slaps. Most of the kids in the hallways usually looked at Siaosi like he was crazy, moved away from him and did not stretch out their hands for any high-five hand slaps. Siaosi always had a look of excitement and he was overly hyper when he greeted these unknown schoolmates, and he seemed oblivious to the fact that almost everyone ignored him.

14. Siaosi sometimes began doing the "Sipitau", the ancient warrior dance of Tonga, all of a sudden and without any reason while we walked to school, in the school hallways and classrooms, during football practice and just about anywhere he went. People around school often laughed at him and commented that they thought something was wrong with his head.

15. Whenever I asked Siaosi why he did all of the strange things that I saw him doing, he never had an explanation. Siaosi also told me that he did not know why he did these things and he complained not being able to control himself. Siaosi said he couldn't stop himself from mumbling, laughing and talking to himself. Siaosi said he couldn't stop blinking and squinting his eyes uncontrollably. Siaosi said that he couldn't stop shouting and blurting out random things for no reason at all, and he had no control over his hyperactive nature. Siaosi was always in an excited state with a high level of energy. Siaosi said he felt like he sometimes just snapped. Siaosi also said at times that his behavior may seem odd to me, but to him it was normal.

16. Siaosi often stared off in the distance in a trance like state. It was like his eyes were fixed in one place and he had an empty blank look on his face. Siaosi's body was there but his mind seemed like it was far away. Sometimes I found Siaosi like this, and other times it happened all of a sudden while we were talking, or doing various things. This even occurred while we were in classrooms together. Whenever Sioasi was in a trance like state and just staring off in the distance, he usually didn't respond whenever people called his name repeatedly. Someone usually had to walk up to Siaosi and touch him to bring him back to reality.

17. Siaosi's strange behavior became so well known throughout the school that many students called him "Crazy Pe" and "Crazy George". Pe was Siaosi's Tongan nickname and it means baby. George is what Siaosi translates to in English, and he used the name George while he was attending school.

TP / MJ

18. Siaosi seemed like he suffered from identity issues because he was never comfortable with his Tongan heritage throughout the two years that we lived together. While I was attending school I spent a lot of time around a circle of friends who were Tongan and Samoan. We came together a few times a week to speak our language and catch up on with how things were going with one another. Siaosi only spent time with us once in a while, and when he stopped by it was only for a couple minutes. Whenever we planned to organize cultural events, Siaosi also turned down our invitations and said that he was not a Tongan. When the group of Polynesian friends invited Siaosi to go to the mall, he often turned them down and said he had other matters to attend to. When my Polynesian friends and I then went to the mall without Siaosi, we often saw Siaosi at the mall with his white friends. Siaosi only hung out with American friends and they were predominantly white. Siaosi had a white girlfriend when we were in school and he never showed any interest in Tongan or Polynesian girls. Some of the Polynesian kids used to tell Siaosi to go off with his white friends and that he was "Fea Palangi," which is a Tongan phrase that meant that he was pretending to be white, but Siaosi didn't care about their opinions.

19. Siaosi suffered with difficulties in falling asleep throughout the two years that we shared a room together at uncle Maile's house. I often found Siaosi quietly sitting up on the edge of his bed and staring at the walls in our room in the dark when I got up in the middle of the night to use the bathroom at 2AM, 3AM and other times during the night. When I first started noticing this, I asked Siaosi what was wrong. Siaosi just told me that he frequently had trouble falling asleep many nights, but I don't recall if he ever explained why. I was usually so tired during these brief discussions that I couldn't retain whatever he told me.

20. Siaosi may have dabbled with substance abuse while we were living together. I was once out with Siaosi and his Caucasian best friend, Jason, and I saw them roll leaves in a paper and smoke it. It didn't smell like a cigarette and I assumed that it was marijuana. Later that day, Siaosi and Jason met up with a white girl and they began sniffing a white powdery substance. I never saw this in Tonga, but I assumed that it was cocaine. After Siaosi sniffed the cocaine, I noticed a big shift in his behavior. Siaosi went from talking non-stop, as he always did, to being absolutely quiet. Siaosi stopped blinking and squinting his eyes non-stop. Siaosi did not mumble, talk to himself or blurt out any random words like he usually did. When I spoke to Siaosi he responded in a normal way and then he stopped talking again. It seemed like the cocaine completely calmed him down and made him act more normal.

21. I only saw Siaosi use drugs in my presence on one occasion, but I suspected that he and Jason continued using drugs whenever they were alone together. Siaosi and Jason hung out every day after school, and when Jason dropped Siaosi off in the evenings he was calm, just like when I saw him do cocaine in front of me. When Siaosi came home after being with Jason, he did not act unusual at all and he never

TP/MJ

had any problems sleeping. Siaosi sometimes didn't eat dinner and went straight to bed early and slept, uninterrupted, throughout the night. Nothing disturbed him while he was sleeping and woke him up. However, when Siaosi woke up the next morning he went back to being as crazy as he ever was.

22. I only saw Siaosi drink until he was intoxicated on one occasion, when we were out celebrating our high school graduation with friends. We got together with a group of classmates and rented seven rooms at a nearby motel so we wouldn't have to worry about driving home drunk. During the celebration we all became drunk and passed out. While we were all recalling the events of the previous evening, on the following day, Siaosi was the only one in the group who complained about not being able to remember anything. Siaosi said that he only recalled going to the bathroom and that's it. The rest of the night was totally blacked out in his memory.

23. Siaosi was always very religious and an avid reader of the Bible and the Book of Mormon. In fact, Siaosi always kept a pocket edition of the Book of Mormon on his person at all times. Siaosi never missed church services and bible study meetings at the local Tongan LDS Ward that the family attended in San Bruno, and Siaosi was so advanced that he never studied with his own age group. Siaosi only studied with the adult group and he frequently debated the meaning of various stories and texts. Siaosi often preached to his fellow classmates and people around the community about the Mormon gospel, even while he was living in ways that the church would disapprove of. Many people in the family were certain that Siaosi was going to go on a mission and be very involved in the LDS church in a meaningful way. I had no idea that Siaosi went on a mission and was sent home around 1990 because my family and I had moved out of Maile's home and were living in San Francisco by that time.

24. Uncle Maile was an LDS Bishop and a church Patriarch, and the head of the family. Although Maile did many great things in the church and for the Tongan community, he was always a controlling person and overbearing to everyone in the house. Maile was a demanding person and he often belittled Siaosi and other people in the family.

25. Maile and Siaosi had a strained relationship because Maile constantly scolded him for various things. Maile always reminded Siaosi that he lived in his house, that Maile was in charge and told Siaosi that he was disobedient and bad. Siaosi never spoke back to Maile during the occasions when Maile verbally abused him, he just went into his room and isolated himself for hours at a time.

26. The person who Maile treated the worst in his home was my aunt Mele, his wife. Maile constantly cursed at Mele and put her down over insignificant things. When Maile crossed the line and spoke to my aunt in ways that are considered taboo in our culture, my father, Walter, could no longer remain silent and he spoke up. My father

TPM

told uncle Maile that he was tired of standing by in silence as he watched Maile verbally abuse his sister each day, and he was also tired of Maile treating everyone in his house like slaves. My parents were saving money for a down payment on a home of their own at the time, so this incident motivated them to save additional money so that they could move out ahead of schedule. My parents continued visiting Maile's home after we moved out in 1989, but it was mainly to check in with my aunt Mele and to make sure that she was alright.

27. Siaosi never discussed with me why he decided to leave San Bruno for Los Angeles, but I believe that it was to get away from Maile and to escape the daily scoldings. I also believe that Siaosi had to be negatively impacted by uncle Maile's treatment because he was around Maile all of his life. My family and I only had to deal with Maile for two years. The last time that I saw Siaosi was during a church holiday barbeque event at the Tongan LDS Ward in the San Bruno area, in 1990.

28. I always had the feeling that Siaosi suffered from some kind of mental problems, but no one in the family ever addressed his issues. Whenever Siaosi acted strangely people just ignored him or told him to be quiet. In Tongan culture there is a huge stigma attached to mental illness. It is a taboo subject and there is a tendency to avoid seeking treatment for fear that people in the community will ostracize you. Whenever I've seen mental illness in Tongan families it is normally hidden.

29. I was living back home in Tonga at the time of Siaosi's arrest in 1998 and trial in 1999. 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's 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 my cousin's life.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 23, 2011 in Nukunuku, Tonga.

Totoa Pohahau

Manu Tu'uholoaki, Interpreter

Fakamatala ā Totoa Pohahau (p.1)

1. Ko au Totoa Pohahau naē āaku ā e ngaahi meā'ni:

1. Ko hoku hingoa ko Totoa Pohahau naē faēleī au ī he [redacted] pea ōku ou lolotonga nofo ī Nukunuku ī he motu Tongatapu. he Puleānga Tonga. Ko hoku tokoua fakalao ā Siaosi Vanisi. ī he tafāāki ēku tamai. Ko Mele Pohahau-Tafuna hoku mehikitanga, tuofefine ēku faē naē mali ia kia Maile Tafuna faē tangata ā Siaosi Vanisi. Ōku ou lolotonga nofo ī Tongā'ni. pea ko e Pisope au ā e Siasi Mamonga pe Sīsū Kalaisi Ngaahi Āho Ki mui ī Niutoua.

2. Naē fanaui au heni ī Tonga he 1969 pea naā mau hiki fakataha mo homau fāmili ki Āmelika he 1987, ī hoku taū 17. Naā mau hiki mei Tongā'ni ki San Bruno pea naā mau nofo mo Maile mo hoku mehikitanga ko Mele he taū ēua. Pea naē nofo ā Siaosi Vanisi mo mautolu he taimi ko ia ī he āpi tatau. Naā ku nofo mo Siaosi ī āpi pea ma ō fakataha ki he ako heēku kalasi 11 mo e 12. Naā ma ako fakataha mo kalasi fakataha mo Siaosi ī Cappucino ako maōlunga pea ma fakaōsi ako fakataha pea nema ākapulu mo lele fakataha he track timi ā e ako!

AA03829

Naa ma loki mohe fakataha mo Siaosi pea moe tokoua e fa kehe he taa e ua koia.

[3] I he taimi ko ia naa mau nofo fakataha mo Maile mo hona fanga foha ko Tufui, Saia, fa'ea Siaosi, Luisa pea mo hono tuofefine ko Sela mo hono tokoua ko Tupou. Ko hoku tokoua ko Sifa, mo Uota Koka. pea mo eku matua. Ko Uota mo Maata Pohahau pea mo hoku ongo tehina ko Sione mo Finau, pea mo hoku tuofefine e nima. Mahaloki he meimei toko 20 nae nofo he fale o Maile Tafuna he taa e ua koeni 1987-1989. Ko e fale o Maile ko e fale mohe e 4 'i he funga vaka 'uluaki pea loki mohe e 5 i he funga vaka hono ua. Pea ko e kotoa o e'uloki nae fe vahevahe aki a e kau mohe.

[4] I he eku 'uluaki fetaulaki mo Siaosi 'i he 1987 naa ku fakatokanga'i ko e tamasii lelei ka naa ku osi 'ilo pe e au oku ngalingali nae 'i ai ha mea oku fehalaaki 'i hono atamai. Naa ku fohi mo Siaosi 'i api mo api'alco mo e ngaahi feitu'u kehe pea u fakatokanga'i nae 'ai pe ene tamaa ki'i

AA03830

toonga naē ngali kehe ō tā tuōlahi. (p3)

[5] Hangē ko ēni lolotonga ēmau fononga ki he ako naē ikai teu ilo pē koe ha e meā te ne fai he ōku tupukoso pē mo fakaōhovale. Lolotonga pē ēmau talanoá kuo kamata ke kaila taētaē ūhinga. Ōka kaikaila ā Siaosi lolotonga ēmau lue kihe akó naā mau sio takai mo vakaiī pea koe hā e meā kuo hoko. Ī he ēmau ēke ange kia Siaosi naē malimali pē ā Siaosi pea ikai haāne tali kae faka talanoa mai hangē pē naē ikai kaikaila. Naē hangē pē ha meā kamosi ī hono ūlu koe kamosi ke ava pea tāpuni fakafokifā ī hono ūlu.

[6] Naē mata kuikui mo pete lahi āupito he taū hono ua ne mau nofo fakataha mo ia. Naē faā kuikui pe pete taētuku hono matá pea naāne faā talamai ōku ikai te ne lava ia ō taōfi.

[7] Naē faā laulau pē ia kiate ia pē he ngaahi feituū lahi. Naē faā hoko lolotonga ēmau lue ki he akó he pongipongi, pea moe lolotonga vaīnga sipoti, heēmau ō ō siofaiva he falefaiva pea ī he āpi fakafāmili mo ha ngaahi feituū kehe. Koēne laulau tokotaha kiate ia mo fakaōsi āki ēnekata mo malimali

AA03831

I ne taimi kotoa pē naāku ēke ai pea koe hā (p.4)
meā naē hoko naā kata pē mo sio mai kiate au mo
malimali ka naē ikai ke mahuinga mālie kiate au
koe ūhi koe ngaahi kaveinga naē talanoa ki ai ōku
ne liliu maū pē ō ikai ke hokohoko totonu pē
mahūinga mālie ki hono hokohoko totonu. Ōku
fuū taē taē ūhinga āupito.

8 Naā ne fakaāliāli ē Siaosi ā e anga kehe lolotonga
ēmau vāinga ākapulu'. Ka ōsi ēmau fakamalohisino
pea kamata ke mau lue ki he loka kuo mau hela
kotoa ōhovale pē kuo lele ā Siaosi ia ōtuii
ā e tangai leta fakamālohisino pea kei iviiviia
lolotonga ōku mau helaia katoa kimautolu. Ne
toutoufai lolotonga ā e uike pea ōku mau
pehe loto pē pe koe ha ōku pehē ai ā
Siaosi.

9 Koe lavalelei ō e faka malohi sinolahi
ā e timi pea kuo mau fiemaū ā e mālōlō.
Naē kei fonu ivi pē ā Siaosi he lele takai,
mo taē helaia he punapuna takai. Teēki iai
ha taha te ne lava ō fakafuofua pē koe
ivi fua mei fē ōku maū ē Siaosi he kuo mau

AA03832

ōsi ta vaivaia katoa kimautolu.

[10] Ī he taimi niīhi naē fakamatala ai āe faiako vaīnga kuo toe fakamatala mai pē ē Siaosi ēne meā āāna pea leōlahi ia he faiako he taimi niīhi. Pea ōku īkai ha taha ē fanongo ki ai ōku fakatupu heleleu kiate kimautolu. Naē talaange ēhe faiako kia Siaosi ke longo hono ngatu ō fakaongo ki heēne faiako!

[11] Ōku ou mānatūi āe āho taha naā mau fakamālohisino pea talamai ē he faiako ke fakaoloolo ē mau tui ke ōua ē lavea hataha ki he vaīnga hokó. Koe aū atu pē ā Siaosi ō sio ki he tokōtaha ōku īai e pulú pea āi ēne tuū tuūī ō lavea āe palangi ōlele akeī ki Fale mahaki ke faitoō. Koe hili pē āe lavea āe tama palangi naē vaīnga pē moe timi ka kuo kanata ke fakavaīvaīnga ēhe ākapulú ō īkai toe loko nofo mai moe timi he tuku āe ākapulú. Koe taimi pē ōku omi ai ki he loka ke fetongi kuo tangutu pē ā Siaosi he sea pea mōu sio noa pē kaeōua ke fakamatala atu ē taha ke fetongi hono teunga.

AA03833

Pea kamata ke fakaliēliāki āe tokanga kihe vāing
ākapulú. Pea foki hifo meihe kamata tangata he timi
ki he nofo pē ō talifaki ī tuā he vāingá.

12 Ōku ou faā fakatokangāipē he taū ē uanaā
ku nofo ai mo Siaosi ēne nofomavahe fakaumiumi
noa. Naā ke kata he miniti ētaha pē talanoa maikia
au he miniti ē taha. Pea ī he taimi hokó kuo lue atu
namaō ke nofotokotaha. Naē fai eni ē Siaosi ī
āpi, he ako moe ngaahi feituū lahi. ī he lotolotoma
hono kaungā meā. Pea ī heēmau tuūetakai mo
talanoa he laloākau ō e āpi ako. Naē īkai ke
fiekau mai ā Siaosi ia kae lue ia ki he fuū
ākau hoko ō tangutu pea sio fakamamaū. Naē
hangē pē ha meā kamosi ōku puleī meihono ākamai.
Pea ōku fakaōhovale pē ā e taēūhinga ā e talanoá.

13 Naē taētaēūhinga pē ā ēne tōōnga ki he
kakai ōku īkai te neīló. Hangē ko e vahaā holo
ō e akó naā ne lue atu ki he kau ako ōku īkai
te ne maheni mo kinautolu ō tānima mo lea
fakafēiloaki kiate kinautolu. Pea ne pehē "fefe hake"
Ko e hā meā ōkuhoko? "Fuoloa ēku taē sio kia koe"
mo falō atu hono nima the tā nima.

AA03834

Ko e lahitaha ō e fānau ako naā nau siōi ā Siaosi pea ʻikai ke nau tāmina mai ki ai ka nau siopē pea nau fakamavahe mei ai. Pea nau sio mofakatokanga naā ōku fai pehē ko e maumau he moūi fakaātamai. Ka naē ʻikai tokanga ki ai ā Siaosi Kae sekisekia pē mo fiefia heēne fetaulaki mo e tamaiki ako ōku ʻikai te ne ʻiló. Pea ʻikai ke tokanga ange ha fōi tokotaha ia kiate ia.

14 Taimi ē niʻihi kuo kamata ke fakapatū mo tauōlunga ā e "Sipitau", ko e anga ō e sīpingatau ā Tonga he kuonga onoāhó. Fakafokifā pē taē ʻiai hano ūhinga ʻi he lotolotonga ō e kau ako he holó ʻi āpiako pe taimi feohi mo e kaungā meā pea lotolotonga ō e mau fakamālohi sino ākapulu pe ha feituū pē. Pea ko e kakai ʻi āpiako naā nau fakatokangaʻi naā nau kata mo nau pehē ōku ʻi ai e meā ōku fehalaaki ʻi hono ūlu!

15 Ko e taimi naā ku ēke ai kia Siaosi naē ʻikai ke lava ia ō fakamatala mai kiate au. Pea naā ne pehē ē ia ōku ʻikai ke ne lava ia ō taōfi fakataha pē mo e petepete hono matá! Pea pēhē foki ēne fakamatala ko hono natulá ōku ʻikai te ne ala puleʻi ia ē Siaosi hono sino ōōná!

AA03835

Ko Siaosi naē fonu fonu ivi mo fiefia, sekisekia pea
hangē pē ōku iviivi he taimi kotoa pē. Naā ne faā
pehē pē ōku tupuloso pē pea ne faā talamai kiate
au ōku faikehe ki heēku sio ka ōku lelei pē meā
kotoa kiate ia.

[16] Ōku iai ā e faāhing sio fakamamaū pe
sio fakamatāi vale. Hangē ōku sio fakamamaū
ki he potu pē taha pea mousioa hono matá. Ko
hono sino ai ka ko hono ātamai ōku fuū mamaō.
Taimi ē niīhi ōku ou maū ōku ne pehē pea taimi
lahi ōku hoko fakafokifā heēku lolotōnga talanoa
ange kiate ia pe ko e ngaahi taimi kehe pē.
Hoko he taimi niīhi he loki ako pea ko e
taimi ko ia ōku īkai fanongo ia kapau ōku te
talanoa atu ki ai. Kuopau ke te taāi atu
hono nima pe pā atu ki ai ke foki mai ēne
manatu mo e tokanga ki he tokotaha ōku
lea atu.

[17] Naē īloa ēne toōnga he ako pea naānau
ui ko "Toōnga kehe Pe" pē "Siaosi Ngalikehe." Ko Pe
ko Siaosi hingoa fakatenetene faka Tonga. aia ko

AA03836

fakakonga pē ō e pēpē. George koe fakapalangi ia
ō e Siaosi faka Tonga. ʻa ia naā ne manako ke
ui aki ia kae tuku e Siaosi faka Tonga! ʻi he akó!
[8] Naā ku fakatokangaʻi naē palopalema ā Siaosi
mo ēne Tonga! Naē ʻikai ke fie Tonga he taū ē ua
naā ma feohi! Ko e lolotonga ā e akó naā ku faka
maheni ki he kau Tonga mo Haāmoá. Naā mau
faā fakataha ō pō talanoa ō talanoa heēmau leá
mo feohi. Naā mau faā fakataha he lolotonga
uike mo fe akoʻaki mo fakamaheni. ʻIkai ke fie
kau mai ā Siaosi heēmau feohi tātātaha pea
koe miniti siʻipē pea ālu ia. Kamau palani
naā mau meā ke fai fakapolinisia ʻiheēmau
fakaafei ke kau naā ne talamai ē ia ia
ō ku ʻikai koha Tonga ia. Kapau te mau ō ō
eva takanga tuku ā e ako naā ne talamai
ē ia ōku mōua. Pea ʻiheēmau ō atu ki he Molo
ōku ōsi ʻiai ia mo hono kaungāmeā Papalangi. Ko
hono kaumeā ko e taāhine Palangi pea teēki keu
fakatokangaʻi haāne tokanga pē lea kiha taāhine
Tonga. Pea talaange ē he tākanga ke ālu ō

AA03837

nuimui hoo kaungā tangata palangi mo e "fie palangi
Koe lea fakaTonga ia kihe fie palangi pe kili hinehina
ka naā ikai tokanga kiai ā Siaosi ia.

19 Siaosi naā ne faingataāia he mohe he pōuli.
lolotonga ā e taū ē na naāmai nofo ai mo iā
he āpi ō Maile. Naā ku faā maū ā Siaosi ōku
tangutu fakalongolongo pē hono mohenga fakapōuli
ōku ikai ulo ā e ūhila. Naā ku ofo hake ke ālu
ki fale mālōlō he 2:00 pongi pe 3:pongipongi.pe
ko e taimi kehe pē he pōuli. Ihe ūhealu taimi
naā ku fakatokangāi pea u ēke ange kia Siaosi
pea ne talamai ōku ikai ke lava ia ō mohe
lelei he pōuli. Ikai keu manatūi pē naā ne
talamai hono ūhinga. Naā ku fuūhela mo
fie mohea pea taimi nounou pē kou toe mohe
pea ikai keu manatu pē koe hā naā ne tala
mai he pō ko ia.

20 Ko Siaosi naā ne āhiāhi ā e meā kona tapu
he taimi naā mau nofoai. Ōku ou manatūi
tuō taha naā ku sio kia Siaosi mo hono kaumeā
palangi ko Jason naā na takatakai ā e laiakau.
e pepa ō toki ifi. Ko e nanamu ōku ikai ke tatau

AA03838

hono kaumeā palangi tangata mo fefine pea nau mihi
ā e pauta hinehina. Naē teēki teu sio ai ī Tonga,
naā ku mahalo pē ko e Kokeini! Īhe hili pē ā e
mihiī ē Siaosi ā e Kokeini kuo liliu ēne tōōnga mei
talanoa taē mālōlō ki he longolongo mate pea tuū
mo e petepete hono mata! Hangē ōku nonga hono
ū fakaīlonga. Naē īkai ke toe hohaā pe sekisekia
ō fakalongolongo. Hangē hangē ko e Kokeini ōku
tokoni ke fakafie mālie mo fakamokomoko kia
Siaosi.

21 Naē tuō taha pē ēku sio kia Siaosi ōku ne
maū ā e faitoō konatapu ka naā ku mahalo ī
pē naā na hokohoko atu ā e ūhungaanga'ni heēne
feohi mo hono kaumeā palangi ko Jason. Ko e tuku
ī e ako naē faā fakataha ai ā Siaosi mo Jason
meimei he āho kotoa pē. Pea ko e toki ōmi ē
Jason ā Siaosi he efiafi ōku ne fakalongolongo
mo nonga hangē ko ēku sio tuōtaha kiai. Ko ēne
foki mai pē mo Jason īkai te ne toe fai ha meā
ka ko e mohe kakato he pō koia! Taimi ni īhi īkai
ke kai efiafi kae haū pē mo Jason ō mohe leva.
Ka ko ēne ofo pē ā Siaosi he pongipongi naē
toe foki pē ki he anga tatau. Hangē pē ōku fai kehe
ēne tōōnga.

AA03839

(p.12)

22 Ko e taimi naā ku sio ai naē inu kava mālohi ai ā Siaosi naā na inu pē ke konā. Ko ē mau faka-fiefia ā e fakaōsi ako'. Naā mau nō ai ā e ū loki ē fitu mo homau ngaahi kaungāmeā fakaōsiako fakatahá. Ke mau inu pē pea mau mole ke ōva fakatuūtāmaki ki ha taha. Naā mau inu lahi āupito pea mau mate kotoa he konā. Ī heē mau ofo ē mau mate konā ko mautolu kotoa naā mau manatūi ā e meā naē hoko ki muā pea mau toki mate konā. Ko Siaosi naē īkai ke ne manatūi ha meā kehe pē ēne manatu ēne ālu ki fale mālōlō. Īkai te ne manatūi ha meā ē hoko he pō ko ia.

23 Ko e tamasii tokanga ki he lotu molau ā e tohi tapu mo e tohi molomona. Pea naē īai maū pē ēne tohi Molomona honokato he taimi kotoa pē Naā ne ālu maū pē ki he lotu ā e Siasí ihe uoti San Bruno faka Tonga. Pea manako maū pē ke talanoa mo e kakai ōku lahi ai fekau āki mo e tohi molomoná. Pea ne talanoa ki homo toūtupu āki ā e tokateline faka Molomoná. Pea neongo naē īkai ke loto ki ai ā e kaungāmeā. Pea naē āmanaki pē ā e kakai ihe uoti ko Siaosi ē ālu ō Misona pea ngāue fakataha he Siasí.

AA03840

(p113)

Naē īkai kau īlōi naē ālu ā Siaosi ki he Misōna pea fakafoki mai he 1990 koeūhi ne ōsi hiki homau fāmilí ō fakatau homau āpi ī San Francisco

24 Ko Maile ko Pisope ā e siasi Māōni'oni ō e ngaahi āho kimuíni. Pea ko e Peteliakefoki ā e siasí. Pea ko e ūlumotuā foki ā e famili. Neongo ko e tangata falalaānga ā Maile ki he Kominniti ka ko e tangata taē fie auma mo fakamālohi ki he tokotaha kotoa pē ī he āpí. Ko e tangata kaikaila pea mo itangi, lea koviī ā Siaosi mo e kau nofo hono āpí. Pea ke taha pē ēne leá ki he kakai kotoa pē he fāmilí.

25 Koe tōonga ā Maile kia Siaosi naē taē fakafiemālie he koēne tafului ōku tōahu ī he ngaahi ūhinga kehekehe. Fakamanatu maū pē ē Maile ko Siaosi ōku nofo hono āpí. Pea koia ōku ne pulei pea ko e tangata talangataā mo kovii. Naē īkai ke taungutu ā Siaosi kia Maile kaehili hono tafului naē ālu ā Siaosi ō nofo tokotaha pē īloki ō fakaumiuminoa ai.

AA03841

126| Koe taha ō e tokotaha naē taē fakaāpaāpa ki ai ā Maile ko hoku Mehikitanga ko Mele, āhoru malí. Naē kapeī ē Maile mo tukukilalo ī he ngaahi meā laulau noa pē. Naē ī ai ā e āhoē taha naē kolosi ai ā Maile ō fuū anga taēfakaāpaāpa ā e veitapui ā e tuongaāne moe tuofefine he ū kungaanga faka Tonga. Ko Uota ēku tamai naē īkai ke toe faka longolongo kae lea atu. Naē talaange heēku tamai kiā Maile ōku īkai ke ne kei kātakiī ēne toonga ki hono tuofefine he āho kotoa pea ōku ne fōi he tauhi kihe toko taha kotoa pē hangē ha populá. Naē lolotonga fakahao pē ēmau puānga ke fakatau hamau āpi ka mau hiki. Naē fakavavevave leva ēku mātuā talu ā e āho koia ke fakatau homaū āpí ka mau hiki. Naē faā āāhi mai ēku mātuā kihe āpi ō Maile he 1989 koe āi pē ke Vakaiī hoku fahu ko Mele pea ōku fēfē?

27 Teeki ai keu talanoa mo Siaosi pē koe hā naē hiki ai ki LA. Ka ōku ou tui koeūhi ke mavahe mei a Maile mo ēne faā tafulu! Naāku tui pē ne uesia ā e moūi ā Siaosi he faāhinga tauhi fānau fefeka ā ēne faē tangata ko Maile. Koeūhi naā ne nofo mo Maile he konga lahi ō ēne moūi. Ko au mo hoku fāmili naā mau fetaulaki pē mo Maile he taū pē ē ua. Ko e taimi fakaōsi naā ku sio ai kia Siaosi koe kaimeākai ā e uoti Tonga ī San Bruno he āho Mālōlō he 1990 pea talu ia teēki keu toe sia kia Siaosi.

28 Naāku ongōi maūpē ko Siaosi ōku ī ai e meā ōku fehalaki ī hono ātamai. Ka naē īkai ha taha he fāmili te ne fie tokoni ki he palopalem. Ī he taimi ōku toōnga kehe ai ā Siaosi ōku īkai fai ha talanoa kiai pea faka longolongo pē e niīhi. Talaange he faāhinga ē niīhi ke faka longolongo. Pea ōku maāi ā e maumau ā e ātamai ē he ngaahi famil/ pea fūfū naā lau mai e kakai ōku ī ai ha hako faka seBele. Pea fakamavahēi ē he kakai. Ka ī ai ha taha ōku puke hono ātamai kuopau ke fūfū maūpē he famil/.

AA03843

29 Naā ku ōsi ī Tongáni ī hono fakahū ā Siaosi ī he 1998 pea moe fakamaauī he 1999. Naē teēki ke fetuūtaki mai ha taha ki he faāhi ā Siaosi he kuohilí. Ko Herbert Dujant fakatotolo ā e Federal Ōfisi Puleānga ī Nevada mo e fakatonulea, Manu Tuūholoaki, naāna ūluaki fetuūtaki mo au ō fekauāki mo Siaosi. Kapau naē fetuūtaki mai ha taha ki muā naā ku faka matala totonu ke tokoni ki hoku tokoua ke faka haofi me i he tautea matea.

Ōku ou fakapapau mo tala totonu ko ēkufai eni ī he moōni mo e totonu ī Samali 23 2011, in Nukunuku, Tongatapu, Tonga.

Totoa Pohahau

Manu Tuūholoaki

Manu Tuūholoaki, Fakatonulea

AA03844

Exhibit 125

Exhibit 125

RDeclaration 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 at 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 in1969.

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 ____, 2011 in Honolulu, Hawaii.

Siaosi Vuki Mafileo

Interpreter, Lois Tiedemann

KOE FAKAMATALA Á SIAOSI VUKI MAFILÉÓ: P1

KO AU, SIAOSI VUKI MAFILÉÓ, OKU OU FAKAHA ATU ÁE NGAAHI FAKAMATALANI:

(1). KO HOKU HINGOÁ KO SIAOSI VUKI MAFILÉÓ, NÁE FÁELE AU Í NUKUÁLOFA, TONGATAPU, 'IHE Á [redacted]. ÓKU OU LOLOTONGA NOFO Í HONOLULU, 'I HAWAII. KO MAKÁÁFA VANISÍ, KOE TAMAI IA Á SIAOSI VANISÍ. ÓKU OU TÓKOUA ÁKI Á MAKÁÁFA HE KO ÉNE KUÍ PEA MO ÉKU KUÍ KOE ONGO TAUTEHINA. NÁAKU TUPU FAKATAHA HAKE PEA MO MAKÁÁFA, NEONGO NÁE NOFO PE IA Í FASI PEA MO ÉNE ONGO MATUÁ PEA MO HONAU KÍ Í FAMILÍ, KAU TUPU HAKE PE AU MO NOFO Í KOLOFÓÓU PEA MO ÉKU ONGO MÁTUÁ PEA MO HONAU KÍ Í FAMILÍ. NÁAKU HU FAKATAHA PEA MO MAKAAFA KIHE LAUTOHI PULÉANGA Á NUKUÁLOFA, Í KOLOFÓÓU. 'IHE AKO FAKAKOLISÍ NE MA AKO HE KOLISI KEHEKEHE. 'IHE TAIMI NE MA AÚ AI KIHE VAHÁÁ ÓE TAÚ 13, MOE TAÚ 19. NE MA HU AI Ó KAU, 'IHE KULUPU ÁE TÓUTUPU HO MA NGAAHI MAHENÍ, NÁE UI KOE KOLOFÓÓU STARS. ÓKU KEI 'ILONGA PE Í HOKU NIMÁ, ÁE TÁTATAU, KOE FÓÍ FETUÚ (STAR). KOE FAKÁILONGA ÁE UOUONGATAHA, PEA MOE FEÓFOÓFANI, ÁE KAU MEMIPA ÓE KULUPÚ.

2. KO MAKÁÁFÁ NÁE TAUMUÁVALEA PE Á ÉNE MÓUÍ, TALU PE MEI HE ÉNE KEI SÍ SÍ. NÁE 'IKAI KE FIE NGÁUE IA 'IHA NGÁUEÁNGA, 'IHE ÉNE KEI Í TONGÁ. NÁE FAKAFALALA PE ÉNE MÓUÍ KIHE ÉNE ONGO MÁTUÁ, PEA MOE FAMILÍ. Ó TATAU PE, PE KOHA PÁANGA KE FEAU ÁKI ÉNE FIEMÁÚ, PE KOHA [illegible] KE KAI,

AA03850

P2

ΜΕ ΚΟΥΑ ΡΕΙΤΟΥ ΚΕ ΝΟΟ ΝΟ ΜΟΜΕΑΙ. ΝΑΕ ΊΚΑΙ ΤΕΙΤΕΙ ΊΑΙ ΗΑ ΤΑΙΜΙ ΊΑΕ ΜΟΥΑ ΜΑΚΑΆΕΑ, ΝΑΕ ΛΑΥΑ ΑΙ ΚΕ ΜΟΥΙΑΤΕΙΑ ΜΕ, ΤΑΕ ΚΑΚΑΤΑΛΑΛΑ ΚΙΑ ΤΑΥΑ ΚΕΙΕ, ΝΑΕ ΜΟΥΙ ΚΑΚΑΥΑΛΕΥΑΛΕ, ΡΕΑ ΝΑΕ ΊΚΑΙ ΚΕ ΛΑΥΑ Ε ΜΑΚΑΆΕΑ, ΚΕ ΕΑΙ ΚΑΚΑΛΕΛΕΙ, ΝΟ ΚΑΚΑΜΑΤΟΑΤΟ, ΊΑ ΚΗΑΙΥΙΝΓΑ ΝΓΑΥΕ Ε ΌΑΝΓΕ ΚΕΝΕ ΚΑΙ

3. ΝΑΕ ΚΑΜΑΤΑ ΜΕ ΑΕ ΙΝΟ ΚΑΥΑ ΜΑΚΟΜΙ Α ΜΑΚΑΆΕΑ, ΌΚΟ ΚΕΙ ΤΑΟ ΚΣ ΜΕ, ΜΕ ΟΕΙ ΚΙΑΙ. ΝΑΕ ΊΚΑΙ ΚΟΛΕΟΑ ΚΟΟ ΜΑΟ ΜΕΕ ΚΑΥΑ ΜΑΚΟΜΙ Α ΜΑΚΑΆΕΑ. ΝΑΕ ΝΟΑΑΜΙ ΥΟΜΙ ΜΑΟ ΜΕ Ο ΚΙΚΟ ΗΟΟΟ ΗΕ ΝΟΑΑΜΙ ΡΕΙΤΟΥ ΚΕΗΕΚΕΗΕ – ΗΕ ΌΚΟ ΤΑΚΙ ΊΑΕ ΛΑΟ ΑΕ ΡΟΛΕΆΝΓΑ ΤΟΝΟΑ – ΑΕ ΝΓΑΑΜΙ, ΜΕ ΚΟΕ ΚΟΝΑ ΊΑΕ ΗΟΜΙ. ΝΑΕ ΚΟΝΑ ΟΕΑ ΜΑΚΑΆΕΑ ΙΑ ΊΑΕ ΝΕΙΜΕΙ ΑΗΟ ΚΟΤΟΑ.

4. ΝΑΕ ΝΑΤΟΑΚΙ ΚΑΚΑΤΟΥΤΑΝΑΚΙ ΑΟΥΤΟ Α ΜΑΚΑΆΕΑ, ΊΑΕ ΤΑΙΝ ΝΑΕ ΚΟΝΑ ΑΙ. ΝΑΕ ΤΑΚΑ – ΤΑΚΑ ΚΑΚΑΜΑΛΟΜΙ, ΚΑΚΑΜΟΥΕΟΥΕΟ, ΡΕΑ ΝΑΕ ΝΕΙΜΕΙ ΚΑΚΑΤΟΡΟ ΚΕ ΡΕΙΑ, ΊΑΕ ΤΑΙΜΙ ΚΟΤΟΑ ΡΕ ΝΑΕ ΚΟΝΑ ΑΙ. ΝΑΕ ΤΟΟ ΛΑ ΈΚΟ ΗΑΝΓΑ ΌΤΟΚΙ Α ΜΑΚΑΆΕΑ ΚΕ ΤΑΕΙ ΊΑΚΙ, ΚΟΕΊΜΙ, ΚΟ ΈΝΕ ΚΑΚΑ – ΤΟΡΟ ΚΕ. ΝΕ ΤΟ ΛΑΜΙ ΈΚΟ ΑΚΟΝΑΚΙ ΚΙΑ ΜΑΚΑΆΕΑ ΚΕ ΚΕΙΝΓΑ ΚΕ ΤΟΚΟ ΈΝΕ ΙΝΟ ΚΑΥΑ ΜΑΚΟΜΙ. ΡΕΑ ΚΕ ΚΕΙΝΓΑ ΚΟΚΙ ΚΕ ΛΙΚΟ ΈΝΕ ΤΟΌΝΓΑ ΜΟΟΤ.

5. ΝΑΑΚΟ ΤΟΚΑΝΓΑΊ ΚΟΕ ΤΑΙΝ ΚΟΤΟΑ ΡΕ ΌΚΟ ΚΟΝΑ ΑΙ Α ΜΑΚΑΆΕΑ, ΟΚΟ ΤΑΛΑΤΑΛΑΝΕΑ ΡΕΙΑ ΚΙΑΙ. ΤΑΙΝ ΛΑΜΙ ΌΚΟ ΝΟΟΝΕΝΟΟΝΕ ΡΕ, ΡΕΑ ΊΚΑΙ ΕΑΑ ΜΑΡΙΝΟ ΙΑ ΚΙΑ ΤΑΥΑ, ΡΕ ΚΟΕ ΑΑ ΚΟΑ ΑΕ ΝΕΑ ΌΚΟ ΤΑΛΑΝΟΑ ΚΙΑΙ. ΤΑΙΝ Ε ΤΑΥΑ. ΌΚΟ ΥΑΚΕΥΑΚΕ ΛΑΟ ΊΑΕ ΝΓΑΑΜΙ ΝΕΑ ΚΕΗΕΚΕΗΕ, ΟΚAA03851 ΤΕ ΝΑΟ ΕΡΑΟΙΑΚΙ, ΡΕΑ ΕΑΑ ΤΟΝΑΟΑΟΑΚΙ

NÁE ÍAI ÁE TAIMI ÉE NÍÍHI NÁE FÁÁ TÚU AI Á
6 Ó HAKAI ÁE SIPITAU - TOKUA KOE SIPITAU Á
VAVÁU. NÁE LAUKAU ÁKI É MAKÁÁFA ÁE PEHE,
KOE HÁU Á HONO FAMILÍ MEI VAVÁU. NÁE
FAKAPÓULI ÁUPITO ÓKAPAU, É FAKAMATALILI
ANGE HA TAHA, LOLOTONGA ÉNE HAKAÍ ÁE SIPITAU
- PEA AÚ ÓNE ÓHOFI ÁE NÍÍHI.

7. KOE TAIMI LAHI ÍHE KEI MÓUI Á MAKÁÁFÁ. NEU
FAKATOKANGÁI, NÁÁNE MANAKO KE NOFO TOKOTAHA
PE Ó SIO FAKAMAMÁU KI HE MAMÁÓ. KOE NGAAHI
TAIMI ÉNI NÁE HANGE KO HONO NGÉÉSI SINÓ PE NE MAU
SIO KIÁI. KO ÉNE FAKAKAUKAU ÁNA NÁE MAMÁÓ
ÁUPITO IA ÍHE FEITÚU KEHE. ÍHE TAIMI NE MOTÚA
ANGE AI Á MAKÁÁFA, NÁE ÓHOVALE PE KUO
MOKULUKULU HONO LÓIMATÁ. NÁE MAHINO
ÁUPITO NÁE MAFASIA ÉNE FAKAKAUKAÚ PEA
MO ÉNE MÓUÍ ÍHE TAIMI LAHI. NÁE TOKI LEA
MAI É IA Ó PEHE - NÁE FÁÁ TANGÍ, KO ÉNE
FAKATOMALA PEA LOTO MAMAHI, KOE ÍKAI
KENE FAI MO FUA LELEI HONO NGAAHI
FATONGIÁ, KI HE ÉNE FÁNAÚ MO HONO MALÍ.
TUÓ LAHI ÁE TAIMI NEU ÍLÓI AI ÓKU PUPUTÚU
PEA FAINGATÁÁIA ÉNE FAKAUKAÚ ÍHE NGAAHI
MEÁ KEHEKEHE. NÁAKU TOÓ MAI LEVA ÉKU
TOHITAPU, Ó TOÓ MEI AI ÁE NGAAHI VEESI, Ó
MA LAU MO TALANGA KIAI. NEU ÍLÓI NÁE FÁÁ
TOKONI LELEI ÁUPITO ÉNI KIA MAKÁÁFA.

8 NÁE MÓUA Á MAKÁÁFA ÍHE LOTO MAFASIA MO FÁÁ
FELILUAKI. TATAU PE, PE ÓKU KONÁ PE TÁE
KONÁ. É FIEFIA PE IA ÍHA MEÁ HE MINITE KOÉ,
FOKIFÁ PE, KUO LOTO MAMAHI IA HE [illegible] HOKO
MAÍ. PEA FAKAÓHOVALE PE, KUO ÍTA IA MO KAIKAILA

AA03852

KIHE KAKAĪ, PEA POLE KENAU FUHU, TAE HANO ŪHINGA. NAE FAINGATAA ʻAUPITO, KE LAVA KE TE TALA MO FAKAPAPAŪĪ, ʻAE LOTO, MOE ŪLUNGAANGA Ō MAKAʻAFA ʻI HA TAIMI, KOE ŪHĪ, HE NAEFEULUAKI PEA TAEMAHINO MO FAKATAETAEKUHĀ.

9. ʻI HE TAIMI NAA MA KEI ʻI TONGA AI, NAE LAHI ʻAUPITO ʻAE TAIMI, NEU HANGA AI Ō FAKATOKANGAI, ŌKU TOO HOLO AI E MAKAʻAFA ʻAE HELETUI. ʻI HE TAIMI NAE TAU UOFULUTUPU AI, NAE PUKE AI IA HEE KAU POLISĪ, KOEŪHI, KO ʻENE TUIHELEI ʻAE TANGATA. NAE HAO PE ʻAE TANGATĀ Ō ʻIKAI MATE, NAE TEEKIAI KE FAI ʻAE HOPO ʻA MAKAʻAFA ʻI HE HIA KOʻENĪ, KUO HANGA HEE TANGATA IA, MAHENI ŌE FAMILĪ. Ō FAKATAU ʻAE TIKITE ʻA MAKAʻAFA, KE FOLAU MAI KI HONOLULU Ō NGĀUEANGE KIAI ʻI TAU 1969. NAE FOLAU MAI LEVA ʻA MAKAʻAFA KI HONOLULUNI PEA HOKO ATU KI SAN FRANCISCO, HE NAE NOFO AI HONO TOKOUA LAHI KO MANU VANISI.

10 NEONGO NEU ʻILOI NE ŌSI MALI ʻA MAKAʻAFA ʻI TONGA, KIMUA PEA TOKI HAU KI ʻAMELIKANI, NAE ʻIKAI TEU ʻILOI, PE TEU MAHENI, PEA MOE MALI MOE FANAU KOʻENI ʻA MAKAʻAFĀ. NAE TEEKI TUO TAHA HAA MAU FEʻILOAKI - PEA NAE ʻIKAI TEU ʻILOI PE NAE FĒFĒ E NAU NOFO MO ʻENAU MOUĪ ʻI TONGA ʻI HE TAIMI NAE HAU ʻAI ʻA MAKAʻAFA KI ʻAMELIKANĪ. NAE ʻIKAI PE TALANGA ʻA MAKAʻAFA IA HA TAIMI, Ō KAU KIA NAUTOLU PEA ʻIKAI AI PE TEU ʻILOI E AU HA MEA, KAU KIA KINAUTOLU.

11. NAAKU HU Ō KAU KIHE TAU MALU ʻA ʻA TONGĀ

AA03853

P5

'IHE TAU 1969 KIHE TAU 1975. NEU HU LEVA 'O NGĀUE KOE SETUATA, 'IHE VAKA UTA PASESE 'AE PULEANGA NAURŪ, MEI HE TAU 1975, KIHE TAU 1978. NEU FOLAU MAI KI HAUVAI'I, 'IHE TAU 1978 - 'OU NOFO AI PE 'O AU MAI KIHE 'AHONI. 'IHE FUOFUA HAU 'A MAKA'AFA KI HAUVAI'INI, 'IHE 1979. NA'E NOFO PE MO HOKU TOKOUA LAHĪ, KOE TANGATA'EIKI FAIFEKAU KO LATU POPI MAFILEŌ. KUO 'OSI PEKIA, HILI NAI HA TAU 'E TAHA, PEA TOKI HIKI MAI LEVA 'O NOFO MO AU MO HOKU MALĪ, 'IHE MEIMEI TAU 'E 20 - 'O HIKI HIKO HOLO 'E MAU NOFŌ HE FEITUU 'E 4 'I LOTO HONOLULU.

12 'IHE TAIMI NA'E NOFO AI 'A MAKA'AFA MO AŪ. NA'E FA'A KAUMEA MOE KAKAI FEFINE KEHEKEHE NA'E 'IKAI KE FUOLOA HA KAUMEA IA 'A MAKA'AFA MO HA FEFINE. KOE MEIMEI TUO TAHA PE, PE TUO UA HA'ANE 'ALU MO HA FEFINE PEA 'IKAI KE TOE 'ALU IA KIHE FEFINE KOIĀ.

3. NA'E FA'A NGĀUE PE 'A MAKA'AFA 'IHE 'EKU KI'I KAUTAHA NGĀUĒ. KAE MEA PANGO' NA'E 'IKAI KE FAKAPOTOPOTO PE NGĀUE FAKAMATOATO. NA'E 'IKAI LAVA KETE FALALA KIAI KENE FAI FAKALELEI HA NGĀUE'. NA'E HANGĒ 'OKU LOTO NGALONGALŌ HE TAIMI 'E NI'IHI, PEA MANAKO PEIA KE NOFO HOLO HE VE'E HALĀ PEA MO HONO NGAAHI KAUNGĀMEA', KAE LIAKI 'E MA NGĀUE 'A MAUA. NA'E NGĀUE PE 'A MAKA'AFA 'IHE 'AHO 'E UA PE TOLU 'IHE UIKE. KOE MAU PE 'ENE VAHĒ KE FAI'AKI 'E NE KONĀ.

AA03854

14. NAE HOKO AE INU KAVA MALOHI A MAKAAFĀ KOE PALOPALEMA LAHI KIHE ENE MOUĪ TALU, MEI HEENE KEI SII, O FAI MAI AI PE O AU KIHE TAIMI NAE NOFO AI MO AU I HONOLULUNI

15. KOE ULUNGAANGA FAKAMALOHI, FAKAMOVEUVEU, MO FAKATAETAEKUHĀ O MAKAAFĀ NAE FAI AI PE LOLOTONGA ENE NOFO MO AU I HONOLULUNI. NAE FAA FUHU I HE PĀ, PEA FAA OHO KIHE KAKAI E NIIHI TAE HANO UHINGA. NAE FAA KONĀ PE IA O TANGUTU FAKALONGOLONGO - OHOVALE PE KUO OHOFI E IA HA TAHA. OKU OU MANATUI ENE HANGA O TAAI AE TANGATA E TAHA, AKI AE SEA I HE PA NAE INU AI, KOEUHĪ KO ENE ALU OFI ANGE HE MEA NAE NOFO AI A MAKAAFĀ. NEU TALANOA KIHE TANGATA NAE TAAI AKI E MAKAAFA AE SEĀ, PEA FAKAHA MAI E HE TANGATĀ, OKU IKAI KENE ILOI E IA PE KOE HĀ HA UHINGA KE OHO ANGE AI A MAKAAFA KIAI, HE OKU IKAI KE NE ILOI E IA A MAKAAFA. NAE IKAI PE KE TALAMAI E MAKAAFA KIATE AU, PE KOE HA OKU FAA OHO NOAIA AI KIHE KAKAI, OKU IKAI TE NAU FAI ANGE HA KOVI KIATE IĀ.

16 NAE TUO TAHA EKU HANGA O OHOFI A MAKAAFA O PUKE KOEUHĪ KO ENE OHO PEA MOE HELE KIHE TANGATA I HE PA. NAE FAI AE KII MAKUKU I HE PĀ, NE OHO LEVA A MAKAAFA PEA MOE HELE KIHE TANGATA E TAHA. KOIA NAAKU OHOFI AI A MAKAAFA O PUKE AE HELĒ NEU FANONGO NAE TOE OHO A MAKAAFA PEA MOE HELE KIHA TANGATA I HE PA TAHA

AA03855

NAÉ ÍKAI TEU ÍAI, PEA ÓKU ÍKAI TEU ÍLÓI PE NAÉ IKU KIHE HA ÁE MEÁ KO IĀ.

17. NAÉ ŪLUISINO ÍA MAKÁÁFA ÁE LOTO KE SĀUNI HA TAHA PE, ÓKU TUI NAÁ NE FAIANGE KIATE IA HA KOVI. NAÉ ÍKAI KE LAVA É MAKÁÁFA Ó FAÁ FAKAMOLEMOLEÍ MO FAKANGALÓI HA TAHA NAÁ NA KE, PE FAKAFEKIKI ÍHE FÁAHINGA MEÁ. NAÉ ÍAĪ ÁE NGAAHI TAIMI IA NE TOE ÓHO IA KIHE KAKAI NE ÓSI FUOLOA É NAU FAKALELEI ÍHA MEÁ NAÉ HOKO FUOLOA ATU, PEA KUO ÓSI FAKANGALÓI É HE KAKAI KOIA ÁE TAÉ FEMAHINOÁKI NAÉ HOKO ÍHONAU VA PEA MO MAKÁÁFA'.

18. NAÉ LAHI ÁE TAIMI NAÉ MOLE FAKATAIMI AI ÁE MANATU Á MAKÁÁFA. NAÉ IKAI KENE FAÁ MANATUÍ ÁE NGAAHI MEÁ NAÁ NE FAI ÍHE TAIMI NAÉ KONĀ AĪ. NAÉ ÍKAI KE FAÁ MANATUÍ É IA HA ÁNE ÓHO KIHA TAHA ÍHE TAIMI ÓKU KONĀ AI. PEA ÓHOVALE HE FAKAMATALA ATU KIAI ÁE NGAAHI MEÁ NAÁ NE FAĪ. NAÉ IKAI KENE FAÁ MANATUÍ É IA, PE NAÉ ANGA FĒFĒ ÉNE AÚ KIHE NGAAHI FEITÚU, ÓKU AKE HAKE AI, MEI HE ÉNE KONĀ PEA NÁAKU ÁLU MEÁLELE HE TAIMI LAHI. KE UTA MAI MEI HE FEITÚU KEHEKEHE ÓKU AKE KONĀ MEI AI.

19 NÁAKU FOÍ ÁUPITO ÍHE FAAHINGA ÚLUNGAANGA Ó MAKÁÁFĀ - TAUTAUTEFITO KIHE TAIMI ÓKU KONĀ AĪ. KOIA ÍHE TAÚ 19[illegible] É TUKU

AA03856

'AUPITO AI 'EKU INU KAVA MALOHI' NEONGO NAE KEI NOFO PE 'A MAKA'AFA IATE AU MO HOKU MALI' NE AU 'OU FOI 'AUPITO 'IHE FA'A TA'OFI 'ENE 'OHO FAKAPO'ULI NOA'IA KI HE KAKAI' PEAU ONGO'I MA'AUPITO KOE'UHI KOE KOVI 'A HONO 'ULUNGAANGA.

20. NA'AKU TAUHI MO HOKU MALI 'A MAKA'AFA 'O AU KIHE TAU 1999 PEA 'AVE LEVA KIHE FALE NAE TUKU MAI 'EHE SITEITI, KE 'AVE KIAI KE TAUHI PEA MO TOKONI'I. NAE TUO 2 'ENE PA KALAVA, PEA TOE KANONI MAI MOE NGAAHI MAHAKI LALAHI KEHEKEHE. NAE 'IKAI LEVA KE MA TOE LAVA 'O TAUHI 'A MAKA'AFA - HE NA'A MA FAKATOU NGAUE KIMAUA PEA 'IKAI HA TAHA KE NOFO PEA MO MAKA'AFA. NAE TALU 'AE TUPU 'A MAKA'AFA MOE FAKAFALALA 'ENE MO'UI KIHE KAKAI KEHE. PEA NAE 'IKAI FOKI KE PEHE NAE NGAUE LELEI MO FUOLOA 'IHA KAUTAHA - KE MAKATU'UNGA AI HA'ANAU FIE TOKONI (KIA MAKA'AFA). KOE TAIMI NAE PUKE LAHI AI, NAE FAKA'OFA 'AUPITO.

21 NAE 'IKAI PE KE TALANOA 'A MAKA'AFA 'I HA TAIMI 'O KAU KIHE 'ENE FANAU 'I SAN BRUNO, 'IHE 'ENE PEHEE NAE SI'ISI'I HA MEA TEU 'ILO'I FEKAUAKI MOE KI'I FANAU KO'ENI. NAE 'IKAI PE TENE TALAMAI 'E IA KIATEAU 'AE MATE 'A HONO FOHA LAHI' TEVITA SIU VANISI NAE MATE 'IHE 1980 TUPU. NAE 'ILO'I 'E MAKA'AFA 'OKU FAKAHU HONO FOHA KOIA KO SIAOSI VANISI 'I FONUA LAHI - 'O AA03857 HOPO

'I HE HIA KOE TAMATE TANGATA. NÁE 'IKAI KE LOTO IA KE FAI HA TALANOA KIAI. HE NÁE FUÚ FAKALOTO MAMAHI 'AUPITO KI AI KE FAI HA TALANOA KAU KIAI. NÁE TOKI LEA PE Á MAKÁAFA Ó KAU KIHE 'ENE FĀNAŪ KUO ÓSI PUKE LAHI ÁUPITO.

22. NÁE HAÚ HONO ÓFEFINE KO SELA, MEI SAN FRANCISCO HE TAÚ 2005 Ó ÁVE Á MAKÁAFA KI SAN BRUNO. NÁE PUKE Á MAKÁAFA 'I HE NGAAHI MAHAKI LALAHI KEHEKEHE, PEA NÁE FIEMAÚ LEVA HA TAHA TONU KENE TAUHI HOUA É 24 HE 'AHO KOTOA PE. NÁE ÁVE É SELA Á MAKÁAFA Ó TAUHI 'I SAN BRUNO - Ó AÚ AI PE KIHE 'ENE MALŌLŌ 'I MÁASI 2010. NÁE LOTO PE Á MAKÁAFA KE MATE PE 'I HAUVAI 'INI PEA TANU 'I HENI. KAE PANGO KOE 'IKAI HA TAHA TONU KE NOFO Ó TAUHI IA 24/7. NÁAKU ÁLU KIHE PUTU PUTU Ó MAKÁAFA, PEA HANGE KO IA NÁE LOTO KIAI - NÁAKU FAKAHOKO 'AE LEA 'AE FAMILI 'I HONO PUTU 'I SAN BRUNO.

23. NÁE TE'EKIAI HA TAHA É FETÚUTAKI MAI KIATEAU, KOHA TAHA NÁANE FAKAFOFONGA'I Á SIAOSI VANISI 'I HE 'ENE HOPO, NÁE FAI KOE TAMATE TANGATA. KO HERBERT DUZANT PEA MO BEN SCROGGINS MEI HE ÓFISI 'AE PULEÁNGA FAKATAHATAHA Ó 'AMELIKA KI HONO TAUKAPOI ÓE TOTONU FAKALAO 'AE KAKAI, VÁA 'I HE SITEITI Ó NEVADA. PEA MO 'ENA FAKATONU LEA KO LOIS TIEDEN KO

KINAUTOLU 'AE FUOFUA KAU FAKA'EKE'EKE KE MAU FETALANOA'AKI MAHINO'O KAU KIHE HOPO 'A SIAOSI VANISI. KAPAU NA'E SINAKI FAI MAI HA FETU'UTAKI KIATEAU KIMU'A - PEHĒ NA'E MEI LAVA PE KE 'OATU KOTOA 'AE NGAAHI FAKA-MATALA 'OKU HA ATU 'I HENI. NA'U MEI LOTO LELEI 'AUPITO KEU HOKO KOE FAKAMO'ONI 'OKAPAU NA'A NAU FIEMA'U - PEA 'OKAPAU NA'E PEHE, NA'AKU KOLE KIHE KAU SULĀ KE NAU HANGA 'O FAKAMOLEMOLEI 'AE FOHA 'OE MOTU'A HOKU TOKOUA'.

'OKU OU 'ILOI KOE FUAKAVA LOI 'OKU TAUTEA MAMAFA HE'E LAŌ. KO IA AI 'OKU OU FUAKAVA KOE NGAAHI FAKAMATALA KOTOA PE 'OKU HIKI ATU HENI 'OKU MO'ONI MO TOTONU.

NA'E FAI 'AE FAKAMATALA KO'ENĪ 'I HE 'AHO 11 'O FEPUELI, TA'U 2011, 'I HONOLULU, HAWAII.

[signature] 02/11/2011

SIAOSI VUKI MAFILEO

[signature] 2/11/2011

INTERPRETER, LOIS TIEDEMANN

AA03859

EXHIBIT 126

EXHIBIT 126

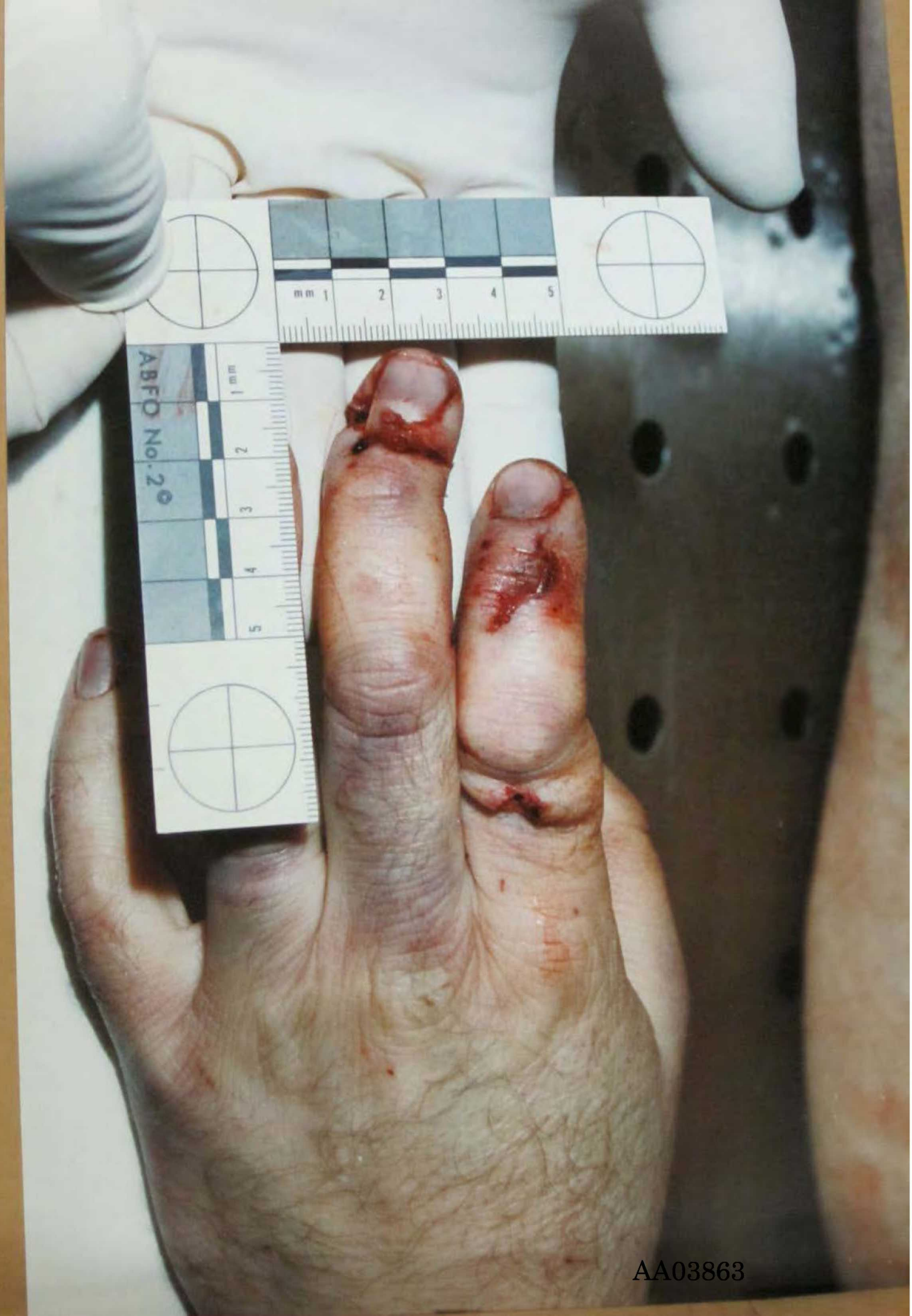
Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SIAOSI VANISI At issue: 00/00/00
Dept: 4 Addl Info: Clerk: MB

Trial: 01/11/99 JURY TRIAL

E X H I B I T S

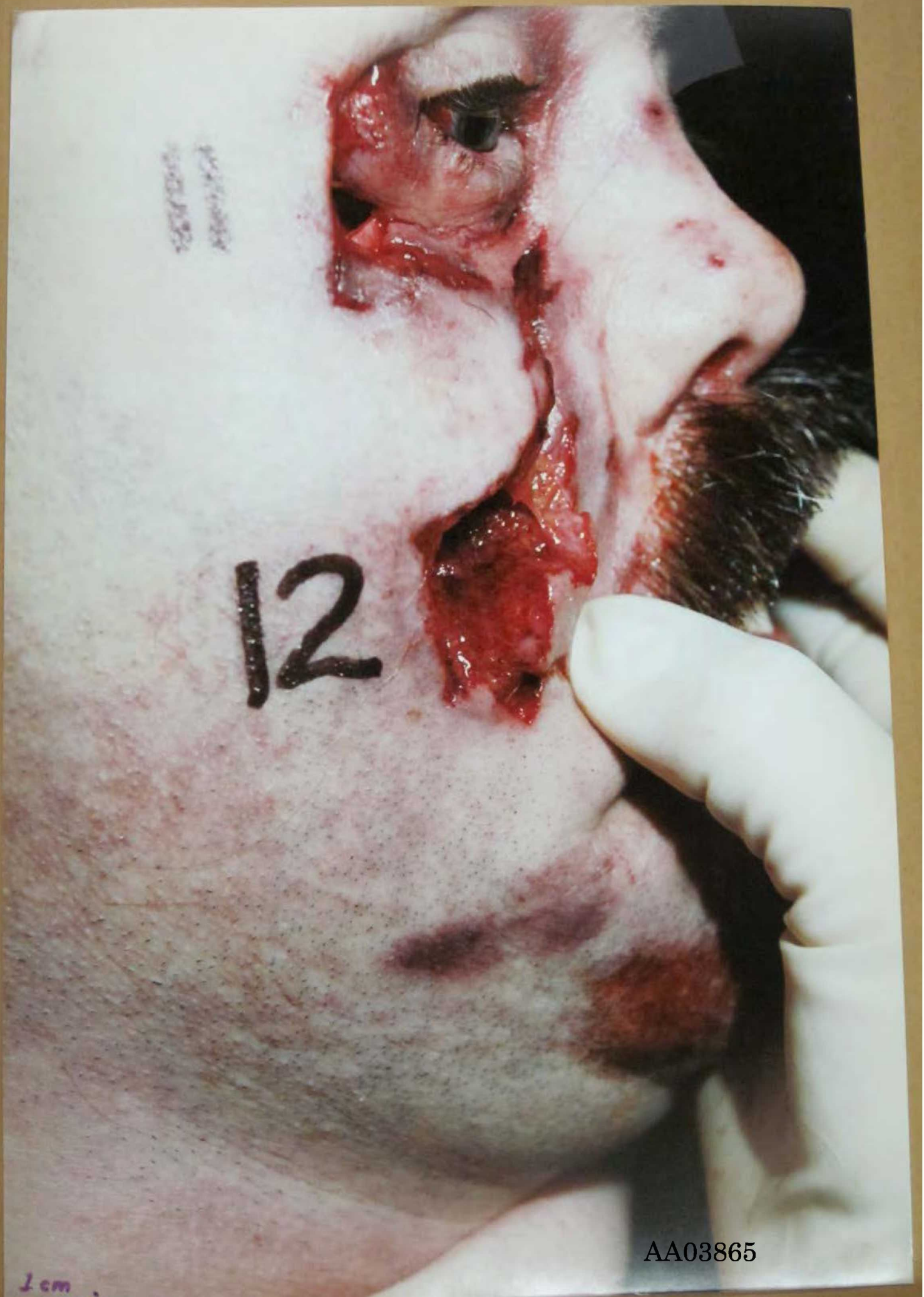
ID	Description	Type	Relshp	Dept	Clrk
1	CURRICULUM VITAE - JEFFREY RIOLO	01	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.		Admit:	11/24/98	
2	U.S. DEPT. OF JUSTICE FEDERAL BUREAU OF INVESTIGATION - QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LAB	01	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.		Admit:	11/24/98	
3	THE EVALUATION OF FORENSIC DNA EVIDENCE BY NATIONAL RESEARCH COUNCIL	01	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.		Admit:	11/24/98	
4.A	PIECE OF PAPER ACCIDENTIALLY MARKED	01	STATE	4	MT
	Intro: 11/24/98 Off/Obj:		Admit:	00/00/00	
	Disp: E01 11/24/98 WITHDRAWN				
4.B	PHOTOGRAPH - FACE OF VICTIM	01	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/OBJ.		Admit:	11/24/98	
	Loc: EXHIBIT ROOM				
4.C	PHOTOGRAPH - LEFT HAND OF VICTIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.D	PHOTOGRAPH - TOP OF HEAD OF VICTIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.E	PHOTOGRAPH - RIGHT CHEEK OF VICTIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.F	PHOTOGRAPH - TOP OF HEAD	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.G	PHOTOGRAPH - TOP OF HEAD	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.H	PHOTOGRAPH - TOP OF HEAD	01	STATE	4	MT
	Intro: 01/09/99 Off/Obj:		Admit:	00/00/00	
4.I	PHOTOGRAPH - MOUTH OF VICTIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.J	PHOTOGRAPH - LEFT EYE OF VICTIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.K	PHOTOGRAPH - RIGHT FACE OF VICTIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
4.L	PHOTOGRAPH - TOP	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
5	HATCHET (DEMONSTRATIVE)	01	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.		Admit:	11/24/98	
6	COMPOSITE BY BRENDA MARTINEZ	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
7	DIAGRAM - UNR CAMPUS	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/11/99	
8	MAP OF AREA	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	

AA03862



AA03863

AA03864


12
AA03865
1 cm

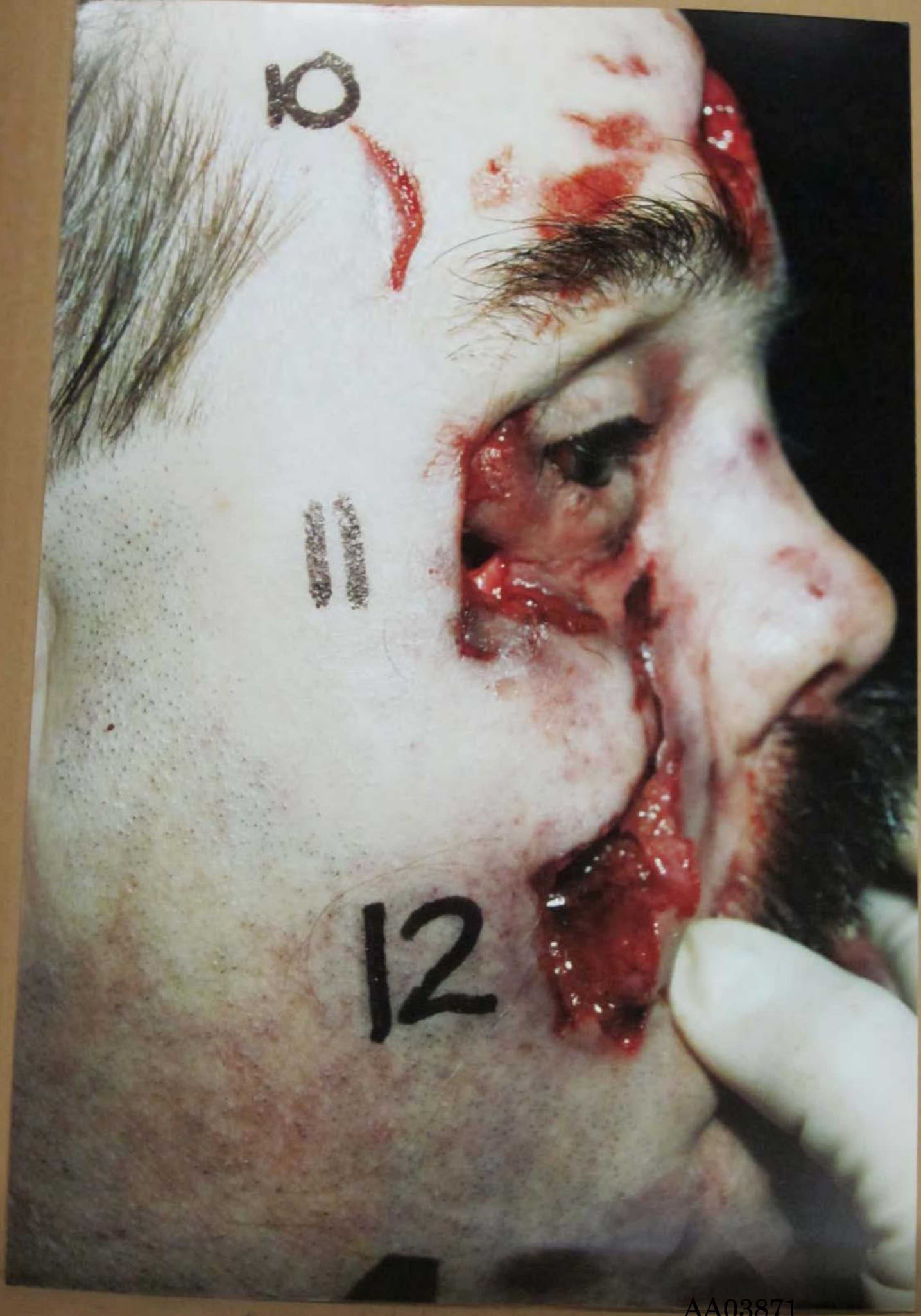
3
2
ABFO No
AA03866

mm 1
2
3
4
5
mm
1
2
3
4
5
AA03867

AA03868

AA03869

AA03870



AA03871

AA03872

Exhibit 127

Exhibit 127

Declaration Of Crystal J. Calderón

I, Crystal J. Calderón, declare as follows:

1. My name is Crystal J. Calderon. I currently reside in Placer County, California, and I am a former employee of the Washoe County Public Defender office in Reno, Nevada. I was employed as an investigator with that office and worked there from 1997 to 2000. I was one of three investigators who were assigned to Siaosi Vanisi's death penalty case.

2. My career as an investigator began in 1989 when I was a college intern working at the Sacramento County Public Defender office. After working in the Sacramento County office for six years, I then went on to work for the Placer County Public Defenders office as an investigator. Although the Placer County office was an excellent place to work and live, I rarely had the opportunity to conduct investigations on serious felony cases because they were in short supply. I longed to do capital defense work, so I decided to put in for a position at the Washoe County Public Defender office as they handled several murder cases each year. I was hired by the Washoe County office in late 1996 or early 1997. Mr. Vanisi's case became the first capital murder case I ever handled, from heginning to end.

3. Within two months of being assigned to Mr. Vanisi's case in 1998, I was sent to a "Life in the Balance" training conference to obtain tips on ways to handle a capital murder investigation. It was at this conference that I introduced myself to Scharlotte Holdman, the nationally renowned mitigation expert, and sought her advice on how to handle Mr. Vanisi's case. Scharlotte and I exchanged numbers and we had a few conversations about the case in the weeks that followed. Scharlotte provided me with many recommendations on how to conduct the mitigation investigation into Mr. Vanisi's background. Scharlotte suggested Mr. Vanisi's defense team obtain a Tongan cultural expert, travel to Tonga to speak with family members, obtain various records, and create a social history of Mr. Vanisi's life along with several other things.

4. Jeremy Bosler was the first person on the team who I talked to about Scharlotte's recommendations and he immediately recognized all of her suggestions were valid and well-founded ideas. I knew I needed to get Jeremy on hoard with Scharlotte's suggestions before going to Mr. Specchio to advocate a course of action. Jeremy was a young, hright and well respected attorney in the office and I could not have convinced Mr. Specchio to speak with Scharlotte had it not been for Jeremy's help.

5. Mr. Specchio was reluctant to speak with Scharlotte and it took a month to schedule a teleconference between her and the team. Mr. Specchio thought her suggestions were a complete waste of time and money, even though the office seemingly had the time and funds to accomplish them. Mr. Specchio thought a death verdict in Mr. Vanisi's case was inevitahle and he did not see the point in spending money to accomplish

tasks that would not change the outcome of the case. After the conversation with Scharlotte Holdman, Mr. Specchio spoke sarcastically about Scharlotte and mocked everything she had to say. I was never part of any follow-up conversations with Scharlotte after this phone conversation, and no one ever brought up her name again during any team meetings.

6. For Mr. Specchio, it was not a priority for me to travel outside of Reno to interview Siaosi's family members and other possible mitigation witnesses. Mr. Specchio did not give me authorization to travel to the San Francisco Bay area to interview Mr. Vanisi's family, teachers and friends until two months before the beginning of the trial. Mr. Specchio sent Evo Novak, the second investigator in the case, to Los Angeles, California, to speak with Mr. Vanisi's former roommates on one occasion. Evo did not come back with much information.

7. There were three attorneys assigned to Mr. Vanisi's case. Michael Specchio was first in command, Steven Gregory was the second in charge and Jeremy Bosler was the third seat. Michael Specchio was in charge and every decision that went on in the case during both trials, and everyone had to answer to him. Although he was in charge of the delegation of everyone's duties, Mr. Specchio did not allow his team to do everything they could have to help work-up Mr. Vanisi's case. Mr. Specchio did not allow us to create a comprehensive social history of Mr. Vanisi's background. No one was allowed to travel to Utah to speak with any witnesses to Mr. Vanisi's arrest or any of his close relatives who lived there. No one was allowed to travel to Tonga to speak with his family there. No one interviewed anyone on the paternal side of Mr. Vanisi's family because they primarily lived in Tonga. Jeremy Bosler tried to change Mr. Specchio's mind and convince him these trips were worthwhile, but Mr. Specchio never entertained the thought.

8. Mr. Specchio spoke about Mr. Vanisi's case like it was a hopeless effort. During meetings, Mr. Specchio often said of Mr. Vanisi, "you know he's going to die" and that "he is a dead man walking." Mr. Specchio never spoke about Mr. Vanisi with kindness or compassion at anytime. Mr. Specchio called Mr. Vanisi various derogatory names like "Asshole", "Nut Job", and "Idiot.". What sticks out most in my memory was when I heard Mr. Specchio refer to Mr. Vanisi as being a "Jamoke". I didn't know what Jamoke meant and thought it could have been a racial insult, and this made me feel uncomfortable. I never knew why Mr. Specchio harbored so much animosity towards Mr. Vanisi, and why he displayed it so openly.

9. Mr. Specchio was known for having tantrums and intimidating employees around the office. I heard about Mr. Specchio loudly screaming at an attorney and chasing them down a hallway before firing them. There were other similar stories. It seemed an inappropriate way for a supervisor to act.

10. Stephen Gregory was a former prosecutor and second in charge of the defense team's duties. Gregory was always in total agreement of the way Mr. Specchio was

handling the case. Gregory suffered from heart problems during the time of the trial and the medication he was taking caused him to have problems with his memory. Gregory was known in the office as "The Hammer" because of his ability to pressure almost any client into pleading guilty.

11. Jeremy Bosler was the attorney with the least amount of say regarding how the case was handled. Jeremy was in agreement with all of Scharlotte Holdman's suggestions, and he tried to educate Mr. Specchio about the standard of care for handling a death penalty case to no avail. Jeremy was the only attorney on Mr. Vanisi's case who was really fighting to do the right thing, and I always had the feeling the outcome of the trial would have been different had Jeremy been in charge of the case.

12. There were three investigators who worked on Mr. Vanisi's case while it was being handled by the Washoe County PD - Me, Tim Ford and Evo Novak. It was the office's general practice to assign two investigators to each case, but there were no clear division of assignments or focus areas such as mitigation and the guilt phase investigations. The lead investigator does most of the work on the case, and the 2nd investigator fills in to complete various tasks whenever needed.

13. The first lead investigator who was assigned to Mr. Vanisi's case was Tim Ford but he was on it for a short period of time because he was retiring and on his way out of the office. After Tim's departure from the case, I was elevated to the lead investigator and Evo Novak was the second investigator. Neither Tim Ford or Evo Novak had any experience in effectively working up a mitigation case and contributed nothing towards this effort due to interest or time.

14. Evo Novak was a retired Los Angeles police officer with twenty-five years of experience on the force. Evo had only been working for the Washoe County PD's office for less than a year before being assigned to Mr. Vanisi's case. Evo's position at the Washoe County PD's office was his first experience as a defense investigator.

15. The Early Case Resolution, ECR, program was established to save the county money by getting defendants to plead guilty in the initial days after their arrest. After a person was arrested, the ECR attorneys were charged with reviewing the case to see whether it was hopelessly doomed to fail at trial or had a chance of being dismissed or acquitted. If the ECR attorneys believe there was no chance for victory, they pressured clients to take guilty pleas to save everyone money, even before they had a chance to investigate the cases. Mr. Vanisi's attorney, Stephen Gregory, ran the ECR program at the Washoe County PD's office after he had to stop running trial teams because of the memory problems his medications caused.

16. I heard rumors Mr. Specchio received financial bonuses from the county in return for the money that he saved the county through the ECR program. I have no idea whether this was true, but if so, it could explain why he always spent a minimum amount of money on each case.

17. From the time Mr. Vanisi was arrested, Mr. Specchio pressured him to plead guilty even though the District Attorney's office was not offering any deals because they were intent on seeking death.

18. Mr. Vanisi was frequently mistreated by correction officers during the time when he was being held at the Washoe county detention center before trial. Whenever I went to the facility to visit Mr. Vanisi, the correction officers always left their door open for what they described as security purposes even though I never felt threatened by Mr. Vanisi and he never did anything to threaten me. I often heard the officers repeatedly pressing their taser guns as they sat just outside of the door. Mr. Vanisi told me the officers used their tasers on him every day and they frequently made noises with them to intimidate and scare him. Mr. Vanisi was always visibly disturbed and uncomfortable when he heard the officers pressing their taser guns during my visits. Mr. Vanisi tried to be strong and he sometimes managed to ignore them the best he could. However, there were times when Mr. Vanisi became overwhelmed and broke down sobbing. Whenever this happened, I spent extra time with Mr. Vanisi so he had time to dry his eyes and get himself together before leaving the attorney visiting area. Mr. Vanisi never wanted to look weak in front of the officers who attacked him at the detention facility.

19. Besides tasing Vanisi everyday, the corrections officers at the detention facility also did not let Mr. Vanisi get much sleep at night. He reported to me that the officers frequently made noises to wake him up or prevent him from going to sleep throughout each night.

20. Whenever Mr. Vanisi was moved from his cell, the officers frequently squeezed his handcuffs very hard to make sure they were extra tight around his wrists. Mr. Vanisi often complained to me about the pain his handcuffs caused him. Mr. Vanisi had a better time when he was transferred from the county detention facility to Nevada State Prison in Carson City, Nevada.

21. There were a few people at the Washoe County Public Defender office who were friends with Officer George Sullivan, the victim in Mr. Vanisi's case, and his family. Maizie Pusich knew Mr. Sullivan and his wife, and another attorney, Jennifer Lunt, did as well. There were others in the office who knew Mr. Sullivan and his family as well, but I can't recall all of the names.

22. There were several public memorials held around town in honor of Officer Sullivan, and I wanted to attend some of them just to learn more about his life and hear what his friends and family members possibly had to say about Mr. Vanisi's case. I never had any intentions of making contact with anyone during these public services. Nevertheless, Stephen Gregory forbade me from doing this and he was very adamant. Mr. Gregory was more concerned about honoring the memory of the victim than he was with me possibly finding out helpful information for Mr. Vanisi's case in a respectful and non-confrontational way, at a public gathering. This was most likely not that important in the grand scheme of things related to defending Mr. Vanisi life,

but it was representative of the way that Mr. Gregory and Mr. Specchio ran the case. It didn't seem like Mr. Vanisi's welfare was foremost in their minds.

23. I was never contacted by Mr. Vanisi's state post-conviction attorney. Herbert Duzant of the Federal Public Defender office was the first person to discuss Mr. Vanisi's case with me since the time of his trial.

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

Crystal J. Calderón

Crystal J. Calderón

EXHIBIT 128

EXHIBIT 128

Declaration Of Laura Lui

I, Laura Lui, declare as follows:

1. My name is Laura Lui and I am the wife of Siaosi Vanisi's maternal cousin, Olisi Lui. I am an attorney and have been a member of the Nevada state bar since 1995. ~~I am~~ the only attorney of Tongan heritage in the state of Nevada. I have known and interacted with Siaosi and his family for over twenty years.

2. I attended law school in the Los Angeles area from 1992-1994, and I periodically interacted with Siaosi when he visited my church during Sunday services. I was attending the LDS singles Ward in the Westwood section of Los Angeles.

3. Siaosi seemed like he was suffering from a cultural identity crisis when I saw him in L.A. during the early 1990's. Siaosi denied his Tongan background and pretended to be from another culture. Siaosi refused to speak Tongan, and when someone addressed him in Tongan he acted as if he did not understand the person. Siaosi only hung out with Caucasian people and he tried his best to speak, talk and dress like a white person. It seemed like Siaosi was trying to be someone else.

4. The Tongan community is a small community that's spread, mostly, throughout the western part of the U.S. Nevertheless news travels quickly because everyone knows someone who is related to you in some way or another. When a person does something shameful, like when Siaosi was sent home from a mission ~~after engaging in incest and having a child out of wedlock~~, it is very difficult for that person to escape their mistake. Anywhere the person goes he will always be reminded of what he's done wrong because someone will know about it. This reality places a tremendous burden upon the person, and I believe this might be what happened to Siaosi. He seemed like he could have been trying to run away from his identity and his community.

5. I moved ~~back~~ to Reno in 1994, and I continued seeing Siaosi when he periodically came to town for visits. Siaosi acted strangely whenever he visited my husband, Olisi, and I. Siaosi spoke quickly, he rapidly changed subjects, and he rambled a lot when he spoke to the point that I could not always understand what he was trying to say. Siaosi also suffered from mood swings. Siaosi stopped taking care of his personal appearance and hygiene. He was no longer dressing neatly and grooming his hair as he always did in the past and he gained a lot of weight.

6. I always suspected that Siaosi suffered from mental health problems, and I believe that it runs in his family. I also suspected that Siaosi's uncle, Maile Tafuna, his biological mom Luisa and his sister ~~Sela~~ Siaosi all suffered for mental health difficulties as well. They all exhibited dramatic and unexplained mood swings, and seemed depressed at times. It was like they all

Declaration Of Heidi Bailey-Aloi

I, Heidi Bailey-Aloi, declare as follows:

1. My name is Heidi Bailey-Aloi, I currently reside in Salt Lake county, Utah, and I am a former friend of Siaosi Vanisi. Siaosi and I first met in 1991 at the LDS Church Institute that was located across the street from El Camino College in Los Angeles. I was attending El Camino college at the time, but Siaosi was not. However, Siaosi spent a lot of time around the campus with me and others in our circle of friends.

2. When I first met Siaosi, he was living with his cousins John and Jeff Finau. Siaosi never worked much and he was pretty much a freeloader who lived in various places and moved whenever the people he was living with had enough of him. When Siaosi had places of his own he usually rented random rooms and apartments that were located near beaches in sketchy neighborhoods.

3. When Siaosi and I first met, he told me that his name was George Tafuna, he was born in Tonga and raised in San Bruno, California. As time went on, Siaosi unofficially changed his name to Perrin Vanacey and he insisted that everyone call him by this name. I don't recall why he decided to change his name.

4. Siaosi spoke like he had been on a successful LDS mission when I first met him, however, in time he admitted to me that he did not complete his mission. Siaosi spoke about his failed mission like it was one of his greatest disappointments in life.

5. Kimmy Grandbois was a girl who Siaosi dated for a long period of time before he met and later married DeAnn. Kimmy was desperately in love with Siaosi and she did everything for him. Kimmy gave Siaosi money, let him drive her car, bought him food and paid his bills. Siaosi was totally dependant upon Kimmy financially but he never seemed like he was in love with her.

6. Siaosi was attending an LDS Singles Ward for young adults somewhere in Los Angeles when I first met him. He later attended the Manhattan Beach Ward around 1994 when he was with his ex-wife DeAnn. I never witnessed or heard that Siaosi ever abused alcohol or any substances at all.

7. I had the impression that Siaosi was mentally disturbed from the time that we met. When Siaosi spoke with people his conversations were all over the place, he rambled a lot and spoke rapidly. I wasn't always able to follow everything that Siaosi said because he spoke incoherently at times. Siaosi also frequently made himself laugh at strange and inappropriate times when he spoke with people. I often had no idea what Siaosi was laughing about.

 HA

8. Siaosi was inappropriately friendly with people who he barely knew and even complete strangers. For example, when Siaosi met people at dances he often allowed them to give him a ride home even though he didn't know them. Our friends and I used to tell Siaosi that he needed to be more careful about just going off with total strangers, but he didn't see any problems with it.

9. When my father was beaten by a Mexican gang and sent to the ICU at a local hospital in 1991, Siaosi walked into my father's room and began talking very loudly and saying, "What's Up!," "Looking good!" and other inappropriate outbursts that didn't fit the situation. My father was in critical condition and very fragile at the time but it seemed like Siaosi was oblivious to the gravity of the situation.

10. I began my LDS mission in 1992 and did not return to the Los Angeles area until January 1994. I had no contact with Siaosi during the time while I was away on my mission. When I returned to L.A., Siaosi was living with DeAnn and she was pregnant with their first child, Forest. I lived near Siaosi and DeAnn and we all attended the same church at the Manhattan Beach Ward. DeAnn and I became close friends and she confided in me about her relationship with Siaosi. DeAnn said Siaosi physically abused her at times, but I never saw DeAnn with bruises about her face or body.

11. Siaosi developed identity issues by the time of my return in 1994. Siaosi stopped telling people that he was Tongan, and began saying he was born in Africa, or that he was half Black and half Chinese. Siaosi never talked with me about his family's background at any point during our friendship.

12. I never knew when Siaosi was serious or not. Siaosi sometimes said the strangest things that made everyone laugh but he often looked at everyone with a serious expression on his face like he wasn't joking and had no idea why we all found his comment to be funny. Siaosi had a flat puzzled look on his face at everyone's response during these occasions.

13. Siaosi talked to himself a lot in the presence of other people, but I couldn't figure out what he was talking about. Siaosi seemed to be oblivious to the presence of others when he spoke to himself, or he just didn't care.

14. Siaosi began wearing weird and inappropriate outfits in public. Siaosi enjoyed dressing up like a super-hero in electric blue waist tights and a cape. Siaosi had no reservations about walking around the community with this outfit on, and he didn't seem to care about anyone's reaction. It seemed like any kind of attention was good attention for Siaosi because he seemed to believe that people were actually recognizing him as being a star or a famous person. Siaosi displayed various other weird and inappropriate behaviors that suggested to me that he was not mentally stable. Siaosi was never right in his mind and his condition only grew worse as time went on.

15. Siaosi was excommunicated from the LDS church while he was attending the Manhattan Beach Ward, and I vaguely remember DeAnn telling me about it. I don't recall the circumstances that led to Siaosi's excommunication.

16. I was never contacted by Siaosi's trial or state post-conviction attorneys. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case and background with me. I would have provided Siaosi's previous lawyers with all of the information in 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 11th 2011 in Salt Lake county, Utah.

Heidi Bailey-Aloi

Exhibit 115

Exhibit 115

Declaration Of Herbert Duzant's
Interview with Tony Tafuna

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 members of his family.

2. On December 16, 2010, I spoke with Mr. Vanisi's maternal first-cousin, Mr. Tony Tafuna, at his place of residence, 1939 W. 900 North, Salt Lake City NV 89116. Mr. Tafuna is the son of Mr. Vanisi's maternal uncle, Maile Tafuna, and he has known and interacted with Mr. Vanisi since the time that Mr. Vanisi came to the United States from the Kingdom of Tonga as a child during the 1970's. Mr. Tafuna provided me with the following details:

3. Mr. Tafuna moved to the United States with his immediate family in 1968, two years prior to Mr. Vanisi's birth. Mr. Tafuna's father, Maile Tafuna, went to the U.S. about a year beforehand and sent for the rest of our immediate family the following year. Mr, Tafuna was accompanied by his younger brother, Tufui Tafuna, when he immigrated to the U.S. in 1968.

4. Mr. Tafuna was 11 years old when he first met Mr. Vanisi in 1976, after Mr. Vanisi and his immediate family moved to San Bruno to join the rest of the family. Mr. Tafuna's first impression of Mr. Vanisi was the he was a nice and likeable child. Mr. Vanisi was never a trouble maker and he obeyed all of the family elders. Due to the five year difference in their ages, Mr. Vanisi and Mr. Tafuna never spent time in the same circle of family and friends within their community. However, Mr. Tafuna frequently saw and interacted with Mr. Vanisi at family and church gatherings and events. Mr. Vanisi was introverted and spent a lot of time keeping to himself when he was a boy.

5. Mr. Tafuna's father, Maile Tafuna, was the leader of the family and he was at the center of all decisions involving its members. Since Mr. Vanisi and his siblings were all abandoned by their fathers, with the exception of his youngest brother Tupou Uluave, my dad took a more active role in their lives than he did with his other nieces and nephews. Maile Tafuna was Mr. Vanisi's main male role model and father figure throughout his childhood and early adult life.

6. Mr. Tafuna's father, Maile, was not a subtle man and he never sugar coated anything that he had to say. Maile always spoke his mind irrespective of how it made people feel, and he had the capability of making people feel very small or even hurting their feelings at times. Maile was overbearing at times and he was always a lot harder on the children within the family than those outside. Maile was the type of person who freely gave away thousands of dollars

to people within the Tongan community, but Mr. Tafuna and his siblings had to beg their father, Maile, to give them as little as five dollars.

7. Mr. Tafuna's dad, Maile, had a vision for all of the children in the family. Maile wanted them all to be successful and achieve things that he was not able to accomplish in his own life. Maile was previously a successful businessman in Tonga. Maile was also the first Tongan Bishop in the LDS Church in Tonga, and he later became a church Patriarch after moving to San Bruno, California. Maile was well known and deeply respected for everything that he did to help the Tongan community throughout the western United States.

8. Mr. Tafuna spent a lot of time being upset with the way his father treated him and the other children in the family when they were growing up. Nevertheless, Mr. Tafuna believes that his father, Maile, gave him the drive to become educated, fiscally responsible, and self-sufficient. However, Mr. Tafuna also understands how Mr. Vanisi could have been negatively impacted by the way that Maile treated him when he was growing up, especially if Mr. Vanisi didn't understand that Maile wanted the best for him.

9. Mr. Tafuna's father, Maile, was adamant about letting everyone in the family know his feelings on interracial relationships. Maile was totally against the idea of anyone in the family marrying non-Tongans, or non-Polynesians. Maile wanted the family to carrying on their traditions, even though they were living in the U.S., and preserve their heritage. Maile believed that interracial marriages were difficult to maintain because of the cultural conflicts that inevitably arises. Maile believed that interracial marriages could cause family members to turn away from their culture and raise their children with non-traditional values.

10. When Mr. Tafuna was dating a white girl as a teenager, he brought her to a function that was attended by his parents and other family members. Mr. Tafuna wanted to introduce the girl to his parents so he went around looking for them. As soon as he spotted his parents and began walking towards them, Maile looked at him with an expression of disgust and walked away to avoid having to interact with Mr. Tafuna and his girlfriend. Mr. Tafuna's mother knew how his father felt about the situation so she did the walked away as well. Mr. Tafuna was so embarrassed that he never brought the girl around his family again.

11. The Tafuna family held talent shows at family functions throughout Mr. Tafuna and Mr. Vanisi's childhood. The contestants were children within the family and they displayed various talents like singing and dancing. Aunt Toeumu, Mr. Vanisi's adopted mom, used to dress him up as a girl and make him dance in front of everyone. Toeumu placed wigs on his head, dressed him in hula skirts, and put lipstick and blush on his face with a flower necklace around his neck. Mr. Vanisi then danced and sang in front of the family as everyone laughed. Mr. Tafuna never knew how this affected Mr. Vanisi because he just smiled as everyone called him Umu's little girl.

12. Mr. Vanisi was always very eager to please everyone in the family, and he always tried to match the accomplishment of other children in the family especially when it came to athletics. Mr. Vanisi's brother, Tevita Siu, was an excellent football player and there were other sports stars in the family, but Mr. Vanisi did not have the skills to match their accomplishments.

13. Mr. Vanisi had a few jobs as a teenager when he lived in San Bruno, but never for long periods of time. Everything that Mr. Vanisi did was short-lived and he didn't stick to anything.

14. Mr. Tafuna was present at the wedding of Mr. Vanisi's sister, Sela, in late 1997 in San Bruno. This was the first time that Mr. Tafuna had seen Mr. Vanisi since about 1991, and Mr. Tafuna thought he was acting in a very disturbed manner. Mr. Vanisi spoke like he was out of his mind and out of touch with reality. Mr. Vanisi was dressed oddly and speaking with a southern drawl and accent. Mr. Vanisi was taking photographs of the wedding and climbing on top of speakers and other things to get various angles for shots, and in doing so he was being very disruptive. Mr. Vanisi was also very disrespectful towards the Royal Tongan family members who attended the wedding. Mr. Vanisi was putting the cameras close to their faces, saying inappropriate things to them and walking behind them, which is a sign of disrespect in Tongan royal traditions. At first Mr. Tafuna thought that Mr. Vanisi was joking, but as the evening went on realized that something was seriously wrong with him.

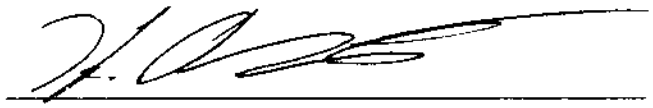
15. When Mr. Tafuna and his other relatives were having a conversation with Mr. Vanisi at some point during the wedding celebration, Mr. Vanisi stood up all of a sudden and began talking to himself while assuming a baseball hitting stance. Mr. Vanisi seemed like he was holding an invisible bat in front of an imaginary home plate, and he began saying, "It's the bottom of the 9th, the scores are tied, here comes the first pitch" and then he swung while saying "strike one." When Mr. Vanisi then said "here comes the second pitch", Mr. Tafuna and their other cousins told Mr. Vanisi to shut up and go somewhere else. Mr. Vanisi responded by just looking at them like he was puzzled and then he walked away. Mr. Vanisi never smiled or acted like he was joking during this entire incident.

16. Mr. Vanisi spoke about acting in various Hollywood movies and several other odd and random topics during the wedding. Mr. Tafuna didn't recall everything that Mr. Vanisi said that evening because he tried to ignore him.

17. Mr. Tafuna moved to Salt Lake City, Utah, from Hawaii, in late 1997 not long after Sela's wedding. Mr. Vanisi came out to Salt Lake around that time for a visit and he was looking to meet up with Mr. Tafuna. Mr. Vanisi wanted to stop by Mr. Tafuna's home for some reason, but he never made it.

18. Mr. Tafuna was never contacted by Mr. Vanisi's trial or state post-conviction attorneys. I was the first person to ever discuss Mr. Vanisi's case and background with Mr. Tafuna. Mr. Tafuna said that he would have provided Mr. Vanisi's previous lawyers with all of the information in this declaration had he been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 17th, 2011 in Clark county, Nevada.



Herbert Duzant

Exhibit 116

Exhibit 116

Declaration Of Terry Williams

I, Terry Williams, declare as follows:

1. My name is Terry Williams, I am 37 years old and I currently reside in Los Angeles county. I am a former friend of Siaosi Vanisi and we first met one another almost twenty years ago.

2. I met Siaosi in 1993 through our common friend, Greg Garner, when Siaosi and Greg were living together in Redondo Beach, California. At first, Siaosi was great to be around because he had a really good sense of humor, he was polite, and dedicated to his friends. Siaosi's size was intimidating to people who didn't know him, but not his personality. Siaosi was not a trouble maker.

3. Siaosi was very helpful to friends and to complete strangers as well. Siaosi helped distressed motorists whose cars were disabled and women who were being harassed by men. When someone needed something, Siaosi was the type of person who would give you the shirt off his back if he had to.

4. Siaosi was not a major abuser of any substances during our friendship. Siaosi hardly ever drank alcohol and he occasionally smoked marijuana, but he never used any harder substances. I don't recall ever seeing Siaosi in an intoxicated state.

5. Noticeable changes occurred in Siaosi's behavior after he began taking large amounts of a weight loss drug called Fen-Phen around 1994. Siaosi's behavior patterns worsened when he began having difficulties with his marriage around 1995.

6. Siaosi had several personalities and each of them had their own names, ways of talking, ways of dressing and behaving. The names of Siaosi's identities were Sonny Brown, Giacomo, Lester, and others that I can't now recall. I knew Siaosi as Perrin throughout our friendship and didn't learn his real name until after he was arrested in 1998. Altogether, Siaosi had at least five to ten distinct personalities.

7. Siaosi's personality, Sonny Brown, was the famous cool guy. Lester was the creepy guy that made everyone feel uncomfortable. When Siaosi was in some of his personalities, he often acted like he didn't know me or our other friends, and he introduced himself and talked as if it was the first time we ever met.

8. Siaosi wore various costumes and weird outfits around his home and in public. Siaosi wore various wigs, weird hats and strange mismatched clothes. Siaosi had a super-hero personality, and he wore tights, women's leggings and a cape around the neighborhood when he was in this character.

9. Siaosi was a cross-dresser and often wore women's clothes. Siaosi wore loose dresses and skirts with wigs, stockings, high heels and make-up. Siaosi wore this and his other outfits to bars, restaurants, supermarkets and other stores, and just while he was walking around the neighborhood. When people saw Siaosi coming their way, they avoided him and looked at him like he was crazy, but Siaosi didn't seem to notice the reactions of people around him.

10. I never had an idea what was going on inside of Siaosi's head, and his behaviors were always unpredictable and erratic. Siaosi might be laughing and having a good time one minute, but then he became angry for no reason and looked at you like he wanted to kill you. However, Siaosi never became violent with me or any of our friends.

11. On almost a weekly basis, I found Siasoi standing in the corner of a room in his apartment with all of the lights off and crying in the dark. Siaosi never explained why he was crying. On other occasions, Siaosi stood silently in the dark posing like he was a statue for long periods of time.

12. Siaosi hung christmas lights around his apartment and he sometimes turned off all of the regular lights and sat in the living room with the Christmas lights twinkling. Siaosi then seemed like he didn't know that anyone else was around and acted like he was someone else.

13. Siaosi enjoyed drinking a Polynesian beverage called "Kava," and he said the drink cleansed his soul. Siaosi only drank Kava when he was alone in his bedroom and never in front of me or anyone else.

14. Although Siaosi never mistreated or abused his children, he was never a responsible parent. Siaosi gave his children, Forest and Moleni, cake, candy and other junk foods for breakfast, lunch and dinner. Siaosi gave them so much junk food that they didn't want to eat any more at a certain point. Siaosi also allowed them to run around his apartment complex without shoes and even naked on many occasions. When Siaosi was watching the kids while DeAnn was away, the children were free to do whatever they wanted. Siaosi never tried to instill any sense of discipline in his children. Siaosi had a very childish mentality and it seemed like his kids were his peers.

15. In 1995 or 1996, I had a Halloween party at my apartment and Siaosi came dressed like he was a Jungle Tracker. Siaosi had a hatchet with him and he was swinging it around and scaring my guests at the party. I had to speak to Siaosi and tell him to put the hatchet away. Siaosi then went outside and chopped down a tree that was in my building's courtyard. I was angry with Siaosi and had to go outside to talk to him again. When I asked Siaosi what he was doing, he told me that he was cutting down the tree of life. I had absolutely no idea what he was talking about.

16. Siaosi was living on Dufour Street in Redondo Beach after DeAnn left him in 1996. Siaosi used to practice throwing his hatchet into his bedroom closet door for long periods of time

TW

by himself.

17. Siaosi never liked a friend of mine, named Jeff, because Jeff frequent borrowed money from me and never paid me back. Jeff was a drug addict at the time and down on his luck. One day Siaosi had enough of Jeff's mooching ways and started yelling, "Pay up toad!" several times and then he wrote "Pay up toad" across a wall in his apartment. Siaosi then started swinging his hatchet at Jeff and coming within inches of Jeff's throat. Siaosi then snatched Jeff by his collar and pinned him against a wall and told me, "Just say the word and I'll finish him." Everyone was horrified and I had to calm Siaosi down and convince him not to harm Jeff. Siaosi had a strange connection to his friends that seemed very unusual. Siaosi always took on the problems of his friends in a very personal way, and their problems became his as well. Siaosi was overly protective and defensive of his friends.

18. Siaosi wrote random things over all the walls in his apartment. Siaosi's walls were covered with poems, quotations, and random phrases that didn't always make sense. Siaosi drew several creepy images that were sexual in nature. One particular piece that stands out in my memory was an image of Satan, with long horns, having sex with a woman.

19. Siaosi often said he was an alien from another planet in another galaxy. Siaosi spoke a lot about metabolic physics, and he used to tell me, "I'm here Terry, but I'm not really here." Siaosi also said that he was building a space ship so that he could go back to his home galaxy.

20. Siaosi often spoke about having invisible alien friends who no one else could see but him. Siaosi also used to say these invisible friends were going to accompany him when he travels back to the his galaxy. Siaosi was going to take these invisible friends on a mission to see whose god was the greatest. Siaosi usually had a serious look on his face when he spoke about these and other delusional matters.

21. Siaosi spoke about his internal conflicts with being Mormon. Siaosi did not like the Mormon church, and said that he'd have nothing to do with it if it weren't for his family. Siaosi was critical of their beliefs.

22. Siaosi hardly ever slept, and he frequently wandered the streets at all hours of the day and night. Siaosi used to show up to my apartment in the middle of the night, often around 2:00 - 3:00AM, and begin pounding heavily on my door. Siaosi's pounding sometimes woke me and my wife up in a panic because we didn't know what was going on or if there was some type of an emergency. When I answered the door Siaosi usually said, "It's just me," and then he'd walk into my apartment and begin talking with me about insignificant things. Siaosi was wide awake and acted like he was paying me a visit in the middle of the afternoon. Siaosi's behaviors were so disturbing to my wife that she stopped going over to Siaosi's apartment and she avoided being around him in any circumstance.

23. I was under the impression that Siaosi was a successful actor from the way that he discussed his work. Siaosi was always talking about being in several movies and commenting that his agent had some new project lined-up for him. I never saw any of the movies that Siaosi claimed to be in. I only saw Siaosi in one super-bowl beer commercial.

24. Siaosi always challenged and tested the patience of the police for no reason whenever they made contact with him, no matter how minor the circumstances. I recall an incident where the police approached Siaosi, Greg, my brother Tim, and I as we were all sitting in Tim's car in front of "Scooner's Bar" in Redondo Beach. When they police told us to exit the car, everyone complied with the officers' directive except Siaosi. Siaosi refused to exit the car, he rolled up his window as he sat in the front passenger seat, locked his door and refused to remove his seat belt. The officers called for reenforcements and the situation turned into a stand off between Siaosi and about fifteen police officers. The officers ended up breaking his window, cutting his seatbelt, beating Siaosi and dragging him out of the car through the broken window. Siaosi never struck any of the officers, but they severely beat him and his face was a bloody mess. I do not recall why the police wanted us to get out of the car, but it it may have been connected to something that happened inside of the bar. Whatever it was, Siaosi's actions were unnecessary and served no purpose other than to inflame the situation.

25. I heard that Siaosi began smoking meth within a couple weeks of leaving for Reno in late 1997. I never witnessed Siaosi smoking meth firsthand, but our common friends told me about it. I am familiar with the smell of meth smoke and I recalled that Siaosi sometimes wreaked of that scent but I never confronted him about it. I believe that Siaosi may have been dipping into the supply of his cousin, Mike, who was known to be a meth smoker.

26. Siaosi was having sex with an elderly female neighbor in exchange for money, and Siaosi became extremely paranoid when she died of natural causes, a heart attack, in 1997. Siaosi was so disturbed that he left town and went to Reno. Even though no one suspected that Siaosi did anything wrong and there was never any talk of foul-play, Siaosi was paranoid and nervous. Siaosi had become so overwhelmed with paranoia for the police that he believed the authorities were going to accuse him of something even though he didn't do anything. Sioasi told me that he was going to stay with some relatives in Reno for a while and then return to Los Angeles.

27. From the time that I met Siaosi in 1993 until the time he left California for Reno in late 1997, his mental state continually worsened and spiraled out of control. It was like Siaosi was in a mental free fall.

28. Siaosi used to tell me that his mother was a prostitute and that he was born a bastard. Siaosi became emotional when he discussed his family background and I tried to avoid talking about it. It was a sore and touchy subject for Siaosi.

29. I was never contacted by Siaosi's trial or state post-conviction attorneys. Herbert Duzant of

TW

the Federal Public Defender office was the first person to ever discuss Siaosi's case and background with me. I would have provided Siaosi's previous lawyers with all of the information in 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 10 2011 in Los Angeles county, California.

Terry Williams

Terry Williams

TW

Exhibit 117

Exhibit 117

Declaration Of Tim Williams

I, Tim Williams, declare as follows:

1. My name is Tim Williams and I currently reside in Los Angeles county. I am a former friend of Siaosi Vanisi and we first met one another almost twenty years ago.

2. I first met Siaosi through our common friend, Greg Garner, around 1993. Siaosi, Greg, my brother Terry and I worked together at the Olive Garden restaurant in Manhattan Beach, California.

3. Siaosi was a good guy and fun to be around during that earlier time period. Siaosi always seemed a little strange, but his behavior wasn't as bizarre in 1993 as it became in the following years.

4. Siaosi was not a drinker and he did not abuse drugs when I first met him. Siaosi was a Mormon and substance abuse was against the beliefs of his faith.

5. Siaosi was never a trouble maker but he was very protective of his friends. Whenever Siaosi did become involved in a physical altercation it was only because he was defending a friend.

6. Siaosi told me that his mother had abandoned him at birth and that he had had a very bad childhood. Siaosi also mentioned that he was sexually abused when he was a child, but I don't recall the details of what he said happened.

7. Siaosi never spent time around Polynesian people and he had no Polynesian friends. All of Siaosi's friends were white or non-Polynesian people.

8. Siaosi and his wife, DeAnn, frequently argued about various things. I don't recall the details of their arguments.

9. Siaosi was not a good caretaker when it came to his children. Siaosi allowed his children to wander the streets unattended as babies, he fed them lots of junk food, the children often walked around with dirty diapers for extended periods of time, and everyone in his family, Siaosi, DeAnn and their children, were all overweight.

10. Siaosi was not a good provider for his family because he was frequently unemployed and DeAnn was usually the only bread winner. The LDS church used to send food for Siaosi and his family at times. Greg Garner and I sometimes brought Siaosi and his family meals when they didn't have much to eat.

TW

11. Siaosi's wife, DeAnn, ended up leaving him in1996 when she couldn't deal with the problems of their marriage anymore. Siaosi's mental health seemed to deteriorate faster after his wife left him, and he began exhibiting stranger behaviors. Siaosi was beginning to unravel before DeAnn left him, but he took a turn for the worse when she left Siaosi and took their children.

12. From 1995 until the time of his arrest in 1998, Siaosi did not seem like he was in his right mind. I had many opportunities to observe the way that Siaosi behaved during this time period.

13. During conversations, Siaosi spaced out and unexpectedly changed personalities. Siaosi started out being his normal self, but then he'd develop a dazed or distant look in his eyes. Siaosi's voice, facial expressions and demeanor then changed and he'd talk about something way off the topic of our discussion. During one episode, Siaosi told me, "Timmy, I will protect you," in a weird deep voice and with a strange look on hi face. This statement was completely out of place and had nothing to do with the subject at hand. Shortly afterwards, Siaosi snapped back into his normal self and continued carrying on the conversation like nothing happened. Siaosi was not using drugs or drinking alcohol at this time, as far as I knew. This kind of thing occurred frequently when talking to Siaosi.

14. Siaosi often used different names and each name had it's own personality and character traits. Each personality also had their own way of dressing. Siaosi wore strange clothes and outfits and walked around the community in them. One of his characters was a Super-Hero, and Siaosi always dressed up in tights and a cape when he was in this personality.

15. Whenever I spoke with Siaosi, he always spoke rapidly and he frequently changed subjects and spoke off topic for no reason. I sometimes had a difficult time trying to follow what Siaosi was trying to say.

16. Siaosi also spoke about delusional ideas and thoughts. Siaosi used to talk about building a spaceship to travel to a different galaxy. Siaosi used to talk about hearing things that no one else heard and seeing things that no one else could see.

17. I once caught Siaosi sitting in a corner of his livingroom in the dark with a spotlight shining on him while he was sobbing and crying out for his mother. Siaosi had long tears streaming down his face and he seemed quite disturbed. When Siaosi realized that I was in the room, he suddenly snapped out of it, began composing himself, and then he told me that he was just practicing for a part. Siaosi never provided me with any details of his role or the film project that he was supposedly studying for.

18. At some point, Siaosi obtained a Machete and started walking around with it. I used to

TW

see Siaosi twirling his machete and playing around with it. Siaosi used the machete to hack into furniture around his apartment. Siaosi never explained why he was carrying the machete. Siaosi later began carrying a smaller knife, and then a hatchet. Siaosi sometimes walked around wearing a long dark trench coat with the hatchet concealed underneath. Siaosi used that hatchet to cut down a tree in his brother Terry's apartment complex during a Halloween celebration.

19. Siaosi sometimes wore native Polynesian clothing, like the "Lava Lava" wraps and straw Hawaii Hula type skirts. Siaosi sometimes did Tongan warrior dances for no reason at all.

20. As time went on, Siaosi began using various substances. Siaosi first started drinking alcohol from time to time, and getting a slight buzz. I never saw Siaosi drunk or walking about uncoordinated. Siaosi then began using marijuana from time to time, and later cocaine. Not long before he left for Reno, in 1997, Siaosi began smoking Meth. I believe that he was getting the meth from his cousin, Mike Finau.

21. I never observed an instance where Siaosi's behaviors were severely affected by any substances that he consumed. Siaosi acted just as crazy when he was using drugs as he did when he was completely sober. As far as I saw, substances were not the determining factor when Siaosi was acting like he was out of his mind.

22. Siasoi never became strung out on any drugs or seemed like he was a fiend. Siaosi simply used drugs whenever it was around because he never had enough money to regularly support a habit.

23. I heard about the problems that Siaosi had in his interactions with the police. I heard that he used to laugh when police officers beat him at times.

24. Siaosi began using the diet drug, "Fen-Phen," at some point and his behavior because more bizarre at that times while he was using it.

25. I was never contacted by Siaosi's trial or state post-conviction attorneys. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case and background with me. I would have provided Siaosi's previous lawyers with all of the information in 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 10 2011 in Los Angeles county, California.

Tim Williams

EXHIBIT 118

EXHIBIT 118

Declaration Of Mele Maveni-Vakapuna

I, Mele Maveni-Vakapuna declare as follows:

1. My name is Mele Maveni-Vakapuna. I am 30 years old and I currently reside in Washoe County, Nevada. I met Siaosi in church through his cousin Renee Peaua, who was also a good friend of mine. He was known to me as Pe, which means baby in Tongan, and would only identify himself as Pe. I never met or interacted with Siaosi, at any time before he came to Reno in January 1998. I saw Siaosi approximately three times during that particular week around New Years.

2. Siaosi had been very quiet at church and kept to himself. I did not observe any unusual behavior at that time.

3. I recall Siaosi usually behaved very differently when he had the wig on. With the wig on, he rambled and used big words and a fake accent as if he were trying to sound Caucasian or like a gangster. He was more outgoing. He acted crazy. With the wig on, is when he talked about killing a cop.

4. With the wig off, Siaosi was very quiet and to himself. He seemed spaced out. I remember asking Renee if there was something wrong with him because he appeared withdrawn and his tone was very mello. Renee told me that Siaosi never slept and he would stay up all the time. I only remember seeing Siaosi one time without the wig on.

5. I do not remember seeing Siaosi drink or do any drugs the week I saw him.

6. I went out with Siaosi one time after church. Rene, our friend Leta, Siaosi, and myself were driving around town. Siaosi started talking while we were driving in the van. He began rambling and talking to himself. I recall Siaosi appeared confused and he was talking aloud to himself about things that didn't make sense to me. I did not understand a lot of what he was saying. He was in and out of conversations with himself. I remember asking Renee, what's up with your cousin?. Before Renee could answer me, Siaosi told me to shut up. I felt he was being serious and not joking around at this point.

7. While driving around, we stopped at a Kmart store. Siaosi had his wig on and he was rambling a lot and talking to himself, not making a lot of sense. I did not understand much of his conversation. I recall Siaosi wanted to buy a gun while we were at the store and I explained to Siaosi that he needed a license to purchase a firearm. Siaosi became nervous and agitated in the store. After realizing he could not purchase a gun, Siaosi began looking at hatchets. Siaosi said that he was going to get a hatchet and then he bought one before leaving the store.

8. While we were driving around we passed a police station, and Siaosi wanted us to drop him off at the police station. He was still acting crazy, not making much sense, and rambling about wanting to kill a police officer. No one took Siaosi seriously and we all ignored him. We then returned to Renee's house and parted ways, and I never saw Siaosi again after that day.

9. Siaosi only stated that he wanted to kill a cop, but he never explained why. Renee told me she thought Siaosi's wife left him for a cop. I think this was just a rumor and never confirmed.

10. Siaosi's defense team met with me only one time. I recall meeting with Crystal, the investigator, and his attorneys from the public defender's office. They only asked me questions in regards to Siaosi's statements about wanting to kill a cop. They did not ask me any questions regarding Siaosi's behavior, personality or mental state. If they had asked me about my observations of Siaosi's behavior, I would have provided them with the information contained in this declaration. I don't think his trial attorney's really got into his case.

11. On the other hand, the prosecutors were very aggressive in their approach to the case. I met with the district attorneys office several times. They asked me various questions about Siaosi and appeared to be more prepared than the defense team. However, the prosecutors also never asked for my observations regarding Siaosi's patterns of behavior during the week leading up to the incident. Had the prosecutors asked, I would have told them everything that I have stated in this declaration as well.

12. Herbert Duzant and Michele Blackwill of the Federal Public Defender office were the first people to interview me since the time of my testimony at Siaosi's trial. Herbert and Michele were also the first people to ask me about Siaosi's state of mind during those days leading up to the incident.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 5 2011 in Washoe County, Nevada.

Mele-Maveni-Vakapuna

EXHIBIT 119

EXHIBIT 119

Declaration Of Priscilla Endemann

I, Priscilla Endemann declare as follows:

1. I name is Priscilla Endemann, I am 32 years old and I currently reside in Washoe county, Nevada. I am the former girlfriend of Siaosi's cousin, Metuisela Tauveli, who was also known as Laki. I was also good friends with Siaosi's cousin, Maria Losa Louis. I never met or interacted with Siaosi at any time before he came to Reno in January 1998, just a week before the incident. Siaosi was a weird person and I recalled that he always hung around people who were younger than him. I had a few opportunities to observe and interact with Siaosi during the week leading up to Officer Sullivan's death.

2. I first met Siaosi at the home of his cousin, Maria Losa Louis, on the week before Officer Sullivan's death. Everyone present that evening were Siaosi, Losa, Losa's sister Corrina, my ex-boyfriend Laki and myself. We were all sitting and talking in Losa's livingroom as we drank alcohol and listened to music. Siaosi was the only one in the group who was not drinking. Everyone was smiling, laughing and having a good time except for Siaosi. Siaosi was withdrawn and quietly sat on the floor by himself slouching with his back against a sofa. Siaosi's head was hung low, he was steering off to the distance and he was not taking part of the discussion. At times when we laughed loudly, I recall seeing Siaosi raise his head momentarily to look at us with a blank expression on his face before putting his head back down.

3. The only thing that Siaosi said that evening was that he wanted to kill a cop, and he repeated this a few times. Siaosi never addressed anyone directly and he interrupted our group conversation during the few times that he blurted it out. Siaosi face still appeared blank and empty looking when he repeated his statement about wanting to kill a cop. No one engaged Siaosi about his comment and we all just dismissed it as nonsense. Siaosi never said anything about wanting to specifically kill a white police officer.

4. The second time that I saw Siaosi was at a LDS church dance that was held at Paradise Park on the Friday or Saturday before the incident. Siaosi was already there by the time of my arrival and he was dressed in a very strange manner. Siaosi was wearing a black shoulder length wig with a Rambo style bandera tied around his head and a checkered flannel outfit. I had no idea that it was Siaosi until Laki told me that it was him. Siaosi dancing in a circle like a Native American and spinning around with something that looked like a hatchet in his hand. Siaosi was dancing alone and he had very joyful expressions on his face.

5. Many of the people who attended the party were drinking alcohol and smoking marijuana outside of the party, but Siaosi never did either. I did not see Siaosi take one drink or a puff of marijuana the entire time.

6. The third time that I remember seeing Siaosi was at the LDS Church, on 11th street near

UNR, on the Sunday before the incident. After the church services, Siaosi and I drove to a nearby park smoked marijuana in my van. The marijuana and pipe belonged to Siaosi, and it was definitely not laced with anything. I found the marijuana to be very weak and te high only lasted for about two or three minutes.

7. The marijuana seemed to have a calming effect of Siaosi. After smoking it he looked more relaxed and he was very quiet. Siaosi was not talking about wanting to kill a police officer and he was dressed normally, in a shirt with a tie and slacks.

8. I did not see Siaosi on Monday, the day before the incident, because I had to take my son to an appointment that day.

9. The next time that I recall seeing Siaosi was at Losa's house on Tuesday, January 13th, after Officer Sullivan was killed. Siaosi and Laki were both asleep in the room of Losa's younger brother, William. I saw earlier that day that Siaosi was wanted for the death of the Officer and that there was a manhunt going on for his arrest. I tried to awaken Laki to get him out of the room to tell him what was going, and I recall that Siaosi was heavily snoring on the other bed at the time. Just as Laki woke up a news flash about the murder with a composite sketch of Siaosi came onthe television in the room. Siaosi's eyes were still closed byut he was no longer snoring. Just as we were about to sneak out of the house, along with Losa, Corrina, and William, Siaosi came into the livingroom and asked where we were going. We told Siaosi that we were going to the church car UNR to play volleyball and partake in other activities. Siaosi came along with us and we never told him that he knew the police were looking for him.

10. As we were driving pass UNR, we saw police activity and Siaosi seemed like be became bothered. As soon as we reached the church, we all entered the building and left Siaosi by himself. This is when we left the building from another exit and ran back to our car and drove away.

11. When we returned to Losa's house later that evening we were met there by the police and taken in squad cars to a local police station. I was interviewed separately and I recall the police showing me photos of Siaosi robbing gas stations. The police also mentioned that witnesses saw Siaosi chopping away at a tree with a hatchet. I believe that these witnesses were Losa's neighbors. The police also search Losa's house while we were all being detained at the police station. We told the police everything that could and were released after a few hours.

12. On the following day, I found a white bag in Losa's kitchen that contained items belonging to Officer Sullivan. I then handed the bag to Losa and told her to call the police and deal with it because I didn't want to be involved in her family's affair. I then broke up with Siaosi's cousin, Laki, and I never returned to Losa'a house afterwards. I have cut all ties with Siaosi's family and I have not interacted with them since the time of his arrest.

13. I was never contacted by Siaosi's defense team during the time of his trial. Had I been contacted by his attorneys I would have provided them with all of my observations of Siaosi's behavior which are contained in this declaration.

14. Herbert Duzant and Michele Blackwill of the Federal Public Defender office were the first people to interview me since the time of my testimony at Siaosi's trial. Herbert and Michele were also the first people to ask me about my observations of Siaosi's behavior.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6 2011 in Washoe County, Nevada.

Priscilla Endemann

Exhibit 120

Exhibit 120

Declaration of Mapa Puloka, M.D.

I, Dr. Mapa Puloka, hereby declare as follows:

1. My name is Dr. Mapa Puloka, and I am the only authorized Psychiatrist in the Kingdom of Tonga working and I run the country's only psychiatric ward. My practice is based out of Vaiola hospital on the main island of Tongatapu and I've been in practice since January 1989.

2. My predecessor was the late Dr. Palu Lasalo, who was the first psychiatric practitioner in Tonga's history and he was my mentor. Dr. Lasalo was certified as a medical registrar in New Zealand and he began working at Vaiola Hospital during the mid-1970's in a non-psychiatric capacity. Dr. Lasalo chose to focus on a psychiatric concentration and returned to New Zealand to receive specialist training for five years during the 1980's. Dr. Lasalo began his psychiatric practice at Vaiola Hospital, here in Tonga, during the late 1980's, while he was studying to pass his certification exams in New Zealand. Dr. Lasalo traveled to New Zealand twice to take his certification exams, and he failed them both times. While preparing to take the examination a third time, Dr. Lasalo died unexpectedly in 1990. I was asked to replace Dr. Lasalo in 1990 right after his death, even though I did not have the necessary requirements at that time. Although I was a general practitioner in those days, I was the only physician in Tonga with a psychiatric interest. I was known to worked closely with Dr. Lasalo at times, so I was asked to step in and fulfill his role. I then completed post-graduate training in the area of mental health in Australia and New Zealand.

3. After practicing psychiatry in Tonga for the better part of twenty years, I find that we still lack the resources to properly care for our mentally ill patients. My program is always underfunded, but we do our best to make every effort to assist our patients even on our shoestring budget. Mental health has never been a priority in Tonga so public funds are usually channeled elsewhere.

4. During the 1970's, and earlier, there were almost no resources available in Tonga for individuals suffering with mental illnesses, and the situation was far worse than it is now. In those days, patients who suffered from severe mental illness and posed a threat to themselves, and others, were taken to the local prison where they were housed in an asylum like fashion and attended to by non-psychiatric general practitioners. There were no psychiatrists in the country during that time period nor any facilities available that specialized in treating people with mental illnesses.

5. The less severe mentally ill were primarily cared for by relatives who usually had no understanding about the disorders and no way to treat them effectively. Many families had no idea what to do with their mentally ill relatives and simply hid them away. The mentally ill were made to stay in the their family's home or within the confines of the family's property. Today, patients are only referred to my office after they have become a danger to themselves or others. The early warning signs of mental illness routinely go unrecognized by most Tongan families until their loved ones lives becomes unmanageable and ~~the~~ patients become a threat to themselves and others.

6. Several superstitious beliefs shaped the views of mental health issues within Tongan culture. The mentally ill were often believed to be bothered or possessed by spirits of the deceased. Many families still seek the advice and assistance of traditional healers before coming into my office for professional help, even now. The traditional healers usually gave the mentally ill various potions and herbal bath mixtures.

7. During my practice, in Tonga, I have come across a culturally predominant phenomenon that is diagnostically known as "Dissociative Disorder Not Otherwise Specified." The onset of this disorder occurs during a child's teenage years and it is more prevalent amongst girls, although boys suffer from it as well. During the manifestation of this disorder, subjects usually ran out into the middle of cemeteries and began screaming. They also ran out to the sea or into the bushes to scream at

times as well. The families of these children often believed that they were possessed by spirits, and they employed various superstitious remedies in attempts to help their loved ones. The effected children were usually first taken to the local traditional healer for suggestions which included herbal baths, pouring hot water over the subject or just severely beating the subject in attempts to force the spirits to come out.

8. Bipolar disorder, delusional disorders, schizo-~~effect~~ affective disorder and schizophrenia are very common diagnoses amongst many of my patients here in Tonga, and I've frequently found that they are inherited disorders which run throughout the patients' blood relations. However, I've also found that these diagnoses can occur sporadically in patients with no family histories of mental illness.

9. I'm currently treating sixty patients who are deportees who have been sent home from around the world. Most of them, over 50%, were sent home from the United States, and most suffer from a dual mental health diagnosis, including substance abuse.

10. Most deportees are sent back home from Australia, New Zealand and the U.S. The American deportees tend to have much higher rates of mental illness, substance abuse, cultural identity issues and problems adapting to their new environment in Tonga. Whenever Australia and New Zealand send deportees back to Tonga, it's usually because the Tongan national overstayed the time permitted by their visa. Whenever the U.S. deports people back home it's normally for serious criminal offenses. The U.S. is the only one of the three countries which doesn't have a formal referral system to ensure that their deportees receive medical and social assistance upon their return. Deportees from the U.S. are simply dropped off in Tonga with little regard to the process of re-assimilation. Most deportees also return home without ever receiving any treatment for their mental health issues while they were in the states.

11. While the state of mental health treatment in Tonga has improved over the years, it

is still not where I would like it to be. I continuously fight to obtain additional resources to do the things that I need to do for my patients, because no one else will.

12. I was the only psychiatrist working in Tonga at the time of Siaosi Vanisi's trial in 1999. I was never contacted by anyone working on Siaosi's behalf during the time of his trial or at any time afterwards. Herbert Duzant and Ben Scroggins of the Federal Public Defender's office, District of Nevada, were the first people who ever spoke with me about Mr. Vanisi's case. Had I been contacted previously, I would have provided all of the information that was included in this declaration.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 24th, 2011 in Nukualofa, Tonga.

Dr. Mapa Puloka

Exhibit 121

Exhibit 121

Declaration of Limu Havea

I, Limu Havea, hereby declare as follows:

1. My name is Limu Havea and I currently live in the village of Longo Longo, on the Island of Tongatapu, in the Kingdom of Tonga. I was born on in Neiafu, Vava'u I am Siaosi Vanisi's paternal aunt as I am the oldest sister of his father, Makaafa Vanisi, who I always called Afa. Afa and I were both the children of Kuli Vanisi, but we had different mothers. I am my father's oldest daughter, a position known in Tonga as the fahu. Under Tongan tradition the fahu is in charge of all of her siblings and they are required to obey her.

2. As the fahu I was in charge of naming all of my brothers' children. I named Siaosi after my oldest brother who shared the same mother as I did. My brother Siaosi was a good natured, sociable and hard working man, but he had difficulty with domestic responsibilities. He liked to drink with his friends on occasion and was somewhat of a womanizer. One time when he was younger he didn't come home when he was supposed to and so I went looking for him. There are no addresses in Tonga, so you find people and places you are looking for by asking people on the street. I walked around asking about my brother's whereabouts and finally found him drinking alcohol with some girls and his friends. I picked up the biggest stick that I could find and told him that if he did not go home I was going to smash him across the face with it. Someone in his group said something to me and I told the person that if she did not shut up I would smash her face too. Because I was the oldest sister my brother went home with me.

3. On another occasion, after Siosi had moved to the United States and married and had children he came back to Tonga for a visit. While he was in Tonga he went back to his old ways and began chasing women. When it was time for him to go home to his family he refused to go home. His wife called me and asked me to help her as she and her children needed him back home. I bought a one way ticket to the United States and tricked him into going to the airport by telling him that I needed him to help me pick up a package that had arrived for me at the airport. When we got to the airport I gave the ticket to the people working at the airport and forced him to get on the plane. He protested, but because I was his fahu he obeyed my command. I did not leave until the plane doors had shut and I knew he could not get off.

4. Afa, the youngest of all his siblings, was spoiled by his mother and father. He was

L.H. /M

always lazy and irresponsible. His parents lived in Nukualofa, Tonga, which is the capital of Tonga and the largest town. Our father Kuli was a police inspector and Afa never had to farm in the bush country like most Tongans do. In Tonga, people like Afa who live in town and do not have to farm are called "town boys."

5. I was more than ten years older than Afa. My husband was an educator, and when Afa was 10 or 11 years old my father Kuli sent Afa to live with my husband and me for two years so that Afa could attend the Methodist school that my husband was teaching at. He seemed like a normal, happy boy at that time, but he was very lazy. I could tell that he hated working in the bush country where my husband and I lived and wished that he could be back and live in town. Afa preferred to hang out in the streets with his friends and did not like to do chores. When I told Afa to do something to help the household he would obey me, but did not like to do it. To get out of doing work, Afa would avoid me whenever he thought that I was going to tell him to do something. When he was given specific chores he would do them a few times as he was supposed to and then would just stop doing them.

6. When Afa grew up he remained irresponsible and undependable. He was very immature and it was as if he never really grew up. He remained like a child the entire time he was in Tonga. He did not like to work and preferred hanging out with his friends. It was known in Tonga that he would drink with his friends.

7. Afa's wife, Luisa's, brother Maile Tafuna gave Afa a job as a bus driver with his transportation company. Like everything else in his life Afa was very unreliable in his job. He would go to work for a few days and then decide he didn't feel like working and would just stay home or find his friends to hang out with.

8. His entire life in Tonga he would depend on his family or his wife's family to take care of him. While Luisa was pregnant with Siaosi Afa abandoned her and their children and moved to the United States. Luisa was a good woman. What I consider to be a good woman is a woman who does not gossip. She never talked about people's wives the way many Tongan women do. She never said anything negative about Afa to me or her children. She was always happy and outgoing. She liked to go to social events and dances and she socialized with men.

9. After Afa left Luisa both the Vanisi family and her family, the Tafunas, pitched in to support her and her children. Members of the family would take turns bringing her food and household items and would also take turns paying her bills. This is one of

L. H./MD

the reasons that it is good to be a Tongan. In our culture it is expected that families will come together to help those who may be in need, and it was no different in Luisa's case.

10. No one working on Siaosi's behalf ever contacted me to discuss his case. The first people to ever discuss his case with me were Assistant Federal Public Defender Benjamin Scroggins and interpreter Manu Tu'uholoaki. If anyone had ever contacted me about this case I would have provided the information contained herein and would have been willing to testify 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 Tongatapu, Kingdom of Tonga.

Limulaki Havea
LIMU HAVEA

Manu Tu'uholoaki
Manu Tu'uholoaki, Interpreter

Koe fakamatala ā Limu Havea.

(P.1) L.m.

1. Ko e ngaahi meā ni ne fakapapaui ē Limu Havea.

[1] Ko hoku hingoa ko Limu Havea [redacted]. 30 [redacted] ī Neiafu, Vavāu puleānga Tonga. Ōku ou lolotonga nofo ī Longolongo ī he motu Tongatapu, ī he Puleānga Tonga. Ko e mehikitanga pe fahu au ā Siaosi Vanisi pea ko e tuofefine lahitaha ō e tamai ā Siaosi, ko Makaāfa Vanisi, ā ia naāku ui pē ē au ko 'Afa. Ko au mo 'Afa koe fanau kimaua ā Kulī Vanisi, ka ōku ī kai ke ma fāē taha. Ko e ōfefina fika ʻuluaki au ēku tamai, ā ia ko e fahu au kihe fānau ā hoku fanga tuongaāne. Ī he ēmau ʻulungaanga faka Tonga ko e fahu ōku pule fakaaoao kihe kotoa ō hono fanga tuongaāne mo fakatokoua pea kuopau ke nau talangofua ki ai.

[2] Ko hoku lākanga fahu ko ia ai ko au ōku ou fakahingoa āe fanau ā hoku fanga tuongaāne. Naē fakahingoa ā Siaosi ki hoku

AA03807

tuongaʻane lahitaha ʻa ē ōku ma fāʻe taha! Ko
hoku tuongaʻane lahi taha ʻa Siaosi ko e tangata
natula lelei, ngāue lahi mo faʻa fakafeohi ka ōku
ʻiai pē hono kiʻiʻulungaanga he anga e nofo! Naʻa
ne manako ke inu kavamālohi mo fakafeohi mo
hono kaungā tangata mo manako fefine foki. Naʻe
ʻiai e taimi ʻe taha lolotonga ʻene kei talavou
ange naʻe ʻikai foki ki ʻapi ō hangē ko e taimi
totonu ke ne foki mai aí. Naʻa ku ʻalu ō kumi.
Ko ia ʻi he ʻikai ha fika ʻo e ʻapi naʻa ku fakaʻekeʻeke
he hala mo e kakai ke ʻilo pē ōku ʻifē hoku
tuongaʻane pea naʻaku maʻu ia fakataha mo
hono kaungā tangata ōku fai ʻenau inu
kava mālohi mo e kakai fefine. Naʻa ku toʻo atu
ʻa e vaʻakau lōlōa taha naʻa ku maʻu kapau
he ʻikai fie foki mai mo au kuopau ke taʻai
ʻaki hono mata ʻaki ʻa e vaʻakau. Naʻe ʻiai e
toko taha hono ngaahi kaumeʻa naʻe ~~ʻikai~~ ka
mai pea u talaange ki ai ke longo naʻa ku
hapoʻi ʻaki ʻa e vaʻakau hono mata ō ōna!
Koeʻuhi ko au ʻa e tuofefine lahitaha kuopau
ke fanongo mai kiate au hoku tuongaʻane.

AA03808

[3] Naē ī ai e taimi ē taha kuo ōsi hiki ā Sīdosi ō (P.3) y.
nofo mulí ī Āmelika pea ōsi mali mo ēne fānau pea
naē haū ēne ēva mai ki Tongá'ni. Īheēne ī Tongá'ni
naē foki ki hono ūlungaanga motuā ko e tuli ki he
kakai fefine'. Ī he hoko ā e taimi ke foki naē ī kai
fie foki ia ki āpi. Naē tā mai hono hoa ō kole mai
kiate au ōfa mai ō fakafoki mai ki hono hoá mo e
fanaú. Naā ku fakatau leva ā e tikite foki ki
Āmelika pea fakahekehekēi ke ālu ō āve au ki
Malaēvakapuna pea u talaange ki ai ke ma ō ke
hiki mai ēku kofukofu ōku ōmi he malaēvakapuná.
Īheēma aū naā ku talaange ki he kau ngāne,
ī malaē vakapuna ke fakaheka ki he vakapuná.
pea u ānge ēne tikite ki he kau ngāue ō
fakamālohiī ke heka ki he vakapuná. Naē ī kai te
ne fie tali ka ko eūhi ko hono tuofefine lahi tahá
au naā ne talangofua kiate au. Naē ī kai keu
foki mai kaeōua kuo tāpuni ā e vakapuna ōpuna.
[4] Ko eūhi ko āfa koe siīsiī taha he fanau naē
faka oleoleī pē ē he tamaí mo e faē. Naē faā faka-
pikopiko mo ī kai loko tokanga ki hamēa. Ko ēne mātuā
naē nofo ī Nukuālofa, ā ia ko e kolomuā ia ō Tonga
pea ko e ~~siisii~~ kolo lahi tahá ia. Ko ēmau tamá ko Kulī

AA03809

Vanisi naē ʻinisipēkita polisi pea naē teēki ai ke tō ngoue ā ʻAfa ia ō hangē ko e tokolahi ō e kakai Tongá. Ī Tonga ni ko e kakai hangē ko ʻAfa ōku nofo kolomuá pē mo ʻikai tō ngoue ko e kau "tangata kolomuá."

5 Ōku ou mei lahiʻāki ia ʻAfa ā e taʻu ʻe hongofulu. Kohoku husepaniti ko e tokotaha faiako pea ʻi he taʻu 10 pe 11 nai ā ʻAfa naē ōmi ē heēmau tamaí ko Kuti Vanisi ā ʻAfa ke mau nofo. he taʻu ē ua ke ako ʻi he ako siʻi ā e siasi. Uesilianá. Naē fuʻu fie fia pē hangē ko e tamaiki hono taʻú ka ko e tama fakapikopiko ʻaupito. Naē lava pē keu tala naē ʻikai saiʻia ia he nofo ʻi ʻuta naē manako pē ke nofo ʻi kolo. Naē manako pē ke fakataimaiki ka e lī ʻāki pē ē ne tufakava ke faí. Ī heēku tala ha meā kia ʻAfa ke fai hangē ko e tokoni lolotonga ō e fakamaau fale mo e alameā pehē. naē talangofua pē he taimi niʻihi ka naē ʻikai te ne fie fai ia ē ia. Ī he ʻilo pē ē ʻAfa ōku ʻi ai e puʻi teu talaange naē fakamamaó ō toi meiate au telia naā ku puʻi ange. Ka ō ange hano lākanga ke fai te ne fai pē he taimi siʻisiʻi pea tuku ia ē ia ō ʻikai hokohoko atu.

6 Ko e tamasiʻi angaanga noaʻia ā ʻAfa pea faā fakafalala pē ki he fāmilí kotoa. Naē ʻikai

AA03810

ke fai ae anga feunga mo hono tau. Nae ulunga anga (p.5) pē hangē ha tamasii valé. Nae anga pehē pē heene kei i Tonga'ni. Nae ikai ke fie ngāne pea nae iloa pē i Tonga'ni oku ne inu mo hono kaungāmeā.

[7] Nae oange e Maile Tafuna kia Āfa ke fakaūli heenau pasi fakafāmilí. He nae mali mo Luisa hono tuofefiné. Naā ne fai pē meā tatau. Nae fakaūli pē he taimi niihi pea ko ene fie nofo pē pea alu ia o eva kae tuku e fakaūli ia. Kae fai ene fakakaungā tamaiki āna.

[8] Ko e taimi kotoa ene i mulíni. nae moui faka falala pē ki hono fāmilí pē ko e famili o honohoá. Ihe lolotonga pē ena nofo mo Luisa mo e fānaú tuu hake ia o alu kae liāki ā e hoa mo e fānaú lolotonga ā hono feitamai ā Siaosi Vanisí. nae hiki ia ki Amelika. Ko Luisa ko e fefine lelei. Ko e fefine lelei oku ikai ke ngatu lau. Teeki ke talanoa mai kiate au ofekauāki mo e kakai mo honau ngaahi malí. Teeki talanoa kovi mai kiate au kia Āfa pē ko ena fānaú. Ko e fefine fiefia mo faā feohi. Naā ne manako ke fakafeohi, tauolunga mo fakafeohi mo e kakai i he kominiuti.

[9] Ihe hili ae hiki ā Āfa kae liāki ā Luisa nae tokoni ā e fāmili Vanisi mo e fāmili Tafuna ke

AA03811

tokoniï ā e kiï fāmilí'ni. Na'e tautau fetongi ā e (P.6)
ongo fāmilí he ōmi meākai mo totongi ēnau pila vai
pē ūhila. Ko e taha ia e ūhinga lelei ke ke Tonga. Ī
homau ūlungaanga fakafonuá kuopau ke mau fetokoniāki
mo vahe vahe kiate kinautolu ōku fiemaū tokoní. Pea
ko e meā pē ia na'e hoko kia Lūisa mo honofāmilí.

10 Na'e ~~one~~ tēeki fetuūtaki mai ha taha kiate au ō
talanoa mai ō kau kia Siaosi mo ēne tauteá. Ko
e ūluaki taimi eni ke fetuūtaki mai ā e loea mei
tafaāki maluï ā e Federal ko Benjamin Scroggins
mo e fakatonuleá ko Manu Tuūholoaki. Kapau na'e
fetuūtaki mai ha taha kiate au ki muā naāku fiefia
ke tokoni ke siï tokoni ki siï Siaosi mo ēne
siï kavengá'ni.

Ōku ou fuakava ko e totonu eni mo e moōni
pea ōku ou fai ia he āho 24, Sanuali 2011 ī
Tongatapu, Puleānga Tongá.

Limulaki Havea.
Limu Havea

Manu Tuūholoaki.
Manu Tuūholoaki, Fakatonulea

AA03812

Exhibit 122

Exhibit 122

Declaration of Sione Pohahau

I, Sione Pohahau, hereby declare as follows:

1. My name is Sione Pohahau, I was born in and I currently live in the village of Niutoua, on the Island of Tongatapu, in the Kingdom of Tonga. I am a cousin of Siaosi Vanisi's.

2. I lived in the home of Siaosi's uncle, Maile Tafuna, for one year in 1989. During that time, I attended Cappucino high school with my cousin, Siaosi Vanisi. I was a freshman when Siaosi was a senior. Because we were cousins I sometimes visited Siaosi at his home. We watched television together or played games.

3. Siaosi usually stayed to himself whenever I saw him around the family and at school. He used to sit in rooms by himself doing nothing even when people were over to visit. Siaosi never spent much time outside of his family home as far as I knew.

4. Sometimes when we were watching television Siaosi talked to himself and would laugh for no reason. I never understood what he was talking about and I never knew why he was laughing. Siaosi's speech often seemed like gibberish to me. When I asked him what he was talking about he would just laugh and never give an explanation.

5. Siaosi often had a blank look on his face and he frequently stared off into space. I had to call his name several times to get his attention whenever this happened. Siaosi often walked around the neighborhood with this blank stare and look as if he didn't see me, even when I said hello. During these episodes it seemed like nothing around him was registering in his mind.

6. The few friends that Siaosi at school and in the community were all white and black kids. Siaosi never had Polynesian friends, as far as I saw, even though they were around. Siaosi never seemed like he wanted to associate with Polynesians.

7. During the time of Siaosi's arrest and trial, I was still living in the states. I was never contacted by Siaosi's trial attorneys nor the attorneys who represented him at any time after the trial. Hebert Duzant and Ben Scroggins were the first people to ever

SP

discuss Siaosi's case with me. Had I been contacted by Siaosi's previous counsel I would have provided them with all the information that is contain within this declaration.

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.

Siaosi Pohahau

SIONE POHAHAU

Exhibit 123

Exhibit 123

Declaration of Tavake Peaua

I, Tavake Peaua, hereby declares as follows:

1. My name is Tavake Peaua, my date of birth is , and I currently live in the village of Fuaamotu, Tonga. I am the maternal cousin of Siaosi Vanisi, as our mothers are first cousins.

2. I was born in the Kingdom of Tonga but left with my family at the age of three. My family and I moved to American Samoa and then Hawaii before finally settling in Reno, Nevada, during the late 1970's.

3. Although I saw Siaosi at family functions throughout our childhood, after my family and I settled in Reno, I didn't get to know Siaosi until his older brother Tevita Siu Vanisi died in the later 1980's at sixteen or seventeen years old. I actually knew Tevita Siu better than I did Siaosi because Tevita Siu made more trips to Reno to visit my family and other cousins in the area than Siaosi did. Tevita Siu abused drugs and various chemicals like glue, paint and aerosol cans. Tevita Siu died from sniffing whiteout liquid paper. Siaosi and Tevita Siu were close to one another and Siaosi was emotionally devastated by the loss of his brother.

4. Siaosi and I were teenagers and attended highschool when I came to know him better. Siaosi was always kind of weird and I thought of him as being an eccentric person. Siaosi dressed in preppie fashions, wore strange hairstyles, and seemed like he was trying to be more like a Caucasian.

5. Siaosi often said things that made no sense and seemed to be based on his wild imaginations that were not rooted in reality. Siaosi often made up elaborate stories about things that weren't real.

6. When speaking to Siaosi, I noticed that he often changed the subject and spoke about things that were totally outside of the scope of the conversation.

7. Siaosi's father was never a part of his life, so his maternal uncle Maile Tafuna became his main role model. Maile was a good and well-intentioned person but did not always convey these things in the way that he communicated with people. Maile never sugar coated his words and he often yelled and spoke harshly to people in the family. Maile could give people the impression that he did not love them by the way that he spoke to them, but that was just his normal way of speaking and most people understood that he meant nothing by it. I believe that a person could have been deeply impacted by the way that Maile treated him or her, especially if that person took Maile's words and demeanor seriously.

8. Siaosi left San Bruno, California for Los Angeles, California during the early 1990's and he lost contact for a couple years. However, I reconnected with Siaosi around 1995 when I visited Los Angeles on a business trip. My family and I then visited Siaosi and his family about three times during 1995 through 1997, and we even took our children to Disney Land together. Siaosi and his family were living on Dufour Street in Redondo Beach at the time of my visits.

9. Siaosi's behavior patterns had worsened by the mid-1990's, and he went from seemingly being eccentric to outright insane. Siaosi unofficially changed his name from Siaosi Vanisi to Perrin Vanacey because he hated his original name and wanted to anglicize it. Siaosi also used to deny his Tongan heritage and claimed that he was half African-American and half Chinese.

10. Siaosi had various identities and each of them had their own personality and characteristics. Each personality had it's own name, way of dressing, way of talking and interests. The names that I recall Siaosi using during the various manifestations of his personalities were Giacomo, Sonny Brown, a super-hero character and a few others. Siaosi was always introducing himself as different people at the clubs where we hung out at around Los Angeles and he acted weird. When Siaosi was in the super-hero personality he dressed in women's tights and a cape.

11. Siaosi was an aspiring actor during the time when he was suffering from his personality issues, but none of his personalities had anything to do with any roles that he was pursuing. Siaosi never indicated that he was studying for any roles, or described his behaviors as being a part of a film project that he was interested in starring in, and he never asked anyone to critique the way that he was acting. I initially thought that Siaosi's personality issues and weird behaviors were just a part of his acting career. However, when it became clear to me that Siaosi's behavior had nothing to do with his desire to be an actor I became uncomfortable around him.

12. Siaosi was very childlike and he seemed more like a child whenever he interacted with them. I saw Siaosi playing with his children like he was one of them. Siaosi built forts around the house out of chairs and other things around the house and hid out like a child normally would do.

13. Siaosi often did bizarre things for no reason which often caught me off guard. I recall being in a supermarket with Siaosi and my wife on one occasion when Siaosi began acting weird. Siaosi was acting normal when we first entered the store when all of a sudden it seemed like he snapped and became a different person. Siaosi sat down in one of the supermarket's motorized carts and began acting like he was blind and crippled. Siaosi sat with his hands bent at the wrists like he didn't have full use of his hands, and he was running his cart into people and various items around the supermarket like he couldn't see. Siaosi then drove the cart around in a circle in the

middle of the supermarket for about 10 minutes straight. I tried to get Siaosi to stop and I kept asking him what was wrong, but Siaosi seemed like he didn't hear me and continued bumping into things and people. Siaosi had a blank look on his face at the time like something was seriously wrong with him and he did not smile, laugh or make any indication that he was joking around throughout this incident. After a while I walked away from Siaosi because he was embarrassing me and I didn't want people to think that I was with him. When we left the store Siaosi snapped back into his regular personality and acted like nothing had happened. Siaosi's odd behaviors came and went like a light switch.

14. There was a dramatic change in Siaosi's hygiene and personal appearance between the time when he was a teenager and when he was in his mid-twenties during the mid-1990's. Siaosi went from dressing preppie to dressing in very raggedly in clothes that looked dirty. Siaosi often walked around in a long trench coat with no shirt on and his naked belly sticking out. Siaosi went from being an athlete who was in excellent shape to being obese with a large gut. Siaosi went from being very clean and neat to going a day or more at a time without bathing and having problems with body odor. Siaosi went from being very clean cut to allowing his hair to grow wildly and not shaving his facial hairs. Siaosi had totally let himself go and it seemed like he didn't care about himself anymore.

15. While Siaosi was living in Los Angeles he often complained about being harassed by the police. Siaosi felt like he was a constant target of racial profiling and he believed that he was being unfairly treated.

16. Siaosi spoke militantly about what western governments had taken from the Polynesian people, and about how the police discriminate and illegally profiled Polynesians. Siaosi also spoke about wanting to see Polynesian youths rise up to reclaim there warrior heritage to fight their western oppressors.

17. Siaosi's home in Los Angeles was a complete mess, and the opposite of the neat way that he used to be. There was a lot of trash and various items that needed to be discarded around his home. Sioasi kept a lot of empty plastic bottles around his house.

18. Siaosi drew various letters, words, phrases and pictures all over the walls of his apartment. The drawings were large and small, and he used pencils, magic markers, crayons and spray paint.

19. Siaosi was heavily using a weight loss drug called Fen-Phen during the mid to late 1990's and he often complained about how the drug made him feel. Siaosi told me that he needed to stop taking it because it kept him up at night, made him feel edgy and he thought that the drug was making him lose his mind. I remember seeing Siaosi

look haggardly, like he was not getting any sleep at that time.

20. Between 1995 and 1997, Siaosi also spoke about seeing people who weren't visible to anyone else, and hearing voices and other sounds that no one else could hear. Siaosi also spoke about supernatural subjects and Biblical concepts from the Book of Mormon. When Siaosi talked about these things I did my best to ignore him and tune out everything that he was saying because I was uncomfortable.

21. Siaosi's wife at the time, DeAnn, was a very loving, accepting and naive wife. My wife, Kathleen, and I couldn't understand how DeAnn managed to put up with Siaosi for as long as she did. After DeAnn left Siaosi our cousin, Mike Finau, and Siaosi's friend, Greg Garner, moved into Siaosi's Dufour apartment in Redondo Beach.

22. My wife and I were visiting Los Angeles in late 1997 during the time when Siaosi's elderly woman friend died of natural causes. Even though there were no signs of foul play and it was clear that the woman died of natural causes, Siaosi became very paranoid and began acting weird. Siaosi found it creepy that someone he knew so closely just dropped dead, and he was deeply bothered. Siaosi felt like the police were going to try to find some way to blame her death on him because he believed that the police were all after him. Siaosi also complained of feeling that everyone was watching him and against him, and he seemed like he was trapped in a cage by all of his paranoias. Siaosi also spoke about his failed relationship with his wife and his regrets over not being as close with the family as he would have liked. Siaosi seemed like the walls in his life were all closing in on him and he was losing himself to all of his worries and fears.

23. There were physiological manifestations of Siaosi's deteriorating mental condition. Siaosi had confused and distant expressions on his face. Siaosi's eyes frequently shifted and moved around rapidly. Siaosi often stared off in the distance with a blank look on his face, with empty looking eyes. Siaosi spoke rapidly and his words were more incoherent than I had ever heard at any prior time period. Sioasi also completely lost his silly childlike exterior.

24. After seeing Siaosi's deteriorating condition in the days following the loss of his friend, I suggested to Siaosi that he should return to Reno with me and my wife so that he could reconnect with the family, take a break from his life in Los Angeles and mentally reset himself. My wife, Kathleen, was working at America West airlines at the time and she booked Siaosi on my return flight so that we could travel together.

25. Siaosi told me that he could only stay for two weeks because he had to be back in Los Angeles to work on a film set as a grip. Siaosi stayed with me and my family on Sterling street, which was located near UNR's campus, and the night that we got in to Reno was the last time that I saw him because of my busy work schedule at that

time. I have no recollection of spending any time with Siaosi in Reno after that first evening.

26. I was shocked when I learned that Siaosi was accused of killing a UNR police officer because Siaosi was never a violent person. Siaosi was crazy but I never saw him do anything to harm anyone.

27. I was surprised to learn that the victim in Siaosi's crime was Officer Sullivan because I knew him from the days when I attended UNR around 1995 and 1996. Although I feel terrible about what happened to Officer Sullivan and my heart goes out to his family, I wondered whether Officer Sullivan may have done or said something to Siaosi that might have provoked an inappropriate response that was based on Siaosi's unstable mental state. Officer Sullivan, and a couple of others on the UNR police force, were known for being overly enthusiastic in their work. I had a few experiences with Officer Sullivan around the campus where he acted a little over zealously and gave me the impression that he was not treating me fairly. I recall Officer Sullivan making me move my car even when I was parked in the proper spaces and was not in violation of any rules. While I do not believe that Officer Sullivan did anything to contribute to his death, I've always wondered if his over enthusiasm could have clashed with Siaosi's deteriorated mental state. I've always wondered if Officer Sullivan was just in the wrong place at the wrong time because he wasn't aware that Siaosi was not in his right mind especially given his severe paranoia of police officers at that point.

28. 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's Office, District of Nevada, was the first person 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 my cousin's life.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 21 2011 in Fuaamotu, Tonga.

Tavake Peaua

Exhibit 124

Exhibit 124

Declaration of Totoa Pohahau

I, Totoa Pohahau, hereby declares as follows:

1. My name is Totoa Pohahau, I was born in the year , and I currently live in the village of Nukunuku on the island of Tongatapu, in the Kingdom of Tonga. I am the cousin in-law of Siaosi Vanisi, as my paternal aunt, Mele Pohahau-Tafuna, was married to his maternal uncle, Maile Tafuna. I currently live in the Kingdom of Tonga, and I am a Bishop in the LDS church at the Nuitua Ward.

2. I was born in the Kingdom of Tonga in 1969, but moved to San Bruno, California with my family in 1987, at the age of 17. When my family and I moved to San Bruno, we moved into the home of my uncle Maile and my aunt Mele. My family and I lived with Maile and Mele for two years, and Siaosi was living with us in the same home during that entire period. Siaosi and I attended Cappucino high school together, were in the same grades during our junior and senior years, and we graduated together. Siaosi and I also played for the school's football and track runner teams. Siaosi and I also shared the same room, along with four other male cousins, during that entire two year time period.

3. Also living in our home were Maile and Mele's sons Tufui and Saia, Siaosi's biological mother, Luisa, and his siblings Sela and Tupou, our cousins Sefa and Walter Cocker, as well as my parents, Walter and Ma'ata Pohahau, and my brothers, Sione and Finau, and my five sisters. Altogether there were about twenty people living in Maile's home during that two year period, 1987 to 1989. Maile's home had about four bedrooms on the first floor and five bedrooms on the second floor, and all rooms were shared.

4. When I first met Siaosi in 1987, he seemed like a nice guy but it was obvious to me that he was suffering from some kind of mental disturbances. I had a chance to observe Siaosi every day in school and every night at home for two straight years and I saw him acting in a very bizarre manner on countless occasions.

5. While walking to school with Siaosi each day, I never knew what he was going to do because his strange behaviors were so unpredictable. Siaosi and I had conversations one minute, and then he began yelling and shouting strange things for no reason the next. Whenever he did this, my friends and I looked around to see if something was going on around us and then we'd ask Siaosi what happened. In response Siaosi just smiled, he said nothing and then continued talking like nothing had happened. It was like a switch went off and on in his head .

6. Siaosi had a severe blinking and eye squinting problem throughout the entire two years that we lived together. Siaosi blinked and squinted his eyes almost non stop,

TP IMO

no matter what he was doing, and he said that he had no control over it.

7. Siaosi often mumbled and talked to himself in various settings. These events occurred while walking to school in the morning, during classes, during sports practice, at movie theaters, while he was at the family's home and just about everywhere else. The mumbling and talking to himself was usually accompanied by smiling and laughing. Whenever I asked Siaosi why he was laughing, he just looked at me and smiled. I often tried to listen to the things that he was saying to himself, but I never could figure out what he was trying to say because he frequently changed subjects, spoke out of sequence and his words were not coherent.

8. Siaosi exhibited strange behaviors during our football practices and games. After the team was finished practicing and were heading to the locker room, Siaosi ran back onto the field and ran head-first into the rubber tackle bag. This happened a few times a week, and everyone was puzzled by his actions.

9. After football games and practices when everyone else on the team was exhausted, Sioasi was always still full of energy, running around and acting very hyperactively. No one could figure out where his energy was coming from because everyone else was so tired.

10. While the coach was giving instructions to the team, during practices and games, Siaosi frequently spoke over the coach and gave instructions of his own. No one listened to Siaosi or paid him any mind whenever he did this, but it was very disruptive. The coach always had to tell Siaosi to close his mouth and pay attention.

11. I remember an occasion where we were practicing for an upcoming game, and the coach gave us all specific instructions to lightly tackle one another because we were within days of the game and the coach didn't want anyone to get hurt. As soon as Siaosi got on to the field he rushed the person holding the ball and recklessly tackled him. The other teammate was so hurt that he had to go to the hospital to receive treatment. After this incident, it seemed like Siaosi lost interest in the game although he continued to play with the team. Siaosi began isolating himself more than usual and stopped hanging around the team outside of practices. Whenever the team entered the locker room to get dressed, Siaosi just sat on the benches, stared off to the distance and had to be reminded to get dressed for practice. Siaosi also lost his motivation for playing the game and it seems like his mind wasn't in it anymore. Siaosi went from being a starter to not playing in games regularly.

12. Siaosi frequently isolated himself throughout the entire two years that I lived with him. Siaosi might be laughing and talking with me one minute, and the next minute he'd abruptly stop talking and walk away to be by himself. Siaosi also did this at school and in the community when he was around friends and classmates. When we

TP/MJ

7. Siaosi seemed like he had different personalities inside of his head during the week leading up to the incident. Siaosi was dressing up with different wigs and weird clothing, and he used different names whenever he wore these wigs and outfits. Siaosi's different personalities had different characteristics, but I don't remember them all in detail. I only recall that Siaosi acted like his normal self whenever I saw him without any wigs on his head or wearing strange outfits. Whenever Siaosi had on a wig I knew that he was going to be in crazy mode.

8. Siaosi frequently spoke like he was meeting me and other people in the family for the first time when we found him with a wig on and he was in a new personality. Siaosi introduced himself using his different names and identities, and he asked me and others for our names as if he never met us before in his life. Siaosi used about three different names, that I knew of, while he was in Reno that week and each identity had it's own separate personality.

9. One of Siaosi's personalities was a Crocodile Dundee type of character with an Australian accent. Siaosi also used the name Sonny Brown for another character, but I don't recall exactly who Sonny was supposed to be.

10. Another personality was the reggae rasta-man, the identity he took on when he wore the wig with the dread-locks. When Siaosi was the rasta reggae man he listened to a lot of reggae music, sang reggae songs, talked with a Jamaican accent and he sometimes stopped all of a sudden to do a reggae skank dance for no reason.

11. The only substance that I saw Siaosi use during that week of the incident in Reno was marijuana and alcohol, and I smoked and drank with him. Siaosi and I drank alcohol together at least three to five times that week, and we smoked marijuana almost everyday. Drinking wasn't really Siaosi's thing and I never saw him drink to the point where he was intoxicated. When we smoked marijuana, it was never laced with any other drugs and I never saw Siaosi act too crazy afterwards. As far as I could tell, alcohol and marijuana did not have a real effect on Siaosi. If Siaosi was not wearing any wigs, he was fine before and after smoking weed or drinking alcohol. If Siaosi was wearing his wigs, he was weird before and after smoking weed or drinking alcohol. Siaosi's wig wearing was the best indicator of when Siaosi was not in his right mind.

12. I saw Siaosi in the possession of a glass pipe, but I never saw him use it in my presence and he didn't mention what he used it for. In the years following Siaosi's arrest, I saw someone with the same type of glass pipe and the person told me that it was used to smoke Crystal Meth.

13. During that week before the incident, Siaosi seemed like he was obsessed with money and the idea of becoming rich. Siaosi constantly told me that he needed money or that we both needed to make some money. Although Siaosi had no plan to get there, he wanted to be rich so the he could help everyone in the family. Siaosi spoke in detail about the various things

he wanted to do to help his uncles, aunts, cousins, close friends, and his son Forest. Siaosi's discussions of money all seemed like fantasy talk and not based in reality. Siaosi once told me that after we became rich he intended to buy several walkie-talkies so that he could communicate directly with me and everyone in the family. Siaosi really liked walkie talkies.

14. Siaosi went out walking my family's dog, Doobie, at all hours of the night and early morning hours. Siaosi also stayed up late watching television through the nights. Siaosi had a constant look of tiredness on his face and he seemed like he needed rest.

15. When Siaosi spoke he often rambled, talked rapidly and spoke incoherently, especially when he wore his wigs. Siaosi usually rambled about topics such as outer space, aliens in the universe, a person named Lester, money and other weird topics. Siaosi also rambled about the Laminite people and the Stripling warriors mentioned in LDS church doctrines, and other random religious topics. Siaosi sometimes sat in the dark and talked to himself. I didn't understand what Siaosi was saying during these episodes.

16. Siaosi frequently held long conversations with my family dog, Doobie. I found Siaosi speaking with Doobie alone in rooms on a few occasions for long periods of time. Siaosi wasn't just speaking to Doobie, because he claimed that he actually heard Doobie talk back to him and give him answers to various questions that he had. Siaosi's conversations with Doobie increased as time went on because no one else in the family was talking to him. Everyone in the house thought that he was out of his mind. I was the only person in the family who continued to interact with Siaosi.

17. In the latter part of the week, just before the incident, Siaosi began referring to Doobie as "The Almighty," and he told me that he worshipped Doobie. Siaosi began treating Doobie extra special, like he had a religious reverence for the dog. Siaosi took Doobie out for long walks every day without fail. No one else in the family ever walked Doobie before this time. Siaosi didn't allow Doobie to eat normal food because it wasn't good enough for Doobie. Instead, Siaosi personally cooked large gourmet style meals for Doobie to eat. Doobie really loved Siaosi because no one else in the family gave him such attention. Doobie was a mostly white mixed mutt that had black fur around one eye and a black nose. Doobie would have made an excellent witness if he could really talk because Siaosi told him many things during their conversations.

18. Everyone in the household was very disturbed by Siaosi's behavior and avoided him at all possibility. Even my mom, Alisi Peaua, used to say that Siaosi was "Fakasesele", which means insane or crazy in Tongan.

19. My older brothers, Tavake and Manamoui were peers of Siaosi and they were very close to him when they all were growing up. When Siaosi first came to Reno, Tavake and Manamoui took Siaosi out to social gatherings but quickly stopped because of the bizarre behaviors that he was exhibiting. After Siaosi embarrassed them in public they didn't want to hang out with

him after the first day or two. This is why I started spending time with Siaosi at the home of our cousin Maria Losa Louis.

20. My late father, Mani Peaua, used to organize dances for the Tongan youths in the community at nearby Paradise Park, and Siaosi came to a dance that week of the incident. Siaosi was wearing a straight hair wig, he had a hatchet and he was dancing around like a Native American. Siaosi was chanting strange sounds, making vocal noises with his hand over his mouth and yelling cries like a Native American as he was swinging his hatchet around recklessly. Siaosi's actions were scaring the other people at the dance and everyone began moving away from him. My father had to tell Siaosi to put the hatchet down, and Siaosi did so but continued dancing wildly and yelling. I did not see Siaosi drinking alcohol or smoking marijuana on that evening.

21. I never saw or heard of Siaosi spending time around UNR's campus, even though it was close and within walking distance of my family home. My older brothers, Sione and Tavake, used to attend UNR at the college level a few years before Siaosi's arrest, and I attended UNR's Upward Bound College Prep course during the summer of 1995 while I was in high school. I did not know of officer Sullivan and I am not aware whether Siaosi or anyone else in the family ever had any run-ins with Sullivan or any other UNR police officers.

22. I heard that the UNR police were not always nice to youths of color. I have a female friend who used to complain about the way that the UNR police officers treated Polynesian youths. My friend always mentioned that she believed that UNR's officers engaged in racial profiling.

23. Siaosi wrote me several bizarre letters after he was arrested in 1998 and was awaiting trial in Reno. The letter that stands out the most was a three page letter that Siaosi wrote about ants. The letter was all about ants, their colonies and their lifestyle, and nothing else. I wasn't able to follow what Siaosi was trying to say in his letters because they made no sense

24. Siaosi's first child, Kolina Lavake, lives in Oram, Utah with her mother's family, but she interacts with me and other family members of Siaosi. Others in the family, as well as myself, believe that Kolina suffers from some form of mental health problem. Kolina has severe and unexplained mood swings. Kolina will be laughing and in a good mood at one moment and then, all of a sudden, she becomes sad, and starts crying or gets angry and begins yelling in a complete rage. I suffer from similar mood swings, but nothing as severe as Kolina. Kolina is about 20 years old now.

25. I met with the prosecutors and police officials on a few occasions before the trial began. The prosecutors tried to put words in my mouth, especially regarding the issue of Siaosi wanting to kill a white cop. The prosecutors gave me a storyline and kept asking me, "Isn't that true?"... "It was like that, right?" as they explained what they thought about Siaosi's actions

leading up to and after the murder. Although the story line wasn't accurate, I felt intimidated and I repeatedly said yes to everything that they were saying just to finish the conversation and get out of the room. I was young and easily influenced back then, and afraid. I never heard Siaosi say that he wanted to kill a white cop but I recall telling the prosecutor's yes when they asked if I did.

26. I only spoke with Siaosi's defense trial investigator, Crystal Calderon, but no one else on her team. I also never met with the attorneys who represented Siaosi in his state post-conviction proceedings. I would have told Siaosi's former representatives everything that I have said in 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 7, 2011 in Salt Lake county, Utah.

Renee Peaua

EXHIBIT 114

EXHIBIT 114

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 16 of 26

Electronically Filed
Jan 14 2015 12:22 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPELLANT'S APPENDIX

Appeal from Order Denying Petition
for Writ of Habeas Corpus (Post-Conviction)

Second Judicial District Court, Washoe County

RENE L. VALLADARES
Federal Public Defender

TIFFANI D. HURST
Assistant Federal Public Defender
Nevada State Bar No. 11027C
411 E. Bonneville, Suite 250
Las Vegas, Nevada 89101
(702) 388-6577
danielle_hurst@fd.org

Attorneys for Appellant

INDEX

VOLUME	DOCUMENT	PAGE
22	Answer to Petition for Writ of Habeas Corpus (Post-Conviction) July 15, 2011	AA05476-AA05478
26	Case Appeal Statement May 23, 2014	AA06257-AA06260
1	Exhibits to Amended Petition for Writ of Habeas Corpus (list) May 4, 2011	AA00238-AA00250
	EXHIBIT	
2	1. State of Nevada v. Siaosi Vanisi, et al., Justice Court of Reno Township No. 89.820, Criminal Complaint January 14, 1998	AA00251-AA00255
2	2. State of Nevada v. Siaosi Vanisi, et al., Justice Court of Reno Township No. 89.820, Amended Complaint February 3, 1998	AA00256-AA00260
2	3. State of Nevada v. Siaosi Vanisi, et al., Second Judicial Court of the State of Nevada, Washoe County, No. CR98-0516, Information February 26, 1998	AA00261-AA00269
2	4. ABA Section of Individual Rights and Responsibilities, Recommendation February 3, 1997	AA00270-AA00294
2	5. Declaration of Mark J.S. Heath, M.D., dated May 16, 2006, including attached Exhibits	AA00295-AA00420

VOLUME		DOCUMENT	PAGE
2	6.	Birth Certificate of Siaosi Vanisi, District of Tongatapu June 26, 1970	AA00421-AA00422
2	7.	Immigrant Visa and Alien Registration of Siaosi Vanisi May 1976	AA00423-AA00424
2	8.	Siaosi Vanisi vs. The State of Nevada, Nevada Supreme Court Case No. 35249, Appeal from a Judgment of Conviction, Appellant's Opening Brief April 19, 2000	AA00425-AA00462
2	9.	Siaosi Vanisi v. The State of Nevada, Nevada Supreme Court Case No. 35249, Appeal from a Judgment of Conviction, Appellant's Reply Brief November 6, 2000	AA00463-AA00475
2	10.	State of Nevada v. Siaosi Vanisi, et al., Justice Court of Reno Township No. 89.820 Amended Criminal Complaint February 3, 1998	AA00476-AA00480
2-3	11.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516, Juror Instructions, Trial Phase September 27, 1999	AA00481-AA00520
3	12.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516, Juror Instructions, Penalty Phase October 6, 1999	AA00521-AA00540

VOLUME		DOCUMENT	PAGE
3	13.	Confidential Execution Manual, Procedures for Executing the Death Penalty, Nevada State Prison, Revised February 2004	AA00541-AA00584
3	14.	Leonidas G. Koniaris, Teresa A. Zimmers, David A. Lubarsky, and Jonathan P. Sheldon, Inadequate Anaesthesia in Lethal Injection for Execution, Vol. 365 April 6, 2005, at http://www.thelancet.com	AA00585-AA00588
3	15.	David Larry Nelson v. Donald Campbell and Grantt Culliver, United States Supreme Court Case No. 03-6821, October Term, 2003 Brief of Amici Curiae in Support of Petitioner	AA00589-AA00614
3	16.	The State of Nevada v. Siaosi Vanisi Defendant In Proper Person, Washoe County Second Judicial District Court Case No. CR98-0516 Motion to Dismiss Counsel and Motion to Appoint Counsel June 16, 1999	AA00615-AA00625
3	17.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Court Ordered Motion for Self Representation August 5, 1999	AA00626-AA00629
3	18.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Ex-Parte Order for Medical Treatment July 12, 1999	AA00630-AA00632

VOLUME		DOCUMENT	PAGE
3	19.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516, Order August 11, 1999	AA00633-AA00643
3	20.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516, Transcript of Proceedings June 23, 1999	AA00644-AA00687
3	21.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Transcript of Proceedings August 3, 1999	AA00688-AA00730
3-4	22.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Reporter's Transcript of Motion for Self Representation August 10, 1999	AA00731-AA00817
4	23.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 In Camera Hearing on Ex Parte Motion to Withdraw August 26, 1999	AA00818-AA00843
4	24.	The State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Amended Notice of Intent to Seek Death Penalty February 18, 1999	AA00844-AA00852

VOLUME	DOCUMENT	PAGE
4	25. Phillip A. Rich, M.D., Mental Health Diagnosis October 27, 1998	AA00853-AA00856
4	26. Various News Coverage Articles	AA00857-AA00951
4	27. Report on Murder and Voluntary Manslaughter- Calendar Years 2005 and 2006 Report to the Nevada Legislature In Compliance with Nevada Revised Statutes 2.193 and 178.750, March 2007	AA00952-AA00958
4	28. Report on Murder and Voluntary Manslaughter Calendar Years 2003-2006	AA00959-AA00987
4	29. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Verdict, Guilt Phase September 27, 1999	AA00988-AA00993
4-5	30. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Verdict, Penalty Phase October 6, 1999	AA00994-AA01001
5	31. Photographs of Siaosi Vanisi from youth	AA01002-AA01006
5	32. The State of Nevada v. Siaosi Vanisi Defendant In Proper Person, Washoe County Second Judicial District Court Case No. CR98-0516 Ex Parte Motion to Reconsider Self-Representation August 12, 1999	AA01007-AA01011

VOLUME		DOCUMENT	PAGE
5	33.	The State of Nevada v. Siaosi Vanisi, Washoe County Second Judicial District Court Case No. CR98-0516 Defense Counsel Post-Trial Memorandum in Accordance with Supreme Court Rule 250 October 15, 1999	AA01012-AA01103
5	34.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Petition for Writ of Habeas Corpus (Post-Conviction) January 18, 2002	AA01104-AA01115
5	35.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Ex Parte Motion to Withdraw August 18, 1999	AA01116-AA01124
5-6	36.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Supplemental Points and Authorities to Petition for Writ of Habeas Corpus (Post-Conviction) February 22, 2005	AA01125-AA01318
6	37.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Reply to State's Response to Motion for Protective Order March 16, 2005	AA01319-AA01325

VOLUME		DOCUMENT	PAGE
6-7	38.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Memorandum of Law Regarding McConnell Error March 28, 2007	AA01326-AA01589
7	39.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Transcript of Proceedings Post-Conviction Hearing May 2, 2005	AA01590-AA01691
7-8	40.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Transcript of Proceedings Continued Post-Conviction Hearing May 18, 2005	AA01692-AA01785
8	41.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Transcript of Proceedings April 2, 2007	AA01786-AA01816
8	42.	Siaosi Vanisi v. Warden, et al., Washoe County Second Judicial District Court Case No. CR98P0516 Findings of Fact, Conclusions of Law and Judgment November 8, 2007	AA01817-AA01832
8	43.	Siaosi Vanisi vs. The State of Nevada, Nevada Supreme Court Case No. 50607 Appeal from Denial of Post-Conviction Habeas Petition Appellant's Opening Brief August 22, 2008	AA01833-AA01932

VOLUME		DOCUMENT	PAGE
8	44.	Siaosi Vanisi vs. The State of Nevada, Nevada Supreme Court Case No. 50607 Appeal from Denial of Post-Conviction Habeas Petition Reply Brief December 2, 2008	AA01933-AA01990
8-9	45.	Siaosi Vanisi vs. The State of Nevada, Nevada Supreme Court Case No. 50607 Appeal from Denial of Post-Conviction Petition Order of Affirmance April 20, 2010	AA01991-AA02002
9	46.	Siaosi Vanisi vs. The State of Nevada, Nevada Supreme Court Case No. 50607 Appeal from Denial of Post-Conviction Petition Petition for Rehearing May 10, 2010	AA02003-AA02013
9	47.	Washoe County Sheriff's Office, Inmate Visitors Reports and Visiting Log	AA02014-AA02019
9	48.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order for Competency Evaluation December 27, 2004	AA02020-AA02023
9	49.	Thomas E. Bittker, M.D., Forensic Psychiatric Assessment January 14, 2005	AA02024-AA02032
9	50.	A.M. Amezaga, Jr., Ph.D., Competency Evaluation February 15, 2005	AA02033-AA02048

VOLUME		DOCUMENT	PAGE
9	51.	State of Nevada v. Vernell Ray Evans, Clark County Case No. C116071 Sentencing Agreement February 4, 2003	AA02049-AA02054
9	52.	State of Nevada v. Jeremy Strohmeyer, Clark County Case No. C144577 Court Minutes September 8, 1998	AA02055-AA02057
9	53.	State of Nevada v. Jonathan Daniels, Clark County Case No. C126201 Verdicts November 1, 1995	AA02058-AA02068
9	54.	State of Nevada v. Richard Edward Powell, Clark County Case No. C148936 Verdicts November 15, 2000	AA02069-AA02089
9	55.	State of Nevada v. Fernando Padron Rodriguez, Clark County Case No. C130763 Verdicts May 7, 1996	AA02090-AA02092
9	56.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order finding Petitioner Competent to Proceed March 16, 2005	AA02093-AA02097
9	57.	Omitted	AA02098
9	58.	Rogers, Richard, Ph.D., "Evaluating Competency to Stand Trial with Evidence-Based Practice", J Am Acad Psychiatry Law 37:450-60 (2009)	AA02099-AA02110

VOLUME	DOCUMENT	PAGE
9	59. Thomas E. Bittker, M.D., Sanity Evaluation June 9, 1999	AA02111-AA02118
9-10	60. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Preliminary Examination February 20, 1998	AA02119-AA02352
10	61. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Arraignment March 10, 1998	AA02353-AA02363
10	62. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Status Hearing August 4, 1998	AA02364-AA02402
10	63. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Status Hearing September 4, 1998	AA02403-AA02412
10	64. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Status Hearing September 28, 1998	AA02413-AA02422
10	65. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Report on Psychiatric Evaluations November 6, 1998	AA02423-AA02436

VOLUME		DOCUMENT	PAGE
10	66.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Hearing Regarding Counsel November 10, 1998	AA02437-AA02444
10	67.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Pretrial Hearing December 10, 1998	AA02445-AA02461
10	68.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Final Pretrial Hearings January 7, 1999	AA02462-AA02477
10-11	69.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Hearing to Reset Trial Date January 19, 1999	AA02478-AA02504
11	70.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Pretrial Motion Hearing June 1, 1999	AA02505-AA02522
11	71.	State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion Hearing August 11, 1999	AA02523-AA02564

VOLUME	DOCUMENT	PAGE
11	72. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Decision to Motion to Relieve Counsel August 30, 1999	AA02565-AA02573
11	73. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 In Chambers Review May 12, 1999	AA02574-AA02593
11	74. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Trial Volume 5 January 15, 1999	AA02594-AA02621
11-12	75. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Preliminary Examination February 20, 1998	AA02622-AA02855
12	76. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Arraignment March 10, 1998	AA02856-AA02866
12	77. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion to Set Trial March 19, 1998	AA02867-AA02873

VOLUME	DOCUMENT	PAGE
12	78. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Status Hearing August 4, 1998	AA02874-AA02912
12	79. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Status Hearing September 4, 1998	AA02913-AA02922
12	80. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Status Hearing September 28, 1998	AA02923-AA02932
12	81. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Report on Psych Eval November 6, 1998	AA02933-AA02946
12	82. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Hearing Regarding Counsel November 10, 1998	AA02947-AA02954
12-13	83. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Pre-Trial Motions November 24, 1998	AA02955-AA03082

VOLUME	DOCUMENT	PAGE
13	84. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Pretrial Hearing December 10, 1998	AA03083-AA03099
13	85. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Telephone Conference December 30, 1998	AA03100-AA03113
13	86. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Hearing January 7, 1999	AA03114-AA03129
13	87. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Continued Jury Selection January 7, 1998	AA03130-AA03137
13	88. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Jury Selection January 8, 1999	AA03138-AA03146
13-14	89. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Trial, Volume 4 January 14, 1999	AA03147-AA03375

VOLUME	DOCUMENT	PAGE
14	90. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order (Granting Motion for Mistrial) January 15, 1999	AA03376-AA03379
14	91. Omitted	AA03380
14	92. Declaration of Paulotu Palu January 24, 2011	AA03381-AA03389
14	93. Declaration of Siaosi Vuki Mafileo February 28, 2011	AA03390-AA03404
14	94. Declaration of Sioeli Tuita Heleta January 20, 2011	AA03405-AA03418
14	95. Declaration of Tufui Tafuna January 22, 2011	AA03419-AA03422
14	96. Declaration of Toeumu Tafuna April 7, 2011	AA03423-AA03456
14	97. Declaration of Herbert Duzan's Interview of Michael Finau April 18, 2011	AA03457-AA03464
14	98. Declaration of Edgar DeBruce April 7, 2011	AA03465-AA03467
14	99. Declaration of Herbert Duzan's Interview of Bishop Nifai Tonga April 18, 2011	AA03468-AA03473
14	100. Declaration of Lita Tafuna April 2011	AA03474-AA03476

VOLUME	DOCUMENT	PAGE
14	101. Declaration of Sitiveni Tafuna April 7, 2011	AA03477-AA03486
14	102. Declaration of Interview with Alisi Peaua conducted by Michelle Blackwill April 18, 2011	AA03487-AA03489
14-15	103. Declaration of Tevita Vimahi April 6, 2011	AA03490-AA03514
15	104. Declaration of DeAnn Ogan April 11, 2011	AA03515-AA03523
15	105. Declaration of Greg Garner April 10, 2011	AA03524-AA03531
15	106. Declaration of Robert Kirts April 10, 2011	AA03532-AA03537
15	107. Declaration of Manamoui Peaua April 5, 2011	AA03538-AA03542
15	108. Declaration of Toa Vimahi April 6, 2011	AA03543-AA03566
15	109. Reports regarding Siaosi Vanisi at Washoe County Jail, Nevada State Prison and Ely State Prison, Various dates	AA03567-AA03744
15	110. Declaration of Olisi Lui April 7, 2011	AA03745-AA03749
15-16	111. Declaration of Peter Finau April 5, 2011	AA03750-AA03754
16	112. Declaration of David Kinikini April 5, 2011	AA03755-AA03765

VOLUME	DOCUMENT	PAGE
16	113. Declaration of Renee Peaua April 7, 2011	AA03766-AA03771
16	114. Declaration of Heidi Bailey-Aloi April 7, 2011	AA03772-AA03775
16	115. Declaration of Herbert Duzant's Interview of Tony Tafuna April 18, 2011	AA03776-AA03780
16	116. Declaration of Terry Williams April 10, 2011	AA03781-AA03786
16	117. Declaration of Tim Williams April 10, 2011	AA03787-AA03790
16	118. Declaration of Mele Maveni Vakapuna April 5, 2011	AA03791-AA03793
16	119. Declaration of Priscilla Endemann April 6, 2011	AA03794-AA03797
16	120. Declaration of Mapa Puloka January 24, 2011	AA03798-AA03802
16	121. Declaration of Limu Havea January 24, 2011	AA03803-AA03812
16	122. Declaration of Sione Pohahau January 22, 2011	AA03813-AA03815
16	123. Declaration of Tavake Peaua January 21, 2011	AA03816-AA03821
16	124. Declaration of Totoa Pohahau January 23, 2011	AA03822-AA03844

VOLUME	DOCUMENT	PAGE
16	125. Declaration of Vuki Mafileo February 11, 2011	AA03845-AA03859
16	126. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 State's Exhibits 4B-4L (Photographs) with List	AA03860-AA03872
16	127. Declaration of Crystal Calderon April 18, 2011	AA03873-AA03878
16	128. Declaration of Laura Lui April 7, 2011	AA03879-AA03882
16	129. Declaration of Le'o Kinkini-Tongi April 5, 2011	AA03883-AA03886
16	130. Declaration of Sela Vanisi-DeBruce April 7, 2011	AA03887-AA03902
16	131. Declaration of Vainga Kinikini April 12, 2011	AA03903-AA03906
16	132. Declaration of David Hales April 10, 2011	AA03907-AA03910
16	133. Omitted	AA03911
16	134. Omitted	AA03912
16	135. State of Nevada vs. Siaosi Vanisi, SCR250 Time Record Michael R. Specchio January 1998-July 1999	AA03913-AA03934
16	136. Correspondence to Stephen Gregory from Edward J. Lynn, M.D. July 8, 1999	AA03935-AA03937

VOLUME	DOCUMENT	PAGE
16	137. Memorandum to Vanisi File from MRS April 27, 1998	AA03938-AA03940
16	138. Omitted	AA03941
16	139. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion to Limit Victim Impact Statements July 15, 1998	AA03942-AA03946
16	140. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Defendant's Offered Instruction A, B, & C, Refused September 24, 1999	AA03947-AA03950
16	141. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order November 25, 1998	AA03951-AA03954
16	142. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order August 4, 1998	AA03955-AA03965
16	143. Memorandum to Vanisi File From Mike Specchio July 31, 1998	AA03966-AA03968
16	144. Correspondence to Michael R. Specchio from Michael Pescetta October 6 1998	AA03969-AA03970

VOLUME	DOCUMENT	PAGE
16	145. Correspondence to Michael Pescetta from Michael R. Specchio October 9, 1998	AA03971-AA03973
16	146. Index of and 3 DVD's containing video footage of Siaosi Vanisi in custody on various dates	AA03974
16-17	147. Various Memorandum to and from Michael R. Specchio 1998-1999	AA03976-AA04045
17	148. Memorandum to Vanisi file Crystal-Laura from MRS April 20, 1998	AA04046-AA04048
17	149. Declaration of Steven Kelly April 6, 2011	AA04049-AA04051
17	150. Declaration of Scott Thomas April 6, 2011	AA04052-AA04054
17	151. Declaration of Josh Iveson April 6, 2011	AA04055-AA04057
17	152. Declaration of Luisa Finau April 7, 2011	AA04058-AA04063
17	153. Declaration of Leanna Morris April 7, 2011	AA04064-AA04068
17	154. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 State Exhibit 45 - Sullivan Family Video	AA04069
17	155. Declaration of Maile (Miles) Kinikini April 7, 2011	AA04071-AA04076

VOLUME	DOCUMENT	PAGE
17	156. Declaration of Nancy Chiladez April 11, 2011	AA04077-AA04079
17	157. University Police Services Web Page Memorial of George D. Sullivan http://www.unr.edu/police/sullivan.html#content last modified February 8, 2010	AA04080-AA04082
17	158. Motion in Limine to Exclude Gruesome Photographs November 25, 1998	AA04083-AA04088
17-18	159. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Reporter's Transcript Trial Volume 1 January 11, 1999	AA04089-AA04341
18-19	160. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Reporters Transcript Trial Volume 2 January 12, 1999	AA04342-AA04617
19-20	161. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Reporter's Transcript Trial Volume 3 January 13, 1999	AA04618-AA04786
20	162. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Juror Chart-Peremptory Sheet	AA04787-AA04788

VOLUME	DOCUMENT	PAGE
20	163. Neuropsychological and Psychological Evaluation of Siaosi Vanisi Dr. Jonathan Mack April 18, 2011	AA04789-AA04859
20	164. Independent Medical Examination in the Field of Psychiatry, Dr. Siale 'Alo Foliaki April 18, 2011	AA04860-AA04984
20-21	165. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Juror Questionnaires September 10, 1999	AA04985-AA05165
21	166. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Minutes September 21, 1999	AA05166-AA05167
21	167. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion for Individual Voir Dire of Prospective Jurors June 8, 1998	AA05168-AA05172
21	168. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion for Individual Sequestered Voir Dire April 15, 1999	AA05173-AA05223
21	169. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order December 16, 1998	AA05224-AA05228

VOLUME	DOCUMENT	PAGE
21	170. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion for Additional Peremptory Challenges June 1, 1998	AA05229-AA05233
21	171. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion to Renew Request for Additional Peremptory Challenges April 13, 1999	AA05234-AA05236
21	172. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion for Change of Venue July 15, 1998	AA05237-AA05242
21	173. Declaration of Herbert Duzant's Interview with Tongan Solicitor General, 'Aminiasi Kefu April 17, 2011	AA05243-AA05246
21-22	174. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Defendant's Proposed Juror Questionnaire December 14, 1998	AA05247-AA05251
22	175. Siaosi Vanisi vs. The State of Nevada, Nevada Supreme Court Case No. 50607 Appeal from Denial of Post-Conviction Petition Order Denying Rehearing June 22, 2010	AA05252-AA05253

VOLUME	DOCUMENT	PAGE
22	176. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Motion for Jury Questionnaire (Request for Submission) August 12, 1999	AA05254-AA05283
22	177. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Order September 10, 1999	AA05284-AA05291
22	178. Declaration of Thomas Qualls April 15, 2011	AA05292-AA05293
22	179. Declaration of Walter Fey April 18, 2011	AA05294-AA05296
22	180. Declaration of Stephen Gregory April 17, 2011	AA05297-AA05299
22	181. Declaration of Jeremy Bosler April 17, 2011	AA05300-AA05303
22	182. Birth Certificates for the children of Luisa Tafuna Various dates	AA05304-AA05310
22	183. San Bruno Police Department Criminal Report No. 89-0030 February 7, 1989	AA05311-AA05314
22	184. Manhattan Beach Police Department Police Report Dr. # 95-6108 November 4, 1995	AA05315-AA05319

VOLUME	DOCUMENT	PAGE
22	185. Manhattan Beach Police Department Crime Report August 23 1997	AA05320-AA05322
22	186. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Notice of Intent to Seek Death Penalty February 26, 1998	AA05323-AA05329
22	187. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Judgment November 22, 1999	AA05330-AA05332
22	188. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98-0516 Notice of Appeal November 30, 1999	AA05333-AA05335
22	189. State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98P-0516 Notice of Appeal to Supreme Court (Death Penalty Case) November 28, 2007	AA05336-AA05339
22	190. Correspondence to The Honorable Connie Steinheimer from Richard W. Lewis, Ph.D. October 10, 1998	AA05340-AA05342

VOLUME	DOCUMENT	PAGE
22	191. People of the State of California v. Sitiveni Finau Tafuna, Alameda Superior Court Hayward Case No. 384080-7 (Includes police reports and Alameda County Public Defender documents) May 4, 2005	AA05343-AA05355
22	192. Cronin House documents concerning Sitiveni Tafuna May 5, 2008	AA05356-AA05366
22	193. People of the State of California v. Sitiveni Finau Tafuna, Alameda Superior Court Hayward Case No. 404252 Various court documents and related court matter documents August 17, 2007	AA05367-AA05398
22	194. Washoe County Public Defender Investigation Reports Re: State of Nevada v. Siaosi Vanisi, et al., Washoe County Second Judicial District Court Case No. CR98P-0516	AA05399-AA05457
22	195. Declaration of Herbert Duzant's Interview of Juror Richard Tower April 18, 2011	AA05458-AA05460
22	196. Declaration of Herbert Duzant's Interview of Juror Nettie Horner April 18, 2011	AA05461-AA05463
22	197. Declaration of Herbert Duzant's Interview of Juror Bonnie James April 18, 2011	AA05464-AA05466

VOLUME	DOCUMENT	PAGE
22	198. Declaration of Herbert Duzant's Interview of Juror Robert Buck April 18, 2011	AA05467-AA05469
25	Findings of Fact, Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus April 10, 2014	AA06240-AA06245
22	Motion to Dismiss Petition for Writ of Habeas Corpus (Post-Conviction) July 15, 2011	AA05470-AA05475
25-26	Notice of Entry of Order April 25, 2014	AA06246-AA06253
26	Notice of Appeal May 23, 2014	AA06254-AA06256
25	Objections to Proposed Findings of Fact, Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus March 31, 2014	AA06231-AA06236
22-23	Opposition to Motion to Dismiss September 30, 2011	AA05483-AA05558
24	Order March 21, 2012	AA05943-AA05945
23	Petitioner's Exhibits in Support of Opposition To Motion to Dismiss (list) September 30, 2011	AA05559-AA05563
	EXHIBIT	
23	101. Michael D. Rippo v. E.K. McDaniel, et al., Clark County Eighth Judicial District Court Case No. C106784	

VOLUME	DOCUMENT	PAGE
	Reporter's Transcript of Hearing September 22, 2008	AA05564-AA05581
23	102. In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases, Nevada Supreme Court Case No. 411 October 16, 2008	AA05582-AA05643
23	103. In the Matter of the Review of the Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases, Nevada Supreme Court ADKT No. 411 January 4, 2008	AA05644-AA05653
23	104. Farmer v. Director, Nevada Dept. of Prisons, No. 18052 Order Dismissing Appeal March 31, 1988	AA05654-AA05660
23	105. Farmer v. State, No. 22562 Order Dismissing Appeal February 20, 1992	AA05661-AA05663
23	106. Farmer v. State, No. 29120 Order Dismissing Appeal November 20, 1997	AA05664-AA05669
23	107. Feazell v. State, No. 37789 Order Affirming in Part and Vacating in Part November 14, 2002	AA05670-AA05679
23	108. Hankins v. State, No. 20780 Order of Remand April 24, 1990	AA05680-AA05683

VOLUME	DOCUMENT	PAGE
23	109. Hardison v. State, No. 24195 Order of Remand May 24, 1994	AA05684-AA05689
23	110. Hill v. State, No. 18253 Order Dismissing Appeal June 29, 1987	AA05690-AA05700
23	111. Jones v. State, No. 24497 Order Dismissing Appeal August 28, 1996	AA05701-AA05704
23	112. Jones v. McDaniel, et al., No. 39091 Order of Affirmance December 19, 2002	AA05705-AA05720
23	113. Milligan v. State, No. 21504 Order Dismissing Appeal June 17, 1991	AA05721-AA05723
23	114. Milligan v. Warden, No. 37845 Order of Affirmance July 24, 2002	AA05724-AA05743
23-24	115. Moran v. State, No. 28188 Order Dismissing Appeal March 21, 1996	AA05744-AA05761
24	116. Neuschafer v. Warden, No. 18371 Order Dismissing Appeal August 19, 1987	AA05762-AA05772
24	117. Nevius v. Sumner (Nevius I), Nos. 17059, 17060 Order Dismissing Appeal and Denying Petition February 19, 1986	AA05773-AA05777

VOLUME	DOCUMENT	PAGE
24	118. Nevius v. Warden (Nevius II), Nos. 29027, 29028 Order Dismissing Appeal and Denying Petition for Writ of Habeas Corpus October 9, 1996	AA05778-AA05791
24	119. Nevius v. Warden (Nevius III), Nos. 29027, 29028 Order Denying Rehearing July 17, 1998	AA05792-AA05796
24	120. Nevius v. McDaniel, D. Nev. No. CV-N-96-785-HDM-(RAM) Response to Nevius' Supplemental Memo at 3 October 18, 1999	AA05797-AA05804
24	121. O'Neill v. State, No. 39143 Order of Reversal and Remand December 18, 2002	AA05805-AA05811
24	122. Rider v. State, No. 20925 Order April 30, 1990	AA05812-AA05815
24	123. Riley v. State, No. 33750 Order Dismissing Appeal November 19, 1999	AA05816-05820
24	124. Rogers v. Warden, No. 22858 Order Dismissing Appeal May 28, 1993 Amended Order Dismissing Appeal June 4, 1993	AA05821-AA05825
24	125. Rogers v. Warden, No. 36137 Order of Affirmance May 13, 2002	AA05826-AA05833

VOLUME	DOCUMENT	PAGE
24	126. Sechrest v. State, No 29170 Order Dismissing Appeal November 20, 1997	AA05834-AA05838
24	127. Smith v. State, No. 20959 Order of Remand September 14, 1990	AA05839-AA05842
24	128. Stevens v. State, No. 24138 Order of Remand July 8, 1994	AA05843-AA05850
24	129. Wade v. State, No. 37467 Order of Affirmance October 11, 2001	AA05851-AA05856
24	130. Williams v. State, No. 20732 Order Dismissing Appeal July 18, 1990	AA05857-AA05860
24	131. Williams v. Warden, No. 29084 Order Dismissing Appeal August 29, 1997	AA05861-AA05865
24	132. Ybarra v. Director, Nevada State Prison, No. 19705 Order Dismissing Appeal June 29, 1989	AA05866-AA05869
24	133. Ybarra v. Warden, No. 43981 Order Affirming in Part Reversing in Part, and Remanding November 28, 2005	AA05870-AA05881
24	134. Ybarra v. Warden, No. 43981 Order Denying Rehearing February 2, 2006	AA05882-AA05887

VOLUME	DOCUMENT	PAGE
1	Petition for Writ of Habeas Corpus (Post-Conviction) May 4, 2011	AA00001-AA00237
22	Reply to Answer to Petition for Writ of Habeas Corpus (Post-Conviction) August 29, 2011	AA05479-AA05482
25	Response to "Objections to Proposed Findings of Fact, Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus" April 7, 2014	AA06237-AA06239
24	Response to Opposition to Motion to Dismiss Petition for Writ of Habeas Corpus (Post-Conviction) October 7, 2011	AA05888-AA05891
24	Transcript of Proceedings Hearing-Oral Arguments February 23, 2012	AA05892-AA05942
24-25	Transcript of Proceedings Petition for Post Conviction (Day One) December 5, 2013	AA05946-AA06064
	EXHIBITS Admitted December 5, 2013	
25	199. Letter from Aminiask Kefu November 15, 2011	AA06065-AA06067
25	201. Billing Records-Thomas Qualls, Esq. Various Dates	AA06068-AA06089
25	214. Memorandum to File from MP March 22, 2002	AA06090-AA06098

VOLUME	DOCUMENT	PAGE
25	215. Client Background Info Summary	AA06099-AA06112
25	216. Investigation-Interview Outline	AA06113-AA06118
25	217. Table of Contents "Mitigating Circumstances"	AA06119-AA06122
25	218. Publication "Defense Resources in Capital Cases"	AA06123-AA06132
25	219. Communication between Center for Capital Assistance and Marc Picker, Esq. Undated	AA06133-AA06135
25	220. Communication between Marc Picker, Esq. and Roseann M. Schaye March 12, 2012	AA06136-AA06138
25	Transcript of Proceedings Petition for Post Conviction (Day Two) December 6, 2013	AA06139-AA06219
	EXHIBITS Admitted December 6, 2013	
25	200. Declaration of Scott Edwards, Esq. November 8, 2013	AA06220-AA06221
25	224. Letter to Scott Edwards, Esq. From Michael Pescetta, Esq. January 30, 2003	AA06222
25	Transcript of Proceedings Decision (Telephonic) March 4, 2014	AA06223-AA06230

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

Declaration Of Peter Finau

I, Peter Finau, declare as follows:

1. My name is Peter Finau and I currently reside in Salt Lake county, Utah. Siaosi Vanisi is my first cousin as my father, Esei Finau-Tafuna, was the eldest brother of Siaosi's mother, Luisa Tafuna. I have known Siaosi since the time that he came to the United States from the Kingdom of Tonga as a child during the 1970's. My aunt Luisa gave Siaosi away to her sister, Toeumu, when Siaosi was a baby. Siaosi grew up around aunt Toeumu in the home of my late uncle Moli Tafuna and his wife Lose, but Siaosi was always around his biological mom, Luisa.

2. Siaosi's step-dad, Mr. Uluave, physically abused Luisa, sometimes in the presence of her children and others in the family. Uluave once beat Luisa when they were driving in a car with myself, Siaosi and his eldest brother Sitiveni. This incident occurred in the late 1970's, so they were all kids and powerless to help aunt Luisa. Sitiveni was yelling at Uluave to stop hitting his mother.

3. Domestic violence was commonplace within our family, and almost all of the men in the family, including my father, beat their wives. My dad, Esei Finau, used to beat my mom in front of me and his siblings at times. My uncle Maile Tafuna, who was an LDS Bishop and Church Patriarch, used to beat his wife, Mele, in front of me and the other children in the family.

4. Besides spouse abuse, I also believe that there was child abuse within the family. Whenever children in the family were disciplined the beatings were brutal. There was no such thing as child abuse in the family's vocabulary, and any uncle was free to beat you for misbehavior or not following rules.

5. In Tongan culture, the first born male is made the leader of the family and everyone has to follow his directives. When my dad, Esei, left Tonga in the 1950's and moved to New Zealand, he left a hole in the family's leadership because he was the first born male amongst his siblings. My dad's twin brother, uncle Saia, wasn't interested in family politics so Maile became the default leader of the family.

6. When my dad, Esei, moved his family to the United States in the 1970's, we first stayed with Maile in California for about six months. Maile tried talking my father into taking over as the family's leader, but my dad turned his offer down. Maile became furious with my father for neglecting his cultural duty and blamed my mother Gaynor, a Caucasian New Zealander,

for turning my father against his traditions. Maile used to say, "That's what happens when you marry a Palangi." - Palangi is a Tongan term which means a white person. Maile was prejudiced and always against the idea of anyone in the family marrying outside of our race and nationality. Maile's negative attitudes played a large part in my father's decision to move our family to Arizona. My father originally was going to stay in California, but uncle Maile helped to change his mind.

7. Even though my father left California to avoid having to deal with Maile on a regular basis, they remained in contact with one another and my dad participated with family gatherings and functions. My father also sent Maile money any time that Maile requested that the siblings give him money to assist with his various causes. Uncle Maile was well known and respected for helping countless families in the Tongan community.

8. Maile had a very loving and generous side to his personality. When I married my ex-wife, Rose, Maile showed up unannounced and uninvited with his sons. Even though Rose and I had everything that we needed for the celebration, Maile purchased a huge amount of meat and various kinds of food. Maile was always there for the family.

9. Maile had a nasty disposition and he was verbally abusive towards many people within the family. Everyone tolerated Maile because they believed that his heart was in the right place. Whenever Maile verbally attacked people in the family, they usually just let him talk and did their best to ignore him.

10. I believe that uncle Maile, aunt Luisa, Siaosi's sister, Sela, and others in the family may have suffered from undiagnosed mental health problems. They all suffered from extreme moods swings and sometimes snapped in bursts of anger. Of everyone in the family, Maile and Luisa suffered from the most severe moods swings. I always tried to avoid them whenever I was around them at family functions and gatherings.

11. ~~I believe that our family's mental health issues may be rooted in our ties to the island of Uiha, Ha'Api, the Tafuna family's place of origin. Uiha is well known for having people with various mental illnesses, as well as prostitution.~~

12. I knew about Siaosi's failed LDS mission in 1990, and I believe that Siaosi was deeply effected by this experience. Siaosi was a different person after he came home from the mission. Siaosi became obsessed with the idea that he was going to become a huge movie star and make it big. This was all that he talked about. Siaosi also began distancing himself from Tongan culture and associating more with American culture. It seemed like Siaosi was trying to run away from his identity and become someone else.

13. I was not around when Siaosi left San Bruno around 1990, and I don't recall interacting with Siaoi for the first year or two that he was living in Los Angeles. The next time that I saw Siaosi was in Mesa, Arizona, around ~~1992~~ early 1993, when Siaosi and my younger brother, Mike Finau, were living together for the first time.

14. In 1992, I saw Siaosi in Arizona on at least four or five separate trips that I made out there. My mom was living in the Mesa area at that time and I used to travel there a few times a month to visit her. I have no recollection of Siaosi attending college while he was in Arizona, but I recall that he used to hang out around the community college campus.

15. Siaosi dated unattractive and obese women while he lived in Arizona, and they all supported him financially. These women gave Siaosi money for his rent, food, utility bills, clothes and other things.

16. Whenever I saw Siaosi around Mesa he was usually wearing business suits. Siaosi used to tell everyone that he was a stock broker even though he didn't even have a job. Siaosi also began using the name Perrin Vanacey at that time. Siaosi's talk of being a stock broker, changing his name and dressing in business suits seemed like it was all part of some fantasy that he created in his mind.

17. To pass time, Siaosi enjoyed playing volley ball at a nearby LDS sports facility in the Mesa area. Siaosi did not drink alcohol or abuse any substances while he was living in Arizona, as far as I knew.

18. After being laid-off by American Airlines in 1996, I relocated from Hawaii to Salt Lake City and began working with Delta Airlines. It was around this time that I first traveled to the Los Angeles area to stay with Siaosi and my brother, Mike Finau, in Redondo Beach, California. This was the first of at least five to six trips that I made to Los Angeles to visit Siaosi and Mike. I usually stayed with them for a couple nights around weekends. Siaosi's wife had already left him by the time of my first visit in1996.

19. Siaosi was acting very strange during all of my visits to Redondo Beach. Siaosi wore strange costumes, mismatched clothing, and weird looking hats. Siaosi used to tell his children strange things that made no sense, and I once saw Siaosi smoking marijuana in front of his sons. As Siaosi smoked the marijuana he told his sons, "This is the real stuff...you need to do this when you're older." I told Siaosi that he was losing his mind and needed to seek psychological help.

20. Siaosi acted like a child when he was living in Redondo Beach and it seemed like he was not interested in being an adult anymore. It was all about having fun for Siaosi and he had no

sense of responsibility whatsoever. My brother Mike also told me that Siaosi had become addicted to the weight loss drug Phen-Fen, and he wondered if this drug affected Siaosi's mental state of mind.

21. I was never contacted by anyone who represented Siaosi during the time of his trial or while his case was in state post-conviction proceedings. Herbert Duzant of the Federal Public Defender office was the first person to discuss Siaosi's case and background with me. I would have provided Siaosi's past attorneys with all of the information in 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 5th 2011 in Salt Lake county, Utah.

Peter Finau

Exhibit 112

Exhibit 112

Declaration Of David Kinikini

I, David Kinikini, declare as follows:

1. My name is David Kinikini, I am 37 years old and I currently reside in Salt Lake county, Utah. I am the cousin of Siaosi Vanisi and we have known one another since we were children.

2. I was about 10 years old when I first began having meaningful interactions with Siaosi. We saw one another frequently throughout our childhood. Siaosi and I normally saw each other throughout each year at holidays, weddings, funerals, and various family and LDS church events. Siaosi sometimes spent summers in Salt Lake City and I also went to San Bruno to do the same. Whenever I was in San Bruno I usually stayed with Siaosi and Toeumu at his Uncle Moli's house. Whenever Siaosi was in Salt Lake City, he usually stayed at my family's home. Whenever we were in the same place Siaosi and I were always together.

3. Siaosi was a very generous person from the time he was a child. Siaosi was a very neat and clean person, and he enjoyed wearing nice clothes. Whenever Siaosi noticed that I, or other cousins in Salt Lake City, were admiring his clothing and other belongings he freely gave his clothing and belongings away to us. Whatever Siaosi had he wanted others to have as well, and he usually said that it wasn't a problem because he could buy more back in the Bay area. Siaosi always showed a lot of love to the family and he was one of the favorite cousins of almost our relatives. The family was always first and foremost in everything that Siaosi did. If he knew that you wanted something he gave it to you, and if he didn't have it he'd try his best to obtain it.

4. Siaosi knew everything there was to know about current events, sports and other areas, and he frequently talked about subjects that no one knew about. Siaosi seemed to enjoy talking above everyone's understanding, and he had something to say about every topic. I didn't always believe everything that Siaosi said because it often seemed like he was exaggerating or making things up as he went along. I used to call Siaosi the BS Philosopher.

5. When Siaosi had discussions, as a teen, he usually spoke rapidly and frequently changed the topic of the conversation to unrelated areas without an explanation. It was sometimes difficult to hold conversations with Siaosi because of the fast way that he talked and changed topics.

6. It was difficult for Siaosi to make friends in the communities where our family members lived in Salt Lake City. Many of the kids thought that Siaosi was weird because of the way that he spoke, and the strange things that he talked about. The local Salt Lake City peers also didn't like Siaosi because he did crazy dance moves at LDS church dances and received a lot of attention from girls. The local kids were jealous of Siaosi and sometimes exchanged heated words with him. No one usually tried to harm Siaosi because he was always

surrounded by several cousins. There was one occasion where a scuffle broke out at one of the dances and Siaosi's first concern was to make sure that I was alright. Siaosi pushed me into a car of another family member and made me go home for my own safety. I did not see Siaosi fighting with anyone during this occasion.

7. Although some of the neighborhood kids didn't like Siaosi, he was never a push over or ran away from confrontations, especially when it came to protecting his cousins. If someone had a problem with Siaosi's relative, that person also had a problem with Siaosi.

8. Siaosi was devoted to the LDS church and he always tried to influence me and our other cousins to do the right thing. Siaosi never used foul language and he never allowed any of us to use curse words or talk in a rude manner to our elders. Siaosi once disciplined me for speaking in a rude manner towards my older sister by smacking me in the back of my head and telling me to never to do it again.

9. I was present at the police stop where me, Siaosi and other cousins were pulled over while riding in a vehicle. Siaosi and the other older cousins were handcuffed during the stop while me and the other younger cousins were made to sit on the ground. Even though Siaosi was handcuffed, he had absolutely no fear of the police and was mouthing off at them. Siaosi kept asking the officers why he and his cousins were handcuffed, why they stopped them in the first place and whether we were being racially profiled. Sioasi also repeatedly asked the officers for their names and badge numbers. The officers never responded to any of Siaosi's questions and they kept telling him to keep his mouth closed. Siaosi was the only one in the group who was making any comments at the time. Siaosi was like the smart guy in the group who knew his rights. The officers eventually let everyone go without charging anyone with anything or even issuing a traffic ticket.

10. Siaosi did not visit with me or our other family members while he was in Salt Lake City attending the LDS Mission Training Center when he was 19 years old. Nevertheless, the news traveled quickly around the family when he was sent home after it was discovered that he impregnated a girl back home in San Bruno.

11. Not long after being sent home from his mission, Siaosi came to Salt Lake for a visit. Siaosi showed up with a white male friend, his hair was done up in a spiky punk rock style with the sides shaved off, he was dressed in strange colorful clothes, he lost a lot of weight and for the first time in his life he did not stay with the family during this trip. I had no idea where Siaosi stayed and I assumed that he either stayed in a hotel or in the home of his white friend's relatives. Siaosi did not make the normal rounds to visit the homes of various relatives. My granny was always fond of Siaosi and enjoyed hearing him sing at family functions because he had such a wonderful singing voice. My grandmother wanted to know why Siaosi did not come to see her as he had always done in the past. When Siaosi finally went over to visit my grandmother, Le'o Kinikini, he did not seem like he was remorseful for being sent home from his mission and he had no intention of ever returning to his

mission. No one in the family questioned Siaosi about the situation at all. However, when Grandma Le'o saw Siaosi's strange appearance she asked him what happened to him. She wanted to know why his hair and clothes looked strange, and why he lost so much weight. I don't recall what Siaosi said in response but he didn't say much.

12. Siaosi's conversational speech issues were ten times worse when he came to Salt Lake after his failed mission. Siaosi came across as a bigger know-it-all and he frequently changed topics and spoke off subject. Siaosi now spoke much louder and he totally dominated conversations because he almost never allowed anyone to get a word in during conversations. Siaosi almost seemed like he was carrying on a conversation with himself most of the time.

13. Siaosi began cursing when he talked for the first time in his life. This was very unusual for Siaosi because he was always so religious and he never approved of such language.

14. I was preparing to go on an LDS mission of my own at the time, but Siaosi said a few negative things about the practice of going on missions for the LDS church. Siaosi never tried to directly dissuade me from going on my mission, but he didn't have one encouraging word for me and he didn't express any happiness for my plans like everyone else in the family. This was totally unusual for Siaosi because he was always so supportive of everything that the family members did.

15. Life at the LDS Mission Training Center is very difficult mentally and spiritually speaking, but very rewarding. Before anyone is allowed to embark on a church mission, he or she is required to go to the Mission Training Center to receive preparatory training to learn all that is required of them while conducting their mission. There are usually anywhere between five and ten thousand students at the Mission Training Center in Salt Lake City at any given time. There are only three LDS church Mission Training Centers worldwide but the one in Salt Lake is the largest.

16. Before a student comes to the Mission Training Center, they're given a checklist of things that they have to bring and things that aren't allowed. They are also given a list of rules and expectations of what they are required to accomplish and how they are to conduct their behavior. The Mission Training Center looks just like a college campus with serval dorms and classrooms that are large and small. Besides learning about everything that is required of you while conducting a mission, virtually every language in the world is taught for the center for students whose missions carry them abroad to various foreign lands.

17. The normal time that it takes to complete the Mission Training Center's preparation process is about three to six weeks for English only instruction, and two to three months for foreign language training. There are three classes each day that usually last for two or three hours a piece, and there are three meal breaks.

18. Every student is paired up with at least one or two other students, of the same sex, and they

stay together throughout their time at the training center. Students are usually not allowed to be alone at anytime.

19. The Mission Training Center is a very spiritual place and the students are required to stop what they're doing six or seven times a day to pray and commune with the heavenly father. The environment encourages each student to be very introspective and to evaluate their relationship with God and the church. The faculty and staff at the Mission Training Center are dedicated and spiritually in-tune. I always felt a sense that the staff at the Mission Training Center could see right through you and see into your soul when they interact with the students.

20. An undisciplined and ill-prepared person will have a difficult time at the Mission Training Center. All students are required to achieve a basic mastery of the scriptures and key biblical concepts. Going to bed on time each night is important because everyone has to wake up early each morning to begin their routine. Students are encouraged to discuss their feelings and be open about any temptations so that the staff members can counsel them and get them back on the right path. It's a rigorous experience that is not for the faint of heart.

21. My mission took me to the Los Angeles, California area from January 1993 to January 1995. I spent the first year of my mission working in the ghettos of South Central Los Angles until I was reassigned to the Manhattan Beach by my elder in 1994.

22. Shortly after arriving in Manhattan Beach, I received a call from Bishop David Hales, of the Manhattan Beach ward, and he requested that I visit and counsel a young Tongan man and his wife who attended the church. When I went to the house where this young couple lived, I met DeAnn and she began talking about her husband. This meeting occurred while DeAnn was still pregnant with their first son, Forest. I didn't recognize her husband's name at the time because he was going by Perrin Vanacy, but I saw a picture of him and told DeAnn that he looked like my cousin from the Bay area. As DeAnn talked more about her husband I realized that she was talking about Siaosi. Just as I made the connection in my mind, I began hearing Siaosi's heavy footsteps walking up the staircase of their apartment building, and he was singing a tune. When Siaosi came through the door, he and I locked eyes, he dropped everything that he had in his hands and we began hugging and crying with one another for several minutes. This was the first time in about two or three years that me and Siaosi had seen each other, and we both were overcome with emotions. DeAnn made dinner that evening and I sat talking with Siaosi for hours.

23. Siaosi was a totally different person from the cousin that I previously knew a few years earlier. Siaosi had gained more than one-hundred pounds., he was dressed in clothes that were dirty and looked like he had worn them for days. Siaosi's hair was long and disorderly. Siaosi was not the physically fit and well groomed person that he had previously been.

24. I had to step in ~~and lay hands on~~ to bless his Siaosi's son, Forest, at the time of his Blessing Ceremony

not long after he was born. This is something that is usually done by the father, but Siaosi was not in good standing with the church at the time. I had the impression that Siaosi was on probation with the LDS church for not being in right relationship with the priesthood after he had been sent home from his mission for fathering a child out of wedlock. I did not know that Siaosi was excommunicated at that time.

25. An excommunication can be devastating to a church member and he or she may be ostracized by the church community or their families if the word ever got out. For this reason, excommunications are usually private matters which are kept between the excommunicated member and the church leaders. Privacy is kept to prevent damaging the reputations of excommunicated members while they're working their way back into the priesthood.

26. Once a person is excommunicated within the LDS church, their records are removed from the church's archives and they are officially no longer considered members of the church. It is like erasing the fallen member's history in the church. However, in most cases the excommunicated member will be given a path to have their membership and records restored.

27. Excommunicated members are encouraged to continue attending church services, but he or she can only sit and listen, and nothing else. Their input is not welcomed, encouraged or allowed during church meetings of any kind. Excommunicated members are not allowed to participate in various church activities or ceremonies, like Fast Testimony Sunday. During Fast Testimony Sundays members fast, donate money to the poor and share their testimonies with the congregation. Excommunicated members cannot take part in gospel discussions, and they cannot serve in the leadership of any church projects. However, the excommunicated member can continue tithing.

28. It's a long process for an excommunicated member to regain full membership in the church. It normally takes between two and five years for an excommunicated member to be readmitted to the priesthood. The higer the position that the person once held, the longer it takes to get back in. The idea here is that a person who held a high position in the church should know better, and it takes longer for them to get back in because they are held to a higher standard. Adults who have been admitted into the Melchizedek priesthood are held to a higher standard than teenagers or young adults who have only been a part of the Aaronic Priesthood.

29. The most common reasons for excommunication are adultery, incest and other crimes against children. Another reason can be for repeated violations of the terms of a probationary period.

30. Confession of sins is an important part of the process to regain membership within the priesthood. The church Bishops are the heavenly father's representatives on earth, and they

have the power to forgive someone for their sins and wipe the slate of their soul clean on God's behalf. This is very important, because once you're forgiven you never have to discuss or answer for that sin again. If Siaosi was forgiven for any past sins but still brought them up when he spoke with his Bishop it was only because of his own sense of guilt that he's continuously carrying around in his mind.

31. The LDS church believes that true and actual forgiveness comes from the heavenly father above, and it is completely separate from the church's process of forgiveness and reconciliation here on earth. The excommunicated member still has to go through the process of fulfilling everything that's required by the church to regain membership within the priesthood. A person may be completely transformed and believe that he has been forgiven for his sins before completing the process of renewing their membership in the church. Other times, an excommunicated member may have fulfilled all of the requirements to rejoin the priesthood, yet not feel like they're back in good relationship with God. A fallen member may still suffer from worldly thoughts, urges and temptations and feel that God has not forgiven them. In this situation, the member will receive additional counseling but there's nothing to stop him or her from participating in all church activities and ceremonies because the church here on earth has forgiven them. The important thing is that the person's behaviors remain in compliance with the church's beliefs.

32. I had several opportunities to observe Siaosi's strange behaviors during the time of my mission in Manhattan Beach between 1994 to 1995. When I completed my mission in January 1995, I returned to the Los Angeles area shortly afterwards and lived there for a while. I had at least two full years to interact with Siaosi and witness his odd behaviors firsthand. Siaosi treated me with a lot of respect while I was on my mission, but Siaosi was much more relaxed around me during my second stay in L.A. after my mission was complete.

33. Siaosi had different identities that had their own individual names, ways of dressing, hats, hair styles, mannerisms, ways of speaking and other characteristics. Siaosi might be a dancer one day and then a reggae guy with fake dread locks the next. Siaosi used to take me for drives around the Manhattan Beach area and he made stops at various clubs, restaurants and social spots. When Siaosi walked into a location with one outfit and wig he used one name, and then left me at that location and returned later in a different outfit and wig and he'd use another name. Siaosi also spoke differently. Siaosi then took me to another spot and did the same thing all over again. Siaosi kept various clothes, wigs and hats in his old Volkswagen van and he changed outfits in his vehicle. Siaosi often changed his outfits and identities several times a night and I found this behavior to be very disturbing. Siaosi was always broke, yet he acted like he had money. I stopped going out with Siaosi after a while, because I did not feel comfortable around him in social settings.

34. Siaosi spoke very rapidly and his conversations were all over the place. Siaosi constantly changed subjects when he spoke with me and talked about things that were totally unrelated to each other. I often had a difficult time following Siaosi's thought process during

conversations.

35. Siaosi often spoke about wanting to be a model and a movie star, and he always dropped the names of famous people in the film industry and talked about them as if they were his personal friends and associates. Siaosi was well known by many people at the places that he frequented, and he acted like he believed he was a well known celebrity in town. However, I never saw Siaosi interacting with anyone famous, and the people who usually recognized him were bouncers, bartenders, waitresses and other low level staff members of the establishments. Siaosi never spoke with any club managers, he never sat in the VIP sections and he was never given anything complimentary. I never saw anything that Siaosi claimed to do in the film industry and he never had any money. I used to ask Siaosi why he was struggling financially if he was so well connected in Hollywood, but Siaosi never could provide me with an answer that made any sense. Siaosi was out of touch with reality, and living in a world of his own making.

36. I was playing football at the time of my return to Los Angeles in 1995, and Siaosi told me that he wanted to play football as well but he needed to drop some weight. Siaosi told me that he was taking Fen-Phen diet pills to lose weight. Besides taking the diet pills, Siaosi hardly ever ate meals and he kept lots of diets drinks in his van. Siaosi drank these drinks all day and night. Siaosi's wife, Deann, once told me that Siaosi suffered from bulimia because he often went on eating binges that were followed by Siaosi forcing himself to vomit up the food he had just ingested. No matter what Siaosi did it seemed like he could not lose much weight.

37. Siaosi never went to Polynesian events or had any Polynesian friends while I was around him in Los Angeles. Siaosi also changed his name to Perrin Vanacey, because it sounded less Tongan. Siaosi seemed like he was trying to run away from who he was. When I laid hands on Siaosi's son, Forest, during his blessing ceremony I used the correct name, Vanisi, for Forest's last name. Siaosi was upset with me for using Vanisi, and he insisted that I had to do it over again after the ceremony was already completed. I explained to Siaosi that it didn't make a difference because the Lord knows who Forest is and that's all that mattered. Siaosi eventually calmed down and took my word for it that everything was okay.

38. Siaosi had a lot of difficulties with holding down jobs during my time in Los Angeles. Siaosi was totally dependant on his wife DeAnn's income to support the family. Siaosi always said he was waiting for a big acting role to come his way and earn him enough money to turn his whole life around, but it never happened. Siaosi also did not seem like he was motivated or doing anything to work towards making his acting dreams come true. It was like he was expecting success to just fall into his lap without putting in a good effort.

39. The only time that I heard Siaosi speak about "Lester" is when we were children. Lester was what Siaosi and other kids in the family called a Polynesian person who acted like a geek or a white person. Siaosi used to walk up to complete strangers and say, "Hey Lester, is that

you?" Everyone then fell out laughing.

40. In January 1998, when Siaosi first came to Salt Lake City the first stop he made was at the home of our cousin, Miles Kinikini. Miles then brought Siaosi to my house where Siaosi met up with my younger brother, Vainga Kinikini. I was in class at the time, but Vainga called me to let me know what was going on. Vainga didn't recognize Siaosi at first because he hadn't seen him for several years at that time. Vainga also told me to come home because Siaosi was acting really weird and he had a gun, which was totally not like him.

41. Siaosi looked messy when he came to Salt Lake in January 1998. Siaosi's clothes looked worn out and dirty. His overall appearance was not groomed and he looked scruffy. Siaosi also looked like he had been up for days without getting any sleep. Siaosi also had a body odor that smelled like he hadn't bathed for days.

42. When I returned home we all went to a local Arby's for lunch. Miles got his food and left after Siaosi began arguing with the cashier over how little meat was placed on his sandwich. Siaosi was upset because his sandwich did not look like the sandwich in their advertisement picture. The cashier ended up giving Siaosi a new sandwich with much more meat on it to calm him down.

43. I then took Siaosi and Jerry, my adopted son, to a local community center to play ball. This is when I made contact with the police. The police didn't want to arrest Siaosi at the community center, so they told me to get Siaosi back to my home and to get everyone else out so that they could make the arrest there. When I returned to the center, I told Jerry to walk to my sister Aileen's home.

44. When Siaosi and I got back to my house, we were alone and Siaosi was acting very paranoid. Whenever the phone rang or I walked in or out of the room Siaosi became suspicious and wanted to know who I was talking to on the phone and where I was going. I knew that Siaosi was armed but he never displayed or pointed the weapon at me. I believe that Siaosi respected me because of my involvement in the church and because he knew that I was never involved with street activity like my brother Vainga and our cousin Miles who were both former members of the Tongan Crip Gangstas gang.

45. At one point when the phone rang, it was the police and they wanted to know what was going on. When I confirmed that the house was clear, the officers demanded that I exit the house right away. I had to talk in codes the entire time to make sure that Siaosi didn't know that I was speaking with the police.

46. After I got off the phone with the police, I told Siaosi that I was going to cook some food but I needed to throw away a bag of garbage. Siaosi became extremely suspicious at this point and began insisting that I stay in the house. When I persisted in telling Siaosi that I needed to put the garbage out, Siaosi became agitated. Siaosi's voice, facial expression and

demeanor instantaneously changed. Siaosi looked and acted like he was a completely different person who did not know me. Siaosi looked like he was no longer there, and someone else took over his body. Siaosi then said in a deep and unfamiliar voice, "Put the garbage down" ,"...you ain't going nowhere." As Siaosi said these words to me he had an empty look in his eyes and he started reaching towards his waistband like he was going for a weapon. I sensed that he was in danger and that I needed to act quickly, so I told Siaosi that I needed to show him something. I then pulled out family photo albums and began walking Siaosi down memory lane. I started showing Siaosi various photos and asking him if he remembered what we were doing and who we were with at the time they were taken. After a few minutes, I observed Siaosi's unfamiliar voice, facial expression and demeanor slowly melt away and he turned back into his normal self. Siaosi then began laughing as he talked about what he and the family were doing in the photographs. Siaosi was so engrossed in looking at the photo albums that he was no longer paranoid and didn't care when I told him that I was going to leave the room to cook. When I asked Siaosi what he wanted to eat, Siaosi just waved his hand and said whatever as he continued laughing and going through the photos. Sioasi didn't even look my way at that point. This is when I walked into the kitchen and exited the house through the rear door.

47. As soon as I left the house, I was tackled by the police officers and then taken to the mobile command post. The first thing I did upon entering the command post was to plead with the officers not to kill Siaosi. I also told the police that Siaosi was not in his right mind, but I believed that he could be talked into giving himself up.

48. I knew many of the officers who responded to the scene because I was a ~~corrections officer~~ Correctional Counselor at the time. The officers also had respect for my family because we were one of the first three Tongan families to move to Slat Lake City and we are well known as being upstanding, respectful and Godfearing citizens of the community. I am currently a Bishop in the LDS church and there are many other church officials within our family.

49. I was very impressed with the restraint that the Salt Lake police authorities showed during the standoff and arrest of Siaosi. I recall seeing Siaosi waving his gun at the police on a few occasions during the standoff and the police had several opportunities to shoot him but they did not until the very end, and it wasn't lethal. I still can't believe that Siaosi made it out of the house alive, but I'm extremely thankful to the officers who responded to the scene.

50. I never knew Siaosi to abuse drugs or alcohol before his arrest. I saw no signs that Siaosi was abusing drugs or alcohol during his trip to Salt Lake in January 1998. I never observed Siaosi ingesting any drugs or alcohol, and he never had the scent of marijuana or liquor on his clothing or breath. It was approximately 8 to 10 hours between the time that Siaosi first came to town and his arrest.

51. I was never interviewed by anyone on Siaosi's trial defense team by phone or in person. They never so much as wrote me a letter. I also had no recollection of anyone from Siaosi's

defense team coming out to Salt Lake to interview anyone in the family. Siaosi's defense team also made no efforts to speak with me when I was brought into Reno for the preliminary hearing, nor during both trials.

52. During a break, while I was testifying, I tried to speak with one of Siaosi's defense counsel but his attorney told me, "Not right now!", and walked away. I just wanted to ask Siaosi's attorneys to request that the bailiffs treat Siaosi with more respect in front of the family because it was disturbing for our elderly relatives to see how roughly he was being handled in their presence. While I always believed that the family of the victim should be respected, I also felt like our family should have been shown some measure of respect especially because we were all in a state of emotional shock at the time. The officers were squeezing his handcuffs on tightly, pushing him around as they walked him in and out of the courthouse, and just manhandling him all of the time. Their animosity towards Siaosi was obvious to everyone in the courthouse but no one cared to do anything about what was going on. It seemed like Siaosi's trial attorneys did not care how Siaosi was being treated in the courthouse and they made no effort to stop what was occurring.

53. I was never interviewed by anyone who worked on Siaosi's behalf during his state post-conviction proceedings. Herbert Duzant of the Federal Public Defender office was the first person working on Siaosi's behalf to ever speak with me.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 5 2011 in Salt Lake county, Utah.

David Kinikini

Exhibit 113

Exhibit 113

Declaration Of Renee Peaua

I, Renee Peaua, declare as follows:

1. My name is Renee Peaua, I am 30 years old and I currently reside in Salt Lake county, Utah. I am the cousin of Siaosi Vanisi and I have known Siaosi since my childhood. Siaosi is ten years older than me but I grew up interacting with him at family gatherings and functions.

2. I stayed at Siaosi's home in Los Angeles around the mid-1990's when I was on my way to Tonga for enrollment in school there. I was having behavioral problems at the time and my parents felt that it was best for me to go to Tonga to attend school and become reacquainted with my culture and traditions. This was the first time that I had seen Siaosi in a few years at that time, and I noticed a huge change in his appearance and personal hygiene. Previously, Siaosi was always physically fit, well dressed, clean cut and stylish, but at this time he was really overweight, dressed sloppy and had poor hygiene. Siaosi didn't look clean and he allowed his head and facial hairs to wildly grow out. I was very shocked by Siaosi's appearance.

3. Besides the change in Siaosi's personal appearance, his home was a complete mess. I saw piles of garbage laying all over the floor in every room of his apartment. There were countless empty plastic bottles, fast food wrappers and other random items all over the place. Siaosi tried to explain why he was holding on to all of the garbage around his house, but his explanations never made any sense to me.

4. Siaosi painted his bedroom completely black and he put purple lights around the room. Siaosi also wrote various things on all of the walls of his apartment with magic markers and spray paint. The writings and scribble on his walls were all gibberish that didn't make any sense.

5. Siaosi was the same sweet, thoughtful and generous cousin in the way that he treated me during this trip. I was traveling with my brother, Manamoui, at the time of this visit and Siaosi showed us around town and did everything that he could to ensure that we had an enjoyable stay. I was only supposed to stay with Siaosi for one day but ended up spending two or three days with him.

6. When Siaosi came to Reno in January 1998, I spent the most time around Siaosi during that week leading up to the incident at UNR. Everyone was initially happy to see Siaosi and spent time with him, but as the week went on it became clear that Siaosi was not in his right mind and everyone, except for me, began avoiding him. Siaosi split his time between my immediate family's residence and the residence of our cousin Maria Losa Louis. However, Siaosi spent more time at my house.