

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

SIAOSI VANISI,

Appellant,

vs.

RENEE BAKER, WARDEN, and
ADAM PAUL LAXALT,
ATTORNEY GENERAL FOR
THE STATE OF NEVADA.

Respondents.

No. 65774

Electronically Filed
Aug 04 2015 08:32 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

VOLUME 1 OF 1

APPELLANT'S REPLY 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
Supervising Assistant Federal Defender
Nevada Bar No. 11027C
411 E. Bonneville, Suite 250
Las Vegas, Nevada 89101
(702) 388-6577
tiffani_hurst@fd.org

Attorneys for Appellant

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1	Correspondence with attached Proposed Findings of Fact, Conclusions of Law and Judgment March 24, 2014.....	RA1-6
1	Billing Records-Scott Edwards, Esq. Various Dates.....	RA7-82

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 3rd day of August, 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

Jeremy Kip
An employee of the Federal Public Defender's Office



Washoe County District Attorney

RICHARD A. GAMMICK
DISTRICT ATTORNEY

March 24, 2014

Via Interoffice Mail

The Honorable Connie Steinheimer
Department 4
Second Judicial District Court
75 Court Street
Reno, Nevada 89501

Re: Siaoisi Vanisi v. E.K. McDaniel, Warden, and Catherine Cortez Masto,
Attorney General of the State of Nevada
Case No. CR98-0516

Dear Judge Steinheimer,

Enclosed is the proposed Findings of Fact, Conclusions of Law and Judgment regarding the above-referenced Siaoisi Vanisi post-conviction matter for your consideration.

A copy of the proposed order was emailed to petitioner's counsel, Gary Taylor, on March 13, 2014. As of today's date, Mr. Taylor has not responded to said email regarding his approval or disapproval of the proposed order. A copy of said email is attached hereto for your reference.

If you would like me to make any corrections or changes to the enclosed order, please give me a call.

Respectfully,

RICHARD A. GAMMICK
DISTRICT ATTORNEY

By 
TERRENCE P. MCCARTHY
Chief Appellate Deputy

cc: Gary Taylor, Assistant Federal Public Defender ✓

TPM/elr
Enclosures

1 CODE #1750

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

8 * * *

9 SIAOSI VANISI,

10 Petitioner,

11 v.

Case No. CR98-0516

12 E.K. McDANIEL, WARDEN and
13 CATHERINE CORTEZ MASTO,
14 ATTORNEY GENERAL OF
15 THE STATE OF NEVADA,

Dept. No. 4

16 Respondents.
17 _____/

18 FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT
19 DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

20 Petitioner Vanisi was represented by senior members of the Washoe County Public
21 Defender's office when he stood trial for the murder of Sgt. Sullivan of the University of Nevada
22 Police Department. The jury found Vanisi guilty and found aggravating circumstances and
23 imposed a sentence of death. Vanisi appealed but the judgment was affirmed. *Vanisi v. State*, 117
24 Nev. 330, 22 P.3d 1164 (2001). He filed his first post-conviction petition in 2002. This court
25 appointed counsel to represent him in that action. At first the lawyers were Marc Picker and Scott
26 Edwards. Picker later had to withdraw and Edwards assumed the helm. Edwards had been
licensed to practice law. In the capacity of a para-legal, he had extensive experience in the capital

1 post-conviction arena. Once he was licensed, at the request of Edwards, he was appointed as the
2 second attorney in that first post-conviction case.

3 While the petition was pending, the lawyers filed a motion for an indefinite stay of the
4 proceedings, asserting that Vanisi was incompetent at that time. Eventually, the court ordered an
5 evaluation by one psychiatrist and one psychologist. The psychiatric reports differed somewhat
6 and the court ordered a hearing on the motion. Months before the hearing, the court alerted
7 counsel to be ready to file their supplemental petition. At the conclusion of the hearing, the court
8 found that Vanisi was in fact competent. Counsel then filed their supplemental petition.

9 One of the claims was that trial counsel were ineffective in failing to gather additional
10 mitigating evidence. However, counsel did not present much mitigating evidence and so that claim
11 was denied along with each other claim in the petition. Vanisi again appealed, and the Supreme
12 Court again affirmed, noting the evidence that Vanisi had the ability to cooperate with his lawyers
13 but that he was refusing to cooperate due to his mental illness. *Vanisi v. State*, Docket No. 50607,
14 Order of Affirmance (April 20, 2010). The remittitur issued on July 19, 2010.

15 Vanisi filed his second petition on May 4, 2011. The petition was filed beyond the time
16 allowed by NRS 34.726 and included claims that were raised before and that could have been
17 raised in prior proceedings, as prohibited by NRS 34.810. Vanisi sought to overcome these bars
18 by asserting, *inter alia*, that post-conviction counsel was ineffective in failing to adequately
19 investigate the claims that trial counsel failed to adequately investigate and present mitigating
20 evidence.

21 That assertion, if proved, might overcome the bars of NRS 34.810 and allow some of the
22 new claims to be heard. Accordingly, the court scheduled a hearing to allow Vanisi the opportunity
23 to prove that his post-conviction lawyers were ineffective. That hearing took place on December
24 5 and 6, 2013. The only witnesses were post-conviction counsel, Qualls and Edwards. Vanisi also
25 offered many documents in evidence. In each case, they were not offered or admitted for the truth
26 of the matter asserted.

1 The focus of the hearing was the performance of post-conviction counsel. It has long been
2 the rule of law in Nevada that, in a capital case, where appointment of post-conviction counsel is
3 mandated by NRS 34.820(1)(a), a procedural bar can sometimes be overcome if the petitioner can
4 plead and prove that the claim was not previously heard in a timely post-conviction action, due to
5 the ineffective assistance of counsel. *McKague v. Warden*, 112 Nev. 159, 165 n. 5, 912 P.2d 255,
6 258 n. 5 (1996). There first arises the question of what standard should be applied when
7 evaluating the claim of ineffective post-conviction counsel. The court concludes that the standard
8 is the standard described in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). As
9 the Court ruled in that case:

10 First, the defendant must show that counsel's performance was
11 deficient. This requires showing that counsel made errors so serious
12 that counsel was not functioning as the "counsel" guaranteed the
13 defendant by the Sixth Amendment. Second, the defendant must
14 show that the deficient performance prejudiced the defense. This
15 requires showing that counsel's errors were so serious as to deprive
16 the defendant of a fair trial, a trial whose result is reliable. 466 U.S. at
17 687.

18 As applied, the standard must be modified a bit, in that the issue is whether post-conviction
19 counsel made such serious errors that the court can conclude that post-conviction counsel was not
20 functioning as "counsel." The standard would require asking if the performance of the
21 post-conviction lawyers was so deficient as to deprive the petitioner of a post-conviction hearing
22 whose result is reliable.

23 In making that evaluation, "Judicial scrutiny of counsel's performance must be highly
24 deferential. It is all too tempting for a defendant to second-guess counsel's assistance after
25 conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after
26 it has proved unsuccessful, to conclude that a particular act or omission of counsel was
unreasonable." 466 U.S. at 698.

"When a convicted defendant complains of the ineffectiveness of counsel's assistance, the
defendant must show that counsel's representation fell below an objective standard of

1 reasonableness.” 466 U.S. at 687.

2 So, as applied to the instant case, the petitioner would have the burden of demonstrating
3 that the specific acts or omissions of post-conviction counsel fell below some objective standard
4 of reasonableness as measured by prevailing professional norms. That is, the court must
5 determine if Vanisi has proved that professional norms for post-conviction counsel required
6 counsel to make some specific decision to undertake specific forms of investigation. The court
7 finds that Vanisi has proved only that different paths were available, but not that some objective
8 standard required counsel to take that path.

9 Attorney Edwards testified that he was aware of that in many cases it would be wise to seek
10 out additional mitigating evidence, to support the claim that trial counsel was ineffective in failing
11 to seek out that same evidence. However, he testified that mitigation was not his priority. Indeed,
12 he testified that he thought such a claim was far from the most attractive claim in this case because
13 the aggravation was so great that it was unlikely that any amount of mitigation would be sufficient
14 to outweigh the aggravation. Thus, he testified, that he and Qualls determined to focus on
15 competency and on legal issues. They expected to prevail on the claim of incompetency and
16 expected to have additional time and resources to devote to less attractive issues. They would have
17 eventually looked at additional mitigating evidence, given sufficient time and resources, but the
18 focus was on competency and legal issues. The court is not persuaded that there is some objective
19 standard that required a different approach. Certainly some other post-conviction counsel could
20 take a different approach, but that is not the standard. In cases of appellate counsel, it seems clear
21 enough that appellate counsel need not present all non-frivolous issues but instead must make a
22 tactical decision on what issues to present. *Hernandez v. State*, 117 Nev. 463, 24 P.3d 767 (2001).
23 The court finds that should apply to post-conviction as well.

24 A claim based on additional mitigating evidence does not automatically lead to relief.
25 Instead, a reviewing court can re-weigh the aggravation and the mitigating evidence, both the old
26 and the new. *See Wiggins v. Smith*, 539 U.S. 510, 123 S.Ct. 2527 (2010). The standard could

1 certainly affect the decision of where counsel should focus their energies. Thus, at the end of the
2 hearing, the court remained unpersuaded that some as yet unidentified objective standard required
3 counsel to take a different approach.

4 Vanisi suggested that some objective standard required counsel to undertake the
5 investigation of mitigating circumstances in order to provide the mitigating information to the
6 mental health professionals to assist them in their efforts in determining whether Vanisi is
7 presently incompetent. The court finds no reason to believe that prevailing professional norms
8 require that approach. Instead, the court agrees with Edwards, who testified that the customary
9 approach is to ask the mental health professionals what information they need to render an
10 opinion about the present competency of the subject. Doctors Bittker and Amazaga apparently
11 were able to render opinions, to their own satisfaction, without the need for additional evidence
12 of the sort described in the various exhibits admitted in the post-conviction hearing. The court is
13 not persuaded that there is some standard, some prevailing professional norm, that required a
14 different approach.

15 Accordingly, the court finds that Vanisi has failed to prove that specific decisions, acts or
16 omissions of post-conviction counsel were deficient. Thus, the alleged deficiency does not
17 overcome the procedural bars. Therefore, the petition is dismissed.

18 DATED this ____ day of _____, 2014.

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20 _____
21 DISTRICT JUDGE
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CODE: 2010
Scott W. Edwards
Bar Number 3400
1030 Holcomb Ave., Reno, NV 89502
(775) 786-4300
Attorney for Petitioner

2002 JUN 14 PM 4: 24

RONALD A. LONGTIN, JR.

BY 
DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98P0516

Case No. ~~CR97P-0274~~

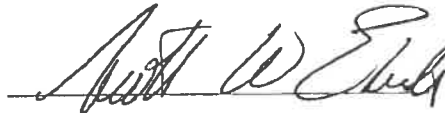
Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed co-counsel for Petitioner, SIAOSI VANISI,
and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this
matter by himself and lead counsel, MARC PICKER, ESQ. The amounts claimed are \$5,808.13
payable to Mr. Picker and \$1,443.75 payable to Mr. Edwards.

This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of
counsel.

RESPECTFULLY SUBMITTED this 14th day of June, 2002.



SCOTT W. EDWARDS
Attorney for Petitioner

SVAN IS 12 JDC 06538

AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed co- counsel, with Attorney Marc Picker, for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court.
2. The attached Summary of Time and Expense Billings by myself and Mr. Picker are true and correct itemizations of the hours reasonably and necessarily expended by affiant and Mr. Picker in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The representation in this case required, among other things: investigating and securing numerous records, meeting and corresponding with the client, corresponding with others and reviewing records and investigating certain issues. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$5,808.13 payable to Marc Picker and \$1,443.75 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

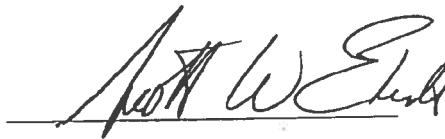
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FURTHER, your affiant sayeth not.

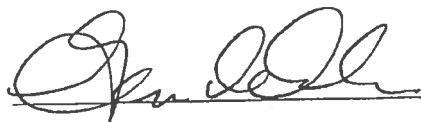


SCOTT W. EDWARDS

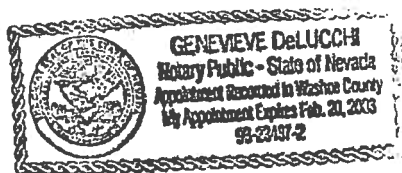
SUBSCRIBED AND SWORN to

Before me this 14th day

of June, 2002



NOTARY PUBLIC



SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS

RE: SIAOSI VANISI

(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))

Dept. 4- Judge Steinheimer

Case No. CR98P-0516

(Time billed @ statutory \$75 per hour)

2/28/02-Telephone call with Marc Picker. .25 hour \$18.75
3/7/02-Telephone call with Marc Picker. .25 hour \$18.75
3/11/02-Meeting with Marc Picker .5 hours \$37.50
3/12/02-Telephone call with Marc Picker. .5 hour \$37.50
3/12/02-Submit Records Request with Court Clerk .25 hour \$18.75
3/13/02-Review of 2 emails from Marc Picker. Response. .5 hour \$37.50
3/14/02-Letter to John Petty. Copy to Marc Picker. .5 hour \$37.50
3/14/02-Conference call with Marc Picker and investigator. .5 hour \$37.50
3/19/02-Telephone call with John Petty. Letter to Steve Gregory. .5 hour \$37.50
3/20/02-Telephone call with Court clerk. Telephone call Marc. Picker. .25 hour \$18.75
3/23/02-Telephone call with Marc Picker. .25 hour \$18.75
3/25/02-Travel to Marc Picker's office. Travel to NSP for meeting with client. Return to Reno and then return from Picker's office. 5.5 hours \$412.50
4/1/02-Telephone calls to S. Gregory, Marc Picker regarding records. .5 hours \$37.50
4/4/02-Telephone calls to Marc Picker and Jeremy Bosler. .25 hours \$18.75
4/5/02-Telephone call from KTVN, call to Marc Picker, fax to Bosler. .5 hours \$18.75
4/17/02-Telephone call to Bosler, email to Marc Picker. .5 hours \$37.50
4/22/02-Email to Marc Picker. .25 hours \$18.75
4/23/02Telephone calls to Bosler, Specchio, Marc Picker (3). Meeting with Marc Picker. 2 hours. \$150
5/17/02-Travel to Public DefenderOffice regarding records. .5 hours \$37.50
5/22/02-Telephone call with Public Defender Office, Marc Picker's Office, regarding records receipt. .5 hours \$37.50
6/12/02-Telephone call with Marc Picker. Meeting with Marc Picker in his office. Take custody of Public Defender's records. Review of records. Letter to Public Defender Specchio regarding missing 250 memo. Telephone call DA McCarthy. 3.25 hours \$243.75
6/14/02-Compose, file joint motion for attorney's fees and costs. 1.5 hour \$112.50

TOTAL: \$1443.75

2JDC06541

Marc Picker, Esq., Ltd.
691 Sierra Rose Drive, Suite A
Post Office Box 3344
Reno, NV 89505-3344
775/324-4533

March 29, 2002

Vanisi - Habeas Corpus
Department 4

Reference To: Vanisi v. Warden

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
2/28/2002 Meeting with County Public Defender John Petty and District Attorney Terry McCarthy; Telephone call with S. Edwards	0.60 75.00/hr	45.00
3/7/2002 Telephone call with S. Edwards; Long Distance call with Federal Public Defender M. Pescetta	0.40 75.00/hr	30.00
3/11/2002 Meeting with Judge Steinheimer's assistant; Review Order of appointment; Meeting with S. Edwards regarding order and initial plans	0.70 75.00/hr	52.50
3/12/2002 Telephone call with S. Edwards; Telephone call with District Attorney McCarthy; Draft Stipulation for extension of time for supplement	0.80 75.00/hr	60.00
E-Mail to potential investigators regarding interest in case; E-Mail to S. Edwards	0.30 75.00/hr	22.50
3/13/2002 E-Mail to potential investigators regarding interest in case; E-Mail to S. Edwards	0.20 75.00/hr	15.00
Letter to client	0.40 75.00/hr	30.00

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anisi - Habeas Corpus

Additional Charges :

	<u>Amount</u>
3/25/2002 Mileage to NSP	14.72
3/27/2002 Binders and index tabs to organize files	109.59
3/25/2002 copies	1.00
postage	0.34
Total costs	<u>\$125.65</u>
Total amount of this bill	<u>\$2,368.15</u>
Previous balance	\$105.00
Balance due	<u><u>\$2,473.15</u></u>

Marc Picker, Esq., Ltd.
691 Sierra Rose Drive, Suite A
Post Office Box 3344
Reno, NV 89505-3344
775/324-4533

May 01, 2002

Vanisi - Habeas Corpus
Department 4

Reference To: Vanisi v. Warden

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
5/2002 Telephone call with Jenny Mercer/KTVN regarding stay; Telephone call with S. Edwards regarding records from Public Defender	0.40 75.00/hr	30.00
7/2002 Review complaint and court minutes; Draft client information/mitigation sheets	1.60 75.00/hr	120.00
3/2002 Telephone call with S. Edwards regarding documents from public defender; Telephone call with District Attorney McCarthy; Meeting with Judge Steinheimer, District Attorney McCarthy and PDs Bosler and Gregory; Meeting with S. Edwards; Draft Release and Waiver of attorney client privilege; Draft authorization for release of documents and information; Telephone call with District Attorney McCarthy (left message); Facsimile letter to District Attorney McCarthy	3.20 75.00/hr	240.00
1/2002 Review Facsimile from District Attorney McCarthy	0.10 75.00/hr	7.50
Travel to Nevada State Prison; Meeting with client; Travel to Reno; Long Distance call with Sela DeBruse (sister)	2.70 75.00/hr	202.50

SVan 13-12JDC06544

is Habeas Corpus

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	8.00	\$600.00
Additional Charges :		
24/2002 Mileage to Nevada State Prison		20.48
25/2002 Facsimile		2.00
Total costs		<u>\$22.48</u>
Total amount of this bill		<u>\$622.48</u>
Previous balance		\$2,473.15
Balance due		<u><u>\$3,095.63</u></u>

Vanisi-12JDC06545
Vanisi-12JDC06545

Marc Picker, Esq., Ltd.
691 Sierra Rose Drive, Suite A
Post Office Box 3344
Reno, NV 89505-3344
775/324-4533

May 29, 2002

Vanisi - Habeas Corpus
Department 4

n Reference To: Vanisi v. Warden

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
5/23/2002 Review documents provided by Public Defender; Telephone call with S. Edwards regarding missing documents including Rule 250 memo and all audio and videotapes	0.40 75.00/hr	30.00
4/24/2002 Prepare for meeting with client; Review transcripts	6.00 75.00/hr	450.00
4/25/2002 Review transcripts	1.00 75.00/hr	75.00
4/26/2002 Review transcripts	3.00 75.00/hr	225.00
4/29/2002 Review transcripts	2.70 75.00/hr	202.50
4/30/2002 Review transcripts	2.00 75.00/hr	150.00
5/1/2002 Review transcripts	2.80 75.00/hr	210.00

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Arisi - Habeas Corpus

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
12/2/2002 Review transcripts	4.00 75.00/hr	300.00
For professional services rendered	21.90	\$1,642.50
Additional Charges :		
5/22/2002 copies - Washoe County Public Defender		1,070.00
Total costs		\$1,070.00
Total amount of this bill		\$2,712.50
Previous balance		\$3,095.63
Balance due		\$5,808.13

SV-00115-12-DC06546

Enisi - Habeas Corpus

	<u>Hrs/Rate</u>	<u>Amount</u>
5/22/2002 Review transcripts	4.00 75.00/hr	300.00
For professional services rendered	21.90	\$1,642.50
Additional Charges :		
5/22/2002 copies - Washoe County Public Defender		1,070.00
Total costs		\$1,070.00
Total amount of this bill		\$2,712.50
Previous balance		\$3,095.63
Balance due		\$5,808.13

ORIGINAL

FILED

CODE: 2010
Scott W. Edwards
Bar Number 3400
1030 Holcomb Ave., Reno, NV 89502
(775) 786-4300
Attorney for Petitioner

2003 APR -2 AM 8:41

RONALD A. LONGTIN, JR.

BY  DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

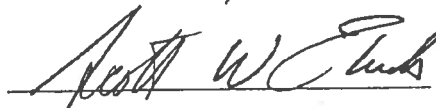
CR98 P0516
Case No. CR97P-0274

Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-2nd INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter in the amount of \$8154.15. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 1st day of April, 2003.



SCOTT W. EDWARDS
Attorney for Petitioner

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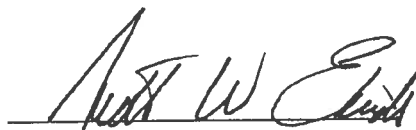
STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed co- counsel, with Attorney Marc Picker, for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. Earlier this year Mr. Picker withdrew as counsel leaving your affiant as sole attorney on the case. To assist in the representation, your affiant secured the services of Thomas Qualls, a law school graduate, with experience in over ten death penalty habeas actions.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The representation in this case required, among other things: securing and reviewing numerous records, corresponding with the client, corresponding with others and reviewing records and investigating certain issues. In order to be of assistance, Mr. Qualls was required to independently conduct a review of the records as well, accounting for much of his bill of \$3495. (Mr. Qualls will be paid by affiant as a paralegal expense out of the money received.) Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$\$8154.15 payable to Scott Edwards.

- 1 4. Your affiant further certifies he has neither requested nor accepted compensation in this
2 case from any other source.
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11 FURTHER, your affiant sayeth not.
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SCOTT W. EDWARDS

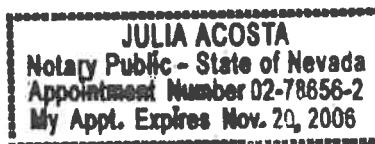
SUBSCRIBED AND SWORN to

Before me this 1st day

Of April, 2003.



NOTARY PUBLIC



SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI

(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))

Dept. 4- Judge Steinheimer

Case No. CR98P-0516

(Time billed @ statutory \$75 per hour)-2nd Interim Billing

1/23/03-Meeting with Marc Picker re: Motion to Withdraw 1 hour \$75
1/24/03-Telephone conference with D. 4 and Marc Picker .5 hour \$37.50
2/5/03-Telephone Conference with D.4 Telephone conference with Thomas Qualls
regarding case. 2.5 hour \$187.50
2/6/03-Telephone call with Michael Pescetta. Telephone Call to Rick Cornell. 1 hour
\$75
2/10/03-Review of materials from Michael Pescetta. 3 hours \$225
2/11/03-Telephone call with Thomas Qualls. .5 hour \$37.50
2/13/03-Retrieve Records from Marc Picker .5 hour \$37.50
2/19/03-Meeting with Thomas Qualls. 3 hours \$150
2/20/03-Review of pleadings files. 4 hours \$300
2/21/03-Review of pleading files. 4 hours \$300
2/24/03-Telephone call to Thomas Qualls. Telephone call to DA regarding trial
transcripts. .5 hour \$37.50
2/25/03-Pick up trial transcripts. Conference with DA. .1 hour \$75
2/26/03-Telephone call with Sierra Legal Duplicating. Send transcripts for copying. .25
hour \$18.75
2/27/03-Receive transcripts copies from Sierra Legal Duplicating. Return originals to
DA. 1 hour \$75 Copying expense. \$400.40
2/28/03-Review of trial transcripts. 6 hours \$450
3/3/03-Review of trial transcripts. 5 hours \$375
3/4/03-Review of trial transcripts. 5 hours \$375
3/7/03-Meeting with Marc Picker. Receipt of lost transcripts. .5 hour \$37.50
3/12/03-Telephone call with Thomas Qualls. .25 hour \$18.75
3/13/03-Letter to Vanisi on status. .5 hour \$37.50
3/17/03-Telephone call to Thomas Qualls. .25 hour \$18.75
3/18/03-Meeting with Thomas Qualls, discussion of transcripts, motions needed. 2 hours.
\$150
3/18/03-Further review of transcripts. 4 hours \$300
3/18/03-Letter to John Petty on Writ of Certiorari. .5 hour \$37.50
3/24/03-Telephone call Vanisi. .75 hour \$56.25
3/25/03-Meeting with Thomas Qualls. 1 hour \$75
3/26/03-Motion for copies of sealed records. 2 hours \$150
3/27/03-Review of Supreme Court Writ Petition. 2.5 hours \$187.50
3/27/03-Compose, send waiver and letter to Vanisi. Letter to Petty. 1.5 hours \$112.50
3/27/03-Letter to DA re:direct appeal briefs. .25 hour \$18.75

3VAN1S12JDC06246

4/1/03-Review of letter from Vanisi. Request for postage. Letter back to Vanisi and money order for \$40 for postage to NDOC. 1 hour \$75

4/1/03-Compose interim bill. 1.5 hours \$112.50 Include Billing from Thomas Qualls (\$3495-attached)

TOTAL: \$4659.15 + \$3495 = \$8154.15

BILLING

TO: SCOTT W. EDWARDS
 FROM: THOMAS QUALLS
 RE: **DEATH PENALTY CASE -- POST-CONVICTION HABEAS**
 CASE: SIAOSI VANISI
 DATE: MARCH 25, 2003

date	description	time
02.05.03	Teleconference with Attorney Edwards regarding status of case and need for assistance, briefly discuss issues; Read Nevada Supreme Court Opinion, and begin outline of issues to be researched.	2.0
02.19.03	Status meeting with Attorney Edwards, discuss strategy, outline issues, and list items needed to be obtained, including missing volumes of trial transcripts, review organized files.	3.0
02.27.03	Meeting with Chief Appellate Deputy Public Defender John Petty, discussed case and need for waiver from Vanisi for sealed files, record notes of meeting for SCR 250 Memorandum.	1.0
03.03.03	Continue reading transcripts, Trial II, vol. I, Sept. 20, 1999.	5.0
03.05.03	Continue reading transcripts, Trial II, vol. II, Sept. 21, 1999.	5.5
03.08.03	Continue reviewing transcripts, Trial II, vol. III, Sept. 22, 1999.	5.0
03.10.03	Continue reading transcripts, Trial II, vol. IV, Sept. 23, 1999.	4.0
03.13.03	Continue reading transcripts, Trial II, vol. V, Sept. 24, 1999.	3.0
03.13.03	Brief discussion with Public Defender Jeremy Bosler regarding case and need to discover sealed files.	.25
03.14.03	Continue reading transcripts, Trial II, vol. VI, Sept. 27, 1999.	4.5
03.17.03	Continue reading transcripts, Trial II, vol. VII & VIII, Sept. 28 & 30, 1999.	2.0

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SVam1312JDC06248

03.18.03	Status Meeting with Attorney Edwards, review notes from transcripts, discuss need for sealed motions, transcripts and orders.	2.0
03.19.01	Continue reading transcripts, Trial II, Sentencing, vol. IX, Oct. 1, 1999.	5.0
03.21.01	Continue reading transcripts, Trial II, Sentencing, vol. X, Oct. 4, 1999.	5.0
03.22.01	Continue reading transcripts, Trial II, Sentencing, vol. XI, Oct. 5, 1999.	4.0
03.23.01	Continue reading transcripts, Trial II, Sentencing, vol. XII, Oct. 6, 1999.	3.0
03.24.03	Legal research re: ineffective assistance of counsel, and harmless error in death penalty cases.	2.0
03.25.03	Status Meeting with Attorney Edwards.	1.0
total hours		58.25
		@\$60
TOTAL AMOUNT DUE		\$3495

ORIGINAL

CODE: 3105

FILED

APR - 2 2003

RONALD A. LONGSTIN, JR., CLERK

By: *M. Stone*

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

SIAOSI VANISI,

Petitioner,

CR98POS16

Case No. *CR97P-0274*

VS.

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

**ORDER APPROVING FEES OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)**

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$8154.15 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 1 day of April 2003.

Connie I. Steinheimer
DISTRICT JUDGE

ORIGINAL

FILED

CODE: 2010
Scott W. Edwards
Bar Number 3400
1030 Holcomb Ave., Reno, NV 89502
(775) 786-4300
Attorney for Petitioner

2003 JUL -1 PM 3:23

RONALD A. LONGTIN, JR.

BY S. Davis
DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98P0516
Case No. CR97P-0274

Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-3rd INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and
moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter
in the amount of \$4379.86. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the
attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 30th day of June, 2003.

Scott W. Edwards
SCOTT W. EDWARDS
Attorney for Petitioner

SVAN1312JDC06235
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AFFIDAVIT

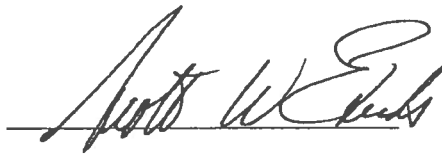
STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed co- counsel, with Attorney Marc Picker, for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. Earlier this year Mr. Picker withdrew as counsel leaving your affiant as sole attorney on the case. To assist in the representation, your affiant secured the services of Thomas Qualls, a law school graduate, with experience in over ten death penalty habeas actions. Mr. Qualls is presently schedule to sit for the Nevada Bar Exam in July.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review, including securing necessary sealed documentation, and quite a bit of legal research on the issues raised by the document review. In order to be of assistance, Mr. Qualls was required to independently conduct a review of the records as well, accounting for much of his bill of \$1980. (Mr. Qualls will be paid by affiant as a paralegal expense out of the money received.) Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$4379.86 payable to Scott Edwards.

- 1 4. Your affiant further certifies he has neither requested nor accepted compensation in this
2 case from any other source.
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11 FURTHER, your affiant sayeth not.
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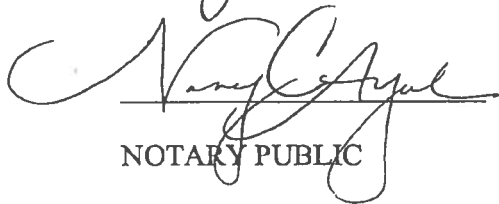


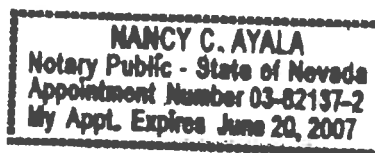
SCOTT W. EDWARDS

SUBSCRIBED AND SWORN to

Before me this 30th day

Of June, 2003.


NOTARY PUBLIC



SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI

(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516

(Time billed @ statutory \$75 per hour)-3rd Interim Billing

4/2/03-Telephone Call with State Public Defender's Office regarding the lack of funding until perhaps July. .25 hour \$18.75
4/4/03-Research on Double Jeopardy issue for Vanisi. Letter to Vanisi with enclosure. Mailed motion and order for interim fees with letter to the State Public Defender. 1.5 hours. \$112.50
4/4/03-Statuts meeting with Thomas Qualls. Review of ALR3rd on rights and duties of attorneys where client informs of intent to commit perjury. 3 hours \$225
4/7/03-Review of letter from Vanisi. Letter in response with waiver included (second mailing). Review of direct appeal briefs provided by State. 2.5 hours. \$187.50
4/16/03-Redo order for sealed documents. Send to Dept. 4 .5 hour \$37.50
4/18/03-Review of letter from Vanisi. Letter to John Petty with waiver enclosed. Telephone Thomas Qualls. 1.5 hours. \$112.50
4/22/03-Telephone message from John Petty requesting interview of Bosler and Gregory take place first. .25 hour \$18.75
4/23/03-Telephone call Dept. 4. Send runner to pick up order re: sealed documents. .25 hour \$18.75
5/1/03-Telephone call from Court clerk re: sealed documents. .25 \$18.75
5/2/03-Pick up sealed documents from court and review them. 2.5 hours \$187.50
5/28/03-Meeting with Thomas Qualls. 2 hours \$150
6/2/03-Review of record for application of case law from ALR article. 1 hour. \$75
6/6/03-Gather death penalty pcr manuals from Picker. 2 hours \$150
6/9/03-Review of ABA DP PCR manual. 5.5hours. \$412.50
6/10/03-Review of Ninth Circuit and US Supreme Court DP case law. 4.5 hours. \$337.50
6/13/03-Meeting with Thomas Qualls. Copy of ABA DP manual. 1 hour. \$75 Copies by Sierra Legal Duplicating....Invoice June 03 116 \$37.36
6/25/03-Meeting with Thomas Qualls. 2 hours. \$150
6/30/03-Motion and order for fees. 1 hour. \$75

TOTAL: 2399.86 (Edwards) 1980 (Qualls) (invoice attached) = \$4379.86

BILLING #2

TO: SCOTT W. EDWARDS
 FROM: THOMAS QUALLS
 RE: DEATH PENALTY CASE -- POST-CONVICTION HABEAS
 CASE: SIAOSI VANISI
 DATE: JUNE 25, 2003

date	description	time
05.01.03	Legal research re: <u>Strickland</u> standard and whether counsel may have fallen beneath the same in the particular circumstances.	4.0
05.02.03	Continued legal research on <u>Strickland</u> standard.	3.5
05.16.03	Review partial Motion work in trial court.	4.0
05.28.03	Status conference with Attorney Edwards; review new materials; discuss progress on sealed files; plan tentative date to interview Vanisi; discuss tentative outline and issues for habeas petition.	2.0
06.13.03	Review sealed files.	2.0
06.16.03	Legal research re: <u>Gideon</u> (denial of right to counsel), <u>Chapman</u> (circumvention of harmless error rule), and <u>Fulminante</u> (trial errors and structural errors).	3.0
06.19.03	Additional legal research re: structural errors and conflict of counsel re: perjury.	3.5
06.20.03	Additional legal research re: <u>Faretta</u> and right to self representation in death penalty case.	4.0
06.24.03	Additional work on <u>Gideon</u> claim.	5.0

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06.25.03	Status Meeting with Attorney Edwards, review <u>Gideon</u> claim and proper procedure for conflict at issue.	2.0
	total hours	33.0
	@\$60	
	TOTAL AMOUNT DUE	\$1980

SVan1s12JDC06233

ORIGINAL

FILED

JUL 02 2003

RONALD A. LONGTIN, JR., CLERK
By: [Signature]
DEPUTY

CODE: 3105

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98P0516

Case No. CR97P-0274

Dept. No. 4

ORDER APPROVING FEES OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$4379.86 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 2 day of July 2003.

Connie J. Steinheimer

DISTRICT JUDGE

ORIGINAL

CODE: 2010
Scott W. Edwards
Bar Number 3400
729 Evans Ave., Reno, NV 89512
(775) 786-4300
Attorney for Petitioner

FILED

2004 DEC 14 PM 12:22

RONALD A. LONGTIN, JR.

BY  DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98P 0516

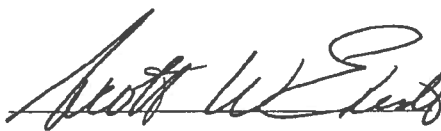
Case No. ~~CR97P-0274~~

Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-4th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and
moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter
in the amount of \$15316.50. This motion is based upon NRS 7.125 et seq., and is made ex parte upon
the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 13th day of December 2004.



SCOTT W. EDWARDS
Attorney for Petitioner

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AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the fourth in the series. It represents over one year of effort on this case.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review, contact with potential witnesses, a visit with the petitioner, a court hearing and several pleadings. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$15316.50 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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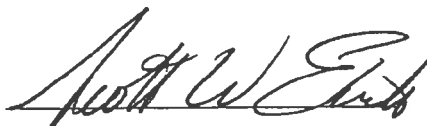
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FURTHER, your affiant sayeth not.

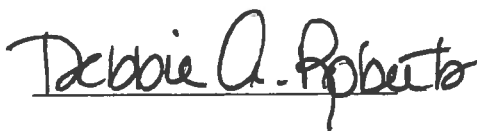


SCOTT W. EDWARDS

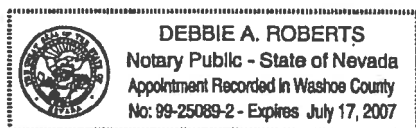
SUBSCRIBED AND SWORN to

Before me this 13th day

Of December, 2004.



NOTARY PUBLIC



**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

**(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516**

**(Time billed @ statutory \$75 per hour before 10/03, \$125 thereafter)-4th Interim
Billing**

8/8/03-Telephone call Thomas Qualls. .25 hours \$18.75
8/11/03-Telephone call Vanisi (Collect). .25 hours \$18.75
8/17/03-Review of letter from Vanisi. .25 hour \$31.25
8/22/03- Meeting with co-counsel on case. 1.25 hour \$93.75
8/23/03-Discussion of case with Federal Public Defender Michael Pescetta. 1.25 hour
hour \$193.75
10/29/03-Motion for order appointing Thomas Qualls as co-counsel. 1 hour \$125
11/19/03-Request for submission of motion. .25 hour \$31.25
12/27/03-Order appointing Qualls. Telephone Qualls. .25 hour \$31.25
2/13/04-Meeting with co-counsel on case. 1 hour \$125
3/5/04- Meeting with co-counsel on case. 1 hour \$125
3/6/04-Telephone call with Rebecca Blaskey of Federal Public Defender. .5 hour \$62.50
3/8/04-Correspondence with Blaskey. Review of state petitions from her. 4 hours \$500
3/16/04- Meeting with co-counsel on case. 1 hour \$125
3/21/04-Letter from Vanisi with voucher. .25 hour \$31.25
4/1/04-Notice to set hearing executed and served. 1 hour \$125
4/16/04-Set hearing with DA. 1 hour \$125
5/3/04-Email to Michael Pescetta. .5 hour \$62.50
5/4/04-Email to Michael Pescetta. .5 hour \$62.50
5/19/04- Meeting with co-counsel on case. 1 hour \$125
6/8-6/9/04-Travel to Ely to meet with client. Meeting with client. 18 hours. \$2250 Return
to Reno. Holiday Inn. \$89
6/15/04-Preliminary research upon consular relation violation of treaty. 5 hours \$625
6/18/04-2 emails to T. Qualls. Research upon Tongan Consulate. Letter to Tongan
consulate. 3.5 hours \$437.50
6/19/04-Letter from Vanisi. .25 hour \$31.25
6/25/04-Letter from Vanisi. .25 hour \$31.25
6/29/04-Email from Qualls. Email in return. .5 hour \$62.50
7/15-16/04-Research upon consular notice claim. 8 hours. \$1000
7/21/04-Email to T. Qualls. .25 hour \$31.25
7/23/04-Email to Rebecca Blaskey. Research upon consular issue. 1 hour \$125
7/28/04-Telephone call to Rebecca Blaskey. Letter to Sandra Babcock. .5 hour
10/28/04-
Revise and finalize motion for stay of proceedings. 2 hours \$250
8/30/04-Correspondence with Sandra Babcock. Review of pleadings and Medellin
petition for cert. 3.5 hours \$437.50

9/12/04-Research upon consular violation issue. 3.5 hours \$437.50
 10/3/04-Commence work upon supplement. 3 hours \$375
 10/11-15/04-Further work upon supplement. 16 hours. \$2000
 10/19/04-Email from Qualls. .25 hour \$31.25
 10/24/04-Work on supplement. 3.5 hours \$437.50
 10/25/04-Email from Qualls. .25 hour \$31.25
 10/26/04-Email from Qualls. Email to Qualls. .24 hour \$31.25
 10/27/04-Email to Tom Qualls. .25 hour \$31.25
 10/28/04-Email from Qualls. .25 hour \$31.25
 10/29/04-1 email to Qualls. .25 hour \$31.25
 11/4-5/04-Work on supplement. 12 hours \$1500
 11/9/04-2 Subpoenas for hearing. (medical and prison disciplinary records) 1.5 hour
 \$187.50 Service by Nevada Court Services. \$90
 11/10/04-Telephone call from client. 1.25 hour \$156.25
 11/11/04-Work on supplement. 3 hours \$375
 11/11/04-Further work upon supplement 5 hours. \$625
 11/15/04-1 email to Qualls. 1 email from Qualls. .5 hour \$62.50
 11/16/04-Review of State's authorities in opposition for stay. 2 emails to Qualls. 1 email
 from Qualls. 3 hours \$375
 11/21/04-Review of state's supplemental authorities in opposition to stay. Email to
 Qualls and email from Qualls. 3 hours \$375
 11/22/04-Hearing upon motion. 2 hours \$250
 11/23/04-Draft order for psych eval. Submit to DA and Court. 2 hours \$250
 12/13/04-Motion and Order for fees. 1 hour \$250

TOTAL: \$15,316.50

ORIGINAL

FILED

DEC 17 2004

RONALD A. LOMBARDI, JR. CLERK
By: [Signature]
DEPUTY

CODE: 3105

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98 P0516
Case No. ~~CR97P-0274~~
Dept. No. 4

**ORDER APPROVING FEES OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)**

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$15316.50 are
approved and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada
Public Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations
in this matter.

DATED this 14 day of December 2004.

Connie J. Steinheimer

DISTRICT JUDGE

ORIGINAL

FILED

CODE: 2010

Scott W. Edwards

Bar Number 3400

729 Evans Ave., Reno, NV 89512

(775) 786-4300

Attorney for Petitioner

2005 FEB -4 PM 4:31

RONALD A. LONGTIN, JR.

DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98P0516
Case No. ~~CR97P-0274~~

Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-5th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and
moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter
in the amount of \$4650. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the
attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 3rd day of February, 2005.



SCOTT W. EDWARDS
Attorney for Petitioner

SVan1s12JDC05944

AFFIDAVIT

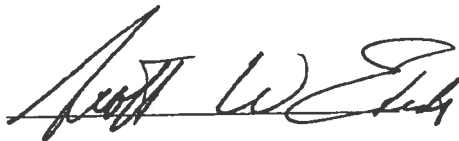
STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the fifth in the series. It represents time expended in recent court hearings and the expenses related to expert witness Dr. Bittker.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review, contact with potential witnesses, a visit with the petitioner and several court hearings. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$4650 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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FURTHER, your affiant sayeth not.

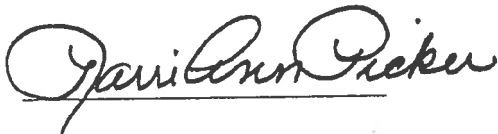


SCOTT W. EDWARDS

SUBSCRIBED AND SWORN to

Before me this 3rd day

Of FEBRUARY, 2005



NOTARY PUBLIC



**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

**(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516**

(Time billed @ statutory \$125 per hour)-5th Interim Billing

1/10/05-Review of fax from Dr. Amazaga. Telephonic court hearing. 1 hour \$125
1/14/05-Conference call with Dr. Bittker. Conference with co-counsel Qualls. 1.5 hour
\$187.50
1/20/05-Review of Bittker report. 1 hour \$125
1/21/05Telephone call with Court to schedule hearing. .25 hour \$31.25
1/24/05-In Camera Hearing regarding Amazaga. 1 hour \$125
1/25/05-Contact with prison to schedule visit. Memo faxed to prison .25 hour \$31.25
1/26/05-Travel to and from NSP. Visit with Vanisi. 4.5 hours \$562.50
1/27/05-Hearing regarding Dr. Bittker's report. 2 hours \$250 Dr. Bittker's bill. \$3150
(attached)
2/3/05-Motion and order for fees. .5 hour \$62.50

TOTAL: \$4650

SVan1312JDC05947
MENTAL HEALTH MEDICAL ASSOCIATES

PSYCHIATRY / PSYCHOTHERAPY / FORENSICS

HERRY A. HOWLE, MD, Ph.D.
MICHAEL IRWIN, MD
GERRI STEINAGEL, MD
STEVEN E. RUBIN, MD
MARK ARMERDING, MD

80 CONTINENTAL DR., SUITE 200
RENO, NEVADA 89509
(775) 329-4284
FAX 329-2550

THOMAS E. BITTKER, MD, LTD
KRISTIN A. HESTDALEN, MD, LTD
JOAN WINKLER, MA, MFT, LDAC
BEVERLY G. CLEFF, Ed.D., APN
LENORE BRANSFORD, Ph.D., APN

January 14, 2005

Scott Edwards
1030 Holcomb Ave
Reno, NV 89502

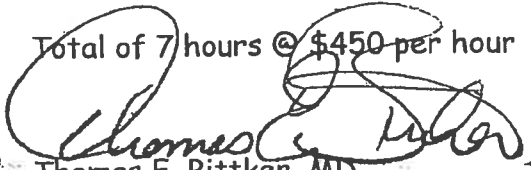
RE: Siasosi Vanisi
BAC# 63376

1/14/2005 5 hours driving to and from Nevada State Penitentiary,
interview with Mr. Vanisi, review of medical records, interview with co-
counsels.

2 hours report preparation

Total of 7 hours @ \$450 per hour

\$3150.00


Thomas E. Bittker, MD
TIN: 20-1241617

TEB/bw

ORIGINAL

FILED

2005 FEB 23 PM 4:30

RONALD A. DONGLIN, JR.

BY  DEPUTY

CODE: 2010
Scott W. Edwards
Bar Number 3400
729 Evans Ave., Reno, NV 89512
(775) 786-4300
Attorney for Petitioner

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

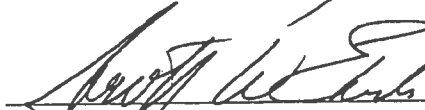
CR98P0516
Case No. GR97P-0274

Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-5th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter in the amount of \$4275. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 23rd day of February 2005.



SCOTT W. EDWARDS
Attorney for Petitioner

SV 1812 JDC05529

AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the sixth in the series. It represents time expended in recent court hearings and out of court time preparing for an evidentiary hearing, conducting the hearing and filing a supplement to the petition.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review, a court hearing and preparation of a large supplement to the petition. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$4275 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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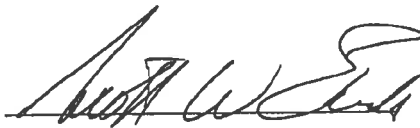
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SVat1812JDC05525

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FURTHER, your affiant sayeth not.

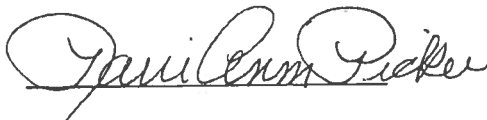


SCOTT W. EDWARDS

SUBSCRIBED AND SWORN to

Before me this 23rd day

Of February, 2005



NOTARY PUBLIC



**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))

Dept. 4- Judge Steinheimer

Case No. CR98P-0516

(Time billed @ statutory \$125 per hour)-6th Interim Billing

2/17/05-2 Telephone calls with district court. Pick up Dr. Amazaga's report. Review report. Prepare examination of Dr. Amazaga. 4 hours. \$500
2/18/05-Evidentiary hearing. Conference with Tom Qualls. 3 hours. \$375
2/19/05-Work on supplement to Petition. 6 hours \$750
2/20/05-Work on Supplement to Petition. 6 hours \$750
2/21/05-Work on Supplement to Petition. 7 hours. \$825
2/22/05-Finalize, copy, file and serve Supplement to Petition. 7 hours \$825
2/23/05-Review of order finding competency. Conference with counsel on writ petition to Nevada Supreme Court. Motion and order for fees. 2 hours \$250

TOTAL: \$4275

SVan1312JDC05519

ORIGINAL

FILED

CODE: 3105

MAR 01 2005

RONALD A. LONGFORD, JR., CLERK
By: *[Signature]*
DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

Case No. *CR98P0516*
CR97P-0274

Dept. No. 4

ORDER APPROVING FEES AND COSTS OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$4650 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 23 day of February 2005.

Connie J. Steinheimer

DISTRICT JUDGE

ORIGINAL

FILED

2005 MAR -7 PM 4:42

RONALD A. LONGSTIN, JR.

BY A. Simpson
DEPUTY

CODE: 2010
Scott W. Edwards
Bar Number 3400
729 Evans Ave., Reno, NV 89512
(775) 786-4300
Attorney for Petitioner

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

SIAOSI VANISI,

Petitioner,

Case No. CR98P-0516

VS.

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-7th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and
moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter
in the amount of \$4937.50. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the
attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 7th day of March, 2005.

Scott W Edwards

SCOTT W. EDWARDS
Attorney for Petitioner

SVAN1312JDC05513

AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the seventh in the series. It represents time expended on document review and correspondence. The primary portion of it relates to the bill of Dr. Amezaga who will be paid by your undersigned upon receipt of the funds from the State Public Defenders Office
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review and correspondence. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$4937.50 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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A.M. Amézaga, Jr., Ph.D.

*Nevada Licensed Psychologist - PY0327
California Licensed Psychologist - PSY14696
Nevada Licensed Alcohol & Drug Counselor (LADC) - No. 1431
Certified by the APA College of Professional Psychology in the
Treatment of Alcohol & Other Psychoactive Substances - No. AD003460
Credentialed by the National Register of Health Service Providers in
Psychology - No. 44207*

January 24, 2005

Scott Edwards, Esq.
Attorney at Law
1030 Holcomb Avenue
Reno, NV 89502

RE: Billing for Vanisi Competency Evaluation dated 15 February 2005

Mr. Edwards:

I am enclosing total billing due for time, travel and the evaluation of your client, Siasosi Vanisi. I am uncertain if there is a differentiation between hours billed for court testimony versus hours spent in conducting and completing the assessment. If so, please advise and I will resubmit the statement.

I am happy to have met your acquaintance. Please do not hesitate to contact me if I can ever be of further assistance.

Sincerely,

Alfredo M. Amézaga, Jr., Ph.D.

Cc: Hon. Connie J. Steinheimer

Voice/Fax (Bilingüe): 775/853.8993 & 866/262.7431
E-mail: amezaga_am@sbcglobal.net // www.askapsych.com
Operations: 18124 Wedge Parkway - Suite 538 - Reno, Nevada 89511-8134 - USA/EUA

RA51 2JDC05514



A.M. Amézaga, Jr., Ph.D.

Nevada Licensed Psychologist - PY0327
California Licensed Psychologist - PSY14696
Nevada Licensed Alcohol & Drug Counselor (LADC) - No. 1431
Certified by the APA College of Professional Psychology in the
Treatment of Alcohol & Other Psychoactive Substances - No. AD003460
Credentialed by the National Register of Health Service Providers in
Psychology - No. 44207

January 24, 2005

Scott Edwards, Esq.
Attorney at Law
1030 Holcomb Avenue
Reno, NV 89502

Billing Statement - Competency Evaluation

Name: Siaosi Vanisi	ID: 06261970
DOB: June 26, 1970	Evaluation Date: 02.03.2005
Age: 34 Years, 6 Months	Report Date: 02.15.2005

Billing fee for psychological services at \$125.00 per hour (Three (3.0) hour minimum).

1. January 20, 2005: Travel to and from NSP for refused evaluation..... 3.0 hrs.
2. February 3, 2005: AM review of records at NSP.....3.0 hrs.
3. February 3, 2005: Travel and PM contact visit with defendant.....3.0 hrs.
3. February 11, 2005: Scoring and interpretation of psychological testing3.0 hrs.
4. Report writing.....20.0 hrs.
5. February 18, 2005: Court testimony.....3.0 hrs.

Total hours.....35.0 hrs.

Total due @ \$125.00 X 35.0 hrs.....\$4375.00

Voice/Fax (Bilingüe): 775/853.8993 & 866/262.7431
E-mail: amezaga_am@sbcglobal.net // www.askapsych.com
Operations: 18124 Wedge Parkway - Suite 538 - Reno, Nevada 89511-8134 - USA/EUA

**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

**(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516**

(Time billed @ statutory \$125 per hour)-7th Interim Billing

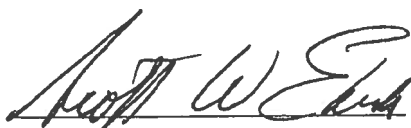
3/1/05-Conference with Tom Qualls re: timing of writ to Supreme Court. Review of
documentation needed in support. Preliminary work on petition. 2 hours. \$250
3/2/05-Receipt of Billings from Dr. Amezaga (Attached)....\$4375
3/6/05-Letter to Consulate General with enclosure. 2 hours \$250
3/7/05-M-Motion and order for fees. .5 hour \$62.50

TOTAL: \$4937.50

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FURTHER, your affiant sayeth not.

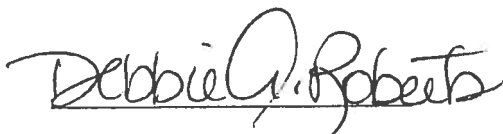


SCOTT W. EDWARDS

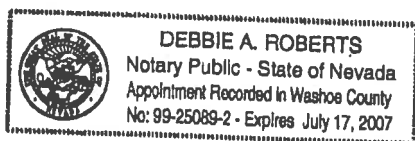
SUBSCRIBED AND SWORN to

Before me this 17th day

of March, 2005



NOTARY PUBLIC



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CODE: 3105

ORIGINAL FILED

MAR 27 2005
RONALD A. LONGSTIN JR. CLERK
BY: [Signature]
DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

CR98P0516
Case No. CR98P 0274
Dept. No. 4

ORDER APPROVING FEES AND COSTS OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$4275 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 28 day of February 2005.

Connie J. Steinheimer
DISTRICT JUDGE

ORIGINAL

FILED

CODE: 3105

MAR 11 9 2005

RONALD A. LONGSTON JR., CLERK

By:

DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

Case No. CR98P-0516

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

**ORDER APPROVING FEES AND COSTS OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)**

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$4937.50 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 8 day of March 2005.

Connie J. Steinheimer

DISTRICT JUDGE

ORIGINAL

FILED

CODE: 2010

Scott W. Edwards

Bar Number 3400

729 Evans Ave., Reno, NV 89512

(775) 786-4300

Attorney for Petitioner

2005 APR 14 PM 12:26

RONALD A. LINDEN, JR.

BY

DEPUTY

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

SIAOSI VANISI,

Petitioner,

Case No. CR98P-0516

VS.

Dept. No. 4

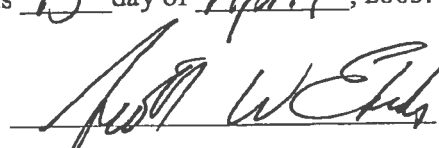
WARDEN, ELY STATE PRISON,

Respondent

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-8th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter in the amount of \$4654.92. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 13th day of April, 2005.


SCOTT W. EDWARDS
Attorney for Petitioner

Svan1s12JDC05476

AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the eighth in the series. It represents time expended on document review, correspondence, and the filing of an extraordinary writ application with the Nevada Supreme Court. There is also a supplemental bill from Dr. Bittker not covered in primary payment requests.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review and correspondence. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$4654.92 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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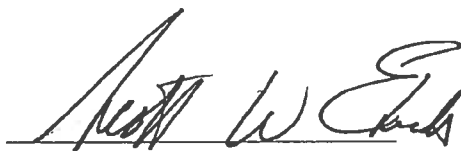
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FURTHER, your affiant sayeth not.

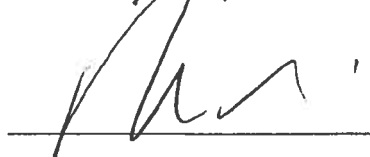


SCOTT W. EDWARDS

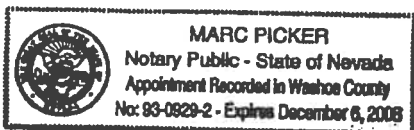
SUBSCRIBED AND SWORN to

Before me this 13th day

Of April, 2005



NOTARY PUBLIC



2JDC05478

Sierra Legal Duplicating, Inc.

P.O. Box 2452
Reno, NV 89505
775-786-8224
EIN 88-0369419

Invoice

DATE	INVOICE #
4/12/2005	Apr 05 84

BILL TO
Scott W. Edwards, Esq. 729 Evans ave. Reno, Nevada 89512

SHIP TO
Scott W. Edwards, Esq. 729 Evans ave. Reno, Nevada 89512

TERMS	REP	SHIP	VIA	CLIENT/MATTER
Net 30	EF	4/12/2005	Hand Deliver	Vanisi

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1,537	0002	Light Grade Copywork	0.10	153.70T
6	0011	GBC Bind	2.00	12.00T
2	0013	Rebind	1.00	2.00
		Sales Tax	7.375%	12.22
			Total	\$179.92

18% Interest charged on invoices unpaid after 30 days

January 27, 2005

Scott Edwards
1030 Holcomb Ave
Reno, NV 89502

RE: Siaosi Vanisi
BAC: 63376

01/27/05	1 hour courtroom testimony	\$600 per hour
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Total Billing	\$600
---------------	-------

Thomas E. Bittker, MD
TIN: 20-1241617

TEB/bw

SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI

(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516

(Time billed @ statutory \$125 per hour)-8th Interim Billing

3/16/05-Conference with Tom Qualls re: Review of written order on competency.
Strategize on extraordinary writ. 2 hours. \$250
3/21-23/05-Research on standards for writ petition. Review of transcripts and pleadings.
7.5 hours. \$937.50
4/3-6/05-Compile and number appendix. Draft writ application. Send materials to
Qualls for review. 12.5 hours. \$1562.50
4/7/05-2 Letters to Tongan consulate. Review of emergency motion for stay. Edit writ
application. 4 hours \$500
4/12/05-Finalize writ application and Motion for Stay. Conference with Tom Qualls.
Topics included no response from state to supplement, subpoenas for public defenders,
preparation for evidentiary hearing, motion for continuance, motion for disqualification.
3 hours. Copy, file and serve writ application. 4 hours \$500 Copying by Sierra Legal
Duplicating. \$179.92 (Attached) Additional bill from Dr. Bittker. \$600
4/13/05-Motion and order for fees. 1 hour \$125

TOTAL: \$4654.92

/Svan1s12JDC05473

ORIGINAL FILED

CODE: 3105

APR 21 2005

RONALD A. LONGSTEIN, JR., CLERK
By [Signature]
DEPUTY

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

SIAOSI VANISI,

Petitioner,

Case No. CR98P-0516

VS.

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

**ORDER APPROVING FEES AND COSTS OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)**

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$4654.92 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 18 day of April 2005.

Connie J. Steinheimer

DISTRICT JUDGE

SVANSI12JDC05280

ORIGINAL

FILED

CODE: 2010
Scott W. Edwards
Bar Number 3400
729 Evans Ave., Reno, NV 89512
(775) 786-4300
Attorney for Petitioner

2005 MAY -6 PM 4: 43

RONALD A. LONGTIN, JR.

BY

DEPUTY

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

SIAOSI VANISI,

Petitioner,

VS.

WARDEN, ELY STATE PRISON,

Respondent

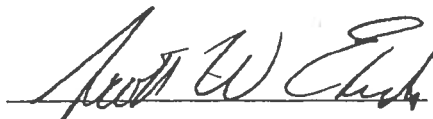
Case No. CR98P-0516

Dept. No. 4

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
TO EXPERT WITNESS RICHARD CORNELL, ESQ.
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs to attorney Richard Cornell, Esq. to serve as an expert witness in this case, in the amount of \$2500. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 6th day of MAY, 2005.



SCOTT W. EDWARDS
Attorney for Petitioner

SVan1s12JDC05281

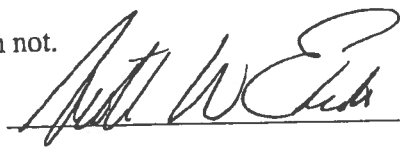
AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. The evidentiary hearing on the case will proceed to completion on May 18, 2005. Counsel have determined that the evidentiary record should be expanded through the presentation of expert witness testimony. Local attorney Richard Cornell is a suitable expert and has agreed to undertake the task of reviewing relevant documentation and testifying on May 18, 2005. He estimates his fee for this work will be \$2,500. Accordingly, through this motion, this Court is requested to enter an order authorizing expenditure of that sum in this case.

FURTHER, your affiant sayeth not.

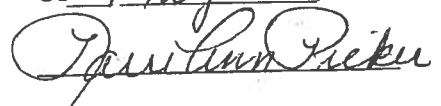


SCOTT W. EDWARDS

SUBSCRIBED AND SWORN to

Before me this 6th day

Of May, 2005



NOTARY PUBLIC



ORIGINAL

FILED

CODE: 2010
Scott W. Edwards
Bar Number 3400
729 Evans Ave., Reno, NV 89512
(775) 786-4300
Attorney for Petitioner

2005 MAY 25 PM 12:33

RONALD A. LONGTIN, JR.

BY *R. Simpson*
DEPUTY

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

SIAOSI VANISI,

Petitioner,

Case No. CR98P-0516

VS.

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-9th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter in the amount of \$2375. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 25th day of MAY, 2005.

Scott W. Edwards

SCOTT W. EDWARDS
Attorney for Petitioner

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AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the ninth in the series. It represents time expended on document review, conferences and the conduct of two evidentiary hearings.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of tow court hearings and matters relating to them. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$2375 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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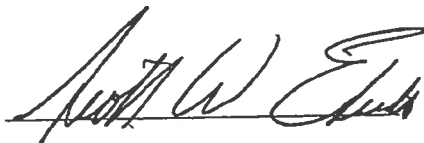
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FURTHER, your affiant sayeth not.

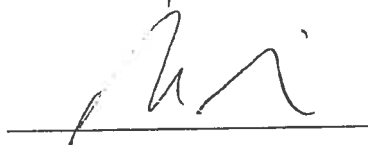


SCOTT W. EDWARDS

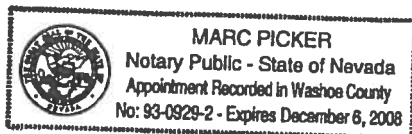
SUBSCRIBED AND SWORN to

Before me this 25th day

Of MAY, 2005



NOTARY PUBLIC



SVAN1312JDC05177

**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

**(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516**

(Time billed @ statutory \$125 per hour)-9th Interim Billing

4/25/05-Review of Supreme Court Order denying writ. Telephone call Tom Qualls. .5
hour \$62.50
4/26/05-Conference with Tom Qualls on hearing strategy, division of labor. 2 hours
\$250
4/29/05-2 Emails to Tongan Consulate. 1 hour \$125
5/1/05-Review of pleadings. Telephone call DA McCarthy. Preparation for hearing. 3
hours \$375
5/2/05-Hearing, examination of Gregory, Bosler and Petty. Admittance of SCR 250
memorandum. Conference with Tom Qualls afterward on remaining portions of
proceeding. 4 hours. \$500
5/17/05-Telephone call DA McCarthy. Preparation for hearing. Conference with Tom
Qualls. Conference with Rick Cornell. 3.5 hours \$437.50
5/18/05-Hearing, examination of Spechio and Cornell, and argument upon petition and
motion to dismiss. Conference with Tom Qualls afterward. 4 hours \$500
5/24/05-Motion and order for fees. 1 hour \$125

TOTAL: \$2375

Svan1s12JDC05170

CODE: 3105

ORIGINAL

FILED

JUN 07 2005

RONALD A. LONGTHAL, JR., CLERK
BY
DEPUTY

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

SIAOSI VANISI,

Petitioner,

Case No. CR98P-0516

VS.

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

ORDER APPROVING FEES AND COSTS OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$2375 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 2 day of June 2005.

Connie I. Steinhilber

DISTRICT JUDGE

ORIGINAL

FILED

CODE: 2010

Scott W. Edwards

Bar Number 3400

729 Evans Ave., Reno, NV 89512

(775) 786-4300

Attorney for Petitioner

2005 APR 14 PM 12: 26

RONALD A. LONGTIN, JR.

BY

DEPUTY

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

SIAOSI VANISI,

Petitioner,

Case No. CR98P-0516

VS.

Dept. No. 4

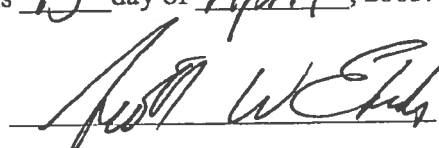
WARDEN, ELY STATE PRISON,

Respondent

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-8th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter in the amount of \$4654.92. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 13th day of April, 2005.


SCOTT W. EDWARDS
Attorney for Petitioner

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AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the eighth in the series. It represents time expended on document review, correspondence, and the filing of an extraordinary writ application with the Nevada Supreme Court. There is also a supplemental bill from Dr. Bittker not covered in primary payment requests.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of further document review and correspondence. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$4654.92 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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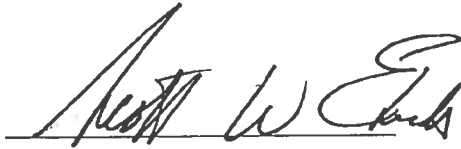
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FURTHER, your affiant sayeth not.

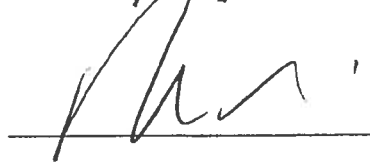


SCOTT W. EDWARDS

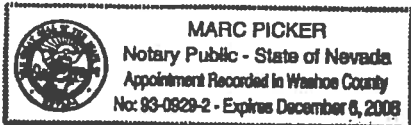
SUBSCRIBED AND SWORN to

Before me this 13th day

Of April, 2005



NOTARY PUBLIC



SVAN1S12JDC05478

Sierra Legal Duplicating, Inc.

P.O. Box 2452
Reno, NV 89505
775-786-8224
EIN 88-0369419

Invoice

DATE	INVOICE #
4/12/2005	Apr 05 84

BILL TO
Scott W. Edwards, Esq. 729 Evans ave. Reno, Nevada 89512

SHIP TO
Scott W. Edwards, Esq. 729 Evans ave. Reno, Nevada 89512

TERMS	REP	SHIP	VIA	CLIENT/MATTER
Net 30	EF	4/12/2005	Hand Deliver	Venisi

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1,537	0002	Light Grade Copywork	0.10	153.70T
6	0011	GBC Bind	2.00	12.00T
2	0013	Rebind	1.00	2.00
		Sales Tax	7.375%	12.22
			Total	\$179.92

18% Interest charged on invoices unpaid after 30 days

RA75^{2JDC05479}

**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

**(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))
Dept. 4- Judge Steinheimer
Case No. CR98P-0516**

(Time billed @ statutory \$125 per hour)-8th Interim Billing

3/16/05-Conference with Tom Qualls re: Review of written order on competency.
Strategize on extraordinary writ. 2 hours. \$250
3/21-23/05-Research on standards for writ petition. Review of transcripts and pleadings.
7.5 hours. \$937.50
4/3-6/05-Compile and number appendix. Draft writ application. Send materials to
Qualls for review. 12.5 hours. \$1562.50
4/7/05-2 Letters to Tongan consulate. Review of emergency motion for stay. Edit writ
application. 4 hours \$500
4/12/05-Finalize writ application and Motion for Stay. Conference with Tom Qualls.
Topics included no response from state to supplement, subpoenas for public defenders,
preparation for evidentiary hearing, motion for continuance, motion for disqualification.
3 hours. Copy, file and serve writ application. 4 hours \$500 Copying by Sierra Legal
Duplicating. \$179.92 (Attached) Additional bill from Dr. Bittker. \$600
4/13/05-Motion and order for fees. 1 hour \$125

TOTAL: \$4654.92

ORIGINAL

FILED

07 APR 16 PM 4:34

RONALD A. LONGTIN, JR.

BY

DEPUTY

CODE: 2010

Scott W. Edwards

Bar Number 3400

729 Evans Ave., Reno, NV 89512

(775) 786-4300

Attorney for Petitioner

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

SIAOSI VANISI,

Petitioner,

VS.

Case No. CR98P-0516

Dept. No. 4

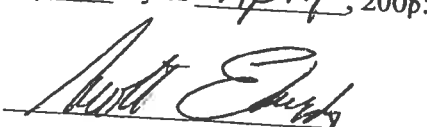
WARDEN, ELY STATE PRISON,

Respondent

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)-9th INTERIM BILL
(DEATH PENALTY CASE)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, SIAOSI VANISI, and moves this Court for an order allowing and authorizing payment of fees and costs incurred in this matter in the amount of \$1875. This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of counsel.

RESPECTFULLY SUBMITTED this 16th day of April, 2007.


SCOTT W. EDWARDS
Attorney for Petitioner

SVan1s12JDC05590

AFFIDAVIT

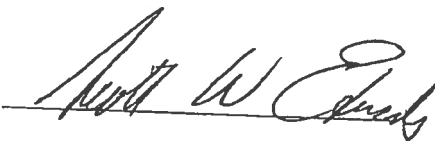
STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed counsel for Petitioner SIAOSI VANISI in this death penalty habeas action by order of this Court. This billing is the tenth in the series. It represents time expended preparing for a hearing and researching and filing a pleading relative to the McConnell issue raised in Petitioner's supplement to his post-conviction habeas petition.
2. The attached Summary of Time and Expense Billings are true and correct itemizations of the hours reasonably and necessarily expended by affiant in representing the Petitioner, SIAOSI VANISI, in post-conviction proceedings in district court to date. The sums requested are fair, reasonable and necessary sums to be paid for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The latest representation in this case consisted of one court hearing and matters relating to it. Therefore, this court is respectfully requested to find good cause for fees and costs in the amount of \$1875 payable to Scott Edwards.
4. Your affiant further certifies he has neither requested nor accepted compensation in this case from any other source.

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FURTHER, your affiant sayeth not.

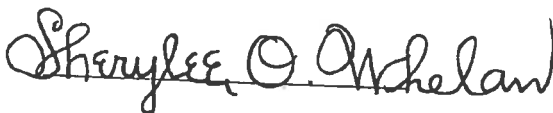


SCOTT W. EDWARDS

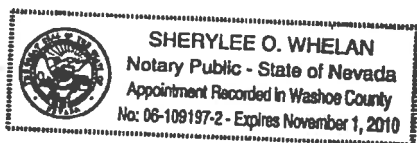
SUBSCRIBED AND SWORN to

Before me this 16TH day

of April, 2007



NOTARY PUBLIC



**SUMMARY OF TIME AND EXPENSE BILLINGS of SCOTT W. EDWARDS
RE: SIAOSI VANISI**

(Death Penalty Case-Petition for Writ of Habeas Corpus (post-conviction))

Dept. 4- Judge Steinheimer

Case No. CR98P-0516

(Time billed @ statutory \$125 per hour)-10th Interim Billing

3/7/07-Schedule Hearing in conference with DA and court clerk. Notify Tom Qualls .5
hour \$62.50

3/12/07-Meeting with Tom Qualls. Discussion of filing a pleading. 1.5 hours \$187.50

3/20/07-Research and compose portion of McConnell error pleading. 4 hours \$500

3/22/07-Meeting with Tom Qualls. Edit of pleading. 2 hours \$250

3/26/07-Finalize pleading. 2 hours \$250

4/2/07-Prepare for hearing and conduct hearing with Tom Qualls. 4 hours \$500

4/16/07-Review of State's responsive pleading on McConnell issue. Motion and order
for fees. 1 hour \$125

TOTAL: \$1875

SCOTT W. EDWARDS, ESQ. (SBN 3400)
729 Evans Avenue
Reno, NV 89512
Telephone: 775/786-4300
Facsimile: 775/324-5444

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

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document EX PARTE
MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES filed in case
number: **CR98P-0516**

☒ Document does NOT contain the social security number of any person

OR

☐ Document **CONTAINS** the social security number of a person as required by:

☐ A specific state or federal law, to wit:

OR

☐ For the administration of a public program

OR

☐ For an application for a federal or state grant

DATED this 16th day of April, 2007

Nicole Johnson
An employee of Scott W. Edwards, Esq.

Attorney for: SIAOSI VANISI

ORIGINAL

FILED

CODE: 3105

JUN 04 2007

RONALD A. LONGTIN, JR., CLERK

By: [Signature]
DEPUTY CLERK

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

SIAOSI VANISI,

Petitioner,

VS.

CL98P 0516
Case No. ~~CR97P-0274~~

Dept. No. 4

WARDEN, ELY STATE PRISON,

Respondent

ORDER APPROVING FEES AND COSTS OF
COURT-APPOINTED ATTORNEYS
(DEATH PENALTY CASE)

Upon motion of SCOTT W. EDWARDS, the appointed counsel of Petitioner SIAOSI VANISI,
and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$1875 are approved
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public
Defender's Office, for legal services rendered to the Petitioner in post-conviction determinations in this
matter.

DATED this 4 day of June 2007.

Connie J. Steinheimer
DISTRICT JUDGE