

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-34	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32726								
P-34A	Plaintiff	Admitted 06/17/1997		NIKE SHOE - LEFT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32727								
P-34B	Plaintiff	Admitted 06/17/1997		NIKE SHOE - RIGHT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32728								
P-36	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32729								
P-36A	Plaintiff	Admitted 06/17/1997		KNIFE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32730								
P-37	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32731								
P-37A	Plaintiff	Admitted 06/17/1997		S & W REVOLVER		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32732								
P-38	Plaintiff	Admitted 06/17/1997		BODY CHART - CARI DIXON		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32733								

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-39	Plaintiff	Admitted 06/17/1997		39 THRU 50 PHOTOS CARL DIXON		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32734								
P-51	Plaintiff	Admitted 06/17/1997		BODY CHART - MATHEW GIANAKIS		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32735								
P-52	Plaintiff	Admitted 06/17/1997		52 THRU 55 PHOTOS GIANAKIS		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32736								
P-56	Plaintiff	Admitted 06/17/1997		EVIDENCE IMPOUND REPORT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32737								
P-57	Plaintiff	Admitted 06/17/1997		EVIDENCE BAG SEROLOGY KIT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32738								
P-58	Plaintiff	Admitted 06/17/1997		EVIDENCE BAG DNA KIT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32739								
P-61	Plaintiff	Admitted 06/17/1997		61 THRU 65 PHOTOS - VEHICLE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32742								

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-66	Plaintiff	Admitted 06/17/1997		EVIDENCE IMPOUND REPORT - VEHICLE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32743							
P-67	Plaintiff	Admitted 01/01/1900		EVIDENCE PHOTO VEHICLE		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 32744							
P-68	Plaintiff	Admitted 01/01/1900		EVIDENCE PHOTO - VEHICLE		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 32745							
P-70	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32747							
P-70A	Plaintiff	Admitted 06/17/1997		ALBERTSONS GROCERY BAG		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32748							
P-72	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32750							
P-73	Plaintiff	Admitted 06/17/1997		EVIDENCE BAG SEROLOGY KIT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32752							

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-74	Plaintiff	Admitted 06/17/1997		EVIDENCE BAG SEROLOGY KIT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32753								
P-75	Plaintiff	Admitted 06/17/1997		SEROLOGY CHART		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32754								
P-77	Plaintiff	Admitted 06/17/1997		77 THRU 80 PHOTOS		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32756								
P-80	Plaintiff	Admitted 06/17/1997		MIRANDA CARD		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32757								
P-82	Plaintiff	Admitted 06/17/1997		VIDEO TAPE DEFT		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32758								
P-83	Plaintiff	Admitted 01/01/1900		EVIDENC ENVELOPE		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 32759								
P-84	Plaintiff	Admitted 06/17/1997		BODY DIAGRAM (DIXON)		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32760								
P-85	Plaintiff	Admitted 06/23/1997		85 THRU 108 / DOCUMENTS		State of Nevada	District Court Criminal/Civil 06/23/1997	Evidence Vault
Comment: ExhibitID : 32762								

OFFERED ADMITTED

① AERIAL Back Parking Lot LONE STAR	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
② AERIAL Front of Lone Star	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
③ DIAGRAM of Lone Star	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ ④ Photo of exterior of Rebel Gas Station	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ ⑤ Photo of Rear exterior of ^{Rebel} Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑥ Photo of Rear Exterior of ^{Rebel} Lone Star with knife	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑦ ^{Photo} Interior of Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑧ ^{Photo} Interior of Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑨ Photo Interior of Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑩ Photo Interior of lone star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑪ Photo Interior of Lone star office	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑫ Photo Interior of Lone star & office safe	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑬ Photo Lone star safe interior	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑭ Photo Lone Star Kitchen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑮ Photo Lone Star Kitchen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑯ Photo Lone Star Kitchen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑰ Photo Lone Star Kitchen Floor Blood	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑱ Photo Lone Star Kitchen Floor closeup blood	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑲ Photo Lone Star interior near restroom	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ⑳ Photo Lone Star, entrance to Restrooms	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ㉑ Photo Lone STAR entrance to men's room	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
✓ ㉒ Photo Lone star men's room with Carl Dixon	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ ㉓ Photo Lone Star men's room close up face of Carl Dixon	<input type="checkbox"/> will not be admitted	<input type="checkbox"/>
✓ ㉔ Photo Blood on urinal partition in lone star	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ ㉕ Photo Blood on Stall door & wall in Lone star	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>

OFFERED ADMITTED

✓ 26	Evidence Impound Report - Scene	✓	6-17-97	✓
✓ 27	Evidence Package - Blood scene	✓	6-17-97	✓
✓ 28	Photo Desert area behind house	✓		✓
✓ 29	Photo Desert area with cloths	✓		✓
✓ 30	Photo Desert close up of Knife	✓		✓
✓ 31	Photo Desert close up of cloths	✓		✓
✓ 32	Evidence Impound Report - 2505 W. Cartier	✓		✓
✓ 33	Evidence Package A. Jean Shorts	✓		✓
✓ 34	Evidence Package A. MIKE Shoe - Left	✓	6-17	✓
✓ 35	Evidence Package B. MIKE Shoe - Right	✓	6-17	✓
✓ 36	Evidence Package A. Knife	✓	6-17-97	✓
✓ 37	Evidence Package A. S&W Revolver SN#9176573	✓	6-17-97	✓
38	Body chart - Carl Dixon	✓	6-17-97	✓
✓ 39	Autopsy Photo - Carl Dixon Face	✓	6-17-97	✓
40	Autopsy Photo - Carl Dixon Full body side view		will not be admitted	
✓ 41	Autopsy Photo - Carl Dixon Close up Right Hand	✓	6-17	✓
✓ 42	Autopsy Photo - Dixon Left Thigh	✓	6-17	✓
✓ 43	Autopsy Photo - Dixon Left Arm Defense wounds	✓	"	✓
✓ 44	Autopsy Photo - Dixon Left chest area	✓	"	✓
✓ 45	Autopsy Photo - Dixon Left side	✓	"	✓
✓ 46	Autopsy Photo - Dixon Upper chest	✓	"	✓
✓ 47	Autopsy Photo - Dixon Left chest close up	✓	"	✓
✓ 48	Autopsy Photo - Dixon Left Stomach & chest area	✓	"	✓
✓ 49	Autopsy Photo Dixon Left Forearm & side	✓	"	✓
50	Autopsy Photo Dixon close up Stomach area		will not be admitted	

OFFERED ADMITTED

(51) Body chart MATTHEW GIANAKIS	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ (52) Autopsy Photo - GIANAKIS Face close up	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
(53) Autopsy Photo - GIANAKIS full body left side	<input type="checkbox"/> will not be admitted	<input type="checkbox"/>
✓ (54) Autopsy Photo - GIANAKIS Left chest	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (55) Autopsy Photo - GIANAKIS Left Back	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (56) Evidence Impound Report - Autopsy	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (57) Evidence Bag Serology kit - ^{Gianakis} DIXON	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ (58) Evidence Bag DNA kit - DIXON ^{Dixon}	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ (59) Evidence Bag Serology kit - GIANAKIS	<input type="checkbox"/> NWA Received	<input type="checkbox"/>
✓ (60) Evidence Bag DNA kit GIANAKIS	<input type="checkbox"/>	<input type="checkbox"/>
✓ (61) Photo Vehicle Right Front & License Plate	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (62) Photo Vehicle Right Side	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (63) Photo Vehicle Rear	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (64) Photo Vehicle Left side & rear	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (65) Photo Vehicle trunk	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (66) Evidence Impound Report - Vehicle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (67) Evidence Photo ^{Vehicle} Albertson's Grocery Bag	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (68) Evidence Photo ^{Vehicle} Dark Blue Pillow case w/cash	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (69) Evidence Package - Blood	<input checked="" type="checkbox"/> NWA drawn	<input checked="" type="checkbox"/>
✓ (70) Evidence Package - A. Albertsons Grocery bag.	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (71) Evidence Package B Dark Blue Pillow Case	<input type="checkbox"/>	<input type="checkbox"/>
✓ (72) Evidence Package A. \$, 857.22	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (73) Evidence Bag Serology kit - Hall	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (74) Evidence Bag Serology kit Defendant	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
(75) Serology Chart - Terry Cook	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
(76) DNA CHART - PAULA YATES	<input type="checkbox"/>	<input type="checkbox"/>

With drawn

[illegible]

85.	JUVENILE PETITIONS 1-25	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
86.	CERTIFICATION ORDER 9/13/90	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
87.	PRESENTENCE REPORT 9/6/94 11/20/90	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
88.	JUDGMENT OF CONVICTION - ATTEMPTED ROBBERY	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
89.	VIOLATION REPORT 9/30/91 MARK DRAIN	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
90.	VIOLATION REPORT 1/19/92 LEAVITT	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
91.	VIOLATION REPORT 1/20/92 LEAVITT	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
92.	VIOLATION REPORT 4/27/92 CAMERON	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
93.	VIOLATION REPORT 4/13/93 KISSEL	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
94.	VIOLATION REPORT 8/9/93 JOHNSON	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
95.	VIOLATION REPORT 8/24/93 THOMPSON	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
96.	VIOLATION REPORT 9/17/93 EDWARDS	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
97.	VIOLATION REPORT 3/3/94 NAEGLER	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
98.	VIOLATION REPORT 4/12/94 BOYER	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
99.	VIOLATION REPORT 12/30/94 SEDLACEK	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
100.	SUMMARY OF DISCIPLINE	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
101.	DISCHARGE PAPERS	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
102.	PRESENTENCE REPORT - BWSBLH	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
103.	JUDGMENT OF CONVICTION BWSBLH	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
104.	VIOLATION REPORT 8/1/96 WHELOCK	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
105.	Violation report - ^{prepared} by Margaret Wood	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
106.	Notice of Charges 8-9-93	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
107.	Incident Report	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>
108.	NLU Report	<input checked="" type="checkbox"/>	6-23-91	<input checked="" type="checkbox"/>

DEFENDANT'S EXHIBITS

CASE NO. C136862

[illegible]

A. Chart

[illegible]

State's EXHIBITS CASE NO. C136862 TRIAL START DATE OCT 31 2005

PLTF VS

		Date Offered	Obj.	Adm	Date Admitted
✓	1. Aerial Back Parking Lot - Lone Star	11/1		✓	11/1
✓	2. Aerial - Front of Lone Star Restaurant	11/1		✓	11/1
✓	3. Diagram of Lone Star " "	11/1	probe bench.	✓	11/1
✓	4. Photo of exterior of Rebel Gas Stn.	11/1		✓	11/1
✓	5. Photo of rear exterior of Rebel Gas Stn.	11/1		✓	11/1
✓	6. Photo - Rear exterior Rebel Gas Stn.	11/1		✓	11/1
✓	7. photo - Interior Lone Star	11/1		✓	11/1
✓	8. photo - Interior Lone Star	11/1		✓	11/1
✓	9. photo - Interior of Lone Star	11/1		✓	11/1
✓	10. photo Interior of Lone Star	11/1		✓	11/1
✓	11. photo Interior of Lone Star office	11/1		✓	11/1
✓	12. photo Interior of Lone Star office	11/1		✓	11/1
✓	13. Photo - Lone Star safe Interior	11/1		✓	11/1
✓	14. photo Lone Star kitchen	11/1		✓	11/1
✓	15. photo - Lone Star kitchen	11/1		✓	11/1
✓	16. photo - Lone Star kitchen	11/1		✓	11/1
✓	17. photo - Lone Star kitchen floor (blood)	11/1		✓	11/1
✓	18. photo Lone Star kitchen floor (blood)	11/1		✓	11/1
✓	19. photo Lone Star interior near restroom	11/1		✓	11/1
✓	20. photo Lone Star - entrance to restrooms	11/1		✓	11/1
✓	21. photo Lone Star entrance mens restroom	11/1		✓	11/1
✓	22. photo Lone Star mensroom Carl Dixon	11/1		✓	11/1
✓	23. photo - Lone Star mens room close up	not	Admitted	—	—

face Carl Dixon

States EXHIBITS CASE NO. C136862 TRIAL START DATE OCT 31 2005

PLTF VS

		Date Offered	Obj.	Adm	Date Admitted
✓	24. photo Blood on vinyl partition (done Star)	11/1		✓	11/1
✓	25. photo Blood on steel door to wall - done Star	11/1		✓	11/1
✓	26. Evidence Impound Report - Scene	11/2		✓	11/2
✓	27. Evidence package - blood scene	11/1		✓	11/1
✓	28. Photo - Desert area - trailer park.	11/1		✓	11/1
✓	29. photo - Desert area - scene - shoes - T-shirt	11/1		✓	11/1
✓	30. photo Desert area - knife	11/1		✓	11/1
✓	31. photo Desert area - Nike tennis shoes white T-shirt	11/1		✓	11/1
✓	32. Evidence Impound report 2505 W. Carter	11/1		✓	11/1
✓	33 evidence bag 33-A. Jean shorts	11/1		✓	11/1
✓	34 evidence bag 34-A Nike shoe left	11/1		✓	11/1
no #35	34-B Nike shoe right	11/1		✓	11/1
✓	36 Evidence Bag	11/1		✓	11/1
✓	36-A Knife	11/1		✓	11/1
✓	37 Evidence Bag.	11/1		✓	11/1
✓	37-A R632 Remington Serial #9176573	11/1		✓	11/1
✓	38 Body chart - Carl Dixon	11/2		✓	11/2
✓	39 Autopsy photo - Carl Dixon	11/2		✓	11/2
-	40 " " " "	Not Admitted			
✓	41 " " " "	11/2		✓	11/2
✓	42 " " " "	11/2		✓	11/2
✓	43 " " " "	11/2		✓	11/2
✓	44 " " " "	11/2		✓	11/2

States EXHIBITS CASE NO. C136862 TRIAL START DATE OCT 31 2005

PLTF _____ VS _____

		Date Offered	Obj.	Adm	Date Admitted
✓ 45.	Autopsy photo- Carl Dixon	11/2		✓	11/2
✓ 46.	" " " "	11/2		✓	11/2
✓ 47.	" " " "	11/2		✓	11/2
✓ 48.	" " " "	11/2		✓	11/2
✓ 49.	" " " "	11/2		✓	11/2
- 50.	" " " "	NOT Admitted			
✓ 51.	Body chart - Matthew Gianakis	11/2		✓	11/2
✓ 52.	Autopsy photo- " "	11/2		✓	11/2
- 53.	" " " "	NOT Admitted			
✓ 54.	" " " "	11/2		✓	11/2
✓ 55.	" " " "	11/2		✓	11/2
✓ 56.	Evidence Impound Report- Autopsy	11/1		✓	11/1
✓ 57.	Evidence box- Serology kit	11/1		✓	11/1
✓ 58.	Evidence box- Serology kit	11/1		✓	11/1
- 59.	never Rec'd				
- 60.	not in box				
✓ 61.	photo - vehicle	11/1		✓	11/1
✓ 62.	photo - vehicle			✓	
✓ 63.	photo - vehicle			✓	
✓ 64.	photo - vehicle			✓	
✓ 65.	photo - vehicle			✓	
✓ 66.	Evidence Impound Report- Vehicle			✓	
✓ 67.	photo - Vehicle - albertsons	↓		✓	↓

grocery bag.

OCT 31 2005

State's

EXHIBITS

CASE NO. C136862 TRIAL START DATE

PLTF

VS

		Date Offered	Obj.	Adm	Date Admitted
✓	68 photo - Dark Blue pillow case ^{w/ case}	11/1		✓	11/1
-	69 wld				
✓	70 evidence package - A Albertsons grocery	11/1		✓	11/1
✓	" " B. Dark Blue ^{bag} pillow case	11/1		✓	11/1
no #71	✓ 72 evidence bag - Clear bag - #5857 cash				
✓	73 evidence box - Serology kit.				
✓	74 evidence box - Serology kit.				
✓	75 Serology Chart	11/1		✓	11/1
✓	76 ^{DNA} Chart -	11/2		✓	11/2
✓	77 Photo of Carl Dixon	11/1		✓	11/1
✓	78 Photo of Matthew Gianakis	11/1		✓	11/1
✓	79 photo of Kenya Hall	11/1		✓	11/1
✓	80 photo - Dept - Mario Thomas	11/1		✓	11/1
✓	81 Miranda Card.	11/1		✓	11/1
✓	82 Video tape - Depts stmt	11/1		✓	11/1
✓	83 Evidence envelope - Blood samples ^{knife}	11/1		✓	11/1
✓	84 Body Diagram (Dixon)	11/1		✓	11/1
✓	109 Group of 8 photos ^{canon} / ^{photographs}	11/1	no obj	✓	11/1
	110 transcript of Kenya Hall's testimony ^{another #}		not to be admitted get going on 11/7		11/1
✓	111. transcript of Video tape ^{Mario Thomas}	11/1		✓	11/1
	112 transcript of Barbara Smith (deceased)	11/2	Admitted Revised 11/14	✓	11/2
	113. transcript of Emma Nash (deceased)	11/2	Admitted Revised 11/14	✓	11/2
	85. Juvenile Petn 1-25	11/3	obj	✓	11/3

States EXHIBITS CASE NO. C136862 TRIAL START DATE 10-31-05

PLTF _____ VS _____

	Date Offered	Obj.	Adm	Date Admitted
86 Certification Order 9-13-90	11/3	obj	✓	11/3
87 Pre-Sentence Rpt. C96794 11-20-90	11/3	obj	✓	11/3
✓ 88 Judgment of Conviction - Att Bobby	11/2	obj	✓	11/2
89 Violation Rpt. 9-30-91	11/3	obj ✓	✓	11/3
90 Violation Rpt. 1-19-92		✓	✓	
91 Violation Rpt 1-20-92		✓	✓	
92 Violation Rpt 4-27-92		✓	✓	
93 Violation Rpt 4-13-93		✓	✓	
94 Violation Rpt 8-9-93		✓	✓	
95 Violation Rpt 8-24-93		✓	✓	
96 Violation Rpt 9-17-93		✓	✓	
97 Violation Rpt. 3-13-94		✓	✓	
98 Violation Rpt 4-12-94		✓	✓	
99 Violation Rpt 12-30-94	↓	✓	✓	↓
100 Summary of Discipline	11/3	obj ✓	✓	11/3
✓ 101 Discharge papers - NDC.	11/2	obj	✓	11/2
102 Pre-Sentence Report - BUSBY	11/3	obj	✓	11/3
✓ 103 Judgment of Conviction - 6-17-96	11/2	obj	✓	11/2
104 Violation Rpt 8-1-96	11/3	obj ✓	✓	11/3
105 Violation Rpt	↓	✓	✓	↓
106 Notice of charges 8-9-93	↓	✓	✓	↓
107 Incident Report	↓	✓	✓	↓
108 NLV Report	✓ 11/3	obj obj	1	11/3

Prison records prior to this case.

Prison records prior to this case.

State's

CASE NO. 036862

TRIAL START DATE 10-31-05

VS

Date Offered

Obi

Adm

Date
Admitted

Appellate
only.

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Appellate
only

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Only

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Appellate
Only

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Appellate
only

11/3

Penalty Hearing

Wright's EXHIBITS CASE NO. C136862 TRIAL START DATE 10-31-05
PLTF The State of NV vs Mario Thomas

[illegible]

EXHIBITS

CASE NO. C/3606

TRIAL START DATE OCT 31 2005

VS

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

MARLO THOMAS aka MARLOW D.
THOMAS,

Defendant(s).

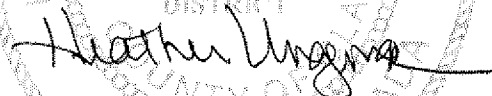
Case No: C136862-1
Dept No: XXIII

Death Penalty

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 20 day of June 2014.

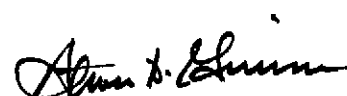
Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

JUSTICE LAW CENTER
1100 South Tenth Street, Las Vegas NV 89104
Tel (702) 731-0000 Fax (702) 974-4008

Electronically Filed
06/19/2014 04:10:08 PM



CLERK OF THE COURT

Electronically Filed
Jun 24 2014 10:53 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOA
BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
JUSTICE LAW CENTER
1100 S. Tenth Street
Las Vegas, Nevada 89104
(702) 731-0000
Fax (702) 974-4008
admin@justice-law-center.com

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

- vs. -

MARLO THOMAS

Defendant.

CASE NO.: 96C136862-1
DEPT. NO.: XXIII

NOTICE OF APPEAL

TO: THE STATE OF NEVADA:

TO: STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNT, NEVADA and,

TO DEPARTMENT XXIII OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

///

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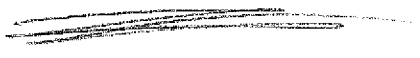
///

JUSTICE LAW CENTER
1100 South Tenth Street, Las Vegas NV 89104
Tel (702) 731-0000 Fax (702) 974-4008

1 NOTICE is hereby given the Marlo Thomas, APPEALS TO THE Supreme Court of the
2 State of Nevada from the Notice of Entry of Facts and Findings entered against said Defendant
3 in the above mentioned case, on June 2, 2014.

4 DATED this 19 day of June, 2014

5
6 Respectfully submitted by
7 JUSTICE LAW CENTER

8
9
10 
11 _____
12 Bret O. Whipple, Esq.
13 Attorney for Defendant
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DECLARATION OF MAILING

Connie Lujan, an employee of Bret O. Whipple, Esq., of JUSTICE LAW CENTER, hereby declares that the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the ____ day of March, 2014, Declarant deposited in the United states Mail at Las Vegas, Nevada, a copy of the Notice of Appeal and a copy of the Case Appeal Statement in the Case of the State vs. Mickey M. Thomas, case number 09C258222-1 enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to:

Steven Wolfson
District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

Inmate Marlo Thomas
Inmate # 50682
Ely State Prison
PO Box 1989
Ely, Nevada 89301

Catherine Cortez Masto
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

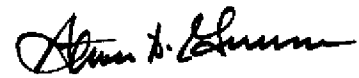
Furthermore, Declarant states that there is a regular communication by mail between the place of mailing and the places addressed.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 17 day of June, 2014.

JUSTICE LAW CENTER

Connie Lujan



CLERK OF THE COURT

JUSTICE LAW CENTER
1100 South Tenth Street, Las Vegas NV 89104
Tel (702) 731-0000 Fax (702) 974-4008

BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
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(702) 731-0000
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admin@justice-law-center.com

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

- vs. -

MARLO THOMAS

Defendant.

CASE NO.: 96C136862-1
DEPT. NO.: XXIII

CASE APPEAL STATEMENT

1. **Appellant filing this case Docket Statement:** Marlo Thomas.
2. **Judge issuing the decision, judgment, or order appealed from:** Honorable Judge Stefany Miley.
3. **All parties to the proceedings in the district court:** The State of Nevada, Plaintiff; Marlo Thomas, Defendant.
4. **All parties involved in this appeal:** Marlo Thomas, Appellant; The State of Nevada, Respondent.

5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:

BRET WHIPPLE, ESQ.
Nevada Bar #6168
1100 So. 10th St.
Las Vegas, Nevada 89104
(702) 731-0000
JUSTICE LAW CENTER
Attorney for Petitioner

STEVEN B. WOLFSON
Clark County, Nevada
District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101

CATHERINE CORTEZ-MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538
Counsel for Respondent

6. Whether appellant was represented by appointed or retained counsel in the district court: appointed.

7. Whether appellant is represented by appointed or retained counsel on appeal: appointed.

8. Whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A

9. Date proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): July 2, 1996.

DATED this 11 day of June, 2014.


BRET WHIPPLE, ESQ.
Nevada Bar #6168

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

The State of Nevada vs Marlo Thomas

§ Location: **Department 23**
§ Judicial Officer: **Miley, Stefany**
§ Filed on: **07/02/1996**
§ Case Number History:
§ Cross-Reference Case **C136862**
§ Number:
§ Defendant's Scope ID #: **1060797**
§ Lower Court Case Number: **96F07190**

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT MURDER.	F	01/01/1900	Case Flags: Appealed to Supreme Court Custody Status - Nevada Department of Corrections Death Penalty Case
1. CONSPIRACY TO COMMIT DEGREES OF MURDER	F	01/01/1900	
1. CONSPIRE TO AID AND ABET A ROBBERY	F	01/01/1900	
2. MURDER WITH A DEADLY WEAPON	F	01/01/1900	
2. DEGREES OF MURDER	F	01/01/1900	
3. MURDER WITH A DEADLY WEAPON	F	01/01/1900	
3. DEGREES OF MURDER	F	01/01/1900	
4. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900	
5. BURGLARY.	F	01/01/1900	
6. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON	F	01/01/1900	

Related Cases

96C136862-2 (Multi-Defendant Case)

Statistical Closures

08/29/2005 USJR Reporting Statistical Closure
10/26/1999 USJR Reporting Statistical Closure

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 96C136862-1
Court Department 23
Date Assigned 12/28/2008
Judicial Officer Miley, Stefany

PARTY INFORMATION

		<i>Lead Attorneys</i>
Defendant	Thomas, Marlo	Whipple, Bret O. <i>Retained</i> 702-257-9500(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)




DATE

EVENTS & ORDERS OF THE COURT








INDEX

01/01/1900 **Plea** (Judicial Officer: User, Conversion)
1. CONSPIRACY TO COMMIT MURDER.
Not Guilty

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT DEGREES OF MURDER Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. CONSPIRE TO AID AND ABET A ROBBERY Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. MURDER WITH A DEADLY WEAPON Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. MURDER WITH A DEADLY WEAPON Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. DEGREES OF MURDER Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. ROBBERY WITH A DEADLY WEAPON Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. BURGLARY. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON Not Guilty	
07/02/1996	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	96C136862-10001.tif pages
07/02/1996	Hearing <i>INITIAL ARRAIGNMENT</i>	96C136862-10002.tif pages
07/02/1996	Hearing <i>STATE'S REQUEST RESET ARRAIGNMENT DATE AS TO DEFT HALL</i>	96C136862-10003.tif pages
07/02/1996	 Information <i>INFORMATION</i>	96C136862-10004.tif pages
07/02/1996	 Information <i>INFORMATION</i>	96C136862-10005.tif pages
07/02/1996	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	96C136862-10028.tif pages

DEPARTMENT 23
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CASE NO. 96C136862-1

07/02/1996	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	96C136862-10043.tif pages
07/02/1996	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	96C136862-10097.tif pages
07/03/1996	Request (9:00 AM) Events: 07/02/1996 Hearing <i>STATE'S REQUEST RESET ARRAIGNMENT DATE AS TO DEFT HALL Court Clerk: JEAN McKINLEY Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>	
07/03/1996	Conversion Case Event Type <i>SENTENCING/SET TRIAL</i>	96C136862-10006.tif pages
07/03/1996	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	96C136862-10008.tif pages
07/08/1996	Initial Arraignment (9:00 AM) Events: 07/02/1996 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: PONDA MEADOR Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>	
07/08/1996	Hearing <i>ARRAIGNMENT CONTINUED</i>	96C136862-10009.tif pages
07/10/1996	Arraignment Continued (9:00 AM) Events: 07/08/1996 Hearing <i>ARRAIGNMENT CONTINUED Relief Clerk: LINDA VIGIL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>	
08/02/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 27, 1996 OF PRELIMINARY HEARING</i>	96C136862-10012.tif pages
08/06/1996	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	96C136862-10013.tif pages
08/23/1996	Sentencing (9:00 AM) Events: 07/03/1996 Conversion Case Event Type <i>SENTENCING/SET TRIAL Court Clerk: JEAN McKINLEY Reporter/Recorder: JENNIFER CLARK Heard By: BONAVENTURE, JOSEPH T.</i>	
08/27/1996	 Request <i>MEDIA REQUEST</i>	96C136862-10014.tif pages
08/27/1996	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>	96C136862-10015.tif pages
09/04/1996	 Motion <i>DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL</i>	96C136862-10016.tif pages
09/10/1996	 Brief	96C136862-10017.tif pages

CASE SUMMARY**CASE No. 96C136862-1**

SENTENCING BRIEF AND OPPOSITION TO PRE-SENTENCE REPORT - RELATED
PARTYID: 96C136862_0002

09/11/1996



Answer

ANSWER IN OPPOSITION TO MOTION TO DISMISS COUNSEL AND OR APPOINTMENT
OF CO-COUNSEL CO-COUNSEL

96C136862-
10018.tif pages

09/13/1996

Sentencing (9:00 AM)

SENTENCING/SET TRIAL Court Clerk: JEAN McKINLEY Reporter/Recorder: LAURET
HENRY Heard By: BONAVENTURE, JOSEPH T.

09/17/1996

Motion to Withdraw as Counsel (9:00 AM)

Events: 09/04/1996 Motion

DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL
Heard By: Joseph Bonaventure

09/18/1996

Motion to Withdraw as Counsel (9:00 AM)

DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL
Court Clerk: JEAN McKINLEY Reporter/Recorder: LAURET HENRY Heard By:
BONAVENTURE, JOSEPH T.

09/20/1996



Order

ORDER FOR PRODUCTION OF INMATE

96C136862-
10019.tif pages

10/02/1996

Motion to Withdraw as Counsel (9:00 AM)

DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL
Court Clerk: JEAN McKINLEY Reporter/Recorder: TAMMY BREED Heard By:
BONAVENTURE, JOSEPH T.

10/14/1996

Sentencing (9:00 AM)

SENTENCING/SET TRIAL Relief Clerk: LINDA VIGIL Reporter/Recorder: JANIE OLSEN
Heard By: BONAVENTURE, JOSEPH T.

10/21/1996

Motion to Withdraw as Counsel (9:00 AM)

DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL
Relief Clerk: LINDA VIGIL Reporter/Recorder: LAURET HENRY Heard By: Joseph
Bonaventure

11/04/1996

Motion

STATE'S MOTION TO ENDORSE NAMES ON INFORMATION

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11/04/1996



Information

MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION

96C136862-
10022.tif pages

11/13/1996

Conversion Hearing Type (9:00 AM)

Events: 11/04/1996 Motion

STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Relief Clerk: LINDA VIGIL
Reporter/Recorder: JENNIFER CLARK Heard By: Joseph Bonaventure

11/13/1996



Order

ORDER TO ENDORSE NAMES ON INFORMATION

96C136862-
10023.tif pages

11/19/1996








Order

ORDER FOR MULTIPLE CONTACT VISITS FOR PSYCHO-NEUROLOGICAL
EVALUATION - RELATED PARTYID: 96C136862_0001

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DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

11/20/1996	 Application <i>EX PARTE APPLICATION FOR APPOINTMENT OF EXPERT AND PAYMENT FOR SERVICES - RELATED PARTYID: 96C136862_0001</i>	96C136862-10025.tif pages
11/20/1996	 Order <i>ORDER FOR APPOINTMENT OF EXPERT AND PAYMENT FOR SERVICES - RELATED PARTYID: 96C136862_0001</i>	96C136862-10026.tif pages
12/16/1996	Motion <i>STATE'S REQUEST TO RESET TRIAL DATE</i>	96C136862-10027.tif pages
12/18/1996	Motion (9:00 AM) Events: 12/16/1996 Motion <i>STATE'S REQUEST TO RESET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: DANELLE REDDY Heard By: Joseph Bonaventure</i>	
12/24/1996	Motion <i>STATE'S REQUEST RESET SENTENCING DATE</i>	96C136862-10031.tif pages
12/27/1996	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>	
12/30/1996	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
01/06/1997	Motion to Continue (9:00 AM) Events: 12/24/1996 Motion <i>STATE'S REQUEST RESET SENTENCING DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: DANELLE REDDY Heard By: Joseph Bonaventure</i>	
01/13/1997	Sentencing (9:00 AM) <i>SENTENCING/SET TRIAL Heard By: Joseph Bonaventure</i>	
01/17/1997	Hearing <i>DEFT'S REQUEST RESET TRIAL DATE</i>	96C136862-10032.tif pages
01/24/1997	 Conversion Case Event Type <i>ORDER TO TRANSPORT PRISONER - RELATED PARTYID: 96C136862_0001</i>	96C136862-10033.tif pages
01/29/1997	Request (9:00 AM) Events: 01/17/1997 Hearing <i>DEFT'S REQUEST RESET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
01/29/1997	Hearing <i>STATUS CHECK: RE-SET TRIAL DATE</i>	96C136862-10034.tif pages
01/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANTS MOTION TO RESET TRIAL DATE</i>	96C136862-10035.tif pages
01/30/1997	 Conversion Case Event Type <i>ORDER TO TRANSPORT PRISONER - RELATED PARTYID: 96C136862_0001</i>	96C136862-10036.tif pages

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1




02/07/1997	Status Check (9:00 AM) Events: 01/29/1997 Hearing <i>STATUS CHECK: RE-SET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
02/10/1997	 Order <i>ORDER TO RETAIN INMATE IN CLARK COUNTY DETENTION CENTER - RELATED PARTYID: 96C136862_0001</i>	96C136862-10039.tif pages
02/10/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 7, 1997 OF STATUS CHECK: RE-SET TRIAL DATE</i>	96C136862-10127.tif pages
04/30/1997	Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i>	96C136862-10040.tif pages
04/30/1997	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>	96C136862-10041.tif pages
04/30/1997	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>	96C136862-10042.tif pages
05/05/1997	Conversion Hearing Type (8:45 AM) Events: 04/30/1997 Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
05/05/1997	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>	96C136862-10044.tif pages
05/06/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i>	96C136862-10045.tif pages
05/09/1997	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>	
05/12/1997	CANCELED Jury Trial (9:45 AM) <i>Vacated</i>	
05/19/1997	 Conversion Case Event Type <i>ORDER TO TRANSPORT PRISONER - RELATED PARTYID: 96C136862_0001</i>	96C136862-10046.tif pages
05/23/1997	 Motion <i>DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE</i>	96C136862-10047.tif pages
05/27/1997	 Answer <i>ANSWER IN OPPOSITION TO MOTION TO ALLOW JURY QUESTIONNAIRE</i>	96C136862-10049.tif pages
05/28/1997	Sentencing (8:45 AM) <i>SENTENCING/SET TRIAL Heard By: Joseph Bonaventure</i>	
05/28/1997	Motion in Limine (8:45 AM)	

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1










	Events: 05/23/1997 Motion <i>DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
05/28/1997	 Order <i>ORDER RELEASING EVIDENCE</i>	96C136862- 10050.tif pages
05/28/1997	 Request <i>EX PARTE MOTION FOR RELEASE OF EVIDENCE</i>	96C136862- 10051.tif pages
05/30/1997	Motion <i>JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL</i>	96C136862- 10052.tif pages
05/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MAY 28, 1997 DEFENDANT'S MOTION TO ALLOW JURY QUESTI ONNAIRE ONNAIRE</i>	96C136862- 10053.tif pages
05/30/1997	 Request <i>MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT KENYA KEITA HALL FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME- RELATED PARTYID: 96C136862__0002</i>	96C136862- 10054.tif pages
06/02/1997	Sentencing (8:45 AM) <i>SENTENCING/SET TRLAL Heard By: Joseph Bonaventure</i>	
06/02/1997	Motion to Withdraw as Counsel (8:45 AM) Events: 05/30/1997 Motion <i>JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL Heard By: Joseph Bonaventure</i>	
06/02/1997	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
06/03/1997	Motion <i>ALL PENDING MOTIONS</i>	96C136862- 10056.tif pages
06/09/1997	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>	96C136862- 10057.tif pages
06/09/1997	 Request <i>MEDIA REQUEST</i>	96C136862- 10058.tif pages
06/11/1997	Motion <i>DEFT HALL'S MOTION TO PREVENT BEING CALLED TO APPEAR/TESTIFY</i>	96C136862- 10059.tif pages
06/11/1997	 Request <i>MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEARAND TESTIFY AND ALLOW COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENTS BEHALF AND ORDER SHORTENING TIME AND TESTIFY AND ALLOW COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE</i>	96C136862- 10062.tif pages

CASE SUMMARY**CASE NO. 96C136862-1**

*AGAINST SELF-INCRIMINATION ON HIS CLIENTS BEHALF AND ORDER SHORTENING
TIME- RELATED PARTYID: 96C136862__0002*

06/12/1997	 Request <i>MOTION TO USE REPORTED TESTIMONY</i>	96C136862- 10060.tif pages
06/12/1997	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>	96C136862- 10061.tif pages
06/12/1997	Motion <i>STATE'S MOTION TO USE REPORTED TESTIMONY MOTION</i>	96C136862- 10064.tif pages
06/13/1997	Calendar Call (8:45 AM) <i>CALENDAR CALL</i>	
06/13/1997	Motion (8:45 AM) Events: 06/11/1997 Motion <i>DEFT HALL'S MOTION TO PREVENT BEING CALLED TO APPEAR/TESTIFY Heard By: Joseph Bonaventure</i>	
06/13/1997	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
06/13/1997	Motion <i>STATE'S MOTION TO ENDORSE</i>	96C136862- 10063.tif pages
06/13/1997	Motion <i>ALL PENDING MOTIONS</i>	96C136862- 10065.tif pages
06/13/1997	 Order <i>ORDER FOR TRANSCRIPTS</i>	96C136862- 10067.tif pages
06/16/1997	Motion (8:45 AM) <i>DEFT HALL'S MOTION TO PREVENT BEING CALLED TO APPEAR/TESTIFY Heard By: Joseph Bonaventure</i>	
06/16/1997	Motion (8:45 AM) Events: 06/13/1997 Motion <i>STATE'S MOTION TO ENDORSE Heard By: Joseph Bonaventure</i>	
06/16/1997	Motion (8:45 AM) Events: 06/12/1997 Motion <i>STATE'S MOTION TO USE REPORTED TESTIMONY MOTION Heard By: Joseph Bonaventure</i>	
06/16/1997	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
06/16/1997	Jury Trial (9:15 AM) <i>TRIAL BY JURY Court Clerk: JEAN McKINLEY Relief Clerk: CINDY HORTON/CH Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.</i>	
06/16/1997	Hearing	96C136862- 10066.tif pages







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	<i>AT THE REQUEST OF THE COURT</i>	
06/16/1997	 Jury List <i>CRIMINAL JURY LIST 004390D ST PD D1FC DIST PD D 004390 DIST PD D 004390</i>	96C136862-10068.tif pages
06/16/1997	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>	96C136862-10099.tif pages
06/16/1997	Expert Witness List <i>JURY LIST</i>	96C136862-10132.tif pages
06/17/1997	Jury Trial (9:15 AM) <i>TRIAL BY JURY Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.</i>	
06/17/1997	 Motion <i>DEFT'S MOTION FOR PROTECTIVE ORDER</i>	96C136862-10069.tif pages
06/17/1997	Motion <i>ALL PENDING MOTIONS</i>	96C136862-10070.tif pages
06/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 16, 1997 JURY TRIAL DAY 1 VOLUME II</i>	96C136862-10076.tif pages
06/18/1997	Request of Court (8:00 AM) Events: 06/16/1997 Hearing <i>AT THE REQUEST OF THE COURT</i>	
06/18/1997	Motion for Protective Order (8:45 AM) Events: 06/17/1997 Motion <i>DEFT'S MOTION FOR PROTECTIVE ORDER Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
06/18/1997	Jury Trial (9:15 AM) <i>TRIAL BY JURY Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
06/18/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 17, 1997 JURY TRIAL DAY 2 VOLUME III</i>	96C136862-10071.tif pages
06/18/1997	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	96C136862-10090.tif pages
06/18/1997	 Verdict <i>VERDICT COUNT IV</i>	96C136862-10091.tif pages
06/18/1997	 Verdict <i>VERDICT COUNT II</i>	96C136862-10092.tif pages
06/18/1997	 Verdict <i>VERDICT COUNT III</i>	96C136862-10093.tif pages

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06/18/1997	 Verdict <i>VERDICT COUNT I</i>	96C136862-10094.tif pages
06/18/1997	 Verdict <i>VERDICT COUNT V</i>	96C136862-10095.tif pages
06/18/1997	 Verdict <i>VERDICT COUNT VI</i>	96C136862-10096.tif pages
06/20/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 16, 1997 JURY TRIAL DAY I VOLUME I</i>	96C136862-10074.tif pages
06/20/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 18, 1997 JURY TRIAL DAY III VOLUME IV</i>	96C136862-10075.tif pages
06/23/1997	Penalty Hearing (9:15 AM) <i>PENALTY HEARING Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.</i>	
06/23/1997	Hearing <i>PENALTY HEARING</i>	96C136862-10073.tif pages
06/24/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 23, 1997 JURY TRIAL PENALTY PHASE DAY I</i>	96C136862-10079.tif pages
06/25/1997	Penalty Hearing (9:15 AM) <i>PENALTY HEARING Court Clerk: JEAN McKINLEY Relief Clerk: LINDA VIGIL/PM Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
06/25/1997	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	96C136862-10082.tif pages
06/25/1997	 Verdict <i>VERDICT</i>	96C136862-10083.tif pages
06/25/1997	 Verdict <i>VERDICT</i>	96C136862-10084.tif pages
06/25/1997	 Verdict <i>SPECIAL VERDICT COUNT III</i>	96C136862-10085.tif pages
06/25/1997	 Verdict <i>SPECIAL VERDICT</i>	96C136862-10086.tif pages
06/25/1997	 Verdict <i>SPECIAL VERDICT COUNT II</i>	96C136862-10087.tif pages
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06/25/1997	 Verdict <i>SPECIAL VERDICT COUNT II</i>	10088.tif pages
06/26/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 13, 1997 OF CALENDAR CALL</i>	96C136862- 10078.tif pages
06/27/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 25, 1997 JURY TRIAL-PENALTY PHASE-DAY 2</i>	96C136862- 10081.tif pages
07/01/1997	Conversion Case Event Type <i>SENTENCING</i>	96C136862- 10089.tif pages
07/07/1997	Notice <i>NOTICE TRANSCRIPTS ON SHELVES</i>	96C136862- 10098.tif pages
07/22/1997	 Ex Parte Order <i>EX PARTE APPLICATION AND ORDER FOR PAYMENT OF EXCESS EXPERT FEES - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10101.tif pages
08/06/1997	Sentencing (8:30 AM) <i>SENTENCING/SET TRIAL Heard By: Joseph Bonaventure</i>	
08/06/1997	Motion to Withdraw as Counsel (8:30 AM) <i>JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
08/06/1997	Conversion Case Event Type <i>ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA</i>	96C136862- 10102.tif pages
08/12/1997	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0002</i>	96C136862- 10103.tif pages
08/13/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0002</i>	96C136862- 10104.tif pages
08/21/1997	Sentencing (8:30 AM) <i>SENTENCING/SET TRIAL Heard By: Joseph Bonaventure</i>	
08/21/1997	Hearing (8:30 AM) Events: 08/06/1997 Conversion Case Event Type <i>ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA Heard By: Joseph Bonaventure</i>	
08/21/1997	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 8/21/97 Relief Clerk: DEBBIE VINSON Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
08/21/1997	Motion <i>ALL PENDING MOTIONS 8/21/97</i>	96C136862- 10105.tif pages
08/25/1997	Sentencing (8:30 AM) Events: 07/01/1997 Conversion Case Event Type	

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SENTENCING Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

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10107.tif pages












08/25/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: SENTENCING</i>
08/25/1997	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER. Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT DEGREES OF MURDER Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRE TO AID AND ABET A ROBBERY Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion) 2. MURDER WITH A DEADLY WEAPON Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion) 3. MURDER WITH A DEADLY WEAPON Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 3. DEGREES OF MURDER Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion) 4. ROBBERY WITH A DEADLY WEAPON Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 5. BURGLARY. Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 6. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON Guilty
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Sentence (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER.

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	Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 48 Months to Maximum 120 Months Placement: NSP Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 495 Days to Maximum 495 Days Converted Disposition: Sentence# 0003: ADMINISTRATION FEE Amount: \$25.00
08/25/1997	Sentence (Judicial Officer: User, Conversion) 2. MURDER WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: DEATH PENALTY
08/25/1997	Sentence (Judicial Officer: User, Conversion) 3. MURDER WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: DEATH PENALTY
08/25/1997	Sentence (Judicial Officer: User, Conversion) 4. ROBBERY WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 72 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 72 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0008 and Sentence#: 0001
08/25/1997	Sentence (Judicial Officer: User, Conversion) 5. BURGLARY. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 72 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0008 and Sentence#: 0001
08/25/1997	Sentence (Judicial Officer: User, Conversion) 6. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0009 and Sentence#: 0001 Converted Disposition: Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE Cons/Conc: Consecutive

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w/Charge Item: 0010
and Sentence#: 0001

08/26/1997	Hearing <i>AT THE REQUEST OF THE COURT CLARIFICATION OF SENTENCE</i>	96C136862- 10106.tif pages
08/27/1997	Request of Court (8:30 AM) Events: 08/26/1997 Hearing <i>AT THE REQUEST OF THE COURT CLARIFICATION OF SENTENCE Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
08/27/1997	 Judgment <i>JUDGMENT OF CONVICTION</i>	96C136862- 10108.tif pages
08/27/1997	 Order <i>ORDER</i>	96C136862- 10109.tif pages
08/27/1997	 Warrant <i>WARRANT OF EXECUTION</i>	96C136862- 10110.tif pages
08/27/1997	 Order <i>ORDER OF EXECUTION</i>	96C136862- 10111.tif pages
08/28/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: CLARIFICATION OF SENTENCE</i>	96C136862- 10112.tif pages
09/04/1997	Sentencing (8:30 AM) <i>SENTENCING/SET TRIAL Heard By: Joseph Bonaventure</i>	
09/04/1997	Hearing (8:30 AM) <i>ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA Court Clerk: LINDA VIGIL Relief Clerk: NANCY NOBLE/mn Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
09/09/1997	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10114.tif pages
09/09/1997	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10115.tif pages
09/10/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10118.tif pages
09/11/1997	 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION</i>	96C136862- 10117.tif pages
09/11/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10119.tif pages
09/11/1997	 Stipulation	96C136862- 10120.tif pages

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STIPULATION - RELATED PARTYID: 96C136862_0002









09/11/1997	 Order <i>ORDER - RELATED PARTYID: 96C136862_0002</i>	96C136862- 10121.tif pages
09/15/1997	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0002</i>	96C136862- 10122.tif pages
09/15/1997	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 96C136862_0002</i>	96C136862- 10123.tif pages
09/16/1997	 Judgment <i>AMENDED JUDGMENT OF CONVICTION - PLEA</i>	96C136862- 10124.tif pages
09/16/1997	Judgment <i>AMENDED JUDGMENT</i>	96C136862- 10125.tif pages
09/16/1997	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>	96C136862- 10126.tif pages
09/17/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0002</i>	96C136862- 10128.tif pages
09/17/1997	 Order <i>ORDER FOR TRANSCRIPTS - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10130.tif pages
09/18/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10129.tif pages
09/19/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10131.tif pages
09/23/1997	Motion to Stay (8:30 AM) Events: 09/11/1997 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION Court Clerk: LINDA VIGIL</i> <i>Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
09/23/1997	 Order <i>ORDER TO STAY EXECUTION - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10133.tif pages
09/26/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 23, 1997 MOTION FOR STAY OF EXECUTION</i>	96C136862- 10136.tif pages
09/30/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10134.tif pages
09/30/1997	 Reporters Transcript	96C136862- 10135.tif pages

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REPORTER'S TRANSCRIPT OF DECEMBER 18, 1996

10/01/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862- 10137.tif pages
10/09/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 02, 1996 PROCEEDINGS</i>	96C136862- 10138.tif pages
10/09/1997	 Judgment <i>JUDGMENT OF CONVICTION - PLEA</i>	96C136862- 10139.tif pages
10/09/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 10, 1996</i>	96C136862- 10140.tif pages
10/09/1997	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>	96C136862- 10141.tif pages
10/09/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>	96C136862- 10142.tif pages
10/09/1997	 Certificate <i>CERTIFICATE OF MAILING</i>	96C136862- 10143.tif pages
10/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 21, 1996</i>	96C136862- 10144.tif pages
10/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 18, 1996</i>	96C136862- 10145.tif pages
10/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 03, 1996</i>	96C136862- 10147.tif pages
11/03/1997	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862__0002</i>	96C136862- 10146.tif pages
11/17/1997	Hearing <i>AT THE REQUEST OF THE COURT CONFIRMATION VL 11-18-97</i>	96C136862- 10148.tif pages
11/17/1997	 Order <i>ORDER FOR TRANSCRIPTS - RELATED PARTYID: 96C136862__0001</i>	96C136862- 10150.tif pages
11/17/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862- 10151.tif pages
11/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFT'S MOTION FOR DEFT HALL TO INVOKE FIFTH AMENDMENT RIGHTS RIGHTS</i>	96C136862- 10152.tif pages








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11/18/1997	Motion <i>STATE'S REQUEST SUPREME COURT ORDER: APPOINT COUNSEL</i>	96C136862-10149.tif pages
11/20/1997	CANCELED Request of Court (8:30 AM) Events: 11/17/1997 Hearing <i>Vacated</i>	
11/24/1997	Motion (8:30 AM) Events: 11/18/1997 Motion <i>STATE'S REQUEST SUPREME COURT ORDER: APPOINT COUNSEL Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i>	
01/07/1998	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862__0002</i>	96C136862-10153.tif pages
06/05/1998	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	96C136862-10154.tif pages
06/05/1998	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862__0002</i>	96C136862-10155.tif pages
01/27/1999	 Withdrawal of Attorney <i>NOTICE OF WITHDRAWAL OF COUNSEL - RELATED PARTYID: 96C136862__0002</i>	96C136862-10158.tif pages
01/27/1999	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0002</i>	96C136862-10160.tif pages
01/28/1999	Motion <i>DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTY/TRANSFER RECORDS</i>	96C136862-10157.tif pages
01/28/1999	 Request <i>MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS - RELATED PARTYID: 96C136862__0002</i>	96C136862-10159.tif pages
02/09/1999	Motion (8:30 AM) Events: 01/28/1999 Motion <i>DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTY/TRANSFER RECORDS Court Clerk: CINDY HORTON Reporter/Recorder: LISA MACOWSKI Heard By: Sally Loehrer</i>	
02/10/1999	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>	96C136862-10161.tif pages
02/10/1999	Judgment <i>REMITTITUR APPEAL DISMISSED</i>	96C136862-10162.tif pages
03/24/1999	 Application <i>EX-PARTE APPLICATION FOR FEES IN EXCESS OF STATUTORY MAXIMUM - RELATED PARTYID: 96C136862__0002</i>	96C136862-10163.tif pages
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04/09/1999	 Order <i>ORDER FOR FEES IN EXCESS OF STATUTORY MAXIMUM - RELATED PARTYID: 96C136862__0002</i>	10164.tif pages
10/27/1999	 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION</i>	96C136862-10165.tif pages
11/04/1999	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>	96C136862-10169.tif pages
11/09/1999	Motion to Stay (8:30 AM) Events: 10/27/1999 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer</i>	
11/10/1999	Motion <i>SPECIAL PD'S MOTION TO WITHDRAW AS COUNSEL/ MOTION TO APPOINT COUNSEL/STAY</i>	96C136862-10167.tif pages
11/10/1999	 Request <i>MOTION TO WITHDRAW AS ATTORNEY OF RECORD MOTION TO HAVE COUNSEL APPOINTED FOR POST-CONVICTION PROCEEDINGS AND MOTION FOT STAY OF EXECUTION APPOINTED FOR POST-CONVICTION PROCEEDINGS AND MOTION FOT STAY OF EXECUTION- RELATED PARTYID: 96C136862__0001</i>	96C136862-10168.tif pages
11/18/1999	 Order <i>ORDER DENYING DEFENDANTS MOTION FOR STAY OF EXECUTION</i>	96C136862-10170.tif pages
11/30/1999	Motion to Withdraw as Counsel (8:30 AM) Events: 11/10/1999 Motion <i>SPECIAL PD'S MOTION TO WITHDRAW AS COUNSEL/ MOTION TO APPOINT COUNSEL/STAY Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i>	
11/30/1999	Hearing <i>CONFIRMATION OF COUNSEL (SCHIECK)</i>	96C136862-10171.tif pages
11/30/1999	 Withdrawal <i>ORDER TO WITHDRAW AS ATTORNEY OF RECORD - RELATED PARTYID: 96C136862__0001</i>	96C136862-10172.tif pages
11/30/1999	 Conversion Case Event Type <i>ORDER FOR STAY OF EXECUTION - RELATED PARTYID: 96C136862__0001</i>	96C136862-10173.tif pages
12/02/1999	Motion for Confirmation of Counsel (8:30 AM) Events: 11/30/1999 Hearing <i>CONFIRMATION OF COUNSEL (SCHIECK) Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i>	
12/06/1999	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862__0001</i>	96C136862-10174.tif pages
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01/06/2000	 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	10175.tif pages
01/10/2000	 Certificate <i>CERTIFICATE OF SERVICE BY MAIL - RELATED PARTYID: 96C136862__0001</i>	96C136862-10176.tif pages
01/20/2000	Petition for Writ of Habeas Corpus (8:30 AM) Events: 01/06/2000 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer</i>	
01/20/2000	Conversion Case Event Type <i>ARGUMENT AND DECISION</i>	96C136862-10177.tif pages
06/28/2000	Hearing (10:30 AM) Events: 01/20/2000 Conversion Case Event Type <i>ARGUMENT AND DECISION Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Loehrer, Sally</i>	
11/02/2000	Hearing (8:30 AM) <i>ARGUMENT AND DECISION Court Clerk: THERESA LEE Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i>	
11/02/2000	Motion <i>SET TIME CERTAIN: ARGUMENT AND DECISION</i>	96C136862-10178.tif pages
01/29/2001	Hearing (8:30 AM) Events: 11/02/2000 Motion <i>SET TIME CERTAIN: ARGUMENT AND DECISION Court Clerk: MELISSA DAVIS Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer</i>	
01/29/2001	Conversion Case Event Type <i>ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VE 6/20</i>	96C136862-10179.tif pages
01/30/2001	 Order <i>ORDER</i>	96C136862-10180.tif pages
01/30/2001	 Certificate <i>CERTIFICATE ACKNOWLEDGING TRANSMITTAL OF CERTIFIED TRANSCRIPT TO THE CLERK OF THE SUPREME COURT OF THE SUPREME COURT</i>	96C136862-10181.tif pages
01/30/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SET TIME CERTAIN ARGUMENT AND DECISION</i>	96C136862-10182.tif pages
03/27/2001	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 96C136862__0001</i>	96C136862-10192.tif pages
04/17/2001	 Motion <i>STATE'S MOTION TO PLACE ON CALENDAR</i>	96C136862-10183.tif pages
04/30/2001	Motion (8:30 AM)	






DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

	Events: 04/17/2001 Motion <i>STATE'S MOTION TO PLACE ON CALENDAR Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i>	
05/17/2001	 Request <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS- RELATED PARTYID: 96C136862__0001</i>	96C136862- 10184.tif pages
05/21/2001	Hearing (8:30 AM) Events: 01/29/2001 Conversion Case Event Type <i>ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VE 6/20 Heard By: Sally Loehrer</i>	
05/24/2001	 Order <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES - RELATED PARTYID: 96C136862__0001</i>	96C136862- 10185.tif pages
06/20/2001	Conversion Case Event Type <i>ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION</i>	96C136862- 10186.tif pages
06/20/2001	 Order <i>STIPULATION AND ORDER TO VACATE HEARING ON 8-27-01 AND RE-SET BRIEFING SCHEDULE - RELATED PARTYID: 96C136862__0001</i>	96C136862- 10187.tif pages
06/21/2001	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 96C136862__0001</i>	96C136862- 10188.tif pages
07/16/2001	 Petition <i>SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION AND POINTS AND AUTHORITIES IN SUPPORT THEREOF POINTS AND AUTHORITIES IN SUPPORT THEREOF- RELATED PARTYID: 96C136862__0001</i>	96C136862- 10189.tif pages
08/27/2001	Hearing (8:30 AM) <i>ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VE 6/20 Heard By: Sally Loehrer</i>	
08/28/2001	 Opposition <i>OPPOSITION TO DEFENDANTS SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION POST-CONVICTION</i>	96C136862- 10190.tif pages
09/19/2001	Hearing (8:30 AM) Events: 06/20/2001 Conversion Case Event Type <i>ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION Court Clerk: Melissa Davis Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i>	
09/26/2001	Hearing (8:30 AM) <i>ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION Relief Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
09/26/2001	Hearing <i>EVIDENTIARY HEARING</i>	96C136862- 10191.tif pages
10/12/2001	Evidentiary Hearing (3:30 PM)	












DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

	Events: 09/26/2001 Hearing <i>EVIDENTIARY HEARING Court Clerk: Melissa Davis Heard By: Loehrer, Sally</i>	
10/16/2001	 Request <i>EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862__0001</i>	96C136862-10193.tif pages
10/22/2001	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862__0001</i>	96C136862-10194.tif pages
10/23/2001	 Receipt <i>RECEIPT OF CERTIFIED COPIES</i>	96C136862-10195.tif pages
11/29/2001	Evidentiary Hearing (8:00 AM) <i>EVIDENTIARY HEARING Relief Clerk: Keith A. Reed Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
12/19/2001	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT PETITIONER - RELATED PARTYID: 96C136862__0001</i>	96C136862-10196.tif pages
12/21/2001	Hearing <i>EVIDENTIARY HEARING</i>	96C136862-10197.tif pages
12/21/2001	 Receipt <i>RECEIPT OF CERTIFIED COPIES</i>	96C136862-10198.tif pages
01/14/2002	Evidentiary Hearing (9:00 AM) Events: 12/21/2001 Hearing <i>EVIDENTIARY HEARING Court Clerk: Melissa Davis Heard By: Loehrer, Sally</i>	
01/17/2002	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 96C136862__0001</i>	96C136862-10199.tif pages
01/22/2002	Evidentiary Hearing (10:00 AM) <i>EVIDENTIARY HEARING Court Clerk: Melissa Davis Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i>	
01/25/2002	 Order <i>ORDER TO PREPARE TRANSCRIPT - RELATED PARTYID: 96C136862__0001</i>	96C136862-10200.tif pages
01/25/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING</i>	96C136862-10201.tif pages
01/28/2002	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862-10202.tif pages
03/12/2002	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT PETITIONER - RELATED PARTYID: 96C136862__0001</i>	96C136862-10203.tif pages

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CASE SUMMARY
CASE NO. 96C136862-1

03/15/2002	Evidentiary Hearing (8:00 AM) <i>EVIDENTIARY HEARING Relief Clerk: Keith A. Reed Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
03/15/2002	Hearing <i>DECISION: EVIDENTIARY HEARING</i>	96C136862- 10204.tif pages
03/18/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING VOLUME II</i>	96C136862- 10205.tif pages
03/18/2002	 Order <i>ORDER</i>	96C136862- 10206.tif pages
04/11/2002	 Request <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS PROCEEDINGS- RELATED PARTYID: 96C136862_0001</i>	96C136862- 10207.tif pages
04/15/2002	 Order <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10208.tif pages
06/05/2002	Decision (8:30 AM) Events: 03/15/2002 Hearing <i>DECISION: EVIDENTIARY HEARING Court Clerk: Theresa Lee Relief Clerk: Tina Hurd/th Reporter/Recorder: Mary Beth Cook Heard By: Mark Gibbons</i>	
06/05/2002	Hearing <i>DECISION</i>	96C136862- 10209.tif pages
06/13/2002	 Brief <i>PETITIONERS POST HEARING BRIEF - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10210.tif pages
07/10/2002	 Brief <i>STATES POST HEARING BRIEF</i>	96C136862- 10211.tif pages
08/14/2002	Decision (8:30 AM) Events: 06/05/2002 Hearing <i>DECISION Court Clerk: Carole D'Aloia Reporter/Recorder: Tom Mercer Heard By: Bonaventure, Joseph T.</i>	
08/21/2002	Decision (8:30 AM) <i>DECISION Court Clerk: Keith Reed/kar Relief Clerk: Alan Castle Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i>	
08/22/2002	 Order <i>ORDER APPOINTING APPELLATE COUNSEL - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10212.tif pages
09/06/2002	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	96C136862- 10213.tif pages
09/10/2002		96C136862-






DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	10214.tif pages
09/18/2002	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 96C136862_0001</i>	96C136862-10215.tif pages
09/18/2002	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0001</i>	96C136862-10216.tif pages
10/10/2002	 Order <i>STIPULATION AND ORDER FOR PAYMENT OF EXCESS ATTORNEY FEES AND EXPENSES - RELATED PARTYID: 96C136862_0001</i>	96C136862-10217.tif pages
10/16/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ARGUMENT AND DECISION</i>	96C136862-10218.tif pages
12/27/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ARGUMENT/DECISION ON DEFENDANTS WRIT OF HABEAS CORPUS</i>	96C136862-10219.tif pages
12/27/2002	 Certificate <i>CERTIFICATE ACKNOWLEDGING TRANSMITTAL OF CERTIFIED TRANSCRIPT TO THE CLERK OF THE SUPREME COURT OF THE SUPREME COURT</i>	96C136862-10220.tif pages
03/12/2004	Judgment <i>CLERK'S CERT AFFIRMED/REVERSED/REMANDED - RELATED PARTYID: 96C136862_0001</i>	96C136862-10222.tif pages
03/12/2004	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED</i>	96C136862-10223.tif pages
03/15/2004	 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/54</i>	96C136862-10224.tif pages
03/16/2004	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>	96C136862-10225.tif pages
03/29/2004	Motion (8:30 AM) Events: 03/15/2004 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/54 Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
03/29/2004	Hearing <i>STATUS CHECK /SET PENALTY HEARING</i>	96C136862-10226.tif pages
03/31/2004	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0001</i>	96C136862-10227.tif pages
		96C136862-










DEPARTMENT 23
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CASE NO. 96C136862-1

04/08/2004	 Request <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>	10228.tif pages
04/12/2004	 Ex Parte Order <i>EX PARTE ORDER TO PRODUCE INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>	96C136862-10229.tif pages
04/19/2004	 Request <i>EX PARTE MOTION FOR PAYMENT OF EXCESS ATTORNEYS FEES AND COSTS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10230.tif pages
04/27/2004	 Order <i>ORDER GRANTING PAYMENT OF EXCESS ATTORNEYS FEES AND COSTS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10231.tif pages
06/30/2004	Status Check (8:30 AM) Events: 03/29/2004 Hearing <i>STATUS CHECK /SET PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Angela Lee Heard By: Sally Loehrer</i>	
06/30/2004	Hearing <i>PENALTY HEARING VJ 1/03/05</i>	96C136862-10233.tif pages
07/21/2004	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK SET PENALTY HEARING</i>	96C136862-10234.tif pages
11/03/2004	 Request <i>EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>	96C136862-10235.tif pages
11/04/2004	 Ex Parte Order <i>EX PARTE ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>	96C136862-10236.tif pages
12/08/2004	 Motion <i>NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR RELIEF/58</i>	96C136862-10237.tif pages
12/15/2004	 Affidavit <i>AFFIDAVIT OF MAILING</i>	96C136862-10239.tif pages
12/20/2004	Motion (8:30 AM) Events: 12/08/2004 Motion <i>NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR RELIEF/58 Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>	
12/20/2004	Hearing <i>RESET PENALTY HEARING</i>	96C136862-10238.tif pages
12/29/2004	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>	

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1













01/03/2005	Motion (8:30 AM) <i>NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR RELIEF/58</i>	
01/03/2005	Conversion Hearing Type (8:30 AM) Events: 12/20/2004 Hearing <i>RESET PENALTY HEARING</i>	
01/03/2005	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS Relief Clerk: Elaine York/ey Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
01/03/2005	CANCELED Penalty Hearing (1:30 PM) Events: 06/30/2004 Hearing <i>Vacated</i>	
01/03/2005	Motion <i>ALL PENDING MOTIONS</i>	96C136862- 10240.tif pages
01/03/2005	Motion <i>ALL PRETRIAL MOTIONS (VJ/1/12/05)</i>	96C136862- 10241.tif pages
01/04/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTION FOR RECONSIDERATION</i>	96C136862- 10244.tif pages
01/04/2005	 Order <i>ORDER</i>	96C136862- 10245.tif pages
01/08/2005	Hearing <i>STATE'S REQUEST STATUS CHECK/TRIAL DATE</i>	96C136862- 10246.tif pages
01/12/2005	Request (8:30 AM) Events: 01/08/2005 Hearing <i>STATE'S REQUEST STATUS CHECK/TRIAL DATE Court Clerk: Theresa Lee Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
01/12/2005	Motion <i>ALL PRE-TRIAL MOTIONS</i>	96C136862- 10247.tif pages
01/13/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL DATE STATUS</i>	96C136862- 10250.tif pages
03/16/2005	CANCELED Motion (8:30 AM) Events: 01/03/2005 Motion <i>Vacated</i>	
03/18/2005	 Request <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>	96C136862- 10251.tif pages
03/18/2005	 Request <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS C FILE OF THE NEVADA DEPARTMENT OF CORRECTIONS DEPARTMENT OF CORRECTIONS- RELATED PARTYID: 96C136862_0001</i>	96C136862- 10252.tif pages

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

03/22/2005	 Ex Parte Order <i>EX PARTE ORDER TO PRODUCE INSTITUTIONAL FILE - RELATED PARTYID: 96C136862__0001</i>	96C136862-10253.tif pages
03/22/2005	 Ex Parte Order <i>EX PARTE ORDER TO PRODUCE DEFENDANTS C FILE OF THE NDOC - RELATED PARTYID: 96C136862__0001</i>	96C136862-10254.tif pages
03/30/2005	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>	
04/04/2005	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>	
04/19/2005	 Motion <i>DEFT'S NTC OF MTN AND MTN TO PLACE ON CALENDR /68</i>	96C136862-10255.tif pages
04/19/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862-10256.tif pages
05/04/2005	Motion (8:30 AM) Events: 04/19/2005 Motion <i>DEFT'S NTC OF MTN AND MTN TO PLACE ON CALENDR /68 Court Clerk: Theresa Lee Reporter/Recorder: JoAnn Orduna Heard By: Sally Loehrer</i>	
05/17/2005	 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/71</i>	96C136862-10259.tif pages
05/17/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862-10260.tif pages
05/18/2005	Motion (8:30 AM) Events: 01/12/2005 Motion <i>ALL PRE-TRIAL MOTIONS</i>	
05/20/2005	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	96C136862-10261.tif pages
06/01/2005	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>	
06/01/2005	Motion (8:30 AM) Events: 05/17/2005 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/71 Relief Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
06/01/2005	 Order <i>ORDER APPOINTING CO COUNSEL NUNC PRO TUNC - RELATED PARTYID: 96C136862__0001</i>	96C136862-10262.tif pages
06/02/2005	 Application <i>EX PARTE APPLICATION FOR AUTHORIZATION FOR FEES IN EXCESS OF</i>	96C136862-10263.tif pages

CASE SUMMARY**CASE NO. 96C136862-1**


STATUTORY AMOUNT AUTHORIZED BY NRS 7.125 AND 7.145 AND APPLICATION FOR
 PAYMENT OF INTERIM FEES AUTHORIZED BY NRS 7.125 AND 7.145 AND
 APPLICATION FOR PAYMENT OF INTERIM FEES- RELATED PARTYID:
 96C136862_0001

06/03/2005	 Ex Parte Order EX PARTE ORDER - RELATED PARTYID: 96C136862_0001	96C136862- 10264.tif pages
06/06/2005	CANCELED Jury Trial (1:30 PM) Vacated	
06/14/2005	 Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS	96C136862- 10265.tif pages
08/24/2005	 Motion DEFT'S MTN TO STRIKE AGGRAVATING CIRCUMSTANCES BASED	96C136862- 10266.tif pages
08/24/2005	 Motion DEFT'S MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/73	96C136862- 10267.tif pages
08/24/2005	 Motion DEFT'S MTN TO DISMISS STATE'S INTENT TO SEEK DEATH PENALTY/74	96C136862- 10268.tif pages
08/24/2005	 Motion DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/75	96C136862- 10269.tif pages
08/24/2005	 Motion DEFT'S MTN TO COMPEL DISCLOSURE/76	96C136862- 10270.tif pages
08/24/2005	 Motion DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING EVID/77	96C136862- 10271.tif pages
08/24/2005	 Receipt of Copy RECEIPT OF COPY	96C136862- 10272.tif pages
09/09/2005	 Response STATES RESPONSE TO DEFENDANTS MOTION IN LIMINE TO LIMIT PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF EIGHTH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF EIGHTH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING	96C136862- 10274.tif pages
09/12/2005	 Opposition STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT	96C136862- 10275.tif pages
09/12/2005	 Opposition STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE AGGRAVATOR FOUR OF THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY STATES NOTICE OF	96C136862- 10276.tif pages

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CASE No. 96C136862-1

INTENT TO SEEK THE DEATH PENALTY


09/12/2005

 Opposition

STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS STATES NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADAS DEATH PENALTY STATUTE IS UNCONSTITUTIONAL SEEK DEATH PENALTY BECAUSE NEVADAS DEATH PENALTY STATUTE IS UNCONSTITUTIONAL

96C136862-
10277.tif pages


09/12/2005

 Opposition

STATES OPPOSITION TO DEFENDANTS MOTION FOR JURY QUESTIONNAIRE

96C136862-
10278.tif pages

09/12/2005

 Opposition

STATES OPPOSITION TO DEFENDANTS MOTION TO COMPEL DISCOVERY DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION

96C136862-
10279.tif pages

09/14/2005

Motion (8:30 AM)
ALL PRE-TRIAL MOTIONS

09/14/2005

Motion to Strike (8:30 AM)
Events: 08/24/2005 Motion
DEFT'S MTN TO STRIKE AGGRAVATING CIRCUMSTANCES BASED Heard By: Sally Loehrer

09/14/2005

Motion to Strike (8:30 AM)
Events: 08/24/2005 Motion
DEFT'S MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/73 Heard By: Sally Loehrer

09/14/2005

Motion to Dismiss (8:30 AM)
Events: 08/24/2005 Motion
DEFT'S MTN TO DISMISS STATE'S INTENT TO SEEK DEATH PENALTY/74 Heard By: Sally Loehrer

09/14/2005

Motion (8:30 AM)
Events: 08/24/2005 Motion
DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/75 Heard By: Sally Loehrer

09/14/2005

Motion to Compel (8:30 AM)
Events: 08/24/2005 Motion
DEFT'S MTN TO COMPEL DISCLOSURE/76 Heard By: Sally Loehrer


09/14/2005

Motion in Limine (8:30 AM)
Events: 08/24/2005 Motion
DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING EVID/77 Heard By: Sally Loehrer

09/14/2005

All Pending Motions (8:30 AM)
ALL PENDING MOTIONS (9/14/05) Court Clerk: Theresa Lee Reporter/Recorder: Yvonne Valentin Heard By: Sally Loehrer


09/14/2005

 Expert Witness List

NOTICE OF WITNESSES


96C136862-
10280.tif pages

09/14/2005








 Expert Witness List

96C136862-
10281.tif pages












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	<i>NOTICE OF EXPERT WITNESSES</i>	
09/21/2005	Motion <i>ALL PENDING MOTIONS (9/14/05)</i>	96C136862-10282.tif pages
09/22/2005	Hearing <i>DEFT'S REQUEST STATUS CHECK/PENALTY HEAR REQUEST</i>	96C136862-10283.tif pages
09/23/2005	 Notice <i>NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES - RELATED PARTYID: 96C136862_0001</i>	96C136862-10284.tif pages
09/26/2005	Request (8:30 AM) Events: 09/22/2005 Hearing <i>DEFT'S REQUEST STATUS CHECK/PENALTY HEARREQUEST Court Clerk: Jennifer Kimmel/jk Relief Clerk: Judy McFadden Reporter/Recorder: Yvonne Valentin Heard By: Sally Loehrer</i>	
09/26/2005	Hearing <i>PENALTY HEARING (VJ/10/19/05)</i>	96C136862-10286.tif pages
10/05/2005	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>	
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10291.tif pages
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>	96C136862-10292.tif pages
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10293.tif pages
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10294.tif pages
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10335.tif pages
10/10/2005	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>	
10/12/2005	Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: Theresa Lee Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Yvonne Valentin Heard By: Loehrer, Sally</i>	
10/12/2005	 Conversion Case Event Type	96C136862-10295.tif pages

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CASE SUMMARY
CASE NO. 96C136862-1

	<i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862__0001</i>	
10/13/2005	 Order <i>ORDER ALLOWING SPECIAL CONTACT VISIT WITH DEFENDANT - RELATED PARTYID: 96C136862__0001</i>	96C136862-10296.tif pages
10/19/2005	Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Heard By: Sally Loehrer</i>	
10/19/2005	Hearing <i>PENALTY HEARING</i>	96C136862-10297.tif pages
10/24/2005	CANCELED Hearing (1:30 PM) Events: 09/26/2005 Hearing <i>Vacated</i>	
10/31/2005	Hearing (10:30 AM) Events: 10/19/2005 Hearing <i>PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>	
10/31/2005	 Jury List <i>DISTRICT COURT JURY LIST</i>	96C136862-10300.tif pages
11/01/2005	Hearing (10:00 AM) <i>PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>	
11/01/2005	Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING</i>	96C136862-10299.tif pages
11/01/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862__0001</i>	96C136862-10303.tif pages
11/02/2005	Hearing (10:00 AM) <i>PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook/Sharon Howard Heard By: Loehrer, Sally</i>	
11/02/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENTALY HEARING (Mary Beth Cook)</i>	96C136862-10301.tif pages
11/02/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING (JoAnn Orduna)</i>	96C136862-10302.tif pages
11/02/2005	 Order <i>ORDER</i>	96C136862-10304.tif pages
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862__0001</i>	96C136862-10305.tif pages














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11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10306.tif pages
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10307.tif pages
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>	96C136862-10308.tif pages
11/02/2005	 Verdict <i>SPECIAL VERDICT</i>	96C136862-10309.tif pages
11/02/2005	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	96C136862-10310.tif pages
11/02/2005	Judgment <i>SPECIAL VERDICT (COUNT 2)</i>	96C136862-10313.tif pages
11/02/2005	Judgment <i>SPECIAL VERDICT (COUNT 3)</i>	96C136862-10314.tif pages
11/02/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	96C136862-10320.tif pages
11/02/2005	 Verdict <i>SPECIAL VERDICT</i>	96C136862-10333.tif pages
11/03/2005	Hearing (8:30 AM) <i>PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>	
11/03/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING (Mary Beth Cook)</i>	96C136862-10311.tif pages
11/04/2005	Hearing (8:30 AM) <i>PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: JoAnn Orduna/Mary Beth Cook Heard By: Sally Loehrer</i>	
11/04/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING (Sharon Howard)</i>	96C136862-10312.tif pages
11/04/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING</i>	96C136862-10315.tif pages
11/04/2005	 Instructions to the Jury	96C136862-10318.tif pages





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	<i>INSTRUCTIONS TO THE JURY</i>	
11/04/2005	 Verdict <i>VERDICT</i>	96C136862- 10321.tif pages
11/04/2005	Judgment <i>VERDICT (COUNT 2)</i>	96C136862- 10323.tif pages
11/04/2005	Judgment <i>VERDICT (COUNT 3)</i>	96C136862- 10324.tif pages
11/04/2005	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	96C136862- 10326.tif pages
11/04/2005	 Verdict <i>VERDICT</i>	96C136862- 10332.tif pages
11/07/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING (JoAnn Orduna)</i>	96C136862- 10317.tif pages
11/07/2005	Conversion Case Event Type <i>SENTENCING</i>	96C136862- 10319.tif pages
11/07/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY VERDICT AT 5:12 PM</i>	96C136862- 10322.tif pages
11/21/2005	Sentencing (8:30 AM) Events: 11/07/2005 Conversion Case Event Type <i>SENTENCING Heard By: Sally Loehrer</i>	
11/28/2005	Sentencing (8:30 AM) <i>SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
11/28/2005	 Order <i>ORDER OF EXECUTION</i>	96C136862- 10327.tif pages
11/28/2005	 Judgment <i>JUDGMENT OF CONVICTION</i>	96C136862- 10328.tif pages
11/28/2005	 Warrant <i>WARRANT OF EXECUTION</i>	96C136862- 10329.tif pages
11/28/2005	 Conversion Case Event Type <i>NOTICE TO TRANSPORT FOR EXECUTION</i>	96C136862- 10331.tif pages
11/29/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>	96C136862- 10330.tif pages








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12/09/2005	Hearing <i>FURTHER PROCEEDINGS: EVIDENCE</i>	96C136862-10336.tif pages
12/12/2005	 Conversion Case Event Type <i>ORDER TO STAY EXECUTION - RELATED PARTYID: 96C136862_0001</i>	96C136862-10337.tif pages
12/14/2005	Further Proceedings (8:30 AM) Events: 12/09/2005 Hearing <i>FURTHER PROCEEDINGS: EVIDENCE Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
12/15/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RETURN OF EVIDENCE</i>	96C136862-10338.tif pages
12/23/2005	 Order <i>ORDER TO PREPARE TRANSCRIPT - RELATED PARTYID: 96C136862_0001</i>	96C136862-10339.tif pages
12/23/2005	 Statement <i>CASE APPEAL STATEMENT</i>	96C136862-10340.tif pages
12/23/2005	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0001</i>	96C136862-10341.tif pages
12/28/2005	 Order <i>ORDER</i>	96C136862-10342.tif pages
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT APPOINTMENT OF COUNSEL</i>	96C136862-10343.tif pages
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>	96C136862-10344.tif pages
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	96C136862-10345.tif pages
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	96C136862-10346.tif pages
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK</i>	96C136862-10347.tif pages
01/05/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PLEA</i>	96C136862-10348.tif pages
01/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	96C136862-10349.tif pages
		96C136862-




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01/29/2008	 Judgment <i>CLERK'S CERTIFICATE/AFFIRMED</i>	10353.tif pages
03/06/2008	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION AND MOTION FOR APPOINTMENT OF COUNSEL OF COUNSEL- RELATED PARTYID: 96C136862_0001</i>	96C136862-10354.tif pages
03/10/2008	Petition <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i>	96C136862-10355.tif pages
03/10/2008	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS</i>	96C136862-10356.tif pages
04/23/2008	 Response <i>RESPONSE TO PRE PER PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR APPOINTMENT OF COUNSEL APPOINTMENT OF COUNSEL</i>	96C136862-10357.tif pages
05/07/2008	Petition for Writ of Habeas Corpus (8:30 AM) Events: 03/10/2008 Petition <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09) Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever Heard By: Lochrer, Sally</i>	
05/07/2008	Hearing <i>CONFIRMATION OF COUNSEL (DUSTIN)</i>	96C136862-10358.tif pages
05/21/2008	Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i>	
05/21/2008	Motion for Confirmation of Counsel (8:30 AM) Events: 05/07/2008 Hearing <i>CONFIRMATION OF COUNSEL (DUSTIN) Heard By: Sally Lochrer</i>	
05/21/2008	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS - 5/21/08 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Lochrer</i>	
05/21/2008	Motion <i>ALL PENDING MOTIONS - 5/21/08</i>	96C136862-10359.tif pages
05/21/2008	Hearing <i>STATUS CHECK: SET BRIEFING SCHEDULE</i>	96C136862-10360.tif pages
06/30/2008	Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i>	
06/30/2008	Status Check (8:30 AM) Events: 05/21/2008 Hearing <i>STATUS CHECK: SET BRIEFING SCHEDULE</i>	
06/30/2008	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS (6-30-08) Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Julie Lever Heard By: Sally Lochrer</i>	
06/30/2008	Conversion Case Event Type	96C136862-














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	<i>ARGUMENT/DECISION RE: DEFT'S POST CONVICTION WRIT OF HABEAS (VJ 7/6/09)</i>	10361.tif pages
06/30/2008	Motion <i>ALL PENDING MOTIONS (6-30-08)</i>	96C136862-10362.tif pages
09/06/2008	 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINT NEW COUNSEL/91</i>	96C136862-10364.tif pages
09/22/2008	Motion to Dismiss (8:30 AM) Events: 09/06/2008 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINT NEW COUNSEL/91 Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever Heard By: Sally Loehrer</i>	
10/20/2008	 Motion <i>DEFT'S MTN PLACE ON CALENDAR TO RESET BRIEFING SCHEDULE/92</i>	96C136862-10365.tif pages
10/20/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862-10366.tif pages
10/29/2008	 Order <i>ORDER APPOINTING POST CONVICTION RELIEF COUNSEL PURSUANT TO RULE 250 AND FOR INTERIM BILLING INTERIM BILLING- RELATED PARTYID: 96C136862__0001</i>	96C136862-10367.tif pages
11/03/2008	Motion (8:30 AM) Events: 10/20/2008 Motion <i>DEFT'S MTN PLACE ON CALENDAR TO RESET BRIEFING SCHEDULE/92 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Miriam Shearing</i>	
11/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF RESET BRIEFING SCHEDULE</i>	96C136862-10368.tif pages
12/18/2008	 Motion <i>DUSTIN'S MTN TO WITHDRAW AS COUNSEL /93</i>	96C136862-10369.tif pages
12/18/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862__0001</i>	96C136862-10370.tif pages
12/29/2008	Motion to Withdraw as Counsel (8:30 AM) Events: 12/18/2008 Motion <i>DUSTIN'S MTN TO WITHDRAW AS COUNSEL /93 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
12/29/2008	Hearing <i>CONFIRMATION OF COUNSEL</i>	96C136862-10372.tif pages
12/30/2008	 Ex Parte Order <i>EX PARTE ORDER RE COUNSEL FOR PETITIONER - RELATED PARTYID: 96C136862__0001</i>	96C136862-10373.tif pages
12/31/2008	 Ex Parte Order	96C136862-10374.tif pages

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	<i>EX PARTE ORDER ALLOWING FEES IN EXCESS OF STATUTORY MAXIMUM FOR ATTORNEY ON COURT APPOINTED CASE COURT APPOINTED CASE- RELATED PARTYID: 96C136862_0001</i>	
01/07/2009	Motion for Confirmation of Counsel (9:00 AM) Events: 12/29/2008 Hearing <i>CONFIRMATION OF COUNSEL Heard By: Stefany Miley</i>	
01/08/2009	Hearing <i>STATUS CHECK: FILING OF BRIEF</i>	96C136862-10375.tif pages
02/25/2009	Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i>	
02/25/2009	Hearing (8:30 AM) Events: 06/30/2008 Conversion Case Event Type <i>ARGUMENT/DECISION RE: DEFT'S POST CONVICTION WRIT OF HABEAS (VJ 7/6/09)</i>	
07/06/2009	Status Check (9:30 AM) Events: 01/08/2009 Hearing <i>STATUS CHECK: FILING OF BRIEF Court Clerk: Larry Snyder Reporter/Recorder: Debra Winn Heard By: Gates, Lee A</i>	
07/29/2009	Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09) Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever</i>	
07/29/2009	Hearing (8:30 AM) <i>ARGUMENT/DECISION RE: DEFT'S POST CONVICTION WRIT OF HABEAS (VJ 7/6/09)</i>	
11/09/2009	Status Check (9:30 AM) <i>STATUS CHECK: FILING OF BRIEF Court Clerk: Larry Snyder Reporter/Recorder: Dalayne Easley Heard By: Stefany Miley</i>	
11/09/2009	Hearing <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF</i>	96C136862-10376.tif pages
11/09/2009	 Request <i>REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE - RELATED PARTYID: 96C136862_0001</i>	96C136862-10377.tif pages
12/07/2009	Status Check (9:30 AM) Events: 11/09/2009 Hearing <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF Heard By: Stefany Miley</i>	
12/08/2009	 Response <i>RESPONSE TO REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE</i>	96C136862-10378.tif pages
12/09/2009	Status Check (9:30 AM) <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF Relief Clerk: Nicole McDevitt Reporter/Recorder: Debra Winn Heard By: Miley, Stefany</i>	
12/11/2009	 Errata <i>ERRATA TO STATES RESPONSE TO REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE</i>	96C136862-10379.tif pages

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12/18/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE STATUS CHECK DEFTS REQUEST FOR INVESTIGATIVE ASSISTANCE STATES BRIEF/POSITION ON DECEMBER 09 2009 ASSISTANCE STATES BRIEF/POSITION ON DECEMBER 09 2009</i>	96C136862-10380.tif pages
12/18/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE FILING OF BRIEF ON NOVEMBER 09 2009</i>	96C136862-10381.tif pages
12/28/2009	 Reply <i>REPLY TO THE RESPONSE TO THE REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE - RELATED PARTYID: 96C136862_0001</i>	96C136862-10382.tif pages
01/06/2010	Status Check (9:30 AM) <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF Court Clerk: Larry Snyder Relief Clerk: Maria Garibay/mg Reporter/Recorder: Dalyn Easley Heard By: Stefany Miley</i>	
01/06/2010	Hearing <i>SUPPLEMENTAL PETITION HEARING</i>	96C136862-10383.tif pages
01/19/2010	 Reporters Transcript <i>RECORDER'S TRANSCRIPT RE STATUS CHECK - DEFTS REQUEST FOR INVESTIGATIVE ASSISTANCE - STATES BRIEF-OPPOSITION - HEARD 01-06-10 ASSISTANCE - STATES BRIEF-OPPOSITION - HEARD 01-06-10</i>	96C136862-10384.tif pages
07/12/2010	 Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>	96C136862-10385.tif pages
09/07/2010	 Notice of Rescheduling <i>Notice of Rescheduling Of Hearing</i>	
10/04/2010	 Notice <i>Notice of Resetting Date and Time of Hearing</i>	
10/07/2010	 Amended Notice <i>Amended Notice Resetting Date and Time of Hearing</i>	
10/15/2010	 Errata <i>Filed By: Defendant Thomas, Marlo Errata to Deft's Post-conviction Petition for Writ of Habeas Corps</i>	
10/15/2010	 Receipt of Copy	
10/15/2010	 Receipt of Copy <i>Filed by: Defendant Thomas, Marlo</i>	
11/04/2010	 Response <i>Filed by: Plaintiff State of Nevada RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS</i>	
12/13/2010	 All Pending Motions (9:30 AM) (Judicial Officer: Ames, Jack B.)	

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HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS

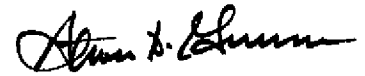
12/13/2010	Hearing (11:00 AM) (Judicial Officer: Miley, Stefany) 12/13/2010, 03/07/2011 Events: 01/06/2010 Hearing <i>Hearing set in court on 1/6/10 - for Supplemental Petition.</i>
12/13/2010	Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany) 12/13/2010, 03/07/2011 Events: 07/12/2010 Petition
01/05/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Re: Hearing: Supplemental Petition & Petition for Writ of Habeas Corpus - Heard December 13, 2010</i>
02/22/2011	 Reply to Opposition Filed by: Defendant Thomas, Marlo <i>Petitioner's Reply in Opposition to the State's Response</i>
03/07/2011	 All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>HEARING: SUPPLEMENTAL PETITION...PETITION FOR WRIT OF HABEAS CORPUS</i>
03/11/2011	 Minute Order (9:30 AM) (Judicial Officer: Miley, Stefany)
03/14/2011	 Decision <i>Decision</i>
03/18/2011	CANCELED Minute Order (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated - per Clerk</i>
05/09/2011	 Ex Parte Order Filed By: Defendant Thomas, Marlo <i>Ex Parte Order Granting Defendant's Request for Expert and Investigative Fees</i>
09/08/2011	 Ex Parte Order Filed By: Defendant Thomas, Marlo <i>Ex Parte Order Allowing Fees in Excess for Expert Witness</i>
01/17/2012	 Notice of Hearing <i>Notice Setting Date and Time of Hearing</i>
02/01/2012	CANCELED Status Check (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
02/03/2012	 Order Filed By: Plaintiff State of Nevada <i>Order for Transcript</i>
02/14/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Of Proceedings Re: Hearing: Supplemental Petition Petition For Writ Of Habeas Corpus - Heard 03-07-11</i>
03/03/2014	 Request (9:30 AM) (Judicial Officer: Miley, Stefany)

DEPARTMENT 23
CASE SUMMARY
CASE NO. 96C136862-1

	<i>DA-State requests a Status check for Case Status</i>	
03/31/2014	 Supplemental Filed by: Defendant Thomas, Marlo <i>Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>	
04/14/2014	 Response <i>Response to Supplemental Petition</i>	
04/28/2014	 Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany) <i>(Post-Conviction)</i>	
05/02/2014	 Order Filed By: Plaintiff State of Nevada <i>Order for Transcripts</i>	
05/05/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Re: Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) April 28, 2014</i>	
05/30/2014	 Findings of Fact, Conclusions of Law and Order	
06/02/2014	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	
06/19/2014	 Notice of Appeal (criminal) Party: Defendant Thomas, Marlo <i>Notice of Appeal</i>	
06/19/2014	 Case Appeal Statement Filed By: Defendant Thomas, Marlo <i>Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION
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Defendant Thomas, Marlo	
Total Charges	47.00
Total Payments and Credits	47.00
Balance Due as of 6/20/2014	0.00



CLERK OF THE COURT

1 **FFCL**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 STEVEN S. OWENS
6 Chief Deputy District Attorney
7 Nevada Bar #004352
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -VS-

12 MARLO THOMAS,
13 #1060797

14 Defendant.

CASE NO: 96C136862-1

DEPT NO: XXIII

15 **FINDINGS OF FACT, CONCLUSIONS OF**
16 **LAW AND ORDER**

17 DATE OF HEARING: 4/28/14
18 TIME OF HEARING: 11:00 AM

19 THIS CAUSE having come on for hearing before the Honorable STEFANY A.
20 MILEY, District Judge, on the 28th day of April, 2014, the Petitioner not being present,
21 represented by BRET O. WHIPPLE, ESQ., the Respondent being represented by STEVEN
22 B. WOLFSON, Clark County District Attorney, by and through STEVEN S. OWENS, Chief
23 Deputy District Attorney, and the Court having considered the matter, including briefs,
24 transcripts, arguments of counsel, and documents on file herein, now therefore, the Court
25 makes the following findings of fact and conclusions of law:

26 **FINDINGS OF FACT**

27 Marlo Thomas was convicted of two counts of First Degree Murder and sentenced to
28 death in 1997 for the early-morning robbery at the Lone Star Steakhouse and the stabbing
deaths of two employees who were present during the robbery, Matthew Gianakis and Carl

1 Dixon. At the first penalty hearing, the jury found six aggravating circumstances and no
2 mitigating circumstances and sentenced Defendant to death for both murder counts. The
3 Nevada Supreme Court affirmed Defendant's convictions and sentences of death. Thomas v.
4 State, 114 Nev. 1127, 967 P.2d 1111 (1998). A Petition for Writ of Certiorari was denied on
5 October 4, 1999. Thomas v. Nevada, 528 U.S. 830, 120 S.Ct. 85 (1999). Remittitur issued
6 on October 26, 1999.

7 Following post-conviction proceedings in 2002 at which trial counsel Lee McMahon
8 and Mark Bailus both testified, the Supreme Court affirmed the convictions but reversed the
9 death sentences for counsel's failure to object to an incorrect instruction on commutation.
10 Thomas v. State, 120 Nev. 37, 83 P.3d 818 (2004). In 2004, David Schieck was appointed
11 for the new penalty hearing at which the jury found the existence of four aggravating
12 circumstances and again sentenced Defendant to death. The Supreme Court affirmed on the
13 direct appeal. Thomas v. State, 122 Nev. 1361, 148 P.3d 727 (2006). Remittitur issued on
14 January 28, 2008.

15 On March 6, 2008, Defendant initiated the present post-conviction proceedings by
16 filing a proper person Petition for Writ of Habeas Corpus and Motion to Appoint Counsel
17 with this Court. Cynthia Dustin was appointed and then withdrew. Bret O. Whipple was
18 appointed on January 7, 2009, and filed a supplemental petition on July 12, 2010. The State
19 filed its response on November 4, 2010, and the defense filed a reply on February 22, 2011.
20 After argument and additional investigation, Thomas filed another supplemental petition on
21 March 31, 2014, which the State responded to on April 14, 2014. Argument was heard and a
22 decision rendered on April 28, 2014.

23 This Court now finds that Thomas has failed to establish ineffective assistance under
24 Strickland v. Washington. First, the Court finds that review of the record indicates that
25 David Schieck's performance was not deficient in the second penalty hearing. Rather, the
26 record seems to indicate that decisions made by Mr. Schieck as far as who to call and the
27 choice not to call an expert were strategic decisions. As the State did correctly point out, Mr.
28 Schieck represented the Defendant on his direct appeal. Mr. Schieck did have the benefit of

1 the transcripts from the first trial and was aware that an expert was retained on the
2 Defendant's behalf at the first trial and that the testimony by the expert was not fruitful given
3 the jury's finding that the Defendant was guilty and eligible for the death penalty.

4 The Court does find, and the record shows, that it was a reasonable strategic decision
5 for Mr. Schieck to present a different type of defense by calling the family members to
6 testify regarding the mental condition and personality of the Defendant. And that is not an
7 improper defense, given the United States Supreme Court case of Cullen v. Pinholster.

8 Second, this Court finds that Thomas has failed to demonstrate prejudice pursuant to
9 the second prong of Strickland. The recent neuropsychological evaluation by Dr. Jonathan
10 Mack does not help the Defendant any more than the original report by Dr. Thomas Kinsora.
11 Even with Dr. Mack's new report, there is no reasonable probability that but for counsel's
12 alleged unprofessional errors the result in the proceeding would be different. So,
13 Defendant's claims of ineffective assistance of counsel at the second penalty hearing are
14 denied under both prongs of Strickland, notwithstanding that a failure under either prong
15 would be sufficient to deny relief.

16 Similarly, Thomas fails to demonstrate prejudice in the questioning of the two jury
17 venire persons since both were eventually excused and neither sat on the jury. The record
18 belies any claim that the judge failed to admonish jurors before a recess and Thomas failed to
19 demonstrate prejudice from any unrecorded bench conferences. The prosecutor's comments
20 in voir dire and closing argument were not objectionable and resulted in no prejudice.
21 Thomas fails to identify any favorable correctional officers who could have been called as
22 witnesses. Accordingly, under Strickland, counsel's performance was not deficient in any of
23 these matters and the outcome of the proceeding would not have been any different.

24 The remaining claims in the petition allege numerous errors of the trial court at the
25 second penalty hearing including the failure to record proceedings, failure to admonish
26 jurors, refusing to remove leg shackles, allowing testimonial hearsay, coaching of
27 prosecutor, and allowing impermissible argument. Trial court error is properly raised and
28 reviewed on direct appeal and is not properly raised for the first time in a post-conviction

1 petition absent a showing of cause and prejudice. Some of the claims were raised on appeal
2 and are now barred by law of the case. Thomas offers no good cause for the remaining
3 claims and they are therefore denied.

4 This Court finds that an evidentiary hearing is unnecessary to resolve these issues.
5 Even if Defendant's factual allegations were all true, Defendant still would not be entitled to
6 relief on this petition. The facts, even as alleged, show no deficiency of counsel and no
7 prejudice under Strickland that would have probably resulted in a different outcome.

8 CONCLUSIONS OF LAW

9 It has long been recognized that "the right to counsel is the right to the effective
10 assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 2063
11 (1984). A defendant making an ineffectiveness claim must show both that counsel's
12 performance was deficient, which means that "counsel's representation fell below an
13 objective standard of reasonableness," Strickland, 466 U.S. at 668, and that the deficient
14 performance prejudiced the defendant, which means that "there is a reasonable probability
15 that, but for counsel's unprofessional errors, the result of the proceeding would have been
16 different." Id. at 694; See Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683
17 P.2d 504, 505 (1984) (adopting Strickland two-part test in Nevada). "Effective counsel does
18 not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
19 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, Nevada State
20 Prison, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975), quoting McMann, 397 U.S. 759, 771.

21 "There are countless ways to provide effective assistance in any given case. Even the
22 best criminal defense attorneys would not defend a particular client in the same way."
23 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. "Strategic choices made by counsel after
24 thoroughly investigating the plausible options are almost unchallengeable." Dawson v.
25 State, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992), citing Strickland, 466 U.S. at 690, 104
26 S.Ct. at 2066; see also Ford v. State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989).

27 A defendant who contends that his attorney was ineffective because he did not
28 adequately investigate must show how a better investigation probably would have rendered a

1 more favorable outcome. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004). In
2 order to demonstrate a reasonable probability that, but for counsel's failure to investigate, the
3 result would have been different, it must be clear from the "record what it was about the
4 defense case that a more adequate investigation would have uncovered." Id.

5 There are "countless ways to provide effective assistance in any given case. Even the
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7 way." Harrington v. Richter, 131 U.S. 770, 131 S.Ct. 770, 788-89 (2011). Rare are the
8 situations in which the "wide latitude counsel must have in making tactical decisions" will be
9 limited to any one technique or approach. Id. In a capital case, there are any number of
10 hypothetical experts—specialists in psychiatry, psychology, ballistics, fingerprints, tire
11 treads, physiology, or numerous other disciplines and subdisciplines—whose insight might
12 possibly have been useful. Id. But counsel was entitled to formulate a strategy that was
13 reasonable at the time and to balance limited resources in accord with effective trial tactics
14 and strategies. Id. Even if an expert theoretically could support a client's defense theory, a
15 competent attorney may strategically exclude it, consistent with effective assistance, if such
16 expert may be fruitless or harmful to the defense. Id. at 789-90. Given that expert testimony
17 on Thomas' mental deficiencies and a psychological defense did not convince the jury to
18 spare Thomas' life in the first trial, counsel re-doing the penalty hearing reasonably shifted
19 strategies to a family sympathy type defense.

20 For example, in Cullen v. Pinholster, the United States Supreme Court discussed the
21 Strickland standard for effective assistance of counsel in the context of a capital penalty
22 hearing. Cullen v. Pinholster, ___ U.S. ___, 131 S.Ct. 1388 (2011). In Pinholster's penalty
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24 his troubled childhood and adolescent years, his siblings, and described Pinholster as "a
25 perfect gentleman at home." Id. at 1396. Although trial counsel had consulted a
26 psychiatrist, no expert was called in penalty hearing. Id. In post-conviction, Pinholster
27 argued that counsel should have investigated and presented additional evidence from a
28 psychiatrist who subsequently diagnosed petitioner with bipolar mood disorder and seizure

1 disorders that were not presented at trial. Id. However, his post-conviction petition was
2 denied because the new evidence largely duplicated the mitigation evidence at trial, and
3 some of the new evidence would likely have undercut the mitigating value of the testimony
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5 sympathy" defense was reasonable under the circumstances, and the failure to present a
6 psychiatric defense with evidence of brain damage and psychiatric diagnosis was a "two-
7 edged sword" with questionable mitigating value. Id.

8 . A defendant is entitled to an evidentiary hearing if his petition is supported by
9 specific factual allegations, which, if true, would entitle him to relief, unless the factual
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13 State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984); *citing* Grondin v. State, 97 Nev. 454,
14 634 P.2d 456 (1981).


15 **ORDER**

16 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
17 Relief shall be, and it is, hereby denied.

18 DATED this 27 day of May, 2014.

19 
20 DISTRICT JUDGE
21 JUDGE STEFANY A. MILEY

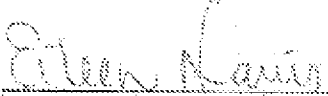
22 STEVEN B. WOLFSON
23 Clark County District Attorney
Nevada Bar #001565

24 BY 
25 STEVEN S. OWENS
26 Chief Deputy District Attorney
Nevada Bar #004352

1 **CERTIFICATE OF FACSIMILE TRANSMISSION**

2 I hereby certify that service of Findings of Fact, Conclusions of Law and Order, was
3 made this 12th day of May, 2014, by facsimile transmission to:

4
5 BRET O. WHIPPLE, ESQ.
6 FAX # (702) 974-4008

7
8 
9 _____
10 Employee for the District Attorney's
11 Office

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*** TX REPORT ***

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OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

STEVEN H. WOLFSON
District Attorney

CHRISTOPHER J. LALLI
Assistant District Attorney

TERESA LOWRY
Assistant District Attorney

MARY-ANNE MILLER
County Counsel

STEVEN S. OWENS
Chief Deputy District Attorney

FACSIMILE TRANSMISSION

Fax No. (702) 382-5815
Telephone No. (702) 671-2750

TO: Bret O. Whipple FAX#: (702) 974-4008
FROM: Steven S. Owens
SUBJECT: Marlo Thomas, 96C136862-1, Findings
DATE: May 9, 2014

Mr. Whipple,
The following Findings will be submitted to Judge Miley on May 16, 2014.
Sincerely,
Steven S. Owens

Eileen Davis

From: Steven Owens
Sent: Monday, May 12, 2014 2:14 PM
To: Eileen Davis
Subject: FW: Mario Thomas Order

From: Steven Owens
Sent: Monday, May 12, 2014 2:14 PM
To: 'Bret Whipple'
Subject: RE: Mario Thomas Order

Thanks. I'll make the change and submit them to the judge.

Steven S. Owens
Clark County District Attorney's Office
Criminal Appeals Unit
Steven.Owens@clarkcountyda.com
(702) 671-2750

From: Bret Whipple [<mailto:bretwhipple@gmail.com>]
Sent: Monday, May 12, 2014 10:30 AM
To: Steven Owens
Subject: Mario Thomas Order

I am in receipt of your findings and facts and conclusions of law to be submitted to Judge Miley. Everything seems accurate, however, it seems there was a typo as to the name of the Defendant. The Order refers to our client as "Hernandez." Other than that I think we're good.

Thanks,

Bret

*** TX REPORT ***

TRANSMISSION OK

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OFFICE OF THE DISTRICT ATTORNEY
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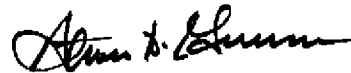
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Fax No. (702) 382-5815
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TO: Bret O. Whipple FAX#: (702) 974-4008
FROM: Steven S. Owens
SUBJECT: Marlo Thomas, 96C136862-1, Findings
DATE: May 12, 2014



CLERK OF THE COURT

NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARLO THOMAS,

Petitioner,

Case No: 96C136862-1

Dept No: XXIII

vs.

THE STATE OF NEVADA,

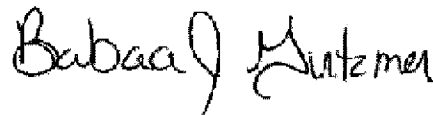
Respondent,

**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER**

PLEASE TAKE NOTICE that on May 30, 2014, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on June 2, 2014.

STEVEN D. GRIERSON, CLERK OF THE COURT



Barbara J. Gutzmer, Deputy Clerk

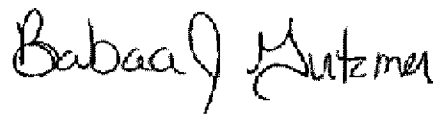
CERTIFICATE OF MAILING

I hereby certify that on this 2 day of June 2014, I placed a copy of this Notice of Entry in:
The bin(s) located in the Regional Justice Center of:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Marlo Thomas # 50682
P.O. Box 1989
Ely, NV 89301

Brett Whipple, Esq.
1100 S. Tenth Street
Las Vegas, NV 89104



Barbara J. Gutzmer, Deputy Clerk


CLERK OF THE COURT

1 **FFCL**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 STEVEN S. OWENS
6 Chief Deputy District Attorney
7 Nevada Bar #004352
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -VS-

12 MARLO THOMAS,
13 #1060797

14 Defendant.

CASE NO: 96C136862-1

DEPT NO: XXIII

15 **FINDINGS OF FACT, CONCLUSIONS OF**
16 **LAW AND ORDER**

17 DATE OF HEARING: 4/28/14
18 TIME OF HEARING: 11:00 AM

19 THIS CAUSE having come on for hearing before the Honorable STEFANY A.
20 MILEY, District Judge, on the 28th day of April, 2014, the Petitioner not being present,
21 represented by BRET O. WHIPPLE, ESQ., the Respondent being represented by STEVEN
22 B. WOLFSON, Clark County District Attorney, by and through STEVEN S. OWENS, Chief
23 Deputy District Attorney, and the Court having considered the matter, including briefs,
24 transcripts, arguments of counsel, and documents on file herein, now therefore, the Court
25 makes the following findings of fact and conclusions of law:

26 **FINDINGS OF FACT**

27 Marlo Thomas was convicted of two counts of First Degree Murder and sentenced to
28 death in 1997 for the early-morning robbery at the Lone Star Steakhouse and the stabbing
deaths of two employees who were present during the robbery, Matthew Gianakis and Carl

1 Dixon. At the first penalty hearing, the jury found six aggravating circumstances and no
2 mitigating circumstances and sentenced Defendant to death for both murder counts. The
3 Nevada Supreme Court affirmed Defendant's convictions and sentences of death. Thomas v.
4 State, 114 Nev. 1127, 967 P.2d 1111 (1998). A Petition for Writ of Certiorari was denied on
5 October 4, 1999. Thomas v. Nevada, 528 U.S. 830, 120 S.Ct. 85 (1999). Remittitur issued
6 on October 26, 1999.

7 Following post-conviction proceedings in 2002 at which trial counsel Lee McMahon
8 and Mark Bailus both testified, the Supreme Court affirmed the convictions but reversed the
9 death sentences for counsel's failure to object to an incorrect instruction on commutation.
10 Thomas v. State, 120 Nev. 37, 83 P.3d 818 (2004). In 2004, David Schieck was appointed
11 for the new penalty hearing at which the jury found the existence of four aggravating
12 circumstances and again sentenced Defendant to death. The Supreme Court affirmed on the
13 direct appeal. Thomas v. State, 122 Nev. 1361, 148 P.3d 727 (2006). Remittitur issued on
14 January 28, 2008.

15 On March 6, 2008, Defendant initiated the present post-conviction proceedings by
16 filing a proper person Petition for Writ of Habeas Corpus and Motion to Appoint Counsel
17 with this Court. Cynthia Dustin was appointed and then withdrew. Bret O. Whipple was
18 appointed on January 7, 2009, and filed a supplemental petition on July 12, 2010. The State
19 filed its response on November 4, 2010, and the defense filed a reply on February 22, 2011.
20 After argument and additional investigation, Thomas filed another supplemental petition on
21 March 31, 2014, which the State responded to on April 14, 2014. Argument was heard and a
22 decision rendered on April 28, 2014.

23 This Court now finds that Thomas has failed to establish ineffective assistance under
24 Strickland v. Washington. First, the Court finds that review of the record indicates that
25 David Schieck's performance was not deficient in the second penalty hearing. Rather, the
26 record seems to indicate that decisions made by Mr. Schieck as far as who to call and the
27 choice not to call an expert were strategic decisions. As the State did correctly point out, Mr.
28 Schieck represented the Defendant on his direct appeal. Mr. Schieck did have the benefit of

1 the transcripts from the first trial and was aware that an expert was retained on the
2 Defendant's behalf at the first trial and that the testimony by the expert was not fruitful given
3 the jury's finding that the Defendant was guilty and eligible for the death penalty.

4 The Court does find, and the record shows, that it was a reasonable strategic decision
5 for Mr. Schieck to present a different type of defense by calling the family members to
6 testify regarding the mental condition and personality of the Defendant. And that is not an
7 improper defense, given the United States Supreme Court case of Cullen v. Pinholster.

8 Second, this Court finds that Thomas has failed to demonstrate prejudice pursuant to
9 the second prong of Strickland. The recent neuropsychological evaluation by Dr. Jonathan
10 Mack does not help the Defendant any more than the original report by Dr. Thomas Kinsora.
11 Even with Dr. Mack's new report, there is no reasonable probability that but for counsel's
12 alleged unprofessional errors the result in the proceeding would be different. So,
13 Defendant's claims of ineffective assistance of counsel at the second penalty hearing are
14 denied under both prongs of Strickland, notwithstanding that a failure under either prong
15 would be sufficient to deny relief.

16 Similarly, Thomas fails to demonstrate prejudice in the questioning of the two jury
17 venire persons since both were eventually excused and neither sat on the jury. The record
18 belies any claim that the judge failed to admonish jurors before a recess and Thomas failed to
19 demonstrate prejudice from any unrecorded bench conferences. The prosecutor's comments
20 in voir dire and closing argument were not objectionable and resulted in no prejudice.
21 Thomas fails to identify any favorable correctional officers who could have been called as
22 witnesses. Accordingly, under Strickland, counsel's performance was not deficient in any of
23 these matters and the outcome of the proceeding would not have been any different.

24 The remaining claims in the petition allege numerous errors of the trial court at the
25 second penalty hearing including the failure to record proceedings, failure to admonish
26 jurors, refusing to remove leg shackles, allowing testimonial hearsay, coaching of
27 prosecutor, and allowing impermissible argument. Trial court error is properly raised and
28 reviewed on direct appeal and is not properly raised for the first time in a post-conviction

petition absent a showing of cause and prejudice. Some of the claims were raised on appeal and are now barred by law of the case. Thomas offers no good cause for the remaining claims and they are therefore denied.

This Court finds that an evidentiary hearing is unnecessary to resolve these issues. Even if Defendant's factual allegations were all true, Defendant still would not be entitled to relief on this petition. The facts, even as alleged, show no deficiency of counsel and no prejudice under Strickland that would have probably resulted in a different outcome.

CONCLUSIONS OF LAW

It has long been recognized that "the right to counsel is the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 2063 (1984). A defendant making an ineffectiveness claim must show both that counsel's performance was deficient, which means that "counsel's representation fell below an objective standard of reasonableness," Strickland, 466 U.S. at 668, and that the deficient performance prejudiced the defendant, which means that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 694; See Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting Strickland two-part test in Nevada). "Effective counsel does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of competence demanded of attorneys in criminal cases.'" Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975), quoting McMann, 397 U.S. 759, 771.

"There are countless ways to provide effective assistance in any given case. Even the best criminal defense attorneys would not defend a particular client in the same way." Strickland, 466 U.S. at 689, 104 S.Ct. at 689. "Strategic choices made by counsel after thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992), citing Strickland, 466 U.S. at 690, 104 S.Ct. at 2066; see also Ford v. State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989).

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15 **ORDER**

16 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
17 Relief shall be, and it is, hereby denied.

18 DATED this 27 day of May, 2014.

19 
20 DISTRICT JUDGE
21 JUDGE STEFANY A. MILEY

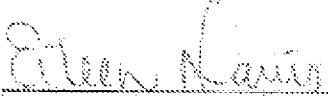
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24 BY 
25 STEVEN S. OWENS
26 Chief Deputy District Attorney
Nevada Bar #004352

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6 FAX # (702) 974-4008

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10 Employee for the District Attorney's
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OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

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Chief Deputy District Attorney

FACSIMILE TRANSMISSION

Fax No. (702) 382-5815
Telephone No. (702) 671-2750

TO: Bret O. Whipple FAX#: (702) 974-4008
FROM: Steven S. Owens
SUBJECT: Marlo Thomas, 96C136862-1, Findings
DATE: May 9, 2014

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Sincerely,
Steven S. Owens

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Subject: RE: Mario Thomas Order

Thanks. I'll make the change and submit them to the judge.

Steven S. Owens
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FROM: Steven S. Owens
SUBJECT: Marlo Thomas, 96C136862-1, Findings
DATE: May ¹²~~10~~, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 03, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

July 03, 1996**9:00 AM****Request**

**STATE'S REQUEST
RESET
ARRAIGNMENT
DATE AS TO DEFT
HALL Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- Conference at the Bench. Mr. Steffan advised case negotiated as to defendant Hall. Defendant to plead guilty to Count IV. Other counts to be dismissed. Both sides retain the right to argue. A Guilty Plea Agreement was previously filed. DEFENDANT HALL ARRAIGNED AND ENTERED A PLEA OF GUILTY TO ROBBERY WITH USE OF A DEADLY WEAPON (F). Court accepted plea and adjudged defendant guilty. COURT ORDERED, matter referred to the Department of P&P and continued for sentencing.

CUSTODY

8-23-96 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 08, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

July 08, 1996**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: PONDA
MEADOR
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Public Defender
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Defendant represented by Richard Palma, Deputy State Public Defender. At request of State Public Defender's Office, COURT ORDERED, matter CONTINUED.

CUSTODY

7/10/96 9:00 AM ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 10, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

July 10, 1996**9:00 AM****Arraignment Continued**

**ARRAIGNMENT
CONTINUED Relief
Clerk: LINDA VIGIL
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
LaPorta, Peter R.
Public Defender
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- DEFENDANT THOMAS ARRAIGNED, ENTERED A PLEA OF NOT GUILTY AND WAIVED HIS
RIGHT TO A SPEEDY TRIAL. State advised the Court that they intend to seek the death penalty.
COURT ORDERED, matter SET for trial.

CUSTODY

12-27-96 9:00 A.M. CALENDAR CALL

12-30-96 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 23, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

August 23, 1996**9:00 AM****Sentencing**

**SENTENCING/SET
TRIAL Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
JENNIFER CLARK
Heard By:
BONAVENTURE,
JOSEPH T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Michael Leoni present for the Department of P&P. Mr. Ganley advised both sides have agreed to a continuance. COURT ORDERED, CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 13, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

September 13, 1996**9:00 AM****Sentencing**

**SENTENCING/SET
TRIAL Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
LAURET HENRY
Heard By:
BONAVENTURE,
JOSEPH T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- Christopher O'Brien present for the Department of P&P. Mr. Steffen requested a continuance as there are discrepancies in PSI. Mr. Steffen advised he is requesting a new PSI report be prepared based on his Brief. No objection by the State. COURT ORDERED, CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 18, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

September 18, 1996**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S PRO PER
MOTION TO
DISMISS
COUNSEL/APPOINT
MENT OF CO-
COUNSEL Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
LAURET HENRY
Heard By:
BONAVENTURE,
JOSEPH T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.
Public Defender
Savage, Jordan S.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Court Services Officer advised defendant is in Nevada State Prison and needs to be transported. Mr. Savage advised Pete LaPorta will be 1st chair and he will be 2nd chair. COURT ORDERED, motion continued to have defendant transported.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 02, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

October 02, 1996**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S PRO PER
MOTION TO
DISMISS
COUNSEL/APPOINT
MENT OF CO-
COUNSEL Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
TAMMY BREED
Heard By:
BONAVENTURE,
JOSEPH T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Adams, Danae
LaPorta, Peter R.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. LaPorta advised he needs defendant to remain in the Clark County Detention Center for trial preparation. Defendant stated he has not spoken with Mr. LaPorta. Mr. LaPorta stated he has been in numerous trials and can now devote the time needed to defendant Thomas. Mr. LaPorta requested defendant's motion be continued. COURT SO ORDERED.

CUSTODY

96C136862-1

12-27-96 9:00 AM CALENDAR CALL

12-30-96 9:45 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

October 14, 1996**9:00 AM****Sentencing**

**SENTENCING/SET
TRIAL Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
JANIE OLSEN
Heard By:
BONAVENTURE,
JOSEPH T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- Upon inquiry by the Court, Mr. Harmon advised the Court Deputy District Attorney David Rogers will be counsel for trial. Conference at the bench. Pursuant to conference at the Bench, counsel stipulated to postpone sentencing until after co-defendant Thomas' trial scheduled 12/30/96. COURT ORDERED, matter CONTINUED.

CUSTODY

1/13/97 9:00 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 21, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

October 21, 1996**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S PRO PER
MOTION TO
DISMISS
COUNSEL/APPOINT
MENT OF CO-
COUNSEL Relief
Clerk: LINDA VIGIL
Reporter/Recorder:
LAURET HENRY
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.
Public Defender
Savage, Jordan S.
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Statement by Defendant. State opposed motion and argued that there is not enough time for new counsel to prepare for trial. Court stated its findings and ORDERED, Deft's motion DENIED.
CUSTODY

12/27/96 9:00 A.M. CALENDAR CALL

12/30/97 9:45 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 13, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

November 13, 1996**9:00 AM****Conversion Hearing Type**

**STATE'S MOTION
TO ENDORSE
NAMES ON
INFORMATION
Relief Clerk: LINDA
VIGIL
Reporter/Recorder:
JENNIFER CLARK
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bloxham, Ronald C.

Attorney

LaPorta, Peter R.

Attorney

Public Defender

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED. Mr. LaPorta stated he had no objection to the list of witnesses on the condition that he is provided all discovery. COURT SO ORDERED. Trial date STANDS.

CUSTODY

12/27/96 9:00 A.M. CALENDAR CALL

12/30/96 9:45 A.M. TRIAL BY JURY

1/13/97 9:00 A.M. SENTENCING (HALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 18, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

December 18, 1996**9:00 AM****Motion**

**STATE'S REQUEST
TO RESET TRIAL
DATE Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
DANELLE REDDY
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

McMahon, Lee E.
Roger, David J.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. Rogers stated that due to the holidays, it is difficult to schedule witnesses. Ms. McMahon stated that there was no opposition to resetting this matter and stated that Mr. LaPorta joins in. COURT ORDERED, trial date of 12/30/96 is hereby VACATED and RESET.

CUSTODY

5/9/96 9:00 AM CALENDAR CALL

5/12/96 9:45 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 06, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

January 06, 1997**9:00 AM****Motion to Continue**

**STATE'S REQUEST
RESET
SENTENCING
DATE Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
DANELLE REDDY
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lalli, Christopher J.

Attorney

JOURNAL ENTRIES

- Upon inquiry by the Court, Mr. Lalli stated that he was sure Mr. Steffen was notified of this matter. Mr. Lalli stated that due to the Defendant's trial date being moved to May, this matter needs to be continued until after that date. There being no opposition, COURT ORDERED, sentencing date of 1/13/97 is hereby VACATED and reset.

CUSTODY

CLERK'S NOTE: As per order of the Court, 1/9/97 @ 11:37 AM - Clerk advised Cindy, of Mr. Steffen's office, of the new sentencing date.

5/9/97 9:00 AM CALENDAR CALL (THOMAS)

5/12/97 9:45 AM TRIAL BY JURY (THOMAS)

5/28/97 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 29, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

January 29, 1997**9:00 AM****Request**

**DEFT'S REQUEST
RESET TRIAL DATE
Relief Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jorgenson, Eric G.
LaPorta, Peter R.
McMahon, Lee E.
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Ms. McMahon advised the Court of the conflicts in counsels schedules and requested a new trial date be set. Mr. LaPorta concurred. Court provided counsel with a tentative schedule of 4/14/97 for Jury Trial with a Calendar Call and jury selection on 4/11/97. Counsel agreed that would be a good date and would advise Mr. Rogers. Defendant Thomas stated that he did not want that date and requested the trial be moved to a later date. COURT ORDERED, Defense counsel to confer with the Defendant and ORDERED, matter CONTINUED for status check and VACATED calendar call date of 5/9/97 and Jury Trial date of 5/12/97.

CUSTODY**2/7/97 9:00 AM STATUS CHECK: RESET TRIAL DATE****PRINT DATE:** 06/20/2014**Page 15 of 112****Minutes Date:**

July 03, 1996

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 07, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

February 07, 1997**9:00 AM****Status Check**

**STATUS CHECK:
RE-SET TRIAL
DATE Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

McMahon, Lee E.
Thomas, Marlo
Wall, David T.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Pursuant to conference in chambers with Mr. David Rogers and Ms. Lee McMahan, COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Defendant to remain in custody at the Clark County Detention Center for the next week.

CUSTODY

05/2/97 8:45 AM SENTENCING (HALL)

06/13/97 8:45 AM CALENDAR CALL

6/16/97 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 05, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

May 05, 1997**8:45 AM****Conversion Hearing Type**

**STATE'S MOTION
TO ENDORSE
NAMES ON
INFORMATION
Court Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Givens, Yolanda T.
LaPorta, Peter R.

Attorney
Attorney

JOURNAL ENTRIES

- Defendant Thomas not present as he is in State Prison. Mr. LaPorta advised he has no objection as long as proper Discovery is provided. COURT ORDERED, GRANTED. Discovery to be provided. Trial date stands.

CUSTODY

6-13-97 8:45 AM CALENDAR CALL

6-16-97 9:45 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 28, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

May 28, 1997**8:45 AM****Motion in Limine**

**DEFT'S MOTION
TO ALLOW JURY
QUESTIONNAIRE
Court Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

McMahon, Lee E.
Roger, David J.

Attorney
Attorney

JOURNAL ENTRIES

- Statement by Mr. Roger. COURT ORDERED, Motion GRANTED. Counsel to have jury questionnaire to Court's secretary by tomorrow.

CUSTODY

6-13-97 8:45 AM CALENDAR CALL

6-16-97 9:45 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 02, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 02, 1997**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Schwartz, David P.

Attorney

JOURNAL ENTRIES

- JOHN STEFFEN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT KENYA HALL, FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME... SENTENCING-COUNT IV.....DISMISSAL REMAINING COUNTS
Mr. Schwartz requested a continuance until August. COURT SO ORDERED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 13, 1997**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

McMahon, Lee E.
Roger, David J.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- CALENDAR CALL (THOMAS)...DEFET'S MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEAR AND TESTIFY AND ALLOW COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENT'S BEHALF AND ORDER SHORTENING TIME ...STATE'S MOTION TO ENDORSE...STATE'S MOTION TO USE REPORTED TESTIMONY OF KENYA HALL Counsel advised ready to go to trial as to Marlo Thomas. Jury questionnaires have been reviewed. COURT ORDERED, trial set to commence 6-16-97 @ 8:45 AM. Mr. Steffen presented motion to prevent Kenya Hall from testifying. Defendant stated he would invoked his fifth amendment right. Court advised needs Mr. Thomas here for this motion. COURT ORDERED, CONTINUED. Mr. Roger stated there are two other motions not calendared today. One is a motion to endorse and the

other is motion to use reported testimony of Kenya Hall. COURT ORDERED, will hear both motions prior to commencement of trial. Defendant Thomas to be dressed for trial when he is brought down at 8:30 for motions.

CUSTODY (BOTH)

6-16-97 8:45 AM ALL PENDING MOTIONS

6-16-97 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 16, 1997**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.	Attorney
McMahon, Lee E.	Attorney
Roger, David J.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEAR AND TESTIFY AND ALLOW CUNSEL FOR FENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENT'S BEHALF AND ORDER SHORTENING TIME....STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S MOTION TO USE REPORTED TESTIMONY

Counsel presented arguments. COURT ORDERED, Motion to endorse GRANTED. No objection to the motion to amend. COURT ORDERED, motion to amend GRANTED. Arguments regarding motion to use reported testimony. Statement by Kenya Hall who stated he will not testify. Argument

by Mr. LaPorta. COURT ORDERED, will not order defendant Hall to testify as he has invoked his fifth amendment. State's motion to use testimony is GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 16, 1997**9:15 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: JEAN
McKINLEY Relief
Clerk: CINDY
HORTON/CH
Reporter/Recorder:
ROBERT MINTUN
Heard By:
Bonaventure, Joseph
T.

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.	Attorney
McMahon, Lee E.	Attorney
Roger, David J.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- Jury Selection. Outside the presence of the jury at 2:45, State moved for dismissal of juror #350, Defense objected. Following argument by counsel, Court stated findings and ORDERED, PREMPATORY CHALLENGE GRANTED AS TO JUROR #350. Jury selection resumed at 2:55. Twelve jurors and two alternates sworn at 3:25. Court instructed the jury as to the procedure the trial will take. Information read to the jury. Outside the presence of the jury at 3:35, Mr. LaPorta made a motion for mistrial. Response by State. COURT ORDERED, MOTION DENIED. Counsel stipulated

as to the presence of the jury at 3:50. Opening statement by counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 17, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 17, 1997**9:15 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By:
Bonaventure, Joseph
T.

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.	Attorney
McMahon, Lee E.	Attorney
Roger, David J.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- Testimony continued as per worksheet. **OUTSIDE THE PRESENCE OF THE JURY:** Following statements by counsel, COURT ORDERED, exhibits 23, 40, 50 and 53 will be removed. Mr. LaPorta moved for a mistrial and argued that a witness stated he new the Defendant had been incarcerated. Mr. Roger opposed. COURT ORDERED, motion DENIED. Kenya Hall's testimony was read to the Court from the Preliminary Hearing Transcript. Court stated its findings and ORDERED, Deft's Motion To Consider DENIED, Court will allow the transcript to be read to the Jury. Exhibits offered and admitted as per worksheet. Testimony continued as per worksheet. 5:35 PM - Court admonished jurors and ORDERED recess for the evening. **OUTSIDE THE PRESENCE OF THE JURY:** Court

advised the Defendant of his right to testify. Counsel stipulated to exhibit #82 being an accurate copy.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 18, 1997**8:45 AM****Motion for Protective
Order**

**DEFT'S MOTION
FOR PROTECTIVE
ORDER Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Wall, David T.

Attorney

JOURNAL ENTRIES

- Court advised the State will not be calling Mr. Steffan or Mr. Stockton to testify so this motion is moot and taken OFF CALENDAR.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 18, 1997**9:15 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Roger, David J.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Outside presence of the Jury, Jury Instructions were settled and stipulated to. Mr. LaPorta advised defendant will not testify. Defense rested and waived their Opening statement. Jury Instructed by the Court. Closing arguments.

11:55 AM-Jury began deliberations.

2:50 PM-Jury returned with Verdicts finding defendant Thomas GUILTY-COUNT I-CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY.

GUILTY-COUNT II-MURDER FIRST DEGREE WITH USE OF A DEADLY WEAPON (Carl Dixon)

GUILTY- COUNT III-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

(Matthew Gianakis) GUILTY-COUNT IV- ROBBERY WITH USE OF A DEADLY WEAPON.

GUILTY-COUNT V-BURGLARY WHILE IN POSSESSION OF A FIREARM. GUILTY-COUNT VI-FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON. Jury polled per request of defense counsel. COURT ORDERED, Defendant having been found guilty, remanded to custody. Court gave the Jury admonishment and ORDERED, they appear for the Penalty Hearing on 6-23-97 @ 9:15 AM.

CLERK'S NOTE: An error was made identifying the docket letter on the Original Jury List, therefore, an Amended Jury List was prepared using the appropriate docket letter. No other changes were made as the Jury Panel remains intact.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 23, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 23, 1997**9:15 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By:
Bonaventure, Joseph
T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Roger, David J.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Opening statement by Mr. Schwartz and Mr. LaPorta. Witnesses sworn and testified. Exhibits marked and admitted. State rested. Court read defendant his right of Allocution. Due to a witness being unavailable until 6-25, COURT ORDERED, recess until 6-25-97 @ 9:15 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 25, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 25, 1997**9:15 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: JEAN
McKINLEY Relief
Clerk: LINDA
VIGIL/PM
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.	Attorney
McMahon, Lee E.	Attorney
Roger, David J.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- Witnesses sworn and testified. Jury Instructions settled and stipulated. Court Instructed Jury. Closing arguments of counsel. 1:40 PM - Bailiff sworn and Jury began deliberations. 6:40 PM - Jury returned with Verdict. Clerk read Special Verdicts and Verdicts with the Defendant receiving DEATH AS TO COUNT II - MURDER OF THE FIRST DEGREE (F) AND DEATH AS TO COUNT III - MURDER OF THE FIRST DEGREE (F). At the request of Ms. McMahon and Mr. LaPorta, Jury was polled by the Clerk. Court thanked and excused the Jury. Court referred matter to the Department of

96C136862-1

Parole and Probation for a Pre-sentence Investigative Report and ORDERED matter set for sentencing.

CUSTODY

8/25/97 8:45 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 06, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 06, 1997**8:30 AM****Motion to Withdraw as
Counsel**

**JOHN STEFFEN'S
MOTION TO
WITHDRAW AS
COUNSEL Relief
Clerk: LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Roger, David J.

Attorney

JOURNAL ENTRIES

- Mr. Steffen advised the Court that Defendant would be filing a motion in Pro Per to withdraw his plea. There being no opposition to John Steffen's Motion To Withdraw As Counsel, COURT ORDERED, motion GRANTED. Court appointed Michael Davidson to represent Defendant Hall and ORDERED matter CONTINUED for confirmation and Deft's request to withdraw his plea. MATTER RECALLED: Mr. Davidson CONFIRMED AS COUNSEL. COURT SO ORDERED. Court advised counsel this matter will be continued for argument on Deft's request to withdraw his guilty plea. Court noted this matter will either be set for trial or Defendant will be sentenced at the next hearing.

CUSTODY

8/21/97 8:30 AM ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA... SENTENCING (HALL)

96C136862-1

8/25/97 8:30 AM SENTENCING (THOMAS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 21, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 21, 1997**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8/21/97
Relief Clerk: DEBBIE
VINSON
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Wall, David T.

Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA...SENTENCING/SET TRIAL
Mr. Davidson requested a two-week continuance. State had no opposition as Mr. Davidson just came into the case. COURT ORDERED CONTINUED.
CUSTODY
9-4-97 8:30 AM SAME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 25, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 25, 1997**8:30 AM****Sentencing**

SENTENCING
Court Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Officer Duane DeMay of the Department of Parole and Probation present. State represented by Mr. David Schwartz, Chief Deputy District Attorney. Defendant in custody and present with Ms. Lee McMahon, DPD, and Mr. Peter LaPorta, DPD. By virtue of Jury's verdict, Court ADJUDGED DEFENDANT GUILTY of COUNT I - CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY (F); COUNT II - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT IV - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT V - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT VI - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Defendant declined to make a statement to the Court. COURT ORDERED, whereas on the 25th day of June, 1997, a Jury unanimously rendered written Special Verdicts and

written Verdicts both signed by the Foreman, and whereas in the Special Verdicts the Jury found beyond a reasonable doubt that there were aggravating circumstances existing in the commission of said murder's; set the penalty to be imposed upon the Defendant, Marlo Thomas, at Death for Count II and Death for Count III, and therefore by reason of the Verdicts dated the 18th day of June, 1997 and the Special Verdicts dated the 25th day of June, 1997, the Court does hereby SENTENCE the Defendant, Marlo Thomas to a \$25.00 Administrative Assessment Fee; Count I - ONE HUNDRED TWENTY (120) MONTHS maximum with a minimum of FORTY-EIGHT (48) MONTHS; Count II - DEATH; Count III - DEATH in the manner prescribed by law, and the Clerk of the above entitled Court is hereby directed to enter Judgment of Sentence of Death as part of the record. Count IV - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS, with an EQUAL AND CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum, CONSECUTIVE to COUNT I; Count V - ONE HUNDRED EIGHTY (180) MONTHS maximum and SEVENTY-TWO (72) MONTHS minimum with an EQUAL AND CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum for WEAPON ENHANCEMENT, CONSECUTIVE TO COUNT IV; Count VI - LIFE WITHOUT THE POSSIBILITY OF PAROLE, with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for WEAPON ENHANCEMENT, CONSECUTIVE to COUNT V; and Count VII - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for WEAPON ENHANCEMENT, CONSECUTIVE TO COUNT VI. CREDIT FOR TIME SERVED of Four Hundred Ninty-Five (495) Days.

CLERK'S NOTE: 8/25/97 - Clerk contacted Kathy Hinkley, Mr. David Schwartz' secretary, to inquire about the Judgment and Warrant of Execution which is to be filed in Open Court. Ms. Hinkley advised the Clerk that Mr. Schwartz noted a discrepancy in the PSI as to Count V - the equal and consecutive term for weapon enhancement and Count VII - which does not exist. Being that the Court followed the recommendations from the Department of Parole and Probation, Clerk advised the Court's secretary of the discrepancies on the PSI.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 27, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 27, 1997**8:30 AM****Request of Court**

**AT THE REQUEST
OF THE COURT
CLARIFICATION
OF SENTENCE
Court Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

McMahon, Lee E.
Roger, David J.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Officer Roy Evans of the Department of Parole and Probation present. Mr. Roger stated there were a few discrepancies on the Pre-sentence Investigative Report that need to be clarified. Mr. Roger stated Count V does not impose a consecutive term of weapon enhancement and Count VII does not exist. Clarification of sentence is as follows: COUNT I - ONE HUNDRED TWENTY (120) MONTHS maximum with a minimum of FORTY-EIGHT (48) MONTHS; COUNT II - DEATH; COUNT III- DEATH; COUNT IV - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS and an EQUAL AND CONSECUTIVE TERM OF ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum for Weapon

Enhancement CONSECUTIVE to Count I; COUNT V - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to Count IV; COUNT VI - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for the Weapon Enhancement, CONSECUTIVE TO Count V. State filed a JUDGMENT OF CONVICTION; WARRANT OF EXECUTION AND ORDER OF EXECUTION IN OPEN COURT. Court admonished the Department of Parole and Probation for the discrepancies in the PSI. COURT ORDERED the Count V weapon enhancement and Count VII stricken from the sentencing procedures. COURT FURTHER ORDERED, pursuant to said verdicts of the Jury and there being no legal cause why said verdicts and said Judgment of Sentence of Death should not be executed ORDER that the Director of the Department of Prisons shall execute the Judgement of Sentence of Death imposed upon the Defendant by an injection of a lethal drug, within the limits of the State of Nevada, in the presence of the Director of the Department of Prisons. COURT FURTHER ORDERED, that the County shall execute in triplicate under the seal of the court, certified copies of the WARRANT OF EXECUTION and the JUDGMENT OF SENTENCE OF DEATH, and of the entry in the MINUTES of the Court. The original of the triplicate copies of the JUDGMENT AND WARRANT OF EXECUTION AND ENTRY in the minutes shall be filed in the office of the County Clerk, and two triplicate copies shall be immediately delivered by the Clerk to the Sheriff. The Sheriff is directed to take charge of the Defendant and transport and safely deliver him to the Director of the Department of Prisons of the State of Nevada.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 04, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

September 04, 1997**8:30 AM****Hearing**

**ARGUMENT:
DEFT'S REQUEST
TO WITHDRAW
GUILTY PLEA Court
Clerk: LINDA VIGIL
Relief Clerk: NANCY
NOBLE/nn
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Roger, David J.

Attorney

JOURNAL ENTRIES

- Tressie Bland of the Division of Parole & Probation present. Mr. Davidson stated defendant wants to go forward with Request to Withdraw Guilty Plea. State submitted. Defendant Hall sworn and testified as to why he requested to withdraw his plea. Arguments by counsel. COURT ORDERED request DENIED.

Statements in mitigation of sentencing. COURT ORDERED in addition to the \$25.00 Administrative Assessment fee, Defendant SENTENCED as to COUNT IV to a Maximum 150 MONTHS with a Minimum parole eligibility of 60 MONTHS in the Nevada Department of Prisons; Plus an equal Maximum 150 MONTHS/Minimum 60 MONTHS for use with a deadly weapon. Credit for time served 505 DAYS. Remaining Counts pertain to co-defendant.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 23, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

September 23, 1997**8:30 AM****Motion to Stay**

**DEFT'S MOTION
FOR STAY OF
EXECUTION Court
Clerk: LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 24, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

November 24, 1997**8:30 AM****Motion**

**STATE'S REQUEST
SUPREME COURT
ORDER: APPOINT
COUNSEL Court
Clerk: LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Pursuant to Supreme Court Order, COURT ORDERED, Mr. Mitchell Posin appointed and
CONFIRMED AS COUNSEL.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 09, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

February 09, 1999**8:30 AM****Motion**

**DEFT'S PRO PER
MOTION FOR
WITHDRAWAL OF
ATTY/TRANSFER
RECORDS Court
Clerk: CINDY
HORTON
Reporter/Recorder:
LISA MACOWSKI
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lawson, Tamara F.

Attorney

JOURNAL ENTRIES

- Court advised Mr. Posin was withdrawn from this case as of 6/26/98, Mr. Posin has indicated he turned over a copy of all documents and transcripts with the opening brief and joint appendix. Court advised it appears the records have been transferred to the deft's mother and COURT ORDERED, MATTER OFF CALENDAR.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

November 09, 1999**8:30 AM****Motion to Stay**

**DEFT'S MOTION
FOR STAY OF
EXECUTION Court
Clerk: CINDY
HORTON
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Barker, David B.

Attorney

Richards, Daren B.

Attorney

JOURNAL ENTRIES

- Court advised cannot find the writ in the file. Mr. Richards advised he does not have a copy of the writ. Court advised there is no further date pending and ORDERED, MOTION DENIED.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 30, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

November 30, 1999**8:30 AM****Motion to Withdraw as
Counsel**

**SPECIAL PD'S
MOTION TO
WITHDRAW AS
COUNSEL/MOTION
TO APPOINT
COUNSEL/STAY
Court Clerk:
MELISSA DAVIS
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cram, Roger

Attorney

McMahon, Lee E.

Attorney

JOURNAL ENTRIES

- Defendant not present. Ms. Mahon advised that defendant's direct appeal was denied and now needs counsel for post conviction relief. COURT ORDERED, as to Motion for Stay of Execution, that is GRANTED until further notice. As to the remainder of the motion, COURT ORDERED, motion GRANTED and matter to be set for Confirmation of Counsel and Mr. Schieck to be notified for possible appointment.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 02, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

December 02, 1999**8:30 AM****Motion for Confirmation of
Counsel**

**CONFIRMATION
OF COUNSEL
(SCHIECK) Court
Clerk: MELISSA
DAVIS
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schieck, David M.
Shimon, Randal D.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court advised Mr. Schieck that defendant was represented by Ms. McMahon in the Special Public Defender's office and that the direct appeal has been denied. Upon Court's inquiry, Mr. Schieck advised he could confirm as counsel. COURT ORDERED, MR. SCHIECK APPOINTED AS COUNSEL AND ORDER SIGNED IN OPEN COURT.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 20, 2000**

96C136862-1

The State of Nevada vs Marlo Thomas

January 20, 2000**8:30 AM****Petition for Writ of Habeas
Corpus**

**DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS Court
Clerk: CINDY
HORTON
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lawson, Tamara F.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Scheick requested a briefing schedule. COURT ORDERED OPENING BRIEF TO BE FILED BY 4/20/00, STATE'S RESPONSE TO BE FILED BY 5/25/00, ANY REPLY TO BE FILED BY 6/14/00 AND MATTER IS SET FOR ARGUMENT AND DECISION ON 6/28/00.

NDP

6/28/00 10:30 A.M. ARGUMENT AND DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 28, 2000**

96C136862-1

The State of Nevada vs Marlo Thomas

June 28, 2000**10:30 AM****Hearing**

**ARGUMENT AND
DECISION Court
Clerk: MELISSA
DAVIS
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daskas, Robert J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck requested additional time, to which the State has no objection. COURT ORDERED, Supplemental Points and Authorities DUE BY 8/30/00 and State to respond by 9/30/00 and matter CONTINUED.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 2000**

96C136862-1

The State of Nevada vs Marlo Thomas

November 02, 2000**8:30 AM****Hearing**

**ARGUMENT AND
DECISION Court
Clerk: THERESA LEE
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daskas, Robert J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- The Court has been informed the Defense is not ready to proceed today. Mr. Schieck concurred, and stated he reviewed the Points and Authorities and needs to return to Ely, Nevada to have the Deft sign the Affidavit. Colloquy between Court and Mr. Schieck re the billing process through Court Administration. COURT ORDERED, Mr. Schieck has until 12/1/00 to file his Points and Authorities, the State will have until 1/2/01 at 5:00 P.M. to reply, Mr. Schieck will have two weeks thereafter until 1/19/01 to file a final reply. Mr. Schieck stated on 1/29/01 he will be asking this court to set an evidentiary hearing.

NDP

1/29/01 8:30 A.M. SET TIME CERTAIN: ARGUMENT AND DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 29, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

January 29, 2001**8:30 AM****Hearing**

**SET TIME
CERTAIN:
ARGUMENT AND
DECISION Court
Clerk: MELISSA
DAVIS
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Robinson, Lynn M.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Defendant not present as he is housed at the Nevada Department of Prisons. Mr. Schieck requested an additional 45 days to supplement the brief and COURT SO ORDERED. Mr. Schieck to have until 3/19/01; State to respond by 4/19/01 and defense to reply by 5/7/01. COURT ORDERED, matter set for two weeks after reply is due. Court advised Mr. Schieck that if defendant's presence is requested, an Order to Transport must be presented to this Court at least two weeks prior to hearing. NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 30, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

April 30, 2001**8:30 AM****Motion**

**STATE'S MOTION
TO PLACE ON
CALENDAR Relief
Clerk: GEORGETTE
BYRD/GB
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schieck, David M.
Simon, H. L.

Attorney
Attorney

JOURNAL ENTRIES

- Counsel requested a briefing schedule. COURT ORDERED, briefing schedule set and argument and decision set for 5/21/01 vacated and reset.

NDP

DEFT'S OPENING BRIEF DUE ON 5/30/01

STATE'S RESPONSE DUE ON 7/30/01

DEFT'S REPLY DUE ON 8/15/01

08/27/01 8:30 AM ARGUMENT/DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 19, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

September 19, 2001**8:30 AM****Hearing**

**ARGUMENT
PETITION FOR
WRIT OF HABEAS
CORPUS POST
CONVICTION
Court Clerk: Melissa
Davis
Reporter/Recorder:
Lisa Makowski
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- Defendant not present as he is housed at the Nevada Department of Corrections. Court noted Mr. Schieck had requested a one week continuance and COURT SO ORDERED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 26, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

September 26, 2001**8:30 AM****Hearing**

**ARGUMENT
PETITION FOR
WRIT OF HABEAS
CORPUS POST
CONVICTION
Relief Clerk: Theresa
Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Roger, David J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck stated he will submit the matter on the pleadings. With respect to some of the other issues, he would like an evidentiary hearing. Argument by Mr. Schieck re Deft.'s petition alleging that trial counsel failed to call a number of witnesses at the penalty hearing. Argument by Mr. Roger. COURT ORDERED, Mr. Schieck to bring in Ms. McMahon and Mr. LaPorta to testify at the evidentiary hearing. Colloquy between Court and counsel re other issues, i.e., first issue, trial counsel failed to object to cumulative bad act evidence at the penalty phase, 20 witnesses called, only three victim impact. Deft. argues the State could have shown bad character with less witnesses. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND that trial counsel was

ineffective for failure to object to bad character evidence. The Court does not find merit on that issue. Second issue, Deft. alleges trial counsel failed to limit victim impact statements. Surviving family member testified and read statements of other family members. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND that trial counsel was ineffective assistance of counsel. Third issue, Deft. argues prosecutorial misconduct at closing argument of penalty phase by appealing to the passions and denigrating mitigators. Arguments by counsel. The Court feels it is fair comment for the prosecutor and defense counsel to ask the jury to make a decision. Fourth issue, the trial court erred in admitting the premeditation and deliberation felony murder, equal and exact justice, anti-sympathy, reasonable doubt and unanimous instructions. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel to predict what the Supreme Court would do in the future. Fifth issue, trial counsel failed to object to a witness comment Deft. was "back in jail". Arguments by counsel. Court stated counsel did object. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel on that issue. Sixth issue, trial counsel failed to object to overlapping aggravating circumstances and appellate counsel failed to raise the issue. Arguments by counsel. COURT ORDERED, Supreme Court states the State can come up with three aggravators on the same act. Counsel can preserve that if they go to the Federal Court on that issue. Seventh issue, trial counsel failed to object to inflammatory opening statements and appellate counsel failed to raise the issue on direct appeal. Arguments by counsel. Although, the Court feels defense counsel should have objected to it, COURT ORDERED, the Court DOES NOT FIND it is of such magnitude to require a new trial. EIGHTH ISSUE, trial counsel failed to object to prosecutorial misconduct at the penalty phase. Arguments by counsel. COURT ORDERED, the Court will address this issue at the EVIDENTIARY HEARING. The Court will ask trial counsel about this matter. NINTH ISSUE, trial counsel made improper arguments. Arguments by counsel. COURT ORDERED, this issue will be heard at the EVIDENTIARY HEARING and ask trial counsel about this matter. TENTH ISSUE, trial counsel was not prepared. Arguments by counsel. Court inquired of counsel if Deft. confessed to the crimes. Counsel concurred. COURT ORDERED, the Court will reserve this issue for EVIDENTIARY HEARING. The Court will ask counsel re their trial preparation. Eleventh issue, trial counsel failed to offer a jury instruction on theory of mitigation. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel on this issue. Twelfth issue, trial counsel failed to object to the jury being instructed on commutation of sentence. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel. Thirteenth issue, trial counsel failed to request an instruction properly defining character evidence. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel. Fourteenth issue, Appellate counsel failed to raise error in the malice instruction. Arguments by counsel. COURT ORDERED, Deft.'s argument is overruled and FINDS no merit to this issue. Fifteenth issue, Appellate counsel failed to object to the jury being instructed on commutation. Arguments by counsel. COURT ORDERED, the Court FINDS this issue is without merit. Sixteenth issue, Nevada Supreme Court did not conduct fair and adequate appellate review under NRS 177.055(2). COURT ORDERED, request to return to Supreme Court for review is DENIED. Seventeenth issue, fair trial based on race. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND any systematic exclusion of anyone. Jury selection is random selection through several methods by the Jury Commissioner. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel because it was raised by counsel at time of trial.

Court directed both counsel to contact Ms. McMahon and Mr. LaPorta and coordinate their schedules. COURT ORDERED, Mr. Schieck to serve Ms. McMahon and Mr. LaPorta with subpoenas. Upon Court's inquiry, Mr. Schieck stated Deft. will probably want to be present, however, he will check with him.

NDC

10/12/01 1:30 P.M. EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

October 12, 2001**3:30 PM****Evidentiary Hearing****EVIDENTIARY
HEARING Court
Clerk: Melissa Davis
Heard By: Loehrer,
Sally****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 14, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

January 14, 2002**9:00 AM****Evidentiary Hearing****EVIDENTIARY
HEARING Court
Clerk: Melissa Davis
Heard By: Loehrer,
Sally****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Roger, David J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Defendant having not been transported for Nevada Department of Corrections, COURT ORDERED, matter CONTINUED. FURTHER, Mr. Schieck to prepare another Transport Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 22, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

January 22, 2002**10:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Melissa Davis
Reporter/Recorder:
Lisa Makowski
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Roger, David J.
Schieck, David M.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court and counsel noted the issues that need to be addressed are #8, #9 and #10. Lee McMahon sworn and testified. Mr. Schieck advised Mr. LaPorta was to be here, but had to serve as Judge pro tem in Henderson and upon calling will not be available today. COURT ORDERED, matter to be rescheduled upon checking with Mr. LaPorta's schedule. Court directed Corrections Officers from Nevada Department of Corrections to have Defendant remain at High Desert Correctional facility. NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 15, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

March 15, 2002**8:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Relief
Clerk: Keith A. Reed
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Roger, David J.
Schieck, David M.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Witness Richard LaPorta SWORN & TESTIFIED. Testimony presented. COURT ORDERED, closing arguments to be submitted in writing; matter set for DECISION without argument. Mr. Schieck requested a copy of the transcript of Mr. LaPorta's testimony and a briefing schedule. Court reporter advised counsel the transcript would be ready on Monday. FURTHER ORDERED; briefing schedule as follows: Defense brief due 4-15-02; state's response due 5-13-02; Defense reply due 5-24-02; matter set for DECISION. Court stated counsel need not be present if they do not desire as no argument will be allowed.; Deft's presence WAIVED.

NDC

6-5-02 8:30 AM DECISION: EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 05, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

June 05, 2002**8:30 AM****Decision**

**DECISION:
EVIDENTIARY
HEARING Court
Clerk: Theresa Lee
Relief Clerk: Tina
Hurd/th
Reporter/Recorder:
Mary Beth Cook
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Peterson, Seth W.

Attorney

JOURNAL ENTRIES

- Court advised he has not seen Deft's counsel David Schieck and ORDERED, Deft. Thomas's presence WAIVED as he is in the Nevada Department of Corrections (NDC). COURT ORDERED, briefing schedule set as follows:

Deft's opening brief to be filed by June 24; State's answering brief to be filed by July 24; Deft's reply brief to be filed by August 5; matter set for decision on August 14.

NDC

8-14-02 8:30 AM DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 14, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

August 14, 2002**8:30 AM****Decision**

**DECISION Court
Clerk: Carole D'Aloia
Reporter/Recorder:
Tom Mercer Heard
By: Bonaventure,
Joseph T.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Kephart, William D.

Attorney

JOURNAL ENTRIES

- At the request of Mr. Kephart, COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 21, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

August 21, 2002**8:30 AM****Decision**

DECISION Court
Clerk: Keith Reed/kar
Relief Clerk: Alan
Castle
Reporter/Recorder:
Lisa Makowski
Heard By: Sally
Loehrer

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

DiGiacomo, Sandra
 Schieck, David M.

Attorney
 Attorney

JOURNAL ENTRIES

- Upon review of the case, the Court does not find there was ineffective assistance of counsel; state to prepare the order. Mr. Schieck noted he needs to be served with the order when it is entered and inquired if the Court will appoint counsel to handle the appeal. COURT ORDERED, Mr. Schieck APPOINTED as appeal counsel based upon the denial for post conviction relief.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 29, 2004**

96C136862-1

The State of Nevada vs Marlo Thomas

March 29, 2004**8:30 AM****Motion**

**DEFT'S MTN TO
PLACE ON
CALENDAR/54
Court Clerk: Theresa
Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schieck, David M.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- Court commented on the fact, when a case is sent back from the Supreme Court it should go to the trial judge. Mr. Schwartz stated this Court heard the Penalty Hearing. Mr. Schieck stated he was appointed to do the appeal on the Post Conviction Relief. Court inquired of Mr. Schieck if he would like the appointment for the penalty hearing. Mr. Schieck brought to the Court's attention that the Special Public Defender was second chair at trial. Court inquired if the issue on appeal was ineffective assistance of counsel. Mr. Schieck stated Peter LaPorta and Lee McMahon represented deft at the trial. The issue is an Instruction that was given to the Jury at the Penalty Hearing that incorrectly left the Jury with the belief deft would be pardoned from the Pardons Board. COURT ORDERED, a new Penalty Hearing should be set, the Court will APPOINT David Schieck as counsel for the penalty hearing, and the Special Public Defender as second chair. The Court cannot appoint a

private attorney to sit as second chair if there is no conflict with the Special PD. Court inquired of Ms. Jackson if she would sit second chair with Mr. Schieck. Mr. Schieck stated Lee McMahon is still with their office, however, deft. was not happy with Pete LaPorta or Lee McMahon as his attorneys. Mr. Schieck also informed the Court there will be a mental health hearing regarding whether deft qualifies for the death penalty because of his IQ. COURT ORDERED, Mr. Schieck to have deft examined and get all of the psychiatric evaluations and the Court can set the Penalty Hearing in approximately 90 days. Court directed Mr. Schieck to submit the order. COURT ORDERED, matter CONTINUED to set time certain for penalty hearing.

NDC

6/30/04 8:30 A.M. SET TIME CERTAIN: PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2004**

96C136862-1

The State of Nevada vs Marlo Thomas

June 30, 2004**8:30 AM****Status Check**

**STATUS CHECK
/SET PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Angela Lee Heard
By: Sally Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Court stated this case has been from the Supreme Court for a Penalty Hearing. Deft received two death sentences first time around due to an erroneous jury instruction re what a life without sentence means. There is a possibility the jury erred on the side of finality. The Court needs to know if Mr. Schieck is going to stay on the case. Mr. Schieck stated when he appeared previously on this case, it was before he was appointed Special Public Defender. He was appointed because the deft had a problem with the Special Public Defender. The Court appointed Dan Albregts to work with him on the case. Deft was advised of this, and the fact Mr. Schieck was appointed as the Special Public Defender, Deft did not know what to think. He has not heard from the deft in a couple of weeks. CONFERENCE AT THE BENCH. Court further stated, Mr. Schieck was able to get the case reversed on deft's behalf. Deft should be pleased Mr. Schieck is staying on the case. COURT ORDERED, PENALTY HEARING DATE SET.

96C136862-1

12/29/04 8:30 A.M. CALENDAR CALL
1/3/05 1:30 P.M. PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 20, 2004**

96C136862-1

The State of Nevada vs Marlo Thomas

December 20, 2004**8:30 AM****Motion**

**NV DEPT OF
CORRECTIONS
MTN FOR
RECONSIDERATIO
N & FOR RELIEF/58
Court Clerk: Theresa
Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.
Pike, Randall H.

Attorney
Attorney

JOURNAL ENTRIES

- Eddie Gulbenkian, Esq. bar #7726, present on behalf of the Nevada Department of Corrections. Mr. Pike stated he is appearing for Mr. Schieck who is out of the state today. P & P is requesting reconsideration and relief. The hearing date on the penalty phase is set for 1/3/05. Court advised counsel the Court has not received the Jury Questionnaire. Mr. Pike stated this matter is not going on 1/3/05, and the deft has not been transported from Ely State prison. He was suppose to be transported one month prior to the penalty hearing. COURT ORDERED, Calendar Call VACATED, the Court will leave this matter on calendar on 1/3/05, penalty hearing date stands, the Court will set a time certain for the penalty hearing on 1/3/05. FURTHER ORDERED, when a hearing date is set,

deft is ORDERED to be transported to the Clark County Detention Center one month prior to the hearing. Court advised counsel to get together and pick a date, and that WILL BE the hearing date, no more continuances. Mr. Pike to prepare the order.

NDC

1/3/05 8:30 A.M. NEVADA DEPT OF CORRECTIONS MOTION FOR RECONSIDERATION AND RELIEF...RESET PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 03, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

January 03, 2005**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS Relief
Clerk: Elaine York/ey
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.
Schieck, David M.
Schubert, David
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- NEVADA DEPARTMENT OF CORRECTIONS MOTION FOR RECONSIDERATION AND FOR RELIEF...RESET PENALTY HEARING

Mr. Schieck stated this matter has been resolved stating the motion for reconsideration filed by the Attorney General's Office was appealed by the Deft. and added the Deft. is currently housed at High Desert Prison. Upon inquiry of the Court, Mr. Schubert stated this is Mr. Schwartz's case. COURT ORDERED, Penalty Hearing VACATED and matter RESET. Court advised counsel Jury Questionnaires need to be completed by 3/21/05 in order for the jury panel to answer by 3/25/05 allowing one week for counsel to review them. Mr. Schieck brought to the Court's attention the filing of pretrial motions that should be heard before the calendar call. COURT ORDERED, Pretrial Motions to be heard on 3/16/05 with the last filing date for motions being 2/28/05.

NDC

3/16/05 8:30 AM PRETRIAL MOTIONS

3/30/05 8:30 AM CALENDAR CALL

4/04/05 1:30 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 12, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

January 12, 2005**8:30 AM****Request**

**STATE'S REQUEST
STATUS
CHECK/TRIAL
DATE Court Clerk:
Theresa Lee Relief
Clerk: Georgette
Byrd/gb
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albright, David C.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Parties agreed to a June trial with all pretrial motions in by May 18th, COURT SO ORDERED. Trial vacated and reset.

NDC

05/18/05 8:30 AM PRETRIAL MOTIONS

06/01/05 8:30 AM CALENDAR CALL

06/06/05 1:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 04, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

May 04, 2005**8:30 AM****Motion**

**DEFT'S NTC OF
MTN AND MTN TO
PLACE ON
CALENDR/68 Court
Clerk: Theresa Lee
Reporter/Recorder:
JoAnn Orduna
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Campbell, Cara L.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck stated Chris Owens will be trying the Laughlin biker case. David Schwartz will be trying this case for the State. Mr. Schieck further stated Judge Mosley moved the biker case, and now Maestas is set to start May 31, 2005. Mr. Schieck moved to continue this trial based upon the Maestas case. Court stated Judge Mosley spoke to the Court regarding his trial schedule, this Court moved the Garrett case due to his trial schedule. COURT ORDERED, Deft's Motion to Continue the Trial is GRANTED; trial date VACATED AND RESET; ALL pre-trial motions to be filed timely and scheduled to be heard on 9/14/05. Mr. Schieck to talk to Mr. Schwartz and see if this trial date will work for him. FURTHER ORDERED, Deft's presence WAIVED today as he is at NDC.
NDC

96C136862-1

9/14/05 8:30 A.M. PRE-TRIAL MOTIONS

10/5/05 8:30 A.M. CALENDAR CALL

10/10/05 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 01, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

June 01, 2005**8:30 AM****Motion**

**DEFT'S MTN TO
PLACE ON
CALENDAR/71
Relief Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Seabrook, Kristin E.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter is resolved as the District Attorney has agreed that Defendant shall remain at the High Desert until time of trial, therefore Defendant's Motion is OFF CALENDAR. FURTHER ORDERED, Deft's presence WAIVED today as he is at NDC.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 14, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

September 14, 2005**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS (9/14/05)
Court Clerk: Theresa
Lee
Reporter/Recorder:
Yvonne Valentin
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO ALLOW QUESTIONNAIRE... Mr. Schieck will submit a questionnaire to the State for their approval, Counsel to have the questionnaire submitted to the Court by Monday, 9/26/05 for Court's signature and for photocopying, and the Court will bring in 100-110 jurors to fill out the paperwork on 9/29/05 or 9/30/05. Court directed counsel to put on the 1st page of the questionnaire they are expected to serve the week of 10/10/05 through 10/19/05, and what the case is about. The Court will be able to excuse them right away.

DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT...COURT ORDERED, motion GRANTED, the Court has STRICKEN the Robbery as an aggravator.

DEFT'S MOTION TO STRIKE AGGRAVATOR FOUR ON STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY...Colloquy between Court and counsel. Arguments by counsel. COURT ORDERED, motion GRANTED AND DENIED IN PART, the Court will STRIKE the Robbery as an Aggravator, but the Burglary will go forward as an Aggravator, and more than one person was killed will go forward as an Aggravator.

DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...Court stated as this applies only to the penalty hearing. Mr. Schieck concurred, and argued, if a witness is getting preferential treatment from the State at the trial. Argument by Mr. Owens. Mr. Schieck stated the 16 year old witness during the first trial clammed up and they used the transcript from the preliminary hearing and gave him the benefit of whatever he was charged with. Mr. Schieck stated he is aware of it up to the trial, but would like to know if there is anything further. Mr. Schwartz stated the witness is in prison, nothing has been done on his behalf, no one is receiving any benefits. COURT ORDERED, the motion is GRANTED.

DEFT'S MOTION TO DISMISS STATE'S INTENT TO SEEK DEATH PENALTY BECAUSE THE NEVADA DEATH PENALTY IS UNCONSTITUTIONAL...Court stated, the Supreme Court has indicated Nevada is a death penalty state, and the Statute is not unconstitutional. COURT ORDERED, motion DENIED.

DEFT'S MOTION IN LIMINE TO LIMIT PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF THE 8TH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING...Colloquy between Court and counsel. Arguments by counsel. The Supreme Court has not decided one way or the other. This Court does not oppose a jury deliberating twice. State will put on aggravators, deft will put on mitigators at one time, having the jury determine if one or more aggravators are determined by a unanimous jury, and if the aggravators outweigh the mitigators, and then return to hear the bad acts information. Mr. Schieck stated there were incidents at the prison, there are 15-20 witnesses on bad acts testimony. Court stated if there are a lot of bad acts the Court would prefer to do it the way the Court mentioned. Mr. Owens objected to bifurcating the penalty hearing. COURT ORDERED, motion GRANTED, the Court will BIFURCATE the penalty hearing. Mr. Owens can run a Writ on this if he chooses and let the Supreme Court decide this issue. NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 26, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

September 26, 2005**8:30 AM****Request**

**DEFT'S REQUEST
STATUS
CHECK/PENALTY
HEARREQUEST
Court Clerk: Jennifer
Kimmel/jk Relief
Clerk: Judy
McFadden
Reporter/Recorder:
Yvonne Valentin
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.
Pike, Randall H.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court advised counsel regarding Chief Judge directive relating to trials during the relocation to the Regional Justice Center (RJC). Colloquy ensued regarding schedule of trial. COURT ORDERED, Trial is RESET.

NDC

10/12/05 8:30 A.M. CALENDAR CALL

10/24/05 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

October 12, 2005**8:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Theresa
Lee Relief Clerk:
Georgette Byrd/gb
Reporter/Recorder:
Yvonne Valentin
Heard By: Loehrer,
Sally

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Campbell, Cara L.
 Schieck, David M.
 Thomas, Marlo

Attorney
 Attorney
 Defendant

JOURNAL ENTRIES

- COURT ORDERED, calendar call continued to next week. Mr. Schieck stated he has another application to transport witnesses to testify in this case and presented it to the Court. Additionally, Mr. Schieck stated in NDC he is only allowed to speak with the defendant every other Monday and requested the Court to sign a special order allowing Mr. Schieck to see the defendant more often to prepare for trial, COURT SO ORDERED; Order signed in Court.
 NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

October 19, 2005**8:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Theresa
Lee
Reporter/Recorder:
Jackie Nelson Heard
By: Sally Loehrer

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.
 Schieck, David M.
 Schwartz, David P.

Attorney
 Attorney
 Attorney

JOURNAL ENTRIES

- Court stated in the Court's absence last week, Court was informed counsel are in agreement to move this trial to the week of 10/31/05, and the Botzet trial will go the weeks of 10/17/05 and 10/24/05. Counsel concurred. Mr. Albregts stated he has a personal commitment on 11/4/05. The trial will take FIVE (5) DAYS. Court inquired, State advised they have 10 witnesses, Mr. Schieck stated deft has 10 witnesses. Colloquy between Court and counsel re the way the bifurcated trial will proceed. Upon further inquiry by the Court, Mr. Schieck stated a Detective will come in and give a statement of the facts and summarize the evidence in the case, because guilt is not a question. COURT ORDERED, trial will commence 10/31/05 at 10:30 A.M.

NDC

10/31/05 10:30 A.M. PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 31, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

October 31, 2005**10:30 AM****Hearing**

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY and DEFT. Mr. Albregts stated having difficulty getting deft dressed for court. Due to being in prison, no one knows his size. Court received a call from Officer Jacoby this morning re deft's custody status. They were not given an order to retain him in the Clark County Detention Center during the trial. He will be transported back and forth. He does not have his legal documents with him. COURT ORDERED, deft can return to the prison tonight, return tomorrow morning and for the balance of the trial he will remain at CCDC. Mr. Schieck stated deft would like to be returned to the prison. The Order to Transport stated to be transported for the Petrocelli Hearing, but not how long the hearing would take. Mr. Schieck requested deft transported daily. Deft has been housed at High Desert for several months. COURT ORDERED, request

DENIED. Mr. Schieck objected to deft being restrained during the penalty hearing. Colloquy between Court and counsel. COURT ORDERED, he can be restrained at the ankles; arm and belly chains to be removed. Deft now present. JURY PANEL PRESENT AND SWORN. Jury selection commenced. Court inquired if either side had a JEB or Batson challenge to jury selection. All counsel answered in the negative. Mr. Albregts stated you have to have African American jurors on the panel to be able to exercise the challenge. At the hour of 5:07 P.M. Jury and two Alternates selected and sworn. Jury EXCUSED 5:07 P.M. until 10:00 A.M. on 11/1/05.
CUSTODY (NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 01, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 01, 2005**10:00 AM****Hearing**

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- JURY PRESENT. Introduction of the trial process by the Court to the Jury. Opening statements by Mr. Schwartz and Mr. Schieck. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, at the end of the trial, Exhibit #72, the money from the Lonestar robbery is going to be returned to the Lonestar. The Court was not aware this money was in the Vault for nine years and should be returned. Jury EXCUSED 5:52 P.M. until 10:00 A.M. on 11/2/05. ADJOURNED 6:00 P.M. CUSTODY (NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 02, 2005**10:00 AM****Hearing**

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth
Cook/Sharon Howard
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY, arguments by counsel re hearsay statements and the Crawford decision. Transcripts of the 11/1/05 Proceedings FILED IN OPEN COURT. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 11:29 A.M. JURY EXCUSED, Court inquired of defense counsel when deft will allocute after the first proceeding. Court advised Mr. Schieck deft can allocute now and at the end of the second proceeding. Mr. Schieck stated deft is requesting a shower, SO ORDERED, deft to be allowed to shower tonight. JURY PRESENT, Testimony and exhibits CONTINUED. (See worksheets.) Jury Instructions SETTLED in open court on the record. JURY PRESENT, 4:17 P.M. Court instructed the Jury and listened to closing arguments

by counsel. At the hour of 5:40 P.M. the jury RETIRED TO DELIBERATE.

At the hour of 6:52 P.M., the Jury returned with VERDICTS as follows, AS TO CT 2 - the mitigating circumstances do not outweigh the aggravating circumstances, and CT 3 - the mitigating circumstances do not outweigh the aggravating circumstances. Court ADMONISHED the jury and EXCUSED them until 10:30 A.M. on 11/3/05. ADJOURNED 7:00 P.M.

CUSTODY (NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 03, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 03, 2005**8:30 AM****Hearing**

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel witness line-up and arguments by counsel re exhibits. Counsel agreed not to present opening statements. Deft now present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 4:53 P.M. Mr. Schieck informed the Court, the defense is not ready to call witnesses tonight. Jury EXCUSED 5:20 P.M. until 8:30 A.M. on 11/4/05. Mr. Schieck requested the Court order his witnesses to stay at CCDC tonight. The Officer stated they will be in booking. Mr. Schieck stated he will go talk to them right now. ADJOURNED 5:23 P.M.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 04, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 04, 2005**8:30 AM****Hearing**

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
JoAnn Orduna/Mary
Beth Cook Heard By:
Sally Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Albregts, Daniel J.	Attorney
	Owens, Christopher J.	Attorney
	Schieck, David M.	Attorney
	Schwartz, David P.	Attorney
	Thomas, Marlo	Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY. Mr. Albregts stated the first witness will need a Spanish Interpreter. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Statement of allocution by deft. DEFENSE RESTED 10:35 A.M. OUTSIDE PRESENCE OF JURY, Jury Instructions SETTLED IN OPEN COURT. JURY PRESENT, Court instructed the Jury and listened to closing arguments by counsel. At the hour of 12:48 P.M. the Jury RETIRED TO DELIBERATE. At the hour of 5:15 P.M. the Jury RETURNED with VERDICTS as follows: as to CT 2 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (CARL DIXON) and the Jury having found that the aggravating circumstance outweighs any mitigating circumstances, impose a sentence of DEATH; CT 3 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

(MATTHEW GIANAKIS) and the Jury having found that the aggravating circumstance outweighs any mitigating circumstances, impose a sentence of DEATH. Mr. Schieck requested the Jury polled. Court thanked and excused the jury. Mr. Schieck requested the matter set for sentencing, new Pre-Sentence Report not necessary. COURT ORDERED, State to prepare the appropriate paperwork for sentencing, matter CONTINUED two weeks. Mr. Schieck requested seven days in which to file post trial motions, SO ORDERED.

BOND

11/21/05 8:30 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 28, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 28, 2005**8:30 AM****Sentencing****SENTENCING****Court Clerk: Theresa
Lee****Reporter/Recorder:****Mary Beth Cook****Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- COURT ORDERED, matter TRAILED for Mr. Owens. Ms. Campbell stated she does not have the paperwork for the Court, Mr. Owens will be appearing on this matter. Mr. Schieck stated there is an automatic appeal, the Court can proceed without Mr. Owens. MATTER TRAILED.

Mr. Owens now present. COURT ORDERED, by virtue of the Jury's Verdict, on CT 2 - Murder of the First Degree with Use of a Deadly Weapon as to Matthew Gianakis, deft is SENTENCED to DEATH; and on CT 3 - Murder of the First Degree with Use of a Deadly Weapon as to Carl Dixon, deft is SENTENCED to DEATH. Judgment of Conviction, Warrant of Execution and Order of Execution FILED IN OPEN COURT. Upon inquiry by Mr. Schieck, COURT ORDERED, Special Public Defender is APPOINTED to file the Appeal in this case; Mr. Albregts is RELIEVED as counsel and to submit his voucher for payment. Deft REMANDED into the custody of the Sheriff.

NDC

CLERK'S NOTE: 11/28/05, Clerk prepared the packets and distributed Certified copies of the Court Minutes, Judgment of Conviction, Warrant of Execution and Order of Execution, placed packets in bins outside the Clerk's office for CCDC, the District Attorney and the Public Defender. (tl)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 14, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

December 14, 2005**8:30 AM****Further Proceedings**

**FURTHER
PROCEEDINGS:
EVIDENCE Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moreo, Thomas J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- The Court had Michael Sommemeyer from Court Administration photograph the money. Mr. Schieck stated he has looked at the pictures. He is satisfied this is the money. Court informed counsel the money needs to be returned to the Lonestar Steakhouse. The Court will keep the brown evidence bag, (Exhibit #72) and have the Clerk mark the photographs of the money as one exhibit, place the photos in the bag, and release the money to the Lonestar. CONFERENCE AT THE BENCH. Court stated Mr. Moreo has now looked at the photographs taken by Michael Sommemeyer, displaying what the money looked like in denominations. State to prepare an order, directing the Lonestar to come to the Clerk's office and pick up the money. The Lonestar can take it to the bank and have the money disposed of and the bank can replace the money. Mr. Schieck stated the evidence bag was opened and the money was shown to the jury. Further, Mr. Schieck WAIVED deft's presence for today's proceedings, SO ORDERED.

96C136862-1

NDC
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 07, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

May 07, 2008**8:30 AM****Petition for Writ of Habeas
Corpus**

**PTN FOR WRIT OF
HABEAS CORPUS
(VJ 7/6/09) Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Julie Lever Heard
By: Loehrer, Sally**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck moved to withdraw as this is a post conviction Writ. COURT ORDERED, matter CONTINUED and Ms. Dustin will be contacted to see if she can confirm as Deft's new counsel. Court directed the Law Clerk to contact Ms. Dustin and request her presence next date.

NDC

5/21/08 8:30 A.M. CONFIRMATION OF COUNSEL (DUSTIN)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 21, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

May 21, 2008**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS - 5/21/08
Court Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dustin, Cynthia L.

Attorney

Owens, Christopher J.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO APPOINT COUNSEL...CONFIRMATION OF COUNSEL (DUSTIN)

COURT NOTED, Ms. Dustin can confirm as counsel in this Post Conviction Writ. Colloquy regarding briefing schedule. COURT ORDERED, matter set for Status Check to set briefing schedule.

NDC

6/30/08 8:30 A.M. STATUS CHECK: BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

June 30, 2008**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS (6-30-08)
Relief Clerk: Phyllis
Irby/pi
Reporter/Recorder:
Julie Lever Heard
By: Sally Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dustin, Cynthia L.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK; SET BRIEFING SCHEDULE

Ma. Dustin advised she does not have file and transcript as of yet, expecting to have it by tomorrow. COURT ORDERED, Defense counsel to have Points and Authorities (Supplemental Petition of Habeas Corpus) done by 11-03-08, States's Opposition to Writ is due by 1-09-09, Defense counsel to file Reply by 2-09-09 and Arguments and Decisions will be set on 2-25-09.
2-25-09 8:30 AM ARGUMENTS/ DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 22, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

September 22, 2008**8:30 AM****Motion to Dismiss**

**DEFT'S PRO PER
MTN TO DISMISS
COUNSEL &
APPOINT NEW
COUNSEL/91 Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Julie Lever Heard
By: Sally Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dustin, Cynthia L.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Matter argued and submitted. COURT ORDERED, Deft's Motion is DENIED as he already has counsel.

COURT STATED this case has pending hearing on Argument/Decision for Deft's post conviction Writ on 2/25/09 which STANDS.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 03, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

November 03, 2008**8:30 AM****Motion**

**DEFT'S MTN PLACE
ON CALENDAR TO
RESET BRIEFING
SCHEDULE/92 Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Miriam
Shearing**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dustin, Cynthia L.
Thunell, Peter I.

Attorney
Attorney

JOURNAL ENTRIES

- Ms. Dustin moved to waive Deft's presence. COURT SO ORDERED. Matter argued and submitted. COURT FURTHER ORDERED, Deft's Motion is GRANTED and briefing schedule is re-set as follows: Deft's Opening Brief is due 1/15/09, State's Reply is due 5/15/09 and Deft's Reply, if any, is due by 7/15/09 with Argument and Decision also being re-set.

NDC

7/29/09 8:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)//
ARGUMENT AND DECISION RE: WRIT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 29, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

December 29, 2008**8:30 AM****Motion to Withdraw as
Counsel**

**DUSTIN'S MTN TO
WITHDRAW AS
COUNSEL/93 Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dustin, Cynthia L.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Matter argued and submitted. Court stated its findings and ORDERED, Ms. Dustin's Motion is GRANTED. COURT FURTHER ORDERED, appointment of new counsel is set for Status Check. Discussion regarding use of Federal resources to prosecute this matter for the State. COURT STATED, the next Judges meeting set for 1/19/09 has this issue on the agenda however counsel may verify conclusion and or preservation of this issue through Judge Togliatti as this Court will no longer be on the bench.

NDC

1/7/09 8:30 A.M. CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 07, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

January 07, 2009**9:00 AM****Motion for Confirmation of
Counsel****CONFIRMATION
OF COUNSEL Heard
By: Stefany Miley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Dustin, Cynthia L.
Owens, Steven S.
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Ms. Dustin advised she was formerly Counsel of Record, but previously told Judge Loehrer she would remain involved for a smooth transition of the file.

Mr. Brett Whipple advised he would accept the appointment as Counsel for Defendant Thomas. Mr. Whipple stated for the record that he spoke with Mr. Christensen with the Special Public Defenders Office, and there should be no conflict.

Mr. Owens expressed concern about the length of time that has passed, and there being no Supplemental Brief filed, noting a year has passed.

Mr. Whipple stated it was a death penalty case, and he would need six months. Upon Mr. Owens inquiry, Mr. Whipple agreed to get the case right back on Calendar, if it was determined that there is a conflict.

COURT ORDERED, Mr. Whipple is CONFIRMED as Attorney of Record, and matter SET for a Status Check regarding the filing of a Supplemental Brief.

7/6/09 9:30 AM STATUS CHECK: FILING OF BRIEF

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 06, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

July 06, 2009**9:30 AM****Status Check**

**STATUS CHECK:
FILING OF BRIEF
Court Clerk: Larry
Snyder
Reporter/Recorder:
Debra Winn Heard
By: Gates, Lee A**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.
Whipple, Bret O.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Whipple requested a continuance in order to file a Supplemental Brief. Mr. Owens acknowledged Mr. Whipple being new on the case, but noted the Petition was filed March 2008, and he doesn't want the matter to stagnate.

COURT ORDERED, matter CONTINUED. COURT FURTHER ORDERED, future Hearing date of 7/29/09 is hereby VACATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

November 09, 2009**9:30 AM****Status Check**

**STATUS CHECK:
FILING OF BRIEF
Court Clerk: Larry
Snyder
Reporter/Recorder:
Dalyne Easley Heard
By: Stefany Miley**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kice, Stephanie B.
Owens, Steven S.
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Request For Funds For Investigative Assistance FILED IN OPEN COURT. Statements by Mr. Whipple in support of the relief requested, noting there are additional funds requested for the mental retardation claim. Mr. Owens stated he would like to review the fees requested and the documentation provided. COURT ORDERED, matter SET for a Status Check. COURT FURTHER ORDERED, the State will have until 11/23/09 to file a Brief/Opposition.

NDC

12/7/09 9:30 AM STATUS CHECK: DEFENDANT'S REQUEST - STATE'S BRIEF/OPPOSITION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 09, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

December 09, 2009**9:30 AM****Status Check**

**STATUS CHECK:
DEFT'S REQUEST
FOR
INVESTIGATIVE
ASSISTANCE -
STATE'S BRIEF
Relief Clerk: Nicole
McDevitt
Reporter/Recorder:
Debra Winn Heard
By: Miley, Stefany**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kice, Stephanie B.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Ms. Kice requested for a continuance to respond. COURT SO ORDERED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 06, 2010**

96C136862-1

The State of Nevada vs Marlo Thomas

January 06, 2010**9:30 AM****Status Check**

**STATUS CHECK:
DEFT'S REQUEST
FOR
INVESTIGATIVE
ASSISTANCE -
STATE'S BRIEF
Court Clerk: Larry
Snyder Relief Clerk:
Maria Garibay/mg
Reporter/Recorder:
Dalyne Easley Heard
By: Stefany Miley**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kice, Stephanie B.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the IQ scores received by the Defendant at the time of trial. Ms. Kice requested all accusations involving the Federal Public Defender's office in other state post conviction proceedings be stricken by the court. Mr. Owens requested a supplemental petition be filed. Ms. Kice argued the State relied on the IQ test done by Clark County school and the Supreme Court recognizes that individuals who fall at the range of 70 and below are ineligible for the death row. Court NOTED there was an evaluation done in 1994. COURT ORDERED, Deft's request DENIED and DIRECTED Ms. Kice to file a supplemental petition. Ms. Kice to file the supplemental

petition by July 7th and State to reply by September 8th. COURT FURTHER ORDERED, matter SET for Hearing.

NDC

10/06/10 9:30 AM HEARING: SUPPLEMENTAL PETITION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 13, 2010**

96C136862-1

The State of Nevada vs Marlo Thomas

December 13, 2010**9:30 AM****All Pending Motions****HEARD BY:** Miley, Stefany
Ames, Jack B.**COURTROOM:** RJC Courtroom 12C

COURT CLERK: Maria Garibay; Shelly Landwehr**RECORDER:** Dalayne Easley**REPORTER:****PARTIES****PRESENT:**Owens, Steven S.
State of Nevada
Whipple, Bret O.Attorney
Plaintiff
Attorney**JOURNAL ENTRIES****- HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS**

Mr. Whipple requested a continuance for Deft's presence. Mr. Owens stated there has been no oral arguments regarding an evidentiary hearing and is prepared to go forward today. Mr. Whipple stated the previous minutes reflect a hearing and he thought there would be testimony today. COURT ORDERED, matter CONTINUED for Judge Miley's presence; further matter SET for hearing.

NDC

03/07/10 09:30 AM HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS...EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2011

96C136862-1

The State of Nevada vs Marlo Thomas

March 07, 2011

9:30 AM

All Pending Motions

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Larry Snyder; Anntoinette Naumec-Miller

RECORDER: Dalyne Easley

REPORTER:

PARTIES

PRESENT:

Engler, Alissa

Attorney

Owens, Steven S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- HEARING: SUPPLEMENTAL PETITION...PETITION FOR WRIT OF HABEAS CORPUS

Deft. not present. Arguments by counsel regarding Petition and Writ. COURT ORDERED, fees UNDER ADVISEMENT.

NDC

CLERK'S NOTE: Minutes corrected to reflect fees taken under advisement. anm/2/21/14

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2011**

96C136862-1

The State of Nevada vs Marlo Thomas

March 11, 2011**9:30 AM****Minute Order****COURT'S
DECISION****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Larry Snyder**RECORDER:** Dalyne Easley**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- State vs. Marlo Thomas - Decision

This matter was last before the Court on March 7, 2011, pursuant to Defendant's request for expert and investigative fees. COURT FINDS, Defendant is indigent. COURT FURTHER FINDS, expert and investigative fees are warranted and fees are awarded in the amount of \$2,500.00. Mr. Bret O. Whipple, Esq. to prepare an order according to this Decision.

IT IS SO ORDERED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 03, 2014**

96C136862-1

The State of Nevada vs Marlo Thomas

March 03, 2014**9:30 AM****Request****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Steven Owens, Deputy District Attorney, present for the State of Nevada.
Bret Whipple, Esq., present on behalf of Deft. Thomas.

Deft. not present. Mr. Whipple requested thirty days to deliver the Petition to the Court and noted he has had Deft. evaluated. Colloquy regarding the issue of Deft's intelligence quotient level. Statements by Mr. Owens and request to set the Petition for argument. COURT ORDERED, Deft's Supplemental Petition due by 3/31/14, Deft's Supplemental Opposition due by 4/14/14, Petition SET.

NDC

4/28/14 11:00 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 28, 2014

96C136862-1

The State of Nevada vs Marlo Thomas

April 28, 2014

11:00 AM

**Petition for Writ of Habeas
Corpus**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller; Melissa Murphy

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Steven Owens, Deputy District Attorney, present for the State of Nevada.
Bret Whipple, Esq., present on behalf of Deft. Thomas.

Deft. not present. Arguments by counsel. COURT stated its FINDINGS and ORDERED, Petition and Supplemental Petition DENIED. State to prepare the order with findings of fact and conclusions of law.

NDC

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P	Plaintiff			***** 10/31/05 RE-TRIAL *****		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 101735								
PS	Plaintiff			STATE'S EXHIBITS 1-120		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 101736								
D	Defendant			DEFENDANT'S EXHIBITS A-C		Thomas, Marlo	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 101737								
PCT	Plaintiff			COURT'S EXHIBITS 1-14		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 101738								
P-59	Plaintiff			NEVER RECEIVED		State of Nevada		
Comment: ExhibitID : 32740								
P-60	Plaintiff			NEVER RECEIVED		State of Nevada		
Comment: ExhibitID : 32741								
P-69	Plaintiff			WITHDRAWN		State of Nevada		
Comment: ExhibitID : 32746								
P-70B	Plaintiff			DARK BLUE PILLOW CASE		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 32749								

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-72A	Plaintiff			CONTENTS/5857		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 32751							
P-76	Plaintiff			WITHDRAWN		State of Nevada		
	Comment: ExhibitID : 32755							
P/D	Plaintiff			PENALTY HEARING		State of Nevada		
	Comment: ExhibitID : 32761							
D-A	Defendant			CHART		Thomas, Marlo	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 32763							
P	Plaintiff			JUSTICE COURT EXHIBITS		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 3311							
P-1	Plaintiff	Admitted 06/17/1997		AERIAL BACK PARKING LOT (LONE STAR)		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32716							
P-2	Plaintiff	Admitted 06/17/1997		AERIAL FRONT OF LONE STAR		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32717							
P-3	Plaintiff	Admitted 06/17/1997		DIAGRAM OF LONE STAR		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
	Comment: ExhibitID : 32718							

Exhibit List

Case: 96C136862-1 Party: Sort Order: Status Defendant Name: Thomas, Marlo DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-4	Plaintiff	Admitted 06/17/1997		4 THUR 25 PHOTOS		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32719								
P-26	Plaintiff	Admitted 06/17/1997		EVIDENCE IMPOUND REPORT - SCENE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32720								
P-27	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32721								
P-28	Plaintiff	Admitted 01/01/1900		28 THRU 31 PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 32722								
P-32	Plaintiff	Admitted 01/01/1900		EVIDENCE IMPOUND REPORT		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 32723								
P-33	Plaintiff	Admitted 06/17/1997		EVIDENCE PACKAGE		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32724								
P-33A	Plaintiff	Admitted 06/17/1997		JEAN SHORTS		State of Nevada	District Court Criminal/Civil 06/17/1997	Evidence Vault
Comment: ExhibitID : 32725								