

1 of counsel claim failed as good cause because ineffective assistance claim was itself
2 procedurally defaulted).

3 An appellant has the right to effective assistance of counsel in first post-conviction
4 proceeding, so claims may be raised of ineffective assistance of post-conviction counsel in a
5 successive petition. See McNelson v. State, 115 Nev. 296, 416 n.5, 990 P.2d 1263, 1276 n.5
6 (1999); Crump v. Warden, 113 Nev. 293, 303, 934 P.2d 247, 253 (1997).

7 Under Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 2063 (1984), a
8 defendant making an ineffectiveness claim must show both that counsel's performance was
9 deficient, which means that "counsel's representation fell below an objective standard of
10 reasonableness," and that the deficient performance prejudiced the defendant, which means
11 that "there is a reasonable probability that, but for counsel's unprofessional errors, the result
12 of the proceeding would have been different." "Effective counsel does not mean errorless
13 counsel, but rather counsel whose assistance is '[w]ithin the range of competence demanded
14 of attorneys in criminal cases.'" Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432,
15 537 P.2d 473, 474 (1975). The Court may consider both prongs in any order and need not
16 consider them both when a defendant's showing on either prong is insufficient. Kirksey v.
17 State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). There is a "strong presumption that
18 counsel's conduct falls within the wide range of reasonable professional assistance."
19 Strickland, *supra* at 689, 2065 [emphasis added]. "Judicial review of a lawyer's
20 representation is highly deferential, and a defendant must overcome the presumption that a
21 challenged action might be considered sound strategy." State v. LaPena, 114 Nev. 1159,
22 1166, 968 P.2d 750, 754 (1998), quoting from Strickland, 466 U.S. at 689, 104 S.Ct. at 2052
23 (1984). An attorney cannot be deemed ineffective for failing to make futile motions or
24 objections. Ennis v. State, 122 Nev. 694, 137 P.3d 1095 (2006).

25 In Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963), the United States Supreme
26 Court established the requirement that a prosecutor disclose evidence favorable to the
27 defense when that evidence is material either to guilt or to punishment. To prove a Brady
28 violation, a petitioner must show 1) the evidence is favorable to the accused, either because it

1 is exculpatory or impeaching, 2) the State withheld the evidence, either intentionally or
2 inadvertently, and 3) that the evidence was material. Id. When a Brady claim is raised in an
3 untimely post-conviction petition for a writ of habeas corpus, the petitioner has the burden of
4 pleading and proving specific facts that demonstrate both components of the good-cause
5 showing required by NRS 34.726(1), namely “[t]hat the delay is not the fault of the
6 petitioner” and that the petitioner will be “unduly prejudice[d]” if the petition is dismissed as
7 untimely. State v. Huebler, 128 Nev. ____, 275 P.3d 91 (2012). Those components parallel
8 the second and third prongs of a Brady violation: establishing that the State withheld the
9 evidence demonstrates that the delay was caused by an impediment external to the defense,
10 and establishing that the evidence was material generally demonstrates that the petitioner
11 would be unduly prejudiced if the petition is dismissed as untimely. Id., citing State v.
12 Bennett, 119 Nev. 589, 81 P.3d 1 (2003). However, “a Brady violation does not result if the
13 defendant, exercising reasonable diligence, could have obtained the information.” Rippo v.
14 State, 113 Nev. 1239, 1257, 946 P.2d 1017, 1028 (1997).

15 Once a petitioner has established cause, he must show actual prejudice resulting from
16 the errors of which he complains, i.e., “a petitioner must show that errors in the proceedings
17 underlying the judgment worked to the petitioner’s actual and substantial disadvantage.”
18 State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d 91, 94-95 (2012) (citing Hogan v. Warden,
19 109 Nev. 952, 959-60, 860 P.2d 710, 716 (1993)).

20 The Nevada Supreme Court in Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798
21 (1975), has held that the doctrine of the law of the case provides that “[t]he law of a first
22 appeal is the law of the case on all subsequent appeals in which the facts are substantially the
23 same,” and that the doctrine “cannot be avoided by a more detailed and precisely focused
24 argument subsequently made after reflection upon the previous proceedings.” Id. at 316, 535
25 P.2d 797, 535 P.2d at 799.

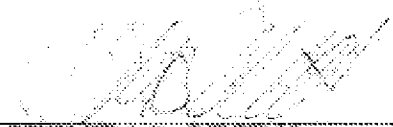
26 ORDER

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

1 DATED this 26 day of August 2014.

2
3 
4 DISTRICT JUDGE

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY 
9 STEVEN S. OWENS
10 Chief Deputy District Attorney
11 Nevada Bar #004352
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1 CERTIFICATE OF FACSIMILE TRANSMISSION

2 I hereby certify and affirm that service of the above and foregoing, was made this 9th
3 day of July, 2014, by facsimile transmission to:

4 TIFFANI D. HURST
5 GARY TAYLOR
6 RANDOLPH FIEDLER
7 Assistant Federal Public Defenders
8 Fax No.: (702) 388-6261

9
10 BY 
11 _____

12 Employee for the District Attorney's Office
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SSC/Nately Ocampo-Intern/ed

*** TX REPORT ***

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OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

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County Counsel

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Chief Deputy

FACSIMILE TRANSMISSION

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

TO: Tiffani D. Hurst, Gary Taylor, **FAX#:** (702) 388-6261
Randolph Fiedler
FROM: Steven S. Owens
SUBJECT: Randolph Lyle Moore, 85C069269-2, Findings
DATE: July 9, 2014

Counsel:

The following findings will be submitted to the Judge on July 16, 2014.

Sincerely,

Steven S. Owens

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS, JOHNNY RAY LUCKETT, MICHAEL WALSH, AND ROY MC DOWELL, DALE EDWARD FLANAGAN

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

2/20/85 DONALD M. MOSLEY DEPT. XIV J. BAZAR, CLERK NOT REPORTED	MINUTE ORDER (Arraignment) COURT ORDERED, matter continued to Monday for arraignment.	2/25/85 @ 9:00 AM ARRAIGNMENT CONT'D
2-25-85 DONALD M. MOSLEY DEPT. XIV J. SEATON, DDA J. POSIN, ESQ. Moore) J. PHILLIPS, ESQ. Akers) J. TERRY, ESQ. Luckett) J. WAITE, ESQ. Walsh) J. HANDFUSS, ESQ. McDowell) J. CREEL, DPD Flanagan) J. HENKEL, CLERK J. THIELMAN, RPTP	ARRAIGNMENT CONTINUED Defendant Moore present in custody with Murray Posin, Esq. Defendant Akers present on bail with Dave Phillips, Esq. Defendant Luckett present in custody with William Terry, Esq. Defendant Walsh present in custody with Gerald Waite, Esq. Defendant McDowell present in custody with Robert Handfuss, Esq. Defendant Flanagan present in custody with Craig Creel, DPD. State advised there are five case numbers from Justice Court. State desires to simply have one case against all defendants. State has prepared an information with seven counts listed. Each of the seven counts independently list each defendant associated with each count. This one information reflects the entirety of all counts. At this time State would like to <u>file in open court that information</u> and let the Court decide what case number to go on it. State suggested that since there is one number for Flanagan and one number for the other five defendants, perhaps the two numbers can be incorporated into this information. No objection by all counsel. COURT ORDERED, that all other <u>cases be merged into this case C69269.</u> Defendant Moore arraigned and entered a plea of not guilty to Counts I, II, III, IV, V, VI & VII. Deft. Akers arraigned and entered a plea of not guilty to Counts III, IV, VI & VII. Deft. Luckett arraigned and entered a plea of not guilty to Counts III, IV, VI & VII. Deft. Walsh arraigned and entered a plea of not guilty to Counts III, IV, V, VI & VII. Deft. McDowell arraigned and entered a plea of not guilty to Counts I, II, III, IV, V, VI & VII. Deft. Flanagan arraigned and entered a plea of not guilty to Counts I, II, III, IV, V, VI & VII. Deft. Moore advised his legal name is Randolph Smith. COURT ORDERED, the information, by interlineation, is to reflect the aka of Randolph Smith. All counsel are confirmed to represent their clients in District Court.	5-20-85 10 A.M. JURY TRIAL 5-15-85 9:30 A.M. CALENDAR CALL (All Defts)
	CUSTODY BOND (Akers)	

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS,
JOHNNY RAY LUCKETT, MICHAEL WALSH, AND ROY MC DOWELL,
DALE EDWARD FLANAGAN

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4/01/85 DONALD M. MOSLEY EPT. XIV BARKER, DDA FOLEY, ESQ. GONZALES, ESQ. BAZAR, CLERK THIELMAN, RPTR	MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT (Walsh) Defendant Walsh present in custody with George Foley, Esq., who advised he appeared on behalf of Gerald Waite, Esq. Mr. Waite is retiring from practice and requests permission to with- draw as counsel for the defendant. Court inquired of Xavier Gonzales, Esq., if he could confirm as counsel for the defendant. Mr. Gonzales so confirmed. COURT ORDERED, motion to withdraw is granted. Court advised Mr. Gonzales of trial date. CUSTODY	
4/05/85 DONALD M. MOSLEY EPT. XIV BAZAR, CLERK FOLEY, LAW CLERK	MINUTE ORDER Pursuant to request of counsel, COURT ORDERED, hearing on Writ of Habeas Corpus set on April 8, 1985 at 9:00 A.M. is hereby vacated and will be heard on Wednesday, April 10, 1985 at 9:00 A.M. to set Argument on Writ re defendant Luckett.	4/10/85 @ 9:00 AM SET TIME CERTAIN: ARGUMENT ON WRIT
4/10/85 DONALD M. MOSL EPT. XIV SEATON, DDA LIPPIS, DPD Flanagan) POSIN, ESQ. Moore) TERRY, ESQ. Luckett) GONZALES, ESQ. KELESIS, ESQ. Walsh) HANDFUSS, ESQ. McDowell) BAZAR, CLERK CLEAVES, RPTR	SET TIME CERTAIN: ARGUMENT ON WRIT MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT WALSH (4/15/85 - Writ-Walsh) Deft. Akers neither present nor represented by D. Phillips; deft. Flanagan present in custody with Debbie Lippis, DPD; deft. Moore present in custody with Murray Posin, Esq.; defendant Luckett present in custody with William Terry, Esq.; defendant McDowell present in custody with Robert Handfuss, Esq., and defendant Walsh present in custody with Xavier Gonzales, Esq. Mr. Gonzales advised he wished to withdraw as counsel for defendant Walsh as his contract does not cover capital offenses. George Kelesis, Esq., present and Court inquired of him if he was willing confirm as counsel for defendant Walsh. Mr. Kelesis agreed. COURT ORDERED, motion to withdraw is granted and Mr. Kelesis is attorney of record for defendant Walsh. Court advised that Mr. Seaton had contacted him re consolida- tion of writs. Two are presently filed and the Court suggested all defense counsel's briefs be submitted by April 24, 1985 and Mr. Seaton to respond on May 1, 1985. COURT ORDERED, Argument on Writ as to defendant Walsh presently set on April 15, 1985 is vacated, matter is continued to May 8, 1985 for Argument on Writs as to all defendants. CUSTODY BOND (AKERS)	5/08/85 @ 9:00 AM ARGUMENT ON WRITS (All defendants)

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS,
JOHNNY RAY LUCKETT, MICHAEL WALSH, AND ROY MC DOWELL,
DALE EDWARD FLANAGANDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

/06/85 DONALD M. MOSLEY EPT. XIV . SEATON, DDA . POSIN, ESQ. Moore) . BAZAR, CLERK . THIELMAN, RPTR	DEFENDANT'S MOTION FOR APPOINTMENT OF PSYCHIA- TRIST FOR EXAMINATION OF DEFENDANT (ARGUMENTS ON WRITS CO-DEFT. 5/08/85) C.C. 5/15/85 JT 5/20/85 Defendant Moore present in custody with counsel Murray Posin, who requested two psychiatrists be appointed. Court advised it had reviewed the matter and it was not satisfied that there is a reasonable doubt as to the competency of	5/08/85 @ 9:00 AM STATUS CHECK RE TRIAL SETTING (All Defendants)
	the defendant. COURT ORDERED, with that under- standing, will acquiesce to the motion that is made, in deference to the defendant, in order to insure a fair trial, but with the understand- ing that the motion being granted shall in no way delay the proceeding. Nor should it require the County or the State to undergo an expense that is not warranted, therefore, if the defendant is found competent for trial it is possible he would have to pay for the costs of the psychiatrists.	5/13/85 @ 9:00 AM ARGUMENT ON WRITS (All Defendants)
	COURT ORDERED, matter is set on Wednesday for Status Check, do have matter calendared writs, will tentatively set them on a week from today. O.R.	
/08/85 DONALD M. MOSLEY EPT. XIV . SEATON, DDA . NAYLOR, DPD Flanagan) . KELESIS, ESQ. Walsh) . BAZAR, CLERK . THIELMAN, RPTR	ARGUMENTS ON WRITS (All Defts.) Defendant Flanagan present in custody with Jackie Naylor, DPD. Defendant Walsh present in custody with George Kelesis, Esq. Defendants Moore, Lockett and McDowell present without benefit of counsel. Defendant Akers neither present nor represented by counsel. State advised this matter should have been calendared for Status Check re Trial Setting	6/26/85 @ 9:00 AM STATUS CHECK: RE TRIAL SETTING
	and the Argument on Writs scheduled this date had been vacated and reset on Monday. Court concurred. State advised the reason they are requesting a continuance is the continued absence of Dr. Green, the Coroner, who has suffered a heart attack. After contacting the Coroner's Office he was advised he would be back to work sometime in July. State further advised they had called all counsel and they had agreed to continue this matter for status check in late	
	June, at which time, they could advise when Dr. Green would be available for trial. The stipulation has been circulated among the attorneys, believe Mr. Kelesis is the only one who did not sign it. Mr. Kelesis advised he would sign the stipulation. State advised that all counsel are aware that are involved that the argument on writs are set for next Monday as to defendants Walsh, Lockett and Akers only. COURT ORDERED, trial date is vacated; matter is continued to	

CASE NO. C69269

THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS,
 TITLE JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
DALE EDWARD FLANAGAN

DATE, JUDGE
 OFFICERS OF
 COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

5/10/85 DONALD M MOSLEY DEPT. XIV J. FOLEY, LAW CLERK J. BAZAR, CLERK	MINUTE ORDER Having received a telephone call from William Smith, Esq., counsel for defendant Lockett, advising that he has been ordered by a Federal Court judge in Tucson, Arizona to complete a trial, COURT ORDERED, Argument on Writs set for May 13, 1985 at 9:00 A.M. is hereby vacated and reset on May 20, 1985 at 9:00 A.M. All counsel have been so advised by the law clerk.	5/20/85 @ 9:00 AM ARGUMENT ON WRITS (Lockett, Walsh and Akers)
5/13/85 DONALD M. MOSLEY DEPT. XIV J. SEATON, DDA J. KELESIS, ESQ. Walsh) J. BAZAR, CLERK J. THIELMAN, RPTR	DEFENDANT'S MOTION IN LIMINE Defendant Walsh present in custody with counsel George Kelesis, who advised he and Mr. Seaton had resolved some of the motions. Re the Defendant's Motion in Limine; it would probably depend on the Court's ruling on the writs, it may be repetitive and would be resolved at that time. Re the Defendant's Motion for Severance; Mr. Seaton would like some time to respond to the motion in writing. Re the Defendant's Motion for Discover, they had agreed on points A-E; defendant would not receive those documents or information; re points F-H he would be entitled to any documents or memoranda they have. Re the Defendant's Motion for Appointment of Psychiatrists, Mr. Seaton has no objection. Re the Defendant's Motion to File Additional Motions, Mr. Seaton has no objection. State concurred with Mr. Kelesis' representations but requested in regard to the motion for appointment of psychiatrists that a psychiatrist be appointed rather than Marv Glovinsky as he is a psychologist. COURT ORDERED, the next psychiatrist on the list will be appointed to examine the defendant. FURTHER ORDERED, the Court will approve motion to file additional motions, but this in no way condones the filing of motions that would delay the trial. FURTHER ORDERED, motion for discovery granted pursuant to stipulations of counsel. Matter continued to May 22, 1985 at 9:00 A.M. for Defendant's Motion in Limine and Defendant's Motion for Severance. CUSTODY	5/22/85 @ 9:00 AM DEFT'S MOTION IN LIMINE DEFT'S MOTION FOR SEVERANCE
5-20-85 DONALD M. MOSLEY DEPT. XIV J. BLOKHAM, DDA J. SMITH, ESQ. Lockett) J. KELESIS, ESQ. Walsh) J. WATERMAN, ESQ.	ARGUMENT ON WRITS Defendant Lockett present in custody with William Smith, Esq. Defendant Walsh present in custody with George Kelesis, Esq. Defendant Akers present in custody with Charles Waterman, Esq. Court advised counsel that Mr. Seaton is in Carson City and did not notify this court. Court inquires if Mr. Seaton notified any of the counsel. Counsel were not notified. COURT ORDERED, matter is continued and State to contact the court if Mr. Seaton	5-22-85 @ 9 A.M. ARGUMENT ON WRITS

THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS,
JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, and
DALE EDWARD FLANAGAN

CASE NO. C69269

TITLE

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
5/24/85 JUDGE MOSLEY DEPT. XIV S. COOMBES, CLERK	<p><u>ARGUMENTS ON WRITS (ALL DEFENDANTS)</u> <u>DEFENDANT'S MOTION IN LIMINE (WALSH)</u> <u>DEFENDANT'S MOTION FOR SEVERANCE (WALSH)</u> State represented by Dan Seaton, DDA. Deft. Lockett present with William Smith. Deft. Walsh present with Mark Bailus for George Kelesis. Deft. Akers not present and represented by Charles Waterman who moved to waive Defendant's presence. The Court entertained brief oral arguments on the Writs. The Court stated that it was its decision that the lower court's decision was correct and there was sufficient evidence to bind over with the exception of Mr. Waterman's client who did not exercise sufficient control over the weapon. Therefore, COURT ORDERED, Writ is granted as to Deft. Akers on COUNTS VI and VII as to the enhancement, denied as to the rest. Mr. Smith requested additional specific findings for the purpose of appealing the denial of the Writ and he requested a copy of today's pro- ceedings. Opposition by Mr. Seaton. COURT ORDERED, additional expense of transcript was not warranted; motion denied. Upon inquiry of counsel, COURT FURTHER ORDERED, Motion In Limine and Motion For Severance will be heard on 6/26/85 at which time trial dates will be set and the Court will hear any additional motions filed.</p> <p>CUSTODY</p>	<p>6/26/85 @ 9 AM DEFENDANT'S MTN IN LIMINE (WALSH) DEFENDANT'S MTN FOR SEVERANCE (WALSH) TRIAL SETTING (ALL DEFENDANTS)</p>
-26-85 ONALD M. MOSLEY EPT. XIV . SEATON, DDA . JACKSON, DPD Flanagan) . POSIN, ESQ. Moore) . SMITH, ESQ. (Lockett) . KULWIN, ESQ. Walsh) . WATERMAN, ESQ. Akers) . HANDFUSS, ESQ. McDowell) . HENKEL, CLERK . THIELMAN, RPTR	<p><u>STATUS CHECK AND/OR TRIAL SETTING (ALL DEFTS)</u> <u>DEFENDANT WALSH'S MOTION IN LIMINE</u> <u>DEFENDANT WALSH'S MOTION FOR SEVERANCE</u> Defendants present and represented by respective counsel as noted. Court advised as to the motion in limine for Mr. Kulwin or Mr. Kelesis to set forth in points and authorities to fit statements taken and request the State to respond and will then proceed with the matter. COURT ORDERED, as to the motion to sever finds there is insufficient showing of prejudice to the deft, therefore, motion is denied. With the number of counsel and defts, Court requested any motion to be brought as soon as possible. Arguments by counsel. COURT ORDERED, briefing schedule set, two weeks - 7-10-85, two weeks - 7-24-85, and matter set for argument.</p> <p>BOND (AKERS) CUSTODY (Remaining Defts)</p>	<p>8-7-85 @ 9 A.M. ARGUMENT: MOTION IN LIMINE OR EVIDENTIARY HEARING 9/23/85 @ 10:00 AM JURY TRIAL ----- 9/18/85 @ 9:30 AM CALENDAR CALL</p>

THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS, JOHNNY
RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL AND DALE EDWARD
FLANAGAN

CASE NO. C69269

TITLE

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
6/28/85 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA W. SMITH, ESQ. (Lockett) L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>DEFENDANT'S MOTION TO PLACE ON CALENDAR</u> Defendant Lockett present in custody with William Smith, Esq. Mr. Smith advised the defendant has a motion for severance and a motion in limine which they would like to have calendared. COURT ORDERED, they will be placed on calendar on August 7, 1985 for argument. Briefing schedule; Mr. Smith to file opening brief by July 10, 1985; State to file responding brief on July 24, 1985. Upon inquiry of the Court, Mr. Smith made an ex-parte offer for the appointment of an investigator. State concurred that one would be necessary. COURT SO ORDERED. Court suggested counsel file an affidavit sealed, if necessary indicating his need. Mr. Smith voiced a concern about a continuance necessitated by a last minute disclosure of a "turn-coat" witness. State objected and advised they would be given notice. Court advised Mr. Smith that it was assuming the State, if it were to obtain an additional witness, would be filing a motion to endorse names prior to the trial. State concurred. CUSTODY	8/07/85 @ 9:00 AM DEFENDANT'S MOTION FOR SEVERANCE DEFENDANT'S MOTION IN LIMINE (Lockett)
8/05/85 DONALD M. MOSLEY DEPT. XIV R. BLOXHAM, DDA D. LIPPIS, DPD C. CREEL, DPD R. PIKE, ESQ. L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>CONFIRMATION OF COUNSEL</u> Defendant Flanagan present in custody with Deborah Lippis, DPD, and Craig Creel, DPD. Randy Pike, Esq. present and advised he had been contacted by Judge Shearing re representing the defendant on this case. Request matter be continued to Wednesday to look over the case. Both Ms. Lippis and Mr. Creel advised there was no opposition to Mr. Pike substituting in as counsel of record. COURT ORDERED, matter is continued to Wednesday for confirmation of counsel. CUSTODY	8/07/85 @ 9:00 AM CONFIRMATION OF COUNSEL
8/07/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA M. COOPER, DPD (Flanagan) R. PIKE, ESQ. W. SMITH, ESQ. (Lockett) M. KULWIN, ESQ. (Walsh) L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>ARGUMENT: DEFENDANT WALSH'S MOTION IN LIMINE OR EVIDENTIARY HEARING</u> <u>DEFENDANT LUCKETT'S MOTION FOR SEVERANCE & MOTION IN LIMINE</u> <u>CONFIRMATION OF COUNSEL (FLANAGAN)</u> Defendant Flanagan present in custody with Marcus Cooper, DPD. Defendant Lockett present in custody with William Smith, Esq. Defendant Walsh present in custody with Michael Kulwin, Esq. Randall Pike, Esq., present. Court inquired if Mr. Pike would be confirming as counsel for defendant Flanagan. Mr. Pike advised he was prepared to confirm if the Court wished to appoint him. Mr. Cooper advised he had no objection to Mr. Pike substituting in as counsel. COURT SO ORDERED. Court advised it was inclined to grant the request for evidentiary hearing. Upon representations of counsel with regard to probable setting for the hearing, COURT ORDERED, all counsel for all defendants to meet with the Court in chambers to discuss and consult the calendar. 2:00 P.M.	
Not Reported L. BAZAR, CLERK	Appearances by counsel as noted above. Robert Handfuss, Esq., counsel for defendant McDowell, present. Charles Waterman, Esq., counsel for defendant Akers, present. Murray Posin, Esq., counsel for defendant Moore, present. Following representations of counsel, COURT ORDERED, matter is set on August 30, 1985 at 1:30 P.M. for Evidentiary Hearing; Motions in Limine and Motion to Sever.	8/30/85 @ 1:30 P.M. EVIDENTIARY HEARING (All Defendants) DEFENDANTS' MOTION IN LIMINE DEFT. LUCKETT'S MOTION FOR SEVERANCE

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. RANDOLPH MOORE, THOMAS AKERS, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL AND DALE EDWARD FLANAGAN

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES -- HEARING

CONTINUED TO:

8/12/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA L. BAZAR, CLERK S. THIELMAN, RPTR.	<p><u>DEFENDANT'S MOTION FOR SEVERANCE OF TRIAL FROM CO-DEFENDANTS</u></p> <p>Defendant McDowell present in custody without benefit of counsel, Robert Handfuss. Defendant advised he had spoken to Mr. Handfuss last week. Mr. Harmon inquired if it might be appropriate to continue the matter until the date the court ordered the other matters be calendared. COURT ORDERED, matter is continued to August 30, 1985 with other matters. CUSTODY 4:57 P.M. - Court clerk notified Mr. Handfuss' office of continuance time and date.</p>	8/30/85 @ 1:30 P.M. DEFT'S MOTION FOR SEVERANCE OF TRIAL FROM CO-DEFENDANTS (McDowell)
8/29/85 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA M. HARMON, DDA C. WATERMAN, ESQ. (Ayers) L. BAZAR, CLERK S. THIELMAN, RPTR.	<p><u>CHANGE OF PLEA (Closed hearing)</u></p> <p>State represented by Mel Harmon, DDA and Dan Seaton, DDA. Defendant <u>Akers</u> present with counsel Charles Waterman, Esq. Negotiations: Count VI of the Information will be reduced to Voluntary Manslaughter (F); defendant Ayers will enter a plea of guilty to that charge and at time of sentencing, will waive the P.S.I. and request the Court sentence him this morning. State intends to stand silent; that if the Court is mindful of giving the defendant a sentence of probation; that the Court will sentence defendant to that term this morning; if not, the plea bargain will be null and void. Defendant is to testify truthfully at all stages. Mr. Seaton advised it was their intention to have the defendant come to their office after this proceeding and discuss what his potential testimony is. Tomorrow there will be a hearing having to do with the co-conspirator's rule and it was their intention to have defendant Akers testify at that hearing and at the trial which is scheduled on September 23, 1985. It was their understanding that the defendant was a participant and he intends to testify truthfully. State asked that the Court canvass the defendant as to whether he was aware. Court inquired of the defendant if he understood fully the negotiations. Defendant concurred and asked if it would be possible to have his record sealed. Court and counsel advised that would be addressed at a later time.</p> <p><u>Defendant Akers allowed to withdraw previous not guilty plea; arraigned and entered a plea of guilty to Count VI - Voluntary Manslaughter (F).</u> Court accepted plea. Defendant and counsel waived the P.S.I. report and requested sentencing at this time. Defendant adjudged guilty of Count VI - Voluntary Manslaughter (F). State remained silent. Statement by defense counsel, COURT ORDERED, defendant Akers is sentenced to five (5) years NSP; suspended; placed on probation for an indeterminate period not to exceed five (5) years. Conditions (1) search clause; and (2) obtain G.E.D. Court admonished</p>	

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERS

DATE JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

8/30/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA B. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) W. SMITH, ESQ. (Luckett) G. KELESIS, ESQ. (Walsh) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	<p><u>EVIDENTIARY HEARING (All Defendants)</u> <u>DEFENDANT WALSH'S MOTION IN LIMINE</u> <u>DEFENDANT LUCKETT'S MOTION FOR SEVERANCE & MOTION IN LIMINE</u> <u>DEFENDANT MCDOWELL'S MOTION FOR SEVERANCE</u> Defendant Flanagan present in custody with counsel, Randy Pike. Defendant Moore present in custody with counsel, Murray Posin. Defendant Luckett present in custody with William Smith. Defendant Walsh present in custody with George Kelesis. Defendant McDowell present in custody with Robert Handfuss.</p> <p>Mr. Kelesis requested matter be continued on behalf of defendant Walsh due to the fact counsel was surprised that the State has subpoenaed eight witnesses who did not testify at the Preliminary Hearing. Mr. Smith joined in on the motion on behalf of defendant Luckett, and requested production of any notes which are discoverable with respect to any witnesses the State intends to call in this hearing and at trial, and any written statements they may have made. State argued against the motion and advised that Mr. Akers should be no surprise, counsel had known about him since yesterday. Mr. Handfuss joined in on the motion and moved not to have Mr. Akers testify today due to the lateness. Mr. Pike joined in on the previous objections. Mr. Smith advised that he thought the purpose of the hearing today was to determine whether or not certain statements are permissible at trial and whether or not there will be a severance; that he did not think the question of Mr. Akers' testifying is really all that important to his client, Mr. Luckett, in that the fact is that Mr. Luckett has made no admissions and the other defendants have. The Court has to rule on whether certain statements were made in furtherance of a conspiracy. Court advised, that (1) Mr. Kelesis is concerned about surprise. Prior to this, in chambers, the Court asked counsel to get together and determine what statements would be produced. At that time, no one was particularly concerned about what witnesses would be called. Do not see where the surprise comes in; Mr. Akers certainly has not just recently entered this case. State advised the witnesses on this hearing would be Lisa LaCotta; Wayne Whittig; Rusty Havens; Michelle Gray and Duana Manning. Objections by counsel as to the testimony of Michelle Gray and Duana Manning. COURT ORDERED, with the exception of Ms. Manning and Ms. Gray, Ms. LaCotta, Mr. Wittig, Mr. Haven, Mr. Akers and those witnesses at the Preliminary Hearing will testify. Counsel should not be surprised; defendants are not prejudiced at this time and we will proceed with the hearing.</p> <p>Mr. Kelesis requested, on behalf of his client, defendant Walsh, that all prospective witnesses be excluded and that this matter be transcribed as soon as possible. COURT ORDERED, motion to exclude is granted. Upon request of counsel, Court instructed the bailiff to tell witnesses to restrict their discussion and not to discuss their testimony. State's first witness, Thomas Akers, sworn and testified per attached worksheet. COURT ORDERED, matter is continued to September 17, 1985 at 10:00 A.M. CUSTODY</p>	9/17/85 @ 10:00 A.M. EVIDENTIARY HEARING SAME MOTIONS
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CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

9/17/85 DONALD M. MOSLEY M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) W. SMITH, ESQ. (Lockett)	<u>EVIDENTIARY HEARING (ALL DEFTS)</u> <u>DEFENDANT WALSH'S MOTION IN LIMINE</u> <u>DEFENDANT LUCKETT'S MOTION FOR SEVERANCE & MOTION IN</u> <u>LIMINE</u> <u>DEFENDANT MCDOWELL'S MOTION FOR SEVERANCE</u> Defendant Flanagan present in custody with counsel, Randy Pike. Defendant Moore present in custody with counsel, Murray Posin. Defendant Lockett present in custody with counsel, William Smith. Defendant Walsh present in custody with George Kelesis, Esq. Defendant	9/23/85 @ 10:00 A.M. EVIDENTIARY HEARING (Flanagan, Moore, Lockett, Walsh and McDowell) DEFT. WALSH'S MOTION IN LIMINE
S. KELESIS, ESQ. (Walsh) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	McDowell present in custody with counsel, Robert Handfuss. Court advised that the exclusionary rule had been invoked at the previous hearing and would continue. Witnesses sworn and testified per attached worksheet. COURT ORDERED, the hearing will resume on Monday morning at 10:00 A.M. with the other motions. FURTHER ORDERED, at this juncture the trial is scheduled on Monday morning at 10:00 A.M.; will not summon the jury until the hearing is completed. Counsel to be prepared to go to trial. At request of State, witnesses Melia Moore, Wayne Wittig, Michelle Gray, Lisa Licata and Angela Saldana, summoned and advised by the Court that this matter would continue to Monday morning at 10:00 A.M. and they were directed to be present in the hallway on Monday. CUSTODY	DEFT. LUCKETT'S MOTION FOR SEVERANCE & MOTION IN LIMINE DEFT. MCDOWELL'S MOTION FOR SEVERANCE <u>DO NOT POST</u>
9/18/85 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA R. PIKE, ESQ. (Flanagan) L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE OF DALE</u> <u>FLANAGAN</u> <u>DEFENDANT FLANAGAN'S MOTION TO RETAIN & PRODUCE ROUGH</u> <u>NOTES</u> <u>DEFENDANT FLANAGAN'S SPECIFIC REQUEST FOR EXCLUPATORY</u> <u>EVIDENCE</u> <u>DEFENDANT FLANAGAN'S MOTION FOR PRODUCTION OF STATEMENTS</u> <u>UNDER JENCKS ACT</u> <u>DEFENDANT FLANAGAN'S MOTION FOR DISCLOSURE OF OTHER BAD</u> <u>ACTS & MOTION IN LIMINE FOR EXCLUSION OF SAID EVIDENCE</u> <u>DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE & CHANGE OF</u> <u>VENUE</u> <u>CALENDAR CALL (J.T. 9/23/85)</u> Defendant Flanagan present in custody with counsel, Randy Pike. Presence of other defendants and counsel waived. Mr. Pike advised that in reference to his motion for disclosure of other bad acts, etc., he had been apprised of whatever information the State has. Following further representations and request of counsel, COURT ORDERED, Defendant's motions for sever- ance and for change of venue are continued to Monday hearing at 10:00 A.M. FURTHER ORDERED, matter is set for Jury Trial on Monday at 10:00 A.M. CUSTODY MINUTE ORDER COURT ORDERED, due to the Court's intended absence on Monday, September 23, 1985, the scheduled hearing is vacated and continued to September 24, 1985 at 10:00 A.M. State and counsel notified of continuance date by law	9/23/85 @ 10:00 A.M. DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE OF DALE FLANAGAN DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE & CHANGE OF VENUE <u>DO NOT POST</u> 9/23/85 @ 10:00 A.M. JURY TRIAL (Flanagan, Moore, Lockett, Walsh and McDowell)
9/19/85 DONALD M. MOSLEY DEPT. XIV L. BAZAR, CLERK		9/24/85 @ 10:00 A.M. ALL PENDING MOTIONS (DO NOT POST) 9/24/85 @ 10:00 AM JURY TRIAL

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AK SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERS

CONTINUED TO:

EVIDENTIARY HEARING
AND SCHEDULED MOTIONS
(All Defts.)

JURY TRIAL

CASE NO. C69269TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

9/24/85

DONALD M. MOSLEY
DEPT. XIV
M. HARMON, DDA &
D. SEATON, DDA
G. KELESIS, ESQ.
(Walsh)
L. BAZAR, CLERK
S. THIELMAN, RPTR.PRIOR TO EVIDENTIARY HEARING:

State represented by Mel Harmon, DDA, and Dan Seaton, DDA. Defendant ~~Walsh~~ present in custody with counsel, George Kelesis. Negotiations: defendant to enter a plea of guilty to Counts VI and VII - Murder in the First Degree with Use of a Deadly Weapon (F); at time of sentencing would ask for defendant to receive life with the possibility of parole and State will not object; defendant will not be required to testify and there will be no recommendation by the State as to concurrent or

consecutive time as to the two murders; and remaining counts would be dismissed at that time. State concurred. Court inquired if the defendant was aware that the enhancement must run consecutively. Defendant concurred. Defendant allowed to withdraw previous not guilty plea to Count VI - Murder 1st Degree with Use of a Deadly Weapon (F) and Count VII - Murder 1st Degree with Use of a Deadly Weapon (F); rearraigned and entered plea of guilty to both Counts VI and VII. Court accepted plea. Mr. Kelesis asked the P.S.I. be waived and

presented to the Court the certification report from Juvenile Court which certified the defendant as an adult. Court inquired if Mr. Kelesis was requesting the certification report be used in lieu of a P.S.I. Mr. Kelesis concurred and advised it would be more complete than a P.S.I. State advised there was no objection. Defendant adjudged guilty of Count VI - Murder in the First Degree with Use of a Deadly Weapon (F) and Count VII - Murder in the First Degree with

Use of a Deadly Weapon (F). State agreed to stipulate that punishment would be life with the possibility of parole, with respect to whether it would run concurrently or consecutively, they had agreed not to comment pursuant to plea negotiations. Statement by counsel. COURT ORDERED, defendant Walsh sentenced as to Count VI - Life in Prison with the Possibility of Parole plus consecutive Life in Prison with the Possibility of Parole on the enhancement; Count VII - sentenced to Life in Prison with the Possibility of Parole plus a

consecutive Life in Prison with the Possibility of Parole on the enhancement; Counts VI and VII to run concurrently. The attorney will try to determine whether time can be served in a juvenile facility. Credit for time served is granted of 246 days. State moved to dismiss Counts I-V. There being no objection COURT SO ORDERED.

CUSTODY

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

9/24/85 DONALD M. NOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (McDowell) W. SMITH, ESQ. (Luckett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	<p>DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE OF DALE FLANAGAN</p> <p>DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE AND CHANGE OF VENUE</p> <p>EVIDENTIARY HEARING (ALL DEFTS)</p> <p>DEFENDANT WALSH'S MOTION IN LIMINE</p> <p>DEFENDANT LUCKETT'S MOTION FOR SEVERANCE & MOTION IN LIMINE</p> <p>DEFENDANT MCDOWELL'S MOTION FOR SEVERANCE</p> <p>DEFENDANT MOORE'S PROPER PERSON MOTION TO DISMISS COUNSEL & APPOINT DIFFERENT COUNSEL</p> <p>STATE'S MOTION TO ENDORSE NAMES (J.T. 9/25/85)</p> <p>State represented by Mel Harmon, DDA and Dan Seaton, DDA. Defendant Flanagan present with counsel, Randall Pike. Defendant Moore present with counsel, Murray Posin. Defendant Luckett present with counsel, William Smith. Defendant McDowell present with counsel, Robert Handfuss. Defendant Walsh neither present nor represented by counsel, George Kelesis. All defendants present were in custody. Evidentiary hearing continued.</p> <p>Witnesses sworn and testified per attached worksheet. Mehliia Moore, sister of Randolph Moore, present with counsel, Earl Ayers; sworn and testified. Following testimony of witness, Mr. Smith moved to strike Ms. Moore's testimony as being inherently unreliable. Following arguments of counsel, COURT ORDERED, the Court is going to weigh the matter with many of the considerations that the Court is sure counsel will allude to, as it is being evaluated. Evidentiary hearing to resume on Thursday, September 26, 1985.</p> <p>Counsel advised there was no objection to State's Motion to Endorse Names if provided full discovery. COURT ORDERED, motion granted. Upon the Court's inquiry, defendant Moore requested to withdraw his proper person motion to dismiss counsel. COURT SO ORDERED. Defendant Walsh's motion moot. CUSTODY</p>	<p>9/26/85 @ 10:00 AM</p> <p>EVIDENTIARY HEARING</p> <p>DEFT. FLANAGAN'S MOTION FOR SEVERANCE OF DALE FLANAGAN</p> <p>DEFT. FLANAGAN'S MOTION FOR SEVERANCE AND CHANGE OF VENUE</p> <p>DEFENDANT LUCKETT'S MOTION FOR SEVERANCE & MOTION IN LIMINE</p> <p>DEFT. MCDOWELL'S MOTION FOR SEVERANCE</p>
9/26/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (McDowell) W. SMITH, ESQ. (Luckett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	<p>DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE OF DALE FLANAGAN</p> <p>DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE & CHANGE OF VENUE</p> <p>EVIDENTIARY HEARING (ALL DEFENDANTS)</p> <p>DEFENDANT LUCKETT'S MOTION FOR SEVERANCE AND MOTION IN LIMINE</p> <p>DEFENDANT MCDOWELL'S MOTION FOR SEVERANCE</p> <p>State represented by Mel Harmon, DDA and Dan Seaton, DDA. Defendant Flanagan present in custody with Randall Pike. Defendant Moore present in custody with Murray Posin, Esq. Defendant Luckett present with counsel, William Smith. Defendant McDowell present with counsel, Robert Handfuss. Court advised this hearing is in regard to the examination, characterization and determination of various statements of witnesses. Following arguments of counsel re List of Co-Conspirator Declarations, COURT ORDERED, as to paragraphs 1 through 4, it appears that paragraphs 1, 3 and 4 wherein the modus</p>	

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

9/26/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (McDowell) W. SMITH, ESQ. (Lockett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	<p>CONTINUED</p> <p>statement under Beasley, but will indicate that it is not in furtherance of a conspiracy and not an exception to the hearsay rule. Re paragraph 5; that will be allowed as in furtherance of a conspiracy. Re paragraph 6; that will be allowed as in furtherance of a conspiracy. Re paragraphs 12 and 13, together; going to allow 11 and 12 on the basis of in furtherance of a conspiracy and coverup. Paragraphs 14 and 15; re 14, that will be allowed as in furtherance of a conspiracy and coverup. Re 15 is disallowed. Paragraph 16; disallowed. Paragraph 17, State conceded. Paragraph 7; allowed. Paragraph 8; Court reserves ruling. Court advised counsel that at this time, the issue is if these statements are determined to be admissible as in furtherance of a conspiracy; and they are subject to a motion in limine as to each defendant at a later time.</p> <p>FURTHER ORDERED, Re paragraph 9; allowed as in furtherance of a conspiracy. Paragraph 10; disallowed. Paragraph 11, allowed. Paragraphs 18, 19, and 20; will not be allowed as an exception to hearsay under the co-conspirators declaration. Re paragraph 21; to be disallowed. Paragraph 22; allowed as an exception to the hearsay rule. Paragraph 23; disallowed. Paragraph 24; State concedes that it would not be admissible. Following further argument re paragraphs 5, 8 and 25. COURT ORDERED, as to paragraphs 5, 8 and 25; they are admissible. Re Defendant Flanagan's motion for severance, defendants Lockett, McDowell and Moore's motions for severance and motions in limine and defendant Flanagan's motion for change of venue. Following arguments of counsel, COURT ORDERED, motions for severance denied. Mr. Handfuss argued in support of his motion on behalf of defendant McDowell to dismiss the with use charge. Following arguments of counsel, COURT ORDERED, will set this aside and will review it. Court advised Mr. Pike's change of venue will be considered and Mr. Smith's motion in limine re Dr. Green's transcript will be considered also during recess.</p> <p>Court recessed.</p> <p><u>JURY TRIAL</u></p> <p>Appearances as noted above. Clerk called roll of prospective jurors. Jury selection commenced. COURT ORDERED, matter continued to September 27, 1986 at 10:00 A.M. Prospective jurors admonished and instructed to return at that time. 10:00 A.M.</p>	
9/27/86	<p>Appearances as noted above. Clerk called roll of prospective jurors. Outside presence of jury panel, Mr. Pike moved for mistrial based upon being denied voir dire as to Mr. Singer and as to Mr. Elder, and change of venue for Flanagan and severance based upon the fact the the prospective jurors did have knowledge of the offense through the media. COURT ORDERED, the representations by Mr. Singer and Mr. Elder were not of any nature that would have tainted the jury. Therefore, motion is denied. Concerning the fact that many of the prospective jurors were familiar with the case to some extent; quote NRS 16; change of venue is denied. Jury panel summoned. Jury</p>	

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

9/30/85

DONALD M. MOSLEY
DEPT. XIV
M. HARMON, DDA
D. SEATON, DDA
R. PIKE, ESQ.
(Flanagan)
M. POSIN, ESQ.
(Moore)
W. SMITH, ESQ.(Luckett)
R. HANDFUSS, ESQ.
(McDowell)
L. BAZAR, CLERK
S. THIELMAN, RPTR.

10/01/85

JURY TRIAL CONTINUED

Appearances as noted above. Outside presence of the jury. Re Mr. Handfuss' motion to dismiss the with use counts on the Indictment. Following arguments of counsel, COURT ORDERED, motion is denied at this time. Jury summoned. Clerk called roll of jury. Opening statements by State, Opening statements by Mr. Handfuss, Mr. Pike, Mr. Smith and Mr. Posin. Outside presence of jury, Mr. Pike renewed his motion for severance. Mr. Handfuss and Mr. Posin enjoined on the motion on behalf of their clients. COURT ORDERED, motion denied. Jury summoned. Counsel stipulated that all members of the jury were present and properly seated. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. COURT ORDERED, matter continued to October 1, 1986 at 10:00 A.M.

Appearances as noted above. Clerk called roll of jury. Witnesses sworn and testified and exhibits offered and

admitted per attached worksheets. Outside presence of jury, Mr. Handfuss renewed his motion for severance. Court advised he could make his objection to the reporter at recess. Mr. Pike moved for a mis-trial with reference to another bad act re the burglary of the residence and breaking into residence. Mr. Handfuss joined on the motion. Following arguments of counsel, COURT ORDERED, see no prejudice to any defendant that cannot be cured by a proper admonishment and that has been given. Perhaps an instruction along that line could be submitted to the jury. But, burglary is, per se, a bad act. Court declines to grant the motion for mistrial. Jury summoned. Testimony of witnesses continued. COURT ORDERED, matter is continued to October 2, 1985 at 10:00 A.M.

10/02/85

Appearances as noted above. Clerk called the roll of the jury. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. Mr. Handfuss renewed his objections and renewed prior

motions and advised he would argue them at break. Outside presence of jury. Motion in limine made by Mr. Smith re the evidentiary hearing and what defendant Flanagan told Ms. Saldana that the other defendants did. Mr. Handfuss joined on the motion. All counsel joined on the 6th amendment rule. Following arguments of counsel, COURT ORDERED, motion denied. Jury summoned. Testimony of witnesses continued. COURT ORDERED, matter is continued to October 3, 1985 at 10:00 A.M.

10/03/85

Appearances as noted above. Clerk called roll of jury. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. Outside presence of jury. Mr. Pike moved for a limiting instruction that the testimony as to the arrest of one defendant does not reflect on Dale Flanagan. Mr. Handfuss joined on the motion on behalf of defendant McDowell. COURT ORDERED, Court will indicate that this testimony goes to Mr. Moore therefore it is apparent that this testimony should not

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

10/03/85-10/04/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) W. SMITH, ESQ. (Lockett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	JURY TRIAL CONTINUED Jury summoned. Testimony continued. State rested its case. COURT ORDERED, matter is continued to October 4, 1986 at 10:00 A.M. 10:00 A.M. - 10/04/85 Appearances as noted above. Clerk called roll of jury. Defense witnesses sworn and testified and exhibits offered and admitted per attached worksheets. Outside presence of jury: Mr. Posin moved for a mis-trial based upon the hearsay testimony by witness Wayne Wittig. Mr. Pike joined on the motion on behalf of defendant Flanagan. Mr. Handfuss joined in the motion on behalf of defendant McDowell. Following arguments of counsel, COURT ORDERED, this Court would entertain any instruction counsel would offer. This Court thinks that Mr. Lockett's co-defendants are not prejudiced by Mr. Wittig's testimony to the extent to warrant a mis-trial. Motion is denied. Court admonished each of the defendant's of their Fifth Amendment rights not to testify in their own behalf. Each defendant concurred.	
10/07/85	Jury summoned. COURT ORDERED, matter is continued to Monday, October 7, 1985 at 10:00 A.M. Jury admonished. 10:00 A.M. Appearances as noted above. Clerk called roll of jury. Johnny Ray Lockett testified in his own behalf. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. Mr. Smith rested his case on behalf of Mr. Lockett. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets on behalf of defendant McDowell. Case rested on behalf of defendant McDowell. Witnesses sworn and testified on behalf of defendant Flanagan. Case rested. COURT ORDERED, matter is continued to October 8, 1985 at 10:00 A.M.	
10/08/85	10:00 A.M. Appearances as noted above. Clerk called roll of jury. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets on behalf of defendant Moore. Outside presence of jury. Mr. Smith moved for severance and objected to all or part of Exhibit D. Mr. Handfuss joined in the motion and objection. Following arguments of counsel, COURT ORDERED, portions objected to in Exhibit D to be redacted and that exhibit is admitted. Re Mr. Handfuss motion for severance, his argument is without merit; motion denied. Jury summoned. Testimony continued. Defense counsel rested. State advised there would be no rebuttal witnesses for the State. COURT ORDERED, matter is continued to	
10/09/85	October 9, 1985 at 10:00 A.M.; jury to report at 1:00 P.M. 10:00 A.M. Appearances as noted above. Outside presence of jury. Jury instructions 1 - 47 settled in open court. Jury summoned. Clerk called roll of jury. Court read jury instructions to the jury. COURT ORDERED, matter continued to October 10, 1985 at 10:00 A.M. Jury admonished and excused.	

CONTINUED NEXT PAGE

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

10/10/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) W. SMITH, ESQ. (Lockett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	10:00 A.M. - JURY TRIAL CONTINUED Appearances as noted above. Clerk called roll of jury. Closing remarks by State. Closing argument by Mr. Smith on behalf of Johnny Ray Lockett. Outside presence of jury, Mr. Posin moved for a mis-trial predicated by Mr. Seaton's statement made in closing remarks. He spoke in terms of no one coming forth to dispute the evidence. Improper argument. Mr. Pike joined on the motion on behalf of defendant Flanagan, statement made objectional when he directed the questions to the defendants that never took the stand. Mr. Handfuss joined with the motion for mis-trial because Mr. Seaton's argument shifted the burden of proof to the defendants. Mr. Smith joined in the motion for mis-trial on behalf of Mr. Lockett. Following arguments of counsel, Court stated its findings. COURT ORDERED, motion for mis-trial denied. Jury summoned. Counsel stipulated that all members of the jury were present and properly seated. Closing arguments by Randall Pike on behalf of defendant Flanagan. Closing arguments by Murray Posin on behalf of defendant Moore. Closing arguments by Mr. Handfuss on behalf of defendant McDowell. Rebuttal argument by State. 7:07 P.M.: Bailiff sworn and case submitted to the jury and they retired for deliberation. 3:30 P.M. - Jury returned with a verdict. Appearances as noted above. Clerk called roll of the jury. Jury returned with verdicts of guilty as to all defendants as filed herein. At request of defense counsel, Randall Pike and Robert Handfuss, the jury was polled and all answered in the affirmative. COURT ORDERED, matter is set for penalty phase on Monday, October 14, 1985 at 10:00 A.M. Jury admonished and excused.	
10/11/85		
		10/14/85 @ 10:00 AM PENALTY HEARING
10/14/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA. D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) W. SMITH, ESQ. (Lockett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	PENALTY HEARING State represented by Mel Harmon, DDA, and Dan Seaton, DDA. Defendant Flanagan present in custody with Randall Pike, Esq. Defendant Moore present in custody with Murray Posin, Esq. Defendant McDowell present in custody with Robert Handfuss, Esq. Defendant Lockett present in custody with William Smith, Esq. Outside presence of jury. Mr. Pike made a motion to impanel a new jury, for recommendation of sentence. Objection by State. COURT ORDERED, the argument for as second jury is without merit; going to decline to impanel a second jury. Jury summoned. Clerk called roll of jury. State waived opening statement and informed the Court it planned to put on no evidence. Opening statement by Mr. Pike. Witnesses sworn and testified on behalf of defendant Flanagan. Statement by defendant Flanagan, unsworn. Opening statement by Mr. Smith. Witnesses sworn and testified on behalf of defendant Lockett.	

CASE NO. C69269TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

10/14/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) W. SMITH, ESQ. (Lockett) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>PENALTY HEARING CONTINUED</u> Opening statement by Mr. Handfuss on behalf of defendant McDowell. Witnesses sworn and testified on behalf of defendant McDowell. Opening statement by Randall Pike on behalf of defendant Flanagan. Witnesses sworn and testified on behalf of defendant Flanagan. Rested case. Opening statement by Mr. Posin. Witnesses sworn and testified on behalf of defendant Moore. State rested its case. Outside presence of jury. Jury instructions 1 - 15	
	settled in open court. Objection by Mr. Smith re the State being allowed two arguments. Mr. Pike joined in the motion. Following arguments of counsel, Court stated its findings. COURT ORDERED, motion is rejected. Mr. Pike moved to have the testimony of Mr. Akers rejected and State's Exhibit 118. Following arguments of counsel, COURT ORDERED, motion denied. Mr. Handfuss requested a separate jury panel for Mr. McDowell. Mr. Smith, Mr. Posin, joined in the motion. Following arguments of counsel, COURT ORDERED, motion denied.	
	Jury summoned. Counsel stipulated to all members of the jury being present and properly seated. Court read Instructions 1 - 15 to the jury. Closing arguments by State. Closing arguments by Mr. Pike, Mr. Smith, Mr. Handfuss and Mr. Posin on behalf of their clients. Rebuttal argument by State. At 5:45 P.M. - Bailiff sworn and case submitted to the jury for deliberation. Court admonished the jury and instructed them to report to courtroom at 9:00 A.M. 10/15/85 to begin deliberation.	
	Outside presence of jury: Mr. Pike made a motion for mis-trial and requested that a new jury be impaneled to rehear the penalty phase in this case, in reference to Mr. Seaton's representations of the witnesses not being sworn and the defendant not being sworn. Mr. Posin joined in the motion. Following arguments of counsel, COURT ORDERED, this Court will take the matter under advisement and will inform counsel tomorrow of the decision. Counsel to be present in the morning at 9:00 A.M. Case law, if it is to be submitted, is welcome. At this juncture this Court tends to agree that it is not reversible error. But it is inapplicable to Mr. Smith; he did not join in on the motion and it is not necessary for him to be present.	
10/15/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	10:00 A.M. State represented by Mel Harmon, DDA, and Dan Seaton, DDA. Defendant Flanagan present in custody with Randal Pike, Esq. Defendant Moore present in custody with Murray Posin, Esq. Defendant Lockett neither present nor represented by counsel. William Smith; their presence having been waived by the Court. Defendant McDowell present in custody with counsel, Robert Handfuss. Court advised that Court had convened to resolve a motion for mis-trial and Mr. Smith did not join in on the motion. Following arguments of counsel, COURT ORDERED, motion for mis-trial is denied. This Court has prepared an admonition to the jury and will read it verbatim at this time and counsel concerned can make the determination whether or not that admonition should	

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

10/15/85
DONALD M. MOSLEY
DEPT. XIV
M. HARMON, DDA
D. SEATON, DDA
R. PIKE, ESQ.
(Flanagan)
M. POSIN, ESQ.
(Moore)
R. HANDELUSS, ESQ.
(McDowell)
L. BAZAR, CLERK
S. THIELMAN, RPTR.

DEFENDANT FLANAGAN'S MOTION FOR MISTRIAL and JOINDERS
BY DEFENDANTS MOORE AND McDOWELL (Continued)
After conferring with Mr. Handfuss and Mr. Posin, Mr. Pike requested that the admonition be marked as Court's Exhibit I and that it be included in the record and sent up to the Supreme Court on the appeal. Mr. Pike advised they would not request it be read to the jury. State advised they would not ask it be read. COURT SO ORDERED. The Court advised that at this juncture ~~the bailiff has charge of the jury and there being no~~ objection by counsel; the jury will begin deliberation. CUSTODY (All)

10/17/85
DONALD M. MOSLEY
DEPT. XIV
M. HARMON, DDA
R. PIKE, ESQ.
(Flanagan)
M. POSIN, ESQ.
(Moore)
R. PIKE, ESQ. for
~~W. SMITH, ESQ.~~
(Luckett)
R. HANDFUSS, ESQ.
(McDowell)

PENALTY PHASE - VERDICT @ 10:27 A.M.
State represented by Mel Harmon, DDA. Defendant Flanagan present in custody with counsel, Randall Pike. Defendant Moore present in custody with counsel, Murray Posin. Defendant McDowell present in custody with counsel, Robert Handfuss. Defendant Luckett present in custody with Randall Pike, Esq., who advised he had been contacted by Mr. Smith and had agreed to take the verdict as and for his client.
Clerk called roll of jury. Jury returned with verdicts of Death Penalty with Lethal Injection on Counts VI and VII as to defendants Flanagan and Moore; Life with the Possibility of Parole on Counts VI and VII as to defendant McDowell and Life without the Possibility of Parole on Counts VI and VII as to defendant Luckett. COURT ORDERED, matter is continued for Confirmation of Jury's Verdicts and Sentencing in approximately 30 days. Court Services to remove the defendants at this time. Court thanked and excused the jury. CUSTODY (All)

11/18/85 @ 9:00 AM
CONFIRMATION OF
JURY'S VERDICT
and
SENTENCING

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

10/28/85 MIRIAM SHEARING DEPT. XV for XIV R. O'NEALE, DDA L. BAZAR, CLERK J. NICHOLS, CLERK T. MOSS, RPTR.	<u>MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT</u> State represented by Roberta O'Neale, DDA. Defendant Moore present in custody without benefit of counsel, Murray Posin. COURT ORDERED, matter is continued to Wednesday. 10:05 A.M. - Clerk called Mr. Posin's office and advised of continuance time and date. CUSTODY	10/30/85 @ 9:00 AM MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT
10/30/85 DONALD M. MOSLEY DEPT. XIV R. O'NEALE, DDA L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT</u> State represented by Roberta O'Neale, DDA. Defendant Moore present in custody without benefit of counsel, Murray Posin. Court trailed matter. Later, Mr. Posin not having appeared, Court advised defendant it was the Court's understanding that this matter was put on calendar erroneously, he is seeking to withdraw from the case after sentencing. Defendant acknowledged. COURT ORDERED, motion is continued to November 18, 1985 at 9:00 A.M., which is the date for sentencing. CUSTODY	11/18/85 @ 9:00 AM MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT
11/04/85 DONALD M. MOSLEY DEPT. XIV M. O'CALLAGHAN, DDA R. HANDFUSS, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	<u>DEFENDANT'S MOTION FOR NEW TRIAL</u> State represented by Michael O'Callaghan, DDA. Defendant McDowell present in custody with counsel, Robert Handfuss. Defendant Flanagan present in custody without benefit of counsel, Randall Pike. Court inquired if Mr. Pike was joining in on the motion in behalf of defendant Flanagan. Mr. Handfuss concurred and advised he was represent defendant Flanagan for Mr. Pike during this hearing. Court acknowledged. Mr. Handfuss advised <u>the points and authorities for this motion are still being</u> typed up. State advised it would need a week to respond. COURT ORDERED, matter is set for argument on the motion a week from Wednesday. Mr. Handfuss advised defendant McDowell would request a contact visit with Mary Lucas, mother of his son. There being no objection, COURT ORDERED, motion granted. CUSTODY	11/13/85 @ 9:00 AM DEFENDANTS' MOTION FOR NEW TRIAL
11/13/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA R. HANDFUSS, ESQ. (McDowell) R. PIKE, ESQ. Flanagan) L. BAZAR, CLERK	<u>DEFENDANT'S MOTION FOR NEW TRIAL</u> State represented by Mel Harmon, DDA. Defendant Flanagan present in custody with Randy Pike, Esq. Defendant McDowell present in custody with Robert Handfuss, Esq. Following arguments of counsel, COURT ORDERED, on balance a fair trial was had, both motions for a new trial is denied. CUSTODY	

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

11/18/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA R. BLOXHAM, DDA P. COLEMAN, P&P L. BAZAR, CLERK S. THIELMAN, RPTR.	MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT MOORE <u>SENTENCING (ALL DEFENDANTS)</u> State represented by Mel Harmon, DDA and Ron Bloxham, DDA. Defendants neither present nor represented by respective counsel. COURT ORDERED, this matter is going to be continued for sentencing to November 20, 1985 in that the P.S.I.'s were not received until late Friday. CUSTODY	11/20/85 @ 9:00 AM MOTION TO WITHDRAW (Moore) SENTENCING (All)
11/20/85 DONALD M. MOSLEY DEPT. XIV R. O'NEALE, DDA L. BAZAR, CLERK S. THIELMAN, RPTR. S. THOMAS, P&P	MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT MOORE <u>SENTENCING (ALL DEFENDANTS)</u> State represented by Roberta O'Neale, DDA. Defendants Flanagan, Moore, McDowell and Lockett present in custody without benefit of respective counsel. Court advised defendants that there were problems with the P.S.I. reports and it had spoken to their counsel in chambers and they had agreed to continue the matter to Friday to straighten this out. COURT ORDERED, matter continued to Friday. CUSTODY	11/22/85 @ 9:00 AM MOTION TO WITHDRAW (Moore) SENTENCING (All)
11/22/85 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA R. PIKE, ESQ. Flanagan) D. POSIN, ESQ. Moore) D. HOOVER, P&P L. BAZAR, CLERK S. THIELMAN, RPTR.	MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT MOORE <u>SENTENCING (ALL DEFENDANTS)</u> State represented by Dan Seaton, DDA. Defendant Flanagan present in custody with Randall Pike, Esq. Defendant Moore present in custody with Murray Posin, Esq. Defen- dants McDowell and Lockett present in custody without benefit of counsel. Court advised that Mr. Handfuss is ill and Mr. Smith was excused from this hearing pursuant to discussion this morning. Matter will be continued for sentencing until Wednesday, November 27, 1985 for appearance of Mr. Handfuss. However, this Court will proceed with the confirmation of the Jury's Verdict as to defendants Flanagan and Moore. Court adjudged defendant Flanagan guilty of Count I - Conspiracy to Commit Burglary (GM); Count II - Conspiracy to Commit Robbery (F); Count III - Conspiracy to Commit Murder (F); Count IV - Burglary (F); Count V - Robbery with Use of a Deadly Weapon (F); Count VI - Murder 1st ° with Use of a Deadly Weapon (F) and Count VII - Murder 1st ° with Use of a Deadly Weapon (F). Court adjudged defendant Moore guilty of Count I - Conspir- acy to Commit Burglary (GM); Count II - Conspiracy to Commit Robbery (F); Count III - Conspiracy to Commit Murder (F); Count IV - Burglary (F); Count VI - Murder 1st ° with Use of a Deadly Weapon (F) and Count VII - Murder 1st ° with Use of a Deadly Weapon (F). COURT ORDERED, this Court will continue sentencing until Wednesday in that it is the Court's desire and the majority of counsel to have these	11/27/85 @ 9:00 AM SENTENCING (All)

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

11/27/85
DONALD M. MOSLEY
DEPT. XIV
D. SEATON, DDA
R. PIKE, ESQ.
(Flanagan)
M. POSIN, ESQ.
(Moore)
R. HANDFUSS, ESQ.
(McDowell)
W. SMITH, ESQ.
(Lockett)
L. BAZAR, CLERK
S. THIELMAN, RPTR.
M. MILLER, P&P

MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT
MOORE

SENTENCING (ALL DEFENDANTS)

State represented by Dan Seaton, DDA. Defendant Flanagan
present in custody with Randall Pike, Esq. Defendant
Moore present in custody with Murray Posin, Esq. Defen-
dant McDowell present in custody with Robert Handfuss,
Esq. Defendant Lockett present in custody with William
Smith, Esq. Court advised defendants Flanagan and Moore
had been adjudged guilty at a previous hearing. Defendant

McDowell adjudged guilty of Counts I, II, III, IV, V, VI
and VII. (Defendant Lockett adjudged guilty of Counts
III, IV, VI and VII.)

Upon agreement of counsel, defense counsel made repre-
sentations on behalf of the defendants first. Statement
by defendant Moore. Other defendants declined to speak
in their behalf. Statement by State. COURT ORDERED,
defendant Flanagan is sentenced on Count I - Conspiracy
to Commit Burglary (GM) to one (1) year Clark County
Jail; on Count II - Conspiracy to Commit Robbery (F) to
six (6) years NSP; on Count III - Conspiracy to Commit
Murder (F) to six (6) years NSP; on Count IV - Burglary
(F) to ten (10) years NSP; on Count V - Robbery with
Use of a Deadly Weapon (F) to fifteen (15) years NSP
plus a consecutive fifteen (15) years on the enhancement;
on Count VI - Murder of the First Degree with Use of a
Deadly Weapon (F) - the Court confirms the jury's verdict
and imposes the death penalty to be accomplished by
lethal injection; with a similar death penalty on the

enhancement; on Count VII - Murder of the First Degree
with Use of a Deadly Weapon (F) to death by lethal in-
jection, with a similar death penalty, which by law must
run consecutive. Counts I through VII to be served con-
secutively; execution of death sentence is set for the
week of February 2, 1986; credit for time served of 353
days.

COURT ORDERED, defendant Moore is sentenced on Count I -
Conspiracy to Commit Burglary (GM) to one (1) year Clark
County Jail; on Count II - Conspiracy to Commit Robbery

(F) to six (6) years NSP; on Count III - Conspiracy to
Commit Murder (F) to six (6) years NSP; on Count IV -
Burglary (F) to ten (10) years NSP; on Count V - Robbery
with Use of a Deadly Weapon (F) to fifteen (15) years
NSP plus a consecutive fifteen (15) years on the enhance-
ment; on Count VI - Murder of the First Degree with Use
of a Deadly Weapon (F) - the Court confirms the jury's
verdict and imposes the death penalty as to each count and
as to each count a consecutive sentence of death
by lethal injection. Counts I through VII run consecutively;

execution of the death sentence to be set on the week of
February 2, 1986; credit for time served of 353 days.

COURT ORDERED, defendant McDowell is sentenced on Count
I to one (1) year Clark County Jail; on Count II to six
(6) years NSP to run concurrent to Count I; on Count III
to six (6) years NSP concurrent with Count II; on Count
IV to ten (10) years NSP concurrent with Count III; on
Count V to fifteen (15) years on Robbery plus consecutive
fifteen (15) years on the UDW to run concurrent with

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

CONTINUED

APPEARANCES — HEARING

CONTINUED TO:

11/27/85 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA R. PIKE, ESQ. (Flanagan) M. POSIN, ESQ. (Moore) R. HANDFUSS, ESQ. (McDowell) W. SMITH, ESQ. (Luckett) L. BAZAR, CLERK S. THIELMAN, RPTR. M. MILLER, P&P	on Count VII - Life with Possibility of Parole plus consecutive Life with Possibility on the UDW; to run consecutive with Count VI; 342 days CTS COURT ORDERED, defendant Luckett is sentenced on Count III to six (6) years NSP; on Count IV to six (6) years NSP; on Counts VI and VII, the Court confirmed the jury's verdict of Life without the Possibility of Parole plus on the enhancement a consecutive sentence of Life without the Possibility of Parole on each count. Counts III and IV to run concurrently and concurrently with Count VI; Count VII to run consecutive to Count VI. Credit for time served of 342 days. Mr. Posin asked that the Court defer his motion to withdraw. Court consented. Mr. Pike moved to withdraw as counsel of record for defendant Flanagan and requested the Public Defender's Office be appointed for purposes of appeal. COURT SO ORDERED and requested Mr. Cooper to advise the Public Defender's Office. Mr. Handfuss and Mr. Smith requested permission to withdraw as counsel for their respective clients. Mr. Smith advised he would coordinate the appeal. COURT ORDERED, counsel allowed to withdraw, contract attorneys are appointed for defendants McDowell and Luckett. FURTHER ORDERED, matter is continued one week for confirmation of counsel.	
11/27/85 DONALD M. MOSLEY DEPT. XIV L. BAZAR, CLERK	MINUTE ORDER Court appointed John Graves, Esq. and Mark Bailus, Esq. as counsel for defendants Luckett and McDowell and advised them as to the confirmation date. Mr. Bailus unable to confirm. George Carter advised of appointment	12/04/85 @ 9:00 AM CONFIRMATION OF COUNSEL (Defts. Flanagan, McDowell and Luckett) and time.
12/04/85 DONALD M. MOSLEY DEPT. XIV R. O'NEALE, DDA M. COOPER, DPD (Flanagan) J. GRAVES, ESQ. (Luckett) G. CARTER, ESQ. (McDowell) L. BAZAR, CLERK S. THIELMAN, RPTR.	CONFIRMATION OF COUNSEL State represented by Roberta O'Neale, DDA. Defendant Flanagan present in custody with Marcus Cooper, DPD, who confirmed as counsel for purposes of appeal. Defendant McDowell present in custody with George Carter, Esq., who confirmed as counsel for purposes of appeal. Defendant Luckett present in custody with John Graves, Esq., who confirmed as counsel for purposes of appeal. CUSTODY (All)	
12/18/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA M. COOPER, DPD (Flanagan) M. POSIN, ESQ. (Moore) L. BAZAR, CLERK	AT REQUEST OF COURT: CLARIFICATION OF SENTENCE State represented by Mel Harmon, DDA. Defendant Flanagan not present and represented by Marcus Cooper, DPD. Defendant Moore not present and represented by Murray Posin, Esq. Both defendants' presence waived. Court advised that with regard to the sentence on Count I of one year Clark County Jail, that out of necessity they must serve that jail term before they can serve at NSP. It has been suggested that the sentence be amended to	

CASE NO. C69269TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

12/18/85 DONALD M. MOSLEY DEPT. XIV M. HARMON, DDA M. COOPER, DPD (Flanagan) M. POSIN, ESQ. (Moore) L. BAZAR, CLERK S. THIELMAN, RPTR.	CONTINUED can go to State prison. This Court will entertain any arguments one way or the other. Mr. Cooper advised there was no objection. Mr. Posin advised there was no objection. State agreed. There being no objection by counsel, COURT ORDERED, the Count I sentence is hereby ordered to run concurrent with those other counts, Counts II through VII; Counts II through VII to remain consecutive to each other. State inquired if the file contained a judgment of conviction. Court advised it did not. State requested permission to present an amended judgment of conviction order as to both defendants for the Court's signature. COURT ORDERED, permission granted; such order to supersede the original if one has been in the system. Order signed in open court. CUSTODY	
2/19/86 DONALD M. MOSLEY DEPT. XIV R. BLOXHAM, DDA R. HANDFUSS, ESQ. R. PIKE, ESQ. L. BAZAR, CLERK S. THIELMAN, RPTR.	RANDALL PIKE, MURRAY POSIN, ROBERT HANDFUSS, AND WILLIAM SMITH'S MOTION FOR EXCESS FEES State represented by Ronald Bloxham, DDA. Defendants not present. Robert Handfuss, Esq., present on behalf of himself and William Smith, Esq., and Murray Posin, Esq., who were not present. Randall Pike, Esq., present on his own behalf. Mr. Pike advised he had spoken to Johnnie Rawlings, DDA civil, and she advised she was not going to appear or file any negative response to the motions. Mr. Bloxham concurred. Court stated its findings. COURT ORDERED, motion is granted as to all counsel. CUSTODY	
2/21/86 DONALD M. MOSLEY DEPT. XIV R. O'NEALE, DDA L. BAZAR, CLERK S. THIELMAN, RPTR.	MURRAY POSIN'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MOORE State represented by Robert O'Neale, DDA. Defendant Moore neither present nor represented by counsel, Murray Posin. COURT ORDERED, matter is continued to Wednesday. CUSTODY	2/26/86 @ 9:00 A.M. MURRAY POSIN'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MOORE
2/26/86 DONALD M. MOSLEY DEPT. XIV R. BLOXHAM, DDA J. JIMMERSON, ESQ. L. BAZAR, CLERK S. THIELMAN, RPTR.	MURRAY POSIN'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MOORE State represented by Ron Bloxham, DDA. Defendant Moore neither present nor represented by counsel, Murray Posin. Court advised this matter is on for the withdrawal of Mr. Posin and the assumption of that appointment by Mr. James Jimmerson, who is present to confirm as counsel. Mr. Jimmerson confirmed as counsel. COURT ORDERED, motion to withdraw is granted. CUSTODY (NSP)	

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE A SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, AND THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES -- HEARING

CONTINUED TO:

1/21/87 DONALD M. MOSLEY DEPT. XIV D. SMITH, DDA J. JIMMERSON, ESQ. T. LEEDS, ESQ. L. BAZAR, CLERK P. GRAF, CLERK S. THIELMAN, RPTR.	JAMES J. JIMMERSON'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT RANDOLPH MOORE State represented by Doug Smith, DDA. Defendant Moore not present and represented by James Jimmerson, Esq. State advised there was no objection to the motion. Tom Leeds, Esq., also present and advised he was prepared to assume responsibility as counsel of record in this matter. COURT ORDERED, motion to withdraw is granted. Mr. Leeds inquired if the entire record on appeal was available. Court advised it did not know, but it would aid him in anyway possible to obtain it. Upon Mr. Leeds inquiry, Mr. Jimmerson advised the time constraints as to this particular defendant had never begun. CUSTODY	
5/04/87 MIRIAM SHEARING DEPT. XV for XIV A. O'CALLAGHAN, DDA A. COOPER, DPD L. BAZAR, CLERK A. SALISBURY, RPTR.	DEFENDANT'S PRO PER MOTION FOR THE REMOVAL AND SUBSTITUTION OF APPOINTED ATTORNEY OF RECORD State represented by Michael O'Callaghan, DDA. Defendant Flanagan not present and represented by Marcus Cooper, DPD, who requested matter be continued to Wednesday. There being no objection, COURT SO ORDERED. CUSTODY (NSP)	5/06/87 @ 9:00 A.M. DEPT'S PRO PER MOTION FOR THE REMOVAL AND SUBSTITUTION OF APPOINTED ATTORNEY OF RECORD
5/06/87 DONALD M. MOSLEY DEPT. XIV T. MOREO, DDA R. MILLER, DPD L. BAZAR, CLERK S. THIELMAN, RPTR.	DEFENDANT'S PRO PER MOTION FOR THE REMOVAL AND SUBSTITUTION OF APPOINTED ATTORNEY OF RECORD State represented by Tom Moreo, DDA. Defendant Flanagan not present and represented by Robert Miller, DPD. Court advised the defendant feels he should have more contact with his attorney. Mr. Miller advised he had been up to Carson City twice and had telephonic communication several times. Mr. Miller further advised that the matter was scheduled to be argued in the Supreme Court on Monday and he was ready to go. COURT ORDERED, motion is denied. CUSTODY (NSP)	
11/16/87 MIRIAM SHEARING DEPT. XV for XIV K. GRANT, DDA G. CARTER, DPD L. BAZAR, CLERK J. HUFF, CLERK B. SHAVALIER, RPTR.	DEFENDANT'S MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE State represented by Tom Fitzpatrick, DDA. Defendant McDowell not present; represented by George Carter, Esq., who advised he had spoken to Judge Mosley and he had said that \$7,000 to \$7,500 was not unreasonable. Court advised it did not want to make a decision for Judge Mosley, but it he had agreed. State advised the statute allowed \$2,500 and counsel was asking for three times that amount. COURT ORDERED, this Court will grant the motion	

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL, and THOMAS AKERS

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
6/22/88 DONALD M. MOSLEY DEPT. XIV K. VAN DE POL, DDA D. WALL, DPD (Flanagan) E. AYERS, ESQ. (Moore) L. BAZAR, CLERK S. THIELMAN, RPTR.	REMITTITUR RECEIVED FROM SUPREME COURT; SET PENALTY <u>HEARING DATE</u> State represented by Karen Van De Pol, DDA. Defendant Flanagan not present; represented by David Wall, DPD. Defendant Moore not present; represented by Earl Ayers, Esq., who advised he had been retained by the defendant. COURT ORDERED, pursuant to discussions in chambers earlier, the Jury Trial for the Penalty Phase is set on January 23, 1989 at 10:00 A.M. Mr. Wall is to look into the propriety of the Public Defender's Office representing defendant Flanagan. This Court would ask counsel to enlighten the Court if there is a conflict. CUSTODY	1/23/89 @ 10:00 A.M. JURY TRIAL - PENALTY PHASE ----- 1/18/88 @ 9:30 A.M. CALENDAR CALL
1/18/89 DONALD M. MOSLEY DEPT. XIV F. PONTICELLO, DDA S. DAHL, DPD (Flanagan) E. AYERS, ESQ. (Moore) L. BAZAR, CLERK S. THIELMAN, RPTR.	CALENDAR CALL (J.T. - Penalty Phase) State represented by Frank Ponticello, DDA. Defendant Flanagan not present; represented by Steven Dahl, DPD. Defendant Moore not present; represented by Earl Ayers, Esq. Murray Posin, Esq., also present. Court advised that there was a conference in chambers with Dan Seaton, DDA, there was a difficulty in that David Gibson, DPD, has taken ill and Eugene Martin, DPD, is substituting in for him. Court advised that the soonest this Court could entertain the matter would be July 10, 1989. Court inquired if that would be a problem for Mr. Posin. Mr. Ayers advised he had been retained as counsel for defendant Moore for further proceedings. Mr. Posin concurred and advised he had withdrawn as counsel. There being no objection, COURT ORDERED, matter is set on July 10, 1989 for the penalty phase; with calendar call on July 5, 1989. CUSTODY (BOTH)	7/10/89 @ 10:00 A.M. JURY TRIAL - PENALTY PHASE ----- 7/05/89 @ 9:30 A.M. CALENDAR CALL
4/3/89 DONALD M. MOSLEY DEPT. XIV E. ALVAREZ CLERK S. THIELMAN REPORTER	AT REQUEST OF COURT: <u>APPOINTMENT OF COUNSEL</u> State represented by Pandora Ryder, DDA. Defendant Moore not present, represented by Mark Blaskey, DPD. Also present was David Schieck, Esq. The Court advised this matter was remanded to appoint counsel for Deft. Moore due to previous counsel, Mr. Earl Ayer's limitation from practice; thereafter, BY THE COURT ORDERED, Mr. David Schieck appointed as counsel for Defendant Moore. Further, Mr. Schieck inquired if Mr. Ayers directed appeal, whereby, the Court advised Mr. Schieck to contact Mr. Ayers to obtain necessary documents as to this matter.	

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL and THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

<p>6/19/89 DONALD M. MOSLEY DEPT. XIV E. JORGENSEN, DDA D. SCHIECK, ESQ. (Moore) S. DAHL, DPD (Flanagan) L. BAZAR, CLERK S. THIELMAN, RPTR.</p>	<p><u>DEFENDANT'S MOTION FOR ORDER TO TRANSPORT DEFENDANT</u> <u>DEFENDANT'S MOTION FOR DISCOVERY (7/05/89 CC & 7/10/89</u> <u>J.T. Penalty Phase)</u> State represented by Eric Jorgenson, DDA. Defendant Moore not present; represented by David Schieck, Esq. Defendant Flanagan represented by Stephen Dahl, DPD, who advised he had been made aware of the hearing and would request that he be allowed to join in on the motion for transport in behalf of defendant Flanagan. COURT SO ORDERED. Mr. Schieck argued in support of his</p>	
	<p>motion for discovery. State advised it would be more comfortable if the assigned deputy, Dan Seaton, responded to the motion. Mr. Dahl advised he had spoken to Mr. Seaton and he believed he would be willing to cooperate. COURT ORDERED, motion is granted; if there is substantial disagreement, the State will not be precluded from voicing its objection. State requested reciprocal discovery. COURT SO ORDERED, Mr. Schieck advised there was one additional matter which was not on calendar; he would move to sever for the penalty hearing. COURT ORDERED, absent</p>	
	<p>anything new to consider, the ruling would be the same. FURTHER ORDERED, both defendants to be transported no later than June 26, 1989. CUSTODY</p>	
<p>7/05/89 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA S. DAHL, DPD (Flanagan) D. SCHIECK, ESQ. (Moore) L. BAZAR, CLERK S. THIELMAN, RPTR.</p>	<p><u>DEFENDANT MOORE'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE</u> <u>CALENDAR CALL (7/10/89 J.T. PENALTY PHASE)</u> State represented by Dan Seaton, DDA. Defendant Flanagan present in custody; represented by Stephen Dahl, DPD. Defendant Moore present in custody; represented by David Schieck, Esq. Mr. Dahl joined in on the motion for individual voir dire on behalf of defendant Flanagan. Mr. Seaton advised the State had no objection. Following representations of counsel, COURT ORDERED, this</p>	
	<p>Court thinks counsels' points are well-taken; we will evolve a process on Monday, when we begin, we will poll the prospective jurors as a group. Then we will sit together in chambers and discuss a procedure and whatever we agree on, we will utilize. Mr. Seaton advised there was another matter; inasmuch as a trial has already occurred and the majority of the aggravating circumstances arose out of that trial, it puts the State in a little bit of a dilemma as to what witnesses they could put on. There were certain things they could inform or should not</p>	
	<p>inform the jury about. Therefore he would ask if the Court would be willing to meet with all three counsel sometime today, tomorrow or Friday to work out those potential problems prior to trial. Court agreed. Upon Court's inquiry, Mr. Seaton advised his case would take approximately three to four days. Mr. Dahl advised his would take another day. Mr. Schieck advised his would take a day also. COURT ORDERED, this Court will be in touch with counsel this week and would work something out. Date for penalty phase will stand. CUSTODY (Rush)</p>	

CASE NO. C69269TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL and THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

7/10/89

DONALD M. MOSLEY
DEPT. XIV
D. SEATON, DDA
S. DAHL, DPD
(Flanagan)
D. SCHIECK, ESQ.
(Moore)
L. BAZAR, CLERK
S. THIELMAN, RPTR.PENALTY PHASE

State represented by Dan Seaton, DDA. Defendant Flanagan present in custody; represented by Stephen Dahl, DPD. Defendant Moore present in custody; represented by David Schieck, Esq. Outside presence of prospective jury panel, Mr. Schieck made oral motion in limine regarding the State's intent to relate certain information regarding gang activity and a cult. Mr. Dahl joined on the motion on behalf of his client. Following arguments of counsel, COURT ORDERED, Mr. Schieck suggests that black and white

magic would be prejudicial, but in a penalty phase the character is at issue. This Court expects the evidence in this penalty phase will track that in the previous penalty phase. This Court will allow mention of magic and gangs as was mentioned in the prior proceeding. In this Court's view, it is appropriate to sift out evidence if it was an error at the prior proceeding, but neither the prosecutor nor the defense can take another bite of the apple. This Court will allow them to the extent they were allowed in the prior proceeding. Mr. Seaton

advised assuming a witness, not asked before had brought in new information, he would expect to bring it out. He would make it known to the Court. COURT ORDERED, as a rule, this Court thinks it appropriate if it is reasonable and feasible, and that evidence deviates from that in the prior guilt phase, it is to be brought to this Court's attention. Mr. Dahl objected to preserve the record. Mr. Dahl requested the State provide a list of witnesses as they intend to call them. Mr. Seaton agreed.

Mr. Schieck advised he intended to preserve all the objections throughout the last guilt phase; without having to raise them again, which would include Angela Saldana. Court inquired if he would be subscribing to those objections and endorsing them as if they were his own. Mr. Schieck concurred. Mr. Seaton asked, given that, could they assume the Court's ruling would be the same today. Court concurred.

11:20 A.M. - Prospective jury panel summoned. Clerk called roll of prospective jury. Jury selection began. 5:00 P.M.:

COURT ORDERED, matter is continued to July 11, 1989 at 10:00 A.M.

7/11/89

10:00 A.M.

Appearances as noted above. Court clerk called roll of prospective jurors. Jury and alternate selected and sworn. COURT ORDERED, matter continued to July 12, 1989 at 10:00 A.M.

7/12/89

Appearances as noted above. Outside presence of jury: defense counsel advised they had agreed they would have to inform the jury why the penalty phase was five years after the fact. COURT ORDERED, this Court agrees that the jury should be informed as to why we are here and what occurred four years or so ago. The Jury need not concern themselves on what the sentence was. They would be advised there were irregularities in the process and it has been returned to Court for one more penalty hearing. Mr. Schieck advised the State had advised they were going to call Roy McDowell in the hearing. He did not testify in the first hearing. They would ask any documents or statements be furnished and they would like to talk to

CASE NO. C69269TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA
SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL AND
THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES -- HEARING

CONTINUED TO:

7/12/89

DONALD M. MOSLEY

DEPT. XIV

D. SEATON, DDA

S. DAHL, DPD

(Flanagan)

D. SCHIECK, ESQ.

(Moore)

L. BAZAR, CLERK

S. THIELMAN, RPTR.

PENALTY PHASE CONTINUED

Mr. McDowell. They would ask the Court to allow them to talk to Mr. McDowell tonight rather than today. Mr. Dahl advised the chief issue was what the State's purpose was in calling co-defendant McDowell. State advised it did not think defendant McDowell was going to testify, they had instructed the jail, at the first opportunity to send him back to Carson City. COURT ORDERED, we will proceed on the belief he will not testify and if he changes his mind, this Court will entertain the matter at that

time.

10:32 A.M. - Jury summoned. Clerk called roll of jury. Court advised jury that there was a penalty phase hearing about four years ago and there was a sentence imposed. The Supreme Court in reviewing the transcript determined there were irregularities in those proceedings and set aside the sentence and asked that we conduct a new penalty phase. Court advised the jurors that they should not be concerned of the penalty phase hearing in the past. This was a whole new decision and up to you twelve individuals

to make the decision at this time. Opening statement by Mr. Seaton. Opening statement by Mr. Dale in behalf of defendant Dale Flanagan. Opening statement by Mr. Schieck on behalf of defendant Randolph Moore. Witnesses sworn and testified. Outside presence of jury, Mr. Dahl objected to State's Exhibit 119. Following arguments of counsel, COURT ORDERED, objection overruled. Mr. Dahl's continuing objection to the reference to devil worship that the State was using it as an aggravating argument is so noted. State advised for the record that State's

exhibit was coming in to show character, nothing more. Jury summoned. Counsel stipulated that all members of the jury were present and properly seated. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. Outside presence of jury, Mr. Dahl advised there were certain things Mr. Seaton wanted to use Mel Harmon, DDA, for, which they objected to. There were two problems, (1) he is using Mr. Harmon to bring in Mr. Lockett's testimony. Mr. Dahl thought they should, if desired, have a right of confrontation.

Different information might be brought out with Mr. Lockett. Their other objection would be the sentences imposed on the other defendants at the trial. Mr. Schieck joined on the objection. State argued that the laws in a penalty hearing say that hearsay, as long as it is trustworthy and reliable, can be brought in. Mr. Lockett has appellant things going on right now and may not want to help the State, we put him in prison. Mr. Harmon has read the transcript to make sure his testimony does not deviate from the transcript. The sentences of the

others, he says, are not relevant. The jury has been apprised of all the deeds these gentlemen have done together, they should be apprised of the sentences. COURT ORDERED, concerning the question of Mr. Lockett's testimony, we are not trying anew the guilt phase of this proceeding. If Mr. Harmon intends to essentially parrot what Mr. Lockett's testimony is, there is no objection. The alternative would be to admit the transcript, but that would be more time consuming. This Court sees nothing

CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL AND THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

7/12/89 DONALD M. MOSLEY DEPT. XIV L. BAZAR, CLERK S. THIELMAN, RPTR.	PENALTY PHASE CONTINUED inappropriate, but it does have some hesitancy concerning the sentences of Mr. Luckett and Mr. McDowell as far as the jury is concerned. Following further arguments of counsel, COURT ORDERED, this Court does not know that the jury should not have the information regarding the co-defendants' sentences. This Court thinks a cautionary instruction is warranted. Jury summoned. Counsel stipulated that all members of the jury were present and properly seated. Melvin T. Harmon, DDA, sworn and testified for the purpose of reading the testimony of Johnny Ray Luckett from the trial transcript. COURT ORDERED, matter is continued to July 13, 1989 at 10:00 A.M.	
7/13/89	Appearances as noted above. Clerk called roll of jury. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. Mr. Dahl and Mr. Schieck read into the record the testimony from the last trial of Ronald Jims, supervisor, from prior hearing on September, 1984. Recess for lunch. Reconvene at 1:15 P.M.	
	Counsel stipulated that all members of the jury were present and properly seated. Court advised there had been a suggestion there had been certain discussions in the hallway by other persons, spectators. Court inquired of jury if anyone had heard any discussions of that kind. No indication by the jury. Witnesses sworn and testified and exhibits offered and admitted per attached worksheets. 3:20 P.M.: Outside presence of the jury, Court advised defendants of their rights not to be compelled to testify in this case in their own behalf. Jury summoned.	
	Counsel stipulate that all members of the jury were present and properly seated. Court advised that the defendants had elected to make what is known as an unsworn statement. The prosecutor under the law cannot cross-examine the defendants. 3:23 P.M. - Dale Flanagan made an unsworn statement. 3:28 P.M. - Randolph Moore made an unsworn statement. Defense rested. 3:30 P.M. - court recessed. COURT ORDERED, matter is continued to July 14, 1989 at 10:00 A.M. Counsel moved to proceed in the absence in their clients' absence for the limited purposes of settling jury instructions. Jury Instructions 1 through 16 settled in open court. Court adjourned.	
7/14/89	Appearances as noted above. Outside presence of jury. Defense asked to reserve the right to sur-rebuttal regarding the penalty. COURT ORDERED, this Court will leave that open to possibility. Defense counsel argued there was no evidence introduced regarding dissension and arguments between grandparents and he did not bring that out. State argued that there had been talk by one of the witnesses about some dissatisfaction, unhappiness between Dale and the grandparents. COURT ORDERED, in this Court's view if there is a discrepancy as Mr. Dahl suggests, it would not amount to a basis for a mistrial because it is minor in this Court's view. This Court understands that your closing remarks must track the evidence in this hearing. The jury needs to hear only the argument regarding evidence in this matter. This Court quite frankly does not recall any mention of dissension between the defendant and his	

CONTINUED NEXT PAGE

CASE NO. C69269TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL and THOMAS AKERSDATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

<p>7/14/89 DONALD M. MOSLEY DEPT. XIV</p> <p>L. BAZAR, CLERK S. THIELMAN, RPTR.</p>	<p>PENALTY PHASE CONTINUED</p> <p>grandparents. If Ms. Saldana or any other witness has to be impeached, they should have been impeached from the stand.</p> <p>10:44 A.M. - Jury summoned. Clerk called roll of jury.</p> <p>10:45 A.M. - Court read Jury Instructions 1 through 18 to the Jury. 10:55 A.M. - Closing arguments by Mr. Seaton. Recess for lunch. 1:15 P.M. - Closing arguments by Mr. Dahl on behalf of defendant Flanagan. 1:55 P.M. - Closing argument by Mr. Schieck on behalf of defendant</p>	
	<p>Moore. 2:23 P.M. - Rebuttal argument by Mr. Seaton.</p> <p>3:00 P.M. - Bailiff sworn and matter submitted to the jury for deliberation.</p> <p>6:32 P.M. - Court reconvened. Appearances as noted above. Jury returned with a verdict of death as to Counts VI and VII as to defendants Flanagan and Moore. COURT ORDERED, continued for confirmation of the jury's verdict and imposition of sentence. Court thanked and excused the jury. Defendants remanded to the custody of the jail.</p>	<p>7/31/89 @ 9:00 A.M.</p> <p>CONFIRMATION OF JURY'S VERDICT AND IMPOSITION OF SENTENCE AS TO COUNTS VI & VII (SET EXECUTION DATE)</p>
	<p>Outside presence of jury: Defense counsel advised that when they approached the bench at the finish of State's rebuttal argument, they had requested surrebuttal argument. They had made the motion earlier in the case and the Court denied it at the bench. They just wished to put it on the record. State argued that it was not up to the State to put on mitigating circumstances. COURT ORDERED, as this Court had mentioned rather hurriedly, admittedly at the bench, it was this Court's view that although Mr. Seaton had suggested there was a burden on the defense</p>	
	<p>to show reasonable doubt as to mitigating circumstances, he explained that and it was corrected with the jury. There was no need to recover on rebuttal in that area and that is why the motion was denied. CUSTODY (BOTH)</p>	

CASE NO. C69269

TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL and THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

7/31/89
DONALD M. MOSLEY
DEPT. XIV
D. SEATON, DDA
S. DAHL, DPD
(Flanagan)
D. SCHIECK, ESQ.
(Moore)
L. BAZAR, CLERK
C. JOHNSON, RPTR.

CONFIRMATION OF JURY'S VERDICT AND IMPOSITION OF SENTENCE
AS TO COUNTS VI & VII (SET EXECUTION DATE)

State represented by Dan Seaton, DDA. Defendant, Flanagan present in custody; represented by Stephen Dahl, DPD. Defendant Moore present in custody; represented by David Schieck, Esq. The Court inquired of defendant Flanagan if there was any reason why judgment should not be pronounced against him. Defendant answered in the negative. COURT ORDERED, by virtue of the jury's findings in the matter concerning the two capital counts of

"Murder with Use of a Deadly Weapon" (F); that finding being the imposition of the death penalty; this Court acknowledges that finding. Statement by Mr. Flanagan condemning the judicial system and waiving his appeal for the death penalty and requesting he be executed upon the date set. Court inquired of defendant if he had seriously considered waiving his appeal. Defendant concurred. Court further canvassed the defendant with regard to his decision. Mr. Dahl requested that independent counsel be appointed to talk to the defendant about the case, because in his statement, part of his dissatisfaction was with the Public Defender's Office. Court inquired of the defendant if he felt Mr. Dahl's advise was somewhat slanted and if he wanted someone else to assist him. Defendant said no. State asked that the record reflect that in observing the defendant he seemed to be quite calm and rational. Court agreed with the State's observation with regard to the defendant's demeanor. COURT ORDERED, record to so reflect. COURT ORDERED, in accordance with the law of the State of Nevada, this Court confirms the jury's verdict of death; defendant Flanagan will be taken to an appropriate place and put to death through lethal injection on October 23, 1989.

The Court inquired of defendant Moore if there was any reason why judgment should not be pronounced against him. Defendant answered in the negative. COURT ORDERED, by virtue of the jury's verdict concerning the two capital counts of "Murder with Use of a Deadly Weapon" (F); the defendant is adjudged guilty. Statement by Mr. Moore.

No statement by counsel. Court inquired of Mr. Moore if he was contemplating giving up his right of appeal. Defendant advised he did not and wished to preserve that right. COURT ORDERED, in accordance with the law of the State of Nevada, this Court confirms the jury's verdict of death; defendant Moore will be executed on October 23, 1989. Mr. Schieck advised defendant had the right to an automatic appeal and would be agreeable to his representing him. Court inquired if Mr. Schieck had advised him of the ramifications of having the same

attorney represent him on the appeal. Mr. Schieck concurred. Defendant concurred. COURT ORDERED, Mr. Schieck is appointed as appellant counsel. Mr. Dahl advised his client had requested he not file notice of appeal, but he did not know how the Supreme Court would view that. Mr. Dahl made an oral motion to withdraw. COURT ORDERED, motion to withdraw is granted; but this Court would ask Mr. Dahl to stand by in case defendant Flanagan would wish to communicate with him. State advised the Supreme Court

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CASE NO. C69269 TITLE THE STATE OF NEVADA VS. DALE EDWARD FLANAGAN, RANDOLPH MOORE AKA SMITH, JOHNNY RAY LUCKETT, MICHAEL WALSH, ROY MC DOWELL and THOMAS AKERS

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

<p>7/31/89 DONALD M. MOSLEY DEPT. XIV D. SEATON, DDA S. DAHL, DPD (Flanagan) D. SCHIECK, ESQ. (Moore) L. BAZAR, CLERK C. JOHNSON, RPTR.</p>	<p><u>CONTINUED</u> would still look at this case with an eye toward the propriety of the death sentence. They would think it would be a good idea to ask Mr. Dahl to remain counsel of record. They were going to need the record up there. He should make inquiries of the Supreme Court to see what their desire is. COURT ORDERED, under the circumstances, this Court thinks it appropriate to give Mr. Dahl leave to withdraw with the understanding, first, that he would be available to receive any communication from</p>	
	<p>Mr. Flanagan should he change his mind, and second, that he see the necessary documents are forwarded to the Supreme Court. Mr. Dahl concurred and acknowledged. CUSTODY</p>	
<p>10/02/89 DONALD M. MOSLEY DEPT. XIV F. PONTICELLO, DDA J. GRAVES, ESQ. L. BAZAR, CLERK R. SILVAGGIO, RPTR.</p>	<p><u>DEFENDANT'S PRO PER MOTION FOR POST-CONVICTION APPOINTMENT OF COUNSEL</u> <u>DEFENDANT'S PRO PER MOTION TO COMPEL TRANSFER OF RECORDS FROM PREVIOUS COUNSEL; MOTION FOR PRODUCTION OF TRANSCRIPTS OF RECENT HEARINGS</u> State represented by Frank Ponticello, DDA. Defendant Luckett not present; represented by John Graves, Esq. Court stated its findings. COURT ORDERED, motion for post-conviction relief not being timely filed, denied. Defendant's motion for attorney would be moot as would</p>	
	<p>the motion for transfer of records and production of transcripts. Mr. Graves advised he was prepared to send the materials to the defendant, but it would cost \$8.29. Defendant was so advised. COURT ORDERED, this Court does not see Mr. Graves position as inappropriate, if the defendant wishes they be sent to him, he can defray expenses. CUSTODY NSP</p>	
<p>10/9/89 DONALD M. MOSLEY DEPT. XIV CAROL GREEN (CLERK) RENEE SILVAGGIO (REPORTER)</p>	<p><u>AT REQUEST OF DISTRICT ATTORNEY: APPOINTMENT OF COUNSEL</u> State represented by Dan Seaton, DDA. Deft. Flanagan not present, represented by counsel, Stephen Dahl, Esq. and Lee McMahon, Esq. Mr. Dahl advised that waiver has been properly filed with the Supreme Court. Ms. McMahon confirmed. COURT ORDERED, Ms. McMahon appointed to review validity of Waiver of Appeal. CUSTODY (NSP)</p>	

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 03, 1991**

85C069269-2

The State of Nevada vs Randolph Moore

June 03, 1991**9:00 AM****Motion**

**MOTION FOR FEES
IN EXCESS OF
STATUTORY
ALLOWANCE Court
Clerk: LOIS BAZAR
Reporter/Recorder:
CONNIE MC
CARTHY Heard By:
Donald Mosley**

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

Booker, Gary R.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck requested leave to submit billings in excess of the statutory amount. State advised Karen Grant, DDA, Civil Division, advised she was not going to oppose the motion. COURT ORDERED. motion granted.
CUSTODY (NSP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 24, 1991**

85C069269-2

The State of Nevada vs Randolph Moore

June 24, 1991**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (6/24/91)
Court Clerk: LOIS
BAZAR
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

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

Booker, Gary R.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR THE COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION (FLANAGAN).....STATE'S MOTION FOR THE COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION (MOORE)

Ms. Hill argued that defendant Flanagan would ask the Court to dismiss the supplemental warrant of execution as it was too early. Argument by Mr. Schieck on behalf of defendant Moore, that it was a waste of time as it was just 30 days after the remittitur was issued. He would suggest the matter be continued two to three weeks. Following arguments of counsel, COURT ORDERED, a warrant of execution will issue and an execution date will be set on July 15, 1991 as to each of the defendants; Flanagan and Moore.
CUSTODY (NSP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 10, 1991**

85C069269-2

The State of Nevada vs Randolph Moore

July 10, 1991**9:00 AM****Motion to Stay**

**MOTION FOR STAY
OF EXECUTION
Relief Clerk: TINA
HURD
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

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

Jorgenson, Eric G.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Court stated a Petition for Post-Conviction Relief is attached to this motion as an exhibit. State had no opposition. COURT ORDERED, stay granted. Order signed in open court.
CUSTODY (NSP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 04, 1992**

85C069269-2

The State of Nevada vs Randolph Moore

November 04, 1992**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (11-4-92)
Relief Clerk:
PAULETTE TAYLOR
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** James, Karen M.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION TO RELEASE TRIAL TRANSCRIPTS...DEFENDANT'S PRO PER MOTION FORE LEAVE TO PROCEED IN FORMA PAUPERIS

Court stated the deft. is making a motion for release of trial transcripts for a civil case. Apparently, the deft. has not been apprised there is a cost for the transcripts which the deft. would have to pay if he wants them. COURT ORDERED, the motion to proceed in forma pauperis is granted.

NSP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 24, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

February 24, 1993**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (2/24/93)
Court Clerk: LOIS
BAZAR
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

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

Ledebohm, Karl M.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- ORAL REQUEST OF DISTRICT ATTORNEY: SCHEDULE NEW PENALTY HEARING (FLANAGAN AND MOORE)..... Mr.Schieck advised Ms. McMahon had filed a motion to withdraw which was set on March 1, 1993. State requested matter be taken off calendar, because they hadn't received a copy of the remittitur. Court advised it had. Mr. Schieck advised he would be willing to accept reappointment. There being no objection, COURT ORDERED, Mr. Schieck is reappointed. This matter is continued to Monday.
CUSTODY (NSP) (BOTH) ...3/01/93 @ 9:00 A.M. AT ORAL REQUEST OF DISTRICT ATTORNEY: SCHEDULE NEW PENALTY HEARING (FLANAGAN AND MOORE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 01, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

March 01, 1993**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (3/01/93)
(1 & 2) Court Clerk:
LOIS BAZAR
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

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

Harmon, Melvyn T.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- AT ORAL REQUEST OF DISTRICT ATTORNEY: SCHEDULE NEW PENALTY HEARING...LEE ELIZABETH MCMAHON, ESQ.'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND APPOINT COUNSEL FOR REPRESENTATION OF DEFENDANT IN THE DEATH PENALTY HEARING

Court inquired if there was an objection to Ms. McMahon's motion to with- draw as counsel of record for defendant Flanagan. Mr. Harmon he had no objection. COURT ORDERED, motion granted. Court inquired if Stephen Dahl, DPD, had represented defendant Flanagan prior. Ms. McMahon concurred. Court asked if it would not be appropriate to ask Mr. Dahl to resume the responsibility in this new penalty phase. Mr. Schieck advised he had no objection. Court advised it would take it up with Mr. Dahl. COURT ORDERED, matter is continued for confirmation of counsel and to set the penalty hearing.

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CUSTODY (NSP) (BOTH) ...3/10/93 @ 9:00 A.M. CONFIRMATION OF COUNSEL
(FLANAGAN)...SCHEDULE NEW PENALTY HEARING (FLANAGAN AND MOORE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 10, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

March 10, 1993**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (3/10/93)
(1 & 2) Court Clerk:
LOIS BAZAR
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

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

HILL, STEVEN
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (FLANAGAN)...SCHEDULE NEW PENALTY HEARING
(FLANAGAN AND MOORE)

Stephen Dahl, DPD, present. Court asked Mr. Dahl if he confirmed as counsel. Mr. Dahl advised at the end of the last penalty hearing defendant Flanagan expressed unhappiness with the representation. He thought it would be best to have Mr. Flanagan present. COURT ORDERED, this Court is going to have to pass the setting of the penalty hearing. The D.A. for the State would have to approve. It looked like Mr. Harmon would be the prosecutor. Both defendants' are being held in Ely State Prison. Upon Court's inquiry, counsel advised they transported prisoners every other week. COURT ORDERED, this Court will have the secretary call the state prison and find out and will set the matter on next Monday, or a week from next Wednesday and counsel will be noticed. Mr. Schieck suggested his client, defendant Moore also being transported. COURT ORDERED, under the

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circumstances, this Court will order both defendant Moore and defendant Flanagan be transported. The D.A. and counsel will be contacted on the date.

1:20 P.M. - Secretary having contacted Ely State Prison and having been apprised that next transport date would be March 18, 1993, COURT ORDERED, the hearing date would be set March 22, 1993.

Court clerk contacted D.A. and P.D. Records and Mr. Schieck.

CUSTODY (NSP)(BOTH)...3/22/93 @ 9:00 A.M. CONFIRMATION OF COUNSEL (FLANAGAN)

...SCHEDULE NEW PENALTY HEARING (FLANAGAN AND MOORE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 22, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

March 22, 1993**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (3/22/93)
(1 & 2) Court Clerk:
LOIS BAZAR
Reporter/Recorder:
SHARON
THIELMAN Heard
By: Donald Mosley**

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

Mitchell, Scott S.
Moore, Randolph
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (FLANAGAN)...SCHEDULE NEW PENALTY PHASE
(FLANAGAN AND MOORE)

Mr. Mitchell advised he had been provided with a copy of Mr. Harmon's schedule for the year.
Court asked defendant Flanagan if he had a problem with Mr. Dahl handling the responsibility of his
case. Defendant Flanagan stated he had none. After consulting counsel concerning their court
schedules, COURT ORDERED, date for the penalty hearing is confirmed for September 7, 1993 at
10:00 A.M.

CUSTODY (NSP)(BOTH) ...PENALTY HEARING 9/07/93 @ 10:00 A.M./C.C. 9/01/93 @ 9:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 03, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

May 03, 1993**9:00 AM****Motion**

**MOTION FOR
ORDER FOR
PAYMENT OF FEES
Court Clerk: LOIS
BAZAR Heard By:
Donald Mosley**

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

Ledebom, Karl M.

Attorney

JOURNAL ENTRIES

- Court advised it was Ms. McMahon's motion and was somewhat unnecessary since a stipulation had been sent over and signed. In any case, her request had been agreed to and the Court signed the order reflecting that. COURT ORDERED, motion granted.
CUSTODY (NSP) (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 14, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

July 14, 1993**9:00 AM****Minute Order****MINUTE ORDER
RE: RESET 9/01/93
HEARING (1 & 2)
Court Clerk: LOIS
BAZAR Heard By:
Donald Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- COURT ORDERED, due to this Court's absence, the hearing set on September 1, 1993 is hereby vacated and reset on August 31, 1993 at 9:30 A.M. Court clerk noticed D.A. Records, P.D. Records, and counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 18, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

August 18, 1993**9:00 AM****Motion to Return**

**MOTION FOR FEES
IN EXCESS OF
STATUTORY
ALLOWANCE Court
Clerk: LOIS BAZAR
Reporter/Recorder:
DONNA LITTLE
Heard By: Donald
Mosley**

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

Paine, Charles A.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- State advised there was no objection to the motion. They had reviewed it and seen no error.
COURT ORDERED, motion granted. LATER: Mr. Schieck appeared and was advised he prevailed.
CUSTODY (NSP) (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 31, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

August 31, 1993**9:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS (8/31/93)
(1 & 2) Court Clerk:
LOIS BAZAR
Reporter/Recorder:
RUSSELL GARCIA
Heard By: Donald
Mosley**

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

Harmon, Melvyn T.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- CALENDAR CALL (PENALTY PHASE 9/07/93)...DEFENDANT FLANAGAN'S MOTION TO CONTINUE TRIAL DATE

Upon Court's inquiry, Mr. Dahl advised he had called to stop transportation of the defendants from Nevada State Prison because they were continuing the trial date. Defense counsel waived the presence of defendants Flanagan and Moore for the purpose of the hearing. Court noted it was a motion to continue the setting of the penalty phase. Mr. Schieck acquiesced. Mr. Harmon advised he had no objection. Court noted the date of April 4, 1994 had been suggested. Mr. Dahl concurred. Court inquired if that was agreed universally. Counsel concurred. COURT ORDERED, motion granted.

CUSTODY (NSP) (BOTH) ...PENALTY PHASE 4/04/94 @ 10:00 A.M./C.C. 3/30/94 @ 9:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 22, 1993**

85C069269-2

The State of Nevada vs Randolph Moore

December 22, 1993**9:00 AM****Petition**

**LUCKETT'S PRO
PER MOTION TO
CORRECT AN
ILLEGAL
SENTENCE Court
Clerk: LOIS BAZAR
Reporter/Recorder:
RUSSELL GARCIA
Heard By: Donald
Mosley**

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

Mitchell, Scott S.

Attorney

JOURNAL ENTRIES

- State advised the judgment of conviction incorrectly indicated life with the possibility of parole on Counts VI and VII. It should be life without the possibility of parole plus a consecutive life without the possibility of parole as to the enhancements. An Amended Judgment of Conviction had been prepared to correct the discrepancy. COURT ORDERED, motion granted. Amended Judgment of Conviction signed in open court.

CUSTODY (NSP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 24, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

January 24, 1994**9:00 AM****Motion to Disqualify Judge**

**MOTION TO
DISQUALIFY
JUDGE/COURT
Court Clerk: CAROL
GREEN
Reporter/Recorder:
ALICE EASTGATE
Heard By: Nancy
Becker**

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

Graham, Ben

Attorney

Shieck, David M.

Attorney

JOURNAL ENTRIES

- Court inquired if Mel Harmon, DDA would be present to argue this motion. Mr. Shieck represented that he had spoken with Mr. Harmon last week and it was his understanding that Mr. Harmon would take no position in this matter. Mr. Graham advised that he would trust Mr. Shieck's representation and indicated that there were no notes in his file. Mr. Dahl indicated that he represents Dale Flanagan and would join in this motion. Argument by Mr. Shieck and Mr. Dahl. Mr. Graham stated that it would appear to the State that Judge Mosley was simply expressing the frustration that probably many in the system feel; other than that, the State would take no position on this. Court commented that it does not believe that Judge Mosley has an actual bias or prejudice against Mr. Moore and Mr. Flanagan, personally, but that he was expressing his general dissatisfaction with the system. COURT ORDERED, MOTION TO DISQUALIFY IS GRANTED.

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Court advised counsel that when a Judge is disqualified, the matter is usually reassigned to the other Judge on the same criminal track. Counsel stated no objection to following this normal procedure and COURT SO ORDERED. Mr. Shieck to prepare order, setting forth specific findings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 03, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

February 03, 1994**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS FOR 2-3-
94 Court Clerk:
TINA HURD
Reporter/Recorder:
PATRICIA LOFFT
Heard By: Addeliar
Guy, III**

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

Harmon, Melvyn T.

Attorney

Schieck, David M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court advised a penalty hearing has been previously set in April and this Court is not ready to hear it. Court advised it has received no order for a three-judge panel. State advised the hearing will take approximately one week. COURT ORDERED, MATTER SET FOR PENALTY HEARING ON OCTOBER 3 AND WILL HAVE A STATUS CHECK ON JUNE 9. APRIL 4 AND MARCH 30 DATES ARE VACATED. Conference at the bench.

CUSTODY (BOTH)

6-9-94 9:00 A.M. STATUS CHECK

10-3-94 10:00 A.M. PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 08, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

February 08, 1994**9:00 AM****Motion**

**DEFENDANT'S PRO
PER MOTION FOR
APPT OF
COUNSEL ON
APPEAL Court
Clerk: TINA HURD
Relief Clerk: NANCY
BANKS
Reporter/Recorder:
PATRICIA LOFFT
Heard By: GUY, III,
ADDELIAR D**

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

Tobiasson, Melanie A.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, MS. MELIA TO BE CONTACTED FOR POSSIBLE APPOINTMENT AS
APPEAL COUNSEL IN THIS CASE. THIS MATTER CONTINUED.

CUSTODY (NSP)

Ms. Melia notified by the clerk this day of continuance date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 17, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

February 17, 1994**9:00 AM****Motion**

**DEFENDANT'S PRO
PER MOTION FOR
APPT OF
COUNSEL ON
APPEAL Court
Clerk: TINA HURD
Reporter/Recorder:
PATRICIA LOFFT
Heard By: Addeliar
Guy, III**

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

Gardner, Gerald J.

Attorney

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- Mr. Oram advised he is appearing for Ms. Melia who will confirm as counsel. State advised they oppose the appointment of counsel as they believe the time has passed for filing an appeal; Deft. was convicted 9 years ago. COURT ORDERED, MATTER SET FOR STATUS CHECK IN 30 DAYS; MS. MELIA TO INVESTIGATE AND SEE WHAT SHE CAN DO.

CUSTODY (NSP)

3-17-94 9:00 A.M. STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 17, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

March 17, 1994**9:00 AM****Status Check****STATUS CHECK****Court Clerk: TINA****HURD****Reporter/Recorder:****PATRICIA LOFFT****Heard By: GUY, III,****ADDELIAR D****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Booker, Gary R.

Attorney

JOURNAL ENTRIES

- Mr. Kozal advised Ms. Melia is asking for a 2-week continuance. Conference at the bench. COURT ORDERED, matter continued 2 weeks.
CUSTODY (NDP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 31, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

March 31, 1994**9:00 AM****Status Check****STATUS CHECK****Court Clerk: TINA****HURD****Reporter/Recorder:****TERESA****DeROSSETT Heard****By: BRENNAN,
JAMES****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Gardner, Gerald J.

Attorney

JOURNAL ENTRIES

- Ms. Melia advised this matter is on calendar to determine the status of the appeal. Deft. Luckett's sentence was modified and he filed a notice of appeal. Ms. Melia advised she has not been able to acquire the entire file, however, it appears Deft. has a valid issue to appeal from the amended sentence. Deft. did not file for post-conviction relief, therefore, he has options available. Ms. Melia stated she believes perhaps Judge Guy should rule on this. COURT ORDERED, MATTER CONTINUED.
CUSTODY (NDP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 07, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

April 07, 1994**9:00 AM****Status Check**

STATUS CHECK
Court Clerk: NANCY
BANKS
Reporter/Recorder:
PATRICIA LOFFT
Heard By: GUY, III,
ADDELIAR D

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Gardner, Gerald J.

Attorney

JOURNAL ENTRIES

- Ms. Melia advised this matter is on for appeal of modification of sentence and there appears to be a problem. COURT ORDERED, counsel to obtain the transcript of sentencing and the re-sentencing. This matter continued.
 CUSTODY (NDP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 14, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

April 14, 1994**9:00 AM****Motion**

**MOTION TO RESET
TRIAL DATE Court
Clerk: TINA HURD
Reporter/Recorder:
PATRICIA LOFFT
Heard By: GUY, III,
ADDELIAR D**

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

Harmon, Melvyn T.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Dahl advised, prior to this penalty hearing being set, counsel were before Judge Sobel on a death penalty case and were told very strongly to protect the trial date of October 10 in that case at all costs. State concurred. Court suggested counsel provide the Court with the dates they will be available and the Court will attempt to find a date compatible with the Court's and counsel's calendars. Mr. Dahl advised this penalty hearing will probably take 2 full weeks as it is to be heard before a jury and jury selection alone could take several days due to the length of time this case has been around and the publicity it has received. COURT ORDERED, matter continued one week; counsel to provide dates today.
CUSTODY (NDP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 21, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

April 21, 1994**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (4/21/94)
Court Clerk: TINA
HURD Heard By:
Addelmar Guy, III**

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

Booker, Gary R.

Attorney

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- The Court advised the best date the Court can give is the first Monday in January. COURT ORDERED, status check is vacated as well as the Penalty Hearing. This matter continued for a Penalty Hearing.

CUSTODY (NDP) (FLANAGAN AND MOORE)

1/3/95 @ 10:00 A.M. - PENALTY HEARING (FLANNAGAN AND MOORE) 12/29/94 @ 9:00 A.M. -
CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 05, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

May 05, 1994**9:00 AM****Status Check**

STATUS CHECK
Court Clerk: TINA
HURD
Reporter/Recorder:
PATRICIA LOFFT
Heard By: Addeliar
Guy, III

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Booker, Gary R.

Attorney

JOURNAL ENTRIES

- Ms. Melia advised an order for transcripts has been done, however, they have not received the transcripts yet. Russell Garcia and Sharon Thielman are the Court Reporters they have been requested from. Ms. Thielman did the original sentencing and they are attempting to find her. Mr. Garcia did the re-sentencing. State did not know if they had received copies. Upon Court's inquiry, Ms. Melia advised the Court Reporters have been served and Mr. Garcia indicated it would be about two weeks; Ms. Thielman has not been located and Dept. XIV is attempting to contact her. COURT ORDERED, matter CONTINUED three weeks and counsel to advise the Court what is happening in ten days.

CUSTODY (NDP)

5-26-94 9:00 AM STATUS CHECK: TRANSCRIPTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 26, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

May 26, 1994**9:00 AM****Status Check**

STATUS CHECK:
TRANSCRIPTS
Court Clerk: NANCY
BANKS
Reporter/Recorder:
PATRICIA LOFFT
Heard By: GUY, III,
ADDELIAR D

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

Porterfield Jr, Owen W.

Attorney

JOURNAL ENTRIES

- Ms. Melia advised it was her understanding the transcripts have been destroyed after eight (8) years. Further advised at re-sentencing there was a clerical error. COURT ORDERED, Defendant Luckett to be transported for this matter. FURTHER, each counsel to present one (1) best case for their position. The State is to prepare the Order to Transport. STATUS CHECK CONTINUED. CUSTODY (NDP)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 15, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

September 15, 1994**9:00 AM****Status Check**

STATUS CHECK:
TRANSCRIPTS
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
PATRICIA LOFFT
Heard By: Addeliar
Guy, III

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

PRESENT: Tobiasson, Melanie A. Attorney

JOURNAL ENTRIES

- Ms. Melia advised the Court the transcripts were supposed to be delivered to the Court yesterday. Court advised he was continuing the matter for one week to read through the file. Conference at Bench. Court advised he has a letter from Mr. Luckett. Counsel will bring an Order next Thursday and Court will sign it. He advised Counsel to be sure it was Nunc Pro Tunc. COURT ORDERED, matter CONTINUED.

NDP

9-22-94 9:00 AM FURTHER PROCEEDINGS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 22, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

September 22, 1994**9:00 AM****Further Proceedings**

**FURTHER
PROCEEDINGS
Court Clerk: TINA
HURD
Reporter/Recorder:
PATRICIA LOFFT
Heard By: Addeliar
Guy, III**

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

Porterfield Jr, Owen W.

Attorney

JOURNAL ENTRIES

- Ms. Melia advised deft. LUCKETT is to be resentenced today due to a clerical error, the Judgment of Conviction being in error and the Clerk's minutes reflecting the correct sentence. State advised they have a Second Amended Judgment of Conviction to file with the Court. Court read same into the record and ORDERED, this sentence is NUNC PRO TUNC AS OF NOVEMBER 27, 1985. Court signed the Second Amended Judgment of Conviction in open court. Deft. LUCKETT having been previously ADJUDGED GUILTY of CT III-CONSPIRACY TO COMMIT MURDER (F), CT IV-BURGLARY (F) AND CTS VI & VII-MURDER WITH USE OF A DEADLY WEAPON (F), COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, deft. sentenced to the Nevada Dept. of Prisons for SIX (6) YEARS for Count III; SIX (6) YEARS for Count IV; LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for Count VI; LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for Count VII. Counts III and IV to run concurrently and

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concurrently with Count VI; Count VII to run consecutively to Count VI. Deft. given 342 days Credit for Time Served. Said sentence is Nunc Pro Tunc as of November 27, 1985.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 01, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

December 01, 1994**9:00 AM****Motion to Continue**

**DEFENDANT'S
MOTION TO
CONTINUE
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Harmon, Melvyn T.

Attorney

Schieck, David M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Mr. Dahl advised defts. FLANAGAN and MOORE are in the Nevada Dept. of Prisons and would waive their presence today. Court advised it wants the waiver in writing due to the circumstances in this case. Court advised the record will reflect that Mr. Dahl has been elected as Justice of the Peace in North Las Vegas, to take office on January 3 and Ms. Mounts has just been given this case. This is a voluminous file and Ms. Mounts cannot be ready by January 3. State advised he understands the circumstances and it is apparent the date must be vacated, however, State would request a date as early as possible as this case is ten years old and there have already been four separate penalty hearings. Ms. Mounts advised counsel have conferred and would request a date in June. COURT

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ORDERED, matter CONTINUED two weeks for counsel to obtain a waiver from the defts. for a continuance to the June date; Court advised he will not vacate the January date until he receives the waiver; matter set for penalty hearing in June.

NDP (BOTH)

12-15-94 9:00 AM STATUS CHECK: WAIVER (BOTH)

6-8-95 9:00 AM CALENDAR CALL (BOTH)

6-12-95 10:00 AM PENALTY HEARING (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 15, 1994**

85C069269-2

The State of Nevada vs Randolph Moore

December 15, 1994**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Gardner, Gerald J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Deft. Flanagan's waiver FILED IN OPEN COURT. Mr. Schieck advised he has already filed a waiver with the Court for deft. Moore. COURT ORDERED, defts FLANAGAN and MOORE's presence will be waived today and at all hearings up to, but not including, the Calendar Call; January dates are VACATED and hearing date STANDS.
CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 25, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

May 25, 1995**9:00 AM****Minute Order**

**MINUTE ORDER
RE: HEARING
MOTIONS Court
Clerk: JOYCE
BROWN Heard By:
Addeliar Guy, III**

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

Harmon, Melvyn T.
Schieck, David M.
Seaton, Daniel M.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Court met with Counsel in Chambers and advised motions will be heard on June 1, and June 6. Mr. Schieck moved to have all his motions heard on the same date. COURT ORDERED, motion GRANTED and Mr. Schieck chose June 6.

NDP (BOTH)

CLERK'S NOTE: After further consultation with the Court, Court advised to place ALL the motions to be heard prior to the penalty hearing on June 6. th

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 06, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6-6-95
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addelias Guy, III**

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

Harmon, Melvyn T.

Attorney

Schieck, David M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S MOTION FOR NEW TRIAL IN VIEW OF UNITED STATES SUPREME COURT DECISION IN DAWSON V. DELAWARE...DEFT FLANAGAN'S MOTION FOR INDIVIDUALIZED VOIR DIRE AND FOR SUBMISSION OF JURY QUESTIONNAIRE...DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT MOORE'S MOTION TO STRIKE DEATH PENALTY... DEFT MOORE'S MOTION TO DISCLOSE INDUCEMENTS, PROMISES, AND PAYMENTS TO PROSPECTIVE STATE WITNESSES AND MEMORANDUM IN SUPPORT THEREOF... DEFT MOORE'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO THE SENTENCES OF THE CO-DEFENDANTS...DEFT FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY TO SUMMARIZE WITNESS' PRIOR TESTIMONY OR IN THE ALTERNATIVE TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE...DEFT FLANAGAN'S

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MOTION FOR DISCLOSURE TO INFORMATION REGARDING STATE WITNESS' EXPECTATIONS OF BENEFITS OF TESTIMONY...DEFT FLANAGAN'S MOTION IN LIMINE TO PROHIBIT EVIDENCE OF DEVIL WORSHIP...DEFT FLANAGAN'S MOTION TO JOIN CO-DEFENDANT RANDOLPH MOORE'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO SENTENCES OF CO-DEFENDANTS... DEFT FLANAGAN'S MOTION TO AMEND DEFENDANT FLANAGAN'S PREVIOUSLY FILED MOTION FOR NEW TRIAL TO REFLECT PETITION FOR WRIT OF HABEAS CORPUS, OR IN THE ALTERNATIVE MOTION TO JOIN DEFENDANT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS... DEFT FLANAGAN'S MOTION TO STRIKE DEATH PENALTY...DEFT MOORE'S MOTION TO STRIKE DEATH PENALTY

At Court's inquiry as to why the Defendants were not present, Schieck advised that throughout these proceedings, the Defendants have not desired to be present because of the housing situation at Ely. He further stated the Defendants always asked their presence be waived and is true of this proceeding. Mr. Wall stated the same on behalf of Mr. Moore. COURT ORDERED motion waiving Defendants' presence GRANTED. Court read entire list of motions. Mr. Wall advised four motions - DEFT FLANAGAN'S MOTION TO AMEND DEFENDANT FLANAGAN'S PREVIOUSLY FILED MOTION FOR NEW TRIAL TO REFLECT PETITION FOR WRIT OF HABEAS CORPUS, OR IN THE ALTERNATIVE MOTION TO JOIN DEFENDANT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS; DEFENDANT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS; DEFT FLANAGAN'S MOTION FOR NEW TRIAL IN VIEW OF UNITED STATES SUPREME COURT DECISION IN DAWSON V. DELAWARE; AND DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS could be argued together if Deft Flanagan's Motion to Amend Deft Flanagan's Previously Filed Motion for New Trial is granted first. No objection by State. COURT ORDERED, motion GRANTED. Schieck advised he would be filing a Joinder in Motions later joining in all the motions. These four motions were argued together. COURT ORDERED Deft Flanagan's Motion For New Trial in View of United States Supreme Court Decision in Dawson V. Delaware DENIED; Deft Flanagan's Petition for Writ of Habeas Corpus DENIED; and Deft Moore's Petition for Writ of Habeas Corpus DENIED.

As to DEFT FLANAGAN'S MOTION FOR INDIVIDUALIZED VOIR DIRE AND FOR SUBMISSION OF JURY QUESTIONNAIRE, COURT ORDERED Individualized Voir Dire is DENIED, but Court will consider Mr. Harmon's questions of Jury as a whole. As to a Jury Questionnaire, Court has no problem with that and if all three parties come in with a stipulated set of questions by tomorrow or Thursday, it may be used. Court instructed Counsel to see Jury Services today about deadlines. As to DEFT MOORE'S AND DEFT FLANAGAN'S MOTIONS TO STRIKE DEATH PENALTY, Argument by Counsel and COURT ORDERED both motions DENIED. As to DEFT MOORE'S MOTION TO DISCLOSE INDUCEMENTS, PROMISES AND PAYMENTS TO PROSPECTIVE STATE WITNESSES AND MEMORANDUM IN SUPPORT THEREOF and DEFT FLANAGAN'S MOTION FOR DISCLOSURE TO INFORMATION REGARDING STATE WITNESS' EXPECTATIONS OF BENEFITS OF TESTIMONY, Court advised Mr. Harmon says there are none. Court further advised there are always payments of travel and motel expenses for State witnesses. COURT ORDERED both motions DENIED, but will grant leeway in questioning at depth.

As to DEFT FLANAGAN'S MOTION TO JOIN CO-DEFENDANT RANDOLPH MOORE'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO SENTENCES OF CO-DEFENDANTS, COURT

ORDERED, motion GRANTED.

As to DEFT MOORE'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO THE SENTENCES OF THE CO-DEFENDANTS, argument by Harmon that Jury is asked to set punishment on two out of six Defendants and they need to help the Jury as much as possible. Argument by Schieck and Wall, who joined in the motion, that Co-Defendants' sentences bear no relevance as to what these two Defendants should receive. Court read from the Statutes and ORDERED motion DENIED.

As to DEFT FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY TO SUMMARIZE WITNESS' PRIOR TESTIMONY OR IN THE ALTERNATIVE TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE, Mr. Wall argued that Mr. Seaton will be prosecutor and Mr. Harmon will summarize the testimony of four or five witnesses and they object to having this done. Argument by Harmon. COURT ORDERED, this motion CONTINUED until Thursday morning and instructed Counsel to get together and stipulate to witnesses' testimony being summarized or else they would be reading testimony from transcripts. Wall asked to table this until Thursday. Court advised if Counsel are not able to stipulate, Court sees no other way but to read the trial testimony and extricate the unnecessary garbage; but that is time consuming. Harmon stated he did not feel the parties would be able to work out a stipulation. Court stated they could let him know Thursday morning.

As to DEFENDANT FLANAGAN'S MOTION IN LIMINE TO PROHIBIT EVIDENCE OF DEVIL WORSHIP, Schieck joined in the motion, Wall argued that the Coven was never involved in any way in the decision to commit the crime and is used as character evidence; and is not proper character evidence. He further argued the Defendants have been involved in Christian activities and Bible study classes since then. Harmon stated he did not intend to introduce this in their case in chief, but does not want State's hands tied. Court read his findings into the record and ORDERED motion DENIED WITHOUT PREJUDICE. Wall requested they revisit this motion on Thursday and COURT GRANTED the REQUEST.

The last motion, DEFT MOORE'S MOTION TO STRIKE DEATH PENALTY is a duplicate and already ruled upon.

Mr. Schieck presented a Joinder in Motions of Co-Defendant Flanagan to the Court. COURT ORDERED, motion GRANTED, and it was FILED IN OPEN COURT. Mr. Wall requested transcripts of today's proceedings by tomorrow. Request GRANTED and Court Recorder stated they would be ready. Counsel advised unfinished business consists of unavailability of witnesses and Devil worship in rebuttal.

NDP (BOTH)

6-8-95 9:00 AM DEFT FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY TO SUMMARIZE WITNESS' PRIOR TESTIMONY OR IN THE ALTERNATIVE TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 08, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 08, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6-8-95
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph	Defendant
Schieck, David M.	Attorney
Seaton, Daniel M.	Attorney
Wolfbrandt, William L.	Attorney

JOURNAL ENTRIES

- DEFT. FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY TO SUMMARIZE WITNESS' PRIOR TESTIMONY OR IN THE ALTERNATIVE TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE...CALENDAR CALL

Ms. Mounts advised that Mr. Wall is in Supreme Court this morning. Mr. Seaton advised Mr. Harmon is not connected with the case. Court advised he met with Counsel in Chambers yesterday and assumes everyone is ready to go to trial. Mr. Seaton announced State is ready, and Court advised unless the Supreme Court rules otherwise, this case will go to trial. Court advised he will permit the Devil Worship issue by State in rebuttal if the transcript of Corine Lopez is read or she takes the stand. Ms. Mounts argued this will eliminate three-fourths of defense witnesses. Court

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read a portion of the Lopez testimony. Argument by Schieck. Court advised he will hear what they plan to present outside the presence of the Jury. Mr. Seaton advised he would like to suggest how unavailable witnesses are going to be put on; there are about five lay witness people who knew the Defendants and testified in the penalty hearing. He further advised they had found four of them; but have not found Akers, and plan to put on the ones they do have in the same fashion as in the last penalty hearing. Mr. Seaton suggested they strike "Mr. Harmon" and make no reference to Devil Worship and have it read to the Jury by someone else; that way the Jury would not know it was a prosecutor's testimony. Court advised anything Defense can agree to, in 90% of the time the Court will go along with. Mr. Seaton stated credible hearsay can be used in death penalty cases and they would remove everything not germane here. Court advised if Counsel cannot agree on Mr. Harmon's testimony, then witnesses' testimony in the guilt phase will be used. Mr. Seaton advised they would work together and may put in Aker's testimony. COURT ORDERED, use of prior testimony GRANTED and Deft. Flanagan's Motion To Prohibit Testimony of District Attorney to Summarize Witness' Prior Testimony Or In The Alternative to Disqualify District Attorney's Office is CONTINUED until Monday morning. Mr. Schieck requested an additional table for Counsel and Court stated he would see what he could do.

NDP (BOTH)

6-12-95 9:00 AM DEFT. FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY TO SAUMMARIZE WITNESS' PRIOR TESTIMONY OR IN THE ALTERNATIVE TO DISQUALIFY DISTRICT ATTAORANEY'S OFFICE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 12, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 12, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court advised defts. filed a Writ which was denied; defts. then filed a Writ of Mandamus last week and the Supreme Court denied that. Court read from the Writ of Mandamus. Court stated he understands a Notice of Appeal was filed on Friday with the Supreme Court on the Writs of Habeas Corpus as they are independently appealable. Counsel have indicated today that this Court no longer has jurisdiction based upon Robertson. Court stated it was decided some time ago that a Writ of Habeas Corpus is appealable but not until the end of a case. The State may file an immediate appeal if a Writ is granted as the case is then out of Court and the State would suffer irreparable harm. Court read NRS 34.575.1 and advised this matter is before the Court on a penalty hearing and

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no judgment has been entered. There is no written motion but the Court does have an oral motion before it. Mr. Schieck concurred. Mr. Wall advised deft. Flanagan has no oral motion and contends the filing of the Notice of Appeal divests jurisdiction. Court FINDS the notice is defective. Court advised he has nothing from the Supreme Court. In the meantime, this Court has a phone call into the Supreme Court and, if they wish to stay this matter, this Court has no problem with that. Mr. Schieck argued the convictions in the other charges are final and the Writ went as to all charges in the case in the guilt phase. Court advised, unless this Court is ordered to stay by the Supreme Court, we will proceed. Mr. Wall advised the Writ of Mandamus was filed on June 8 and the opinion that came down that afternoon stated, in essence, that the Writ of Mandamus was improper. This Court has said NRS 34.575.1 does not apply and four days ago the Supreme Court advised it did and directed us to file a Notice of Appeal. Court advised that statute states "if there is no criminal action pending". Mr. Wall stated the Supreme Court advised an appeal on the Writs of Habeas Corpus is proper instead of an extraordinary Writ. Mr. Wall quoted from the Robertson case. Court advised counsel have made their record and, if counsel wish, they may call the Supreme Court and advise them that this Court intends to proceed despite the notice that has been filed. State agreed with the Court and stated there are no judgments as there are no sentences on these charges and the State believes both of those provisions are applicable. Court stated, if everything was stayed on a Notice of Appeal of a Writ, it would happen everyday. COURT ORDERED, counsel have until 10:30 a.m. to get a stay. Court adjourned at 9:30 a.m.

LATER: Court advised, due to the process with the Supreme Court, COURT ORDERED, this matter will reconvene at 1:45 p.m.

2:22 P.M.--Clerk called roll of the jury panel. COURT ORDERED, Order to Show Cause to issue for badge numbers 495 and 547 who were not present. Court advised there are some minor technicalities that the Supreme Court partially took care of last week and they are, unfortunately, hearing oral arguments today and we are waiting to hear from them on other matters. Court advised the jury will be excused for the afternoon and will reconvene at 9:00 a.m. tomorrow morning. Court advised he will take no legal actions today as the defts. are not present at this time and they must be present for all proceedings. Jury excused for the day at 2:31 p.m. OUTSIDE THE PRESENCE OF THE JURY PANEL, colloquy between Court and juror 540 reference a hardship. Outside the presence of this juror, counsel advised they have no objection to excusing this juror and would waive any defect in the defts. not being present. Juror 540 present and COURT ORDERED, juror 540 EXCUSED. State's Motion to Use Reported Testimony FILED IN OPEN COURT. Court adjourned at 2:37 p.m. CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 13, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- 9:30 A.M.--Pursuant to a conference in chambers between the Court and counsel, defts. Flanagan and Moore taken back to the jail to shower and shave.

10:03 A.M.--Mr. Wall stated he believes the Court has received notice from the Nevada Supreme Court denying the Writs of Prohibition and request for stay. Secondly, there is an issue that has come up with Rusty Havens, one of the State's witnesses, who has acquired a new case and apparently absconded and was arrested last week. Mr. Wall advised it appears the Public Defender's office represented Mr. Havens before he absconded and it further appears the Public Defender's office has, to some extent, negotiated a deal for him on his new charges. Mr. Wall advised Mr. Havens case is

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on this morning before Judge Huffaker on the bench warrant return and he has left word with that deputy that he is a witness for the State and we should withdraw this morning. Mr. Wall advised, when he became aware Mr. Havens was a Public Defender client, he did not review the file and did not represent Mr. Havens in Justice Court and further believes Ms. Mounts also did not represent him. Mr. Wall advised he wanted to bring the Court's attention to the conflict and advised he does not know what we need to do to preserve the record. State concurred and advised he had not yet spoken with Mr. Havens and has not spoken with any of the deputies in his office reference the case. State advised he was informed this morning by Ms. Robinson that a deal had been struck by Ms. Maxson but he believes that deal has fallen through. State advised he has seen this sort of conflict arise before and it has always been resolved by the Public Defender getting off the case and he believes that should be done this morning. State advised he has no problem with Mr. Wall cross-examining Mr. Havens. COURT ORDERED, Rusty Havens to be brought over at 8:45 a.m. tomorrow morning and requested the State prepare a written order during the lunch hour. Arguments by counsel as to Deft. Flanagan's Motion to Prohibit Testimony of District Attorney to Summarize Witness' Prior Testimony or in the Alternative to Disqualify District Attorney's Office. Mr. Wall stated he believes this has already been determined. State advised he believes the Court has informally indicated he was going to take testimony from prior witnesses in prior penalty hearings and the State has sanitized the transcript and believes counsel have agreed to what can be used. Ms. Mounts concurred and stated it was her understanding that the Court has ruled he was going to accept that testimony and we wanted to preserve our record. Ms. Mounts advised they object to Mr. Harmon's testimony being read and advised they have confrontation rights to those witnesses. Court advised what he ruled is that the testimony of the witnesses Mr. Harmon summarized would be used if defense counsel make those objections; if it cannot be agreed upon, we will use those testimonies where there was cross-examination. Mr. Schieck joined in Ms. Mounts objections and advised it is more acceptable to use what they have agreed upon. Court stated he understands defense counsel object to Mr. Harmon's testimony and the Court has no problem with that and will sustain that objection and will use the whole testimonies of those witnesses. Mr. Schieck advised counsel have agreed to use the testimony of Mr. Harmon with Mr. Harmon's name withdrawn. Colloquy between Mr. Wall, Ms. Mounts and deft. Flanagan. Court advised he received a fax from the Supreme Court on June 12 and read the decision into the record. Ms. Mounts advised, after conferring with their client, they too will agree to use the prior testimony of Mr. Harmon that we have agreed upon, with Mr. Seaton withdrawing Mr. Harmon's name and will withdraw the objection to that testimony. Mr. Schieck advised they will also withdraw their objection. As to State's Motion to Use Reported Testimony, Court advised both sides have some people they cannot locate and, if there are no objections, the Court will grant the motions for both sides. No objections by counsel. COURT ORDERED, motion GRANTED for the State and the defense. Mr. Wall stated, apparently, the jail is under the impression that these defts. are under a sentence of death and are housed in a section that does not allow them to shower and shave. The jail has indicated if they knew from some authority that these defts. are not under a sentence of death, they would house defts. accordingly. Mr. Wall requested the Court order the jail to allow these defts. to shower and shave and be presentable for Court. Court directed the Court Services officers to advise the officials at the jail that the Supreme Court has reversed the prior sentence of death and that is why we are here, to determine their sentences and they are to shower and shave and be presentable for Court. State requested to be

allowed to expand his introduction to the jury slightly so if anything triggers the jury, they will be able to answer appropriately during voir dire. State advised he will not mention the death phase, only that these depts. have been found guilty by a prior jury. 10:31 a.m.--Clerk called roll of the jury panel. Court again directed the bailiff to speak with the Jury Commissioner and have an Order to Show Cause issue as to jurors 495 and 547 who were not present when called and were not present yesterday either. Introductions by counsel. Jury selection proceeded. OUTSIDE THE PRESENCE OF THE JURY PANEL, colloquy between Court and Mr. Wall as to the question asked by Mr. Wall as to whether a juror had an opinion of the criminal justice system and why the Court stopped that line of questioning. Court adjourned for lunch at 12:22 p.m. 1:48 p.m.--Clerk called roll of the jury panel. Jury selection continued. Court admonished the panel not to talk during proceedings. Jury admonished and excused for the evening at 4:18 p.m. to reconvene at 9:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Court advised counsel not to ask the same questions the Court does, however, sometimes counsel hears something in a voice the Court does not hear and that may be pursued but do not go down the same list of questions. Colloquy between Court and counsel as to jury instructions. Court advised he wants jury instructions on Thursday morning. Court advised counsel to be here at 8:45 a.m. on the Havens issue. Court adjourned at 4:20 p.m.

CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 14, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 14, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 9:05 a.m. OUTSIDE THE PRESENCE OF THE JURY, witness Rusty Havens present in custody with a District Attorney investigator. Mr. Wall advised they were aware Mr. Havens was going to testify and gave a chronology of events. Mr. Wall advised the Public Defender had represented Mr. Havens before the bench warrant was issued in Dept. IX. The Public Defender negotiated the case and Mr. Havens was scheduled to plead guilty when he failed to appear and a bench warrant was issued. Mr. Havens was in Dept. IX on a bench warrant return earlier this week and Mr. Wall advised he had instructed the Deputy Public Defender to withdraw from the case and he believes they did withdraw yesterday and Mike Davidson was appointed. Mr. Wall advised there

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could be the appearance of a conflict of interest and one of the areas of cross-examination would be the benefits of his testimony. Mr. Wall advised he was not present when the case was negotiated and does not know the underlying facts of the case. Upon Court's inquiry, Mr. Wall advised, to his knowledge, there is nothing in this case that has anything to do with the case before Judge Huffaker and he believes they are fairly recent charges. Court advised he does not see any conflict, however, COURT ORDERED, matter CONTINUED to tomorrow morning at 8:45 a.m. and Mr. Havens to be present with his attorney, Mike Davidson, and we will take up any conflict issues at that time. State advised there was a motion brought by the defense asking the State to divulge any favorable treatment any witnesses have received and, as to this witness, State would concur with what Mr. Wall stated. State advised he learned about Mr. Havens' arrest late last week and, prior to that time, he had never spoken to Mr. Havens or any deputy in his office reference that case. State further advised he believes a deal was struck down in Justice Court and no deputy was aware of Mr. Havens' preparedness to testify in this matter as he was not subpoenaed yet. State advised he has instructed the other deputies, whether Mr. Havens adheres to this deal or the case is redealt, they are not to take this case into consideration and, if this witness makes himself unavailable, the State will use his transcript testimony. Court requested the DA's investigator contact Mr. Davidson as to the hearing tomorrow. Investigator acknowledged. Juror 496-Pearlstein met with the Court prior to the other panelists being brought in and was excused for cause. 9:22 a.m.--Clerk called roll of the jury panel; counsel stipulated to the presence thereof. Jury selection continued. Court reconvened after the lunch hour at 1:58 p.m. Clerk called roll of the jury panel; Court advised juror 520 is excused due to illness. Counsel stipulated to the presence of the jury panel. Jury selection continued. Court admonished the jury panel and excused them for the evening at 3:52 p.m. to reconvene at 9:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Mr. Schieck renewed his challenge of juror 432-Jacintho and advised he wanted the Court to be clear on his position, especially now that we have the transcript of exactly what he said. Colloquy between Court and Court Recorder reference a typographical error in the transcript. Mr. Schieck directed the Court to the portion of the transcript in question and stated his position is that the juror's answers to his questions are unequivocal and advised he did not have time to get into all the questions the State asked to rehabilitate this juror. COURT ORDERED, Court will meet with counsel at 8:45 a.m. to go over this and that will give the State and the Court time to review it.

CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 15, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 15, 1995**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 8:48 a.m. OUTSIDE THE PRESENCE OF THE JURY. Witness Rusty Havens present in custody with Mike Davidson, ESQ. Court advised he received case law from Ms. Mounts this morning which the Court has read. Mr. Davidson advised he has not confirmed as counsel yet as he just received a call yesterday from Judge Huffaker advising he was appointed and he has not had time to speak with Mr. Havens. Court advised Mr. Havens has testified in the past and the Court wishes to make the record clear of any possible conflict. Upon Court's inquiry, Mr. Davidson advised he can confirm as counsel. Mr. Wall again advised of the circumstances causing the Public Defender to withdraw and, because a possible conflict may appear in the record, he does not know if deft.

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Flanagan needs to waive any defect. Mr. Davidson advised he has not discussed with Mr. Havens whether he wants to claim a conflict because the Public Defender represented him in the past, however, he does not see a prospective problem. Court advised Mr. Davidson to take some time this morning and discuss it with Mr. Havens. If Mr. Havens does not want to take the stand, the Court needs to know as soon as possible. Court advised Mr. Davidson to inform the Court tomorrow morning; the State has already advised yesterday that there are no deals concerning this case. Mr. Wall stated that is only as to Mr. Seaton's knowledge. Court advised Mr. Wall can ask his people if there were any negotiations concerning this case which requires a yes or no answer and that is not a conflict of interest; you cannot make an intelligent decision in a vacuum. State advised he learned this morning from Kim Maxson, DDA, that she is probably going to offer Mr. Havens the same deal she offered before which is an Attempt Burglary and State will make no recommendation. State advised he instructed her again that no negotiations should be made concerning this case. Conference at the bench. Mr. Davidson left to speak with Mr. Havens in the hall. Court advised he had a renewed motion as to the juror in seat #2, Jacintho, after reading the transcript of what he said. Mr. Schieck read parts of the transcript into the record. Mr. Wall and Ms. Mounts joined in Mr. Schieck's challenge. Court advised he has read some of that transcript and, there being no objections, COURT ORDERED, Juror 432-Jacyntho excused for cause. 9:09 a.m.—Clerk called roll of the jury panel. Jury selection continued. 11:37 a.m.—OUTSIDE THE PRESENCE OF THE JURY, Mr. Davidson appeared and advised Mr. Havens is prepared to testify. Upon Court's inquiry, Mr. Davidson advised he does not know of any negotiations involving this case. Mr. Wall inquired if it is the Court's ruling that there is not a significant conflict in representing deft. Flanagan and cross-examining a former client of the Public Defender's office. Court advised that is his ruling. Mr. Wall advised it has come to his attention that juror 434-Guerra has an outstanding bench warrant right now for contempt of court and he does not have any idea what the facts are. Court directed the State to check into the bench warrant during the lunch hour. Mr. Davidson advised he has spoken with the State as he is concerned with anything his client testifies to being used against him and the State advised they will not be using anything against him and are willing to make that statement on the record. State concurred. Colloquy between Court and counsel as to when Mr. Havens will testify. Court advised he will have the State call when Mr. Havens is up to testify. Court read from the Supreme Court opinion submitted by Ms. Mounts. Court convened after the lunch hour at 1:44 p.m. OUTSIDE THE PRESENCE OF THE JURY. Court advised when we stopped this morning we had information that one of our jurors has a bench warrant outstanding. State advised juror 434-Guerra had a 1982 failure to appear bench warrant that is no longer active and there is nothing in the system for him at this time. Matter submitted by counsel. Court stated, based on what the State informs him, it is a moot question now. 1:50 p.m.— Clerk called roll of the jury panel. Jury selection continued. Court admonished the jury and excused them for the evening at 4:21 p.m. to reconvene at 9:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Mr. Schieck advised, in reviewing the questionnaires, they know that juror 526-Chase belongs to an organization that advocates abolishing the death penalty and the State will probably exercise a challenge for cause. After that is juror 527-Gardner who has advised he spoke with his father who was a juror on the original trial and has the appearance of impropriety. Mr. Schieck stated he believes we are asking for error if he sits on the jury as he has already violated the admonition of the Court not to discuss the case with anyone and his father heard alot of evidence that is improper in this trial and he has also heard the

prosecutorial misconduct that has been condemned by the Supreme Court. Mr. Schieck moved the Court to reconsider the challenge of juror 527. Mr. Wall joined in the motion. State advised it is the Court's prerogative, however, he will join in the form of a stipulation. Court stated he believes this case was discussed after the verdict was in when juror 527 was 15 years of age and the Court is sure this juror knows they received the death penalty then and knows it now. Court advised he has no problem with Mr. Schieck's motion. State advised perhaps the Court could also excuse juror 526 who advocates abolishing the death penalty. Mr. Schieck advised he will not stipulate to that as he wants to make sure she has not changed. Colloquy between Court and counsel as to jury instructions. Court adjourned at 4:29 p.m.
CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 16, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 9:08 a.m. OUTSIDE THE PRESENCE OF THE JURY. Mr. Schieck inquired how many alternates there will be and how many peremptory challenges they will get and requested each deft. get a challenge. Court advised there will be two alternates and each side will get one peremptory challenge. Mr. Wall joined in Mr. Schieck's motion. State advised statute provides for the defense to get one when there are only two alternates and these defts. should share their challenge. COURT ORDERED, Mr. Schieck's motion is DENIED. Court advised, as to Juror 527, he will be left on the panel until he is called and the Court will inform him that because of his previous voir dire he is going to be excused. Mr. Schieck requested a break be taken after jury selection and

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prior to witnesses as the evidence is not down here yet and they need to organize it. State advised he received from Mr. Wall this morning a report from Dr. Etcoff and has not had a chance to read much but would note the interview took place as late in the proceedings as last Friday. State advised Mr. Wall has been informing the State what is going on but we did not get a report until today and the State may need to do something in response to this in the form of another medical person. State advised his desire would be to simply cross-examine the psychologist and leave it at that. State advised he needs to know how this will hurt the State's position and will let the Court know Monday morning. Court advised the State to let the Court know today as it would delay the trial 2-3 days if the State needs a medical person to examine deft. Flanagan. State advised he will do his best to work around the problem. COURT ORDERED, based on what the Court just heard, there will be four alternates and each side will get two peremptory challenges. Conference at the bench. 9:16 a.m.-- Clerk called roll of the jury panel. Jury selection continued. Jury and alternates sworn. Preliminary instructions given by the Court. Opening statements by counsel. Testimony and exhibits presented. (See worksheets.) Court admonished the jury and excused them for the day at 12:50 p.m. to reconvene at 10:00 a.m. Monday morning. OUTSIDE THE PRESENCE OF THE JURY, Court advised he has been given what purports to be jury instructions and returned them to the State to hold until they are needed. State addressed the psychiatric report and advised he has been able to read only about half and one of the problems with this is no questions were asked of the jury as to training in psychiatry that would usually be asked in a defense of insanity. Court advised we will address this issue on Monday morning. Court advised, for the record, new markings will be used on the evidence for this hearing. Court adjourned at 12:54 p.m.

CUSTODY (BOTH)

CONTINUED TO: 6-19-95 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 19, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 19, 1995**10:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 10:10 a.m. OUTSIDE THE PRESENCE OF THE JURY. State advised, at the end of last week, the Court suggested he take the weekend to study Dr. Etcoff's report and be ready to discuss the difficulties. State advised there are some difficulties, however, he believes they are resolvable and he has been made aware that the best thing the State could have is the raw data that came from Dr. Etcoff's examination of deft. Flanagan. Flanagan was given several tests and the State needs the answer sheets to these and also needs the raw data. In essence, the State needs the whole case file including the doctor's notes. State moved the Public Defender obtain that information and turn it over to the District Attorney's office as soon as possible, hopefully by the end of the work day

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today, and, if he receives this data, the State can go forward. State further advised if there have been any prior examinations from 1984 on, the State needs those to compare and contest. State advised he has been prejudiced greatly by this and believes, if he can obtain this information, the prejudice will be lessened to a degree where the State can go forward. Court advised the allegation of prejudice is the timeliness of it, waiting until the 9th of June, on the verge of trial. Mr. Wall advised it would have been almost impossible to have the psychiatrist of choice travel to Ely or to have the deft. travel here for an examination. Further, Mr. Wall advised they have never seen another psychiatric examination, however, deft. Flanagan indicates there may have been a general competency examination done in 1985. As to the raw data, Mr. Wall advised that is not in their possession, however, they can contact Dr. Etcoff over the lunch hour. Court strongly urged the State to serve Dr. Etcoff a subpoena duces tecum to have those records produced by the end of the day. State advised Dr. Etcoff may be hard to get ahold of and requested the Court also order the Public Defender to contact Dr. Etcoff over the noon hour. COURT ORDERED, the Public Defender to call Dr. Etcoff and advise him the Court wants that information. Court also suggested the State have a law clerk, if they have one, go through the Court's file as there may be a report in there if one was ordered. Mr. Schieck advised in the Saturday Review-Journal newspaper there was an article written by Carrie Geer that makes reference to the fact these defts. were sentenced to the death penalty and to the reversal. Mr. Schieck requested the Court inquire of the jurors if they saw the article. Court stated the record will reflect, the Court has a copy of the Saturday, June 17, Review-Journal and appearing on page 9B is the article. Court directed the bailiff to make copies of the article for counsel. Court further advised for the record, the Court did receive a copy of Dr. Etcoff's evaluation that appears to have been dated 6-13-95. 10:31 a.m.--Clerk called roll of the jury; counsel stipulated to the presence thereof. State advised he is going to put on Dr. Green's testimony today and he is out of the jurisdiction. State advised he has brought in two persons from the District Attorney's office to read Dr. Green's testimony from the last hearing and he will show the pictures to the jury that Dr. Green showed during his prior testimony. Further testimony and exhibits presented. Jury admonished and excused for lunch at 11:59 a.m. OUTSIDE THE PRESENCE OF THE JURY, Court advised witness John Lucas to return at 2:00 p.m. and he was excused. Mr. Wolfbrandt advised this witness has advised he had to spend the last seven months he was in prison in lock down because of having a snitch jacket for testifying in this matter and Mr. Wolfbrandt wants to explore this witness's prior convictions as they include lewdness with a minor for which his probation was revoked for soliciting a minor for acts against nature. Ms. Mounts joined in the motion. State argued defense counsel just want to prejudice this witness more than he already is. If they inquire if he had to go into protective custody for any other reason than this case and the answer is no, that is the end of the line of questioning. Ms. Mounts advised this witness did receive a benefit from his testimony in this case, he received probation on a felony offense. COURT ORDERED, the question Mr. Seaton suggested will be allowed. Mr. Wolfbrandt advised the witness advised he had to go into closed custody because of threats. Court advised he will allow a certain latitude. State advised Mr Davidson is here and Court Services has brought over Mr. Havens and he is the next witness. Mr. Davidson advised he will rearrange his appointments to be here at 2:00 p.m. Court adjourned at 12:08 p.m. for lunch. 2:12 p.m.--Counsel stipulated to the presence of the jury. Further testimony and exhibits. Court admonished the jury and excused them for the day at 3:53 p.m. to reconvene at 10:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, witness John Lucas not being present when called to testify after lunch, Court directed the State to

have their investigator attempt to find Mr. Lucas tonight and, if he is not found, the Court expects to have a bench warrant awaiting his signature. Court adjourned at 3:55 p.m.

CUSTODY (BOTH)

CONTINUED TO: 6-20-95 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 20, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 20, 1995**10:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 10:21 a.m. Clerk called roll of the jury; counsel stipulated to the presence thereof. Further testimony and exhibits. Jury admonished and excused for lunch at 11:49 a.m. OUTSIDE THE PRESENCE OF THE JURY, colloquy between Court and counsel as to the reading of certain testimony into the record and the remaining witnesses. 1:53 p.m.--Counsel stipulated to the presence of the jury. Pursuant to prior discussions with the Court, State read the sentencings into the record from the Judgments of Conviction of co-defts. Lockett, Ray and Walsh resulting from the 1985 trial. State rested. Mr. Schieck advised some of the defense witnesses are joint witnesses and pertain to both defts. Court advised counsel to inform the Court if they are a joint or singular witness. State

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invoked the exclusionary rule. Further testimony and exhibits. Court admonished the jury and excused them for the day at 3:49 p.m. to reconvene at 11:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Court advised counsel the only evidence that will go back to the jury is evidence admitted in this hearing and NOT everything from the trial. State advised he has been operating under the assumption that all the evidence would go back as that happened at the last hearing, however, he will move to admit it all tomorrow in front of the jury. Further, State advised he has provided the Court with Homick and Guy relating to allocution and the State wants counsel to be aware that the law is radically different than it was the last time. State moved the Court address the defts. and how they are limited pursuant to Homick. Court advised he will do that tomorrow morning after reading Homick and Guy. Mr. Schieck advised his position will probably be that these cases do not apply as they happened after this case. Court advised he will hear from counsel tomorrow after he has read these cases. Court adjourned at 3:53 p.m.

CUSTODY (BOTH)

CONTINUED TO: 6-21-95 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 21, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 21, 1995**11:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 11:23 a.m. OUTSIDE THE PRESENCE OF THE JURY. Court stated we left last night with a question concerning allocution and as soon as the jury is excused for lunch today we will argue that point. Court further advised he has read Guy and Homick. 11:26 a.m.--Clerk called roll of the jury; counsel stipulated to the presence thereof. Further testimony and exhibits. Jury admonished and excused for lunch at 12:24 p.m. OUTSIDE THE PRESENCE OF THE JURY, Court advised counsel and defts. to be back at 1:30 p.m. to argue the allocution. Colloquy between Court and counsel as to when closing arguments will be. Court adjourned for lunch at 12:27 p.m. Court reconvened at 1:41 p.m. OUTSIDE THE PRESENCE OF THE JURY. Mr. Schieck advised his position

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is the right of allocution as it existed at the time of the original trial is the law in this case. The Homick and Guy decisions were rendered after the trial and after the second penalty hearing. Mr. Schieck argued it would be a violation of due process to allow the State to benefit from the change in the law. Upon Court's inquiry, both defense counsel advised they do not have any case law. Mr. Wall joined in Mr. Schieck's argument. State argued he believes defts' position is misplaced and the Court should follow the law as it is today. Court read from Homick and Guy decisions into the record. Court advised defts. Flanagan and Moore of their right to make a sworn or unsworn statement and advised an unsworn statement may be made as to mercy and other matters that do not attempt to contradict the evidence in the case. Mr. Schieck advised he wishes to make a record as to what deft. Moore would have said if the Court had not ruled in accordance with Homick and would like to do so after deft. has made his statement. Court advised counsel may do that. Upon Court's inquiry, State provided jury instructions to the Court. Court advised there is one instruction objected to. Court read the instruction and advised he does not intend to give that instruction at this time. Mr. Schieck made a record as to why he wanted that instruction. Ms. Mounts joined in with Mr. Schieck. State advised the law in this state is the verdict cannot be influence by sympathy or public opinion; the jury can use its powers of mercy if they want but not sympathy. Court advised he is not going to give that instruction as proffered by the defense. Mr. Wall brought to the Court's attention the instruction that states the jury will receive all the evidence from the trial. Colloquy between Court and State. State advised he had contemplated last night moving to admit all the evidence introduced in this hearing, however, if we move to admit ALL the evidence, we would have to go through it very carefully so as not to introduce evidence that caused the reversal in this case. Mr. Wall suggested the language as to the evidence from the trial be taken out. State argued the jury has heard about all the evidence and he believes they are entitled to all the evidence. Court advised that would mean this case would not go to the jury today and counsel would have to very carefully go through the evidence. State advised he will have one short rebuttal witness, Chaplain Al Fry, from the prison and he will make this witness available to opposing counsel this evening. Further, State advised back in 1984 or 1985 there was no such thing as a victim impact statement and he was not in touch with anyone. In going through the file there was a name, Patricia Campbell, who is deft. Flanagan's aunt, his mother's sister and the victims' daughter, and she is coming from Florida ready to testify and State moved to re-open his case-in-chief. Court reserved ruling on that motion until after defense counsel's case-in-chief. 2:10 p.m.--Counsel stipulated to the presence of the jury. Further testimony and exhibits. OUTSIDE THE PRESENCE OF THE JURY, Court advised the State has suggested he wants to use the mother's sister for a victim impact statement. Court advised counsel to reread Homick from pages 135-136. Court advised he will not hear anything on it today, however, prior to the jury coming back tomorrow, we wil revisit this issue. 3:28 p.m.--Counsel stipulated to the presence of the jury. Further testimony by Dr. Etkoff. Court admonished the jury and excused them for the evening at 4:59 p.m. to reconvene at 10:15 tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Court stated he has advised Mr. Schieck he would not allow his client to testify to anything that is not within Homick and Guy. Court advised he will allow Mr. Schieck to put deft. Moore on the stand and say what he would say if the Court let him say whatever he wants. Colloquy between Court and deft. Moore for clarification. Court advised, under Homick, deft. can express remorse and plead for mercy but he cannot attempt to contradict the evidence presented in the case. Mr. Schieck advised the only area of concern is the truthfulness of Wayne Wittig which is contained

in the allocution from 1989. Other than that, deft. Moore will only talk about mitigation and rehabilitation. Statement by deft. Moore as to what he intends to say in his allocution. Colloquy between Court and deft. Moore. Statement by deft. Moore as to what he would have said about Wayne Wittig and actually catching Wittig in bed with his wife and that the incident with the truck Wittig testified to is made up. COURT ORDERED, this will not be submitted to the jury. Colloquy between Court and Mr. Schieck as to the law on allocution. Mr. Schieck advised he is satisfied with the record. Mr. Wall advised in his discussions on allocution with deft. Flanagan they in no way violate Guy or Homick. Court adjourned at 5:11 p.m.

CUSTODY (BOTH)

CONTINUED TO: 6-22-95 10:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 22, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 22, 1995**10:15 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES

- Court convened at 10:47 a.m. OUTSIDE THE PRESENCE OF THE JURY. Mr. Wolfbrandt advised he intends to make a motion at the end of the trial and the case still has rebuttal. Mr. Wall inquired if the Court wishes to rule this morning on whether the State can re-open its case to introduce victim impact testimony. Court advised he would hear from counsel. State advised this particular witness was not learned about or able to be in town until after the close of the State's case. This witness is the daughter of the couple that was killed and the aunt of deft. Flanagan. State argued he believes this witness has some very cogent things about the family the jury needs to hear. State advised her testimony has rebuttal value as she can comment and expand on the family life of the Gordons and

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the defense has had plenty of time to find out about her. State advised he has made this witness and Chaplain Fry available to the defense and, whether on the grounds of rebuttal or letting the State re-open its case, the State would request the Court allow this witness to testify. Mr. Wall advised they became aware of this witness at 1:00 p.m. yesterday and do not believe the State should be allowed to re-open for a victim impact statement, however, if it is rebuttal, he has no problem with it. Mr. Wall advised, as a victim impact statement, he believes Payne overruled Booth and, because it is new law and prior hearings were reversed because of prosecutorial misconduct and because Judge Mosley allowed improper evidence to come in, Mr. Wall stated he believes this is not admissible now as it was not admissible then. Mr. Schieck joined in Mr. Wall's argument and provided case law in Amunds to the Court. State advised Mr. Wall has disparaged his character and claimed he withheld a powerful witness to the end and advised the circumstances of finding this witness who was reluctant to come. State referred back to the circumstances under which Mr. Wall called Dr. Etcoff who did not examine deft. Flanagan until June 9 and the State did not receive a report until Friday. Court advised he will not permit counsel to make personal comments about each other in his court and advised counsel, if they believe a lawyer is that bad, they should file a complaint with the Bar and get rid of him. Court advised counsel to stick to the law and be professional or get out of the business. COURT ORDERED, State's motion to re-open for a victim impact statement is DENIED as the State is required to give notice. Court advised the State had another motion to re-open to admit all the evidence in light of one of the jury instructions and ORDERED, that will be allowed. Court reminded counsel the exclusionary rule is still in effect and requested counsel police the courtroom for their witnesses. Colloquy between Court and counsel as to jury instructions. 11:18 a.m.--Clerk called roll of the jury; counsel stipulated to the presence thereof. Deft. Randolph Moore made an unsworn statement. Mr. Schieck rested. Deft. Dale Flanagan made an unsworn statement. Mr. Wall rested. State moved to admit all of the evidence that was admitted during the trial stage of this case. Conference at the bench. There being no objections, COURT ORDERED, motion GRANTED. State advised he has copies of the verdicts from the original trial indicating these defts. were found guilty of the various crimes they were charged with and moved for their admission. There being no objections, COURT ORDERED, GRANTED. State rested. OUTSIDE THE PRESENCE OF THE JURY, Jury Instructions settled on the record. 12:12 p.m.--Clerk called roll of the jury; counsel stipulated to the presence thereof. Court read instructions to the jury. Closing arguments by counsel. At the hour of 2:28 p.m. this date, jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY, Mr. Wall advised the Court had already ruled on the admissibility of the prior sentences of the other defts. and believes of that he did not object when the State raised them in closing arguments but would reserve a contemporaneous objection. Court inquired of defts. Flanagan and Moore if they are satisfied with the services of counsel to which both defts. responded in the affirmative. LATER: On the record, defts. and counsel not present. Court advised it is now 5 minutes of 8:00 and the jury has not reached a verdict so we will stop for the day. Court admonished the jury and excused them for the evening at 7:55 p.m. to reconvene at 8:45 a.m. tomorrow morning. CUSTODY (BOTH)
CONTINUED TO: 6-23-95 8:45 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 23, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

June 23, 1995**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS -
PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
DEBRA WINN
Heard By: Addeliar
Guy, III**

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

Koot, William T.	Attorney
Moore, Randolph	Defendant
Schieck, David M.	Attorney
Wolfbrandt, William L.	Attorney

JOURNAL ENTRIES

- 10:46 A.M.--Clerk called roll of the jury; counsel stipulated to the presence thereof. At the hour of 10:46 a.m. this date, jury returned with VERDICTS OF DEATH FOR COUNT VI and DEATH FOR COUNT VII AS TO BOTH DEFTS. FLANAGAN and MOORE. Jury polled at request of the Court. Court thanked and excused the jury at 11:06 a.m. Colloquy between Court and counsel as to a sentencing date. Court advised the State to advise P&P this will only be an update as there are PSI reports on file and defts. have been in prison.

CUSTODY (BOTH)**7-11-95 9:00 AM SENTENCING (BOTH)**

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 11, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

July 11, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 7-11-95
Court Clerk: TINA
HURD
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Addeliar Guy, III**

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

Moore, Randolph

Defendant

Schieck, David M.

Attorney

Seaton, Daniel M.

Attorney

Wolfbrandt, William L.

Attorney

JOURNAL ENTRIES**- SENTENCING - COUNTS VI & VII (DEFTS. FLANAGAN & MOORE)**

John Delvillan of the Division of Parole & Probation present. Court advised he received a call yesterday from Ms. Mounts advising the Court she has not received a PSI report. Ms. Mounts concurred and stated she believes the file was never referred to P&P. Court read from a Supreme Court case that states a supplemental report is not required on a re-sentencing. Court further advised the jury has decided and a PSI report is not required. Mr. Wall advised P&P usually calculates the credit for time served. Court advised these depts. have been in prison for at least ten years and the Court will be happy to give them whatever time they have coming. Court read the Judgment of Conviction and Order of Execution for deft. Flanagan into the record. Mr. Wall advised he has an

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Order to stay the execution. Court advised he does not usually stay executions, he leaves that to the Supreme Court, however, in this case, the Court will sign it. Stay of Execution for deft. Flanagan signed in open court. COURT ORDERED, matter CONTINUED to August 15 to see if the appeal has been perfected and for the calculation of credit for time served. Court advised defts. need not be present. Deft. Flanagan waived his right to be present for the status check. Ms. Mounts stated she wishes to bring to the Court's attention that they spoke with a number of the jurors and they expressed a distaste that the defts. did not show any remorse. Ms. Mounts advised the defts. have not had a chance to pursue post-conviction relief and they could do little else. Court finding errors in the orders brought to the Court for this hearing, COURT ORDERED, this hearing continued to 11:00 a.m. as to both defts, there being errors in deft. Flanagan's orders also. Court directed the State to contact Mr. Wall and Ms. Mounts and have them back as well.

11:15 A.M.--Matter recalled with all present as before except Mr. Wall. Court advised there were typographical errors in the paperwork stating the convictions were reversed, which they were not, only the penalty was reversed and remanded. Court read into the record only the part of the order that was corrected and advised the Warrant of Execution is correct. Ms. Mounts had no objections and waived the reading of the documents over again. Court read the Judgment of Conviction, Order of Execution and Warrant of Execution for deft. Moore into the record. Mr. Schieck advised he will submit a stay of execution this afternoon and moved to be appointed as counsel on appeal. COURT SO ORDERED. Mr. Schieck inquired if the Court needs to rule on concurrent or consecutive time in case a later jury gives them Life. State advised they believe everything should be consecutive. Court advised that has already been determined by prior judges, however, as to these two counts, COURT ORDERED, Counts VI and VII will be CONSECUTIVE. Deft. Flanagan's counsel not being present at this point, State advised this ruling should be the same for deft. Flanagan and perhaps his counsel can raise it on the 15th. Both defts. waived their presence for the hearing on August 15. Judgments of Conviction, Orders of Execution and Warrants of Execution as to both defts. signed and FILED IN OPEN COURT.

NDP (BOTH)

8-15-95 9:00 AM STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 15, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

August 15, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8-15-95
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
DEBBIE WINN
Heard By: James
Brennan**

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

Owens, Steven S.
Schieck, David M.
Seaton, Daniel M.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- STATUS CHECK: CREDIT FOR TIME SERVED...PERFECTION OF APPEAL (BOTH)
AS TO DEFENDANT FLANAGAN: Mr. Wall advised appearance of Defendant waived, both Defendants were sentenced to the death penalty on July 11, and execution set for the week of August 27. He further advised the notice of appeal was filed on August 9, the stay has been served, and he received a FAX that they had received the order for stay. Mr. Wall calculated the credit for time served as of July 11, to be 3,866 days that Defendant was in custody. Mr. Owens advised he had not tried to compute the days as he thought the Division of Parole and Probation would do that, and Mr. Seaton advised he would want P & P to do it.

AS TO DEFENDANT MOORE: Mr. Schieck advised he also thought P & P would do the calculating on credit for time served, and Mr. Moore would have thirty days less than Mr. Flanagan. Court read

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from the minutes that Defense was to figure the Credit For Time Served. Mr. Schieck stated it was his mistake and advised that the stay and appeal have been perfected. COURT ORDERED, matter CONTINUED and Counsel to have correct time calculated.

NCP (BOTH)

CONTINUED TO: 8-17-95 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 17, 1995**

85C069269-2

The State of Nevada vs Randolph Moore

August 17, 1995**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8-17-95
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
James Brennan**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL (FLANAGAN)...
STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL (MOORE)

AS TO DEFENDANT FLANAGAN: Ms. Mounts advised the perfection of appeal was taken care of at the last court date for both Defendants and the Credit For Time Served in the amount of 3,866 DAYS given by Mr. Wall was correct. State concurred. COURT SO ORDERED.

AS TO DEFENDANT MOORE: Mr. Owens stated they were in agreement with the number of days calculated and provided by Mr. Schieck, which is 3,853 DAYS. COURT SO ORDERED.

Presence of Defendants waived as they are in the Nevada Department of Prisons.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 20, 1996**

85C069269-2

The State of Nevada vs Randolph Moore

February 20, 1996**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (02-20-96)
Court Clerk: SUSAN
BURDETTE/sb
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Michael Douglas**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ... DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Deft. not present; Ms. Melia not present. Mr. Owens stated he will submit it on State's Motion.

COURT ORDERED, Deft's Pro Per Petition for Writ of Habeas Corpus DENIED, good cause not appearing for the late filing. COURT FURTHER ORDERED, previously appointed counsel is RELIEVED as to her APPOINTMENT as COUNSEL; Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis GRANTED. State to prepare the Order.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 12, 1996**

85C069269-2

The State of Nevada vs Randolph Moore

March 12, 1996**9:00 AM****Motion for Appointment**

**DEFT'S PRO PER
MOTION FOR
APPOINTMENT
OFCOUNSEL Court
Clerk: JOYCE
BROWN
Reporter/Recorder:
ANITA SPRINGS-
WALKER Heard By:
Michael Douglas**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 01, 1998**

85C069269-2

The State of Nevada vs Randolph Moore

June 01, 1998**9:00 AM****Motion**

**DEFT'S MOTION
FOR FEES IN
EXCESS OF
STATUTORY
ALLOWANCE AND
FOR EXPENSES
Court Clerk: SUSAN
BURDETTE/sb
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

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

De La Garza, Melisa
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Deft. not present. Court noted he did not receive an Opposition. Ms. DeLaGarza concurred, and advised the State has no opposition. COURT ORDERED, Motion GRANTED in the amount of \$5,494.07. Order signed in Open Court.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 04, 1998**

85C069269-2

The State of Nevada vs Randolph Moore

June 04, 1998**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6-4-98
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
SUZY NICHOLS
Heard By: Myron
Leavitt**

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

Schieck, David M.
Silver, Abbi

Attorney
Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S REQUEST FOR APPOINTMENT OF COUNSEL FOR POST-CONVICTION
RELIEF...DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS

Mr. Potter advised he had substituted into the case for Defendant Flanagan. COURT ORDERED
matter CONTINUED for Judge Douglas.

NDP (BOTH)

CONTINUED TO: 6-11-98 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 11, 1998**

85C069269-2

The State of Nevada vs Randolph Moore

June 11, 1998**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (06-11-98)
Court Clerk: SUSAN
BURDETTE/sb
Reporter/Recorder:
DEBRA WINN
Heard By: Michael
Douglas**

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

De La Garza, Melisa
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S REQUEST FOR APPOINTMENT OF COUNSEL FOR POST-CONVICTION RELIEF ... DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS
AS TO DEFT. FLANAGAN'S REQUEST FOR APPOINTMENT OF COUNSEL FOR POST-CONVICTION RELIEF: Deft. not present. David Newell, Esq., present. Mr. Potter stated Mr. Miller was previously counsel for Deft.; he was approached by Mr. Miller pursuant to an ABA Program to get involved in this case and noted David Newell from Oregon will be coming in. He further noted the guilt phase has never been challenged; there are about 25 boxes that counsel will need to go through; he requested six (6) months to review the boxes and file any necessary Petitions. Mr. Miller stated the Motion was filed May 25, and should be in the file. Upon Court's inquiry, Mr. Potter stated his request is only as to Deft. Flanagan. COURT ORDERED, Mr. Potter APPOINTED as COUNSEL for Deft. Flanagan based on representations there would not be a conflict; Mr. Miller RELIEVED as

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Minutes Date: February 25, 1985

COUNSEL.

AS TO DEFT. MOORE: Mr. Schieck stated he has represented Deft. Moore since 1968; there have been three (3) penalty hearings in this case and three (3) adjudications of death in those penalty hearings; noted Deft. Moore is not concerned with challenging the penalty phase but what happened in the trial, and wishes for him to continue representing him. He further stated that six (6) months is not enough time to review and file Supplemental Petitions. Court found that based on the representations and number of times this matter has gone to the Supreme Court, ORDERED, matter set for STATUS CHECK as to all matters.

NDP (BOTH)

11-25-98 9:00 AM STATUS CHECK: SUPPLEMENTAL MOTIONS/PETITIONS ... DEFT
FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS ... DEFT MOORE'S PETITION FOR
WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 24, 1998**

85C069269-2

The State of Nevada vs Randolph Moore

August 24, 1998**9:00 AM****Motion**

**DEFT'S PRO PER
MOTION FOR
PRODUCTION OF
DOCUMENTS Court
Clerk: JOYCE
BROWN
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Savage, Darin

Attorney

JOURNAL ENTRIES

- Court advised this was a 1985 sentencing; the Attorney of record, Mr. Handfuss, was not in the directory for Defendant, who has requested copies of documents; he is allowed to have transcripts etc; however, because of the difficulty in this being in 1985, and no stated reason for asking for the material, COURT ORDERED motion DENIED. Court further advised the Defendant needed to state specificity for wanting the documents. State to prepare the order.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 25, 1998**

85C069269-2

The State of Nevada vs Randolph Moore

November 25, 1998**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (11-25-
98) Court Clerk:
JOYCE BROWN
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

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

Bauer, Elizabeth B.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S REQUEST FOR APPOINTMENT OF COUNSEL FOR POST-CONVICTION RELIEF...DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT FLANAGAN'S REQUEST FOR ASSOCIATION OF COUNSEL...DEFT MOORE'S REQUEST FOR ASSOCIATION OF COUNSEL...STATUS CHECK: SUPPLEMENTAL MOTIONS/PETITIONS (BOTH)

Court advised there were a number of things pending; Court did not have a response from State; as to issues before the Court, the primary motion as to appointment of Counsel, Mr. Potter had advised there was no opposition and COURT ORDERED motion GRANTED; Deft Flanagan's Request for Association of Counsel GRANTED. Order signed in open Court. Mr. Potter requested an additional six months as they were trying to get additional information from Juvenile.

As to Deft Moore's Request for association of Counsel, Mr. Schieck advised there was no motion pending. COURT ORDERED matter OFF CALENDAR.

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Minutes Date: February 25, 1985

As to Defts' Flanagan and Moore's Petition For Writ of Habeas Corpus, time was needed to file whatever supplemental points were needed. These to be filed by May 26, 1999, and COURT ORDERED matter set for Defts' Submission of Supplemental Points on Writ of Habeas Corpus on May 27, 1999, and they would set a date at that time for the State to respond.

NDP (BOTH)

5-27-99 9:00 AM DEFTS' SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS...DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 17, 1999**

85C069269-2

The State of Nevada vs Randolph Moore

May 17, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (05-17-99)
Court Clerk: SUSAN
BURDETTE/sb
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- HEARING: DEFT'S EX PARTE MOTION FOR CORONER'S RECORDS ... HEARING: DEFT'S EX PARTE MOTION FOR REIMBURSEMENT AND WAIVER OF COUNTY RECORDS CHARGES ... HEARING: DEFT'S EX PARTE MOTION FOR SOCIAL HISTORIAN INVESTIGATION FUNDS ... HEARING: DEFT'S EX PARTE MOTION FOR PRISON ACCESS ... HEARING: DEFT'S EX PARTE MOTION FOR NEUROPSYCHOLOGICAL EXAMINATION FUNDS ... HEARING: DEFT'S EX PARTE MOTION RELEASE OF JUVENILE RECORDS

Deft. not present. Court noted the nature of these matters and what is being asked for.

AS TO DEFT'S EX PARTE MOTION FOR CORONER'S RECORDS: COURT ORDERED, Motion GRANTED with the exception of the negatives; if that becomes an issue, the Court will reconsider and order the negatives be available for review if determined appropriate by counsel; ALL OTHER INFORMATION, REPORTS AND BENCH NOTES as well as RAW DATA to be AVAILABLE.

AS TO DEFT'S EX PARTE MOTION FOR REIMBURSEMENT AND WAIVER OF COUNTY

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Minutes Date: February 25, 1985

RECORDS CHARGES: COURT ORDERED GRANTED for REIMBURSEMENT noting the estimated amount of \$6,500.00 -- expenditures and search fees of \$780.00 and copy fees of \$639.00, and for additional copies, the Court will approve an amount NOT TO EXCEED \$6,500.00 at this time.

AS TO DEFT'S EX PARTE MOTION FOR SOCIAL HISTORIAN INVESTIGATION FUNDS: COURT ORDERED, Motion GRANTED in an amount NOT TO EXCEED \$17,550.00.

AS TO DEFT'S EX PARTE MOTION FOR PRISON ACCESS: COURT ORDERED, Motion GRANTED subject to rules of the prison and if there is a difficulty, the Attorney General's office to be notified; as to UNMONITORED CONTACT BY COUNSEL, the Court found it is appropriate subject to normal security in prison; if there is a problem, counsel to put this back on calendar.

AS TO DEFT'S EX PARTE MOTION FOR NEUROPSYCHOLOGICAL EXAMINATION FUNDS: COURT ORDERED, Motion GRANTED, not to exceed \$7,500.00.

AS TO DEFT'S EX PARTE MOTION FOR RELEASE OF JUVENILE RECORDS: COURT ORDERED, Motion GRANTED.

NDP

05-27-99 9:00 AM DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 27, 1999**

85C069269-2

The State of Nevada vs Randolph Moore

May 27, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (5-27-99)
Court Clerk: JOYCE
BROWN
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

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

Kephart, William D.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT FLANAGAN'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS... DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT MOORE'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS

Court noted a number of orders had been filed as to Defendant Flanagan. Mr. Potter asked for an additional six months to conclude investigations and file a supplemental. He also needed to go through Discovery. Mr. Schieck advised a continuance would be fine with his client. Mr. Kephart advised State was agreeable to a continuance also. COURT ORDERED matter CONTINUED as requested.

NDP (BOTH

CONTINUED TO: 11-30-99 9:00 AM

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 08, 1999**

85C069269-2

The State of Nevada vs Randolph Moore

September 08, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (09-08-99)
Court Clerk: SUSAN
BURDETTE/sb
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Luzaich, Elissa

Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S MOTION TO ASSOCIATE COUNSEL ... DEFT MOORE'S MOTION TO ASSOCIATE COUNSEL

Neither Deft. Flanagan nor Deft. Moore present. Mr. Potter stated he has submitted the Motion to the State Bar and there is no opposition. There being no opposition, COURT ORDERED, Deft Flanagan and Deft Moore's Motion to Associate Counsel Patricia Lynn McGuire GRANTED. Upon Ms. Luzaich's inquiry, Court stated the Motion is both Deft. Flanagan and Moore. Order signed in Open Court.

NDP (BOTH)

11-30-99 9:00 AM DEFT FLANAGAN'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ...
DEFT FLANAGAN'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS ...
DEFT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS ... DEFT MOORE'S SUBMISSION
OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

85C069269-2

The State of Nevada vs Randolph Moore

November 30, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 11/30/99
Relief Clerk: AMBER
FARLEY
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

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

Luzaich, Elissa
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT FLANAGAN'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS...DEFT MORRE'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT MOORE'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS

Mr. Schieck stated he needs more time to finish his petition. COURT ORDERED, matter set for status check.

NDP (FLANAGAN, MOORE)

12/20/99 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 20, 1999**

85C069269-2

The State of Nevada vs Randolph Moore

December 20, 1999**9:00 AM****Status Check**

STATUS CHECK:
BRIEFING
SCHEDULE Court
Clerk: JOYCE
BROWN/JB Relief
Clerk: KATHY
STAITE
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas

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

Luzaich, Elissa

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- AS TO DEFENDANT FLANAGAN, Mr. Potter had filed a supplemental petition and requested a briefing schedule. COURT ORDERED briefing schedule as follows: 01-24-2000 State's Response 02-24-2000 Defendant's Reply 03-09-2000 Argument Mr. Potter advised he was entitled to written Discovery. Court advised it was a matter of what was being looked at and whether or not an Evidentiary hearing was necessary. AS TO DEFENDANT MOORE, Mr. Schieck advised he met with Defendant Moore at Ely State Prison and went over in detail the Writ filed by Mr. Flanagan; advised he represented Mr. Flanagan at the Preliminary Hearing; he is convinced he will be a witness in the Flanagan case and can not continue on the case because of this; he had just met with Mr. Moore on

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Minutes Date: February 25, 1985

Thursday so had not had a chance to inform the Court; he did talk to Jo Nell Thomas; she does not want to take any more of these cases, but agreed to take it if the Court appointed her. He further advised she was familiar with the case. COURT ORDERED Mr. Schieck relieved; Ms. Thomas appointed; and matter CONTINUED for Confirmation of Counsel and a Status Check. At Counsel's inquiry, Court advised this was not a case this Court would be keeping.

NDP (BOTH)

12-22-99 9:00 AM CONFIRMATION OF COUNSEL (J THOMAS)...STATUS CHECK (MOORE)

03-09-2000 9:00 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS
(FLANAGAN)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 22, 1999**

85C069269-2

The State of Nevada vs Randolph Moore

December 22, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (12-22-
99) Court Clerk:
JOYCE BROWN
Reporter/Recorder:
CATHY NELSON
Heard By: Michael
Douglas**

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

Luzaich, Elissa
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (J THOMAS)...STATUS CHECK

Mr. Schieck advised he appeared although he was relieved as Counsel. He wanted to see if Ms. Thomas was here and had confirmed as Counsel. Court advised Ms. Thomas had called in and asked the matter be continued one day. COURT ORDERED matter CONTINUED as requested. At Mr. Schieck's request, COURT ORDERED his presence tomorrow would be waived; the Defendant's presence waived also.

NDP

CONTINUED TO: 12-23-99 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 23, 1999**

85C069269-2

The State of Nevada vs Randolph Moore

December 23, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JOYCE
BROWN Relief
Clerk: KATHY
STAITE/KS
Reporter/Recorder:
CATHY NELSON
Heard By: Kathy
Hardcastle**

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

Goettsch, Becky S.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (J. THOMAS)...STATUS CHECK

JoNell Thomas advised Defendant is in Ely State Prison; she confirmed as counsel; and COURT SO ORDERED; Defendant's presence is WAIVED. Court stated matter is on in March for Argument and it understands Defense Counsel needs to review documents. Court advised Ms. Thomas if she needs matter on before March to contact Chambers. Court signed the order for confirmation of counsel and ORDERED, matter OFF CALENDAR.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 19, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

January 19, 2000**9:00 AM****Request**

**STATE'S REQUEST
FOR EXTENSION
OF TIME TO FILE
WRIT/RESPONSE
Court Clerk:
DOROTHY KELLY
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Mark Karris, Deputy District Attorney, stated a 60-Day continuance was agreed upon for filing Writ response. COURT ORDERED, Filing due by March 22nd, Response due by May 17th, matter set for argument. Date of March 9th, previously set for argument, vacated.

NDP

05-31-00 9:00 A.M. ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 31, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

January 31, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 01-31-00
Court Clerk:
DOROTHY KELLY
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

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

Rutledge, Brian S.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT FLANAGAN'S MOTION FOR SEVERANCE...DAVID SCHIEK'S MOTION FOR ATTORNEY'S FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES
Mr. Rutledge stated this is post-conviction; only Deft Flanagan has filed a Writ; he requested the Motion for Severance be denied as moot. He further stated he does not understand the Motion to Sever. Mr. Potter stated it is his motion; the State has not responded. COURT ORDERED, Deft Flanagan's Motion for Severance is DENIED as MOOT. COURT FURTHER ORDERED, David Schieck's Motion for Attorney's Fees in Excess of Statutory Allowance and for Expenses is GRANTED; Order signed in Open Court. Court instructed that these two defendants not be placed on calendar together.
NDP (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 31, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

May 31, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS FOR
5/31/00 Relief Clerk:
BILLIE JO CRAIG
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

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

Karris, Mark S.
Simon, H. L.

Attorney
Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFENDANT FLANAGAN'S PETITION FOR WRIT OF HABEAS
CORPUS...DEFENDANT'S MOTION FOR DISCOVERY...DEFENDANT'S MOTION FOR
EVIDENTIARY HEARING

Robert Newell, Associate Counsel for Mr. Potter, appearing representing defendant. Arguments regarding effectiveness of counsel at third penalty phase and whether David Wall as a witness will be a conflict of interest. COURT ORDERED, matter CONTINUED for counsel to brief matter.

Arguments regarding Motion for Discovery and for Evidentiary Hearing. COURT ORDERED, matter CONTINUED for counsel to file any Motion to Disqualify the District Attorney's Office.

Counsel requested a briefing schedule. The Court advised at next Court date it would decide if more time needed.

NDP

6/8/00 9:00 AM ARGUMENT: DEFENDANT'S FLANAGAN'S PETITION FOR WRIT OF HABEAS

PRINT DATE: 10/06/2014

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Minutes Date: February 25, 1985

CORPUS...DEFENDANT'S MOTION FOR DISCOVERY...DEFENDANT'S MOTION FOR
EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

June 06, 2000**9:00 AM****Minute Order**

MINUTE ORDER
RE:
DISQUALIFICATION OF JUDGE
HARDCASTLE
Court Clerk:
DOROTHY KELLY
Heard By: Kathy
Hardcastle

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

PARTIES
PRESENT:

JOURNAL ENTRIES

- Having reviewed the Petition for Disqualification of Judge, Court disputes having personal knowledge of the case arising out of prior employment. The Court previously disclosed to current counsel employment in the Public Defender's Office at the time of the third penalty hearing in this case and conversations with prior counsel regarding prior counsel's opinions on the imposition of the death penalty in general. The Court holds the highest regard for the legal abilities of all of the prior counsel but had previously expressed the opinion that the affidavit filed in this case lacked factual foundation and was based almost entirely upon prior counsel's opinions and conclusions. Despite this deficiency, the Court had agreed to grant a limited evidentiary hearing to allow current counsel the chance to lay a factual foundation for the affidavit. Current counsel has now raised an issue based on the disclosed prior conversations and employment regarding whether the Court should decide the ineffective assistance of counsel claims being raised in this case. As this is a very serious

case, in order to avoid any issues which could be raised in future proceedings and in the interest of justice, the Court does hereby recuse from this case and ORDERS, this matter be REASSIGNED at random.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

June 13, 2000**4:00 PM****Minute Order**

**MINUTE ORDER
RE: RECUSAL VI
Court Clerk: NORA
PENA Heard By:
Joseph Bonaventure**

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

JOURNAL ENTRIES

- Having reviewed the entire file relating to State of Nevada v Dale Flanagan, the Court feels it cannot properly hear the case due to its prior relationship with the Clark County Public Defender's Office, upon which a majority of the allegations contained within the case concern. Additionally, the Court is of the belief that its relationship to the central witness in the case who is a party in the litigation is of significance.

David Wall is an attorney which this Court has had an ongoing relationship for the last ten months during the pendency of the State of Nevada v. Tabish/Murphy trial. This Court has had numerous conversations with David Wall concerning the death penalty in the Tabish/Murphy case as well as hearing motions concerning his personal integrity. Additionally, this Court is to hear a Motion for New Trial which this Court believes will carry allegations of impunity on the character of Mr. Wall. The present record involves questions of fact upon which much testimony will be presented regarding both Mr. Wall and the Clark County Public Defender's Office. It may develop that the right determination of those questions is so close, the reasons set forth could be an appearance that could impact upon the Court's opinion. Therefore in the interest of justice the Court does hereby recuse from this case and ORDERS, this matter be reaassigned at random.

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Minutes Date: February 25, 1985

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 19, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

June 19, 2000**9:00 AM****Motion**

**STATE'S REQUEST
CHANGE/SET
BRIEFING
SCHEDULE Relief
Clerk: CONNIE
KALSKI/CK
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

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

Simon, H. L.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- Ms. Thomas advised before court convened she would be requesting an October submission date for her supplement. Court noted the defendant is confined to the Nevada Department of Prisons. Court advised a possible point for recusal as being associated with the Public Defender's office at the time of the penalty hearing in this trial. Upon Court's inquiry, all counsel agreed this Court should not recuse. Colloquy between Court and counsel regarding whether or not this Petition for Writ of Habeas Corpus would be based on similar grounds as others. Ms. Thomas stated the issues would be seventy- five to eighty percent the same. COURT ORDERED, Briefing Schedule set as follows: Ms. Thomas to file her Supplement by 10/2/00; the State to file their Response by 12/4/00; Ms. Thomas to file her Reply by 12/18/00; and, matter set for Argument.

85C069269-2

NDP

1/2/01 9:00 AM ARGUMENT:DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 22, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

June 22, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6/22/00
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Cram, Roger

Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION FOR EVIDENTIARY HEARING...STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE

Court indicated counsel have agreed to continue matter to next week. COURT ORDERED, matter CONTINUED.

MATTER RECALLED: Mr. Cram advised parties had agreed to continue the matter until after 8/14 and requested the date be reset. COURT SO ORDERED. Mr. Cram stated he would notify all parties. NDP

ABOVE MOTIONS CONTINUED TO: 8/16/00 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 16, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

August 16, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8-16-00
Relief Clerk:
CHERYL CASE
Reporter/Recorder:
RENE SILVAGGIO
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Simon, H. L.

Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION FOR EVIDENTIARY HEARING...STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE

Bob Newell, out-of-state co-counsel for Defendant, also present. Upon Court's inquiry, Mr. Simon stated a Motion to Disqualify has not been filed. Arguments by Mr. Simon and Mr. Newell regarding disqualification of District Attorney's office, conflict of interest, and Mr. Wall's prior representation of Defendant. Court noted there is no Motion to Disqualify calendared for decision.

Argument by Mr. Newell regarding ineffective assistance of counsel and history of this case. Court noted the Supreme Court has made numerous rulings in this case. Further argument by Mr. Newell regarding statement by Robert Ramirez, evidence withheld from the defense, Brady violations, and prosecutorial misconduct.

Mr. Newell argued prior Supreme Court rulings are irrelevant as the issue of ineffective assistance of

counsel has been raised. Argument by Mr. Potter regarding irregular procedures in Judge Mosley's Court and depositions that should be taken. Argument by Mr. Simon regarding statement by Mr. Ramirez, Supreme Court rulings, and overbroad request for discovery. Further argument by Mr. Simon regarding waiver of attorney-client privilege. Argument by Mr. Newell regarding statements admitted through trial, per se violations, Strickland issue, and ineffectiveness of Mr. Pike. COURT ORDERED, Motion for Waiver DENIED WITHOUT PREJUDICE. Court noted information can be acquired and questions can be tailored. Court will reconsider its ruling in the event Defendant opens the door at the Evidentiary Hearing. FURTHER, COURT ORDERED, Motion for Evidentiary Hearing GRANTED as to the issue of Ms. Blaskey and conduct of Mr. Wall; Motion is DENIED as to remaining issues.

COURT ORDERED, Motion for Discovery DENIED WITHOUT PREJUDICE at this time pending the Evidentiary Hearing. Court noted discovery request is overbroad.

Court noted thirty claims were raised in Defendant's Petition. COURT ORDERED, RULING DEFERRED on claims pertaining to assertions by Ms. Blaskey regarding conduct of Mr. Wall. COURT ORDERED, remaining claims DENIED. COURT FINDS representation by Mr. Pike was not ineffective. COURT FURTHER FINDS bare allegations on the issues of failure to disclose exculpatory evidence; issue of prosecutorial misconduct by Mr. Seaton was ruled on by the Supreme Court; there were bare allegation regarding remaining issues and those issues are barred by the law of the case through previous appeals to the Nevada Supreme Court.

Colloquy regarding Evidentiary Hearing and discovery issues. COURT ORDERED, matter CONTINUED for Status Check; Mr. Newell's presence at next Court date WAIVED. Court directed parties to determine discovery issues. Mr. Simon advised State will prepare an Order to Transport Defendant Flanagan for the Evidentiary Hearing. Mr. Newell stated parties will not depose Ms. Blaskey; she will be a witness. Mr. Newell further stated Judge Mosley did not preside over the third penalty hearing. COURT ORDERED, allegations pertaining to Judge Mosley DENIED in that they were subject to direct appeal.

P

9/13/00 9:00 AM STATUS CHECK: EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 13, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

September 13, 2000**9:00 AM****Status Check**

STATUS CHECK:
EVIDENTIARY
HEARING Court
Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Simon, H. L.

Attorney

JOURNAL ENTRIES

- Mr. Simon stated the deposition of Dave Wall is scheduled for 11/9; further, Defendant's lead counsel out of Portland is available for the hearing the weeks of either 1/15 or 1/22. COURT ORDERED, matter set for evidentiary hearing on the remaining issues on the Writ.

NDP

1/26/01 10:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 18, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

September 18, 2000**9:00 AM****Motion for Appointment****DEFT'S PRO PER
MOTION FOR
APPOINTMENT
OFCOUNSEL Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Robinson, Lynn M.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to October 10 with deft. Lockett's other motions.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

85C069269-2

The State of Nevada vs Randolph Moore

September 28, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 9/28/00
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

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

Simon, H. L.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF ATTORNEY

Mr. Simon stated he believes these motions are procedurally barred. COURT ORDERED, WRIT DENIED on the following grounds: 1. The Writ fails to comply with NRS 34.735, and 2. The Writ is untimely under NRS 34.726 and 34.800.

COURT ORDERED, Motin DENIED without prejudice as it doesn't comply with the requirements of NRS 34.750. Motion may be renewed if Defendant can comply with the statutory requirements.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 10, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

October 10, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10/10/00
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

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

Simon, H. L.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL COURT ORDERED, Motion DENIED without prejudice under NRS 34.750, as Defendant hasn't shown sufficient cause to appoint counsel.

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS COURT ORDERED, Motion DENIED as it is time barred under NRS 34.726; further DENIED under NRS 34.800.

DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS COURT ORDERED, MOTION GRANTED.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

November 09, 2000**9:00 AM****Motion for Appointment**

**DEFT'S PRO PER
MOTION FOR
APPOINTMENT
OFCOUNSEL ON
THE APPEAL Court
Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

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

Goettsch, Becky S.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, Motion DENIED. FINDINGS: that the Defendant doesn't have the absolute right to counsel on appeal, and the Court has the discretion. This Court declines to appoint counsel, without prejudice to the Defendant to seek an appointment through the Nevada Supreme Court.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 05, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

December 05, 2000**9:00 AM****Motion****DEFT'S MOTION
FOR EXTENSION
OF TIME TO FILE
SUPPLEMENTAL
POST-
CONVICTION
PETITI Court Clerk:
Amber Farley
Reporter/Recorder:
Renee Silvaggio
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**De La Garza, Melisa
Thomas, JoNellAttorney
Attorney**JOURNAL ENTRIES**

- Ms. Thomas stated she believes this case was set in Department VII in error. Court and Clerk concurred and ORDERED, matter CONTINUED to Department IV's calendar.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 12, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

December 12, 2000**9:00 AM****Motion**

**DEFT'S MOTION
FOR EXTENSION
OF TIME TO FILE
SUPPLEMENTAL
POST-
CONVICTION
PETITI Court Clerk:
DOROTHY KELLY
Reporter/Recorder:
TINA SMITH Heard
By: Kathy Hardcastle**

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

Simon, H. L.

Attorney

Thomas, JoNell

Attorney

JOURNAL ENTRIES

- Ms. Thomas requested 150 days to file the Supplemental Post-Conviction Petition for Writ of Habeas Corpus, stating the case is 78 volumes long; COURT, SO ORDERED. COURT FURTHER ORDERED, Response is due March 13th; Answer due May 18th, and matter set for Argument. Mr. Simon requested the January 2nd, date set for argument be vacated; COURT, SO ORDERED. NDP

06-07-01 9:00 A.M. ARGUMENT: DEFT'S MOTION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: After attorneys left the Courtroom the Court advised Clerk this matter was to have been transferred to Dept. XVII. Clerk notified Mr. Simon and Ms. Thomas of the change in

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85C069269-2

Department and the change in Court date to 6/7/01. dk 12/12/00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 18, 2000**

85C069269-2

The State of Nevada vs Randolph Moore

December 18, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 12/18/00
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Simon, H. L.

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO SEAL ORDER...DEFT'S MOTION TO CLARIFY AND EXPAND SCOPE OF EVIDENTIARY HEARING

Mr. Potter argued the original Motions were sealed by Order of Judge Douglas, the original Judge hearing this case, and merely wants to ensure that order is continuing. Court stated it doesn't appear to be any statutory authority on this matter. Mr. Simon stated the State has no position, and stated all the State ever received were the Court's Orders, not the applications. Mr. Simon provided same to Mr. Potter in open court. COURT ORDERED, Motion GRANTED; Applications regarding payment of costs are to be SEALED.

Court stated Defendant's Motion to clarify is in essence a Motion for Rehearing. COURT ORDERED, Motion DENIED.

Regarding the 1/26/01 Evidentiary Hearing date, Court stated parties have stipulated to continue that matter to February 9, and COURT SO ORDERED.

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NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 13, 2001**

85C069269-2

The State of Nevada vs Randolph Moore

April 13, 2001**10:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING
(REMAINING
ISSUES ON WRIT)
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
KRISTINE
CORNELIUS Heard
By: Nancy Saitta**

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

Simon, H. L.

Attorney

JOURNAL ENTRIES

- Robert Newell, Pro Hoc Vice also present on behalf of Defendant.

Court advised counsel it has a significant working relationship and personal friendship with a key witness in this case, David Wall. Court stated it has already formed an opinion as to Mr. Wall's work ethic and credibility, and as those issues are central to this case, COURT HEREBY RECUSES itself.

Court further advised it sits on a panel with Judge Dahl, and further believes that it has been present during conversations regarding this case. Court stated it is inclined to send this matter back to Judge Gibbons as he does not appear to have a significant relationship with any of the parties, and as he is familiar with the facts of this case. Mr. Simon stated he was going to suggest the same. Mr. Newell stated no objection, and stated there should be no problem rescheduling the matter. COURT

ORDERED, matter set for status check for Judge Gibbons to determine whether he wants to take this

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case back, and for rescheduling the evidentiary hearing.

NDP

4/17/01 9:00 AM STATUS CHECK: REASSIGNMENT/EVIDENTIARY HEARING SCHEDULING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 17, 2001**

85C069269-2

The State of Nevada vs Randolph Moore

April 17, 2001**9:00 AM****Status Check**

**STATUS CHECK:
REASSIGNMENT/
EVIDENTIARY HEARING
SCHEDULING
Court Clerk: TINA
HURD Relief Clerk:
GEORGETTE
BYRD/GB
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons**

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

Simon, H. L.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, defendant's presence is waived. Court further noted it read the minutes and finds there would be a conflict and ORDERED, it will keep the case, and set the evidentiary hearing on remaining issues of the Writ.

NDP

09/12/01 10:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 2001**

85C069269-2

The State of Nevada vs Randolph Moore

June 07, 2001**9:00 AM****Decision**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS CORPUS
Relief Clerk: APRIL
WATKINS
Reporter/Recorder:
JANIE OLSEN
Heard By: Cherry,
Michael A

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

Simon, H. L.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Ms. Thomas requested a new briefing schedule. COURT ORDERED, briefing schedule set as follows: petition due by September 6, 2001, State's response due by November 1, 2001, Deft's reply due by November 15, 2001, hearing set thereafter.
 NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

85C069269-2

The State of Nevada vs Randolph Moore

September 12, 2001**10:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING:
REMAINING
ISSUES ON THE
WRIT Court Clerk:
Tina Hurd
Reporter/Recorder:
Renee Silvaggio
Heard By: Gibbons,
Mark**

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

Simon, H. L.

Attorney

JOURNAL ENTRIES

- Mr. Ence advised Mr. Newell was unable to travel here from San Francisco today due to the airports being closed and Mr. Potter is in trial in Oakland. State advised he did speak with Mr. Newell yesterday and discussed times they are both available; further, Mr. Newell has an issue he wants to resolve with the Court, but does not want him to discuss it ex parte. Colloquy regarding a conference call. Mr. Simon advised the issue pertains to the scope of the hearing. Court advised he is amenable to a conference call. Colloquy regarding a continuance date for the hearing. COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 04, 2001**

85C069269-2

The State of Nevada vs Randolph Moore

October 04, 2001**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10-04-01
Court Clerk: Joyce
Brown
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

Goettsch, Becky S.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR APPOINTMENT OF ATTORNEY...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO DISMISS MOTION TO CONSOLIDATE WITH CO-DEFT, MR. DALE FLANAGAN...DEFT'S PRO PER MOTION TO JOIN AND/OR CONSOLIDATE PETITIONS FOR WRITS OF HABEAS CORPUS

Court advised the bottom line was the Court would allow Defendant McDowell to proceed in forma pauperis and ORDERED Defendant's Pro Per Motion To Proceed in Forma Pauperis GRANTED. AS TO THE OTHER FOUR MOTIONS, Court advised the main thing was this comes to the Court from about 1985; the Defendant has not shown any good cause or reason why he filed the petition late; it is an excessive petition; he has raised an issue as to ineffectiveness of counsel which usually gives rise to appointment of counsel, but because of excessive petition, the COURT ORDERED Defendant's Pro Per Motion For Appointment of Attorney DENIED.

COURT FURTHER ORDERED Defendant's Pro Per Petition For Writ Of Habeas Corpus DENIED;

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Minutes Date: February 25, 1985

Defendant's Pro Per Motion To Dismiss Motion To Consolidate With Co-Defendant, Mr. Dale Flanagan DENIED; and Defendatn's Pro Per Motion To Join And/Or Consolidate Petitions For Writs Of Habeas Corpus DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 20, 2001**

85C069269-2

The State of Nevada vs Randolph Moore

December 20, 2001**9:00 AM****Decision**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS CORPUS
Court Clerk: Penny
Wisner/pw Relief
Clerk: Barbara
Blankenship
Reporter/Recorder:
Janie Olsen Heard
By: Cherry, Michael
A

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

Robinson, Lynn M.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Clerk informed the Court on 12/12/00 this case was before Judge Hardcastle on this Deft. and it was stated this case was to be transferred to this Dept., which in fact it was not. The case is actually a Dept. XI case with Judge Gibbons retaining control of the portion of the case belonging to Deft. Flanagan. COURT ORDERED, matter CONTINUED to be heard by Judge Hardcastle.
 NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 07, 2002**

85C069269-2

The State of Nevada vs Randolph Moore

January 07, 2002**9:00 AM****Decision**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS CORPUS
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Tina Smith Heard
By: Hardcastle, Kathy

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

Bauer, Elizabeth B.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Ms. McDonald stated the Deputy District Attorney on this case informed her he has not received a copy of the Writ. Ms. Thomas stated she can have the Writ finished in the next two months. COURT ORDERED, Defense to have Writ Filed by March 11th; State's Response due May 13th; Reply due July 1st; matter set for Argument. Court stated this is the LAST continuance.
ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

85C069269-2

The State of Nevada vs Randolph Moore

February 14, 2002**9:30 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING:
REMAINING
ISSUES ON THE
WRIT
Reporter/Recorder:
Dina Dalton Heard
By: Mark Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Simon, H. L.

Attorney

JOURNAL ENTRIES

- Robert Newell, out-of-state counsel for Deft. Flanagan, present also. Upon Court's inquiry, Mr. Newell advised Deft. Flanagan will not be attending. COURT ORDERED, Deft's presence WAIVED. State invoked the exclusionary rule. Colloquy regarding the scope of the hearing. Court stated he believes this hearing is to address any ineffective assistance of counsel that may flow from the conflict between Rebecca Blaskey and David Wall. REBECCA BLASKEY and DAVID WALL sworn and testified. 11:30 a.m.--State advised his next witness is Judge Dahl and, since he has a morning calendar, he has requested to come at 1:30 p.m. COURT ORDERED, court will be in recess until 1:30 p.m.

1:37 P.M.--Court reconvened with all present as before. STEPHEN DAHL sworn and testified. 1:44 p.m.--Mr. Newell requested a chance to get the transcript and prepare briefs. State advised he believes this is a simple issue and can be argued today. Court advised this is a death penalty case and he will allow the defense a chance to brief it. Colloquy regarding the transcript. COURT

ORDERED, the court reporter to prepare today's transcript in normal course. Upon Court's inquiry, Mr. Newell advised he can have a brief submitted by the end of March. COURT ORDERED, the defense opening brief to be filed by April 1, 2002; the State's answering brief to be filed by May 1, 2002; the defense reply brief to be filed by May 22, 2002. Colloquy regarding further argument. COURT FURTHER ORDERED, this matter will stand submitted when the reply brief is filed and the Court will issue a written decision; the focus of the briefs will be ineffective assistance of counsel based on the personality conflict between Rebecca Blaskey and David Wall. Hearing concluded.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 18, 2002**

85C069269-2

The State of Nevada vs Randolph Moore

September 18, 2002**9:00 AM****Decision****ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS CORPUS
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Tina Smith Heard
By: Hardcastle, Kathy****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Simon, H. L.

Attorney

JOURNAL ENTRIES

- Ms. Thomas not present. COURT ORDERED, matter CONTINUED.
NDC
ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 09, 2002**

85C069269-2

The State of Nevada vs Randolph Moore

October 09, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10-09-02
Court Clerk: Dorothy
Kelly
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

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

Simon, H. L.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL POST-CONVICTION PETITION FOR A WRIT OF HABEAS CORPUS

Court noted Ms. Thomas needs more time and ORDERED, Briefing Schedule set as follows: Deft. to file Petition by December 11th, State to file Opposition by February 11, 2003, Reply due March 11, 2003. COURT FURTHER ORDERED, matter set for argument.

NDC

04-18-03 9:00 A.M. ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 02, 2003**

85C069269-2

The State of Nevada vs Randolph Moore

May 02, 2003**9:00 AM****Decision**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS CORPUS
Court Clerk: Dorothy
Kelly Relief Clerk:
Jennifer Kimmel/jk
Reporter/Recorder:
Dick Kangas Heard
By: Hardcastle, Kathy

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

Simon, H. L.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- State indicated the Deft has yet to file a Petition. Ms. Thomas stated this will be filed TODAY.
 COURT SO ORDERED.

FURTHER ORDERED, Briefing Schedule set as follows: Deft. shall file Petition today; State to file
 Response by 8/1/03; Deft. to file Reply by 9/8/03; Matter CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 23, 2003**

85C069269-2

The State of Nevada vs Randolph Moore

September 23, 2003**9:00 AM****Status Check**

**AT REQ OF COURT:
STATUS CHECK
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

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

Simon, H. L.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- COURT ORDERED, Deft's presence WAIVED for today's hearing and noted this is on for status check only.

The Court noted this matter is on for status check instead for argument on Writ today. Further, the Court noted it received a 135 page document to review on this matter. At request of Mr. Simon, the hearing on the Writ for Habeas Corpus, is ORDERED SET in two weeks.

NDC

10/9/03 10:30 AM HEARING: WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 09, 2003**

85C069269-2

The State of Nevada vs Randolph Moore

October 09, 2003**10:30 AM****Hearing**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS/180 Court
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L

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

Simon, H. L.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Also present, Deputized Law Clerk, George McFetridge.

The COURT ORDERED, Deft's presence WAIVED for todays hearing, as he is incarcerated in NDC. The Court stated that counsel met with the Court in Chambers and the issue is if it is appropriate to have the Evidentiary Hearing re ineffective assistance of counsel at trial. The Court noted there are 43 claims of relief and the State filed Opposition to those claims and Replies, as well.

Ms. Thomas argued that Defense wants a hearing on ineffective counsel for the initial guilt phase, not as to the first or second penalty hearing, which were vacated on Appeal by the Nevada Supreme Court. Mr. Simon stated the Evidentiary Hearing is appropriate. He argued that as to the Guilt Phase, the Supreme Court of Nevada ruled that if there are errors at the first, it did not prejudice

Deft. and the evidence was over-whelming. So no need to consider the guilt phase; the scope of the hearing is to the effective assistance of counsel at the Third Penalty Phase and the Appeal there from. Ms. Thomas argued that it was not a harmless error, citing Judge Mosley's comments and jury selection issues.

Following colloquy, the Court noted its great concern, and that no objection by counsel was made on the record, at Mosely's request. The Court also noted that the State asked that the issues re first penalty phase should be barred. But, Moore was convicted of death for murder and on direct Appeal it was reversed.

The Court noted the background of case and that this is a potential quagmire re habeas corpus, and whether or not it is appropriate to bar as to the first penalty phase, in light of the history. The Court stated it prefers to consolidate matters.

The Court raised the issue, "if the Petition has been filed within parameters, is it allowed, or time barred. Mr. Simon reiterated his argument that the time-bar does not stand until a final judgment and that a death penalty case is different because there has been no penalty hearing yet. And, if it is a death case, appointment of counsel is required. So, until it is known what the penalty is there is no sense to go forward and the Penalty Phase will remain pending.

Following additional colloquy and arguments, counsel agreed that a briefing schedule should be set as to whether or not the Petition can be filed at this late juncture re the Guilt Phase.

As to the Writ of Habeas Corpus re consideration as to the original finding of guilt, and as to the timeliness issue of the Petition, COURT ORDERED a BRIEFING SCHEDULE SET, as follows: Deft's Opening Brief due 11/13/03; State's Opposing Brief due 12/11/12/03; Deft's Response due 1/12/04; State's Reply Brief due 1/26/03; and ARGUMENT/DECISION set for 2/10/03 10:30 A.M.

The Court noted the scope of the hearing will address the Guilt Phase.

NDC

2/10/04 10:30 AM EVIDENTIARY HEARING: APPROPRIATENESS OF WRIT OF HABEAS CORPUS (GUILT PHASE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 10, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

February 10, 2004**11:00 AM****Hearing**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS/180 Court
Clerk: Sue Deaton/sd
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle

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

Simon, H. L.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- COURT ORDERED Defendant Moore's presence WAIVED. Also present with Mr. Simon, Law Clerk, Sonia Jimenez. Court inquired of Ms. Thomas how does she get around issue that Defendant's Petition has already been filed once. Ms. Thomas referred to her Reply and said attached as an Exhibit was Defendant's 1995 Petition and Affidavit by his attorney at that time, David Schieck. Court informed Ms. Thomas a courtesy copy of her Reply was not received in Chambers, so the Court has not had an opportunity to read it. Ms. Thomas provided Court with copy of her twenty-nine page Reply.

Ms. Thomas said in Mr. Schieck's Affidavit he indicated he did not intend that Petition was to be a post-conviction Petition; Petition only dealt with one issue and was a general Petition for Habeas Corpus, he considered it a pre-trial Petition and he would have filed a Motion for New Trial. Court

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Minutes Date: February 25, 1985

said it has not had the benefit of reading Ms. Thomas' Reply and inquired when counsel could come back before the Court on this issue. Colloquy between Court and counsel and COURT ORDERED matter CONTINUED to February 19, 2004 at 11 AM.

Mr. Simon said there was one aspect of the case to bring to this Court's attention; case was assigned to Department IV and matter was continued numerous times, Judge Hardcastle never heard on the merits, case was reassigned to Department XI and counsel did argue in front of Judge Douglas. Mr. Simon said Judge Douglas never made a decision and now Ms. Thomas is asking this Court to review the case from the start on supplemental Petition, in which she raises forty-six issues. Court inquired if counsel want this to be heard by Judge Douglas and both counsel indicated case could remain in Department XII. Mr. Simon said Defendant is asking this Court to consider merits of underlying Petition. Court said if it determines Petition is procedurally time-barred, the Court does not need to get to the merits. Mr. Simon argued Ms. Thomas raised a lot of issues that should have been raised on direct appeal. Mr. Simon reviewed issue of Mr. Schieck appealing case to the United States Supreme Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 19, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

February 19, 2004**11:00 AM****Hearing**

**ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS/180 Court
Clerk: Sue Deaton
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court noted counsel had called Chambers, discussed possible available dates and advised they would submit a Stipulation and Order to continue Argument for the Court's signature.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 16, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

March 16, 2004**11:00 AM****Hearing**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS/180 Court
Clerk: Sue Deaton
Relief Clerk: Cheryl
Case/cc
Reporter/Recorder:
Tessa Heishman
Heard By: Leavitt,
Michelle

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

Thomas, JoNell

Attorney

Tufteland, James N.

Attorney

JOURNAL ENTRIES

- Mr. Tufteland requested a continuance as Mr. Simon is ill. COURT ORDERED, matter
 CONTINUED.
 NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 11, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

May 11, 2004**11:00 AM****Hearing**

ARGUMENT:
DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS/180 Court
Clerk: Sue Deaton
Reporter/Recorder:
Tessa Heishman
Heard By: Michelle
Leavitt

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

Simon, H. L.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Defendant Moore not present. COURT ORDERED DEFENDANT'S PRESENCE WAIVED. Also present with Mr. Simon from the District Attorney's office, Sonia Jimenez, Esq. Mr. Simon said issues are whether attack on guilt phase is procedurally barred and whether successive Petition is barred. Ms. Thomas said issues are well briefed and she would submit on the briefs. Mr. Simon said Defendant's position is Petition is not a successive Petition, that it was not intended to be the Writ and if it had been, his attorney was ineffective. Ms. Thomas responded she has never seen Mr. Schieck do a three page Petition; argued it was never intended to be his Post-Conviction Petition. Mr. Simon said he was very familiar with Mr. Schieck's work; he is one of the three best counsel as to Post-Conviction relief. Mr. Simon argued it was a tactical decision on Mr. Schieck's part

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Minutes Date: February 25, 1985

to file Petition for Writ of Habeas Corpus; it is ludicrous to allege he was ineffective, Petition was not designated as Post-Conviction and was used as strategic tool. Mr. Simon noted Mr. Schieck took this all the way to the U.S. Supreme Court.

*** Court noted Court Reporter had not been present in courtroom, Court Reporter now present and parties are to start over from the beginning, so record is complete and accurate. *** CASE RECALLED...Both counsel agreed to submit issue as to whether one year time bar applies in this case; agreed if so, that would cause a bifurcated proceeding. Mr. Simon argued successive Petition is barred, so only aspect to address is as to NRS 34.810, Paragraph 2, whether Defendant has previously filed a prior Petition for Writ of Habeas Corpus. Mr. Simon said in 1995 Mr. Schieck filed Petition for Habeas Corpus following remand from Supreme Court, prior to Third Penalty Phase and it was not labeled as a Post-Conviction Writ of Habeas Corpus. Mr. Simon said the State's position is it was a Post-Conviction Writ of Habeas Corpus. Mr. Simon said Ms. Thomas, in an effort to overcome the fact this was a successive Petition, says that Mr. Schieck was ineffective as counsel. Mr. Simon argued Mr. Schieck knew what he was doing, he made a strategic decision to file Petition as he did and you do not second guess strategy; Petition is procedurally barred.

Ms. Thomas responded she did not think it was possible the 1995 Petition could be construed as a Post-Conviction Petition; it was a generic Petition for Writ of Habeas Corpus. Ms. Thomas said pursuant to the Snow opinion, the Petition does appear to be a Motion for a New Trial. Further argument by Ms. Thomas. Ms. Thomas suggested perhaps there could be an Evidentiary Hearing and Mr. Schieck could explain what his thinking was. Ms. Thomas said this was in fact a Motion for a New Trial so Mr. Schieck could get this single issue in.

Mr. Simon responded Mr. Schieck had already gotten this case reversed and there is no newly discovered evidence; Snow case doesn't apply, this was a Writ of Habeas Corpus and it is a successive Petition. COURT ORDERED Defendant will be allowed to bring forth his Petition, COURT IS NOT GOING TO RULE THIS IS BIFURCATED SYSTEM, COURT IS RULING THIS IS NOT A SUCCESSIVE PETITION. Ms. Thomas to prepare the Order.

Court inquired how parties are going to proceed. Mr. Simon suggested Court schedule matter for argument as to guilt phase and after that the Court can determine if it needs an Evidentiary Hearing as to the guilt phase or not, and whether a Evidentiary Hearing is needed as to the Third Penalty Phase. Ms. Thomas said she would agree, but there are a number of issues that can be decided without an Evidentiary Hearing; she suggested she and Mr. Simon can get together, narrow issues down and present the Court with their list of legal issues. Mr. Simon noted there were approximately forty-six (46) issues raised in Petition. Ms. Thomas noted all these briefs have been filed. Court inquired do briefs separate out issues as to guilt phase and penalty phase and Ms. Thomas said there were three documents and they do separate out phases. COURT ORDERED MATTER SET FOR ARGUMENT.

6-22-04, 11 AM, ARGUMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 27, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

May 27, 2004**9:15 AM****Hearing**

HEARING:
SUPREME COURT'S
ORDER Court Clerk:
Sue Deaton/sd Relief
Clerk: Kristen Brown
Reporter/Recorder:
Tessa Heishman
Heard By: Michelle
Leavitt

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Mr. Potter noted his co-counsel, Robert D. Newell of Davis Wright Tremaine LLP of Portland, Oregon, was left off service list and did not receive a copy of the Supreme Court's Order. Mr. Potter said Mr. Newell has contacted the Clerk's Office and intends to come down here to Las Vegas within the next three (3) weeks to go through the Clerk's Office file and the District Attorney's file on this case. Mr. Potter said he understands there is privileged information in the District Attorney's file and part of the problem with the delay in responding to Order is the District Attorney's office moved and their file was unavailable for a period of time.

Mr. Potter indicated he will contact Mr. Newell and he will ask the Supreme Court for a continuance. Mr. Potter suggested setting matter for a Status Check in four (4) weeks, so he can advise if a continuance was granted. Mr. Owens represented he talked to Mr. Newell yesterday, there are volumes of material on this case and District Attorney's office presented a list attached to their

Memorandum and believe they have now produced what they have. Court noted it had the Clerk's Office file brought down to Chambers, there are four (4) or five (5) banker's boxes and it would take Mr. Newell weeks to get through files. Mr. Owens suggested Mr. Newell could provide a list of transcripts he believes he needs, the particular date in question and the State can verify whether such a transcript exists or not; the issues could be narrowed down. Mr. Potter responded he believes Mr. Newell has an idea what he is looking for and he is ready to come down and look at Clerk's Office file. Mr. Potter noted all of the file has to be gone through and supplied to the Federal system at some point. Counsel agreed they would need at least a sixty (60) day continuance. COURT ORDERED matter SET for STATUS CHECK in two weeks to see if a continuance was granted by the Supreme Court.

NDC

6-10-04, 9:15 AM, STATUS CHECK: SUPREME COURT CONTINUANCE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 10, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

June 10, 2004**9:15 AM****Status Check**

**STATUS CHECK:
SUPREME COURT
CONTINUANCE
Court Clerk: Sue
Deaton/sd Relief
Clerk: Kristen Brown
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- COURT ORDERED DEFENDANT'S PRESENCE WAIVED. Mr. Weisman said he understands the Supreme Court has issued a ruling, but it has not been sent to his office yet. Mr. Owens said yesterday he received a copy of Motion that was in Supreme Court and it was dated June 4, 2004. Court informed counsel the file is available in this Court's chambers. Court instructed Mr. Weisman to inform person who wants to review the file that they should make every effort to fly into Las Vegas immediately and start going through the file as there are numerous volumes. Mr. Owens noted that Motion to Compel scheduled for hearing on June 22, 2004 is addressing issue that Defendant's counsel want to go through District Attorney's file again. Mr. Owens said there is privileged information in that file, he will have to go through it and it will take weeks to go through it again; parties should also get started on doing that if it is deemed necessary. Court responded the limited remand in this case may not allow this Court to rule on the motion. COURT ORDERED Status Check

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CONTINUED. Court instructed Mr. Weisman to begin process of going through files. Mr. Owens requested a transcript from today's Hearing in ordinary course; COURT SO ORDERED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 22, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

June 22, 2004**9:15 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6-22-04
Court Clerk: Sue
Deaton/sd Relief
Clerk: Kristen Brown
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Nelson III, Roy L.
Simon, H. L.
Thomas, JoNell

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- STATUS CHECK: SUPREME COURT CONTINUANCE (FLANAGAN) ... DEFENDANT'S MOTION TO COMPEL (FLANAGAN) ... ARGUMENT (MOORE)
(Court Clerk - Sue Deaton). Also present, Robert D. Newell, Esq., of Davis Wright Tremaine, Portland, Oregon, representing Defendant Flanagan. Mr. Newell noted on April 22, 2004 the Court signed an Order that the State was to make their file available to Defendant's counsel for review. Mr. Newell said the State has refused to comply with that Order; State has only provided some court minutes and a couple of transcripts. Mr. Newell said he discovered the State had withheld things, because attached to one of the copies of the court minutes was a copy of an Affidavit by Judge Mosley that he has never seen before. Mr. Newell said Judge Mosley was removed from the case for bias and he just got a copy of this Affidavit. Argument by Mr. Newell that the State is not being

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Minutes Date: February 25, 1985

forthcoming, Habeas proceedings are civil matters and the State has not complied with the Court's Order. Mr. Newell said he wants to look through the State's entire file.

Court said the issue before the Supreme Court is getting a complete record and case is up on Appeal on post-conviction relief. Court informed Mr. Newell it does not believe he can look at attorney's impressions, i.e., attorney's notes. Mr. Newell responded he is not asking to see their notes, but does want to see their interviews with witnesses. Mr. Newell said there are approximately fifty to sixty court dates for which there is no transcript, there is no record. Mr. Newell said he was provided things he didn't ask for and except for attorney's notes, he needs to review the District Attorney's entire file and there should be a privilege log prepared.

Mr. Simon responded a number of issues were raised in Defendant Flanagan's original Petition and he presented a brief history of case which subsequently resulted in Appeal. Mr. Simon said this is District Attorney Steve Owens case now and he feels the State has complied with the Court's Order; pulled everything out of State's file based on Memorandum and twenty-four (24) exhibits were furnished to Defendant's counsel, noted some of the Court dates do not have transcripts. Mr. Simon suggested that perhaps after Mr. Newell has looked through the Clerk's Office file he and Mr. Owens can find out what is not there for the record on Appeal. Mr. Simon said the State would ask the Court to limit the scope of Mr. Newell's review of the State's file, so this is not an open fishing expedition.

Court informed counsel the Supreme Court has said this must be completed by July 11th. Mr. Newell said he is prepared to spend time today going through the Court's file which is located in the Clerk's Office. Court said as far as looking through the State's file, the Court is concerned about privileged information. Court instructed Mr. Newell that if after looking through the Clerk's Office file he still feels he wants to look through the District Attorney's file, the State will make those files available to him next Tuesday, June 29th. Court instructed Mr. Simon that the State needs to develop a Privilege Log, because the Court is not going to permit the review of attorney work product or notes by attorneys. Court instructed Mr. Newell to try to work this out with Mr. Simon and to move forward to look at the District Attorney's files, but the scope of that review is to be limited. Mr. Simon said he would be happy to do this later this week and agrees with the Court's instructions to counsel. Court informed counsel if a problem arises, they are to call Chambers and a hearing will be held immediately. COURT ORDERED, Defendant's Motion to Compel, GRANTED and is limited in scope as set forth in this hearing.

ARGUMENT (MOORE) ... (Court Clerk - Kristen Brown).

COURT ORDERED, matter CONTINUED; Counsel to provide Court with a copy of the pleadings that have been filed within the next couple of days.

NDC (BOTH)

7-13-04, 9:15 AM, ARGUMENT: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS/
REMAINING ISSUES (MOORE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 13, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

July 13, 2004**11:00 AM****Hearing**

ARGUMENT:
DEFT'S WRIT OF
HABEAS CORPUS/
REMAINING
ISSUES (MOORE)
Court Clerk: Sue
Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt

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

Jimenez, Sonia V.

Attorney

Simon, H. L.

Attorney

Thomas, JoNell

Attorney

JOURNAL ENTRIES

- Ms. Thomas noted almost all of the issues are stand alone claims. Ms. Thomas said because Defendant Moore received ineffective assistance of counsel there are four primary issues; 1) counsel for first trial, Mr. Posin, was ineffective, 2) direct appeal counsel, Mr. Leeds and Mr. Ayers, were ineffective, 3) as to Third Penalty Phase, Mr. Schieck was ineffective and 4) on appeal from that hearing. Ms. Thomas said she can try to secure Mr. Leeds and Mr. Ayers' attendance at an Evidentiary Hearing. Court said it agrees issues are intertwined and issue boils down to ineffective assistance of counsel.

Mr. Simon responded the Court has to decide whether an Evidentiary Hearing is necessary and the

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Minutes Date: February 25, 1985

issues are #39, #40, #41 and #42. Mr. Simon said the most serious claim, #39, regards the first guilt phase. Mr. Simon argued that Defendant Moore's argument that Mr. Posin's failed to challenge aggravators of risk of death has no merit; it would not have matter if Mr. Posin pursued them, because the Supreme Court has ruled on its constitutionality in this case and other cases. As to the diminished mental capacity of Defendant Moore, Mr. Simon said the State of Nevada does not recognize that as a defense. Mr. Simon said there is no merit to Defendant's argument that Co-Defendants had to share their peremptory challenges. As to the argument counsel should have moved for a change of venue, Mr. Simon said counsel has to try to seat a jury panel and not be able to do so and that didn't happen in this case, so that cannot be ineffective assistance of counsel. Mr. Simon argued none of these claims have any merit whatsoever. Mr. Simon said there is a prima facie showing that Mr. Posin was ineffective, but Ms. Thomas has not made showing she can meet the second Strickland prong that there was a reasonable probability Defendant Moore would have had a more favorable result. Mr. Simon said there was overwhelming evidence of guilt and thirty-six jurors have all unanimously voted for the death penalty.

Mr. Simon said as to Mr. Schieck in the third penalty phase and appeal of the third penalty phase being ineffective, there was nothing he could have done or should have done that would have made a difference. Further argument by Mr. Simon.

Ms. Thomas addressed issue #16 wherein Defendant's counsel were obligated by Judge Mosley to make their objections outside presence of the jury to the Court Reporter and based on this alone, the guilt phase of the trial should be reversed. Ms. Thomas said this issue was raised in the first appellate brief, but she didn't think the issue was fully briefed. Ms. Thomas said Defendant's counsel were instructed to tell Court Reporter what their objections were and some were never ruled upon during trial; nearly all their objections were made during the trial breaks and were made to the Court Reporter and this was highly prejudicial. Ms. Thomas said Mr. Posin was ineffective and introduced the most damning evidence against his own client; the issue as to devil worship was very prejudicial. Ms. Thomas argued Defendant Moore never presented his case, Mr. Posin's representation was almost worse than having no attorney at all and guilt phase should be reversed on that alone.

Ms. Thomas said Mr. Schieck is a very good attorney and she cannot guess what he knew or did not know. Ms. Thomas said she would like opportunity to call him as a witness and ask him about his decisions during third penalty phase and this could probably be accomplished in an hour. Court said Ms. Thomas wants the Court to grant Evidentiary Hearing as to the third penalty phase and Mr. Schieck's conduct. Ms. Thomas said as to the direct appeal as to the guilt phase, she will try to locate these attorneys. Ms. Thomas said if the State is contesting facts as to Mr. Posin's conduct, then an Evidentiary Hearing is needed.

Mr. Simon responded the issue of Judge Mosley requiring counsel to make their objections to the Court Reporter outside the presence of the jury has already been before the Supreme Court and is the law of the case. Mr. Simon said the witchcraft evidence was brought into case by Co-Defendant, not Mr. Posin. Mr. Simon said Ms. Thomas has made a prima facie showing that Mr. Posin was ineffective, but he wants to read the entire transcript again and is not prepared to stipulate at this time that Defendant was prejudiced. Ms. Thomas noted that in most Felony murders, the murder is incidental to the Robbery, in this case the Robbery is incidental to the murder.

Court informed counsel as to the first trial counsel, the Court agrees that there is a prima facie showing of ineffective assistance of counsel and an Evidentiary Hearing on this issue is not necessary.

Court said it would give counsel additional time to brief second prong of the Strickland test. Mr. Simon responded he needs time to read the entire trial transcript again. Ms. Thomas said she has seventy-eight volumes of files and reading the trial transcript will take a long time. Court said it will grant an Evidentiary Hearing as to the other issues, #39-#42, and counsel will need to tell the Court whether Mr. Posin needs to come in and testify; if not, Hearing will proceed with the other three lawyers. COURT ORDERED MATTER SET FOR STATUS CHECK. Court instructed counsel to come back in October after Mr. Simon has had opportunity to read trial transcript again and Mr. Simon to present his arguments and/or advise Court he will stipulate Defendant has met the second prong of the Strickland test and an Evidentiary Hearing date will be set.
10-19-04, 11 AM, STATUS CHECK: SET EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 07, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

September 07, 2004**9:15 AM****All Pending Motions**

**ALL PENDING
MOTIONS 9-7-04
Court Clerk: Sue
Deaton
Reporter/Recorder:
Gina Shrader Heard
By: Michelle Leavitt**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR ORDER TO SHOW CAUSE ... DEFENDANT'S MOTION TO COMPEL

Court noted case was remanded by Supreme Court for an adequate record for the Supreme Court's review to be provided. Court said State has indicated some privileged documents in their file and Defendant's Motion to Compel production of those documents goes way beyond what the Supreme Court asked the parties to do in this case. Court informed Mr. Potter he is asking the Court to go beyond what was required by the Supreme Court and if Mr. Potter still feels these documents are needed, Defendant can go back to the Supreme Court to ask them to make the State turn these documents over. Mr. Potter responded he was trying to comply with Court's June 22nd Order and documents deal with subpoenaed witnesses. Court informed Mr. Potter it is difficult to ascertain whether this Court has jurisdiction or authority to order the State to even give the documents to this Court for review. Court said State has given Mr. Potter everything with exception of privilege item #4, which is a handwritten list of witnesses they wanted to subpoena for Preliminary Hearing and

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Defendant thinks this is exculpatory. Court instructed Mr. Potter to take that issue back up to the Supreme Court. Mr. Potter said transcript would only indicate individuals that testified. Court said this is discovery and not part of the record, this Court feels there is adequate record and State has filed their privilege log. COURT ORDERED, DEFENDANT'S MOTION TO COMPEL, DENIED. Court informed Mr. Potter the Supreme Court are the only ones who have the authority to tell the State to turn over this handwritten list of witnesses and there is an adequate record for them to review this issue.

As to Defendant's Motion for Order to Show Cause, Court inquired if Mr. Potter served these requests on the Court Reporters. Mr. Potter said most of the Court Reporters are no longer around and requests were served on the Departments. Court noted the Court Reporter's notes do not remain with the Departments. Mr. Potter said there was no way to follow-up. COURT ORDERED, DEFENDANT'S MOTION FOR ORDER TO SHOW CAUSE, DENIED against Court Reporters, they were not served, they have not even received notice and are no longer around or available. Court informed counsel the Rules provide for what the Supreme Court wants the parties to do; parties are supposed to get together and provide record to the Supreme Court, so this Court needs the attorneys who tried the case to prepare the record for the Supreme Court. Mr. Owens noted that would be Mel Harmon and Dan Seaton and as to post-conviction, Leon Simon. Court said record is limited to denial of Defendant's post-conviction petition. Court said it will want these parties to appear, so record can be reconstructed. Mr. Potter said he will contact Mr. Newell. COURT ORDERED, Mr. Potter to serve on State and the Court a list of the dates and what pertinent hearings he needs by September 9, 2004 and Court can then order parties that were present to appear so these hearings can be reconstructed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 09, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

September 09, 2004**8:45 AM****Minute Order**

**MINUTE ORDER
RE: TRANSCRIPT
DATES Court Clerk:
Sue Deaton Heard
By: Michelle Leavitt**

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

JOURNAL ENTRIES

- Prior to court convening Mr. Potter appeared and advised Court Clerk he had called Oregon attorney, Mr. Newell, and he said he could not do anything about compiling a list of transcript dates needed until Monday, the 13th. Mr. Potter said Mr. Newell was requesting he be allowed until Thursday, September 16th to provide list.

CLERK'S NOTE: Court was informed of Clerk's conversation with Mr. Potter after court adjourned following morning criminal calendar and COURT ORDERED matter SET for STATUS CHECK on Tuesday, September 14th, at 10:30 AM. Judicial Executive Assistant called to advise counsel they needed to appear on that date. (sd)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 16, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

September 16, 2004**9:15 AM****Status Check**

STATUS CHECK:
TRANSCRIPT
DATES Relief Clerk:
Judy McFadden/jm
Reporter/Recorder:
Jennifer Daly Heard
By: Leavitt, Michelle

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

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- Deft. not present. COURT ORDERED, Deft's presence WAIVED. Mr. Potter requested additional time and stated he went through minutes as they will be better than anything that can be constructed. Mr. Owens stated he had received Deft's Motion for extension of time and has no objection, but also is requesting to expand scope and needs a copy of the transcript from 9/7. Court stated it will be happy to sign an order for the transcript. FURTHER ORDERED, matter CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 23, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

September 23, 2004**9:15 AM****Status Check**

STATUS CHECK:
TRANSCRIPT
DATES Relief Clerk:
April Watkins
Reporter/Recorder:
Norma Silverman
Heard By: Leavitt,
Michelle

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

PRESENT: Bateman, Samuel G. Attorney

JOURNAL ENTRIES

- Mr. Weisman indicated co-counsel in Reno stated papers would be filed yesterday. Mr. Bateman argued extension has already expired as of the 17th. Further arguments by counsel. Colloquy between Court and counsel. COURT ORDERED, matter CONTINUED. FURTHER ORDERED, matter set for September 28, 2004, VACATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 28, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

September 28, 2004**9:15 AM****Status Check****STATUS CHECK:****TRANSCRIPT****DATES Court Clerk:****Sue Deaton****Reporter/Recorder: Jo****A. Scott Heard By:****Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Mr. Potter informed Court he sent a motion up to the Supreme Court on Thursday afternoon (September 23rd) asking for an additional thirty (30) days. Mr. Potter represented counsel have a handle on which transcripts are needed and should be able to wrap this up in the next thirty (30) days. Court informed counsel it wasn't going to do anything and will wait to hear from the Supreme Court as to Mr. Potter's request for an additional thirty (30) days. Mr. Potter said he would put matter back on the Court's calendar as soon as he hears from the Supreme Court.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

October 19, 2004**11:00 AM****Status Check**

**STATUS CHECK:
SETTING OF
EVIDENTIARY
HEARING Court
Clerk: Sue Deaton/sd
Relief Clerk: Kristen
Brown
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Simon, H. L.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Simon advised Court he understands Ms. Thomas needs more time. Ms. Thomas said she would ask for an additional sixty days. COURT ORDERED Ms. Thomas to file her brief by December 21, 2004 and matter SET for ARGUMENT approximately thirty days after that date. Mr. Simon informed Court he read transcripts as promised; he would say defense counsel's representation was marginal at best, he cited Strickland and said Ms. Thomas should address the prejudice prong.

NDC

1-18-05, 11 AM, ARGUMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 2004**

85C069269-2

The State of Nevada vs Randolph Moore

October 19, 2004**11:00 AM****Status Check**

**STATUS CHECK:
TRANSCRIPT
DATES Court Clerk:
Sue Deaton/sd Relief
Clerk: Kristen Brown
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Saragosa, Melissa A.

Attorney

JOURNAL ENTRIES

- Mr. Potter provided Court with copy of Supreme Court Order allowing counsel additional time.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 27, 2005**

85C069269-2

The State of Nevada vs Randolph Moore

January 27, 2005**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Relief
Clerk: Georgette
Byrd/gb
Reporter/Recorder:
Tessa Heishman
Heard By: Michelle
Leavitt**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Simon, H. L.

Attorney

JOURNAL ENTRIES

- Ms. Thomas argued Murray Posin rendered a substandard performance and fell below the standard of practice within the community of capital defense counsel. The State argues that the defendant was not prejudiced by trial counsel's poor performance. The defendant was severely prejudiced by his counsel's performance and he did not receive a fair trial or a reliable verdict because of counsel's errors and omissions. Under these circumstances, counsel's representation was worse than having no counsel at all and extreme lack of representation rises to the level of a Chronic violation. Trial counsel was ineffective because he failed to object to an unconscionable procedure created by the trial judge which required defense counsel to make objections to the court reporter during breaks and outside the presence of the trial judge. Competent defense counsel would not have agreed to this procedure and would have challenged it. The defendant was entitled to a fair trial and did not get that. The defendant was attacked by three district attorneys and Mr. Posin should have filed a severance motion.

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Minutes Date: February 25, 1985

Mr. Simon stated there are some problems under the ineffective prong however not the prejudice prong. Judge Mosley informed counsel not to continue objecting during trial but to make appropriate objections to the court reporter. The State is not arguing Mr. Posin was ineffective, however Ms. Thomas brought up the Cronin case so there is no prejudice here. There was four defense attorneys in this case along with three district attorneys. The evidence was overwhelming and there is not a reasonable probability.

COURT ORDERED, matter continued for the Court to further review the pleadings and will give a decision at that time and discuss other issues at that time.

NDC

02/03/05 11:00 AM DECISION: EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

85C069269-2

The State of Nevada vs Randolph Moore

February 03, 2005**11:00 AM****Decision**

**DECISION:
EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder:
Cheryl Gardiner
Heard By: Michelle
Leavitt**

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

Simon, H. L.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- Ms. Thomas noted Defendant Moore is in the Nevada Department of Corrections and requested his presence be WAIVED; COURT SO ORDERED.

COURT ORDERED, as to ineffective assistance of counsel at trial level, that PORTION OF DEFENDANT'S PETITION IS DENIED. Court said the next issue is ineffective assistance of appellate counsel. Mr. Simon noted the Supreme Court issued Decision in McConnell case as to doubling up of aggravators based on Felony murder and that case is scheduled for rehearing, so that Decision is not final yet. Mr. Simon said Decision in McConnell is far reaching in this case and others if the Supreme Court stays with its original Decision and parties in this case can litigate whether that Decision is retroactive to the old cases. Ms. Thomas said she would agree with Mr. Simon as to McConnell. Ms. Thomas said as to ineffective assistance of counsel as to direct appeal, she understands appellate counsel, Thomas Lee, is now deceased and it would be difficult to have an Evidentiary Hearing to

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talk about his strategic decisions. Colloquy between Court and counsel regarding McConnell case and Ms. Thomas said she understands all of the briefs are in and everyone is waiting for Supreme Court's Decision and estimated it would be another sixty (60) days before Decision is out. Court instructed Mr. Simon to prepare Order for this portion of Petition; ineffective assistance of counsel at guilt phase. Ms. Thomas said she would request Findings of Fact and Conclusions of Law say plainly they relate to trial counsel issues. Ms. Thomas said it would be premature to appeal at this point. Court noted it is not an Order of the Court until signed by the Court and filed and Minute Order will show what transpired today. COURT ORDERED, Mr. Simon to do Findings of Fact and Conclusions of Law and put in language that says all the issues have not been resolved and when Petition is finally resolved it will be a final Order; this is an interim Order and time for appeal doesn't start to run until final Order is signed and filed. Mr. Simon said he would go ahead and do as interim Order, agreed issue is not ripe for appeal and he will fax Ms. Thomas proposed Order to review prior to submitting for Court's signature. COURT FURTHER ORDERED, matter SET for a STATUS CHECK as to Decision in the McConnell case in sixty (60) days.

4-7-05, 11 AM, STATUS CHECK: SUPREME COURT DECISION AS TO MCCONNELL CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 07, 2005**

85C069269-2

The State of Nevada vs Randolph Moore

April 07, 2005**11:00 AM****Status Check**

**STATUS CHECK:
SUPREME COURT
DECISION AS TO
MCCONNELL CASE
Court Clerk: Sue
Deaton Heard By:
Michelle Leavitt**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court noted there is a Decision as to McConnell case. Judicial Executive Assistant advised she contacted attorney JoNell Thomas and she is going to be out of the jurisdiction today, April 7, 2005, and she discussed with District Attorney, Leon Simon, who agreed to CONTINUE this case. Mr. Simon will have his brief to Ms. Thomas by the end of May and then Ms. Thomas will have thirty (30) days to respond. A new Hearing date was set and Ms. Thomas will advise Mr. Simon of new date.

NDC

7-14-05, 11 AM, HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

85C069269-2

The State of Nevada vs Randolph Moore

September 01, 2005**11:00 AM****Hearing**

**HEARING Court
Clerk: Sue Deaton
Reporter/Recorder:
Sharon Howard
Heard By: Michelle
Leavitt**

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

Simon, H. L.
Thomas, JoNell

Attorney
Attorney

JOURNAL ENTRIES

- COURT ORDERED, Defendant Moore's presence WAIVED. Ms. Thomas said issue is whether recent decision in McConnell case should be applied to this case. Ms. Thomas said she was aware Court heard arguments a couple days ago on this issue in another case. Court said it does believe it was a new Rule, found that in the other case and now counsel need to address the retroactive application analysis; does it fit within one of the two exceptions? Ms. Thomas responded it does fall within one of the exceptions. Court said second exception goes to conviction and this Court requested further briefing from counsel in the other case. Mr. Simon referred Court's attention to Caldwell case as to second exception and said what counsel is arguing about here is whether death penalty is accurate. Ms. Thomas said why there are aggravators is parties must genuinely narrow aggravators in trials for first degree murder and in Nevada no narrowing is going on. Ms. Thomas said she identified a few cases in which death penalty is appropriate and it becomes clear McConnell should be applied retroactively. Further argument by Ms. Thomas who cited case law to support

those arguments. Mr. Simon said there were four aggravators in this case and two of those went to the Felony Murder. Colloquy between Court and Mr. Simon regarding McConnell case issues. Mr. Simon said there are two exceptions here and in focusing on second exception, in McConnell the Supreme Court did not vacate the death penalty. Mr. Simon said Defendant Moore didn't testify during trial and made an unsworn statement during Penalty Hearing. Court noted in McConnell, Defendant admitted crime. Mr. Simon responded there was overwhelming evidence of guilt in this case and there was conspiracy that took place a month prior to the murder of Defendant Flanagan's grandparents so he could inherit; it was premeditated and deliberate, question is would there have been a different verdict if jury had not been able to use Burglary and Robbery aggravators. Mr. Simon argued death penalty in this case is accurate.

Court said no one knows what jury found and do not know if they found premeditation, there was no special verdict form in this case. Mr. Simon said there are unique circumstances in this case and thirty-six different jurors found for the death penalty; this was not a close case. Ms. Thomas said there was testimony about conversations about a month before incident, but there are credibility issues with those witnesses. Ms. Thomas reviewed issues as to McConnell's testimony in his case. Ms. Thomas said Felony Murder should not have applied in this case and not one of these aggravators should have applied. Ms. Thomas said two Penalty Phases were thrown out, because testimony regarding devil worship and witchcraft was allowed. Ms. Thomas argued death penalty verdict should be removed.

Court said Nevada Supreme Court relied on cases from other jurisdictions in McConnell decision; the Middlebrooks case they relied on was applied retroactively. Court expressed its concern that one of the Rules applied is from case law from another jurisdiction. Mr. Simon said Burglary and Robbery was based on cover up to underlying murders, Burglary is real strong because they entered building to commit murders, there were four aggravators, no special verdict forms and two of the aggravators, Robbery and Burglary went to Felony Murder. Court said it wanted more opportunity to look at case law. COURT FINDS IT IS A NEW RULE. COURT ORDERED, matter SET for DECISION in approximately two weeks.

NDC

9-13-05, 11 AM, DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 06, 2005**

85C069269-2

The State of Nevada vs Randolph Moore

October 06, 2005**11:00 AM****Decision**

DECISION Relief
Clerk: Georgette
Byrd/gb
Reporter/Recorder:
Gina Shrader Heard
By: Michelle Leavitt

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

Simon, H. L.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Court noted the decision regarding this is a new rule and parties had further discussions regarding whether this case fits within first or second exceptions in Caldwell. Court finds that it would fit in the second exception.

Mr. Simon cited Tennessee v. Middle brook and McConnell statutes to the record.

Court noted the Supreme Court clearly says our capital murder scheme is unconstitutional and ORDERED, based on McConnell exception two applies.

Mr. Simon requested to take the matter up to the Supreme Court which would make any unresolved issues moot and since McConnell is retro active it would initiate the death penalty.

Ms. Thomas argued ineffective assistance of the appellant counsel.

Mr. Simon stated the ineffective assistance was in the third penalty phase and appeal of the third penalty phase and thinks this is moot due to the Courts order today. COURT ORDERED, issues of third penalty phase and appeal of third penalty phase is UNDER ADVISEMENT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 18, 2005**

85C069269-2

The State of Nevada vs Randolph Moore

November 18, 2005**9:15 AM****Minute Order**

**MINUTE ORDER
RE: DECISION
Court Clerk: April
Watkins Heard By:
Michelle Leavitt**

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

JOURNAL ENTRIES

- The Court having reviewed the issue of ineffective assistance of appellate counsel, hereby DENIES relief pursuant to that claim. Mr. Moore did not meet his burden of establishing ineffective assistance of appellate counsel.

The issues in Mr. Moore's Post Conviction Petition are now all resolved.

Mr. Simon to prepare the findings of fact and conclusions of law for the Court.

CLERK'S NOTE: The above minute order has been distributed to: JoNell Thomas, Esq. and H. Leon Simon, District Attorney. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 08, 2008**

85C069269-2

The State of Nevada vs Randolph Moore

May 08, 2008**8:30 AM****Status Check**

**STATUS CHECK RE:
MOORE'S
SUPREME COURT
ORDER OF
REMAND Court
Clerk: April Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Leavitt, Michelle**

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

Owens, Christopher J.
Patrick, Clark W.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Patrick advised Ms. Thomas will be filing a petition in front of the United States Supreme Court as well as she has filed a request to the Nevada Supreme Court for a stay. Mr. Owens advised Deft. lost on many of the issues but has right to go to the United States Supreme Court. COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 09, 2008**

85C069269-2

The State of Nevada vs Randolph Moore

October 09, 2008**8:30 AM****Status Check**

**STATUS CHECK RE:
MOORE'S
SUPREME COURT
ORDER OF
REMAND Court
Clerk: April Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt**

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

PRESENT: Owens, Christopher J. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- Mr. Schieck advised per Ms. Thomas writ was denied and no remittitur issued yet. Colloquy. COURT ORDERED, the following briefing schedule set: Opening Brief on prejudicial issues due by November 4, 2008, and matter set thereafter for hearing. Mr. Owens stated he will be filing a brief as well.

NDC

12/11/08 8:30 AM HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 11, 2008**

85C069269-2

The State of Nevada vs Randolph Moore

December 11, 2008**8:30 AM****Hearing****HEARING Court
Clerk: April Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Leavitt, Michelle****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****February 05, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

February 05, 2009**10:00 AM****Hearing****HEARING Court
Clerk: April Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 26, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

February 26, 2009**10:00 AM****Hearing**

HEARING Relief
Clerk: Tia Everett/te
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt

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

Owens, Steven S.
 Thomas, JoNell

Attorney
 Attorney

JOURNAL ENTRIES

- Ms. Thomas requested Defendant's presence be waived. COURT SO ORDERED. Ms. Thomas reviewed case history. Ms. Thomas argued it would need to be shown beyond reasonable doubt that the jury would have still imposed death with the two invalid aggravating circumstances gone. Further, Ms. Thomas argued as the trial Judge refused to give a mitigation verdict form which would have listed with specificity all of the mitigators found by one or more of the jurors and without knowing that information there is no way to say beyond a reasonable doubt that the presence of the two aggravating circumstances did not matter. Mr. Owens argued we can be assured the sentence would have been the same as the McConnell Order does not in any way change the penalty phase evidence which was presented all it changes it instruction on how they were to consider the aggravators. Additionally, Mr. Owens argued Defendant was not entitled to a special verdict as to mitigators at all. Further arguments by counsel. Based upon the briefs which have been submitted and the instructions of the Nevada Supreme Court, COURT FINDS, the jury was not prejudiced by their consideration of the aggravating circumstances which were subsequently stricken pursuant to

the McConnell decision. Further, there consideration was harmless beyond a reasonable doubt as there were two other remaining aggravators as these gentlemen were to receive money as a result of these murders. Additionally, the victims were Defendant Flannigan's grandparents and the motive and purpose of the murders was due to Defendant Flannigan believed he was going to receive money and/or other inheritances through their will; therefore, this was done in hopes of money in the form of an inheritance. COURT FURTHER FINDS, there was great risk of death as there were two people in the house which resulted in a double homicide which was planned and the grandmother was shot first, then when the grandfather came downstairs when he heard the noise he was then shot. COURT CONCLUDES, the mitigating factors, lack of prior criminal history, and youth as well as other mitigating circumstances that even in lite of those mitigating factors the jury would have returned a death sentence as this was a very brutal double homicide of elderly grandparents, for no other reason than money, which was carefully plotted out and Defendants had meetings to which there was eyewitness testimony to the meetings which were held prior to the murders. Court noted, based upon this ruling there are two other rulings which need to be made as to claims 40 and 42. Ms. Thomas informed the Court those are as to all of the claims of ineffective assistance of counsel at the third penalty phase and as to appellant counsel based upon the third penalty phase. COURT ORDERED, matter Set for Status Check.

3/5/09 8:30 AM STATUS CHECK: APPELLANT COUNSEL (ORAM, C)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 05, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

March 05, 2009**8:30 AM****Status Check**

**STATUS CHECK:
APOINMENT OF
APPELLANT
COUNSEL
(CHRISTOPHER
ORAM) Relief Clerk:
Tia Everett/te
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt**

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

Oram, Christopher R.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Christopher Oram Esq., CONFIRMED as counsel. Colloquy regarding case. COURT ORDERED,
Matter Set for Status Check.

NDC

4/23/09 8:30 AM STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 30, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

April 30, 2009**8:30 AM****Status Check**

STATUS CHECK:
Court Clerk: April
 Watkins
Reporter/Recorder:
 Kerry Esparza
Heard
By: Leavitt, Michelle

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

Oram, Christopher R.
 Ponticello, Frank M.

Attorney
 Attorney

JOURNAL ENTRIES

- Mr. Oram CONFIRMED as counsel and requested status check to set evidentiary hearing. COURT ORDERED, matter CONTINUED.
 NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 14, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

May 14, 2009**8:30 AM****Status Check**

STATUS CHECK:
Court Clerk: April
Watkins
Reporter/Recorder:
Kerry Esparza **Heard**
By: Michelle Leavitt

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

Oram, Christopher R.
 Owens, Steven S.
 Ponticello, Frank M.

Attorney
 Attorney
 Attorney

JOURNAL ENTRIES

- Court noted there are only two claims remaining which are #40 & #42 which have already been briefed. Mr. Oram stated he will not further brief. Colloquy. COURT ORDERED, matter SET for argument/decision.

NDC

9/18/09 9:30 AM ARGUMENT/DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 27, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

August 27, 2009**8:30 AM****Petition for Writ of Habeas
Corpus**

**PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: April
Watkins Relief
Clerk: Sylvia
Courtney/sc
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court stated she has prepared an order outlining findings of fact and conclusions of law denying Deft.'s third petition for writ. This is a successive petition and Deft. has not overcome procedural default rules nor shown good cause. COURT ORDERED, petition DENIED.

NDC

CLERK'S NOTE: A copy of this minute order has been distributed to: Roy McDowell, #21833, Lovelock Correctional Center, LCC/1200 Prison Road, Lovelock, Nevada 89419-5110.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 01, 2009**

85C069269-2

The State of Nevada vs Randolph Moore

December 01, 2009**10:30 AM****Hearing**

ARGUMENT/DECISION Court Clerk:
April Watkins
Reporter/Recorder:
Kerry Esparza **Heard**
By: Michelle Leavitt

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

Oram, Christopher R.
 Owens, Steven S.

Attorney
 Attorney

JOURNAL ENTRIES

- Mr. Oram advised Deft. does not want to be present for today's hearing or any future hearings, request his presence be waived and COURT SO ORDERED. Court noted issues are down to claims #40 & #42. Mr. Oram stated after review of the file as to Claim #40, some issues have been raised, fully briefed, heard by the State of Nevada, seems prior counsel makes claims that will need to be proven outside the record and requested a evidentiary hearing be set as to expert and mitigation specialist. Court further noted claims #40 & #42 all deal with ineffective assistance of counsel. Mr. Oram further stated if the Court elects to have evidentiary hearing, counsel will need an investigator to obtain information needed. Court stated there are 18 claims as to #40, third penalty phase, failure to hire mitigation expert. Mr. Owens argued Deft. not entitled to hearing unless specific allegations are given and are not belied by the record. Further, counsel believes they are bare and does not list any witnesses. Additionally, Mr. Owens argued Deft's mother testified there was only one physical abuse she witnessed and further argued all is belied by the record. Deft's counsel has to come

forward with a proffer as to who would testify and noted claims have been previously denied by the Court and the Nevada Supreme Court. Mr. Oram further argued in support of evidentiary hearing. Colloquy. Court stated her FINDINGS and ORDERED, petition DENIED. State to prepare order. Kerry Esparza to prepare transcript for the Court.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 05, 2013**

85C069269-2

The State of Nevada vs Randolph Moore

November 05, 2013 8:30 AM**Petition for Writ of Habeas
Corpus****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**

FIEDLER, RANDOLPH M

Attorney

Owens, Steven S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Assistant Federal Public Defender Gary Taylor, Esq., (Bar No. 11026C) is also present. COURT ORDERED, briefing schedule SET as follows: State's response to Petition for Writ of Habeas Corpus due January 7, 2014; and Deft's reply is due February 6, 2014. FURTHER, Petition CONTINUED.

NDC

2/20/14 10:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 05, 2014**

85C069269-2

The State of Nevada vs Randolph Moore

June 05, 2014**10:30 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**

FIEDLER, RANDOLPH M

Attorney

Hurst, Tiffani D.

Attorney

Owens, Steven S.

Attorney

Public Defender

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- APPEARANCES: Chief Deputy District Attorney Steven Owens, Esq., is present on behalf of State of Nevada.

Assistant Federal Public Defender Randolph Fiedler, Esq. (No. 12577), Assistant Federal Public Defender Gary Taylor, Esq. (No. 11031-C), and Assistant Federal Public Defender Tiffani Hurst, Esq. (No. 11027-C) are also present on behalf of Deft.

Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Discussions as to Deft's Opposition to Motion to Dismiss having been filed to address State's Motion to dismiss, and to respond to the merits. Mr. Owens advised the State just filed a response to the Petition, and does not have to argue on a request for dismissal. Mr. Fiedler argued as to NRS 34.800, latches, default not applying, case law from State vs. Powell, NRS 34.726, case law under Crump vs. Warden, material evidence testimony presented at trial, Co-Deft. Flanagan's case, evidence having been discovered in

2010, claims of post-conviction counsel having been ineffective due to failure to investigate the case, and factual allegations not being belied on the record. Mr. Fiedler argued the Court should grant an evidentiary hearing on the procedural defect claims, based on the current posture of this case. Further arguments as to cause and prejudice claims. Mr. Owens provided history of the case; and opposed the Petition. Thereafter, State argued as to 5 year latch issue, the Petition being successive, and the time bar issue. Additional arguments regarding the statute not giving a time frame, guilt phase, affirmation, penalty phases, withdrawal of counsel in 2009, representations made by Mr. Oram, procedures having been given by State but not followed by defense, no good cause shown, NRS 34, Brady claims, no new impeachment evidence, and defense counsel's representations made to the jury. Mr. Fiedler replied; and argued a failure to investigate cannot be a strategic decision. Following additional arguments, COURT ORDERED, Petition DENIED as being successive, and Deft. failed to show good case and prejudice. Mr. Owens to prepare the order; Mr. Fiedler to approve form and content.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 26, 2014**

85C069269-2

The State of Nevada vs Randolph Moore

August 26, 2014**8:30 AM****At Request of Court****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Debbie Winn**REPORTER:****PARTIES****PRESENT:**

FIEDLER, RANDOLPH M

Attorney

Owens, Steven S.

Attorney

Public Defender

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Assistant Federal Public Defenders Randolph Fiedler, Esq., and Gary Taylor, Esq., are present.

Court stated it has not received a written Objection quite like the one received in this matter. Mr. Owens advised defense always makes oppositions to proposed findings made by State, and he is confident on the proposed findings. Court stated it just wanted to see if defense needed to make a further record on their objections. COURT ORDERED, matter OFF CALENDAR.

NDC

State vs. Dale Edward Flanagan, Randolph Moore aka
Smith, Johnny Ray Buckett & Roy M. Sowell

PLAINTIFF'S EXHIBITS

1985

CASE NO. C69269

OFFERED ADMITTED

1.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30/85
2.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
3.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
4.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
5.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
6.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
7.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
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9.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
10.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
11.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
12.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
13.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
14.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
15.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
16.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
17.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
18.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
19.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
20.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
21.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
22.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
23.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
24.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30
25.	Photo	<input checked="" type="checkbox"/> Noobj.	<input checked="" type="checkbox"/> 9/30

State vs. Dale Edward Hagan, Randolph Moore aka
Smith, Johnny Ray Lockett, Roy McWell

PLAINTIFF'S EXHIBITS

1985

CASE NO. C69269

OFFERED ADMITTED

	OFFERED	ADMITTED
26. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30/85
27. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
28. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
29. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
30. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
31. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
32. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
33. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
34. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
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36. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
37. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
38. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
39. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
40. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
41. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
42. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
43. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
44. Photo	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/01
45. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
46. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
47. Photo	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/01
48. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
49. Photo	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/01
50. Photo ————— withdrawn —————	<input checked="" type="checkbox"/> obj.	<input type="checkbox"/>

1985

OFFERED ADMITTED

151. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30/85
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153. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
154. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
155. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
156. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
157. Photo withdrawn	<input checked="" type="checkbox"/> obj.	<input type="checkbox"/>
158. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
159. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
160. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
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162. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
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164. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
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167. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
168. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
169. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
170. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
171. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
172. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
173. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
174. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30
175. Photo	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 9/30

The State of Nevada vs Dale Edward Flanagan Randolph
 Moore aka Smith, Johnny Ray Lockett & Roy McSowell

PLAINTIFF'S EXHIBITS

1985

CASE NO. C69269

OFFERED ADMITTED

176. Photo		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03/85
177. Photo		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
178. Photo		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 9/30
179. Photo		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 9/30
180. Photo		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 9/30
181. Mug Shot - Thomas Akers		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
182. Mug Shot - Dale Flanagan	7/13/89	<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 7/13/89
183. Mug Shot - Roy McSowell	7/13/89	<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 7/13/89
184. Mug Shot - Johnny Ray Lockett	7/13/89	<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 7/13/89
185. Mug Shot - Michael Walsh		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
186. Mug Shot - Randolph Moore	7/13/89	<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 7/13/89
187. Diagram - Crime Scene		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 9/30
188. Manila Evidence Envelope & Contents		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
188A Cartridge case in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
188B. Cartridge case in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
188C. Cartridge case in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
188D. Cartridge case in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
188E. Bullet in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
189. Manila Evidence Envelope & Contents		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
189A Cartridge case in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
190. Manila Evidence Envelope & Contents		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
90A. Bullet in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
90B. Bullet in plastic bag		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
191. Manila Evidence Envelope & Contents		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03
91A Knife		<input checked="" type="checkbox"/> Noobj	<input checked="" type="checkbox"/> 10/03

	OFFERED	ADMITTED
✓ 92. Manila Evidence Envelope; paper-wrapped package & contents	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03 1/2
✓ 92A Window screen	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 93. Evidence Bag & Contents	<input type="checkbox"/>	<input type="checkbox"/>
✓ 93A. Purse & Contents	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 94. Manila Evidence Envelope & Contents - 2 plastic vials - bullets	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 95. Manila Evidence Envelope & Contents - 4 plastic vials - cotton & bullet fragments	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 96. Pole wrapped with black tape	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 97. Sawed-off 22 caliber rifle	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 98. Rifle - 22 caliber semi-automatic	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/03
✓ 99. Poem & drawing - (Offered by defense - Handwritten)	<input checked="" type="checkbox"/> Sustained	<input checked="" type="checkbox"/> 10/09
✓ 100. Photo - Autopsy - Colleen Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 101. Photo - Autopsy - Colleen Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 102. Photo - Autopsy - Colleen Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 103. Photo - Autopsy - Colleen Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 104. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 105. Photo - Autopsy - Carl Gordon	<input type="checkbox"/> not allowed	
✓ 106. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 107. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 108. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 109. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 110. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 111. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 112. Photo - Autopsy - Carl Gordon	<input checked="" type="checkbox"/> obj.	<input checked="" type="checkbox"/> 10/03
✓ 113. Death Certificate - Colleen Gordon	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/01
✓ 114. Death Certificate - Carl Gordon	<input checked="" type="checkbox"/> no obj.	<input checked="" type="checkbox"/> 10/01

State of Nevada vs. Dale Edward Gierager, Randolph
Moore aka Smith; Johnny Ray Tuckett & Ray McSowell
PLAINTIFF'S EXHIBITS
1985
CASE NO. PC69269
OFFERED ADMITTED

1985

115. Autopsy Report - Colleen Gordon

☒ Slip. ☒ 10/03/85

116. Autopsy Report - Carl Gordon

☒ Ship. ☒ 10/03

117. Catalog page - featuring a "Western Knife"

☒ Nooby ☒ 10/02

9/18. Letter to Randy Moore from Sales Manager

☒ *obj* ☒ *10/14*

119. Drawing by Johnny Ray Luckette (Sale) #2/6

9 ☒ obj: ☒ 7/12/89

2nd
Penalty
Phase

[illegible]

The State of Nevada vs Dale Edward Flanagan, Randall
 Moore aka Smith, Johnny Ray Luckett, by McSowell

DEFENDANT'S EXHIBITS:

1985

CASE NO. C69269

	OFFERED	ADMITTED
A. Letter - Poem to Leah Moore	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/6/85
B. Letter - Poem - "Live to Die & Die to Live"	<input checked="" type="checkbox"/> obj	<input checked="" type="checkbox"/> 10/6/85
C. Letter from Scott Sloane to Johnny Ray Luckett	<input checked="" type="checkbox"/> obj	<input checked="" type="checkbox"/> 10/6/85
D. Requested Copy of Scott Sloane to Johnny Ray	<input checked="" type="checkbox"/> obj	<input checked="" type="checkbox"/> 10/6/85
DI Original Letter from Scott Sloane to Johnny Ray Luckett	<input checked="" type="checkbox"/> obj	<input checked="" type="checkbox"/> 10/6/85
E. Envelope - postmarked 9/9/85	<input checked="" type="checkbox"/> obj	<input checked="" type="checkbox"/> 10/6/85
F. Handwriting Exemplar - Scott Sloane	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10/14
Paraphrase G. Certificate - School Student Schirra - Randy	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14
H. Certificate - School Scholarship + Citizenship - Randy	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14
I. Appreciation Award - Randy Moore	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14
J. Las Vegas Arabian Horse Assoc. Award - Randy	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14
K. Reward check - Fabulous Forty Apartments - Randy	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14
2nd Paraphrase L. Certificates - Religious Studies - Dale Flanagan 7/13/89	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 7/13/89
M. Article; "Hosanna," by Randy Moore 7/13/89	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 7/13/89
N. Articles; "The House," etc; by Dale Flanagan 7/13/89	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 7/13/89
O.	<input type="checkbox"/>	<input type="checkbox"/>
P.	<input type="checkbox"/>	<input type="checkbox"/>
Q.	<input type="checkbox"/>	<input type="checkbox"/>
R.	<input type="checkbox"/>	<input type="checkbox"/>
S.	<input type="checkbox"/>	<input type="checkbox"/>
T.	<input type="checkbox"/>	<input type="checkbox"/>
U.	<input type="checkbox"/>	<input type="checkbox"/>
V.	<input type="checkbox"/>	<input type="checkbox"/>
W.	<input type="checkbox"/>	<input type="checkbox"/>
X.	<input type="checkbox"/>	<input type="checkbox"/>
Y.	<input type="checkbox"/>	<input type="checkbox"/>
Z.	<input type="checkbox"/>	<input type="checkbox"/>

THIRD PENALTY HEARING 1995

PLAINTIFF'S EXHIBITS

CASE NO. C69269

OFFERED ADMITTED

1 Small Color Photograph	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	9/22/95
2	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
3	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
4	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
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9	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
10	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
11	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
12	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
13	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
14	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
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16	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
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23	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
24	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
25	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

PLAINTIFF'S EXHIBITS

CASE NO. 069269

OFFERED ADMITTED

26 Small Color Photograph

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withdrawn



no
obj



6/22/95



PLAINTIFF'S EXHIBITS

CASE NO. C69269

OFFERED ADMITTED

51 Small Color Photograph

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withdrawn

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no
obj



6/22/95



no
obj



6-22-95



OFFERED ADMITTED

76 Small Color Photograph

no
obj

6/22/95

77



78



79



80



81 Booking Photo - Thomas Akers



82 Booking Photo - Dale Flanagan



83 Booking Photo - Roy McDowell



84 Booking Photo - Johnny Ray Luckett



85 Booking Photo - Michael Walsh



86 Booking Photo - Randolph Moore



87 Diagram



88 Evidence Envelope



88A Spent casing



88B



88C



88D



88E



89 Evidence Envelope



89A spent casing



90 Evidence Envelope



90A Projectile



90B Projectile



91 Evidence Envelope



91A Knife



	OFFERED	ADMITTED
92- Evidence Bag	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 6-22-95
92A- Window Screen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
93 Evidence Bag	<input type="checkbox"/>	<input type="checkbox"/>
93A- Purse + Contents	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 6-22-95
94 Evidence Envelope + Contents (12 Plastic Vials containing projectiles)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
95 Evidence Envelope + Contents (14 Plastic Vials containing projectile fragments)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
96 Wooden club wrapped with black tape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
97 Sawed-off 22 calibre rifle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
98 22 calibre semi-automatic rifle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
99 withdrawn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
100 Autopsy Photograph - Colleen Gordon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
101	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
102	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
103	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
104 Autopsy Photograph - Carl Gordon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
105 WITHDRAWN	<input type="checkbox"/>	<input type="checkbox"/>
106	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 6-22-95
107	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
108	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
109	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
110	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
111	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
112	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
113 Death Certificate - Colleen Gordon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
114 Death Certificate - Carl Gordon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

CASE NO. 069269

[illegible]

THIRD PENALTY HEARING

DEFENDANT'S EXHIBITS:

CASE NO. C69269

	OFFERED	ADMITTED
A. <u>Prior Exhibit NOT USED FOR THIS HEARING</u>	<input type="checkbox"/>	<input type="checkbox"/>
B. <u>" " "</u>	<input type="checkbox"/>	<input type="checkbox"/>
C. <u>" " "</u>	<input type="checkbox"/>	<input type="checkbox"/>
D. <u>" " "</u>	<input type="checkbox"/>	<input type="checkbox"/>
E. <u>" " "</u>	<input type="checkbox"/>	<input type="checkbox"/>
F. <u>" " "</u>	<input type="checkbox"/>	<input type="checkbox"/>
G. <u>Student Librarian Certificate of Randy Moore</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ^{no obj} 6/21
H. <u>Certificate of Merit - Scholarship/Citizenship - ^{Randy} Moore</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> " "
I. <u>Award of Appreciation - NSHA - Randy Moore</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> " "
J. <u>Recognition Award from LV Arabian Horse Assoc. - ^{Randy} Moore</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> " "
K. <u>Copy of check from Fabulous Party Opto to Randy Moore</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> " "
L. <u>PACKET of Poems + Certificates by Dale Flanagan</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ^{stop} 6/21
M. <u>Article "Hosanna" by Randy Moore</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ^{no obj} 6/20
N. <u>Article "The House" by Dale Flanagan</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ^{no obj} " "
O. <u>(NO EXHIBIT FOR THIS LETTER)</u>	<input type="checkbox"/>	<input type="checkbox"/>
P. <u>Letter dated 11-10-92 from Flanagan to Janalee Hoffman</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ^{no obj} 6/20
Q. <u>Letter dated 11-10-92 from Moore to Janalee Hoffman</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> " "
R. <u>College transcript of Dale Flanagan</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> ^{no obj} 6/21
S. _____	<input type="checkbox"/>	<input type="checkbox"/>
T. _____	<input type="checkbox"/>	<input type="checkbox"/>
U. _____	<input type="checkbox"/>	<input type="checkbox"/>
V. _____	<input type="checkbox"/>	<input type="checkbox"/>
W. _____	<input type="checkbox"/>	<input type="checkbox"/>
X. _____	<input type="checkbox"/>	<input type="checkbox"/>
Y. _____	<input type="checkbox"/>	<input type="checkbox"/>
Z. _____	<input type="checkbox"/>	<input type="checkbox"/>

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.

RANDOLPH MOORE aka RANDOLPH
SMITH,

Defendant(s).

Case No: C069269-2
Dept No: XII

Death Penalty

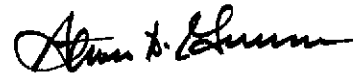
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 6 day of October 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



CLERK OF THE COURT

Electronically Filed
Oct 07 2014 03:54 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOASC
RENE VALLADARES
Federal Public Defender
Nevada Bar No. 11479
TIFFANI D. HURST
Assistant Federal Public Defender
Nevada Bar No. 11027C
GARY TAYLOR
Assistant Federal Public Defender
Nevada Bar No. 11031C
RANDOLPH M. FIEDLER
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Nevada Bar No. 12577
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Las Vegas, Nevada 89101
Telephone: (702) 388-6577
Facsimile: (702) 388-5819
Attorneys for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

RANDOLPH LYLE MOORE,

Petitioner,

vs.

RENEE BAKER, Warden, and
CATHERINE CORTEZ MASTO,
Attorney General of the State of Nevada,

Respondents.

CASE NO: C069269
DEPT. NO: XII

NOTICE OF APPEAL

(Death Penalty Case)

Notice is hereby given that Petitioner, Randolph Lyle Moore, appeals to the Nevada Supreme Court from the Findings of Fact, Conclusions of Law and Order which was filed in this action on August 27, 2014, and entered and served on September 2, 2014.

Dated this the 6th day of October 2014.

Respectfully Submitted,

RENE VALLADARES
Federal Public Defender

/s/ Tiffani D. Hurst
TIFFANI D. HURST

/s/ Gary Taylor
GARY TAYLOR

/s/ Randolph Fiedler
RANDOLPH FIEDLER
Assistant Federal Public Defenders

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Steven S. Owens
Chief Deputy District Attorney
Criminal Appeals Unit
200 Lewis Avenue
Las Vegas, NV 89101

Adam Woodrum
Deputy Attorney General
Office of the Nevada Attorney General
555 E. Washington Ave, Suite 3900
Las Vegas, NV 89101

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CLERK OF THE COURT

ASTA
RENE VALLADARES
Federal Public Defender
Nevada Bar No. 11479
TIFFANI D. HURST
Assistant Federal Public Defender
Nevada Bar No. 11027C
GARY TAYLOR
Assistant Federal Public Defender
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Telephone: (702) 388-6577
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Attorneys for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

RANDOLPH LYLE MOORE,

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vs.

RENEE BAKER, Warden, and
CATHERINE CORTEZ MASTO,
Attorney General of the State of Nevada,

Respondents.

CASE NO: C069269
DEPT. NO: XII

CASE APPEAL STATEMENT

(Death Penalty Case)

1. Name of appellant filing this case appeal statement:

Randolph Lyle Moore

2. Identify the judge issuing the decision, judgment or order appealed from:

Honorable Michelle Leavitt

3. Identify all parties to the proceedings in the district court:

Same as in caption.

4. Identify all parties involved in this appeal:

Same as in caption.

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///

5. **Set forth the name, law firm, address and telephone number of all counsel on appeal and identify the party or parties whom they represent:**

Steven S. Owens
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, NV 89101
(702) 671-2500

Adam Woodrum
Deputy Attorney General
555 E. Washington Ave, Suite 3900
Las Vegas, NV 89101
(702) 486-3904
Counsel for State of Nevada and Rence Baker, Warden

Tiffani D. Hurst
Gary Taylor
Randolph M. Fiedler
Assistant Federal Public Defenders
411 E. Bonneville Ave, Suite 250
Las Vegas, NV 89101
(702) 388-6577
Counsel for Petitioner

6. **Indicate whether appellant was represented by appointed or retained counsel in the district court:**

The United States District Court appointed the Federal Public Defender for the District of Nevada on April 25, 2013. See Moore v. Baker, No. 2:13-cv-00655-JCM-CWH, Docket No. 6. The Federal Public Defender's Office made their first appearance on behalf of Petitioner/Appellant Randolph Lyle Moore in the District Court on November 5, 2013.

7. **Indicate whether appellant was represented by appointed or retained counsel on appeal:**

Petitioner/Appellant is represented by Tiffani D. Hurst, Gary Taylor and Randolph M. Fiedler of the Federal Defender's Office, which has not been formally appointed by the District Court but is providing representation pursuant to its appointment by the Federal District Court.

8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

Petitioner/Appellant did not seek leave to proceed in forma pauperis but the Nevada courts previously held that Mr. Moore was indigent. The United States District Court for the District of Nevada granted Mr. Moore leave to proceed in forma pauperis on April 25, 2013. See Moore v. Baker No. 2:13-cv-00655-JCM-CWH, Docket No. 6.

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1 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
2 **complaint, indictment, information or petition was filed):**

3 A Petition for Writ of Habeas Corpus (Post-Conviction) was filed on September 19,
4 2013.

5 Dated this the 6th day of October 2014.

6 Respectfully Submitted,

7 RENE VALLADARES
8 Federal Public Defender

9 /s/ Tiffani D. Hurst
10 TIFFANI D. HURST

11 /s/ Gary Taylor
12 GARY TAYLOR

13 /s/ Randolph Fiedler
14 RANDOLPH FIELDER

15 Assistant Federal Public Defenders
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Steven S. Owens
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200 Lewis Avenue
Las Vegas, NV 89101

Adam Woodrum
Office of the Nevada Attorney General
555 E. Washington Ave, Suite 3900
Las Vegas, NV 89101

4

DEPARTMENT 12
CASE SUMMARY
CASE NO. 85C069269-2

The State of Nevada vs Randolph Moore

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§

Location: **Department 12**
Judicial Officer: **Leavitt, Michelle**
Filed on: **02/19/1985**
Case Number History:
Cross-Reference Case Number: **C069269**
Defendant's Scope ID #: **0636661**
Lower Court Case Number: **85F00653**

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO	F	01/01/1900	Case Flags: Appealed to Supreme Court Death Penalty Case
2. CONSPIRE TO AID AND ABET A ROBBERY	F	01/01/1900	
3. CONSPIRACY TO COMMIT MURDER.	F	01/01/1900	
4. BURGLARY.	F	01/01/1900	
5. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900	
6. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON	F	01/01/1900	
7. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON	F	01/01/1900	

Related Cases

85C069269-1 (Multi-Defendant Case)
85C069269-3 (Multi-Defendant Case)
85C069269-4 (Multi-Defendant Case)
85C069269-5 (Multi-Defendant Case)
85C069269-6 (Multi-Defendant Case)

Statistical Closures

11/02/2009 USJR Reporting Statistical Closure
10/06/2009 USJR Reporting Statistical Closure
06/15/2009 USJR Reporting Statistical Closure
09/15/2002 USJR Reporting Statistical Closure
12/10/2001 USJR Reporting Statistical Closure
10/31/2000 USJR Reporting Statistical Closure

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	85C069269-2
Court	Department 12
Date Assigned	10/26/2003
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION









		<i>Lead Attorneys</i>
Defendant	Moore, Randolph	Public Defender <i>Retained</i>
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE















EVENTS & ORDERS OF THE COURT

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CASE No. 85C069269-2

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01/01/1900	Plea (Judicial Officer: User, Conversion) 2. CONSPIRE TO AID AND ABET A ROBBERY Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. CONSPIRACY TO COMMIT MURDER. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. BURGLARY. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. ROBBERY WITH A DEADLY WEAPON Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON Not Guilty	
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02/19/1985	 Conversion Case Event Type <i>CRIMINAL COMPLAINT</i>	85C069269- 20001.tif pages
02/19/1985	 Criminal Bindover <i>CRIMINAL BINDOVER OF THOMAS LEWIS AKERS</i>	85C069269- 21059.tif pages
02/19/1985	 Criminal Bindover <i>CRIMINAL BINDOVER DALE E FLANAGAN</i>	85C069269- 21060.tif pages
02/19/1985	 Criminal Bindover <i>CRIMINAL BINDOVER MICHAEL B WALSH</i>	85C069269- 21061.tif pages
02/19/1985	 Criminal Bindover <i>CRIMINAL BINDOVER JOHNNY R LOCKETT</i>	85C069269- 21062.tif pages
02/20/1985	Hearing <i>INITIAL ARRAIGNMENT</i>	85C069269- 20002.tif pages
02/20/1985	 Request <i>MEDIA REQUEST</i>	85C069269- 20486.tif pages
02/20/1985	 Request <i>MEDIA REQUEST</i>	85C069269- 20487.tif pages
02/20/1985	 Order	85C069269-

DEPARTMENT 12
CASE SUMMARY
CASE NO. 85C069269-2

	<i>ORDER GRANTING ENTRY OF MEDIA PERMISSION</i>	<i>20488.tif pages</i>
02/20/1985	 Request <i>MEDIA REQUEST</i>	<i>85C069269-20489.tif pages</i>
02/25/1985	Initial Arraignment (9:00 AM) Events: 02/20/1985 Hearing <i>INITIAL ARRAIGNMENT Heard By: Donald Mosley</i>	
02/25/1985	 Information <i>INFORMATION</i>	<i>85C069269-20003.tif pages</i>
02/28/1985	 Order <i>ORDER</i>	<i>85C069269-20490.tif pages</i>
03/01/1985	 Request <i>MEDIA REQUEST</i>	<i>85C069269-20491.tif pages</i>
03/01/1985	 Order <i>ORDER GRANTING ENTRY OF MEDIA PERMISSION</i>	<i>85C069269-20492.tif pages</i>
03/20/1985	 Petition <i>PETITION FOR A WRIT OF HABEAS CORPUS</i>	<i>85C069269-20493.tif pages</i>
03/21/1985	 Request <i>MOTION TO WITHDRAW AS COUNSEL</i>	<i>85C069269-20494.tif pages</i>
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03/25/1985	 Order <i>ORDER</i>	<i>85C069269-20496.tif pages</i>
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03/27/1985	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEB 11 1985 PRELIMINARY HEARING</i>	<i>85C069269-20795.tif pages</i>
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DEPARTMENT 12
CASE SUMMARY
CASE No. 85C069269-2

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04/17/1985	 Petition <i>PETITION FOR A WRIT OF HABEAS CORPUS</i>	85C069269- 20501.tif pages
04/24/1985	 Request <i>MEDIA REQUEST</i>	85C069269- 20502.tif pages
04/24/1985	 Request <i>MEDIA REQUEST</i>	85C069269- 20503.tif pages
04/24/1985	 Request <i>MOTION FOR APPOINTMENT OF PSYCHIATRIST FOR EXAMINATION OF DEFENDANT</i>	85C069269- 20504.tif pages
04/29/1985	 Certificate <i>CERTIFICATE OF MAILING</i>	85C069269- 20505.tif pages
04/29/1985	 Notice <i>NOTICE OF MOTIONS</i>	85C069269- 20506.tif pages
04/29/1985	 Request <i>MOTION TO FILE ADDITIONAL MOTIONS UPON RECEIPT OF DISCOVERY MATERIAL AND FOLLOWING EVIDENTIARY HEARINGS FOLLOWING EVIDENTIARY HEARINGS</i>	85C069269- 20507.tif pages
04/29/1985	 Request <i>MOTION FOR APPOINTMENT OF PSYCHIATRISTS FOR EXAMINATION OF DEFENDANT DEFENDANT</i>	85C069269- 20508.tif pages
04/29/1985	 Request <i>MOTION FOR DISCOVERY EXAMINATION OF EVIDENCE AND PRODUCTION OF ALL EVIDENCE FAVORABLE TO DEFENDANT EVIDENCE FAVORABLE TO DEFENDANT</i>	85C069269- 20509.tif pages
04/29/1985	 Request <i>MOTION FOR SEVERANCE</i>	85C069269- 20510.tif pages
04/29/1985	 Request <i>MOTION IN LIMINE (REGARDING CO-DEFENDANTS STATEMENTS)</i>	85C069269- 20511.tif pages
05/03/1985	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>	85C069269- 20512.tif pages
05/03/1985	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>	85C069269- 20513.tif pages
05/03/1985	 Writ <i></i>	85C069269- 20514.tif pages















DEPARTMENT 12
CASE SUMMARY
CASE No. 85C069269-2

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








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



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
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02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 28 1985 MOTION FOR SEVERANCE</i>	85C069269- 20764.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF AUG 5 1985 MOTION TO WITHDRAW</i>	85C069269- 20765.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF AUG 7 1985 CONFIRMATION OF COUNSEL</i>	85C069269- 20766.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF AUG 12 1985 MOTION FOR SEVERANCE</i>	85C069269- 20767.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF AUG 29 1985 CHANGE OF PLEA</i>	85C069269- 20768.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPT 18 1985 MOTION FOR SEVERANCE</i>	85C069269- 20771.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPT 24 1985 CHANGE OF PLEA</i>	85C069269- 20772.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPT 26 1985 JURY TRIAL</i>	85C069269- 20774.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCT 7 & 8 1985 TESTIMONY OF SCOTT ALAN SLOANE</i>	85C069269- 20779.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCT 30 1985 MOTION TO WITHDRAW</i>	85C069269- 20780.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOV 4 1985 MOTION FOR NEW TRIAL</i>	85C069269- 20781.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOV 13 1985 MOTION FOR NEW TRIAL</i>	85C069269- 20782.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOV 18 1985 SENTENCING</i>	85C069269- 20783.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOV 22 1985 SENTENCING</i>	85C069269- 20784.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOV 27 1985 SENTENCING</i>	85C069269- 20785.tif pages

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02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEC 4 1985 CONFIRMATION OF COUNSEL</i>	85C069269- 20786.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEC 18 1985 CLARIFICATION OF SENTENCE</i>	85C069269- 20787.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20963.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20964.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20965.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20966.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20967.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20968.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20969.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20971.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20972.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20973.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20974.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	85C069269- 20976.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MOTION FOR NEW TRIAL</i>	85C069269- 20986.tif pages
02/14/1986	 Reporters Transcript	85C069269- 20987.tif pages

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	<i>REPORTER'S TRANSCRIPT OF SENTENCING</i>	
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SENTENCING</i>	85C069269- 20988.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF CLARIFICATION OF SENTENCE</i>	85C069269- 20993.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTION TO WITHDRAW</i>	85C069269- 20995.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SENTENCING</i>	85C069269- 20996.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MOTION FOR NEW TRIAL.</i>	85C069269- 21000.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF CONFIRMATION OF COUNSEL</i>	85C069269- 21002.tif pages
02/14/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL</i>	85C069269- 21064.tif pages
02/24/1986	 Order <i>ORDER</i>	85C069269- 20675.tif pages
02/28/1986	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 10, 1985</i>	85C069269- 20756.tif pages
04/28/1986	 Judgment <i>AMENDED JUDGMENT OF CONVICTION</i>	85C069269- 20676.tif pages
07/10/1986	 Notice of Appeal <i>DESIGNATION OF RECORD ON APPEAL</i>	85C069269- 20677.tif pages
01/08/1987	 Request <i>MOTION TO WITHDRAW AS COUNSEL</i>	85C069269- 20678.tif pages
01/09/1987	 Receipt of Copy <i>RECEIPT OF COPY</i>	85C069269- 20679.tif pages
04/23/1987	 Request <i>MOTION FOR THE REMOVAL AND SUBSTITUTION OF APPOINTED ATTORNEY OF RECORD OF RECORD</i>	85C069269- 20680.tif pages
05/05/1987	 Response <i>RESPONSE IN OPPOSITION TO MOTION FOR THE REMOVAL AND SUBSTITUTION OF</i>	85C069269- 20681.tif pages

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	<i>APPOINTED ATTORNEY OF RECORD ATTORNEY OF RECORD</i>	
05/13/1987	 Order <i>ORDER</i>	85C069269-20682.tif pages
07/28/1987	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>	85C069269-20683.tif pages
10/29/1987	 Request <i>MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE</i>	85C069269-20684.tif pages
11/13/1987	 Opposition <i>OPPOSITION TO MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE</i>	85C069269-20685.tif pages
11/17/1987	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>	85C069269-20686.tif pages
11/25/1987	 Order <i>ORDER GRANTING MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE</i>	85C069269-20687.tif pages
06/10/1988	 NV Supreme Court Clerks Certificate/Judgment - Reversed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT -AFFIRMED IN PART AND REVERSED IN PART IN PART</i>	85C069269-20688.tif pages
06/10/1988	 NV Supreme Court Clerks Certificate/Judgment - Reversed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT -AFFIRMED IN PART AND REVERSED IN PART IN PART</i>	85C069269-20689.tif pages
06/15/1988	 Judgment <i>AMENDED JUDGMENT OF CONVICTION</i>	85C069269-20690.tif pages
04/14/1989	Conversion Case Event Type <i>CONFIRMATION OF VERDICT AND IMPOSITION OF SENTENCE</i>	85C069269-20004.tif pages
04/14/1989	Conversion Case Event Type <i>CONFIRMATION OF VERDICT AND IMPOSITION OF SENTENCE</i>	85C069269-20031.tif pages
04/17/1989	 Order <i>ORDER APPOINTING COUNSEL</i>	85C069269-20691.tif pages
06/05/1989	 Request <i>NOTICE OF MOTION AND MOTION FOR DISCOVERY</i>	85C069269-20692.tif pages
06/05/1989	 Request <i>MOTION FOR ORDER TO TRANSPORT DEFENDANT</i>	85C069269-20693.tif pages
06/06/1989	 Ex Parte	85C069269-20694.tif pages

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06/19/1989	 Ex Parte <i>EX PARTE APPLICATION AND ORDER FOR TRANSPORT OF DEFENDANT</i>	85C069269- 20695.tif pages
06/21/1989	 Request <i>MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE</i>	85C069269- 20696.tif pages
06/21/1989	 Order <i>ORDER TO TRANSPORT DEFENDANT</i>	85C069269- 20697.tif pages
06/21/1989	 Order <i>ORDER</i>	85C069269- 20698.tif pages
06/21/1989	 Notice <i>NOTICE OF ENTRY OF ORDER</i>	85C069269- 20699.tif pages
06/26/1989	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269- 20700.tif pages
06/26/1989	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269- 20701.tif pages
06/29/1989	 Order <i>ORDER FOR PRODUCTION OF INMATE JOHN MICHAEL LUCAS</i>	85C069269- 20702.tif pages
07/10/1989	 Order <i>ORDER FOR PRODUCTION OF INMATE ROY MCDOWELL</i>	85C069269- 20703.tif pages
07/12/1989	 Expert Witness List <i>JURY LIST</i>	85C069269- 20704.tif pages
07/12/1989	 Request <i>MEDIA REQUEST</i>	85C069269- 20705.tif pages
07/12/1989	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>	85C069269- 20706.tif pages
07/14/1989	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	85C069269- 20707.tif pages
07/14/1989	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20708.tif pages
07/14/1989	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20709.tif pages







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07/14/1989	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20710.tif pages
07/14/1989	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20711.tif pages
07/14/1989	 Verdict <i>VERDICT</i>	85C069269- 20712.tif pages
07/14/1989	 Verdict <i>VERDICT</i>	85C069269- 20713.tif pages
07/31/1989	Sentencing (9:00 AM) Events: 02/25/1985 Information <i>CONFIRMATION OF VERDICT AND IMPOSITION OF SENTENCE Heard By: Donald Mosley</i>	
07/31/1989	Sentencing (9:00 AM) Events: 04/14/1989 Conversion Case Event Type <i>CONFIRMATION OF VERDICT AND IMPOSITION OF SENTENCE Heard By: Donald Mosley</i>	
07/31/1989	 Judgment <i>JUDGMENT OF CONVICTION</i>	85C069269- 20714.tif pages
07/31/1989	 Order <i>ORDER OF EXECUTION</i>	85C069269- 20715.tif pages
07/31/1989	 Warrant <i>WARRANT OF EXECUTION</i>	85C069269- 20716.tif pages
07/31/1989	 Order <i>ORDER TO TRANSPORT</i>	85C069269- 20717.tif pages
07/31/1989	 Judgment <i>JUDGMENT OF CONVICTION</i>	85C069269- 20718.tif pages
07/31/1989	 Warrant <i>WARRANT OF EXECUTION</i>	85C069269- 20719.tif pages
07/31/1989	 Order <i>ORDER OF EXECUTION</i>	85C069269- 20720.tif pages
07/31/1989	 Order <i>ORDER TO TRANSPORT</i>	85C069269- 20721.tif pages
07/31/1989	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO Guilty	

















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07/31/1989	Disposition (Judicial Officer: User, Conversion)
07/31/1989	Disposition (Judicial Officer: User, Conversion) 2. CONSPIRE TO AID AND ABET A ROBBERY Guilty
07/31/1989	Disposition (Judicial Officer: User, Conversion)
07/31/1989	Disposition (Judicial Officer: User, Conversion) 3. CONSPIRACY TO COMMIT MURDER. Guilty
07/31/1989	Disposition (Judicial Officer: User, Conversion)
07/31/1989	Disposition (Judicial Officer: User, Conversion) 4. BURGLARY. Guilty
07/31/1989	Disposition (Judicial Officer: User, Conversion)
07/31/1989	Disposition (Judicial Officer: User, Conversion) 5. ROBBERY WITH A DEADLY WEAPON Guilty
07/31/1989	Disposition (Judicial Officer: User, Conversion)
07/31/1989	Sentence (Judicial Officer: User, Conversion) 1. CONSPIRE TO COMMIT A BURGLARY IN/ON AN AUTO Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 1 Years to Maximum 1 Years Placement: CCDC Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 301 Days to Maximum 301 Days Converted Disposition: Sentence# 0003: SENTENCE AMENDED Converted Disposition: Sentence# 0004: CREDIT FOR TIME SERVED Minimum 999 Days to Maximum 999 Days Converted Disposition: Sentence# 0005: CREDIT FOR TIME SERVED Minimum 999 Days to Maximum 999 Days Converted Disposition: Sentence# 0006: CREDIT FOR TIME SERVED Minimum 999 Days to Maximum 999 Days Converted Disposition: Sentence# 0007: CREDIT FOR TIME SERVED Minimum 856 Days to Maximum 856 Days
07/31/1989	Sentence (Judicial Officer: User, Conversion) 2. CONSPIRE TO AID AND ABET A ROBBERY Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 6 Years to Maximum 6 Years Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001
07/31/1989	Sentence (Judicial Officer: User, Conversion)






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	<p>3. CONSPIRACY TO COMMIT MURDER. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 6 Years to Maximum 6 Years Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001</p>	
07/31/1989	<p>Sentence (Judicial Officer: User, Conversion) 4. BURGLARY. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 10 Years to Maximum 10 Years Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0003 and Sentence#: 0001</p>	
07/31/1989	<p>Sentence (Judicial Officer: User, Conversion) 5. ROBBERY WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 15 Years to Maximum 15 Years Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0004 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 15 Years to Maximum 15 Years Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0005 and Sentence#: 0001</p>	
08/04/1989	<p> Notice of Appeal <i>NOTICE OF APPEAL</i></p>	85C069269- 20722.tif pages
08/04/1989	<p> Notice of Appeal <i>DESIGNATION OF CONTENTS OF RECORD ON APPEAL</i></p>	85C069269- 20723.tif pages
08/04/1989	<p> Ex Parte <i>EX PARTE MOTION FOR STAY OF EXECUTION</i></p>	85C069269- 20724.tif pages
08/04/1989	<p> Ex Parte <i>EX PARTE APPLICATION FOR ORDER TO PREPARE TRANSCRIPT</i></p>	85C069269- 20725.tif pages
08/09/1989	<p> Order <i>ORDER APPOINTING COUNSEL</i></p>	85C069269- 20726.tif pages
08/09/1989	<p> Ex Parte <i>EX PARTE ORDER TO PREPARE TRANSCRIPT</i></p>	85C069269- 20727.tif pages

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08/09/1989	 Ex Parte <i>EX PARTE ORDER TO STAY EXECUTION</i>	85C069269- 20728.tif pages
08/11/1989	 Order <i>ORDER</i>	85C069269- 20729.tif pages
08/16/1989	 Receipt of Copy <i>RECEIPT OF COPY</i>	85C069269- 20730.tif pages
08/24/1989	 Notice <i>NOTICE OF ENTRY OF ORDER</i>	85C069269- 20731.tif pages
08/24/1989	 Receipt of Copy <i>RECEIPT OF COPY</i>	85C069269- 20732.tif pages
08/25/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 31 1989 SENTENCING</i>	85C069269- 20794.tif pages
08/25/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>	85C069269- 20957.tif pages
08/25/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>	85C069269- 20997.tif pages
08/29/1989	 Order <i>ORDER</i>	85C069269- 20733.tif pages
08/29/1989	 Order <i>ORDER</i>	85C069269- 20734.tif pages
08/29/1989	 Notice of Appeal <i>DESIGNATION OF RECORD OF PROCEEDINGS</i>	85C069269- 20735.tif pages
08/30/1989	 Notice <i>NOTICE OF WAIVER OF APPEAL</i>	85C069269- 20736.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 5 1989 CALENDAR CALL</i>	85C069269- 20788.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 10 1989 JURY TRIAL</i>	85C069269- 20789.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 11 1989 JURY TRIAL</i>	85C069269- 20790.tif pages
09/08/1989	 Reporters Transcript	85C069269- 20791.tif pages









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	<i>REPORTER'S TRANSCRIPT OF JULY 12 1989 JURY TRIAL.</i>	
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 13 1989 JURY TRIAL</i>	85C069269- 20792.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 14 1989 JURY TRIAL</i>	85C069269- 20793.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL.</i>	85C069269- 20959.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL</i>	85C069269- 20980.tif pages
09/08/1989	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF CALENDAR CALL</i>	85C069269- 20982.tif pages
09/12/1989	 Ex Parte <i>EX PARTE MOTION FOR EXTENSION OF TIME TO FILE RECORD ON APPEAL</i>	85C069269- 20737.tif pages
09/13/1989	 Order <i>ORDER TO EXTEND TIME TO FILE RECORD ON APPEAL</i>	85C069269- 20738.tif pages
09/19/1989	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS</i>	85C069269- 20739.tif pages
09/19/1989	 Request <i>MOTION TO COMPEL TRANSFER OF RECORDS FROM PREVIOUS COUNSEL AND MOTION FOR PRODUCTION OF TRANSCRIPTS OF RECENT HEARINGS PRODUCTION OF TRANSCRIPTS OF RECENT HEARINGS</i>	85C069269- 20740.tif pages
09/19/1989	 Notice <i>NOTICE OF INTENT TO FILE POST-CONVICTION PETITION AFFIDAVIT OF GOOD CAUSE FOR DELAY NRS 177.315(3) MOTION FOR POST-CONVICTION APPOINTMENT OF COUNSEL DELAY NRS 177.315(3) MOTION FOR POST-CONVICTION APPOINTMENT OF COUNSEL</i>	85C069269- 20741.tif pages
09/19/1989	 Request <i>NOTICE OF MOTIONS AND MOTIONS</i>	85C069269- 20742.tif pages
10/12/1989	 Order <i>ORDER</i>	85C069269- 20743.tif pages
10/16/1989	 Certificate <i>CERTIFICATE OF MAILING</i>	85C069269- 20744.tif pages
10/16/1989	 Ex Parte <i>EX PARTE MOTION FOR EXTENSION OF TIME TO FILE RECORD ON APPEAL</i>	85C069269- 20745.tif pages







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10/17/1989	 Order <i>ORDER</i>	85C069269-20746.tif pages
10/18/1989	 Ex Parte <i>EX PARTE ORDER</i>	85C069269-20747.tif pages
10/19/1989	 Order <i>ORDER TO EXTEND TIME TO FILE RECORD ON APPEAL</i>	85C069269-20748.tif pages
10/24/1989	 Certificate <i>CERTIFICATE OF MAILING</i>	85C069269-20749.tif pages
09/21/1990	 Order <i>PETITION AND ORDER HONORABLY DISCHARGING PROBATIONER</i>	85C069269-20750.tif pages
05/17/1991	 Motion <i>MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE</i>	85C069269-20005.tif pages
05/20/1991	 Receipt of Copy <i>RECEIPT OF COPY OF MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE BY DA'S OFFICE OFFICE- RELATED PARTYID: 85C069269_0001</i>	85C069269-20006.tif pages
05/31/1991	 Judgment <i>CLERKS CERTIFICATE AND JUDGMENT</i>	85C069269-20007.tif pages
06/03/1991	Motion (9:00 AM) Events: 04/14/1989 Conversion Case Event Type <i>MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE</i> Court Clerk: LOIS BAZAR Reporter/Recorder: CONNIE MC CARTHY Heard By: Donald Mosley	
06/06/1991	 Order <i>ORDER GRANTING MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE - RELATED PARTYID: 85C069269_0002</i>	85C069269-20008.tif pages
06/10/1991	 Motion <i>MOTION FOR THE COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION</i>	85C069269-20009.tif pages
06/10/1991	 Motion <i>MOTION FOR COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION</i>	85C069269-20010.tif pages
06/19/1991	 Opposition <i>OPPOSITION TO STATES MOTION FOR SUPPLEMENTAL WARRANT OF EXECUTION - RELATED PARTYID: 85C069269_0001</i>	85C069269-20012.tif pages
06/20/1991	 Response <i>AMENDED RESPONSE TO OPPOSITION TO STATES MOTION FOR SUPPLEMENTAL WARRANT OF EXECUTION EXECUTION- RELATED PARTYID: 85C069269_0001</i>	85C069269-20013.tif pages






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06/20/1991	 Certificate <i>CERTIFICATE OF MAILING OF OPPOSITION FOR SUPPLEMENTAL WARRANT OF EXECUTION TO ALL PARTIES TO ALL PARTIES- RELATED PARTYID: 85C069269_0001</i>	85C069269-20014.tif pages
06/20/1991	 Receipt of Copy <i>RECEIPT OF COPY OF OPPOSITION TO MOTION FOR SUPPLEMENTAL WARRANT OF EXECUTION BY DA'S OFFICE AND D SCHIECK BY DA'S OFFICE AND D SCHIECK-RELATED PARTYID: 85C069269_0001</i>	85C069269-20015.tif pages
06/21/1991	 Receipt of Copy <i>RECEIPT OF COPY OF AMENDED RESPONSE TO OPPOSITION TO MOTION FOR SUPPLEMENTAL WARRANT OF EXECUTION BY DA'S OFFICE AND D SCHIECK WARRANT OF EXECUTION BY DA'S OFFICE AND D SCHIECK- RELATED PARTYID: 85C069269_0001</i>	85C069269-20016.tif pages
06/24/1991	Motion (9:00 AM) Events: 06/10/1991 Motion <i>MOTION FOR THE COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION Heard By: Donald Mosley</i>	
06/24/1991	Motion (9:00 AM) Events: 06/10/1991 Motion <i>MOTION FOR COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION Heard By: Donald Mosley</i>	
06/24/1991	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (6/24/91) Court Clerk: LOIS BAZAR Reporter/Recorder: DONNA LITTLE Heard By: Donald Mosley</i>	
06/24/1991	Motion <i>ALL PENDING MOTIONS (6/24/91)</i>	85C069269-20011.tif pages
06/24/1991	 Certificate <i>CERTIFICATE OF MAILING OF AMENDED RESPONSE TO OPPOSITION FOR WARRANT OF EXECUTION TO M LAWRENCE AND D FLANAGAN OF EXECUTION TO M LAWRENCE AND D FLANAGAN- RELATED PARTYID: 85C069269_0001</i>	85C069269-20017.tif pages
06/25/1991	 Conversion Case Event Type <i>ORDER TO TRANSPORT FOR EXECUTION</i>	85C069269-20018.tif pages
06/25/1991	 Supplement <i>SUPPLEMENTAL ORDER OF EXECUTION</i>	85C069269-20019.tif pages
06/25/1991	 Supplement <i>SUPPLEMENTAL WARRANT OF EXECUTION</i>	85C069269-20020.tif pages
06/25/1991	 Supplement <i>SUPPLEMENTAL WARRANT OF EXECUTION</i>	85C069269-20021.tif pages
06/25/1991	 Conversion Case Event Type <i>ORDER TO TRANSPORT FOR EXECUTION</i>	85C069269-20022.tif pages
		85C069269-







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06/25/1991	 Supplement <i>SUPPLEMENTAL ORDER OF EXECUTION</i>	20023.tif pages
07/03/1991	 Motion <i>MOTION FOR STAY OF EXECUTION</i>	85C069269- 20024.tif pages
07/03/1991	 Petition <i>PETITION FOR POST CONVICTION RELIEF AND STAY OF EXECUTION - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20025.tif pages
07/08/1991	 Receipt of Copy <i>RECEIPT OF COPY OF MOTION TO STAY EXECUTION BY DA'S OFFICE - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20026.tif pages
07/10/1991	Motion to Stay (9:00 AM) Events: 07/03/1991 Motion <i>MOTION FOR STAY OF EXECUTION Relief Clerk: TINA HURD Reporter/Reconder: DONNA LITTLE Heard By: Donald Mosley</i>	
07/10/1991	 Order <i>ORDER TO STAY EXECUTION - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20027.tif pages
07/10/1991	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20028.tif pages
07/10/1991	 Certificate <i>CERTIFICATE OF MAILING OF ORDER TO STAY EXECUTION TO ALL PARTIES - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20029.tif pages
10/20/1992	 Motion <i>PRO PER MOTION TO RELEASE TRIAL TRANSCRIPTS</i>	85C069269- 20032.tif pages
10/20/1992	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>	85C069269- 20751.tif pages
10/20/1992	 Certificate <i>FINANCIAL CERTIFICATE</i>	85C069269- 20752.tif pages
10/22/1992	Conversion Case Event Type <i>SENTENCING</i>	85C069269- 20030.tif pages
10/22/1992	 Motion <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>	85C069269- 20033.tif pages
11/04/1992	Motion (9:00 AM) Events: 10/20/1992 Motion <i>PRO PER MOTION TO RELEASE TRIAL TRANSCRIPTS Heard By: Donald Mosley</i>	
11/04/1992	Motion (9:00 AM) Events: 10/22/1992 Motion	









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	<i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Donald Mosley</i>	
11/04/1992	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (11-4-92) Relief Clerk: PAULETTE TAYLOR Reporter/Recorder: DONNA LITTLE Heard By: Donald Mosley</i>	
11/06/1992	Motion <i>ALL PENDING MOTIONS (11-4-92)</i>	85C069269-20034.tif pages
02/18/1993	 Motion <i>MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND APPOINT COUNSEL FOR REPRESENTATION</i>	85C069269-20035.tif pages
02/19/1993	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0001</i>	85C069269-20036.tif pages
02/19/1993	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20037.tif pages
02/19/1993	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20038.tif pages
02/22/1993	Hearing <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	85C069269-20039.tif pages
02/22/1993	Hearing <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	85C069269-20040.tif pages
02/24/1993	Request (9:00 AM) Events: 02/22/1993 Hearing <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
02/24/1993	Request (9:00 AM) Events: 02/22/1993 Hearing <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
02/24/1993	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (2/24/93) Court Clerk: LOIS BAZAR Reporter/Recorder: DONNA LITTLE Heard By: Donald Mosley</i>	
02/24/1993	Motion <i>ALL PENDING MOTIONS (2/24/93)</i>	85C069269-20041.tif pages
02/25/1993	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 85C069269_0002</i>	85C069269-20042.tif pages
03/01/1993	Motion to Withdraw as Counsel (9:00 AM) Events: 02/18/1993 Motion <i>MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND APPOINT COUNSEL FOR REPRESENTATION Heard By: Donald Mosley</i>	
03/01/1993	Request (9:00 AM)	









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	<i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
03/01/1993	Request (9:00 AM) <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
03/01/1993	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (3/01/93) (1 & 2) Court Clerk: LOIS BAZAR Reporter/Recorder: DONNA LITTLE Heard By: Donald Mosley</i>	
03/01/1993	Motion <i>ALL PENDING MOTIONS (3/01/93) (1 & 2)</i>	85C069269-20043.tif pages
03/01/1993	Hearing <i>CONFIRMATION OF COUNSEL</i>	85C069269-20044.tif pages
03/02/1993	 Order <i>ORDER ALLOWING COUNSEL TO WITHDRAW AS ATTORNEY OF RECORD - RELATED PARTYID: 85C069269_0001</i>	85C069269-20045.tif pages
03/03/1993	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0001</i>	85C069269-20046.tif pages
03/05/1993	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20047.tif pages
03/10/1993	Request (9:00 AM) <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
03/10/1993	Request (9:00 AM) <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
03/10/1993	Motion for Confirmation of Counsel (9:00 AM) Events: 03/01/1993 Hearing <i>CONFIRMATION OF COUNSEL Heard By: Donald Mosley</i>	
03/10/1993	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (3/10/93) (1 & 2) Court Clerk: LOIS BAZAR Reporter/Recorder: DONNA LITTLE Heard By: Donald Mosley</i>	
03/10/1993	Motion <i>ALL PENDING MOTIONS (3/10/93) (1 & 2)</i>	85C069269-20048.tif pages
03/12/1993	 Judgment <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED</i>	85C069269-20049.tif pages
03/16/1993	 Order <i>ORDER FOR PRODUCTION OF INMATE DALE EDWARD FLANAGAN - RELATED PARTYID: 85C069269_0001</i>	85C069269-20050.tif pages
03/16/1993	 Order <i>ORDER FOR PRODUCTION OF INMATE RANDOLPH MOORE</i>	85C069269-20051.tif pages













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03/22/1993	Request (9:00 AM) <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
03/22/1993	Request (9:00 AM) <i>ORAL REQUEST OF DISTRICT ATTORNEY SCHEDULE NEW PENALTY HEARING</i>	
03/22/1993	Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL Heard By: Donald Mosley</i>	
03/22/1993	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (3/22/93) (1 & 2) Court Clerk: LOIS BAZAR Reporter/Recorder: SHARON THIELMAN Heard By: Donald Mosley</i>	
03/22/1993	Hearing <i>PENALTY PHASE (1 & 2)(VJ 8/31)</i>	85C069269-20053.tif pages
03/22/1993	Motion <i>ALL PENDING MOTIONS (3/22/93) (1 & 2)</i>	85C069269-20054.tif pages
04/20/1993	 Motion <i>MOTION FOR ORDER FOR PAYMENT OF FEES</i>	85C069269-20055.tif pages
04/21/1993	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20056.tif pages
04/22/1993	 Judgment <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED</i>	85C069269-20057.tif pages
04/28/1993	 Order <i>STIPULATION AND ORDER GRANTING FEES IN EXCESS OF STATUTORY ALLOWANCE - RELATED PARTYID: 85C069269_0001</i>	85C069269-20058.tif pages
05/03/1993	Motion (9:00 AM) Events: 04/20/1993 Motion <i>MOTION FOR ORDER FOR PAYMENT OF FEES Court Clerk: LOIS BAZAR Heard By: Donald Mosley</i>	
06/10/1993	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 85C069269_0002</i>	85C069269-20059.tif pages
06/10/1993	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 85C069269_0002</i>	85C069269-20060.tif pages
06/11/1993	 Ex Parte <i>EX PARTE APPLICATION FOR ORDER TO PREPARE TRANSCRIPTS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20061.tif pages
06/15/1993	 Ex Parte Order <i>EX PARTE ORDER GRANTING APPLICATION TO PREPARE TRANSCRIPTS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20062.tif pages

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06/16/1993	 Ex Parte <i>EX PARTE MOTION TO APPOINT CO-COUNSEL - RELATED PARTYID: 85C069269_0002</i>	85C069269-20063.tif pages
06/18/1993	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20064.tif pages
06/22/1993	 Ex Parte <i>EX PARTE ORDER GRANTING EX PARTE MOTION TO APPOINT CO-COUNSEL</i>	85C069269-20065.tif pages
07/14/1993	Minute Order (9:00 AM) <i>MINUTE ORDER RE: RESET 9/01/93 HEARING (1 & 2) Court Clerk: LOIS BAZAR Heard By: Donald Mosley</i>	
07/14/1993	Hearing <i>MINUTE ORDER RE: RESET 9/01/93 HEARING (1 & 2)</i>	85C069269-20066.tif pages
08/03/1993	 Motion <i>MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE</i>	85C069269-20067.tif pages
08/03/1993	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0003</i>	85C069269-20068.tif pages
08/05/1993	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20069.tif pages
08/18/1993	Motion to Return (9:00 AM) Events: 08/03/1993 Motion <i>MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE Court Clerk: LOIS BAZAR Reporter/Recorder: DONNA LITTLE Heard By: Donald Mosley</i>	
08/25/1993	 Motion <i>MOTION TO CONTINUE TRIAL DATE</i>	85C069269-20070.tif pages
08/25/1993	 Order <i>ORDER GRANTING MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE - RELATED PARTYID: 85C069269_0002</i>	85C069269-20071.tif pages
08/31/1993	Motion to Continue (9:00 AM) Events: 08/25/1993 Motion <i>MOTION TO CONTINUE TRIAL DATE Heard By: Donald Mosley</i>	
08/31/1993	Calendar Call (9:30 AM) <i>CALENDAR CALL (PENALTY PHASE) (1 & 2)</i>	
08/31/1993	All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS (8/31/93) (1 & 2) Court Clerk: LOIS BAZAR Reporter/Recorder: RUSSELL GARCIA Heard By: Donald Mosley</i>	
08/31/1993	Hearing <i>PENALTY PHASE (1 & 2) (VJ 2-3-94)</i>	85C069269-20073.tif pages
		85C069269-

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08/31/1993	Motion <i>ALL PENDING MOTIONS (8/31/93) (1 & 2)</i>	20074.tif pages
09/01/1993	Calendar Call (9:30 AM) <i>CALENDAR CALL (PENALTY PHASE) (1 & 2)</i>	
09/07/1993	CANCELED Evidentiary Hearing (10:00 AM) Events: 03/22/1993 Hearing <i>Vacated</i>	
12/09/1993	 Petition <i>LUCKETT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE</i>	85C069269- 20075.tif pages
12/15/1993	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	85C069269- 20076.tif pages
12/15/1993	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS AT 9:00 AM</i>	85C069269- 20958.tif pages
12/15/1993	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269- 20992.tif pages
12/20/1993	 Answer <i>ANSWER IN OPPOSITION TO MOTION TO CORRECT AN ILLEGAL SENTENCE</i>	85C069269- 20077.tif pages
12/22/1993	Petition (9:00 AM) Events: 12/09/1993 Petition <i>LUCKETT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE Court Clerk: LOIS BAZAR Reporter/Recorder: RUSSELL GARCLA Heard By: Donald Mosley</i>	
12/23/1993	 Judgment <i>AMENDED JUDGMENT OF CONVICTION - PLEA - RELATED PARTYID: 85C069269_0004</i>	85C069269- 20078.tif pages
01/05/1994	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20079.tif pages
01/05/1994	 Request <i>MOTION TO DISQUALIFY JUDGE - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20080.tif pages
01/14/1994	 Motion <i>MOTION TO DISQUALIFY JUDGE/COURT</i>	85C069269- 20081.tif pages
01/18/1994	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20082.tif pages
01/19/1994	 Notice <i>NOTICE OF APPEAL - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20083.tif pages
01/19/1994	 Notice of Appeal	85C069269- 20084.tif pages

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DESIGNATION OF RECORD ON APPEAL - RELATED PARTYID: 85C069269_0001

01/21/1994	 Affidavit in Support <i>AFFIDAVIT</i>	85C069269- 20085.tif pages
01/24/1994	Motion to Disqualify Judge (9:00 AM) Events: 01/14/1994 Motion <i>MOTION TO DISQUALIFY JUDGE/COURT Court Clerk: CAROL GREEN</i> <i>Reporter/Recorder: ALICE EASTGATE Heard By: Nancy Becker</i>	
01/24/1994	 Petition <i>PROPER PERSON PETITION FOR APPOINTMENT OF COUNSEL ON APPEAL</i>	85C069269- 20086.tif pages
01/25/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: DEFENDANT'S MOTION TO DISQUALIFY JUDGE</i>	85C069269- 20087.tif pages
01/31/1994	Hearing <i>AT THE REQUEST OF THE COURT CHECK PENALTY HEARING</i>	85C069269- 20089.tif pages
01/31/1994	Hearing <i>AT THE REQUEST OF THE COURT CHECK PENALTY HEARING</i>	85C069269- 20090.tif pages
02/01/1994	 Order <i>ORDER GRANTING MOTION TO DISQUALIFY - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20091.tif pages
02/02/1994	 Notice <i>NOTICE OF ENTRY OF ORDER GRANTING MOTON TO DISQUALIFY - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20092.tif pages
02/03/1994	Request of Court (9:00 AM) Events: 01/31/1994 Hearing <i>AT THE REQUEST OF THE COURT CHECK PENALTY HEARING</i>	
02/03/1994	Request of Court (9:00 AM) Events: 01/31/1994 Hearing <i>AT THE REQUEST OF THE COURT CHECK PENALTY HEARING</i>	
02/03/1994	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS FOR 2-3-94 Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: Addehlar Guy, III</i>	
02/03/1994	Motion <i>ALL PENDING MOTIONS FOR 2-3-94</i>	85C069269- 20093.tif pages
02/03/1994	Hearing <i>STATUS CHECK (WJ 4/21/94)</i>	85C069269- 20094.tif pages
02/03/1994	Hearing <i>STATUS CHECK (WJ 4/21/94)</i>	85C069269- 20095.tif pages
02/03/1994	Motion	85C069269- 20096.tif pages









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	<i>ALL PENDING MOTIONS FOR 6-9-94 VJ 4/21/94</i>	
02/03/1994	Hearing <i>PENALTY HEARING (VJ 4/21/94)</i>	85C069269-20097.tif pages
02/03/1994	Hearing <i>PENALTY HEARING (VJ 4/21/94)</i>	85C069269-20098.tif pages
02/03/1994	Motion <i>ALL PENDING MOTIONS FOR 10-3-94 (VJ 4-21-94)</i>	85C069269-20099.tif pages
02/07/1994	Petition (9:00 AM) Events: 01/24/1994 Petition <i>PROPER PERSON PETITION FOR APPOINTMENT OF COUNSEL ON APPEAL</i>	
02/08/1994	Petition (9:00 AM) <i>PROPER PERSON PETITION FOR APPOINTMENT OF COUNSEL ON APPEAL</i>	
02/08/1994	Motion (9:00 AM) <i>DEFENDANT'S PRO PER MOTION FOR APPT OF COUNSEL ON APPEAL Court Clerk: TINA HURD Relief Clerk: NANCY BANKS Reporter/Recorder: PATRICIA LOFFT Heard By: GUY, III, ADDELLARD</i>	
02/08/1994	Motion <i>DEFENDANT'S PRO PER MOTION FOR APPT OF COUNSEL ON APPEAL</i>	85C069269-20100.tif pages
02/09/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT AT REQUEST OF COURT: CHECK PENALTY HRG</i>	85C069269-20101.tif pages
02/09/1994	Reporters Transcript <i>REPORTER'S TRANSCRIPT AT REQUEST OF COURT: CHECK PENALTY HRG</i>	85C069269-20102.tif pages
02/17/1994	Motion (9:00 AM) <i>DEFENDANT'S PRO PER MOTION FOR APPT OF COUNSEL ON APPEAL Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: Adde liar Guy, III</i>	
02/17/1994	Hearing <i>STATUS CHECK</i>	85C069269-20103.tif pages
03/17/1994	Status Check (9:00 AM) Events: 02/17/1994 Hearing <i>STATUS CHECK Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: GUY, III, ADDELLARD</i>	
03/30/1994	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>	
03/30/1994	 Motion <i>MOTION TO RESET TRIAL DATE</i>	85C069269-20104.tif pages
03/31/1994	Status Check (9:00 AM) <i>STATUS CHECK Court Clerk: TINA HURD Reporter/Recorder: TERESA DeROSSETT Heard By: BRENNAN, JAMES</i>	






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04/04/1994	CANCELED Evidentiary Hearing (10:00 AM) Events: 08/31/1993 Hearing <i>Vacated</i>	
04/07/1994	Status Check (9:00 AM) <i>STATUS CHECK Court Clerk: NANCY BANKS Reporter/Recorder: PATRICIA LOFFT Heard By: GUY, III, ADDELLAR D</i>	
04/14/1994	Motion (9:00 AM) Events: 03/30/1994 Motion <i>MOTION TO RESET TRIAL DATE Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: GUY, III, ADDELLAR D</i>	
04/18/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFT'S MOT RESET TRIAL DATE</i>	85C069269-20105.tif pages
04/18/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-20978.tif pages
04/21/1994	Motion (9:00 AM) <i>MOTION TO RESET TRIAL DATE Heard By: Addelliar Guy, III</i>	
04/21/1994	Motion (9:00 AM) <i>MOTION TO RESET TRIAL DATE Heard By: Addelliar Guy, III</i>	
04/21/1994	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (4/21/94) Court Clerk: TINA HURD Heard By: Addelliar Guy, III</i>	
04/21/1994	Hearing <i>PENALTY HEARING (VJ 12-1-94)</i>	85C069269-20106.tif pages
04/21/1994	Hearing <i>PENALTY HEARING (VJ 12-1-94)</i>	85C069269-20108.tif pages
04/22/1994	 Ex Parte <i>EX PARTE APPLICATION FOR TRANSCRIPT ORDER - RELATED PARTYID: 85C069269_0004</i>	85C069269-20110.tif pages
04/22/1994	 Order <i>ORDER - RELATED PARTYID: 85C069269_0004</i>	85C069269-20111.tif pages
04/22/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANT FLANAGAN'S MOTION TO RESET TRIAL DATE AS TO DEFT. FLANAGAN AND MOORE. TO DEFT. FLANAGAN AND MOORE.</i>	85C069269-20112.tif pages
04/22/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-20991.tif pages
04/29/1994	Motion <i>MOTION TO RESET TRIAL DATE</i>	85C069269-20113.tif pages
04/29/1994	Motion	85C069269-20114.tif pages







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	<i>ALL PENDING MOTIONS (4/21/94)</i>	
05/05/1994	Status Check (9:00 AM) <i>STATUS CHECK Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: Addebiar Guy, III</i>	
05/05/1994	Hearing <i>STATUS CHECK: TRANSCRIPTS</i>	85C069269-20115.tif pages
05/06/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFT'S PP MOT TO CORRECT ILLEGAL SENT</i>	85C069269-20116.tif pages
05/06/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE SENTENCE</i>	85C069269-20979.tif pages
05/09/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK</i>	85C069269-20117.tif pages
05/09/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK</i>	85C069269-20977.tif pages
05/26/1994	Status Check (9:00 AM) Events: 05/05/1994 Hearing <i>STATUS CHECK: TRANSCRIPTS Court Clerk: NANCY BANKS Reporter/Recorder: PATRICIA LOFFT Heard By: GUY, III, ADDEBIAR D</i>	
06/09/1994	CANCELED Status Check (9:00 AM) Events: 02/03/1994 Hearing <i>Vacated</i>	
06/09/1994	CANCELED Status Check (9:00 AM) Events: 02/03/1994 Hearing <i>Vacated</i>	
06/09/1994	CANCELED All Pending Motions (9:00 AM) Events: 02/03/1994 Motion <i>Vacated</i>	
06/10/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEF FLAN MOT TO C NT TRIAL DATE</i>	85C069269-20118.tif pages
06/10/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANT FLANAGAN'S MOTION TO CONTINUE TRIAL DATE</i>	85C069269-20981.tif pages
06/25/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE DEFENDANTS MOTION TO DISQUALIFY JUDGE</i>	85C069269-20998.tif pages
06/29/1994	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269-20119.tif pages
		85C069269-













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09/14/1994	 Request <i>MOTION TO VACATE SENTENCE - RELATED PARTYID: 85C069269_0004</i>	20120.tif pages
09/15/1994	Status Check (9:00 AM) <i>STATUS CHECK: TRANSCRIPTS Court Clerk: JOYCE BROWN Reporter/Recorder: PATRICIA LOFFT Heard By: Addelmar Guy, III</i>	
09/15/1994	Hearing <i>FURTHER PROCEEDINGS</i>	85C069269-20121.tif pages
09/22/1994	Further Proceedings (9:00 AM) Events: 09/15/1994 Hearing <i>FURTHER PROCEEDINGS Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: Addelmar Guy, III</i>	
09/22/1994	 Order <i>ORDER</i>	85C069269-20122.tif pages
09/22/1994	 Judgment <i>SECOND AMENDED JUDGMENT OF CONVICTION (JURY TRIAL)</i>	85C069269-20123.tif pages
09/27/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: STATUS CHECK: TRANSCRIPTS</i>	85C069269-20124.tif pages
10/03/1994	CANCELED Penalty Hearing (10:00 AM) Events: 02/03/1994 Hearing <i>Vacated</i>	
10/03/1994	CANCELED Penalty Hearing (10:00 AM) Events: 02/03/1994 Hearing <i>Vacated</i>	
10/03/1994	CANCELED All Pending Motions (10:00 AM) Events: 02/03/1994 Motion <i>Vacated</i>	
11/29/1994	 Motion <i>DEFENDANT'S MOTION TO CONTINUE PENALTY HEARING</i>	85C069269-20125.tif pages
12/01/1994	Motion to Continue (9:00 AM) Events: 11/29/1994 Motion <i>DEFENDANT'S MOTION TO CONTINUE PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
12/01/1994	Hearing <i>STATUS CHECK: WAIVER</i>	85C069269-20126.tif pages
12/01/1994	Hearing <i>STATUS CHECK: WAIVER</i>	85C069269-20127.tif pages
12/01/1994	Motion <i>ALL PENDING MOTIONS</i>	85C069269-20128.tif pages








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12/01/1994	Hearing <i>PENALTY HEARING</i>	85C069269-20130.tif pages
12/01/1994	Hearing <i>PENALTY HEARING</i>	85C069269-20132.tif pages
12/14/1994	 Waiver <i>WAIVER OF PERSONAL APPEARANCE - RELATED PARTYID: 85C069269_0002</i>	85C069269-20133.tif pages
12/15/1994	Status Check (9:00 AM) Events: 12/01/1994 Hearing <i>STATUS CHECK: WAIVER</i>	
12/15/1994	Status Check (9:00 AM) Events: 12/01/1994 Hearing <i>STATUS CHECK: WAIVER Heard By: Addehlar Guy, III</i>	
12/15/1994	All Pending Motions (9:00 AM) Events: 12/01/1994 Motion <i>ALL PENDING MOTIONS Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addehlar Guy, III</i>	
12/15/1994	 Waiver <i>WAIVER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20134.tif pages
12/26/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-20984.tif pages
12/28/1994	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANT'S MOTION TO CONTINUE PENALTY HEARING</i>	85C069269-20135.tif pages
12/29/1994	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>	
12/29/1994	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>	
01/03/1995	CANCELED Penalty Hearing (10:00 AM) Events: 04/21/1994 Hearing <i>Vacated</i>	
01/03/1995	CANCELED Penalty Hearing (10:00 AM) Events: 04/21/1994 Hearing <i>Vacated</i>	
05/19/1995	 Motion <i>DEFT'S MOTION FOR NEW TRIAL</i>	85C069269-20136.tif pages
05/19/1995	 Motion <i>DEFT'S MOTION FOR INDIVIDUALIZED VOIR DIRE AND SUBMISSION OF QUESTIONNAIRE</i>	85C069269-20137.tif pages
		85C069269-






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05/19/1995	 Petition <i>PETITION FOR HABEAS CORPUS - RELATED PARTYID: 85C069269_0002</i>	20138.tif pages
05/19/1995	 Points and Authorities <i>POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20139.tif pages
05/19/1995	Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20144.tif pages
05/22/1995	 Motion <i>MOTION TO STRIKE DEATH PENALTY</i>	85C069269-20140.tif pages
05/22/1995	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20141.tif pages
05/22/1995	 Receipt of Copy <i>RECEIPT OF COPY</i>	85C069269-20753.tif pages
05/23/1995	 Motion <i>DEFT'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO THE SENTENCES OF DEFT'SCE</i>	85C069269-20142.tif pages
05/23/1995	 Motion <i>DEFT'S MOTION TO DISCLOSE INDUCEMENTS, PROMISES & PAYMENTS TO STATE WITNESSES</i>	85C069269-20143.tif pages
05/24/1995	 Motion <i>DEFT'S MOTION TO PROHIBIT TESTIMONY OF D.A. TO SUMMARIZE WITNESS' PRIOR TESTIMO</i>	85C069269-20145.tif pages
05/24/1995	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269-20146.tif pages
05/24/1995	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20147.tif pages
05/24/1995	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269-20148.tif pages
05/25/1995	Minute Order (9:00 AM) <i>MINUTE ORDER RE: HEARING MOTIONS Court Clerk: JOYCE BROWN Heard By: Addelias Guy, III</i>	
05/25/1995	Hearing <i>MINUTE ORDER RE: HEARING MOTIONS</i>	85C069269-20149.tif pages
05/26/1995	 Motion <i>DEFT'S MTN FOR DISCLOSURE TO INFORMATION RE: STATE WITNESS'</i>	85C069269-20150.tif pages





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	<i>EXPECTATIONS OF</i>	
05/30/1995	 Motion <i>DEFT'S MOTION TO JOIN CO-DEFT MOORE'S MOTION IN LIMINE TO PRECLUDE REFERENCE</i>	85C069269-20151.tif pages
05/30/1995	 Motion <i>DEFT'S MOTION TO AMEND DEFT'S PREVIOUSLY FILED MOTION FOR NEW TRIAL TO REFLECT A</i>	85C069269-20152.tif pages
05/30/1995	 Motion <i>DEFT'S MOTION IN LIMINE TO PROHIBIT EVIDENCE OF DEVIL WORSHIP</i>	85C069269-20153.tif pages
05/31/1995	 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20154.tif pages
05/31/1995	 Motion <i>DEFT'S MOTION TO STRIKE DEATH PENALTY</i>	85C069269-20155.tif pages
05/31/1995	Motion <i>DEFT'S MOTION TO STRIKE DEATH PENALTY</i>	85C069269-20156.tif pages
06/01/1995	Motion for New Trial (9:00 AM) Events: 05/19/1995 Motion <i>DEFT'S MOTION FOR NEW TRIAL. Heard By: Addelmar Guy, III</i>	
06/01/1995	Motion (9:00 AM) Events: 05/19/1995 Motion <i>DEFT'S MOTION FOR INDIVIDUALIZED VOIR DIRE AND SUBMISSION OF QUESTIONNAIRE Heard By: Addelmar Guy, III</i>	
06/01/1995	Motion to Strike (9:00 AM) Events: 05/22/1995 Motion <i>MOTION TO STRIKE DEATH PENALTY Heard By: Addelmar Guy, III</i>	
06/05/1995	Response <i>RESPONSE TO DEFENDANT DALE EDWARD FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY OF DISTRICT ATTORNEY</i>	85C069269-20157.tif pages
06/05/1995	 Response <i>RESPONSE TO DEFENDANT DALE EDWARD FLANAGAN'S MOTION TO PROHIBIT TESTIMONY OF DISTRICT ATTORNEY OF DISTRICT ATTORNEY-RELATED PARTYID: 85C069269_0002</i>	85C069269-20158.tif pages
06/05/1995	 Answer <i>ANSWER IN OPPOSITION TO DEFENDANTS DALE EDWARD FLANAGAN'S MOTION FOR NEW TRIAL</i>	85C069269-20159.tif pages
06/05/1995	Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGAN'S MOTION FOR NEW TRIAL</i>	85C069269-20160.tif pages





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06/05/1995	 Answer <i>ANSWER IN OPPOSITION TO DEFENDANT FLANAGANS PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION CORPUS POST-CONVICTION</i>	85C069269-20161.tif pages
06/05/1995	Answer <i>ANSWER IN OPPOSITION TO DEFENDANT FLANAGANS PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION CORPUS POST-CONVICTION</i>	85C069269-20162.tif pages
06/05/1995	 Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGANS MOTION IN LIMINE TO PROHIBIT EVIDENCE OF DEVIL WORSHIP PROHIBIT EVIDENCE OF DEVIL WORSHIP</i>	85C069269-20163.tif pages
06/05/1995	Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGANS MOTION IN LIMINE TO PROHIBIT EVIDENCE OF DEVIL WORSHIP PROHIBIT EVIDENCE OF DEVIL WORSHIP</i>	85C069269-20164.tif pages
06/05/1995	 Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGANS MOTION TO DISCLOSE INFORMATION REGARDING STATE WITNESS EXPECTATION OF BENEFITS OF TESTIMONY INFORMATION REGARDING STATE WITNESS EXPECTATION OF BENEFITS OF TESTIMONY</i>	85C069269-20165.tif pages
06/05/1995	Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGANS MOTION TO DISCLOSE INFORMATION REGARDING STATE WITNESS EXPECTATION OF BENEFITS OF TESTIMONY INFORMATION REGARDING STATE WITNESS EXPECTATION OF BENEFITS OF TESTIMONY</i>	85C069269-20166.tif pages
06/05/1995	 Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGANS MOTION FOR INDIVIDUALIZED VOIR DIRE AND RESPONSE TO MOTION FOR SUBMISSION OF JURY QUESTIONNAIRE INDIVIDUALIZED VOIR DIRE AND RESPONSE TO MOTION FOR SUBMISSION OF JURY QUESTIONNAIRE</i>	85C069269-20167.tif pages
06/05/1995	Answer <i>ANSWER IN OPPOSITION TO DEFENDANT DALE EDWARD FLANAGANS MOTION FOR INDIVIDUALIZED VOIR DIRE AND RESPONSE TO MOTION FOR SUBMISSION OF JURY QUESTIONNAIRE INDIVIDUALIZED VOIR DIRE AND RESPONSE TO MOTION FOR SUBMISSION OF JURY QUESTIONNAIRE</i>	85C069269-20168.tif pages
06/05/1995	 Answer <i>ANSWER IN OPPOSITION TO DEFENDANT RANDOLPH MOORES MOTION TO DISCLOSE INDUCEMENTS PROMISES AND PAYMENTS TO PROSPECTIVE STATE WITNESSES INDUCEMENTS PROMISES AND PAYMENTS TO PROSPECTIVE STATE WITNESSES</i>	85C069269-20169.tif pages
06/05/1995	Answer <i>ANSWER IN OPPOSITION TO DEFENDANT RANDOLPH MOORES MOTION TO DISCLOSE INDUCEMENTS PROMISES AND PAYMENTS TO PROSPECTIVE STATE WITNESSES INDUCEMENTS PROMISES AND PAYMENTS TO PROSPECTIVE STATE WITNESSES</i>	85C069269-20170.tif pages






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06/05/1995	 Answer ANSWER IN OPPOSITION TO DEFENDANT MOORES PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION POST-CONVICTION	85C069269-20171.tif pages
06/05/1995	Answer ANSWER OPPOSITION TO DEFFENDANT MOORES PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION POST-CONVICTION	85C069269-20172.tif pages
06/05/1995	 Answer ANSWER IN OPPOSITION TO DEFENDANT RANDOLPH MOORES MOTION IN LIMINE TO PRECLUDE REFERENCE TO THE SENTENCES OF CO-DEFENDANTS PRECLUDE REFERENCE TO THE SENTENCES OF CO-DEFENDANTS	85C069269-20173.tif pages
06/05/1995	Answer ANSWER IN OPPOSITION TO DEFENDANT RANDOLPH MOORES MOTION IN LIMINE TO PRECLUDE REFERENCE TO THE SENTENCES OF CO-DEFENDANTS TO PRECLUDE REFERENCE TO THE SENTENCES OF CO-DEFENDANTS	85C069269-20174.tif pages
06/05/1995	 Answer ANSWER IN OPPOSITION TO DEFENDANTS MOTIONS TO STRIKE DEATH PENALTY	85C069269-20175.tif pages
06/05/1995	Answer ANSWER IN OPPOSITION TO DEFENDANTS MOTIONS TO STRIKE DEATH PENALTY	85C069269-20176.tif pages
06/05/1995	 Receipt of Copy RECEIPT OF COPY	85C069269-20177.tif pages
06/05/1995	Receipt of Copy RECEIPT OF COPY	85C069269-20178.tif pages
06/06/1995	Motion for New Trial (9:00 AM) DEFT'S MOTION FOR NEW TRIAL Heard By: Addelmar Guy, III	
06/06/1995	Motion (9:00 AM) DEFT'S MOTION FOR INDIVIDUALIZED VOIR DIRE AND SUBMISSION OF QUESTIONNAIRE Heard By: Addelmar Guy, III	
06/06/1995	Motion to Strike (9:00 AM) MOTION TO STRIKE DEATH PENALTY Heard By: Addelmar Guy, III	
06/06/1995	Motion in Limine (9:00 AM) Events: 05/23/1995 Motion DEFT'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO THE SENTENCES OF DEFTSCE Heard By: Addelmar Guy, III	
06/06/1995	Motion (9:00 AM) Events: 05/23/1995 Motion DEFT'S MOTION TO DISCLOSE INDUCEMENTS, PROMISES & PAYMENTS TO STATE WITNESSES Heard By: Addelmar Guy, III	
06/06/1995	Petition for Writ of Habeas Corpus (9:00 AM) Events: 05/19/1995 Petition DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Addelmar Guy, III	





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06/06/1995	Motion (9:00 AM) Events: 05/24/1995 Motion <i>DEFT'S MOTION TO PROHIBIT TESTIMONY OF D.A. TO SUMMARIZE WITNESS' PRIOR TESTIMO</i> Heard By: Addelmar Guy, III	
06/06/1995	Motion (9:00 AM) Events: 05/26/1995 Motion <i>DEFT'S MOTION FOR DISCLOSURE TO INFORMATIONRE: STATE WITNESS' ESPECTATIONS OF</i> Heard By: Addelmar Guy, III	
06/06/1995	Motion in Limine (9:00 AM) Events: 05/30/1995 Motion <i>DEFT'S MOTION TO JOIN CO-DEFT MOORE'S MOTION IN LIMINE TO PRECLUDE REFERENCE</i> Heard By: Addelmar Guy, III	
06/06/1995	Motion to Amend (9:00 AM) Events: 05/30/1995 Motion <i>DEFT'S MOTION TO AMEND DEFT'S PREVIOUSLY-FILED MOTION FOR NEW TRIAL TO REFLECT A</i> Heard By: Addelmar Guy, III	
06/06/1995	Motion in Limine (9:00 AM) Events: 05/30/1995 Motion <i>DEFT'S MOTION IN LIMINE TO PROHIBIT EVIDENCE OF DEVIL WORSHIP</i> Heard By: Addelmar Guy, III	
06/06/1995	Petition for Writ of Habeas Corpus (9:00 AM) Events: 05/31/1995 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i> Heard By: Addelmar Guy, III	
06/06/1995	Motion to Strike (9:00 AM) Events: 05/31/1995 Motion <i>DEFT'S MOTION TO STRIKE DEATH PENALTY</i> Heard By: Addelmar Guy, III	
06/06/1995	Motion to Strike (9:00 AM) Events: 05/31/1995 Motion <i>DEFT'S MOTION TO STRIKE DEATH PENALTY</i> Heard By: Addelmar Guy, III	
06/06/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6-6-95 Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER</i> Heard By: Addelmar Guy, III	
06/06/1995	 Joinder <i>JOINDER IN MOTIONS OF CO-DEFENDANT FLANANGAN - RELATED PARTYID: 85C069269_0002</i>	85C069269-20184.tif pages
06/07/1995	Motion <i>ALL PENDING MOTIONS 6-6-95</i>	85C069269-20179.tif pages
06/07/1995	 Request <i>MOTION TO ADMIT PRIOR TESTIMONY OF DEFENSE PENALTY PHASE WITNESSES</i>	85C069269-20180.tif pages
06/07/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFENDANTS' MOTIONS</i>	85C069269-20181.tif pages
06/07/1995	 Conversion Case Event Type <i>ORDER TO TRANSPORT - RELATED PARTYID: 85C069269_0001</i>	85C069269-20182.tif pages






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06/08/1995	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>	
06/08/1995	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>	
06/08/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6-8-95 Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/08/1995	Motion (10:00 AM) <i>DEFT'S MOTION TO PROHIBIT TESTIMONY OF D.A. TO SUMMARIZE WITNESS' PRIOR TESTIMO Heard By: Addelmar Guy, III</i>	
06/08/1995	Motion <i>ALL PENDING MOTIONS 6-8-95</i>	85C069269-20183.tif pages
06/09/1995	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 85C069269_0002</i>	85C069269-20186.tif pages
06/09/1995	 Notice <i>NOTICE OF APPEAL - RELATED PARTYID: 85C069269_0001</i>	85C069269-20189.tif pages
06/09/1995	Notice <i>NOTICE OF APPEAL - RELATED PARTYID: 85C069269_0002</i>	85C069269-20190.tif pages
06/12/1995	Penalty Hearing (9:00 AM) Events: 12/01/1994 Hearing <i>PENALTY HEARING</i>	
06/12/1995	Penalty Hearing (9:00 AM) Events: 12/01/1994 Hearing <i>PENALTY HEARING</i>	
06/12/1995	Motion (9:00 AM) <i>DEFT'S MOTION TO PROHIBIT TESTIMONY OF D.A. TO SUMMARIZE WITNESS' PRIOR TESTIMO Heard By: Addelmar Guy, III</i>	
06/12/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/12/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	85C069269-20185.tif pages
06/12/1995	 Motion <i>STATE'S MOTION TO USE REPORTED TESTIMONY</i>	85C069269-20187.tif pages
06/12/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE WRIT OF HABEAS CORPUS COURT'S JURISDICTION</i>	85C069269-20188.tif pages
06/12/1995	Request <i>MOTION TO USE REPORTED TESTIMONY - RELATED PARTYID: 85C069269_0001</i>	85C069269-20192.tif pages






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06/12/1995	Request <i>MOTION TO USE REPORTED TESTIMONY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20193.tif pages
06/12/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269-20225.tif pages
06/12/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS CALENDAR CALL</i>	85C069269-20994.tif pages
06/13/1995	Penalty Hearing (9:00 AM) <i>PENALTY HEARING</i>	
06/13/1995	Penalty Hearing (9:00 AM) <i>PENALTY HEARING</i>	
06/13/1995	Motion (9:00 AM) <i>DEFT'S MOTION TO PROHIBIT TESTIMONY OF D.A. TO SUMMARIZE WITNESS' PRIOR TESTIMO Heard By: Addelmar Guy, III</i>	
06/13/1995	Motion (9:00 AM) Events: 06/12/1995 Motion <i>STATE'S MOTION TO USE REPORTED TESTIMONY Heard By: Addelmar Guy, III</i>	
06/13/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/13/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF COURT'S DISMISSAL OF PROSPECTIVE JURORS; END-OF-DAY PROCEEDINGS END-OF-DAY PROCEEDINGS</i>	85C069269-20191.tif pages
06/13/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269-20226.tif pages
06/13/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT COURTS DISMISSAL OF PROSPECTIVE JURORS END OF DAY PROCEEDINGS PROCEEDINGS</i>	85C069269-20983.tif pages
06/14/1995	Penalty Hearing (8:45 AM) <i>PENALTY HEARING</i>	
06/14/1995	Penalty Hearing (8:45 AM) <i>PENALTY HEARING</i>	
06/14/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/14/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 1, VOLUME I)</i>	85C069269-20194.tif pages
06/14/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269-20227.tif pages











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06/14/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL PENALTY PHASE DAY 1</i>	85C069269- 20990.tif pages
06/15/1995	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/15/1995	Penalty Hearing (9:00 AM) <i>PENALTY HEARING</i>	
06/15/1995	Penalty Hearing (9:00 AM) <i>PENALTY HEARING</i>	
06/15/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 2, VOLUME II)</i>	85C069269- 20195.tif pages
06/15/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20228.tif pages
06/15/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT FOR JUNE 14 1995</i>	85C069269- 20962.tif pages
06/16/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/16/1995	Penalty Hearing (10:00 AM) <i>PENALTY HEARING</i>	
06/16/1995	Penalty Hearing (10:00 AM) <i>PENALTY HEARING</i>	
06/16/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 3, VOLUME III)</i>	85C069269- 20196.tif pages
06/16/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20229.tif pages
06/19/1995	Penalty Hearing (10:00 AM) <i>PENALTY HEARING</i>	
06/19/1995	Penalty Hearing (10:00 AM) <i>PENALTY HEARING</i>	
06/19/1995	All Pending Motions (10:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/19/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 4, VOLUME IV)</i>	85C069269- 20197.tif pages
06/19/1995	 Subpoena Duces Tecum	85C069269- 20198.tif pages






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	<i>SUBPOENA DUCES TECUM - RELATED PARTYID: 85C069269_0002</i>	
06/19/1995	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20199.tif pages
06/19/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20230.tif pages
06/20/1995	All Pending Motions (10:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/20/1995	Penalty Hearing (11:00 AM) <i>PENALTY HEARING</i>	
06/20/1995	Penalty Hearing (11:00 AM) <i>PENALTY HEARING</i>	
06/20/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 5, VOLUME V)</i>	85C069269- 20202.tif pages
06/20/1995	 Notice of Appeal <i>DESIGNATION OF CONTENTS OF RECORD ON APPEAL - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20203.tif pages
06/20/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20231.tif pages
06/21/1995	Penalty Hearing (10:15 AM) <i>PENALTY HEARING</i>	
06/21/1995	Penalty Hearing (10:15 AM) <i>PENALTY HEARING</i>	
06/21/1995	All Pending Motions (11:00 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/21/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 6, VOLUME VI)</i>	85C069269- 20204.tif pages
06/21/1995	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20205.tif pages
06/21/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20232.tif pages
06/22/1995	Penalty Hearing (8:45 AM) <i>PENALTY HEARING</i>	
06/22/1995	Penalty Hearing (8:45 AM) <i>PENALTY HEARING</i>	




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06/22/1995	All Pending Motions (10:15 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelmar Guy, III</i>	
06/22/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 7, VOLUME VII)</i>	85C069269- 20206.tif pages
06/22/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20233.tif pages
06/23/1995	Penalty Hearing (8:45 AM) <i>PENALTY HEARING</i>	
06/23/1995	Penalty Hearing (8:45 AM) <i>PENALTY HEARING</i>	
06/23/1995	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS - PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: DEBRA WINN Heard By: Addelmar Guy, III</i>	
06/23/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE (DAY 8, VOLUME VIII)</i>	85C069269- 20207.tif pages
06/23/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL-- PENALTY PHASE DAY 9, VOLUME IX INCLUDING MASTER TRIAL INDEX--PENALTY PHASE INCLUDING MASTER TRIAL INDEX--PENALTY PHASE</i>	85C069269- 20208.tif pages
06/23/1995	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	85C069269- 20209.tif pages
06/23/1995	Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	85C069269- 20210.tif pages
06/23/1995	 Verdict <i>VERDICT</i>	85C069269- 20211.tif pages
06/23/1995	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20212.tif pages
06/23/1995	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20213.tif pages
06/23/1995	 Verdict <i>VERDICT</i>	85C069269- 20214.tif pages
06/23/1995	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20215.tif pages
06/23/1995	 Verdict	85C069269- 20216.tif pages









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	<i>SPECIAL VERDICT</i>	
06/23/1995	 Verdict <i>VERDICT</i>	85C069269- 20217.tif pages
06/23/1995	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20218.tif pages
06/23/1995	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20219.tif pages
06/23/1995	 Verdict <i>VERDICT</i>	85C069269- 20220.tif pages
06/23/1995	 Verdict <i>SPECIAL VERDICT</i>	85C069269- 20221.tif pages
06/23/1995	 Verdict <i>SPCELAL VERDICT</i>	85C069269- 20222.tif pages
06/23/1995	Motion <i>ALL PENDING MOTIONS - PENALTY HEARING</i>	85C069269- 20234.tif pages
06/23/1995	Conversion Case Event Type <i>SENTENCING - COUNTS VI & VII</i>	85C069269- 20235.tif pages
06/23/1995	Conversion Case Event Type <i>SENTENCING - COUNTS VI & VII</i>	85C069269- 20236.tif pages
06/23/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL PENALTY PHASE DAY 8</i>	85C069269- 20985.tif pages
06/29/1995	 Notice of Appeal <i>DESIGNATION OF CONTENTS OF RECORD ON APPEAL - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20224.tif pages
07/05/1995	 Order <i>ORDER FOR TRANSCRIPT</i>	85C069269- 20237.tif pages
07/05/1995	Order <i>ORDER FOR TRANSCRIPT</i>	85C069269- 20238.tif pages
07/11/1995	Sentencing (9:00 AM) Events: 06/23/1995 Conversion Case Event Type <i>SENTENCING - COUNTS VI & VII Heard By: Addelmar Guy, III</i>	
07/11/1995	Sentencing (9:00 AM) Events: 06/23/1995 Conversion Case Event Type <i>SENTENCING - COUNTS VI & VII Heard By: Addelmar Guy, III</i>	



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07/11/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 7-11-95 Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addelior Guy, III</i>	
07/11/1995	 Order <i>ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20239.tif pages
07/11/1995	Motion <i>ALL PENDING MOTIONS 7-11-95</i>	85C069269-20240.tif pages
07/11/1995	Hearing <i>STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL</i>	85C069269-20241.tif pages
07/11/1995	Hearing <i>STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL</i>	85C069269-20242.tif pages
07/11/1995	 Judgment <i>JUDGMENT OF CONVICTION - PLEA</i>	85C069269-20244.tif pages
07/11/1995	 Judgment <i>JUDGMENT OF CONVICTION - PLEA</i>	85C069269-20245.tif pages
07/11/1995	 Warrant <i>WARRANT OF EXECUTION</i>	85C069269-20246.tif pages
07/11/1995	 Order <i>ORDER OF EXECUTION</i>	85C069269-20247.tif pages
07/11/1995	 Warrant <i>WARRANT OF EXECUTION</i>	85C069269-20248.tif pages
07/11/1995	 Order <i>ORDER OF EXECUTION</i>	85C069269-20249.tif pages
07/11/1995	Disposition (Judicial Officer: User, Conversion) 6. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON Guilty	
07/11/1995	Disposition (Judicial Officer: User, Conversion)	
07/11/1995	Disposition (Judicial Officer: User, Conversion) 7. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON Guilty	
07/11/1995	Disposition (Judicial Officer: User, Conversion)	
07/11/1995	Sentence (Judicial Officer: User, Conversion) 6. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: DEATH PENALTY	


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	Cons/Conc: Consecutive w/Charge Item: 0005 and Sentence#: 0001 Converted Disposition: Sentence# 0002: DEATH PENALTY Cons/Conc: Consecutive w/Charge Item: 0006 and Sentence#: 0001 Converted Disposition: Sentence# 0003: SENTENCE VACATED Converted Disposition: Sentence# 0004: DEATH PENALTY	
07/11/1995	Sentence (Judicial Officer: User, Conversion) 7. MURDER IN THE FIRST DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: DEATH PENALTY Cons/Conc: Consecutive w/Charge Item: 0006 and Sentence#: 0001 Converted Disposition: Sentence# 0002: DEATH PENALTY Cons/Conc: Consecutive w/Charge Item: 0007 and Sentence#: 0001 Converted Disposition: Sentence# 0003: SENTENCE VACATED Converted Disposition: Sentence# 0004: DEATH PENALTY	
07/12/1995	 Notice <i>NOTICE OF APPEAL</i>	85C069269- 20243.tif pages
07/18/1995	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20250.tif pages
07/18/1995	 Order <i>STIPULATION AND ORDER FOR PAYMENT OF EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20251.tif pages
07/18/1995	 Order <i>ORDER TO STAY EXECUTION - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20252.tif pages
07/19/1995	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20253.tif pages
07/19/1995	 Notice of Appeal <i>DESIGNATION OF CONTENTS OF RECORD ON APPEAL - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20256.tif pages
07/24/1995	 Order <i>ORDER OF APPOINTMENT - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20257.tif pages
07/28/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	85C069269- 20258.tif pages

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07/28/1995	 Order <i>ORDER</i>	85C069269- 20259.tif pages
07/28/1995	 Order <i>ORDER</i>	85C069269- 20260.tif pages
08/09/1995	 Notice of Appeal <i>DESIGNATION OF CONTENTS OF RECORD ON APPEAL - RELATED PARTYID: 85C069269 0001</i>	85C069269- 20261.tif pages
08/09/1995	 Notice <i>NOTICE OF APPEAL - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20262.tif pages
08/15/1995	Status Check (9:00 AM) Events: 07/11/1995 Hearing <i>STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL. Heard By: Addelmar Guy, III</i>	
08/15/1995	Status Check (9:00 AM) Events: 07/11/1995 Hearing <i>STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL. Heard By: Addelmar Guy, III</i>	
08/15/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8-15-95 Court Clerk: JOYCE BROWN Reporter/Recorder: DEBBIE WINN Heard By: James Brennan</i>	
08/15/1995	Motion <i>ALL PENDING MOTIONS 8-15-95</i>	85C069269- 20263.tif pages
08/17/1995	Status Check (9:00 AM) <i>STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL Heard By: Addelmar Guy, III</i>	
08/17/1995	Status Check (9:00 AM) <i>STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL Heard By: Addelmar Guy, III</i>	
08/17/1995	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8-17-95 Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: James Brennan</i>	
08/17/1995	Motion <i>ALL PENDING MOTIONS 8-17-95</i>	85C069269- 20264.tif pages
08/21/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK: CREDIT FOR TIME SERVED AND PERFECTION OF APPEAL AS TO BOTH DEFENDANTS (FLANAGAN AND MOORE) OF APPEAL AS TO BOTH DEFENDANTS (FLANAGAN AND MOORE)</i>	85C069269- 20265.tif pages
08/21/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269- 20999.tif pages

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02/02/1996	 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (VA 02-16-96)</i>	85C069269-20267.tif pages
02/02/1996	 Motion <i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>	85C069269-20268.tif pages
02/02/1996	Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20269.tif pages
02/02/1996	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0004</i>	85C069269-20271.tif pages
02/14/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF WRIT OF HABEAS CORPUS</i>	85C069269-20961.tif pages
02/15/1996	Motion <i>STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20272.tif pages
02/15/1996	 Request <i>NOTICE OF MOTION AND MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION POST-CONVICTION</i>	85C069269-20273.tif pages
02/20/1996	CANCELED Petition for Writ of Habeas Corpus (9:00 AM) Events: 02/02/1996 Petition <i>Vacated</i>	
02/20/1996	Petition to Proceed in Forma Pauperis (9:00 AM) Events: 02/02/1996 Motion <i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Michael Douglas</i>	
02/20/1996	Petition for Writ of Habeas Corpus (9:00 AM) Events: 02/02/1996 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
02/20/1996	Motion to Dismiss (9:00 AM) Events: 02/15/1996 Motion <i>STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
02/20/1996	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (02-20-96) Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>	
02/20/1996	Motion <i>ALL PENDING MOTIONS (02-20-96)</i>	85C069269-20274.tif pages
02/26/1996	 Request <i>NOTICE OF MOTION AND MOTION FOR APPOINTMENT OF COUNSEL</i>	85C069269-20275.tif pages
02/26/1996	Motion	85C069269-20276.tif pages

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DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL

03/12/1996	Motion for Appointment (9:00 AM) Events: 02/26/1996 Motion <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>	
03/14/1996	 Order <i>ORDER</i>	85C069269- 20277.tif pages
03/26/1996	 Opposition <i>OPPOSITION TO MOTION TO DISMISS - RELATED PARTYID: 85C069269_0004</i>	85C069269- 20278.tif pages
03/27/1996	 Order <i>ORDER</i>	85C069269- 20279.tif pages
03/28/1996	 Opposition <i>OPPOSITION TO MOTION TO DISMISS - RELATED PARTYID: 85C069269_0004</i>	85C069269- 20280.tif pages
04/04/1996	 Notice <i>NOTICE OF APPEAL AND DESIGNATION OF RECORD ON APPEAL - RELATED PARTYID: 85C069269_0004</i>	85C069269- 20281.tif pages
12/04/1997	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>	85C069269- 20282.tif pages
12/04/1997	NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>	85C069269- 20283.tif pages
02/24/1998	Notice <i>NOTICE TRANSCRIPTS ON SHELVES</i>	85C069269- 20284.tif pages
02/26/1998	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>	85C069269- 20285.tif pages
05/20/1998	 Motion <i>DEFT'S MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES</i>	85C069269- 20287.tif pages
05/22/1998	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269- 20288.tif pages
05/27/1998	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20291.tif pages
05/28/1998	Motion <i>DEFT'S REQUEST APPOINTMENT OF COUNSEL FOR POST CONVICTION RELIEF</i>	85C069269- 20289.tif pages









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05/28/1998	 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20292.tif pages
06/01/1998	Motion (9:00 AM) Events: 05/20/1998 Motion <i>DEFT'S MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
06/01/1998	 Order <i>ORDER GRANTING MOTION FOR FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES - RELATED PARTYID: 85C069269_0002</i>	85C069269-20294.tif pages
06/02/1998	 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20293.tif pages
06/02/1998	 Order <i>ORDER</i>	85C069269-20295.tif pages
06/02/1998	Petition <i>PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION AND APPOINTMENT OF COUNSEL COUNSEL- RELATED PARTYID: 85C069269_0002</i>	85C069269-20298.tif pages
06/03/1998	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>	85C069269-20296.tif pages
06/03/1998	NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>	85C069269-20297.tif pages
06/03/1998	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20299.tif pages
06/04/1998	Motion for Appointment (9:00 AM) Events: 05/28/1998 Motion <i>DEFT'S REQUEST APPOINTMENT OF COUNSEL FOR POST CONVICTION RELIEF Heard By: Michael Douglas</i>	
06/04/1998	Petition for Writ of Habeas Corpus (9:00 AM) Events: 06/02/1998 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
06/04/1998	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6-4-98 Court Clerk: JOYCE BROWN Reporter/Recorder: SUZY NICHOLS Heard By: Myron Leavitt</i>	
06/04/1998	Motion <i>ALL PENDING MOTIONS 6-4-98</i>	85C069269-20300.tif pages
06/05/1998	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0001</i>	85C069269-20301.tif pages
06/11/1998	Motion for Appointment (9:00 AM)	

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	<i>DEFT'S REQUEST APPOINTMENT OF COUNSEL FOR POST CONVICTION RELIEF</i> <i>Heard By: Michael Douglas</i>	
06/11/1998	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
06/11/1998	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (06-11-98) Court Clerk: SUSAN BURDETTE/sb</i> <i>Reporter/Recorder: DEBRA WINN Heard By: Michael Douglas</i>	
06/11/1998	Motion <i>ALL PENDING MOTIONS (06-11-98)</i>	85C069269- 20302.tif pages
06/11/1998	Hearing <i>STATUS CHECK: SUPPLEMENTAL MOTIONS/PETITIONS</i>	85C069269- 20303.tif pages
06/29/1998	 Request <i>MOTION FOR PRISON ACCESS AND INVESTIGATION AND EXPERT FUNDS - RELATED</i> <i>PARTYID: 85C069269_0001</i>	85C069269- 20304.tif pages
06/29/1998	 Affidavit in Support <i>AFFIDAVIT OF ROBERT D NEWELL - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20305.tif pages
07/07/1998	 Ex Parte Order <i>EX PARTE PLEADING PROPOSED ORDER GRANTING PETITIONERS EX PARTE</i> <i>MOTION FOR INVESTIGATION AND EXPERT FUNDS INVESTIGATION AND EXPERT</i> <i>FUNDS- RELATED PARTYID: 85C069269_0001</i>	85C069269- 20306.tif pages
07/17/1998	 Ex Parte Order <i>EX PARTE PLEADING PROPOSED ORDER GRANTING PETITIONERS EX PARTE</i> <i>MOTION TO ALLOW PRISON ACCESS TO ALLOW PRISON ACCESS- RELATED</i> <i>PARTYID: 85C069269_0001</i>	85C069269- 20308.tif pages
07/20/1998	Petition for Writ of Habeas Corpus (9:00 AM) Events: 05/28/1998 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
08/05/1998	 Application <i>VERIFIED APPLICATION FOR ASSOCIATION OF COUNSEL UNDER NEVADA</i> <i>SUPREME CRT RULE 42 - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20309.tif pages
08/11/1998	 Motion <i>DEFT'S PRO PER MOTION FOR PRODUCTION OF DOCUMENTS</i>	85C069269- 20310.tif pages
08/11/1998	 Notice <i>NOTICE OF MOTION - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20311.tif pages
08/18/1998	 Application <i>EX PARTE APPLICATION FOR ORDER TO PREPARE TRANSCRIPTS - RELATED</i> <i>PARTYID: 85C069269_0002</i>	85C069269- 20312.tif pages
08/18/1998		85C069269-

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	 Order ORDER APPOINTING ATTORNEY - RELATED PARTYID: 85C069269_0002	20313.tif pages
08/21/1998	 Ex Parte Order EX PARTE ORDER TO PREPARE TRANSCRIPTS - RELATED PARTYID: 85C069269_0002	85C069269-20314.tif pages
08/24/1998	Motion (9:00 AM) Events: 08/11/1998 Motion DEFT'S PRO PER MOTION FOR PRODUCTION OF DOCUMENTS Court Clerk: JOYCE BROWN Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas	
08/27/1998	 Order ORDER DENYING DEFENDANTS PROPER PERSON MOTION FOR PRODUCTION OF DOCUMENTS	85C069269-20315.tif pages
09/02/1998	 Certificate CERTIFICATE OF MAILING	85C069269-20316.tif pages
09/02/1998	Certificate CERTIFICATE OF MAILING	85C069269-20317.tif pages
09/02/1998	 Reporters Transcript REPORTER'S TRANSCRIPT OF DEFENDANT PLANAGAN'S REQUEST FOR APPOINTMENT OF COUNSEL FOR POST-CONVICTION RELIEF / DEFENDANT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS COUNSEL FOR POST-CONVICTION RELIEF / DEFENDANT MOORE'S PETITION FOR WRIT OF HABEAS CORPUS	85C069269-20318.tif pages
09/21/1998	 Receipt of Copy RECEIPT OF COPY OF THE EX PARTE ORDER TO PREPARE TRANSCRIPTS - RELATED PARTYID: 85C069269_0002	85C069269-20319.tif pages
11/18/1998	 Certificate CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001	85C069269-20326.tif pages
11/19/1998	Motion DEFT'S MOTION TO ASSOCIATE COUNSEL	85C069269-20320.tif pages
11/19/1998	Motion DEFT'S MOTION TO ASSOCIATE COUNSEL	85C069269-20321.tif pages
11/19/1998	 Order NOTICE OF HEARING - RELATED PARTYID: 85C069269_0001	85C069269-20322.tif pages
11/25/1998	Petition for Writ of Habeas Corpus (9:00 AM) DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas	
11/25/1998	Petition for Writ of Habeas Corpus (9:00 AM) DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas	
11/25/1998	Status Check (9:00 AM) Events: 06/11/1998 Hearing	








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STATUS CHECK: SUPPLEMENTAL MOTIONS/PETITIONS








11/25/1998	Motion to Associate Counsel (9:00 AM) Events: 11/19/1998 Motion <i>DEFT'S MOTION TO ASSOCIATE COUNSEL Heard By: Michael Douglas</i>	
11/25/1998	Motion to Associate Counsel (9:00 AM) Events: 11/19/1998 Motion <i>DEFT'S MOTION TO ASSOCIATE COUNSEL Heard By: Michael Douglas</i>	
11/25/1998	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (11-25-98) Court Clerk: JOYCE BROWN Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
11/25/1998	Motion <i>ALL PENDING MOTIONS (11-25-98)</i>	85C069269- 20323.tif pages
11/25/1998	Motion <i>DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS</i>	85C069269- 20324.tif pages
11/25/1998	Motion <i>DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS</i>	85C069269- 20325.tif pages
11/25/1998	 Application <i>EX PARTE APPLICATION FOR PERMISSION TO INSPECT AND COPY ANY AND ALL JUVENILE RECORDS MAINTAINED BY THE CLERK OF THE COURT PROBATION DEPARTMENT AND IN THE CUSTODY OF JUVENILE AUTHORITIES INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATION AND MEDICAL RECORDS JUVENILE RECORDS MAINTAINED BY THE CLERK OF THE COURT PROBATION DEPARTMENT AND IN THE CUSTODY OF JUVENILE AUTHORITIES INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATION AND MEDICAL RECORDS- RELATED PARTYID: 85C069269_0001</i>	85C069269- 20327.tif pages
11/25/1998	 Application <i>EX PARTE APPLICATION FOR PERMISSION TO INSPECT AND COPY ANY AND ALL RECORDS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ENCOMPASING THE CHILD PROTECTION SERVICE INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATION AND MEDICAL RECORDS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ENCOMPASING THE CHILD PROTECTION SERVICE INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATION AND MEDICAL RECORDS- RELATED PARTYID: 85C069269_0001</i>	85C069269- 20328.tif pages
11/25/1998	 Application <i>EX PARTE APPLICATION FOR PERMISSION TO INSPECT AND COPY ANY AND ALL JUVENILE RECORDS MAINTAINED BY THE CLERK OF THE COURT PROBATION DEPARTMENT AND IN THE CUSTODY OF JUVENILE AUTHORITIES INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS RECORDS MAINTAINED BY THE CLERK OF THE COURT PROBATION DEPARTMENT AND IN THE CUSTODY OF JUVENILE AUTHORITIES INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS- RELATED PARTYID: 85C069269_0001</i>	85C069269- 20329.tif pages
11/25/1998	 Application <i>EX PARTE APPLICATION FOR PERMISSION TO INSPECT AND COPY ANY AND ALL RECORDS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES</i>	85C069269- 20330.tif pages

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ENCOMPASSING THE CHILD PROTECTION SERVICE INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ENCOMPASSING THE CHILD PROTECTION SERVICE INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS- RELATED PARTYID: 85C069269_0001

11/25/1998	 Order ORDER - RELATED PARTYID: 85C069269_0001	85C069269-20331.tif pages
12/03/1998	 Statement SUPREME COURT RULE 42 STATEMENT - RELATED PARTYID: 85C069269_0001	85C069269-20332.tif pages
12/29/1998	 Notice NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 85C069269_0001	85C069269-20334.tif pages
12/31/1998	 Ex Parte Order EX PARTE ORDER GRANTING PERMISSION TO INSPECT AND COPY ANY AND ALL JUVENILE PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS CUSTODY OF JUVENILE AUTHORITIES INCLUDING POLICE REPORTS PSYCHIATRIC AND RECORDS MAINTAINED BY THE CLERK OF THE COURT PROBATION DEPARTMENT AND IN THE PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS CUSTODY OF JUVENILE AUTHORITIES INCLUDING POLICE REPORTS PSYCHIATRIC AND RECORDS MAINTAINED BY THE CLERK OF THE COURT PROBATION DEPARTMENT AND IN THE- RELATED PARTYID: 85C069269_0001	85C069269-20333.tif pages
02/08/1999	 Ex Parte Order EX PARTE ORDER GRANTING PERMISSION TO INSPECT AND COPY ANY AND ALL RECORDS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ENCOMPASSING THE CHILD PROTECTION SERVICE INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES ENCOMPASSING THE CHILD PROTECTION SERVICE INCLUDING POLICE REPORTS PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS AND MEDICAL RECORDS- RELATED PARTYID: 85C069269_0001	85C069269-20335.tif pages
02/24/1999	 Request EX PARTE MOTION FILED UNDER SEAL MOTION FOR INVESTIGATION FUNDS - RELATED PARTYID: 85C069269_0001	85C069269-20336.tif pages
02/24/1999	 Ex Parte Order EX PARTE ORDER GRANTING INVESTIGATION FUNDS	85C069269-20337.tif pages
05/12/1999	Motion HEARING: DEFT'S EX PARTE MOTION FOR RELEASE OF OF JUVENILE RECORDS	85C069269-20338.tif pages
05/12/1999	Motion HEARING: DEFT'S EX PARTE MOTION FOR PRISON ACCESS	85C069269-20339.tif pages
05/12/1999	Motion HEARING: DEFT'S EX PARTE MOTION FOR REIM AND WAIVER OF COUNTY RECORDS' CHARGES	85C069269-20340.tif pages








DEPARTMENT 12
CASE SUMMARY
CASE No. 85C069269-2

05/12/1999	Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR SOCIAL HISTORIAN INVESTIGATION FUNDS</i>	85C069269-20341.tif pages
05/12/1999	Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR NEUROPSYCHOLOGICAL EXAMINATION FUNDS</i>	85C069269-20342.tif pages
05/12/1999	Motion <i>HEARING: DEFT'S EX PARTE FOR CORONER'S RECORDS</i>	85C069269-20344.tif pages
05/13/1999	 Request <i>EX PARTE PLEADING-FILED UNDER SEAL MOTION FOR PRISON ACCESS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20345.tif pages
05/13/1999	 Request <i>EX PARTE PLEADING-FILED UNDER SEAL MOTION FOR CORONERS RECORDS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20346.tif pages
05/13/1999	 Affidavit in Support <i>EX PARTE PLEADING-FILED UNDER SEAL AFFIDAVIT OF ROBERT D NEWELL - RELATED PARTYID: 85C069269_0001</i>	85C069269-20347.tif pages
05/13/1999	 Request <i>EX PARTE MOTION FILED UNDER SEAL MOTION FOR NEUROPSYCHOLOGICAL EXAMINATION FUNDS FUNDS- RELATED PARTYID: 85C069269_0001</i>	85C069269-20348.tif pages
05/13/1999	 Request <i>EX PARTE PLEADING FILED UNDER SEAL MOTION FOR SOCIAL HISTORIAN INVESTIGATION FUNDS INVESTIGATION FUNDS- RELATED PARTYID: 85C069269_0001</i>	85C069269-20349.tif pages
05/13/1999	 Memorandum <i>SUPPLEMENTARY MEMORANDUM WITH DECLARATION OF SCHARLETTE HOLDMAN IN SUPPORT OF RELEASE OF JUVENILE RECORDS EX PARTE MOTION FILED UNDER SEAL IN SUPPORT OF RELEASE OF JUVENILE RECORDS EX PARTE MOTION FILED UNDER SEAL- RELATED PARTYID: 85C069269_0001</i>	85C069269-20350.tif pages
05/13/1999	 Request <i>EX PARTE PLEADING FILED UNDER SEAL MOTION FOR REIMBURSEMENT AND WAIVER OF COUNTY RECORDS CHARGES OF COUNTY RECORDS CHARGES- RELATED PARTYID: 85C069269_0001</i>	85C069269-20351.tif pages
05/17/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (05-17-99) Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
05/17/1999	Motion (11:00 AM) Events: 05/12/1999 Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR RELEASE OF OF JUVENILE RECORDS Heard By: Michael Douglas</i>	
05/17/1999	Motion (11:00 AM)	





DEPARTMENT 12
CASE SUMMARY
CASE No. 85C069269-2

	Events: 05/12/1999 Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR PRISON ACCESS Heard By: Michael Douglas</i>	
05/17/1999	Motion (11:00 AM) Events: 05/12/1999 Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR REIMAND WAIVER OF COUNTY RECORDS' CHARGES Heard By: Michael Douglas</i>	
05/17/1999	Motion (11:00 AM) Events: 05/12/1999 Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR SOCIAL HISTORIAN INVESTIGATION FUNDS Heard By: Michael Douglas</i>	
05/17/1999	Motion (11:00 AM) Events: 05/12/1999 Motion <i>HEARING: DEFT'S EX PARTE MOTION FOR NEUROPSYCHOLOGICAL EXAMINATION FUNDS Heard By: Michael Douglas</i>	
05/17/1999	Motion (11:00 AM) Events: 05/12/1999 Motion <i>HEARING: DEFT'S EX PARTE FOR CORONER'S RECORDS Heard By: Michael Douglas</i>	
05/18/1999	Motion <i>ALL PENDING MOTIONS (05-17-99)</i>	85C069269-20352.tif pages
05/18/1999	 Order <i>EX PARTE PLEADING ORDER GRANTING MOTION FOR SOCIAL HISTORIAN INVESTIGATION FUNDS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20353.tif pages
05/18/1999	 Order <i>EX PARTE PLEADING-FILED UNDER SEAL PROPOSED ORDER GRANTING PETITIONERS EX PARTE MOTION TO ALLOW PRISON ACCESS EX PARTE MOTION TO ALLOW PRISON ACCESS- RELATED PARTYID: 85C069269_0001</i>	85C069269-20354.tif pages
05/18/1999	 Order <i>ORDER GRANTING PETITIONERS MOTION FOR NEUROPSYCHOLOGICAL EXAMINATION FUNDS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20355.tif pages
05/27/1999	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
05/27/1999	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
05/27/1999	Motion (9:00 AM) Events: 11/25/1998 Motion <i>DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
05/27/1999	Motion (9:00 AM) Events: 11/25/1998 Motion <i>DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
05/27/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (5-27-99) Court Clerk: JOYCE BROWN Reporter/Reconder: CATHY NELSON Heard By: Michael Douglas</i>	





DEPARTMENT 12
CASE SUMMARY
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05/27/1999	Motion <i>ALL PENDING MOTIONS (5-27-99)</i>	85C069269-20356.tif pages
05/27/1999	 Order <i>EX PARTE PLEADING ORDER GRANTING MOTION FOR CORONERS RECORDS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20357.tif pages
05/27/1999	 Order <i>EX PARTE PLEADING ORDER GRANTING MOTION TO LIMIT COUNTY RECORDS CHARGES - RELATED PARTYID: 85C069269_0001</i>	85C069269-20358.tif pages
06/29/1999	Judgment <i>REMITTITUR APPEAL DISMISSED</i>	85C069269-20360.tif pages
06/30/1999	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>	85C069269-20359.tif pages
08/27/1999	Motion <i>DEFT'S MOTION TO ASSOCIATE COUNSEL</i>	85C069269-20361.tif pages
08/27/1999	Motion <i>DEFT'S MOTION TO ASSOCIATE COUNSEL</i>	85C069269-20362.tif pages
08/27/1999	 Notice <i>NOTICE OF HEARING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20363.tif pages
08/27/1999	 Application <i>VERIFIED APPLICATION FOR ASSOCIATION OF COUNSEL UNDER NEVADA SUPREME CRT RULE 42</i>	85C069269-20364.tif pages
09/01/1999	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20365.tif pages
09/08/1999	Motion to Associate Counsel (9:00 AM) Events: 08/27/1999 Motion <i>DEFT'S MOTION TO ASSOCIATE COUNSEL Heard By: Michael Douglas</i>	
09/08/1999	Motion to Associate Counsel (9:00 AM) Events: 08/27/1999 Motion <i>DEFT'S MOTION TO ASSOCIATE COUNSEL Heard By: Michael Douglas</i>	
09/08/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (09-08-99) Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
09/08/1999	Motion <i>ALL PENDING MOTIONS (09-08-99)</i>	85C069269-20366.tif pages
09/08/1999	 Request	85C069269-20367.tif pages





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	<i>MOTION FOR REIMBURSEMENT OF INVESTIGATION EXPENSES - RELATED PARTYID: 85C069269_0001</i>	
09/08/1999	 Order <i>ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20368.tif pages
11/30/1999	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
11/30/1999	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
11/30/1999	Motion (9:00 AM) <i>DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
11/30/1999	Motion (9:00 AM) <i>DEFT'S SUBMISSION OF SUPPLEMENTAL POINTS ON WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
11/30/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11/30/99 Relief Clerk: AMBER FARLEY Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
11/30/1999	Hearing <i>STATUS CHECK: BRIEFING SCHEDULE</i>	85C069269-20369.tif pages
11/30/1999	Motion <i>ALL PENDING MOTIONS 11/30/99</i>	85C069269-20370.tif pages
11/30/1999	 Petition <i>SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - RELATED PARTYID: 85C069269_0001</i>	85C069269-20371.tif pages
11/30/1999	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20372.tif pages
12/09/1999	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20373.tif pages
12/20/1999	Status Check (9:00 AM) Events: 11/30/1999 Hearing <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: JOYCE BROWN/JB Relief Clerk: KATHY STAITE Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
12/20/1999	Hearing <i>CONFIRMATION OF COUNSEL (J THOMAS)</i>	85C069269-20375.tif pages
12/20/1999	Hearing <i>STATUS CHECK</i>	85C069269-20376.tif pages
12/20/1999	Conversion Case Event Type <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VJ 1/19</i>	85C069269-20377.tif pages






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12/22/1999	Motion for Confirmation of Counsel (9:00 AM) Events: 12/20/1999 Hearing <i>CONFIRMATION OF COUNSEL (J THOMAS) Heard By: Michael Douglas</i>	
12/22/1999	Status Check (9:00 AM) Events: 12/20/1999 Hearing <i>STATUS CHECK</i>	
12/22/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (12-22-99) Court Clerk: JOYCE BROWN Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>	
12/22/1999	Motion <i>ALL PENDING MOTIONS (12-22-99)</i>	85C069269-20378.tif pages
12/23/1999	Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL (J THOMAS) Heard By: Michael Douglas</i>	
12/23/1999	Status Check (9:00 AM) <i>STATUS CHECK</i>	
12/23/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS Court Clerk: JOYCE BROWN Relief Clerk: KATHY STAITE/KS Reporter/Recorder: CATHY NELSON Heard By: Kathy Hardcastle</i>	
12/28/1999	Motion <i>ALL PENDING MOTIONS</i>	85C069269-20379.tif pages
01/13/2000	Hearing <i>STATE'S REQUEST FOR EXTENSION OF TIME TO FILE WRIT/RESPONSE</i>	85C069269-20380.tif pages
01/19/2000	Request (9:00 AM) Events: 01/13/2000 Hearing <i>STATE'S REQUEST FOR EXTENSION OF TIME TO FILE WRIT/RESPONSE Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i>	
01/19/2000	 Motion <i>DAVID SCHIECK'S MOTION FOR ATTORNEY'S FEES IN EXCESS OF STATUTORY ALLOWANCE &</i>	85C069269-20381.tif pages
01/19/2000	Conversion Case Event Type <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20382.tif pages
01/19/2000	 Motion <i>DEFT'S MOTION FOR SEVERANCE</i>	85C069269-20383.tif pages
01/20/2000	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0002</i>	85C069269-20384.tif pages
01/21/2000	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0001</i>	85C069269-20385.tif pages
01/31/2000	Motion for Attorney Fees (9:00 AM)	






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CASE NO. 85C069269-2

	Events: 01/19/2000 Motion <i>DAVID SCHIECK'S MOTION FOR ATTORNEY'S FEES IN EXCESS OF STATUTORY ALLOWANCE & Heard By: Kathy Hardcastle</i>	
01/31/2000	Motion (9:00 AM) Events: 01/19/2000 Motion <i>DEFT'S MOTION FOR SEVERANCE Heard By: Kathy Hardcastle</i>	
01/31/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 01-31-00 Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i>	
01/31/2000	 Order <i>ORDER GRANTING MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES FOR EXPENSES- RELATED PARTYID: 85C069269_0002</i>	85C069269-20386.tif pages
02/02/2000	Motion <i>ALL PENDING MOTIONS 01-31-00</i>	85C069269-20387.tif pages
03/09/2000	CANCELED Hearing (9:00 AM) Events: 12/20/1999 Conversion Case Event Type <i>Vacated</i>	
03/29/2000	 Response <i>STATES RESPONSE TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION POST-CONVICTION</i>	85C069269-20388.tif pages
05/17/2000	 Motion <i>DEFT'S MOTION FOR DISCOVERY</i>	85C069269-20389.tif pages
05/17/2000	 Hearing <i>DEFT'S MOTION FOR EVIDENTIARY HEARING</i>	85C069269-20390.tif pages
05/17/2000	 Reply <i>PETITIONERS REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20391.tif pages
05/18/2000	Notice <i>NOTICE OF EXHIBITS TO PETITIONERS REPLY (VOL I THRU V) IN THE VAULT</i>	85C069269-20392.tif pages
05/23/2000	Motion <i>STATE'S REQUEST CHANGE/SET BRIEFING SCHEDULE</i>	85C069269-20393.tif pages
05/25/2000	 Reply <i>SUPPLEMENT TO PETITIONERS REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS HABEAS CORPUS- RELATED PARTYID: 85C069269_0001</i>	85C069269-20394.tif pages
05/25/2000	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20395.tif pages
05/25/2000		85C069269-






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	 Certificate CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001	20396.tif pages
05/25/2000	 Certificate CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001	85C069269-20397.tif pages
05/25/2000	 Certificate CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001	85C069269-20398.tif pages
05/31/2000	Hearing (9:00 AM) Events: 01/19/2000 Conversion Case Event Type ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Kathy Hardcastle	
05/31/2000	Motion for Discovery (9:00 AM) Events: 05/17/2000 Motion DEFT'S MOTION FOR DISCOVERY Heard By: Kathy Hardcastle	
05/31/2000	Evidentiary Hearing (9:00 AM) Events: 05/17/2000 Hearing DEFT'S MOTION FOR EVIDENTIARY HEARING Heard By: Kathy Hardcastle	
05/31/2000	All Pending Motions (9:00 AM) ALL PENDING MOTIONS FOR 5/31/00 Relief Clerk: BILLIE JO CRAIG Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle	
05/31/2000	Motion ALL PENDING MOTIONS FOR 5/31/00	85C069269-20399.tif pages
06/05/2000	 Motion DEFT'S MOTION FOR DISQUALIFICATION OF JUDGE VJ 6/6	85C069269-20400.tif pages
06/05/2000	 Reporters Transcript REPORTER'S TRANSCRIPT OF MAY 31, 2000 ARGUMENT: DEFENDANT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS, DEFENDANT'S MOTION FOR DISCOVERY, DEFENDANT'S MOTION FOR EVIDENTIARY HEARING DEFENDANT FLANAGAN'S PETITION FOR WRIT OF HABEAS CORPUS, DEFENDANT'S MOTION FOR DISCOVERY, DEFENDANT'S MOTION FOR EVIDENTIARY HEARING	85C069269-20401.tif pages
06/06/2000	Minute Order (9:00 AM) MINUTE ORDER RE: DISQUALIFICATION OF JUDGE HARDCASTLE Court Clerk: DOROTHY KELLY Heard By: Kathy Hardcastle	
06/06/2000	Hearing MINUTE ORDER RE: DISQUALIFICATION OF JUDGE HARDCASTLE	85C069269-20402.tif pages
06/08/2000	Hearing (8:30 AM) ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Joseph Bonaventure	
06/08/2000	Motion for Discovery (8:30 AM) DEFT'S MOTION FOR DISCOVERY Heard By: Kathy Hardcastle	
06/08/2000	Evidentiary Hearing (8:30 AM) DEFT'S MOTION FOR EVIDENTIARY HEARING Heard By: Kathy Hardcastle	


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06/09/2000	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY</i>	85C069269-20403.tif pages
06/12/2000	 Memorandum <i>PETITIONERS MEMORANDUM OPPOSING WAIVER OF ATTORNEY-CLIENT PRIVILEGE - RELATED PARTYID: 85C069269_0001</i>	85C069269-20405.tif pages
06/12/2000	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20406.tif pages
06/13/2000	Minute Order (4:00 PM) <i>MINUTE ORDER RE: RECUSAL VI Court Clerk: NORA PENA Heard By: Joseph Bonaventure</i>	
06/13/2000	 Motion <i>STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE</i>	85C069269-20404.tif pages
06/13/2000	Hearing <i>MINUTE ORDER RE: RECUSAL VI</i>	85C069269-20407.tif pages
06/13/2000	 Notice of Department Reassignment <i>NOTICE OF DEPARTMENT REASSIGNMENT 004771001988FC 001988004771 001988004771</i>	85C069269-20410.tif pages
06/15/2000	Hearing (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Joseph Bonaventure</i>	
06/15/2000	Motion for Discovery (9:00 AM) <i>DEFT'S MOTION FOR DISCOVERY Heard By: Joseph Bonaventure</i>	
06/15/2000	Evidentiary Hearing (9:00 AM) <i>DEFT'S MOTION FOR EVIDENTIARY HEARING Heard By: Joseph Bonaventure</i>	
06/15/2000	CANCELED Motion (9:00 AM) Events: 06/05/2000 Motion <i>Vacated</i>	
06/15/2000	Motion (9:00 AM) Events: 06/13/2000 Motion <i>STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE Heard By: Mark Gibbons</i>	
06/19/2000	Motion (9:00 AM) Events: 05/23/2000 Motion <i>STATE'S REQUEST CHANGE/SET BRIEFING SCHEDULE Relief Clerk: CONNIE KAISKI/CK Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i>	
06/19/2000	Motion (9:00 AM) <i>STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE Heard By: Mark Gibbons</i>	
06/19/2000	Conversion Case Event Type <i>ARGUMENT: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS VJ 12/12</i>	85C069269-20411.tif pages








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06/22/2000	Hearing (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Mark Gibbons</i>	
06/22/2000	Motion for Discovery (9:00 AM) <i>DEFT'S MOTION FOR DISCOVERY Heard By: Mark Gibbons</i>	
06/22/2000	Evidentiary Hearing (9:00 AM) <i>DEFT'S MOTION FOR EVIDENTIARY HEARING Heard By: Mark Gibbons</i>	
06/22/2000	Motion (9:00 AM) <i>STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE Heard By: Mark Gibbons</i>	
06/22/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6/22/00 Court Clerk: AMBER FARLEY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardcastle</i>	
06/22/2000	Motion <i>ALL PENDING MOTIONS 6/22/00</i>	85C069269-20412.tif pages
08/03/2000	 Request <i>MOTION FOR REIMBURSEMENT OF INVESTIGATION EXPENSES - UNDER SEAL - RELATED PARTYID: 85C069269_0001</i>	85C069269-20413.tif pages
08/03/2000	 Affidavit in Support <i>AFFIDAVIT OF ROBERT D NEWELL - UNDER SEAL - RELATED PARTYID: 85C069269_0001</i>	85C069269-20414.tif pages
08/14/2000	 Motion <i>DEFT'S PRO PER REQUEST (MOTION) FOR APPOINTMENT OF ATTORNEY</i>	85C069269-20415.tif pages
08/14/2000	 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20416.tif pages
08/15/2000	 Order <i>ORDER RE PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20417.tif pages
08/16/2000	Hearing (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Kathy Hardcastle</i>	
08/16/2000	Motion for Discovery (9:00 AM) <i>DEFT'S MOTION FOR DISCOVERY Heard By: Kathy Hardcastle</i>	
08/16/2000	Evidentiary Hearing (9:00 AM) <i>DEFT'S MOTION FOR EVIDENTIARY HEARING Heard By: Kathy Hardcastle</i>	
08/16/2000	Motion (9:00 AM) <i>STATE'S MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE Heard By: Mark Gibbons</i>	
08/16/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8-16-00 Relief Clerk: CHERYL CASE Reporter/Recorder: RENE SILVAGGIO Heard By: Mark Gibbons</i>	









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08/16/2000	Hearing <i>STATUS CHECK: EVIDENTIARY HEARING</i>	85C069269-20418.tif pages
08/17/2000	Motion <i>ALL PENDING MOTIONS 8-16-00</i>	85C069269-20419.tif pages
08/17/2000	 Ex Parte <i>EX PARTE PLEADING FILED UNDER SEAL - MOTION FOR EXPERT FUNDS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20420.tif pages
08/23/2000	 Affidavit in Support <i>PETITIONERS SUPPLEMENTAL FINANCIAL AFFIDAVIT - CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0003</i>	85C069269-20421.tif pages
08/23/2000	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0003</i>	85C069269-20422.tif pages
08/23/2000	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF MOTION REQUESTING APPOINTMENT OF COUNSEL - RELATED PARTYID: 85C069269_0003</i>	85C069269-20423.tif pages
08/23/2000	 Certificate <i>CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT - RELATED PARTYID: 85C069269_0003</i>	85C069269-20424.tif pages
08/23/2000	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0004</i>	85C069269-20428.tif pages
08/23/2000	 Certificate <i>FINANCIAL CERTIFICATE - RELATED PARTYID: 85C069269_0004</i>	85C069269-20429.tif pages
08/23/2000	Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0003</i>	85C069269-20430.tif pages
08/23/2000	 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20432.tif pages
08/23/2000	 Motion <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL</i>	85C069269-20433.tif pages
08/23/2000	 Motion <i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>	85C069269-20434.tif pages
08/29/2000	 Order <i>ORDER RE PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20435.tif pages













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08/29/2000	 Order <i>ORDER</i>	85C069269-20436.tif pages
09/07/2000	 Motion <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL</i>	85C069269-20437.tif pages
09/13/2000	Status Check (9:00 AM) Events: 08/16/2000 Hearing <i>STATUS CHECK: EVIDENTIARY HEARING Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
09/13/2000	Hearing <i>EVIDENTIARY HEARING (REMAINING ISSUES ON WRIT)</i>	85C069269-20438.tif pages
09/18/2000	Motion for Appointment (9:00 AM) Events: 09/07/2000 Motion <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>	
09/18/2000	 Opposition <i>OPPOSITION TO MOTION TO APPOINT COUNSEL</i>	85C069269-20439.tif pages
09/18/2000	 Opposition <i>OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION</i>	85C069269-20440.tif pages
09/28/2000	Motion for Appointment (9:00 AM) Events: 08/14/2000 Motion <i>DEFT'S PRO PER REQUEST (MOTION) FOR APPOINTMENT OF ATTORNEY Heard By: Mark Gibbons</i>	
09/28/2000	Petition for Writ of Habeas Corpus (9:00 AM) Events: 08/14/2000 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Mark Gibbons</i>	
09/28/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 9/28/00 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
09/28/2000	Motion <i>ALL PENDING MOTIONS 9/28/00</i>	85C069269-20441.tif pages
09/28/2000	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269-20442.tif pages
09/28/2000	 Order <i>ORDER REGARDING EVIDENTIARY HEARING</i>	85C069269-20443.tif pages
10/03/2000	 Opposition <i>OPPOSITION TO DEFENDANTS PROPER PERSON PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION CORPUS POST-CONVICTION</i>	85C069269-20444.tif pages
10/03/2000		85C069269-







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	 Opposition <i>OPPOSITION TO DEFENDANTS PROPER PERSON MOTION TO APPOINT COUNSEL</i>	20445.tif pages
10/09/2000	 Notice <i>NOTICE OF ENTRY OF ORDER</i>	85C069269- 20446.tif pages
10/10/2000	Petition for Writ of Habeas Corpus (9:00 AM) Events: 08/23/2000 Petition <i>DEFTS PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Mark Gibbons</i>	
10/10/2000	Motion (9:00 AM) Events: 08/23/2000 Motion <i>DEFTS PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Mark Gibbons</i>	
10/10/2000	Petition to Proceed in Forma Pauperis (9:00 AM) Events: 08/23/2000 Motion <i>DEFTS PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Mark Gibbons</i>	
10/10/2000	Motion for Appointment (9:00 AM) <i>DEFTS PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Mark Gibbons</i>	
10/10/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10/10/00 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
10/10/2000	Motion <i>ALL PENDING MOTIONS 10/10/00</i>	85C069269- 20447.tif pages
10/12/2000	 Order <i>STIPULATION TO CONTINUE DUE DATE FOR SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS HABEAS CORPUS- RELATED PARTYID: 85C069269_0001</i>	85C069269- 20448.tif pages
10/17/2000	 Reply <i>REPLY TO OPPOSITIN TO PETITIONERS PROPER PERSONS PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION HABEAS CORPUS POST-CONVICTION-RELATED PARTYID: 85C069269_0004</i>	85C069269- 20449.tif pages
10/18/2000	 Order <i>STIPULATION - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20450.tif pages
10/19/2000	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	85C069269- 20451.tif pages
10/19/2000	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND JUDGMENT</i>	85C069269- 20452.tif pages
10/19/2000	 Notice <i>NOTICE OF ENTRY OF ORDER</i>	85C069269- 20453.tif pages
10/30/2000	Petition <i>DEFTS PRO PER MOTION FOR APPOINTMENT OF COUNSEL ON THE APPEAL</i>	85C069269- 20454.tif pages

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10/30/2000	 Notice of Appeal <i>PETITIONERS NOTICE OF APPEAL AND MOTION FOR APPOINTMENT OF COUNSEL ON THE APPEAL - RELATED PARTYID: 85C069269_0004</i>	85C069269-20455.tif pages
10/31/2000	 Statement <i>CASE APPEAL STATEMENT</i>	85C069269-20457.tif pages
10/31/2000	 Request <i>REQUEST OF TRANSCRIPT OF PROCEEDINGS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20458.tif pages
11/06/2000	 Opposition <i>OPPOSITION TO PRO PER MOTION FOR APPOINTMENT OF COUNSEL ON APPEAL</i>	85C069269-20459.tif pages
11/09/2000	Motion for Appointment (9:00 AM) Events: 10/30/2000 Petition <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ON THE APPEAL. Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
11/21/2000	 Motion <i>DEFT'S MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL POST-CONVICTION PETITI</i>	85C069269-20460.tif pages
11/22/2000	 Order <i>ORDER DENYING DEFENDANTS MOTION FOR APPOINTMENT OF COUNSEL ON APPEAL</i>	85C069269-20461.tif pages
12/05/2000	Motion (9:00 AM) Events: 11/21/2000 Motion <i>DEFT'S MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL POST-CONVICTION PETITI Court Clerk: Amber Farley Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark</i>	
12/06/2000	 Motion <i>DEFT'S MOTION TO SEAL ORDER</i>	85C069269-20463.tif pages
12/06/2000	 Motion <i>DEFT'S MOTION TO CLARIFY AND EXPAND SCOPE OF EVIDENTIARY HEARING</i>	85C069269-20464.tif pages
12/06/2000	 Request <i>EX PARTE MOTION FILED UNDER SEAL. RENEWED MOTION FOR EXPERT FUNDS AND INVESTIGATIVE FUNDS INVESTIGATIVE FUNDS- RELATED PARTYID: 85C069269_0001</i>	85C069269-20465.tif pages
12/06/2000	 Notice <i>NOTICE OF MOTION - RELATED PARTYID: 85C069269_0001</i>	85C069269-20466.tif pages
12/06/2000	 Notice <i>NOTICE OF MOTION - RELATED PARTYID: 85C069269_0001</i>	85C069269-20467.tif pages
12/06/2000	 Receipt of Copy	85C069269-










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	<i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0001</i>	20468.tif pages
12/06/2000	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269_0001</i>	85C069269-20469.tif pages
12/11/2000	 Order <i>ORDER</i>	85C069269-20470.tif pages
12/12/2000	Motion (9:00 AM) <i>DEFT'S MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL POST-CONVICTION PETITI Court Clerk: DOROTHY KELLY Reporter/Recorder: TINA SMITH Heard By: Kathy Hardeastle</i>	
12/12/2000	Hearing <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20471.tif pages
12/14/2000	 Response <i>RESPONSE TO DEFENDANTS MOTION TO SEAL ORDER</i>	85C069269-20473.tif pages
12/14/2000	 Opposition <i>OPPOSITION TO MOTION TO CLARIFY AND EXPAND SCOPE</i>	85C069269-20474.tif pages
12/14/2000	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	85C069269-20475.tif pages
12/18/2000	Motion (9:00 AM) Events: 12/06/2000 Motion <i>DEFT'S MOTION TO SEAL ORDER Heard By: Mark Gibbons</i>	
12/18/2000	Motion (9:00 AM) Events: 12/06/2000 Motion <i>DEFT'S MOTION TO CLARIFY AND EXPAND SCOPE OF EVIDENTIARY HEARING Heard By: Mark Gibbons</i>	
12/18/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 12/18/00 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
12/18/2000	Motion <i>ALL PENDING MOTIONS 12/18/00</i>	85C069269-20476.tif pages
12/26/2000	 Order <i>ORDER DENYING DEFENDANTS MOTION TO CLARIFY AND EXPAND THE SCOPE OF THE EVIDENTIARY HEARING AND ORDER GRANTING DEFENDANTS MOTION TO SEAL ORDER EVIDENTIARY HEARING AND ORDER GRANTING DEFENDANTS MOTION TO SEAL ORDER</i>	85C069269-20477.tif pages
01/02/2001	CANCELLED Hearing (9:00 AM) Events: 06/19/2000 Conversion Case Event Type <i>Vacated</i>	
01/23/2001	Expert Witness List	85C069269-20478.tif pages

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	<i>NOTICE OF WITNESSES</i>	
01/23/2001	 Notice <i>NOTICE OF WITNESS</i>	85C069269- 20814.tif pages
01/26/2001	Evidentiary Hearing (10:00 AM) Events: 09/13/2000 Hearing <i>EVIDENTIARY HEARING (REMAINING ISSUES ON WRIT) Heard By: Mark Gibbons</i>	
01/29/2001	Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTIONS HEARING</i>	85C069269- 20480.tif pages
01/29/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS MOTIONS HEARING</i>	85C069269- 20807.tif pages
01/31/2001	Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK EVIDENTIARY HEARING</i>	85C069269- 20479.tif pages
01/31/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269- 20808.tif pages
02/09/2001	Evidentiary Hearing (9:00 AM) <i>EVIDENTIARY HEARING (REMAINING ISSUES ON WRIT) Court Clerk: AMBER FARLEY Reporter/Recorder: KRISTINE CORNELIUS Heard By: Nancy Saitta</i>	
02/11/2001	 Request <i>MOTION TO JOIN AND OR CONSOLIDATE PETITIONS FOR WRITS OF HABEAS CORPUS - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20481.tif pages
02/11/2001	Request <i>REQUEST MOTION FOR APPOINTMENT OF ATTORNEY - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20482.tif pages
02/11/2001	Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20483.tif pages
02/11/2001	Request <i>MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20484.tif pages
02/11/2001	Certificate <i>CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20485.tif pages
02/11/2001	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)</i>	85C069269- 20799.tif pages
02/11/2001	 Certificate <i>CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT - RELATED PARTYID:</i>	85C069269- 20809.tif pages







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	85C069269_0003	
02/11/2001	 Request MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0003	85C069269-20810.tif pages
02/11/2001	 Affidavit in Support AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0003	85C069269-20811.tif pages
02/11/2001	 Request REQUEST MOTION FOR APPOINTMENT OF ATTORNEY - RELATED PARTYID: 85C069269_0003	85C069269-20812.tif pages
02/11/2001	Petition DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS	85C069269-20818.tif pages
02/11/2001	Motion DEFT'S PRO PER MTN FOR APPOINTMENT OF ATTORNEY	85C069269-20820.tif pages
02/11/2001	Motion DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS	85C069269-20821.tif pages
02/21/2001	 Order STIPULATION - RELATED PARTYID: 85C069269_0001	85C069269-20796.tif pages
02/21/2001	 Order STIPULATION	85C069269-20797.tif pages
02/23/2001	 Order ORDER FOR PRODUCTION OF INMATE DALE EDWARD FLANAGAN BAC #21853	85C069269-20798.tif pages
02/28/2001	 Opposition OPPOSITION TO DEFENDANTS PROPER PERSON MOTION TO APPOINT COUNSEL	85C069269-20800.tif pages
02/28/2001	 Opposition OPPOSITION TO DEFENDANTS PROPER PERSON MOTION TO JOIN AND OR CONSOLIDATE PETITIONS FOR WRIT OF HABEAS CORPUS CONSOLIDATE PETITIONS FOR WRIT OF HABEAS CORPUS	85C069269-20801.tif pages
03/29/2001	 Response PETITIONER'S RESPONSE TO THE STATE'S OPPOSITION TO DEFT'S PRO PER MOTION TO JOIN AND/OR CONSOLIDATE PETITIONS FOR WRIT OF HABEAS CORPUS AND MTN IN OPPOSITION OF PETITIONER'S REQUEST FOR APPT. OF COUNSEL TO JOIN AND/OR CONSOLIDATE PETITIONS FOR WRIT OF HABEAS CORPUS AND MTN IN OPPOSITION OF PETITIONER'S REQUEST FOR APPT. OF COUNSEL- RELATED PARTYID: 85C069269_0003	85C069269-20828.tif pages
04/13/2001	Evidentiary Hearing (10:00 AM) EVIDENTIARY HEARING (REMAINING ISSUES ON WRIT) Court Clerk: AMBER FARLEY Reporter/Recorder: KRISTINE CORNELIUS Heard By: Nancy Saitta	











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04/13/2001	Hearing <i>STATUS CHECK: REASSIGNMENT/ EVIDENTIARY HEARING SCHEDULING</i>	85C069269-20802.tif pages
04/17/2001	Status Check (9:00 AM) Events: 04/13/2001 Hearing <i>STATUS CHECK: REASSIGNMENT/ EVIDENTIARY HEARING SCHEDULING Court Clerk: TINA HURD Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>	
04/17/2001	Hearing <i>EVIDENTIARY HEARING: REMAINING ISSUES ON THE WRIT</i>	85C069269-20803.tif pages
05/03/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EVIDENTIARY HEARING (REMAINING ISSUES ON WRIT)</i>	85C069269-20805.tif pages
05/17/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK: EVIDENTIARY HEARING</i>	85C069269-20806.tif pages
05/30/2001	 Ex Parte Order <i>EX PARTE ORDER APPOINTING ATTORNEY IN A DEATH PENALTY MATTER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20813.tif pages
06/07/2001	Decision (9:00 AM) Events: 12/12/2000 Hearing <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Relief Clerk: APRIL WATKINS Reporter/Recorder: JANIE OLSEN Heard By: Cherry, Michael A</i>	
06/22/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT'S PRO PER MOTIONS/PETITIONS</i>	85C069269-20815.tif pages
07/20/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANT'S PRO PER MOTIONS</i>	85C069269-20816.tif pages
08/28/2001	 Order <i>ORDER RE PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20822.tif pages
09/12/2001	Evidentiary Hearing (10:00 AM) Events: 04/17/2001 Hearing <i>EVIDENTIARY HEARING: REMAINING ISSUES ON THE WRIT Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark</i>	
09/17/2001	 Supplement <i>SUPPLEMENT TO ORIGINAL MOTION - RELATED PARTYID: 85C069269_0003</i>	85C069269-20823.tif pages
09/17/2001	 Request <i>MOTION TO DISMISS MOTION TO CONSOLIDATE WITH CO DEFENDANT MR DALE FLANAGAN FLANAGAN- RELATED PARTYID: 85C069269_0003</i>	85C069269-20824.tif pages
09/17/2001	 Motion <i>DEFT'S PRO PER MTN TO DISMISS MTN TO CONSOLIDATE WITH CO-DEFT</i>	85C069269-20825.tif pages


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	<i>FLANAGAN/173</i>	
09/27/2001	 Order <i>ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269- 20827.tif pages
09/28/2001	Motion <i>DEFT'S PRO PER MTN TO JOIN/CONSOLIDATE FOR WRITS OF HABEAS CORPUS</i>	85C069269- 20826.tif pages
10/01/2001	 Opposition <i>OPPOSITION TO DEFENDANTS PROPER PERSON PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION CORPUS POST-CONVICTION</i>	85C069269- 20829.tif pages
10/04/2001	Petition for Writ of Habeas Corpus (9:00 AM) Events: 02/11/2001 Petition <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>	
10/04/2001	Motion (9:00 AM) Events: 02/11/2001 Motion <i>DEFT'S PRO PER MTN FOR APPOINTMENT OF ATTORNEY Heard By: Michael Douglas</i>	
10/04/2001	Petition to Proceed in Forma Pauperis (9:00 AM) Events: 02/11/2001 Motion <i>DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS Heard By: Michael Douglas</i>	
10/04/2001	Motion to Dismiss (9:00 AM) Events: 09/17/2001 Motion <i>DEFT'S PRO PER MTN TO DISMISS MTN TO CONSOLIDATE WITH CO-DEFT FLANAGAN/173 Heard By: Michael Douglas</i>	
10/04/2001	Motion (9:00 AM) Events: 09/28/2001 Motion <i>DEFT'S PRO PER MTN TO JOIN/CONSOLIDATE FOR WRITS OF HABEAS CORPUS Heard By: Michael Douglas</i>	
10/04/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10-04-01 Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>	
10/05/2001	Motion <i>ALL PENDING MOTIONS 10-04-01</i>	85C069269- 20830.tif pages
10/18/2001	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	85C069269- 20831.tif pages
10/29/2001	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269- 20832.tif pages
11/02/2001	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 85C069269_0003</i>	85C069269- 20833.tif pages
11/06/2001	 Statement <i>CASE APPEAL STATEMENT</i>	85C069269- 20834.tif pages

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12/17/2001	Evidentiary Hearing (9:30 AM) <i>EVIDENTIARY HEARING: REMAINING ISSUES ON THE WRIT Reporter/Recorder: Dina Dalton Heard By: Mark Gibbons</i>	
12/20/2001	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: Penny Wisner/pw Relief Clerk: Barbara Blankenship Reporter/Recorder: Jamie Olsen Heard By: Cherry, Michael A</i>	
01/07/2002	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Harcastle, Kathy</i>	
01/17/2002	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	85C069269-20837.tif pages
01/24/2002	 Ex Parte <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269-20838.tif pages
02/11/2002	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20839.tif pages
02/14/2002	Evidentiary Hearing (9:30 AM) <i>EVIDENTIARY HEARING: REMAINING ISSUES ON THE WRIT Reporter/Recorder: Dina Dalton Heard By: Mark Gibbons</i>	
02/19/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-20840.tif pages
04/02/2002	 Conversion Case Event Type <i>PETITIONERS CLOSING ARGUMENT - RELATED PARTYID: 85C069269_0001</i>	85C069269-20841.tif pages
04/23/2002	 Request <i>EX PARTE MOTION TO APPOINT PRIVATE INVESTIGATOR AND EX PARTE MOTION FOR EXCESS FEES EXCESS FEES- RELATED PARTYID: 85C069269_0002</i>	85C069269-20842.tif pages
04/25/2002	 Order <i>ORDER APPOINTING PRIVATE INVESTIGATOR AND AUTHORIZING INTERIM PAYMENTS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20843.tif pages
05/01/2002	 Response <i>STATES RESPONSE TO DEFENDANTS CLOSING ARGUMENT</i>	85C069269-20844.tif pages
06/19/2002	 Order <i>ORDER</i>	85C069269-20845.tif pages
07/09/2002	 Filed Under Seal <i>FILED UNDER SEAL - MOTION - RELATED PARTYID: 85C069269_0001</i>	85C069269-20846.tif pages
08/06/2002		85C069269-

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	 Filed Under Seal <i>FILED UNDER SEAL - EX PARTE PLEADING - RELATED PARTYID: 85C069269_0001</i>	20848.tif pages
08/07/2002	 Order <i>STIPULATION AND ORDER RE: FINDINGS OF FACT CONCLUSIONS OF LAW & ORDER</i>	85C069269-20849.tif pages
08/08/2002	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 85C069269_0001</i>	85C069269-20850.tif pages
08/08/2002	 Objection <i>PETITIONERS OBJECTIONS TO STATES PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW CONCLUSIONS OF LAW- RELATED PARTYID: 85C069269_0001</i>	85C069269-20851.tif pages
08/09/2002	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	85C069269-20852.tif pages
08/13/2002	Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	85C069269-20853.tif pages
08/13/2002	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED</i>	85C069269-20854.tif pages
08/16/2002	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269-20855.tif pages
09/12/2002	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 85C069269_0001</i>	85C069269-20856.tif pages
09/12/2002	 Notice of Appeal <i>NOTICE OF APPEAL (SC 40232) - RELATED PARTYID: 85C069269_0001</i>	85C069269-20857.tif pages
09/18/2002	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Harcastle, Kathy</i>	
09/26/2002	 Motion <i>DEFT'S MTN FOR EXTENSION OF TIME TO FILE/177</i>	85C069269-20859.tif pages
10/08/2002	 Ex Parte Order <i>EX PARTE ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20860.tif pages
10/08/2002	 Application <i>EX PARTE APPLICATION FOR PAYMENT OF ATTORNEYS FEES AND COSTS FILED UNDER SEAL SEAL- RELATED PARTYID: 85C069269_0001</i>	85C069269-20861.tif pages
10/09/2002	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Kathy Harcastle</i>	

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10/09/2002	Motion (9:00 AM) Events: 09/26/2002 Motion <i>DEFT'S MTN FOR EXTENSION OF TIME TO FILE/177 Heard By: Kathy Hardcastle</i>	
10/09/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10-09-02 Court Clerk: Dorothy Kelly Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i>	
10/09/2002	Motion <i>ALL PENDING MOTIONS 10-09-02</i>	85C069269-20862.tif pages
01/10/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ARGUEMENT: DEFENDANT FLANAGAN'S PETITION FOR WRIT EVIDENTIARY HEARING STATES MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE OF HABEAS CORPUS DEFENDANTS MOTION FOR DISCOVER DEFENDANTS MOTION FOR EVIDENTIARY HEARING STATES MOTION FOR WAIVER OF ATTORNEY-CLIENT PRIVILEGE OF HABEAS CORPUS DEFENDANTS MOTION FOR DISCOVER DEFENDANTS MOTION FOR</i>	85C069269-20863.tif pages
01/10/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST FOR EXTENSION OF TIME TO FILE WRIT RESPONSE</i>	85C069269-20864.tif pages
01/10/2003	Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE DAVIDSCHIECK'S MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES SCHIECK'S MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES</i>	85C069269-20865.tif pages
01/10/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT FLANAGAN'S MOTION FOR SEVERANCE DAVIDSCHIECK'S MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES SCHIECK'S MOTION FOR ATTORNEYS FEES IN EXCESS OF STATUTORY ALLOWANCE AND FOR EXPENSES</i>	85C069269-20866.tif pages
01/10/2003	 Certificate <i>CERTIFICATE OF MAILING</i>	85C069269-20867.tif pages
01/15/2003	Certificate <i>CERTIFICATE OF MAILING</i>	85C069269-20868.tif pages
01/15/2003	 Certificate <i>CERTIFICATE OF MAILING</i>	85C069269-20869.tif pages
01/15/2003	Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20870.tif pages
01/15/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20871.tif pages
01/15/2003	Reporters Transcript	85C069269-20872.tif pages








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	<i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	
01/15/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20873.tif pages
01/15/2003	Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20874.tif pages
01/15/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20875.tif pages
01/15/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20876.tif pages
01/15/2003	Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20877.tif pages
01/15/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: ALL PENDING MOTIONS</i>	85C069269-20878.tif pages
03/04/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE</i>	85C069269-20879.tif pages
03/04/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MOTION TO CONTINUE THE REHEARING OF PENALTY PHASE</i>	85C069269-20880.tif pages
04/18/2003	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Kathy Hardcastle</i>	
04/25/2003	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Kathy Hardcastle</i>	
05/02/2003	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: Dorothy Kelly Relief Clerk: Jennifer Kimmel/jk Reporter/Recorder: Dick Kangas Heard By: Hardcastle, Kathy</i>	
05/02/2003	 Petition <i>FIRST SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20882.tif pages
05/05/2003	 Notice <i>NOTICE OF EXHIBITS TO FIRST SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS IN THE VAULT HABEAS CORPUS IN THE VAULT</i>	85C069269-20881.tif pages
05/08/2003	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES -</i>	85C069269-20883.tif pages






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	<i>RELATED PARTYID: 85C069269_0002</i>	
06/05/2003	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS</i>	85C069269-20884.tif pages
07/30/2003	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-20885.tif pages
07/30/2003	 Response <i>STATES RESPONSE TO DEFENDANTS FIRST SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION HABEAS CORPUS POST CONVICTION</i>	85C069269-20886.tif pages
09/02/2003	 Reply <i>REPLY TO STATES RESPONSE TO SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS HABEAS CORPUS- RELATED PARTYID: 85C069269_0002</i>	85C069269-20887.tif pages
09/23/2003	Decision (9:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Cherry</i>	
09/23/2003	Status Check (9:00 AM) <i>AT REQ OF COURT: STATUS CHECK Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>	
09/23/2003	Hearing <i>AT REQ OF COURT: STATUS CHECK</i>	85C069269-20888.tif pages
09/23/2003	Conversion Case Event Type <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180</i>	85C069269-20889.tif pages
10/09/2003	Hearing (10:30 AM) Events: 09/23/2003 Conversion Case Event Type <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180 Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
10/10/2003	 Ex Parte <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269-20890.tif pages
10/15/2003	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20891.tif pages
11/17/2003	 Brief <i>OPENING BRIEF CONCERNING TIMELINESS OF POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS HABEAS CORPUS- RELATED PARTYID: 85C069269_0002</i>	85C069269-20893.tif pages
12/10/2003	 Response <i>STATES RESPONSE TO DEFENDANTS OPENING BRIEF CONCERNING TIMELINESS OF POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS CONVICTION PETITION FOR WRIT OF HABEAS CORPUS</i>	85C069269-20894.tif pages

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01/12/2004	 Reply <i>REPLY TO STATES BRIEF CONCERNING TIMELINESS OF POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS FOR WRIT OF HABEAS CORPUS- RELATED PARTYID: 85C069269_0002</i>	85C069269-20895.tif pages
01/15/2004	 Ex Parte <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269-20896.tif pages
01/26/2004	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269_0001</i>	85C069269-20897.tif pages
02/10/2004	Hearing (11:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180 Court Clerk: Sue Deaton/sd Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>	
02/19/2004	Hearing (11:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180 Court Clerk: Sue Deaton Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>	
02/23/2004	 Stipulation <i>STIPULATION TO CONTINUE ARGUMENT DATE - RELATED PARTYID: 85C069269_0002</i>	85C069269-20898.tif pages
02/24/2004	Hearing (11:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180 Heard By: Michelle Leavitt</i>	
03/12/2004	 Memorandum <i>PETITIONERS MEMORANDUM REGARDING SETTLEMENT OF RECORD - RELATED PARTYID: 85C069269_0001</i>	85C069269-20899.tif pages
03/16/2004	Hearing (11:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180 Court Clerk: Sue Deaton Relief Clerk: Cheryl Case/cc Reporter/Recorder: Tessa Heishman Heard By: Leavitt, Michelle</i>	
04/23/2004	 Order <i>ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20900.tif pages
05/11/2004	Hearing (11:00 AM) <i>ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/180 Court Clerk: Sue Deaton Reporter/Recorder: Tessa Heishman Heard By: Michelle Leavitt</i>	
05/11/2004	Conversion Case Event Type <i>ARGUMENT</i>	85C069269-20901.tif pages
05/17/2004	 Memorandum <i>STATES MEMORANDUM REGARDING SETTLEMENT OF RECORD</i>	85C069269-20902.tif pages
05/25/2004	Hearing <i>HEARING: SUPREME COURT'S ORDER</i>	85C069269-20903.tif pages

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05/25/2004	 Notice <i>NOTICE OF HEARING</i>	85C069269- 20906.tif pages
05/27/2004	Hearing (9:15 AM) Events: 05/25/2004 Hearing <i>HEARING: SUPREME COURT'S ORDER Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Tessa Heishman Heard By: Michelle Leavitt</i>	
05/27/2004	Hearing <i>STATUS CHECK: SUPREME COURT CONTINUANCE</i>	85C069269- 20905.tif pages
05/28/2004	 Order <i>ORDER</i>	85C069269- 20907.tif pages
06/04/2004	 Motion <i>DEFENDANT'S MOTION TO COMPEL /185</i>	85C069269- 20908.tif pages
06/09/2004	 Opposition <i>STATES OPPOSITION TO DEFENDANT'S MOTION TO COMPEL</i>	85C069269- 20909.tif pages
06/10/2004	Status Check (9:15 AM) Events: 05/27/2004 Hearing <i>STATUS CHECK: SUPREME COURT CONTINUANCE Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>	
06/22/2004	Status Check (9:15 AM) <i>STATUS CHECK: SUPREME COURT CONTINUANCE</i>	
06/22/2004	Motion to Compel (9:15 AM) Events: 06/04/2004 Motion <i>DEFENDANT'S MOTION TO COMPEL /185 Heard By: Michelle Leavitt</i>	
06/22/2004	All Pending Motions (9:15 AM) <i>ALL PENDING MOTIONS 6-22-04 Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>	
06/22/2004	Hearing (11:00 AM) Events: 05/11/2004 Conversion Case Event Type <i>ARGUMENT Heard By: Michelle Leavitt</i>	
06/22/2004	Conversion Case Event Type <i>ARGUMENT: DEFT'S WRIT OF HABEAS CORPUS/ REMAINING ISSUES (MOORE)</i>	85C069269- 20910.tif pages
06/23/2004	Motion <i>ALL PENDING MOTIONS 6-22-04</i>	85C069269- 20911.tif pages
07/06/2004	 Order <i>PROPOSED ORDER GRANTING PETITIONERS EX PARTE MOTION TO ALLOW COURT REPORTER COSTS COSTS- RELATED PARTYID: 85C069269_0001</i>	85C069269- 20912.tif pages
07/13/2004	Hearing (11:00 AM) Events: 06/22/2004 Conversion Case Event Type <i>ARGUMENT: DEFT'S WRIT OF HABEAS CORPUS/ REMAINING ISSUES (MOORE) Court</i>	

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Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt

07/13/2004	Hearing <i>STATUS CHECK: SETTING OF EVIDENTIARY HEARING</i>	85C069269-20913.tif pages
07/15/2004	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269 0002</i>	85C069269-20914.tif pages
07/19/2004	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269 0002</i>	85C069269-20915.tif pages
07/20/2004	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 85C069269_0001</i>	85C069269-20916.tif pages
08/09/2004	 Conversion Case Event Type <i>PRIVILEGE LOG</i>	85C069269-20917.tif pages
08/27/2004	 Motion <i>DEFT'S MTN TO COMPEL /189</i>	85C069269-20918.tif pages
08/27/2004	 Motion <i>DEFT'S MTN FOR ORDER TO SHOW CAUSE/190</i>	85C069269-20919.tif pages
09/01/2004	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION FOR ORDER TO SHOW CAUSE NOTICE OF MOTION EXHIBITS AND AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION EXHIBITS AND AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION</i>	85C069269-20921.tif pages
09/01/2004	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO COMPEL NOTICE OF MOTION TO COMPEL EXHIBITS AND AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION TO COMPEL EXHIBITS AND AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION TO COMPEL</i>	85C069269-20922.tif pages
09/07/2004	Motion to Compel (9:15 AM) Events: 08/27/2004 Motion <i>DEFT'S MTN TO COMPEL /189 Heard By: Michelle Leavitt</i>	
09/07/2004	Motion (9:15 AM) Events: 08/27/2004 Motion <i>DEFT'S MTN FOR ORDER TO SHOW CAUSE/190 Heard By: Michelle Leavitt</i>	
09/07/2004	All Pending Motions (9:15 AM) <i>ALL PENDING MOTIONS 9-7-04 Court Clerk: Sue Deaton Reporter/Recorder: Gina Shrader Heard By: Michelle Leavitt</i>	
09/08/2004	Motion <i>ALL PENDING MOTIONS 9-7-04</i>	85C069269-20920.tif pages
09/09/2004	Minute Order (8:45 AM)	











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	<i>MINUTE ORDER RE: TRANSCRIPT DATES Court Clerk: Sue Deaton Heard By: Michelle Leavitt</i>	
09/09/2004	Hearing <i>STATUS CHECK: TRANSCRIPT DATES</i>	85C069269-20923.tif pages
09/09/2004	Hearing <i>MINUTE ORDER RE: TRANSCRIPT DATES</i>	85C069269-20924.tif pages
09/14/2004	Status Check (9:15 AM) Events: 09/09/2004 Hearing <i>STATUS CHECK: TRANSCRIPT DATES Heard By: Michelle Leavitt</i>	
09/14/2004	 Motion <i>DEBT'S MOT TO EXPAND/EXTEND REMAND TO DISTRICT COURT EXHIBITS/194 (VJ 9/23/04)</i>	85C069269-20925.tif pages
09/14/2004	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 85C069269 0001</i>	85C069269-20926.tif pages
09/16/2004	Status Check (9:15 AM) <i>STATUS CHECK: TRANSCRIPT DATES Relief Clerk: Judy McFadden/jm Reporter/Recorder: Jennifer Daly Heard By: Leavitt, Michelle</i>	
09/17/2004	 Order <i>ORDER FOR TRANSCRIPT</i>	85C069269-20927.tif pages
09/23/2004	Status Check (9:15 AM) <i>STATUS CHECK: TRANSCRIPT DATES Relief Clerk: April Watkins Reporter/Recorder: Norma Silverman Heard By: Leavitt, Michelle</i>	
09/28/2004	Status Check (9:15 AM) <i>STATUS CHECK: TRANSCRIPT DATES Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>	
09/28/2004	CANCELED Motion (9:15 AM) Events: 09/14/2004 Motion <i>Vacated</i>	
10/01/2004	 Request <i>REQUEST FOR TRANSCRIPTS OF PROCEEDINGS - RELATED PARTYID: 85C069269 0001</i>	85C069269-20928.tif pages
10/14/2004	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-20929.tif pages
10/18/2004	 Brief <i>STATES BRIEF REGARDING PREJUDICE</i>	85C069269-20931.tif pages
10/19/2004	Status Check (11:00 AM) Events: 07/13/2004 Hearing <i>STATUS CHECK: SETTING OF EVIDENTIARY HEARING Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>	








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10/19/2004	Status Check (11:00 AM) <i>STATUS CHECK: TRANSCRIPT DATES Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>	
10/19/2004	Hearing <i>EVIDENTIARY HEARING</i>	85C069269-20930.tif pages
10/20/2004	Hearing <i>STATUS CHECK: TRANSCRIPT DATES</i>	85C069269-20932.tif pages
12/21/2004	 Brief <i>PETITIONERS BRIEF ON PREJUDICE - RELATED PARTYID: 85C069269_0002</i>	85C069269-20933.tif pages
01/04/2005	 Notice <i>NOTICE OF SUPPLEMENTAL AUTHORITY - RELATED PARTYID: 85C069269_0002</i>	85C069269-20934.tif pages
01/11/2005	 Conversion Case Event Type <i>IMPRISONMENT RETURN</i>	85C069269-20935.tif pages
01/18/2005	Evidentiary Hearing (11:00 AM) Events: 10/19/2004 Hearing <i>EVIDENTIARY HEARING Heard By: Michelle Leavitt</i>	
01/19/2005	 Response <i>STATES RESPONSE TO DEFENDANTS BRIEF REGARDING PREJUDICE</i>	85C069269-20936.tif pages
01/27/2005	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING Relief Clerk: Georgette Byrd/gh Reporter/Recorder: Tessa Heishman Heard By: Michelle Leavitt</i>	
01/27/2005	Hearing <i>DECISION: EVIDENTIARY HEARING</i>	85C069269-20937.tif pages
02/03/2005	Decision (11:00 AM) Events: 01/27/2005 Hearing <i>DECISION: EVIDENTIARY HEARING Court Clerk: Sue Deaton Reporter/Recorder: Cheryl Gardiner Heard By: Michelle Leavitt</i>	
02/03/2005	Hearing <i>STATUS CHECK: SUPREME COURT DECISION AS TO MCCONNELL CASE</i>	85C069269-20938.tif pages
02/09/2005	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269-20939.tif pages
02/15/2005	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS</i>	85C069269-20940.tif pages
02/17/2005	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	85C069269-20941.tif pages

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02/17/2005	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND INTERIM ORDER</i>	85C069269-20942.tif pages
02/28/2005	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269-20943.tif pages
03/07/2005	 Affidavit <i>AFFIDAVIT OF CAL J POTTER III - RELATED PARTYID: 85C069269_0001</i>	85C069269-20944.tif pages
03/07/2005	 Affidavit <i>AFFIDAVIT OF ROBERT DE NEWELL - RELATED PARTYID: 85C069269_0001</i>	85C069269-20945.tif pages
03/08/2005	 Addendum <i>ADDENDUM TO AFFIDAVIT OF CAL J POTTER III ESQ - RELATED PARTYID: 85C069269_0001</i>	85C069269-20946.tif pages
03/30/2005	 Memorandum <i>MEMORANDUM OF POINTS AND AUTHORITIES ON ISSUE OF FELONY MURDER AGGRAVATORS</i>	85C069269-20947.tif pages
04/07/2005	Status Check (11:00 AM) Events: 02/03/2005 Hearing <i>STATUS CHECK: SUPREME COURT DECISION AS TO MCCONNELL CASE Court Clerk: Sue Deaton Heard By: Michelle Leavitt</i>	
04/07/2005	Hearing <i>HEARING VO 05/25/05</i>	85C069269-20948.tif pages
05/02/2005	 Order <i>STIPULATION - RELATED PARTYID: 85C069269_0001</i>	85C069269-20949.tif pages
05/25/2005	Hearing <i>HEARING</i>	85C069269-20950.tif pages
05/25/2005	 Order <i>STIPULATION AND ORDER EXTENDING TIME</i>	85C069269-20951.tif pages
06/29/2005	 Response <i>STATES RESPONSE TO DEFENDANTS MEMORANDUM OF POINTS AND AUTHORITIES ON ISSUE OF FELONY MURDER AGGRAVATORS ON ISSUE OF FELONY MURDER AGGRAVATORS</i>	85C069269-20952.tif pages
07/14/2005	CANCELED Hearing (11:00 AM) Events: 04/07/2005 Hearing <i>Vacated</i>	
07/21/2005	 Reply <i>REPLY TO THE STATES RESPONSE TO PETITIONERS MEMORANDUM OF POINTS AND AUTHORITIES ON ISSUE OF FELONY MURDER AGGRAVATORS AUTHORITIES ON ISSUE OF FELONY MURDER AGGRAVATORS- RELATED PARTYID: 85C069269_0002</i>	85C069269-20953.tif pages











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08/01/2005	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269-20954.tif pages
08/04/2005	Hearing (11:00 AM) Events: 05/25/2005 Hearing <i>HEARING Heard By: Michelle Leavitt</i>	
08/15/2005	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269_0002</i>	85C069269-20955.tif pages
09/01/2005	Hearing (11:00 AM) <i>HEARING Court Clerk: Sue Deaton Reporter/Recorder: Sharon Howard Heard By: Michelle Leavitt</i>	
09/03/2005	Hearing <i>DECISION</i>	85C069269-20956.tif pages
09/13/2005	Decision (11:00 AM) Events: 09/03/2005 Hearing <i>DECISION Heard By: Michelle Leavitt</i>	
09/29/2005	Decision (11:00 AM) <i>DECISION Heard By: Michelle Leavitt</i>	
10/06/2005	Decision (11:00 AM) <i>DECISION Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Gina Shrader Heard By: Michelle Leavitt</i>	
10/19/2005	 Order <i>ORDER FOR TRANSCRIPT</i>	85C069269-21003.tif pages
10/24/2005	 Request <i>REQUEST FOR TRANSCRIPTS - RELATED PARTYID: 85C069269_0002</i>	85C069269-21004.tif pages
11/08/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING</i>	85C069269-21005.tif pages
11/18/2005	Minute Order (9:15 AM) <i>MINUTE ORDER RE: DECISION Court Clerk: April Watkins Heard By: Michelle Leavitt</i>	
11/18/2005	Hearing <i>MINUTE ORDER RE: DECISION</i>	85C069269-21006.tif pages
11/28/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MOTION</i>	85C069269-21007.tif pages
12/27/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ARGUMENT DEFENDANTS WRIT OF HABEAS CORPUS /REMAINING ISSUES /REMAINING ISSUES</i>	85C069269-21008.tif pages








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12/27/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING IN REGARDS TO STATUS CHECK OCTOBER 19 2004</i>	85C069269-21009.tif pages
12/28/2005	 Order <i>ORDER FOR TRANSCRIPTS</i>	85C069269-21010.tif pages
01/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-21011.tif pages
01/17/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING</i>	85C069269-21012.tif pages
01/23/2006	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER GRANTING HABEAS PETITION AS TO PENALTY PHASE AND SENTENCE OF DEATH PENALTY PHASE AND SENTENCE OF DEATH- RELATED PARTYID: 85C069269_0002</i>	85C069269-21013.tif pages
01/25/2006	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269-21014.tif pages
02/13/2006	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 85C069269_0002</i>	85C069269-21015.tif pages
02/13/2006	 Statement <i>CASE APPEAL STATEMENT</i>	85C069269-21016.tif pages
03/21/2006	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	85C069269-21017.tif pages
03/22/2006	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269-21018.tif pages
03/28/2006	 Notice of Appeal <i>NOTICE OF APPEAL</i>	85C069269-21019.tif pages
03/28/2006	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 85C069269_0002</i>	85C069269-21020.tif pages
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06/20/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	85C069269-21022.tif pages
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08/29/2006	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21025.tif pages
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01/18/2007	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21027.tif pages
01/31/2007	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21028.tif pages
08/20/2007	 Claim <i>EX PARTE CLAIM FOR INTERIM COMPENSATION AND MOTION FOR EXCESS FEES CLAIM - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21029.tif pages
09/24/2007	 Order <i>ORDER AUTHORIZING INTERIM PAYMENT OF EXCESS FEES AND COSTS - RELATED PARTYID: 85C069269_0001</i>	85C069269- 21030.tif pages
09/26/2007	 Notice of Appeal <i>AMENDED NOTICE OF APPEAL</i>	85C069269- 21031.tif pages
03/18/2008	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	85C069269- 21033.tif pages
04/30/2008	Hearing <i>STATUS CHECK RE: MOORE'S SUPREME COURT ORDER OF REMAND</i>	85C069269- 21034.tif pages
05/08/2008	Status Check (8:30 AM) Events: 04/30/2008 Hearing <i>STATUS CHECK RE: MOORE'S SUPREME COURT ORDER OF REMAND Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</i>	
10/09/2008	Status Check (8:30 AM) <i>STATUS CHECK RE: MOORE'S SUPREME COURT ORDER OF REMAND Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
10/09/2008	Hearing <i>HEARING</i>	85C069269- 21036.tif pages
10/28/2008	 Judgment	85C069269- 21037.tif pages
















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	<i>CLERK'S CERT AFFIRMED/REVERSED/REMANDED - RELATED PARTYID: 85C069269_0002</i>	
11/04/2008	 Brief <i>STATES BRIEF ON HARMLESS ERROR</i>	85C069269- 21038.tif pages
11/04/2008	 Brief <i>BRIEF CONCERNING PREJUDICE OF TWO INVALID AGGRAVATING CIRCUMSTANCES - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21039.tif pages
12/11/2008	Hearing (8:30 AM) Events: 10/09/2008 Hearing <i>HEARING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</i>	
02/05/2009	Hearing (10:00 AM) <i>HEARING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</i>	
02/26/2009	Hearing (10:00 AM) <i>HEARING Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
02/26/2009	Hearing <i>STATUS CHECK: APOINTMENT OF APPELLANT COUNSEL (CHRISTOPHER ORAM)</i>	85C069269- 21040.tif pages
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03/03/2009	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION - RELATED PARTYID: 85C069269_0003</i>	85C069269- 21042.tif pages
03/03/2009	 Request <i>MOTION FOR APPOINTMENT OF COUNSEL - RELATED PARTYID: 85C069269_0003</i>	85C069269- 21043.tif pages
03/03/2009	 Memorandum <i>SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF HIS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION RELIEF FOR WRIT OF HABEAS CORPUS POST CONVICTION RELIEF- RELATED PARTYID: 85C069269_0003</i>	85C069269- 21044.tif pages
03/03/2009	 Application to Proceed in Forma Pauperis <i>APPLICATION TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 85C069269_0003</i>	85C069269- 21046.tif pages
03/05/2009	Status Check (8:30 AM) Events: 02/26/2009 Hearing <i>STATUS CHECK: APOINTMENT OF APPELLANT COUNSEL (CHRISTOPHER ORAM) Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
03/06/2009	Hearing <i>STATUS CHECK:</i>	85C069269- 21045.tif pages

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03/10/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - HEARING - HEARD 02-26-09</i>	85C069269- 21047.tif pages
03/25/2009	 Petition <i>1ST AMENDED PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION - RELATED PARTYID: 85C069269_0003</i>	85C069269- 21048.tif pages
03/25/2009	 Filing <i>LETTER TO CLERK - RELATED PARTYID: 85C069269_0001</i>	85C069269- 21058.tif pages
03/25/2009	 Supplement <i>SUPPLEMENTAL MEMORANDUM - RELATED PARTYID: 85C069269_0003</i>	85C069269- 21063.tif pages
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05/14/2009	Conversion Case Event Type <i>ARGUMENT/DECISION</i>	85C069269- 21049.tif pages
06/16/2009	Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>	85C069269- 21051.tif pages
06/16/2009	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS</i>	85C069269- 21052.tif pages
07/07/2009	 Response <i>STATES RESPONSE AND MTN TO DISMISS DEFTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION CONVICTION</i>	85C069269- 21053.tif pages
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09/18/2009	Hearing (9:30 AM) Events: 05/14/2009 Conversion Case Event Type <i>ARGUMENT/DECISION Heard By: Michelle Leavitt</i>	

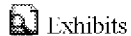
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09/23/2009	 Order <i>STIPULATION AND ORDER - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21056.tif pages
11/09/2009	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	85C069269- 21066.tif pages
11/12/2009	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269- 21068.tif pages
12/01/2009	Hearing (10:30 AM) <i>ARGUMENT/DECISION Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
12/07/2009	 Order <i>ORDER FOR TRANSCRIPT</i>	85C069269- 21071.tif pages
12/14/2009	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21072.tif pages
12/14/2009	 Notice of Appeal <i>NOTICE OF APPEAL (SC 55091) - RELATED PARTYID: 85C069269_0002</i>	85C069269- 21073.tif pages
12/16/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - ARGUMENT-DECISION - HEARD 12-01-09</i>	85C069269- 21074.tif pages
01/15/2010	 Findings of Fact, Conclusions of Law and Order <i>FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER</i>	85C069269- 21075.tif pages
03/01/2010	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	85C069269- 21076.tif pages
04/08/2010	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	85C069269- 21077.tif pages
10/22/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>	
09/19/2013	 Petition <i>Petition for Writ of Habeas Corpus</i>	
09/20/2013	 Exhibits <i>Exhibits in Support of Petition for a Writ of Habeas Corpus</i>	
09/20/2013	 Exhibits <i>Exhibits in Support of Petition for a Writ of Habeas Corpus (Part 3)</i>	
09/20/2013	 Exhibits	

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Exhibits in Support of Petition for a Writ of Habeas Corpus Part 4

09/20/2013



Exhibits

Exhibits in Support of Petition for a Writ of Habeas Corpus Part 5

09/20/2013



Receipt of Copy

Receipt of Copy

09/23/2013



Exhibits

EXHIBITS IN SUPPORT OF PETITION FOR A WRIT OF HABEAS CORPUS Part 7

09/23/2013



Exhibits

Exhibits in Support of Petition for a Writ of Habeas Corpus

09/23/2013



Exhibits

EXHIBITS IN SUPPORT OF PETITION FOR A WRIT OF HABEAS CORPUS Part 8

10/01/2013



Notice

Notice of Authorization of Petition for Writ of Habeas Corpus

11/05/2013



Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Leavitt, Michelle)

11/05/2013, 06/05/2014

12/27/2013



Recorders Transcript of Hearing

Tuesday, May 7, 2013; Recorder's Transcript of Proceedings re: Defendant's Motion to Associate Counsel on Order Shortening Time

01/07/2014



Response

Response to Petition for Writ of Habeas Corpus

02/12/2014



Stipulation and Order

Stipulation and Order to Continue Date to File Reply to Respondents' Response to Petition for Writ of Habeas Corpus and Hearing

02/20/2014

CANCELED Evidentiary Hearing (10:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

03/07/2014



Opposition to Motion to Dismiss

Opposition to Motion to Dismiss

03/12/2014



Exhibits

Exhibits in Support of Opposition to Motion to Dismiss

06/23/2014



Recorders Transcript of Hearing

Thursday, June 5, 2014 Recorder's Transcript of Proceedings Re: Petition for Writ of Habeas Corpus

07/23/2014



Objection

Objections to Proposed Findings of Fact, Conclusions of Law and Order





08/26/2014



At Request of Court (8:30 AM) (Judicial Officer: Leavitt, Michelle)

08/27/2014

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	 Findings of Fact, Conclusions of Law and Order
09/02/2014	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
10/06/2014	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/06/2014	 Case Appeal Statement <i>Case Appeal Statement</i>


CLERK OF THE COURT

FFCL
STEVEN B. WOLFSON
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Nevada Bar #001565
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200 Lewis Avenue
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

RANDOLPH LYLE MOORE,
#0636661

Defendant.

CASE NO: 85C069269-2

DEPT NO: XII

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

DATE OF HEARING: JUNE 5, 2014
TIME OF HEARING: 8:30AM

THIS CAUSE having come on for hearing before the Honorable MICHELLE LEAVITT, District Judge, on the 5th day of June, 2014, the Petitioner not present, represented by RANDY FIEDLER and GARY TAYLOR, Federal Public Defenders, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through STEVEN S. OWENS, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law and order:

FINDINGS OF FACT

In 1985, Moore was convicted of two counts of First Degree Murder with Use of a Deadly Weapon and was sentenced to death for the murders of Carl and Colleen Gordon.

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DEPARTMENT 02

1 On appeal, the murder convictions were affirmed, but by a three-two split the death
2 sentences were vacated and the case was remanded for a new penalty hearing due to
3 prosecutorial misconduct. Moore v. State, 104 Nev. 113, 754 P.2d 841 (1988) (Moore I).
4 Remittitur issued on June 7, 1988.

5 A second penalty hearing in 1989 again resulted in death sentences which were
6 affirmed on appeal. Flanagan and Moore v. State, 107 Nev. 243, 810 P.2d 759 (1991).
7 However, the United States Supreme Court reversed and remanded. Moore v. Nevada, 503
8 U.S. 930, 112 S.Ct. 1463 (1992). In Flanagan and Moore v. State, 109 Nev. 50, 486 P.2d
9 1053 (1993), the Nevada Supreme Court reversed Defendant's death sentence and remanded
10 the case for a third penalty trial due to unconstitutional admission of satanic worship
11 evidence.

12 A third and final penalty hearing in 1995 again resulted in death verdicts for Moore
13 and this time the death sentences were affirmed on appeal. Moore v. State, 112 Nev. 1409,
14 930 P.2d 691 (1996) (Moore IV). Remittitur issued on June 3, 1998.

15 Thereafter, Moore filed his first¹ post-conviction petition on June 2, 1998. After
16 extensive briefing and argument, the district court denied all guilt phase claims in 2005 but
17 vacated the death sentences and ordered a new penalty hearing in 2006 due to McConnell
18 error. On appeal, the Nevada Supreme Court in 2008 affirmed the denial of guilt phase
19 issues but reversed and remanded the penalty phase claims for harmless error analysis
20 pursuant to McConnell and if necessary, for resolution of any remaining third penalty phase
21 issues which had previously been rendered moot. (SC# 46801). Remittitur issued on
22 October 23, 2008.

23 Upon remand, this Court found any McConnell error to be harmless and denied the
24 remaining penalty phase claims on the merits. The Nevada Supreme Court affirmed this
25

26
27 ¹Although Moore's counsel, David Schieck, filed a previous habeas petition on May 19, 1995, the
28 Nevada Supreme Court subsequently held it was denied as premature and does not constitute a prior
petition for procedural bar purposes. Order, SC# 46801 (4/23/08). In accord with law of the case on
that issue, these Findings will refer to the June 2nd 1998 petition as a "first" petition.

1 final decision in an unpublished Order of Affirmance on August 1, 2012. (SC# 55091).
2 Remittitur issued on October 15, 2012.

3 Moore then proceeded to federal court where he filed a federal habeas petition on
4 April 18, 2013, and the federal public defender was appointed. Appointed counsel filed a
5 motion for stay and abeyance in the federal case on August 30, 2013, which was granted on
6 November 21, 2013. The federal public defender filed the instant successive state habeas
7 petition on September 19, 2013, which the State moved to dismiss as procedurally barred.

8 The instant petition filed on September 19, 2013, is untimely pursuant to the one-year
9 time limitation of NRS 34.726 which requires post-conviction petitions to be filed within one
10 year of issuance of Remittitur after direct appeal. This is a mandatory bar that cannot be
11 waived and which is strictly enforced. Petitions filed just two days late have been rejected
12 by the Nevada Supreme Court. Additionally, the one year time bar has been held to also
13 apply to successive petitions by the Court. In this case, the instant post-conviction
14 proceedings were initiated more than 25 years after issuance of Remittitur following direct
15 appeal on June 7, 1988. Although the initial death sentences were reversed, it has been more
16 than 15 years since new death sentences were affirmed on appeal and Remittitur issued on
17 June 3, 1998. Thus, the instant post-conviction proceedings are barred absent a showing of
18 good cause for the delay.

19 The State also affirmatively pleads laches under NRS 34.800. The instant petition had
20 been filed approximately 28 years and 18 years respectively from the guilt and penalty phase
21 trials and approximately 25 years and 17 years respectively from the decisions on appeal
22 affirming guilt and penalty. Because these time periods well-exceeded five years, the State
23 is entitled to a rebuttable presumption of prejudice. NRS 34.800(2). This can only be
24 overcome by a showing that the petition is based upon grounds of which petitioner could not
25 have had knowledge by the exercise of reasonable diligence before the circumstances
26 prejudicial to the State occurred or by a demonstration that a fundamental miscarriage of
27 justice has occurred. NRS 34.800(1). Moore has failed to overcome this burden. Laches
28 under NRS 34.800 applies to the instant matter because the State was prejudiced in

1 responding to the petition and in its ability to conduct a retrial of petitioner due to the long
2 passage of time since the guilt phase of the jury trial in 1985 and the final re-do of the
3 penalty phase in 1995. Therefore, the State is entitled to a rebuttable presumption of
4 prejudice which has not been overcome.

5 Moore's instant petition is also dismissed under NRS 34.810(1). The grounds for the
6 petition could have been presented to the trial court or raised in a prior proceeding and
7 Moore failed to do so. The instant petition was Moore's second attempt at state post-
8 conviction. Dismissal of a successive petition is required if it fails to allege new or different
9 grounds for relief and the prior determination was on the merits or, if new and different
10 grounds are alleged, the failure to assert those grounds in a prior petition constitutes an abuse
11 of the writ. NRS 34.810(2). This is a mandatory bar that cannot be waived and is strictly
12 enforced. Moore had the burden of pleading and proving specific facts that demonstrate
13 good cause for the failure to present the claim or for presenting the claim again, and actual
14 prejudice. Many of the grounds for the petition could have been raised previously in a direct
15 appeal or the first post-conviction petition or were in fact raised previously and were denied
16 on the merits. Moore failed to plead and prove specific facts that demonstrate good cause for
17 the failure to present the claims or for presenting the claims again, and actual prejudice.
18 Thus, this Court denies the petition and makes a finding that it is a successive petition and
19 petitioner has failed to show good cause and prejudice.

20 Moore raised 47 substantive claims in the instant petition. Absent good cause or a
21 fundamental miscarriage of justice, none of the 47 claims are reviewable on the merits and
22 are therefore dismissed as procedurally barred. Moore had the burden of pleading and
23 proving facts to demonstrate good cause to excuse the delay which under the standards must
24 have been caused by a circumstance not within the actual control of his defense team.
25 Moore, by his own admissions, had knowledge about the claims raised at least since
26 February of 2011 when his co-defendant Flanagan raised these same claims. At a minimum,
27 the factual basis for the claims had been available to him since that time. Once the new facts
28 were known, Moore failed to pursue them for two and a half years. As such, Moore has

1 failed to establish that he has raised these new factual allegations within a reasonable time in
2 state court once they became available to him.

3 As good cause, Moore first alleged that ineffective assistance of his prior post-
4 conviction counsel constituted good cause to re-raise or raise for the first time Claims 1, 2, 6,
5 7, 8, 12, 13, 15, 18, 35, 39, and 40. All claims of ineffective assistance of counsel at trial or
6 on appeal could have been raised in the first post-conviction proceedings, and are therefore
7 all procedurally barred. The State agreed in their response that as a death row petitioner,
8 Moore had a right to effective assistance of counsel in his first post-conviction proceeding.
9 Allowing as such, for Moore to raise claims of ineffective assistance of post-conviction
10 counsel in a successive petition. However, Moore had to raise these matters in a reasonable
11 time to avoid application of procedural default rules. These claims of ineffective assistance
12 of prior post-conviction counsel, were not timely raised when they became reasonably
13 available to Moore and therefore do not constitute good cause for delay in filing.

14 JoNell Thomas ceased her representation of Moore on February 26, 2009, more than
15 four and a half years prior to the instant petition. Because the right to counsel only extends
16 to first post-conviction proceedings and not any subsequent appeals, Chris Oram's
17 representation of Moore for purposes of establishing good cause concluded with the findings
18 of fact filed on January 15, 2010, which was more than three and a half years prior to the
19 instant petition. The performance of any counsel after that date does not constitute good
20 cause as a matter of law. Moore had no entitlement to mandatory counsel in either the
21 subsequent discretionary appeal to the Nevada Supreme Court or in the federal habeas
22 proceedings. The Court has held that pursuing a federal remedy does not constitute good
23 cause to overcome state procedural bars. Moore therefore failed to offer any good cause
24 explanation that accounts for the entire length of the delay, in particular the last three and a
25 half years, since his claims against first post-conviction counsel became available to him.

26 In addition to Moore's claims against first post-conviction counsel being untimely
27 raised, Moore utterly failed to establish deficient performance and prejudice under
28 Strickland. Moore has the burden to show both counsel's performance was deficient and that

1 the deficient performance prejudiced him. The federal public defender has proposed an
2 alternative strategy and theory of defense which in hindsight he speculates might have
3 resulted in a non-death sentence, but this proposal fails to meet the burden. There are
4 countless ways that an attorney could provide effective assistance of counsel in any given
5 case. Judicial review of representation is highly deferential, and Moore has failed to
6 overcome that presumption.

7 In Claim 1, Moore set forth his arguments of ineffective assistance of counsel against
8 David Schieck for his performance as counsel in the third and final penalty hearing in 1995.
9 Moore claimed that Schieck failed to adequately investigate and present mitigation evidence
10 such as his drug addiction, its effect on his brain, his psychological issues, and social and
11 family history. But Moore's first post-conviction counsel, JoNell Thomas, previously raised
12 the very same arguments in her 2003 supplemental petition. Allegations that Schieck (and
13 co-counsel Wolfbrandt) devoted inadequate resources to the case, hired no mitigation expert,
14 and did very little, if any, mitigation investigation into Moore's mental health and traumatic
15 and violent childhood were presented. JoNell Thomas alleged that counsel failed to call
16 witnesses who could testify to the effects of abuse and strife on Moore and the alcoholism,
17 mental illness and domestic violence in his family history. On appeal, the Nevada Supreme
18 Court denied the claim on the basis that the evidence which Moore argued should have been
19 presented was not sufficiently persuasive to lead the Court to conclude the outcome of the
20 proceedings would have been different.

21 This Court agrees with the denial of the claim and notes that although the federal
22 public defender compiled a substantial family history, Moore failed to show how his
23 arguments in the instant petition were any different than those raised by JoNell Thomas in
24 2003. The new family history fails to explain how it was even mitigating or how the
25 outcome of the penalty hearing would have been any different. Additionally, the new expert
26 opinions of Dr. Jonathan Lipman (Neuro-Pharmacologist) and Dr. Jonathan Mack (Neuro-
27 Psychologist), nearly 30 years after the murders, is based on a vast majority of facts that the
28

1 jury heard testimony of. No explanation of why the presentation of their opinions would
2 have changed the outcome of the penalty hearing is provided by Moore.

3 Moore has re-raised the same claims, which are barred by law of the case. An
4 evidentiary hearing would only be necessary if Moore asserted specific factual allegations
5 that were not belied nor repelled by the record and that if true, would entitle him to relief.
6 Moore did not meet this standard and so he received no evidentiary hearing. This Court's
7 denial of an evidentiary hearing was affirmed in the last appeal and the issue is now
8 controlled by law of the case. Therefore, Moore's request for an evidentiary hearing is
9 denied.

10 Moore further raised in Claim 1 that allegedly there was prosecutorial misconduct by
11 the State with relation to John Lucas, Tom Akers, Angela Saldana, and Wayne Wittig, and
12 that counsel was not able to adequately question these witnesses. But the jury was presented
13 with testimony that John Lucas had received \$2,000 from Secret Witness, had two prior sex
14 offenses, and Beecher Avants' involvement in the case and relationship with Angela Saldana
15 and Tom Akers. Wayne Wittig testified about a prior threat from Moore, and counsel
16 effectively cross-examined Wittig and impeached him with his prior testimony and his own
17 violent temper. None of this constituted new impeachment evidence against these witness's
18 whose testimony all bore on Moore's guilt and was not prejudicial at the third penalty
19 hearing in terms of why Moore got the death penalty. This testimony is not new, was known
20 to third penalty counsel, and would not have changed the outcome of the penalty hearing.

21 Three different juries have now heard the evidence and each time have found Moore's
22 actions warrant the death penalty. While a sentence less than death was available for the non-
23 shooters who had participated in the murders, the jury reserved death sentences for the only
24 two shooters in the group: Flanagan and Moore. None of the defense's current claims of
25 ineffective assistance of counsel against David Schieck would have changed the outcome of
26 the penalty hearing had they been raised by JoNell Thomas. Moore has failed to show how
27 his arguments in the instant petition are substantially any different than those raised by
28 JoNell Thomas in 2003.

1 Moore alleged several claims of ineffective assistance of trial counsel Murray Posin in
2 Claim 2, for his performance in the 1985 guilt phase of the trial. The record reflects that
3 JoNell Thomas previously made most, if not all, of these very same arguments in her 2003
4 supplemental petition. JoNell Thomas argued that Murray Posin failed to: file unspecified
5 pretrial motions; adequately interview two State witnesses, Rusty Havens and John Lucas;
6 secure notes from police officers taken during interviews; move for discovery of the
7 personnel file of police officer Ray Berni; demand full disclosure of State witness Angela
8 Saldana's alleged role as a police agent; prevent the admission of irrelevant, prejudicial, and
9 hearsay testimony; respond to the State's opposition to his motion for appointment of a
10 psychiatric expert; object to alleged restrictions the district court placed on his defense;
11 properly participate in joint defense strategies with codefendants' counsel; prepare adequate
12 work product by unreasonably relying upon the work product of codefendants' counsel;
13 move for a change of venue; seek sequestration of the jury; conduct meaningful voir dire;
14 file a motion for appointment of a psychiatrist ex parte and under seal; elicit non-
15 inflammatory evidence during cross-examination of witnesses; and develop a coherent
16 theory of defense. The Court denied these claims after carefully considering counsel's
17 performance based on Moore's failure to demonstrate that the result of his trial could have
18 been different or show prejudice. Order Affirming in Part, Reversing in Part and Remanding.
19 Therefore this Court's position cannot differ.

20 Additionally, the Court discussed in detail seven additional claims regarding Murray
21 Posin's inadequate communication with Moore and incompetence due to: (1) partial hearing
22 loss;(2) failure to prevent the admission of Satanic and occult evidence against Moore;(3)
23 failure to object to several instances of prosecutorial misconduct;(4) failure to challenge the
24 trial court's handling of objections outside the jury's presence;(5) failure to secure a
25 complete record of all bench conferences and hearings in chambers;(6) failure to object to
26 certain jury instructions and to request others; and (7) failure to file a motion for new trial.
27 As to all of these claims, the Court found that Moore had failed to show prejudice such that
28 the outcome of the trial would have been different.

1 Moore re-raised the same claims, which are barred by law of the case, and failed to
2 allege which parts of his claims against Murray Posin were new or why they should not be
3 still barred by law of the case. The Court has established doctrine that the law of the first
4 appeal is the law of the case on subsequent appeals having the substantially same facts, and
5 that a more detailed and precisely focused argument cannot evade this doctrine. Most
6 importantly, Moore failed to demonstrate how the outcome of his trial would have been any
7 different and so he once again fails to show prejudice.

8 In Claims 6, 7, 8 and 12, Moore made several claims of prosecutorial
9 misconduct involving Angela Saldana, Robert Peoples, and various witness payments and
10 intimidation. Moore alleged ineffective assistance of JoNell Thomas as good cause for these
11 claims. However, JoNell Thomas raised numerous claims of prosecutorial misconduct and
12 bribery of State's witnesses in her 2003 supplement. Claims were raised that: the testimony
13 of John Lucas, Rusty Havens, and Angela Saldana were purchased and that additional
14 agreements for non-prosecution and leniency were conditioned on their testimony; witness
15 intimidation, coerced and false testimony was the basis of Moore's prosecution; Angela
16 Saldana was allegedly employed as a police agent; and exculpatory impeachment evidence
17 was withheld by the State. Additionally, these claims were first raised in 1985 and have been
18 repeatedly re-raised for the past 28 years. Moore has failed to show how these claims are
19 substantially any different than those raised by JoNell Thomas in 2003.

20 Moore admitted that Claims 6, 7 and 8 had been raised before but represented that
21 Claim 12 was new. This Court is familiar with these claims largely in part because they are
22 based on the same declarations obtained by co-defendant Dale Flanagan just last year in a
23 successive petition. Because this Court denied all of these same claims when raised by
24 Flanagan previously, the result is the same now based on Moore's failure in alleging new or
25 different grounds for relief and failure to assert those grounds in a prior petition.

26 These good cause claims were purportedly based upon ineffective assistance of first
27 post-conviction counsel, but Moore failed to offer any analysis of how JoNell Thomas was
28 deficient in the prosecutorial misconduct claims that she did raise. In the recent declaration

1 that JoNell Thomas provided, she stated that she "obtained the pleadings filed by Dale
2 Flanagan's attorney and sought to include the information they discovered in my pleadings."
3 She further stated that she attempted to locate Angela Saldana, but was unsuccessful. This
4 comported with Wendy Mazaros's declaration where she stated that she "intentionally made
5 [herself] difficult, if not impossible, to locate." Given that similar claims of prosecutorial
6 misconduct had been raised throughout the proceedings as well as those of Dale Flanagan,
7 Moore fails to show that JoNell Thomas was deficient in failing to look for additional facts
8 in order to re-raise these previously denied claims.

9 In Claim 13, Moore alleged that ineffective assistance of post-conviction counsel was
10 good cause for raising a new claim that introduction of Moore's Satanism and gang
11 membership at trial violated his constitutional rights. This was not a "new" claim. Post-
12 conviction counsel JoNell Thomas raised this precise claim on pages 50 to 54 of her 2003
13 supplemental petition. The exact same issue was denied by the Nevada Supreme Court in
14 1996. Moore v. State, 112 Nev. 1409, 930 P.2d 691 (1996) (Moore IV). Accordingly, the
15 claim is barred by law of the case.

16 In Claim 15, Moore alleged that ineffective assistance of post-conviction counsel was
17 good cause for raising a new claim that juror Carlos Guerra who served on the 1995 third
18 penalty hearing jury had only limited understanding of the English language in violation of
19 Moore's constitutional rights. It does not appear that JoNell Thomas raised this specific
20 claim. However, Moore's representation that Carlos Guerra could not understand English is
21 belied by the voir dire transcript which indicates that the judge and three attorneys had no
22 trouble communicating with him in English. Answers appropriate to the questions asked of
23 him were provided. The qualifications for jury service simply require "sufficient knowledge
24 of the English language." NRS 6.010. JoNell Thomas could have only raised such an issue
25 as an ineffective assistance of trial counsel claim. Understandably, trial counsel would not
26 have raised such an issue clearly belied by the record. JoNell Thomas was not deficient in
27 failing to raise this claim which had not been preserved at trial and which had no chance of
28 success on post-conviction.

1 In Claim 18, Moore alleged that ineffective assistance of post-conviction counsel was
2 good cause for re-raising a claim that counsel was ineffective in failing to demand a hearing
3 and preserve the record regarding excused juror Pearlstein's possible influence on other
4 jurors with his extrajudicial knowledge about the case. Post-conviction counsel JoNell
5 Thomas in fact did raise this precise claim on pages 236 to 238 of her 2003 supplemental
6 petition and this Court denied it. It was also raised and rejected in the most recent appeal
7 and its reconsideration is now barred by law of the case.

8 In Claim 35, Moore alleged that ineffective assistance of post-conviction counsel was
9 good cause for re-raising claims of ineffective assistance of direct appeal counsel. Post-
10 conviction counsel JoNell Thomas did raise the ineffective assistance of counsel on direct
11 appeal from guilt (Thomas Leeds) as Issue #41 on pages 193 to 197 and the ineffective
12 assistance of counsel on direct appeal from penalty (David Schieck) as Issue #42 on pages
13 197 to 198 of her 2003 supplemental petition. This Court heard and denied these claims and
14 was affirmed on appeal by the Nevada Supreme Court. Accordingly, there is no good cause
15 for entertaining these claims again.

16 In Claims 39 and 40, Moore alleged that ineffective assistance of post-conviction
17 counsel was good cause for re-raising claims of an impartial tribunal and change of venue.
18 JoNell Thomas raised these precise issues on pages 198 to 204 and 13 to 18, respectively, of
19 her 2003 supplemental petition. The change of venue claim contained additional supporting
20 factual allegations, which were inadequate to have changed the outcome. Accordingly, there
21 is no good cause for entertaining these claims again.

22 The claims against first post-conviction counsel JoNell Thomas do not constitute
23 good cause because they are not timely raised. Furthermore, JoNell Thomas did in fact raise
24 most of the claims of ineffective assistance of counsel advanced in the instant petition.
25 Moore identified new claims or new facts in support of previously denied claims, but failed
26 to show how JoNell Thomas was deficient in failing to uncover the new facts or claims
27 herself or that such new facts or claims were significant enough to have changed the
28

1 outcome of the case. Therefore the claims for ineffective assistance of counsel as good cause
2 are denied for failure to allege new or different grounds for relief.

3 In Claims 6 and 12, Moore claimed that the State withheld material exculpatory and
4 impeachment evidence which constituted good cause for the delay, raising these claims for
5 the first time in this successive petition. However, these claims are not new. Moore
6 previously maintained that prosecutors bribed witnesses and that Angela worked as a police
7 agent. Moore fails to establish these claims, which were first raised 27 years ago.

8 At the 1985 pre-trial evidentiary hearing, Angela Saldana acknowledged that her aunt
9 and uncle encouraged her to get information about the murder for the police. Transcript
10 9/24/85, p. 92. She also admitted that she contacted police officer Ray Berni about a week or
11 two after the murder, and then Beecher Avants from the District Attorney's Office and then
12 the prosecutor on the case, Dan Seaton. *Id.* at 108-12. She had sex with Flanagan and
13 promised to marry him as well as co-defendant Tom Akers all in an attempt to get more
14 information which she could pass along to law enforcement. *Id.* Saldana told Officer Berni,
15 her former boyfriend, that she was going to "play along" and find out what more she could
16 learn, although she was not asked to do so by Officer Berni. *Id.* at 111, 120. An evidentiary
17 hearing held 27 years ago addressed the very same argument and this Court concluded that
18 the theory of agency was not substantiated by the testimony. Transcript 9/26/85, p. 58-59,
19 63.

20 The police agent and bribery claims were first raised 27 years ago at trial. Angela
21 Saldana's testimony with police officers and the District Attorney's Office was testified to at
22 trial. These claims were raised and repeated at each of the successive penalty hearings.
23 Then, in the 2003 habeas proceedings, JoNell Thomas again made the same allegations and
24 obtained declarations from John Lucas, Robert Peoples, Deborah Samples, and Angela
25 Saldana in support of her claims which were all denied. These claims were deemed
26 procedurally barred without a showing of good cause and prejudice which was subsequently
27 affirmed on appeal.
28

1 Moore fails to account for the entire length of the delay occurring after any new facts
2 in support of a Brady violation became reasonably available to him, in particular the time
3 during Flanagan's litigation of these same claims and Moore's pursuit of federal habeas
4 relief. Had this current petition been timely filed once the new facts were discovered or
5 became available, the petition would still fail to demonstrate good cause for re-raising claims
6 of government misconduct in withholding impeachment evidence and procuring allegedly
7 false testimony from Angela Saldana. The testimony provided by Angela Saldana was
8 already impeached and discredited at trial and anything new the defense has supposedly
9 discovered fails to materially alter the state of evidence in the case. Additionally, because
10 Moore has failed to provide any explanation that accounts for the entire length of his delay,
11 there is no good cause and the petition is dismissed.

12 The vast majority of Moore's factual theory regarding Saldana's testimony has long
13 been known and was in fact presented to the jury and raised in prior post-conviction claims.
14 None of Moore's allegations constitute material exculpatory evidence withheld from the
15 defense. Angela Saldana's "uncle," Robert Peoples, was apparently a high-profile character
16 in Las Vegas at the time whose history was documented in old newspaper articles Moore
17 included in his appendix. According to the newspaper, Peoples was a convicted murderer
18 who subsequently worked as an Investigator in the public defender's office and then as an
19 informant in the Bramlet murder case in cooperation with then homicide detective, Beecher
20 Avants.

21 Robert Peoples ended up marrying Wendy Hanley (now Mazaros), the 21-year old
22 wife of Tom Hanley, the man he betrayed and helped convict of the Bramlet murder. Both
23 Wendy Mazaros and Amy Hanley-Peoples had strong motive against Robert Peoples and
24 Beecher Avants as the men who betrayed and helped convict their husband and father, Tom
25 Hanley, of murder. Regardless of whether such facts were "new" to the federal public
26 defender, Moore failed to show that local counsel at the time was not aware of this public
27 and high-profile background in what amounted to a relatively small legal community in the
28 1980's.

1 The involvement of Angela Saldana's aunt and uncle in the Bramlet murder in 1977
2 has little to no connection with the current case. This Court agrees with the State's position
3 that it was Angela Saldana, not Robert Peoples, who was a witness and testified in Moore's
4 murder trial. Accordingly, it was her motivation and relationship with law enforcement that
5 was at issue, not that of Robert Peoples. Whether Angela's uncle had other motives in
6 getting Angela to assist law enforcement was simply not relevant nor exculpatory. The
7 declarations from Wendy and Amy simply indicate that Robert Peoples pressured Angela
8 Saldana to testify and told her what to say based on apparent police reports he had. Even if
9 true, this does not establish that Angela felt coerced or that she testified falsely. Angela
10 Saldana's testimony could have been compelled by issuance of a material witness warrant.
11 Pressuring someone to testify is not the same thing as pressuring them to testify falsely, and
12 Moore failed to provide evidence of the latter.

13 It was well-known from the record that Angela Saldana expected to be paid \$2,000
14 for her work as an informant; she and her family had close ties to law enforcement; and she
15 and her family had ties directly with the District Attorney's Office through family friend and
16 district attorney investigator Beecher Avants. The facts Moore alleged in the current petition
17 were available 27 years ago as common knowledge in the legal community, publicly
18 available in newspapers, or available through known witnesses. That Moore subsequently
19 discovered these allegedly new facts on his own from public sources and belated witness
20 interviews belies any claim that they were withheld by the State, even assuming that Wendy
21 Mazaros made herself difficult to locate. Moore has failed to allege what impediment
22 external to the defense prevented him from interviewing witnesses and acquiring these
23 details sooner.

24 Moore's claim that Angela Saldana was the only one to incriminate Moore is belied
25 by the record. Her testimony was corroborated through several other witnesses including
26 Rusty Havens, Lisa Licata, Michelle Gray, Tom Akers, and John Lucas. Angela Saldana
27 testified at least four times against Moore at trial and penalty hearings and her testimony has
28

1 been consistent throughout as to what she saw and heard. Moore's suggestion that Wendy
2 and Amy held suspicions to the contrary is belied by the record.

3 The newly alleged facts are merely cumulative and not material enough to have
4 affected the outcome of the case. Angela Saldana's lack of credibility and impeachment of
5 testimony at trial has been repeatedly found by the Court to not alter the "overwhelming"
6 evidence of Moore's culpability. Moore v. State, 104 Nev. 105, 754 P.2d 836 (1988) (Moore
7 I)("The record contains *overwhelming* evidence that nineteen year old Flanagan and his co-
8 defendants planned to kill the Gordons in an effort to obtain insurance proceeds and an
9 inheritance"); Moore v. State, 107 Nev. 243, 810 P.2d 759 (1991) (Moore II)("The evidence
10 of aggravating circumstances was *overwhelming* and clearly outweighed the mitigating
11 circumstances found by the jury"); Moore v. State, 112 Nev. 1409, 930 P.2d 691 (1996)
12 (Moore IV)("We characterized the evidence against Flanagan and Moore as '*overwhelming*'
13 in our first opinion in this case. There is no reason to change that characterization now").
14 Accordingly, Moore's claim that the State withheld evidence of Angela Saldana's
15 inducements under Brady fails as good cause has not been established to overcome the
16 procedural bars in this case.

17 In Claims 21, 22, and 23, Moore claimed he was actually innocent of the death
18 penalty such that a fundamental miscarriage of justice overcame any applicable procedural
19 default bars. The Court has recognized that actual innocence may excuse procedural bars
20 when prejudice occurs from a failure to consider a claim that amounts to a fundamental
21 miscarriage of justice. However, the standard in place for that finding is that a Petitioner
22 must show by clear and convincing evidence that, but for a constitutional error, no
23 reasonable juror would have found him death eligible. Moore fails to meet this burden.

24 In Claim 21, Moore argued without any legal authority that there was no finding of
25 probable cause and he was given insufficient notice in the Information for the aggravating
26 circumstances. This claim was raised and denied in the prior post-conviction proceedings.
27 Therefore this claim is procedurally barred absent a showing of constitutional error.
28

1 In Claim 22, Moore challenged the application of the great risk of death aggravating
2 circumstance to his case. Notably, Moore has repeatedly challenged this aggravating
3 circumstance unsuccessfully in the prior post-conviction proceedings. The United States
4 Supreme Court has noted that actual innocence means factual innocence and not mere legal
5 insufficiency. Moore's argument against the interpretation and application of an aggravating
6 circumstance to his case advances no new facts but only a legal argument which is contrary
7 to Nevada precedent and against the law of the case. This claim is also procedurally barred
8 and fails in establishing an actual innocence claim.

9 In Claim 23, Moore complained of the Nevada Supreme Court's re-weighting analysis
10 after striking two of his aggravating circumstances in the last appeal (SC# 55091). But this
11 is a purely legal argument and fails to advance any new facts to establish a showing of
12 factual innocence. Furthermore, this Court cannot sit in judgment or appellate review of the
13 Nevada Supreme Court on the constitutionality of its re-weighting analysis. Any argument
14 against re-weighting should have been raised (and in fact was raised) in the last appeal and
15 the issue is now controlled by law of the case. The Court in Moore's appeal engaged in re-
16 weighting or analyzing harmless error the same way as the United States Supreme Court has
17 and this Court will not review that finding as it is controlled by the law of the case.

18 Moore's remaining good cause claims fail to explain the delay in filing the instant
19 successive petition and are not supported by law. No impairment for Moore to raise claims
20 has been found by this court from the judge's denial of an evidentiary hearing. An
21 evidentiary hearing would only be necessary had Moore asserted specific factual allegations
22 not belied nor repelled by the record. Moore did not meet this standard and so he received no
23 evidentiary hearing. This court's denial of an evidentiary hearing was affirmed in the last
24 appeal and the issue is now controlled by law of the case.

25 Moore also contended that he was entitled to "cumulative consideration" of all prior
26 constitutional issues in conducting any harmless error analysis. Moore fails to articulate good
27 cause through his request of "cumulative consideration" of harmless error. There is no
28 showing of individual errors, let alone cumulatively.

1 Finally, Moore's claim of "constitutional considerations" is unavailing as good cause.
2 The Nevada Supreme Court has repeatedly upheld Nevada's procedural bars against attacks
3 that they are unconstitutional or are applied in an arbitrary and capricious manner. The
4 Court has also held that statutory procedural rules to post-conviction habeas petitions are
5 mandatory and have been consistently applied. Moore's assertion in this regard have been
6 soundly and repeatedly rejected by the Nevada Supreme Court. Thus, this Court finds these
7 claims are procedurally barred.

8 CONCLUSIONS OF LAW

9 Unless there is good cause shown for delay, a petition that challenges the validity of a
10 judgment or sentence must be filed within 1 year after entry of the judgment of conviction
11 or, if an appeal has been taken from the judgment, within one year after the Supreme Court
12 issues its remittitur. NRS 34.726. For the purposes of this subsection, good cause for delay
13 exists if the petitioner demonstrates to the satisfaction of the court: (a) That the delay is not
14 the fault of the petitioner; and (b) That dismissal of the petition as untimely will unduly
15 prejudice the petitioner.

16 In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902 (2002), the Nevada
17 Supreme Court rejected a habeas petition that was filed just two (2) days late, pursuant to the
18 "clear and unambiguous" mandatory provisions of NRS 34.726(1). Gonzales reiterated the
19 importance of filing the petition with the district court within the one-year mandate, absent a
20 showing of "good cause" for the delay in filing. Gonzales, 118 Nev. at 593, 590 P.3d at 902.
21 The one-year time bar is therefore strictly and exactly construed.

22 A petition may be dismissed if delay in the filing of the petition: (a) Prejudices the
23 respondent or the State of Nevada in responding to the petition, unless the petitioner shows
24 that the petition is based upon grounds of which the petitioner could not have had knowledge
25 by the exercise of reasonable diligence before the circumstances prejudicial to the State
26 occurred; or (b) Prejudices the State of Nevada in its ability to conduct a retrial of the
27 petitioner, unless the petitioner demonstrates that a fundamental miscarriage of justice has
28

1 occurred in the proceedings resulting in the judgment of conviction or sentence. NRS
2 34.800.

3 NRS 34.800 creates a rebuttable presumption of prejudice to the State if "[a] period
4 exceeding five (5) years between the filing of a judgment of conviction, an order imposing a
5 sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the
6 filing of a petition challenging the validity of a judgment of conviction...." The statute also
7 requires that the State plead laches in its motion to dismiss the petition. NRS 34.800.

8 A second or successive petition must be dismissed if the judge or justice determines
9 that it fails to allege new or different grounds for relief and that the prior determination was
10 on the merits or, if new and different grounds are alleged, the judge or justice finds that the
11 failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the
12 writ. NRS 34.810. The petitioner has the burden of pleading and proving specific facts that
13 demonstrate: (a) Good cause for the petitioner's failure to present the claim or for presenting
14 the claim again; and (b) Actual prejudice to the petitioner.

15 In, Evans v. State, 117 Nev. 609, 646-647, 29 P.3d 498, 523 (2001), the Nevada
16 Supreme Court held that "[a] court must dismiss a habeas petition if it presents claims that
17 either were or could have been presented in an earlier proceeding, unless the court finds both
18 cause for failing to present the claims earlier or for raising them again and actual prejudice to
19 the petitioner."

20 The Nevada Supreme Court has observed that "petitions that are filed many years
21 after conviction are an unreasonable burden on the criminal justice system. The necessity for
22 a workable system dictates that there must exist a time when a criminal conviction is final."
23 Groesbeck v. Warden, 100 Nev. 259, 261, 679 P.2d 1268, 1269 (1984). In Lozada, the
24 Nevada Supreme Court stated: "Without such limitations on the availability of post-
25 conviction remedies, prisoners could petition for relief in perpetuity and thus abuse post-
26 conviction remedies. In addition, meritless, successive and untimely petitions clog the court
27 system and undermine the finality of convictions." Lozada v. State, 110 Nev. 349, 358, 871
28 P.2d 944, 950 (1994). The Nevada Supreme Court also recognizes that "[u]nlike initial

1 petitions which certainly require a careful review of the record, successive petitions may be
2 dismissed based solely on the face of the petition.” Ford v. Warden, 111 Nev. 872, 882, 901
3 P.2d 123, 129 (1995). If the claim or allegation was previously available with reasonable
4 diligence, it is an abuse of the writ to wait to assert it in a later petition. McClesky v. Zant,
5 499 U.S. 467, 497-498 (1991).

6 The Nevada Supreme Court has specifically found that the district court has a duty to
7 consider whether the procedural bars apply to a post-conviction petition and not arbitrarily
8 disregard them. In State v. District Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005), the
9 Court held that “[a]pplication of the statutory procedural default rules to post-conviction
10 habeas petitions is mandatory,” and “cannot be ignored when properly raised by the State.”
11 Id. at 231, 233, 112 P.3d at 1074, 1075. “The necessity for a workable system dictates that
12 there must exist a time when a criminal conviction is final.” Id. at 231, 112 P.3d 1074
13 (citation omitted); see also State v. Haberstroh, 119 Nev. 173, 180-81, 69 P.3d 676, 681-82
14 (2003) (wherein the Nevada Supreme Court held that parties cannot stipulate to waive,
15 ignore or disregard the mandatory procedural default rules nor can they empower a court to
16 disregard them). A defendant is required to show good cause to overcome the procedural
17 bars before his petition may be considered on the merits.

18 As the Nevada Supreme Court noted in Pellegrini v. State, 117 Nev. 860, 34 P.3d 519,
19 530 (2001), “the legislative history of the habeas statutes shows that Nevada’s lawmakers
20 never intended for petitioners to have multiple opportunities to obtain post-conviction relief
21 absent extraordinary circumstances.” Furthermore, legislative imposition of statutory time
22 limits “evinces intolerance toward perpetual filing of petitions for relief, which clogs the
23 court system and undermines the finality of convictions.” Id. 34 P.3d at 529. Defendants are
24 entitled to “one time through the system absent extraordinary circumstances.” Id.

25 To show good cause for delay under NRS 34.726(1), a petitioner must demonstrate
26 the following: 1) “[t]hat the delay is not the fault of the petitioner” and 2) that the petitioner
27 will be “unduly prejudice[d]” if the petition is dismissed as untimely. NRS 34.726(1). To
28 avoid the procedural default under NRS 34.810, Defendant has the burden of pleading and

1 proving specific facts that demonstrate both good cause for his failure to present his claim in
2 earlier proceedings and actual prejudice. NRS 34.810; Hogan v. Warden, 109 Nev. 952,
3 959-60, 860 P.2d 710, 715-16 (1993).

4 Under the first requirement of both, "a petitioner must show that an impediment
5 external to the defense prevented him or her from complying with the state procedural
6 default rules." Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (citing
7 Pellegrini v. State, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001); Lozada v. State, 110
8 Nev. 349, 353, 871 P.2d 944, 946 (1994); Passanisi v. Director, Dep't Prisons, 105 Nev. 63,
9 66, 769 P.2d 72, 74 (1989). "An impediment external to the defense may be demonstrated
10 by a showing 'that the factual or legal basis for a claim was not reasonably available to
11 counsel, or that some interference by officials, made compliance impracticable.'" Id.
12 (quoting Murray v. Carrier, 477 U.S. 478, 488, 106 S.Ct. 2639 (1986) (citations and
13 quotations omitted)). Good cause for the delay is defined as "a substantial reason; one that
14 affords a legal excuse." Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

15 In Colley v. State, 105 Nev. 235, 773 P.2d 1229 (1989), the defendant argued that he
16 appropriately refrained from filing a state habeas petition during the four years he pursued a
17 federal writ of habeas corpus. The Nevada Supreme Court disagreed and held that the
18 pursuit of federal remedies do not constitute good cause to overcome state procedural bars.
19 Id.

20 The decisions of counsel are not an impediment external to the defense which can
21 constitute good cause. Hathaway, 119 Nev. at 252, 71 P.3d at 506.

22 Any claim of ineffective assistance of counsel must be raised in a timely manner or it
23 is procedurally barred under NRS 34.726(1) because it is raised more than 1 year after
24 remittitur from a defendant's direct appeal. Hathaway, 119 Nev. at 252-253, 71 P.3d at 506;
25 see also Edwards v. Carpenter, 529 U.S. 466, 452-53 (2000) (concluding that claim of
26 ineffective assistance of counsel cannot serve as cause for another procedurally defaulted
27 claim); Stewart v. LaGrand, 526 U.S. 115, 120 (1999) (concluding that ineffective assistance
28

1 of counsel claim failed as good cause because ineffective assistance claim was itself
2 procedurally defaulted).

3 An appellant has the right to effective assistance of counsel in first post-conviction
4 proceeding, so claims may be raised of ineffective assistance of post-conviction counsel in a
5 successive petition. See McNelson v. State, 115 Nev. 296, 416 n.5, 990 P.2d 1263, 1276 n.5
6 (1999); Crump v. Warden, 113 Nev. 293, 303, 934 P.2d 247, 253 (1997).

7 Under Strickland v. Washington, 466 U.S. 668, 686, 104 S.Ct. 2052, 2063 (1984), a
8 defendant making an ineffectiveness claim must show both that counsel's performance was
9 deficient, which means that "counsel's representation fell below an objective standard of
10 reasonableness," and that the deficient performance prejudiced the defendant, which means
11 that "there is a reasonable probability that, but for counsel's unprofessional errors, the result
12 of the proceeding would have been different." "Effective counsel does not mean errorless
13 counsel, but rather counsel whose assistance is '[w]ithin the range of competence demanded
14 of attorneys in criminal cases.'" Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432,
15 537 P.2d 473, 474 (1975). The Court may consider both prongs in any order and need not
16 consider them both when a defendant's showing on either prong is insufficient. Kirksey v.
17 State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). There is a "strong presumption that
18 counsel's conduct falls within the wide range of reasonable professional assistance."
19 Strickland, *supra* at 689, 2065 [emphasis added]. "Judicial review of a lawyer's
20 representation is highly deferential, and a defendant must overcome the presumption that a
21 challenged action might be considered sound strategy," State v. LaPena, 114 Nev. 1159,
22 1166, 968 P.2d 750, 754 (1998), quoting from Strickland, 466 U.S. at 689, 104 S.Ct. at 2052
23 (1984). An attorney cannot be deemed ineffective for failing to make futile motions or
24 objections. Ennis v. State, 122 Nev. 694, 137 P.3d 1095 (2006).

25 In Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963), the United States Supreme
26 Court established the requirement that a prosecutor disclose evidence favorable to the
27 defense when that evidence is material either to guilt or to punishment. To prove a Brady
28 violation, a petitioner must show 1) the evidence is favorable to the accused, either because it

1 is exculpatory or impeaching, 2) the State withheld the evidence, either intentionally or
2 inadvertently, and 3) that the evidence was material. Id. When a Brady claim is raised in an
3 untimely post-conviction petition for a writ of habeas corpus, the petitioner has the burden of
4 pleading and proving specific facts that demonstrate both components of the good-cause
5 showing required by NRS 34.726(1), namely “[t]hat the delay is not the fault of the
6 petitioner” and that the petitioner will be “unduly prejudice[d]” if the petition is dismissed as
7 untimely. State v. Huebler, 128 Nev. ____, 275 P.3d 91 (2012). Those components parallel
8 the second and third prongs of a Brady violation: establishing that the State withheld the
9 evidence demonstrates that the delay was caused by an impediment external to the defense,
10 and establishing that the evidence was material generally demonstrates that the petitioner
11 would be unduly prejudiced if the petition is dismissed as untimely. Id., citing State v.
12 Bennett, 119 Nev. 589, 81 P.3d 1 (2003). However, “a Brady violation does not result if the
13 defendant, exercising reasonable diligence, could have obtained the information.” Rippo v.
14 State, 113 Nev. 1239, 1257, 946 P.2d 1017, 1028 (1997).

15 Once a petitioner has established cause, he must show actual prejudice resulting from
16 the errors of which he complains, i.e., “a petitioner must show that errors in the proceedings
17 underlying the judgment worked to the petitioner’s actual and substantial disadvantage.”
18 State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d 91, 94-95 (2012) (citing Hogan v. Warden,
19 109 Nev. 952, 959-60, 860 P.2d 710, 716 (1993)).

20 The Nevada Supreme Court in Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798
21 (1975), has held that the doctrine of the law of the case provides that “[t]he law of a first
22 appeal is the law of the case on all subsequent appeals in which the facts are substantially the
23 same,” and that the doctrine “cannot be avoided by a more detailed and precisely focused
24 argument subsequently made after reflection upon the previous proceedings.” Id. at 316, 535
25 P.2d 797, 535 P.2d at 799.

26 ORDER

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

1 DATED this 26 day of August, 2014.

2
3 
4 DISTRICT JUDGE

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY 
9 STEVEN S. OWENS
10 Chief Deputy District Attorney
11 Nevada Bar #004352
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1 CERTIFICATE OF FACSIMILE TRANSMISSION

2 I hereby certify and affirm that service of the above and foregoing, was made this 9th
3 day of July, 2014, by facsimile transmission to:

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5 TIFFANI D. HURST
6 GARY TAYLOR
7 RANDOLPH FIEDLER
8 Assistant Federal Public Defenders
9 Fax No.: (702) 388-6261

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11 BY 

12 _____
13 Employee for the District Attorney's Office
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SSC/Nately Ocampo-Intern/ed

*** TX REPORT ***

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OFFICE OF THE DISTRICT ATTORNEY
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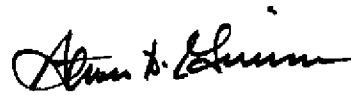
TO: Tiffani D. Hurst, Gary Taylor, **FAX#:** (702) 388-6261
Randolph Fiedler
FROM: Steven S. Owens
SUBJECT: Randolph Lyle Moore, 85C069269-2, Findings
DATE: July 9, 2014

Counsel:

The following findings will be submitted to the Judge on July 16, 2014.

Sincerely,

Steven S. Owens



CLERK OF THE COURT

NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

RANDOLPH MOORE,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 85C069269-2

Dept No: XII

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

PLEASE TAKE NOTICE that on August 27, 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 September 2, 2014.

STEVEN D. GRIERSON, CLERK OF THE COURT



Teodora Jones, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 2 day of September 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:

Randolph Moore # 21852
P.O. Box 1989
Ely, NV 89301

Rene L. Valladares, Federal Public Defender
411 E. Bonneville Ave., Ste. 250
Las Vegas, NV 89101



Teodora Jones, Deputy Clerk


CLERK OF THE COURT

FFCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEVEN S. OWENS
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200 Lewis Avenue
Las Vegas, Nevada 89155-2212
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

RANDOLPH LYLE MOORE,
#0636661

Defendant.

CASE NO: 85C069269-2

DEPT NO: XII

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

DATE OF HEARING: JUNE 5, 2014
TIME OF HEARING: 8:30AM

THIS CAUSE having come on for hearing before the Honorable MICHELLE LEAVITT, District Judge, on the 5th day of June, 2014, the Petitioner not present, represented by RANDY FIEDLER and GARY TAYLOR, Federal Public Defenders, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through STEVEN S. OWENS, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law and order:

FINDINGS OF FACT

In 1985, Moore was convicted of two counts of First Degree Murder with Use of a Deadly Weapon and was sentenced to death for the murders of Carl and Colleen Gordon.

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DEPARTMENT 02

1 On appeal, the murder convictions were affirmed, but by a three-two split the death
2 sentences were vacated and the case was remanded for a new penalty hearing due to
3 prosecutorial misconduct. Moore v. State, 104 Nev. 113, 754 P.2d 841 (1988) (Moore I).
4 Remittitur issued on June 7, 1988.

5 A second penalty hearing in 1989 again resulted in death sentences which were
6 affirmed on appeal. Flanagan and Moore v. State, 107 Nev. 243, 810 P.2d 759 (1991).
7 However, the United States Supreme Court reversed and remanded. Moore v. Nevada, 503
8 U.S. 930, 112 S.Ct. 1463 (1992). In Flanagan and Moore v. State, 109 Nev. 50, 486 P.2d
9 1053 (1993), the Nevada Supreme Court reversed Defendant's death sentence and remanded
10 the case for a third penalty trial due to unconstitutional admission of satanic worship
11 evidence.

12 A third and final penalty hearing in 1995 again resulted in death verdicts for Moore
13 and this time the death sentences were affirmed on appeal. Moore v. State, 112 Nev. 1409,
14 930 P.2d 691 (1996) (Moore IV). Remittitur issued on June 3, 1998.

15 Thereafter, Moore filed his first¹ post-conviction petition on June 2, 1998. After
16 extensive briefing and argument, the district court denied all guilt phase claims in 2005 but
17 vacated the death sentences and ordered a new penalty hearing in 2006 due to McConnell
18 error. On appeal, the Nevada Supreme Court in 2008 affirmed the denial of guilt phase
19 issues but reversed and remanded the penalty phase claims for harmless error analysis
20 pursuant to McConnell and if necessary, for resolution of any remaining third penalty phase
21 issues which had previously been rendered moot. (SC# 46801). Remittitur issued on
22 October 23, 2008.

23 Upon remand, this Court found any McConnell error to be harmless and denied the
24 remaining penalty phase claims on the merits. The Nevada Supreme Court affirmed this
25

26
27 ¹Although Moore's counsel, David Schieck, filed a previous habeas petition on May 19, 1995, the
28 Nevada Supreme Court subsequently held it was denied as premature and does not constitute a prior
petition for procedural bar purposes. Order, SC# 46801 (4/23/08). In accord with law of the case on
that issue, these Findings will refer to the June 2nd 1998 petition as a "first" petition.

1 final decision in an unpublished Order of Affirmance on August 1, 2012. (SC# 55091).
2 Remittitur issued on October 15, 2012.

3 Moore then proceeded to federal court where he filed a federal habeas petition on
4 April 18, 2013, and the federal public defender was appointed. Appointed counsel filed a
5 motion for stay and abeyance in the federal case on August 30, 2013, which was granted on
6 November 21, 2013. The federal public defender filed the instant successive state habeas
7 petition on September 19, 2013, which the State moved to dismiss as procedurally barred.

8 The instant petition filed on September 19, 2013, is untimely pursuant to the one-year
9 time limitation of NRS 34.726 which requires post-conviction petitions to be filed within one
10 year of issuance of Remittitur after direct appeal. This is a mandatory bar that cannot be
11 waived and which is strictly enforced. Petitions filed just two days late have been rejected
12 by the Nevada Supreme Court. Additionally, the one year time bar has been held to also
13 apply to successive petitions by the Court. In this case, the instant post-conviction
14 proceedings were initiated more than 25 years after issuance of Remittitur following direct
15 appeal on June 7, 1988. Although the initial death sentences were reversed, it has been more
16 than 15 years since new death sentences were affirmed on appeal and Remittitur issued on
17 June 3, 1998. Thus, the instant post-conviction proceedings are barred absent a showing of
18 good cause for the delay.

19 The State also affirmatively pleads laches under NRS 34.800. The instant petition had
20 been filed approximately 28 years and 18 years respectively from the guilt and penalty phase
21 trials and approximately 25 years and 17 years respectively from the decisions on appeal
22 affirming guilt and penalty. Because these time periods well-exceeded five years, the State
23 is entitled to a rebuttable presumption of prejudice. NRS 34.800(2). This can only be
24 overcome by a showing that the petition is based upon grounds of which petitioner could not
25 have had knowledge by the exercise of reasonable diligence before the circumstances
26 prejudicial to the State occurred or by a demonstration that a fundamental miscarriage of
27 justice has occurred. NRS 34.800(1). Moore has failed to overcome this burden. Laches
28 under NRS 34.800 applies to the instant matter because the State was prejudiced in

1 responding to the petition and in its ability to conduct a retrial of petitioner due to the long
2 passage of time since the guilt phase of the jury trial in 1985 and the final re-do of the
3 penalty phase in 1995. Therefore, the State is entitled to a rebuttable presumption of
4 prejudice which has not been overcome.

5 Moore's instant petition is also dismissed under NRS 34.810(1). The grounds for the
6 petition could have been presented to the trial court or raised in a prior proceeding and
7 Moore failed to do so. The instant petition was Moore's second attempt at state post-
8 conviction. Dismissal of a successive petition is required if it fails to allege new or different
9 grounds for relief and the prior determination was on the merits or, if new and different
10 grounds are alleged, the failure to assert those grounds in a prior petition constitutes an abuse
11 of the writ. NRS 34.810(2). This is a mandatory bar that cannot be waived and is strictly
12 enforced. Moore had the burden of pleading and proving specific facts that demonstrate
13 good cause for the failure to present the claim or for presenting the claim again, and actual
14 prejudice. Many of the grounds for the petition could have been raised previously in a direct
15 appeal or the first post-conviction petition or were in fact raised previously and were denied
16 on the merits. Moore failed to plead and prove specific facts that demonstrate good cause for
17 the failure to present the claims or for presenting the claims again, and actual prejudice.
18 Thus, this Court denies the petition and makes a finding that it is a successive petition and
19 petitioner has failed to show good cause and prejudice.

20 Moore raised 47 substantive claims in the instant petition. Absent good cause or a
21 fundamental miscarriage of justice, none of the 47 claims are reviewable on the merits and
22 are therefore dismissed as procedurally barred. Moore had the burden of pleading and
23 proving facts to demonstrate good cause to excuse the delay which under the standards must
24 have been caused by a circumstance not within the actual control of his defense team.
25 Moore, by his own admissions, had knowledge about the claims raised at least since
26 February of 2011 when his co-defendant Flanagan raised these same claims. At a minimum,
27 the factual basis for the claims had been available to him since that time. Once the new facts
28 were known, Moore failed to pursue them for two and a half years. As such, Moore has

1 failed to establish that he has raised these new factual allegations within a reasonable time in
2 state court once they became available to him.

3 As good cause, Moore first alleged that ineffective assistance of his prior post-
4 conviction counsel constituted good cause to re-raise or raise for the first time Claims 1, 2, 6,
5 7, 8, 12, 13, 15, 18, 35, 39, and 40. All claims of ineffective assistance of counsel at trial or
6 on appeal could have been raised in the first post-conviction proceedings, and are therefore
7 all procedurally barred. The State agreed in their response that as a death row petitioner,
8 Moore had a right to effective assistance of counsel in his first post-conviction proceeding.
9 Allowing as such, for Moore to raise claims of ineffective assistance of post-conviction
10 counsel in a successive petition. However, Moore had to raise these matters in a reasonable
11 time to avoid application of procedural default rules. These claims of ineffective assistance
12 of prior post-conviction counsel, were not timely raised when they became reasonably
13 available to Moore and therefore do not constitute good cause for delay in filing.

14 JoNell Thomas ceased her representation of Moore on February 26, 2009, more than
15 four and a half years prior to the instant petition. Because the right to counsel only extends
16 to first post-conviction proceedings and not any subsequent appeals, Chris Oram's
17 representation of Moore for purposes of establishing good cause concluded with the findings
18 of fact filed on January 15, 2010, which was more than three and a half years prior to the
19 instant petition. The performance of any counsel after that date does not constitute good
20 cause as a matter of law. Moore had no entitlement to mandatory counsel in either the
21 subsequent discretionary appeal to the Nevada Supreme Court or in the federal habeas
22 proceedings. The Court has held that pursuing a federal remedy does not constitute good
23 cause to overcome state procedural bars. Moore therefore failed to offer any good cause
24 explanation that accounts for the entire length of the delay, in particular the last three and a
25 half years, since his claims against first post-conviction counsel became available to him.

26 In addition to Moore's claims against first post-conviction counsel being untimely
27 raised, Moore utterly failed to establish deficient performance and prejudice under
28 Strickland. Moore has the burden to show both counsel's performance was deficient and that

1 the deficient performance prejudiced him. The federal public defender has proposed an
2 alternative strategy and theory of defense which in hindsight he speculates might have
3 resulted in a non-death sentence, but this proposal fails to meet the burden. There are
4 countless ways that an attorney could provide effective assistance of counsel in any given
5 case. Judicial review of representation is highly deferential, and Moore has failed to
6 overcome that presumption.

7 In Claim 1, Moore set forth his arguments of ineffective assistance of counsel against
8 David Schieck for his performance as counsel in the third and final penalty hearing in 1995.
9 Moore claimed that Schieck failed to adequately investigate and present mitigation evidence
10 such as his drug addiction, its effect on his brain, his psychological issues, and social and
11 family history. But Moore's first post-conviction counsel, JoNell Thomas, previously raised
12 the very same arguments in her 2003 supplemental petition. Allegations that Schieck (and
13 co-counsel Wolfbrandt) devoted inadequate resources to the case, hired no mitigation expert,
14 and did very little, if any, mitigation investigation into Moore's mental health and traumatic
15 and violent childhood were presented. JoNell Thomas alleged that counsel failed to call
16 witnesses who could testify to the effects of abuse and strife on Moore and the alcoholism,
17 mental illness and domestic violence in his family history. On appeal, the Nevada Supreme
18 Court denied the claim on the basis that the evidence which Moore argued should have been
19 presented was not sufficiently persuasive to lead the Court to conclude the outcome of the
20 proceedings would have been different.

21 This Court agrees with the denial of the claim and notes that although the federal
22 public defender compiled a substantial family history, Moore failed to show how his
23 arguments in the instant petition were any different than those raised by JoNell Thomas in
24 2003. The new family history fails to explain how it was even mitigating or how the
25 outcome of the penalty hearing would have been any different. Additionally, the new expert
26 opinions of Dr. Jonathan Lipman (Neuro-Pharmacologist) and Dr. Jonathan Mack (Neuro-
27 Psychologist), nearly 30 years after the murders, is based on a vast majority of facts that the
28

1 jury heard testimony of. No explanation of why the presentation of their opinions would
2 have changed the outcome of the penalty hearing is provided by Moore.

3 Moore has re-raised the same claims, which are barred by law of the case. An
4 evidentiary hearing would only be necessary if Moore asserted specific factual allegations
5 that were not belied nor repelled by the record and that if true, would entitle him to relief.
6 Moore did not meet this standard and so he received no evidentiary hearing. This Court's
7 denial of an evidentiary hearing was affirmed in the last appeal and the issue is now
8 controlled by law of the case. Therefore, Moore's request for an evidentiary hearing is
9 denied.

10 Moore further raised in Claim 1 that allegedly there was prosecutorial misconduct by
11 the State with relation to John Lucas, Tom Akers, Angela Saldana, and Wayne Wittig, and
12 that counsel was not able to adequately question these witnesses. But the jury was presented
13 with testimony that John Lucas had received \$2,000 from Secret Witness, had two prior sex
14 offenses, and Beecher Avants' involvement in the case and relationship with Angela Saldana
15 and Tom Akers. Wayne Wittig testified about a prior threat from Moore, and counsel
16 effectively cross-examined Wittig and impeached him with his prior testimony and his own
17 violent temper. None of this constituted new impeachment evidence against these witness's
18 whose testimony all bore on Moore's guilt and was not prejudicial at the third penalty
19 hearing in terms of why Moore got the death penalty. This testimony is not new, was known
20 to third penalty counsel, and would not have changed the outcome of the penalty hearing.

21 Three different juries have now heard the evidence and each time have found Moore's
22 actions warrant the death penalty. While a sentence less than death was available for the non-
23 shooters who had participated in the murders, the jury reserved death sentences for the only
24 two shooters in the group: Flanagan and Moore. None of the defense's current claims of
25 ineffective assistance of counsel against David Schieck would have changed the outcome of
26 the penalty hearing had they been raised by JoNell Thomas. Moore has failed to show how
27 his arguments in the instant petition are substantially any different than those raised by
28 JoNell Thomas in 2003.

1 Moore alleged several claims of ineffective assistance of trial counsel Murray Posin in
2 Claim 2, for his performance in the 1985 guilt phase of the trial. The record reflects that
3 JoNell Thomas previously made most, if not all, of these very same arguments in her 2003
4 supplemental petition. JoNell Thomas argued that Murray Posin failed to: file unspecified
5 pretrial motions; adequately interview two State witnesses, Rusty Havens and John Lucas;
6 secure notes from police officers taken during interviews; move for discovery of the
7 personnel file of police officer Ray Berni; demand full disclosure of State witness Angela
8 Saldana's alleged role as a police agent; prevent the admission of irrelevant, prejudicial, and
9 hearsay testimony; respond to the State's opposition to his motion for appointment of a
10 psychiatric expert; object to alleged restrictions the district court placed on his defense;
11 properly participate in joint defense strategies with codefendants' counsel; prepare adequate
12 work product by unreasonably relying upon the work product of codefendants' counsel;
13 move for a change of venue; seek sequestration of the jury; conduct meaningful voir dire;
14 file a motion for appointment of a psychiatrist ex parte and under seal; elicit non-
15 inflammatory evidence during cross-examination of witnesses; and develop a coherent
16 theory of defense. The Court denied these claims after carefully considering counsel's
17 performance based on Moore's failure to demonstrate that the result of his trial could have
18 been different or show prejudice. Order Affirming in Part, Reversing in Part and Remanding.
19 Therefore this Court's position cannot differ.

20 Additionally, the Court discussed in detail seven additional claims regarding Murray
21 Posin's inadequate communication with Moore and incompetence due to: (1) partial hearing
22 loss;(2) failure to prevent the admission of Satanic and occult evidence against Moore;(3)
23 failure to object to several instances of prosecutorial misconduct;(4) failure to challenge the
24 trial court's handling of objections outside the jury's presence;(5) failure to secure a
25 complete record of all bench conferences and hearings in chambers;(6) failure to object to
26 certain jury instructions and to request others; and (7) failure to file a motion for new trial.
27 As to all of these claims, the Court found that Moore had failed to show prejudice such that
28 the outcome of the trial would have been different.

1 Moore re-raised the same claims, which are barred by law of the case, and failed to
2 allege which parts of his claims against Murray Posin were new or why they should not be
3 still barred by law of the case. The Court has established doctrine that the law of the first
4 appeal is the law of the case on subsequent appeals having the substantially same facts, and
5 that a more detailed and precisely focused argument cannot evade this doctrine. Most
6 importantly, Moore failed to demonstrate how the outcome of his trial would have been any
7 different and so he once again fails to show prejudice.

8 In Claims 6, 7, 8 and 12, Moore made several claims of prosecutorial
9 misconduct involving Angela Saldana, Robert Peoples, and various witness payments and
10 intimidation. Moore alleged ineffective assistance of JoNell Thomas as good cause for these
11 claims. However, JoNell Thomas raised numerous claims of prosecutorial misconduct and
12 bribery of State's witnesses in her 2003 supplement. Claims were raised that: the testimony
13 of John Lucas, Rusty Havens, and Angela Saldana were purchased and that additional
14 agreements for non-prosecution and leniency were conditioned on their testimony; witness
15 intimidation, coerced and false testimony was the basis of Moore's prosecution; Angela
16 Saldana was allegedly employed as a police agent; and exculpatory impeachment evidence
17 was withheld by the State. Additionally, these claims were first raised in 1985 and have been
18 repeatedly re-raised for the past 28 years. Moore has failed to show how these claims are
19 substantially any different than those raised by JoNell Thomas in 2003.

20 Moore admitted that Claims 6, 7 and 8 had been raised before but represented that
21 Claim 12 was new. This Court is familiar with these claims largely in part because they are
22 based on the same declarations obtained by co-defendant Dale Flanagan just last year in a
23 successive petition. Because this Court denied all of these same claims when raised by
24 Flanagan previously, the result is the same now based on Moore's failure in alleging new or
25 different grounds for relief and failure to assert those grounds in a prior petition.

26 These good cause claims were purportedly based upon ineffective assistance of first
27 post-conviction counsel, but Moore failed to offer any analysis of how JoNell Thomas was
28 deficient in the prosecutorial misconduct claims that she did raise. In the recent declaration

1 that JoNell Thomas provided, she stated that she "obtained the pleadings filed by Dale
2 Flanagan's attorney and sought to include the information they discovered in my pleadings."
3 She further stated that she attempted to locate Angela Saldana, but was unsuccessful. This
4 comported with Wendy Mazaros's declaration where she stated that she "intentionally made
5 [herself] difficult, if not impossible, to locate." Given that similar claims of prosecutorial
6 misconduct had been raised throughout the proceedings as well as those of Dale Flanagan,
7 Moore fails to show that JoNell Thomas was deficient in failing to look for additional facts
8 in order to re-raise these previously denied claims.

9 In Claim 13, Moore alleged that ineffective assistance of post-conviction counsel was
10 good cause for raising a new claim that introduction of Moore's Satanism and gang
11 membership at trial violated his constitutional rights. This was not a "new" claim. Post-
12 conviction counsel JoNell Thomas raised this precise claim on pages 50 to 54 of her 2003
13 supplemental petition. The exact same issue was denied by the Nevada Supreme Court in
14 1996. Moore v. State, 112 Nev. 1409, 930 P.2d 691 (1996) (Moore IV). Accordingly, the
15 claim is barred by law of the case.

16 In Claim 15, Moore alleged that ineffective assistance of post-conviction counsel was
17 good cause for raising a new claim that juror Carlos Guerra who served on the 1995 third
18 penalty hearing jury had only limited understanding of the English language in violation of
19 Moore's constitutional rights. It does not appear that JoNell Thomas raised this specific
20 claim. However, Moore's representation that Carlos Guerra could not understand English is
21 belied by the voir dire transcript which indicates that the judge and three attorneys had no
22 trouble communicating with him in English. Answers appropriate to the questions asked of
23 him were provided. The qualifications for jury service simply require "sufficient knowledge
24 of the English language." NRS 6.010. JoNell Thomas could have only raised such an issue
25 as an ineffective assistance of trial counsel claim. Understandably, trial counsel would not
26 have raised such an issue clearly belied by the record. JoNell Thomas was not deficient in
27 failing to raise this claim which had not been preserved at trial and which had no chance of
28 success on post-conviction.

1 In Claim 18, Moore alleged that ineffective assistance of post-conviction counsel was
2 good cause for re-raising a claim that counsel was ineffective in failing to demand a hearing
3 and preserve the record regarding excused juror Pearlstein's possible influence on other
4 jurors with his extrajudicial knowledge about the case. Post-conviction counsel JoNell
5 Thomas in fact did raise this precise claim on pages 236 to 238 of her 2003 supplemental
6 petition and this Court denied it. It was also raised and rejected in the most recent appeal
7 and its reconsideration is now barred by law of the case.

8 In Claim 35, Moore alleged that ineffective assistance of post-conviction counsel was
9 good cause for re-raising claims of ineffective assistance of direct appeal counsel. Post-
10 conviction counsel JoNell Thomas did raise the ineffective assistance of counsel on direct
11 appeal from guilt (Thomas Leeds) as Issue #41 on pages 193 to 197 and the ineffective
12 assistance of counsel on direct appeal from penalty (David Schieck) as Issue #42 on pages
13 197 to 198 of her 2003 supplemental petition. This Court heard and denied these claims and
14 was affirmed on appeal by the Nevada Supreme Court. Accordingly, there is no good cause
15 for entertaining these claims again.

16 In Claims 39 and 40, Moore alleged that ineffective assistance of post-conviction
17 counsel was good cause for re-raising claims of an impartial tribunal and change of venue.
18 JoNell Thomas raised these precise issues on pages 198 to 204 and 13 to 18, respectively, of
19 her 2003 supplemental petition. The change of venue claim contained additional supporting
20 factual allegations, which were inadequate to have changed the outcome. Accordingly, there
21 is no good cause for entertaining these claims again.

22 The claims against first post-conviction counsel JoNell Thomas do not constitute
23 good cause because they are not timely raised. Furthermore, JoNell Thomas did in fact raise
24 most of the claims of ineffective assistance of counsel advanced in the instant petition.
25 Moore identified new claims or new facts in support of previously denied claims, but failed
26 to show how JoNell Thomas was deficient in failing to uncover the new facts or claims
27 herself or that such new facts or claims were significant enough to have changed the
28

1 outcome of the case. Therefore the claims for ineffective assistance of counsel as good cause
2 are denied for failure to allege new or different grounds for relief.

3 In Claims 6 and 12, Moore claimed that the State withheld material exculpatory and
4 impeachment evidence which constituted good cause for the delay, raising these claims for
5 the first time in this successive petition. However, these claims are not new. Moore
6 previously maintained that prosecutors bribed witnesses and that Angela worked as a police
7 agent. Moore fails to establish these claims, which were first raised 27 years ago.

8 At the 1985 pre-trial evidentiary hearing, Angela Saldana acknowledged that her aunt
9 and uncle encouraged her to get information about the murder for the police. Transcript
10 9/24/85, p. 92. She also admitted that she contacted police officer Ray Berni about a week or
11 two after the murder, and then Beecher Avants from the District Attorney's Office and then
12 the prosecutor on the case, Dan Seaton. *Id.* at 108-12. She had sex with Flanagan and
13 promised to marry him as well as co-defendant Tom Akers all in an attempt to get more
14 information which she could pass along to law enforcement. *Id.* Saldana told Officer Berni,
15 her former boyfriend, that she was going to "play along" and find out what more she could
16 learn, although she was not asked to do so by Officer Berni. *Id.* at 111, 120. An evidentiary
17 hearing held 27 years ago addressed the very same argument and this Court concluded that
18 the theory of agency was not substantiated by the testimony. Transcript 9/26/85, p. 58-59,
19 63.

20 The police agent and bribery claims were first raised 27 years ago at trial. Angela
21 Saldana's testimony with police officers and the District Attorney's Office was testified to at
22 trial. These claims were raised and repeated at each of the successive penalty hearings.
23 Then, in the 2003 habeas proceedings, JoNell Thomas again made the same allegations and
24 obtained declarations from John Lucas, Robert Peoples, Deborah Samples, and Angela
25 Saldana in support of her claims which were all denied. These claims were deemed
26 procedurally barred without a showing of good cause and prejudice which was subsequently
27 affirmed on appeal.
28

1 Moore fails to account for the entire length of the delay occurring after any new facts
2 in support of a Brady violation became reasonably available to him, in particular the time
3 during Flanagan's litigation of these same claims and Moore's pursuit of federal habeas
4 relief. Had this current petition been timely filed once the new facts were discovered or
5 became available, the petition would still fail to demonstrate good cause for re-raising claims
6 of government misconduct in withholding impeachment evidence and procuring allegedly
7 false testimony from Angela Saldana. The testimony provided by Angela Saldana was
8 already impeached and discredited at trial and anything new the defense has supposedly
9 discovered fails to materially alter the state of evidence in the case. Additionally, because
10 Moore has failed to provide any explanation that accounts for the entire length of his delay,
11 there is no good cause and the petition is dismissed.

12 The vast majority of Moore's factual theory regarding Saldana's testimony has long
13 been known and was in fact presented to the jury and raised in prior post-conviction claims.
14 None of Moore's allegations constitute material exculpatory evidence withheld from the
15 defense. Angela Saldana's "uncle," Robert Peoples, was apparently a high-profile character
16 in Las Vegas at the time whose history was documented in old newspaper articles Moore
17 included in his appendix. According to the newspaper, Peoples was a convicted murderer
18 who subsequently worked as an Investigator in the public defender's office and then as an
19 informant in the Bramlet murder case in cooperation with then homicide detective, Beecher
20 Avants.

21 Robert Peoples ended up marrying Wendy Hanley (now Mazaros), the 21-year old
22 wife of Tom Hanley, the man he betrayed and helped convict of the Bramlet murder. Both
23 Wendy Mazaros and Amy Hanley-Peoples had strong motive against Robert Peoples and
24 Beecher Avants as the men who betrayed and helped convict their husband and father, Tom
25 Hanley, of murder. Regardless of whether such facts were "new" to the federal public
26 defender, Moore failed to show that local counsel at the time was not aware of this public
27 and high-profile background in what amounted to a relatively small legal community in the
28 1980's.

1 The involvement of Angela Saldana's aunt and uncle in the Bramlet murder in 1977
2 has little to no connection with the current case. This Court agrees with the State's position
3 that it was Angela Saldana, not Robert Peoples, who was a witness and testified in Moore's
4 murder trial. Accordingly, it was her motivation and relationship with law enforcement that
5 was at issue, not that of Robert Peoples. Whether Angela's uncle had other motives in
6 getting Angela to assist law enforcement was simply not relevant nor exculpatory. The
7 declarations from Wendy and Amy simply indicate that Robert Peoples pressured Angela
8 Saldana to testify and told her what to say based on apparent police reports he had. Even if
9 true, this does not establish that Angela felt coerced or that she testified falsely. Angela
10 Saldana's testimony could have been compelled by issuance of a material witness warrant.
11 Pressuring someone to testify is not the same thing as pressuring them to testify falsely, and
12 Moore failed to provide evidence of the latter.

13 It was well-known from the record that Angela Saldana expected to be paid \$2,000
14 for her work as an informant; she and her family had close ties to law enforcement; and she
15 and her family had ties directly with the District Attorney's Office through family friend and
16 district attorney investigator Beecher Avants. The facts Moore alleged in the current petition
17 were available 27 years ago as common knowledge in the legal community, publicly
18 available in newspapers, or available through known witnesses. That Moore subsequently
19 discovered these allegedly new facts on his own from public sources and belated witness
20 interviews belies any claim that they were withheld by the State, even assuming that Wendy
21 Mazaros made herself difficult to locate. Moore has failed to allege what impediment
22 external to the defense prevented him from interviewing witnesses and acquiring these
23 details sooner.

24 Moore's claim that Angela Saldana was the only one to incriminate Moore is belied
25 by the record. Her testimony was corroborated through several other witnesses including
26 Rusty Havens, Lisa Licata, Michelle Gray, Tom Akers, and John Lucas. Angela Saldana
27 testified at least four times against Moore at trial and penalty hearings and her testimony has
28

1 been consistent throughout as to what she saw and heard. Moore's suggestion that Wendy
2 and Amy held suspicions to the contrary is belied by the record.

3 The newly alleged facts are merely cumulative and not material enough to have
4 affected the outcome of the case. Angela Saldana's lack of credibility and impeachment of
5 testimony at trial has been repeatedly found by the Court to not alter the "overwhelming"
6 evidence of Moore's culpability. Moore v. State, 104 Nev. 105, 754 P.2d 836 (1988) (Moore
7 I)("The record contains *overwhelming* evidence that nineteen year old Flanagan and his co-
8 defendants planned to kill the Gordons in an effort to obtain insurance proceeds and an
9 inheritance"); Moore v. State, 107 Nev. 243, 810 P.2d 759 (1991) (Moore II)("The evidence
10 of aggravating circumstances was *overwhelming* and clearly outweighed the mitigating
11 circumstances found by the jury"); Moore v. State, 112 Nev. 1409, 930 P.2d 691 (1996)
12 (Moore IV)("We characterized the evidence against Flanagan and Moore as '*overwhelming*'
13 in our first opinion in this case. There is no reason to change that characterization now").
14 Accordingly, Moore's claim that the State withheld evidence of Angela Saldana's
15 inducements under Brady fails as good cause has not been established to overcome the
16 procedural bars in this case.

17 In Claims 21, 22, and 23, Moore claimed he was actually innocent of the death
18 penalty such that a fundamental miscarriage of justice overcame any applicable procedural
19 default bars. The Court has recognized that actual innocence may excuse procedural bars
20 when prejudice occurs from a failure to consider a claim that amounts to a fundamental
21 miscarriage of justice. However, the standard in place for that finding is that a Petitioner
22 must show by clear and convincing evidence that, but for a constitutional error, no
23 reasonable juror would have found him death eligible. Moore fails to meet this burden.

24 In Claim 21, Moore argued without any legal authority that there was no finding of
25 probable cause and he was given insufficient notice in the Information for the aggravating
26 circumstances. This claim was raised and denied in the prior post-conviction proceedings.
27 Therefore this claim is procedurally barred absent a showing of constitutional error.
28

1 In Claim 22, Moore challenged the application of the great risk of death aggravating
2 circumstance to his case. Notably, Moore has repeatedly challenged this aggravating
3 circumstance unsuccessfully in the prior post-conviction proceedings. The United States
4 Supreme Court has noted that actual innocence means factual innocence and not mere legal
5 insufficiency. Moore's argument against the interpretation and application of an aggravating
6 circumstance to his case advances no new facts but only a legal argument which is contrary
7 to Nevada precedent and against the law of the case. This claim is also procedurally barred
8 and fails in establishing an actual innocence claim.

9 In Claim 23, Moore complained of the Nevada Supreme Court's re-weighting analysis
10 after striking two of his aggravating circumstances in the last appeal (SC# 55091). But this
11 is a purely legal argument and fails to advance any new facts to establish a showing of
12 factual innocence. Furthermore, this Court cannot sit in judgment or appellate review of the
13 Nevada Supreme Court on the constitutionality of its re-weighting analysis. Any argument
14 against re-weighting should have been raised (and in fact was raised) in the last appeal and
15 the issue is now controlled by law of the case. The Court in Moore's appeal engaged in re-
16 weighting or analyzing harmless error the same way as the United States Supreme Court has
17 and this Court will not review that finding as it is controlled by the law of the case.

18 Moore's remaining good cause claims fail to explain the delay in filing the instant
19 successive petition and are not supported by law. No impairment for Moore to raise claims
20 has been found by this court from the judge's denial of an evidentiary hearing. An
21 evidentiary hearing would only be necessary had Moore asserted specific factual allegations
22 not belied nor repelled by the record. Moore did not meet this standard and so he received no
23 evidentiary hearing. This court's denial of an evidentiary hearing was affirmed in the last
24 appeal and the issue is now controlled by law of the case.

25 Moore also contended that he was entitled to "cumulative consideration" of all prior
26 constitutional issues in conducting any harmless error analysis. Moore fails to articulate good
27 cause through his request of "cumulative consideration" of harmless error. There is no
28 showing of individual errors, let alone cumulatively.

1 Finally, Moore's claim of "constitutional considerations" is unavailing as good cause.
2 The Nevada Supreme Court has repeatedly upheld Nevada's procedural bars against attacks
3 that they are unconstitutional or are applied in an arbitrary and capricious manner. The
4 Court has also held that statutory procedural rules to post-conviction habeas petitions are
5 mandatory and have been consistently applied. Moore's assertion in this regard have been
6 soundly and repeatedly rejected by the Nevada Supreme Court. Thus, this Court finds these
7 claims are procedurally barred.

8 CONCLUSIONS OF LAW

9 Unless there is good cause shown for delay, a petition that challenges the validity of a
10 judgment or sentence must be filed within 1 year after entry of the judgment of conviction
11 or, if an appeal has been taken from the judgment, within one year after the Supreme Court
12 issues its remittitur. NRS 34.726. For the purposes of this subsection, good cause for delay
13 exists if the petitioner demonstrates to the satisfaction of the court: (a) That the delay is not
14 the fault of the petitioner; and (b) That dismissal of the petition as untimely will unduly
15 prejudice the petitioner.

16 In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902 (2002), the Nevada
17 Supreme Court rejected a habeas petition that was filed just two (2) days late, pursuant to the
18 "clear and unambiguous" mandatory provisions of NRS 34.726(1). Gonzales reiterated the
19 importance of filing the petition with the district court within the one-year mandate, absent a
20 showing of "good cause" for the delay in filing. Gonzales, 118 Nev. at 593, 590 P.3d at 902.
21 The one-year time bar is therefore strictly and exactly construed.

22 A petition may be dismissed if delay in the filing of the petition: (a) Prejudices the
23 respondent or the State of Nevada in responding to the petition, unless the petitioner shows
24 that the petition is based upon grounds of which the petitioner could not have had knowledge
25 by the exercise of reasonable diligence before the circumstances prejudicial to the State
26 occurred; or (b) Prejudices the State of Nevada in its ability to conduct a retrial of the
27 petitioner, unless the petitioner demonstrates that a fundamental miscarriage of justice has
28

1 occurred in the proceedings resulting in the judgment of conviction or sentence. NRS
2 34.800.

3 NRS 34.800 creates a rebuttable presumption of prejudice to the State if “[a] period
4 exceeding five (5) years between the filing of a judgment of conviction, an order imposing a
5 sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the
6 filing of a petition challenging the validity of a judgment of conviction....” The statute also
7 requires that the State plead laches in its motion to dismiss the petition. NRS 34.800.

8 A second or successive petition must be dismissed if the judge or justice determines
9 that it fails to allege new or different grounds for relief and that the prior determination was
10 on the merits or, if new and different grounds are alleged, the judge or justice finds that the
11 failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the
12 writ. NRS 34.810. The petitioner has the burden of pleading and proving specific facts that
13 demonstrate: (a) Good cause for the petitioner’s failure to present the claim or for presenting
14 the claim again; and (b) Actual prejudice to the petitioner.

15 In, Evans v. State, 117 Nev. 609, 646-647, 29 P.3d 498, 523 (2001), the Nevada
16 Supreme Court held that “[a] court must dismiss a habeas petition if it presents claims that
17 either were or could have been presented in an earlier proceeding, unless the court finds both
18 cause for failing to present the claims earlier or for raising them again and actual prejudice to
19 the petitioner.”

20 The Nevada Supreme Court has observed that “petitions that are filed many years
21 after conviction are an unreasonable burden on the criminal justice system. The necessity for
22 a workable system dictates that there must exist a time when a criminal conviction is final.”
23 Groesbeck v. Warden, 100 Nev. 259, 261, 679 P.2d 1268, 1269 (1984). In Lozada, the
24 Nevada Supreme Court stated: “Without such limitations on the availability of post-
25 conviction remedies, prisoners could petition for relief in perpetuity and thus abuse post-
26 conviction remedies. In addition, meritless, successive and untimely petitions clog the court
27 system and undermine the finality of convictions.” Lozada v. State, 110 Nev. 349, 358, 871
28 P.2d 944, 950 (1994). The Nevada Supreme Court also recognizes that “[u]nlike initial

1 petitions which certainly require a careful review of the record, successive petitions may be
2 dismissed based solely on the face of the petition.” Ford v. Warden, 111 Nev. 872, 882, 901
3 P.2d 123, 129 (1995). If the claim or allegation was previously available with reasonable
4 diligence, it is an abuse of the writ to wait to assert it in a later petition. McClesky v. Zant,
5 499 U.S. 467, 497-498 (1991).

6 The Nevada Supreme Court has specifically found that the district court has a duty to
7 consider whether the procedural bars apply to a post-conviction petition and not arbitrarily
8 disregard them. In State v. District Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005), the
9 Court held that “[a]pplication of the statutory procedural default rules to post-conviction
10 habeas petitions is mandatory,” and “cannot be ignored when properly raised by the State.”
11 Id. at 231, 233, 112 P.3d at 1074, 1075. “The necessity for a workable system dictates that
12 there must exist a time when a criminal conviction is final.” Id. at 231, 112 P.3d 1074
13 (citation omitted); see also State v. Haberstroh, 119 Nev. 173, 180-81, 69 P.3d 676, 681-82
14 (2003) (wherein the Nevada Supreme Court held that parties cannot stipulate to waive,
15 ignore or disregard the mandatory procedural default rules nor can they empower a court to
16 disregard them). A defendant is required to show good cause to overcome the procedural
17 bars before his petition may be considered on the merits.

18 As the Nevada Supreme Court noted in Pellegrini v. State, 117 Nev. 860, 34 P.3d 519,
19 530 (2001), “the legislative history of the habeas statutes shows that Nevada’s lawmakers
20 never intended for petitioners to have multiple opportunities to obtain post-conviction relief
21 absent extraordinary circumstances.” Furthermore, legislative imposition of statutory time
22 limits “evinces intolerance toward perpetual filing of petitions for relief, which clogs the
23 court system and undermines the finality of convictions.” Id. 34 P.3d at 529. Defendants are
24 entitled to “one time through the system absent extraordinary circumstances.” Id.

25 To show good cause for delay under NRS 34.726(1), a petitioner must demonstrate
26 the following: 1) “[t]hat the delay is not the fault of the petitioner” and 2) that the petitioner
27 will be “unduly prejudice[d]” if the petition is dismissed as untimely. NRS 34.726(1). To
28 avoid the procedural default under NRS 34.810, Defendant has the burden of pleading and

1 proving specific facts that demonstrate both good cause for his failure to present his claim in
2 earlier proceedings and actual prejudice. NRS 34.810; Hogan v. Warden, 109 Nev. 952,
3 959-60, 860 P.2d 710, 715-16 (1993).

4 Under the first requirement of both, "a petitioner must show that an impediment
5 external to the defense prevented him or her from complying with the state procedural
6 default rules." Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (citing
7 Pellegrini v. State, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001); Lozada v. State, 110
8 Nev. 349, 353, 871 P.2d 944, 946 (1994); Passanisi v. Director, Dep't Prisons, 105 Nev. 63,
9 66, 769 P.2d 72, 74 (1989). "An impediment external to the defense may be demonstrated
10 by a showing 'that the factual or legal basis for a claim was not reasonably available to
11 counsel, or that some interference by officials, made compliance impracticable.'" Id.
12 (quoting Murray v. Carrier, 477 U.S. 478, 488, 106 S.Ct. 2639 (1986) (citations and
13 quotations omitted)). Good cause for the delay is defined as "a substantial reason; one that
14 affords a legal excuse." Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

15 In Colley v. State, 105 Nev. 235, 773 P.2d 1229 (1989), the defendant argued that he
16 appropriately refrained from filing a state habeas petition during the four years he pursued a
17 federal writ of habeas corpus. The Nevada Supreme Court disagreed and held that the
18 pursuit of federal remedies do not constitute good cause to overcome state procedural bars.
19 Id.

20 The decisions of counsel are not an impediment external to the defense which can
21 constitute good cause. Hathaway, 119 Nev. at 252, 71 P.3d at 506.

22 Any claim of ineffective assistance of counsel must be raised in a timely manner or it
23 is procedurally barred under NRS 34.726(1) because it is raised more than 1 year after
24 remittitur from a defendant's direct appeal. Hathaway, 119 Nev. at 252-253, 71 P.3d at 506;
25 see also Edwards v. Carpenter, 529 U.S. 466, 452-53 (2000) (concluding that claim of
26 ineffective assistance of counsel cannot serve as cause for another procedurally defaulted
27 claim); Stewart v. LaGrand, 526 U.S. 115, 120 (1999) (concluding that ineffective assistance
28