

1 CODE NO. 2515  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 JOHN REESE PETTY, State Bar Number 10  
4 350 South Center Street, 5th Floor  
5 P.O. Box 11130  
6 Reno, Nevada 89520-0027  
7 (775) 337-4827  
8 Attorney for Defendant

Electronically Filed  
Mar 06 2015 09:04 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

9  
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

Case No. CR98-0074A

15 SHAWN RUSSELL HARTE,

Dept. No. 4

16 Defendant.

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**NOTICE OF APPEAL**

Shawn Russell Harte, the defendant above named, appeals to the Supreme Court of Nevada from the judgment of conviction entered in this action on February 2, 2015. This is not a Fast Track Appeal.

The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not contain the social security number of any person.

DATED this 1st day of March 2015.

JEREMY T. BOSLER  
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty  
JOHN REESE PETTY, Chief Deputy

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SHAWN RUSSELL HARTE (#61390)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

ADAM LAXALT  
Attorney General State of Nevada  
100 N. Carson Street  
Carson City, Nevada 89701

/s/ John Reese Petty  
JOHN REESE PETTY

1 CODE NO. 1310  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 JOHN REESE PETTY, State Bar Number 10  
4 350 South Center Street, 5th Floor  
5 P.O. Box 11130  
6 Reno, Nevada 89520-0027  
7 (775) 337-4827  
8 Attorney for Defendant

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10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
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12 IN AND FOR THE COUNTY OF WASHOE  
13

14 THE STATE OF NEVADA,

15 Plaintiff,

16 vs.

Case No. CR98-0074A

17 SHAWN RUSSELL HARTE,

Dept. No. 4

18 Defendant.  
19

20 **CASE APPEAL STATEMENT**

21 1. Appellant, SHAWN RUSSELL HARTE

22 2. This appeal is from a judgment of conviction entered on February 2, 2015, by the  
23 Honorable Connie J. Steinheimer, district judge.

24 3. The parties below were The State of Nevada, Plaintiff and SHAWN RUSSELL  
25 HARTE, Defendant.

26 4. The parties herein are SHAWN RUSSELL HARTE, Appellant and The State of  
Nevada, Respondent.

5. Counsel on appeal: For the Appellant, the Washoe County Public Defender's Office  
and John Reese Petty, Chief Appellate Deputy, 350 South Center Street, 5th Floor, P.O. Box

1 11130 Reno, Nevada 89520-0027, (775) 337-4827; and for the Respondent, the Washoe  
2 County District Attorney's Office, One South Sierra Street, Reno, Nevada 89501, (775) 337-  
3 5751.

4 6. Appointed counsel represented Appellant in the district court

5 7. Appointed counsel represents Appellant on appeal.

6 8. The Washoe County Public Defender was court-appointed for purposes of the penalty  
7 hearing held in this matter.  
8

9 9. An Indictment was filed on March 25, 1998.

10 10. On May 7, 1999, Mr. Harte was convicted by a jury of murder in the first degree with  
11 the use of a deadly weapon and robbery with the use of a deadly weapon and was sentenced to  
12 death. The Supreme Court affirmed the conviction and sentence. *Harte v. State*, 116 Nev. 1054,  
13 13 P.3d 420 (2000). On October 30, 2008, the Nevada Supreme Court determined that the  
14 aggravating circumstance, which was the basis for the death penalty, was invalid and remanded  
15 for a new penalty hearing. *State v. Harte*, 124 Nev. 969, 194 P.3d 1263 (2008). At that penalty  
16 hearing the jury returned a sentence of life in the Nevada Department of Corrections without  
17 the possibility of parole. On February 2, 2015, Judge Steinheimer entered a judgment imposing  
18 this sentence. She also imposed a like consecutive term for the use of a deadly weapon.  
19

20 11. Not applicable.

21 12. Not applicable.

22 13. Not applicable.

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25 ///

1 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not  
2 contain the social security number of any person.

3 DATED this 1st day of March 2015.  
4

5 JEREMY T. BOSLER  
6 WASHOE COUNTY PUBLIC DEFENDER

7 By: /s/ John Reese Petty  
8 JOHN REESE PETTY, Chief Deputy  
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SHAWN RUSSELL HARTE (#61390)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

TERRENCE P. MCCARTHY  
Chief Appellate Deputy  
Washoe County District Attorney's Office  
(E-mail)

ADAM LAXALT  
Attorney General State of Nevada  
100 N. Carson Street  
Carson City, Nevada 89701

DATED this 1st day of March 2015,

/s/ John Reese Petty  
JOHN REESE PETTY

1 CODE NO. 3868  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 JOHN REESE PETTY, State Bar Number 0010  
350 South Center Street, 5<sup>th</sup> Floor  
4 P.O. Box 11130  
Reno, Nevada 89520-0027  
5 (775) 337-4827  
Attorney for Defendant

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7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9  
10 THE STATE OF NEVADA,

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Case No. CR98-0074A

13 SHAWN RUSSELL HARTE,

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14 Defendant.  
15 \_\_\_\_\_ /

16 **REQUEST FOR TRANSCRIPT(S)**

17 TO: Molezzo Reporters and J. Schonlau and C. Amundson:<sup>1</sup>

18 SHAWN RUSSELL HARTE, defendant named above, requests preparation of a transcript  
19 of certain portions of the proceedings before the district court in this matter as follows:

20 December 17, 2014: Transcript of Proceedings: Pre-Trial Motions/Motion to Confirm Trial  
21 Date;

22 January 16, 2015: Transcript of Proceedings: Hearing on Jury Instructions;

23 January 21, 2015: Transcript of Proceedings: Hearing—Resolution of Outstanding Matters;

24 and,  
25  
26

1 January 26, 2015, January 27, 2015, January 28, 2015, January 29, 2015, January 30, 2015  
2 and February 2, 2015: Transcript of Proceedings: Penalty Phase Jury Trial (**excluding** the reading  
3 of jury instructions and jury selection, **but including** all hearings and/or meetings with counsel  
4 held outside the presence of the jury (including bench conferences), all meetings by the court with  
5 the jury with or without counsel present, opening statements and closing arguments of counsel, all  
6 trial testimony, the settling of jury instructions, and the return of the jury's verdict).

8 This notice requests a transcript of only those portions of the district court proceedings  
9 which counsel reasonably and in good faith believes are necessary to determine whether appellate  
10 issues are present. Voir dire examination of jurors, opening statements and closing arguments of  
11 trial counsel, and the reading of jury instructions shall not be transcribed unless specifically  
12 requested above, which, with the exception of the reading of jury instructions, they are.

13 I recognize that I must personally serve a copy of this form on the above named reporter and  
14 opposing counsel, and that the above named court reporter shall have 20 days from the receipt of  
15 this notice to prepare and submit to the district court and counsel the draft transcript requested  
16 herein.  
17

18 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not  
19 contain the social security number of any person.

20 DATED this 1st day of March 2015.

21 JEREMY T.BOSLER  
22 WASHOE COUNTY PUBLIC DEFENDER

23 By: /s/ John Reese Petty  
24 JOHN REESE PETTY  
25 Chief Deputy

26 <sup>1</sup> Except for the hearing held on January 21, 2015—which was reported by C. Amundson—all  
requested hearing and penalty phase transcripts were reported by J. Schonlau.



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SHAWN RUSSELL HARTE (#61390)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

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**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR98-0074A**

**DEPT. D4**

**HON. CONNIE J. STEINHEIMER**

Report Date & Time

3/5/2015

8:27:43AM

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)**

<b>Case ID:</b>	<b>CR98-0074A</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>1/9/1998</b>
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**Parties**

PLTF	STATE OF NEVADA - STATE
DA	Matthew Lee, Esq. - 10654
DA	Thomas W. Barb, Esq. - 4523
DA	Zach Young, Esq. - 9227
DEFT	SHAWN RUSSELL HARTE - @80809
PD	Maizie Whalen Pusich, Esq. - 2808
PD	Cheryl Bond, Esq. - 3915
PD	Janet C. Schmuck, Esq. - 3906
PD	Jeremy T. Bosler, Esq. - 4925
PD	John Reese Petty, Esq. - 10

**Charges**

Charge No.	Charge Code	Charge Date	Charge Description
1	F720	1/15/1998	INF MURDER
2	F960	1/15/1998	INF ROBBERY WITH THE USE OF A FIREARM

**Plea Information**

Charge No.	Plea Code	Plea Date	Plea Description
1	F720	4/7/1998	PLED NOT GUILTY
2	F960	4/7/1998	PLED NOT GUILTY

**Sentences**

Date	Charge No.	Charge Desc	Time Served	Sentence Text
2/2/2015	1	Life Without Poss of Parole		NDOC - LIFE WITHOUT THE POSSIBILITY OF PAROLE WITH CONSECUTIVE NDOC - LIFE WITHOUT THE POSSIBILITY OF PAROLE FOR USE OF DEADLY WEAPON; DNA TESTING; FEES
2/2/2015	2	Nevada State Prison		NDOC - MAX. 180 MOS, MIN. PAROLE 72 MOS, WITH CONSECUTIVE NDOC - MAX. 180 MOS, MIN. PAROLE 72 MOS FOR USE OF DEADLY WEAPON

**Release Information**

*Custody Status*

**Hearings**

Department	Event Description	Sched. Date & Time	Disposed Date
1 D4	STATUS HEARING	8/22/2013 16:15:00	8/22/2013

Event Extra Text: (TELEPHONIC)

**Disposition:**  
D435 8/22/2013  
MOTION TO SET SENTENCING HEARING SET - SHALL BE  
TELEPHONIC UNLESS THE DEFENSE SPECIFICALLY  
REQUESTS THE DEFENDANTS PRESENCE

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)****Case ID: CR98-0074A****Case Type: CRIMINAL****Initial Filing Date: 1/9/1998**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2	D4 MOTION TO SET SENTENCING	9/20/2013	10:45:00	9/20/2013
Event Extra Text:		<b>Disposition:</b> D425 9/20/2013 PENALTY BY JURY SET STATE'S COUNSEL ADVISED THE COURT THAT THE DEATH PENALTY IS NO LONGER AN OPTIONS IN THIS CASE MOTION PRACTICE MAY BE NEEDED DUE TO WITNESS UNAVAILABILITY DEFENDANT WAIVED PERSONAL APPEARANCES AT ANY HEARINGS PRIOR TO THE ACTUAL PENALTY HEARING AND SHALL PARTICIPATE TELEPHONICALLY - DEFENSE TO PREPARE APPROPRIATE ORDERS DEFENSE COUNSEL ADVISED THE COURT THAT ANY PRIOR CONFLICTS WITH THE PD'S OFFICE REPRESENTING THIS DEFENDANT NO LONGER EXIST - DEFENDANT HAS NO CONFLICT WITH THE PD'S OFFICE REPRESENTING HIM		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3	D4 STATUS HEARING	3/14/2014	10:00:00	3/14/2014
Event Extra Text: - TELEPHONIC		<b>Disposition:</b> D435 3/14/2014 DISCUSSION ENSUED REGARDING USE OF PRIOR ACT EVIDENCE NOT UTILIZED AT PRIOR PENALTY PHASE TRIAL COURT GRANTED REQUEST FOR UPDATED EVALUATION OF DEFENDANT TO BE COMPLETED - DCNSL TO SUBMIT ORDER TO COURT FOR SIGNATURE COURT FURTHER ORDERED PRE-TRIAL MOTIONS FILED BY 5/2/14, RESPONSES FILED BY 5/14/14, REPLIES BY 5/21/014 - EVIDENTIARY/ORAL ARGUMENT HEARING SET JURY INSTRUCTIONS DUE BY 7/28/14 VJOR DIRE QUESTIONS FOR JURY DUE BY 7/28/14 NEW STIPULATION AND ORDER FOR RECIPRICAL DISCOVERY TO BE SUBMITTED TO THE COURT FOR THE NEW PENALTY PHASE OTHER ACT EVIDENCE ISSUES SHALL BE BRIEF AS A PRE-TRIAL MOTION SO THERE IS CLARITY AS TO WHAT WAS PRESENTED PRIOR AND ANY NEW EVIDENCE		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
4	D4 CONFERENCE CALL	4/29/2014	14:15:00	4/29/2014
Event Extra Text: RE: SCHEDULING ISSUES		<b>Disposition:</b> D435 4/29/2014 BASED ON REQUEST OF D.CNSL AND NO OBJECTION BY THE STATE, MOTION DEADLINE EXTENDED COUNSEL TO CONTACT THE AA FOR D4 IN ORDER TO SET MOTION TO CONTINUE SENTENCING HEARING - DEFENDANT MAY APPEAR IN PERSON, BY TELEPHONE OR WAIVE APPEARANCE ENTIRELY		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
5	D4 PRE-TRIAL MOTIONS	6/13/2014	09:00:00	6/13/2014
Event Extra Text:		<b>Disposition:</b> D435 6/13/2014		

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)****Case ID: CR98-0074A****Case Type: CRIMINAL****Initial Filing Date:****1/9/1998**

MOTION TO CONTINUE PENALTY PHASE TRIAL  
 GRANTED IN ORDER FOR COUNSEL TO HAVE  
 ADDITIONAL TIME TO CONDUCT FURTHER MOTION  
 PRACTICES  
 NEW BRIEFING DEADLINES SET FORTH

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
6	D4	PENALTY HEARING- JURY	9/2/2014	10:00:00	6/13/2014

Event Extra Text: (2 WEEKS)

**Disposition:**  
 D845 6/13/2014

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
7	D4	Request for Submission	10/15/2014	09:55:00	11/24/2014

Event Extra Text: NOTICE OF OTHER ACT EVIDENCE TO BE  
 OFFERED FOR SENTENCING CONSIDERATION DURING PENALTY  
 PHASE

**Disposition:**  
 S200 11/24/2014  
 MOTION TO BE ADDRESSED AT 12/17/14 HEARING

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
8	D4	Request for Submission	10/15/2014	09:50:00	11/24/2014

Event Extra Text: MOTION IN LIMINE TO ADMIT EVIDENCE OF  
 CO-DEFENDANTS' SENTENCES DURING PENALTY PHASE

**Disposition:**  
 S200 11/24/2014  
 MOTION TO BE ADDRESSED AT 12/17/14 HEARING

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
9	D4	Request for Submission	10/15/2014	09:50:00	11/24/2014

Event Extra Text: MOTION IN LIMINE TO ALLOW HEARSAY  
 EVIDENCE DURING PENALTY PHASE

**Disposition:**  
 S200 11/24/2014  
 MOTION TO BE ADDRESSED AT 12/17/14 HEARING

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
10	D4	Request for Submission	12/17/2014	13:30:00	1/21/2015

Event Extra Text: - MOTION IN LIMINE TO ADMIT EVIDENCE OF  
 CO-DEFENDANTS' SENTENCES AND MOTION IN LIMINE  
 REGARDING INDIVIDUALIZED SENTENCING - TAKEN UNDER  
 ADVISEMENT AFTER ORAL ARGUMENTS

**Disposition:**  
 S200 1/21/2015

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
11	D4	PRE-TRIAL MOTIONS	12/17/2014	13:30:00	12/17/2014

Event Extra Text: /MOTION TO CONFIRM TRIAL DATE

**Disposition:**  
 D435 12/17/2014

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)**

**Case ID:** CR98-0074A **Case Type:** CRIMINAL **Initial Filing Date:** 1/9/1998

EVIDENCE AND ARGUMENTS PRESENTED REGARDING ALL PRE-TRIAL MOTIONS AND DECISIONS ON ALL EXCEPT MOTION FRO INDIVIDUAL SENTENCING, MOTION TO ALLOW CO-DEFENDANTS SENTENCES TO BE PRESENTED TO THE JURY AND MOTION IN LIMINE REGARDING PENALTY PHASE EVIDENCE ALL JURY INSTRUCTIONS SHALL BE SUBMITTED TO THE COURT NO LATER THAN JANUARY 12, 2015 AND A HEARING WAS SET FOR ARGUMENTS REGARDING THE JURY INSTRUCTIONS AND ANY OTHER ISSUES THAT MAY ARISE BETWEEN NOW AND THAT HEARING MOTION IN LIMINE REGARDING PENALTY PHASE EVIDENCE HELD IN ABEYANCE PENDING HEARING ON THE JURY INSTRUCTIONS ORAL APPLICATION TO TRANSFER DEFENDANT TO WCJ ON JANUARY 20, 2015 PENDING OUTCOME OF PENALTY PHASE TRIAL GRANTED

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
12	D4	HEARING...	1/16/2015	09:15:00	1/16/2015

Event Extra Text: (HRG RE: JURY INSTRUCTIONS)

**Disposition:**

D435 1/16/2015  
COUNSEL WORKING TOGETHER ON STIPULATION AND JURY INSTRUCTIONS AS TO THE PRIOR SENTENCING AND OVERTURNING OF SUCH SENTENCE - TO BE PROVIDED TO COURT ON 1/20/15  
EXHIBIT MARKING SET  
DISCUSSION ENSUED REGARDING THE MEMORANDUM P&A'S FILED BY THE DEFENSE - STATE TO FILE WRITTEN RESPONSE AS SOON AS POSSIBLE  
DISCUSSION ENSUED REGARDING WITNESSES TO BE CALLED AND SCHEDULE OF TRIAL  
STATE TO PROVIDE OTHER ACT EVIDENCE JURY INSTRUCTION TO DEFENSE AND COURT AS SOON AS POSSIBLE  
ADDITIONAL HEARING SET TO RESOLVE ANY OUTSTANDING ISSUES PRIOR TO TRIAL COMMNENCING

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
13	D4	EXHIBITS TO BE MARKED W/CLERK	1/21/2015	12:00:00	1/20/2015

Event Extra Text:

**Disposition:**

D844 1/20/2015

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
14	D4	HEARING...	1/21/2015	15:00:00	1/21/2015

Event Extra Text: - RESOLUTION OF OUTSTANDING MATTERS PRIOR TO TRIAL COMMENCING

**Disposition:**

D435 1/21/2015  
UPON AGREEMENT OF COUNSEL AS TO LANGUAGE, SPECIAL JURY INSTRUCTION A TO BE READ TO THE JURY PRIOR TO ANY EVIDENCE BEING PRESENTED  
COUNSEL AGREED UPON PROPOSED CURRATIVE INSTRUCTION REGARDING CHURCHILL COUNTY INCIDENT  
JURY INSTRUCTIONS ARGUMENTS PRESENTED  
DEFENDANT WAIVED RIGHT TO BE PRESENT AT EXHIBIT MARKING AND ANY OUTSTANDING ISSUES PRIOR TO THE JURY SELECTION

Case Description: STATE VS. SHAWN HARTE ET AL (D4)

Case ID:	CR98-0074A	Case Type:	CRIMINAL	Initial Filing Date:	1/9/1998
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	Department	Event Description	Sched. Date & Time		Disposed Date
15	D4	EXHIBITS TO BE MARKED W/CLERK	1/23/2015	09:30:00	1/23/2015
	Event Extra Text:		Disposition:		
			D596	1/23/2015	

	Department	Event Description	Sched. Date & Time		Disposed Date
16	D4	PENALTY HEARING- JURY	1/26/2015	13:00:00	1/26/2015
	Event Extra Text: (2 WEEKS)		Disposition:		
			D832	1/26/2015	

	Department	Event Description	Sched. Date & Time		Disposed Date
17	D4	TRIAL ONGOING	1/27/2015	08:15:00	1/27/2015
	Event Extra Text: - PENALTY PHASE		Disposition:		
			D832	1/27/2015	

	Department	Event Description	Sched. Date & Time		Disposed Date
18	D4	TRIAL ONGOING	1/28/2015	09:00:00	1/28/2015
	Event Extra Text: - PENALTY PHASE		Disposition:		
			D832	1/28/2015	

	Department	Event Description	Sched. Date & Time		Disposed Date
19	D4	TRIAL ONGOING	1/29/2015	09:00:00	1/29/2015
	Event Extra Text: - PENALTY PHASE		Disposition:		
			D832	1/29/2015	

	Department	Event Description	Sched. Date & Time		Disposed Date
20	D4	TRIAL ONGOING	1/30/2015	13:30:00	1/30/2015
	Event Extra Text: - PENALTY PHASE		Disposition:		
			D832	1/30/2015	

	Department	Event Description	Sched. Date & Time		Disposed Date
21	D4	TRIAL ONGOING	2/2/2015	09:00:00	2/2/2015
	Event Extra Text: - PENALTY PHASE		Disposition:		
			D765	2/2/2015	

PURSUANT TO JURY VERDICT

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
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Actions			
Action Entry Date	Code	Code Description	Text
1/15/1998	1800	Information	
1/20/1998	1250	Application for Setting	

Case Description: STATE VS. SHAWN HARTE ET AL (D4)			
Case ID:	CR98-0074A	Case Type:	CRIMINAL
		Initial Filing Date:	1/9/1998
1/22/1998	MIN	***Minutes	
2/3/1998	2490	Motion ...	MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST
2/3/1998	2610	Notice ...	NOTICE OF STATE'S INTENT TO SEEK DEATH PENALTY
2/5/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST
2/10/1998	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST
2/13/1998	1250	Application for Setting	
2/17/1998	4185	Transcript	ARRAIGNMENT - JAN. 22, 1998
2/26/1998	MIN	***Minutes	
3/5/1998	3370	Order ...	
3/6/1998	1775	General Receipt	
3/25/1998	3370	Order ...	
3/25/1998	1300	Bench Warrant Filed-Case Clsd	
3/25/1998	1795	Indictment	
3/30/1998	1250	Application for Setting	
3/31/1998	3735	Receipt	
3/31/1998	4189	Grand Jury Transcript	
3/31/1998	4185	Transcript	MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST - FEB. 26, 1998
3/31/1998	1301	Bench Warrant Filed -Case Open	
4/7/1998	MIN	***Minutes	
4/8/1998	3735	Receipt	
5/18/1998	4185	Transcript	ARRAIGNMENT - APRIL 7, 1998
6/12/1998	1830	Joinder...	JOINDER IN MOTION FOR SEVERANCE
6/30/1998	2490	Motion ...	MOTION TO RELEASE EVIDENCE
7/20/1998	1250	Application for Setting	
8/4/1998	MIN	***Minutes	
8/20/1998	4185	Transcript	MOTION TO RELEASE EVIDENCE - AUG. 4, 1998
8/20/1998	2610	Notice ...	SECOND NOTICE OF STATE'S INTENT TO SEEK DEATH PENALTY
8/31/1998	3880	Response...	THE STATE OF NEVADA'S RESPONSE TO DEFENDANT SIREX'S MOTIONS: FOR ADDITONAL PEREMPTC
9/25/1998	2480	Mtn to Suppress...	MOTION TO SUPPRESS DEFENDANT'S STATEMENTS
10/21/1998	3790	Reply to/in Opposition	REPLY ON MOTION TO SUPPRESS DEFENDANT'S STATEMENTS
10/22/1998	MIN	***Minutes	
10/22/1998	3735	Receipt	
10/29/1998	4185	Transcript	STATUS CONFERENCE - OCT. 22, 1998
10/29/1998	1830	Joinder...	JOINDER IN MOTION
11/2/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DECLARE THE DEATH PENALTY STATUTES UNCONSTITIUTIONAL' AND O
12/10/1998	3370	Order ...	RELEASING TAXI CAB TO ROY STREET
1/7/1999	1955	Memorandum Points&Authorities	* SEALED * MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR EXPENSES
1/7/1999	1075	Affidavit ...	* SEALED * AFFIDAVIT OF JOHN OHLSON
1/8/1999	MIN	***Minutes	

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)**

<b>Case ID:</b>	<b>CR98-0074A</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>1/9/1998</b>
1/12/1999	4185	Transcript	PRETRIAL MOTIONS - JAN. 8, 1999		
1/15/1999	4055	Subpoena			
1/15/1999	4055	Subpoena			
1/15/1999	4055	Subpoena			
1/15/1999	4055	Subpoena			
1/19/1999	3370	Order ...	* SEALED * EX PARTE ORDER FOR EXPENSES		
1/22/1999	2610	Notice ...	NOTICE OF FACTS IN AGGRAVATION PURSUANT TO AMENDED SUPREME COURT RULE 250 (4)(c)		
1/28/1999	MIN	***Minutes			
2/2/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO PRECLUDE OR LIMIT PHOTOGRAPHS		
2/3/1999	1830	Joinder...	JOINDER IN MOTION		
2/9/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO STRIKE THE AGGRAVATING CIRCUMSTANCE AND TO DISMISS THE STAT		
2/9/1999	4185	Transcript	PRE-TRIAL MOTIONS - JAN. 28, 1999		
2/10/1999	2610	Notice ...	NOTICE OF ADDITIONAL STATEMENT OF DEFENDANT SHAWN RUSSEL HARTE		
2/12/1999	1067	Affidavit of Service			
2/12/1999	3370	Order ...			
2/16/1999	2490	Motion ...	CONCURRENCE IN MOTION		
2/22/1999	MIN	***Minutes			
2/23/1999	1610	Disclosure of Expert Witness			
2/23/1999	2610	Notice ...	NOTICE OF INTENT TO CALL EXPERT WITNESSES		
2/26/1999	2610	Notice ...	NOTICE OF EVIDENCE PURUSANT TO NEVADA SUPREME COURT RULE 250 (4)(F)		
3/4/1999	3940	Special Instruction ...	SPECIAL JUROR INSTRUCTION "A" AND SPECIAL JUROR QUESTIONNAIRE		
3/4/1999	3370	Order ...			
3/5/1999	4185	Transcript	MOTIONS - FEB. 22, 1999		
3/5/1999	2592	Notice of Witnesses			
3/8/1999	3880	Response...	DEFENDANT BABB'S RESPONSES TO SPECIALJUROR QUESTIONNAIRE DATED MARCH 4, 1999		
3/8/1999	3880	Response...	DEFENDANT HARTE'S RESPONSES TO SPECIAL JUROR QUESTIONNAIRE DATED MARCH 4, 1999		
3/8/1999	3880	Response...	STATE'S RESPONSES TO SPECIAL JUROR QUESTIONNAIRE DATED MARCH 4, 1999		
3/8/1999	MIN	***Minutes			
3/8/1999	3940	Special Instruction ...	SPECIAL JUROR INSTRUCTIONS "A" AND SPECIAL JUROR QUESTIONNAIRE		
3/8/1999	2592	Notice of Witnesses	DEFENDANT'S WITNESS LIST		
3/9/1999	MIN	***Minutes			
3/10/1999	4185	Transcript	JURY SELECTION - MARCH 8, 1999		
3/10/1999	2245	Mtn in Limine	MOTION IN LIMINE TO EXCLUDE DEFENDANT HARTE'S EXPERT WITNESS		
3/11/1999	MIN	***Minutes	MARCH 11, 12, 1999		
3/12/1999	2592	Notice of Witnesses			
3/12/1999	4185	Transcript	MOTIONS - MARCH 11, 1999		
3/15/1999	4185	Transcript	MOTIONS - MARCH 12, 1999		
3/15/1999	MIN	***Minutes	JURY TRIAL - MARCH 15 - 24, 1999		
3/16/1999	4185	Transcript	JURY TRIAL (VOLUME I) - MARCH 15, 1999		



**Case Description: STATE VS. SHAWN HARTE ET AL (D4)**

Case ID:	CR98-0074A	Case Type:	CRIMINAL	Initial Filing Date:	1/9/1998
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3/17/1999	4185	Transcript	JURY TRIAL (VOLUME II) - MARCH 16, 1999
3/17/1999	4185	Transcript	IN CHAMBERS HEARING - MARCH 9, 1999
3/18/1999	4185	Transcript	TRIAL (VOLUME III) - MARCH 17, 1999
3/19/1999	1885	Jury Instructions	
3/19/1999	4185	Transcript	TRIAL (VOLUME IV) - MARCH 18, 1999
3/19/1999	4245	Verdict(s)...	COUNT II - GUILTY
3/19/1999	1892	Jury Question, No Response	
3/19/1999	4235	Unused Verdict Form(s)...	
3/19/1999	3370	Order ...	
3/19/1999	1892	Jury Question, No Response	
3/19/1999	4245	Verdict(s)...	GUILTY - MURDER
3/19/1999	1890	Jury Question, Court Response	
3/19/1999	1890	Jury Question, Court Response	
3/22/1999	4185	Transcript	TRIAL (VOLUME V) - MARCH 19, 1999
3/23/1999	3373	Other ...	DEFENDANTS JOINT OFFERED CAUTIONARY INSTRUCTION D
3/23/1999	3755	Refused Instructions-Deft	DEFENDANT HARTE'S OFFERED INSTRUCTION A
3/23/1999	4185	Transcript	PENALTY HEARING (VOLUME VI) - MARCH 22, 1999
3/23/1999	1892	Jury Question, No Response	
3/24/1999	1892	Jury Question, No Response	
3/24/1999	1890	Jury Question, Court Response	
3/24/1999	1892	Jury Question, No Response	
3/24/1999	1892	Jury Question, No Response	
3/24/1999	1890	Jury Question, Court Response	
3/24/1999	3373	Other ...	CAUTIONARY INSTRUCTION A
3/24/1999	4245	Verdict(s)...	
3/24/1999	1885	Jury Instructions	
3/25/1999	4185	Transcript	PENALTY HEARING (VOLUME VIII) - MARCH 24, 1999
3/29/1999	3370	Order ...	* SEALED * EX PARTE ORDER FOR COMPENSATION
3/29/1999	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR COMPENSATION
4/23/1999	3370	Order ...	* SEALED * EX PARTE ORDER FOR COMPENSATION
4/23/1999	3860	Request for Submission	
4/23/1999	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR COMPENSATION
4/27/1999	4185	Transcript	PENALTY HEARING (VOLUME VII) - MARCH 23, 1999
5/7/1999	4292	Warrant of Execution	
5/7/1999	3138	Order of Committal or Release	
5/7/1999	3143	Order of Execution	
5/7/1999	1315	** Case Closed	
5/7/1999	1850	Judgment of Conviction	
5/7/1999	4500	PSI - Confidential	

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Case ID:	CR98-0074A	Case Type:	CRIMINAL	Initial Filing Date: 1/9/1998
5/7/1999	MIN	***Minutes		
5/10/1999	4185	Transcript	SENTENCING - MAY 7, 1999	
5/17/1999	2490	Motion ...	MOTION FOR ORDER ALLOWING WITHDRAWAL OF TRIAL COUNSEL	
5/17/1999	1075	Affidavit ...	JOINT AFFIDAVIT OF JOHN OHLSON AND JOHN SPRINGGATE	
5/17/1999	1075	Affidavit ...	JOINT AFFIDAVIT OF JOHN OHLSON AND JOHN SPRINGGATE	
8/5/1999	1356	Certificate of Mailing		
8/5/1999	3370	Order ...		
2/23/2000	1365	Certificate of Transmittal		
2/23/2000	4125	Supreme Court Order...		
1/5/2001	4111	Supreme Ct Clk's Cert & Judg		
1/5/2001	4145	Supreme Court Remittitur		
1/5/2001	4120	Supreme Court Opinion		
1/30/2001	1075	Affidavit ...	AFFIDAVIT CERTIFYING COMPLIANCE WITH SCR 250(3)(a)	
5/28/2003	IMG	**Entered/Imaged on Wrong Case	Twhite - June 15, 2010 - Moved to CR98P0074A	
9/10/2003	IMG	**Entered/Imaged on Wrong Case	Twhite - 06/15/10 - Moved to CR98P0074A	
9/19/2003	IMG	**Entered/Imaged on Wrong Case	Twhite - June 15, 2010 - Moved to CR98P0074A	
5/18/2004	PAYRC	**Payment Received	A Payment of -\$128.24 was made on receipt DCDC123164.	
10/18/2005	IMG	**Entered/Imaged on Wrong Case	Twhite - June 15, 2010 - Moved to CR98P0074A	
11/29/2011	PAYRC	**Payment Received	A Payment of -\$225.12 was made on receipt DCDC338166.	
8/20/2013	NEF	Proof of Electronic Service	Transaction 3937622 - Approved By: NOREVIEW : 08-20-2013:16:13:15	
8/20/2013	1250E	Application for Setting eFile	STATUS HEARING (TELEPHONIC) - AUGUST 22, 2013 AT 4:15 P.M. - Transaction 3937503 - Approved By: N	
8/21/2013	2520	Notice of Appearance	MAIZIE PUSICH, PD - Transaction 3941002 - Approved By: JYOST : 08-21-2013:15:51:18	
8/21/2013	NEF	Proof of Electronic Service	Transaction 3941344 - Approved By: NOREVIEW : 08-21-2013:15:57:02	
9/9/2013	NEF	Proof of Electronic Service	Transaction 3980574 - Approved By: NOREVIEW : 09-09-2013:11:25:31	
9/9/2013	2520	Notice of Appearance	CHERYL BOND - Transaction 3980952 - Approved By: SHAMBRIG : 09-09-2013:13:45:32	
9/9/2013	3340	Ord to Produce Prisoner	Transaction 3980567 - Approved By: NOREVIEW : 09-09-2013:11:23:55	
9/9/2013	NEF	Proof of Electronic Service	Transaction 3979872 - Approved By: NOREVIEW : 09-09-2013:09:24:13	
9/9/2013	1260	Application Produce Prisoner	Transaction 3979848 - Approved By: SHAMBRIG : 09-09-2013:09:21:53	
9/9/2013	NEF	Proof of Electronic Service	Transaction 3981097 - Approved By: NOREVIEW : 09-09-2013:13:47:48	
9/11/2013	MIN	***Minutes	TELEPHONIC STATUS HEARING - 8/22/13 - Transaction 3987944 - Approved By: NOREVIEW : 09-11-2013:1:	
9/11/2013	NEF	Proof of Electronic Service	Transaction 3987961 - Approved By: NOREVIEW : 09-11-2013:13:41:11	
9/24/2013	4185	Transcript	Motion to Set Sentencing - Transaction 4016310 - Approved By: NOREVIEW : 09-24-2013:09:25:03	
9/24/2013	NEF	Proof of Electronic Service	Transaction 4016323 - Approved By: NOREVIEW : 09-24-2013:09:27:14	
10/2/2013	MIN	***Minutes	MOTION TO SET PENALTY PHASE - 9/20/13 - Transaction 4038830 - Approved By: NOREVIEW : 10-02-2013	
10/2/2013	NEF	Proof of Electronic Service	Transaction 4038848 - Approved By: NOREVIEW : 10-02-2013:16:03:39	
10/20/2013	NEF	Proof of Electronic Service	Transaction 4078199 - Approved By: NOREVIEW : 10-20-2013:13:29:27	
10/20/2013	4185	Transcript	IN-CHAMBERS TELEPHONIC CONFERENCE - AUGUST 22, 2013 - Transaction 4078198 - Approved By: NO	
12/13/2013	NEF	Proof of Electronic Service	Transaction 4196930 - Approved By: NOREVIEW : 12-13-2013:10:02:57	
12/13/2013	NEF	Proof of Electronic Service	Transaction 4197271 - Approved By: NOREVIEW : 12-13-2013:10:50:04	

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Case ID:	CR98-0074A	Case Type:	CRIMINAL	Initial Filing Date:	1/9/1998
12/13/2013	2715	Ord Appointing Counsel	ORDER APPOINTING COUNSEL - WASHOE COUNTY PUBLIC DEFENDER'S OFFICE - Transaction 4197264		
12/13/2013	3370	Order ...	ORDER FOR TELEPHONIC APPEARANCE - Transaction 4196920 - Approved By: NOREVIEW : 12-13-2013:1		
3/24/2014	MIN	***Minutes	STATU HEARING - 3/14/14 - Transaction 4356457 - Approved By: NOREVIEW : 03-24-2014:13:59:41		
3/24/2014	NEF	Proof of Electronic Service	Transaction 4356469 - Approved By: NOREVIEW : 03-24-2014:14:01:56		
4/1/2014	NEF	Proof of Electronic Service	Transaction 4369018 - Approved By: NOREVIEW : 04-01-2014:16:36:57		
4/1/2014	4050	Stipulation ...	STIPULATION FOR ADDITIONAL DISCOVERY - Transaction 4368923 - Approved By: JYOST : 04-01-2014:16		
4/8/2014	3105	Ord Granting ...	ORDER GRANTING STIPULATION FOR ADDITIONAL DISCOVERY - Transaction 4376999 - Approved By: NC		
4/8/2014	NEF	Proof of Electronic Service	Transaction 4377003 - Approved By: NOREVIEW : 04-08-2014:08:29:56		
4/8/2014	3696	Pre-Trial Order	Transaction 4378832 - Approved By: NOREVIEW : 04-08-2014:17:02:52		
4/8/2014	NEF	Proof of Electronic Service	Transaction 4378836 - Approved By: NOREVIEW : 04-08-2014:17:03:54		
4/11/2014	3370	Order ...	REGARDING PSYCHIATRIC EVALUATION - Transaction 4383443 - Approved By: NOREVIEW : 04-11-2014:1		
4/11/2014	NEF	Proof of Electronic Service	Transaction 4383446 - Approved By: NOREVIEW : 04-11-2014:11:17:01		
4/27/2014	NEF	Proof of Electronic Service	Transaction 4404654 - Approved By: NOREVIEW : 04-27-2014:09:52:15		
4/27/2014	4185	Transcript	STATUS HEARING - MARCH 14, 2014 - Transaction 4404653 - Approved By: NOREVIEW : 04-27-2014:09:51::		
4/29/2014	NEF	Proof of Electronic Service	Transaction 4407406 - Approved By: NOREVIEW : 04-29-2014:11:25:09		
4/29/2014	1105	Amended Ord and/or Judgment	AMENDED ORDER REGARDING PSYCHIATRIC EVALUATION - Transaction 4407402 - Approved By: NOREVIEW		
5/3/2014	4185	Transcript	Telephonic conference - Transaction 4415503 - Approved By: NOREVIEW : 05-03-2014:09:47:18		
5/3/2014	NEF	Proof of Electronic Service	Transaction 4415504 - Approved By: NOREVIEW : 05-03-2014:09:48:18		
5/4/2014	NEF	Proof of Electronic Service	Transaction 4415525 - Approved By: NOREVIEW : 05-04-2014:16:48:46		
5/4/2014	4185	Transcript	Conference Call - Transaction 4415524 - Approved By: NOREVIEW : 05-04-2014:16:47:46		
5/19/2014	MIN	***Minutes	CONFERENCE CALL - 4/29/14 - Transaction 4438560 - Approved By: NOREVIEW : 05-19-2014:15:40:20		
5/19/2014	NEF	Proof of Electronic Service	Transaction 4438562 - Approved By: NOREVIEW : 05-19-2014:15:41:08		
7/2/2014	NEF	Proof of Electronic Service	Transaction 4502566 - Approved By: NOREVIEW : 07-02-2014:17:16:08		
7/2/2014	3696	Pre-Trial Order	FOR PENALTY PHASE BY JURY SCHEDULED 1/26/15 - Transaction 4502564 - Approved By: NOREVIEW : 0		
7/9/2014	4185	Transcript	6-13-14 Pre-Trial Motions - Transaction 4509579 - Approved By: NOREVIEW : 07-09-2014:14:23:06		
7/9/2014	NEF	Proof of Electronic Service	Transaction 4509585 - Approved By: NOREVIEW : 07-09-2014:14:24:04		
7/16/2014	MIN	***Minutes	PRE-TRIAL MOTIONS/MOTION TO CONTINUE PENALTY PHASE BY JURY - Transaction 4519724 - Approve		
7/16/2014	NEF	Proof of Electronic Service	Transaction 4519730 - Approved By: NOREVIEW : 07-16-2014:13:40:51		
9/2/2014	2245	Mtn in Limine	MOTION IN LIMINE REGARDING PENALTY PHASE EVIDENCE: NRS 175.552 - Transaction 4587372 - Appro		
9/2/2014	2245	Mtn in Limine	MOTION IN LIMINE REGARDING VOIR DIRE - Transaction 4587372 - Approved By: SHAMBRIG : 09-03-2014:		
9/3/2014	NEF	Proof of Electronic Service	Transaction 4587594 - Approved By: NOREVIEW : 09-03-2014:08:09:17		
9/18/2014	2610	Notice ...	NOTICE OF OTHER ACT EVIDENCE TO BE OFFERED FOR SENTENCING CONSIDERATION DURING PEN		
9/18/2014	NEF	Proof of Electronic Service	Transaction 4613222 - Approved By: NOREVIEW : 09-18-2014:11:52:59		
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612944 - Approved By: NOREVIEW : 09-18-2014:10:46:10		
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612941 - Approved By: NOREVIEW : 09-18-2014:10:43:23		
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612661 - Approved By: NOREVIEW : 09-18-2014:09:41:21		
9/18/2014	2245	Mtn in Limine	MOTION IN LIMINE TO ADMIT EVIDENCE OF CO-DEFENDANTS' SENTENCES DURING PENALTY PHASE		
9/18/2014	2245	Mtn in Limine	MOTION IN LIMINE TO ALLOW HEARSAY EVIDENCE DURING PENALTY PHASE - Transaction 4612354 - Aq		
9/18/2014	2245	Mtn in Limine	MOTION IN LIMINE REGARDING INDIVIDUALIZED SENTENCING - Transaction 4612750 - Approved By: SH/		

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Case ID:	CR98-0074A	Case Type:	CRIMINAL	Initial Filing Date:	1/9/1998
9/19/2014	2490	Motion ...	MOTION FOR USE OF JUROR QUESTIONNAIRE - Transaction 4616409 - Approved By: MCHOLICO : 09-22-		
9/22/2014	NEF	Proof of Electronic Service	Transaction 4616971 - Approved By: NOREVIEW : 09-22-2014:09:47:39		
9/29/2014	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE REGARDING INDIVIDUALIZED SENTENCING - Transaction 4628056 - /		
9/30/2014	NEF	Proof of Electronic Service	Transaction 4628803 - Approved By: NOREVIEW : 09-30-2014:08:43:47		
9/30/2014	2610	Notice ...	NOTICE OF ADDITIONAL COUNSEL FOR THE STATE: MATTHEW LEE IN ADDITION TO ZACH YOUNG - Tr		
9/30/2014	NEF	Proof of Electronic Service	Transaction 4629333 - Approved By: NOREVIEW : 09-30-2014:10:21:13		
10/1/2014	3880	Response...	RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION IN LIMINE REGARDING VOIR DIRE - Transaction		
10/1/2014	2650	Opposition to ...	OPPOSITION TO STATE'S MOTION IN LIMINE TO ALLOW HEARSAY EVIDENCE DURING PENALTY PHASI		
10/1/2014	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE REGARDING PENALTY PHASE EVIDENCE: NRS 175.552 - Transactio		
10/1/2014	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE TO ADMINT EVIDENCE OF CO-DEFT'S SENTENCES DURING PENAL		
10/1/2014	3880	Response...	RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR USE OF JUROR QUESTIONNAIRE - Transac		
10/1/2014	NEF	Proof of Electronic Service	Transaction 4632608 - Approved By: NOREVIEW : 10-01-2014:14:25:18		
10/1/2014	NEF	Proof of Electronic Service	Transaction 4633096 - Approved By: NOREVIEW : 10-01-2014:16:46:25		
10/2/2014	NEF	Proof of Electronic Service	Transaction 4633353 - Approved By: NOREVIEW : 10-02-2014:08:10:16		
10/2/2014	NEF	Proof of Electronic Service	Transaction 4633351 - Approved By: NOREVIEW : 10-02-2014:08:10:05		
10/2/2014	NEF	Proof of Electronic Service	Transaction 4633357 - Approved By: NOREVIEW : 10-02-2014:08:11:04		
10/7/2014	NEF	Proof of Electronic Service	Transaction 4641352 - Approved By: NOREVIEW : 10-07-2014:15:41:39		
10/7/2014	3795	Reply...	REPLY IN SUPPORT OF MOTION IN LIMINE REGARDING VOIR DIRE - Transaction 4641066 - Approved By:		
10/7/2014	NEF	Proof of Electronic Service	Transaction 4641215 - Approved By: NOREVIEW : 10-07-2014:15:20:11		
10/7/2014	3795	Reply...	REPLY IN SUPPORT OF MOTION IN LIMINE REGARDING PENALTY PHASE EVIDENCE: NRS 175.552 - Tra		
10/8/2014	3795	Reply...	REPLY TO DEFT'S OPPOSITION TO STATE'S MOTION IN LIMINE TO ADMIT EVIDENCE OF CO-DEFT'S SI		
10/8/2014	NEF	Proof of Electronic Service	Transaction 4643303 - Approved By: NOREVIEW : 10-08-2014:14:59:11		
10/8/2014	NEF	Proof of Electronic Service	Transaction 4643296 - Approved By: NOREVIEW : 10-08-2014:14:58:01		
10/8/2014	NEF	Proof of Electronic Service	Transaction 4642408 - Approved By: NOREVIEW : 10-08-2014:10:51:28		
10/8/2014	NEF	Proof of Electronic Service	Transaction 4643007 - Approved By: NOREVIEW : 10-08-2014:13:36:37		
10/8/2014	3795	Reply...	REPLY TO DEFT'S OPPOSITION TO STATE'S NOTICE OF OTHER ACT EVIDENCE TO BE OFFERED FOR :		
10/8/2014	3795	Reply...	REPLY IN SUPPORT OF MOTION IN LIMINE REGARDING INDIVIDUALIZED SENTENCING - Transaction 46-		
10/8/2014	3795	Reply...	REPLY IN SUPPORT OF MOTION FOR USE OF JUROR QUESTIONNAIRE - Transaction 4642749 - Approver		
10/14/2014	3860	Request for Submission	- Transaction 4652158 - Approved By: SHAMBRIG : 10-15-2014:09:31:32		
10/14/2014	3860	Request for Submission	- Transaction 4652157 - Approved By: SHAMBRIG : 10-15-2014:09:29:16		
10/14/2014	3860	Request for Submission	- Transaction 4652156 - Approved By: SHAMBRIG : 10-15-2014:09:32:33		
10/15/2014	NEF	Proof of Electronic Service	Transaction 4652540 - Approved By: NOREVIEW : 10-15-2014:09:33:22		
10/15/2014	NEF	Proof of Electronic Service	Transaction 4652534 - Approved By: NOREVIEW : 10-15-2014:09:32:22		
10/15/2014	NEF	Proof of Electronic Service	Transaction 4652525 - Approved By: NOREVIEW : 10-15-2014:09:30:02		
11/24/2014	3370	Order ...	MOTION IN LIMINE TO ADMIT EVIDENCE OF CO-DEFENDANTS' SENTENCING, MOTION IN LIMINE TO AL		
11/24/2014	S200	Request for Submission Complet	MOTION TO BE ADDRESSED AT 12/17/14 HEARING		
11/24/2014	S200	Request for Submission Complet	MOTION TO BE ADDRESSED AT 12/17/14 HEARING		
11/24/2014	NEF	Proof of Electronic Service	Transaction 4708907 - Approved By: NOREVIEW : 11-24-2014:11:57:25		
11/24/2014	S200	Request for Submission Complet	MOTION TO BE ADDRESSED AT 12/17/14 HEARING		

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)**

Case ID:	CR98-0074A	Case Type:	CRIMINAL	Initial Filing Date:	1/9/1998
12/17/2014	COC	Evidence Chain of Custody Form			
12/22/2014	1260	Application Produce Prisoner	Transaction 4746901 - Approved By: SHAMBRIG : 12-23-2014:08:16:29		
12/23/2014	NEF	Proof of Electronic Service	Transaction 4747819 - Approved By: NOREVIEW : 12-23-2014:11:43:19		
12/23/2014	3340	Ord to Produce Prisoner	Transaction 4747812 - Approved By: NOREVIEW : 12-23-2014:11:42:16		
12/23/2014	NEF	Proof of Electronic Service	Transaction 4747030 - Approved By: NOREVIEW : 12-23-2014:08:17:30		
12/26/2014	2565	Notice Intent Use Expt Witness	Transaction 4750741 - Approved By: MCHOLICO : 12-26-2014:08:02:35		
12/26/2014	NEF	Proof of Electronic Service	Transaction 4751554 - Approved By: NOREVIEW : 12-26-2014:15:21:40		
12/26/2014	NEF	Proof of Electronic Service	Transaction 4750749 - Approved By: NOREVIEW : 12-26-2014:08:03:31		
12/26/2014	4185	Transcript	Pre-trial motions - 12-17-14 - Transaction 4751552 - Approved By: NOREVIEW : 12-26-2014:15:20:50		
1/5/2015	2592	Notice of Witnesses	NOTICE OF EXPERT WITNESSES FOR PENALTY HEARING - Transaction 4759693 - Approved By: MCHOLICO : 01-05-2015:10:15:41		
1/6/2015	NEF	Proof of Electronic Service	Transaction 4760196 - Approved By: NOREVIEW : 01-06-2015:09:15:41		
1/12/2015	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES REGARDING JURY INSTRUCTIONS FOR PENALTY HEARING - Transaction 4768897 - Approved By: NOREVIEW : 01-12-2015:10:48:51		
1/12/2015	NEF	Proof of Electronic Service	Transaction 4768897 - Approved By: NOREVIEW : 01-12-2015:10:48:51		
1/13/2015	NEF	Proof of Electronic Service	Transaction 4771724 - Approved By: NOREVIEW : 01-13-2015:14:31:25		
1/13/2015	4205	Trial Statement...	DEFENDANT - Transaction 4771584 - Approved By: YLLOYD : 01-13-2015:14:30:31		
1/16/2015	NEF	Proof of Electronic Service	Transaction 4776411 - Approved By: NOREVIEW : 01-16-2015:08:17:28		
1/16/2015	2592	Notice of Witnesses	NOTICE OF WITNESSES FOR PENALTY HEARING - Transaction 4778173 - Approved By: YLLOYD : 01-20-2015:10:15:41		
1/16/2015	2592	Notice of Witnesses	Transaction 4776403 - Approved By: YLLOYD : 01-16-2015:08:16:31		
1/17/2015	4185	Transcript	Hearing on Instructions - 1-16-15 - Transaction 4778224 - Approved By: NOREVIEW : 01-17-2015:13:26:31		
1/17/2015	NEF	Proof of Electronic Service	Transaction 4778225 - Approved By: NOREVIEW : 01-17-2015:13:27:31		
1/20/2015	2650	Opposition to ...	OPPOSITION TO MEMORANDUM OF POINTS AND AUTHORITIES REGARDING JURY INSTRUCTIONS FOR PENALTY HEARING - Transaction 4780336 - Approved By: NOREVIEW : 01-20-2015:16:14:04		
1/20/2015	NEF	Proof of Electronic Service	Transaction 4778476 - Approved By: NOREVIEW : 01-20-2015:09:14:00		
1/20/2015	NEF	Proof of Electronic Service	Transaction 4778586 - Approved By: NOREVIEW : 01-20-2015:09:38:32		
1/20/2015	3660	Points&Authorities in Reply...	REPLY MEMORANDUM OF POINTS AND AUTHORITIES REGARDING JURY INSTRUCTIONS FOR PENALTY HEARING - Transaction 4782393 - Approved By: NOREVIEW : 01-21-2015:15:26:18		
1/21/2015	NEF	Proof of Electronic Service	Transaction 4782393 - Approved By: NOREVIEW : 01-21-2015:15:26:18		
1/21/2015	S200	Request for Submission Completed			
1/21/2015	3755	Refused Instructions-Deft	A AND B		
1/21/2015	3370	Order ...	ORDER GRANTING MOTION IN LIMINE TO ADMIT EVIDENCE OF CO-DEFENDANTS' SENTENCES DURING JURY TRIAL - Transaction 4787738 - Approved By: MCHOLICO : 01-26-2015:11:30:30		
1/26/2015	1930	Letters ...	JUROR NOTE PASSED TO JUDGE BEFORE BENCH CONFERENCE RESULTING IN COUNSEL STIPULATING TO GUILTY PLEA - Transaction 4787893 - Approved By: NOREVIEW : 01-26-2015:11:31:19		
1/26/2015	4220	Trial Statement - Plaintiff	Transaction 4787738 - Approved By: MCHOLICO : 01-26-2015:11:30:30		
1/26/2015	NEF	Proof of Electronic Service	Transaction 4787893 - Approved By: NOREVIEW : 01-26-2015:11:31:19		
1/26/2015	3940	Special Instruction ...	SPECIAL JURY INSTRUCTION A		
1/27/2015	NEF	Proof of Electronic Service	Transaction 4790067 - Approved By: NOREVIEW : 01-27-2015:11:07:13		
1/27/2015	3940	Special Instruction ...	READ PRIOR TO TESTIMONY BEING PRESENTED OF WITNESS ABRAHAM LEE		
1/27/2015	MIN	***Minutes	PENALTY PHASE JURY TRIAL - DAY ONE (1/26/15) - Transaction 4790063 - Approved By: NOREVIEW : 01-27-2015:11:07:13		
1/28/2015	MIN	***Minutes	PENALTY PHASE JURY TRIAL - DAY 2 (1/27/15) - Transaction 4792110 - Approved By: NOREVIEW : 01-28-2015:11:13:32		
1/28/2015	NEF	Proof of Electronic Service	Transaction 4792117 - Approved By: NOREVIEW : 01-28-2015:11:13:32		
1/29/2015	MIN	***Minutes	PENALTY PHASE JURY TRIAL - DAY 3 (1/28/15) - Transaction 4793955 - Approved By: NOREVIEW : 01-29-2015:11:13:32		

**Case Description: STATE VS. SHAWN HARTE ET AL (D4)**

<b>Case ID:</b>	<b>CR98-0074A</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>1/9/1998</b>
1/29/2015	NEF	Proof of Electronic Service	Transaction 4793963 - Approved By: NOREVIEW : 01-29-2015:09:56:22		
2/2/2015	COLL	Sent to Collections	02-FEB-2015		
2/2/2015	1850	Judgment of Conviction	Transaction 4799296 - Approved By: NOREVIEW : 02-02-2015:15:34:34		
2/2/2015	4245	Verdict(s)...	OF PENALTY		
2/2/2015	4235	Unused Verdict Form(s)...	OF PENALTY		
2/2/2015	4235	Unused Verdict Form(s)...	OF PENALTY		
2/2/2015	NEF	Proof of Electronic Service	Transaction 4798325 - Approved By: NOREVIEW : 02-02-2015:10:43:40		
2/2/2015	NEF	Proof of Electronic Service	Transaction 4798516 - Approved By: NOREVIEW : 02-02-2015:11:39:46		
2/2/2015	NEF	Proof of Electronic Service	Transaction 4799298 - Approved By: NOREVIEW : 02-02-2015:15:35:24		
2/2/2015	MIN	***Minutes	PENTALTY PHASE JURY TRIAL (DAY 4) - 1/29/15 - Transaction 4798320 - Approved By: NOREVIEW : 02-02-		
2/2/2015	MIN	***Minutes	PENALTY PHASE JURY TRIAL (DAY 5) - 1/30/15 - Transaction 4798504 - Approved By: NOREVIEW : 02-02-2		
2/2/2015	1885	Jury Instructions	1-20		
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800544 - Approved By: NOREVIEW : 02-03-2015:12:33:30		
2/3/2015	MIN	***Minutes	PENALTY PHASE JURY TRIAL (DAY 6) - 2/2/15 - Transaction 4800542 - Approved By: NOREVIEW : 02-03-20		
2/10/2015	MIN	***Minutes	PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE - 12/17/14 - Transaction 4812432 - Approved By: I		
2/10/2015	NEF	Proof of Electronic Service	Transaction 4812440 - Approved By: NOREVIEW : 02-10-2015:16:30:05		
2/19/2015	MIN	***Minutes	HEARING REGARDNG JURY INSTRUCTIONS - 1/16/15 - Transaction 4824614 - Approved By: NOREVIEW : (		
2/19/2015	MIN	***Minutes	HEARING REGARDING OUTSTANDING MATTERS - 1/21/15 - Transaction 4824863 - Approved By: NOREVIE		
2/19/2015	NEF	Proof of Electronic Service	Transaction 4824866 - Approved By: NOREVIEW : 02-19-2015:15:01:25		
2/19/2015	NEF	Proof of Electronic Service	Transaction 4824619 - Approved By: NOREVIEW : 02-19-2015:14:11:46		
2/27/2015	2520	Notice of Appearance	JOHN REESE PETTY FOR SHAWN RUSSELL HARTE - Transaction 4837205 - Approved By: YLLOYD : 02-27		
2/27/2015	NEF	Proof of Electronic Service	Transaction 4837541 - Approved By: NOREVIEW : 02-27-2015:11:29:53		
3/1/2015	1310	Case Appeal Statement	Transaction 4838934 - Approved By: YVILORIA : 03-02-2015:09:03:18		
3/1/2015	2515	Notice of Appeal Supreme Court	Transaction 4838933 - Approved By: YVILORIA : 03-02-2015:09:02:54		
3/1/2015	3868	Req to Crt Rptr - Rough Draft	Transaction 4838935 - Approved By: YVILORIA : 03-02-2015:09:03:35		
3/1/2015	2230	Mtn Trial Trans. Public Exp	Transaction 4838936 - Approved By: YVILORIA : 03-02-2015:09:03:52		
3/2/2015	NEF	Proof of Electronic Service	Transaction 4839115 - Approved By: NOREVIEW : 03-02-2015:09:04:53		
3/2/2015	NEF	Proof of Electronic Service	Transaction 4839116 - Approved By: NOREVIEW : 03-02-2015:09:04:54		
3/2/2015	NEF	Proof of Electronic Service	Transaction 4839112 - Approved By: NOREVIEW : 03-02-2015:09:04:22		
3/2/2015	NEF	Proof of Electronic Service	Transaction 4839108 - Approved By: NOREVIEW : 03-02-2015:09:03:48		
3/3/2015	NEF	Proof of Electronic Service	Transaction 4843068 - Approved By: NOREVIEW : 03-03-2015:15:49:27		
3/3/2015	NEF	Proof of Electronic Service	Transaction 4843074 - Approved By: NOREVIEW : 03-03-2015:15:50:12		
3/3/2015	3370	Order ...	REFERRING ABSENT JUROR TO PRESIDING TRIAL DEPARTMENT - Transaction 4843056 - Approved By: N		
3/3/2015	3370	Order ...	REFERRING ABSENT JUROR TO PRESIDING TRIAL DEPARTMENT - Transaction 4843065 - Approved By: N		
3/5/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4845825 - Approved By: I		

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR98P0074A**

**DEPT. D4**

**HON. CONNIE J. STEINHEIMER**

Report Date & Time

3/5/2015

8:38:00AM

**Case Description: POST: SHAWN RUSSELL HARTE (D4)**

<b>Case ID:</b>	<b>CR98P0074A</b>	<b>Case Type:</b>	<b>POST CONVICTION</b>	<b>Initial Filing Date:</b>	<b>2/27/2001</b>
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**Parties**

RESP	STATE OF NEVADA - STATE
PAAT	Scott W. Edwards, Esq. - 3400
RESP	SHAWN RUSSELL HARTE - @80809
PATY	Gary Howard Hatlestad, Esq. - 1525
PETR	SHAWN RUSSELL HARTE - @80809
APPE	STATE OF NEVADA - STATE
PATY	Thomas Qualls, Esq. - 8623
APPE	SHAWN RUSSELL HARTE - @80809
DA	Richard Allen Gammick, Esq. - 1510
DATY	Gary Howard Hatlestad, Esq. - 1525
DATY	Thomas Qualls, Esq. - 8623
DATY	Janet C. Schmuck, Esq. - 3906

**Charges**

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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**Release Information**

*Custody Status*

**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
1 D4	MOTION FOR ATTORNEY'S FEES	5/6/2002	09:30:00	5/6/2002

Event Extra Text: EX PARTE

**Disposition:**  
D425 5/6/2002

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2 D4	STATUS HEARING	8/13/2002	09:00:00	8/13/2002

Event Extra Text: RE: MTN FOR ENLARGEMENT OF TIME ON  
SUPPLEMENTAL PETITION

**Disposition:**  
D435 8/13/2002  
EXTENSION OF TIME GRANTED

**Case Description: POST: SHAWN RUSSELL HARTE (D4)**

Case ID:	CR98P0074A	Case Type:	POST CONVICTION	Initial Filing Date:	2/27/2001
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	Department	Event Description	Sched. Date & Time	Disposed Date
3	D4	MOTION ...	5/14/2003 17:15:00	5/14/2003

Event Extra Text: EX-PARTE

**Disposition:**  
D435 5/14/2003

	Department	Event Description	Sched. Date & Time	Disposed Date
4	D4	IN-CHAMBERS CONFERENCE	5/28/2003 13:30:00	5/28/2003

Event Extra Text: MOTION TO CONTINUE POST CONVICTION HEARING

**Disposition:**  
D435 5/28/2003  
MOTION TO CONTINUE POST CONVICTION HEARING  
GRANTED UPON NO OBJECTION BY THE STATE/ALL  
WITNESSES MUST BE SENT SUBPOENA/NO FURTHER  
CONTINUANCES WILL BE GRANTED

	Department	Event Description	Sched. Date & Time	Disposed Date
5	D4	PETITION FOR POST CONVICTION	6/27/2003 09:30:00	5/28/2003

Event Extra Text:

**Disposition:**  
D845 5/28/2003

	Department	Event Description	Sched. Date & Time	Disposed Date
6	D4	HEARING ON EX PARTE FILING	8/27/2003 15:30:00	8/27/2003

Event Extra Text: \*\*\*SEALED\*\*\*

**Disposition:**  
D435 8/27/2003  
MOTION GRANTED

	Department	Event Description	Sched. Date & Time	Disposed Date
7	D4	IN-CHAMBERS CONFERENCE	9/10/2003 10:30:00	9/10/2003

Event Extra Text: (COURT REPORTER NEEDED)

**Disposition:**  
D435 9/10/2003  
MOTION FOR CONTINUANCE OF HEARING DENIED/ANY  
HOLD-OVER WITNESSES AND DR. BITTKER SHALL BE  
HEARD ON 9/22/03 AT 10:00 A.M.

	Department	Event Description	Sched. Date & Time	Disposed Date
8	D4	PETITION FOR POST CONVICTION	9/19/2003 09:30:00	9/19/2003

Event Extra Text:

**Disposition:**  
D498 9/19/2003

	Department	Event Description	Sched. Date & Time	Disposed Date
9	D4	HEARING ONGOING	9/22/2003 10:00:00	9/22/2003

Event Extra Text: (PETITION FOR POST CONVICTION)

**Disposition:**  
D840 9/22/2003



**Case Description: POST: SHAWN RUSSELL HARTE (D4)****Case ID: CR98P0074A****Case Type: POST CONVICTION****Initial Filing Date: 2/27/2001**

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>10</b>	D4	Tickle Start Code	5/26/2004	07:00:00	5/26/2004

Event Extra Text: HAVE OBJECTIONS TO ORDER BEEN FILED?

**Disposition:**  
T200 5/26/2004

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>11</b>	D4	Tickle Start Code	7/26/2004	07:00:00	7/26/2004

Event Extra Text: HAS THE OBJECTIONS TO THE FINDINGS AND RESPONSE BEEN SUBMITTED BY COUNSEL?

**Disposition:**  
T200 7/26/2004  
MATTER SUBMITTED 7/20/04

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>12</b>	D4	IN-CHAMBERS CONFERENCE	10/18/2005	11:00:00	10/18/2005

Event Extra Text:

**Disposition:**  
D435 10/18/2005

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>13</b>	D4	Tickle Start Code	5/30/2006	07:00:00	2/8/2007

Event Extra Text: HAS SUPPLEMENTAL PETITION BEEN FILED?

**Disposition:**  
T200 2/8/2007

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>14</b>	D4	Tickle Start Code	2/7/2007	07:00:00	2/6/2007

Event Extra Text: HAS RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS BEEN FILED? (EXTENSION AGREED UPON UNTIL 1/31/07)

**Disposition:**  
T200 2/6/2007

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>15</b>	D4	Tickle Start Code	3/8/2007	07:00:00	2/8/2007

Event Extra Text: HAVE RESPONSES TO PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR ORDER CONCERNING SCOPE OF RELIEF BEEN FILED? (EXT WAS GRANTED UNTIL 3/1/07)

**Disposition:**  
T200 2/8/2007

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>16</b>	D4	ORAL ARGUMENTS	6/1/2007	10:00:00	6/1/2007

**Case Description: POST: SHAWN RUSSELL HARTE (D4)**

<b>Case ID:</b>	<b>CR98P0074A</b>	<b>Case Type:</b>	<b>POST CONVICTION</b>	<b>Initial Filing Date:</b>	<b>2/27/2001</b>
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Event Extra Text: ON STATE'S MOTION TO STRIKE PETITIONER'S SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND THE STATE'S MOTION FOR ORDER CONCERNING SCOPE OF RELIEF AND STATE'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

**Disposition:**

D435 6/1/2007  
PETITIONER ABANDONED CLAIMS 10, 11, 13, 14, 15, 16, 17, 18, 19 AND 28  
COURT FOUND THAT SHOULD THERE BE A MCCONNELL ISSUE THEN THE DEFENDANT WOULD BE GRANTED A NEW PENALTY PHASE TRIAL  
BASED ON FINDINGS, COUNSEL STIPULATED THAT THERE IS A FACTUAL BASIS FOR MCCONNELL ISSUE TO APPLY IN THIS CASE, THEREFORE THE DEFENDANT SHALL BE GRANTED A NEW PENALTY PHASE TRIAL/DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT SHALL BE REMANDED TO THE WCJ TO AWAIT THE NEW PENALTY PHASE TRIAL; ALL OTHER ISSUES IN THE PETITION ARE WITHDRAWN BY THE DEFENDANT; DISTRICT COURT PENALTY PHASE OF TRIAL SHALL BE STAYED PENDING REVIEW BY THE SUPREME COURT; SHOULD THE STATE BE SUCCESSFUL AT THE SUPREME COURT AND THE MCCONNELL ISSUE IS REVERSED THE DEFENDANT WILL BE ALLOWED TO RE-RAISE THE WITHDRAWN CLAIMS, EXCEPT THOSE ABANDONED BY THE DEFENDANT AS STATED ABOVE; COURT ENTERED ORDER IN ACCORDANCE WITH THE STIPULATION; STATE TO PREPARE ORDER

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>	<i>Disposed Date</i>
17 D4	Tickle Start Code	7/2/2007 07:00:00	7/2/2007

Event Extra Text: HAS DECISION BEEN ENTERED

**Disposition:**

T200 7/2/2007

**Agency Cross Reference**

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 43877
SC	Supreme Court	SCN 50161

**Actions**

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
2/27/2001	2490	Motion ...	FOR ATTORNEY'S FEES
2/27/2001	1075	Affidavit ...	IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
2/27/2001	3870	Request	FOR APPOINTED COUNSEL
2/27/2001	3585	Pet Writ Habeas Corpus	
3/1/2001	3862	**Criminal Submit	DOCUMENT TITLE: POST CONVICTION
3/13/2001	3860	Request for Submission	DOCUMENT TITLE: MTN FOR ATTORNEY'S FEES * SEALED *
3/22/2001	3370	Order ...	* SEALED * FOR COMPENSATION
3/22/2001	4050	Stipulation ...	FOR RELEASE OF EVIDENCE
3/23/2001	3860	Request for Submission	DOCUMENT TITLE: STIP FOR RELEASE OF EVIDENCE
4/17/2001	3195	Ord Releasing Exhibits	
4/25/2001	1692	Exhibit Clerk Receipt	EXHIBIT # 44 RELEASED TO JANET SCHMUCK
10/23/2001	2745	Ord Appointing ...	DONALD EVANS, ESQ.
2/8/2002	3980	Stip and Order...	STIPULATED SCHEDULING ORDER
4/6/2002	1670	Ex-Parte Mtn...	FOR EXPERTWITNESS AND INVESTIGATIVE FEES

Case Description: POST: SHAWN RUSSELL HARTE (D4)				
Case ID:	CR98P0074A	Case Type:	POST CONVICTION	Initial Filing Date: 2/27/2001
5/6/2002	1670	Ex-Parte Mtn...	TO SEAL DEFENDANT'S EX-PARTE MOTION FOR AUTHORITY FOR EMPLOYMENT OF EXPERTS AND IN	
5/6/2002	MIN	***Minutes	* SEALED *	
5/8/2002	3370	Order ...	EX-PARTE ORDER AUTHORIZING EMPLOYMENT OF EXPERT WITNESSES AND INVESTIGATIVE FEES/O	
5/13/2002	3370	Order ...	EX-PARTE ORDER TO SEAL EX-PARTE MOTIONS FOR AUTHORITY FOR EMPLOYMENT OF EXPERTS AI	
6/4/2002	4185	Transcript	IN CHAMBERS MOTION FOR ATTORNEY'S FEES	
7/29/2002	1015	Acknowledgment of Receipt		
8/13/2002	MIN	***Minutes	* SEALED *	
8/13/2002	3370	Order ...	***SEALED***	
8/22/2002	3370	Order ...	OF ENLARGEMENT OF TIME	
9/10/2002	4185	Transcript	8/13/02 IN-CHAMBERS HEARING	
11/4/2002	4100	Supplemental Petition	FOR WRIT	
11/6/2002	3862	**Criminal Submit	DOCUMENT TITLE: SUPPLEMENTAL PET	
12/30/2002	1130	Answer ...		
12/30/2002	2155	Mtn Partial Dismissal ...	PET AND SUPPLEMENTAL PET FOR WRIT	
1/7/2003	3897	Return		
1/22/2003	1250	Application for Setting	post conviction 6/27/03	
2/11/2003	3860	Request for Submission		
4/1/2003	1260	Application Produce Prisoner		
4/1/2003	3340	Ord to Produce Prisoner		
4/9/2003	1670	Ex-Parte Mtn...	FOR INTERIM PAYMENT OF ATTORNEY'S FEES AND EXPERT FEES/AND TO SEAL	
5/6/2003	3370	Order ...	EX PARTE ORDER FOR INTERIM PAYMENT OF ATTORNEY'S FEES AND EXPART WITNESS FEES	
5/14/2003	MIN	***Minutes	* SEALED *	
5/22/2003	3980	Stip and Order...	STIPULATED MOTION FOR DEPOSITIONS (AND ORDER)	
5/28/2003	MIN	***Minutes		
6/3/2003	2315	Mtn to Dismiss ...	MOTION TO DISMISS FOR LACK OF PROSECUTION	
7/15/2003	4185	Transcript	5/14/03 IN CHAMBERS HEARING **SEALED**	
7/16/2003	1670	Ex-Parte Mtn...	FOR INTERIM PAYMENT OF INVESTIGATIVE FEES/ AND TO SEAL **SEALED***	
7/29/2003	1987	Mtn and Ord...	* SEALED * FOR INTERIM PAYMENT OF INVESTIGATIVE FEES AND COSTS	
8/11/2003	2490	Motion ...	TO PRODUCE PRISONER	
8/18/2003	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL	
8/20/2003	4302	Withdrawal ...	OF REQUEST FOR SUBMISSION	
8/20/2003	1670	Ex-Parte Mtn...	FOR INTERIM ADVANCED PAYMENT OF EXPERT WITNESS FEES AND COSTS AND MOTION TO SEAL	
8/25/2003	3340	Ord to Produce Prisoner		
8/27/2003	MIN	***Minutes	* SEALED *	
9/2/2003	4055	Subpoena		
9/4/2003	1675	Ex-Parte Ord...	* SEALED * IINTERIM PAYMENT OF EXPERT & WITNESS FEES & COSTS	
9/8/2003	4055	Subpoena		
9/10/2003	MIN	***Minutes		
9/19/2003	1695	** Exhibit(s) ...	EXHIBITS A-F MARKED AND ADMITTED	

Case Description: POST: SHAWN RUSSELL HARTE (D4)			
Case ID:	CR98P0074A	Case Type:	POST CONVICTION
			Initial Filing Date: 2/27/2001
9/19/2003	MIN	***Minutes	
9/19/2003	4105	Supplemental ...	PETITIONER'S SUPPLEMENTAL POINTS AND AUTHORITIES
9/22/2003	1695	** Exhibit(s) ...	EXHIBITS G and H MARKED AND ADMITTED
9/29/2003	4185	Transcript	09/10/03 - HEARING
9/30/2003	1400	Claim...	* SEALED * CLAIM FOR COMPENSATION
10/15/2003	4185	Transcript	IN-CHAMBERS POST CONVICTION HEARING 8-27-03 *****SEALED*****
10/17/2003	IMG	**Entered/Imaged on Wrong Case	MOVED TO CR98P0074B - TWHITE - JUNE 7, 2010
10/20/2003	IMG	**Entered/Imaged on Wrong Case	MOVED TO CR98P0074C - TWHITE - JUNE 7, 2010
10/20/2003	1675	Ex-Parte Ord...	* SEALED * FOR PAYMENT OF EXPERT WITNESS FEES
10/27/2003	IMG	**Entered/Imaged on Wrong Case	MOVED TO CR98P0074B - TWHITE - JUNE 7, 2010
11/14/2003	IMG	**Entered/Imaged on Wrong Case	MOVED TO CR98P0074C - TWHITE - JUNE 7, 2010
11/14/2003	IMG	**Entered/Imaged on Wrong Case	MOVED TO CR98P0074B - TWHITE - JUNE 7, 2010
12/5/2003	4185	Transcript	09/29/03 - CONTINUED PETITION FOR POST CONVICTION
12/11/2003	4185	Transcript	09/19/03 - PETITION FOR POST CONFICTION
12/16/2003	4185	Transcript	09/22/03 - POST CONVICTION HEARING ONGOING
2/24/2004	4185	Transcript	09/22/03 - POST CONVICTION HEARING ONGOING
3/19/2004	1315	** Case Closed	
3/19/2004	1750	Findings, Conclusions & Judg	
3/19/2004	2540	Notice of Entry of Ord	
3/26/2004	2175	Mtn for Reconsideration	MOTION FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION
3/30/2004	2645	Opposition to Mtn ...	FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION
4/13/2004	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RELIEF FROM ORDER / MOTION FOR RECONSIDERATION
4/13/2004	3880	Response...	PETITIONER'S RESPONSE TO RESPONDENT'S OPPOSITION TO MOTION FOR RELIEF FROM ORDER / M
4/26/2004	2630	Objection to ...	FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT
5/3/2004	3060	Ord Granting Mtn ...	FOR RECONSIDERATION/PETITIONER HAS 20 DAYS TO FILE ANY OBJECTIONS TO THE ORDER/STATE
5/4/2004	3880	Response...	TO OBJECTION TO FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT
5/25/2004	3880	Response...	TO ORDER GRANTING MOTION FOR RECONSIDERATION
5/26/2004	T200	Tickle End Code	
7/20/2004	3860	Request for Submission	DOCUMENT TITLE: OBJECTION TO FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT
7/26/2004	T200	Tickle End Code	MATTER SUBMITTED 7/20/04
8/12/2004	2840	Ord Denying ...	MOTION TO MODIFY THE FINDINGS OF FACT, CONCLUSIONS OF LAW & JUDGMENT
8/24/2004	2540	Notice of Entry of Ord	
8/25/2004	2515	Notice of Appeal Supreme Court	
8/30/2004	1365	Certificate of Transmittal	
8/30/2004	1310	Case Appeal Statement	
8/30/2004	1350	Certificate of Clerk	
9/8/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43877
9/8/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43877
10/1/2004	1215	Application Appoint Counsel	

Case Description: POST: SHAWN RUSSELL HARTE (D4)			
Case ID:	CR98P0074A	Case Type:	POST CONVICTION
			Initial Filing Date: 2/27/2001
10/5/2004	3860	Request for Submission	DOCUMENT TITLE: APPLICATION FOR APPOINTMENT OF CO-COUNSEL
10/19/2004	3060	Ord Granting Mtn ...	TO APPOINT CO-COUNSEL AT COST OF STATE PUBLIC DEFENDER
10/27/2004	4125	Supreme Court Order...	SUPREME COURT CASE NO. 43877
12/7/2004	2777	Order Approving ...	* SEALED * ORDER APPROVING PAYMENT OF TRANSCRIPTION FEES
12/7/2004	2777	Order Approving ...	* SEALED * ORDER APPROVING PAYMENT OF TRANSCRIPTION FEES
12/7/2004	2777	Order Approving ...	* SEALED * ORDER APPROVING PAYMENT OF TRANSCRIPTION FEES
4/8/2005	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO. 43877
4/27/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION
4/27/2005	1670	Ex-Parte Mtn...	* SEALED * EX PARTE CLAIM FOR ATTORNEY COMPENSATION
4/29/2005	3105	Ord Granting ...	* SEALED * CLAIM FOR COMPENSATION (QUALLS)
5/20/2005	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 43877
6/3/2005	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43877
6/3/2005	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43877
6/16/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43877
6/16/2005	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 43877
6/16/2005	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO. 43877
6/16/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43877
7/18/2005	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 43877
9/12/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43877
9/12/2005	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 43877
9/12/2005	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 43877
9/12/2005	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO. 43877
9/12/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43877
10/12/2005	1250	Application for Setting	
10/18/2005	MIN	***Minutes	
10/19/2005	4185	Transcript	POST-CONVICTION CONFERENCE - OCT. 18, 2005
10/20/2005	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF NEW COUNSEL / MOTION FOR STAY OF PROCEEDINGS
10/27/2005	1030	Affidavit in Support...	OF MOTION TO PROCEED IN FORMA PAUPERIS
10/27/2005	2385	Mtn Proceed Forma Pauperis	
10/27/2005	3565	Pet Post-Conviction Relief	SECOND PETITION FOR POST CONVICTION
11/7/2005	1665	Ex-Parte Application...	* SEALED * EX PARTE CLAIM FOR ATTORNEY COMPENSATION
11/7/2005	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS / 2ND PETITION FOR POST CONVICITC
11/14/2005	3105	Ord Granting ...	* SEALED * ORDER ALLOWING CLAIM FOR COMPENSATION
11/14/2005	2840	Ord Denying ...	MOTION TO PROCEED IN FORMA PAUPERIS
11/28/2005	3370	Order ...	RESCINDING THE ORDER DENYING PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS/FURTHER
12/14/2005	3975	Statement ...	OF QUALIFICATION
12/14/2005	2745	Ord Appointing ...	COUNSEL AND SETTING FORTH BRIEFING SCHEDULE
1/26/2006	1670	Ex-Parte Mtn...	FOR DEFENSE FEES ***FILED UNDER SEAL***
1/26/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION FOR DEFENSE FEES ***FILED UNDER SEAL***

Case Description: POST: SHAWN RUSSELL HARTE (D4)				
Case ID:	CR98P0074A	Case Type:	POST CONVICTION	Initial Filing Date: 2/27/2001
2/13/2006	1675	Ex-Parte Ord...	***FILED UNDER SEAL***	
2/15/2006	3980	Stip and Order...	TO EXTEND TIME TO FILE SUPPLEMENT TO 2ND PETITION FOR WRIT OF HC - UNTIL 051506	
5/12/2006	2280	Mtn to Continue		
11/13/2006	4105	Supplemental ...	SUPPLEMENT TO SECOND PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
11/13/2006	3373	Other ...	EXHIBITS TO SUPPLEMENT TO SECOND PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
11/13/2006	3373	Other ...	EXHIBITS TO SUPPLEMENT TO SECOND PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
11/13/2006	3373	Other ...	EXHIBITS TO SUPPLEMENT TO SECOND PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
11/13/2006	3373	Other ...	EXHIBITS TO SUPPLEMENT TO SECOND PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
11/14/2006	2490	Motion ...	MOTION FOR LEAVE TO FILE SUPPLEMENT TO SECOND PETITION FOR WRIT OF HABEAS CORPUS BE	
11/17/2006	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
11/21/2006	2010	Mtn for Attorney's Fee	EX-PARTE CLAIM FOR ATTORNEY COMPENSATION	
11/22/2006	3105	Ord Granting ...	ALLOWING CLAIM FOR COMPENSATION	
12/4/2006	3105	Ord Granting ...	ORDER APPROVING FEES OF COURT-APPOINTED ATTORNEY (PROCEEDING UPON OF POST-CONVIC	
12/5/2006	1120	Amended ...	AMENDED CERTIFICATE OF SERVICE	
2/1/2007	1130	Answer ...	TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS	
2/1/2007	2490	Motion ...	STATE'S MOTION FOR ORDER CONCERNING SCOPE OF RELIEF, AND STATE'S RESPONSE TO PETITIO	
2/6/2007	T200	Tickle End Code		
2/7/2007	4105	Supplemental ...	PETITIONER'S NOTICE OF VOLUNTARY WITHDRAWAL OF ALL GULT-PHASE CLAIMS IN PETITIONERS S	
2/8/2007	2475	Mtn to Strike...	PETITIONERS NOTICE OF VOLUNTARY WITHDRAWAL OF ALL GUILT-PHASE CLAIMS IN PETITIONERS S	
2/8/2007	T200	Tickle End Code		
2/8/2007	T200	Tickle End Code		
2/16/2007	3790	Reply to/in Opposition	REPLY IN OPPOSITION TO STATE'S MOTION TO STRIKE PETITIONER'S NOTICE OF VOLUNTARY WITHC	
2/22/2007	3860	Request for Submission	DOCUMENT TITLE: MOTION TO STRIK PETITIONER'S NOTICE OF VOLUNTARY WITHDRAWAL OF ALL G	
2/22/2007	1325	** Case Reopened		
2/23/2007	3790	Reply to/in Opposition	REPLY TO STATE'S MOTIO FOR ORDER CONCERNING SCOPE OF RELIEF AND REPLY TO STATE'S ANS	
3/1/2007	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR ORDER CONCERNING SCOPE OF RELIEF, AND STATE'S RESPONSE	
3/5/2007	3373	Other ...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION THOMAS QUALLS	
3/12/2007	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
3/12/2007	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
4/6/2007	3105	Ord Granting ...	FEES TO BE PAID TO THOMAS L. QUALLS, ESQ., 216 E. LIBERTY STREET, RENO, NEVADA 89501, IN TH	
4/6/2007	3105	Ord Granting ...	FEES TO BE PAID TO SCOTT EDWARDS, ESQ. IN THE SUM OF \$1,406.25 BY THE NEVADA STATE PUBLI	
4/25/2007	3242	Ord Setting Hearing	ORAL ARGUMENTS ON THE STATE'S MOTION TO STRIKE PETITIONER'S NOTICE OF VOLUNTARY WITH	
5/1/2007	1260	Application Produce Prisoner	APPLICATION FOR ORDER TO PRODUCE PRISONER (ORDER SUBMIT D/4 5/2/07)	
5/4/2007	3340	Ord to Produce Prisoner		
6/1/2007	MIN	***Minutes	MOTION TO STRIKE PETITIONER'S SUPPLEMENTAL PETITION FOR WRIT OF HAVEAS CORPUS (POST (	
6/4/2007	4185	Transcript	POST CONVICTION - ORAL ARGUMENTS JUNE 1, 2007	
6/12/2007	4050	Stipulation ...		
6/29/2007	3370	Order ...	PAYMENT OF TRANSCRIPTION FEES BE GRANTED AND THAT THE STATE PUBLIC DEFENDER PAY CAI	
7/2/2007	T200	Tickle End Code		

Case Description: POST: SHAWN RUSSELL HARTE (D4)				
Case ID:	CR98P0074A	Case Type:	POST CONVICTION	Initial Filing Date: 2/27/2001
7/5/2007	1315	** Case Closed		
7/5/2007	1750	Findings, Conclusions & Judg		
8/9/2007	2540	Notice of Entry of Ord		
9/4/2007	1310	Case Appeal Statement		
9/4/2007	2515	Notice of Appeal Supreme Court		
9/5/2007	1365	Certificate of Transmittal		
9/5/2007	1350	Certificate of Clerk		
9/19/2007	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 50161	
9/19/2007	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 50161	
2/20/2008	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
2/22/2008	3105	Ord Granting ...	CLAIM FOR COMPENSATION IN THE AMOUNT OF \$7,125.00 TO THOMAS L. QUALLS, ESQ.	
3/12/2008	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ASTTORNEY COMPENSATION	
3/18/2008	2525	Notice of Change of Address	THOMAS L. QUALLS, ESQ.	
3/19/2008	3105	Ord Granting ...	APPROVING FEES OF COURT-APPOINTED ATTORNEY (PETITION FOR WRIT OF HABEAS CORPUS - PO	
2/12/2009	1325	** Case Reopened		
2/12/2009	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
3/3/2009	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	
4/15/2009	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
4/16/2009	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION	
4/29/2009	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	
4/29/2009	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	
4/29/2009	1315	** Case Closed		
6/3/2009	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 50161	
6/3/2009	4120	Supreme Court Opinion	SUPREME COURT CASE NO. 50151	
6/3/2009	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 50161	
6/9/2010	MIN	***Minutes		

1 **CODE 1850**

2  
3  
4  
5  
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

12 **SHAWN RUSSELL HARTE,**

13 **Defendant.**

**Case No. CR98-0074A**

**Dept. No. 4**

14  
15 **JUDGMENT**

16 The Defendant, having been found Guilty by a Jury, and a Jury having  
17 rendered a verdict as to the penalty for Murder In The First Degree With The Use Of A  
18 Deadly Weapon, Count I, and no sufficient cause being shown by Defendant as to why  
19 judgment should not be pronounced against him, the Court renders judgment as follows:

20 That Shawn Russell Harte is guilty of the crimes of Murder In The First  
21 Degree With The Use Of A Deadly Weapon, a violation of NRS 200.010, NRS 200.030(1)  
22 and NRS 193.165, a felony, as charged in Count I and Robbery With The Use Of A  
23 Firearm, a violation of NRS 200.380 and NRS 193.165, a felony, as charged in Count II of  
24 the Indictment, and that he be punished by imprisonment in the Nevada Department of  
25 Corrections for Life without the possibility of parole with credit for six thousand two  
26 hundred ninety-three (6,293) days time served for Count I with a consecutive like term of  
27 imprisonment in the Nevada Department of Corrections for Life without the possibility of  
28 parole for the use of a deadly weapon; by imprisonment in the Nevada Department of



1 Corrections for the maximum term of one hundred eighty (180) months with the minimum  
2 parole eligibility of seventy-two (72) months, with credit for six thousand two hundred  
3 ninety-three (6,293) days time served for Count II with a consecutive like term of  
4 imprisonment in the Nevada Department of Corrections for the maximum term of one  
5 hundred eighty (180) months with the minimum parole eligibility of seventy-two (72)  
6 months for the use of a firearm. The sentences for Count II shall be served concurrently  
7 with the sentences imposed for Count I. The Defendant is further ordered to submit to a  
8 DNA Analysis Test for the purpose of determining genetic markers; to pay attorney's fees  
9 in the amount of Seven Hundred Fifty Dollars (750.00) for reimbursement of legal  
10 expenses; to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee; and to pay  
11 a Two Hundred Fifty Dollar (\$250.00) DNA analysis fee to the Clerk of the Second Judicial  
12 District Court, said fees credited with any amounts already paid.

13 The fees are subject to removal from the Defendant's books at the Washoe  
14 County Jail and/or Nevada Department of Corrections.

15 Dated this 2 day of February, 2015.

16  
17 Connie J. Steinheimer  
18 DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX AND SHAWN RUSSELL HARTE

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/22/98	<u>ARRAIGNMENT - ALL DEFENDANTS</u>	
HONORABLE	Deputy District Attorney Thomas Barb and Elliott Sattler represented the	
CONNIE	State. Defendants Babb and Harte present with counsel, Deputy Public	<u>3/4/98</u>
STEINHEIMER	Defender, Cotter Conway, and Public Defender, Micheal Specchio.	<u>9:00 a.m.</u>
DEPT. NO. 4	Discussion ensued regarding the potential conflict of the Public	<u>Rpt on Psych</u>
M. Stone	Defender's Office representing two defendants in the same case. COURT	<u>Eval. - Sirex</u>
(Clerk)	finds that the conflict is waived for this hearing only.	
L. Clarkson	Defendant Sirex present with counsel, Jenny Hubach and Jack Alian.	<u>3/4/98</u>
(Reporter)	Defendants handed copy of Information; and indicated to the Court that	<u>9:00 a.m.</u>
	their name as set forth on same was their true names.	<u>Entry of Plea</u>
	Defendants Babb and Harte waived formal reading of the Information.	<u>Babb and</u>
	Upon motion by defense counsel Hubach regarding Defendant Sirex and	<u>Harte</u>
	no objection by State's counsel, COURT ORDERED psychiatric evaluation	
	of defendant Sirex pursuant to statute.	
	Defendants Babb and Harte waived the 60-Day Rule as to this continuance	
	only and COURT ORDERED this matter continued for entry of plea.	
	Defendants remanded to the custody of the sheriff.	

CR98-0074A DC-9903017764-039  
STATE VS SHAWN HARTE ET AL (1 Page)  
District Court 01/22/1998 09:00 AM  
Washoe County  
MTN

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/26/98

MOTION TO DETERMINE VALIDITY OF WAIVER OF CONFLICT OF INTEREST (BABB AND HARTE)/REPORT ON PSYCHIATRIC EVALUATION REPORTS (SIREX)

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

K. D. Mann

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Harte present with counsel, Public Defender Michael Specchio, and Deputy Public Defender Maizie Pusich. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Babb present with counsel, Paul Giese.

Discussion ensued regarding competency of Defendant Babb. Defense counsel Pusich indicated to the Court that Defendant Babb never showed signs of incompetency during her representation of the Defendant.

Motion to Determine Validity of Waiver of Conflict of Interest in the Public Defender representing either Defendant Babb or Defendant Harte by State's counsel Barb; presented argument; objection and argument by Defense counsel Specchio.

COURT ENTERED ORDERED granting the Motion and removing the Washoe County Public Defender's Office from representing any of the Defendants in this matter. Court shall appoint counsel for Defendant Harte.

Court noted receipt of reports from psychiatrists on Defendant Sirex; advised counsel of findings set forth therein.

COURT ENTERED ORDER finding defendant Sirex competent to stand trial and to aid counsel in preparation of that trial pursuant to statute.

Motion for Remand to Justice Court by defense counsel Alian; presented argument; no objection by State's counsel.

Upon no objection by all counsel, COURT ENTERED ORDERED granting Motion for remand as to all Defendants.

All counsel set forth death penalty qualifications. COURT ORDERED counsel Giese to consult the Court, in-camera, and Defendant Babb regarding his co-counsel prior to co-counsel being accepted by the Court.

CR98-0074A  
STATE VS SHAWN HARTE ET AL  
District Court  
Washoe County  
DC-9900017764-038  
HARTE ET AL (1 Page)  
02/26/1998 09:00 AM  
TUESDAY  
MIN

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD  
SIREX AND SHAWN RUSSELL HARTE

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

4/7/98	<u>ARRAIGNMENT ON INDICTMENT - ALL DEFENDANTS</u>	
HONORABLE	Deputy District Attorney Thomas Barb and Elliott Sattler represented the	10/22/98
CONNIE	State. Defendant Babb present with counsel, Paul Giese. Defendant Sirex	4:00 p.m.
STEINHEIMER	present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present	Status Conf.
DEPT. NO.4	with counsel, John Ohlson and John Springgate.	
M. Stone	Defendants handed copy of Indictment; indicated to the Court that names as	1/8/99
(Clerk)	set forth on same was their true names; and waived reading. Defendants	10:00 a.m.
L. Clarkson	Babb and Harte entered pleas of not guilty to the charges set forth therein.	Pre-Trial Mtns
	Defendant Sirex stood mute and Court entered pleas of not guilty to the	
	charges set forth therein for him.	3/11/98
	Defendants did waive the 60-Day Rule.	4:00 p.m.
	COURT ORDERED counsel to met momentarily to discuss potential trial dates	Motion to
	in March of 1999, although State requested earliest possible trial date.	Confirm
	Upon agreement of counsel, COURT ORDERED this matter set for jury trial	
	on March 15, 1999, at 9:00 a.m. and further set forth the hearing briefing	3/15/99
	schedule.	10:00 a.m.
	Defendants remanded to custody.	Jury Trial

CR98-0074A  
STATE VS. SHAWN HARTE ET AL (1 Page)  
District Court  
Washoe County  
MTN  
DC-9900017764-037  
04/07/1998 09:00 AM  
TJH/TJSr

**CASE NO. CR98-0074      STATE OF NEVADA VS. LATISHA MARIE BABB  
WESTON EDWARD SIREX  
SHAWN RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

8/4/98

**MOTION TO RELEASE EVIDENCE**

HONORABLE  
CONNIE

Deputy District Attorney Elliott Sattler and Deputy District Attorney Thomas W. Barb represented the State.

STEINHEIMER  
DEPT. NO. 4

Defendant, Latisha Marie Babb, was present with counsel, Paul C. Giese, Esq. and M. Jerome Wright, Esq.

B. Walker  
(Clerk)

Defendant, Weston Edward Sirex, was present with counsel, Jack Alian, Esq. and Jenny D. Hubach, Esq.

F. Nelson

Defendant, Shawn Russell Harte, was present with counsel, John Ohlson, Esq. and John P. Springgate, Esq.

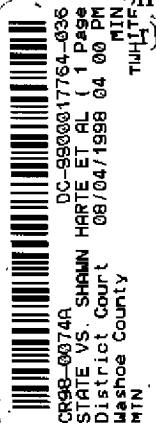
Respective counsel for the Defendants stated their objection to the motion and deferred to Counsel Alian.

Roy Lee Street was called by counsel for the State, Deputy District Attorney Sattler, sworn and testified.

Deputy District Attorney Sattler assured respective counsel and the Court that the "cab" will be properly preserved until further Order of the Court.

COURT ORDERED: Motion denied. Counsel for the Defendants to secure an expert to go over the vehicle. Any further motions are to be formally submitted to the Court.

Defendants remanded to the custody of the Sheriff.



CASE NO. CR98-0074      CASE NO.      TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, WESTON E. SIREX and SHAWN R. HARTE

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CASE NO.

10/22/98

STATUS CONFERENCE - ALL DEFENDANTS

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate.

Discussion ensued regarding proposed voir dire. COURT ORDERED proposed voir dire submitted to the Court 1 week prior to trial.

Motion for additional peremptory challenges for jury selection by Defendant's counsel Hubach; no objection by State's counsel Barb; no objection by Defendant's counsel Ohlson, as long as the Defendant's do not have to share peremptory challenges. COURT ENTERED ORDER granting motion allowing twelve challenges per side if and only if the Motion to Sever is not granted.

Motion for sequestered voir dire denied with leave to renew during jury selection. COURT FURTHER ORDERED respective counsel to provide proposed written jury questionnaires thirty days prior, whether they are agreed upon or not.

Respective counsel stipulated to the release of the Taxi Cab from evidence at the Washoe County Sheriff's Office.

Motion to Sever to be heard January 8, 1999. Any Motions that counsel does not wish oral arguments may be submitted formally once fully briefed.

Defendants remanded to custody.

4:20 p.m. Court recessed.

CR98-0074A  
STATE VS. SHAWN HARTE ET AL  
District Court  
Washoe County  
MTN  
DC-9900017764-035  
1 Page  
10/22/1998 10:00:AM  
TUESDAY

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, WESTON E. SIREX and  
SHAWN R. HARTE

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/8/99

PRE-TRIAL MOTIONS (ALL DEFENDANTS)

1/28/99

HONORABLE

Deputy District Attorneys Thomas W. Barb and Elliott Sattler represented the State. Defendant Latisha Babb present with counsel, Jerome Wright.

2:00 a.m.

CONNIE

Defendant Weston Sirex present with counsel, Jack Alian and Jenny

Cont'd Pre-

STEINHEIMER

Hubach. Defendant Shawn Harte present with counsel, John Ohlson and John Springgate.

Trial Mtns

DEPT. NO.4

M. Stone

(Clerk)

Upon defense counsel Paul Giese not being present, COURT ENTERED ORDER continuing matter.

K. Ramage

(Reporter)

Court advised counsel of the new 250 Rule regarding the Death Penalty and that all counsel in this case must re-qualify as death penalty qualified. COURT ORDERED all counsel to pick up a draft copy of a Rule 250 Questionnaire and return a completed copy to the Court by January 13, 1999, at 12:00 p.m.

COURT FURTHER ORDERED State's counsel to fulfill it's requirements by January 21, 1999.

State's counsel supplied the Defense with redacted statements and newspaper articles.

Upon no objection, COURT will review the tape and transcripts of the defendant's statements to police prior to the next pre-trial motion.

EXHIBITS A - D marked and admitted for purposes of the pre-trial motions hearing only.

CR98-0074A  
DC-9900017764-041  
STATE VS. SHAWN HARTE ET AL  
District Court  
Washoe County  
01/08/1999 10:00 AM  
MIN  
TJH/TE

CASE NO. CR98-0074  
and

TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, WESTON E. SIREX  
SHAWN R. HARTE

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTD TO

1/28/99

CONTINUED PRE-TRIAL MOTIONS - ALL DEFENDANTS

HONORABLE  
CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

D. Arnaud

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack A. Alian and Jenny D. Hubach. Defendant Harte present with counsel, John Ohlson and John P. Springgate.

Defense counsel Ohlson apologized for his untimeliness.

Discussion ensued regarding the New Rule 250 and counsel's qualifications. COURT ENTERED FINDING that all defense counsel are Rule 250 competent under the rule that applies at this hearing.

Upon agreement of all counsel, the Motion regarding the constitutionality of the death penalty and the aggravators held in abeyance pending supplemental motions being filed based on the New Rule 250. Court set forth the following briefing schedule: that the supplemental motions must be filed and served on all counsel and the Court by 5:00 p.m. on February 3, 1999; that the responses to those motions must be filed and served on all counsel and the Court by 5:00 p.m. on February 5, 1999; and the motions shall be submitted on the pleadings without oral argument on February 8, 1999.

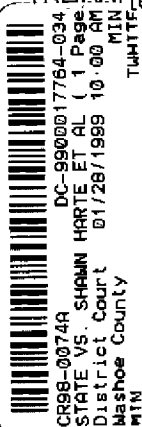
Discussion ensued regarding the Notice of Intent to Seek the Death Penalty and the Discovery Statutes. Upon finding that the Discovery Statute in all aspects applies to Death Penalty cases unless exempted in the New Rule 250 and that the penalty phase of a Death Penalty Trial is not a separate trial, COURT ORDERED respective counsel to comply with all aspects of the Discovery Statutes.

Motion to Severe by defense counsel Hubach; presented argument; joinder and argument by defense counsel Giese.

Discussion ensued regarding the use of a Jury Questionnaire and Voir Dire.

COURT ORDERED this matter continued for all defense counsel to be fully prepared to argue all motions. Motions may be supplemented if deemed necessary.

Court recessed. Defendant remanded to the custody of the sheriff.





DATE, JUDGE  
OFFICERS OF

Page One

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/22/99

PRE-TRIAL MOTIONSHONORABLE  
CONNIE

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Latisha M. Babb present with counsel, Paul Giese and

STEINHEIMER

M. Jerome Wright; Defendant Weston E. Sirex present with counsel, Jack

DEPT. NO.4

Alian and Jenny Hubach. Defendant Shawn R. Harte present with counsel,

M. Stone

John Ohlson and John P. Springgate.

(Clerk)

Court noted receipt of applications from all counsel regarding the New

K. Ramage

Rule 250. COURT FOUND all lead counsel qualified under the New Rule

(Reporter)

250 to be counsel of record in a Death Penalty Case.

Motion to Sever by defense counsel Hubach; presented argument; joinder by defense counsel Giese; submitted on the pleadings by defense counsel Springgate; objection and argument by State's counsel Barb; reply by defense counsel Hubach and Giese; further argument by State's counsel Barb.

Motion to Suppress Statements made by Defendant Sirex.

Larry Canfield called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Alian; excused.

Objection and argument by State's counsel Barb; argument by defense counsel Hubach; reply by State's counsel Barb.

10:40 a.m. Court recessed. Defendants remanded to the custody of the sheriff.

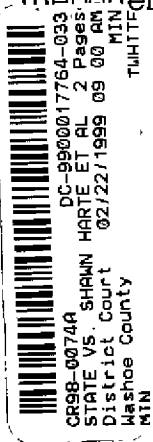
11:00 a.m. Court reconvened with respective counsel and defendants present.

Motion to Suppress Statements made by Defendant Harte.

James Belton called by State's counsel Elliott, sworn and testified; cross-examined by defense counsel Springgate; redirect examined; excused.

Objection and argument by State's counsel Sattler; argument by defense counsel Springgate; reply by State's counsel Sattler.

Motion for a lapse of time between the guilty and penalty phases by defense counsel Hubach; presented argument. COURT ORDERED that if



CASE NO. CR98-0074

TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON  
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2/22/99

PRE-TRIAL MOTIONS

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CONNIE  
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the jury returns a verdict for the Guilty Phase prior to 3:00 p.m., then the Penalty Phase shall be heard the following day at 10:00 a.m. If the Jury returns a verdict for the Guilt Phase after 3:00 p.m., then the Penalty Phase shall be held two days after the Guilt Phase at 10:00 a.m.

M. Stone

(Clerk)

K. Ramage

(Reporter)

Motion for State to divulge any information complied regarding the Jury Panel by Defense counsel Hubach; submitted on the pleadings. COURT ENTERED ORDER that any information received by the State by use of the Juror's social security number must be disclosed to the defense by Monday, March 8, 1999. All counsel will be able to pick up list of jurors from the jury commissioner by Wednesday, March 3, 1999.

COURT FURTHER ENTERED ORDER taking the Motion to Sever, Motions to Suppress, Motion to Declare Death Penalty Statutes Unconstitutional, Motion to Dismiss State's Notice of Intent to Seek the Death Penalty and Motion to Strike Aggravating Circumstances under advisement.

COURT FURTHER ENTERED ORDER holding the Motion to Preclude or Limit Photographs in abeyance pending further hearing.

Motion for Written Jury Questionnaire by defense counsel Hubach; presented argument; joinder by defense counsel Giese and Ohlson; objection and argument by State's counsel Barb. COURT took matter under advisement. Defendants waive right to be present at the Jury Questionnaire portion of the trial, if allowed.

12:00 a.m. Court recessed. Defendant remanded to the custody of the sheriff.

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CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD  
SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE  
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/8/99

VOIR DIRE (JURY SELECTION)

HONORABLE  
CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb not present, appearance previously waived, being represented by counsel, Paul Giese and Jerome Wright. Defendant Sirex not present, appearance previously waived, being represented by counsel, Jack Alian and Jenny Hubach. Defendant Harte not present, appearance previously waived, being represented by counsel, John Ohlson and John Springgate.

2:07 p.m. Court convened.

Motion for Additional Questions on the Jury Questionnaire by defense counsel Ohlson; presented argument. COURT ENTERED ORDER denying request as to the questions being asked in the questionnaire, but not during actual voir dire.

Upon request by respective defense counsel, COURT ENTERED ORDER allowing counsel to file their voir dire questions on March 9, 1999, at 5:00 p.m.

2:30 p.m. First panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Elliott, Freemonth, Gurule, Hagan, Headley, Martin, Mayne, Nikoley and Ryan.

Upon request, Juror MacLaren sworn by affirmation.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

2:45 p.m. Court recessed.

2:50 p.m. Court reconvened with respective counsel present.

Second panel of prospective jurors present.

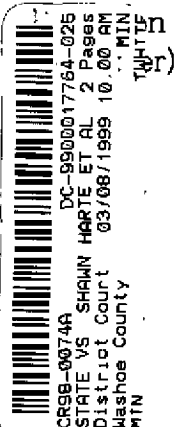
Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Alpers, Carpenter, Clark, Cullen, Judge, Monroe, O'Gara, Odle, Santos, Sigua, Stanley and Witt.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

Outside presence of jury, State's counsel requested the return of video tapes in evidence. Upon no objection, COURT ENTERED ORDER granting request. COURT FURTHER ENTERED ORDER that the Jury Commissioner must attempt



CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB. WESTON EDWARD  
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CONTD TO

3/8/99 VOIR DIRE (JURY SELECTION)  
E. Nelson to contact all absent jurors and order them to appear on March 11, 1999, at  
(Reporter) 3:00 p.m.  
State's counsel gave video and audio tapes to Defense.  
COURT ENTERED ORDER that respective defense counsel must review all  
tapes immediately and notify Court if a continuance of the trial is needed.

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CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA M. BABB, SHAWN R. HARTE  
and WESTON E. SIREX

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CONT'D TO

3/9/99 JURY SELECTION - TELEPHONIC

HONORABLE Deputy District Attorney Thomas Barb represented the State. Defendant  
CONNIE Babb not present, appearance previously waived, being represented by  
STEINHEIMER counsel, Jerome Wright. Defendant Sirex not present, appearance  
DEPT. NO.4 previously waived, being represented by counsel, Jack Alian. Defendant  
M. Stone Harte not present, appearance previously waived, being represented by  
(Clerk) counsel, John Ohlson and John Springgate.  
E. Nelson COURT informed respective counsel of Juror Guzman's conflict with jury  
(Reporter) selection.

Upon no objection by respective counsel and respective defense counsel  
having authority to agree on behalf of the Defendants, COURT ENTERED  
ORDER excusing Juror Guzman.

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STATE VS SHAWN HARTE ET AL ( 1 Page  
District Court 03/09/1999 08:30 AM  
Washoe County MTN

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CONT'D TC

3/11/99

CONTINUED VOIR DIRE (JURY SELECTION)

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb not present, appearance previously waived, being represented by counsel, Paul Giese and Jerome Wright. Defendant Sirex not present, appearance previously waived, being represented by counsel, Jack Alian and Jenny Hubach. Defendant Harte not present, appearance previously waived, being represented by counsel, John Ohlson and John Springgate.

3:10 p.m. Court convened with prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

Outside the presence of the Jury, State's counsel provided Court with photographs to be marked in evidence.

3:20 p.m. Court recessed.

MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS

4:00 p.m. Court reconvened with respective counsel and defendants present.

Court noted receipt of Confidential Voir Dire provided by respective counsel and the Written Questionnaires from the Jury.

Court notified counsel of the Jurors released after exercising personal exemption, listed as follows: Jurors Elliott, Freemonth, Ogera and Witt.

EXHIBITS 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 5A, 5B, 5C and 5D

marked by State's counsel Barb; objection to 1A, 2C, 4B and 5D by respective defense counsel Hubach, Giese and Springgate.

COURT ENTERED ORDER granting the Defense's Motion in Limine to exclude photographs in part. Court did not allow Exhibits 1A and 1C.

Discussion ensued regarding Courtroom set-up and policies.

Upon discussion regarding the defense's use of their peremptory challenges and designation of counsel Giese, COURT ENTERED ORDER allowing the Defense to have counsel Giese exercise all peremptory challenges as directed by other defense counsel. If counsel Giese is not following the

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ET AL 3 Pages  
03/11/1999 04:00 PM  
TJH/TF

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3/11/99  
D. Phipps  
(Reporter)

CONTINUED MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS  
direction of other defense counsel, then an objection must be made immediately.

Court informed respective counsel of the questions that would not be allowed in voir dire. Respective defense counsel set forth objection to any Whitherspoon question to the jury by the State. COURT ENTERED ORDER allowing the State to ask Whitherspoon questions of the jury panel.

5:10 p.m. Court recessed until 9:00 a.m. on March 12, 1999. Defendant remanded to the custody of the sheriff.

3/12/99  
K. Yates  
(Reporter)

CONTINUED MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS  
Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and Jerome Wright. Defendant Sirex present with counsel, Jack Alican and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate. 9:50 a.m Court reconvened.

Court further informed respective counsel of the questions that would not be allowed in voir dire. Respective counsel Hubach and Giese made statement regarding the stricken questions.

Motion in Limine exclude Expert Witness by State's counsel; objection and argument by Defense counsel Ohlson; joinder to objection by defense counsel Giese; reply by State's counsel Barb. COURT took matter under advisement.

State's counsel Barb made statement regarding the military records of Defendant Harte and Sirex.

Request to endorse new witness by State's counsel Barb; presented argument; objection and argument by defense counsel Ohlson; no objection by defense counsel Giese; reply by State's counsel Barb. COURT ENTERED ORDER granting request to endorse witness and allowing Deputy Stoffel to be called as a witness, but defense counsel may renew objection upon the witness being called.

Upon discussion, COURT ORDERED counsel to provide the clerk with a

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CONT'D TO

3/12/99

CONTINUED MOTION TO CONFIRM TRIAL DATE/PRE-TRIAL MOTIONS

K. Yates

witness list by 2:00 p.m. on 3/12/99.

(Reporter)

Upon request by respective counsel, COURT ENTERED ORDER invoking the rule of exclusion with the exception of victim's wife, and the Defendant's mothers. Respective counsel to identify those people to the Bailiff.

11:00 a.m. Court recessed. Defendant remanded to the custody of the Sheriff.

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CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD  
SIREX and SHAWN RUSSELL HARTE

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CONTD TO

3/15/99

JURY TRIAL

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

K. Yates/E.

Nelson

(Reporters)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate. 10:24 a.m. Court convened. Prospective jurors present.

Upon no objection by counsel and medical excuses being provided, COURT ENTERED ORDER excusing Juror Brant, to be recalled in 6 months; and excusing Juror Ott-Partin, to be recalled at the discretion of the Jury Commissioner.

Court personnel, respective counsel and defendants introduced to the jury panel.

Roll taken of prospective jurors; all present except Bogle and Key. Respective counsel stipulated to proceed in their absence. All prospective jurors sworn as to their qualifications to serve as trial jurors. Forty names drawn (Cunningham, Collins, Rosas, Carroll, Tarrant, Nikoley, Kies, Schmidt, Hopper, Hagan, Short, Garfinkle, Bartlett (excused upon stipulation of respective counsel), Rieger, Mayne, Bangert, Leonard, Gumagay, Triplett, Alpers, Ryan Johnson, Mitchell, Monroe, Timmons, Willingham, Scott, Cha, Cordova, Alas, Allan, Hickman, Judge, Emmich, Rogers, Oery, Mahomet, Watkins, Steele, Smith); and jurors seated.

10:45 a.m. John R. Bogle present and sworn as to his qualifications to serve as a trial juror.

11:00 a.m. Douglas R. Key present and sworn as to his qualifications to serve as a trial juror.

Prospective Jury Panel generally examined by Court.

Upon discussion at the bench and no objection by respective counsel, COURT excused juror Judge.

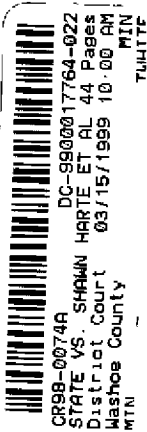
Another name drawn. Craig R. Fougner called, seated and generally examined by the Court.

Prospective Jury Panel further generally examined by Court.

Upon Juror Fougner's hearing disability and no objection by counsel, COURT excused Juror Fougner, to be recalled. When recalled Jury Commission must have hearing disability capability in the Courtroom.

Upon stipulation of respective counsel, COURT excused Juror Bogle due to medical reasons.

Another name drawn. Nina A. Killen called, seated and generally examined by Court.



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APPEARANCES-HEARING

CONT'D TO

3/15/99

CONTINUED JURY TRIAL

K. Yates/E. Upon discussion at the bench and no objection by respective counsel,

Nelson COURT excused Juror Garfinkle excused.

(Reporters) Another name drawn. Eulalia Brama called, seated and generally examined by the Court.

Prospective Jury Panel further generally examined by Court.

Upon no objection by respective counsel, COURT excused Juror Collins to be recalled in 3 months.

Another name drawn. Patricia E. Welch called, seated and generally examined by the Court.

Prospective Jury Panel further generally examined by Court.

Upon no objections by respective counsel, COURT excused Juror Gumagay to return on March 22, 1999; and excused Juror Cha due to language barrier.

Two additional names drawn. Paul A. Canady and Douglas R. Key called, seated and generally examined by the Court.

12:30 p.m. Jury admonished. Court recessed.

2:00 p.m. Court reconvened with respective counsel and defendants present.

Prospective Jurors present. Clerk called roll; all present.

Upon no objection by respective counsel, COURT excused Juror Hagan due to medical illness of mother.

Another name called. John T. Rushing called, seated and generally examined by Court.

Upon direction of the Court, State's counsel Barb specifically examined the prospective jury panel

Juror Oery challenged for cause by State's counsel Barb; traversed and objected by defense counsel Springgate; challenge denied.

Prospective jury panel further specifically examined by State's counsel Barb.

Upon direction of the Court, defense counsel Hubach specifically examined prospective jury panel.

3:25 p.m. Jury admonished. Court recessed.

3:40 p.m. Court reconvened with respective counsel and defendant's present.

Prospective jurors present.

Upon direction of the Court, defense counsel Giese specifically examined prospective jury panel.

Juror Cunningham challenged for cause by defense counsel Giese; traversed

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CONTINUED JURY TRIAL

K. Yates/D. and no objection by State's counsel Barb; challenge granted and juror Phipps excused.

(Reporter) Another name drawn. Dianna Santo called, seated and generally examined by the Court and State's counsel Barb.

Defense counsel Giese further specifically examined the prospective jury panel.

Juror Santos challenged for cause by defense counsel Giese; traversed and objection by State's counsel Barb; challenge denied.

Defense counsel Giese further specifically examined the prospective jury panel.

Upon direction of the Court, defense counsel Springgate specifically examined the prospective jury panel.

Respective counsel passed the prospective juror panel for cause.

Court thanked and excused un-selected jurors.

5:00 p.m. Jury admonished. Court recessed.

5:40 p.m. Court reconvened with respective counsel and defendants present.

Respective counsel stipulated to the presence of all prospective jurors.

State's first peremptory challenge was of juror Rushing.

Defense's first peremptory challenge was of juror Santos.

State's second peremptory challenge was of juror Short.

Defense's second peremptory challenge was of juror Welch.

State's third peremptory challenge was of juror Rosas.

Defense's third peremptory challenge was of juror Tarrant.

State's fourth peremptory challenge was of juror Kies.

Defense's fourth peremptory challenge was of juror Schmidt.

State's fifth peremptory challenge was of juror Collings.

Defense's fifth peremptory challenge was of juror Mayne.

State's sixth peremptory challenge was of juror Mitchell.

Defense's sixth peremptory challenge was of juror Canady.

State's seventh peremptory challenge was of juror Timmons.

Defense's seventh peremptory challenge was of juror Triplett.

State's eighth peremptory challenge was of juror Alas.

Defense's eighth peremptory challenge was of juror Alpers.

State's ninth peremptory challenge was of juror Cordova.

Defense's ninth peremptory challenge was of juror Johnson.

State's tenth peremptory challenge was of juror Leonard.

Defense's tenth peremptory challenge was of juror Willingham.

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3/15/99 CONTINUED JURY TRIAL

K. Yates/D. State's eleventh peremptory challenge was of juror Oery.  
Phipps Defense's eleventh peremptory challenge was of juror Allan.  
(Reporter) State's twelfth peremptory challenge was of juror Key.  
Defense's twelfth peremptory challenge was of juror Emmrich.

State's peremptory challenge of alternate jurors was of juror Mahomet.  
Defense's peremptory challenge of alternate jurors was of juror Smith.

The following twelve persons and two alternates were sworn to try this case:

Karoline K. Carroll	Jason C. Nikoley	Joy E. Hopper
Eulalia Brana	Gary V. Rieger	Lawrence D. Bangert
Julie C. Ryan	Anthony D. Monroe	Bradford L. Scott
Timothy E. Hickman	Nina A. Killen	Timothy B. Rogers
Alternates: Veronica J. Watkins and Karen K. Steele		

5:50 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.

Outside the presence of the jury, discussion ensued regarding the Motion in Limine to exclude Expert Witnesses.

Request for Offer of Proof Hearing regarding the evidence to be presented by Defense's Expert Witnesses by defense counsel Ohlson; presented argument; objection and argument by State's counsel Barb. COURT ENTERED ORDER that Defense counsel Ohlson must secure the presence of the Expert Witnesses and the Court would hear the testimony prior to a ruling on the Motion in Limine.

Defense counsel Hubach joined in defense counsel Ohlson's Objection to the Motion in Limine.

Discussion ensued regarding the potential of the jury hearing that the Defendant's were in custody.

Request for substitution of witness to authenticate news cast tape by State's counsel Barb; presented argument; no objection by respective defense counsel. COURT ENTERED ORDER allowing Steve Miller to be substituted in place of Ethan Hart.

6:25 p.m. Court recessed. Defendants remanded to the custody of the sheriff.

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DATE, JUDGE  
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COURT PRESENT

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CONT'D TO

3/16/99

CONTINUED JURY TRIAL

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

K. Yates/E.

Nelson

(Reporters)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate. ...

10: 40 a.m. Court reconvened outside the presence of the jury.

Defense counsel Giese reserved opening statement.

Defense counsel Hubach and Springgate wished to present an opening statement after State's counsel.

10:41 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court Clerk read the Indictment aloud and indicated that pleas of not guilty had previously been entered by each of the defendants.

State's counsel Elliott presented opening statement.

Defense counsel Hubach presented opening statement.

Defense counsel Springgate presented opening statement.

Defense counsel Giese reserved opening statement.

Respective defense counsel Giese and Springgate invoked the rule of exclusion.

Gerald Vaughn called by State's counsel Elliott, sworn and testified; cross-examined by respective defense counsel Alian, Wright and Springgate; redirect examined.

EXHIBIT 2A offered by State's counsel Elliott; no objection by respective defense counsel; ordered admitted into evidence.

Witness Vaughn further redirect examined.

EXHIBIT 2B offered by State's counsel Elliott; no objection by respective defense counsel; ordered admitted into evidence.

Witness Vaughn further redirect examined; excused.

John Lagamma called by State's counsel Elliott, sworn and testified; cross-examined by respective defense counsel Alian, Wright and Springgate;

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K. Yates/E. excused.

Nelson

(Reporters)

12:03 p.m. Jury admonished and excused. Outside the presence of the jury, Defense counsel made statement regarding his offer of proof regarding the Motion to exclude Expert Testimony.

12:05 p.m. Court recessed.

1:43 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

Discussion ensued regarding the schedule of trial.

State's counsel Barb provided respective defense counsel with the curriculum vitae of Kevin Lattyak.

1:46 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Ron Holst called by State's counsel Sattler, sworn and testified; cross-examined by respective defense counsel Alian and Springgate; excused.

Joey Machado called by State's counsel Sattler, sworn and testified; cross-examined by defense counsel Alian and Springgate; redirect examined; excused.

Kandi Payne-Davis called by State's counsel Sattler, sworn and testified.

EXHIBIT 7A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness further direct examined.

EXHIBIT 7C offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness further direct examined; cross-examined by respective defense counsel; redirect examined.

EXHIBIT 19A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Payne-Davis further redirect examined; recross-examined by

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K. Yates/E. respective defense counsel Alian and Springgate; excused.

Nelson

(Reporters)

2:45 p.m. Jury admonished. Court recessed.

3:12 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present for a petrocelli hearing.

State's counsel Barb set forth offer of proof.

Jim Stewart called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Springgate.

Upon request by defense counsel Springgate; joinder by respective defense counsel Alian and Giese; objection by State's counsel Barb; denied.

Witness Stewart further cross-examined by respective defense counsel Springgate, Giese and Alian; redirect examined; excused, subject to recall.

Discussion ensued regarding schedule of witnesses.

4:00 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court excused jury panel until March 17, 1999, at 10:30 a.m.

4:01 p.m. Jury admonished and excused.

Bill Coleman called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Springgate and Alian; excused, subject to recall.

Mark Joseph called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Alian and Springgate.

Motion for Continuance of Petricelli hearing for disclosure of video tapes by respective defense counsel Springgate and Giese; presented argument; objection and argument by State's counsel Barb.

Upon clarification by the State, COURT ENTERED ORDER allowing testimony from Witness Joseph as set forth by State's counsel Barb and nothing more until further hearing.

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SIREX and SHAWN RUSSELL HARTE

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CONT'D TO

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CONTINUED JURY TRIAL

K. Yates/E. Witness Joseph excused, subject to recall.

Nelson

(Reporters)

Defense counsel Springgate made further statement.

COURT ENTERED ORDER that Churchill County Witnesses may only state they were investigating an incident and a lawful search warrant of the vehicle and home were received and complied with.

Upon discussion regarding the exhibits, State's counsel Barb indicated that Exhibits 9, 5C and 5D will not be used during the guilt phase of this trial.

5:13 Court recessed. Defendants remand to the custody of the sheriff.

3/17/99

CONTINUED JURY TRIAL

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

E. Nelson

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate. 10:20 a.m. Court reconvened outside presence of jury.

Rev. Robert Retner called by defense counsel Ohlson, sworn and testified; cross-examined by State's counsel Barb; excused.

State's counsel Barb made statement regarding Petricelli hearing and tape produced by FBI. Respective defense counsel indicated that they had in fact received the tape with questioning by the FBI.

10:45 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Jim Woods called by State's counsel Sattler, sworn and testified; cross-examined by defense counsel Hubach; excused.

Jim Stewart called by State's counsel Barb, sworn and testified.

EXHIBIT 4A offered by State's counsel Barb; no objection by respective



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defense counsel; ordered admitted into evidence.

Witness Stewart further direct examined; cross-examined by respective defense counsel Giese and Springgate; excused.

Mark Joseph called by State's counsel Barb, sworn and testified.

EXHIBIT 4B AND 4C offered by State's counsel Barb; no objection by respective defense counsel, ordered admitted into evidence.

Witness Joseph further direct examined; cross-examined by respective defense counsel Giese and Springgate; excused.

Billy J. Coleman called by State's counsel Barb, sworn and testified.

EXHIBIT 5A offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 24 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined; cross-examined by respective defense counsel Giese and Springgate; redirect examined; excused.

Chuck Lowe called by State's counsel Sattler, sworn and testified.

EXHIBIT 2C offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 28 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

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EXHIBIT 19B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 16 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 17A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

12:00 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the schedule of trial.

12:03 p.m. Court recessed.

1:35 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

EXHIBITS 17D AND 17E marked by State's counsel Sattler.

Motion to Redact Exhibit 24 by respective defense counsel; presented argument; objection and argument by State's counsel Barb. COURT reserved ruling.

1:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Lowe, heretofore sworn, resumed stand and was further direct examined.

EXHIBIT 17B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

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EXHIBIT 17C offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 17D offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 17E offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 26 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined.

EXHIBIT 33 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Lowe further direct examined; cross-examined by respective defense counsel Hubach, Giese and Springgate; redirect examined; excused.

J. L. Straits called by State's counsel Sattler, sworn and testified.

EXHIBIT 18A and 18B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 18C marked and offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

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EXHIBIT 32 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 3B offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 6A, 6B, 6C and 6D offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 27 offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined.

EXHIBIT 3A offered by State's counsel Sattler; no objection by respective defense counsel; ordered admitted into evidence.

Witness Straits further direct examined; cross-examined by respective defense counsel Hubach and Springgate; excused.

Kevin Lattyak called by State's counsel Barb, sworn and testified; cross examined by respective defense counsel Alian and Springgate; redirect examined; recross-examined by defense counsel Springgate; further examined by State's counsel Barb and respective defense counsel Springgate and Alian; excused.

Jim Beltron called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Alian.

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EXHIBITS 31A - 31E offered by defense counsel Alian; no objection by State's counsel Barb or respective defense counsel; ordered admitted into evidence.

Witness Beltron cross-examined by defense counsel Springgate; redirect examined; recross-examined by defense counsel Springgate; excused.

3:27 p.m. Jury admonished. Court recessed.

4:06 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Larry Canfield called by State's counsel Elliott, sworn and testified; cross-examined by defense counsel Alian; excused.

David Palosaari called by State's counsel Barb, sworn and testified.

EXHIBIT 1A offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Palosaari further direct examined; cross-examined by respective defense counsel Alian and Springgate; redirect examined; recross-examined by defense counsel Alian; excused.

4:30 Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the schedule of witnesses and redaction to Exhibit 8.

Upon arguments regarding exhibit 8, COURT ENTERED ORDER allowing for exhibit 8 to be redacted.

EXHIBIT 8A marked by State's counsel Barb.

Defendants Sirex, Babb and Harte canvassed as to their rights against self incrimination.

Court addressed Defendants Babb and Harte regarding contact with each other.

4:52 p.m. Court recessed. Defendants remanded to the custody of the sheriff.

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HONORABLE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the

CONNIE J. State. Defendant Babb present with counsel, Paul Giese and M. Jerome

STEINHEIMER Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach.

M. Stone Defendant Harte present with counsel, John Ohlson and John Springgate.

(Clerk) 8:15 a.m. Court reconvened outside the presence of the jury.

E. Nelson Defense counsel Ohlson presented offer of proof evidence against the Motion  
(Reporter) to Exclude Expert Witness Testimony.

Charles Durante called by Defense counsel Ohlson, sworn and testified; cross-examined by State's counsel Barb; redirect examined; recross examined; excused.

8:35 a.m. Court recessed.

10:30 a.m. Court reconvened outside the presence of the jury, with respective counsel and defendants present.

Defense counsel Giese requested that Court remain in recess until he is able to complete a criminal hearing in another department. COURT ENTERED ORDER allowing for the delay. COURT FURTHER ORDERED Bailiff to inform jury of delay.

10:35 a.m. Court recessed.

11:13 a.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

EXHIBITS 13A AND 13B, respective counsel stipulated to the foundation of the evidence.

Jennifer Crowe called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Giese; excused.

Lanette Bagby called by State's counsel Barb, sworn and testified.

EXHIBIT 8 offered by State's counsel Barb; objection by defense counsel Springgate and Giese; offer withdrawn.

Witness Bagby further direct examined.

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EXHIBIT 8A marked and offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Bagby further direct examined; excused.

State's counsel rested.

Defense counsel Hubach rested.

Defense counsel Giese rested.

Defense counsel Springgate rested.

11:30 a.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding Exhibit 24.

Respective Defendants invoked the right against self incrimination.

Defense counsel Ohlson set forth further offer of proof regarding the Motion to exclude Expert Witnesses.

Myra Soifer called by defense counsel Ohlson, sworn and testified; cross-examined by State's counsel Barb; excused.

Defense counsel Ohlson presented further objection to Motion to Exclude.

State's counsel Barb presented reply to the Objection.

COURT took matter under submission.

Defendants waived right to be present at the discussions regarding jury instructions and exhibit 24.

11:50 a.m. Court recessed. Defendants remanded to the custody of the sheriff.

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HONORABLE

CONNIE J.

STEINHEIMER

M. Stone-(Clerk)

E. Nelson

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Harte present with counsel, John Ohlson and John Springgate.

9:42 a.m. Court reconvened outside the presence of the jury.

Court set forth order of the jury instructions. Respective counsel had no further

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instructions to offer. Respective counsel Barb, Hubach, and Giese had no further objections to the Instructions. Defense counsel Ohlson set forth objection to Instructions 17 and 23; joinder by defense counsel Aliam. COURT OVERRULED objection and allowed for the instruction. Respective counsel had no objection to the verdict forms.

Respective counsel stipulated to the reading of the instructions prior to arguments.

Upon request by State's counsel Barb and stipulation by respective defense counsel, COURT ENTERED ORDER amending the Indictment to reflect Robbery in the amount of \$84.00.

EXHIBIT 24A admitted into evidence upon stipulation by respective counsel. EXHIBIT 24 to remain admitted but not delivered to the jury.

9:56 a.m. Court recessed.

10:15 a.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

Upon request by State's counsel, COURT ENTERED ORDER allowing Deputy Belton to be exempt from the Rule of Exclusion for closing arguments.

10:17 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read Instructions aloud.

State's counsel Barb presented opening argument.

Defense counsel Hubach presented answering argument.

Defense counsel Giese presented answering argument.

11:45 a.m. Jury admonished. Court recessed.

12:05 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Defense counsel Springgate presented answering argument.

State's counsel Barb presented closing argument.

1:00 p.m. Law Clerk sworn to take charge of the Alternate Jurors. Bailiff sworn to take charge of the Jurors for deliberation.

Outside the presence of the jury, COURT ENTERED ORDER granting the



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Motion to Exclude Expert Witness Testimony.

1:15 p.m. Court recessed.

3:04 p.m. Court reconvened with respective counsel and defendants present. Court informed parties of Question No. 1 from the jury. Upon no objections by respective counsel, COURT ORDERED Answer to Question No. 1 delivered to the Jury.

3:07 p.m. Court recessed.

3:58 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Clerk called Roll.

Jury returned the following verdicts:

VERDICT

We, the jury in the above-entitled matter, find the Defendant, WESTON EDWARD SIREX, GUILTY of COUNT II. ROBBERY.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott  
FOREPERSON

If you found the Defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

X Yes                             No

(sgd) Bradford L. Scott  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, LATISHA MARIE BABB, GUILTY of COUNT II. ROBBERY.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott  
FOREPERSON

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If you found the Defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

X Yes           No

(sgd) Bradford L. Scott  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, SHAWN RUSSELL HARTE, GUILTY of COUNT II, ROBBERY.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott  
FOREPERSON

If you found the Defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

X Yes           No

(sgd) Bradford L. Scott  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, WESTON EDWARD SIREX, GUILTY of MURDER.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott  
FOREPERSON

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(Reporter)

Having found the Defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

X Murder of the First Degree  
\_\_\_ Murder of the Second Degree

(sgd) Bradford L. Scott  
FOREPERSON

If you found the Defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instruction?

Yes X No \_\_\_

(sgd) Bradford L. Scott  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, LATISHA MARIE BABB, GUILTY of MURDER.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott  
FOREPERSON

Having found the defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

X Murder of the First Degree  
\_\_\_ Murder of the Second Degree

(sgd) Bradford L. Scott  
FOREPERSON

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If you have found the Defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instructions?

X Yes

\_\_\_ No

(sgd) Bradford L. Scott  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the Defendant, SHAWN RUSSELL HARTE, GUILTY of MURDER.

DATED this 19th day of March, 1999.

(sgd) Bradford L. Scott

Having found the Defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or First of the Second Degree?

X Murder of the First Degree

\_\_\_ Murder of the Second Degree

(sgd) Bradford L. Scott

If you have found the defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the commission of this Murder as defined in these instructions?

Yes X

No \_\_\_

(sgd) Bradford L. Scott

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E. Nelson Court inquired of the jurors as a whole if this was the verdict to which they  
(Reporter) agreed and there were no negative responses.

Upon motion by defense counsel Giese, COURT ORDERED THE JURY POLLED. To the question, "Are these your verdicts as read?", posed to each of the jurors individually, as to each Defendant, each responded "Yes".

Court admonished the Jury Panel and the Alternates and Ordered them to return for the Penalty Phase of the Trial on March 22, 1999, at 10:00 a.m.

4:11 p.m. Court recessed.

3/22/99 PENALTY JURY TRIAL

HONORABLE Deputy District Attorneys Thomas Barb and Elliott Sattler represented the  
CONNIE J. State. Defendant Latisha Marie Babb present with counsel, Paul Giese and  
STEINHEIMER M. Jerome Wright. Defendant Weston Edward Sirex present with counsel,  
DEPT. NO. 4 Jenny Hubach and Jack Alian. Defendant Shawn Russell Harte present with  
M. Stone counsel, John Ohlson and John Springgate.

(Clerk) 8:42 a.m. Court reconvened outside the presence of the jury for prior bad acts  
E. Nelson hearing.

(Reporter) Abraham Lee called by State's counsel Elliott, sworn and testified.

EXHIBIT 34A - 34L marked by State's counsel Elliott.

Witness Lee further direct examined.

EXHIBIT 34A - 34L offered by State's counsel Elliott; no objection by respective defense counsel; ordered admitted into evidences for purposes of this hearing only.

Witness Lee cross-examined by defense counsel Alian; excused.

Billy J. Coleman called by State's counsel Barb, sworn and testified.

EXHIBIT 9, 5A and 5C offered by State's counsel Barb; voir dire by Defense counsel Wright; objection to 5C and 9 by defense counsel Ohlson; joinder by defense counsel Wright and Alian; reply by State's counsel Barb; ordered admitted into evidence for purposes of this hearing only.

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Witness Coleman further direct examined; cross-examined by respective defense counsel Alian, Wright and Ohlson; redirect examined by State's counsel Barb; recross by defense counsel Wright; excused.

Mark Joseph called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Alian, Giese and Ohlson; excused, subject to recall.

Jim Beltron called by State's counsel Barb, sworn and testified; cross-examined by respective defense counsel Giese and Ohlson; excused, subject to recall.

State's counsel presented argument.

Respective defense counsel Alian, Wright and Ohlson presented objection to the testimony of the witnesses.

State's counsel present further argument.

COURT ENTERED ORDER that State's counsel could not bring in testimony regarding fingerprints unless Defense counsel inquires in that area first; and that the Motion in Limine to exclude prior bad act testimony is denied.

10:30 a.m. Court recessed.

10:52 a.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the Jury.

State's counsel Barb presented opening statement.

Defense counsel Hubach presented opening statement.

Defense counsel Wright presented opening statement.

Defense counsel Ohlson presented opening statement.

Abraham Lee called by State's counsel Sattler, sworn and testified.

EXHIBIT 34A - 34 L offered by State's counsel Sattler; no objection by respective defense counsel Alian and Giese; objection by defense counsel Ohlson; ordered admitted into evidence.

Witness Lee further direct examined; excused.

Billy Coleman called by State's counsel Barb, sworn and testified.

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EXHIBIT 35 marked by State's counsel Barb.

Witness Coleman further direct examined.

EXHIBIT 35 offered by State's counsel Barb; no objection by respective defense counsel Alian and Giese; objection by defense counsel Ohlson; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 24 offered by State's counsel Barb; objection by respective defense counsel; COURT took matter under advisement.

Witness Coleman further direct examined.

EXHIBIT 5B offered by State's counsel Barb; objection by respective defense counsel Alian and Giese; voir dire and objection by defense counsel Ohlson.

Witness Coleman further direct examined.

EXHIBIT 5C offered by State's counsel Barb; objection by respective defense counsel Alian and Giese; voir dire and objection by defense counsel Ohlson; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 9 offered by State's counsel Barb; objection by respective defense counsel Alian, Giese and Ohlson; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 5D offered by State's counsel Barb; objection by respective counsel Alian and Giese; voir dire by defense counsel Ohlson.

Witness Coleman further direct examined.

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EXHIBIT 5D re-offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined.

EXHIBIT 36 marked by State's counsel Barb.

Witness Coleman further direct examined.

EXHIBIT 36 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further direct examined; cross-examined by defense counsel Giese and Ohlson.

EXHIBIT 37 marked by State's counsel Barb.

Witness Coleman further redirect examined.

EXHIBIT 37 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Coleman further redirect examined; excused.

12:06 p.m. Jury admonished and excused. Outside the presence of the jury, Court clarified ruling regarding Exhibits 5C and 9.

Discussion ensued regarding exhibits admitted during the Guilt Phase of the Trial. Court canvassed Defendants regarding their right against self incrimination.

12:12 p.m. Court recessed.

1:36 Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Jim Belton called by State's counsel Barb, sworn and testified.

EXHIBIT 38 marked by State's counsel Barb.



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Witness Beltron further direct examined.

EXHIBIT 38 offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Beltron further direct examined.

EXHIBIT 8 offered by State's counsel Barb; objection by respective defense counsel Giese and Ohlson.

1:53 p.m. Jury admonished and excused. Outside the presence of the jury, State's counsel Barb presented argument regarding Exhibit 8. Defense counsel Giese withdrew objection. Defense counsel Ohlson present objection. State's counsel Barb presented further argument.

Upon further discussion, EXHIBIT 8B being marked and no objections, COURT ENTERED ORDER admitting Exhibit 8B into evidence.

2:17 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Beltron further direct examined.

EXHIBIT 8B offered by State's counsel Barb; no objection by respective defense counsel; ordered admitted into evidence.

Witness Beltron further direct examined; cross-examined by defense counsel Wright; excused.

Jim Joseph called by State's counsel Barb, sworn and testified; cross-examined by defense counsel Ohlson; redirect examined; excused.

2:37 p.m. Jury admonished and excused. Outside the presence of the jury, State's counsel presented respective defense counsel with a typed statement from the Victim's family.

Upon no objection, COURT ALLOWED the Victim Impact statement to be read aloud to the Jury by the Victim's brother.

2:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

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E. Nelson  
(Reporter)

Tony Castro called by State's counsel Sattler, sworn and testified; cross-examined by defense counsel Ohlson; excused.

State's counsel rested.

2:54 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the schedule of witnesses.

2:58 p.m. Court recessed.

3:08 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

Jim Beltron, heretofore sworn, called by defense counsel Hubach and direct examined; excused.

3:14 p.m. Jury admonished and excused. Outside the presence of the jury, Defendants advised of their rights against self incrimination.

3:18 p.m. Court recessed.

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CONTINUED PENALTY JURY TRIAL

3/23/99

HONORABLE  
CONNIE J.  
STEINHEIMER

DEPT. NO. 4

M. Stone  
(Clerk)

E. Nelson  
(Reporter)

Deputy District Attorneys Thomas W. Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul C. Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack A. Alian and Jenny D. Hubach. Defendant Harte present with counsel, John Ohlson and John P. Springgate.

9:42 p.m. Court reconvened. Respective counsel stipulated to the presence of the jury.

Heidi Monson called by defense counsel Hubach, sworn and testified; excused.

Roy Parry called by defense counsel Hubach, sworn and testified; cross-examined by State's counsel Barb and Defense counsel Ohlson; excused.

Ronald Mueller called by defense counsel Hubach, sworn and testified; cross-examined by State's counsel Barb and defense counsel Ohlson; redirect

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E. Nelson

examined; recross-examined by State's counsel Barb and defense counsel Ohlson; excused.

(Reporter)

Stephanie Roysten called by defense counsel Allan, sworn and testified; cross-examined by State's counsel Barb; excused.

Mary Smith called by defense counsel Hubach, sworn and testified; cross-examined by State's counsel Barb; excused.

11:10 a.m. Jury admonished and excused. Outside the presence of the jury, COURT advised the defendant to stop conversing with each other.

11:15 a.m. Court recessed.

11:25 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Penelope Peer called by defense counsel Hubach, sworn and testified.

EXHIBIT 39 offered by defense counsel Hubach; no objection by State's counsel and respective defense counsel Giese and Ohlson; ordered admitted into evidence.

Witness Peer further direct examined; excused.

Jerry Howle, M.D., called by defense counsel Hubach, sworn and testified.

EXHIBIT 30 offered by defense counsel Hubach; no objection by State's counsel and respective defense counsel Giese and Ohlson; ordered admitted into evidence.

Witness Howle further direct examined.

EXHIBIT 40 marked and offered by defense counsel Hubach; no objection by State's counsel and respective defense counsel Giese and Ohlson; ordered admitted into evidence.

Witness Howle further direct examined; cross-examined by State's counsel Barb and defense counsel Ohlson; redirect examined; recross-examined by State's counsel Barb; excused.

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E. Nelson  
(Reporter)

Defense counsel Hubach rested.

12:03 p.m. Jury admonished. Court recessed.

1:37 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

All Defendants invoked their right against self incrimination. COURT ENTERED ORDER that the Defendants may re-open prior to reading of instructions, if they wish to testify.

1:40 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Mary Beth Babb called by defense counsel Wright, sworn and testified; excused.

Martha Mahaffey, Ph.D., called by defense counsel Giese, sworn and testified.

EXHIBIT 41 marked.

Witness Mahaffey further direct examined.

2:13 p.m. Jury excused. Outside the presence of the jury, discussion ensued regarding exhibits.

EXHIBIT 42 and 43 marked by defense counsel Giese.

Discussion ensued with respective counsel. COURT ENTERED ORDER allowing exhibit 42 admitted as demonstrative only; and allowing exhibit 43 admitted, but will also allow for a continuance of the trial for further discovery if requested by the State. Defense counsel Giese withdrew offer of exhibit 43.

2:30 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Mahaffey, heretofore sworn, resumed stand and was further direct examined.

EXHIBIT 41 offered by defense counsel Giese; objection by defense counsel

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E. Nelson Ohlson; no objection by State's counsel Barb and defense counsel Hubach.  
(Reporter) Upon redaction to Exhibit 41, EXHIBIT 41A marked and ordered admitted into evidence upon no objections by respective counsel.

Witness Mahaffey further direct examined.

3:30 p.m. Jury admonished. Court recessed.

4:19 p.m. Court reconvened with respective counsel and defendants present.  
Respective counsel stipulated to the presence of the jury.

Witness Mahaffey, heretofore sworn, resumed stand and was cross-examined by State's counsel Sattler.

EXHIBIT 8C marked by State's counsel Sattler.

Witness Mahaffey further cross-examined; redirect examined; recross-examined; excused.

Defense counsel Giese rested.

Linda Solomon called by defense counsel Ohlson, sworn and testified.

EXHIBIT 44 marked by defense counsel Ohlson.

Witness Solomon further direct examined.

EXHIBIT 44 offered by defense counsel Ohlson; no objection by State's counsel and respective defense counsel; ordered admitted into evidence.

Witness Solomon further direct examined; cross-examined by State's counsel Barb; redirect examined; excused.

Defense counsel Ohlson rested.

EXHIBIT 8C re-offered by State's counsel Barb; COURT reserved ruling.

State's counsel Barb rested rebuttal.

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E. Nelson

(Reporter)

Defendant Babb made statement in allocution.

4:45 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the Jury Instructions.

Court set forth order of Instructions. Defense counsel Ohlson had one additional Instruction to offer; joinder by respective defense counsel Giese and Alian; objection by State's counsel Barb; COURT denied use of offered Instruction and marked it as Defendant Harte's Offered Instruction A.

Defense counsel Giese had one Special Verdict to offer; objection by State's counsel Barb; COURT denied use of Offered Special Verdict and marked it as Defendant Babb's Offered Special Verdict Form B.

Defense counsel Hubach had one Special Verdict to offer; objection by State's counsel Barb; COURT denied use of Offered Special Verdict and marked in as Defendant Sirex' Offered Special Verdict Form C.

Respective counsel had no further objections or instructions to offer.

Respective counsel stipulated to reading the Instructions prior to arguments. COURT ENTERED ORDER denying Motion to Strike Aggravating Circumstances.

Motion to exclude Exhibit 24 from the Jury by defense counsel Ohlson; objection and argument by State's counsel Barb; COURT ENTERED ORDER denying motion, upon finding that the necessity for a redaction has become moot.

Discussion ensued regarding Exhibit 8C.

5:15 p.m. Court recessed.

3/24/99

HONORABLE

CONTINUED PENALTY JURY TRIAL

CONNIE J.

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

E. Nelson

(Reporter)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Babb present with counsel, Paul C. Giese and M. Jerome Wright. Defendant Sirex present with counsel, Jack A. Alian and Jenny D. Hubach. Defendant Harte present with counsel, John Ohlson and John P. Springgate.

11:34 a.m. Court reconvened outside the presence of the jury.

Motion for Juror Ryan to be Discharged from Service by defense counsel Ohlson; presented argument.

District Attorney Richard A. Gammick made statement to the Court.

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(Reporter)

Motion for Mistrial by defense counsel Alian; joinder by defense counsel Giese; presented argument; objection and argument by State's counsel Barb.

Respective defense counsel re-offered Defendant Harte's Offered Instruction A; presented argument; objection and argument by State's counsel Barb;  
COURT ENTERED ORDER denying request.

11:45 a.m. Juror Scott entered courtroom and was examined by the Court regarding Question from Jury; admonished and excused.

11:47 a.m. Juror Ryan entered courtroom and was examined by the Court; admonished and excused.

COURT ENTERED ORDER finding that neither Juror Scott nor Ryan had any improper conduct, therefore, denied the Motion to Discharge Juror Ryan and the Motion for Mistrial.

Discussion ensued regarding Jury Instructions.

11:55 a.m. Court recessed..

12:45 p.m. Court reconvened outside the presence of the jury with respective counsel and defendants present.

Upon request by State's counsel and no objection by respective defense counsel, COURT ENTERED ORDER allowing for a Cautionary Instruction.

12:47 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read Cautionary Instruction aloud.

Court read Jury Instructions aloud.

State's counsel Sattler presented opening argument.

Defense counsel Hubach presented answering argument.

2:10 p.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding the Cautionary Instruction.

2:15 p.m. Court recessed.

2:31 p.m. Court reconvened with respective counsel and defendants present. Respective counsel stipulated to the presence of the jury.

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3/24/99 CONTINUED PENALTY JURY TRIAL  
E. Nelson Defense counsel Giese presented answering argument.  
(Reporter) Defense counsel Ohlson presented answering argument.

3:49 p.m. Jury admonished and excused. Outside the presence of the jury, Discussion ensued regarding the reference in defense counsel Ohlson's argument about the Victim being Catholic.

3:51 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Defense counsel Ohlson presented further answering argument.  
State's counsel Sattler presented closing argument.

4:35 p.m. Law Clerk sworn to take charge of the Alternate Jurors. Bailiff sworn to take charge of the Jurors for deliberation.

7:34 p.m. Court reconvened in chambers with respective counsel present. Court informed parties of Question No. 4 from the jury. Upon no objections by respective counsel, COURT ORDERED Answer to Question No. 4 delivered to the Jury.

7:50 p.m. Court recessed.

8:10 p.m. Court reconvened in chambers with respective counsel present. Court informed parties of Question No. 6 from the jury. Upon no objections by respective counsel, COURT ORDERED Answer to Question No. 6 delivered to the Jury.

8:15 p.m. Court recessed.

9:20 p.m. Court reconvened in chambers with respective counsel present. Court informed parties of Question No. 7 from the jury. During discussion regarding Question No. 7, COURT informed by the Bailiff that the jury had reached a verdict.

9:25 p.m. Court recessed.

9:35 p.m. Court reconvened with respective counsel and defendants present.

Clerk called Roll.

Jury returned the following verdicts:



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E. Nelson  
(Reporter)

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CONTINUED PENALTY JURY TRIAL

VERDICT

We, the jury in the above-entitled action, find beyond a reasonable doubt that the murder, as alleged in Count I, of John Castro committed by the defendant was aggravated by the following circumstance or circumstances which have been checked below:

- X   1. The murder of John Castro was committed by the defendant LATISHA MARIE BABB during the course of a robbery;  
\_\_\_\_\_ 2. The murder of John Castro was committed by the defendant LATISHA MARIE BABB to avoid prosecution; or  
\_\_\_\_\_ 3. No aggravating circumstance or circumstances were proven beyond a reasonable doubt.

Further, We, the jury in the above-entitled action, having previously found the defendant, LATISHA MARIE BABB, guilty of Count I. MURDER WITH THE USE OF A DEADLY WEAPON,  
Set the penalty to be imposed as follows: (Check One)

- \_\_\_\_\_ A term of fifty (50) years in the Nevada Department of Prisons.  
\_\_\_\_\_ Life in the Nevada Department of Prisons with the possibility of parole.  
  X   Life in the Nevada Department of Prisons without the possibility of parole.  
\_\_\_\_\_ Having found beyond a reasonable doubt that an aggravating circumstance or circumstances exist in this case and that any mitigating circumstance or circumstances are not sufficient to outweigh the aggravating circumstance or circumstances found, and no other reason exists not to impose death, therefore, by reason thereof, set the penalty to be imposed upon the defendant at death.

DATED this 24 day of March, 1999.

(sgd) Bradford L. Scott  
PRESIDING JUROR

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E. Nelson  
(Reporter)

CONT'D TO

VERDICT

We, the jury in the above-entitled action, find beyond a reasonable doubt that the murder, as alleged in Count I, of John Castro committed by the defendant was aggravated by the following circumstance or circumstances which have been checked below:

X 1. The murder of John Castro was committed by the defendant WESTON EDWARD SIREX during the course of a robbery;

\_\_\_\_\_ 2. The murder of John Castro was committed by the defendant WESTON EDWARD SIREX to avoid prosecution; or

\_\_\_\_\_ 3. No aggravating circumstance or circumstances were proven beyond a reasonable doubt.

Further, We, the jury in the above-entitled action, having previously found the defendant, WESTON EDWARD SIREX, guilty of Count I. MURDER WITH THE USE OF A DEADLY WEAPON,

Set the penalty to be imposed as follows: (Check One)

_____	A term of fifty (50) years in the Nevada Department of Prisons.
_____	Life in the Nevada Department of Prisons with the possibility of parole.
<u>X</u>	Life in the Nevada Department of Prisons without the possibility of parole.
_____	Having found beyond a reasonable doubt that an aggravating circumstance or circumstances exist in this case and that any mitigating circumstance or circumstances are not sufficient to outweigh the aggravating circumstance or circumstances and no other reason exists not to impose therefore, by reason thereof, set the penalty imposed upon the defendant at death.

found,  
death,  
to be

DATED this 24th day of March, 1999.

(sgd) Bradford L. Scott  
PRESIDING JUROR

CASE NO. CR98-0074 TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON EDWARD  
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E. Nelson  
(Reporter)

APPEARANCES-HEARING

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VERDICT

We, the jury in the above-entitled action, find beyond a reasonable doubt that the murder, as alleged in Count I, of John Castro committed by the defendant was aggravated by the following circumstance or circumstances which have been checked below:

- ☒ 1. The murder of John Castro was committed by the defendant SHAWN RUSSELL HARTE during the course of a robbery;  
☐ 2. The murder of John Castro was committed by the defendant SHAWN RUSSELL HARTE to avoid prosecution; or  
☐ 3. No aggravating circumstance or circumstances were proven beyond a reasonable doubt.

Further, We, the jury in the above-entitled action, having previously found the defendant, SHAWN RUSSELL HARTE, guilty of Count I. MURDER WITH THE USE OF A DEADLY WEAPON,  
Set the penalty to be imposed as follows: (Check One)

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | A term of fifty (50) years in the Nevada Department of Prisons.  |
| <input type="checkbox"/>            | Life in the Nevada Department of Prisons with the possibility of parole.   |
| <input type="checkbox"/>            | Life in the Nevada Department of Prisons without the possibility of parole.  |
| <input checked="" type="checkbox"/> | Having found beyond a reasonable doubt that an aggravating circumstance or circumstances exist in this case and that any mitigating circumstance or circumstances are not sufficient to outweigh the aggravating circumstance or circumstances and no other reason exists not to impose therefore, by reason thereof, set the penalty imposed upon the defendant at death. |
- found,  
death,  
to be

DATED this 24th day of March, 1999.

(sgd) Bradford L. Scott  
PRESIDING JUROR

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3/24/99	<u>CONTINUED PENALTY JURY TRIAL</u>	
E. Nelson	Court inquired of the jurors as a whole if this was the verdict to which they	
(Reporter)	agreed and there were no negative responses.	5/7/99
	Upon motion by defense counsel Giese, COURT ORDERED THE JURY	1:30 p.m.
	POLLED. To the question, "Are these your verdicts as read?", posed to each	Sentencing
	of the jurors individually, as to each Defendant, each responded "Yes".	(All Deft.)
	COURT ORDERED Defendants referred to Probation Department for PSI on	
	Count II and continued for entry of judgment, consideration of probation	
	report and imposition of sentences on Counts I and II.	
	9:50 p.m. Court recessed. Defendants remanded to the custody of the sheriff.	

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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

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Title: STATE OF NEVADA VS. SHAWN HARTE ET AL  
Dept: 4 Addl Info:

At issue: 00/00/00  
Clerk: MB

Trial: 05/07/99 HEARING - SENTENCING

Restored Date: 03/25/98

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
1.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
1.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
2.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
2.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
2.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
3.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
3.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5.A	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5.B	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5.C	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
5.D	PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
6.A	BAG Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
6.B	MAP Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
6.C	NOTEBOOK Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
6.D	CLIPBOARD Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
7.A	POLORIOD PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
7.B	POLORIOD PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

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EXHIBITS

ID	Description	Type	Relshp	Dept	Clrk
7.C	POLORIOD PHOTOGRAPH Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
8	LETTER WRITTEN BY HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
8.A	REDACTED LETTER BY HARTE Intro: 03/18/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
8.B	REDACTED PORTION OF LETTER WRITTEN BY HARTE Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
8.C	REDACTED LETTER BY HARTE Intro: 03/23/99 Off/Obj:	01	STATE	4	MT
9	ENVELOPE CONTAINING 7 PAGES - HARTE MATERIAL Intro: 03/12/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
10	VIDEO TAPE INTERVIEW WITH SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
11.A	VIDEO TAPE INTERVIEW WITH HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
11.B	VIDEO TAPE INTERVIEW WITH HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
12.A	VIDEO TAPE INTERVIEW OF BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
12.B	VIDEO TAPE INTERVIEW OF BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
13.A	VIDEO TAPE - NEWS INTERVIEW BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
13.B	VIDEO TAPE - NEWS INTERVIEW BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
14	AUDIO TAPE - LANETTE BAGBY Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
15	TYPED NOTE AND HANDWRITING WITH ATTACHED NEWSPAPER CLIPPING Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
16	MISSILE FRAGMENTS FROM VICTIM Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.A	SMITH AND WESSON .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.B	BULLET FOR SMITH AND WESSON Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.C	MAGAZINE FOR SMITH AND WESSON Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.D	WILDCATE AMMUNITION Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.E	STINGER AMMUNITION Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.A	LORCIN .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

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Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

E X H I B I T S

ID	Description	Type	Relshp	Dept	Clrk
18.B	MAGAZINE FOR LORCIN .22 Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.C	BULLETTTS FROM LORCIN .22 Intro: 03/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19.A	PAPERS FROM TAXI CAB Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19.B	PAPERS FROM TAXI CAB Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
20	MICRO AUDIO TAPE - CONSENT TO SEARCH SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
21	MICRO AUDIO TAPE - INTERVIEW WITH BABB Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
22	ENVELOPE WITH 6 CASSETTE TAPES Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
23	MICRO AUDIO TAPES - INTERVIEW BY SIREX Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
24	NEWSPAPER - 10/27/97 FROM BABB/HARTE RESIDENCE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
24.A	REDACTED COPY OF NEWSPAPER ARTICLE Intro: 03/19/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
25	ITEMS FROM VICTIM Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
26	RADIO SHACK WIRELESS MICRO-PHONE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
27	BOX FROM SIREX'S HOUSE Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
28	.22 CALIBER CASING Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
29	MILITARY RECORDS OF HARTE Intro: 03/12/99 Off/Obj:	01	STATE	4	MT
30	MILITARY RECORDS OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
31.A	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.B	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.C	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.D	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
31.E	PHOTOGRAPH OF SIREX Intro: 03/12/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
32	PHOTOGRAPH Intro: 03/16/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33	PHOTOGRAPH Intro: 03/16/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

E X H I B I T S

ID	Description	Type	Relshp	Dept	Clrk
34.A	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.B	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.C	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
34.D	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
34.E	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.F	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.G	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.H	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
34.I	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.J	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
34.K	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
34.L	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ. OVRRLD	01	STATE	4	MT
35	FOOTPRINT ANALYSIS Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
36	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
37	PHOTOGRAPH Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
38	SIGNED MIRANDA WAIVER BY S. HARTE Intro: 03/22/99 Off/Obj: OFF'D/OBJ.OVRRLD	01	STATE	4	MT
39	SMALL PHOTOGRAPH OF SIREX AND UNCLE Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
40	MEDICAL RECORDS FROM WASHOE MEDICAL CENTER ON SIREX Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
41	PSYCHOLOGICAL EVALUATION OF LATISHA BABB Intro: 03/23/99 Off/Obj:	01	DEF:	4	MT
41.A	PSYCHOLOGICAL EVALUATION OF LATISHA BABB (REDACTED) Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
42	PROBABILITY OF VIOLENCE RECIDIVISM WITH AND WITHOUT TREATMENT Intro: 03/23/99 Off/Obj: OFFER WITHDRAWN	01	DEF:	4	MT
43			Admit:	03/23/99	



SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

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Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
44	PHOTO ALBUM OF SHAWN HARTE	01	DEF:	4	MT
	Intro: 03/23/99 Off/Obj: OFF'D/NO OBJ.		Admit:	03/23/99	
E.1	JURY QUESTIONNAIRE OF MARCOS ALAS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.2	JURY QUESTIONNAIRE OF JEFFREY ALLAN	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.3	JURY QUESTIONNAIRE OF ALAN K. ALPERS	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.5	JURY QUESTIONNAIRE OF ROBERT L. BARTLETT	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.6	JURY QUESTIONNAIRE OF JOHN R. BOGLE	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.7	JURY QUESTIONNAIRE OF WILLIAM BOTELHO, JR.	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.9	JURY QUESTIONNAIRE OF KELLY BRANT	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.10	JURY QUESTIONNAIRE OF EMIL BRAUTIGAM	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.11	JURY QUESTIONNAIRE OF GLEN P. BUDGE	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.12	JURY QUESTIONNAIRE OF PAUL CANADY	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.13	JURY QUESTIONNAIRE OF THOMAS CARPENTER	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.15	JURY QUESTIONNAIRE OF SUN JA CHA	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.16	JURY QUESTIONNAIRE OF LINDA K. CLARK	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.17	JURY QUESTIONNAIRE OF OLIVIA COLLINGS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.18	JURY QUESTIONNAIRE OF LAURIE COLLINS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.19	JURY QUESTIONNAIRE OF ENRIQUE P. CORDOVA	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.20	JURY QUESTIONNAIRE OF ARALYNNA M. COX	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.21	JURY QUESTIONNAIRE OF JOHN P. CULLEN	01	COURT	4	MT
	Intro: 03/11/99 Off/Obj: STIPULATED		Admit:	03/11/99	
E.22	JURY QUESTIONNAIRE OF DAVID CUNNINGHAM	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.24	JURY QUESTIONNAIRE OF LISA M. ELLIS	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.25	JURY QUESTIONNAIRE OF ANITA L. EMMICH	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	
E.26	JURY QUESTIONNAIRE OF CRAIG FOGNER	01	COURT	4	MT
	Intro: 03/08/99 Off/Obj: STIPULATED		Admit:	03/08/99	

Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

EXHIBITS

ID	Description	Type	Relshp	Dept	Clrk
E.27	JURY QUESTIONNAIRE OF JAMES T. FREEMAN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.29	JURY QUESTIONNAIRE OF CHARLOTTE GARFINKLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.30	JURY QUESTIONNAIRE OF TRACY R. GOLDER Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.31	JURY QUESTIONNAIRE OF SHIRLEY M. GUMAGAY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.32	JURY QUESTIONNAIRE OF OLIVIA A. GURULE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.33	JURY QUESTIONNAIRE OF OSMIN D. GUZMAN Intro: 03/08/99 Off/Obj: STIPULATION	01	COURT	4	MT
E.34	JURY QUESTIONNAIRE OF JAMES C. HAGAN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.35	JURY QUESTIONNAIRE OF MELODY HEADLEY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.36	JURY QUESTIONNAIRE OF SHARON K. HERBST Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.39	JURY QUESTIONNAIRE OF RODGER W. JOHNSON Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.40	JURY QUESTIONNAIRE OF JOHN J. JUDGE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.41	JURY QUESTIONNAIRE OF DOUG KEY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.42	JURY QUESTIONNAIRE OF RICHARD D. KIES Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.44	JURY QUESTIONNAIRE OF PATRICIA A. KING Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.45	JURY QUESTIONNAIRE OF ROBERT M. KINNISON Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.46	JURY QUESTIONNAIRE OF AMELIA L. LAVELLE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.47	JURY QUESTIONNAIRE OF CRAIG LEANARD Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.48	JURY QUESTIONNAIRE OF JON A. LEVINE Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.49	JURY QUESTIONNAIRE OF KENNETH D. MACLAREN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.50	JURY QUESTIONNAIRE OF ANTHONY W. MAHOMET Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.51	JURY QUESTIONNAIRE OF DAWN MALLARD Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.52	JURY QUESTIONNAIRE OF LINDA M. MARION Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.53	JURY QUESTIONNAIRE OF WILLIAM H. MARTIN Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE  
FULL CASE HISTORY

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Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL  
Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

E X H I B I T S

ID	Description	Type	Relshp	Dept	Clrk
E.54	JURY QUESTIONNAIRE OF JUDE MAYNE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.55	JURY QUESTIONNAIRE OF CYNTHIS L. MCMANMON-HICKS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.56	JURY QUESTIONNAIRE OF DEBORAH L. MILLER Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.57	JURY QUESTIONNAIRE OF CYNTHIA A. MITCHELL Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.59	JURY QUESTIONNAIRE OF BARBARA J. MURRAY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.62	JURY QUESTIONNAIRE OF PATRICK ODLE Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.63	JURY QUESTIONNAIRE OF THOMAS I. OERY Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.64	JURY QUESTIONNAIRE OF TONIA K. OTT- PARTIN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.65	JURY QUESTIONNAIRE OF MICHAEL REGAN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.67	JURY QUESTIONNAIRE OF LAURA M. RIOS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.69	JURY QUESTIONNAIRE OF MOISES ROSAS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.70	JURY QUESTIONNAIRE OF JOHN T. RUSHING Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.72	JURY QUESTIONNAIRE OF DIANA L. SANTOS Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.73	JURY QUESTIONNAIRE OF GREGORY R. SCHMIDT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.75	JURY QUESTIONNAIRE OF SARA SHORT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.76	JURY QUESTIONNAIRE OF CYNTHIA G. SIGUA Intro: 03/11/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.77	JURY QUESTIONNAIRE OF DAVID L. SMITH Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.80	JURY QUESTIONNAIRE OF ANNA L. TARRANT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.81	JURY QUESTIONNAIRE OF JANET C. TIMMONS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.82	JURY QUESTIONNAIRE OF JAMES W. TOUSSAINT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.83	JURY QUESTIONNAIRE OF ROSS E. TRIPLETT Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.84	JURY QUESTIONNAIRE OF MATTHEW R. WALDEN Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT

## SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

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FULL CASE HISTORY

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Case No: CR98-0074 Filed: 01/09/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SHAWN HARTE ET AL

At issue: 00/00/00

## E X H I B I T S

ID	Description	Type	Relshp	Dept	Clrk
E.86	JURY QUESTIONNAIRE OF JOHN WEILAND Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.87	JURY QUESTIONNAIRE OF PATRICIA E. WELCH Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.88	JURY QUESTIONNAIRE OF MARY A. WILLIAMS Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT
E.89	JURY QUESTIONNAIRE OF DEVINA M. WILLINGHAM Intro: 03/08/99 Off/Obj: STIPULATED	01	COURT	4	MT

CASE NO. CR98-0074

TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON  
EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE,  
OFFICERS OF  
COURT PRESENT

PAGE ONE

APPEARANCES-HEARING

CONT'D TO

5/7/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE - All

HONORABLE

Defendants

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

Deputy District Attorneys Thomas Barb and Elliott Sattler represented the State. Defendant Latisha Marie Babb present with counsel, Paul Giese and Jerome Wright. Defendant Weston Edward Sirex present with counsel, Jack Alian and Jenny Hubach. Defendant Shawn Russell Harte present with counsel, Jack Ohlson and John Springgate. Probation Officer Robert Tucker also present.

Court noted receipt of reports for all Defendants. Defense counsel Wright presented argument for minimum possible penalty and concurrent time regarding Count II. Defense counsel Hubach presented argument for minimum possible penalty and concurrent time regarding Count II. Defense counsel Ohlson submitted matter on the record previously presented. State's counsel presented argument for the maximum possible sentence and for consecutive time regarding Count II.

Defendant Babb made statement on behalf of herself.

Defendant Sirex declined to make a statement on his own behalf.

Defendant Harte declined to make a statement on his own behalf.

Probation Officer Tucker stood on recommendation.

As to Defendant Babb, COURT ORDERED JUDGMENT ENTERED and sentenced defendant to the Nevada Department of Prisons for the term of Life without the Possibility of Parole, for Count I, with a consecutive term of Life without the Possibility of Parole for the use of a deadly weapon; and by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months with credit for five hundred forty (540) days time served, for Count II, with a consecutive term of the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months for the use of a deadly weapon. Count II is to be served concurrently with sentence in Count I. Defendant is further punished by submission to DNA analysis testing for the purpose of determining genetic markers; and payment of attorney's fees in the amount of Seven Hundred Fifty Dollars (\$750.00) to the Washoe County Public Defender's Office. Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee and a Two Hundred Fifty Dollar (\$250.00) DNA testing fee to the Clerk of the Second Judicial District Court.

As to Defendant Sirex, COURT ORDERED JUDGMENT ENTERED and

CR98-0074A  
STATE VS SHAWN  
District Court  
Washoe County  
MTN  
DC-9500017764-021  
HARTE ET AL 3 Pages  
05/07/1999 01 30 PM  
TJH/TEB  
3r

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE TWO

APPEARANCES HEARINGCONT'D TO5/7/99 ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE - AllHONORABLE Defendants

CONNIE sentenced defendant to the Nevada Department of Prisons for the term of  
STEINHEIMER Life without the Possibility of Parole, for Count I, with a consecutive term of  
DEPT. NO.4 Life without the Possibility of Parole for the use of a deadly weapon; and by  
M. Stone imprisonment in the Nevada Department of Prisons for the maximum term  
(Clerk) of one hundred eighty (180) months with the minimum parole eligibility of  
D. Phipps seventy-two (72) months with credit for five hundred forty (540) days time  
(Reporter) served, for Count II, with a consecutive term of the maximum term of one  
hundred eighty (180) months with the minimum parole eligibility of seventy-  
two (72) months for the use of a deadly weapon. The sentence in Count II  
shall be served concurrently with the sentence in Count I. Defendant is  
further punished by submission to DNA analysis testing for the purpose of  
determining genetic markers; and payment of attorney's fees in the  
amount of Seven Hundred Fifty Dollars (\$750.00) to the Washoe County  
Public Defender's Office. Defendant is further ordered to pay a Twenty-  
Five Dollar (\$25.00) administrative assessment fee and a Two Hundred  
Fifty Dollar (\$250.00) DNA testing fee to the Clerk of the Second Judicial  
District Court.

As to Defendant Harte, COURT ORDERED JUDGMENT ENTERED and  
sentenced defendant to Death, for Count I; and by imprisonment in the  
Nevada Department of Prisons for the maximum term of one hundred  
eighty (180) months with the minimum parole eligibility of seventy-two (72)  
months with credit for five hundred forty-one (541) days time served, for  
Count II, with a consecutive term of the maximum term of one hundred  
eighty (180) months with the minimum parole eligibility of seventy-two (72)  
months for the use of a deadly weapon. The sentence in Count II shall be  
served concurrently with the sentence in Count I. Defendant is further  
punished by submission to DNA analysis testing for the purpose of  
determining genetic markers; and payment of attorney's fees in the  
amount of Seven Hundred Fifty Dollars (\$750.00) to the Washoe County  
Public Defender's Office. Defendant is further ordered to pay a Twenty-  
Five Dollar (\$25.00) administrative assessment fee and a Two Hundred  
Fifty Dollar (\$250.00) DNA testing fee to the Clerk of the Second Judicial  
District Court.

As to Defendant Harte, COURT FURTHER ENTERED ORDER that the  
Director of the Department of Prisons shall carry out said judgement by  
executing the Defendant during the week commencing on Monday, the  
16th day of August, 1999.

CASE NO. CR98-0074

TITLE: THE STATE OF NEVADA VS. LATISHA MARIE BABB, WESTON  
EDWARD SIREX and SHAWN RUSSELL HARTE

DATE, JUDGE  
OFFICERS OF

PAGE THREE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/7/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE - All

HONORABLE

Defendants

CONNIE

Motion for release of evidence by Defense counsel Hubach; presented

STEINHEIMER

argument. COURT ENTERED ORDER denying Motion pending appeal.

DEPT. NO.4

M. Stone

(Clerk)

D. Phipps

(Reporter)

**FILED**

Electronically

09-11-2013:01:37:26 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3987944

CASE NO. CR98-0074A

**TITLE: THE STATE OF NEVADA VS. SHAWN RUSSELL**  
**HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

8/22/13

**TELEPHONIC STATUS HEARING**

HONORABLE

Deputy District Attorney Zach Young, Esq., represented the State.

CONNIE

Defendant not present being represented by counsel, Chief Deputy Public

STEINHEIMER

Defender Maizie Pusich, Esq.

DEPT. NO.4

Court advised counsel that the above entitled matter needs to be set for sentencing either by way of Jury or Trial Judge.

M. Stone

Defense counsel Pusich advised the Court that it appears that the conflict

(Clerk)

that originally existed with the Public Defender's Office representing this

S. Loder

defendant no longer exists. Should upon review of the file one arise

(Reporter)

defense counsel will immediately notify the Court.

Upon request of counsel, **COURT ENTERED ORDER** setting a telephonic

Motion to Set Sentencing in order for defense counsel to review the file in its

entirety. Should the defense decide it necessary for the defendant's

presence at the next hearing, they shall notify the State who will prepare an

Application and Order to Produce Prisoner and hearing shall no longer be

telephonic.

Court recessed.

**9/20/13**

**10:45 a.m.**

**Telephonic**

**Motion to**

**Set**

**Sentencing**



**FILED**

Electronically

10-02-2013:03:59:40 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 4038830

CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/20/13	<b><u>MOTION TO SET PENALTY BY JURY</u></b>	
HONORABLE	Deputy District Attorney Zach Young, Esq., represented the State.	<b>3/14/14</b>
CONNIE	Defendant present with counsel, Chief Deputy Public Defender Maizie	<b>10:00 a.m.</b>
STEINHEIMER	Pusich, Esq., and Deputy Public Defender Cheryl Bond, Esq.	<b>Status</b>
DEPT. NO.4	Defense counsel Pusich and Bond advised the Court of their communication	<b>Conference</b>
M. Stone	with the staff at the Nevada Department of Corrections and the reason for	
(Clerk)	the transport of the defendant despite those conversations.	<b>9/2/14</b>
K. Bokelman	State's counsel advised the Court that based on the Supreme Court	<b>10:00 a.m.</b>
(Reporter)	decision, the death penalty is no longer a penalty option in this case.	<b>Penalty by</b>
	Upon joint request of counsel, <b>COURT ENTERED ORDER</b> setting the	<b>Jury</b>
	Penalty by Jury.	<b>(2 weeks)</b>
	Counsel advised the Court that if there is any motion practice it will be due	
	to the unavailability of witnesses due to the age of the case.	
	Defendant waived any personal appearances at any hearing set between	
	this hearing and the Penalty Hearing. Defense counsel to prepare Order for	
	the Court's signature.	
	Defense counsel Pusich advised the Court that after further review of the	
	file, the Washoe County Public Defender's Office continues to believe there	
	is no current conflict in representing the defendant. Defendant advised the	
	Court that he had no conflict with the Washoe County Public Defender's	
	Office representing him	
	Defendant remanded to the custody of the Warden.	

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CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

3/14/14	<b><u>STATUS HEARING</u></b>	
HONORABLE	Deputy District Attorney Zach Young, Esq., represented the State.	<b>6/13/14</b>
CONNIE	Defendant present, telephonically, with counsel, Chief Deputy Public	<b>9:00 a.m.</b>
STEINHEIMER	Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond,	<b>Pre-Trial</b>
DEPT. NO.4	Esq.	<b>Motions</b>
M. Stone	Upon request by defense counsel Pusich and no objection by State's	
(Clerk)	counsel, <b>COURT ENTERED ORDER</b> that the State notify the defense of	<b>9/2/14</b>
S. Loder	any additional bad act evidence of the defendant that the State intends to	<b>10:00 a.m.</b>
(Reporter)	use other than that used in the prior trial	<b>Penalty by</b>
	Upon request by defense counsel Pusich and no objection by State's	<b>Jury</b>
	counsel, <b>COURT ENTERED ORDER</b> that the defendant receive an updated	<b>(2 weeks)</b>
	Evaluation.	
	Discussion ensued regarding the procedures utilized in re-trying a penalty	
	phase by Jury.	
	<b>COURT ENTERED ORDER</b> that all pre-trial motions shall be filed by May 2,	
	2014, all responses shall be filed by May 14, 2014 and all replies shall be	
	filed by May 21, 2014. Oral Arguments/Evidentiary hearing set. Should the	
	defendant wish to be physically present at such hearing, defense counsel	
	must notify the State by the beginning of April, who in turn will submit an	
	Application and Order to Produce Prisoner.	
	<b>COURT FURTHER ENTERED ORDER</b> that the Jury Instructions and Jury	
	Voir Dire Questions shall be submitted to the Court by July 28, 2014.	
	Discussion ensued regarding discovery. <b>COURT</b> directed counsel to submit	
	a Stipulation and Order for reciprocal discovery to the Court.	
	<b>COURT</b> directed counsel to brief the issue of other act evidence in order to	
	clarify all other acts the State intends to utilize at the penalty phase trial.	
	Court recessed.	

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CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

4/29/14	<b><u>CONFERENCE CALL RE: SCHEDULING ISSUES</u></b>
HONORABLE	Deputy District Attorney Zach Young, Esq., represented the State.
CONNIE	Defendant present, telephonically, with counsel, Chief Deputy Public
STEINHEIMER	Defender Maizie Pusich, Esq.
DEPT. NO.4	Based on agreement of counsel, <b>COURT ENTERED ORDER</b> extending the
M. Stone	deadlines in which counsel must file pre-trial motions.
(Clerk)	Based on the extension of deadlines to file Motions creating a need to
T. Amundson	possibly move the penalty phase, <b>COURT</b> directed counsel to contact the
(Reporter)	Administrative Assistant for Department Four to set a hearing wherein the
	defendant can be present either in person or telephonically.
	Court recessed.

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CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

6/13/14	<b><u>PRE-TRIAL MOTIONS/MOTION TO CONTINUE PENALTY PHASE BY</u></b>	
HONORABLE	<b><u>JURY</u></b>	<b>12/17/14</b>
CONNIE	Deputy District Attorney Zach Young, Esq., represented the State.	<b>1:30 p.m.</b>
STEINHEIMER	Defendant present, telephonically, with counsel, Chief Deputy Public	<b>Pre-Trial</b>
DEPT. NO.4	Defender Maizie Pusich, Esq., and Cheryl Bond, Esq.	<b>Motions/</b>
M. Stone	Motion to Continue Penalty Phase by Jury by defense counsel Pusich;	<b>Motion to</b>
(Clerk)	presented argument; no objection by State's counsel. <b>COURT ENTERED</b>	<b>Confirm Trial</b>
L. Stubbs	<b>ORDER</b> granting Motion to Continue Penalty Phase by Jury. All pre-trial	<b>Date</b>
(Reporter)	motions must be filed no later than September 19, 2014, all response must	
	be filed no later than October 1, 2014 and all replies must be filed no later	<b>1/26/15</b>
	than October 8, 2014. Evidentiary hearing/oral arguments set.	<b>10:00 a.m.</b>
	Court recessed.	<b>Penalty</b>
		<b>Phase by</b>
		<b>Jury</b>
		<b>(2 Weeks)</b>

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CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

<b>DATE, JUDGE OFFICERS OF COURT PRESENT</b>	<b>PAGE ONE APPEARANCES-HEARING</b>	<b>CONT'D TO</b>
1/26/15	<b><u>PENALTY PHASE JURY TRIAL - DAY ONE</u></b>	
HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)	<p>Deputies District Attorney Zach Young, Esq., and Matthew Lee, Esq., represented the State. Defendant present with counsel, Chief Deputy Public Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond, Esq.</p> <p>12:50 p.m. Court convened in chambers with respective counsel.</p> <p>Discussion ensued regarding the curative instruction regarding other act evidence. Upon agreement of counsel, <b>COURT</b> will only read the limiting instruction regarding other act evidence at the commencement of evidence not prior to each witness who will present such evidence.</p> <p>Discussion ensued regarding questions to be asked during Voir Dire. Court requested that counsel not duplicate any questions asked by the Court or other counsel.</p> <p>1:07 p.m. Court recessed.</p> <p>1:18 p.m. Court reconvened with respective counsel and defendant present.</p> <p>Prospective jurors present.</p> <p>Court Personnel, respective counsel and defendant introduced to the jury panel.</p> <p>Roll called; all prospective Jurors present; respective counsel stipulated to the prospective jury panel as now constituted. Panel sworn as to their qualifications to serve as trial jurors and generally examined by the Court.</p> <p>Thirty-Two names drawn (Graham, Jones, Conner, Brown, Bryant, LaForge, Glover, Lefevre, Marler-Walsh, Morrow, D'Allessandris, Desruisseaux, Daly, Harkey, Daane, Dickerman, Lewis, McComas, Fox, Rodgers, Lunt, Swanberg, Kish, Lachenauer, Ozaki, Medeiros, Earnest, Sinnett, Battin, Chevalier, Hill and Cunningham); and seated.</p> <p>Based on note received by Juror LaForge, discussion at the bench and agreement with counsel, <b>COURT</b> excused Juror LaForge.</p> <p>Another name drawn. Miranda Reed called and seated.</p> <p>Prospective jury panel generally examined by the Court.</p> <p>Juror McComas challenged for cause by Defense Counsel Bond; no objection by State's Counsel, <b>COURT</b> excused Juror McComas.</p> <p>Another name called. Glen Streed called, seated and generally examined by the Court.</p> <p>Prospective jury panel further generally examined by the Court.</p> <p>Juror Rodgers challenged for cause by Defense Counsel Bond; traversed and no objection by State's Counsel Young; <b>COURT</b> excused Juror Rodgers.</p> <p>Another name drawn. William McGee called, seated and generally examined by the Court.</p> <p>Prospective jury panel further generally examined by the Court.</p> <p>Upon discussion at the bench and no objection by counsel, <b>COURT</b> excused juror Dickerman.</p> <p>Another name drawn. Beverly Rodine called, seated and generally examined</p>	

**DATE, JUDGE  
OFFICERS OF**

**PAGE TWO**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

1/26/15     **PENALTY PHASE JURY TRIAL - DAY ONE**

J. Schonlau  
(Reporter)

by the Court.

Upon request of Juror Lachenauer, **COURT** excused Juror Lachenauer, to be recalled on February 23, 2015 at 8:00 a.m.

Another name drawn. Belinda Chalk called, seated and generally examined by the Court.

Upon direction of the Court, State's Counsel Young specifically examined the prospective jury panel.

Juror Daly challenged for cause by State's Counsel Young; traversed by Defense counsel; challenge denied.

Upon direction of the Court, Defense Counsel Bond specifically examined the prospective jury panel; passed for cause.

Upon discussion at the bench with Juror Graham and no objection of counsel, **COURT** excused Juror Graham.

Another name drawn. Thomas Hodgkin called, seated and generally examined by Court.

Respective counsel passed the jury panel for cause.

Court thanked and excused unselected Jurors.

Prospective jury panel moved to another courtroom in order for the exercise of peremptory challenges.

4:00 p.m. Court recessed.

4:14 p.m. Court reconvened outside the presence of the jury with respective counsel and defendant present.

State's first peremptory challenge was of juror Daly.

Defendant's first peremptory challenge was of juror Brown.

State's second peremptory challenge was of juror Bryant.

Defendant's second peremptory challenge was of juror Reed.

State's third peremptory challenge was of juror Earnest.

Defendant's third peremptory challenge was of juror LaFevre.

State's fourth peremptory challenge was of juror Medeiros.

Defendant's fourth peremptory challenge was of juror Morrow.

State's fifth peremptory challenge was of juror Desruisseaux.

Defendant's fifth peremptory challenge was of juror Streed.

State's sixth peremptory challenge was of juror Kish.

Defendant's sixth peremptory challenge was of juror Sinnett.

State's seventh peremptory challenge was of juror Rodine.

Defendant's seventh peremptory challenge was of juror Lewis.

State's eighth peremptory challenge was of juror Hill.

Defendant's eighth peremptory challenge was of juror Swanberg.

State's peremptory challenge of alternate jurors was of juror Battin.

Defendant's peremptory challenge of alternate jurors was of juror Chevalier.

**DATE, JUDGE  
OFFICERS OF**

**PAGE THREE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

1/26/15

**PENALTY PHASE JURY TRIAL - DAY ONE**

J. Schonlau  
(Reporter)

Jury returned to the Courtroom and Court Clerk called names of selected  
Jurors as follows:

Thomas Hodgkin  
Jace Glover  
Cambria Harkey  
William McGee

Paul Jones  
Eileen Marler-Walsh  
Leslie Daane  
Ronald Lunt

Marina Conner  
Michael D'Allessandris  
Lexanne Fox  
Belinda Chalk

Alternates: Ronn Ozaki and Jerry Cunningham

**1/27/15  
8:15 a.m.  
Ongoing  
Jury Trial**

Court thanked and excused unselected jurors.

Court advised the selected jury panel of roll during these proceedings.

4:37 p.m. Selected Jury Panel sworn to try this case.

4:42 p.m. Jury admonished and excused.

Discussion ensued regarding additional redactions to be made to the bad  
act curative instruction, video tape evidence and redactions to the  
transcripts of prior testimony to be presented the jury.

4:45 p.m. Court recessed.

Defendant remanded to the custody of the Sheriff.

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**PAGE ONE**

**COURT PRESENT**

## APPEARANCES-HEARING

**CONT'D TO**

1/27/15 PENALTY PHASE JURY TRIAL - DAY TWO

HONORABLE Deputies District Attorney Zach Young, Esq., and Matthew Lee, Esq.,  
CONNIE represented the State. Defendant present with counsel, Chief Deputy Public  
STEINHEIMER Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond,  
DEPT. NO.4 Esq.

M. Stone 8:24 – 8:30 p.m. Court convened in chambers with respective counsel to  
(Clerk) discuss employment emergency that has arisen for Juror Conner.

J. Schonlau (Reporter) 8:38 p.m. Court reconvened outside the presence of the jury with respective counsel and defendant present.

Juror Connor present, advised the Court and counsel of employment emergency.

Upon no objection of respective counsel, **COURT ORDERED** Juror Connor excused and replaced by Alternate Juror Ozaki.

Defense Counsel Bond requested additional modifications to curative instruction regard bad act evidence and advised it was being requested as a strategic decision that the instruction be given only once prior to first bad act testimony instead before each and every witness testifying of bad act evidence. State's counsel Young requested additional modification to language of instruction. **COURT ENTERED ORDER** giving instruction as modified by agreement of respective counsel which shall only be given prior to first bad act testimony then as part of the instruction packet for jury deliberations.

Discussion ensued regarding the redacted transcripts of prior testimony marked as exhibits 55, 56 and 57, which are admitted for purposes of their presentation to the jury as testimony but shall not be provided to the jury during their deliberations.

Discussion ensued regarding exhibits 11C and 11D, which are the original and redacted Interview of Shawn Harte.

Defense Counsel Bond advised Court of Objection to Exhibit 37. In light of the Court's previous ruling regarding admissible evidence, State's Counsel Young advised the Court that Exhibit 37 would not be offered by the State.

Respective counsel advised the Court that the Indictment has been reviewed with the Clerk and stipulate to the reading to the jury as modified by the Clerk.

8:58 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Prospective jurors present.

Court Clerk read the Indictment aloud and indicated that the Defendant was previously found Guilty of the charges set forth therein.

State's Counsel Lee presented opening statement.

Defense Counsel Pusich presented opening statement.

9:53 a.m. Jury admonished. Court recessed.



**DATE, JUDGE  
OFFICERS OF**

**PAGE TWO**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

1/27/15     **PENALTY PHASE JURY TRIAL - DAY TWO**

J. Schonlau     10:13 a.m. Court reconvened outside the presence of the jury with respective  
(Reporter)     counsel and defendant present.

Respective counsel advised the Court of additional redaction made to the transcript testimony of Jerome Vaughn (Exhibit 55).

10:15 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

**EXHIBITS 1 – 68 previously marked.**

Kandi Payne-Davis called by State's Counsel Lee, sworn and testified.

**EXHIBITS 2A and 2B** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Payne-Davis further direct examined.

**EXHIBITS 7A – 7E** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Payne-Davis further direct examined; cross-examined by Defense Counsel Pusich; redirect examined; excused.

Ronald Holst called by State's Counsel Young, sworn and testified; cross-examined by Defense Counsel Pusich; redirect examined; excused.

Roy Stralla called by State's Counsel Lee and sworn to present the transcript testimony of Jerome Vaughn (Exhibit 55).

**COURT** read the Special Jury Instruction regarding bad act evidence.

Abraham Lee called by State's Counsel Lee, sworn and testified.

**EXHIBITS 34A through 34L** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Lee further direct examined; cross-examined by Defense Counsel Bond; redirect examined; excused.

11:45 a.m. Jury admonished and excused.

Outside the presence of the jury, Court clarified for the record that Exhibits 55, 56 and 57 are admitted into evidence for demonstrative purposes only.

11:48 Court recessed.

1:33 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

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APPEARANCES-HEARING

CONT'D TO

1/27/15

PENALTY PHASE JURY TRIAL - DAY TWO

J. Schonlau  
(Reporter)

James Steuart called by State's Counsel Lee, sworn and testified.

**EXHIBIT 4A** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Steuart further direct examined.

\*\*\*Witness identified the Defendant for the record.

Witness Steuart further direct examined.

**EXHIBIT 38A** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Steuart further direct examined; cross-examined by Defense Counsel Bond; redirect examined; excused.

Bill Coleman called by State's counsel Lee, sworn and testified.

**EXHIBIT 35** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Coleman further direct examined.

\*\*\*Witness identified the Defendant for the record.

Witness Coleman further direct examined.

**EXHIBITS 5D and 36** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Coleman further direct examined.

**EXHIBITS 26 and 33** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Coleman further direct examined.

**EXHIBITS 5C and 9** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Coleman further direct examined.

**EXHIBIT 5B** offered by State's Counsel Lee; standing objection by Defense Counsel Bond; ordered admitted into evidence based on previous ruling by

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

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APPEARANCES-HEARING

CONT'D TO

1/27/15     PENALTY PHASE JURY TRIAL - DAY TWO

J. Schonlau     the Court.

(Reporter)

Witness Coleman further direct examined.

**EXHIBITS 5A and 24** offered by State's Counsel Lee; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Coleman further direct examined; cross-examined by Defense Counsel Bond; excused.

3:13 p.m. Jury admonished. Court recessed.

3:33 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Discussion ensued regarding the schedule of witnesses for the remainder of the day as well as the remainder of the trial.

3:40 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Mark Joseph called by State's counsel Young, sworn and testified.

\*\*\*Witness identified the Defendant for the record.

Witness Joseph further direct examined.

**EXHIBITS 4B and 4C** offered by State's Counsel Young; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Joseph further direct examined; cross-examined by Defense Counsel Bond; excused.

Charles Lowe called by State's counsel Lee, sworn and testified.

**EXHIBIT 2C** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Lowe further direct examined.

**EXHIBIT 28** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Lowe further direct examined.

**EXHIBIT 16** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Lowe further direct examined.

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

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**APPEARANCES-HEARING**

**CONT'D TO**

1/27/15

**PENALTY PHASE JURY TRIAL - DAY TWO**

J. Schonlau  
(Reporter)

**EXHIBIT 16A** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

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Witness Lowe further direct examined.

**EXHIBIT 17A – 17E** offered by State's Counsel Lee; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Lowe further direct examined; cross-examined by Defense Counsel Pusich; redirect examined; excused.

David Watts-Vial called by State's Counsel Lee and sworn to present the transcript testimony of Kevin Lattyak (Exhibit 56).

5:04 p.m. Jury admonished and excused.

Outside the presence of the jury, Court confirmed the admission of exhibits during Charles Lowe and Kevin Lattyak.

Discussion ensued regarding the schedule of witnesses.

Defense Counsel Pusich advised the Court and the State that Michael Duncan, mentioned in the testimony of Kevin Lattyak, worked for the Washoe County Public Defender's Office after the original trial in this matter, but ceased employment prior to the Public Defender's Office being assigned for the new Penalty Phase.

5:10 p.m. Court recessed.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

<b>DATE, JUDGE OFFICERS OF COURT PRESENT</b>	<b>PAGE ONE</b>	<b>CONT'D TO</b>
	<b>APPEARANCES-HEARING</b>	

1/28/15     **PENALTY PHASE JURY TRIAL - DAY THREE**

HONORABLE Deputies District Attorney Zach Young, Esq., and Matthew Lee, Esq.,  
CONNIE represented the State. Defendant present with counsel, Chief Deputy Public  
STEINHEIMER Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond,  
DEPT. NO.4 Esq.

M. Stone 9:15 a.m. Court convened outside the presence of the jury.  
(Clerk) Defense Counsel Pusich advised the Court of the scheduling issues with  
J. Schonlau Defense Expert Dr. Piasecki.  
(Reporter) Defense Counsel Pusich provided the Court with 2 additional jury instructions  
regarding criminal convictions of William Castillo. State's counsel stipulated  
to the instructions as provided.

9:19 a.m. Jury entered. Respective counsel stipulated the presence of the  
jury.

Dr. David Palosaari called by State's Counsel Young, sworn and testified.

**EXHIBITS 1B and 1C** offered by State's Counsel Young; no objection by  
Defense Counsel Pusich; ordered admitted into evidence.

Dr. Polasaari further direct examined; cross-examined by Defense Counsel  
Pusich; excused.

Jim Beltron called by State's Counsel Young, sworn and testified.

**EXHIBIT 52** offered by State's Counsel Young; no objection by Defense  
Counsel Pusich; ordered admitted into evidence.

Witness Beltron further direct examined.

**EXHIBITS 3A and 3B** offered by State's Counsel Young; no objection by  
Defense Counsel Pusich; ordered admitted into evidence.

Witness Beltron further direct examined.

**EXHIBITS 18A – 18C** offered by State's Counsel Young; no objection by  
Defense Counsel Pusich; ordered admitted into evidence.

Witness Beltron further direct examined.

**EXHIBIT 38** offered by State's Counsel Young; no objection by Defense  
Counsel Pusich; ordered admitted into evidence.

Witness Beltron further direct examined.

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

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**APPEARANCES-HEARING**

**CONT'D TO**

1/28/15     **PENALTY PHASE JURY TRIAL - DAY THREE**

J. Schonlau  
(Reporter)

**EXHIBIT 11D** offered by State's Counsel Young; no objection by Defense Counsel Pusich; ordered admitted into evidence.

Witness Beltron further direct examined.

10:07 a.m. Jury admonished. Court recessed.

10:26 a.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Discussion ensued regarding the placement of the TV scene and the Witness in order for Exhibit 11D to be published to the jury.

10:27 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Beltron, heretofore sworn, resumed stand and was further direct examined.

1:04 p.m. Jury admonished. Court recessed.

2:30 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Defense Counsel Pusich updated the Court as to the availability of Dr. Piasecki.

Discussion ensued regarding the length of Defendant's case.

Court canvassed the Defendant as to the right against self-incrimination and statement in allocution. Defendant waived right against self-incrimination and advised the Court he would testify.

2:36 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Beltron, heretofore sworn, resumed stand and was further direct examined.

**EXHIBITS 53 and 54** offered by State's Counsel Young; standing objection by Defense Counsel Pusich; admission held in abeyance.

Witness Beltron further direct examined; cross-examined by Defense Counsel Pusich; excused.

Lanette Anderson called by State's counsel, sworn and testified.

\*\*\*Witness identified the Defendant for the record.

Witness Anderson further direct examined.

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

**PAGE THREE**

**APPEARANCES-HEARING**

**CONT'D TO**

1/28/15  
J. Schonlau  
(Reporter)

**PENALTY PHASE JURY TRIAL - DAY THREE**

**EXHIBIT 8D** offered by State's counsel Young; no objection by Defense Counsel Bond; ordered admitted into evidence.

Witness Anderson further direct examined; cross-examined by Defense Counsel Bond; excused.

After discussion at the bench with respective counsel, **EXHIBITS 53A and 54A** marked and ordered admitted into evidence.  
State's Counsel Young withdrew offer of Exhibits 53 and 54.

State rested its case-in-chief.

Shawn Harte called by Defense Counsel Bond, sworn and testified.

**EXHIBIT 65** offered by Defense Counsel Bond; no objection by State's Counsel Young; ordered admitted into evidence.

Witness Harte further direct examined.

**EXHIBIT 64** offered by Defense Counsel Bond; no objection by State's Counsel Young; ordered admitted into evidence.

Witness Harte further direct examined.

**EXHIBITS 66, 67 and 68** offered by Defense Counsel Bond; no objection by State's Counsel Young; ordered admitted into evidence.

Witness Harte further direct examined.

4:35 p.m. Jury admonished and excused. Court recessed.

4:48 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Defense Counsel Bond advised the Court of the length remaining to the direct examination of the Defendant.

Based on the length remaining and no objection by counsel, **COURT** directed the Bailiff to release the jury for the evening to return on January 29, 2015 at 9:00 a.m.

Discussion ensued regarding the schedule of witnesses for the remainder of trial and the jury instructions.

4:55 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

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**1/29/15  
9:00 a.m.  
Ongoing  
Jury Trial**

**PAGE ONE**

**COURT PRESENT**

## APPEARANCES-HEARING

**CONT'D TO**

1/29/15 **PENALTY PHASE JURY TRIAL - DAY FOUR**

HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)	Deputies District Attorney Zach Young, Esq., and Matthew Lee, Esq., represented the State. Defendant present with counsel, Chief Deputy Public Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond, Esq. 9:13 a.m. Court convened outside the presence of the jury. Defense Counsel Pusich provided an update of Defense Expert Dr. Piasecki's schedule. Based on such, <b>COURT</b> advised respective counsel of the schedule of the remainder of trial. 9:16 a.m. Jury entered. Respective counsel stipulated the presence of the jury.
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Witness Harte, heretofore sworn, resumed stand and was further direct examined.

**EXHIBITS 60A – 60C and 61** offered by Defense Counsel Bond; no objection by State's Counsel Young; ordered admitted into evidence.

Witness Harte further direct examined.

**EXHIBIT 62** offered by Defense Counsel Bond; no objection by State's Counsel Young; ordered admitted into evidence.

Witness Harte further direct examined.

**EXHIBIT 63** offered by Defense Counsel Bond; no objection by State's Counsel Young; ordered admitted into evidence.

Witness Harte further direct examined.

10:27 a.m. Jury admonished. Court recessed.  
10:49 a.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.  
State's Counsel Young advised the Court that his cross-examination of the Defendant would be approximately 30 minutes in length.  
10:50 a.m. Jury entered. Respective counsel stipulated to the presence of the Jury.

Witness Harte, heretofore sworn, resumed stand and was cross-examined by State's Counsel Young.

12:09 p.m. Jury admonished. Court recessed.  
1:33 p.m. Court reconvened with respective counsel and Defendant present.



**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

**PAGE TWO**

**APPEARANCES-HEARING**

**CONT'D TO**

1/29/15

J. Schonlau  
(Reporter)

**PENALTY PHASE JURY TRIAL - DAY FOUR**

Respective counsel stipulated to the presence of the jury.

Witness Harte, heretofore sworn, resumed stand and was redirect examined; excused.

Janine Marshall called by Defense Counsel Pusich, sworn and testified; cross-examined; excused.

Holly Bergeret called by Defense Counsel Pusich and sworn to present the transcript testimony of Linda Solomon (Exhibit 67).

**EXHIBIT 44A** marked and ordered admitted into evidence during transcript testimony of Linda Solomon.

2:18 p.m. Jury admonished and excused for the remainder of the day.  
Outside the presence of the jury, discussion ensued regarding Exhibit 44 that was released by order of the Court after the first trial and the marking of Exhibit 44A which is a copy of Exhibit 44.

2:20 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

2:30 p.m. – 4:10 p.m. Court and respective counsel met in chambers for preliminary discussions regarding the jury instructions.

**1/30/15  
1:30 p.m.  
Ongoing  
Jury Trial**

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**PAGE ONE**

**COURT PRESENT**

## APPEARANCES-HEARING

CONT'D TO

1/30/15 **PENALTY PHASE JURY TRIAL - DAY FIVE**

HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)	Deputies District Attorney Zach Young, Esq., and Matthew Lee, Esq., represented the State. Defendant present with counsel, Chief Deputy Public Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond, Esq. 1:41 p.m. Court convened. Respective counsel stipulated the presence of the jury.  Dr. Melissa Piasecki called by Defense Counsel Pusich, sworn and testified; cross-examined by State's Counsel Young; redirect examined; recross- examined; further examined by Defense Counsel Pusich; excused.
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Defense rested case-in-chief.  
The State had no witnesses to call in rebuttal.

2:55 p.m. Jury admonished. Court recessed.  
3:16 p.m. Court reconvened with respective counsel and Defendant present.  
Respective counsel stipulated to the presence of the jury.

Anthony Castro presented sworn victim impact statement.

**EXHIBITS 58, 58A, 59A and 59B** offered by State's Counsel Young during the victim impact statement; no objection by Defense Counsel Pusich; ordered admitted into evidence.

3:38 p.m. Jury admonished and excused for remainder of day.  
Outside the presence of the jury, **EXHIBIT 69** marked by Defense Counsel Pusich solely for purposes of being part of the record and shall not be given to the jury.

Based on suggestion of counsel, the admitted stickers from the previous trial shall remain on the Exhibits and a new one for this trial shall be placed next to them.

Court reviewed the order of the jury instructions.

Defense Counsel Pusich advised the Court that the defense is specifically requesting the jury instruction regarding the co-defendant's sentences as modified as a strategic decision.

Defense Counsel Pusich objected to the language “equal and exact justice” in Instruction 19; presented argument; response by State’s counsel Young; reply by Defense Counsel Pusich. **COURT** overruled objection.

Court reviewed the forms of verdict.

State's counsel Young had no further instructions to offer nor any additional objections to the jury instructions.

Defense counsel Pusich had no further instructions to offer no any additional

DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE TWO APPEARANCES-HEARING	CONT'D TO
1/30/15 J. Schonlau (Reporter)	<u>PENALTY PHASE JURY TRIAL - DAY FIVE</u> objections to the jury instructions. Defense Counsel Pusich specifically noted the non-objection for strategic purposes to Instruction 18 based on the Court giving Instruction. Respective counsel stipulated to the reading of the instructions prior to closing arguments. <b>COURT</b> advised counsel of the order of closing arguments. Defense Counsel Bond presented objection to the State being allowed to present rebuttal argument; response by State's Counsel Young; reply by Defense Counsel Bond. <b>COURT</b> overruled objection and would allow the State to present rebuttal argument. 4:20 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.	<b>2/2/15</b> <b>9:00 a.m.</b> <b>Ongoing</b> <b>Jury Trial</b>

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DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE ONE APPEARANCES-HEARING	CONT'D TO
2/2/15	<b><u>PENALTY PHASE JURY TRIAL - DAY SIX</u></b>	
HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)	<p>Deputies District Attorney Zach Young, Esq., and Matthew Lee, Esq., represented the State. Defendant present with counsel, Chief Deputy Public Defender Maizie Pusich, Esq., and Deputy Public Defender Cheryl Bond, Esq.</p> <p>9:09 a.m. Court convened. Respective counsel stipulated the presence of the jury.</p> <p>Court read Jury Instructions aloud.</p> <p>State's Counsel Young presented opening argument.</p> <p>Defense Counsel Bond presented answering argument.</p> <p>10:57 a.m. Jury admonished. Court recessed.</p> <p>11:18 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the Jury.</p> <p>State's counsel Young presented closing argument.</p> <p>Upon agreement of counsel, Alternate Juror Cunningham excused to return to normal daily activities, subject to recall.</p> <p>11:43 a.m. Bailiff and Law Clerk sworn.</p> <p>Outside the presence of the Jury, Court directed State's counsel to contact the District Attorney's IT Department to confirm that a "clean" computer has been received from the District Attorney's Office for the Jury's use during deliberation.</p> <p>Court further advised respective counsel that the bullets would not be given to the jury unless specifically requested and if so, the weapons would be removed from the jury room while the bullets where in with the Jury.</p> <p>Upon agreement of counsel, any exhibits that have an old admitted sticker and the new admitted stickers will not fit on the exhibit as well, the exhibit will be placed in an envelope and the new admitted sticker will be placed on the envelope.</p> <p>11:50 a.m. Court recessed awaiting Jury.</p> <p>1:51 p.m. Court reconvened.</p> <p>Bailiff advised the Court that the Jury has reached a verdict. Jury entered.</p> <p>Clerk called roll of the jury panel.</p>	

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE TWO

APPEARANCES-HEARINGCONT'D TO

2/2/15

PENALTY PHASE JURY TRIAL - DAY SIXJ. Schonlau  
(Reporter)

Jury returned the following verdict:

VERDICT ON PENALTY

The defendant, having been previously found guilty by jury verdict of MURDER OF THE FIRST DEGREE WITH THE USE OF A DEADLY WEAPON, and we the jury newly empaneled to decide and set penalty, now set the penalty to be imposed for MURDER OF THE FIRST DEGREE at Life in the Nevada Department of Corrections without the Possibility of Parole.

DATED this 2nd day of February, 2015.(sgd) Michael D'Allessandris

FOREPERSON

Based on the Verdict Form lacking the year in which the verdict was reached, **COURT** directed the Foreperson to place such on the form.

Court inquired of the jurors as a whole if the verdict as read was the verdict to which they agreed and there were no negative responses.

Upon request of Defense Counsel Pusich, **COURT ORDERED** jury polled.

To the Question "Is this your verdict as read?" posed to each juror individually, there were no negative responses.

Court thanked and excused the jury.

Upon stipulation of counsel and agreement of Defendant, **COURT ORDERED** PSI waived. Respective counsel made statements to the Court as to the sentence on Count II – Robbery with the Use of a Firearm remaining the same as pronounce by the Court in 1999.

Defendant declined to make a statement to the Court on his own behalf.

**COURT ORDERED JUDGMENT ENTERED** and sentenced defendant to imprisonment in the Nevada Department of Corrections for Life without the possibility of parole with credit for six thousand two hundred ninety-three (6,293) days time served for Count I with a consecutive like term of imprisonment in the Nevada Department of Corrections for Life without the possibility of parole for the use of a deadly weapon; to imprisonment in the Nevada Department of Corrections for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with credit for six thousand two hundred ninety-three (6,293) days time served for Count II with a consecutive like term of imprisonment in the Nevada Department of Corrections for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months for the use of a firearm. The sentences for Count II shall be served concurrently with the sentences imposed for Count I. The Defendant is further ordered to submit to a DNA Analysis Test for the purpose of determining genetic markers; to pay attorney's fees in the amount of Seven Hundred Fifty Dollars (750.00) for reimbursement of legal expenses; to pay

DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE THREE  APPEARANCES-HEARING	CONT'D TO
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2/2/15 J. Schonlau (Reporter)	<u>PENALTY PHASE JURY TRIAL - DAY SIX</u> a Twenty-Five Dollar (\$25.00) administrative assessment fee; and to pay a Two Hundred Fifty Dollar (\$250.00) DNA analysis fee to the Clerk of the Second Judicial District Court, said fees credited with any amounts already paid. The fees are subject to removal from the Defendant's books at the Washoe County Jail and/or Nevada Department of Corrections. 2:06 p.m. Court recessed. Defendant remanded to the custody of the Sheriff for transportation to the Warden.
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## PENALTY PHASE TRIAL EXHIBITS

Title: **THE STATE OF NEVADA VS. SHAWN RUSSELL HARTE**

PLTF: **THE STATE OF NEVADA** PATY: **ZACH YOUNG, ESQ./MATTHEW LEE, ESQ.**  
DEFT: **SHAWN R. HARTE** DATY: **MAIZIE PUSICH, ESQ. /CHERYL BOND, ESQ.**

Case No: **CR98-0074A** Dept. No: **4** Clerk: **M. Stone** Date: **1/23/2015**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A	State	Transcript – Harte Interview with Det. Beltron	1/8/1999		
1A	State	Photograph – Victim	3/12/1999		
1B-C	State	Photograph – Victim	3/12/1999	No Objection	1/28/2015
2A-B	State	Photograph – Scene	3/12/1999	No Objection	1/27/2015
2C	State	Photograph – Scene	3/12/1999	No Objection	1/27/2015
3A-B	State	Photograph – Sirex Residence	3/12/1999	No Objection	1/27/2015
4A-C	State	Photograph – Harte Car	3/12/1999	No Objection	1/27/2015
5A, C - D	State	Photograph – Harte Residence	3/12/1999	No Objection	1/27/2015
5B	State	Photograph – Harte Residence	3/12/1999	Standing Objection Overruled	1/27/2015
6A	State	Bag containing Miscellaneous items (i.e. Toiletries and Business Cards)	3/12/1999		
6B	State	Map	3/12/1999		
6C	State	Notebook	3/12/1999		
6D	State	Clipboard	3/12/1999		

## PENALTY PHASE TRIAL EXHIBITS

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Case No: **CR98-0074A**

Dept. No: **4**

Clerk: **M. Stone**

Date: **1/23/2015**

Exhibit No.	Party	Description	Marked	Offered	Admitted
7A-C	State	Poloriod Photograph – 3 marked during first trial	3/12/1999	No Objection	1/27/2015
7D-E	State	Poloriod Photographs – 2 contained in envelope not marked during first trial	1/23/2015	No Objection	1/27/2015
8D	State	Letter written by Shawn Harte as redacted for new penalty phase trial	1/23/2015	No Objection	1/28/2015
9	State	Envelope - 7 Pages of Harte Material	3/12/1999	No Objection	1/27/2015
11C	State	CD – Interview of Shawn Harte	1/23/2015		
11D	State	CD – Interview of Shawn Harte (Redacted)	1/23/2015	No Objection	1/28/2015
16.	State	Missile Fragments from Victim	3/12/1999	No Objection	1/27/2015
16A	State	Photograph – Missile Fragments from Victim	1/26/2015	No Objection	1/27/2015
17A	State	Smith and Wesson .22	3/12/1999	No Objection	1/27/2015
17B	State	Bullet for Smith and Wesson	3/12/1999	No Objection	1/27/2015
17C	State	Magazine for Smith and Wesson	3/12/1999	No Objection	1/27/2015
17D	State	Wildcat Ammunition	3/17/1999	No Objection	1/27/2015



## PENALTY PHASE TRIAL EXHIBITS

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Case No: **CR98-0074A**

Dept. No: **4**

Clerk: **M. Stone**

Date: **1/23/2015**

Exhibit No.	Party	Description	Marked	Offered	Admitted
17E	State	Stinger Ammunition	3/17/1999	No Objection	1/27/2015
18A	State	Lorcin .22	3/12/1999	No Objection	1/28/2015
18B	State	Magazine for Lorcin .22	3/12/1999	No Objection	1/28/2015
18C	State	Bullets for Lorcin .22	3/17/1999	No Objection	1/28/2015
19A	State	Papers from Taxi Cab	3/12/1999		
19B	State	Papers from Taxi Cab from Driver's Door Pocket	3/12/1999		
24	State	Newspaper – 10/27/97 from Babb/Harte Residence	3/12/1999	No Objection	1/27/2015
24A	State	Redacted Copy of Newspaper Article – 10/27/97 from Babb/Harte Residence	3/19/1999		
25	State	Items from the Victim	3/12/1999		
26	State	Radio Shack Wireless Micro-Phone	3/12/1999	No Objection	1/27/2015
28	State	.22 Caliber Casing	3/12/1999	No Objection	1/27/2015
29	State	Military Records of Harte	3/12/1999		
33	State	Photograph – Items at Harte Residence	3/16/1999	No Objection	1/27/2015

## PENALTY PHASE TRIAL EXHIBITS

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Case No: **CR98-0074A**

Dept. No: **4**

Clerk: **M. Stone**

Date: **1/23/2015**

Exhibit No.	Party	Description	Marked	Offered	Admitted
34A-L	State	Photographs – Abraham Lee’s Vehicle	3/22/1999	No Objection	1/27/2015
35	State	Analysis from US 395 Scene	3/22/1999	No Objection	1/27/2015
36	State	Photograph – Rifle	3/22/1999	No Objection	1/27/2015
37	State	Photograph – Harte’s Room	3/22/1999		
38	State	Signed Miranda Waiver by Harte dated 11/13/1997	3/22/1999	No Objection	1/28/2015
38A	State	Signed Miranda Waiver by Harte dated 11/12/1997	1/23/2015	No Objection	1/27/2015
44A	Defendant	Photo Album of Shawn R. Harte (Copy of Released Exhibit 44)	1/29/2015	No Objection	1/29/2015
50	State	WCSO – Forensic Science Division – Fingerprint Analysis	12/17/2014		
52	State	Map – North Valleys	1/23/2015	No Objection	1/28/2015
53	State	Indictment – Latisha Babb (CR98-0074B)	1/23/2015	Offer Withdrawn	
53A	State	Judgment of Conviction – Latisha Babb (CR98-0074B)	1/28/2015	Standing Objection Overruled	1/28/2015
54	State	Indictment – Weston Sirex (CR98-0074C)	1/23/2015	Offer Withdrawn	

## PENALTY PHASE TRIAL EXHIBITS

Title: **THE STATE OF NEVADA VS. SHAWN RUSSELL HARTE**

PLTF: **THE STATE OF NEVADA** PATY: **ZACH YOUNG, ESQ./MATTHEW LEE, ESQ.**

DEFT: **SHAWN R. HARTE** DATY: **MAIZIE PUSICH, ESQ. /CHERYL BOND, ESQ.**

Case No: **CR98-0074A**

Dept. No: **4**

Clerk: **M. Stone**

Date: **1/23/2015**

Exhibit No.	Party	Description	Marked	Offered	Admitted
54A	State	Judgment of Conviction - Weston Sirex (CR98-0074C	1/28/2015	Standing Objection Overruled	1/28/2015
55	State	Transcript – Jerome Vaughn (Redacted)	1/23/2015	Stipulated	1/27/2015 - Demonstrative
56.	State	Transcript – Kevin Lattyak (Redacted)	1/23/2015	Stipulated	1/27/2015 – Demonstrative
57	Defendant	Transcript – Linda Solomon (Redacted)	1/23/2015	Stipulated	1/27/2015 - Demonstrative
58	State	Photograph – John Castro	1/23/2015	No Objection	1/30/2015
58A	State	Photograph – Military of John Castro	1/26/2015	No Objection	1/30/2015
59A	State	Photograph – Keoni (Baby)	1/23/2015	No Objection	1/30/2015
59B	State	Photograph – Keoni (Teenager)	1/23/2015	No Objection	1/30/2015
60A-C	Defendant	“My Child’s Story” (3)	1/23/2015	No Objection	1/29/2015
61	Defendant	Letter to Rameau from Shawn and Toni	1/23/2015	No Objection	1/29/2015
62	Defendant	Information regarding Micro-Loan Self-Help Group	1/23/2015	No Objection	1/29/2015
63	Defendant	Letter from William Castillo dated 6/3/2014	1/23/2015	No Objection	1/29/2015

## PENALTY PHASE TRIAL EXHIBITS

Title: **THE STATE OF NEVADA VS. SHAWN RUSSELL HARTE**

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DEFT: **SHAWN R. HARTE** DATY: **MAIZIE PUSICH, ESQ. /CHERYL BOND, ESQ.**

Case No: **CR98-0074A**

Dept. No: **4**

Clerk: **M. Stone**

Date: **1/23/2015**

Exhibit No.	Party	Description	Marked	Offered	Admitted
64	Defendant	Mountain High School Diploma – Shawn Harte	1/23/2015	No Objection	1/28/2015
65	Defendant	Mountain High School Transcript – Shawn Harte	1/23/2015	No Objection	1/28/2015
66.	Defendant	Ohio University Examination Report and Transcript – Shawn Harte	1/23/2015	No Objection	1/28/2015
67	Defendant	Professional Career Development Institute Cover Letter and Transcript – Shawn Harte	1/23/2015	No Objection	1/28/2015
68	Defendant	UNR Transcript and Test Results	1/23/2015	No Objection	1/28/2015
69	Defendant	Evaluation of Shawn Harte by Melissa Paisecki, M.D.	1/30/2015		

CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

<b>DATE, JUDGE OFFICERS OF COURT PRESENT</b>	<b>PAGE ONE APPEARANCES-HEARING</b>	<b>CONT'D TO</b>
12/17/14	<b><u>PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE</u></b>	
HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)	<p>Deputies District Attorney Zach Young and Matthew Lee represented the State. Defendant present via telephone with counsel, Chief Deputy Public Defender Maizie Pusich and Deputy Public Defender Cheryl Bond. Defendant waived presence at this hearing and understood that should he be disconnected he may not be able to be reconnected. Discussion ensued regarding the procedure to be utilized in this proceeding.</p> <p>James Beltron called by State's Counsel Young, sworn and testified; cross- examined by Defense Counsel Pusich; excused.</p> <p>Gary Coleman called by State's Counsel Lee, sworn and testified.</p> <p><b>EXHIBIT 50</b> marked by State's Counsel Lee.</p> <p>Witness Coleman further direct examined; cross-examined by Defense Counsel Pusich; redirect examined; excused.</p> <p>Lynette Anderson called by State's Counsel Young, sworn and testified.</p> <p><b>EXHIBIT 51</b> marked by States Counsel Young.</p> <p>Witness Anderson further direct examined.</p> <p><b>EXHIBIT 51</b> offered by State's Counsel Young; no objection by Defendant's Counsel Pusich; ordered admitted into evidence.</p> <p>Witness Anderson further direct examined; cross-examined by Defense Counsel Pusich; excused.</p> <p>3:00 p.m. Court recessed. 3:15 p.m. Court reconvened with repective counsel present and defendant present via telephone.</p> <p>Motion for Other Act Evidence by State's Counsel Young; presented argument; objection and argument by Defense Counsel Pusich; reply by State's Counsel Young.</p> <p><b>COURT ENTERED THE FOLLOWING ORDERS:</b> Other act evidence</p>	

DATE, JUDGE  
OFFICERS OF

PAGE TWO

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

12/17/14

**PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE**

J. Schonlau  
(Reporter)

regarding the description of the relationship and/or abuse during the dating relationship between the Defendant and Witness Anderson shall not be allowed; other act evidence as to the Letter written by the defendant to Witness Anderson, except as to any mention of the death penalty, shall be allowed; other act evidence regarding the shootings in Churchill County shall be allowed; other act evidence contained in the interview of the defendant regarding the instant offense as it relates to prior fraud-related events, planning or discussions of other robberies or shootings, and firearms and ammunition shall not be allowed; and other act evidence as to what was seized during the lawful search of the defendant's residence except for the Anarchist's Cookbook and other documents and poisoning shall not be allowed.

Discussion ensued regarding the redactions to be made to the letter and the interview.

Motion in Limine regarding Voir Dire and Motion regarding Use of Jury Questionnaires by Defense Counsel Bond; presented argument; objection and argument by State's Counsel Lee; reply by Defendant Counsel Bond. **COURT ENTERED ORDER** denying Motion in Limine regarding Voir Dire and Motion regarding Use of Jury Questionnaires.

Motion for Individualized Sentencing by Defense Counsel Pusich; presented argument; objection and argument by State's counsel Young; reply by Defense Counsel Pusich.

Motion to Admit Evidence of the Co-Defendants' Sentences by State's counsel Young; presented argument; objection and argument by Defense Counsel Pusich; reply by State's counsel Young.

**COURT** took the Motion for Individualized Sentencing and the Motion to Admit Evidence of the Co-Defendants' Sentences under advisement.

Discussion ensued regarding a jury instruction being given as to the lapse of time between the finding of guilt and this sentencing hearing. Counsel to meet and confer regarding the language of such instruction. Should an agreement not be reached, counsel to brief issue for argument at the next hearing.

Motion in Limine regarding Hearsay Evidence by State's Counsel Young; presented argument; objection and argument by Defense Counsel Pusich; reply by State's Counsel Young. **COURT ENTERED ORDERED** granting Motion regarding Hearsay Evidence with the caveat that no hearsay evidence is put before the jury that is suspect or impalpable and a hearing should be requested outside the presence of the jury if there is any question.

Motion in Limine regarding Penalty Phase Evidence by Defense Counsel Pusich; objection and argument by State's counsel Young; reply by Defense

CASE NO. CR98-0074A

**TITLE: THE STATE OF NEVADA VS. SHAWN**  
**RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**PAGE THREE**

**COURT PRESENT**

## APPEARANCES-HEARING

CONT'D TO

12/17/14

**PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE**

J. Schonlau  
(Reporter)

Counsel Pusich. Respective counsel stipulated that no evidence can be presented that was unconstitutionally obtained. **COURT** held Motion in abeyance pending the marking of the evidence.

At next hearing the jury instructions shall be discussed plus any other outstanding issues.

Defendant waive right to be physically present at such hearing.

Upon request of defense counsel Pusich, **COURT ENTERED ORDER** that the defendant shall be transferred from the Nevada Department of Corrections to the Washoe County Jail by January 20, 2015 and the defendant shall remain in the Washoe County Jail until further Order of this Court.

Court recessed.

**1/16/15  
9:15 a.m.  
Hearing re:  
Jury  
Instructions/  
Outstanding  
Issues**

## Exhibits

Title: **THE STATE OF NEVADA VS. SHAWN RUSSELL HARTE**

PLTF: **THE STATE OF NEVADA**

PATY: **ZACH YOUNG, ESQ./MATTHEW LEE, ESQ.**

DEFT: **SHAWN R. HARTE**

DATY: **MAIZIE PUSICH, ESQ./CHERYL BOND, ESQ.**

Case No: **CR98-0074A**

Dept. No: **4**

Clerk: **M. Stone**

Date: **12/17/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
50.	State	WCSO – Forensic Science Division – Fingerprint Analysis	12/17/14		
51.	State	Letter written by Defendant to Lynette Dawn dated Monday, Oct. 5	12/17/14	No Objection	12/17/14



CASE NO. CR98-0074A    **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

1/16/15 HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)	<b><u>HEARING ON JURY INSTRUCTIONS</u></b> Deputies District Attorney Zach Young and Matthew Lee represented the State. Defendant present with counsel, Chief Deputy Public Defender Maizie Pusich and Deputy Public Defender Cheryl Bond. Discussion ensued regarding the special jury instructions regarding the lapse in time from the guilty verdict to this penalty hearing. Counsel advised the Court that they are working together to present a joint instruction to the Court. Counsel to provide the joint instruction to the Court by Tuesday, January 20, 2015. Court advised counsel that the Jury Commissioner's Office will be calling 100 jurors for this case. Discussion ensued regarding the marking of exhibits and use of the exhibits marked in the first trial. Should exhibits be used from the first trial, the exhibit numbers will remain the same. Discussion ensued regarding the packet of jury instructions provided by the State and the defense's points and authorities that were filed in-camera. Based on the State being unable to review the defense's points and authorities, discussion regarding the jury instructions shall occur at a later time. State's counsel shall file a response to the defense's points and authorities. Further discussion ensued regarding the Jury instructions. Hearing set in order to discuss the jury instruction and any unresolved issues. Discussion ensued regarding the witnesses to be called by each-side. Discussion ensued regarding the presentation order in this case. Based on agreement of counsel, <b>COURT</b> advised counsel that the order would be as follows: opening statements; State's case; defendant's case; rebuttal case, if any; statement of allocution, unless defendant testifies in his case-in-chief; victim impact statements; jury instructions; and closing arguments. Discussion ensued regarding the limiting instruction regarding other act evidence. State's counsel advised the Court that he would provide a proposed limiting instruction to the defense and the Court following this hearing. Court recessed. Defendant remanded to the custody of the Warden for transportation and booking into the Washoe County Jail pending the completion of trial.	<b>1/21/15 3:00 p.m. Hearing re: Jury Instructions/ Outstanding Issues</b>
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CASE NO. CR98-0074A     **TITLE: THE STATE OF NEVADA VS. SHAWN  
RUSSELL HARTE**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

1/21/15     **HEARING – RESOLUTION OF OUTSTANDING MATTERS**

HONORABLE Deputies District Attorney Zach Young and Matthew Lee represented the State.  
CONNIE Defendant present with counsel, Chief Deputy Public Defender Maizie Pusich  
STEINHEIMER and Deputy Public Defender Cheryl Bond.

DEPT. NO.4 Court noted for the record that the Order regarding the Co-Defendant's  
M. Stone Sentences has been entered. Counsel noted receipt of such order.

(Clerk) Court noted receipt of Jury Instruction regarding the lapse of time between the  
C. Amundson guilty verdict and this sentencing trial. Upon agreement of counsel, **COURT**  
(Reporter) marked the instruction as Special Instruction A and advised counsel that the  
instruction would be provided to the Jury at the beginning of the case and not  
provided again.

Discussion ensued regarding the Limiting Instruction regarding other act  
evidence. Based on specific request of defense, **COURT** modified the work  
“propensities” to “qualities”.

Points and authorities for mitigating instructions by defense counsel Pusich;  
objection and argument by State’s counsel; reply by defense counsel Pusich.

**COURT** directed the State to provide case law as to the appropriate language  
of the instruction that begins “Now you will hear...”.

**COURT ENTERED ORDER** that the sympathy instruction will be allowed with  
the mitigating definition instruction.

**COURT** denying request for Jury Instruction beginning “A mitigating  
circumstance itself need not be agreed to unanimously...” as it is not appropriate  
in non-death cases. **COURT** further denying request for Jury Instruction that list  
the mitigating circumstances that may be considered. Clerk mark Instructions  
as Defense Proposed Instructions A and B – Rejected.

Discussion ensued regarding burden of proof instructions, Sanchez Instruction  
and Mitigating Circumstances.

**COURT** directed defense counsel Pusich to prepare an Allen Instruction as well  
as the instruction regarding selecting a Foreperson.

Defendant waived right to be present at the exhibit marking and any preliminary  
arguments regarding the Jury Instructions.

State’s counsel advised the Court that the interview of the defendant has been  
modified to remove the defendant’s social security number.

Discussion ensued regarding the reading of prior testimony of certain witnesses  
due to their unavailability. **COURT** directed counsel to mark the transcript of  
each witness for demonstrative purpose only.

Court recessed.

Defendant remanded to the custody of the Sheriff.

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By /s/ Yvonne Viloria  
Yvonne Viloria  
Deputy Clerk