

1 ARTIS L. MOORE #61167

2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

STAMP FILED
COPY REQUESTED
Electronically Filed
12/03/2015 11:52:36 AM

Electronically Filed
Dec 09 2015 11:44 a.m.
Troy K. Lindeman
Clerk of Supreme Court

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF CLARK

9 ARTIS L. MOORE
10 Plaintiff,

11 vs.

12 THE STATE OF NEVADA
13 Defendant.

98C151122-2

Case No. C151122
Dept. No. XII
Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 ARTIS L. MOORE, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the
21 PETITION FOR WRIT OF HABEAS CORPUS (POST- CONVICTION)

22 _____
23 ruled on the 18TH day of NOVEMBER, 2015.

24 Dated this 25TH day of NOVEMBER, 2015

Respectfully Submitted.

RECEIVED
DEC - 3 2015
CLERK OF THE COURT

RECEIVED
DEC 03 2015
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, ARTIS L. MOORE, hereby certify, pursuant to NRCP 5(b), that on this 25TH
day of NOVEMBER, 2015, I mailed a true and correct copy of the foregoing, "

NOTICE OF APPEAL

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

STEVEN GUTERSON
CLERK OF THE CLERK
200 LEWIS AVE. 3RD FLOOR
LAS VEGAS, NV
89155-1160

CC:FILE

DATED: this 25TH day of NOVEMBER, 2015.

X _____
Y _____
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

NOTICE OF APPEAL

(Title of Document)

filed in District Court Case number C151122

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

X _____
Signature

Nov. 25, 2015
Date

Print Name

PETITIONER PRO SE
Title

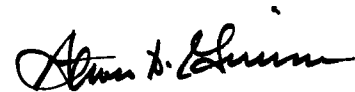
INDIAN SPRINGS, NV 89070

LAS VEGAS, NV 89155-1160

[The following text is extremely faint and largely illegible due to extreme blurring. It appears to be a list or index of names and titles.]

NOV 30 1972

~~SECRET~~



CLERK OF THE COURT

ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

ARTIS L. MOORE aka ARDIS L. MOORE,

Defendant(s),

Case No: 98C151122-2

Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Artis L. Moore

2. Judge: Michelle Leavitt

3. Appellant(s): Artis L. Moore

Counsel:

Artis L. Moore #61167
P.O. Box 208
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: June 5, 1998

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

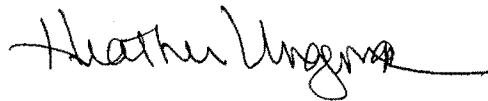
11. Previous Appeal: Yes

Supreme Court Docket Number(s): 34052, 36253, 37941, 44514, 48461, 54521, 67296

12. Child Custody or Visitation: N/A

Dated This 4 day of December 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Artis L. Moore

48

ARTIS L. MOORE, 61167
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
12/03/2015 11:31:16 AM

Allen D. Shuman

IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVA^{DA} CLERK OF THE COURT
IN AND FOR THE COUNTY OF CLARK

ARTIS L. MOORE
Plaintiff,
vs.
THE STATE OF NEVADA
Defendant.

98C/151122-2

CASE No. C151122
DEPT.No. XII

DESIGNATION OF RECORD ON APPEAL

TO: STEVEN GUERSON
CLERK OF THE COURT
200 LEWIS AVE., 2ND FLOOR
LAS VEGAS, NV
89125-1160

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 25TH day of NOVEMBER, 2015.

RESPECTFULLY SUBMITTED BY:

X _____

Plaintiff/In Propria Persona

RECEIVED
DEC 03 2015
CLERK OF THE COURT

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

The State of Nevada vs Artis L Moore

§	Location:	Department 12
§	Judicial Officer:	Leavitt, Michelle
§	Filed on:	06/05/1998
§	Case Number History:	
§	Cross-Reference Case	C151122
§	Number:	
§	Defendant's Scope ID #:	1448595
§	Lower Court Case Number:	98GJ00005
§	Supreme Court No.:	67296

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BURGLARY. WITH A DEADLY WEAPON	F	01/01/1900	Case Flags:	Appealed to Supreme Court Custody Status - Nevada Department of Corrections
2. CONSPIRE TO AID AND ABET A ROBBERY	F	01/01/1900		
3. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900		
4. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900		
5. MURDER WITH A DEADLY WEAPON	F	01/01/1900		
6. MURDER WITH A DEADLY WEAPON	F	01/01/1900		
7. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
8. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
9. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
10. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
11. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
12. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
13. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON	F	01/01/1900		
14. BATTERY. WITH A DEADLY WEAPON	F	01/01/1900		

Related Cases

98C151122-1 (Multi-Defendant Case)

Statistical Closures

01/03/2010	USJR Reporting Statistical Closure
05/07/2009	USJR Reporting Statistical Closure
01/18/2001	USJR Reporting Statistical Closure
08/29/2000	USJR Reporting Statistical Closure

Warrants

Bench Warrant - Moore, Artis L (Judicial Officer: Leavitt, Michelle)

01/06/1999	Quashed
06/05/1998	Issued
Fine:	\$0
Bond:	\$0

DATE

CASE ASSIGNMENT

Current Case Assignment




Case Number	98C151122-2
Court	Department 12
Date Assigned	10/26/2003
Judicial Officer	Leavitt, Michelle

DEPARTMENT 12
CASE SUMMARY
CASE No. 98C151122-2
PARTY INFORMATION












Defendant	Moore, Artis L	<i>Lead Attorneys</i>
Plaintiff	State of Nevada	Pro Se Wolfson, Steven B 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. BURGLARY. WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. CONSPIRE TO AID AND ABET A ROBBERY Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. ROBBERY WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. ROBBERY WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. MURDER WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. MURDER WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 7. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 8. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 9. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	













DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

01/01/1900	Plea (Judicial Officer: User, Conversion) 10. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 11. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 12. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 13. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 14. BATTERY. WITH A DEADLY WEAPON Not Guilty PCN: Sequence:
06/05/1998	Grand Jury Indictment (11:30 AM) <i>GRAND JURY INDICTMENT Court Clerk: SUE DEATON Heard By: Myron Leavitt</i>
06/05/1998	 Indictment
06/08/1998	Bench Warrant <i>NO BAIL BENCH WARRANT ISSUED</i>
06/08/1998	Order <i>ORDER OF INTENT TO FORFEIT</i>
06/08/1998	Bench Warrant <i>NO BAIL BENCH WARRANT ISSUED</i>
06/08/1998	Order <i>ORDER OF INTENT TO FORFEIT</i>
06/16/1998	 Request <i>Media Request</i>
06/16/1998	 Order Granting/Denying Media Request <i>Order Granting Permission of Media Entry</i>
06/18/1998	Initial Arraignment (8:45 AM) <i>INITIAL ARRAIGNMENT Relief Clerk: BARBARA SOFIA Reporter/Recorder: ROGER CALABRESE Heard By: John McGroarty</i>










DEPARTMENT 12
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CASE NO. 98C151122-2

06/26/1998	 Reporters Transcript <i>Transcript of Hearing Held on June 5, 1998</i>
06/30/1998	 Reporters Transcript <i>Transcript of Hearing Held on June 4, 1998</i>
07/08/1998	Request (8:45 AM) <i>STATE'S REQUEST FILE AMENDED INDICTMENT Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: John McGroarty</i>
07/08/1998	 Amended Indictment
07/21/1998	 Motion to Sever
07/22/1998	 Receipt of Copy
08/03/1998	Motion to Sever (8:45 AM) <i>Events: 07/21/1998 Motion to Sever DEFT'S MOTION TO SEVER Heard By: John McGroarty</i>
08/03/1998	 Notice of Intent to Seek Death Penalty
08/17/1998	Request (8:45 AM) <i>STATE'S REQUEST ADVISE COURT STATE SEEKING DEATH PENALTY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANNE PROCK Heard By: John McGroarty</i>
08/24/1998	Motion to Sever (8:45 AM) <i>DEFT'S MOTION TO SEVER Heard By: John McGroarty</i>
08/24/1998	Status Check (8:45 AM) <i>STATUS CHECK: POSSIBLE CONFLICT OF INTEREST</i>
08/24/1998	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 8/24/98 Court Clerk: DENISE TRUJILLO Reporter/Recorder: RENEE SILVAGGIO Heard By: John McGroarty</i>
08/31/1998	 Motion for Discovery <i>Defendant's Motion for Discovery</i>
08/31/1998	 Receipt of Copy
09/02/1998	 Order to Transport Defendant <i>Order to Transport Defendant to Dr. Lewis M. Etcoff, Ph.D.'s, Office</i>
09/04/1998	 Receipt of Copy <i>Receipt of Copy for Order to Transport Defendant to Dr. Lewis M. Etcoff, Ph.D.'s, Office</i>
09/15/1998	Motion for Discovery (8:45 AM) <i>Events: 08/31/1998 Motion for Discovery DEFT'S MOTION FOR DISCOVERY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
09/16/1998	 Order Granting Motion <i>Order Granting Defendant's Motion for Discovery</i>

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09/17/1998	 Receipt of Copy
09/17/1998	 Receipt of Copy
09/18/1998	 Ex Parte Motion <i>Ex-Parte Motion for Contact Visit</i>
09/18/1998	 Order
10/21/1998	 Motion <i>Defendant's Motion to Allow Jury Questionnaire</i>
10/21/1998	 Receipt of Copy
10/28/1998	 Motion to Bifurcate <i>Defendant Maxey's Motion to Bifurcate the Penalty Phase</i>
11/02/1998	Motion (8:45 AM) Events: 10/21/1998 Motion <i>DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE Heard By: John McGroarty</i>
11/02/1998	Motion (8:45 AM) Events: 10/28/1998 Motion to Bifurcate <i>DEFT'S MAXEY'S MOTION TO BIFURCATE THE PENALTY PHASE Heard By: John McGroarty</i>
11/02/1998	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 11/2/98 Relief Clerk: BARBARA SOFLA Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
11/02/1998	 Answer <i>Answer in Opposition to Motion to Bifurcate the Penalty Phase</i>
11/05/1998	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.089(2)]</i>
11/06/1998	 Notice of Witnesses <i>Notice of Defendant's Witnesses in Accordance with NRS 174.089, Section 6</i>
11/09/1998	 Motion for Discovery <i>Defendant's Motion for Discovery of Potential Penalty Hearing Evidence</i>
11/09/1998	 Receipt of Copy
11/10/1998	CANCELED Calendar Call (8:45 AM) <i>Vacated</i>
11/10/1998	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 11/10/98 Court Clerk: DENISE TRUJILLO Reporter/Recorder: MARGARET CARDWELL Heard By: John McGroarty</i>
11/10/1998	Motion (10:00 AM) <i>DEFT'S MAXEY'S MOTION TO BIFURCATE THE PENALTY PHASE Heard By: John McGroarty</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

11/10/1998	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234(2)]</i>
11/10/1998	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234(1)(b)]</i>
11/12/1998	 Notice of Motion <i>Notice of Motion and Motion to Continue</i>
11/12/1998	 Reporters Transcript <i>Transcript of Hearing Held on November 10, 1998</i>
11/13/1998	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234 (2)]</i>
11/13/1998	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234(1)(b)]</i>
11/16/1998	Motion for Discovery (8:45 AM) Events: 11/09/1998 Motion for Discovery <i>DEFT'S MOTION FOR DISCOVERY OF POTENTIALPENALTY HEARING EVIDENCE</i> <i>Heard By: John McGroarty</i>
11/16/1998	Motion to Continue (8:45 AM) Events: 11/12/1998 Notice of Motion <i>STATE'S MOTION TO CONTINUE Heard By: John McGroarty</i>
11/16/1998	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 11/16/98 Court Clerk: BARBARA SOFIA Relief Clerk: PAULA</i> <i>GOODELL/pg Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
11/16/1998	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
11/16/1998	CANCELED Jury Trial (10:30 AM) <i>Vacated</i>
11/17/1998	 Request <i>Media Request</i>
11/17/1998	 Order Granting/Denying Media Request <i>Order Granting Permission of Media Entry</i>
11/17/1998	 Request <i>Media Request</i>
11/17/1998	Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>
11/20/1998	Motion (8:45 AM) <i>DEFT'S MAXEY'S MOTION TO BIFURCATE THE PENALTY PHASE Relief Clerk:</i> <i>ANNETTE DUNCAN Reporter/Recorder: ROGER CALABRESE Heard By: McGroarty, John</i> <i>S.</i>

98C151122-
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DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

11/23/1998	 Notice of Witnesses <i>Supplemental Notice of Witnesses [NRS 174.234(1)(b)]</i>
11/23/1998	 Notice of Expert Witnesses <i>Supplemental Notice of Expert Witnesses [NRS 174.234 (2)]</i>
12/01/1998	Calendar Call (8:45 AM) <i>CALENDAR CALL Court Clerk: DENISE TRUJILLO Reporter/Recorder: MARGARET CARDWELL Heard By: John McGroarty</i>
12/07/1998	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
12/08/1998	Calendar Call (8:45 AM) <i>CALENDAR CALL Court Clerk: DENISE TRUJILLO Reporter/Recorder: MARGARET CARDWELL Heard By: John McGroarty</i>
12/14/1998	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
12/17/1998	Motion (8:45 AM) <i>STATE'S REQUEST RESET TRIAL DATE Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
01/12/1999	CANCELED Calendar Call (8:45 AM) <i>Vacated</i>
01/15/1999	 Order <i>Order for Transcript</i>
01/19/1999	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
02/09/1999	Calendar Call (8:45 AM) <i>CALENDAR CALL Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
02/16/1999	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>
02/16/1999	 Notice of Witnesses <i>Second Supplemental Notice of Witnesses [NRS 174.234(1)(b)]</i>
02/16/1999	 Jury List
02/18/1999	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
02/18/1999	 Amended Indictment <i>Second Amended Indictment</i>
02/19/1999	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
02/22/1999	Jury Trial (10:00 AM)

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CASE SUMMARY
CASE No. 98C151122-2

*TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK
Heard By: McGroarty, John S.*

02/22/1999  Amended Jury List

02/23/1999 **Jury Trial (8:45 AM)**
*TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL
Heard By: McGroarty, John S.*

02/24/1999 **Jury Trial (8:45 AM)**
*TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK
Heard By: John McGroarty*


02/24/1999 **Penalty Hearing (11:30 AM)**
*PENALTY HEARING Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK
Heard By: McGroarty, John S.*

02/24/1999  Verdict
Verdict - Count XII


02/24/1999  Verdict
Verdict - Count XI

02/24/1999  Verdict
Verdict - Count X

02/24/1999  Verdict
Verdict - Count IX

02/24/1999  Verdict
Verdict - Count XIV

02/24/1999  Verdict
Verdict - Count VIII

02/24/1999  Verdict
Verdict - Count I

02/24/1999  Verdict
Verdict - Count II

02/24/1999  Verdict
Verdict - Count III












02/24/1999  Verdict
Verdict - Count XIII

02/24/1999  Verdict
Verdict - Count IV

02/24/1999  Verdict
Verdict - Count V

02/24/1999

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

	 Verdict <i>Verdict - Count VI</i>
02/24/1999	 Verdict <i>Verdict - Count VII</i>
02/24/1999	 Instructions to the Jury
02/25/1999	Penalty Hearing (10:00 AM) <i>PENALTY HEARING Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
02/25/1999	 Instructions to the Jury
02/25/1999	 Verdict <i>Verdict - Count V</i>
03/05/1999	 Notice of Intent to Seek Death Penalty <i>Supplemental Notice of Intent to Seek Death Penalty</i>
03/09/1999	 Order
03/11/1999	 Order to Transport Defendant <i>Order to Transport</i>
03/30/1999	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
04/05/1999	 Order to Transport Defendant <i>Order to Transport</i>
04/05/1999	 Receipt of Copy
04/12/1999	Sentencing (8:45 AM) <i>SENTENCING Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
04/12/1999	Disposition (Judicial Officer: User, Conversion) 1. BURGLARY. WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 2. CONSPIRE TO AID AND ABET A ROBBERY Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 3. ROBBERY WITH A DEADLY WEAPON

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

	Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 4. ROBBERY WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 5. MURDER WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 6. MURDER WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 7. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 8. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 9. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 10. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

04/12/1999	Disposition (Judicial Officer: User, Conversion) 11. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 12. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 13. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Disposition (Judicial Officer: User, Conversion) 14. BATTERY. WITH A DEADLY WEAPON Guilty PCN: Sequence:
04/12/1999	Disposition (Judicial Officer: User, Conversion)
04/12/1999	Sentence (Judicial Officer: User, Conversion) 1. BURGLARY. WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Converted Disposition: Sentence# 0002: RESTITUTION Amount: \$4417.28 Converted Disposition: Sentence# 0003: Amount: \$250.00 Converted Disposition: Sentence# 0004: ADMINISTRATION FEE Amount: \$25.00
04/12/1999	Sentence (Judicial Officer: User, Conversion) 2. CONSPIRE TO AID AND ABET A ROBBERY Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 16 Months to Maximum 72 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001
04/12/1999	Sentence (Judicial Officer: User, Conversion)

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	<p>3. ROBBERY WITH A DEADLY WEAPON</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 40 Months to Maximum 180 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0002</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002:</p> <p>Minimum 40 Months to Maximum 180 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0003</p> <p>and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>4. ROBBERY WITH A DEADLY WEAPON</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 40 Months to Maximum 180 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0003</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002:</p> <p>Minimum 40 Months to Maximum 180 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0004</p> <p>and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>5. MURDER WITH A DEADLY WEAPON</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0004</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0005</p> <p>and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>6. MURDER WITH A DEADLY WEAPON</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0005</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0006</p> <p>and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>7. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON</p>

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CASE NO. 98C151122-2

04/12/1999	<p>Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0006 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0007 and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion) 8. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0007 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0008 and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion) 9. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0008 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0009 and Sentence#: 0001</p>
04/12/1999	<p>Sentence (Judicial Officer: User, Conversion) 10. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0009 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months</p>

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	Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0010 and Sentence#: 0001
04/12/1999	Sentence (Judicial Officer: User, Conversion) 11. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0010 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0011 and Sentence#: 0001
04/12/1999	Sentence (Judicial Officer: User, Conversion) 12. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0011 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0012 and Sentence#: 0001
04/12/1999	Sentence (Judicial Officer: User, Conversion) 13. KIDNAPPING IN SECOND DEGREE WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0012 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0013 and Sentence#: 0001
04/12/1999	Sentence (Judicial Officer: User, Conversion) 14. BATTERY. WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months

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Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0013
and Sentence#: 0001

04/13/1999	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
04/15/1999	 Order <i>Order Appointing Counsel for Trial</i>
04/21/1999	 Order <i>Order for Excess Fees</i>
05/05/1999	 Case Appeal Statement
05/11/1999	 Order to Transport Defendant <i>Order to Transport</i>
05/12/1999	 Receipt of Copy
06/08/1999	 Order to Transport Defendant <i>Order to Transport</i>
06/10/1999	 Receipt of Copy
06/22/1999	 Order <i>Order for Transcript</i>
06/23/1999	 Certificate of Mailing
06/24/1999	 Order to Transport Defendant <i>Order to Transport</i>
06/24/1999	 Order to Transport Defendant <i>Order to Transport</i>
06/25/1999	 Order <i>Order Appointing Counsel for Appeal</i>
06/25/1999	 Order <i>Order to Prepare Transcripts for Appeal</i>
06/25/1999	 Designation of Record on Appeal
06/25/1999	 Certificate of Mailing <i>Certificate of Mailing of Order to Prepare Transcripts on Appeal</i>
07/06/1999	 Order to Transport Defendant <i>Order to Transport</i>

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07/06/1999	 Receipt of Copy
07/13/1999	 Order to Transport Defendant <i>Order to Transport</i>
07/13/1999	 Receipt of Copy
07/16/1999	 Order to Transport Defendant <i>Order to Transport</i>
07/16/1999	 Order to Transport Defendant <i>Order to Transport</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 19, 1999</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 24, 1999</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 25, 1999</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 18, 1999</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 22, 1999</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 23, 1999</i>
08/03/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 16, 1999</i>
08/04/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 24, 1999</i>
08/04/1999	 Receipt of Copy
08/05/1999	 Reporters Transcript <i>Transcript of Hearing Held on April 12, 1999</i>
08/05/1999	 Notice of Expert Witnesses <i>Supplemental Notice of Expert Witnesses [NRS 174.234 (2)]</i>
08/05/1999	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234(1)(b)]</i>
08/12/1999	 Notice of Expert Witnesses <i>Notice of Defendant's Expert Witnesses</i>










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08/16/1999	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus ad Testificandum Ex Parte</i>
08/16/1999	 Order for Petition for Writ of Habeas Corpus <i>Order for Writ to Issue</i>
08/16/1999	 Writ of Habeas Corpus <i>Writ of Habeas Corpus ad Testificandum</i>
08/16/1999	 Notice <i>Notice of Evidence in Support of Aggravating Circumstances and Death Penalty Evidence</i>
08/19/1999	 Motion <i>Motion for Individually Sequestered Voir Dire</i>
08/19/1999	 Motion <i>Motion to Limit Victim Impact Statements</i>
08/19/1999	 Motion <i>Kenshawn Maxey's Motion to Allow the Defense to Argue Last at the Penalty Phase</i>
08/19/1999	 Motion in Limine <i>Motion in Limine for Order Prohibiting Prosecution Misconduct in Argument</i>
08/19/1999	 Motion in Limine <i>Kenshawn Maxey's Motion in Limine Regarding Co-Defendant's Sentence</i>
08/19/1999	 Motion in Limine <i>Kenshawn Maxey's Motion in Limine to Exclude any Photograph of Kenshawn Maxey</i>
08/19/1999	 Motion in Limine <i>Kenshawn Maxey's Motion in Limine Regarding Gang Activity</i>
08/19/1999	 Motion <i>Motion to Apply Heightened Standard of Review and Care in this Case Because the State is Seeking the Death Penalty</i>
08/19/1999	 Motion to Dismiss <i>Motion to Dismiss Notice of Intent to Seek Death Penalty for Violation of International Treaty and Customary Law</i>
08/19/1999	 Motion to Strike <i>Kenshawn Maxey's Motion to Strike State's Notice of Intent to Seek Death Penalty Because the Procedure in this Case is Unconstitutional</i>
08/19/1999	 Motion to Dismiss <i>Kenshawn Maxey's Motion to Dismiss State's Notice of Intent to Seek Death Penalty Because Nevada's Death Penalty Statute is Unconstitutional</i>
08/19/1999	 Memorandum of Points and Authorities <i>Memorandum of Points and Authorities in Support of All Motions, Objections, Exceptions, Requests and Other Applications and Issues of Any Nature Whatsoever</i>


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CASE NO. 98C151122-2

08/19/1999	 Order <i>Order for Transcript</i>
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/19/1999	 Receipt of Copy
08/20/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 25, 1999 Duplicate</i>
08/20/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 18, 1999 Duplicate</i>
08/20/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 22, 1999 Duplicate</i>
08/20/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 19, 1999 Duplicate</i>
08/23/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 16, 1999 Duplicate</i>
08/23/1999	 Reporters Transcript <i>Transcript of Hearing Held on February 23, 1999 Duplicate</i>
08/27/1999	 Receipt of Copy
08/30/1999	 Motion to Dismiss <i>Motion to Dismiss Theories of Criminal Liability Under Count V of the Amended Indictment</i>
08/30/1999	 Opposition to Motion to Dismiss <i>Opposition to Defendant's Motion to Dismiss Notice of Intent to Seek Death Penalty for Violation of International Treaty and Customary Law</i>






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08/30/1999	 Answer <i>Answer in Opposition to Motion to Allow the Defense to Argue Last at the Penalty Phase</i>
08/30/1999	 Opposition to Motion <i>Opposition to Defendant's Motion for Individually Sequestered Voir Dire</i>
08/30/1999	 Opposition to Motion in Limine <i>Opposition to Defendant's Motion in Limine for Order Prohibiting Prosecution Misconduct in Argument</i>
08/30/1999	 Opposition to Motion <i>Opposition to Defendant's Motion to Limit Victim Impact Statements</i>
08/30/1999	 Notice of Witnesses <i>Supplemental Notice of Witnesses [NRS 174.234(1)(b)]</i>
08/30/1999	 Opposition to Motion in Limine <i>Opposition to Defendant's Motion in Limine to Exclude any Photograph of Kenshawn Maxey</i>
08/30/1999	 Opposition to Motion <i>Opposition to Defendant's Motion to Apply Heightened Standard of Review and Care in this Case Because the State is Seeking the Death Penalty</i>
08/30/1999	 Opposition to Motion <i>Opposition to Defendant's Motion to Strike State's Notice of Intent to Seek Death Penalty Because Nevada's Death Penalty Statute is Unconstitutional</i>
08/30/1999	 Receipt of Copy
08/31/1999	Motion (8:45 AM) <i>DEFT'S MAXEY'S MOTION TO BIFURCATE THE PENALTY PHASE Heard By: John McGroarty</i>
08/31/1999	Calendar Call (8:45 AM) <i>CALENDAR CALL</i>
08/31/1999	Motion (8:45 AM) <i>DEFT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW/CARE IN THIS CASE Heard By: John McGroarty</i>
08/31/1999	Motion (8:45 AM) Events: 08/19/1999 Motion <i>DEFT'S MOTION FOR INDIVIDUALLY SEQUESTERED VOIR DIRE Heard By: John McGroarty</i>
08/31/1999	Motion (8:45 AM) Events: 08/19/1999 Motion <i>DEFT'S MOTION LIMIT VICTIM IMPACT STATEMENTS Heard By: John McGroarty</i>
08/31/1999	Motion (8:45 AM) Events: 08/19/1999 Motion <i>DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE Heard By: John McGroarty</i>
08/31/1999	Motion to Dismiss (8:45 AM)






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	<i>DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE</i> Heard By: John McGroarty
08/31/1999	Motion in Limine (8:45 AM) Events: 08/19/1999 Motion in Limine <i>DEFT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN</i> Heard By: John McGroarty
08/31/1999	Motion in Limine (8:45 AM) Events: 08/19/1999 Motion in Limine <i>DEFT'S MOTION IN LIMINE REGARDING CO-DEFT'S SENTENCE</i> Heard By: John McGroarty
08/31/1999	Motion in Limine (8:45 AM) Events: 08/19/1999 Motion in Limine <i>DEFT'S MOTION IN LIMINE TO EXCLUDE ANY PHOTOGRAPH OF KENSHAW MAXEY</i> Heard By: John McGroarty
08/31/1999	Motion to Strike (8:45 AM) <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE</i> Heard By: John McGroarty
08/31/1999	Motion in Limine (8:45 AM) Events: 08/19/1999 Motion in Limine <i>DEFT'S MOTION IN LIMINE REGARDING GANG ACTIVITY</i> Heard By: John McGroarty
08/31/1999	Motion to Dismiss (8:45 AM) <i>DEFT'S MTN TO DISMISS NOTICE OF INTENT INTENT TO SEEK THE DEATH PENALTY FOR VIO</i> Heard By: John McGroarty
08/31/1999	Motion to Dismiss (8:45 AM) <i>DEFT'S MOTION TO DISMISS THEORIES OF CRIMINAL LIABILITY UNDER COUNT V OF THE</i> Heard By: John McGroarty
08/31/1999	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 8/31/99 Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL</i> Heard By: John McGroarty
08/31/1999	Motion for Discovery (10:00 AM) <i>DEFT'S MOTION FOR DISCOVERY OF POTENTIALPENALTY HEARING EVIDENCE</i> Heard By: John McGroarty
09/07/1999	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
09/08/1999	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
09/10/1999	Motion (8:45 AM) <i>DEFT'S MAXEY'S MOTION TO BIFURCATE THE PENALTY PHASE</i> Heard By: John McGroarty
09/10/1999	Motion for Discovery (8:45 AM) <i>DEFT'S MOTION FOR DISCOVERY OF POTENTIALPENALTY HEARING EVIDENCE</i> Heard By: John McGroarty
09/10/1999	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 9/10/99 Court Clerk: BARBARA SOFLA Reporter/Recorder: DIANN PROCK</i> Heard By: John McGroarty
09/10/1999	Motion (10:00 AM)












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	<i>DEFT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW/CARE IN THIS CASE Heard By: John McGroarty</i>
09/10/1999	Motion (10:00 AM) <i>DEFT'S MOTION FOR INDIVIDUALLY SEQUESTERED VOIR DIRE Heard By: John McGroarty</i>
09/10/1999	Motion (10:00 AM) <i>DEFT'S MOTION LIMIT VICTIM IMPACT STATEMENTS Heard By: John McGroarty</i>
09/10/1999	Motion (10:00 AM) <i>DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE Heard By: John McGroarty</i>
09/10/1999	Motion to Dismiss (10:00 AM) <i>DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE Heard By: John McGroarty</i>
09/10/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN Heard By: John McGroarty</i>
09/10/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE REGARDING CO-DEFT'S SENTENCE Heard By: John McGroarty</i>
09/10/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE TO EXCLUDE ANY PHOTOGRAPH OF KENSHAW MAXEY Heard By: John McGroarty</i>
09/10/1999	Motion to Strike (10:00 AM) <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE Heard By: John McGroarty</i>
09/10/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE REGARDING GANG ACTIVITY Heard By: John McGroarty</i>
09/10/1999	Motion to Dismiss (10:00 AM) <i>DEFT'S MTN TO DISMISS NOTICE OF INTENT INTENT TO SEEK THE DEATH PENALTY FOR VIO Heard By: John McGroarty</i>
09/10/1999	Motion to Dismiss (10:00 AM) <i>DEFT'S MOTION TO DISMISS THEORIES OF CRIMINAL LIABILITY UNDER COUNT V OF THE Heard By: John McGroarty</i>
09/10/1999	 Order to Transport Defendant <i>Order to Transport</i>
09/10/1999	 Order to Transport Defendant <i>Order to Transport</i>
09/10/1999	 Order to Transport Defendant <i>Order to Transport</i>
09/10/1999	 Order to Transport Defendant <i>Order to Transport</i>
10/06/1999	 Receipt of Copy











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10/29/1999	 Receipt of Copy
11/04/1999	 Order to Transport Defendant <i>Order to Transport</i>
11/24/1999	 Motion to Strike <i>Kenshawn Maxey's Motion to Strike Aggravating Circumstances</i>
11/30/1999	 Receipt of Copy
12/10/1999	 Opposition to Motion <i>Opposition to Defendant's Motion to Strike Aggravating Circumstances</i>
12/15/1999	All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS 12/15/99 Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
12/15/1999	Motion to Strike (9:00 AM) Events: 11/24/1999 Motion to Strike <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES</i>
12/15/1999	Motion (10:00 AM) <i>DEFT'S MAXEY'S MOTION TO BIFURCATE THE PENALTY PHASE Heard By: John McGroarty</i>
12/15/1999	Motion for Discovery (10:00 AM) <i>DEFT'S MOTION FOR DISCOVERY OF POTENTIALPENALTY HEARING EVIDENCE Heard By: John McGroarty</i>
12/15/1999	Motion (10:00 AM) <i>DEFT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW/CARE IN THIS CASE Heard By: John McGroarty</i>
12/15/1999	Motion (10:00 AM) <i>DEFT'S MOTION FOR INDIVIDUALLY SEQUESTERED VOIR DIRE Heard By: John McGroarty</i>
12/15/1999	Motion (10:00 AM) <i>DEFT'S MOTION LIMIT VICTIM IMPACT STATEMENTS Heard By: John McGroarty</i>
12/15/1999	Motion (10:00 AM) <i>DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE Heard By: John McGroarty</i>
12/15/1999	Motion to Dismiss (10:00 AM) <i>DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE Heard By: John McGroarty</i>
12/15/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN Heard By: John McGroarty</i>
12/15/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE REGARDING CO-DEFT'S SENTENCE Heard By: John McGroarty</i>
12/15/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE TO EXCLUDE ANY PHOTOGRAPH OF KENSHAW MAXEY Heard By: John McGroarty</i>











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12/15/1999	Motion to Strike (10:00 AM) <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE</i> Heard By: <i>John McGroarty</i>
12/15/1999	Motion in Limine (10:00 AM) <i>DEFT'S MOTION IN LIMINE REGARDING GANG ACTIVITY</i> Heard By: <i>John McGroarty</i>
12/15/1999	Motion to Dismiss (10:00 AM) <i>DEFT'S MTN TO DISMISS NOTICE OF INTENT INTENT TO SEEK THE DEATH PENALTY FOR VIO</i> Heard By: <i>John McGroarty</i>
12/15/1999	Motion to Dismiss (10:00 AM) <i>DEFT'S MOTION TO DISMISS THEORIES OF CRIMINAL LIABILITY UNDER COUNT V OF THE</i> Heard By: <i>John McGroarty</i>
12/15/1999	 Receipt of Copy
12/16/1999	Minute Order (9:00 AM) <i>MINUTE ORDER RE: DECISION Court Clerk: DENISE TRUJILLO Relief Clerk: BARBARA SOFLA</i> Heard By: <i>John McGroarty</i>
12/16/1999	 Notice of Expert Witnesses <i>Amended Notice of Expert Witnesses [NRS) 174.089(2)]</i>
12/16/1999	 Order to Transport Defendant <i>Order to Transport</i>
12/17/1999	CANCELED Decision (8:45 AM) <i>Vacated</i>
12/20/1999	 Receipt of Copy
12/21/1999	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus ad Testificandum Ex Parte</i>
12/21/1999	 Receipt of Copy
12/22/1999	 Order for Petition for Writ of Habeas Corpus <i>Order for Writ of Issue</i>
12/22/1999	 Writ of Habeas Corpus <i>Writ of Habeas Corpus ad Testificandum</i>
12/22/1999	 Receipt of Copy
12/29/1999	 Order Denying Motion <i>Order Denying Defendant's Motion to Strike Aggravating Circumstances</i>
01/03/2000	 Receipt of Copy
01/05/2000	CANCELED Petition for Writ of Habeas Corpus (8:45 AM) Events: 12/21/1999 Petition for Writ of Habeas Corpus <i>Vacated</i>














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01/10/2000	Calendar Call (8:45 AM) <i>CALENDAR CALL Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
01/10/2000	 Reporters Transcript <i>Transcript of Hearing Held on December 15, 1999</i>
01/11/2000	Jury Trial (1:30 PM) <i>TRIAL BY JURY Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/11/2000	 Amended Indictment <i>Second Amended Indictment</i>
01/12/2000	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO/PM Relief Clerk: BARBARA SOFIA/AM Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/12/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 11, 2000</i>
01/13/2000	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/13/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 12, 2000</i>
01/13/2000	 Ex Parte Application <i>Defendant Kenshawn James Maxey's Ex-Parte Application and Order for Contact Visit</i>
01/13/2000	 Order Granting/Denying Media Request <i>Order Granting Permission of Media Entry</i>
01/13/2000	 Receipt of Copy
01/14/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 13, 2000</i>
01/18/2000	Jury Trial (11:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>
01/18/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 10, 2000</i>
01/19/2000	Jury Trial (11:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>
01/19/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 18, 2000</i>
01/20/2000	Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>

















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01/20/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 19, 2000</i>
01/20/2000	 Jury List
01/21/2000	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO (AM)...NORA PENA (PM) Reporter/Recorder: PEGGY CARDWELL (AM)...JOEY DEMATO (PM) Heard By: McGroarty, John S.</i>
01/24/2000	Jury Trial (1:30 PM) <i>TRIAL BY JURY Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/24/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 20, 2000</i>
01/24/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 21, 2000</i>
01/24/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 21, 2000</i>
01/25/2000	Jury Trial (10:30 AM) <i>TRIAL BY JURY Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/25/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 24, 2000</i>
01/25/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 24, 2000</i>
01/26/2000	Jury Trial (11:00 AM) <i>TRIAL BY JURY Relief Clerk: BARBARA SOFIA Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/26/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 25, 2000</i>
01/27/2000	Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO/pm Relief Clerk: BARBARA SOFIA/am Reporter/Recorder: DIANN PROCK Heard By: McGroarty, John S.</i>
01/27/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 26, 2000</i>
01/28/2000	Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: DENISE TRUJILLO Reporter/Recorder: DIANN PROCK Heard By: John McGroarty</i>
01/28/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 27, 2000</i>
01/28/2000	











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	 Instructions to the Jury
01/28/2000	 Verdict
01/31/2000	Penalty Hearing (1:30 PM) <i>PENALTY HEARING Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>
01/31/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 28, 2000</i>
02/01/2000	Penalty Hearing (1:30 PM) <i>PENALTY HEARING Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>
02/01/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 31, 2000</i>
02/01/2000	 Ex Parte Application <i>Defendant Kenshawn James Maxey's Ex-Parte Application and Order for Contact Visit</i>
02/01/2000	 Receipt of Copy
02/02/2000	Penalty Hearing (1:30 PM) <i>PENALTY HEARING Court Clerk: DENISE TRUJILLO Reporter/Recorder: PEGGY CARDWELL Heard By: McGroarty, John S.</i>
02/02/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 1, 2000</i>
02/03/2000	Penalty Hearing (1:30 PM) <i>PENALTY HEARING Court Clerk: DENISE TRUJILLO AM Relief Clerk: CAROL FOLEY PM Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>
02/03/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 2, 2000</i>
02/03/2000	 Order to Transport Defendant <i>Order to Transport</i>
02/03/2000	 Order to Transport Defendant <i>Order to Transport</i>
02/03/2000	 Order to Transport Defendant <i>Order to Transport</i>
02/04/2000	Penalty Hearing (9:30 AM) <i>PENALTY HEARING Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>
02/04/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 3, 2000</i>
02/04/2000	 Receipt of Copy

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02/04/2000	 Receipt of Copy
02/07/2000	Penalty Hearing (9:30 AM) <i>PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>
02/07/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 4, 2000</i>
02/07/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 4, 2000</i>
02/08/2000	Penalty Hearing (9:30 AM) <i>PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>
02/08/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 7, 2000</i>
02/08/2000	 Order <i>Order for Transcript</i>
02/08/2000	 Instructions to the Jury
02/08/2000	 Special Verdict Form <i>Special Verdict</i>
02/08/2000	 Special Verdict Form <i>Special Verdict</i>
02/08/2000	 Special Verdict Form <i>Special Verdict</i>
02/09/2000	 Reporters Transcript <i>Transcript of Hearing Held on February 8, 2000</i>
02/15/2000	 Order <i>Order for Transcript</i>
02/15/2000	 Order <i>Order for Transcript</i>
02/17/2000	 Ex Parte Order <i>Ex-Parte Order for Contact Visit</i>
02/22/2000	 Receipt of Copy
02/25/2000	 Receipt of Copy
03/06/2000	 Motion to Set Aside <i>Defendant Maxey's Motion to Set Aside the Verdict, or in the Alternative, Grant Him a New</i>


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	<i>Trial</i>
03/06/2000	 Receipt of Copy
03/16/2000	 Response <i>Response to Defendant's Motion to Set Aside the Verdict, or in the Alternative, Grant Him a New Trial</i>
03/16/2000	 Order to Transport Defendant <i>Order to Transport</i>
03/20/2000	Motion to Set Aside (9:00 AM) Events: 03/06/2000 Motion to Set Aside <i>DEFT'S MTN TO SET ASIDE THE VERDICT, OR IN THE ALTERNATIVE, GRANT HIM A NEW TRIAL Heard By: Mark Gibbons</i>
03/21/2000	 Receipt of Copy
03/23/2000	Sentencing (9:00 AM) <i>SENTENCING Heard By: Mark Gibbons</i>
03/23/2000	Motion to Set Aside (9:00 AM) <i>DEFT'S MTN TO SET ASIDE THE VERDICT, OR IN THE ALTERNATIVE, GRANT HIM A NEW TRIAL Heard By: Mark Gibbons</i>
03/23/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 3-23-00 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>
04/24/2000	Sentencing (9:00 AM) <i>SENTENCING Heard By: Mark Gibbons</i>
04/24/2000	Motion to Set Aside (9:00 AM) <i>DEFT'S MTN TO SET ASIDE THE VERDICT, OR IN THE ALTERNATIVE, GRANT HIM A NEW TRIAL Heard By: Mark Gibbons</i>
04/24/2000	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 4/24/00 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>
05/02/2000	 Order Denying Motion <i>Order Denying Defendant's Motion to Set Aside the Verdict, or in the Alternative, Grant Him a New Trial</i>
05/08/2000	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
05/25/2000	 Reporters Transcript <i>Transcript of Hearing Held on April 24, 2000</i>
06/06/2000	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
06/06/2000	 Case Appeal Statement
06/09/2000	 Reporters Transcript


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Transcript of Hearing Held on August 17, 1998


06/09/2000  Reporters Transcript
Transcript of Hearing Held on September 15, 1998

06/09/2000  Reporters Transcript
Transcript of Hearing Held on November 2, 1998


06/09/2000  Reporters Transcript
Transcript of Hearing Held on November 16, 1998

06/09/2000  Reporters Transcript
Transcript of Hearing Held on September 10, 1999

06/26/2000  Reporters Transcript
Transcript of Hearing Held on July 8, 1998


06/27/2000  Motion for Order
Motion for Order of Production of Transcripts


07/10/2000 **Motion to Produce Transcript (9:00 AM)**
Events: 06/27/2000 Motion for Order
DEFT'S PRO PER MOTION FOR ORDER FOR PRODUCTION OF TRANSCRIPTS Court
Clerk: AMBER FARLEY Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons


07/19/2000  Reporters Transcript
Transcript of Hearing Held on March 23, 2000

08/14/2000  Order
Order for Excess Fees

08/17/2000  NV Supreme Court Clerks Certificate/Judgment - Dismissed
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed

08/18/2000  Reporters Transcript
Transcript of Hearing Held on August 31, 1998

08/25/2000  Reporters Transcript
Transcript of Hearing Held on June 18, 1998

08/25/2000  Reporters Transcript
Transcript of Hearing Held on June 18, 1998

08/30/2000  Notice of Motion
Notice of Motion; Motion for Withdrawal of Attorney of Record and Transfer of Records

08/30/2000  Affidavit in Support
Affidavit in Support of Motion for Withdrawal of Attorney of Record and Transfer of Records

09/05/2000  Petition
Petition for Release of Evidence

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09/05/2000	 Order <i>Order Releasing Evidence</i>
09/06/2000	 Receipt <i>Receipt of Exhibits</i>
09/08/2000	 Response <i>State's Response to Motions for Withdrawal of Attorney of Record and Transfer of Records</i>
09/11/2000	Motion (9:00 AM) Events: 08/30/2000 Notice of Motion <i>DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTY/TRANSFER OF RECORDS</i> <i>Court Clerk: AMBER FARLEY/AF Relief Clerk: LEE ETTE ARAGON Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>
09/27/2000	 Order Granting Motion <i>Order Granting Defendant's Motion for Withdrawal of Attorney and Granting Defendant's Motion for Transfer of Records</i>
10/11/2000	 Reporters Transcript <i>Transcript of Hearing Held on September 11, 2000</i>
01/05/2001	 Reporters Transcript <i>Transcript of Hearing Held on August 24, 1998</i>
01/08/2001	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction) and Appointment of Counsel</i>
01/08/2001	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction) and Appointment of Counsel</i>
01/19/2001	 Order for Petition for Writ of Habeas Corpus <i>Order re Petition for Writ of Habeas Corpus</i>
03/20/2001	Petition for Writ of Habeas Corpus (9:00 AM) Events: 01/08/2001 Petition for Writ of Habeas Corpus <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS/ APPOINTMENT OF COUNSEL Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>
03/26/2001	 Opposition <i>Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Appointment of Counsel</i>
04/10/2001	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS/ APPOINTMENT OF COUNSEL Court Clerk: BILLIE JO CRAIG Reporter/Recorder: MARCIA HARNESS Heard By: Mark Gibbons</i>
04/23/2001	 Findings of Fact, Conclusions of Law and Order
04/27/2001	 Notice of Entry of Decision and Order
04/27/2001	 Notice of Entry of Order






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05/22/2001	 Designation of Record on Appeal
05/22/2001	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
05/22/2001	 Case Appeal Statement
05/14/2002	 Motion <i>Compel Lawyer to Obtain Full Record</i>
05/20/2002	 Response <i>State's Response to Defendant's Motion to Compel Lawyer to Obtain Full Records</i>
05/28/2002	Motion to Compel (9:00 AM) Events: 05/14/2002 Motion <i>DEFT'S PRO PER COMPEL LAWYER TO OBTAIN FULL RECORD/66 Court Clerk: Denise Husted Reporter/Recorder: Carrie Hansen Heard By: Michael Douglas</i>
06/03/2002	 Order
06/03/2002	 Reply <i>Reply Brief for Rest of Record from Paul Wommer from State Appointed Lawyer.</i>
08/13/2002	Request (9:00 AM) <i>STATE'S REQUEST SUPREME COURT REMAND Court Clerk: Nora Pena Relief Clerk: Carrie Hansen Reporter/Recorder: Carrie Hansen Heard By: Douglas, Michael L</i>
08/15/2002	Request (9:00 AM) <i>STATE'S REQUEST SUPREME COURT REMAND Heard By: Michael Douglas</i>
08/15/2002	Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF APPOINTMENT OF COUNSEL (D. SCHIECK) Heard By: Michael Douglas</i>
08/15/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8/15/02 Court Clerk: Nora Pena Reporter/Recorder: Carrie Hansen Heard By: Michael Douglas</i>
08/15/2002	 Order <i>Order Appointing Counsel</i>
08/20/2002	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
09/19/2002	Request of Court (9:00 AM) <i>AT THE REQUEST OF THE COURT SUPREME COURT REMAND Court Clerk: Nora Pena Reporter/Recorder: Liz Garcia Heard By: Douglas, Michael L</i>
09/25/2002	 Order for Production of Inmate <i>Order for Production of Inmate Kenshawn James Maxey, BAC # 65345</i>
10/08/2002	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i>


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10/10/2002	Request of Court (9:00 AM) <i>AT THE REQUEST OF THE COURT SUPREME COURT REMAND Court Clerk: Nora Pena Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark</i>
10/15/2002	 Ex Parte Order <i>Ex-Parte Order for Non-Contact Visit</i>
10/17/2002	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Heard By: Michael Douglas</i>
10/17/2002	Request of Court (9:00 AM) <i>AT THE REQUEST OF THE COURT SUPREME COURT REMAND Court Clerk: Nora Pena Relief Clerk: Alan Castle/ac Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
10/17/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10/17/02 Court Clerk: Cindy Lory Relief Clerk: Amber Farley/af Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
10/22/2002	Request of Court (9:00 AM) <i>AT THE REQUEST OF THE COURT SUPREME COURT REMAND Court Clerk: Nora Pena Relief Clerk: Alan Castle/ac Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
11/13/2002	 Amended Judgment of Conviction <i>Amended Judgment of Conviction (Jury Trial)</i>
11/18/2002	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Attorney of Record and for Appointment of Post Conviction Habeas Corpus Counsel</i>
11/19/2002	 Receipt of Copy
12/03/2002	Motion to Withdraw as Counsel (9:00 AM) <i>Events: 11/18/2002 Motion to Withdraw As Counsel DEFT'S MTN TO WITHDRAW AS COUNSEL APPOINTMNT POST CONVICTN CNSL/74 Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
12/10/2002	Motion for Appointment (9:00 AM) <i>APPOINTMENT OF POST CONVICTION HABEAS CORPUS COUNSEL - LORI TEICHER Court Clerk: Nora Pena Reporter/Recorder: Carrie Hansen Heard By: Michael Douglas</i>
12/19/2002	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Relief Clerk: Melissa Davis Reporter/Recorder: Carrie Hansen Heard By: Michael Douglas</i>
12/31/2002	 Order <i>Order Appointing Counsel</i>
02/03/2003	 Ex Parte Motion <i>Ex Parte Motion for Interim Payment of Excess Attorney's Fees in Post Conviction Proceedings</i>
02/04/2003	 Order Granting <i>Order Granting Interim Payment of Excess Attorney's Fees</i>
02/13/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Relief Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>







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02/20/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Relief Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
03/11/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Heard By: Michael Douglas</i>
03/27/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S POST CONVICTION HABEAS CORPUS (VJ 5/13/03) Court Clerk: Sharon Chun Relief Clerk: Jennifer Lott/jl Reporter/Recorder: Kendall Heath Heard By: Douglas, Michael L</i>
04/03/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
04/04/2003	 Motion to Withdraw As Counsel <i>Motion to Withdrawal as Counsel of Record</i>
04/15/2003	Motion to Withdraw as Counsel (9:00 AM) Events: 04/04/2003 Motion to Withdraw As Counsel <i>TEICHER'S MTN TO WITHDRAW AS COUNSEL OF RECORD/80 Court Clerk: Sharon Chun/SC Relief Clerk: Kristin Brown Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>
04/25/2003	 Order <i>Order Appointing Counsel</i>
05/13/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Heard By: Michael Douglas</i>
05/13/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>
05/13/2003	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (5/13/03) Court Clerk: Sharon Chun Relief Clerk: Melissa Davis/md Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>
05/29/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S POST CONVICTION HABEAS CORPUS (VJ 5/13/03)</i>
06/17/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Court Clerk: Sharon Chun Relief Clerk: Jennifer Kimmel/jk Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
06/27/2003	 Ex Parte Application <i>First Ex Parte Application for Authorization of Fees in Excess of the Statutory Amount Authorized by NRS 7.125 and 7.145</i>
07/09/2003	 Ex Parte Motion <i>Ex Parte Motion for Interim Payment of Excess Attorney's Fees in Post Conviction Proceedings</i>
07/10/2003	 Order Granting <i>Order Granting Interim Payment of Excess Attorney's Fees</i>
07/31/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Court Clerk: Sharon Chun</i>

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	<i>Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
08/05/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
08/14/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Court Clerk: Sharon Chun Reporter/Recorder: Cindy Caldwell Heard By: Douglas, Michael L</i>
08/14/2003	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/14/2003	 Appendix <i>Appendix to Petition for Writ of Habeas Corpus</i>
08/19/2003	 Order for Production of Inmate <i>Order for Production of Inmate Kenshawn James Maxey, BAC # 65345</i>
08/21/2003	 Opposition <i>State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/27/2003	 Supplemental <i>Supplemental Verification for Petition for Writ of Habeas Corpus</i>
09/16/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
09/16/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>
10/08/2003	 Reply <i>Petitioner's Reply to State's Opposition to Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/13/2003	 Receipt of Copy
10/14/2003	Status Check (9:00 AM) <i>STATUS CHECK: DEFT'S WRIT Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>
10/23/2003	Hearing (9:00 AM) Events: 08/14/2003 Petition for Writ of Habeas Corpus <i>HEARING: WRIT OF HABEAS CORPUS Court Clerk: Sharon Chun Relief Clerk: Jennifer Lott/jl Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>
11/13/2003	Status Check (9:00 AM) <i>STATUS CHECK: SET EVIDENTIARY HEARING (WRIT OF HABEAS CORPUS) Court Clerk: Sue Deaton/sd Relief Clerk: Billie Jo Craig Reporter/Recorder: Joanie Grime Heard By: Leavitt, Michelle</i>
11/13/2003	 Reporters Transcript <i>Transcript of Hearing Held on January 25, 2000</i>
11/20/2003	Status Check (9:15 AM) <i>STATUS CHECK: SET EVIDENTIARY HEARING (WRIT OF HABEAS CORPUS) Relief</i>

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	<i>Clerk: Kristen Brown Reporter/Recorder: Joanie Grime Heard By: Michelle Leavitt</i>
12/02/2003	Status Check (9:15 AM) <i>STATUS CHECK: DEFT'S WRIT Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Leavitt, Michelle</i>
12/16/2003	Status Check (9:15 AM) <i>STATUS CHECK: DEFT'S WRIT Relief Clerk: Kristen Brown Reporter/Recorder: Joanie Grime Heard By: Michelle Leavitt</i>
01/09/2004	Evidentiary Hearing (9:15 AM) <i>EVIDENTIARY HEARING: WRIT OF HABEAS CORPUS Heard By: Michelle Leavitt</i>
01/13/2004	 Points and Authorities <i>Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post Conviction)</i>
01/15/2004	Evidentiary Hearing (9:15 AM) <i>EVIDENTIARY HEARING: WRIT OF HABEAS CORPUS Court Clerk: Kristen Brown/kb Relief Clerk: Cheryl Case Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
01/15/2004	Request (9:15 AM) <i>DEFT'S REQUEST TO CONTINUE EVIDENTIARY HEARING Heard By: Michelle Leavitt</i>
01/15/2004	All Pending Motions (9:15 AM) <i>ALL PENDING MOTIONS 1-15-04 Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Joanie Grime Heard By: David Wall</i>
01/22/2004	 Stipulation and Order <i>Stipulation and Order to Vacate Hearing Date and Re-Set Briefing Schedule</i>
01/26/2004	 Notice of Entry of Order
02/03/2004	Hearing (9:15 AM) <i>HEARING: DEFT MOORE'S PETITION Heard By: Michelle Leavitt</i>
02/12/2004	 Order for Production of Inmate <i>Order for Production of Inmate Kenshawn James Maxey, BAC #65345</i>
03/02/2004	 Notice of Motion <i>Notice of Motion and Motion for Waiver of Attorney-Client Privilege</i>
03/16/2004	 Opposition to Motion <i>Petitioner's Opposition to State's Motion for Waiver of Attorney-Client Privilege</i>
03/18/2004	Motion (9:00 AM) Events: 03/02/2004 Notice of Motion <i>STATE'S MTN FOR WAIVER OF ATTY CLIENT PRIVILEGE/90 Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Tessa Heishman Heard By: Leavitt, Michelle</i>
03/25/2004	Motion (9:15 AM) <i>STATE'S MTN FOR WAIVER OF ATTY CLIENT PRIVILEGE/90 Heard By: Michelle Leavitt</i>
03/25/2004	Motion for Confirmation of Counsel (9:15 AM) <i>CONFIRMATION OF COUNSEL (ROBERT LANGFORD) Heard By: Michelle Leavitt</i>
03/25/2004	All Pending Motions (9:15 AM) <i>ALL PENDING MOTIONS 3-25-04 Relief Clerk: Kristen Brown Reporter/Recorder: Tessa</i>

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Heishman Heard By: Michelle Leavitt

03/31/2004	 Response <i>State's Response to Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post Conviction)</i>
04/02/2004	 Order <i>Order Appointing Counsel at the Court Appointed Hourly Rate</i>
04/05/2004	Hearing (11:00 AM) <i>HEARING: DEFT MOORE'S PETITION Court Clerk: Sue Deaton Reporter/Recorder: Gina Shrader Heard By: Michelle Leavitt</i>
04/06/2004	Evidentiary Hearing (9:15 AM) <i>EVIDENTIARY HEARING: WRIT OF HABEAS CORPUS Court Clerk: Kristen Brown/kb Relief Clerk: Cheryl Case Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
04/13/2004	Hearing (9:15 AM) <i>ARGUMENT: EVIDENTIARY HEARING REQUIRED Court Clerk: Sue Deaton Relief Clerk: Cheryl Case/cc Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
04/13/2004	 Ex Parte Motion <i>Ex Parte Motion for Order to Transport Petitioner</i>
04/15/2004	CANCELED Motion for Confirmation of Counsel (9:15 AM) <i>Vacated</i>
04/15/2004	Status Check (9:15 AM) <i>STATUS CHECK: RESET EVIDENTIARY HEARING Court Clerk: Sue Deaton Reporter/Recorder: Tessa Heishman Heard By: Leavitt, Michelle</i>
04/19/2004	 Motion to Vacate <i>Motion to Vacate and Re-Set Evidentiary Hearing</i>
04/20/2004	 Receipt of Copy
04/22/2004	Status Check (9:15 AM) <i>STATUS CHECK: RESET EVIDENTIARY HEARING Court Clerk: Sue Deaton/sd Relief Clerk: Kristen Brown Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
04/30/2004	 Motion to Continue
05/04/2004	Motion to Vacate (9:15 AM) <i>Events: 04/19/2004 Motion to Vacate DEFT'S MTN TO VACATE /RESET EVIDENTIARY HEARING/98 Court Clerk: Sue Deaton Relief Clerk: Kristen Brown/kb Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
05/05/2004	 Ex Parte Motion <i>Ex Parte Motion for Order to Transport Petitioner</i>
05/11/2004	Motion to Continue (9:15 AM) <i>Events: 04/30/2004 Motion to Continue DEFT'S MTN TO CONTINUE /101 Court Clerk: Sue Deaton Reporter/Recorder: Tessa Heishman Heard By: Michelle Leavitt</i>
05/18/2004	 Ex Parte Order <i>Ex Parte Order to Transport Petitioner</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2













05/27/2004	CANCELED Evidentiary Hearing (10:30 AM) <i>Vacated</i>
06/08/2004	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING Court Clerk: Sue Deaton Reporter/Recorder: Tessa Heishman Heard By: Michelle Leavitt</i>
06/15/2004	Status Check (9:15 AM) <i>STATUS CHECK: ATTY SCHIECK CONFLICT Court Clerk: Sue Deaton Relief Clerk: Kristen Brown/kb Reporter/Recorder: Gina Shrader Heard By: Michelle Leavitt</i>
06/24/2004	CANCELED Evidentiary Hearing (11:00 AM) <i>Vacated</i>
07/19/2004	 Notice <i>Notice of Change in Status of Counsel for Petitioner</i>
07/20/2004	Request (9:15 AM) <i>RESET EVIDENTIARY HEARING REQUEST Relief Clerk: Kristen Brown Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
07/21/2004	 Ex Parte Motion <i>Ex Parte Motion for Final Interim Payment of Excess Attorney's Fees in Post Conviction Proceedings</i>
07/27/2004	CANCELED Evidentiary Hearing (11:00 AM) <i>Vacated</i>
07/27/2004	 Order Granting <i>Order Granting Final Interim Payment of Excess Attorney's Fees and Costs</i>
08/10/2004	 Affidavit of Compliance <i>Affidavit of Compliance with Subpoena</i>
09/02/2004	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Leavitt, Michelle</i>
09/09/2004	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING Court Clerk: Sue Deaton Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>
09/13/2004	 Ex Parte Order <i>Ex Parte Order to Transport Petitioner</i>
09/14/2004	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING Heard By: Michelle Leavitt</i>
09/14/2004	Status Check (11:00 AM) <i>STATUS CHECK: DECISION OF RECORDS REVIEW/RESET EVIDENTIARY HEARING Heard By: Michelle Leavitt</i>
09/14/2004	All Pending Motions (11:00 AM) <i>ALL PENDING MOTIONS 9-14-04 Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
09/23/2004	Evidentiary Hearing (11:00 AM)

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2












	<i>EVIDENTIARY HEARING Relief Clerk: April Watkins Reporter/Recorder: Norma Silverman Heard By: Michelle Leavitt</i>
10/12/2004	Request (9:15 AM) <i>STATE'S REQUEST CONTINUE EVID HEARING Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
10/14/2004	Status Check (11:00 AM) <i>STATUS CHECK: DECISION OF RECORDS REVIEW/RESET EVIDENTIARY HEARING Court Clerk: Sue Deaton Relief Clerk: Sandra Jeter/sj Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>
10/21/2004	Status Check (11:00 AM) <i>STATUS CHECK: DECISION OF RECORDS REVIEW/RESET EVIDENTIARY HEARING Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
11/30/2004	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING Court Clerk: Denise Trujillo Reporter/Recorder: Krista Broka Heard By: Michelle Leavitt</i>
12/01/2004	 Notice of Motion <i>Notice of Motion and Motion to Place on Calendar</i>
12/01/2004	 Receipt of Copy
12/02/2004	Status Check (9:15 AM) <i>STATUS CHECK Court Clerk: Sue Deaton Reporter/Recorder: Krista Broka Heard By: Michelle Leavitt</i>
12/09/2004	 Findings of Fact, Conclusions of Law and Order
12/14/2004	Motion (9:15 AM) <i>Events: 12/01/2004 Notice of Motion DEFT'S MTN TO PLACE ON CALENDAR Relief Clerk: Judy McFadden Reporter/Recorder: Jo Scott Heard By: Michelle Leavitt</i>
12/15/2004	 Notice of Entry of Decision and Order
12/28/2004	Status Check (9:15 AM) <i>STATUS CHECK: WRIT FILED Court Clerk: Sue Deaton Relief Clerk: Cheryl Case/cc Reporter/Recorder: Jo Scott Heard By: Leavitt, Michelle</i>
01/06/2005	 Order <i>Order Appointing Counsel</i>
01/11/2005	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
01/11/2005	 Case Appeal Statement
02/01/2005	Status Check (9:15 AM) <i>STATUS CHECK: WRIT FILED Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
02/11/2005	 Order
03/14/2005	 Reporters Transcript

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2


















Transcript of Hearing Held on September 23, 2004

03/14/2005	 Opposition <i>Petitioner's Opposition to Court's Order Regarding Discovery</i>
03/23/2005	 Ex Parte Application <i>Ex Parte Application for Funds for Neurological Examination</i>
03/30/2005	 Ex Parte Order
04/01/2005	 Ex Parte Application <i>Ex Parte Application for Transport Order</i>
04/13/2005	 Order to Transport Defendant <i>Order to Transport</i>
05/02/2005	Evidentiary Hearing (1:00 PM) <i>EVIDENTIARY HEARING VL 6-10-05</i>
05/09/2005	 Ex Parte Application <i>Ex Parte Application for Transport Order</i>
06/13/2005	Evidentiary Hearing (1:00 PM) <i>EVIDENTIARY HEARING VL 6-10-05</i>
06/17/2005	 Order <i>Order to Keep Inmate at Clark County Detention Center</i>
09/08/2005	Request (9:15 AM) <i>PLTF'S REQUEST STATUS CHECK /115 Relief Clerk: Georgette Byrd & Michelle Jones/mj Reporter/Recorder: Krista Broka Heard By: Leavitt, Michelle</i>
10/06/2005	Request (9:15 AM) <i>PLTF'S REQUEST STATUS CHECK /115 Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>
10/25/2005	Request (9:15 AM) <i>PLTF'S REQUEST STATUS CHECK /115 Court Clerk: Denise Trujillo Reporter/Recorder: Sharon Howard Heard By: Michelle Leavitt</i>
03/09/2006	 Order to Transport Defendant <i>Order to Transport</i>
03/28/2006	 Order to Transport Defendant <i>Order to Transport</i>
05/16/2006	 Ex Parte Application <i>Ex Parte Application for Additional Funds for Neurological Examination</i>
05/18/2006	 Ex Parte Order
06/09/2006	 Order to Transport Defendant <i>Order to Transport</i>

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07/27/2006	Status Check (9:15 AM) <i>STATUS CHECK: FURTHER PROCEEDINGS Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt</i>
08/10/2006	Hearing (11:00 AM) <i>ARGUMENT/DECISION Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle</i>
08/24/2006	Hearing (11:00 AM) <i>ARGUMENT/DECISION Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle</i>
09/14/2006	Hearing (11:00 AM) <i>ARGUMENT/DECISION Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt</i>
09/28/2006	Status Check (9:15 AM) <i>STATUS CHECK: DR'S REPORT Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle</i>
10/09/2006	 Notice <i>Notice of Provision of Doctor's Report</i>
10/12/2006	Status Check (9:15 AM) <i>STATUS CHECK: DR'S REPORT Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt</i>
10/12/2006	 Exhibits <i>Correspondence from University of Nevada School of Medicine</i>
10/25/2006	 Findings of Fact, Conclusions of Law and Order
10/26/2006	 Notice of Entry of Decision and Order
11/03/2006	 Ex Parte Motion <i>Ex Parte Motion for Appointment of Appellate Counsel</i>
11/14/2006	 Order <i>Order Appointing Counsel</i>
11/20/2006	 Case Appeal Statement
11/20/2006	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
12/01/2006	 Ex Parte Application <i>Ex Parte Application for Authorization of Fees for Habeas Corpus Representation in Excess of the Statutory Amount Authorized by NRS 7.125 and 7.145</i>
12/22/2006	 Reporters Transcript <i>Transcript of Hearing Held on October 12, 2006</i>
12/22/2006	 Reporters Transcript <i>Transcript of Hearing Held on September 14, 2006</i>

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12/22/2006	 Reporters Transcript <i>Transcript of Hearing Held on August 24, 2006</i>
12/29/2006	 Reporters Transcript <i>Transcript of Hearing Held on October 23, 2003</i>
12/29/2006	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
01/02/2007	 Reporters Transcript <i>Transcript of Hearing Held on April 22, 2004</i>
01/02/2007	 Reporters Transcript <i>Transcript of Hearing Held on February 1, 2005</i>
01/02/2007	 Reporters Transcript <i>Transcript of Hearing Held on October 21, 2004</i>
01/02/2007	 Reporters Transcript <i>Transcript of Hearing Held on July 20, 2004</i>
01/02/2007	 Reporters Transcript <i>Transcript of Hearing Held on October 12, 2004</i>
01/03/2007	 Notice of Withdrawal <i>Notice of Withdrawal as Attorney of Record</i>
01/04/2007	 Reporters Transcript <i>Transcript of Hearing Held on October 25, 2005</i>
01/04/2007	 Reporters Transcript <i>Transcript of Hearing Held on December 4, 2004</i>
01/04/2007	 Reporters Transcript <i>Transcript of Hearing Held on November 30, 2004</i>
01/10/2007	 Order
01/23/2007	 Reporters Transcript <i>Transcript of Hearing Held on November 20, 2003</i>
01/23/2007	 Reporters Transcript <i>Transcript of Hearing Held on November 13, 2003</i>
04/02/2007	 Reporters Transcript <i>Transcript of Hearing Held on September 8, 2005</i>
04/06/2007	 Reporters Transcript <i>Transcript of Hearing Held on March 18, 2004</i>
04/06/2007	 Reporters Transcript

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Transcript of Hearing Held on October 6, 2005

04/09/2007



Reporters Transcript

Transcript of Hearing Held on October 25, 2005

04/17/2008



Reporters Transcript

Transcript of Hearing Held on June 15, 2004

10/24/2008



NV Supreme Court Clerks Certificate/Judgment - Affirmed

Nevada Supreme Court Clerk's Certificate Judgment - Affirmed

01/23/2009



Order

02/19/2009



Motion for Leave to Proceed in Forma Pauperis

Motion for Leave to Proceed in Forma Pauperis and for Appointment of Counsel

02/19/2009



Petition for Writ of Habeas Corpus

Petition for Writ of Habeas Corpus (Post-Conviction)

02/19/2009



Exhibits

Index of Exhibits in Support of Petition for Writ of Habeas Corpus

05/08/2009



Order for Petition for Writ of Habeas Corpus

07/07/2009



Response

State's Response to Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Dismiss

07/16/2009

Petition for Writ of Habeas Corpus (10:00 AM)

PTN FOR WRIT OF HABEAS CORPUS Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt

07/24/2009



Motion

Petitioner's Motion for Reconsideration

07/24/2009



Motion

Motion for Enlargement of Time, NRCP/Rule 6(b)

07/29/2009



Opposition to Motion

Opposition to Defendant's Motion for Reconsideration and Motion for Enlargement of Time

08/06/2009

Motion to Reconsider (8:30 AM)

Events: 07/24/2009 Motion

DEFT'S PRO PER MTN TO RECONSIDER /120 Heard By: Michelle Leavitt

08/06/2009

Motion (8:30 AM)

Events: 07/24/2009 Motion

DEFT'S PRO PER MTN FOR ENLARGEMENT OF TIME/

08/06/2009

All Pending Motions (8:30 AM)

ALL PENDING MOTIONS (8/6/09) Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt





08/17/2009












Findings of Fact, Conclusions of Law and Order

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

Findings of Fact, Conclusions of Law, and Order

08/19/2009	 Notice of Entry of Decision and Order
09/09/2009	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
09/09/2009	 Case Appeal Statement
09/22/2009	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion for Enlargement of Time; Defendant's Pro Per Motion for Reconsideration</i>
06/04/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
11/26/2014	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Defendant Moore, Artis L <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/26/2014	 Ex Parte Motion Filed By: Defendant Moore, Artis L <i>Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
11/26/2014	 Memorandum of Points and Authorities Filed By: Defendant Moore, Artis L <i>Memorandum of Points and Authorities in Support of Writ of Habeas Corpus/Post-Conviction</i>
12/09/2014	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law, and Order</i>
12/16/2014	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
12/30/2014	 Ex Parte Motion Filed By: Defendant Moore, Artis L <i>Ex Parte Motion for Reconsideration to Denial of Petition for Post-Conviction</i>
01/14/2015	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Ex Parte Motion for Reconsideration to Denial of Petition for Post-Conviction</i>
01/20/2015	 Notice of Appeal (criminal) Party: Defendant Moore, Artis L <i>Notice of Appeal</i>
01/21/2015	 Case Appeal Statement Filed By: Defendant Moore, Artis L
01/22/2015	 Motion For Reconsideration (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Pro Per Ex Parte Motion for Reconsideration to Denial of Petition for Post-</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. 98C151122-2

	<i>Conviction</i>	
03/16/2015	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Ex Parte Motion for Reconsideration to Denial of Petition for Post-Conviction</i>	
08/27/2015	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>	
10/06/2015	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Defendant Moore, Artis L <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>	
10/06/2015	 Memorandum of Points and Authorities Filed By: Defendant Moore, Artis L <i>Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus</i>	
11/19/2015	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law, and Order</i>	
11/23/2015	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i>	
12/03/2015	 Designation of Record on Appeal Filed By: Defendant Moore, Artis L <i>Designation of Record on Appeal</i>	
12/03/2015	 Notice of Appeal (criminal) Party: Defendant Moore, Artis L <i>Notice of Appeal</i>	
12/04/2015	 Case Appeal Statement Filed By: Defendant Moore, Artis L <i>Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION	
	Defendant Moore, Artis L	
	Total Charges	275.00
	Total Payments and Credits	0.00
	Balance Due as of 12/4/2015	275.00

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ORDR


CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT
CLARK COUNTY, NEVADA

ARTIS L MOORE,)	Case No.: C151122
)	
Petitioner,)	DEPT. No.: XII
)	
vs.)	
)	
THE STATE OF NEVADA)	
)	
Respondent)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

1. On February 24, 1999, Petitioner was convicted of the following offenses: (1) Burglary While In Possession of a Firearm; (2) Conspiracy to Commit Robbery; (3) Robbery with Use of a Deadly Weapon; (4) First Degree Murder With Use of a Deadly Weapon; (5) Second Degree Murder With Use of a Deadly Weapon; (6) Second Degree Kidnapping With Use of a Deadly Weapon; and (7) Battery With Use of a Deadly Weapon;

2. On April 12, 1999, Petitioner was sentenced as follows: Count I – 40-180 months; Count II – 16-72 months, concurrent to Count I; Count III – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent to Count II; Count IV – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent to Count III; Count V – life without the possibility of parole with an equal and consecutive term of life without the possibility of parole for use of a deadly weapon, consecutive to Count IV; Count VI – life with the possibility of parole with an equal and consecutive term of life with the possibility of parole for use of a deadly weapon, consecutive to Count V; Count VII – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count VI; Count VIII – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent with Count VII; Count IX – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent to Count VIII; Count X – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count IX; Count XI – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count X; Count XII – 40-180 months, with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count XI; Count XIII – 40-180 months with an equal and consecutive term of 40-180 months for use of a

11-19-15
OK
MICHELLE LEAVITT
DISTRICT JUDGE

1 deadly weapon, concurrent to Count XII; Count XIV – 40-180 months,
2 consecutive to Count XIII;

3 3. On July 10, 2000, the Nevada Supreme Court denied Petitioner's
4 direct appeal; remitter was issued on August 7, 2000;

5 4. On January 8, 2001, Petitioner's first Petition for Writ of Habeas
6 Corpus (Post-Conviction) was filed.

7 5. On April 10, 2001, the District Court denied Petitioner's Petition
8 for Writ of Habeas Corpus (Post-Conviction). The petition was later remanded by
9 the Nevada Supreme Court so that Petitioner could have the assistance of
10 appointed counsel. Petitioner filed a supplemental memorandum of points and
11 authorities on January 13, 2004. That petition was denied in a written decision
12 issued by this Court on December 9, 2004.

13 6. On December 1, 2006, the Nevada Supreme Court affirmed the
14 District Court's denial of Petitioner's Petition. Remittitur was issued on December
15 27, 2006.

16 7. On February 19, 2009, Petitioner filed a Second Petition for Writ of
17 Habeas Corpus (Post-Conviction).

18 8. On August 17, 2009, the District Court denied Petitioner's Second
19 Petition for Writ of Habeas Corpus (Post-Conviction).

20 9. On September 9, 2009, Petitioner filed a Notice of Appeal.

21 10. On May 7, 2010, the Nevada Supreme Court affirmed the District
22 Court's denial of Petitioner's Second Petition. Remittitur was issued on June 4,
23 2010.

24 11. On November 26, 2014, Petitioner filed a Third Petition for Writ of
25 Habeas Corpus (Post-Conviction).

26 12. On December 9, 2014, District Court denied Petitioner's Third
27 Petition for Writ of Habeas Corpus (Post-Conviction).

28 13. On January 20, 2015, Petitioner filed a Notice of Appeal.

14. On May 20, 2015, the Nevada Court of Appeals affirmed the
District Court's denial of Petitioner's Third Petition. Remittitur was issued on
August 27, 2015.

15. On October 6, 2015, Petitioner filed the instant Fourth Petition for
Writ of Habeas Corpus (Post-Conviction).

1
2 CONCLUSIONS OF LAW

3 1. NRS 34.726(1), governing “**Limitations on time to file...**,”
4 **requires that a petition for a writ of habeas corpus** “must be filed within 1 year
5 after entry of the judgment of conviction or, if an appeal has been taken from the
6 judgment, within 1 year after the Supreme Court issues its remittitur.” Late-filing
7 of a petition may be excused from procedural default if the Petitioner can establish
8 good cause for delay in bringing the claim. *Id.* Good cause for late-filing consists
9 of a showing that: (1) “delay is not the fault of the petitioner”; and (2) “dismissal
10 of the petition as untimely will unduly prejudice the petitioner.” *Id.* at (1)(a)-(b).

11 2. To avoid dismissal the defendant must plead and prove specific
12 facts that demonstrate good cause for his failure to present claims before and
13 actual prejudice. *See State v. District Court*, 121 Nev. 225, 232, 112 P.3d 1070,
14 1074 (2005).

15 3. In order to demonstrate good cause, a petitioner must show that an
16 impediment external to the defense prevented him or her from complying with the
17 state procedural default rules. *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503,
18 506 (2003).

19 4. The court may excuse the failure to show good cause where the
20 prejudice from a failure to consider the claim amounts to a fundamental
21 miscarriage of justice. *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537
22 (2001).

23 5. NRS 34.810(2), governing “Additional reasons for dismissal of
24 petition,” requires that “[a] second or successive petition must be dismissed if the
25 judge or justice determines that it fails to allege new or different grounds for relief
26 and that the prior determination was on the merits or, if new and different grounds
27 are alleged, the judge or justice finds that the failure of the petitioner to assert
28 those grounds in a prior petition constituted an abuse of the writ.”

6. The petitioner has the burden of pleading and proving specific facts
that demonstrate both good cause for failing to present a claim or for presenting a
claim again and actual prejudice. NRS 34.810(3). *See also State v. Haberstroh*,
119 Nev. 173, 181, 69 P.3d 676, 681 (2003).

7. A court must dismiss a habeas petition if it presents claims that
either were or could have been presented in an earlier proceeding, unless the court
finds both cause for failing to present the claims earlier or for raising them again
and actual prejudice to the petitioner. *Evans v. State*, 117 Nev. 609, 621-622, 28
P.3d 498, 507 (2001).

1 8. Unlike initial petitions which certainly require a careful review of
2 the record, successive petitions may be dismissed based solely on the face of the
3 petition. *Ford v. Warden*, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995).

4 9. Application of the statutory procedural default rules to post-
5 conviction habeas petitions is mandatory. *State v. District Court (Riker)*, 121 Nev.
6 225, 231, 112 P.3d 1070, 1074 (2005).

7 10. Meritless, successive and untimely petitions clog the court system
8 and undermine the finality of convictions. *Lozada v. State*, 110 Nev. 349, 358, 871
9 P.2d 944, 950 (1994).

10 11. Petitioner had one year from August 7, 2000, the date the Nevada
11 Supreme Court issued the remittitur from the judgment from a direct appeal, to file
12 the Petition for Writ of Habeas Corpus (Post-Conviction).

13 12. Petitioner failed to establish good cause for the delay in filing the
14 instant post-conviction Petition. Petitioner briefly alleges that recent case law
15 constitutes good cause for delay. However, the case law cited by Petitioner, *Byford*
16 *v. State*, 116 Nev. 215, 994 P.2d 700 (2000) and *Polk v. Sandoval*, 503 F.3d 903
17 (9th Cir. 2007), is not recent.

18 13. The instant Petition is a successive Petition and it presents claims
19 that should have been presented in an earlier proceeding. Petitioner has filed three
20 Petitions for Writ of Habeas Corpus since *Polk v. Sandoval* was decided and
21 Petitioner has failed to raise the *Kazalyn* jury instruction issue prior to the instant
22 Petition.

23 14. Petitioner failed to establish good cause for failing to present the
24 claim earlier. Accordingly, the Petition lacks merit, and therefore, is denied.

25 ORDER

26 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of
27 Habeas Corpus (Post-Conviction) shall be, and it is, hereby DENIED.

28 Dated this 18 day of November, 2015.


MICHELLE LEAVITT
DISTRICT COURT JUDGE
DEPARTMENT XII
EIGHTH JUDICIAL DISTRICT

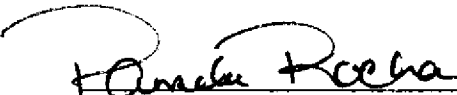
1
2 **CERTIFICATE OF MAILING**

3
4 I hereby certify that on 19th day of November, 2015, I placed a copy of
5 the Order for Petition for Writ of Habeas Corpus in the U.S. Mail, postage prepaid
6 to:

7 Artis L Moore #61167
8 Southern Desert Correctional Center
9 P.O. Box 208
Indian Springs, Nevada 89070

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

10 Adam Paul Laxalt
11 Nevada Attorney General
12 555 E. Washington, Suite 3900
13 Las Vegas, NV 89101-1068

14
15
16
17 
18 Pamela Rocha
19 Judicial Executive Assistant
Department XII
Eighth Judicial District Court

20 C151122

21 Artis L Moore

22 vs.

23 The State of Nevada
24
25
26
27
28

FILED

NOV 23 2015

Steven D. Grierson
CLERK OF COURT

1 NEO

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 ARTIS L. MOORE,

6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,
10

Case No: 98C151122-2

Dept No: XII

11 NOTICE OF ENTRY OF FINDINGS OF
12 FACT, CONCLUSIONS OF LAW, AND
13 ORDER

14 PLEASE TAKE NOTICE that on November 19, 2015, the court entered a decision or order in this
15 matter, a true and correct copy of which is attached to this notice.

16 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
17 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
18 mailed to you. This notice was mailed on November 23, 2015.

19 STEVEN D. GRIERSON, CLERK OF THE COURT

20 *Mary Kielty*

21 Mary Kielty, Deputy Clerk

22 CERTIFICATE OF MAILING

23 I hereby certify that on this 23 day of November 2015, I placed a copy of this Notice of Entry in:

- 24 ☒ The bin(s) located in the Regional Justice Center of:
25 Clark County District Attorney's Office
26 Attorney General's Office – Appellate Division-
- 27 ☒ The United States mail addressed as follows:
28 Artis L. Moore # 61167
P.O. Box 208
Indian Springs, NV 89070

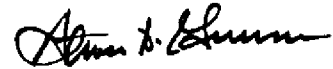
Mary Kielty

Mary Kielty, Deputy Clerk

98C151122-2
NEO
Notice of Entry
4604246



6



CLERK OF THE COURT

ORDR

EIGHTH JUDICIAL DISTRICT
CLARK COUNTY, NEVADA

ARTIS L MOORE,

Petitioner,

vs.

THE STATE OF NEVADA

Respondent

Case No.: C151122

DEPT. No.: XII

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

1. On February 24, 1999, Petitioner was convicted of the following offenses: (1) Burglary While In Possession of a Firearm; (2) Conspiracy to Commit Robbery; (3) Robbery with Use of a Deadly Weapon; (4) First Degree Murder With Use of a Deadly Weapon; (5) Second Degree Murder With Use of a Deadly Weapon; (6) Second Degree Kidnapping With Use of a Deadly Weapon; and (7) Battery With Use of a Deadly Weapon;

2. On April 12, 1999, Petitioner was sentenced as follows: Count I – 40-180 months; Count II – 16-72 months, concurrent to Count I; Count III – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent to Count II; Count IV – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent to Count III; Count V – life without the possibility of parole with an equal and consecutive term of life without the possibility of parole for use of a deadly weapon, consecutive to Count IV; Count VI – life with the possibility of parole with an equal and consecutive term of life with the possibility of parole for use of a deadly weapon, consecutive to Count V; Count VII – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count VI; Count VIII – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent with Count VII; Count IX – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, concurrent to Count VIII; Count X – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count IX; Count XI – 40-180 months with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count X; Count XII – 40-180 months, with an equal and consecutive term of 40-180 months for use of a deadly weapon, consecutive to Count XI; Count XIII – 40-180 months with an equal and consecutive term of 40-180 months for use of a

11-19-15
MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

1 deadly weapon, concurrent to Count XII; Count XIV – 40-180 months,
2 consecutive to Count XIII;

3 3. On July 10, 2000, the Nevada Supreme Court denied Petitioner's
4 direct appeal; remitter was issued on August 7, 2000;

5 4. On January 8, 2001, Petitioner's first Petition for Writ of Habeas
6 Corpus (Post-Conviction) was filed.

7 5. On April 10, 2001, the District Court denied Petitioner's Petition
8 for Writ of Habeas Corpus (Post-Conviction). The petition was later remanded by
9 the Nevada Supreme Court so that Petitioner could have the assistance of
10 appointed counsel. Petitioner filed a supplemental memorandum of points and
11 authorities on January 13, 2004. That petition was denied in a written decision
12 issued by this Court on December 9, 2004.

13 6. On December 1, 2006, the Nevada Supreme Court affirmed the
14 District Court's denial of Petitioner's Petition. Remittitur was issued on December
15 27, 2006.

16 7. On February 19, 2009, Petitioner filed a Second Petition for Writ of
17 Habeas Corpus (Post-Conviction).

18 8. On August 17, 2009, the District Court denied Petitioner's Second
19 Petition for Writ of Habeas Corpus (Post-Conviction).

20 9. On September 9, 2009, Petitioner filed a Notice of Appeal.

21 10. On May 7, 2010, the Nevada Supreme Court affirmed the District
22 Court's denial of Petitioner's Second Petition. Remittitur was issued on June 4,
23 2010.

24 11. On November 26, 2014, Petitioner filed a Third Petition for Writ of
25 Habeas Corpus (Post-Conviction).

26 12. On December 9, 2014, District Court denied Petitioner's Third
27 Petition for Writ of Habeas Corpus (Post-Conviction).

28 13. On January 20, 2015, Petitioner filed a Notice of Appeal.

14. On May 20, 2015, the Nevada Court of Appeals affirmed the
District Court's denial of Petitioner's Third Petition. Remittitur was issued on
August 27, 2015.

15. On October 6, 2015, Petitioner filed the instant Fourth Petition for
Writ of Habeas Corpus (Post-Conviction).

1
2 CONCLUSIONS OF LAW

3 1. NRS 34.726(1), governing "Limitations on time to file...",
4 requires that a petition for a writ of habeas corpus "must be filed within 1 year
5 after entry of the judgment of conviction or, if an appeal has been taken from the
6 judgment, within 1 year after the Supreme Court issues its remittitur." Late-filing
7 of a petition may be excused from procedural default if the Petitioner can establish
8 good cause for delay in bringing the claim. *Id.* Good cause for late-filing consists
9 of a showing that: (1) "delay is not the fault of the petitioner"; and (2) "dismissal
10 of the petition as untimely will unduly prejudice the petitioner." *Id.* at (1)(a)-(b).

11 2. To avoid dismissal the defendant must plead and prove specific
12 facts that demonstrate good cause for his failure to present claims before and
13 actual prejudice. *See State v. District Court*, 121 Nev. 225, 232, 112 P.3d 1070,
14 1074 (2005).

15 3. In order to demonstrate good cause, a petitioner must show that an
16 impediment external to the defense prevented him or her from complying with the
17 state procedural default rules. *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503,
18 506 (2003).

19 4. The court may excuse the failure to show good cause where the
20 prejudice from a failure to consider the claim amounts to a fundamental
21 miscarriage of justice. *Pellegrini v. State*, 117 Nev. 860, 887, 34 P.3d 519, 537
22 (2001).

23 5. NRS 34.810(2), governing "Additional reasons for dismissal of
24 petition," requires that "[a] second or successive petition must be dismissed if the
25 judge or justice determines that it fails to allege new or different grounds for relief
26 and that the prior determination was on the merits or, if new and different grounds
27 are alleged, the judge or justice finds that the failure of the petitioner to assert
28 those grounds in a prior petition constituted an abuse of the writ."

6. The petitioner has the burden of pleading and proving specific facts
that demonstrate both good cause for failing to present a claim or for presenting a
claim again and actual prejudice. NRS 34.810(3). *See also State v. Haberstroh*,
119 Nev. 173, 181, 69 P.3d 676, 681 (2003).

7. A court must dismiss a habeas petition if it presents claims that
either were or could have been presented in an earlier proceeding, unless the court
finds both cause for failing to present the claims earlier or for raising them again
and actual prejudice to the petitioner. *Evans v. State*, 117 Nev. 609, 621-622, 28
P.3d 498, 507 (2001).

1 8. Unlike initial petitions which certainly require a careful review of
2 the record, successive petitions may be dismissed based solely on the face of the
3 petition. *Ford v. Warden*, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995).

4 9. Application of the statutory procedural default rules to post-
5 conviction habeas petitions is mandatory. *State v. District Court (Riker)*, 121 Nev.
6 225, 231, 112 P.3d 1070, 1074 (2005).

7 10. Meritless, successive and untimely petitions clog the court system
8 and undermine the finality of convictions. *Lozada v. State*, 110 Nev. 349, 358, 871
9 P.2d 944, 950 (1994).

10 11. Petitioner had one year from August 7, 2000, the date the Nevada
11 Supreme Court issued the remittitur from the judgment from a direct appeal, to file
12 the Petition for Writ of Habeas Corpus (Post-Conviction).

13 12. Petitioner failed to establish good cause for the delay in filing the
14 instant post-conviction Petition. Petitioner briefly alleges that recent case law
15 constitutes good cause for delay. However, the case law cited by Petitioner, *Byford*
16 *v. State*, 116 Nev. 215, 994 P.2d 700 (2000) and *Polk v. Sandoval*, 503 F.3d 903
17 (9th Cir. 2007), is not recent.

18 13. The instant Petition is a successive Petition and it presents claims
19 that should have been presented in an earlier proceeding. Petitioner has filed three
20 Petitions for Writ of Habeas Corpus since *Polk v. Sandoval* was decided and
21 Petitioner has failed to raise the *Kazalyn* jury instruction issue prior to the instant
22 Petition.

23 14. Petitioner failed to establish good cause for failing to present the
24 claim earlier. Accordingly, the Petition lacks merit, and therefore, is denied.

25 ORDER

26 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of
27 Habeas Corpus (Post-Conviction) shall be, and it is, hereby DENIED.

28 Dated this 18 day of November, 2015.


MICHELLE LEAVITT
DISTRICT COURT JUDGE
DEPARTMENT XII
EIGHTH JUDICIAL DISTRICT

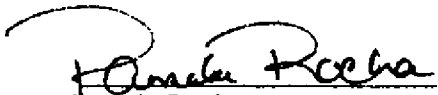
1
2 CERTIFICATE OF MAILING

3
4 I hereby certify that on 19th day of November, 2015, I placed a copy of
5 the Order for Petition for Writ of Habeas Corpus in the U.S. Mail, postage prepaid
6 to:

7 Artis L Moore #61167
8 Southern Desert Correctional Center
9 P.O. Box 208
Indian Springs, Nevada 89070

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

10 Adam Paul Laxalt
11 Nevada Attorney General
12 555 E. Washington, Suite 3900
13 Las Vegas, NV 89101-1068
14

15
16 
17 Pamela Rocha
18 Judicial Executive Assistant
19 Department XII
Eighth Judicial District Court

20 C151122
21 Artis L Moore
22 vs.
23 The State of Nevada
24
25
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27
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 05, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

June 05, 1998**11:30 AM****Grand Jury Indictment**

**GRAND JURY
INDICTMENT
Court Clerk: SUE
DEATON Heard By:
Myron Leavitt**

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

Attorney

JOURNAL ENTRIES

- Charles C. Noble, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill in this matter during deliberation, but had been excused for the presentation to the Court. State presented Grand Jury Case Number 97AGJ05AB to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C151122, Department XVI. State requested a NO BAIL BENCH WARRANT issue as to each Deft; COURT SO ORDERED. Exhibit(s) 1 through 17 lodged with Clerk of District Court. COURT FURTHER ORDERED matter SET for INITIAL ARRAIGNMENT.

B.W. (CUSTODY) (BOTH)

6-18-98, 8:45 A.M., INITIAL ARRAIGNMENT (BOTH) (DEPT. XVI)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

June 18, 1998**8:45 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Relief Clerk:
BARBARA SOFIA
Reporter/Recorder:
ROGER
CALABRESE Heard
By: John McGroarty**

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

Mitchell, Scott S.
Moore, Artis L
Wommer, Paul E.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- DEFENDANT MAXEY ARRAIGNED, PLED NOT GUILTY AND WAIVED THE 60 DAY RULE.
COURT ORDERED, matter set for trial.

DEFENDANT MOORE ARRAIGNED, PLED NOT GUILTY AND WAIVED THE 60 DAY RULE.
COURT ORDERED, matter set for trial.

Counsel requested Discovery and 21 days from the filing of Transcript to file any writs, COURT SO ORDERED.

CUSTODY (BOTH)

11/10/98 8:45 AM CALENDAR CALL

11/16/98 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 08, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

July 08, 1998**8:45 AM****Request**

**STATE'S REQUEST
FILE AMENDED
INDICTMENT
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
KIT MacDONALD
Heard By: John
McGroarty**

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

Moore, Artis L
Schwartz, David P.
Wommer, Paul E.

Defendant
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schwartz advised he wants to file amended indictment correcting the spelling of the name of witness. There being no opposition, COURT ORDERED, motion GRANTED. AMENDED INDICTMENT FILED IN OPEN COURT.
CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 17, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

August 17, 1998**8:45 AM****Request****STATE'S REQUEST
ADVISE COURT
STATE SEEKING
DEATH PENALTY
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANNE PROCK
Heard By: John
McGroarty****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hartsell, James B.

Attorney

JOURNAL ENTRIES

- Ms. Wildeveld advised she received notice of State's intent to seek the death penalty. Further, she would note there IS a POSSIBLE conflict of interest being researched as deft. is a WARD of the State and State should make a determination at time of co-deft's motion to sever. COURT ORDERED, matter CONTINUED.

CUSTODY

8/24/98 8:45 AM STATUS CHECK: POSSIBLE CONFLICT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

August 24, 1998**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8/24/98
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: John
McGroarty**

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

Moore, Artis L
Schwartz, David P.
Wommer, Paul E.

Defendant
Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO SEVER (MOORE)...STATUS CHECK: POSSIBLE CONFLICT OF INTEREST (MAXEY)

There being no opposition, COURT ORDERED, motion to sever is GRANTED, trial date as to MOORE is VACATED and RESET. Mr. Figler advised motion for conflict of interest can be taken OFF CALENDAR at this time, however, they still may be filing a possible conflict of interest motion. COURT SO ORDERED. LATER: Mr. LaPorta advised he was just assigned the case and will be moving for a continuance of deft. MAXEY's trial. COURT SO NOTED.

CUSTODY (BOTH)

12/1/98 8:45 AM CALENDAR CALL (MOORE)

12/7/98 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 15, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

September 15, 1998**8:45 AM****Motion for Discovery**

**DEFT'S MOTION
FOR DISCOVERY
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty**

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

Hartsell, James B.

Attorney

JOURNAL ENTRIES

- Ms. Wildeveld advised she spoke with Dave Schwartz of the DA's office and he has NO
OPPOSITION to the motion. COURT ORDERED, motion GRANTED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

November 02, 1998**8:45 AM****All Pending Motions****ALL PENDING
MOTIONS 11/2/98****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By: John****McGroarty****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE...DEFT'S MOTION TO BIFURCATE THE PENALTY PHASE

STATE'S ANSWER IN OPPOSITION TO MOTION TO BIFURCATE THE PENALTY PHASE FILED IN OPEN COURT. Counsel requested Motion to Bifurcate the Penalty Phase be continued to date of Calendar Call, COURT SO ORDERED.

Counsel advised it would mutually agree on questions for Jury Questionnaire, and requested Jury be brought in and given questionnaire, COURT SO ORDERED. Court instructed Mr. LaPorta to make arrangement for 100 on panel. Court advised it would try to use a bigger Court room for selection. CUSTODY

11/10/98 8:45 AM DEFT'S MOTION TO BIFURCATE PENALTY PHASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 10, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

November 10, 1998**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS 11/10/98
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
MARGARET
CARDWELL Heard
By: John McGroarty**

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

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO BIFURCATE THE PENALTY PHASE...CALENDAR CALL

Counsel announced ready and agreed to defer motion until later in the trial. Conference at the bench.
COURT ORDERED, matter SET for trial. Court noted the jury questionnaires have been filled out.
CUSTODY

11/16/98 10:30 AM JURY TRIAL

11/20/98 10:00 AM DEFT'S MOTION TO BIFURCATE THE PENALTY PHASE

SCHWARTZ & C. OWENS/LAPORTA & WILDEVELDE 1 1/2 - 2 WEEKS (INCLUDING PENALTY
PHASE) 1 OUT-OF STATE WITNESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 16, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

November 16, 1998**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS 11/16/98
Court Clerk:
BARBARA SOFIA
Relief Clerk: PAULA
GOODELL/pg
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty**

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

Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO CONTINUE...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL
PENALTY HEARING EVIDENCE...JURY TRIAL
COURT ORDERED, State's Motion to Continue GRANTED. FURTHER, ORDERED, trial VACATED
AND RESET. FURTHER, Deft.'s Motion for Discovery of Potential Penalty Hearing Evidence
CONTINUED until new calendar call date.
CUSTODY
8/31/99 8:45 AM CALENDAR CALL
9/7/99 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 20, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

November 20, 1998**8:45 AM****Motion****DEFT'S MAXEY'S
MOTION TO****BIFURCATE THE
PENALTY PHASE****Relief Clerk:****ANNETTE
DUNCAN****Reporter/Recorder:****ROGER****CALABRESE Heard****By: McGroarty, John
S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Peterson, Tamara M.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter continued to Calendar Call date.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

December 01, 1998**8:45 AM****Calendar Call**

CALENDAR CALL
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
MARGARET
CARDWELL **Heard**
By: John McGroarty

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

Leen, Peggy

Attorney

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- Mr. Wommer advised he is in trial this week and requested calendar call be CONTINUED one week. There being no opposition, COURT SO ORDERED.

CUSTODY

12/8/98 8:45 AM CALENDAR CALL

12/14/98 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 08, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

December 08, 1998**8:45 AM****Calendar Call**

CALENDAR CALL
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
MARGARET
CARDWELL **Heard**
By: John McGroarty

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

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- Mr. Wommer advised due to just finishing up a murder trial, he is not prepared for trial. Mr. Owens advised State is prepared to go. COURT ORDERED, trial date VACATED and RESET.
CUSTODY

1/12/99 8:45 AM CALENDAR CALL

1/19/99 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 17, 1998**

98C151122-2

The State of Nevada vs Artis L Moore

December 17, 1998**8:45 AM****Motion**

**STATE'S REQUEST
RESET TRIAL DATE
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty**

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

Moore, Artis L
Schwartz, David P.
Wommer, Paul E.

Defendant
Attorney
Attorney

JOURNAL ENTRIES

- At request of counsel, COURT ORDERED, trial date VACATED and RESET.

CUSTODY

2/9/98 8:45 AM CALENDAR CALL

2/16/99 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

February 09, 1999**8:45 AM****Calendar Call****CALENDAR CALL****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By: John****McGroarty****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- Counsel announced ready for trial. COURT ORDERED, SET for TRIAL on Tuesday.

CONFERENCE AT THE BENCH.

CUSTODY

2/16/99 10:00 AM JURY TRIAL

SCHWARTZ/WOMMER 5-6 DAYS NO OUT OF STATE WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 16, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

February 16, 1999**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
PEGGY CARDWELL****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY VENIRE. State FILED SECOND SUPPLEMENTAL WITNESS LIST IN OPEN COURT. Mr. Owens advised deft. had made statements, which was why the trial was severed, and they will be using portions of those statements, however, not the complete statements. Further, would like Court to review the statements and then counsel will request they not be required to submit the full statements. Mr. Wommer advised the transcript counsel refers to should not be evidence and would object to them being used as evidence, and only the portions of testimony by the officer who took the statement be questioned. Otherwise, he would request the tape from which the transcript was typed by used and heard in it's entirety. Mr. Owens advised State does not intend to introduce the tape or transcript except for recollection purposes. COURT SO NOTED. IN THE PRESENCE OF THE JURY VENIRE. Twelve jurors and two alternates selected. IN THE ABSENCE OF THE JURY. Mr. Wommer moved for Batson hearing on State's dismissal of juror #1. Mr.

Schwartz provided Court with it's race neutral reason for excusing juror #1. COURT FINDS the BATSON CHALLENGE FAILS.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 18, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

February 18, 1999**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
DIANN PROCK****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Court instructed jury as to trial procedure. Clerk read information and advised jury of deft's pleas of not guilty. Opening statements by counsel. IN THE ABSENCE OF THE JURY. Court noted he was made aware by the bailiff that juror number 12 was one of the Court's former law clerk's mother in-law. Counsel waived any possible conflicts and stipulated to allow her to remain on the panel. IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 19, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

February 19, 1999**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
DIANN PROCK****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN CHAMBERS CONFERENCE. Bailiff advised Court and counsel there is a problem with juror #9. Juror #9 brought into chambers and advised Court and counsel that after jury selection, before she arrived home, her husband received a phone call, from a male stating he new his wife, however he called her by her middle name, and that she is on "HIS" trial and as she is the only black person left on the panel, he wants her to remain on the panel. Further, the male appeared to be calling through a third person, and requested he be allowed to call back when juror was home. Her husband told him NOT to call back. Mr. Wommer requested juror be allowed to remain on the panel. Juror stated she is afraid to remain on the panel. IN THE ABSENCE OF THE JUROR. Arguments by counsel as to whether or not she should be excused. COURT ORDERED, it will EXCUSE juror #9 out of the abundance of caution, and FURTHER, DEFT. TO HAVE NO PHONE OR VISTING PRIVELEDGES until the CONCLUSION of this trial. IN THE PRESENCE OF JUROR #9. Court advised juror #9 she

is excused from serving any further, and stated she should call chambers if she receives anymore phone calls. LATER: In the absence of State's counsel, Mr. Wommer advised pursuant to the problems with juror #9 and some information he received, he believes the jury has been tainted and would move for a mistrial. Court directed Mr. Wommer to state the information he received for the record and as an officer of the Court. Statement by Mr. Wommer. Court advised it wants an in-camera hearing with the State, and it wants to individually question each juror before rendering a decision on the mistrial. IN THE PRESENCE OF ALL COUNSEL, in the ABSENCE of deft. Court advised it was going to swear in each juror individually and question them as to whether they have been contacted outside these proceedings, regarding these proceedings. Counsel requested it be a general question. Jurors 1-8, 10-12, and alternates 1&2, sworn and testified individually, and each stated they have not been contacted by either side as to this trial, nor have they read or heard anything about this trial. IN THE ABSENCE OF THE JURY, but in the presence of deft. Mr. Wommer moved for a mis-trial based on possible jury tampering, contamination, and the inference of improper conduct of the deft. Further, he feels his creditability with this jury has been exasperated. Arguments by counsel. COURT stated findings and ORDERED, motion DENIED. IN THE PRESENCE OF THE JURY. COURT ORDERED, alternate juror #1, to replace juror #9. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Mr. Wommer advised he will be moving to dismiss CTS 7-13, the kidnapping charges and wanted to put the Court and State on notice. Statement by Mr. Owens regarding State's interpretation of the law.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

February 22, 1999**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
DIANN PROCK****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Mr. Wommer moved to dismiss specifically CT VIII. Arguments by counsel. COURT ORDERED, matter taken under advisement. Mr. Owens advised he is concerned with deft's statement and out of the abundance of caution, he will go any further once deft. stated he did not want to speak. Statement by Mr. Wommer. COURT believes that issue is moot. Mr. Owens advised State reserves the right to go further into into the statement if Mr. Wommer suggests the State is trying to hide something or if deft. testifies. COURT advised deft. of his right to testify. Deft. waived any defects in being advised of his right before State closed. IN THE PRESENCE OF THE JURY. Testimony resumed. State rested. IN THE ABSENCE OF THE JURY. COURT advised as to Mr. Wommer's motion to dismiss CT VIII is a jury issue and ORDERED, motion DENIED. Court noted for the record that detective stated deft. was arrested and pursuant to conference at the bench,

counsel stipulated instruction given by the Court is sufficient, and there is no need for a cautionary instruction. IN THE PRESENCE OF THE JURY Testimony resumed. Deft. rested.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

February 23, 1999**8:45 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
PEGGY CARDWELL****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. Jury instructions settled. IN THE PRESENCE OF THE JURY.
Court instructed jury. Closing arguments by counsel. At 2:45 PM this date, jury retired to begin
deliberations.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 24, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

February 24, 1999**8:45 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty

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

Moore, Artis L	Defendant
Owens, Christopher J.	Attorney
Schwartz, David P.	Attorney
Wommer, Paul E.	Attorney

JOURNAL ENTRIES

- Jury resumed deliberations. At 10:40 AM this date, jury RETURNED with VERDICTS as FOLLOWS: CT I - BURGLARY WHILE IN POSSESSION OF A FIREARM (F) - GUILTY CT II - CONSPIRACY TO COMMIT BURGLARY (F) - GUILTY CTS III & IV - ROBBERY WITH USE OF A DEADLY WEAPON (F) - GUILTY CT V - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) - GUILTY CT VI - MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F) - GUILTY CTS VII - XIII - KIDNAPPING WITH USE OF A DEADLY WEAPON (F) - GUILTY CTS XIV - BATTERY WITH USE OF A DEADLY WEAPON (F)
 At request of Mr. Wommer, jury polled. COURT directed jurors to return to the jury room and matter SET for penalty hearing at 11:30 this date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 24, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

February 24, 1999**11:30 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANN PROCK
Heard By:
McGroarty, John S.**

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

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. COURT advised deft. of his right to make either a sworn or unsworn statement to the jury, and the guidelines attached to either choice. IN THE PRESENCE OF THE JURY. COURT instructed the jury on the penalty phase. Testimony and exhibits per worksheets. Closing arguments by counsel. At 3:17 PM this date, jury retired to begin deliberations. EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 25, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

February 25, 1999**10:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty**

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

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. COURT noted it received a note from the jury last night and after phone conference counsel agreed on the answer to be given to the jury and ORDERED, that note with the answers is ADMITTED as Court's exhibit A. IN THE PRESENCE OF THE JURY. At 12:15 PM this date, jury returned with a verdict of LIFE WITHOUT THE POSSIBILITY OF PAROLE. COURT referred matter to P&P, and ORDERED, matter SET for sentencing. COURT thanked and excused the jury. IN THE ABSENCE OF THE JURY. Mr. Wommer requested deft's phone priviledges be reinstated.

CUSTODY

4/12/99 8:45 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 12, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

April 12, 1999**8:45 AM****Sentencing****SENTENCING****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
DIANN PROCK****Heard By: John
McGroarty****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Defendant

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- Dawn Williams of P&P present. Pursuant to jury verdict, COURT ADJUDGED DEFT. MOORE GUILTY OF CT I - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); CT II - CONSPIRACY TO COMMIT ROBBERY (F); CT III & IV - ROBBERY WITH USE OF A DEADLY WEAPON (F); CT V - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); CT VI - MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); CT VII - XIII - SECOND DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F); and CT XIV - BATTERY WITH USE OF A DEADLY WEAPON (F). Statements by deft. and counsel. COURT ORDERED, in addition to the \$25 Assessment deft. SENTENCED to the Nevada Dept. of Prisons AS FOLLOWS: CT I - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM. CT II - SIXTEEN (16) MONTHS MINIMUM to SEVENTY TWO (72) MONTHS MAXIMUM. To run CONCURRENT with CT I. CT III - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM, with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT III

to run CONCURRENT with CT II. CT IV - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM, with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT IV to run CONCURRENT with CT III. CT V - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an equal and CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for weapons enhancement. CT V to run CONSECUTIVE to CT IV. CT VI - LIFE WITH THE POSSIBILITY OF PAROLE with an equal and CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE for weapons enhancement. CT VI to run CONSECUTIVE to CT V. CT VII - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT VII - to run CONSECUTIVE to CT VI. CT VIII - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT VIII to run CONCURRENT with CT VII. CT IX - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT IX to run CONCURRENT with CT VIII. CT X - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT X to run CONSECUTIVE to CT IX. CT XI - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT XI to run CONSECUTIVE to CT X. CT XII - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT XII to run CONSECUTIVE to CT XI. CT XIII - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with an equal and CONSECUTIVE 40/180 MONTHS for weapons enhancement. CT XIII to run CONCURRENT with CT XII. CT XIV - FORTY (40) MONTHS MINIMUM to ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM. CT XIV to run CONSECUTIVE to CT XIII.

FURTHER, deft. to pay \$4,417.28 RESTITUTION JOINTLY AND SEVERALLY WITH CO-DEFT. and submit to a blood and/or saliva test to determine genetic markers or secretor status and pay the \$250 FEE for the test. Deft. given 328 DAYS credit for time served. Mr. Wommer requested counsel be appointed for appeal. Mr. Rigsby of the PD's office advised pursuant to Supreme Court rules, they must allow attorney to withdraw. Mr. Wommer advised he will file notice of appeal.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 31, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

August 31, 1999**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8/31/99
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
PEGGY CARDWELL
Heard By: John
McGroarty**

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

Bell, Stewart L.

Attorney

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- CALENDAR CALL...DEFT'S MTN TO BIFURCATE THE PENALTY PHASE...DEFT'S MTN TO DISMISS NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW...DEFT'S MTN IN LIMINE REGARDING GANG ACTIVITY...DEFT'S MTN TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE THE PROCEDURE IN THIS CASE IS UNCONSTITUTIONAL...DEFT'S MTN IN LIMINE TO EXCLUDE ANY PHOTOGRAPH OF KENSHAWN MAXEY...DEFT'S MTN IN LIMINE REGARDING CO-DEFT'S SENTENCE...DEFT'S MTN IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN ARGUMENT...DEFT'S MTN TO DISMISS STATE'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY BECAUSE NEVADA'S DEATH PENALTY STATUTE IS UNCONSTITUTIONAL...DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...DEFT'S MTN TO LIMIT VICTIM IMPACT STATEMENTS...DEFT'S MTN FOR

INDIVIDUALLY SEQUESTERED VOIR DIRE...DEFT'S MTN TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY...DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...MOTION TO DISMISS THEORIES OF CRIMINAL LIABILITY UNDER COUNT V OF THE AMENDED INDICTMENT

Mr. Kohn advised due to some changes in personal in his office, they are unprepared for trial and requested trial date be VACATED and RESET. Conference at the bench. COURT ORDERED, motions SET next week and trial date RESET for the FIRST of the year. Counsel stipulated to calendar call on Monday and start trial on Tuesday due to there being NO COURT during the week proceeding trial. CUSTODY

9/10/99 10:00 AM ALL PENDING MOTIONS

1/10/00 8:45 AM CALENDAR CALL

1/11/00 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 10, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

September 10, 1999**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS 9/10/99
Court Clerk:
BARBARA SOFIA
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty**

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

JOURNAL ENTRIES

- DEFT'S MOTION TO BIFURCATE THE PENALTY PHASE...DEFT'S MOTION TO DISMISS NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW...DEFT'S MOTION IN LIMINE REGARDING GANG ACTIVITY.. .DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE THE PROCEDURE IN THIS CASE IS UNCONSTITUTIONAL...DEFT'S MOTION IN LIMINE TO EXCLUDE ANY ANY PHOTOGRAPHS OF KENSHAWN MAXEY...DEFT'S MOTION IN LIMINE REGARDING CO-DEFT'S SENTENCE...DEFT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN ARGUMENT...DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY STATUTE IS UN-CONSTITUTIONAL. ..DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE... DEFT'S MOTION TO LIMIT VICTIM IMPACT STATEMENTS...DEFT'S MOTION FOR INDIVIDUALLY SEQUESTERED VOIR DIRE...DEFT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS

SEEKING THE DEATH PENALTY...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL
PENALTY HEARING EVIDENCE...DEFT'S MOTION TO DISMISS THEORY OF CRIMINAL
LIABILITY UNDER COUNT V OF THE AMENDED INDICTMENT
COURT ORDERED, ALL MOTIONS CONTINUED. Counsel has agreed to a new date of 12/15/99.
CUSTODY
CONTINUED TO: 12/15/99 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 15, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

December 15, 1999**8:45 AM****All Pending Motions****ALL PENDING
MOTIONS 12/15/99****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By: John****McGroarty****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Owens, Christopher J.
Schwartz, David P.Attorney
Attorney**JOURNAL ENTRIES**

- DEFT'S MOTION TO BIFURCATE THE PENALTY PHASE...DEFT'S MOTION TO DISMISS NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW...DEFT'S MOTION IN LIMINE REGARDING GANG ACTIVITY...DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE THE PROCEDURE IN THIS CASE IS UNCONSTITUTIONAL... DEFT'S MOTION IN LIMINE TO EXCLUDE ANY PHOTOGRAPH OF KENSHAWN MAXEY... DEFT'S MOTION IN LIMINE REGARDING CO-DEFT'S SENTENCE...DEFT'S MOTION IN LIMINE FOR ORDER PROHIBITING PROSECUTION MISCONDUCT IN ARGUMENT...DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADA'S DEATH PENALTY STATUTE IS UNCONSTITUTIONAL...DEFT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...DEFT'S MOTION TO LIMIT VICTIM IMPACT STATEMENTS...DEFT'S MOTION FOR INDIVIDUALLY SEQUESTERED VOIR

DIRE...DEFT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVIDENCE...DEFT'S MOTION TO DISMISS THEORIES OF CRIMINAL LIABILITY UNDER COUNT V OF THE AMENDED INDICTMENT...DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES

Arguments by Counsel. COURT ORDERED, Deft's Motion to Bifurcate Penalty Hearing DENIED; Deft's Motion to Dismiss Notice of Intent to seek Death Penalty for Violation of International Treaty and Customary Law DENIED; Deft's Motion in Limine Regarding Gang Activity GRANTED TO THE EXTENT POSSIBLE; Deft's Motion to Strike State's Notice of Intent to Seek Death Penalty because the Procedure in this Case is Unconstitutional DENIED; Deft's Motion In Limine to Exclude any Photograph of Kenshawn Maxey COURT WILL HOLD IT'S RULING UNTIL COURT REVIEWS PHOTOS; Deft's Motion in Limine Regarding Co-deft's Sentence GRANTED AS STATE STIPULATED; Deft's Motion In Limine for Order Prohibiting Prosecution Misconduct in Argument GRANTED TO THE EXTENT EXPLICABLE; Deft's Motion to Allow the Defense to Argue Last at the Penalty Hearing DENIED; Deft's Motion to Limit Victim Impact Statements CONTINUE FOR CALENDAR CALL; Deft's Motion for Individually Sequestered Voir Dire GRANTED, COUNSEL TO WORKOUT; Deft's Motion to Apply Heightened Standard of Review and Care in this case because the State is Seeking the Death Penalty GRANTED; Deft's Motion for Discovery of Potential Penalty Hearing Evidence GRANTED AS THE STATE STIPULATED; Deft's Motion to Dismiss Theories of Criminal Liability Under Count V of the Amended Indictment DENIED; Deft's Motion to Strike Aggravating Circumstances CONTINUED for DECISION.

NDP

12/17/99 8:45 AM DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 16, 1999**

98C151122-2

The State of Nevada vs Artis L Moore

December 16, 1999**9:00 AM****Minute Order**

**MINUTE ORDER
RE: DECISION
Court Clerk: DENISE
TRUJILLO Relief
Clerk: BARBARA
SOFIA Heard By:
John McGroarty**

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

JOURNAL ENTRIES

- MINUTE ORDER REGARDING DEFT'S MOTION TO STRIKE AGGRAVATING
CIRCUMSTANCES
COURT ORDERED, MOTION DENIED. Counsel notified. State to prepare formal Order.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 10, 2000**8:45 AM****Calendar Call****CALENDAR CALL****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By: John****McGroarty****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- Counsel advised ready for trial. COURT ORDERED, MATTER SET FOR TRIAL TOMMOROW AT 1:30PM.

CUSTODY

1/11/00 1:30 P.M. JURY TRIAL

SCHWARTZ-OWEN/KOHN WILDEVELD 4 WEEKS NO OUT OF STATE WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 11, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

January 11, 2000**1:30 PM****Jury Trial****TRIAL BY JURY****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By:****McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- SECOND AMENDED INFORMATION FILED IN OPEN COURT. IN THE ABSENSE OF JURY VENIRE: Argument by counsel as to State's theories against deft. for murder of his co-offender. State clarified the only theorie they are pursuing is 2nd degree murder. State advised it is not proper for the defense to give examples to jurors involving their own family. Mr. Kohn objected. Argument by Counsel. Mr. Owens requested that counsel refer to in a 3rd party, not personally to that particular juror. Court instructed Counsel not to get into personalizing. Mr. Kohn advised race is a very difficult issue and noted a California case. COURT ORDERED, it will allow reference to that case on race only and not to get into other cases. Mr. Owens advised using the same numbering system as co-deft. and add new stickers next to them from this case. Mr. Kohn not opposed. Mr. Kohn advised he would provide State with copy of letter from Dr. Eckoff. IN THE PRESENCE OF THE JURY VENIRE: Jury selection commenced.

Evening Recess

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 12, 2000**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO/PM****Relief Clerk:****BARBARA****SOFIA/AM****Reporter/Recorder:****DIANN PROCK****Heard By:****McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Owens, Christopher J.
Schwartz, David P.Attorney
Attorney**JOURNAL ENTRIES**

- Jury selection resumed.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 13, 2000**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
DIANN PROCK****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Owens, Christopher J.
Schwartz, David P.Attorney
Attorney**JOURNAL ENTRIES**

- Jury selection resumed. IN THE ABSENCE OF THE JURY VENIRE. Mr. Kohn advised he reviewed the transcript as directed by the Court and argued as to the rehabilitative efforts made by the state does not give the deft. a fair jury, and requested juror 51 be excused. Arguments by counsel. COURT ORDERED, objection noted and overruled. IN THE PRESENCE OF THE JURY VENIRE. Jury selection resumed. IN THE ABSENCE OF THE JURY. Mr. Kohn submitted ex parte order for contact visit for deft. with his father. There being no opposition, COURT ORDERED, motion GRANTED pursuant to rules and regulations of the jail.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 18, 2000**11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
PEGGY CARDWELL****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Butt, Layne J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY VENIRE. Juror #81 advised her mother has fallen ill requested she be excused. There being no opposition, COURT ORDERED, juror 81 excused. Mr. Kohn requested that jurors who indicate they can not consider all four possibilities should also be excluded along with the jurors who have indicated they could not consider the death penalty. Arguments by counsel. COURT ORDERED, it will NOT excuse for cause however Court will keep using the phrase "equally". IN THE PRESENCE OF THE JURY. Jury selection resumed.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 19, 2000**11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****Reporter/Recorder:
PEGGY CARDWELL****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Owens, Christopher J.
Schwartz, David P.Attorney
Attorney**JOURNAL ENTRIES**

- IN CHAMBERS CONFERENCE. Bailiff advised court that prospective juror #105 has children that know the deft. and is afraid for her children should she sit on this jury. Mr. Kohn advised he will need to talk to his client. Deft. present and advised he has no objection to juror #105 being interviewed by the Court and counsel in his absence, and noted he did not recognize any of the jury venire. In deft's absence. Juror #105 brought into chambers with counsel and advised of her concerns. State challenged for cause. Mr. Kohn objected. COURT ORDERED, juror #105 excused for cause. IN THE PRESENCE OF THE JURY VENIRE. Jury selection resumed. IN THE ABSENCE OF THE JURY VENIRE. Arguments by counsel as to juror #110. Mr. Kohn moved for mistrial. LATER: State advised they would not oppose challenge. COURT ORDERED, juror #110 excused. Mr. Kohn withdrew motion for mistrial. IN THE PRESENCE OF THE JURY VENIRE. Jury selection resumed. IN THE ABSENCE OF THE JURY VENIRE. Mr. Kohn objected to exclusion of juror #119 and moved for mistrial. Arguments by counsel. COURT ORDERED, motion DENIED. Juror #76 brought into court and questioned as to her ability to serve on this jury. Juror advised she is going on

vacation and it could not be rescheduled. In the absence of the jurors. Arguments by counsel. COURT ORDERED, juror #76 is excused. FURTHER, 119 is excused as one of state's pre-empt as they have stated their race neutral reason for excusing that juror. IN THE PRESENCE OF THE JURY VENIRE. Jury selected. IN THE ABSENCE OF THE JURY. Mr. Kohn noted for the record there are no blacks on the jury. COURT SO NOTED.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 20, 2000

98C151122-2

The State of Nevada vs Artis L Moore

January 20, 2000

10:30 AM

Jury Trial

TRIAL BY JURY

**Court Clerk: DENISE
TRUJILLO**

**Reporter/Recorder:
PEGGY CARDWELL**

**Heard By:
McGroarty, John S.**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. Mr. Kohn advised he is concerned about issue of Miranda, and was their a voluntary waiver and requested he be allowed to use Dr. Eckoff's report regarding brain damage sustained by deft. and his conclusions. State objects to Dr. Eckoff report and his conclusions and will not waive his testimony. Further, State has a written waiver. Arguments by counsel as to waiver. COURT ORDERED, it wants a hearing regarding waiver and counsel to let Court know when Dr. Eckoff and Detective Merrin are available. Counsel agreed State would not mention confession during opening statements. Ms. Wildeveld advised she has photographs taken of deft. on the day of the incident and objects to the photos State has as more prejudicial than probative. Arguments by counsel. COURT ORDERED, deft's can admit their own photos if they can be substantiated. Ms. Wildeveld advised she would object to State reiterating the same questions over and over again. COURT ORDERED, if deft. objects and it is accumulative it will sustain objection. Mr. Kohn objected to State using a laser pointer. Arguments by counsel. COURT ORDERED, State to use wood pointer as a laser is at issue. Mr. Kohn requested State be precluded from asking what

effect this had on them during the guilty phase, although not the penalty phase. COURT SO ORDERED. Mr. Kohn objected State from bringing in people who knew victim when he was younger. Arguments by counsel. COURT ORDERED, State to try and limit who they bring in to testify at the penalty phase. Mr. Kohn advised he wants to see the tape State has before the jury sees it. There being no opposition, COURT SO ORDERED. Further arguments by counsel as to who can testify at penalty phase. COURT ORDERED, victim's coach can not testify, however, family members can testify to anything the coach would have testified to. State advised will being going take this issue up to the Supreme Court for an interlocutory decree on this issue. Ms. Wildeveld advised State filed new charges on deft. so they can use those during the penalty phase and would like to argue matter later. State to provide transcript of preliminary hearing proceedings to the Court. Mr. Kohn requested he be allowed to make objections through the trial. There being no opposition, COURT SO ORDERED. IN THE PRESENCE OF THE JURY. COURT instructed jury as to trial procedure. Exclusionary rule invoked. Opening statements by counsel. IN THE ABSENCE OF THE JURY. Mr. Kohn advised he invoked the exclusionary rule and the victim's mother has been in here listening when she is going to testify at the penalty phase. Counsel stipulated mother should sit in the back, and not be present for any testimony that would prove to be upsetting. IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 21, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

January 21, 2000**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: DENISE
TRUJILLO****(AM)...NORA PENA
(PM)****Reporter/Recorder:
PEGGY CARDWELL****(AM)...JOEY
DEMATO (PM)****Heard By:
McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

Wommer, Paul E.

Attorney

JOURNAL ENTRIES

- M1 THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Mr. Kohn advised he can have Dr. Eikoff here on Monday and requested matter he possibly be taken out of order. There being no opposition, COURT SO ORDERED. LATER: Mr. Kohn stated he Dr. Eikoff may be here on Tuesday instead. IN THE PRESENCE OF THE JURY. Testimony resumed.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 24, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

January 24, 2000**1:30 PM****Jury Trial****TRIAL BY JURY****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By:****McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY: Jury trial resumed. Testimonies and exhibits as per worksheet.

IN THE ABSENCE OF THE JURY: State requested admission of Taped Voluntary Statement. Dr.

Etcoff and Officer Marin sworn and testified. Arguments by Counsel. COURT ORDERED,

VOLUNTARY STATEMENT TAPE WILL BE ADMITTED. IN THE PRESENCE OF THE JURY:

Testimonies and Exhibits as per worksheet resumed.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 25, 2000

98C151122-2

The State of Nevada vs Artis L Moore

January 25, 2000

10:30 AM

Jury Trial

TRIAL BY JURY

Relief Clerk:

BARBARA SOFIA

Reporter/Recorder:

DIANN PROCK

Heard By:

McGroarty, John S.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY: Jury trial resumed. Testimonies and exhibits as per worksheet. STATE RESTED. IN THE ABSENCE OF THE JURY: Court advised Deft. Maxey of his right to testify or not to testify in his own behalf. Mr. Kohn moved to dismiss Counts IX, X, XI, XII AND XIII. Argument by Counsel. COURT ORDERED, MOTION DENIED. Mr. Kohn moved for a CONTINUANCE TO review with Dr. Etcoff. Colloquy between Court and Counsel. Counsel agreed to bring in Dr. Etcoff and State can voir dire him out of the presence of the Jury. Argument by Counsel as to expert witness. Mr. Kohn WITHDREW HIS MOTION TO CONTINUE. COURT SO ORDERED. Dr. Etcoff brought in an voir dired q by the State. COURT ORDERED, Dr. Etcoff will be allowed to testify for limited purpose of mental disorder. IN THE PRESENCE OF THE JURY: Jury trial RESUMED.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 26, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

January 26, 2000**11:00 AM****Jury Trial****TRIAL BY JURY****Relief Clerk:****BARBARA SOFIA****Reporter/Recorder:****DIANN PROCK****Heard By:****McGroarty, John S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY: Jury trial resumed. Witnesses and exhibits as per worksheet.
 IN THE ABSENCE OF THE JURY: Mr. Kohn requested a MISTRIAL based upon improper cross examination of Dr. Etcoff. Argument by Counsel. COURT ORDERED, it was improper but not enough to warrant a mistrial, DENIED. IN THE PRESENCE OF THE JURY: Defense RESTED. State advised NO REBUTTAL. IN THE ABSENCE OF THE JURY: Mr. Kohn advised the deft. has waived his appearance for jury instruction settlement. Deft. concurred. Court advised Counsel to return at 2:30 to settle jury instructions. IN THE ABSENCE OF THE JURY: Jury instructions settled. State to prepare a clean copy for morning. COURT ORDERED, Jury Instructions offer and not admitted offered as COURTS EXHIBIT A,B,C.
 EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 2000

98C151122-2

The State of Nevada vs Artis L Moore

January 27, 2000

8:30 AM

Jury Trial

TRIAL BY JURY

Court Clerk: DENISE

TRUJILLO/pm

Relief Clerk:

BARBARA

SOFIA/am

Reporter/Recorder:

DIANN PROCK

Heard By:

McGroarty, John S.

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Owens, Christopher J.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- OUT OF THE PRESENCE OF THE JURY: State offered clean copy of Jury Instructions. Mr. Kohn opposed instruction #57 and offered proposed exhibit to replace. Argument by Counsel. COURT ORDERED, substitute one sentence from Evans "Therefore, even if you cannot agree upon whether the facts" FURTHER, State to provide clean copy and old instruction will be marked as Court's Exhibit D. JURY INSTRUCTIONS SETTLED. IN THE PRESENCE OF THE JURY. Closing arguments by State. IN THE ABSENCE OF THE JURY. Mr. Kohn objected to State's closing and using victim's picture on the monitor during their closing. COURT so noted. IN THE PRESENCE OF THE JURY. Closing arguments resumed. At 3:00 PM this date, jury retired to begin deliberations. IN THE ABSENCE OF THE JURY. Counsel stipulated to correct instruction 28 and State will replace 57 as previously agreed upon. Mr. Kohn waived any technicalities.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 28, 2000**8:30 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: DENISE
TRUJILLO
Reporter/Recorder:
DIANN PROCK
Heard By: John
McGroarty

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

Owens, Christopher J.
 Schwartz, David P.
 Wommer, Paul E.

Attorney
 Attorney
 Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY VENIRE. Mr. Kohn advised he would like to meet with Court and counsel on Monday morning if there is going to be a penalty phase and start the penalty phase at 1:30 in the afternoon. COURT SO ORDERED. At 10:50 AM this date, jury returned with verdicts as follows: CT I - GUILTY - BURGLARY WHILE IN POSSESSION OF A FIREARM (F) CT II - GUILTY - CONSPIRACY TO COMMIT ROBBERY (F) CT III - GUILTY - ROBBERY WITH USE OF A DEADLY WEAPON (F) CT IV - GUILTY - ROBBERY WITH USE OF A DEADLY WEAPON (F) CT V - GUILTY - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) CT VI - GUILTY - SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F) VII - NOT GUILTY VIII - GUILTY - SECOND DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F) IX - NOT GUILTY X - NOT GUILTY XI - NOT GUILTY XII - NOT GUILTY XIII - NOT GUILTY XIV - GUILTY - BATTERY WITH USE OF A DEADLY WEAPON (F)
 COURT thanked and excused the jury until Monday at 1:30 PM for the penalty phase.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

January 31, 2000**1:30 PM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: DENISE
TRUJILLO
Reporter/Recorder:
PEGGY CARDWELL
Heard By:
McGroarty, John S.**

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

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. Deft's presence waived for purpose of this hearing. Mr. Kohn advised State intends to put in evidence of a robbery of a mini mart 3/29/98 and advised of status of that case. Further, noted there is a difference in description given by witnesses and deft's appearance at that time; the fingerprint taken out of the cash register was of a Tony Smith, whom deft. does not know, and there are some juvenile records that indicate deft. may have been in custody of the juvenile detention facilities, although that could not be verified. Mr. Kohn objected to this coming in as it is so damaging. Arguments by counsel. Court noted it's concern about the record from juvenile Court and whether or not deft. was in custody at time of robbery. Mr. Owens requested opportunity to verify this first. Mr. Kohn noted for the record witness stated the person that robbed this mini mart had a one inch beard and deft. never had facial hair growth at time. Arguments by counsel mitigating and aggravating circumstances and probative versus prejudicial value. Court advised it is concerned especially with that robbery if there is a doubt and if State can prove deft. was not in

custody then court will accept that as prima facia that deft. was in custody and could not have committed that robbery. COURT directed State to see if they can find a log as to deft's custodial status. IN THE PRESENCE OF THE JURY. Opening statements by counsel. Counsel stipulated to mark new exhibits offered either next in order or use the same numbers as with first trial beginning with a "P". IN CHAMBERS CONFERENCE IN THE ABSENCE OF THE JURY AND DEFT. COURT noted it was given a letter regarding victim Sal Zendano from victim's coach. Court read the letter for the record. Mr. Kohn objected to portions of the letter but not to the letter as a whole. Counsel stipulated to strike portions of the first paragraph and instruct witnesses to not read portions stricken. COURT SO ORDERED. Mr. Kohn objected to witnesses testifying as to what impact the robbery had on them, not the murder and moved for mistrial as that is not appropriate for a penalty hearing. Arguments by counsel. COURT ORDERED, motion DENIED. IN THE ABSENCE OF THE JURY, and in the presence of the deft. COURT noted Mr. Kohn objected to the one portion of the letter and instructed witness not to read portion stricken. IN THE PRESENCE OF THE JURY. Witness Johnson read letter from Coach Gerald Tutwiler for the record. Letter ADMITTED as Court's exhibit P-1.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 01, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

February 01, 2000**1:30 PM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: DENISE
TRUJILLO
Reporter/Recorder:
PEGGY CARDWELL
Heard By:
McGroarty, John S.**

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

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- IN CHAMBERS CONFERENCE with Judge Gates, Judge Gibbons, deft. and counsel. Judge Gates noted Judge McGroarty was taken ill and he was in the middle of a penalty hearing. Further, Judge Gibbons has agreed to hear the trial. Mr. Kohn objected to having another Judge hear trial as there are some pending arguments that Judge McGroarty has already heard. Mr. Schwartz advised if counsel is willing to proceed now they will NOT address the robbery issue during the penalty phase. Judge Gates noted this may be premature until after it is determined the extent of Judge McGroarty's illness. Colloquy between Court and counsel. Mr. Kohn advised if State will concede the robbery issue then he has no objection to proceeding with Judge Gibbons. State agreed to waive the robbery. Judge Gibbons advised pursuant to statute he needs to familiarize himself with the trial and would continue trial until tomorrow afternoon. Counsel had no objection. IN THE PRESENCE OF THE JURY, JUDGE GIBBONS PRESIDING. Judge Gibbons advised jury of Judge McGroarty's illness and that trial will resume tomorrow afternoon.

EVENING RECESS

CLERK'S NOTE: LATER: COURT ORDERED, CASE REASSIGNED to Dept. VII - Judge Gibbons.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

February 02, 2000**1:30 PM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: DENISE
TRUJILLO
Reporter/Recorder:
PEGGY CARDWELL
Heard By:
McGroarty, John S.**

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

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. Mr. Owens advised he has three letters from victim's 2 sisters and father that State is requesting be read to the jury. Mr. Kohn objected except maybe to the father's and finds them prejudicial and outside the scope of victim impact. Mr. Owens advised they have excised portions that are not acceptable. Arguments by counsel. COURT advised it will give Mr. Kohn a chance to read it and excise if necessary, however the letters will come in. LATER: Further arguments by counsel regarding letters. COURT advised it will have a break prior to presenting letters. Mr. Kohn noted there are alot of witnesses that will be testifying in the courtroom and counsel have been allowing that for this phase. COURT ORDERED, there is no exclusionary rule at the penalty phase. IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Counsel reviewed letters and made redactions. Mr. Kohn advised he agrees to the letters as they will be read without giving up his objection. COURT ORDERED, after letters are read they will be ADMITTED as Court's exhibits P-2; P-3; P-4. COUNSEL stipulated if trial

is deadlocked and sentencing needs to go to a three judge panel, case will be REASSIGNED back to Judge McGroarty if he is healthy. Judge Gibbons concurred he will KEEP this case from here on out UNLESS there is a hung jury. IN THE PRESENCE OF THE JURY. Sue Lopez and Ben Graham sworn and read letters from victims sisters and father. State rested. IN THE ABSENCE OF THE JURY. Mr. Kohn advised he wants to call a professor to testify about international treaties regarding the death penalty against minors. Arguments by counsel. COURT stated findings and ORDERED, State's objection is SUSTAINED however he will honor Mr. Kohn's request to have her testify outside the presence of the jury. Constance DelaVega sworn and testified. Mr. Owens objected to expert deft. intends to call next as he did not receive notice or reports. Mr. Kohn advised he did not provide State with reports as they gave him the report. Further, he was going to have Judy Gannoe testified. Arguments by counsel as to doctors testifying. COURT ORDERED, witness can testify off her notes but not testify off of Dr. Ecklands report. IN THE PRESENCE OF THE JURY. Testimony resumed. IN THE ABSENCE OF THE JURY. Colloquy between Court and counsel as to jury instructions and verdicts. Mr. Kohn requested a few blank lines for jurors to list the mitigating circumstances. There being no opposition, COURT SO ORDERED.
EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 03, 2000

98C151122-2

The State of Nevada vs Artis L Moore

February 03, 2000

1:30 PM

Penalty Hearing

**PENALTY
HEARING Court
Clerk: DENISE
TRUJILLO AM
Relief Clerk: CAROL
FOLEY PM
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Gibbons,
Mark**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- IN THE ABSENCE OF THE JURY. At request of Mr. Kohn, Court admitted information regarding Dr. DelaVega as Court's exhibit #5. IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Colloquy between Court and counsel as to reports of Dr. Eckhart. Mr. Kohn moved to strike Dr. Carols testimony if Court is going to allow State to see the unredacted report of Dr. Eckhart. Further arguments. Mr. Kohn moved for mistrial as this Court's rulings are in contrast to Judge McGroarty rulings. Further arguments by counsel. COURT ORDERED, motion for mistrial is DENIED. State advised if Court is going to strike Dr. Carol's testimony then they will withdraw their request to see unredacted report. IN THE PRESENCE OF THE JURY. Testimony resumed. OUTSIDE THE PRESENCE OF THE JURY, Mr. Kohn objected to witness's reference to gangs. Mr Kohn stated their has been prosecutorial misconduct and moved for

a mistrial or dismissal of the death penalty. Following arguments by counsel, COURT ORDERED, motion for mistrial DENIED; Court will instruct jury to disregard psychologist's reference to gangs. Argument by Mr. Owen regarding Detective Marin's testimony. Court advised reference to gangs is more prejudicial than probative. Court stated he will refer to transcript of Judge McGroarty's ruling, but as to this witness there is to be no reference to gang activity. IN THE PRESENCE OF THE JURY, testimony resumed. OUTSIDE THE PRESENCE OF THE JURY, Court reviewed minute order regarding ruling on motion in limine regarding gang activity and noted motion was granted "to the extent possible". Mr. Kohn stated this is why he would like a continuance until Judge McGroarty returns, they are now getting different rulings, the whole nature of the case is changing. Argument by Mr. Schwartz regarding future danger. COURT ORDERED, motion to exclude testimony DENIED WITHOUT PREJUDICE; counsel may renew after he has read transcript. COURT FURTHER ORDERED, motion to continue hearing for Judge McGroarty's presence is DENIED. Mr. Kohn advised his next witness is Officer Bennish. Court noted parties have gone to great lengths to avoid letting the jury know Deft is in custody, and asked for offer of proof. Following offer of proof by Mr. John, Court stated Mr. Bennish may testify. IN THE PRESENCE OF THE JURY, Testimony resumed. 4:50 P.M. -- Court admonished and released the jury for the evening, to return tomorrow at 11:00 A.M. --OUTSIDE THE PRESENCE OF THE JURY, Court and counsel discussed jury instructions. Deft's presence waived.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 04, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

February 04, 2000**9:30 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Gibbons,
Mark**

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

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Court addressed issue regarding Judge McGroarty's previous ruling regarding the gang issue. Court informed counsel it has read the transcript from that proceeding. Argument by Mr. Kohn regarding the Motion in Limine regarding the exclusion of all gang reference; argued there was never a limit to gang monikers. COURT ORDERED, Judge McGroarty's ruling on the Motion in Limine is CONFIRMED and therefore GRANTED. Mr. Kohn stated he has advised Defendant of his right to make an unsworn statement to the jury, however, may not deny the crime. COURT ADMINISTERED the Hammick v. State ADMONISHMENT to the Defendant. 11:15 a.m. - JURY PRESENT. Counsel stipulated to the presence of the Jury. Statment of allocution by Defendant. 11:19 a.m. Defense rested. OUTSIDE THE PRESENCE OF THE JURY: Settlement of Jury Instructions on the record. No objection by the Defense nor State to Jury Instructions 1-22 or the Forms of Verdict. Parties requested Jury Instructions to be reported. 1:34 p.m. Court Reported PEGGY CARDWELL present. Counsel stipulated to the presence of the

Jury. COURT INSTRUCTED the Jury. 1:45 p.m. - CLOSING by David Schwartz. OUTSIDE THE PRESENCE OF THE JURY - Mr. Kohn objected to photos of people while statements attributed to them being read by Mr. Schwartz being shown to the Jury, as the photos were not admitted into evidence. OBJECTION OVERRULED. JURY PRESENT. Further closing arguments by counsel. Bailiff and Dept. XVI SWORN to take charge of the Jurors and Alternates. 4:24 p.m. - Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY. Mr. Kohn objected to Mr. Owens' closing. Colloquy between Court and counsel regarding gang membership. Bailiff advised Court that Jurors want to go home for the evening. There being no objection, COURT ORDERED, Bailiff to administer the evening admonition and MATTER CONTINUED to tomorrow at 9:30 a.m for further deliberations. Exhibit P6A lodged with the Clerk; COURT ORDERED, this exhibit to be SEALED. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 07, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

February 07, 2000**9:30 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Gibbons,
Mark**

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

Owens, Christopher J.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- 9:30 A.M.--Jury retired to commence deliberations.

1:43 P.M.--OUTSIDE THE PRESENCE OF THE JURY, deft. Maxey not present. Court advised he received a question from the Jury and read same into the record. Mr. Kohn suggested the Jury be referred back to Jury Instruction #7. State concurred. Wording of the Court's response discussed in open court. Off the record.

4:23 P.M.--Counsel stipulated to the presence of the Jury. Court advised he did receive the Jury's note and he realizes it has been a long day. Court requested the Jury go home for the evening and start fresh in the morning. Court admonished the Jury and excused them for the evening at 4:26 p.m. to return at 9:30 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Court advised the last note indicated the Jury was deadlocked 11 to 1 and advised he is inclined to give the Allen instruction. Mr. Kohn stated he believes it is a poorly written instruction, however, the State has provided two cases stating this is Nevada law. Mr. Kohn advised he is opposed to the instruction. State took no position. Court advised he will let the Jury deliberate tomorrow morning and make an

inquiry at the end of the morning calendar before he gives the Allen instruction. Court requested counsel be present tomorrow morning at 10:45 a.m. Mr. Kohn requested deft. be present if the Court intends to bring the Jury into the courtroom. Court requested Court Services have deft. dressed out and present at 10:45 a.m. tomorrow morning. Court Services acknowledged.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 08, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

February 08, 2000**9:30 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons**

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

PRESENT:	Owens, Christopher J.	Attorney
	Schwartz, David P.	Attorney

JOURNAL ENTRIES

- 10:38 A.M.--OUTSIDE THE PRESENCE OF THE JURY, deft. not present. Court advised he received another question from the Jury and read same into the record. Court suggested the Allen charge be read to the Jury at this time. Mr. Schwartz concurred and advised the instruction given to the Court, SP-1, reflects the language of the statute. Mr. Kohn advised he has to object to it, however, he understands it is the state of the law in Nevada. COURT ORDERED, the Allen charge will be given to the jury at this time and they will be allowed to deliberate further. Mr. Kohn made a record as to the method the Court Clerk has used to keep the questions from the Jury in sequence. Off the record to await the arrival of deft. Maxey. 11:01 a.m.-- Deft. present. Counsel stipulated to the presence of the Jury. Court advised he received the Jury's note and discussed it with counsel. Court read the additional jury instruction to the Jury. 11:03 a.m.--Jury retired to continue deliberations. Off the record.

1:37 P.M.--Counsel stipulated to the presence of the Jury. Jury returned with a VERDICT of LIFE WITHOUT THE POSSIBILITY OF PAROLE as to Count V. Jury was not polled. Court thanked and

excused the Jury. 1:43 p.m.-- OUTSIDE THE PRESENCE OF THE JURY, Court advised the Clerk has indicated there were additional mitigating circumstances noted on the back of the Verdict. Counsel WAIVED the presence of the Jury. Clerk read the notes on the back of the Verdict into the record. COURT ORDERED, matter REFERRED to P&P and set for sentencing. Off the record at 1:45 p.m. CUSTODY

3-23-00 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 23, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

March 23, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 3-23-00
Court Clerk: TINA
HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons**

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

Peterson, Clark A.

Attorney

JOURNAL ENTRIES

- DEFT. MAXEY'S MOTION TO SET ASIDE THE VERDICT, OR IN THE ALTERNATIVE, GRANT HIM A NEW TRIAL...SENTENCING

Dick Wiebe of Parole and Probation present. Court advised he has a note the PSI report is not done and will probably not be finished for 30 days; further, Mr. Schwartz and Mr. Owens have other commitments this morning and are not here. Colloquy. COURT ORDERED, matter CONTINUED 30 days. Upon Court's inquiry, Mr. Kohn advised, if a new trial is granted, the State would be precluded from seeking the death penalty as this Jury did not reach that verdict and jeopardy attaches.

CUSTODY

CONTINUED TO: 4-24-00 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 24, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

April 24, 2000**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 4/24/00
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

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

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- DEFT MAXEY'S MOTION TO SET ASIDE THE VERDIT, OR IN THE ALTERNATIVE, GRANT HIM A NEW TRIAL...SENTENCING

Tammy Wolfe, Division of Parole and Probation present. Argument by Mr. Kohn regarding first degree murder versus second degree murder with regard to State v. Byford. Court stated the evidence was overwhelming that the murder occurred in the commission of an armed robbery, thereby the State presented sufficient evidence that this was Felony Murder. Following further arguments by Mr. Kohn, COURT ORDERED, Deft's Motion DENIED.

DEFENDANT ADJUGED GUILTY of COUNT I - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT II - CONSPIRACY TO COMMIT ROBBERY (F); COUNT III - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT IV - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT V - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNT VI - SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNT VIII - SECOND DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F); COUNT XIV -

BATTERY WITH USE OF A DEADLY WEAPON (F). Argument by Ms. Wildeveld requesting the Court take judicial notice that the Defendant was under the age of 18 years old when the crime was committed; further argued that international law prohibits juveniles to be sentenced to life without the possibility of parole. Argument by Ms. Wildeveld and Mr. Owens with regard to another armed robbery case. Further arguments by Mr. Owens. Argument by Mr. Kohn. COURT ORDERED, in addition to the \$25 Administrative Assessment fee, DEFENDANT MAXEY SENTENCED to the Nevada Department of Prisons as to: COUNT I - ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS; submit to a test for the purpose of determining genetic markers and pay \$250 Analysis fee to the Clark County Clerk; COUNT II - a MAXIMUM term of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS, plus an EQUAL AND CONSECUTIVE term of a MAXIMUM term of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS for the use of a deadly weapon. COUNT III - a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus an EQUAL AND CONSECUTIVE term of a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the use of a deadly weapon. COUNT IV - a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus an EQUAL AND CONSECUTIVE term of a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the use of a deadly weapon; COUNT V - LIFE WITHOUT THE POSSIBILITY OF PAROLE; COUNT VI - LIFE with the possibility of parole after TEN (10) YEARS, plus an EQUAL AND CONSECUTIVE TERM of LIFE with the possibility of parole after TEN (10) YEARS for the use of a deadly weapon; COUNT VIII - a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus an EQUAL AND CONSECUTIVE TERM of MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the use of a deadly weapon; submit to a test for the determination of genetic markers and pay

the \$250 Analysis fee to the Clark County Clerk; COUNT XIV - a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus an EQUAL AND CONSECUTIVE TERM of a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the use of a deadly weapon; submit to a test for the determination of genetic markers and pay the \$250 Analysis fee to the Clark County Clerk; \$4,417.63 restitution, jointly and severally with co-defendant; ALL COUNTS RUN CONSECUTIVE; 663 days credit for time served.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

July 10, 2000**9:00 AM****Motion to Produce
Transcript****DEFT'S PRO PER
MOTION FOR
ORDER FOR
PRODUCTION OF
TRANSCRIPTS Court
Clerk: AMBER
FARLEY
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Robinson, Lynn M.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, as transcripts are available, Mr. Wommer is to provide copies of same to Defendant. To that extent, Motion is GRANTED. Court stated if there is a problem getting the transcripts, the Defendant may refile the Motion. Court requested a copy of this Minute Order be placed in Mr. Wommer's attorney folder.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 11, 2000**

98C151122-2

The State of Nevada vs Artis L Moore

September 11, 2000**9:00 AM****Motion**

**DEFT'S PRO PER
MOTION FOR
WITHDRAWAL OF
ATTY/TRANSFER
OF RECORDS Court
Clerk: AMBER
FARLEY/AF Relief
Clerk: LEE ETTE
ARAGON
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

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

Robinson, Lynn M.
Wommer, Paul E.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Wommer stated he doesn't believe the Court has further jurisdiction in this matter. Mr. Wommer moved to withdraw as counsel. COURT GRANTED Motion to Withdraw. Mr. Wommer stated he will send the files to the Defendant.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

March 20, 2001**9:00 AM****Petition for Writ of Habeas
Corpus****DEFT'S PRO PER
PETITION FOR
WRIT OF HABEAS
CORPUS/
APPOINTMENT OF
COUNSEL Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- State advised this is a Major Violators' case and requested two weeks to file an opposition. COURT ORDERED, matter CONTINUED three weeks.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2001**

98C151122-2

The State of Nevada vs Artis L Moore

April 10, 2001**9:00 AM****Petition for Writ of Habeas
Corpus**

**DEFT'S PRO PER
PETITION FOR
WRIT OF HABEAS
CORPUS/
APPOINTMENT OF
COUNSEL Court
Clerk: BILLIE JO
CRAIG
Reporter/Recorder:
MARCIA HARNESS
Heard By: Mark
Gibbons**

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

PRESENT: Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- COURT ORDERED, defendant's PRESENCE IS WAIVED today. COURT ORDERED, Defendant's Pro Per Petition for Writ of Habeas Corpus/ Appointment of Counsel is DENIED as there is no factual support based on argument for inefficient assistance of counsel.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 28, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

May 28, 2002**9:00 AM****Motion to Compel**

**DEFT'S PRO PER
COMPEL LAWYER
TO OBTAIN FULL
RECORD/66 Court
Clerk: Denise Husted
Reporter/Recorder:
Carrie Hansen Heard
By: Michael Douglas**

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

Kosewicz, Cheryl L.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, Deft's Pro Per Motion to Compel Lawyer to Obtain Full Record, GRANTED IN PART; the Special Public Defender is to turn over appropriate documents. FURTHER, as to the items not in the file, Defendant has not stated a reason, therefore that portion of the motion is defective. The State is to prepare the order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 13, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

August 13, 2002**9:00 AM****Request**

**STATE'S REQUEST
SUPREME COURT
REMAND Court
Clerk: Nora Pena
Relief Clerk: Carrie
Hansen
Reporter/Recorder:
Carrie Hansen Heard
By: Douglas, Michael
L**

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

Kochevar, Brian J.

Attorney

Schonfeld, Richard A.

Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Schonfeld stated he has not been appointed counsel. COURT ORDERED, matter CONTINUED for Confirmation of Counsel; Mr. Schiek to be notified by the Judicial Executive Assistant.

NDC

08-15-02 9:00 AM CONFIRMATION OF COUNSEL (SCHIECK)...STATE'S REQUEST: SUPREME COURT REMAND FOR RECONSIDERATION OF POST-CONVICTION COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

August 15, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8/15/02
Court Clerk: Nora
Pena
Reporter/Recorder:
Carrie Hansen Heard
By: Michael Douglas**

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

Kochevar, Brian J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- STATE'S REQUEST: SUPREME COURT REMAND FOR RECONSIDERATION OF POST-CONVICTION COUNSEL...CONFIRMATION OF APPOINTMENT OF COUNSEL (D SCHIECK)
Court advised the deft. didn't feel the Court properly considered his request for counsel being appointed and it's the position taken by the Supreme Court; therefore, it would be the position of this Court to appoint counsel. Mr. Schieck stated he would accept the appointment. COURT ORDERED, David Schieck, Esq. APPOINTED as counsel and matter set for a status check in 60 days.

NDC

10/17/02 9:00 AM STATUS CHECK: DEFT'S WRIT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 19, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

September 19, 2002 9:00 AM**Request of Court**

**AT THE REQUEST
OF THE COURT
SUPREME COURT
REMAND Court
Clerk: Nora Pena
Reporter/Recorder:
Liz Garcia Heard By:
Douglas, Michael L**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Kochevar, Brian J.

Attorney

JOURNAL ENTRIES

- Court advised there is a remand from the Supreme Court and they reversed what Judge Gibbons had done as to Counts 2, 4, and 14; however it would like the deft. present. COURT ORDERED, matter CONTINUED and directed the State to have the deft. present.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 10, 2002****98C151122-2****The State of Nevada vs Artis L Moore****October 10, 2002****9:00 AM****Request of Court**

**AT THE REQUEST
OF THE COURT
SUPREME COURT
REMAND Court
Clerk: Nora Pena
Reporter/Recorder:
Renee Silvaggio
Heard By: Gibbons,
Mark**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Kochevar, Brian J.

Attorney

JOURNAL ENTRIES

- Mr. Kohn stated he is concerned with adding the life sentence and he would like to more time to review the issues. COURT ORDERED, matter CONTINUED one week. Mr. Kohn requested for the deft. to stay here. COURT SO ORDERED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

October 17, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10/17/02
Court Clerk: Cindy
Lory Relief Clerk:
Amber Farley/af
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

Schieck, David M.
Tao, Jerry

Attorney
Attorney

JOURNAL ENTRIES

- REQUEST OF COURT: SUPREME COURT REMAND (MAXEY) ... STATUS CHECK: DEFT'S WRIT (MOORE)

DEFENDANT MAXEY: Matter CONTINUED to Tuesday at the request of Mr. Kohn, and Defendant not having been transported due to a calendaring error.

DEFENDANT MOORE: Mr. Schieck stated he's finally located the file and will go look at it next week. Mr. Schieck stated he'll need forty-five days to file a supplemental petition. COURT ORDERED, matter CONTINUED.

NDC (BOTH)

10/22/02 9:00 AM REQUEST OF COURT: SUPREME COURT REMAND (MAXEY)

12/19/02 9:00 AM STATUS CHECK: DEFT'S WRIT (MOORE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

October 22, 2002**9:00 AM****Request of Court**

**AT THE REQUEST
OF THE COURT
SUPREME COURT
REMAND Court
Clerk: Nora Pena
Relief Clerk: Alan
Castle/ac
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pandukht, Taleen R.

Attorney

JOURNAL ENTRIES

- Pursuant to Nevada Supreme Court remand, COURT ORDERED, sentence is MODIFIED as to the enhancement for Count (II), sentence for use of a deadly weapon is VACATED; as to the enhancement for Count (V), sentence for use of a deadly weapon is AMENDED TO plus an equal and CONSECUTIVE MAXIMUM LIFE WITHOUT THE POSSIBILITY OF PAROLE; as to the enhancement for Count (XIV), sentence for use of a deadly weapon is VACATED; and remaining portions of the sentence STAND.

Following Court's ruling, Mr. Kohn stated this appeal was heard without argument and requested appointment of appellate counsel on Deft's writ, referring to the Cruz decision. Court so noted.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 03, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

December 03, 2002**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S MTN TO
WITHDRAW AS
COUNSEL
APPOINTMNT
POST CONVICTN
CNSL/74 Court
Clerk: Nora Pena
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pandukht, Taleen R.

Attorney

JOURNAL ENTRIES

- Ms. McMahon advised the Supreme Court denied the appeal and requested counsel for the deft.
COURT ORDERED, Special Public Defender's motion is GRANTED and directed Ms. McMahon to
appear next week; matter CONTINUED for Appointment of Counsel as to Ms. Teicher for next week.
NDC

12/10/02 9:00 AM APPOINTMENT OF POST CONVICTION HABEAS CORPUS COUNSEL - L
TEICHER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 10, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

December 10, 2002**9:00 AM****Motion for Appointment**

**APPOINTMENT OF
POST CONVICTION
HABEAS CORPUS
COUNSEL - LORI
TEICHER Court
Clerk: Nora Pena
Reporter/Recorder:
Carrie Hansen Heard
By: Michael Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pandukht, Taleen R.

Attorney

JOURNAL ENTRIES

- Ms. Teicher advised she can accept the appointment; she talked with Ms. McMahon regarding the file can be ready Friday and she requested a status check in 90 days. COURT ORDERED, Ms. Teicher APPOINTED AS COUNSEL and matter set for a status check.

NDC

3/11/03 9:00 AM STATUS CHECK: DEFT'S POST CONVICTION OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 19, 2002**

98C151122-2

The State of Nevada vs Artis L Moore

December 19, 2002**9:00 AM****Status Check****STATUS CHECK:****DEFT'S WRIT Relief****Clerk: Melissa Davis****Reporter/Recorder:****Carrie Hansen Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Schieck, David M.

Tao, Jerry

Defendant

Attorney

Attorney

JOURNAL ENTRIES

- Defendant not present as he is housed at the Nevada Department of Prisons. Mr. Schieck advised he has received the necessary files and can now file a supplement to his points and authorities by the first of February. COURT ORDERED, matter CONTINUED to ensure supplement has been filed and no additional problems have been encountered.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 13, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

February 13, 2003**9:00 AM****Status Check**

STATUS CHECK:
DEFT'S WRIT Relief
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L

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

JOURNAL ENTRIES

- No parties present. The Court advised this matter has been continued to 2/20/03.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 20, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

February 20, 2003**9:00 AM****Status Check**

STATUS CHECK:
DEFT'S WRIT Relief
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L

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

Coumou, Frank
Moore, Artis L
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Mr. Coumou requested this matter continued in order to review all material on this case. COURT
SO ORDERED, CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 27, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

March 27, 2003**9:00 AM****Status Check**

STATUS CHECK:
DEFT'S POST
CONVICTION
HABEAS CORPUS
(VJ 5/13/03) Court
Clerk: Sharon Chun
Relief Clerk: Jennifer
Lott/jl
Reporter/Recorder:
Kendall Heath
Heard By: Douglas,
Michael L

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Coumou, Frank

Attorney

JOURNAL ENTRIES

- Mr. Langford requested a sixty day continuance on Ms. Teicher's behalf. COURT ORDERED, matter CONTINUED. Court noted Ms. Teicher MUST BE PRESENT at the next court date.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 03, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

April 03, 2003**9:00 AM****Status Check**

STATUS CHECK:
DEFT'S WRIT Court
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L

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

Pate, Susan

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck stated he had requested a thirty-day continuance from the law clerk and that he needs to file a Supplemental Points and Authorities. COURT SO ORDERED, CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 15, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

April 15, 2003**9:00 AM****Motion to Withdraw as
Counsel**

**TEICHER'S MTN TO
WITHDRAW AS
COUNSEL OF
RECORD/80 Court
Clerk: Sharon
Chun/SC Relief
Clerk: Kristin Brown
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pate, Susan

Attorney

JOURNAL ENTRIES

- Also present for Defense, Susan Burke, Esq. COURT ORDERED, Ms. Teicher's Motion to Withdraw is GRANTED and Susan Burke, Esq. is hereby APPOINTED as Off-Track Counsel. FURTHER ORDERED, status check SET for Deft's Writ of Habeas Corpus.

NDC

5/13/03 9:00 AM STATUS CHECK: DEFT'S WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 13, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

May 13, 2003**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (5/13/03)
Court Clerk: Sharon
Chun Relief Clerk:
Melissa Davis/md
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

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

Pate, Susan
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- STATUS CHECK: DEFT MAXEY'S WRIT OF HABEAS CORPUS . . . STATUS CHECK: DEFT MOORE'S WRIT

AS TO DEFT MAXEY: Defendant not present as he is housed at the Nevada Department of Corrections. Ms. Burke requested until the end of July to file her opening brief, at which time a scheduling order can be set and COURT SO ORDERED.

AS TO DEFT MOORE: Defendant not present as he is housed at the Nevada Department of Corrections. Mr. Schieck advised due to his trial schedule has been unable to complete his opening brief and requested additional time and COURT SO ORDERED. As to the 5/29/03 date, COURT ORDERED, matter VACATED.

NDC (BOTH)

7/31/03 9AM STATUS CHECK: DEFT MAXEY'S WRIT OF HABEAS CORPUS

98C151122-2

6/17/03 9AM STATUS CHECK: DEFT MOORE'S WRIT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 17, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

June 17, 2003**9:00 AM****Status Check**

STATUS CHECK:
DEFT'S WRIT Court
Clerk: Sharon Chun
Relief Clerk: Jennifer
Kimmel/jk
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L

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

Schieck, David M.
Tao, Jerry

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck requesting matter be CONTINUED and State having no opposition, COURT SO ORDERED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 31, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

July 31, 2003**9:00 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT OF
HABEAS CORPUS
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Tao, Jerry

Attorney

JOURNAL ENTRIES

- At request of Ms. Burke for continuance, COURT ORDERED, matter CONTINUED two weeks.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 05, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

August 05, 2003**9:00 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT Court
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L**

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

Pate, Susan

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck requested a two week continuance to complete the Writ. COURT SO ORDERED
CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 14, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

August 14, 2003**9:00 AM****Status Check**

STATUS CHECK:
DEFT'S WRIT OF
HABEAS CORPUS
Court Clerk: Sharon
Chun
Reporter/Recorder:
Cindy Caldwell
Heard By: Douglas,
Michael L

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Turner, Robert B.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, DEFT. MAXEY'S PRESENCE WAIVED for this hearing. Ms. Burke stated she had filed a Petition and Appendix with the Clerk's Office this morning, with a copy to the Court and State. The Court noted it had received its copies and ORDERED, matter SET for briefing schedule and hearing. Ms. Burke inquired if Deft. Maxey was to be present and the Court directed the State to prepare the Transport Order. Mr. Turner confirmed he would do so.

BRIEFING SCHEDULE: 9/18/03 State's Opposition due; 10/9/03 Deft's Reply due; and HEARING SET for 10/23/03 9:00 AM.

NDC

10/23/03 9:00 AM HEARING: DEFT'S WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 16, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

September 16, 2003**9:00 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT Court
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L**

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

Moore, Artis L

Defendant

Oram, Christopher R.

Attorney

Pandukht, Taleen R.

Attorney

JOURNAL ENTRIES

- Mr. Oram stated that Mr. Schieck requests a thirty day continuance as he is scheduled in another case. COURT SO ORDERED, CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

October 14, 2003**9:00 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT Court
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L**

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

Moore, Artis L
Pandukht, Taleen R.
Schieck, David M.

Defendant
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck requested a forty-five day continuance; COURT SO ORDERED, CONTINUED.
FURTHER, Deft's presence WAIVED as he is incarcerated in NDC.
NDC
.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

October 23, 2003**9:00 AM****Hearing**

**HEARING: WRIT OF
HABEAS CORPUS
Court Clerk: Sharon
Chun Relief Clerk:
Jennifer Lott/jl
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Tao, Jerry

Attorney

JOURNAL ENTRIES

- Court indicated an area of concern involves ineffective counsel. Ms. Burke requested an evidentiary hearing concerning the issue of psycho-neurological examination and counsel is seeking a new psycho-neurological examination. Court noted there is an over-usage of federalization issue, and that issue should be raised on direct appeal. COURT ORDERED, status check SET on setting an evidentiary hearing (full argument) on the limited issue of neurological issue.

NDC

11/13/03 9:00 A.M. STATUS CHECK: SET EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 13, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

November 13, 2003**9:00 AM****Status Check**

**STATUS CHECK:
SET EVIDENTIARY
HEARING (WRIT
OF HABEAS
CORPUS) Court
Clerk: Sue Deaton/sd
Relief Clerk: Billie Jo
Craig
Reporter/Recorder:
Joanie Grime Heard
By: Leavitt, Michelle**

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

PRESENT:	Owens, Christopher J.	Attorney
	Schwartz, David P.	Attorney

JOURNAL ENTRIES

- Ms. Burke advised Court there is issue of failure to look for neurological examination at time of trial and there are other issues included in Petition. Mr. Owens pointed out this case was transferred to this Court from another Department, Defendant's counsel is attempting to broaden the scope of the Hearing and he would suggest the Court set this over for a week or two to allow for review of the file and to define the scope of the Evidentiary Hearing. Mr. Owens said all the briefs have been submitted and Court can rule what the scope of the Hearing is to be. Ms. Burke said there was no argument on neurological issue and there is to be full argument after Evidentiary Hearing; have not argued other issues in Petition. Mr. Owens objected saying this would open up the entire thought process and State's position is it was a tactical decision. Court informed counsel it would do what

Judge Douglas indicated would be done in this matter. Mr. Owens FILED Reporter's Transcript of Jury Trial, Tuesday, January 25, 2000, 1:30 P.M. Session IN OPEN COURT. COURT ORDERED STATUS CHECK CONTINUED ONE WEEK. Ms. Burke noted Defendant was transported from Ely and requested he remain in Las Vegas so she can meet with him. Court Services Officer indicated Defendant will be held at Indian Springs and will be transported for next week's hearing date.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 20, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

November 20, 2003**9:15 AM****Status Check****STATUS CHECK:
SET EVIDENTIARY
HEARING (WRIT
OF HABEAS
CORPUS) Relief
Clerk: Kristen Brown
Reporter/Recorder:
Joanie Grime Heard
By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Owens, Christopher J. Attorney**JOURNAL ENTRIES**

- Court noted that based upon the Court's reading of the Nevada Supreme Court opinion, it appears that the numerous issues raised have been settled by the Supreme Court. Ms. Burke stated that the Supreme Court did not rule on the constitutional issue and will need an evidentiary hearing; further, will need to get an order from the Court regarding the neurological opinion and will file a motion with the Court to seek the funds to get it done. Upon Court's inquiry, counsel stated the hearing will take 1/2 days. COURT ORDERED, matter set for Evidentiary Hearing.

NDC

1/09/04 9:15 AM EVIDENTIARY HEARING: WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

December 02, 2003**9:15 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT Court
Clerk: Sue Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Leavitt, Michelle**

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

Schieck, David M.
Tao, Jerry

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck advised Court he should finish Petition today and requested matter be set over two weeks; COURT SO ORDERED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 16, 2003**

98C151122-2

The State of Nevada vs Artis L Moore

December 16, 2003**9:15 AM****Status Check**

**STATUS CHECK:
DEFT'S WRIT Relief
Clerk: Kristen Brown
Reporter/Recorder:
Joanie Grime Heard
By: Michelle Leavitt**

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

Schieck, David M.
Turner, Robert B.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck stated the petition is complete and has been sent to the deft. for his signature; further, the State will need to file a reply. Upon Court's inquiry, Mr. Turner requested three weeks to file a reply. COURT ORDERED, State to file a reply by January 20, 2004 and matter set for hearing.

NDC

2/03/04 9:15 AM HEARING: DEFT. MOORE'S PETITION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 15, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

January 15, 2004**9:15 AM****All Pending Motions**

**ALL PENDING
MOTIONS 1-15-04
Court Clerk: Sue
Deaton/sd Relief
Clerk: Kristen Brown
Reporter/Recorder:
Joanie Grime Heard
By: David Wall**

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

Monroe, Vicki J.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S REQUEST TO CONTINUE EVIDENTIARY HEARING...EVIDENTIARY
HEARING: WRIT OF HABEAS CORPUS

Mr. Waite advised Court Defendant's counsel, Ms. Burke, had asked him to inform the Court the Hearing could be set anytime at the end of March or beginning of April. COURT ORDERED, Defendant's Request to Continue Evidentiary Hearing, GRANTED. Court made certain Defendant Maxey understood his attorney was requesting Hearing be continued. Officer who transported Defendant from prison requested they be provided with another Order to Produce Defendant Maxey for the new date. Ms. Monroe indicated she would make certain that Order was prepared.
NDC

4-6-04, 9:15 AM, EVIDENTIARY HEARING: WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 18, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

March 18, 2004**9:00 AM****Motion**

**STATE'S MTN FOR
WAIVER OF ATTY
CLIENT
PRIVILEGE/90 Court
Clerk: Sue Deaton/sd
Relief Clerk: Kristen
Brown
Reporter/Recorder:
Tessa Heishman
Heard By: Leavitt,
Michelle**

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

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Court inquired of Mr. Owens if he was requesting the entire file. Ms. Burke said request is for all papers, memorandums, notes; as near as she can tell that is the entire file. Court said State is not entitled to the entire file. Mr. Owens said the State served the Psychiatrist and Psychologist and they refused to give the State medical records; Defendant was in therapy with them for over a year and maybe some of the tests they administered covered the issue. Court said it would review the documents in-camera, because the Court knows what the State is looking for. Ms. Burke said State's request was too broad. Mr. Owens said State wants all the data off any tests Defendant was given and Mr. Kohn told Judge to let him think about that. Court said it was not going to require Ms. Burke to turn over the entire file.

Ms. Burke addressed Mr. Kohn's selection as Public Defender, said she has to withdraw as

Defendant's counsel; has talked to Robert Langford about becoming Defendant's new counsel. Ms. Burke said she has talked to neurologist about doing the tests. Mr. Owens said trial may have to be continued and he has talked to Mr. Kohn and District Attorney David Roger. COURT ORDERED matter CONTINUED. COURT FURTHER ORDERED matter also placed on calendar for CONFIRMATION OF COUNSEL (ROBERT LANGFORD) in one week.

NDC

3-25-04, 9:15 AM, CONFIRMATION OF COUNSEL (ROBERT LANGFORD)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 25, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

March 25, 2004**9:15 AM****All Pending Motions**

**ALL PENDING
MOTIONS 3-25-04
Relief Clerk: Kristen
Brown
Reporter/Recorder:
Tessa Heishman
Heard By: Michelle
Leavitt**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (ROBERT LANGFORD)...STATE'S MOTION FOR WAIVER OF
ATTORNEY-CLIENT PRIVILEGE
COURT ORDERED, matters OFF CALENDAR.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 05, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

April 05, 2004**11:00 AM****Hearing**

**HEARING: DEFT
MOORE'S
PETITION Court
Clerk: Sue Deaton
Reporter/Recorder:
Gina Shrader Heard
By: Michelle Leavitt**

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

Lalli, Christopher J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Court noted Supreme Court remanded and Mr. Schieck was appointed to prepare Petition for Defendant Moore. Mr. Schieck confirmed and noted the Court has discretion as to what to do. COURT ORDERED matter SET for ARGUMENT as to whether an Evidentiary Hearing is warranted and should be scheduled.

NDC

4-13-04, 9:15 AM, ARGUMENT: EVIDENTIARY HEARING REQUIRED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 06, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

April 06, 2004**9:15 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING: WRIT OF
HABEAS CORPUS
Court Clerk: Kristen
Brown/kb Relief
Clerk: Cheryl Case
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Court stated Mr. Langford needs to appear in Court to confirm as counsel and ORDERED, matter set for confirmation of counsel and for status check to set the new evidentiary hearing date.

NDC

4/15/04 9:15 AM STATUS CHECK: RESET EVIDENTIARY HEARING

CLERK'S NOTE: As Mr. Langford has filed an Order Appointing Counsel on April 2, 2004, the Confirmation of Counsel set for April 15, 2004 is VACATED and the Status Check will remain./kb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

April 13, 2004**9:15 AM****Hearing**

**ARGUMENT:
EVIDENTIARY
HEARING
REQUIRED Court
Clerk: Sue Deaton
Relief Clerk: Cheryl
Case/cc
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

PRESENT: Owens, Christopher J. Attorney
Schieck, David M. Attorney

JOURNAL ENTRIES

- COURT ORDERED, Defendant's presence WAIVED. Mr. Owens stated an Evidentiary Hearing is not needed; the issues have been briefed. Opposition by Mr. Schieck. Argument by Mr. Schieck regarding failure to raise specific issues on direct appeal and allegation of ineffective assistance of counsel. Mr. Schieck stated testimony of Defendant's former counsel is needed. COURT ORDERED, matter set for Evidentiary Hearing regarding issues related to ineffective assistance of counsel. Mr. Schieck stated Hearing should take two hours; Defendant will probably testify.

NDC

5/27/04 10:30 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 15, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

April 15, 2004**9:15 AM****Status Check**

**STATUS CHECK:
RESET
EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder:
Tessa Heishman
Heard By: Leavitt,
Michelle**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Monroe, Vicki J.

Attorney

JOURNAL ENTRIES

- Mr. Langford advised Court he was confirming as counsel, but has not had an opportunity to review the file yet and would request Status Check be continued one week; COURT SO ORDERED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

April 22, 2004**9:15 AM****Status Check****STATUS CHECK:****RESET****EVIDENTIARY****HEARING Court****Clerk: Sue Deaton/sd****Relief Clerk: Kristen
Brown****Reporter/Recorder: Jo****A. Scott Heard By:****Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Schwartz, David P.

Attorney

JOURNAL ENTRIES

- Mr. Langford advised Court he has now reviewed Defendant's file and would ask for thirty (30) days for Evidentiary Hearing. Mr. Langford noted the State had filed some motions for doctor's reports and it was decided the reports would be turned over to the Court and not the attorneys. Court noted it has not seen any records and/or reports. Mr. Schwartz advised thus far the doctors have not honored the subpoenas. Court informed Mr. Schwartz if an additional order is needed, the Court will sign it and it should reflect the reports are to be delivered directly to the Court's chambers for in-camera review and the Court will decide whether or not any of the reports should be disclosed to the attorneys. Mr. Langford requested this not be an ex-parte order and that he be allowed to review it prior to the Court's signature.

NDC

6-24-04, 11 AM, EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 04, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

May 04, 2004**9:15 AM****Motion to Vacate**

**DEFT'S MTN TO
VACATE /RESET
EVIDENTIARY
HEARING/98 Court
Clerk: Sue Deaton
Relief Clerk: Kristen
Brown/kb
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Oram, Christopher R.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- COURT ORDERED, Motion GRANTED; Evidentiary hearing set for 5/27/04 VACATED and RESET.

6/08/04 9:15 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 11, 2004****98C151122-2****The State of Nevada vs Artis L Moore****May 11, 2004****9:15 AM****Motion to Continue**

**DEFT'S MTN TO
CONTINUE /101
Court Clerk: Sue
Deaton
Reporter/Recorder:
Tessa Heishman
Heard By: Michelle
Leavitt**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****Knapp, Gregory D.****Attorney**

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion to Continue, GRANTED. Court requested Mr. Knapp call Mr. Langford and advise him of new date.

NDC**7-27-04, 11 AM, EVIDENTIARY HEARING (MAXEY)**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 08, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

June 08, 2004**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder:
Tessa Heishman
Heard By: Michelle
Leavitt**

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

Moore, Artis L
Schwartz, David P.

Defendant
Attorney

JOURNAL ENTRIES

- Mr. Schwartz advised Court he has discussed case with Mr. Schieck and he doesn't know if he can stay on this case. Mr. Schwartz suggested matter be set for a Status Check to see if Mr. Schieck is going to keep the case and if he isn't, to decide who to give the case to. Court explained to Defendant Moore that David Schieck was appointed as Special Public Defender and he has to determine whether there would be a conflict if he remains on this case. COURT ORDERED MATTER SET FOR STATUS CHECK.

NDC

6-15-04, 9:15 AM, STATUS CHECK: ATTORNEY SCHIECK CONFLICT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 15, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

June 15, 2004**9:15 AM****Status Check****STATUS CHECK:****ATTY SCHIECK****CONFLICT Court****Clerk: Sue Deaton****Relief Clerk: Kristen****Brown/kb****Reporter/Recorder:****Gina Shrader Heard****By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Moore, Artis L

Schieck, David M.

Schwartz, David P.

Defendant

Attorney

Attorney

JOURNAL ENTRIES

- Mr. Schieck stated there is no conflict as the County is allowing him to keep this case; further, if this case is still pending when Ms. Wildeveld returns, a "wall" will be put up. Colloquy between Court and counsel regarding setting the hearing. COURT ORDERED, matter set for an evidentiary hearing and deft. is to remain in Southern Nevada at the request of counsel.

NDC

9/02/04 11:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

July 20, 2004**9:15 AM****Request**

**RESET
EVIDENTIARY
HEARING
REQUEST Relief
Clerk: Kristen Brown
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Mr. Owens stated he is waiting for a decision by the Court; Court agreed to review documents in camera to decide what can be used at the hearing. COURT ORDERED, matter CONTINUED for thirty days for the Court to review documents and give a decision as to what records can be used; Evidentiary Hearing set for July 27, 2004 VACATED.

NDC

9/14/04 9:15 AM STATUS CHECK: DECISION ON RECORDS REVIEW/RESET EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 02, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

September 02, 2004**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Leavitt, Michelle**

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

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Mr. Owens advised Court he received a telephone call from Mr. Schieck informing him he could not appear this morning and requesting a short continuance of this Hearing; COURT SO ORDERED. Mr. Owens indicated he would call Mr. Schieck's office and inform them of the new date.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

September 09, 2004**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle**

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

Schieck, David M.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- Defendant Moore not transported for today's hearing. COURT ORDERED matter CONTINUED until Tuesday. Court informed counsel if an order was needed to transport Defendant Moore from High Desert for the next hearing date, the Court would be happy to sign one.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 14, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

September 14, 2004**11:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 9-14-04
Court Clerk: Sue
Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: DECISION OF RECORDS REVIEW / RESET EVIDENTIARY HEARING (MAXEY)
EVIDENTIARY HEARING (MOORE)

AS TO DEFENDANT KENSHAWN MAXEY ... COURT ORDERED STATUS CHECK CONTINUED
thirty (30) days.

AS TO DEFENDANT ARTIS MOORE ... Court noted there was a mix-up again and Defendant Moore
wasn't transported for today's hearing. COURT ORDERED Evidentiary Hearing CONTINUED. Mr.
Schieck indicated he would prepare a new Order to Transport. Mr. Schieck noted attorney Paul E.
Wommer is also present pursuant to his subpoena to appear for today's hearing.

NDC (BOTH)

9-23-04, 11 AM, EVIDENTIARY HEARING (MOORE)

10-14-04, 11 AM, STATUS CHECK: DECISION OF RECORDS REVIEW / RESET EVIDENTIARY
HEARING (MAXEY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

September 23, 2004**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Relief
Clerk: April Watkins
Reporter/Recorder:
Norma Silverman
Heard By: Michelle
Leavitt**

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

Moore, Artis L

Defendant

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- Paul Wommer, Esq. sworn and testified. Exhibits presented. (See worksheets.) Closing arguments by counsel. After reviewing briefs and after hearing Mr. Wommer's testimony, COURT ORDERED, Deft's Petition DENIED. State to prepare findings of fact and conclusion of law.

Mr. Schieck stated since he is know the Special Public Defender, he feels this will create a conflict if he handles Deft's appeal and requested new counsel be appointed. Mr. Owens stated he does not oppose Mr. Schieck staying on case as long as the Chinese wall is upheld. FURTHER ORDERED, Mr. Schieck's request to withdraw is DENIED. Statement by Deft.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

October 12, 2004**9:15 AM****Request**

**STATE'S REQUEST
CONTINUE EVID
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Colloquy between Court and counsel. COURT ORDERED Evidentiary Hearing as to Defendant Maxey set sometime the end of November. Counsel indicated motion scheduled for hearing this Thursday, October 14th, can remain on calendar; COURT SO ORDERED.

NDC

11-30-04, 11 AM, EVIDENTIARY HEARING (MAXEY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

October 14, 2004**11:00 AM****Status Check**

**STATUS CHECK:
DECISION OF
RECORDS
REVIEW/RESET
EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Relief Clerk: Sandra
Jeter/sj
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lewis, Linda Y.

Attorney

JOURNAL ENTRIES

- Mr. Langford stated he received word this matter was continued until next week. Court concurred and ORDERED, matter continued.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 21, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

October 21, 2004**11:00 AM****Status Check**

**STATUS CHECK:
DECISION OF
RECORDS
REVIEW/RESET
EVIDENTIARY
HEARING Court
Clerk: Sue Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt**

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

Attorney

JOURNAL ENTRIES

- COURT ORDERED DEFENDANT'S PRESENCE WAIVED. Court indicated it understood Mr. Langford came into case after this issue was raised. Court expressed concern that Defendant was only seventeen years old and records produced outline his entire life; his schooling, Child Protective Services issues, etc. Dr. Lewis Etcoff wrote the Court a letter, he complied with subpoena and gave the Court the raw data, provided the Court with all his records. Court said it would ask for more direction from the State, because the doctor expressed concern as to his ethical obligations to protect his client's privacy. Court said it would like more direction from the State, because records are from elementary school forward; records are essentially this Defendant's entire life history. Mr. Schwartz indicated he would discuss with Mr. Owens. Court instructed counsel to get together, discuss matter and come to Chambers to discuss matter informally.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

November 30, 2004**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Denise
Trujillo
Reporter/Recorder:
Krista Broka Heard
By: Michelle Leavitt**

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

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- Court advised Mr. Owens that she reviewed all the records and wanted to address the concerns by the doctor regarding raw data. Further Court would like more direction. Mr. Owens advised he would try to have Mr. Langford present to discuss. LATER: COURT ORDERED, matter OFF CALENDAR, counsel to meet with Court in chambers 12/1/04 at 11:00 am.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 02, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

December 02, 2004**9:15 AM****Status Check****STATUS CHECK****Court Clerk: Sue
Deaton****Reporter/Recorder:
Krista Broka Heard
By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Weckerly, Pamela C.

Attorney

JOURNAL ENTRIES

- Ms. Burke noted the Court has had an opportunity to review notes and she would ask the Court to stay turning anything over to the State and to place all the items under seal, pending the filing of an Interlocutory Writ. COURT ORDERED, ALL DOCUMENTS PLACED UNDER SEAL; those that passed the relevancy test to be sealed separately from those documents that did not, pending defense filing of a Writ. Court noted all documents will then be available for the Supreme Court's review if they so desire. COURT FURTHER ORDERED, matter SET for a STATUS CHECK as to the filing of the Writ.

NDC

12-28-04, 9:15 AM, STATUS CHECK: FILING OF WRIT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 14, 2004**

98C151122-2

The State of Nevada vs Artis L Moore

December 14, 2004**9:15 AM****Motion**

**DEFT'S MTN TO
PLACE ON
CALENDAR Relief
Clerk: Judy
McFadden
Reporter/Recorder: Jo
Scott Heard By:
Michelle Leavitt**

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

Coumou, Frank
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck advised a copy of the Decision had been received and he should be receiving the official notice. Mr. Schieck stated matter can be taken off calendar. COURT ORDERED, matter OFF CALENDAR.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

December 28, 2004**9:15 AM****Status Check****STATUS CHECK:****WRIT FILED Court****Clerk: Sue Deaton****Relief Clerk: Cheryl****Case/cc****Reporter/Recorder: Jo****Scott Heard By:****Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Villegas, Victoria A.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, Defendant's presence WAIVED. Ms. Burke stated she is in the process of filing the Writ and requested a two to three week continuance. COURT ORDERED, matter CONTINUED thirty days.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

February 01, 2005**9:15 AM****Status Check**

STATUS CHECK:
WRIT FILED Court
Clerk: Sue Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt

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

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Defendant Maxey not present and Ms. Burke requested his presence be WAIVED; COURT SO ORDERED. Ms. Burke said defense counsel has decided not to file Writ of Mandamus. Ms. Burke said to expedite matter, she is not waiving objection to turn over these materials or that they are admitted and she would like some clarification. Mr. Owens said there is a proposed Order as to the nature of what the Court is going to turn over. Court said the documentation has been reviewed in-camera and the Clerk has two separate envelopes that are to be made a part of the record; one envelope contains those documents to be turned over to counsel and the other contains those documents that will not be turned over. COURT ORDERED ALL DOCUMENTS SEALED; the documents contain raw data, billing records, Dr. Etcoff's therapy notes, etc. Counsel suggested Evidentiary Hearing date be set and they will submit their objections, if any, to the various documents. Ms. Burke pointed out Order should say neurological testing, NOT psychological. Court said Ms. Burke can take Order, revise it and allow Mr. Owens to review prior to submitting for the Court's signature.

Colloquy between Court and counsel regarding Dr. Etcoff's concerns regarding the privacy issues and Court said when the two parties are done with documents, they are to return their copies to the

Court. Mr. Owens said since Defendant is not going to file his Petition, records are not in evidence. Court said records are going to be in evidence at Evidentiary Hearing; they are coming in. Ms. Burke said there is a relevancy issue and she is not agreeing records are admitted, just there is a possibility they are going to be introduced. Court said it is aware of Dr. Etkoff's concerns regarding privacy issues and the doctor complied with a Court Order to turn over these records. As to evaluating the raw data, the Court said it could only be evaluated by someone with the proper training to do so. COURT ORDERED documents are to be used by counsel only for the purpose of this litigation and issue as to whether documents should be shredded at a later date will be addressed after all Hearings are completed. Court indicated it would have copies of the documents to be turned over to counsel made for them, one set for each attorney. COURT ORDERED the word psychological STRICKEN and changed to neurological in Order. Colloquy between Court and counsel regarding work product and not attorney/client privilege and Mr. Owens said there are some items that are expressed as attorney/client privilege. Ms. Burke argued these are not medical records, they are counseling, treatment and diagnosis. Court said psychological records are medical records and that can be reflected in the Order. COURT ORDERED MATTER SET FOR EVIDENTIARY HEARING. Court instructed Mr. Owens to prepare an Order to Transport Defendant Maxey for the date of the Evidentiary Hearing.

NDC

5-2-05, 1 PM, EVIDENTIARY HEARING (KENS HAWN MAXEY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 08, 2005**

98C151122-2

The State of Nevada vs Artis L Moore

September 08, 2005**9:15 AM****Request**

**PLTF'S REQUEST
STATUS CHECK
/115 Relief Clerk:
Georgette Byrd &
Michelle Jones/mj
Reporter/Recorder:
Krista Broka Heard
By: Leavitt, Michelle**

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

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- Mr. Langford advised he has found someone to complete a jail evaluation. Following conference at the bench, COURT ORDERED, matter continued for Deft. to be evaluated; Deft. to remain at the Clark County Detention Center (CCDC) pending evaluation. FURTHER ORDERED, matter set for status check.

CUSTODY

10/6/05 9:15 AM PLTF'S REQUEST STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 06, 2005**

98C151122-2

The State of Nevada vs Artis L Moore

October 06, 2005**9:15 AM****Request**

**PLTF'S REQUEST
STATUS CHECK
/115 Relief Clerk:
Georgette Byrd/gb
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle**

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

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Ms. Burke presented a letter to the Court and stated Deft's problem has been getting a neurologist to test the defendant in CCDC and the letter explains the problems we have run into. Dr. Farrow explains in the letter that the defendant needs an EEG at minimum to check for brain damage, however he can not do this test in the atmosphere of the jail because its not normal surroundings. Court noted it previously offered the courtroom for this examination. Ms. Burk stated the equipment in the doctors office is not portable. The Court noted it is not comfortable transporting the defendant around town for exams. Mr. Owens stated there are real security issues here by letting the defendant out of CCDC for these tests. COURT ORDERED, it is not convinced the doctor can't do the exam outside of his office. This Court will be in the Regional Justice Center soon and the Court has been told by the Detention Center they have a place where these exams can be done. Ms. Burke stated this would have to be done after hours and requested a two week continuance to speak with the doctor. COURT FURTHER ORDERED, DEFT. TO REMAIN IN CCDC.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 25, 2005**

98C151122-2

The State of Nevada vs Artis L Moore

October 25, 2005**9:15 AM****Request**

**PLTF'S REQUEST
STATUS CHECK
/115 Court Clerk:
Denise Trujillo
Reporter/Recorder:
Sharon Howard
Heard By: Michelle
Leavitt**

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

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- Colloquy between Court and counsel. COURT ORDERED, matter OFF CALENDAR, counsel to meet with Court in chambers at later date.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 27, 2006**

98C151122-2

The State of Nevada vs Artis L Moore

July 27, 2006**9:15 AM****Status Check**

**STATUS CHECK:
FURTHER
PROCEEDINGS
Court Clerk: April
Watkins
Reporter/Recorder:
Thelma Stapley
Heard By: Michelle
Leavitt**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Berrett, Bill A.

Attorney

JOURNAL ENTRIES

- Mr. Berrett advised Mr. Owens is unavailable today as he is at the City of Henderson. Mr. Langford requested matter be set for argument/decision and COURT SO ORDERED.

NDC

8/10/06 11:00 AM ARGUMENT/DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 10, 2006

98C151122-2

The State of Nevada vs Artis L Moore

August 10, 2006

11:00 AM

Hearing

**ARGUMENT/DECISION Court Clerk:
April Watkins
Reporter/Recorder:
Thelma Stapley
Heard By: Leavitt,
Michelle**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Berrett, Bill A.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 24, 2006**

98C151122-2

The State of Nevada vs Artis L Moore

August 24, 2006**11:00 AM****Hearing****ARGUMENT/DECISION Court Clerk:
April Watkins
Reporter/Recorder:
Thelma Stapley
Heard By: Leavitt,
Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Owens, Christopher J. Attorney**JOURNAL ENTRIES**

- Ms. Burke advised the results of the MRI did not reveal anything significant. Mr. Owens stated this Court narrowed issues as to what trial counsel should have done. Further, Mr. Owens requested the letter from the doctor regarding the MRI be made part of the record and COURT SO ORDERED. Colloquy. COURT ORDERED, matter CONTINUED and Deft. TO REMAIN at the Clark County Detention Center pending hearing.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2006

98C151122-2

The State of Nevada vs Artis L Moore

September 14, 2006

11:00 AM

Hearing

**ARGUMENT/DECISION Court Clerk:
April Watkins
Reporter/Recorder:
Thelma Stapley
Heard By: Michelle
Leavitt**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- Court stated she has no received copy of MRI report from the doctor or any additional briefs. Further, Court noted Judge Douglas limited the issue as to neurological only. Ms. Burke advised MRI has been done and is normal. Further, doctor stated he did not have anything additional to add as there was no additional findings. On ineffective assistance of counsel, Ms. Burke argued it was due to not ordering MRI or Cat Scan. Court stated it is not appropriate to argue entire petition over again. Ms. Burke stated she would rely upon the briefs. Further, Court noted Deft. did not receive death penalty. Ms. Burke argued second prong cannot be met as there is no prejudice and no need for evidentiary hearing as there is no findings in the MRI. Court stated she believes letter from doctor indicates MRI was normal and ORDERED, letter to be made part of the record. Ms. Burke stated she has tried contacting the doctor for a report. Colloquy regarding specifically mentioning Federal Constitution grounds to go forward in Federal Court. Mr. Owens objected to declaration. Court stated Federalization was raised by Justice Douglas. Mr. Owens argued no evidence as to failure to Federalize and requested Court recognize as a whole. Further colloquy. Court stated you do not have to state is violating the U.S. Constitution when stated an objection. Further argument by

Ms. Burke. Mr. Owens argued issue should have been raised on direct appeal. COURT ORDERED, Petition DENIED IN IT'S ENTIRETY and believes it is important to have doctor's report for the record. Ms. Burke advised she will pursue getting the report from the doctor. Further, Ms. Burke stated she never had the opportunity to argue other issues and requested to be allowed to argue those issues. Court stated she believes there was sufficient argument as to all issues and ORDERED, request DENIED. Ms. Burke stated as to issue of Breach of Fiduciary Duty, Deft. was made a ward of the State due to abuse and neglect. Further, as to the issue of Felony Robbery versus First Degree Premeditated Murder, Ms. Burke argued instruction was wrong as to the Robbery. Additionally, Ms. Burke argued no specific verdict form and does not know the basis Deft. was found guilty on. Court inquired if the State used Robbery as aggravating factor. Mr. Owens stated he believed they did. Court stated she believes this is a McConnell issue and advised she has allowed additional briefing. Ms. Burke stated it may have McConnell issues. Court inquired if counsel wants to wait for decision on McConnell issue or counsel can brief. Mr. Owens argued no death penalty imposed so why is McConnell an issue. Further argument by Ms. Burke. Additional colloquy. COURT ORDERED, matter SET for Status Check and counsel has ten (10) days to get letter from doctor and then the State can prepare the order. FURTHER ORDERED, Deft. to be transported back to the Nevada Department of Corrections (NDC).

NDC

9/28/06 9:15 AM STATUS CHECK: DOCTOR'S LETTER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 28, 2006**

98C151122-2

The State of Nevada vs Artis L Moore

September 28, 2006**9:15 AM****Status Check**

**STATUS CHECK:
DR'S REPORT Court
Clerk: April Watkins
Reporter/Recorder:
Thelma Stapley
Heard By: Leavitt,
Michelle**

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

Berrett, Bill A.

Attorney

JOURNAL ENTRIES

- Mr. Langford advised Ms. Burke has not been able to obtain letter from the doctor and requested matter be continued. COURT ORDERED, matter CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2006**

98C151122-2

The State of Nevada vs Artis L Moore

October 12, 2006**9:15 AM****Status Check**

**STATUS CHECK:
DR'S REPORT Court
Clerk: April Watkins
Reporter/Recorder:
Thelma Stapley
Heard By: Michelle
Leavitt**

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

PRESENT: Owens, Christopher J. Attorney

JOURNAL ENTRIES

- Letter FILED IN OPEN COURT. Colloquy regarding documents already provided by counsel. Ms. Burke advised Deft. is going to appeal this Court's decision and requested to be appointed. Court advised counsel to file a written motion.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 16, 2009**

98C151122-2

The State of Nevada vs Artis L Moore

July 16, 2009**10:00 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS****Court Clerk: April
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- Court stated her FINDINGS and ORDERED, petition DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Artis Londell Moore #61167, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C151122-2

The State of Nevada vs Artis L Moore

August 06, 2009**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS (8/6/09)
Court Clerk: April
Watkins
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt**

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

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR ENLARGEMENT OF TIME...DEFT'S PRO PER MOTION FOR RECONSIDERATION

Court FINDS writ has previously been ruled on, motion to reconsider not appropriate as the order has not been filed yet and ORDERED, motions DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Artis Londell Moore #61167, Souther Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 22, 2015**

98C151122-2

The State of Nevada vs Artis L Moore

January 22, 2015**8:30 AM****Motion For
Reconsideration****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**Benedict, Susan M
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion DENIED as untimely. State to prepare order.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Artis Moore, #61167, Southern Desert Correctional Center (S.D.C.C.), P.O. BOX 208, Indian Springs, Nevada 89018. /// sj

GRAND JURY INDICTMENTS RETURNED IN OPEN COURT JUNE 5, 1998
(From Grand Jury session held June 4, 1998)

CHIEF JUDGE MYRON E. LEAVITT

FOREMAN CHARLES C. NOBLE
CHIEF DEPUTY DISTRICT ATTORNEY CHRIS J. OWENS
CHIEF DEPUTY DISTRICT ATTORNEY DAVID P. SCHWARTZ
DEPUTY DISTRICT ATTORNEY SUSAN KRISKO

Defendant(s): MAXEY, KENSHAWN JAMES aka
Maxey, Kenshuwn
MOORE, ATRIS LONDELL aka
Moore, Ardis Londell

C151122
XVI
u

Case No(s): 98AGJ05AB (PREVIOUSLY TRACKED TO DEPT. XVI)

Charge(s): BURGLARY WHILE IN POSSESSION OF FIREARM; CONSPIRACY TO COMMIT MURDER; (2) COUNTS - ROBBERY WITH USE OF A DEADLY WEAPON; (2) COUNTS - MURDER WITH USE OF A DEADLY WEAPON; (7) COUNTS - SECOND DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON; BATTERY WITH USE OF A DEADLY WEAPON

Def. Counsel(s): MAXEY - KRISTINA WILDEVELD, ESQ.
MOORE - PAUL WOMMER, ESQ.
WARRANTS
MAXEY -
MOORE -
SET FELONY ARRAIGNMENT -
BOTH DEFENDANTS IN CUSTODY - CCDC - NO BAIL

Exhibits:	1. Proposed Indictment	10. Photo
	2. Photo	11. Photo
	3. Photo	12. Photo
	4. Photo	13. Photo
	5. Photo (2)	14. Photo
	6. Diagram	15. Photo
	7. Photo	16. Photo
	8. Photo	17. Photo
	9. Photo	

Exhibits 1-17, to be lodged with the Clerk of the Court.

STATE'S EXHIBITS

CASE NO. C151122

OFFERED ADMITTED

1	✓	Photo	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18
2	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
3	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
4	✓	"	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18
5	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
6	✓	"	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/19
7	✓	"	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18
8	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
9	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
10	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
11	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
12	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
13	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
14	✓	Clear Evidence Bag / contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
15	✓	Black Purse	<input type="checkbox"/>		<input type="checkbox"/>	
16	✓	Evidence Box - Long	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18
17	✓	^{wrap} A2 - Evidence Shot gun (seals out by counsel)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
18	✓	Evidence Box mod	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
19	✓	Evidence Bag (17A-1) (magazine)	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/19
20	✓	Evidence Box mod	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	2/18
21	✓	Evidence Bag gun (17A2) (17A3) (magazine)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
22	✓	Diagram	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18
23	✓	"	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18
24	✓	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	2/18
25	✓	"	<input checked="" type="checkbox"/>	NO obj	<input checked="" type="checkbox"/>	2/18

STATE'S EXHIBITS

CASE NO. C151122

OFFERED ADMITTED

22 Evidence Bag	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
22A contents <i>unopened</i>	<input type="checkbox"/>	<input type="checkbox"/>
23 Evidence Envelope	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/18
23A contents - glasses	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
24 Photo	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/18
25 Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
26 Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
27 Photo	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/18
28 Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 2/19
29 Firearms Transaction	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
30 Evidence envelope	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> "
30A vial - slug spent bullet	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
30B vial - slug spent bullet	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
31 Evidence Envelope + content	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
31A <i>unopened</i> casing	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 2/22
32 Evidence Envelope + contents <i>(pink slip + money)</i>	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/22
33 Small Photo	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/22
34 Photo	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
35 Photo	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
36 Evidence Bag	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
36A New York Cap	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
36B Blue Cap	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
37 Evidence Envelope & contents <i>(BIA + 20 \$ 1000)</i>	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
38 Evidence & contents (6 vials)	<input checked="" type="checkbox"/> No Obj	<input checked="" type="checkbox"/> 2/19
39 Evidence & contents (2 vials 1 jar)	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "

STATE'S EXHIBITS

CASE NO. 0157122

OFFERED ADMITTED

✓ 40 ✓ (unopened) Evidence Envelope & contents shotgun shells	<input checked="" type="checkbox"/>	NO ob	<input checked="" type="checkbox"/>	2/19
✓ 41 ✓ Evidence Envelope	<input type="checkbox"/>		<input type="checkbox"/>	
✓ 41A ✓ Contents	<input type="checkbox"/>		<input type="checkbox"/>	
✓ 42 ✓ Photo	<input checked="" type="checkbox"/>	NO ob	<input checked="" type="checkbox"/>	2/22
✓ 43 ✓ Signature Sheet	<input checked="" type="checkbox"/>	NO ob	<input checked="" type="checkbox"/>	2/22
✓ 44 ✓ sm Photo	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
✓ 45 ✓ Photo	<input checked="" type="checkbox"/>	ob	<input checked="" type="checkbox"/>	2/22
✓ 46 ✓ "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
✓ 47 ✓ "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
✓ 48 ✓ "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
✓ 49 ✓ "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
✓ 50 ✓ LUMPD - rights card	<input checked="" type="checkbox"/>	NO ob	<input checked="" type="checkbox"/>	2/22
✓ 51 ✓ LUMPD - Consent to search	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	
✓ 44 ✓ Court's exhibit - Jurors note/answer	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	2/25
	<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	

STATE'S EXHIBITS - Penalty Hearing CASE NO. C151122

CASE NO.

Q151122

OFFERED

ADMITTED

[illegible]

OFFERED ADMITTED

11 (1) Photo 8x10 Bar	<input checked="" type="checkbox"/> NO ob	<input checked="" type="checkbox"/> 1/2
12 (2) Photo 8x10 Bar	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
13 (3) Photo 8x10 Women on Table	<input checked="" type="checkbox"/> NO ob	<input checked="" type="checkbox"/> 1/24/00
14 (4) Photo 8x10 Woman's face	<input checked="" type="checkbox"/> NO ob	<input checked="" type="checkbox"/> 1/24/00
15 (5) Photo 8x10 Bo Jackson	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
16 (6) Photo 8x10 Bo Jackson	<input checked="" type="checkbox"/> 11	<input checked="" type="checkbox"/> 1-21-00
17 (7) Photo 8x10 Body in Hall	<input checked="" type="checkbox"/> NO ob	<input checked="" type="checkbox"/> 1/20
18 (8) Photo 8x10 Front of Bar	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
19 (9) Photo 8x10 Shotgun - Liquor bottle	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
20 (10) Photo 8x10 Bar	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
21 (11) Photo 8x10 Bar	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
22 (12) Photo Copy 8x10 Victim w/friend	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1/2
23 (13) Photo Copy 8x10 Victim suit	<input checked="" type="checkbox"/> NO ob	<input checked="" type="checkbox"/> 1/20
24 (14) Clear Evidence Bag & content (Black Purse)	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1/24
25 (15) Black Purse UNOPENED	<input type="checkbox"/>	<input type="checkbox"/>
26 (16) Long Evidence Box	<input type="checkbox"/>	<input type="checkbox"/>
27 (17) Evidence Wrap - Shotgun	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
28 (18) Evidence Box - medium	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
29 (19) Evidence Bag - A1 - Plastic Bag / gen - A2 Plastic Bag mag shell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 1-21-00
30 (20) Evidence Box - medium	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
31 (21) Evidence Bag - Plastic Bag / gen - P. Bag Magazine Shell	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
32 (22) Diagram - Ref'd Photos	<input checked="" type="checkbox"/> Subject to	<input checked="" type="checkbox"/> 1/24
33 (23) Diagram Exterior Bar	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
34 (24) Diagram Interior Bar	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
35 (25) Diagram Aerial (- looking for this area)	<input checked="" type="checkbox"/> NO ob	<input checked="" type="checkbox"/> 1/20

CHARTS

	OFFERED	ADMITTED
22 22 Evidence Bag - unopened	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
22A Contents - sealed	<input type="checkbox"/>	<input type="checkbox"/>
23 23 Evidence Envelope	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/20/12
23A Glasses	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1-11
24 24 Photo 8x10 Gun	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/21
25 25 Photo 8x10 Victim in Bar	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
26 26 Photo 8x10 Gloves	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/21
27 27 Photo 8x10 Cones	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/21
28 28 Photo 8x10 Car	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 1/21
29 29 Photo Copy Firearms Transaction	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/21
30 30 Evidence Envelope	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
30A 30A Vial Slug Spent Bullet	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
30B 30B Vial Slug Spent Bullet	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
31 31 Evidence Envelope	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
31A 31A Vial Slug Bullet	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
32 32 Evidence	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
32A 32A Pink Slip	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
32B 32B Money	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
33 33 Small Photo Permit	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
34 34 Photo 8x10 yard	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
35 35 Photo 8x10 Bar - Liquor Bottles	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
36 36 Evidence Bag	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
36A 36A - New York Cap	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
36B 36B - Blue Cap	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
37 37 Evidence Envelope	<input checked="" type="checkbox"/> sub	<input type="checkbox"/> 1-21-00

OFFERED ADMITTED

37A Invoice	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21
37B \$20 in Plastic Bag	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21
38 Evidence Envelope (w/ 6 vials)	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
39 Evidence Envelope (1 Jar 2 vials)	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
40 Evidence Envelope (unopened Shotgun Shells)	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1-21-00
41 Evidence Envelope \rightarrow sealed	<input type="checkbox"/>	<input type="checkbox"/>
41A Contents (unopened)	<input type="checkbox"/>	<input type="checkbox"/>
42 Photo car	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24/00
43 Signature Sheet	<input type="checkbox"/>	<input type="checkbox"/>
44 Photo 2 1/2 x 3 money	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24/00
45 Photo Victim Autopsy Photo	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
46 Photo Victim wound	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
47 Photo Victim wound	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
48 Photo Victim wound	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
49 Photo Victim Wound	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
50 Miranda Card - MAXEY Artis Moore	<input checked="" type="checkbox"/> sub	<input checked="" type="checkbox"/> 1/24
51 Consent to Search - Art's Moore	<input type="checkbox"/>	<input type="checkbox"/>
52 Photo 3X5 FOR defense	<input checked="" type="checkbox"/> sub by state	<input checked="" type="checkbox"/> 1-20-00
53 TAPE Recording voluntary statement + B Tape Holder	<input checked="" type="checkbox"/> oppose	<input checked="" type="checkbox"/> 1/24/00
54 (Defense) Picture	<input checked="" type="checkbox"/> SA Not 993	<input checked="" type="checkbox"/> 1/24/00
Court Exhibit ABC - (Jury instruction not accepted)	<input type="checkbox"/>	<input checked="" type="checkbox"/> 1/26
D (Court Exhibit) #1 instruction	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Court Exhibit 1 - Right of Person arrested	<input checked="" type="checkbox"/> FOR HEARING	<input checked="" type="checkbox"/> 1/24
2 Transcript of voluntary statement	<input checked="" type="checkbox"/> only	<input checked="" type="checkbox"/>

STATE'S EXHIBIT

Penalty
Hearing

CASE NO.

C/5/122

OFFERED ADMITTED

✓ P-1 Poster - Board

☒☒

✓ P-2 Video

☒☒☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Courts exhibit

☐☐

P4 - Letter

☐☐

P2 - letter to jurors from victims sister

☐☐

P3 - letter from Vicki Zandano

☐☐

P4 - letter to jurors from Salvatore Zandano Sr.

☐☐

P5 - 2/2/00 Memo from Special PD's office

☐☐

P6 - Dr. Etkoff Letter (Redacted) 9-24-98

☐☐

P6A - Dr. Etkoff Letter (NON-Redacted- to be sealed)

☐☐

P7 - Dr. Etkoff letter 7-16-99

☐☐

P8 - Voluntary Statement 5-19-98 of Kenneth Maxwell

☐☐

VAULT EXHIBIT FORM

CASE NO:	C 151122	TRIAL DATE:	8-24-00
DEPT. NO.	XII	JUDGE:	Michelle Leavitt
		CLERK:	April Watkins
The State of Nevada		REPORTER:	Melma Stephey
PLAINTIFF		JURY FEES:	
Kenshawn J. Maxey		COUNSEL FOR PLAINTIFF	Christopher Owens
DEFENDANT			
		COUNSEL FOR DEFENDANT	Susan Burke

Date Offered	Objection	Date Admitted
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[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

ARTIS L. MOORE aka ARDIS L. MOORE,

Defendant(s).

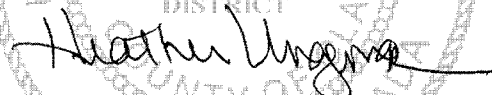
Case No: C151122-2

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 4 day of December 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

