

NOAS

JOHN JOSEPH SEKA #69025

1 High Desert State Prison DISTRICT COURT

P.O. Box 650

2 Indian Springs NV CLARK COUNTY, NEVADA

89018

FILED

MAY 24 3 18 PM '01

Shirley S. Thompson

CASE NO. C159915

DEPT. NO. XIV

DOCKET NO. 37937

3
4 STATE OF NEVADA,

5 Plaintiff

7 -VS-

8 JOHN JOSEPH SEKA

9 #69025 Defendant

FILED

MAY 29 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *M. Vasado*
DEPUTY CLERK

11 Notice of Appeal

13 TO: THE STATE OF NEVADA, Plaintiff;

14 TO: STEWART L. BELL, ESQ., District Attorney; and

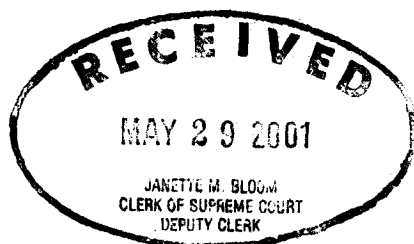
15 PLEASE TAKE NOTICE that JOHN JOSEPH SEKA, defendant
16 herein, appeals to the Supreme Court of Nevada,
17 the denial of defendants writ of Habeas Corpus,
18 Post-Conviction relief, filed in District Court on
19 April 24, 2001 and denied in District Court
20 Department XIV on April 26, 2001.

22 Dated this 22nd day of May, 2001

24 Respectfully Submitted

25 *John Joseph Seka*

26 JOHN JOSEPH SEKA
27 High Desert State Prison
P.O. Box 650
Indian Springs NV 89018



28 RECEIVED

MAY 24 2001

11-0881.0

ORIGINAL

1 ASTA

FILED

MAY 25 9 11 AM '01

Shirley S. Maguire
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

Case No. C159915

Department XIV

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 JOHN J. SEKA,

16 Defendant(s),

19 CASE APPEAL STATEMENT

20 1. Appellant(s): JOHN J. SEKA

21 2. Judge: DONALD M. MOSLEY

22 3. All Parties, District Court:

23 Plaintiff, THE STATE OF NEVADA

24 Defendant(s), JOHN J. SEKA

25 4. All Parties, Appeal:

26 Appellant(s), JOHN J. SEKA

1 Respondent, THE STATE OF NEVADA

2 5. Appellate Counsel: Proper Person, JOHN J. SEKA, P. O. BOX 650
3 INDIAN SPRINGS, NV 89018, Appellant

4 Respondent Counsel: THE STATE OF NEVADA, Stewart L. Bell,
5 District Attorney, 200 South Third Street, Las Vegas, Nevada 89155 (702) 455-4711,
6 Counsel for Respondent

7 6. District Court, APPOINTED

8 7. On Appeal, N/A

9 8. Forma Pauperis: N/A

10 9. Date Commenced in District Court: 6-30-99

11
12 DATED this 25th day of May, 2001.

13 SHIRLEY B. PARRAGUIRRE

14 CLARK COUNTY CLERK

15
16
17 By


Barbara Belt
DEPUTY CLERK
200 South Third Street
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 455-4409

99-C-159915-C		(Continuation	Page	3)
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
THE STATUTORY MAXIMUM				
0064	02/21/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS -	001	02/20/01
		VOLUME I	001	
0065	02/21/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL -	001	02/20/01
		VOLUME II	001	
0066	02/22/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL	001	02/21/01
		VOLUME II	001	
0067	02/23/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	001	02/21/01
		VOLUME I	001	
0068	02/23/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	001	02/22/01
		VOLUME I	001	
0069	02/23/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL	001	02/22/01
		VOLUME II	001	
0070	02/20/01	ORDR/ORDER	001	
0071	02/26/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS -	001	02/23/01
		VOLUME I	001	
0072	02/27/01	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL -	001	02/23/01
		VOLUME II	001	
0073	03/01/01	HEAR/PENALTY HEARING	001	03/02/01
0074	03/02/01	TRAN/REPORTER'S TRANSCRIPT OF VERDICT	001	03/01/01
0075	03/05/01	OCAL/STATUS CHECK: THREE JUDGE PANEL	001	03/13/01
0076	03/02/01	ORDR/ORDER ALLOWING CONTACT VISITATION	001	
0077	03/02/01	ORDR/ORDER ALLOWING CONTACT VISITATION	001	
0078	03/01/01	INST/INSTRUCTIONS TO THE JURY	001	
0079	03/01/01	VER /VERDICT	001	03/01/01
0080	03/05/01	TRAN/REPORTER'S TRANSCRIPT OF PENALTY HEARING	001	03/02/01
0081	03/02/01	INST/INSTRUCTIONS TO THE JURY	001	
0082	03/02/01	VJRU/VERTICT(S) SUBMITTED TO JURY BUT	001	
		RETURNED UNSIGNED	001	
0083	03/01/01	PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT	001	
		TRIAL	001	
0084	03/08/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT		02/12/01
0085	03/13/01	SENT/SENTENCING	001	GR 04/26/01
0086	03/14/01	TRE /TRIAL ENDS	001	03/02/01
0087	03/30/01	NOTC/NOTICE TRANSCRIPTS ON SHELVES		
0088	04/06/01	ORDR/ORDER FOR EXCESS FEES	001	
0089	04/24/01	WRIT/WRIT OF HABEAS CORPUS POST-CONVICTION	001	
		RELIEF	001	
0090	04/27/01	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING		04/26/01
0091	04/30/01	ORDR/ORDER FOR TRANSCRIPT	001	
0092	05/09/01	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001	05/10/01
0093	05/09/01	JMNT/GENETIC TESTING FEE	0001	05/10/01
0094	05/09/01	JMNT/JUDGMENT OF RESTITUTION (COUNT I)	0001	05/10/01
0095	05/09/01	JMNT/JUDGMENT OF RESTITUTION (COUNT II)	0001	05/10/01
0096	05/15/01	STAT/CASE APPEAL STATEMENT	001	
0097	05/15/01	NOAS/NOTICE OF APPEAL	001	AP
0098	05/16/01	ORDR/ORDER APPOINTING	001	
		PETER S CHRISTIANSEN ESQ	001	

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA vs Seka, John J

07/13/99 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: RITA LOPEZ, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y

DEFENDANT SEKA ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.
COURT ORDERED, matter set for trial. Mr. Kane reserved the right to file a
Notice to Seek the Death Penalty.

CUSTODY

9/7/99 9:30 AM CALENDAR CALL

9/13/99 1:00 PM TRIAL BY JURY

07/20/99 09:00 AM 00 DEFT'S MOTION TO SET BAIL

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y

Mr. Kennedy requested bail set at \$50,000. Arguments and elements of the
case by Mr. Kane. COURT ORDERED, BAIL SET AT \$50,000 AS TO COUNT I; NO BAIL
ON COUNT II; STANDARD BAIL ON COUNTS III & IV.

CUSTODY

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 001

07/28/99 09:00 AM 00 STATE'S REQUEST ADVISE COURT STATE
SEEKING DEATH

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y

Mr. Kane advised he would try to maintain the Trial date; however, he anticipated a Writ would now be filed as well as numerous motions. Mr. Kennedy concurred. COURT DIRECTED counsel to advise this Court at whatever point it arises if the date cannot be maintained. Mr. Kennedy advised he would.

CUSTODY

08/18/99 09:00 AM 00 DEFT'S MOTION TO APPOINT CO-COUNSEL AND
MOTION TO RESET TRIAL DATE

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
AMBER FARLEY/af, Relief Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y
005254	Christiansen, Peter S.	Y

Court stated matter is on for appointment of co-counsel, as this is a Capital case. Mr. Christiansen requested to be appointed as co-counsel, stated he is Rule 250 Certified. COURT ORDERED, Mr. Christiansen APPOINTED as CO-COUNSEL. Mr. Kennedy requested trial date be continued, and stated the will have to WAIVE the 60-day rule. Mr. Kane stated no objection. COURT ORDERED, calendar call and trial dates VACATED and RESET.

5/30/00 9:30 AM CALENDAR CALL

6/5/00 1:00 PM JURY TRIAL

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 003

05/30/00 09:30 AM 00 CALENDAR CALL

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
GREER JENNISON/GJ, Relief Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.

Y

Y

Y

Y

Y

COUNSEL DISCUSSED IN CHAMBERS. Mr. Christiansen advised he had been through Discovery and now had an additional 30 witnesses, some of whom are in Federal custody, all of whom have Counsel and requested a continuance to allow him to co-ordinate the arrangements. COURT ORDERED, Trial date VACATED and RESET with PRIORITY in the ordinary course.

CUSTODY

2/6/01 9:30 AM CALENDAR CALL

2/12/01 10:00 AM JURY TRIAL (PRIORITY)

01/17/01 09:00 AM 00 STATE'S MOTION TO COMPEL PRODUCTION OF
HANDWRITING SAMPLES

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
KEITH REED/KAR, Relief Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
001 D1 Seka, John J
005032 Kennedy, Kirk T.

Y

Y

Y

Y

Mr. Kane stated no opposition had been filed and noted the order may not be necessary as a stipulation may be worked out. Mr. Kennedy concurred. COURT ORDERED, motion GRANTED. Order submitted and signed in open court.

CUSTODY

CONTINUED ON PAGE: 005

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 004

02/06/01 09:30 AM 00 CALENDAR CALL

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
JOE D'AMATO, Reporter/RecorderPARTIES: STATE OF NEVADA
001438 Kane, Edward R.
001 D1 Seka, John J
005254 Christiansen, Peter S.Y
Y
Y
Y

Upon Court's inquiry, counsel announced ready and trial should last about 9 days. Mr. Kane advised he filed two pre-trial motions to be heard the morning of trial. Following colloquy between Court and counsel, those motions will be heard on Friday, 2/9.

CUSTODY

2/9/01 9:00 AM PRE-TRIAL MOTIONS

02/09/01 09:00 AM 00 ALL PENDING MOTIONS 2/9/01

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER/lr, Court Clerk
KEITH REED, Relief Clerk
JOE D'AMATO, Reporter/RecorderPARTIES: STATE OF NEVADA
001438 Kane, Edward R.
001 D1 Seka, John J
005032 Kennedy, Kirk T.Y
Y
Y
Y

DEFT'S MOTION TO DISMISS THE CHARGE OF MURDER AND ROBBERY OF PETER LAMANI, OR IN THE ALTERNATIVE, TO SEVER THE CHARGES OF MURDER AND ROBBERY OF PETER LAMANI AND ERIC HAMILTON INTO TWO SEPARATE TRIALS...DEFT'S MOTION IN LIMINE

DEFT'S MOTION TO DISMISS: Court noted the issue is that the victim, Peter Lamani, was found in California, however, the murder happened in Nevada. Mr. Kane concurred. Mr. Kennedy argued that there is no evidence that Peter Lamani was murdered in Nevada. There is an abundance of evidence tying the victim to California. Based on the Evidentiary Hearing and discovery, it is not clear that Peter Lamani was murdered in Clark County. Arguments by Mr. Kane; victim's ID was found here with some of his own blood on it. The Forensic Officers will testify this is a Clark County homicide as the body was found in an unpopulated section of the California desert. Additionally,

CONTINUED ON PAGE: 006

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 005

victim had a business and residence here. Upon Court's inquiry regarding signs of a struggle, Mr. Kennedy advised there are tire tracks leading away from the body. COURT ORDERED, Deft's Motion is DENIED.

DEFT'S MOTION IN LIMINE: Mr. Kane advised Defendant was interviewed and stated "either arrest me or let me go" and then left the State for Pennsylvania. Mr. Kennedy stated Defendant told police he was going to Pennsylvania; the interview was in November and he left December 23 to visit family. Officers had contacted the DA and they did not have enough evidence to arrest him. Mr. Kane concurred, however, Defendant was interviewed at his business and stated he would be back that evening. He never returned, went to Pennsylvania and called the buidling owner to lock up the business. Mr. Kane argued that he borrowed Peter's girlfriends car to go back to his residence and the business because the police were watching his van; he fled to Pennsylvania and borrowed the car to avoid arrest. Mr. Kennedy argued that is was not clear that the police were going to arrest him. COURT ORDERED, Deft's Motion is DENIED, there is sufficient evidence to bring before the jury.

CUSTODY

02/12/01 01:00 PM 00 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN - JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
006639	Fattig, John T	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y
005254	Christiansen, Peter S.	Y

The Clerk called the roll of the Jury Panel with all present. Jury Selection. COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/13/01 01:00 PM 01

CRIMINAL COURT MINUTES

99-C-159915-C

STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 006

02/13/01 01:00 PM 01 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN - JOE D'AMATO, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
006639 Fattig, John T

001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.

Y
Y
Y

Y
Y
Y

The Clerk called the roll of the Jury Panel with all present. Jury selection continued. Jury and Alternate Jurors sworn to try the case. The Clerk read the Information to the Jury. Opening statement by Mr. Kane. Opening statement by Mr. Kennedy. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/14/01 01:00 PM 02

02/14/01 01:00 PM 02 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN - JOE D'AMATO, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
006639 Fattig, John T

001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.

Y
Y
Y

Y
Y
Y

Outside the presence of the Jury, Mr. Christiansen objected to Mr. Kane mentioning David Welch in openings. David Welch was an expert they had not been given notice of pursuant to statute and received his CV yesterday. Mr. Christiansen requested Mr. Welch excluded from testifying. Mr. Kane advised of the State's open door policy, and his policy of contacting counsel 2-3 weeks prior to trial to invite them to look through his file. Upon the Court's inquiry, Mr. Kane advised he would be calling Mr. Welch tomorrow, as he was leaving town on Saturday and had a doctor's appointment on Friday. The Court stated his intentions were not to strike but to try to accomodate

CONTINUED ON PAGE: 008

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 007

counsel in any way possible. Mr. Kane advised he would also accomodate defense counsel as best he could. The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/15/01 01:00 PM 03

02/15/01 01:00 PM 03 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk

PARTIES: NO PARTIES PRESENT

Court in recess this date.

CUSTODY

CONTINUED TO: 02/16/01 10:00 AM 04

02/16/01 10:00 AM 04 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk

MAUREEN SCHORN - JOE D'AMATO, Reporter/Recorder

PARTIES:

STATE OF NEVADA

001438 Kane, Edward R.

006639 Fattig, John T

001 D1 Seka, John J

005032 Kennedy, Kirk T.

005254 Christiansen, Peter S.

Y

Y

Y

Y

Y

Y

The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, NOON RECESS. Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.) Outside the presence of the Jury, Mr. Christiansen advised during the redirect of David Welch, he was asked if the defense had the ability to test samples if they so desired. Mr. Christiansen argued that was a burden shifting question which was improper and moved for mistrial. Mr. Kane argued there was sufficient material left for testing since 3/1, and defense counsel had disclosure for almost a year. Further, matter could be cured by an instruction regarding shifting of burden. Mr. Christiansen

CONTINUED ON PAGE: 009

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 008

argued that had not had notice of the DNA expert and five of the six items left were blood of victims. The Court stated he had indicated to counsel at the Bench that the State would be allowed to proceed and the question asked by Mr. Fattig would not be stricken. Parties have spent a lot of time today on this DNA question, and it is an important question in this case. COURT FINDS that clear inference was made in that Mr. Fattig was in his rights to make a counter-assertion to the question asked. As to a shifting of the burden, COURT FINDS that in the context of what was found here in this case this afternoon, a shift in the burden has not occurred. As to the notice of expert regarding DNA, the Court stated he did not think that fact necessarily justified or suggested that DNA testing would not be pursued. Once the report was received in 3/00 of DNA testing, counsel could have inquired if there were more material to test and, by the way, are you going to call an expert. COURT ORDERED, MOTION FOR MISTRIAL DENIED. Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/20/01 01:00 PM 05

02/20/01 01:00 PM 05 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
MAUREEN SCHORN / JOE D'AMATO, Reporter/Recorder

PARTIES: STATE OF NEVADA

001438 Kane, Edward R.

006639 Fattig, John T

001 D1 Seka, John J

005032 Kennedy, Kirk T.

005254 Christiansen, Peter S.

Y

Y

Y

Y

Y

Y

1:10 PM IN PRESENCE OF JURY: Roll call taken; testimony and exhibits presented (see worksheets). 3:40 PM OUTSIDE PRESENCE OF JURY: Objections by Mr. Christiansen regarding the witness Mr. Cremer making statements that were unresponsive and feels they are prejudicial to Defendant. Therefore, Mr. Christiansen MOVED FOR A MISTRIAL. Arguments by Mr. Kane. Court stated its findings and advised a cautionary instruction will be considered. Court DENIED request for a mistrial and stated Defendant is entitled to a fair trial, not a perfect one. 3:50 PM IN PRESENCE OF JURY: Counsel stipulated to presence of Jury; testimony and exhibits continued (see worksheets). 5:05 PM EVENING RECESS; Jury admonished, excused and told to return at 1:00 PM on 2/21.

CONTINUED TO: 02/21/01 01:00 PM 06

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 009

02/21/01 01:00 PM 06 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
JOE D'AMATO - MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
006639	Fattig, John T	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y
005254	Christiansen, Peter S.	Y

The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/22/01 01:00 PM 07

02/22/01 01:00 PM 07 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
MAUREEN SCHORN / JOE D'AMATO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001438	Kane, Edward R.	Y
006639	Fattig, John T	Y
001 D1	Seka, John J	Y
005032	Kennedy, Kirk T.	Y
005254	Christiansen, Peter S.	Y

1:03 PM IN PRESENCE OF JURY: Roll call taken; testimony and exhibits presented (see worksheets). 2:10 PM STATE RESTS. 3:15 PM OUTSIDE PRESENCE OF JURY: Defendant advised of his rights. 3:20 PM IN PRESENCE OF JURY: DEFENSE RESTS. There being no rebuttal, Court excused, admonished and told Jury to return at 10:00 AM on 2/23.

CONTINUED TO: 02/23/01 01:00 PM 08

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 010

02/23/01 01:00 PM 08 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
MAUREEN SCHORN / JOE D'AMATO, Reporter/RecorderPARTIES: STATE OF NEVADA
001438 Kane, Edward R.
006639 Fattig, John T

001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.Y
Y
Y

Y
Y
Y

10:10 AM OUTSIDE PRESENCE OF JURY: Jury instructions settled on the record. Counsel stipulated to Defendant's Exhibits H, AA & BB being admitted into evidence. 10:35 AM IN PRESENCE OF JURY: Roll call taken. Jury instructions read by Judge. Closing argument by Mr. Fattig; Jury excused. 1:30 PM IN PRESENCE OF JURY: Counsel stipulated to presence of Jury. Closing arguments by Mr. Christiansen and Mr. Kane. 3:10 PM JURY RETIRED TO DELIBERATE. 4:45 PM Jury admonished and excused until Monday, 2/26 at 9:00 AM.

CONTINUED TO: 02/26/01 09:00 AM 09

02/26/01 09:00 AM 09 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk

PARTIES: NO PARTIES PRESENT

Jury deliberating. COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/27/01 09:00 AM 10

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 011

02/27/01 09:00 AM 10 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk

PARTIES: NO PARTIES PRESENT

Jury deliberating. COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 02/28/01 09:00 AM 11

02/28/01 09:00 AM 11 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk

PARTIES: NO PARTIES PRESENT

Jury deliberating. COURT ORDERED, evening recess.

CUSTODY

CONTINUED TO: 03/01/01 09:00 AM 12

03/01/01 09:00 AM 12 TRIAL BY JURY

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES: STATE OF NEVADA

001438 Kane, Edward R.

006639 Fattig, John T

001 D1 Seka, John J

005032 Kennedy, Kirk T.

005254 Christiansen, Peter S.

Y

Y

Y

Y

Y

Y

At the hour of 11:40 AM, the Jury returned with VERDICTS FINDING DEFENDANT SEKA as to COUNT I-GUILTY OF MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); as to COUNT II-GUILTY OF MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); as to COUNT III-GUILTY OF ROBBERY (F); as to COUNT IV-GUILTY OF ROBBERY (F). The Court thanked the Jury and, ORDERED, PENALTY

CONTINUED ON PAGE: 013

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 012

HEARING TO BEGIN 3/2.

CUSTODY

3/2/01 10:00 AM PENALTY HEARING

03/02/01 10:00 AM 00 PENALTY HEARING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
006639 Fattig, John T

001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.

Y
Y
Y

Y
Y
Y

Outside the presence of the Jury, Jury Instructions settled in Open Court. As to Victim Peter Limani's sister testifying, Mr. Kane argued the murders were related and testimony should be allowed as to prior murders. Mr. Christiansen argued victim impact statement could only be considered as to Victim Hamilton. COURT ORDERED, Ms. Tomasevich will be PRECLUDED from offering a statement before the Jury. However, the Court will accomodate and allow Ms. Tomasevich to address the Court outside the presence of the Jury. Testimony and exhibits presented. (See worksheets.) The Court instructed the Jury on the laws which apply to the case. Outside the presence of the Jury, the Court advised defendant of his right to make an unsworn statement. Closing arguments by Mr. Kane. Closing arguements by Mr. Kennedy and Mr. Christiansen. Rebuttal argument by Mr. Kane. Bailiff sworn to take charge of the Jury at 11:40 AM. At the hour of 4:10 PM, the Jury returned to Court. The Foreman advised the Court that the Jury was deadlocked and unable to reach a verdict. Conference at the Bench. COURT ORDERED, PENALTY HEARING REFERRED TO A THREE JUDGE PANEL; set for STATUS CHECK. The Court thanked and excused the Jury. Outside the presence of the Jury, Dianne Tomasevich sworn and addressed the Court.

3/13/01 9:00 AM STATUS CHECK: THREE JUDGE PANEL

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 013

03/13/01 09:00 AM 00 STATUS CHECK: THREE JUDGE PANEL

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.

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Y
Y
Y
Y

STIPULATION AND AGREEMENT TO WAIVE SENTENCING BY THREE JUDGE PANEL FILED IN OPEN COURT. Mr. Kane advised the parties have stipulated for this Court to sentence defendant and that Count I shall carry a life sentence without the possibility of parole with an equal and consecutive term for the use of a deadly weapon; all parties retain the right to argue and defendant retains his right to appeal. Court advised the Three Judge Panel will be WAIVED, matter is referred to the Division of Parole and Probation for a Pre-sentence Investigation Report and ORDERED, set for sentencing.

CUSTODY

4/26/01 9:00 AM SENTENCING

04/26/01 09:00 AM 00 SENTENCING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LINDA SKINNER, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES: STATE OF NEVADA
001438 Kane, Edward R.
001 D1 Seka, John J
005032 Kennedy, Kirk T.
005254 Christiansen, Peter S.

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Y

Nathan Michaels from the Division of Parole and Probation present. DEFENDANT SEKA ADJUDGED GUILTY of COUNT I - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT II - MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III-IV - ROBBERY (F). Speaker Michelle Hamilton sworn and testified. Statements by the State, defendant and counsel. COURT ORDERED, DEFENDANT SENTENCED to the Nevada Department of Prisons as to:

COUNT I - Life WITHOUT the possibility of parole, plus an equal and

CRIMINAL COURT MINUTES

99-C-159915-C STATE OF NEVADA

vs Seka, John J

CONTINUED FROM PAGE: 014

consecutive Life WITHOUT the possibility of parole for the Use of a Deadly Weapon and pay \$2,825 restitution.

COUNT II - Life WITH the possibility of parole, plus an equal and consecutive Life WITH the possibility of parole for the Use of a Deadly Weapon; Count II to run CONSECUTIVE to Count I.

COUNT III - a MAXIMUM term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS; Count III to run CONSECUTIVE to Count II.

COUNT IV - a MAXIMUM term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS; Count IV to run CONSECUTIVE to Count III.

Credit for time served is 720 days.

Mr. Christiansen requested to be appointed for the appeal. There being no objection, COURT SO ORDERED.

CLERK'S NOTE: Pursuant to statute and Pre-sentencing Report, a \$25 Administrative Assessment fee and a \$250 DNA Analysis fee is imposed.

CLERK'S NOTE: 5/1/01 Additionally, Defendant's Pro Per Petition for Writ of Habeas Corpus is DENIED as the issue was entertained and denied on two previous occasions; 11/22/99 and 2/9/01. The defendant is not allowed to file pro per motions while represented by counsel. This petition is not properly brought before the Court. ls

CLERK'S NOTE: 5/3/01 Count IV is to run CONSECUTIVE to Count III not CONCURNET. ls

Clerk

PROSECUTION'S EXHIBIT LIST

Case No. C159915

Defendant: SEKA, JOHN JOSEPH

No.	Description	Offered	Admitted
1	PHOTO - John "Lumber" Doe/Eric Hamilton	2/14	2/14
2	PHOTO - John "Lumber" Doe's grave	2/14	2/14
3	PHOTO - John "Lumber" Doe's grave	2/14	2/14
4	PHOTO - John "Lumber" Doe's grave	2/14	2/14
5	PHOTO - John "Lumber" Doe's grave	2/14	2/14
6	PHOTO - John "Lumber" Doe's grave	2/14	2/14
7	PHOTO - Door of 1929 Western	2/14	2/14
8	PHOTO - Door of 1929 Western	2/14	2/14
9	PHOTO - 1929 Western/Interior floor (with glass and hat)	2/14	2/14
10	PHOTO - 1929 Western/Interior floor (with hat and jacket)	2/14	2/14
11	PHOTO - 1929 Western/Interior floor (with apparent drag marks)	2/14	2/14
12	PHOTO - 1929 Western/Interior floor (with apparent drag marks and hat)	2/14	2/14
13	PHOTO - 1929 Western/Interior floor (with glass and hat)	2/14	2/14
14	PHOTO - 1929 Western/Interior floor (with glass and blood)	2/14	2/14
15	PHOTO - 1929 Western/Interior floor (jacket closeup)	2/14	2/14
16	PHOTO - 1929 Western/Interior floor (hat closeup)	2/14	2/14

No.	Description	Offered	Admitted
17	PHOTO - 1929 Western/Interior floor (with evidence cones)	2/14	2/14
18	CRIME SCENE DIAGRAM - 1929 Western	2/14	2/14
19	AMMUNITION from 1929 Western	2/14	2/14
20	ENVELOPE & NOTE (from Kato Takeo to Tom Thowsen)	2/21	2/21
21	BRACELET from 1929 Western	2/14	2/14
22	HAT from 1929 Western	2/14	2/14
23	JACKET from 1929 Western	2/14	2/14
24	SEARCH WARRANT	NO	NO
25	PHOTO - Box on floor	2/20	2/20
26	BLOOD SAMPLES (1998 Toyota Truck)	2/16	2/16
27	TIRE IMPRESSIONS (1998 Toyota Truck)	2/16	2/16
28	PHOTO - 1998 Toyota Truck	2/16	2/16
29	PHOTO - 1998 Toyota Truck	2/16	2/16
30	PHOTO - 1998 Toyota Truck	2/16	2/16
31	PHOTO - 1998 Toyota Truck (bed)	2/16	2/16
32	PHOTO - 1998 Toyota Truck (bed) (luminol reaction)	2/16	2/16
33	DNA DRAWINGS	NO	NO
34	DNA CHART	2/16	2/16

No.	Description	Offered	Admitted
35	DNA CHART	2/16	2/16
36	HAIR/NAILS (Hamilton)	2/20	2/20
37	NOTE (Jack/429-5957)	2/20	2/20
38	DIAGRAM - 1933 Western	2/20	2/20
39	DUMPSTER CONTENTS	2/20	2/20
40	DUMPSTER CONTENTS	2/20	2/20
41	CARDS FROM PAVEMENT	2/20	2/20
42	AMMUNITION (1933 Western)	2/20	2/20
43	MISC OFFICE CONTENTS (1933 Western)	2/20	2/20
44	JEANS (1933 Western)	2/20	2/20
45	BLOOD SAMPLES (1933 Western)	2/20	2/20
46	BLOOD SAMPLES (1933 Western)	2/20	2/20
47	BLOOD SAMPLES (1998 Dodge Van)	2/20	2/20
47A	EVIDENCE ENVELOPE	"	"
48	BUSINESS CARDS (1998 Dodge Van)	2/20	2/20
49	PROJECTILES (Limanni Autopsy)	2/20	2/20
50	PHOTO - VEHICLES parked outside 1933 Western	2/20	2/20
51	PHOTO - VEHICLES parked outside 1933 Western	2/20	2/20
52	PHOTO - WALL CALENDAR (inside 1933 Western)	2/20	2/20

No.	Description	Offered	Admitted
53	PHOTO - OFFICE AREA inside 1933 Western	2/20	2/20
54	PHOTO - BULLET IN TOILET (1933 Western)	2/20	2/20
55	PHOTO - LUMBER in 1933 Western	2/20	2/20
56	PHOTO - COUCH in 1933 Western (front)	2/20	2/20
57	PHOTO - COUCH in 1933 Western (back)	2/20	2/20
58	PHOTO - BULLET in ceiling of 1933 Western	2/20	2/20
59	PHOTO - DUMPSTER behind 1933 Western	2/20	2/20
60	PHOTO - DUMPSTER CONTENTS	2/20	2/20
61	PHOTO - SHOE AND ID DOCUMENTS	2/20	2/20
62	PHOTO - REAR OF 1998 VAN	2/20	2/20
63	PHOTO - INTERIOR OF 1998 VAN	2/20	2/20
64	PHOTO - INTERIOR OF 1998 VAN	2/20	2/20
65	PHOTO - TIRE TRACKS & BERM (Limanni burial site)	2/16	2/16
66	PHOTO - LIMANNI'S BODY	2/16	2/16
67	PHOTO - LIMANNI'S BODY	2/16	2/16
68	PHOTO - LIMANNI'S BODY	2/16	2/16
69	PHOTO - LIMANNI'S HEAD (closeup)	2/16	2/16

No.	Description	Offered	Admitted
70	TIRE CAST (Hamilton burial site)	2/20	2/20
71	LUMBER (Hamilton burial site) (Individual boards = A,B,C,D,E,F,G)	2/20	2/20
72	SKU UPC TAG (from lumber)	2/20	2/20
73	AERIAL PHOTO (Hamilton burial site)	2/20	2/20
74	AERIAL PHOTO (Hamilton burial site)	2/20	2/20
75	PHOTO - TIRE CAST (Hamilton burial site)	2/20	2/20
76	PHOTO - CAMERA AND TRIPOD (Hamilton burial site)	2/20	2/20
77	PHOTO - CASINO CARDS ON PAVEMENT	2/20	2/20
78	PHOTO - BURNT CLOTHING	2/20	2/20
79	DIAGRAM - Hamilton gravesite	2/20	2/20
80	TAPE - SEKA INTERVIEW (80A=Transcript; marked but NOT offered)	2/21	2/21
81	LATENT PRINTS FROM LUMBER	2/21	2/21
82	LATENT PRINTS FROM 1998 TOYOTA (Reed)	2/21	2/21
83	LATENT PRINTS FROM 1998 TOYOTA (McPhail)	2/21	2/21
84	LATENT PRINTS FROM BEER BOTTLES (1933 Western - McPhail)	2/21	2/21
85	PAWN SHOP RECORDS	FEB 22 2001 ✓ <i>no dy</i>	FEB 22 2001 ✓
86			

No.	Description	Offered	Admitted
70	TIRE CAST (Hamilton burial site)	2/20	2/20
71	LUMBER (Hamilton burial site) (Individual boards = A,B,C,D,E,F,G)	2/20	2/20
72	SKU UPC TAG (from lumber)	2/20	2/20
73	AERIAL PHOTO (Hamilton burial site)	2/20	2/20
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75	PHOTO - TIRE CAST (Hamilton burial site)	2/20	2/20
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83	LATENT PRINTS FROM 1998 TOYOTA (McPhail)	2/21	2/21
84	LATENT PRINTS FROM BEER BOTTLES (1933 Western - McPhail)	2/21	2/21
85	PAWN SHOP RECORDS PENALTY HEARING		
86	CERTIFIED COURT RECORDS (Pennsylvania Case No. 6638-88)	✓ MAR 02 2001	MAR 02 2001

No.	Description	Offered	Admitted
87	CERTIFIED COURT RECORDS (Pennsylvania Case No. 6598-88)	✓ MAR 02 2001	MAR 02 2001
88	CERTIFIED COURT RECORDS (Pennsylvania Case No. 6599-88)	✓ MAR 02 2001	MAR 02 2001
89	CERTIFIED COURT RECORDS (Pennsylvania Case No. 2891-88)	✓ MAR 02 2001	MAR 02 2001
90	CERTIFIED COURT RECORDS (Pennsylvania Case No. 3106-96)	✓ MAR 02 2001	MAR 02 2001
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[illegible]

DEFENDANT'S EXHIBITS:

CASE NO. C159915

		OFFERED	ADMITTED
A.	Peter Limanni Business CARD	2/13 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/13
B.	Voluntary STATEMENT (HARRISON)	<input type="checkbox"/>	<input type="checkbox"/>
C.	Incident Recall Sheet	3/14 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 3/14
D.	DRAWING of Complex	2/16 <input checked="" type="checkbox"/> stip	<input checked="" type="checkbox"/> 2/16
E.	Photo - BED of TRUCK	2/16 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/16
F.	"	" <input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
G.	LETTER 10-28-98 (TO NEV. PROPERTIES)	2/16 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/16
H.	GUARANTEE	2/23 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/23
I.	U.S. Bankruptcy Court	2/16 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/16
J.	Photo - office - T.V./chair (1933)	2/21 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/21
K.	Photo - Behind building 1933	2/20 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/20
L.	Photo - alley w/ van	2/20 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/20
M.	Photo - alley w/ chain link fence	1 <input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1
N.	officer Rogues report	<input type="checkbox"/>	<input type="checkbox"/>
O.	Drawing by officer Rogues	2/20 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/20
P.	Photo - SS card - Birth certificate - CA I.D.	2/20 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/20
Q.	Photo - Deft	2/21 <input checked="" type="checkbox"/> NO obj	<input checked="" type="checkbox"/> 2/21
R.	" - Deft	" <input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
S.	" - Building	" <input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
T.	" - Lumber	" <input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "

DEFENDANT'S EXHIBITS

CASE NO: C 159915

[illegible]

eff: 9/1/96

**COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**TO: JOHN JOSEPH SEKA
P. O. BOX 650
INDIAN SPRINGS, NV 89018**

DATE: May 25, 2001

CASE: C159915

RE CASE: STATE OF NEVADA VS JOHN JOSEPH SEKA

NOTICE OF APPEAL FILED: 05-24-01

RULE 3(e) DOCUMENTS TRANSMITTED: 05-25-01

RULE 3(e) DOCUMENTS **NOT** TRANSMITTED/MISSING:

Case Appeal Statement

District Court Docket Entries

Judgment(s) or Order(s) Appealed from

Notice of Entry of the Judgment(s) or Order(s) Appealed from

Minutes of District Court Proceedings

List of Exhibits Offered Into Evidence

DOCUMENT:

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

\$24.00 District Court Filing Fee (if applicable).

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:

Lists information necessary for docketing in the supreme court: district court case number; party names; counsel names; trial judge; whether trial or appellate counsel was appointed; whether appellant is proceeding in forma pauperis; date the proceedings commenced in the district court {NRAP Form 2}.