

District Court
Clark County Nevada

Alvin D. Lindeman
CLERK OF THE COURT

Electronically Filed
Jul 18 2016 04:02 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

State OF NEVADA

PLANTIFF

vs

Keith BARLOW

Defendant

CASE NO - C13290719

Dept NO - 2

Notice OF (Appeal)

To The Nevada Supreme Court

CLERK OF THE COURT

JUL 08 2016

RECEIVED

(Notice OF Appeal)

Comes Now Defendant / Appellant - Keith (BARLOW)

submits pro-se Appeal to the Appellate Court

From - An (Order) Denying pretrial (Writ) OF

Habeas Corpus - OF Aug 23 - 2013 - Appellant

Keith (BARLOW) contends - pursuant - to

NRS. 177.045 - upon (Appeal) ANY decision

OF the Court IN AN Intermediate (Order) on

proceedings Forming A PART OF the Record

MAY BE Reviewed - upon Appeal.

Where upon - Aug - 23 - 2013 - the Honorable

District Court Dept 2 - Challenge that

Defendant / Appellant - Keith - BARLOW IS Restrained

OF Life, Liberty - AND Property, From - Insufficient

Evidence, AND such Restraint IS UNLAWFUL

FOR Review By the Appellant Court

Respectfully Submitted

Keith Docket B70812 Document 2016-22317

(2)

AFFIDAVIT

Defendant-/Appellant - Keith BARLOW - pro-se
submits Appellant Review - From - the (Order)
of District Court Dept. 2 - Denying
Pretrial Writ of Habeas Corpus - IN such
where such (Order) is submitted

For Review - pursuant to NRS 177.045

where Defendant / Appellant - Keith BARLOW
waived the 60-day limitation for bringing
said Defendant / Appellant - Keith BARLOW
to trial, And pursued Avenue of Writ of
Habeas Corpus - Challenging such UNLAWFUL
Restraint of Imprisonment, where such
insufficient evidence were produced at trial.

Defendant - Appellant - Keith BARLOW - Content

As of July 5, 2015, such (Order) Denying

Writ of Habeas Corpus - HAS NOT - BEEN

Served - via - U.S. MAIL, or Counsel - or

By Any party that Determines: VALID

(Order) And UNLAWFUL Restraint upon

Appellant Court Review - pursuant - to NRS-177.045

Respectfully submitted

- Keith BARLOW



Defendant / Appellant

③

Dated this- 5 day OF July - 2016

I Keith BARLOW - do

Solemnly swear, under the penalty OF perjury that

the Above (Appeal) Is Accurate

Correct, And true to the Best of My Knowledge.

NRS. 171.102- NRS- 208.165

Respectfully submitted

Keith Barlow

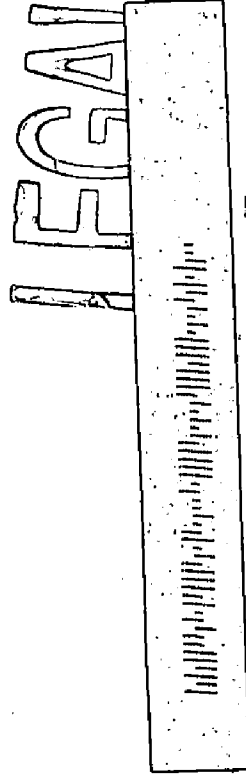


Defendant / Appellant

MR. Keith BARLOW # 493565
330. S. Casino Center
Las Vegas Nev - 89101



To. Clerk of District Court
200-Lewis Ave
Las Vegas Nev - 89101




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.

KEITH BARLOW
AKA KEITH BARLOW, JUNIOR,

Defendant(s),

Case No: C-13-290219-1

Dept No: IV

Death Penalty

CASE APPEAL STATEMENT

1. Appellant(s): Keith Barlow

2. Judge: Kerry Earley

3. Appellant(s): Keith Barlow

Counsel:

Keith Barlow #493565
330 S. Casino Center Blvd.
Las Vegas, NV 89101

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: No

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 3, 2013

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

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

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 12 day of July 2016.

Steven D. Grierson, Clerk of the Court

/s/ Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

cc: Keith Barlow

DEPARTMENT 4
CASE SUMMARY
CASE NO. C-13-290219-1

State of Nevada
vs
Keith Barlow

§	Location:	Department 4
§	Judicial Officer:	Earley, Kerry
§	Filed on:	06/03/2013
§	Case Number History:	
§	Cross-Reference Case	C290219
§	Number:	
§	Defendant's Scope ID #:	493565
§	ITAG Booking Number:	1300006566
§	ITAG Case ID:	1466235
§	Lower Court Case # Root:	13F02028
§	Lower Court Case Number:	13F02028X

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY WEAPON	F	02/03/2013	Case Flags:	Appealed to Supreme Court Custody Status - In Custody Death Penalty Case No Bail Set Charge Description Updated
2. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	02/03/2013		
3. MURDER WITH USE OF A DEADLY WEAPON	F	02/03/2013		
4. MURDER WITH USE OF A DEADLY WEAPON	F	02/03/2013		
5. ASSAULT WITH A DEADLY WEAPON	F	02/03/2013		
6. POSSESSION OF FIREARM BY EX-FELON	F	02/03/2013		
7. UNLAWFUL POSSESSION OF AN ELECTRONIC STUN DEVICE	F	02/03/2013		
8. ATTEMPT UNLAWFUL POSSESSION OF AN ELECTRIC STUN DEVICE	F	02/03/2013		

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-13-290219-1
Court	Department 4
Date Assigned	01/05/2015
Judicial Officer	Earley, Kerry





PARTY INFORMATION

Defendant	Barlow, Keith	<i>Lead Attorneys</i>
		Special Public Defender <i>Public Defender</i>
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

06/03/2013	 Criminal Bindover <i>Criminal Bindover</i>
06/05/2013	 Information <i>Information</i>
06/10/2013	 Initial Arraignment (10:30 AM) (Judicial Officer: De La Garza, Melisa)
06/18/2013	 Miscellaneous Filing



DEPARTMENT 4
CASE SUMMARY
CASE NO. C-13-290219-1

Defendant's Submission to Clark County District Attorney's Death Review Committee
















06/18/2013	 Arraignment Continued (9:00 AM) (Judicial Officer: Vega, Valorie J.)
06/19/2013	 Media Request and Order Party: Plaintiff State of Nevada <i>Media Request and Order for Camera Access to Court Proceedings</i>
06/26/2013	 Stipulation and Order <i>Stipulation And Order for Extension of Time to File Pre-Trial Writ of Habeas Corpus</i>
07/01/2013	 Notice of Intent to Seek Death Penalty <i>Notice of Intent to Seek Death Penalty</i>
07/07/2013	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 5/31/2013</i>
07/09/2013	 Consent <i>Consent to Service by Electronic Means</i>
07/18/2013	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Initial Arraignment heard June 10, 2013</i>
07/19/2013	 Ex Parte Order <i>Ex Parte Application and Order to Prepare Transcripts</i>
07/24/2013	 Transcript of Proceedings <i>Recorder's Transcript Re: Arraignment Continued 6-18-13</i>
07/24/2013	 Ex Parte Order Filed By: Defendant Barlow, Keith <i>Ex Parte Request and Order to Transport Defendant</i>
07/25/2013	 Stipulation and Order <i>Stipulation and Order For Extension of Time to File Pre-Trial Writ of Habeas Corpus</i>
07/30/2013	 Status Check: Trial Setting (9:00 AM) (Judicial Officer: Vega, Valorie J.)
07/31/2013	 Transcript of Proceedings <i>Recorder's Transcript Re: Status Check: Trial Setting July 30, 2013</i>
08/02/2013	 Receipt of Copy <i>Receipt of Copy</i>
08/23/2013	 Petition <i>Petition for Pre-Trial Writ of Habeas Corpus</i>
09/10/2013	 Stipulation and Order <i>Stipulation and Order Extending Time</i>
09/10/2013	 Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Vega, Valorie J.) Events: 08/23/2013 Petition

DEPARTMENT 4
CASE SUMMARY
CASE NO. C-13-290219-1





Petition for Pre-Trial Writ of Habeas Corpus

09/19/2013	 Media Request and Order <i>Media Request and Order Allowing Camera Access to Court Proceedings</i>
10/02/2013	 Ex Parte Motion <i>Ex Parte Motion to Transport Defendant</i>
10/10/2013	 Return <i>Return to Writ of Habeas Corpus</i>
10/11/2013	 Order to Transport Defendant <i>Order to Transport</i>
11/12/2013	 Petition for Writ of Habeas Corpus (10:30 AM) (Judicial Officer: Vega, Valorie J.)
11/12/2013	Disposition (Judicial Officer: Vega, Valorie J.) 8. ATTEMPT UNLAWFUL POSSESSION OF AN ELECTRIC STUN DEVICE Dismissed PCN: Sequence:
11/14/2013	 Order <i>Order for Transcript</i>
11/21/2013	 Transcript of Proceedings <i>Recorder's Transcript Re: Petition for Pre-Trial Writ of Habeas Corpus November 12, 2013</i>
12/03/2013	 Order to Transport Defendant <i>Order to Transport</i>
01/10/2014	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
03/21/2014	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
04/09/2014	 Media Request and Order <i>Media Request And Order Allowing Camera To Court Proceedings</i>
04/09/2014	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
07/01/2014	 Order to Transport Defendant <i>Ex Parte Request and Order To Transport Defendant</i>
09/12/2014	 Order <i>Order to File Under Seal</i>
09/15/2014	 Filed Under Seal <i>Ex Parte Request and Order to Transport Defendant</i>

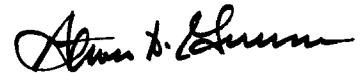
DEPARTMENT 4
CASE SUMMARY
CASE NO. C-13-290219-1

12/12/2014	 Order to Transport Defendant <i>Ex Parte Application and Order to Transport Defendant</i>
12/30/2014	 Receipt of Copy <i>Receipt of Copy</i>
01/05/2015	Case Reassigned to Department 4 <i>District Court Case Reassignment 2015</i>
01/08/2015	 Order to Transport Defendant <i>Ex Parte Application and Order to Transport Defendant</i>
01/08/2015	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
02/03/2015	 Amended Information <i>Amended Information</i>
02/26/2015	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
03/13/2015	 Motion to Continue <i>Motion to Continue Trial Date (First Request)</i>
03/18/2015	 Findings of Fact, Conclusions of Law and Order
03/23/2015	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
03/31/2015	 Motion to Continue Trial (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Motion to Continue Trial Date (First Request)</i>
04/01/2015	 Transcript of Proceedings <i>Reporter's Transcript of Defendant's Motion to Continue Trial Date Taken March 31, 2015</i>
04/09/2015	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
04/13/2015	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated</i>
05/18/2015	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
07/24/2015	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
10/23/2015	 Order to Transport Defendant <i>Ex Parte Request and Order to Transport Defendant</i>
11/19/2015	 Status Check (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Status Check: Reset Trial Date</i>

DEPARTMENT 4
CASE SUMMARY
CASE NO. C-13-290219-1

03/29/2016	<i>CANCELED</i> Calendar Call (9:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
04/04/2016	<i>CANCELED</i> Jury Trial (10:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
05/04/2016	 Ex Parte <i>Ex Parte Request for Order to Transport Defendant</i>
05/06/2016	 Reporters Transcript <i>Reporter's Transcript of Proceedings November 19, 2015</i>
05/17/2016	 Order to Transport Defendant <i>Ex Parte Order to Transport Defendant</i>
07/08/2016	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
09/27/2016	Calendar Call (9:00 AM) (Judicial Officer: Earley, Kerry)
10/03/2016	Jury Trial (10:30 AM) (Judicial Officer: Earley, Kerry)

DATE	FINANCIAL INFORMATION
	Attorney Special Public Defender
	Total Charges 172.50
	Total Payments and Credits 172.50
	Balance Due as of 7/12/2016 0.00



CLERK OF THE COURT

1 **FCL**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL V. STAUDAHER
6 Chief Deputy District Attorney
7 Nevada Bar #008273
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 KEITH BARLOW,
13 #0493565

Defendant.

CASE NO: C-13-290219-1

DEPT NO: IV

14 FINDINGS OF FACT, CONCLUSIONS OF
15 LAW AND ORDER

16 DATE OF HEARING: NOVEMBER 12, 2013
17 TIME OF HEARING: 10:30 A.M.

18 THIS CAUSE having come on for hearing before the Honorable Valorie J. Vega,
19 District Judge, on the 12th day of November, 2013, the Petitioner being present, represented
20 by DAVID SCHIECK, Special Public Defender, through ALZORA B. JACKSON and
21 MONICA R. TRUJILLO, Deputy Special Public Defenders, the Respondent being represented
22 by STEVEN B. WOLFSON, Clark County District Attorney, by and through MICHAEL V.
23 STAUDAHER, Chief Deputy District Attorney, and the Court having considered the matter,
24 including briefs, transcripts, arguments of counsel, and documents on file herein, now
25 therefore, the Court makes the following findings of fact and conclusions of law:

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FINDINGS OF FACT, CONCLUSIONS OF LAW

1
2 1. Petitioner filed the instant Petition for Pre-Trial Writ of Habeas Corpus on
3 August 23, 2013. The State filed its Return to Writ on October 10, 2013. The Court held a
4 hearing on Petitioner's petition on November 12, 2013.

5 2. Petitioner raised several claims in his petition including: (a) that the Magistrate
6 erred in considering and/or admitting evidence related to a voicemail allegedly made by the
7 Petitioner; (b) there was insufficient evidence to support the probable cause determination on
8 Count 1 – Invasion of the Home While in Possession of a Deadly Weapon; (c) there was
9 insufficient evidence to support the probable cause determination on Count 2 – Burglary While
10 in Possession of a Firearm; (d) the Magistrate erred in allowing hearsay testimony in violation
11 of Petitioner's Confrontation Clause rights; (e) there was insufficient evidence to support the
12 probable cause determination on Count 5 – Assault with a Deadly Weapon; (f) there was
13 insufficient evidence to support the probable cause determination on Count 8 – Attempt
14 Unlawful Use of an Electronic Stun Device; and (g) the Magistrate erred in permitting
15 testimony by the Firearms and Toolmarks examiner Anya Lester;

16 3. In the State's Return to Writ and prior to the start of the instant hearing on
17 Petitioner's petition, the State indicated that it would not be proceeding on Count 8 – Attempt
18 Unlawful Use of an Electronic Stun Device. Accordingly, Petitioner's claim that there was
19 insufficient evidence to support the probable cause determination as to Count 8 and
20 Petitioner's request that said count be dismissed is GRANTED as unopposed pursuant to
21 EDCR 3.20.

22 4. With regards to Petitioner's claim that the Magistrate erred in considering and/or
23 admitting evidence related to a voicemail allegedly made by the Petitioner, this claim is
24 DENIED. The record demonstrates that the Magistrate clearly disallowed the voicemail and
25 in fact sustained Petitioner's objection as to the voicemail and its contents. Moreover, there is
26 no evidence in the record that Magistrate considered the voicemail in reaching his conclusion.
27 The Magistrate clearly stated that he was not going to allow the voicemail to be admitted that
28 that he reached his conclusion with regards to the charges absent the voicemail.

1 5. Even absent the voicemail, the Court finds that the State met its burden of proof
2 on the remaining counts challenged by Petitioner: Counts 1, 2, and 5. Accordingly,
3 Petitioner's claims in this regard are DENIED pursuant to Sheriff v. Hodes, 96 Nev. 184, 606
4 P.2d 178 (1980).

5 6. With regards to Petitioner's claim that the Magistrate improperly admitted
6 hearsay testimony in violation of Petitioner's constitutional rights, this claim is DENIED. The
7 State demonstrated that the statements admitted were excited utterances and therefore there
8 was an exception to admit such statements pursuant to NRS 51.095. This Court further finds
9 that there has been a sufficient showing of excited utterance and ongoing police emergency as
10 to the statements admitted by the Magistrate. Accordingly, the Magistrate properly admitted
11 the statements during the preliminary hearing.

12 7. Finally, with regards to Petitioner's claim regarding the testimony by Ms. Lester,
13 this claim is DENIED. This Court finds that sufficient foundation was laid by the State at the
14 Preliminary Hearing regarding Ms. Lester's training and experience to permit her testimony.
15 It would be up to a reasonable trier of fact, in this case the Magistrate, to determine the weight,
16 if any, to be given to said testimony. Nonetheless, this Court GRANTS Petitioner's request to
17 strike from the State's Return to Writ the information contained on Page 34, Line 23, to Page
18 35, Line 20 as that information is outside of the record.

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ORDER

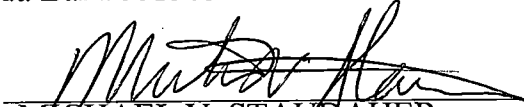
IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus, shall be, and it is, hereby GRANTED as it applies to Count 8 and striking the information contained on Page 34, Line 23, to Page 35, Line 20 of the State's Return to Writ; and hereby DENIED as to the remainder of Petitioner's claims. The Writ is hereby discharged.

DATED this 17th day of ~~February~~^{March}, 2015.


DISTRICT JUDGE 

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

BY


MICHAEL V. STAUDAHER
Chief Deputy District Attorney
Nevada Bar #008273

CERTIFICATE OF SERVICE

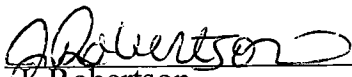
I hereby certify that service of State's Findings of Fact, Conclusions of Law and Order, was made this 23rd day of February, 2015, by e-mail to:

ALZORA JACKSON, Deputy Special Public Defender
E-Mail: ajackson@clarkcountynv.gov

MONICA TRUJILLO, Deputy Special Public Defender
E-Mail: trujilmr@clarkcountynv.gov

KATHLEEN FITZGERALD, Legal Exec. Asst.
E-Mail: kfitzger@clarkcountynv.gov

BY:


J. Robertson
Employee of the District Attorney's Office

13F02028X/jr/MVU


CLERK OF THE COURT

NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

KEITH BARLOW,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C-13-290219-1

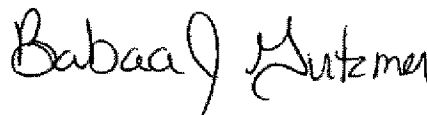
Dept No: IV

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

PLEASE TAKE NOTICE that on March 18, 2015, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

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

STEVEN D. GRIERSON, CLERK OF THE COURT

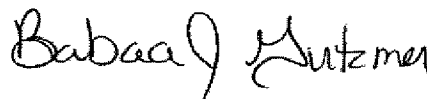


Barbara J. Gutzmer, Deputy Clerk

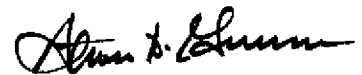
CERTIFICATE OF MAILING

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

- ☒ The bin(s) located in the Regional Justice Center of:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:
Keith Barlow # 0493565 David M. Schieck, Special Public Defender
330 S. Casino Center Blvd. 330 S. Third Street, Suite #800
Las Vegas, NV 89101 Las Vegas, NV 89155



Barbara J. Gutzmer, Deputy Clerk



CLERK OF THE COURT

1 **FCL**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL V. STAUDAHER
6 Chief Deputy District Attorney
7 Nevada Bar #008273
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 KEITH BARLOW,
13 #0493565

14 Defendant.

CASE NO: C-13-290219-1

DEPT NO: IV

15 FINDINGS OF FACT, CONCLUSIONS OF
16 LAW AND ORDER

17 DATE OF HEARING: NOVEMBER 12, 2013
18 TIME OF HEARING: 10:30 A.M.

19 THIS CAUSE having come on for hearing before the Honorable Valorie J. Vega,
20 District Judge, on the 12th day of November, 2013, the Petitioner being present, represented
21 by DAVID SCHIECK, Special Public Defender, through ALZORA B. JACKSON and
22 MONICA R. TRUJILLO, Deputy Special Public Defenders, the Respondent being represented
23 by STEVEN B. WOLFSON, Clark County District Attorney, by and through MICHAEL V.
24 STAUDAHER, Chief Deputy District Attorney, and the Court having considered the matter,
25 including briefs, transcripts, arguments of counsel, and documents on file herein, now
26 therefore, the Court makes the following findings of fact and conclusions of law:

27 //

28 //

//

FINDINGS OF FACT, CONCLUSIONS OF LAW

1
2 1. Petitioner filed the instant Petition for Pre-Trial Writ of Habeas Corpus on
3 August 23, 2013. The State filed its Return to Writ on October 10, 2013. The Court held a
4 hearing on Petitioner's petition on November 12, 2013.

5 2. Petitioner raised several claims in his petition including: (a) that the Magistrate
6 erred in considering and/or admitting evidence related to a voicemail allegedly made by the
7 Petitioner; (b) there was insufficient evidence to support the probable cause determination on
8 Count 1 – Invasion of the Home While in Possession of a Deadly Weapon; (c) there was
9 insufficient evidence to support the probable cause determination on Count 2 – Burglary While
10 in Possession of a Firearm; (d) the Magistrate erred in allowing hearsay testimony in violation
11 of Petitioner's Confrontation Clause rights; (e) there was insufficient evidence to support the
12 probable cause determination on Count 5 – Assault with a Deadly Weapon; (f) there was
13 insufficient evidence to support the probable cause determination on Count 8 – Attempt
14 Unlawful Use of an Electronic Stun Device; and (g) the Magistrate erred in permitting
15 testimony by the Firearms and Toolmarks examiner Anya Lester;

16 3. In the State's Return to Writ and prior to the start of the instant hearing on
17 Petitioner's petition, the State indicated that it would not be proceeding on Count 8 – Attempt
18 Unlawful Use of an Electronic Stun Device. Accordingly, Petitioner's claim that there was
19 insufficient evidence to support the probable cause determination as to Count 8 and
20 Petitioner's request that said count be dismissed is GRANTED as unopposed pursuant to
21 EDCR 3.20.

22 4. With regards to Petitioner's claim that the Magistrate erred in considering and/or
23 admitting evidence related to a voicemail allegedly made by the Petitioner, this claim is
24 DENIED. The record demonstrates that the Magistrate clearly disallowed the voicemail and
25 in fact sustained Petitioner's objection as to the voicemail and its contents. Moreover, there is
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27 The Magistrate clearly stated that he was not going to allow the voicemail to be admitted that
28 that he reached his conclusion with regards to the charges absent the voicemail.

1 5. Even absent the voicemail, the Court finds that the State met its burden of proof
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3 Petitioner's claims in this regard are DENIED pursuant to Sheriff v. Hodes, 96 Nev. 184, 606
4 P.2d 178 (1980).

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12 7. Finally, with regards to Petitioner's claim regarding the testimony by Ms. Lester,
13 this claim is DENIED. This Court finds that sufficient foundation was laid by the State at the
14 Preliminary Hearing regarding Ms. Lester's training and experience to permit her testimony.
15 It would be up to a reasonable trier of fact, in this case the Magistrate, to determine the weight,
16 if any, to be given to said testimony. Nonetheless, this Court GRANTS Petitioner's request to
17 strike from the State's Return to Writ the information contained on Page 34, Line 23, to Page
18 35, Line 20 as that information is outside of the record.

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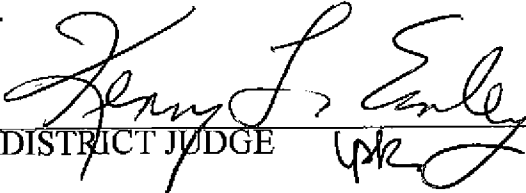
27 //

28 //

ORDER

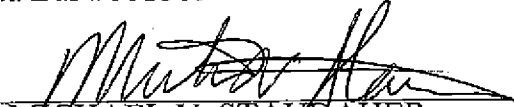
IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus, shall be, and it is, hereby GRANTED as it applies to Count 8 and striking the information contained on Page 34, Line 23, to Page 35, Line 20 of the State's Return to Writ; and hereby DENIED as to the remainder of Petitioner's claims. The Writ is hereby discharged.

DATED this 17th day of ~~February~~ ^{March}, 2015.


DISTRICT JUDGE

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

BY


MICHAEL V. STAUDAHER
Chief Deputy District Attorney
Nevada Bar #008273

CERTIFICATE OF SERVICE


I hereby certify that service of State's Findings of Fact, Conclusions of Law and Order, was made this 23rd day of February, 2015, by e-mail to:

ALZORA JACKSON, Deputy Special Public Defender
E-Mail: ajackson@clarkcountynv.gov

MONICA TRUJILLO, Deputy Special Public Defender
E-Mail: trujilmr@clarkcountynv.gov

KATHLEEN FITZGERALD, Legal Exec. Asst.
E-Mail: kfitzger@clarkcountynv.gov

BY:


J. Robertson
Employee of the District Attorney's Office

13F02028X/jr/MVU

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 10, 2013

C-13-290219-1 State of Nevada
 vs
 Keith Barlow

June 10, 2013 10:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Monique Alberto

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Barlow, Keith	Defendant
	PATRICK, CLARK	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon request of counsel, COURT ORDERED, matter CONTINUED to the assigned department.

CUSTODY

6/18/13 9:00 A.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2013

C-13-290219-1 State of Nevada
 vs
 Keith Barlow

June 18, 2013 9:00 AM Arraignment Continued

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barlow, Keith	Defendant
	Jackson, Alzora B.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff
	Trujillo-Parker, Monica R.	Attorney

JOURNAL ENTRIES

- DEFT. BARLOW ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Court accepted plea and ORDERED, matter set for trial. Ms. Jackson advised the DA's death review committee will meet tomorrow and she informed the Deft before court that they will wait for their decision which will determine how much preparation time they will require. She advised Mr. Scow indicated its a high probably the case will be a death case and based on her experience she will have no basis to disagree with that but will persuade them to go another route but in the interest of time, if they were to set today as a capital case this case cannot be prepared for trial any less than two years as this is a double homicide. FURTHER ORDERED, matter set for a status check on trial setting. Ms. Jackson advised she would like to submit under seal the requirements in an affidavit concerning what they need to do that would take this amount of time. Court advised she will accept her oral representations.

CUSTODY

7/30/13 9:00 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 30, 2013

C-13-290219-1 State of Nevada
vs
Keith Barlow

July 30, 2013 9:00 AM Status Check: Trial Setting

HEARD BY: Vega, Valorie J. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Lisa Lizotte

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michael Staudher, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Alzora Jackson and David Schieck, Deputy Special Public Defenders.

Court noted on 7/01/2013 State filed notice of intent to seek the death penalty in this case and at last date Ms. Jackson indicated she would need at least two years to prepare for trial. Colloquy regarding scheduling. COURT ORDERED, matter SET for trial.

CUSTODY

4/09/2015 9:30 AM CALENDAR CALL

4/13/2015 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 10, 2013

C-13-290219-1 State of Nevada
 vs
 Keith Barlow

**September 10, 2013 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Carole D'Aloia

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- No parties present. Law Clerk informed parties contacted her on Monday afternoon and requested this matter be continued. Matter has been reset through Master Calendar via Setting Slip from Law Clerk to 10/24/13 at 10:30 AM (see e-mail from Law Clerk scanned into left-side filing for this case.

CUSTODY

10/24/13 10:30 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 12, 2013

C-13-290219-1 State of Nevada
 vs
 Keith Barlow

**November 12, 2013 10:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Barlow, Keith	Defendant
	Jackson, Alzora B.	Attorney
	Scow, Richard H.	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff
	Staudaher, Michael V.	Attorney
	Trujillo-Parker, Monica R.	Attorney

JOURNAL ENTRIES

- Ms. Jackson gave a general overview and noted there is a stipulation as to Count 8. Mr. Staudaher had no objection to Count 8. Argument by Ms. Jackson on page 94 of the Preliminary transcript regarding the injury referring to the female Danielle Woods not Cobb and she would like the record to so reflect. Mr. Scow advised the reference in the transcript is during cross examination questions about Woods. Further argument by Ms. Jackson regarding their experts' credentials. Response by Mr. Staudaher. Ms. Jackson cited Monteiro 2006 case and submitted. Mr. Staudaher agreed with Monteiro not Diaz. Further argument by Ms. Jackson that the serious counts would be void. Argument by Ms. Trujillo on the confrontation issue related to Count 5 - Assault with a Deadly Weapon. Argument by Mr. Scow on issues address by Ms. Trujillo, the voice mail, testing of the cartridgeges, testimony of the sister and the victim that was shot. Argument by Mr. Staudaher on the firearms. Matter submitted by Ms. Jackson. Court stated her findings, and ORDERED, Petition

GRANTED IN PART as to Count 8 as unopposed per EDCR 3.20 and Count 8 is DISMISSED and DENIES the balance and DISCHARGES the Writ except for Count 8. FURTHER findings that State met its burden on the other counts; and GRANTS Defense request to strike from the State's opposition its argument on lines 23 on page 34 through line 20 on page 35 as that information is outside of the record regarding the forensic scientist Ms. Lester; however, finds there was sufficient foundation laid at the preliminary hearing as to her education training and experience for her testimony to be admissible and it would be up to a reasonable trier of fact to determine the weight of any to be given at which was the Justice of the Peace and if this case goes to the jury. Court finds the State met its burden and DENIES everything except Count 8 pursuant to Sheriff v. Hodes, 96 Nev. 184 (1980). Ms. Jackson requested a transcript and to prepare a joint written decision. State to prepare the order and pass it to opposing counsel for review prior to passing it to the Court.

Mr. Staudaher advised the voice mail no longer exist so the only evidence to come is the people that heard it. Mr. Scow stated that is correct. Ms. Jackson advised she is putting the State on notice that the sister Spence who had possession of the phone is not listed as a witness by the State and they have no means to contact her.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2015

C-13-290219-1 State of Nevada
 vs
 Keith Barlow

March 31, 2015 9:00 AM Motion to Continue Trial

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Maureen Schorn

PARTIES

PRESENT:	Baharav, Colleen	Attorney
	Barlow, Keith	Defendant
	Jackson, Alzora B.	Attorney
	PATRICK, CLARK	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Jackson indicated the Defendant was aware of the Motion, and aware that a one-year trial continuance was being requested. There being no Opposition, COURT ORDERED, Motion GRANTED; trial date VACATED and RESET.

CUSTODY

3/31/16 9:00 AM CALENDAR CALL

4/4/16 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2015

C-13-290219-1 State of Nevada
 vs
 Keith Barlow

November 19, 2015 9:00 AM Status Check

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Gina Shrader

PARTIES

PRESENT:	Barlow, Keith	Defendant
	Jackson, Alzora B.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney
	Trujillo-Parker, Monica R.	Attorney

JOURNAL ENTRIES

- COURT ORDERED trial date VACATED and RESET.

CUSTODY

9/27/16 9:30 AM CALENDAR CALL

10/3/16 10:30 AM JURY TRIAL

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

KEITH BARLOW
AKA KEITH BARLOW, JUNIOR,

Defendant(s).

Case No: C-13-290219-1

Dept No: IV

Death Penalty

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 12 day of July 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk