

Stamp FILED

COPY REQUESTED

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

Electronically Filed  
10/07/2016

*Heaven & Levine*  
Electronically Filed

CLERK OF THE SUPREME COURT OF NEVADA  
Oct 10 2016 02:54 p.m.

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

Clerk of Supreme Court

6 IN AND FOR THE COUNTY OF CLARK

7  
8 Todd M. LEAVITT

9  
10 Plaintiff,

11 vs.

12 BRIAN E. WILLIAMS, ET AL  
13 THE STATE OF NEVADA  
14 Defendant.

87C079346-1

Case No. 679346

Dept. No. \_\_\_\_\_

Docket \_\_\_\_\_

15  
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
18 Todd M. LEAVITT, 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

22  
23 ruled on the 16 day of SEPTEMBER, 20 16.

24  
25 Dated this 4 day of OCTOBER, 20 16.

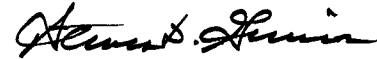
Respectfully Submitted,

Todd M. Leavitt #26131  
Todd M. LEAVITT #26131

RECEIVED

OCT 07 2016

CLERK OF THE COURT

  
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.

TODD M. LEAVITT,

Defendant(s),

Case No: 87C079346-1

Dept No: XII

**CASE APPEAL STATEMENT**

1. Appellant(s): Todd M. Leavitt

2. Judge: Michelle Leavitt

3. Appellant(s): Todd M. Leavitt

Counsel:

Todd M. Leavitt #26131  
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 16, 1987

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

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 50438, 69218

12. Child Custody or Visitation: N/A

Dated This 10 day of October 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: Todd M. Leavitt

Todd M. Leavitt, 26131  
Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070-0208

Electronically Filed  
10/07/2016

Howard S. Hemin  
CLERK OF THE COURT

IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

Todd M. Leavitt  
Plaintiff,  
vs.  
BRIAN E. Williams, et al  
THE STATE OF NEVADA  
Defendant.

CASE No. 189346  
DEPT. No. \_\_\_\_\_

DESIGNATION OF RECORD ON APPEAL

TO: STEVEN GRIPSON  
CLERK OF THE COURT  
900 LEWIS AVE, 3RD Floor  
LAS VEGAS, NV  
89155-1160

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 4 day of OCTOBER, 2016.

RESPECTFULLY SUBMITTED BY:

Todd M. Leavitt  
+ 26131  
Plaintiff/In Propria Persona

RECEIVED  
OCT 07 2016  
CLERK OF THE COURT

**CERTIFICATE OF SERVICE BY MAILING**

I, Todd M. Lavitt, hereby certify, pursuant to NRCP 5(b), that on this 4  
day of OCTOBER, 2016 I mailed a true and correct copy of the foregoing, "NOTICE  
OF APPEAL, DISIGNATION OF REC'D"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

STEVEN GRIERSON  
CLERK OF THE COURT  
900 LEWIS AVE, 3RD FLOOR  
LAS VEGAS, NEV  
89155-1160

CC:FILE

DATED: this 4 day of OCTOBER, 2016.

Todd M. Lavitt #26131  
Todd M. Lavitt #26131  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of

APPEAL / DESIGNATION OF RECORD  
(Title of Document)

filed in District Court Case number 679346

☒ 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-**

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

Todd M. Savitt  
Signature

10-4-2016  
Date

Todd M. Leavitt  
Print Name

PRO-SE  
Title

Todd Mitchell LEAD # 26131  
Southern Desert Correctional Center  
P.O. Box 228  
Indian Springs, Nev  
89070

LAS VEGAS NV 89000  
OCT 20 05 PM 5:1



89101-630000

STEVEN BRIDGES  
CLERK OF THE COURT  
800 LEWIS AVE, 3RD FLOOR  
LAS VEGAS, NEV  
89101-63000

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

**The State of Nevada vs Todd M Leavitt**

§ Location: **Department 12**  
§ Judicial Officer: **Leavitt, Michelle**  
§ Filed on: **06/16/1987**  
§ Case Number History:  
§ Cross-Reference Case **C079346**  
§ Number:  
§ Defendant's Scope ID #: **622661**  
§ Lower Court Case # Root: **87F02506**  
§ Lower Court Case Number: **87F02506A**  
§ Supreme Court No.: **69218**

**CASE INFORMATION**

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER WITH A DEADLY WEAPON	F	01/01/1900		
1. DEGREES OF MURDER	F	01/01/1900	Case Flags:	<b>Appealed to Supreme Court</b>

**Related Cases**

87C079346-2 (Multi-Defendant Case)

**Statistical Closures**

07/09/2006	USJR Reporting Statistical Closure
07/01/1999	USJR Reporting Statistical Closure
05/16/2008	USJR Reporting Statistical Closure
01/27/2000	USJR Reporting Statistical Closure
05/31/2007	USJR Reporting Statistical Closure

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	87C079346-1
Court	Department 12
Date Assigned	07/10/2006
Judicial Officer	Leavitt, Michelle

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Defendant</b>	<b>Leavitt, Todd M</b>	<b>Pro Se</b>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

**DATE**





















**EVENTS & ORDERS OF THE COURT**

**INDEX**





















06/16/1987	 Criminal Bindover	
06/16/1987	 Reporters Transcript <i>Transcript of Hearing Held on June 5, 1987</i>	
06/16/1987	 Reporters Transcript <i>Transcript of Hearing Held on June 12, 1987</i>	
06/18/1987	 Information	
07/24/1987	 Motion to Sever <i>Motion for Severance</i>	



DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

07/24/1987	 Notice of Motion
07/28/1987	 Order
08/04/1987	 Notice <i>Notice of Alibi</i>
08/05/1987	 Ex Parte Application <i>Ex-Parte Application for Appointment of an Investigator</i>
08/05/1987	 Ex Parte Application <i>Exparte Application for Appointment of an Investigator</i>
08/11/1987	 Order
08/11/1987	 Affidavit in Support <i>Affidavit in Support of Order Shortening Time</i>
08/11/1987	 Motion <i>Motion for Production of Potentially Exculpatory Evidence</i>
08/11/1987	 Order Shortening Time
08/11/1987	 Motion in Limine
08/11/1987	 Receipt of Copy
08/11/1987	 Receipt of Copy
08/11/1987	 Motion <i>Motion and Notice of Motion to Endorse Names on Information</i>
08/11/1987	 Motion in Limine
08/11/1987	 Receipt of Copy
08/11/1987	 Order
08/11/1987	 Receipt of Copy
08/11/1987	 Joinder <i>Joinder in Co-Defendants Motion for Production of Potentially Exculpatory Evidence</i>
08/13/1987	 Order <i>Order to Endorse Names on Information</i>
10/14/1987	 Order for Production of Inmate

















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

10/22/1987	 Motion to Withdraw As Counsel
10/22/1987	 Receipt of Copy
10/22/1987	 Certificate of Service
10/22/1987	 Order Shortening Time
11/01/1987	 Proposed Verdict Forms Not Used at Trial
11/03/1987	 Motion in Limine <i>Motion in Limine with Regard to Self-Incriminating and Interlocking Statements of Each Defendant</i>
11/10/1987	 Jury List
11/12/1987	 Order <i>Order to Endorse Names on Information</i>
11/12/1987	 Motion <i>Motion and Notice of Motion to Endorse Names on Information</i>
11/16/1987	 Order <i>Order for Issuance of Writ of Habeas Corpus ad Testificandum for Joseph Henslik, a Federal Prisoner</i>
11/16/1987	 Writ of Habeas Corpus <i>Writ of Habeas Corpus Ad Testificandum</i>
11/16/1987	 Ex Parte Petition
11/17/1987	 Instructions to the Jury
11/17/1987	 Amended Jury List
11/17/1987	 Verdict
11/30/1987	 Motion for New Trial
11/30/1987	 Receipt of Copy
12/02/1987	 Motion <i>Motion and Notice of Motion to Endorse Names on Information</i>
12/11/1987	 Order <i>Order to Endorse Names on Information</i>
12/14/1987	 Opposition to Motion <i>Opposition to Defendant's Motion for New Trial NRS 176.515</i>












DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

12/21/1987	 Order
02/01/1988	 Notice of Motion
02/01/1988	 Motion <i>Motion to Disclose Favorable Evidence, Payments, Benefits and Promises to Prospective Prosecution Witnesses</i>
02/01/1988	 Receipt of Copy
02/02/1988	 Motion <i>Motion for Excess Fees</i>
02/02/1988	 Receipt of Copy
02/05/1988	 Response <i>Response to Motion to Disclose Favorable Evidence, Payments, Benefits, and Promises to Protective Prosecution Witnesses</i>
02/08/1988	 Order
02/10/1988	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
02/10/1988	 Designation of Record on Appeal <i>Designation of Contents of Record on Appeal</i>
02/10/1988	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
02/17/1988	 Notice of Entry of Order
02/17/1988	 Opposition to Motion <i>Opposition to Motion for Fees in Excess of Statutory Allowance</i>
02/18/1988	 Order <i>Order for Transfer of Evidence</i>
02/24/1988	 Ex Parte Motion <i>Ex Parte Motion to Extend Time in which to File Record on Appeal</i>
02/24/1988	 Certification
02/26/1988	 Ex Parte Order
02/26/1988	 Ex Parte Order
02/29/1988	 Ex Parte Order
03/02/1988	 Receipt of Copy




















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

	<i>Receipt of a Copy</i>
03/04/1988	 Amended <i>Amended Ex Parte Order for Extension of Time to File Record on Appeal</i>
03/07/1988	 Ex Parte Petition
03/07/1988	 Order <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Federal Prisoner</i>
03/11/1988	 Writ of Habeas Corpus <i>Writ of Habeas Corpus Ad Testificandum</i>
03/22/1988	 Motion <i>Motion and Notice of Motion to Endorse Names on Information</i>
03/22/1988	 Jury List
03/23/1988	 Ex Parte Motion <i>Ex Parte Motion for Employment of Investigator</i>
03/28/1988	 Order
03/30/1988	 Instructions to the Jury
03/30/1988	 Verdict
04/25/1988	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
05/06/1988	 Ex Parte Motion <i>Ex Parte Motion for Extension of Time in which to File Record on Appeal</i>
05/10/1988	 Motion to Vacate Sentence <i>Motion to Vacate Sentencing Date</i>
05/10/1988	 Receipt of Copy
05/26/1988	 Order <i>Order for Contact Visit</i>
05/26/1988	 Ex Parte Motion <i>Ex Parte Motion for Order for Contact Visit</i>
05/26/1988	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. MURDER WITH A DEADLY WEAPON Guilty PCN: Sequence:
05/26/1988	<b>Disposition</b> (Judicial Officer: User, Conversion)
















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

05/26/1988	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Guilty PCN: Sequence:
05/26/1988	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. MURDER WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE Converted Disposition: Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0003: CREDIT FOR TIME SERVED Minimum 373 Days to Maximum 373 Days Converted Disposition: Sentence# 0004: ADMINISTRATION FEE Amount: \$20.00
06/15/1988	 Reporters Transcript <i>Transcript of Hearing Held on November 9, 1987</i>
06/15/1988	 Reporters Transcript <i>Transcript of Hearing Held on November 10, 1987</i>
06/15/1988	 Reporters Transcript <i>Transcript of Hearing Held on November 13, 1987</i>
06/15/1988	 Reporters Transcript <i>Transcript of Hearing Held on November 12, 1987</i>
06/15/1988	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on November 17, 1987</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on November 16, 1987</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on January 27, 1988</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on December 16, 1987</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on January 20, 1988</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on February 17, 1988</i>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on February 3, 1988</i>
06/16/1988	 Reporters Transcript <i>Transcript of Hearing Held on February 24, 1988</i>
06/22/1988	 Order
07/05/1988	 Designation of Record on Appeal <i>Designation of Contents of Record on Appeal</i>
07/05/1988	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
07/08/1988	 Order <i>Order Re: Preparation of Transcripts</i>
07/13/1988	 Receipt of Copy
07/14/1988	 Reporters Transcript <i>Transcript of Hearing Held on August 14, 1987</i>
08/04/1988	 Motion <i>Motion for Extension of Time to Transmit Record on Appeal</i>
08/09/1988	 Receipt of Copy
08/09/1988	 Notice of Motion
08/09/1988	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Counsel of Record</i>
08/11/1988	 Ex Parte Order <i>Ex Parte Order Extending Time to Transmit Record on Appeal</i>
08/16/1988	 Order <i>Order Permitting Withdrawal of Counsel</i>
08/18/1988	 Receipt of Copy
09/28/1988	 Motion <i>Motion for Extension of Time to Transmit Record on Appeal</i>
09/28/1988	 Ex Parte Order <i>Ex Parte Order Extending Time to Transmit Record on Appeal</i>
10/03/1988	 Withdrawal <i>Withdrawal of Motion</i>
10/18/1988	 Reporters Transcript

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE No. 87C079346-1**

	<i>Transcript of Hearing Held on March 22, 1988</i>
10/18/1988	 Reporters Transcript <i>Transcript of Hearing Held on March 24, 1988</i>
10/18/1988	 Reporters Transcript <i>Transcript of Hearing Held on March 28, 1988</i>
10/18/1988	 Reporters Transcript <i>Transcript of Hearing Held on March 21, 1988</i>
10/18/1988	 Reporters Transcript <i>Transcript of Hearing Held on March 25, 1988</i>
10/18/1988	 Reporters Transcript <i>Transcript of Hearing Held on March 23, 1988</i>
10/18/1988	 Reporters Transcript <i>Transcript of Hearing Held on March 29, 1988 March 30, 1988</i>
11/01/1988	 Reporters Transcript <i>Transcript of Hearing Held on May 26, 1988</i>
05/22/1989	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
06/28/1989	 Receipt of Copy
06/28/1989	 Motion <i>Motion for Extraordinary Fees</i>
07/07/1989	 Opposition to Motion <i>Opposition to Motion for Payment of Excess Fees and Expenses</i>
07/12/1989	 Receipt of Copy
07/12/1989	 Order <i>Order Re: Motion for Extraordinary Fees</i>
07/13/1989	 Notice of Entry of Order <i>Notice of Entry of Order Re: Motion for Extraordinary Fees</i>
08/03/1989	 Motion for Appointment <i>Motion for Appointment of Counsel</i>
08/03/1989	 Affidavit in Support <i>Affidavit in Support of Appointment as Attorney of Record</i>
08/09/1989	 Order
10/24/1989	 NV Supreme Court Clerks Certificate/Judgment - Dismissed


















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

*Nevada Supreme Court Clerk's Certificate Judgment - Dismissed*







12/11/1989	 Order
12/11/1989	 Ex Parte Motion <i>Ex Parte Motion for Excess Attorneys Fees Pursuant to NRS 7.125(4)</i>
02/23/1990	 Notice of Motion <i>Notice of Motion and Motion to Withdraw as Counsel of Record</i>
03/14/1990	 Order
03/14/1990	 Petition <i>Petition for Post-Conviction Relief</i>
03/14/1990	 Points and Authorities <i>Points and Authorities in Support of Petition for Post-Conviction Relief</i>
03/16/1990	 Notice of Entry of Order
04/13/1990	 Amended Petition <i>Amended Petition for Post-Conviction Relief</i>
04/13/1990	 Amended <i>Amended Points and Authorities in Support of Petition for Post-Conviction Relief</i>
06/18/1990	 Notice of Hearing <i>Notice of Hearing Amended Petition for Post-Conviction Relief</i>
06/19/1990	 Certificate of Mailing <i>Certificate of Mailing Notice of Hearing of Amended Petition for Post-Conviction Relief</i>
08/30/1990	 Statement <i>Attorney's Statement</i>
09/04/1990	 Order
09/07/1990	 Notice of Entry of Order
10/18/1990	 Motion <i>Motion to Place on Calendar</i>
10/19/1990	 Receipt of Copy
10/22/1990	 Opposition <i>State's Opposition to Petition for Post-Conviction Relief</i>
11/06/1990	 Order Granting <i>Order Granting Excessive Fees</i>
11/06/1990	









DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

	 Reply to Opposition <i>Defendant's Reply to State's Opposition to Petition for Post-Conviction Relief</i>
11/08/1990	 Notice of Intent <i>Notice of Intent to File Post-Conviction Relief and Affidavit as to Good Cause for Delay</i>
11/16/1990	 Order
11/20/1990	 Notice of Entry of Order
11/27/1990	 Order
12/18/1990	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law and Order Denying Post-Conviction Relief</i>
12/19/1990	 Notice of Entry of Order
01/06/1991	 Notice of Motion <i>Notice of Motion &amp; Motion for Enlargement of Time to File Post-Conviction Petition</i>
01/08/1991	 Motion <i>Motion for 2nd Enlargement to File Post-Conviction Petition</i>
01/15/1991	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
01/15/1991	 Designation of Record on Appeal
01/16/1991	<b>Petition (9:00 AM)</b> Events: 01/08/1991 Motion <i>PROPER PERSON MOTION FOR ENLARGEMENT OF TIME TO FILE POST-CONVICTION RELIEF Heard By: Michael Wendell</i>
01/28/1991	 Notice <i>Notice to State to Preserve all Evidence</i>
01/31/1991	 Order
02/19/1991	 Affidavit in Support <i>Affidavit in Support of Extension of Time to Transmit Record on Appeal</i>
02/21/1991	 Order <i>Order Extending Time for Transmitting Record on Appeal</i>
08/26/1991	 Motion for Appointment of Attorney <i>Motion for Appointment of Counsel</i>
08/26/1991	 Request <i>Request for an Extension of Time to File Post-Conviction Relief</i>
09/09/1991	<b>Petition (9:00 AM)</b>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE No. 87C079346-1**








	Events: 08/26/1991 Motion for Appointment of Attorney <i>PROPER PERSON MOTION FOR APPOINTMENT OF COUNSEL FOR ASSISTANCE ON POST</i> Heard By: Michael Wendell
09/09/1991	<b>Petition</b> (9:00 AM) Events: 08/26/1991 Request <i>PROPER PERSON REQUEST FOR EXTENSION OF TIME TO FILE POST CONVICTION RELIEF</i> Heard By: Michael Wendell
09/09/1991	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 9/9/91 Relief Clerk: SANDRA SMITH Reporter/Recorder: DONNA ANTONACCI</i> Heard By: Gerard Bongiovanni
09/11/1991	<b>Petition</b> (9:00 AM) <i>PROPER PERSON MOTION FOR APPOINTMENT OF COUNSEL FOR ASSISTANCE ON POST</i> Heard By: Michael Wendell
09/11/1991	<b>Petition</b> (9:00 AM) <i>PROPER PERSON REQUEST FOR EXTENSION OF TIME TO FILE POST CONVICTION RELIEF</i> Heard By: Michael Wendell
09/11/1991	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 9/11/91 Court Clerk: SANDRA SMITH Reporter/Recorder: YVONNE VALENTIN</i> Heard By: Lee Gates
09/17/1991	 Order
10/25/1991	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
06/17/1992	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed In Forma Pauperis (Sealed)</i>
06/17/1992	 Motion for Appointment of Attorney <i>Motion for Appointment of Counsel</i>
06/17/1992	 Petition <i>Petition for Post-Conviction Relief (N.R.S. 177.315 et seq.)</i> Petition
06/17/1992	 Affidavit in Support <i>Affidavit in Support of Request to Proceed In Forma Pauperis (Sealed)</i>
07/08/1992	<b>Petition</b> (9:00 AM) Events: 06/17/1992 Motion for Leave to Proceed in Forma Pauperis <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i> Heard By: Lee Gates
07/08/1992	<b>Petition</b> (9:00 AM) Events: 06/17/1992 Motion for Appointment of Attorney <i>PRO PER MOTION FOR APPOINTMENT OF COUNSEL</i> Heard By: Lee Gates
07/08/1992	<b>Petition</b> (9:00 AM) Events: 06/17/1992 Petition <i>PRO PER PETITION FOR POST CONVICTION RELIEF</i> Heard By: Lee Gates
07/08/1992	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 7/8/92 Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN</i> Heard By: Lee Gates

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**











07/08/1992	 Amended <i>Amendment to the Petition for Post-Conviction Relief Filed on the 17th Day of June, 1992.</i>
07/08/1992	 Application <i>Application for Order to Produce Inmate / Petitioner</i>
07/08/1992	 Affidavit in Support <i>Affidavit in Support of Application to Produce Inmate Petitioner</i>
07/08/1992	 Points and Authorities <i>Points and Authorities in Support of Application for Post-Conviction Relief, Pursuant to N.R.S. 177 et seq.</i>
07/08/1992	 Points and Authorities <i>Points and Authorities in Support of Motion for Appointment of Counsel Pursuant to N.R.S. 177.345</i>
07/10/1992	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Lee Gates</i>
07/10/1992	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Lee Gates</i>
07/10/1992	<b>Petition (9:00 AM)</b> <i>PRO PER PETITION FOR POST CONVICTION RELIEF Heard By: Lee Gates</i>
07/10/1992	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS FOR 7-10-92 Relief Clerk: TINA HURD Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
07/23/1992	 Response <i>Response to Petition for Post-Conviction Relief; Response to Motion to Proceed In Forma Paupers; Response to Motion to Appoint Counsel</i>
07/27/1992	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Lee Gates</i>
07/27/1992	<b>Petition (9:00 AM)</b> <i>PRO PER PETITION FOR POST CONVICTION RELIEF Heard By: Lee Gates</i>
07/27/1992	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS 7/27/92 Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
07/29/1992	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Lee Gates</i>
07/29/1992	<b>Petition (9:00 AM)</b> <i>PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Lee Gates</i>
07/29/1992	<b>Petition (9:00 AM)</b> <i>PRO PER PETITION FOR POST CONVICTION RELIEF Heard By: Lee Gates</i>
07/29/1992	<b>All Pending Motions (9:00 AM)</b>

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**CASE SUMMARY**  
**CASE No. 87C079346-1**

*ALL PENDING MOTIONS 7/29/92 Court Clerk: SANDRA BROUGH Reporter/Recorder:  
YVONNE VALENTIN Heard By: Lee Gates*







09/16/1992	 <b>Order Confirming</b> <i>Order Confirming Counsel Order for Release of all Pleadings, Papers and Appeal Record Order for Copying of Entire Court File Order for Interim Payment</i>
09/30/1992	<b>Petition (9:00 AM)</b> <i>PRO PER PETITION FOR POST CONVICTION RELIEF Relief Clerk: SANDRA SMITH Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i>
11/23/1992	<b>Petition (9:00 AM)</b> <i>PRO PER PETITION FOR POST CONVICTION RELIEF Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
12/14/1992	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
12/15/1992	 <b>Subpoena Duces Tecum</b>
01/13/1993	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i>
01/27/1993	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i>
03/26/1993	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK Relief Clerk: DENISE TRUJILLO Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i>
04/26/1993	<b>Status Check (8:45 AM)</b> <i>STATUS CHECK Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
05/11/1993	 <b>Order Granting</b> <i>Order Granting Leave to Proceed In Forma Pauperis (Sealed)</i>
05/21/1993	 <b>Ex Parte Order</b> <i>Ex Parte Order for Transportation of Defendant</i>
06/25/1993	<b>Status Check (8:45 AM)</b> <i>STATUS CHECK Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
07/06/1993	 <b>Order</b> <i>Order Appointing Investigator</i>
08/06/1993	 <b>Affidavit</b> <i>Affidavit of Counsel</i>
08/06/1993	 <b>Receipt of Copy</b>
08/09/1993	<b>Hearing (8:45 AM)</b> <i>EVIDENTIARY HEARING Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: GATES, LEE A</i>

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**CASE SUMMARY**  
**CASE NO. 87C079346-1**







09/10/1993	 Motion <i>Motion for Payment of Excess Attorney's Fees Motion for Payment of Excess Investigators' Fees</i>
09/13/1993	 Notice of Motion
09/14/1993	 Receipt of Copy
09/29/1993	<b>Motion for Fees (9:00 AM)</b> Events: 09/13/1993 Notice of Motion <i>NOTICE OF MOTION FOR FEES IN EXCESS Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
10/06/1993	<b>Motion for Confirmation of Counsel (8:45 AM)</b> <i>CONFIRMATION OF COUNSEL (MCDONALD, P) Court Clerk: SANDRA BROUGH Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
10/06/1993	 Order to Withdraw as Attorney of Record <i>Order to Withdraw as Counsel of Record</i>
12/06/1993	 Stipulation <i>Stipulation for Payment of Fee</i>
02/22/1994	 Order for Production of Inmate
03/01/1994	 Motion to Continue <i>Motion to Continue and and Reschedule Post-Conviction Relief Hearing</i>
03/02/1994	<b>Hearing (9:30 AM)</b> <i>EVIDENTIARY HEARING Relief Clerk: SUSAN BURDETTE/sb Reporter/Recorder: JOAN GRIMES Heard By: Lee Gates</i>
03/09/1994	<b>Status Check (8:45 AM)</b> <i>STATUS CHECK Court Clerk: SANDRA ISRAEL Reporter/Recorder: YVONNE VALENTIN Heard By: Lee Gates</i>
03/31/1994	<b>Request of Court (9:00 AM)</b> <i>AT THE REQUEST OF THE COURT Court Clerk: TINA HURD Reporter/Recorder: TERESA DeROSSETT Heard By: BRENNAN, JAMES</i>
04/07/1994	<b>Request of Court (9:00 AM)</b> <i>AT THE REQUEST OF THE COURT Court Clerk: NANCY BANKS Reporter/Recorder: PATRICIA LOFFT Heard By: Addeliar Guy, III</i>
06/22/1994	 Stipulation and Order <i>Stipulation and Order for Excess Investigation Fees</i>
07/28/1994	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK Court Clerk: TINA HURD Reporter/Recorder: PATRICIA LOFFT Heard By: Addeliar Guy, III</i>
07/28/1994	 Supplement <i>Supplement to Defendant's Petition for Post-Conviction Relief</i>
09/30/1994	 Motion for Substitution

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**CASE SUMMARY**  
**CASE NO. 87C079346-1**












*Motion for Substitution and Dismissal of Legal Counsel [Ex Parte]*

09/30/1994	 Motion to Strike
09/30/1994	 Notice <i>Notice to the Court to Vacate the Evidentiary Hearing</i>
09/30/1994	 Certificate of Service
10/11/1994	<b>Petition</b> (9:00 AM) Events: 09/30/1994 Motion for Substitution <i>PRO PER MOTION FOR SUBSTITUTION AND DISMISSAL OF LEGAL COUNSEL Heard By: Addeliar Guy, III</i>
10/11/1994	<b>Petition</b> (9:00 AM) Events: 09/30/1994 Motion to Strike <i>PRO PER MOTION TO STRIKE Heard By: Addeliar Guy, III</i>
10/11/1994	<b>Petition</b> (9:00 AM) Events: 09/30/1994 Notice <i>PRO PER NOTICE TO THE COURT TO VACATE THE EVIDENTIARY HEARING Heard By: Addeliar Guy, III</i>
10/11/1994	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 10-11-94 Court Clerk: JOYCE BROWN Reporter/Recorder: PATRICIA LOFFT Heard By: Addeliar Guy, III</i>
10/25/1994	 Order for Production of Inmate
11/10/1994	<b>Petition</b> (9:00 AM) <i>PRO PER MOTION FOR SUBSTITUTION AND DISMISSAL OF LEGAL COUNSEL Heard By: Addeliar Guy, III</i>
11/10/1994	<b>Petition</b> (9:00 AM) <i>PRO PER MOTION TO STRIKE Heard By: Addeliar Guy, III</i>
11/10/1994	<b>Petition</b> (9:00 AM) <i>PRO PER NOTICE TO THE COURT TO VACATE THE EVIDENTIARY HEARING Heard By: Addeliar Guy, III</i>
11/10/1994	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 11-10-94 Court Clerk: JOYCE BROWN Reporter/Recorder: PATRICIA LOFFT Heard By: Addeliar Guy, III</i>
11/17/1994	<b>CANCELED Hearing</b> (9:30 AM) <i>Vacated</i>
11/17/1994	 Return <i>Return to Petition for Writ of Habeas Corpus</i>
12/01/1994	<b>Further Proceedings</b> (9:00 AM) <i>FURTHER PROCEEDINGS Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addeliar Guy, III</i>
12/02/1994	 Order <i>Order for Contact Visit</i>
12/08/1994	

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**CASE SUMMARY**  
**CASE NO. 87C079346-1**









	 Response <i>Response to State's Return to Petition for Writ of Habeas Corpus</i>
12/15/1994	<b>Petition for Writ of Habeas Corpus (9:00 AM)</b> <i>DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addeliar Guy, III</i>
02/10/1995	 Ex Parte Order <i>Ex Parte Order to Transport Defendant</i>
04/03/1995	 Ex Parte Order <i>Ex Parte Order to Transport</i>
04/06/1995	<b>Hearing (10:00 AM)</b> <i>HEARING: POST CONVICTION RELIEF Court Clerk: TINA HURD Reporter/Recorder: JANICE LISTON Heard By: BRENNAN, JAMES</i>
04/06/1995	 Order <i>Order for Contact Visit</i>
06/01/1995	<b>Hearing (10:00 AM)</b> <i>HEARING: POST CONVICTION RELIEF Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addeliar Guy, III</i>
07/06/1995	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: CASE FILE / PROCEDURAL ERRORS Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: GUY, III, ADDELIAR D</i>
07/12/1995	<b>Status Check (11:00 AM)</b> <i>STATUS CHECK: CASE FILE / PROCEDURAL ERRORS Court Clerk: TINA HURD Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Addeliar Guy, III</i>
07/28/1995	 Reporters Transcript <i>Transcript of Hearing Held on July 12, 1995</i>
08/04/1995	 Reporters Transcript <i>Transcript of Hearing Held on July 6, 1995</i>
08/31/1995	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: GUY, III, ADDELIAR D</i>
11/30/1995	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: ROBISON, NORMAN C.</i>
12/21/1995	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: ROBISON, NORMAN C.</i>
01/04/1996	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: ROBISON, NORMAN C.</i>
01/18/1996	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: DOUGLAS, MICHAEL L</i>

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**CASE SUMMARY**  
**CASE NO. 87C079346-1**








02/01/1996	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
02/06/1996	 <b>Supplement</b> <i>Second Supplement to Defendant's Petition for Post-Conviction Relief</i>
03/05/1996	 <b>Stipulation and Order</b> <i>Stipulation and Order to Vacate and Reset Evidentiary Hearing</i>
03/06/1996	 <b>Receipt of Copy</b>
03/08/1996	<b>CANCELED Hearing (9:00 AM)</b> <i>Vacated</i>
03/08/1996	<b>Evidentiary Hearing (9:00 AM)</b> <i>EVIDENTIARY HEARING</i>
03/21/1996	<b>Evidentiary Hearing (9:00 AM)</b> <i>EVIDENTIARY HEARING</i>
03/22/1996	<b>Evidentiary Hearing (9:00 AM)</b> <i>EVIDENTIARY HEARING</i>
03/22/1996	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: DEFT'S PETITION FOR POST-CONVICTION RELIEF</i>
03/22/1996	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (03-22-96) Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
04/22/1996	 <b>Supplement</b> <i>Third Supplement to Defendant's Petition for Post-Conviction Relief</i>
04/23/1996	 <b>Receipt of Copy</b>
04/30/1996	 <b>Reporters Transcript</b> <i>Transcript of Hearing Held on March 22, 1996</i>
04/30/1996	 <b>Reporters Transcript</b> <i>Transcript of Hearing Held on March 22, 1996</i>
05/06/1996	 <b>Response</b> <i>State's Response to Third Supplement to Defendant's Petition for Post-Conviction Relief</i>
05/15/1996	 <b>Motion for Leave to Proceed in Forma Pauperis</b> <i>Motion for Leave to Proceed In Forma Pauperis (Sealed)</i>
05/15/1996	 <b>Motion for Appointment of Attorney</b> <i>Motion for Appointment of Counsel</i>
05/15/1996	 <b>Petition</b> <i>Petition for Peremptory Writ of Mandamus N.R.S. 34.150 et seq.</i>



















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**CASE SUMMARY**  
**CASE NO. 87C079346-1**

05/15/1996	 Affidavit in Support <i>Affidavit in Support of Request to Proceed In Forma Pauperis (Sealed)</i>
05/15/1996	 Motion <i>Motion for Scheduling of Peremptory Writ of Mandamus and Motion for Order to Produce (Unsigned)</i>
05/18/1996	 Order Granting Motion <i>Order Granting Motion for Appointment of Counsel (Unsigned)</i>
05/20/1996	 Petition <i>Additional Summary to Defendant's Petition for Post-Conviction Relief Hearing</i>
05/31/1996	<b>Hearing (9:00 AM)</b> <i>HEARING: COURT'S DECISION Heard By: Michael Douglas</i>
05/31/1996	<b>Petition to Proceed in Forma Pauperis (9:00 AM)</b> Events: 05/15/1996 Motion for Leave to Proceed in Forma Pauperis <i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Heard By: Michael Douglas</i>
05/31/1996	<b>Motion for Appointment (9:00 AM)</b> Events: 05/15/1996 Motion for Appointment of Attorney <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Michael Douglas</i>
05/31/1996	<b>Petition for Writ of Mandamus (9:00 AM)</b> Events: 05/15/1996 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF MANDAMUS Heard By: Michael Douglas</i>
05/31/1996	<b>Motion (9:00 AM)</b> <i>DEFT'S PRO PER MTN FOR SCHDLNG PRMPTRY WRIT OF MANDAMUS/MTN FOR ORDER TO PRODCE Heard By: Michael Douglas</i>
05/31/1996	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (5-31-96) Court Clerk: SUSAN BURDETTE/sb Relief Clerk: DOROTHIE KROLL Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
06/19/1996	 Order <i>Order Allowing Withdrawal of Attorney of Record</i>
06/20/1996	 Notice of Entry of Order
06/26/1996	 Motion for Appointment of Attorney <i>Motion for Appointment of Counsel</i>
06/26/1996	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed In Forma Pauperis on Appeal to the Supreme Court (Sealed)</i>
06/26/1996	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
06/26/1996	 Affidavit in Support <i>Affidavit in Support of Motion to Proceed on Appeal In Forma Pauperis (Sealed)</i>

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**CASE SUMMARY**  
**CASE NO. 87C079346-1**

06/26/1996	 Designation of Record on Appeal
07/11/1996	<b>Motion for Appointment</b> (9:00 AM) Events: 06/26/1996 Motion for Appointment of Attorney <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Michael Douglas</i>
07/11/1996	<b>Petition to Proceed in Forma Pauperis</b> (9:00 AM) Events: 06/26/1996 Motion for Leave to Proceed in Forma Pauperis <i>DEFT' PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL Heard By: Michael Douglas</i>
07/11/1996	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (07-11-96) Court Clerk: SUSAN BURDETTE/sb Relief Clerk: ALICE LAIZURE Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
07/18/1996	<b>Motion for Appointment</b> (9:00 AM) <i>DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL Heard By: Michael Douglas</i>
07/18/1996	<b>Petition to Proceed in Forma Pauperis</b> (9:00 AM) <i>DEFT' PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL Heard By: Michael Douglas</i>
07/18/1996	<b>Motion for Confirmation of Counsel</b> (9:00 AM) <i>CONFIRMATION OF COUNSEL (J. ABOOD)</i>
07/18/1996	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 7-18-96 Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
08/14/1996	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion for Appointment of Counsel; Order Denying Defendant's Pro Per Motion for Leave to Proceed In Forma Pauperis on Appeal to the Supreme Court (Sealed)</i>
09/17/1996	 Reporters Transcript <i>Transcript of Hearing Held on May 31, 1996</i>
09/24/1996	<b>Request of Court</b> (9:00 AM) <i>AT THE REQUEST OF THE COURT PER SUPREME COURT ORDER Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
10/02/1996	 Findings of Fact, Conclusions of Law and Order
10/02/1996	 Notice of Entry of Order
10/10/1996	<b>Status Check</b> (9:00 AM) <i>STATUS CHECK: AS TO ORDER Court Clerk: JOYCE BROWN Reporter/Recorder: ANITA SPRINGS-WALKER Heard By: Michael Douglas</i>
10/30/1996	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/30/1996	 Certificate of Mailing





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**CASE SUMMARY**  
**CASE NO. 87C079346-1**

11/01/1996	 Case Appeal Statement
10/06/1997	 Stipulation
10/06/1997	 Motion <i>Motion for Certification of Entitlement to Excess Fees</i>
10/06/1997	 Receipt of Copy
10/09/1997	 Order
04/21/1999	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed; Rehearing Denied</i>
07/02/1999	 Receipt of Copy
07/06/1999	 Motion for Appointment <i>Motion for Appointment of Effective Counsel During Litigation of Petition for Writ of Habeas Corpus (Post Conviction)</i>
07/06/1999	 Notice of Motion
07/06/1999	 Affidavit in Support <i>Affidavit of Patricia M. Erickson in Support of Pro Per Motion for Appointment of Counsel</i>
07/06/1999	 Receipt of Copy
07/06/1999	 Receipt of Copy
07/08/1999	<b>Motion</b> (9:00 AM) <i>DEFT'S REQUEST WITHDRAW AS COUNSEL AND TO FILE PRO PER PETITION FOR WRIT HABEAS Heard By: Michael Douglas</i>
07/08/1999	<b>Motion for Appointment</b> (9:00 AM) <i>DEFT'S MOTION FOR APPOINTMENT OF EFFECTIVE COUNSEL DURING LITIGATION Heard By: Michael Douglas</i>
07/08/1999	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (7-8-99) Court Clerk: JOYCE BROWN Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
07/08/1999	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post Conviction)</i>
07/20/1999	 Opposition to Motion <i>Opposition to Defendant's Motion for Appointment of Effective Counsel</i>
07/20/1999	 Opposition <i>Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/05/1999	 Motion <i>Motion to Extend Time</i>

















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**CASE SUMMARY**  
**CASE NO. 87C079346-1**

08/11/1999	 Reporters Transcript <i>Transcript of Hearing Held on July 8, 1999</i>
08/12/1999	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: PATRICA M. ERICKSON'S REQUEST FOR WITHDRAWAL OF CHRIS MAGLARIS AS ATTY Heard By: Michael Douglas</i>
08/12/1999	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: DEFT'S PRO PER MTN FOR APPT OFCOUNSEL DURING LITIGATION OF PET WRIT HC Heard By: Michael Douglas</i>
08/12/1999	<b>Motion (9:00 AM)</b> Events: 08/05/1999 Motion <i>DEFT'S MOTION TO EXTEND TIME Heard By: Michael Douglas</i>
08/12/1999	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (08-12-99) Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
08/17/1999	 Reply to Opposition <i>Reply to State's Opposition to Defendant's Motion for Appointment of Effective Counsel</i>
08/19/1999	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: PATRICA M. ERICKSON'S REQUEST FOR WITHDRAWAL OF CHRIS MAGLARIS AS ATTY Heard By: Michael Douglas</i>
08/19/1999	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: DEFT'S PRO PER MTN FOR APPT OFCOUNSEL DURING LITIGATION OF PET WRIT HC Heard By: Michael Douglas</i>
08/19/1999	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (8-19-99) Court Clerk: JOYCE BROWN/JB Relief Clerk: KATHY STAITE Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
09/03/1999	 Declaration <i>Declaration of Rodney Emil in Support of Motion for Appointment of Counsel</i>
09/03/1999	 Receipt of Copy
09/07/1999	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: PATRICA M. ERICKSON'S REQUEST FOR WITHDRAWAL OF CHRIS MAGLARIS AS ATTY Heard By: Michael Douglas</i>
09/07/1999	<b>Hearing (9:00 AM)</b> <i>ARGUMENT: DEFT'S PRO PER MTN FOR APPT OFCOUNSEL DURING LITIGATION OF PET WRIT HC Heard By: Michael Douglas</i>
09/07/1999	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (09-07-99) Court Clerk: SUSAN BURDETTE/sb Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
09/20/1999	 Order <i>Order for Transcript</i>
09/21/1999	<b>Motion (9:00 AM)</b> <i>STATE'S REQUEST CLARIFICATION OF ISSUES TO WHICH THE STATE WILL RESPOND Court Clerk: SUSAN BURDETTE/sb Relief Clerk: BLANCA MADRIGAL Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>










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09/27/1999	<b>Status Check</b> (9:00 AM) <i>STATUS CHECK: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JOYCE BROWN/JB Relief Clerk: BLANCA MADRIGAL Reporter/Recorder: CATHY NELSON Heard By: Douglas, Michael L</i>
09/29/1999	<b>Status Check</b> (9:00 AM) <i>STATUS CHECK: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JOYCE BROWN/JB Relief Clerk: BLANCA MADRIGAL Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
09/30/1999	 <b>Order</b> <i>Order Requiring Reimbursement of Costs Expended by Pro Bono Counsel During Litigation of Habeas Petition</i>
10/15/1999	 <b>Reporters Transcript</b> <i>Transcript of Hearing Held on September 7, 1999</i>
11/12/1999	 <b>Reporters Transcript</b> <i>Transcript of Hearing Held on September 29, 1999</i>
11/22/1999	 <b>Notice of Motion</b> <i>Notice of Motion and Motion for Appointment of Investigator</i>
11/22/1999	 <b>Notice of Motion</b> <i>Notice of Motion to Continue Hearing on Petition for Writ of Habeas Corpus (Post Conviction) and Motion to Extend Time for Filing Petitioner's Reply to State's Opposition</i>
11/30/1999	 <b>Opposition to Motion</b> <i>Opposition to Defendant's Motion for Appointment of Investigator &amp; Motion to Continue Hearing on Petition for Writ of Habeas Corpus (Post Conviction) and Motion to Extend Time for Filing Petitioner's Reply to State's Opposition</i>
12/01/1999	<b>Hearing</b> (9:00 AM) <i>HEARING ARGUMENT: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>
12/01/1999	<b>Motion to Continue</b> (9:00 AM) <i>DEFT'S MOTION TO CONTINUE HEARING ON PTNFOR WRIT Heard By: Michael Douglas</i>
12/01/1999	<b>Motion for Appointment</b> (9:00 AM) Events: 11/22/1999 Notice of Motion <i>DEFT'S MOTION FOR APPOINTMENT OF INVESTIGATOR Heard By: Michael Douglas</i>
12/01/1999	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 12/1/99 Court Clerk: AMBER FARLEY Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
12/07/1999	 <b>Order</b>
01/12/2000	<b>CANCELED Hearing</b> (9:00 AM) <i>Vacated</i>
01/20/2000	 <b>Exhibits</b> <i>Exhibits to Petitioner's Reply to State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post Conviction)</i>


















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

01/20/2000	 Reply to Opposition <i>Reply to State's Opposition to Petition for Writ of Habeas Corpus (Post Conviction)</i>
01/20/2000	 Receipt of Copy
01/24/2000	<b>Hearing (9:00 AM)</b> <i>HEARING ARGUMENT: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i> <i>Heard By: Michael Douglas</i>
01/25/2000	 Reply <i>State's Surreply to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/27/2000	<b>Hearing (9:00 AM)</b> <i>HEARING ARGUMENT: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i> <i>Court Clerk: JOYCE BROWN Reporter/Recorder: CATHY NELSON Heard By: Michael Douglas</i>
02/01/2000	 Order <i>Order for Preparation of Transcripts at State's Expense</i>
02/03/2000	 Findings of Fact, Conclusions of Law and Order
02/03/2000	 Notice of Entry of Order
02/03/2000	 Receipt of Copy
02/22/2000	 Reporters Transcript <i>Transcript of Hearing Held on September 21, 1999</i>
02/22/2000	 Reporters Transcript <i>Transcript of Hearing Held on January 27, 2000</i>
02/22/2000	 Reporters Transcript <i>Transcript of Hearing Held on August 12, 1999</i>
02/22/2000	 Reporters Transcript <i>Transcript of Hearing Held on December 1, 1999</i>
02/22/2000	 Reporters Transcript <i>Transcript of Hearing Held on August 19, 1999</i>
03/03/2000	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
03/08/2000	 Case Appeal Statement
04/05/2002	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>
07/10/2006	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post Conviction)</i>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**










07/13/2006	 Exhibits <i>Exhibits to Petition for Writ of Habeas Corpus (Post Conviction)</i>
07/13/2006	 Exhibits <i>Exhibits to Petition for Writ of Habeas Corpus (Post Conviction) Volume Two of Four</i>
07/13/2006	 Exhibits <i>Exhibits to Petition for Writ of Habeas Corpus (Post Conviction) Volume Three of Four</i>
07/13/2006	 Exhibits <i>Exhibits to Petition for Writ of Habeas Corpus (Post Conviction) Volume Four of Four</i>
07/13/2006	 Receipt of Copy
07/21/2006	 Verification
08/29/2006	<b>Petition for Writ of Habeas Corpus (9:15 AM)</b> Events: 07/10/2006 Petition for Writ of Habeas Corpus <i>PTN FOR WRIT OF HABEAS CORPUS /67 Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle</i>
11/07/2006	 Response <i>State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/22/2007	 Reply <i>Rodney Emil's Reply and Opposition to State's Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post Conviction)</i>
01/22/2007	 Receipt of Copy
01/25/2007	<b>Petition for Writ of Habeas Corpus (11:00 AM)</b> <i>PTN FOR WRIT OF HABEAS CORPUS /67</i>
01/25/2007	<b>CANCELED Hearing (11:00 AM)</b> <i>Vacated</i>
04/23/2007	<b>Request (9:30 AM)</b> <i>STATES REQUEST STAUS CHECK OF ARGUMENT Heard By: Michelle Leavitt</i>
04/25/2007	<b>Request (9:30 AM)</b> <i>STATES REQUEST STAUS CHECK OF ARGUMENT Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt</i>
05/21/2007	<b>Petition for Writ of Habeas Corpus (11:00 AM)</b> <i>PTN FOR WRIT OF HABEAS CORPUS /67</i>
05/21/2007	<b>Hearing (11:00 AM)</b> <i>ARGUMENT/DECISION: PTN FOR WRIT HABEAS CORPUS Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle</i>
05/22/2007	<b>Hearing (9:30 AM)</b> <i>ARGUMENT/DECISION: PTN FOR WRIT HABEAS CORPUS Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle</i>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**




05/24/2007	<b>Hearing (11:00 AM)</b> <i>ARGUMENT/DECISION: PTN FOR WRIT HABEAS CORPUS Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt</i>
05/31/2007	 <b>Order</b> <i>Order for Transcript</i>
06/19/2007	 <b>Reporters Transcript</b> <i>Transcript of Hearing Held on May 24, 2007</i>
07/09/2007	 <b>Objection</b> <i>Objection to State's Proposed Findings of Fact, Conclusions of Law and Order</i>
07/16/2007	 <b>Findings of Fact, Conclusions of Law and Order</b>
07/18/2007	 <b>Notice of Entry of Decision and Order</b>
08/15/2007	 <b>Certificate</b> <i>Certificate of No Transcript Request</i>
08/15/2007	 <b>Notice of Appeal (criminal)</b> <i>Notice of Appeal</i>
08/15/2007	 <b>Case Appeal Statement</b>
09/21/2007	 <b>Petition for Writ of Habeas Corpus</b> <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/10/2007	<b>Minute Order (9:00 AM)</b> <i>MINUTE ORDER RE: DECLINING TO SIGN WRIT OF HABEAS CORPUS Court Clerk: April Watkins Heard By: Michelle Leavitt</i>
10/22/2007	 <b>Notice of Appeal (criminal)</b> <i>Notice of Appeal</i>
10/22/2007	 <b>Certificate of Mailing</b> <i>Certificate of Mailing.</i>
10/25/2007	 <b>Case Appeal Statement</b>
01/03/2008	 <b>Findings of Fact, Conclusions of Law and Order</b>
01/05/2008	 <b>Notice of Entry of Decision and Order</b>
01/17/2008	 <b>Notice of Appeal (criminal)</b> <i>Notice of Appeal</i>
01/22/2008	 <b>Case Appeal Statement</b>
05/16/2008	 <b>NV Supreme Court Clerks Certificate/Judgment - Affirmed</b> <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>



DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

03/19/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied; Petition Denied</i>
03/12/2014	 Notice of Motion
03/12/2014	 Memorandum <i>Memorandum and Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>
03/31/2014	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Pro Per Memorandum and Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>
04/03/2014	 <b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant - Notice of Motion for Memorandum and Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>
05/08/2014	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Memorandum and Motion to Dismiss for Lack of Subject Matter and Jurisdiction</i>
10/20/2015	 Memorandum <i>Memorandum In Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/20/2015	 Memorandum <i>Memorandum In Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/20/2015	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/03/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>Findings of Fact, Conclusions of Law, and Order</i>
11/16/2015	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
11/16/2015	 Designation of Record on Appeal
11/19/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i>
11/19/2015	 Case Appeal Statement Filed By: Defendant Leavitt, Todd M
12/08/2015	 Request Filed by: Defendant Leavitt, Todd M <i>Request for Transcripts of Proceedings</i>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 87C079346-1**

10/07/2016	 Notice of Appeal (criminal) Party: Defendant Leavitt, Todd M <i>Notice of Appeal</i>	
10/07/2016	 Designation of Record on Appeal Filed By: Defendant Leavitt, Todd M <i>Designation of Record on Appeal</i>	
10/10/2016	 Case Appeal Statement	

DATE	FINANCIAL INFORMATION	
	<b>Defendant</b> Leavitt, Todd M	
	Total Charges	38.00
	Total Payments and Credits	38.00
	<b>Balance Due as of 10/10/2016</b>	<b>0.00</b>

CASE NO. C79346 TITLE STATE VS. TODD MITCHELL LEAVITT and RODNEY LYN EMIL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
6-30-87 ADDELIAR D. GUY DEPT. XI  L. LERNER & T. ALMSTEAD (CLERKS) BILL NELSON (REPORTER) 11	<u>ARRAIGNMENT</u> State represented by Valerie Vega, DDA. Deft. Leavitt present in custody with counsel, Robert Wolf appearing for Frank Cremen. Deft. Emil present in custody with counsel, Robert Wolf. Mr. Wolf stated Mr. Cremen had to be in another Dept. and will handle arraignment alone for both Defts. No objection by Mr. Leavitt. Both Defts received copy of information; waived reading of same. <u>Deft. Leavitt duly arraigned, entered plea</u> <u>of not guilty and invoked the sixty (60) day</u> <u>rule.</u> <u>Deft. Emil duly arraigned, entered plea of</u> <u>not guilty and invoked the sixty (60) day rule,</u> COURT ORDERED, matter set for trial. CUSTODY	8-17-87 9:00 a.m. JURY TRIAL  8-13-87 9:00 a.m. CALENDAR CALL (BOTH DEFTS)
8-4-87 ADDELIAR D. GUY DEPT. XI  P. GRAF & L. LERNER, CLERKS  B. NELSON, RPT	<u>DEFENDANTS' MOTION FOR SEVERANCE</u> State represented by Scott Mitchell, DDA. Defendant Leavitt neither present nor represented by counsel. Defendant Emil present in custody with Rick Wolf. Counsel requested two-day continuance. Court inquired as to exculpatory statements made by either one or both defendants, COURT ORDERED, continued, requested counsel be more specific during argument. CUSTODY	SAME  8-6-87 p 9
8-6-87 ADDELIAR D. GUY DEPT. XI  P. GRAF, CLERK  B. NELSON, RPT	<u>DEFENDANTS' MOTION FOR SEVERANCE</u> State represented by Tom Leen, DDA. Defendant Leavitt neither present nor represented by counsel Frank Cremen. Defendant Emil present in custody with Rick Wolf, Esq., who advised Mr. Leen opposed motion and requested withdrawal of same, COURT SO ORDERED.  CUSTODY (BOTH)	
8-13-87 ADDELIAR D. GUY DEPT. XI T. HERNANDEZ J. WEBER (CLERKS) B. NELSON (REPORTER)	CALENDAR CALL - STATE'S MOTION TO ENDORSE NAMES DEFENDANT LEAVITT'S MOTION FOR PRODUCTION OF EVIDENCE; MOTION IN LIMINE - DEFENDANT EMIL'S JOINDER IN MOTION OF CO-DEFENDANT'S MOTION FOR PRODUCTION OF EVIDENCE; MOTION IN LIMINE State represented by S. Mitchell, DDA Deft. LEAVITT present in custody with F. CREMEN. Deft. EMIL present in custody with R. WOLF. Statement by Court and argument by Mr. Cremen re Motion to suppress. COURT ORDERED, motion continued, Court will read both cases and Mr. Cremen to bring up the motion before the trial Judge. Mr. Mitchell stated no objection re tape recording and will produce that today, SO ORDERED, and to be recalendared by counsel if not completed. Mr. Mitchell stated he will be filing a motion in Limine. Objection by Mr. Cremen. Objections by Mr. Cremen and Mr. Wolf to State's Motion to Endorse. Court	8-14-87 at 9 AM  CONTINUED CALENDAR CALL ----- 8-17-87 at 9 AM  MOTION TO SUPPRE (BOTH DEFTS.)

CONTINUED...

MINUTES — CRIMINAL

CASE NO. C79346

TITLE STATE OF NEVADA VS. MITCHELL LEAVITT AND  
RODNEY LYN EMILDATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES - HEARING

CONTINUED TO:

8-13-87	<p>CONTINUED</p> <p>advised defense counsel and state that motion to endorse would be granted and if defense counsel should request continuance one will be granted. Objection by Mr. Cremen to continuance thereafter, moved for bail reduction to \$10,000. COURT ORDERED, motion denied. Mr. Cremen argued that deft. entitled to trial within 60 days. Court further informed Mr. Cremen motion would be granted over objection and Mr. Cremen thereafter, requested trial date reset. Mr. Wolf joined in objections of Mr. Cremen. Statement by Mr. Mitchell and argued against continuance on behalf of State and informed Court and Counsel which witnesses endorsed would be called. Upon inquiry of Court Mr. Cremen requested passed one day, SO ORDERED. Mr. Wolf joined in Mr. Cremen's motions, SO ORDERED. CUSTODY (BOTH)</p>	
8-14-87 ADELIAR D. GUY DEPT. XI T. HERNANDEZ (CLERK) B. NELSON (REPORTER)	<p>CALENDAR CALL</p> <p>State represented by S. Mitchell, DDA. Defts LEAVITT AND EMIL present in custody with R. Wolf, Mr. Wolf appearing on behalf of Mr. Cremen for Deft. Leavitt.</p> <p>Argument by Mr. Wolf, defense filed Motion in Limine. Further, Mr. Wolf advised Court Mr. Cremen not present today, informed his client of this yesterday and does not oppose Mr. Wolf representing him today. COURT ORDERED, Motion in Limine re exculpatory statements denied without prejudice and to be brought up before the trial Judge. Court signed Order to Endorse in open Court, granted yesterday. Based upon Court's ruling yesterday, Mr. Wolf would move to continue trial to investigate endorsements, requested 30 day continuance, BY THE COURT SO ORDERED, pursuant to denial of a motion to sever, Cases will be tried together.</p> <p>Opposition by Mr. Mitchell to continuance. Upon inquiry of Court, Mr. Mitchell stated Capitol case. Mr. Wolf stated this is the first time he learned that information, Notice of Intent to Seek Death Penalty has not been filed. COURT ORDERED, trial date vacated and reset. Arguments of counsel re production of tapes. COURT ORDERED, all counsel to meet with Court today at 3 PM, bring all tapes to the meeting. CUSTODY (BOTH)</p>	<p>8-18-87 at 9 AM</p> <p>STATUS CHECK RE TAPES &amp; TRANSCRIPTS</p> <p>-----</p> <p>9-28-87 at 10 AM JURY TRIAL</p> <p>-----</p> <p>9-24-87 at 9 AM CALENDAR CALL</p>
	<p>LATER, Mr. Lukens, DDA. informed Court after Court this morning, Counsel settled the matter re tapes. COURT ORDERED, status check 8-18-87 at 9 AM to make record of settlement on issue of the tapes.</p>	

MINUTES - CRIMINAL

CASE NO. C79346

TITLE STATE OF NEVADA VS. TODD MITCHELL LEAVITT AND RODNEY  
LYN EMILDATE JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

8-18-87  
ADELIAR D. GUY  
DEPT. XI  
T. HERNANDEZ  
(CLERK)  
C. MILLER  
(REPORTER)

STATUS CHECK RE TAPES  
State represented by S. Mitchell, DDA. Defts. LEAVITT AND EMIL present in custody with F. Cremen. Mr. Cremen appearing on behalf of Mr. Wolf for these proceedings and so informed the Court. Mr. Cremen stated Mr. Wolf indicated he could speak for him today. Mr. Cremen stated defense interested in a tape made by Karen Good of a conversation between she and Kenneth Bond on 9-1-86 and has been advised by the Police Officer in charge that this tape does not exist. Mr. Mitchell stated he discovered his first witness at trial, Dr. Sheldon Green will be out of town that week. Mr. Cremen requested 9-28-87 date stand and advised Court and Counsel he would not oppose Dr. Green's testimony from Preliminary Hearing transcript of his testimony being used, however, does not know if Mr. Wolf would oppose. State concurred with suggestion BY THE COURT SO ORDERED.

CUSTODY (BOTH)

9-24-87  
ADELIAR D. GUY  
DEPT. XI  
T. HERNANDEZ  
(CLERK)  
C. MILLER  
(REPORTER)

CALENDAR CALL  
State represented by S. Mitchell, DDA. Defts. LEAVITT AND EMIL present in custody with R. Wolf. Mr. Wolf advised Court Mr. Cremen is in a Federal Jury Trial which will not end until Thursday next week. State answered ready for trial. Mr. Wolf stated based upon late filing of Motion to Suppress necessitated a continuance. Mr. Mitchell stated three out-of-state witnesses.

9-29-87 at 9 AM

JURY TRIAL SETTING.

Mr. Wolf answered ready for trial. Mr. Mitchell inquired of Court re bifurcation. COURT ORDERED, denied. COURT ORDERED, trial date vacated, continued to Tuesday, Mr. Cremen to be present with to inform Court when he could be ready in 3-4 weeks.

CUSTODY

9-29-87  
ADELIAR D. GUY  
DEPT. XI  
Cindy Wells  
Clerk  
Connie Miller  
Reporter

TRIAL SETTING  
State represented by S. Mitchell, DDA; Defendants LEAVITT and EMIL present in custody with R. Wolf for Deft. Emil and on behalf of F. Cremen for Deft. Leavitt. COURT ORDERED, matter set for trial.

11-23-87 @ 10 AM

JURY TRIAL

CUSTODY (BOTH)

11-19-87 @ 9 AM

CALENDAR CALL

MINUTES — CRIMINAL

CASE NO. C79346

TITLE STATE OF NEVADA VS TODD MITCHELL LEAVITT 1622661

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
10-6-87 ADDELIAR D. GUY DEPT. XI  S. MITCHELL, DDA  P. GRAF, CLERK  S. BARTHOLOMEW RPT	AT REQUEST OF DISTRICT ATTORNEY State represented by Scott Mitchell, DDA. Defendant Todd Leavitt present without benefit of counsel, F. Cremen. Defendant Emil present without benefit of counsel R. Wolf. Mr. Mitchell advised had another murder trial conflicting with this one, requested continuance. Defendant objected. Mr. Mitchell first two continuances were at request of defendants. Counsel appeared and were informed, ORDERED, trial continued 11-9-87 @ 10; Calendar Call 11-5-87.	JURY TRIAL  11-9-87 @ 10  CALENDAR CALL  11-5-87
	CUSTODY (BOYD)	
10-27-87 ADDELIAR D. GUY DEPT. XI T. HERNANDEZ (CLERK) C. MILLER (REPORTER)	FRANK CREMEN'S MOTION TO WITHDRAW AS COUNSEL (LEAVITT) State represented by K. Van de Pol, DDA. Deft. LEAVITT present in custody with F. Cremen. Stepfather to deft. present, Matthew Brown. Argument by Mr. Cremen. Argument by defendant. Copy of deft.'s motion provided to Court. Mr. Cremen stated stepfather intends to hire Oscar Goodman, in light of the fact they intend to hire private Counsel, moved to be relieved as Court Appointed counsel, COURT ORDERED, motion continued. Statement by Stepfather: State does not oppose motion, however, requested both defts. tried together. Mr. Cremen stated has trial starting 11-2-87.	10-29-87 at 9 AM  FRANK CREMEN'S MOTION TO WITHDRAW AS COUNSEL FOR (LEAVITT)
	CUSTODY (LEAVITT)	
10-29-87 ADDELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) C. MILLER (REPORTER)	FRANK CREMEN'S MOTION TO WITHDRAW State represented by V. Vega, DDA. Deft. LEAVITT present in custody with F. Cremen. Deft.'s mother present, Dawn Brown. Statement by deft.'s mother re contact with private Counsel in this matter, discussed matter with R. Legakes, present in Court, no agreement reached. Upon inquiry of Court, Mr. Legakes stated for health reasons cannot accept the case. Deft.'s mother requested another Court appointed attorney. COURT ORDERED, Pat Donninger present in Court is appointed, and later vacated that Order and trial date due to contract attorneys cannot accept Murder cases. COURT ORDERED, Mr. Cremen's motion to withdraw granted. Mr. Cremen offered to turn over his files today. COURT ORDERED, trial date set, if mother intends to hire private counsel to do so within 15-20 days because trial date will not be vacated, and after hearing of conflict with contract attorney vacated trial date and continued matter. Upon inquiry of Ms. Vega, co-deft.'s trial will proceed on 11-9-87.	11-3-87 at 9 AM  APPOINTMENT OF COUNSEL  (LEAVITT)

MINUTES — CRIMINAL

CONTINUED...

CASE NO. C79146 TITLE STATE OF NEVADA VS. TODD MITCHELL LEAVITT AND RODNEY LYN EMIL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES -- HEARING	CONTINUED TO:
10-29-87	CONTINUED COURT ORDERED, matter continued, Ms. Donninger assist the Court and notify Mr. James Erbeck to be present on 11-3-87. CUSTODY (LEAVITT)	
11-3-87 ADDELIAR D. GUY DEPT. XI  P. GRAP, CLERK  C. MILLER, RPT	APPOINTMENT OF COUNSEL State represented by Chris Owens, DDA. Defendant Leavitt represented by James Erbeck, Esq, who confirmed as counsel for defendant; defendant would not waive 60-day Rule; COURT ORDERED, Trial date to stand. CUSTODY	JURY TRIAL 11-9-87 @ 10  CALENDAR CALL  11-5-87 @ 9
11-5-87 ADDELIAR D. GUY DEPT. XI  P. GRAP, CLERK  C. MILLER, RPT	CALENDAR CALL State represented by Michael O'Callaghan, DDA. Defendant Leavitt present in custody with James Erbeck, Esq. Defendant Emil present with Rick Wolf, Esq. Following argument of counsel, COURT ORDERED, trials continued as noted; Emil trial estimated 7-10 days in length. CUSTODY	JURY TRIAL DEPT. EMIL 11-8-87 @ 10 DEPT. IV OVERFLOW  JURY TRIAL DEPT. LEAVITT 2-16-88 @ 10 CALENDAR CALL 2-11-88 @ 9

CASE NO. C079346

TITLE THE STATE OF NEVADA VS RODNEY LYNN EMIL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
11-09-87 JUDGE WENDELL DEPT. VIII Cindy Wells Clerk Patsy Smith Reporter	<u>JURY TRIAL</u> State represented by Michael O'Callaghan, DDA; Defendant EMIL present with Robert Wolf. Twelve Jurors and two Alternates sworn. Clerk read Information. Exclusionary rule invoked. Opening statements by counsel. Witnesses sworn and testified, exhibits marked and admitted as per attached worksheets. COURT ORDERED, continued. CUSTODY	NOVEMBER 10, 1987 at 10 AM  JURY TRIAL CONTINUED
11-10-87 JUDGE WENDELL DEPT. VIII Cindy Wells Clerk Patsy Smith Reporter	<u>JURY TRIAL</u> State represented by Michael O'Callaghan, DDA; Defendant EMIL present with Robert Wolf. Jury present. Witnesses sworn and testified; exhibits marked and admitted as per attached worksheets. Argument re: testimony of Mr. Koba outside presence of Jury. COURT ORDERED, continued. CUSTODY	NOVEMBER 12, 1987 at 10 AM  JURY TRIAL CONTINUED
11-12-87 JUDGE WENDELL DEPT. VIII Cindy Wells Clerk Patsy Smith Reporter	<u>JURY TRIAL-CONTINUED</u> State represented by Michael O'Callaghan, DDA; Defendant EMIL present with Robert Wolf. State moved to endorse names on the Information. Argument. COURT ORDERED, motion granted. Jury present. Witnesses sworn and testified, exhibits marked and admitted as per attached worksheets. Outside presence of Jury, further argument as to testimony of Mr. Koba and Ma. Folkner. Jury present. Further testimony. COURT ORDERED, continued. CUSTODY	NOVEMBER 13, 1987 at 10 AM  JURY TRIAL CONTINUED
11-13-87 JUDGE WENDELL DEPT. VIII Cindy Wells Clerk Patsy Smith Reporter	<u>JURY TRIAL-CONTINUED</u> State represented by Michael O'Callaghan, DDA; Defendant EMIL present with Robert Wolf. Motions outside presence of Jury. Jury present. Further testimony. COURT ORDERED, continued. CUSTODY	NOVEMBER 16, 1987 at 10 AM  JURY TRIAL CONTINUED
11-16-87 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>CONTINUATION OF JURY TRIAL</u> State represented by DDA, Michael O'Callaghan. Def. Emil present, in custody, represented by counsel, Robert Wolf. Jury present. Further testimony and evidence presented. (See Witness and Exhibit Sheets). STATE RESTED. Witnesses presented by the defense. OUTSIDE PRESENCE OF JURY: Counsel discussed the use of Marijuana by Mr. Merlin Leavitt. JURY	11-17-87, 10AM CONTINUATION OF JURY TRIAL

CONTINUED

MINUTES - CRIMINAL



CASE NO. C79346 TITLE STATE OF NEVADA vs RODNEY LYNN EMIL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
11-16-87 CONTINUED	PRESENT: DEFENSE RESTED. NO REBUTTAL. At the hour of 3:45 P.M., Court recessed in this matter until 10:00 A.M., 11-17-87.  CUSTODY	
11-17-87 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Emil present, in custody, represented by counsel, Robert Wolf. Jury present. At this time the Court INSTRUCTED the Jury. Counsel stipulated a copy of the Information could go to the Jury. Opening argument by Mr. O'Callaghan. Answering argument by Mr. Wolf. OUTSIDE PRESENCE OF JURY: Discussion at the Bench regarding excusing Juror #4, Res Dudley Prickett. JURY PRESENT: Court excused Juror #4, Mr. Prickett, and Alternate Juror #1, Julie Kay Bergner was seated in place and stead of Mr. Prickett. Closing argument by Mr. O'Callaghan. At the hour of 3:35 P.M., Alternate Juror #2, Jack Philip Platcher, was admonished by the Court and excused. The Bailiff was sworn at this time to take charge of the Jury and the Jury retired to deliberate. At the hour of 5:05 P.M., Jury returned Verdict of Guilty of First Degree Murder With Use of Deadly Weapon. At this time the Court thanked and excused the Jury. COURT ORDERED, bail, if any, is revoked and this matter is continued for sentencing.  CUSTODY	12-16-87, 9AM SENTENCING
12-10-87 J. CHARLES THOMPSON DEPT. I FOR XI T. ALMSTEAD P. TAYLOR (CLERK) J. LISTON (RECORDER)	STATE'S MOTION TO ENDORSE NAMES (LEAVITT) DEFENDANT'S MOTION FOR A NEW TRIAL (EMIL) STATE REPRESENTED BY CHRIS OWENS, DDA. DEFT. LEAVITT PRESENT IN CUSTODY WITH JAMES ERBECK. DEFT. EMIL PRESENT IN CUSTODY WITH FRANK CREMEN APPEARING FOR ROBERT WOLF. MR. ERBECK ADVISED HE HAS RECEIVED THE MOTION AND DISCOVERY AND OBJECTS TO THE MOTION. THE COURT ORDERED, THE MOTION IS GRANTED. THE CLERK ADVISED THE TRIAL FOR DEFT. EMIL WAS HEARD BY DEPT. VIII. THE COURT STATED HE SHOULD HEAR THE MOTION AND CONTINUED THE MATTER TO DEPT. VIII WITH SENTENCING.  CUSTODY (BOTH)	12-16-87 9:00 a.m. SENTENCING DEPT'S MOTION FOR A NEW TRIAL (EMIL) DEPT. VIII

CASE NO. C79346TITLE STATE OF NEVADA vs. RODNEY LYN EMIL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
12-16-87 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Stephanie Kitchen, Reporter	<u>SENTENCING</u> <u>DEFENDANT'S MOTION FOR A NEW TRIAL</u> State represented by DDA, Ronald Bloxham. Deft. Emil present, in custody, represented by counsel, Robert Wolf. The Court advised counsel it had spoken with Dept. of P&P and was advised the file had been returned to the D.A.'s office and the file wasn't available to prepare the Pre-Sentence Investigation Report. Mr. Wolf moved for an evidentiary hearing. Mr. Wolf presented Motion for New Trial. COURT ORDERED, Motion for New Trial and for evidentiary hearing is denied and this matter is continued for sentencing.  CUSTODY	1-20-88, 9AM SENTENCING
1-20-88 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>SENTENCING</u> State represented by DDA, Douglas Smith. Deft. Emil present, in custody, without benefit of counsel, Mr. Wolf having called this morning stating he is ill and requested the matter be continued and by the COURT SO ORDERED.  CUSTODY	1-27-88, 9AM SENTENCING
1-27-88 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Stephanie Kitchen, Reporter	<u>SENTENCING</u> State represented by DDA, George Assad. Deft. Emil present, in custody, represented by counsel, Robert Wolf. Richard Ainsworth present on behalf of Dept. of P&P. The Court stated in an unrelated case, C72486, Deft. filed a number of documents, the case dealt with Burglary back in 1985; Bailiff is giving Deft. a copy of the Court's Decision denying Petition; also, in these papers Deft. was asking discovery in this case. At this time the Deft. advised the Court discovery was for the other case. Deft. Emil having been found Guilty by a Jury of the offense of Murder With Use of a Deadly Weapon, the Court adjudges Deft. Guilty; JUDGMENT that Deft. Emil be sentenced to Nevada State Prison for a term of life without the possibility of parole on the charge of Murder and a consecutive sentence on the charge, Use of a Deadly Weapon in Commission of a Crime. Deft. is remanded to custody. Mr. Wolf at this time advised the Court that he had advised the Defendant he would not take the Appeal in this matter. COURT ORDERED, Mr. Wolf is released as Defendant's counsel and this matter is continued to confirm counsel to take the Appeal. ✓✓  (CUSTODY)	2-3-88, 9AM CONFIRMATION OF COUNSEL TO TAKE THE APPEAL

MINUTES — CRIMINAL

CASE NO. C79146 TITLE STATE OF NEVADA vs RODNEY LYNN EMIL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	
2-3-88 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>CONFIRMATION OF COUNSEL TO TAKE THE APPEAL</u> State represented by DDA, Douglas Smith. Deft. Emily present in custody. Mr. Cal Potter present and advised the Court he would accept the appointment to take the Appeal in this matter. COURT ORDERED, Mr. Potter is confirmed as counsel. The Court directed Mr. Potter to prepare formal Order. At this time the Defendant inquired of the Court as to the Motion in C72488. COURT ORDERED, in Case C72488, it is to be placed on Calendar, 2-5-88, for Further Consideration by the Court.	
2-11-88 ADDELZAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) T. MOSS (REPORTER)	<u>DEFENDANT'S MOTION TO DISCLOSE FAVORABLE EVIDENCE, PAYMENTS, BENEFITS, AND PROMISES</u> State represented by K. Van de Pol, DDA. Deft. LEAVITT present in custody with J. Erbeck. Court stated Mr. Erbeck is in trial until Tuesday of next week. Record Reflect, record reflect Court talked to Mr. Erbeck and Mr. O'Callahan about trial date of 3-21-88 (7-10) day trial. Ms. Van de Pol stated Mr. O'Callahan reviewed his calendar when he returned to his office and learned that he would be in Justice Court Preliminary Hearings the weeks of 3-21-88 and 3-28-88. Mr. Erbeck stated talked to Mr. O'Callahan, and adamantly opposes a continuance after 3-21-88. Court Stated, if Mr. O'Callahan has a problem with the date, and Mr. Erbeck has a conflict being in a Federal trial 3-4 weeks commencing 3-7-88, contact Court and Court and start the trial few days later. FURTHER ORDERED, 2-16-88 trial date vacated and reset.	3-21-88 at 10 AM JURY TRIAL (LEAVITT) ----- 3-17-88 at 9 AM CALENDAR CALL ----- PENDING. DEFT.'S MOTION TO DISCLOSE FAVORABLE EVIDENCE, PAYMENTS, BENEFITS, AND PROMISES CUSTODY (LEAVITT)
2-17-88 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Connie Johnson, Reporter	<u>ROBERT WOLF'S MOTION FOR EXCESS FEES</u> State represented by DDA, Douglas Smith. Deft. Emil present, in custody, without benefit of counsel. The Court stated Mr. Wolf's office called and said Mr. Wolf was ill. COURT ORDERED, this matter continued.	2-24-88, 9AM ROBERT WOLF'S MOTION FOR EXCESS FEES
2-24-88 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Stephanie Kitchen, Reporter	<u>ROBERT WOLF'S MOTION FOR EXCESS FEES</u> State represented by DDA, Douglas Smith. Deft. Emil not present, in custody, NSP, and not represented by counsel. Robert Wolf present and presented Motion to the Court. COURT ORDERED, Motion is granted. Karen Grant present on behalf of Dept. of P&P.	

CASE NO. C79346 TITLE STATE OF NEVADA VS. RODNEY LYNN EMIL AND TODD MITCHELL LEAVITT

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES -- HEARING	CONTINUED TO:
3-17-88 ADDELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) T. MOSS (REPORTER)	CALENDAR CALL State represented by D. Roger, DDA. Deft. LEAVITT present in custody with J. Erbeck. Both counsel answered ready to proceed, SO ORDERED, jury trial, Dept. XI, Monday, 3-21-88 at 10 AM.  CUSTODY	3-21-88 at 10 AM  JURY TRIAL DEPT. XI
3-21-88 ADDELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) T. MOSS (REPORTER)	JURY TRIAL State represented by M. O'Callahan, DDA. Deft. LEAVITT Present in custody with James Erbeck. Clerk called roll of Jury Panel. Jury selection commenced. At the hour of 2:44 PM, Jury and two alternates selected and sworn. Outside presence of Jury, Mr. Erbeck inquired if Prosecu- tor had access to score on the prospective Jurors. Mr. O'Callahan stated he has access, however, <del>did not obtain score. Mr. Erbeck accepted</del> representations of Mr. O'Callahan. Jury present. Clerk read Information and stated plea thereto. Opening statement by Mr. O'Callahan. Mr. Erbeck requested permission to reserve opening statement, SO ORDERED. Testimony of witnesses and exhibits (SEE ATTACHED). Jury excused 4:35 PM until 10:15 AM on 3-22-88. ADJOURNED 4:36 PM.	5-3-88 at 9 AM  SENTENCING (JURY VERDICT)
3-22-88 T. MOSS (REPORTER)	CONTINUATION OF JURY TRIAL 3-22-88 All present as above. Clerk called roll of Jury. Testimony of witnesses and exhibits continued (SEE ATTACHED). Jury excused 5:05 PM until 10 AM on 3-23-88. Outside presence of Jury, Mr. O'Callahan moved to file MOTION TO ENDORSE in Open Court along with Affidavit, not notarized however, willing to be sworn re its contents. COURT ORDERED, motion may be filed. Objection by Mr. Erbeck to endorsement. COURT ORDERED counsel file Points and Authorities between now and tomorrow morning, Court will hear argument at 10 AM tomorrow, Counsel provide two best cases supporting their positions. Further arguments of Counsel. ADJOURNED 5:17 PM.	
3-23-88 T. MOSS (REPORTER)	CONTINUATION OF JURY TRIAL 3-23-88 All present as above. Outside presence of Jury, Arguments of Counsel re State's Motion to Endorse filed yesterday in Open Court. Court requested and Court Reporter stated reviewed her notes from Monday, 3-21-88 and State mentioned the three names on the Motion to Endorse in their opening statement, not mentioned when list of witnesses to be called read to Jury or read when Clerk read Information to the Jury. Further arguments of Counsel. COURT ORDERED, motion to Endorse denied. Further arguments of Counsel. COURT ORDERED, denial vacated, Court will give Mr. Erbeck opportunity to see if he can have a	

CONTINUED....

CASE NO. C79346

TITLE STATE OF NEVADA VS. TODD MITCHELL LEAVITT

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
3-23-88	CONTINUATION OF JURY TRIAL local lab conduct the testing on the carpet fibers if Mr. Erbeck has to go out of state to have testing done and it will take a long time the Court informed Mr. O'Callahan the Court will deny the motion, the Court will not continue the case indefinitely. Court inquired and Mr. O'Callahan stated can put witnesses on this morning not counting the three on the motion. Mr. O'Callahan moved to invoke Exclusionary Rule. SO ORDERED. Clerk called roll of Jury. Testimony of witnesses continued (SEE ATTACHED) Jury excused 12:00 PM, until 10 AM on 3-24-88. Mr. Erbeck stated he will try and have answer for the Court this afternoon re lab testing, SO ORDERED, Court will continue this motion until 9:30 AM on 3-24-88. ADJOURNED 12:02 PM.	
3-24-88	CONTINUATION OF JURY TRIAL 3-24-88	
THEDA MOSS (REPORTER)	All present as above. Outside presence of Jury. Statement by Court re motion to endorse pending. Statement by Mr. Erbeck re information he learned re having independent expert examine fibers, would take one or two weeks and renewed his objection to motion to endorse. Argument by Mr. O'Callahan and requested if motion denied re two names of lab people, would request Teresa Miller be endorsed and argued in support thereof. COURT ORDERED, motion to endorse denied on all three names. Mike Henley, sworn and testified outside presence of jury re one question asked him re polygraph, witness examined by Mr. O'Callahan. Clerk called roll of Jury. Testimony of witnesses and exhibits continued (SEE ATTACHED). (Court inquired of jury if they heard any witnesses comment outside Courtroom. Record Reflect - no jurors responded). Testimony of Terry Bono outside presence of Jury. Jury present, continuing testimony of Terry Bono. Testimony of witnesses continued (SEE ATTACHED). Jury excused 4:23 PM until 9:30 AM on 3-25-88. ADJOURNED: 4:25 PM.	
3-25-88	CONTINUATION OF JURY TRIAL 3-25-88 All present as above. Clerk called roll of Jury. Testimony of witnesses and exhibits continued (SEE ATTACHED). Testimony of Johnnt Lee outside presence of Jury. Jury informed that Court has a hearing this afternoon on Caesars Palace Crap Dealers and excused the Jury 11:05 AM UNTIL 10 AM on 3-28-88. ADJOURNED 11:07 AM.	
3-29-88	CONTINUATION OF JURY TRIAL 3-28-88 All present as above. Clerk called roll of Jury. Testimony of witnesses and exhibits continued (SEE ATTACHED). Testimony of Joseph Henslik outside presence of Jury. Witness Henslik inquired re his housing at the jail. Court	

continued....

MINUTES — CRIMINAL

CASE NO. C79346

TITLE STATE OF NEVADA VS. TODD MITCHELL LEAVITT AND RODNEY EAIL

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES - HEARING

CONTINUED TO:

3-28-88

J.T. CONTINUED (LEAVITT)

informed Counsel the Court does not have jurisdiction to transport deft., this Court cannot issue an Order, that is between the District Attorney and U.S. Marshalls. Deft. requested remain in Cell 2-C, as long as witness for the State of Nevada. Mr. O'Callahan stated he does not have control, requested the jail house the deft. in 2-C during the time he is on this case.

Statement by Court re testimony Court will permit by Henslik. Mr. Erbeck requested rap sheet of Henslik, SO ORDERED. Court stated by the witness' own testimony he is a lyer, COURT ORDERED, between now and 1:30 PM State get this witness' rap sheet. Jury present and excused for noon recess. Outside presence of Jury, Court Services Officer indicated deft. can stay in cell 2-C for one week, SO ORDERED. Jury present. Testimony of witnesses continued (SEE ATTACHED).

Exhibits (SEE ATTACHED). Court excused the Jury 4:18 PM until 10 AM on 3-29-88. Outside presence of Jury, Court advised Deft. of his right not to take the witness stand, deft. directed to take the time and discuss same with his counsel and give the Court an answer tomorrow. ADJOURNED 4:20 PM.

3-29-88

CONTINUATION OF JURY TRIAL - 3-29-88

THEMA MOSS  
(REPORTER)

All present as above. Outside presence of Jury. Mr. Erbeck stated conferred with client and

deft. wishes to take the witness stand. Clerk called roll of Jury. Todd Mitchell Leavitt, sworn and testified. DEFENDANT RESTED 11:44 AM. Outside presence of Jury, Mr. O'Callahan requested reserve question of rebuttal until after lunch break, SO ORDERED. Counsel stipulated instructions settled in Open Court and ready prior to argument. Statement by Mr. O'Callahan re testimony that would be given by Michael Hanley if called as a witness on rebuttal.

NO REBUTTAL. Clerk called roll of Jury. Court instructed the Jury and listened to closing arguments of Counsel, at the hour of 4:18 PM, Jury retired to deliberate. Outside presence of Jury Mr. Erbeck moved for mistrial and argued in support thereof. Argument by Mr. O'Callahan in opposition thereto. COURT ORDERED, motion denied.

3-30-88

CONTINUATION OF JURY TRIAL 3-30-88

All present as above. Clerk called roll of Jury. At the hour of 11:47 AM, Jury returned with VERDICT OF GUILTY OF MURDER IN THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. COURT ORDERED, Jury polled. Court thanked and excused the Jury. Record Reflect Instructions and Verdict state TODD "MICHAEL" LEAVITT name is "MITCHELL" however, COURT ORDERED, this is the Verdict in the Todd Mitchell Leavitt case. COURT ORDERED, deft. remanded to custody without bail, sentencing date set.

CUSTODY (LEAVITT)

MINUTES - CRIMINAL

CASE NO. C79346 TITLE STATE OF NEVADA VS. RODNEY EMIL AND TODD MITCHELL LEAVITT

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
5-05-88 ADELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) T. MOSS (REPORTER)	SENTENCING (JURY VERDICT - LEAVITT) State represented by M. O'Callahan, DDA. Deft. LEAVITT present in custody with J. Erbeck. T. Brown, Dept. P & P present. Deft. adjudged guilty of Murder in the First Degree with the Use of a Deadly Weapon by virtue of Jury Verdict. Arguments of Counsel. COURT ORDERED, matter continued one week. Court would like to see counsel in Chambers and stated, the Court does not know what it is going to do in this matter.	5-12-88 at 9 AM  SENTENCING (LEAVITT)
	CUSTODY	
5-12-88 ADELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) T. MOSS (REPORTER)	SENTENCING State represented by C. Paine, DDA. Deft. LEAVITT present in custody without counsel. Court received call from Mr. Erbeck requesting continuance for one week, in Federal Court. SO ORDERED. Record Reflect, motion filed to continue sentencing to a time convenient to Court.	5-19-88 at 9 AM  SENTENCING (LEAVITT)
5-19-88 ADELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) T. MOSS (REPORTER)	SENTENCING State represented by M. O'Callahan, DDA. Deft. LEAVITT present in custody with J. Erbeck. A. Wright, Dept. P & P present. Deft. adjudged guilty by Virtue of Jury Verdict of First Degree Murder with Use of a Deadly Weapon. Deft. requested continued to have his family present, SO ORDERED. Mr. Erbeck requested Thursday he will be out-of-town Tuesday, SO ORDERED.	5-26-88 at 9 AM  SENTENCING (JURY VERDICT) (LEAVITT)
5-26-88 ADELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) C. GLASSCO (REPORTER)	SENTENCING State represented by C. Paine, DDA. Deft. LEAVITT present in custody with J. Erbeck. R. McGovern, Dept. P & P present. Deft. presented Court with copy of letter to review, District Attorney and Mr. Erbeck given opportunity to read same. Statements of Counsel deft. and Court and COURT ORDERED, deft. LEAVITT sentenced in addition to \$20 Administrative Assessment Fee, Life in NDP without possibility of parole for Murder in the First Degree and a consecutive life in NDP without possibility of parole for Use of a Deadly Weapon as enhance- ment, 373 days credit time served. Mr. Erbeck requested contact visit with deft. and his mother, SO ORDERED. Mr. Erbeck prepare Order this morning.	CUSTODY (NDP) (LEAVITT)

CASE NO. C79346

TITLE

STATE OF NEVADA VS. RODNEY EMIL and TODD MITCHELL  
LEAVITT

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
8/16/88 JACK LEHMAN DEPT. X FOR DEPT. XI  S. NICHOLSON, CLERK KAREN MOBLEY, REPORTER	<u>JAMES WILLIAM ERBECK'S MOTION TO WITHDRAW AS COUNSEL OF RECORD</u> STATE REPRESENTED BY MICHAEL O'CALLAGHAN, DDA. DEFT. TODD LEAVITT NOT PRESENT AND REPRESENTED BY JAMES ERBECK WHO ADVISED HE WAS APPOINTED FOR THE TRIAL BUT NOT THE APPEAL. THE COURT WAS ADVISED ANOTHER ATTORNEY COULD BE APPOINTED FROM THE LIST AND THE STATE WILL PREPARE THE ORDER. COURT ORDERED, ANOTHER ATTORNEY TO BE APPOINTED AND MR. ERBECK WILL BE NOTIFIED.	
	CUSTODY  ----- Craig Creel appointed.	
10-11-88 ADDELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) C. MILLER (REPORTER)	<u>DEFENDANT'S MOTION FOR EXTENSION OF TIME TO TRANSMIT RECORD ON APPEAL</u> State represented by C. Paine, DDA. Deft. LEAVITT not present, represented by C. Creel. COURT ORDERED, Order to extend time to transmit appeal has been filed, extension granted until 11-2-88, motion moot at this time.	
	CUSTODY (LEAVITT)	
7-10-89 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Parsy Smith, Reporter	<u>DEFENDANT'S MOTION FOR EXTRAORDINARY FEES</u> State of Nevada represented by DDA, Karen Grant. Defendant Emil present, in custody, represented by counsel, Cal Potter. Mr. Potter requested \$3,276.00 since this was a murder case. Opposition by the State who advised the Court the statute provides for \$2,500.00. COURT ORDERED, \$3,000.00.	
	(CUSTODY)	
3-08-90 ADDELIAR D. GUY DEPT. XI T. ALMSTEAD (CLERK) K. REHAKEL (REPORTER)	<u>CRAIG D. CREEL'S MOTION TO WITHDRAW AS COUNSEL</u> State represented by Robert Lucherini, DDA. Deft. LEAVITT not present, represented by Craig Creel. COURT ORDERED, Mr. Creel's motion to withdraw is granted.	
	CUSTODY (NDP) (LEAVITT)	
8-6-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Brenda Lee, Reporter	<u>DEFENDANT'S AMENDED PETITION FOR POST-CON- VICTION RELIEF</u> State represented by DDA, Randall Weed. Deft. Emil present, in custody Nevada State Prison, represented by counsel, Cal Potter. Mr. Weed advised the Court their file is missing and they need to find the file to file a response. Deft. received death penalty in Dept. VII; Deft. has to do post-	



CASE NO. C79346 TITLE THE STATE OF NEVADA vs RODNEY LYN EMIL and TODD MITCHELL LEAVITT

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
8-6-90 CONTINUED	conviction in Dept. VII and Mr. Potter needs to withdraw here in Dept. VIII; Mr. Potter did Deft's direct Appeal and wants to withdraw and the next counsel can do post-conviction in both Departments VII and VIII. The Court stated it would defer to Judge Christensen to appoint counsel in that case and the Court will appoint counsel in this case unless there is some conflict there. COURT ORDERED, continued for Status Check to see if State has filed Response.	8-27-90, 9AM STATUS CHECK TO SEE IF STATE HAS FILED RESPONSE
	CUSTODY (NSP)	
8-27-90 CARL CHRISTENSEN DEPT. VII FOR VIII  D. VINSON CLERK C. MILLER REPORTER	STATUS CHECK STATE REPRESENTED BY BEN GRAHAM, DDA. DEFENDANT EMIL NOT PRESENT, REPRESENTED BY CAL POTTER. COURT ORDERED WILL APPOINT CHRIS MAGLARAS AS COUNSEL FOR DEFENDANT. MR. POTTER TO NOTIFY MR. MAGLARAS OF APPOINTMENT AND NEXT DATE FOR CONFIRMATION OF COUNSEL.	8-29-90 AT 9 AM COC (MAGLARAS)
	CUSTODY - NSP	
8-29-90 CARL CHRISTENSEN DEPT. VII FOR DEPT. VIII  E. D'ANGIOLELLA (CLERK)  CONNIE MILLER (REPORTER)	CONFIRMATION OF COUNSEL  State represented by DDA, Randall Weed. Deft. EMIL not present, being in NSP, represented by Chris Maglaras. Mr. Maglaras stated he would confirm as counsel & COURT SO ORDERED.	CUSTODY, NSP
10-29-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Marsha Leonard, Reporter	DEFENDANT'S MOTION TO PLACE ON CALENDAR State represented by DDA, James Miller. Deft. Emil not present, in custody, NSP, represented by counsel, Chris Maglaras, who advised the Court a Petition for Post-Conviction Relief is on file and a Briefing schedule and argument date is needed. Mr. Miller advised the Court the State has filed their opposition to the Petition and presented Mr. Maglaras with a copy of same. COURT ORDERED, Mr. Maglaras has until 11-5-90 to respond, the State then has a week and the matter is set for Argument, 11-14-90.	11-14-90, 9AM ARGUMENT
	CUSTODY-NSP	

CASE NO. C79346

TITLE STATE OF NEVADA vs. RODNEY LYN EMIL and TODD MITCHELL LEAVITT

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
11-14-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	<u>ARGUMENT</u> State represented by DDA, David J. J. Roger. Deft. Emil not present, in custody NSP, repre- sented by counsel, Chris Maglaras, who re- quested an evidentiary hearing. Opposition by the State. COURT ORDERED, Petition is denied; Mr. Maglaras is confirmed as counsel to take the Appeal. CUSTODY (NSP)	
11-19-90 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>DEFENDANT'S PRO PER NOTICE OF INTENT TO FILE POST-CONVICTION RELIEF AND AFFIDAVIT AS TO GOOD CAUSE FOR DELAY</u> State represented by DDA, Randall Weed. Deft. Leavitt not present, in custody, NSP, and not represented by counsel. State advised the Court it does not need to file a response. COURT ORDERED, Defendant's Pro Per Notice of Intent to File Post-Conviction Relief is granted; time to file Petition is extended until Friday, December 28, 1990. The Court directed Mr. Weed to prepare Order and send copy to Defendant.  CUSTODY (NSP)	
1-16-91 DEPT. VIII JUDGE WENDELL  Ruth Reese, Clerk Patsy Smith, Reporter	<u>DEFENDANT'S PRO PER MOTION FOR ENLARGEMENT OF TIME TO FILE POST-CONVICTION RELIEF</u> State represented by DDA, David J.J. Roger. Deft. Leavitt not present, in custody Nevada State Prison, represented by counsel, Orin G. Grossman, who advised the Court he was appearing for this hearing and this hearing alone. Mr. Grossman advised the Court he has not seen any documents as to Enlargement of Time to File Post-Conviction Relief, the documents which were not part of the records delivered to his office by Defendant's mother last night. Mr. Roger advised the Court Mr. Grossman would be able to secure a copy from the D.A.'s Office. Mr. Grossman requested thirty to forty-five days to secure whatever he needs from the D.A.'s Office in order to file Petition for Post-Conviction Relief. The Court furnished Mr. Grossman with copy of Order of September 20, 1989, dismissing Appeal.  CUSTODY (NSP)	

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 09, 1991**

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87C079346-1

The State of Nevada vs Todd M Leavitt

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**September 09, 1991****9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 9/9/91****Relief Clerk:****SANDRA SMITH****Reporter/Recorder:****DONNA****ANTONACCI Heard****By: Gerard****Bongiovanni****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Mitchell, Scott S.

Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S PROPER PERSON MOTION FOR APPOINTMENT OF COUNSEL /  
DEFENDANT'S PROPER PERSON MOTION FOR AN EXTENSION OF TIME TO FILE POST-  
CONVICTION RELIEF

COURT ORDERED: Matter continued to be heard in Dept. VIII.

CUSTODY (NSP)

9/11/91 @9A.M. - DEFENDANT'S PROPER PERSON MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 11, 1991**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 11, 1991 9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 9/11/91  
Court Clerk:  
SANDRA SMITH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lowry, Teresa

Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S PROPER PERSON MOTION FOR APPOINTMENT OF COUNSEL /  
DEFENDANT'S PROPER PERSON MOTION FOR AN EXTENSION OF TIME TO FILE POST-  
CONVICTION RELIEF

Ms. Lowry advised Court that State has not filed a response since these motions were previously  
denied by Judge Wendell. COURT ORDERED: Motions are denied.

CUSTODY (NSP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 08, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 08, 1992****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 7/8/92****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chairez, Don P.

Attorney

**JOURNAL ENTRIES**

- DEFT.'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS....MOTION FOR APPOINTMENT OF COUNSEL....PETITION FOR POST-CONVICTION RELIEF

Mr. Chairez advised he does not have a copy of the complaint or the writ as this is an MVU case; requested the matter continued until Friday in order to discuss the case with Mel Harmon. SO ORDERED.

NSP....DEFT.'S PRO PER MOTIONS AS ABOVE MENTIONED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 10, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 10, 1992****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS FOR 7-10-  
92 Relief Clerk:  
TINA HURD  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Edwards, Scott W.

Attorney

**JOURNAL ENTRIES**

- DEFT.'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT.'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL...DEFT.'S PETITION FOR POST-CONVICTION RELIEF

State advised they received several motions for post-conviction relief this morning and requested two weeks to respond.

CUSTODY (NSP)

7-27-92 9:00 A.M. DEFT.'S PRO PER MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 27, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 27, 1992****9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 7/27/92****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Henry, William P.

Attorney

**JOURNAL ENTRIES**

- DEFT.'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ... PRO PER MOTION FOR APPOINTMENT OF COUNSEL ... PETITION FOR POST-CONVICTION RELIEF COURT ORDERED, matters continued until Wednesday.

NSP ... 7/29/92 @ 9:00 A.M. DEFT.'S PRO PER MOTIONS AS ABOVE STATED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 29, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 29, 1992****9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 7/29/92****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Berrett, Bill A.

Attorney

Myers, Andrew S.

Attorney

**JOURNAL ENTRIES**

- DEFT.'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ... PRO PER MOTION FOR APPOINTMENT OF COUNSEL ... PETITION FOR POST-CONVICTION RELIEF DEFT.'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS: COURT ORDERED, motion GRANTED.

DEFT.'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL: State provided the Court with a copy of its response and advised the appointment of counsel would be primarily for deft.'s petition for post-conviction relief. Argument by the State. Court stated it is in agreement with the State but in the interest of justice it will appoint counsel to present deft.'s points in a more favorable light. COURT ORDERED, motion GRANTED; Andrew Myers appointed as counsel. Mr. Myers present and requested the Court allow him 60 days. SO ORDERED.

DEFT.'S PETITION FOR POST-CONVICTION: COURT ORDERED, matter continued.

NSP ... 9/30/92 @ 9:00 A.M. STATUS CHECK ... DEFT.'S PETITION FOR POST- CONVICTION



**87C079346-1**

RELIEF

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 30, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 30, 1992****9:00 AM****Petition**

**PRO PER PETITION  
FOR POST  
CONVICTION  
RELIEF Relief Clerk:  
SANDRA SMITH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: GATES, LEE A**

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

Myers, Andrew S.

Attorney

Porterfield Jr, Owen W.

Attorney

**JOURNAL ENTRIES**

- Mr. Myers advised Court he has not received all the documents and requested a continuance.  
COURT ORDERED: Matter continued.  
CUSTODY (NSP)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 23, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**November 23, 1992****9:00 AM****Petition**

**PRO PER PETITION  
FOR POST  
CONVICTION  
RELIEF Court Clerk:  
SANDRA BROUGH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates**

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

Kephart, William D.  
Myers, Andrew S.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Myers advised that he is ready to do the work on this case, however, Mr. James Erbeck was trial counsel; Mr. Erbeck says he needs until the middle of November to find his file and Mr. Myers needs his file. Further, the other attorney who worked on the case, Craig Creel, moved out of town. Mr. Myers moved for the matter to be set for status check. State inquired whether they would argue deft.'s motion. Court stated no and ORDERED deft.'s Pro Per Petition for Post Conviction Relief, OFF CALENDAR.

NPS ... 12/14/92 @ 9 A.M. STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 14, 1992**

87C079346-1

The State of Nevada vs Todd M Leavitt

**December 14, 1992****9:00 AM****Status Check****STATUS CHECK****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Erbeck, James W.

Attorney

Leavitt, Todd M

Defendant

Myers, Andrew S.

Attorney

**JOURNAL ENTRIES**

- Mr. Erbeck stated he was subpoenaed to appear by Mr. Myers, the file is at Mr. Erbeck's former law firm's storage and Mr. Myer's secretary called his office yesterday at 10:40 a.m. stating that they needed the file. Conference at the bench. COURT ORDERED, matter continued for status check in 30 days; Mr. Erbeck to provide Mr. Myers with the file. Matter trailed and recalled with Mr. Myers present. Court stated it ordered Mr. Erbeck to provide the file to Mr. Myers. Clerk to furnish Mr. Erbeck with a copy of the minutes.

CUSTODY ... 1/13/93 @ 9 A.M. STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 13, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**January 13, 1993****9:00 AM****Status Check****STATUS CHECK****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: GATES, LEE A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chairez, Don P.

Attorney

Myers, Andrew S.

Attorney

**JOURNAL ENTRIES**

- Matter trailed for Mr. Myer's presence. Upon the Court's inquiry, Mr. Myers stated he has a problem, Mr. Erbeck says that he cannot locate the file therefore, Mr. Myers has no way to judge the effectiveness of counsel if he cannot look at Mr. Erbeck's file. Further, he will call Mr. Erbeck one more time and if he is not able to obtain the file he will seek an affidavit from Mr. Erbeck stating that Mr. Erbeck was counsel of record and that he cannot find the file; moved to continue the matter.

COURT ORDERED, matter continued.

NSP ... 1/27/93 @ 9 A.M. STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 27, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**January 27, 1993****9:00 AM****Status Check****STATUS CHECK****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: GATES, LEE A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bell, Stewart L.

Attorney

Edwards, Scott W.

Attorney

**JOURNAL ENTRIES**

- Mr. Bell advised the file is unlocateable and he has an affidavit from Mr. Erbeck. Further, Mr. Myers needs more time; moved to continue the matter for 60 days. COURT ORDERED, mat continued.

CUSTODY ... 3/26/93 @ 9 A.M. STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 26, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**March 26, 1993****9:00 AM****Status Check****STATUS CHECK****Relief Clerk: DENISE  
TRUJILLO****Reporter/Recorder:  
YVONNE****VALENTIN Heard****By: GATES, LEE A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Leavitt, Todd M

Defendant

Myers, Andrew S.

Attorney

Porterfield Jr, Owen W.

Attorney

**JOURNAL ENTRIES**

- Mr. Myers advised he just obtained affidavit from Mr. Erlich advising his file has been lost. Further, would request 30 days to research this case to determine if this Court still has jurisdiction and give State an opportunity to respond. COURT SO ORDERED. -- CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 26, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**April 26, 1993****8:45 AM****Status Check****STATUS CHECK****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chairez, Don P.

Attorney

Myers, Andrew S.

Attorney

**JOURNAL ENTRIES**

- Deft. not present and in custody at the Nevada Department of Prisons.

Statements by Mr. Myers regarding the background of the case. He has reviewed the file with the Supreme Court Clerk and this Court's Clerk and believes deft.'s Motion for Extension of Time to File a Petition for Post-Conviction Relief was never heard. Ms. Lowry, DDA, at the 9/11/91 hearing date in front of this Court inadvertently stated deft.'s motion was previously denied and therefore this Court denied deft.'s motion at that time. However, it was the co-deft.'s motions that had been previously denied. He wants to address the substantive issues and requests the Court grant deft. an opportunity to file. Upon request, Mr. Myers provided a copy of the 9/11/91 minutes to the State. Court FINDS deft.'s time has expired; however, there was good cause for the expiration and it is no fault of the deft.'s. Mr. Myers requested 60 days to file a petition for post conviction and COURT SO ORDERED.

NSP ... 6/25/93 @ 8:45 A.M. STATUS CHECK



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 25, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**June 25, 1993****8:45 AM****Status Check****STATUS CHECK****Court Clerk:****SANDRA BROUGH****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Berrett, Bill A.

Attorney

Davidson, Michael D.

Attorney

Leavitt, Todd M

Defendant

**JOURNAL ENTRIES**

- Mr. Davidson advised he is appearing on behalf of Mr. Myers. Mr. Myers was appointed for deft.'s Post Conviction Relief; he will need 45 days more days and requests the hearing set at that time. Further, he will need an investigator to help him prepare and requests \$1,500 in fees. There being no opposition, COURT ORDERED, matter set for hearing in 45 days. FURTHER ORDERED, Mr. Myers awarded \$1,500 for investigator fees.

CUSTODY ... 8/9/93 @ 8:45 A.M. STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 09, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**August 09, 1993****8:45 AM****Hearing**

**EVIDENTIARY  
HEARING Court  
Clerk: SANDRA  
BROUGH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: GATES, LEE A**

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

Leavitt, Todd M  
Myers, Andrew S.  
Noxon, Arthur G.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Statement by Mr. Myers that this is the worst case of ineffective assistance of counsel he has ever seen; he believes deft. was denied a fair trial; requested the matter set for evidentiary hearing.  
COURT SO ORDERED.

NSP ... MARCH 2, 1994 @ 9:30 A.M. EVIDENTIARY HEARING (TWO DAYS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 29, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 29, 1993****9:00 AM****Motion for Fees**

**NOTICE OF  
MOTION FOR FEES  
IN EXCESS Court  
Clerk: SANDRA  
BROUGH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates**

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

Myers, Andrew S.  
Paine, Charles A.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Myers moved to withdraw for personal and business reasons. Mr. Pat McDonald will accept the assignment and Mr. Myers will not charge the County to bring Mr. McDonald up to date. COURT ORDERED, Mr. Myers is tentatively allowed to withdraw and Mr. McDonald is permitted to substitute in. Matter continued for confirmation. Deft.'s motion is hereby off calendar. NSP ... 10/6/93 @ 8:45 A.M. CONFIRMATION OF COUNSEL (MCDONALD, P) ... 3/2/94 @ 10 A.M. EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 06, 1993**

87C079346-1

The State of Nevada vs Todd M Leavitt

**October 06, 1993****8:45 AM****Motion for Confirmation of  
Counsel****CONFIRMATION  
OF COUNSEL  
(MCDONALD, P)  
Court Clerk:  
SANDRA BROUGH  
Reporter/Recorder:  
YVONNE  
VALENTIN Heard  
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kephart, William D.

Attorney

McDonald, Patrick E.

Attorney

Myers, Andrew S.

Attorney

**JOURNAL ENTRIES**

- Deft. not present and in custody at the Nevada Department of Prisons.

Mr. McDonald confirmed as counsel. Mr. Myers moved to withdraw and presented an order to the Court. COURT ORDERED, Mr. Myers is permitted to withdraw. Order signed in open court.

NSP 3/4/94 @ 10 A.M. EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 02, 1994**

87C079346-1

The State of Nevada vs Todd M Leavitt

**March 02, 1994****9:30 AM****Hearing**

**EVIDENTIARY  
HEARING Relief  
Clerk: SUSAN  
BURDETTE/sb  
Reporter/Recorder:  
JOAN GRIMES  
Heard By: Lee Gates**

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

Berrett, Bill A.

Attorney

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

**JOURNAL ENTRIES**

- Counsel approached the bench. Court recessed.

Later, Court re-convened. Upon Court's inquiry, Mr. Berrett stated Defendant was sentenced in Department XI; State advised that his file indicates that in March, 1990, the matter was transferred to District Court XI. Mr. Berrett stated he sees no reason to have this completed in Department XI; Court responded he could not transfer the case without the approval of Judge Guy and stated he would confer with Judge Guy. COURT ORDERED: MATTER CONTINUED. Mr. McDonald requested a status check for Court's findings, and COURT SO ORDERED.

CUSTODY (NSP)

03-09-94 @ 8:45 A.M. -- STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 09, 1994**

87C079346-1

The State of Nevada vs Todd M Leavitt

**March 09, 1994****8:45 AM****Status Check****STATUS CHECK****Court Clerk:****SANDRA ISRAEL****Reporter/Recorder:****YVONNE****VALENTIN Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

HILL, STEVEN

Attorney

Leavitt, Todd M

Defendant

**JOURNAL ENTRIES**

- Following a conference at the bench, Court stated Mr. McDonald is unable to be present this morning. It spoke with counsel after the last date and pursuant to that conversation counsel and the Court feels that since Judge Guy heard the trial he would be in a better position to hear deft.'s motion. Therefore, pursuant to the stipulation of counsel, COURT ORDERED, THIS MATTER TRANSFERRED TO JUDGE GUY FOR HEARING ON DEFT.'S MOTION. Deft. requested that either he be returned to prison during the interim or that his legal papers be brought to him. COURT ORDERED, DEFT. TO BE RETURNED TO THE PRISON UNTIL THE NEW HEARING DATE. Clerk advised Dept. XI will contact counsel with the new hearing date.

NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**March 31, 1994****9:00 AM****Request of Court****AT THE REQUEST****OF THE COURT****Court Clerk: TINA****HURD****Reporter/Recorder:****TERESA****DeROSSETT Heard****By: BRENNAN,****JAMES****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Gardner, Gerald J.

Attorney

**JOURNAL ENTRIES**

- State advised Mr. McDonald had a hearing at 11:00 a.m. in another building and could not stay.  
COURT ORDERED, MATTER CONTINUED for Judge Guy to hear; Clerk to notify Mr. McDonald.  
CUSTODY (NDP)  
(Mr. McDonald's office notified at 1:53 p.m. this date. th)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**April 07, 1994****9:00 AM****Request of Court**

**AT THE REQUEST  
OF THE COURT  
Court Clerk: NANCY  
BANKS  
Reporter/Recorder:  
PATRICIA LOFFT  
Heard By: Addeliar  
Guy, III**

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

Gardner, Gerald J.  
McDonald, Patrick E.

Attorney  
Attorney

**JOURNAL ENTRIES**

- The Court has taken notice and Judge Gates appoint Andrew Myers to this case. Mr. McDonald advised Mr. Myers gave the case to him. Further, advised this Department heard the trial and it should not have been in Department VIII. COURT ORDERED, Mr. McDonald is appointed as counsel for Defendant Leavitt. Mr. McDonald advised Mr. Myers had never been able to obtain the file from Mr. Erbeck. Counsel to obtain the transcript as if what the Defendant says is correct this Court would have no problems with a new trial.

CUSTODY (NSP)

7/28/94 @ 9:00 A.M. - STATUS CHECK



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 28, 1994**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 28, 1994****9:00 AM****Status Check****STATUS CHECK****Court Clerk: TINA  
HURD****Reporter/Recorder:  
PATRICIA LOFFT****Heard By: Addeliar  
Guy, III****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

McDonald, Patrick E.

Attorney

Tobiasson, Melanie A.

Attorney

**JOURNAL ENTRIES**

- Mr. McDonald submitted a supplemental to deft.'s petition for post-conviction relief to the Court. Upon Court's inquiry, Mr. McDonald advised a hearing will take about half a day. Colloquy reference a hearing date. COURT ORDERED, matter set for hearing; Mr. McDonald to prepare an order for transport.

NDP

11-17-94 9:30 AM HEARING: POST-CONVICTION RELIEF

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 11, 1994**

87C079346-1

The State of Nevada vs Todd M Leavitt

**October 11, 1994****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 10-11-94  
Court Clerk: JOYCE  
BROWN  
Reporter/Recorder:  
PATRICIA LOFFT  
Heard By: Addeliar  
Guy, III**

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

McDonald, Patrick E.

Attorney

Tobiasson, Melanie A.

Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND DISMISSAL OF LEGAL COUNSEL ...DEFENDANT'S PRO PER MOTION TO STRIKE...DEFENDANT'S PRO PER MOTION TO VACATE THE EVIDENTIARY HEARING

Court advised an Order to Transport for the Defendant is needed and suggested Mr. McDonald talk to his client. Conference at Bench. COURT ORDERED matter CONTINUED and District Attorney to provide an Order to Transport.

NDP

CONTINUED TO: 11-10-94 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 10, 1994**

87C079346-1

The State of Nevada vs Todd M Leavitt

**November 10, 1994****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 11-10-94  
Court Clerk: JOYCE  
BROWN  
Reporter/Recorder:  
PATRICIA LOFFT  
Heard By: Addeliar  
Guy, III**

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

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

Porterfield Jr, Owen W.

Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND DISMISSAL OF LEGAL COUNSEL.. DEFENDANT'S PRO PER MOTION TO STRIKE...DEFENDANT'S PRO PER MOTION TO VACATE THE EVIDENTIARY HEARING

Statements by Defendant concerning first motion advising that he has been unable to contact Mr. McDonald by letter or telephone. Court advised Defendant he signed an Order to bring Defendant back here so the attorney could see him. At Court's inquiry, Defendant advised he has had six attorneys on this case. Mr. McDonald advised he has reviewed all the file and will not include some things the Defendant wants because they are not proper. Mr. Porterfield stated their response will be filed today. Court sdvised Mr. McDonald to see his client and ORDERED, Defendant's Motion For Substitution and Dismissal of Legal Counsel is DENIED without prejudice; Defendant's Motion to Vacate the Evidentiary Hearing is GRANTED and the 11-17-94 hearing date is VACATED;

Defendant's Motion to Strike is taken under advisement, and matter CONTINUED for further proceedings.

NDP

12-1-94 9:00 AM FURTHER PROCEEDINGS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**December 01, 1994****9:00 AM****Further Proceedings**

**FURTHER  
PROCEEDINGS  
Court Clerk: TINA  
HURD  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Addeliar Guy, III**

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

Gardner, Gerald J.

Attorney

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

**JOURNAL ENTRIES**

- Mr. McDonald advised we are here on Post-Conviction Relief and the last time on calendar, deft. brought an ex parte motion to have Mr. McDonald dismissed. Mr. McDonald advised he has spoken with deft. LEAVITT and deft. wants Mr. McDonald to continue to represent him and believes matters have been resolved to deft.'s satisfaction. Deft. concurred. Mr. McDonald advised he is not familiar with the Writ of Habeas Corpus and would request two weeks. COURT ORDERED, CONTINUED two weeks. Mr. McDonald advised deft. would request to be returned to Ely in the meantime. COURT ORDERED, DENIED as it is too hard for counsel to reach deft. and there are massive snow storms there. Deft. requested a visit with his family since he will be here for his son's birthday. COURT ORDERED, GRANTED. Mr. McDonald to prepare an Order.

NPD

12-15-94 9:00 AM DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**December 15, 1994****9:00 AM****Petition for Writ of Habeas  
Corpus**

**DEFENDANT'S  
PETITION FOR  
WRIT OF HABEAS  
CORPUS Court  
Clerk: TINA HURD  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Addeliar Guy, III**

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

Gardner, Gerald J.  
Leavitt, Todd M  
McDonald, Patrick E.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- Court advised he has read the motion and does not understand why it takes two years to come to hearing. The motion was filed timely, however, deft. has had several attorneys in the meantime. Court advised several items in the motion should have been taken up on appeal as they concern items before the jury and they have the right to determine who is telling the truth and who is not. Court stated ground #8 alleges ineffective assistance of counsel and the Court believes there should be a hearing on that. Mr. McDonald advised his supplemental dealt solely with that issue. State advised they would oppose the setting of a hearing in this matter. This trial took place many years ago and deft.'s time to file Post-Conviction Relief should have taken place in 1990. The State would be at an extreme disadvantage as the deputy handling the matter would have no independent recollection. Court advised he would normally agree but this case has been grossly mishandled. Mr.

McDonald advised he saw Mr. Erbeck and inquired reference this case and was advised that Mr. Erbeck has found an ROC stating he turned over the entire file to Craig Creel, however, Mr. McDonald advised he has not been able to verify this. COURT ORDERED, matter set for hearing. NDP

4-6-95 10:00 AM HEARING: POST-CONVICTION RELIEF



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**April 06, 1995****10:00 AM****Hearing**

**HEARING: POST  
CONVICTION  
RELIEF Court Clerk:  
TINA HURD  
Reporter/Recorder:  
JANICE LISTON  
Heard By:  
BRENNAN, JAMES**

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

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

Robinson, Lynn M.

Attorney

**JOURNAL ENTRIES**

- Mr. McDonald advised he did not know Judge Guy was ill and received no notice, however, he has spoken with the Clerk, the District Attorney and Mr. Erbeck, who is a witness in this matter, and would ask for a June 1 date for this hearing. Mr. McDonald advised he would also ask the Court to order that the deft. spend the night tonight so he may speak with him and then be released back to the prison tomorrow. Further, deft's father and stepmother are here from California and Mr. McDonald requested a contact visit. State had no objection. Colloquy between Court and Clerk reference Judge Guy's policy as to contact visits. COURT ORDERED, deft. to remain at the detention center overnight and will be allowed a contact visit in line with Judge Guy's policy; matter CONTINUED.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 01, 1995**

87C079346-1

The State of Nevada vs Todd M Leavitt

**June 01, 1995****10:00 AM****Hearing**

**HEARING: POST  
CONVICTION  
RELIEF Court Clerk:  
TINA HURD  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Addeliar Guy, III**

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

Jorgenson, Eric G.

Attorney

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

**JOURNAL ENTRIES**

- Court advised he looked through the records yesterday and there are some glaring errors and several judges involved. Judge Gates appears to have overruled Judge Wendell and another judge and the matter should have been here in this Dept. Court advised the co-deft. Emil was heard in Dept. VIII, not this deft. Court advised he had requested counsel get this straightened out. Mr. McDonald stated he believes he is deft's fifth attorney since the preliminary hearing and he did not do those motions. Mr. McDonald advised he is not in a position today to address all the issues the Court has raised on procedural errors and needs to go through whatever records deft. has. Further, Mr. McDonald advised he needs to speak with Mr. Myers and Mr. Jorgenson. Mr. McDonald requested 30 days and would request deft. remain at Indian Springs where he is much more accessible than he is at Ely. COURT ORDERED, deft. REMANDED to the custody of the Sheriff to be held at Indian Springs until further order of this Court. FURTHER ORDERED, matter CONTINUED

thirty days and deft. to be present at the next hearing. Officer Harrah from the Nevada Dept. of Prisons present and, upon inquiry by the State, advised he did not need another order for transport.  
NDP

7-6-95 9:00 AM STATUS CHECK: CASE FILE / PROCEDURAL ERRORS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 06, 1995****9:00 AM****Status Check****STATUS CHECK:**

**CASE FILE /  
PROCEDURAL  
ERRORS Court  
Clerk: JOYCE  
BROWN**

**Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
GUY, III, ADDELIAR  
D**

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

Bloxham, Ronald C.

Attorney

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

**JOURNAL ENTRIES**

- Mr. McDonald advised they were here a month ago to start an evidentiary hearing; he and Mr. Jorgenson met with Court in Chambers, and did not find motions filed by State or previous Counsel. He further advised Judge Gates found good cause and allowed him to proceed with evidentiary hearing; also found after his conviction and sentence, and his appeal denied by the Supreme Court, there were filings made by the Defendant on his own behalf; rulings were made, but he did not receive them in a timely manner and could not respond to them. Mr. McDonald advised that is what Judge Gates relied upon to allow the hearing. Mr. McDonald suggested that the matter be set for an early afternoon some time, he would bring in the documents and present to the Court and to the State

as to when decisions were made and how the Defendant responded. At Court's inquiry as to what happened between April of 1993 and July 1995, Mr. McDonald advised at one time Deputy District Attorney Barrett told him that this Court had heard the trial and Defendant's Mother and Step-father retained or attempted to retain an attorney and at that time this Court recused because of a conflict of interest. COURT ORDERED, matter CONTINUED and Counsel to bring in documents for Court to view. Mr. McDonald advised there were two Defendants in the case originally and on the eve of trial, the original Counsel was replaced by Mr. Erbeck and a motion to bifurcate was granted. The other case was heard by Judge Wendell and this was heard in this Court some five months later; and Judge Wendell had denied his initial Pro Per petition for Post- Conviction Relief and denied a motion for enlargement of time. Defendant requested that he be allowed to return to prison and then returned for the next hearing. Court stated no objections and SO ORDERED.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 12, 1995****11:00 AM****Status Check**

**STATUS CHECK:**  
**CASE FILE /**  
**PROCEDURAL**  
**ERRORS Court**  
**Clerk: TINA HURD**  
**Reporter/Recorder:**  
**ANITA SPRINGS-**  
**WALKER Heard By:**  
**Addeliar Guy, III**

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

Bloxham, Ronald C.

Attorney

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

**JOURNAL ENTRIES**

- Mr. McDonald advised, when in Court last, he informed the Court at that time he would review the record as best he could and explain how it got to this point. On 5/26/88, this deft. was sentenced to two Lifes Without the Possibility of Parole. On 8-6-88, James Erbeck, who was trial counsel, brought a motion to withdraw that was granted and Craig Creel was appointed for appeal purposes. The next entry in the minutes is 8-8-90 and is Mr. Creel's motion to withdraw which was granted. Mr. McDonald advised he cannot find any other entry where another attorney was appointed to assist the deft. until July of 1992 when Andy Myers was appointed. On 11-19-90, in Dept. VIII, the judge made a ruling on a pro per motion of notice of intent to file post-conviction relief and good cause for delay. The deft. was not present and the Court granted the enlargement of time to 12-28-90. Deft. was not in court and never received a copy of the order enlarging his time. On or about 12-18-90, deft. wrote the

Clerk of the Court, Loretta Bowman, requesting that information. On 12-27-90, deft. received a response back advising he had until 12-28-90 to file his petition for post-conviction relief. Upon receiving that response, deft. filed a motion for enlargement of time in January of 1991 which was heard again by Dept. VIII and Mr. Grossman appeared and advised they had not seen the documents. On 1-16-91, Mr. Grossman requested 30-45 days to get what he needed from the District Attorney and file a petition. In the interim, the Supreme Court denied deft's appeal. The matter never appears back on calendar. Mr. McDonald advised he does have copies of letters sent by Mr. Grossman and courtesy copied to the deft. refunding the balance of the retainer they had given Mr. Grossman and, by the tenor of the letters, it appears they were not able to pay his entire fee so he did not file the petition. After receiving the letter from Mr. Grossman, deft. sent more pro per motions that were set before Judge Gates on 9-11-91 and the State advised they never filed a response as the motions were previously denied by Judge Wendell. Mr. McDonald advised he cannot find in the record where Judge Wendell denied any motions. Mr. McDonald advised his contention is that information was erroneously given to Judge Gates and he denied the motions. On 7-29-92, Judge Gates appointed Andy Myers to look into the file and report back what had happened in this case. Mr. McDonald advised he does not have a transcript of the 4-26-93 hearing to know what Mr. Myers informed the Court. Court requested a transcript of that proceeding. Mr. McDonald advised Mr. Myers appeared six different times from 9-30-92 to 3-26-93 and each time told the Court he had been unable to obtain the file from Mr. Creel or Mr. Erbeck. Finally, on 3-26-93, Mr. Erbeck stated he may have lost the file and cannot find it. On 4-26-93, the minutes reflect Mr. Myers presented his argument to the Court and he reviewed the matter with the Court Clerk and the Supreme Court Clerk and he believed deft's motion for enlargement of time was never heard, however, Ms. Lowry earnestly represented to the Court that the motion was denied. Judge Gates found the time had expired but that there was good cause for delay and granted time for Mr. Myers to file a supplemental to the pro per petition for post-conviction relief. Court noted for the record that the appeal was denied. Mr. McDonald advised counsel was not appointed for post-conviction relief after the appeal was denied, deft. was never notified he was granted an enlargement of time and deft. was never present when a number of these matters were heard. State advised they filed a return to the petition for post-conviction relief on 11-17-94. Mr. McDonald advised again he cannot find in the minutes where it was ever denied. Colloquy reference possible denial of any motions. Court advised Judge Wendell handled the co-deft. and this Court handled deft. Leavitt and, somewhere in between, Judge Gates and Judge Wendell apparently thought it was their case and someone finally advised, no, it was tried before Judge Guy, however, this Court believes he is bound by the record of the other judges. Court advised he has Judge Wendell's order from 1-16-91 denying without prejudice the motion to enlarge time and Mr. McDonald has indicated deft. was not present and was not advised. Court advised, with the file in this status, he is inclined to grant deft. the motion to file his post-conviction relief and, if the State wants a stay to contest this matter, the Court will grant it. State advised he has a real problem with where we are at now. Court advised deft. was not present when the order was done and we have no records. State advised, right now, he does not believe the issues are properly formed or phrased for the State to respond to; the specificity is not laid out in the petition. Court stated he believes the investigator was hired prior to the Court receiving the order. Mr. McDonald advised the investigator's record would show to the contrary, that he did nothing until trial started. State advised of other problems with the pleadings. Court advised he has granted deft. time to file whatever he

needs to file and ORDERED, enlargement necessary is GRANTED for deft. to proceed with the post-conviction relief and, if the State wants to file a motion for more definite statement, the Court has no problem with that. State advised, right now, this is a naked, bald allegation and the Supreme Court has stated no hearing is required and requested the Court order defense counsel to prepare, with specificity, where he feels trial counsel was ineffective so the State can respond. Upon Court's inquiry, Mr. McDonald advised he has three boxes of materials to review and to give the State specificity, he would ask for a minimum of 30 days. COURT ORDERED, Mr. McDonald has 45 days to file the petition. Court stated, with the record as muddled as it is, the Court feels the deft. has the right to file his petition. Court directed the Court Recorder to prepare a transcript of this record and provide it to counsel so they may know what to do. Mr. McDonald requested deft. be kept at Indian Springs so he can have access to him. COURT ORDERED, if there are no security problems, deft. is to remain at Indian Springs until September 7 or until further order of the Court.

NDP

8-31-95 9:00 AM STATUS CHECK: PETITION FOR POST-CONVICTION RELIEF



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 31, 1995**

87C079346-1

The State of Nevada vs Todd M Leavitt

**August 31, 1995****9:00 AM****Status Check****STATUS CHECK:  
PETITION FOR  
POST-  
CONVICTION  
RELIEF Court Clerk:  
JOYCE BROWN  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
GUY, III, ADDELIAR  
D****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brasier, Karen E.

Attorney

Leavitt, Todd M

Defendant

Rushton, Kimberly M.

Attorney

**JOURNAL ENTRIES**

- Ms. Brasier advised she was appearing for Patrick McDonald and he requested forty-five more days to add specifics to the Post-Conviction Relief; and he has spoken to two witness, but needs more time. Conference at Bench. COURT ORDERED, matter CONTINUED for ninety days.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 30, 1995**

87C079346-1

The State of Nevada vs Todd M Leavitt

**November 30, 1995****9:00 AM****Status Check**

**STATUS CHECK:  
PETITION FOR  
POST-  
CONVICTION  
RELIEF Court Clerk:  
SUSAN  
BURDETTE/sb  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
ROBISON,  
NORMAN C.**

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

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

Noxon, Arthur G.

Attorney

**JOURNAL ENTRIES**

- Mr. McDonald requested an additional two (2) weeks to complete the Supplemental Petition. Mr. Noxon noted no opposition and requested to set the time for State's response in three (3) weeks if the Supplement has been completed. COURT ORDERED, matter CONTINUED.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**December 21, 1995****9:00 AM****Status Check**

**STATUS CHECK:  
PETITION FOR  
POST-  
CONVICTION  
RELIEF Court Clerk:  
JOYCE BROWN  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
ROBISON,  
NORMAN C.**

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

Brasier, Karen E.

Attorney

Noxon, Arthur G.

Attorney

**JOURNAL ENTRIES**

- Ms. Brasier requested a continuance of two weeks. No objection by State. COURT ORDERED, matter CONTINUED. Mr. Noxon requested that a time be set at that time for the State's response, and Court agreed to the request.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 04, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**January 04, 1996****9:00 AM****Status Check**

**STATUS CHECK:  
PETITION FOR  
POST-  
CONVICTION  
RELIEF Court Clerk:  
JOYCE BROWN  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
ROBISON,  
NORMAN C.**

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

Leavitt, Todd M  
Owens, Steven S.

Defendant  
Attorney

**JOURNAL ENTRIES**

- Mr. Owens advised that Mr. McDonald had checked in earlier with him and Mr. McDonald was requesting an additional week. At Court's inquiry, Defendant waived the presence of Counsel today. COURT ORDERED, matter CONTINUED.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 18, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**January 18, 1996****9:00 AM****Status Check**

**STATUS CHECK:**  
**PETITION FOR**  
**POST-**  
**CONVICTION**  
**RELIEF Court Clerk:**  
**JOYCE BROWN**  
**Reporter/Recorder:**  
**ANITA SPRINGS-**  
**WALKER Heard By:**  
**DOUGLAS,**  
**MICHAEL L**

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

<b>PRESENT:</b>	Herndon, Douglas W.	Attorney
	Leavitt, Todd M	Defendant
	McDonald, Patrick E.	Attorney

**JOURNAL ENTRIES**

- Mr. McDonald advised the matter was on calendar to check the progress in filing an amended petition with the State, but due to circumstances in his office which date back to early November, he had not been able to complete the petition. Mr. McDonald requested a continuance of two weeks. No objections by State. COURT ORDERED. matter CONTINUED.  
 NCP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 01, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**February 01, 1996****9:00 AM****Status Check**

**STATUS CHECK:**  
**PETITION FOR**  
**POST-**  
**CONVICTION**  
**RELIEF Court Clerk:**  
**JOYCE BROWN**  
**Reporter/Recorder:**  
**ANITA SPRINGS-**  
**WALKER Heard By:**  
**Michael Douglas**

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

Coumou, Lucinda L.  
 Leavitt, Todd M  
 McDonald, Patrick E.

Attorney  
 Defendant  
 Attorney

**JOURNAL ENTRIES**

- Mr. McDonald advised he was to have the supplemental filed today, but could not do that because of illness and asked to have until close of Clerk's office on Monday to file. He further advised he would ROC to the District Attorney's office, as they would want to file a written response, then a date could be set. COURT ORDERED, matter CONTINUED for argument and if nothing is filed by then, Court will take the matter off calendar and then Counsel can come back. Mr. McDonald advised the matter had been set for an evidentiary hearing and on that day the State convinced the Court a supplemental needed to be filed. COURT ORDERED, matter would be on for ARGUMENT AND EVIDENTIARY HEARING.

NDP

**87C079346-1**

3-8-96 9:00 AM ARGUMENT...EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 22, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**March 22, 1996****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (03-22-96)  
Court Clerk: SUSAN  
BURDETTE/sb  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Michael Douglas**

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

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

Owens, Steven S.

Attorney

**JOURNAL ENTRIES**

- ARGUMENT: DEFT'S PETITION FOR POST-CONVICTION RELIEF ... EVIDENTIARY HEARING  
At 9:28 a.m., Court convened with all parties present. Mr. McDonald noted he has not received any written response from the State. Mr. Owens stated he has not filed anything but does object to the Writ of Habeas Corpus for Post-Conviction Relief. Mr. Owens moved to invoke the exclusionary rule, and COURT SO ORDERED. Mr. McDonald stated he would submit it on what he has filed. Testimony and exhibits presented. (See worksheets.) After the lunch recess, Mr. McDonald stated for the record that Mr. Owens and he met with Court in chambers regarding the difference in testimony in the Preliminary Hearing in which both Defts were present, and the trial transcript of Deft. Emil in Dept. VIII and the trial transcript of Deft. Leavitt in Dept. XI, and will extract portions of the trial transcripts. Mr. Owens concurred and stated he has no objection to them being made a part of the record here. Testimony and exhibits presented. (See worksheets.) Following the testimony of Deft.



Leavitt, Defense rested. Testimony and exhibits presented. (See worksheets.) Following the testimony of Mr. O'Callaghan, State rested. Court directed counsel to file supplemental brief as to ineffective assistance of counsel and whether it makes a difference in the outcome, augmenting this record with portions of the trial transcript and the Preliminary Hearing transcript. Court directed counsel to be concise as to the areas raised as this matter will not be retried at this time. COURT ORDERED, Briefing Schedule to issue: Defense to file SUPPLEMENT by April 22, 1996; State to file REPLY by May 6; Defense to file RESPONSE by May 13; and matter set for HEARING COURT's DECISION. Court noted that if the timing changes, Court will so notify counsel. At 4:33 p.m., Court recessed.

NDP

05-31-96 9:00 AM HEARING: COURT'S DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 31, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**May 31, 1996****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (5-31-96)  
Court Clerk: SUSAN  
BURDETTE/sb  
Relief Clerk:  
DOROTHIE KROLL  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Michael Douglas**

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

Bloxham, Ronald C.

Attorney

Leavitt, Todd M

Defendant

McDonald, Patrick E.

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR SCHEDULING OF PREEMPTORY WRIT OF MANDAMUS AND MOTION FOR ORDER TO PRODUCE... DEFT'S PRO PER PETITION FOR PREEMPTORY WRIT OF MANDAMUS...HEARING: COURT'S DECISION RE: DEFT'S PETITION FOR POST-CONVICTION RELIEF

Court found that because Deft has counsel of record, Deft's Pro Per Motions are fugitive documents, the documents are not properly before the Court and premature, and ORDERED, Deft's Pro Per Motion for Appoint of Counsel DENIED; Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis DENIED; Deft's Pro Per Motion for Scheduling of Preemptory Writ of Mandamus and

Motion for Order to Produce DENIED; Deft's Pro Per Petition for Preemptory Writ of Mandus DENIED. Arguments by Mr. McDonald as to Deft's Pro Per Motions, and noting the disclaimer with the conclusion to State's Opposition to the Motions, noting the ineffective assistance of counsel which made a difference in Deft's trial, and stating he has filed a supplemental package.

Court noted that in regards to Deft's Petition for Post-Conviction Relief, the direct appeal was dismissed by the Nevada Supreme Court in September, 1989, noting the issues that there was no physical evidence connecting Deft. to the crime and the trial was held five (5) years after the murder. As to ineffective assistance of counsel, Court noted the Supreme Court, in reviewing competency of counsel, basically starts with the presumption that counsel is competent and then allows the parties to work backwards. Court stated his findings as to the questions as to whether the pre-trial preparation was adequate, cited the Strickland case, and noted the significant issues of (1) a jailhouse snitch which Mr. Erbeck was able to keep out of the trial; a telephone conversation Mr. Erbeck was able to keep out; and (3) some fiber evidence. As to the hearing before the Court, Court noted his concern that Mr. Erbeck's file was misplaced, he had limited recollection of what happened inside and outside the Courtroom because of the delay in this matter coming before the Court, so he was attempting to reconstruction his memory based on having certain transcripts before Court, and ORDERED, Deft's Petition for Post-Conviction Relief DENIED, finding that Mr. Erbeck's performance was bothersome as to effective counsel or lack thereof after reviewing the total transcript, the position at time of trial, and inability to show that it would have made a difference as to affecting the outcome. Mr. McDonald noted Deft. has a right to appeal this decision, and requested the Court appoint counsel for Deft. to put together an effective appeal. Court directed Mr. McDonald to submit the request in writing because at this time, Court is not sure if Deft. is entitled to appointment of additional counsel. Statement by Mr. McDonald, who then requested to withdraw as counsel of record. COURT ORDERED, request GRANTED, which now frees Deft. to petition the Court in forma pauperis in any matter. Mr. McDonald requested the transcript be prepared and made a part of this record, and COURT SO ORDERED.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 11, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 11, 1996****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (07-11-96)  
Court Clerk: SUSAN  
BURDETTE/sb  
Relief Clerk: ALICE  
LAIZURE  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Michael Douglas**

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

Coumou, Lucinda L.

Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ... DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL TO THE SUPREME COURT  
Court noted he is not clear as to whether previous counsel was appointed by the Court or retained by Deft's family. Court further noted Mr. MacDonald McDonald's request to withdraw after representing Deft. on the Writ was granted; pursuant to NRS 177.345, the Public Defender's office is not available due to a previous conflict, and ORDERED, matters CONTINUED; Court's office to contact Joseph Abood, Esq., as to representing Deft. on appeal. COURT FURTHER ORDERED, matter set for CONFIRMATION OF COUNSEL.

NDP

07-18-96 9:00 AM CONFIRMATION OF COUNSEL (JOSEPH ABOOD) ... DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ... DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN

FORMA PAUPREIS ON APPEAL TO THE SUPREME COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 18, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**July 18, 1996****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 7-18-96  
Court Clerk: JOYCE  
BROWN  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Michael Douglas**

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

Noxon, Arthur G.

Attorney

Oram, Christopher R.

Attorney

**JOURNAL ENTRIES**

- CONFIRMATION OF COUNSEL (ABOOD)...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL TO THE SUPREME COURT

Court advised the original call went out to Mr. Abood, tried to contact him last night as he was Counsel on direct appeal and on a writ which this Court dealt with previously, and no authority to retain an attorney at this time. COURT ORDERED, Deft's Pro Per Motion For Appointment Of Counsel DENIED; Deft's Pro Per Motion For Leave To Proceed In Forma Pauperis On Appeal To The Supreme Court GRANTED; and no action on Confirmation of Counsel.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 24, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 24, 1996****9:00 AM****Request of Court**

**AT THE REQUEST  
OF THE COURT PER  
SUPREME COURT  
ORDER Court Clerk:  
JOYCE BROWN  
Reporter/Recorder:  
ANITA SPRINGS-  
WALKER Heard By:  
Michael Douglas**

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

**PRESENT:** Herndon, Douglas W. Attorney

**JOURNAL ENTRIES**

- Court advised Defendant Leavitt had petitioned this Court for post conviction relief which was denied by this Court; no formal order had been prepared and the District Attorney needed to prepare an order. Court advised the petition was denied on May 31, 1996. After reviewing the file, Mr. Herndon advised Mr. Bloxham was in Court on that date and he would see that the order was prepared. COURT FURTHER ORDERED, matter continued for a status check concerning the order. Court advised he had an order from the State Supreme Court concerning this matter; and this Court did not wish to reconsider the matter.

NDP

10-10-96 9:00 STATUS CHECK: AS TO ORDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 10, 1996**

87C079346-1

The State of Nevada vs Todd M Leavitt

**October 10, 1996****9:00 AM****Status Check****STATUS CHECK:****AS TO ORDER****Court Clerk: JOYCE  
BROWN****Reporter/Recorder:****ANITA SPRINGS-****WALKER Heard By:****Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Noxon, Arthur G.

Attorney

**JOURNAL ENTRIES**

- Court advised State was to prepare an order. Mr. Noxon advised Findings Of Fact, Conclusions Of Law was filed and sent to Pat McDonald and presented a filed copy to the Court. Court advised Clerk's office needed to send a copy to the State Supreme Court as they had not received a final order.  
NDP



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

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

**ALL PENDING  
MOTIONS (7-8-99)  
Court Clerk: JOYCE  
BROWN  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

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

Kephart, William D.

Attorney

**JOURNAL ENTRIES**

- PATRICIA M. ERICKSON, ESQ'S REQUEST TO WITHDRAW AS COUNSEL AND DEFT TO FILE PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF EFFECTIVE COUNSEL DURING LITIGATION OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Ms. Erickson advised she was Federal Counsel for this Defendant; Mr. Maglaris, who was Counsel of record, had been disbarred; and she wanted to be appointed. She further advised the first matter was calendared incorrectly; it should have been "Patricia M. Erickson, Esq's Request For Withdrawal of Chris Maglaris as Counsel and Deft To File Pro Per Petition For Writ Of Habeas Corpus". Petition For Writ of Habeas Corpus with Exhibits FILED IN OPEN COURT and the District Attorney served with a copy of the petition and exhibits.

Mr. Kephart advised for the record, they did receive on July 6th a copy of the motion for appointment of Counsel; he was going to ask for an opportunity to answer. He further advised Mr. Roger would be handling the matter and he needed to review it. Court was not ready to rule on this; it was

important to have a complete record; and Court would like something from the State. The following briefing schedule was set:

STATE'S RESPONSE 7-22-99 REPLY 7-29-99 ARGUMENT 8-12-99

Court noted a document in the file, an order dated 9-30-91, denying Deft's petition for post-conviction relief and dismissal of appeal. Court noted Mr. Wolf had been attorney for the Defendant; the motion was brought by Mr. Maglaris; and he was dismissed in April of 1999.

NDP

8-12-99 9:00 AM ARGUMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**August 12, 1999****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (08-12-99)  
Court Clerk: SUSAN  
BURDETTE/sb  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

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

**PRESENT:** O'Callaghan, Michael N. Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO EXTEND TIME ... ARGUMENT: PATRICIA M. ERICKSON, ESQ' REQUEST FOR WITHDRAWAL OF CHRIS MAGLARAS AS COUNSEL AND DEFT TO FILE PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... ARGUMENT: DEFT'S PRO PER MOTION FOR APPOINTMENT OF EFFECTIVE COUNSEL DURING LITIGATION OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Patricia Erickson, Esq. present. Ms. Erickson stated she was involved in helping an attorney on a capital brief and requested one (1) more week to respond. She further stated she wished to clarify that the State has responded alleging procedural bar and latches. Court found that will be dealt with at time of argument, and ORDERED, matters set for ARGUMENT IN ONE (1) WEEK. Ms. Erickson requested that she have one (1) week to file her response and the matter be set for argument one (1) week thereafter. COURT ORDERED, request DENIED; matters will be argued in ONE (1) WEEK.  
NDP

08-19-99 9:00 AM ARGUMENT: PATRICIA M. ERICKSON, ESQ'S REQUEST FOR WITHDRAWAL

OF CHRIS MAGLARAS AS COUNSEL AND DEFT TO FILE PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... ARGUMENT: DEFT'S PRO PER MOTION FOR APPOINTMENT OF EFFECTIVE COUNSEL DURING LITIGATION OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

87C079346-1

The State of Nevada vs Todd M Leavitt

**August 19, 1999****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (8-19-99)  
Court Clerk: JOYCE  
BROWN/JB Relief  
Clerk: KATHY  
STAITE  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

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

**PRESENT:** O'Callaghan, Michael N. Attorney

**JOURNAL ENTRIES**

- ARGUMENT: PATRICIA M. ERICKSON, ESQ'S REQUEST FOR WITHDRAWAL OF CHRIS MAGLARAS AS COUNSEL AND DEFT TO FILE PRO PER PETITION FOR WRIT OF HABEAS CORPUS...ARGUMENT: DEFT'S PRO PER MOTION FOR APPOINTMENT OF EFFECTIVE COUNSEL DURING LITIGATION OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Ms. Erickson advised this was not her request exactly, but because of a Federal Court order; however, if the Court thought someone else should be appointed, that would be fine. She further advised she had represented the Defendant for six years and thought the case needed Counsel appointed. Mr. O'Callaghan advised there had to be a time when this had to end.

Court advised the previous Counsel had been dis-barred; the Court had a request for pro per petition; the State had asserted there had been excessive petitions filed; as to appeal the Defendant

had a right to appointment of Counsel; under Habeas Corpus it was under certain circumstances only; and the Court's preference was not to appoint Counsel noting no justification statutorily to do so. Ms. Erickson presented argument. Court advised he had not submitted anything new to this Court to qualify for that representation; nothing from the Defendant showing he was entitled to that; and looking at flat statutory requirements, he had not said he was indigent. Court further advised it was the Defendant's obligation; if Ms. Erickson wanted to assist him, that was her choice. Ms. Erickson asked for a continuance of two weeks. Mr. O'Callaghan advised the problem was repeated petitions. COURT ORDERED matter CONTINUED two weeks and they would be discussing the indigent status.

NDP

CONTINUED TO: 9-7-99 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 07, 1999**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 07, 1999****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (09-07-99)  
Court Clerk: SUSAN  
BURDETTE/sb  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

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

**PRESENT:** O'Callaghan, Michael N. Attorney

**JOURNAL ENTRIES**

- ARGUMENT: PATRICIA M. ERICKSON, ESQ'S REQUEST FOR WITHDRAWAL OF CHRIS MAGLARAS AS COUNSEL AND DEFT. TO FILE PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... ARGUMENT: DEFT'S PRO PER MOTION FOR APPOINTMENT OF EFFECTIVE COUNSEL DURING LITIGATION OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Ms. Erickson stated that on September 3, she filed Deft's Declaration, which clearly establishes that Deft. has not been employed in the past twelve (12) months and has \$268.00 in the Inmate Account; she has received from the Department of Prisons an Inmate Account statement for Deft. from August, 1998, through August 18, 1999, which indicates that Deft. has basically received \$100.00 per month in the inmate account. As to the appointment of counsel, she requested that counsel be appointed, noting the aggravating matters; if this case is overturned for any reason, the death penalty challenge is subject to be overturned and the consequences are considerable to Deft., citing NRS 34.750, and noting the State cited an incorrect ruling as to procedural bar; this issue has never been ruled on by a

State Court, cited NRS 34.726 is not applicable as it was signed in 1993 and prior to same, the post-conviction was a two-step process, and gave a brief explanation of same. Court noted the issue as to Chris Maglaras. Ms. Erickson stated this is a very tactical area, noting that Deft. is on death row and does not have access to law books, noted the importance of him doing the research, and noted the complexity of the issue and the inability of Deft. to do research on his own, and requested that counsel be appointed, citing NRS 34.750, noting Deft. being on death row in Ely is complicated. Mr. O'Callaghan stated it is only complicated as to defense counsel as Ms. Erickson is boot strapping; it has to come to an end at some point; and argued that with regards to the Affidavit brought up by Ms. Erickson, he has not seen the Affidavit as to indigence. Ms. Erickson showed same to Mr. O'Callaghan. Court stated he has reviewed same, and the papers supplied to the Court indicating that Deft. is indigent. As to Mr. Maglaras, COURT ORDERED, he is RELIEVED as COUNSEL due to his disbarment. As to the issue of appointment of counsel, Court found Deft. received Life Without Possibility of Parole in this case, it is not mandatory that this Court appoint counsel for post-conviction relief, and ORDERED, Appointment of counsel DENIED as this Court feels it would be inappropriate; Deft. ALLOWED TO PROCEED IN PRO PER based on the Affidavit, noting this does not mean that the Court is making any ruling at this point. Mr. O'Callaghan stated he has not responded to the merits as it is a fugitive document. Court stated he will accept it as a Post-Conviction document filed by Deft. Mr. O'Callaghan requested sixty (60) days to respond, and COURT SO ORDERED, noting that if during the sixty (60) days, Deft. does not wish to proceed with what has been filed on his behalf, the Court is to be notified. Upon Mr. O'Callaghan's inquiry as to Ms. Erickson representing Deft. pro bono, Court stated he will leave it up to Deft. and Ms. Erickson. Ms. Erickson stated she can be served and will make sure Deft. receives copies of the State's reply, noting the State has filed an Opposition to the Motion for Appointment of Counsel. COURT ORDERED, Briefing Schedule to issue: - State to respond by November 16; - Ms. Erickson to reply by December 14, 1999; and matter set for HEARING.

NDP

01-12-00 9:00 AM HEARING: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 21, 1999**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 21, 1999****9:00 AM****Motion**

**STATE'S REQUEST  
CLARIFICATION  
OF ISSUES TO  
WHICH THE STATE  
WILL RESPOND  
Court Clerk: SUSAN  
BURDETTE/sb  
Relief Clerk:  
BLANCA  
MADRIGAL  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Rutledge, Brian S.

Attorney

**JOURNAL ENTRIES**

- Deft. not present. Mr. Rutledge stated the Deputy made an indication in the file that the State needs to file a Response to the Petition for Writ of Habeas Corpus, and noted the State filed a response July 20. Court found that due to possible representation of Deft., Ms. Erickson requests this matter be continued to Monday; she will appear at that time as to whether she will be filing a Supplemental Petition on behalf of Deft., and ORDERED, matter set for STATUS CHECK.

NDP

09-27-99 9:00 AM STATUS CHECK: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

01-12-00 9:00 AM HEARING: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

PRINT DATE: 10/10/2016

Page 63 of 77

Minutes Date: January 16, 1991

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

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87C079346-1

The State of Nevada vs Todd M Leavitt

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**September 27, 1999****9:00 AM****Status Check**

**STATUS CHECK:  
DEFT'S PRO PER  
PETITION FOR  
WRIT OF HABEAS  
CORPUS Court  
Clerk: JOYCE  
BROWN/JB Relief  
Clerk: BLANCA  
MADRIGAL  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Douglas,  
Michael L**

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

Rutledge, Brian S.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED matter CONTINUED to Wednesday.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 29, 1999**

87C079346-1

The State of Nevada vs Todd M Leavitt

**September 29, 1999****9:00 AM****Status Check**

**STATUS CHECK:**  
**DEFT'S PRO PER**  
**PETITION FOR**  
**WRIT OF HABEAS**  
**CORPUS Court**  
**Clerk: JOYCE**  
**BROWN/JB Relief**  
**Clerk: BLANCA**  
**MADRIGAL**  
**Reporter/Recorder:**  
**CATHY NELSON**  
**Heard By: Michael**  
**Douglas**

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

Rutledge, Brian S.

Attorney

**JOURNAL ENTRIES**

- Court advised this was on for a status check; the Court had declined appointment of Ms. Erickson; inquired if she was going to be representing him without the appointment; and if anything additional was going to be filed by Defendant or on behalf of the Defendant. Court noted the State had filed opposition. Ms. Erickson advised the Court ordered the response in sixty days; she would be representing the Defendant Pro Bono, but asked for re-imbursement for supplies, copying, etc. COURT ORDERED Counsel's request GRANTED. Ms. Erickson advised she would be responding to the opposition and asked for forty-five days. COURT FURTHER ORDERED Defendant's response to be received by November 17th; and hearing set for December 1, 1999.

NDP

PRINT DATE: 10/10/2016

Page 65 of 77

Minutes Date: January 16, 1991

12-1-99 9:00 AM HEARING ARGUMENT: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: After Court had recessed, COURT ORDERED the hearing date set for January 12, 2000, VACATED. 9-29-99/JB

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 01, 1999**

87C079346-1

The State of Nevada vs Todd M Leavitt

**December 01, 1999****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 12/1/99  
Court Clerk: AMBER  
FARLEY  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

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

Rutledge, Brian S.

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO CONTINUE HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND MOTION TO EXTEND TIME FOR FILING PETITIONER'S REPLY TO STATE'S OPPOSITION...DEFT'S MOTION FOR APPOINTMENT OF INVESTIGATOR...HEARING: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

Court stated its findings and ORDERED, Deft's Motion for Appointment of Investigator DENIED. Ms. Erickson stated she is in the middle of research for the Petition and needs more time to prepare. COURT ORDERED, Motion to Continue Hearing GRANTED. Hearing CONTINUED.  
NDP

1/24/00 9:00 AM HEARING: DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 27, 2000**

87C079346-1

The State of Nevada vs Todd M Leavitt

**January 27, 2000****9:00 AM****Hearing**

**HEARING  
ARGUMENT:  
DEFT'S PRO PER  
PETITION FOR  
WRIT OF HABEAS  
CORPUS Court  
Clerk: JOYCE  
BROWN  
Reporter/Recorder:  
CATHY NELSON  
Heard By: Michael  
Douglas**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** O'Neale, Lawrence J.

Attorney

**JOURNAL ENTRIES**

- Mr. O'Neale advised he was standing in for Mr. O'Callaghan who could not be present today. Ms. Erickson read from documentation and presented lengthy argument including the State had focused on there was no right for effectiveness of Counsel on post-conviction and that missed the point completely, referring to the fifth and fourteenth amendment, the Defendant's right of due process, and fundamental fairness. she alleged he was not even in the State of Nevada when the crime was committed. She further advised they had direct appeal where he was entitled to an effective Counsel; the attorney needed to be questioned as to why certain questions were not raised; at post-conviction none of the facts were presented to the Court; alleged he had been denied his right of due process; and asked the Court for an evidentiary hearing on ineffectiveness of post-conviction Counsel. She

further argued the Supreme Court had to be consistent and asked the Court to raise the merits of the Petition for Writ of Habeas Corpus and have an evidentiary hearing on the Defendant's alibi and ineffectiveness of Counsel.

Mr. O'Neale advised the State strongly urged this Court to apply the rules to enforce the statutes; they have a petitioner who comes before the Court and says he doesn't have to follow the rules because they are not consistently followed and mean nothing; the Court had no right to go beyond the statutes; this is an old case which had been through the system many times; the statutes on filing things are clear; and he urged the Court to rule on the clear law as there had been no showing of cause or prejudice. He further argued it should not be decided on the merits; it was barred by time, and should be summarily denied. More argument from Ms. Erickson including she thought the rules were not followed consistently; there were issues which should have been raised at post-conviction; and alleged that everything in the petition was new.

Court had reviewed documents from both sides; the Court had gone back into the file itself to get a better idea of what was going on; the Court read from a document filed April 25, 1989, which was an order dismissing the appeal from the Supreme Court; the Jury rejected the Defendant's alibi; and the Supreme Court ordered the appeal dismissed. The Court read from another document which was filed September 30, 1991, which was before the Supreme Court and an appeal from District Court on post-conviction relief, concluding they were naked claims; the Defendant was not entitled to an evidentiary hearing; the Court had read the two decisions by the Supreme Court as to previous proceedings; and in going through what had been proffered, a large number of claims raised in this petition were previously before the Court and had been decided; and the District Court must rule on the merits as they see them with some guide by the Supreme Court or other review Court. The Court advised consistency was hard to encapsulate as each case was different. Court cited Moran vs McDaniel. Based upon reading the case; a review of documentation, Court finds that this Petition is barred as excessive, without good cause being asserted; and based on time bar and the number of things raised which have been raised previously and ruled upon, COURT ORDERED this excessive petition DENIED. State to prepare the order.

Ms. Erickson advised she would be filing an appeal and asked the Court to order the preparation of a transcript at State's expense; however, she would continue pro bono. Based on the request, COURT ORDERED transcript to be prepared at State's expense.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 29, 2006**

87C079346-1

The State of Nevada vs Todd M Leavitt

**August 29, 2006****9:15 AM****Petition for Writ of Habeas  
Corpus**

**PTN FOR WRIT OF  
HABEAS CORPUS  
/67 Court Clerk:  
April Watkins  
Reporter/Recorder:  
Thelma Stapley  
Heard By: Leavitt,  
Michelle**

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

Owens, Steven S.

Attorney

**JOURNAL ENTRIES**

- Statements by counsel. Court stated Deft's counsel brought to the Court's attention the Co-Deft. shares the same last name as the Court. This Court's Judicial Executive Assistant was requested to contact Deft's counsel and advised to request any information as to this Co-Deft. Court further stated she has never met this person and this Court's father only has four nephews and Co-Deft's brother is not one of them. Ms. Erickson stated she is satisfied with the Court's response. Colloquy. COURT ORDERED, the following briefing schedule: State's Response due by November 7, 2006, Deft's Reply due by January 4, 2007, and matter set thereafter for argument and decision. FURTHER ORDERED, petition CONTINUED.

NDC

1/25/07 1:00 PM ARGUMENT/DECISION



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 25, 2007**

87C079346-1

The State of Nevada vs Todd M Leavitt

**April 25, 2007****9:30 AM****Request**

**STATES REQUEST  
STAUS CHECK OF  
ARGUMENT Court  
Clerk: April Watkins  
Relief Clerk: Tia  
Everett/te  
Reporter/Recorder:  
Thelma Stapley  
Heard By: Michelle  
Leavitt**

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

Owens, Steven S.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter Set for Argument and Decision as to Deft's Petition for Writ of Habeas Corpus.

NDC

5/21/07 11:00 AM ARGUMENT/DECISION...PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2007**

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87C079346-1

The State of Nevada vs Todd M Leavitt

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**May 21, 2007****11:00 AM****Hearing**

**ARGUMENT/DECISION: PTN FOR  
WRIT HABEAS  
CORPUS Court  
Clerk: April Watkins  
Relief Clerk: Tia  
Everett/te  
Reporter/Recorder:  
Thelma Stapley  
Heard By: Leavitt,  
Michelle**

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

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED at request Ms. Erickson.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 22, 2007**

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87C079346-1

The State of Nevada vs Todd M Leavitt

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**May 22, 2007****9:30 AM****Hearing**

**ARGUMENT/DECISION: PTN FOR  
WRIT HABEAS  
CORPUS Court  
Clerk: April Watkins  
Relief Clerk: Tia  
Everett/te  
Reporter/Recorder:  
Thelma Stapley  
Heard By: Leavitt,  
Michelle**

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

Owens, Steven S.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED at request Ms. Erickson.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2007**

87C079346-1

The State of Nevada vs Todd M Leavitt

**May 24, 2007****11:00 AM****Hearing**

**ARGUMENT/DECISION: PTN FOR  
WRIT HABEAS  
CORPUS Court  
Clerk: April Watkins  
Relief Clerk: Tia  
Everett/te  
Reporter/Recorder:  
Thelma Stapley  
Heard By: Michelle  
Leavitt**

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

Owens, Steven S.

Attorney

**JOURNAL ENTRIES**

- Ms. Erickson requested Deft's presence be waived. COURT SO ORDERED. Ms. Erickson argued there is possible prosecutorial misconduct and Brady violations by the State. Court noted the issue of the failure to disclose the probation violation of the jury foreperson has been argued before. Additionally, Ms. Erickson advised she has provided the Court with information outside the record about incentives given to the witnesses Henslik and Koba by the State. Ms. Erickson further argued there is new evidence shows there were promises made to Henslik at the time of Deft. Emil's trial and Judge Pro stated he received a letter from Henslik stating the promises made to Henslik by the State. Further Judge Pro recognized there were detainers on Henslik in 12 different jurisdictions. Additionally, Ms. Erickson argued witness Koba was paid \$2,000.00 by secret witness program for his testimony in Deft. Emil's trial. Further this information provided to the Court regarding the 2 key

witnesses was learned subsequent to the appeals until now and would request Court allow discovery to establish the State had this information as well as allow an evidentiary hearing be held. Additionally, Ms. Erickson argued the State suppressed evidence. Mr. Owens opposed by arguing this case is 20 years old and has had 3 state petitions as well as federal appeals that have all been denied. Additionally, the last appeal was in 2000 which was denied and upheld by the Supreme Court and the Supreme Court has also ruled that Deft's counsel was not ineffective. Further as to the Henslik allegation there were no promises made for his testimony although this does not stop him from trying to elicit favors for testifying and there could have not been any foreknowledge on this. Mr. Owens argued as to the Koba allegation it is hard to rebut that Koba received payment for his testimony by secret witness. Mr. Owens advised he contacted secret witness and they only keeps records that go back three years. Additionally, the State feels there is not need for an evidentiary hearing and there may be a few new matters the Deft. has brought forward; however, nothing that would issue a reversal of the decision. Further arguments by counsel. Court noted information in this case has been available since 1988. Ms. Erickson requested Court grant discovery and evidentiary hearing. Court FINDS, all issues raised are time barred or have been raised previously at either District Court level or Nevada Supreme Court level or could have been raised; therefore, COURT ORDERED, petition DENIED. State to prepare order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 10, 2007**

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87C079346-1

The State of Nevada vs Todd M Leavitt

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**October 10, 2007****9:00 AM****Minute Order**

**MINUTE ORDER  
RE: DECLINING TO  
SIGN WRIT OF  
HABEAS CORPUS  
Court Clerk: April  
Watkins Heard By:  
Michelle Leavitt**

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

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court is not inclined to sign the Petition. The Petition is procedurally time barred, and therefore, cannot be considered by this Court.

CLERK'S NOTE: The above minute order has been distributed to: Deft. Todd M. Leavitt, 26131, H.D.S.P., P.O. Box 650, Indian Springs, NV 89018-0650. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 03, 2014**

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87C079346-1

The State of Nevada vs Todd M Leavitt

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**April 03, 2014****8:30 AM****Motion to Dismiss****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**Duncan, Wesley K.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

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

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Todd Leavitt, #26131, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89018. ///

sj

States'

PLAINTIFF'S EXHIBITS

State

25

Enid

11-9-87

CASE NO. C79346

Def  
Enid

OFFERED ADMITTED

1 Photographs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/9
2 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
3 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
4 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
5 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
6 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
7 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/9
8 "	<input checked="" type="checkbox"/> voir dire obj 11-9 sust	<input checked="" type="checkbox"/> 11/10
9 "	<input checked="" type="checkbox"/> obj 11-9 sust	<input checked="" type="checkbox"/> 11/10
10 "	<input checked="" type="checkbox"/> obj 11-9 sust	<input checked="" type="checkbox"/> 11/10
11 Photograph	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12 Evidence Bag	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12A Bullet fragments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12B Bullet fragments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12C Package used to return Exhibit 12 to Metro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12D Package - Evidence Bag used to mail to Firearms Section	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12E In from FBI to Metro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/10
12F	<input type="checkbox"/>	<input type="checkbox"/>
12G	<input type="checkbox"/>	<input type="checkbox"/>
13 Photograph	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/9
14 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
15 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
16 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
17 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> "
18 Photograph	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 11/9



STATES  
PLAINTIFFS EXHIBITS

CASE NO. C79346

[illegible]

DEFENDANT'S EXHIBITS:

CASE NO. C 79346

OFFERED ADMITTED

A. <u>Affidavit of Joseph Henslik, 7-26-87</u>	<input checked="" type="checkbox"/> 11-16-87	<input checked="" type="checkbox"/> 11-16-87
B. _____	<input type="checkbox"/>	<input type="checkbox"/>
C. _____	<input type="checkbox"/>	<input type="checkbox"/>
D. _____	<input type="checkbox"/>	<input type="checkbox"/>
E. _____	<input type="checkbox"/>	<input type="checkbox"/>
F. _____	<input type="checkbox"/>	<input type="checkbox"/>
G. _____	<input type="checkbox"/>	<input type="checkbox"/>
H. _____	<input type="checkbox"/>	<input type="checkbox"/>
I. _____	<input type="checkbox"/>	<input type="checkbox"/>
J. _____	<input type="checkbox"/>	<input type="checkbox"/>
K. _____	<input type="checkbox"/>	<input type="checkbox"/>
L. _____	<input type="checkbox"/>	<input type="checkbox"/>
M. _____	<input type="checkbox"/>	<input type="checkbox"/>
N. _____	<input type="checkbox"/>	<input type="checkbox"/>
O. _____	<input type="checkbox"/>	<input type="checkbox"/>
P. _____	<input type="checkbox"/>	<input type="checkbox"/>
Q. _____	<input type="checkbox"/>	<input type="checkbox"/>
R. _____	<input type="checkbox"/>	<input type="checkbox"/>
S. _____	<input type="checkbox"/>	<input type="checkbox"/>
T. _____	<input type="checkbox"/>	<input type="checkbox"/>
U. _____	<input type="checkbox"/>	<input type="checkbox"/>
V. _____	<input type="checkbox"/>	<input type="checkbox"/>
W. _____	<input type="checkbox"/>	<input type="checkbox"/>
X. _____	<input type="checkbox"/>	<input type="checkbox"/>
Y. _____	<input type="checkbox"/>	<input type="checkbox"/>
Z. _____	<input type="checkbox"/>	<input type="checkbox"/>

## PLAINTIFF'S EXHIBITS

J.T. Heavitt  
3/21/88

CASE NO.

C 79346

OFFERED ADMITTED

1. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
2. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
3. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
4. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
5. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
6. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
7. photograph	3/21	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/21
8. photograph	3/21	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/21
9. photograph	3/28	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/28
10. photograph	3/21	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/21
11. photograph - Ross Jolley	3/25	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/25
12. A. Elastic baggie	3/25	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/25
12. B. plastic baggie	3/25	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/25
12. C. box (empty)	3/25	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/25
12. E. letter FBI Hornet	3/25	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	3/25
13. photograph	3/21	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/21
14. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
15. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
16. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
17. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
18. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
19. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
20. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
21. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
22. photograph	3/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/21
23. Glass jar - contents ties	3/28	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3/28
24. Sketch prepared by Mr. Green	3/28	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	3/28
25.		<input type="checkbox"/>		<input type="checkbox"/>	

## PLAINTIFF'S EXHIBITS

CASE NO.

C 79346

J.T. Heavisett  
3/21/88

OFFERED ADMITTED

~~Ex. 26~~ Sketch drawn of Vehicles parked  
in the area.☐☐

✓ Ex. 27 photograph

3/21

☒winning  
draw☒

3/21

✓ Ex. 28 Nevada Vehicle Registration

3/28

☒

obj.

☒

3/28

~~Ex. 28-A - Fred Meyer~~

3/28

☒

obj.

☐

sus.

~~Ex. 29~~☐☐

✓ Ex. 30 Registration

3/22

☒

no obj.

☒

3/22

✓ Ex. 31 Gun Report

3/22

☒obj.  
no obj.☒

3/22

✓ Ex. 32A photograph

3/22

☒

no obj.

☒

3/22

~~Ex. 32B~~ photograph☐☐

✓ Ex. 32C photograph

3/22

☒

obj.

☐~~Ex. 32D~~ photograph☐☐~~Ex. 32E~~ photograph

3/22

☒

obj.

☒

3/22

~~Ex. 32F~~ photograph☐☐~~Ex. 32G~~ photograph☐☐

✓ Ex. 32H photograph

3/22

☒

obj.

☒

3/22

~~Ex. 32I~~ photograph☐☐~~Ex. 32J~~ photograph☐☐~~Ex. 32K~~ photograph☐☐

✓ Ex. 32L photograph

☐☐~~Ex. 32M~~ photograph☐☐~~Ex. 32N~~ photograph☐☐

Ex. 33

☐☐

Ex. 34 Cts exhibits

☐☐

✓ Ex. 35 Affidavit

☐☐

✓ Ex. 36 Xminro Crime Report

☐☐

25.

☐☐

PLAINTIFF'S EXHIBITS

CASE NO. C 79346

OFFERED ADMITTED

✓ A. Return of 1-25-93 with Affidavit ☐ ☐

✓ B. Criminalistics Report dated 3-10-83 ☐ ☐

✓ C. Ex Parte Motion for Employment of Investigator ☐ ☐

✓ D. Notice of Alibi ☐ ☐

✓ E. Vendor Claim Voucher dated 6-17-88 ☐ ☐

✓ F. Ltr from Mr. Erbeck to Todd Leavitt ☐ ☐

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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

TODD M. LEAVITT #26131  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

DATE: October 10, 2016  
CASE: 87C079346-1

RE CASE: STATE OF NEVADA vs. TODD M. LEAVITT

NOTICE OF APPEAL FILED: October 7, 2016

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# 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; DISTRICT COURT MINUTES;  
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

TODD M. LEAVITT,

Defendant(s).

Case No: 87C079346-1

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 10 day of October 2016.

Steven D. Grierson, Clerk of the Court

*Chaunte Pleasant*

Chaunte Pleasant, Deputy Clerk