

JURY PRESENT: Mr. Reed not present, Ms. Murray and Ms. Hojjiat present on behalf of Deft. Deft. present. At the hour of 6:09 P.M. the Jury returned with a verdict as follows:

COUNT 1 - CONSPIRACY TO COMMIT MURDER - NOT GUILTY

COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON - GUILTY OF VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON

COUNT 3 - CONSPIRACY TO DISCHARGE FIREARM OUT OF A MOTOR VEHICLE - NOT GUILTY

COUNT 4 - DISCHARGING FIREARM OUT OF MOTOR VEHICLE - GUILTY OF DISCHARGING OF FIREARM OUT OF A MOTOR VEHICLE

COUNT 5 - CONSPIRACY TO DISCHARGE FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT - NOT GUILTY

COUNT 6 - DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT - GUILTY OF DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Court thanked and excused the Jury.

OUTSIDE PRESENCE OF JURY: COURT ORDERED, matter referred to the Division of Parole and Probation, and SET for Sentencing. Ms. Fleck requested Deft. be held without bail pending sentencing. Colloquy regarding bail. Ms. Murray stated she will address the matter in writing at a later date. COURT FURTHER ORDERED, Deft. HELD WITHOUT BAIL; counsel to file a motion if appropriate.

CUSTODY

SENTENCING: 07/15/15 8:30 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 29, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**July 29, 2015****8:30 AM****Sentencing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Susan Jovanovich**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Hojjat, Nadia

Attorney

Public Defender

Attorney

State of Nevada

Plaintiff

Villani, Jacob J.

Attorney

**JOURNAL ENTRIES**

- Deft. present in custody. Ms. Hojjat advised there are disputes on information contained in the Pre-Sentence Investigation (PSI) Report, including the restitution amount, further noting there were various letters submitted to the Court by individuals who may not be qualified under the statute to provide a victim impact statement, therefore, defense will be moving to strike some of those letters prior to proceeding forward with sentencing. Mr. Villani made no objection, and stated issues regarding the letters can be addressed at a later time. Court advised counsel it is unable to tell who some of the letters are from. Upon Court's inquiry, Ms. Hojjat indicated she can notify Chambers regarding which letters defense will seek to strike; and requested this matter be continued to file a Motion prior to Deft. being sentenced. COURT ORDERED, sentencing CONTINUED. Defense to file the written Motion to strike and to also address the restitution issue in the Motion as well. Court advised Mr. Villani it will allow the State to respond to Deft's Motion orally at the next Court date.

NDC

8/19/15 8:30 A.M. SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 19, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 19, 2015****8:30 AM****Sentencing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Hojjat, Nadia

Attorney

Reed, Norman J.

Attorney

State of Nevada

Plaintiff

Villani, Jacob J.

Attorney

**JOURNAL ENTRIES**

- Court noted the understanding as to issues raised in July in regards to victim letters that were thought had to do with some folks not properly being considered to be a victim under the statute and it was believed there would be fillings for the Court to evaluate those being objected to; the motion to strike has been seen, and which seeks to strike all of the letters. Upon the inquiry of the Court, Ms. Hojjat stated the statute is vague; it's not being asked for the letters to not be considered, but they should not be a part of the Presentence Investigation Report (PSI) and perhaps could be a Court Exhibit. Ms. Hojjat stated the position of the defense is to move to strike them out of the PSI and make it a Court Exhibit. Court noted there is no objection to what is being presented for consideration, but the defense would like the items stricken from the PSI. Mr. Villani stated he looked at Odyssey and it appears there are 2 separate filings; the statements are not attached to the PSI, it would be inappropriate, and there is no opposition to the defense request. COURT ORDERED, the defense request for the set of documents and letters filed, and identified as Defendants statement will be STRICKEN from the PSI; it should not be considered as a part of the PSI, or be provided to the Nevada Department of Corrections (NDC) as a part of the PSI; order to be submitted by defense counsel. By virtue of the Jury Verdict, Defendant BOWSER ADJUDGED GUILTY OF COUNT II, VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F) ,COUNT IV,

DISCHARGING FIREARM OUT OF A MOTOR VEHICLE (F), AND COUNT VI, DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, WATERCRAFT (F). Arguments by counsel. Statement by Defendant. Speaker Keith Allen sworn and testified. Mr. Reed advised Mr. Allen does not fall within NRS 176.015, but they are not objecting to him. Dawn Allen, and Marissa McCoy sworn and testified. COURT ORDERED, in addition the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee, and \$500.00 Indigent Defense Civil Assessment fee, as to COUNT II, Defendant SENTENCED to a MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC), PLUS AN EQUAL AND CONSECUTIVE SENTENCE OF A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, and Restitution of \$1,171.80; as to COUNT IV, A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS AND A MINIMUM OF FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE to COUNT II, and as to COUNT VI, A MAXIMUM OF SEVENTY-TWO (72) MONTHS AND A MINIMUM OF TWENTY-EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT IV; THREE THOUSAND, EIGHT HUNDRED FIFTY-TWO (3852) DAYS credit for time served.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 31, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 31, 2015****8:30 AM****Request****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Fleck, Michelle

Attorney

Murray, Julia

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Murray advised the Defendant was not transported; he is already housed at the Nevada Department of Corrections and never came back after the case was reversed. Court noted the State had communicated to Chambers in regards to the possibility of a request to file a Fourth Amended Indictment to correct some issues on the Amended Indictment filed during trial, specifically the proposed amendments relate to adding a felony category, certain codes, taking out of the codefendant, and reflecting him as a coconspirator. Ms. Fleck stated she had no idea how this originated and did not know there were any objections as it's clearly clerical adding NACA codes. Upon the inquiry of Ms. Fleck, Ms. Murray stated the objection is that it's the Third Amended Information which is what was read to the jury, the objection goes further than the adding of codes, and it's a fugitive document. Ms. Fleck stated she can work with Mr. Reed to come to an understanding with something that will satisfy them; there are no substantive changes. COURT ORDERED, matter CONTINUED; if not resolved, a ruling will be issued.

NDC

9-9-15 8:30 AM REQUEST: DEFT' S FOURTH AMENDED INDICTMENT

PRINT DATE: 10/13/2016

Page 94 of 100

Minutes Date: April 29, 2005



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 09, 2015**

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05C211162-2

The State of Nevada vs Terrence K Bowser

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**September 09, 2015    8:30 AM            Request****HEARD BY:**    Cadish, Elissa F.**COURTROOM:**    RJC Courtroom 15B**COURT CLERK:**    Keith Reed**RECORDER:**    Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted the Judgment of Conviction (JOC) has been prepared and filed August 31st; the Nevada Department of Corrections is using the JOC, so nothing need be done. Ms. Fleck requested it be placed on the record the category of each charge. Court stated its reflected in the JOC. Court stated findings and ORDERED, request for Fourth Amended Indictment DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 28, 2016**

05C211162-2

The State of Nevada vs Terrence K Bowser

**March 28, 2016****8:30 AM****Motion to Withdraw as  
Counsel****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Billie Jo Craig**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:** Hojjat, Nadia

Attorney

**JOURNAL ENTRIES**

- Deputy District Attorney Bryan Schwartz present. Defendant not present.

Court noted it was appropriate for the Public Defender to Withdraw and counsel be appointed by Drew Christensen. COURT ORDERED, matter SET for Status Check: Confirmation of Counsel in two weeks.

NDC

4/11/16 8:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 11, 2016**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 11, 2016**

**8:30 AM**

**Status Check:  
Confirmation of Counsel**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:**

Cynthia Moleres

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

Bowser, Terrence K  
Resch, Jamie J.  
Schwartz, Bryan A.  
State of Nevada

Defendant  
Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Mr. Resch confirmed as counsel of record. COURT ORDERED, status check SET.

NDC

05-02-16 8:30 A.M. STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 02, 2016**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 02, 2016****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Cynthia Moleres**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Hendricks, Craig L	Attorney
	Resch, Jamie J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant not present.

Mr. Resch stated he met with the Defendant, reviewed the file, and is concerned about the timing of everything; request a hearing in July, and the petition can be filed in 3 weeks. Once the petition has been filed, Court stated counsel will have met the timeliness deadline. Court noted the petition regards an appeal deprivation claim and ORDERED, Defendant's petition is to be filed by May 23rd; State's response by July 25th; Defendant's reply by August 1st; matter SET for hearing; Defendant will not be transported to the hearing, but should Mr. Resch feel that will be an issue, he is to contact the State to prepare a transport order for the hearing, which is not an Evidentiary Hearing, but is legal argument on the appeal deprivation claim.

NDC

8-15-16 8:30 AM ARGUMENT: APPEAL DEPRIVATION CLAIM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 15, 2016**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 15, 2016****8:30 AM****Argument****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keri Cromer  
Olivia Black**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Resch, Jamie J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Arguments by counsel regarding whether or not there was a valid appeal deprivation claim. Colloquy regarding having an evidentiary hearing. Court stated its findings and ORDERED, Mr. Resch APPOINTED for the appeal. Court directed Mr. Resch to prepare a proposed order with findings; opposing counsel to review. Court advised the Clerk's Office would file a notice of appeal on Defendant's behalf due to ineffective counsel and ineffective filing of the appeal.

NDC

GRAND JURY INDICTMENTS RETURNED IN OPEN COURT APRIL 29, 2005  
(From Grand Jury sessions held on April 28, 2005)

CHIEF JUDGE KATHY A. HARDCASTLE

FOREPERSON DENNIS JOHNSON

CHIEF DEPUTY DISTRICT ATTORNEY DAVID BARKER  
CHIEF DEPUTY DISTRICT ATTORNEY BILL BERRETT  
DEPUTY DISTRICT ATTORNEY NOREEN NYIKOS  
DEPUTY DISTRICT ATTORNEY SAMUEL BATEMAN

Defendant(s): GREEN, JAMAR R.  
BOWSER, TERRENCE KERRYIAN

*C211162*  
VIII

Case No(s): 04AGJ130A/B Random track between Depts. VIII & V

Charge(s): (1) COUNT: CONSPIRACY TO COMMIT MURDER WITH USE OF A DEADLY WEAPON  
(1) COUNT: MURDER WITH DEADLY WEAPON  
(1) COUNT: CONSPIRACY TO DISCHARGE FIREARM OUT OF MOTOR VEHICLE  
(1) COUNT: DISCHARGING FIREARM OUT OF MOTOR VEHICLE  
(1) COUNT: CONSPIRACY TO DISCHARGE FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT  
(1) COUNT: DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT

Def. Counsel(s): BRUCE GALE (GREEN)  
CHARLES CANO, PD (BOWSER)

WARRANT (BOTH DEFENDANTS)  
(BOTH DEFENDANTS ARE IN-CUSTODY-THIS CASE)  
SET FELONY ARRAIGNMENT (1 WEEK) BOTH DEFENDANTS

Exhibits:	1. Proposed Indictment	11. Photo	21. Photo
	2. Elements	12. Photo	22. Photo
	3. Photo	13. Photo	23. Photo
	4. Photo	14. Photo	24. Photo
	5. Photo	15. Photo	25. Photo
	6. Photo	16. Photo	26. Photo
	7. Photo	17. Photo	
	8. Photo	18. Photo	
	9. Photo	19. Photo	
	10. Photo	20. Photo	

Exhibits 1-26, to be lodged with the Clerk of the Court.

CASE NO. C 211162

~~TRIAL~~ DATE:

8-14-06

DEPT. NO. VIII

JUDGE: LEE A. GATES

THE STATE OF NEVADA

CLERK: SHARON COFFMAN

REPORTER: SONIA RILEY

PLAINTIFF

BOWSER <sup>VS</sup> Terrance

BILL BERRETT / JAMES SWEETIN  
COUNSEL FOR PLAINTIFF

DEFENDANT

NORMAN REED/CURTIS Brown  
COUNSEL FOR DEFENDANT

Vault Exhibit Form 5-01/jh

**State of Nevada v. Terrence Bowser**  
**Dept VIII - C211162B**

#	Description of the Exhibit	Offered	Admitted	OBI
✓✓ 1	Map-Overview of Lone Mountain and Decatur	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 2	Photo-car crash	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 3	Photo-shotgun hole to driver side door	↓	↓	↓
✓✓ 4	Photo-inside driver side of car	↓	↓	↓
✓✓ 5	Photo-closeup-driver side floor	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 6	Photo-closeup-passenger side floor	↓	↓	↓
✓✓ 7	911 affidavit-Maurice Hernandez 911 call	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 7a	911 CD-Maurice Hernandez 911 call	↓	↓	↓
✓✓ 8	911 affidavit-John McCoy 911 call	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 8a	911 CD-John McCoy 911 call	↓	↓	↓
✓✓ 9	Map-address of John and Dawn McCoy	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 10	Certified gun registration for John McCoy-2 pages	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 11	Photo-long distance view of car crash	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 12	Photo-light pole with green paint	↓	↓	↓
✓✓ 13	Photo-hole in brick wall	↓	↓	↓
✓✓ 14	Photo-passenger side view of crashed car	↓	↓	↓
✓✓ 15	Photo-rear view of crashed car w/ license plate	↓	↓	↓
✓✓ 16	Photo-windshield of crashed car with jacket on top	Not Offered	Not Admitted	
✓✓ 17	Photo-closeup of shotgun hole in driver side door with ruler	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 18	Photo-car at impound yard	↓	↓	NO
✓✓ 19	Photo-closeup of pellet shots to rear of driver side door	↓	↓	↓
✓✓ 20	Photo-closeup of pellet shots to rear of driver side door w/ ruler	↓	↓	↓
✓✓ 21	Photo-driver side door window	↓	↓	↓
✓✓ 22	Photo-passenger side windshield-cracked and with holes	↓	↓	↓
✓✓ 23	Photo-closeup of passenger side windshield	↓	↓	↓
✓✓ 24	Photo-passenger side dashboard	↓	↓	↓
✓✓ 25	Photo-passenger side dashboard	↓	↓	↓
✓✓ 26	Photo-passenger side dashboard-defect of air vent	↓	↓	↓
✓✓ 27	Photo-passenger side front windshield pillar	↓	↓	↓
✓✓ 28	Photo-closeup of shotgun hole with two rulers	↓	↓	↓
✓✓ 29	Photo-shotgun hole to driver side door w/ flashlight in hole	↓	↓	↓
✓✓ 30	Photo-shotgun hold to driver side door-inside view	↓	↓	↓
✓✓ 31	Photo-hood of car	↓	↓	↓
✓✓ 32	Photo-hood of car with rulers	↓	↓	↓
✓✓ 33	Photo-car at impound lot-passenger rear side	↓	↓	↓
✓✓ 34	Photo-right rear windshield taken out of car	↓	↓	↓
✓✓ 35	Photo-John McCoy-mouth and left cheek	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 36	Photo-John McCoy-right cheek	↓	↓	↓
✓✓ 37	Photo-John McCoy-upper left shoulder	↓	↓	↓
✓✓ 38	Photo-John McCoy-overview shotgun injuries to left flank	10-8-07 ✓	✓	Obj'd not Admt'd
✓✓ 39	Photo-John McCoy-injury to left arm-with ruler	10-8-07 ✓	✓ 10-8-07	NO
✓✓ 40	Photo-John McCoy-injuries to left flank	10-8-07 ✓	✓	Obj'd not Admt'd
✓✓ 41	Photo-John McCoy-injuries to left flank with ruler	10-8-07 ✓	✓ 10-8-07	NO

✓ EV CHK'd  
10-10-07 @ 5:20 PM CD  
✓ EV CHK'd  
10-11-07 @ 4:30 PM CD

# State of Nevada v. Terrence Bowser

Dept VIII - C211162B

Offered Admitted ORB J

✓✓	42	Photo-John McCoy-injury to left hip	10-8-07	✓	✓	10-8-07	NO	
✓✓	43	Map-4532 Ferrell Street and 3517 Captain Kirk Court	10-8-07	✓	✓	10-8-07	NO	
✓✓	44	Map-outline of 3517 Captain Kirk Court	↓	↓	↓	↓	↓	
✓✓	45	Photo-overview of Captain Kirk cul de sac with Deft's car	10-8-07	✓	✓	10-8-07	NO	
✓✓	46	Photo-front of Deft's car	↓	↓	↓	↓	↓	
✓✓	47	Photo-rear of Deft's car	↓	↓	↓	↓	↓	
✓✓	48	Photo-passenger side floorboard of Deft's car with 3 shotgun shells	↓	↓	↓	↓	↓	
✓✓	49	Photo-Deft-head and shoulders	↓	↓	↓	↓	↓	
✓✓	50	Photo-Deft-front view	↓	↓	↓	↓	↓	
✓✓	51	Photo-Deft-back view	↓	↓	↓	↓	↓	
✓✓	52	Photo-Jamar Green-head and shoulders	↓	↓	↓	↓	↓	
✓✓	53	Photo-Jamar Green-front view	↓	↓	↓	↓	↓	
✓✓	54	Photo-Jamar Green-back view	↓	↓	↓	↓	↓	
✓✓	55	Photo-3517 Captain Kirk Court	10-8-07	✓	✓	10-8-07	NO	
✓✓	56	Photo-3517 Captain Kirk Court driveway with shotgun	↓	↓	↓	↓	↓	
✓✓	57	Photo-closeup of shotgun	↓	↓	↓	↓	↓	
✓✓	58	Photo-passenger side floorboard of Deft's car with 3 shotgun shells marked with evidence markers	10-9-07	✓	✓	10-9-07	NO	
✓✓	59	Photo-inside of deft. car showing black bandana and license plate	↓	↓	↓	↓	↓	
✓✓	60	Photo-inside of deft. car showing 3 latex gloves and 1 black glove	↓	↓	↓	↓	↓	
✓✓	61	Photo-inside of deft. car showing license plate and box of shotgun shells	↓	↓	↓	↓	↓	
✓✓	62	Photo-inside of deft. car-closeup of license plate	↓	↓	↓	↓	↓	
✓✓	63	Photo-inside of deft. car-balaclava	↓	↓	↓	↓	↓	
✓✓	64	Photo-knife	Not Offered					Not Admitted
✓✓	65	Photo-black gloves	10-9-07	✓	✓	10-9-07	NO	
✓✓	66	Photo-balaclava and black ear warmer	↓	↓	↓	↓	↓	
✓✓	67	Photo-black doo rag	↓	↓	↓	↓	↓	
✓✓	68	Photo-black bandana	↓	↓	↓	↓	↓	
✓✓	69	Photo-box of shotgun shells with fingerprint tape	↓	↓	↓	↓	↓	
✓✓	70	Photo-registration and insurance paperwork	↓	↓	↓	↓	↓	
✓✓	71	Photo-John McCoy's shirt-overview	↓	↓	↓	↓	↓	
✓✓	72	Photo-John McCoy's shirt-with ruler	↓	↓	↓	↓	↓	
✓✓	73	Photo-John McCoy's shirt with arrows	↓	↓	↓	↓	↓	
✓	74	Map with all locations marked	Not Offered					Not Admitted
✓	75	Map-with defts' addresses	Not Offered					Not Admitted
✓✓	76	Crim Scene diagram	10-8-07	✓	✓	10-8-07	NO	
✓✓	77	Evidence Envelope	10-8-07	✓	✓	10-8-07	NO	
✓✓	77A	Pellet	↓	↓	↓	↓	↓	
✓✓	78	Evidence Envelope	↓	↓	↓	↓	↓	
✓✓	78A	Pellet	↓	↓	↓	↓	↓	
✓✓	79	Evidence Envelope	↓	↓	↓	↓	↓	

offer'd Admt'd 0133

✓✓ 79A	Gun	10-8-07	✓	✓	10-8-07	NO
✓✓ 79B	Magazine					
✓✓ 79C	10 Cartridges					
✓✓ 79D	1 Cartridge	↓	↓	↓	↓	↓
✓✓ 80	Evidence Envelope	10-8-07	✓	✓	10-8-07	NO
✓✓ 80A	Bullet					
✓✓ 80B	Bullet					
✓✓ 80C	Bullet					
✓✓ 80D	Bullet					
✓✓ 81	Evidence Envelope	↓	↓	↓	↓	↓
✓✓ 81A	Fragment	↓	↓	↓	↓	↓
✓✓ 82	Evidence Bag	10-9-07	✓	✓	10-9-07	NO
✓✓ 82A	Bandana					
✓✓ 82B	Latex Gloves					
✓✓ 82C	Left Glove					
✓✓ 82D	Right Glove					
✓✓ 82E	Black Doo Rag					
✓✓ 82F	Ear Warmer					
✓✓ 82G	Ski Mask					
✓✓ 83	Evidence Bag					
✓✓ 83A	One Box Shotgun Shells					
✓✓ 84	Evidence Envelope					
✓✓ 84A	Wallet					
✓✓ 84B	Registration/Insurance	↓	↓	↓	↓	↓
✓✓ 85	Evidence Envelope	Not Offered Not Admitted				
✓✓ 85A	Knife	Not Offered Not Admitted				
✓✓ 86	Evidence Envelope	10-9-07	✓	✓	10-9-07	NO
✓✓ 86A	Cartridge Case					
✓✓ 86B	Cartridge Case					
✓✓ 86C	Cartridge Case					
✓✓ 87	Evidence Envelope	↓	↓	↓	↓	↓
✓✓ 87A	Pellet	↓	↓	↓	↓	↓
✓✓ 88	Shotgun	10-9-07	✓	✓	10-9-07	NO
✓✓ 89	LVM PD Miranda Card - Terrence Bowser	10-9-07	✓	✓	10-9-07	NO
✓✓ 90	Audio Draft Bowser's Statement - Redacted	10-9-07	✓	✓	10-9-07	NO
✓✓ 91	Photo 8 1/2 x 11 - Various Photos on one page	10-9-07	✓	✓	10-9-07	NO
✓✓ 92	Transcript of Terrence Bowser's Statement - Redacted	10-9-07	✓	✓	10-9-07	NO
✓✓ 93	Gun Shot Residue Report	10-9-07	✓	✓	10-9-07	NO



Penalty Hearing  
10-12-07

## State's EXHIBITS

CASE NO. C211162

[illegible]

✓ EV CHX 10-10-07 @ 5:20 PM  
✓ BV CHX 10-11-07 @ 4:30 PM

## Defendant's

EXHIBITS

CASE NO. C211162

[illegible]

# Penalty Hearing

10-12-07

Def't's EXHIBITS

CASE NO. C211162

	Date Offered	Objection	Date Admitted
✓D) Binder - Terrence Bowser	10-12-07	no OBJ	10-12-07
✓E) Audio CD - Song about Terrence Bowser	10-15-07	OBJ	10-15-07
✓F) Audio - CD	Not Offered		Not Admitted
✓G) Video DVD	10-15-07	OBJ	NOT Admitted
✓H) Redacted Transcript of Jamar Green Sent.	10-15-07	no OBJ	10-15-07
✓I) Conviction of John McCoy, Victim	10-15-07	OBJ	10-15-07
✓J) Bowser Family Reunion T-Shirt	10-15-07	no OBJ	10-15-07
✓K) 8 1/2" x 11" Photo	10-15-07	no OBJ	10-15-07
✓L)	↓	↓	↓
✓M)	↓	↓	↓
✓N)	↓	↓	↓
✓O)	↓	↓	↓
✓P)	↓	↓	↓
✓Q) 8 1/2" x 11" Photo	Not Offered		Not Admitted
✓R) 8 1/2" x 11" Photo	10-15-07	no OBJ	10-15-07
✓S)	↓	↓	↓
✓T) DVD Channel 3 News Footage	10-15-07	OBJ	10-15-07

Court's

## EXHIBITS

CASE NO. C211162

[illegible]

VAULT EXHIBIT FORM

DEPARTMENT 6

**JURY FEES:** n/a

Nadia Hojlat and Norman Reed

[illegible]

State's EXHIBITS

CASE NO. C211162

Date Offered OBJ Admitted Date

1	Photographs	5/22/15	So	STP	✓	5/23/15
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24		5/22/15	STP			5/22/15

State's EXHIBITS

CASE NO. C211162

Date Offered OBI Admitted Date

25	Photographs	5/20/15	✓	STP	✓	5/20/15
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State's EXHIBITS

CASE NO. C211162

Date Offered OBJ Admitted Date

49	Photographs	5/20/15	✓	STP	✓	5/20/15
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State's

## EXHIBITS

CASE NO.

C211162

Date	Offered	OBI	Admitted	Date
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[illegible]

# State's EXHIBITS

CASE NO. C211162

Date Offered OBJ Admitted Date

81	evidence envelope (and contents, bag not opened)	5/21/15	✓	STP	✓	5/21/15
82	evidence envelope (incl contents but not opened)	5/20/15	✓	ND	✓	5/20/15
83	evidence envelope (incl contents but not opened)	5/20/15	✓	ND	✓	5/20/15
84	evidence envelope	5/20/15	✓	STP	✓	5/20/15
84A	Shotgun	5/20/15	✓	STP	✓	5/20/15
85	meccoy 911 C.D.	5/20/15	✓	STP	✓	5/20/15
86	HERNANDE 911 C.D.	5/20/15	✓	STP	✓	5/20/15
87	PHOTOGRAPH	5/20/15	✓	STP	✓	5/20/15
88	LUMPD Miranda card	5/21/15	✓	STP	✓	5/21/15
89	Death Cert	5/21/15	✓	doj		
90	Photograph	5/21/15	✓	STP	✓	5/21/15
91	↓					
92	↓					

## EXHIBITS

CASE NO. \_\_\_\_\_

Date	Offered	OBI	Admitted	Date
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[illegible]

Defense EXHIBITS

CASE NO. C211162-2

Date	Offered	OR	Admitted	Date
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Court's

## EXHIBITS

CASE NO.

C21162

12月20日

## Offers

ORI

**Abstract**

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# 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; REQUEST FOR  
TRANSCRIPTS PURSUANT TO NRAP 9(A)(3); DISTRICT COURT DOCKET ENTRIES;  
JUDGMENT OF CONVICTION (JURY TRIAL); FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION);  
NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT  
COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

TERRENCE K. BOWSER,

Defendant(s).

Case No: 05C211162-2

Dept No: VI

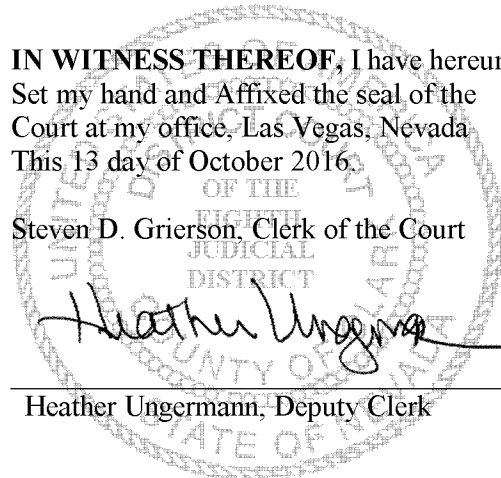
now on file and of record in this office.

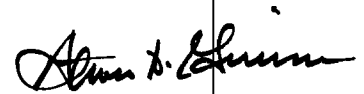
IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 13 day of October 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



  
CLERK OF THE COURT

Electronically Filed  
Oct 18 2016 11:24 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 TERRENCE K. BOWSER,

13 Defendant,

Case No: 05C211162-2

Dept No: VI

14  
15  
16 **NOTICE OF APPEAL**

17  
18 Notice is hereby given that the Defendant above named, hereby appeals to the Supreme  
19 Court of Nevada from the Judgment of Conviction (Jury Trial) entered in this action on August  
20 31, 2015.

21 STEVEN D. GRIERSON, CLERK OF THE COURT

22 /s/ Heather Ungermann

23 Heather Ungermann, Deputy Clerk

24  
25 **CERTIFICATE OF MAILING**

26 I hereby certify that on this 13 day of October 2016, I placed a copy of this Notice of Appeal in:

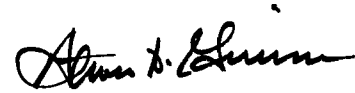
- 27 ☒ The bin(s) located in the Regional Justice Center of:  
28 Clark County District Attorney's Office  
Attorney General's Office – Appellate Division

1     ☒ The United States mail addressed as follows:  
2         Terrence K. Bowser # 1012861         Jamie J. Resch, Esq.  
3         P.O. Box 650                         2620 Regatta Dr., Suite 102  
           Indian Springs, NV 89070         Las Vegas, NV 89128

4     ☒ This appeal was electronically submitted to the Clerk of the Supreme Court.

5  
6   /s/ Heather Ungermann  
7   Heather Ungermann, Deputy Clerk  
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CLERK OF THE COURT

1 ASTA

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

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12  
13 **TERRENCE K. BOWSER,**

14 Defendant(s),

Case No: 05C211162-2

Dept No: VI

15  
16  
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Terrence K. Bowser

19 2. Judge: Elissa F. Cadish

20 3. Appellant(s): Terrence K. Bowser

21 Counsel:

22 Jamie J. Resch, Esq.  
23 2620 Regatta Dr., Suite 102  
24 Las Vegas, NV 89128

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: Yes  
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: Yes

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

9. Date Commenced in District Court: April 29, 2005

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 50851

12. Child Custody or Visitation: N/A

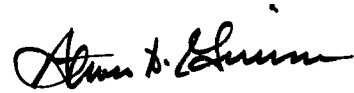
Dated This 13 day of October 2016.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Terrence K. Bowser  
Jamie J. Resch, Esq.



CLERK OF THE COURT

**REQT**

RESCH LAW, PLLC d/b/a Conviction Solutions

By: Jamie J. Resch

Nevada Bar Number 7154

2620 Regatta Dr., Suite 102

Las Vegas, Nevada, 89128

Telephone (702) 483-7360

Facsimile (800) 481-7113

Jresch@convictionsolutions.com

Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

TERRENCE K. BOWSER,

Defendant.

Case No.: C211162-2

Dept. No: VI

**REQUEST FOR TRANSCRIPTS PURSUANT TO  
NRAP 9(a)(3)**

Date of Hearing: N/A

Time of Hearing: N/A

TO: Jessica Kirkpatrick, Court Recorder, Department 6

Defendant Terrence Bowser requests preparation of a transcript of the proceedings  
before the district court, at State's expense, as follows:

Judge or officer hearing the proceeding: Judge Elissa Cadish

Date or dates of the proceeding: May 24, 2010; March 14, 2011; October 19, 2011; July  
2, 2012; June 19, 2013; March 19, 2014; February 23, 2015; May 11, 2015; May 18, 2015; May 19,  
2015; May 20, 2015; May 21, 2015; May 22, 2015; May 26, 2015; July 29, 2015; August 19, 2015;  
August 31, 2015; September 9, 2015; March 28, 2016.

1 Portions of transcript requested: All (complete transcripts of all arguments of counsel  
2 and testimony and jury selection).

3  
4 Number of copies required: One plus electronic.

5 I hereby certify that on the 11th day of October, 2016, I ordered the transcripts listed  
6 above from the court recorder named above. No deposit was paid as this is an indigent  
7 defendant appeal and transcripts are to be prepared at State's expense. See NRAP 24(a)(2), NRS  
8 3.370.  
9

10  
11 DATED this 11<sup>th</sup> day of October, 2016.  
12

13  
14 Submitted By:

15 RESCH LAW, PLLC d/b/a Conviction Solutions  
16

17  
18 By:   
19 JAMIE J. RESCH  
20 Attorney for Defendant  
21  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Resch Law, PLLC d/b/a Conviction Solutions and that, pursuant to N.R.C.P. 5(b), on October 11, 2016, I served a true and correct copy of the foregoing Request for Transcripts via first class mail in envelopes addressed to:

Jessica Kirkpatrick, Court Recorder  
District Court Dept. 6  
200 Lewis Ave.  
Las Vegas, NV 89155

And I hereby certify that service of the foregoing Request for Transcripts was made this 11th day of October, 2016, by Electronic Filing Service to:

Clark County District Attorney's Office  
[Motions@clarkcountyda.com](mailto:Motions@clarkcountyda.com)  
[PDmotions@clarkcountyda.com](mailto:PDmotions@clarkcountyda.com)

  
An Employee of Conviction Solutions

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

**The State of Nevada vs Terrence K Bowser**

§	Location:	<b>Department 6</b>
§	Judicial Officer:	<b>Cadish, Elissa F.</b>
§	Filed on:	<b>04/29/2005</b>
§	Case Number History:	
§	Cross-Reference Case	<b>C211162</b>
§	Number:	
§	Defendant's Scope ID #:	<b>1927299</b>
§	Lower Court Case Number:	<b>04GJ00130</b>

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
1. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	<b>Case Flags:</b>	<b>Appealed to Supreme Court</b>
1. MURDER.	F	01/01/1900		
1. DEGREES OF MURDER	F	01/01/1900		<b>Custody Status - Nevada</b>
1. CONSPIRACY TO COMMIT MURDER	F	01/31/2005		<b>Department of Corrections</b>
2. VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON	F	01/31/2005		<b>Charge Description Updated</b>
<i>Filed As:</i> MURDER WITH USE OF A DEADLY WEAPON	F	5/18/2015		
2. MURDER.	F	01/01/1900		
2. DEGREES OF MURDER	F	01/01/1900		
2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900		
3. CONSPIRACY TO COMMIT A CRIME	G	01/01/1900		
3. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE	G	01/01/1900		
3. CONSPIRACY TO DISCHARGE FIREARM OUT OF A MOTOR VEHICLE	G	01/31/2005		
4. DISCHARGING FIREARM FROM OUT OF MOTOR VEHICLE	F	01/31/2005		
4. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE	F	01/01/1900		
5. CONSPIRACY TO COMMIT A CRIME	G	01/01/1900		
5. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR	G	01/01/1900		
5. CONSPIRACY TO DISCHARGE FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT	G	01/31/2005		
6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT	F	01/31/2005		
6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR	F	01/01/1900		

**Related Cases**

05C211162-1 (Multi-Defendant Case)

**Statistical Closures**

08/21/2015 Jury Trial - Conviction - Criminal  
04/11/2010 USJR Reporting Statistical Closure

**Warrants**

Bench Warrant - Bowser, Terrence K (Judicial Officer: Cadish, Elissa F. )  
05/12/2005 Quashed  
04/21/2005 Issued  
Fine: \$0  
Bond: \$0

**DATE**

**CASE ASSIGNMENT**

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

**Current Case Assignment**






Case Number	05C211162-2
Court	Department 6
Date Assigned	12/28/2008
Judicial Officer	Cadish, Elissa F.

**PARTY INFORMATION**

<b>Defendant</b>	<b>Bowser, Terrence K</b>	<i>Lead Attorneys</i> <b>Resch, Jamie J.</b> <i>Retained</i> 7028809750(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)









DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. MURDER. Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. MURDER. Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. CONSPIRACY TO COMMIT A CRIME Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion)	

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE No. 05C211162-2**





	3. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 5. CONSPIRACY TO COMMIT A CRIME Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 5. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Not Guilty PCN: Sequence:	
04/29/2005	<b>Grand Jury Indictment</b> (11:30 AM) <i>GRAND JURY INDICTMENT Court Clerk: Denise Trujillo Reporter/Recorder: Angela Lee Heard By: Kathy Hardeastle</i>	
04/29/2005	 Indictment <i>(GRAND JURY) INDICTMENT Fee \$0.00</i>	05C211162- 20001.tif pages
04/29/2005	Hearing <i>GRAND JURY INDICTMENT</i>	05C211162- 20002.tif pages
04/29/2005	Hearing <i>INITIAL ARRAIGNMENT</i>	05C211162- 20003.tif pages
04/29/2005	 Bench Warrant <i>INDICTMENT WARRANT</i>	05C211162- 20007.tif pages
04/29/2005	 Bench Warrant <i>INDICTMENT WARRANT</i>	05C211162- 20008.tif pages
05/04/2005	 Conversion Case Event Type <i>INDICTMENT WARRANT RETURN</i>	05C211162- 20009.tif pages
05/04/2005	 Conversion Case Event Type <i>INDICTMENT WARRANT RETURN</i>	05C211162- 20010.tif pages
05/09/2005	<b>Initial Arraignment</b> (9:00 AM)	









DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

	Events: 04/29/2005 Hearing <i>INITIAL ARRAIGNMENT Relief Clerk: Jennifer Lott Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
05/16/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY</i>	05C211162-20011.tif pages
05/26/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	05C211162-20012.tif pages
08/19/2005	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	05C211162-20013.tif pages
08/19/2005	 Expert Witness List <i>NOTICE OF WITNESSES</i>	05C211162-20014.tif pages
08/25/2005	 Motion <i>DEFT'S MTN FOR PURPOSE OF APPOINTING RULE 250 COUNSEL/6</i>	05C211162-20015.tif pages
08/26/2005	 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE/7</i>	05C211162-20016.tif pages
08/30/2005	 Notice <i>NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	05C211162-20017.tif pages
08/30/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO APPOINT RULE 250 COUNSEL</i>	05C211162-20018.tif pages
09/07/2005	<b>Motion</b> (9:00 AM) Events: 08/25/2005 Motion <i>DEFT'S MTN FOR PURPOSE OF APPOINTING RULE 250 COUNSEL/6 Heard By: Lee Gates</i>	
09/07/2005	<b>Motion to Continue</b> (9:00 AM) Events: 08/26/2005 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE/7 Heard By: Lee Gates</i>	
09/07/2005	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (9-7-05) Court Clerk: Sharon Coffman/sc Relief Clerk: Cynthia Georgilas Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/07/2005	Petition <i>APPOINTMENT OF RULE 250 COUNSEL</i>	05C211162-20019.tif pages
09/07/2005	Hearing <i>SET TRIAL DATE</i>	05C211162-20020.tif pages
09/07/2005	Motion <i>ALL PENDING MOTIONS (9-7-05)</i>	05C211162-20021.tif pages
09/12/2005	<b>CANCELED Calendar Call</b> (9:00 AM)	

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**






	<i>Vacated</i>	
09/14/2005	<b>Motion for Appointment</b> (9:00 AM) Events: 09/07/2005 Petition <i>APPOINTMENT OF RULE 250 COUNSEL</i>	
09/14/2005	<b>Conversion Hearing Type</b> (9:00 AM) Events: 09/07/2005 Hearing <i>SET TRIAL DATE Heard By: Lee Gates</i>	
09/14/2005	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS Court Clerk: Sharon Coffman Relief Clerk: Cynthia Georgilas/cg Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/14/2005	Hearing <i>CONFIRMATION OF COUNSEL (PITARO / MAC- ARTHUR)</i>	05C211162-20022.tif pages
09/14/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C211162-20024.tif pages
09/15/2005	Motion <i>ALL PENDING MOTIONS</i>	05C211162-20023.tif pages
09/16/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C211162-20025.tif pages
09/20/2005	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
09/21/2005	<b>Conversion Hearing Type</b> (9:00 AM) <i>SET TRIAL DATE Court Clerk: Sharon Coffman Reporter/Recorder: Stacy Briggs Heard By: Lee Gates</i>	
09/21/2005	<b>Motion for Confirmation of Counsel</b> (9:00 AM) Events: 09/14/2005 Hearing <i>CONFIRMATION OF COUNSEL (PITARO / MAC- ARTHUR) Heard By: Lee Gates</i>	
09/21/2005	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (9-21-05) Court Clerk: Sharon Coffman Reporter/Recorder: Donna McCord Heard By: Joseph Bonaventure</i>	
09/21/2005	Motion <i>ALL PENDING MOTIONS (9-21-05)</i>	05C211162-20026.tif pages
09/28/2005	<b>Conversion Hearing Type</b> (9:00 AM) <i>SET TRIAL DATE Court Clerk: Sharon Coffman Reporter/Recorder: Stacy Briggs Heard By: Lee Gates</i>	
09/28/2005	 Order <i>ORDER</i>	05C211162-20029.tif pages
02/22/2006	 Motion <i>DEFT'S MTN TO SUPPRESS DEFT'S CONFESSION /16</i>	05C211162-20030.tif pages

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**








03/06/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS DEFENDANT BOWSERS CONFESSION</i>	05C211162-20031.tif pages
03/08/2006	<b>Motion to Suppress</b> (9:00 AM) Events: 02/22/2006 Motion <i>DEFT'S MTN TO SUPPRESS DEFT'S CONFESSION/16 Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
03/08/2006	Hearing <i>EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION</i>	05C211162-20032.tif pages
04/17/2006	<b>Evidentiary Hearing</b> (1:30 PM) Events: 03/08/2006 Hearing <i>EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION Court Clerk: Sharon Coffman Heard By: Gates, Lee A</i>	
05/09/2006	 Motion <i>DEFT'S MTN TO STRIKE INTENT TO SEEK DEATH PENALTY/18</i>	05C211162-20033.tif pages
05/15/2006	<b>Evidentiary Hearing</b> (1:30 PM) <i>EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION Heard By: Lee Gates</i>	
05/15/2006	<b>Motion to Strike</b> (1:30 PM) Events: 05/09/2006 Motion <i>DEFT'S MTN TO STRIKE INTENT TO SEEK DEATH PENALTY/18 Heard By: Lee Gates</i>	
05/15/2006	<b>All Pending Motions</b> (1:30 PM) <i>ALL PENDING MOTIONS Court Clerk: Willa Pettice/wp Relief Clerk: Phyllis Irby Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
05/15/2006	Motion <i>ALL PENDING MOTIONS</i>	05C211162-20034.tif pages
07/25/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT TERRANCE KARYLAN BOWSERS MOTION TO STRIKE THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>	05C211162-20035.tif pages
07/26/2006	 Motion <i>DEFT'S MTN FOR APPOINTMENT OF ATTY /20</i>	05C211162-20036.tif pages
08/07/2006	<b>Motion for Appointment of Attorney</b> (9:00 AM) Events: 07/26/2006 Motion <i>DEFT'S MTN FOR APPOINTMENT OF ATTY /20 Court Clerk: Sharon Coffman/sc Relief Clerk: Carol Donahoo Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
08/09/2006	 Order <i>ORDER FOR CONFIRMATION OF APPOINTMENT OF COUNSEL - RELATED PARTYID: 05C211162_0001</i>	05C211162-20037.tif pages
08/10/2006	 Reply <i>REPLY TO STATES OPPOSITION TO THE DEFENDANT TERRANCE BOWSERS MOTION</i>	05C211162-20038.tif pages

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TO STRIKE THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY STRIKE  
THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY- RELATED PARTYID:  
05C211162\_0002

08/14/2006	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (8/14/06) Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
08/14/2006	<b>Evidentiary Hearing</b> (1:30 PM) <i>EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION Heard By: Lee Gates</i>	
08/14/2006	<b>Motion to Strike</b> (1:30 PM) <i>DEFT'S MTN TO STRIKE INTENT TO SEEK DEATH PENALTY/18 Heard By: Lee Gates</i>	
08/17/2006	Motion <i>ALL PENDING MOTIONS (8/14/06)</i>	05C211162- 20039.tif pages
08/23/2006	 Order <i>ORDER DENYING DEFENDANTS MOTION TO SUPPRESS CONFESSION AND MOTION TO STRIKE INTENT TO SEEK DEATH PENALTY STRIKE INTENT TO SEEK DEATH PENALTY</i>	05C211162- 20040.tif pages
08/25/2006	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	05C211162- 20043.tif pages
08/28/2006	Hearing <i>STATE'S REQUEST STATUS CHECK:TRIAL DATE</i>	05C211162- 20042.tif pages
08/30/2006	<b>Request</b> (9:00 AM) Events: 08/28/2006 Hearing <i>STATE'S REQUEST STATUS CHECK:TRIAL DATE Court Clerk: Sharon Coffman Relief Clerk: Robin Mucciarone/rm Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/11/2006	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
09/19/2006	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
11/03/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	05C211162- 20046.tif pages
11/30/2006	 Motion <i>DEFT'S MTN TO SEVER DEFT'S/25</i>	05C211162- 20047.tif pages
12/08/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION TO SEVER DEFENDANTS</i>	05C211162- 20048.tif pages
12/11/2006	<b>Motion to Sever</b> (9:00 AM) Events: 11/30/2006 Motion <i>DEFT'S MTN TO SEVER DEFT'S/25 Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
		05C211162-

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12/11/2006	Hearing <i>STATUS CHECK: DEFT'S MOTION TO SEVER</i>	20049.tif pages
01/03/2007	<b>Status Check</b> (9:00 AM) Events: 12/11/2006 Hearing <i>STATUS CHECK: DEFT'S MOTION TO SEVER Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
01/03/2007	Hearing <i>STATUS CHECK: MOTION TO SEVER /REDACTION OF CONFESSION</i>	05C211162- 20050.tif pages
01/05/2007	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C211162_0002</i>	05C211162- 20051.tif pages
01/05/2007	 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/28</i>	05C211162- 20052.tif pages
01/05/2007	 Filed Under Seal <i>FILED UNDER SEAL MOTION - RELATED PARTYID: 05C211162_0002</i>	05C211162- 20053.tif pages
01/05/2007	 Order <i>ORDER - RELATED PARTYID: 05C211162_0001</i>	05C211162- 20054.tif pages
01/05/2007	 Order <i>ORDER APPOINTING INVESTIGATOR - RELATED PARTYID: 05C211162_0001</i>	05C211162- 20055.tif pages
01/09/2007	 Order <i>ORDER RELEASING MEDICAL RECORDS</i>	05C211162- 20056.tif pages
01/09/2007	 Request <i>EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS</i>	05C211162- 20057.tif pages
01/17/2007	<b>Status Check</b> (9:00 AM) Events: 01/03/2007 Hearing <i>STATUS CHECK: MOTION TO SEVER /REDACTION OF CONFESSION Heard By: Lee Gates</i>	
01/17/2007	<b>Motion to Continue</b> (9:00 AM) Events: 01/05/2007 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/28 Heard By: Lee Gates</i>	
01/17/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (1/17/07) Relief Clerk: Sharon Chun Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
01/17/2007	Motion <i>DEFT BOWSER'S MTN TO SEVER DEFT/ REDACTION OF DEFT</i>	05C211162- 20060.tif pages
01/17/2007	Motion <i>ALL PENDING MOTIONS (1/17/07)</i>	05C211162- 20061.tif pages
		05C211162-





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01/22/2007	 Filed Under Seal <i>FILED UNDER SEAL ORDER - RELATED PARTYID: 05C211162_0002</i>	20062.tif pages
01/26/2007	 Filed Under Seal <i>FILED UNDER SEALED EX PARTE ORDER FOR DR. JOHN MATTHEW FABIAN - RELATED PARTYID: 05C211162_0001</i>	05C211162-20063.tif pages
02/02/2007	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C211162_0002</i>	05C211162-20064.tif pages
02/08/2007	 Ex Parte Order <i>EX PARTE ORDER FOR EXAMINATION - RELATED PARTYID: 05C211162_0001</i>	05C211162-20065.tif pages
02/13/2007	 Motion <i>PETITIONER'S MTN TO COMPEL DISCLOSURE OF EVID/33</i>	05C211162-20066.tif pages
02/14/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C211162_0001</i>	05C211162-20067.tif pages
02/21/2007	<b>CANCELED Calendar Call</b> (9:00 AM) <i>Vacated</i>	
02/23/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO COMPEL DISCLOSURE OF EVIDENCE RELEVANT TO AGGRAVATING CIRCUMSTANCES AND MITIGATING FACTORS RELEVANT TO AGGRAVATING CIRCUMSTANCES AND MITIGATING FACTORS</i>	05C211162-20068.tif pages
02/26/2007	<b>Motion to Compel</b> (9:00 AM) Events: 02/13/2007 Motion <i>PETITIONER'S MTN TO COMPEL DISCLOSURE OF EVID/33 Court Clerk: Sharon Coffman Relief Clerk: Linda M. Smith/lms Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
02/27/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
03/07/2007	 Motion <i>DEFT'S MTN TO EXCLUDE OTHER ACTS/34</i>	05C211162-20069.tif pages
03/07/2007	 Motion <i>DEFT'S MTN TO STRIKE COUNTS FIVE AND SIX/35</i>	05C211162-20070.tif pages
03/19/2007	<b>Motion to Exclude</b> (9:00 AM) Events: 03/07/2007 Motion <i>DEFT'S MTN TO EXCLUDE OTHER ACTS/34 Heard By: Lee Gates</i>	
03/19/2007	<b>Motion to Strike</b> (9:00 AM) Events: 03/07/2007 Motion <i>DEFT'S MTN TO STRIKE COUNTS FIVE AND SIX/35 Heard By: Lee Gates</i>	
03/19/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (3/19/07) Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	

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03/19/2007	 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /36</i>	05C211162-20071.tif pages
03/19/2007	 Motion <i>DEFT'S MTN TO SEVER /37</i>	05C211162-20072.tif pages
03/19/2007	Motion <i>ALL PENDING MOTIONS (3/19/07)</i>	05C211162-20073.tif pages
03/19/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C211162_0001</i>	05C211162-20074.tif pages
03/19/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C211162_0001</i>	05C211162-20075.tif pages
04/02/2007	<b>Motion</b> (9:00 AM) Events: 03/19/2007 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /36 Heard By: Lee Gates</i>	
04/02/2007	<b>Motion to Sever</b> (9:00 AM) Events: 03/19/2007 Motion <i>DEFT'S MTN TO SEVER /37 Heard By: Lee Gates</i>	
04/02/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (4/02/07) Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
04/02/2007	Motion <i>ALL PENDING MOTIONS (4/02/07)</i>	05C211162-20076.tif pages
04/11/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /36 Heard By: Lee Gates</i>	
04/11/2007	<b>Motion to Sever</b> (9:00 AM) <i>DEFT'S MTN TO SEVER /37 Heard By: Lee Gates</i>	
04/11/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (4/11/07) Court Clerk: Sharon Coffman Reporter/Recorder: Kendall Heath Heard By: Lee Gates</i>	
04/11/2007	Motion <i>ALL PENDING MOTIONS (4/11/07)</i>	05C211162-20077.tif pages
04/11/2007	Motion <i>SET TRIAL DATE</i>	05C211162-20079.tif pages
04/11/2007	 Request <i>DEFENDANTS MOTION TO SUPPRESS STATEMENT - RELATED PARTYID: 05C211162_0001</i>	05C211162-20080.tif pages
04/12/2007	Motion	05C211162-20078.tif pages

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	<i>HEARING: DEFT GREEN'S MOTION TO SUPPRESS</i>	
04/18/2007	<b>Motion</b> (9:00 AM) Events: 01/17/2007 Motion <i>DEFT BOWSER'S MTN TO SEVER DEFT/ REDACTION OF DEFT Heard By: Lee Gates</i>	
04/18/2007	<b>Motion to Exclude</b> (9:00 AM) <i>DEFT'S MTN TO EXCLUDE OTHER ACTS/34 Heard By: Lee Gates</i>	
04/18/2007	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE COUNTS FIVE AND SIX/35 Heard By: Lee Gates</i>	
04/18/2007	<b>Motion to Set Trial Date</b> (9:00 AM) Events: 04/11/2007 Motion <i>SET TRIAL DATE Heard By: Lee Gates</i>	
04/18/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (4/18/07) Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
04/18/2007	Motion <i>ALL PENDING MOTIONS (4/18/07)</i>	05C211162-20086.tif pages
04/19/2007	<b>Minute Order</b> (9:00 AM) <i>MINUTE ORDER RE: TRIAL Court Clerk: Sharon Coffman Heard By: Lee Gates</i>	
04/19/2007	Hearing <i>MINUTE ORDER RE: TRIAL</i>	05C211162-20083.tif pages
04/23/2007	 Opposition <i>STATES OPPOSITION DEFTS MTN TO SUPPRESS STATEMENT</i>	05C211162-20087.tif pages
04/30/2007	<b>Motion to Suppress</b> (9:00 AM) Events: 04/12/2007 Motion <i>HEARING: DEFT GREEN'S MOTION TO SUPPRESS Court Clerk: Sharon Coffman Reporter/Recorder: Angela Compagna Heard By: Gates, Lee A</i>	
05/02/2007	 Motion <i>DEFT'S MTN TO PROHIBIT POTENTIAL DEATH SENTENCE /49</i>	05C211162-20088.tif pages
05/02/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C211162_0001</i>	05C211162-20089.tif pages
05/09/2007	<b>Motion to Suppress</b> (10:30 AM) <i>HEARING: DEFT GREEN'S MOTION TO SUPPRESS Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>	
05/11/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO PROHIBIT ANY POTENTIAL DEATHSENTENCE DUE TO THE FAILURE OF THE GRAND JURY TO MAKE ANY FINDINGS IN AGGRAVATION OR THAT DEATH WOULD BE AN APPROPRIATE SENTENCE SENTENCE DUE TO THE FAILURE OF THE GRAND JURY TO MAKE ANY FINDINGS IN AGGRAVATION OR THAT DEATH WOULD BE AN APPROPRIATE SENTENCE</i>	05C211162-20090.tif pages
05/14/2007	<b>CANCELED Calendar Call</b> (9:00 AM)	









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	<i>Vacated</i>	
05/14/2007	<b>Motion (9:00 AM)</b> Events: 05/02/2007 Motion DEFT'S MTN TO PROHIBIT POTENTIAL DEATH SENTENCE /49 Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates	
05/14/2007	 Opposition STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE COUNTS FIVE AND SIX ON THE INDICTMENT INDICTMENT	05C211162-20091.tif pages
05/16/2007	<b>Motion to Suppress (10:30 AM)</b> HEARING: DEFT GREEN'S MOTION TO SUPPRESS Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates	
05/17/2007	CANCELED <b>Calendar Call (9:00 AM)</b> <i>Vacated</i>	
05/18/2007	 Order ORDER DENYING DEFENDANTS MOTION TO PROHIBIT ANY POTENTIAL DEATH SENTENCEDUE TO THE FAILURE OF THE GRAND JURY TO MAKE ANY FINDINGS IN AGGRAVATIONS OR THAT DEATH WOULD BE AN APROPRIATE SENTENCE DUE TO THE FAILURE OF THE GRAND JURY TO MAKE ANY FINDINGS IN AGGRAVATIONS OR THAT DEATH WOULD BE AN APROPRIATE SENTENCE	05C211162-20092.tif pages
05/18/2007	 Opposition STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE COUNTS FIVE AND SIX OF THE INDICTMENT INDICTMENT- RELATED PARTYID: 05C211162_0002	05C211162-20093.tif pages
05/18/2007	 Order ORDER DENYING DEFENDANTS MOTION TO SUPPRESS	05C211162-20094.tif pages
05/21/2007	<b>Motion to Exclude (9:00 AM)</b> DEFT'S MTN TO EXCLUDE OTHER ACTS/34 Heard By: Lee Gates	
05/21/2007	<b>Motion to Strike (9:00 AM)</b> DEFT'S MTN TO STRIKE COUNTS FIVE AND SIX/35 Heard By: Lee Gates	
05/21/2007	<b>All Pending Motions (9:00 AM)</b> ALL PENDING MOTIONS (5/21/07) Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates	
05/21/2007	CANCELED <b>Jury Trial (10:00 AM)</b> <i>Vacated</i>	
05/21/2007	<b>Jury Trial (1:00 PM)</b> TRIAL BY JURY Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates	
05/21/2007	Conversion Case Event Type SENTENCING	05C211162-20095.tif pages
05/21/2007	 Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 05C211162_0001	05C211162-20096.tif pages
		05C211162-










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05/21/2007	 Expert Witness List <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C211162_0001</i>	20097.tif pages
05/21/2007	 Indictment <i>AMENDED (GRAND JURY) INDICTMENT</i>	05C211162-20099.tif pages
05/21/2007	 Memorandum <i>GUILTY PLEA MEMORANDUM/AGREEMENT</i>	05C211162-20100.tif pages
05/22/2007	Motion <i>ALL PENDING MOTIONS (5/21/07)</i>	05C211162-20098.tif pages
05/25/2007	 Order <i>ORDER APPOINTING ATTORNEY - RELATED PARTYID: 05C211162_0001</i>	05C211162-20101.tif pages
05/31/2007	 Request <i>EX PARTE MOTION FOR EXCESSIVE FEES - RELATED PARTYID: 05C211162_0001</i>	05C211162-20102.tif pages
05/31/2007	 Application <i>EX PARTE APPLICATION FOR FIRST AND FINAL PAYMENT - RELATED PARTYID: 05C211162_0001</i>	05C211162-20103.tif pages
06/05/2007	 Order <i>ORDER - RELATED PARTYID: 05C211162_0001</i>	05C211162-20104.tif pages
06/11/2007	<b>Motion to Exclude</b> (9:00 AM) <i>DEFT'S MTN TO EXCLUDE OTHER ACTS/34 Heard By: Lee Gates</i>	
06/11/2007	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S MTN TO STRIKE COUNTS FIVE AND SIX/35 Heard By: Lee Gates</i>	
06/11/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS (6/11/07) Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
06/11/2007	Hearing <i>STATUS CHECK: NEGOTIATIONS</i>	05C211162-20105.tif pages
06/11/2007	Motion <i>ALL PENDING MOTIONS (6/11/07)</i>	05C211162-20106.tif pages
06/18/2007	<b>Status Check</b> (9:00 AM) Events: 06/11/2007 Hearing <i>STATUS CHECK: NEGOTIATIONS Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>	
06/18/2007	 Order <i>ORDER APPOINTING INVESTIGATOR - RELATED PARTYID: 05C211162_0001</i>	05C211162-20107.tif pages
06/20/2007	<b>Status Check</b> (9:00 AM)	










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	<i>STATUS CHECK: NEGOTIATIONS Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>	
07/09/2007	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: NEGOTIATIONS Court Clerk: Keith Reed Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>	
07/11/2007	<b>Sentencing (9:00 AM)</b> Events: 05/21/2007 Conversion Case Event Type <i>SENTENCING Court Clerk: Keith Reed Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
07/18/2007	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	05C211162-20108.tif pages
07/18/2007	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	05C211162-20109.tif pages
07/25/2007	<b>Status Check (9:00 AM)</b> <i>STATUS CHECK: NEGOTIATIONS Court Clerk: Katherine Streuber Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
07/25/2007	Hearing <i>STATUS CHECK: FILING OF MOTIONS</i>	05C211162-20110.tif pages
08/06/2007	 Motion <i>DEFT'S 2ND MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK</i>	05C211162-20111.tif pages
08/16/2007	 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE/56</i>	05C211162-20112.tif pages
08/16/2007	 Motion <i>DEFT'S MTN FOR APPLICATION/57</i>	05C211162-20113.tif pages
08/20/2007	<b>Motion to Strike (9:00 AM)</b> Events: 08/06/2007 Motion <i>DEFT'S 2ND MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK Court Clerk: Katherine Streuber Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A</i>	
08/27/2007	<b>Motion (9:00 AM)</b> Events: 08/16/2007 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE/56 Heard By: Lee Gates</i>	
08/27/2007	<b>Motion (9:00 AM)</b> Events: 08/16/2007 Motion <i>DEFT'S MTN FOR APPLICATION/57 Heard By: Lee Gates</i>	
08/30/2007	 Opposition <i>STATES OPPOSITION TO DEFTS SECOND MTN TO STRIKE THE STATES NOTICE OF INTENT TO SEEK THE PENALTY TO SEEK THE PENALTY</i>	05C211162-20114.tif pages
08/30/2007	 Opposition <i>OPPOSITION TO DEFTS MTN FOR APPLICATION OF NRS 193.165 AS AMENDED JULY 1 2007</i>	05C211162-20115.tif pages

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09/05/2007	<b>Status Check</b> (9:00 AM) Events: 07/25/2007 Hearing <i>STATUS CHECK: FILING OF MOTIONS Heard By: Lee Gates</i>	
09/05/2007	<b>Motion to Strike</b> (9:00 AM) <i>DEFT'S 2ND MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK Heard By: Lee Gates</i>	
09/05/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE/56 Heard By: Lee Gates</i>	
09/05/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN FOR APPLICATION/57 Heard By: Lee Gates</i>	
09/05/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 09/05/07 Court Clerk: Katherine Streuber Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/07/2007	Motion <i>ALL PENDING MOTIONS 09/05/07</i>	05C211162-20116.tif pages
09/13/2007	 Motion <i>DEFT'S MTN TO BIFURCATE /59</i>	05C211162-20117.tif pages
09/13/2007	 Motion <i>DEFT'S MTN TO APPLY HEIGHTENED STANDAR REVIEW &amp; CARE/60</i>	05C211162-20118.tif pages
09/13/2007	 Motion <i>DEFT'S MTN TO ALLOW TO ARGUE LAST AT THE PENALTY PHASE/61</i>	05C211162-20119.tif pages
09/13/2007	 Motion <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMP CHALLENGES TO EXLCUDE JURORS/62</i>	05C211162-20120.tif pages
09/13/2007	 Motion <i>DEFT'S MTN TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVID/63</i>	05C211162-20121.tif pages
09/13/2007	 Motion <i>DEFT'S MTN TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL/64</i>	05C211162-20122.tif pages
09/13/2007	 Motion <i>DEFT'S MTN CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR SYSTEMATIC/65</i>	05C211162-20123.tif pages
09/13/2007	 Motion <i>DEFT'S MTN FOR SPECIAL VERDICT FORM IN ACCORDANCE WITH ENMUND V FLORIDA/66</i>	05C211162-20124.tif pages
09/13/2007	 Motion <i>DEFT'S MTN SECOND MTN TO EXCLUDE OTHER ACTS/</i>	05C211162-20125.tif pages
		05C211162-








**DEPARTMENT 6**  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

09/13/2007	 Motion <i>DEFT'S MTN TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVID/68</i>	20126.tif pages
09/13/2007	 Motion <i>DEFT'S MTN FOR DISCOVERY INCLUDING BUT NOT LIMITED TO THE THE NAMES/69</i>	05C211162-20127.tif pages
09/13/2007	 Expert Witness List <i>DEFENDANTS NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C211162_0002</i>	05C211162-20128.tif pages
09/13/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>	05C211162-20130.tif pages
09/14/2007	 Order <i>ORDER FOR TRANSCRIPT - RELATED PARTYID: 05C211162_0002</i>	05C211162-20129.tif pages
09/19/2007	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GLOVES &amp; HEADGEAR/70</i>	05C211162-20131.tif pages
09/19/2007	 Motion <i>DEFT'S MTN IN LIMINE TO APPLY THE BEST EVIC OF RULE TO BOWSER'S CONFESSION/71</i>	05C211162-20132.tif pages
09/19/2007	 Motion <i>DEFT'S MTN IN LIMINE TO PREVENT ANY REF TO GANGS/72</i>	05C211162-20133.tif pages
09/21/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SENTENCING</i>	05C211162-20134.tif pages
09/24/2007	<b>Calendar Call (9:00 AM)</b> <i>CALENDAR CALL Heard By: Lee Gates</i>	
09/24/2007	<b>Motion to Bifurcate (9:00 AM)</b> Events: 09/13/2007 Motion <i>DEFT'S MTN TO BIFURCATE /59 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion (9:00 AM)</b> Events: 09/13/2007 Motion <i>DEFT'S MTN TO APPLY HEIGHTENED STANDAR REVIEW &amp; CARE/60 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion (9:00 AM)</b> Events: 09/13/2007 Motion <i>DEFT'S MTN TO ALLOW TO ARGUE LAST AT THEPENALTY PHASE/61 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion (9:00 AM)</b> Events: 09/13/2007 Motion <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMPCHALLENGES TO EXLCUDE JURORS/62 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion (9:00 AM)</b> Events: 09/13/2007 Motion <i>DEFT'S MTN TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVID/63 Heard</i>	

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	<i>By: Lee Gates</i>	
09/24/2007	<b>Motion</b> (9:00 AM) Events: 09/13/2007 Motion <i>DEFT'S MTN TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL/64 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion</b> (9:00 AM) Events: 09/13/2007 Motion <i>DEFT'S MTN CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR SYSTEMATIC/65 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion</b> (9:00 AM) Events: 09/13/2007 Motion <i>DEFT'S MTN FOR SPECIAL VERDICT FORM IN ACCORDANCE WITH ENMUND V FLORIDA/66 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion</b> (9:00 AM) Events: 09/13/2007 Motion <i>DEFT'S MTN SECOND MTN TO EXCLUDE OTHER ACTS/ Heard By: Lee Gates</i>	
09/24/2007	<b>Motion</b> (9:00 AM) Events: 09/13/2007 Motion <i>DEFT'S MTN TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVID/68 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion for Discovery</b> (9:00 AM) Events: 09/13/2007 Motion <i>DEFT'S MTN FOR DISCOVERY INCLUDING BUT NOT LIMITED TO THE THE NAMES/69 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion in Limine</b> (9:00 AM) Events: 09/19/2007 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GLOVES &amp; HEADGEAR/70 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion in Limine</b> (9:00 AM) Events: 09/19/2007 Motion <i>DEFT'S MTN IN LIMINE TO APPLY THE BEST EVIC OF RULE TO BOWSER'S CONFESSION/71 Heard By: Lee Gates</i>	
09/24/2007	<b>Motion in Limine</b> (9:00 AM) Events: 09/19/2007 Motion <i>DEFT'S MTN IN LIMINE TO PREVENT ANY REF TO GANGS/72 Heard By: Lee Gates</i>	
09/24/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 9/24/07 Relief Clerk: Teri Braegelmann Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/24/2007	<b>Minute Order</b> (9:00 AM) <i>MINUTE ORDER RE: DEFT'S MOTION FOR APPLICATION OF NRS 193.165 AS AMENDED Relief Clerk: Teri Braegelmann Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/24/2007	Motion <i>ALL PENDING MOTIONS 9/24/07</i>	05C211162-20135.tif pages
09/24/2007	Hearing <i>MINUTE ORDER RE: DEFT'S MOTION FOR APPLICATION OF NRS 193.165 AS AMENDED</i>	05C211162-20136.tif pages

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09/25/2007	 Expert Witness List <i>DEFTS NOTICE OF WITNESSES PURSUANT TO NRS 174.234 - RELATED PARTYID: 05C211162_0002</i>	05C211162-20137.tif pages
09/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE THE PENALTY PHASE</i>	05C211162-20138.tif pages
09/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT</i>	05C211162-20139.tif pages
09/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR SPECIAL VERDICT FORM IN ACCORDANCE WITH ENMUND V FLORIDA WITH ENMUND V FLORIDA</i>	05C211162-20140.tif pages
09/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE PERTAINING TO VICTIM FAMILY MEMBERS CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME THE DEFENDANT AND/OR THE APPROPRIATE SENTENCE VICTIM IMPACT EVIDENCE PERTAINING TO VICTIM FAMILY MEMBERS CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME THE DEFENDANT AND/OR THE APPROPRIATE SENTENCE</i>	05C211162-20141.tif pages
09/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO DECLARE NEVADAS DEATH PENALTY STATUTES UNCONSTITUTIONAL STATUTES UNCONSTITUTIONAL</i>	05C211162-20142.tif pages
09/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY</i>	05C211162-20145.tif pages
09/27/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE</i>	05C211162-20146.tif pages
09/27/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY/DISCLOSURE INCLUDING BUT NOT LIMITED TO THE NAMES AND ADDRESSES OF PERSONS KNOWN TO THE STATE WHO MAY HAVE EVIDENCE FAVORABLE TO THE DEFENSE NOT LIMITED TO THE NAMES AND ADDRESSES OF PERSONS KNOWN TO THE STATE WHO MAY HAVE EVIDENCE FAVORABLE TO THE DEFENSE</i>	05C211162-20147.tif pages
09/27/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF GLOVES AND HEADGEAR GLOVES AND HEADGEAR</i>	05C211162-20148.tif pages

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09/27/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE</i>	05C211162-20149.tif pages
09/27/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS SECOND MOTION TO EXCLUDE OTHER - RELATED PARTYID: 05C211162_0002</i>	05C211162-20151.tif pages
09/28/2007	<b>Motion to Bifurcate</b> (9:00 AM) <i>DEFT'S MTN TO BIFURCATE /59 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO APPLY HEIGHTENED STANDAR REVIEW &amp; CARE/60 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO ALLOW TO ARGUE LAST AT THEPENALTY PHASE/61 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMPCHALLENGES TO EXLCUDE JURORS/62 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVID/63 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL/64 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR SYSTEMATIC/65 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN FOR SPECIAL VERDICT FORM IN ACCORDANCE WITH ENMUND V FLORIDA/66 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN SECOND MTN TO EXCLUDE OTHER ACTS/ Heard By: Lee Gates</i>	
09/28/2007	<b>Motion</b> (9:00 AM) <i>DEFT'S MTN TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVID/68 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion for Discovery</b> (9:00 AM) <i>DEFT'S MTN FOR DISCOVERY INCLUDING BUT NOT LIMITED TO THE THE NAMES/69 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion in Limine</b> (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GLOVES &amp; HEADGEAR/70 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion in Limine</b> (9:00 AM) <i>DEFT'S MTN IN LIMINE TO APPLY THE BEST EVIC OF RULE TO BOWSER'S CONFESSION/71 Heard By: Lee Gates</i>	
09/28/2007	<b>Motion in Limine</b> (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PREVENT ANY REF TO GANGS/72 Heard By: Lee Gates</i>	



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09/28/2007	<b>All Pending Motions</b> (9:00 AM) <i>ALL PENDING MOTIONS 9/28/07 Relief Clerk: Carole D'Aloia Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
09/28/2007	Motion <i>ALL PENDING MOTIONS 9/28/07</i>	05C211162-20143.tif pages
10/01/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
10/01/2007	 Order <i>ORDER TO PREPARE TRANSCRIPT</i>	05C211162-20152.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFT GREENS MOTION FOR THE PURPOST OF APPOINTING RULE 250 COUNSEL/DEFT BOWSERS MOTION TO CONTINUE TRIAL 250 COUNSEL/DEFT BOWSERS MOTION TO CONTINUE TRIAL</i>	05C211162-20153.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT INITIAL ARRAIGNMENT</i>	05C211162-20154.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST STATUS CHECK TRIAL DATE</i>	05C211162-20155.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFTS MOTION TO SUPPRESS DEFENDANTS CONFESSION</i>	05C211162-20156.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFT MOTION TO SEVER DEFENDANTS</i>	05C211162-20157.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTION TO STRIKE COUUNTS FIVE AND SIX DEFTS MOTION TO EXCLUDE OTHER ACTS DEFTS MOTION TO EXCLUDE OTHER ACTS</i>	05C211162-20158.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF ALL PENDING MOTIONS</i>	05C211162-20159.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK DEFENDANTS MOTION TO SEVER</i>	05C211162-20160.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK NEGOTIATIONS</i>	05C211162-20161.tif pages
10/01/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OF STATUS CHECK NEGOTIATIONS</i>	05C211162-20162.tif pages
10/01/2007	 Reporters Transcript	05C211162-20163.tif pages

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REPORTER'S TRANSCRIPT CALENDAR CALL/DEFTS MOTION TO APPLY  
 HEIGHTENEDTHE NAMES AND ADDRESS OF PERSONS KNOWN TO THE STATE WHO  
 MAY HAVE EVIDENCE MOTION TO BIFURCATE/DEFTS MOTION FOR DISCOVERY  
 INCLUDING BUT NOT LIMITED TO DEFTS MOTION TO BAR THE ADMISSION OF  
 CUMULATIVE VICTIM IMPACT EVIDENCE/DEFTS IN ACCORDANCE WITH ENMUND V  
 FLORIDA/DEFTS SECOND MOTION TO EXCLUDE OTHER ACTS/  
 UNDERREPRESENTATION OF COGNIZABLE GROUPS/DEFTS MOTION FOR SPECIAL  
 VERDICT FORM MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY  
 FOR SYSTEMATIC DEFTS MOTION TO DECLARE NEVADAS DEATH PENALTY  
 STATUTES UNCONSTITUTIONAL/DEFTS JURORS/DEFTS MOTION TO PRECLUDE THE  
 INTRODUCTION OF VICTIM IMPACT EVIDENCE/ PHASE/DEFTS MOTION TO  
 PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE STANDARD  
 REVIEW AND CARE/DEFTS MOTION TO ALLOW TO ARGUE LAST AT THE PENALTY  
 STATEMENT MOTION IN LIMINE TO APPLY THE BEST EVIDENCE RULE TO BOWSERS  
 CONFESSION AND HEADGEAR/DEFTS MOTION IN LIMINE TO PREVENT ANY  
 REFERENCE TO GANGS/DEFTS FAVORABLE TO DEFENSE/DEFTS MOTION IN LIMINE  
 TO PRECLUDE ADMISSION OF GLOVES THE NAMES AND ADDRESS OF PERSONS  
 KNOWN TO THE STATE WHO MAY HAVE EVIDENCE MOTION TO BIFURCATE/DEFTS  
 MOTION FOR DISCOVERY INCLUDING BUT NOT LIMITED TO DEFTS MOTION TO  
 BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE/DEFTS IN  
 ACCORDANCE WITH ENMUND V FLORIDA/DEFTS SECOND MOTION TO EXCLUDE  
 OTHER ACTS/ UNDERREPRESENTATION OF COGNIZABLE GROUPS/DEFTS MOTION  
 FOR SPECIAL VERDICT FORM MOTION CHALLENGING THE COMPOSITION OF THE  
 PETIT JURY FOR SYSTEMATIC DEFTS MOTION TO DECLARE NEVADAS DEATH  
 PENALTY STATUTES UNCONSTITUTIONAL/DEFTS JURORS/DEFTS MOTION TO  
 PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE/ PHASE/DEFTS  
 MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE  
 STANDARD REVIEW AND CARE/DEFTS MOTION TO ALLOW TO ARGUE LAST AT THE  
 PENALTY STATEMENT MOTION IN LIMINE TO APPLY THE BEST EVIDENCE RULE TO  
 BOWSERS CONFESSION AND HEADGEAR/DEFTS MOTION IN LIMINE TO PREVENT  
 ANY REFERENCE TO GANGS/DEFTS FAVORABLE TO DEFENSE/DEFTS MOTION IN  
 LIMINE TO PRECLUDE ADMISSION OF GLOVES

10/01/2007



Order

ORDER TO PREPARE TRANSCRIPT

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20164.tif pages

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Order

ORDER FOR EXPEDITED TRANSCRIPT - RELATED PARTYID: 05C211162\_0002

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20165.tif pages

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Reporters Transcript

REPORTER'S TRANSCRIPT STATUS CHECK MOTION TO SEVER/REDACTION OF  
 CONFESSION (BOTH)/DEFT GREENS MTOION TO CONTINUE TRIAL CONFESSION  
 (BOTH)/DEFT GREENS MTOION TO CONTINUE TRIAL

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20166.tif pages

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Reporters Transcript

REPORTER'S TRANSCRIPT DEFTS MOTION TO STRIKE COUNTS FIVE AND SIX/DEFTS  
 MOTION TO EXCLUDE OTHER BAD ACTS MOTION TO EXCLUDE OTHER BAD ACTS

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20167.tif pages

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Reporters Transcript

REPORTER'S TRANSCRIPT STATUS CHECK NEGOTIATIONS

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20168.tif pages

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Reporters Transcript

REPORTER'S TRANSCRIPT CALENDAR CALL/DEFTS MOTION TO APPLY  
 HEIGHTENEDSTANDARD REVIEW AND CARE/DEFTS MOTION TO ALLOW TO ARGUE  
 LAST AT THE PENALTY PHASE/ETC STANDARD REVIEW AND CARE/DEFTS MOTION  
 TO ALLOW TO ARGUE LAST AT THE PENALTY PHASE/ETC

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20169.tif pages






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Reporters Transcript

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20170.tif pages




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	REPORTER'S TRANSCRIPT EVIDENTIARY HEARING MOTION TO SUPPRESS DEFTS CONFESSION/DEFTS MOTION TO STRIKE INTEST TO SEEK DEATH PENALTY CONFESSION/DEFTS MOTION TO STRIKE INTEST TO SEEK DEATH PENALTY	
10/01/2007	 Reporters Transcript  REPORTER'S TRANSCRIPT DEFTS MOTION TO STRIKE INTENT TO SEEK DEATH PENALTY/EVIDENTIARY HEARING MOTION TO SUPPRESS DEFTS CONFESSION PENALTY/EVIDENTIARY HEARING MOTION TO SUPPRESS DEFTS CONFESSION	05C211162- 20171.tif pages
10/01/2007	 Reporters Transcript  REPORTER'S TRANSCRIPT STATUS CHECK NEGOTIATIONS	05C211162- 20172.tif pages
10/01/2007	 Reporters Transcript  REPORTER'S TRANSCRIPT APPOINT NEW RULE 250 COUNSEL (GREEN)/SET TRIAL DATE	05C211162- 20173.tif pages
10/01/2007	 Reporters Transcript  REPORTER'S TRANSCRIPT DEFTS MOTION FOR JURY QUESTIONNAIRE/DEFTS MOTION FORREVOCATION OF PROBATION/STATUS CHECK FILING OF MOTIONS APPLICATION/DEFTS 2ND MOTION TO STRIKE STATES NOTICE OF INTENT TO SEEK REVOCATION OF PROBATION/STATUS CHECK FILING OF MOTIONS APPLICATION/DEFTS 2ND MOTION TO STRIKE STATES NOTICE OF INTENT TO SEEK	05C211162- 20174.tif pages
10/01/2007	 Reporters Transcript  REPORTER'S TRANSCRIPT DEFT BOWSERS MOTION TO SEVER DEFT/DEFT BOWSERSMOTION TO STRIKE COUNTS FIVE AND SIX/DEFTS BOWSERS MOTION TO EXCLUDE OTHER ACTS MOTION TO STRIKE COUNTS FIVE AND SIX/DEFTS BOWSERS MOTION TO EXCLUDE OTHER ACTS	05C211162- 20175.tif pages
10/02/2007	CANCELED <b>Jury Trial</b> (10:00 AM) <i>Vacated</i>	
10/03/2007	<b>Jury Trial</b> (1:00 PM) TRIAL BY JURY Relief Clerk: Carole D'Aloia Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A	
10/03/2007	 Indictment  SECOND AMENDED INDICTMENT	05C211162- 20180.tif pages
10/04/2007	<b>Jury Trial</b> (10:00 AM) TRIAL BY JURY Relief Clerk: Carole D'Aloia Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A	
10/04/2007	 Reporters Transcript  REPORTER'S TRANSCRIPT OF TRIAL BY JURY	05C211162- 20212.tif pages
10/05/2007	<b>Jury Trial</b> (10:00 AM) TRIAL BY JURY Court Clerk: Keith Reed Reporter/Recorder: Sonia Riley Heard By: Gates, Lee A	
10/05/2007	 Order  ORDER TO PREPARE TRANSCRIPT	05C211162- 20177.tif pages
10/05/2007	 Reporters Transcript	05C211162- 20178.tif pages

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	<i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>	
10/05/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>	05C211162- 20209.tif pages
10/08/2007	<b>Jury Trial (10:00 AM)</b> <i>TRIAL BY JURY Relief Clerk: Carole D'Aloia Reporter/Recorder: Janice David Heard By: Gates, Lee A</i>	
10/08/2007	 Jury List <i>DISTRICT COURT JURY LIST</i>	05C211162- 20179.tif pages
10/08/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>	05C211162- 20206.tif pages
10/09/2007	<b>Jury Trial (12:00 PM)</b> <i>TRIAL BY JURY Relief Clerk: Carole D'Aloia Heard By: Gates, Lee A</i>	
10/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>	05C211162- 20205.tif pages
10/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL</i>	05C211162- 20211.tif pages
10/10/2007	<b>Jury Trial (9:00 AM)</b> <i>TRIAL BY JURY Relief Clerk: Carole D'Aloia Reporter/Recorder: Kendall Heath Heard By: Gates, Lee A</i>	
10/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>	05C211162- 20208.tif pages
10/11/2007	<b>Jury Trial (9:00 AM)</b> <i>TRIAL BY JURY Relief Clerk: Carole D'Aloia Reporter/Recorder: Kendall Heath Heard By: Lee Gates</i>	
10/11/2007	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	05C211162- 20181.tif pages
10/11/2007	 Judgment <i>VERDICT</i>	05C211162- 20185.tif pages
10/11/2007	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	05C211162- 20188.tif pages
10/11/2007	Hearing <i>PENALTY HEARING</i>	05C211162- 20199.tif pages
10/11/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS</i>	05C211162- 20204.tif pages
10/12/2007	<b>Penalty Hearing (9:00 AM)</b>	

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	Events: 10/11/2007 Hearing <i>PENALTY HEARING Relief Clerk: Carole D'Aloia Reporter/Recorder: Sonia L. Riley Heard By: Gates, Lee A</i>	
10/12/2007	 Order <i>ORDER TO PREPARE TRANSCRIPT</i>	05C211162-20182.tif pages
10/12/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL PROCEEDINGS AND JURY VERDICT</i>	05C211162-20210.tif pages
10/15/2007	<b>Penalty Hearing (9:00 AM)</b> <i>PENALTY HEARING Relief Clerk: Carole D'Aloia Reporter/Recorder: Kendall D. Heath Heard By: Gates, Lee A</i>	
10/15/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	05C211162-20203.tif pages
10/16/2007	<b>Penalty Hearing (9:00 AM)</b> <i>PENALTY HEARING Relief Clerk: Carole D'Aloia Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i>	
10/16/2007	 Verdict <i>SPECIAL VERDICT</i>	05C211162-20184.tif pages
10/16/2007	 Judgment <i>VERDICT</i>	05C211162-20186.tif pages
10/16/2007	 Verdict <i>VERDICT</i>	05C211162-20187.tif pages
10/16/2007	 Order <i>ORDER TO PREPARE TRANSCRIPT</i>	05C211162-20189.tif pages
10/16/2007	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	05C211162-20190.tif pages
10/16/2007	 Verdict Submitted to the Jury But Returned Unsigned <i>VERDICT(S) SUBMITTED TO JURY BUT RETURNED UNSIGNED</i>	05C211162-20191.tif pages
10/16/2007	Conversion Case Event Type <i>SENTENCING</i>	05C211162-20192.tif pages
10/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE TRIAL PROCEEDINGS</i>	05C211162-20207.tif pages
10/17/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	05C211162-20202.tif pages
12/05/2007	<b>Sentencing (9:00 AM)</b> Events: 10/16/2007 Conversion Case Event Type	

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

*SENTENCING Court Clerk: Katherine Streuber Reporter/Recorder: Kim Tuchman Heard By: Lee Gates*


05C211162-  
20193.tif pages

12/05/2007	Conversion Case Event Type <i>RE-SENTENCING - AT REQUEST OF COURT</i>
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. MURDER. Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. MURDER. Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. CONSPIRACY TO COMMIT A CRIME Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Guilty PCN: Sequence:

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 5. CONSPIRACY TO COMMIT A CRIME Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 5. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Guilty PCN: Sequence:
12/05/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/05/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 24 Months to Maximum 120 Months Placement: NSP Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 999 Days to Maximum 999 Days Converted Disposition: Sentence# 0003: CREDIT FOR TIME SERVED Minimum 39 Days to Maximum 39 Days Converted Disposition: Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0005: ADMINISTRATION FEE Amount: \$25.00
12/05/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 2. MURDER. Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0004 and Sentence#: 0001

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

12/05/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion) 3. CONSPIRACY TO COMMIT A CRIME Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 365 Days to Maximum 365 Days Placement: CCDC Cons/Conc: Concurrent w/Charge Item: 0004 and Sentence#: 0001 Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED</p>
12/05/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion) 4. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 60 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0007 and Sentence#: 0001 Converted Disposition: Sentence# 0002: SENTENCE AMENDED Minimum 24 Months to Maximum 60 Months Placement: NSP</p>
12/05/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion) 5. CONSPIRACY TO COMMIT A CRIME Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 365 Days to Maximum 365 Days Placement: CCDC Cons/Conc: Concurrent w/Charge Item: 0009 and Sentence#: 0001</p>
12/05/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion) 6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 60 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0010 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 12 Months to Maximum 60 Months Placement: NSP</p>
12/07/2007	<p> Order <i>ORDER RE PRE TRIAL MOTIONS</i></p>
12/10/2007	<p><b>Sentencing</b> (9:00 AM) Events: 12/05/2007 Conversion Case Event Type <i>RE-SENTENCING - AT REQUEST OF COURT Court Clerk: Katherine Streuber Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i></p>

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DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**


12/13/2007	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	05C211162-20195.tif pages
12/13/2007	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	05C211162-20196.tif pages
01/02/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 50851) - RELATED PARTYID: 05C211162_0002</i>	05C211162-20197.tif pages
01/02/2008	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C211162_0002</i>	05C211162-20198.tif pages
02/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C211162-20200.tif pages
02/13/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFTS MOTION FOR JURY QUESTIONAIRE</i>	05C211162-20213.tif pages
02/13/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE SENTENCING AT REQUEST OF COURT</i>	05C211162-20214.tif pages
02/13/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFTS SECOND MOTION TO STRIKE STATES NOTICE OF INTENT TO SEEK REVOCATION OF PROBATION INTENT TO SEEK REVOCATION OF PROBATION</i>	05C211162-20215.tif pages
02/28/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT GRAND JURY RETURN</i>	05C211162-20216.tif pages
05/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C211162-20217.tif pages
06/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C211162-20218.tif pages
07/21/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	05C211162-20220.tif pages
10/17/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SENTENCING</i>	05C211162-20221.tif pages
12/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF TRIAL BY JURY</i>	05C211162-20223.tif pages
09/01/2009	 Motion <i>DEFT'S PRO PER MTN FOR ORDER INSTRUCTING ATTY TO PROVIDE CASE FILE/81</i>	05C211162-20225.tif pages

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

09/14/2009	<b>Motion</b> (8:30 AM) Events: 09/01/2009 Motion <i>DEFT'S PRO PER MTN FOR ORDER INSTRUCTING ATTORNEY TO PROVIDE CASE FILE/81</i> <i>Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH</i>
03/27/2010	 <b>Judgment</b> <i>CLERK'S CERT JUDGMENT RVRSD AND REMANDED - RELATED PARTYID:</i> <i>05C211162_0002</i>
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Supreme Court Reversal/Remand
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 1. MURDER. Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 2. MURDER. Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) 2. MURDER. Supreme Court Reversal/Remand
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 3. CONSPIRACY TO COMMIT A CRIME Appeal Reversed/Remanded PCN: Sequence:
03/27/2010	<b>Amended Sentence</b> (Judicial Officer: User, Conversion)












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**CASE SUMMARY**  
**CASE NO. 05C211162-2**



	3. CONSPIRACY TO COMMIT A CRIME Supreme Court Reversal/Remand	
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 3. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Appeal Reversed/Remanded PCN: Sequence:	
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 4. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Appeal Reversed/Remanded PCN: Sequence:	
03/27/2010	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) 4. DISCHARGE OF FIREARM OUT OF MOTOR VEHICLE Supreme Court Reversal/Remand	
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 5. CONSPIRACY TO COMMIT A CRIME Appeal Reversed/Remanded PCN: Sequence:	
03/27/2010	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) 5. CONSPIRACY TO COMMIT A CRIME Supreme Court Reversal/Remand	
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 5. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Appeal Reversed/Remanded PCN: Sequence:	
03/27/2010	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) 6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Appeal Reversed/Remanded PCN: Sequence:	
03/27/2010	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) 6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR Supreme Court Reversal/Remand	
04/12/2010	Hearing  <i>AT REQUEST OF COURT: STATUS CHK: SUPREME ORDER OF REVERSAL &amp; REMAND FOR NEW TRIAL</i>	05C211162-20228.tif pages
04/14/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE TERRENCE BOWSER BAC #1012861</i>	05C211162-20229.tif pages
04/19/2010	<b>Request of Court</b> (8:30 AM) Events: 04/12/2010 Hearing <i>AT REQUEST OF COURT: STATUS CHK: SUPREME ORDER OF REVERSAL &amp; REMAND FOR NEW TRIAL Heard By: ELISSA CADISH</i>	
04/26/2010	<b>Request of Court</b> (8:30 AM) <i>AT REQUEST OF COURT: STATUS CHK: SUPREME ORDER OF REVERSAL &amp; REMAND</i>	

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**













*FOR NEW TRIAL Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: CADISH, ELISSA*

04/28/2010	 <b>Order</b> <i>ORDER FOR PRODUCTION OF INMATE TERRANCE BOWSER BAC #1012861</i>	05C211162- 20230.tif pages
05/10/2010	<b>Request of Court</b> (8:30 AM) <i>AT REQUEST OF COURT: STATUS CHK: SUPREME ORDER OF REVERSAL &amp; REMAND FOR NEW TRIAL Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: CADISH, ELISSA</i>	
05/12/2010	 <b>Order</b> <i>STIPULATION AND ORDER TO CONTINUE COURT DATE - RELATED PARTYID: 05C211162_0002</i>	05C211162- 20231.tif pages
05/12/2010	 <b>Order</b> <i>ORDER - RELATED PARTYID: 05C211162_0002</i>	05C211162- 20232.tif pages
05/24/2010	<b>Request of Court</b> (8:30 AM) <i>AT REQUEST OF COURT: STATUS CHK: SUPREME ORDER OF REVERSAL &amp; REMAND FOR NEW TRIAL Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH</i>	
03/07/2011	 <b>Order for Production of Inmate</b>	
03/14/2011	 <b>Hearing</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Setting Slip - Re-Set Trial Date Agreed</i>	
05/09/2011	<b>CANCELED Calendar Call</b> (9:30 AM) <i>Vacated - per Judge</i>	
05/16/2011	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated - per Judge</i>	
10/19/2011	 <b>Hearing</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Status Check</i>	
07/02/2012	 <b>Calendar Call</b> (9:30 AM) (Judicial Officer: Cadish, Elissa F.)	
07/09/2012	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>	
07/16/2012	 <b>Media Request and Order</b> <i>Media Request and Order for Camera Access to Court Proceedings</i>	
06/12/2013	 <b>Notice</b> Filed By: Defendant Bowser, Terrence K <i>Notice of Defendant's Request to Represent Himself Setting Slip</i>	
06/18/2013	 <b>Order for Production of Inmate</b> Party: Plaintiff State of Nevada <i>Order for Production of Inmate</i>	
06/19/2013	 <b>Request</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)	





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**CASE SUMMARY**  
**CASE NO. 05C211162-2**

	<i>Notice of Defendant's Request to Represent Himself Setting Slip</i>
07/01/2013	<b>CANCELED Calendar Call</b> (9:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
07/08/2013	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
03/19/2014	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)
05/12/2014	<b>CANCELED Calendar Call</b> (9:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
05/19/2014	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
02/23/2015	 <b>Calendar Call</b> (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
03/02/2015	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
04/24/2015	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>Supplemental Notice of Expert Witnesses</i>
04/27/2015	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Supplemental Notice of Expert Witnesses</i>
05/01/2015	 Motion Filed By: Plaintiff State of Nevada <i>Notice of Motion and Motion to Admit Prior Testimony, if Necessary</i>
05/01/2015	 Motion Filed By: Plaintiff State of Nevada <i>Notice of Motion and Motion to Preclude Evidence of the Methamphetamine Toxicology Results of John McCoy's Autopsy Evidence of John McCoy's Medical Conditions and Evidence of John McCoy's "Temper"</i>
05/08/2015	 Opposition to Motion Filed By: Defendant Bowser, Terrence K <i>Opposition To State's Motion To Preclude Evidence of the Methamphetamine Toxicology Results of John McCoy's Autopsy, Evidence of John McCoy's Medical Conditions and Evidence of John McCoy's "Temper"</i>
05/11/2015	<b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>State's Notice of Motion and Motion to Admit Prior Testimony, if Necessary</i>
05/11/2015	<b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>State's Notice of Motion and Motion to Preclude Evidence of the Methamphetamine Toxicology Results of John McCoy's Autopsy Evidence of John McCoy's Medical Conditions and Evidence of John McCoy's "Temper"</i>
05/11/2015	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
05/11/2015	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Cadish, Elissa F.)














DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

05/11/2015	 Stipulation and Order Filed by: Plaintiff State of Nevada <i>Stipulation and Order Waiving Separate Penalty Hearing</i>
05/18/2015	 <b>Jury Trial</b> (1:30 PM) (Judicial Officer: Cadish, Elissa F.) <b>05/18/2015-05/22/2015, 05/26/2015</b>
05/18/2015	 Amended Indictment <i>Third Amended Indictment</i>
05/19/2015	 Jury List <i>Jury List</i>
05/22/2015	 Proposed Jury Instructions Not Used At Trial <i>Defendant's Proposed Jury Instructions Not Used At Trial</i>
05/22/2015	 Jury List <i>Amended Jury List</i>
05/26/2015	 Verdict
05/26/2015	 Instructions to the Jury
05/26/2015	<b>Disposition</b> (Judicial Officer: Cadish, Elissa F.) 1. CONSPIRACY TO COMMIT MURDER Not Guilty PCN: Sequence:  3. CONSPIRACY TO DISCHARGE FIREARM OUT OF A MOTOR VEHICLE Not Guilty PCN: Sequence:  5. CONSPIRACY TO DISCHARGE FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT Not Guilty PCN: Sequence:
07/12/2015	 PSI
07/12/2015	 PSI - Defendant Statements
07/15/2015	<b>CANCELED Sentencing</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - On In Error</i>
07/29/2015	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <b>07/29/2015, 08/19/2015</b>
08/12/2015	 Memorandum Filed By: Defendant Bowser, Terrence K <i>Defendant's Sentencing Memorandum Regarding Striking "Defendant Statements" Section of the PSI</i>
08/19/2015	<b>Disposition</b> (Judicial Officer: Cadish, Elissa F.) 2. VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

	Guilty PCN: Sequence:
	4. DISCHARGING FIREARM FROM OUT OF MOTOR VEHICLE Guilty PCN: Sequence:
	6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT Guilty PCN: Sequence:
08/19/2015	<b>Sentence</b> (Judicial Officer: Cadish, Elissa F.) 2. VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:48 Months, Maximum:120 Months Consecutive Enhancement:for Use of a Deadly Weapon, Minimum:48 Months, Maximum:120 Months Other Fees 1. , \$1,171.80
08/19/2015	<b>Sentence</b> (Judicial Officer: Cadish, Elissa F.) 4. DISCHARGING FIREARM FROM OUT OF MOTOR VEHICLE Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:48 Months, Maximum:120 Months Concurrent: Charge 2
08/19/2015	<b>Sentence</b> (Judicial Officer: Cadish, Elissa F.) 6. DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge 4 Credit for Time Served: 3852 Days Fee Totals: Genetic Marker Analysis AA Fee 3.00 \$3 Indigent Defense Civil Assessment 500.00 Fee - ASK Fee Totals \$ 503.00 Comment (Plus \$25 ADM Fee and \$150 DNA Fee)
08/21/2015	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
08/31/2015	 <b>Request</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <b>08/31/2015, 09/09/2015</b> <i>Def't's Request: Fourth Amended Indictment</i>
08/31/2015	 Judgment of Conviction Party: Plaintiff State of Nevada <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
03/15/2016	 Motion Filed By: Defendant Bowser, Terrence K

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 05C211162-2**

	<i>Motion To Withdraw As Attorney Of Record</i>	
03/28/2016	 <b>Motion to Withdraw as Counsel</b> (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion To Withdraw As Attorney Of Record</i>	
04/11/2016	 <b>Status Check: Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)	
05/02/2016	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)	
05/20/2016	 Petition Filed by: Defendant Bowser, Terrence K <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>	
07/15/2016	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus</i>	
07/22/2016	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmate - Terrence Karyian Bowser, aka Terrance Karyian Bowser, BAC #1012861</i>	
07/26/2016	 Reply Filed by: Defendant Bowser, Terrence K <i>Reply to State's Response to Supplement to Petition for Writ of Habeas Corpus (Post-Conviction)</i>	
08/15/2016	 <b>Argument</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.) <i>Argument: Appeal Deprivation Claim</i>	
10/11/2016	 Request Filed by: Defendant Bowser, Terrence K <i>Request for Transcripts Pursuant to NRAP 9(a)(3)</i>	
10/11/2016	 Finding of Fact and Conclusions of Law Filed By: Defendant Bowser, Terrence K <i>Findings of Fact, Conclusions of Law and Order Granting Petition For Writ of Habeas Corpus (Post-Conviction)</i>	
10/13/2016	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	
10/13/2016	 Notice of Appeal (criminal) <i>Notice of Appeal</i>	
10/13/2016	 Case Appeal Statement <i>Case Appeal Statement</i>	

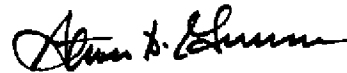
**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Bowser, Terrence K	
Total Charges	678.00
Total Payments and Credits	0.00
<b>Balance Due as of 10/13/2016</b>	<b>678.00</b>



**DEPARTMENT 6**  
**CASE SUMMARY**  
**CASE No. 05C211162-2**



CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TERRENCE KARYIAN BOWSER  
#1927299

Defendant.

CASE NO C211162-2

DEPT. NO. VI

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of  
COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of  
NRS 200.010, 200.030, 199.480, COUNT 2 – MURDER WITH USE OF A DEADLY  
WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165, COUNT  
3 – CONSPIRACY TO DISCHARGE FIREARM OUT OF MOTOR VEHICLE (Gross  
Misdemeanor) in violation of NRS 202.287, 199.480, COUNT 4 – DISCHARGING  
FIREARM OUT OF MOTOR VEHICLE (Category B Felony) in violation of NRS  
202.287, COUNT 5 – CONSPIRACY TO DISCHARGE FIREARM AT OR INTO  
STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT (Gross Misdemeanor) in



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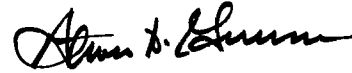
1 violation of NRS 202.285, 199.480, and COUNT 6 – DISCHARGING FIREARM AT OR  
2 INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT (Category B Felony)  
3 in violation of NRS 202.285; and the matter having been tried before a jury and the  
4 Defendant having been found guilty of the crimes of COUNT 2 – VOLUNTARY  
5 MANSLAUGHTER WITH USE OF A DEADLY WEAPON (Category B Felony) in  
6 violation of NRS 200.050, 200.080, 193.165; COUNT 4 – DISCHARGING FIREARM  
7 OUT OF A MOTOR VEHICLE (Category B Felony) in violation of NRS 202.287; and  
8 COUNT 6 – DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE,  
9 AIRCRAFT OR WATERCRAFT (Category B Felony) in violation of NRS 202.285;  
10 thereafter, on the 19<sup>th</sup> day of August, 2015, the Defendant was present in court for  
11 sentencing with his counsels NADIA HOJJAT and NORMAN REED, Deputy Public  
12 Defenders and good cause appearing,

13  
14  
15 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
16 addition to the \$25.00 Administrative Assessment Fee, \$500.00 Indigent Defense Civil  
17 Assessment Fee, Restitution in the amount of \$1,171.80, and \$150.00 DNA Analysis  
18 Fee including testing to determine genetic markers, plus a \$3.00 DNA Collection Fee,  
19 the Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as  
20 follows: AS TO **COUNT 2** - to a MAXIMUM of ONE HUNDRED TWENTY (120)  
21 MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus an  
22 EQUAL and CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS  
23 MAXIMUM with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for use of  
24 a Deadly Weapon; AS TO **COUNT 4** - to a MAXIMUM of ONE HUNDRED TWENTY  
25  
26  
27  
28 //

1 (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS,  
2 Count 4 to run CONSECUTIVE to COUNT 2; and AS TO COUNT 6 - to a MAXIMUM  
3 of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-  
4 EIGHT (28) MONTHS Count 6 to run CONCURRENT with Count 4; with THREE  
5 THOUSAND EIGHT HUNDRED FIFTY-TWO (3852) DAYS credit for time served. As to  
6 Counts 1, 3 and 5 – NOT GUILTY.  
7

8  
9 DATED this 27 day of August, 2015.

10  
11   
12  
13 ELISSA F. CADISH   
14 DISTRICT COURT JUDGE  
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27  
28



CLERK OF THE COURT

1 **FCL**

2 RESCH LAW, PLLC d/b/a Conviction Solutions

3 By: Jamie J. Resch

4 Nevada Bar Number 7154

5 2620 Regatta Dr., Suite 102

6 Las Vegas, Nevada, 89128

7 (702) 483-7360

8 Facsimile (800) 481-7113

9 Jresch@convictionsolutions.com

10 Attorney for Petitioner

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 TERRENCE K. BOWSER,

14 Petitioner,

15 vs.

16 THE STATE OF NEVADA,

17 Respondent.

Case No.: C211162-2

Dept. No: VI

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER GRANTING PETITION FOR  
WRIT OF HABEAS CORPUS (POST-  
CONVICTION)**

Date of Hearing: Aug. 15, 2016

Time of Hearing: 8:30 a.m.

18 This cause having come on for hearing before the Honorable Elissa F. Cadish, District  
19 Court Judge, on August 15, 2016, the Petitioner present in the custody of the Nevada  
20 Department of Corrections and represented by his court-appointed attorney of record, Jamie J.  
21 Resch, Esq., and Respondent represented by Steven B. Wolfson, District Attorney, by and  
22 through Michelle Fleck, Esq., and the Court having considered the matter, including brief,  
23 arguments, and documents on file herein, and now therefore makes the following findings of  
24 facts and conclusions of law:  
25  
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27  
28

**FINDINGS OF FACT**

1  
2 1. On April 29, 2005, an Indictment was filed that charged Terrence Bowser ("Petitioner")  
3  
4 with: Count 1, Conspiracy to Commit Murder, Count 2, Murder with use of a Deadly Weapon,  
5 Count 3, Conspiracy to Discharge Firearm out of a Motor Vehicle, Count 4, Discharging Firearm  
6 out of Motor Vehicle, Count 5, Conspiracy to Discharge Firearm at or into Structure, Vehicle,  
7 Aircraft or Watercraft, and Count 6, Discharging Firearm at or into Structure, Vehicle, Aircraft or  
8 Watercraft. Petitioner was represented by Norm Reed of the Clark County Public Defender's  
9 Office. Petitioner proceeded to trial, was convicted on all charges, and appealed his conviction  
10 to the Nevada Supreme Court. On February 26, 2010, the Nevada Supreme Court reversed the  
11 conviction with instructions that Bowser should receive a new trial.  
12  
13

14 2. Petitioner's re-trial commenced on May 18, 2015. At the conclusion of that trial, the jury  
15 returned a verdict which found Petitioner guilty of: Count 2, Voluntary Manslaughter with use of  
16 a Deadly Weapon, Count 4, Discharging Firearm out of a Motor Vehicle, and Count 6,  
17 Discharging Firearm at or into Structure, Vehicle, Aircraft or Watercraft. The jury returned not  
18 guilty verdicts on all remaining counts.  
19

20 3. On August 31, 2015, a Judgment of Conviction setting forth the following sentence was  
21 filed by the Court: Count 2, to a maximum of 120 months in the Nevada Department of  
22 Corrections with a minimum parole eligibility of 48 months, plus and equal and consecutive  
23 term of 120 months maximum with a minimum parole eligibility of 48 months for use of a  
24 deadly weapon, Count 4, to a maximum of 120 months with a minimum parole eligibility of 48  
25 months, consecutive to count 2, and Count 6, to a maximum of 72 months with a minimum  
26  
27  
28

1 parole eligibility of 28 months, concurrent to Count 4, with 3,852 days credit for time served. As  
2 a result, any notice of appeal was due within 30 days after August 31, 2015.

3  
4 4. This Court's docket indicates that no notice of appeal was filed reference the August 31,  
5 2015, Judgment of Conviction. Instead, on March 15, 2016, the Clark County Public Defender  
6 filed a "Motion to Withdraw as Attorney of Record." The motion is accompanied by a  
7 declaration under the penalty of perjury executed by Norm Reed and Nadia Hojjat, Deputy  
8 Public Defenders. The motion and declaration explain, in relevant part, that due to an  
9 "oversight" which was not discovered until the time of filing of the motion, the file was never  
10 forwarded to the Appellate Division and for that reason no timely notice of appeal was ever  
11 filed. Counsel specifically state: "Declarants take sole responsibility for failing to timely file the  
12 Notice of Appeal. It was absolutely Mr. Bowser's intent to appeal his convictions and his  
13 sentence. Declarants were ineffective as a matter of law for failing to file the appeal." The  
14 motion further requests the Court appoint independent counsel to pursue the issue further via  
15 post-conviction proceedings.

16  
17  
18  
19 5. On April 11, 2016, this Court appointed Jamie Resch, Esq., to represent Bowser in  
20 connection with any post-conviction proceedings. On May 20, 2016, a Petition for Writ of  
21 Habeas Corpus (Post-Conviction) was filed which contained a claim that Petitioner was  
22 improperly deprived of his direct appeal. The Petition was accompanied by a declaration under  
23 penalty of perjury by Petitioner which, in relevant part, confirmed his expressed desire to the  
24 Clark County Public Defender to appeal his August 31, 2015, Judgment of Conviction.

25  
26  
27 6. This Court heard argument on the Petition on August 15, 2016. At the hearing, the State  
28 accepted as true the declaration and statements by Norm Reed and Nadia Hojjat. As a result,

1 and based on papers and pleadings on file, the Court accepts as true the uncontroverted  
2 statements by counsel and Petitioner that Petitioner desired to appeal his Judgment of  
3 Conviction and that counsel inadvertently failed to do so. Because Petitioner expressed a desire  
4 to counsel to appeal, and counsel failed to do so, counsel acted ineffectively and that  
5 ineffectiveness deprived Petitioner of a direct appeal.  
6

### 7 **CONCLUSIONS OF LAW**

8  
9 1. "In all criminal prosecutions, the accused shall enjoy the right to...have the Assistance of  
10 Counsel for his defense." U.S. Const. amend. VI. "[T]he right to counsel is the right to the  
11 effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686 (1984). In Nevada,  
12 the appropriate vehicle for review of whether counsel was effective is a post-conviction relief  
13 proceeding. McKague v. Warden, 112 Nev. 159, 912 P.2d 255, 258 at n. 4 (1996). In order to  
14 assert a claim for ineffective assistance of counsel, the petitioner must prove that he was denied  
15 "reasonably effective assistance" of counsel by satisfying the two-pronged test set forth in  
16 Strickland. See State v. Love, 109 Nev. 1136, 865 P.2d 322, 323 (1993). Under Strickland, the  
17 defendant must show that his counsel's representation fell below an objective standard of  
18 reasonableness, and that, absent those errors, there is a reasonable probability that the result of  
19 the proceedings would have been different. Strickland, 466 U.S. at 697.  
20  
21

22  
23 2. NRAP 3C(2) provides that "[t]rial counsel shall file the notice of appeal, rough draft  
24 transcript request form, and fast tract statement and consult with appellate counsel for the case  
25 regarding the appellate issues that are raised." Trial counsel has a duty to file a direct appeal  
26 when the client's desire to challenge the conviction or sentence can be reasonably inferred from  
27 the totality of the circumstances, focusing on what counsel knew or should have known at the  
28



1 time. Toston v. State, 127 Nev.Adv.Op. 87, 267 P.3d 795 (2011), see also Davis v. State, 115 Nev.  
2 17, 974 P.2d 658, 660 (1999) ("[I]f the client does express a desire to appeal, counsel is obligated  
3 to file the notice of appeal on the client's behalf"). Prejudice is presumed for purposes of  
4 establishing the ineffective assistance of counsel when counsel's conduct completely denies a  
5 convicted defendant of a direct appeal. Toston, 267 P.3d at 800, citing Lozada v. State, 110 Nev.  
6 349, 871 P.2d 944, 949 (1994).  
7  
8

9 3. Here, the State has waived the need for any evidentiary hearing by demurring to the  
10 statements by counsel and Petitioner that an appeal was discussed and requested. As a result,  
11 this Court is not required to hold an evidentiary hearing before determining the merits of  
12 Petitioner's appeal deprivation claim. Martinez-Hernandez v. State, 132 Nev. Adv. Op. 61, \_ P.3d  
13 \_ (Aug. 12, 2016) (noting District Court's grant of NRAP 4(c) relief where lower court record  
14 disclosed no evidentiary hearing held due to agreement between parties that petitioner was  
15 deprived of a direct appeal).  
16  
17

18 4. The Court therefore finds that Petitioner received ineffective assistance of counsel  
19 because a direct appeal was requested and counsel failed to file a timely notice of appeal. As a  
20 result, Petitioner suffered presumed prejudice due to the complete loss of an opportunity to  
21 present a direct appeal. The instant petition is timely as it was filed within one year of  
22 Petitioner's Judgment of Conviction being filed. NRS 34.726. Petitioner is therefore entitled to  
23 relief and the Court grants the instant petition.  
24  
25

26 5. NRAP 4(c) provides that an untimely notice of appeal from a judgment of conviction and  
27 sentence may be filed when "[a] post-conviction petition for a writ of habeas corpus has been  
28 timely and properly filed in accordance with the provisions of NRS 34.720 to NRS 34.830,

1 asserting a viable claim that the petitioner was unlawfully deprived of the right to a timely direct  
2 appeal from a judgment of conviction and sentence, and [t]he district court in which the petition  
3 is considered enters a written order containing...specific findings of fact and conclusions of law  
4 finding that the petitioner has established a valid appeal-deprivation claim and is entitled to a  
5 direct appeal with the assistance of appointed or retained appellate counsel..." NRAP 4(c)(1)(a)-  
6  
7 (b).

8  
9 **ORDER**

10 **IT IS HEREBY ORDERED** that Petitioner Terrence Bowser's Petition for Writ of Habeas  
11 Corpus is **GRANTED**, and the Court finds Petitioner was unlawfully deprived of the right to a  
12 timely direct appeal from a judgment of conviction and sentence in District Court Case  
13 C211162-2, and;  
14

15 **IT IS FURTHER ORDERED** that Petitioner having previously been found to be indigent is  
16 appointed counsel to represent him on his direct appeal. Jamie Resch, Esq. is appointed to  
17 represent Petitioner in C211162-2 for purposes of any appeal to the Nevada Supreme Court, and;  
18

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1           **IT IS FURTHER ORDERED** that the District Court Clerk shall prepare and file within five  
2 (5) days of the entry of this order a notice of appeal from the judgment of conviction and  
3 sentence on the petitioner's behalf. Pursuant to NRAP 4(c)(2), the District Court Clerk shall serve  
4 certified copies of the district court's written order and the notice of appeal required by Rule 4(c)  
5 on the petitioner and petitioner's counsel in the post-conviction proceeding, the respondent,  
6 the Attorney General, the district attorney of the county in which the petitioner was convicted  
7 (Clark County, Nevada), the appellate counsel appointed to represent the petitioner in the direct  
8 appeal, and the clerk of the Supreme Court.

9  
10  
11           Dated this 5 day of October, 2016.

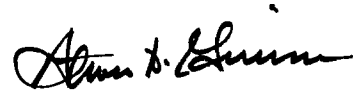
12  
13             
14           HONORABLE DISTRICT COURT JUDGE BL

15  
16  
17 Submitted By:

18 RESCH LAW, PLLC d/b/a Conviction Solutions

19  
20  
21 By: 

22           JAMIE J. RESCH  
23           Attorney for Petitioner  
24  
25  
26  
27  
28



CLERK OF THE COURT

NEO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

TERRENCE K. BOWSER,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 05C211162-2

Dept No: VI

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

**PLEASE TAKE NOTICE** that on October 11, 2016, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on October 13, 2016.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

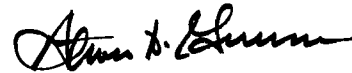
CERTIFICATE OF MAILING

I hereby certify that on this 13 day of October 2016, I placed a copy of this Notice of Entry in:

- ☒ The bin(s) located in the Regional Justice Center of:  
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:  
Terrence K. Bowser # 1012861      Jamie J. Resch, Esq.  
P.O. Box 650                              2620 Regatta Dr., Suite 102  
Indian Springs, NV 89070              Las Vegas, NV 89128

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk



CLERK OF THE COURT

1 **FCL**

2 RESCH LAW, PLLC d/b/a Conviction Solutions

3 By: Jamie J. Resch

4 Nevada Bar Number 7154

5 2620 Regatta Dr., Suite 102

6 Las Vegas, Nevada, 89128

7 (702) 483-7360

8 Facsimile (800) 481-7113

9 Jresch@convictionsolutions.com

10 Attorney for Petitioner

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 TERRENCE K. BOWSER,

14 Petitioner,

15 vs.

16 THE STATE OF NEVADA,

17 Respondent.

Case No.: C211162-2

Dept. No: VI

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER GRANTING PETITION FOR  
WRIT OF HABEAS CORPUS (POST-  
CONVICTION)**

Date of Hearing: Aug. 15, 2016

Time of Hearing: 8:30 a.m.

18 This cause having come on for hearing before the Honorable Elissa F. Cadish, District  
19 Court Judge, on August 15, 2016, the Petitioner present in the custody of the Nevada  
20 Department of Corrections and represented by his court-appointed attorney of record, Jamie J.  
21 Resch, Esq., and Respondent represented by Steven B. Wolfson, District Attorney, by and  
22 through Michelle Fleck, Esq., and the Court having considered the matter, including brief,  
23 arguments, and documents on file herein, and now therefore makes the following findings of  
24 facts and conclusions of law:  
25  
26  
27  
28

**FINDINGS OF FACT**

1  
2 1. On April 29, 2005, an Indictment was filed that charged Terrence Bowser ("Petitioner")  
3  
4 with: Count 1, Conspiracy to Commit Murder, Count 2, Murder with use of a Deadly Weapon,  
5 Count 3, Conspiracy to Discharge Firearm out of a Motor Vehicle, Count 4, Discharging Firearm  
6 out of Motor Vehicle, Count 5, Conspiracy to Discharge Firearm at or into Structure, Vehicle,  
7 Aircraft or Watercraft, and Count 6, Discharging Firearm at or into Structure, Vehicle, Aircraft or  
8 Watercraft. Petitioner was represented by Norm Reed of the Clark County Public Defender's  
9 Office. Petitioner proceeded to trial, was convicted on all charges, and appealed his conviction  
10 to the Nevada Supreme Court. On February 26, 2010, the Nevada Supreme Court reversed the  
11 conviction with instructions that Bowser should receive a new trial.  
12  
13

14 2. Petitioner's re-trial commenced on May 18, 2015. At the conclusion of that trial, the jury  
15 returned a verdict which found Petitioner guilty of: Count 2, Voluntary Manslaughter with use of  
16 a Deadly Weapon, Count 4, Discharging Firearm out of a Motor Vehicle, and Count 6,  
17 Discharging Firearm at or into Structure, Vehicle, Aircraft or Watercraft. The jury returned not  
18 guilty verdicts on all remaining counts.  
19

20 3. On August 31, 2015, a Judgment of Conviction setting forth the following sentence was  
21 filed by the Court: Count 2, to a maximum of 120 months in the Nevada Department of  
22 Corrections with a minimum parole eligibility of 48 months, plus and equal and consecutive  
23 term of 120 months maximum with a minimum parole eligibility of 48 months for use of a  
24 deadly weapon, Count 4, to a maximum of 120 months with a minimum parole eligibility of 48  
25 months, consecutive to count 2, and Count 6, to a maximum of 72 months with a minimum  
26  
27  
28

1 parole eligibility of 28 months, concurrent to Count 4, with 3,852 days credit for time served. As  
2 a result, any notice of appeal was due within 30 days after August 31, 2015.

3  
4 4. This Court's docket indicates that no notice of appeal was filed reference the August 31,  
5 2015, Judgment of Conviction. Instead, on March 15, 2016, the Clark County Public Defender  
6 filed a "Motion to Withdraw as Attorney of Record." The motion is accompanied by a  
7 declaration under the penalty of perjury executed by Norm Reed and Nadia Hojjat, Deputy  
8 Public Defenders. The motion and declaration explain, in relevant part, that due to an  
9 "oversight" which was not discovered until the time of filing of the motion, the file was never  
10 forwarded to the Appellate Division and for that reason no timely notice of appeal was ever  
11 filed. Counsel specifically state: "Declarants take sole responsibility for failing to timely file the  
12 Notice of Appeal. It was absolutely Mr. Bowser's intent to appeal his convictions and his  
13 sentence. Declarants were ineffective as a matter of law for failing to file the appeal." The  
14 motion further requests the Court appoint independent counsel to pursue the issue further via  
15 post-conviction proceedings.

16  
17 5. On April 11, 2016, this Court appointed Jamie Resch, Esq., to represent Bowser in  
18 connection with any post-conviction proceedings. On May 20, 2016, a Petition for Writ of  
19 Habeas Corpus (Post-Conviction) was filed which contained a claim that Petitioner was  
20 improperly deprived of his direct appeal. The Petition was accompanied by a declaration under  
21 penalty of perjury by Petitioner which, in relevant part, confirmed his expressed desire to the  
22 Clark County Public Defender to appeal his August 31, 2015, Judgment of Conviction.

23  
24 6. This Court heard argument on the Petition on August 15, 2016. At the hearing, the State  
25 accepted as true the declaration and statements by Norm Reed and Nadia Hojjat. As a result,  
26  
27  
28

1 and based on papers and pleadings on file, the Court accepts as true the uncontroverted  
2 statements by counsel and Petitioner that Petitioner desired to appeal his Judgment of  
3 Conviction and that counsel inadvertently failed to do so. Because Petitioner expressed a desire  
4 to counsel to appeal, and counsel failed to do so, counsel acted ineffectively and that  
5 ineffectiveness deprived Petitioner of a direct appeal.  
6

### 7 **CONCLUSIONS OF LAW**

8  
9 1. "In all criminal prosecutions, the accused shall enjoy the right to...have the Assistance of  
10 Counsel for his defense." U.S. Const. amend. VI. "[T]he right to counsel is the right to the  
11 effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686 (1984). In Nevada,  
12 the appropriate vehicle for review of whether counsel was effective is a post-conviction relief  
13 proceeding. McKague v. Warden, 112 Nev. 159, 912 P.2d 255, 258 at n. 4 (1996). In order to  
14 assert a claim for ineffective assistance of counsel, the petitioner must prove that he was denied  
15 "reasonably effective assistance" of counsel by satisfying the two-pronged test set forth in  
16 Strickland. See State v. Love, 109 Nev. 1136, 865 P.2d 322, 323 (1993). Under Strickland, the  
17 defendant must show that his counsel's representation fell below an objective standard of  
18 reasonableness, and that, absent those errors, there is a reasonable probability that the result of  
19 the proceedings would have been different. Strickland, 466 U.S. at 697.  
20  
21

22  
23 2. NRAP 3C(2) provides that "[t]rial counsel shall file the notice of appeal, rough draft  
24 transcript request form, and fast tract statement and consult with appellate counsel for the case  
25 regarding the appellate issues that are raised." Trial counsel has a duty to file a direct appeal  
26 when the client's desire to challenge the conviction or sentence can be reasonably inferred from  
27 the totality of the circumstances, focusing on what counsel knew or should have known at the  
28



1 time. Toston v. State, 127 Nev.Adv.Op. 87, 267 P.3d 795 (2011), see also Davis v. State, 115 Nev.  
2 17, 974 P.2d 658, 660 (1999) ("[I]f the client does express a desire to appeal, counsel is obligated  
3 to file the notice of appeal on the client's behalf"). Prejudice is presumed for purposes of  
4 establishing the ineffective assistance of counsel when counsel's conduct completely denies a  
5 convicted defendant of a direct appeal. Toston, 267 P.3d at 800, citing Lozada v. State, 110 Nev.  
6 349, 871 P.2d 944, 949 (1994).  
7  
8

9 3. Here, the State has waived the need for any evidentiary hearing by demurring to the  
10 statements by counsel and Petitioner that an appeal was discussed and requested. As a result,  
11 this Court is not required to hold an evidentiary hearing before determining the merits of  
12 Petitioner's appeal deprivation claim. Martinez-Hernandez v. State, 132 Nev. Adv. Op. 61, \_ P.3d  
13 \_ (Aug. 12, 2016) (noting District Court's grant of NRAP 4(c) relief where lower court record  
14 disclosed no evidentiary hearing held due to agreement between parties that petitioner was  
15 deprived of a direct appeal).  
16  
17

18 4. The Court therefore finds that Petitioner received ineffective assistance of counsel  
19 because a direct appeal was requested and counsel failed to file a timely notice of appeal. As a  
20 result, Petitioner suffered presumed prejudice due to the complete loss of an opportunity to  
21 present a direct appeal. The instant petition is timely as it was filed within one year of  
22 Petitioner's Judgment of Conviction being filed. NRS 34.726. Petitioner is therefore entitled to  
23 relief and the Court grants the instant petition.  
24  
25

26 5. NRAP 4(c) provides that an untimely notice of appeal from a judgment of conviction and  
27 sentence may be filed when "[a] post-conviction petition for a writ of habeas corpus has been  
28 timely and properly filed in accordance with the provisions of NRS 34.720 to NRS 34.830,

1 asserting a viable claim that the petitioner was unlawfully deprived of the right to a timely direct  
2 appeal from a judgment of conviction and sentence, and [t]he district court in which the petition  
3 is considered enters a written order containing...specific findings of fact and conclusions of law  
4 finding that the petitioner has established a valid appeal-deprivation claim and is entitled to a  
5 direct appeal with the assistance of appointed or retained appellate counsel..." NRAP 4(c)(1)(a)-  
6  
7 (b).

9 **ORDER**

10 **IT IS HEREBY ORDERED** that Petitioner Terrence Bowser's Petition for Writ of Habeas  
11 Corpus is **GRANTED**, and the Court finds Petitioner was unlawfully deprived of the right to a  
12 timely direct appeal from a judgment of conviction and sentence in District Court Case  
13 C211162-2, and;  
14

15 **IT IS FURTHER ORDERED** that Petitioner having previously been found to be indigent is  
16 appointed counsel to represent him on his direct appeal. Jamie Resch, Esq. is appointed to  
17 represent Petitioner in C211162-2 for purposes of any appeal to the Nevada Supreme Court, and;  
18

19 ///

20 ///

21 ///

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27 ///

1           **IT IS FURTHER ORDERED** that the District Court Clerk shall prepare and file within five  
2 (5) days of the entry of this order a notice of appeal from the judgment of conviction and  
3 sentence on the petitioner's behalf. Pursuant to NRAP 4(c)(2), the District Court Clerk shall serve  
4 certified copies of the district court's written order and the notice of appeal required by Rule 4(c)  
5 on the petitioner and petitioner's counsel in the post-conviction proceeding, the respondent,  
6 the Attorney General, the district attorney of the county in which the petitioner was convicted  
7 (Clark County, Nevada), the appellate counsel appointed to represent the petitioner in the direct  
8 appeal, and the clerk of the Supreme Court.

9  
10  
11           Dated this 5 day of October, 2016.

12  
13             
14           HONORABLE DISTRICT COURT JUDGE BL

15  
16  
17 Submitted By:

18 RESCH LAW, PLLC d/b/a Conviction Solutions

19  
20  
21 By: 

22           JAMIE J. RESCH  
23           Attorney for Petitioner  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 29, 2005

05C211162-2

The State of Nevada vs Terrence K Bowser

April 29, 2005

11:30 AM

Grand Jury Indictment

**GRAND JURY  
INDICTMENT**

**Court Clerk: Denise  
Trujillo**

**Reporter/Recorder:**

**Angela Lee Heard**

**By: Kathy Hardcastle**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Barker, David B.

Attorney

**JOURNAL ENTRIES**

- onnnis Johnson, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 04AGJ130 A/B to the Court. COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL as to BOTH deft's. COURT ORDERED, the indictment may be filed and is assigned Case Number C211162, Department VIII. COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL. Exhibit(s) 1-26 lodged with Clerk of District Court. Matter set for initial arraignment.

CUSTODY (BOTH)

5/4/05 9:00 AM ARRAIGNMENT

CLERK'S NOTE: Clerk inadvertently set the wrong court date, matter RESET to Monday 5/09/05./dt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 09, 2005**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 09, 2005****9:00 AM****Initial Arraignment**

**INITIAL  
ARRAIGNMENT  
Relief Clerk: Jennifer  
Lott  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.

Attorney

Bowser, Terrence K

Defendant

Brown, Curtis

Attorney

Cano, Charles A.

Attorney

**JOURNAL ENTRIES**

- Court APPOINTED Mr. Brown and Mr. Cano as counsel for Defendant Bowser in District Court. DEFENDANT GREEN and DEFENDANT BOWSER ARRAIGNED, PLED NOT GUILTY, and WAIVED THE 60-DAY RULE. Although counsel agreed to November 2005 setting, Court ORDERED case set in the ordinary course.

CUSTODY (BOTH)

9/12/05 9:00 A.M. CALENDAR CALL

9/20/05 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 07, 2005**

05C211162-2

The State of Nevada vs Terrence K Bowser

**September 07, 2005****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (9-7-05)  
Court Clerk: Sharon  
Coffman/sc Relief  
Clerk: Cynthia  
Georgilas  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.  
Bowser, Terrence K  
Brown, Curtis  
Cano, Charles A.

Attorney  
Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFENDANT GREEN'S MOTION FOR THE PURPOSE OF APPOINTING RULE 250  
COUNSEL...DEFENDANT BOWSER'S MOTION TO CONTINUE TRIAL

Mr. Gale advised he joins in the motion to continue the trial date.

As to appointing Rule 250 counsel for Defendant Green, Mr. Berrett argued he has retained counsel, the Rule only applies if counsel is appointed. Argument by Mr. Gale that he is not Rule 250 qualified; further advised the Defendant is indigent and cannot pay him, and his parents, who retained him, can no longer pay.

COURT ORDERED, matter continued for appointment of counsel and new trial setting. TRIAL  
DATE VACATED

**05C211162-2**

CUSTODY (BOTH)

9-14-05 9:00 A.M. APPOINTMENT OF RULE 250 COUNSEL (GREEN)...RESET TRIAL DATE  
(BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 14, 2005**

05C211162-2

The State of Nevada vs Terrence K Bowser

**September 14, 2005****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS Court  
Clerk: Sharon  
Coffman Relief  
Clerk: Cynthia  
Georgilas/cg  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.  
Bowser, Terrence K  
Brown, Curtis  
Cano, Charles A.

Attorney  
Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- APPOINT NEW RULE 250 COUNSEL (GREEN)...SET TRIAL DATE

COURT ORDERED, Mr. Tom Pitaro and Mr. Jonathan MacArthur appointed to represent Deft. Green; matter set for confirmation. Trial date to be set at that time.

CUSTODY (BOTH)

09-21-05 9:00 AM TRIAL SETTING//CONFIRMATION OF COUNSEL (Pitaro & MacArthur)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 21, 2005**

05C211162-2

The State of Nevada vs Terrence K Bowser

**September 21, 2005****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (9-21-05)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Donna McCord  
Heard By: Joseph  
Bonaventure**

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

Berrett, Bill A.  
Bowser, Terrence K  
Cano, Charles A.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- CONFIRMATION OF COUNSEL (PITARO/ MACARTHUR)...SET TRIAL DATE

AS TO DEFT. GREEN: Thomas Pitaro, Esq. and Jonathan MacArthur, Esq. CONFIRMED as lead counsel and second chair for Defendant Green.

AS TO BOTH DEFENDANTS: COURT ORDERED, matter of the trial date continued to be heard by Judge Gates.

CUSTODY (BOTH)

9-28-05 9:00 A.M. SET TRIAL DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 28, 2005**

05C211162-2

The State of Nevada vs Terrence K Bowser

<b>September 28, 2005</b>	<b>9:00 AM</b>	<b>Conversion Hearing Type</b>	<b>SET TRIAL DATE</b>
			<b>Court Clerk: Sharon</b>
			<b>Coffman</b>
			<b>Reporter/Recorder:</b>
			<b>Stacy Briggs Heard</b>
			<b>By: Lee Gates</b>

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

<b>PRESENT:</b>	Berrett, Bill A.	Attorney
	Bowser, Terrence K	Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, matter set for trial.  
CUSTODY (BOTH)  
9-11-06 9:00 A.M. CALENDAR CALL  
9-19-06 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**March 08, 2006****9:00 AM****Motion to Suppress**

**DEFT'S MTN TO  
SUPPRESS DEFT'S  
CONFESSION/16  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.  
Bowser, Terrence K  
Brown, Curtis

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- Parties requested matter be continued. COURT SO ORDERED.

**CUSTODY****4-17-06 1:30 P.M. EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 17, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 17, 2006**

**1:30 PM**

**Evidentiary Hearing**

**EVIDENTIARY  
HEARING:  
MOTION TO  
SUPPRESS DEFT'S  
CONFESSION Court  
Clerk: Sharon  
Coffman Heard By:  
Gates, Lee A**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Due to the unavailability of Court, matter continued.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 15, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 15, 2006****1:30 PM****All Pending Motions**

**ALL PENDING  
MOTIONS Court  
Clerk: Willa  
Pettice/wp Relief  
Clerk: Phyllis Irby  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.  
Bowser, Terrence K  
Reed, Norman J.  
Sweetin, James R.

Attorney  
Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO STRIKE INTENT TO SEEK DEATH PENALTY . . . EVIDENTIARY  
HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION

Mr. Berrett advised the State is missing a witness and requested matter be continued. There being no  
opposition, COURT ORDERED, matter CONTINUED.

8/14/06 1:30 P.M. DEFT'S MOTION TO STRIKE INTENT TO SEEK DEATH PENALTY  
EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 07, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 07, 2006****9:00 AM****Motion for Appointment of  
Attorney**

**DEFT'S MTN FOR  
APPOINTMENT OF  
ATTY/20 Court  
Clerk: Sharon  
Coffman/sc Relief  
Clerk: Carol  
Donahoo  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- Matter called, but Mr. Sciscento not present. Mr. MacArthur advised he has no objection to the appointment of Mr. Sciscento.

Matter recalled. Mr. Sciscento present and CONFIRMED as counsel. Mr. Sciscento advised Mr. Pitaro had been appointed, but his heavy trial schedule is preventing him from being able to handle this case.

Mr. Sweetin advised he believes parties will be filing a motion to continue the trial. Court so noted.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 14, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 14, 2006****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (8/14/06)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.

Attorney

Bowser, Terrence K

Defendant

Brown, Curtis

Attorney

Reed, Norman J.

Attorney

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING: MOTION TO SUPPRESS DEFT'S CONFESSION...DEFT'S MOTION TO STRIKE INTENT TO SEEK DEATH PENALTY

Ms. Sciscento requested his client be joined in the motions. Court noted there are different facts and it will not apply to his client as Defendant Bowser is saying the death penalty applies to Defendant Green.

Officer Robert Sullivan sworn and testified. Detective Rob Wilson sworn and testified. Closing arguments.

As to the Motion to Suppress, COURT FINDS, that Defendant Bowser was under arrest, he was not free to leave. Before any questioning took place, he should have been read his Miranda rights, and, in fact, he was read his Miranda rights by Officer Sullivan. Defendant stated, "You guys got me. I will

have to see what my lawyer can do for me." COURT FINDS, this is ambiguous; he did not say he wanted an attorney or that he didn't want to talk. Additionally, he was read his Miranda rights again, and gave a 70-page statement, which indicates he wanted waive his rights and give a statement. COURT FINDS, the Defendant was given his Miranda rights on two occasions, and he freely and voluntarily waived those rights. COURT ORDERED, Defendant's Motion to Suppress is DENIED.

As to the Motion to Strike the State's Intent to Seek the Death Penalty, following arguments of counsel as to whether the Defendant can be given the death sentence in view of the fact that it was the Co-Defendant who pulled the trigger, COURT FINDS, the law is as stated by Mr. Sweeten, i.e. the law is specific that the Defendant must have killed, attempted to kill, intended that a killing take place, intended that lethal force be employed, or participated in a felony while exhibiting a reckless indifference to human life. COURT FINDS, the Defendant does not have to be the one who pulled the trigger in order to be subject to the death penalty. The State has alleged enough participation in the murder by the Defendant that would allow the State to seek the death penalty. COURT ORDERED, Motion to Strike is DENIED.

State to prepare the Order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 30, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 30, 2006****9:00 AM****Request**

**STATE'S REQUEST  
STATUS  
CHECK:TRIAL  
DATE Court Clerk:  
Sharon Coffman  
Relief Clerk: Robin  
Mucciarone/rm  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.

Attorney

Reed, Norman J.

Attorney

**JOURNAL ENTRIES**

- Upon request of parties, COURT ORDERED, trial date re-set.

2/21/07 9:00 AM CALENDAR CALL (BOTH)

2/27/07 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 11, 2006**

05C211162-2

The State of Nevada vs Terrence K Bowser

**December 11, 2006**

**9:00 AM**

**Motion to Sever**

**DEFT'S MTN TO  
SEVER DEFT'S/25  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Bowser, Terrence K  
Reed, Norman J.

Defendant  
Attorney

**JOURNAL ENTRIES**

- Mr. Reed advised if the confession is redacted, as he believes it will be, this motion will be moot.  
COURT ORDERED, matter set for status check.

CUSTODY

1/3/07 9:00 A.M. STATUS CHECK: MOTION TO SEVER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 03, 2007**

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05C211162-2

The State of Nevada vs Terrence K Bowser

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**January 03, 2007****9:00 AM****Status Check**

**STATUS CHECK:  
DEFT'S MOTION  
TO SEVER Court  
Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Berrett, Bill A.  
Bowser, Terrence K  
Reed, Norman J.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- Parties advised they want to agree to redacted confession statements and requested further status check. Further requested Mr. Green be brought into the next status check. COURT SO ORDERED.  
CUSTODY

1/17/07 9:00 A.M. STATUS CHECK: MOTION TO SEVER / REDACTION OF CONFESSION  
(BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 17, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**January 17, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (1/17/07)  
Relief Clerk: Sharon  
Chun  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Pieper, Danielle K.  
Reed, Norman J.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: MOTION TO SEVER/REDACTION OF CONFESSION (BOTH)...DEFT GREEN'S  
MOTION TO CONTINUE TRIAL

Per stipulation of both all counsel, COURT ORDERED, Deft's Motion to Continue Trial, GRANTED  
AS TO BOTH DEFTS GREEN & BROWER; the CALENDAR CALL AND JURY TRIAL DATES ARE  
VACATED AND RESET.

At request of Mr. Reed, COURT ALSO ORDERED, the Motion to Sever/Redaction of Confession  
(Both) SET for 4/18/07 at 9:00 A.M.

CUSTODY (BOTH)

4/18/07 9:00 AM MOTION TO SEVER/REDACTION OF CONFESSION (BOTH)

5/17/07 9:00 AM CALENDAR CALL

5/21/07 10:00 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 26, 2007**

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05C211162-2

The State of Nevada vs Terrence K Bowser

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**February 26, 2007****9:00 AM****Motion to Compel**

**PETITIONER'S MTN  
TO COMPEL  
DISCLOSURE  
OFEVID/33 Court  
Clerk: Sharon  
Coffman Relief  
Clerk: Linda M.  
Smith/lms  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- Arguments of counsel. COURT ORDERED, Petitioner's Motion to Compel Disclosure of Evidence is GRANTED. FURTHER ORDERED, if the DA's office has the evidence in document form, they are to provide it to Mr. MaCarthur.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 19, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**March 19, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (3/19/07)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Pieper, Danielle K.  
Reed, Norman J.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO STRIKE COUNTS FIVE AND SIX...DEFT'S MOTION TO EXCLUDE OTHER ACTS

Parties requested time for State to respond. COURT ORDERED, State to respond by 4/2/07; Defendant to reply by 4/9; matter set for argument.

**CUSTODY**

4/18/07 9:00 A.M. SAME

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 02, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 02, 2007****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS (4/02/07)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Christopher J.

Attorney

**JOURNAL ENTRIES****- DEFT'S MOTION FOR JURY QUESTIONNAIRE...DEFT'S MOTION TO SEVER**Upon request of Mr. Sciscento, COURT ORDERED, matter continued in order for State to respond.  
**CUSTODY**

4/11/07 9:00 A.M. - SAME

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 11, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 11, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (4/11/07)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Kendall Heath  
Heard By: Lee Gates**

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

Brown, Curtis

Attorney

Pesci, Giancarlo

Attorney

Reed, Norman J.

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR JURY QUESTIONNAIRE...DEFT'S MOTION TO SEVER

Deft. Green's Motion to Suppress FILED IN OPEN COURT.

There being no opposition to the motions, COURT ORDERED, Motion to Sever and Motion for Jury Questionnaire are GRANTED. Court directed counsel to let the State review the Jury Questionnaire. State requested time to respond to the Motion to Suppress. COURT ORDERED, State to respond by 4/23 and matter set for hearing.

Colloquy as to a trial date for Bowser. COURT ORDERED, matter set on calendar.

CUSTODY

4/18/07 9:00 A.M. RESET TRIAL DATES (BOWSER)

4/30/07 9:00 A.M. PRETRIAL MOTIONS (GREEN)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 18, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 18, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (4/18/07)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Brown, Curtis  
Pesci, Giancarlo  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT BOWSER'S MOTION TO SEVER DEFT/REDACTION OF DEFT...DEFT BOWSER'S MOTION TO STRIKE COUNTS FIVE AND SIX...DEFT BOWSER'S MOTION TO SET TRIAL DATE...DEFT BOWSER'S MOTION TO EXCLUDE OTHER ACTS

COURT ORDERED, Motion to Sever OFF CALENDAR; this has been determined.

State requested time to respond to the Motion to Strike Counts Five and Six and Motion to Exclude Other Acts. COURT ORDERED, response due by 5/16 and motions continued.

COURT FURTHER ORDERED, trial date set for Deft. Bowser.

CUSTODY

5/21/07 9:00 A.M. MOTION TO STRIKE COUNTS FIVE AND SIX...MOTION TO EXCLUDE OTHER ACTS

9/24/07 9:00 A.M. CALENDAR CALL (BOWSER)

10/01/07 10:00 A.M. TRIAL BY JURY (BOWSER)

DEFT BOWERS' MOTION TO SEVER DEFT/REDACTIN OF DEFT...DEFT BOWSER'S MOTION TO STRIKE COUNTS FIVE AND SIX...DEFT BOWSER'S MOTION TO EXCLUDE OTHER ACTS COURT ORDERED, Motion to Sever OFF CALENDAR; this has been determined.

State requested time to respond to the Motion to Strike Counts Five and Six and Motion to Exclude Other Acts. COURT ORDERED, response due by 5/16 and motions continued.

COURT FURTHER ORDERED, trial date set for Deft. Bowser.

CUSTODY

5/21/07 9:00 A.M. MOTION TO STRIKE COUNTS FIVE AND SIX...MOTION TO EXCLUDE OTHER ACTS

9/24/07 9:00 A.M. CALENDAR CALL (BOWSER)

10/01/07 10:00 A.M. TRIAL BY JURY (BOWSER)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 19, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 19, 2007****9:00 AM****Minute Order****MINUTE ORDER****RE: TRIAL Court****Clerk: Sharon****Coffman Heard By:****Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- As it appears the trial date for Defendant Green has been set in a manner inconsistent with Court's trial stacks, with the consent of the Court, Clerk as re-set the trial to align with the criminal calendar calls and trial dates. In order to give extra time for jury selection, etc. trial will be set on a Monday afternoon rather than Tuesday morning.

**CUSTODY**

5/14/07 9:00 A.M. CALENDAR CALL (GREEN)

5/21/07 1:00 P.M. TRIAL BY JURY (GREEN)

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of Norman Reed, Esq. and Curtis Brown, Esq. (Public Defender) and Jonathan MacArthur, Esq. (MacArthur).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 30, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 30, 2007****9:00 AM****Motion to Suppress**

**HEARING: DEFT  
GREEN'S MOTION  
TO SUPPRESS  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Angela Compagna  
Heard By: Gates, Lee  
A**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Mr. MacArthur requested this matter be continued for hearing. COURT SO ORDERED.  
custody

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 09, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 09, 2007****10:30 AM****Motion to Suppress**

**HEARING: DEFT  
GREEN'S MOTION  
TO SUPPRESS  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A**

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

Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Also present with Mr. Pesci, Sonia Munoz. Dr. Mark Chambers sworn and testified. Due to Court's trial schedule, COURT ORDERED, matter continued.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 14, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 14, 2007****9:00 AM****Motion**

**DEFT'S MTN TO  
PROHIBIT  
POTENTIAL DEATH  
SENTENCE /49  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Jimenez, Sonia V.  
Pesci, Giancarlo

Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Sciscento argued that the jury doesn't have an opportunity to make a decision as to aggravators and noted that the procedure has been changed since this case. Reference to Apprendi v New Jersey. Argument by Ms. Jiminez that the new rules apply to Deft's right to a jury trial; further the Apprendi case is not applicable in Nevada. Argument by Mr. Sciscento that without the new rules, the death penalty is capricious and arbitrary.

COURT FINDS, the District Attorney has complete authority and discretion as to whether to seek the death penalty and ORDERED Motion is DENIED.

Colloquy as to questionnaires.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 16, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 16, 2007****10:30 AM****Motion to Suppress**

**HEARING: DEFT  
GREEN'S MOTION  
TO SUPPRESS  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Jimenez, Sonia V.  
Pesci, Giancarlo

Attorney  
Attorney

**JOURNAL ENTRIES**

- Testimony of witnesses (see worksheet). Following arguments of counsel, COURT ORDERED,  
Motion to Suppress is DENIED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 21, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (5/21/07)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Brown, Curtis  
Pesci, Giancarlo  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO STRIKE COUNTS FIVE AND SIX...DEFT'S MOTION TO EXCLUDE OTHER ACCOUNTS

Pursuant to request of parties, COURT ORDERED, motions continued.

CUSTODY

6/11/07 9:00 A.M. - SAME



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 21, 2007****1:00 PM****Jury Trial**

**TRIAL BY JURY**  
**Court Clerk: Sharon**  
**Coffman**  
**Reporter/Recorder:**  
**Sonia Riley Heard**  
**By: Lee Gates**

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

Jimenez, Sonia V.  
Pesci, Giancarlo

Attorney  
Attorney

**JOURNAL ENTRIES**

- Amended Indictment and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS: State and Defendant agree to a stipulated, conditional plea of a total of thirty-four years to life. Should Court not be inclined to impose that sentence, Defendant may withdraw his plea and proceed to trial. DEFT. GREEN ARRAIGNED AND PLED GUILTY TO COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER (F), COUNT 3 - DISCHARGING FIREARM OUT OF MOTOR VEHICLE (F), and COUNT 4 - DISCHARGING FIREARM OUT OF MOTOR VEHICLE (F). COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

**CUSTODY**

7/11/07 9:00 A.M. SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 11, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**June 11, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (6/11/07)  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Brown, Curtis  
Pesci, Giancarlo

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT' MOTION TO STRIKE COUNTS FIVE AND SIX...DEFT'S MOTION TO EXCLUDE OTHER  
BAD ACTS

Mr. Brown advised they are working on negotiations and requested matter be continued one week.  
COURT SO ORDERED.

CUSTODY

6/18/07 9:00 A.M. STATUS CHECK: NEGOTIATIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 18, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**June 18, 2007****9:00 AM****Status Check**

**STATUS CHECK:  
NEGOTIATIONS  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A**

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

Bowser, Terrence K  
Brown, Curtis  
Jimenez, Sonia V.  
Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Brown requested matter be continued for Mr. Reed to be present.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 20, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**June 20, 2007****9:00 AM****Status Check**

**STATUS CHECK:  
NEGOTIATIONS  
Court Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A**

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

Bowser, Terrence K  
Brown, Curtis  
Pesci, Giancarlo  
Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Brown advised the Defendant has some further questions; requested a continuance. COURT ORDERED, status check continued; trial date stands.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 09, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**July 09, 2007****9:00 AM****Status Check****STATUS CHECK:  
NEGOTIATIONS  
Court Clerk: Keith  
Reed  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Bowser, Terrence K  
Brown, Curtis  
Pesci, Giancarlo  
Public DefenderDefendant  
Attorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Second Amended Indictment and Guilty Plea Agreement submitted. Deft. requested to be allowed to enter an Alford plea. Mr. Brown noted, that is not a part of the negotiations. Upon the Court's attempt to canvass the Deft. as to his plea agreement, Court stated, the requisite elements are not present; parties need to discuss matters more and maybe agree to an Alford plea. COURT ORDERED, matter CONTINUED.

**CUSTODY**

CLERK'S NOTE: Second Amended Indictment and Guilty Plea Agreement returned to the District Attorney.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 11, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**July 11, 2007****9:00 AM****Sentencing****SENTENCING****Court Clerk: Keith  
Reed****Reporter/Recorder:  
Sonia Riley Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

**JOURNAL ENTRIES**

- DEFT. GREEN ADJUDGED GUILTY of COUNT I, CONSPIRACY TO COMMIT MURDER (F), COUNT II, FIRST DEGREE MURDER (F), COUNT III & IV, DISCHARGING FIREARM OUT OF MOTOR VEHICLE (F). Statements by counsel. Speaker Keith Allen sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA analysis fee submitting to blood and/or saliva test to determine genetic markers or secretor status, as to COUNT II, Deft. is SENTENCED to a term of LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); as to COUNT I, a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE to COUNT II; as to COUNT III, a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) IMPOSED CONSECUTIVE to COUNT II; as to COUNT IV, a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) IMPOSED CONSECUTIVE to COUNT III; EIGHT HUNDRED NINETY (890) DAYS credit for time served; CASE CLOSED.

**05C211162-2**

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**July 25, 2007****9:00 AM****Status Check**

**STATUS CHECK:  
NEGOTIATIONS  
Court Clerk:  
Katherine Streuber  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court advised it was not accepting negotiations. Counsel advised motions will be filed. COURT ORDERED, matter SET for status check.

CUSTODY

09-05-07 9:00 AM STATUS CHECK: FILING OF MOTIONS



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 20, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**August 20, 2007****9:00 AM****Motion to Strike**

**DEFT'S 2ND MTN  
TO STRIKE STATE'S  
NTC OF INTENT TO  
SEEK Court Clerk:  
Katherine Streuber  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A**

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

Bowser, Terrence K  
Jimenez, Sonia V.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Counsel requested matter be continued to next scheduled hearing date along with motions set for August 27, 2007. There being no opposition, COURT SO ORDERED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 05, 2007

05C211162-2

The State of Nevada vs Terrence K Bowser

September 05, 2007

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 09/05/07  
Court Clerk:  
Katherine Streuber  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bowser, Terrence K  
Brown, Curtis  
Jimenez, Sonia V.  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR JURY QUESTIONNAIRE...DEFT'S MOTION FOR APPLICATION...DEFT'S 2ND MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK REVOCATION...STATUS CHECK: FILING OF MOTIONS

Court inquired when questionnaires would be completed and informed by the end of this week. COURT ORDERED, motion GRANTED. Argument by counsel. State argued this can not be done retroactively since Deft. having committed the crimes, can not use a statute that was implemented after his sentence was imposed. Counsel stated there is ambiguity in the statute and it should be applied to Deft. Argument by State. Further argument by counsel. Court stated its findings and ORDERED, Deft's Motion to Strike Counts 5 & 6 and Motion to Strike Death Penalty are DENIED. FURTHER, Motion for Application taken UNDER ADVISEMENT. Deft's 2nd Motion to Strike State's

Notice of Intent to Seek Revocation of Probation NOT ADDRESSED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**September 24, 2007****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 9/24/07  
Relief Clerk: Teri  
Braegelmann  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFT'S MOTION TO APPLY HEIGHTENED STANDARD REVIEW & CARE...DEFT'S MOTION TO ALLOW TO ARGUE LAST AT THE PENALTY PHASE...DEFT'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS...DEFT'S MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE...DEFT'S MOTION TO DECLARE NEVADA'S DEATH PANALTY STATUTES UNCONSTITUTIONAL...DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR SYSTEMATIC...UNDERREPRESENTATION OF COGNIZABLE GROUPS...DEFT'S MOTION FOR SPECIAL VERDICT FORM IN ACCORDANCE WITH ENMUND V FLORIDA...DEFT'S MOTION SECOND MOTION TO EXCLUDE OTHER ACTS...DEFT'S MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE...DEFT'S MOTION TO

BIFURCATE...DEFT'S MOTION FOR DISCOVERY INCLUDING BUT NOT LIMITED TO THE NAMES...DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF GLOVES 7 HEADGEAR...DEFT'S MOTION IN LIMINE TO PREVENT ANY REFERENCE TO GANGS...DEFT'S MOTION IN LIMINE TO APPLY THE BEST EVIDENCE OF RULE TO BOWSER'S CONFESSION STATEMENT

Counsel announced ready for trial. Court noted it will not hear the pending motions today. Mr. Reed advised the final draft of the jury questionnaires were provided to the law clerk. Colloquy regarding same. Further Mr. Reed requested they be submitted to jury services today. Court so noted. Further, COURT ORDERED, all pending motions CONTINUED.

CUSTODY

9/29/07 9:00 AM ALL PENDING MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

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05C211162-2

The State of Nevada vs Terrence K Bowser

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**September 24, 2007****9:00 AM****Minute Order**

**MINUTE ORDER  
RE: DEFT'S  
MOTION FOR  
APPLICATION OF  
NRS 193.165 AS  
AMENDED Relief  
Clerk: Teri  
Braegelmann  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Luem, Andrea L.  
Pesci, Giancarlo  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- This matter having been taken under advisement and all pleadings and papers reviewed herein;  
COURT ORDERED, motion DENIED.

CLERK'S NOTE: On 9/24/07 I placed a copy of this minute order in Mr. Pesci, Ms. Luem, and Mr.  
Reed's Clerk's office bin. tb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 28, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**September 28, 2007 9:00 AM**

**All Pending Motions**

**ALL PENDING  
MOTIONS 9/28/07  
Relief Clerk: Carole  
D'Aloia  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

**HEARD BY:**

**COURTROOM:**

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K Jimenez, Sonia V. Luem, Andrea L. Public Defender Reed, Norman J.	Defendant Attorney Attorney Attorney Attorney
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**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO APPLY HEIGHTENED STANDARD OF REVIEW AND CARE IN THIS CASE BECAUSE THE STATE IS SEEKING THE DEATH PENALTY Matter submitted by counsel. COURT ORDERED, motion DENIED.

DEFENDANT'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE Matter submitted by counsel. COURT ORDERED, motion DENIED

DEFENDANT'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT Following arguments by counsel, COURT ORDERED, it will RESERVE RULING on this motion to time of jury selection.

DEFENDANT'S MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE

PERTAINING TO VICTIM FAMILY MEMBERS' CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME, THE DEFENDANT, AND/OR THE APPROPRIATE SENTENCE Following arguments by counsel, COURT ORDERED, motion GRANTED in part as to the testimony of the victim's brother-in-law, which will not be permitted.

DEFENDANT'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL Matter submitted by counsel. COURT ORDERED, motion DENIED.

DEFENDANT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR SYSTEMATIC UNDERREPRESENTATION OF COGNIZABLE GROUPS Following arguments by counsel, COURT ORDERED, it will RESERVE RULING on this motion to time of jury selection.

DEFENDANT'S MOTION FOR SPECIAL VERDICT FORM IN ACCORDANCE WITH ENMUND V. FLORIDA Following arguments by counsel, COURT ORDERED, motion DENIED.

DEFENDANT'S SECOND MOTION TO EXCLUDE OTHER ACTS Following arguments by counsel, COURT ORDERED, it will RESERVE RULING on this motion to time of trial.

DEFENDANT'S MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE Following arguments by counsel, COURT ORDERED, same ruling applies to this motion as ordered in Defendant's Motion To Preclude The Introduction Of Victim Impact Evidence Pertaining To Victim Family Members' Characterizations And Opinions About The Crime, The Defendant, And/Or The Appropriate Sentence.

DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE Following arguments by counsel, COURT ORDERED, motion DENIED.

DEFENDANT'S MOTION FOR DISCOVERY/DISCLOSURE INCLUDING BUT NOT LIMITED TO THE NAMES AND ADDRESSES OF PERSON KNOWN TO THE STATE WHO MAY HAVE EVIDENCE FAVORABLE TO THE DEFENSE Ms. Jimenez assured Court she has provided and will continue to provide any information regarding this motion. Mr. Reed concurred. COURT ORDERED, motion GRANTED.

DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF GLOVES AND HEADGEAR Following arguments by counsel, COURT ORDERED, motion DENIED.

DEFENDANT'S MOTION IN LIMINE TO PREVENT ANY REFERENCE TO GANGS Mr. Reed advised Ms. Jimenez has conceded on this motion. Ms. Jimenez concurred. COURT ORDERED, motion GRANTED.

DEFENDANT'S MOTION IN LIMINE TO APPLY THE BEST EVIDENCE RULES TO BOWSER'S CONFESSION STATEMENT Following arguments by counsel, COURT ORDERED, motion DENIED. Court informed counsel jury selection will begin Tuesday morning at 10:00 AM and, ORDERED, trial date VACATED and RESET to that time.

CUSTODY

10/2/07 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 03, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 03, 2007****1:00 PM****Jury Trial****TRIAL BY JURY  
Relief Clerk: Carole  
D'Aloia  
Reporter/Recorder:  
Sonia Riley Heard  
By: Gates, Lee A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Jimenez, Sonia V.	Attorney
	Luem, Andrea L.	Attorney
	Pesci, Giancarlo	Attorney
	Public Defender	Attorney
	Reed, Norman J.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY PANEL, State moved to file a Second Amended Indictment. There being no objection by Defense, COURT ORDERED, Second Amended Indictment FILED IN OPEN COURT. Mr. Reed requested individual sequestered voir dire as to pretrial publicity. Court advised counsel it will bring in the entire panel and, after they have been instructed, they will all be brought in individually. JURY POOL PRESENT and sworn. Introductions by counsel. Court informed the first twenty (20) jurors will stay today for voir dire and instructed the next ten (10) jurors in the pool to report back tomorrow at 10:00 AM and the remainder of the pool to report back on Friday at 10:00 AM. Jury panel excused for the day were admonished by the Court. Jury selection begins. At 5:00 PM jury selection ends for the day. OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, Ms. Luem stated her concerns regarding the law in regard to the penalty

phase. Following arguments by counsel, COURT ORDERED, defense cannot go into mitigating circumstances in the voir dire process and Court will INSTRUCT THE JURY ON THE LAW. Mr. Reed advised, for the record, the State provided evidence of four (4) jail calls which he believes they will not be using in their case in chief. Ms. Jiminez informed the Court the State will not be using those calls in their case in chief. Mr. Reed advised that because of a recent development in the law, he needs to supplement, on the record, his motion to strike the notice of intent to seek the death penalty which is going to be filed under Article 1 of the Nevada Constitution and the Eighth Amendment of the Federal Constitution regarding the cruel and unusual punishment of lethal injections. Mr. Reed advised the United States Supreme Court has granted a stay as to the manner and method of lethal injection in the Tennessee case. Mr. Reed requested Court find the manner and method of lethal injection in Nevada as cruel and unusual and to grant a stay of the proceedings while the U.S. Supreme Court decides on the issue. Mr. Pesci stated his objection. COURT ORDERED, Mr. Reed's requests DENIED as being premature. Mr. Reed also raised his concerns regarding an expert witness the State intends to call regarding window tinting, noting that although the original Witness List was filed approximately two (2) years ago, the name of the window tint witness was just disclosed which is untimely and this information should have been provided twenty-one (21) days prior to trial. Mr. Reed stated his additional concerns regarding this witness, noting he has not received any reports and there is no way for him to challenge the veracity of his conclusions. Following arguments by counsel, COURT ORDERED, the tint expert will be EXCLUDED. Mr. Pesci requested defense counsel provide him a copy of the report from their oral history expert, since he has not yet received one. Colloquy between Court and counsel regarding what an oral history expert is and what she is going to testify to. Following arguments by counsel, Court instructed Mr. Reed to get a copy to both Mr. Pesci and this Court of any report done by this expert and matter, COURT ORDERED, this matter is taken UNDER ADVISEMENT. Mr. Reed advised when Defendant was first stopped and arrested the officers from North Las Vegas claim, in their report, they read him his Miranda rights and he responded by saying something to the effect of "I'm fucked. I'll talk to my lawyer to see what he can get me." Mr. Reed further advised he sees this as an invocation of his rights and moved to have that testimony stricken. Mr. Pesci stated his objection. COURT ORDERED, the statement can come in EXCEPT for the part where Defendant states "I'll talk to my lawyer to see what he can get me." Court advised it will conduct a hearing prior to Officer Sullivan's testimony. Lastly, Mr. Reed advised the State will be calling an expert, Dan Ford, who is going to testify about how far away Mr. Bowser's vehicle might have been from the victim's vehicle and angles and distances of the shooting, noting he has not received a written report. Colloquy between Court and counsel regarding this witness. Court advised it will need to hear from this witness as to what he will be testifying to and, ORDERED, RULING RESERVED on this matter. There being no other issues to come before the Court at this time, Court RECESSED for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 04, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 04, 2007****10:00 AM****Jury Trial**

**TRIAL BY JURY**  
**Relief Clerk: Carole**  
**D'Aloia**  
**Reporter/Recorder:**  
**Sonia Riley Heard**  
**By: Gates, Lee A**

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

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- At the hour of 10:45 AM, individual juror voir dire continued. At the hour of 4:03 PM proceedings were concluded for the day.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2007

05C211162-2

The State of Nevada vs Terrence K Bowser

October 05, 2007

10:00 AM

Jury Trial

TRIAL BY JURY

Court Clerk: Keith  
ReedReporter/Recorder:  
Sonia Riley Heard

By: Gates, Lee A

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Court addressed the jurors that failed to appear for jury duty. Colloquy between Court and prospective jurors #057, #059 & #079 as to why they failed to appear for jury service. COURT ORDERED, order(s) to show cause STRICKEN. Continuation of individual Voir Dire of prospective jurors outside the presence of the remaining prospective jurors. New panel of prospective jurors SWORN by the Clerk; individual Voir Dire continued. Jury & alternates impaneled. Colloquy between Court and counsel regarding further proceedings. COURT ORDERED, proceedings CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 08, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 08, 2007****10:00 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: Carole  
D'Aloia****Reporter/Recorder:  
Janice David Heard  
By: Gates, Lee A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY, Mr. Pesci requested a hearing outside the presence of the jury in regard to State's witness Dan Ford, who will be testifying this afternoon regarding the shot gun and shell, noting Ms. Jimenez will not be referencing this in her opening statement. Court AGREED to the hearing prior to Dan Ford testifying. Mr. Reed advised Defendant has family members present in the courtroom who request they be allowed to watch the trial, noting none of them will be testifying at trial, they would only be penalty hearing witnesses. Mr. Reed informed he also extended the same courtesy to Mr. Pesci regarding the victim's family members. Jury and Alternate(s) PRESENT, ROLL CALL TAKEN, and JURY and ALTERNATE(S) SWORN. Court instructed jury on trial procedures and schedule. Second Amended Indictment read by Clerk. Opening statements by counsel. Witness testimony and exhibits admitted (see worksheet).

OUTSIDE THE PRESENCE OF THE JURY, Mr. Reed stated, for the record, defense is planning on asking the jury to convict Defendant of Second Degree Murder and Defendant is in agreement if Court wishes to inquire. Upon Court's inquiry, Defendant stated he understands and agrees with the defense strategy. JURY PRESENT and witness testimony and exhibits admitted continue (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Ms. Jimenez advised the defense had raised an objection to the testimony of this witness, Dan Ford, regarding him testifying about how far away the shotgun would have been at the time that it was fired. Ms. Jimenez further advised that since that time, the defense has been provided with information regarding the classes Dan Ford has attended on this subject as well as how he arrived at his calculations and presented a copy of this information to the Court. Mr. Reed concurred, noted the report was generated on 10/4/07, at the Court's request because nothing was submitted when this witness was noticed as an expert indicating what he would specifically talk regarding the shooting incident reconstruction, nor any findings as to how far the gun may have been away from the car. Ms. Jimenez advised Mr. Ford did not do any actual testing, just measurements and mapping, which is part of his job as a crime scene analyst. Court informed counsel it wanted to hear what Mr. Ford was going to testify to. Witness sworn and testified. Following witness testimony, COURT ORDERED, Defendant's motion GRANTED. JURY PRESENT and witness testimony and exhibits admitted continued (see worksheet). Court admonished and excused the jury at 3:53 PM and instructed them to return tomorrow at 10:00 AM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 09, 2007

05C211162-2

The State of Nevada vs Terrence K Bowser

October 09, 2007

12:00 AM

Jury Trial

TRIAL BY JURY

Relief Clerk: Carole

D'Aloia Heard By:

Gates, Lee A

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Jimenez, Sonia V.

Attorney

Luem, Andrea L.

Attorney

Pesci, Giancarlo

Attorney

Public Defender

Attorney

Reed, Norman J.

Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY, Mr. Pesci requested the unredacted statement of Terrence Bowser be marked as a Court's Exhibit for appeal purposes, Mr. Reed concurred and, COURT SO ORDERED. Mr. Pesci advised State's Proposed Exhibits 82 through 88, minus 85, were opened and marked, with all counsel present to help move things along. Upon Court's inquiry, Mr. Reed concurred. Juror Whitworth present who advised she believes she recognized one of the witnesses out in the hallway. Upon further inquiry by Court and counsel, it was determined the person she recognized was here on another case. Court thanked Juror Whitworth for sharing that information and informed her she did do the right thing. JURY PRESENT and witness testimony and exhibits admitted continued (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Mr. Pesci advised the State has no more witnesses and are ready to rest their case. Court explained Defendant's Constitutional right not to testify and inquired if he understood, to which he responded yes. JURY PRESENT and the State RESTS. Upon Court's inquiry, the Defense RESTS. Court informed the jury

that the evidentiary part of the trial is done, the instructions need to be settled, and admonished and recessed the jury for the evening, instructing them to return tomorrow at 12:00 Noon. OUTSIDE THE PRESENCE OF THE JURY, Court informed counsel jury instructions will be settled on the record in the morning.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 10, 2007****9:00 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: Carole  
D'Aloia****Reporter/Recorder:  
Kendall Heath****Heard By: Gates, Lee  
A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY, jury instructions settled on the record. JURY PRESENT and Court instructed them on the law. Closing arguments by counsel. Bailiff sworn to take charge of the jury and deliberations begin at 2:30 AM. OUTSIDE THE PRESENCE OF THE JURY, Mr. Reed moved for a mistrial based on prosecutorial misconduct that occurred during rebuttal of the State's argument. Following arguments by counsel, COURT ORDERED, motion DENIED. Jury admonished and recessed at 7:45 PM and instructed to return tomorrow at 9:00 AM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 11, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 11, 2007****9:00 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: Carole  
D'Aloia****Reporter/Recorder:  
Kendall Heath****Heard By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Jury returns at 9:00 AM to continue deliberations. At 3:08 PM all parties present along with the jury for a demonstration of the pump action shotgun used in this crime by the Bailiff in response to a jury question. OUTSIDE THE PRESENCE OF THE JURY, Mr. Reed stated for the record a description of the Bailiff's demonstration of the shotgun. Mr. Reed advised he is under the impression the Bailiff had already demonstrated the shotgun to the jury, and if that is the case, requested the Bailiff be brought in to make statements on the record as to what he did or did not demonstrate to jurors in the jury deliberation room. Bailiff present who, stated for the record, the demonstration he performed for jurors in the jury deliberation room. Mr. Reed moved for a mistrial based on the Bailiff's demonstration to jurors in the jury deliberation room. Mr. Pesci stated his objections. COURT ORDERED, motion for mistrial DENIED. At the hour of 4:15 PM jury returns with verdict(s) as

follows: COUNT 1 - CONSPIRACY TO COMMIT MURDER (F) - GUILTY; COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON (F) - GUILTY; COUNT 3 - CONSPIRACY TO DISCHARGE FIREARM OUT OF A MOTOR VEHICLE (F) - GUILTY; COUNT 4 - DISCHARGING FIREARM OUT OF A MOTOR VEHICLE (F) - GUILTY; COUNT 5 - CONSPIRACY TO DISCHARGE FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (F) - GUILTY; AND COUNT 6 - DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (F) - GUILTY.

At the instruction of Court, jury POLLED. COURT ORDERED, THESE VERDICTS ENTERED AS THE JUDGMENT OF THIS JURY. Court advised the jury that tomorrow the Penalty Hearing will begin, admonished and recessed for the evening, instructing them to return tomorrow at 9:00 AM. OUTSIDE THE PRESENCE OF THE JURY, Court directed counsel to have the instructions for the Penalty Hearing tomorrow. Upon Court's inquiry, Mr. Pesci advised he has between four (4) and five (5) witnesses for tomorrow and Mr. Reed advised he will try to keep his witness under thirty (30) and anticipates the Penalty Hearing to last two (2) to three (3) days.

1/12/07 9:00 AM PENALTY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 12, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 12, 2007****9:00 AM****Penalty Hearing**

**PENALTY  
HEARING Relief  
Clerk: Carole D'Aloia  
Reporter/Recorder:  
Sonia L. Riley Heard  
By: Gates, Lee A**

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

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY, Mr. Reed renewed his two previously filed motions to strike the notice of intent to seek the death penalty and adding to the issue whether or not the State has shown evidence that this is a random killing without apparrant motive. Following arguments by counsel, Court finds defense counsel's argument is without merit and, ORDERED, motion DENIED. Mr. Reed advised the State would like to put into evidence during the penalty hearing a binder the State put together regarding Defendant's juvenile history and moved to have Court not allow the admission of the binder as evidence. Following arguments by counsel, COURT ORDERED, the binder WILL NOT COME IN AS EVIDENCE. Lastly, Mr. Reed advised defense has concerns regarding photographs that were provided this morning of the victim and his family. Mr. Reed agrees the State has an absolute right to show some of the pictures but not all of them. After

reviewing the photographs and following arguments by counsel, COURT ORDERED, State's Proposed Exhibit Nos. 99 and 101 are EXCLUDED.

JURY PRESENT and opening statements by counsel. Witness testimony and exhibits admitted (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Mr. Reed stated his objection to a statement the next witness is going to read during her testimony. Following arguments by counsel and review of the statement by Court, COURT ORDERED, the parts of the statement that have been lined through by the Court WILL NOT BE READ. Mr. Pesci raised his objection to an exhibit defense had marked by the clerk. Mr. Pesci advised the exhibit is a misdemeanor conviction involving the victim in this case which dated back to 1968. Following arguments, by counsel, COURT ORDERED, the LAST PAGE OF THE PROPOSED EXHIBITS WILL BE ADMITTED ONLY.

JURY PRESENT and witness testimony and exhibits admitted (see worksheet). The State rests. Defense case on mitigation factors begins and witness testimony and exhibits admitted (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Mr. Reed advised that during the examination of Dr. Paglini, the Court made some comments that were inappropriate and diminished the defense' ability to present its case. Court informed Mr. Reed that it is the Court's duty and obligation to make sure that this trial proceed in an orderly fashion and that parties subscribe to the rules of criminal procedure, noting that's what it was doing. Mr. Reed moved for a mistrial based on the Nevada and Federal Constitutions. Following arguments by counsel, COURT ORDERED, motion DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 15, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 15, 2007****9:00 AM****Penalty Hearing**

**PENALTY  
HEARING Relief  
Clerk: Carole D'Aloia  
Reporter/Recorder:  
Kendall D. Heath  
Heard By: Gates, Lee  
A**

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

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY, instructions settled on the record. JURY PRESENT and witness testimony and exhibits admitted (see worksheet). Allocution statement by Defendant. Defense rest. Rebuttal witness called by State (see worksheet). Jury instructed on the law that applies to the penalty portion of the trial. Closing arguments by counsel. Bailiff sworn to take charge of the jury and deliberations begin at 2:30 PM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 16, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 16, 2007****9:00 AM****Penalty Hearing**

**PENALTY  
HEARING Relief  
Clerk: Carole D'Aloia  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Jimenez, Sonia V.  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Jury resumes deliberations at 9:00 AM. At the hour of 11:00 AM, jury returns with special verdicts as follows: AGGRAVATING CIRCUMSTANCE - JURY FINDS THAT THE MURDER IN THIS CASE WAS COMMITTED UPON ONE OR MORE PERSONS AT RANDOM AND WITHOU APPARENT REASON.

MITIGATING CIRCUMSTANCES - JURY FINDS: - DEFENDANT HAS NO SIGNIFICANT HISTORY OF PRIOR CRIMINAL ACTIVITY, - THE YOUTH OF THE DEFENDANT AT THE TIME OF THE CRIME, - ADOLESCENT BRAIN DEVELOPMENT, - DEFENDANT'S FATHER ON DRUGS/ABANDONMENT/MURDERED, - DEFENDANT WAS RAISED BY A SINGLE PARENT, - EXCESSIVE CRIME IN THE NEIGHBORHOOD, - DEFENDANT HAS ADJUSTED WELL TO INCARCERATION, - DEFENDANT HAS SHOWN REMORSE, - DEFENDANT HAS ACCEPTED

RESPONSIBILITY FOR HIS ACTIONS, - DEFENDANT HAS AN EXTENSIVE FAMILY THAT LOVES AND SUPPORTS HIM.

ANY OTHER MITIGATING CIRCUMSTANCES: - DEFENDANT WAS EMPLOYED, - DEFENDANT OBTAINED HIS G.E.D., - DEFENDANT GRADUATED FROM JOB CORP, - DEFENDANT'S PAROLE AND PROBATION (P&P) OFFICER SPOKE HIGHLY OF HIM.

VERDICT: - LIFE IN THE NEVADA DEPARTMENT OF CORRECTION (NDC) WITH ELIGIBILITY FOR PAROLE COMMENCING WHEN A MINIMUM OF FORTY (40) YEARS HAS BEEN SERVED.

Jury thanked and excused. COURT ORDERED, matter referred to P&P for a Presentence Investigation Report (PSI Report) and set for SENTENCING.

CUSTODY

12/5/07 9:00 AM SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 05, 2007**

05C211162-2

The State of Nevada vs Terrence K Bowser

**December 05, 2007****9:00 AM****Sentencing****SENTENCING****Court Clerk:****Katherine Streuber****Reporter/Recorder:****Kim Tuchman Heard****By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Jimenez, Sonia V.

Attorney

Pesci, Giancarlo

Attorney

Public Defender

Attorney

Reed, Norman J.

Attorney

**JOURNAL ENTRIES**

- Victim Speaker Dawn McCoy SWORN & TESTIFIED. DEFT. BOWSER ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F); COUNT 2 - MURDER WITH THE USE OF A DEADLY WEAPON (F); COUNT 3 - CONSPIRACY TO DISCHARGE FIREARM OUT OF A MOTOR VEHICLE (GM); COUNT 4 - DISCHARGING WEAPON OUT OF A MOTOR VEHICLE (F); COUNT 5 - CONSPIRACY TO DISCHARGE FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT (GM); and COUNT 6 - DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT OR WATERCRAFT (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing for genetic markers, Deft. SENTENCED as to COUNT 1 - to a MAXIMUM of ONE HUNDRED-TWENTY (120) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC); COUNT 2 - to a LIFE term with parole eligibility of TWENTY (20) YEARS plus an equal and

CONSECUTIVE LIFE term with parole eligibility of TWENTY (20) YEARS for use of a deadly weapon, to run CONCURRENT with COUNT 1; COUNT 3 - to serve THREE HUNDRED SIXTY-FIVE (365) DAYS in the Clark County Detention Center (CCDC) with credit for time served; COUNT 4 - to a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), to run CONCURRENT with COUNTS 1 & 2; COUNT 5 - to serve THREE HUNDRED SIXTY-FIVE (365) DAYS in the Clark County Detention Center (CCDC) with credit for time served; and COUNT 6 - to a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), to run CONCURRENT with COUNTS 1-5, with 1,038 DAYS credit for time served.

Later: COURT ORDERED, matter SET for re-sentencing.

NDC

12-10-07 9:00 AM RE-SENTENCING - AT REQUEST OF COURT

CLERK'S NOTE: Clerk left voice mail message with Sonia Jimenez DDA and Norm Reed DPD and informed of setting. 12/05/07 kls After conversation with DA Clerk Holly Robinson, Clerk amended above minute order the reflect Count 3 as a Gross Misdemeanor not a Felony. 02/22/08 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**December 10, 2007****9:00 AM****Sentencing**

**RE-SENTENCING -  
AT REQUEST OF  
COURT Court Clerk:  
Katherine Streuber  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

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

Bowser, Terrence K  
Pesci, Giancarlo  
Public Defender  
Reed, Norman J.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court advised it had sentenced Deft. illegally as to COURT 4 - DISCHARGING FIREARM OUT OF MOTOR VEHICLE (F) and ORDERED, previous sentencing as to COUNT 4 RECALLED and Deft. sentenced to a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC) IMPOSED. FURTHER, sentencing on COUNTS 1-3 and 5-6 STAND.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 14, 2009**

05C211162-2

The State of Nevada vs Terrence K Bowser

**September 14, 2009****8:30 AM****Motion**

**DEFT'S PRO PER  
MTN FOR ORDER  
INSTRUCTING ATT  
Y TO PROVIDE  
CASE FILE/81 Court  
Clerk: Keith Reed  
Reporter/Recorder:  
Jessica Ramirez  
Heard By: ELISSA  
CADISH**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pesci, Giancarlo

Attorney

**JOURNAL ENTRIES**

- Parties advised Audrey Conway is still in the appellant division of the Public Defender. Mr. Pesci stated the direct appeal is still before the Supreme Court in which the Public Defender remains counsel. COURT ORDERED, motion DENIED, counsel representing the Deft. should communicate with the Deft. in regards to information he request.

NDC

CLERK'S NOTE: The above minute order has been Distributed to: Terrence K. Bowser #1012861, Ely State Prison, P.O. BOX 1989, Ely Nevada, 89301 & Public Defender Audrey Conway

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 26, 2010**

05C211162-2

The State of Nevada vs Terrence K Bowser

**April 26, 2010****8:30 AM****Request of Court**

**AT REQUEST OF  
COURT: STATUS  
CHK:SUPREME  
ORDER OF  
REVERSAL &  
REMAND FOR NEW  
TRIAL Court Clerk:  
Keith Reed  
Reporter/Recorder:  
Jessica Ramirez  
Heard By: CADISH,  
ELISSA**

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

Jimenez, Sonia V.

Attorney

Luem, Andrea L.

Attorney

Pesci, Giancarlo

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- Court advised the case is back from the Supreme Court and inquired if the state is going to retry the case. Mr. Pesci advised noted the state's intent to retry the case advising there are potential negotiations and defense counsel is requesting a continuance to speak with the Deft. Ms. Luem requested a continuance for the transport of the Deft. from High Desert and for the presence of Deputy Public Defender Norm Reed. Colloquy regarding the Deft's custody status. The state requested the Deft. be remanded to the Clark County Detention Center and bail be set. Ms. Luem

opposed. COURT ORDERED, Deft. REMANDED WITHOUT BAIL; proceedings CONTINUED.  
CUSTODY(COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 10, 2010**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 10, 2010****8:30 AM****Request of Court**

**AT REQUEST OF  
COURT: STATUS  
CHK:SUPREME  
ORDER OF  
REVERSAL &  
REMAND FOR NEW  
TRIAL Court Clerk:  
Keith Reed  
Reporter/Recorder:  
Jessica Ramirez  
Heard By: CADISH,  
ELISSA**

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

Hopper, Cesely

Attorney

Pesci, Giancarlo

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- Mr. Pesci advised he was contacted by Deputy Public Defender Norm Reed requesting a continuance due to being in other trial proceedings; there may be possible negotiations. Ms. Hopper stated she has nothing to represent. COURT ORDERED, proceedings CONTINUED for the presence of Mr. Reed.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2010**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 24, 2010****8:30 AM****Request of Court**

**AT REQUEST OF  
COURT: STATUS  
CHK:SUPREME  
ORDER OF  
REVERSAL &  
REMAND FOR NEW  
TRIAL Court Clerk:  
Keith Reed  
Reporter/Recorder:  
Jessica Ramirez  
Heard By: ELISSA  
CADISH**

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

Bowser, Terrence K  
Luem, Andrea L.  
Pesci, Giancarlo  
Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Ms. Luem requested a trial date be scheduled. Mr. Pesci advised and offer has been tendered and rejected. Colloquy regarding the scheduling of the trial. COURT ORDERED, mater set for trial.

NDC

5-9-11 9:30 AM CALENDAR CALL

5-16-11 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 14, 2011**

05C211162-2

The State of Nevada vs Terrence K Bowser

**March 14, 2011****8:30 AM****Hearing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Jimenez, Sonia V.

Attorney

Luem, Andrea L.

Attorney

Public Defender

Attorney

Reed, Norman J.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Jimenez advised she is unavailable for the current trial setting and a continuance until July 2012 is not opposed because her calendar will not permit a sooner setting. Colloquy regarding the rescheduling of the trial. COURT ORDERED, trial CONTINUED.

NDC

7-2-12 9:30 AM CALENDAR CALL

7-9-12 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 19, 2011**

05C211162-2

The State of Nevada vs Terrence K Bowser

**October 19, 2011      8:30 AM      Hearing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Page, Daniel  
Pesci, Giancarlo  
Public Defender  
State of Nevada

Attorney  
Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Mr. Page advised he is appearing for Norm Reed and requested a non binding order recommending the Defendant be moved from Ely to High Desert for purposes of trial preparation. Mr. Pesci stated this is the first he has heard of the issue and agrees the Court does not have control over the issue and will defer to the Court. Colloquy regarding Defendant s prior convictions, prison placement and further proceedings. Philosophically, Mr. Page noted there is the issue of Ely being a high security facility and High Desert is not. Given the request and the understanding the Court has no control over the prison, COURT ORDERED, the Deft. is to be housed at High desert to allow for trial preparation.

NDC

7-2-12 9:30 AM CALENDAR CALL

7-9-12 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 02, 2012**

05C211162-2

The State of Nevada vs Terrence K Bowser

**July 02, 2012****9:30 AM****Calendar Call****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Dulce Romea**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Di Giacomo, Marc P.	Attorney
	Jimenez, Sonia V.	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Reed advised the Court of a stipulated request for a continuance, as additional investigation is needed, and requested the new trial date be set next summer. COURT ORDERED, trial date VACATED and RESET. Upon the Court's inquiry, Mr. Reed stated the trial will last a week and a half. Mr. Pesci advised parties are still trying to negotiate.

NDC

7-1-13 9:30 AM CALENDAR CALL

7-8-13 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 19, 2013**

05C211162-2

The State of Nevada vs Terrence K Bowser

**June 19, 2013****8:30 AM****Request****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Jimenez, Sonia V.

Attorney

Pesci, Giancarlo

Attorney

Public Defender

Attorney

Reed, Norman J.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Mr. Reed advised he placed the matter on calendar after recently speaking with the Defendant and he indicated he would like to represent himself; Defense counsel and the state are ready for trial, but the Deft. has a constitutional right go through the Faretta canvass. Mr. Pesci advised he will abide by whatever the Court rules. Faretta canvass administered by the Court. Deft. requested he be appointed standby counsel. Colloquy regarding the continuation of the trial. Deft. requested a one year continuance of the trial to obtain the case file, prepare his defense and trial strategy and presented argument in support there of. Argument in opposition of Deft's requested continuance by Mr. Pesci arguing he is uncomfortable conceding a continuance, but understands if the request is granted by the Court. Court stated findings and ORDERED, Deft. will be allowed represent himself with Public Defender Norman Reed as standby counsel; trial CONTINUED. Mr. Reed advised he has a death penalty case scheduled at the time as this case and will find someone to act as standby counsel should he be unavailable. FURTHER ORDERED, matter set for status check.

CUSTODY(COC)

3-19-14 8:30 AM STATUS CHECK

5-12-14 9:30 AM CALENDAR CALL

5-19-1 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 19, 2014**

05C211162-2

The State of Nevada vs Terrence K Bowser

**March 19, 2014****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Katherine Streuber**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Fleck, Michelle

Attorney

Reed, Norman J.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. advised he had received his case file in November and requested trial continuance until September. State advised it did not have an objection to the continuance and noted trial length of two weeks. Matter recalled. Standby counsel present. Court advised Deft. is requesting trial continuance. Colloquy regarding scheduling. COURT ORDERED, trial date VACATED and RESET.

NDC

02-23-15 9:30 AM CALENDAR CALL

03-02-15 10:00 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 23, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**February 23, 2015****9:30 AM****Calendar Call****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Murray, Julia	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- The Defendant requested standby counsel represent him at trial. Ms. Murray advised they are not ready to proceed as they no longer have a copy of the file and at a minimum need to have the file reproduced and prepare themselves for trial; a short continuance is needed to obtain the documents and to file anything that need be filed, and to comeback before the Court. Upon the inquiry of the Court the Defendant stated he understands the trial will be delayed if counsel comes back on the case. Ms. Fleck opposed the continuance arguing it's a another delay tactic and every time there is something to preclude the trial from going forward; the trial should proceed with the Defendant representing himself, or have counsel ready to go. Continued argument in support of a continuance of the trial by Ms. Murray; the Defendant has spoken with Norm Reed and discussed negotiations. Upon the inquiry of the Court, MS. Murray stated it would either be her, or Mr. Reed along with Ms. Hojjat that will represent the Defendant at trial. The Defendant stated he spoke with Mr. Reed, and he just said today to ask for a continuance. Ms. Fleck stated in the past 6 weeks in which she has spoken with Mr. Reed this has never come up, and requested a status check for the presence of Mr. Reed to obtain a firm trial setting. Ms. Murray stated she has Mr. Reeds schedule. Colloquy regarding the continuance of the not quite 2week trial, which will run a couple of days into the second week.

**05C211162-2**

COURT ORDERED, trial CONTINUED.

NDC

5-11-15 9:30 AM CALENDAR CALL

5-18-15 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 11, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 11, 2015****9:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Fleck, Michelle

Attorney

Hojjat, Nadia

Attorney

Reed, Norman J.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- State's Notice of Motion and Motion to Admit Prior Testimony, if Necessary...State's Notice of Motion and Motion to Preclude Evidence of the Methamphetamine Toxicology Results of John McCoy's Autopsy Evidence of John McCoy's Medical Conditions and Evidence of John McCoy's "Temper"...Calendar Call

Ms. Hojjat requested the prior case law of the case be reinstated and the prior rulings stand. There being no opposition, COURT SO ORDERED. Ms. Hojjat advised extensive witness list were filed and requested any updates to the list, or an indication that they are the same. Ms. Fleck stated a supplemental list was filed. COURT ORDERED, any updated information as to any witnesses are to be disclosed. Arguments by counsel regarding notification of witnesses. Ms. Hojjat stated she does not want a ruling, and should the issue come up it will be litigated at that time. COURT ORDERED, State's Notice of Motion and Motion to Admit Prior Testimony, if Necessary OFF CALENDAR. Court directed parties address toxicology issues in regards to the victim. Argument in support of motion by Ms. Fleck. Ms. Hojjat requested the ruling be reserved or for an in-camera review as the defense should not have to disclose the theory of the case; it's premature. Mr. Reed argued an in-camera

statement should be presented to the Court in regards to what the defense is for the Court to rule on the relevance. COURT ORDERED, State's Notice of Motion and Motion to Preclude Evidence of the Methamphetamine Toxicology Results of John McCoy's Autopsy Evidence of John McCoy's Medical Conditions and Evidence of John McCoy's "Temper" DENIED WITHOUT PREJUDICE; prior to any argument or mention any of this in the openings or asking a question about it, parties are asked to approach the bench, or have the matter taken up outside the presence of the jury.

Colloquy/argument regarding the potential defense theory of the case. Mr. Reed stated the defense will make an in-camera statement to the Court in regards to exactly what the defense is going to do. Court stated it will take place before the jury selection. Ms. Fleck advised there is a stipulation and order waiving the separate penalty hearing for the 1 week trial. Colloquy regarding trial logistics. Ms. Hojjat stated the trial can begin Monday, but if the Court's other case goes over they can be called and the trial can be continued to Tuesday. COURT ORDERED, case to trial May 18th @ 1:30 PM; the Court will notify parties should there be any issues with the trial start time; proposed jury instructions to be submitted by end of day Wednesday. Colloquy regarding trial logistics.

CUSTODY

5-18-15 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 18, 2015

05C211162-2

The State of Nevada vs Terrence K Bowser

May 18, 2015

1:30 PM

Jury Trial

blah blah

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Bowser, Terrence K

Defendant

Fleck, Michelle

Attorney

Hojjat, Nadia

Attorney

Reed, Norman J.

Attorney

State of Nevada

Plaintiff

Villani, Jacob J.

Attorney

**JOURNAL ENTRIES**

- 3rd AMENDED INDICTMENT FILED IN OPEN COURT.

OUTSIDE PRESENCE OF THE PROSPECTIVE JURY: Discussions by counsel regarding the testimony of proposed medical experts. Ms. Hojjat objected to Dr. Olsen being called to testify as they were not present for the autopsy, stating Dr. Olsen's opinions would be from the report by Dr. Telgenhoff, and would therefore need to be considered hearsay. Ms. Hojjat also stated Deft. would stipulate to the autopsy report and toxicology report but nothing beyond that. Ms. Fleck argued the State filed a supplemental notice on May 2, 2015, that one expert can be substituted for another expert if needed; further adding anything Dr. Telgenhoff did was based upon review of the body, therefore not hearsay. Further argument by counsel. The Court stated it has not yet made its ruling regarding testimony of expert witnesses. Ms. Fleck then raised the issue of alleged drug use and any drugs in the victim's system. COURT ORDERED, proceedings off the record for a SEALED HEARING outside the presence of the State.

MATTER RECALLED ON THE RECORD: State present. The Court ADVISED, based upon

discussions with Deft. counsel, the Court will allow Deft. counsel to refer to the toxicology results if they wish during Voir Dire and opening statements. Upon Ms. Flecks request, the Court clarified the reference must be made in regards to Deft's. own statements and not hearsay. Further colloquy regarding the redaction of portions of the Detective's interview with Deft and references to Co-Deft. Court stated the issues will be reviewed and ruled on later. The Court informed counsel it had just been told prospective juror #505 was not feeling well, does not speak English and may need medical attention. There being no objection, COURT ORDERED, prospective juror #505 EXCUSED. Colloquy regarding jury selection process. Mr. Reed objected to random selection of alternate jurors and requested they be known. Ms. Fleck stated there is no opposition to the designation of jurors 13 & 14 as the alternates. Colloquy regarding the peremptory challenge process, and scheduling. IN THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Introductory comments by the Court. Roll of prospective jurors called and sworn by the Clerk. General Voir Dire of prospective jurors by the Court. Introductions on behalf of the State as to counsel and any witnesses by Mr. Villani, and on behalf of the defense by Ms. Hojjat. Voir Dire. COURT ORDERED, proceedings CONTINUED to May 19th @ 10:00 AM; prospective jurors admonished and released.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 19, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 19, 2015****10:00 AM****Jury Trial****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Shelley Boyle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF THE PROSPECTIVE JURY: Ms. Fleck advised there was still the issue of the Deft's. statement to address, as Deft's. counsel requested more redactions; also, the need to address the allegation of meth in the victim's blood at the time of death. The Court advised once the trial begins counsel can discuss the Deft's. argument as to any relevance regarding the possibility of meth in the victim's system. Further argument by counsel regarding the theory of the defense, Deft's. need to show relevance, and testimony to be provided. IN THE PRESENCE OF THE PROSPECTIVE JURY: Voir Dire. OUTSIDE PRESENCE OF THE PROSPECTIVE JURY: Colloquy regarding scheduling, witnesses, and opening statements. IN THE PRESENCE OF THE PROSPECTIVE JURY: Voir Dire. OUTSIDE PRESENCE OF JURY: Peremptory Challenges exercised. Argument in support of Batson Challenge by Ms. Hojjat. Argument in opposition of Batson Challenge by Ms. Fleck. Court stated findings and ORDERED, Batson Challenge DENIED. IN THE PRESENCE OF THE PROSPECTIVE JURY: Jury impanelled. IN THE PRESENCE OF THE JURY: Jury sworn. COURT ORDERED, proceedings CONTINUED to May 20th @ 10 AM; jury admonished and released.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 20, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 20, 2015****10:00 AM****Jury Trial****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Shelley Boyle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Ms. Fleck advised both parties have stipulated to the entry of the State's Exhibits of photographs numbered 1 through 78, the 911 calls numbered 85 and 86, and a photograph numbered 87; Defense Exhibit 201 has also been stipulated. IN THE PRESENCE OF THE JURY: Introductory comments by the Court. Third Amended Indictment read by the Clerk, and Defendant's plea thereto announced. Exclusionary Rule INVOKED. CONFERENCE AT BENCH. Opening statements on behalf of the State by Ms. Fleck, and on behalf of the Defendant by Ms. Hojjat. Testimony and Exhibits presented (See Worksheets). OUTSIDE THE PRESENCE OF JURY: Ms. Fleck noted the need to make a record in regards to the statements. In regards to the issue of hearsay, Ms. Hojjat argued in favor, stating any detective's statement should be treated as hearsay, and that the Defense should have the ability to subpoena Co-Def. Jamar Green. Ms. Fleck argued, stating a detective's statement is not hearsay if they have spoken with the person, and any statement offered would be the exactly the same as that which was offered in the first trial. Ms. Hojjat further argued that detectives did not do enough to follow up on information regarding this being a road rage incident, and there is a good faith basis to show the detectives in the case received information and

facts but doing nothing to follow up on them. Ms. Fleck argued the Deft. stated he never heard the victim say anything, and an anonymous tips from a random person they know nothing about cannot be considered evidence. Further arguments by Counsel. COURT ORDERED, questioning of the detectives will be allowed as to whether anyone told them the victim had a quick temper, or that he made racial statements, and whether the detective did any follow up on it; it should be clear in the context that you are not saying any of this is true; as to the issue of hearsay, any statement made to the detectives is not hearsay. JURY PRESENT: Testimony and exhibits presented (see Worksheets). OUTSIDE THE PRESENCE OF THE JURY: Mr. Villani advised the State has five witnesses left to call for the day. IN THE PRESENCE OF THE JURY: Testimony and exhibits presented (see Worksheets). CONFERENCE AT BENCH. Court ADMONISHED and excused the Jury for the evening, advising they are to return at 10:30 A.M. tomorrow.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 21, 2015****10:30 AM****Jury Trial****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Shelley Boyle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY: At the request of Ms. Hojjat, the Court conducted discussions regarding excusing Juror number 5, whom she stated appeared to be sleeping during testimony the prior day. Juror #5 was brought into the courtroom and canvassed by the Court. The Juror stated he was awake and listening, only closing his eyes to be able to concentrate better. Upon the Juror exiting the courtroom, Ms. Hojjat expressed that the Juror's statement did not alleviate the Defense's concerns. Ms. Fleck argued there was no need to remove the Juror, he is entitled to listen with his eyes closed if he wishes. Further discussion by counsel. The Court noted for the record that the Court Clerk also observed the Juror's eyes were closed at times; adding, with there being no additional information to prove the Juror was asleep at this time, the request to excuse Juror #5 is DENIED.

Ms. Fleck requested State's Proposed Exhibit #89, a copy of the victims Death Certificate, be admitted. Mr. Reed objected to the exhibit's admission; citing the Certificate comprises of information that is both public record and hearsay, and he would not have the opportunity to cross-



examine any one on the information he deemed to be hearsay. Ms. Fleck argued no portion of the Certificate is hearsay; the Certificate states the victim died at the hands of another, it does not say whom is responsible, and moved to admit the exhibit. Further argument by counsel. At the request of the Court, the parties agreed to continue the matter after lunch as the Jury had already been waiting for an extended period.

IN THE PRESENCE OF THE JURY: Testimony & exhibits presented (see Worksheets).  
CONFERENCE AT BENCH. Jury ADMONISHED and excused for lunch.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Villani requested a record be made that the State provided a copy of their jury instructions last week, and had just received the Defense's copy today. Mr. Villani further asked the court to reconsider the issue of hearsay, arguing that if the Deft. can argue the Detective had information about alleged racist statements the victim previously made, then the State should be able to argue about information the Detective received during his investigation that indicated Deft. was involved in a shooting from a car with a shotgun prior to this event. Mr. Reed responded that any alleged prior bad acts could not be discussed, especially if there was no evidence or charges filed; and their allegation is that the Detectives had information indicating that this could have been a road rage incident and the Detective did not follow up on that. The Court stated the Detective can talk about all the evidence he gathered that led him to believe the Deft. committed this offense, including the fact that Deft. owned a gun. Court further noted it stands by the ruling made yesterday; no one is going to stand in front of this jury and say the victim made racist statements. Further argument by counsel. The Court expressed its hope that counsel can resolve any issues on the jury instructions. The COURT ADVISED it did some research regarding the State's Proposed Exhibit #89 in Chambers, and the FINDINGS were that the Certificate and the comments on it by the coroner would be testimonial, therefore the State's Proposed Exhibit #89 could not be admitted. The Court suggested a redacted copy be offered. State's Proposed Exhibit #89 OFFERED but NOT ADMITTED. Mr. Reed offered Defense Proposed exhibit #11, a copy of the victim's bloodwork, for admission; adding the Keeper of the Records can testify today if allowed as to the toxicology results indicating meth in the victim's system; further arguing relevance, stating if not for the meth in the victim's system there may not have been a road rage incident. Ms. Fleck opposed the exhibit's admission arguing the doctors didn't feel comfortable about the report originally due to the possibility of a false positive reading, and did not feel they could testify one way or the other as to the results being arcuate. Ms. Fleck added that the question if the victim had meth in his system is clearly offered for the truth of the matter, and not something said. Further argument by counsel. The Court STATED FINDINGS; given the questions about the liability of this result and that there is not a witness qualified to testify about the levels of meth in a person, it is difficult to connect the relevance and thought bases ; COURT ORDERED, it will not allow Defense Proposed Exhibit #11 to be admitted; Defense's Proposed Exhibit #11 OFFERED but NOT ADMITTED. IN THE PRESENCE OF THE JURY: Testimony and exhibits presented (see Worksheet). OUTSIDE THE PRESENCE OF THE JURY: Mr. Reed requested the Deft's witnesses be allowed to testify today due to scheduling issues, stating he did not expect to question any witness for longer than 5 minutes each. Mr. Villani stated as he did not know what the witnesses may say, he could not predict how long any cross-examination may take. The Court ADMONISHED Deft. of his right to testify. Deft.

acknowledged this rights. Mr. Reed advised Deft. will not be testifying. IN THE PRESENCE OF THE JURY: Testimony and exhibits presented (see Worksheets). CONFERENCE AT BENCH. Court ADMONISHED and excused the Jury for the evening, advising they are to return at 12:30 P.M. tomorrow. OUTSIDE THE PRESENCE OF JURY: Further discussion and argument by counsel regarding the defense strategy, hearsay issues, exhibits and Jury Instructions. The Court stated there does need to be something to prove any claim of self-defense used by Deft's. counsel, and while the Court may not see any evidence of that itself, it will allow the defense to use that theory.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 22, 2015****9:00 AM****Jury Trial****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Shelley Boyle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Ms. Hojjat not present. COURT ORDERED, Defendant's presence WAIVED for the settling of instructions at the request of defense counsel. INSTRUCTIONS SETTLED. IN THE PRESENCE OF THE JURY: All counsel and Defendant present. Defense REST. Court instructed Jury. Closing arguments on behalf of the State by Mr. Villani, and on behalf of the Defendant by Ms. Hojjat. Closing rebuttal arguments on behalf of the State by Ms. Fleck. Court advised Jurors #13 & 14 have been selected as the 2 Alternate Jurors; Alternates admonished and released. At the hour of 3:27 PM the Jury retired to deliberate. OUTSIDE PRESENCE OF JURY: Mr. Reed requested moved for a mistrial and presented argument in support thereof. Argument in opposition by Ms. Fleck. Court stated findings and ORDERED, request for mistrial DENIED.

CLERK'S NOTE: Jury excused for the evening and instructed to return May 26th @ 10 AM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 26, 2015**

05C211162-2

The State of Nevada vs Terrence K Bowser

**May 26, 2015****10:00 AM****Jury Trial****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Shelley Boyle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

<b>PRESENT:</b>	Bowser, Terrence K	Defendant
	Fleck, Michelle	Attorney
	Hojjat, Nadia	Attorney
	Murray, Julia	Attorney
	Reed, Norman J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Present on behalf of Deft; Ms. Hojjiat and Ms. Murray, Mr. Reed not present. Upon Court's inquiry, Ms. Hojjiat agreed that Deft's. presence is not required at this time and can be WAIVED. The Court provided counsel with a question from the Jury Foreperson as follows "Can a person be liable for shooting a firearm out of a motor vehicle of guilt by association?" Colloquy regarding how to respond. The Court instructed the Juror's in writing to refer to the charges in the Indictment contained in Instruction Number Three (3) for theories of liability under which Deft. is charged, as well as all of the Instructions in the law that applies.

Mr. Reed and Ms. Hojjiat present on behalf of Deft. Ms. Murray and Deft. not present. Mr. Reed apologized, and explained his previous absence and advised the Court he thought the answer to the Jury's question should have been no, rather than referring them to the instructions; although it's not wrong what the Court did, he understands the Jury has already been instructed, but wished to have the opportunity to provide his point of view on the matter.