

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Aug 02 2018 10:54 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IVONNE CABRERA, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
THE STATE OF NEVADA, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 74341

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**APPENDIX TO APPELLANT'S OPENING BRIEF VOLUME XIV**

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**Appeal from Judgment of Conviction  
Eighth Judicial District Court**

Patricia M. Erickson, Esq.  
Nevada Bar No. 3506  
601 South Tenth St., Suite 108  
Las Vegas, Nevada 89101  
(702) 388-1055  
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Attorney for Appellant

Steven B. Wolfson  
Nevada Bar No. 1565  
Clark County District Attorney  
200 Lewis Avenue, Third Floor  
Las Vegas, Nevada 89155  
(702) 671-2500

Attorney for Respondent

## **INDEX TO APPENDIX VOLUMES I THROUGH XIV**

<b>Document</b>	<b>Volume and Pages</b>
Amended Information filed on 07.05.2017	IV 880 - 883
Corrected Notice of Intent to Seek Death Penalty filed 10.31.2012	I 108 - 115
Court Exhibit List	XI 2299
Court Exhibit 11 - Objections to Jury Instructions	XI 2300 - 2318
Criminal Complaint filed 05.02.2012	I 1 - 4
Defendant Cabrera's Motion for Severance filed 09.21.2012	I 35 - 47
Defendant Jose Gonzales' Motion to Sever Defendants filed 03.02.2015	II 256 - 316
Defense Exhibit B	XI 2319 - 2320
Defense Exhibit I	XI 2321 - 2322
Defense Exhibit T1	XI 2323
Defense Exhibit JJJ	XII 2324 - 2334
Defense Exhibit Marked KKK	XII 2335 - 2337
Defense Exhibit Marked LLL	XII 2338 - 2348
Defense Exhibit Marked MMM	XII 2349 - 2365
Defense Exhibit Marked NNN	XII 2366 - 2367
District Court Trial Minutes	XIV 2379 - 2395

Guilt Phase Verdict filed on 07.18.2017	IX 2008 - 2012
Information filed 08.27.2012	I 17 - 21
Jose Gonzales' Guilty Plea Agreement filed on 04.12.2017	IV 803 - 812
Jose Gonzales' Judgment of Conviction filed on 05.31.2017	IV 878 - 879
Judgment of Conviction filed on 09.22.2017	X 2294 - 2296
Jury Instructions filed on 07.18.2017	IX 1953 - 2007
Jury Trial Transcript on 07.05.2017 (1 <sup>st</sup> )	IV 884 - 936
Jury Trial Transcript on 07.05.2017 (2 <sup>nd</sup> )	V 937 - 1006
Jury Trial Transcript on 07.06.2017 (1 <sup>st</sup> )	V 1007 - 1069
Jury Trial Transcript on 07.06.2017 (2 <sup>nd</sup> )	V 1070 - 1154
Jury Trial Transcript on 07.07.2017 (1 <sup>st</sup> )	VI 1158- 1288
Jury Trial Transcript on 07.07.2017 (2 <sup>nd</sup> )	VI 1289 - 1358
Jury Trial Transcript on 07.10.2017 (1 <sup>st</sup> )	VI 1359 - 1403
Jury Trial Transcript on 07.10.2017 (2 <sup>nd</sup> )	VI 1404 - 1463
Jury Trial Transcript on 07.11.2017 (1 <sup>st</sup> )	VII 1464 - 1503
Jury Trial Transcript on 07.11.2017 (2 <sup>nd</sup> )	VII 1504 - 1566
Jury Trial Transcript on 07.12.2017 (1 <sup>st</sup> )	VII 1567 - VIII 1673
Jury Trial Transcript on 07.12.2017 (2 <sup>nd</sup> )	VIII 1674 - 1694
Jury Trial Transcript on 07.13.2017	VIII 1695 - 1837

Jury Trial Transcript on 07.17.2017 (1 <sup>st</sup> )	VIII 1838 - IX 1952
Jury Trial Penalty Transcript on 07.19.2017 (1 <sup>st</sup> )	IX 2013 - 2077
Jury Trial Penalty Transcript on 07.19.2017 (2 <sup>nd</sup> )	IX 2078 - 2112
Jury Trial Penalty Transcript on 07.20.2017 (1 <sup>st</sup> )	X 2113 - 2170
Jury Trial Penalty Transcript on 07.20.2017 (2 <sup>nd</sup> )	X 2171 - 2262
Minute Order on 06.22.2016	IV 752 - 753
Motion to Continue Trial Date filed on behalf of co-defendant Jose Gonzales filed 07.03.2013	I 141 - 146
Motion to Continue Trial Date filed on behalf of co-defendant Jose Gonzales filed 04.09.2014	I 200 - 206
Notice of Appeal filed on 10.23.2017	X 2297 - 2298
Notice of Entry of Findings of Fact, Conclusions of Law and Order filed 12.03.2012	I 137 - 140
Notice of Evidence in Support of Aggravating Circumstances filed 09.25.2012	I 48 - 55
Notice of Motion and Motion for the Jury to be Taken to the Scene of the Crimes Alleged in the Information filed on 06.12.2016	III 715 - 720
Notice of Motion and Motion in Limine to Preclude Duress as a Defense to All the Charges in the Information filed on 07.13.2016	IV 754 - 758
Notice of Motion and Motion to Admit Evidence of Other Crimes, Wrongs or Acts filed on 09.04.2015	III 535 - 546

Notice of Motion and Motion to File Corrected Notice of Intent to Seek the Death Penalty filed 10.04.2012	I 80 - 85
Notice of Motion and Motion to Preclude Introduction of Statement, or in the Alternative, to Redact Statement filed on 08.10.2018	II 398 - 442
Notice of Motion and Motion Requesting an Order Requiring the State Update the Addresses of the Witnesses That Will Be Called to Testify During Their Case in Chief filed on 08.10.2015	II 453 - 456
Notice of Motion and Motion to Continue Trial filed on 09.07.2015	III 547 - 564
Notice of Motion and Motion to Strike Aggravating Circumstances filed 08.10.2015	II 443 - 452
Opposition to State's Motion in Limine to Preclude Duress as a Defense to Murder filed on 06.21.2016	III 726 - 733
Opposition to State's Motion in Limine to Preclude Duress as a Defense to All the Charges in the Information filed on 07.27.2016	IV 759 - 767
Opposition to State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts filed on 09.12.2015	III 588 - 591
Opposition to State's Motion to File Corrected Notice of Intent so Seek the Death Penalty filed 10.25.2012	I 97 - 103
Order for Production of Inmate Jose Alejandro Gonzales, BAC #1016762	V 1155 - 1157

Order Granting Motion to Sever Trials filed on 03.16.2015	II 335
Order Granting State's Motion in Limine to Preclude Duress as a Defense to all the Charges in the Information filed on 12.01.2016	IV 785 - 786
Order Granting State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts filed on 01.31.2015	III 713 - 714
Penalty Phase Verdict filed on 07.20.2017	X 2263 - 2274
Receipt of Copy of Discovery filed 10.29.2012	I 104 - 107
Renewed Motion to Continue Trial Date and Motion to File Declaration in Support Under Seal filed on behalf of co-defendant Jose Gonzales filed 07.31.2013	I 157 - 184
Reply to State's Opposition to Motion to Continue Trial filed on 09.11.2015	III 575 - 587
Reply to State Response to Defendant's Motion for an Order Requiring the State Update the Addresses of the Witnesses That Will Be Called to Testify During Their Case in Chief filed on 08.16.2015	II 460 - 464
Reply to State/Response to Motion to Strike Aggravating Circumstances filed on 08.21.2015	III 492 - 524
Second Amended Notice of Intent to Seek Death Penalty filed on 12.10.2015	III 673 - 678
Sentencing Memorandum filed on 09.08.2017	X 2275 - 2293
State Exhibit 19	XIII 2368 - 2369
State Exhibit 47	XIII 2370 - 2371

State Exhibit 153	XIII 2372
State Exhibit 154	XIII 2373 - 2375
State Exhibit 169	XIII 2376
State Exhibit 170	XIII 2377 - 2378
State's Opposition to Cabrera Motion to Sever filed 09.25.2012	I 56 - 71
State's Opposition to Defendant's Motion to Continue Trial filed on 09.10.2015	III 571 - 574
State's Response to Defendant's Motion for a Jury View and Motion in Limine to Preclude Duress as a Defense to Murder filed on 06.14.2016	III 721 - 725
State's Response to Defendant's Motion for an Order Requiring the State Update the Addresses of the Witnesses That Will Be Called to Testify During Their Case in Chief filed on 08.14.2015	II 457 - 459
State's Response to Defendant's Motion to Preclude Introduction of Statement, or in the Alternative, to Redact Statement filed 08.18.2015	II 474 - 481
State's Response to Defendant's Motion to Strike Aggravating Circumstances filed on 08.18.2015	II 465 - 473
State's Opposition to Defendant [Gonzales] Motion to Continue Trial Date filed on 04.14.2014	I 207 - 215
Transcript Hearing on 09.06.2012	I 22 - 25
Transcript Hearing on 09.12.2012	I 26 - 34
Transcript Hearing on 10.01.2012	I 72 - 79

Transcript Hearing on 10.17.2012	I 86 - 96
Transcript Hearing on 10.31.2012	I 116 - 136
Transcript Hearing on 07.24.2013	I 147 - 156
Transcript Hearing on 08.19.2013	I 185 - 191
Transcript Hearing on 08.21.2013	I 192 - 199
Transcript Hearing on 04.21.2014	I 216 - 222
Transcript Hearing on 04.28.2014	I 223 - 242
Transcript Hearing on 05.14.2014	II 243 - 255
Transcript Hearing on 03.04.2015	II 317 - 334
Transcript Hearing on 03.16.2015	II 336 - 377
Transcript Hearing on 04.06.2015	II 378 - 386
Transcript Hearing on 07.22.2015	II 387 - 397
Transcript Hearing on 08.19.2015	III 482 - 491
Transcript Hearing on 08.26.2015	III 525 - 534
Transcript Hearing on 09.09.2015	III 565 - 570
Transcript Hearing on 09.14.2015	III 592 - 621
Transcript Hearing on 11.20.2015	III 622 - 657
Transcript Hearing on 12.09.2015	III 658 - 672
Transcript Hearing on 12.16.2015	III 679 - 701
Transcript Hearing on 12.21.2015	III 702 - 712

Transcript Hearing on 06.22.2016	IV 734 - 751
Transcript Hearing on 08.08.2016	IV 768 - 784
Transcript Hearing for Jose Gonzales on 04.12.2017	IV 787 - 802
Transcript Hearing for Jose Gonzales on 05.22.2017	IV 813 - 877
Transcript Preliminary Hearing on 08.21.2012	I 5 - 16

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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June 26, 2017      09:00 AM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple      Attorney for Defendant

Patricia M. Erickson      Attorney for Defendant

Hetty O. Wong      Attorney for Plaintiff

Marc P. Di Giacomo      Attorney for Plaintiff

Ivonne Cabrera      Defendant

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Renee Silvaggio not present. COURT ADVISED, it will ORDER a Show Cause Hearing for the Prospective Juror's that failed to report for service today; Court will qualify 36 prospective juror's, counsel will receive 10 peremptory challenges each, 16 juror's will be seated, there will be 4 alternates.

PROSPECTIVE JURY PANEL PRESENT:

Prospective jury panel SWORN IN. Roll call, introductions by counsel. Voir Dire begins. Sharon Howard no longer present, Renee Silvaggio now present. Voir Dire CONTINUES. CONFERENCES AT BENCH. COURT ORDERED, Trial CONTINUED, and DIRECTED the qualified Prospective Jurors to RETURN to Jury Services on 06/28/17.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Court made A separate inquiry of Prospective Juror # 329, Mr. Norris. COURT DIRECTED Mr. Norris is to report to Jury Services on 06/28/17. COURT MADE A RECORD regarding excusal's of Prospective Jurors. COURT FURTHER ADVISED, Prospective Juror's badge number's 630, Garcia and 332, Ching are EXCUSED from service as they contacted Jury Services and relayed valid reasons for their non-appearance today.

CUSTODY

CONTINUED TO: 06/27/17 9:00 A.M.

Felony/Gross Misdemeanor

COURT MINUTES

June 27, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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June 27, 2017      09:00 AM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

**PARTIES PRESENT:**

Bret O Whipple      Attorney for Defendant

Patricia M. Erickson      Attorney for Defendant

Hetty O. Wong      Attorney for Plaintiff

Marc P. Di Giacomo      Attorney for Plaintiff

Ivonne Cabrera      Defendant

State of Nevada      Plaintiff

**JOURNAL ENTRIES****PROSPECTIVE JURY PANEL PRESENT:**

Renee Silvaggio not present. First Prospective Jury panel SWORN IN. Roll call, introductions by Court and counsel. Voir Dire begins. Sharon Howard no longer present, Renee Silvaggio now present.

CONFERENCES AT BENCH. Voir Dire CONTINUES. COURT DIRECTED the qualified Prospective Jurors to RETURN to Jury Services on 06/28/17.

**OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:**

COURT ADVISED, with the joint STIPULATION of counsel, Prospective Juror badge number 675, Parcel, EXCUSED and REPLACED with Prospective Juror 871, Navarro; Order's to Show Cause ISSUED with regard to Prospective Juror's 869, 541 and 881 who failed to report for service.

**PROSPECTIVE JURY PANEL PRESENT:**

Second Prospective Jury Panel SWORN IN. Introductions by Court and counsel. CONFERENCE AT BENCH. Roll call. Voir Dire begins. COURT ORDERED, Trial CONTINUES.

**CUSTODY**

CONTINUED TO: 06/28/17 9:00 A.M.

Felony/Gross Misdemeanor

COURT MINUTES

June 28, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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June 28, 2017      09:00 AM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon

PARTIES PRESENT:

Bret O Whipple      Attorney for Defendant

Patricia M. Erickson      Attorney for Defendant

Hetty O. Wong      Attorney for Plaintiff

Marc P. Di Giacomo      Attorney for Plaintiff

Ivonne Cabrera      Defendant

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

PROSPECTIVE JURY PANEL PRESENT:

Voir Dire CONTINUES. CONFERENCES AT BENCH. COURT EXCUSED the unqualified Prospective Juror's. All qualified Prospective Jurors from all panels now present. Peremptory Challenges EXECUTED. Jury SELECTED. COURT thanked and excused the remaining Prospective Jurors, and ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding counsel providing their exhibits in a timely manner.

CUSTODY

CONTINUED TO: 07/05/17    1:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 05, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 05, 2017              01:30 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

**PARTIES PRESENT:**

Bret O Whipple	Attorney for Defendant
Patricia M. Erickson	Attorney for Defendant
Hetty O. Wong	Attorney for Plaintiff
Marc P. Di Giacomo	Attorney for Plaintiff
Ivonne Cabrera	Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

Amended Information and Amended Jury List FILED IN OPEN COURT.

**OUTSIDE THE PRESENCE OF THE JURY:**

Sharon Howard not present. Ms. Erickson stated her objections to the State filing of an Amended Information. Argument by counsel. COURT ADVISED, it will allow the Amended Information to be FILED, and STATED ITS FINDINGS. Mr. Whipple stated he inadvertently had contact with Juror Nelson Araujo while in Federal Court earlier in the morning by saying "good morning" to him; Mr. Araujo disclosed during Voir Dire his employment is at the Federal Courthouse. The State made no objection. COURT NOTED, the Court's Marshal was informed of the contact by Mr. Araujo, it appears Juror Araujo is aware of his duties; no further inquiry is required. COURT MADE A RECORD of the excusals of Prospective Jurors from panels two and three, the Order to Show Cause's issued for the Prospective Jurors who did not appear, and the Bench Conference regarding its inquiry of counsel regarding a potential Batson Challenge after the Peremptory Challenges. COURT FURTHER ADVISED, Its Marshal was provided an Affidavit by Juror 4, Jake Brechlin; Mr. Brechlin is stating he would suffer financial hardship if he remains on the jury. COURT CANVASSED Mr. Brechlin. COURT ORDERED, Mr. Brechlin EXCUSED from the Jury Panel; the remaining Juror's will be reseated; seat number 16 will be VACANT.

**JURY PRESENT:**

Jury Panel SWORN IN. Information read. Opening statements by Mr. Digiacomo and Mr. Whipple. CONFERENCE AT BENCH. Sharon Howard now present, Renee Silvaggio no longer present. Witness TESTIMONY, exhibits ADMITTED (see worksheets). COURT ORDERED, trial CONTINUES.

**CUSTODY**

CONTINUED TO: 07/06/17    1:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 06, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 06, 2017      01:30 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon

**PARTIES PRESENT:**

Bret O Whipple	Attorney for Defendant
Patricia M. Erickson	Attorney for Defendant
Hetty O. Wong	Attorney for Plaintiff
Marc P. Di Giacomo	Attorney for Plaintiff
Ivonne Cabrera	Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES****JURY PRESENT:**

Sharon Howard not present. Witness TESTIMONY, exhibits ADMITTED (see worksheets).  
CONFERENCES AT BENCH. Sharon Howard now present, Renee Silvaggio no longer present.  
Testimony CONTINUES. COURT provided Tavares Instruction to Jury, and ORDERED, Trial  
CONTINUES.

**OUTSIDE THE PRESENCE OF THE JURY:**

COURT MADE A RECORD of the CONFERENCES AT BENCH. Argument regarding Deft's. proposed exhibit (T) offered during testimony. Ms. Erickson requested the Court order the State to provide copies of their exhibits to defense; she has made several requests directly to the State with no response. Mr. Digiacomo argued Ms. Erickson has had the exhibits in her possession for the last five years. COURT DECLINED Ms. Erickson's request, STATED ITS FINDINGS, and NOTED the parties did not STIPULATE to any exhibits. Ms. Erickson made an Oral Motion for Mistrial, arguing the timing of the reading of the Tavares Instruction to the Jury. Mr. Digiacomo stated the Jury received the Instruction, the timing of the instruction is harmless. COURT DENIED Ms. Erickson's Oral Motion for Mistrial, and STATED FURTHER FINDINGS. Colloquy regarding future readings of the Tavares Instruction to the Jury, and scheduling.

**CUSTODY**

CONTINUED TO: 07/07/17      9:30 A.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 07, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 07, 2017      09:30 AM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple      Attorney for Defendant

Patricia M. Erickson      Attorney for Defendant

Hetty O. Wong      Attorney for Plaintiff

Marc P. Di Giacomo      Attorney for Plaintiff

Ivonne Cabrera      Defendant

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

OUTSIDE THE PRESENCE OF THE JURY:

Sharon Howard not present. Ms. Erickson made additional argument regarding the Court's reading of the Tavares Instruction to the Jury after the testimony of Witness Ashley Wantland. COURT ADVISED It thought it appropriate to give the instruction when the witnesses' testimony was completed; It did not want to give the instruction multiple times during testimony. Colloquy regarding scheduling and witnesses to appear.

JURY PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). CONFERENCES AT BENCH. Sharon Howard now present, Renee Silvaggio no longer present. Testimony CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY:

COURT made a RECORD regarding the CONFERENCES AT BENCH. Colloquy and argument regarding exhibits, when evidence was provided and received, and scheduling. COURT NOTED, defense counsel had DNA evidence however, they were not aware they were in possession of it.

JURY PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). COURT ORDERED, Trial CONTINUES.

CUSTODY

CONTINUED TO: 07/10/17 1:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 10, 2017              01:30 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple                      Attorney for Defendant

Patricia M. Erickson              Attorney for Defendant

Hetty O. Wong                      Attorney for Plaintiff

Marc P. Di Giacomo              Attorney for Plaintiff

Ivonne Cabrera                      Defendant

State of Nevada                      Plaintiff

**JOURNAL ENTRIES**

OUTSIDE THE PRESENCE OF THE JURY:

Renee Silvaggio not present. Colloquy regarding scheduling, settling Jury Instructions; argument regarding redacting Deft's. statement to Detective Prieto and the versions each party wishes to submit for use if Deft's. testifies.

JURY PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). Sharon Howard no longer present, Renee Silvaggio now present. Testimony CONTINUES. State RESTS. COURT ORDERED, Trial CONTINUES.

CUSTODY

CONTINUED TO: 07/11/17 1:00 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 11, 2017

C-12-283700-1      State of Nevada  
vs  
Ivonne Cabrera

July 11, 2017      01:00 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple	Attorney for Defendant
Patricia M. Erickson	Attorney for Defendant
Hetty O. Wong	Attorney for Plaintiff
Marc P. Di Giacomo	Attorney for Plaintiff
Ivonne Cabrera	Defendant
State of Nevada	Plaintiff

### JOURNAL ENTRIES

OUTSIDE THE PRESENCE OF THE JURY:

Renee Silvaggio not present. Co-Deft. Jose Gonzales present. Deputy Public Defender Alzora Jackson, Esq. present, Pro Bono, on behalf of Co-Deft. Jose Gonzales. Colloquy regarding the testimony of Co-Deft. Jose Gonzales. Upon Court's inquiry, Co-Deft. Gonzales REFUSED to be SWORN IN or answer any of the Court's questions regarding his potential testimony. COURT ORDERED, Co-Deft. Gonzales RETURNED to the Nevada Department of Corrections. Deft. Gonzales and Ms. Jackson no longer present.

Colloquy and argument regarding counsel's opposing submissions for redaction of Deft's statement to the police and adaptable admission. COURT ADVISED, it will review the competing copies of Deft. statement provided by counsel and will provide a version It deems acceptable to be used during examination of Deft. if she testifies. COURT ADVISED Deft. of their 5th Amendment Right not to testify. Upon Court's inquiry, Deft. WAIVED her 5th Amendment Right, she would like to testify on her own behalf.

JURY PRESENT:

Testimony PRESENTED, exhibits ADMITTED (see worksheets). Sharon Howard no longer present, Renee Silvaggio now present. Testimony CONTINUES. CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY:

COURT PROVIDED counsel with what It determines to be an appropriately redacted copy of Deft's statement to police, and STATED ITS FINDINGS.

JURY PRESENT:

Testimony PRESENTED, exhibits ADMITTED (see worksheets). COURT ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY:

COURT made a RECORD of the CONFERENCES AT THE BENCH. Colloquy regarding Deft's.  
proposed exhibits and settling Jury Instructions.

CUSTODY

CONTINUED TO: 07/12/17 1:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 13, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 13, 2017      10:00 AM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon

## PARTIES PRESENT:

Bret O Whipple      Attorney for Defendant

Patricia M. Erickson      Attorney for Defendant

Hetty O. Wong      Attorney for Plaintiff

Marc P. Di Giacomo      Attorney for Plaintiff

Ivonne Cabrera      Defendant

State of Nevada      Plaintiff

## JOURNAL ENTRIES

## JURY PRESENT:

Testimony CONTINUES, exhibits ADMITTED (see worksheets). CONFERENCES AT BENCH. COURT ORDERED, Trial CONTINUES

## OUTSIDE THE PRESENCE OF THE JURY:

COURT MADE A RECORD of the CONFERENCES AT BENCH. Argument regarding exhibits Defense proposes to admit. COURT FURTHER ORDERED, Defense's request to admit Proposed Exhibit (MM1) DENIED at this time. Jury Instructions argued.

## CUSTODY

CONTINUED TO: 07/17/17 1:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 17, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 17, 2017      01:30 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple      Attorney for Defendant

Patricia M. Erickson      Attorney for Defendant

Hetty O. Wong      Attorney for Plaintiff

Marc P. Di Giacomo      Attorney for Plaintiff

Ivonne Cabrera      Defendant

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy and argument regarding Jury Instructions. Jury Instructions SETTLED. Colloquy regarding scheduling and the Verdict Form.

JURY PRESENT:

Defense RESTS. JURY INSTRUCTED. Closing argument by Ms. Wong. Defense closing argument by Ms. Erickson and Mr. Whipple. State's rebuttal by Mr. Digiacomo. At the hour of 4:59 the Jury retired to begin deliberations. COURT ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding the Burglary instruction. COURT ADVISED It will consider the issue momentarily. Colloquy regarding the penalty phase.

CUSTODY

CONTINUED TO: 07/18/17 12:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 18, 2017                      12:30 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.                      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple                                      Attorney for Defendant

Patricia M. Erickson                                      Attorney for Defendant

Hetty O. Wong                                      Attorney for Plaintiff

Marc P. Di Giacomo                                      Attorney for Plaintiff

Ivonne Cabrera                                      Defendant

State of Nevada                                      Plaintiff

**JOURNAL ENTRIES**

JURY PRESENT:

Jury deliberations CONTINUE.

OUTSIDE THE PRESENCE OF THE JURY:

Spanish Interpreter Ricardo Pico present. Jury Foreperson requested translation of text messages ADMITTED into evidence from Spanish to English;. With the assistance of the Spanish Interpreter, Mr. Pico, Court provided written translation of the texts in question. Jury question and the Court's answer ADMITTED as Court's exhibits (see worksheets). Mr. Pico no longer present.

JURY PRESENT:

At the hour of 4:52 p.m. the Jury returned with a Verdict as follows:

COUNT 1 - Conspiracy To Commit Murder, GUILTY

COUNT 2 - Burglary While In Possession Of A Deadly Weapon, GUILTY

COUNT 3 - Murder with Use of a Deadly Weapon (James Headrick), First Degree Murder With Use of a Deadly Weapon

Special Verdict

The Jury unanimously finds the murder willful, deliberate and premeditated

The Jury unanimously finds the murder was committed during the perpetration of a burglary

COUNT 4 - Attempt Murder with Use of a Deadly Weapon (Ashley Wantland), GUILTY

Count 5 - Murder With Use Of A Deadly Weapon (Erik Quezada-Morales), First Degree Murder With Use Of A Deadly Weapon

Special Verdict

The Jury unanimously finds the murder willful, deliberate and premeditated

The Jury unanimously finds the murder was committed during the perpetration of a burglary

COUNT 6 - Attempt Murder With Use Of A Deadly Weapon (Melissa Marin), GUILTY

CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding scheduling, witnesses and the penalty phase Jury Instructions.

CUSTODY

CONTINUED TO: 07/19/18 1:30 P.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 19, 2017

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C-12-283700-1      State of Nevada  
vs  
Ivonne Cabrera

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July 19, 2017      01:30 PM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple	Attorney for Defendant
Patricia M. Erickson	Attorney for Defendant
Hetty O. Wong	Attorney for Plaintiff
Marc P. Di Giacomo	Attorney for Plaintiff
Ivonne Cabrera	Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

## OUTSIDE THE PRESENCE OF THE JURY:

Sharon Howard not present. Ms. Erickson renewed her objection to Strike Aggravating Circumstances, noting she previously filed an objection in 2016 which was over ruled by the Court, and arguing a constitutional violation of Deft's rights. COURT NOTED, Ms. Erickson's objection will be DEFERRED until the settling of Penalty Phase Jury Instructions. Colloquy regarding scheduling, witnesses, and exhibits to be presented. Mr. Digiacomo requested an unredacted version of the defense's expert examination of Deft; a redacted version was filed with the Expert Notice. Upon Court's inquiry, Ms. Erickson stated she did not expect to call the expert witness. COURT ORDERED if the expert witness testifies defense counsel is to provide the State with an unredacted version of the expert's examination report at lease TWO (2) HOURS prior to the witness being called. Ms. Erickson orally objected to use of the State's proposed photo exhibits during the penalty phase as overly prejudicial. COURT ADVISED, over the oral objection of Ms. Erickson, It will allow the State's proposed photo's to be used during witness testimony.

## JURY PRESENT:

Penalty Phase opening statements by Mr. Digiacomo and Ms. Erickson. Witness TESTIMONY, exhibits ADMITTED (see worksheets). Spanish Interpreter Maria Gomez present on behalf of witnesses Guadalupe Gutierrez and Claudia Bernal. Spanish Interpreter Maria Gomez no longer present. Testimony CONTINUES. COURT FURTHER ORDERED, Trial CONTINUES.

## OUTSIDE THE PRESENCE OF THE JURY:

Renee Silvaggio no longer present, Sharon Howard now present. Colloquy and argument regarding Penalty Phase Jury Instructions, redaction of State's exhibits 173 and 174, and the Special Verdict form. Jury Instructions SETTLED. COURT DIRECTED Mr. Digiacomo to prepare a redacted versions of State's exhibits 173 and 714; exhibits provisionally ADMITTED pending the appropriate redactions (see worksheets).

## CUSTODY

CONTINUED TO: 07/20/17 10:00 A.M.

Felony/Gross Misdemeanor

COURT MINUTES

July 20, 2017

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C-12-283700-1      State of Nevada  
                                 vs  
                                 Ivonne Cabrera

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July 20, 2017      10:00 AM      Jury Trial - FIRM

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Howard, Sharon; Silvaggio, Renee

PARTIES PRESENT:

Bret O Whipple	Attorney for Defendant
Patricia M. Erickson	Attorney for Defendant
Hetty O. Wong	Attorney for Plaintiff
Marc P. Di Giacomo	Attorney for Plaintiff
Ivonne Cabrera	Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

## OUTSIDE THE PRESENCE OF THE JURY:

Reporter Renee Silvaggio present, Sharon Howard not present. Colloquy regarding additional mitigating circumstances. Colloquy regarding redacted versions of State's exhibits 173 and 174, Court's exhibits 20 and 21, and Deft's. proposed exhibits KKK, LLL, MMM and NNN; Ms. Erickson requested Deft's. proposed exhibit 3 be WITHDRAWN. COURT SO ORDERED. Colloquy regarding scheduling.

## JURY PRESENT:

State RESTS. Spanish Interpreter Alex Andrade present on behalf of Deft's. witnesses Raul Cabrera and Ana Martinez. Testimony PRESENTED and exhibits ADMITTED (see worksheets). CONFERENCES AT BENCH. Ms. Andrade no longer present.

## OUTSIDE THE PRESENCE OF THE JURY:

Reporter Sharon Howard present, Renee Silvaggio no longer present. Ms. Erickson objected to the State using the word "justice" during closing argument; this is the penalty phase, the convictions are justice. Mr. Digiacoimo argued this is Deft's. judgment day, there is no basis to object and say this is about anything else. NOTING the objections of Ms. Erickson, COURT ADVISED, it will not preclude the State from saying the word "justice" during closing arguments and STATED ITS FINDINGS. Upon Court's inquiry, Deft. stated she understands her rights and obligations when providing her allocution. CONFERENCE AT BENCH.

## JURY PRESENT:

Spanish Interpreter Noel Tatten present on behalf of Deft's. Witness Maria Cabrera. Ms. Tatten no longer present. Statement by Deft. CONFERENCE AT BENCH. Defense RESTS. Jury INSTRUCTED. Closing arguments by Ms. Wong, Mr. Whipple and Ms. Erickson. State's final rebuttal by Mr. Digiacoimo. At the hour of 3:25 p.m. the Jury retired to begin deliberations.

At the hour of 6:29 p.m. the Jury returned with a Special Verdict in accordance with the written Special Verdict which was FILED IN OPEN COURT, JURY FOUND as follows:

COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON (JAMES HEADRICK)  
AGGRAVATING CIRCUMSTANCE OR CIRCUMSTANCES OUTWEIGH ANY MITIGATING  
CIRCUMSTANCES OR CIRCUMSTANCES  
LIFE WITHOUT THE POSSIBILITY OF PAROLE

COUNT 5 - MURDER WITH USE OF A DEADLY WEAPON (ERIK QUEZADA-MORALES)  
AGGRAVATING CIRCUMSTANCE OR CIRCUMSTANCES OUTWEIGH ANY MITIGATING  
CIRCUMSTANCES OR CIRCUMSTANCES  
LIFE WITHOUT THE POSSIBILITY OF PAROLE

Court thanked and EXCUSED the Jury.

OUTSIDE THE PRESENCE OF THE JURY:  
COURT ORDERED, Deft. REMANDED into CUSTODY, a Sentencing date SET.

CUSTODY

09/11/17 9:00 A.M. SENTENCING