

Steven D. Grierson

DOMONIC R. MALONE #69418
In Propria Personam
Post Office Box 650, H.D.S.P.
Indian Springs, NV. 89070

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
Jan 12 2018 09:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA
Plaintiff,

vs.
DOMONIC RONALD MALONE
Defendant.

Case No. 06-C-034572-2
Dept. No. 17

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
DOMONIC R. MALONE, in and through his proper person, hereby appeals to the
Supreme Court of Nevada from the ORDER denying and/or dismissing the
MOTION to MODIFY and/or CORRECT ILLEGAL SENTENCE
ruled on the 12th day of December, 2017

Dated this 26th day of December, 2017

Respectfully Submitted,
Domoni R. Malone

RECEIVED

JAN 08 2018

CLERK OF THE COURT

RECEIVED

JAN 03 2018

CLERK OF THE COURT

-1-

CERTIFICATE OF SERVICE BY MAILING

I, DOMONIC R. MALONE, hereby certify, pursuant to NRCR 5(b), that on this 26th day of December, 2017, I mailed a true and correct copy of the foregoing, "NOTICE OF APPEAL."

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

Clerk of the Court
200 Lewis Ave. 3rd Fl.
Las Vegas, NV. 89155-1160

DISTRICT ATTORNEY OFFICE
200 Lewis Ave.
LAS VEGAS, NV. 89155-2212

CC: FILE

DATED THIS 26th day of December, 2017

Domonic R. Malone #69418
/s/ Propria Personam
Post Office Box 650, H.O.S.P.
Indian Springs, NV. 89070
IN FORMA PAUPERIS;

Mr. DOMINIC R. MATONE #694118
Post
P.O. Box 650
Indian Springs, NV. 89070

LAS VEGAS
NV 890
02 JAN '18
PM 5 L

Master
01/02/2018
FIRST-CLASS MAIL
US POSTAGE \$000.46
ZIP 89101
011E12650516

Attn: Clerk of the Court
200 Lewis Ave. 3rd Floor
Las Vegas, NV. 89155-1160
enclosed (1) Notice of Appeal for
denial of Motion to modify/ or correct Weyl Sentence
Req. File Stamp copy of the enclosed
sent to clerk of court office via U.S. Mail room
and 8A

- LEGAL MAIL -

3762

6127 2677



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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 DOMINIC R. MALONE,

13 Defendant(s),

Case No: 06C224572-2

Dept No: XVII

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Dominic R. Malone

19 2. Judge: Michael Villani

20 3. Appellant(s): Dominic R. Malone

21 Counsel:

22 Dominic R. Malone #69418
23 P.O. Box 650
24 Indian Springs, NV 89070

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: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

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

9. Date Commenced in District Court: July 27, 2006

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 58101, 61006, 73000, 74070

12. Child Custody or Visitation: N/A

Dated This 9 day of January 2018.

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: Dominic R. Malone

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

The State of Nevada vs Domonic R Malone

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Location: **Department 17**
Judicial Officer: **Villani, Michael**
Filed on: **07/27/2006**
Case Number History:
Cross-Reference Case Number: **C224572**
Defendant's Scope ID #: **1670891**
Lower Court Case # Root: **06FH00742**
Lower Court Case Number: **06FH00742B**
Supreme Court No.: **61006**
73000

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY)	F	01/01/1900	Case Flags: Appealed to Supreme Court
<i>Filed As:</i> KIDNAPPING IN FIRST DEGREE	F	7/27/2006	Custody Status - Nevada
1. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	Department of Corrections
2. CONSP KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> BATTERY WITH SUBSTANTIAL BODILY HARM	F	7/27/2006	
3. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	
3. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
3. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	
4. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY)	F	01/01/1900	
<i>Filed As:</i> KIDNAPPING IN FIRST DEGREE	F	7/27/2006	
4. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
5. ROBBERY	F	01/01/1900	
<i>Filed As:</i> BATTERY WITH SUBSTANTIAL BODILY HARM	F	7/27/2006	
6. PANDERING	F	01/01/1900	
<i>Filed As:</i> ROBBERY	F	7/27/2006	
7. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
7. CONSP BURGLARY	G	01/01/1900	
<i>Filed As:</i> CONSPIRACY TO COMMIT A CRIME	F	7/27/2006	
7. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	
8. CONSP KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> PANDERING	F	7/27/2006	
9. CONSP MURDER	F	01/01/1900	
<i>Filed As:</i> PANDERING	F	7/27/2006	
10. BURGLARY	F	01/01/1900	
<i>Filed As:</i> MURDER.	F	7/27/2006	
10. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	
10. DEGREES OF MURDER	F	01/01/1900	
11. CONSPIRACY TO COMMIT A CRIME	G	01/01/1900	
11. KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> BURGLARY.	G	7/27/2006	
12. KIDNAP 1ST DEGREE	F	01/01/1900	
<i>Filed As:</i> BURGLARY.	F	7/27/2006	
13. MURDER WITH A DEADLY WEAPON	F	01/01/1900	
<i>Filed As:</i> KIDNAPPING IN FIRST DEGREE	F	7/27/2006	
13. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
14. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
14. MURDER WITH A DEADLY WEAPON	F	01/01/1900	
<i>Filed As:</i> KIDNAPPING IN FIRST DEGREE	F	7/27/2006	
15. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900	

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-2

<i>Filed As:</i> MURDER.	F	7/27/2006
15. DEGREES OF MURDER	F	01/01/1900
15. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
16. DEGREES OF MURDER	F	01/01/1900
16. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
16. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900
<i>Filed As:</i> MURDER.	F	7/27/2006
17. ROBBERY	F	01/01/1900
17. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
18. ROBBERY	F	01/01/1900
18. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900

Related Cases

06C224572-1 (Multi-Defendant Case)
06C224572-3 (Multi-Defendant Case)

Statistical Closures

04/28/2017 Other Manner of Disposition - Criminal

Warrants

Material Witness Warrant - Hall, Ramaan T (Judicial Officer: Villani, Michael)

02/16/2012	11:10 AM	Recalled
12/16/2011	8:04 AM	Active
Fine:	\$0	
Bond:	\$0	

Arrest Warrant - Malone, Domonic R (Judicial Officer: Villani, Michael)

















10/18/2010	3:06 PM	Returned - Served
10/08/2010	12:12 PM	Active
Fine:	\$0	
Bond:	\$0	

Bonds












Surety #FCS50-679992 \$10,000.00
10/21/2010 Active
Counts:

DATE		CASE ASSIGNMENT	
		Current Case Assignment	
		Case Number	06C224572-2
		Court	Department 17
		Date Assigned	12/28/2008
		Judicial Officer	Villani, Michael
PARTY INFORMATION			
		<i>Lead Attorneys</i>	
Defendant	Malone, Domonic R	Pro Se	
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)	
DATE		EVENTS & ORDERS OF THE COURT	
07/27/2006			













DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	 Criminal Bindover
08/01/2006	 Information
08/02/2006	Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Court Clerk: Melissa Swinn Relief Clerk: Chanel West/cw Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>
08/02/2006	 Information
08/02/2006	 Guilty Plea Agreement
08/02/2006	 Filed Under Seal <i>Document Filed (Sealed)</i>
08/09/2006	 Criminal Bindover
08/09/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 19, 2006</i>
08/16/2006	Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Heard By: Kevin Williams</i>
08/16/2006	Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Heard By: Kevin Williams</i>
08/16/2006	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8/16/06 Court Clerk: Melissa Swinn Relief Clerk: Chanel West/cw Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>
08/23/2006	 Document Filed <i>Defendant's Submission to the Clark County District Attorney's Death Review Committee</i>
08/23/2006	 Media Request and Order <i>Media Request and Order for Camera Access to Court Proceedings</i>
08/30/2006	 Motion <i>Motion to Extend Time to File Writ of Habeas Corpus</i>
08/30/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 19, 2006</i>
08/30/2006	 Notice of Intent to Seek Death Penalty
08/30/2006	 Amended Information
08/30/2006	 Notice of Intent to Seek Death Penalty
08/31/2006	 Receipt of Copy
08/31/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 27, 2006</i>















DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

09/05/2006	Status Check (8:30 AM) <i>STATUS CHECK: CONFIRMATION OF TRIAL DATE</i>
09/05/2006	Status Check (8:30 AM) <i>STATUS CHECK: CONFIRMATION OF TRIAL DATE</i>
09/05/2006	Motion (8:30 AM) Events: 08/30/2006 Motion <i>DEFT'S MTN TO EXTEND TIME TO FILE WRIT OF HABEAS CORPUS/ Heard By: Jackie Glass</i>
09/05/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 9/5/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
09/06/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 31, 2006</i>
09/06/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 24, 2006</i>
09/06/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 26, 2006</i>
09/06/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 20, 2006</i>
09/11/2006	 Ex Parte Application <i>Ex-Parte Application for Extension of Time to File Writ of Habeas Corpus</i>
09/20/2006	 Order <i>Order of Appointment</i>
09/21/2006	Sentencing (8:30 AM) <i>SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
09/21/2006	 Order <i>Order Appointing Counsel</i>
09/22/2006	 Ex Parte Application <i>Ex-Parte Application to Appoint Investigator and for Fees in Excess of Statutory Maximum and for Contact Visits</i>
10/09/2006	 Motion to Sever
10/11/2006	 Order <i>Order Appointing Mark Henry of Nordeen Investigations as Investigator and for Contact Visits</i>
10/13/2006	 Media Request and Order <i>Media Request and Order for Camera Access to Court Proceedings</i>
10/13/2006	

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2







	 Filed Under Seal <i>Defendant's Ex-Parte Order to Transport (Filed Under Seal) (Sealed)</i>
10/13/2006	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
10/13/2006	 Filed Under Seal <i>Defendant's Ex-Parte Application (Filed Under Seal) (Sealed)</i>
10/23/2006	 Opposition to Motion <i>State's Opposition to Defendant McCarty's Motion to Sever</i>
10/25/2006	 Motion to Sever
10/25/2006	 Joinder To Motion <i>Joinder with Co-Defendant Jason McCarty's Motion to Sever</i>
10/25/2006	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
10/25/2006	 Receipt of Copy
10/25/2006	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
10/25/2006	 Ex Parte Application <i>Ex-Parte Application to Appoint Dr. John Fabian as Expert and for Fees in Excess of Statutory Maximum and for Contact Visits</i>
10/31/2006	Motion (8:30 AM) <i>HEARING: ALL MOTIONS Heard By: Jackie Glass</i>
10/31/2006	Hearing (8:30 AM) <i>HEARING: ALL MOTIONS Heard By: Jackie Glass</i>
10/31/2006	Motion to Sever (8:30 AM) Events: 10/09/2006 Motion to Sever <i>DEFT'S MTN TO SEVER /19 Heard By: Jackie Glass</i>
10/31/2006	Joinder (8:30 AM) Events: 10/25/2006 Joinder To Motion <i>DEFT'S JOINDER TO MTN TO SEVER/21 Heard By: Jackie Glass</i>
10/31/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 10/31/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/06/2006	 Petition for Writ of Habeas Corpus
11/06/2006	 Receipt of Copy
11/07/2006	Motion to Sever (8:30 AM) Events: 10/25/2006 Motion to Sever <i>DEFT'S MTN TO SEVER /20 Heard By: Jackie Glass</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

11/07/2006	 Certificate of Mailing
11/07/2006	 Order <i>Order Appointing Dr. John Fabian as Expert and for Fees in Excess of Statutory Maximum and for Contact Visits</i>
11/08/2006	 Ex Parte Application <i>Ex-Parte Application to Appoint Dr. Steven Lee McIntire as Expert and for Fees in Excess of Statutory Maximum and for Contact Visits</i>
11/09/2006	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
11/09/2006	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal)</i>
11/13/2006	 Opposition to Motion <i>State's Opposition to Defendant Malone's Motion to Sever</i>
11/15/2006	 Petition for Writ of Habeas Corpus
11/16/2006	 Order <i>Order Appointing Dr. Steven Lee McIntire as Expert and for Fees in Excess of Statutory Maximum and for Contact Visits</i>
11/16/2006	 Ex Parte Application <i>Ex-Parte Application for Extension of Time to File Writ of Habeas Corpus</i>
11/20/2006	 Reply to Opposition <i>Defendant McCarty's Reply to State's Opposition to Defendant McCarty's Motion to Sever</i>
11/21/2006	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER /19 Heard By: Jackie Glass</i>
11/21/2006	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER /20 Heard By: Jackie Glass</i>
11/21/2006	Joinder (8:30 AM) <i>DEFT'S JOINDER TO MTN TO SEVER/21 Heard By: Jackie Glass</i>
11/21/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 11/21/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/22/2006	 Return to Writ of Habeas Corpus
11/22/2006	 Return to Writ of Habeas Corpus
11/27/2006	 Order <i>Order to File Under Seal (Sealed)</i>
11/27/2006	 Filed Under Seal

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Ex Parte Order to Transport (Filed Under Seal) (Sealed)

11/30/2006	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER /19 Heard By: Jackie Glass</i>
11/30/2006	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER /20 Heard By: Jackie Glass</i>
11/30/2006	Joinder (8:30 AM) <i>DEFT'S JOINDER TO MTN TO SEVER/21 Heard By: Jackie Glass</i>
11/30/2006	Decision (8:30 AM) <i>DECISION</i>
11/30/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 11/30/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
12/07/2006	 Order <i>Order to File Under Seal (Sealed)</i>
12/07/2006	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
12/08/2006	 Reply <i>Reply to State's Return to Writ of Habeas Corpus</i>
12/12/2006	Petition (8:30 AM) <i>DEFT. MALONE'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Jackie Glass</i>
12/12/2006	Petition (8:30 AM) <i>DEFT. MCCARTY'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Jackie Glass</i>
12/12/2006	Petition for Writ of Habeas Corpus (8:30 AM) Events: 11/06/2006 Petition for Writ of Habeas Corpus <i>PTN FOR WRIT OF HABEAS CORPUS /23 Heard By: Jackie Glass</i>
12/12/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 12/12/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
12/12/2006	 Ex Parte Motion <i>Ex-Parte Motion for Authorization of Payment of Fees</i>
12/14/2006	 Order <i>Order to File Under Seal (Sealed)</i>
12/14/2006	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
01/02/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
01/02/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
01/08/2007	CANCELED Jury Trial (10:00 AM)




DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	<i>Vacated</i>
01/08/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/18/2007	 Order
01/18/2007	 Order
01/25/2007	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Relief Clerk: Pamela Humphrey & Kathy Klein/kk Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
01/30/2007	 Ex Parte Motion <i>Ex-Parte Motion for Authorization of Payment of Fees</i>
02/01/2007	 Order <i>Order to File Under Seal (Sealed)</i>
02/01/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
02/14/2007	 Order <i>Order Authorizing Payment of Fees</i>
03/09/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
03/09/2007	 Order <i>Order to File Under Seal (Sealed)</i>
03/27/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
03/27/2007	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
04/05/2007	 Order Granting <i>Order Granting Contact Visit</i>
04/27/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
04/27/2007	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
05/02/2007	 Notice of Motion <i>Notice of Motion and Motion to Declare NRS 704.206 Unconstitutional</i>
05/02/2007	 Notice of Motion <i>Notice of Motion and Motion to Strike Notice of Intent to Seek Death Based Upon Unconstitutional Weighing Equation</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

05/02/2007	 Notice of Motion <i>Notice of Motion and Motion to Bifurcate Penalty Phase Proceedings</i>
05/02/2007	 Notice of Motion <i>Notice of Motion and Motion to Strike Death Penalty Based Upon Unconstitutionality</i>
05/02/2007	 Notice of Motion <i>Notice of Motion and Motion to Preclude the Court from Participating in Rehabilitation of Potential Jurors</i>
05/02/2007	 Notice of Motion <i>Notice of Motion and Motion to Prohibit Evidence and Argument on Irrelevant Mitigating Circumstances</i>
05/02/2007	 Motion <i>Motion to Allow the Defense to Argue Last at the Penalty Phase</i>
05/02/2007	 Motion <i>Motion for In Camera Review of Pre-Sentence Reports</i>
05/02/2007	 Motion to Compel <i>Motion to Compel Prosecuting Attorney to Disclose Death Penalty Data</i>
05/02/2007	 Motion <i>Motion to Disclose Informants</i>
05/02/2007	 Motion <i>Motion for Disclosure of Uncharged Acts Prior Criminal Conduct of Defendant</i>
05/02/2007	 Motion for Discovery <i>Motion for Discovery and Evidentiary Hearing Regarding the Manner and Method of Determining in Which Murder Cases the Death Penalty Will be Sought</i>
05/02/2007	 Motion <i>Motion for Accused to Appear at All Proceedings Without Restraints</i>
05/02/2007	 Motion <i>Motion to Prohibit the Use of Peremptory Challenges to Exclude Jurors Who Express Concerns About Capital Punishment</i>
05/02/2007	 Motion for Discovery
05/02/2007	 Motion in Limine <i>Motion in Limine to Prohibit Any References to the First Phase as the "Guilty Phase"</i>
05/02/2007	 Motion in Limine <i>Motion in Limine to Prohibit Introduction at Trial of Uncorroborated Accomplice Testimony</i>
05/02/2007	 Motion <i>Motion for Lists of Names and Addresses of Persons Who May Have Evidence Favorable to Defendant and for Disclosure of Other Discovery Material</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

05/02/2007	 Motion <i>Motion to Require Prosecutor to State Reasons for Exercising Peremptory Challenges</i>
05/02/2007	 Motion <i>Motion to Prohibit the Prosecutor from Arguing and the Court from Giving Instructions Regarding Statutory Mitigating Factors Not Raised by the Defense</i>
05/02/2007	 Motion <i>Motion to Submit Questionnaire to Prospective Jurors</i>
05/02/2007	 Motion in Limine
05/02/2007	 Motion <i>Motion to Preclude Re-Admission of Trial Phase Evidence and Exhibits in Penalty Phase, and Related Prosecutorial Comment</i>
05/03/2007	 Receipt of Copy
05/09/2007	 Motion to Suppress <i>Motion to Suppress (Evidentiary Hearing Requested)</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Notice of Motion <i>DEFT'S MTN TO DECLARE NRS 704.206/35 Heard By: Jackie Glass</i>
05/15/2007	Motion to Strike (8:30 AM) Events: 05/02/2007 Notice of Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH/36 Heard By: Jackie Glass</i>
05/15/2007	Motion to Bifurcate (8:30 AM) Events: 05/02/2007 Notice of Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/37 Heard By: Jackie Glass</i>
05/15/2007	Motion to Strike (8:30 AM) Events: 05/02/2007 Notice of Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY/38 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Notice of Motion <i>DEFT'S MTN TO PRECLUDE/39 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Notice of Motion <i>DEFT'S MTN TO PROHIBIT EVIDENCE/40 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO ALLOW DEFENSE TO ARGUE/41 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR IN CAMERA REVIEW/42 Heard By: Jackie Glass</i>
05/15/2007	Motion to Compel (8:30 AM) Events: 05/02/2007 Motion to Compel <i>DEFT'S MTN TO COMPEL PROSECUTING ATTY/43 Heard By: Jackie Glass</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO DISCLOSE INFORMANTS/44 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR DISCLOSURE OF UNCHARGED ACTS/45 Heard By: Jackie Glass</i>
05/15/2007	Motion for Discovery (8:30 AM) Events: 05/02/2007 Motion for Discovery <i>DEFT'S MTN FOR DISCOVERY /46 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR ACCUSED TO APPEAR AT ALL/47 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES/48 Heard By: Jackie Glass</i>
05/15/2007	Motion for Discovery (8:30 AM) Events: 05/02/2007 Motion for Discovery <i>DEFT'S MTN FOR DISCOVERY /49</i>
05/15/2007	Motion in Limine (8:30 AM) Events: 05/02/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFERENCES/50 Heard By: Jackie Glass</i>
05/15/2007	Motion in Limine (8:30 AM) Events: 05/02/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE TO PROHIBIT INTRO AT TRIAL/51 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN FOR LISTS OF NAMES/52 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO REQUIRE PROSECUTOR TO STATE/53 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO PROHIBIT THE PROSECUTOR/54 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO SUBMIT QUESTIONNAIRE/55 Heard By: Jackie Glass</i>
05/15/2007	Motion in Limine (8:30 AM) Events: 05/02/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE /56 Heard By: Jackie Glass</i>
05/15/2007	Motion (8:30 AM) Events: 05/02/2007 Motion <i>DEFT'S MTN TO PRECLUDE RE-ADMISSION OF TRIAL/57 Heard By: Jackie Glass</i>
05/15/2007	Motion to Suppress (9:00 AM) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
05/24/2007	

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2









	 Motion <i>Motion to Declare Nevada's Death Penalty Statutes Unconstitutional</i>
05/24/2007	 Motion in Limine <i>Motion in Limine to Prohibit Any References to the First Phase as the "Guilt Phase"</i>
05/24/2007	 Motion <i>Motion to Federalize All Motions, Objections, Requests and Other Applications for the Proceedings in the Above Entitled Case</i>
05/24/2007	 Motion to Bifurcate <i>Motion to Bifurcate Penalty Phase</i>
05/24/2007	 Motion in Limine <i>Motion in Limine to Bar Improper Prosecutorial Argument</i>
05/24/2007	 Motion <i>Motion to Preclude the Consideration of Victim Impact Evidence Pursuant to NRS 175.552, 200.033 and 200.035</i>
05/24/2007	 Motion <i>Motion to Allow the Defense to Argue Last in Penalty Phase</i>
05/24/2007	 Motion <i>Motion for Separate Jury During Joint Trial</i>
05/24/2007	 Motion in Limine <i>Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Malone</i>
05/24/2007	 Motion to Compel <i>Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>
05/24/2007	 Motion <i>Motion to Allow Jury Questionnaire</i>
05/24/2007	 Motion for Discovery <i>Motion for Discovery of Prosecution Records, Files and Information Necessary to a Fair Trial</i>
05/24/2007	 Motion for Discovery <i>Motion for Discovery of Institutional Records and Files Necessary to a Fair Trial</i>
05/25/2007	 Motion to Suppress <i>Motion to Suppress Statements of Donald Herb, or in the Alternative Motion in Limine to Prohibit Introduction of Statements Made by Co-Defendant Herb at the Time of Trial</i>
05/25/2007	 Receipt of Copy
05/30/2007	 Receipt of Copy
06/05/2007	 Filed Under Seal

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Ex Parte Order to Transport (Filed Under Seal) (Sealed)












06/05/2007	 Order <i>Order to File Under Seal (Sealed)</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Compel Prosecuting Attorney to Disclose Death Penalty Data</i>
06/06/2007	 Opposition to Motion in Limine <i>State's Opposition to Defendant's Motion in Limine</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Strike Death Penalty Based Upon Unconstitutionality</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Preclude the Court from Participating in Rehabilitation of Potential Jurors</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Accused to Appear at All Proceedings Without Restraints</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Disclose Informants</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Lists of Names and Addresses of Persons Who May Have Evidence Favorable to Defendant and for Full Disclosure of All Other Discovery Material</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for In Camera Review of Pre-Sentence Reports</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Submit Questionnaire to Prospective Jurors</i>
06/06/2007	 Opposition to Motion in Limine <i>State's Opposition to Defendant's Motion in Limine to Prohibit Introduction at Trial of Uncorroborated Accomplice Testimony</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Disclosure of Uncharged Acts Prior Criminal Conduct of Defendant</i>
06/06/2007	 Order <i>Order to File Under Seal (Sealed)</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Prohibit the Use of Peremptory Challenges to Exclude Jurors Who Express Concerns About Capital Punishment</i>
06/06/2007	

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	 Response <i>State's Response to Defendant's Motion for Discovery</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Strike Notice of Intent to Seek Death Based Upon Unconstitutional Weighing Equation</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Discovery and Evidentiary Hearing Regarding the Manner and Method of Determining in Which Cases the Death Penalty Will be Sought</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Preclude Re-Admission of Trial Phase Evidence and Exhibits in Penalty Phase, and Any Related Prosecutorial Comment</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Require Prosecutor to State Reasons for Exercising Peremptory Challenges</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion in Limine to Prohibit Any References to the First Phase as the "Guilt Phase"</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Declare NRS 704.206 Unconstitutional</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Allow the Defense to Argue Last at the Penalty Phase</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Prohibit Evidence and Argument on Irrelevant Mitigating Circumstances</i>
06/06/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Bifurcate Penalty Phase</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Bifurcate Penalty Phase</i>
06/06/2007	 Opposition to Motion in Limine <i>State's Opposition to Defendant's Motion in Limine to Prohibit Any References to the First Phase as the "Guilt Phase"</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Discovery of Prosecution Records, Files and</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Information Necessary to a Fair Trial

06/06/2007	 Opposition to Motion <i>Opposition to Defendant's Motion to Federalize All Motions, Objections, Requests and Other Application for the Proceedings in the Above Entitled Case</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Allow the Defense to Argue Last at the Penalty Phase</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Preclude the Consideration of Victim Impact Evidence Pursuant to NRS 175.552, 200.033 and 200.035</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Submit Questionnaire to Prospective Jurors</i>
06/06/2007	 Opposition to Motion in Limine <i>State's Opposition to Defendant's Motion in Limine to Bar Improper Prosecutorial Argument</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Discovery of Institutional Records and Files Necessary to a Fair Trial</i>
06/06/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Declare Nevada's Death Penalty Statute Unconstitutional</i>
06/12/2007	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Prohibit the Prosecutor from Arguing and the Court from Giving Instructions Regarding Statutory Mitigating Factors Not Raised by the Defense</i>
06/14/2007	 Opposition to Motion <i>Opposition to Defendant Malone's Motion to Suppress Statements of Donald Herb, or in the Alternative Motion in Limine to Prohibit Introduction of the Statement Made by Co-Defendant Herb at the Time of Trial</i>
06/14/2007	 Opposition to Motion <i>State's Opposition to Defendant Mc Carty's Motion to Suppress</i>
06/14/2007	 Opposition to Motion <i>Opposition to Defendant Malone's Motion for Separate Jury During Joint Trial</i>
06/21/2007	Motion to Suppress (9:00 AM) Events: 05/09/2007 Motion to Suppress <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
06/21/2007	 Reply to Opposition <i>Reply to State's Opposition to Motion to Suppress</i>
06/22/2007	Motion for Discovery (8:30 AM) <i>DEFT'S MTN FOR DISCOVERY /49</i>
06/22/2007	Motion (8:30 AM)






DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-2

	<i>DEFT'S MTN TO SUBMIT QUESTIONNAIRE/55 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) Events: 05/24/2007 Motion <i>DEFT'S MTN TO DECLARE DEATH PENALTY/59 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (8:30 AM) Events: 05/24/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE TO PROHIBIT/60 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) Events: 05/24/2007 Motion <i>DEFT'S MTN TO FEDERALIZE/61 Heard By: Jackie Glass</i>
06/22/2007	Motion to Bifurcate (8:30 AM) Events: 05/24/2007 Motion to Bifurcate <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/62 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (8:30 AM) Events: 05/24/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE TO BAR IMPROPER/63 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) Events: 05/24/2007 Motion <i>DEFT'S MTN TO PRECLUDE THE CONSIDERATION/64 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) Events: 05/24/2007 Motion <i>DEFT'S MTN TO ALLOW THE DEFENSE/65 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) Events: 05/24/2007 Motion <i>DEFT'S MTN TO SEPERATE JURY/66 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (8:30 AM) Events: 05/24/2007 Motion in Limine <i>DEFT'S MTN IN LIMINE TO PRECLUDE THE STATE/67 Heard By: Jackie Glass</i>
06/22/2007	Motion to Compel (8:30 AM) Events: 05/24/2007 Motion to Compel <i>DEFT'S MTN TO COMPEL DISCLOSURE/68 Heard By: Jackie Glass</i>
06/22/2007	Motion (8:30 AM) Events: 05/24/2007 Motion <i>DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/69 Heard By: Jackie Glass</i>
06/22/2007	Motion for Discovery (8:30 AM) Events: 05/24/2007 Motion for Discovery <i>DEFT'S MTN FOR DISCOVERY /70 Heard By: Jackie Glass</i>
06/22/2007	Motion for Discovery (8:30 AM) Events: 05/24/2007 Motion for Discovery <i>DEFT'S MTN FOR DISCOVERY /71 Heard By: Jackie Glass</i>
06/22/2007	Motion to Suppress (8:30 AM) Events: 05/25/2007 Motion to Suppress <i>DEFT'S MTN TO SUPPRESS STATEMENTS/72 Court Clerk: Sandra Jeter Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>HEARING: ALL PRETRIAL MOTIONS // EVIDENTIARY HEARING</i>









DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-2

06/22/2007	Motion (9:00 AM) <i>HEARING: ALL PRETRIAL MOTIONS // EVIDENTIARY HEARING</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO DECLARE NRS 704.206/35 Heard By: Jackie Glass</i>
06/22/2007	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH/36 Heard By: Jackie Glass</i>
06/22/2007	Motion to Bifurcate (9:00 AM) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/37 Heard By: Jackie Glass</i>
06/22/2007	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE DEATH PENALTY/38 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE/39 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT EVIDENCE/40 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO ALLOW DEFENSE TO ARGUE/41 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN FOR IN CAMERA REVIEW/42 Heard By: Jackie Glass</i>
06/22/2007	Motion to Compel (9:00 AM) <i>DEFT'S MTN TO COMPEL PROSECUTING ATTY/43 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO DISCLOSE INFORMANTS/44 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN FOR DISCLOSURE OF UNCHARGED ACTS/45 Heard By: Jackie Glass</i>
06/22/2007	Motion for Discovery (9:00 AM) <i>DEFT'S MTN FOR DISCOVERY /46 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN FOR ACCUSED TO APPEAR AT ALL/47 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES/48 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFERENCES/50 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PROHIBIT INTRO AT TRIAL/51 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN FOR LISTS OF NAMES/52 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO REQUIRE PROSECUTOR TO STATE/53 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM)







DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	<i>DEFT'S MTN TO PROHIBIT THE PROSECUTOR/54 Heard By: Jackie Glass</i>
06/22/2007	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE /56 Heard By: Jackie Glass</i>
06/22/2007	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE RE-ADMISSION OF TRIAL/57 Heard By: Jackie Glass</i>
06/22/2007	Motion to Suppress (9:00 AM) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
06/22/2007	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6/22/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
07/20/2007	 Ex Parte Motion <i>Ex-Parte Motion for Authorization of Payment of Fees</i>
07/24/2007	 Order
08/01/2007	 Ex Parte Motion <i>Ex-Parte Motion for Payment of Expert Fees in Excess of the Statutory Maximum</i>
08/07/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
08/07/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
08/13/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/13/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/23/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
08/23/2007	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
09/06/2007	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING</i>
09/07/2007	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
09/11/2007	Request (8:30 AM) <i>STATES REQUEST STATUS CHECK</i>
09/11/2007	Request (8:30 AM) <i>STATES REQUEST STATUS CHECK</i>
09/11/2007	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 9/11/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

09/11/2007	 Filed Under Seal <i>Ex Parte Order to Transport (Filed Under Seal) (Sealed)</i>
09/11/2007	 Filed Under Seal <i>Order to File Under Seal (Sealed)</i>
10/05/2007	Motion to Suppress (10:00 AM) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
10/16/2007	 Motion for Appointment of Attorney <i>Motion for Defendant's Motion to Appoint New Counsel</i>
10/16/2007	 Receipt of Copy
10/24/2007	 Ex Parte Order <i>Ex-Parte Order for Interim Fees</i>
10/30/2007	Motion for Judgment (8:30 AM) Events: 10/16/2007 Motion for Appointment of Attorney <i>DEFT'S MTN FOR JUDGMENT NEW COUNSEL/85 Court Clerk: Denise Trujillo Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/29/2007	Motion to Suppress (8:30 AM) <i>DEFT'S MTN TO SUPPRESS /58 Heard By: Jackie Glass</i>
11/29/2007	Motion for Discovery (10:00 AM) <i>DEFT'S MTN FOR DISCOVERY /49</i>
11/29/2007	Motion (10:00 AM) <i>DEFT'S MTN TO SUBMIT QUESTIONNAIRE/55 Heard By: Jackie Glass</i>
11/29/2007	Motion (10:00 AM) <i>DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/69 Heard By: Jackie Glass</i>
11/29/2007	Motion for Discovery (10:00 AM) <i>DEFT'S MTN FOR DISCOVERY /70 Heard By: Jackie Glass</i>
11/29/2007	All Pending Motions (10:00 AM) <i>ALL PENDING MOTIONS 11/29/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
12/06/2007	Motion to Suppress (8:30 AM) <i>DEFT'S MTN TO SUPPRESS /58 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
01/31/2008	 Motion to Dismiss <i>Motion to Dismiss for Failure to Preserve Evidence, or, in the Alternative, Motion for Corrective Instruction</i>
01/31/2008	 Receipt of Copy
02/19/2008	Motion to Dismiss (8:30 AM) Events: 01/31/2008 Motion to Dismiss <i>DEFT'S MTN TO DISMISS FOR FAILURE/89 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
02/25/2008	 Opposition to Motion to Dismiss








DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	<i>Opposition to Defendant Malone's Motion to Dismiss for Failure to Preserve Evidence, or in the Alternative, Motion for Corrective Instruction</i>
03/11/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
03/11/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
03/11/2008	Motion to Dismiss (8:30 AM) <i>DEFT'S MTN TO DISMISS FOR FAILURE/89 Court Clerk: Sandra Jeter Relief Clerk: Denise Trujillo/dt Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
03/13/2008	Motion to Dismiss (8:30 AM) <i>DEFT'S MTN TO DISMISS FOR FAILURE/89 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
03/17/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
03/17/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
03/25/2008	 Ex Parte Application <i>Ex Parte Application and Order to Prepare Transcripts</i>
03/27/2008	 Order Denying Motion <i>Order Denying Defendant's Motion to Dismiss for Failure to Preserve Evidence, or in the Alternative, Motion for Corrective Instruction</i>
04/17/2008	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
05/06/2008	 Receipt of Copy
05/07/2008	 Reporters Transcript <i>Transcript of Hearing Held on August 16, 2006</i>
05/13/2008	 Motion to Strike <i>Motion to Strike Notice of Intent to Seek the Death Penalty</i>
05/13/2008	 Receipt of Copy
05/27/2008	Motion to Strike (8:30 AM) <i>Events: 05/13/2008 Motion to Strike DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK/90 Heard By: Jackie Glass</i>
05/30/2008	Status Check (9:00 AM) <i>STATUS CHECK: JURY QUESTIONNAIRE</i>
05/30/2008	Status Check (9:00 AM) <i>STATUS CHECK: JURY QUESTIONNAIRE</i>
05/30/2008	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 5/30/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>







DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

06/03/2008	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Strike Notice of Intent to Seek the Death Penalty</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on November 29, 2007</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on October 30, 2007</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on December 12, 2006</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on October 31, 2006</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on November 30, 2006</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on September 5, 2006</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on March 13, 2008</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on September 11, 2007</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on June 22, 2007</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on December 6, 2007</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on February 19, 2008</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on March 11, 2008</i>
06/06/2008	 Reporters Transcript <i>Transcript of Hearing Held on November 21, 2006</i>
06/10/2008	Status Check (8:30 AM) <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/10/2008	Status Check (8:30 AM) <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/10/2008	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 6/10/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>









DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

06/10/2008	 Ex Parte Order <i>Ex Parte Order Appointing Mitigation Specialist Claudia Ahumada Degradi, PH. D.</i>
06/12/2008	Status Check (8:30 AM) <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/12/2008	Status Check (8:30 AM) <i>STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE Heard By: Jackie Glass</i>
06/12/2008	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 6/12/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
06/24/2008	Motion to Strike (8:30 AM) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK/90 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
07/02/2008	 Reporters Transcript <i>Transcript of Hearing Held on June 10, 2008</i>
07/02/2008	 Reporters Transcript <i>Transcript of Hearing Held on June 24, 2008</i>
07/02/2008	 Reporters Transcript <i>Transcript of Hearing Held on June 12, 2008</i>
07/02/2008	 Reporters Transcript <i>Transcript of Hearing Held on May 30, 2008</i>
07/29/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
07/29/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
08/04/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/04/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/14/2008	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING</i>
08/28/2008	Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i>
10/02/2008	 Motion for Fees <i>Motion for Medical Fees and Costs</i>
10/02/2008	 Receipt of Copy
10/14/2008	Motion (8:30 AM)

















DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	Events: 10/02/2008 Motion for Fees <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/100 Relief Clerk: Willa Pettice Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/13/2008	Status Check (8:30 AM) <i>STATUS CHECK Court Clerk: Sandra Jeter Heard By: Glass, Jackie</i>
11/18/2008	Status Check (8:30 AM) <i>STATUS CHECK</i>
11/18/2008	Status Check (8:30 AM) <i>STATUS CHECK</i>
11/18/2008	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 11/18/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>
11/25/2008	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 11-25-08 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
11/25/2008	Status Check (8:15 AM) <i>STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE Heard By: Michael Villani</i>
11/25/2008	Status Check (8:15 AM) <i>STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE Heard By: Michael Villani</i>
12/04/2008	 Reporters Transcript <i>Transcript of Hearing Held on November 25, 2008</i>
12/30/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
12/30/2008	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>
01/05/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/05/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/06/2009	 Reporters Transcript <i>Transcript of Hearing Held on November 18, 2008</i>
01/06/2009	 Reporters Transcript <i>Transcript of Hearing Held on October 14, 2008</i>
01/07/2009	 Motion to Dismiss Counsel
01/12/2009	 Motion <i>Motion to Recuse the Clark County District Attorney's Office or in the Alternative Motion in Limine to Prohibit Introduction of Statements Made by Co-Defendant Herb at the Time of Trial</i>
01/12/2009	 Receipt of Copy

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2


01/20/2009	Motion to Dismiss (8:00 AM) Events: 01/07/2009 Motion to Dismiss Counsel <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL/111 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
01/27/2009	 Joinder To Motion <i>Defendant Jason McCarty's Joinder in Co-Defendant Dominic Malone's Motion to Recuse the Clark County District Attorney's Office or in the Alternative Motion in Limine to Prohibit Introduction of Statements Made by Co-Defendant Herb at the Time of Trial</i>
01/27/2009	 Re-Notice <i>Re-Notice of Motion for Medical Fees and Costs</i>
01/28/2009	 Receipt of Copy
01/28/2009	 Opposition to Motion <i>Opposition to Defendant's Motion to Recuse the Clark County District Attorney's Office, or in the Alternative, Motion in Limine to Prohibit Introduction of Statements Made by Co- Defendant Herb at the Time of Trial</i>
01/29/2009	Further Proceedings (8:00 AM) <i>FURTHER PROCEEDINGS: SENTENCING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>
01/30/2009	 Reply to Opposition <i>Reply to State's Opposition</i>
02/05/2009	Motion (8:00 AM) Events: 01/12/2009 Motion <i>DEFT'S MTN TO RECUSE THE DISTRICT ATTY'S OFFICE/112 Heard By: Michael Villani</i>
02/05/2009	Joinder (8:00 AM) Events: 01/27/2009 Joinder To Motion <i>DEFT'S JOINDER TO DOMONIC'S MTN TO RECUSE /113 Heard By: Michael Villani</i>
02/05/2009	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 2-05-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
02/10/2009	Motion (8:00 AM) Events: 01/27/2009 Re-Notice <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/114 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>
02/12/2009	Motion (8:00 AM) <i>DEFT'S MTN FOR MEDICAL FEES & COSTS/114 Court Clerk: Kristen Brown Reporter/Recorder: Patti Slattery Heard By: Michael Villani</i>
02/17/2009	 Reporters Transcript <i>Transcript of Hearing Held on February 5, 2009</i>
02/17/2009	 Reporters Transcript <i>Transcript of Hearing Held on February 10, 2009</i>
02/17/2009	 Reporters Transcript <i>Transcript of Hearing Held on January 20, 2009</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2















02/23/2009	 Reporters Transcript <i>Transcript of Hearing Held on February 12, 2009</i>
03/16/2009	 Ex Parte Order <i>Ex Parte Order Allowing Contact Visits with Mitigation Experts Palmer Investigative Services</i>
03/16/2009	 Ex Parte Order <i>Ex Parte Order Allowing Contact Visits with Mitigation Experts Palmer Investigative Services</i>
05/18/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits</i>
05/18/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits</i>
05/18/2009	 Ex Parte Order <i>Ex Parte Order Allowing Contact Visits</i>
05/18/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits</i>
05/18/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits</i>
05/18/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits</i>
05/19/2009	 Motion <i>Motion for Medical Treatment and Transportation</i>
05/19/2009	 Receipt of Copy
05/20/2009	 Subpoena Duces Tecum <i>Subpoena</i>
05/26/2009	 Subpoena Duces Tecum <i>Subpoena</i>
06/02/2009	Motion (8:00 AM) Events: 05/19/2009 Motion <i>DEFT'S MOTION FOR MEDICAL TREATMENT AND TRANSPORATION Court Clerk: Kristen Brown Relief Clerk: Michele Tucker/mlt Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
06/09/2009	 Subpoena Duces Tecum <i>Subpoena</i>
08/18/2009	 Subpoena Duces Tecum <i>Subpoena</i>
08/20/2009	 Motion in Limine

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2













*Motion in Limine to Prohibit Introduction of Hearsay Statements Made by Co-Defendant
McCarty and Others that Reference Defendant Malone at the Time of Trial*

08/20/2009	 Motion <i>Defendant's Motion to Require the Court to Advise the Prospective Jurors as to the Mandatory Sentences Required if the Defendant is Convicted of Second Degree Murder and/or First Degree Kidnapping</i>
08/20/2009	 Receipt of Copy
08/20/2009	 Receipt of Copy
08/21/2009	 Receipt of Copy
08/21/2009	 Opposition to Motion <i>Opposition to Defendant Malone's Motion to Require the Court to Advise the Prospective Jurors as to the Mandatory Sentences if the Defendant is Convicted of Second Degree Murder and/or First Degree Kidnapping</i>
08/26/2009	 Opposition to Motion in Limine <i>State's Opposition to Defendant Malone's Motion in Limine to Prohibit Introduction of Hearsay Statements Made by Co-Defendant Malone at the Time of Trial</i>
08/27/2009	 Reply to Opposition <i>Reply to Opposition to Motion</i>
08/31/2009	 Subpoena Duces Tecum <i>Subpoena</i>
09/01/2009	Motion in Limine (8:00 AM) Events: 08/20/2009 Motion in Limine <i>DEFT'S MTN IN LIMINE TO PROHIBIT INTRODUCTION/117 Heard By: Michael Villani</i>
09/01/2009	Motion (8:00 AM) Events: 08/20/2009 Motion <i>DEFT'S MTN TO REQUIRE THE COURT TO ADVSE/118 Heard By: Michael Villani</i>
09/01/2009	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 9-01-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
09/09/2009	 Reporters Transcript <i>Transcript of Hearing Held on September 1, 2009</i>
09/15/2009	 Motion <i>Motion to Place on Calendar on Order Shortening Time to Continue Trial Date</i>
09/18/2009	 Motion to Suppress <i>Motion to Suppress Statements of Defendant, or in the Alternative, Motion in Limine</i>
09/18/2009	 Notice of Expert Witnesses <i>Notice of Defendant's Expert Witness [NRS 174.089(2)]</i>
09/18/2009	 Subpoena Duces Tecum










DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	<i>Subpoena</i>
09/18/2009	 Receipt of Copy
09/21/2009	 Opposition to Motion <i>Opposition to Defendant's Motion to Continue Trial Date</i>
09/21/2009	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234(2)]</i>
09/22/2009	Motion to Continue (8:00 AM) Events: 09/15/2009 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE ON OST/0120 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
09/23/2009	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234(2)]</i>
09/24/2009	 Notice <i>Notice of Evidence in Aggravation</i>
09/24/2009	 Notice <i>Notice of Evidence in Aggravation</i>
09/29/2009	Motion to Suppress (8:00 AM) Events: 09/18/2009 Motion to Suppress <i>DEFT'S MTN TO SUPPRESS STATEMENTS OF DEFENDANT Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
09/29/2009	 Ex Parte Application <i>Ex-Parte Application Allowing Contact Visits with Melissa Estores</i>
09/29/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits</i>
09/29/2009	 Ex Parte Order <i>Ex-Parte Order Allowing Contact Visits with Expert Dr. Michael R. Klein, JR., MD., F.A.C.S.</i>
09/29/2009	 Ex Parte Application <i>Ex-Parte Application Allowing Contact Visits with Defendant by Expert Dr. Michael R. Klein, JR., MD., F.A.C.S.</i>
09/30/2009	 Order Granting Motion <i>Order Granting Defendant's Motion and Order to Transport</i>
10/01/2009	 Motion <i>Motion to Waive Trial by Jury on All Counts Alleging the Named Victim Mellissa Estores</i>
10/01/2009	 Receipt of Copy
10/01/2009	 Subpoena Duces Tecum <i>Subpoena</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2










10/02/2009	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234(1)(a)]</i>
10/05/2009	 Response <i>State's Response to Defendant's Motion to Waive Trial by Jury on All Alleging the Named Victim Mellissa Estores</i>
10/05/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/05/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/05/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/06/2009	CANCELED Calendar Call (8:00 AM) <i>Vacated</i>
10/06/2009	Calendar Call (8:00 AM) <i>CALENDAR CALL (VC 03-25-10) Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/07/2009	 Supplemental Witness List <i>Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>
10/07/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/07/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/07/2009	 Brief <i>Brief in Support of State's Request for Discovery</i>
10/08/2009	Request (8:00 AM) <i>STATE'S REQUEST STATUS CK/COUNSEL</i>
10/08/2009	Status Check (8:00 AM) <i>STATUS CHECK: VIDEO TAPES/STATE'S MTN FOR DOCUMENTS PRODUCED TO EXPERT WITNESS</i>
10/08/2009	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 10-08-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/08/2009	 Notice of Witnesses <i>Notice of Defendant's Witnesses [NRS 174.234(1)(b)]</i>
10/08/2009	 Receipt of Copy
10/09/2009	 Supplemental Witness List <i>Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>
10/12/2009	

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2













	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/12/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/12/2009	All Pending Motions (10:00 AM) <i>ALL PENDING MOTIONS 10-12-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/13/2009	CANCELED Motion (8:00 AM) Events: 10/01/2009 Motion <i>Vacated</i>
10/20/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/20/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/20/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/20/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/20/2009	 Affidavit <i>Affidavit of Anthony P. Sgro, Esq.</i>
10/22/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/22/2009	 Subpoena Duces Tecum <i>Subpoena</i>
10/22/2009	 Order Denying Motion <i>Order Denying Defendant's Motion to Suppress Statements of Defendant</i>
10/27/2009	Status Check (8:00 AM) <i>STATUS CHECK: TRIAL SETTING/POSSIBLE CONFLICT</i>
10/27/2009	Status Check (8:00 AM) <i>STATUS CHECK: TRIAL SETTING/POSSIBLE CONFLICT</i>
10/27/2009	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 10-27-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
10/28/2009	 Subpoena Duces Tecum <i>Subpoena</i>
11/04/2009	 Subpoena Duces Tecum <i>Subpoena</i>
11/10/2009	Further Proceedings (8:00 AM)

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2









FURTHER PROCEEDINGS: SENTENCING Court Clerk: Sandra Jeter Relief Clerk: Pamela Humphrey & Kathy Klein/kk Reporter/Recorder: Rachelle Hamilton

11/10/2009	Motion for Confirmation of Counsel (8:00 AM) <i>CONFIRMATION OF COUNSEL (HART)</i>
11/10/2009	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 11-10-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Valerie Adair</i>
12/03/2009	 Motion <i>Motion for Trial (Speedy) and or in the Alternative Motion to Withdraw Counsel</i>
12/15/2009	Motion (8:15 AM) Events: 12/03/2009 Motion <i>DEFT'S PRO PER MTN FOR SPEEDY TRIAL OR MTN T Relief Clerk: Nicole McDevitt Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
01/08/2010	Hearing (9:00 AM) <i>FARETTA CANVAS Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
02/01/2010	 Motion <i>Motion to Preserve and Produce Evidence Including Potentially Exculpatory Evidence</i>
02/01/2010	 Ex Parte Motion <i>Ex Parte Motion for Expenses for Private Investigators</i>
02/16/2010	Motion (8:15 AM) Events: 02/01/2010 Motion <i>DEFT'S PRO PER MTN FOR TO PRESERVE AND PRODU Heard By: Michael Villani</i>
02/16/2010	Motion (8:15 AM) Events: 02/01/2010 Ex Parte Motion <i>DEFT'S PRO PER EXPARTE MTN FOR EXPENSES FOR Heard By: Michael Villani</i>
02/16/2010	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS (02-16-10) Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
02/26/2010	 Order Granting Motion <i>Order Granting Defendant's Motion</i>
03/02/2010	 Motion <i>Motion for Judicial Determination of Standby Counsels Obligations Pursuant to Hollaway V. State.</i>
03/03/2010	 Receipt of Copy
03/03/2010	 Certificate of Facsimile
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on January 8, 2010</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on December 15, 2009</i>














DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on October 12, 2009</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on October 6, 2009</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on September 22, 2009</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on October 27, 2009</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on September 29, 2009</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on October 8, 2009</i>
03/05/2010	 Reporters Transcript <i>Transcript of Hearing Held on February 16, 2010</i>
03/16/2010	Motion (8:15 AM) Events: 03/02/2010 Motion <i>DEFT'S MTN FOR JUDICIAL DETERMINATION OF Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
03/18/2010	Motion (8:15 AM) <i>MOTION FOR JUDICIAL DETERMINATION Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>
03/18/2010	 Motion to Sever <i>Renewed Motion to Sever</i>
03/22/2010	 Ex Parte Application <i>Ex Parte Application and Order to Prepare Transcripts</i>
03/24/2010	 Order <i>Order for Daily Transcripts</i>
03/25/2010	Motion (8:15 AM) <i>MOTION FOR JUDICIAL DETERMINATION Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
03/25/2010	 Motion to Reconsider <i>Motion for Reconsideration of Writ of Habeas Corpus</i>
03/29/2010	 Motion in Limine <i>Motion in Limine to Prohibit Introduction of Hearsay Statements Made by Co-Defendant McCarty and Others that Reference Defendant Malone at the Time of Trial</i>
03/30/2010	CANCELED Calendar Call (8:15 AM) <i>Vacated</i>
03/30/2010	

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	CANCELED Calendar Call (8:15 AM) <i>Vacated</i>
03/30/2010	Motion to Sever (8:15 AM) Events: 03/18/2010 Motion to Sever <i>MCCARTY'S RENEWED MOTION TO SEVER Heard By: Michael Villani</i>
04/05/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/05/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/09/2010	 Opposition to Motion <i>Opposition to Defendant Malone's Motion for Reconsideration of Writ of Habeas Corpus</i>
04/09/2010	 Opposition to Motion <i>State's Opposition to McCarty's Renewed Motion to Sever</i>
04/12/2010	 Reporters Transcript <i>Transcript of Hearing Held on March 25, 2010</i>
04/12/2010	 Reporters Transcript <i>Transcript of Hearing Held on March 16, 2010</i>
04/12/2010	 Reporters Transcript <i>Transcript of Hearing Held on March 18, 2010</i>
04/13/2010	Motion to Sever (8:15 AM) <i>MCCARTY'S RENEWED MOTION TO SEVER Heard By: Michael Villani</i>
04/13/2010	Motion (8:15 AM) Events: 03/25/2010 Motion to Reconsider <i>MOTION FOR RECONSIDERATION OF WRIT OF MTN</i>
04/13/2010	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS (04-13-10) Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
04/14/2010	 Reporters Transcript <i>Transcript of Hearing Held on April 13, 2010</i>
04/29/2010	Motion to Sever (8:15 AM) <i>MCCARTY'S RENEWED MOTION TO SEVER Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
05/18/2010	Status Check (8:15 AM) <i>STATUS CHECK: SENTENCING Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
05/18/2010	 Reporters Transcript <i>Transcript of Hearing Held on April 29, 2010</i>
07/08/2010	 Motion <i>Motion for Paralegal; Financial Assistance; Medical; Private Investigator(s)</i>


DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

07/08/2010	 Receipt of Copy
07/20/2010	Motion (8:15 AM) Events: 07/08/2010 Motion <i>DEFT'S MOTION FOR PARALEGAL FINANCIAL ASSISTANCE MEDICAL PRIVATE INVESTIGATOR Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>
07/27/2010	 Motion (8:15 AM) (Judicial Officer: Villani, Michael) <i>Deft. Malone's Motion for Paralegal, Financial Assistance, Medical, Private Investigator</i>
08/02/2010	 Motion to Suppress Filed By: Defendant Malone, Domonic R <i>Motion to Suppress Statements of Correna Phillips or in the Alternative Motion in Limine to Prohibit Introduction of Statements Made by State Witness 'Phillips' at the Time of Trial</i>
08/09/2010	 Motion Filed By: Defendant Malone, Domonic R <i>Motion for Paralegal - (Rehearing)</i>
08/12/2010	 Motion to Suppress (8:15 AM) (Judicial Officer: Villani, Michael) 08/12/2010, 08/26/2010, 08/31/2010 Events: 08/02/2010 Motion to Suppress <i>Defendant's Pro Per Motion To Suppress Statements Of Correna Phillips Or In The Alternative Motion In Limine To Prohibit Introduction Of Statements Made By State Witness 'Phillips' At The Time Of Trial</i>
08/19/2010	 Response Filed by: Defendant Malone, Domonic R <i>Response to States Opposition to Defendants Motion to Suppress Statements</i>
08/26/2010	Motion (8:15 AM) (Judicial Officer: Villani, Michael) 08/26/2010, 08/31/2010, 09/21/2010 Events: 08/09/2010 Motion <i>Motion For Paralegal - (Rehearing)</i>
08/26/2010	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)
08/31/2010	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)
09/10/2010	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>
09/14/2010	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) 09/14/2010, 09/21/2010 <i>Status Check: Use Of CCDC Law Library</i>
09/22/2010	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on July 20, 2010</i>
09/22/2010	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on July 27, 2010</i>
09/22/2010	 Recorders Transcript of Hearing


DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Transcript of Hearing Held on August 12, 2010


09/22/2010

 **Recorders Transcript of Hearing**
Transcript of Hearing Held on August 26, 2010


09/22/2010

 **Recorders Transcript of Hearing**
Transcript of Hearing Held on August 31, 2010

09/22/2010

 **Recorders Transcript of Hearing**
Transcript of Hearing Held on September 14, 2010


09/22/2010

 **Recorders Transcript of Hearing**
Transcript of Hearing Held on September 21, 2010


09/24/2010

 **Order**
Filed By: Plaintiff State of Nevada
Order for Daily Transcripts

09/27/2010

 **Order Granting Motion**
Filed By: Defendant Malone, Domonic R
Order Granting Defendant's Motion for Access to Law Library

09/30/2010

 **Status Check (8:15 AM)** (Judicial Officer: Villani, Michael)
Jury Questionnaire


10/05/2010

CANCELED Calendar Call (8:15 AM)
Vacated


10/05/2010

CANCELED Calendar Call (8:15 AM)
Vacated


10/05/2010

 **Status Check (10:00 AM)** (Judicial Officer: Villani, Michael)
Jury Questionnaire

10/05/2010

 **Writ of Habeas Corpus**
Writ of Habeas Corpus Ad Testificandum


10/05/2010

 **Order for Petition for Writ of Habeas Corpus**
Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner

10/05/2010

 **Petition**
Filed by: Plaintiff State of Nevada


10/05/2010

 **Application**
Filed By: Plaintiff State of Nevada
Application for Production of Inmate Ryan Noe















10/07/2010

 **Supplemental Witness List**
Supplemental Notice of Witnesses [NRS 174.234(1)(a)]

10/08/2010







 **Writ of Habeas Corpus**
Writ of Habeas Corpus Ad Testificandum

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2










10/08/2010	 Order Filed By: Plaintiff State of Nevada <i>Order Requiring Material Witness to Post Bail or be Committed to Custody</i>
10/08/2010	 Warrant <i>Warrant of Arrest</i>
10/08/2010	 Ex Parte Application Party: Plaintiff State of Nevada <i>Ex Parte Application for Order Requiring Material Witness to Post Bail</i>
10/08/2010	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on October 5, 2010</i>
10/08/2010	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on September 30, 2010</i>
10/08/2010	 Petition Filed by: Plaintiff State of Nevada
10/08/2010	 Order Filed By: Plaintiff State of Nevada <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>
10/08/2010	 Application Filed By: Plaintiff State of Nevada <i>Application for Production of Inmate Leonard Robinson</i>
10/11/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated - per Judge</i>
10/11/2010	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/13/2010	 Order for Production of Inmate <i>Order for Production of Inmate Melissa Estores, BAC # 1035695</i>
10/14/2010	 Bench Warrant Return Filed By: Defendant Malone, Domonic R
10/15/2010	 Order Filed By: Plaintiff State of Nevada <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>
10/15/2010	 Petition Filed by: Plaintiff State of Nevada
10/15/2010	 Application Filed By: Plaintiff State of Nevada <i>Application for Production of Inmate Ryan Noe</i>
10/20/2010	 Writ of Habeas Corpus

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2












Writ of Habeas Corpus Ad Testificandum

10/21/2010	 Bail Bond
10/21/2010	 Receipt <i>Surety Bond Receipt</i>
10/22/2010	CANCELED Bench Warrant Return (9:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
10/23/2010	 Order for Production of Inmate <i>Order for Production of Inmate Melissa Estores, BAC # 1035695</i>
10/26/2010	Calendar Call (8:15 AM) (Judicial Officer: Villani, Michael)
10/26/2010	Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Jury Questionnaire</i>
10/26/2010	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)
11/01/2010	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i>
11/01/2010	 Motion to Dismiss Filed By: Defendant Malone, Domonic R <i>Motion to Dismiss for Prosecutorial Misconduct Grounds Brady Violation or in the Alternative the Jury to be Instructed on Malone's Exact Whereabouts During the Time of Murder(s)</i>
11/03/2010	 Amended Information Filed By: Plaintiff State of Nevada <i>Second Amended Information</i>
11/03/2010	Disposition (Judicial Officer: Villani, Michael) 7. KIDNAPPING IN FIRST DEGREE Charges Amended/Dropped PCN: Sequence: 7. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped PCN: Sequence: 11. CONSPIRACY TO COMMIT A CRIME Charges Amended/Dropped PCN: Sequence: 14. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped PCN: Sequence: 16. DEGREES OF MURDER Charges Amended/Dropped PCN: Sequence: 16. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped PCN: Sequence:

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	<p>18. ROBBERY Charges Amended/Dropped PCN: Sequence:</p> <p>18. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped PCN: Sequence:</p>
11/09/2010	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) 11/09/2010, 11/18/2010, 11/23/2010 <i>Trial Setting</i>
11/18/2010	Motion to Dismiss (8:15 AM) (Judicial Officer: Villani, Michael) 11/18/2010, 11/23/2010 Events: 11/01/2010 Motion to Dismiss <i>Defendant's Pro Per Moton for Prosecutorial Misconduct Grounds Brady Violation or in the Alternative the Jury to be Instructed on Malone's Exact Whereabouts During the Time of Murder(s)</i>
11/18/2010	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)
11/23/2010	CANCELED Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
11/23/2010	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)
01/08/2011	 Motion to Dismiss Counsel Party: Defendant Malone, Domonic R <i>Motion to Dismiss Stand-By Counsel</i>
01/08/2011	 Motion Filed By: Defendant Malone, Domonic R <i>Motion for (Full Transcript) Discovery of Prosecution, Records, Files and Information Necessary to a Fair Trial</i>
01/12/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on October 26, 2010</i>
01/12/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on November 9, 2010</i>
01/12/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on November 18, 2010</i>
01/12/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on November 23, 2010</i>
01/25/2011	Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 01/08/2011 Motion to Dismiss Counsel <i>Pro Per Motion to Dismiss Standby Counsel</i>
01/25/2011	Motion (8:15 AM) (Judicial Officer: Villani, Michael)

















DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	Events: 01/08/2011 Motion <i>Pro Per Motion for Full Transcript, Discovery of Prosecution, Records, Files and Information Necessary to a Fair Trial</i>
01/25/2011	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)
02/28/2011	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 25, 2011</i>
04/29/2011	 Memorandum Filed By: Defendant Malone, Domonic R
05/25/2011	 Motion Filed By: Defendant Malone, Domonic R <i>Motion for Complete Rough Draft Transcript</i>
05/31/2011	CANCELED Calendar Call (8:15 AM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
06/02/2011	 Motion for Discovery Filed By: Defendant Malone, Domonic R <i>Motion for Discovery of Prosecution Records, Files and Information Necessary to a Fair Trial</i>
06/06/2011	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Villani, Michael) <i>Vacated</i>
06/09/2011	 Motion (8:15 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/25/2011 Motion <i>Motion for Complete Rough Draft Transcript</i>
06/21/2011	 Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 06/02/2011 Motion for Discovery <i>Motion for Discovery of Prosecution Records, Files and Information Necessary to a Fair Trial</i>
06/22/2011	 Document Filed Filed by: Defendant Malone, Domonic R <i>Documents Per Court Order</i>
06/29/2011	 Motion Filed By: Defendant Malone, Domonic R <i>Motion for Complete Rough Draft Transcript of (Case No. C224572-1)</i>
06/29/2011	 Motion for Discovery Filed By: Defendant Malone, Domonic R <i>Motion for Discovery of Prosecution Records Files and Information Necessary to a Fair Trial</i>
06/29/2011	 Ex Parte Filed By: Defendant Malone, Domonic R <i>Ex Parte Communication (Defendant Memorandum to Court)</i>
07/12/2011	Motion (8:15 AM) (Judicial Officer: Villani, Michael) 07/12/2011, 07/19/2011 Events: 06/29/2011 Motion <i>Pro Se Motion for Complete Rough Draft Transcript of Case C224572-1</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

07/12/2011	<p>Motion (8:15 AM) (Judicial Officer: Villani, Michael) 07/12/2011, 07/19/2011 Events: 06/29/2011 Motion for Discovery <i>Pro Se Motion for Discovery of Prosecution Records Files and Information Necessary to a Fair Trial</i></p>
07/12/2011	<p> All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael) <i>Pro Se Motion for Complete Rough Draft Transcript of Case No. C224572-1 . . . Pro Se Motion for Discovery of Prosecution Records, Files, and Indormation Necessary to a Fair Trial</i></p>
07/19/2011	<p> All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)</p>
07/25/2011	<p> Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on July 19, 2011</i></p>
07/25/2011	<p> Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on July 12, 2011</i></p>
07/25/2011	<p> Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on June 21, 2011</i></p>
07/25/2011	<p> Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on June 9, 2011</i></p>
07/27/2011	<p> Motion to Withdraw As Counsel Filed By: Defendant Malone, Domonic R <i>Motion for Withdrawal of Counsel</i></p>
07/27/2011	<p> Receipt of Copy</p>
08/09/2011	<p> Motion to Withdraw as Counsel (8:15 AM) (Judicial Officer: Villani, Michael) Events: 07/27/2011 Motion to Withdraw As Counsel <i>David Schieck's Motion to Withdraw as Counsel</i></p>
09/21/2011	<p> Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on August 9, 2011</i></p>
11/16/2011	<p> Notice of Expert Witnesses <i>Notice of Expert Witness [NRS 174.234(2)]</i></p>
11/30/2011	<p> Supplemental Witness List <i>Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i></p>
11/30/2011	<p> Supplemental <i>Supplemental Notice of Evidence in Aggravation</i></p>
12/15/2011	<p> Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Trial Status/Jury Questionnaire</i></p>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

12/16/2011	 Order <i>Order for Payment of Witness Fees</i>
12/16/2011	 Request for Attendance of Out-Of-State Witness <i>Request for Attendance of Out-of-State Witness Ramaan Hall</i>
12/16/2011	 Certificate for Attendance of Out-Of-State Witness <i>Certificate for Attendance of Out-of-State Witness Ramaan Hall</i>
12/16/2011	 Warrant <i>Warrant of Arrest</i>
12/16/2011	 Order <i>Order Requiring Material Witness to Post Bail or be Committed to Custody</i>
12/16/2011	 Ex Parte Application <i>Ex Parte Application for Order Requiring Material Witness to Post Bail</i>
12/30/2011	 Notice of Witnesses Party: Defendant Malone, Domonic R <i>Notice of Alibi Witness</i>
12/30/2011	 Order for Issuance of Writ of Habeas Corpus ad Prosequendum Party: Plaintiff State of Nevada <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>
12/30/2011	 Petition Filed by: Plaintiff State of Nevada
12/30/2011	 Application Filed By: Plaintiff State of Nevada <i>Application for Production of Inmate Ryan Patrick Noe</i>
12/30/2011	 Records Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on December 15, 2011</i>
01/03/2012	 Calendar Call (8:15 AM) (Judicial Officer: Villani, Michael)
01/06/2012	 Ex Parte Order Filed By: Defendant Malone, Domonic R <i>Ex Parte Order Allowing Contact Visit for Haircut</i>
01/09/2012	 Order Filed By: Plaintiff State of Nevada <i>Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>
01/09/2012	 Writ of Habeas Corpus <i>Writ of Habeas Corpus Ad Testificandum</i>
01/09/2012	 Petition

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Filed by: Plaintiff State of Nevada

01/09/2012



Application

Filed By: Plaintiff State of Nevada

Application for Production of Inmate Ryan Patrick Noe

01/09/2012



Recorders Transcript of Hearing

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 3, 2012

01/10/2012



Jury Trial (10:00 AM) (Judicial Officer: Villani, Michael)

01/10/2012-01/13/2012, 01/17/2012-01/20/2012, 01/23/2012-01/27/2012, 01/30/2012-02/01/2012, 02/06/2012-02/10/2012

01/11/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 10, 2012

01/12/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 11, 2012

01/13/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 12, 2012

01/13/2012



Jury List

01/17/2012



Motion in Limine

Filed By: Defendant Malone, Domonic R

Motion in Limine to Bar Improper Prosecutorial Argument

01/17/2012



Receipt of Copy

01/17/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 13, 2012

01/18/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 17, 2012

01/19/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 18, 2012

01/20/2012



Transcript of Proceedings

Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 19, 2012

01/23/2012













Transcript of Proceedings






Party: Plaintiff State of Nevada

Transcript of Hearing Held on January 20, 2012

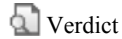
DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

01/24/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on January 23, 2012</i>
01/25/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on January 24, 2012</i>
01/26/2012	 Objection Filed By: Defendant Malone, Domonic R <i>Malone's Objections to the State's Proposed Trial Phase Jury Instructions</i>
01/26/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on January 25, 2012</i>
01/27/2012	 Points and Authorities Filed by: Defendant Malone, Domonic R <i>Points and Authorities in Opposition to the Introduction of the Non-Testifying Co-Defendant's Recorded Telephone Call</i>
01/27/2012	 Points and Authorities Filed by: Defendant Malone, Domonic R <i>Points and Authorities in Reply to Defendant's Opposition to the Introduction of the Non-Testifying Co-Defendant's Recorded Telephone Call</i>
01/27/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on January 26, 2012</i>
01/30/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on January 27, 2012</i>
01/30/2012	 Opposition to Motion <i>State's Opposition to Defendant Malone's Motion in Limine to Preclude Presentation of "Other Matter" Evidence Related to Another Homicide</i>
01/30/2012	 Amended Information Filed By: Plaintiff State of Nevada <i>Third Amended Information</i>
01/30/2012	Disposition (Judicial Officer: Villani, Michael) 3. CONSPIRACY TO COMMIT A CRIME Charges Amended/Dropped PCN: Sequence: 3. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped PCN: Sequence:
01/30/2012	Disposition (Judicial Officer: Villani, Michael) 4. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped PCN: Sequence:

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-2

01/30/2012	<p>Disposition (Judicial Officer: Villani, Michael)</p> <p>10. CONSPIRACY TO COMMIT A CRIME Charges Amended/Dropped PCN: Sequence:</p> <p>10. DEGREES OF MURDER Charges Amended/Dropped PCN: Sequence:</p>
01/30/2012	<p>Disposition (Judicial Officer: Villani, Michael)</p> <p>13. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped PCN: Sequence:</p> <p>15. DEGREES OF MURDER Charges Amended/Dropped PCN: Sequence:</p> <p>15. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped PCN: Sequence:</p> <p>17. ROBBERY Charges Amended/Dropped PCN: Sequence:</p> <p>17. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped PCN: Sequence:</p>
01/30/2012	<p>Disposition (Judicial Officer: Villani, Michael)</p> <p>1. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped PCN: Sequence:</p>
01/31/2012	<p> Motion (8:15 AM) (Judicial Officer: Villani, Michael) Events: 01/17/2012 Motion in Limine <i>Motion in Limine to Bar Improper Prosecutorial Argument</i></p>
01/31/2012	<p> Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on January 30, 2012</i></p>
01/31/2012	<p> Reply to Opposition Filed by: Defendant Malone, Domonic R <i>Reply to State's Opposition of Defendant's Motion to Admit Evidence of Other Bad Acts, in Limine to Bar Improper Prosecutorial Argument</i></p>
01/31/2012	<p> Instructions to the Jury</p>
02/01/2012	<p> Transcript of Proceedings <i>Transcript of Hearing Held on January 31, 2012</i></p>
02/01/2012	

DEPARTMENT 17
CASE SUMMARY
CASE No. 06C224572-2



Verdict

02/01/2012

Disposition (Judicial Officer: Villani, Michael)

1. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY)

Guilty

PCN: Sequence:

2. CONSP KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

3. KIDNAPPING IN FIRST DEGREE

Guilty

PCN: Sequence:

4. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY)

Guilty

PCN: Sequence:

7. CONSP BURGLARY

Guilty

PCN: Sequence:

8. CONSP KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

9. CONSP MURDER

Guilty

PCN: Sequence:

11. KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

12. KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

13. MURDER WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

14. MURDER WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

15. ROBBERY WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

16. ROBBERY WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

02/01/2012

Disposition (Judicial Officer: Villani, Michael)

5. ROBBERY

Not Guilty

PCN: Sequence:

6. PANDERING














DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Not Guilty
PCN: Sequence:

10. BURGLARY
Not Guilty
PCN: Sequence:

02/02/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 1, 2012</i>
02/03/2012	 Motion For Reconsideration (9:30 AM) (Judicial Officer: Villani, Michael) <i>State's Motion for Reconsideration</i>
02/03/2012	 Decision (9:30 AM) (Judicial Officer: Villani, Michael) <i>Decision: State's Motion to Reconsider the Exclusion of Highly Probative and Admissible Evidence from the Penalty Hearing</i>
02/03/2012	 Order Granting Motion Filed By: Defendant Malone, Domonic R <i>Order Granting Defendant's Motion to Preclude Evidence of other Bad Acts Evidence Entitled Motion in Limine to Bar Improper Prosecutorial Argument</i>
02/03/2012	 Motion to Reconsider <i>Motion to Reconsider the Exclusion of Highly Probative and Admissible Evidence from the Penalty Hearing</i>
02/06/2012	 Motion Filed By: Defendant Malone, Domonic R <i>Motion to Recuse the Clark County District Attorney's Office</i>
02/06/2012	 Objection Filed By: Defendant Malone, Domonic R <i>Malone's Objections to the State's Proposed Penalty Phase Jury Instructions</i>
02/06/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 3, 2012</i>
02/07/2012	 Receipt of Copy Filed by: Plaintiff State of Nevada
02/07/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 6, 2012</i>
02/08/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 7, 2012</i>
02/09/2012	 Instructions to the Jury
02/09/2012	 Transcript of Proceedings

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

	Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 8, 2012</i>
02/10/2012	 Order Granting Motion Filed By: Plaintiff State of Nevada <i>Order Granting State's Motion for Reconsideration</i>
02/10/2012	 Special Verdict Form
02/13/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 9, 2012</i>
02/15/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 10, 2012</i>
02/16/2012	 Request (8:15 AM) (Judicial Officer: Villani, Michael) <i>State's Request: Recall Material Witness Warrant for Ramaan Hall</i>
02/16/2012	CANCELED Hearing (8:15 AM) (Judicial Officer: Villani, Michael) <i>Vacated - On in Error</i>
02/24/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on February 16, 2012</i>
02/28/2012	 Ex Parte Application Party: Defendant Malone, Domonic R <i>Ex Parte Application and Order to Prepare Transcripts</i>
03/26/2012	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
03/27/2012	 Motion for New Trial Filed By: Defendant Malone, Domonic R <i>Defendant's Motion for New Trial</i>
04/10/2012	 Motion for New Trial (8:15 AM) (Judicial Officer: Villani, Michael) Events: 03/27/2012 Motion for New Trial <i>Pro Se Defendant's Motion for New Trial</i>
04/10/2012	 Ex Parte Application Party: Defendant Malone, Domonic R <i>Ex Parte Application and Order to Prepare Transcripts</i>
04/10/2012	 Receipt of Copy
04/12/2012	 Sentencing (8:15 AM) (Judicial Officer: Villani, Michael) 04/12/2012, 04/24/2012
04/24/2012	Plea (Judicial Officer: Villani, Michael) 1. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY) Guilty

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

PCN: Sequence:

2. CONSP KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

3. KIDNAPPING IN FIRST DEGREE

Guilty

PCN: Sequence:

4. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY)

Guilty

PCN: Sequence:

7. CONSP BURGLARY

Guilty

PCN: Sequence:

8. CONSP KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

9. CONSP MURDER

Guilty

PCN: Sequence:

11. KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

12. KIDNAP 1ST DEGREE

Guilty

PCN: Sequence:

13. MURDER WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

14. MURDER WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

15. ROBBERY WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

16. ROBBERY WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

04/24/2012

Sentence (Judicial Officer: Villani, Michael)

16. ROBBERY WITH A DEADLY WEAPON

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:48 Months, Maximum:180 Months

Consecutive Enhancement: Minimum:48 Months, Maximum:180 Months

Consecutive: Charge 15

Credit for Time Served: 2148 Days

Fee Totals:

Administrative

Assessment Fee









\$25

25.00

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

















	DNA Analysis Fee	150.00
	\$150	
	Indigent Defense	
	Civil Assessment	250.00
	Fee - ASK	
	Fee Totals \$	425.00
	Other Fees	
	1. , \$2,554.41 Jointly and Severally.	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	15. ROBBERY WITH A DEADLY WEAPON	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Minimum:48 Months, Maximum:180 Months	
	Consecutive Enhancement: Minimum:48 Months, Maximum:180 Months	
	Concurrent: Charge 14	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	14. MURDER WITH A DEADLY WEAPON	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Life without the possibility of parole	
	Consecutive Enhancement: Life without the possibility of parole	
	Consecutive: Charge 13	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	13. MURDER WITH A DEADLY WEAPON	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Life without the possibility of parole	
	Consecutive Enhancement: Life without the possibility of parole	
	Consecutive: Charge 12	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	12. KIDNAP 1ST DEGREE	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Life without the possibility of parole	
	Consecutive Enhancement: Life without the possibility of parole	
	Consecutive: Charge 11	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	11. KIDNAP 1ST DEGREE	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Life without the possibility of parole	
	Consecutive: Charge 9	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	9. CONSP MURDER	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Minimum:48 Months, Maximum:120 Months	
	Consecutive: Charge 8	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	8. CONSP KIDNAP 1ST DEGREE	
	Adult Adjudication	
	Sentenced to Nevada Dept. of Corrections	
	Term: Minimum:24 Months, Maximum:60 Months	
	Concurrent: Charge 7	
04/24/2012	Sentence (Judicial Officer: Villani, Michael)	
	7. CONSP BURGLARY	

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2




	Adult Adjudication Sentenced to CCDC Term: 12 Months Consecutive: Charge 3
04/24/2012	Sentence (Judicial Officer: Villani, Michael) 4. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY) Adult Adjudication Sentenced to CCDC Term: 6 Months Concurrent: Charge 3
04/24/2012	Sentence (Judicial Officer: Villani, Michael) 3. KIDNAPPING IN FIRST DEGREE Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:5 Years Concurrent: Charge 2
04/24/2012	Sentence (Judicial Officer: Villani, Michael) 2. CONSP KIDNAP 1ST DEGREE Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:24 Months, Maximum:60 Months Consecutive: Charge 1
04/24/2012	Sentence (Judicial Officer: Villani, Michael) 1. BATTERY WITH SUBSTANTIAL BODILY HARM (FELONY) Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:19 Months, Maximum:48 Months
05/08/2012	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
05/24/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on April 24, 2012</i>
05/24/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on April 12, 2012</i>
05/24/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Hearing Held on April 10, 2012</i>
06/05/2012	 Case Appeal Statement Filed By: Defendant Malone, Domonic R
06/05/2012	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
06/05/2012	 Certificate <i>Certificate of No Request for Transcript of Proceedings</i>
01/17/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

Nevada Supreme Court Clerk's Certificate Judgment - Affirmed

05/07/2014	 Notice of Withdrawal Filed by: Defendant Malone, Domonic R <i>Notice of Withdrawal as Attorney of Record</i>
06/03/2014	 Motion for Withdrawal Filed By: Defendant Malone, Domonic R <i>Motion for Withdrawal of Attorney of Record or in the Alternative, Request for Records/Court Case Documents</i>
06/23/2014	 Certificate of Mailing
06/24/2014	 Motion to Withdraw as Counsel (8:15 AM) (Judicial Officer: Villani, Michael) <i>Motion for Withdrawal of Attorney of Record on in the Alternative, Request for Records/Court Case Documents</i>
08/13/2014	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post Conviction)</i>
08/13/2014	 Motion for Appointment of Attorney <i>Motion for the Appointment of Counsel; Request for Evidentiary Hearing</i>
08/13/2014	 Affidavit in Support <i>Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>
08/13/2014	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>
08/13/2014	 Certificate <i>Financial Certificate on a Motion to Proceed in Forma Pauperis (Sealed)</i>
08/21/2014	 Order for Petition for Writ of Habeas Corpus
08/26/2014	 Notice of Hearing Filed By: Plaintiff State of Nevada
08/28/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Motion to Appoint Counsel</i>
09/02/2014	 Request (8:15 AM) (Judicial Officer: Villani, Michael) <i>DA's Request: Defendant's Motion for Appointment of Counsel</i>
09/18/2014	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Appointment of Counsel</i>
09/23/2014	 Order Granting Motion Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Pro Per Motion for Appointment of Counsel</i>
09/23/2014	 Motion

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2













	Filed By: Defendant Malone, Domonic R <i>Motion to Assert the Rights of Petitioners 1st, 6th and 14th Amendment as Co-Counsel Grounds/Issues are to Remain the Same in the Habeas Corpus</i>
10/16/2014	Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: File/Briefing Schedule</i>
10/16/2014	Motion (8:15 AM) (Judicial Officer: Villani, Michael) <i>Motion to Assert the Rights of Petitioners 1st, 6th and 14th Amendment as Co-Counsel Grounds/Issues are to Remain the Same in the Habeas Corpus</i>
10/16/2014	 All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: File/Briefing Schedule . . . Motion to Assert the Rights of Petitioners 1st, 6th, and 14th Amendment as Co-Counsel Grounds</i>
10/21/2014	CANCELED Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i>
03/25/2015	 Order Filed By: Defendant Malone, Domonic R
05/21/2015	 Motion Filed By: Defendant Malone, Domonic R <i>Motion to Expand Briefing Schedule</i>
06/09/2015	 Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Motion to Expand Briefing Schedule</i>
07/21/2015	 Ex Parte Motion Filed By: Defendant Malone, Domonic R <i>Defendants Ex Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel</i>
07/21/2015	 Memorandum Filed By: Defendant Malone, Domonic R <i>Memorandum to Court</i>
08/11/2015	 Motion to Dismiss (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Ex Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel</i>
09/14/2015	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Ex Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel</i>
09/17/2015	 Addendum Filed By: Defendant Malone, Domonic R <i>Addendum to Defendants Exparte Motion to Dismiss Appointed Counsel of Records and Resubmit New Appointed Counsel</i>
11/25/2015	 Request Filed by: Defendant Malone, Domonic R <i>Request for Records/Court Case Documents</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

11/25/2015	 Notice of Motion Filed By: Defendant Malone, Domonic R
11/25/2015	 Request Filed by: Defendant Malone, Domonic R <i>Request for Production of Documents, Etc, Under Rule 34</i>
11/25/2015	 Ex Parte Motion Filed By: Defendant Malone, Domonic R <i>Defendants Ex Parte Motion to Dismiss Appointed Counsel of Record and Re-Submit New Appointed Counsel</i>
12/14/2015	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Ex Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel</i>
12/14/2015	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Pro Per Request for Production of Documents, Etc. Under Rule 34</i>
12/17/2015	Motion (8:30 AM) (Judicial Officer: Villani, Michael) 12/17/2015, 01/21/2016 <i>Deft.'s Pro Per Ex-Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel</i>
12/17/2015	Motion (8:30 AM) (Judicial Officer: Villani, Michael) 12/17/2015, 01/21/2016 <i>Deft.'s Pro Per Motion Regarding Request for Records/Court Case Documents</i>
12/17/2015	 All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Pro Per Ex-Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel . . . Deft.'s Pro Per Motion Regarding Request for Records/Court Case Documents Deft.'s Pro Per Motion Regarding Request for Records/Court Case Documents</i>
12/28/2015	 Request Filed by: Defendant Malone, Domonic R <i>Request for Submission of Motion</i>
12/28/2015	 Request Filed by: Defendant Malone, Domonic R <i>Request for Submission of Motion</i>
12/28/2015	 Reply to Opposition Filed by: Defendant Malone, Domonic R <i>Reply to State's Opposition to Defendant's Ex Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel</i>
12/28/2015	 Reply to Opposition Filed by: Defendant Malone, Domonic R <i>Reply to State's Opposition to Defendant's Pro Per Request for Production of Documents, ETC . Under Rule 34</i>
01/06/2016	 Motion Filed By: Defendant Malone, Domonic R

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2















Motion to Expand Briefing Schedule

01/21/2016	Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Motion to Expand Briefing Schedule</i>
01/21/2016	 All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Pro Per Ex-Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel . . . Deft.'s Pro Per Motion Regarding Request for Records/Court Case Documents . . . Deft.'s Motion to Expand Briefing Schedule</i>
02/02/2016	 Request Filed by: Defendant Malone, Domonic R <i>Request for Transcript/Court Minutes & Case Summary (May 17, 2015) & (til Now)</i>
02/09/2016	 Order Filed By: Defendant Malone, Domonic R
02/18/2016	 Motion to Amend Filed By: Defendant Malone, Domonic R <i>Motion to Amend and Supplement Petition for Writ of Habeas Corpus (Post Conviction)</i>
02/18/2016	 Amended Filed By: Defendant Malone, Domonic R <i>Amended Supplemental Petition for Writ of Habeas Corpus (Postconviction)</i>
03/04/2016	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Ex-Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel Order Granting Defendant's Motion to Expand Briefing Schedule Order Granting Defendant's Pro Per Motion Regarding Request for Records/Court Case Documents</i>
05/31/2016	 Request (8:30 AM) (Judicial Officer: Villani, Michael) <i>State's Request: Status Check on Briefing Schedule</i>
06/02/2016	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant Malone's Pro Per Amended Supplemental Post-Conviction Petition for Writ of Habeas Corpus</i>
07/18/2016	 Motion for Withdrawal Filed By: Defendant Malone, Domonic R <i>Motion for Withdrawal of Attorney of Record, or in the Alternative, Request for Records/Court Case Documents</i>
07/18/2016	 Notice of Motion Filed By: Defendant Malone, Domonic R
08/05/2016	 Stipulation and Order Filed by: Plaintiff State of Nevada <i>Stipulation and Order Extending Filing Deadline</i>
08/09/2016	 Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Pro Per Motion for Withdrawal of Attorney of Record or, in the Alternative, Request for Records/Court Case Document</i>












DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

08/24/2016	 Order for Production of Inmate <i>Order for Production of Inmate Domonic Ronaldo Malone, BAC #69418</i>
08/25/2016	 Order to Withdraw as Attorney of Record Filed by: Plaintiff State of Nevada <i>Order Granting Defendant's Pro Per Motion for Withdrawal of Attorney of Record or, in the Alternative, Request for Records / Court Case Document</i>
09/01/2016	 Motion Filed By: Defendant Malone, Domonic R <i>Motion for Enlargement of Time</i>
09/02/2016	 Notice of Motion Filed By: Defendant Malone, Domonic R <i>Notice of Motion Motion to Strike Supplemental Memorandum of points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) Filed by Counsel of Record (Betsy Allen)</i>
09/02/2016	 Motion to Strike Filed By: Defendant Malone, Domonic R <i>Motion to Strike Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) Filed by Counsel of Record (Betsy Allen)</i>
09/08/2016	Status Check (8:30 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Deft.s Presence/Set Hearing Date for Petition for Writ of Habeas Corpus</i>
09/08/2016	Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Motion for Enlargement of Time</i>
09/08/2016	Motion to Strike (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Notice of Motion Motion to Strike Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) Filed by Counsel of Record (Betsy Allen)</i>
09/08/2016	 All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Deft.s Presence/Set Hearing Date for Petition for Writ of Habeas Corpus . . . Motion for Enlargement of Time . . . Deft.'s Notice of Motion Motion to Strike Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) Filed by Counsel of Record (Betsy Allen)</i>
10/13/2016	 Memorandum <i>Memorandum to Court</i>
10/13/2016	 Motion Filed By: Defendant Malone, Domonic R <i>Motion Order for Private Investigator for Post-Conviction</i>
10/25/2016	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Pro Per "Motion Order for Private Investigator for Post-Conviction"</i>
11/03/2016	 Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft's Pro Per Motion Order for Private Investigator for Post-Conviction</i>

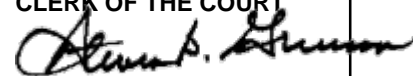
DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

11/09/2016	 Supplemental <i>Supplemental Memorandum of Points and Authorities in Support of Amended Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/29/2016	CANCELED Status Check (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Clerk</i> <i>Status Check: Order</i>
12/05/2016	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion Order for Private Investigator for Post-Conviction</i>
02/09/2017	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Amended Supplemental Petition for Writ of Habeas Corpus</i>
03/08/2017	 Hearing (10:00 AM) (Judicial Officer: Villani, Michael) <i>Hearing: DEFT'S pro per Petition for Writ of Habeas Corpus (Post-Conviction)</i>
04/03/2017	 Motion Filed By: Defendant Malone, Domonic R <i>Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
04/03/2017	 Notice of Motion Filed By: Defendant Malone, Domonic R
04/10/2017	 Response Filed by: Defendant Malone, Domonic R <i>Response to Defendant's Motion for Production of Documents, Papers, Pleadings, and Tangible Property of Defendant</i>
04/14/2017	 Minute Order (4:00 PM) (Judicial Officer: Villani, Michael)
04/25/2017	 Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Def't's Pro per Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
04/28/2017	 Criminal Order to Statistically Close Case
05/03/2017	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
05/05/2017	 Case Appeal Statement
05/05/2017	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
05/08/2017	 Certificate of Service Filed by: Plaintiff State of Nevada
05/10/2017	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 06C224572-2

05/17/2017	 Motion for Order to Show Cause Filed By: Defendant Malone, Domonic R
06/08/2017	 Motion for Order to Show Cause (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion for Order to Show Cause</i>
06/21/2017	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
06/23/2017	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion for Order to Show Cause</i>
06/29/2017	 Status Check (8:30 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Defendant's file</i>
06/29/2017	 Declaration Filed By: Defendant Malone, Domonic R <i>Declaration of Counsel</i>
12/11/2017	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Correct Illegal Sentence</i>
12/12/2017	 Motion to Modify Sentence (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion to Modify and/or Correct Illegal Sentence</i>
12/18/2017	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Modify and/or Correct Illegal Sentence</i>
01/08/2018	 Notice of Appeal (criminal) Party: Defendant Malone, Domonic R <i>Notice of Appeal</i>
01/09/2018	CANCELED Status Check (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Law Clerk</i> <i>Status Check: Filing of Order</i>
01/09/2018	 Case Appeal Statement <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION
	Defendant Malone, Domonic R
	Total Charges 430.50
	Total Payments and Credits 5.50
	Balance Due as of 1/9/2018 425.00



ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
FRANK LOGRIPPO
Deputy District Attorney
Nevada Bar #013911
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DOMONIC RONALDO MALONE,
#1670891

Defendant.

CASE NO: 06C224572-2

DEPT NO: XVII

**ORDER DENYING DEFENDANT'S MOTION TO MODIFY AND/OR CORRECT
ILLEGAL SENTENCE**

DATE OF HEARING: 12/12/17
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 12th day of December, 2017, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through FRANK LOGRIPPO, Deputy District Attorney, and without argument, based on the pleadings and good cause appearing therefor,

///

///

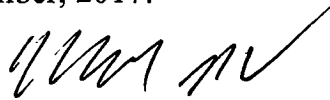
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RECEIVED BY
DEPT 17 ON
DEC 13 2017

1 IT IS HEREBY ORDERED that the Defendant's Motion to Modify and/or Correct
2 Illegal Sentence, shall be, and it is DENIED.

3 DATED this 13 day of December, 2017.

4 

5 DISTRICT JUDGE 

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

9 BY

 (for)

10 FRANK LOGRIPPO
11 Deputy District Attorney
12 Nevada Bar #013911

13
14
15 CERTIFICATE OF SERVICE

16 I certify that on the 18th day of December, 2017, I mailed a copy of the foregoing

17 Order to:

18 Domonic Malone #69418
19 High Desert State Prison
20 P.O. Box 650
21 Indian Springs, Nevada 89070-0650

22
23 BY /s/ Stephanie Johnson
24 Secretary for the District Attorney's Office

25
26
27
28 06FH0742A/saj/MVU

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 02, 2006**

06C224572-2

The State of Nevada vs Domonic R Malone

August 02, 2006**9:00 AM****Initial Arraignment****INITIAL****ARRAIGNMENT****Court Clerk: Melissa****Swinn Relief Clerk:****Chanel West/cw****Reporter/Recorder:****Kiara Schmidt Heard****By: Kevin Williams****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement. GUILTY PLEA AGREEMENT and AGREEMENT TO TESTIFY FILED IN OPEN COURT. DEFENDANT HERB ARRAIGNED AND PLED GUILTY TO ACCESSORY TO MURDER (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) for a PSI Report and set for SENTENCING. CUSTODY

9/21/06 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 16, 2006

06C224572-2

The State of Nevada vs Domonic R Malone

August 16, 2006

9:00 AM

All Pending Motions

ALL PENDING

MOTIONS 8/16/06

Court Clerk: Melissa

Swinn Relief Clerk:

Chanel West/cw

Reporter/Recorder:

Kiara Schmidt Heard

By: Kevin Williams

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Public Defender

Attorney

JOURNAL ENTRIES

- AS TO DEFENDANT MALONE: DEFT. MALONE ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter SET for TRIAL. Defense counsel requested 21 days, from the filing of the transcript, to file any necessary writs, and COURT SO ORDERED.

DEFT. MCCARTY ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter SET for TRIAL. Mr. Sgro requested 21 days from the filing of the transcript, to file any necessary writs, and COURT SO ORDERED. Further COURT ORDERED, Mr. Sgro's appointment as counsel CONTINUES, and Mr. Sgro to submit appropriate paperwork to Department V.

Mr. DiGiacomo provided counsel with additional discovery in open court.

CUSTODY(BOTH)

9/5/06 8:30 AM CONFIRMATION OF TRIAL DATE(BOTH)

1/2/07 8:30 AM CALENDAR CALL (BOTH)

1/8/07 10:00 AM JURY TRIAL(BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 05, 2006**

06C224572-2

The State of Nevada vs Domonic R Malone

September 05, 2006**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 9/5/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

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

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

-

STATUS CHECK: CONFIRMATION OF TRIAL DATE (BOTH)...DEFT. MALONE'S MOTION TO EXTEND TIME TO FILE WRIT OF HABEAS CORPUS

Mr. Pike requested 30 days from receipt stating he just received the six-volume transcript. Mr. Sgro joined in Mr. Pike's request and advised he is missing one of the volumes. Mr. Digiacomo stated he has no objection to counsels' request because this was a six-day Preliminary Hearing. Further, he will check to make sure all volumes have been filed. COURT ORDERED, motion GRANTED. Defense counsel has until October 20 to file their Writs; State to respond by November 21; any Reply to be filed by December 5; and matter SET for HEARING.

Following a conference at the bench, Court noted Mr. Sgro requested another attorney be appointed as co-counsel; it has no problem appointing Mr. Sgro to the case, however, ORDERED, MR. ORAM APPOINTED as CO-COUNSEL opposed to counsel's suggestion. FURTHER, ADMONISHED defense counsel that they are to coordinate their efforts and not duplicate efforts.

Colloquy reference pretrial motions and trial date. Mr. Digiacomo stated a severance may occur and each trial will take at least two weeks. COURT ORDERED, defense counsel to file severance motion by October 2; State to respond by October 16 and matter SET for HEARING. FURTHER, all motions to be heard on October 31 at which time trial setting will be further discussed.

CUSTODY (MALONE & MCCARTY)

10/31/06 8:30 AM ALL PRETRIAL MOTIONS...DEFTS' MOTION FOR SEVERANCE (MALONE & MCCARTY)

12/12/06 8:30 AM DEFTS. PETITIONS FOR WRIT OF HABEAS CORPUS (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 21, 2006**

06C224572-2

The State of Nevada vs Domonic R Malone

September 21, 2006**8:30 AM****Sentencing****SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Following a conference at the bench, COURT ORDERED, deft. RELEASED from HOUSE ARREST;
matter CONTINUED. Deft. ADMONISHED to keep in touch with his probation officer.

NIC

1/25/07 8:30 AM FURTHER PROCEEDINGS: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2006

06C224572-2

The State of Nevada vs Domonic R Malone

October 31, 2006

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 10/31/06**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Special Public Defender

Attorney

JOURNAL ENTRIES

- HEARING (ALL MOTIONS)(BOTH)...DEFT. MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S JOINDER TO MOTION TO SEVER

Mr. Oram moved to continue stating Mr. Sgro is out of town. Colloquy regarding scheduling conflicts. Mr. Dennie requested additional time to file deft. McCarty's writ. Mr. Digiacomo submitted stating the writ is due tomorrow. COURT ORDERED, counsel to file deft. McCarty's writ by 11/15/06. Mr. Cano stated he believes Mr. Pike already filed deft. Malone's writ, however, if the writ hasn't been filed, requested the same time as deft. McCarty's. SO ORDERED. COURT FURTHER ORDERED, motions to sever will be heard on 11/21/06 and writs remain scheduled for 12/12/06. State DIRECTED to make sure they respond. Mr. Dennie stated Mr. Sgro is unavailable on the 21st. Court directed co-counsel be prepared to argue in Mr. Sgro's absence.

CUSTODY

11/21/06 8:30 AM DEFTS' MOTIONS TO SEVER

12/12/06 8:30 AM DEFTS' WRITS OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2006

06C224572-2

The State of Nevada vs Domonic R Malone

November 21, 2006

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 11/21/06**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT. MCCARTY'S MOTION TO SEVER: Mr. Sgro argued for severance stating there are Bruton issues. Response by Mr. Digiacomo that he does not intend to use any testimonial evidence and he will not be using any statements by deft. Malone that implicate deft. McCarty. Further arguments by counsel. COURT ORDERED, the State will not be permitted to use anything that will violate Bruton. Further argument by Mr. Sgro that severance should be granted because co-defts. have antagonistic defenses, there was a third person involved but not charged and only deft. Malone is charged in Counts 1 and 2 which relate to a prior incident. Argument in response by Mr. Digiacomo. DEFT. MALONE'S JOINDER WITH CO-DEFT. MCCARTY'S MOTION TO SEVER...DEFT.

MALONE'S MOTION TO SEVER: Argument by Mr. Cano in support of severance of defts. and Counts 1 and 2. Again, Mr. Digiacomio advised he does not intend to use any statements made to the officer by deft. Malone to implicate deft. McCarty, therefore, no Bruton issues exist. Further, he is agreeable to any redactions pursuant to Richardson. In addition, advised if defts. are severed, the trial will take a month as this is a massive case. Further arguments by counsel.

Court noted it wishes to review the pleadings more in depth and ORDERED, matter CONTINUED for DECISION.

CUSTODY (BOTH)

CONTINUED TO: 11/30/06 8:30 AM DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2006

06C224572-2

The State of Nevada vs Domonic R Malone

November 30, 2006

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 11/30/06**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

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

Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT. MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S JOINDER WITH CO-DEFT.
 MCCARTY'S MOTION TO SEVER...DEFT. MALONE'S MOTION TO SEVER

After reviewing the applicable cases and pleadings, Court FINDS the crimes were part of the same transaction and joinder of the counts is not unfairly prejudicial. FURTHER, joinder of the trial will not subject the defendants to any legally cognizable prejudice and ORDERED, defendants' Motions to Sever, DENIED. State to prepare the Order.

Court noted it understands there may be an issue with the date of the trial. Mr. Digiacomo advised Mr. Oram and Mr. Owens have another capital murder trial set at the same time. COURT ORDERED, the issue of the trial date will be addressed when Mr. Oram and Mr. Sgro are present.

CUSTODY (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 12, 2006**

06C224572-2

The State of Nevada vs Domonic R Malone

December 12, 2006**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 12/12/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

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

Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Pike, Randall H.	Attorney
Schieck, David M.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT. MCCARTY'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT. MALONE'S PETITION FOR WRIT OF HABEAS CORPUS

Following arguments by Mr. Pike, Mr. Sgro and Mr. Digiacommo, Court FINDS there is sufficient evidence to keep all of the charges as they are including the kidnapping and pandering and ORDERED, petitions DENIED. Colloquy regarding resetting of the trial and motion dates. Mr. Sgro advised there are statements and an evidentiary hearing will need to be held on same. COURT ORDERED, all current dates, VACATED and RESET; all defense motions to be filed by 4/16/07; State to file its responses by 5/16/07 and any reply to be filed by 6/6/07. Court noted it does not like jury

questionnaires; however, if counsel intends to have one, they are to begin working on it now and not wait until the last minute and get together and see what can be agreed upon and submit to the Court what is not in agreement.

CUSTODY (MALONE & MCCARTY)

6/22/07 9:00 AM ALL PRETRIAL MOTIONS...EVIDENTIARY HEARING (MALONE & MCCARTY)

8/7/07 8:30 AM CALENDAR CALL (MALONE & MCCARTY)

8/13/07 10:00 AM JURY TRIAL (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2007**

06C224572-2

The State of Nevada vs Domonic R Malone

January 25, 2007**8:30 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter Relief Clerk:
Pamela Humphrey &
Kathy Klein/kk
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- At request of counsel, COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

06C224572-2

The State of Nevada vs Domonic R Malone

June 22, 2007**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6/22/07
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

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

Bindrup, Scott L.	Attorney
Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES**- HEARING: ALL PRETRIAL MOTIONS**

Mr. Sgro stated there is a conflict with the trial date because he and Mr. Owens have an older case in Department XXI scheduled for trial at the same time as the instant matter. Mr. Cano stated he anticipates being ready for the 8/13/07 trial date and objects to a continuance. Counsel advised the instant matter will take anywhere from 3 to 4 weeks to try. Mr. Digiacomo stated he cannot be prepared before March 2008, however, advised the reason the Department XXI case was continued was due to an issue with the defense. Mr. Owens stated he doesn't believe Mr. Cano will be ready in August and is just attempting to create an issue. COURT ORDERED, current trial date VACATED;

matter RESET for TRIAL in accordance with counsels' schedules.

DEFT MCCARTY'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL/35: Submitted. COURT ORDERED, DENIED.

DEFT. MCCARTY'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION/36: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS/37: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY/38: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS/39: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES/40: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE/41: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION FOR IN-CAMERA REVIEW OF PRE-SENTENCE REPORTS/42: Submitted. COURT ORDERED, DENIED. Argument by Mr. Sgro that this motion is routinely granted with the documents being submitted to Chambers and the Court making a determination of what is relevant. Upon inquiry, Mr. Digiacoio stated the only witness that may have a PSI is Herb but it is an unrelated Drug Court case. Mr. Sgro stating he is looking for impeachment evidence and/or evidence showing bias. Mr. Cano joined in. COURT FURTHER ORDERED, PREVIOUS RULING REVERSED; motion GRANTED and the State is ORDERED to provide any PSIs to the Court for in-camera review at which time it will make a determination.

DEFT MCCARTY'S MOTION TO COMPEL PROSECUTING ATTORNEY TO DISCLOSE DEATH PENALTY DATA/43: Mr. Cano joined and submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION TO DISCLOSE INFORMANTS/44: Mr. Digiacoio stated there are no other confidential informants besides Herb. Mr. Owens expressed concern that the title of the motion is deceiving and the defense is requesting more information. Further advised, the State has already provided all Giglio information. Colloquy. COURT ORDERED, motion GRANTED and DENIED IN PART; State to disclose any informants and provide the defense with whatever needs to be turned over pursuant to Giglio.

DEFT MCCARTY'S MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR TO CRIMINAL CONDUCT OF DEFENDANT/45: Submitted. Upon inquiry, Mr. Digiacoio stated deft. McCarty had 23 cases in the system and believes those have been previously provided. Mr. Owens expressed concern that the defense is requesting the time periods moved up in which the State has to disclose thus holding the State to an even higher standard than required under Rule 250. Further, the State has provided everything and will continue to provide everything. Mr. Digiacoio stated he previously told Mr. Sgro and Mr. Pike that they need to come to the District Attorney's Office to review the file and the State will act in good faith. Mr. Sgro requested the Court impose a drop-dead date in which the detectives have to provide everything including their notebooks to the State so the defense can go to the DA's Office knowing everything the State will be going to trial with has been submitted.

Further arguments. COURT ORDERED, motion GRANTED; matter to be set for STATUS CHECK in late November. The State is to make sure they have everything and then counsel are to set a date for

the defense to go to the District Attorney's Office. FURTHER, if anything subsequent comes up, the State is under an obligation to provide it to the defense. Mr. Digiacomio requested the defense come over very shortly.

DEFT MCCARTY'S MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT/46: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION FOR ACCUSED TO APPEAR AT ALL PROCEEDINGS WITHOUT RESTRAINTS/47: COURT ORDERED, motion GRANTED IN PART and pertains ONLY TO THE TRIAL PROCEEDINGS. FURTHER, deft. will not be restrained at trial; however, the Court's ruling is subject to modification and may change dependent on deft.'s behavior as well as officer and courtroom safety.

DEFT MCCARTY'S MOTION TO PROHIBIT THE USE OF PEREMPTORY CHALLENGES TO EXCLUDE JURORS WHO EXPRESS CONCERNS ABOUT CAPITAL PUNISHMENT/48: Submitted. COURT ORDERED, DENIED.

DEFT MCCARTY'S MOTION FOR DISCOVERY/49: Court NOTED it dealt with this subject matter in deft.'s prior motion. FURTHER, if anything needs to be supplemented, the Court will readdress at the November status check and ORDERED, matter CONTINUED.

DEFT MCCARTY'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"/50: COURT ORDERED, motion GRANTED; it will be called the "trial phase" and counsel are ADMONISHED to do their best to comport; however, if the defense requests a mistrial based on a "slip" by the State, it will be denied.

DEFT MCCARTY'S MOTION IN LIMINE TO PROHIBIT INTRODUCTION AT TRIAL OF UNCORROBORATED ACCOMPLICE TESTIMONY/51: Court FINDS the accomplice testimony cannot stand alone and will have to be backed up but will not be excluded; therefore, ORDERED, motion DENIED.

DEFT MCCARTY'S MOTION FOR LISTS OF NAMES AND ADDRESSES OF PERSONS WHO MAY HAVE EVIDENCE FAVORABLE TO DEFENDANT AND FOR DISCLOSURE OF OTHER DISCOVERY MATERIAL/52: Mr. Owens stated the problem with this motion is the laundry list requested by the defense. COURT ORDERED, motion GRANTED IN PART and in compliance with the requirements of discovery but DENIED IN PART as to the extreme laundry list requested by the defense. FURTHER, if there is anything favorable to the defense and vice versa, both sides are required to provide it to the other.

DEFT MCCARTY'S MOTION TO REQUIRE PROSECUTOR TO STATE REASONS FOR EXERCISING PEREMPTORY CHALLENGES/53: Court FINDS the State does not have to give reasons and ORDERED, motion DENIED.

DEFT MCCARTY'S MOTION TO PROHIBIT THE PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE/54: Submitted. COURT ORDERED, motion DENIED. Motion RECALLED at the request of Mr. Sgro who argued this motion is routinely granted in part. Arguments by Mr. Sgro and Mr. Owens. Colloquy. Mr. Sgro stated the jurors should not be instructed on mitigators that defts. do not argue. Mr. Owens concurred and stated the defense controls the mitigators. COURT ORDERED, previous ORDER RESCINDED; motion GRANTED IN PART as outlined by Mr. Sgro in his last statement. FURTHER, anything else will be addressed as it

comes up.

DEFT MCCARTY'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS/55: Court noted it is not a fan of questionnaires. Mr. Digiacoimo stated he believes questionnaires slow down the selection process but will submit. Colloquy. COURT ORDERED, counsel are to work together and submit a questionnaire to the Court within 60 days of today. FURTHER, Court encouraged counsel to make the Questionnaire more generic and less specific. Matter CONTINUED and will be re-addressed at the November status check.

DEFT MCCARTY'S MOTION IN LIMINE/56: Court NOTED it needs to know who would or wouldn't be inclined to impose the death penalty; therefore, ORDERED, motion DENIED.

DEFT MCCARTY'S MOTION TO PRECLUDE RE-ADMISSION OF TRIAL PHASE EVIDENCE AND EXHIBITS IN PENALTY PHASE, AND RELATED PROSECUTORIAL COMMENTS/57: Court noted in the Penalty Phase there is a lot of discretion and ORDERED motion DENIED. FURTHER, counsel will be permitted to submit whatever is appropriate within the rules and the law.

DEFT MCCARTY'S MOTION TO SUPPRESS/58: Mr. Digiacoimo advised the State agreed to an evidentiary hearing on the instant motion but they are not prepared to do it today because they just received the Reply this morning. COURT ORDERED, matter SET for HEARING. Mr. Digiacoimo stated he intends to put on testimony from Detectives Ridings and Collins and possibly a third officer. Mr. Sgro requested testimony be heard from all persons involved in the statement. Mr. Digiacoimo stated he will subpoena the witnesses if Mr. Sgro provides him with the names. Further, he will provide the Court with a copy of all three recordings and transcripts thereof ahead of time in order to save time.

DEFT MCCARTY'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL/59: Submitted. COURT ORDERED, DENIED.

DEFT MALONE'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL (NOT ON CALENDAR): Mr. Cano stated he submitted the instant motion but apparently it did not make it on calendar. Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"/60: Submitted. COURT ORDERED, motion GRANTED.

DEFT MALONE'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE-ENTITLED CASE/61: Following arguments by Mr. Cano, Mr. Owens and Mr. Oram, COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION TO BIFURCATE PENALTY PHASE/62: Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT/63: Brief argument by Mr. Cano in support of his motion. COURT ORDERED, motion DENIED; however, counsel are ADMONISHED they are to adhere to the rules of professional conduct. FURTHER, motion maybe readdressed at trial if necessary.

DEFT MALONE'S MOTION TO PRECLUDE THE CONSIDERATION OF VICTIM IMPACT EVIDENCE PURSUANT TO NRS 175.552, 200.033 AND 200.035/64: Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION TO ALLOW THE DEFENSE TO ARGUE LAST IN PENALTY PHASE/65: Submitted. COURT ORDERED, motion DENIED.

DEFT MALONE'S MOTION FOR SEPARATE JURY DURING JOINT TRIAL/66: Arguments by Mr.

Cano and Mr. Digiacomo. Court NOTED this issue was already ruled upon. Further, Mr. Digiacomo previously articulated what was and wasn't coming in order to keep depts. together; therefore, ORDERED, motion DENIED.

DEFT MALONE'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO MALONE/67: Mr. Cano stated no Opposition has been filed. Mr. Digiacomo stated he hasn't offered any photographs as of yet. COURT ORDERED, motion DENIED; however, the Court will decide what photographs will be admitted, the number, how long they will be shown to the Jury and whether they are duplicative. DEFT MALONE'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTOR/68: Statements by Mr. Cano, Mr. Digiacomo and Mr. Oram. COURT ORDERED, motion GRANTED; State to provide all Giglio information.

DEFT MALONE'S MOTION TO ALLOW JURY QUESTIONNAIRE/69: Matter CONTINUED in accordance with the Court's previous ruling as to deft. McCarty's motion and will be re-addressed at the November status check.

DEFT MALONE'S MOTION FOR DISCOVERY OF PROSECUTORIAL RECORDS, FILES AND INFORMATION NECESSARY TO A FAIR TRIAL/70: COURT ORDERED, motion GRANTED IN PART and all previously imposed deadlines and orders reference deft. McCarty's motion on same issues apply. However, motion DENIED IN PART as to the laundry list. FURTHER, matter CONTINUED to the November status check.

DEFT MALONE'S MOTION FOR DISCOVERY OF INSTITUTIONAL RECORDS AND FILES NECESSARY TO A FAIR TRIAL/71: Mr. Digiacomo stated usually the Special Public Defender subpoenas whatever they need from the Detention Center. COURT ORDERED, motion DENIED and defense counsel are to subpoena the records; however, if the State has any of that information, they are to turn it over to the defense.

DEFT MALONE'S MOTION TO SUPPRESS STATEMENTS OF DONALD HERB, OR IN THE ALTERNATIVE, MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY CO-DEFENDANT HERB AT THE TIME OF TRIAL/72: Arguments by Mr. Cano and Mr. Digiacomo. COURT ORDERED, motion DENIED.

CUSTODY (BOTH)

10/5/07 9:00 AM EVIDENTIARY HEARING: DEFT. MCCARTY'S MOTION TO SUPPRESS/58

11/29/07 8:30 AM STATUS CHECK: DEFT MCCARTY'S MOTION FOR DISCLOSURE OF UNCHARGED ACTS PRIOR TO CRIMINAL CONDUCT OF DEFENDANT/45...DEFT MCCARTY'S MOTION FOR DISCOVERY/49...DEFT MALONE'S MOTION FOR DISCOVERY OF PROSECUTORIAL RECORDS, FILES AND INFORMATION NECESSARY TO A FAIR TRIAL/70...DEFT MCCARTY'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS/55...DEFT MALONE'S MOTION TO ALLOW JURY QUESTIONNAIRE/69

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 07, 2007**

06C224572-2

The State of Nevada vs Domonic R Malone

September 07, 2007**8:30 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Mr. Digiacomo stated this matter is to be continued and he will notify Mr. Durham of the next date.
COURT ORDERED, matter CONTINUED. Court ADMONISHED deft. to stay in contact with his attorney.

NIC

CLERK'S NOTE: 9/10/07 - I placed a copy of this minute order in Mr. Durham's attorney bin./sj

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2007

06C224572-2

The State of Nevada vs Domonic R Malone

September 11, 2007

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 9/11/07**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

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

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Maningo, Ivette A.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Court noted Mr. Oram will be in another capital murder trial at the same time as the instant matter. Colloquy reference scheduling conflicts and counsels' availability. COURT ORDERED, current trial date of 3/17/08 VACATED; matter RESET in AUGUST 2008 pursuant to the agreement of counsel. FURTHER, motion deadlines STAND.
 CUSTODY (MALONE & MCCARTY)
 7/29/08 8:30 AM CALENDAR CALL (MALONE & MCCARTY)
 8/04/08 10:00 AM JURY TRIAL (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 30, 2007**

06C224572-2

The State of Nevada vs Domonic R Malone

October 30, 2007**8:30 AM****Motion for Judgment****DEFT'S MTN FOR
JUDGMENT NEW
COUNSEL/85 Court
Clerk: Denise
Trujillo
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Malone, Domonic R

Defendant

Owens, Christopher J.

Attorney

JOURNAL ENTRIES

- Mr. Cano advised Deft. wants to withdraw his motion. Deft. concurred. COURT ORDERED, matter
OFF CALENDAR.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2007

06C224572-2

The State of Nevada vs Domonic R Malone

November 29, 2007

10:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11/29/07**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

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

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT. MALONE'S MOTION FOR DISCOVERY OF PROSECUTION RECORDS, FILES AND INFORMATION NECESSARY FOR A FAIR TRIAL: Mr. Pike advised he met with the State; they were able to catalog all discovery, therefore, the State is in compliance but if anything comes up, he will raise the issue. Further, discovery is going on pace and they've issued a number of subpoenas for records. COURT ORDERED, motion OFF CALENDAR.

DEFT. MALONE'S MOTION TO ALLOW JURY QUESTIONNAIRE ... DEFT MCCARTY'S MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS: Mr. Pike advised he provided the State with a copy of their questionnaire in hopes counsel will be able to prepare a joint questionnaire. Mr.

Oram agreed with Mr. Pike's representations and stated they apply to deft. Malone as well. Mr. Digiacomio stated he believes counsel can reach an agreement on most of the questions. COURT ORDERED, motions GRANTED; all counsel are to exchange their versions of the Questionnaire and matter SET for STATUS CHECK as to the final version. FURTHER, 6/27/08 will be the date the jurors are brought in to fill out the questionnaires. Colloquy reference number of jurors needed for the panel.

EVIDENTIARY HEARING: DEFT. MCCARTY'S MOTION TO SUPPRESS: Arguments and colloquy reference parameters of testimony. Court NOTED it will begin with the May 25 statements regarding voluntariness. Testimony and exhibits. (See attached worksheets.) Arguments by counsel. COURT ORDERED, motion CONTINUED for DECISION.

CUSTODY (MALONE & MCCARTY)

12/6/07 8:30 AM DECISION: DEFT. MCCARTY'S MOTION TO SUPPRESS (MALONE & MCCARTY)

5/30/08 9:00 AM STATUS CHECK: JURY QUESTIONNAIRE (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 06, 2007**

06C224572-2

The State of Nevada vs Domonic R Malone

December 06, 2007**8:30 AM****Motion to Suppress****DEFT'S MTN TO
SUPPRESS /58 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Luzaich, ElissaAttorney
Attorney**JOURNAL ENTRIES**

- Court stated its FINDINGS and ORDERED, motion DENIED. State to prepare the Order.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 19, 2008**

06C224572-2

The State of Nevada vs Domonic R Malone

February 19, 2008**8:30 AM****Motion to Dismiss****DEFT'S MTN TO
DISMISS FOR
FAILURE/89 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Special Public Defender

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for the State's Response; State to file same on or before 3/4/08.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 11, 2008**

06C224572-2

The State of Nevada vs Domonic R Malone

March 11, 2008**8:30 AM****Motion to Dismiss****DEFT'S MTN TO
DISMISS FOR
FAILURE/89 Court
Clerk: Sandra Jeter
Relief Clerk: Denise
Trujillo/dt
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Fattig, John T

Attorney

Malone, Domonic R

Defendant

Special Public Defender

Attorney

JOURNAL ENTRIES

- Mr. Cano requested matter be CONTINUED, there being no opposition, COURT SO ORDERED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

March 13, 2008

8:30 AM

Motion to Dismiss

**DEFT'S MTN TO
DISMISS FOR
FAILURE/89 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.

Attorney

Malone, Domonic R

Defendant

Owens, Christopher J.

Attorney

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Following arguments by counsel, Court stated its FINDINGS and ORDERED, motion DENIED.
State to prepare the Order.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 17, 2008**

06C224572-2

The State of Nevada vs Domonic R Malone

April 17, 2008**8:30 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T

Attorney

JOURNAL ENTRIES

- Mr. Zentz present for Mr. Durham and stated he understands this matter is being continued until after the co-defendants' trial. COURT ORDERED, matter CONTINUED.
NIC (HERB)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 30, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

May 30, 2008

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 5/30/08
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Owens, Christopher J.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- COURT ORDERED, defts.' presence WAIVED THIS DATE. FURTHER, the Questionnaire provided by the State is fine, however, counsel to prepare a final version with Questions 60 and 61 from Mr. Cano's Questionnaire added. Mr. Cano stated he prefers the Questionnaire he submitted. Court noted counsel will have an opportunity during Voir Dire to ask more questions; therefore, previous ruling STANDS; Deft. Malone's Proposed Questionnaire marked as Court's Exhibit 1. COURT FURTHER NOTED the prospective jurors will be brought in on 6/27/08 to complete the Questionnaires and it will be requesting a lot more jurors.

Mr. Oram requested permission to submit an Order for a mitigation expert in the instant case as well as in the Crawley case and the COURT SO ORDERED.

Colloquy regarding possible conflict with Mr. Oram's trial schedule. COURT ORDERED, matter SET

for status check.

CUSTODY (MALONE & MCCARTY)

6/10/08 8:30 AM STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 10, 2008**

06C224572-2

The State of Nevada vs Domonic R Malone

June 10, 2008**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6/10/08
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

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

Bindrup, Scott L.	Attorney
Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- STATUS CHECK: POSSIBLE CONFLICT WITH MR. ORAM'S TRIAL SCHEDULE (MALONE & MCCARTY)

Mr. Oram advised Judge Leavitt did not sever the defendants Cologne/Perez and that trial is going forward on August 12. Further, Mr. Oram stated that when the instant matter was set for trial, he objected but Mr. Lalli made representations that he would make sure there wouldn't be a conflict. Mr. Digiacomo submitted. Mr. Cano objected to any continuance. Court NOTED it will not sever the defendants. Mr. Cano requested the Court reconsider severance. DENIED. Mr. Oram stated he and counsel have discussed three possible settings - January 2009, April 2009 or switching trials out with

the Crawley case. Mr. Cano stated he and co-counsel are not available until April 2009 and he cannot go forward on the November 2008 date currently set in the Crawley matter. In addition, he has a firm setting in Department XII on the Kelvin Johnson matter in January 2009. COURT ORDERED, matter CONTINUED and it will e-mail Judge Leavitt to see if she will agree to allow this Court to have the priority setting in January 2009.
CUSTODY (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

June 12, 2008

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 6/12/08**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bindrup, Scott L.	Attorney
Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Special Public Defender	Attorney

JOURNAL ENTRIES

- Judge Glass stated she spoke with Judge Leavitt who indicated she is in agreement with this Court resetting the instant trial for the January 2009 setting; therefore, COURT ORDERED, current trial date VACATED and RESET over Mr. Cano's objection. Future motion dates, STAND. Court ADMONISHED counsel this matter will proceed to trial on the next date irregardless of any other Court's trial settings.

CUSTODY

12/30/08 8:30 AM CALENDAR CALL (MALONE & MCCARTY)

01/05/09 10:00 AM JURY TRIAL (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 24, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

June 24, 2008

8:30 AM

Motion to Strike

DEFT'S MTN TO
STRIKE NTC OF
INTENT TO
SEEK/90 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, motion DENIED. FURTHER, defense counsel to provide Mr. Digiacomo with a list of items they want tested by close of business tomorrow as formal notice was provided to the State this date in open court.
CUSTODY (MALONE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 28, 2008**

06C224572-2

The State of Nevada vs Domonic R Malone

August 28, 2008**8:30 AM****Further Proceedings**

**FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Pursuant to the request of the parties, COURT ORDERED, matter CONTINUED.
NIC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

October 14, 2008

8:30 AM

Motion

DEFT'S MTN FOR
MEDICAL FEES &
COSTS/100 Relief
Clerk: Willa Pettice
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- The Court advised it spoke with the Clark County Detention Center and they can provide the needed medical attention. The Court NOTED it does not want Deft transferred to a medical facility. Mr. Pike requested Deft be taken care of as soon as possible. The Court stated it would call the Detention Center.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 13, 2008**

06C224572-2

The State of Nevada vs Domonic R Malone

November 13, 2008**8:30 AM****Status Check****STATUS CHECK
Court Clerk: Sandra
Jeter Heard By:
Glass, Jackie****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- The Court Services Officer advised defendant was transported to Courtroom 10D. Court noted defendant McCarty was not placed on calendar and ORDERED, matter CONTINUED and both defendants to appear on calendar next date.

CUSTODY (MALONE & MCCARTY)

11/18/08 8:30 AM STATUS CHECK (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

November 18, 2008

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 11/18/08**
**Court Clerk: Sandra
Jeter**
**Reporter/Recorder:
Rachelle Hamilton**
**Heard By: Jackie
Glass**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bindrup, Scott L.	Attorney
Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Malone, Domonic R	Defendant
Special Public Defender	Attorney

JOURNAL ENTRIES**- STATUS CHECK (MALONE & MCCARTY)**

Mr. Bindrup present appearing for Mr. Pike. Colloquy. Court NOTED it placed this matter on calendar as it is a CAPITAL MURDER CASE which has a January trial setting and, pursuant to some upcoming case load transfers, it will be transferred to Judge Villani. FURTHER, the Court understands counsel have some scheduling conflicts with the current setting and it would like them to address same with Judge Villani; therefore, ORDERED, matter SET on JUDGE VILLANI'S CALENDAR for status check.

CUSTODY

11/25/08 8:15 AM STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR

CAPITAL MURDER CASE (MALONE & MCCARTY)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 25, 2008

06C224572-2

The State of Nevada vs Domonic R Malone

November 25, 2008

8:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11-25-08
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Special Public Defender

Attorney

JOURNAL ENTRIES

- STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE (MALONE)...STATUS CHECK: DEPARTMENT TRANSFER AND TRIAL SETTING FOR CAPITAL MURDER CASE (MCCARTY)

Mr. Powell advised the Court that Mr. Sgro will be in a Construction Defect case and will not be able to handle this case on the current trial date. Mr. Oram stated that all parties, including the deft's, of this request. Counsel advised the Court that this will be a 4-6 week trial. Colloquy between Court and counsel regarding trial dates. Statement by deft. Malone. COURT ORDERED, Trial VACATED and RESET.

CUSTODY (BOTH)

10/06/09 8:00 AM CALENDAR CALL

06C224572-2

10/12/09 10:00 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 20, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

January 20, 2009

8:00 AM

Motion to Dismiss

**DEFT'S PRO PER
MTN TO DISMISS
COUNSEL/111 Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Statement by the deft. Mr. Pike stated that he has provided the deft. discovery at least two times after meeting with the District Attorney; further, a list has been provided to the deft. with all the documents that have been provided and has instructed the deft. to go through the list and to make a list of documents he does not have but the deft. has not provided that list. Mr. Pike further noted that 18 motions have been filed in this case including a Petition for Writ of Habeas Corpus. COURT ORDERED, Motion DENIED. Court advised the deft. that if discovery is missing, then will need to provide a list to the attorneys.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 29, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

January 29, 2009**8:00 AM****Further Proceedings****FURTHER
PROCEEDINGS:
SENTENCING
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Nelson III, Roy L.

Attorney

JOURNAL ENTRIES

- Mr. Nelson stated this is Mr. DiGiacomo's and Mr. Owens' case and requested this matter be
CONTINUED, COURT SO ORDERED.
NIC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 05, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

February 05, 2009

8:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 2-05-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Malone, Domonic R	Defendant
Owens, Christopher J.	Attorney
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT. MALONE'S MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE...DEFT. MCCARTY'S JOINDER TO MALONE'S MOTION TO RECUSE

Arguments by counsel. COURT ORDERED, Motion and Joinder DENIED. Mr. Pike stated that pursuant to the Court's instruction, the deft. was provided with a catalog of documents; deft. sent a letter indicating what he did not have and have the documents present today; further, the deft. has expressed a discontent in refusing to bring a motion. Statement by the deft. Corrections Officer advised counsel that the documents can be provided to the deft. in court. Court noted Mr. Pike has turned over the requested documents to the deft.

CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

February 10, 2009**8:00 AM****Motion****DEFT'S MTN FOR
MEDICAL FEES &
COSTS/114 Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Malone, Domonic R

Defendant

Owens, Christopher J.

Attorney

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Charlotte Bible, Esq., present on behalf of Metro. Statements by counsel. COURT ORDERED, matter CONTINUED for a report from the doctor describing the condition and to make a definitive decision as to if it is required at this time.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

February 12, 2009**8:00 AM****Motion****DEFT'S MTN FOR
MEDICAL FEES &
COSTS/114 Court
Clerk: Kristen Brown
Reporter/Recorder:
Patti Slattery Heard
By: Michael Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Malone, Domonic R

Defendant

Owens, Christopher J.

Attorney

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Charlotte Bible, Esq., present on behalf of Metro. Court stated it has reviewed the report and understands that the deft's condition does not qualify as a medical emergency. Statement by Mr. Cano. Conference at the Bench. COURT ORDERED, Motion DENIED but will sign an order upon application for an evaluation and after the evaluation is received, counsel can place this matter back on calendar.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 02, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

June 02, 2009**8:00 AM****Motion****DEFT'S MOTION
FOR MEDICAL
TREATMENT AND
TRANSPORATION
Court Clerk: Kristen
Brown Relief Clerk:
Michele Tucker/mlt
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Mr. Pike requested glasses and treatment be provided to the defendant. COURT ORDERED, Mr. Pike to an submit Order to Metro's for signature and then the Court will sign the Order.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 01, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

September 01, 2009

8:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 9-01-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO REQUIRE THE COURT TO ADVISE THE PROSPECTIVE JURORS AS TO THE MANDATORY SENTENCES REQUIRED IF THE DEFT. IS CONVICTED OF 2ND DEGREE MURDER AND/OR 1ST DEGREE KIDNAPPING: Submitted by counsel. COURT ORDERED, Motion DENIED.

DEFT'S MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF HEARSAY STATEMENTS MADE BY CO DEFT. MCCARTY AND OTHERS THAT REFERENCE DEFT. MALONE AT TIME OF TRIAL: Arguments by counsel. Court stated it will consider this as a trial brief by both parties. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 22, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

September 22, 2009**8:00 AM****Motion to Continue****DEFT'S MTN TO
CONTINUE TRIAL
DATE ON OST/0120
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Lalli, Christopher J.Attorney
Attorney**JOURNAL ENTRIES**

- Mr. Oram requested to withdraw the motion; will be ready to proceed with trial based on his conversation with the deft. COURT ORDERED, Motion WITHDRAWN.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 29, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

September 29, 2009

8:00 AM

Motion to Suppress

**DEFT'S MTN TO
SUPPRESS
STATEMENTS OF
DEFENDANT Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

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

Cano, Charles A.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Arguments by counsel. COURT ORDERED, Motion DENIED. Colloquy between Court and counsel regarding jury questionnaire and lack of reports from deft's expert witnesses. Arguments by counsel. Mr. Lalli requested the Court direct counsel to have the experts prepare a report; if an expert witness is reviewing materials, have the right to know what materials are being reviewed; further, the State has the right to obtain their own expert witness. Mr. Oram stated his expert witness are reviewing past medical records. COURT ORDERED, the medical records or any functional testing be turned over to the State and counsel for Deft. Malone. Mr. Lalli further requested the deft. be made available for independent testing. Mr. Pike advised the Court that witness Shiro has been retained on

a consulting basis to help analyze and offer suggestion for possible cross examination; because there was no DNA evidence tying the deft. to this, Mr. Shiro may be called if something else happens or if something unusual comes out.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

October 06, 2009

8:00 AM

Calendar Call

**CALENDAR CALL
(VC 03-25-10) Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

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

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Counsel stated they are ready to proceed to trial.

Deft's Motion to Waive Trial set for October 13, 2009: Mr. Pike stated it is only as to the counts that involve Melissa Estores but the State will not give permission. Mr. DiGiacomo stated an opposition was filed and will not give consent. COURT ORDERED, Motion DENIED.

Colloquy between Court and counsel regarding the audio and video tapes. Mr. DiGiacomo stated as to the information on the witnesses; a witness list was filed with an updated address; does not have the address to the person indicated but when he obtains it, will provide it to Mr. Sgro. Mr. Sgro requested the phone number as well. Court stated it will have a status check on the video and discovery issues. Arguments by counsel regarding records produced to the deft's expert witnesses.

Court stated it will consider today's request as an oral motion. Further arguments by counsel. COURT ORDERED, each side is to file a brief by tomorrow at 3:00 pm and will address it on Thursday, October 8, 2009.

CUSTODY (BOTH)

10/08/09 8:00 AM STATUS CHECK: VIDEO TAPES/STATE'S MOTION FOR DOCUMENTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 08, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

October 08, 2009**8:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10-08-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

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

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- STATUS CHECK: VIDEO TAPES/STATE'S MOTION FOR DOCUMENTS (MALONE & MCCARTY) ...STATE'S REQUEST STATUS CHECK: COUNSEL (HERB)
DEFT. HERB: Mr. DiGiacomo stated that Mr. Durham has withdrawn. COURT ORDERED, Mr. Hart APPOINTED AS COUNSEL and set for Confirmation.
DEFT'S MALONE & MACCARTY: Mr. Sgro stated that the District Attorney called yesterday and said the tape does not exist but the police report reflects that there was a tape. Mr. Lalli stated that he can not make any representations and that he is continuing to work on it and will provide everything that he has. Arguments by counsel regarding the State's Motion for Documents. COURT ORDERED,

Counsel is to provide everything to the Court that was provided to the doctor for an in-camera review and the Court will then make a determination.

CUSTODY (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 12, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

October 12, 2009

10:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-12-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES**- TRIAL BY JURY (MALONE & MCCARTY)**

Court stated it received a call that Mr. Oram had a family emergency and all parties agree that Mr. Oram will not be able to participate in the trial, therefore, will need a continuance. Mr. Sgro and Mr. Cano advised the Court that they have spoken with the deft's about the situation. Court FINDS there is good cause shown to continue the trial. COURT ORDERED, Trial OFF CALENDAR. Statement by Deft. Malone regarding a possible conflict with Mr. Sgro. Statement by Mr. Sgro. Mr. Digiacomo noted that Mr. Sgro does not represent Deft. Malone. COURT ORDERED, matter set for status check regarding the possible conflict and for a trial setting.

CUSTODY (BOTH)

10/27/09 8:00 AM STATUS CHECK: POSSIBLE CONFLICT/TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

October 27, 2009

8:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-27-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Colloquy between Court and counsel regarding the video tapes being produced and trial dates. Arguments by counsel. Court stated counsel can file the appropriate motion. COURT ORDERED, matter set for trial in April and will give a secondary date in the event this case does not proceed to trial in April. Upon Court's inquiry, Mr. Sgro stated that he did contact the State Bar about the conflict issue. Mr. Cano stated it has been determined that a conflict does not exist.

CUSTODY (BOTH)

3/30/10 8:15 AM CALENDAR CALL (BOTH)

4/05/10 10:00 AM JURY TRIAL (BOTH)

06C224572-2

10/05/10 8:15 AM CALENDAR CALL (BOTH)
10/11/10 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 10, 2009**

06C224572-2

The State of Nevada vs Domonic R Malone

November 10, 2009**8:30 AM****All Pending Motions****ALL PENDING
MOTIONS 11-10-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Valerie
Adair****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lalli, Christopher J.

Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (HART)...FURTHER PROCEEDINGS: SENTENCING
Mr. Hart CONFIRMED AS COUNSEL. COURT ORDERED, matter CONTINUED.
CUSTODY
5/18/10 8:15 AM FURTHER PROCEEDINGS: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 15, 2009

06C224572-2

The State of Nevada vs Domonic R Malone

December 15, 2009

8:15 AM

Motion

DEFT'S PRO PER
MTN FOR SPEEDY
TRIAL OR MTN T
Relief Clerk: Nicole
McDevitt
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Lalli, Christopher J.

Attorney

Malone, Domonic R

Defendant

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Court noted that Deft. is represented by counsel and therefore, cannot file proper person motions. Colloquy between Court and Mr. Pike regarding allegations in motion. Court FINDS Motion was not properly filed and ORDERED, Motion DENIED WITHOUT PREJUDICE. Colloquy between Court, Deft. and Mr. Pike regarding Defense counsel not filing Deft's documents and Deft's request to represent himself. COURT ORDERED, matter SET for Faretta Canvas.

CUSTODY

1/8/10 9:00 AM FARETTA CANVAS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 08, 2010

06C224572-2

The State of Nevada vs Domonic R Malone

January 08, 2010

9:00 AM

Hearing

FARETTA CANVAS
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

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

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Schieck, David M.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Court noted it has provided the deft. with a copy of the Information. Court canvassed the deft. Court stated it is clear that the deft. does not understand the elements of the crime, proper defenses and is not familiar with the evidence or procedure. Argument by Mr. Lalli. Court FINDS the deft. has knowingly and voluntarily WAIVED his right to counsel but has concerns about the deft's physical limitation regarding his eye sight; Court has discretion to not allow the deft. to represent himself. Mr. Lalli stated the deft. meets the eligibility to represent himself and has a constitutional right to do so and perhaps the issue regarding the deft's eye sight can be dealt with by having the deft's glasses repaired; further, requested that Mr. Pike and Mr. Cano be appointed as stand by counsel. Argument by Mr. Schieck. Court FINDS the deft. is competent to WAIVE his right and

FINDS it was freely and voluntarily WAIVED; deft. knows the consequences, however, due to the deft's eye issues, ORDERED, Motion GRANTED; FURTHER ORDERED, Mr. Pike and Mr. Cano will be APPOINTED as STAND BY COUNSEL. Argument by Mr. Schieck regarding the appointment. Mr. Schieck further advised the Court that not everything can be turned over to the deft. as the jail will not permit some of the stuff to be provided to the deft. Deft. stated that he understands that he will not be provided with certain things. Upon Court's inquiry, Deft. stated that he will not be ready to proceed to trial in April. Arguments by Mr. Lalli and Mr. DiGiacomo regarding the trial dates and noted that this is an issue that is a basis for denying deft's motion to represent himself. Court stated that if the deft. can not be ready, will deny the motion to represent himself. Upon Court's inquiry, deft. stated that he will be ready to proceed to trial in April. Mr. DiGiacomo requested an order that stand by counsel be ready to proceed to trial in the event that the deft. elects not to represent himself. Mr. Schieck stated that counsel had previously announced ready and will do what they can but can not control what transpires between now and the trial since the deft. is representing himself. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 16, 2010

06C224572-2

The State of Nevada vs Domonic R Malone

February 16, 2010

8:15 AM

All Pending Motions

**ALL PENDING
MOTIONS (02-16-10)**
**Court Clerk: Carol
Donahoo**
**Reporter/Recorder:
Michelle Ramsey**
**Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cano, Charles A.	Attorney
Di Giacomo, Marc P.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Pike, Randall H.	Attorney

JOURNAL ENTRIES

- DEFT.'S PRO PER MOTION TO PRESERVE AND PRODUCE EVIDENCE INCLUDING
 POTENTIALLY EXCULPATORY EVIDENCE . . . DEFT.'S PRO PER MOTION FOR EXPENSES FOR
 PRIVATE INVESTIGATOR

Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as Deft.'s stand-by counsel.

Court and counsel indicated that due to the poor quality of the handwritten motions, they were difficult to read. Colloquy regarding providing Deft. with a Felt Tip Pen to prepare his motions so they will be legible. COURT SO ORDERED. Deft. requested some supplies to organize his papers; i.e., files rubber bands, etc. COURT FURTHER ORDERED, said supplies shall be provided to Deft.

Colloquy regarding the requested discovery. Mr. DiGiacomo advised that Mr. Pike and Mr. Cano had

been to his office and all discovery in his possession has been provided to Deft. Malone. Court directed Deft. to look through everything that has been provided and if something is missing; Deft. to make a specific request.

With regard to the Motion for Expenses for Private Investigation, COURT ORDERED, Motion GRANTED. Deft. to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 16, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

March 16, 2010**8:15 AM****Motion**

**DEFT'S MTN FOR
JUDICIAL
DETERMINATION
OF Court Clerk:
Carol Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

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

Cano, Charles A.

Attorney

Di Giacomo, Marc P.

Attorney

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Deft. Herb not present. Mr. DiGiacomo advised the Motion was filed on behalf of Deft. Malone not Deft. Herb so the wrong Deft. is on calendar. COURT ORDERED, Motion for Judicial Determination of Standby Counsel's Obligations pursuant to Hollaway vs. State placed on calendar as to Deft. Malone.

CUSTODY

03/18/10 8:15 AM Deft. Malone's Motion

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 18, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

March 18, 2010**8:15 AM****Motion**

**MOTION FOR
JUDICIAL
DETERMINATION
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael**

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

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Pike, Randall H.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- Mr. Pike advised he and Charles Cano, Dep SPD, are standby counsel and have assumed an Amicus position with the Court. The SPD is to present a mitigation defense regardless of the Deft. s wishes unless the Court precludes such a presentation. Upon Court's inquiry, Deft. stated he may have an objection but is not sure he has seen the motion.

Colloquy regarding Deft.'s request to review certain materials. The investigator, Mr. Dillard, will make the appropriate arrangements to meet with Deft. COURT ORDERED, Motion CONTINUED; Mr. Pike to make sure Deft. has a copy of the Motion and, if possible, Mr. Dillard to be present next date.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 25, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

March 25, 2010**8:15 AM****Motion**

**MOTION FOR
JUDICIAL
DETERMINATION
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

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

Di Giacomo, Marc P.
Lalli, Christopher J.
Malone, Domonic R
Pike, Randall H.
Schieck, David M.

Attorney
Attorney
Defendant
Attorney
Attorney

JOURNAL ENTRIES

- David Schieck, Dep SPD, appearing on behalf of Charles Cano, Dep SPD.
Deft. Malone's Motion for Reconsideration of Writ of Habeas Corpus and Deft. Malone's Motion in Limine to Prohibit Introduction of Hearsay Statements made by Co-Defendant McCarthy and Others that Reference Deft. Malone at the Time of Trial FILED IN OPEN COURT.
Colloquy regarding the Motion for Judicial Determination. COURT ORDERED, Motion GRANTED.
With regard to Deft. Malone's Motion in Limine, Court advised no hearsay statements will be allowed.
Mr. Pike needs additional surgery; colloquy regarding the trial date. COURT ORDERED, the April 5,

2010, trial date shall be VACATED; the new trial date will be October 11, 2010, which was previously scheduled as a back-up.

Mr. Oram made representations regarding the Motion to Sever. COURT ORDERED, the Motion to Sever and Deft. Malone's Motion for Reconsideration shall be set for April 13.

CUSTODY

04/13/10 8:15 MOTION TO SEVER & MOTION FOR RECONSIDERATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2010

06C224572-2

The State of Nevada vs Domonic R Malone

April 13, 2010

8:15 AM

All Pending Motions

**ALL PENDING
MOTIONS (04-13-10)**
**Court Clerk: Carol
Donahoo**
**Reporter/Recorder:
Michelle Ramsey**
**Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

Malone, Domonic R

Defendant

Pike, Randall H.

Attorney

Schieck, David M.

Attorney

Special Public Defender

Attorney

JOURNAL ENTRIES

- 0. DEFT. MALONE'S MOTION FOR RECONSIDERATION OF WRIT OF HABEAS CORPUS ...
 DEFT. MCCARTY'S RENEWED MOTION TO SEVER

Deft. Malone stated a copy of the State's Opposition to his Motion for Reconsideration was not served upon him; he received a copy from his stand-by counsel, Randall Pike, SPD; colloquy. No oral argument. COURT ORDERED, Motion for Reconsideration DENIED as the Court previously found that slight or marginal evidence was presented to support the charges. Deft. has presented no new evidence to convince the Court that its previous decision was incorrect. Furthermore, pursuant to EDCR 7.12, Deft. did not seek permission from the Court to file said motion.

Arguments by counsel on the Renewed Motion to Sever. Court advised it wanted to review the

previous motion to sever and ORDERED, matter CONTINUED. Deft. Malone requested he be transported for the continued hearing. COURT SO ORDERED.
CUSTODY (BOTH)
CONTINUED TO: 04/29/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 29, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

April 29, 2010**8:15 AM****Motion to Sever**

**MCCARTY'S
RENEWED
MOTION TO SEVER
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

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

Di Giacomo, Marc P.	Attorney
Lalli, Christopher J.	Attorney
Malone, Domonic R	Defendant
Schieck, David M.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

-

Colloquy regarding Deft. Malone's intentions to continue to represent himself; Deft. stated he will be representing himself. COURT ORDERED, McCarty's Renewed Motion to Sever GRANTED. Court discussed with counsel the order in which the trials should go forward. Mr. DiGiacomo advised the State would prefer that Deft. McCarty go first and then Malone could follow immediately after. COURT ORDERED, the October trial date STANDS for both Deft.'s; counsel are directed to meet with one another and the Detective sixty (60) days prior to trial to ensure all discovery has been exchanged.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 18, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

May 18, 2010**8:15 AM****Status Check****STATUS CHECK:
SENTENCING
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lalli, Christopher J.

Attorney

JOURNAL ENTRIES

- Mr. Lalli advised the parties would like to continue this matter until sometime in November.
COURT SO ORDERED.

CUSTODY

CONTINUED TO: 11/23/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 20, 2010

06C224572-2

The State of Nevada vs Domonic R Malone

July 20, 2010

8:15 AM

Motion

**DEFT'S MOTION
FOR PARALEGAL
FINANCIAL
ASSISTANCE
MEDICAL PRIVATE
INVESTIGATOR
Court Clerk: Carol
Donahoo
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Malone, Domonic R

Attorney
Defendant

JOURNAL ENTRIES

- Also present: Randall Pike, SPD, standby counsel for Deft. Malone.

Deft. stated in his Motion that all inmates have lost the privilege to go to the law library; that he was found to be indigent but has not been provided with the funds or materials to conduct his legal defense; that he needs medical treatment for an impacted wisdom tooth; and that he wants Investigator Tom Dillard removed and replaced with Richard Franky. Deft. claims Investigator Dillard has done nothing on his case. Colloquy regarding Deft.'s Motion. Upon Court's inquiry, Deft. stated that he has had no contact with Investigator Dillard except for an initial meeting. COURT ORDERED, Motion CONTINUED. Court directed Investigator Dillard to be present next date.

06C224572-2

CUSTODY

CONTINUED TO: 07/27/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 27, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

July 27, 2010**8:15 AM****Motion**

**Deft. Malone's
Motion for Paralegal,
Financial Assistance,
Medical, Private
Investigator**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Asst DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as standby counsel for Deft. Malone.

Mr. Lalli advised that Michael Wysocki is present today and could accept the Investigator appointment. Wysocki was originally assigned to this case but was in a car accident and unable to continue so Tom Dillard was appointed. At this point, no investigative work has been done. COURT ORDERED, Michael Wysocki shall be APPOINTED as Investigator on this case. Court directed Wysocki to meet with Deft. as soon as possible.

Colloquy regarding Deft.'s dental issues and whether said dental issues are a medical necessity. Court advised it would NOT order that Deft. be transported for dental treatment at this point but instead requested Mr. Pike and Mr. Cano to check further into Deft.'s dental needs.

Colloquy regarding Deft.'s request for paralegal assistance. Deft. advised that he is unable to use the legal library for the reasons stated on the record and is having difficulty in obtaining Case Law and

preparing for trial. Mr. Lalli stated that Deft. was apprised of these issues when he decided to represent himself. Mr. Pike added that due to Deft.'s limited knowledge of the law, he is not requesting the appropriate information. Upon Court's inquiry, Deft. stated that he will continue to represent himself. Court requested Mr. Pike and Mr. Cano comply with Deft.'s requests.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 12, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

August 12, 2010**8:15 AM****Motion to Suppress**

**Deft.'s Pro Per
Motion To Suppress
Statements Of
Correna Phillips Or
In The Alternative
Motion In Limine To
Prohibit Introduction
Of Statements Made
By State Witness
'Phillips' At The
Time Of Trial**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Asst DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present, pro se; and Charles Cano, Dep SPD, present as stand-by counsel for Deft. Michael Wysocki, Investigator, also present.

Mr. Lalli advised the State filed an Opposition to Deft.'s Motion. Deft. stated he did not receive a courtesy copy. Court noted this is a continuing problem. Upon Court's inquiry, Deft. again stated that he wanted to continue representing himself. Mr. Wysocki addressed the Court; colloquy regarding clerical issues and what Mr. Wysocki is doing to assist Deft.

COURT ORDERED, Motion CONTINUED to August 26; Deft's Motion for Paralegal will also be continued to August 26.

PRINT DATE: 01/09/2018

Page 83 of 179

Minutes Date: August 02, 2006

06C224572-2

CUSTODY

CONTINUED TO: 08/26/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

06C224572-2

The State of Nevada vs Domonic R Malone

August 26, 2010**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- DEFT.'S PRO PER MOTION TO SUPPRESS STATEMENTS OF CORRENA PHILLIPS OR, IN THE ALTERNATIVE, MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY STATE'S WITNESS PHILLIPS AT THE TIME OF TRIAL . . . DEFT.'S MOTION FOR PARALEGAL

Sandra DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Deft. prepared a Reply to the State's Response; however the Court did not receive a copy of same. Therefore, COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 08/31/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 31, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

August 31, 2010**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- DEFT.'S PRO PER MOTION TO SUPPRESS STATEMENTS OF CORRENA PHILLIPS OR, IN THE ALTERNATIVE, MOTION IN LIMINE TO PROHIBIT INTRODUCTION OF STATEMENTS MADE BY STATE'S WITNESS "PHILLIPS" AT THE TIME OF TRIAL . . . DEFT.'S MOTION FOR PARALEGAL

Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Deft. claims that Correna Phillips lied under oath and, for the reasons stated on the record, should not be allowed to be a witness in this case. Arguments by counsel. COURT ORDERED, Motion to Suppress DENIED as there is no legal basis to exclude the testimony of said witness. Mr. DiGiacomo to prepare the Order.

Colloquy regarding Deft.'s request for a paralegal. Deft. stated that he needs someone to assist him with his defense; specifically, he needs help with research as he is not allowed access to the law library at the Clark County Detention Center (CCDC). Colloquy regarding the difficulties in representing one's self under Deft's circumstances; Court noted it cannot appoint the Special Public Defender's office to do his research for him. COURT ORDERED, matter set for status check. This Department's Law Clerk to check with the CCDC Law Library.

06C224572-2

CUSTODY

09/14/10 8:15 AM STATUS CHECK: USE OF CCDC LAW LIBRARY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 14, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

September 14, 2010 8:15 AM**Status Check****Use of CCDC Law
Library****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Charles Cano, Dep SPD, present as stand-by counsel for Deft. Michael Wysocki, Investigator, also present.

Court noted there was some miscommunication regarding the Law Library issue. Therefore, COURT ORDERED, status check CONTINUED.

Deft. stated that he needs to hire an forensic science expert and requested to file a motion in open court; colloquy. Mr. Lalli advised he would not be opposed to the appointment of a Mr. Schiro. COURT ORDERED, Deft.'s oral Motion for Appointment of Expert is GRANTED.

CUSTODY**CONTINUED TO: 09/21/10 8:15 AM**

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 21, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

September 21, 2010 8:15 AM**Status Check****Use Of CCDC Law
Library****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Sr. Dep DA, present on behalf of the State; Deft. Malone present pro se; and Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Court noted the Director of the Clark County Detention Center (CCDC) law library was contacted. Conference at the Bench. Court trailed matter for Mr. Pike to speak with Deft.

MATTER RECALLED: Mr. Pike will prepare an Amicus Order so Deft. will be allowed to use the CCDC law library to prepare for trial. Colloquy regarding the Jury Questionnaire for Deft. Malone and Deft. McCarty and discovery issues.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 30, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

September 30, 2010 8:15 AM**Status Check****Jury Questionnaire****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present Pro Se; and David Schieck, SPD, Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Also present today: Deft. McCarty, the Co-Deft. and his counsel.

Colloquy regarding the Jury Questionnaire. Mr. Lalli indicated that he gave Deft. a copy of the proposed Jury Questionnaire prior to court today. Upon Court's inquiry, Deft. stated that he did receive a copy. Mr. Lalli advised that the Jury Questionnaire for the Co-Deft. is different and Deft. also has a copy of that one. COURT ORDERED, matter CONTINUED for the purpose of discussing and finalizing said Jury Questionnaire.

CUSTODY**CONTINUED TO: 10/05/10 10:00 AM**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 05, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

October 05, 2010**10:00 AM****Status Check****Jury Questionnaire****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Also present: Anthony Sgro, Esq., and Christopher Oram, Esq., on behalf of Deft. McCarty, who is also present.

Upon Court's inquiry, Deft. Malone stated he was not ready for trial as he thought he was going second; colloquy. Mr.Sgro announced ready. COURT ORDERED, the trial for Deft. McCarty will go forward on Tuesday, October 12, 2010. The trial for Deft. Malone shall be VACATED and RESET.

Counsel discuss the Jury Questionnaire for Deft. Malone's case; Deft. was giving a copy of both Questionnaires. COURT ORDERED, matter set for status check.

CUSTODY (BOTH)

10/12/10 10:00 AM JURY TRIAL (MCCARTY)

10/19/10 8:15 AM STATUS CHECK: JURY QUESTIONNAIRE (MALONE)

06C224572-2

10/26/10 8:15 AM CALENDAR CALL (MALONE)

11/01/10 10:00 AM JURY TRIAL (MALONE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

06C224572-2

The State of Nevada vs Domonic R Malone

October 26, 2010**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo
 Linda Denman
 Sharry Frascarelli
 Alice Jacobson

RECORDER: Michelle Ramsey**REPORTER:****PARTIES**

PRESENT:	Cano, Charles A.	Attorney
	Di Giacomo, Marc P.	Attorney
	Lalli, Christopher J.	Attorney
	Malone, Domonic R	Defendant
	Pike, Randall H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES**- STATUS CHECK: JURY QUESTIONNAIRE...CALENDAR CALL**

Court advised still in trial on another case and this trial is to be reset. Colloquy on next possible trial date. COURT ORDERED a tentative trial date. Mr. Lolli advised there was a mix up on the Deft's bail. COURT CONFIRMED there is NO BAIL on the Murder charge, and a \$2,000,000.00 bail was set for the other charges. Colloquy on Jury Questionnaire. Deft agreed to use the co-defendant's Jury Questionnaire but to change his name. FURTHER ORDERED, counsel to fax over dates they are unavailable for trial.

CUSTODY**11/9/10 8:15 AM STATUS CHECK: TRIAL SETTING**

PRINT DATE: 01/09/2018

Page 93 of 179

Minutes Date: August 02, 2006

5/31/11 8:15 AM CALENDAR CALL

6/6/11 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

November 09, 2010 8:15 AM**Status Check****Trial Setting****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Colloquy regarding scheduling issues. Court noted that it has at least two firm setting on each of its 2011 criminal stacks and is going to have a meeting with the Criminal Presiding Judge. COURT ORDERED, status check CONTINUED. In the meantime, all parties to submit their trial schedules to the Court so it can coordinate a trial date.

With regard to Deft.'s Motion to Dismiss, COURT ORDERED, Motion will be CONTINUED to coincide with the status check.

CUSTODY

CONTINUED TO: 11/18/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2010

06C224572-2

The State of Nevada vs Domonic R Malone

November 18, 2010 8:15 AM

All Pending Motions

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- STATUS CHECK: TRIAL SETTING . . . DEFT.'S MOTION TO DISMISS FOR PROSECTORIAL MIDCONDUCT GROUNDS BRADY VIOLATION OR, IN THE ALTERNATIVE, THE JURY TO BE INSTRUCTED ON MALONE'S EXACT WHEREABOUTS DURING THE TIME OF MURDERS

Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. Malone, who is pro se, is not present.

Court Services noted that Deft. refused to be transported today. COURT ORDERED, matters CONTINUED. COURT FURTHER ORDERED, Deft. to be transported next date.

CUSTODY

CONTINUED TO: 11/23/10 8:30

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 23, 2010**

06C224572-2

The State of Nevada vs Domonic R Malone

November 23, 2010**8:15 AM****All Pending Motions**

**STATUS CHECK:
TRIAL
SETTING...DEFT'S
PRO PER MOTION
FOR
PROSECUTORIAL
MISCONDUCT
GROUNDS BRADY
VIOLATION OR IN
THE ALTERNATIVE
THE JURY TO BE
INSTRUCTED ON
MALONE'S EXACT
WHEREABOUTS
DURING THE TIME
OF MURDER(S)**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Karina Kennedy**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

Cano, Charles A.

Attorney

Lalli, Christopher J.

Attorney

Malone, Domonic R

Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft requested to withdraw his Motion, COURT ORDERED GRANTED. The Court admonished Deft if he did not appear at the next hearing Mr. Cano would be representing him. Colloquy regarding Deft needing access to the law library to do research before trial. FURTHER ORDERED,

PRINT DATE: 01/09/2018

Page 97 of 179

Minutes Date: August 02, 2006

Order for Deft to access library every other day for three hours VACATED. Deft to put Motion for library privileges back on calendar. COURT ORDERED, Trial VACATED and RESET.

CUSTODY

01.03.11 8:15 A.M. CALENDAR CALL

01.09.11 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 25, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

January 25, 2011**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- DEFT.'S MOTION TO DISMISS STAND-BY COUNSEL . . . DEFT.'S MOTION FOR FULL TRANSCRIPTS, DISCOVER OF PROSECUTION RECORDS, FILES, AND INFORMATION NECESSARY TO A FAIR TRIAL

Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Court noted Deft.'s Motion is only one page. Deft. advised that the Battery with Substantial Bodily Harm and the First Degree Kidnapping charges originate from a Las Vegas case and he was arrested in Las Vegas but taken to Henderson and booked and charged on those charges along with additional charges. Deft. contends that the Henderson Justice of the Peace did not have the procedural right to hear the Las Vegas case or bind him up to the District Court on the Las Vegas charges. Deft. had asked that his stand-by counsel correct this issue and they never did, therefore, Deft.'s stand-by counsel has jeopardized his case and a conflict has been created.

Mr. Pike advised this matter was discussed with Deft. and the Justices of the Peace have Countywide jurisdiction. Deft. requested that counsel challenge the arrest on probable cause as stated on the record. Mr. Pike advised that all possible claims were investigated, researched, and raised in the appropriate motions. The issue of the Countywide jurisdiction of the Justices of the Peace and the ability to arrest outside of the jurisdiction on a probable cause arrest within Clark County was not

raised in the manner Deft. had requested but it was addressed. Mr. Cano added the original alleged crimes did happen in Henderson.

Mr. DiGiacomo advised that the crimes happened in Henderson; to his knowledge, Deft. was not arrested on the above-named charges, they were part of the Criminal Complaint filed by the District Attorney's office. Further, the District Attorney's office has Countywide jurisdiction and the Counts were found to be properly joined. Colloquy regarding the conflict issue.

Court noted that it appears that Deft.'s counsel (stand-by counsel) reviewed the legal issues in this matter and filed all the appropriate motions. However, since Deft. is now his own counsel, he is free to file any motions he feels are appropriate. The Motion to Dismiss Stand-by Counsel and Motion for Full Transcript . . . do not have any Points and Authorities attached to them and, therefore, are improper. Court has already advised Deft. that if he failed to follow the rules that could be grounds for this Court to no longer allow Deft. to represent himself. If Deft. fails to follow the rules again, this Court will determine that Deft. is unable to represent himself and will then appoint Mr. Pike and Mr. Cano as counsel of record. COURT ORDERED, Deft.'s Motion to Dismiss Stand-by Counsel DENIED, without prejudice.

With regard to Deft.'s request for Transcripts, Court directed Deft. to set forth the reasons why the particular transcripts are needed and identify which ones are needed. COURT ORDERED, Motion DENIED, without prejudice.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 09, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

June 09, 2011**8:15 AM****Motion****Deft.'s Motion for
Complete Rough
Draft Transcript****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se.

This is the time set for hearing on Deft.'s Motion for Complete Rough Draft Transcript of Co-Deft.'s trial. Court noted it did not receive an Opposition. Mr. Lalli advised the transcripts have been available for months. Colloquy regarding the Motion and the Kite mentioned on page 2 of Deft.'s Motion.

Court noted that Deft. is representing himself but is not following the rules and ORDERED, Deft.'s Motion DENIED as he did not file a proper motion.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 21, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

June 21, 2011**8:15 AM****Motion**

**Motion for Discovery
of Prosecution
Records, Files and
Information
Necessary to a Fair
Trial**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; Randal Pike, Asst SPD, and Charles Cano, Dep SPD, present as stand-by counsel for Deft.

Deft. has filed a Motion for Discovery of Prosecution Records, Files, and Information Necessary to a Fair Trial pro se. Mr. Lalli advised that this is the third discovery motion filed in a short period of time. The Motion is very hard to understand; the Special Public Defender (SPD) has reviewed the State's file and is in possession of everything the State has. Therefore, the State is not sure how to respond at this time.

Deft. advised that he does not have a complete set of discovery; he was given some discovery but there are a lot of duplicates in what he received. Deft. talks about the cell phones that were impounded. Mr. Lalli again advised that Mr. Pike and Mr. Cano reviewed the State's file and all their requests with regard to discovery have been honored. Mr. Pike responded that he prepared an inventory list of all the discovery received and made certain Deft. had a copy of all the documents. Copies of the transcripts from the Co-Deft.'s trial were also provided to Deft.'s investigator. Colloquy

regarding the inventory list, other discovery issues, and Deft.'s investigator.

Court noted that Deft.'s motion needs more specificity and directed either Mr. Pike or Mr. Cano to provide Deft. with a redacted copy of the inventory list, if possible. COURT ORDERED, Motion DENIED, without prejudice. Deft. may re-file his motion with more specificity as to what has not been handed over to him.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 12, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

July 12, 2011**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- PRO SE MOTION FOR COMPLETE ROUGH DRAFT TRANSCRIPT OF CASE NO. C224572-1 . . .
PRO SE MOTION FOR DISCOVERY OF PROSECUTION RECORDS, FILES, AND INFORMATION
NECESSARY TO A FAIR TRIAL

Marc DiGiacomo, Chf Dep DA, present on behalf of the State and Deft. Malone present pro se.

Mr. DiGiacomo advised that the Special Public Defender is not present and may not be aware this matter is on calendar today. Upon Court's inquiry, Deft. advised he served all the appropriate parties; colloquy. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 07/19/11 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 19, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

July 19, 2011**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Patti Slattery**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- PRO SE MOTION FOR COMPLETE ROUGH DRAFT TRANSCRIPT OF CASE C224572-1 . . . PRO SE MOTION FOR DISCOVERY OF PROSECUTION RECORDS, FILES, AND INFORMATION NECESSARY TO A FAIR TRIAL

Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se; and Randall Pike, Asst SPD, present as stand-by counsel for Deft.

Court noted it received a pleading entitled "Ex-Parte Communication (Defendant Memorandum to Court)" from Deft. Mr. Lalli and Mr. Pike advised they have seen the document; colloquy. Court noted Deft. indicated in said document that he was forced to represent himself, the Court then quoted some of Deft.'s statements from the document. When a case is overly complex, the Court can DENY a Deft. the right to represent themselves. This is a complex case and due to the Deft.'s statements that he was forced to represent himself, this Court now ORDERS, Deft.'s request to represent himself DENIED. FURTHER, the Special Public Defender (SPD) is ORDERED to represent Deft. and will no longer be Stand-By Counsel.

Upon Court's inquiry, Mr. Pike advised the Court that the SPD will be ready for trial on January 9, 2012, for trial.

With regard to the above-named motions, COURT ORDERED, both motions are OFF CALENDAR.

06C224572-2

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 09, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

August 09, 2011**8:15 AM****Motion to Withdraw as
Counsel****David Schieck's
Motion to Withdraw
as Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; David Shieck, SPD, Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

This is the time set for hearing on Shieck's Motion to Withdraw as Counsel. Mr. Schieck advised that Deft. contacted the office of the Special Public Defender (SPD) by letter and requested that they withdraw as counsel of record. Therefore, the SPD placed the matter on calendar to give Deft. an opportunity to make representations to the Court.

Upon Court's inquiry, Deft. advised there is a conflict between him and the SPD that cannot be resolved. Deft. believes the SPD is conspiring with the State to murder him for the reasons stated on the record. There is a trust issue; colloquy regarding same and the continuing discovery issues. COURT FINDS, Deft.'s lack of specificity with regard to the discovery issues and the allegations that there is a conspiracy to murder him are belied by the record and, therefore, ORDERED, motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 15, 2011**

06C224572-2

The State of Nevada vs Domonic R Malone

December 15, 2011**8:15 AM****Status Check****Trial Status/Jury
Questionnaire****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

This is the time set for the status check with regard to trial status. Mr. Lalli advised the State will be ready to go; the trial is expected to last five and-a-half to six weeks. Colloquy regarding the Jury Questionnaires; the final version of the Questionnaire will more than likely be ready by Friday (December 16). Court advised it would like both counsel to review the Questionnaires and let the Court know on Thursday (January 5) of any agreements to exclude potential jurors.

Mr. Pike advised that he and Mr. Lalli have a conflict on January 9 and would request to postpone the start of the trial to Tuesday, January 10. COURT SO ORDERED.

CUSTODY

01/10/12 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 03, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 03, 2012**8:15 AM****Calendar Call****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Marc DiGiacomo, Chf Dep DA, and Christopher Lalli, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

State and Defense announced ready. Colloquy regarding the Jury Questionnaires; Court would like counsel to review said documents and perhaps come to an agreement on releasing any non-qualified prospective jurors by Thursday, January 5, 2012.

Mr. Lalli advised the State has no mitigation evidence from the Defense; further colloquy. Mr. DiGiacomo is requesting any underlying data that Dr. Paglini uses to render his opinions be turned over to the State as soon as possible. COURT ORDERED, any documentation that was provided to Dr. Paglini to render his opinion, whether it be oral or written be turned over within one (1) week from today; trial will begin Tuesday, January 10, 2012, at 10:00 a.m.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 10, 2012

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:48 a.m. Jury Trial commenced. Court and counsel begin Voir Dire examination of the Prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Prospective Juror No. 021 canvassed. This Prospective Juror is familiar with some of the witnesses that may be called to testify in this matter; therefore, Court released him.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the Prospective Jurors continued.

5:54 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/11/12 9:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 11, 2012

9:15 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:04 a.m. Jury Trial resumed. Court and counsel continued with the Voir Dire examination of the Prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Prospective Juror No. 312 canvassed; he may have been sleeping. State advised the Court of its concerns; colloquy.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the Prospective Jurors continued.

5:36 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/12/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 12, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 12, 2012

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:15 a.m. Jury Trial resumed. Court and counsel continued with the Voir Dire examination of the Prospective Jurors.

5:45 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/13/12 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 13, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 13, 2012**8:30 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

9:06 a.m. Jury Trial resumed. Court and counsel continue Voir Dire examination of the Prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Prospective Juror No. 540 canvassed. This Prospective Juror has been sleeping through the Voir Dire process. Court released him.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the Prospective Jurors continued. Jury and four (4) alternates selected and sworn. Court released the Jury at 5:15 p.m.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike made a Batson Challenge; Prospective Juror No. 469 and Prospective Juror No. 312 were excluded via Peremptory Challenge by the State. Arguments by counsel. COURT ORDERED, the Jury Questionnaires for the above-named Prospective Jurors shall be marked for identification as Court's Exhibits 1 and 2 respectively.

5:45 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

06C224572-2

CUSTODY

CONTINUED TO: 01/17/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 17, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 17, 2012

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:31 a.m. Jury Trial resumed. EXCLUSIONARY RULE invoked.

JURY PRESENT: Clerk read the Second Amended Information to the Jury and stated the Deft.'s plea thereto. Opening statements by Mr. DiGiacomo and Mr. Pike.

Testimony and exhibits presented (see worksheets).

5:00 p.m. Court ADJOURNED, COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/18/12 9:45 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 18, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 18, 2012

9:45 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:03 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

4:09 p.m. Court ADJOURNED, COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/19/12 10:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 19, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 19, 2012

10:15 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:31 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: The witness, Nicolin Broderway, was examined with regard to her testimony for trial today.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

5:25 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/20/12 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 20, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 20, 2012**9:30 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

9:43 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

3:36 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY**CONTINUED TO:** 01/23/12 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 23, 2012

9:30 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey
Debbie Winn

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

9:30 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

2:38 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/24/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 24, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 24, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:04 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

4:47 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY**CONTINUED TO:** 01/25/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 25, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 25, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:09 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

11:40 a.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY**CONTINUED TO:** 01/26/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 26, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 26, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Malone's Objections to the State's Proposed Trial Phase Jury Instructions FILED IN OPEN COURT.

11:01 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Mr. DiGiacomo orally moved to Introduce the taped statement of a non-testifying co-deft. Arguments by counsel; colloquy regarding redactions. COURT ORDERED, decision DEFERRED.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

4:40 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/27/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 27, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 27, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Deft.'s Points and Authorities in Opposition to the Introduction of the Non-Testifying Co-Deft.'s Recorded Telephone Call and State's Points and Authorities in Reply to Deft.'s Opposition to the Introduction of the Non-Testifying Co-Deft.'s Recorded Telephone Call FILED IN OPEN COURT.

9:43 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the above-referenced issue. On the issue of the continuance of the conspiracy, the COURT DOES NOT FIND, that the statements in question fall into the concealment of the crime or a conspiracy; FURTHER, the statements are not specific enough to allow them in under NRS 51.069. COURT ORDERED, the motion is DENIED.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right not to testify.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

3:49 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED; Court directed the Jury not to return until Tuesday at 10:00 a.m. as the Court is going to settle Jury Instructions on Monday, January 30, 2012.

CUSTODY

CONTINUED TO: 01/30/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

January 30, 2012

10:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Third Amended Information and State's Opposition to Deft. Malone's Motion in Limine to Preclude Presentation of "Other Matter" Evidence Related to Another Homicide FILED IN OPEN COURT.

11:52 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: the Jury is not present today as the Court is working on the Jury Instructions for this case. Jury Instructions settled on the record.

12:30 p.m. Court ADJOURNED, COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 01/31/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 31, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 31, 2012**8:15 AM****Motion****Motion in Limine to
Bar Improper
Prosecutorial
Argument****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

This is the time set for hearing on Deft.'s Motion in Limine to Bar Improper Prosecutorial Argument. The State is seeking to introduce evidence of a charge that was filed against Deft. in 2000. Arguments by counsel. Court advised it is concerned about the Jury getting a complete picture, perhaps being confused and speculating about what happened in Deft.'s other case. This information is highly prejudicial, therefore, COURT ORDERED, Motion is GRANTED; Mr. Pike to prepare the Order.

Mr. Lalli requested the Court STAY its ruling as the State would like to seek review from the Nevada Supreme Court. Additional arguments by counsel. COURT ORDERED, Mr. Lalli's request for a STAY is DENIED.

CUSTODY**CLERK'S NOTE:** For the record, the hearing on Deft.'s Motion in Limine to Bar Improper

Prosecutorial Argument was actually held on February 1, 2012, not January 31, 2012.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 31, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

January 31, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Reply to State's Opposition to Deft.'s Motion to Admit Evidence of Other Bad Acts in Limine to Bar Improper Prosecutorial Argument FILED IN OPEN COURT.

10:00 a.m. Jury Trial resumed. Court instructed the Jury. Closing arguments by Mr. Lalli and Mr. Cano; rebuttal by Mr. DiGiacomo.

At the hour of 3:16 p.m. the Jury retired to deliberate

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike advised that at the end of Mr. DiGiacomo's Closing Argument, he made a statement which Mr. Pike believes was a reference to the Deft.'s failure not to testify and right to remain silent. Therefore, Mr. Pike orally moved for a mistrial. Argument by Mr. DiGiacomo. COURT ORDERED, motion DENIED.

3:16 p.m. Court ADJOURNED. Jury deliberated until 5:00 p.m. at which time COURT ORDERED, Jury Trial CONTINUED. The Jury is to return tomorrow at 9:00 a.m. to resume their deliberations.

06C224572-2

CUSTODY

CONTINUED TO: 02/01/12 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 01, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

February 01, 2012**9:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

9:00 a.m. The Jury returned and retired to deliberate. During the Jury's deliberations, they presented four (4) questions to the Court. The Court provided answers to said questions and where the answered required consultation with counsel, the Court did so. The question were marked for identification as Court's Exhibits 32, 33, 34, and 35.

At the hour of 1:22 p.m., the Jury returned with a verdict as follows:

GUILTY of COUNT 1 - BATTERY WITH SUBSTANTIAL BODILY HARM (F); GUILTY of COUNT 2 - CONSPIRACY TO COMMIT KIDNAPPING (F); GUILTY of COUNT 3 - FIRST DEGREE KIDNAPPING (F); GUILTY of COUNT 4 - BATTERY WITHOUT SUBSTANTIAL BODILY HARM (F); NOT GUILTY of COUNT 5 - ROBBERY (F); NOT GUILTY of COUNT 6 - PANDERING (F); GUILTY of COUNT 7 - CONSPIRACY TO COMMIT BURGLARY (GM); GUILTY of COUNT 8 - CONSPIRACY TO COMMIT KIDNAPPING (F); GUILTY of COUNT 9 - CONSPIRACY TO COMMIT MURDER (F); NOT GUILTY of COUNT 10 - BURGLARY (F); GUILTY of COUNT 11 - FIRST DEGREE KIDNAPPING (F); GUILTY of COUNT 12 - FIRST DEGREE KIDNAPPING (F); GUILTY of COUNT 13 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (CHARLOTTE

COMBADO) (F); GUILTY of COUNT 14 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (VICTORIA MAGEE) (F); GUILTY of COUNT 15 - ROBBERY WITH USE OF A DEADLY WEAPON (F); and GUILTY of COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON (F).

Jury Polled.

1:33p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED for Penalty Hearing.

CUSTODY

CONTINUED TO: 02/06/12 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

February 03, 2012**9:30 AM****Motion For
Reconsideration****State's Motion to
Reconsider the
Exclusion of Highly
Probative and
Admissible Evidence
from the Penalty
Hearing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Court sets forth the history of the June 2000 murder case, the facts of which the State wishes to introduce during the Penalty Hearing for Deft. Mr. Lalli presented a Case History and some Photographs, which he would like marked for identification as State's Exhibits 1 through 5.

Arguments by counsel; State's Exhibits ADMITTED. COURT ORDERED, decision DEFERRED, the Court will make a decision on this Motion in the next couple of hours. Court noted that Mr. Lalli attached several witness statements to his Motion and inquired as to whether or not any of them have criminal convictions; colloquy. Court directed Mr. Lalli to run NCIC on the all above-mentioned witnesses and turn over any applicable information to Mr. Pike.

06C224572-2

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 03, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

February 03, 2012**9:30 AM****Decision**

**Decision: State's
Motion to Reconsider
the Exclusion of
Highly Probative and
Admissible Evidence
from the Penalty
Hearing**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- State's Motion for Reconsideration came before this Court on February 3, 2012.

State filed its Notice of Evidence in Aggravation on September 24, 2009, and filed its Supplemental Notice of Evidence in Aggravation on November 30, 2011. Defendant's trial began on January 10, 2012. Defendant filed his Motion in Limine to Bar Improper Prosecutorial Argument on January 17, 2012. Defendant asserts that the use of a 2000 Homicide identified in the 2009 Notice of Evidence in Aggravation as evidence at the sentencing hearing of trial is improper.

NRS 175.552 permits four types of evidence to be admissible at a capital sentencing hearing. See *Thomas v. State*, 122 Nev. 1361, 148 P.3d 727, 733 (2006). The State asserts that the 2000 Homicide is admissible evidence as "other matter" evidence. *Id.* In accordance with *Nunnery v. State*, 127 Nev. Adv. Op. 69, 263 P.3d 235, 249 (2011), "evidence of uncharged crimes may be admitted ... as 'other matter' evidence." Such evidence is relevant because a sentencing determination should be based on the entirety of a defendant's "character, record, and the circumstances of the offense," *Browning v.*

State, 124 Nev. 517, 526, 188 P.3d 60, 67 (2008), but it may be excluded from a capital penalty hearing if it is 'impalpable or highly suspect.'" Nunnery, 127 Nev. Adv. Op. 69, 263 P.3d at 249,

Under NRS 175.552 "evidence that a defendant had committed an unrelated homicide for which he had not been convicted may be admitted during the penalty phase of defendant's trial ... as 'other matter which the court deems relevant to sentence.'" Gallego v. State, 117 Nev. 348, 369, 23 P.3d 227, 241 (2001). Other matter evidence permits "testimony regarding police investigations of a defendant's other crimes so long as the evidence is not impalpable or highly suspect." Id.; see also, People v. Valencia, 43 Ca. 4th 268, 74 Cal.Rptr.3d 605, 180 P.3d 351 (2008). As such, the Nevada Supreme Court upheld the admissibility of evidence concerning police investigations of other crimes. Id.

Under NRS 175.552 evidence which may or may not ordinarily be admissible under the rules of evidence may be admitted in the penalty phase of a capital trial as long as the questioned evidence is not supported solely by impalpable or highly suspect evidence. Homick v. State, 108 Nev. 127, 138, 825 P.2d 600, 607 (1992). As such, the Nevada Supreme Court upheld the admissibility of evidence concerning other pending homicide charges. Id.

In Leonard v. State, 114 Nev. 1196, 1214, 969 P.2d 288, 299 (1998), the Nevada Supreme Court maintained the standard articulated in Homick, and, upheld the admissibility of evidence concerning police investigation of crimes for which defendant had not been convicted.

The State's original Opposition did not include any exhibits of which the Court could review to determine a factual basis to allow the 2000 arrest into evidence at the Penalty hearing. The fact that a former Deputy District Attorney did not pursue the 2000 murder charge against Malone is not substantive evidence for this Court's inquiry as to whether the evidence is "impalpable or highly suspect." The State's Motion for Reconsideration included the Police Report and the Voluntary Statements of five (5) witnesses.

Based upon a review of the exhibits attached to the Motion for Reconsideration and further argument by counsel, the COURT FINDS, that evidence of the murder of 2000 is not based upon "impalpable or highly suspect evidence." COURT ORDERED State's Motion is GRANTED. State to prepare the Order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved pursuant to EDCR 5.90(e).

CUSTODY

CLERK'S NOTE: A copy of this minute order was e-mailed to the District Attorney and Special Public Defender by the Law Clerk.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

February 06, 2012**9:30 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Deft.'s Motion to Recuse the Clark County District Attorney's Office and Malone's Objections to the State's Proposed Penalty Phase Jury Instructions FILED IN OPEN COURT.

9:56 a.m. Jury Trial resumed; PENALTY HEARING. OUTSIDE THE PRESENCE OF THE JURY: Argument by Mr. Cano on the Motion to Recuse. For the reasons stated on the record, Mr. Cano believes that Mr. DiGiacomo should not participate any further in these proceedings and moved for a mistrial; he is requesting that a Special Prosecutor be appointed. Argument by Mr. DiGiacomo. Court noted that the Motion for Reconsideration of Deft.'s Motion in Limine to Bar Improper Prosecutorial Argument was GRANTED; in the State's original opposition, the Court based its decision on the documents provided; it did not have the numerous pages of documents and exhibits that the State attached to the Motion for Reconsideration. Upon reviewing the substantial number of documents attached thereto, the Court found that the 2000 charge was not based on highly suspect evidence. COURT ORDERED, Motion for Mistrial DENIED. Colloquy regarding the Deft.'s previously filed Motion to Bifurcate the Penalty Phase of the trial. COURT FURTHER ORDERED, Motion DENIED.

For the record, the Exclusionary Rule, which was previously INVOKED, is WAIVED for the purposes

of the Penalty Hearing.

10:07 a.m. JURY PRESENT: Opening statements by Mr. DiGiacomo and Mr. Pike. Testimony and exhibits presented (see worksheets).

4:47 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 02/07/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 07, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

February 07, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:16 a.m. Jury Trial resumed; PENALTY HEARING. OUTSIDE THE PRESENCE OF THE JURY: Mr. Lalli advised that the State is prohibited from having victims' family members tell the Jury that they want a death sentence. Yesterday during cross-examination there were some questions with that type of an implication. Colloquy regarding this issue and State's Exhibit No. 262.

10:39 a.m. JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: The Court advised Deft. of his right of allocution.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

5:03 p.m. Court released the Jury. OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike orally moved for a mistrial based on a question that was asked by Mr. DiGiacomo to the witness, Tami Bass. Mr. Pike objected and a conference was held at the bench. COURT ORDERED, Motion DENIED.

5:11 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

06C224572-2

CUSTODY

CONTINUED TO: 02/08/12 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

February 08, 2012

9:30 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

9:37 a.m. Jury Trial resumed; PENALTY HEARING. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding State's Exhibit No. 262 and Deft.'s Exhibit No. HHH.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

3:00 p.m. Court released Jury. OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions settled on the record.

4:19 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 02/09/12 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 09, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

February 09, 2012**10:00 AM****Jury Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

10:01 a.m. Jury Trial resumed; PENALTY HEARING. OUTSIDE THE PRESENCE OF THE JURY: Further colloquy regarding State's Exhibit 262, the Exhibit will be admitted with certain documents being replaced/removed as stated on the record.

10:06 a.m. JURY PRESENT: Court instructed the Jury. Closing arguments by Mr. Lalli, Mr. Cano and Mr. Pike; rebuttal by Mr. DiGiacomo.

At the hour of 12:58 p.m., the Jury retired to deliberate. Court noted that immediately after the Jury retired, lunch was provided. After lunch, the Jurors commenced deliberations. At 3:39 p.m. the Jury sent a note out. The Court held a telephonic conference with counsel and agreed upon a response. The Jury was instructed to continue to deliberate; the note was marked for identification as Court's Exhibit 42 and ADMITTED. After the response was provided to the Jury, they were admonished and discharged for the evening and instructed to return on February 10, 2012, at 9:00 a.m. to continue their deliberations.

4:14 a.m. COURT ORDERED, Jury Trial CONTINUED.

06C224572-2

CUSTODY

CONTINUED TO: 02/10/12 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 10, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

February 10, 2012

9:00 AM

Jury Trial

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Marc DiGiacomo, Chf Dep DA, present on behalf of the State; Randall Pike, Asst SPD, and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

9:00 a.m. The Jury returned and retired to deliberate.

At the hour of 11:19 a.m., the Jury returned with a Special Verdict as recorded herein and a Verdict of Life without the Possibility of Parole for each victim.

Court thanked and excused the Jury and alternates. COURT ORDERED, matter set for sentencing; Deft. REMANDED to CUSTODY without bail.

11:42 a.m. Court ADJOURNED.

CUSTODY

04/12/12 8:15 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 16, 2012

06C224572-2

The State of Nevada vs Domonic R Malone

February 16, 2012

8:15 AM

Request

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo
Kathy Sweatt
Dulce Romea
Sharon Coffman

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Lalli, Christopher J.	Attorney
	Malone, Domonic R	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defense counsel not present. COURT noted trial has been completed and ORDERED, material witness warrant for Mr. Ramaan Hall RECALLED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 10, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

April 10, 2012**8:15 AM****Motion for New Trial****Deft.'s Motion for
New Trial****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Court advised Mr. Cano that Deft. filed a Motion for New Trial, pro se. Deft. has an attorney of record, so all motions need to be filed by counsel; colloquy. Mr. Lalli advised that because the Motion was filed pro se and Deft. is represented by counsel, the State would request that said document be STRICKEN. COURT ORDERED, Motion STRICKEN; said Motion will not be considered by the Court. If Mr. Cano believes there are grounds for a new trial, he will file the appropriate motion.

Conference at the Bench; Mr. Cano presented an Ex-Parte Application and Order to Prepare Transcripts and Receipt of Copy to the Court. The Order was signed by the Court on the bench and the Receipt of Copy was signed by the Court Recorder and both were FILED IN OPEN COURT.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 12, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

April 12, 2012**8:15 AM****Sentencing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Randall Pike, Asst. SPD, present on behalf of Deft. Malone, who is also present.

Court noted it would like to review its notes with regard to the sentencing of the Co-Deft. McCarty before proceeding with the sentencing of this Deft. Therefore, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 04/24/12 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 24, 2012**

06C224572-2

The State of Nevada vs Domonic R Malone

April 24, 2012**8:15 AM****Sentencing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Charles Cano, Dep SPD, present on behalf of Deft. Malone, who is also present.

Pursuant to the Jury's verdict, DEFT. MALONE ADJUDGED GUILTY of COUNT 1 - BATTERY WITH SUBSTANTIAL BODILY HARM (M), COUNT 2 - CONSPIRACY TO COMMIT KIDNAPPING (F), COUNT 3 - FIRST DEGREE KIDNAPPING (F), COUNT 4 - BATTERY WITHOUT SUBSTANTIAL BODILY HARM (M), COUNT 7 - CONSPIRACY TO COMMIT BURGLARY (GM), COUNT 8 - CONSPIRACY TO COMMIT KIDNAPPING (F), COUNT 9 - CONSPIRACY TO COMMIT MURDER (F), COUNT 11 - FIRST DEGREE KIDNAPPING (F), COUNT 12 - FIRST DEGREE KIDNAPPING (F), COUNT 13 - MURDER WITH USE OF A DEADLY WEAPON (CHARLOTTE COMBADO) (F), COUNT 14 - MURDER WITH USE OF A DEADLY WEAPON (VICTORIA MAGEE) (F), COUNT 15 - ROBBERY WITH USE OF A DEADLY WEAPON (F), and COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Matter argued and submitted. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, which was collected in another case, the \$2,554.41 RESTITUTION, jointly and severely, and an Indigent Defense Civil Assessment Fee in the amount of \$250.00, Deft. SENTENCED as follows:

AS TO COUNT 1, Deft. SENTENCED to a MAXIMUM of FORTY-EIGHT (48) MONTHS and a MINIMUM of NINETEEN (19) MONTHS in the Nevada Department of Corrections (NDC);

AS TO COUNT 2, Deft. SENTENCED to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in NDC, CONSECUTIVE to Count 1;

AS TO COUNT 3, Deft. SENTENCED to LIFE in NDC with PAROLE ELIGIBILITY beginning after a MINIMUM of FIVE (5) YEARS has been served, CONCURRENT with Count 2;

AS TO COUNT 4, Deft. SENTENCED to the Clark County Detention Center (CCDC) for SIX (6) MONTHS, CONCURRENT with Count 3;

AS TO COUNT 7, Deft. SENTENCED to the Clark County Detention Center (CCDC) for TWELVE (12) MONTHS, CONSECUTIVE to Count 3;

AS TO COUNT 8, Deft. SENTENCED to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in NDC, CONCURRENT with Count 7;

AS TO COUNT 9, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, CONSECUTIVE to Count 8;

AS TO COUNT 11, Deft. SENTENCED to LIFE in NDC WITHOUT the POSSIBILITY OF PAROLE, CONSECUTIVE to Count 9;

AS TO COUNT 12, Deft. SENTENCED to LIFE in NDC WITHOUT the POSSIBILITY OF PAROLE, CONSECUTIVE to Count 11;

AS TO COUNT 13, Deft. SENTENCED to LIFE in NDC WITHOUT the POSSIBILITY OF PAROLE, plus a CONSECUTIVE term of LIFE WITHOUT the POSSIBILITY OF PAROLE for use of a deadly weapon, CONSECUTIVE to Count 12;

AS TO COUNT 14, Deft. SENTENCED to LIFE in NDC WITHOUT the POSSIBILITY OF PAROLE, plus a CONSECUTIVE term of LIFE WITHOUT the POSSIBILITY OF PAROLE for use of a deadly weapon, CONSECUTIVE to Count 13;

AS TO COUNT 15, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS for use of a deadly weapon, CONCURRENT with Count 14; and

AS TO COUNT 16, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS in NDC, plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of FORTY-EIGHT (48) MONTHS for use of a deadly weapon, CONSECUTIVE to Count 15.

Deft. has TWO THOUSAND ONE HUNDRED FORTY-EIGHT (2,148) DAYS credit for time served;
BOND, if any, EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 24, 2014**

06C224572-2

The State of Nevada vs Domonic R Malone

June 24, 2014**8:15 AM****Motion to Withdraw as
Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Athena Trujillo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Emily Montgomery, Deputy District Attorney, present for the State of Nevada.
Randy Pike and Clark Patrick, Deputy Public Defenders, present on behalf of Defendant Malone.
Defendant Malone not present.

Mr. Pike advised they have already filed a Motion to Withdraw and sent the file and discovery to the Defendant on 05/18/14. Further, Mr. Pike advised all other information, including the disks, were sent on 06/02/14. COURT ORDERED, Public Defender's Motion to Withdraw GRANTED, Defendant's Pro Per Motion for Withdrawal of Attorney DENIED as MOOT.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 02, 2014**

06C224572-2

The State of Nevada vs Domonic R Malone

September 02, 2014 8:15 AM**Request****DA's Request: Deft.'s
Motion for
Appointment of
Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Caroline Bateman, Dep DA, present on behalf of the State; Deft. Malone is incarcerated the Nevada Department of Corrections (NDC) and not present.

Deft. is requesting appointment of counsel; he has filed a Petition for Writ of Habeas Corpus (Post-Conviction). This is Deft.'s first Petition and it is this Court's policy to appoint counsel on first-time Petitions. Therefore, COURT ORDERED, Deft.'s request GRANTED; matter set for status check. This Court's staff to contact the Office of Appointed Counsel.

NDC

09/18/14 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL

CLERK'S NOTE: Court Clerk telephonically notified Drew Christensen of the above.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 18, 2014**

06C224572-2

The State of Nevada vs Domonic R Malone

September 18, 2014 8:15 AM**Status Check****Appointment of
Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Hamner, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set on the Status Check with regard to appointment of counsel. Ms. Allen advised that she is present to CONFIRM as COUNSEL OF RECORD for Deft. Malone. Court advised the Deft. has filed his first Petition for Writ of Habeas Corpus (Post-Conviction) and it is this Court's policy to appoint counsel on all first Petitions.

Colloquy; Ms. Allen advised that she has not had an opportunity to review the file; she was just contacted by the Office of Appointed Counsel yesterday. COURT ORDERED, matter set for status check in thirty (30) days. Deft.'s Pro Se Petition is set for hearing on October 21, 2014; that date will be VACATED as Ms. Allen is now counsel of record.

NDC

10/16/14 8:15 AM STATUS CHECK: FILE/SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 16, 2014**

06C224572-2

The State of Nevada vs Domonic R Malone

October 16, 2014**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Sandra Pruchnic**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- STATUS CHECK: FILE/BRIEFING SCHEDULE . . . MOTION TO ASSERT THE RIGHTS OF PETITIONERS 1ST, 6TH, AND 14TH, AMENDMENT AS CO-COUNSEL GROUNDS/ISSUES ARE TO REMAIN THE SAME IN THE HABEAS CORPUS

Nicole Cannizzaro, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Ms. Allen advised that she does not have the file from the Special Public Defender yet but in speaking with them expects to have it within the next two (2) three (3) weeks; Randal Pike Asst SPD, advised the file in this matter is voluminous and he will get it to her. Court set the following briefing schedule:

04/16/15 - Supplemental Brief

06/16/15 - State's Responds

COURT ORDERED, matter set for hearing. Deft.'s Motion, which he filed pro se, will be continued to the same day as the hearing.

NDC

07/24/15 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

06C224572-2

The State of Nevada vs Domonic R Malone

June 09, 2015**8:30 AM****Motion****Deft.'s Motion to
Expand Briefing
Schedule****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Brad Turner, Chf Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion to Expand Briefing Schedule. Ms. Allen advised this matter was handled by the Special Public Defender and she has run into some issues in trying to obtain the file; it is voluminous. Ms. Allen is requesting another six (6) months to submit her Supplemental brief; the Deft. is aware of what is going on. Court set the following briefing schedule:

12/08/15 - Supplemental Brief

02/08/16 State's Response

COURT ORDERED, Motion GRANTED; the hearing on the Petition for Writ of Habeas Corpus is VACATED and RESET.

NDC

03/11/16 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

06C224572-2

The State of Nevada vs Domonic R Malone

August 11, 2015**8:30 AM****Motion to Dismiss**

**Deft.'s Ex Parte
Motion to Dismiss
Appointed Counsel
of Record and
Resubmit New
Appointed Counsel**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Hamner, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel. Deft. claims there is a conflict of interest and that he has had no contact with his appointed counsel, Ms. Allen.

Ms. Allen represented that she has mailed letters to the Deft. to let him know what is going on and she has talked to him on the phone; she had planned to visit in person with him in July but was not able to do so. Additionally, the file is voluminous but Ms. Allen does plan on having the Supplement filed in December; the hearing on Deft.'s Petition for Writ of Habeas Corpus is not set until March 2016.

For the Record: Ms. Allen advised that the Deft. had indicated to her that he only wanted her to look

at two issues and that is all he wants her to do; it would be ineffective for her to just supplement the record on those two things and, therefore, she is declining to do so. Ms. Allen indicated that she would send the Deft. another letter and will be prepared for the March hearing date. COURT ORDERED, Deft.'s Motion is DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 17, 2015**

06C224572-2

The State of Nevada vs Domonic R Malone

December 17, 2015 8:30 AM**All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- DEFT.'S EX-PARTE MOTION TO DISMISS APPOINTED COUNSEL OF RECORD AND RESUBMIT
NEW APPOINTED COUNSEL . . . DEFT.'S MOTION REGARDING REQUEST FOR
RECORDS/COURT CASE DOCUMENTS

Christopher Hamner, Dep DA, present on behalf of the State; neither Deft. Malone or his counsel,
Betsy Allen, are present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on the above-named motions, which the Deft. filed pro se. It appears
that Ms. Allen is not aware of said motions as she was not served by the Deft. Therefore, COURT
ORDERED, Motions CONTINUED. This Court's staff will notify Ms. Allen of the continued court
date.

NDC

CONTINUED TO: 01/21/16 8:30 AM

CLERK'S NOTE: A copy of this minute order was e-mailed to Betsy Allen, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 21, 2016**

06C224572-2

The State of Nevada vs Domonic R Malone

January 21, 2016**8:30 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- DEFT.'S EX-PARTE MOTION TO DISMISS APPOINTED COUNSEL OF RECORD AND RESUBMIT NEW APPOINTED COUNSEL . . . DEFT.'S MOTION REGARDING REQUEST FOR RECORDS/COURT CASE DOCUMENTS . . . DEFT.'S MOTION TO EXPAND BRIEFING SCHEDULE

Nicole Cannizzaro, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Deft.'s Ex-Parte Motion to Dismiss Appointed Counsel of Record and Resubmit New Appointed Counsel: Court noted that the Deft. filed his motion pro se, is requesting that the Court give him a new attorney because Ms. Allen it not contacting him. Ms. Allen represented that, that is not true; she has had contact with him and with a witness/friend/girlfriend in the case. Additionally, Ms. Allen advised she would be submitting an Order for the Court to appoint an investigator based on her conversations with the witness/girlfriend. COURT ORDERED, Motion to Dismiss Appointed Counsel DENIED.

For the record, Ms. Allen advised that there were twenty-one (21) to twenty-two (22) days of testimony during the trial of this case and it takes some time to go through it and put it together for a Writ; however, she is almost done but needs some additional time. Therefore she filed a Motion to

Expand Briefing Schedule; she needs an additional forty (45) days. Additionally, Ms. Allen needs an investigator to interview two (2) people based upon the aforementioned conversations. COURT ORDERED, Motion to Expand Briefing Schedule GRANTED. Court set the following briefing schedule:

03/03/16 - Supplemental Brief

05/02/16 - State's Response

COURT FURTHER ORDERED, hearing on the Petition for Writ of Habeas Corpus VACATED and RESET

Deft.'s Motion Regarding Request for Records/Court Case Documents: Upon Court's inquiry, Ms. Allen advised that she has not sent the Deft. a copy of his file. In fact, she never received the file from the Special Public Defender because they had sent it to the Deft. so she had to piece the file together on her own; colloquy. COURT ORDERED, Motion GRANTED. Court directed Ms. Allen to send the Deft. another copy of his file and document same for her file.

NDC

06/08/16 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 31, 2016**

06C224572-2

The State of Nevada vs Domonic R Malone

May 31, 2016**8:30 AM****Request****Status Check on
Briefing Schedule****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This matter was placed on calendar at the State's Request, the Briefing Schedule and Hearing date needs to be reset. Ms. Allen advised that she filed Deft.'s Supplemental Brief on Friday (May 27); however, it got kicked back because it was over the page limit. Ms Allen is going to break it up and re-file it. In any event, her portion is done, the State needs time to respond. Court directed the State to file their Response by August 2, 2016. COURT ORDERED, matter set for hearing.

NDC

09/07/16 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 09, 2016

06C224572-2

The State of Nevada vs Domonic R Malone

August 09, 2016

8:30 AM

Motion to Withdraw as
Counsel

**Deft.'s Pro Per
Motion for
Withdrawal of
Attorney of Record
or, in the Alternative,
Request for
Records/Court Case
Document**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Steve Rose, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Malone, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion for Withdrawal of Attorney of Record or, in the Alternative, Request for Records/ Court Case Documents, which he filed pro se. Conference at the Bench. Pursuant to the representations at the Bench and due to the nature of this case, COURT ORDERED, Motion for Withdrawal of Attorney of Record is GRANTED. State to prepare the Order.

Additionally, Court directed the State to prepare a Transport Order as the Court would like the Deft. transported to court for a status check. COURT FURTHER ORDERED, matter set for status check.

For the Record: Ms. Allen advised that the Deft. keeps alleging that she did not send him his file. Ms. Allen has two (2) letters from the Special Public Defender's office; they sent the Deft. a copy of his

entire file when they were removed as counsel. Court directed Ms. Allen to provide the Court with a copy of the letter from the Special Public Defender.

NDC

09/08/16 8:30 AM STATUS CHECK: DEFT. S PRESENCE/SET HEARING DATE FOR PETITION
FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 08, 2016**

06C224572-2

The State of Nevada vs Domonic R Malone

September 08, 2016 8:30 AM**All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Craig Hendricks, Chf Dep DA, present on behalf of the State; Deft. Malone present pro se.

This is the time set for the Status Check a hearing date needs to be set on the Deft.'s Petition for Writ of Habeas Corpus. Court noted that Betsy Allen, Esq., was previously appointed as counsel of record for the Deft., she submitted a supplemental brief on his behalf; however, the Deft then filed a motion to discharge her, which the Court GRANTED. Deft. stated that he wanted to represent himself. Therefore, COURT ORDERED, request GRANTED.

Upon Court's inquiry, Deft. stated that he wanted to file his own supplemental brief and is requesting that the one filed by Ms. Allen be STRICKEN; Deft. also filed a Motion for an Extension of Time. Further, Deft. stated the he has reviewed Ms. Allen's supplemental brief and does not want it submitted on his behalf as he will be submitting his own. COURT ORDERED, Deft.'s Motion to Strike Supplemental Memorandum, which is currently set for hearing on September 27, 2016, is ADVANCED and GRANTED; the Supplemental brief filed by Ms. Allen is hereby STRICKEN.

Colloquy regarding Deft.'s Motion for Enlargement of Time, which is currently set for September 22, 2016. Deft. requested ninety (90) days to file his supplement. Therefore, COURT ORDERED, Deft.'s Motion for Enlargement of Time is ADVANCED and GRANTED. Court set the following briefing schedule:

12/08/16 - Deft.'s Supplemental Brief

02/09/17 - State's Response

COURT ORDERED, matter set for hearing. State to prepare a transport order.

03/08/17 HEARING: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 03, 2016**

06C224572-2

The State of Nevada vs Domonic R Malone

November 03, 2016 8:30 AM Motion**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Louisa Garcia**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES**

PRESENT:	Holthus, Mary Kay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also Present, Randal Pike, Esq., on behalf of Defendant. Court informed Mr. Pike that Ms. Allen prepared a supplemental petition; however, Defendant requested her services be terminated and the petition be withdrawn, as he was going to file one pro per.

COURT ORDERED, Defendant's Pro Per Motion for Order for Private Investigator for Post Conviction DENIED; the Writ has not been granted. Further, pursuant to NRS 34.70, Defendant is not entitled to a private investigator at this time and has not shown good cause why he should have one. COURT ORDERED, matter SET for status check; if the Order has been submitted said matter will be vacated.

NDC

11/29/16 8:30 AM STATUS CHECK: ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2017**

06C224572-2

The State of Nevada vs Domonic R Malone

March 08, 2017**10:00 AM****Hearing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Malone, Domonic R
State of NevadaAttorney
Defendant
Plaintiff**JOURNAL ENTRIES**

- Charles Cano, Esq. also present

Arguments by Defendant and Mr. DiGiacomo regarding the merits of the petition. COURT ORDERED, Decision DEFERRED the Court will prepare a written decision.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 14, 2017**

06C224572-2

The State of Nevada vs Domonic R Malone

April 14, 2017**4:00 PM****Minute Order****HEARD BY:** Villani, Michael**COURTROOM:** Chambers**COURT CLERK:** Olivia Black**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Petition for Writ of Habeas Corpus came before this Court on March 8, 2017 oral calendar. Following argument by counsel, the COURT DEFERRED its decision on this matter and now rules as follows:

Ineffective Assistance of Counsel:

To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove he was denied reasonably effective assistance of counsel by satisfying the two-prong test of Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's representation fell below an objective standard of reasonableness, and second, that but for counsel's errors, there is a reasonable probability that the result of the proceedings would have been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068. The court begins with the presumption of effectiveness and then must determine whether the defendant has demonstrated by a preponderance of the evidence that counsel was ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). Effective counsel does not mean errorless counsel, but rather counsel whose assistance is [w]ithin the range of competence demanded of attorneys in criminal cases. Jackson v. Warden, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975). Even if a defendant can demonstrate that his counsel's representation fell below an objective standard of reasonableness, he must still demonstrate prejudice and show a reasonable probability that, but for counsel's errors, the result of the trial would have been different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999).

Counsel's Failure to Impeach Donald Herb.

Defendant claims that counsel was ineffective for refusing to impeach State witness Donald Herb regarding a cut on his hand. Petition at 5; Supplement at 4. The COURT FINDS such claim lacks merit, as the record is clear the decision to impeach Herb with the cut was one of strategy by counsel. There is a strong presumption that counsel's attention to certain issues to the exclusion of others reflects trial tactics rather than sheer neglect. *Harrington v. Richter*, 131 S. Ct. 770, 788 (2011) (citing *Yarborough v. Gentry*, 540 U.S. 1, 124 S. Ct. 1 (2003)). It is apparent from the record that defense counsel used Herb's trial testimony of not reporting the injury at work to support the defense's theory that Herb, rather than Petitioner had been involved in the murders. See JTT Day 15, at 104. The Court finds the decision to not further inquire as to this cut on the hand was a deliberate, tactical decision of trial counsel that should not be second guessed. Strategic choices made by counsel after thoroughly investigating the plausible options are almost unchallengeable. *Dawson v. State*, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992). The record further reflects that defense counsel did in fact impeach Herb at other points it felt necessary during cross examination.

Effectiveness of Appellate Counsel.

Defendant alleges that he received ineffective assistance of appellate counsel. Petition at 6. Defendant however fails to set forth specific instances of ineffectiveness in this Petition. A proper petition for post-conviction relief must set forth specific factual allegations. N.R.S. 34.735(6). See also *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding that bare or naked allegations are insufficient to entitle a defendant to post-conviction relief). Defendant does not allege any specific instances in which counsel's performance fell below an objective standard of reasonableness, nor does he allege any specific harm resulting from counsel's performance. Therefore, the COURT FINDS Petitioner's second claim lacks merit.

Effectiveness of Trial Counsel.

Defendant next alleges that he received ineffective assistance of trial counsel. He claims that evidence of this ineffective assistance is available in trial transcripts. Petition at 7. Petitioner fails to set forth any specific instances of ineffective assistance, nor does he allege any specific harm. The citation to trial transcripts as proof of counsel's ineffectiveness is insufficient to overcome the statutory bar on bare and conclusory claims. *Colwell v. State*, 118 Nev. Adv. Op. 80, 59 P.3d 463, 467 (2002). Because no specific area of ineffectiveness was denied, the COURT FINDS this issue lacks merit, as a proper petition for post-conviction relief must set forth specific factual allegations. N.R.S. 34.735(6).

Effectiveness of Counsel for Failing to Object.

Defendant alleges that he received ineffective assistance of counsel due to counsel's failure to object to the State's statement about the evidence of struggle in Apartment 222 of the South Cove and an inconsistency regarding contents of a dumped out purse. Petition at 8. A review of the record shows that the statement disputed by Petitioner was contained within closing arguments. JTT, Day 15 at 30-31. Defendant contends counsel should have objected because there is a recorded statement from Rosalyn Tate stating that police directed her to empty her purse, and that trial counsel was aware of this statement. This Court finds no evidence of such statement. Furthermore, under *Strickland*, even if this Court accepts the statement of Petitioner as true, the evidence adduced at trial was sufficient to show Defendant was present at the apartment and engaged in a struggle. Therefore, the COURT FINDS Defendant's claim lacks merit and is belied by the record.

Counsel's Failure to Move for a Judgment of Acquittal.

Defendant claims that counsel was ineffective for failing to move for dismissal based on insufficient

evidence at the end of trial. Petition at 12. The COURT FINDS this claim is not supported by the evidence. Ample evidence was adduced at trial that would have surely resulted in a denial of any motion for a judgment of acquittal. NRS 175.381(2) provides that the court may, on a motion of a defendant, which is made after the jury returns its verdict of guilty, set aside the verdict and enter a judgment of acquittal if the evidence is insufficient to sustain a conviction. However, while a motion for judgment of acquittal may be made, Defendant has no obligation to do so. Here, a tactical decision was made by counsel to not make such Motion based on the evidence adduced at trial and this Court does not see any merit to making such Motion in light of the trial record. Specifically, there was sufficient evidence as condensed by the State in their Return to sustain a conviction for all of Petitioner's charges. See Return at 17-19.

Cross Examination of Sarah Matthews.

Defendant alleges that counsel was ineffective for failure to correct the knowing, false and misleading testimony of Sarah Matthews. Petition at 13. Petitioner's statement fails to assert any factual specificity as to what false or misleading testimony this Court must review. Bare and conclusory claims such as these are not sufficient to warrant relief in a post-conviction petition for writ of habeas corpus. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). A review of the record indicates Matthews's testimony was examined closely by defense at trial. See generally JTT Day 7, at 38-67, 74-75. Defense counsel questioned Matthews about inconsistencies in her statements given at various times since the murders. JTT Day 7, at 37-38, 43, 47, 50, 57, 58-59, 65-67, 74-75. Therefore, the COURT FINDS Petitioner has failed to raise a viable claim as to his argument regarding cross-examination of Sarah Matthews.

Failure to Object to Corrina Phillips Testimony.

Defendant next claims that counsel was ineffective for failing to object to Corrina Phillips' false testimony at the preliminary hearing. Petition at 18. Defendant does not explain what the false testimony at the preliminary hearing was. Because Petitioner has failed to show a specific instance of failing to object at the preliminary hearing, the COURT FINDS Defendant has failed to meet his burden under *Strickland*.

PCR Testing on Golf Club.

Defendant claims that counsel was ineffective for failing to pursue and obtain PCR testing on the head of the golf club. Petition at 20. The record indicates that STR testing, which requires using PCR amplification, was done on the biological material on the golf club. The forensic scientist who testified at trial described the techniques he used to analyze biological material on the golf club. See generally JTT Day 13, at 59. The STR testing revealed that, while there was some male DNA mixed in with the Christine's blood on the head of the golf club, the source of the male DNA could not be identified. *Id.* at 59-63. Therefore, the COURT FINDS Defendant's claim that PCR testing was not done on biological material from the golf club is therefore belied by the record. The Court FURTHER FINDS that the general findings of the DNA testing worked to Defendant's advantage at trial, as Defense counsel used the inconclusive result to argue there was no physical evidence tying Defendant to the murders in question.

Other Interests Resulted in Counsel Being Ineffective.

Defendant claims that the Special Public Defender representing him was ineffective because he had other interests excluding Petitioner's interest to be tried fairly. Petition at 21. Petitioner sets forth no specific conflicts or areas to demonstrate that the Special Public Defender had interests that were in

contention with the best interests of Defendant. Bare and naked claims are not sufficient to warrant relief, nor are those that are belied by the record. Hargrove, 100 Nev. at 502, 686 P.2d at 225. The Record is clear that Defendant on multiple occasions invoked his right to self-representation and made similar claims regarding his appointed counsel. This Court heard argument regarding Defendant's desire to represent himself and repeatedly found no conflict with his appointed attorneys. The Court notes that prior to trial, Defendant requested to represent himself based upon a general allegation that the Special Public Defender was conspiring with the State to his detriment. See July 27, 2011 Motion to Withdraw Counsel; See also August 9, 2011 Minutes, Motion to Withdraw Counsel. Therefore, the COURT FINDS no support that counsel had other interests that even approach the standards of Strickland.

Ineffectiveness in Preparing Jury Instructions.

Defendant claims that counsel was ineffective for failing to prepare jury instructions that defined the defense theory of the case. Petition at 22. The COURT FINDS Petitioner's argument lacks merit as it is belied by the record. The record shows that counsel did prepare and present to the Court jury instructions that supported the defense's theory of the case. Further, at trial, counsel objected and suggested changes to 15 of the proposed jury instructions. These objections and proposed changes were detailed in a 14-page memorandum to the Court and at a hearing on the matter. See Malone's Objections to the State's Proposed Trial Phase Jury Instructions; JTT Day 14, at 2-24. Defense counsel also suggested four alternate jury instructions related their theory of the case, including an instruction regarding coercion in relation to the kidnapping counts, but not in reference to the pandering counts; a corrective instruction regarding the sufficiency of circumstantial evidence; an instruction regarding the interpretation of conflicting evidence; and an instruction regarding the non-appearance or flight of Ramaan Hall to indicate that he might be considered a suspect. JTT Day 14, at 17-18. This claim is further belied by Defendant's direct appeal where the issue of jury instructions was raised by Defendant on direct appeal and the Nevada Supreme Court found that counsel did prepare and present jury instructions at trial. *Malone v. State*, No. 61006, 2013 Nev. Unpub. LEXIS 1954 (Dec. 18, 2013).

Failure to Investigate an Alleged Conspiracy to Frame Defendant.

Defendant alleges that counsel was ineffective for failing to investigate statements made by Michael Paulido concerning an alleged plot by Jason McCarty, the co-defendant, and Donald Herb to frame Defendant. Petition at 23. Defendant has failed to set forth anything except a bare, unsupported allegation that the statement proving a conspiracy to convict him exists. Hargrove, 100 Nev. at 502, 686 P.2d at 225. Therefore, the COURT FINDS Defendant has failed to meet his obligations under Strickland.

Failure to Test Defendant's Clothes for DNA.

Defendant next claims that counsel was ineffective for failing to present his wife's testimony about clothing he was allegedly wearing at the time of the murder, and for failing to test that clothing for the victim's DNA. Petition at 27. Petitioner fails to set forth a viable argument as to how he was prejudiced by failing to test clothes for DNA. The record reflects sufficient evidence to the instant crime and the lack of DNA on clothing would not have exonerated Defendant. Therefore, the COURT FINDS counsel's actions did not fall below the Strickland standard in deciding not to test the clothing for DNA.

Failing to Investigate Cell Phone Records.

Defendant alleges that counsel was ineffective for failing to investigate cell phone records of one of the victims, Victoria and therefore was deficient in representation. Petition at 30. A defendant who contends his attorney was ineffective because he did not adequately investigate must show how a better investigation would have rendered a more favorable outcome probable. *Molina v. State*, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004). The record demonstrates that on Days 11-13, cell phone data and evidence was introduced from an AT&T engineer who was extensively cross-examined by defense counsel. Specifically, Victoria's records were introduced at trial. JTT Day 13, at 155. Therefore, the COURT FINDS Petitioner's claim is belied by the record.

Failure to Retain Expert.

Defendant next alleges that trial counsel was ineffective for failing to hire a historical cell site data reconstruction expert, and that Defendant was prejudiced by this failure. Petition at 39; Supplement at 9. The record reflects a frequency engineer from AT&T testified at trial regarding cell phone towers and the ability to identify what tower a cell phone is connected to at any given time. The engineer testified about the range of each cell tower and their configuration in an urban area like Las Vegas. JTT Day 11, at 11. The engineer was also cross-examined extensively by defense about the limitations of using cell towers to pinpoint someone's location. JTT Day 11, at 12-23. There is no indication at trial that the tracking of the cell phones was still in question, or a different engineer would have produced different testimony. Both defense counsel and the State prepared maps for the jury to indicate locations based on cell phone tracking. Therefore, the COURT FINDS Petitioner has failed to set forth a viable claim under both prongs of Strickland.

Failure to Object to Detective's Testimony.

Defendant next alleges that counsel was ineffective for failure to object to testimony of the detective who testified about the cell site data communications. Petition at 40. Petitioner further asserts the detective was a lay person who was not qualified to testify as to technical evidence. In reviewing the record, the COURT FINDS the two prong test of Strickland has not been met by Petitioner.

Appellate Counsel's Decision for Not Arguing Cell Phone Records from AT&T were Fabricated.

Defendant next alleges that appellate counsel was ineffective for failure to raise the issue of fabricated cell site evidence. Defendant alleges that the cell site data were fabricated. Such an accusation is belied by the record, which reflects an AT&T engineer authenticating documents introduced into evidence. This Court is not persuaded such an argument was a colorable claim for appeal and will not second guess tactical decisions by appellate counsel. There is a strong presumption that appellate counsel's performance was reasonable and fell within the wide range of reasonable professional assistance. See *United States v. Aguirre*, 912 F.2d 555, 560 (2nd Cir. 1990) (citing *Strickland*, 466 U.S. at 689, 104 S. Ct. at 2065). The professional diligence and competence required on appeal involves winnowing out weaker arguments on appeal and focusing on one central issue if possible, or at most on a few key issues. *Jones v. Barnes*, 463 U.S. 745, 751-52, 103 S. Ct. 3308, 3313 (1983). In particular, a brief that raises every colorable issue runs the risk of burying good arguments . . . in a verbal mound made up of strong and weak contentions. *Id.* at 753, 103 S. Ct. at 3313. The COURT FINDS no merit to the allegation of fabrication of records is supported by the record and would not have been successful on appeal.

Failure to File Pre-trial Motion in Limine Challenging Veracity of Cell Site Evidence.

Defendant next alleges that trial counsel's failure to file a pre-trial motion in limine to dispute the State's fabricated cell data. The COURT FINDS such a claim is belied by the record and the tactical

decision to not make such a Motion was the control of trial counsel. The Court finds nothing in the pleadings or during oral argument that would lend support to Defendant's claim.

Counsel's Deficiencies During Voir Dire.

Defendant next alleges that his trial counsel was ineffective for failing to strike pro-prosecution jurors during voir dire. Petition at 43. To support his claim, Defendant cites only to one juror of African Descent. *Id.* The Court notes that no juror number was provided. If the Court assumes Defendant's point is true, the Court fails to find any establishment of tactical error by trial counsel for deciding to excuse another juror instead of the alleged juror at issue. Furthermore, the Nevada Supreme Court has clearly reiterated that the purpose of voir dire is not to give any party an opportunity to pick the most favorable jury possible, but rather to determine whether individual jurors will consider the facts impartially and apply the law as instructed. See *Johnson v. State*, 122 Nev. 1344, 148 P.3d 767 (2006) (Finding the purpose of jury voir dire is to discover whether a juror will consider and decide the facts impartially and conscientiously apply the law as charged by the court). Defendant fails to identify any cognizable allegation that his counsel acted unreasonably in their voir dire or that any jurors were in fact impartial. Such bare conclusions as set forth by Defendant do not meet the standard under *Strickland*. *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Finally, Defendant's reliance on *Harris v. Housewright*, 697 F.2d 202, 207 (8th Cir. 1982) is of no comparison to the instant case. In *Harris*, the Court reversed a conviction and granted a new trial based on trial counsel's failure to challenge or strike jurors who had relationships strongly suggestive of pro-prosecutorial bias, ultimately finding such action constituted ineffective assistance. *Harris* however was a case where several jurors revealed that they had relationships with members of the sheriff's department or the police department, both of which were involved in the investigation of the crime and actually testified at trial. *Id.* at 207 (emphasis added). The present case does not come close to the deficiencies of the counsel in *Harris*. Therefore, the Court finds no merit to Defendant's claim of ineffective assistance during voir dire.

Due Process Violations:

Petitioner sets forth various violations of Due Process. This Court notes that Due Process claims raised in the Petition are waived due to Petitioner's failure to raise them on direct appeal. NRS 34.724(2)(a) states that a petition for writ of habeas corpus [i]s not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction. A court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner. *Evans v. State*, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001). This Court further notes in reviewing Petitioner's direct appeal that only the following issues were raised on direct appeal: (1) the district court erred in reappointing Defendant's counsel, violating his right to self-representation; (2) the district court erred in failing to instruct the jury that robbery is a specific intent offense; and (3) the district court erred in giving a presumption of innocence instruction based on NRS 175.191 because this instruction did not define the material elements of the offenses.

Petitioner for the first time raises the following Due Process claims: (1) the State knowingly and deliberately misled the jury by offering false statements; (2) District Court Judge Glass abused her discretion by summarily denying petitioner's pre-trial petition; (3) the Court abused its discretion for denying a Motion for new trial; (4) State of Nevada proffered false testimony from witness Sarah

Matthews; (5) State of Nevada presented to the Court knowingly perjured testimony by witness Corrina Phillips; (6) State of Nevada unlawfully arrested Defendant; (7) Insufficient evidence existed to support First Degree Kidnapping; (8) State of Nevada failed to test exculpatory clothing for DNA; (9) State of Nevada's failure to investigate Magee's phone records and cell tower records resulted in an unfair trial; (10) State of Nevada failed to conduct competent DNA analysis; (11); Petitioner's Confrontation Right was violated when he was unable to examine or cross examine co-defendant McCarty; (12) State of Nevada intentionally misled the jury in regards to comments regarding cell phone use; and (13) State of Nevada introduced false testimony of Sarah Matthews. The COURT FINDS that Defendant is not alleging ineffective assistance of counsel on all of these thirteen claims and therefore such argument is not properly brought in a petition for writ of habeas corpus. NRS 34.810; Franklin, 110 Nev. at 752, 877 P.2d at 1059.

Improper denial of jury instructions by trial court.

Defendant does raise a Due Process argument that was raised on direct appeal. Defendant now challenges the Court's denial of his proposed jury instructions 4, 8, 9, 13, 19, 24, 26, 36, 38, 40, 45, 47, and 49. However, Defendant's challenge to these jury instructions is barred by the doctrine of law of the case. The law of a first appeal is law of the case on all subsequent appeals in which the facts are substantially the same. *Hall v. State*, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting *Walker v. State*, 85 Nev. 337, 343, 455 P.2d 34, 38 (1969)). The doctrine of the law of the case cannot be avoided by a more detailed and precisely focused argument subsequently made after reflection upon the previous proceedings. *Id.* at 316, 535 P.2d at 799. Under the law of the case doctrine, issues previously decided on direct appeal may not be reargued in a habeas petition. *Pellegrini v. State*, 117 Nev. 860, 879, 34 P.3d 519, 532 (2001) (citing *McNelson v. State*, 115 Nev. 396, 414-15, 990 P.2d 1263, 1275 (1999)). Therefore, because the Nevada Supreme Court has issued its opinion on the instant issue and upheld Defendant's conviction, along with this Court's exclusion of the requested jury instructions, Petitioner's argument lacks merit. This Court's decision was affirmed by the Nevada Supreme Court. see *Malone v. State*, No. 61006, 2013 Nev. Unpub. LEXIS 1954 (Dec. 18, 2013). Defendant is therefore barred from bringing the same claim again.

Therefore, COURT ORDERED Petition for Writ of Habeas Corpus DENIED. This Court adopts the procedural history provided by the State. The State is directed to submit a formal Findings of Fact, Conclusions of Law and Order within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: The above minute order has been distributed to:

Dominic Malone #69418
P O Box 650
Indian Springs, NV 89070 //ob/04/14/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 25, 2017**

06C224572-2

The State of Nevada vs Domonic R Malone

April 25, 2017**8:30 AM****Motion****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Zadrowski, Bernard B.

Attorney

JOURNAL ENTRIES

- Special Public Defender, David Schieck also present.

Defendant not present. Court noted Mr. Schieck's office sent file to Defendant and ORDERED, Motion DENIED.

CLERK'S NOTE: The above minute order has been distributed to:

DOMONIC MALONE #69418

P O BOX 650

INDIAN SPRINGS, NV 89070 //ob/04/26/17.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 08, 2017**

06C224572-2

The State of Nevada vs Domonic R Malone

June 08, 2017**8:30 AM****Motion for Order to Show
Cause****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**LoGrippo, Frank R.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present. Court noted this motion was directed to the Special Public Defender's Office and Betsy Allen. Court further noted Defendant requested a copy of his file. COURT ORDERED, Special Public Defender and Betsy Allen to send a copy of the file to Defendant in Indian Springs; if not already sent. COURT FURTHER ORDERED, Status Check SET; Ms. Allen to place in a pleading format that the file had been sent. Court stated it would not entertain the Motion to Show Cause and ORDERED, motion DENIED.

06/29/17 8:30 AM STATUS CHECK: DEFENDANT'S FILE

CLERK'S NOTE: The above minute order has been placed in the attorney folder of the Special Public Defender's, Betsy Allen, Esq. and distributed to

DOMONIC MALONE # 69418

P O BOX 650

INDIAN SPRING, NV 89070 //ob/06/08/17.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 29, 2017**

06C224572-2

The State of Nevada vs Domonic R Malone

June 29, 2017**8:30 AM****Status Check****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**Graham, Elana L.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present. Court noted Ms. Allen filed a Declaration of Counsel on June 29, 2017 identifying she forwarded to Defendant all documentation that was in her possession. COURT ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 12, 2017**

06C224572-2

The State of Nevada vs Domonic R Malone

December 12, 2017 8:30 AM Motion to Modify Sentence**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	LoGrippo, Frank R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court stated it would base its decision on the pleadings on file herein. COURT ADOPTED the Procedural History as set forth by the State. Court noted it was a jury determination that the golf club was used in such a fashion to qualify as a deadly weapon. Court further noted the issue was appealed and Defendant's conviction was affirmed by the Nevada Supreme Court. Court noted Defendant was sentenced within statutory guidelines and ORDERED, Motion DENIED; State to prepare the Order. COURT FURTHER ORDERED, Status Check SET for filing of the Order. Court stated the status check date would be vacated if the Order was filed.

NDC

01/09/18 8:30 AM STATUS CHECK: FILING OF ORDER

CLERK'S NOTE: The above minute order has been distributed to:

DOMONIC MALONE #69418

P O BOX 650

INDIAN SPRINGS, NV 89070 //ob/12/18/17

Hales EXHIBITS

CASE NO. C224572

[illegible]

VAULT EXHIBIT FORM

CASE NO. C29312

DEPT. NO. _____

State of Nevada

PLAINTIFF
Phane / McCarty vs

DEFENDANT

TRIAL DATE:

JUDGE:

CLERK:

REPORTER:

Christopher James Chis FKA #1190

Nota: Diria como EDA # 6955

COUNSEL FOR PLAINTIFF

Charles (no DSE) #3901

Christopher Dean Esq + Jonathan Hunt Esq

COUNSEL FOR DEFENDANT

#4349 1/32

MAY 30 2008

JACKIE GLASS

SANDRA JETER

RACHELLE HAMILTON

PLAINTIFF__,

VS

DEFENDANT .

OFFERED	ADMITTED
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OBJ

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5/30/8

1. Δ^5 Proposed Turn Questionnaire Not Used

STATE'S EXHIBITS

CASE NO.

C224572-2

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107. Photograph (Jason McCarty)	1/17	✓	no	1/17	✓
108. Photograph (Aerial Photographs)	1/17	✓	no	1/17	✓
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178. Photograph	1/24	✓	NO	1/24	✓
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180. Photograph (Aerial Photograph)	1/20	✓	NO	1/20	✓
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188. Photograph	1/24	✓	NO	1/24	✓
189. Photograph	1/24	✓	NO	1/24	✓
190. Photograph	1/19	✓	NO	1/19	✓
191. Photograph (Aerial Photograph)	1/20	✓	NO	1/20	✓
192. Photograph	1/24	✓	NO	1/24	✓
193. Photograph	1/24	✓	NO	1/24	✓
194. Photograph	1/24	✓	NO	1/24	✓
195. Photograph	1/24	✓	NO	1/24	✓
196. Photograph	1/24	✓	NO	1/24	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
197. Photograph	1/24	✓	no	1/24	✓
198. Photograph		✓			✓
199. Photograph		✓			✓
200. Photograph	1/24	✓	no	1/24	✓
201. Photograph (Autopsy Photographs)	1/19	✓	Yes	1/19	✓
202. Photograph		✓			✓
203. Photograph		✓			✓
204. Photograph		✓			✓
205. Photograph	1/19	✓	Yes	1/19	✓
206. Photograph ✓ (Withdrawn)					
207. Photograph	1/19	✓	Yes	1/19	✓
208. Photograph		✓			✓
209. Photograph		✓			✓
210. Photograph		✓			✓
211. Photograph		✓			✓
212. Photograph *	1/19	✓	Yes	1/19	✓
213. Photograph	1/19	✓	Yes	1/19	✓
214. Photograph	1/19	✓	Yes	1/19	✓
215. Photograph	1/19	✓	Yes	1/19	✓
216. Photograph ✓ (Withdrawn)					
217. Photograph	1/19	✓	Yes	1/19	✓
218. Photograph		✓			✓
219. Photograph		✓			✓
220. Photograph	1/19	✓	Yes	1/19	✓
221. Evidence Envelope	1/20	✓	no	1/20	✓
221-A Fingerprint Card	1/20	✓	no	1/20	✓
222. Evidence Envelope	1/20	✓	no	1/20	✓
222-A Chain w/ Flower	1/20	✓	no	1/20	✓
221-B Fingerprint Card	1/20	✓	no	1/20	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
223. Evidence Envelope	1/20	✓	NO	1/20	✓
223-A Earring	1/20	✓	NO	1/20	✓
224. Court Minutes for Donald Herb	1/20	✓	NO	1/20	✓
225. Agreement to Testify	1/23	✓	NO	1/23	✓
226. LUMPD Event Search	1/24	✓	NO	1/24	✓
227. National Compliance Center Response Worksheet	1/25	✓	NO	1/25	✓
228. Cell Phone Records	1/25	✓	NO	1/25	✓
229. Cell Phone Records	1/26	✓		1/26	✓
230. Cell Phone Records	1/26	✓		1/26	✓
231. Facsimile (Sprint Nextel Records)	1/26	✓		1/26	✓
232. Sprint Nextel Records	1/26	✓		1/26	✓
233. Cell Phone Records	1/26	✓		1/26	✓
234. Cell Phone Records	1/26	✓		1/26	✓
235. Cell Phone Records	1/26	✓		1/26	✓
236. Cell Phone Records	1/26	✓		1/26	✓
237. Evidence Envelope	1/24	✓	NO	1/24	✓
237 A Latent Fingerprint Cards	1/24	✓	NO	1/24	✓
238. Evidence Envelope	1/24	✓	NO	1/24	✓
238 A Golf Club Head	1/24	✓	NO	1/24	✓
239. Evidence Envelope	1/24	✓	NO	1/24	✓
239 A (Not Opened)					
240. Evidence Envelope	1/24	✓	NO	1/24	✓
240 A (Not Opened)					
241. Evidence Envelope	1/24	✓	NO	1/24	✓
241-A Nevada I.D Card		✓			✓
241-B Room Receipt		✓			✓
241-C Social Security Card		✓			✓
241-D Number + Name	1/24	✓	NO	1/24	✓

	DATE	OFFERED	OBJ	DATE	ADMITTED
241-E Cards	1/24	✓	no	1/24	✓
241-F Number	1/24	✓	no	1/24	✓
241-G medic West ambulance Receipt	1/24	✓	no	1/24	✓
242. Evidence Bag	1/24	✓	no	1/24	✓
242-A VHS Tape		✓			✓
242-B VHS Tape		✓			✓
242-C VHS Tape		✓			✓
242-D VHS Tape		✓			✓
242-E VHS Tape		✓			✓
242-F VHS Tape	1/24	✓	no	1/24	✓
243. Evidence Bag	1/24	✓	no	1/24	✓
243-A VHS Tape		✓			✓
243-B VHS Tape		✓			✓
243-C VHS Tape		✓			✓
243-D VHS Tape	1/24	✓	no	1/24	✓
244. CD (Sportsman)	1/24	✓	no	1/24	✓
245. CD (AM/PM)	1/24	✓	no	1/24	✓
246. Evidence Envelope	1/24	✓	no	1/24	✓
246-A (Not opened).					
247. Evidence Envelope	1/24	✓	no	1/24	✓
247-A Latent Fyt Cards	1/24	✓	no	1/24	✓
248. Evidence Envelope	1/24	✓	no	1/24	✓
249. Evidence Container	1/24	✓	no	1/24	✓
249-A Golf Club Shaft	1/24	✓	no	1/24	✓
250. Evidence Container	1/24	✓	no	1/24	✓
250-A Knife	1/24	✓	no	1/24	✓
250-B Hair	1/24	✓	no	1/24	✓

[illegible]

Penalty Hearing

	DATE	OFFERED	OBJ	DATE	ADMITTED
262. Notebook	2/9	✓	no	2/9	✓
263. Judgment of Conviction (C168678)	2/9	✓	no	2/9	✓
264. Photograph	2/9	✓	yes	2/9	✓
265. "		✓			✓
266. "		✓			✓
267. "		✓			✓
268. "		✓			✓
269. "		✓			✓
270. "		✓			✓
271. "		✓			✓
272. "		✓			✓
273. "		✓			✓
274. "		✓			✓
275. "		✓			✓
276. "		✓			✓
277. "		✓			✓
278. "		✓			✓
279. "		✓			✓
280. "	2/9	✓	yes	2/9	✓
281. "	2/9	✓	no	2/9	✓
282. "	2/9	✓	no	2/9	✓
283. "	2/9	✓	no	2/9	✓
284. "		✓			✓
285. "		✓			✓
286. "		✓			✓
287. "		✓			✓
288. "		✓			✓
289. Photograph	2/9	✓	no	2/9	✓

Penalty Hearing

	DATE	OFFERED	OBJ	DATE	ADMITTED
290. Photograph	2/6	✓	no	2/6	✓
291. "		✓			✓
292. "		✓			✓
293. "		✓			✓
294. "		✓			✓
295. "		✓			✓
296. "		✓			✓
297. "		✓			✓
298. "	2/6	✓	no	2/6	✓
299. "	2/6	✓	no	2/6	✓
300. "		✓			✓
301. "		✓			✓
302. "		✓			✓
303. "		✓			✓
304. "		✓			✓
305. "		✓			✓
306. "		✓			✓
307. "		✓			✓
308. "		✓			✓
309. "		✓			✓
310. "		✓			✓
311. "		✓			✓
312. "		✓			✓
313. "		✓			✓
314. "		✓			✓
315. "		✓			✓
316. "		✓			✓
317. Photograph.	2/6	✓	no	2/6	✓

CASE NO.

Penalty Hearing

[illegible]

DEFENDANT'S EXHIBITS

CASE NO. _____

C224572-2

	DATE	OFFERED	OBJ	DATE	ADMITTED
A. Photograph	1/24	✓	no	1/24	✓
B. Photograph	1/24	✓	no	1/24	✓
C. Photograph	1/24	✓	no	1/24	✓
Penalty Hearing					
D. Photograph	2/7	✓	no	2/7	✓
E. "		✓			✓
F. "		✓			✓
G. "		✓			✓
H. "		✓			✓
I. "		✓			✓
J. "		✓			✓
K. "	2/7	✓	no	2/7	✓
L. "	2/7	✓	no	2/7	✓
M. "		✓			✓
N. "		✓			✓
O. "		✓			✓
P. "		✓			✓
Q. "		✓			✓
R. "		✓			✓
S. "		✓			✓
T. "		✓			✓
U. "		✓			✓
V. "		✓			✓
W. "		✓			✓
X. "		✓			✓
Y. Photograph	2/7	✓	no	2/7	✓

Penalty Hearing

	DATE	OFFERED	OBJ	DATE	ADMITTED
Z. Photograph	2/7	✓	no	2/7	✓
AA. "		✓			✓
BB. "		✓			✓
CC. "		✓			✓
DD Photograph	2/7	✓	no	2/7	✓
EE Letter and Photograph (Melvin Allen)	2/7	✓	no	2/7	✓
FF Letter and Photograph (Douglas Allen)		✓			✓
GG Letter and Photograph (Helen Randolph)		✓			✓
HH Letter (Camee Allen)		✓			✓
II Letter (Leatrice Nichols)		✓			✓
JJ Letter (Frisco Randolph)		✓			✓
KK Letter (Kiana Allen)		✓			✓
LL Faith Temple Holiness Church	2/7	✓	no	2/7	✓
MM Photograph	2/8	✓	no	2/8	✓
NN. "		✓			✓
OO. "		✓			✓
PP. "		✓			✓
QQ. "		✓			✓
RR Photograph	2/8	✓	no	2/8	✓
SS Angela Malone (video)	2/8	✓	no	✓	2/8
TT. Google Map	2/7	✓	no	2/7	✓
UU. Google Map		✓			✓
VV. Google Map		✓			✓
WW. Photograph		✓			✓
XX. "		✓			✓
YY. "		✓			✓
ZZ. "		✓			✓
AAA. Photograph.	2/7	✓	no	2/7	✓

CASE NO.

[illegible]

COURT'S EXHIBITS

CASE NO.

C224572-2

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Jury Questionnaire					1/13
2. Jury Questionnaire					1/13
3. Photograph					1/17
4. Defense PowerPoint Presentation					1/18
5. Question from Juror #8					1/18
6. Question from Juror #14					1/18
7. Question from Juror #8					1/18
8. Question from Juror #10					1/19
9. Question from Juror #3					1/19
10. Question from Juror #14					1/19
11. Question from Juror #7					1/19
12. Question from Juror #7					1/19
13. Question from Juror #6					1/20
14. Question from Juror #2					1/20
15. Question from Juror #14					1/20
16. Question from Juror #1					1/20
17. Question from Juror #8					1/20
18. Question from Juror #11					1/20
19. Question from Juror #7					1/20
20. Question from Juror #6					1/23
21. Question from Juror #10					1/23
22. Question from Juror #14					1/23
23. Question from Juror #9					1/24
24. Question from Juror #2					1/24
25. Question from Juror #14					1/24
26. Question from Juror #12					1/24
27. Question from Juror #14					1/26
28. Question from Juror #12					1/27

COURT'S EXHIBITS

CASE NO.

C224572-2

[illegible]

VAULT EXHIBIT FORM

CASE NO: C224572-2	HEARING: 02/03/12
DEPT. NO. XVII	JUDGE : Michael Villani
The State of Nevada	CLERK : Carol Donahoo
	REPORTER: Michelle Ramsey
PLAINTIFF	
Domonico Ronaldo Malone	C. Lalli/M. DiGiacomo
	COUNSEL FOR PLAINTIFF
DEFENDANT	R. Pike/C. Cano
	COUNSEL FOR DEFENDANT

STATE'S EXHIBITS

Date Offered	Objection	Date Admitted
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[illegible]

EXHIBIT(S) LIST

Case No.: **C224572-2**

Hearing Date: 3.8.2017

Dept. No.: **17**

Judge: Michael Villani

Court Clerk: Olivia Black

Plaintiff: **THE STATE OF NEVADA**

Recorder: Cynthia Georgilas

Counsel for Plaintiff: Marc DiGiacomo

VS.

Defendant: **DOMONIC MALONE**

Counsel for Defendant: Dominic malone,
Pro Se

HEARING BEFORE THE COURT

COURT'S EXHIBITS

[illegible]



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

DOMONIC R. MALONE #69418
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: January 9, 2018
CASE: 06C224572-2

RE CASE: STATE OF NEVADA vs. DOMONIC R. MALONE

NOTICE OF APPEAL FILED: January 8, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO MODIFY AND/OR
CORRECT ILLEGAL SENTENCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF
DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DOMONIC R. MALONE,

Defendant(s).

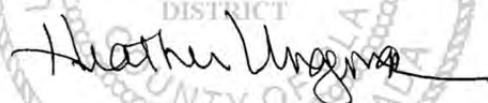
Case No: 06C224572-2

Dept No: XVII

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 9 day of January 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk