

Steven D. Grierson

LATONIA D. MORRISON-73722

In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018

Electronically Filed
Aug 28 2018 12:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

LATONIA D. MORRISON

PETITIONER
Plaintiff,

vs.

STATE OF NEVADA, ET AL
RESPONDENTS
Defendant.

Case No. 01C175914-2

Dept. No. XI

Docket _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/~~Defendant~~
LATONIA D. MORRISON, in and through his proper person, hereby
appeals to the Supreme Court of Nevada from the ORDER denying and/or
dismissing the: "A CLAIM BASED ON NEWLY AVAILABLE LEGAL BASIS"
(SEE: WELCH V UNITED STATES, 136 US 1257 (2016)) IS NOT
MENTLESS NOR UNFOUNDED AND DOES NOT CLOG THE COURT SYSTEM.
ruled on the 27 day of JULY, 2018.

Dated this 10 day of AUGUST, 2018.

Respectfully Submitted.

Latoria Morrison

73722

CLERK OF THE COURT

RECEIVED
AUG 23 2018

CERTIFICATE OF SERVICE BY MAILING

I, LATONIL D MORRISON, hereby certify, pursuant to NRCP 5(b), that on this 10
day of AUGUST, 2018, 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:

ATTORNEY GENERAL
555 E WASHINGTON ST 3900
LAS VEGAS, NEVADA
89101

CC:FILE

DATED: this 10 day of AUGUST, 2018.

Latonil D Morrison
LATONIL D MORRISON # 73727
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF

APPEAL

(Title of Document)

filed in District Court Case number 01073914-2



Does not contain the social security number of any person.

-OR-



Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

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

Lailani D Morrison
Signature

8-10-08
Date

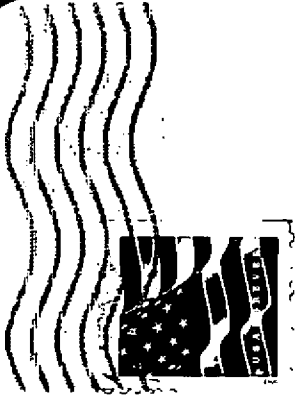
LAILANI D MORRISON
Print Name

WITNESS
Title

PEERY BRADEN - 89428
P.O. BOX 208 (S.D.L.L.)
INDIAN SPRINGS, NEVADA 89070

LAS VEGAS NV 890

21 AUG 2018 PM 4 L

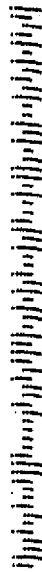


LEGAL-
MAIL

DISTRICT COURT - CLERK
200 LEGATOS AVE 3RD FLOOR
LAS VEGAS NEVADA

89155-450100

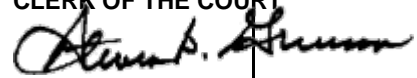
89155-450100



SOUTHERN
CORRECTIONAL CENTER

AUG 21 2018

OUTGOING MAIL



1 ASTA

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4
5
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 LAILONI D. MORRISON,

13 Defendant(s),

Case No: 01C175914-2

Dept No: XII

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Lailoni Morrison

19 2. Judge: Michelle Leavitt

20 3. Appellant(s): Lailoni Morrison

21 Counsel:

22 Lailoni Morrison #73722
23 P.O. Box 208
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. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

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

9. Date Commenced in District Court: June 7, 2001

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

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

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 39864, 40097, 44745, 46324, 59024, 70618

12. Child Custody or Visitation: N/A

Dated This 24 day of August 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: Lailoni Morrison

LATONZ D. MORRISON
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
8/23/2018 10:25 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

LATONZ D. MORRISON - 73722

~~ENDORSEMENTS~~
PETITIONER.

vs.

STATE OF NEVADA, ET AL.

~~DEFENDANT~~

RESPONDENTS.

CASE No. 01C175914-2
DEPT. No. XII

DESIGNATION OF RECORD ON APPEAL

TO: STEVEN D. GRIERSON - CLERK
200 LEWIS AVE 3RD FLR
LAS VEGAS, NEVADA
89155-1160

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 10 day of AUGUST, 20 18.

RESPECTFULLY SUBMITTED BY:

LATONZ D. MORRISON
LATONZ D. MORRISON # 73722
Plaintiff/In Propria Persona

RECEIVED
AUG 23 2018
CLERK OF THE COURT

DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

The State of Nevada vs Lailoni D Morrison

§	Location:	Department 12
§	Judicial Officer:	Leavitt, Michelle
§	Filed on:	06/07/2001
§	Case Number History:	
§	Cross-Reference Case	C175914
§	Number:	
§	Defendant's Scope ID #:	858836
§	Lower Court Case # Root:	01FN00810
§	Lower Court Case Number:	01FN00810B
§	Supreme Court No.:	70618

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER.	F	01/01/1900		
1. MURDER IN THE SECOND DEGREE.	F	01/01/1900	Case Flags:	Bail Set
1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900		<i>Bail Set at \$200000.00</i>
				Appealed to Supreme Court
				Custody Status - Nevada
				Department of Corrections

Related Cases

01C175914-1 (Multi-Defendant Case)
01C175914-3 (Multi-Defendant Case)

Statistical Closures

04/30/2018	Other Manner of Disposition - Criminal
01/26/2006	USJR Reporting Statistical Closure
06/19/2003	USJR Reporting Statistical Closure
11/10/2010	USJR Reporting Statistical Closure
10/27/2003	USJR Reporting Statistical Closure

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	01C175914-2
Court	Department 12
Date Assigned	10/26/2003
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION

Defendant **Morrison, Lailoni D**

Plaintiff **State of Nevada**

Wolfson, Steven B
702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. MURDER. Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. MURDER IN THE SECOND DEGREE. Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion)	


DEPARTMENT 12
CASE SUMMARY
CASE No. 01C175914-2

1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.


Not Guilty

PCN: Sequence:

06/07/2001

 Information

06/08/2001


 Criminal Bindover

06/19/2001

Initial Arraignment (9:00 AM)

*INITIAL ARRAIGNMENT Court Clerk: AMBER FARLEY Relief Clerk: GEORGETTE
BYRD/GB Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons*

06/20/2001

 Order
Order Appointing Counsel

06/20/2001

 Order

06/20/2001

 Ex Parte Application
Ex-Parte Application for Appointment of Investigator

06/20/2001

 Ex Parte Application
Ex-Parte Application for Order to Produce Defendant for Polygraph Examination

06/21/2001

 Order
Order to Produce Defendant for Polygraph Examination

06/21/2001

 Order
Order for Appointment of Investigator

06/22/2001

 Ex Parte Motion
Ex Parte Motion for Appointment of Investigator and for Excess Fees


06/25/2001

 Ex Parte Order
Ex Parte Order Appointing Investigator and for Excess Fees


06/29/2001

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

07/02/2001

 Reporters Transcript
Transcript of Hearing Held on June 5, 2001

07/03/2001


 Receipt of Copy

07/10/2001












Motion (9:00 AM)

Events: 06/29/2001 Motion for Discovery
*DEFT'S MOTION FOR DISCOVERY OF PROSECUTION FILE RECORDS AND INFO Court
Clerk: TINA HURD Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark*













07/10/2001

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






DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

07/10/2001	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Discovery of Prosecution Files, Records, and Information Necessary to a Fair Trial</i>
07/11/2001	 Ex Parte Application <i>Ex-Parte Application for Order to Produce Defendant for Polygraph Examination</i>
07/11/2001	 Order <i>Order to Produce Defendant for Polygraph Examination</i>
07/19/2001	Motion (9:00 AM) <i>DEFT'S MOTION FOR DISCOVERY OF PROSECUTION FILE RECORDS AND INFO Court Clerk: AMBER FARLEY Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
07/19/2001	 Motion to Sever <i>Motion to Sever Trials of Defendants</i>
07/19/2001	 Motion to Set Bail
07/19/2001	 Motion to Suppress <i>Motion to Suppress Statements of Morrison</i>
07/19/2001	 Receipt of Copy
07/20/2001	 Order <i>Order for Transcript</i>
07/20/2001	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234 (2)]</i>
07/23/2001	 Certificate of Mailing
07/25/2001	 Ex Parte <i>Ex Parte Request and Order for the Court's In-Camera Inspection of Juvenile Records</i>
07/31/2001	Motion to Sever (9:00 AM) Events: 07/19/2001 Motion to Sever <i>DEFT'S MOTION TO SEVER Heard By: Michael Douglas</i>
07/31/2001	Motion (9:00 AM) Events: 07/19/2001 Motion to Set Bail <i>DEFT'S MOTION TO SET BAIL Heard By: Michael Douglas</i>
07/31/2001	Motion to Suppress (9:00 AM) Events: 07/19/2001 Motion to Suppress <i>DEFT'S MOTION TO SUPPRESS Heard By: Michael Douglas</i>
07/31/2001	Status Check (9:00 AM) <i>STATUS CHECK: DEFT GANTT'S MTN FOR DISCOVERY Heard By: Michael Douglas</i>
07/31/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 7-31-01 Court Clerk: Joyce Brown Reporter/Recorder: Liz Garcia Heard By: Michael Douglas</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

















07/31/2001	 Motion to Suppress <i>Motion to Suppress Statement of Anthony Gantt</i>
08/01/2001	 Ex Parte <i>Ex Parte Request and Order for Inspection of Juvenile Hall Records</i>
08/01/2001	 Receipt of Copy
08/03/2001	 Motion <i>Motion for Bail Reduction</i>
08/03/2001	 Motion to Sever
08/03/2001	 Receipt of Copy
08/03/2001	 Receipt of Copy
08/07/2001	Motion to Suppress (9:00 AM) <i>DEFT'S MOTION TO SUPPRESS Heard By: Michael Douglas</i>
08/07/2001	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL STATUS/WAIVER OF RIGHT TO SPEEDY TRIAL Heard By: Michael Douglas</i>
08/07/2001	Motion (9:00 AM) Events: 08/03/2001 Motion <i>DEFT'S MOTION FOR BAIL REDUCTION Heard By: Michael Douglas</i>
08/07/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8-7-01 Court Clerk: Joyce Brown/JB Relief Clerk: Amber Farley Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
08/08/2001	 Notice of Motion <i>Notice of Motion and Motion for Anthony Gantt's Release Without Bail or, in the Alternative, for Reduction of Bail</i>
08/08/2001	 Notice <i>Notice of Joinder in Motions to Sever</i>
08/09/2001	 Reporters Transcript <i>Transcript of Hearing Held on August 7, 2001</i>
08/09/2001	 Reporters Transcript <i>Transcript of Hearing Held on July 19, 2001</i>
08/15/2001	 Ex Parte <i>Gantt's Expedited Ex-Parte Request and Expedited Order for the Court's In-Camera Inspection of Juvenile Records</i>
08/16/2001	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
08/16/2001	Motion to Suppress (9:00 AM) Events: 07/31/2001 Motion to Suppress

DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2














	<i>DEFT'S MOTION TO SUPPRESS STATEMENT OF ANTHONY GANTT Heard By: Michael Douglas</i>
08/16/2001	Motion to Sever (9:00 AM) Events: 08/03/2001 Motion to Sever <i>DEFT'S MOTION TO SEVER Heard By: Michael Douglas</i>
08/17/2001	CANCELED Motion to Sever (9:00 AM) <i>Vacated</i>
08/17/2001	 Reporters Transcript <i>Transcript of Hearing Held on June 19, 2001</i>
08/20/2001	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
08/27/2001	 Opposition to Motion <i>State's Opposition to Defendant Lailoni Morrison's Motion to Suppress</i>
08/27/2001	 Opposition to Motion <i>State's Opposition to Defendant Anthony Gantt's Motion to Suppress</i>
08/28/2001	Motion to Suppress (9:00 AM) <i>DEFT'S MOTION TO SUPPRESS Heard By: Michael Douglas</i>
08/28/2001	Motion to Suppress (9:00 AM) <i>DEFT'S MOTION TO SUPPRESS STATEMENT OF ANTHONY GANTT Heard By: Michael Douglas</i>
08/28/2001	Motion (9:00 AM) <i>DEFT'S MOTION FOR BAIL REDUCTION Heard By: Michael Douglas</i>
08/28/2001	Motion to Sever (9:00 AM) <i>DEFT'S MOTION TO SEVER Heard By: Michael Douglas</i>
08/28/2001	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL DATE Heard By: Michael Douglas</i>
08/28/2001	Joinder (9:00 AM) <i>DEFT'S JOINDER IN MOTIONS TO SEVER Heard By: Michael Douglas</i>
08/28/2001	Motion (9:00 AM) Events: 08/08/2001 Notice of Motion <i>DEFT'S MOTION RO RELEASE WITHOUT BAIL ORFOR REDUCTION OF BAIL Heard By: Michael Douglas</i>
08/28/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8/28/01 Relief Clerk: Nancy Noble/nn Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
08/31/2001	 Reporters Transcript <i>Transcript of Hearing Held on August 28, 2001</i>
09/04/2001	 Order Denying Motion <i>Order Denying Defendant's Motion to Suppress</i>
09/06/2001	Motion to Suppress (9:00 AM) <i>DEFT'S MOTION TO SUPPRESS Court Clerk: AMBER FARLEY/AF Relief Clerk: TINA</i>

DEPARTMENT 12
CASE SUMMARY
CASE No. 01C175914-2







HURD Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L

09/10/2001	 Order Denying Motion <i>Order Denying Defendant's Motion to Suppress</i>
09/11/2001	 Order <i>Order to Produce Defendant for Polygraph Examination</i>
09/12/2001	 Ex Parte Application <i>Ex-Parte Application for Order to Produce Defendant for Polygraph Examination</i>
09/13/2001	Motion to Suppress (9:00 AM) <i>DEFT'S MOTION TO SUPPRESS Court Clerk: AMBER FARLEY/AF Relief Clerk: KEITH REED Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
09/13/2001	 Exhibits <i>Exhibits for Court's Consideration</i>
09/19/2001	 Reporters Transcript <i>Transcript of Hearing Held on September 13, 2001</i>
10/15/2001	 Motion in Limine <i>Motion in Limine to Preclude Evidence of Gang Affiliation</i>
10/15/2001	 Receipt of Copy
10/17/2001	 Motion to Reduce <i>Motion to Reduce Bail</i>
10/18/2001	 Receipt of Copy
10/19/2001	 Receipt of Copy
10/19/2001	 Designation of Witness <i>Designation of Witnesses</i>
10/19/2001	 Notice <i>Notice of Alibi Pursuant to NRS 174.233</i>
10/19/2001	 Receipt of Copy
10/23/2001	Motion (9:00 AM) Events: 10/17/2001 Motion to Reduce <i>DEFT'S MTN TO REDUCE BAIL/29 Court Clerk: Joyce Brown/jb Relief Clerk: Kristen Brown Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
10/23/2001	 Subpoena
10/23/2001	 Subpoena
10/23/2001	 Subpoena














DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

10/23/2001	 Subpoena
10/23/2001	 Subpoena
10/25/2001	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: Joyce Brown/jb Relief Clerk: Linda Skinner Reporter/Recorder: Carrie Hansen Heard By: Michael Douglas</i>
10/25/2001	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
10/25/2001	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234(1)(b)]</i>
10/29/2001	CANCELED Jury Trial (1:00 PM) <i>Vacated</i>
10/29/2001	CANCELED Jury Trial (1:00 PM) <i>Vacated</i>
10/29/2001	 Subpoena
10/29/2001	 Subpoena
10/29/2001	 Subpoena
10/30/2001	Motion in Limine (9:00 AM) <i>Events: 10/15/2001 Motion in Limine DEFT'S MTN IN LIMINE EVIDENCE GANG AFFILIATION/28</i>
10/30/2001	CANCELED Jury Trial (1:00 PM) <i>Vacated</i>
10/30/2001	 Order <i>Order to Produce Defendant for Polygraph Examination</i>
10/30/2001	 Order <i>Order for Appointment of Investigator</i>
10/31/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10-30-01 Court Clerk: Joyce Brown/jb Relief Clerk: Keith Reed Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
10/31/2001	 Subpoena
10/31/2001	 Subpoena Duces Tecum
11/06/2001	 Receipt of Copy
11/06/2001	 Supplemental <i>Supplemental Designation of Witnesses</i>
11/07/2001	 Order to Transport Defendant <i>Order to Transport</i>














DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

11/08/2001	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE EVIDENCE GANG AFFILIATION/28</i>
11/08/2001	Calendar Call (9:00 AM) <i>CALENDAR CALL Heard By: Michael Douglas</i>
11/08/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11/8/01 Court Clerk: AMBER FARLEY Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
11/08/2001	 Motion in Limine <i>Motion in Limine to Preclude Evidence of Gang Affiliation</i>
11/08/2001	 Motion to Remand <i>Anthony Gantt, a Juvenile, Motion to Remand to Juvenile Court</i>
11/08/2001	 Notice of Motion <i>Notice of Motion and Motion to Continue</i>
11/09/2001	 Receipt of Copy
11/09/2001	 Receipt of Copy
11/09/2001	 Receipt of Copy
11/13/2001	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
11/15/2001	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: Joyce Brown Relief Clerk: Denise Trujillo/dt Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
11/19/2001	CANCELED Jury Trial (1:00 PM) <i>Vacated</i>
11/20/2001	Motion in Limine (9:00 AM) Events: 11/08/2001 Motion in Limine <i>DEFT'S MTN IN LIMINE TO PRECLUDE EVID OFGANG AFFILIATION/34 VK 11-27-01</i>
11/20/2001	Motion (9:00 AM) Events: 11/08/2001 Motion to Remand <i>DEFT'S MTN TO REMAND TO JUVENILE COURT/35 VK 11-27-01</i>
11/20/2001	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
11/20/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11-20-01 Court Clerk: Joyce Brown Relief Clerk: Keith Reed/kar Reporter/Recorder: Liz Garcia Heard By: Michael Douglas</i>
11/26/2001	Initial Arraignment (1:00 PM) <i>STATE'S REQUEST TO CALENDAR Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
11/26/2001	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>





DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

11/26/2001	 Filed Under Seal <i>Emergency Ex Parte Sealed Motion for In Camera Review and Release of Co-Defendant Wayne Gantt's Juvenile Records (Sealed)</i>
11/26/2001	 Filed Under Seal <i>Order (Sealed)</i>
11/27/2001	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11-27-01 Court Clerk: Joyce Brown/jb Relief Clerk: Nancy Noble Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
11/27/2001	Initial Arraignment (10:30 AM) <i>STATE'S REQUEST TO CALENDAR Heard By: Michael Douglas</i>
11/27/2001	Entry of Plea (10:30 AM) <i>STATE'S REQUEST ENTRY OF PLEA Heard By: Michael Douglas</i>
11/27/2001	Jury Trial (1:30 PM) <i>TRIAL BY JURY VJ 11-27-01 Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
11/27/2001	 Guilty Plea Agreement
11/27/2001	 Amended Information
11/28/2001	 Subpoena
11/28/2001	 Subpoena
11/28/2001	 Subpoena
11/28/2001	 Subpoena
12/03/2001	 Notice of Motion <i>Notice of Motion and Motion to Compel Handwriting Sample</i>
12/04/2001	 Motion to Dismiss Counsel <i>Motion to Dismiss Counsel and Appointment of Alternate Counsel</i>
12/05/2001	 Ex Parte Motion <i>Ex Parte Motion for Order for Contact Visit</i>
12/05/2001	 Objection <i>Defendant Bennett's Objection to the State's Notice of Motion and Motion to Compel Handwriting Sample</i>
12/05/2001	 Receipt of Copy
12/06/2001	Request (9:00 AM) <i>STATE'S REQUEST FOR HANDWRITING SAMPLE Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
12/06/2001	













DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

	 Reporters Transcript <i>Transcript of Hearing Held on November 27, 2001</i>
12/06/2001	 Reporters Transcript <i>Transcript of Hearing Held on November 27, 2001</i>
12/10/2001	 Ex Parte Order <i>Ex Parte Order Granting Motion for Contact Visit</i>
12/10/2001	 Order Granting Motion <i>Order Granting Motion to Compel Production of Handwriting Samples</i>
12/11/2001	 Receipt of Copy <i>Receipt of Copy of the Order for Contact Visit</i>
12/13/2001	 Subpoena
12/18/2001	Motion to Dismiss (9:00 AM) Events: 12/04/2001 Motion to Dismiss Counsel <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL AND APPOINTMENT OF ALTERNATE COUNSEL/50 Court Clerk: Joyce Brown Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
12/24/2001	 Motion for Discovery
12/24/2001	 Receipt of Copy
12/28/2001	 Order Shortening Time
12/28/2001	 Ex Parte Motion <i>Ex Parte Motion for Order Shortening Time</i>
12/28/2001	 Supplemental <i>Supplemental Designation of Witnesses</i>
12/28/2001	 Receipt of Copy
12/28/2001	 Receipt of Copy
01/03/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
01/03/2002	Motion for Discovery (9:00 AM) <i>DEFT'S MTN FOR DISCOVERY /52 Heard By: Michael Douglas</i>
01/03/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (1/3/02) Court Clerk: Joyce Brown Relief Clerk: Greer Jennison/gj Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
01/07/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
01/10/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>













DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

01/10/2002	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PRECLUDE EVID OF GANG AFFILIATION/34 VK 11-27-01</i>
01/10/2002	Motion (9:00 AM) <i>DEFT'S MTN TO REMAND TO JUVENILE COURT/35 VK 11-27-01</i>
01/10/2002	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
01/10/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
01/10/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 1/10/02 Court Clerk: Joyce Brown Relief Clerk: Amber Farley /af Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
01/14/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
01/14/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
01/14/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
01/14/2002	 Media Request and Order <i>Media Request to Permit Camera Access to Proceedings</i>
01/17/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
01/17/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
01/17/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (1/17/02) Court Clerk: Connie Kalski/ck Relief Clerk: Georgette Byrd Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
01/22/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/22/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
01/22/2002	 Media Request and Order <i>Media Request to Permit Camera Access to Proceedings</i>
01/22/2002	 Amended Information
01/22/2002	 Opposition to Motion <i>State's Opposition to Defendant's Motion in Limine to Preclude Evidence of Gang Affiliation</i>
01/23/2002	CANCELED Motion (9:00 AM) <i>Events: 12/24/2001 Motion for Discovery Vacated</i>
01/23/2002	

DEPARTMENT 12
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CASE NO. 01C175914-2

	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/24/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/24/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/25/2002	Jury Trial (1:00 AM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/25/2002	 Jury List
01/28/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/29/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
01/29/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/29/2002	 Subpoena
01/30/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>








DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

01/30/2002	 Supplemental <i>Supplemental Designation of Witnesses</i>
01/31/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL Relief Clerk: Amber Farley Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
01/31/2002	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
02/01/2002	Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
02/04/2002	Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
02/04/2002	 Instructions to the Jury
02/04/2002	 Verdict
02/05/2002	Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
02/05/2002	 Ex Parte Motion <i>Ex Parte Motion for Order to Prepare Transcript</i>
02/06/2002	Penalty Hearing (1:00 PM) <i>PENALTY HEARING Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
02/06/2002	 Stipulation <i>Stipulation Waiving Separate Penalty Hearing and Allowing Sentence to be Imposed by the Court</i>
02/07/2002	 Subpoena
02/07/2002	 Subpoena
02/11/2002	 Motion for New Trial
02/11/2002	 Receipt of Copy
02/14/2002	 Order <i>Order to Prepare Transcript</i>
02/15/2002	 Receipt of Copy
02/20/2002	 Opposition to Motion <i>State's Opposition to Defendant's Motion for New Trial</i>









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02/21/2002	Motion (9:00 AM) Events: 02/11/2002 Motion for New Trial <i>DEFT'S MTN FOR NEW TRIAL/67 Relief Clerk: Amber Farley Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
03/01/2002	 Order Denying Motion <i>Order Denying Defendant's Motion for New Trial</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 22, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 23, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 24, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 25, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on February 1, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 29, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 30, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 31, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on February 4, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on February 6, 2002</i>
03/13/2002	 Reporters Transcript <i>Transcript of Hearing Held on January 28, 2002</i>
03/14/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
03/14/2002	 Motion to Withdraw As Counsel <i>Motion to Withdraw as Counsel and Continue Sentencing</i>
03/15/2002	 Order Shortening Time
03/15/2002	 Receipt of Copy









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CASE NO. 01C175914-2

03/15/2002	 Subpoena
03/15/2002	 Ex Parte Motion <i>Ex Parte Motion for Order Shortening Time</i>
03/18/2002	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
03/19/2002	Motion to Withdraw as Counsel (9:00 AM) <i>SCOTT BINDRUP'S MTN TO WITHDRAW AS COUNSEL /71 Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
03/19/2002	 Motion to Dismiss Counsel <i>Motion to Dismiss Counsel of Record</i>
03/19/2002	 Motion <i>Motion / Affidavit to Proceed In Forma Pauperis (Sealed)</i>
03/19/2002	 Motion <i>Motion to Reset Sentencing</i>
03/21/2002	Sentencing (9:00 AM) <i>SENTENCING</i>
03/21/2002	Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL</i>
03/21/2002	Status Check (9:00 AM) <i>STATUS CHECK: SET SENTENCING DATE</i>
03/21/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 3/21/02 Court Clerk: Nora Pena Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
03/26/2002	CANCELED Motion to Withdraw as Counsel (9:00 AM) <i>Events: 03/14/2002 Motion to Withdraw As Counsel Vacated</i>
03/27/2002	 Order <i>Order Appointing Counsel at the Court Appointed Hourly Rate</i>
03/28/2002	Sentencing (9:00 AM) <i>SENTENCING Heard By: Michael Douglas</i>
03/28/2002	Status Check (9:00 AM) <i>STATUS CHECK: SENTENCING</i>
03/28/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS (03-28-02) Court Clerk: Nora Pena Relief Clerk: Cindy Lory Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
03/29/2002	 Order
04/02/2002	Sentencing (9:00 AM) <i>SENTENCING Heard By: Michael Douglas</i>
04/02/2002	Motion to Dismiss (9:00 AM)












DEPARTMENT 12
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	Events: 03/19/2002 Motion to Dismiss Counsel <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL OFRECORD/74 Heard By: Michael Douglas</i>
04/02/2002	Petition to Proceed in Forma Pauperis (9:00 AM) Events: 03/19/2002 Motion <i>DEFT'S PRO PER MOTION TO TO PROCEED IN FORMA PAUPERIS /75 Heard By: Michael Douglas</i>
04/02/2002	Motion (9:00 AM) Events: 03/19/2002 Motion <i>DEFT'S PRO PER MTN TO RESET SENTENCING/76 Heard By: Michael Douglas</i>
04/02/2002	Status Check (9:00 AM) <i>STATUS CHECK: SENTENCING</i>
04/02/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 04/02/02 Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
04/11/2002	 Media Request and Order <i>Media Request to Permit Camera Access to Proceedings</i>
05/07/2002	 Order <i>Order for Investigator Fees in Excess of Statutory Amount</i>
05/07/2002	 Ex Parte Application <i>Ex-Parte Application for Investigator Fees in Excess of Statutory Amount</i>
05/14/2002	Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
05/21/2002	 Ex Parte Order <i>Ex Parte Order Granting Motion for Contact Visit</i>
05/22/2002	 Notice of Witnesses
05/23/2002	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
05/24/2002	 Supplemental <i>Supplemental Notice of Witnesses</i>
05/28/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
05/28/2002	 Amended Information
05/29/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
05/29/2002	 Jury List





DEPARTMENT 12
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05/30/2002	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
05/31/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
06/04/2002	Sentencing (9:00 AM) <i>SENTENCING Heard By: Michael Douglas</i>
06/04/2002	Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
06/04/2002	Sentencing (10:30 AM) <i>SENTENCING Heard By: Michael Douglas</i>
06/04/2002	All Pending Motions (10:30 AM) <i>ALL PENDING MOTIONS 6/04/02 Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
06/05/2002	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson/Liz Garcia Heard By: Douglas, Michael L</i>
06/05/2002	 Media Request and Order <i>Media Request to Permit Camera Access to Proceedings</i>
06/05/2002	 Order <i>Order Requiring Material Witness to Post Bail or be Committed to Custody</i>
06/06/2002	Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
06/06/2002	Sentencing (10:30 AM) <i>SENTENCING Court Clerk: Nora Pena Relief Clerk: Cindy Lory/cnl Reporter/Recorder: Cat Nelson/Liz Garcia Heard By: Michael Douglas</i>
06/06/2002	 Amended Jury List
06/06/2002	 Proposed Jury Instructions Not Used At Trial
06/07/2002	Jury Trial (9:00 AM) <i>TRIAL BY JURY Relief Clerk: Cindy Lory Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
06/07/2002	 Instructions to the Jury
06/07/2002	 Verdict
06/10/2002	 Motion for New Trial <i>Defendant's Motion for New Trial</i>
06/10/2002	 Receipt of Copy

















DEPARTMENT 12
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06/10/2002	 Receipt of Copy
06/10/2002	 Order Shortening Time
06/11/2002	Sentencing (10:30 AM) <i>SENTENCING Court Clerk: Nora Pena Relief Clerk: Barbara Blankenship/bb Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
06/11/2002	 Affidavit of Service <i>Affidavit of Service/Arrest</i>
06/13/2002	CANCELED Motion for New Trial (10:30 AM) Events: 06/10/2002 Motion for New Trial <i>Vacated</i>
06/17/2002	 Opposition to Motion <i>State's Opposition to Defendant Ashley Bennett's Motion for New Trial</i>
06/18/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 06-18-02 Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
06/18/2002	Sentencing (10:30 AM) <i>SENTENCING Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>
06/18/2002	Motion for New Trial (10:30 AM) <i>DEFT'S MTN FOR NEW TRIAL Heard By: Michael Douglas</i>
06/18/2002	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>
06/20/2002	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
06/28/2002	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
07/02/2002	 Stipulation and Order <i>Stipulation and Order for Payment of Excess Attorney Fees and Expenses</i>
07/10/2002	 Case Appeal Statement
07/11/2002	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
07/25/2002	Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Nora Pena Relief Clerk: Jennifer Lott/jl Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>
07/26/2002	 Reporters Transcript <i>Transcript of Hearing Held on July 25, 2002</i>
08/01/2002	Sentencing (9:00 AM) <i>SENTENCING Heard By: Michael Douglas</i>


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08/01/2002	Status Check (9:00 AM) <i>STATUS CHECK: ANY OTHER MOTIONS Heard By: Michael Douglas</i>
08/01/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8/1/02 Court Clerk: Nora Pena Relief Clerk: Jennifer Lott/jl Reporter/Recorder: Carrie Hansen Heard By: Michael Douglas</i>
08/01/2002	Disposition (Judicial Officer: User, Conversion) 1. MURDER. Guilty PCN: Sequence:
08/01/2002	Disposition (Judicial Officer: User, Conversion)
08/01/2002	Disposition (Judicial Officer: User, Conversion) 1. MURDER IN THE SECOND DEGREE. Guilty PCN: Sequence:
08/01/2002	Disposition (Judicial Officer: User, Conversion) 1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty PCN: Sequence:
08/01/2002	Sentence (Judicial Officer: User, Conversion) 1. MURDER. Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Converted Disposition: Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0003: RESTITUTION Amount: \$30432.06 Converted Disposition: Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0005: CREDIT FOR TIME SERVED Minimum 440 Days to Maximum 440 Days Converted Disposition: Sentence# 0006: ADMINISTRATION FEE Amount: \$25.00
08/05/2002	 Order <i>Order Appointing Counsel</i>
08/08/2002	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
08/15/2002	 Case Appeal Statement
08/15/2002	 Notice of Appeal (criminal)
















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	<i>Notice of Appeal</i>
08/19/2002	 Stipulation and Order <i>Stipulation and Order for Payment of Excess Attorney Fees and Expenses</i>
08/29/2002	 Order <i>Order for Investigator Fees in Excess of Statutory Amount</i>
08/29/2002	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
08/29/2002	 Ex Parte Application <i>Ex-Parte Application for Investigator Fees in Excess of Statutory Amount</i>
08/30/2002	 Case Appeal Statement
09/20/2002	 Reporters Transcript <i>Transcript of Hearing Held on August 1, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on June 7, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on June 6, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on May 30, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on May 28, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on June 4, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on May 29, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on June 5, 2002</i>
10/31/2002	 Reporters Transcript <i>Transcript of Hearing Held on May 31, 2002</i>
05/29/2003	Request of Court (9:00 AM) <i>AT THE REQ OF THE CT: CONFIRMATION OF COUNSEL (C.ORAM) Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>
06/11/2003	 Notice <i>Notice of Appointment of Counsel</i>
06/18/2003	 Motion for Appointment of Attorney <i>Motion for Appointment of Counsel</i>








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06/18/2003	 Motion for Leave to Proceed in Forma Pauperis <i>Motion for Leave to Proceed In Forma Pauperis (Sealed)</i>
06/18/2003	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
06/20/2003	 Order for Petition for Writ of Habeas Corpus <i>Order Re Petition for Writ of Habeas Corpus</i>
08/20/2003	 Order <i>Order for Transcripts</i>
09/03/2003	 Opposition to Motion <i>State's Opposition to Defendant's (1) Motion for Appointment of Counsel (2) Application and Order to Transport and Produce Inmate and (3) Petition for Writ of Habeas Corpus</i>
09/30/2003	Petition for Writ of Habeas Corpus (9:00 AM) <i>PTN FOR WRIT OF HABEAS CORPUS Heard By: Michael Douglas</i>
09/30/2003	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR APPTMNT OF COUNSEL/92 Heard By: Michael Douglas</i>
09/30/2003	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FROMA PAUPERIS/93 Heard By: Michael Douglas</i>
09/30/2003	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS FOR 9/30/03 Court Clerk: Billie Jo Craig Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>
10/21/2003	Petition for Writ of Habeas Corpus (9:00 AM) <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Sharon Chun/SC Relief Clerk: Jennifer Lott Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>
11/05/2003	 Order Denying <i>Order Denying Defendant's Request for Appointment of Counsel and Request for Transport</i>
11/13/2003	 Findings of Fact, Conclusions of Law and Order
12/10/2003	 Notice of Entry of Decision and Order
07/02/2004	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
07/06/2004	 Ex Parte Motion <i>Ex Parte Motion for Payment of Final Attorney's Fees and Costs</i>
07/15/2004	 Order Granting Motion <i>Order Granting Motion for Excess Fees and Costs</i>
11/08/2004	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>

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11/10/2004	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction) and Appointment of Counsel</i>
11/16/2004	 Order for Petition for Writ of Habeas Corpus
12/15/2004	 Opposition <i>State's Opposition to Defendant's Petition for Writ of Habeas Corpus and Defendant's Motion to Appoint Counsel</i>
12/28/2004	Petition for Writ of Habeas Corpus (10:30 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Sue Deaton/sd Relief Clerk: Cheryl Case Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
01/03/2005	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/03/2005	 Certificate of Service <i>Certificate of Service by Mail</i>
01/03/2005	 Affidavit in Support <i>Affidavit in Support of Request to Proceed In Forma Pauperis (Sealed)</i>
01/06/2005	 Request <i>Petitioner's Request for Appointment of Counsel</i>
01/06/2005	 Order for Petition for Writ of Habeas Corpus
01/12/2005	 Findings of Fact, Conclusions of Law and Order
01/13/2005	 Opposition <i>State's Opposition to Defendant's Petition for Writ of Habeas Corpus</i>
01/13/2005	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Appoint Counsel</i>
01/19/2005	 Notice of Entry of Decision and Order
01/20/2005	Request (9:15 AM) Events: 01/06/2005 Request <i>DEFT'S REQUEST FOR APPOINTMENT OF COUNSEL/98 Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Leavitt, Michelle</i>
02/16/2005	 Motion <i>Motion for Enlargement of Time</i>
02/17/2005	CANCELED Petition for Writ of Habeas Corpus (9:15 AM) Events: 01/03/2005 Petition for Writ of Habeas Corpus <i>Vacated</i>
02/18/2005	 Case Appeal Statement
02/18/2005	 Notice of Appeal (criminal) <i>Notice of Appeal</i>

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02/18/2005	 Designation of Record on Appeal
02/22/2005	Petition for Writ of Habeas Corpus (11:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS Heard By: Michelle Leavitt</i>
02/22/2005	Request (11:00 AM) <i>DEFT'S REQUEST FOR APPOINTMENT OF COUNSEL/98 Heard By: Michelle Leavitt</i>
02/22/2005	Motion (11:00 AM) Events: 02/16/2005 Motion <i>DEFT'S PRO PER MTN ENLARGEMENT OF TIME Heard By: Michelle Leavitt</i>
02/24/2005	Petition for Writ of Habeas Corpus (9:15 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS Heard By: Michelle Leavitt</i>
02/24/2005	Request (9:15 AM) <i>DEFT'S REQUEST FOR APPOINTMENT OF COUNSEL/98 Heard By: Michelle Leavitt</i>
02/24/2005	Motion (11:00 AM) <i>DEFT'S PRO PER MTN ENLARGEMENT OF TIME Heard By: Michelle Leavitt</i>
02/24/2005	All Pending Motions (11:00 AM) <i>ALL PENDING MOTIONS 2/24/05 Court Clerk: Sue Deaton Relief Clerk: Elaine York/ey Reporter/Recorder: Stacy L. Briggs Heard By: Michelle Leavitt</i>
03/14/2005	 Order Granting Motion <i>Order Granting Defendant's Motion for Enlargement of Time</i>
03/18/2005	 Ex Parte Order <i>Ex Parte Order Granting Attorney's Fees in Excess of the Statutory Limit</i>
03/18/2005	 Order <i>Nunc Pro Tunc Order</i>
04/28/2005	Petition for Writ of Habeas Corpus (9:15 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS Heard By: Michelle Leavitt</i>
04/28/2005	Request (9:15 AM) <i>DEFT'S REQUEST FOR APPOINTMENT OF COUNSEL/98 Court Clerk: Sue Deaton Reporter/Recorder: Jo A. Scott Heard By: Michelle Leavitt</i>
04/28/2005	Status Check (9:15 AM) <i>STATUS CHECK: SUPPLEMENTAL PETITION</i>
04/28/2005	All Pending Motions (9:15 AM) <i>ALL PENDING MOTIONS 4-28-05 Court Clerk: Sue Deaton Reporter/Recorder: Gina Shrader Heard By: Michelle Leavitt</i>
05/31/2005	 Supplement <i>Supplement to Petition for Writ of Habeas Corpus (Post Conviction)</i>
06/01/2005	 Receipt of Copy
06/16/2005	 Affidavit <i>Affidavit of Betty Lemoncello</i>

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06/16/2005	 Receipt of Copy
06/16/2005	 Affidavit <i>Affidavit of Marie Crump</i>
06/20/2005	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
06/24/2005	 Ex Parte Motion <i>Ex Parte Motion for an Order to Transport Defendant</i>
06/24/2005	 Order to Transport Defendant
07/07/2005	 Opposition <i>State's Opposition to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
07/11/2005	 Receipt of Copy
07/11/2005	 Reply to Opposition <i>Reply to State's Opposition to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
07/12/2005	Hearing (9:15 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Relief Clerk: Judy McFadden Reporter/Recorder: Jo Ann Scott Heard By: Michelle Leavitt</i>
07/21/2005	 Receipt of Copy
07/21/2005	 Affidavit <i>Affidavit of Diane Crumb-Richmond</i>
07/26/2005	 Supplemental <i>State's Supplemental Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/16/2005	 Receipt of Copy
08/16/2005	 Supplemental <i>Petitioner's Supplemental Facts to Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
10/14/2005	 Ex Parte Motion <i>Ex Parte Motion for an Order to Transport Defendant</i>
10/14/2005	 Order to Transport Defendant
11/01/2005	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING: GROUNDS 1,3,4,5 Court Clerk: April Watkins Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle</i>
11/02/2005	Evidentiary Hearing (10:30 AM) <i>EVIDENTIARY HEARING: GROUNDS 1,3,4,5 Court Clerk: April Watkins</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2















Reporter/Recorder: Gina Shrader Heard By: Leavitt, Michelle

11/04/2005	Evidentiary Hearing (10:30 AM) <i>EVIDENTIARY HEARING: GROUNDS 1,3,4,5 Court Clerk: April Watkins Reporter/Recorder: Cheryl Gardner Heard By: Michelle Leavitt</i>
11/18/2005	 Notice of Appeal (criminal) <i>Notice of Appeal (Post-Conviction Habeas Corpus)</i>
11/18/2005	 Case Appeal Statement
11/29/2005	 Findings of Fact, Conclusions of Law and Order
12/14/2005	 Notice of Entry of Decision and Order
12/15/2005	 Motion for Appointment <i>Motion to Appoint Appellate Counsel</i>
12/15/2005	 Receipt of Copy
12/20/2005	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Appoint Appellate Counsel</i>
12/27/2005	Motion (9:15 AM) Events: 12/15/2005 Motion for Appointment <i>DEFT BENNETT MTN TO APPOINT APPELLATE COUNSEL /105 Court Clerk: April Watkins Reporter/Recorder: Cheryl Gardner Heard By: Michelle Leavitt</i>
01/10/2006	 Order Denying Motion <i>Order Denying Defendant's Motion to Appoint Appellate Counsel</i>
02/16/2006	 Order <i>Order for Transcript</i>
02/24/2006	 Reporters Transcript <i>Transcript of Hearing Held on November 2, 2005</i>
03/01/2006	 Order <i>Order for Transcript</i>
04/13/2006	 Reporters Transcript <i>Transcript of Hearing Held on November 1, 2005</i>
04/24/2006	 Reporters Transcript <i>Transcript of Hearing Held on July 12, 2005</i>
04/24/2006	 Reporters Transcript <i>Transcript of Hearing Held on November 4, 2005</i>
09/28/2006	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>








DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

08/11/2009	 Motion <i>Motions Titled by Condensed Codes - Document Codes No(s) 0031, 0115, 0203, 0126, 0105:</i>
08/19/2009	 Opposition to Motion <i>State's Opposition to Defendant's Motions Titled by Condensed Codes Document Codes No(s) 0031, 0115, 0203, 0126, 0105</i>
08/25/2009	Motion (8:30 AM) Events: 08/11/2009 Motion <i>DEFT'S PRO PER MTN BY CONDENSED CONDES/0106 Court Clerk: April Watkins Relief Clerk: Sylvia Courtney/sc Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>
09/22/2009	 Order Denying <i>Order Denying Defendant's Petition for Writ</i>
09/23/2009	 Notice of Entry of Decision and Order
10/19/2009	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/20/2009	 Case Appeal Statement
06/16/2010	 Motion to Withdraw As Counsel <i>Motion to Withdraw Counsel</i>
07/01/2010	Motion (8:30 AM) Events: 06/16/2010 Motion to Withdraw As Counsel <i>DEFT'S PRO PER MTN TO WITHDRAW CNSL/107 Court Clerk: April Watkins Reporter/Recorder: Patti Slattery Heard By: Michelle Leavitt</i>
07/13/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
08/18/2010	 Motion Filed By: Defendant Morrison, Lailoni D <i>Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
09/07/2010	 Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 08/18/2010 Motion <i>Pro Per's Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
11/01/2010	 Motion Filed By: Defendant Morrison, Lailoni D <i>Motion for Production of Documents Papers Pleadings and Tangible Property of Defendant</i>
11/10/2010	 Response <i>State's Response to Defendant's Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant</i>
11/16/2010	 Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 11/01/2010 Motion <i>Def't's Pro Per Motion for Production of Documents Papers Pleadings and Tangible Property of Defendant</i>

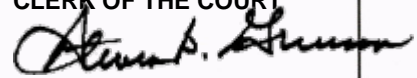
DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

03/03/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Morrison, Lailoni D <i>Application to Proceed Informa Pauperis (Sealed)</i>
03/03/2016	 Motion for Appointment of Attorney Filed By: Defendant Morrison, Lailoni D <i>Motion to Appoint Counsel</i>
03/03/2016	 Petition for Writ of Habeas Corpus Filed by: Defendant Morrison, Lailoni D <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
04/19/2016	CANCELED Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - On in Error</i>
05/19/2016	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law, and Order</i>
05/23/2016	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order</i>
06/13/2016	 Notice of Appeal (criminal) Party: Defendant Morrison, Lailoni D <i>Notice of Appeal</i>
06/13/2016	 Designation of Record on Appeal Filed By: Defendant Morrison, Lailoni D
06/14/2016	 Case Appeal Statement
07/19/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
02/14/2018	 Motion to Modify Sentence Filed By: Defendant Morrison, Lailoni D <i>Motion to Modify and/or Change Illegal Sentence</i>
03/06/2018	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Motion to Modify and/or Correct Illegal Sentence</i>
03/08/2018	 Motion to Modify Sentence (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Pro Per Motion to Modify and/or Change Illegal Sentence</i>
03/08/2018	 Petition for Writ of Habeas Corpus Filed by: Defendant Morrison, Lailoni D <i>Writ of Habeas Corpus (Post Conviction); Memorandum of Points and Authorities</i>
04/03/2018	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Modify and/or Change Illegal Sentence</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. 01C175914-2

04/30/2018	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
07/18/2018	 Petition Filed by: Defendant Morrison, Lailoni D <i>Petition: Expeditious Judicial Examination</i>
07/27/2018	 Findings of Fact, Conclusions of Law and Order <i>Findings of Fact, Conclusions of Law, and Order</i>
07/30/2018	 Notice of Entry <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
08/23/2018	 Notice of Appeal (criminal) Party: Defendant Morrison, Lailoni D <i>Notice of Appeal</i>
08/23/2018	 Designation of Record on Appeal <i>Designation of Record on Appeal</i>
08/24/2018	 Case Appeal Statement Filed By: Defendant Morrison, Lailoni D <i>Case Appeal Statement</i>

DATE	FINANCIAL INFORMATION	
	Defendant Morrison, Lailoni D	
	Total Charges	175.00
	Total Payments and Credits	0.00
	Balance Due as of 8/24/2018	175.00



1 ORDR
2
3

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 LAILONI MORRISON,

8 Petitioner,

9 vs.

10 THE STATE OF NEVADA,

11 Respondent.
12

Case No.: 01C175914-2

Department XII
(Third Petition)

13 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

14 FINDINGS OF FACT

15 1. On June 7, 2001, Petitioner, Lailoni Morrison, was charged by way of
16 Information with Murder with Use of a Deadly Weapon.

17 2. On June 7, 2002, Petitioner was convicted by jury verdict of Second Degree
18 Murder with Use of a Deadly Weapon.

19 3. On August 1, 2002, the district court sentenced petitioner to life in prison
20 with the possibility of parole after ten (10) years, plus an equal and consecutive term of life
21 in prison with the possibility of parole after ten (10) years for the deadly weapon
22 enhancement.

23 4. On August 8, 2002, the Court entered the Judgment of Conviction.

24 5. On August 29, 2002, Petitioner filed a direct appeal. The Nevada Supreme
25 Court affirmed petitioner's conviction on June 3, 2004, and remittitur issued June 29,
26 2004.

27 6. On November 10, 2004, Petitioner filed a timely Petition for Writ of Habeas
28 Corpus (Post-Conviction).

7. On December 28, 2004, the court denied the Petition for Writ of Habeas
Corpus (Post-Conviction).


MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

1
2 8. The court entered its The Findings of Fact and Conclusions of Law on
3 January 12, 2005.

4 9. On February 18, 2005, Petitioner filed an appeal of the denial of the Petition
5 for Writ of Habeas Corpus (Post-Conviction). On May 19, 2005 the Nevada Supreme
6 Court affirmed the decision of the District Court. Remittitur issued on June 20, 2005.+
7

8 10. On March 3, 2016, Petitioner filed a second Petition for Writ of Habeas
9 Corpus (Post-Conviction).
10

11 11. The Court denied the second Petition for Writ of Habeas Corpus (Post-
12 Conviction) and issued Findings of Fact and Conclusions of Law on May 19, 2016.
13

14 12. On June 13, 2016, Petitioner filed an appeal of the denial of the Petition for
15 Writ of Habeas Corpus (Post-Conviction). The Nevada Supreme Court affirmed the
16 decision of the District Court, June 14, 2017 and remittitur issued on July 11, 2017.
17

18 13. On March 08, 2018, Petitioner filed the instant third Petition for Writ of
19 Habeas Corpus (Post-Conviction).
20

21 14. The instant third petition is untimely, as it is filed more than one year after
22 the Supreme Court issued the remittitur from the direct appeal on June 29, 2004.
23 Accordingly, absent good cause and prejudice, the instant petition must be dismissed.
24

25 CONCLUSIONS OF LAW

26 1. NRS 34.726(1), governing "Limitations on time to file..." requires that a
27 petition for a writ of habeas corpus "must be filed within 1 year after entry of the judgment
28 of conviction or, if an appeal has been taken from the judgment, within 1 year after the
Supreme Court issues its remittitur." Late-filing of a petition may be excused from
procedural default if the Petitioner can establish good cause for delay in bringing the claim.
Id. Good cause for late-filing consists of a showing that: (1) "delay is not the fault of the
petitioner"; and (2) "dismissal of the petition as untimely will unduly prejudice the
petitioner." *Id.* at (1)(a)-(b)

2 2. The petitioner bears the burden to establish specific facts to demonstrate both
good cause for filing a late petition and undue prejudice. *See* NRS 34.726.

3 3. In order to demonstrate good cause, a petitioner must show that an
impediment external to the defense prevented him or her from complying with the state
procedural default rules. *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).

4 4. The court may excuse the failure to show good cause where the prejudice
from a failure to consider the claim amounts to a fundamental miscarriage of justice.
Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001).

1
2 5. NRS 34.726 applies to successive petitions. *Pellegrini v. State*, 117 Nev.
3 860, 870, 34 P.3d 519, 526 (2001).

4 6. NRS 34.810(2), governing "Additional reasons for dismissal of petition,"
5 requires that "[a] second or successive petition must be dismissed if the judge or justice
6 determines that it fails to allege new or different grounds for relief and that the prior
7 determination was on the merits or, if new and different grounds are alleged, the judge or
8 justice finds that the failure of the petitioner to assert those grounds in a prior petition
9 constituted an abuse of the writ."

10 7. The petitioner has the burden of pleading and proving specific facts that
11 demonstrate both good cause for failing to present a claim or for presenting a claim again
12 and actual prejudice. NRS 34.810(3). *See also State v. Haberstroh*, 119 Nev. 173, 181, 69
13 P.3d 676, 681 (2003).

14 8. A court must dismiss a habeas petition if it presents claims that either were
15 or could have been presented in an earlier proceeding, unless the court finds both cause for
16 failing to present the claims earlier or for raising them again and actual prejudice to the
17 petitioner. *Evans v. State*, 117 Nev. 609, 621-622, 28 P.3d 498, 507 (2001).

18 9. Unlike initial petitions which certainly require a careful review of the
19 record, successive petitions may be dismissed based solely on the face of the petition. *Ford*
20 *v. Warden*, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995).

21 10. Application of the statutory procedural default rules to post-conviction
22 habeas petitions is mandatory. *State v. District Court (Riker)*, 121 Nev. 225, 231, 112 P.3d
23 1070, 1074 (2005).

24 11. Meritless, successive and untimely petitions clog the court system and
25 undermine the finality of convictions. *Lozada v. State*, 110 Nev. 349, 358, 871 P.2d 944,
26 950 (1994).

27 12. A claim based on newly available legal basis must rest on a previously
28 unavailable constitutional claim. *Clem v. State*, 119 Nev. 615, 621, 81 P.3d 521, 525-526
(2003). A petitioner has one year to file a petition from the date the claim has become
available. *Rippo v. State*, 132 Nev. Adv. Op. 11, 368 P.3d 729, 739-740 (2016).

13 13. Petitioner attempts to rely on the holdings in United States Supreme Court
14 decisions *Welch v. United States*, __ U.S. __, 136 U.S. 1257 (2016) and *Montgomery v.*
15 *Louisiana*, __, U.S. __, 136 U.S. 718 (2016) to demonstrate good cause to overcome NRS
16 34.726(1)'s procedural rule. Petitioner contends *Montgomery* and *Welch* represent a
17 change in the law that would permit petitioner to obtain the benefit of the 2007
18 amendments to NRS 193.165 to his sentence, and therefore, a new sentencing hearing.
19 Petitioner contends that although he committed the offense on March 3, 2001 the court
20 should conduct a new sentencing hearing and sentence petitioner for the deadly weapon

1 enhancement according to NRS 193.165, subsequent to the 2007 amendments. However,
2 *Welch* and *Montgomery* have no application herein because NRS 193.165 is a procedural
3 statute. "Unless the legislature clearly expresses its intent to apply a law retroactively,
4 Nevada law requires the application of the law in effect at the time of the commission of
5 the crime." *State v. Pullin*, 124 Nev. 564, 567 (2008). Furthermore, procedural rules are
6 not applied retroactively unless such rules are of a constitutional dimension. *Id.* at 569.
7 The amendments to NRS 193.165 are not of constitutional dimension. They do not alter
the constitutional aspects of the statute. Instead, it allows the district court to exercise
discretion in determining the appropriate sentence for the deadly weapon enhancement,
when applicable, and based on the enumerated factors therein. Therefore, the 2007
amendments to NRS 193.165 do not apply retroactively.

8 14. Even if *Welch* and *Montgomery* provided relief to petitioner, the instant
9 petition is still time barred. *Welch* and *Montgomery* were decided on April 18, 2016 and
10 January 25, 2016 respectively. Therefore, petitioner had one year from the time the claim
11 became available. The instant petition was not filed until March 18, 2018, well beyond the
one year from the time the claim became available. *See Rippo v. State*, 132 Nev. Adv. Op.
11, 368 P.3d 729, 739-740 (2016).

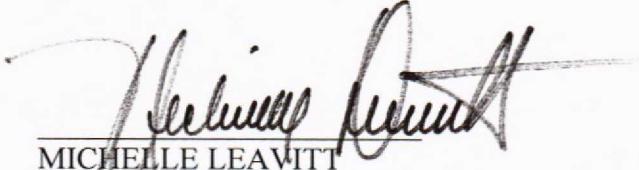
12 15. The petition is also time barred and subject to dismissal pursuant to NRS
13 34.810. Moreover, it constitutes an abuse of the writ. Petitioner filed this petition in
14 March, 2018. The issue he contends entitles him to relief is the 2007 amendments to NRS
15 193.165. He could have raised this issue in a previous petition and failed to do so. He
16 failed to show good cause for failing to raise the issue prior to March, 2018, when the
amendments became effective in 2007. Further, petitioner failed to demonstrate actual
prejudice. *See* NRS 34.810(3).

17 16. Finally, Petitioner failed to demonstrate the failure to consider his claims in
18 the instant petition caused prejudice that amounts to a fundamental miscarriage of justice.
See Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001).

19 17. Accordingly, the petition is time barred pursuant to NRS 34.726 (1). It's a
20 successive petition and constitutes an abuse of the writ. *See* NRS 34.810.

21 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas
22 Corpus (Post-Conviction) shall be, and it is, hereby DENIED.

23 Dated this 26 day of July, 2018.


MICHELLE LEAVITT
DISTRICT COURT JUDGE
DEPARTMENT XII
EIGHTH JUDICIAL DISTRICT COURT

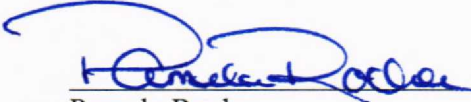
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3 **CERTIFICATE OF MAILING**

4 I hereby certify that on the 27th day of July, 2018, I placed a copy of the Findings of
5 Fact, Conclusions of Law, and Order in the U.S. Mail, postage prepaid to:

6 Lailoni D. Morrison #73722
7 S.D.C.C
8 P.O. Box 208
9 Indian Springs, NV 89018

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

10 Adam Paul Laxalt
11 Nevada Attorney General
12 555 E. Washington, Suite 3900
13 Las Vegas, NV 89101-1068

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15
16
17 

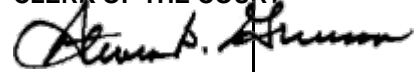
18 Pamela Rocha
19 Judicial Executive Assistant
20 Department XII
21 Eighth Judicial District Court

22 01C175914-2

23 Lailoni D. Morrison

24 vs.

25 The State of Nevada
26
27
28



NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LAILONI D MORRISON,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 01C175914-2

Dept No: XII

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

PLEASE TAKE NOTICE that on July 27, 2018, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on July 30, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Courtnie Hoskin

Courtnie Hoskin, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

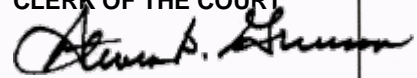
I hereby certify that on this 30 day of July 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:
Lailoni D Morrison # 73722
P.O. Box 208
Indian Springs, NV 89070

/s/ Courtnie Hoskin

Courtnie Hoskin, Deputy Clerk



1 ORDR
2
3

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 LAILONI MORRISON,

8 Petitioner,

9 vs.

10 THE STATE OF NEVADA,

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12

Case No.: 01C175914-2

Department XII
(Third Petition)

13 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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MICHELLE LEAVITT
DISTRICT JUDGE

DEPARTMENT TWELVE
LAS VEGAS, NEVADA 89155

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2 8. The court entered its The Findings of Fact and Conclusions of Law on
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24

25 CONCLUSIONS OF LAW

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27 petition for a writ of habeas corpus "must be filed within 1 year after entry of the judgment
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20 should conduct a new sentencing hearing and sentence petitioner for the deadly weapon

1 enhancement according to NRS 193.165, subsequent to the 2007 amendments. However,
2 *Welch* and *Montgomery* have no application herein because NRS 193.165 is a procedural
3 statute. "Unless the legislature clearly expresses its intent to apply a law retroactively,
4 Nevada law requires the application of the law in effect at the time of the commission of
5 the crime." *State v. Pullin*, 124 Nev. 564, 567 (2008). Furthermore, procedural rules are
6 not applied retroactively unless such rules are of a constitutional dimension. *Id.* at 569.
7 The amendments to NRS 193.165 are not of constitutional dimension. They do not alter
the constitutional aspects of the statute. Instead, it allows the district court to exercise
discretion in determining the appropriate sentence for the deadly weapon enhancement,
when applicable, and based on the enumerated factors therein. Therefore, the 2007
amendments to NRS 193.165 do not apply retroactively.

8 14. Even if *Welch* and *Montgomery* provided relief to petitioner, the instant
9 petition is still time barred. *Welch* and *Montgomery* were decided on April 18, 2016 and
10 January 25, 2016 respectively. Therefore, petitioner had one year from the time the claim
11 became available. The instant petition was not filed until March 18, 2018, well beyond the
one year from the time the claim became available. *See Rippo v. State*, 132 Nev. Adv. Op.
11, 368 P.3d 729, 739-740 (2016).

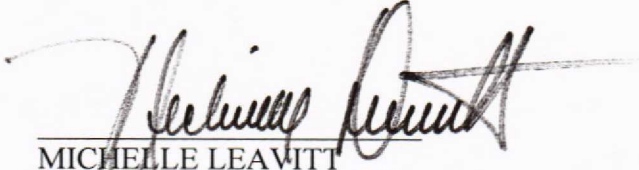
12 15. The petition is also time barred and subject to dismissal pursuant to NRS
13 34.810. Moreover, it constitutes an abuse of the writ. Petitioner filed this petition in
14 March, 2018. The issue he contends entitles him to relief is the 2007 amendments to NRS
15 193.165. He could have raised this issue in a previous petition and failed to do so. He
16 failed to show good cause for failing to raise the issue prior to March, 2018, when the
amendments became effective in 2007. Further, petitioner failed to demonstrate actual
prejudice. *See* NRS 34.810(3).

17 16. Finally, Petitioner failed to demonstrate the failure to consider his claims in
18 the instant petition caused prejudice that amounts to a fundamental miscarriage of justice.
See Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001).

19 17. Accordingly, the petition is time barred pursuant to NRS 34.726 (1). It's a
20 successive petition and constitutes an abuse of the writ. *See* NRS 34.810.

21 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas
22 Corpus (Post-Conviction) shall be, and it is, hereby DENIED.

23 Dated this 26 day of July, 2018.

24 
25 MICHELLE LEAVITT
26 DISTRICT COURT JUDGE
27 DEPARTMENT XII
28 EIGHTH JUDICIAL DISTRICT COURT

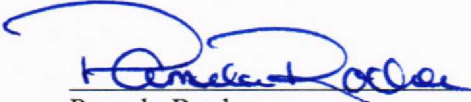
1
2
3 **CERTIFICATE OF MAILING**

4 I hereby certify that on the 27th day of July, 2018, I placed a copy of the Findings of
5 Fact, Conclusions of Law, and Order in the U.S. Mail, postage prepaid to:

6 Lailoni D. Morrison #73722
7 S.D.C.C
8 P.O. Box 208
9 Indian Springs, NV 89018

Steven B. Wolfson
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

10 Adam Paul Laxalt
11 Nevada Attorney General
12 555 E. Washington, Suite 3900
13 Las Vegas, NV 89101-1068

14
15
16
17 

18 Pamela Rocha
19 Judicial Executive Assistant
20 Department XII
21 Eighth Judicial District Court

22 01C175914-2

23 Lailoni D. Morrison

24 vs.

25 The State of Nevada
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 19, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 19, 2001

9:00 AM

Initial Arraignment

**INITIAL
ARRAIGNMENT**
**Court Clerk: AMBER
FARLEY Relief
Clerk: GEORGETTE
BYRD/GB**
**Reporter/Recorder:
RENEE SILVAGGIO**
**Heard By: Mark
Gibbons**

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

Cram, Roger
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- AS TO DEFT. BENNETT: DEFT. BENNETT ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

AS TO DEFT. MORRISON: DEFT. MORRISON ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

AS TO DEFT. GANTT: DEFT. GANTT ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

Counsel has 21 days from the filing of the transcript to file any petitions of habeas corpus.

CUSTODY(ALL)

08/16/01 9:00 AM CALENDAR CALL

01C175914-2

08/20/01 1:30 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

July 10, 2001

9:00 AM

Motion

**DEFT'S MOTION
FOR DISCOVERY
OF
PROSECUTION
FILE RECORDS
AND INFO Court
Clerk: TINA HURD
Reporter/Recorder:
Renee Silvaggio
Heard By: Gibbons,
Mark**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Schieck, David M.
Sweetin, James R.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck advised he filed a joinder, however, his client was not brought over. Court advised this is a motion for Brady material. State advised they provided some discovery and they have an opposition. State's Opposition to Deft's Motion for Discovery of Prosecution Files, Records and Information Necessary to a Fair Trial FILED IN OPEN COURT. State requested a continuance as he is not familiar with the case. Colloquy. COURT ORDERED, matter CONTINUED. Ms. Wildeveld advised, for the record, Deft. Gantt is a 16-year-old juvenile and is supposed to be out of sight of adults and is sitting with them, however, his roommate is 16 years old. Court acknowledged. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 19, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

July 19, 2001

9:00 AM

Motion

**DEFT'S MOTION
FOR DISCOVERY
OF
PROSECUTION
FILE RECORDS
AND INFO Court
Clerk: AMBER
FARLEY
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Court noted the District Attorney's office has an open-file policy and the Defense has the obligation to secure their own information; further the Defense isn't entitled to discovery of internal reports prepared by or on behalf of the prosecuting attorney. State advised it would provide what discovery is allowable provided they are provided with specific requests. Colloquy regarding correspondence from a witness. Court stated that if such correspondence is going to be used for impeachment with regard to prior statements, it is appropriate that it be turned over to the Defense. Following further arguments, COURT ORDERED, counsel are to confer with each other to iron this issue out within the next ten days. Court will perform an in camera review of documents thought to be exculpatory and will make that determination, however an application for same must be submitted to the Court in specificity. Matter set for status check on this issue. Mr. Oram stated he wishes to endorse Ms.

01C175914-2

Wildeveld's motion. Court so noted.

CUSTODY

7/31/01 9:00 AM STATUS CHECK: DISCOVERY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

July 31, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 7-31-01**
**Court Clerk: Joyce
Brown**
**Reporter/Recorder:
Liz Garcia Heard By:
Michael Douglas**

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

Morrison, Lailoni D
Wall, David T.

Defendant
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO SET BAIL (MORRISON)...DEFT'S MOTION TO SEVER TRIALS OF DEFENDANTS (MORRISON)...DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON (MORRISON)...STATUS CHECK: DISCOVERY (GANTT)

AS TO DEFT'S MOTION TO SET BAIL, Mr. Wall advised this was Ms. De La Garza's case, she was asking for one week to respond, but he would respond orally. He further advised they met in Chambers with the Court on the matter. Mr. Oram advised he was not on this case and he was standing in for Mr. Schieck who asked the matter be continued.

Court noted it had received a letter from Mr. Schieck asking that a reasonable bail be set and thought \$50,000.00 would be appropriate. The State asked for \$100,000.00 noting Defendant Morrison was a known gang member and the victim was shot 14 times. Mr. Oram advised he thought the gang enhancement was dropped. COURT ORDERED bail set at \$200,000.00 on Morrison.

AS TO DEFT'S MOTION TO SEVER TRIALS OF DEFENDANTS (MORRISON); there was no opposition by State and COURT ORDERED motion GRANTED as to MORRISON ONLY.

AS TO DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON (MORRISON), COURT ORDERED matter CONTINUED to August 7, 2001.

AS TO STATUS CHECK: DISCOVERY, Ms. Wildeveld advised Ms. De La Garza had taken care of this; she wanted the date she first talked to police. She further advised she could not go to trial on August 16th.

Waivers of right to speedy trial was discussed and Mr. Wall asked they waive today. It was noted Mr. Gantt was age 16; Court advised he was certified up as an adult and this was an open murder case.

Mr. Bindrup stepped up; advised he represented the third Co-Defendant, Ashley Bennett, and he would be filing a motion to continue this week.

COURT ORDERED matter set for a status check on August 7th as to trial status on all Defendants. CUSTODY (BOTH)

8-7-01 9:00 AM DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON (MORRISON)..
.STATUS CHECK: TRIAL STATUS, ALL DEFENDANTS (BENNETT, MORRISON, GANTT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 07, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

August 07, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 8-7-01
Court Clerk: Joyce
Brown/JB Relief
Clerk: Amber Farley
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Cram, Roger
Morrison, Lailoni D

Attorney
Defendant

JOURNAL ENTRIES

- STATUS CHECK: TRIAL STATUS/WAIVER OF RIGHT TO SPEEDY TRIAL - ALL...DEFT'S
MOTION TO SUPPRESS STATEMENTS OF MORRISON - MORRISON...DEFENDANT'S MOTION
FOR BAIL REDUCTION - BENNETT

Court inquired if they have a complete waiver of a speedy trial from all three individuals and advised there were issues as to discovery. Mr. Bindrup, who was representing Defendant Bennett, advised they had discussed this matter; there was no way he could be prepared on August 20th; and he was willing to accommodate a short extension. Speedy trial rule waived.

Mr. Oram, standing in for Mr. Schieck and representing Defendant Morrison advised he had talked to Mr. Schieck; he also wanted a short continuance and would waive a speedy trial. Ms. Wildeveld, representing Defendant Gantt, advised they had already waived; she had asked for a number of Juvenile records; and they would not be available for six to eight weeks. She further advised she had a death penalty case set in October.

Discussion as to motions set on August 16th and 17th. COURT ORDERED, the Calendar Call and Jury Trial dates VACATED; the motions set for August 16th and 17th CONTINUED to August 28th; the Defendant's Motion To Suppress Statements Of Morrison and Defendant's Motion For Bail Reduction - Bennett CONTINUED to August 28th; Calendar Call and Jury Trial dates set for all three, using October and November dates. Mr. Oram advised they filed for bail reduction on Morrison. COURT FURTHER ORDERED a status check as to trial date for Bennett on August 28th.

CUSTODY (ALL)

8-28-01 9:00 AM DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON - MORRISON.

..DEFT'S MOTION FOR BAIL REDUCTION - BENNETT...DEFT'S MOTION TO SUPPRESS STATEMENT OF ANTHONY GANTT - GANTT...DEFT'S MOTION TO SEVER - BENNETT

10-25-01 9:00 AM CALENDAR CALL - BENNETT AND MORRISON

10-29-01 1:00 PM JURY TRIAL - BENNETT AND MORRISON

11-15-01 9:00 AM CALENDAR CALL - GANTT

11-19-01 1:00 PM JURY TRIAL - GANTT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

August 28, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 8/28/01
Relief Clerk: Nancy
Noble/nn
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR BAIL REDUCTION-BENNETT...DEFT'S MOTION FOR RELEASE WITHOUT BAIL OR FOR REDUCTION OF BAIL-GANTT...STATUS CHECK: TRIAL DATE-BENNETT... DEFT'S JOINDER IN MOTIONS TO SEVER-GANTT...DEFT'S MTN TO SUPPRESS-MORRISON.. DEFT'S MOTION TO SUPPRESS STATEMENT OF ANTHONY GANTT-GANTT...DEFT'S MOTION TO SEVER-BENNETT....

As to Deft's Motion for Bail Reduction-Bennett, arguments by Mr. Bindrup requesting bail be set to reflect what was granted in conjunction with the other defendants. COURT ORDERED, bail set at \$250,000.

As to Deft's Motion for Release Without Bail or for Reduction of Bail-Gantt, Ms. Wildeveld submitted the intake services report to the court and argued for defendant's release. Opposition by the State. COURT ORDERED, bail set at \$150,000.

As to Status Check: Trial Date-Bennett, COURT ORDERED matter SEVERED as to all THREE

DEFENDANTS. Trial date for Defendant Bennett STANDS.

As to Deft's Joinder in Motions to Sever-Gantt, COURT ORDERED motion GRANTED.

As to Deft's Motion to Suppress-Morrison, Mr. Schieck advised the State is requesting an evidentiary hearing regarding the statement and the defense concurs and requests the State review the video tape of the interview. There being no opposition by the State COURT ORDERED Defense to provide a copy of the video to the Court. Matter CONTINUED.

As to Deft's Motion to Suppress Statement of Anthony Gantt, argument by Ms. Wildeveld stating defendant had the right to have his parents present at the interview and defendant's mother would have been present if she was given the opportunity. Opposition by Ms. DeLaGarza stating on May 7, the defendant was read his rights and told he had the right to have his parents present. Further arguments by Ms. Wildeveld. COURT ORDERED motion DENIED. Ms. DeLaGarza stated even if the defendant's statement is suppressed the State has the right to use all statements for impeachment purposes. COURT ORDERED the statement may be used but may not be used in the State's case in chief.

FURTHER COURT ORDERED Trial date for Morrison VACATED and re-set.

CUSTODY (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 06, 2001**

01C175914-2

The State of Nevada vs Lailoni D Morrison

September 06, 2001**9:00 AM****Motion to Suppress****DEFT'S MOTION
TO SUPPRESS
Court Clerk: AMBER
FARLEY/AF Relief
Clerk: TINA HURD
Reporter/Recorder:
Cat Nelson Heard
By: Douglas, Michael
L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.Attorney
Defendant
Attorney**JOURNAL ENTRIES**

- Court stated it got partially through the tape, but hasn't completed it. COURT ORDERED, matter CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

September 13, 2001

9:00 AM

Motion to Suppress

**DEFT'S MOTION
TO SUPPRESS**

Court Clerk: AMBER

FARLEY/AF Relief

Clerk: KEITH REED

Reporter/Recorder:

Cat Nelson Heard

By: Michael Douglas

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Mr. Schieck argued the situation was coercive, that the Defendant requested a lawyer, and the interview continued. Ms. De la Garza argued in opposition thereto; stated Defendant continued the conversation after being admonished by the officers. COURT FINDS it is clear that Miranda was provided to the Defendant and that the conversation went forward; at 1:34 of the tape, the Defendant asked for a lawyer, was admonished by the police that they couldn't continue the conversation unless the Defendant initiated it, which the Defendant did; at 1:47:07 of the tape, Defendant requested to be taken to the police station and that the Defendant wanted to stop talking at that point. COURT ORDERED, anything on the video tape after 1:47:07 is SUPPRESSED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 23, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

October 23, 2001

9:00 AM

Motion

**DEFT'S MTN TO
REDUCE BAIL/29
Court Clerk: Joyce
Brown/jb Relief
Clerk: Kristen Brown
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Morrison, Lailoni D
Schieck, David M.
Wall, David T.

Defendant
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck presented argument in support of the motion including when bail was set, he was out of the jurisdiction; the Defendant has a new-born child with his fiance; she has complications and has not returned to work; the Defendant has a job waiting for him and he needs to get out. He further argued the Defendant was not a flight risk; his entire family is here; he thinks he can make a bail of \$50,000.00 and Court could order House Arrest also. He asked for bail of \$50,000.00.

Mr. Wall advised Ms. De La Garza was in North Las Vegas this morning; she was here in July when the bail was set at \$200,000.00; the Court should consider the type of offense; and asked to leave bail where it is.

COURT ORDERED Defendant's Motion To Reduce Bail DENIED and Mr. Morrison's bail to stay where it is.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 25, 2001**

01C175914-2

The State of Nevada vs Lailoni D Morrison

October 25, 2001**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: Joyce****Brown/jb Relief****Clerk: Linda Skinner****Reporter/Recorder:****Carrie Hansen Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Wall, David T.

Attorney

JOURNAL ENTRIES

- Both sides announced ready for trial; it would last one week; and, at Court's inquiry, Mr. Wall advised it was not a capital case. COURT ORDERED the trial set for Tuesday at 1:00 P.M.

CUSTODY

10-30-01 1:00 P.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

October 31, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-30-01
Court Clerk: Joyce
Brown/jb Relief
Clerk: Keith Reed
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Wall, David T.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG
AFFILIATION...TRIAL BY JURY (1:00 P.M.)

Court advised further investigation needed to be done and the Court had been asked to continue from this date. Mr. Bindrup asked for a status check the first of next week. Defendant wanted to proceed today. Discussion as to this and a meeting between Defendant and counsel last night. Court advised Defendant apparently agreed to the continuance last night. Mr. Wall advised there was a missing witness for the State; there was a concession for both sides; the reason they approached was because of a missing witness; and that witness does not have to be available any more. Court inquired about next week and Mr. Wall was not sure his witnesses would be available next week. COURT ORDERED trial set for today VACATED; new Calendar Call and Jury Trial dates set and the motion CONTINUED to the new Calendar Call date.

CUSTODY

11-8-01 9:00 AM DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG

01C175914-2

AFFILIATION...CALENDAR CALL
11-13-01 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 08, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 08, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11/8/01
Court Clerk: AMBER
FARLEY
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION...CALENDAR CALL

State's Notice of Motion and Motion to Continue FILED IN OPEN COURT. Ms. De La Garza stated the State is attempting to locate Sam Winbush, who is an essential corroborating witness in this case; further stated the witness has been under subpoena, and her investigator has some leads on his whereabouts; that the witness may be in fear for his safety. State's request is for two to three weeks. Mr. Bindrup opposed the Motion and moved to dismiss this matter. Mr. Bindrup further argued that this is a last minute search for this witness, and that he wasn't present at the Preliminary Hearing. Ms. De La Garza stated this witness had been subpoenaed for the Preliminary Hearing, and this is not last minute. Upon Court's inquiry, counsel estimated trial would take about one week. COURT ORDERED, State's Motion to Continue GRANTED and trial date VACATED and RESET. Court stated that if the State isn't ready to proceed next date, it is inclined to grant the Defense's motion to dismiss at that time.

CUSTODY

11/20/01 9:00 AM DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG
AFFILIATION...CALENDAR CALL
11/26/01 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 15, 2001

9:00 AM

Calendar Call

CALENDAR CALL**Court Clerk: Joyce****Brown Relief Clerk:****Denise Trujillo/dt****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Goettsch, Becky S.

Attorney

JOURNAL ENTRIES

- Ms. Goettsch advised this is Mr. Wall's case, however, if deft. is just going to request a continuance, she is able to handle that. Ms. Wildeveld requested matter be CONTINUED. Ms. Goettsch stated they will submit matter on the continuance request. Conference at the bench. Deft. advised he agrees to continuance. COURT ORDERED, trial date VACATED and RESET. FURTHER ORDERED, motions STAND.

CUSTODY

1/10/02 9:00 AM CALENDAR CALL

1/14/02 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 20, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 20, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11-20-01
Court Clerk: Joyce
Brown Relief Clerk:
Keith Reed/kar
Reporter/Recorder:
Liz Garcia Heard By:
Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO REMAND TO JUVENILE COURT (GANTT)...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION (GANTT)...CALENDAR CALL (BENNETT) DEFENDANT BENNETT: Melinda Simpkins Esq., for Deft. Bennett. Ms. Simpkins requested the trial be continued as the State has indicated there is a new witness that would need to be interviewed. She noted the Deft. does not wish to continue the matter. Mr. Sweetin did not oppose a continuance. COURT ORDERED, request for continuance DENIED; matter set for trial. Mr. Sweetin noted possible questions as to ineffectiveness of counsel due to the trial not being continued. Parties noted a trial length of one week with 15-20 witnesses; no out of state witnesses.

DEFENDANT GANTT: Court noted no opposition was received. Ms. Wildeveld requested a continuance to the time of the calendar call to have the Defendant examined. There being no opposition, COURT SO ORDERED.

CUSTODY (BOTH)

11-27-01 1:30 PM JURY TRIAL (BENNETT)

1-10-02 9:00 AM CALENDAR CALL...DEFT'S MOTION TO REMAND TO JUVENILE COURT...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION (GANTT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 26, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 26, 2001

1:00 PM

Initial Arraignment

**STATE'S REQUEST
TO CALENDAR**

**Court Clerk: Joyce
Brown**

Reporter/Recorder:

Cat Nelson Heard

**By: Douglas, Michael
L**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa
Wall, David T.

Attorney
Attorney

JOURNAL ENTRIES

- At Court's inquiry as to status, Mr. Wall advised it was on for a plea and the filing of an Amended Information; the filing of a Guilty Plea Agreement; and, as a part of the agreement, the Defendant was to testify; all of which was signed last week. Ms. Wildeveld advised it was their intention for her client to enter a plea; he now advises he does not wish to take the offer and will proceed to trial. Mr. Wall made a statement for the record including this was one step in a process; went through the process for the record; noted the agreement to testify was signed by the Defendant and his Counsel; also a voluntary statement was taken from the Defendant; if it became null and void, the District Attorney will use any statements of Mr. Gantt against him; he wanted the record to show the statement was given on November 21st; he had breached the agreement; and it would be used against him at his trial.

Ms. Wildeveld advised he was aware the statement would be used against him and that it was his last offer. She also advised he had received another letter and his family had received threats.

Court advised it was Counsel's job to make Defendant aware of the full range of sentences the Court can impose, should he be found guilty; the Defendant is not guaranteed anything; the Jury will make the decision on the terms and those are the things the Defendant needs to consider, not the State, not Counsel on his behalf, not this Court; but the Jury, and it is about him. Court advised the Defendant whatever decision he makes, it is his decision and it was not the Court's intention to direct him to do anything.

Mr. Wall advised the State was proceeding against all the Defendants on a verdict of Murder In The First Degree With Use Of A Deadly Weapon; sentence possibilities on that are forty to one hundred years; or forty years to life; or life without the possibility of parole; and that is what the State would be seeking to prove.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 27, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 27, 2001

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11-27-01**
**Court Clerk: Joyce
Brown/jb Relief
Clerk: Nancy Noble
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa
Wall, David T.

Attorney
Attorney

JOURNAL ENTRIES**- STATE'S REQUEST TO CALENDAR...STATE'S REQUEST: ENTRY OF PLEA**

Court advised this matter was continued until today to see what the decision was going to be as to going ahead with negotiations. Amended Information alleging Count I - Second Degree Murder (F) and Count II - Conspiracy To Commit Murder (F) FILED IN OPEN COURT. Court inquired if they wished to verify if he was examined and competent to stand trial. Ms. Wildeveld advised that he was and that he understands the terms of the agreement. Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS: Defendant will plead guilty to Counts I and II of the Amended Information; the Defendant agrees to testify against the Co-Offenders; both parties stipulate to a sentence of ten years to Life on Count I and the State retains the right to argue on Count II. Court stated penalties for the record. Court went through the negotiations at length for clarification on the record.

DEFENDANT GANTT ARRAIGNED AND PLED GUILTY TO COUNT I - SECOND DEGREE

MURDER (F) AND COUNT II - CONSPIRACY TO COMMIT MURDER (F). COURT ACCEPTED the plea, referred the matter to the Division of Parole and Probation for a PSI report, and ORDERED set for sentencing. It was noted that the Defendant will be seventeen in March, 2002.

CUSTODY

2-5-02 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 27, 2001**

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 27, 2001**1:30 PM****Jury Trial****TRIAL BY JURY VJ
11-27-01 Court Clerk:
Joyce Brown
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**De La Garza, Melisa
Wall, David T.Attorney
Attorney**JOURNAL ENTRIES**

- During the morning calendar on this date, Mr. Bindrup appeared before the Court. Court inquired if he knew what the status would be at 1:30. Mr. Bindrup wanted to make a record at that time and Court advised the Defendant was to be dressed out for the 1:30 Court time. Court advised it would hear motions at 1:30 P.M.

At 1:30 P.M. Court convened with all parties present including Melinda Simpkins, Esq., who was present with Mr. Bindrup. Court advised there was an agreement with Mr. Gantt to testify in this case and inquired as to the status as to this trial at this time. Mr. Bindrup advised the change of plea occurred just an hour ago; he had received a 100 page transcript of the statement of Mr. Gantt and an agreement made to testify against his client; this totally changed the perspective of the case, their defense, and now had to take a different look at the case. He further advised it was a more devastating case as they now had a participant who will testify; to date they were not going into the past of any of the Defendants; now they need to do that and get information to impeach Mr. Gantt; he understood there was a cassette tape of Mr. Gantt. Mr. Bindrup advised he was in Court yesterday when Mr. Gantt was talked to by his attorney; Ms. Wildeveld asked it be continued to today when

the plea would be taking place; and he noted Ms. Jackson was present for the Defendant and noted she had made no appearances in this case until today.

Court advised Mr. Bindrup he was engaging in supposition and he needed to move on as to why the case against Mr. Bennett should not go to trial, noting there was some history on Mr. Gantt's part because of some threats that were made; and his request for additional information on Mr. Gantt was filed after 5:00 P.M. on Friday. Court further advised the State could only ask Mr. Gantt to testify truthfully.

Mr. Bindrup advised he heard a statement about competency during Mr. Gantt's proceedings and would like to have an independent psychiatrist look at their report; he also thought there were certain allegations brought up by Mr. Gantt that could assist them, and this concerned a statement about a gun. He further advised the Court had signed an order to let them get Juvenile records and there was a request for an OST; his motion pending is to get any or all of Mr. Gantt's records and be viewed in-camera to see if there was anything they could use in Mr. Bennett's trial. He further noted there was other discovery on Mr. Gantt and, in light of these circumstances, he asked to continue the trial as there was good cause for delay.

State announced ready to go to trial; nothing had changed in this case; he gave the statement with the same things; as to the victim going for a weapon or possibly going for a weapon, he said the victim was by the truck and thought there could be a weapon in the truck. State further advised Mr. Bindrup had known since last Wednesday that Mr. Gantt was thinking about taking a plea; and as to Ms. Wildeveld, she knows what is best for her client; he confessed to the crime and the matter would be submitted to the Court.

Mr. Bindrup advised out of necessity, he needed a short continuance as he needed just a little more time; and would request additional time on behalf of Mr. Bennett. Statement by Mr. Bennett who wanted to go to trial.

Court advised Mr. Bennett the concern he was voicing as to Mr. Gantt was the same as his attorney was voicing and wanted to be prepared for the input that Mr. Gantt's change of plea has had. Court noted that one of the continuances was a joint request by the State and the Defense; also, the information on the possible change of status did not come before the Court until Monday; and the agreement to testify changes the complexion of the case; it may, or may not, bolster whatever else was going to be put forth. Because of the change, the Court thinks it is appropriate to continue the matter, giving it a priority setting and ORDERED the trial vacated for today and re-set in the first week of the next stack.

Mr. Wall wanted to make a statement for the record including some letters had been received by Mr. Gantt in the last week or ten days; and would request a sample of handwriting of Mr. Bennett for analysis by METRO to see if Mr. Bennett is the one writing the letters. Mr. Wall advised Mr. Bennett also contacted relatives of Mr. Gantt and they were getting to the point of asking that Mr. Bennett's telephone privileges be restricted except for counsel. Mr. Wall made an oral motion for the handwriting sample. Mr. Bindup wanted Mr. Wall's motions in writing; and he would let his client know these acts were strictly prohibited. COURT ORDERED the motion for handwriting sample would be set for December 6th. Court admonished Mr. Bennett to be careful in communicating to the family of Mr. Gantt or with Mr. Gantt so as not to put himself in a negative position.

CUSTODY

12-6-01 9:00 AM STATE'S REQUEST FOR HANDWRITING SAMPLE

01C175914-2

1-3-02 9:00 AM CALENDAR CALL

1-7-02 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2001

01C175914-2

The State of Nevada vs Lailoni D Morrison

December 06, 2001

9:00 AM

Request

**STATE'S REQUEST
FOR
HANDWRITING
SAMPLE Court
Clerk: Joyce Brown
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Wall, David T.

Attorney

JOURNAL ENTRIES

- Court advised the State did put something in writing concerning the request for a handwriting sample and the Court did not receive a response. Short statement by Mr. Wall then matter submitted on the Points and Authorities. Mr. Bindrup just wanted to make sure the Court had reviewed his objection which was filed yesterday. Court did review it and advised it goes more to what the information is used for; that had not been established at this time; and the Court would deal with that when necessary. Mr. Wall inquired if Mr. Bindrup wanted to be present and Mr. Bindrup advised that he did.

COURT ORDERED State's Request For Handwriting Sample GRANTED, noting the Court had not seen the document or contents thereof.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 18, 2001**

01C175914-2

The State of Nevada vs Lailoni D Morrison

December 18, 2001**9:00 AM****Motion to Dismiss****DEFT'S PRO PER
MTN TO DISMISS
COUNSEL AND
APPOINTMENT OF
ALTERNATE
COUNSEL/50 Court
Clerk: Joyce Brown
Relief Clerk:
GEORGETTE
BYRD/GB
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Wall, David T.

Attorney

JOURNAL ENTRIES

- Ms. Wildeveld stated the defendant moves to withdraw his motion. COURT ORDERED, sentencing date stands; matter off calendar.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 03, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 03, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS (1/3/02)
Court Clerk: Joyce
Brown Relief Clerk:
Greer Jennison/gj
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Kephart, William D.

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR DISCOVERY ... CALENDAR CALL

Melinda Simpkins Esq. appearing with Mr. Bindrup. Mr. Kephart advised this is Ms. De La Garza's case; he is obtaining tape evidence but does not have any of the psychological reports and is in trial next week. Ms. Simpkins advised she has only just had contact with Ms. De La Garza regarding the exhibits for the preliminary hearing. Upon Court's inquiry, the State advised trial is expected to take five (5) to six (6) days, with 15 to 20 witnesses. Ms. De La Garza present at this time. As to Deft's motion, COURT ORDERED, motion GRANTED; trial date VACATED and RESET. Further, Court stated discovery is to be completed as quickly as possible as it is not the Court's intention to unduly delay this trial. FURTHER, calendar call CONTINUED for status check on information State has access to.

CUSTODY

CONTINUED TO 1/10/02 9:00 AM (CALENDAR CALL)

1/14/02 1:30PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 10, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 1/10/02
Court Clerk: Joyce
Brown Relief Clerk:
Amber Farley /af
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Morrison, Lailoni D
Schieck, David M.
Wall, David T.

Defendant
Attorney
Attorney

JOURNAL ENTRIES**- CALENDAR CALL (BENNETT & MORRISON)**

Mr. Wall announced ready to proceed; stated defense counsel have requested a copy of the video and audio tapes, which are presently being prepared and will be available this afternoon. Mr. Wall stated Mr. Schieck has requested a copy of the transcript of Defendant Gantt's statement, which will be provided today. Mr. Wall stated the case is severed, and each Defendant's trial is estimated to last at least 6 days, with 20 witnesses. Court stated it is presently in trial this week with Mr. Wall and ORDERED, calendar call set for next week. Mr. Schieck stated he has another case in this department with five defendants the week of the 28th. Court noted the Defendants in that other case are not in custody, and this case will take priority. Court further ORDERED, subpoenas to remain in effect for new trial dates.

CUSTODY (BOTH)

01C175914-2

1/17/02 9:00 AM CALENDAR CALL

1/22/02 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 17, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 17, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS (1/17/02)**
**Court Clerk: Connie
Kalski/ck Relief
Clerk: Georgette
Byrd**
**Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

Morrison, Lailoni D
 Schieck, David M.
 Wall, David T.

Defendant
 Attorney
 Attorney

JOURNAL ENTRIES

- CALENDAR CALL...DEFENDANT BENNETT and DEFENDANT MORRISON

DEFENDANT BENNETT: Court noted there were issues of outstanding discovery and questioned counsel as to whether or not they were solved. Mr. Schieck advised the Court of the discovery that has been passed on, a video and audio tape, and stated he believes everything has been turned over. Mr. Wall advised he also has a transcript of the video/audio tape which he will turn over to Mr. Schieck. Both counsel announced ready for trial. COURT ORDERED, trial date STANDS and jury selection as to this defendant will begin at 1:00 PM.

DEFENDANT MORRISON: Ms. Melinda Simpkins also present on behalf of Defendant. Ms. Simpkins advised they had filed a motion to suppress that the Court has not heard yet. Mr. Wall advised he believes this motion should be heard just prior to trial commencing; Court concurred.

Defendant Morrison advised he wanted to make a statement to the Court. Court advised Defendant that anything he said on the record could be brought in at the trial phase and held against him. Defendant advised he understood. Statements by Defendant Morrisson. COURT ORDERED, trial date VACATED and RESET as to this Defendant.

CUSTODY (BOTH)

1/24/02 9:00 AM CALENDAR CALL

1/29/02 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 22, 2002

1:00 PM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**De La Garza, Melisa
Goettsch, Becky S.Attorney
Attorney**JOURNAL ENTRIES**

- Melinda Simpkins, Esq. present with Mr. Bindrup. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. State's Opposition To Defendant's Motion In Limine To Preclude Evidence Of Gang Affiliation FILED IN OPEN COURT. Amended Information alleging Count I - Murder With Use Of A Deadly Weapon (Open Murder) (F) FILED IN OPEN COURT. Court went over the document filed in open Court, advising the only thing the Amended Information did was take out of the heading the names of the other parties and made the charging document just for this Defendant, since he is the only Defendant the Court was going forward on today. Court also noted a copy of Defendant's Witness list.

Court advised, as to the request of Defense for Juvenile records on Mr. Gantt, the Court had not received the records; Court's office called; they said they would have them here this morning; The Court did not get them this morning; they are supposed to get them over this afternoon; and the Court will get them to Defense as quickly as possible. Court further advised another issue to be partially dealt with today was the Defendant's Motion In Limine To Preclude Evidence Of Gang

Affiliation; for clarification, should the Court determine it is appropriate, there still needs to be a proffer or Petrocelli Hearing. Ms. Simpkins advised the State has to prove by clear and convincing evidence that he was affiliated with a gang; he did have affiliation, but does not now; after prison he stopped all affiliation with gangs; and asked to keep it out.

Ms. De La Garza argued it was impossible to tell this story without going through the gang affiliation, noting it starts with them being at the home of a slain gang member. Court advised case law in Nevada would allow them to go forward with the use of gang affiliation as well as "the whole story" and noted it had to be put in context. Court further advised if it became more prejudicial than probative, they would have to examine the context; they would have to show clear and convincing evidence; they would need to show motive to the Jury, noting they tell the Jury to listen only to evidence in the Courtroom. Court advised the State may be allowed to go forward to show the Court it should come in. Ms. De La Garza advised the Court could have Mr. Gantt come over or the State did attach a copy of the transcript of an interview in which the Court can see exactly how the State intends to present this to the Court. Ms. Simpkins asked to have Mr. Gantt and Ms. Neal present to question. Court advised it would be appropriate to have them present to see if it was more probative or prejudicial, and inquired if the State was in a position to give a very narrow version of what this case is about. Ms. De La Garza advised she was. Court advised the Law Clerk just handed the Court a note that the records would be here by 3:30 P.M. Ms. De La Garza was concerned with going on without knowing how the Court will rule on the gang question. Court noted this was not about pre-determining a Jury, but as to fairness and impartiality; and instructed Counsel to stay away from questions about gangs in their questioning. State advised Mr. Neal Gantt to be present first thing tomorrow.

JURY PANEL PRESENT. Jury selection proceeded. Jury Panel admonished and dismissed for the evening to return at 1:30 P.M. tomorrow.

OUTSIDE JURY PANEL, Court instructed Counsel to be present at 1:00 P.M. for a Petrocelli; as to the package from Juvenile Court, they have not arrived and the Court would hope they will be here in the morning. Court noted there was a side-bar as to Juror #192 whereby Defense had asked to challenge Juror Levasseur about weight and credence; he said he would have to hear all the evidence and make a determination; and COURT ORDERED the request DENIED.

Court adjourned for the evening.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 23, 2002

1:00 PM

Jury Trial

TRIAL BY JURY**Court Clerk: Joyce
Brown****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael
L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**De La Garza, Melisa
Goettsch, Becky S.Attorney
Attorney**JOURNAL ENTRIES**

- Court convened at 1:30 P.M. Melinda Simpkins, Esq. present with Mr. Bindrup. OUTSIDE THE PRESENCE OF PROSPECTIVE JURY PANEL, Court noted this was the time set for hearing the motion in limine to preclude evidence of gang affiliation. Witness Pamela Neal sworn and testified. Anthony Gantt sworn and testified. He was accompanied by his attorney, Kristina Wildeveld. Court advised the motion in limine was Defendant's motion so they could open and close the argument. Ms. Simpkins argued in support of the motion. Argument for State by Ms. De La Garza who asked that gang affiliation be allowed in the trial. Ms. Simpkins presented last argument and asked it be kept out.

Court advised for the purpose of this trial, it was not appropriate to prove the character of the person; the State is offering it as proof of motive; is it prejudicial? Yes, because it conjures up images of gangs; is it probative? Yes, it goes to explaining why people do what they did on that date; whether or not the Defendant is a Gerson or GPK, the Court must say on the record, it is not over-whelming evidence that he is a GPK, but would allow the State to examine both Mr. Gantt and Ms. Neal as to

his relationship with the parties that lived in the area, thus letting the Jury make the determination as to whether he just lives in the neighborhood and is known as a Gerson, or if he is in fact a GPK. Court asked State not to state affiliation; or whether Defendant is a Gerson GPK, but through witnesses, let the Jury draw their own conclusions; Counsel not to label him. Court further advised as to bringing up Gerson GPK and Rolling Sixties in the opening, the Jury would make a final determination after hearing witnesses.

PROSPECTIVE JURY PANEL PRESENT, Court proceeded with Jury selection. At 5:45 P.M. Jury Panel admonished and dismissed for the evening.

OUTSIDE JURY PANEL, Court noted Jury selection should be concluded tomorrow and they would get into opening statements. State had a problem with Mr. Gantt in that Ms. Wildeveld would not be present on Friday and they would try to get him in tomorrow. Court advised if they get to Mr. Gantt, someone from Ms. Wildeveld's office could be present. Court further noted she would not be standing at the witness box during questioning with the Jury present.

Court adjourned at 6:00 P.M.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 24, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 24, 2002

9:00 AM

Calendar Call

CALENDAR CALL**Relief Clerk:****GEORGETTE****BYRD/GB****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kosewicz, Cheryl L.

Morrison, Lailoni D

Schieck, David M.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- Court noted defendant's companion case is currently in trial in this department through next week.

This case will follow that trial. Ms. Kosewicz presented discovery to Mr. Schieck. COURT

ORDERED, matter continued one week.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 24, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 24, 2002

1:00 PM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Court convened. Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. OUTSIDE THE JURY PANEL, Counsel advised the charge filed by the State was "open murder"; however, it is life with or life without the possibility of parole and it was appropriate for the Jury to know there would be a separate hearing to set punishment. Also, it is appropriate to ask the Jury if they have any difficulty in setting punishment or to the forms of punishment, or if having to set punishment, creates a problem as to inability to set either form of punishment. Off the record.

Back on record, but still outside the Jury Panel, Court advised some ground rules would be laid before the panel came back in; the Court will let the prospective Jurors know the trial will be divided into two phases; first, to find guilty or not guilty; if found guilty, the law in this state requires the Jury to set the punishment. Also, in this state, if found guilty, there are three forms of punishment - life without the possibility of parole; life with the possibility of parole after twenty years have been served, or fifty years definite term with parole eligibility beginning when minimum of twenty years have been served.

PROSPECTIVE JURY PANEL PRESENT, Court advised the panel that one of the Deputy District Attorneys was out with concerns about her pregnancy, but she was fine. Jury selection proceeded. Court advised the charge against Mr. Bennett was marked "open murder" and explained the two phases of trial; and, if found guilty, the forms of punishment that would be considered in phase II. Court advised the Jury Panel they would not be considering punishment when considering guilty or not guilty; if found guilty, the Court would set a penalty phase and the law requires the Jury to set punishment. Court named the three forms of punishment to be considered. Jury selection proceeded. At 5:00 P.M. a twenty minute break was given the Jurors in the box while an additional panel was brought in.

OUTSIDE THE JURY PANEL, Court advised it had ten additional prospective Jurors coming in. Court noted at side-bar, a peremptory challenge that was used by the State as to #197, Mr. Bindrup raised a Batson challenge. Mr. Bindrup made statements for the record including he thought the dismissal of Ms. Marshall was on racial grounds. He moved for a mis-trial, and raised a Batson challenge.

Ms. De La Garza advised African-Americans make up only 9 1/2 to 10% of the general population; the basis for challenging Ms. Marshall was each time she asked her a question, she cut her off before hearing all the question; they are asked to hear all the evidence before making a decision and she was afraid Ms. Marshall would not do that. As to Mr. Henry, he goes into that area to see some of his parishioners and would be uncomfortable going into that area.

Court advised there were three African-Americans on the original list of forty-eight potential Jurors; that comes up to about 7% and the African-American population of this area is down to 7 1/2 to 8%; it was not by any intent of Jury Services. As to the general request for a mis-trial, COURT ORDERED request DENIED, noting there was still one African American left on the panel. As to Mr. Henry, the record will speak for itself. As to Ms. Marshall, the Court felt the State had a neutral basis for striking her from the panel because she seemed to be pre-disposed to an opinion before hearing the question. COURT ORDERED the Batson challenge DENIED.

New Prospective Jury Panel brought in for questioning; then joined by ones already selected. Jury sworn at 6:35. Court thanked and dismissed remaining Panel. Jury admonished and dismissed for the evening. OUTSIDE THE JURY, selection of Secret Alternates as follows:

First Alternate, Juror #199 McCoy in seat #6; Second Alternate, #195 Gentile-Pushea in seat #8.

Ms. De La Garza advised a prior Co-Defendant, Lewis Matthews, was present earlier today and she asked him to leave the courtroom; so the Bailiff asked him to leave. Court advised next time it should be brought to the Court's attention, as it was not the choice of State or Defense.

Court adjourned.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 25, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 25, 2002

1:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. Court convened, OUTSIDE THE JURY, Ms. De La Garza advised she anticipates the first witness would be Pamela Neal; and, in going through the preliminary hearing in Justice Court, they brought up that she had another case in the system, #01FN0625X. She advised that case against Ms. Neal was dismissed on that morning; Defense wants to bring that up because it would go to credibility; and Mr. Bindrup attempted to go into the facts of that case. She further stated this was not admissible unless they can show it is relevant to the truthfulness of the witness; if they try to get to the specific facts of that case, they would need to go through a Petrocelli hearing, which would mean filing a motion and going before the Court to show there was some relevance. Court inquired if Defense had difficulty with limited use outside getting into the specific facts. Defense advised they did not intend to get into the facts; however, there are some important elements in that case which shows her violence, noting a dear relative was killed. Court advised they could show relationship, but as to what she might do was not relevant, noting her charges had been dropped on that day; they are relevant as to showing bias, but as to specifics of the charge and what

she might or might not do are not relevant and specific facts were not appropriate. Ms. De La Garza advised they were trying to show she is violent and that has nothing to do with this case. Court advised it would allow Defense to ask the question, "Did you make a statement?", but they are not to get into specifics.

JURY PRESENT, Conference at Bench. Court read preliminary instructions to the Jury; exclusionary rule invoked. Opening statement for State by Ms. De La Garza. Opening statement for Defense by Ms. Simpkins. Court heard testimony and admitted evidence as per worksheets. OUTSIDE THE JURY, Court noted for the record, as to State's proposed exhibit #2, the diagram prepared by a criminalist. Mr. Bindrup advised he had objected to the diagram because of the markings on it and needed to make a statement for the record. He advised he has a neutral exhibit and asked the Court to let State use that in lieu of using the diagram that set forth the markings. Ms. De La Garza advised the #2 diagram only had numbers; the legend, by instruction of the Court, was marked out; and the witness had no idea of what the numbers were. Court advised it did mark out some references and there is a clear shield over it to be used in marking; the Court did not feel it was overly suggestive once it was marked out; and the State is allowed to follow their theory of the case and use their exhibits.

Court advised the next objection by Defense, Mr. Bindrup approached the Bench as to a criminal action against Ms. Neal; she said it went away because of lack of evidence. Statements by Mr. Bindrup including had she not testified that date, it would be set for a preliminary hearing; and it was not a case of insufficient evidence. He thought he had the right to get into what happened and more particulars of the case. Ms. De La Garza argued there was no reason for it to be dismissed except for lack of evidence and that was why it was dismissed. She further advised Ms. Simpkins told this Jury she would prove there was a deal with the District Attorney and that was absolutely not true; the door is not opened for more specific facts. Mr. Bindrup presented a document to the Court and referred to statements as to immunity agreement. Court noted it was in the transcript and was a conversation with Mr. Koot; and read in part, "yes, we are going to dismiss this case right now and other charges; it would not be re-filed"; and noted the State did dismiss and give her full immunity. The Court advised it would not deviate from decision of going into specifics, noting this trial was not about her; and her credibility was at issue. Ms. De La Garza quoted Mr. Koot, "We cannot prove the case and will dismiss the case" and made a statement for the record. Court noted it was dismissed with immunity and would not rule as to what could or could not be proved and would not allow Defense to do so.

JURY PRESENT, Court heard testimony and admitted evidence as per worksheets. Court admonished and dismissed the Jury for the evening.

Court adjourned.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 28, 2002**1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: Joyce
Brown****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael
L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Court convened at 1:15 P.M. Melinda Simpkins, Esq., present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. JURY PRESENT. Court inquired if anyone on the Jury heard or read anything about this case over the weekend. No one indicated they did. Court heard testimony and admitted evidence as per worksheet. Court admonished and gave Jury a short break; then continued to hear testimony and admit evidence as per worksheets. During the testimony of Sandra Nielson-Hanes, State asked she be deemed an expert in crime scene investigation and preservation. No objections. COURT SO ORDERED.

At 5:35 P.M. Jury admonished and dismissed for the evening. Court adjourned.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 29, 2002

1:00 PM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Melinda Simpkins, Esq., present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. WITHOUT JURY, Ms. De La Garza advised she was anticipating Mr. Gantt will be testifying after Ms. Nielson-Hanes; she gave Mr. Bindrup a copy of the Guilty Plea Agreement and anticipated introducing that into evidence for the Jury. She further advised it would need to be redacted; Mr. Bindrup was to see what he wanted redacted; Mr. Bindrup gave her a letter that Mr. Gantt had written to the Defendant and thought he wanted to cross-examine him on the letter, noting he received the letter last week. At Court's inquiry, Ms. De La Garza advised she thought she would be finished with Ms. Nielson-Hanes in about an hour.

JURY PRESENT. Court heard testimony and admitted evidence as per worksheets. Jury admonished and given break. OUTSIDE THE JURY, Court admonished those in the courtroom, there would be no talking and no facial gestures. JURY PRESENT, Mr. Anthony Gantt called, sworn, and advised he would not testify. Jury admonished and sent on a break. OUTSIDE THE JURY, Court asked Mr. Gantt to go with his attorney, the investigator, and security to the courtroom next door. Back on record, still outside the Jury and spectators. Court stated to Mr. Gantt, he was asked if he would

testify as to events of March 3rd of last year; at that time he indicated he would not testify; the Court took a recess for him to meet with his Counsel outside State or Defense; and inquired as to his wish. The Defendant advised he wanted to go forward and he would testify. Ms. De La Garza asked that all spectators be kept from the courtroom. She noted a Co-Defendant was in the courtroom and some cousins and other people who might intimidate this witness - a veiled threat.

Mr. Bindrup objected advising the constitution provides for open Court and he objected to closing it. He further argued there was no threat, the Court took precautions to keep order, noting if spectators made motions or facial expressions, the Bailiff would remove them. He mentioned constitutional rights several times. Court advised, since Mr. Bindrup was making a record, if he had a specific quote, the Court would like to hear it; the Court is free to make inquiry of Mr. Gantt; and did not want the public locked out. Kristina Wildeveld, Esq., Counsel for Mr. Gantt, advised he was still a Juvenile. Court advised this was not Juvenile Court and not a closed courtroom. Court advised Mr. Gantt he had indicated that he was willing to testify; inquired if the Court calls the Jury and spectators back in, would he still be willing to testify? Mr. Gantt, advised he did not know. After more questioning, Mr. Gantt advised he would testify.

JURY PRESENT, Court heard testimony from Mr. Gantt and admitted evidence as per worksheets. At 7:45 P.M. Jury admonished and dismissed for the evening. Court adjourned.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 30, 2002

1:00 PM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Court convened. Melinda Simpkins, Esq., present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. Defendant's Supplemental Designation of Witnesses FILED IN OPEN COURT. OUTSIDE THE JURY, Court advised they spoke in Chambers as to an issue, in lieu of not having the Coroner's presentation available, they had the Coroner's diagram which may be passed out during examination and picked up after examination. Ms. De La Garza advised she received from Mr. Bindrup, the Supplemental Designation of Witness, calling Mark Koch; it was untimely; it was her understanding in speaking to Mr. Koch, the only thing he did was arrest Pam Neal in her case; and Mr. Bindrup further wants to go into the conversation that she had with Detective Koch as to a statement allowed, "Did Eric Bass deserve to die?" She further argued they had already litigated that; she has testified as to what she would state; and it should be excluded.

Mr. Bindrup advised it was not his intention to call him unless he needed to. Court advised having filed the supplemental this date, if he was going to be called, the Court would like a proffer as to what he would be testifying.

Ms. De La Garza advised about 12:45 she received from Ms. Simpkins a complaint against Detective Michael Bodner; she did not see any allegation of a false report and read from the document; and, in looking at it, the allegations are unlawful and malicious. Court inquired as to specific allegations against each person. Ms. De La Garza advised they were listed individually in separate paragraphs; and she did not think it was relevant in this case. Ms. Simpkins advised she could ask about specific incidents; she does not intend to go into any of the facts. Court wanted a proffer as to when and who. Court advised Counsel, they were not to use this document by waiving it at the Jury, as that was specifically prohibited. At Court's inquiry as to status, Ms. Simpkins advised the lawsuit was pending at this time. Court read from statutes; and advised, if relevant to truthfulness, they have a complaint filed against the individual alleging battery; the charges were dismissed and that was a final determination. The COURT ORDERED it would allow the questioning of Bodner as to whether a lawsuit had been commenced against him by Mr. Thomas as to alleged battery which was thereafter dismissed in District Court; going into it further will not be allowed, noting there were reasons why it was dismissed. It may be used for a very limited purpose.

Mr. Simpkins advised the State had elicited from Mr. Gantt that Defendant's family had received threats; there needed to be proof; they asked for handwriting samples; and never did get them. Court asked for clarity as to request. Ms. Simpkins advised there were allegations of intimidation to his family and that letters came from Mr. Bennett to Mr. Gantt; there was no basis for that allegation concerning his family. Ms. De La Garza advised Mr. Bindrup opened the door and put statements on the record. Mr. Bindrup did not think the door was opened. Court advised it did think the door was opened, noting Lewis Matthews aka "Chew" was sitting in the back of the courtroom; the Court had to have the Bailiff have him stop gesturing as though holding a gun against his nose and then pointing it at Mr. Gantt.

JURY PRESENT. Court heard testimony and admitted evidence as per worksheets. During Dr. Telgenhoff's testimony, State asked he be qualified as an expert in the field of forensic pathology.

COURT SO ORDERED. Jury admonished and given break.

OUTSIDE THE JURY, Court advised during examination of witness from North Las Vegas, Defense objected as to photographs because of the number of photos; Ms. Simpkins thought there were too many; they were too large; and would be prejudicial. Ms. De La Garza advised when you have fourteen wounds, you would have some exit wounds. Court advised the photographs would speak for themselves; photographs of deceased's body prejudicial? Yes, they are; they are probative also, and do not shock the conscience of the Court; they are to help the Jury and were not paraded before the Jury. Court felt they were more probative than prejudicial and ORDERED they be allowed.

JURY PRESENT, Court continued to hear testimony and admit evidence as per worksheets. During testimony of Mr. Krylo, Ms. De Le Garza asked he be qualified as an expert in firearms and tool marks. Court so noted his expertise. At 5:35 Jury admonished and given a break, then dismissed for the evening.

OUTSIDE THE JURY, Court advised the last sidebar was based on witness recanting what was told to him by Mr. Gantt; Mr. Bindrup objected and put a statement on the record including he thought they were leading into gang activities and did not want to proceed down that avenue. Ms. De La Garza advised there was only one statement about gang; that was as to Mr. Gantt being or not being a member of the gang; and the detective had not given his opinion at all. Court concluded that the witness had not testified as to his opinion, but re-called what was told to him by prior witnesses.

Court further advised they should limit the use of "gangs" and underlying perceived gang activities. Court advised it was not keeping the Jury as late as last evening. Mr. Bindrup advised his cross-examination would be extensive and asked to continue this until tomorrow. While still outside the presence of the Jury, Court read into the record the Defendant's constitutional rights to testify or not testify and noted it would go over it again tomorrow.

Mr. Bindrup moved orally, if Defendant chose to testify in his own defense, that the State be precluded from talking about the specific facts or allegations on any of Defendant's convictions. The cases referred to were one in 1994 (F) Attempt Possession of Controlled Substance; 1997 (F) Ex-Felon in Possession of a Firearm; 1997 (F) Assault With A Deadly Weapon; and 1996 (GM) and that would not be allowed as it was barred. Mr. Bindrup petitioned the Court to preclude the State from utilizing those prior convictions. Ms. De La Garza advised the State would intend to use the first three; it would not put in the Gross Misdemeanor. Court advised as to the 1994 and the two 1997 cases, they are within the ten year framework; it goes to credibility so the Court would allow it as to the three only. The Court advised it would re-address this when the State rested.

Court noted it would be helpful if Court would start looking at Instructions and case law. Court adjourned at 5:40 P.M.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 31, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 31, 2002**9:00 AM****Calendar Call****CALENDAR CALL****Relief Clerk: Amber
Farley****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Morrison, Lailoni D

Defendant

Schieck, David M.

Attorney

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- Court noted it is presently in trial with a co-defendant in this case, and the trial for this Defendant will not be able to proceed next week. Mr. Schieck stated he will need a hard copy of the transcript of the current trial for use in Defendant Morrison's trial. COURT ORDERED, trial set on next available stack. Mr. Schieck requested a bail reduction. There being no new information presented to the Court, COURT DENIED request.

CUSTODY

3/14/02 9:00 AM CALENDAR CALL

3/18/02 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 31, 2002

10:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's Office present to assist Ms. De La Garza. Court convened at 1:40 P.M. OUTSIDE JURY, discussion as to what people right outside the door could hear. Ms. De La Garza advised they could hear everything that was being said and asked they be moved down the hall. No objection by Defense. JURY PRESENT, Court heard testimony and admitted evidence as per worksheets. State rests at 3:40 P.M. Jury admonished and given short break.

OUTSIDE THE JURY, Ms. De La Garza advised that Mr. Avery, the Law Clerk assisting her was approached by a Juror. Mr. Avery advised one of the Jurors spoke to him and he said he could not talk. The Juror said they remembered that and that was all that was said.

Court advised Mr. Bennett again of his rights to testify or not testify. Court had gone through those rights yesterday, but gave him time to think about it over night. Defendant advised he had no questions about his rights. Court had ruled yesterday that some of the felonies would be allowed to be gone into, but not in detail and Court would leave the choice as to whether or not to testify to Defendant and his Counsel.

JURY PRESENT. Court continued to hear testimony and admit evidence as per worksheets. Jury admonished and dismissed for the evening.

OUTSIDE THE JURY, Court advised Defense had not rested at this time; they will decide whether or not they will call another witness. Ms. Simpkins advised as to the witness, Reed, she would like to recall and offer a proffer. Court advised it was a double or possible triple hearsay and she could make her proffer at this time. Ms. Simpkins put her statement on the record noting there was a three way call. Court would not let that in and found it was not relevant as to these proceedings; the matter DENIED at this time and proffer had been made. Statements by Defendant Bennett and Court advised it would not debate the rulings of the Court.

Court adjourned.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

February 01, 2002

9:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Joyce
Brown

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael
L**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. Court convened at 10:30. JURY PRESENT, Defense rests. No rebuttal. Court advised the Jury the Court and Counsel need to finish the written Jury Instructions so the Court could read them to the Jury. Court noted they needed to take an hour or so to get the Instructions finalized as to any additions or changes. The Court wanted to start promptly at 1:00 P.M. Jury admonished and dismissed to return at 12:45.

OUTSIDE THE JURY, both parties stipulated to a document to which redactions had been made.

Ms. De La Garza made a record as to what the document was, a Guilty Plea Agreement and an Agreement To Testify with redacted portions. Court recessed to work on Instructions.

Court re-convened at 11:25. OUTSIDE THE JURY, Jury Instructions settled on the record. Court noted some were being re-drafted and would furnish a set for Mr. Bindrup.

Court re-convened after lunch. OUTSIDE THE JURY, Court advised it had inserted the corrected instructions and had verdict forms in the blue jackets. JURY PRESENT, Court read the Instructions to the Jury. Closing statement for State by Ms. De La Garza. Closing statement for Defense by Mr.

Bindrup. Jury admonished and given break at 3:00 p.m. JURY PRESENT. Final closing by Ms. De La Garza for State. Case to Jury at 3:25 P.M. Court advised the Jury will deliberate until 5:00 P.M. and unless they make some indication they wanted to stay longer, they will quit at 5:00 and come back on Monday at 9:00 to continue deliberation. Court adjourned.

Jury was released at 5:00 P.M. for the evening.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

February 04, 2002**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Joyce
Brown****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Melinda Simpkins, Esq. present with Mr. Bindrup. Mr. John Avery from the District Attorney's office present to assist Ms. De La Garza. Court convened at 11:25 A.M. as Jury had returned with a Verdict of GUILTY of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. Verdict and Instructions FILED IN OPEN COURT.

Court advised the Jury, they would need to be present on Wednesday and Court planned to conclude this matter that day. Jury admonished and dismissed until Wednesday, February 6th at 1:00 P.M.

CUSTODY**2-6-02 1:00 PM PENALTY HEARING**

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

February 05, 2002**9:00 AM****Sentencing****SENTENCING****Court Clerk: Joyce
Brown****Reporter/Recorder:
Cat Nelson Heard****By: Douglas, Michael
L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Wall, David T.

Attorney

JOURNAL ENTRIES

- Court advised this was on calendar in error; the matter had not gone to the Division of Parole and Probation. Mr. Wall asked it be continued. COURT ORDERED matter set for the last of March.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

February 06, 2002**1:00 PM****Penalty Hearing****PENALTY
HEARING Court
Clerk: Joyce Brown
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Court convened at 1:15 P.M. Melinda Simpkins, Esq., present with Mr. Bindrup. Stipulation Waiving Separate Penalty Hearing And Allowing Sentence To Be Imposed By The Court FILED IN OPEN COURT.

OUTSIDE THE JURY, Court advised Counsel provided to the Court, this morning, a stipulation and waiver to allow sentence to be imposed by the Court; it was signed by Ms. De La Garza, Mr. Bindrup and Mr. Bennett. Court inquired of Mr. Bennett if his attorney talked to him about this document before he signed it. Mr. Bennett advised he did. At Court's inquiry, Mr. Bennett also advised he wished sentence to be imposed by the Court.

COURT ORDERED matter referred to the Division of Parole and Probation for a PSI report and set for sentencing. Court instructed Counsel to advise the Court if they would be calling additional speakers, State or Defense.

Statements by Defendant Bennett who asked to make statements as to appeals, new trial, and letters for review by the Court. Mr. Bindrup advised he told the Defendant to wait until date of sentencing. Court advised he could put statements on the record at that time, noting his Counsel may have something in mind already. Court advised Counsel it would bring the Jury in to tell them what had

occurred and to thank them; and in case they wanted to speak to the Jury, they may.

JURY PRESENT. Court thanked the Jury very much for their service and advised them before they came in, the Defendant stipulated to having the Court sentence him; when the Court does the sentencing, it is referred out to the Division of Parole and Probation for a PSI report; Defense or State may have additional Speakers at that time. Sentencing date was set, Jury was dismissed, and Court adjourned.

CUSTODY

3-21-02 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

February 21, 2002

9:00 AM

Motion

**DEFT'S MTN FOR
NEW TRIAL/67
Relief Clerk: Amber
Farley
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

Kosewicz, Cheryl L.

Attorney

JOURNAL ENTRIES

- Ms. Simpkins argued with regard to the testimony of Ms. Neal; requested to renew Defendant's motion for a mistrial. Ms. Kosewicz submitted on the State's opposition. Court stated the arguments made today were substantially made during closing arguments by Defense counsel and that there was extensive examination of Ms. Neal. Court FINDS that the issues raised were put before the triars of fact and the credibility of the witness was clearly in the sole discretion of the jury. With regard to the testimony of Defendant Gantt and issues of intimidation, Court FINDS that the information was brought out to the jury and that the transcript will speak for itself. COURT ORDERED, Motion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 14, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

March 14, 2002**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: Nora****Pena****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Morrison, Lailoni D

Defendant

Schieck, David M.

Attorney

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- Mr. Sweetin advised Ms. DeLaGarza left a note pursuant to discussions with her and Mr. Schieck in chambers that both parties are not ready for trial. Mr. Schieck stated he will stipulate to a continuance. Court advised parties need time for additional investigations. Upon inquiry by the Court, Deft. stated he agrees to reset the trial. COURT ORDERED, Trial date VACATED and reset. CUSTODY

5/23/02 9:00 AM CALENDAR CALL

5/28/02 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

March 19, 2002**9:00 AM****Motion to Withdraw as
Counsel**

**SCOTT BINDRUP'S
MTN TO
WITHDRAW AS
COUNSEL /71 Relief
Clerk: GEORGETTE
BYRD/GB
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Wall, David T.

Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Bindrup submitted as to his motion. Statements by the defendant. COURT ORDERED, since the relationship is broken down between the defendant and Mr. Bindrup, Scott Bindrup's Motion to Withdraw As Counsel And Continue Sentencing is GRANTED. FURTHER ORDERED, matter is set for confirmation of counsel and set sentencing date.

CUSTODY

03/21/02 9:00 AM CONFIRMATION OF COUNSEL..STATUS CHECK: SET SENTENCING DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 21, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

March 21, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 3/21/02
Court Clerk: Nora
Pena Relief Clerk:
GEORGETTE
BYRD/GB
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

PRESENT: Kosewicz, Cheryl L. Attorney

JOURNAL ENTRIES

- STATUS CHECK: SET SENTENCING DATE..CONFIRMATION OF COUNSEL..SENTENCING
Court noted Mr. Bindrup was prior counsel where communications broke down and new counsel
needs to be appointed. Mr. Walton confirmed as counsel and requested one week to see where the
case is as to sentencing. State presented pre-sentencing investigation report to Mr. Walton and Mr.
Bindrup to turn file over to Mr. Walton. COURT ORDERED, matter set for status check on
sentencing.

CUSTODY

03/28/02 9:00 AM STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 28, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

March 28, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (03-28-02)
Court Clerk: Nora
Pena Relief Clerk:
Cindy Lory
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas**

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

Kosewicz, Cheryl L.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: SENTENCING (BENNETT)...SENTENCING (GANTT)

Carolyn Butts of Parole and Probation (P & P) present. COURT ORDERED, matter CONTINUED at request of counsel per message given to Judicial Executive Assistant.

CUSTODY (BOTH)

04-02-02 9:00 AM STATUS CHECK: SENTENCING (BENNETT)...SENTENCING (GANTT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 02, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

April 02, 2002**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS 04/02/02****Relief Clerk:****GEORGETTE****BYRD/GB****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- STATUS CHECK: SENTENCING..DEFT'S PRO PER MOTION TO RESET SENTENCING..Mr. Walton stated he spoke with Ms. De La Garza DA and requested a 30-45 day continuance for sentencing to file any dispositive motions. Further Mr. Walton stated he has the transcripts. With no objections by the State, COURT ORDERED, Deft's Pro Per Motion To Reset Sentencing is GRANTED. DEFT'S PRO PER MOTION TO DISMISS COUNSEL OF RECORD..DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS..COURT ORDERED, both are MOOT.

CUSTODY

05/14/02 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 14, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 14, 2002**9:00 AM****Sentencing****SENTENCING****Court Clerk: Nora****Pena****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Mr. Walton requested 3 weeks. No objection by Ms. DeLaGarza and requested 10:30 AM. COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 23, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 23, 2002**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: Nora****Pena****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Ms. DeLaGarza announced ready for a 4 day trial, 16 to 17 witnesses and no out of State witnesses. Mr. Schieck announced ready, he will be having oral argument on 6/03/02 before the Supreme Court and would request that Monday off. COURT ORDERED, Trial date STANDS for 1:00 PM for 4 days plus.

CUSTODY

5/28/02 JURY TRIAL 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 28, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 28, 2002

1:00 PM

Jury Trial

TRIAL BY JURY

Court Clerk: Nora

Pena

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael

L

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

De La Garza, Melisa

Morrison, Lailoni D

Schieck, David M.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Amended Information FILED IN OPEN COURT. No objection by Mr. Schieck to the filing and he stated the middle name of the deft. ends with an "E" not an "A". Court noted the correction. Mr. Schieck advised he is talking with his client about waiving the jury conviction.

Prospective Jury Panel present. State and Defense announced ready. Jury selection begins. COURT ORDERED, matter CONTINUED at 10:30 AM.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 29, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 29, 2002

1:00 PM

Jury Trial

TRIAL BY JURY

Court Clerk: Nora

Pena

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael

L

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

De La Garza, Melisa

Morrison, Lailoni D

Schieck, David M.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- Selection of the prospective jury panel continues.

OUTSIDE THE PRESENCE OF THE JURY: Parties agreed to dismiss Badge #172, Quinn, prospective juror. Court advised will Order the Bailiff to tell her not to return. Argument by Mr. Schieck on State's witness, Pam Neal regarding extrinsic impeachment on a collateral matter. Ms. DeLaGarza advised she would agree on the fraud case and Ms. Neal did admit she did provide them with false information but if she denies it then Mr. Schieck should not go forward. Court advised based on NRS 54.050 and 50.090, COURT ORDERED, Mr. Schieck can talk about the false statements.

Selection of the prospective jury panel continues, in addition to a second panel. Jury and alternates selected and sworn. Amended Information read to the jury. Court invoked the exclusionary rule.

OUTSIDE THE PRESENCE OF THE JURY: Court selected alternates seat 6, Forrest Harter and seat 8, Diane Kirk.

Opening statements by Ms. DeLaGarza. Opening statements by Mr. Schieck. COURT ORDERED,

matter CONTINUED at 1:00 pm; jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: Court inquired of juror #72, seat 14 how she knows the bailiffs at the gate. Juror stated she use to be a runner. Counsel had no questions of the juror. Court recessed.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 30, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 30, 2002

10:00 AM

Jury Trial

TRIAL BY JURY

Court Clerk: Nora

Pena

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael

L

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

De La Garza, Melisa

Morrison, Lailoni D

Schieck, David M.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Argument by Mr. Schieck as to admissibility regarding witness, Pam Neal's five felony charges; he stated the same day her cousin, Bass was killed, she blamed his client for that death and went to the house with a gun which he would like to talk about. Opposition by Ms. DeLaGarza and reference NRS 50.05; she advised the conviction was dismissed and asked not to be allowed just to show conformity but that she is a bad person. Reply by Mr. Schieck to explore that it was Pam and Gantt testified it was her. Court cited NRS 50.05 and ORDERED, Defense has the right to impeach Ms. Neal, and it will give some latitude on the acts she was charged with. COURT ORDERED, Defense allowed to get into bad blood between parties as to specifics acts and as to who shot who is totally inappropriate but in cross it is appropriate. Mr. Schieck stated for clarification the Court is saying extrinsic evidence is out but can elicit Ms. Neal was charged and what they were. Court advised it has no problem indicating what the underlying evidence was but not the shooter. Mr. Schieck inquired regarding the entry of Ms. Neal to talk about

Eric Bass' death. Court stated it's how it's asked, "Why were you there?". Opposition by Ms. DeLaGarza. Court advised issue of why she was there may go to bias. Mr. Schieck stated he will go slowly if there is a problem, they can approach. Further colloquy with Court and counsel regarding testimony of Ms. Neal.

Jury present. Witness sworn and testified. Exhibits presented (See worksheet.) COURT ORDERED, matter CONTINUED; jury admonished and asked to return tomorrow at 10:00 am.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 31, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 31, 2002**1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: Nora****Pena****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Morrison, Lailoni D

Schieck, David M.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- Jury present. Testimony continues. CONFERENCE AT THE BENCH. Testimony and exhibits presented (See worksheet.) COURT ORDERED, matter CONTINUED; jury admonished to return Tuesday at 1:00 pm.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 04, 2002

10:30 AM

Jury Trial

TRIAL BY JURY

Court Clerk: Nora

Pena

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael

L

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

De La Garza, Melisa

Morrison, Lailoni D

Schieck, David M.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- Jury present. Testimony and exhibits presented (See worksheet.) Mr. Schieck moved for a mistrial based on a statement by witness, Bodnar. CONFERENCE AT THE BENCH. COURT ORDERED, request DENIED.

OUTSIDE THE PRESENCE OF THE JURY: Court requested argument by Mr. Schieck on testimony by Bodnar. Argument by Mr. Schieck regarding the deft. committing another crime relating to the word "blunt" which was the basis for his request for a mistrial. Opposition by Ms. DeLaGarza because the jury doesn't know what the terminology would be and stated it was a harmless error. COURT ORDERED, motion for mistrial DENIED and asked Ms. DeLaGarza to admonish her witness for the statement. Court advised at the conclusion of the trial the court will poll the jury as to the term, "blunt".

Jury present. Testimony presented by Walker. (See worksheet.) CONFERENCE AT THE BENCH. Court advised based on a scheduling conflict, the trial will start later. COURT ORDERED, matter

CONTINUED tomorrow at 11:00 am; jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: Court advised as to the last witness regarding the nature of the testimony and the issue determined by the court, Defense felt he could not properly cross examine. Argument by Mr. Schieck on motion to suppress, he referenced Walker's written statement and the gun; further stated he could not effectively cross examine Walker on his statements and he moved for a mistrial. Ms. DeLaGarza concurred on the motion to suppress and referenced Officer Spencer's report regarding the gun, she stated Mr. Schieck was incorrect to say Walker was found with the gun and he could have cross examined Walker by asking a certain question which is the basis to disagree for a mistrial. Reply by Mr. Schieck. Court advised counsel could have made inquires and ORDERED, request for mistrial DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 04, 2002

10:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 6/04/02**
**Court Clerk: Nora
Pena**
**Reporter/Recorder:
Cat Nelson Heard**
By: Michael Douglas

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- SENTENCING DEFTS BENNETT AND GANTT

Pursuant to request of counsel, COURT ORDERED, matter CONTINUED 1 week as to deft. Bennett.
 Court advised there were problems with the jail and COURT ORDERED, matter CONTINUED to
 Thursday as to deft. Gantt.

CUSTODY (BOTH)

CONTINUED: 6/06/02 9:00 AM SENTENCING (GANTT)...6/11/02 9:00 AM SENTENCING
 (BENNETT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 05, 2002

1:00 PM

Jury Trial

TRIAL BY JURYCourt Clerk: Nora
Pena

Reporter/Recorder:

Cat Nelson/Liz

Garcia Heard By:

Douglas, Michael L

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.Attorney
Defendant
Attorney**JOURNAL ENTRIES**

- Jury present. Testimony and exhibits presented (See worksheet).

OUTSIDE THE PRESENCE OF THE JURY: Statements by Mr. Schieck regarding his attempts to get witness, Wilson to trial by subpoena and he requested to proceed on NRS 51.325 regarding prior testimony in the proceeding because the issues are the same and, he suggested they can be read before the jury with some deletions. Opposition by Ms. DeLaGarza based on NRS 51.055 and suggested to use a material witness warrant order, if she doesn't show then she would have no objection to the testimony. Court advised based on the definition of unavailability of the witness and opposition from the State, COURT ORDERED, Mr. Schieck's request of use of prior testimony DENIED. Mr. Schieck requested to prepare a material witness warrant. COURT SO ORDERED. Ms. DeLaGarza announced State rest and objected to the use of defense picture. Reply by Mr. Schieck. Court advised it goes to weight not admissibility and the parties can bring out the difference in examination. Order Requiring Material Witness to Post Bail or be Committed to Custody FILED IN

OPEN COURT.

Jury present. Ms. DeLaGarza announced State rest. Testimony and exhibits presented. (See worksheet). COURT ORDERED, matter CONTINUED; jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: Court advised deft. of his right to testify and recessed.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 06, 2002**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Nora****Pena****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Testimony by witness, Wilson. COURT ORDERED, Material witness to be released after testifying. Court advised it will release juror #7 Cosme Grijalva, he has not called or reported in and the Court doesn't know why and ORDERED, Will move juror #6 to juror position #7. No objection by both parties.

Jury present. Court advised juror #7 is missing. Testimony presented. (See worksheet). Defense rest.

OUTSIDE THE PRESENCE OF THE JURY: Court advised juror #7 was in an accident at 10:30 am this morning and he was just released. Jury instructions settled in open court.

Jury present. Court read the jury instructions to the jury. Closing argument by Ms. DeLaGarza.

Closing argument by Mr. Schieck. Closing argument by Ms. DeLaGarza. At 5:43 pm Bailiff and Matron sworn to take charge of the jury. COURT ORDERED, matter CONTINUED at 9:00 am for jury deliberations.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 06, 2002

10:30 AM

Sentencing

SENTENCING

Court Clerk: Nora

Pena Relief Clerk:

Cindy Lory/cnl

Reporter/Recorder:

Cat Nelson/Liz

Garcia Heard By:

Michael Douglas

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Kosewicz, Cheryl L.

Attorney

JOURNAL ENTRIES

-

William Chickering of Parole and Probation (P & P) present. Parties argued and submitted. DEFENDANT GANTT ADJUDGED GUILTY OF COUNT I - SECOND DEGREE MURDER (F) and COUNT II - CONSPIRACY TO COMMIT MURDER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150 DNA fee, and \$30,432.06 RESTITUTION to be paid jointly and severally with co-defendants, Deft. SENTENCED AS TO COUNT I - LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS and as to COUNT II - Defendant SENTENCED to a MINIMUM of THIRTY (30) MONTHS and a MAXIMUM of ONE-HUNDRED TWENTY (120) MONTHS CONSECUTIVE to COUNT I with 384 DAYS credit for time served.

CLERK'S NOTE: Minute order corrected to reflect minimum of 30 months and to correct a minimum of ten years as to count I. cnl 06-10-02.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 07, 2002**9:00 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: Cindy
Lory****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Bailiff informed the Court that the Jury is requesting read back of certain testimony.
Court convened at 1:30 p.m. with the jury present for the purpose of read back of certain testimony.
Jury returned for continued deliberations at 2:30 p.m.
At 4:55 p.m. Jury returned with the following verdict: GUILTY OF MURDER OF THE SECOND
DEGREE WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, matter referred to the
Division of Parole and Probation (P & P) and set for sentencing.
07-25-02 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 11, 2002**

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 11, 2002**10:30 AM****Sentencing****SENTENCING****Court Clerk: Nora****Pena Relief Clerk:****Barbara****Blankenship/bb****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- Ms. DeLaGarza requested a continuance until next Tuesday. COURT ORDERED, Sentencing CONTINUED, and Motion For New Trial SET for next Tuesday. COURT FURTHER ORDERED, Motion For New Trial set for 6/13/02 VACATED.

CUSTODY

6/18/02 10:30 AM DEFT'S MOTION FOR NEW TRIAL...SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

June 18, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 06-18-02**
**Court Clerk: Nora
Pena**
**Reporter/Recorder:
Cat Nelson Heard**
By: Michael Douglas

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

De La Garza, Melisa

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR NEW TRIAL...SENTENCING/JURY 2/4/02

DEFT'S MOTION FOR NEW TRIAL: Argument by Mr. Walton in support of his motion based on 5 issues. Opposition by Ms. DeLaGarza in support of her brief. Reply by Mr. Walton. Court advised the issue as to the forms of punishment is moot because the State clarified the different forms and the other issues go to ineffective assistant of counsel; as to the allegations of intimidation the Court did see a hand gesture but the jury was not aware of that issue but it was brought before the Court; and as to the Petrocelli Hearing it was not appropriate because it came up in the mist of trial. COURT ORDERED, motion DENIED as to all issues.

Brenda Lewis of Parole and Probation (P & P) present. DEFT. BENNETT ADJUDGED GUILTY OF MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Argument by Ms. DeLaGarza. Court noted it received letters on behalf of the deft. Statement by deft. Argument by Mr. Walton. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to LIFE without the possibility of parole in the Nevada Department of Corrections plus an equal and CONSECUTIVE term of LIFE without the possibility of parole for the use of a deadly

weapon; submit to DNA testing to determine genetic markers and pay \$150.00 DNA fee as best able, pay restitution jointly and severally with co-offenders Lailoni Morrison and Anthony Gantt in the amount of \$30,432.06 with 396 DAYS credit for time served.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

July 25, 2002

9:00 AM

Sentencing

SENTENCING

Court Clerk: Nora

Pena Relief Clerk:

Jennifer Lott/jl

Reporter/Recorder:

Cat Nelson Heard

By: Douglas, Michael

L

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Mayra Carpenter of Parole and Probation (P & P) present. Mr. Schieck stated defendant has been doing research in jail and will be filing a Motion for a New Trial; counsel requested Court continue sentencing one week. Court noted sentencing MAY BE CONTINUED AGAIN if motion is filed and the State needs an opportunity to respond. COURT ORDERED, status check SET.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 01, 2002

01C175914-2

The State of Nevada vs Lailoni D Morrison

August 01, 2002

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 8/1/02**
**Court Clerk: Nora
Pena Relief Clerk:
Jennifer Lott/jl**
**Reporter/Recorder:
Carrie Hansen Heard
By: Michael Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

De La Garza, Melisa
Morrison, Lailoni D
Schieck, David M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- STATUS CHECK: ANY OTHER MOTIONS.....SENTENCING

Officer William Chickering of Parole and Probation (P & P) present. Mr. Schieck stated he spoke with defendant and explained issues are appeal issues, and sentencing needs to move forward. Mr. Schieck stated if facts or information become available during the appeal, counsel will file a motion for a new trial. DEFENDANT MORRISON ADJUDGED GUILTY of MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F). Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to LIFE WITH THE POSSIBILITY OF PAROLE AFTER TEN (10) YEARS in the Nevada Department of Corrections (NDC) WITH A CONSECUTIVE AND EQUAL TERM of LIFE WITH THE POSSIBILITY OF PAROLE AFTER TEN (10) YEARS in NDC for With Use of a Deadly Weapon. Further, defendant ORDERED to submit to testing for genetic markers, PAY \$150.00 for DNA testing as best able, and PAY

RESTITUTION jointly and severally with co-defendants Ashley Bennett and Anthony Gantt for \$30,432.06. Upon Mr. Schieck's inquiry, COURT ORDERED, Mr. Schieck APPOINTED ON APPEAL. COURT FURTHER ORDERED, Defendant will receive 440 days credit for time served.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 29, 2003

01C175914-2

The State of Nevada vs Lailoni D Morrison

May 29, 2003

9:00 AM

Request of Court

**AT THE REQ OF
THE CT:
CONFIRMATION
OF COUNSEL
(C.ORAM) Court
Clerk: Sharon Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Pandukht, Taleen R.

Attorney

JOURNAL ENTRIES

- C. Oram, Esq. confirmed as counsel for Deft. Ashley Bennett. The Court noted this matter had been placed on calendar because the District Court has thirty days to appoint counsel for Appellant, after withdrawal of Mr. Walton. The Court noted that counsel has ten days to file a notice of appearance with the Supreme Court Clerk, and 100 days from 5/2/03 to file and serve his opening brief and appendix, thereafter, the briefing shall proceed in accordance with NRAP 31(a)(1). Mr. Oram stated he would follow through, keeping the dates in mind.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2003

01C175914-2

The State of Nevada vs Lailoni D Morrison

September 30, 2003

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS FOR
9/30/03 Court Clerk:
Billie Jo Craig
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Roger, David J.
Tao, Jerry

Attorney
Attorney

JOURNAL ENTRIES

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

COURT ORDERED, Defendant's PRESENCE WAIVED today. COURT ORDERED, Defendant's Pro Per Motion for Leave to Proceed in Forma Pauperis is GRANTED. Court stated its findings, and ORDERED, Defendant's Pro Per Motion for Appointment of Counsel is DENIED as there was not ineffective assistance of counsel when he did not argue for a lesser sentence than defendant received. There is no evidence to support defendant's claims of ineffective assistance of counsel.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2003

01C175914-2

The State of Nevada vs Lailoni D Morrison

October 21, 2003

9:00 AM

Petition for Writ of Habeas
Corpus

**PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Sharon
Chun/SC Relief
Clerk: Jennifer Lott
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:** Sweetin, James R.

Attorney

JOURNAL ENTRIES

- The Court stated it had reviewed the Writ and documents presented by counsel and that Deft. indicated that Defense counsel was ineffective because counsel allowed a consecutive, instead of a concurrent prison term. The Court noted it is at the discretion of the Court to sentence Deft. as to consecutive and in view of all facts that sentence is deemed appropriate.
COURT FINDS there is no violation by the Court or State as to the plea negotiations and counsel was not ineffective.
COURT ORDERED, Petition, DENIED, as to Deft's Request for Appointment of counsel and Request for Transport. The State was directed to prepare the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 28, 2004**

01C175914-2

The State of Nevada vs Lailoni D Morrison

December 28, 2004**10:30 AM****Petition for Writ of Habeas
Corpus****DEFT'S PTN FOR
WRIT OF HABEAS
CORPUS Court
Clerk: Sue Deaton/sd
Relief Clerk: Cheryl
Case
Reporter/Recorder: Jo
A. Scott Heard By:
Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jimenez, Sonia V.

Attorney

JOURNAL ENTRIES

- COURT ORDERED Defendant's Petition for Writ of Habeas Corpus DENIED SUMMARILY. Court noted Defendant indicated they wanted to proceed in proper person, but then requested Court appoint an attorney to help, most of Defendant's grounds have already been addressed by the Supreme Court and in reading Defendant's Petition, the Court couldn't decide what Defendant was asking the Court to do. Court instructed Ms. Jimenez to prepare appropriate Findings of Fact & Conclusions of Law.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 20, 2005**

01C175914-2

The State of Nevada vs Lailoni D Morrison

January 20, 2005**9:15 AM****Request****DEFT'S REQUEST
FOR
APPOINTMENT OF
COUNSEL/98 Court
Clerk: Sue Deaton
Reporter/Recorder: Jo
A. Scott Heard By:
Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Roger, David J.

Attorney

JOURNAL ENTRIES

- Court said it cannot rule on this motion until it rules on Defendant's Petition which is scheduled for February 22nd. COURT ORDERED REQUEST CONTINUED TO February 22, 2005.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 24, 2005

01C175914-2

The State of Nevada vs Lailoni D Morrison

February 24, 2005

11:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 2/24/05
Court Clerk: Sue
Deaton Relief Clerk:
Elaine York/ey
Reporter/Recorder:
Stacy L. Briggs
Heard By: Michelle
Leavitt**

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

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S REQUEST FOR APPOINTMENT OF COUNSEL...DEFT'S PRO PER MOTION FOR ENLARGEMENT OF TIME Court stated it's FINDINGS and ORDERED motion for enlargement of time GRANTED. Court advised parties there is no legal or factual basis to rule on the other motions and ORDERED, motions CONTINUED for 60 days. Mr. DiGiacomo to prepare the order.
4/28/05 9:15 AM DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S REQUEST FOR APPOINTMENT OF COUNSEL...STATUS CHECK: SUPPLEMENT PETITION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 28, 2005

01C175914-2

The State of Nevada vs Lailoni D Morrison

April 28, 2005

9:15 AM

All Pending Motions

**ALL PENDING
MOTIONS 4-28-05
Court Clerk: Sue
Deaton
Reporter/Recorder:
Gina Shrader Heard
By: Michelle Leavitt**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Pate, Susan

Attorney

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S REQUEST FOR APPOINTMENT OF COUNSEL ... STATUS CHECK: SUPPLEMENTAL PETITION Ms. Dustin advised Court the family had retained her to represent Defendant Bennett. COURT ORDERED, Ms. Dustin to file Petition in four weeks, State's reply to be filed four weeks after that and Petition to be set for Hearing in mid-July. COURT ORDERED, Defendant's Request for Appointment of Counsel, MOOT; Petition for Writ of Habeas Corpus CONTINUED.

NDC

7-12-05, 9:15 AM, DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 12, 2005

01C175914-2

The State of Nevada vs Lailoni D Morrison

July 12, 2005

9:15 AM

Hearing

**HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS Relief
Clerk: Judy
McFadden
Reporter/Recorder: Jo
Ann Scott Heard By:
Michelle Leavitt**

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

Attorney

JOURNAL ENTRIES

- Arguments by counsel. COURT stated its findings and ORDERED, Evidentiary Hearing GRANTED on Grounds One, Three, Four, and Five; State to provide supplement on Ground Three by 7/26/05. Court stated it will not grant hearing regarding Ground Two. Court stated concern regarding the Affidavit and thinks it should have been brought in 2002 in front of Judge Douglas in District Court and thinks it is procedurally barred. Ms. Dustin pointed out cite where the Nevada Supreme Court stand is that depts. can bring assertion of perjury testimony by motion to new trial on post conviction for Habeas Corpus. Court replied no one is telling the Court why that was not done as counsel had the affidavit then.

NDC

11/1/05 11:00 AM EVIDENTIARY HEARING: GROUNDS ONE, THREE, FOUR, AND FIVE

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 01, 2005**

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 01, 2005**11:00 AM****Evidentiary Hearing****EVIDENTIARY
HEARING:
GROUNDS 1,3,4,5
Court Clerk: April
Watkins
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- EXCLUSIONARY RULE INVOKED. Testimony presented. (See worksheet.) COURT ORDERED,
matter CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 02, 2005**

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 02, 2005**10:30 AM****Evidentiary Hearing****EVIDENTIARY
HEARING:
GROUNDS 1,3,4,5
Court Clerk: April
Watkins
Reporter/Recorder:
Gina Shrader Heard
By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Continued testimony. (See worksheet.) Arguments by counsel. COURT ORDERED, matter CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2005

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 04, 2005

10:30 AM

Evidentiary Hearing

**EVIDENTIARY
HEARING:
GROUNDS 1,3,4,5
Court Clerk: April
Watkins
Reporter/Recorder:
Cheryl Gardner
Heard By: Michelle
Leavitt**

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

Attorney

JOURNAL ENTRIES

- Ms. Dustin stated Co-Deft. in companion trial with same facts admitted to taking part in shooting and argued Mr. Schieck, counsel for Co-Deft. could go into certain testimony that this Deft's counsel could not go into. Further, as to ineffectiveness of counsel, Mr. Bindrup noted error in allowing Ms. Simpkins to handle trial and argued counsel never spoke or advised Deft. Ms. Simpkins would be handling trial. Ms. Dustin argued Deft. sentenced to life without and Co-Deft. Morrison convicted of second degree murder and the only evidence that connected Deft. was a statement by co-conspirator, Anthony Gant. Further, Ms. Dustin argued trial counsel did not preserve the record as to Mr. Fabs and requested this Court allow Deft. to have a new trial. Mr. DiGiacomo stated Ms. Neale wound up receiving immunity and case dismissed as to her. Further, no evidence Ms. Neale had motive to lie against Deft. Further, Mr. DiGiacomo stated there was no evidence in offer of proof as to witness Fabs by Ms. Dustin. Further opposition by the State. Court FINDS no ineffectiveness of counsel in trial or appellant counsel and ORDERED, petition DENIED pursuant to the equal protection.

Ms. Dustin requested this Court appoint her as appellant counsel due to the Deft. being indigent. Mr. DiGiacomo requested this be placed in writing. Further arguments by counsel. Court instructed counsel to file motion in writing on behalf of Deft. Statements by Deft.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2005

01C175914-2

The State of Nevada vs Lailoni D Morrison

December 27, 2005

9:15 AM

Motion

**DEFT BENNETT
MTN TO APPOINT
APPELLATE
COUNSEL /105
Court Clerk: April
Watkins
Reporter/Recorder:
Cheryl Gardner
Heard By: Michelle
Leavitt**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Saragosa, Melissa A.

Attorney

JOURNAL ENTRIES

- Statements by counsel. Court FINDS no authority to do at this time and ORDERED, motion
DENIED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 25, 2009**

01C175914-2

The State of Nevada vs Lailoni D Morrison

August 25, 2009**8:30 AM****Motion****DEFT'S PRO PER
MTN BY
CONDENSED
CONDES/0106 Court
Clerk: April Watkins
Relief Clerk: Sylvia
Courtney/sc
Reporter/Recorder:
Kerry Esparza Heard
By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Small, Shelly L.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion DENIED; a hearing already took place, Deft's petition for writ was denied and an order was issued.

NDC

CLERK'S NOTE: A copy of this Minute Order was distributed to: Anthony Gantt, #73198, Ely State Prison, P. O. 1989, Ely, Nevada 89301.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 01, 2010

01C175914-2

The State of Nevada vs Lailoni D Morrison

July 01, 2010

8:30 AM

Motion

**DEFT'S PRO PER
MTN TO
WITHDRAW
CNSL/107 Court
Clerk: April Watkins
Reporter/Recorder:
Patti Slattery Heard
By: Michelle Leavitt**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Ponticello, Frank M.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Court noted Deft. has already filed habeas petition in pro per person, Special Public Defender allowed to withdraw previously and ORDERED, matter OFF CALENDAR.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Deft. Lailoni Morrison #73722, P.O. Box 208, S.D.C.C., Indian Springs, NV 89018. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 07, 2010

01C175914-2

The State of Nevada vs Lailoni D Morrison

September 07, 2010 8:30 AM

Motion

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: April Watkins

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

Kochevar, Brian J
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted the Special Public Defender was allowed to withdraw previously and ORDERED, motion GRANTED. Special Public Defender to provide Deft's file to him.

NDC

CLERK'S NOTE: The above minute order has been distributed to: David Schieck, Esq., Special Public Defender and Deft. Lailoni Morrison #73722, P.O. Box 208, S.D.C.C., Indian Springs, NV 89018.
aw

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 16, 2010**

01C175914-2

The State of Nevada vs Lailoni D Morrison

November 16, 2010**8:30 AM****Motion****Deft's Pro Per Motion
for Production of
Documents Papers
Pleadings and
Tangible Property of
Defendant****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** April Watkins**RECORDER:** Kerry Esparza**REPORTER:****PARTIES****PRESENT:**Ponticello, Frank M.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Court FINDS matter was previously granted on September 7, 2010, and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Lailoni Morrison #73722, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2018**

01C175914-2

The State of Nevada vs Lailoni D Morrison

March 08, 2018**8:30 AM****Motion to Modify Sentence****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart
Kimberly Estala**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**Beverly, Leah C
Holiday, Kristy
State of NevadaAttorney
Attorney
Plaintiff**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Motion DENIED as the sentence is not illegal.

NDC

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to: Lailoni Morrison, #73722, Southern Desert Correctional Center, P.O. BOX 208, Indian Springs, Nevada 89070-0208. /// sb

State's

EXHIBITS

CASE NO. C175914

						OFFERED		ADMITTED	
						DATE	OBJ	DATE	
✓ 1	Aerial photo - poster (large)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 2	Crime Scene diagram					1/25	✓ 10 Obj.	✓ 1/28	
✓ 3	Photo of scene (from Morton)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 4	Photo line up (Gantt)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 5	Photo line up (Morrison)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 6	Photo line up (Bennett)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 7	Photo line up (Chew)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 8	Photo line up (Wing)					1/25	✓ 20 Obj.	✓ 1/25	
✓ 9	Photo line up (Gantt)					1/28	✓ 20 Obj.	✓ 1/28	
✓ 10	Small photo					1/28	✓ "	✓ 1/28	
✓ 11	Small photo showing #1	R + P 32				1/28	✓ "	✓ 1/28	
✓ 12	Small " "	#2				1/28	✓ "	✓ 1/28	
✓ 13	Small " "	#3				1/28	✓ "	✓ 1/28	
✓ 14	Small " "	#4 (+ #3) casing	9mm.			1/28	✓ "	✓ 1/28	
✓ 15	Small " "	#5	fragment			1/28	✓ "	✓ 1/28	
✓ 16	Small " "	#6	shirt, projectile			1/28	✓ "	✓ 1/28	
✓ 17	Small " "	#6 + #7	Blood, shirt, + projectile			1/28	✓ "	✓ 1/28	
✓ 18	Small " "	#8, 9 + 10	#11 on sidewalk			1/28	✓ "	✓ 1/28	
✓ 19	Small " "	#8	shell casing	9mm.		1/28	✓ "	✓ 1/28	
✓ 20	Small " "	#9	casing + sm. fragment			1/28	✓ "	✓ 1/28	
✓ 21	Small " "	#10	casing	9mm.		1/28	✓ "	✓ 1/28	
✓ 22	Small " "	#11	casing			1/28	✓ "	✓ 1/28	

State's

EXHIBITS

CASE NO. C 175914

						OFFERED		ADMITTED	
						DATE	OBJ	DATE	
✓	23	Small Photo	— group of items			1/28	✓	20 Obj	✓ 1/28
✓	24	Small Photo	— #12 casing			1/28	✓	"	✓ 1/28
✓	25	Small Photo				1/28	✓	"	✓ 1/28
✓	26	Small Photo	#13 sidewalk fragment			1/28	✓	"	✓ 1/28
✓	27	Small Photo	#13 (close up) of fragment			1/28	✓	"	✓ 1/28
✓	28	Small Photo	#5			1/28	✓	"	✓ 1/28
✓	29	Small Photo	#14 casing 38 Super casing next to # sign			1/28	✓	"	✓ 1/28
✓	30	small Photo	#15 casing			1/28	✓	"	✓ 1/28
✓	31	small Photo	#17			1/28	✓	"	✓ 1/28
✓	32	small Photo	#18.			1/28	✓	"	✓ 1/28
✓	33	small Photo	#19			1/28	✓	"	✓ 1/28
✓	34	small Photo	#20 orientation photo #14, 19, 20, 21 + 22			1/28	✓	"	✓ 1/28
✓	35	small Photo	#20 38 Super casing			1/28	✓	"	✓ 1/28
✓	36	small Photo	#22 38 Super casing			1/28	✓	"	✓ 1/28
✓	37	small photo	#21 38 super			1/28	✓	"	✓ 1/28
✓	38	"	" #23						
✓	39	"	" #16			1/29	✓	20 Obj	✓ 1/29
✓	40	"	" #16			1/29	✓	"	✓ 1/29
✓	41	"	" #24			1/29	✓	"	✓ 1/29
✓	42	"	" #24 close up.			1/29	✓	"	✓ 1/29
✓	43	"	" 25 27, 28 + 29			1/29	✓	"	✓ 1/29
✓	44	"	" 25			1/29	✓	"	✓ 1/29

State's

EXHIBITS

CASE NO. C 175914

					OFFERED		ADMITTED	
					DATE	OBJ	DATE	
✓ 45	Small photo	#26			1/29	✓ No obj	✓	1/29
✓ 46	"	"	#27		1/29	✓	✓	1/29
✓ 47	"	"	#28		1/29	✓	✓	1/29
✓ 48	"	"	29 Close up		1/29	✓	✓	1/29
✓ 49	"	"	25-29 + 30-32		1/29	✓	✓	1/29
✓ 50	"	"	#30		1/29	✓	✓	1/29
✓ 51	"	"	#31		1/29	✓	✓	1/29
✓ 52	"	"	#32		1/29	✓	✓	1/29
✓ 53	"	"	#33		1/29	✓	✓	1/29
✓ 54	"	"	#35		1/29	✓	✓	1/29
✓ 55	"	"	Car (Circle of yellow)		1/29	✓	✓	1/29
✓ 56	"	"	Car. License plate # 678 KUY		1/29	✓	✓	1/29
✓ 57	"	"	" "C"		1/29	✓ No obj	✓	1/29
✓ 58	"	"	Close up of "C"		1/29	✓	✓	1/29
✓ 59	"	"	Close up of "C"		1/29	✓	✓	1/29
✓ 60	"	"	#36 close up		1/29	✓	✓	1/29
✓ 61	"	"	#36					
✓ 62	"	"	front of vehicle		1/29	✓	✓	1/29
✓ 63	"	"	Vehicle License plate 578 MCN		1/29	✓	✓	1/29
✓ 64	"	"	"A" tail light w/ Bullet hole		1/29	✓	✓	1/29
✓ 65	"	"	"B" Driver's door of vehicle		1/29	✓	✓	1/29
✓ 66	"	"	"B" Close up		1/29	✓	✓	1/29

State's

EXHIBITS

CASE NO. C 175914

				OFFERED		ADMITTED	
				DATE	OBJ	DATE	DATE
✓ 67	Small Photo	"F" by Black wall		1/29	✓ NO obj	✓ 1/29	
✓ 68	"	" " "D" close up w/circular		1/29	✓ "	✓ 1/29	
✓ 69	"	" " "E"					
✓ 70	"	" " Back of vehicle ^{yellow} license plate 517 MWA		1/29	✓ NO obj	✓ 1/29	
✓ 71	"	" " Fingerprint dust on ^{blue} Cadillac					
✓ 72	"	" " Side of vehicle					
✓ 73	"	" " Back of veh. license #517 MWA					
✓ 74	"	" " Back of veh license #878 KVX					
✓ 75	"	" " finger prints					
✓ 76	"	" " finger prints					
✓ 77	"	" " finger prints					
✓ 78	"	" " finger prints					
✓ 79	"	" " finger prints					
✓ 80	yellow envelope			1/29	✓ NO obj	✓ 1/29	
✓ 80 A	Fragment			1/29	✓ "	✓ 1/29	
✓ 81	yellow envelope			1/29	✓ "	✓ 1/29	
✓ 81 A	Casing			1/29	✓ "	✓ 1/29	
✓ 82	Yellow envelope			1/29	✓ "	✓ 1/29	
✓ 82 A	Casing			1/29	✓ "	✓ 1/29	

State's

EXHIBITS

CASE NO. C 175914

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
✓ 83 yellow envelope	1/29	✓ no obj	✓ 1/29	
✓ 83 A casing	1/29	✓ "	✓ 1/29	
✓ 84 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 84 A Fragment	1/29	✓ "	✓ 1/29	
✓ 85 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 85 A Projectile	1/29	✓ "	✓ 1/29	
✓ 86 Brown Bag ^{+ contents} w/ fluid shirt	1/29	✓ "	✓ 1/29	
✓ 87 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 87 A casing	1/29	✓ "	✓ 1/29	
✓ 88 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 88 A 2 fragments 2 pieces in Baggie	1/29	✓ "	✓ 1/29	
✓ 89 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 89 A casing + B. casing	1/29	✓ "	✓ 1/29	
✓ 90 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 90 A 2 casings	1/29	✓ "	✓ 1/29	
✓ 91 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 91 A 2 pc, shell casings	1/29	✓ "	✓ 1/29	
✓ 92. yellow envelope	1/29	✓ "	✓ 1/29	
✓ 92 A. Three fragments	1/29	✓ "	✓ 1/29	
✓ 93 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 93 A. casing	1/29	✓ "	✓ 1/29	
✓ 94 yellow envelope	1/29	✓ "	✓ 1/29	

States

EXHIBITS

CASE NO. C175914

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
✓ 94A	expended casing	1/29	✓ no obj	✓ 1/29	
✓ 95	yellow envelope w/ contents	1/29	✓ "	✓ 1/29	
✓ 96	A Bloody pair of socks (Not stickered) (Not opened)	1/29	✓ "	✓ 1/29	
✓ 96	yellow envelope.	1/29	✓ "	✓ 1/29	
✓ 96A	shell casing	1/29	✓ "	✓ 1/29	
✓ 97	yellow envelope	1/29	✓ "	✓ 1/29	
✓ 97A	casing	1/29	✓ "	✓ 1/29	
✓ 98	yellow envelope	1/29	✓ "	✓ 1/29	
✓ 98A	casing	1/29	✓ "	✓ 1/29	
✓ 99	yellow envelope.	1/29	✓ "	✓ 1/29	
✓ 99A	casing	1/29	✓	✓ 1/29	
✓ 100.	yellow envelope	1/29	✓	✓ 1/29	
✓ 100A	casing.	1/29	✓	✓ 1/29	
✓ 101	yellow envelope	1/29	✓	✓ 1/29	
✓ 101A	casing	1/29	✓	✓ 1/29	
✓ 102	yellow envelope w/ contents dope				
✓ 103 102	yellow envelope	1/29	✓ No obj	✓ 1/29	
✓ 103A	casing	1/29	✓ "	✓ 1/29	
✓ 104	yellow envelope.	1/29	✓ "	✓ 1/29	
✓ 104A	casing	1/29	✓ "	✓ 1/29	
✓ 105	yellow envelope	1/29	✓ "	✓ 1/29	
✓ 105A	casing.	1/29	✓ "	✓ 1/29	

States

EXHIBITS

CASE NO. C 175 914

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
✓ 106 yellow envelope	1/29	✓ No obs	✓ 1/29	
✓ 106 A casing	1/29	✓ "	✓ 1/29	
✓ 107 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 107 A casing	1/29	✓ "	✓ 1/29	
✓ 108 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 108 A casing	1/29	✓ "	✓ 1/29	
✓ 109 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 109 A casing	1/29	✓ "	✓ 1/29	
✓ 110 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 110 A live Round - WIN Luger 9MM.	1/29	✓ "	✓ 1/29	
✓ 111 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 111 A casing	1/29	✓ "	✓ 1/29	
✓ 112 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 112 A casing 112 B fragment	1/29	✓ "	✓ 1/29	
✓ 113 yellow envelope	1/29	✓ "	✓ 1/29	
✓ 113 A projectile from car	1/29	✓ "	✓ 1/29	
✓ 114 yellow envelope.	1/29	✓ "	✓ 1/29	
✓ 114 A casing (marked w/ #36 marker)	1/29	✓ "	✓ 1/29	
✓ 115 small brown bag & contents	1/29	✓ "	✓ 1/29	
✓ 116 " " " "	1/29	✓ "	✓ 1/29	
✓ 117 " " " "	1/29	✓ "	✓ 1/29	
✓ 118 " " " "	1/29	✓ "	✓ 1/29	

Defendant's EXHIBITS

CASE NO. C 175 914

						OFFERED		ADMITTED	
						DATE		OBJ	DATE
✓	A.	Large Photo - House & Grounds	1/25	✓	no obj	✓	1/25		
✓	B.	Small Photo - Front entrance of Home	1/25	✓	no obj	✓	1/25		
✓	C.	Small Photo - Front of House or Apt Bldg w/Airbs	1/25	✓	no obj	✓	1/25		
✓	D.	" " yard scene	1/29	✓	"	✓	1/29		
✓	E.	" " yard scene	1/29	✓	"	✓	1/29		
✓	F.	" " Bldg & trees	1/29	✓	"	✓	1/29		
✓	G.	" " Bldg w/car	1/29	✓	"	✓	1/29		
✓	H.	" " Bldg & Police vehicles	1/29	✓	"	✓	1/29		
✓	I.	" " Bldg w/stairs	1/29	✓	"	✓	1/29		
✓	J.	" " Blue Car 578 MCN.	1/29	✓	"	✓	1/29		
✓	K.	" " Bldg - Blood trail	1/29	✓	"	✓	1/29		
✓	L.	" " Bldg - Car & Trees	1/29	✓	"	✓	1/29		
✓	M.	" " Close up - Bldg	1/29	✓	"	✓	1/29		
✓	N.	" " Blood Trail	1/29	✓	"	✓	1/29		
✓	O.	" " " "	1/29	✓	"	✓	1/29		
✓	P.	Large poster - Diagram	1/29	✓	obj		1/29		
✓	Q.	Copy of MTN To Dismiss Counsel #1581692							
✓	R.	Letter - handwritten							
✓	S.	Rights of Adults Arrested - Case # 01-4117	1/31	✓	no obj	✓	1/31		

Court's

EXHIBITS

CASE NO. C175914

OFFERED ADMITTED
DATE OBJ DATE

✓ #1 Newspaper Article

✓ #2 CC Coroner's diagram distributed To Jury

State's

EXHIBITS

CASE NO. C175914

on Morrison

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
1. Aerial Photo - (Large Posterboard)	5/30/02	✓ no obj	✓	5/30/02
2. Crime Scene (Large Diagram)	5/30	✓ obj	✓	5/30/02
2(A) Crime Scene (Large Diagram)	5/31/02	✓ no obj	✓	5/31/02
3. Photo of Scene. (MORTON street)	5/30	✓ no obj	✓	5/30/02
4. Photo line up (Gantt)	6/4/02	✓ ↓	✓	6/4/02
5. Photo line up (Morrison)	5/30	✓ no obj	✓	5/30/02
6. Photo line up (Bennett)	5/30/02	✓ no obj	✓	5/30/02
7. Photo line up (Chew) not Admitted				
8. Photo line up (Wing)	5/30	✓ no obj	✓	5/30/02
9. Photo line up (Gantt)	5/30/02	✓ no obj	✓	5/30/02
10. Small Photo	5/31/02	✓	✓	5/31/02
11. Small Photo showing #1 RHP 32		✓	✓	
12. Small " " #2		✓	✓	
13. Small " " #3		✓	✓	
14. Small " " #4 (+3) casing 9mm.		✓	✓	
15. Small " " #5 Fragment		✓	✓	
16. Small " " #6 shirt, projectile		✓	✓	
17. Small " " #6 + #7 Blood, shirt + projectile		✓	✓	
18. Small " " 8, 9 + 10 #11 on sidewalk		✓	✓	
19. Small " " #8 shell casing 9mm.		✓	✓	
20. Small " " #9 casing + sm. fragment		✓	✓	
21. Small " " #10 casing 9mm.	✓	✓	✓	✓

State's

EXHIBITS

CASE NO. C175914

on Morrison

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
22. Small Photo showing #11 casing	5/31/02	✓	no obj	✓ 5/31/02
23. Small " placard 5, 7, 10, 11 + 12		✓		✓
24. Small Photo - #12 casing		✓		✓
25. Small Photo		✓		✓
26. Small Photo #13 sidewalk fragment		✓		✓
27. Small Photo #13 (close up) of fragment		✓		✓
28. Small Photo #		✓		✓
29. Small Photo #14 casing next to # sign		✓		✓
30. Small Photo #15 casing		✓		✓
31. Small Photo #17		✓		✓
32. Small Photo #18		✓		✓
33. Small Photo #19		✓		✓
34. Small Photo		✓		✓
35. Small Photo #20 38 super casing		✓		✓
36. Small Photo #22 38 super casing		✓		✓
37. Small Photo #21 38 super	✓	✓	✓	✓
38. Small Photo #23 not admitted				
39. Small Photo #16	5/31/02	✓	no obj	✓ 5/31/02
40. Small Photo #16		✓		✓
41. Small Photo #24		✓		✓
42. Small Photo #24 close up		✓		✓
43. Small Photo 25, 27, 28 + 29	✓	✓	✓	✓

State's

EXHIBITS

CASE NO. C 175914

on Morrison

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
44.	Small Photo #25	5/31/02	✓	no 867	✓ 5/31/02
45.	Small Photo #26	✓	✓	✓	✓
46.	Small Photo #27	✓	✓	✓	✓
47.	Small Photo #28	✓	✓	✓	✓
48.	Small Photo #29 close up	✓	✓	✓	✓
49.	Small Photo #25-29 + #30-32	✓	✓	✓	✓
50.	Small Photo #30	✓	✓	✓	✓
51.	Small Photo #31	✓	✓	✓	✓
52.	Small Photo #32	✓	✓	✓	✓
53.	Small Photo #33	✓	✓	✓	✓
54.	Small Photo #35	✓	✓	✓	✓
55.	Small Photo vehicle	✓	✓	✓	✓
56.	Small Photo vehicle license plate #678KCY	✓	✓	✓	✓
57.	Small Photo "C"	✓	✓	✓	✓
58.	Small Photo close up of "C"	✓	✓	✓	✓
59.	Small Photo close up of "C"	✓	✓	✓	✓
60.	Small Photo #36 close up	✓	✓	✓	✓
61.	Small Photo #36 not admitted				
62.	Small Photo front of vehicle	5/31/02	✓	no 867	✓ 5/31/02
63.	Small Photo vehicle license plate #578MCN	✓	✓	✓	✓
64.	Small Photo "A" tail light w/ Bullet hole	✓	✓	✓	✓
65.	Small Photo "B" Driver's door of vehicle	✓	✓	✓	✓

State's

EXHIBITS

CASE NO. C175914

on Morrison

		DATE	OFFERED		OBJ	ADMITTED	
						DATE	
66.	Small Photo "B" Close up	5/31/02	✓		no obj	✓	5/31/02
67.	Small Photo "F" by Black wall	↓	✓		↓	✓	↓
68.	Small Photo "D" Close up w/CIRCULAR	✓	✓		✓	✓	✓
69.	Small Photo "E" not admitted						
70.	Small Photo Back of vehicle, license plate 517 MWA	5/31/02	✓		no obj	✓	5/31/02
71.	" " fingerprint dust on Blue Cadillac						
72.	" " side of vehicle						
73.	" " Back of vehicle license # 517 MWA						
74.	" " Back of vehicle license # 878 KVX						
75.	" " Finger prints						
76.	" " Finger prints						
77.	" " Finger prints						
78.	" " Finger prints						
79.	" " Finger prints						
80.	Yellow envelope	5/31/02	✓		no obj	✓	5/31/02
80.	(A) FRAGMENT	5/31/02	✓			✓	
81.	Yellow envelope	↓	✓		↓	✓	↓
81.	(A) CASING		✓			✓	
82.	Yellow envelope		✓			✓	
82.	(A) CASING		✓			✓	
83.	Yellow envelope		✓			✓	
83.	(A) CASING	✓	✓		✓	✓	✓

State's

EXHIBITS

CASE NO. C175914

on Morrison

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
84. yellow envelope	5/31/02	✓ mo sh	✓	5/31/02
84. (A) Fragment		✓	✓	
85. Yellow envelope		✓	✓	
85 (A) Projectile		✓	✓	
86. Sealed Brown BAG w/ Plaid shirt		✓	✓	
87. yellow envelope		✓	✓	
87. (A) CASING		✓	✓	
88. Yellow envelope		✓	✓	
88. (A) 2 pieces in Baggie		✓	✓	
89. yellow envelope		✓	✓	
89 (A) CASING + (B) CASING		✓	✓	
90. Yellow envelope		✓	✓	
90. (A) 2 CASINGS		✓	✓	
91. Yellow envelope		✓	✓	
91. (A) 2p Shell CASINGS		✓	✓	
92. Yellow envelope		✓	✓	
92. (A) 3 FRAGMENTS		✓	✓	
93. Yellow envelope		✓	✓	
93. (A) CASING		✓	✓	
94. Yellow envelope		✓	✓	
94 (A) expended casing		✓	✓	
	↓	✓	✓	↓

Static's

EXHIBITS

CASE NO. C175914

on Morrison

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	DATE
95 Yellow envelope w/ contents - Sealed	5/31/02	✓	✓	5/31/02
95. (A) Bloody pair of socks (not opened)		✓	✓	
96. Yellow envelope		✓	✓	
96. (A) shell casing		✓	✓	
97. Yellow envelope		✓	✓	
97. (A) casing		✓	✓	
98. Yellow envelope		✓	✓	
98 (A) casing		✓	✓	
99. Yellow envelope		✓	✓	
99. (A) casing		✓	✓	
100. Yellow envelope		✓	✓	
100 (A) casing		✓	✓	
101. Yellow envelope		✓	✓	
101 (A) casing	✓	✓	✓	✓
102. Sealed yellow envelope w/ contents				
103. Yellow envelope	5/31/02	✓	✓	5/31/02
103 (A) casing		✓	✓	
104. Yellow envelope		✓	✓	
104. (A) casing		✓	✓	
105. Yellow envelope		✓	✓	
105. (A) casing	✓	✓	✓	✓

State's

EXHIBITS

CASE NO. C175914

on Morrison

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	DATE
106. Yellow envelope	5/31/02	✓	N ₁ M ₁	✓
106 (A) casing		✓		✓
107. Yellow envelope		✓		✓
107. (A) casing		✓		✓
108. Yellow envelope		✓		✓
108. (A) casing		✓		✓
109. Yellow envelope		✓		✓
109 (A) casing		✓		✓
110. Yellow envelope		✓		✓
110. (A) Live round - WIN Luger 9mm.		✓		✓
111. Yellow envelope		✓		✓
111. (A) casing		✓		✓
112. Yellow envelope		✓		✓
112 (A) casing		✓		✓
113. Yellow envelope		✓		✓
113 (A) Projectile from GAE		✓		✓
114. yellow envelope		✓		✓
114. (A) casing (marked w/ #36 marker)		✓		✓
115. Small brown bag + contents - sealed		✓		✓
116 " " " " - sealed		✓		✓
117. " " " " - sealed		✓		✓
118. " " " " - sealed	✓	✓	✓	✓

EXHIBITS

CASE NO. C/759/4

[illegible]

CASE NO. C175914

Exhibit Sheet S-01/jh

EXHIBITS

CASE NO.

OFFERED	ADMITTED
DATE	OBJ DATE

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

LAILONI D. MORRISON,

Defendant(s).

Case No: 01C175914-2

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 24 day of August 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk