

JESS R. MARCHESE, ESQ.
Nevada bar No. 8175
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Las Vegas, NV 89101
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Attorney for Defendant – ABEBAW KASSA

Electronically Filed
Sep 06 2018 02:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	Case No.: C-16-317365-1
)	Dept. No.: XII
)	
Plaintiff,)	
)	
v.)	
)	
ABEBAW KASSA,)	
)	
Defendant.)	
)	

NOTICE OF APPEAL

TO: THE STATE OF NEVADA

STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
DEPARTMENT NO XII OF THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Abebaw Kassa, presently incarcerated in the Clark
County Detention Center, appeals to the Supreme Court of the State of Nevada from the jury
verdict wherein the Defendant KASSA ADJUDGED GUILTY BUT MENTALLY ILL OF
COUNT- 1 FIRST DEGREE MURDER (F), and COUNT 2- FIRST DEGREE ARSON (F).
COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA
Analysis fee including testing to determine genetic markers, \$3948.37 Restitution to victim's

1 family, and \$3.00 DNA Collection fee, Defendant SENTENCED as follows: COUNT 1. LIFE in
2 the Nevada Department of Corrections (NDC) with MINIMUM PAROLE ELIGIBILITY
3 AFTER TWENTY (20) YEARS. COUNT 2. A MAXIMUM of FIFTEEN (15) YEARS with a
4 MINIMUM parole eligibility of SIX (6) YEARS; CONCURRENT WITH COUNT 1; SEVEN
5 HUNDRED AND FIFTY EIGHT (758) DAYS credit for time served.
6

7 Pursuant to NRS 176.057(1)(b), the COURT finds that the Defendant was mentally ill at
8 the time of sentencing and therefore, THE COURT FURTHER ORDERS that the Defendant is
9 to receive treatment for his mental illness during the period of confinement in conformity with
10 such treatment as is medically indicated for the Defendant's mental illness.
11

12 DATED this 29th day of August, 2018

13 /s/ Jess R. Marchese
14 JESS R MARCHESE, ESQ.
15 Nevada Bar #8175

16 **DECLARATION OF MAILING**

17 Jess R. Marchese, hereby declares that he is, and was when the herein described mailing
18 took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested
19 in, the within action; that on the 29th day of August 2018, declarant deposited in the United
20 States mail at Las Vegas, Nevada, a copy the Notice of Appeal in the case of the State of Nevada
21 vs Abebaw Kassa, Case No. C-16-317365-1, enclosed in a sealed envelope upon which first
22 class postage was fully prepaid, addressed to Abebaw Kassa #2616067, 330 S. Casino Center
23 Blvd., Las Vegas, Nevada 89101. That there is regular communication by mail between the place
24 of mailing and the place so addressed. I declare under penalty of perjury that the foregoing is
25 true and correct.

26 EXECUTED on the 29th day of August, 2018.

27 /s/ Jess R. Marchese
28 Jess R. Marchese, Esq.
Nevada Bar #8175

CASE NO. C-16-317365-1

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR

THE COUNTY OF CLARK

THE STATE OF NEVADA,

Plaintiff,

-VS-

ABEBAW KASSA,

Defendant.

CASE APPEAL STATEMENT

1. **Appellant filing this case appeal statement:** Abebaw Kassa.

2. **Judge issuing the decision, judgment, or order appealed from:**

Honorable Michelle Leavitt.

3. **Identify each Appellant and their name and address:** Abebaw Kassa,

Defendant/Appellant.

JESS R. MARCHESE for Appellant
601 S. Las Vegas Blvd.
Las Vegas, NV 89101
702-385-5377

STEVEN B. WOLFSON for Respondent
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155
702-671-2700

4. **Identify each Respondent and their name and address:** The State of

Nevada, Plaintiff/Respondent.

STEVEN B. WOLFSON for Respondent
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155
702-671-2700

5. **Indicate whether any attorney identified in above response to question 3 or 4 is not licensed to practice law in Nevada:** All parties are licensed to practice law in Nevada.

6. **Whether appellant was represented by appointed or retained counsel in the district court:** Appointed.

7. **Whether appellant is represented by appointed or retained counsel on appeal:** Appointed.

8. Whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A.

9. **Date proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):** Information, 4/26/17.

10. **Brief description of the action:** Criminal appeal from a jury verdict.

11. **Indicate whether the case has previously been the subject of an appeal or original writ in the Supreme Court:** No, it has not.

12. **Indicate whether this appeal involves child custody or visitation:** No.

13. **This is not a civil case.**

DATED this 30th day of August, 2018.

By: /s/ Jess R. Marchese
JESS R. MARCHESE, ESQ.
Nevada Bar #8175
601 S. Las Vegas Blvd.
Las Vegas, Nevada 89101
702-385-5377

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DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1

State of Nevada
vs
Abeba Kassa

§	Location:	Department 12
§	Judicial Officer:	Leavitt, Michelle
§	Filed on:	08/17/2016
§	Case Number History:	
§	Cross-Reference Case	C317365
§	Number:	
§	Defendant's Scope ID #:	2616067
§	ITAG Booking Number:	1600103997
§	ITAG Case ID:	1861252
§	Lower Court Case # Root:	16F12380
§	Lower Court Case Number:	16F12380X

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. COMPETENCY DETERMINATION	O	08/17/2016		
1. MURDER	F	07/27/2016	Case Flags:	Appealed to Supreme Court
Arrest: 07/27/2016				Custody Status - Nevada
2. FIRST DEGREE ARSON	F	07/27/2016		Department of Corrections
Arrest: 07/27/2016				Charge Description Updated
				Competency Court
				JC Custody Status at Time of
				B/O
				<i>APR 27 2017 10:00AM: IN</i>
				<i>CUSTODY</i>
				Bail Setting
				<i>NO BAIL</i>
				In Custody - CCDC
				Interpreter Needed
				<i>Amharic</i>

DATE	CASE ASSIGNMENT
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Current Case Assignment

Case Number	C-16-317365-1
Court	Department 12
Date Assigned	06/11/2018
Judicial Officer	Leavitt, Michelle
















PARTY INFORMATION

Defendant	Kassa, Abeba Tesfaye	<i>Lead Attorneys</i> Marchese, Jess R. <i>Retained</i> 702-385-5377(W)
Plaintiff	State of Nevada	Marchese, Jess R. 702-385-5377(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
------	------------------------------	-------

08/17/2016	 Commitment and Order <i>Commitment And Order</i>	
09/30/2016	 Further Proceedings: Competency (9:00 AM) (Judicial Officer: Togliatti, Jennifer)	
09/30/2016	 Order of Commitment Pursuant to NRS 178.425 <i>Order of Commitment</i>	
10/05/2016	 Media Request and Order	

DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1

	<i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
02/27/2017	 Order to Transport Defendant <i>Order to Transport Defendant from Lake's Crossing</i>
03/10/2017	 Further Proceedings: Competency-Return From Lakes Crossing (9:00 AM) (Judicial Officer: Bell, Linda Marie)
03/10/2017	Disposition (Judicial Officer: Miley, Stefany) 1. COMPETENCY DETERMINATION Remanded To Justice Court PCN: Sequence:
03/14/2017	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
03/14/2017	 Finding of Fact and Conclusions of Law <i>Findings of Competency</i>
03/30/2017	 Order <i>Order of Competency</i>
04/25/2017	 Criminal Bindover Packet Las Vegas Justice Court
04/26/2017	 Information Party: Plaintiff State of Nevada <i>Information</i>
04/26/2017	 Amended Information Filed By: Plaintiff State of Nevada <i>Amended Information</i>
04/27/2017	 Initial Arraignment (10:00 AM) (Judicial Officer: Henry, Jennifer)
05/18/2017	 Media Request and Order Party: Plaintiff State of Nevada <i>Media Request and Order Allowing Camera Access to Court Proceedings</i>
06/02/2017	 Transcript of Proceedings <i>Reporter's Transcript of Preliminary Hearing, April 25, 2017</i>
07/01/2017	Case Reassigned to Department 3 <i>Homicide Case Reassignment to Judge Douglas W. Herndon</i>
08/09/2017	 Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Murder Team Assignment</i>
08/10/2017	 Notice of Department Reassignment
08/24/2017	 Status Check: Trial Readiness (9:00 AM) (Judicial Officer: Johnson, Eric)
09/07/2017	 Status Check (8:30 AM) (Judicial Officer: Johnson, Eric)

DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1

09/07/2017, 11/02/2017, 01/04/2018

Status Check: Homicide Trial


10/31/2017	 Calendar Call (8:30 AM) (Judicial Officer: Johnson, Eric)
11/01/2017	CANCELED Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
11/06/2017	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
11/06/2017	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
12/27/2017	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses</i>
12/27/2017	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Expert Witnesses</i>
12/27/2017	 Notice <i>Defendant's Notice of Entry of Plea of Not Guilty by Reason of Insanity and Notice of Defendant's Intention to Seek a Verdict of Guilty But Mentally Ill as to Any Offense of Which the Jury Finds Him Guilty</i>
01/09/2018	 Notice of Motion <i>State s Notice of Motion and Motion for Independent Psychological Evaluation of Defendant and Request for Discovery</i>
01/16/2018	 Ex Parte Motion <i>ex parte motion and order for release of medical records</i>
01/16/2018	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
01/16/2018	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
01/16/2018	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
01/16/2018	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
01/16/2018	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
01/23/2018	 Motion (8:30 AM) (Judicial Officer: Johnson, Eric) <i>State's Motion for Independent Psychological Evaluation of Defendant and Request for Discovery</i>
02/22/2018	 Status Check (8:30 AM) (Judicial Officer: Johnson, Eric)


DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1

Status Check: Homicide Trial


02/27/2018 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated


03/19/2018 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Johnson, Eric)
Vacated


04/05/2018  **Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)
Status Check: Homicide Trial


05/03/2018  **Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)
Status Check: Homicide Trial


05/08/2018  Order Granting
*ORDER GRANTING STATES MOTION FOR INDEPENDENT PSYCHOLOGICAL
EVALUATION OF DEFENDANT AND REQUEST FOR DISCOVERY*

05/09/2018  Supplemental Witness List
SUPPLEMENTAL NOTICE OF EXPERT WITNESSES


05/18/2018  Notice of Witnesses and/or Expert Witnesses
Filed By: Defendant Kassa, Abebaw Tesfaye
Notice of Expert Witness


05/31/2018  **Calendar Call** (9:00 AM) (Judicial Officer: Johnson, Eric)

06/05/2018  **Calendar Call** (8:30 AM) (Judicial Officer: Johnson, Eric)

06/06/2018  Notice of Witnesses
Party: Defendant Kassa, Abebaw Tesfaye
Notice of Witness List

06/07/2018  **Minute Order** (3:00 AM) (Judicial Officer: Herndon, Douglas W.)


06/07/2018  **Calendar Call** (9:00 AM) (Judicial Officer: Johnson, Eric)

06/07/2018  Audiovisual Transmission Equipment Appearance Request
Party: Defendant Kassa, Abebaw Tesfaye
Defendant's request for "blue jeans" testimony














06/08/2018 **CANCELED Overflow** (9:30 AM) (Judicial Officer: Smith, Douglas E.)
Vacated
Overflow (20) L. Beverly - D. Stanton / J. Marchesse / 4-10 witnesses / 4-5 days

06/11/2018 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Johnson, Eric)
Vacated






06/11/2018 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

06/12/2018  **Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
06/12/2018-06/15/2018, 06/18/2018

DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1

06/12/2018	 Audiovisual Transmission Equipment Appearance Request Party: Defendant Kassa, Abebaw Tesfaye <i>Audiovisual Transmission Equipment Appearance Request</i>
06/13/2018	 Jury List
06/15/2018	 Instructions to the Jury
06/15/2018	 Jury List <i>Amended Jury</i>
06/18/2018	 Verdict
06/18/2018	Disposition (Judicial Officer: Leavitt, Michelle) 1. FIRST DEGREE MURDER BUT MENTALLY ILL Guilty PCN: Sequence: 2. FIRST DEGREE ARSON BUT MENTALLY ILL Guilty PCN: Sequence:
06/22/2018	 Motion to Vacate Filed By: Defendant Kassa, Abebaw Tesfaye <i>Motion to Vacate Verdict of Guilty But Mentally Ill</i>
07/02/2018	 Supplement Filed by: Defendant Kassa, Abebaw Tesfaye <i>Supplement to Motion to Set Asdie Verdict of Guilty but Mentally Ill</i>
07/05/2018	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Supplement to Motion to Vacate Guilty Verdict and Find Defendant Not Guilty by Reason of Insanity</i>
07/05/2018	 Notice of Rescheduling <i>Notice of Hearing Date Change</i>
07/10/2018	 Motion to Vacate (8:30 AM) (Judicial Officer: Leavitt, Michelle) 07/10/2018, 08/16/2018 <i>Defendant's Motion To Place On Calendar To Vacate Guilty Verdict And Find Defendant Not Guilty By Reason Of Insanity And To Request Additional Time For Supplemental Briefing</i>
07/26/2018	 PSI
08/17/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion to Place on Calendar to Vacate Guilty Verdict and Find Defendant Guilty By Reason of Insanity and to Request Additional Time for Supplemental Briefing</i>
08/23/2018	 Sentencing (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Sentencing (Jury Verdict)</i>

DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1

08/23/2018	 Stipulation and Order <i>Stipulation and Order</i>
08/23/2018	Amended Disposition (Judicial Officer: Leavitt, Michelle) 1. MURDER Guilty PCN: Sequence: 2. FIRST DEGREE ARSON Guilty PCN: Sequence:
08/23/2018	Sentence (Judicial Officer: Leavitt, Michelle) 1. MURDER Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:20 Years
08/23/2018	Sentence (Judicial Officer: Leavitt, Michelle) 2. FIRST DEGREE ARSON Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:6 Years, Maximum:15 Years Concurrent: Charge 2 Credit for Time Served: 758 Days Fee Totals: Administrative Assessment Fee 25.00 \$25 DNA Analysis Fee 150.00 \$150 Genetic Marker Analysis AA Fee 3.00 \$3 Fee Totals \$ 178.00 Other Fees 1. , \$3,948.37 payable to victim s family
08/29/2018	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (GUILTY VERDICT BUT MENTALLY ILL)</i>
08/29/2018	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
08/29/2018	 Notice of Appeal (criminal) Party: Defendant Kassa, Abebaw Tesfaye <i>Notice of Appeal</i>
08/30/2018	 Case Appeal Statement <i>Kassa Case Appeal Statement</i>

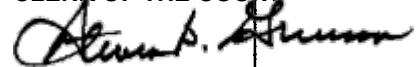
DATE

FINANCIAL INFORMATION

Defendant Kassa, Abebaw Tesfaye
Total Charges
Total Payments and Credits
Balance Due as of 8/31/2018

178.00
0.00
178.00

DEPARTMENT 12
CASE SUMMARY
CASE NO. C-16-317365-1



JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ABEBAW TESFAYE KASSA
#2616067

Defendant.

CASE NO. C-16-317365-1

DEPT. NO. XII

JUDGMENT OF CONVICTION
(GUILTY VERDICT BUT MENTALLY ILL)

The Defendant previously entered a plea of not guilty but mentally ill to the crimes of COUNT 1 - MURDER (Category A Felony) in violation of NRS 200.010, 200.030, and COUNT 2 - FIRST DEGREE ARSON (Category B Felony) in violation of NRS 205.010; and the matter having been **tried before a jury** and the Defendant having been found guilty but mentally ill of the crimes of COUNT 1 - FIRST DEGREE MURDER BUT MENTALLY ILL (Category A Felony) in violation of NRS 200.010, 200.030, and COUNT 2 - FIRST DEGREE ARSON BUT MENTALLY ILL (Category B Felony) in violation of NRS 205.010; thereafter, on the 23rd day of August, 2018, the Defendant was present in court for **sentencing** with counsel JESS MARCHESE, ESQ., and good cause appearing,

RECEIVED
AUG 28 2018
DEPT. 12

1
2 THE DEFENDANT IS ADJUDGED guilty but mentally ill of said offenses and, in
3 addition to the \$25.00 Administrative Assessment Fee, \$3,948.37 Restitution payable to
4 Victim's Family and \$150.00 DNA Analysis Fee including testing to determine genetic
5 markers plus \$3.00 DNA Collection Fee, the Defendant is SENTENCED to the Nevada
6 Department of Corrections (NDC) as follows: **COUNT 1** – LIFE with the eligibility of
7 parole after serving a MINIMUM of TWENTY (20) YEARS; and **COUNT 2** - a MAXIMUM
8 of FIFTEEN (15) YEARS with a MINIMUM parole eligibility of SIX (6) YEARS;
9
10 CONCURRENT with COUNT 1; with SEVEN HUNDRED FIFTY-EIGHT (758) DAYS
11 credit for time served.
12

13 Pursuant to NRS 176.057(1)(b), the COURT finds that the Defendant was
14 mentally ill at the time of sentencing and therefore, THE COURT FURTHER ORDERS
15 that the Defendant is to receive treatment for his mental illness during the period of
16 confinement in conformity with such treatment as is medically indicated for the
17 Defendant's mental illness.
18

19 DATED this 20 day of August, 2018.
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24 MICHELLE LEAVITT
25 DISTRICT COURT JUDGE
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AW
A

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 2016

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

September 30, 2016 9:00 AM

**Further Proceedings:
Competency**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Sylvia Perry

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Kassa, Abebaw Tesfaye Defendant

JOURNAL ENTRIES

- Appearances Continued: Bart Pace, Deputy District Attorney and Claudia Romney, Deputy Public Defenders with Christina Greene of the Specialty Courts.

Court NOTED Drs. Lenkeit and Perlotto indicate not competent however, Dr. Sussman finds the Defendant competent; therefore, pursuant to the doctors reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this Court for findings and referred back to the originating department for further proceedings.

CUSTODY (L.C.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 10, 2017

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

**March 10, 2017 9:00 AM Further Proceedings:
Competency-Return From
Lakes Crossing**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo
Denise Duron

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Pace, Barter G	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Christina Greene of the Specialty Courts.

There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him / her and is able to assist counsel in his / her defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. CASE CLOSED.

CUSTODY

3/14/17 7:45 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (JC 2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 27, 2017

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

April 27, 2017 10:00 AM Initial Arraignment

HEARD BY: Henry, Jennifer

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Dumbrigue, Gwynne R. Attorney
 Kassa, Abebaw Tesfaye Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Melanie Scheible appearing for the State.

DEFT. KASSA ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript; further, Counsel has an obligation under case law, statute and rules regarding discovery.

CUSTODY

11/01/17 9:30 AM CALENDAR CALL (DEPT. 23)

11/06/17 1:00 PM JURY TRIAL (DEPT. 23)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 09, 2017

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

**August 09, 2017 9:00 AM Status Check: Trial
Readiness**

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated Mr. Marchese indicated that he could not be present for today's hearing, as well as, defendant needs an Amharic Interpreter. Pursuant to EDCR 1.30 and 1.31 this court ORDERS the case reassigned to Department 20, matter SET for Status Check.

CUSTODY

8/24/17 9:00 AM STATUS CHECK: TRIAL READINESS (DEPT. 20)

August 24, 2017

Minutes Date: September 30, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 07, 2017

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

September 07, 2017 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Merback, William J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Girma Zaid, Court Interpreter present to assist Defendant. Court noted counsel was to advise of the status of the expert. Upon Court's inquiry, Mr. Marchese concurred, however, advised a Federal matter was set that will conflict with this case and requested a continuance. Following colloquy, COURT ORDERED, trial date VACATED and RESET. Further, matter SET for status check and Mr. Marchese to the Court next date if the expert will be available.

CUSTODY

11/2/17 8:30 AM STATUS CHECK: HOMICIDE TRIAL

3/13/18 8:30 AM CALENDAR CALL

3/19/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2017

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

October 31, 2017 8:30 AM Calendar Call

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT: Kassa, Abebaw Tesfaye Defendant
 State of Nevada Plaintiff
 Thomson, Megan Attorney

JOURNAL ENTRIES

- Clerk advised this matter should have been deleted and that the matter is set for status check on Thursday. COURT ORDERED, matter OFF CALENDAR.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2017

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

November 02, 2017 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Merback, William J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Marchese advised the expert is available for the March trial date and everything is on track. There being no discovery issues, COURT ORDERED, matter CONTINUED to the January status checks.

CUSTODY

... CONTINUED 1/4/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 04, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

January 04, 2018 8:30 AM Status Check

HEARD BY: Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Jones, Jr., John T.	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Jones appeared for Ms. Beverly advised the discovery has been provided and the State will be announcing ready. Additionally, an offer of Second Degree Murder, First Degree Arson, right to argue, concurrent has been offered and rejected. Mr. Marchese concurred. Mr. Marchese anticipates being ready for trial, does not need any discovery but does need to send the State reciprocal discovery, which he will do. There being no issues, COURT ORDERED, matter OFF CALENDAR. Court directed Mr. Marchese contact chambers or put this back on calendar if there is an issue before calendar call.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

January 23, 2018 8:30 AM Motion

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Beverly, Leah C	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Beverly advised she filed this Motion as Defense filed a Notice of Entry of Not Guilty Plea by Mental Illness. Mr. Marchese stated he has no objection to the Motion. Ms. Beverly stated that due to the volume of medical records that she is requesting, she does not feel the 3/19 date for trial is viable. Additionally, Ms. Beverly requested the records that the Defense expert relied on to reach this conclusion. Mr. Marchese advised he will reach out to the expert and e-mail documents to Ms. Beverly. Following colloquy, COURT ORDERED, matter SET for status check and advised the trial date will be discussed next date.

CUSTODY

2/22/18 8:30 AM STATUS CHECK: HOMICIDE TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 22, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

February 22, 2018 8:30 AM Status Check

HEARD BY: Johnson, Eric**COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner
Madalyn Kearney

RECORDER: Angie Calvillo**REPORTER:****PARTIES**

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- Court noted at the last hearing, the State indicated that due to the new plea of Not Guilty by Mental Illness they may not be ready for trial on 3/19. Ms. Wong appeared for Ms. Beverly, advised they have procured an expert witness and spoken of consulting and prices, have obtained the majority of the medical records, however, they are still waiting for records from Lakes. Ms. Wong advised Ms. Beverly is requesting the trial date be vacated and set for status check in 30 days as to negotiations and the experts status. Upon Court's inquiry, Mr. Marchese would like to go to trial as soon as possible.

Additionally, Ms. Wong advised a new offer has been relayed. Mr. Marchese stated that offer has been discussed and rejected. Following colloquy, COURT ORDERED, trial date VACATED and RESET in June with a status check in April.

CUSTODY

... CONTINUED 4/5/18 8:30 AM

5/31/18 8:30 AM CALENDAR CALL

6/11/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 05, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

April 05, 2018 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Kassa, Abebaw Tesfaye Defendant
 Marchese, Jess R. Attorney
 Scheible, Melanie L. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Scheible advised they have been in contact with Defense counsel. Mr. Marchese advised he is ready for trial, however, noted that the State wanted to have an expert speak with Defendant. Further, an offer was extended, however, rejected by the Defendant. Ms. Scheible advised an expert has reviewed the file but they do not have a report. Following colloquy, COURT ORDERED, matter CONTINUED to May.

CUSTODY

... CONTINUED 5/3/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 03, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

May 03, 2018 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Scheible, Melanie L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted that the State wanted an expert to meet with Defendant and upon inquiry, Ms. Scheible advised the expert will meet with Defendant on Saturday. Further, Order SIGNED IN OPEN COURT. Ms. Scheibel stated that she anticipates being ready for trial. Mr. Marchese concurred, however, noted he does not know what the expert's report will say. Following colloquy counsel do not feel another status check is needed prior to calendar call. Mr. Marchese advised he will put this back on calendar if there is an issue prior to calendar call. Counsel feel the trial will take 5 days. COURT ORDERED, matter OFF CALENDAR.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 31, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

May 31, 2018 9:00 AM Calendar Call

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Beverly, Leah C Attorney
 Marchese, Jess R. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Marchese advised Defendant has not been brought up yet, however, requested this matter be continued to next Tuesday. Further, Mr. Marchese advised he has spoken with Defendant as to the State's offer, however, it has been rejected. Ms. Beverly had no objection to a continuance. COURT ORDERED, matter CONTINUED to next week.

CUSTODY

... CONTINUED 6/5/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

June 05, 2018 8:30 AM Calendar Call

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:	Beverly, Leah C	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Girma Zaid, Court Interpreter, present to assist Defendant. Conference at the Bench. Pursuant to that conference, COURT ORDERED, matter CONTINUED to Thursday and noted counsel feel the trial will take less than 1 week.

CUSTODY

... CONTINUED 6/7/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

June 07, 2018**3:00 AM****Minute Order****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The instant case is a Homicide Team case currently assigned to District Court Department 20. The parties in the instant case are ready for trial with trial set to start on June 11, 2018. DC 20 is unfortunately unable to hear the trial on that date and the other Homicide Team departments all also unavailable.

EDCR 1.30 (15) gives the Chief Judge of the Eighth Judicial District Court the authority to reassign cases between departments as convenience or necessity requires. EDCR 1.30 (11) also states that the Chief Judge must appoint a Judge to preside over the Criminal Division of the Court. EDCR 1.31 gives the Criminal Presiding Judge the authority to reassign pending criminal cases from one department to another. As with EDCR 1.30(15), the Presiding Criminal Judge's decision on reassigning pending criminal cases should be done as convenience and necessity require.

Because of the unavailability of all Homicide Team departments, other departments were contacted and DC 12 is available to hear the trial. This court finds that convenience and necessity justify the reassignment of the instant matter to DC 12. Therefore, based on the totality of circumstances present, this Court, as Criminal Presiding Judge, ORDERS, pursuant to EDCR 1.31, the reassignment of the instant case to DC 12. The trial will be set to start on Monday June 11, 2018, at 10:30 am and the parties are ordered to contact DC 12 for further trial scheduling instructions.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

June 07, 2018 9:00 AM Calendar Call

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Beverly, Leah C	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, parties advised they are ready to proceed. As this Court has another trial that will take longer, COURT ORDERED, matter REFERRED to Overflow.

L. BEVERLY - D. STANTON / J. MARCHESE / 4-10 WITNESSES / 4-5 DAYS

CUSTODY

6/8/18 9:30 AM CALENDAR CALL - OVERFLOW - DEPT. 23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 12, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

June 12, 2018**10:30 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Trisha Garcia**REPORTER:****PARTIES**

PRESENT:	Beverly, Leah C	Attorney
	Durham, Benjamin C.	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody with assistance from Certified Amharic Court Interpreter, Tesh Kelkay.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Ms. Beverly informed Court an offer was made. Thereafter, Ms. Beverly provided the offer on the record; and confirmed Deft. rejected said offer, and State will revoke the offer when trial starts today. Mr. Marchese advised defense is ready for trial. Discussions as to defense seeking to make arguments regarding Deft. being not guilty but mentally ill. Court assured the Jury will be given instructions on this, including elements. Further discussions regarding written stipulation to be given to the Jury regarding the fire not being in dispute, and scheduling of witnesses, including defense counsel's witnesses Dr. Zuchowski and Dr. Brown, who are making appearances to testify by video during trial. State made no objection. Court noted the Interpreter is not interpreting trial proceedings. Mr. Kelkay informed Court Deft. told him in case he needs something interpreted, Deft. would let him know. Mr. Marchese stated it is best that the interpreter interprets everything, even though Deft. is very close to being fluent in English.

Ms. Beverly advised Deft. was evaluated by the doctor in English. Following discussions, Court directed Mr. Kelkay to interpret the trial proceedings for Deft, in the native language he is interpreting, being Amharic. Mr. Kelkay acknowledged. Statements by Mr. Stanton regarding caveat on when Dr. Zuchowski testifies. Further discussions as to State not seeking to bring in custodian of records, there being stipulation regarding admission of medical records, witness line up, and trial schedule including possible penalty phase.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by counsel. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir dire commenced.

Evening recess. TRIAL CONTINUES.

CUSTODY

6/13/18 8:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 13, 2018

C-16-317365-1	State of Nevada
	vs
	Abebaw Kassa

June 13, 2018

8:30 AM

Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:

Beverly, Leah C	Attorney
Durham, Benjamin C.	Attorney
Kassa, Abebaw Tesfaye	Defendant
Marchese, Jess R.	Attorney
Stanton, David L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody with assistance from Certified Amharic Court Interpreter, Tesh Kelkay.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court stated juror with Badge No. 0023, was missing, and Court was inclined to replace this juror. Thereafter, confirmation was received by Court that this juror has been found.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Discussions regarding State's concerns about Mr. Marchese being oblique on line of questioning made to the Jury about evidence. Court reminded defense counsel he can say the Jury is going to hear evidence, just not specific evidence. Mr. Marchese advised he will be vague to the Jury during voir dire, about the evidence. Colloquy between Court and Marshal. Court informed both sides a juror made a comment to the Marshal

earlier during a break, about line of questioning by defense counsel; and Court offered to bring the juror in to the courtroom, to have a discussion. Mr. Marchese advised things get lost in translation, there may be more to this, and he is fine with the juror coming in. State made no objections. COURT SO ORDERED.

Juror with Badge No. 0042 is present in Court. Upon Court's inquiry, the juror stated he had asked the Court Marshal earlier what the procedure was on approaching the Bench, and when asked why, he told the Marshal about the questions he has concerns about, that defense is asking, and believes the defense attorney is leading the jury panel, and also believes the questions defense counsel is asking are not appropriate. Court told the juror if the attorney is asking the jury during voir dire about certain things, the Court can intervene; the Court knows this is a strange process, and the jurors answer questions during voir dire, to predict on how they are going to behave as jurors, and both sides are entitled to question the jury panel, to also see if there is prejudice or bias. Discussions between juror and Court. Court also told the juror anything the attorneys say during voir dire, is not evidence, if he is empaneled as a juror for this trial, he will hear the evidence, and he has articulated about the jury system to the Court very well. Upon Court's inquiry, the juror stated he believed he was led to a conclusion which can prejudice him, however, he will be open to hear what counsel says beforehand. Court told the juror the parties did not lead him anywhere. Upon Court's inquiries, the juror stated he can listen and be fair, and he has not discussed any of this with the fellow jurors. Court directed the juror not to discuss these proceedings, including this conversation in the courtroom, with the fellow jurors; and the juror acknowledged.

Juror with Badge No. 0042 not present. Mr. Stanton stated he has no further questions. Mr. Marchese advised he is concerned about this juror, further noting the Court canvassed the juror properly, however, he does not believe this juror will follow the law, his concern is this juror may have bias for the defense, as there was something the juror said earlier, which might hold something against the defense. Mr. Marchese added during line of questioning, it almost appeared this juror may be disingenuous, based on representations that were made to the Court. Court advised Mr. Marchese it understands the questions he is asking the jury panel, is common sense, and the Court is comfortable with the Voir Dire, however, it will allow defense to do further voir dire on this juror, and Court can excuse the panel, to continue to wait outside the courtroom, during this voir dire by defense. Mr. Marchese requested to voir dire the juror further; and COURT SO ORDERED.

Juror with Badge No. 0042 is present in the courtroom; and was examined further by defense counsel, on voir dire. Upon inquiry by counsel, the juror stated he told the Court he can be fair earlier; and confirmed to Mr. Marchese he can still be fair, and follow the law. Thereafter, Court reminded the juror not to discuss this courtroom conversation with fellow jurors, while waiting outside the courtroom; and the juror acknowledged. Court also instructed the juror to notify the Court through the marshal, if someone should ask him questions about this conversation and the proceedings.

Juror with Badge No. 0042 not present. Upon Court's inquiry, Mr. Marchese confirmed defense does not have a challenge for cause.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. JURY SELECTED. Court thanked and excused the remaining jury panel members. JURY SWORN BY CLERK. Court admonished and excused the Jury for lunch.

Lunch recess.

JURY PRESENT: Court instructed the Jury. Clerk read Amended Information; and told the Jury the Deft. entered pleas of NOT GUILTY AND NOT GUILTY BY REASON OF INSANITY. Further instructions were given to Jury by Court. Opening statements by Ms. Beverly and Mr. Durham. State read written stipulation regarding the fire to the Jury. Testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

6/14/18 1:00 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 14, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

June 14, 2018**1:00 PM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Beverly, Leah C	Attorney
	Durham, Benjamin C.	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY: Amharic Court Interpreter not present. Deft. is present in custody. Mr. Marchese made no objections to State making representations to Court, without the Interpreter. Mr. Stanton expressed concerns regarding irrelevant foundation made by defense counsel on bringing a witness to testify.

Amharic Court Interpreter Tesh Kelkay, is now present to interpret for Deft. Objections by State regarding specific testimony defense is seeking to bring in, from Dr. Brown. Arguments by counsel. Court stated it will look at the issue further, and make a ruling on it, before the witness testifies. Discussions as to witness line up, and additional exhibits the State wants to have marked. Mr. Stanton confirmed State will rest their case, after the coroner testifies, and after the 911 call is played to the Jury. Further discussions as to reports from Dr. Brown, and status of jury instructions. Mr. Durham requested to discuss proposed jury instructions, after technical issues in the courtroom get resolved. COURT SO ORDERED. Court stated it will take a short recess beforehand. Pursuant to

stipulation, COURT ORDERED, State's Exhibits 93 through 95 ADMITTED. Further discussions as to audio evidence played to the Jury yesterday.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). State published Exhibit No. 90 to the Jury, in open Court. State rested. Court admonished and excused the Jury for a recess.

OUTSIDE PRESENCE OF JURY: Courtroom equipment was tested and set up by Court IT, for the next scheduled witness testifying by video conference.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Court admonished and excused the Jury for the evening, to return tomorrow morning, at 11:00 a.m.

OUTSIDE PRESENCE OF JURY: Discussions as to witness line up for defense tomorrow. Deft. was admonished by Court on his rights to testify and not to testify. Upon Court's inquiry, Mr. Marchese advised he has no problem with Deft. not being here this afternoon, while proposed jury instructions are being discussed informally. Court noted the instructions can be settled formally tomorrow, and Deft. can be present for this, tomorrow. Deft. was excused from the courtroom, to be brought back tomorrow morning at 11:00 a.m.

Parties exited the courtroom, to go over proposed instructions and the Verdict form, with the Court in Chambers.

Evening recess. TRIAL CONTINUES.

CUSTODY

6/15/18 11:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 15, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

June 15, 2018**11:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Natalie Ortega**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Beverly, Leah C	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody with assistance from Certified Amharic Court Interpreter, Tesh Kelkay

OUTSIDE THE PRESENCE OF JURY: Ms. Beverly made representations regarding the jury instructions as to the voluntary intoxication language and insanity. Arguments by counsel regarding allowing the expert to testify how he became involved in the case. COURT ORDERED, counsel would not be allowed to argue to the jury or make any argument that the State did not call this witness to hide evidence from jury. Furthermore, counsel would be allowed to question the witness as to how he became involved. Mr. Marchese argued that the voluntary intoxication instruction was only applicable to one of the theories. Upon Court's inquiry, Mr. Marchese acknowledged that their position was that being this was a specific intent crime, then the State could not argue that voluntary intoxication was not a defense. Argument by Ms. Beverly stating that in this case the burden was on the defense to prove the insanity. Further, anything disputing insanity was relevant for the State to argue including voluntary intoxication. Additional arguments by counsel regarding the voluntary intoxication jury instruction. COURT NOTED the Defense put sanity at issue and the State was

correct that the delusion had to come from the disease not from a substance put into the body; therefore, intoxication would negate the sanity issue.

INSIDE THE PRESENCE OF THE JURY: Steven Zuchowski SWORN and TESTIFIED via video conference. Exhibit presented (see worksheet). COURT ADMONISHED and EXCUSED jury for recess.

OUTSIDE THE PRESENCE OF THE JURY: Court informed Defendant of his right not to testify. Jury instructions settled on the record.

INSIDE THE PRESENCE OF THE JURY: Defense rested. Court instructed the jury. Closing arguments by counsel. Judicial Executive Assistant and the Marshall SWORN. Jury retired to deliberate at 3:16 p.m. COURT ORDERED, trial CONTINUED to June 18, 2018 at 8:30 a.m.

CONTINUED TO: 6/18/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

June 18, 2018**8:30 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Beverly, Leah C	Attorney
	Durham, Benjamin C.	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Jury deliberating.

OUTSIDE PRESENCE OF JURY: Deft. present in custody with assistance from Certified Amharic Court Interpreter, Tesh Kelkay. Court stated a question from the Jury Foreperson was received. Thereafter, the Court read the question out loud to both sides on the record. Court's Exhibit ADMITTED (See Worksheets.). Court stated it was inclined to provide a written response, being Instruction No. 32, instructing the Jury to refer to Instruction No. 25, regarding their question. Both sides made no objections. Discussions as to expert reports not having been admitted into evidence. Mr. Marchese requested an additional instruction be provided to the Jury. Ms. Beverly objected; and argued regarding the instruction being offered by defense as not being appropriate. Court stated if the same question gets received by the Foreperson, the Court will reconsider providing a new instruction.

Jury deliberating.

12:16 P.M. -- JURY PRESENT: Court reconvened with all parties present from before, including Deft. and the Amharic Court Interpreter.

JURY RETURNED VERDICTS AS FOLLOWS:

COUNT 1 - GUILTY OF FIRST DEGREE MURDER BUT MENTALLY ILL (F); and,
COUNT 2 - GUILTY OF FIRST DEGREE ARSON BUT MENTALLY ILL (F).

The Jury was not polled.

CONFERENCE AT BENCH. Court admonished and excused the Jury to go back to the jury deliberation room, for a recess. After the admonishment, Court also told the Jury it will let the Jury know how trial will proceed further, when they return to the courtroom.

OUTSIDE PRESENCE OF JURY: Deft. exited the Courtroom to speak with his attorneys in the holding tank. Mr. Stanton and Ms. Beverly are not present in the courtroom. Court TRAILED and RECALLED matter.

Court reconvened with all parties present from before, outside presence of the Jury. Amharic Court Interpreter Tesh Kelkay, is also present. Counsel informed Court there is a stipulation, the State has agreed to take the sentence of life without the possibility of parole, off the table; the parties have agreed to waive the penalty hearing, and Deft. is also in agreement. Following discussions, Mr. Stanton advised State will agree to submit a written stipulation and order to defense counsel for review and signature and, for the signed stipulation and order to be submitted to the Court at a later date, which would outline the full agreement and waiver of the penalty hearing; and the Jury can be excused today. Mr. Marchese advised defense will make appropriate argument at time of sentencing, further noting the State does not have a written stipulation available today. Discussions. Upon Court's inquiry, Mr. Stanton noted the written stipulation and order would be the formality as long as Deft. agrees to it on the record today. Court canvassed the Deft. regarding further proceedings, including the oral stipulation to waive penalty hearing and ranges of punishments he is facing at time of sentencing. Upon Court's inquiry, Deft. confirmed he is in agreement with the stipulation by the parties, and he is also in agreement on waiving his right to have a penalty hearing. COURT ORDERED, it will allow Deft. to waive his right to a penalty hearing; matter REFERRED to Parole and Probation (P&P), and set for sentencing. Court assured to Deft. pursuant to stipulation, it will not consider a sentence of life without parole either, at time of sentencing. Deft. acknowledged.

JURY PRESENT: Court advised the Jury the parties have agreed to waive the penalty hearing. Thereafter, Court thanked the Jury for their willingness to be here and serve as jurors. The Jury was excused from trial proceedings, and DISCHARGED by Court.

Court adjourned. TRIAL ENDS. Deft. to remain in custody without bail, pending sentencing.

CUSTODY

8/09/18 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

July 10, 2018 8:30 AM Motion to Vacate

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Kassa, Abebaw Tesfaye Defendant
 Stanton, David L. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Amharic Court Interpreter not present. Mr. Marchese not present. Court TRAILED and RECALLED matter. Mr. Marchese not present. Court stated it was informed Mr. Marchese is stuck in another court, and is requesting a continuance of two weeks. COURT ORDERED, matter CONTINUED for defense counsel to appear. Deft. asked Court if he can file a motion. Court told Deft. he can talk to his attorney about that.

CUSTODY

7/26/18 8:30 A.M. DEFT'S MOTION TO PLACE ON CALENDAR TO VACATE GUILTY VERDICT AND FIND DEFT. NOT GUILTY BY REASON OF INSANITY AND TO REQUEST ADDITIONAL TIME FOR SUPPLEMENTAL BRIEFING

8/23/18 8:30 A.M. SENTENCING (JURY VERDICT)

CLERK'S NOTE: Mr. Marchese was present in Court, prior to the case being called. After Court, Clerk notified Mr. Marchese regarding the continuance date. /// sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 16, 2018

C-16-317365-1 State of Nevada
 vs
 Abebaw Kassa

August 16, 2018 8:30 AM Motion to Vacate

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Beverly, Leah C	Attorney
	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Amharic Court Interpreter not present. Mr. Marchese argued in support of vacating the verdict; and further argued as to the Jury and trial proceedings. Court asked defense counsel if Deft. needs an interpreter. Deft. stated he is okay and understands what is going on. Ms. Beverly opposed; and argued as to jury instruction regarding opinion on an expert, the Jury not having chosen the not guilty by reason of insanity on the Verdict Form, and Deft. having been sane. COURT ORDERED, Motion DENIED. State to prepare order. Court advised defense counsel Deft. had filed a motion. Mr. Marchese stated there were documents Deft. asked him to file. Sentencing date STANDS.

CUSTODY

8/23/18 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 23, 2018**

C-16-317365-1 State of Nevada
vs
Abebaw Kassa

August 23, 2018**8:30 AM****Sentencing****Sentencing (Jury
Verdict)****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** April Watkins**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	Kassa, Abebaw Tesfaye	Defendant
	Marchese, Jess R.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Stipulation and Order FILED IN OPEN COURT.

DEFT. KASSA ADJUDGED GUILTY as to COUNT 1 FIRST DEGREE MURDER BUT MENTALLY ILL (F) and as to COUNT 2 FIRST DEGREE ARSON BUT MENTALLY ILL (F). Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee and \$3,948.37 RESTITUTION payable to victim's family, Deft. SENTENCED as to COUNT 1 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after serving a MINIMUM of TWENTY (20) YEARS and as to COUNT 2 to a MINIMUM of SIX (6) YEARS and a MAXIMUM of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC), COUNT 2 CONCURRENT with COUNT 1 with SEVEN HUNDRED FIFTY-EIGHT (758) DAYS credit for time served.

BOND, if any, EXONERATED.

CLERK'S NOTE: Minute order corrected to indicate Count 1 First Degree Murder but mentally ill.
aw 8/28/18

EXHIBIT(S) LIST

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Case No: C-16-317365-1

State of Nevada

vs.

Abebaaw Tesfaye Kassa

State's

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	photo - Residence and street	6-13-18	Stip	6-13-18
2.	photo - map	6-13-18	Stip	6-13-18
3.	photo - map	6-13-18	Stip	6-13-18
4.	photo - map	6-13-18	Stip	6-13-18
5.	photo - crime scene of fire	6-13-18	Stip	6-13-18
6.	photo - crime scene of fire	6-13-18	Stip	6-13-18
7.	photo - crime scene of fire	6-13-18	Stip	6-13-18
8.	photo - crime scene of fire	6-13-18	Stip	6-13-18
9.	photo - crime scene of fire	6-13-18	Stip	6-13-18
10.	photo - crime scene of fire	6-13-18	Stip	6-13-18
11.	photo - crime scene of fire	6-13-18	Stip	6-13-18
12.	photo - crime scene of fire	6-13-18	Stip	6-13-18
13.	photo - crime scene of fire	6-13-18	Stip	6-13-18
14.	photo - Street sign	6-13-18	Stip	6-13-18
15.	photo - crime scene	6-13-18	Stip	6-13-18
16.	photo - crime scene	6-13-18	Stip	6-13-18
17.	photo - sidewalk	6-13-18	Stip	6-13-18
18.	photo - Fire scene and house	6-13-18	Stip	6-13-18
19.	photo - Fire scene and house	6-13-18	Stip	6-13-18
20.	photo - side of house	6-13-18	Stip	6-13-18
21.	photo gate and backyard	6-13-18	Stip	6-13-18
22.	photo back yard	6-13-18	Stip	6-13-18
23.	photo back yard	6-13-18	Stip	6-13-18
24.	photo - back patio	6-13-18	Stip	6-13-18
25.	photo - back yard	6-13-18	Stip	6-13-18

EXHIBIT(S) LIST

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Case No: C-16-317365-1

State of Nevada

vs. Abebanw Tesfaye Kassa

State's

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
26.	photo - back patio	6-13-18	Stip	6-13-18
27.	photo - back patio and structure	6-13-18	Stip	6-13-18
28.	photo - fire scene	6-13-18	Stip	6-13-18
29.	photo - fire scene	6-13-18	Stip	6-13-18
30.	photo - back of residence	6-13-18	Stip	6-13-18
31.	photo - back yard	6-13-18	Stip	6-13-18
32.	photo - gate	6-13-18	Stip	6-13-18
33.	photo - side of house	6-13-18	Stip	6-13-18
34.	photo - breaker system	6-13-18	Stip	6-13-18
35.	photo - breaker system	6-13-18	Stip	6-13-18
36.	photo - fire damage	6-13-18	Stip	6-13-18
37.	photo - fire damage	6-13-18	Stip	6-13-18
38.	photo - fire damage	6-13-18	Stip	6-13-18
39.	photo - fire damage + scene	6-13-18	Stip	6-13-18
40.	photo - fire damage + scene	6-13-18	Stip	6-13-18
41.	photo - fire damage + scene	6-13-18	Stip	6-13-18
42.	photo - fire damage + scene	6-13-18	Stip	6-13-18
43.	photo - fire damage + scene	6-13-18	Stip	6-13-18
44.	photo - fire damage + scene	6-13-18	Stip	6-13-18
45.	photo - damage + bathroom	6-13-18	Stip	6-13-18
46.	photo - bathroom	6-13-18	Stip	6-13-18
47.	photo - fire damage + hallway	6-13-18	Stip	6-13-18
48.	photo - bedroom + fire damage	6-13-18	Stip	6-13-18
49.	photo - closet	6-13-18	Stip	6-13-18
50.	photo - door way to bathroom	6-13-18	Stip	6-13-18

EXHIBIT(S) LIST

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Case No:

C-16-317365-1

State of Nevada

vs.

Abeba Tesfaye Kassa

State's

EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
51.	photo-bathroom shower	6-13-18	Stip	6-13-18
52.	photo-bathroom	6-13-18	Stip	6-13-18
53.	photo-hallway to bedroom	6-13-18	Stip	6-13-18
54.	photo-doorway + bedroom	6-13-18	Stip	6-13-18
55.	photo-doorway	6-13-18	Stip	6-13-18
56.	photo-doorway + bedroom	6-13-18	Stip	6-13-18
57.	photo-picture on wall	6-13-18	Stip	6-13-18
58.	photo-doorway from room	6-13-18	Stip	6-13-18
59.	photo-door and locked cabinets	6-13-18	Stip	6-13-18
60.	photo-bedroom	6-13-18	Stip	6-13-18
61.	photo-room	6-13-18	Stip	6-13-18
62.	photo-fire damage	6-13-18	Stip	6-13-18
63.	photo-fire damage	6-13-18	Stip	6-13-18
64.	photo-fire damage	6-13-18	Stip	6-13-18
65.	photo-fire damage in house	6-13-18	Stip	6-13-18
66.	photo-fire damage + kitchen	6-13-18	Stip	6-13-18
67.	photo-fire damage + kitchen	6-13-18	Stip	6-13-18
68.	photo-fire damage + kitchen	6-13-18	Stip	6-13-18
69.	photo-fire damage + kitchen	6-13-18	Stip	6-13-18
70.	photo-fire damage + dishes	6-13-18	Stip	6-13-18
71.	photo-fire damage in kitchen	6-13-18	Stip	6-13-18
72.	photo-fire damage in kitchen	6-13-18	Stip	6-13-18
73.	photo-fire damage in kitchen	6-13-18	Stip	6-13-18
74.	photo-fire damage in kitchen	6-13-18	Stip	6-13-18
75.	photo-fire damage in kitchen	6-13-18	Stip	6-13-18

EXHIBIT(S) LIST

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Case No: C-16-317365-1

State of Nevada vs. Abebaaw Testaye Kassa
State's EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
PK 76.	photo-stove+burners	6-13-18	Stip	6-13-18
PK 77.	photo-stove	6-13-18	Stip	6-13-18
PK 78.	photo-stove	6-13-18	Stip	6-13-18
PK 79.	photo-stove	6-13-18	Stip	6-13-18
PK 80.	photo-stove	6-13-18	Stip	6-13-18
PK 81.	photo-burned item from stove	6-13-18	Stip	6-13-18
PK 82.	photo-burned item from stove	6-13-18	Stip	6-13-18
PK 83.	photo-burned item from stove	6-13-18	Stip	6-13-18
PK 84.	photo-burned item from stove	6-13-18	Stip	6-13-18
PK 85.	photo-burned cloth from stove	6-13-18	Stip	6-13-18
PK 86.	photo-Marion Drive street view	6-13-18	Stip	6-13-18
PK 87.	photo-Marion Drive street view	6-13-18	Stip	6-13-18
PK 88.	photo-Marion Drive street view	6-13-18	Stip	6-13-18
PK 89.	photo-Door+fire damage	6-13-18	Stip	6-13-18
PK 90.	CD-all call	6-13-18	Stip	6-13-18
PK 91.	CD-Recorded Interview	6-13-18	Stip	6-13-18
PK 92.	Medical Records	6-13-18	Stip	6-13-18
PK 93.	Photo-Autopsy of victim	6-14-18	Stip	6-14-18
PK 94.	photo-Autopsy of victim	6-14-18	Stip	6-14-18
PK 95.	photo-Autopsy of victim	6-14-18	Stip	6-14-18

C-16-317365-1

State of Nevada

Abekaw Tesfaye Kassa

Defendant's

[illegible]

EXHIBIT(S) LIST

Trial By Jury
6-12-18

Case No.: C-16-317365-1

Date:

Dept. No.: XII

Judge:

Plaintiff: State of Nevada

Court Clerk:

Recorder:

Counsel for Plaintiff:

vs.
Defendant: Abebaw Tesfaye
KASSA

Counsel for Defendant:

David Stanton
Jess Marchese
Benjamin Durham

Trial BEFORE THE COURT

Court's EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Voir Dire Jury List	6-12-18	no	6-12-18
2.	Question from Juror No. 10	6-13-18	no	6-13-18
3.	Juror Notebook Contents	6-13-18	no	6-13-18
4.	Question from Juror No. 3	6-14-18	no	6-14-18
5.	Question from Juror No. 6	6-14-18	no	6-14-18
6.	Question From Juror No. 10. not asked	6-15-18	No	6-15-18
7.	Note from Jury foreperson	6-15-18	no	6-15-18
8.	Note from Jury foreperson	6-18-18	no	6-18-18
9.	Response to Jury	6-18-18	no	6-18-18

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (GUILTY VERDICT BUT MENTALLY ILL);
DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

ABEBAW TESFAYE KASSA,

Defendant(s).

Case No: C-16-317365-1

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 31 day of August 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk