

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH JUNIOR BARLOW

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 77055

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Douglas Herndon, District Judge
District Court No. C-13-290219-1

**MOTION TO SUPPLEMENT RECORD ON APPEAL
AND MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF (2ND REQUEST)**

Navid Afshar
State Bar #14465
Deputy Special Public Defender
JoNell Thomas
State Bar #4771
Special Public Defender
330 South 3rd Street
Las Vegas, NV 89155
(702) 455-6265
Attorneys for Barlow

COMES NOW, Appellant Keith Junior Barlow, by and through his attorneys, JoNell Thomas, Special Public Defender, and Navid Afshar, Deputy Special Public Defender, and requests this honorable Court order the district court to supplement the Record on Appeal with the following exhibits:

1. Court Exhibit #17 (State's Closing Powerpoint) admitted June 28, 2108;
2. Court Exhibit #18 (State's Closing Powerpoint (Penalty)) admitted July 6, 2018; and
3. State's Exhibit 51 (Crime Scene Photo Danielle at Scene) admitted June 25, 2018.

See Appellant's Exhibit A attached hereto.

In addition, Mr. Barlow is requesting an extension of time, of 60 days from the date the supplemental Record on Appeal is docketed in this Court, to file his Opening Brief.

This motion is made and based upon Nevada Supreme Court Rule 250(6)(c) and Nevada Supreme Court Rule 250(6)(e), the Memorandum of Points and Authorities, and Declaration of Counsel.

Memorandum of Points and Authorities

SCR 250(6)(c) states as follows:

On direct appeal from a judgment of conviction and sentence of death, the clerk of the district court shall transmit as the record on appeal a certified copy of the complete record made and considered in the

court below. The complete record shall include, without limitation, certified copies of: any criminal complaint, indictment or information (including any amendments); all papers, motions, petitions, oppositions, responses, replies, orders, opinions, and documentary evidence or exhibits filed in the lower courts; transcripts of all lower court proceedings; all jury instructions offered, excluded or given; all verdicts or findings of fact, conclusions of law, and decisions; the lower court minutes; any notices of appeal. No physical evidence or exhibits shall be transmitted absent an order of the supreme court. The record shall be assembled, paginated, and indexed in the same manner as an appendix to the briefs under NRAP 30(c). No designation of record is required. The clerk of the district court shall retain the original record. All questions as to the filing, form, and content of the record on appeal shall be presented to the supreme court.

This is an appeal from a judgment of conviction of five counts, including: Home Invasion While in Possession of a Deadly Weapon; Burglary While in Possession of a Firearm; 2 counts Murder with Use of a Deadly Weapon; and Assault with a Deadly Weapon. The jury also delivered two special verdicts for the separate counts of Murder with Use of a Deadly Weapon, finding unanimously for both counts that the murder was willful, deliberated, and premeditated, and unanimously found that the murders were committed during the perpetration of a Home Invasion and/or Burglary. Subsequent to a penalty hearing, on July 6, 2018, the jury returned a verdict of death for Mr. Barlow. Mr. Barlow was sentenced on September 26, 2018. On October 28, 2018, the Certification of Copy and Transmittal Record was filed.

On February 27, 2019, this Court granted Barlow's request for additional time to file his opening brief. The brief is due May 28, 2109.

On April 12, 2019, Barlow submitted a motion to supplement the record on appeal which is under advisement.

In preparing the Opening Brief on behalf of Mr. Barlow, it became apparent that some of the exhibits were not included in the Record on Appeal prepared by the Clerk of the Eighth Judicial District Court. Specifically, the Record on Appeal does not include the following exhibits:

1. Court Exhibit #17 (State's Closing Powerpoint) admitted June 28, 2108;
2. Court Exhibit #18 (State's Closing Powerpoint (Penalty)) admitted July 6, 2018; and
3. State's Exhibit 51 (Crime Scene Photo Danielle at Scene) admitted June 25, 2018.

As the exhibits are relevant to Barlow's appeal, Barlow respectfully requests that this Court order the district court clerk to supplement the current Record on Appeal with the exhibits.

SCR 250(6)(e) states as follows:

“(e) The supreme court may grant an initial extension of time of up to 60 days to file a brief upon a showing of good cause, but shall not

grant additional extensions of time except upon a showing of extraordinary circumstances and extreme need.”

Appellant is requesting an extension of 60 days to file his Opening Brief, from the docketing of the supplemental Record on Appeal for both the previous motion and the instant motion.

In the alternative, should the Court deny the motion to supplement the appeal, Appellant requests the Court reset the briefing schedule and allow the Opening Brief to be due no less than 60 days from the date the Court denies the motion to supplement the Record on Appeal.

DATED: May 23, 2019

RESPECTFULLY SUBMITTED:

/s/ NAVID AFSHAR

NAVID AFSHAR, NSB 14465
DEPUTY SPECIAL PUBLIC DEFENDER
JONELL THOMAS, NSB 4771
SPECIAL PUBLIC DEFENDER
330 SOUTH THIRD STREET, STE. 800
LAS VEGAS, NEVADA 89155-2316
(702) 455-6265
ATTORNEYS FOR APPELLANT BARLOW

DECLARATION OF NAVID AFSHAR

Navid Afshar, hereby declares as follows:

I am an attorney duly licensed to practice law in the State of Nevada, and the Deputy Special Public Defender assigned to assist with Mr. Barlows’s direct

capital appeal. While reviewing Barlow's record on appeal, it has become apparent that documents necessary for fair consideration of this appeal are not included in the Record on Appeal. Specifically, the Record on Appeal does not include the following exhibits:

1. Court Exhibit #17 (State's Closing Powerpoint) admitted June 28, 2108;
2. Court Exhibit #18 (State's Closing Powerpoint (Penalty)) admitted July 6, 2018; and
3. State's Exhibit 51 (Crime Scene Photo Danielle at Scene) admitted June 25, 2018.
4. Jury list containing State and defense counsel's peremptory strikes (request to include as part of record filed with this Honorable Court on April 12, 2019.)
5. Furthermore, this case consists of a lengthy record and counsel has been working diligently conducting research to appropriately address all the issues. In addition to supplementing the record, counsel requires more time in order to prepare and edit the brief.

It is respectfully requested that this Court grant the instant motion to supplement the record to include the 3 Jury Trial exhibits attached hereto as Exhibit A, as well as the Jury List which was attached as Exhibit A to the previous motion filed on April 12, 2019.

It is also requested that this Court grant the second motion for extension of time to file the Opening Brief once the Record on Appeal is supplemented.

I declare that I make this request in good faith and not for purposes of delay.

Dated: 5/23/19

/s/ NAVID AFSHAR

Navid Afshar

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on May 23, 2019, a copy of the foregoing MOTION was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ NAVID AFSHAR

NAVID AFSHAR

EXHIBIT A

State of Nevada VS. KEITH BARLOW

Every Criminal Case

- State must prove 2 things:
 1. That crimes were committed
 2. That the Defendant committed those crimes

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vs-
KEITH BARLOW, aka
Keith Junior Barlow,
Defendant.

CASE NO: C-13-290219-1
DEPT NO. III

VERDICT

We, the jury in the above entitled case, find the Defendant KEITH BARLOW, as follows:

COUNT 1 - HOME INVASION WHILE IN POSSESSION OF A DEADLY WEAPON
(Please check the appropriate box, select only one)

☐ Guilty of Home Invasion While in Possession of a Deadly Weapon
☐ Guilty of Home Invasion
☐ Not Guilty

COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM
(Please check the appropriate box, select only one)

☐ Guilty of Burglary While in Possession of a Firearm
☐ Guilty of Burglary
☐ Not Guilty

COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON
(Victim Danielle Woods)

(Please check the appropriate box, select only one)

☐ Guilty of First Degree Murder with Use of a Deadly Weapon

SPECIAL VERDICT
(Please check the appropriate box or boxes)

☐ The jury unanimously finds the murder willful, deliberate, and premeditated.
☐ The jury unanimously finds the murder was committed during the perpetration of a Home Invasion and/or burglary.
☐ The jury does not unanimously find the defendant guilty under a single theory of murder of the first degree.

☐ Guilty of First Degree Murder

SPECIAL VERDICT
(Please check the appropriate box or boxes)

☐ The jury unanimously finds the murder willful, deliberate, and premeditated.
☐ The jury unanimously finds the murder was committed during the perpetration of a Home Invasion and/or burglary.
☐ The jury does not unanimously find the defendant guilty under a single theory of murder of the first degree.

☐ Guilty of Second Degree Murder with Use of a Deadly Weapon
☐ Guilty of Second Degree Murder
☐ Guilty of Voluntary Manslaughter with Use of a Deadly Weapon
☐ Guilty of Voluntary Manslaughter

☐ Not Guilty

COUNT 4 - MURDER WITH USE OF A DEADLY WEAPON
(Victim Devonta Cobb)

(Please check the appropriate box, select only one)

☐ Guilty of First Degree Murder with Use of a Deadly Weapon

SPECIAL VERDICT
(Please check the appropriate box or boxes)

☐ The jury unanimously finds the murder willful, deliberate, and premeditated.
☐ The jury unanimously finds the murder was committed during the perpetration of a Home Invasion and/or burglary.
☐ The jury does not unanimously find the defendant guilty under a single theory of murder of the first degree.

☐ Guilty of First Degree Murder

SPECIAL VERDICT
(Please check the appropriate box or boxes)

☐ The jury unanimously finds the murder willful, deliberate, and premeditated.
☐ The jury unanimously finds the murder was committed during the perpetration of a Home Invasion and/or burglary.
☐ The jury does not unanimously find the defendant guilty under a single theory of murder of the first degree.

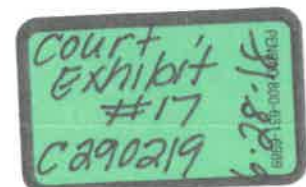
☐ Guilty of Second Degree Murder with Use of a Deadly Weapon
☐ Guilty of Second Degree Murder
☐ Guilty of Voluntary Manslaughter with Use of a Deadly Weapon
☐ Guilty of Voluntary Manslaughter
☐ Not Guilty

COUNT 5 - ASSAULT WITH A DEADLY WEAPON
(Please check the appropriate box, select only one)

☐ Guilty of Assault with a Deadly Weapon
☐ Guilty of Assault
☐ Not Guilty

DATED this _____ day of June, 2018

FOR PERSON



Assault With a Deadly Weapon

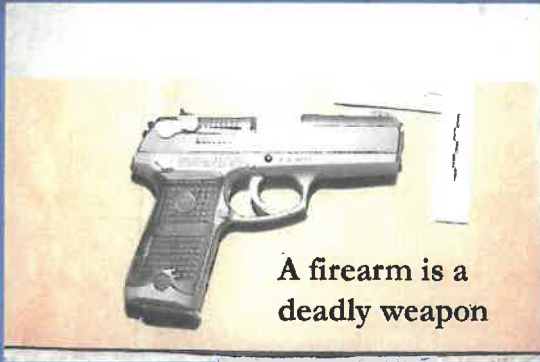
INSTRUCTION NO. _____

A person who unlawfully attempts to use physical force against the person of another or intentionally places another person in reasonable apprehension of immediate bodily harm, by or through the use of a deadly weapon, is guilty of Assault With a Deadly Weapon. To constitute an assault, it is not necessary that any actual injury be inflicted.

Assault With a Deadly Weapon

- Intentionally
- Placing another person
- In reasonable apprehension of immediate bodily harm

Assault With a Deadly Weapon



A firearm is a deadly weapon

Assault With a Deadly Weapon

- First responding officers, within minutes of the 911 call
- Danielle Woods and Donnie Cobb were terrified
- They reported that Keith Junior Balow tried to abduct Danielle, held a Taser to her neck
- As she resisted and fought back, Donnie hears the commotion and comes out
- The Defendant racks the gun, points it at Donnie, and says, "I will be back"

Assault with a Deadly Weapon

- Donnie was so afraid he refused to go back outside his apartment even when police arrive
- He was placed in reasonable apprehension of immediate bodily harm
- Deadly weapon – he told the cops he did not want to get shot

Invasion of the Home

INSTRUCTION NO. 4

A person who, by day or night, forcibly enters an inhabited dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of Invasion of the Home.

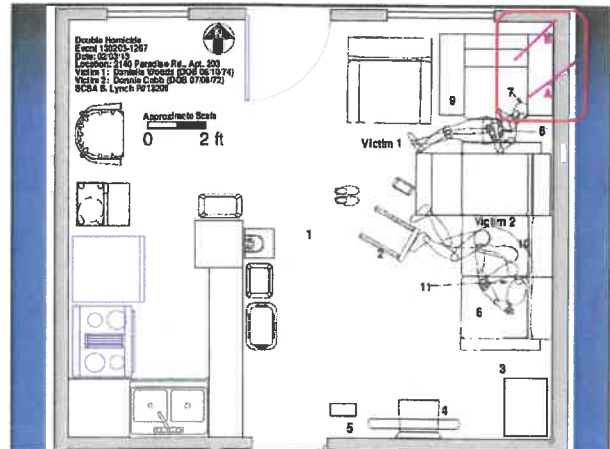
Invasion of the Home

INSTRUCTION NO. 5

"Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.

"Inhabited dwelling" means any structure, building, house, room, or apartment in which the owner or other lawful occupant resides.

Invasion of the Home



Burglary

INSTRUCTION NO. 6

A person who, a person who, by day or night, enters any apartment with the intent to commit assault or battery, or any felony, is guilty of Burglary.

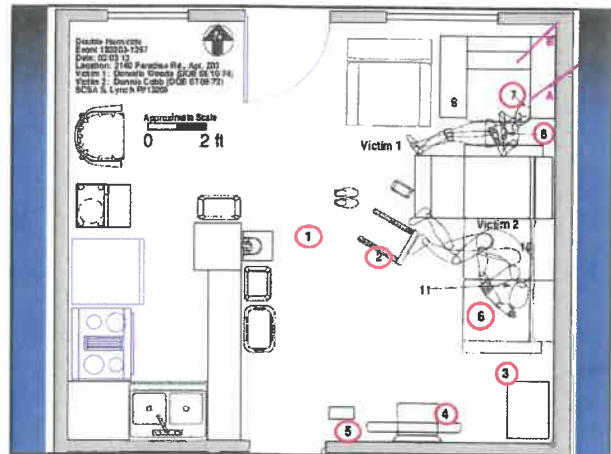
In the State of Nevada, the crime of Murder is a felony.

Burglary

- Burglary is a crime of intent: entering with intent
 - To commit assault
 - To commit battery
 - To commit murder
- As will be explained in the murder charge, the entry in this case was made with all of the above

While in Possession of a Firearm

- For both Home Invasion and Burglary:
 - Enter with a firearm
 - Obtain possession of a firearm during the burglary/home invasion
 - Or obtain possession upon leaving the structure
- Instruction #10



Murder

- Instruction #12
- Murder includes the following crimes:
 - First Degree Murder
 - Second Degree Murder
 - Voluntary Manslaughter

Voluntary Manslaughter

INSTRUCTION NO. 25

Voluntary Manslaughter is the unlawful killing of a human being, without malice aforethought and without deliberation or premeditation. It is a killing upon a sudden quarrel or heat of passion, caused by a provocation sufficient to make the passion irresistible.

The provocation required for Voluntary Manslaughter must either consist of a serious and highly provoking injury inflicted upon the person killing, sufficient to excite an irresistible passion in a reasonable person, or an attempt by the person killed to commit a serious personal injury on the person killing.

A serious and highly provoking injury need not be a direct physical assault on the accused.

For the sudden, violent impulse of passion to be irresistible resulting in a killing, which is Voluntary Manslaughter, there must not have been a interval between the assault or provocation and the killing sufficient for the voice of reason and humanity to be heard; for, if there should appear to have been sufficient time for a cool head to prevail and the voice of reason to be heard, the killing shall be attributed to deliberate revenge and determined by you to be murder. The law assigns no fixed period of time for such an interval but leaves its determination to the jury under the facts and circumstances of the case.

Voluntary Manslaughter

- Sudden quarrel or heat of passion
- Serious and highly provoking injury
- Sufficient to excite an irresistible passion in a reasonable person
- Typical Example: Bar Fight
- There cannot be a cooling off period for the voice of reason and humanity to be heard
 - Otherwise, this is revenge and murder

The Evidence

- Tamara and Elise describe the Defendant looking for Danielle since Friday evening
- Defendant was already agitated and very upset
- "I'm f_____n tired of her games and her shit"
 - He already knew something was going on...

Tamara Heron

- When Keith came by Friday evening, 2/1/13:

A I don't know where she is, Keith. I haven't seen Danielle.

Q And his response to that?

A I know you guys are covering up for her.

Q Okay.

A I know she's with that nigga.

Q And was that referring to --

A Donnie Cobb.

Voluntary Manslaughter

- Keith was looking for Danielle
- He was tired of her games
- He knew she was with another man for quite some time before the killings
- He then assaults Danielle and Donnie at 6:50 a.m. on 2/3/13 (2 days after the conversation with Tamara & Elise)
- They are killed shortly before 9 a.m.
- Very long interval, time for a cool head to prevail

Manslaughter

- This animosity is not triggered by sudden violent injury because there is none
- None that would excite the irresistible passions in a reasonable person
- Defendant is just angry Danielle decided to see another man, and bounced back and forth
- This is not heat of passion but ...

EVIDENCE OF MOTIVE

INSTRUCTIONS ON MURDER

- All murder which is not
FIRST DEGREE MURDER is
Second Degree Murder

INSTRUCTIONS ON MURDER

- Murder is the unlawful killing of a human being, with malice aforethought, either express or implied.
- Instruction Number 14 – Anger, Revenge
 - Killing Must Be Unlawful
 - Not Justified
 - Not Excusable
 - Killing Must Be With Malice Aforethought
 - Express
 - Implied

INSTRUCTIONS ON MURDER

- Express Malice
 - That deliberate intention unlawfully to take away the life of a fellow creature, which is manifested by external circumstances capable of proof
- Implied Malice
 - Malice may be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart

INSTRUCTIONS ON MURDER

■ FIRST DEGREE MURDER

- Willful
- Deliberate
- Premeditated

INSTRUCTIONS ON MURDER

■ WILLFUL

- Intent To Kill—may be ascertained or deduced from the facts and circumstances of the killing
- There need be no appreciable space of time between formation of the intent to kill and the act of killing

INSTRUCTIONS ON MURDER

■ DELIBERATION

- The process of determining upon a course of action to kill
- May be arrived at in a short period of time
- Must not be formed in passion, or if formed in passion, it must be carried out after there has been time for the passion to subside and deliberation to occur

- Tamara: Friday, Feb 1, "I'm sick of her shit"

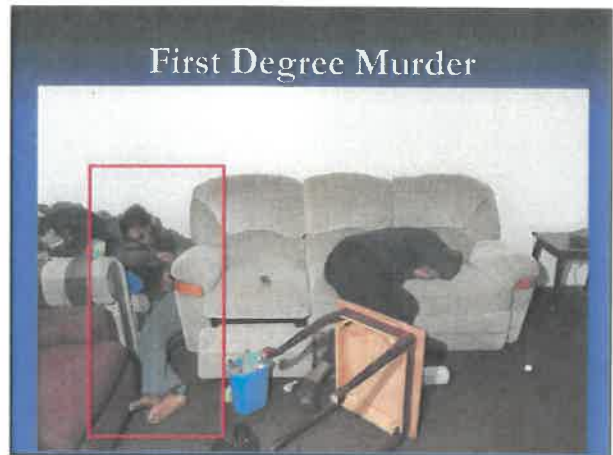
INSTRUCTIONS ON MURDER

■ PREMEDITATION

- The determination to kill formed in the mind by the time of the killing
 - Need not be for a day, an hour, or even a minute. It may be as instantaneous as successive thoughts of the mind
- Danielle to Elise after the assault: "He said he was going to kill me"

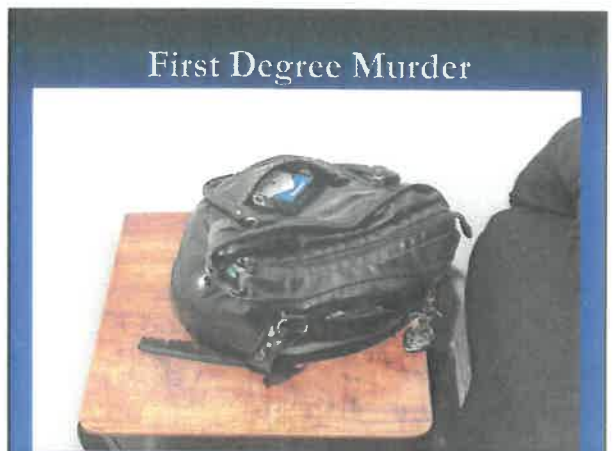
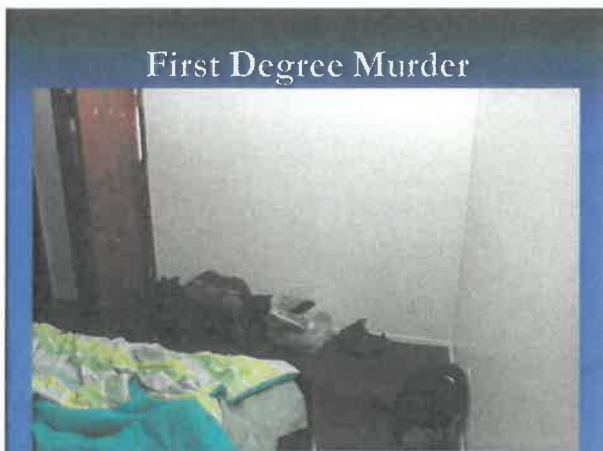
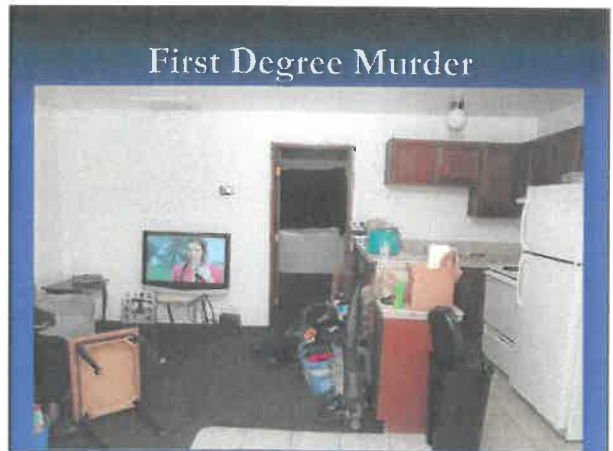
First Degree Murder



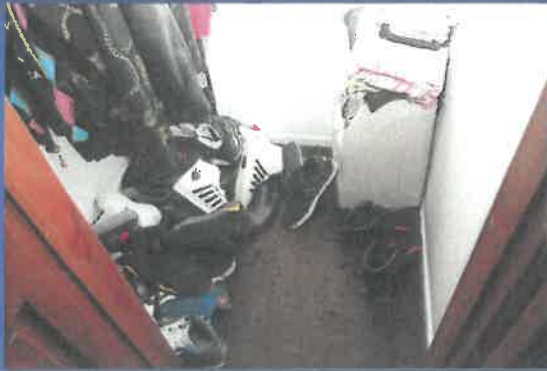


First Degree Murder

- Look at the rest of the apartment, everything is undisturbed
- Shandra Lynch: there was no ransacking as you would see in a home robbery



First Degree Murder



First Degree Murder

- Premeditated, deliberate, and willful killing
 - Kick the door in
 - Surprise both occupants
 - Shoot to kill
 - Then calmly walk away
- All in the time it took Latanya Dabbs to take her trash to the dumpster

Felony Murder

INSTRUCTION NO. __20__

There are certain kinds of murder which carry with them conclusive evidence of malice aforethought. One of these classes of murder is murder committed in the perpetration or attempted perpetration of burglary and/or invasion of the home. Therefore, a killing which is committed in the perpetration or attempted perpetration of burglary and/or invasion of the home is deemed to be murder of the first degree, whether the killing was intentional, unintentional, or accidental or the product of heat of passion and legal provocation. This is called the Felony-Murder Rule.

The state must prove beyond a reasonable doubt the intent to perpetrate or attempt to perpetrate burglary and/or invasion of the home.

Felony Murder

- Heat of passion and legal provocation CANNOT reduce Felony Murder to Manslaughter
- If you find that the killing occurred during a Burglary or Home Invasion, it is First Degree Murder whether or not you also find heat of passion

Felony Murder



Theory of Liability

INSTRUCTION NO. 21

Although your verdict must be unanimous as to the charge, you do not have to agree on the theory of liability. Therefore, even if you cannot agree on whether the facts establish the defendant is guilty of Premeditated and Deliberate Murder or Felony-Murder, so long as all of you agree that the evidence establishes the defendant's guilt of murder in the first degree, your verdict shall be Murder of the First Degree.

COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON (Victim Danielle Woods)

(Please check the appropriate box, select only one)

☐ Guilty of First Degree Murder with Use of a Deadly Weapon

SPECIAL VERDICT

(Please check the appropriate box or boxes)

☐ The jury unanimously finds the murder willful, deliberate, and premeditated.

☐ The jury unanimously finds the murder was committed during the perpetration of a Home Invasion and/or burglary.

☐ The jury does not unanimously find the defendant guilty under a single theory of murder of the first degree.

☐ Guilty of First Degree Murder

SPECIAL VERDICT

(Please check the appropriate box or boxes)

☐ The jury unanimously finds the murder willful, deliberate, and premeditated.

☐ The jury unanimously finds the murder was committed during the perpetration of a Home Invasion and/or burglary.

☐ The jury does not unanimously find the defendant guilty under a single theory of murder of the first degree.

☐ Guilty of Second Degree Murder with Use of a Deadly Weapon

☐ Guilty of Second Degree Murder

☐ Guilty of Voluntary Manslaughter with Use of a Deadly Weapon

☐ Guilty of Voluntary Manslaughter

☐ Not Guilty

The Crimes

- Assault with a Deadly Weapon
- Invasion of the Home While in Possession of a Deadly Weapon
- Burglary While in Possession of a Firearm
- First Degree Murder with a Deadly Weapon
 - Donnie Cobb
 - Danielle Woods

The Defendant Committed the Crimes

- Every piece of evidence and all the circumstances point to one individual

KEITH BARLOW



Tamara Heron

- Keith Barlow came to my house Friday 2/1/13
- He was very agitated
- I wanted him gone from my house so no harm came to me
- He was looking for Danielle
- He got more agitated when he thought I was covering for her
- "I am f___n sick of her shit"

Elise Richard

- She heard that conversation with Tamara

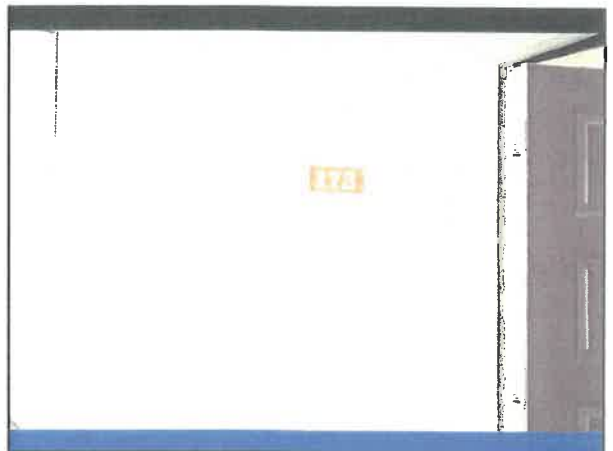
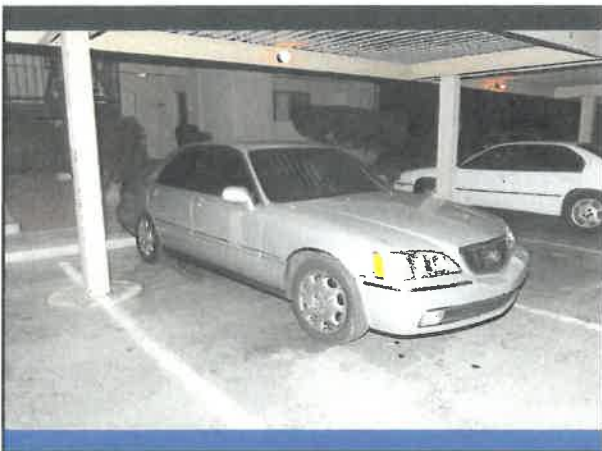
Q Okay. Did she tell you how the defendant left it after he pulls a taser on her and a gun on Donnie? Did he say what he was going to do?

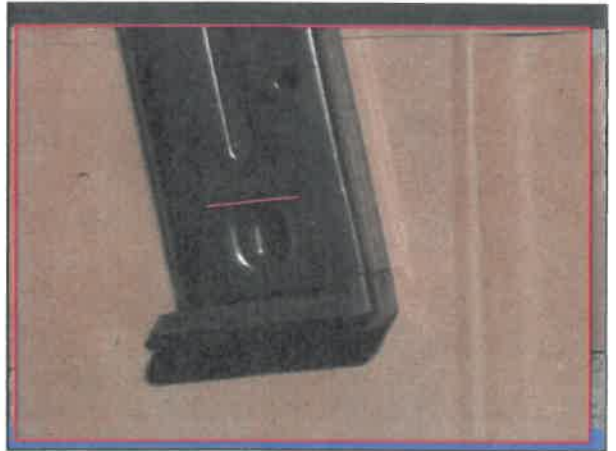
A That he was going to kill her.

- "He is going to kill me"

First Responding Officers

- Elise and Donnie were terrified
- Elise was shaking and had to take deep breaths
- Donnie would not even come outside because the Defendant was still out there
- After racking the firearm, and while pointing the firearm at Donnie, the Defendant said, "I'll be back"
- True to his word . . .







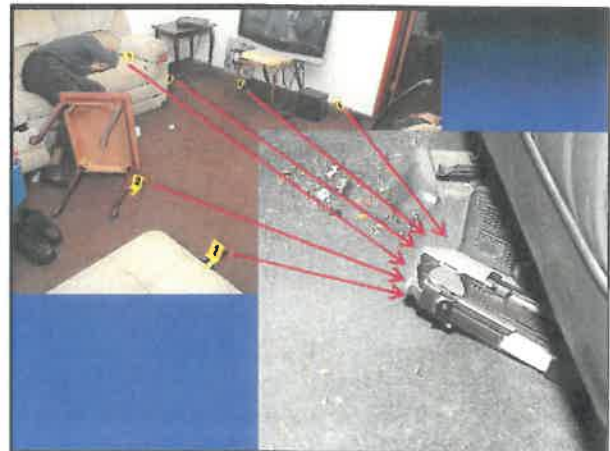


Malcolm Winston

- Registered owner of the firearm
- He knew Keith Barlow
- He had Keith Barlow go with him to purchase the firearm
- His firearm went missing November 2012

Firearms Examination

- Anya Lester tested the firearm and compared the 2 test fired cartridge casings
- The 2 test fired cartridge casings matched each other, fired by the same gun
 - That was her Standard
 - The scene cartridges had to meet or exceed
- Each of the 8 casings found at the scene matched the test fired cartridge casings
- There were no discrepancies in the lines



Danielle Woods

- Not too often that murder victim is heard in a murder trial
- Not only does she speak,

She predicts her own murder
And identifies her killer

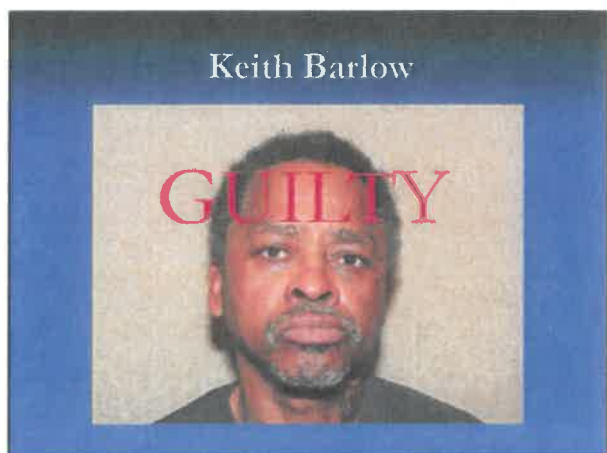
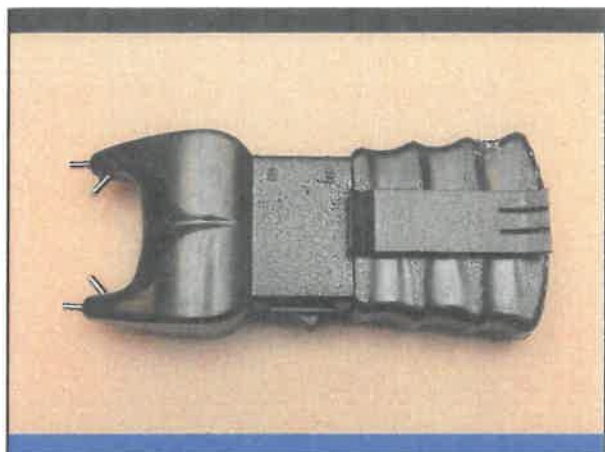
Danielle Woods

- My ex-boyfriend grabbed me and tried to take me to his car.
- He put a taser to my neck



Danielle Woods





Court
Exhibit
#18
290219
7-6-18

State of Nevada

vs.

KEITH BARLOW



Aggravating Evidence

1. Convicted of a felony involving the use or threat of violence to the person of another - C78291
2. Convicted of a felony involving the use or threat of violence to the person of another - C147296
3. Convicted of a felony involving the use or threat of violence to the person of another – AWDW, ct 5
4. Great risk of death to more than one person
5. Killing during a Burglary or Home Invasion
6. More than one Murder in immediate proceedings

MARCH 3, 1986

The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a felony involving the use or threat of violence to the person of another.

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THE STATE OF NEVADA.
County of CLARK COUNTY, NEVADA
FILED
3 06 PM '86
31

Defendant: KEITH BARLOW, 104493565
CASE NO. CT8291
DEPT. NO. NII

JUDGMENT OF CONVICTION (PLEA)

WHEREAS, on the 6th day of May, 1987, the Defendant KEITH BARLOW appeared before the Court seated with Judge [Name] and entered a plea of guilty to the crime of BATTERY WITH USE OF A DEADLY WEAPON

on the 3rd day of March, 1987, in violation of NRS 20B.481, committed

WHEREAS, thereafter, on the 12th day of June, 1987, the defendant having present to Court with him counsel, CAMILLE CHAMBERLAIN, Deputy Public Defender MICHAEL WILKINSON, Deputy District Attorney, appearing present, the same criminal Court the aforesaid Defendant guilty thereof by reason of his plea of guilty and sentenced Defendant to six (6) years in Nevada State Prison with credit for time served of one hundred (100) days.

DA - Barlow EDD0084 (R)

Craig Hooker

small. So he walks up to -- walks up on me. He don't say nothing. He got this cold look in his face and he puts the gun to my head.

I grab the refrigerator, spin the refrigerator around, and went like this. And he shot me in my shoulder,

OCTOBER 5, 1997

The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a felony involving the use or threat of violence to the person of another.

ORIGINAL

FILED

APR 22 2 02 PM '98

JUDGE
STEWART L. HEIL,
DISTRICT ATTORNEY
Nevada Bar #000477
200 S. Third Street
Las Vegas, Nevada 89155
(702) 455-4711
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

CLERK

THE STATE OF NEVADA,

Plaintiff,

-vs-

KEITH BARLOW,
#0493565

Defendant

Case No. C147296
Dept. No. XII
Docket II

JUDGMENT OF CONVICTION (M.S.)

WHEREAS, on the 27th day of February, 1998, the Defendant KEITH BARLOW, appeared before the Court herein with his counsel and entered a plea of guilty, pursuant to Isaiah Carroll v. Alford, 400 U.S. 25 (1970), to the crime(s) of ATTEMPT MURDER (Category II Felony), committed on the 5th day of October, 1997, in violation of NRS 193.330, 200.010, 200.030; and

WHEREAS, thereafter on the 3rd day of April, 1998, the Defendant being present in court with his counsel STACEY ROUNDTREE, Deputy Public Defender, and DARIN R. SAVAGE, Deputy District Attorney, also being present, the above entitled Court did adjudge the Defendant guilty thereof by reason of his Alford, plea of guilty and, in addition to the \$25,000 Administrative Assessment Fee, sentenced Defendant to a minimum of eighty-eight (88) months to a maximum of 220 months in the Nevada State Prison, with 146 days credit for time served.

CE-03

APR 24 1998

Victim: Danielle Woods

A That event number is 971005-0615. Barlow and Woods had been separated for three months. As Woods and a co-worker parked her car in the parking lot of work, Barlow showed up in a U-Haul truck and blocked Woods' car. He got out of the truck with a rifle with a homemade silencer and began shooting at the two in the car. A bullet went through the windshield,

and after -- and then the rifle jammed. The co-worker got out and ran. Barlow went back to the truck and drove away.

He was charged with attempted murder and pled guilty to -- he was charged with two counts of attempted murder and pled guilty to one.

The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of a felony involving the use or threat of violence to the person of another.

COUNT 5 - ASSAULT WITH A DEADLY WEAPON

(Please check the appropriate box, select only one)

- ☒ Guilty of Assault with a Deadly Weapon
- ☐ Guilty of Assault
- ☐ Not Guilty



The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.





The murder was committed while the person was engaged in the commission of burglary or invasion of the home, and the person charged killed or attempted to kill the person murdered.



The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree.



Aggravating and Mitigating Evidence

INSTRUCTION NO. 6

The jury must find the existence of each aggravating circumstance, if any, unanimously and beyond a reasonable doubt.

The jurors need not find mitigating circumstances unanimously. In determining the appropriate sentence, each juror must consider and weigh any mitigating circumstance or circumstances which that juror finds.

The jury may impose a sentence of death only if:

(1) The jurors find unanimously and beyond a reasonable doubt that at least one aggravating circumstance exists;

(2) Each and every juror determines that the mitigating circumstance or circumstances, if any, which he or she has found do not outweigh the aggravating circumstance or circumstances; and

(3) The jurors unanimously determine that in their discretion a sentence of death is appropriate.

In deciding on an appropriate sentence for the defendant, you will consider three types of evidence: evidence relevant to the existence of aggravating circumstances, evidence relevant to the existence of mitigating circumstances, and other evidence presented against the defendant. You must consider each type of evidence for its appropriate purposes.

In determining unanimously whether any aggravating circumstance has been proven beyond a reasonable doubt, you are to consider only evidence relevant to that aggravating circumstance. You are not to consider other evidence against the defendant.

In determining individually whether any mitigating circumstance exists, you are to consider only evidence relevant to that mitigating circumstance. You are not to consider other evidence presented against the defendant.

In determining individually whether any mitigating circumstances outweigh any aggravating circumstances, you are to consider only evidence relevant to any mitigating and aggravating circumstances. You are not to consider other evidence presented against the defendant.

If you find unanimously and beyond a reasonable doubt that at least one aggravating circumstance exists and each of you determines that any mitigating circumstances do not outweigh the aggravating, the defendant is eligible for a death sentence. At this point, you are to consider all three types of evidence, and you still have the discretion to impose a sentence less than death. You must decide on a sentence unanimously.

If you do not decide unanimously that at least one aggravating circumstance has been proven beyond a reasonable doubt or if at least one of you determines that the mitigating circumstances outweigh the aggravating, the defendant is not eligible for a death sentence. Upon determining that the defendant is not eligible for death, you are to consider all three types of evidence in determining a sentence other than death, and you must decide on such a sentence unanimously.

Other Evidence

- LVMPD 86-94930, 11/27/86
 - Craig Hooker and Pamela Young assaulted by Keith Barlow with a bayonet
- 7/15/89
 - Barlow hit Phyllis Green with an open hand, causing bruising on cheek and bloody nose
- LVMPD 910716-1447
 - Barlow beat his girlfriend Phyllis Green, pulled her to the ground by the hair, punched her with a closed fist, and choked her.

Other Evidence

- LVMPD 931227-1483
 - Barlow hit Phyllis Barlow with both hands on the face and head
- LVMPD 970424-0073
 - Barlow punched his girlfriend Danielle Woods in the lower lip and the left jaw with his fist
- LVMPD 970526-0766
 - Barlow was harassing Woods at work. A co-worker asked Barlow to leave. As they tried to shut the door Barlow forced his way in and struck the co-worker in the face with an open hand.

Other Evidence

■ LVMPD 970720-1159

- Barlow was upset Woods went to visit her mother. He tied Woods up with duct tape and beat her. He later choked her and grabbed her as he tore off her panties

■ LVMPD 970804-2066

- Barlow bit Woods on the cheek and then slapped her face with an open hand, then spit on her

Other Evidence

- NLVPD 97-008069 (May 24, 1997)
 - In an attempt to locate Woods, Barlow contacted her sister, Marianne Herron. Herron told Barlow she did not know where Woods was. Barlow got upset and tried to hit Herron multiple times with a large pipe wrench. He also threw the wrench at Herron, causing a minor injury to her calf. He retrieved the wrench and smashed the windows out on her car

Other Evidence

■ LVMPD 061122-3583

- Barlow came home intoxicated and beat his roommate with a belt

■ LVMPD 080504-1893

- Barlow hit his daughter Thelma Barlow with a belt and choked her with his hands. The charge was battery domestic violence and he was found guilty

Other Evidence

■ NLVPD 08-020133

- Barlow picked up Danielle Woods from work. On the way home, he stopped at a desert area and demanded sex. Woods said no because she was on her period. Barlow punched her in the face and tried to pull her pants off. Woods was able to get away and ran to someone for help. The charge was battery domestic violence and attempt sexual assault

Other Evidence

■ LVMPD 090629-1090

- Barlow threatened to kill Cynthia Andrews, the legal guardian of his children, when she told him that she would call the police if he took his daughter out of state

■ LVMPD 100703-4248

- Barlow got into an argument with his neighbor, John Neal, over cigarettes. Barlow pulled a black semiautomatic handgun from his waist, pointed it at Neal and threatened to shoot him

- Barlow pled guilty to Assault

Other Evidence

■ LVMPD 110305-3458

- Barlow got into a fight with Shakeitha's boyfriend -- Shakeitha is his daughter -- one of his daughters -- and then later texted them with an anonymous number stating, I know where you both are and will kill you both

■ LVMPD 121111-1412

- Barlow was upset that Woods had a new boyfriend and put all of her things out. During the argument, he punched Woods three times in the face, then broke her cell phone when she threatened to call the police

THE STATE OF NEVADA,
Plaintiff,

-vs-

KEITH BARLOW,
Defendant.

Case No. C-13-290219-1
Dept. No. III

SPECIAL VERDICT

We, the Jury in the above entitled case, having found the Defendant, KEITH BARLOW, guilty of COUNT 3 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (DANIELLE WOODS), and, guilty of COUNT 4 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (DONNIE COBB) designate that the aggravating circumstance or circumstances which have been checked below have been established beyond a reasonable doubt:

☒ The murder was committed by a person who is or has been convicted of a felony involving the use or threat of violence to the person of another: 1987 Battery With A Deadly Weapon Conviction C78291.

☒ The murder was committed by a person who is or has been convicted of a felony involving the use or threat of violence to the person of another: 1998 Attempt Murder Conviction C147296.

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☒ The murder was committed by a person who is or has been convicted of a felony involving the use or threat of violence to the person of another: Assault With A Deadly Weapon in the instant case (Donnie Cobb).

☒ The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

☒ The murder was committed while the person was engaged in the commission of, or an attempt to commit or flight after committing or attempting to commit, any burglary and/or home invasion and the person charged killed or attempted to kill the person murdered.

☒ The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree: (Danielle Woods and Donnie Cobb).

DATED at Las Vegas, Nevada, this ____ day of July, 2018.

FOREPERSON

VERDICT

We, the Jury in the above entitled case, having found the Defendant, KEITH BARLOW Guilty of COUNT 3 – MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (DANIELLE WOODS), and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of:

- ☐ A definite term of 50 years imprisonment, with eligibility for parole beginning when a minimum of 20 years has served,
- ☐ Life in Nevada State Prison With the Possibility of Parole
- ☐ Life in Nevada State Prison Without the Possibility of Parole
- ☐ Death.

DATED at Las Vegas, Nevada, this ____ day of July, 2014

FOREPERSON

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VERDICT

We, the Jury in the above entitled case, having found the Defendant, KEITH BARLOW Guilty of COUNT 4 – MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (DONNIE COBB), and having found that the aggravating circumstance or circumstances outweigh any mitigating circumstance or circumstances impose a sentence of:

- ☐ A definite term of 50 years imprisonment, with eligibility for parole beginning when a minimum of 20 years has served,
- ☐ Life in Nevada State Prison With the Possibility of Parole
- ☐ Life in Nevada State Prison Without the Possibility of Parole
- ☐ Death.

DATED at Las Vegas, Nevada, this ____ day of July, 20__

FOREPERSON

VER





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(STATE)

