

1 **NOASC**
2 **RENE L. VALLADARES**
3 **Federal Public Defender**
4 **Nevada Bar No. 11479**
5 **JOANNE L. DIAMOND**
6 **Assistant Federal Public Defender**
7 **Nevada Bar No. 14139C**
8 **Joanne_Diamond@fd.org**
9 **JOSE A. GERMAN**
10 **Assistant Federal Public Defender**
11 **Nevada Bar No. 14676C**
12 **Jose_German@fd.org**
13 **411 E. Bonneville, Ste. 250**
14 **Las Vegas, Nevada 89101**
15 **(702) 388-6577**
16 **(702) 388-5819 (Fax)**

17 **Attorneys for Petitioner**

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 **MARLO THOMAS,**
21 **Petitioner,**

22 **v.**

23 **WILLIAM GITTERE, et al.,¹**
Respondents.

Case No. 96C136862-1
Dept. No. XXIII

NOTICE OF APPEAL

Death Penalty Habeas Corpus Case

¹ Warden Gittere is being automatically substituted for former warden Timothy Filson pursuant to Nev. R. Civ. Pro. 25(d)(1).

1 Notice is hereby given that Marlo Thomas appeals to the Nevada Supreme
2 Court from the Decision and Order denying his Petition for Writ of Habeas Corpus
3 (Post-Conviction), and associated motions for leave to conduct Discovery and an
4 evidentiary hearing. The Notice of Entry of Order was mailed to Thomas on October
5 1, 2018.

6 DATED this 30th day of October, 2018.

7 Respectfully submitted,
8 RENE L. VALLADARES
Federal Public Defender

9 /s/ Joanne L. Diamond
10 JOANNE L. DIAMOND
Assistant Federal Public Defender

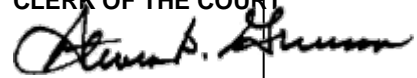
11 /s Jose A. German
12 JOSE A. GERMAN
Assistant Federal Public Defender

13 Attorneys for Marlo Thomas
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Attorneys for Petitioner

DISTRICT COURT
CLARK COUNTY, NEVADA

MARLO THOMAS,
Petitioner,
v.

WILLIAM GITTERE, et al.,
Respondents.

Case No. 96C136862-1
Dept. No. XXIII

CASE APPEAL STATEMENT

Death Penalty Habeas Corpus Case

1. Name of petitioner filing this case appeal statement:

Marlo Demetrius Thomas

2. Identify the judge issuing the order appealed from:

Hon. Stefany Miley

///

///

///

1 **3. Identify each appellant and the name and address of counsel for each**
2 **appellant:**

3 Rene L. Valladares
4 Federal Public Defender
5 Joanne L. Diamond
6 Jose A. German
7 Assistant Federal Public Defenders
8 411 E. Bonneville Ave., Suite 250
9 Las Vegas, Nevada 89101
10 Telephone: (702) 388-6577
11 Facsimile: (702) 388-5819

12 Counsel for Appellant Marlo Thomas

13 **4. Identify each respondent and the name and address of appellate counsel,**
14 **if known, for each respondent (if the name of a respondent's appellate**
15 **counsel is unknown, indicate as much and provide the name and address**
16 **of that respondent's trial counsel):**

17 Respondent William Gittere
18 Warden, Ely State Prison
19 Respondent Adam Paul Laxalt
20 Nevada Attorney General

21 Steven Wolfson
22 Clark County District Attorney
23 Steven S. Owens
24 Chief Deputy District Attorney
25 200 Lewis Avenue
26 Las Vegas, Nevada 89155
27 (702) 671-2500

28 Counsel for Respondents

29 **5. Indicate whether any attorney identified above in response to question 3**
30 **or 4 is not licensed to practice law in Nevada and, if so, whether the**
31 **district court granted that attorney permission to appear under SCR 42**
32 **(attach a copy of any district court order granting such permission):**

33 All attorneys are licensed in Nevada.

1 **6. Indicate whether appellant was represented by appointed or retained**
2 **counsel in the district court:**

3 The United States District Court for the District of Nevada appointed counsel
4 for Thomas on May 16, 2017. *See Thomas v. Filson*, 2:17-cv-00475-RFB-VCF,
5 Docket No. 6. Pursuant to our appointment in federal court, undersigned counsel
6 remained Thomas's appointed counsel for these state proceedings.

7 **7. Indicate whether appellant is represented by appointed or retained**
8 **counsel on appeal:**

9 Thomas is represented by appointed counsel, the Federal Public Defender for
10 the District of Nevada.

11 **8. Indicate whether appellant was granted leave to proceed in forma**
12 **pauperis, and the date of entry of the district court order granting such**
13 **leave:**

14 The United States District Court granted Thomas leave to proceed in forma
15 pauperis on May 16, 2017.

16 **9. Indicate the date the proceedings commenced in the district court (e.g.,**
17 **date complaint, indictment, information, or petition was filed):**

18 The Petition for Writ of Habeas Corpus (Post-Conviction) was filed on
19 October 20, 2017.

20 **10. Provide a brief description of the nature of the action and result in the**
21 **district court, including the type of judgment or order being appealed and**
22 **the relief granted by the district court:**

23 On October 20, 2017, Thomas filed a Petition for Writ of Habeas Corpus
(Post-Conviction), in which he raised twenty-eight claims for relief, alleging his
1997 convictions for first degree murder and 2005 death sentences resulted from
multiple violations of his state and federal constitutional rights, and his convictions

1 and death sentences should be set aside. On March 26, 2018, the State filed a
2 Response and Motion to Dismiss Thomas's Petition.

3 After oral argument, the District Court entered a Decision and Order denying
4 Thomas's petition and associated motions for leave to conduct discovery and an
5 evidentiary hearing. The District Court's Notice of Entry of Order was mailed to
6 Thomas on October 1, 2018.

7 **11. Indicate whether the case has previously been the subject of an appeal to**
8 **or original writ proceeding in the Supreme Court and, if so, the caption**
and Supreme Court docket number of the prior proceeding:

9 *Thomas v. State*, No. 31019 (direct appeal)
10 *Thomas v. State*, No. 40248 (post-conviction)
11 *Thomas v. State*, No. 46509 (direct appeal)
12 *Thomas v. State*, No. 65916 (post-conviction)

13 **12. Indicate whether this appeal involves child custody or visitation:**

14 This case does not involve child custody or visitation.

15 ///

16 ///

17 ///

1 **13.If this is a civil case, indicate whether this appeal involves the possibility**
2 **of settlement:**

3 This case is not a civil case.

4 DATED this 30th day of October, 2018.

5 Respectfully submitted,
6 RENE L. VALLADARES
7 Federal Public Defender

8 /s Joanne L. Diamond
9 JOANNE L. DIAMOND
10 Assistant Federal Public Defender

11 /s Jose A. German
12 JOSE A. GERMAN
13 Assistant Federal Public Defender

14 Attorneys for Marlo Thomas

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Steven S. Owens
Chief Deputy District Attorney
motions@clarkcountydade.com
Eileen.davis@clarkcountydade.com

/s/ Jeremy Kip
An Employee of the
Federal Public Defender
District of Nevada

CASE SUMMARY**CASE NO. 96C136862-1****The State of Nevada vs Marlo Thomas**

§ Location: **Department 23**
 § Judicial Officer: **Miley, Stefany**
 § Filed on: **07/02/1996**
 § Case Number History:
 § Cross-Reference Case **C136862**
 § Number:
 § Defendant's Scope ID #: **1060797**
 § Lower Court Case # Root: **96F07190**
 § Lower Court Case Number: **96F07190A**
 § Supreme Court No.: **65916**

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY	F	01/01/1900	Case Status:	05/22/2012 Inactive
2. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON	F	01/01/1900		
3. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON	F	01/01/1900		
4. ROBBERY WITH USE OF A DEADLY WEAPON	F	01/01/1900		
5. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	01/01/1900		
6. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	F	01/01/1900		

Related Cases

96C136862-2 (Multi-Defendant Case)

Statistical Closures

08/29/2005 USJR Reporting Statistical Closure
 10/26/1999 USJR Reporting Statistical Closure


DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number 96C136862-1
 Court Department 23
 Date Assigned 12/28/2008
 Judicial Officer Miley, Stefany

PARTY INFORMATION

		Lead Attorneys
Defendant	Thomas, Marlo	Diamond, Joanne L. <i>Retained</i>
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)












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

07/02/1996  Criminal Bindover
CRIMINAL BINDOVER Fee \$0.00

07/02/1996 Hearing
INITIAL ARRAIGNMENT

CASE SUMMARY












CASE NO. 96C136862-1

07/02/1996	Hearing <i>STATE'S REQUEST RESET ARRAIGNMENT DATE AS TO DEFT HALL</i>
07/02/1996	 Information <i>INFORMATION</i>
07/02/1996	 Information <i>INFORMATION</i>
07/02/1996	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>
07/02/1996	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>
07/02/1996	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>
07/03/1996	Conversion Case Event Type <i>SENTENCING/SET TRIAL</i>
07/03/1996	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
07/08/1996	Hearing <i>ARRAIGNMENT CONTINUED</i>
08/02/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 27, 1996 OF PRELIMINARY HEARING</i>
08/06/1996	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>
08/27/1996	 Request <i>MEDIA REQUEST</i>
08/27/1996	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>
09/04/1996	 Motion <i>DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL</i>
09/10/1996	 Brief <i>SENTENCING BRIEF AND OPPOSITION TO PRE-SENTENCE REPORT - RELATED PARTYID: 96C136862_0002</i>
09/11/1996	 Answer <i>ANSWER IN OPPOSITION TO MOTION TO DISMISS COUNSEL AND OR APPOINTMENT OF CO-COUNSEL CO-COUNSEL</i>
09/20/1996	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>
11/04/1996	Motion

CASE SUMMARY














CASE No. 96C136862-1

STATE'S MOTION TO ENDORSE NAMES ON INFORMATION

11/04/1996	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>
11/13/1996	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>
11/19/1996	 Order <i>ORDER FOR MULTIPLE CONTACT VISITS FOR PSYCHO-NEUROLOGICAL EVALUATION - RELATED PARTYID: 96C136862_0001</i>
11/20/1996	 Application <i>EX PARTE APPLICATION FOR APPOINTMENT OF EXPERT AND PAYMENT FOR SERVICES - RELATED PARTYID: 96C136862_0001</i>
11/20/1996	 Order <i>ORDER FOR APPOINTMENT OF EXPERT AND PAYMENT FOR SERVICES - RELATED PARTYID: 96C136862_0001</i>
12/16/1996	Motion <i>STATE'S REQUEST TO RESET TRIAL DATE</i>
12/24/1996	Motion <i>STATE'S REQUEST RESET SENTENCING DATE</i>
01/17/1997	Hearing <i>DEFT'S REQUEST RESET TRIAL DATE</i>
01/24/1997	 Conversion Case Event Type <i>ORDER TO TRANSPORT PRISONER - RELATED PARTYID: 96C136862_0001</i>
01/29/1997	Hearing <i>STATUS CHECK: RE-SET TRIAL DATE</i>
01/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANTS MOTION TO RESET TRIAL DATE</i>
01/30/1997	 Conversion Case Event Type <i>ORDER TO TRANSPORT PRISONER - RELATED PARTYID: 96C136862_0001</i>
02/10/1997	 Order <i>ORDER TO RETAIN INMATE IN CLARK COUNTY DETENTION CENTER - RELATED PARTYID: 96C136862_0001</i>
02/10/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 7, 1997 OF STATUS CHECK: RE-SET TRIAL DATE</i>
04/30/1997	Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i>
04/30/1997	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>

CASE SUMMARY

CASE No. 96C136862-1

04/30/1997	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>
05/05/1997	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>
05/06/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i>
05/19/1997	 Conversion Case Event Type <i>ORDER TO TRANSPORT PRISONER - RELATED PARTYID: 96C136862_0001</i>
05/23/1997	 Motion <i>DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE</i>
05/27/1997	 Answer <i>ANSWER IN OPPOSITION TO MOTION TO ALLOW JURY QUESTIONNAIRE</i>
05/28/1997	 Order <i>ORDER RELEASING EVIDENCE</i>
05/28/1997	 Request <i>EX PARTE MOTION FOR RELEASE OF EVIDENCE</i>
05/30/1997	Motion <i>JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL</i>
05/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MAY 28, 1997 DEFENDANT'S MOTION TO ALLOW JURY QUESTI ONNAIRE ONNAIRE</i>
05/30/1997	 Request <i>MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT KENYA KEITA HALL FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME- RELATED PARTYID: 96C136862_0002</i>
06/03/1997	Motion <i>ALL PENDING MOTIONS</i>
06/09/1997	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>
06/09/1997	 Request <i>MEDIA REQUEST</i>
06/11/1997	Motion <i>DEFT HALL'S MOTION TO PREVENT BEING CALLED TO APPEAR/TESTIFY</i>
06/11/1997	 Request <i>MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEARAND TESTIFY AND ALLOW COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENTS BEHALF AND ORDER SHORTENING TIME AND TESTIFY AND ALLOW</i>

CASE SUMMARY

CASE No. 96C136862-1

COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENTS BEHALF AND ORDER SHORTENING TIME- RELATED PARTYID: 96C136862_0002

06/12/1997



Request

MOTION TO USE REPORTED TESTIMONY

06/12/1997



Information

MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION

06/12/1997

Motion

STATE'S MOTION TO USE REPORTED TESTIMONY MOTION

06/13/1997

Motion

STATE'S MOTION TO ENDORSE

06/13/1997

Motion

ALL PENDING MOTIONS

06/13/1997



Order

ORDER FOR TRANSCRIPTS

06/16/1997

Hearing

AT THE REQUEST OF THE COURT

06/16/1997



Jury List

CRIMINAL JURY LIST 004390D ST PD D1FC DIST PD D 004390 DIST PD D 004390

06/16/1997



Order

ORDER TO ENDORSE NAMES ON INFORMATION

06/16/1997

Expert Witness List

JURY LIST

06/17/1997



Motion

DEFT'S MOTION FOR PROTECTIVE ORDER

06/17/1997

Motion

ALL PENDING MOTIONS

06/17/1997



Reporters Transcript

REPORTER'S TRANSCRIPT OF JUNE 16, 1997 JURY TRIAL DAY 1 VOLUME II

06/18/1997



Reporters Transcript

REPORTER'S TRANSCRIPT OF JUNE 17, 1997 JURY TRIAL DAY 2 VOLUME III

06/18/1997



Instructions to the Jury

INSTRUCTIONS TO THE JURY

06/18/1997



Verdict

VERDICT COUNT IV

















06/18/1997



Verdict

VERDICT COUNT II














CASE SUMMARY**CASE NO. 96C136862-1**

06/18/1997	 Verdict <i>VERDICT COUNT III</i>
06/18/1997	 Verdict <i>VERDICT COUNT I</i>
06/18/1997	 Verdict <i>VERDICT COUNT V</i>
06/18/1997	 Verdict <i>VERDICT COUNT VI</i>
06/20/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 16, 1997 JURY TRIAL DAY I VOLUME I</i>
06/20/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 18, 1997 JURY TRIAL DAY III VOLUME IV</i>
06/23/1997	Hearing <i>PENALTY HEARING</i>
06/24/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 23, 1997 JURY TRIAL PENALTY PHASE DAY I</i>
06/25/1997	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>
06/25/1997	 Verdict <i>VERDICT</i>
06/25/1997	 Verdict <i>VERDICT</i>
06/25/1997	 Verdict <i>SPECIAL VERDICT COUNT III</i>
06/25/1997	 Verdict <i>SPECIAL VERDICT</i>
06/25/1997	 Verdict <i>SPECIAL VERDICT COUNT II</i>
06/25/1997	 Verdict <i>SPECIAL VERDICT COUNT II</i>
06/26/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 13, 1997 OF CALENDAR CALL</i>
06/27/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 25, 1997 JURY TRIAL-PENALTY PHASE-DAY 2</i>
07/01/1997	Conversion Case Event Type

CASE SUMMARY
















CASE No. 96C136862-1

SENTENCING

07/07/1997	Notice <i>NOTICE TRANSCRIPTS ON SHELVES</i>
07/22/1997	 Ex Parte Order <i>EX PARTE APPLICATION AND ORDER FOR PAYMENT OF EXCESS EXPERT FEES - RELATED PARTYID: 96C136862_0001</i>
08/06/1997	Conversion Case Event Type <i>ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA</i>
08/12/1997	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0002</i>
08/13/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0002</i>
08/21/1997	Motion <i>ALL PENDING MOTIONS 8/21/97</i>
08/25/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: SENTENCING</i>
08/26/1997	Hearing <i>AT THE REQUEST OF THE COURT CLARIFICATION OF SENTENCE</i>
08/27/1997	 Judgment <i>JUDGMENT OF CONVICTION</i>
08/27/1997	 Order <i>ORDER</i>
08/27/1997	 Warrant <i>WARRANT OF EXECUTION</i>
08/27/1997	 Order <i>ORDER OF EXECUTION</i>
08/28/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: CLARIFICATION OF SENTENCE</i>
09/09/1997	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 96C136862_0001</i>
09/09/1997	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0001</i>
09/10/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0001</i>
09/11/1997	 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION</i>













CASE SUMMARY

CASE NO. 96C136862-1

09/11/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
09/11/1997	 Stipulation <i>STIPULATION - RELATED PARTYID: 96C136862_0002</i>
09/11/1997	 Order <i>ORDER - RELATED PARTYID: 96C136862_0002</i>
09/15/1997	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0002</i>
09/15/1997	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 96C136862_0002</i>
09/16/1997	 Judgment <i>AMENDED JUDGMENT OF CONVICTION - PLEA</i>
09/16/1997	Judgment <i>AMENDED JUDGMENT</i>
09/16/1997	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>
09/17/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0002</i>
09/17/1997	 Order <i>ORDER FOR TRANSCRIPTS - RELATED PARTYID: 96C136862_0001</i>
09/18/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0001</i>
09/19/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
09/23/1997	 Order <i>ORDER TO STAY EXECUTION - RELATED PARTYID: 96C136862_0001</i>
09/26/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 23, 1997 MOTION FOR STAY OF EXECUTION</i>
09/30/1997	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0001</i>
09/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DECEMBER 18, 1996</i>
10/01/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>

CASE SUMMARY












CASE NO. 96C136862-1

10/09/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 02, 1996 PROCEEDINGS</i>
10/09/1997	 Judgment <i>JUDGMENT OF CONVICTION - PLEA</i>
10/09/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 10, 1996</i>
10/09/1997	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>
10/09/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>
10/09/1997	 Certificate <i>CERTIFICATE OF MAILING</i>
10/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 21, 1996</i>
10/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 18, 1996</i>
10/30/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JULY 03, 1996</i>
11/03/1997	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0002</i>
11/17/1997	Hearing <i>AT THE REQUEST OF THE COURT CONFIRMATION VL 11-18-97</i>
11/17/1997	 Order <i>ORDER FOR TRANSCRIPTS - RELATED PARTYID: 96C136862_0001</i>
11/17/1997	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
11/17/1997	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFT'S MOTION FOR DEFT HALL TO INVOKE FIFTH AMENDMENT RIGHTS RIGHTS</i>
11/18/1997	Motion <i>STATE'S REQUEST SUPREME COURT ORDER: APPOINT COUNSEL</i>
01/07/1998	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0002</i>
06/05/1998	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>
06/05/1998	 Certificate

CASE SUMMARY













CASE No. 96C136862-1

CERTIFICATE OF MAILING - RELATED PARTYID: 96C136862_0002

01/27/1999	 Withdrawal of Attorney <i>NOTICE OF WITHDRAWAL OF COUNSEL - RELATED PARTYID: 96C136862_0002</i>
01/27/1999	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0002</i>
01/28/1999	Motion <i>DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTY/TRANSFER RECORDS</i>
01/28/1999	 Request <i>MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS - RELATED PARTYID: 96C136862_0002</i>
02/10/1999	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>
02/10/1999	Judgment <i>REMITTITUR APPEAL DISMISSED</i>
03/24/1999	 Application <i>EX-PARTE APPLICATION FOR FEES IN EXCESS OF STATUTORY MAXIMUM - RELATED PARTYID: 96C136862_0002</i>
04/09/1999	 Order <i>ORDER FOR FEES IN EXCESS OF STATUTORY MAXIMUM - RELATED PARTYID: 96C136862_0002</i>
10/27/1999	 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION</i>
11/04/1999	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED</i>
11/10/1999	Motion <i>SPECIAL PD'S MOTION TO WITHDRAW AS COUNSEL/MOTION TO APPOINT COUNSEL/STAY</i>
11/10/1999	 Request <i>MOTION TO WITHDRAW AS ATTORNEY OF RECORD MOTION TO HAVE COUNSEL APPOINTED FOR POST-CONVICTION PROCEEDINGS AND MOTION FOT STAY OF EXECUTION APPOINTED FOR POST-CONVICTION PROCEEDINGS AND MOTION FOT STAY OF EXECUTION- RELATED PARTYID: 96C136862_0001</i>
11/18/1999	 Order <i>ORDER DENYING DEFENDANTS MOTION FOR STAY OF EXECUTION</i>
11/30/1999	Hearing <i>CONFIRMATION OF COUNSEL (SCHIECK)</i>
11/30/1999	 Withdrawal <i>ORDER TO WITHDRAW AS ATTORNEY OF RECORD - RELATED PARTYID: 96C136862_0001</i>




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CASE No. 96C136862-1

11/30/1999	 Conversion Case Event Type <i>ORDER FOR STAY OF EXECUTION - RELATED PARTYID: 96C136862_0001</i>
12/06/1999	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0001</i>
01/06/2000	 Petition <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>
01/10/2000	 Certificate <i>CERTIFICATE OF SERVICE BY MAIL - RELATED PARTYID: 96C136862_0001</i>
01/20/2000	Conversion Case Event Type <i>ARGUMENT AND DECISION</i>
11/02/2000	Motion <i>SET TIME CERTAIN: ARGUMENT AND DECISION</i>
01/29/2001	Conversion Case Event Type <i>ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VE 6/20</i>
01/30/2001	 Order <i>ORDER</i>
01/30/2001	 Certificate <i>CERTIFICATE ACKNOWLEDGING TRANSMITTAL OF CERTIFIED TRANSCRIPT TO THE CLERK OF THE SUPREME COURT OF THE SUPREME COURT</i>
01/30/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SET TIME CERTAIN ARGUMENT AND DECISION</i>
03/27/2001	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 96C136862_0001</i>
04/17/2001	 Motion <i>STATE'S MOTION TO PLACE ON CALENDAR</i>
05/17/2001	 Request <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS- RELATED PARTYID: 96C136862_0001</i>
05/24/2001	 Order <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES - RELATED PARTYID: 96C136862_0001</i>
06/20/2001	Conversion Case Event Type <i>ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION</i>
06/20/2001	 Order <i>STIPULATION AND ORDER TO VACATE HEARING ON 8-27-01 AND RE-SET BRIEFING SCHEDULE - RELATED PARTYID: 96C136862_0001</i>
















CASE SUMMARY

CASE No. 96C136862-1

06/21/2001	 Notice <i>NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 96C136862_0001</i>
07/16/2001	 Petition <i>SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION AND POINTS AND AUTHORITIES IN SUPPORT THEREOF POINTS AND AUTHORITIES IN SUPPORT THEREOF- RELATED PARTYID: 96C136862_0001</i>
08/28/2001	 Opposition <i>OPPOSITION TO DEFENDANTS SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION POST-CONVICTION</i>
09/26/2001	Hearing <i>EVIDENTIARY HEARING</i>
10/16/2001	 Request <i>EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>
10/22/2001	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>
10/23/2001	 Receipt <i>RECEIPT OF CERTIFIED COPIES</i>
12/19/2001	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT PETITIONER - RELATED PARTYID: 96C136862_0001</i>
12/21/2001	Hearing <i>EVIDENTIARY HEARING</i>
12/21/2001	 Receipt <i>RECEIPT OF CERTIFIED COPIES</i>
01/17/2002	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 96C136862_0001</i>
01/25/2002	 Order <i>ORDER TO PREPARE TRANSCRIPT - RELATED PARTYID: 96C136862_0001</i>
01/25/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING</i>
01/28/2002	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
03/12/2002	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT PETITIONER - RELATED PARTYID: 96C136862_0001</i>
03/15/2002	Hearing <i>DECISION: EVIDENTIARY HEARING</i>

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03/18/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING VOLUME II</i>
03/18/2002	 Order <i>ORDER</i>
04/11/2002	 Request <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS- RELATED PARTYID: 96C136862_0001</i>
04/15/2002	 Order <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES - RELATED PARTYID: 96C136862_0001</i>
06/05/2002	Hearing <i>DECISION</i>
06/13/2002	 Brief <i>PETITIONERS POST HEARING BRIEF - RELATED PARTYID: 96C136862_0001</i>
07/10/2002	 Brief <i>STATES POST HEARING BRIEF</i>
08/22/2002	 Order <i>ORDER APPOINTING APPELLATE COUNSEL - RELATED PARTYID: 96C136862_0001</i>
09/06/2002	 Judgment <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>
09/10/2002	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>
09/18/2002	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 96C136862_0001</i>
09/18/2002	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0001</i>
10/10/2002	 Order <i>STIPULATION AND ORDER FOR PAYMENT OF EXCESS ATTORNEY FEES AND EXPENSES - RELATED PARTYID: 96C136862_0001</i>
10/16/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ARGUMENT AND DECISION</i>
12/27/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ARGUMENT/DECISION ON DEFENDANTS WRIT OF HABEAS CORPUS</i>
12/27/2002	 Certificate <i>CERTIFICATE ACKNOWLEDGING TRANSMITTAL OF CERTIFIED TRANSCRIPT TO THE CLERK OF THE SUPREME COURT OF THE SUPREME COURT</i>













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03/12/2004	Judgment <i>CLERK'S CERT AFFIRMED/REVERSED/REMANDED - RELATED PARTYID: 96C136862_0001</i>
03/12/2004	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - REVERSED AND REMANDED</i>
03/15/2004	 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/54</i>
03/16/2004	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
03/29/2004	Hearing <i>STATUS CHECK /SET PENALTY HEARING</i>
03/31/2004	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 96C136862_0001</i>
04/08/2004	 Request <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>
04/12/2004	 Ex Parte Order <i>EX PARTE ORDER TO PRODUCE INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>
04/19/2004	 Request <i>EX PARTE MOTION FOR PAYMENT OF EXCESS ATTORNEYS FEES AND COSTS - RELATED PARTYID: 96C136862_0001</i>
04/27/2004	 Order <i>ORDER GRANTING PAYMENT OF EXCESS ATTORNEYS FEES AND COSTS - RELATED PARTYID: 96C136862_0001</i>
06/30/2004	Hearing <i>PENALTY HEARING VJ 1/03/05</i>
07/21/2004	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK SET PENALTY HEARING</i>
11/03/2004	 Request <i>EX PARTE MOTION FOR ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>
11/04/2004	 Ex Parte Order <i>EX PARTE ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>
12/08/2004	 Motion <i>NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR RELIEF/58</i>
12/15/2004	















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	 Affidavit <i>AFFIDAVIT OF MAILING</i>
12/20/2004	Hearing <i>RESET PENALTY HEARING</i>
01/03/2005	Motion <i>ALL PENDING MOTIONS</i>
01/03/2005	Motion <i>ALL PRETRIAL MOTIONS (VJ/1/12/05)</i>
01/04/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTION FOR RECONSIDERATION</i>
01/04/2005	 Order <i>ORDER</i>
01/08/2005	Hearing <i>STATE'S REQUEST STATUS CHECK/TRIAL DATE</i>
01/12/2005	Motion <i>ALL PRE-TRIAL MOTIONS</i>
01/13/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL DATE STATUS</i>
03/18/2005	 Request <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>
03/18/2005	 Request <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS C FILE OF THE NEVADA DEPARTMENT OF CORRECTIONS DEPARTMENT OF CORRECTIONS-RELATED PARTYID: 96C136862_0001</i>
03/22/2005	 Ex Parte Order <i>EX PARTE ORDER TO PRODUCE INSTITUTIONAL FILE - RELATED PARTYID: 96C136862_0001</i>
03/22/2005	 Ex Parte Order <i>EX PARTE ORDER TO PRODUCE DEFENDANTS C FILE OF THE NDOC - RELATED PARTYID: 96C136862_0001</i>
04/19/2005	 Motion <i>DEFT'S NTC OF MTN AND MTN TO PLACE ON CALENDR /68</i>
04/19/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
05/17/2005	 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/71</i>
05/17/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>












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CASE No. 96C136862-1

05/20/2005	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>
06/01/2005	 Order <i>ORDER APPOINTING CO COUNSEL NUNC PRO TUNC - RELATED PARTYID: 96C136862_0001</i>
06/02/2005	 Application <i>EX PARTE APPLICATION FOR AUTHORIZATION FOR FEES IN EXCESS OF STATUTORY AMOUNT AUTHORIZED BY NRS 7.125 AND 7.145 AND APPLICATION FOR PAYMENT OF INTERIM FEES AUTHORIZED BY NRS 7.125 AND 7.145 AND APPLICATION FOR PAYMENT OF INTERIM FEES- RELATED PARTYID: 96C136862_0001</i>
06/03/2005	 Ex Parte Order <i>EX PARTE ORDER - RELATED PARTYID: 96C136862_0001</i>
06/14/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
08/24/2005	 Motion <i>DEFT'S MTN TO STRIKE AGGRAVATING CIRCUMSTANCES BASED</i>
08/24/2005	 Motion <i>DEFT'S MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/73</i>
08/24/2005	 Motion <i>DEFT'S MTN TO DISMISS STATE'S INTENT TO SEEK DEATH PENALLTY/74</i>
08/24/2005	 Motion <i>DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/75</i>
08/24/2005	 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE/76</i>
08/24/2005	 Motion <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING EVID/77</i>
08/24/2005	 Receipt of Copy <i>RECEIPT OF COPY</i>
09/09/2005	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION IN LIMINE TO LIMIT PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF EIGHTH AMENDMENT AND DUE PROCESS RITHT TO A FUNDAMENTALLY FAIR PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF EIGHTH AMENDMENT AND DUE PROCESS RITHT TO A FUNDAMENTALLY FAIR PENALTY HEARING</i>
09/12/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT</i>

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CASE No. 96C136862-1

09/12/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE AGGRAVATOR FOUR OF THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>
09/12/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS STATES NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADAS DEATH PENALTY STATUTE IS UNCONSTITUTIONAL SEEK DEATH PENALTY BECAUSE NEVADAS DEATH PENALTY STATUTE IS UNCONSTITUTIONAL</i>
09/12/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR JURY QUESTIONNAIRE</i>
09/12/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO COMPEL DISCOVERY DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION</i>
09/14/2005	 Expert Witness List <i>NOTICE OF WITNESSES</i>
09/14/2005	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>
09/21/2005	Motion <i>ALL PENDING MOTIONS (9/14/05)</i>
09/22/2005	Hearing <i>DEFT'S REQUEST STATUS CHECK/PENALTY HEAR REQUEST</i>
09/23/2005	 Notice <i>NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES - RELATED PARTYID: 96C136862_0001</i>
09/26/2005	Hearing <i>PENALTY HEARING (VJ/10/19/05)</i>
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT DEFENDANT - RELATED PARTYID: 96C136862_0001</i>
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID:</i>

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96C136862_0001

10/06/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
10/12/2005	 Conversion Case Event Type <i>APPLICATION AND ORDER TO TRANSPORT INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
10/13/2005	 Order <i>ORDER ALLOWING SPECIAL CONTACT VISIT WITH DEFENDANT - RELATED PARTYID: 96C136862_0001</i>
10/19/2005	Hearing <i>PENALTY HEARING</i>
10/31/2005	 Jury List <i>DISTRICT COURT JURY LIST</i>
11/01/2005	Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING</i>
11/01/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
11/02/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENTALY HEARING (Mary Beth Cook)</i>
11/02/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING (JoAnn Orduna)</i>
11/02/2005	 Order <i>ORDER</i>
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
11/02/2005	 Order <i>APPLICATION AND ORDER TO PRODUCE INMATE WITNESS - RELATED PARTYID: 96C136862_0001</i>
11/02/2005	 Verdict <i>SPECIAL VERDICT</i>

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CASE NO. 96C136862-1

11/02/2005	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>
11/02/2005	Judgment <i>SPECIAL VERDICT (COUNT 2)</i>
11/02/2005	Judgment <i>SPECIAL VERDICT (COUNT 3)</i>
11/02/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>
11/02/2005	 Verdict <i>SPECIAL VERDICT</i>
11/03/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING (Mary Beth Cook)</i>
11/04/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING (Sharon Howard)</i>
11/04/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING</i>
11/04/2005	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>
11/04/2005	 Verdict <i>VERDICT</i>
11/04/2005	Judgment <i>VERDICT (COUNT 2)</i>
11/04/2005	Judgment <i>VERDICT (COUNT 3)</i>
11/04/2005	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
11/04/2005	 Verdict <i>VERDICT</i>
11/07/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING (JoAnn Orduna)</i>
11/07/2005	Conversion Case Event Type <i>SENTENCING</i>
11/07/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY VERDICT AT 5:12 PM</i>
11/28/2005	 Order <i>ORDER OF EXECUTION</i>












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11/28/2005	 Judgment <i>JUDGMENT OF CONVICTION</i>
11/28/2005	 Warrant <i>WARRANT OF EXECUTION</i>
11/28/2005	 Conversion Case Event Type <i>NOTICE TO TRANSPORT FOR EXECUTION</i>
11/29/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>
12/09/2005	Hearing <i>FURTHER PROCEEDINGS: EVIDENCE</i>
12/12/2005	 Conversion Case Event Type <i>ORDER TO STAY EXECUTION - RELATED PARTYID: 96C136862_0001</i>
12/15/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RETURN OF EVIDENCE</i>
12/23/2005	 Order <i>ORDER TO PREPARE TRANSCRIPT - RELATED PARTYID: 96C136862_0001</i>
12/23/2005	 Statement <i>CASE APPEAL STATEMENT</i>
12/23/2005	 Notice of Appeal <i>NOTICE OF APPEAL - RELATED PARTYID: 96C136862_0001</i>
12/28/2005	 Order <i>ORDER</i>
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT APPOINTMENT OF COUNSEL</i>
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
01/03/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK</i>
01/05/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PLEA</i>










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01/06/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
01/29/2008	 Judgment <i>CLERK'S CERTIFICATE/AFFIRMED</i>
03/06/2008	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION AND MOTION FOR APPOINTMENT OF COUNSEL OF COUNSEL- RELATED PARTYID: 96C136862_0001</i>
03/10/2008	Petition <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i>
03/10/2008	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS</i>
04/23/2008	 Response <i>RESPONSE TO PRE PER PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR APPOINTMENT OF COUNSEL APPOINTMENT OF COUNSEL</i>
05/07/2008	Hearing <i>CONFIRMATION OF COUNSEL (DUSTIN)</i>
05/21/2008	Motion <i>ALL PENDING MOTIONS - 5/21/08</i>
05/21/2008	Hearing <i>STATUS CHECK: SET BRIEFING SCHEDULE</i>
06/30/2008	Conversion Case Event Type <i>ARGUMENT/DECISION RE: DEFT'S POST CONVICTION WRIT OF HABEAS (VJ 7/6/09)</i>
06/30/2008	Motion <i>ALL PENDING MOTIONS (6-30-08)</i>
09/06/2008	 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINT NEW COUNSEL/91</i>
10/20/2008	 Motion <i>DEFT'S MTN PLACE ON CALENDAR TO RESET BRIEFING SCHEDULE/92</i>
10/20/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
10/29/2008	 Order <i>ORDER APPOINTING POST CONVICTION RELIEF COUNSEL PURSUANT TO RULE 250 AND FOR INTERIM BILLING INTERIM BILLING- RELATED PARTYID: 96C136862_0001</i>
11/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF RESET BRIEFING SCHEDULE</i>
12/18/2008	 Motion <i>DUSTIN'S MTN TO WITHDRAW AS COUNSEL /93</i>
12/18/2008	
















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	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 96C136862_0001</i>
12/29/2008	Hearing <i>CONFIRMATION OF COUNSEL</i>
12/30/2008	 Ex Parte Order <i>EX PARTE ORDER RE COUNSEL FOR PETITIONER - RELATED PARTYID: 96C136862_0001</i>
12/31/2008	 Ex Parte Order <i>EX PARTE ORDER ALLOWING FEES IN EXCESS OF STATUTORY MAXIMUM FOR ATTORNEY ON COURT APPOINTED CASE COURT APPOINTED CASE- RELATED PARTYID: 96C136862_0001</i>
01/08/2009	Hearing <i>STATUS CHECK: FILING OF BRIEF</i>
11/09/2009	Hearing <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF</i>
11/09/2009	 Request <i>REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE - RELATED PARTYID: 96C136862_0001</i>
12/08/2009	 Response <i>RESPONSE TO REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE</i>
12/11/2009	 Errata <i>ERRATA TO STATES RESPONSE TO REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE</i>
12/18/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE STATUS CHECK DEFTS REQUEST FOR INVESTIGATIVE ASSISTANCE STATES BRIEF/POSITION ON DECEMBER 09 2009 ASSISTANCE STATES BRIEF/POSITION ON DECEMBER 09 2009</i>
12/18/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE FILING OF BRIEF ON NOVEMBER 09 2009</i>
12/28/2009	 Reply <i>REPLY TO THE RESPONSE TO THE REQUEST FOR FUNDS FOR INVESTIGATIVE ASSISTANCE - RELATED PARTYID: 96C136862_0001</i>
01/06/2010	Hearing <i>SUPPLEMENTAL PETITION HEARING</i>
01/19/2010	 Reporters Transcript <i>RECORDER'S TRANSCRIPT RE STATUS CHECK - DEFTS REQUEST FOR INVESTIGATIVE ASSISTANCE - STATES BRIEF-OPPOSITION - HEARD 01-06-10 ASSISTANCE - STATES BRIEF-OPPOSITION - HEARD 01-06-10</i>
07/12/2010	 Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>
















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09/07/2010	 Notice of Rescheduling <i>Notice of Rescheduling Of Hearing</i>
10/04/2010	 Notice <i>Notice of Resetting Date and Time of Hearing</i>
10/07/2010	 Amended Notice <i>Amended Notice Resetting Date and Time of Hearing</i>
10/15/2010	 Errata Filed By: Defendant Thomas, Marlo <i>Errata to Deft's Post-conviction Petition for Writ of Habeas Corps</i>
10/15/2010	 Receipt of Copy
10/15/2010	 Receipt of Copy Filed by: Defendant Thomas, Marlo
11/04/2010	 Response Filed by: Plaintiff State of Nevada <i>RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS</i>
01/05/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Re: Hearing: Supplemental Petition & Petition for Writ of Habeas Corpus - Heard December 13, 2010</i>
02/22/2011	 Reply to Opposition Filed by: Defendant Thomas, Marlo <i>Petitioner's Reply in Opposition to the State's Response</i>
03/14/2011	 Decision <i>Decision</i>
05/09/2011	 Ex Parte Order Filed By: Defendant Thomas, Marlo <i>Ex Parte Order Granting Defendant's Request for Expert and Investigative Fees</i>
09/08/2011	 Ex Parte Order Filed By: Defendant Thomas, Marlo <i>Ex Parte Order Allowing Fees in Excess for Expert Witness</i>
01/17/2012	 Notice of Hearing <i>Notice Setting Date and Time of Hearing</i>
02/03/2012	 Order Filed By: Plaintiff State of Nevada <i>Order for Transcript</i>
02/14/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Of Proceedings Re: Hearing: Supplemental Petition Petition For Writ Of Habeas Corpus - Heard 03-07-11</i>







CASE SUMMARY

CASE NO. 96C136862-1

03/31/2014	 Supplemental Filed by: Defendant Thomas, Marlo <i>Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
04/14/2014	 Response <i>Response to Supplemental Petition</i>
05/02/2014	 Order Filed By: Plaintiff State of Nevada <i>Order for Transcripts</i>
05/05/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Re: Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) April 28, 2014</i>
05/30/2014	 Findings of Fact, Conclusions of Law and Order
06/02/2014	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
06/19/2014	 Notice of Appeal (criminal) Party: Defendant Thomas, Marlo <i>Notice of Appeal</i>
06/19/2014	 Case Appeal Statement Filed By: Defendant Thomas, Marlo <i>Case Appeal Statement</i>
10/27/2016	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>
10/20/2017	 Petition for Writ of Habeas Corpus Filed by: Defendant Thomas, Marlo <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits in Support of Petition for Writ of Habeas Corpus (Exhibits 1-20)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits in Support of Petition for Writ of Habeas Corpus (Exhibits 21-50)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits in Support of Petition for Writ of Habeas Corpus (Exhibits 201-247)</i>
10/20/2017	 Exhibits <i>Exhibits to in Support of Petition for Writ of Habeas Corpus (Exhibits 51-70)</i>
10/20/2017	 Exhibits

CASE SUMMARY

CASE NO. 96C136862-1

	Filed By: Defendant Thomas, Marlo <i>Exhibits to in Support of Petition for Writ of Habeas Corpus (Exhibits 102-1113)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits to in Support of Petition for Writ of Habeas Corpus (Exhibits 134-165)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits to in Support of Petition for Writ of Habeas Corpus (Exhibits 114-133)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits to in Support of Petition for Writ of Habeas Corpus (Exhibits 166-200)</i>
10/20/2017	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits to in Support of Petition for Writ of Habeas Corpus (Exhibits 71-101)</i>
12/01/2017	 Notice of Change of Hearing <i>Notice Resetting Date and Time of Hearing</i>
01/23/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-Conviction) January 22, 2018</i>
03/26/2018	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Third Petition for Writ of Habeas Corpus and Motion to Dismiss.</i>
05/23/2018	 Stipulation and Order Filed by: Defendant Thomas, Marlo <i>Stipulation and Order to Modify Briefing Schedule</i>
06/04/2018	 Reply to Opposition Filed by: Defendant Thomas, Marlo <i>Reply to Response; Opposition to Motion to Dismiss</i>
06/04/2018	 Exhibits <i>Exhibits in Support of Reply to Response; Opposition to Motion to Dismiss</i>
06/08/2018	 Motion for Discovery Filed By: Defendant Thomas, Marlo <i>Motion and Notice of Motion for Leave to Conduct Discovery</i>
06/08/2018	 Exhibits Filed By: Defendant Thomas, Marlo <i>Exhibits in Support of Motion and Notice of Motion for Leave to Conduct Discovery</i>
06/08/2018	 Motion Filed By: Defendant Thomas, Marlo <i>Motion and Notice of Motion for Evidentiary Hearing</i>
06/08/2018	

CASE SUMMARY

CASE NO. 96C136862-1



Exhibits

Exhibits in Support of Motion and Notice of Motion for Evidentiary Hearing

07/09/2018



Reply to Opposition

Filed by: Plaintiff State of Nevada

Reply to Opposition to Motion to Dismiss

07/09/2018



Opposition to Motion

Filed By: Plaintiff State of Nevada

Opposition to Motions for Discovery and for Evidentiary Hearing

07/16/2018



Reply to Opposition

Filed by: Defendant Thomas, Marlo

Reply to Opposition to Motions for Discovery and for Evidentiary Hearing

07/24/2018



Notice of Rescheduling

Notice Resetting Date and Time of Hearing

08/10/2018



Recorders Transcript of Hearing

Recorder's Transcript of Hearing: Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-conviction)...Defendant's Motion for Leave to Conduct Discovery...Defendant's Motion for Evidentiary Hearing August 8, 2018

09/27/2018



Decision and Order

Decision and Order

10/01/2018



Notice of Entry of Order

Notice of Entry of Order

10/30/2018



Notice of Appeal (criminal)

Party: Defendant Thomas, Marlo

Notice of Appeal

10/30/2018



Case Appeal Statement

Filed By: Defendant Thomas, Marlo

Case Appeal Statement

DISPOSITIONS

01/01/1900

Plea (Judicial Officer: User, Conversion)

1. CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

2. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

3. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

CASE SUMMARY

CASE NO. 96C136862-1

01/01/1900	Plea (Judicial Officer: User, Conversion) 4. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. BURGLARY WHILE IN POSSESSION OF A FIREARM Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:
08/25/1997	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY Guilty PCN: Sequence:
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 2. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 3. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 4. ROBBERY WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 5. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty PCN: Sequence:
08/25/1997	Disposition (Judicial Officer: User, Conversion)
08/25/1997	Disposition (Judicial Officer: User, Conversion) 6. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Guilty

CASE SUMMARY

CASE NO. 96C136862-1

PCN: Sequence:

08/25/1997

Disposition (Judicial Officer: User, Conversion)

08/25/1997

Adult Adjudication (Judicial Officer: User, Conversion)

1. CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY

01/01/1900 (F) C200.010 (C200.010)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 48 Months to Maximum 120 Months

Placement: NSP

Converted Disposition:

Sentence# 0002: CREDIT FOR TIME SERVED

Minimum 495 Days to Maximum 495 Days

Converted Disposition:

Sentence# 0003: ADMINISTRATION FEE

Amount: \$25.00

08/25/1997

Adult Adjudication (Judicial Officer: User, Conversion)

2. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.010*165 (200.010*165)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: DEATH PENALTY

08/25/1997

Adult Adjudication (Judicial Officer: User, Conversion)

3. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.010*165 (200.010*165)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: DEATH PENALTY

08/25/1997

Adult Adjudication (Judicial Officer: User, Conversion)

4. ROBBERY WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.380*165 (200.380-165)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 72 Months to Maximum 180 Months

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0001

and Sentence#: 0001

Converted Disposition:

Sentence# 0002:

Minimum 72 Months to Maximum 180 Months

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0008

and Sentence#: 0001

08/25/1997

Adult Adjudication (Judicial Officer: User, Conversion)

5. BURGLARY WHILE IN POSSESSION OF A FIREARM

01/01/1900 (F) 205.060 (205.060)

PCN: Sequence:

Converted Disposition:

CASE SUMMARY

CASE NO. 96C136862-1

Sentence# 0001:
Minimum 72 Months to Maximum 180 Months
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0008
and Sentence#: 0001

08/25/1997

Adult Adjudication (Judicial Officer: User, Conversion)
6. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
01/01/1900 (F) 200.320*165 (200.320-165)
PCN: Sequence:

Converted Disposition:
Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE
Cons/Conc: Consecutive
w/Charge Item: 0009
and Sentence#: 0001
Converted Disposition:
Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE
Cons/Conc: Consecutive
w/Charge Item: 0010
and Sentence#: 0001

HEARINGS

07/03/1996

Request (9:00 AM)
Events: 07/02/1996 Hearing
STATE'S REQUEST RESET ARRAIGNMENT DATE AS TO DEFT HALL Court Clerk: JEAN McKINLEY Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski
Matter Heard; STATE'S REQUEST RESET ARRAIGNMENT DATE AS TO DEFT HALL
Court Clerk: JEAN McKINLEY Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski
Journal Entry Details:
Conference at the Bench. Mr. Steffan advised case negotiated as to defendant Hall. Defendant to plead guilty to Count IV. Other counts to be dismissed. Both sides retain the right to argue. A Guilty Plea Agreement was previously filed. DEFENDANT HALL ARRAIGNED AND ENTERED A PLEA OF GUILTY TO ROBBERY WITH USE OF A DEADLY WEAPON (F). Court accepted plea and adjudged defendant guilty. COURT ORDERED, matter referred to the Department of P&P and continued for sentencing. CUSTODY 8-23-96 9:00 AM SENTENCING ;

07/08/1996

Initial Arraignment (9:00 AM)
Events: 07/02/1996 Hearing
INITIAL ARRAIGNMENT Court Clerk: PONDA MEADOR Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski
Matter Heard; INITIAL ARRAIGNMENT Court Clerk: PONDA MEADOR
Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski
Journal Entry Details:
Defendant represented by Richard Palma, Deputy State Public Defender. At request of State Public Defender's Office, COURT ORDERED, matter CONTINUED. CUSTODY 7/10/96 9:00 AM ARRAIGNMENT CONTINUED ;

07/10/1996

Arraignment Continued (9:00 AM)
Events: 07/08/1996 Hearing
ARRAIGNMENT CONTINUED Relief Clerk: LINDA VIGIL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski
Matter Heard; ARRAIGNMENT CONTINUED Relief Clerk: LINDA VIGIL
Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski
Journal Entry Details:
DEFENDANT THOMAS ARRAIGNED, ENTERED A PLEA OF NOT GUILTY AND WAIVED HIS RIGHT TO A SPEEDY TRIAL. State advised the Court that they intend to seek the death penalty. COURT ORDERED, matter SET for trial. CUSTODY 12-27-96 9:00 A.M. CALENDAR CALL 12-30-96 10:00 A.M. TRIAL BY JURY ;

CASE SUMMARY

CASE NO. 96C136862-1

08/23/1996	<p>Sentencing (9:00 AM)</p> <p>Events: 07/03/1996 Conversion Case Event Type <i>SENTENCING/SET TRIAL Court Clerk: JEAN McKINLEY Reporter/Recorder: JENNIFER CLARK Heard By: BONAVENTURE, JOSEPH T.</i> Matter Continued; SENTENCING/SET TRIAL Court Clerk: JEAN McKINLEY Reporter/Recorder: JENNIFER CLARK Heard By: BONAVENTURE, JOSEPH T. Journal Entry Details: <i>Michael Leoni present for the Department of P&P. Mr. Ganley advised both sides have agreed to a continuance. COURT ORDERED, CONTINUED. CUSTODY ;</i></p>
09/13/1996	<p>Sentencing (9:00 AM)</p> <p><i>SENTENCING/SET TRIAL Court Clerk: JEAN McKINLEY Reporter/Recorder: LAURET HENRY Heard By: BONAVENTURE, JOSEPH T.</i> Matter Continued; SENTENCING/SET TRIAL Court Clerk: JEAN McKINLEY Reporter/Recorder: LAURET HENRY Heard By: BONAVENTURE, JOSEPH T. Journal Entry Details: <i>Christopher O'Brien present for the Department of P&P. Mr. Steffen requested a continuance as there are discrepancies in PSI. Mr. Steffen advised he is requesting a new PSI report be prepared based on his Brief. No objection by the State. COURT ORDERED, CONTINUED. CUSTODY ;</i></p>
09/17/1996	<p>Motion to Withdraw as Counsel (9:00 AM)</p> <p>Events: 09/04/1996 Motion <i>DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Heard By: Joseph Bonaventure</i></p>
09/18/1996	<p>Motion to Withdraw as Counsel (9:00 AM)</p> <p><i>DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Court Clerk: JEAN McKINLEY Reporter/Recorder: LAURET HENRY Heard By: BONAVENTURE, JOSEPH T.</i> Matter Continued; DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Court Clerk: JEAN McKINLEY Reporter/Recorder: LAURET HENRY Heard By: BONAVENTURE, JOSEPH T. Journal Entry Details: <i>Court Services Officer advised defendant is in Nevada State Prison and needs to be transported. Mr. Savage advised Pete LaPorta will be 1st chair and he will be 2nd chair. COURT ORDERED, motion continued to have defendant transported. CUSTODY ;</i></p>
10/02/1996	<p>Motion to Withdraw as Counsel (9:00 AM)</p> <p><i>DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Court Clerk: JEAN McKINLEY Reporter/Recorder: TAMMY BREED Heard By: BONAVENTURE, JOSEPH T.</i> Matter Continued; DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Court Clerk: JEAN McKINLEY Reporter/Recorder: TAMMY BREED Heard By: BONAVENTURE, JOSEPH T. Journal Entry Details: <i>Mr. LaPorta advised he needs defendant to remain in the Clark County Detention Center for trial preparation. Defendant stated he has not spoken with Mr. LaPorta. Mr. LaPorta stated he has been in numerous trials and can now devote the time needed to defendant Thomas. Mr. LaPorta requested defendant's motion be continued. COURT SO ORDERED. CUSTODY 12-27-96 9:00 AM CALENDAR CALL 12-30-96 9:45 AM JURY TRIAL ;</i></p>
10/14/1996	<p>Sentencing (9:00 AM)</p> <p><i>SENTENCING/SET TRIAL Relief Clerk: LINDA VIGIL Reporter/Recorder: JANIE OLSEN Heard By: BONAVENTURE, JOSEPH T.</i> Matter Continued; SENTENCING/SET TRIAL Relief Clerk: LINDA VIGIL Reporter/Recorder: JANIE OLSEN Heard By: BONAVENTURE, JOSEPH T. Journal Entry Details: <i>Upon inquiry by the Court, Mr. Harmon advised the Court Deputy District Attorney David Rogers will be counsel for trial. Conference at the bench. Pursuant to conference at the Bench, counsel stipulated to postpone sentencing until after co-defendant Thomas' trial scheduled 12/30/96. COURT ORDERED, matter CONTINUED. CUSTODY 1/13/97 9:00 A.M. SENTENCING ;</i></p>

CASE SUMMARY

CASE NO. 96C136862-1

10/21/1996	<p>Motion to Withdraw as Counsel (9:00 AM) <i>DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Relief Clerk: LINDA VIGIL Reporter/Recorder: LAURET HENRY Heard By: Joseph Bonaventure</i> Denied; DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINTMENT OF CO-COUNSEL Relief Clerk: LINDA VIGIL Reporter/Recorder: LAURET HENRY Heard By: Joseph Bonaventure Journal Entry Details: <i>Statement by Defendant. State opposed motion and argued that there is not enough time for new counsel to prepare for trial. Court stated its findings and ORDERED, Deft's motion DENIED. CUSTODY 12/27/96 9:00 A.M. CALENDAR CALL 12/30/97 9:45 A.M. TRIAL BY JURY ;</i></p>
11/13/1996	<p>Conversion Hearing Type (9:00 AM) Events: 11/04/1996 Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Relief Clerk: LINDA VIGIL Reporter/Recorder: JENNIFER CLARK Heard By: Joseph Bonaventure</i> Granted; STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Relief Clerk: LINDA VIGIL Reporter/Recorder: JENNIFER CLARK Heard By: Joseph Bonaventure Journal Entry Details: <i>There being no opposition, COURT ORDERED, motion GRANTED. Mr. LaPorta stated he had no objection to the list of witnesses on the condition that he is provided all discovery. COURT SO ORDERED. Trial date STANDS. CUSTODY 12/27/96 9:00 A.M. CALENDAR CALL 12/30/96 9:45 A.M. TRIAL BY JURY 1/13/97 9:00 A.M. SENTENCING (HALL) ;</i></p>
12/18/1996	<p>Motion (9:00 AM) Events: 12/16/1996 Motion <i>STATE'S REQUEST TO RESET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: DANELLE REDDY Heard By: Joseph Bonaventure</i> Granted; STATE'S REQUEST TO RESET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: DANELLE REDDY Heard By: Joseph Bonaventure Journal Entry Details: <i>Mr. Rogers stated that due to the holidays, it is difficult to schedule witnesses. Ms. McMahon stated that there was no opposition to resetting this matter and stated that Mr. LaPorta joins in. COURT ORDERED, trial date of 12/30/96 is hereby VACATED and RESET. CUSTODY 5/9/96 9:00 AM CALENDAR CALL 5/12/96 9:45 AM TRIAL BY JURY ;</i></p>
12/27/1996	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
12/30/1996	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>
01/06/1997	<p>Motion to Continue (9:00 AM) Events: 12/24/1996 Motion <i>STATE'S REQUEST RESET SENTENCING DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: DANELLE REDDY Heard By: Joseph Bonaventure</i> Matter Heard; STATE'S REQUEST RESET SENTENCING DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: DANELLE REDDY Heard By: Joseph Bonaventure Journal Entry Details: <i>Upon inquiry by the Court, Mr. Lalli stated that he was sure Mr. Steffen was notified of this matter. Mr. Lalli stated that due to the Defendant's trial date being moved to May, this matter needs to be continued until after that date. There being no opposition, COURT ORDERED, sentencing date of 1/13/97 is hereby VACATED and reset. CUSTODY CLERK'S NOTE: As per order of the Court, 1/9/97 @ 11:37 AM - Clerk advised Cindy, of Mr. Steffen's office, of the new sentencing date. 5/9/97 9:00 AM CALENDAR CALL (THOMAS) 5/12/97 9:45 AM TRIAL BY JURY (THOMAS) 5/28/97 9:00 AM SENTENCING ;</i></p>
01/13/1997	<p>Sentencing (9:00 AM) <i>SENTENCING/SET TRIAL Heard By: Joseph Bonaventure</i></p>
01/29/1997	<p>Request (9:00 AM) Events: 01/17/1997 Hearing</p>

CASE SUMMARY

CASE No. 96C136862-1

DEFT'S REQUEST RESET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure
Matter Heard; DEFT'S REQUEST RESET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Ms. McMahon advised the Court of the conflicts in counsels schedules and requested a new trial date be set. Mr. LaPorta concurred. Court provided counsel with a tentative schedule of 4/14/97 for Jury Trial with a Calendar Call and jury selection on 4/11/97. Counsel agreed that would be a good date and would advise Mr. Rogers. Defendant Thomas stated that he did not want that date and requested the trial be moved to a later date. COURT ORDERED, Defense counsel to confer with the Defendant and ORDERED, matter CONTINUED for status check and VACATED calendar call date of 5/9/97 and Jury Trial date of 5/12/97. CUSTODY 2/7/97 9:00 AM STATUS CHECK: RESET TRIAL DATE ;

02/07/1997

Status Check (9:00 AM)

Events: 01/29/1997 Hearing

STATUS CHECK: RE-SET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Matter Heard; STATUS CHECK: RE-SET TRIAL DATE Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Pursuant to conference in chambers with Mr. David Rogers and Ms. Lee McMahan, COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Defendant to remain in custody at the Clark County Detention Center for the next week. CUSTODY 05/2/97 8:45 AM SENTENCING (HALL) 06/13/97 8:45 AM CALENDAR CALL 6/16/97 9:30 AM TRIAL BY JURY ;

05/05/1997

Conversion Hearing Type (8:45 AM)

Events: 04/30/1997 Motion

STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Granted; STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Defendant Thomas not present as he is in State Prison. Mr. LaPorta advised he has no objection as long as proper Discovery is provided. COURT ORDERED, GRANTED. Discovery to be provided. Trial date stands. CUSTODY 6-13-97 8:45 AM CALENDAR CALL 6-16-97 9:45 AM JURY TRIAL ;

05/09/1997

CANCELED Calendar Call (9:00 AM)

Vacated

05/12/1997

CANCELED Jury Trial (9:45 AM)

Vacated

05/28/1997

Sentencing (8:45 AM)

SENTENCING/SET TRIAL Heard By: Joseph Bonaventure

05/28/1997

Motion in Limine (8:45 AM)

Events: 05/23/1997 Motion

DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Granted; DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Statement by Mr. Roger. COURT ORDERED, Motion GRANTED. Counsel to have jury questionnaire to Court's secretary by tomorrow. CUSTODY 6-13-97 8:45 AM CALENDAR CALL 6-16-97 9:45 AM JURY TRIAL ;

06/02/1997

Sentencing (8:45 AM)

SENTENCING/SET TRIAL Heard By: Joseph Bonaventure

06/02/1997

Motion to Withdraw as Counsel (8:45 AM)

CASE SUMMARY

CASE NO. 96C136862-1

	<p>Events: 05/30/1997 Motion <i>JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL Heard By: Joseph Bonaventure</i></p>
06/02/1997	<p>All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Matter Heard; ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure Journal Entry Details: <i>JOHN STEFFEN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT KENYA HALL, FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME... SENTENCING-COUNT IV.....DISMISSAL REMAINING COUNTS Mr. Schwartz requested a continuance until August. COURT SO ORDERED. CUSTODY ;</i></p>
06/13/1997	<p>Calendar Call (8:45 AM) <i>CALENDAR CALL</i></p>
06/13/1997	<p>Motion (8:45 AM) Events: 06/11/1997 Motion <i>DEFT HALL'S MOTION TO PREVENT BEING CALLED TO APPEAR/TESTIFY Heard By: Joseph Bonaventure</i></p>
06/13/1997	<p>All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Matter Heard; ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure Journal Entry Details: <i>CALENDAR CALL (THOMAS)...DEFET'S MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEAR AND TESTIFY AND ALLOW COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENT'S BEHALF AND ORDER SHORTENING TIME ...STATE'S MOTION TO ENDORSE...STATE'S MOTION TO USE REPORTED TESTIMONY OF KENYA HALL Counsel advised ready to go to trial as to Marlo Thomas. Jury questionnaires have been reviewed. COURT ORDERED, trial set to commence 6-16-97 @ 8:45 AM. Mr. Steffen presented motion to prevent Kenya Hall from testifying. Defendant stated he would invoke his fifth amendment right. Court advised needs Mr. Thomas here for this motion. COURT ORDERED, CONTINUED. Mr. Roger stated there are two other motions not calendared today. One is a motion to endorse and the other is motion to use reported testimony of Kenya Hall. COURT ORDERED, will hear both motions prior to commencement of trial. Defendant Thomas to be dressed for trial when he is brought down at 8:30 for motions. CUSTODY (BOTH) 6-16-97 8:45 AM ALL PENDING MOTIONS 6-16-97 9:30 AM JURY TRIAL ;</i></p>
06/16/1997	<p>Motion (8:45 AM) <i>DEFT HALL'S MOTION TO PREVENT BEING CALLED TO APPEAR/TESTIFY Heard By: Joseph Bonaventure</i></p>
06/16/1997	<p>Motion (8:45 AM) Events: 06/13/1997 Motion <i>STATE'S MOTION TO ENDORSE Heard By: Joseph Bonaventure</i></p>
06/16/1997	<p>Motion (8:45 AM) Events: 06/12/1997 Motion <i>STATE'S MOTION TO USE REPORTED TESTIMONY MOTION Heard By: Joseph Bonaventure</i></p>
06/16/1997	<p>All Pending Motions (8:45 AM) <i>ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Matter Heard; ALL PENDING MOTIONS Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure Journal Entry Details:</p>

CASE SUMMARY

CASE No. 96C136862-1

DEFT'S MOITON TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEAR AND TESTIFY AND ALLOW CUNSEL FOR FENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENT'S BEHALF AND ORDER SHORTENING TIME....STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S MOTION TO USE REPORTED TESTIMONY
Counsel presented arguments. COURT ORDERED, Motion to endorse GRANTED. No objection to the motion to amend. COURT ORDERED, motion to amend GRANTED. Arguments regarding moton to use reported testimony. Statement by Kenya Hall who stated he will not testify. Argument by Mr. LaPorta. COURT ORDERED, will not order defendant Hall to testify as he has invoked his fifth amendment. State's motion to use testimony is GRANTED. ;

06/16/1997

Jury Trial (9:15 AM)

TRIAL BY JURY Court Clerk: JEAN McKINLEY Relief Clerk: CINDY HORTON/CH Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.

Matter Continued; TRIAL BY JURY Court Clerk: JEAN McKINLEY Relief Clerk: CINDY HORTON/CH Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.

Journal Entry Details:

Jury Selection. Outside the presence of the jury at 2:45, State moved for dismissal of juror #350, Defense objected. Following argument by counsel, Court stated findings and ORDERED, PREPTORY CHALLENGE GRANTED AS TO JUROR #350. Jury selection resumed at 2:55. Twelve jurors and two alternates sworn at 3:25. Court instructed the jury as to the procedure the trial will take. Information read to the jury. Outside the presence of the jury at 3:35, Mr. LaPorta made a motion for mistrial. Response by State. COURT ORDERED, MOTION DENIED. Counsel stipulated as to the presence of the jury at 3:50. Opening statement by counsel. ;

06/17/1997

Jury Trial (9:15 AM)

TRIAL BY JURY Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.

Matter Continued; TRIAL BY JURY Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.

Journal Entry Details:

Testimony continued as per worksheet. OUTSIDE THE PRESENCE OF THE JURY: Following statements by counsel, COURT ORDERED, exhibits 23, 40, 50 and 53 will be removed. Mr. LaPorta moved for a mistrial and argued that a witness stated he new the Defendant had been incarcerated. Mr. Roger opposed. COURT ORDERED, motion DENIED. Kenya Hall's testimony was read to the Court from the Preliminary Hearing Transcript. Court stated its findings and ORDERED, Deft's Motion To Consider DENIED, Court will allow the transcript to be read to the Jury. Exhibits offered and admitted as per worksheet. Testimony continued as per worksheet. 5:35 PM - Court admonished jurors and ORDERED recess for the evening. OUTSIDE THE PRESENCE OF THE JURY: Court advised the Defendant of his right to testify. Counsel stipulated to exhibit #82 being an accurate copy. CUSTODY ;

06/18/1997

Request of Court (8:00 AM)

Events: 06/16/1997 Hearing

AT THE REQUEST OF THE COURT

06/18/1997

Motion for Protective Order (8:45 AM)

Events: 06/17/1997 Motion

DEFT'S MOTION FOR PROTECTIVE ORDER Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Moot; DEFT'S MOTION FOR PROTECTIVE ORDER Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Court advised the State will not be calling Mr. Steffan or Mr. Stockton to testify so this motion is moot and taken OFF CALENDAR. CUSTODY ;

06/18/1997

Jury Trial (9:15 AM)

TRIAL BY JURY Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Matter Heard; TRIAL BY JURY Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

CASE SUMMARY

CASE No. 96C136862-1

Outside presence of the Jury, Jury Instructions were settled and stipulated to. Mr. LaPorta advised defendant will not testify. Defense rested and waived their Opening statement. Jury Instructed by the Court. Closing arguments. 11:55 AM-Jury began deliberations. 2:50 PM-Jury returned with Verdicts finding defendant Thomas GUILTY-COUNT I-CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY. GUILTY-COUNT II-MURDER FIRST DEGREE WITH USE OF A DEADLY WEAPON (Carl Dixon) GUILTY- COUNT III-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (Matthew Gianakis) GUILTY-COUNT IV- ROBBERY WITH USE OF A DEADLY WEAPON. GUILTY-COUNT V-BURGLARY WHILE IN POSSESSION OF A FIREARM. GUILTY-COUNT VI-FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON. Jury polled per request of defense counsel. COURT ORDERED, Defendant having been found guilty, remanded to custody. Court gave the Jury admonishment and ORDERED, they appear for the Penalty Hearing on 6-23-97 @ 9:15 AM. CLERK'S NOTE: An error was made identifying the docket letter on the Original Jury List, therefore, an Amended Jury List was prepared using the appropriate docket letter. No other changes were made as the Jury Panel remains intact. ;

06/23/1997

Penalty Hearing (9:15 AM)

PENALTY HEARING Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.

Matter Continued; PENALTY HEARING Court Clerk: JEAN McKINLEY Reporter/Recorder: ROBERT MINTUN Heard By: Bonaventure, Joseph T.

Journal Entry Details:

Opening statement by Mr. Schwartz and Mr. LaPorta. Witnesses sworn and testified. Exhibits marked and admitted. State rested. Court read defendant his right of Allocution. Due to a witness being unavailable until 6-25, COURT ORDERED, recess until 6-25-97 @ 9:15 AM. ;

06/25/1997

Penalty Hearing (9:15 AM)

PENALTY HEARING Court Clerk: JEAN McKINLEY Relief Clerk: LINDA VIGIL/PM Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Matter Heard; PENALTY HEARING Court Clerk: JEAN McKINLEY Relief Clerk: LINDA VIGIL/PM Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Witnesses sworn and testified. Jury Instructions settled and stipulated. Court Instructed Jury. Closing arguments of counsel. 1:40 PM - Bailiff sworn and Jury began deliberations. 6:40 PM - Jury returned with Verdict. Clerk read Special Verdicts and Verdicts with the Defendant receiving DEATH AS TO COUNT II - MURDER OF THE FIRST DEGREE (F) AND DEATH AS TO COUNT III - MURDER OF THE FIRST DEGREE (F). At the request of Ms. McMahon and Mr. LaPorta, Jury was polled by the Clerk. Court thanked and excused the Jury. Court referred matter to the Department of Parole and Probation for a Pre-sentence Investigative Report and ORDERED matter set for sentencing. CUSTODY 8/25/97 8:45 AM SENTENCING ;

08/06/1997

Sentencing (8:30 AM)

SENTENCING/SET TRIAL Heard By: Joseph Bonaventure

08/06/1997

Motion to Withdraw as Counsel (8:30 AM)

JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Matter Continued; JOHN STEFFEN'S MOTION TO WITHDRAW AS COUNSEL Relief Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Mr. Steffen advised the Court that Defendant would be filing a motion in Pro Per to withdraw his plea. There being no opposition to John Steffen's Motion To Withdraw As Counsel, COURT ORDERED, motion GRANTED. Court appointed Michael Davidson to represent Defendant Hall and ORDERED matter CONTINUED for confirmation and Deft's request to withdraw his plea. MATTER RECALLED: Mr. Davidson CONFIRMED AS COUNSEL. COURT SO ORDERED. Court advised counsel this matter will be continued for argument on Deft's request to withdraw his guilty plea. Court noted this matter will either be set for trial or Defendant will be sentenced at the next hearing. CUSTODY 8/21/97 8:30 AM ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA... SENTENCING (HALL) 8/25/97 8:30 AM SENTENCING (THOMAS) ;

08/21/1997

Sentencing (8:30 AM)

SENTENCING/SET TRIAL Heard By: Joseph Bonaventure

CASE SUMMARY

CASE NO. 96C136862-1

08/21/1997	<p>Hearing (8:30 AM) Events: 08/06/1997 Conversion Case Event Type <i>ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA Heard By: Joseph Bonaventure</i></p>
08/21/1997	<p>All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 8/21/97 Relief Clerk: DEBBIE VINSON Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Matter Heard; ALL PENDING MOTIONS 8/21/97 Relief Clerk: DEBBIE VINSON Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure Journal Entry Details: <i>ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA...SENTENCING/SET TRIAL Mr. Davidson requested a two-week continuance. State had no opposition as Mr. Davidson just came into the case. COURT ORDERED CONTINUED. CUSTODY 9-4-97 8:30 AM SAME ;</i></p>
08/25/1997	<p>Sentencing (8:30 AM) Events: 07/01/1997 Conversion Case Event Type <i>SENTENCING Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Granted; SENTENCING Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure Journal Entry Details: <i>Officer Duane DeMay of the Department of Parole and Probation present. State represented by Mr. David Schwartz, Chief Deputy District Attorney. Defendant in custody and present with Ms. Lee McMahon, DPD, and Mr. Peter LaPorta, DPD. By virtue of Jury's verdict, Court ADJUDGED DEFENDANT GUILTY of COUNT I - CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY (F); COUNT II - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT IV - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT V - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT VI - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Defendant declined to make a statement to the Court. COURT ORDERED, whereas on the 25th day of June, 1997, a Jury unanimously rendered written Special Verdicts and written Verdicts both signed by the Foreman, and whereas in the Special Verdicts the Jury found beyond a reasonable doubt that there were aggravating circumstances existing in the commission of said murder's; set the penalty to be imposed upon the Defendant, Marlo Thomas, at Death for Count II and Death for Count III, and therefore by reason of the Verdicts dated the 18th day of June, 1997 and the Special Verdicts dated the 25th day of June, 1997, the Court does hereby SENTENCE the Defendant, Marlo Thomas to a \$25.00 Administrative Assessment Fee; Count I - ONE HUNDRED TWENTY (120) MONTHS maximum with a minimum of FORTY-EIGHT (48) MONTHS; Count II - DEATH; Count III - DEATH in the manner prescribed by law, and the Clerk of the above entitled Court is hereby directed to enter Judgment of Sentence of Death as part of the record. Count IV - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS, with an EQUAL AND CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum, CONSECUTIVE to COUNT I; Count V - ONE HUNDRED EIGHTY (180) MONTHS maximum and SEVENTY-TWO (72) MONTHS minimum with an EQUAL AND CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum for WEAPON ENHANCEMENT, CONSECUTIVE TO COUNT IV; Count VI - LIFE WITHOUT THE POSSIBILITY OF PAROLE, with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for WEAPON ENHANCEMENT, CONSECUTIVE to COUNT V; and Count VII - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for WEAPON ENHANCEMENT, CONSECUTIVE TO COUNT VI. CREDIT FOR TIME SERVED of Four Hundred Ninty-Five (495) Days. CLERK'S NOTE: 8/25/97 - Clerk contacted Kathy Hinkley, Mr. David Schwartz' secretary, to inquire about the Judgment and Warrant of Execution which is to be filed in Open Court. Ms. Hinkley advised the Clerk that Mr. Schwartz noted a discrepancy in the PSI as to Count V - the equal and consecutive term for weapon enhancement and Count VII - which does not exist. Being that the Court followed the recommendations from the Department of Parole and Probation, Clerk advised the Court's secretary of the discrepancies on the PSI. ;</i></p>
08/27/1997	<p>Request of Court (8:30 AM)</p>

CASE SUMMARY

CASE No. 96C136862-1

Events: 08/26/1997 Hearing

AT THE REQUEST OF THE COURT CLARIFICATION OF SENTENCE Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Matter Heard; AT THE REQUEST OF THE COURT CLARIFICATION OF SENTENCE Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Officer Roy Evans of the Department of Parole and Probation present. Mr. Roger stated there were a few discrepancies on the Pre-sentence Investigative Report that need to be clarified. Mr. Roger stated Count V does not impose a consecutive term of weapon enhancement and Count VII does not exist. Clarification of sentence is as follows: COUNT I - ONE HUNDRED TWENTY (120) MONTHS maximum with a minimum of FORTY-EIGHT (48) MONTHS; COUNT II - DEATH; COUNT III- DEATH; COUNT IV - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS and an EQUAL AND CONSECUTIVE TERM OF ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum for Weapon Enhancement CONSECUTIVE to Count I; COUNT V - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to Count IV; COUNT VI - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for the Weapon Enhancement, CONSECUTIVE TO Count V. State filed a JUDGMENT OF CONVICTION; WARRANT OF EXECUTION AND ORDER OF EXECUTION IN OPEN COURT. Court admonished the Department of Parole and Probation for the discrepancies in the PSI. COURT ORDERED the Count V weapon enhancement and Count VII stricken from the sentencing procedures. COURT FURTHER ORDERED, pursuant to said verdicts of the Jury and there being no legal cause why said verdicts and said Judgment of Sentence of Death should not be executed ORDER that the Director of the Department of Prisons shall execute the Judgment of Sentence of Death imposed upon the Defendant by an injection of a lethal drug, within the limits of the State of Nevada, in the presence of the Director of the Department of Prisons. COURT FURTHER ORDERED, that the County shall execute in triplicate under the seal of the court, certified copies of the WARRANT OF EXECUTION and the JUDGMENT OF SENTENCE OF DEATH, and of the entry in the MINUTES of the Court. The original of the triplicate copies of the JUDGMENT AND WARRANT OF EXECUTION AND ENTRY in the minutes shall be filed in the office of the County Clerk, and two triplicate copies shall be immediately delivered by the Clerk to the Sheriff. The Sheriff is directed to take charge of the Defendant and transport and safely deliver him to the Director of the Department of Prisons of the State of Nevada. ;

09/04/1997

Sentencing (8:30 AM)

SENTENCING/SET TRIAL Heard By: Joseph Bonaventure

09/04/1997

Hearing (8:30 AM)

ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA Court Clerk: LINDA VIGIL Relief Clerk: NANCY NOBLE/nn Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Denied; ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA Court Clerk: LINDA VIGIL Relief Clerk: NANCY NOBLE/nn Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

Tressie Bland of the Division of Parole & Probation present. Mr. Davidson stated defendant wants to go forward with Request to Withdraw Guilty Plea. State submitted. Defendant Hall sworn and testified as to why he requested to withdraw his plea. Arguments by counsel. COURT ORDERED request DENIED. Statements in mitigation of sentencing. COURT ORDERED in addition to the \$25.00 Administrative Assessment fee, Defendant SENTENCED as to COUNT IV to a Maximum 150 MONTHS with a Minimum parole eligibility of 60 MONTHS in the Nevada Department of Prisons; Plus an equal Maximum 150 MONTHS/Minimum 60 MONTHS for use with a deadly weapon. Credit for time served 505 DAYS. Remaining Counts pertain to co-defendant. ;

09/23/1997

Motion to Stay (8:30 AM)

Events: 09/11/1997 Motion

DEFT'S MOTION FOR STAY OF EXECUTION Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Granted; DEFT'S MOTION FOR STAY OF EXECUTION Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure

Journal Entry Details:

CASE SUMMARY

CASE No. 96C136862-1

There being no opposition, COURT ORDERED, motion GRANTED. NDP ;

11/20/1997	<p>CANCELED Request of Court (8:30 AM) Events: 11/17/1997 Hearing <i>Vacated</i></p>
11/24/1997	<p>Motion (8:30 AM) Events: 11/18/1997 Motion <i>STATE'S REQUEST SUPREME COURT ORDER: APPOINT COUNSEL Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Matter Heard; <i>STATE'S REQUEST SUPREME COURT ORDER: APPOINT COUNSEL Court Clerk: LINDA VIGIL Reporter/Recorder: ROBERT MINTUN Heard By: Joseph Bonaventure</i> Journal Entry Details: <i>Pursuant to Supreme Court Order, COURT ORDERED, Mr. Mitchell Posin appointed and CONFIRMED AS COUNSEL. NDP ;</i></p>
02/09/1999	<p>Motion (8:30 AM) Events: 01/28/1999 Motion <i>DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTY/TRANSFER RECORDS Court Clerk: CINDY HORTON Reporter/Recorder: LISA MACOWSKI Heard By: Sally Loehrer</i> Off Calendar; <i>DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTY/TRANSFER RECORDS Court Clerk: CINDY HORTON Reporter/Recorder: LISA MACOWSKI Heard By: Sally Loehrer</i> Journal Entry Details: <i>Court advised Mr. Posin was withdrawn from this case as of 6/26/98, Mr. Posin has indicated he turned over a copy of all documents and transcripts with the opening brief and joint appendix. Court advised it appears the records have been transferred to the deft's mother and COURT ORDERED, MATTER OFF CALENDAR. NDP ;</i></p>
11/09/1999	<p>Motion to Stay (8:30 AM) Events: 10/27/1999 Motion <i>DEFT'S MOTION FOR STAY OF EXECUTION Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer</i> Denied; <i>DEFT'S MOTION FOR STAY OF EXECUTION Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer</i> Journal Entry Details: <i>Court advised cannot find the writ in the file. Mr. Richards advised he does not have a copy of the writ. Court advised there is no further date pending and ORDERED, MOTION DENIED. NDP ;</i></p>
11/30/1999	<p>Motion to Withdraw as Counsel (8:30 AM) Events: 11/10/1999 Motion <i>SPECIAL PD'S MOTION TO WITHDRAW AS COUNSEL/MOTION TO APPOINT COUNSEL/STAY Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i> Granted; <i>SPECIAL PD'S MOTION TO WITHDRAW AS COUNSEL/MOTION TO APPOINT COUNSEL/STAY Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i> Journal Entry Details: <i>Defendant not present. Ms. Mahon advised that defendant's direct appeal was denied and now needs counsel for post conviction relief. COURT ORDERED, as to Motion for Stay of Execution, that is GRANTED until further notice. As to the remainder of the motion, COURT ORDERED, motion GRANTED and matter to be set for Confirmation of Counsel and Mr. Schieck to be notified for possible appointment. NDP ;</i></p>
12/02/1999	<p>Motion for Confirmation of Counsel (8:30 AM) Events: 11/30/1999 Hearing <i>CONFIRMATION OF COUNSEL (SCHIECK) Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i> Granted; <i>CONFIRMATION OF COUNSEL (SCHIECK) Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer</i> Journal Entry Details:</p>

CASE SUMMARY

CASE No. 96C136862-1

Court advised Mr. Schieck that defendant was represented by Ms. McMahon in the Special Public Defender's office and that the direct appeal has been denied. Upon Court's inquiry, Mr. Schieck advised he could confirm as counsel. COURT ORDERED, MR. SCHIECK APPOINTED AS COUNSEL AND ORDER SIGNED IN OPEN COURT. NDP ;

01/20/2000

Petition for Writ of Habeas Corpus (8:30 AM)

Events: 01/06/2000 Petition

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: CINDY HORTON

Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Matter Heard; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Journal Entry Details:

Mr. Schieck requested a briefing schedule. COURT ORDERED OPENING BRIEF TO BE FILED BY 4/20/00, STATE'S RESPONSE TO BE FILED BY 5/25/00, ANY REPLY TO BE FILED BY 6/14/00 AND MATTER IS SET FOR ARGUMENT AND DECISION ON 6/28/00. NDP 6/28/00 10:30 A.M. ARGUMENT AND DECISION ;

06/28/2000

Hearing (10:30 AM)

Events: 01/20/2000 Conversion Case Event Type

ARGUMENT AND DECISION Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Loehrer, Sally

Matter Continued; ARGUMENT AND DECISION Court Clerk: MELISSA DAVIS Reporter/Recorder: LISA MAKOWSKI Heard By: Loehrer, Sally

Journal Entry Details:

Mr. Schieck requested additional time, to which the State has no objection. COURT ORDERED, Supplemental Points and Authorities DUE BY 8/30/00 and State to respond by 9/30/00 and matter CONTINUED. NDP ;

11/02/2000

Hearing (8:30 AM)

ARGUMENT AND DECISION Court Clerk: THERESA LEE Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer

Matter Heard; ARGUMENT AND DECISION Court Clerk: THERESA LEE Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer

Journal Entry Details:

The Court has been informed the Defense is not ready to proceed today. Mr. Schieck concurred, and stated he reviewed the Points and Authorities and needs to return to Ely, Nevada to have the Deft sign the Affidavit. Colloquy between Court and Mr. Schieck re the billing process through Court Administration. COURT ORDERED, Mr. Schieck has until 12/1/00 to file his Points and Authorities, the State will have until 1/2/01 at 5:00 P.M. to reply. Mr. Schieck will have two weeks thereafter until 1/19/01 to file a final reply. Mr. Schieck stated on 1/29/01 he will be asking this court to set an evidentiary hearing. NDP 1/29/01 8:30 A.M. SET TIME CERTAIN: ARGUMENT AND DECISION ;

01/29/2001

Hearing (8:30 AM)

Events: 11/02/2000 Motion

SET TIME CERTAIN: ARGUMENT AND DECISION Court Clerk: MELISSA DAVIS Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Matter Heard; SET TIME CERTAIN: ARGUMENT AND DECISION Court Clerk: MELISSA DAVIS Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Journal Entry Details:

Defendant not present as he is housed at the Nevada Department of Prisons. Mr. Schieck requested an additional 45 days to supplement the brief and COURT SO ORDERED. Mr. Schieck to have until 3/19/01; State to respond by 4/19/01 and defense to reply by 5/7/01. COURT ORDERED, matter set for two weeks after reply is due. Court advised Mr. Schieck that if defendant's presence is requested, an Order to Transport must be presented to this Court at least two weeks prior to hearing. NDP ;

04/30/2001

Motion (8:30 AM)

Events: 04/17/2001 Motion

STATE'S MOTION TO PLACE ON CALENDAR Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer

Matter Heard; STATE'S MOTION TO PLACE ON CALENDAR Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: LISA MAKOWSKI Heard By: Sally Loehrer

Journal Entry Details:

CASE SUMMARY**CASE No. 96C136862-1**

Counsel requested a briefing schedule. COURT ORDERED, briefing schedule set and argument and decision set for 5/21/01 vacated and reset. NDP DEFT'S OPENING BRIEF DUE ON 5/30/01 STATE'S RESPONSE DUE ON 7/30/01 DEFT'S REPLY DUE ON 8/15/01 08/27/01 8:30 AM ARGUMENT/DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;

05/21/2001

Hearing (8:30 AM)

Events: 01/29/2001 Conversion Case Event Type

ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VE 6/20 Heard By: Sally Loehrer

08/27/2001

Hearing (8:30 AM)

ARGUMENT AND DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS VE 6/20 Heard By: Sally Loehrer

09/19/2001

Hearing (8:30 AM)

Events: 06/20/2001 Conversion Case Event Type

ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION Court

Clerk: Melissa Davis Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally

Matter Continued; ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION Court Clerk: Melissa Davis Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally

Journal Entry Details:

Defendant not present as he is housed at the Nevada Department of Corrections. Court noted Mr. Schieck had requested a one week continuance and COURT SO ORDERED. NDC ;

09/26/2001

Hearing (8:30 AM)

ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION Relief

Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Denied in Part; ARGUMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION Relief Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

Mr. Schieck stated he will submit the matter on the pleadings. With respect to some of the other issues, he would like an evidentiary hearing. Argument by Mr. Schieck re Deft.'s petition alleging that trial counsel failed to call a number of witnesses at the penalty hearing. Argument by Mr. Roger. COURT ORDERED, Mr. Schieck to bring in Ms. McMahon and Mr. LaPorta to testify at the evidentiary hearing. Colloquy between Court and counsel re other issues, i.e., first issue, trial counsel failed to object to cumulative bad act evidence at the penalty phase, 20 witnesses called, only three victim impact. Deft. argues the State could have shown bad character with less witnesses. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND that trial counsel was ineffective for failure to object to bad character evidence. The Court does not find merit on that issue. Second issue, Deft. alleges trial counsel failed to limit victim impact statements. Surviving family member testified and read statements of other family members. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND that trial counsel was ineffective assistance of counsel. Third issue, Deft. argues prosecutorial misconduct at closing argument of penalty phase by appealing to the passions and denigrating mitigators. Arguments by counsel. The Court feels it is fair comment for the prosecutor and defense counsel to ask the jury to make a decision. Fourth issue, the trial court erred in admitting the premeditation and deliberation felony murder, equal and exact justice, anti-sympathy, reasonable doubt and unanimous instructions. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel to predict what the Supreme Court would do in the future. Fifth issue, trial counsel failed to object to a witness comment Deft. was "back in jail". Arguments by counsel. Court stated counsel did object. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel on that issue. Sixth issue, trial counsel failed to object to overlapping aggravating circumstances and appellate counsel failed to raise the issue. Arguments by counsel. COURT ORDERED, Supreme Court states the State can come up with three aggravators on the same act. Counsel can preserve that if they go to the Federal Court on that issue. Seventh issue, trial counsel failed to object to inflammatory opening statements and appellate counsel failed to raise the issue on direct appeal. Arguments by counsel. Although, the Court feels defense counsel should have objected to it, COURT ORDERED, the Court DOES NOT FIND it is of such magnitude to require a new trial. EIGHTH ISSUE, trial counsel failed to object to prosecutorial misconduct at the penalty phase. Arguments by counsel. COURT ORDERED, the Court will address this issue at the EVIDENTIARY HEARING. The Court will ask trial counsel about this matter.

CASE SUMMARY

CASE No. 96C136862-1

NINTH ISSUE, trial counsel made improper arguments. Arguments by counsel. COURT ORDERED, this issue will be heard at the EVIDENTIARY HEARING and ask trial counsel about this matter. TENTH ISSUE, trial counsel was not prepared. Arguments by counsel. Court inquired of counsel if Deft. confessed to the crimes. Counsel concurred. COURT ORDERED, the Court will reserve this issue for EVIDENTIARY HEARING. The Court will ask counsel re their trial preparation. Eleventh issue, trial counsel failed to offer a jury instruction on theory of mitigation. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel on this issue. Twelfth issue, trial counsel failed to object to the jury being instructed on commutation of sentence. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel. Thirteenth issue, trial counsel failed to request an instruction properly defining character evidence. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel. Fourteenth issue, Appellate counsel failed to raise error in the malice instruction. Arguments by counsel. COURT ORDERED, Deft.'s argument is overruled and FINDS no merit to this issue. Fifteenth issue, Appellate counsel failed to object to the jury being instructed on commutation. Arguments by counsel. COURT ORDERED, the Court FINDS this issue is without merit. Sixteenth issue, Nevada Supreme Court did not conduct fair and adequate appellate review under NRS 177.055(2). COURT ORDERED, request to return to Supreme Court for review is DENIED. Seventeenth issue, fair trial based on race. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND any systematic exclusion of anyone. Jury selection is random selection through several methods by the Jury Commissioner. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel because it was raised by counsel at time of trial. Court directed both counsel to contact Ms. McMahon and Mr. LaPorta and coordinate their schedules. COURT ORDERED, Mr. Schieck to serve Ms. McMahon and Mr. LaPorta with subpoenas. Upon Court's inquiry, Mr. Schieck stated Deft. will probably want to be present, however, he will check with him. NDC 10/12/01 1:30 P.M. EVIDENTIARY HEARING ;

10/12/2001

Evidentiary Hearing (3:30 PM)

Events: 09/26/2001 Hearing
EVIDENTIARY HEARING Court Clerk: Melissa Davis Heard By: Loehrer, Sally
Matter Continued; EVIDENTIARY HEARING Court Clerk: Melissa Davis Heard By: Loehrer, Sally
Journal Entry Details:
COURT ORDERED, matter CONTINUED. NDC ;

11/29/2001

Evidentiary Hearing (8:00 AM)

EVIDENTIARY HEARING Relief Clerk: Keith A. Reed Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

01/14/2002

Evidentiary Hearing (9:00 AM)

Events: 12/21/2001 Hearing
EVIDENTIARY HEARING Court Clerk: Melissa Davis Heard By: Loehrer, Sally
Matter Continued; EVIDENTIARY HEARING Court Clerk: Melissa Davis Heard By: Loehrer, Sally
Journal Entry Details:
Defendant having not been transported for Nevada Department of Corrections, COURT ORDERED, matter CONTINUED. FURTHER, Mr. Schieck to prepare another Transport Order. NDC ;

01/22/2002

Evidentiary Hearing (10:00 AM)

EVIDENTIARY HEARING Court Clerk: Melissa Davis Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer
Reset; EVIDENTIARY HEARING Court Clerk: Melissa Davis Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer
Journal Entry Details:
Court and counsel noted the issues that need to be addressed are #8, #9 and #10. Lee McMahon sworn and testified. Mr. Schieck advised Mr. LaPorta was to be here, but had to serve as Judge pro tem in Henderson and upon calling will not be available today. COURT ORDERED, matter to be rescheduled upon checking with Mr. LaPorta's schedule. Court directed Corrections Officers from Nevada Department of Corrections to have Defendant remain at High Desert Correctional facility. NDC ;

03/15/2002

Evidentiary Hearing (8:00 AM)

CASE SUMMARY

CASE No. 96C136862-1

EVIDENTIARY HEARING Relief Clerk: Keith A. Reed Reporter/Recorder: Mary Beth Cook
Heard By: Sally Loehrer

Matter Heard; EVIDENTIARY HEARING Relief Clerk: Keith A. Reed Reporter/Recorder:
Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

Witness Richard LaPorta SWORN & TESTIFIED. Testimony presented. COURT ORDERED, closing arguments to be submitted in writing; matter set for DECISION without argument. Mr. Schieck requested a copy of the transcript of Mr. LaPorta's testimony and a briefing schedule. Court reporter advised counsel the transcript would be ready on Monday. FURTHER ORDERED; briefing schedule as follows: Defense brief due 4-15-02; state's response due 5-13-02; Defense reply due 5-24-02; matter set for DECISION. Court stated counsel need not be present if they do not desire as no argument will be allowed.; Deft's presence WAIVED. NDC 6-5-02 8:30 AM DECISION: EVIDENTIARY HEARING ;

06/05/2002

Decision (8:30 AM)

Events: 03/15/2002 Hearing

DECISION: EVIDENTIARY HEARING Court Clerk: Theresa Lee Relief Clerk: Tina Hurd/th Reporter/Recorder: Mary Beth Cook Heard By: Mark Gibbons

Matter Heard; DECISION: EVIDENTIARY HEARING Court Clerk: Theresa Lee Relief
Clerk: Tina Hurd/th Reporter/Recorder: Mary Beth Cook Heard By: Mark Gibbons

Journal Entry Details:

Court advised he has not seen Deft's counsel David Schieck and ORDERED, Deft. Thomas's presence WAIVED as he is in the Nevada Department of Corrections (NDC). COURT ORDERED, briefing schedule set as follows: Deft's opening brief to be filed by June 24; State's answering brief to be filed by July 24; Deft's reply brief to be filed by August 5; matter set for decision on August 14. NDC 8-14-02 8:30 AM DECISION ;

08/14/2002

Decision (8:30 AM)

Events: 06/05/2002 Hearing

DECISION Court Clerk: Carole D'Aloia Reporter/Recorder: Tom Mercer Heard By: Bonaventure, Joseph T.

Matter Continued; DECISION Court Clerk: Carole D'Aloia Reporter/Recorder: Tom Mercer
Heard By: Bonaventure, Joseph T.

Journal Entry Details:

At the request of Mr. Kephart, COURT ORDERED, matter CONTINUED. NDC ;

08/21/2002

Decision (8:30 AM)

DECISION Court Clerk: Keith Reed/kar Relief Clerk: Alan Castle Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer

Matter Heard; DECISION Court Clerk: Keith Reed/kar Relief Clerk: Alan Castle
Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer

Journal Entry Details:

Upon review of the case, the Court does not find there was ineffective assistance of counsel; state to prepare the order. Mr. Schieck noted he needs to be served with the order when it is entered and inquired if the Court will appoint counsel to handle the appeal. COURT ORDERED, Mr. Schieck APPOINTED as appeal counsel based upon the denial for post conviction relief. NDC ;

03/29/2004

Motion (8:30 AM)

Events: 03/15/2004 Motion

DEFT'S MTN TO PLACE ON CALENDAR/54 Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Granted; DEFT'S MTN TO PLACE ON CALENDAR/54 Court Clerk: Theresa Lee
Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

Court commented on the fact, when a case is sent back from the Supreme Court it should go to the trial judge. Mr. Schwartz stated this Court heard the Penalty Hearing. Mr. Schieck stated he was appointed to do the appeal on the Post Conviction Relief. Court inquired of Mr. Schieck if he would like the appointment for the penalty hearing. Mr. Schieck brought to the Court's attention that the Special Public Defender was second chair at trial. Court inquired if the issue on appeal was ineffective assistance of counsel. Mr. Schieck stated Peter LaPorta and Lee McMahon represented deft at the trial. The issue is an Instruction that was given to the Jury at the Penalty Hearing that incorrectly left the Jury with the belief deft would be pardoned from the Pardons Board. COURT ORDERED, a new Penalty Hearing should be set,

CASE SUMMARY**CASE No. 96C136862-1**

the Court will APPOINT David Schieck as counsel for the penalty hearing, and the Special Public Defender as second chair. The Court cannot appoint a private attorney to sit as second chair if there is no conflict with the Special PD. Court inquired of Ms. Jackson if she would sit second chair with Mr. Schieck. Mr. Schieck stated Lee McMahon is still with their office, however, deft. was not happy with Pete LaPorta or Lee McMahon as his attorneys. Mr. Schieck also informed the Court there will be a mental health hearing regarding whether deft qualifies for the death penalty because of his IQ. COURT ORDERED, Mr. Schieck to have deft examined and get all of the psychiatric evaluations and the Court can set the Penalty Hearing in approximately 90 days. Court directed Mr. Schieck to submit the order. COURT ORDERED, matter CONTINUED to set time certain for penalty hearing. NDC 6/30/04 8:30 A.M. SET TIME CERTAIN: PENALTY HEARING ;

06/30/2004

Status Check (8:30 AM)

Events: 03/29/2004 Hearing

STATUS CHECK /SET PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder:

Angela Lee Heard By: Sally Loehrer

Matter Heard; STATUS CHECK /SET PENALTY HEARING Court Clerk: Theresa Lee

Reporter/Recorder: Angela Lee Heard By: Sally Loehrer

Journal Entry Details:

Court stated this case has been from the Supreme Court for a Penalty Hearing. Deft received two death sentences first time around due to an erroneous jury instruction re what a life without sentence means. There is a possibility the jury erred on the side of finality. The Court needs to know if Mr. Schieck is going to stay on the case. Mr. Schieck stated when he appeared previously on this case, it was before he was appointed Special Public Defender. He was appointed because the deft had a problem with the Special Public Defender. The Court appointed Dan Albregts to work with him on the case. Deft was advised of this, and the fact Mr. Schieck was appointed as the Special Public Defender, Deft did not know what to think. He has not heard from the deft in a couple of weeks. CONFERENCE AT THE BENCH. Court further stated, Mr. Schieck was able to get the case reversed on deft's behalf. Deft should be pleased Mr. Schieck is staying on the case. COURT ORDERED, PENALTY HEARING DATE SET. 12/29/04 8:30 A.M. CALENDAR CALL 1/3/05 1:30 P.M. PENALTY HEARING ;

12/20/2004

Motion (8:30 AM)

Events: 12/08/2004 Motion

NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR RELIEF/58 Court

Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Matter Continued; NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR

RELIEF/58 Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer,

Sally

Journal Entry Details:

Eddie Gulbenkian, Esq. bar #7726, present on behalf of the Nevada Department of Corrections. Mr. Pike stated he is appearing for Mr. Schieck who is out of the state today. P & P is requesting reconsideration and relief. The hearing date on the penalty phase is set for 1/3/05. Court advised counsel the Court has not received the Jury Questionnaire. Mr. Pike stated this matter is not going on 1/3/05, and the deft has not been transported from Ely State prison. He was suppose to be transported one month prior to the penalty hearing. COURT ORDERED, Calendar Call VACATED, the Court will leave this matter on calendar on 1/3/05, penalty hearing date stands, the Court will set a time certain for the penalty hearing on 1/3/05. FURTHER ORDERED, when a hearing date is set, deft is ORDERED to be transported to the Clark County Detention Center one month prior to the hearing. Court advised counsel to get together and pick a date, and that WILL BE the hearing date, no more continuances. Mr. Pike to prepare the order. NDC 1/3/05 8:30 A.M. NEVADA DEPT OF CORRECTIONS MOTION FOR RECONSIDERATION AND RELIEF...RESET PENALTY HEARING ;

12/29/2004

CANCELED Calendar Call (8:30 AM)*Vacated*

01/03/2005

Motion (8:30 AM)

NV DEPT OF CORRECTIONS MTN FOR RECONSIDERATION & FOR RELIEF/58

01/03/2005

Conversion Hearing Type (8:30 AM)

Events: 12/20/2004 Hearing

RESET PENALTY HEARING

CASE SUMMARY

CASE NO. 96C136862-1

01/03/2005	<p>All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS Relief Clerk: Elaine York/ey Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i> Matter Heard; ALL PENDING MOTIONS Relief Clerk: Elaine York/ey Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer Journal Entry Details: <i>NEVADA DEPARTMENT OF CORRECTIONS MOTION FOR RECONSIDERATION AND FOR RELIEF...RESET PENALTY HEARING Mr. Schieck stated this matter has been resolved stating the motion for reconsideration filed by the Attorney General's Office was appealed by the Deft. and added the Deft. is currently housed at High Desert Prison. Upon inquiry of the Court, Mr. Schubert stated this is Mr. Schwartz's case. COURT ORDERED, Penalty Hearing VACATED and matter RESET. Court advised counsel Jury Questionnaires need to be completed by 3/21/05 in order for the jury panel to answer by 3/25/05 allowing one week for counsel to review them. Mr. Schieck brought to the Court's attention the filing of pretrial motions that should be heard before the calendar call. COURT ORDERED, Pretrial Motions to be heard on 3/16/05 with the last filing date for motions being 2/28/05. NDC 3/16/05 8:30 AM PRETRIAL MOTIONS 3/30/05 8:30 AM CALENDAR CALL 4/04/05 1:30 PM TRIAL BY JURY ;</i></p>
01/03/2005	<p>CANCELED Penalty Hearing (1:30 PM) Events: 06/30/2004 Hearing <i>Vacated</i></p>
01/12/2005	<p>Request (8:30 AM) Events: 01/08/2005 Hearing <i>STATE'S REQUEST STATUS CHECK/TRIAL DATE Court Clerk: Theresa Lee Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i> Matter Heard; STATE'S REQUEST STATUS CHECK/TRIAL DATE Court Clerk: Theresa Lee Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer Journal Entry Details: <i>Parties agreed to a June trial with all pretrial motions in by May 18th, COURT SO ORDERED. Trial vacated and reset. NDC 05/18/05 8:30 AM PRETRIAL MOTIONS 06/01/05 8:30 AM CALENDAR CALL 06/06/05 1:30 AM TRIAL BY JURY ;</i></p>
03/16/2005	<p>CANCELED Motion (8:30 AM) Events: 01/03/2005 Motion <i>Vacated</i></p>
03/30/2005	<p>CANCELED Calendar Call (8:30 AM) <i>Vacated</i></p>
04/04/2005	<p>CANCELED Jury Trial (1:30 PM) <i>Vacated</i></p>
05/04/2005	<p>Motion (8:30 AM) Events: 04/19/2005 Motion <i>DEFT'S NTC OF MTN AND MTN TO PLACE ON CALENDR /68 Court Clerk: Theresa Lee Reporter/Recorder: JoAnn Orduna Heard By: Sally Loehrer</i> Granted; DEFT'S NTC OF MTN AND MTN TO PLACE ON CALENDR /68 Court Clerk: Theresa Lee Reporter/Recorder: JoAnn Orduna Heard By: Sally Loehrer Journal Entry Details: <i>Mr. Schieck stated Chris Owens will be trying the Laughlin biker case. David Schwartz will be trying this case for the State. Mr. Schieck further stated Judge Mosley moved the biker case, and now Maestas is set to start May 31, 2005. Mr. Schieck moved to continue this trial based upon the Maestas case. Court stated Judge Mosley spoke to the Court regarding his trial schedule, this Court moved the Garrett case due to his trial schedule. COURT ORDERED, Deft's Motion to Continue the Trial is GRANTED; trial date VACATED AND RESET; ALL pre-trial motions to be filed timely and scheduled to be heard on 9/14/05. Mr. Schieck to talk to Mr. Schwartz and see if this trial date will work for him. FURTHER ORDERED, Deft's presence WAIVED today as he is at NDC. NDC 9/14/05 8:30 A.M. PRE-TRIAL MOTIONS 10/5/05 8:30 A.M. CALENDAR CALL 10/10/05 1:30 P.M. TRIAL BY JURY ;</i></p>
05/18/2005	<p>Motion (8:30 AM)</p>

CASE SUMMARY

CASE NO. 96C136862-1

	<p>Events: 01/12/2005 Motion <i>ALL PRE-TRIAL MOTIONS</i></p>
06/01/2005	<p>CANCELED Calendar Call (8:30 AM) <i>Vacated</i></p>
06/01/2005	<p>Motion (8:30 AM) Events: 05/17/2005 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/71 Relief Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer Matter Settled; DEFT'S MTN TO PLACE ON CALENDAR/71 Relief Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer Journal Entry Details: COURT ORDERED, matter is resolved as the District Attorney has agreed that Defendant shall remain at the High Desert until time of trial, therefore Defendant's Motion is OFF CALENDAR. FURTHER ORDERED, Def't's presence WAIVED today as he is at NDC. NDC ;</i></p>
06/06/2005	<p>CANCELED Jury Trial (1:30 PM) <i>Vacated</i></p>
09/14/2005	<p>Motion (8:30 AM) <i>ALL PRE-TRIAL MOTIONS</i></p>
09/14/2005	<p>Motion to Strike (8:30 AM) Events: 08/24/2005 Motion <i>DEFT'S MTN TO STRIKE AGGRAVATING CIRCUMSTANCES BASED Heard By: Sally Loehrer</i></p>
09/14/2005	<p>Motion to Strike (8:30 AM) Events: 08/24/2005 Motion <i>DEFT'S MTN TO STRIKE STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/73 Heard By: Sally Loehrer</i></p>
09/14/2005	<p>Motion to Dismiss (8:30 AM) Events: 08/24/2005 Motion <i>DEFT'S MTN TO DISMISS STATE'S INTENT TO SEEK DEATH PENALTY/74 Heard By: Sally Loehrer</i></p>
09/14/2005	<p>Motion (8:30 AM) Events: 08/24/2005 Motion <i>DEFT'S MTN TO ALLOW JURY QUESTIONNAIRE/75 Heard By: Sally Loehrer</i></p>
09/14/2005	<p>Motion to Compel (8:30 AM) Events: 08/24/2005 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE/76 Heard By: Sally Loehrer</i></p>
09/14/2005	<p>Motion in Limine (8:30 AM) Events: 08/24/2005 Motion <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING EVID/77 Heard By: Sally Loehrer</i></p>
09/14/2005	<p>All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS (9/14/05) Court Clerk: Theresa Lee Reporter/Recorder: Yvonne Valentin Heard By: Sally Loehrer Matter Heard; ALL PENDING MOTIONS (9/14/05) Court Clerk: Theresa Lee Reporter/Recorder: Yvonne Valentin Heard By: Sally Loehrer Journal Entry Details: DEFT'S MOTION TO ALLOW QUESTIONNAIRE... Mr. Schieck will submit a questionnaire to the State for their approval, Counsel to have the questionnaire submitted to the Court by Monday, 9/26/05 for Court's signature and for photocopying, and the Court will bring in 100- 110 jurors to fill out the paperwork on 9/29/05 or 9/30/05. Court directed counsel to put on the 1st page of the questionnaire they are expected to serve the week of 10/10/05 through 10/19/05, and what the case is about. The Court will be able to excuse them right away. DEFT'S</i></p>

CASE SUMMARY

CASE No. 96C136862-1

MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT...COURT ORDERED, motion GRANTED, the Court has STRICKEN the Robbery as an aggravator. DEFT'S MOTION TO STRIKE AGGRAVATOR FOUR ON STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY...Colloquy between Court and counsel. Arguments by counsel. COURT ORDERED, motion GRANTED AND DENIED IN PART, the Court will STRIKE the Robbery as an Aggravator, but the Burglary will go forward as an Aggravator, and more than one person was killed will go forward as an Aggravator. DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...Court stated as this applies only to the penalty hearing. Mr. Schieck concurred, and argued, if a witness is getting preferential treatment from the State at the trial. Argument by Mr. Owens. Mr. Schieck stated the 16 year old witness during the first trial clammed up and they used the transcript from the preliminary hearing and gave him the benefit of whatever he was charged with. Mr. Schieck stated he is aware of it up to the trial, but would like to know if there is anything further. Mr. Schwartz stated the witness is in prison, nothing has been done on his behalf, no one is receiving any benefits. COURT ORDERED, the motion is GRANTED. DEFT'S MOTION TO DISMISS STATE'S INTENT TO SEEK DEATH PENALTY BECAUSE THE NEVADA DEATH PENALTY IS UNCONSTITUTIONAL...Court stated, the Supreme Court has indicated Nevada is a death penalty state, and the Statute is not unconstitutional. COURT ORDERED, motion DENIED. DEFT'S MOTION IN LIMINE TO LIMIT PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF THE 8TH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING...Colloquy between Court and counsel. Arguments by counsel. The Supreme Court has not decided one way or the other. This Court does not oppose a jury deliberating twice. State will put on aggravators, deft will put on mitigators at one time, having the jury determine if one or more aggravators are determined by a unanimous jury, and if the aggravators outweigh the mitigators, and then return to hear the bad acts information. Mr. Schieck stated there were incidents at the prison, there are 15-20 witnesses on bad acts testimony. Court stated if there are a lot of bad acts the Court would prefer to do it the way the Court mentioned. Mr. Owens objected to bifurcating the penalty hearing. COURT ORDERED, motion GRANTED, the Court will BIFURCATE the penalty hearing. Mr. Owens can run a Writ on this if he chooses and let the Supreme Court decide this issue. NDC ;

09/26/2005

Request (8:30 AM)

Events: 09/22/2005 Hearing

DEFT'S REQUEST STATUS CHECK/PENALTY HEARREQUEST Court Clerk: Jennifer Kimmel/jk Relief Clerk: Judy McFadden Reporter/Recorder: Yvonne Valentin Heard By: Sally Loehrer

Matter Heard; DEFT'S REQUEST STATUS CHECK/PENALTY HEARREQUEST Court Clerk: Jennifer Kimmel/jk Relief Clerk: Judy McFadden Reporter/Recorder: Yvonne Valentin Heard By: Sally Loehrer

Journal Entry Details:

Court advised counsel regarding Chief Judge directive relating to trials during the relocation to the Regional Justice Center (RJC). Colloquy ensued regarding schedule of trial. COURT ORDERED, Trial is RESET. NDC 10/12/05 8:30 A.M. CALENDAR CALL 10/24/05 1:30 P.M. TRIAL BY JURY ;

10/05/2005

CANCELED Calendar Call (8:30 AM)

Vacated

10/10/2005

CANCELED Jury Trial (1:30 PM)

Vacated

10/12/2005

Calendar Call (8:30 AM)

CALENDAR CALL Court Clerk: Theresa Lee Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Yvonne Valentin Heard By: Loehrer, Sally

Matter Continued; CALENDAR CALL Court Clerk: Theresa Lee Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Yvonne Valentin Heard By: Loehrer, Sally

Journal Entry Details:

COURT ORDERED, calendar call continued to next week. Mr. Schieck stated he has another application to transport witnesses to testify in this case and presented it to the Court. Additionally, Mr. Schieck stated in NDC he is only allowed to speak with the defendant every other Monday and requested the Court to sign a special order allowing Mr. Schieck to see the defendant more often to prepare for trial, COURT SO ORDERED; Order signed in Court.

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CASE NO. 96C136862-1

NDC ;

10/19/2005

Calendar Call (8:30 AM)

CALENDAR CALL Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Heard By: Sally Loehrer

Matter Heard; CALENDAR CALL Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Heard By: Sally Loehrer

Journal Entry Details:

Court stated in the Court's absence last week, Court was informed counsel are in agreement to move this trial to the week of 10/31/05, and the Botzet trial will go the weeks of 10/17/05 and 10/24/05. Counsel concurred. Mr. Albregts stated he has a personal commitment on 11/4/05. The trial will take FIVE (5) DAYS. Court inquired, State advised they have 10 witnesses, Mr. Schieck stated deft has 10 witnesses. Colloquy between Court and counsel re the way the bifurcated trial will proceed. Upon further inquiry by the Court, Mr. Schieck stated a Detective will come in and give a statement of the facts and summarize the evidence in the case, because guilt is not a question. COURT ORDERED, trial will commence 10/31/05 at 10:30 A.M. NDC 10/31/05 10:30 A.M. PENALTY HEARING ;

10/24/2005

CANCELED Hearing (1:30 PM)

Events: 09/26/2005 Hearing

Vacated

10/31/2005

Hearing (10:30 AM)

Events: 10/19/2005 Hearing

PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Matter Continued; PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Journal Entry Details:

OUTSIDE PRESENCE OF JURY and DEFT. Mr. Albregts stated having difficulty getting deft dressed for court. Due to being in prison, no one knows his size. Court received a call from Officer Jacoby this morning re deft's custody status. They were not given an order to retain him in the Clark County Detention Center during the trial. He will be transported back and forth. He does not have his legal documents with him. COURT ORDERED, deft can return to the prison tonight, return tomorrow morning and for the balance of the trial he will remain at CCDC. Mr. Schieck stated deft would like to be returned to the prison. The Order to Transport stated to be transported for the Petrocelli Hearing, but not how long the hearing would take. Mr. Schieck requested deft transported daily. Deft has been housed at High Desert for several months. COURT ORDERED, request DENIED. Mr. Schieck objected to deft being restrained during the penalty hearing. Colloquy between Court and counsel. COURT ORDERED, he can be restrained at the ankles; arm and belly chains to be removed. Deft now present. JURY PANEL PRESENT AND SWORN. Jury selection commenced. Court inquired if either side had a JEB or Batson challenge to jury selection. All counsel answered in the negative. Mr. Albregts stated you have to have African American jurors on the panel to be able to exercise the challenge. At the hour of 5:07 P.M. Jury and two Alternates selected and sworn. Jury EXCUSED 5:07 P.M. until 10:00 A.M. on 11/1/05. CUSTODY (NDC) ;

11/01/2005

Hearing (10:00 AM)

PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Matter Continued; PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Journal Entry Details:

JURY PRESENT. Introduction of the trial process by the Court to the Jury. Opening statements by Mr. Schwartz and Mr. Schieck. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, at the end of the trial, Exhibit #72, the money from the Lonestar robbery is going to be returned to the Lonestar. The Court was not aware this money was in the Vault for nine years and should be returned. Jury EXCUSED 5:52 P.M. until 10:00 A.M. on 11/2/05. ADJOURNED 6:00 P.M. CUSTODY (NDC) ;

11/02/2005

Hearing (10:00 AM)

PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook/Sharon Howard Heard By: Loehrer, Sally

Matter Continued; PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary

CASE SUMMARY

CASE NO. 96C136862-1

Beth Cook/Sharon Howard Heard By: Loehrer, Sally

Journal Entry Details:

OUTSIDE PRESENCE OF JURY, arguments by counsel re hearsay statements and the Crawford decision. Transcripts of the 11/1/05 Proceedings FILED IN OPEN COURT. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 11:29 A.M. JURY EXCUSED, Court inquired of defense counsel when deft will allocute after the first proceeding. Court advised Mr. Schieck deft can allocute now and at the end of the second proceeding. Mr. Schieck stated deft is requesting a shower, SO ORDERED, deft to be allowed to shower tonight. JURY PRESENT, Testimony and exhibits CONTINUED. (See worksheets.) Jury Instructions SETTLED in open court on the record. JURY PRESENT, 4:17 P.M. Court instructed the Jury and listened to closing arguments by counsel. At the hour of 5:40 P.M. the jury RETIRED TO DELIBERATE. At the hour of 6:52 P.M., the Jury returned with VERDICTS as follows, AS TO CT 2 - the mitigating circumstances do not outweigh the aggravating circumstances, and CT 3 - the mitigating circumstances do not outweigh the aggravating circumstances. Court ADMONISHED the jury and EXCUSED them until 10:30 A.M. on 11/3/05. ADJOURNED 7:00 P.M. CUSTODY (NDC) ;

11/03/2005

Hearing (8:30 AM)

PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Matter Continued; PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally

Journal Entry Details:

OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel witness line-up and arguments by counsel re exhibits. Counsel agreed not to present opening statements. Deft now present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 4:53 P.M. Mr. Schieck informed the Court, the defense is not ready to call witnesses tonight. Jury EXCUSED 5:20 P.M. until 8:30 A.M. on 11/4/05. Mr. Schieck requested the Court order his witnesses to stay at CCDC tonight. The Officer stated they will be in booking. Mr. Schieck stated he will go talk to them right now. ADJOURNED 5:23 P.M. BOND ;

11/04/2005

Hearing (8:30 AM)

PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: JoAnn Orduna/Mary Beth Cook Heard By: Sally Loehrer

Matter Heard; PENALTY HEARING Court Clerk: Theresa Lee Reporter/Recorder: JoAnn Orduna/Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

OUTSIDE PRESENCE OF JURY. Mr. Albregts stated the first witness will need a Spanish Interpreter. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Statement of allocution by deft. DEFENSE RESTED 10:35 A.M. OUTSIDE PRESENCE OF JURY, Jury Instructions SETTLED IN OPEN COURT. JURY PRESENT, Court instructed the Jury and listened to closing arguments by counsel. At the hour of 12:48 P.M. the Jury RETIRED TO DELIBERATE. At the hour of 5:15 P.M. the Jury RETURNED with VERDICTS as follows: as to CT 2 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (CARL DIXON) and the Jury having found that the aggravating circumstance outweighs any mitigating circumstances, impose a sentence of DEATH; CT 3 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (MATTHEW GIANAKIS) and the Jury having found that the aggravating circumstance outweighs any mitigating circumstances, impose a sentence of DEATH. Mr. Schieck requested the Jury polled. Court thanked and excused the jury. Mr. Schieck requested the matter set for sentencing, new Pre-Sentence Report not necessary. COURT ORDERED, State to prepare the appropriate paperwork for sentencing, matter CONTINUED two weeks. Mr. Schieck requested seven days in which to file post trial motions, SO ORDERED. BOND 11/21/05 8:30 A.M. SENTENCING ;

11/21/2005

Sentencing (8:30 AM)

Events: 11/07/2005 Conversion Case Event Type

SENTENCING Heard By: Sally Loehrer

11/28/2005

Sentencing (8:30 AM)

SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Matter Heard; SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

COURT ORDERED, matter TRAILED for Mr. Owens. Ms. Campbell stated she does not have

CASE SUMMARY

CASE NO. 96C136862-1

the paperwork for the Court, Mr. Owens will be appearing on this matter. Mr. Schieck stated there is an automatic appeal, the Court can proceed without Mr. Owens. MATTER TRAILED. Mr. Owens now present. COURT ORDERED, by virtue of the Jury's Verdict, on CT 2 - Murder of the First Degree with Use of a Deadly Weapon as to Matthew Gianakis, deft is SENTENCED to DEATH; and on CT 3 - Murder of the First Degree with Use of a Deadly Weapon as to Carl Dixon, deft is SENTENCED to DEATH. Judgment of Conviction, Warrant of Execution and Order of Execution FILED IN OPEN COURT. Upon inquiry by Mr. Schieck, COURT ORDERED, Special Public Defender is APPOINTED to file the Appeal in this case; Mr. Albregts is RELIEVED as counsel and to submit his voucher for payment. Deft REMANDED into the custody of the Sheriff. NDC CLERK'S NOTE: 11/28/05, Clerk prepared the packets and distributed Certified copies of the Court Minutes, Judgment of Conviction, Warrant of Execution and Order of Execution, placed packets in bins outside the Clerk's office for CCDC, the District Attorney and the Public Defender. (tl) ;

12/14/2005

Further Proceedings (8:30 AM)

Events: 12/09/2005 Hearing

FURTHER PROCEEDINGS: EVIDENCE Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Matter Heard; FURTHER PROCEEDINGS: EVIDENCE Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

The Court had Michael Sommemeyer from Court Administration photograph the money. Mr. Schieck stated he has looked at the pictures. He is satisfied this is the money. Court informed counsel the money needs to be returned to the Lonestar Steakhouse. The Court will keep the brown evidence bag, (Exhibit #72) and have the Clerk mark the photographs of the money as one exhibit, place the photos in the bag, and release the money to the Lonestar.

CONFERENCE AT THE BENCH. Court stated Mr. Moreo has now looked at the photographs taken by Michael Sommemeyer, displaying what the money looked like in denominations. State to prepare an order, directing the Lonestar to come to the Clerk's office and pick up the money. The Lonestar can take it to the bank and have the money disposed of and the bank can replace the money. Mr. Schieck stated the evidence bag was opened and the money was shown to the jury. Further, Mr. Schieck WAIVED deft's presence for today's proceedings, SO ORDERED. NDC NDC ;

05/07/2008

Petition for Writ of Habeas Corpus (8:30 AM)

Events: 03/10/2008 Petition

PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09) Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever Heard By: Loehrer, Sally

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09) Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever Heard By: Loehrer, Sally

Journal Entry Details:

Mr. Schieck moved to withdraw as this is a post conviction Writ. COURT ORDERED, matter CONTINUED and Ms. Dustin will be contacted to see if she can confirm as Deft's new counsel. Court directed the Law Clerk to contact Ms. Dustin and request her presence next date. NDC 5/21/08 8:30 A.M. CONFIRMATION OF COUNSEL (DUSTIN) ;

05/21/2008

Petition for Writ of Habeas Corpus (8:30 AM)

PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)

05/21/2008

Motion for Confirmation of Counsel (8:30 AM)

Events: 05/07/2008 Hearing

CONFIRMATION OF COUNSEL (DUSTIN) Heard By: Sally Loehrer

05/21/2008

All Pending Motions (8:30 AM)

ALL PENDING MOTIONS - 5/21/08 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Matter Heard; ALL PENDING MOTIONS - 5/21/08 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Journal Entry Details:

DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO APPOINT COUNSEL...CONFIRMATION OF COUNSEL (DUSTIN) COURT NOTED, Ms.

Dustin can confirm as counsel in this Post Conviction Writ. Colloquy regarding briefing schedule. COURT ORDERED, matter set for Status Check to set briefing schedule. NDC 6/30/08 8:30 A.M. STATUS CHECK: BRIEFING SCHEDULE ;

CASE SUMMARY

CASE NO. 96C136862-1

06/30/2008	<p>Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i></p>
06/30/2008	<p>Status Check (8:30 AM) Events: 05/21/2008 Hearing <i>STATUS CHECK: SET BRIEFING SCHEDULE</i></p>
06/30/2008	<p>All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS (6-30-08) Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Julie Lever Heard By: Sally Loehrer</i> Matter Heard; <i>ALL PENDING MOTIONS (6-30-08) Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Julie Lever Heard By: Sally Loehrer</i> Journal Entry Details: <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: SET BRIEFING SCHEDULE Ma. Dustin advised she does not have file and transcript as of yet, expecting to have it by tomorrow. COURT ORDERED, Defense counsel to have Points and Authorities (Supplemental Petition of Habeas Corpus) done by 11-03-08, States's Opposition to Writ is due by 1-09-09, Defense counsel to file Reply by 2-09-09 and Arguments and Decisions will be set on 2-25-09. 2-25-09 8:30 AM ARGUMENTS/DECISION ;</i></p>
09/22/2008	<p>Motion to Dismiss (8:30 AM) Events: 09/06/2008 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINT NEW COUNSEL/91 Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever Heard By: Sally Loehrer</i> Denied; <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINT NEW COUNSEL/91 Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever Heard By: Sally Loehrer</i> Journal Entry Details: <i>Matter argued and submitted. COURT ORDERED, Deft's Motion is DENIED as he already has counsel. COURT STATED this case has pending hearing on Argument/Decision for Deft's post conviction Writ on 2/25/09 which STANDS. NDC ;</i></p>
11/03/2008	<p>Motion (8:30 AM) Events: 10/20/2008 Motion <i>DEFT'S MTN PLACE ON CALENDAR TO RESET BRIEFING SCHEDULE/92 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Miriam Shearing</i> Granted; <i>DEFT'S MTN PLACE ON CALENDAR TO RESET BRIEFING SCHEDULE/92 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Miriam Shearing</i> Journal Entry Details: <i>Ms. Dustin moved to waive Deft's presence. COURT SO ORDERED. Matter argued and submitted. COURT FURTHER ORDERED, Deft's Motion is GRANTED and briefing schedule is re-set as follows: Deft's Opening Brief is due 1/15/09, State's Reply is due 5/15/09 and Deft's Reply, if any, is due by 7/15/09 with Argument and Decision also being re-set. NDC 7/29/09 8:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)// ARGUMENT AND DECISION RE: WRIT ;</i></p>
12/29/2008	<p>Motion to Withdraw as Counsel (8:30 AM) Events: 12/18/2008 Motion <i>DUSTIN'S MTN TO WITHDRAW AS COUNSEL /93 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i> Granted; <i>DUSTIN'S MTN TO WITHDRAW AS COUNSEL /93 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i> Journal Entry Details: <i>Matter argued and submitted. Court stated its findings and ORDERED, Ms. Dustin's Motion is GRANTED. COURT FURTHER ORDERED, appointment of new counsel is set for Status Check. Discussion regarding use of Federal resources to prosecute this matter for the State. COURT STATED, the next Judges meeting set for 1/19/09 has this issue on the agenda however counsel may verify conclusion and or preservation of this issue through Judge Togliatti as this Court will no longer be on the bench. NDC 1/7/09 8:30 A.M. CONFIRMATION OF COUNSEL ;</i></p>
01/07/2009	<p>Motion for Confirmation of Counsel (9:00 AM)</p>

CASE SUMMARY

CASE NO. 96C136862-1

	<p>Events: 12/29/2008 Hearing CONFIRMATION OF COUNSEL Heard By: Stefany Miley Matter Heard; CONFIRMATION OF COUNSEL Heard By: Stefany Miley Journal Entry Details: <i>Ms. Dustin advised she was formerly Counsel of Record, but previously told Judge Loehrer she would remain involved for a smooth transition of the file. Mr. Brett Whipple advised he would accept the appointment as Counsel for Defendant Thomas. Mr. Whipple stated for the record that he spoke with Mr. Christensen with the Special Public Defenders Office, and there should be no conflict. Mr. Owens expressed concern about the length of time that has passed, and there being no Supplemental Brief filed, noting a year has passed. Mr. Whipple stated it was a death penalty case, and he would need six months. Upon Mr. Owens inquiry, Mr. Whipple agreed to get the case right back on Calendar, if it was determined that there is a conflict. COURT ORDERED, Mr. Whipple is CONFIRMED as Attorney of Record, and matter SET for a Status Check regarding the filing of a Supplemental Brief. 7/6/09 9:30 AM STATUS CHECK: FILING OF BRIEF ;</i></p>
02/25/2009	<p>Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09)</i></p>
02/25/2009	<p>Hearing (8:30 AM) Events: 06/30/2008 Conversion Case Event Type <i>ARGUMENT/DECISION RE: DEFT'S POST CONVICTION WRIT OF HABEAS (VJ 7/6/09)</i></p>
07/06/2009	<p>Status Check (9:30 AM) Events: 01/08/2009 Hearing <i>STATUS CHECK: FILING OF BRIEF Court Clerk: Larry Snyder Reporter/Recorder: Debra Winn Heard By: Gates, Lee A</i> Matter Continued; STATUS CHECK: FILING OF BRIEF Court Clerk: Larry Snyder Reporter/Recorder: Debra Winn Heard By: Gates, Lee A Journal Entry Details: <i>Mr. Whipple requested a continuance in order to file a Supplemental Brief. Mr. Owens acknowledged Mr. Whipple being new on the case, but noted the Petition was filed March 2008, and he doesn't want the matter to stagnate. COURT ORDERED, matter CONTINUED. COURT FURTHER ORDERED, future Hearing date of 7/29/09 is hereby VACATED. NDC ;</i></p>
07/29/2009	<p>Petition for Writ of Habeas Corpus (8:30 AM) <i>PTN FOR WRIT OF HABEAS CORPUS (VJ 7/6/09) Court Clerk: Jennifer Kimmel Reporter/Recorder: Julie Lever</i></p>
07/29/2009	<p>Hearing (8:30 AM) <i>ARGUMENT/DECISION RE: DEFT'S POST CONVICTION WRIT OF HABEAS (VJ 7/6/09)</i></p>
11/09/2009	<p>Status Check (9:30 AM) <i>STATUS CHECK: FILING OF BRIEF Court Clerk: Larry Snyder Reporter/Recorder: Dalyne Easley Heard By: Stefany Miley</i> Matter Heard; STATUS CHECK: FILING OF BRIEF Court Clerk: Larry Snyder Reporter/Recorder: Dalyne Easley Heard By: Stefany Miley Journal Entry Details: <i>Request For Funds For Investigative Assistance FILED IN OPEN COURT. Statements by Mr. Whipple in support of the relief requested, noting there are additional funds requested for the mental retardation claim. Mr. Owens stated he would like to review the fees requested and the documentation provided. COURT ORDERED, matter SET for a Status Check. COURT FURTHER ORDERED, the State will have until 11/23/09 to file a Brief/Opposition. NDC 12/7/09 9:30 AM STATUS CHECK: DEFENDANT'S REQUEST - STATE'S BRIEF/OPPOSITION ;</i></p>
12/07/2009	<p>Status Check (9:30 AM) Events: 11/09/2009 Hearing <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF Heard By: Stefany Miley</i></p>
12/09/2009	<p>Status Check (9:30 AM) <i>STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF</i></p>

CASE SUMMARY

CASE No. 96C136862-1

Relief Clerk: Nicole McDevitt Reporter/Recorder: Debra Winn Heard By: Miley, Stefany
Matter Continued; STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE
ASSISTANCE - STATE'S BRIEF Relief Clerk: Nicole McDevitt Reporter/Recorder: Debra
Winn Heard By: Miley, Stefany
Journal Entry Details:
Ms. Kice requested for a continuance to respond. COURT SO ORDERED. NDC ;

01/06/2010

Status Check (9:30 AM)

STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE ASSISTANCE - STATE'S BRIEF
Court Clerk: Larry Snyder Relief Clerk: Maria Garibay/mg Reporter/Recorder: Dalyn Easley
Heard By: Stefany Miley
Matter Heard; STATUS CHECK: DEFT'S REQUEST FOR INVESTIGATIVE
ASSISTANCE - STATE'S BRIEF Court Clerk: Larry Snyder Relief Clerk: Maria Garibay/mg
Reporter/Recorder: Dalyn Easley Heard By: Stefany Miley
Journal Entry Details:
Arguments by counsel regarding the IQ scores received by the Defendant at the time of trial.
Ms. Kice requested all accusations involving the Federal Public Defender's office in other
state post conviction proceedings be stricken by the court. Mr. Owens requested a
supplemental petition be filed. Ms. Kice argued the State relied on the IQ test done by Clark
County school and the Supreme Court recognizes that individuals who fall at the range of 70
and below are ineligible for the death row. Court NOTED there was an evaluation done in
1994. COURT ORDERED, Deft's request DENIED and DIRECTED Ms. Kice to file a
supplemental petition. Ms. Kice to file the supplemental petition by July 7th and State to reply
by September 8th. COURT FURTHER ORDERED, matter SET for Hearing. NDC 10/06/10
9:30 AM HEARING: SUPPLEMENTAL PETITION ;

12/13/2010



All Pending Motions (9:30 AM) (Judicial Officer: Ames, Jack B.)

HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS
Matter Heard;
Journal Entry Details:
HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS Mr.
Whipple requested a continuance for Deft's presence. Mr. Owens stated there has been no oral
arguments regarding an evidentiary hearing and is prepared to go forward today. Mr.
Whipple stated the previous minutes reflect a hearing and he thought there would be testimony
today. COURT ORDERED, matter CONTINUED for Judge Miley's presence; further matter
SET for hearing. NDC 03/07/10 09:30 AM HEARING: SUPPLEMENTAL PETITION
PETITION FOR WRIT OF HABEAS CORPUS...EVIDENTIARY HEARING ;

12/13/2010

Hearing (11:00 AM) (Judicial Officer: Miley, Stefany)

12/13/2010, 03/07/2011

Events: 01/06/2010 Hearing
Hearing set in court on 1/6/10 - for Supplemental Petition.
Under Advisement;

12/13/2010

Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany)

12/13/2010, 03/07/2011

Events: 07/12/2010 Petition
Under Advisement;

03/07/2011



All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany)

HEARING: SUPPLEMENTAL PETITION...PETITION FOR WRIT OF HABEAS CORPUS
Matter Heard;
Journal Entry Details:
HEARING: SUPPLEMENTAL PETITION...PETITION FOR WRIT OF HABEAS CORPUS
Deft. not present. Arguments by counsel regarding Petition and Writ. COURT ORDERED,
fees UNDER ADVISEMENT. NDC CLERK'S NOTE: Minutes corrected to reflect fees taken
under advisement. anm/2/21/14 ;

03/11/2011



Minute Order (9:30 AM) (Judicial Officer: Miley, Stefany)

Minute Order - No Hearing Held; COURT'S DECISION
Journal Entry Details:


CASE SUMMARY


CASE No. 96C136862-1


State vs. Marlo Thomas - Decision This matter was last before the Court on March 7, 2011, pursuant to Defendant's request for expert and investigative fees. COURT FINDS, Defendant is indigent. COURT FURTHER FINDS, expert and investigative fees are warranted and fees are awarded in the amount of \$2,500.00. Mr. Bret O. Whipple, Esq. to prepare an order according to this Decision. IT IS SO ORDERED. ;


03/18/2011 **CANCELED Minute Order** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated - per Clerk

02/01/2012 **CANCELED Status Check** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated

03/03/2014  **Request** (9:30 AM) (Judicial Officer: Miley, Stefany)
DA-State requests a Status check for Case Status
Matter Heard;
Journal Entry Details:
Steven Owens, Deputy District Attorney, present for the State of Nevada. Bret Whipple, Esq., present on behalf of Deft. Thomas. Deft. not present. Mr. Whipple requested thirty days to deliver the Petition to the Court and noted he has had Deft. evaluated. Colloquy regarding the issue of Deft's intelligence quotient level. Statements by Mr. Owens and request to set the Petition for argument. COURT ORDERED, Deft's Supplemental Petition due by 3/31/14, Deft's Supplemental Opposition due by 4/14/14, Petition SET. NDC 4/28/14 11:00 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ;

04/28/2014  **Petition for Writ of Habeas Corpus** (11:00 AM) (Judicial Officer: Miley, Stefany)
(Post-Conviction)
Denied;
Journal Entry Details:
Steven Owens, Deputy District Attorney, present for the State of Nevada. Bret Whipple, Esq., present on behalf of Deft. Thomas. Deft. not present. Arguments by counsel. COURT stated its FINDINGS and ORDERED, Petition and Supplemental Petition DENIED. State to prepare the order with findings of fact and conclusions of law. NDC ;


01/22/2018  **Petition for Writ of Habeas Corpus** (11:00 AM) (Judicial Officer: Miley, Stefany)
01/22/2018, 08/08/2018
Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)
Matter Continued; Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)
Continued for Chambers Decision;
Matter Continued; Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)
Continued for Chambers Decision;
Journal Entry Details:
David Anthony and Joanne Diamond, Federal Public Defenders present. Statement by the Court regarding the State's response to the e-mail sent by this Court's Law Clerk. COURT ORDERED, matter CONTINUED. Briefing schedule is as follows: State's Response is due on or by March 26, 2018; Defendant's Supplemental is due on or by May 21, 2018; and State's Reply is due on or by June 25, 2018. NDC 07-09-18 11:00 AM DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION);

08/08/2018  **All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)
Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Motion for Leave to Conduct Discovery; Deft's Motion for Evidentiary Hearing
Continued for Chambers Decision; Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Motion for Leave to Conduct Discovery; Deft's Motion for Evidentiary Hearing
Journal Entry Details:
Deft. not present. Jose German Esq. (Bar #14676) present on behalf of Deft. Court noted it had reviewed all of the pleadings, believed there to be many grounds to address and pointed out there are several rulings by the Supreme Court. Argument by Mr. German regarding lack of evidence produced during second penalty phase and further argued issue of forcible rape. Court inquired why the information known by Deft. was not addressed at the time. Further argument by counsel stating defense investigator did not have experience in regards to a murder trial. Court pointed out the conviction was affirmed in 2006 and noted Deft. did not

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 96C136862-1

	<p>convey information to his attorney for purposes of pro per habeas corpus filed in 2008. Additional argument by counsel stating post conviction counsel was also ineffective and pointed out the jury foreperson had been affected by outside influence/information and requested a hearing to determine where information had come from during the trial. Argument by the State. Counsel advised they would call jurors at the hearing. Court advised several issues needed to be addressed individually, believed it needed to complete additional research as to the jury argument and stated it will enter a written decision. NDC 09-20-18 3:00 AM (Chambers) Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Motion for Leave to Conduct Discovery; Deft's Motion for Evidentiary Hearing;</p>
08/08/2018	<p>Motion for Leave (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Leave to Conduct Discovery</i> Continued for Chambers Decision;</p>
08/08/2018	<p>Motion (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Evidentiary Hearing</i> Continued for Chambers Decision;</p>
09/20/2018	<p>Petition for Writ of Habeas Corpus (3:00 AM) (Judicial Officer: Miley, Stefany) <i>Deft's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)</i> Writ Denied;</p>
09/20/2018	<p>Motion for Leave (3:00 AM) (Judicial Officer: Miley, Stefany) <i>Deft's Motion for Leave to Conduct Discovery</i> Motion Denied;</p>
09/20/2018	<p>Motion (3:00 AM) (Judicial Officer: Miley, Stefany) <i>Deft's Motion for Evidentiary Hearing</i> Motion Denied;</p>
09/20/2018	<p> All Pending Motions (3:00 AM) (Judicial Officer: Miley, Stefany) <i>Deft's Pro Per Petition for Writ of Habeas Corpus (Post Conviction); Deft's Motion for Leave to Conduct Discovery; Deft's Motion for Evidentiary Hearing</i> Denied; Deft's Pro Per Petition for Writ of Habeas Corpus (Post Conviction); Deft's Motion for Leave to Conduct Discovery; Deft's Motion for Evidentiary Hearing Journal Entry Details: <i>Pursuant to Decision and Order filed on September 27, 2018, Deft's Petition for Writ of Habeas Corpus is DENIED; Deft's Motion for Leave to Conduct Discovery is DENIED; and Deft's Motion for Evidentiary Hearing is DENIED.;</i></p>
DATE	FINANCIAL INFORMATION

Defendant Thomas, Marlo

Total Charges

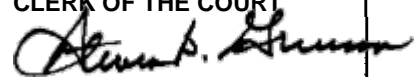
47.00

Total Payments and Credits

47.00

Balance Due as of 11/2/2018

0.00



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF
NEVADA,

Plaintiff,

-VS-

MARLO THOMAS,

Defendant.

CASE NO: C136862

DEPARTMENT XXIII

DECISION & ORDER

I. INTRODUCTION

In 1997, Petitioner, Marlo Thomas (Defendant), was convicted of two counts of first degree murder and sentenced to death. At the first penalty hearing, the jury found six aggravating circumstances and no mitigating circumstances and sentenced Petitioner to death for both murder counts. The Nevada Supreme Court affirmed Petitioner's convictions and sentences of death. A Petition for Writ of Certiorari was denied on October 4, 1999. *Thomas v. Nevada*, 528 U.S. 830, 120 S.Ct. 85 (1999). Remittitur issued on October 26, 1999.

Following post-conviction proceedings in 2002, the Supreme Court affirmed the convictions but reversed the death sentences for counsel's failure to object to an incorrect instruction on commutation. *Thomas v. State*, 120 Nev. 37, 83 P.3d 818 (2004). In 2004, David Schieck was appointed for the new penalty hearing at which the jury found the existence of four aggravating circumstances

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

1 and again sentenced Petitioner to death for both murder counts. The Supreme
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11 Thereafter, the federal public defender filed the instant third habeas petition in
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17 been given the death penalty. Therefore, the Court represented that a written
18 decision would issue. Having considered the arguments of the parties, the papers
19 on file, and the relevant law, the Court enters the following Decision and Order.
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21 II. DISCUSSION

22 Under NRS 34.726(1), "a petition that challenges the validity of a
23 judgment or sentence must be filed within 1 year after entry of the judgment of
24 conviction or, if an appeal has been taken from the judgment, within 1 year after
25 the appellate court of competent jurisdiction . . . issues its remittitur," absent a
26 showing of good cause for delay. In *State v. Eighth Judicial Dist. Court (Riker)*,
27 121 Nev. at 233, 112 P.3d at 1075, the Nevada Supreme Court noted that "the
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1 statutory rules regarding procedural default are mandatory and cannot be ignored
2 when properly raised by the State.”

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11 *Id.* (quoting *Murray v. Carrier*, 477 U.S. 478, 488, 106 S. Ct. 2639 (1986)).

12 A claim of ineffective assistance of counsel may serve to excuse a
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14 Amendment. *Hathaway*, 119 Nev. at 252, 71 P.3d at 506. However, “in order to
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16 not be procedurally defaulted.” *Id.*; *State v. Eighth Judicial Dist. Court (Riker)*,
17 121 Nev. at 235, 112 P.3d at 1077. Thus, a claim of ineffective assistance of
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19 period would not constitute good cause to excuse the delay. *Hathaway*, 119 Nev.
20 at 253, 71 P.3d at 506.

21 Defendant argues that based on various claims of unconstitutionality and
22 misconduct, he is entitled to a new trial. In support of this, Defendant argues that
23 his counsel engaged in ineffective assistance of counsel and the State engaged in
24 prosecutorial misconduct; trial court violations; provided insufficient evidence
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26 In response, the State argues that Defendant’s Petition should be Denied.
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28 In support of this, the State argues that Defendant’s claims are untimely,

1 successive, barred by laches, and that good cause does not exist to overcome the
2 aforementioned procedural bars.

3 As to the timeliness of Defendant's Petition, COURT FINDS, the instant
4 post-conviction proceedings were initiated 18 years after issuance of remitter on
5 October 26, 1999, following direct appeal of the guilty verdict. Therefore,
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11 relief and the prior determination was on the merits or, new and different grounds
12 are alleged, the failure to assert those grounds in a prior petition constitutes an
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14 Here, COURT FINDS, the Instant Petition is Defendant's third attempt at
15 post-conviction relief from his guilty verdict and second attempt from the death
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17 already been raised in direct appeal, or in a previous timely Habeas Petition, or
18 should have been raised on direct appeal, or in a previous Habeas Petition.
19 Therefore, as demonstrated below, said claims are either barred under the law of
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21 38.810(1)(b)(2).
22

23 As to whether Defendant's Petition is barred by laches, COURT FINDS,
24 Defendant's Petition has been filed more than 20 years from the original jury trial
25 and more than 18 years from the affirmance of the guilty verdict on direct appeal.
26 Additionally, it has been more than 12 years after the last penalty hearing and
27 more than 10 years from the affirmance on the direct appeal of the death
28 sentences. Because these time periods well-exceed the statutory five years, the

1 State is entitled to a rebuttable presumption of prejudice. NRS 34.800(2). Such
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4 of reasonable diligence before the circumstances prejudicial to the State occurred,
5 or by a demonstration that a fundamental miscarriage of justice had occurred.
6 NRS 34.800(1).

7 Now that the Court has made specific findings as to the procedural time
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10 For the following reasons, COURT FINDS, Defendant's argument that the
11 State engaged in a Race-Based Preemptory challenge is procedurally time barred.
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13 the timeframe in which Defendant's first Writ of Habeas Corpus Petition was
14 filed. Therefore, Defendant should have raised these issues in Defendant's first
15 Writ of Habeas Corpus. Because Defendant has not proven that good cause exists
16 to overcome such waiver, this Court is unable to grant Defendant relief.

17 For the following reasons, COURT FINDS, Defendant's argument that the
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13 For the following reasons, COURT FINDS, Defendant's arguments that a
14 new trial should issue because of Defendant's improperly submitted juvenile
15 record; inadequate evidence; right to adequate notice; inadmissible admitted
16 evidence; there not being a fair cross-section of the community in the jury pool;
17 there being trial court errors; Defendant's trial counsel's alleged ineffective
18 assistance of counsel; Defendant's second direct appeal being ineffective;
19 Defendant's death penalty being unconstitutional; the alleged violation of
20 international law; and the fact that the trial judge was elected and thus unfair, is
21 all procedurally time bared. All of the aforementioned claims were available
22 during the timeframe in which Defendant's first Writ of Habeas Corpus Petition
23 was filed. Therefore, Defendant should have raised these issues in Defendant's
24 first Writ of Habeas Corpus. Because Defendant has not proven that good cause
25 exists to overcome such waiver, this Court is unable to grant Defendant relief.
26
27

28 As to the remainder of Defendant's ineffective assistance of counsel
claims, COURT FINDS, none of said claims are meritorious. Therefore,

1 Defendant has failed to establish that he was prejudiced (1) by post-conviction
2 counsel's failure to raise these claims and/or (2) by post-conviction counsel's
3 "failure to adequately plead" these claims.

4 Finally, COURT FINDS, as to Defendant's argument that (1) the Jurors
5 decided Defendant's punishment with the knowledge that Defendant had already
6 been sentenced to death by a prior jury and (2) Juror Cunningham introduced
7 extraneous prejudicial information and improperly influence other jurors, the
8 support of said argues are inadmissible pursuant to NRS 50.065(2) and are
9 likewise procedurally bared.

10 First, in support of Defendant's aforementioned claims, Defendant relies
11 on various juror declarations. Said declarations are impermissible and may not be
12 considered.

13 NRS 50.065(2) states in pertinent part:

14 Upon an inquiry into the validity of a verdict or indictment.

15
16 (c) A juror shall not testify concerning the effect of anything upon
17 the juror's or any other juror's mind or emotions as influencing the
18 juror to assent to or dissent from the verdict or indictment or
19 concerning the juror's mental processes in connection therewith.

20
21 (d) The affidavit or evidence of any statement by a juror indicating
22 an effect of this kind is inadmissible for any purpose.

23 In *Echavarria*, 108 Nev. 734, 839 P.2d 589, in a post-trial interview, a
24 juror revealed to the defense that she only voted for the death penalty because she
25 thought the verdict would be overturned on appeal due to juror misconduct. At the
26 evidentiary hearing, the court excluded Pool's statements regarding her reason for
27 voting for the death penalty as violative of NRS 50.065(2), which prohibits
28 consideration of affidavits or testimony of jurors concerning their mental
processes or state of mind in reaching the verdict. *See Riebel*, 106 Nev. at 263,
790 P.2d at 1008. The Nevada Supreme Court affirmed the district court's
decision. *Echavarria*, 108 Nev. 734, 839 P.2d 589.

1 Accordingly, COURT FINDS, the juror declarations Defendant relies on
2 to support the aforementioned claims are inadmissible.

3 Finally, in addition to the aforementioned claims being inadmissible
4 pursuant to NRS 50.065(2), said claims are also procedurally time bared. All of
5 the aforementioned claims were available during the timeframe in which
6 Defendant's first Writ of Habeas Corpus Petition was filed. Therefore, Defendant
7 should have raised these issues in Defendant's first Writ of Habeas Corpus.
8 Because Defendant has not proven that good cause exists to overcome such
9 waiver, this Court is unable to grant Defendant relief.

10 III. ORDER

11 For the foregoing reasons, COURT HEREBY ORDERS, Defendant's Post
12 Conviction Petition for Writ of Habeas Corpus, DENIED.

13 COURT FURTHER ORDERS, Defendant's Request for an Evidentiary
14 Hearing, DENIED.

15 COURT FINALLY ORDERS, Defendant's Motion for Leave to Conduct
16 Discovery, DENIED.
17

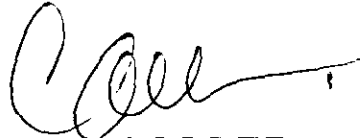
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19 Dated this 25 day of September, 2018.

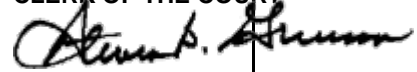
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22 
23 HONORABLE STEFANY A. MILEY
24 DISTRICT COURT JUDGE
25
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27
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Decision and Order was electronically served and/or placed in the attorney's folders maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows: Joanne L. Diamond, Esq. and Steven S. Owens, Esq.

By: _____


Carmen Alper
Judicial Executive Assistant
Department XXIII



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARLO THOMAS,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 96C136862-1

Dept. No: XXIII

Death Penalty

NOTICE OF ENTRY OF ORDER

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

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on October 1, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Courtnie Hoskin

Courtnie Hoskin, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 1 day of October 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

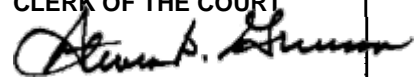
☒ The United States mail addressed as follows:

Marlo Thomas # 50682
P.O. Box 1989
Ely, NV 89301

Rene L. Valladares, Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101

/s/ Courtnie Hoskin

Courtnie Hoskin, Deputy Clerk



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF
NEVADA,

Plaintiff,

-VS-

MARLO THOMAS,

Defendant.

CASE NO: C136862

DEPARTMENT XXIII

DECISION & ORDER

I. INTRODUCTION

In 1997, Petitioner, Marlo Thomas (Defendant), was convicted of two counts of first degree murder and sentenced to death. At the first penalty hearing, the jury found six aggravating circumstances and no mitigating circumstances and sentenced Petitioner to death for both murder counts. The Nevada Supreme Court affirmed Petitioner's convictions and sentences of death. A Petition for Writ of Certiorari was denied on October 4, 1999. *Thomas v. Nevada*, 528 U.S. 830, 120 S.Ct. 85 (1999). Remittitur issued on October 26, 1999.

Following post-conviction proceedings in 2002, the Supreme Court affirmed the convictions but reversed the death sentences for counsel's failure to object to an incorrect instruction on commutation. *Thomas v. State*, 120 Nev. 37, 83 P.3d 818 (2004). In 2004, David Schieck was appointed for the new penalty hearing at which the jury found the existence of four aggravating circumstances

STEFANY A. MILEY
DISTRICT JUDGE

DEPARTMENT TWENTY THREE
LAS VEGAS NV 89101-2408

1 and again sentenced Petitioner to death for both murder counts. The Supreme
2 Court affirmed on the direct appeal. *Thomas v. State*, 122 Nev. 1361, 148 P.3d
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18 decision would issue. Having considered the arguments of the parties, the papers
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For the following reasons, COURT FINDS, Defendant's argument that the Prosecutor engaged in Prosecutorial misconduct is procedurally time barred. All of the aforementioned claims were available during the timeframe in which Defendant's first Writ of Habeas Corpus Petition was filed. Therefore, Defendant should have raised these issues in Defendant's first Writ of Habeas Corpus. Because Defendant has not proven that good cause exists to overcome such waiver, this Court is unable to grant Defendant relief.

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28 As to the remainder of Defendant's ineffective assistance of counsel
claims, COURT FINDS, none of said claims are meritorious. Therefore,

1 Defendant has failed to establish that he was prejudiced (1) by post-conviction
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4 Finally, COURT FINDS, as to Defendant's argument that (1) the Jurors
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10 First, in support of Defendant's aforementioned claims, Defendant relies
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14 Upon an inquiry into the validity of a verdict or indictment.

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16 (c) A juror shall not testify concerning the effect of anything upon
17 the juror's or any other juror's mind or emotions as influencing the
18 juror to assent to or dissent from the verdict or indictment or
19 concerning the juror's mental processes in connection therewith.

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21 (d) The affidavit or evidence of any statement by a juror indicating
22 an effect of this kind is inadmissible for any purpose.

23 In *Echavarria*, 108 Nev. 734, 839 P.2d 589, in a post-trial interview, a
24 juror revealed to the defense that she only voted for the death penalty because she
25 thought the verdict would be overturned on appeal due to juror misconduct. At the
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790 P.2d at 1008. The Nevada Supreme Court affirmed the district court's
decision. *Echavarria*, 108 Nev. 734, 839 P.2d 589.

1 Accordingly, COURT FINDS, the juror declarations Defendant relies on
2 to support the aforementioned claims are inadmissible.

3 Finally, in addition to the aforementioned claims being inadmissible
4 pursuant to NRS 50.065(2), said claims are also procedurally time bared. All of
5 the aforementioned claims were available during the timeframe in which
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7 should have raised these issues in Defendant's first Writ of Habeas Corpus.
8 Because Defendant has not proven that good cause exists to overcome such
9 waiver, this Court is unable to grant Defendant relief.

10 III. ORDER

11 For the foregoing reasons, COURT HEREBY ORDERS, Defendant's Post
12 Conviction Petition for Writ of Habeas Corpus, DENIED.

13 COURT FURTHER ORDERS, Defendant's Request for an Evidentiary
14 Hearing, DENIED.

15 COURT FINALLY ORDERS, Defendant's Motion for Leave to Conduct
16 Discovery, DENIED.

17 Dated this 25 day of September, 2018.

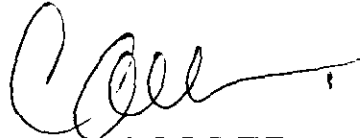
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HONORABLE STEFANY A. MILEY
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Decision and Order was electronically served and/or placed in the attorney's folders maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows: Joanne L. Diamond, Esq. and Steven S. Owens, Esq.

By: _____


Carmen Alper
Judicial Executive Assistant
Department XXIII

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 03, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

July 03, 1996**9:00 AM****Request**

**STATE'S REQUEST
RESET
ARRAIGNMENT
DATE AS TO DEFT
HALL Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

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

PRESENT: Harmon, Melvyn T. Attorney

JOURNAL ENTRIES

- Conference at the Bench. Mr. Steffan advised case negotiated as to defendant Hall. Defendant to plead guilty to Count IV. Other counts to be dismissed. Both sides retain the right to argue. A Guilty Plea Agreement was previously filed. DEFENDANT HALL ARRAIGNED AND ENTERED A PLEA OF GUILTY TO ROBBERY WITH USE OF A DEADLY WEAPON (F). Court accepted plea and adjudged defendant guilty. COURT ORDERED, matter referred to the Department of P&P and continued for sentencing.

CUSTODY

8-23-96 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 08, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

July 08, 1996**9:00 AM****Initial Arraignment****INITIAL
ARRAIGNMENT
Court Clerk: PONDA
MEADOR
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
Public Defender
Thomas, MarloAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- Defendant represented by Richard Palma, Deputy State Public Defender. At request of State Public Defender's Office, COURT ORDERED, matter CONTINUED.

CUSTODY

7/10/96 9:00 AM ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 10, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

July 10, 1996**9:00 AM****Arraignment Continued****ARRAIGNMENT
CONTINUED Relief
Clerk: LINDA VIGIL
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.
LaPorta, Peter R.
Public Defender
Thomas, MarloAttorney
Attorney
Attorney
Defendant**JOURNAL ENTRIES**

- DEFENDANT THOMAS ARRAIGNED, ENTERED A PLEA OF NOT GUILTY AND WAIVED HIS RIGHT TO A SPEEDY TRIAL. State advised the Court that they intend to seek the death penalty. COURT ORDERED, matter SET for trial.

CUSTODY

12-27-96 9:00 A.M. CALENDAR CALL

12-30-96 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 23, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

August 23, 1996**9:00 AM****Sentencing****SENTENCING/SET
TRIAL Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
JENNIFER CLARK
Heard By:
BONAVENTURE,
JOSEPH T.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Michael Leoni present for the Department of P&P. Mr. Ganley advised both sides have agreed to a continuance. COURT ORDERED, CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 13, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

September 13, 1996**9:00 AM****Sentencing****SENTENCING/SET
TRIAL Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
LAURET HENRY
Heard By:
BONAVENTURE,
JOSEPH T.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- Christopher O'Brien present for the Department of P&P. Mr. Steffen requested a continuance as there are discrepancies in PSI. Mr. Steffen advised he is requesting a new PSI report be prepared based on his Brief. No objection by the State. COURT ORDERED, CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 18, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

September 18, 1996**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S PRO PER
MOTION TO
DISMISS
COUNSEL/APPOINT
MENT OF CO-
COUNSEL Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
LAURET HENRY
Heard By:
BONAVENTURE,
JOSEPH T.**

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

Harmon, Melvyn T.
Public Defender
Savage, Jordan S.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Court Services Officer advised defendant is in Nevada State Prison and needs to be transported. Mr. Savage advised Pete LaPorta will be 1st chair and he will be 2nd chair. COURT ORDERED, motion continued to have defendant transported.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 02, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

October 02, 1996**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S PRO PER
MOTION TO
DISMISS
COUNSEL/APPOINT
MENT OF CO-
COUNSEL Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
TAMMY BREED
Heard By:
BONAVENTURE,
JOSEPH T.**

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

Adams, Danae
LaPorta, Peter R.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. LaPorta advised he needs defendant to remain in the Clark County Detention Center for trial preparation. Defendant stated he has not spoken with Mr. LaPorta. Mr. LaPorta stated he has been in numerous trials and can now devote the time needed to defendant Thomas. Mr. LaPorta requested defendant's motion be continued. COURT SO ORDERED.

CUSTODY

12-27-96 9:00 AM CALENDAR CALL

12-30-96 9:45 AM JURY TRIAL

PRINT DATE: 11/02/2018

Page 7 of 109

Minutes Date:

July 03, 1996

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

October 14, 1996**9:00 AM****Sentencing**

**SENTENCING/SET
TRIAL Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
JANIE OLSEN
Heard By:
BONAVENTURE,
JOSEPH T.**

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

Harmon, Melvyn T.

Attorney

JOURNAL ENTRIES

- Upon inquiry by the Court, Mr. Harmon advised the Court Deputy District Attorney David Rogers will be counsel for trial. Conference at the bench. Pursuant to conference at the Bench, counsel stipulated to postpone sentencing until after co-defendant Thomas' trial scheduled 12/30/96.

COURT ORDERED, matter CONTINUED.

CUSTODY

1/13/97 9:00 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 21, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

October 21, 1996**9:00 AM****Motion to Withdraw as
Counsel**

**DEFT'S PRO PER
MOTION TO
DISMISS
COUNSEL/APPOINT
MENT OF CO-
COUNSEL Relief
Clerk: LINDA VIGIL
Reporter/Recorder:
LAURET HENRY
Heard By: Joseph
Bonaventure**

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

Owens, Steven S.
Public Defender
Savage, Jordan S.
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Statement by Defendant. State opposed motion and argued that there is not enough time for new counsel to prepare for trial. Court stated its findings and ORDERED, Deft's motion DENIED.
CUSTODY

12/27/96 9:00 A.M. CALENDAR CALL

12/30/97 9:45 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 13, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

November 13, 1996**9:00 AM****Conversion Hearing Type**

**STATE'S MOTION
TO ENDORSE
NAMES ON
INFORMATION
Relief Clerk: LINDA
VIGIL
Reporter/Recorder:
JENNIFER CLARK
Heard By: Joseph
Bonaventure**

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

Bloxham, Ronald C.
LaPorta, Peter R.
Public Defender
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED. Mr. LaPorta stated he had no objection to the list of witnesses on the condition that he is provided all discovery. COURT SO ORDERED. Trial date STANDS.
CUSTODY
12/27/96 9:00 A.M. CALENDAR CALL
12/30/96 9:45 A.M. TRIAL BY JURY
1/13/97 9:00 A.M. SENTENCING (HALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 18, 1996**

96C136862-1

The State of Nevada vs Marlo Thomas

December 18, 1996**9:00 AM****Motion**

**STATE'S REQUEST
TO RESET TRIAL
DATE Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
DANELLE REDDY
Heard By: Joseph
Bonaventure**

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

McMahon, Lee E.
Roger, David J.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. Rogers stated that due to the holidays, it is difficult to schedule witnesses. Ms. McMahon stated that there was no opposition to resetting this matter and stated that Mr. LaPorta joins in. COURT ORDERED, trial date of 12/30/96 is hereby VACATED and RESET.

CUSTODY

5/9/96 9:00 AM CALENDAR CALL

5/12/96 9:45 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 06, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

January 06, 1997**9:00 AM****Motion to Continue**

**STATE'S REQUEST
RESET
SENTENCING
DATE Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
DANELLE REDDY
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lalli, Christopher J.

Attorney

JOURNAL ENTRIES

- Upon inquiry by the Court, Mr. Lalli stated that he was sure Mr. Steffen was notified of this matter. Mr. Lalli stated that due to the Defendant's trial date being moved to May, this matter needs to be continued until after that date. There being no opposition, COURT ORDERED, sentencing date of 1/13/97 is hereby VACATED and reset.

CUSTODY

CLERK'S NOTE: As per order of the Court, 1/9/97 @ 11:37 AM - Clerk advised Cindy, of Mr. Steffen's office, of the new sentencing date.

5/9/97 9:00 AM CALENDAR CALL (THOMAS)

5/12/97 9:45 AM TRIAL BY JURY (THOMAS)

5/28/97 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 1997

96C136862-1

The State of Nevada vs Marlo Thomas

January 29, 1997

9:00 AM

Request

**DEFT'S REQUEST
RESET TRIAL DATE
Relief Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Jorgenson, Eric G.
LaPorta, Peter R.
McMahon, Lee E.
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Ms. McMahon advised the Court of the conflicts in counsels schedules and requested a new trial date be set. Mr. LaPorta concurred. Court provided counsel with a tentative schedule of 4/14/97 for Jury Trial with a Calendar Call and jury selection on 4/11/97. Counsel agreed that would be a good date and would advise Mr. Rogers. Defendant Thomas stated that he did not want that date and requested the trial be moved to a later date. COURT ORDERED, Defense counsel to confer with the Defendant and ORDERED, matter CONTINUED for status check and VACATED calendar call date of 5/9/97 and Jury Trial date of 5/12/97.

CUSTODY

2/7/97 9:00 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 07, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

February 07, 1997**9:00 AM****Status Check**

**STATUS CHECK:
RE-SET TRIAL
DATE Relief Clerk:
LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

McMahon, Lee E.
Thomas, Marlo
Wall, David T.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Pursuant to conference in chambers with Mr. David Rogers and Ms. Lee McMahan, COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Defendant to remain in custody at the Clark County Detention Center for the next week.

CUSTODY

05/2/97 8:45 AM SENTENCING (HALL)

06/13/97 8:45 AM CALENDAR CALL

6/16/97 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 05, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

May 05, 1997**8:45 AM****Conversion Hearing Type**

**STATE'S MOTION
TO ENDORSE
NAMES ON
INFORMATION
Court Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

Givens, Yolanda T.
LaPorta, Peter R.

Attorney
Attorney

JOURNAL ENTRIES

- Defendant Thomas not present as he is in State Prison. Mr. LaPorta advised he has no objection as long as proper Discovery is provided. COURT ORDERED, GRANTED. Discovery to be provided. Trial date stands.

CUSTODY

6-13-97 8:45 AM CALENDAR CALL

6-16-97 9:45 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 28, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

May 28, 1997**8:45 AM****Motion in Limine**

**DEFT'S MOTION
TO ALLOW JURY
QUESTIONNAIRE
Court Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

McMahon, Lee E.
Roger, David J.

Attorney
Attorney

JOURNAL ENTRIES

- Statement by Mr. Roger. COURT ORDERED, Motion GRANTED. Counsel to have jury questionnaire to Court's secretary by tomorrow.

CUSTODY

6-13-97 8:45 AM CALENDAR CALL

6-16-97 9:45 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 02, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 02, 1997**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

Schwartz, David P.

Attorney

JOURNAL ENTRIES

- JOHN STEFFEN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT
KENYA HALL, FOR APPOINTMENT OF COUNSEL AND ORDER SHORTENING TIME...
SENTENCING-COUNT IV.....DISMISSAL REMAINING COUNTS
Mr. Schwartz requested a continuance until August. COURT SO ORDERED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 13, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 13, 1997**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

McMahon, Lee E.
Roger, David J.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- CALENDAR CALL (THOMAS)...DEFET'S MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEAR AND TESTIFY AND ALLOW COUNSEL FOR KENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENT'S BEHALF AND ORDER SHORTENING TIME ...STATE'S MOTION TO ENDORSE...STATE'S MOTION TO USE REPORTED TESTIMONY OF KENYA HALL Counsel advised ready to go to trial as to Marlo Thomas. Jury questionnaires have been reviewed. COURT ORDERED, trial set to commence 6-16-97 @ 8:45 AM. Mr. Steffen presented motion to prevent Kenya Hall from testifying. Defendant stated he would invoked his fifth amendment right. Court advised needs Mr. Thomas here for this motion. COURT ORDERED, CONTINUED. Mr. Roger stated there are two other motions not calendared today. One is a motion to endorse and the other is motion to use reported testimony of Kenya Hall. COURT ORDERED, will hear both motions

prior to commencement of trial. Defendant Thomas to be dressed for trial when he is brought down at 8:30 for motions.

CUSTODY (BOTH)

6-16-97 8:45 AM ALL PENDING MOTIONS

6-16-97 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 16, 1997**8:45 AM****All Pending Motions**

**ALL PENDING
MOTIONS Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Roger, David J.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO PREVENT CO-DEFENDANT KENYA KEITA HALL FROM BEING CALLED TO APPEAR AND TESTIFY AND ALLOW COUNSEL FOR FENYA KEITA HALL TO INVOKE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION ON HIS CLIENT'S BEHALF AND ORDER SHORTENING TIME....STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S MOTION TO USE REPORTED TESTIMONY

Counsel presented arguments. COURT ORDERED, Motion to endorse GRANTED. No objection to the motion to amend. COURT ORDERED, motion to amend GRANTED. Arguments regarding motion to use reported testimony. Statement by Kenya Hall who stated he will not testify. Argument by Mr. LaPorta. COURT ORDERED, will not order defendant Hall to testify as he has invoked his

fifth amendment. State's motion to use testimony is GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 16, 1997**9:15 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JEAN****McKINLEY Relief****Clerk: CINDY****HORTON/CH****Reporter/Recorder:****ROBERT MINTUN****Heard By:****Bonaventure, Joseph****T.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Roger, David J.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Jury Selection. Outside the presence of the jury at 2:45, State moved for dismissal of juror #350, Defense objected. Following argument by counsel, Court stated findings and ORDERED, PREMPATORY CHALLENGE GRANTED AS TO JUROR #350. Jury selection resumed at 2:55.

Twelve jurors and two alternates sworn at 3:25. Court instructed the jury as to the procedure the trial will take. Information read to the jury. Outside the presence of the jury at 3:35, Mr. LaPorta made a motion for mistrial. Response by State. COURT ORDERED, MOTION DENIED. Counsel stipulated as to the presence of the jury at 3:50. Opening statement by counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 17, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 17, 1997**9:15 AM****Jury Trial****TRIAL BY JURY****Court Clerk: LINDA
VIGIL****Reporter/Recorder:
ROBERT MINTUN****Heard By:
Bonaventure, Joseph
T.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Roger, David J.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Testimony continued as per worksheet. OUTSIDE THE PRESENCE OF THE JURY: Following statements by counsel, COURT ORDERED, exhibits 23, 40, 50 and 53 will be removed. Mr. LaPorta moved for a mistrial and argued that a witness stated he new the Defendant had been incarcerated. Mr. Roger opposed. COURT ORDERED, motion DENIED. Kenya Hall's testimony was read to the Court from the Preliminary Hearing Transcript. Court stated its findings and ORDERED, Deft's Motion To Consider DENIED, Court will allow the transcript to be read to the Jury. Exhibits offered and admitted as per worksheet. Testimony continued as per worksheet. 5:35 PM - Court admonished jurors and ORDERED recess for the evening. OUTSIDE THE PRESENCE OF THE JURY: Court advised the Defendant of his right to testify. Counsel stipulated to exhibit #82 being an accurate

copy.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 18, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 18, 1997**8:45 AM****Motion for Protective
Order****DEFT'S MOTION
FOR PROTECTIVE
ORDER Court Clerk:
JEAN McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Wall, David T.

Attorney

JOURNAL ENTRIES

- Court advised the State will not be calling Mr. Steffan or Mr. Stockton to testify so this motion is moot and taken OFF CALENDAR.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 18, 1997**9:15 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure

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

LaPorta, Peter R.	Attorney
McMahon, Lee E.	Attorney
Roger, David J.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- Outside presence of the Jury, Jury Instructions were settled and stipulated to. Mr. LaPorta advised defendant will not testify. Defense rested and waived their Opening statement. Jury Instructed by the Court. Closing arguments.

11:55 AM-Jury began deliberations.

2:50 PM-Jury returned with Verdicts finding defendant Thomas GUILTY-COUNT I-CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY.

GUILTY-COUNT II-MURDER FIRST DEGREE WITH USE OF A DEADLY WEAPON (Carl Dixon)

GUILTY- COUNT III-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

(Matthew Gianakis) GUILTY-COUNT IV- ROBBERY WITH USE OF A DEADLY WEAPON.

GUILTY-COUNT V-BURGLARY WHILE IN POSSESSION OF A FIREARM. GUILTY-COUNT VI-

FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON. Jury polled per request of defense counsel. COURT ORDERED, Defendant having been found guilty, remanded to custody. Court gave the Jury admonishment and ORDERED, they appear for the Penalty Hearing on 6-23-97 @ 9:15 AM.

CLERK'S NOTE: An error was made identifying the docket letter on the Original Jury List, therefore, an Amended Jury List was prepared using the appropriate docket letter. No other changes were made as the Jury Panel remains intact.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 23, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 23, 1997**9:15 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: JEAN
McKINLEY
Reporter/Recorder:
ROBERT MINTUN
Heard By:
Bonaventure, Joseph
T.**

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

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Roger, David J.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Opening statement by Mr. Schwartz and Mr. LaPorta. Witnesses sworn and testified. Exhibits marked and admitted. State rested. Court read defendant his right of Allocution. Due to a witness being unavailable until 6-25, COURT ORDERED, recess until 6-25-97 @ 9:15 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 25, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

June 25, 1997**9:15 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: JEAN
McKINLEY Relief
Clerk: LINDA
VIGIL/PM
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

LaPorta, Peter R.	Attorney
McMahon, Lee E.	Attorney
Roger, David J.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- Witnesses sworn and testified. Jury Instructions settled and stipulated. Court Instructed Jury. Closing arguments of counsel. 1:40 PM - Bailiff sworn and Jury began deliberations. 6:40 PM - Jury returned with Verdict. Clerk read Special Verdicts and Verdicts with the Defendant receiving DEATH AS TO COUNT II - MURDER OF THE FIRST DEGREE (F) AND DEATH AS TO COUNT III - MURDER OF THE FIRST DEGREE (F). At the request of Ms. McMahon and Mr. LaPorta, Jury was polled by the Clerk. Court thanked and excused the Jury. Court referred matter to the Department of Parole and Probation for a Pre-sentence Investigative Report and ORDERED matter set for

PRINT DATE:

11/02/2018

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July 03, 1996

sentencing.

CUSTODY

8/25/97 8:45 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 06, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 06, 1997**8:30 AM****Motion to Withdraw as
Counsel**

**JOHN STEFFEN'S
MOTION TO
WITHDRAW AS
COUNSEL Relief
Clerk: LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Roger, David J.

Attorney

JOURNAL ENTRIES

- Mr. Steffen advised the Court that Defendant would be filing a motion in Pro Per to withdraw his plea. There being no opposition to John Steffen's Motion To Withdraw As Counsel, COURT ORDERED, motion GRANTED. Court appointed Michael Davidson to represent Defendant Hall and ORDERED matter CONTINUED for confirmation and Deft's request to withdraw his plea. MATTER RECALLED: Mr. Davidson CONFIRMED AS COUNSEL. COURT SO ORDERED. Court advised counsel this matter will be continued for argument on Deft's request to withdraw his guilty plea. Court noted this matter will either be set for trial or Defendant will be sentenced at the next hearing.

CUSTODY

8/21/97 8:30 AM ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA... SENTENCING (HALL)

8/25/97 8:30 AM SENTENCING (THOMAS)

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**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 21, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 21, 1997**8:30 AM****All Pending Motions****ALL PENDING
MOTIONS 8/21/97
Relief Clerk: DEBBIE
VINSON
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Wall, David T.

Attorney

JOURNAL ENTRIES

- ARGUMENT: DEFT'S REQUEST TO WITHDRAW GUILTY PLEA...SENTENCING/SET TRIAL
Mr. Davidson requested a two-week continuance. State had no opposition as Mr. Davidson just came into the case. COURT ORDERED CONTINUED.

CUSTODY

9-4-97 8:30 AM SAME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 25, 1997

96C136862-1

The State of Nevada vs Marlo Thomas

August 25, 1997

8:30 AM

Sentencing

**SENTENCING
Court Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

LaPorta, Peter R.

Attorney

McMahon, Lee E.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Officer Duane DeMay of the Department of Parole and Probation present. State represented by Mr. David Schwartz, Chief Deputy District Attorney. Defendant in custody and present with Ms. Lee McMahon, DPD, and Mr. Peter LaPorta, DPD. By virtue of Jury's verdict, Court ADJUDGED DEFENDANT GUILTY of COUNT I - CONSPIRACY TO COMMIT MURDER AND/OR ROBBERY (F); COUNT II - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT IV - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT V - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT VI - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Defendant declined to make a statement to the Court. COURT ORDERED, whereas on the 25th day of June, 1997, a Jury unanimously rendered written Special Verdicts and written Verdicts both signed by the Foreman, and whereas in the Special Verdicts the Jury found

beyond a reasonable doubt that there were aggravating circumstances existing in the commission of said murder's; set the penalty to be imposed upon the Defendant, Marlo Thomas, at Death for Count II and Death for Count III, and therefore by reason of the Verdicts dated the 18th day of June, 1997 and the Special Verdicts dated the 25th day of June, 1997, the Court does hereby SENTENCE the Defendant, Marlo Thomas to a \$25.00 Administrative Assessment Fee; Count I - ONE HUNDRED TWENTY (120) MONTHS maximum with a minimum of FORTY-EIGHT (48) MONTHS; Count II - DEATH; Count III - DEATH in the manner prescribed by law, and the Clerk of the above entitled Court is hereby directed to enter Judgment of Sentence of Death as part of the record. Count IV - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS, with an EQUAL AND CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum, CONSECUTIVE to COUNT I; Count V - ONE HUNDRED EIGHTY (180) MONTHS maximum and SEVENTY-TWO (72) MONTHS minimum with an EQUAL AND CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum for WEAPON ENHANCEMENT, CONSECUTIVE TO COUNT IV; Count VI - LIFE WITHOUT THE POSSIBILITY OF PAROLE, with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for WEAPON ENHANCEMENT, CONSECUTIVE to COUNT V; and Count VII - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for WEAPON ENHANCEMENT, CONSECUTIVE TO COUNT VI. CREDIT FOR TIME SERVED of Four Hundred Ninty-Five (495) Days.

CLERK'S NOTE: 8/25/97 - Clerk contacted Kathy Hinkley, Mr. David Schwartz' secretary, to inquire about the Judgment and Warrant of Execution which is to be filed in Open Court. Ms. Hinkley advised the Clerk that Mr. Schwartz noted a discrepancy in the PSI as to Count V - the equal and consecutive term for weapon enhancement and Count VII - which does not exist. Being that the Court followed the recommendations from the Department of Parole and Probation, Clerk advised the Court's secretary of the discrepancies on the PSI.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 27, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

August 27, 1997**8:30 AM****Request of Court**

**AT THE REQUEST
OF THE COURT
CLARIFICATION
OF SENTENCE
Court Clerk: LINDA
VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure**

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

McMahon, Lee E.
Roger, David J.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Officer Roy Evans of the Department of Parole and Probation present. Mr. Roger stated there were a few discrepancies on the Pre-sentence Investigative Report that need to be clarified. Mr. Roger stated Count V does not impose a consecutive term of weapon enhancement and Count VII does not exist. Clarification of sentence is as follows: COUNT I - ONE HUNDRED TWENTY (120) MONTHS maximum with a minimum of FORTY-EIGHT (48) MONTHS; COUNT II - DEATH; COUNT III- DEATH; COUNT IV - ONE HUNDRED EIGHTY (180) MONTHS maximum with a minimum of SEVENTY-TWO (72) MONTHS and an EQUAL AND CONSECUTIVE TERM OF ONE HUNDRED EIGHTY (180) MONTHS maximum, SEVENTY-TWO (72) MONTHS minimum for Weapon Enhancement CONSECUTIVE to Count I; COUNT V - ONE HUNDRED EIGHTY (180) MONTHS

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maximum with a minimum of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to Count IV; COUNT VI - LIFE WITHOUT THE POSSIBILITY OF PAROLE with an EQUAL AND CONSECUTIVE LIFE WITHOUT THE POSSIBILITY OF PAROLE for the Weapon Enhancement, CONSECUTIVE TO Count V. State filed a JUDGMENT OF CONVICTION; WARRANT OF EXECUTION AND ORDER OF EXECUTION IN OPEN COURT. Court admonished the Department of Parole and Probation for the discrepancies in the PSI. COURT ORDERED the Count V weapon enhancement and Count VII stricken from the sentencing procedures. COURT FURTHER ORDERED, pursuant to said verdicts of the Jury and there being no legal cause why said verdicts and said Judgment of Sentence of Death should not be executed ORDER that the Director of the Department of Prisons shall execute the Judgement of Sentence of Death imposed upon the Defendant by an injection of a lethal drug, within the limits of the State of Nevada, in the presence of the Director of the Department of Prisons. COURT FURTHER ORDERED, that the County shall execute in triplicate under the seal of the court, certified copies of the WARRANT OF EXECUTION and the JUDGMENT OF SENTENCE OF DEATH, and of the entry in the MINUTES of the Court. The original of the triplicate copies of the JUDGMENT AND WARRANT OF EXECUTION AND ENTRY in the minutes shall be filed in the office of the County Clerk, and two triplicate copies shall be immediately delivered by the Clerk to the Sheriff. The Sheriff is directed to take charge of the Defendant and transport and safely deliver him to the Director of the Department of Prisons of the State of Nevada.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 04, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

September 04, 1997**8:30 AM****Hearing**

ARGUMENT:
DEFT'S REQUEST
TO WITHDRAW
GUILTY PLEA Court
Clerk: LINDA VIGIL
Relief Clerk: NANCY
NOBLE/nn
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure

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

Roger, David J.

Attorney

JOURNAL ENTRIES

- Tressie Bland of the Division of Parole & Probation present. Mr. Davidson stated defendant wants to go forward with Request to Withdraw Guilty Plea. State submitted. Defendant Hall sworn and testified as to why he requested to withdraw his plea. Arguments by counsel. COURT ORDERED request DENIED.

Statements in mitigation of sentencing. COURT ORDERED in addition to the \$25.00 Administrative Assessment fee, Defendant SENTENCED as to COUNT IV to a Maximum 150 MONTHS with a Minimum parole eligibility of 60 MONTHS in the Nevada Department of Prisons; Plus an equal Maximum 150 MONTHS/Minimum 60 MONTHS for use with a deadly weapon. Credit for time served 505 DAYS. Remaining Counts pertain to co-defendant.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 23, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

September 23, 1997 8:30 AM Motion to Stay**DEFT'S MOTION
FOR STAY OF
EXECUTION Court
Clerk: LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** LaPorta, Peter R. Attorney
 Owens, Steven S. Attorney**JOURNAL ENTRIES**

- There being no opposition, COURT ORDERED, motion GRANTED.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 24, 1997**

96C136862-1

The State of Nevada vs Marlo Thomas

November 24, 1997**8:30 AM****Motion****STATE'S REQUEST
SUPREME COURT
ORDER: APPOINT
COUNSEL Court
Clerk: LINDA VIGIL
Reporter/Recorder:
ROBERT MINTUN
Heard By: Joseph
Bonaventure****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- Pursuant to Supreme Court Order, COURT ORDERED, Mr. Mitchell Posin appointed and
CONFIRMED AS COUNSEL.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 09, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

February 09, 1999**8:30 AM****Motion****DEFT'S PRO PER
MOTION FOR
WITHDRAWAL OF
ATTY/TRANSFER
RECORDS Court
Clerk: CINDY
HORTON
Reporter/Recorder:
LISA MACOWSKI
Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Lawson, Tamara F.

Attorney

JOURNAL ENTRIES

- Court advised Mr. Posin was withdrawn from this case as of 6/26/98, Mr. Posin has indicated he turned over a copy of all documents and transcripts with the opening brief and joint appendix. Court advised it appears the records have been transferred to the deft's mother and COURT ORDERED, MATTER OFF CALENDAR.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 09, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

November 09, 1999**8:30 AM****Motion to Stay****DEFT'S MOTION
FOR STAY OF
EXECUTION Court
Clerk: CINDY
HORTON
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Barker, David B.

Attorney

Richards, Daren B.

Attorney

JOURNAL ENTRIES

- Court advised cannot find the writ in the file. Mr. Richards advised he does not have a copy of the writ. Court advised there is no further date pending and ORDERED, MOTION DENIED.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 30, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

November 30, 1999**8:30 AM****Motion to Withdraw as
Counsel**

**SPECIAL PD'S
MOTION TO
WITHDRAW AS
COUNSEL/MOTION
TO APPOINT
COUNSEL/STAY
Court Clerk:
MELISSA DAVIS
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer**

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

Cram, Roger

Attorney

McMahon, Lee E.

Attorney

JOURNAL ENTRIES

- Defendant not present. Ms. Mahon advised that defendant's direct appeal was denied and now needs counsel for post conviction relief. COURT ORDERED, as to Motion for Stay of Execution, that is GRANTED until further notice. As to the remainder of the motion, COURT ORDERED, motion GRANTED and matter to be set for Confirmation of Counsel and Mr. Schieck to be notified for possible appointment.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 02, 1999**

96C136862-1

The State of Nevada vs Marlo Thomas

December 02, 1999**8:30 AM****Motion for Confirmation of
Counsel****CONFIRMATION
OF COUNSEL
(SCHIECK) Court
Clerk: MELISSA
DAVIS
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Schieck, David M.
Shimon, Randal D.
Thomas, MarloAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- Court advised Mr. Schieck that defendant was represented by Ms. McMahon in the Special Public Defender's office and that the direct appeal has been denied. Upon Court's inquiry, Mr. Schieck advised he could confirm as counsel. COURT ORDERED, MR. SCHIECK APPOINTED AS COUNSEL AND ORDER SIGNED IN OPEN COURT.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 20, 2000**

96C136862-1

The State of Nevada vs Marlo Thomas

January 20, 2000**8:30 AM****Petition for Writ of Habeas
Corpus**

**DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS Court
Clerk: CINDY
HORTON
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer**

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

Lawson, Tamara F.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Scheick requested a briefing schedule. COURT ORDERED OPENING BRIEF TO BE FILED BY 4/20/00, STATE'S RESPONSE TO BE FILED BY 5/25/00, ANY REPLY TO BE FILED BY 6/14/00 AND MATTER IS SET FOR ARGUMENT AND DECISION ON 6/28/00.

NDP

6/28/00 10:30 A.M. ARGUMENT AND DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 28, 2000**

96C136862-1

The State of Nevada vs Marlo Thomas

June 28, 2000**10:30 AM****Hearing**

**ARGUMENT AND
DECISION Court
Clerk: MELISSA
DAVIS
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Loehrer,
Sally**

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

Daskas, Robert J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck requested additional time, to which the State has no objection. COURT ORDERED, Supplemental Points and Authorities DUE BY 8/30/00 and State to respond by 9/30/00 and matter CONTINUED.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2000

96C136862-1

The State of Nevada vs Marlo Thomas

November 02, 2000

8:30 AM

Hearing

ARGUMENT AND

DECISION Court

Clerk: THERESA LEE

Reporter/Recorder:

LISA MAKOWSKI

Heard By: Sally

Loehrer

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Daskas, Robert J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- The Court has been informed the Defense is not ready to proceed today. Mr. Schieck concurred, and stated he reviewed the Points and Authorities and needs to return to Ely, Nevada to have the Deft sign the Affidavit. Colloquy between Court and Mr. Schieck re the billing process through Court Administration. COURT ORDERED, Mr. Schieck has until 12/1/00 to file his Points and Authorities, the State will have until 1/2/01 at 5:00 P.M. to reply, Mr. Schieck will have two weeks thereafter until 1/19/01 to file a final reply. Mr. Schieck stated on 1/29/01 he will be asking this court to set an evidentiary hearing.

NDP

1/29/01 8:30 A.M. SET TIME CERTAIN: ARGUMENT AND DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 29, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

January 29, 2001**8:30 AM****Hearing****SET TIME
CERTAIN:
ARGUMENT AND
DECISION Court
Clerk: MELISSA
DAVIS
Reporter/Recorder:
MARY BETH COOK
Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Robinson, Lynn M.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- Defendant not present as he is housed at the Nevada Department of Prisons. Mr. Schieck requested an additional 45 days to supplement the brief and COURT SO ORDERED. Mr. Schieck to have until 3/19/01; State to respond by 4/19/01 and defense to reply by 5/7/01. COURT ORDERED, matter set for two weeks after reply is due. Court advised Mr. Schieck that if defendant's presence is requested, an Order to Transport must be presented to this Court at least two weeks prior to hearing. NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 30, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

April 30, 2001**8:30 AM****Motion**

**STATE'S MOTION
TO PLACE ON
CALENDAR Relief
Clerk: GEORGETTE
BYRD/GB
Reporter/Recorder:
LISA MAKOWSKI
Heard By: Sally
Loehrer**

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

Schieck, David M.
Simon, H. L.

Attorney
Attorney

JOURNAL ENTRIES

- Counsel requested a briefing schedule. COURT ORDERED, briefing schedule set and argument and decision set for 5/21/01 vacated and reset.

NDP

DEFT'S OPENING BRIEF DUE ON 5/30/01

STATE'S RESPONSE DUE ON 7/30/01

DEFT'S REPLY DUE ON 8/15/01

08/27/01 8:30 AM ARGUMENT/DECISION: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 19, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

September 19, 2001**8:30 AM****Hearing****ARGUMENT
PETITION FOR
WRIT OF HABEAS
CORPUS POST
CONVICTION
Court Clerk: Melissa
Davis
Reporter/Recorder:
Lisa Makowski
Heard By: Loehrer,
Sally****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- Defendant not present as he is housed at the Nevada Department of Corrections. Court noted Mr. Schieck had requested a one week continuance and COURT SO ORDERED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 26, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

September 26, 2001**8:30 AM****Hearing**

**ARGUMENT
PETITION FOR
WRIT OF HABEAS
CORPUS POST
CONVICTION
Relief Clerk: Theresa
Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Roger, David J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck stated he will submit the matter on the pleadings. With respect to some of the other issues, he would like an evidentiary hearing. Argument by Mr. Schieck re Deft.'s petition alleging that trial counsel failed to call a number of witnesses at the penalty hearing. Argument by Mr. Roger. COURT ORDERED, Mr. Schieck to bring in Ms. McMahon and Mr. LaPorta to testify at the evidentiary hearing. Colloquy between Court and counsel re other issues, i.e., first issue, trial counsel failed to object to cumulative bad act evidence at the penalty phase, 20 witnesses called, only three victim impact. Deft. argues the State could have shown bad character with less witnesses. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND that trial counsel was ineffective for failure to object to bad character evidence. The Court does not find merit on that issue.

PRINT DATE:

11/02/2018

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Minutes Date:

July 03, 1996

Second issue, Deft. alleges trial counsel failed to limit victim impact statements. Surviving family member testified and read statements of other family members. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND that trial counsel was ineffective assistance of counsel. Third issue, Deft. argues prosecutorial misconduct at closing argument of penalty phase by appealing to the passions and denigrating mitigators. Arguments by counsel. The Court feels it is fair comment for the prosecutor and defense counsel to ask the jury to make a decision. Fourth issue, the trial court erred in admitting the premeditation and deliberation felony murder, equal and exact justice, anti-sympathy, reasonable doubt and unanimous instructions. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel to predict what the Supreme Court would do in the future. Fifth issue, trial counsel failed to object to a witness comment Deft. was "back in jail". Arguments by counsel. Court stated counsel did object. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel on that issue. Sixth issue, trial counsel failed to object to overlapping aggravating circumstances and appellate counsel failed to raise the issue. Arguments by counsel. COURT ORDERED, Supreme Court states the State can come up with three aggravators on the same act. Counsel can preserve that if they go to the Federal Court on that issue. Seventh issue, trial counsel failed to object to inflammatory opening statements and appellate counsel failed to raise the issue on direct appeal. Arguments by counsel. Although, the Court feels defense counsel should have objected to it, COURT ORDERED, the Court DOES NOT FIND it is of such magnitude to require a new trial. EIGHTH ISSUE, trial counsel failed to object to prosecutorial misconduct at the penalty phase. Arguments by counsel. COURT ORDERED, the Court will address this issue at the EVIDENTIARY HEARING. The Court will ask trial counsel about this matter. NINTH ISSUE, trial counsel made improper arguments. Arguments by counsel. COURT ORDERED, this issue will be heard at the EVIDENTIARY HEARING and ask trial counsel about this matter. TENTH ISSUE, trial counsel was not prepared. Arguments by counsel. Court inquired of counsel if Deft. confessed to the crimes. Counsel concurred. COURT ORDERED, the Court will reserve this issue for EVIDENTIARY HEARING. The Court will ask counsel re their trial preparation. Eleventh issue, trial counsel failed to offer a jury instruction on theory of mitigation. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel on this issue. Twelfth issue, trial counsel failed to object to the jury being instructed on commutation of sentence. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel. Thirteenth issue, trial counsel failed to request an instruction properly defining character evidence. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel. Fourteenth issue, Appellate counsel failed to raise error in the malice instruction. Arguments by counsel. COURT ORDERED, Deft.'s argument is overruled and FINDS no merit to this issue. Fifteenth issue, Appellate counsel failed to object to the jury being instructed on commutation. Arguments by counsel. COURT ORDERED, the Court FINDS this issue is without merit. Sixteenth issue, Nevada Supreme Court did not conduct fair and adequate appellate review under NRS 177.055(2). COURT ORDERED, request to return to Supreme Court for review is DENIED. Seventeenth issue, fair trial based on race. Arguments by counsel. COURT ORDERED, the Court DOES NOT FIND any systematic exclusion of anyone. Jury selection is random selection through several methods by the Jury Commissioner. COURT ORDERED, the Court DOES NOT FIND ineffective assistance of counsel because it was raised by counsel at time of trial. Court directed both counsel to contact Ms. McMahon and Mr. LaPorta and coordinate their

schedules. COURT ORDERED, Mr. Schieck to serve Ms. McMahon and Mr. LaPorta with subpoenas. Upon Court's inquiry, Mr. Schieck stated Deft. will probably want to be present, however, he will check with him.

NDC

10/12/01 1:30 P.M. EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 12, 2001**

96C136862-1

The State of Nevada vs Marlo Thomas

October 12, 2001**3:30 PM****Evidentiary Hearing****EVIDENTIARY
HEARING Court
Clerk: Melissa Davis
Heard By: Loehrer,
Sally****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED.
NDC

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

96C136862-1

The State of Nevada vs Marlo Thomas

January 14, 2002**9:00 AM****Evidentiary Hearing****EVIDENTIARY
HEARING Court
Clerk: Melissa Davis
Heard By: Loehrer,
Sally****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Roger, David J.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- Defendant having not been transported for Nevada Department of Corrections, COURT ORDERED, matter CONTINUED. FURTHER, Mr. Schieck to prepare another Transport Order.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 22, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

January 22, 2002**10:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Melissa Davis
Reporter/Recorder:
Lisa Makowski
Heard By: Sally
Loehrer**

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

Roger, David J.
Schieck, David M.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court and counsel noted the issues that need to be addressed are #8, #9 and #10. Lee McMahon sworn and testified. Mr. Schieck advised Mr. LaPorta was to be here, but had to serve as Judge pro tem in Henderson and upon calling will not be available today. COURT ORDERED, matter to be rescheduled upon checking with Mr. LaPorta's schedule. Court directed Corrections Officers from Nevada Department of Corrections to have Defendant remain at High Desert Correctional facility. NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2002

96C136862-1

The State of Nevada vs Marlo Thomas

March 15, 2002

8:00 AM

Evidentiary Hearing

**EVIDENTIARY
HEARING Relief
Clerk: Keith A. Reed
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Roger, David J.
Schieck, David M.
Thomas, Marlo

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Witness Richard LaPorta SWORN & TESTIFIED. Testimony presented. COURT ORDERED, closing arguments to be submitted in writing; matter set for DECISION without argument. Mr. Schieck requested a copy of the transcript of Mr. LaPorta's testimony and a briefing schedule. Court reporter advised counsel the transcript would be ready on Monday. FURTHER ORDERED; briefing schedule as follows: Defense brief due 4-15-02; state's response due 5-13-02; Defense reply due 5-24-02; matter set for DECISION. Court stated counsel need not be present if they do not desire as no argument will be allowed.; Deft's presence WAIVED.

NDC

6-5-02 8:30 AM DECISION: EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 05, 2002**

96C136862-1

The State of Nevada vs Marlo Thomas

June 05, 2002**8:30 AM****Decision**

**DECISION:
EVIDENTIARY
HEARING Court
Clerk: Theresa Lee
Relief Clerk: Tina
Hurd/th
Reporter/Recorder:
Mary Beth Cook
Heard By: Mark
Gibbons**

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

PRESENT: Peterson, Seth W. Attorney

JOURNAL ENTRIES

- Court advised he has not seen Deft's counsel David Schieck and ORDERED, Deft. Thomas's presence WAIVED as he is in the Nevada Department of Corrections (NDC). COURT ORDERED, briefing schedule set as follows:

Deft's opening brief to be filed by June 24; State's answering brief to be filed by July 24; Deft's reply brief to be filed by August 5; matter set for decision on August 14.

NDC

8-14-02 8:30 AM DECISION

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

96C136862-1

The State of Nevada vs Marlo Thomas

August 14, 2002**8:30 AM****Decision****DECISION Court
Clerk: Carole D'Aloia
Reporter/Recorder:
Tom Mercer Heard
By: Bonaventure,
Joseph T.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Kephart, William D.

Attorney

JOURNAL ENTRIES

- At the request of Mr. Kephart, COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 21, 2002

96C136862-1

The State of Nevada vs Marlo Thomas

August 21, 2002

8:30 AM

Decision

**DECISION Court
Clerk: Keith Reed/kar
Relief Clerk: Alan
Castle
Reporter/Recorder:
Lisa Makowski
Heard By: Sally
Loehrer**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- Upon review of the case, the Court does not find there was ineffective assistance of counsel; state to prepare the order. Mr. Schieck noted he needs to be served with the order when it is entered and inquired if the Court will appoint counsel to handle the appeal. COURT ORDERED, Mr. Schieck APPOINTED as appeal counsel based upon the denial for post conviction relief.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 29, 2004**

96C136862-1

The State of Nevada vs Marlo Thomas

March 29, 2004**8:30 AM****Motion**

**DEFT'S MTN TO
PLACE ON
CALENDAR/54
Court Clerk: Theresa
Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Schieck, David M.
Schwartz, David P.

Attorney
Attorney

JOURNAL ENTRIES

- Court commented on the fact, when a case is sent back from the Supreme Court it should go to the trial judge. Mr. Schwartz stated this Court heard the Penalty Hearing. Mr. Schieck stated he was appointed to do the appeal on the Post Conviction Relief. Court inquired of Mr. Schieck if he would like the appointment for the penalty hearing. Mr. Schieck brought to the Court's attention that the Special Public Defender was second chair at trial. Court inquired if the issue on appeal was ineffective assistance of counsel. Mr. Schieck stated Peter LaPorta and Lee McMahon represented deft at the trial. The issue is an Instruction that was given to the Jury at the Penalty Hearing that incorrectly left the Jury with the belief deft would be pardoned from the Pardons Board. COURT ORDERED, a new Penalty Hearing should be set, the Court will APPOINT David Schieck as counsel for the penalty hearing, and the Special Public Defender as second chair. The Court cannot appoint a private attorney to sit as second chair if there is no conflict with the Special PD. Court inquired of Ms.

Jackson if she would sit second chair with Mr. Schieck. Mr. Schieck stated Lee McMahon is still with their office, however, deft. was not happy with Pete LaPorta or Lee McMahon as his attorneys. Mr. Schieck also informed the Court there will be a mental health hearing regarding whether deft qualifies for the death penalty because of his IQ. COURT ORDERED, Mr. Schieck to have deft examined and get all of the psychiatric evaluations and the Court can set the Penalty Hearing in approximately 90 days. Court directed Mr. Schieck to submit the order. COURT ORDERED, matter CONTINUED to set time certain for penalty hearing.

NDC

6/30/04 8:30 A.M. SET TIME CERTAIN: PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2004**

96C136862-1

The State of Nevada vs Marlo Thomas

June 30, 2004**8:30 AM****Status Check**

**STATUS CHECK
/SET PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Angela Lee Heard
By: Sally Loehrer**

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

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Court stated this case has been from the Supreme Court for a Penalty Hearing. Deft received two death sentences first time around due to an erroneous jury instruction re what a life without sentence means. There is a possibility the jury erred on the side of finality. The Court needs to know if Mr. Schieck is going to stay on the case. Mr. Schieck stated when he appeared previously on this case, it was before he was appointed Special Public Defender. He was appointed because the deft had a problem with the Special Public Defender. The Court appointed Dan Albregts to work with him on the case. Deft was advised of this, and the fact Mr. Schieck was appointed as the Special Public Defender, Deft did not know what to think. He has not heard from the deft in a couple of weeks. CONFERENCE AT THE BENCH. Court further stated, Mr. Schieck was able to get the case reversed on deft's behalf. Deft should be pleased Mr. Schieck is staying on the case. COURT ORDERED, PENALTY HEARING DATE SET.

12/29/04 8:30 A.M. CALENDAR CALL

PRINT DATE:

11/02/2018

Page 62 of 109

Minutes Date:

July 03, 1996

1/3/05 1:30 P.M. PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 20, 2004**

96C136862-1

The State of Nevada vs Marlo Thomas

December 20, 2004**8:30 AM****Motion**

**NV DEPT OF
CORRECTIONS
MTN FOR
RECONSIDERATIO
N & FOR RELIEF/58
Court Clerk: Theresa
Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

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

Owens, Christopher J.
Pike, Randall H.

Attorney
Attorney

JOURNAL ENTRIES

- Eddie Gulbenkian, Esq. bar #7726, present on behalf of the Nevada Department of Corrections. Mr. Pike stated he is appearing for Mr. Schieck who is out of the state today. P & P is requesting reconsideration and relief. The hearing date on the penalty phase is set for 1/3/05. Court advised counsel the Court has not received the Jury Questionnaire. Mr. Pike stated this matter is not going on 1/3/05, and the deft has not been transported from Ely State prison. He was suppose to be transported one month prior to the penalty hearing. COURT ORDERED, Calendar Call VACATED, the Court will leave this matter on calendar on 1/3/05, penalty hearing date stands, the Court will set a time certain for the penalty hearing on 1/3/05. FURTHER ORDERED, when a hearing date is set, deft is ORDERED to be transported to the Clark County Detention Center one month prior to the

hearing. Court advised counsel to get together and pick a date, and that WILL BE the hearing date, no more continuances. Mr. Pike to prepare the order.

NDC

1/3/05 8:30 A.M. NEVADA DEPT OF CORRECTIONS MOTION FOR RECONSIDERATION AND RELIEF...RESET PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 03, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

January 03, 2005**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS Relief
Clerk: Elaine York/ey
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Albregts, Daniel J.
Schieck, David M.
Schubert, David
Thomas, Marlo

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- NEVADA DEPARTMENT OF CORRECTIONS MOTION FOR RECONSIDERATION AND FOR RELIEF...RESET PENALTY HEARING

Mr. Schieck stated this matter has been resolved stating the motion for reconsideration filed by the Attorney General's Office was appealed by the Deft. and added the Deft. is currently housed at High Desert Prison. Upon inquiry of the Court, Mr. Schubert stated this is Mr. Schwartz's case. COURT ORDERED, Penalty Hearing VACATED and matter RESET. Court advised counsel Jury Questionnaires need to be completed by 3/21/05 in order for the jury panel to answer by 3/25/05 allowing one week for counsel to review them. Mr. Schieck brought to the Court's attention the filing of pretrial motions that should be heard before the calendar call. COURT ORDERED, Pretrial Motions to be heard on 3/16/05 with the last filing date for motions being 2/28/05.

NDC

3/16/05 8:30 AM PRETRIAL MOTIONS

3/30/05 8:30 AM CALENDAR CALL

4/04/05 1:30 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 12, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

January 12, 2005**8:30 AM****Request**

**STATE'S REQUEST
STATUS
CHECK/TRIAL
DATE Court Clerk:
Theresa Lee Relief
Clerk: Georgette
Byrd/gb
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Albright, David C.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Parties agreed to a June trial with all pretrial motions in by May 18th, COURT SO ORDERED. Trial vacated and reset.

NDC

05/18/05 8:30 AM PRETRIAL MOTIONS

06/01/05 8:30 AM CALENDAR CALL

06/06/05 1:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 04, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

May 04, 2005**8:30 AM****Motion**

**DEFT'S NTC OF
MTN AND MTN TO
PLACE ON
CALENDR /68 Court
Clerk: Theresa Lee
Reporter/Recorder:
JoAnn Orduna
Heard By: Sally
Loehrer**

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

Albregts, Daniel J.
Campbell, Cara L.
Schieck, David M.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Schieck stated Chris Owens will be trying the Laughlin biker case. David Schwartz will be trying this case for the State. Mr. Schieck further stated Judge Mosley moved the biker case, and now Maestas is set to start May 31, 2005. Mr. Schieck moved to continue this trial based upon the Maestas case. Court stated Judge Mosley spoke to the Court regarding his trial schedule, this Court moved the Garrett case due to his trial schedule. COURT ORDERED, Deft's Motion to Continue the Trial is GRANTED; trial date VACATED AND RESET; ALL pre-trial motions to be filed timely and scheduled to be heard on 9/14/05. Mr. Schieck to talk to Mr. Schwartz and see if this trial date will work for him. FURTHER ORDERED, Deft's presence WAIVED today as he is at NDC.

NDC

9/14/05 8:30 A.M. PRE-TRIAL MOTIONS

10/5/05 8:30 A.M. CALENDAR CALL
10/10/05 1:30 P.M. TRIAL BY JURY

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

96C136862-1

The State of Nevada vs Marlo Thomas

June 01, 2005**8:30 AM****Motion****DEFT'S MTN TO
PLACE ON
CALENDAR/71
Relief Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Seabrook, Kristin E.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter is resolved as the District Attorney has agreed that Defendant shall remain at the High Desert until time of trial, therefore Defendant's Motion is OFF CALENDAR. FURTHER ORDERED, Deft's presence WAIVED today as he is at NDC.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2005

96C136862-1

The State of Nevada vs Marlo Thomas

September 14, 2005

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS (9/14/05)
Court Clerk: Theresa
Lee
Reporter/Recorder:
Yvonne Valentin
Heard By: Sally
Loehrer**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO ALLOW QUESTIONNAIRE... Mr. Schieck will submit a questionnaire to the State for their approval, Counsel to have the questionnaire submitted to the Court by Monday, 9/26/05 for Court's signature and for photocopying, and the Court will bring in 100-110 jurors to fill out the paperwork on 9/29/05 or 9/30/05. Court directed counsel to put on the 1st page of the questionnaire they are expected to serve the week of 10/10/05 through 10/19/05, and what the case is about. The Court will be able to excuse them right away.

DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES THAT ARE OVERLAPPING AND BASED ON MULTIPLE USE OF THE SAME FACT...COURT ORDERED, motion GRANTED, the Court has STRICKEN the Robbery as an aggravator.

DEFT'S MOTION TO STRIKE AGGRAVATOR FOUR ON STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY...Colloquy between Court and counsel. Arguments by counsel. COURT ORDERED, motion GRANTED AND DENIED IN PART, the Court will STRIKE the Robbery as an Aggravator, but the Burglary will go forward as an Aggravator, and more than one person was killed will go forward as an Aggravator.

DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...Court stated as this applies only to the penalty hearing. Mr. Schieck concurred, and argued, if a witness is getting preferential treatment from the State at the trial. Argument by Mr. Owens. Mr. Schieck stated the 16 year old witness during the first trial clammed up and they used the transcript from the preliminary hearing and gave him the benefit of whatever he was charged with. Mr. Schieck stated he is aware of it up to the trial, but would like to know if there is anything further. Mr. Schwartz stated the witness is in prison, nothing has been done on his behalf, no one is receiving any benefits. COURT ORDERED, the motion is GRANTED.

DEFT'S MOTION TO DISMISS STATE'S INTENT TO SEEK DEATH PENALTY BECAUSE THE NEVADA DEATH PENALTY IS UNCONSTITUTIONAL...Court stated, the Supreme Court has indicated Nevada is a death penalty state, and the Statute is not unconstitutional. COURT ORDERED, motion DENIED.

DEFT'S MOTION IN LIMINE TO LIMIT PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF THE 8TH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING...Colloquy between Court and counsel. Arguments by counsel. The Supreme Court has not decided one way or the other. This Court does not oppose a jury deliberating twice. State will put on aggravators, deft will put on mitigators at one time, having the jury determine if one or more aggravators are determined by a unanimous jury, and if the aggravators outweigh the mitigators, and then return to hear the bad acts information. Mr. Schieck stated there were incidents at the prison, there are 15-20 witnesses on bad acts testimony. Court stated if there are a lot of bad acts the Court would prefer to do it the way the Court mentioned. Mr. Owens objected to bifurcating the penalty hearing. COURT ORDERED, motion GRANTED, the Court will BIFURCATE the penalty hearing. Mr. Owens can run a Writ on this if he chooses and let the Supreme Court decide this issue. NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 26, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

September 26, 2005**8:30 AM****Request**

**DEFT'S REQUEST
STATUS
CHECK/PENALTY
HEARREQUEST
Court Clerk: Jennifer
Kimmel/jk Relief
Clerk: Judy
McFadden
Reporter/Recorder:
Yvonne Valentin
Heard By: Sally
Loehrer**

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

Owens, Christopher J.

Attorney

Pike, Randall H.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- Court advised counsel regarding Chief Judge directive relating to trials during the relocation to the Regional Justice Center (RJC). Colloquy ensued regarding schedule of trial. COURT ORDERED, Trial is RESET.

NDC

10/12/05 8:30 A.M. CALENDAR CALL

10/24/05 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

October 12, 2005**8:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Theresa
Lee Relief Clerk:
Georgette Byrd/gb
Reporter/Recorder:
Yvonne Valentin
Heard By: Loehrer,
Sally

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

Campbell, Cara L.
 Schieck, David M.
 Thomas, Marlo

Attorney
 Attorney
 Defendant

JOURNAL ENTRIES

- COURT ORDERED, calendar call continued to next week. Mr. Schieck stated he has another application to transport witnesses to testify in this case and presented it to the Court. Additionally, Mr. Schieck stated in NDC he is only allowed to speak with the defendant every other Monday and requested the Court to sign a special order allowing Mr. Schieck to see the defendant more often to prepare for trial, COURT SO ORDERED; Order signed in Court.
 NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

October 19, 2005**8:30 AM****Calendar Call****CALENDAR CALL****Court Clerk: Theresa
Lee****Reporter/Recorder:
Jackie Nelson Heard
By: Sally Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.
Schieck, David M.
Schwartz, David P.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Court stated in the Court's absence last week, Court was informed counsel are in agreement to move this trial to the week of 10/31/05, and the Botzet trial will go the weeks of 10/17/05 and 10/24/05. Counsel concurred. Mr. Albregts stated he has a personal commitment on 11/4/05. The trial will take FIVE (5) DAYS. Court inquired, State advised they have 10 witnesses, Mr. Schieck stated deft has 10 witnesses. Colloquy between Court and counsel re the way the bifurcated trial will proceed. Upon further inquiry by the Court, Mr. Schieck stated a Detective will come in and give a statement of the facts and summarize the evidence in the case, because guilt is not a question. COURT ORDERED, trial will commence 10/31/05 at 10:30 A.M.

NDC

10/31/05 10:30 A.M. PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2005

96C136862-1

The State of Nevada vs Marlo Thomas

October 31, 2005

10:30 AM

Hearing

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY and DEFT. Mr. Albregts stated having difficulty getting deft dressed for court. Due to being in prison, no one knows his size. Court received a call from Officer Jacoby this morning re deft's custody status. They were not given an order to retain him in the Clark County Detention Center during the trial. He will be transported back and forth. He does not have his legal documents with him. COURT ORDERED, deft can return to the prison tonight, return tomorrow morning and for the balance of the trial he will remain at CCDC. Mr. Schieck stated deft would like to be returned to the prison. The Order to Transport stated to be transported for the Petrocelli Hearing, but not how long the hearing would take. Mr. Schieck requested deft transported daily. Deft has been housed at High Desert for several months. COURT ORDERED, request DENIED. Mr. Schieck objected to deft being restrained during the penalty hearing. Colloquy

between Court and counsel. COURT ORDERED, he can be restrained at the ankles; arm and belly chains to be removed. Deft now present. JURY PANEL PRESENT AND SWORN. Jury selection commenced. Court inquired if either side had a JEB or Batson challenge to jury selection. All counsel answered in the negative. Mr. Albregts stated you have to have African American jurors on the panel to be able to exercise the challenge. At the hour of 5:07 P.M. Jury and two Alternates selected and sworn. Jury EXCUSED 5:07 P.M. until 10:00 A.M. on 11/1/05.
CUSTODY (NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 01, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 01, 2005**10:00 AM****Hearing**

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

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

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- JURY PRESENT. Introduction of the trial process by the Court to the Jury. Opening statements by Mr. Schwartz and Mr. Schieck. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, at the end of the trial, Exhibit #72, the money from the Lonestar robbery is going to be returned to the Lonestar. The Court was not aware this money was in the Vault for nine years and should be returned. Jury EXCUSED 5:52 P.M. until 10:00 A.M. on 11/2/05. ADJOURNED 6:00 P.M. CUSTODY (NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2005

96C136862-1

The State of Nevada vs Marlo Thomas

November 02, 2005

10:00 AM

Hearing

PENALTY

HEARING Court

Clerk: Theresa Lee

Reporter/Recorder:

Mary Beth

Cook/Sharon Howard

Heard By: Loehrer,

Sally

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY, arguments by counsel re hearsay statements and the Crawford decision. Transcripts of the 11/1/05 Proceedings FILED IN OPEN COURT. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 11:29 A.M. JURY EXCUSED, Court inquired of defense counsel when deft will allocute after the first proceeding. Court advised Mr. Schieck deft can allocute now and at the end of the second proceeding. Mr. Schieck stated deft is requesting a shower, SO ORDERED, deft to be allowed to shower tonight. JURY PRESENT, Testimony and exhibits CONTINUED. (See worksheets.) Jury Instructions SETTLED in open court on the record. JURY PRESENT, 4:17 P.M. Court instructed the Jury and listened to closing arguments by counsel. At the hour of 5:40 P.M. the jury RETIRED TO DELIBERATE.

PRINT DATE:

11/02/2018

Page 80 of 109

Minutes Date:

July 03, 1996

At the hour of 6:52 P.M., the Jury returned with VERDICTS as follows, AS TO CT 2 - the mitigating circumstances do not outweigh the aggravating circumstances, and CT 3 - the mitigating circumstances do not outweigh the aggravating circumstances. Court ADMONISHED the jury and EXCUSED them until 10:30 A.M. on 11/3/05. ADJOURNED 7:00 P.M.
CUSTODY (NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 03, 2005

96C136862-1

The State of Nevada vs Marlo Thomas

November 03, 2005

8:30 AM

Hearing

**PENALTY
HEARING Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Loehrer,
Sally**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Albregts, Daniel J.	Attorney
Owens, Christopher J.	Attorney
Schieck, David M.	Attorney
Schwartz, David P.	Attorney
Thomas, Marlo	Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel witness line-up and arguments by counsel re exhibits. Counsel agreed not to present opening statements. Deft now present. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 4:53 P.M. Mr. Schieck informed the Court, the defense is not ready to call witnesses tonight. Jury EXCUSED 5:20 P.M. until 8:30 A.M. on 11/4/05. Mr. Schieck requested the Court order his witnesses to stay at CCDC tonight. The Officer stated they will be in booking. Mr. Schieck stated he will go talk to them right now. ADJOURNED 5:23 P.M.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 04, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 04, 2005**8:30 AM****Hearing****PENALTY****HEARING Court****Clerk: Theresa Lee****Reporter/Recorder:****JoAnn Orduna/Mary****Beth Cook Heard By:****Sally Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Schwartz, David P.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY. Mr. Albregts stated the first witness will need a Spanish Interpreter. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) Statement of allocution by deft. DEFENSE RESTED 10:35 A.M. OUTSIDE PRESENCE OF JURY, Jury Instructions SETTLED IN OPEN COURT. JURY PRESENT, Court instructed the Jury and listened to closing arguments by counsel. At the hour of 12:48 P.M. the Jury RETIRED TO DELIBERATE. At the hour of 5:15 P.M. the Jury RETURNED with VERDICTS as follows: as to CT 2 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (CARL DIXON) and the Jury having found that the aggravating circumstance outweighs any mitigating circumstances, impose a sentence of DEATH; CT 3 - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (MATTHEW GIANAKIS) and the Jury having found that the aggravating circumstance outweighs

any mitigating circumstances, impose a sentence of DEATH. Mr. Schieck requested the Jury polled. Court thanked and excused the jury. Mr. Schieck requested the matter set for sentencing, new Pre-Sentence Report not necessary. COURT ORDERED, State to prepare the appropriate paperwork for sentencing, matter CONTINUED two weeks. Mr. Schieck requested seven days in which to file post trial motions, SO ORDERED.

BOND

11/21/05 8:30 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 28, 2005**

96C136862-1

The State of Nevada vs Marlo Thomas

November 28, 2005**8:30 AM****Sentencing****SENTENCING****Court Clerk: Theresa
Lee****Reporter/Recorder:****Mary Beth Cook****Heard By: Sally
Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- COURT ORDERED, matter TRAILED for Mr. Owens. Ms. Campbell stated she does not have the paperwork for the Court, Mr. Owens will be appearing on this matter. Mr. Schieck stated there is an automatic appeal, the Court can proceed without Mr. Owens. MATTER TRAILED.

Mr. Owens now present. COURT ORDERED, by virtue of the Jury's Verdict, on CT 2 - Murder of the First Degree with Use of a Deadly Weapon as to Matthew Gianakis, deft is SENTENCED to DEATH; and on CT 3 - Murder of the First Degree with Use of a Deadly Weapon as to Carl Dixon, deft is SENTENCED to DEATH. Judgment of Conviction, Warrant of Execution and Order of Execution FILED IN OPEN COURT. Upon inquiry by Mr. Schieck, COURT ORDERED, Special Public Defender is APPOINTED to file the Appeal in this case; Mr. Albregts is RELIEVED as counsel and to submit his voucher for payment. Deft REMANDED into the custody of the Sheriff.

NDC

CLERK'S NOTE: 11/28/05, Clerk prepared the packets and distributed Certified copies of the Court Minutes, Judgment of Conviction, Warrant of Execution and Order of Execution, placed packets in bins outside the Clerk's office for CCDC, the District Attorney and the Public Defender. (tl)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2005

96C136862-1

The State of Nevada vs Marlo Thomas

December 14, 2005

8:30 AM

Further Proceedings

**FURTHER
PROCEEDINGS:
EVIDENCE Court
Clerk: Theresa Lee
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Moreo, Thomas J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- The Court had Michael Sommemeyer from Court Administration photograph the money. Mr. Schieck stated he has looked at the pictures. He is satisfied this is the money. Court informed counsel the money needs to be returned to the Lonestar Steakhouse. The Court will keep the brown evidence bag, (Exhibit #72) and have the Clerk mark the photographs of the money as one exhibit, place the photos in the bag, and release the money to the Lonestar. CONFERENCE AT THE BENCH. Court stated Mr. Moreo has now looked at the photographs taken by Michael Sommemeyer, displaying what the money looked like in denominations. State to prepare an order, directing the Lonestar to come to the Clerk's office and pick up the money. The Lonestar can take it to the bank and have the money disposed of and the bank can replace the money. Mr. Schieck stated the evidence bag was opened and the money was shown to the jury. Further, Mr. Schieck WAIVED deft's presence for today's proceedings, SO ORDERED.

NDC

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 07, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

May 07, 2008**8:30 AM****Petition for Writ of Habeas
Corpus**

**PTN FOR WRIT OF
HABEAS CORPUS
(VJ 7/6/09) Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Julie Lever Heard
By: Loehrer, Sally**

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

Albregts, Daniel J.

Attorney

Owens, Christopher J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck moved to withdraw as this is a post conviction Writ. COURT ORDERED, matter CONTINUED and Ms. Dustin will be contacted to see if she can confirm as Deft's new counsel. Court directed the Law Clerk to contact Ms. Dustin and request her presence next date.

NDC

5/21/08 8:30 A.M. CONFIRMATION OF COUNSEL (DUSTIN)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 21, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

May 21, 2008**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS - 5/21/08
Court Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Dustin, Cynthia L.

Attorney

Owens, Christopher J.

Attorney

Thomas, Marlo

Defendant

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO
APPOINT COUNSEL...CONFIRMATION OF COUNSEL (DUSTIN)

COURT NOTED, Ms. Dustin can confirm as counsel in this Post Conviction Writ. Colloquy regarding
briefing schedule. COURT ORDERED, matter set for Status Check to set briefing schedule.

NDC

6/30/08 8:30 A.M. STATUS CHECK: BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

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

**ALL PENDING
MOTIONS (6-30-08)
Relief Clerk: Phyllis
Irby/pi
Reporter/Recorder:
Julie Lever Heard
By: Sally Loehrer**

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

Dustin, Cynthia L.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: SET BRIEFING
SCHEDULE

Ma. Dustin advised she does not have file and transcript as of yet, expecting to have it by tomorrow.
COURT ORDERED, Defense counsel to have Points and Authorities (Supplemental Petition of
Habeas Corpus) done by 11-03-08, States's Opposition to Writ is due by 1-09-09, Defense counsel to
file Reply by 2-09-09 and Arguments and Decisions will be set on 2-25-09.

2-25-09 8:30 AM ARGUMENTS/DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 22, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

September 22, 2008**8:30 AM****Motion to Dismiss****DEFT'S PRO PER
MTN TO DISMISS
COUNSEL &
APPOINT NEW
COUNSEL/91 Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Julie Lever Heard
By: Sally Loehrer****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Dustin, Cynthia L.
Owens, Steven S.Attorney
Attorney**JOURNAL ENTRIES**

- Matter argued and submitted. COURT ORDERED, Deft's Motion is DENIED as he already has counsel.

COURT STATED this case has pending hearing on Argument/Decision for Deft's post conviction Writ on 2/25/09 which STANDS.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 03, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

November 03, 2008**8:30 AM****Motion**

**DEFT'S MTN PLACE
ON CALENDAR TO
RESET BRIEFING
SCHEDULE/92 Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Miriam
Shearing**

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

Dustin, Cynthia L.
Thunell, Peter I.

Attorney
Attorney

JOURNAL ENTRIES

- Ms. Dustin moved to waive Deft's presence. COURT SO ORDERED. Matter argued and submitted. COURT FURTHER ORDERED, Deft's Motion is GRANTED and briefing schedule is re-set as follows: Deft's Opening Brief is due 1/15/09, State's Reply is due 5/15/09 and Deft's Reply, if any, is due by 7/15/09 with Argument and Decision also being re-set.

NDC

7/29/09 8:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)//
ARGUMENT AND DECISION RE: WRIT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 29, 2008**

96C136862-1

The State of Nevada vs Marlo Thomas

December 29, 2008**8:30 AM****Motion to Withdraw as
Counsel**

**DUSTIN'S MTN TO
WITHDRAW AS
COUNSEL/93 Court
Clerk: Jennifer
Kimmel
Reporter/Recorder:
Mary Beth Cook
Heard By: Sally
Loehrer**

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

Dustin, Cynthia L.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Matter argued and submitted. Court stated its findings and ORDERED, Ms. Dustin's Motion is GRANTED. COURT FURTHER ORDERED, appointment of new counsel is set for Status Check. Discussion regarding use of Federal resources to prosecute this matter for the State. COURT STATED, the next Judges meeting set for 1/19/09 has this issue on the agenda however counsel may verify conclusion and or preservation of this issue through Judge Togliatti as this Court will no longer be on the bench.

NDC

1/7/09 8:30 A.M. CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 07, 2009

96C136862-1

The State of Nevada vs Marlo Thomas

January 07, 2009

9:00 AM

Motion for Confirmation of
CounselCONFIRMATION
OF COUNSEL Heard
By: Stefany Miley

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Dustin, Cynthia L.

Attorney

Owens, Steven S.

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- Ms. Dustin advised she was formerly Counsel of Record, but previously told Judge Loehrer she would remain involved for a smooth transition of the file.

Mr. Brett Whipple advised he would accept the appointment as Counsel for Defendant Thomas. Mr. Whipple stated for the record that he spoke with Mr. Christensen with the Special Public Defenders Office, and there should be no conflict.

Mr. Owens expressed concern about the length of time that has passed, and there being no Supplemental Brief filed, noting a year has passed.

Mr. Whipple stated it was a death penalty case, and he would need six months. Upon Mr. Owens inquiry, Mr. Whipple agreed to get the case right back on Calendar, if it was determined that there is a conflict.

COURT ORDERED, Mr. Whipple is CONFIRMED as Attorney of Record, and matter SET for a Status Check regarding the filing of a Supplemental Brief.

7/6/09 9:30 AM STATUS CHECK: FILING OF BRIEF

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 06, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

July 06, 2009**9:30 AM****Status Check****STATUS CHECK:****FILING OF BRIEF****Court Clerk: Larry
Snyder****Reporter/Recorder:****Debra Winn Heard****By: Gates, Lee A****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- Mr. Whipple requested a continuance in order to file a Supplemental Brief. Mr. Owens acknowledged Mr. Whipple being new on the case, but noted the Petition was filed March 2008, and he doesn't want the matter to stagnate.

COURT ORDERED, matter CONTINUED. COURT FURTHER ORDERED, future Hearing date of 7/29/09 is hereby VACATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

November 09, 2009**9:30 AM****Status Check****STATUS CHECK:****FILING OF BRIEF****Court Clerk: Larry
Snyder****Reporter/Recorder:****Dalyne Easley Heard****By: Stefany Miley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kice, Stephanie B.

Attorney

Owens, Steven S.

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- Request For Funds For Investigative Assistance FILED IN OPEN COURT. Statements by Mr. Whipple in support of the relief requested, noting there are additional funds requested for the mental retardation claim. Mr. Owens stated he would like to review the fees requested and the documentation provided. COURT ORDERED, matter SET for a Status Check. COURT FURTHER ORDERED, the State will have until 11/23/09 to file a Brief/Opposition.

NDC

12/7/09 9:30 AM STATUS CHECK: DEFENDANT'S REQUEST - STATE'S BRIEF/OPPOSITION

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 09, 2009**

96C136862-1

The State of Nevada vs Marlo Thomas

December 09, 2009**9:30 AM****Status Check****STATUS CHECK:
DEFT'S REQUEST
FOR
INVESTIGATIVE
ASSISTANCE -
STATE'S BRIEF
Relief Clerk: Nicole
McDevitt
Reporter/Recorder:
Debra Winn Heard
By: Miley, Stefany****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Kice, Stephanie B.
Owens, Steven S.Attorney
Attorney**JOURNAL ENTRIES**

- Ms. Kice requested for a continuance to respond. COURT SO ORDERED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 06, 2010**

96C136862-1

The State of Nevada vs Marlo Thomas

January 06, 2010**9:30 AM****Status Check**

**STATUS CHECK:
DEFT'S REQUEST
FOR
INVESTIGATIVE
ASSISTANCE -
STATE'S BRIEF
Court Clerk: Larry
Snyder Relief Clerk:
Maria Garibay/mg
Reporter/Recorder:
Dalyne Easley Heard
By: Stefany Miley**

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

Kice, Stephanie B.
Owens, Steven S.

Attorney
Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the IQ scores received by the Defendant at the time of trial. Ms. Kice requested all accusations involving the Federal Public Defender's office in other state post conviction proceedings be stricken by the court. Mr. Owens requested a supplemental petition be filed. Ms. Kice argued the State relied on the IQ test done by Clark County school and the Supreme Court recognizes that individuals who fall at the range of 70 and below are ineligible for the death row. Court NOTED there was an evaluation done in 1994. COURT ORDERED, Deft's request DENIED and DIRECTED Ms. Kice to file a supplemental petition. Ms. Kice to file the supplemental petition by July 7th and State to reply by September 8th. COURT FURTHER ORDERED, matter SET

PRINT DATE:

11/02/2018

Page 99 of 109

Minutes Date:

July 03, 1996

for Hearing.

NDC

10/06/10 9:30 AM HEARING: SUPPLEMENTAL PETITION

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 13, 2010**

96C136862-1

The State of Nevada vs Marlo Thomas

December 13, 2010 9:30 AM**All Pending Motions****HEARD BY:** Miley, Stefany
Ames, Jack B.**COURTROOM:** RJC Courtroom 12C

COURT CLERK: Maria Garibay
Shelly Landwehr**RECORDER:** Dalyne Easley**REPORTER:****PARTIES**

PRESENT:	Owens, Steven S.	Attorney
	State of Nevada	Plaintiff
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES**- HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS**

Mr. Whipple requested a continuance for Deft's presence. Mr. Owens stated there has been no oral arguments regarding an evidentiary hearing and is prepared to go forward today. Mr. Whipple stated the previous minutes reflect a hearing and he thought there would be testimony today. COURT ORDERED, matter CONTINUED for Judge Miley's presence; further matter SET for hearing.

NDC

03/07/10 09:30 AM HEARING: SUPPLEMENTAL PETITION PETITION FOR WRIT OF HABEAS CORPUS...EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 07, 2011**

96C136862-1

The State of Nevada vs Marlo Thomas

March 07, 2011**9:30 AM****All Pending Motions****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Larry Snyder
Anntoinette Naumec-Miller**RECORDER:** Dalyne Easley**REPORTER:****PARTIES**

PRESENT:	Engler, Alissa	Attorney
	Owens, Steven S.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES**- HEARING: SUPPLEMENTAL PETITION...PETITION FOR WRIT OF HABEAS CORPUS**

Deft. not present. Arguments by counsel regarding Petition and Writ. COURT ORDERED, fees UNDER ADVISEMENT.

NDC

CLERK'S NOTE: Minutes corrected to reflect fees taken under advisement. anm/2/21/14

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 11, 2011**

96C136862-1

The State of Nevada vs Marlo Thomas

March 11, 2011**9:30 AM****Minute Order****COURT'S
DECISION****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Larry Snyder**RECORDER:** Dalyne Easley**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES****- State vs. Marlo Thomas - Decision**

This matter was last before the Court on March 7, 2011, pursuant to Defendant s request for expert and investigative fees. COURT FINDS, Defendant is indigent. COURT FURTHER FINDS, expert and investigative fees are warranted and fees are awarded in the amount of \$2,500.00. Mr. Bret O. Whipple, Esq. to prepare an order according to this Decision.

IT IS SO ORDERED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 03, 2014**

96C136862-1

The State of Nevada vs Marlo Thomas

March 03, 2014**9:30 AM****Request****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Steven Owens, Deputy District Attorney, present for the State of Nevada.
Bret Whipple, Esq., present on behalf of Deft. Thomas.

Deft. not present. Mr. Whipple requested thirty days to deliver the Petition to the Court and noted he has had Deft. evaluated. Colloquy regarding the issue of Deft's intelligence quotient level. Statements by Mr. Owens and request to set the Petition for argument. COURT ORDERED, Deft's Supplemental Petition due by 3/31/14, Deft's Supplemental Opposition due by 4/14/14, Petition SET.

NDC

4/28/14 11:00 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 28, 2014**

96C136862-1

The State of Nevada vs Marlo Thomas

April 28, 2014**11:00 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller
Melissa Murphy**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Steven Owens, Deputy District Attorney, present for the State of Nevada.
Bret Whipple, Esq., present on behalf of Deft. Thomas.

Deft. not present. Arguments by counsel. COURT stated its FINDINGS and ORDERED, Petition and Supplemental Petition DENIED. State to prepare the order with findings of fact and conclusions of law.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

96C136862-1

The State of Nevada vs Marlo Thomas

January 22, 2018**11:00 AM****Petition for Writ of Habeas
Corpus****Defendant's Pro Per
Petition for Writ of
Habeas Corpus (Post
Conviction)****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**Owens, Steven S.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- David Anthony and Joanne Diamond, Federal Public Defenders present. Statement by the Court regarding the State's response to the e-mail sent by this Court's Law Clerk. COURT ORDERED, matter CONTINUED. Briefing schedule is as follows: State's Response is due on or by March 26, 2018; Defendant's Supplemental is due on or by May 21, 2018; and State's Reply is due on or by June 25, 2018.

NDC

07-09-18 11:00 AM DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST
CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 08, 2018**

96C136862-1

The State of Nevada vs Marlo Thomas

August 08, 2018**9:30 AM****All Pending Motions**

**Deft's Pro Per
Petition for Writ of
Habeas Corpus;
Deft's Motion for
Leave to Conduct
Discovery; Deft's
Motion for
Evidentiary Hearing**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Diamond, Joanne L.

Attorney

Owens, Christopher J.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft. not present. Jose German Esq. (Bar #14676) present on behalf of Deft. Court noted it had reviewed all of the pleadings, believed there to be many grounds to address and pointed out there are several rulings by the Supreme Court. Argument by Mr. German regarding lack of evidence produced during second penalty phase and further argued issue of forcible rape. Court inquired why the information known by Deft. was not addressed at the time. Further argument by counsel stating defense investigator did not have experience in regards to a murder trial. Court pointed out the conviction was affirmed in 2006 and noted Deft. did not convey information to his attorney for purposes of pro per habeas corpus filed in 2008. Additional argument by counsel stating post conviction counsel was also ineffective and pointed out the jury foreperson had been affected by outside influence/information and requested a hearing to determine where information had come from during the trial. Argument by the State. Counsel advised they would call jurors at the hearing.

PRINT DATE:

11/02/2018

Page 107 of 109

Minutes Date:

July 03, 1996

Court advised several issues needed to be addressed individually, believed it needed to complete additional research as to the jury argument and stated it will enter a written decision.

NDC

09-20-18 3:00 AM (Chambers) Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Motion for Leave to Conduct Discovery; Deft's Motion for Evidentiary Hearing

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 20, 2018**

96C136862-1

The State of Nevada vs Marlo Thomas

September 20, 2018**3:00 AM****All Pending Motions**

**Deft's Pro Per
Petition for Writ of
Habeas Corpus (Post
Conviction); Deft's
Motion for Leave to
Conduct Discovery;
Deft's Motion for
Evidentiary Hearing**

HEARD BY: Miley, Stefany**COURTROOM:****COURT CLERK:** Katherine Streuber**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Pursuant to Decision and Order filed on September 27, 2018, Deft's Petition for Writ of Habeas Corpus is DENIED; Deft's Motion for Leave to Conduct Discovery is DENIED; and Deft's Motion for Evidentiary Hearing is DENIED.

OFFERED ADMITTED

① AERIAL Back Parking Lot LONE STAR	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
② AERIAL Front of Lone Star	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
③ DIAGRAM of Lone Star	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
④ Photo of exterior of Rebel Gas Station	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
⑤ Photo of Rear exterior of ^{Rebel} Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑥ Photo of Rear Exterior of ^{Rebel} Lone Star with knife	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑦ ^{Photo} Interior of Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑧ ^{Photo} Interior of Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑨ Photo Interior of Lone Star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑩ Photo Interior of lone star	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑪ Photo Interior of Lone Star office	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑫ Photo Interior of Lone star & office safe	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑬ Photo Lone star safe interior	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑭ Photo Lone Star Kitchen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑮ Photo Lone Star Kitchen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑯ Photo Lone Star Kitchen	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑰ Photo Lone Star Kitchen Floor Blood	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑱ Photo Lone Star Kitchen Floor closeup blood	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑲ Photo Lone Star interior near restroom	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
⑳ Photo Lone Star, entrance to Restrooms	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
㉑ Photo Lone STAR entrance to men's room	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/>
㉒ Photo Lone star men's room with Carl Dixon	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
㉓ Photo Lone Star men's room close up Face of Carl Dixon	<input type="checkbox"/> will not be admitted	<input type="checkbox"/>
㉔ Photo Blood on urinal partition in Lone star	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
㉕ Photo Blood on Stall door & wall in Lone star	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>

OFFERED ADMITTED

26	Evidence Impound Report - Scene	<input checked="" type="checkbox"/>	6-17-97	<input checked="" type="checkbox"/>
27	Evidence Package - Blood scene	<input checked="" type="checkbox"/>	6-17-97	<input checked="" type="checkbox"/>
28	Photo Desert area behind house	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
29	Photo Desert area with cloths	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
30	Photo Desert close up of Knife	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
31	Photo Desert close up of cloths	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
32	Evidence Impound Report - 2505 W. Cartier	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
33	Evidence Package A. Jean Shorts	<input checked="" type="checkbox"/>	A.	<input checked="" type="checkbox"/>
34	Evidence Package A. NIKE Shoe - Left	<input checked="" type="checkbox"/>	6-17	<input checked="" type="checkbox"/>
35	Evidence Package B. NIKE Shoe - Right	<input checked="" type="checkbox"/>	6-17	<input checked="" type="checkbox"/>
36	Evidence Package A. Knife <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6-17-97	<input checked="" type="checkbox"/>
37	Evidence Package A. S&W Revolver SN#9176573 <input checked="" type="checkbox"/> 37A	<input checked="" type="checkbox"/>	6-17-97	<input checked="" type="checkbox"/>
38	Body chart - Carl Dixon	<input checked="" type="checkbox"/>	6-17-97	<input checked="" type="checkbox"/>
39	Autopsy Photo - Carl Dixon Face	<input checked="" type="checkbox"/>	6/17/97	<input checked="" type="checkbox"/>
40	Autopsy Photo - Carl Dixon Full body side view	<input type="checkbox"/>	will not be admitted	<input type="checkbox"/>
41	Autopsy Photo - Carl Dixon Close up Right Hand	<input checked="" type="checkbox"/>	6-17	<input checked="" type="checkbox"/>
42	Autopsy Photo - Dixon Left Thigh	<input checked="" type="checkbox"/>	6-17	<input checked="" type="checkbox"/>
43	Autopsy Photo - Dixon Left Arm Defense wounds	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
44	Autopsy Photo - Dixon Left Chest area	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
45	Autopsy Photo - Dixon Left side	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
46	Autopsy photo - Dixon Upper chest	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
47	Autopsy Photo - Dixon Left Chest close up	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
48	Autopsy Photo - Dixon Left Stomach & chest area	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
49	Autopsy Photo Dixon Left Forearm & side	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>
50	Autopsy Photo Dixon close up Stomach area	<input type="checkbox"/>	will not be admitted	<input type="checkbox"/>

OFFERED ADMITTED

(51) Body chart MATHEW GIANAKIS	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ (52) Autopsy Photo - GIANAKIS Face close up	<input checked="" type="checkbox"/> 6/17/97	<input checked="" type="checkbox"/>
(53) Autopsy Photo - GIANAKIS full body left side	<input type="checkbox"/> will not be admitted	<input type="checkbox"/>
✓ (54) Autopsy Photo - GIANAKIS Left chest	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (55) Autopsy Photo - GIANAKIS Left Back	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (56) Evidence Impound Report - Autopsy	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (57) Evidence Bag Serology kit - ^{Gianakis} DIXON	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ (58) Evidence Bag DNA kit - ^{Dixon} DIXON	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
✓ (59) Evidence Bag Serology kit - GIANAKIS	<input type="checkbox"/> N/A Retained	<input type="checkbox"/>
✓ (60) Evidence Bag DNA kit GIANAKIS	<input type="checkbox"/>	<input type="checkbox"/>
✓ (61) Photo Vehicle Right Front & License Plate	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (62) Photo Vehicle Right Side	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (63) Photo Vehicle Rear	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (64) Photo Vehicle Left side & rear	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (65) Photo Vehicle trunk	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (66) Evidence Impound Report - Vehicle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (67) ^{Vehicle} Evidence Photo : Albertson's Grocery Bag	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (68) ^{Vehicle} Evidence Photo : Dark Blue Pillow case w/cash	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
✓ (69) Evidence Package - Blood	<input type="checkbox"/> with drawn	<input type="checkbox"/>
✓ (70) Evidence Package - A. Albertson's Grocery bag.	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (71) Evidence Package B Dark Blue Pillow case	<input type="checkbox"/>	<input type="checkbox"/>
✓ (72) Evidence Package A. \$, 857.00	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (73) Evidence Bag Serology kit - Hall	<input checked="" type="checkbox"/> 6-17	<input checked="" type="checkbox"/>
✓ (74) Evidence Bag Serology kit Defendant	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
(75) Serology Chart - Terry Cook	<input checked="" type="checkbox"/> 6-17-97	<input checked="" type="checkbox"/>
(76) DNA CHART - PAULA YATES	<input type="checkbox"/> with drawn	<input type="checkbox"/>

☒ 4-23 91 ☒

6-23-97

☒ 473 ☐ —

6-235

☒ 63 ☐

423

☒ 6-23-77 ☒

☒ 47397 ☒

☒ 4-239 ☒

☒ 6-23 ☒

☒ 6-2397 ☒

☒ 6-23-97 ☒

☒ 6-2347 ☒☒ 67397 ☐

☒ 4-2352 ☒

✓ 42391 ✓

46239

☐ 6.397 ☒

☒ 6-23-97 ☒

☒ 6-23-97 ☐

☒ 6-23 ☒

☒ 62397 ☒

☒ 4-23-97 ☐

☒ 62397 ☒

Penalty Near

OCT 31 2005

State's

EXHIBITS

CASE NO. C136862

TRIAL START DATE

PLTF

VS

		Date Offered	Obj.	Adm	Date Admitted
✓ 1.	Aerial Back Parking Lot - Lone Star	11/1		✓	11/1
✓ 2.	Aerial - Front of Lone Star Restaurant	11/1		✓	11/1
✓ 3.	Diagram of Lone Star " "	11/1	not Arch.	✓	11/1
✓ 4.	Photo of extension of Rebel Gas Stn.	11/1		✓	11/1
✓ 5.	Photo of rear extension of Rebel Gas Stn.	11/1		✓	11/1
✓ 6.	Photo - Rear Extension Rebel Gas Stn.	11/1		✓	11/1
✓ 7.	photo - Interior Lone Star	11/1		✓	11/1
✓ 8.	photo - Interior Lone Star	11/1		✓	11/1
✓ 9.	photo - Interior of Lone Star	11/1		✓	11/1
✓ 10.	photo Interior of Lone Star	11/1		✓	11/1
✓ 11.	photo Interior of Lone Star office	11/1		✓	11/1
✓ 12.	photo Interior of Lone Star office	11/1		✓	11/1
✓ 13.	photo - Lone Star safe Interior	11/1		✓	11/1
✓ 14.	photo Lone Star Kitchen	11/1		✓	11/1
✓ 15.	photo - Lone Star Kitchen	11/1		✓	11/1
✓ 16.	photo - Lone Star Kitchen	11/1		✓	11/1
✓ 17.	photo - Lone Star kitchen floor (blood)	11/1		✓	11/1
✓ 18.	photo Lone Star kitchen floor (blood)	11/1		✓	11/1
✓ 19.	photo Lone Star interior near restroom	11/1		✓	11/1
✓ 20.	photo Lone Star - entrance to restrooms	11/1		✓	11/1
✓ 21.	photo Lone Star entrance mens restroom	11/1		✓	11/1
✓ 22.	photo Lone Star mensroom Carl Dixon	11/1		✓	11/1
23	photo - Lone Star mens room close up face Carl Dixon		not	Admitted	—

States

EXHIBITS

CASE NO. C136862 TRIAL START DATE

OCT 31 2005

PLTF

VS

		Date Offered	Obj.	Adm	Date Admitted
✓	24. photo Blood on window partition (done Stan)	11/1		✓	11/1
✓	25. photo Blood on stair door to wall - done Stan	11/1		✓	11/1
✓	26. Evidence Impound Report - Scene	11/2		✓	11/2
✓	27. Evidence Package - blood scene	11/1		✓	11/1
✓	28. Photo - Desert area - trailer park.	11/1		✓	11/1
✓	29. photo - Desert area - scene - shorts - T-shirt	11/1		✓	11/1
✓	30. photo Desert area - knife	11/1		✓	11/1
✓	31. photo Desert area - Nike tennis shoes white T-shirt	11/1		✓	11/1
✓	32. Evidence Impound report 2505 W. Carter	11/1		✓	11/1
✓	33. Evidence bag 33-A. jeans shorts	11/1		✓	11/1
✓	34. Evidence bag i 34-A Nike shoe Left	11/1		✓	11/1
no #35	34-B Nike shoe Right	11/1		✓	11/1
✓	36 Evidence Bag	11/1		✓	11/1
✓	36-A Knife	11/1		✓	11/1
✓	37 Evidence Bag.	11/1		✓	11/1
✓	37-A R632 Remington Serial #9176573	11/1		✓	11/1
✓	38 Body chart. - Carl Dixon	11/2		✓	11/2
✓	39 Autopsy photo - Carl Dixon	11/2		✓	11/2
-	40 " " " "	Not Admitted			
✓	41 " " " "	11/2		✓	11/2
✓	42 " " " "	11/2		✓	11/2
✓	43 " " " "	11/2		✓	11/2
✓	44 " " " "	11/2		✓	11/2

States

EXHIBITS

CASE NO. C136862TRIAL START DATE OCT 31 2005

PLTF _____

VS _____

		Date Offered	Obj.	Adm	Date Admitted
✓ 45.	Autopsy photo- Carl Dixon	11/2		✓	11/2
✓ 46.	" " " "	11/2		✓	11/2
✓ 47.	" " " "	11/2		✓	11/2
✓ 48.	" " " "	11/2		✓	11/2
✓ 49.	" " " "	11/2		✓	11/2
50.	" " " "	NOT Admitted			
51.	Body chart - Matthew Gianakis	11/2		✓	11/2
✓ 52.	Autopsy photo- " "	11/2		✓	11/2
53.	" " " "	NOT Admitted			
✓ 54.	" " " "	11/2		✓	11/2
✓ 55.	" " " "	11/2		✓	11/2
✓ 56.	Evidence Impound Report- Autopsy	11/1		✓	11/1
✓ 57.	Evidence box- Serology kit	11/1		✓	11/1
✓ 58.	Evidence box- Serology kit	11/1		✓	11/1
59.	never Rec'd				
60.	not in box				
✓ 61.	photo - Vehicle	11/1		✓	11/1
✓ 62.	photo - Vehicle			✓	
✓ 63.	photo - Vehicle			✓	
✓ 64.	photo - Vehicle			✓	
✓ 65.	photo - Vehicle			✓	
✓ 66.	Evidence Impound Report- Vehicle			✓	
✓ 67.	photo - Vehicle - Albertsons grocery bag.			✓	

OCT 31 2005

States

EXHIBITS

CASE NO. C136862 TRIAL START DATE

PLTF _____ VS _____

		Date Offered	Obj.	Adm	Date Admitted
✓ 68	photo - Dark Blue pillow case ^{w/ cash}	11/1		✓	11/1
69	uld				
✓ 70	evidence package - A Albertsons grocery	11/1		✓	11/1
	" " B. Dark Blue ^{bag.} pillow case	11/1		✓	11/1
no #71 ✓ 72	evidence bag - Clear bag - \$5857 cash.				
✓ 73	evidence box - Serology kit.				
✓ 74	evidence box - Serology kit.				
✓ 75	Serology Chart	11/1		✓	11/1
✓ 76	^{DNA} Chart -	11/2		✓	11/2
✓ 77	Photo of Carl Dixon	11/1		✓	11/1
✓ 78	Photo of Matthew Gianakis	11/1		✓	11/1
✓ 79	photo of Kenya Hall	11/1		✓	11/1
✓ 80	photo - Dft - Mario Thomas	11/1		✓	11/1
✓ 81	Miranda Card.	11/1		✓	11/1
✓ 82	Video tape - Dfts stmt	11/1		✓	11/1
✓ 83	Evidence envelope - Blood samples ^{knife}	11/1		✓	11/1
✓ 84	Body Diagram (Dixon)	11/1		✓	11/1
✓ 109	Group of 8 photos ^{caveat} 1 photograph	11/1	no obj	✓	11/1
110	transcript of Kenya Hall's testimony ^{another to} not to ^{appeal} go to jury, only 1/7				11/1
111.	transcript of Video tape ^{Mario Thomas}	11/1		✓	11/1
112	transcript of Barbara Smith (deceased)	11/2	Admit record only	✓	11/2
113.	transcript of Emma Nash (deceased)	11/2	Admit record only	✓	11/2
85.	Juvenile Petn 1-25	11/3	Obj	✓	11/3

States

EXHIBITS

CASE NO. C136862 TRIAL START DATE 10-31-05

PLTF _____ VS _____

		Date Offered	Obj.	Adm	Date Admitted
86	Certification Order 9-13-90	11/3	obj	✓	11/3
87	Pre-Sentence Rpt. C96794 11-20-90	11/3	obj	✓	11/3
✓ 88	Judgment of Conviction - Att Robbery	11/2	obj	✓	11/2
89	Violation Rpt. 9-30-91	11/3	obj ✓	✓	11/3
90	Violation Rpt. 1-19-92		✓	✓	
91	Violation Rpt 1-20-92		✓	✓	
92	Violation Rpt 4-27-92		✓	✓	
93	Violation Rpt 4-13-93		✓	✓	
94	Violation Rpt 8-9-93		✓	✓	
95	Violation Rpt 8-24-93		✓	✓	
96	Violation Rpt 9-17-93		✓	✓	
97	Violation Rpt. 3-13-94		✓	✓	
98	Violation Rpt 4-12-94		✓	✓	
99	Violation Rpt 12-30-94	↓	↓	✓	↓
100	Summary of Discipline	11/3	obj ✓	✓	11/3
✓ 101	Discharge papers - NDC.	11/2	obj	✓	11/2
102	Pre-Sentence Report - BUSBH	11/3	obj	✓	11/3
✓ 103	Judgment of Conviction - 6-17-96	11/2	obj	✓	11/2
104	Violation Rpt 8-1-96	11/3	obj ✓	✓	11/3
105	Violation Rpt		✓	✓	
106	Notice of charges 8-9-93		✓	✓	
107	Incident Report	↓	↓ ✓	✓	↓
108	NLV Report	✓ 11/3	obj obj	1	11/3

Prison
Records
prior
to
this
case.

Prison
Records
prior
to
this
case

TRIAL START DATE 10-31-05

VS

1

DEFENDANT'S EXHIBITS

CASE NO. C136862

	OFFERED	ADMITTED
1. The defendant was charged with possession of a controlled substance.		
2. The defendant was charged with possession of a firearm.		
3. The defendant was charged with possession of a dangerous weapon.		
4. The defendant was charged with possession of a narcotic.		
5. The defendant was charged with possession of a prohibited substance.		
6. The defendant was charged with possession of a restricted item.		
7. The defendant was charged with possession of a hazardous material.		
8. The defendant was charged with possession of a stolen vehicle.		
9. The defendant was charged with possession of a counterfeit document.		
10. The defendant was charged with possession of a falsified record.		
11. The defendant was charged with possession of a forged signature.		
12. The defendant was charged with possession of a fraudulent check.		
13. The defendant was charged with possession of a counterfeit coin.		
14. The defendant was charged with possession of a falsified receipt.		
15. The defendant was charged with possession of a forged stamp.		
16. The defendant was charged with possession of a falsified certificate.		
17. The defendant was charged with possession of a forged diploma.		
18. The defendant was charged with possession of a falsified passport.		
19. The defendant was charged with possession of a forged license.		
20. The defendant was charged with possession of a falsified permit.		
21. The defendant was charged with possession of a forged contract.		
22. The defendant was charged with possession of a falsified agreement.		
23. The defendant was charged with possession of a forged deed.		
24. The defendant was charged with possession of a falsified will.		
25. The defendant was charged with possession of a forged power of attorney.		
26. The defendant was charged with possession of a falsified affidavit.		
27. The defendant was charged with possession of a forged subpoena.		
28. The defendant was charged with possession of a falsified summons.		
29. The defendant was charged with possession of a forged writ.		
30. The defendant was charged with possession of a falsified judgment.		
31. The defendant was charged with possession of a forged decree.		
32. The defendant was charged with possession of a falsified order.		
33. The defendant was charged with possession of a forged injunction.		
34. The defendant was charged with possession of a falsified restraining order.		
35. The defendant was charged with possession of a forged protective order.		
36. The defendant was charged with possession of a falsified court order.		
37. The defendant was charged with possession of a forged arrest warrant.		
38. The defendant was charged with possession of a falsified search warrant.		
39. The defendant was charged with possession of a forged execution warrant.		
40. The defendant was charged with possession of a falsified return process.		
41. The defendant was charged with possession of a forged appeal process.		
42. The defendant was charged with possession of a falsified review process.		
43. The defendant was charged with possession of a forged hearing process.		
44. The defendant was charged with possession of a falsified trial process.		
45. The defendant was charged with possession of a forged sentencing process.		
46. The defendant was charged with possession of a falsified conviction process.		
47. The defendant was charged with possession of a forged parole process.		
48. The defendant was charged with possession of a falsified probation process.		
49. The defendant was charged with possession of a forged reentry process.		
50. The defendant was charged with possession of a falsified deportation process.		
51. The defendant was charged with possession of a forged extradition process.		
52. The defendant was charged with possession of a falsified repatriation process.		
53. The defendant was charged with possession of a forged citizenship process.		
54. The defendant was charged with possession of a falsified naturalization process.		
55. The defendant was charged with possession of a forged residency process.		
56. The defendant was charged with possession of a falsified domicile process.		
57. The defendant was charged with possession of a forged habitation process.		
58. The defendant was charged with possession of a falsified settlement process.		
59. The defendant was charged with possession of a forged relocation process.		
60. The defendant was charged with possession of a falsified migration process.		
61. The defendant was charged with possession of a forged translocation process.		
62. The defendant was charged with possession of a falsified movement process.		
63. The defendant was charged with possession of a forged displacement process.		
64. The defendant was charged with possession of a falsified relocation process.		
65. The defendant was charged with possession of a forged migration process.		
66. The defendant was charged with possession of a falsified translocation process.		
67. The defendant was charged with possession of a forged movement process.		
68. The defendant was charged with possession of a falsified displacement process.		
69. The defendant was charged with possession of a forged relocation process.		
70. The defendant was charged with possession of a falsified migration process.		
71. The defendant was charged with possession of a forged translocation process.		
72. The defendant was charged with possession of a falsified movement process.		
73. The defendant was charged with possession of a forged displacement process.		
74. The defendant was charged with possession of a falsified relocation process.		
75. The defendant was charged with possession of a forged migration process.		
76. The defendant was charged with possession of a falsified translocation process.		
77. The defendant was charged with possession of a forged movement process.		
78. The defendant was charged with possession of a falsified displacement process.		
79. The defendant was charged with possession of a forged relocation process.		
80. The defendant was charged with possession of a falsified migration process.		
81. The defendant was charged with possession of a forged translocation process.		
82. The defendant was charged with possession of a falsified movement process.		
83. The defendant was charged with possession of a forged displacement process.		
84. The defendant was charged with possession of a falsified relocation process.		
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86. The defendant was charged with possession of a falsified translocation process.		
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89. The defendant was charged with possession of a forged relocation process.		
90. The defendant was charged with possession of a falsified migration process.		
91. The defendant was charged with possession of a forged translocation process.		
92. The defendant was charged with possession of a falsified movement process.		
93. The defendant was charged with possession of a forged displacement process.		
94. The defendant was charged with possession of a falsified relocation process.		
95. The defendant was charged with possession of a forged migration process.		
96. The defendant was charged with possession of a falsified translocation process.		
97. The defendant was charged with possession of a forged movement process.		
98. The defendant was charged with possession of a falsified displacement process.		
99. The defendant was charged with possession of a forged relocation process.		
100. The defendant was charged with possession of a falsified migration process.		

A. Chart

[illegible]

Penalty Hearing

Wright's EXHIBITS CASE NO. C136862 TRIAL START DATE 10-31-05
PLTF The State of NV vs Mario Thomas

[illegible]

EXHIBITS

CASE NO. C13686 TRIAL START DATE OCT 31 2005

PLTF _____ **VS** _____

[illegible]

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; DECISION & ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

MARLO THOMAS aka MARLOW D.
THOMAS,

Defendant(s).

Case No: 96C136862-1

Dept No: XXIII

Death Penalty

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 2 day of November 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk