

Thomas-8JDC06019

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MINUTES DATE: 10/12/05

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

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NDC

CONTINUED TO: 10/19/05 08:30 AM 01

10/19/05 08:30 AM 01 CALENDAR CALL

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Jackie Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000398 Schwartz, David P.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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

PRINT DATE: 12/27/05

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MINUTES DATE: 10/31/05

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 032

10/31/05 10:30 AM 00 PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000398 Schwartz, David P.	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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)

CONTINUED TO: 11/01/05 10:00 AM 01

PRINT DATE: 12/27/05

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MINUTES DATE: 10/31/05

8JDC06020

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CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo  
CONTINUED FROM PAGE: 033

11/01/05 10:00 AM 01 PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000398	Schwartz, David P.	Y
001190	Owens, Christopher J.	Y
0001 D1	Thomas, Marlo	Y
000824	Schieck, David M.	Y
004435	Albregts, Daniel J.	Y

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)

CONTINUED TO: 11/02/05 10:00 AM 02

11/02/05 10:00 AM 02 PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook/Sharon Howard, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000398	Schwartz, David P.	Y
001190	Owens, Christopher J.	Y
0001 D1	Thomas, Marlo	Y
000824	Schieck, David M.	Y
004435	Albregts, Daniel J.	Y

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

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CRIMINAL COURT MINUTES

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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)

CONTINUED TO: 11/03/05 10:00 AM 03

11/03/05 10:00 AM 03 PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000398 Schwartz, David P.	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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

CONTINUED TO: 11/04/05 08:30 AM 04

PRINT DATE: 12/27/05

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MINUTES DATE: 11/03/05

8JDC06022

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CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 035

11/04/05 08:30 AM 04 PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
JoAnn Orduna/Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000398	Schwartz, David P.	Y
001190	Owens, Christopher J.	Y
0001 D1	Thomas, Marlo	Y
000824	Schieck, David M.	Y
004435	Albregts, Daniel J.	Y

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

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo  
CONTINUED FROM PAGE: 036

11/28/05 08:30 AM 01 SENTENCING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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)

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 037

12/14/05 08:30 AM 00 FURTHER PROCEEDINGS: EVIDENCE

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002415 Moreo, Thomas J.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y

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

EXHIBIT 173

EXHIBIT 173

Original article:  
[http://aolsvc.health.webmd.aol.com/hw/being\\_pregnant/tk3601.asp](http://aolsvc.health.webmd.aol.com/hw/being_pregnant/tk3601.asp)

## Health Guide A-Z

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### Alcohol Effects on a Fetus

#### Topic Overview



Alcohol effects on a fetus

#### What effect does alcohol have on a fetus?

Alcohol use during pregnancy may damage a developing fetus. The possibility, extent, and type of damage depends on the amount of alcohol use; the frequency of use; and the fetus's genetic susceptibility and stage of development. Heavy alcohol use (5 or more drinks on one occasion) during pregnancy can cause a child to have growth retardation, facial abnormalities, birth defects, mental retardation, or behavior and learning problems. Lesser amounts of alcohol use during pregnancy may cause any combination of these effects to a milder degree.

Heavy alcohol use during pregnancy can also lead to miscarriage, premature delivery, or stillbirth.

#### What is the range of alcohol effects?

Children with the most severe effects are said to have fetal alcohol syndrome (FAS) or fetal alcohol abuse syndrome (FAAS). These children have characteristic facial features (a small face, narrow eye openings, a short upturned nose, a flattened groove between the nose and the upper lip, and a thin upper lip), growth retardation, and mental and behavioral problems (central nervous system effects). They may also have birth defects that involve the eyes, ears, heart, urinary tract, or bones. Children with less severe effects from alcohol exposure during fetal development may have one or a combination of these characteristics to a milder degree.

Some experts use the term fetal alcohol spectrum disorder (FASD) to include all categories of alcohol effects on a fetus.

#### How does alcohol cause these effects?

When a pregnant woman drinks alcohol, the alcohol passes from her blood into the fetus. Large amounts of alcohol may damage fetal cells, especially those of the central nervous system. There is no known amount of alcohol intake that is considered safe for pregnant women.

The exact way alcohol causes the damage is not known. From magnetic resonance imaging (MRI) and computed tomography (CT) scans of babies with alcohol effects, it appears that alcohol may target specific areas of the developing brain.<sup>1</sup>

#### If I drink during pregnancy, will my child have effects from alcohol?

Not all fetuses exposed to alcohol have permanent effects from it. In the United States, about 1 to 2 babies out of 1,000 have fetal alcohol syndrome.<sup>2</sup>

- Topic Overview
- Health Tools
- Frequently Asked Questions
- Symptoms
- Exams and Tests
- Treatment
- Home Treatment
- Other Places To Get Help
- Related Information
- References
- Credits

[http://aolsvc.health.webmd.aol.com/hw/being\\_pregnant/tk3601.asp?orgpath=/hw/being\\_p...](http://aolsvc.health.webmd.aol.com/hw/being_pregnant/tk3601.asp?orgpath=/hw/being_p...) 04/07/2004

The possible effects on your fetus depend on the amount and frequency of your drinking, and your fetus's genetic susceptibility and stage of development. For example, the first 3 months of pregnancy are a critical time for physical development of the fetus. Alcohol use during this time can lead to abnormal facial features and birth defects.

Smoking, poor health and nutrition, use of other drugs, and having had several pregnancies also increase the chances that your use of alcohol will affect the fetus.

#### **How much alcohol is safe to drink during pregnancy?**

No amount of alcohol is considered safe to drink during pregnancy. An amount of alcohol or a specific time during pregnancy when it is safe to drink has not been identified.

#### **When are alcohol effects on a fetus diagnosed?**

A baby with severe alcohol effects (fetal alcohol syndrome) may be diagnosed at birth. Children with lesser alcohol effects may not be diagnosed until behavior or learning problems develop.

#### **Can alcohol effects on a fetus be prevented?**

Alcohol effects on a fetus can be prevented by not drinking during pregnancy. Even one heavy drinking episode (5 or more drinks) during this time may harm your baby.

#### **What is the treatment for my child with alcohol effects?**

Your child's treatment may include educational support, social skills training, vocational training, and counseling. Resources in your community may provide support and financial help for your family.

Early identification, even if the alcohol effects are mild, gives your child the best opportunity to reach his or her full potential in life. Early diagnosis may help prevent school difficulties, legal problems, and mental health problems, such as alcohol or other substance abuse, depression, or anxiety.

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Original article:

[http://aolsvc.health.webmd.aol.com/hw/health\\_guide\\_atoz/stf124081.asp?navbar=tk3601](http://aolsvc.health.webmd.aol.com/hw/health_guide_atoz/stf124081.asp?navbar=tk3601)

## Health Guide A-Z

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### Fetal alcohol syndrome

Fetal alcohol syndrome (FAS) is the term used to describe the severest form of alcohol effects on a fetus. These effects are caused by the mother's heavy alcohol use (5 or more drinks on one occasion) during pregnancy.

Children with FAS have:

- Characteristic facial features, which include a small face, narrow eye openings (slits), a short upturned nose, a flattened groove between the nose and the upper lip (philtrum), and a thin upper lip.
- Low birth weight and growth retardation.
- Central nervous system abnormalities, including small head size, mental poor fine motor skills, or poor eye-hand coordination.
- Behavior and thinking (cognitive) problems, which may include poor attention, concentration, memory, and comprehension skills; difficulty with math skills; hyperactivity; and extreme mood changes.

A child with alcohol-related effects also may have birth defects that involve the eyes, ears, heart, urinary tract, or bones.

Treatment depends on the specific effects a child has and may include educational support, social skills training, vocational training, and counseling.

Fetal alcohol syndrome can be prevented by not drinking alcohol before or during pregnancy. The American Academy of Pediatrics recommends that all pregnant women and women who are planning to become pregnant not drink alcohol.



Get the facts.

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AA6478

MThomas SPD02467



## AS A MATTER OF FACT . . .

### FETAL ALCOHOL SYNDROME

**Problem:** Fetal Alcohol Syndrome (FAS) is a pattern of mental and physical defects which develops in some unborn babies when the mother drinks too much alcohol during pregnancy. A baby born with FAS may be seriously handicapped and require a lifetime of special care. Some babies with alcohol-related birth defects, including smaller body size, lower birth weight, and other impairments, do not have all of the classic FAS symptoms. These symptoms are sometimes referred to as Fetal Alcohol Effects (FAE). Researchers do not all agree on the precise distinctions between FAS and FAE cases.

**Cause of the Problem:** Alcohol in a pregnant woman's bloodstream circulates to the fetus by crossing the placenta. There, the alcohol interferes with the ability of the fetus to receive sufficient oxygen and nourishment for normal cell development in the brain and other body organs.

#### Possible FAS Symptoms:

- Growth deficiencies: small body size and weight, slower than normal development and failure to catch up.
- Skeletal deformities: deformed ribs and sternum; curved spine; hip dislocations; bent, fused, webbed, or missing fingers or toes; limited movement of joints; small head.
- Facial abnormalities: small eye openings; skin webbing between eyes and base of nose; drooping eyelids; nearsightedness; failure of eyes to move in same direction; short upturned nose; sunken nasal bridge; flat or absent groove between nose and upper lip; thin upper lip; opening in roof of mouth; small jaw; low-set or poorly formed ears.
- Organ deformities: heart defects; heart murmurs; genital malformations; kidney and urinary defects.
- Central nervous system handicaps: small brain; faulty arrangement of brain cells and connective tissue; mental retardation — usually mild to moderate but occasionally severe; learning disabilities; short attention span; irritability in infancy; hyperactivity in childhood; poor body, hand, and finger coordination.

**Size of the Problem:** The incidence (number of new cases each year) of FAS and FAE are significantly under-reported. Therefore, projections are usually based on estimates of their occurrence per 1,000 live births. Recent studies by researchers Ernest Abel and Robert Sokol suggest that the incidence of FAS can conservatively be estimated at 0.33 cases per 1,000 live births. Missouri recorded 78,468 live births in 1991 and 76,005 in 1992, which would yield at least 25 new cases of FAS per year. The incidence of FAE is generally regarded to be several times the magnitude of FAS cases, perhaps in the hundreds in Missouri.



MThomas SPD02468

**Recommendations:** Studies suggest that drinking a large amount of alcohol at any one time may be more dangerous to the fetus than drinking small amounts more frequently. The fetus is most vulnerable to various types of injuries depending on the stage of development in which alcohol is encountered. A safe amount of drinking during pregnancy has not been determined, and all major authorities agree that women should not drink at all during pregnancy. Unfortunately, women sometimes wait until a pregnancy is confirmed before they stop drinking. By then, the embryo/fetus has gone through several weeks of critical development, a period during which exposure to alcohol can be very damaging. Therefore, the Division of Alcohol and Drug Abuse urges women who are pregnant or anticipating a pregnancy to abstain from drinking alcoholic beverages.

**Sources:** National Institute on Alcohol Abuse and Alcoholism  
Missouri Department of Health, State Center for Health Statistics  
Abel, Ernest; and Sokol, Robert. A revised conservative estimate of the incidence of FAS and its economic impact. Alcoholism: Clinical and Experimental Research 15(3), 1992.  
Food and Drug Administration  
National Council on Alcoholism  
United States Surgeon General  
United States Department of Health and Human Services

Go to FACT Sheet List

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MISSOURI DEPARTMENT OF MENTAL HEALTH  
Division of Alcohol and Drug Abuse  
1706 East Elm; P.O. Box 687  
Jefferson City, Missouri 65102

RSmith:02-15-94

## Identifying Clients With Possible

# Fetal Alcohol Syndrome

## Fetal Alcohol Effects in the Treatment Setting

by Natalie J. Novick, Ph.D. and Ann Streissguth, Ph.D.



*This is the first of a two-part series on identifying and effectively treating people with FAS/FAE in treatment programs. Part two appears in Treatment Today Winter 1996, Vol.7, No.4, p.20.*

Why do even the most effective, well-run programs have treatment failures with motivated patients? One reason may be due to a problem that is sometimes difficult to see: organic brain damage. People with central nervous system (CNS) dysfunction have difficulty processing information, which can have a significant impact on how they respond to treatment. Such individuals may appear normal during routine assessment, but once they begin participating in treatment, difficulties soon become apparent that set them apart from other patients. In particular, there may be problems linking cause with effect, memory deficits, or inability to think in abstract terms — all of which are important for treatment efficacy. If a program's resources are to appropriately address the issues of such patients, CNS dysfunction must be addressed at intake, and services must be tailored to meet special needs.

One cause of CNS dysfunction is prenatal exposure to alcohol, estimated to affect approximately one to three per 1000 people in the United States.

### **(FAS) manifests in three primary symptom categories:**

- Growth deficiency of prenatal onset (height or weight);
- Central nervous system (CNS) dysfunction, including microcephaly, delayed development, hyperactivity, attention deficits, learning disabilities and intellectual deficits; and
- A specific pattern of facial characteristics, including short palpebral fissures, thin upper lip and smooth and/or long philtrum. Individuals who are exposed to alcohol in utero and who display some, but not all, of these characteristics are often described as having possible fetal alcohol effects (FAE). The CNS dysfunction associated with FAS/FAE frequently causes attention problems, memory problems, affective problems and maladaptive behaviors such as poor impulse control.

Unless an individual exhibits the specific facial features and growth problems associated with prenatal alcohol exposure, it is often difficult to diagnose the disorder. Quite often, by adulthood, the normal maturation process has attenuated the characteristic facial features and growth anomalies. Consequently, only the cognitive and behavioral manifestations of FAS/FAE are left to serve as markers for the disorder. This situation not only makes diagnosis difficult, it seriously complicates treatment for impaired clients. Assessment procedures often address intellectual capacity, which can be determined by

[http://depts.washington.edu/fadu/Fetal\\_Alcohol\\_1.html](http://depts.washington.edu/fadu/Fetal_Alcohol_1.html)

04/07/2004

means of IQ testing. But assessing behavior is more complicated and more time consuming. However, if patients with FAS/FAE go unrecognized, treatment failure is almost certainly guaranteed. Such patients cannot deal easily with the concepts and abstractions that typically comprise most programs and often have difficulty following through on basic rules (e.g., abstinence) that are far more concrete.

## How does the treatment provider recognize the patient with FAS/FAE and address his or her special needs?

The place to begin is the intake process. As part of the medical examination, ask:

- Have you ever been diagnosed with FAS/FAE or suspected to have FAS/FAE?
- Did your biological mother have a drinking problem? If yes, did she have these problems as far back as you can remember?
- Did your biological mother drink during pregnancy?
- Have you ever had seizures or convulsions (often a symptom of organic brain disorder)?
- Did you have learning problems in school?
- Were you ever diagnosed, or thought to have, attention deficit disorder (ADD) or hyperactivity as a child? (Although not all attention deficits are caused by prenatal alcohol exposure, these conditions can be behavioral markers of FAS/FAE.)

In the behavioral history, assess such factors as vocational history, social history, relationship history, legal history and, of course, alcohol and drug use history. While many of these domains are typically addressed in the intake interview, it is unusual for treatment programs to include specific questions that target FAS/FAE behaviors. For example, it is common for individuals with FAS/FAE to have vocational problems. Ask whether the patient has ever had difficulty getting hired for or holding a job, required ongoing workplace supervision, exhibited unreliable work behavior (e.g., tardiness, missing days of work, etc.) or inappropriate anger in the workplace, had problems with supervisors or with other employees or had difficulties with the cognitive demands of a position.



Streissguth, A.P., and Little, R.E., "Alcohol, Pregnancy, and the Fetal Alcohol Syndrome," 2nd Edition. Unit 5 of "Alcohol Use and Its Medical Consequences. A Comprehensive Slide Teaching Program for Biomedical Education." Developed by Project Cash of the Dartmouth Medical School. Available from Milner-Fenwick, Inc., Timonium, MI. (800/432-8433), [Click here for enlarged image.](http://depts.washington.edu/fadu/Fetal_Alcohol_1.html)

If your program does not routinely test IQ at intake, consider adding this element to your process.

### Also ask:

- Did you graduate from high school? If not, why not?
- Did you ever receive special services in school? (e.g., special education classes, tutoring)

[http://depts.washington.edu/fadu/Fetal\\_Alcohol\\_1.html](http://depts.washington.edu/fadu/Fetal_Alcohol_1.html)

04/07/2004

- Did you ever repeat a grade?
- Did you ever have a problem with school truancy?
- Were you ever suspended or expelled?

With regard to social history, ask whether the patient feels lonely or left out of social groups, prefers friends who are younger or older than himself/herself or feels taken advantage of by others. Individuals with FAS/FAE typically make friends readily but often find it difficult to keep them. Social groups may find the behavior of people with FAS/FAE "strange" and consequently, either exclude such individuals or take advantage of them.

**The purpose of identifying patients with suspected FAS/FAE at intake is three-fold:**

- Pursue a more definitive diagnosis, if possible, within the community.
- Make the best possible use of treatment programming.
- Develop an effective advocacy network in the aftercare phase to address long-term, post-treatment needs.

Without targeted assessment and appropriate accommodation for the special needs of individuals impaired by prenatal alcohol exposure, treatment — no matter how effective — is likely to fail.

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### **Natalie Novick**

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# Thoughts on Treatment of Adults and Adolescents Impaired by Fetal Alcohol Exposure

by Natalie J. Novick, Ph.D. and Ann P. Streissguth, Ph.D.

*This is the second in a two-part series on identifying and helping patients with Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) in treatment settings. The first article focused on how to identify these clients at intake. (Treatment Today Fall 95, Vol. 7, No. 3, p. 14)*

**This article addresses therapeutic interventions that work well for patients with FAS/FAE – particularly in the inpatient setting, in the transition period and for long-term support.**

By the time people with FAS or FAE reach adulthood, many of the physical characteristics (e.g., facial features and growth deficiencies) may no longer be apparent. Consequently, it is the history of prenatal alcohol exposure and the behavioral manifestations of central nervous system dysfunction that provide the clinician with the primary clues to the suspected diagnosis. These behaviors include impulsivity, poor social skills, rigid "black and white" thinking, poor judgment, deficient organizational skills, inability to plan ahead, inadequate emotional control and difficulty in recognizing and setting boundaries. Because of these problems, many individuals affected by prenatal alcohol exposure end up in dysfunctional living environments, mental health facilities, treatment centers for alcohol and drug addiction, prisons, jails or homeless on the streets. If an individual is fortunate enough to be in a facility where staff recognize the problem and can provide the appropriate support, there is a better possibility for a positive outcome.

Inpatient treatment programs generally include several components, some of which are better suited to meet the special needs of individuals with fetal alcohol impairment. Traditional group or milieu therapy may be disorienting and upsetting to patients with FAS/FAE due to their difficulty with boundaries, emotional control and suggestibility. They often respond more successfully to a mentoring, one-on-one type of treatment where they feel a special bond with a staff member who serves as their advocate and point of contact. While insight-oriented treatment is often lost on patients with FAS/FAE, individual therapy can be specifically designed to address treatment issues in a more structured way. Cognitive-behavioral approaches work best, because they can be specifically tailored to accommodate the judgment and organizational problems of the patient identified as having FAS/FAE. Instead of relying on an individual's ability to generalize what he or she learns in treatment and to modify behavior accordingly, a more effective approach involves the use of consistent rules of behavior that guide and structure behavior in any situation. For example, in the case of a treatment issue involving alcohol abuse, a provider might develop a list of high risk situations (e.g., taverns) with the patient and a specific rule that addresses how the patient is to respond to each situation (e.g., staying out of all taverns or places where alcohol is served).

Rules or guidelines can work well for specific behaviors, but a far more difficult area for most people with FAS/FAE is how to handle emotions. Individuals impaired by prenatal alcohol exposure often exhibit rapid mood swings and quick tempers. When these characteristics combine with a generally

[http://depts.washington.edu/fadu/FAS\\_FAE2.html](http://depts.washington.edu/fadu/FAS_FAE2.html)

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impulsive nature and a history of repeated frustration, behavior control is difficult. If this pattern of emotional responses is not addressed appropriately in treatment, treatment success and post-discharge outcomes are generally poor. As with behaviors, individual therapy is best-suited to deal with the issue of emotion control. Role-playing is an effective technique. In this approach, the therapist develops a number of different scenarios, each designed to trigger anger or frustration, and works out a way for the patient to respond appropriately in each case. The keys to successful generalization of these role-playing techniques to real-life situations after discharge are the amount of practice and the variety of scenarios the patient is exposed to while in treatment.



*Woman who was diagnosed with FAS at 4 years of age, shown here at 9, 13 and 19 years. Her early facial manifestations of FAS have evolved into a fairly normal facial phenotype by adulthood, although she has remained growth deficient; IQ scores have been in the 85-90 range.*

In addition to individual treatment of patients with FAS or FAE, another important aspect is family therapy. The ability of a patient to sustain progress made in treatment once he or she is discharged depends heavily on the amount of support available in the home environment. Consequently, involving the family in treatment at the outset is critical to ensure adequate understanding and support for continued behavior change following institutional discharge. At a minimum, the significant people in the patient's life need to be aware of behavioral rules or guidelines the individual has learned in treatment so appropriate feedback and positive reinforcement can be provided. If this is the first time that FAS/FAE has been suspected as an etiologic factor in the patient's disordered behavior, the family will need education and support concerning this issue as well.

A third element of inpatient programs that enhances treatment outcome is professional aftercare support. While supportive and knowledgeable family members (parents, spouse, significant other, etc.) are important, they are not always available or knowledgeable enough about community resources to be the sole source of external support. Patients with fetal alcohol impairment often need intensive case management if they do not have a supportive family member who can fill this role. It can be a complex task to coordinate the many services that the patient may need, such as ongoing individual (outpatient) therapy, vocational support/job coaching, housing, transportation and financial assistance. We find that, while patients with FAS/FAE often talk as though the resolution of these problems will be easy for them, in reality they are often unable to follow through in obtaining services on their own behalf. Memory problems, attentional problems and poor organizational skills make these patients dependent on a strong infrastructure in the aftercare phase of treatment.

Case management services can be obtained from private and state agencies that provide support for persons with developmental disabilities, if the individual qualifies for such services. While the patient is still in inpatient treatment, it is important for the discharge planning coordinator to initiate contact with appropriate agencies that have been identified as potential sources of support for the individual in the aftercare phase. Psychological testing, often a necessary criterion for disability eligibility, should be carried out early in the treatment program. Treating individuals impaired with FAS or FAE is not a

straightforward process and little has been written about it. It would be well for facilities that accept such patients into their programs to be aware of the complex problems experienced by these patients and the intensive services they will require during their inpatient stays. Inservice training about FAS/FAE is a crucial step in increasing staff awareness. With proper planning and accommodations made for the specific needs of patients impaired by fetal alcohol exposure, treatment outcome can be positive.

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### **Natalie J. Novick**

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### **Ann P. Streissguth**

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EXHIBIT 174

EXHIBIT 174



### Declaration of Cassondrus Ragsdale

I, Cassondrus Ragsdale, hereby declare as follows:

1. I am an investigator in the Capital Habeas Unit of the Office of the Federal Public Defender, District of Nevada.
2. On May 16, 2017, I met with Shirley Beatrice Thomas at her home in Kansas City, Missouri. Shirley Beatrice is the stepmother of Georgia Thomas, Marlo Thomas's mother.
3. Shirley Beatrice told me that she met Georgia's father, TJ Thomas, in Tallulah, Louisiana. They married when she was seventeen years old. There is a sixteen year age difference between them.
4. Shirley Beatrice and TJ moved to Las Vegas shortly after they married. TJ's children initially remained in Tallulah, but Shirley Beatrice and TJ later went back and got them. His younger children lived with them and the older ones moved into their own housing.
5. Shirley Beatrice described TJ as an emotional, verbal, and physical abuser. He was very jealous of her. TJ never wanted Shirley Beatrice to go anywhere with his daughters because he thought they were getting men for her. She couldn't go to the store without TJ accusing her of meeting a man there.
6. Shirley Beatrice never saw TJ physically discipline his children. She believes he may have taken them out into the desert to discipline them. He was always taking them somewhere. Shirley Beatrice was suspicious about TJ's relationships with his daughters. The older girls acted possessive of their dad

and were too close to him. She was concerned that there might be something sexual between TJ and his children but they never said anything to her about it. Some of TJ's older grandchildren were deformed and this also made her think something like that might be happening.

7. Shirley Beatrice said TJ favored some of the lighter complexion girls and a couple of the boys over the darker complexion children. He took the lighter ones with him more. Her younger daughter had a lighter complexion so Shirley Beatrice was concerned about her. She didn't want her kids around TJ so around 1972, she packed up and moved to Kansas City where she had a sister. Shirley Beatrice was running away from TJ but he later came and found her. He became possessive and physically abusive again.
8. Shirley Beatrice recalled TJ's daughter, Eliza, was sent to live with them in Kansas City. She had a feeling something was going on so she asked Eliza if anything was happening between her and TJ. Eliza told her TJ was patting her and feeling her and had sex with her. Eliza became pregnant but Shirley Beatrice did not know if it was TJ's child. She took Eliza to get an abortion.
9. According to Shirley Beatrice, things with TJ got worse as he got older. They always argued and he was still jealous and abusive. She told me she made her bed and she laid in it. When TJ died, he was living with Shirley Beatrice. She had his body shipped back to Las Vegas to be near his twin brother.
10. Shirley Beatrice confirmed I was the first person from Marlo's defense team to ever contact her. She stated if she had been asked to testify at Marlo's original

trial in 1997, or his resentencing in 2005, she would have agreed and told the jurors the things in this declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 21, 2017.

  
Cassondrus Ragsdale

EXHIBIT 175

EXHIBIT 175

**LITIGATION TECHNOLOGIES, INC.**

P.O. Box 71386, Reno, Nevada 89570

Telephone: (702) 826-3456

Fax: (702) 829-0468

**JURY COMPOSITION PRELIMINARY STUDY**

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

**Prepared for:**

**Nevada Appellate and Postconviction Project**

**Prepared by:**

**John S. DeWitt, Ph.D.**

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## INTRODUCTION

### Research Objective

In August, 1992 Litigation Technologies, Inc. was commissioned by the Nevada Appellate and Postconviction Project to conduct a preliminary jury composition study in the Eighth Judicial District, Clark County, Nevada. The Nevada Appellate and Postconviction Project had received information suggesting that there is a probable basis for a composition challenge as a result of under-representation of racial minorities on jury venires. This preliminary study was designed to collect data to determine whether it is likely that racial minorities are under-represented, and to try to identify the stages in the jury selection process where the under-representation, if any, might be occurring.

The limitations of this preliminary study must be stated explicitly. The purpose of this study is to determine if preliminary inquiry would corroborate or contradict anecdotal evidence that minorities are under-represented in Clark County venires. Physical observations of the jury venires are time-consuming and expensive, and the Project's resources which were available for the study required that the number of observations be limited. Cost considerations also prevented inquiry into the County's computerized program for the initial selection of prospective venire members from the source list, or into the Jury Commissioner's uncompiled data on prospective venire members who are excused over the telephone. These issues, and the identification of the particular stages at which the observed disparities arise, must be addressed in a more complete study, which will most likely have to be undertaken and funded in the context of litigation. The purpose of this study, however, is solely to determine if prima facie evidence of under-representation exists sufficient to justify further inquiry<sup>1</sup>.

### Methodology

The study was comprised of two parts. The first part involved investigating how the jury selection system works in the Eighth Judicial District. This entailed obtaining applicable statutes and regulations concerning the process, and interviewing officials to obtain answers to specific questions about the jury selection system. In the second part of the study, we collected data to help identify potential sources of disparity in composition at various levels of the selection process.

No data on the race of individuals are kept by the Department of Motor Vehicles, from which the jury source list is taken, nor by the Jury Commissioner's office. As a result, no initial evaluation of the possible existence of systematic disparities can be conducted except by visual observation of the venire members when they come to court.

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<sup>1</sup>A preliminary draft of this study was submitted to the court administrator for review. The comments of the court administrator and the internal audit department of Clark County were valuable, and this final version of the report, to the extent possible, reflects the concerns expressed by them.

## EXECUTIVE SUMMARY OF FINDINGS

The study revealed a statistically significant disparity between the proportion of members of racial minorities in the adult population and the proportion appearing in jury venires. Specifically, African-Americans and other racial minorities, including Hispanics, are under represented on jury venires for Eighth Judicial District courts. Observation of potential jurors in September, 1992 and May and July, 1993 indicated that African-Americans were under-represented by over one-quarter (27.7 percent) while other racial minorities were under-represented by 21.4 percent. The likelihood that these findings are a result of chance alone rather than other factors is less than 3 in 1,000 for African-Americans and approximately 1 in 100 for other minorities.

An analysis of the selection procedures employed in the Eighth Judicial District indicates that the disparity in representation of racial minorities possibly arises from procedures at three phases of the selection process. First, the jury pool is comprised of names obtained from just one source - a Nevada Department of Motor Vehicles list of licensees and ID cardholders. This list includes only about 90 percent of the jury eligible population, which may be less inclusive and less representative than is feasible.

Second, the disparity may arise at the summoning stage of the selection process. About one-quarter of the summonses mailed out are returned as undeliverable, and more than twenty percent of the summonses mailed out fail to generate any response from the individuals summoned. The Jury Commissioner's office does not attempt to ascertain correct addresses for summonses which are undeliverable, and does not re-summon those who fail to respond.

The third stage of the selection process in which practices may result in disparity is in the granting of excuses from jury duty by the Jury Commissioner's office. The stated policy of the Court Administrator is to employ very conservative criteria when considering requests for excusal. About 67 percent of those who do respond to a summons, however, are either disqualified from jury duty or are excused, temporarily or permanently, from serving. These individuals do not reach the stage of appearing for assignment to a venire.



**APPLICABLE STATUTES AND RULES**

**NEVADA REVISED STATUTES**

**QUALIFICATIONS AND EXEMPTIONS OF JURORS**

**6.010 Persons qualified to act as jurors.**

Every qualified elector of the state, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which he resides.

**6.020 Exemptions from service.**

1. Upon satisfactory proof, made by affidavit or otherwise, the following named persons, and no others except as provided in subsection 2, are exempt from service as grand or trial jurors:
  - (a) Any federal or state officer.
  - (b) Any judge, justice of the peace or attorney at law.
  - (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer.
  - (d) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.
  - (e) Any officer or correctional officer employed by the department of prisons.
  - (f) Any employee of the legislature or the legislative counsel bureau while the legislature is in session.
  - (g) Any physician, optometrist or dentist who is licensed to practice in this state.
2. All persons of the age of 65 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 65 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

**6.030 Grounds for excusing jurors.**

1. The court may at any time temporarily excuse any juror on account of:
  - (a) Sickness or physical disability.
  - (b) Serious illness or death of a member of his immediate family.
  - (c) Undue hardship or extreme inconvenience.
  - (d) Public necessity.

A person temporarily excused shall appear for jury service as the court may direct.

2. The court shall permanently excuse any person from service as a juror if he is incapable, by reason of a permanent physical or mental disability, of rendering satisfactory service as a juror. The court may require the prospective juror to submit a physician's certificate concerning the nature and extent of the disability and the certifying physician may be required to testify concerning the disability when the court so directs.

**6.040 Penalty for failing to attend and serve as a juror.**

Any person summoned as provided in this chapter to serve as a juror, who fails to attend and serve as a juror, shall, unless excused by the court, be ordered by the court to appear and show cause for his failure to attend and serve as a juror. If he fails to show cause, he is in contempt and shall be fined not more than \$500.

**SELECTION OF TRIAL JURORS BY JURY COMMISSIONER**

**6.045 Designation by rule of district court; administrative duties; selection of trial jurors.**

1. The district court may by rule of court designate the clerk of the court, one of his deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.
2. If a jury commissioner is so selected, he shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. He shall keep a record of the name, occupation and address of each person selected.

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**Rule 6.01**

**EIGHTH DISTRICT COURT RULES**

**PART VI JURY COMMISSIONER**

**Rule 6.01**

**Designation of Jury Commissioner.**

Pursuant to the provisions of NRS 6.045, the court must designate a jury commissioner. The jury commissioner is directly responsible to the district court through the district court administrator.

**Rule 6.10**

**Jury Sources.**

In locating qualified jurors within Clark County as required by NRS 6.045, the jury commissioner must utilize the list of licensed drivers as provided by the State of Nevada Department of Motor Vehicles and Public Safety and such other lists as may be authorized by the chief judge.

**Rule 6.30**

**Notice to Court Administrator of Prospective Juror's Failure to Appear.**

If any prospective juror summoned fails to appear, the jury commissioner must immediately notify the court administrator of that person's failure to appear and the department to which they were assigned.

**Rule 6.32**

**Trial Juror's Period of Service.**

Each person lawfully summoned as a trial juror must serve for a period established by the court.

**Rule 6.40**

**Duty of Jury Commissioner on Appearance of Prospective Jurors.**

When prospective jurors appear before the jury commissioner pursuant to summons, he must assign such number of prospective jurors to each department of the court as the jury commissioner and the court administrator deem necessary.

**Rule 6.42**

**Reassignment of Prospective Jurors.**

Prospective jurors, assigned for service in a department of the court, whose services subsequently are not required must return to the jury commissioner for possible further assignment on that day.

**Rule 6.44**

**Completion of Trial Juror's Duties.**

When a trial juror has completed his jury duties in the department to which he was assigned, the district judge must direct him to return to the jury commissioner.

**Rule 6.50**

**Court Administrator May Excuse Jurors.**

A person summoned for jury service may be excused by the court administrator because of major continuing health problems, full-time student status, child care problems or severe economic hardship.

**Rule 6.70**

**Limitation, Construction of Part VI**

Part VI must be limited to trial juries and jurors, and must be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice.

MTThomas 8JDCEV478

PRE-SENTENCE REPORT  
MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS  
CC #C134709

PAGE 2

COUNTRY: N/A

CUSTODY STATUS: In custody  
- Clark County Detention  
Center

AKA's: Marlo Demitrius Thomas; Marlo Demitirius Thomas; Mario Demetrius Thomas; Lamazio Thomas

JAIL CREDIT: 21 DAYS 03-05-96 to 03-26-96 (CCDC)

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PRIOR RECORD AS DETERMINED BY DIVISION OF PAROLE AND PROBATION

ARRESTS: 2

OUTSTANDING WARRANTS: 0

STATES: N/A

CONVICTIONS:	FEL: 1	MISD: 0	
	JAIL: 0	PRISON: 1	
PROBATION:	COMPL: 0	FAIL: 0	ACTIVE: 0
PAROLES:	COMPL: 0	FAIL: 0	ACTIVE: 0

CRIMINAL HISTORY:

Records of the Las Vegas Metropolitan Police Department, the North Las Vegas Police Department and the Clark County Juvenile Court Services reflect the following information:

JUVENILE:

ARREST DATE	OFFENSE	DISPOSITION
3-28-84 (LVMPD)	Battery (defendant struck his teacher at Children's Behavioral Services)	Judicial Reprimand
7-6-84 (NLVPD)	Robbery, amended to Battery (defendant hit another student)	1-2-85, formal probation. 1-23-86, probation terminated.
9-19-84 (LVMPD)	Battery	1-2-85, formal probation. 1-23-86, probation terminated.
5-8-85 (LVMPD)	Disorderly Conduct	7-18-85, referred to probation.
8-9-85 (NLVPD)	Trespassing	1-23-86, referred to probation.
10-4-85 (LVMPD)	Battery, four counts	Dismissed and referred to probation department. Wardship continued until 1-23-86.

8JDCEV478

MTThomas 8JDCEV479

**PRE-SENTENCE REPORT**  
**MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS**  
**CC #C134709**

**PAGE 3**

6-4-87 (LVMPD)	Grand Larceny Auto	10-29-87, defendant committed to Nevada Youth Training Center in Elko, Nevada. 6-21-88, commitment terminated. Defendant previously committed to the Clark County Juvenile Court Services Third Cottage Program between 9-2-87 and 10-29-87. 5-25-89, paroled. 2-13-90, parole terminated.
8-26-88 (LVMPD)	Battery	10-5-88, guilty plea. Defendant committed to Nevada Youth Training Center in Elko, Nevada.
10-25-89 (NLVPD)	Curfew Violation	Referred to parole.
1-4-90 (LVMPD)	Robbery	2-8-90, certified adult and committed to the Clark County Detention Center. Three weeks in Clark County Detention Center, released on his own recognizance with no further action taken.
3-8-90 (LVMPD)	Possession of Stolen Vehicle. Reduced to misdemeanor.	7-25-90, credit for time served.
8-10-90 (NLVPD)	1. Obstructing Public Officer. (M). 2. Robbery With Use of a Deadly Weapon in Commission of a Crime (F). 2-8-90 remand.	1. Dismissed on 9-13-90. 2. 9-13-90, defendant certified adult. 9-14-90, defendant pled guilty to Attempt Robbery (F). 11-29-90, defendant sentenced to 6 years Nevada Department of Prisons. 8-19-95, prison sentence expired.

In addition to the above, the defendant sustained the following arrests as a juvenile for which charges were dismissed, denied or disposition is unknown: Vagrancy/Prowling; Evading Police Officer; Battery (7); Grand Larceny Auto; Grand Larceny; Domestic Violence.

8JDCEV479

AA6401

PRE-SENTENCE REPORT  
MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS  
CC #C134709

PAGE 4

ADULT:

ARREST DATE

3-5-96  
(NLVPD)

OFFENSE

1. Willful Aiming  
Firearm at a Human  
Being (F)  
2. Discharge Firearm  
into an Occupied  
Structure (F) 3-7-96,  
remand. 3-11-96 remand  
on Battery With  
Substantial Bodily Harm

DISPOSITION

CC #C134709, instant  
offense. 4-5-96  
defendant pled guilty  
to Battery With  
Substantial Bodily Harm  
(F). Sentencing set  
6-7-96, Department  
VIII.

4-17-96  
(LVMPD)

1. Robbery With Use of  
a Deadly Weapon (F)  
2. Murder With Use of  
a Deadly Weapon, 2  
counts (F)

6-27-96, Preliminary  
Hearing on the charges  
of Conspiracy to Commit  
Murder With a Deadly  
Weapon (F); Murder With  
Use of a Deadly Weapon,  
2 counts (F); Robbery  
With Use of a Deadly  
Weapon (F); Burglary  
With Use of a Deadly  
Weapon (F); Kidnapping  
in the First Degree  
With a Deadly Weapon, 2  
counts (F).

**JUVENILE PROBATION ADJUSTMENT:** Defendant Thomas has an extensive juvenile criminal history which includes numerous programs administered by the Clark County Juvenile Court Services. He was eventually certified as an adult by the Juvenile Court Services because he had exhausted all resources available to him in that jurisdiction. His involvement with the Juvenile Court Services began in March 1984 when he struck a teacher while attending the Miley Achievement Center at Children's Behavioral Services. On January 2, 1984, he was placed on formal probation for the offense of Battery, but continued to be arrested for Battery, Disorderly Conduct and Trespassing. In September 1987, Defendant Thomas was committed to the Clark County Juvenile Services Third Cottage Program as a result of a Grand Larceny charge. This commitment was modified and he was committed to the Nevada Youth Training Center in Elko, Nevada, because he was not amenable to the Third Cottage Program and was unwilling to make a commitment. Also, at that time, he was exhibiting hostile and threatening behavior towards staff and peers. After his release from Nevada Youth Training Center on June 21, 1988, he was arrested for Grand Larceny, Grand Larceny Auto and Battery, and as a result, recommitted to the Nevada Youth Training Center on October 5, 1988. He was released in May 1989 and was arrested for battering his nine year old cousin and was released pending a plea hearing which was scheduled for February 1990. However, he was arrested for Robbery on January 4, 1990, and was certified as an adult on February 8, 1990. This charge resulted in his spending three weeks in the Clark County Detention Center after which he was

8JDCEV480

AA6402



**PRE-SENTENCE REPORT**  
**MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS**  
**CC #C134709**

**PAGE 5**

released on his own recognizance with no further action taken. He was again arrested for the new charges of Possession of Stolen Vehicle. A Bench Warrant on this offense was served on May 25, 1990, with no further action taken. On August 10, 1990, Defendant Thomas was arrested by officers of the North Las Vegas Police Department and charged with Robbery With the Use of a Deadly Weapon in the Commission of a Crime. On September 13, 1990, he was certified as an adult in the Clark County Juvenile Court and remanded to the Clark County Detention Center. On September 14, 1990, Defendant Thomas pled guilty to Attempt Robbery, a felony. On November 29, 1990, he was sentenced to serve six years in the Nevada Department of Prisons. Defendant Thomas did not receive parole while serving his sentence for that offense and as a result he expired his term while incarcerated in the Indian Springs Detention Facility on August 19, 1995.

**INSTITUTIONAL ADJUSTMENT:** In a report from the Nevada Department of Prisons dated November 1994, Defendant Thomas is characterized as a problematic inmate. It further reports that while an inmate in the Nevada Department of Prisons Defendant Thomas received numerous disciplinary actions. The most serious of which was the result of assault on a fellow inmate that resulted in that inmates requiring surgery to repair damages to one of his eyes. Because of that assault, Defendant Thomas served twelve months in disciplinary segregation.

**OFFENSE REPORT:** Records of the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office reflect that the instant offense occurred substantially as follows:

On March 5, 1996, officers of the North Las Vegas Police Department were dispatched to a North Las Vegas, Nevada, residence in reference to gunshots being fired inside a structure.

On arrival, responding officers contacted the residents of the home, in question, who advised that the suspect, identified as defendant Marlo Thomas, had left the area. They further related that Defendant Thomas had come to their home looking for his girlfriend. When he was told that the girlfriend was not there he became angry and threatened them, but left. He returned after a short while and beat one of the residents with his fist causing her to lose one of her front teeth. He also had threatened her and held a gun to her head. After leaving her, Defendant Thomas went to another part of the house where he threatened other residents with a gun and shot into one of the walls of the residence. This wall led into a bedroom where a small child was located. Defendant Thomas had then left the residence.

The victims gave the responding officers Defendant Thomas' address. The responding officers went to this address where they contacted Defendant Thomas' girlfriend who related that the defendant was not there. She agreed, however, to allow the officers to search the house for the defendant. They did so, but were unable to locate him.

Later on that same day, March 5, 1996, officers of the North Las Vegas Police Department were dispatched to the stated residence of Defendant Thomas after his girlfriend called to inform the North Las Vegas Police Department that Defendant Thomas was now at home.

8JDCEV481

AA6403

MTThomas 8JDCEV482

**PRE-SENTENCE REPORT**  
**MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS**  
**CC #C134709**

**PAGE 6**

Upon arrival, responding officers spotted Defendant Thomas near his residence and were able to apprehend him. As a result of the above, Defendant Thomas was arrested by the responding North Las Vegas Police Department officers, transported to the North Las Vegas City Jail and booked on charges of Aiming a Firearm at a Human Being and Discharging a Firearm in an Occupied Structure.

**DEFENDANT STATEMENT:** Defendant Thomas was interviewed at the Clark County Detention Center on May 13, 1996. During this interview he declined to make a statement other than to say that it was his intention to try to withdraw his plea in this case. Defendant Thomas did not submit a written statement for the Court's consideration

**VICTIM INFORMATION:** The victim of the instant offense has applied for assistance through the State of Nevada Victim's of Violent Crime Program. To date, however, she has not returned for an interview with that program. The victim has not responded to attempts by the Division of Parole and Probation to contact her. Therefore restitution will be determined at a later date.

**RESTITUTION:** To be determined.

**SOCIAL HISTORY:**

The following social history is as related by the defendant and is unverified unless otherwise noted.

**Significant Family Information:** (Yes) Defendant Thomas reports that his father is currently incarcerated within the Nevada Department of Prisons as a result of having been convicted of Murder With Use of a Deadly Weapon.

**Marital Status:** (Married) (verified).

**Number of Children:** None

**Child Support:** (No)                      **Amount:** N/A                      **Current:** N/A

**Significant Health Information:** (No)

**Significant Mental Health Information:** (No)

**Alcohol Abuse:** (No)

**Controlled Substance Use:** (No)

**Education:** Defendant Thomas reports having attended the 12th grade at Rancho High School in Las Vegas, Nevada. He further reports that he did not graduate and has not received additional formal education or training (verified).

**Military:** (No)                                      **Branch/Discharge:** N/A

**Residential:** (Stable)

8JDCEV482

AA6404

**PRE-SENTENCE REPORT**

**MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS**  
**CC #C134709**

**PAGE 7**

**Time in Community:** Defendant Thomas is a virtual life long resident of Las Vegas, Nevada.

**Present Employer:** (Unemployed)

**Previous Employment:** None Reported

**Income:** None Reported

**Additional Sources:** None Reported

**Financial Assets:** None Reported

**Debts:** None Reported

**Community Resource Center Assessment:** An assessment could not be conducted due to the defendant's in custody status.

**Community Supervision Plan:** When Defendant Thomas was interviewed for this Pre-Sentence Investigation Report he declined to offer future plans if granted probation.

**EVALUATION:** Before the Court for rendition of sentence is the defendant, Marlo Thomas, aka Marlo Demitrius Thomas, who has entered a plea of guilty to the offense of Battery With Substantial Bodily Harm, a Category C Felony.

A review of the defendant's criminal history reveals that he has an extensive juvenile criminal history with numerous arrests and convictions for violent offenses. As a result of these he was twice committed to the Nevada Youth Training Center in Elko, Nevada. In August 1990, Defendant Thomas was arrested and charged with Robbery With the Use of a Deadly Weapon in Commission of a Crime. As a result of this arrest he was certified as an adult by the Clark County Juvenile Court on September 13, 1990. On September 14, 1990, he pled guilty to the felony offense of Attempt Robbery and was sentenced to serve six years in the Nevada Department of Prisons. While at the Nevada Department of Prisons Defendant Thomas continued his violent behavior and received numerous disciplinaries as a result. The most serious disciplinary action incurred while an inmate at the Nevada Department of Prisons was the result of the defendant's assault on another inmate which injured that inmate to the extent that he required surgery. As a result of the defendant's violent behavior while incarcerated at the Nevada Department of Prisons he was not granted parole. He expired his prison sentence, while incarcerated, on September 19, 1995.

Subsequent to the instant offense, Defendant Thomas was arrested on April 17, 1996, by officers of the Las Vegas Metropolitan Police Department and charged with the felony offenses of Robbery With Use of a Deadly Weapon and Murder With Use of a Deadly Weapon, two counts. He is scheduled to appear at a preliminary hearing on these charges in Justice Court on June 27, 1996.

Defendant Thomas exhibits an unremarkable social history other than his failure to complete his formal education. In addition, his father is currently incarcerated within the Nevada Department of Prisons as a result of having been convicted of Murder With Use of a Deadly Weapon. The defendant denies the use of alcohol or controlled substances of any kind.

8JDCEV483

AA6405

MTThomas 8JDCEV483

PRE-SENTENCE REPORT  
MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS  
CC #C134709

PAGE 8

The Division of Parole and Probation considers Defendant Thomas to be an inappropriate candidate for community supervision in that the instant offense is his second conviction for a violent felony offense. In addition, his criminal history, both as a juvenile and an adult, as well as his institutional adjustment while incarcerated within the Nevada Department of Prisons, demonstrates that he has a propensity for violence which makes him a danger to the members of this community.

Therefore, the following recommendation is respectfully submitted for the Court's consideration.

MTThomas 8JDCEV484

8JDCEV484

AA6406

MTThomas 8JDCEV485

PRE-SENTENCE REPORT  
MARLO THOMAS, aka MARLOW DEMITRIUS THOMAS  
CC #C134709

PAGE :

RECOMMENDATION:

In addition to the \$25 administrative assessment, it is the recommendation of the Division of Parole and Probation that the defendant, MARLO THOMAS AKA MARLOW DEMITRIUS THOMAS, be sentenced to a maximum term of sixty (60) months with the minimum parole eligibility of thirteen (13) months in the Nevada Department of Prisons and restitution in an amount to be determined.

Respectfully submitted,

RICHARD E. WYETT, CHIEF

By Michael A. Compton  
Michael A. Compton, Officer  
Division of Parole and Probation  
District IV, Las Vegas, Nevada

APPROVED:

Frank Dixon  
Frank Dixon, Unit Manager  
Court Services Unit IV

MAC/smh  
FY96-4153

8JDCEV485

AA6407

EXHIBIT 163

EXHIBIT 163



ST. J. STATE'S ATTORNEY

8JDCEV600  
AA6409

MTThomas 8JDCEV601

1. XH 5789		CONTINUATION REPORT		2. 2 of 2	
3. CLASSIFICATION *		4. CPC SER. NO. *		5. NAME OF VICTIM OR PERSON *	
ROBBERY, STRONG ARM		0279		HOWE, WILLIAM JERRY	
<p>Howe was stopped by the two juveniles (THOMAS and GRAHAM) who he does not know. The two black juveniles wanted his news papers and when Howe declined, both juveniles started pushing him around. When Howe attempted to get away from the black juveniles, THOMAS struck Howe in the left jaw with his right fist and knocked Howe to the ground. I arrested THOMAS for STRONG ARM ROBBERY and transported him to C.C.J.H. where he was booked and incarcerated.</p> <p>I requested OFFICER H. ADAMS transport CORY GRAHAM to his home and release him to his parents with an explanation of what occurred. OFFICER H. ADAMS was not able to locate his parents so he then transported GRAHAM to C.C.J.H. where he was booked under improper supervision.</p> <p>Howe was released to continue his paper route.</p> <p>Cory Graham 07 yrs NMT 011477 1912 VA16 #A 6495424</p>					

8JDCEV601

AA6410



EXHIBIT 164

EXHIBIT 164

### **Declaration of Daniel J. Albregts**

I, Daniel J. Albregts, hereby declare as follows:

1. I am an attorney licensed to practice in Nevada since 1991. I was counsel for Marlo Thomas at his 2005 penalty-phase retrial. David Schieck, then the Clark County Special Public Defender, was lead counsel and I was second chair.
2. I was appointed to Marlo's case because I appeared before former judge Salley Loehrer frequently and she wanted me to become death qualified. At that time in Nevada, trying a death penalty case to verdict as second chair would death qualify me on death penalty cases. Judge Loehrer had previously appointed me as second chair on two other capital cases but neither progressed to the penalty phase. Because Marlo's case was a penalty retrial only, Judge Loehrer knew it would qualify me. I didn't participate in any specialized training in death penalty litigation before representing Marlo other than participating in three death eligible cases (one in federal court).
3. I have two distinct memories of Marlo's trial. First, one of the victims' fathers testified that he had dreams about his son calling out to him and he would wake up to the stark reality his son had been murdered and he would never see him again. That really resonated with me because I had two young children at that time. I had to hold back tears during that portion of his testimony.

4. The second thing I remember was a PowerPoint presentation the prosecutor showed to the jury. I believe it was shown during the rebuttal closing argument at the end of the selection phase. I believe very early in the presentation, side by side images of the two victims in their high school prom outfits or senior class pictures were displayed. The pictures then morphed into photographs of their corpses at the coroner's office. This was an extremely powerful moment in the courtroom. I was so taken aback by this that I did not immediately object to the display. By the time I had processed what had just happened, I decided it was too late to object because it would draw the jury's attention back to the images.

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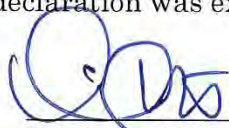
5. Although David and I were in different offices, we maintained regular contact about the case. I went to his office frequently for defense team meetings. I believe we were both equally involved in supervising the mitigation investigation and making decisions about what to investigate and present. At trial, I examined most of the family mitigation witnesses because I had developed more of a connection with them. David focused on the institutional witnesses.
6. I have reviewed Dr. Kinsora's report and testimony from the penalty phase of Marlo's first trial. I do not recall why we did not use him at Marlo's penalty retrial. My best guess is we decided not to use him because he did not hold up well under cross-examination concerning Marlo's bad behavior in prison. I have used Dr. Kinsora in other cases and he can be an effective witness.

Based on my knowledge of Marlo's first trial attorneys, Peter LaPorta and Lee McMahon, my assumption is that they did not adequately prepare Dr. Kinsora for the cross-examination.

7. I have no recollection of why we did not use a different mental health expert for Marlo's penalty retrial. I do not recall any discussions David and I may have had about this issue. I do not recall conducting further investigation on this issue and do not recall having a tactical justification for not doing this.
  8. If I were to try Marlo's case again, I would call an institutional adjustment expert to explain that, as Marlo got older, he would become calmer and likely behave better in prison.
- 

9. I was not contacted by Marlo's state post-conviction attorney, Brett Whipple. If Mr. Whipple had asked me, I would have provided him with the information contained in this declaration and testified to such at an evidentiary hearing.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 18<sup>th</sup>, 2017.



\_\_\_\_\_  
Daniel J. Albregts

EXHIBIT 165


EXHIBIT 165

### **Declaration of Janet Diane Cunningham**

I, Janet Diane Cunningham, hereby declare as follows:

1. I am sixty-seven years old. I currently reside in Clark County, Nevada. I was a juror at Marlo Thomas's 2005 penalty trial.
2. I recall that Marlo had already been found guilty and the jury was just deciding penalty. I remember the prosecution showed pictures of the crime scene and that the victims' family members testified.
3. I do not remember the defense mitigation case but if they presented evidence about how Marlo grew up, I didn't consider it. When you become an adult, you make decisions and you need to live with those decisions. Any evidence about Marlo's background or bad childhood had no effect on me. I have an adopted brother who was severely abused and my parent's ran a foster home for twenty years. Marlo was fortunate to have a family in the courtroom supporting him when a lot of people don't have that. I indicated on my juror questionnaire that I would not consider mitigation and I would have said the same thing during voir dire if the judge or attorneys had asked me.
4. When the jury went back to deliberate, we took a paper vote. We asked the people who objected to the death penalty to explain why. We then had a debate and asked those jurors what evidence they would like to see that they didn't

understand: we were already told he was guilty, so what else was there to talk about? After that, we voted again through a show of hands.

5. After the second vote, ninety-five percent of the jurors were in favor of the death penalty. But one lady sat there and said, "He became a Christian so I don't think the death penalty fits." She said her boyfriend had just got out of prison and had been rehabilitated. I spoke up and challenged her: she said during voir dire she believed in the death penalty so what more did she want to hear in order to vote for it? The juror changed her mind and voted for the death penalty; AFTER WE BROUGHT IN MORE EVIDENCE FOR HER TO REVIEW. 

6. I would never consider a sentence of life with the possibility of parole for someone convicted of first degree murder. I said this on my questionnaire and would have said the same thing during voir dire if the judge or attorneys had asked me. My justification for giving Marlo the death penalty was to ensure he would never get out of prison. Anything less than that and he had a chance of parole. I told the other jurors during deliberations about my stepson who was in prison and that I saw child abusers with fifteen year sentences get out after six years. I told the other jurors that life without parole doesn't mean without parole; Marlo could still get out.

7. Joanne Diamond and John Carter were the first people from the defense team to ever contact me since the trial.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 18, 2017.

  
Janet Diane Cunningham



EXHIBIT 166

EXHIBIT 166

### **Declaration of Philip Adona**

I, Philip Adona, hereby declare as follows:

1. I am forty-four years old. I currently reside in Clark County, Nevada. I served as a juror in the 2005 case of State versus Marlo Thomas.
2. I remember filling out the questionnaire before being picked as a juror. We were told that the defendant was fighting the death penalty and had won his appeal and that's why we were there: he had got the death penalty before, he fought it and won, and we were there doing it again.
3. After what the prosecutors presented, there was nothing anyone could have shown me that would have made me consider voting for a life sentence. He could have left with the money but he decided to stay and stab the guys in the bathroom. He could have walked away without doing that. For me, that was it. They also told us that he had threatened a female correctional officer while he was in the holding cell awaiting trial.
4. I remember the defendant during the trial. He was quiet and he cried during his testimony. I wasn't moved by him crying. I think he sat down when he testified.

5. The defense case was weak. They tried to present him as a good guy but we already knew what happened in the holding cell. I don't remember much else about his prison behavior other than them saying he flooded the toilet or shower one time.
6. There seemed to be a lot of security in the courtroom. I remember four or five security officers. One of the correctional officers had testified Marlo said he was going to do something in court so that's probably why there were extra security. I don't remember whether or not he was in restraints.
7. I don't remember how we picked the foreperson but I think it was a woman. The decision on the death penalty was ultimately unanimous for all the jurors because we knew he had already been given the death penalty and fought it.
8. Joanne Diamond and John Carter are the first people from the defense team to ever contact me since the trial.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 13, 2017.

  
\_\_\_\_\_  
Philip Adona

EXHIBIT 167

EXHIBIT 167

### **Declaration of Maribel Yanez**

I, Maribel Yanez, hereby declare as follows:

1. I am currently an investigator with the Non-Capital Habeas Unit of the Office of the Federal Public Defender, District of Nevada (FPD).
2. In March of 2005, I was hired as a mitigation investigator by the Clark County Special Public Defender's Office. I was the mitigation investigator for Marlo Thomas at his 2005 penalty retrial. I had no prior experience as a mitigation specialist or as an investigator. I had never worked in the field of criminal defense and I had never worked on a capital case.
3. Previous to my employment with the special public defender's office, I worked for five years at the Southern Nevada Women's Correction Center, currently known as the Florence McClure Women's Correctional Facility, as a Case Manager where I managed and evaluated the needs of over 65 inmates from initial classification through release. During this time, I obtained my Bachelor's degree in Criminal Justice. I previously worked for HELP of Southern Nevada, a non-profit organization, where I worked with women who were re-entering the workforce.
4. When I was hired at the special public defender's office, the position of mitigation investigator had just been created. The public defender's office and special public defender's office decided it was more efficient to have a mitigation investigator on staff, rather than contract outside mitigation specialists.

5. David Schieck was the Special Public Defender at the time I joined the office and was responsible for training me. He was also lead counsel on Mr. Thomas's case. Dan Albregts, an attorney in private practice, was second chair. David and I met regularly concerning the investigation and we had regular meetings with Dan. I do not believe another investigator was assigned to Marlo's case.
6. Marlo's was one of the first cases I worked on. I took one hundred percent of my direction from the attorneys, primarily from David. The only times I visited Marlo were at David's direction. If Marlo gave me the name of a potential witness, I passed it on to David. I did not contact any witnesses unless David instructed me to do so. David was more familiar with the family witnesses than I because he had already worked on the case before the retrial was granted.
7. I have reviewed documents identified as BATES numbers SPD02529-34. I believe we mailed the Mitigating Factors Preliminary Checklist to Marlo to complete and mail back. It appears David is the one who received it. I do not recall conducting any follow up with Marlo about the things he identified on the checklist. I would only have followed up with Marlo if David had instructed me to do so. I do not recall conducting any substantive mitigation interviews with Marlo about his background or childhood experiences.
8. David did not direct me to investigate the neighborhood where Marlo grew up or the people outside the family he grew up with, so I did not investigate those things. I did not prepare a social history report in this case because David did not ask me to prepare one.

9. I do not recall any discussions with David or Dan about consulting with a mental health expert in Marlo's case. I am not aware of any strategic reason why they decided not to investigate and present mental health evidence.
10. While working on Marlo's case, I also worked on the case of John Butler. I believe John, like Marlo, was a penalty retrial only. I was probably working on other cases too but I do not specifically recall which ones. I prioritized my time according to when trial dates were coming up.
11. The one thing that really stands out to me about Marlo's trial was the parade of uniformed correctional officers in and out of the courtroom. There were correctional officers called as state witnesses, plus a minimum of two transport officers for every one of the High Risk Prisoner (HRP) inmate witnesses, and all of them were wearing green jumpsuits. It was like a sea of green. I remember being impressed by the amount of uniformed NDOC officers present at this hearing. I was thinking if it was having an impact on me then it must be having an impact on the jurors.
12. The inmate witnesses were brought in to testify in orange jumpsuits and shackles. The transport officers sat behind counsel while each inmate testified. If I recall correctly, in addition to the bailiffs, there were NDOC transport officers in the courtroom for Marlo too. I remember hearing someone comment that there were so many correctional officers at this hearing, it was threatening security at High Desert State Prison as they were short staffed due to this hearing.

13. I was not contacted by Marlo's state post-conviction attorney, Brett Whipple. If Mr. Whipple had asked me, I would have provided him with the information contained in this declaration and testified to such at an evidentiary hearing.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 19, 2017.

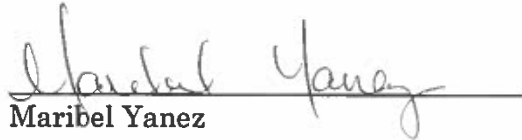
  
Maribel Yanez



EXHIBIT 168

EXHIBIT 168

# STATE OF NEVADA

## CERTIFICATION OF VITAL RECORD

### DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC AND BEHAVIORAL HEALTH VITAL STATISTICS

CASE FILE NO. 557567

### CERTIFICATE OF DEATH

2008012559  
STATE FILE NUMBER

TYPE OR  
PRINT IN  
PERMANENT  
BLACK INK

#### DECEDENT

IF DEATH  
OCCURRED IN  
HOSPITAL SEE  
HANDBOOK  
REGARDING  
COMPLETION OF  
RESIDENCE  
ITEMS

#### PARENTS

#### DISPOSITION

#### TRADE CALL

#### CERTIFIER

#### REGISTRAR

#### CAUSE OF DEATH

CONDITIONS IF  
ANY WHICH  
GAVE RISE TO  
IMMEDIATE  
CAUSE  
STATING THE  
UNDERLYING  
CAUSE LAST

1a. DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) <b>Elizabeth MC MAHON</b>		2. DATE OF DEATH (Mo/Day/Year) <b>August 12, 2008</b>		3a. COUNTY OF DEATH <b>Clark</b>	
3b. CITY, TOWN, OR LOCATION OF DEATH <b>Las Vegas</b>		3c. HOSPITAL OR OTHER INSTITUTION -Name(if not either, give street address) <b>Nathan Adelson Hospice</b>		3d. If Hosp. or Inst. indicate DOA,OP/Emer. Rm. Inpatient(Specify) <b>Inpatient</b>	
5. RACE (Specify) <b>White</b>		6. Hispanic Origin? Specify No - Non-Hispanic		7a. AGE-Last birthday (Years) <b>67</b>	
9a. STATE OF BIRTH (If not US/CA, name country) <b>Michigan</b>		9b. CITIZEN OF WHAT COUNTRY <b>United States</b>		10. EDUCATION <b>16</b>	
13. SOCIAL SECURITY NUMBER <b>.7205</b>		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of)		14b. KIND OF BUSINESS OR INDUSTRY <b>Law</b>	
15a. RESIDENCE - STATE <b>Nevada</b>		15b. COUNTY <b>Clark</b>		15c. CITY, TOWN OR LOCATION <b>Las Vegas</b>	
15d. STREET AND NUMBER <b>315 So. 9th Street</b>		15e. INSIDE CITY LIMITS (Specify Yes or No) <b>Yes</b>		15f. EVER IN US Armed Forces? No	
16. FATHER/PARENT - NAME (First Middle Last Suffix) <b>Vincent P MC MAHON SR</b>			17. MOTHER/PARENT - NAME (First Middle Last Suffix) <b>Annie Keir ALLEN</b>		
18a. INFORMANT - NAME (Type or Print) <b>Vincent P MC MAHON JR</b>			18b. MAILING ADDRESS (Street or R.F.D. No. City or Town, State, Zip) <b>10701 187 Terrance Southeast Ocklawaha, Florida 32183</b>		
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) <b>Cremation</b>		19b. CEMETERY OR CREMATORY - NAME <b>Nevada Funeral Service Crematory</b>		19c. LOCATION City or Town State <b>Las Vegas Nevada 89104</b>	
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) <b>VIRGINIA K EMBRY</b> <b>SIGNATURE AUTHENTICATED</b>		20b. FUNERAL DIRECTOR LICENSE NUMBER <b>41</b>		20c. NAME AND ADDRESS OF FACILITY <b>Nevada Funeral Service</b> <b>2983 Fremont St Las Vegas NV 89104</b>	
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) <b>SIGNATURE AUTHENTICATED</b> <b>WARREN WHEELER MD</b>					
21b. DATE SIGNED (Mo/Day/Yr) <b>August 18, 2008</b>		21c. HOUR OF DEATH <b>17:47</b>		22a. On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)	
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		22b. DATE SIGNED (Mo/Day/Yr)		22c. HOUR OF DEATH	
23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) <b>Warren Wheeler MD 4141 Swenson Street Las Vegas, NV 89119</b>		23b. LICENSE NUMBER <b>11795</b>		24c. DEATH DUE TO COMMUNICABLE DISEASE <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/>	
24a. REGISTRAR (Signature) <b>KATHIE FRANKLIN</b> <b>SIGNATURE AUTHENTICATED</b>		24b. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) <b>August 19, 2008</b>		24c. DEATH DUE TO COMMUNICABLE DISEASE <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/>	
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)					
PART I		(a) <b>Pulmonary fat embolism</b>		Interval between onset and death <b>08/05/2008</b>	
		DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death <b>08/05/2008</b>	
		(b) <b>Prophylactic bilateral femoral nailing</b>		Interval between onset and death <b>May 2008</b>	
		DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
		(c) <b>Non-small cell lung cancer</b>		Interval between onset and death	
		DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
		(d)			
PART II OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not resulting in the underlying cause given in Part I					
26a. ACC., SUICIDE, HOM., UNDET. OR PENDING INVEST. (Specify)		26b. DATE OF INJURY (Mo/Day/Yr)		26c. HOUR OF INJURY	
26d. DESCRIBE HOW INJURY OCCURRED		26e. INJURY AT WORK (Specify Yes or No)		26f. PLACE OF INJURY- At home, farm, street, factory, office building, etc. (Specify)	
26g. LOCATION STREET OR R.F.D. No		26h. CITY OR TOWN		26i. STATE	

LOCAL REGISTRAR

\*CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA.\* This copy was issued by the Southern Nevada Health District from State certified documents authorized by state Board of Health pursuant to NRS 440.175.

VRS-Rev-20120523a



433602

JUL 20 2017

433602

Registrar of Vital Statistics

By: *[Signature]*

DATE ISSUED:

This copy not valid unless prepared on watermarked security paper displaying date, seal and signature of Registrar.  
SOUTHERN NEVADA HEALTH DISTRICT • P.O. Box 3902 • Las Vegas, NV 89127 • 702-759-1010 • Tax ID # 88-0151573



AA6428

EXHIBIT 169

EXHIBIT 169



## STATE OF NEVADA

## CERTIFICATION OF VITAL RECORD

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
VITAL STATISTICS

CASE FILE NO. 3780878

## CERTIFICATE OF DEATH

2014011410

STATE FILE NUMBER

TYPE OR  
PRINT IN  
PERMANENT  
BLACK INK

## DECEDENT

IF DEATH  
OCCURRED IN  
INSTITUTION SEE  
HANDBOOK  
REGARDING  
COMPLETION OF  
RESIDENCE  
ITEMS

## PARENTS

## DISPOSITION

## TRADE CALL

## CERTIFIER

## REGISTRAR

CAUSE OF  
DEATHCONDITIONS IF  
ANY WHICH  
GAVE RISE TO  
IMMEDIATE  
CAUSE  
STATING THE  
UNDERLYING  
CAUSE LAST

1a. DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) <b>Peter R LA PORTA</b>		2 DATE OF DEATH (Mo/Day/Year) <b>July 05, 2014</b>		3a. COUNTY OF DEATH <b>Clark</b>	
3b. CITY, TOWN, OR LOCATION OF DEATH <b>Henderson</b>		3c. HOSPITAL OR OTHER INSTITUTION -Name(if not either, give street and city) <b>St Rose Dominican Hospital De Lima Campus</b>		3e. If Hosp. or Inst. indicate DOA,OP/Emer. Rm. Inpatient(Specify) <b>Inpatient</b>	
5. RACE (Specify) <b>White</b>		6. Hispanic Origin? Specify <b>No - Non-Hispanic</b>		7a. AGE-Last birthday (Years) <b>67</b>	
9a. STATE OF BIRTH (If not US/CA, name country) <b>Nevada</b>		9b. CITIZEN OF WHAT COUNTRY <b>United States</b>		10. EDUCATION <b>22</b>	
13. SOCIAL SECURITY NUMBER <b>3035</b>		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of) <b>Attorney</b>		14b. KIND OF BUSINESS OR INDUSTRY <b>Law</b>	
15a. RESIDENCE - STATE <b>Nevada</b>		15b. COUNTY <b>Clark</b>		15c. CITY, TOWN OR LOCATION <b>Henderson</b>	
15d. STREET AND NUMBER <b>510 Amber Moon Street</b>		15e. INSIDE CITY LIMITS (Specify Yes or No) <b>Yes</b>		15f. EVER IN US Armed Forces? Yes <b>Yes</b>	
16. FATHER/PARENT - NAME (First Middle Last Suffix) <b>Louis F LA PORTA</b>		17. MOTHER/PARENT - NAME (First Middle Last Suffix) <b>Elayne B WEBER</b>			
18a. INFORMANT- NAME (Type or Print) <b>Louis F LA PORTA</b>		18b. MAILING ADDRESS (Street or R.F.D. No, City or Town, State, Zip) <b>443 Blackridge Road Henderson, Nevada 89015</b>			
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) <b>Burial</b>		19b. CEMETERY OR CREMATORY - NAME <b>Palm Valley View Cemetery</b>		19c. LOCATION City or Town State <b>Las Vegas Nevada 89123</b>	
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) <b>BART BURTON</b> <b>SIGNATURE AUTHENTICATED</b>		20b. FUNERAL DIRECTOR LICENSE NUMBER <b>50</b>		20c. NAME AND ADDRESS OF FACILITY <b>Palm Mortuary-Eastern</b> <b>7600 S Eastern Las Vegas NV 89123</b>	
TRADE CALL - NAME AND ADDRESS					
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) <b>SIGNATURE AUTHENTICATED</b> <b>DREW JOHNSON DO</b>			22a. On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)		
21b. DATE SIGNED (Mo/Day/Yr) <b>July 17, 2014</b>			21c. HOUR OF DEATH <b>21:42</b>		
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)			22b. DATE SIGNED (Mo/Day/Yr)		
			22c. HOUR OF DEATH		
			22d. PRONOUNCED DEAD (Mo/Day/Yr)		
			22e. PRONOUNCED DEAD AT (Hour)		
23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) <b>DREW JOHNSON DO 102 E Lake Mead Pkwy Henderson, NV 89015</b>			23b. LICENSE NUMBER <b>DO1713</b>		
24a. REGISTRAR (Signature) <b>NANCY BARRY</b> <b>SIGNATURE AUTHENTICATED</b>			24b. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) <b>July 21, 2014</b>		24c. DEATH DUE TO COMMUNICABLE DISEASE <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/>
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)					
PART I					
(a) <b>Cardiopulmonary arrest</b> Interval between onset and death					
DUE TO, OR AS A CONSEQUENCE OF:					
(b) <b>Cause unknown</b> Interval between onset and death					
DUE TO, OR AS A CONSEQUENCE OF:					
(c) <b></b> Interval between onset and death					
DUE TO, OR AS A CONSEQUENCE OF:					
(d) <b></b> Interval between onset and death					
PART II OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not resulting in the underlying cause given in Part I.					
26a. ACC., SUICIDE, HOM., UNDET. OR PENDING INVEST. (Specify)		26b. DATE OF INJURY (Mo/Day/Yr)		26c. HOUR OF INJURY	
26d. DESCRIBE HOW INJURY OCCURRED					
28a. INJURY AT WORK (Specify Yes or No)		28f. PLACE OF INJURY- At home, farm, street, factory, office building, etc. (Specify)		28g. LOCATION STREET OR R.F.D. No. CITY OR TOWN STATE	

LOCAL REGISTRAR

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AA6430

EXHIBIT 170

EXHIBIT 170

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## LAS VEGAS SUN

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Breaking News: [O.J. Simpson granted parole in Las Vegas robbery](#)

# Temporary judge faces state sanctions

Monday, March 15, 2004 | 9:28 a.m.

CARSON CITY -- A Henderson attorney who gave up his right to practice law after being accused of misappropriating \$24,000 from a client is now in trouble with the state Judicial Discipline Commission.

The commission filed a 56-count complaint Friday against Peter LaPorta, who was a temporary justice of the peace and municipal judge in Henderson. The commission said he bilked a family out of \$6,750 in their efforts to get their grandchild returned from Mexico.

The complaint also said that after LaPorta's license was suspended or placed on inactive status, he continued to act as a temporary judge more than 50 times, which is a violation of the law.

LaPorta could not be reached for comment. He has 20 days to answer the complaint and ask for a hearing.

Mark Harrison had been given sole custody of his daughter Jessica but the mother took the child to Mexico. Harrison's mother, Lydia Harrison, hired LaPorta after he said he had a friend in Mexico of 25 years who had experience in the "extralegal extraction of children" from that country, according to the complaint.

In December 2000, the complaint said, Lydia Harrison paid \$3,500 in cash to LaPorta. He then asked for another \$1,000, which he accepted while sitting in the judge's chambers in Henderson in January 2001, the complaint said.

Lydia Harrison then paid LaPorta another \$1,000. She handed the money to LaPorta in a public corridor and he put it in his pocket under his judicial robe, the complaint said.

The complaint said Lydia Harrison made two more payments to LaPorta. The child was never returned.

LaPorta also got into trouble with the state bar when he refused or failed to pay dues. His license to practice law was suspended in October 2001. But LaPorta continued to sit on the bench as a temporary judge in Henderson Municipal Court.

In March 2002 he paid his back fees to the state bar and then elected to go on inactive status. But after that he continued to preside over cases in Henderson Municipal Court.

The state bar and LaPorta reached an agreement on a disciplinary case in which he agreed to resign from the bar. Under the agreement, LaPorta was to pay restitution of \$24,000 to a former client.

The bar maintained jurisdiction over the case in order to make sure the \$24,000 was being repaid.

The Judicial Discipline Commission could fine LaPorta or revoke his judge privileges. But he can't preside as a judge anyway since he has resigned from the state bar.

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EXHIBIT 171

EXHIBIT 171

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## LAS VEGAS SUN

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# State defender's office in turmoil as LaPorta ousted

**Bill Gang**

Wednesday, Oct. 2, 1996 | 11:59 a.m.

Las Vegas attorney Peter LaPorta has been fired from his job as chief deputy state public defender, leaving the fledgling office without a deputy qualified to defend death penalty cases.

The incident could change the way criminal defense services are provided for many defendants.

LaPorta is the second head of the Southern Nevada branch to be booted since the office opened in 1995. Ironically, the person who is said to have fired LaPorta on Tuesday is Michael Roth, the first chief deputy, who was ousted from Clark County because of management problems that resulted in numerous missed court appearances.

Officially, a letter from newly appointed State Public Defender Steven McGuire states that LaPorta is stepping down on Oct. 18 to pursue other interests.

Roth was kicked upstairs to become assistant state public defender. In Las Vegas, LaPorta cleaned up the scheduling problems that, at one point, had some judges calling for the office to be shut down.

Some again are calling for its closure because of LaPorta's termination.

District Judge Myron Leavitt said some judges also have voiced concerns because the state agency has not fulfilled its promise to provide a qualified staff.

While most indigent defense cases are handled by the Clark County public defender's office, some cannot be because there are multiple defendants or other conflicts.

Those cases -- including many death penalty cases -- were farmed out to private attorneys. But the costs were deemed to be excessively high and the state office was urged to open a branch in Las Vegas.

Clark County picked up the \$450,000 annual tab and even provided office space.

But there were problems from the beginning trying to find competent lawyers willing to work for the state-established salaries that were noticeably less than the Clark County public defender's office.

"I told them we bought a pig in a poke (when the county contracted for the state services) but all we got were piglets," said District Judge Sally Loehrer. "That's why this thing was doomed to fail."

The real problem was finding lawyers with enough experience to qualify under the Nevada Supreme Court's strict "Rule 250" guidelines to defend death penalty cases.

Even LaPorta, who had sufficient jury trials under his belt and the years as an attorney to qualify, still needed additional training before he could legally take the responsibility.

Once he was certified, he was deluged with death penalty cases.

"It was just getting to where it was working and the main guy isn't there," Leavitt lamented. "We just want the court system to run smoothly."



LaPorta's replacement, according to McGuire's letter, will be former Assemblyman Lloyd Mann.

But Leavitt said Mann is not qualified to handle death penalty cases

LaPorta's firing distressed some District Court judges, who were said to have talked seriously about terminating the state public defender's program in Las Vegas.

"All the judges are really concerned about is making sure there is adequate representation for defendants charged with murder," Leavitt said.

The slack could be taken up once again by court appointed private lawyers, but some judges and others in the legal community also are talking about establishing a second county public defender's office.

Although Clark County Public Defender Morgan Harris has resisted the concept over the years, he reportedly has softened his position. It may be the push needed to set up an office to handle conflict cases that is competitive and accountable to local authorities.

The problem of handling cases when there are conflicts, according to District Court Administrator Chuck Short, is a national issue.

Short said over \$1 billion annually is spent on conflict cases across the country.

Short said he is on a committee looking at how conflict cases should be handled. The committee includes three district judges, a justice of the peace and representatives from the county public defender's office, the district attorney's office and the private defense bar.

LaPorta also is on the committee, at least for the moment.

Although LaPorta is scheduled to leave his job on Oct. 18, Leavitt said he is scheduled to defend an accused killer in a death penalty case beginning Oct. 14.

Leavitt said LaPorta has agreed to finish the case.

But the state public defender's office has 15 other trials scheduled before the first of the year and it is not clear how those will be handled.

McGuire, who could not be reached Tuesday, has scheduled meetings with some judges this week. He is set to address a district judges' meeting next week.

This reportedly is only the second time McGuire has been in Las Vegas since taking over the state office six months ago following the resignation of James Jackson.

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EXHIBIT 172

EXHIBIT 172

MTThomas-8JDC05988

PAGE: 001

MINUTES DATE: 07/08/96

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo

07/08/96 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: PONDA MEADOR, Court Clerk  
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
000862 Harmon, Melvyn T. Y  
0001 D1 Thomas, Marlo Y  
PUBDEF Public Defender Y

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

07/10/96 09:00 AM 00 ARRAIGNMENT CONTINUED

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA VIGIL, Relief Clerk  
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
000862 Harmon, Melvyn T. Y  
0001 D1 Thomas, Marlo Y  
PUBDEF Public Defender Y  
003754 Laporta, Peter R. Y

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

PRINT DATE: 12/27/05

PAGE: 001

CONTINUED ON PAGE: 002  
MINUTES DATE: 07/10/96

8JDC05988

AA6437

Thomas-8JDC05989

PAGE: 002

MINUTES DATE: 09/18/96

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 001

09/18/96 09:00 AM 01 DEFT'S PRO PER MOTION TO DISMISS  
COUNSEL/APPOINTMENT OF CO-COUNSEL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
LAURET HENRY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
0001 D1	Thomas, Marlo	N
PUBDEF	Public Defender	Y
005480	Savage, Jordan S.	Y

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

CONTINUED TO: 10/02/96 09:00 AM 02

10/02/96 09:00 AM 02 DEFT'S PRO PER MOTION TO DISMISS  
COUNSEL/APPOINTMENT OF CO-COUNSEL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
TAMMY BREED, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004902	Adams, Danae	Y
0001 D1	Thomas, Marlo	Y
ST PD	State Public Defender	Y
003754	Laporta, Peter R.	Y

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

PRINT DATE: 12/27/05

PAGE: 002

CONTINUED ON PAGE: 003  
MINUTES DATE: 10/02/96

8JDC05989

AA6438

MTThomas-8JDC05990

PAGE: 003

MINUTES DATE: 10/02/96

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 002

12-30-96 9:45 AM JURY TRIAL

CONTINUED TO: 10/21/96 09:00 AM 03

10/21/96 09:00 AM 03 DEFT'S PRO PER MOTION TO DISMISS  
COUNSEL/APPOINTMENT OF CO-COUNSEL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Relief Clerk  
LAURET HENRY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Thomas, Marlo	Y
	PUBDEF Public Defender	Y
	005480 Savage, Jordan S.	Y

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

11/13/96 09:00 AM 00 STATE'S MOTION TO ENDORSE NAMES ON  
INFORMATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Relief Clerk  
JENNIFER CLARK, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001398 Bloxham, Ronald C.	Y
	0001 D1 Thomas, Marlo	Y
	PUBDEF Public Defender	Y
	003754 Laporta, Peter R.	Y

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.

PRINT DATE: 12/27/05

PAGE: 003

CONTINUED ON PAGE: 004

MINUTES DATE: 11/13/96

8JDC05990

AA6439

MTThomas-8JDC05991

PAGE: 004

MINUTES DATE: 11/13/96

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 003

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)

12/18/96 09:00 AM 00 STATE'S REQUEST TO RESET TRIAL DATE

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Relief Clerk  
DANELLE REDDY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	0001 D1 Thomas, Marlo	Y
	001765 McMahon, Lee E.	Y

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

PRINT DATE: 12/27/05

PAGE: 004

CONTINUED ON PAGE: 005  
MINUTES DATE: 12/18/96

8JDC05991

AA6440

MTThomas-8JDC05992

PAGE: 005

MINUTES DATE: 01/29/97

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 004

01/29/97 09:00 AM 00 DEPT'S REQUEST RESET TRIAL DATE

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Relief Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001802 Jorgenson, Eric G.	Y
	0001 D1 Thomas, Marlo	Y
	001765 McMahon, Lee E.	Y
	003754 Laporta, Peter R.	Y

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

02/07/97 09:00 AM 00 STATUS CHECK: RE-SET TRIAL DATE

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Relief Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002805 Wall, David T.	Y
	0001 D1 Thomas, Marlo	Y
	ST PD State Public Defender	Y
	001765 McMahon, Lee E.	Y

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

PRINT DATE: 12/27/05

PAGE: 005

CONTINUED ON PAGE: 006  
MINUTES DATE: 02/07/97

8JDC05992

AA6441

MTThomas-8JDC05993

PAGE: 006

MINUTES DATE: 02/07/97

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 005

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

05/05/97 08:45 AM 00 STATE'S MOTION TO ENDORSE NAMES ON  
INFORMATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004434 Givens, Yolanda T.	Y
	0001 D1 Thomas, Marlo	N
	ST PD State Public Defender	Y
	003754 Laporta, Peter R.	Y

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

PRINT DATE: 12/27/05

PAGE: 006

CONTINUED ON PAGE: 007  
MINUTES DATE: 05/05/97

8JDC05993

AA6442



## CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo  
CONTINUED FROM PAGE: 006

05/28/97 08:45 AM 00 DEFT'S MOTION TO ALLOW JURY  
QUESTIONNAIRE

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
0001 D1	Thomas, Marlo	N
ST PD	State Public Defender	Y
001765	McMahon, Lee E.	Y

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

06/13/97 08:45 AM 00 ALL PENDING MOTIONS

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
0001 D1	Thomas, Marlo	Y
ST PD	State Public Defender	Y
001765	McMahon, Lee E.	Y
0002 D	Hall, Kenya K	Y
006132	Stockton II, Glenn T.	Y

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.

MThomas-8JDC05995

PAGE: 008

MINUTES DATE: 06/13/97

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 007

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

06/16/97 08:45 AM 00 ALL PENDING MOTIONS

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
000398	Schwartz, David P.	Y
0001 D1	Thomas, Marlo	Y
001765	McMahon, Lee E.	Y
003754	LaPorta, Peter R.	Y

DEFT'S MOTION 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.

PRINT DATE: 12/27/05

PAGE: 008

CONTINUED ON PAGE: 009  
MINUTES DATE: 06/16/97

8JDC05995

AA6444

## CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo  
CONTINUED FROM PAGE: 008

06/16/97 09:15 AM 00 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
CINDY HORTON/CH, Relief Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
000398	Schwartz, David P.	Y
0001 D1	Thomas, Marlo	Y
003754	LaPorta, Peter R.	Y
001765	McMahon, Lee E.	Y

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, PREMATORY 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.

CONTINUED TO: 06/17/97 08:30 AM 01

06/17/97 09:15 AM 01 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
000398	Schwartz, David P.	Y
0001 D1	Thomas, Marlo	Y
003754	LaPorta, Peter R.	Y
001765	McMahon, Lee E.	Y

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 knew 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

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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

CONTINUED TO: 06/18/97 09:15 AM 02

06/18/97 09:15 AM 02 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000398	Schwartz, David P.	Y
002781	Roger, David J.	Y
0001 D1	Thomas, Marlo	Y
001765	McMahon, Lee E.	Y
003754	Laporta, Peter R.	Y

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

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CRIMINAL COURT MINUTES

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remains intact.

06/25/97 09:15 AM 01 PENALTY HEARING

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: JEAN MCKINLEY, Court Clerk  
LINDA VIGIL/PM, Relief Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000398	Schwartz, David P.	Y
002781	Roger, David J.	Y
0001 D1	Thomas, Marlo	Y
001765	McMahon, Lee E.	Y
003754	LaPorta, Peter R.	Y

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

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MINUTES DATE: 08/25/97

CRIMINAL COURT MINUTES

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vs Thomas, Marlo

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08/25/97 08:30 AM 00 SENTENCING

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000398 Schwartz, David P.	Y
	0001 D1 Thomas, Marlo	Y
	001765 McMahon, Lee E.	Y
	003754 Laporta, Peter R.	Y

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 Ninety-Five (495) Days.

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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.

08/27/97 08:30 AM 00 AT THE REQUEST OF THE COURT  
CLARIFICATION OF SENTENCE

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
0001 D1	Thomas, Marlo	Y
ST PD	State Public Defender	Y
001765	McMahon, Lee E.	Y

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

CRIMINAL COURT MINUTES

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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.

09/23/97 08:30 AM 00 DEFT'S MOTION FOR STAY OF EXECUTION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: LINDA VIGIL, Court Clerk  
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Thomas, Marlo	N
	ST PD State Public Defender	Y
	003754 Laporta, Peter R.	Y

There being no opposition, COURT ORDERED, motion GRANTED.

NDP

11/09/99 08:30 AM 00 DEFT'S MOTION FOR STAY OF EXECUTION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: CINDY HORTON, Court Clerk  
MARY BETH COOK, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001648 Barker, David B.	Y
	0001 D1 Thomas, Marlo	N
	ST PD State Public Defender	Y
	005103 Richards, Daren B.	Y

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



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11/30/99 08:30 AM 00 SPECIAL PD'S MOTION TO WITHDRAW AS  
COUNSEL/MOTION TO APPOINT COUNSEL/STAY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006612 Cram, Roger	Y
	0001 D1 Thomas, Marlo	N
	ST PD State Public Defender	Y
	001765 McMahon, Lee E.	Y

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

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12/02/99 08:30 AM 00 CONFIRMATION OF COUNSEL (SCHIECK)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006122 Shimon, Randal D.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y

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 COUINSEL AND ORDER SIGNED IN OPEN COURT.

NDP

## CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo  
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01/20/00 08:30 AM 00 DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: CINDY HORTON, Court Clerk  
MARY BETH COOK, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006029 Lawson, Tamara F.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y

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

06/28/00 10:30 AM 00 ARGUMENT AND DECISION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004963 Daskas, Robert J.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y

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

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96-C-136862-C STATE OF NEVADA

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11/02/00 08:30 AM 01 ARGUMENT AND DECISION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: THERESA LEE, Court Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004963 Daskas, Robert J.  
0001 D1 Thomas, Marlo  
000824 Schieck, David M.

Y  
Y  
N  
Y

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

01/29/01 08:30 AM 00 SET TIME CERTAIN: ARGUMENT AND DECISION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: MELISSA DAVIS, Court Clerk  
MARY BETH COOK, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003801 Robinson, Lynn M.  
0001 D1 Thomas, Marlo  
000824 Schieck, David M.

Y  
Y  
N  
Y

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

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MINUTES DATE: 01/29/01

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MINUTES DATE: 04/30/01

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA vs Thomas, Marlo  
CONTINUED FROM PAGE: 017

04/30/01 08:30 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: GEORGETTE BYRD/GB, Relief Clerk  
LISA MAKOWSKI, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
000411 Simon, H. L. Y  
0001 D1 Thomas, Marlo N  
000824 Schieck, David M. Y

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

09/19/01 08:30 AM 00 ARGUMENT PETITION FOR WRIT OF HABEAS  
CORPUS POST CONVICTION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA N  
000370 Ponticello, Frank M. Y

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

CONTINUED TO: 09/26/01 08:30 AM 01

PRINT DATE: 12/27/05

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8JDC06005

AA6454

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96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

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09/26/01 08:30 AM 01 ARGUMENT PETITION FOR WRIT OF HABEAS  
CORPUS POST CONVICTION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y

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

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MINUTES DATE: 09/26/01

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96-C-136862-C STATE OF NEVADA

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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

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MINUTES DATE: 09/26/01

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MTThomas-8JDC06008

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MINUTES DATE: 10/12/01

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10/12/01 03:30 PM 00 EVIDENTIARY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk

PARTIES: NO PARTIES PRESENT

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 11/29/01 10:00 AM 01

01/14/02 09:00 AM 00 EVIDENTIARY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk

PARTIES: STATE OF NEVADA

002781 Roger, David J.

Y

Y

0001 D1 Thomas, Marlo

N

000824 Schieck, David M.

Y

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

NDC

CONTINUED TO: 01/22/02 10:00 AM 01

PRINT DATE: 12/27/05

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MINUTES DATE: 01/14/02

8JDC06008

AA6457

CRIMINAL COURT MINUTES

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01/22/02 10:00 AM 01 EVIDENTIARY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Melissa Davis, Court Clerk  
Lisa Makowski, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y

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

03/15/02 08:00 AM 02 EVIDENTIARY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Keith A. Reed, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y

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

PRINT DATE: 12/27/05	PAGE: 022	CONTINUED ON PAGE: 023 MINUTES DATE: 03/15/02
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Thomas-8JDC06010

PAGE: 023

MINUTES DATE: 06/05/02

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 022

06/05/02 08:30 AM 00 DECISION: EVIDENTIARY HEARING

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: Theresa Lee, Court Clerk  
Tina Hurd/th, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007866 Peterson, Seth W.

Y

Y

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

08/14/02 08:30 AM 00 DECISION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk  
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003649 Kephart, William D.

Y

Y

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

NDC

CONTINUED TO: 08/21/02 08:30 AM 01

PRINT DATE: 12/27/05

PAGE: 023

CONTINUED ON PAGE: 024  
MINUTES DATE: 08/14/02

8JDC06010

AA6459

## CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 023

08/21/02 08:30 AM 01 DECISION

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Keith Reed/kar, Court Clerk  
 Alan Castle, Relief Clerk  
 Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA  
 006204 Digiacomo, Sandra  
 0001 D1 Thomas, Marlo  
 000824 Schieck, David M.

Y  
 Y  
 N  
 Y

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

03/29/04 08:30 AM 00 DEFT'S MTN TO PLACE ON CALENDAR/54

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
 Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
 000398 Schwartz, David P.  
 0001 D1 Thomas, Marlo  
 000824 Schieck, David M.

Y  
 Y  
 N  
 Y

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

CONTINUED ON PAGE: 025

PRINT DATE: 12/27/05

PAGE: 024

MINUTES DATE: 03/29/04

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 024

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

06/30/04 08:30 AM 00 STATUS CHECK /SET PENALTY HEARING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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

Thomas-8JDC06013

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MINUTES DATE: 12/20/04

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 025

12/20/04 08:30 AM 00 NV DEPT OF CORRECTIONS MTN FOR  
RECONSIDERATION & FOR RELIEF/58

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	N
	001940 Pike, Randall H.	Y

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

CONTINUED TO: 01/03/05 08:30 AM 01

PRINT DATE: 12/27/05

PAGE: 026

CONTINUED ON PAGE: 027  
MINUTES DATE: 12/20/04

8JDC06013

AA6462

Thomas-8JDC06014

PAGE: 027

MINUTES DATE: 01/03/05

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 026

01/03/05 08:30 AM 00 ALL PENDING MOTIONS

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Elaine York/ey, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007900 Schubert, David	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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

PRINT DATE: 12/27/05

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MINUTES DATE: 01/03/05

8JDC06014

AA6463

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 027

01/12/05 08:30 AM 00 STATE'S REQUEST STATUS CHECK/TRIAL DATE

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Georgette Byrd/gb, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y
	004904 Albright, David C.	Y

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

05/04/05 08:30 AM 00 DEFT'S NTC OF MTN AND MTN TO PLACE ON  
CALENDAR /68

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
JoAnn Orduna, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006246 Campbell, Cara L.	Y
	0001 D1 Thomas, Marlo	N
	000824 Schieck, David M.	Y
	004435 Albregts, Daniel J.	Y

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

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 028

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

06/01/05 08:30 AM 00 DEFT'S MTN TO PLACE ON CALENDAR/71

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008138 Seabrook, Kristin E.

Y  
Y

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

09/14/05 08:30 AM 00 ALL PENDING MOTIONS (9/14/05)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Yvonne Valentin, Reporter/Recorder

PARTIES: STATE OF NEVADA  
001190 Owens, Christopher J.

Y  
Y

0001 D1 Thomas, Marlo  
000824 Schieck, David M.  
004435 Albregts, Daniel J.

Y  
Y  
Y

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

CONTINUED ON PAGE: 030

PRINT DATE: 12/27/05

PAGE: 029

MINUTES DATE: 09/14/05

MTThomas-8JDC06017

PAGE: 030

MINUTES DATE: 09/14/05

CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 029

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.

PRINT DATE: 12/27/05

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CONTINUED ON PAGE: 031  
MINUTES DATE: 09/14/05

8JDC06017

AA6466



CRIMINAL COURT MINUTES

96-C-136862-C STATE OF NEVADA

vs Thomas, Marlo

CONTINUED FROM PAGE: 030

NDC

09/26/05 08:30 AM 00 DEPT'S REQUEST STATUS CHECK/PENALTY HEAR  
REQUEST

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel/jk, Court Clerk  
Judy McFadden, Relief Clerk  
Yvonne Valentin, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	0001 D1 Thomas, Marlo	Y
	001940 Pike, Randall H.	Y

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

10/12/05 08:30 AM 00 CALENDAR CALL

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk  
Georgette Byrd/gb, Relief Clerk  
Yvonne Valentin, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006246 Campbell, Cara L.	Y
	0001 D1 Thomas, Marlo	Y
	000824 Schieck, David M.	Y

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.

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:

MARLO DEMETRIUS THOMAS aka MARLOW THOMAS

Date of Birth:

November 6, 1972

Years of Age:

16

Nov 15 4 35 PM '89

CASE NO. J29999

DEPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:

Information not available

Guardian

Mother:

Georgia Ann Thomas

Relative:

Reside At:

2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about October 25, 1989, in Clark County, Nevada, was then and there wilfully out and about in the nighttime, in a public place, to-wit: the 2600 block of Bulloch, North Las Vegas, after curfew, at approximately 12:55 a.m., without the supervision of subject minor's parent(s) or a responsible adult, in violation of Las Vegas City Code 6.8.6, Clark County Code 12.12.010, North Las Vegas Municipal Code 7.52.010, Henderson Municipal Code 8.08.070, or Boulder City Municipal Code 7.2.1.

That said minor is now in the custody and control of:

his parent(s) and has been since:

October 25, 1989 (citation)

MONTE CHAMBERLAIN, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

November 13, 1989

REX BELL, District Attorney

By:

Deputy District Attorney

Monte Chamberlain  
PETITIONER

Mary C. Heimlich  
NOTARY PUBLIC



MARY C. HEIMLICH  
Notary Public-State of Nevada  
COUNTY OF CLARK  
My Appointment Expires:  
Jan. 21, 1993

DAJ-1

Petition No. 20-CURFEW

12/04/89 at 10:00 a.m. Polk/State DR# 89-12158/NLVPD

8JDCEV566

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:

MARLO DEMITRIUS THOMAS aka MARLOW THOMAS

Date of Birth:

November 6, 1972

Years of Age:

15

, child.

CASE NO. J29999

DEPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:

Information not available

Guardian

Mother:

Georgia Ann Thomas

Relative:

Reside At:

2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 12, 1988, in Clark County, Nevada, did wilfully, maliciously, and unlawfully damage and injure a 1985 Chevrolet Impala, white in color, bearing Nevada License Number 121BYC, located at the BROADWAY SOUTHWEST DEPARTMENT STORE, 4300 Meadows Lane, Las Vegas, in the following manner, to-wit: by crashing the said vehicle into a tree, owned by DUSCO PROPERTY MANAGEMENT, in an amount more than \$250.00, in violation of N.R.S. 206.310 and N.R.S. 193.155.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

August 26, 1988

FRITZ L. REESE

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

September 7, 1988

REX BELL, District Attorney

By:

Deputy District Attorney

PETITIONER

NOTARY PUBLIC

Petition No. 19-MALICIOUS DESTRUCTION OF PRIVATE PROPERTY  
09/08/88 at 10:00 a.m. Holland/State DR# 88-83051/M

MARY C. HEINLICH

DAJ-1

8JDCEV567

AA6366

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:  
MARLO DEMITRIUS THOMAS aka MARLOW THOMAS

Date of Birth:  
November 6, 1972

Years of Age:  
15

CASE NO. 729999

DEPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:  
Information not available

Guardian

Mother:  
Georgia Ann Thomas

Relative:

Reside At:  
2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 12, 1988, in Clark County, Nevada, did wilfully and unlawfully use force and violence upon KATHY BARFUS, by striking the above named about the body as follows: by striking the victim in the jaw with his fist, in violation of N.R.S. 200.481. *Pushing*

*68.*

That said minor is now in the custody and control of:  
Clark County Juvenile Detention Home and has been since:  
August 26, 1988

FRITZ L. REESE, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

September 7, 1988

REX BELL, District Attorney

By: *Jim E. [Signature]*

Deputy District Attorney

Petition No. 18-BATTERY  
09/08/88 at 10:00 a.m. Holland/State DR# 88-83051/M

*Fritz Reese*  
PETITIONER

*Mary C. Heimlich*  
NOTARY PUBLIC

MARY C. HEIMLICH

My Commission Expires  
January 21, 1989

8JDCEV568

AA6367

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:

MARLO DEMITRIUS THOMAS aka MARLOW THOMAS

Date of Birth:

November 6, 1972

Years of Age:

15

, child.

CASE NO. 129999

DEPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:

Information not available

Guardian

Mother:

Georgia Ann Thomas

Relative:

Reside At:

2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 12, 1988, in Clark County, Nevada, did wilfully and unlawfully, take, steal, and drive away a motor vehicle, to-wit: a 1985 Chevrolet Impala, white in color, bearing Nevada License Number 121BYC, from DOUGLAS HALBACK/BROADWAY SECURITY, 4300 Meadows Lane, Las Vegas, with the intent to deprive the owner permanently thereof, in violation of N.R.S. 205.220.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

August 26, 1988

FRITZ L. REESE

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

September 7, 1988

REX BELL, District Attorney

By:

Deputy District Attorney

PETITIONER

NOTARY PUBLIC

Petition No. 17-GRAND LARCENY MOTOR VEHICLE

09/08/88 at 10:00 a.m. Holland/State DR# 88-83051/M

8JDCEV569

AA6368

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:  
MARLO DEMITRIUS THOMAS aka MARLOW THOMAS

Date of Birth:  
November 6, 1972

Years of Age:  
15

CASE NO. J29999

DEPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:  
Information not available

Guardian

Mother:  
Georgia Ann Thomas

Relative:

Reside At:  
2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 12, 1988, in Clark County, Nevada, did wilfully and unlawfully, take, steal, and carry away property, to-wit: miscellaneous items, more than \$100.00 in value, from the BROADWAY SOUTHWEST DEPARTMENT STORE, 4300 Meadows Lane, Las Vegas, by removing the same with the intent to deprive the owner permanently thereof, in violation of N.R.S. 205.220.

That said minor is now in the custody and control of:  
Clark County Juvenile Detention Home and has been since:  
August 26, 1988

FRITZ L. REESE, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

September 7, 1988

REX BELL, District Attorney

By: [Signature]  
Deputy District Attorney

Petition No. 16-GRAND LARCENY  
09/08/88 at 10:00 a.m. Holland/State DR# 88-83051/M

[Signature]  
PETITIONER

[Signature]  
NOTARY PUBLIC

MARY C. [Signature]

DAJ-1

8JDCEV570

AA6369

# Juvenile Court

CLARK COUNTY, NEVADA

JUL 15 10 53 AM '87

JUVENILE DIVISION

MTThomas  
8JDCEV571

In the matter of:  
MARLOW DEMITIRUS THOMAS aka MARLO THOMAS *Justin Thomas* child.  
CLERK

Date of Birth:  
November 6, 1972

CASE NO. J29999

Years of Age:  
14

DEPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father: Information not available Guardian

Mother: Georgia Ann Thomas Relative:

Reside At:  
1505 Caritier, #D, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about July 9, 1987, in Clark County, Nevada, did wilfully and unlawfully use force and violence upon the person of another, to-wit: JERRY REED, with the use of a deadly weapon, to-wit: a large stick, by striking the victim in the face with the said weapon, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:  
Clark County Juvenile Detention Home

July 9, 1987 and has been since:

FRITZ L. REESE, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

July 14, 1987

REX BELL, District Attorney

By: Carla J. du

Deputy District Attorney

Petition No. 15-BATTERY WITH DEADLY WEAPON  
07/17/87 at 10:00 a.m. Court Unit DR# 87-6681/NLVPD

*Fritz Reese*  
PETITIONER

*Mary C. Heindelich*  
NOTARY PUBLIC



MARY C. HEINDELICH  
Notary Public  
COUNTY OF CLARK  
My Appointment  
January 21, 1986 DAJ-1

8JDCEV571

AA6370

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:  
MARLOW DEMITIRUS THOMAS aka MARLO THOMAS

Child 2 CH 87

Date of Birth:  
November 6, 1972

CASE NO. J29999

Years of Age:  
14

CLERK REPT. NO. XVI

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father: Guardian

Information not available

Mother: Relative:  
Georgia Ann Thomas

Reside At:  
1505 Cartier, #D, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about June 4, 1987, in Clark County, Nevada, did wilfully and unlawfully, take, steal, and carry away property, to-wit: one(1) Diamond Back chrome bicycle, bearing Serial Number 004444393, more than \$100.00 in value, from RICHARD BAIRD, by removing the same with the intent to deprive the owner permanently thereof, in violation of N.R.S. 205.220.

That said minor is now in the custody and control of:

his parent(s) and has been since:

June 4, 1987

FRITZ L. REESE

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

July 10, 1987

REX BELL, District Attorney

By:

Deputy District Attorney

Petition No. 14-GRAND LARCENY

07/17/87 at 10:00 a.m. Court Unit DR# 87-65834/M

PETITIONER

NOTARY PUBLIC

MARY C. HEIMLICH  
Notary Public - State of Nevada  
COUNTY OF CLARK  
My Appointment Expires:  
January 24, 1989

DAJ-I

8JDCEV572

AA6371



CASE NO. J29999

JUVENILE DIVISION

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

★ ★ ★ ★ ★ ★ ★

FILED  
Mar 21 10 49 AM '86

In the matter of:

MARLOW DEMITIRUS THOMAS aka MARLO THOMAS

, child.

Date of Birth:

November 6, 1972

Years of Age:

13

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

father:

Information not available

guardian:

mother:

Georgia Ann Thomas

relative:

reside at:

1505 Cartier, #D, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about March 14, 1986, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, to-wit: DARNIA HUGHES, by striking the above named about the body as follows: by punching the victim in the stomach with his fist, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

March 14, 1986

WINNIE COOPER

and has been since:

being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

March 21, 1986

ROBERT J. MILLER, DISTRICT ATTORNEY

BY:

DEPUTY DISTRICT ATTORNEY

Winnie Cooper  
PETITIONER

Mary C. Heimlich  
NOTARY PUBLIC

Petition No. 13-BATTERY

03/24/86 at 10:30 a.m. Jackson/Rancho-No. DR# 86-0549/CCSD

MARY C. HEIMLICH  
Notary Public, State of Nevada  
My Comm. Expires  
March 31, 1987

8JDCEV573

AA6372

CASE NO. J29999

MTThomas 8JDCEV574

JUVENILE DIVISION

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

★ ★ ★ ★ ★ ★ ★

OCT 29 4 02 PM '85

*Lotha L. Luman*  
CLERK  
PETITION

In the matter of:

MARLOW DEMITIRUS THOMAS aka MARLO THOMAS, child.

Date of Birth:

November 6, 1972

Years of Age:

12

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

father: guardian:

Information not available n/a

mother: relative:

Georgia Ann Thomas n/a

reside at:

1917 Yale, #A, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about October 2, 1985, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, towit: WALTER WOODARD MACKIE, by striking the above named about the body as follows: by striking the said victim in the forehead with his right elbow, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

his mother and has been since:

October 2, 1985

WINNIE COOPER, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

October 29, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

BY: *Malcolm*  
DEPUTY DISTRICT ATTORNEY

Petition No. 12 BATTERY

11/01/85 at 10:00 a.m. Jackson/Rancho-No. DR# 85-81824/M

*Winnie Cooper*  
PETITIONER

*Mary C. Heimlich*  
NOTARY PUBLIC



MARY C. HEIMLICH  
Notary Public - State of Nevada  
COUNTY OF CLARK  
My Appointment Expires:  
January 21, 1989

8JDCEV574

AA6373

CASE NO. J29999

JUVENILE DIVISION

FILED

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

OCT 17 11 56 AM '85  
*Patricia L. Luman*  
CLERK

★ ★ ★ ★ ★ ★ ★

In the matter of:

MARLOW DEMITIRUS THOMAS aka MARLO THOMAS

, child.

Date of Birth:

November 6, 1972

Years of Age:

12

{ PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

father:

Information not available

guardian:

n/a

mother:

Georgia Ann Thomas

relative:

n/a

reside at:

1917 Yale, #A, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about October 4, 1985, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, towit: REBECCA NEKL, by striking the above named about the body as follows: by striking the said victim in her back with his shoes, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

October 4, 1985

WINNIE COOPER

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

October 16, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

BY: *Michael Miller*

DEPUTY DISTRICT ATTORNEY

*Winnie Cooper*  
PETITIONER

*Mary C. Heimlich*  
NOTARY PUBLIC



MARY C. HEIMLICH  
Notary Public State of Nevada  
COUNTY OF CLARK  
My Appointment Expires  
January 21, 1987.

Petition No. 11-BATTERY

11/01/85 at 10:00 a.m. Jackson/Rancho-No. DR# 85-82240/M

8JDCEV575

AA6374

## JUVENILE DIVISION

FILED

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

★ ★ ★ ★ ★ ★ ★

*Letitia L. Thomas*  
CLERK

In the matter of:

MARLOW DEMITIRUS THOMAS aka MARLO THOMAS, child.

Date of Birth:

November 6, 1972

Years of Age:

12

PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

father:

Information not available

guardian:

n/a

mother:

Georgia Ann Thomas

relative:

n/a

reside at:

1917 Yale, #A, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about October 4, 1985, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, to wit: MARCY WASHBURN, by striking the above named about the body as follows: by pushing the said victim into a wall, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

October 4, 1985

WINNIE COOPER

being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

October 16, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

BY:

DEPUTY DISTRICT ATTORNEY

*Winnie Cooper*  
PETITIONER

*Mary C. Heimlich*  
NOTARY PUBLIC

Petition No. 10 - BATTERY

11/01/85 at 10:00 a.m. Jackson/Rancho-No. DR# 85-82240/M

8JDCEV576

AA6375

CASE NO. J29999

JUVENILE DIVISION

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

OCT 17 11 56 AM '85

★ ★ ★ ★ ★ ★ ★

*Loretta Luman*  
CLERK

In the matter of:

MARLOW DENTITURUS THOMAS aka MARLO THOMAS

, child.

Date of Birth:

November 6, 1972

Years of Age:

12

{ PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

father:

guardian:

~~Information not available~~

n/a

mother:

relative:

Georgia Ann Thomas

n/a

reside at:

1917 Vale, #A, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about October 4, 1985, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, towit: JOHN CAPEL, by striking the above named about the body as follows: by striking the said victim in the right ear with his fist, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

October 4, 1985

WINNIE COOPER

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

*Winnie Cooper*  
PETITIONER

October 16, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

BY: *Michael L. Miller*

DEPUTY DISTRICT ATTORNEY

*Mary C. Heimlich*  
NOTARY PUBLIC

Petition No. 9 - BATTERY

11/01/85 at 10:00 a.m. Jackson/Rancho-No. DR# 85-82240/M

8JDCEV577

AA6376

CASE NO. J29999

JUVENILE DIVISION

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

★ ★ ★ ★ ★ ★ ★

OCT 17 11 55 AM '85

*Linda L. Luman*  
CLERK

In the matter of:

MARLOW DEMITTIUS THOMAS aka MARLO THOMAS, child.

Date of Birth:

November 6, 1972

Years of Age:

12

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

father:

guardian:

~~Information not available~~

n/a

mother:

relative:

Georgia Ann Thomas

n/a

reside at:

1917 Yale, #A, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about October 4, 1985, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, to-wit: SHERRON ROBINSON, by striking the above named about the body as follows: by striking the said victim on the right forearm with his shoes, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home and has been since:

October 4, 1985

WINNIE COOPER, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

*Winnie Cooper*  
PETITIONER

October 16, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

BY:

*Michael P. Vall*  
DEPUTY DISTRICT ATTORNEY

*Mary C. Hemick*  
NOTARY PUBLIC  
My Appointment Expires  
January 21, 1986

Petition No. 8-BATTERY

11/01/85 at 10:00 a.m. Jackson/Rancho-No. DR# 85-82240/M

8JDCEV578

AA6377

MTThomas 8JDCEV579

J29999

CASE NO.

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

In the matter of:  
**MARLOW DEMITRIUS THOMAS**

Date of Birth:  
November 6, 1972

Years of Age:  
12

SEP 11 10 30 AM '85

*John S. Macmillan*  
CLERK

**PETITION**

That there is now within the County of Clark, State of Nevada the above named minor, he/she with his/her

father:  
Information not available

mother:

Georgia Ann Thomas

reside at:

1917 Yale St. North Las Vegas, Nevada 89031

That the spouse, guardian or relative of said minor is:

N/A

N/A

N/A

N/A

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 9, 1985, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully go upon that certain property known as 1731 Yale Street, North Las Vegas, Clark County, Nevada, with the intent to vex or annoy the owner or occupant thereof or to commit any unlawful act thereon, in violation of NRS 207.200.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since August 9, 1985 (citation)

STATE OF NEVADA  
COUNTY OF CLARK

*Winnie Cooper*

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order as premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this

September 10, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

*Robert J. Miller*  
By Deputy District Attorney

*Mary C. Heimalich*  
MARY C. HEIMALICH  
Notary Public - State of Nevada  
COUNTY OF CLARK

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor, it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:

his mother

*Sept 11, 1985*

Petition No. 7-TRESPASSING

09/12/85 at 10:00 a.m. Jackson/Rancho-Ho.  
DR# 85-6758/NMFD  
Cit. #A-18375

*John S. Macmillan*

John S. Macmillan

County Clerk

Investigative Court Referee

8JDCEV579

AA6378



829999

CASE NO.

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

In the matter of:

**MARIO DOMESTICUS THOMAS**

Date of Birth:

November 6, 1972

Years of Age:

12

That there is now within the County of Clark, State of Nevada the above named minor, his/her father:

Information not available

mother:

Georgia Anna Thomas

reside at:

1917 Yale, AA, North Las Vegas, Nevada 89030

That the spouse, guardian or relative of said minor is:

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

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N/A

N/A

N/A

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since:

May 8, 1985

STATE OF NEVADA  
 COUNTY OF CLARK

Winnie Cooper

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court; and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the purposes in such cases made and provided, make such order in premises as to this Honorable Court may seem just and proper.

Subscribed and sworn to before me this:

May 14, 1985

ROBERT J. MILLER, DISTRICT ATTORNEY

*Robert J. Miller*  
 Deputy District Attorney

Notary Public - State of Nevada

*May C. Smith*  
 Notary Public

My Appointment Expires:

GOOD CAUSE appearing therefore, and it being made known to the Court that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:

Clark County Juvenile Detention Home

*5/15/85*

Petition No. 6-DISORDERLY CONDUCT

05/17/85 at 10:00 a.m. Jackson/Jurcho-Ro.

UR# 85-56466/M

Arch



MTThomas 8JDCEV581

29999

CASE NO.

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

In the matter of:

**BARLOW DEMETRIUS THOMAS**

Date of Birth:

November 6, 1972

Years of Age:

12

That there is now within the County of Clark, State of Nevada the above named minor, his/her with his/her

father:  
Information Not Available

mother:

Georgia Ann Thomas

reside at:

1919 Yale St., North Las Vegas, Nevada 89030

That the spouse, guardian or relative of said minor is:

N/A

N/A

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts stated within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about November 7, 1984, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, to-wit: MARIA GONZALES, by striking the above named about the body as follows: by striking said victim about the leg, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since:  
November 7, 1984

STATE OF NEVADA  
COUNTY OF CLARK

WINNIE COOPER

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof, that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of the Petition, that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that the Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the findings of such court made and provided, make such order in premises as to the Honorable Court may seem just and proper.

Subscribed and sworn to before me this

November 15, 1984

ROBERT J. MILLER, DISTRICT ATTORNEY

Deputy District Attorney

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor, it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:

Clark County Juvenile Detention Home

Petition No. 8JDCEV581

11/16/84 at 10:00am R. Miller 97228

Juvenile Court Referee

8JDCEV581

AA6380

MTThomas 8JDCEV582

29999

CASE NO.

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

In the matter of:

**MARLOW DEMETRIUS THOMAS**

Date of Birth:

November 6, 1972

Years of Age:

12

That there is now within the County of Clark, State of Nevada the above **MARLOW DEMETRIUS THOMAS** with his/her

Father:

Information Not Available

Mother:

**Georgia Ann Thomas**

reside at:

**1917 Yale St. North Las Vegas, Nevada 89030**

That the spouse, guardian or relative of said minor is:

n/a

n/a

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about November 7, 1984, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully go upon that certain property known as a residence located at 1838 Princeton, North Las Vegas, Clark County, Nevada, with the intent to vex or annoy the owner or occupant thereof or to commit any unlawful act thereon, in violation of NRS 207.200.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since:  
**November 7, 1984**

**STATE OF NEVADA  
COUNTY OF CLARK**

**WINNIE COOPER**

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this

**November 15, 1984**

**ROBERT J. MILLER, DISTRICT ATTORNEY**

By **Deputy District Attorney**

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor, it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:

**Clark County Juvenile Detention Home**

**Nov. 15, 1984**

Dated

Petition No. **4-TRESPASS**

**11/16/84 at 10:00am R. Williams 22484-9722N**

**JOHN S. McARDY**

**Clark County Judge**

**Travis R. Miller**

**Juvenile Court Referee**

8JDCEV582

AA6381

20999

CASE NO.

JUVENILE DIVISION

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

In the matter of:

MARLOW DEMITRIS THOMAS

Date of Birth:

November 6, 1972

Years of Age:

11

That there is now within the County of Clark, State of Nevada the above named minor, he/she with his/her

Father: Information Not Available

Mother:

Georgia Ann Thomas

reside at:

1917 Yale St. North Las Vegas, Nevada 89030

That the spouse, guardian or relative of said minor is:

N/A

N/A

N/A

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PETITION

FILED

OCT 3 9 43 AM '84

LORETTA BOWMAN

CLERK

by *Colleen Patterson*

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about September 25, 1984, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully, after due notice, hinder, delay and obstruct Officer(s) MacKuer and Wickers, of the North Las Vegas Police Department, in the discharge of the official duty, to-wit: by running from said Officer(s), in violation of N.R.S. 197.190.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since September 25, 1984

STATE OF NEVADA  
COUNTY OF CLARK

WINNIE COOPER

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court sit a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem just and proper.

Subscribed and sworn to before me this

October 2, 1984

ROBERT J. MILLER, DISTRICT ATTORNEY

By *Tim O'Brien*  
Deputy District Attorney



Notary Public in Nevada  
CLARK COUNTY  
ANNETTE CHATEL

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor, it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:

his mother on return agreement.

OCTOBER 3, 1984

Dated

Petition No. 3-OBSTRUCTING PUBLIC OFFICER  
10/4/84 at 10:00am Intake 22484-8464N

JOHN S. McGOARTY

Juvenile Court Referee

*John S. McGorty*

Juvenile Court Referee



MTThomas 8JDCEV584

29999

CASE NO.

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

In the matter of:

**WARLOW DEBITIOUS THOMAS**

Date of Birth:

November 6, 1972

Years of Age:

11

That there is now within the County of Clark, State of Nevada the above named minor with his/her

father: Information Not Available

mother:

Georgia Ann Thomas

reside at:

2917 Yale St. North Las Vegas, Nevada 89030

That the spouse, guardian or relative of said minor is:

n/a

n/a

n/a

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts stated herein within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about September 19, 1984, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, to-wit: **SHERON R. ROBINSON**, by striking the above named about the body as follows: by kicking the victim about the body with his foot, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since: September 19, 1984

**STATE OF NEVADA  
COUNTY OF CLARK**

**WINNIE COOPER**

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and place; and if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that said Honorable Court at such time inquire into the truth of the statements of facts herein alleged, and in pursuance of the Petition in such case made and provided, make such order in premises as to this Honorable Court may seem just and proper.

Subscribed and sworn to before me this

September 25, 1984

**ROBERT J. MILLER, DISTRICT ATTORNEY**

By

Tim O'Brien  
Deputy District Attorney

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of: **Clark County Juvenile Detention Home**

Sep. 25, 1984

Dated

Petition No.

29-111111

10/4/84 at 10:00am

Intake

1984-769924

**CLARK COUNTY**

**JUVENILE COURT**

**CLERK**

**CLERK**

8JDCEV584

AA6383

FILED

CASE NO. J29999

Dec 13 1 26 PM '84

DIVISION: JUVENILE

LORETTA BOWMAN  
CLERK

*[Signature]*

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

AND FOR THE COUNTY OF CLARK

SITTING IN SEPARATE SESSION AS A JUVENILE COURT

In the Matter of:

MARLOW DEMETRIUS THOMAS

PETITION NO. 1-Amended

A Minor Born 11/06/72

RECOMMENDATION FOR ADJUDICATION

AND ORDER OF APPROVAL

This matter having come before the Juvenile Court Referee, on the 12th day of DECEMBER, 19 84, for Entry of Plea, and the above named minor, having been advised of his Constitutional Rights and guarantees, did enter an admission to the offense alleged in Petition(s) No. 1-Amended and 2.

Wherefore, it is hereby recommended that MARLOW DEMETRIUS THOMAS Subject Minor be adjudicated a delinquent child pursuant to N.R.S. 201.090.

DATED this 12th day of DECEMBER, 19 84

*[Signature]*  
JUVENILE REFEREE  
FERNANDO GONZALEZ

ORDER OF APPROVAL

The above recommendation of the Juvenile Referee is hereby approved and MARLOW DEMETRIUS THOMAS is adjudicated a delinquent child pursuant to N.R.S. 201.090. Subject Minor

Approved and Ordered this 15th day of DECEMBER, 19 84

*[Signature]*  
DISTRICT JUDGE  
JOHN S. MC GOWATY

R & D

01/02/85

MTThomas 8JDCEV586

J29299 CASE NO.

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

In the matter of:  
**MARLOW DEMITRIOS THOMAS**  
Date of Birth:  
November 6, 1972  
Years of Age:  
11

That there is now within the County of Clark, State of Nevada the above named minor, he/she with his/her

father:

mother:

Georgia A. Thomas

reside at:

1917 Yale St., North Las Vegas, Nevada 89030

That the spouse, guardian or relative of said minor is:

N/A

N/A

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about July 6, 1984, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully use force and violence upon the person of another, to-wit: **WILLIAM HOWE**, by striking the above named about the body as follows: by striking said victim about the head with his fist, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since:  
07/06/84

STATE OF NEVADA }  
COUNTY OF CLARK }

Gloria Golberg being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this

December 12, 1984

ROBERT L. MILLER, DISTRICT ATTORNEY

By Walter L. Miller  
Deputy District Attorney

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor, it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:  
Parent on return agreement

Dec. 12, 1984  
Dated

Petition No. **AMENDED-1-BATTERY**  
R & D 01/02/85 Intake MR #84-57858  
mch

FILED  
PETITION

Dec 12 1 37 PM '84

LORETTA BOWMAN

CLERK

Colleen Peterson



Notary Public, State of Nevada  
CLARK COUNTY  
ANNETTE CHATEL  
My Appointment Expires Jan. 14, 1986

JOHN S. McGRATH  
District Court Judge

James H. [Signature]  
Juvenile Court Referee

8JDCEV586

AA6385



929997 CASE NO.

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

In the matter of:

MARLOW DEMITIRUS THOMAS

Date of Birth:

November 6, 1972

Years of Age:

11

That there is now within the County of Clark, State of Nevada the above named minor, he/she with his/her

father: n/a

mother:

Georgia A. Thomas

reside at:

1917 Yale #A North Las Vegas, Nevada

That the spouse, guardian or relative of said minor is:

n/a

n/a

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about July 6, 1984, at and within the County of Clark, State of Nevada, did then and there wilfully and unlawfully take personal property, to-wit: one (1) bag of Review Journal newspapers, from the person of: WILLIAM HOWE, or in his presence, by means of force or violence or fear of injury to, and without the consent and against the will of the said WILLIAM HOWE, in violation of N.R.S. 200.380.

That said minor is now in the custody and control of CLARK COUNTY JUVENILE COURT SERVICES, and has been since:  
7/6/84

STATE OF NEVADA  
COUNTY OF CLARK

DON K. MINER

being duly sworn, deposes and says he/she is the Petitioner in the foregoing matter; that he/she has read the foregoing Petition, knows the contents thereof; that the same is true of his/her knowledge, except as to those matters herein stated on information and belief, and as to those matters, he/she believes them to be true.

WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any, why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that said Honorable Court at such time inquire into the truth of the statement of facts herein alleged; and in pursuance of the statutes in such cases made and provided, make such order in premises as to this Honorable Court may then seem just and proper.

Subscribed and sworn to before me this

8/7/84

ROBERT J. MILLER, DISTRICT ATTORNEY

By [Signature]  
[Signature] District Attorney

GOOD CAUSE appearing therefore, and it being for the best interest and welfare of the said minor, it is ordered that the above-named minor, until further order of this Court, be placed in the temporary custody and control of:

Parent on return agreement

AUG 07 1984

Dated

Petition No. #1 ROBBERY

8/9/84 1:45 PM Int

84-5789N

JOHN E. MCDONALD

District Court Judge

Severely Faulty Refuse

EXHIBIT 161

EXHIBIT 161



MTThomas 8JDCEV530

FOR IDENTIFICATION

87  
Exhibit STATE OF NEVADA

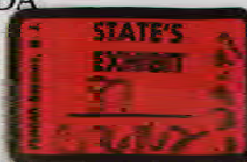
DISTRICT OFFICES

☐ 1301 CORDONE AVENUE  
RENO, NEVADA 89502  
(702) 688-1000

☐ A. A. CAMPOS BUILDING  
215 E. BONANZA STREET  
LAS VEGAS, NEVADA 89158  
(702) 486-3001

☐ 850 ELM STREET  
ELKO, NEVADA 89801  
(702) 738-4088

☐ 119 E. LONG STREET  
CARSON CITY, NEVADA 89710  
(702) 687-5045



BOB MILLER  
GOVERNOR

FY91-1176  
NJP

## DEPARTMENT OF PAROLE AND PROBATION

☐ JOHN SLANSKY, CHIEF  
CAPITOL COMPLEX  
1445 HOT SPRINGS ROAD, NO. 104  
CARSON CITY, NEVADA 89710  
(702) 687-5040

### PRE-SENTENCE REPORT

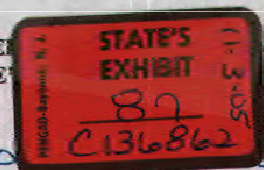
DEFENDANT: MARLOW DEMITRIUS THOMAS SOCIAL SECURITY NO.: 530-68-5216  
CRIMINAL CASE NO. 96794 DATE: NOVEMBER 20, 1990  
COURT: EIGHTH JUDICIAL DISTRICT DEPARTMENT: I  
COUNTY: CLARK  
JUDGE: THE HONORABLE J. CHARLES THOMPSON

#### OFFENSE/STATUTE/PENALTY:

ATTEMPT ROBBERY (F); NRS 193.330, 200.380: 1 to 7½ years in the Nevada Department of Prisons.

DATE OF OFFENSE: August 10, 1990  
INFORMATION DATE: October 23, 1990, Amended  
CONVICTED: October 23, 1990, By Guilty Plea  
DATE REFERRED: October 23, 1990  
SENTENCING DATE: November 29, 1990 at 9:00 a.m.  
CO-DEFENDANT: None  
CUSTODY STATUS: In Custody, Clark County Detention Center  
LEGAL RESIDENCE: 2712 Spear Street, North Las Vegas, Nevada 89030 (R)  
DEFENSE COUNSEL: Michael L. Gardner, Deputy Public Defender  
DISTRICT ATTORNEY: Drew R. Christensen, Deputy District Attorney

MARKED  
STATE



10-31-0

11-2014

8JDCEV530

AA6388

MTThomas 8JDCEV531

PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

PAGE 2

IDENTIFYING INFORMATION:

CII NUMBER: None listed POLICE JACKET #: LVMPD 1060797  
FBI NUMBER: None listed NEVADA SID #: None listed  
DATE ARRESTED: August 10, 1990  
ORIGINAL CHARGE: Robbery With Use of a Deadly Weapon (F)  
FINGERPRINT CLASSIFICATION: None listed

DOB: December 6, 1972 AGE: 17 (Certified Adult)  
ALSO USES: 11-6-72

POB: Las Vegas, Nevada

RACE and SEX: BMJ

HEIGHT/WEIGHT: 5'8"/185

HAIR/EYES: Black/Brown

SCARS, MARKS, TATTOOS: None

JAIL TIME: 111 DAYS 08-10-90 to 09-14-90 (CCJH) 35 days  
09-14-90 to 11-29-90 (CCDC) 76 days

ALIAS: Marlo Demitrius Thomas (True Name Verified)  
Mario Demetrius Thomas; Lamazio Thomas;  
Marlo Demitirius Thomas

PRIOR RECORD (The following is as interpreted by the Department  
of Parole and Probation)

Number of prior adult arrests 0

Number of prior convictions: Felony 0 Misdemeanor 0 Total 0

Number of adult probations 0 Completed 0 Failure 0 Current 0

Number of prior jail sentences 0

Number of prior prison sentences 0

Number of paroles 0 Completed 0 Failure 0 Current 0

8JDCEV531

AA6389

PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

PAGE 3

CRIMINAL HISTORY

Records of the Las Vegas Metropolitan Police Department, and the Clark County Juvenile Services reflect the following:

<u>Juvenile Arrest Date</u>	<u>Offense</u>	<u>Disposition</u>
3-28-84 (LVMPD)	Battery (Struck his teacher at Children's Behavioral Services)	Judicial Reprimand.
7-6-84 (NLVPD)	Robbery Amended to Battery (Hit another student)	1-2-85, formal probation. Treatment ended 1-23-86.
9-19-84 (LVMPD)	Battery	1-2-85, formal probation. Ended 1-23-86.
5-8-85 (LVMPD)	Disorderly Conduct	7-18-85, referred to probation.
8-9-85 (NLVPD)	Trespassing	1-23-86, referred to probation.
10-4-85 (LVMPD)	Battery (Four Counts)	Dismissed and referred to probation department. Wardship continued until 1-23-86.
6-4-87 (LVMPD)	Grand Larceny Auto	10-29-87, committed to Nevada Youth Training Center. Commitment ended 6-21-88. Previously had been committed to the Third Cottage Program between 9-2-87 and 10-29-87. Parole 5-25-89, treatment ended 2-13-90.
8-26-88 (LVMPD)	Battery	Guilty Plea, 10-5-88, committed to Nevada Youth Training Center.
10-25-89 (NLVPD)	Curfew Violation	Referred to Parole.
1-4-90 (LVMPD)	Robbery (F)	2-8-90, certified adult and committed to the CCDC. No further action taken.

PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

PAGE 4

<u>Juvenile Arrest Date</u>	<u>Offense</u>	<u>Disposition</u>
3-8-90 (LVMPD)	Possession of Stolen Vehicle (F) Reduced to Misdemeanor.	7-25-90, credit for time served.
8-10-90 (NLVPD)	1. Obstructing Public Officer (M) 2. Robbery With Use of a Deadly Weapon in Commission of a Crime (F) (Instant Offense)	1. Dismissed on 9-13-90. 2. 9-13-90, certified adult. Guilty Plea to Attempt Robbery (F). Sentencing set in Department I on 11-29-90.

In addition to above, the defendant has been arrested as a juvenile, but not convicted of the following charges between September 25, 1984 and the present: Vagrancy/Prowling, Evading Police Officer, Battery (7), Grand Larceny Auto, Grand Larceny, Domestic Violence.

North Las Vegas Municipal Court lists eight outstanding warrants regarding traffic matters including Driving Without a License, Operating Unregistered Vehicle, No Proof of Insurance, Violation of Restricted License, Failure to Stop Intersection, Basic Speed, Operating Unregistered Vehicle, No Proof of Insurance, Illegal Use of Nevada License Plates. Total bail \$2,552.

PROBATION ADJUSTMENT

The defendant was certified as an adult by the Juvenile Court because he had exhausted all resources available to him in that jurisdiction. In addition, he committed the instant offense while he was on parole from the Nevada Youth Training Center. He commenced his problems with the juvenile system in March of 1984 when he struck a teacher while at Miley Achievement Center at Children's Behavioral Services. On January 2, 1984, he was placed on formal probation for Battery and continued to be arrested for Battery, Disorderly Conduct and Trespassing. In September 1987, he was committed to the Third Cottage on a Grand Larceny charge. This order was modified and he was committed to the Nevada Youth Training Center because he was not amenable to their program due to his unwillingness to make a commitment to the program. He also exhibited hostile, threatening behavior towards staff and peers. After his release from the Nevada Youth Training Center on June 21, 1988, he was arrested for Grand Larceny, Grand Larceny Auto and Battery and re-committed to the Nevada Youth Training Center on Battery charges on October 5, 1988. He was released in May of 1989 and was arrested on October 25, 1989 and referred again to parole. On December 27, 1989, he was arrested for Battering his 9-year-old cousin and was released pending a plea hearing which was scheduled in February of 1990. However, he was arrested for Robbery on January 4, 1990 and was certified as an adult on February 8, 1990. After spending three weeks in the Clark County Detention Center he was released on his own recognizance and was again arrested for new charges of Possession of Stolen Vehicle. A bench warrant was served on May 25, 1990 with no further action taken.

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PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

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After that, he became involved with the instant offense. Attached to this report is a complete record from the Juvenile Court pursuant to the certification order.

PLEA BARGAINING

The defendant was charged in the Original Information with Robbery With Use of a Deadly Weapon, a felony. He was allowed to enter a plea of guilty to an Amended Information charging Attempt Robbery, a felony. The State has reserved the right to argue, but for no more than 5 years.

OFFENSE REPORT

Records of the North Las Vegas Police Department and the Clark County Juvenile Court Services reflect that the instant offense occurred substantially as follows:

The victim, a male in his 30's cashed his paycheck at Rudi's Bar in North Las Vegas, Nevada, and was walking toward his home and passed the 7-11 Store located at 2325 Las Vegas Boulevard North. Two suspects stopped him. One, a 14 year old, had a knife in his hand. Another, suspect, subsequently identified as the defendant, held the victim's hands behind his back, both suspects took \$475 in cash from the victim. The victim ran to the 7-11 Store and called the police. According to the victim, another older male was also involved in this robbery, but not located or charged.

As police were talking to the victim, Marlow Thomas started to walk past them. The victim stated that Thomas was the person who took his money. Thomas became evasive and tried to walk away. He was eventually apprehended by police officers and transported to Clark County Juvenile Hall.

The juvenile was also apprehended after investigation by police. It was determined that both the juvenile and Marlow Thomas, took the victim's money and divided it between themselves.

VICTIM INFORMATION

According to a contact with the victim, he was not injured and he does not wish to speak in Court. However, he would like to have restitution in the amount of \$475. He speaks very little English. Most of his comments, by telephone, were assisted by his employer. The defendant should be responsible for half, \$237.50.

DEFENDANT'S STATEMENT

The defendant was interviewed in the Clark County Detention Center on November 7, 1990. He provided the attached statement. During the interview, he stated that the victim tried to buy narcotics from him and his cousin. However, he readily admitted that he took the victim's money and he and his cousin divided the cash.

PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

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CO-OFFENDER'S STATEMENT

The co-offender is a juvenile. He pleaded guilty to Robbery on September 13, 1990 and was sentenced to the Nevada Youth Training Center.

SOCIAL HISTORY

The following social history is as related by the defendant and is unverified unless otherwise noted.

Family.

Marlow Demitrius Thomas was born in Las Vegas, Nevada, on November 6, 1972 (verified). He is one of four children belonging to Georgia Ann Thomas. His father, Bob Lewis, age 41, is incarcerated in the Nevada prison system. The defendant indicates that the charge was Murder With Use of a Weapon.

Mother: Georgia Ann Thomas, age 39, is employed by the Clark County School District and is a head custodian at Clark High School. She resides at 2712 Spear, North Las Vegas, Nevada (verified).

Siblings:

Larry Thomas, age 22, 2712 Spear, Las Vegas; porter.  
Darryll Thomas, age 21, 2712 Spear, Las Vegas; cook.  
P. J. Thomas, age 10, 2712 Spear, Las Vegas; student.

Homelife.

He reports a close relationship with his family.

According to the certification report, the defendant's mother, she indicated that her son was "spoiled rotten" and somewhat independent. Her degree of parental control has been fair. She relied on the defendant's older brothers to help her discipline him, but since they moved from the residence, he became more aggressive.

She did not believe that the defendant was involved in drugs, but believed that he would get into drugs if it provided with "quick money." She describes him as a child who grew up too quickly, is basically quiet and is loner or a follower. He continued to live the lifestyle of a teenager while remaining in his mother's home but he has become more dangerous. A telephone interview on November 15, 1990 with Ms. Thomas indicated that much of the above report was exaggerated by juvenile authorities. She wants her son to come home, get a job and help her with the household expenses.

Marital: None.

Military: None.

Health: Nonproblematic.

PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

Alcohol: No use reported.

Narcotics: No use reported.

Education.

He completed the eleventh grade at Rancho High School in Las Vegas, Nevada (verified).

Residence:

1985 to Present: 2712 Spear Street, North Las Vegas, Nevada.

He has lived in North Las Vegas most of his life (verified).

ECONOMIC STATUS

Employment.

While in high school, he worked at McDonald's Restaurant on Losee Road in Las Vegas, Nevada, for undetermined amount of time. He indicates that his brother may have a job for him at Bally's Grand where he works as a porter.

Otherwise, his employment program has been very sporadic.

PLACEMENT PROGRAM

His future plans include returning to his mother's home and looking for a job.

EVALUATION

Before the Court for rendition of sentence is the defendant, Marlow Demitrius Thomas, who has entered a plea of guilty to the felony charge of Attempt Robbery.

Relative to this instant offense, the defendant and his 14-year-old cousin held a knife on a man and robbed him of \$475. They had followed the victim from the place where he had cashed his paycheck. The victim indicates an older male was involved.

The defendant's previous criminal history is all juvenile. He has been detained on seven previous occasions and has received extensive services from the probation department at the juvenile level commencing in March of 1984 until the present time. He was treated at Children's Behavioral Services, the Juvenile Court Home Management Program, formal probation and was committed twice to the Nevada Youth Training Center. He was denied a third commitment to the Third Cottage because of his aggressiveness towards staff and other youths in the program. He was viewed as a youth, but also a loner and a follower rather than an active member.

MTThomas 8JDCEV537

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PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
CRIMINAL CASE NO. 96794

His mother and family feel that he can be encouraged to be a law-abiding member of society. They have seen a change in attitude in the defendant since his incarceration with adults. Previously, he did not take his punishment seriously because he was in the realm of the juvenile court system. Presently, they feel that he is afraid of being incarcerated with adult men, who are larger and more powerful. He is learning that he cannot use his physical power to get what he wants.

However, he has displayed past violent behaviors and his offenses have escalated to the instant offense. He has exhausted every resource available to him as a juvenile which has not apparently motivated him to change his behavior. It is felt that the community is at risk if the defendant is not incarcerated. Therefore, the following recommendation is respectfully submitted for the Court's consideration.

*Barbara Lloyd for*  
Norma J. Price, Officer  
Department of Parole and Probation  
District IV, Las Vegas, Nevada

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MTThomas 8JDCEV538

PRE-SENTENCE REPORT  
MARLOW DEMITRIUS THOMAS  
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RECOMMENDATION

In addition to the \$20 administrative assessment, it is recommended by the Department of Parole and Probation that the defendant, MARLOW DEMITRIUS THOMAS, be sentenced to a term of three (3) years in the Nevada Department of Prisons, and ordered to pay restitution in the amount of \$237.50.

Respectfully submitted,

JOHN SLANSKY, CHIEF

By Barbara Lloyd for  
Norma J. Price, Officer  
Department of Parole and Probation  
District IV, Las Vegas, Nevada

APPROVED:

Amy Wright  
Amy Wright, Supervisor  
Court Services Unit I

NJP:mg

8JDCEV538

AA6396

D A

DEFENDANT'S STATEMENT

Write your own version of the circumstances of the offense, why you committed the crime, your feelings about your present situation and the reasons you should be granted probation, if law permits, for this offense.

I was Helping my COUSIN out when I committed the crime.

I Should be Granted Probation Because I am a nice person and about to turn 18 soon. And my adult life and I want to start it off doing things that are good for me. And for my family I don't want to start my adult life behind bars. I know what I did was wrong but I don't think you should hold that against me because I was there and I have a job waiting for me at Bally's if I get out and I want to do for my community now.

DATE Oct 30

SIGNATURE

Mardo Thomas

(055-10)

He came up and tried to buy drugs from us but we didn't have any

EXHIBIT 162

EXHIBIT 162

8JDCEV477

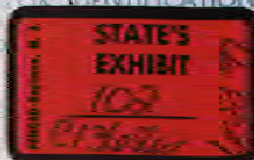
DISTRICT OFFICES

1301 CORDONE AVENUE  
RENO, NEVADA 89502  
(702) 688-1000

A. A. CAMPOS BUILDING  
215 E. BONANZA ROAD  
LAS VEGAS, NEVADA 89158  
(702) 486-3001

3920 E. IDAHO STREET  
ELKO, NEVADA 89801  
(702) 738-4088

119 E. LONG STREET  
CARSON CITY, NEVADA 89710  
(702) 687-5045



STATE OF NEVADA

BOB MILLER  
GOVERNOR

JAMES P. WELLER  
DIRECTOR

DEPARTMENT OF  
MOTOR VEHICLES AND PUBLIC SAFETY  
DIVISION OF PAROLE AND PROBATION

RICHARD E. WYETT, CHIEF  
CAPITOL COMPLEX  
1445 HOT SPRINGS ROAD, NO. 104  
CARSON CITY, NEVADA 89710  
(702) 687-5040

NAME: MARLO THOMAS  
AKA MARLOW DEMITRIUS THOMAS

DATE: MAY 20, 1996

SS#: 530-68-5216

R/NR: R

CC#: C134709

SENTENCE DATE: 6-7-96

THE HON: LEE A. GATES

OFSE DATE: ON OR ABOUT  
3-5-96

J/DIS: 8TH DEPT: VIII COUNTY: CLARK

ARREST DATE: 3-5-96

COUNSEL: CURTIS S. BROWN, DPD

INFORMATION DATE: 4-5-96,  
AMENDED

DIST ATTY: PEGGY A. LEEN, DDA

CONVICTED: 4-5-96, BY  
GUILTY PLEA

CO-DEF: NONE

OFFENSE/NRS: BATTERY WITH SUBSTANTIAL BODILY HARM (CATEGORY C FELONY); NRS  
200.481: By imprisonment in the Nevada Department of Prisons for not less  
than 1 year nor more than 5 years, and may be further punished by a fine  
of not more than \$10,000.

PLEA NEGO: The State has agreed to retain the right to argue facts and  
circumstances at time of sentencing and the defendant agrees to pay  
restitution.

ADD: 2505 Raymond St., North Las Vegas,  
Nevada 89030

FBI#: None Listed

DOB: 12-6-72 (ALSO USES: AGE: 23  
11-6-72)

SID#: NV02055716

LVMPD#: 1060797

POB: Las Vegas, Nevada

RACE/SEX: BMA

HT/WT: 5'8"/185

HAIR/EYES: Black/Brown

ALIEN: N/A

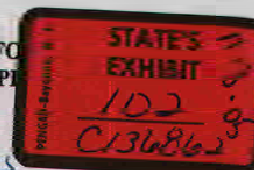
TATTOOS/SCARS: None

ILLEGAL: N/A

REG#: N/A

THIS REPORT NOT TO BE USED FOR PURPOSES OF  
RELEASE WITHOUT THE WRITTEN CONSENT OF  
BY OF NV. DEPT. OF PAROLE AND PROBATION  
RELEASED TO: \_\_\_\_\_

MARKED FOR  
STATE'S PR



10-31-05

(0)-2018

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AA6399

North Las Vegas Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Marlo Thomas

90-8863

stay here with you and make sure you give it to him when he comes back". I thought he was coming, something told me he wanted to come back, I said there's two reasons. I said for one I thought he weren't coming back then the second reason I said if he did he had UNINTELLIGIBLE.

Q: So if he'd asked he could have had the money?

A: Yeah.

Q: You were waiting for him to ask?

A: Yeah.

Q: You felt it was just free money cause it was on the sidewalk type thing?

A: Yep, and he didn't, he didn't ask he wasn't going to get it you know, even though I though I thought he was drunk. That's why he wasn't going to get it you know. But if he'd have asked I'd have given him his money but now he just took off running and went and contact, called the police.

Q: Did you ever have any physical contact with him at any time?

A: I didn't touch him.

Q: And you had no weapon on you?

A: No way, no way. I admit it on that on really it was money.

Q: Is there anything else you can add to this that I have not asked?

A: No, that was it.

Q: Ok this concludes the interview. It's approx. 12:12 P.M.  
CLL

MARLO Thomas

EXHIBIT 152

EXHIBIT 152

### **Declaration of Julia Ann Williams**

I, Julia Ann Williams, hereby declare as follows:

1. I am fifty-seven years old. I currently reside in Clark County, Nevada. I am the sister-in-law of Georgia Thomas, Marlo Thomas's mother. I am married to her younger brother, Tony. After Tony and I married, I kept my maiden name because I didn't want to be associated with the Thomas family.
2. I became familiar with the Thomas family when Tony and I were dating. I was working for social services and putting myself through college. Georgia and her sisters often appeared at my job, asking me for money. At work, I came across the file of Shirley Nash. The file revealed that Shirley did not want to identify the father of her child because it was her dad's baby.
3. I learned that there was much incest in the Thomas family. I attended a family function where Emma—Tony and Georgia's second oldest sister—was present with her boyfriend, Patrick Smith. Sometime later, Emma's daughter, Barbara, dated Patrick and then married him. Barbara and Patrick had children.
4. I learned that Eliza—Tony and Georgia's youngest sister—had a daughter, Erica Edwards, who was molested by a cousin, Johnny Hudson. Johnny is known to have molested both girls and boys in the family.
5. I once allowed my son, Mario, to attend a Thomas family July Fourth cookout with his dad. When I arrived to pick Mario up a few hours later, I noticed he came to the car wearing a different set of clothing. I asked him what had



happened and he told me some of his male cousins had wanted to look at his private parts. Mario refused and started running from them. As he ran, they grabbed at him, snatching his clothes off. I am not sure where the new set of clothes came from. I told my husband he needed to tell his family to get help for the children. I wouldn't doubt Marlo had been molested along with the other cousins in the family.

6. Shirley Nash's son, John, molested their neighbor's child when he was asked to babysit. The neighbor told Shirley she wouldn't press charges if she got counseling help for John. Shirley refused to get help and said she couldn't help who her son liked. The neighbor pressed charges and John spent one year in a detention center.
7. Tony and I went to Louisiana to visit family. While there, I discovered that yet another uncle—brother to Tony's father, TJ, and his twin JT—molested a family member of a friend I was visiting! It is said that Tony's dad, TJ, and his second wife, Shirley Beatrice, were cousins. I heard that after TJ came to Las Vegas, he periodically returned to Tallulah and impregnated his first wife, Jesse. He then brought the child back with him to Las Vegas. Tony's siblings, Michael and Eliza, were conceived this way.
8. When Tony and I resided at 2740 Salt Lake Street, Marlo came to live with us. Georgia and her family lived about five streets away. The few times I went to Georgia's home, it was messy. Georgia was a hard worker but Marlo was



starving for attention. Georgia was more interested in men than anything else in her life. I never met Marlo's father.

9. Marlo was a joy to have in our home. There were house rules in place and we had no problems with him. We all ate as a family and Marlo attended many different events with us. Marlo's schooling was not interrupted when he moved in; he was bused to the same behavioral school on a short bus each day. Marlo's behavior changed for the better in our home, but suddenly Georgia wanted him back. There were no custody papers in place so we had no choice but to let him go.
10. Cassie Ragsdale is the first person from Marlo's defense team to ever contact me. If I had been asked to testify at Marlo's original trial in 1997, or his resentencing in 2005, I would have agreed and told the jurors the things in this declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July <sup>28<sup>th</sup></sup> 2017.

  
Julia Ann Williams

EXHIBIT 153

EXHIBIT 153

### Declaration of Tony Thomas, Jr.

I, Tony Thomas, Jr., hereby declare as follows:

1. I am fifty-seven years old. I currently reside in Clark County, Nevada. I am the youngest brother of Georgia Thomas, Marlo Thomas's mother. I am the twelfth of thirteen children. My family call me TJ.
2. Georgia and Marlo's father, Bobby Lewis, had a good relationship for a while. Several times Bobby got mad, left, and drank with his friends but he always went back home. The last time, Bobby left for weeks before returning to get his clothes and tell Georgia he wasn't coming back. Georgia depended on Bobby's income contributing to the household. She was overwhelmed and went into a shell after Bobby left. It tore Georgia apart.
3. Marlo's living conditions at home weren't the best. Georgia was a single parent trying to raise three boys, and later a fourth. She was incapable of taking care of them. Georgia worked for the Clark County School District but it didn't pay much. Georgia moved around a lot, trying to get away from gang infested neighborhoods. Whenever she moved somewhere decent, she couldn't afford the rent and returned to the Gerson Park area. There was never much food in the home and I often took groceries to her. The home was always dirty. Roaches crawled on the wall, in the dirty dishes that were piled high, and across the floor. Clothes were thrown around the house and leftover food was on the floor.
4. When Larry, Darrell, and Marlo did something wrong or made Georgia mad, she whipped them with a belt. If she couldn't get to a belt, she punched them.

Georgia punched them in the shoulder, back, chest, or stomach. It was nothing to see Georgia punch her boys at a family fish fry. The way Georgia disciplined her boys is the same way our father disciplined us. Growing up, when my siblings and I did something wrong, our dad took his hand and hit us. If he had a belt, he grabbed us by the hand or arm and whipped us from the waist down until he was tired. If Georgia had a belt, she really put it on the boys, just like our dad.

5. When Marlo was around thirteen, he came to live with me, my wife Ann, and our son Mario. Marlo had been acting out and not listening to Georgia. She called me to the house to straighten him out. When I arrived, both had their fists balled up and were yelling and screaming at each other. Georgia began to cry and told me to "take him," that she just wanted Marlo out of her house. I called Ann and told her we needed to get Marlo away from the situation. Marlo stayed with my family for approximately two years.
6. Later that first evening, Georgia called and asked me to keep Marlo and not bring him home. I talked it over with Ann and she agreed. Ann's nephew, Antonio, was also living with us at that time. Like Marlo, Antonio had been getting into trouble and was sent to us for mentoring. At bedtime, I went into the room Antonio and Marlo shared and told Marlo that Georgia had asked us to keep him. Marlo started to cry and asked, "My momma don't want me?" I explained Georgia wanted him but at the moment things were tough on her. I told him he was able to see her anytime he wanted.

7. The first day, Marlo mainly stayed to himself in the living room. As the family sat down to eat dinner, Marlo sat away from us until he was told to come join. Marlo thought he had to wait and get his food last. Once Marlo got a plate of food and ate, he sat and stared at the remaining food until I told him it was ok to get more if he wanted. When I got up around 2:30 the next morning for work, I found Marlo tiptoeing to the refrigerator as if trying to take food. He apologized but I assured him if he wanted something, ask for it, and if he got hungry during the night to turn the light on, go to the kitchen, and get what he wanted.
8. Marlo arrived at our home in filthy clothes, which smelled of urine and body odor. Ann told Marlo she was going to buy him some new clothes and shoes. He responded, "Yeah, right. Y'all ain't going to buy me nothing." The following day, Ann came in with a pair of shoes for Marlo. He thanked her and cried like a baby.
9. The routine at our house was for Ann to drop the boys off at school on her way to work and I picked them up, fed them and started their homework. Sometimes Marlo rode the bus. By the time Ann returned home, the homework was completed and the boys and I were outside playing or watching TV. Marlo was five years older than Mario and Antonio was one year older than Marlo. They were like close brothers. Antonio helped Marlo with his homework and watched out for him at school. When Antonio left our home to return to his mother, Marlo cried like a baby.

10. When Marlo joined our home, we were living in a very nice neighborhood in North Las Vegas (2740 Salt Lake Street). The boys became members of the North Las Vegas Rec Center. It was a positive, controlled environment for them. In the summer, they went on field trips. We introduced Marlo to many new things, including fishing and trips to Disney Land, Magic Mountain, Mount Charleston, Lake Mead Park, Tulle Springs, and Knox Berry Farm. Georgia wasn't able to take Marlo to places like that.
11. Marlo's speech was very slow, almost as if he stuttered. It was difficult for him to put two words together. Marlo was scared to talk to his teachers because of his speech. He believed they were making fun of him. His speech began to improve in his new environment with us.
12. Marlo's writing showed something was delayed about him. The things he wrote didn't go together as a sentence. Ann and I worked closely with Marlo when he didn't understand his school work. My sister-in-law, Linda, was a special education teacher. She lived next door and came to help Marlo on four or five occasions.
13. Marlo had an Individualized Education Program. I was never Marlo's legal guardian so only Georgia authorized things in Marlo's IEP meetings. She wasn't very smart and didn't understand a lot of things. She usually took Darrell or one of her sisters with her to Marlo's school district meetings.
14. Leaving a single parent home going to a two parent home made a big difference in Marlo's life. Ann and I paid more attention to him. Georgia, Larry, and

Darrell yelled at Marlo a lot. We talked to him in an age appropriate way, we didn't scream at him like he was a two year old. Georgia whipped Marlo but I disciplined him by speaking. Marlo and I had many father/son moments. After watching a UCLA football game, Marlo shared his aspiration to become a running back in the NFL after completing school and attending college at UCLA. Marlo was a very good football player.

15. Georgia, Larry, and Darrel noticed a big difference in Marlo after he moved in with me. He was much more respectful and answered her with "yes momma" and "yes ma'am." Marlo was making good progress but once Georgia saw it, she wanted her son back. I thought she was taking him back too soon.
16. When Georgia took Marlo, he cried worse than ever. The first night, Georgia repeatedly had to stop Marlo from leaving the house, trying to come back to me. The next day, I visited and told Marlo he had to stay there because his mom wanted him home. Marlo was allowed to call me anytime and, with Georgia's permission, I brought Marlo to my house from Friday to Sunday for around six weeks. I asked Georgia to allow Marlo to return full time so I could get him through high school but she said no, because she needed somebody at home with her.
17. The difference between my home and Georgia's was that of a controlled environment. I am the only one of my siblings who graduated and earned a college degree, because my brother Larry looked out for me and pushed me to excel. Larry and Darrell didn't help Marlo do anything. I believe a positive

father figure would have made a difference in Marlo's life. I tried to be that father figure for Marlo but Georgia took him back too soon.

18. I was less than twelve months old when my father brought me and my siblings to Las Vegas. My dad's twin brother came to Las Vegas first, looking for work, and returned to Louisiana to bring everybody back.
19. My dad married my stepmother, Shirley Beatrice, while still married to our mother. My father had more children with Shirley Beatrice. Shirley Beatrice treated the two sets of children differently, favoring her own. Georgia told our dad how unfairly Shirley Beatrice treated us and threatened to leave home. Dad grabbed her and responded he would help her leave. He packed two bags for Georgia, cussed her out, and slapped her across the face before taking her to the bus station. Georgia was pregnant with Larry when she left.
20. Eventually, Shirley Beatrice left my father. She packed her things and her children and moved out while dad had gone fishing. Dad was mad and blamed me and my siblings for her leaving. Shirley Beatrice called two weeks later and said she was in Kansas City. Not long after, my dad packed up and followed her out there.
21. After our father died, all of my siblings became very close. About five years ago, when Georgia was sick, I went to visit her in the critical care facility. She asked me to promise to look after her boys after she died and not to hate our dad for the things he did. Georgia then confessed to me that our dad had been messing with her. I asked what she meant by messing and Georgia said he had been



sleeping with her, Linda, and Shirley. Georgia told me she thought he also messed with Eliza when she was in Kansas City. I remembered we received a call that Eliza was in the hospital because some guy had raped her and she lost the baby. Larry and I were angry and wanted to go to Kansas City but our dad wouldn't let us. Georgia now told me nobody messed with Eliza, it was our dad.

22. Cassie Ragsdale is the first person from Marlo's defense team to ever contact me. If I had been asked to testify at Marlo's original trial in 1997, or his resentencing in 2005, I would have agreed and told the jurors the things in this declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 25, 2017.

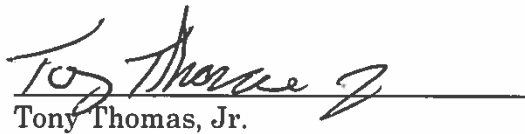
  
Tony Thomas, Jr.

EXHIBIT 154

EXHIBIT 154

### Declaration of Rebecca Thomas

I, Rebecca Thomas, hereby declare as follows:

1. I am sixty-five years old. I currently reside in Clark County, Nevada. I am Marlo Thomas's maternal aunt. His mother, Georgia, is my older sister.
2. I was born in Tallulah, Louisiana. My parents were TJ and Jesse Thomas. I was told by family members that our mother left us and moved out of the home. My father left shortly afterwards and moved to Las Vegas. When I was eight years old, my father returned with his girlfriend, Shirley Beatrice, and took me and my siblings to Las Vegas. After I was taken from Tallulah, the first time I saw my mother was when she came to Las Vegas for a visit. The next time I saw my mother was when I attended her funeral.
3. We lived with my father at the Aloha Mobile Home Park in West Las Vegas between West Carey Avenue and West Owens Avenue. I was around fourteen years old and in junior high school the first time my father molested me. My father was also physically abusive to me and my siblings. He whipped us with belts and switches. His whippings were really beat downs, designed to hurt us and leave bruises. I would never whip a child the way he whipped us. The whippings seemed normal to me because I never knew anything else. The sexual abuse never seemed normal.
4. After high school, I became pregnant with my only son, Christopher. I worked with Georgia and our sister Jonnie at Western Linen Services and Arrowhead

Linen. Georgia and I were close but we didn't see each other often. I really didn't see her kids that much. After Marlo's last incarceration, Georgia lived with me for about a year.

5. I remember a black man coming to talk to me about Marlo's case. He was part of Marlo's defense team; I assume he was an investigator. He asked about the relationship between Marlo and my son growing up, but I told him they played together but didn't hang out as they got older. Georgia and I lived in different areas and our children didn't hang out. If someone had asked me the same questions John Carter and Cassie Ragsdale asked me, I would have told them the things in this declaration. If I had been asked to testify at Marlo's original trial in 1997, or his resentencing in 2005, I would have agreed and told the jurors the things in this declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 21, 2017.

  
Rebecca Thomas

EXHIBIT 155

EXHIBIT 155

### Declaration of Paul Hardwick, Jr.

I, Paul Hardwick, Jr., hereby declare as follows:

1. I am thirty-seven years old. I currently reside in Clark County, Nevada. I am Marlo Thomas's younger brother. My family calls me PJ.
2. Growing up my mom worked a lot. We really didn't go out and do things as a family. After Larry and Darrell moved out, Marlo watched me, or I had babysitters. I have fond memories of Marlo picking me up from school on his bike and riding me home on the handlebars. Marlo was my protector.
3. Marlo seemed slower than the average child and had some disabilities. He is the only one of my siblings who didn't finish high school.
4. Mom did the best she could but many times there was no food in the house. We ate whatever was available, like syrup sandwiches, mayo sandwiches, and ketchup sandwiches.
5. My mom beat the mess out of Marlo. She beat him with anything: extension cords, wooden kitchen spoons, pots, pans, and iron skillet. I saw her throw fold up kitchen chairs at him. She didn't throw the chairs to get Marlo's attention, she was trying to make contact and hurt him. Wherever the chair landed is where Marlo was hit. I saw bruises and marks on Marlo's body after these beatings. There were welts on his back from being beaten with an extension cord. Marlo never hit back. Instead, he ran<sup>α</sup> way but he always came home. Marlo got beatings because he did something at school, didn't do what

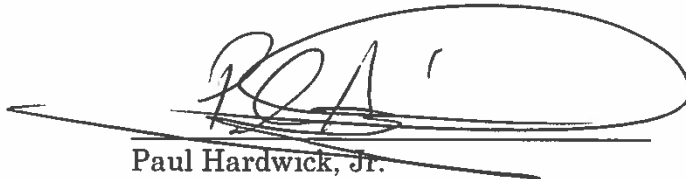
mom told him, or for any old thing. Marlo was beaten at least three times per week. It made him bitter and hard. He told me he hated our mother.

6. Darrell was getting older but mom still beat the breaks off him too. She hit Darrell with anything and everything. She hit him with a remote control, her hand, and her fist. I was never sure why she was beating Darrell. Darrell also told me a lot of stories about beatings he got from our mom when he was younger. Mom's beatings were excessive and that was the way it was.
7. I didn't get as many whippings as my brothers. I watched what was happening to them and quickly learned not to do anything to set our mother off. I also think I got a pass because I was the youngest and I wasn't Bobby Lewis's son. Mom hated Bobby and because she hated him she took it out on Darrell and Marlo. It got worse for Marlo once Darrell was out of the house.
8. Mom hated Bobby with a passion, she couldn't stand him. She told me he was very abusive and beat her all the time. Bobby did the same thing to her that she did to Marlo, he hit her with anything. He choked her and beat her like a man with his fist. Sometimes she was beaten so bad, she couldn't go to work.
9. Mom told me one night she arrived home from work later than usual and Bobby swore up and down she had been with another man. Mom sarcastically said something like "yeah, yeah, I'm going to tell you the truth since you keep saying it." That night, Bobby beat her real bad. He was beating her and the next thing she remembered was waking up in bed not knowing how she got there. Mom

told me she was glad Bobby was locked up because if not, she would have probably killed him.

10. Mom and I also talked about her dad. She told me he was just mean, mean, mean. He beat her and was verbally abusive to her.
11. Mom never told us "I love you" but she showed love in her own way. I believe the way she was probably came from how she was treated growing up.
12. I was not contacted by Marlo's attorneys for his original trial in 1997, but I testified for the defense at Marlo's resentencing in 2005. I answered all the questions they asked me. If Marlo's attorneys had asked, I would have told the jurors the things in this declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 17, 2017.



Paul Hardwick, Jr.



EXHIBIT 156

EXHIBIT 156



EXHIBIT 157

EXHIBIT 157

## Declaration of Walter Mackey<sup>ie</sup>

I, Walter Mackey<sup>ie</sup>, hereby declare as follows:

1. I am 77 years old. I currently reside in Maricopa County, Arizona. I am a retired teacher with the Clark County School District. I was a special education teacher at Miley Achievement Center when Marlo Thomas was a student.
2. Miley's classrooms were located in the mental health center near West Charleston Boulevard and Jones. The program fell under the Children's Health Unit within the Clark County School District. The Miley program accepted children with severe behavioral issues. I was certified to work with emotionally handicapped children.
3. The goal at Miley was to introduce children to a degree of control they weren't receiving at home. In my experience, although children do not always enjoy living in a structured environment, they typically thrive when controls are set in place. At Miley, children usually started off in the more restrictive classrooms. As they showed progress, they moved to the less restrictive classrooms. The end goal was to return the child back to the regular school system. Each student had his or her own specific program to follow.
4. The staff greeted students at the bus each day and reminded students of their expectations. They also had the students empty their pockets in order to

prevent the transfer of contraband. I had a female assistant who made sure the young women in the program dressed appropriately.

5. Once in the classroom, the staff went over each student's individualized program. Regardless of the child's age, they were taught at their level of comprehension. My supervisor, Patrick Mahony, had a very simple rule: no child goes home until all classwork and programs are finished. Patrick ran a very tight ship and didn't let anything slide. He pointed out every single thing a student didn't do. There were a couple of times when we actually had to take the kids home because they missed the bus.
6. Although Miley followed Clark County's basic curriculum, the program's main focus was behavior. The students' progress throughout the day was tracked via a point card system. Students were awarded points for good behavior, such as staying on task and good manners. Rewards consisted of more recreational activities or time to pursue other self-interests. Point cards were collected and evaluated at the end of each day. If it was discovered that a child did not reach the appropriate point level for the day, they were given a writing assignment. In the assignment, the child had to identify components of their negative behavior and come up with possible corrective actions.
7. I have reviewed a document numbered SPD04536, which is an October 29, 1985, juvenile court petition concerning an incident on October 2, 1985, where

Marlo apparently struck me. I remember the incident in question but I don't think the report is right because I don't remember him hitting me.

8. The whole incident started because Marlo was placed in timeout. I don't remember exactly what caused him to be placed in timeout but I remember escorting him to the designated timeout area. Each classroom had an isolation/timeout room attached. There was a security camera located inside the timeout room that fed into a monitor on the teacher's desk.
9. When a child was in timeout, they had to stand up straight, hands crossed behind their back, with their face directly towards the wall. Timeout typically lasted for only two minutes, and it was really designed to give the kids some space to discuss their issues. Normally, once a child displayed proper behavior and was able to identify their own wrong behavior, they were released from the timeout room.
10. On the day of the incident, as the rest of the children were getting ready to head to the lunch room, I realized I had left something on my desk. I left the timeout room door open when I went back to retrieve the item. Marlo bolted from the timeout room and ran in the direction of the children lined up for lunch. While trying to escape, he made contact with multiple children in the line. It was at that time, he hit a young girl in the stomach. The staff were eventually able to catch up to Marlo and subdue him. He was found in a nearby church.

11. Christopher Milan is the first person from Marlo's defense team to ever contact me. If I had been asked to testify at Marlo's original trial in 1997, or his resentencing in 2005, I would have agreed and told the jurors the things in this declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Maricopa County,

Arizona, on June 13, 2017.


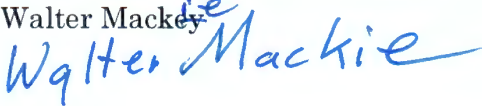
  
\_\_\_\_\_  
Walter Mackie  


EXHIBIT 158

EXHIBIT 158



### Declaration of Katrina Davidson

I, Katrina Davidson, hereby declare as follows:

1. I am a paralegal in the Capital Habeas Unit of the Federal Public Defender's Office, District of Nevada.
2. At the request of Assistant Federal Public Defender Joanne Diamond, I have reviewed the questionnaires for the seated jurors and alternates for Marlo Thomas's 2005 penalty-phase retrial.
3. Juror Christina Shaverdian was the youngest of the jurors and alternates. At the time of jury selection, she was twenty-one years old.

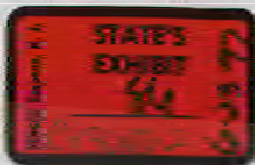
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on July 18, 2017.

  
\_\_\_\_\_  
Katrina Davidson

EXHIBIT 159

EXHIBIT 159

Thomas 8JDCEV540



DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA

FILED  
SEP 17 1990  
CLERK

In the Matter of: )  
MARLO DEMETRIUS THOMAS, )  
Date of Birth: November 6, 1972, )  
A Person under 18 Years of Age. ) CASE NO. J29999  
DEPT. NO. XV

CERTIFICATION ORDER

The above-entitled matter having come on for hearing in the above-entitled Court to determine whether the subject minor, Marlo Demetrius Thomas, should be certified to be tried as an adult under the provisions of N.R.S. 62.080; and

The Court being duly advised that the subject minor, Marlo Demetrius Thomas, of this Petition is seventeen years of age, having been born on the 6th day of November, 1972; and

The Court being fully advised that the subject of this Petition is charged with the Offenses of Robbery with use of a Deadly Weapon, a felony under N.R.S. 200.380 and N.R.S. 193.165, if committed by an adult; said Offense having allegedly been committed on the 10th day of August, 1990; and

The Court having heard testimony in Open Court and being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED that Marlo Demetrius Thomas be and hereby is Certified to the Eighth Judicial District Court of the State of Nevada in and for the County of Clark for proper criminal proceedings as an adult for the following reasons:

MARKED  
STATE'S



8JDCEV540

AA6338

CASE NO. J29999

1. Nature and seriousness of the charged offense(s).

The Offenses alleged in Petition #24 would be a felony if committed by an adult.

The Police Report indicates the victim cashed his paycheck at Rudy's Bar and was walking home when he was accosted by the subject minor and another juvenile, known as Sherman Nash, who threatened the victim with a knife, held his hands behind his back and robbed him of \$475.00.

When the victim returned to the scene of the crime with a Police Officer, he observed the subject minor walking past the area and positively identified him as the subject who had robbed him.

When the Officer attempted to question Marlo, he became evasive and attempted to flee the scene. He was apprehended and booked accordingly.

2. Persistency and seriousness of past adjudications or admitted criminal offense(s). Please see Exhibit "B".

Marlo first came to the attention of the Court March 28, 1984 on a Battery Offense, for which he received a Judicial Reprimand. The Offense involved Marlo hitting a teacher while at the Miley Achievement Center at Children's Behavioral Services. On July 6, 1984, Marlo was booked for Robbery, which was later amended to Battery. While in the Court process, Marlo was booked in 1984 on another Battery Offense. This Offense also involved an incident at the Miley Achievement Center, wherein Marlo hit another student.

...

CASE NO. J29999

On January 2, 1985, Marlo was placed on Formal Probation for Battery. While on Probation, Marlo was booked for Disorderly Conduct May 8, 1985. Court Wardship was continued, and on January 23, 1986, Wardship was terminated.

On September 2, 1987, Marlo was committed to the Third Cottage on a Grand Larceny Charge, which occurred June 6, 1987. On October 29, 1987, the Court Order committing him to the Third Cottage was modified and the subject minor was committed to the Nevada Youth Training Center. It was believed by the Third Cottage staff that Marlo was not amenable to their program, due to his unwillingness to make a commitment to the program and his hostile, threatening behavior towards staff and peers.

Marlo remained incarcerated at the Nevada Youth Training Center through June 21, 1988. On August 26, 1988, he was arrested for Grand Larceny, Grand Larceny Auto and Battery. He was recommitted to the Nevada Youth Training Center on the Battery Charges October 5, 1988.

Marlo was released from the Nevada Youth Training Center on Parole May 25, 1989. However, on January 4, 1990, Marlo was arrested for Robbery. He was certified to adult status February 8, 1990.

One month later, Marlo was arrested for Possession of Stolen Vehicle. He appeared at a Dispositional Hearing July 25, 1990 and was granted credit for time served in the Juvenile Detention facility.

...  
...

1 CASE NO. J29999

2 3. Subjective factors.

3 Marlo is a seventeen-year-old youth who has been involved  
4 with the Juvenile Court system since March 28, 1984, a period of  
5 six years and five months. Marlo's first referral to the  
6 Juvenile Court was a result of being charged with Battery for  
7 hitting a teacher at the Miley Achievement Center at Children's  
8 Behavioral Services. Since the initial referral, Marlo has had  
9 thirteen arrests for Battery.

10 Marlo has also had two other arrests which demonstrate his  
11 explosive nature and inability to solve issues without resorting  
12 to violence and aggressive acting-out. There was also an  
13 incident at the Nevada Youth Training Center where he fought  
14 with a staff person, causing that person to be hospitalized.

15 When placed on Parole, the first five months were  
16 uneventful. According to his Parole Officer, Marlo secured a  
17 job at McDonald's and worked for several months. He also  
18 followed the conditions of his Parole Agreement and reported as  
19 required. Marlo was arrested for Curfew on October 25, 1989.

20 Mrs. Thomas reports her relationship with Marlo is very good  
21 and Marlo is "spoiled rotten and somewhat independent." She  
22 rates her degree of parental control as fair. Mrs. Thomas  
23 states since Marlo's older brother is no longer living in the  
24 home, Marlo believes he is able to "do his dirt."

25 Mrs. Thomas is not married to Marlo's biological father,  
26 Bobby Lewis, who has been incarcerated in the Nevada prison  
27 system for the past ten years on a Charge of Use of a Deadly  
28 Weapon.

CASE NO. J29999

Mrs. Thomas states there has been no indication or suspicion Marlo has been involved in drugs, but she does believe he will get into drugs if he thinks he can make a "quick buck." She describes Marlo as a child who grew up too fast, who is basically quiet, a loner or a follower.

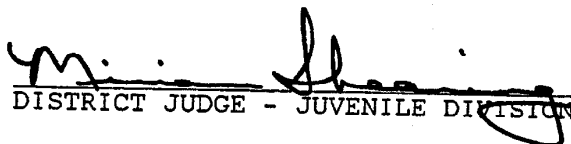
While Marlo continues to live the lifestyle of a teenager by remaining in his mother's home, his associations and misdeeds have gravitated from lesser to more heinous crimes.

The Director of Juvenile Court Services of Clark County is charged with the execution of this Order.

This matter is continued to the 20<sup>th</sup> day of September 1990, for the purpose of arraignment in Justice Court and Bail is set in the sum of \$6,000.00 cash or \$6,000.00 property.

Marlo Demetrius Thomas is hereby remanded to the custody of the Sheriff until such time as Bail is posted.

Dated this 13<sup>th</sup> day of September, 1990.

  
DISTRICT JUDGE - JUVENILE DIVISION

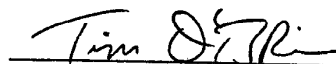
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CASE NO. J29999

Receipt of copy of the foregoing Adult Certification Order  
is hereby acknowledged this 14<sup>th</sup> day of September,  
1990, by the Las Vegas Metropolitan Police Department and the  
Clark County District Attorney's Office.

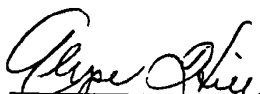
  
LAS VEGAS METROPOLITAN POLICE DEPARTMENT

9-14-90  
DATE

  
DISTRICT ATTORNEY'S OFFICE

9-14-90  
DATE

Submitted by: '

  
ALYSE HILL  
Deputy Probation Officer  
3401 East Bonanza Road  
Las Vegas, Nevada 89101

DATE: September 14, 1990



MTThomas 8JDCEV546

- FILED IN OPEN COURT -

SEP 13 1990

LORETTA BROWN, CLERK

DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA

By *Lore B. Yorkland* Deputy

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In the Matter Of: )  
)  
MARLO DEMITRIUS THOMAS )  
)  
Date Of Birth: 11/6/72 )  
)  
A Minor 17 Years Of Age. )

Case No. J29999  
Dept. No. XV.

TRANSPORTATION ORDER

This matter having come before this Court on the 13<sup>th</sup> day of September, 1990, the subject minor being present in Court and represented by Counsel, the State being represented by Rex Bell, District Attorney, by and through his Deputy District Attorney at Juvenile Court, after having a Certification Hearing and full investigation, this Court finds cause to certify the subject minor to adult status;

IT IS THEREFORE ORDERED that the above-named subject minor be transported to the Clark County Jail and remanded to the custody of the Clark County Sheriff, John Moran;

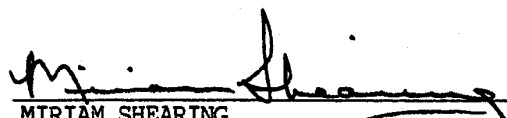
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1 IT IS FURTHER ORDERED that the subject minor be set for Arraignment on  
 2 the 20 day of September 1990, at the hour 1:30 o'clock P.M., and  
 3 bail is now set in the following amount(s) for the following charge(s):

4 CHARGE	N.R.S.	CASH/SURETY BAIL	PROPERTY
5 ROBBERY WITH DEADLY 6 WEAPON	193.165 & 200.380	\$ <u>6,000.00</u>	\$ <u>6,000.00</u>

7  
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12  
13 "OR" the said subject minor is released on his/her own recognizance, on each of  
 14 the said charges.

15 DATED this 13<sup>th</sup> day of September, 1990.

16  
17   
 18 MIRIAM SHEARING  
 JUDGE OF THE JUVENILE COURT

19 ..  
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MTThomas 8JDCEV548

DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA

FILED

AUG 31 11 20 AM '90

In the Matter of:

MARLO DEMETRIUS THOMAS,

Date of Birth: November 6, 1972,

A Person under 18 Years of Age.

*Robert L. Thomas*  
CLERK

CASE NO. J29999  
DEPT. NO. XV

CERTIFICATION REPORT

September 13, 1990

REASON FOR HEARING: On August 20, 1990, the District Attorney's Office filed a Motion requesting that a Probation Officer of Clark County Juvenile Court Services be Ordered to investigate all facts and circumstances necessary to assist the Juvenile Court Judge in determining whether Marlo Demetrius Thomas should be dealt with as an adult under the provisions of NRS 62.080.

Certification to adult status is being requested relative to the following Petitions: Petition #24 - Robbery with use of a Deadly Weapon, a felony under NRS 200.380 and NRS 193.165, filed August 17, 1990. Petition #25 - Obstructing a Public Officer, a felony under NRS 197.190, filed August 17, 1990.

WHEREABOUTS OF MINOR: The subject minor has been held in Detention since the date of his arrest, August 10, 1990, awaiting the disposition of the Court.

PROBABLE CAUSE: Please see Exhibits "A" and "B."

A finding as to whether or not there is probable cause to believe the subject minor committed the Offenses charged in

8JDCEV548

AA6346

PROBABLE CAUSE: (Continued)

Petitions #24 and #25 will be made by the Court at the Certification Hearing, based on the Affidavits, reports, witness statements, admissions or confessions attached hereto as Exhibits "A" and "B," and any additional testimony which may be adduced at the time of the Certification Hearing.

TRANSFER CRITERIA:

1. Nature and seriousness of the charged Offenses.

The Offenses alleged in Petitions #24 and #25 would be felonies if committed by an adult.

The Police Report indicates the victim cashed his paycheck at Rudy's Bar and was walking home when he was accosted by the subject minor and another juvenile, known as Sherman Nash, who threatened the victim with a knife, held his hands behind his back and robbed him of \$475.00.

When the victim returned to the scene of the crime with a Police Officer, he observed the subject minor walking past the area and positively identified him as the subject who had robbed him.

When the Officer attempted to question Marlo, he became evasive and attempted to flee the scene. He was apprehended and booked accordingly.

2. Persistency and seriousness of past adjudicated or admitted criminal offense. Please see Exhibit "B" - Juvenile Court Records Printout.

Marlo first came to the attention of the Court March 28, 1984 on a Battery Offense, for which he received a Judicial Reprimand. The Offense involved Marlo hitting a teacher while

TRANSFER CRITERIA: (Continued)

at the Miley Achievement Center at Children's Behavioral Services. On July 6, 1984, Marlo was booked for Robbery, which was later amended to Battery. While in the Court process, Marlo was booked in 1984 on another Battery Offense. This Offense also involved an incident at the Miley Achievement Center, wherein Marlo hit another student. On September 25, 1984, Marlo was booked for Evading a Police Officer and Vagrancy/Prowling, which were dismissed. On November 7, 1984, he was booked for Trespassing and Battery, which were subsequently dismissed.

On January 2, 1985, Marlo was placed on Formal Probation for Battery. While on Probation, Marlo was booked for Disorderly Conduct May 8, 1985. The Charge of Battery was subsequently added May 13, 1985. However, the Battery Charge was denied July 18, 1985 and the Disorderly Conduct Charge was referred to the Probation Department. On August 9, 1985, Marlo was booked for Trespassing. While pending Further Proceedings, he was booked October 2, 1985 for Battery, and again on October 4, 1985 for four counts of Battery. The Battery Charges which occurred on the aforementioned dates were dismissed and referred to the Probation Department. Court Wardship was continued, and on January 23, 1986, Wardship was terminated.

On March 4, 1986 and March 14, 1986, Marlo was again cited for Battery; the Charges were denied and dismissed respectively.

...

TRANSFER CRITERIA: (Continued)

Marlo was arrested for Grand Larceny Auto on June 6, 1987. On July 9, 1987, he was arrested on a Charge of Battery with use of a Deadly Weapon. The Charge, however, was dismissed on August 19, 1987.

On September 2, 1987, Marlo was committed to the Third Cottage on a Grand Larceny Charge, which occurred June 6, 1987. On October 29, 1987, the Court Order committing him to the Third Cottage was modified and the subject minor was committed to the Nevada Youth Training Center. It was believed by the Third Cottage staff that Marlo was not amenable to their program, due to his unwillingness to make a commitment to the program and his hostile, threatening behavior towards staff and peers.

Marlo remained incarcerated at the Nevada Youth Training Center through June 21, 1988. On August 26, 1988, he was arrested for Grand Larceny, Grand Larceny Auto and Battery. He was recommitted to the Nevada Youth Training Center on the Battery Charges October 5, 1988.

Marlo was released from the Nevada Youth Training Center on Parole May 25, 1989. On October 25, 1989, he was arrested for Curfew, which was referred to Parole. On December 27, 1989, Marlo was arrested for battering his nine-year-old cousin. He was released pending a Plea Hearing, which was scheduled for February 2, 1990. However, on January 4, 1990, Marlo was arrested for Robbery. He was certified to adult status February 8, 1990, the case was set for arraignment February 15, 1990 and a cash/surety bail was set at \$5,000.00. After

TRANSFER CRITERIA: (Continued)

spending three weeks in the Clark County Detention Center, Marlo was released on his own recognizance.

One month later, Marlo was arrested for Possession of Stolen Vehicle. He appeared at a Dispositional Hearing July 25, 1990 and was granted credit for time served in the Juvenile Detention facility. A Bench Warrant was served May 25, 1990, with no further action taken.

3. Subjective factors.

Marlo is a seventeen-year-old youth who has been involved with the Juvenile Court system since March 28, 1984, a period of six years and five months. Marlo's first referral to the Juvenile Court was a result of being charged with Battery for hitting a teacher at the Miley Achievement Center at Children's Behavioral Services. Since the initial referral, Marlo has had thirteen arrests for Battery.

Marlo has also had two other arrests which demonstrate his explosive nature and inability to solve issues without resorting to violence and aggressive acting-out. There was also an incident at the Nevada Youth Training Center where he fought with a staff person, causing that person to be hospitalized.

When placed on Parole, the first five months were uneventful. According to his Parole Officer, Marlo secured a job at McDonald's and worked for several months. He also followed the conditions of his Parole Agreement and reported as required. Marlo was arrested for Curfew on October 25, 1989.

...

1     TRANSFER CRITERIA: (Continued)

2         Mrs. Thomas reports her relationship with Marlo is very  
3     good and Marlo is "spoiled rotten and somewhat independent."  
4     She rates her degree of parental control as fair. Mrs. Thomas  
5     states since Marlo's older brother is no longer living in the  
6     home, Marlo believes he is able to "do his dirt."

7         Mrs. Thomas is not married to Marlo's biological father,  
8     Bobby Lewis, who has been incarcerated in the Nevada prison  
9     system for the past ten years on a Charge of Use of a Deadly  
10    Weapon.

11        Mrs. Thomas states there has been no indication or  
12    suspicion Marlo has been involved in drugs, but she does  
13    believe he will get into drugs if he thinks he can make a  
14    "quick buck." She describes Marlo as a child who grew up too  
15    fast, who is basically quiet, a loner or a follower.

16        While Marlo continues to live the lifestyle of a teenager  
17    by remaining in his mother's home, his associations and  
18    misdeeds have gravitated from lesser to more heinous crimes.

19    PAST SERVICES: Marlo has been detained on seven previous  
20    occasions, and has received extensive services from the  
21    Probation Department, dating from March 28, 1984 to the present  
22    time. These services include: Services from the Miley  
23    Achievement Center at Children's Behavioral Services, the  
24    Juvenile Court Home Management Program, Formal Probation,  
25    placement in the Third Cottage Program, two commitments to the  
26    Nevada Youth Training Center, two periods of Parole, and a  
27    three-week detainment in the Clark County Detention Center.  
28    According to his Parole Officer, Marlo's placement in the Third



PAST SERVICES: (Continued)

Cottage was so fraught with fights and near fights that he was modified to the Nevada Youth Training Center within seven weeks of being placed in the Third Cottage.

Marlo was refused a third placement at the Nevada Youth Training Center because of his aggressiveness towards staff and other youths in the program.

[REDACTED]

Marlo has twenty referrals to Clark County Juvenile Court Services, a total of thirty-one Offenses. At least fifteen of these Offenses involve aggressive behavior on his part.

COMMUNITY PROTECTION: Marlo has received services from Clark County Juvenile Court and the Las Vegas community since 1984. His biggest problem has been his tendency toward aggressiveness and physical violence. Marlo has received all services made available to him by the Juvenile Court system, without his behavior being impacted. He has exhibited a total lack of commitment to changing his negative lifestyle, in that he lacks respect for authority, he is aggressive, he lacks impulse and temper control, and he is perceived as being a threat to both himself and the community.

Marlo's tendency to resolve issues confronting him with negative acting-out behavior, and his tendency to continue to engage in antisocial behavior, increases the risk to the community. As a result, it is in the best interest of the

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COMMUNITY PROTECTION: (Continued)

child and the community that Marlo be transferred to the adult system.

RECOMMENDATION: In view of the above information, it is the respectful recommendation of this Officer that the Motion to Certify Marlo Demetrius Thomas to adult status be granted.

Submitted by:

*Alyse Hill*

ALYSE HILL  
Deputy Probation Officer  
3401 East Bonanza Road  
Las Vegas, Nevada 89101

*Loren Warnke*

LOREN WARNKE  
Supervisor I

DATE: *August 31, 1990*

CLARK COUNTY JUVENILE COURT SERVICESPREVIOUS RECORD SHEET

(for Certification Reports)

Case# J29999Name: THOMAS, MarloREF. DATEOFFENSECOURT DATEDISPOSITION

9/19/84	Battery	01/02/85	Formal Probation
6/04/87	Grand Larceny	10/29/87	Committed to NYTC
8/26/88	Battery	10/5/88	CPG, Committed to NYTC
1/04/90	Robbery	02/08/90	Certified Adult
3/8/90	Poss. Stolen Vehicle	7/25/90	Credit Time Served

b

MTThomas 8JDCEV557

DISTRICT COURT  
JUVENILE DIVISION  
CLARK COUNTY, NEVADA

FILED

JUL 23 9 45 AM '90

*Loetta E. Brown*  
CLERK

In the Matter of:

MARLO DEMETRIUS THOMAS,

Date of Birth: November 6, 1972,

A Minor, 17 Years of Age.

CASE NO. J29999  
DEPT. NO. XV

DISPOSITIONAL REPORT:

July 25, 1990

REASON FOR HEARING:

On July 10, 1990, the subject minor was found guilty of the allegations contained in Petition #23 - Possession of Stolen Vehicle.

OFFICER'S RECOMMENDATION:

1. That the subject minor be given credit for time served in the Juvenile Court Detention Facility.
2. That the subject minor spend thirty days in the Clark County Jail.

WHEREABOUTS OF MINOR:

Marlo has been detained since May 25, 1990, in Zenoff Hall and is presently awaiting the disposition of the Court. Prior to his detainment, the subject minor resided with his biological mother, Georgia Thomas.

LEGAL RESIDENCE: 2712 Spear Street, North Las Vegas, Nevada, 89030.

PRIOR RECORD: Please see Exhibit "A" - Juvenile Court Records Printout.

OFFENSE REPORT: Please see Exhibit "B" - Police Report.

On March 8, 1990, Officers observed the subject minor and two additional suspects in a vehicle reported as being stolen. When the Officers stopped the vehicle, all three occupants ran in different directions. The subject minor was apprehended in the rear of a supermarket and booked accordingly.

...  
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...

8JDCEV557

AA6355

STATEMENT OF SUBJECT MINOR:

Marlo made no statement to this Officer. However, Marlo yet denies guilt to the charged Offense.

PRIOR SERVICES:

Marlo has been detained on seven previous occasions, and has received extensive services from the Probation Department and community based programs, including placement in the Children's Behavioral Services MOD Program for battering a teacher, the Home Management Program, the Third Cottage Program, Formal Probation, commitment to the Nevada Youth Training Center on two occasions, and finally, three weeks in the Clark County Detention Center after being certified as an adult on February 8, 1990. Apparently, nothing impacted the subject minor's behavior, as he was back before the Court one month later on another delinquent offense.

SOCIAL HISTORY: Please see Exhibit "C" - Family Data Sheet. (Unless otherwise indicated, background material is based solely on information provided by the parties themselves.)

Mrs. Thomas reports her relationship with Marlo is very good and that Marlo is "spoiled rotten and somewhat independent." She also describes communication with Marlo as sometimes good and sometimes not so good, stating he will talk when he is in trouble or when he has done something wrong. Mrs. Thomas rates her degree of parental control as fair. She also states that Marlo's older brothers had him under control while they were in the home, but since they no longer live at home, Marlo apparently feels able to do his dirt.

Mrs. Thomas was not married to Marlo's natural father, who is incarcerated in the Nevada Prison System for ten years on a charge of Use of a Deadly Weapon. Mrs. Thomas is a concerned and caring parent. She is reportedly a diabetic who suffers from high blood pressure and recently suffered a stroke two months ago. According to Mrs. Thomas, she has been ordered on complete bed rest.

Marlo is responsible for doing all the chores around the house and reportedly does an excellent job. Mrs. Thomas states his peers are age appropriate, although some are older of whom she does not approve. Marlo reportedly complies with curfew and generally makes his whereabouts known. Mrs. Thomas states there has been no indication or suspicion of Marlo being involved in drugs, but feels Marlo will get off into it if he thinks he can make a quick buck.

Mrs. Thomas describes Marlo as a child who grew up too fast, who is basically quiet, a loner, and a follower. Marlo last attended Jefferson Opportunity School as an eleventh grader. Before his incarceration, he was working at McDonald's.

...

EVALUATION:

Seventeen-year-old Marlo Demetrius Thomas is before the Court on Petition #23 - Possession of Stolen Vehicle.

Marlo's prior record with the Juvenile Court is extensive and includes placement out of the home on two different occasions, placement in the Children's Behavioral Services MOD Program, placement in the Home Management Program, and three weeks placement in the Clark County Detention Center. Marlo has made use of all the services that are available and that could be provided by the Juvenile System without an impact on his behavior. He has exhibited a total lack of commitment to changing his negative lifestyle, in that, he lacks respect for authority, he is aggressive, he lacks impulse and temper control, and is perceived as being a threat to both himself and the community. Mrs. Thomas agreed some form of punitive action must be taken if Marlo is to be saved from himself, and she agrees the recommendation would be in the subject minor's best interest.

Submitted by:

*Alyse Hill*

ALYSE HILL  
Deputy Probation Officer  
3401 East Bonanza Road  
Las Vegas, Nevada 89101

*Loren Warnke*

LOREN WARNKE  
Supervisor I

DATE: *July 23, 1990*

\*\*\*\*\* THIS IS CONFIDENTIAL INFORMATION \*\*\*\*\*  
 \*\* IT IS NOT TO BE DUPLICATED OR RELEASED TO ANY OTHER PERSON OR AGENCY \*\*  
 \*\*\*\*\*

DATE: 07/16/90

P R E V I O U S R E C O R D

PAGE: 01

PREVIOUS RECORD FOR: THOMAS  
 PROBATION OFFICER: ALYSE HILL

MARLO DEMITRIUS  
 CASE #: 029999

ID#: 78620304

REF #	OFF #	REFERRAL DATE	OFFENSE DESCRIPTION	REF'L AGENCY	STATUS DATE ACTION	PROBATION OFFICER	FET #
019	001	05/25/90	BW SERVED	NLVPD	05/25/90 NO FURTHER ACTION	TIM ROGERS	
019	001	03/08/90	POSS STLN VEH	LVMPD	07/25/90 R & D	F GUZMAN	023
017	001	01/04/90	ROBBERY	LVMPD	02/08/90 CERT ADULT	JACK BUTLER	021
016	001	12/27/89	DOMESTIC VIOL	NLVPD	01/03/90 NO SUCH CHARGE	PANDORA KIDER	
	002	01/03/90	BATTERY	LEGAL	03/07/90 DISMISSED	F GUZMAN	022
015	001	10/25/89	CURFEW	NLVPD	12/04/89 ADM ALLEG REF PAROLE	X JACK BUTLER	020
014	001	08/25/88	G L	LVMPD	10/05/88 DISMISSED	F GUZMAN	016
	002	08/25/88	GLA	LVMPD	10/05/88 DISMISSED	F GUZMAN	017
	003	08/26/88	BATTERY	LVMPD	10/05/88 CHGD PLEA GLTY COMMIT NYTC	F GUZMAN	018
	004	09/06/88	MAL/MISCHIEF	LEGAL	10/05/88 DISMISSED	F GUZMAN	019
013	001	07/09/87	BWAD WEAP	NLVPD	08/19/87 DISMISSED	F GUZMAN	015
012	001	06/04/87	G L	LVMPD	10/29/87 COMMIT NYTC	F GUZMAN	014
011	001	03/04/86	BATTERY	NLVPD	07/07/86 DN-OFFNS INSIG	X J.S. MACDONALD	
010	001	03/14/86	BATTERY	CCSD	04/11/86 DISMISSED	F GUZMAN	013
009	001	10/04/85	BATTERY	LVMPD	11/15/85 DISMISSED	FRED FISHER	009
	002	10/04/85	BATTERY	LVMPD	01/23/86 REF PROBATION	F GUZMAN	010
	003	10/04/85	BATTERY	LVMPD	11/15/85 DISMISSED	FRED FISHER	011
	004	10/04/85	BATTERY	LVMPD	11/15/85 DISMISSED	FRED FISHER	012
008	001	10/02/85	BATTERY	LVMPD	11/15/85 DISMISSED	FRED FISHER	008
007	001	08/09/85	TRESPASSING	NLVPD	01/23/86 REF PROBATION	X F GUZMAN	007
006	001	05/08/85	DDC	LVMPD	07/18/85 REF PROBATION	FRED FISHER	006
	002	05/13/85	BATTERY	LEGAL	05/15/85 DN-OTHER	SCOTT MITCHELL	
005	001	11/07/84	TRESPASSING	LVMPD	12/12/84 DISMISSED	F GUZMAN	004
	002	11/07/84	BATTERY	NLVPD	12/12/84 DISMISSED	F GUZMAN	005
004	001	09/25/84	EVADING POL OFR	NLVPD	12/12/84 DISMISSED	F GUZMAN	003
	002	09/25/84	VAG/PROWL	NLVPD	09/27/84 DN-FILING O/CHG	BOB TEUTON	
003	001	09/19/84	BATTERY	LVMPD	01/02/85 FORM PROB	JOHN MCGROARTY	002
002	001	12/12/84	BATTERY	NLVPD	01/02/85 FORM PROB	JOHN MCGROARTY	001
		07/06/84	ROBBERY				

EXHIBIT 160

EXHIBIT 160



MARK  
STAT  
10031  
Thomas  
8JDCEV561



# District Court

CLARK COUNTY, NEVADA



JUVENILE DIVISION

AUG 17 9 20 AM '90, child.

In the matter of:  
MARLO DEMITRIUS THOMAS  
Date of Birth:  
11/06/72  
Years of Age:  
17

CASE NO. J29999  
DEPT. NO. XV

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father: Guardian  
Information Not Available  
Mother: Relative:  
Georgia Ann Thomas  
Reside At:  
2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 10, 1990, in Clark County, Nevada, did wilfully and unlawfully hinder, delay and obstruct Officer(s) M. THOMAS, of the North Las Vegas Police Department, in the discharge of his/her/their official powers and duties, by being evasive towards said Officer and by attempting to run away from said Officer, in violation of N.R.S. 197.190.

That said minor is now in the custody and control of:  
Clark County Juvenile Detention Home and has been since:  
08/10/90  
Monte Chamberlain

being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

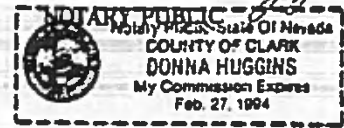
Monte Chamberlain  
PETITIONER

August 16, 1990

REX BELL, District Attorney

Donna Huggins

By: [Signature]  
Deputy District Attorney



Petition No. 25-OBSTRUCTING PUBLIC OFFICER(s)  
PROPOSED CERTIFICATION 08/20/90 at 10:00 A.M. Court Probation Unit DR#90-8863/NLVPD DAH.  
CERTIFICATION HEARING DATE

8JDCEV561

AA6360

MThomas 8JDCEV562

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:  
MARLO DEMITRIUS THOMAS

AUG 17 9 19 AM '90

, child.

Date of Birth:  
11/06/72

CASE NO. J29999

Years of Age:  
17

DEPT. NO. XV

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:  
Information Not Available

Guardian

Mother:  
Georgia Ann Thomas

Relative:

Reside At:  
2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about August 10, 1990, in Clark County, Nevada, did wilfully and unlawfully take personal property, to-wit: U.S. Currency, from the person of PRECLIANG BELTRAN, or in his/her presence, by means of force or violence or fear of injury to, and without the consent and against the will of the said victim, subject minor using a deadly weapon, to-wit: an eight inch knife, during the commission of said crime, in violation of N.R.S. 200.380 and N.R.S. 193.165.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home and has been since:  
08/10/90

Monte Chamberlain, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

August 16, 1990

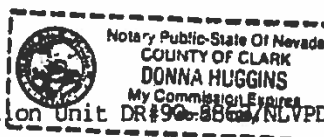
REX BELL, District Attorney

By: [Signature]  
Deputy District Attorney

Monte Chamberlain  
PETITIONER

Donna Huggins  
NOTARY PUBLIC

Petition No. 24-ROBBERY WITH DEADLY WEAPON  
PROPOSED CERTIFICATION 08/20/90 at 10:00 A.M. Court Probation Unit DR#90-8860/NLVPD



DA-1

8JDCEV562

AA6361

**District Court**  
**CLARK COUNTY, NEVADA**

JUN 11 9 43 AM '90

JUVENILE DIVISION

In the matter of:

MARLO DEMITRIUS THOMAS aka MARLOW THOMAS

, child.

Date of Birth:

11/06/72

Years of Age:

17

CLERK

CASE NO. J29999

DEPT. NO. XV

**PETITION**

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:

Guardian

Information not available

Mother:

Relative:

GEORGIA ANN THOMAS

Reside At:

2712 SPEAR STREET, NORTH LAS VEGAS, NEVADA 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about December 27, 1989, in Clark County, Nevada, did wilfully and unlawfully use force and violence upon GENNELL MCGILBRA and ERICA EDWARDS, by striking the above named about the body as follows: by pushing and striking the victims and pulling the victim GENNELL MCGILBRA's hair, in violation of N.R.S. 200.481.

That said minor is now in the custody and control of:

PARENT(S)

and has been since:

12/27/89

MONTE CHAMBERLAIN

being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

JANUARY 10, 1990

REX BELL, District Attorney

By:

Deputy District Attorney

Petition No.

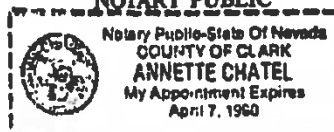
21-BATTERY

01/12/90 at 10:00 A.M. Polk/State Parole

Monte Chamberlain  
PETITIONER

Annette Chatel DH

NOTARY PUBLIC



DAJ-1

8JDCEV563

AA6362

# District Court

CLARK COUNTY, NEVADA

FILED IN OFFICE OF CLERK  
Jan 19 19 90

Deanna Bryant  
Deputy

## JUVENILE DIVISION

In the matter of:

, child.

MARLO DEMITRIUS THOMAS

Date of Birth:

CASE NO. J29999

11/6/72

Years of Age:

DEPT. NO. XV

17

A M E N D E D

### PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:

Guardian

Information Not Available

Mother:

Relative:

Georgia Ann Thomas

Reside At:

2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about December 28, 1989, in Clark County, Nevada, did wilfully and unlawfully take personal property, to-wit: United States currency, from the person of ALKAREEM HANIFA, or in his/her presence, by means of force or violence or fear of injury to, and without the consent and against the will of the said victim, in violation of N.R.S. 200.380.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

1/4/90

Monte Chamberlain

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

January 18, 1990

REX BELL, District Attorney

By:

Deputy District Attorney

Petition No. 21-ROBBERY

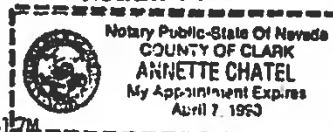
1/19/90 at 10:00am Gerthie Polk-State Parole DR#89-14517M

Monte Chamberlain

PETITIONER

Annette Chatel

NOTARY PUBLIC



DAJ-1

8JDCEV564

AA6363

# District Court

CLARK COUNTY, NEVADA

JUVENILE DIVISION

In the matter of:

, child.

MARLO DEMITRIUS THOMAS

Date of Birth:

11/6/72

Years of Age:

17

CASE NO. J29999

DEPT. NO. XV

## PETITION

That there is now within the County of Clark, State of Nevada the above named minor, the parents being:

Father:

Guardian

Information Not Available

Mother:

Relative:

Georgia Ann Thomas

Reside At:

2712 Spear Street, North Las Vegas, Nevada 89030

That your Petitioner, a duly appointed, qualified and acting Probation Officer of the County of Clark, State of Nevada, is informed and believes, and therefore on information and belief alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court are:

That the subject minor, on or about February 28, 1989, in Clark County, Nevada, did wilfully and unlawfully take personal property, to-wit: United States Currency, from the person of ALKAREEM HANIFA, or in his/her presence, by means of force or violence or fear of injury to, and without the consent and against the will of the said victim, in violation of N.R.S. 200.380.

That said minor is now in the custody and control of:

Clark County Juvenile Detention Home

and has been since:

1/4/90

Monte Chamberlain

, being duly sworn, deposes and says affiant is the Petitioner in the foregoing matter; that affiant has read the foregoing Petition, knows the contents thereof; that the same is true of affiant knowledge, except as to those matters herein stated on information and belief, and as to those matters, affiant believes them to be true. WHEREFORE, your Petitioner prays that the Honorable Court set a time for the hearing of this Petition; that the PARENTS, MOTHER, FATHER, GUARDIAN, of said minor be cited to appear before said Honorable Court at said time and show cause, if any why the aforesaid minor should not be adjudged a Ward of the Juvenile Court and that this Honorable Court at such time inquire into the truth of the statement of facts herein alleged, and in pursuance of the Statutes in such cases made and provided, make such order in premises as to this Honorable Court may seem meet and proper.

Subscribed and sworn to before me this:

January 8, 1990

REX BELL, District Attorney

By:

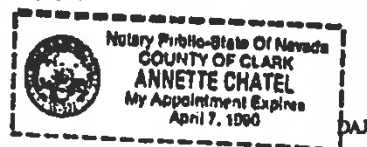
Deputy District Attorney

Petition No. 21-ROBBERY

1/12/90 at 10:00am Gerthie Polk DR#89-14517M

Monte Chamberlain  
PETITIONER

Annette Chatel  
NOTARY PUBLIC



8JDCEV565

AA6364

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

MARLO THOMAS,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

Electronically Filed  
Jun 14 2019 03:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

No. 77345

District Court Case No.  
96C136862-1

(Death Penalty Case)

APPELLANT'S APPENDIX

Volume 26 of 35

Appeal from Order Dismissing Petition for Writ of Habeas  
Corpus (Post-Conviction)  
Eighth Judicial District Court, Clark County  
The Honorable Stefany Miley, District Judge

RENE L. VALLADARES  
Federal Public Defender

JOANNE L. DIAMOND  
Assistant Federal Public Defender  
Nevada Bar No. 14139C  
Joanne\_Diamond@fd.org

411 E. Bonneville, Suite 250  
Las Vegas, Nevada 89101  
(702) 388-6577

Attorneys for Appellant

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## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on June 14, 2019. Electronic Service of the foregoing APPELLANT'S APPENDIX shall be made in accordance with the Master Service List as follows:

Steven S. Owens  
Chief Deputy District Attorney

/s/ *Jeremy Kip*

An Employee of the  
Federal Public Defender,  
District of Nevada

1 defendant, Marlow Thomas, has previously been convicted of  
2 Count (2) first degree murder with use of a deadly weapon,  
3 as to Carl Dixon designated the aggravated circumstance or  
4 circumstances which have been checked below have been  
5 established unanimously and beyond a reasonable doubt.

6 The murder was committed by a person who  
7 at any time before a penalty hearing is conducted is or  
8 has been convicted of a felon involving use or threat of  
9 violence to the person of another, to wit, in 1990 the  
10 defendant was convicted of the crime of attempt robbery.

11 The murder was committed by a person who  
12 at any time before a penalty hearing is conducted is or  
13 has been convicted of a felony involving the use or threat  
14 of violence to the person of another, to wit, in 1996 the  
15 defendant was convicted of the crime of battery, resulting  
16 in substantial bodily harm.

17 The murder was committed to avoid or  
18 prevent a lawful arrest or to affect an escape from  
19 custody. The defendant has in the immediate proceeding  
20 been convicted of more than one offense of murder in the  
21 first or second degree, dated this 2nd day of November  
22 2005, Connie Kaczmarek, foreperson.

23 Special verdict, we the jury in above  
24 entitled case having heard evidence in the above  
25 referenced matter in which the defendant, Marlow Thomas

1 has previously been convicted of Count (2) first degree  
2 murder with use of a deadly weapon as to Carl Dixon, one  
3 or more of the mitigator designate that mitigating  
4 circumstance or circumstances, which have been listed  
5 below, have been established: Excepted responsibility for  
6 the crime, cooperated, but diverted the truth;  
7 demonstrated remorse, defendant has counseled others  
8 against criminal acts, defendant has suffered both  
9 learning and emotional disabilities, defendant found  
10 religion, father's denial of his son, Marlow, dated this  
11 2nd day of November 2005, Connie Kaczmarek, foreperson.

12 Special verdict, we the jury in the above  
13 entitled case having heard evidence in the above  
14 referenced matter in which the defendant, Marlow Thomas,  
15 has previously been convicted of Count (2) first degree  
16 murder with use of a deadly weapon as to Carl Dixon, find  
17 that the mitigating circumstances do not outweigh the  
18 aggravating circumstances, dated this 2nd day of November  
19 2005, connie Kaczmarek, foreperson.

20 The State of Nevada, plaintiff, vs. Marlow  
21 Thomas, defendant, special verdict: We the jury in the  
22 above entitled case having heard evidence in the above  
23 referenced matter in which the defendant, Marlow Thomas,  
24 has previously been convicted of Count (3) first degree  
25 murder with use of a deadly weapon, as to Matt Gianakis

1 designated the aggravated circumstance or circumstances  
2 which have been checked below have been established  
3 unanimously and beyond a reasonable doubt.

4 The murder was committed by a person who  
5 at any time before a penalty hearing is conducted is or  
6 has been convicted of a felon involving use or threat or  
7 violence to the person of another, to wit, in 1990 the  
8 defendant was convicted of the crime of attempt robbery.

9 The murder was committed by a person who  
10 at any time before a penalty hearing is conducted is or  
11 has been convicted of a felony involving the use or threat  
12 of violence to the person of another, to writ, in 1996 the  
13 defendant was convict of the crime of battery, resulting  
14 in substantial bodily harm.

15 The murder was committed to avoid or  
16 prevent a lawful arrest or to affect an escape from  
17 custody. The defendant has in the immediate proceeding  
18 been convicted of more than one offense of murder in the  
19 first or second degree, dated this 2nd day of November  
20 2005, Connie Kaczmarek, foreperson.

21 Special verdict, we the jury in above  
22 entitled case having heard evidence in the above  
23 referenced matter in which the defendant, Marlow Thomas,  
24 has previously been convicted of Count (3) first degree  
25 murder with use of a deadly weapon as to Matt Gianakis,

1 one or more of the jurors designate that mitigating  
2 circumstance or circumstances, which have been listed  
3 below, have been established: He excepted responsibility  
4 for the crime, cooperated, but diverted the truth;  
5 demonstrated remorse, defendant has counseled others  
6 against criminal acts, defendant has suffered both  
7 learning and emotional disabilities, defendant found  
8 religion, father's denial of his son, Marlow, dated this  
9 2nd day of November 2005, Connie Kaczmarek, foreperson.

10 Special verdict, we the jury in the above  
11 entitled case having heard evidence in the above  
12 referenced matter in which the defendant, Marlow Thomas,  
13 has previously been convicted of Count (3) first degree  
14 murder with use of a deadly weapon as to Matt Gianakis,  
15 find the mitigating circumstances do not outweigh the  
16 aggravating circumstances, dated this 2nd day of November  
17 2005, Connie Kaczmarek, foreperson.

18 Ladies and gentlemen of the jury are those  
19 your verdicts as read so say you one, so say you all?

20 IMPANELED JURORS: (Yes.)

21 THE COURT: Before the verdict is recorded  
22 in the minutes of the court, does either party wish to  
23 have the jury individually polled.

24 MR. OWENS: No, your Honor.

25 MR. SCHIECK: No, your Honor.

1 THE COURT: The verdict on this phase of  
2 the proceeding will be recorded by the clerk..

3 Ladies and gentlemen, we'll be in recess  
4 now until 10:30 tomorrow morning. Tomorrow at 10:30  
5 you'll hear additional evidence that when all of that  
6 evidence comes in, then you'll be able to have the full  
7 scope of all the information that's available to give to  
8 you to reach your final decision in the case regarding  
9 sentencing.

10 RECESS ADMONISHMENT

11 During the evening recess, you are  
12 admonished: Not to talk or converse among yourselves or  
13 with anyone else including without limitation, the  
14 lawyers, parties and witnesses, on any subject connected  
15 with this trial; or read, watch or listen to any report of  
16 or commentary on the trial or any person connected with  
17 this trial by any medium of information concluding,  
18 without limitation, newspapers, television, the internet  
19 and radio; or form or express any opinion on any subject  
20 connected with the trial until the case is finally  
21 submitted to you.

22 We'll be back in session at 10:30  
23 tomorrow morning. Thank you.

24 (Whereupon, the hearing  
25 concluded at 6:58 p.m.)

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CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

\* \* \* \* \*

I, the undersigned certified court reporter in and for the  
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the  
time and place therein set forth; that the testimony and  
all objections made at the time of the proceedings were  
recorded stenographically by me and were thereafter  
transcribed under my direction; that the foregoing is a  
true record of the testimony and of all objections made at  
the time of the proceedings.



Sharon Howard  
C.C.R. #745

EXHIBIT 141

EXHIBIT 141



FILED IN OPEN COURT

NOV - 2 2005 10 6:52pm

SHIRLEY B. PARRAGUIRRE, CLERK

BY Theresa Lee

**THERESA LEE** DEPUTY

1 VER

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5 DISTRICT COURT  
CLARK COUNTY, NEVADA

6  
7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 MARLO THOMAS,

11 Defendant.

Case No. C136862

Dept No. XV

12  
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14 SPECIAL VERDICT

15  
16 We, the Jury in the above entitled case, having heard evidence in the above-  
17 referenced matter in which the Defendant, MARLO THOMAS has previously been  
18 convicted of COUNT 3 - <sup>Man Granek's</sup> FIRST DEGREE MURDER WITH USE OF A DEADLY,  
19 designate that the aggravating circumstance or circumstances which have been checked  
20 below have been established unanimously and beyond a reasonable doubt.

21  
22   /   The murder was committed by a person who, at anytime before a penalty  
23 hearing is conducted, is or has been convicted of a felony involving the use or threat of  
24 violence to the person of another, to-wit: in 1990 the Defendant was convicted of the crime  
25 of Attempt Robbery.

26  
27   /   The murder was committed by a person who, at anytime before a penalty  
28 hearing is conducted, is or has been convicted of a felony involving the use or threat of

1 violence to the person of another, to-wit: in 1996 the Defendant was convicted of the crime  
2 of Battery Resulting in Substantial Bodily Harm.

3  
4   /   The murder was committed to avoid or prevent a lawful arrest or to effect an  
5 escape from custody.

6  
7   /   The defendant has, in the immediate proceeding, been convicted of more than  
8 one offense of murder in the first or second degree.

9  
10 DATED this 2nd day of November, 2005.

11 Conrad H. Hagmark  
12 FOREPERSON  
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VER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARLO THOMAS,

Defendant.

Case No. C136862

Dept No. XV

SPECIAL VERDICT

We, the Jury in the above entitled case, having heard evidence in the above-referenced matter in which the Defendant, MARLO THOMAS has previously been convicted of COUNT 3 - <sup>MAN GRABBER</sup> FIRST DEGREE MURDER WITH USE OF A DEADLY, one or more of the jurors designate that mitigating circumstance or circumstances which have been listed below have been established.

Accepted responsibility for the crime

Co-operated but diverted the truth

Demonstrated remorse

Defendant has counseled others against criminal acts

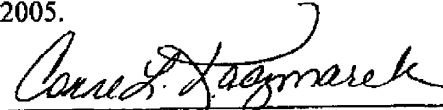
Defendant has suffered both learning and emotional disabilities

Defendant found religion

Fathers denial of son (Marlo)

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DATED this 2nd day of November, 2005.

  
FOREPERSON

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

MARLO THOMAS,

**Defendant.**

Case No. C136862

Dept No.      XV

## SPECIAL VERDICT

We, the Jury in the above entitled case, having heard evidence in the above-referenced matter in which the Defendant, MARLO THOMAS has previously been convicted of COUNT 3 - <sup>Man Gravelle</sup> FIRST DEGREE MURDER WITH USE OF A DEADLY, find

           The mitigating circumstances DO NOT outweigh the aggravating circumstances.

\_\_\_\_\_ The mitigating circumstances DO outweigh the aggravating circumstances

DATED this 2nd day of November, 2005:

**FOREPERSON**

FILED IN OPEN COURT  
NOV - 2 2005

206:52pm

SHIRLEY B. PARRAGUIRRE, CLERK  
BY Theresa Lee  
THERESA LEE DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARLO THOMAS,

Defendant.

Case No. C136862

Dept No. XV

SPECIAL VERDICT

We, the Jury in the above entitled case, having heard evidence in the above-referenced matter in which the Defendant, MARLO THOMAS has previously been convicted of COUNT 2 - <sup>Carl Dean</sup> FIRST DEGREE MURDER WITH USE OF A DEADLY, designate that the aggravating circumstance or circumstances which have been checked below have been established unanimously and beyond a reasonable doubt.

☒ The murder was committed by a person who, at anytime before a penalty hearing is conducted, is or has been convicted of a felony involving the use or threat of violence to the person of another, to-wit: in 1990 the Defendant was convicted of the crime of Attempt Robbery.

☒ The murder was committed by a person who, at anytime before a penalty hearing is conducted, is or has been convicted of a felony involving the use or threat of

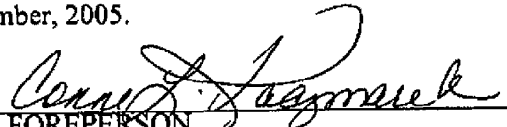
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violence to the person of another, to-wit: in 1996 the Defendant was convicted of the crime of Battery Resulting in Substantial Bodily Harm.

  /   The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

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

DATED this 2<sup>nd</sup> day of November, 2005.

  
FOREPERSON

1 VER

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4 DISTRICT COURT  
CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 MARLO THOMAS,

11 Defendant.

Case No. C136862

Dept No. XV

12  
13  
14 SPECIAL VERDICT

15 We, the Jury in the above entitled case, having heard evidence in the above-  
16 referenced matter in which the Defendant, MARLO THOMAS has previously been  
17 convicted of COUNT 2 - <sup>Carl Dixon</sup> FIRST DEGREE MURDER WITH USE OF A DEADLY, one or  
18 more of the jurors designate that mitigating circumstance or circumstances which have been  
19 listed below have been established.

20 Accepted responsibility for the crime

21 Co-operated but diverted the truth

22 Demonstrated remorse

23 Defendant has counseled others against criminal acts.

24 Defendant has suffered both learning and emotional disabilities

25 Defendant found religion

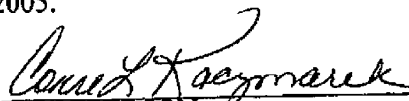
26 Father's denial of son (Marlo)



MTThomas-8JDC03245

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DATED this 2nd day of November, 2005.

  
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VER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARLO THOMAS,

Defendant.

Case No. C136862

Dept No. XV

SPECIAL VERDICT

We, the Jury in the above entitled case, having heard evidence in the above-referenced matter in which the Defendant, MARLO THOMAS has previously been convicted of COUNT 2 - <sup>Carl Dixon</sup> FIRST DEGREE MURDER WITH USE OF A DEADLY, find

       The mitigating circumstances DO NOT outweigh the aggravating circumstances.

       The mitigating circumstances DO outweigh the aggravating circumstances

DATED this 2nd day of November, 2005

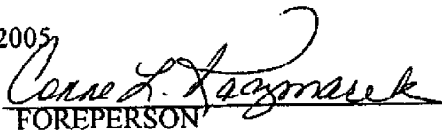
  
FOREPERSON

EXHIBIT 142

EXHIBIT 142

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46509

**FILED**

JUN 29 2007

ORDER DENYING MOTION

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

Appellant Marlo Thomas has moved this court for an extension of time within which to file a petition for rehearing of an en banc opinion issued by this court on December 28, 2006.<sup>1</sup> The State has opposed the motion. For the reasons stated below, we deny his motion.

Thomas alleges that former Justice Nancy Becker was negotiating for employment with the Clark County District Attorney's Office while his appeal was pending before this court. He maintains that, under NRS 1.225, NCJC Canon 3E(1), and the Commentary addressing that Canon, former Justice Becker should have either disclosed the negotiations or been disqualified from participating in his appeal.<sup>2</sup>

<sup>1</sup>Thomas v. State, 122 Nev. \_\_\_, 148 P.3d 767 (2006). Because a petition for a writ of certiorari was filed and docketed in the United States Supreme Court, issuance of the remittitur has been stayed.

<sup>2</sup>In support of his argument, Thomas references an amendment to the Commentary to Canon 3E(1) approved by this court on December 22, 2006. That amendment, however, concerned a judge's duty to disclose that an attorney appearing before the judge served as a former law clerk

*continued on next page . . .*

Assuming without deciding that Thomas has presented an arguable basis for questioning former Justice Becker's participation in the decision of Thomas' appeal, we conclude that the result on appeal would have remained the same regardless of her participation.

The mere presence of, and participation by, a member of a judicial body disqualified to act in a particular case does not necessarily invalidate the proceedings and judgment of that body. Particularly is this true if his presence is not necessary to constitute a quorum, or his vote does not determine the result.<sup>3</sup>

Here, although former Justice Becker was among only four justices to sign the majority opinion in Thomas, three justices signed a concurrence. All seven justices of this court were in agreement that Thomas' death sentence should be affirmed. Even if former Justice Becker had not participated in the decision of Thomas' appeal, the result would have remained the same.

Accordingly, we deny the motion for permission to file a late petition for rehearing.<sup>4</sup> The clerk of this court shall return unfiled the

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*... continued*

to the judge and has no bearing on the facts or law implicated in this matter.

<sup>3</sup>State v. Kositzky, 166 N.W. 534, 535 (N.D. 1918); cf. Aetna Life Insurance Co. v. Lavoie, 475 U.S. 813 827-28 (1986).

<sup>4</sup>Thomas has also moved to prohibit the Clark County District Attorney's Office from having any further involvement with his case. We are not persuaded that this relief is warranted.

rehearing petition that Thomas submitted provisionally with his motion.<sup>5</sup>

It is so ORDERED.<sup>6</sup>

Maupin, C.J.  
Maupin

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

cc: Hon. Sally L. Loehrer, District Judge  
Special Public Defender David M. Schieck  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

<sup>5</sup>Other than his allegation regarding former Justice Becker, Thomas has not asserted in his petition that this court overlooked or misapprehended any material fact or question of law or any authority in deciding his appeal that would warrant granting rehearing. See NRAP 40(c).

<sup>6</sup>The Honorable Michael Cherry, Justice, and the Honorable Nancy M. Saitta, Justice, did not participate in the decision of this matter.

EXHIBIT 143

EXHIBIT 143

MTThomas SPD03106

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**William K. Suter**  
Clerk of the Court  
(202) 479-3011

January 14, 2008

Mr. David M. Schieck  
Special Public Defender's Office  
330 S. Third Street  
Suite 800  
Las Vegas, NV 89155

Re: Marlo Thomas  
v. Nevada  
No. 06-10347

Dear Mr. Schieck:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



**William K. Suter, Clerk**

SPD03106

AA6273



EXHIBIT 144

EXHIBIT 144

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARLO THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 65916  
District Court Case No. C136862

FILED

NOV 04 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: October 20, 2016

Elizabeth A. Brown, Clerk of Court

By: Joan Hendricks  
Deputy Clerk

cc (without enclosures):

Hon. Stefany Miley, District Judge  
Justice Law Center  
Clark County District Attorney  
Attorney General/Carson City

RECEIPT FOR REMITTITUR

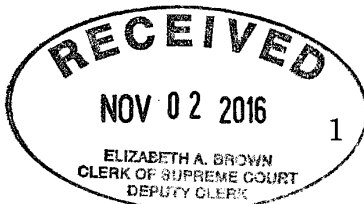
Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on OCT 27 2016

Deputy *[Signature]*  
District Court Clerk

RECEIVED

OCT 24 2016

CLERK OF THE COURT



16-32821

AA6275

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MARLO THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 65916**  
District Court Case No. C136862

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 22<sup>nd</sup> day of July, 2016.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"Rehearing Denied."

Judgment, as quoted above, entered this 22<sup>nd</sup> day of September, 2016.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
October 20, 2016.

Elizabeth A. Brown, Supreme Court Clerk

By: Joan Hendricks  
Deputy Clerk

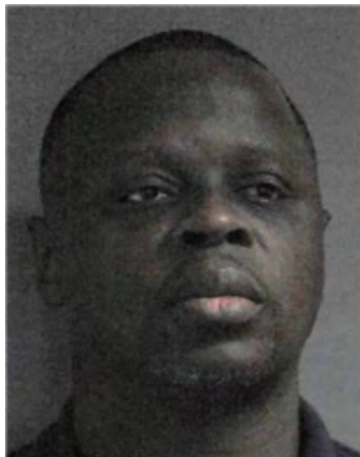
EXHIBIT 145

EXHIBIT 145

[Name Search](#) [Vehicle Search](#) [Geographical Search](#) [Community Notifications](#) [FAQs](#) [Resources](#) [Contact Us](#) [Definitions](#)

[Return to Search Results](#)[Back to Search Form](#)[Submit a Tip](#)

## THOMAS, LARRY JAMES

[Main](#)[Other Addresses](#)[Scars/Tattoos/Marks](#)[Vehicle Information](#)

Picture Date: 6/6/2017

**Name:**

**First Name:** LARRY

**Middle Name:** JAMES

**Last Name:** THOMAS

**Aliases:**

BOOGIE

THOMAS, LARRY J

**Tier Level:**

**Tier Level:** 2

**Gender/Race/DOB:**

**Gender:** Male

**Race:** Black

**Ethnicity:** Non-Hispanic

**Year of Birth:** 1966

**Primary Address:**

1109 DOVER GLEN DR

NORTH LAS VEGAS, NV 89031

**County:** Clark

**Physical Description:**

**Height:** 5 FT 9 IN

**Weight:** 200 LBS

Hair Color:Black

Eye Color:Brown

Offenses:

Conviction Date	Conviction Description	Court Name	Conviction Name	Offense Location	Inst N
04/08/1997	<a href="#">STATUTORY SEXUAL SEDUCTION</a>	EIGHTH JUDICIAL DISTRICT COURT( NV002015J) CL	LARRY JAMES THOMAS	N LAS VEGAS, NV	HIGH I STATE

If you believe the listed information is in error, you may contact us via the "Submit a Tip" button above.

THE INFORMATION PROVIDED ON THIS SITE IS INTENDED FOR COMMUNITY SAFETY PURPOSES ONLY AND S NOT BE USED TO THREATEN, INTIMIDATE, OR HARASS. MISUSE OF THIS INFORMATION MAY RESULT IN CRI PROSECUTION.

EXHIBIT 146

EXHIBIT 146

To WICHITA 1<sup>ST</sup> PAYROLLFORM **W-4****Employee's Withholding Allowance Certificate**

OMB No. 1545-0010

Department of the Treasury  
Internal Revenue Service

▶ For Privacy Act and Paperwork Reduction Act Notice, see instructions.

**1996**

1 TYPE OR PRINT YOUR FULL NAME

Mark D Thomas

2 YOUR SOCIAL SECURITY NUMBER

HOME ADDRESS (NUMBER AND STREET OR RAILROAD ROUTE)

2505 Raymond St

CITY, TOWN, STATE AND ZIP CODE

N.L.V Nev, 89030

3 MARITAL STATUS

☐ Single ☒ Married☐ Married, but withhold at higher Single rate

Note: If married, but legally separated or spouse is a nonresident alien, check the Single box

4 Total number of allowances you are claiming

Two2

5 Additional amount, if any, you want deducted from each pay

0

\$

6 I claim exemption from withholding because (Check boxes below that apply):

a Last year I did not owe any Federal income tax and had a right to a full refund of ALL income tax withheld, AND

b This year I do not expect to owe any Federal income tax and expect to have a right to a full refund of ALL income tax withheld. If both a and b apply, enter the year effective and "EXEMPT" here

c If you entered "EXEMPT" on line 6b, are you a full time student?

VPAR

19

☐ YES ☐ NO

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or, if claiming exemption from withholding, that I am entitled to claim the exempt status.

EMPLOYEE'S SIGNATURE

Mark Thomas

DATE

FEB 19 96

7 EMPLOYER'S NAME &amp; ADDRESS (Employer: Complete 7, 8 and 9 only if sending to IRS)

8 OFFICE CODE

9 EMPLOYER IDENTIFICATION NUMBER

**To All Tipped Employees:**

As a food service establishment, we are required by law to report to the Internal Revenue Service an amount called allocated tips. Allocated Tips arise if the total of tips received as reported by you are less than a prescribed percentage (generally 8%) of company dine-in sales.

Form W-2 issued to you annually will show your reported tips as "Social Security Tips" and, if applicable, another amount in a box marked "Allocated Tips." As a tipped employee, it is your responsibility to maintain in your personal records a daily tip record for tips received and reported to us.

The tip record is essential if you ever need to prove to the Internal Revenue Service your tips received in the event your income tax return is audited. By signing this notice you acknowledge that a daily record must be maintained.

Date \_\_\_\_\_

Employee Signature \_\_\_\_\_

Manager Signature \_\_\_\_\_

MANAGER: IMPORTANT! Complete before sending in Wichita in next weekly packet

Labor Code 6213Rate \$ 5.50Start Date 2-22-96Race BSex M

15-W-6/94

TSF01752

AA6281



EXHIBIT 147

EXHIBIT 147

Withomas TSF00024

# Nevada Department of **Public Safety**

## Nevada Sex Offender Registry

[Home Page](#)

[Search for Offender](#)

[Registration Information](#)

[Current Statistics](#)

[Definition/Explanations](#)

[Firmings Limitations](#)

[Fees](#)

[Related Links](#)

[Safety Tips](#)

[Contact Us](#)

[FAQ Page](#)

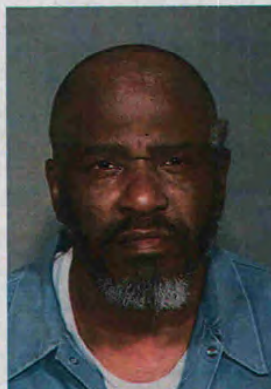
[Changes in the Law](#)

[Neighborhood Mapping](#)

[Offender E-Mail Alert](#)

### Convicted Sexual Offender Detailed Information

LEWIS, BOBBY



#### Tier Level

COMMUNITY NOTIFICATION: TIER LEVEL 2

#### Date(s) of Birth

1949

#### Physical Description

Sex: M Race: BLACK Hair Color: BLACK

Eye Color: BROWN Height: 511 Weight: 250

#### Residence Address

4244 E STEWART AVE A

LAS VEGAS

NV

89110

#### Conviction and Incarceration Information

##### Conviction

Conviction Date: 1985-03-28

Court: EIGHTH JUDICIAL DISTRICT COURT

Conviction Location: NORTH LAS VEGAS, NV

Conviction State: NV

Statute: NRS200.366

Conviction Description: SEXUAL ASSAULT WITH A DEADLY WEAPON

##### Incarceration

Hospital: NEVADA STATE PRISON

State: NV

TSF00024

AA6283

EXHIBIT 148

EXHIBIT 148

MTThomas TSF00927

THOMAS F. KINSORA, PH.D.  
*Specializing in Clinical Neuropsychology*  
1111 Shadow Lane Las Vegas, Nevada 89102  
(702) 382-1960 FAX (702) 382-4993

Peter La Porta  
Chief Trial Deputy  
309 South Third Street, 4th floor  
Las Vegas, NV 89155

June 30, 1997

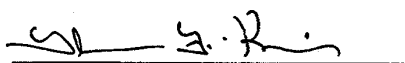
Dear Mr. La Porta:

Enclosed is a bill for Mr. Thomas's assessment and testimony. Please process it as soon as possible. I already received payment for my work with him in December, 1996. This is over the approved amount even with a 20% discount, thus an excess funds request may need to be sent to the Judge.

Also, if you would be willing to sit down with me in the near future, I would be curious to discuss the Thomas case and would encourage your suggestions with regard to answering some of the questions thrown at me by the prosecuting attorney.

Thank you for allowing me to work with you on the Thomas case.

Sincerely,



Thomas F. Kinsora, Ph.D.  
Clinical Neuropsychologist

6/30/97

TSF00927

AA6285

EXHIBIT 149

EXHIBIT 149

MTThomas SPD04348



## NEVADA STATE PUBLIC DEFENDER

JAMES J. JACKSON  
STATE PUBLIC DEFENDER

REGIONAL OFFICE  
309 S. THIRD STREET, 4TH FLOOR  
LAS VEGAS, NEVADA 89155  
PHONE (702) 455-6265  
FAX (702) 455-6273

May 15, 1997

Marlo Thomas #50682  
Southern Desert Correctional Center  
Post Office Box 208  
Indian Springs, Nevada 89070

Re: Conference

Dear Marlo:

It was necessary for me to have surgery on the bones in my feet. As a consequence I am temporarily in a wheel chair. Needless to say I find this inconvenient at best. Also I cannot drive.

We need to start preparing for trial now that my background on your file is completed. As I cannot come, under the circumstances, to Indian Springs to meet with you I need to have you transported to the Detention Center. I have an order for the judge's signature and hope to have you transferred next week.

Very truly yours,

A handwritten signature in black ink, appearing to read "LEE", followed by a horizontal line.

LEE ELIZABETH McMAHON  
Deputy State Public Defender

(O)-1021LV

SPD04348

AA6287

EXHIBIT 150

EXHIBIT 150

LEE ELIZABETH MC MAHON, ESQ.  
Deputy State Public Defender  
Office of the State Public Defender  
309 South Third Street  
Suite #401  
Las Vegas, Nevada 89155

HAND DELIVER

May 27, 1997

Mr. Marlo D. Thomas  
I.D. No. 0160797  
Clark County Detention Center  
330 South Casino Center Boulevard  
Las Vegas, Nevada 89101

Re: Case No.: C-136862  
Calendar Call: June 13, 1997.  
Jury Trial: June 16, 1997.

Dear Marlo:

I was surprised that you would not meet with Pete LaPorta and myself yesterday when we came to the jail.

If you were angry or upset because I did not come to the jail as I expected to on Thursday, I apologize. I simply could not do so. I am not out of the wheelchair; I had expected to be able to walk, and therefore, come to the jail on Thursday, but I had to wait until today.

I hope that you will accept my apology and meet with us.

Although you have decided not to testify during the guilt phase of the trial, your input would be helpful for our cross-examination of the State's witnesses.

Incidentally, your refusal to meet with us will not delay the jury trial.

We have a motion, which will be heard by the Court on Wednesday, for a written jury questionnaire. I expect the motion to be granted.

I will, regardless of your decision to meet with us, continue to copy you with any and all pleadings filed.

Sincerely,

LEE ELIZABETH MC MAHON, ESQ.

LEM/jlh



LEE ELIZABETH MC MAHON, ESQ.  
Deputy State Public Defender  
Office of the State Public Defender  
309 South Third Street  
Suite #401  
Las Vegas, Nevada 89155

HAND DELIVER

May 27, 1997

Mr. Marlo D. Thomas  
I.D. No. 0160797  
Clark County Detention Center  
330 South Casino Center Boulevard  
Las Vegas, Nevada 89101

Re: Case No.: C-136862  
Calendar Call: June 13, 1997.  
Jury Trial: June 16, 1997.

Dear Marlo:

I was surprised that you would not meet with Pete LaPorta and myself yesterday when we came to the jail.

If you were angry or upset because I did not come to the jail as I expected to on Thursday, I apologize. I simply could not do so. I am not out of the wheelchair; I had expected to be able to walk, and therefore, come to the jail on Thursday, but I had to wait until today.

I hope that you will accept my apology and meet with us.

Although you have decided not to testify during the guilt phase of the trial, your input would be helpful for our cross-examination of the State's witnesses.

Incidentally, your refusal to meet with us will not delay the jury trial.

We have a motion, which will be heard by the Court on Wednesday, for a written jury questionnaire. I expect the motion to be granted.

I will, regardless of your decision to meet with us, continue to copy you with any and all pleadings filed.

Sincerely,

LEE ELIZABETH MC MAHON, ESQ.

LEM/jlh

LEE ELIZABETH MC MAHON, ESQ.  
Deputy State Public Defender  
Office of the State Public Defender  
309 South Third Street  
Suite #401  
Las Vegas, Nevada 89155

LEGAL MAIL

Mr. Marlo D. Thomas  
I.D. No.: 0160797  
Clark County Detention Center  
330 South Casino Center Boulevard  
Las Vegas, Nevada 89101

LEGAL MAIL

MThomas SPD04308

SPD04308

AA6291

EXHIBIT 151

EXHIBIT 151

NLVPD0039

North Las Vegas Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Georgia Thomas

90-8863

morning me and my son, P.J., went over to my sister's house and when I got there my sister was sitting outside and I asked her where Sherman was. She said, "in the house," and I asked, "What time did Sherman come in the house last night?" She told me about 12:00 AM. I said, "no, are you sure?" she said, "yes," I said, "because Sherman and Marlo were on the prowl again, they robbed somebody." She said, "That's not true, they were here last night." I said, "No they was not, they robbed somebody." She said, "How do you know this, who told you this?" I said, "because Juvenile Court called me about Marlo." She said, "What time did they call you," and I said, "About 2:00." She said, "No, those kids didn't do anything, they was here, both of them." That was when I told her, "Why don't you go in and ask Sherman." By that time she called him and he came outside. She said, "What did you all do last night?" He said, "What are you talking about?" And I replied to him, "Don't play dumb, you know what we're talking about." I said, "Why did you guys rob that man last night?" He said, "We didn't do anything." I told him again, "Stop lying, they already done picked up Marlo." He said, "When? I told him not to go back up there, he was dumb." I asked him, "Sherman, why? You guys just cannot stay out of trouble." At this time his mother was just sitting there looking at him, she was surprised. Then I asked him, "What did you guys do to that man?" That was when Sherman implied and told me that the man were up there, I'm going to quote his exact words, he said, "The man had no business trying to get on those girls, those hookers." I said, "That still didn't give you guys a reason to

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*Georgia Thomas*

NLVPD0039

AA6293

North Las Vegas Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Georgia Thomas

90-8843

rob the man. The report said that the man came in to cash his check and when he left the bar you guys went outside and robbed him, you guys took the report said almost \$500.00 from that man." And Sherman stated, "That's a lie, he did not have that much money on him, he only had \$150.00." I said, "Why did you all take that man's money," and Sherman said, "Why not? He shouldn't have been doing what he was doing." I asked him, "Where did you guys get the knife from?" He said, "There was no knife." I said, "That's not what the report said, it said you guys had a knife." He said exactly, "I'm telling you, there was no knife." His mom said, "you all going to get enough of this." And I said, "Sherman, you guys could have lost your life, you're going to keep on until somebody gets hurt." And I told my sister she should turn him in. She said, "I'm not going to do anything, he'll get caught, they'll catch him sooner or later." That's when I asked Sherman to tell me how they robbed the man. He told me that the man, he said they were trying to sell the man some drugs and they had some kind of leaves you have to crumble up and showed them to the man and then they all three went outside and he said he grabbed the man from the back holding his hands behind his back, and he said again they did not have a knife, he only took the money while having a choke hold on him and then took the money from the man. I said again a knife was in the report and he stated again there was no knife. He said they chased the man down beyond the Boy's Club on Carey just to run him off and then I remembered, I told my sister, "That's what I heard in my house last night." I know they

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*Georgia A. Thomas*

NLVPD0040

AA6294

North Las Vegas Police Dept.  
1901 E. Lake Mead Blvd.

Statement of: George Thomas

90-9049

came back to my house after they had robbed that man. I asked Sherman, "What were you guys doing in my house last night?" Sherman said, "Marlo came back home to change clothes." And he had changed because earlier he had on blue jeans and a t-shirt and they was laying on the floor Saturday morning. Sherman said that they came back to put \$100.00 in the house. After that I said, "No, no, it did not say \$100.00, you guys had more than that." He said, "No, that they only had \$150.00, they was going to split it \$75.00-\$75.00 and Marlo went back. I told him not to go back but he took his stupid self back up there." That was when I told my sister, "You ought to turn him in." And she said, "They going to get him." And I looked at him and said, "you ought to be ashamed of yourself, why don't you get a job, you work every day, why did you guys rob that man?" He said, "The peck shouldn't have been up there doing what he was doing." I left then.

Q: What is your sister's name?

A: Shirley Nash.

Q: What is Sherman's complete name?

A: Sherman Nash.

Q: Why did you feel Sherman was involved in it with Marlo?

A: Every time Sherman do something Detective Anderson, it's Marlo and Sherman and usually Jody, but Jody's in jail so I knew it couldn't be him. I saw Marlo and Sherman together Friday night, my whole family did, we were over to my sister Johnny's house on Dogwood having a fish fry. Sherman and Marlo showed up over there. He came to tell me he had cleaned out the fish tank and when I saw Sherman I

*Chargin a Thimer*



44-38861-42

North Las Vegas Police Dept.  
1891 E. Lake Mead Blvd.

Statement of: Georgia Thomas

90-8863

Q: said, "What were you doing in my house?" Because I don't want him in there. When they left about 9:00 P.M. they were riding bikes and one family member said, "Where are they going?" and I said, "They probably going to rob somebody."

Q: Did you happen to talk to your son Martin regarding this incident?

A: Yes I talked to him Sunday at Juvenile Home and I asked him, "Why did you guys rob that man?" He said, "I didn't do anything, Sherman did it all. All I did was pick up the money." I said, "You just as guilty as Sherman is, you took the man's money." He said, "The man dropped the money and I picked it up." My words to him were, "Why didn't you just run away from trouble?" He said, "I saw money and I grabbed it." Then I asked him about the knife and he said, "There was no knife." And told me the same story Sherman did about the choke hold and chasing the man over by that Boy's Club. That's the exact same thing Sherman said. I asked him again about the knife, he said, "No knife." I told him again, "You in trouble" he said, "I didn't do anything, it was all on Sherman this time, all I did was take the money." Then I told him about the police report, what it said. He said again there was no knife. He didn't say anything about no hookers, he didn't say anything about that, he said they tried to sell the man some dope and about the leaves they picked up and crushed up in his hand. He said they went outside too and after they tried to sell the man the dried up leaves that Sherman grabbed the man, he said the man had the money in his hand and he threw his hands up and

5  
*Georgia A Thomas*

NLVPD0042

AA6296

North Las Vegas Police Dept.  
1811 E. Lake Road Blvd.

Statement of: *George Inack*

SA-4122

Attested to: Marlo said he kicked the cover up and then checked the cover and said that again, there was no knife.

Q: I see Marlo has had problems with robbery before.

A: Umm hmm. Detective Anderson, Marlo has a bad problem hanging around with the wrong crowd of people. He can't seem to let them go. Every time Marlo get in trouble it's the same three peoples and this case it wasn't Jody, he's in jail, it was them two.

Q: How would you describe your nephew Sherman Nash?

A: He's black, about 14 or 15 years old, about 5'9", maybe a little taller, he big, fat. He got a short hair cut.

Q: Does Sherman look to be about the same age or relative same age as your son, Marlo?

A: Umm hmm.

Q: So if someone would describe your son as being middle 20's, then if Sherman looks to be the same age they'd describe Sherman as being in his middle 20's?

A: Yes. Same age.

Q: Do you know if Sherman has any of the money?

A: He says he didn't, I asked him.

Q: Have you happened to find any of the money at your house?

A: Well I tell you what I found Detective, wait a minute, correction, I didn't find it P.J. did. He found a hundred dollar bill under the bed tick.

Q: Where, what is a bed tick?

A: It's a mattress.

*George Inack*



44-111-1044

North Las Vegas Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Georgia Thomas

90-8843

Q: Where was this mattress?

A: In Marlo's room under Marlo's mattress.

Q: Do you still have the hundred dollar bill?

A: No, I spent it. I'm being honest, matter of fact I just did it, I paid the water bill. When P.J. gave it to me I was asleep and he woke me up and he say, "Mama, we can go to the store now and buy something to eat." And I said, "I don't have any money," and he said, "I do." And I knew he had about \$3 or \$4 and I said, "That ain't enough." And he said, "I got more than that." I said, "Let me see what you got." And he showed me the hundred dollar bill. I said, "Where'd you get that from?" He said, "I found it in Marlo's room." And that's when I said, "I wonder where that (I ain't gonna say what I said) get the money from?" I thought maybe Marlo could have got it from his girlfriend Tammy so I used it.

Q: Is there anything else you can add to this that I haven't asked?

A: I talked to him yesterday and told him you were coming back to talk to him and for him to tell the truth and I asked him why he lied to you because he told you a complete different story than he told me and I told him to tell the truth.

This concludes this statement. The time is 9:15 A.M. CLL

*Georgia Thomas*

NLVPD0044

AA6298

POLICE DEPARTMENT  
City of North Las Vegas  
4301 E. Lake Mead Blvd.

DATE: 081490

PRIOR TO ANY QUESTIONING, YOU MUST UNDERSTAND THE FOLLOWING RIGHTS.

1. You have the right to remain silent.
2. Anything you say, can be used against you in a court of law.
3. You have the right to the presence of an attorney prior to any questioning.
4. If you cannot afford an attorney, one will be appointed to you, prior to any questioning, if you so desire. If you wish to waive all the above rights and answer questions now without an attorney present, you have the right to stop answering questions at any time, during the interview.

DO YOU UNDERSTAND FULLY WHAT YOU HAVE BEEN TOLD:

Answer: yes Sign: MARIO Thomas

WAIVER

I can read and write the English language and I have read and understand the statement of my rights as shown above. I understand that I have the right to remain silent, that anything I say can be used against me in a court of law, that I have the right to the presence of an attorney before any questioning, if I so desire.

I hereby waive my rights as shown above and I am willing to answer questions and make a formal statement.

I understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me.

Signed: MARIO Thomas

Witness: D. Anderson Witness: \_\_\_\_\_

I, Mario Thomas first having been duly informed of my rights by D. Anderson, as shown above, do hereby make the following statement freely and voluntarily and without promises of immunity or reward. My name is Mario Thomas.  
I am 17 years of age; I reside at 2714 Spain.  
My phone number is \_\_\_\_\_.

9470046

North Las Vegas Police Dept.  
101 E. Lake Road Blvd.

Statement of: Marlo Thomas

90-8863

Q: Today's date is August 14, 1990. I'm interviewing Marlo

Thomas at Clark County Juvenile Hall in reference to case number 90-8863. This is Detective Anderson. Marlo, I'm investigating an alleged robbery which occurred at O'Briley's, 2425 Las Vegas Boulevard on August 10, 1990 at approximately 5 minutes to midnight. Can you tell me where you were and what your activities were that evening?

A: I was in front of O'Briley's Bar waiting for my girlfriend to get off of work from um City Bus, she get off, she got off at 11:00 and the buses run you know around that time, no they cut off at 9 you know but they was coming and then she got off, got a key when she got off the bus and that was it.

Q: Keep talking about whatever happened from there on.

A: Then, and then this man came on over by this bar. He and my cousin Sherman Nash we was umm waiting by the O'Briley's Bar and uh, I mean over by the bus stop and then this man came out and he had a beer bottle in his hand he's a Mexican. And he said something to my cousin and my cousin said something to him and they was arguing and then my cousin told him, he said, "I ought to choke you to death," like that and then the man said, "You won't do nothing," then they got to cussing each other out, then my cousin, the man had some money in his hand and then my cousin grabbed and choked him the man dropped a twenty dollar, a twenty dollar bill, some money on the ground. And then, and uh, he did uh, they got to tussling and all that and they moved away from

North Las Vegas Police Dept.  
1201 E. Lakeside Blvd.

Statement of: Maria Thomas

4-20-80

him money, and I picked the money up and my girl told me not to, not to be picking up the money and all that and I, I, so I took, picked up the money and started arguing with her. And then she wouldn't take the money and I was trying to give it to her and then she cussed me out and then she pushed me and went down, went down to her friend's house and after she did that I stayed there and watched the fight and then Sherman Nash just walked away and the man looked around for his money but didn't say nothing and was going to wait till he asked because I thought he was drunk too drunk to us, ask for his money and then she had the gun took off running and then I wasn't going to check on him because by then he thought I had something to do with uh, the fight with him so he just took off running. And uh, he came back with the police and the police said, "Excuse me sir" like that and uh, I said, uh, I came to them then he was asking me he said this man said something about a robbery and I said, "I didn't rob him," I said, "I don't know what you're all talking about," like that and then the Police Officer said um "Why don't you wait till another dispatch come" and all I said, "No I got to go home, I'm leaving," like that, said, "I don't know what you're all talking about," and then the Police Officer had his "long talk" in his hand and he seen me moving, moving, and I was trying to get past him, I kept on moving him out of my way, he grabbed his mace and he maced me and that's when I intended, I fled, I fled from the scene and I, I uh ran and sat in some bushes cause um the mace

MT



1301 E. Lake Mead Blvd.

Statement of: Marlo Thomas

90-8863

was in my eyes and I couldn't run no other further you know, and the mace was in my eyes and then they came and they arrested me for robbery, strong arm robbery with use of deadly weapon. And then that's all I know you know and ask the police about where I get the knife from and that was it.

Q: Ok so you were out at the bus station or the bus stop with your cousin, Sherman Nash?

A: Umm hmm.

Q: Do you know what Sherman and this Hispanic guy were arguing about?

A: I think um, when he came by Sherman called him a drunk mother fucker. And then he looked at Sherman and then he said something to Sherman and Sherman say, "Fuck you," and that's uh, that's how it all started and then the bus pulled up and my girl got off and then she was laughing, at first she was laughing then when he started choking in front of all the people she um, didn't think it was too serious cause that's how that all started.

Q: Ok, uh, when he came out of the bar, this Hispanic, did he have money visible?

A: Yep. Yep.

Q: Ok. Was any comments made to you from Sherman like "let's roll this guy?" or anything or...

A: No.

Q: It just started when, you know...

A: It just started when Sherman said drunk, he said, "drunk

64-38861-49

Herbert Alan Wagner Police Dept.  
1301 E. Lake Road, St. Paul, Minn.

Statement of: Herbie Thomas

another "fucker" and that's when it all started. Now, from the  
didn't say nothing about let's rob him, let's take his money or  
nothing like that.

Q: It was more because of names thrown at each other and  
everything from there on?

A: Yeah you know they started, when they started getting into  
names they, Sherman knew he was drunk so Sherman just choked him  
you know instead of punching him and, cause he was a grown-up  
anyway he just choked him, since he was big he just choked him  
you know and then the man reached for his neck and dropped his  
money, it was a five and it was a, it was five, I think it was  
five and some ones which came up to twenty dollar bill and that  
was it and I picked, it looked like a lot of ones and it, but it  
wasn't and then I just picked it up and I counted it and I was  
trying to give it to my girl and she wouldn't take it then...

Q: Ok so it wasn't a twenty dollar bill, what, it added up to  
be twenty?

A: Yeah, it wasn't no twenty dollar bill.

Q: Ok. Five dollar bill and then the rest ones?

A: It was a five dollar bill, a ten and the rest of it was  
ones.

Q: Ok. At any time did either you or Sherman have a knife?

A: No. No.

Q: Did at any time either one of you grab his hands and uh,  
forcefully take money out of his pockets?

North Las Vegas Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Mario Thomas

90-8863

A: No. I wasn't nowhere near, I didn't come any nearer than five feet. When they got to fighting, I waited over there until they uh got to fighting then I went over there and picked up the money cause it was on the other it was only UNINTELLIGIBLE off to the you know around the thing right there on the other side.

Q: What's your girlfriend's name?

A: Tammy.

Q: Tammy what?

A: Tammy...

Q: Or where does she stay or her phone number?

A: She, she don't got no phone. See that's the problem.

Q: Ok where does she stay at?

A: In the trailer courts, up the street.

Q: Do you know an address or anything?

A: No, see. All, you know, I don't you know, I don't be over there all the time you know so I don't know.

Q: How can I get a hold of Tammy? Does Tammy come down and visit you at all?

A: Yeah but usually she come down she call me and tell me she's coming and then I come meet her and I don't know...

Q: No, does she come down here? Can she come visit you or is it not...

A: No she can't come down here.

Q: Is there a way that you can get a hold of maybe someone to get a hold of Tammy so Tammy can get a hold of me?

North Las Vegas Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Mario Thomas

90-8863

A: There is. Sherman. Cause you know Sherman, he ain't gonna um, he gonna be scared, he ain't gonna say nothin.

Q: Umm, you're, Sherman and Tammy are contacted, are they going to say pretty much about the same thing?

A: She'll definitely say it, he'll say it too.

Q: Uh, why did you stay in the area after that?

A: Because, oh, I stayed in the area, the man, after I took his money me and Tammy got to arguing so she made, no she made me give back, she didn't make me give back or nothing, but we were arguing and I decided on giving the man back his money. And I stayed in the vicinity cause I knew he was coming, he was going to get the police, I knew it. I knew it so I stayed in, I stayed, I kept, I stayed there in front of O'Briley's Bar and then when the police pulled up I didn't move or nothing. I just stayed there and when they got out they started talk, I thought it was going to be all easy, you know I told them I said that here's your money and all that umm, it wasn't that, it wasn't that simple, you know, and they got off, he got to hollering, "Yeah that's him, that's him" and all that you know then I was like "What you talking about?" I said, "I'm going home" then you know I waste my time you know, you know. And that was it, that's the reason I stayed up there.

Q: So you didn't try to explain...

A: No I...

Q: Once you heard his story and you knew it was a little bit, a



North Los Angeles Police Dept.  
1301 E. Lake Mead Blvd.

Statement of: Marlo Thomas

90-8863

lot different than what you perceived it to be, then you just wanted to...

A: Yeah, I just say, "I'm gone," you know, he can say what he want to, I wasn't there, I said, "I wasn't even there, I don't know what you all talking about." I just walked, I tried to walk off cause I didn't do nothing to him, you know, the police you know took me into custody then.

Q: You definitely saw him drop the money though?

A: Yeah I sat there and watched him you know, it was all balled up.

Q: Did you realize at that time that the money was his?

A: Yeah. I knew it was his I mean you know he dropped it.

Q: Is that what the argument between your girlfriend and you were about?

A: Yeah it was arguing...

Q: Whether you should have that money or not?

A: Yeah. Yeah, she told me I shouldn't have it, to give it back to him and I told her she didn't know what she was talking about. And then, then she talked about "well you do all this, well you're always doing something wrong," then she pushed me "you just got out of Juvenile and then you want to go back" and then she pushed me again and I told her to "f" herself and to get out of my way then you know I thought about it and I said, "yeah I'll give back the money," then she said, "well I'll make sure you UNINTELLIGIBLE, I'm gonna stay here, I'm gonna come back and

NLVPD0053

North Las Vegas Police Dept.  
1501 E. Lake Road Bldg.

90-4843

Statement of: Mario Thomas  
I was with you and I saw him give it to him when he comes  
back. I thought he was coming, something told me he wanted to

come back, I said there's two reasons. I said for one I thought  
he weren't coming back then the second reason I said if he did he  
had UNINTELLIGIBLE.

Q: So if he'd asked he could have had the money?

A: Yeah.

Q: You were waiting for him to ask?

A: Yeah.

Q: You felt it was just free money cause it was on the sidewalk  
type thing?

A: Yep, and he didn't, he didn't ask he wasn't going to get it  
you know, even though I thought I thought he was drunk. That's  
why he wasn't going to get it you know. But if he'd have asked  
I'd have given him his money but now he just took off running and  
went and contact, called the police.

Q: Did you ever have any physical contact with him at any time?

A: I didn't touch him.

Q: And you had no weapon on you?

A: No way, no way. I admit it on that on really it was money.

Q: Is there anything else you can add to this that I have not  
asked?

A: No, that was it.

Q: Ok this concludes the interview. It's approx. 12:12 P.M.  
CLL

NLVPD0053

AA6307