

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

SIAOSI VANISI,

Appellant,

vs.

WILLIAM GITTERE, WARDEN,
and
AARON FORD, ATTORNEY
GENERAL FOR THE
STATE OF NEVADA.

Respondents.

Electronically Filed
Sep 26 2019 03:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 78209

District Court No. 98CR0516

Volume 2 of 38

APPELLANT'S APPENDIX

Appeal from Order Denying Petition for Writ of
Habeas Corpus (Post-Conviction)
Second Judicial District Court, Washoe County
The Honorable Connie J. Steinheimer

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27	114. Declaration of Heidi Bailey-Aloi April 7, 2011.....	AA05727 – AA05730
27	115. Declaration of Herbert Duzant’s Interview of Tony Tafuna April 18, 2011.....	AA05731- AA05735
27	116. Declaration of Terry Williams April 10, 2011.....	AA05736 – AA05741
27	117. Declaration of Tim Williams April 10, 2011.....	AA05742 – AA05745
27	118. Declaration of Mele Maveni Vakapuna April 5, 2011.....	AA05746 – AA05748
27	119. Declaration of Priscilla Endemann April 6, 2011.....	AA05749 – AA05752
27	120. Declaration of Mapa Puloka January 24, 2011.....	AA05753 – AA05757
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27	122. Declaration of Sione Pohahau January 22, 2011.....	AA05768 – AA05770
27	123. Declaration of Tavake Peaua January 21, 2011.....	AA05771 – AA05776
27	124. Declaration of Totoa Pohahau January 23, 2011.....	AA05777 – AA05799
27-28	125. Declaration of Vuki Mafileo February 11, 2011	AA05800 – AA05814

28	127. Declaration of Crystal Calderon April 18, 2011.....	AA05815 – AA05820
28	128. Declaration of Laura Lui April 7, 2011.....	AA05821 – AA05824
28	129. Declaration of Le’o Kinkini-Tongi April 5, 2011.....	AA05825 – AA05828
28	130. Declaration of Sela Vanisi-DeBruce April 7, 2011.....	AA05829 – AA05844
28	131. Declaration of Vainga Kinikini April 12, 2011.....	AA05845 – AA05848
28	132. Declaration of David Hales April 10, 2011.....	AA05849 – AA05852
28	136. Correspondence to Stephen Gregory from Edward J. Lynn, M.D. July 8, 1999.....	AA05853 – AA05855
28	137. Memorandum to Vanisi File from MRS April 27, 1998.....	AA05856 – AA05858
28	143. Memorandum to Vanisi File From Mike Specchio July 31, 1998.....	AA05859 – AA05861
28	144. Correspondence to Michael R. Specchio from Michael Pescetta October 9, 1998.....	AA05862 – AA05863
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28	146. 3 DVD's containing video footage of Siaosi Vanisi in custody on various dates (MANUALLY FILED).....	AA05867
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28	149. Declaration of Steven Kelly April 6, 2011	AA05941 – AA05943
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31	163. Neuropsychological and Psychological Evaluation of Siaosi Vanisi, Dr. Jonathan Mack April 18, 2011	AA06499 – AA06569
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32	172. Motion for Change of Venue, <i>State of Nevada v.</i> <i>Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 15, 1998	AA06695 – AA06700
32	173. Declaration of Herbert Duzant’s Interview with Tongan Solicitor General, ‘Aminiasi Kefu April 17, 2011	AA06701 – AA06704
32	175. Order Denying Rehearing, Appeal from Denial of Post-Conviction Petition, <i>Vanisi vs. State of</i> <i>Nevada</i> , Nevada Supreme Court, Case No. 50607 June 22, 2010	AA06705 – AA06706
32	178. Declaration of Thomas Qualls April 15, 2011	AA06707 – AA06708
32	179. Declaration of Walter Fey April 18, 2011	AA06709 – AA06711
32	180. Declaration of Stephen Gregory April 17, 2011	AA06712 – AA06714
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- 32 183. San Bruno Police Department Criminal
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- 32 184. Manhattan Beach Police Department Police
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- 32 185. Manhattan Beach Police Department
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- 32 186. Notice of Intent to Seek Death Penalty,
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- 32 187. Judgment, *State of Nevada v. Vanisi*,
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- 32 190. Correspondence to The Honorable Connie
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- 32 195. Declaration of Herbert Duzant’s Interview of
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- 32 196. Declaration of Herbert Duzant’s Interview of
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12	Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 35249 November 27, 2001.....	AA02527 – AA02528
15	Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 50607 July 19, 2010	AA03031 – AA03032
35	Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 65774 January 5, 2018.....	AA07319 – AA07320
12	Reply in Support of Motion to Withdraw as Counsel of Record, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 27, 2002	AA02572 – AA02575
39	Reply to Opposition to Motion for Leave to File Supplement to Petition for Writ of Habeas Corpus, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 15, 2018.....	AA08232 – AA08244
36	Reply to Opposition to Motion to Disqualify the Washoe County District Attorney’s Office, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 27, 2018	AA07615 – AA07639

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36	1. Response to Motion for a Protective Order, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court
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	of Nevada, Case No. CR98-0516 March 9, 2005.....	AA07640 – AA07652
36	2. Letter from Scott W. Edwards to Steve Gregory re Vanisi post-conviction petition. March 19, 2002.....	AA07653 – AA07654
36	3. Supplemental Response to Motion for a Protective Order, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 16, 2005.....	AA07655 – AA07659
36	4. Appellant’s Appendix, Volume 1, Table of Contents, <i>Vanisi v. State of Nevada</i> , Nevada Supreme Court, Case No. 50607 August 22, 2008.....	AA07660 – AA07664
36	5. Facsimile from Scott W. Edwards to Jeremy Bosler April 5, 2002.....	AA07665 – AA07666
35	Reply to Opposition to Motion for Reconsideration and Objection to Petitioner’s Waiver of Attendance at Evidentiary Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 April 16, 2018.....	AA07356 – AA07365

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35	1. Petitioner’s Waiver of Appearance (and attached Declaration of Siaoosi Vanisi), April 9, 2018.....	AA07366 – AA07371
13	Reply to Response to Motion for Stay of Post-Conviction Habeas Corpus Proceedings and for Transfer of Petitioner to Lakes Crossing for Psychological Evaluation and treatment (Hearing Requested), <i>State of Nevada v.</i> <i>Vanisi</i> , Second Judicial District Court of Nevada,	

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36 Reply to State’s Response to Petitioner’s Suggestion
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36 1. Declaration of Randolph M. Fiedler
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36 Request from Defendant, *State of Nevada v.*
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32 Response to Opposition to Motion to Dismiss
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36 Response to Vanisi’s Suggestion of Incompetency
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35 State’s Opposition to Motion for Reconsideration
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1. Declaration of Donald Southworth, *Vanisi v. State of Nevada, et al.*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 State’s Sur-Reply to Vanisi’s Motion to Disqualify the Washoe County District Attorney’s Office, *Vanisi v. State of Nevada, et al.*, Second Judicial District Court of Nevada, Case No. CR98-0516
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EXHIBIT

- 36 1. Transcript of Proceedings – Status Hearing, *Vanisi v. State of Nevada*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 Suggestion of Incompetency and Motion for Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 37 Transcript of Proceedings – Competency for Petitioner to Waive Evidentiary Hearing, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 37-38 Transcript of Proceedings – Report on Psychiatric Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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13	Transcript of Proceedings – Conference Call – In Chambers, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 5, 2003	AA02583 – AA02587
35	Transcript of Proceedings – Conference Call, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 10, 2018	AA07372 – AA07384
34	Transcript of Proceedings – Decision (Telephonic), <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 4, 2014.....	AA07089 – AA07096
12	Transcript of Proceedings – In Chambers Hearing & Hearing Setting Execution Date, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District of Nevada, Case No. CR98-0516 January 18, 2002.....	AA02541 – AA02552
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13	Transcript of Proceedings – In Chambers Hearing, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 24, 2005.....	AA02655 – AA02679
35	Transcript of Proceedings – Oral Arguments, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 30, 2018	AA07391 – AA07446

38	Transcript of Proceedings – Oral Arguments, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 25, 2019.....	AA08136 – AA08156
32-33	Transcript of Proceedings - Petition for Post-Conviction (Day One), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 5, 2013	AA06848 – AA06966

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33	199. Letter from Aminiask Kefu November 15, 2011.....	AA06967 – AA06969
33	201. Billing Records-Thomas Qualls, Esq. Various Dates.....	AA06970 – AA06992
33	214. Memorandum to File from MP March 22, 2002.....	AA06993 – AA07002
33	Transcript of Proceedings - Petition for Post-Conviction (Day Two), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 6, 2013	AA07003 – AA07083

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33	200. Declaration of Scott Edwards, Esq. November 8, 2013.....	AA07084 – AA07086
33	224. Letter to Scott Edwards, Esq. from Michael Pescetta, Esq. January 30, 2003.....	AA07087 – AA07088

12-13	Transcript of Proceedings – Post-Conviction, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 28, 2003.....	AA02576 – AA02582
13	Transcript of Proceedings – Post-Conviction, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 November 22, 2004.....	AA02614 – AA02644
1	Transcript of Proceedings – Pre-Trial Motions, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 November 24, 1998.....	AA00001 – AA00127
13	Transcript of Proceedings – Report on Psychiatric Evaluation, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 27, 2005.....	AA02680 – AA02716
37-38	Transcript of Proceedings – Report on Psychiatric Evaluation, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 24, 2018.....	AA07925 – AA08033
13-14	Transcript of Proceedings – Report on Psychiatric Evaluation <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 18, 2005	AA02717 – AA02817
38	Transcript of Proceedings – Report on Psychiatric Evaluation, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 25, 2018.....	AA08034 – AA08080

36-37	Transcript of Proceedings – Status Conference, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 5, 2018.....	AA07725 – AA07781
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6-7	Transcript of Proceedings – Trial Volume 3, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 22, 1999.....	AA01113 – AA01299
2-3	Transcript of Proceedings – Trial Volume 4, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 14, 1999.....	AA00296 – AA00523
7	Transcript of Proceedings – Trial Volume 4, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 23, 1999.....	AA01300 – AA01433

3	Transcript of Proceedings, Trial Volume 5, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 15, 1999.....	AA00524 – AA0550
7-8	Transcript of Proceedings, Trial Volume 5, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 24, 1999.....	AA01434 – AA01545
8	Transcript of Proceedings – Trial Volume 6, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 27, 1999.....	AA01546 – AA01690
8-9	Transcript of Proceedings – Trial Volume 7, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 28, 1999.....	AA01691 – AA01706
9	Transcript of Proceedings – Trial Volume 8, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 30, 1999.....	AA01707 – AA01753
9-10	Transcript of Proceedings – Trial Volume 9, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 1, 1999.....	AA01754 – AA01984
10-11	Transcript of Proceedings – Trial Volume 10, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 4, 1999.....	AA01985 – AA02267

11-12	Transcript of Proceedings – Trial Volume 11, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 5, 1999.....	AA02268 – AA02412
12	Transcript of Proceedings – Trial Volume 12, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 6, 1999.....	AA2414 – AA02522

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 26th day of September, 2019.

Electronic Service of the foregoing Appellant's Appendix shall be made in accordance with the Master Service List as follows:

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An employee of the Federal
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1 THE COURT: I'll take that as a stipulation.

2 MR. SPECCHIO: That will be a stipulation.

3 Well, I won't object. Let's put it that way.

4 THE COURT: Okay. 24-A and B are admitted.

5 (Exhibit Nos. 24-A and 24-B admitted.)

6 MR. GAMMICK: May I walk through the jury and
7 publish, Your Honor?

8 THE COURT: You may.

9 BY MR. GAMMICK:

10 Q The flashing lights on the back of Sergeant
11 Sullivan's patrol vehicle that he had illuminated that
12 night, do you have the same type of lights on your car?

13 A I do.

14 Q Do the other police cars at UNR have that type
15 of lighting?

16 A They do.

17 Q How far away have you seen those flashing
18 lights when you have been behind one of those cars with them
19 on?

20 A They are visible for 150, 200 feet easy,
21 further.

22 MR. GAMMICK: Thank you. That is all I have.

23 **RECROSS-EXAMINATION**

24 BY MR. SPECCHIO:

25 Q How about around corners? How far do you have

1 to be around corners so you can still see them?

2 Never mind. Don't even bother.

3 MR. SPECCHIO: I have no further questions.

4 THE WITNESS: I would be more than happy to
5 answer it.

6 MR. SPECCHIO: That is all right.

7 THE COURT: Withdraw the question?

8 MR. SPECCHIO: Yes, Your Honor.

9 THE COURT: Anything further?

10 Sir, thank you. You may step down. You are
11 excused.

12 (The witness was excused.)

13 THE COURT: Ladies and gentlemen of the jury,
14 we're going to take our afternoon recess now. During this
15 recess I'm going to remind you of the admonition that I have
16 given you at all other breaks. You are not to discuss this
17 case among yourselves or with anyone else, or any matter
18 having to do with this case.

19 It is further your duty not to form or express
20 any opinion regarding the guilt or innocence of the
21 defendant until the case is finally submitted to you for
22 decision. You are not to read, look at or listen to any
23 news media accounts relating to this case should there be
24 any.

25 Should any person attempt to discuss the case

1 with you or in any manner attempt to influence you with
2 respect to it, you are to advise the bailiff who in turn
3 will advise the Court.

4 Ladies and gentlemen of the jury, you may step
5 out at this time. The audience will be seated, please.

6 (Whereupon, the following proceedings were held
7 in open court, outside the presence of the
jury.)

8 THE COURT: Counsel, do you have anything that
9 you need to bring up at this stage in the proceedings
10 outside the presence of the jury?

11 MR. BOSLER: Your Honor, I have had the
12 opportunity since I haven't been doing the questioning to
13 see that there are several uniform armed officers who come
14 in and out of court, not particularly the bailiffs.

15 What I have noticed is they seem to, to a
16 person, look at Mr. Vanisi with a menacing glare, and maybe
17 that is understandable; but I think that if a juror were to
18 see an officer walk into court, giving a menacing glare to
19 Mr. Vanisi, that is the functional equivalent of them
20 wearing a badge saying he is to be convicted or something
21 like that.

22 I would just ask the Court if these people want
23 to come in and be spectators, as is their right, this is an
24 open courtroom, they try not to do anything that may be
25 considered disruptive by the jurors.

1 THE COURT: Is there anyone in the courtroom
2 that you would now identify as someone who has given a
3 menacing look to Mr. Vanisi?

4 MR. BOSLER: They were uniformed officers. Not
5 NHP. They have already left.

6 THE COURT: Nobody who is currently in the
7 courtroom, is who you are talking about?

8 MR. BOSLER: That is correct, Your Honor.

9 THE COURT: I'd appreciate it if you would on
10 this break see if you can find that person, if they are
11 still in the hall. The people in the courtroom now are the
12 people that I know that will be uniformed officers in and
13 out of this courtroom. So I don't know who you are talking
14 about.

15 You think they were in a blue uniform like a
16 Reno PD uniform?

17 MR. BOSLER: That would be my guess. I just
18 watched the faces coming in.

19 THE COURT: I did not see anybody come in and
20 out in a Reno PD uniform. Obviously, nobody from Reno PD is
21 involved in the security or the functioning of the court.
22 So I don't know who these people might be.

23 Do you think there was more than one person?

24 MR. BOSLER: Yes.

25 THE COURT: Does anybody, any of the other

1 attorneys involved in this case, have any idea who he is
2 referring to?

3 MR. GAMMICK: I have absolutely no idea, Your
4 Honor. I would ask if the Court has observed any
5 inappropriate behavior. The Court is in a better angle to
6 see these things. I'm not aware of anything going on that
7 is out of line.

8 THE COURT: The Court has not observed
9 anything. I am trying to keep a very good eye on what's
10 happening. I have not observed anything out of the ordinary
11 or any glares or any looks towards Mr. Vanisi.

12 Mr. Bosler, I don't want to imply anything, but
13 you are sure they are looking at the defendant? I haven't
14 paid attention to what they might be looking at.

15 MR. BOSLER: Your Honor, I know that you are
16 doing some paperwork. I have had the opportunity to not be
17 busy with paperwork.

18 THE COURT: Actually I'm not doing much
19 paperwork. I'm not doing anything that isn't involved in
20 this case, and I never don't look up every 30 seconds or so.

21 MR. BOSLER: Your Honor, for the record, I
22 guess I should indicate that I sit right next to Mr. Vanisi.
23 People who look at him have to necessarily look at me
24 because I'm the next person.

25 THE COURT: Deputy Uptain, you are my bailiff

1 here. You have been sitting here.

2 THE SHERIFF: I have watched everybody that
3 came in, and I haven't noticed anything.

4 THE COURT: Would you advise the Court, please,
5 if you notice anyone showing any particular demeanor, happy,
6 sad, anything at all that might in any way be distracting,
7 no matter who it is addressed to? I think we have talked
8 about that before.

9 If you see anything like that, please advise
10 the Court.

11 THE SHERIFF: Yes, Your Honor.

12 THE COURT: Clerk, Mrs. Stone, you are facing
13 in the same direction right next to Deputy Uptain. Have you
14 seen anything?

15 THE CLERK: I have not noticed anything.

16 THE COURT: You are working on your computer,
17 too. Okay.

18 Counsel, next time you see anybody, if you see
19 something, please call it to my attention as it happens so
20 that I can figure out who you are talking about.

21 These people aren't connected with the court.
22 If they are here, or doing anything, I don't know anything
23 about them. We'll watch for it.

24 Ask you also, Deputy Brokaw, to watch and let
25 me know if anybody comes in and out.

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THE SHERIFF: Yes, Your Honor.

MR. BOSLER: Thank you, Your Honor.

THE COURT: Anything further?

MR. GAMMICK: I have nothing else, Your Honor.

THE COURT: Okay. We'll give a break now until
3:15. I'll see you all back at that time.

Court is in recess.

(Recess taken at 3:02 p.m.)

RENO, NEVADA, WEDNESDAY, JANUARY 13, 1999, 3:22 P.M.

-oOo-

(Whereupon, the following proceedings were held in open court, in the presence of the jury.)

THE COURT: Counsel stipulate to the presence of the jury?

MR. GAMMICK: Stipulate the presence of the jury, Your Honor.

MR. SPECCHIO: Yes, Your Honor.

THE COURT: You may call your next witness.

MR. GAMMICK: Call Andrew Ciocca, please.

THE COURT: Please step forward and face the woman standing, and she will administer the oath.

ANDREW GUY CIOCCA

called as a witness on behalf of the Plaintiff,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GAMMICK:

Q Would you please state your name and spell your last name, sir?

A Andrew Guy Ciocca, C-I-O-C-C-A.

Q Mr. Ciocca, are you a student at the University of Nevada, Reno?

SIERRA NEVADA REPORTERS (702) 329-6560

1 A Yes, I am.

2 Q Were you a student up there January of 1998,
3 one year ago?

4 A Class was not in session, but I was a
5 continuing student, yes, sir.

6 Q I'll call your attention to Monday, January 12,
7 Tuesday, January 13th. Was school out at that time?

8 A Yes, it was.

9 Q You were still in the area?

10 A Yes, I was.

11 Q That night, where were you around midnight?

12 A Around midnight I was at the Days Inn at 701
13 East Seventh Street, the corner of Seventh and Wells,
14 visiting a friend.

15 Q Did you leave there?

16 A Yes, I did.

17 Q About what time?

18 A I would guess about 12:00. I remember that I
19 had to meet somebody around 1:15, 1:30. So I'd say I
20 probably left around 12:45ish, I believe, give or take.

21 Q Where were you headed?

22 A I was headed to my home at 1316 Buena Vista
23 Avenue.

24 Q Is that on -- what is in between where you were
25 at and your home?

1 A The University of Nevada, across campus.

2 Q What was your mode of transportation on that
3 night?

4 A I was on foot.

5 Q Did you walk to the university?

6 A Yes, I did.

7 Q Did you enter the campus?

8 A Yes, I did.

9 Q Where did you do that?

10 A At the stairs which come down at Ninth Street.
11 There is a large stairs that go over an irrigation ditch of
12 some nature.

13 Q Is that close to the intersection of Ninth and
14 Center?

15 A Yes, it is. About half a block.

16 Q Do you have to go uphill to get on to campus?

17 A Yes.

18 Q Did you?

19 A Yes, I did.

20 Q Once you crested the top of the hill, what did
21 you first see?

22 A What I first saw was a University of Nevada
23 police vehicle. I did not notice much that was strange
24 otherwise. And the parking lot makes a hump, and so a
25 portion of the vehicle was obstructed. A University of

1 Nevada police vehicle.

2 Q Have you seen other University of Nevada police
3 vehicles or maybe that one at that location before?

4 A I couldn't say which specific vehicles, but
5 yes, they are regularly parked there.

6 Q At night?

7 A Yes. I pass by there at that hour very
8 regularly.

9 Q As you got closer what did you observe?

10 A I observed what appeared to be a person looking
11 under the vehicle, which at my assumption I thought was the
12 vehicle was leaking fluid and the officer was looking under
13 trying to figure out what was wrong with the vehicle.

14 Q Did that impression change?

15 A Upon closer inspection, I realized the officer
16 was face down, yes, sir.

17 Q What was the fluid?

18 A The fluid was his blood.

19 Q What did you do then?

20 A I ran to the officer. This is 365-day stale
21 memory, but I ran to the officer. I checked his pulse on
22 his hand. He was still warm.

23 I went to I believe a visitor's information
24 kiosk which is located in the parking lot. Knocked on the
25 window. The light was on. That was the reason I went over.

1 Nobody, nobody was in there.

2 I went to a phone near Manzanita Lake a little
3 bit west of where he was parked and dialed 911.

4 Q If I can, 17-A which has already been admitted
5 into evidence. Can you see this all right from where you
6 are located?

7 A Yes, sir.

8 Q And does that appear to be what you found that
9 morning?

10 A As I noted in the preliminary trial, the
11 gentleman's shirt was not open. He was face down where the
12 bulk of the blood was by the door. His face being right
13 where the bulk of the blood was.

14 THE COURT: I'm going to stop you there,
15 Mr. Gammick.

16 Ladies and gentlemen of the jury, can you see
17 this? Can everyone see it? Thank you.

18 Go ahead.

19 MR. GAMMICK: Thank you, Your Honor

20 BY MR. GAMMICK:

21 Q After you made the 911 call, did you move the
22 officer?

23 A Yes, I went back to the officer. I rolled him
24 over, checked his pulse again, attempted to resuscitate.
25 And then I used his police radio to attempt to contact the

1 police yet again.

2 Q Let me show you 17-B and 17-C. Do you
3 recognize that photograph, sir?

4 A Yes, I do. That is the south end of campus
5 where the visitor's information kiosk as well as the car was
6 parked.

7 Q And 17-C, ask if you recognize that.

8 A That's the interior of the car that the officer
9 was driving.

10 MR. GAMMICK: Your Honor, I move for 17-B and
11 17-C.

12 THE COURT: Mr. Specchio?

13 MR. SPECCHIO: No objection, Your Honor.

14 THE COURT: Okay. 17-B and C are admitted.

15 (Exhibit Nos. 17-B and 17-C admitted.)

16 BY MR. GAMMICK:

17 Q Now, we'll notice in the photograph that is on
18 the screen now, 17-A, that the car door is open.

19 A That is correct.

20 Q Was that the condition it was in when you first
21 found the car?

22 A To the best of my memory, yes.

23 Q I believe you started describing that
24 photograph, 17-B, I believe, as being in the area of the
25 south side of the university campus?

1 A That is correct.

2 Q And you mentioned an information kiosk. Is
3 that --

4 A I can't see too clearly, but that would be just
5 about the location, yes, sir.

6 Q Do you see what looks like a lot of liquid all
7 over the ground all in here?

8 A Yes.

9 Q Is that the location of the Sergeant Sullivan's
10 car --

11 A Approximately.

12 Q -- when you found it? You mentioned a
13 telephone, too. Do you see that in this photograph?

14 A Where the blue roof is at the lower left-hand
15 side of the corner a little bit north of that.

16 Q Right in that area?

17 A That vicinity, yes, sir.

18 Q Did there come a time when you discovered
19 something missing from Sergeant Sullivan that caught your
20 attention?

21 A Yes. His sidearm, his gun.

22 Q When did you discover that was gone?

23 A Upon rolling him over. In such a situation, I
24 was obviously fairly nervous and something that I'd be a
25 little more comfortable knowing it was nearby.

1 Q So at that time it concerned you that you
2 couldn't find his gun?

3 A Very much so, yes.

4 Q Did there come a time when you got into the
5 police car?

6 A Yes.

7 Q And did you ever find a coffee cup inside the
8 car?

9 A Yes. There was a coffee cup in the center
10 console located near the seat.

11 Q Let me show you what's been admitted as 17-C
12 and ask about a blue item right there and part of the top
13 there. Is that the coffee cup you are referring to?

14 A I can't see it too well, but I can say with
15 some certainty it was in that area.

16 Q Would you like to see the photograph? Would
17 that be helpful?

18 A That would be great. It would be this coffee
19 cup right there.

20 Q The item I was pointing to on the screen?

21 A Yes.

22 Q Also appears to be some type of notebook right
23 here on top of the dash. Do you recall seeing a notebook?

24 A A clipboard, yes, sir.

25 Q That is where it was located?

1 A I believe so, yes, sir.

2 Q Did any police officers arrive while you were
3 there?

4 A Yes. I would guess, it seemed far longer, but
5 my guess would maybe be within two, two and a half minutes
6 the police showed up after the 911 call.

7 Q Do you know Officer Smith from the University
8 of Nevada, Reno Police Department, Carl Smith?

9 A Yes, I have known him on prior occasions, and
10 he was the first one to arrive on the scene.

11 Q Have your prior meetings been congenial?

12 A No, they have not, unfortunately.

13 MR. GAMMICK: That is all the questions I have
14 at this time, Your Honor.

15 THE COURT: Cross-examination.

16 **CROSS-EXAMINATION**

17 BY MR. SPECCHIO:

18 Q Mr. Ciocca, did you ever see any eyeglasses
19 that night?

20 A I really do not recall. I believe there were
21 eyeglasses, though, with some uncertainty, in the blood
22 where he was down.

23 Q Do you remember giving a police report, making
24 a written statement?

25 A Yes, I do, that evening.

1 Q Do you remember saying that you kicked some
2 glasses out of the way?

3 A No, I don't. But that's very possible. My
4 memory at that time was far better than it is now.

5 Q Did you see anybody else on campus prior to
6 your coming upon Officer Sullivan, Sergeant Sullivan?

7 A No, no, I did not. I believe that I saw
8 shadows before really noticing the situation. But I cannot
9 say with any certainty whether they'd be people or what they
10 were. They were towards the nursing building on the east
11 end of campus, but like I said, with very limited certainty.

12 Q Do you remember telling the police that you
13 might have seen two people by the nursing school?

14 A Key word being might.

15 Q Did you also remember saying anything about
16 hearing some rustling in the bushes by the SAE house?

17 A Yes. It was a fairly calm night that evening
18 near the freeway. I did note some rustling. It didn't
19 really stand out to me, though.

20 Q So you didn't see anybody?

21 A No, I did not.

22 MR. SPECCHIO: Nothing further, Your Honor.

23 THE COURT: Anything further, Mr. Gammick?

24 MR. GAMMICK: No, Your Honor. Thank you.

25 THE COURT: You may step down.

1 THE WITNESS: Thank you.

2 (The witness was excused.)

3 THE COURT: Call your next witness.

4 MR. GAMMICK: I call Willie Stevenson, Your
5 Honor.

6 Your Honor, we will have a videotape to show.
7 I believe we will need to dim some of the lights.

8 THE COURT: That is fine. You all have talked
9 to the bailiff about this; right?

10 MR. GAMMICK: Yes.

11 **WILLIAM STEVENSON**

12 called as a witness on behalf of the Plaintiff,
13 having been first duly sworn,
14 was examined and testified as follows:

15 **DIRECT EXAMINATION**

16 BY MR. GAMMICK:

17 Q Would you please state your name and spell your
18 last name, sir?

19 A William Stevenson, S-T-E-V-E-N-S-O-N.

20 Q What is your profession or occupation?

21 A I'm a forensic investigator with the Washoe
22 County Sheriff's Crime Lab.

23 Q What does a forensic investigator do?

24 A We're primarily responsible for crime scene
25 investigation and documentation as well as processing in the

1 laboratory for latent fingerprints.

2 Q Do you also -- when you say processing a scene,
3 does that also mean collect evidence?

4 A Yes, it does.

5 Q FIS, what does that stand for?

6 A Stands for forensic investigation section.

7 Q That is where you are employed at this time?

8 A That's correct.

9 Q How long -- are you a sworn officer?

10 A Yes, I am.

11 Q How long have you been a sworn officer?

12 A Seventeen years.

13 Q How long have you been involved with FIS?

14 A Approximately eight years.

15 Q I call your attention to the early morning
16 hours of January 13th, 1998, one year ago. Were you called
17 to the area of the information kiosk at the University of
18 Nevada?

19 A Yes, I was.

20 Q Why did you respond there?

21 A I responded to assist Investigator Leal with
22 the investigation of a crime scene and the death of a
23 University of Nevada Police Department officer.

24 Q Investigator Leal, Toni Leal?

25 A That is correct.

1 Q Does she do the same basic type of work that
2 you do?

3 A Yes, she does.

4 Q Now, as a -- you mentioned also fingerprints.
5 As forensic investigators, do you have specialties besides
6 general working on crime scenes?

7 A Yes, we do.

8 Q What is your specialty?

9 A My specialty other than crime scene would be
10 latent fingerprints and photography.

11 Q As to latent fingerprints, what is your
12 education in that field?

13 A I have approximately seven weeks of training
14 from various agencies regarding fingerprints.

15 Q What do you do?

16 A As far as?

17 Q As far as having an expertise in fingerprints.
18 What do you do?

19 A We have a training, knowledge and background in
20 fingerprints, what a fingerprint is, how a fingerprint is
21 deposited. We have training in chemical processing of items
22 for fingerprints.

23 MR. SPECCHIO: I'll stipulate to the
24 qualifications of the witness, Your Honor.

25 BY MR. GAMMICK:

1 Q Have you qualified as an expert in fingerprint
2 comparison?

3 A Yes.

4 THE COURT: Is that what we're talking about?

5 MR. GAMMICK: Yes.

6 THE COURT: That is what you are stipulating
7 to?

8 MR. SPECCHIO: Yes.

9 THE COURT: The Court will accept the
10 stipulation that this witness is a fingerprint comparison
11 expert.

12 BY MR. GAMMICK:

13 Q As an expert in fingerprint comparison, what do
14 you do?

15 A We would take a latent fingerprint if located
16 on any item, compare it to an inked or known fingerprint to
17 determine whether the latent fingerprint might have been
18 made by the person who would have made an inked fingerprint.

19 Q Do you also collect -- what is a latent
20 fingerprint?

21 A A latent fingerprint is a fingerprint that is
22 normally not seen. It is a fingerprint -- for instance, if
23 you pick up a glass and set the glass back down, you may not
24 immediately see the print until you maybe hold it up to a
25 different light, or in our case we would process it with

1 powders or chemicals of some sort.

2 Q As a forensic investigator, do you search for
3 and, if they are found, collect latent fingerprints?

4 A Yes.

5 Q Does Investigator Leal also do that?

6 A Yes, she does.

7 Q And then you compare that latent to find who
8 the print belongs to, compare it to known fingerprints?

9 A That's correct.

10 Q How often do you even find latent fingerprints
11 at scenes?

12 A We find latent fingerprints approximately 10
13 percent of the time. If we worked a hundred scenes or if we
14 processed a hundred items, we would probably find 10
15 fingerprints, 10 latent fingerprints of value.

16 Q Out of those 10, how many are you successfully
17 comparing to someone else or to a person?

18 A As far as a suspect, it would be one percent of
19 the time or one case out of a hundred.

20 Q In this case, during the course of the
21 investigation, were you aware of any latent fingerprints
22 being collected?

23 A There were several latent fingerprints
24 collected.

25 Q Did you have information or were you asked to

1 compare a fingerprint that was collected from a white
2 plastic bag?

3 A Yes, I was.

4 Q That was by Investigator Leal?

5 A That is correct.

6 Q Did you make a comparison of that fingerprint?

7 A Yes, I did.

8 Q What were your results?

9 A I compared the fingerprint, the latent
10 fingerprint from a white plastic bag to an inked fingerprint
11 that was on a card which was collected by Salt Lake City
12 Sheriff's Office. The results of my comparison were that
13 the latent fingerprint from the white plastic bag was made
14 by the same person who made the inked fingerprint on the
15 Salt Lake County card.

16 Q Was that person for the Salt Lake County Siaosi
17 Vanisi?

18 A That is the name that was on the card, yes.

19 Q That was a positive comparison, positive match?

20 A That's correct.

21 Q Do you know what that white plastic bag
22 contained at one time?

23 A I was informed that it contained the leather
24 gear from Sergeant Sullivan.

25 Q At the time you were at the scene, did you look

1 at or examine Sergeant Sullivan's car for blood spots?

2 A Yes, I did.

3 Q Did you find blood spots on the vehicle?

4 A Yes, I did.

5 Q In what general area?

6 A The general area of the driver's door, exterior
7 portion.

8 Q Did you find -- let me show you 17-A. You
9 notice that the car is there with the door open. Did you
10 find any blood spots at all inside of the car, on the seat,
11 inside of the door or anywhere else?

12 A There were a faint number of very small blood
13 spatters on the door sill itself, a rubber portion. But as
14 far as the doorjamb, the seat, any of the other major
15 portions, there were none.

16 Q You have already stated that you are involved
17 in the collection and marking of evidence. Would you please
18 turn the chart around there that is sitting next to you?
19 Just turn it around on the easel.

20 I believe in the left-hand column there are
21 descriptions of some items. What we see primarily are Q
22 numbers and P numbers. What do those mean to you?

23 A A Q number is an evidence control number. The
24 Q simply means that this was the original piece of evidence
25 collected. If I were to collect a piece of evidence at a

1 crime scene, when that piece of evidence is entered into our
2 system, it gets a Q number.

3 The P number is a number which means it's a
4 secondary type of evidence. For instance, if I pick an item
5 up at a crime scene, it gets a Q number. If that item comes
6 into the crime lab and is subsequently tested, say for DNA
7 or something of that nature, the criminalist who does that
8 particular work, if they get a result or if they get further
9 evidence from the initial item that I collect, they give it
10 a P number.

11 Q So the white plastic bag would have had a Q
12 number?

13 A Correct.

14 Q And then the latent fingerprint lifted from
15 that would have the P number?

16 A Actually the latent fingerprint.

17 Q Would that also be a Q?

18 A That would turn into an L number. Latent
19 prints are filed within the fingerprint section in an
20 envelope that has an L number on it. So a latent
21 fingerprint is collected from an item. The item may have an
22 original Q number on it. But it will be filed in an
23 envelope that has an L number on it.

24 Q Blood spots are removed from the car or from
25 any other items, what type of number would those have on

1 them?

2 A If the criminalist is the person collecting
3 those items directly, it will be a P number.

4 Q These different numbers are just a way of you
5 controlling the main item of evidence, anything that's
6 removed from that in anything that's tested?

7 A That's correct.

8 MR. GAMMICK: May I have just a moment, Your
9 Honor?

10 THE COURT: Yes, you may.

11 BY MR. GAMMICK:

12 Q If you look at that chart, you have Q numbers A
13 through E, I believe. Do you know whether or not those
14 were, those stains were ones collected from the car?

15 A I believe with the Q number series they
16 probably were.

17 Q As part of your duties, do you do videotapes of
18 crime scenes?

19 A Yes, I do.

20 Q Did you shoot a videotape of this crime scene?

21 A Yes, I did.

22 Q I know you can't particularly identify a tape,
23 but if you would look at number 19. Is that labeled
24 appropriately for this case?

25 A Yes, it is.

1 MR. GAMMICK: Your Honor, I move for 19. I
2 believe the defense has no objection. They do have a copy.

3 THE COURT: Mr. Specchio?

4 MR. SPECCHIO: No objection, Your Honor.

5 THE COURT: Exhibit 19 is admitted.

6 (Exhibit No. 19 admitted.)

7 MR. GAMMICK: If I could publish it at this
8 time, Your Honor.

9 THE COURT: Yes, you may.

10 (Exhibit 19 played.)

11 BY MR. GAMMICK:

12 Q Does this appear to be the videotape or at
13 least a copy of the videotape that you shot that night?

14 A Yes, it does.

15 Q The police car that we see in the forefront, do
16 you know if that was Officer Carl Smith's police vehicle?

17 A I was advised that was the vehicle that he
18 arrived in, yes.

19 Q Sergeant Sullivan's body was covered to include
20 his head while you shot this video?

21 A Yes, it was covered with a white sheet.

22 Q If I could ask you, Officer Stevenson, if you
23 would, please, you talked earlier about where you found
24 blood spatter and where you did not. Could you take this
25 laser button and indicate where you did find blood spatter

1 and where you did not find any?

2 A The primary blood spatter that was located on
3 scene was -- would be on the outside or front portion of
4 this door, which we will see better later on in the
5 videotape. This is the scene as it related as I arrived.
6 This is the way I found it when I was assigned to begin my
7 work.

8 A partial amount of blood spatter can be
9 located right in the area of the bottom of the I in police,
10 and it thins out going towards the C and the E.

11 On the door itself, the exterior portion where
12 the L would be located, towards the bottom edge is where a
13 majority of the spatter was located.

14 Q Did you find any -- we're looking in the
15 interior of the door now and just kind of catch the edge, we
16 don't see the interior of the door, but did you see any
17 blood spatter in any of those interior surfaces?

18 A None.

19 Q Is that Sergeant Sullivan's glasses depicted
20 there?

21 A Yes, it is.

22 Q Did you recover those?

23 A They were recovered at the scene.

24 Q The lights we see above the car in the
25 background, is that downtown Reno?

1 A Yes.

2 Q To your understanding, is the small building we
3 see behind the car now, is that the information kiosk at the
4 university?

5 A Yes, it is.

6 Q You were talking about some additional blood
7 spatter being located on the car. Could you indicate now
8 where you found that?

9 A The majority of it was right in this area where
10 the L and the bottom of the door, and it radiates out from
11 there up into the door handle itself into the O, et cetera.

12 Q What do we mean when we're talking about blood
13 spatter?

14 A Blood spatter occurs generally when an
15 instrument of some type strikes blood, it causes the blood
16 to spatter, to come out in droplets, if you will, and they
17 course in a certain direction depending on the type of
18 impact; and where they land, you can actually do a stringing
19 and determine the angle of where the blood came from. So
20 it's blood droplets that are caused to fly and land on
21 something from some type of a concussion.

22 Q That was the blood spatter you were talking
23 about?

24 A Yes, it is.

25 THE CLERK: Exhibit 17-D marked.

1 (Exhibit No. 17-D marked.)

2 BY MR. GAMMICK:

3 Q Let me show you 17-D. You mentioned stringing
4 of blood spatter. What does that mean?

5 A What that is is it's a representation of where
6 the blood spatter droplets may have come from. And what
7 someone who is properly trained can do is use mathematical
8 formulas to do a stringing, actually take a string, attach
9 it to the surface where one small blood droplet might be,
10 and due to the mathematics, be able to bring it back to a
11 point. And if you do this to many of your blood spatter
12 droplets, you can bring those back to a common point which
13 would be the point where the bludgeoning most likely
14 occurred.

15 Q Do you know investigator David Ballew?

16 A Yes, I do.

17 Q Is he also an investigator with FIS?

18 A Yes, he is.

19 Q Does he have the expertise to do that?

20 A Yes, he does.

21 Q Do you know whether or not he did that in this
22 case?

23 A Yes, he did.

24 Q I show you 17-D and ask if you recognize that
25 photograph.

1 A Yes, I do. It is a photograph of the stringing
2 conducted by Investigator Ballew in the Forensic Science
3 Division garage.

4 MR. GAMMICK: Your Honor, I move for 17-D.

5 THE COURT: Mr. Specchio?

6 MR. SPECCHIO: No objection, Your Honor.

7 THE COURT: 17-D is admitted.

8 (Exhibit No. 17-D admitted.)

9 MR. GAMMICK: May I publish, Your Honor?

10 THE COURT: Are you going to do it on the
11 machine?

12 MR. GAMMICK: Yes.

13 THE COURT: Go ahead.

14 BY MR. GAMMICK:

15 Q If I understand correctly, you take from the
16 point where the blood spatter is, do the mathematics, and it
17 takes you back to the origin of the blood; and if you do
18 enough of those, it gives you a general area of where the
19 blood-letting event occurred?

20 A That is correct.

21 MR. GAMMICK: That is all the questions I have
22 at this time, Your Honor.

23 THE COURT: Mr. Specchio, do you want to use
24 the videotape?

25 MR. SPECCHIO: No.

1 THE COURT: Okay. We'll turn the lights back
2 up.

3 THE COURT: Cross-examination.

4 **CROSS-EXAMINATION**

5 BY MR. SPECCHIO:

6 Q Investigator Stevenson, you took me through the
7 walk-through, if you will, on the vehicle?

8 A Yes, I did.

9 Q Which was sometime back in January of last
10 year, I think.

11 A That's correct.

12 Q The vehicle at the time that I saw it, it was
13 different from the vehicle that was at the UNR lot. Only a
14 couple of pieces of metal were removed. Do you remember
15 that?

16 A Yes, I do. You viewed it in bay number 2 in
17 our garage.

18 Q Okay. That was -- other than that, the car was
19 the same; right?

20 A That's correct.

21 Q Tell me a little bit more about the Qs and the
22 Ps and the Ls here. The Qs are direct evidence that would
23 be picked up at the scene by somebody?

24 A That's correct.

25 Q And given a number, and that's how it gets a Q?

1 A That's correct. That is how it would initially
2 come into the evidence system if it was a normal piece of
3 evidence collected by other than a criminalist.

4 Q If the neighbor finds something tomorrow, then
5 they bring it in and that becomes a P?

6 A No, that will still be a Q.

7 Q Still a Q?

8 A Yes.

9 Q Okay. So it doesn't have to be at the time of
10 the incident?

11 A That's correct.

12 Q Now, let me ask you about the Sak n' Save bag.
13 You processed it -- is that the right word? -- processed it
14 for prints?

15 A The bag was actually processed by Technician
16 Leal.

17 Q And you did the comparisons?

18 A Yes, I did.

19 Q Now, you don't know, or can you look at that
20 chart and tell me if it's a Q number or a P number or L
21 number?

22 A Are we speaking of the bags?

23 Q The Sak n' Save bag.

24 A The Q number that I am familiar with is not on
25 this chart. The Q number for the bag I believe is 15153.

1 MR. GAMMICK: Your Honor, if I may just a
2 second. I don't believe I identified that chart. That's
3 Exhibit No. 30.

4 MR. SPECCHIO: That's what I was referring to,
5 Judge.

6 THE COURT: Thank you.

7 BY MR. SPECCHIO:

8 Q Do you know where the Sak n' Save bag came
9 from?

10 A I was told that it came out of an apartment on
11 Rock Boulevard.

12 Q 1098 Rock, Apartment A?

13 A Yes.

14 Q Do you know when it was taken out of Rock
15 Boulevard?

16 A I do not. _____

17 Q Your involvement with prints in this case, was
18 it limited to the bag, or did you have any involvement with
19 the fingerprint found on the patrol vehicle?

20 A I processed the patrol vehicle and lifted the
21 latent print from it.

22 Q Now, the print -- let's go back to the bag.
23 The bag, you found the Defendant Vanisi's print on the bag?

24 A One of them, yes.

25 Q One of them. There was another print

1 unidentified?

2 A It is still unidentified, correct.

3 Q Still unidentified. On the vehicle on the
4 officer's vehicle, there was an unidentified print?

5 A Actually there were two prints of no value.
6 And there was one print that was identified when compared to
7 an officer from UNR Police Department.

8 Q All right. Just so that I understand that.
9 The vehicle, there were three, two of no value?

10 A Correct.

11 Q No value meaning?

12 A No value means that you have a fingerprint that
13 does not have enough information in it in order to be able
14 to make a comparison. We have a certain minimum amount of
15 information in a print that must be there.

16 Q Is that like ridges or grooves or whatever you
17 guys call them?

18 A That is correct.

19 Q Would it be safe to say that you probably
20 compared or maybe tried to compare the unidentified bag
21 print to the unusable patrol car prints?

22 A The unidentified bag print was compared with
23 all of the fingerprints that were submitted to us for
24 comparison. Then it was also entered into the digital
25 computer system in an effort to try and search that database

1 for a print that might make an identification.

2 Q So you did an extensive search at least for a
3 comparison?

4 A Yes, we did.

5 Q You guys don't call it tongue and groove. Do
6 you call it ridges?

7 A They are friction ridge and points or details.

8 Q If I give you my fingerprint, you have to have
9 how many, how many things?

10 A In our laboratory it's generally seven.

11 Q And there can be a whole bunch; right?

12 A Yes, there can be many more than seven.

13 Q Let me go back to that Q, P, L stuff again.
14 I'm a little dense here.

15 The Q is direct evidence from the scene?

16 A Correct.

17 Q The P would be -- the L would be something that
18 you have looked at, you have logged and you are going to
19 send on to the lab for additional testing?

20 A Actually the L is strictly reserved for latent
21 prints. If we take a latent print off of any item, and we
22 lift it and we're going to keep it and file it, it will be
23 filed under an L number.

24 Q And the P number?

25 A The P number is if we have an evidence item

1 that was originally collected somewhere outside, maybe at a
2 scene, not necessarily the scene but anywhere else, it
3 initially comes into the system as a Q. If that is then
4 forwarded on to a criminalist, say for blood work or DNA
5 work, they might make a stain.

6 Let's say if it is a blood stain that's been
7 collected, or something that has a blood stain on it, that
8 particular item will be collected as a Q. If it's sent on
9 to a criminalist in order to take the blood off of it, if
10 they retrieve the blood from that item and make a stain,
11 they will put their own P number on it.

12 Q Let me just give you a hypothetical. Let's say
13 that an officer is killed at the University of Nevada
14 campus. And a pair of glasses are found at the scene. They
15 will have a Q number on it?

16 A Yes, it will.

17 Q Subsequent to that, let's assume that scouts
18 and military and all people are brought out there to comb
19 the lawns and the grass and the campus and the quad and all
20 that stuff looking for anything, and they pick up gum
21 wrappers, bottle caps, checkbooks. What would that -- what
22 number would that have?

23 A That would be a Q number.

24 Q Even if it is half a mile away from the scene?

25 A Yes. Anything at any time initially collected

1 that is an evidence item will receive a Q number.

2 Q The only way it will have a P number is after
3 it goes through a criminalist who looks at and it makes that
4 category?

5 A That is correct.

6 Q The L, it has to be a latent print?

7 A Correct.

8 Q I think you saved me some time.

9 MR. SPECCHIO: May I just have the Court's
10 indulgence, Your Honor?

11 THE COURT: Certainly.

12 BY MR. SPECCHIO:

13 Q Just one more time for my own education. We
14 have one unknown print on the bag?

15 A Correct.

16 Q And we have two unusable. What did you call
17 them?

18 A Prints of no value. There is not enough
19 information in either one of the prints to make an
20 identification.

21 Q Does that mean there is less than seven of the
22 identifying marks, ridges?

23 A Correct.

24 MR. SPECCHIO: Thank you, sir. I have nothing
25 further.

1 THE COURT: Thank you. Mr. Gammick, anything
2 further?

3 MR. GAMMICK: Pardon, Your Honor?

4 THE COURT: Anything further?

5 MR. GAMMICK: Yes, if I may quickly.

6 **REDIRECT EXAMINATION**

7 BY MR. GAMMICK:

8 Q You talked about a database in running these
9 unknown prints, the ones that you couldn't find an owner for
10 yet?

11 A Correct.

12 Q Through this database? What is that? Explain
13 the database.

14 A The database is called the WIN, W-I-N, AFIS,
15 A-F-I-S system. I believe it stands for Western
16 Identification Network, Automated Fingerprint Identification
17 System.

18 This system is a digital type computer based
19 system by which we can enter latent fingerprints,
20 fingerprints found at a crime scene into the system. In
21 approximately 24 hours, the system can compare that latent
22 print against almost 10 million other prints within the
23 system.

24 Q And you ran the print that you have not
25 identified from the plastic bag through that system?

1 A Yes, we did.

2 Q You know it doesn't belong to 10 million

3 people?

4 A Correct.

5 Q Do you know Jeffrey Riolo?

6 A Yes, I do.

7 Q Who is he?

8 A Jeffrey Riolo is a DNA criminalist with the

9 Washoe County Sheriff's crime lab.

10 Q Was he involved, if you know, in preparing this

11 chart that is Exhibit 30 and doing the DNA work in this

12 case?

13 A Yes, he was.

14 MR. GAMMICK: That's all I have at this time,

15 Your Honor. Thank you.

16 THE COURT: Mr. Specchio, anything further?

17 MR. SPECCHIO: No, Your Honor.

18 THE COURT: Thank you. You may step down.

19 (The witness was excused.)

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Call your next witness.

22 MR. STANTON: Your Honor, the State would next

23 call Mele Maveni.

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MELE MAVENI

called as a witness on behalf of the Plaintiff,
having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Ma'am, could you please state your complete
name and spell your first, middle and last name for the
court reporter?

A M-E-L-E. M-A-V-E-N-I.

Q Ma'am, how old are you as you sit here today?

A Nineteen.

Q And do you live here in Reno?

A Yeah.

Q How long have you lived here in Reno?

A Twelve years.

Q I'm sorry. You have to speak up a little bit.

A Twelve years.

Q Ma'am, did you have occasion to be interviewed
by Reno police officers on January 27th, 1998?

A Yeah.

Q Do you recall that interview?

A Yeah.

THE COURT: I'm going to have you scoot a
little closer to the microphone. Can you say your name

1 again for me?

2 THE WITNESS: Mele.

3 THE COURT: I can hear you now. Thank you.

4 Go ahead, Mr. Stanton.

5 BY MR. STANTON:

6 Q Ma'am, do you recall or do you remember that
7 interview with the police being recorded?

8 A Yeah.

9 Q And have you had occasion to review a
10 transcript of that interview with the police?

11 A What?

12 Q Did you read a transcript of that interview
13 that you gave to police before you testified here today?

14 A Yeah.

15 Q And was that transcript accurate of what you
16 said and the questions the police asked you?

17 A Yeah.

18 Q I want to direct your attention to January of
19 1998. Did you know an individual at that time by the name
20 of Siaosi Vanisi?

21 A Yeah.

22 Q How did you know him?

23 A He's related to my cousin.

24 Q Which cousin is he related to?

25 A Renee.

1 Q What is Renee's last name, if you could spell
2 it please?

3 A P-E-A-U-A.

4 Q How do you pronounce it?

5 A Peaua.

6 Q Where does Renee Peaua live?

7 A Here in Reno?

8 Q Yes.

9 A I don't know her address.

10 Q Do you know if it's off Sterling?

11 A Yeah.

12 Q In a cul-de-sac? In a street that ends in a
13 circle?

14 A Yeah.

15 Q Is that near the university campus?

16 A Uh-huh. Yeah.

17 Q University of Nevada, Reno?

18 A Yeah.

19 Q Now, when was the first time you had ever met
20 Siaosi Vanisi?

21 A Maybe like three days before -- like the week
22 before the murder, I think.

23 Q Do you remember when the police officer was
24 murdered?

25 You need to speak real loud.

1 A What?

2 Q Do you remember when the police officer was
3 murdered?

4 A Yeah. When I first saw it on the news it was
5 like Wednesday, but it was maybe like Tuesday morning.

6 Q That was about a year ago?

7 A Uh-huh.

8 Q Now, using that frame of reference of when you
9 knew the police officer had been murdered, how long prior to
10 that had you first met Siaosi Vanisi?

11 A Can you repeat that?

12 Q Certainly. From the day that you learned that
13 a police officer at the University of Nevada was murdered,
14 how long prior to that day had you first met Siaosi Vanisi?

15 A Maybe like on the Tuesday before that Tuesday.

16 Q So maybe a week?

17 A Yeah. I think.

18 Q What name did you know him by when you first
19 met him? How you were introduced to him?

20 A Pe.

21 Q Pe?

22 A Pe.

23 Q Is Pe a Tongan name?

24 A I guess. That's the first time I have heard
25 it.

1 Q Are you Tongan?

2 A Yeah.

3 Q And do you see Pe in court today?

4 A Yeah.

5 Q Could you please describe where he is in this

6 courtroom and what he is wearing?

7 A Over there.

8 Q I need a little bit further detail. Can you

9 tell me where he is and what he is wearing?

10 A Over there, and he is in a cream suit.

11 Q Does he have a tie on?

12 A Yeah.

13 Q What color is the tie?

14 A Yellow.

15 Q And does he look different today --

16 A Yeah.

17 Q -- than when you first met him?

18 A Yeah.

19 Q Could you describe to the ladies and gentlemen

20 of the jury how he looked when you first met him?

21 A How he first looked?

22 Q Yes, ma'am.

23 A Raggedy.

24 Q Describe his hair.

25 A It was like dreadlocks, like a wig.

1 Q How do you know that it was a wig?

2 A Because sometimes he'll like take it off.

3 Q You said that the wig was like dreadlocks?

4 A Yeah.

5 Q How long was the hair of this wig?

6 A Like right here (indicating).

7 Q You are pointing down just below your shoulder?

8 A Yeah.

9 Q Did he have any facial hair?

10 A Yeah.

11 Q What kind of facial hair did he have?

12 A A beard.

13 Q A beard?

14 A Mustache.

15 Q Ma'am, did you, when you saw the news broadcast

16 of the murder of the university officer, did you see a

17 picture or a drawing on the television news?

18 A I don't remember. I think it was a picture.

19 Q I show you Exhibit 6.

20 A No.

21 Q That wasn't it?

22 A Huh-uh. That's not what I saw on the news.

23 Q That is not what you saw on the news?

24 A Huh-uh.

25 Q I'm going to show you 24-A. Do you recognize

1 that?

2 A Yeah.

3 Q Is that how Pe looked to you when you first met
4 him?

5 A Yeah.

6 Q Where did you first meet him at in Reno?

7 A Him and my cousin came over to Hug to pick me
8 up.

9 Q They came over to where?

10 A To Hug.

11 Q To Hug High School?

12 A Yeah.

13 Q How was he dressed when you first saw him?

14 A He was in a -- I think he was wearing his
15 burgundy jacket.

16 Q What kind of burgundy jacket was it?

17 A Like a leather, I think.

18 Q I would ask you to look at these four
19 photographs, specifically 31-C and 31-D. Do you recognize
20 what's depicted in those photographs?

21 A His hair.

22 Q Let me ask you a question. 31-D and 31-C, what
23 are in those items, these photographs?

24 A The wig.

25 Q The wig that Pe was wearing?

1 A Yeah. But he had a hat on top of it.

2 Q Describe the hat for me.

3 A I can't really describe it. It was like red,
4 yellow and green and black.

5 Q Showing you 31-A and 31-B, do you recognize
6 what's in those photographs?

7 A Yeah.

8 Q Is that the hat that he was wearing?

9 A Uh-huh.

10 THE COURT: You have to answer yes or no.

11 THE WITNESS: Yes.

12 BY MR. STANTON:

13 Q Was he wearing a hat at the same time that he
14 was wearing the wig?

15 A Yeah.

16 Q The hat was over the wig?

17 A Yeah.

18 Q I'd like to direct your attention to Friday
19 before the murder of Sergeant Sullivan which occurred on
20 Monday night to Tuesday morning. That Friday, did you go to
21 church that day?

22 A Yeah.

23 Q After going to church, did you have occasion to
24 be with the defendant, Mr. Vanisi?

25 A Yes.

1 Q Do you remember what time of day it was that
2 you saw Mr. Vanisi that Friday?
3 A When they came to church?
4 Q After church.
5 A What time did I see him that day?
6 Q Yes, ma'am.
7 A Well, when he came to church, it was like
8 around 7:30.
9 Q 7:00? I need you to speak up real loud.
10 A Yes, around 7:00.
11 Q Is that 7:00 in the evening?
12 A Yeah.
13 Q Who else was with you, ma'am, at that time?
14 A At church? Or when we left?
15 Q When you left.
16 A Just me, him, my cousin Saia and Renee.
17 Q When you say "him," who do you mean?
18 A Pe, Siaosi.
19 Q Siaosi Vanisi?
20 A Uh-huh.
21 Q You said Renee, and that's Renee?
22 A Renee.
23 Q What is Renee's last name?
24 A Peaua.
25 Q You said somebody else was with you.

1 A Saia.

2 Q Who is Saia?

3 A Peaua. That is my other cousin.

4 Q Is Saia a male or female?

5 A Male.

6 Q How old is Saia?

7 A Right now he's 15, but he was 14 at the time.

8 Q And how do you spell his name?

9 A S-A-I-A.

10 Q Now, after church, did there come a time where

11 those same people that you just mentioned went to Wal-Mart?

12 A Yeah.

13 Q And prior to Wal-Mart, was Renee dropped off?

14 A Yeah.

15 Q So who actually went to Wal-Mart that evening?

16 A Just me, him and Saia.

17 Q Him again being Mr. Vanisi?

18 A Yeah.

19 Q When you were in Wal-Mart, did you see and were

20 you present when the defendant purchased something?

21 A Yeah.

22 Q What was it, ma'am, that he purchased?

23 A At first he went and bought some shaving stuff.

24 Q Some shaving stuff?

25 A Yeah.

1 Q What else did he want to buy?

2 A A hatchet. He bought a hatchet and a glove.

3 Q Now, before he bought the hatchet, did he want

4 to buy something else?

5 A Yeah. He was looking at the BB guns.

6 Q And did he want to buy a gun at Wal-Mart?

7 A Yeah.

8 Q Did you tell him something at this point?

9 A That he couldn't get one without a license.

10 Q Ma'am, I need you to speak louder.

11 A That he couldn't get one without a license.

12 Q Couldn't get a gun without a license?

13 A Yeah.

14 Q After you told him that he couldn't get a gun

15 without a license, what did the defendant then go to

16 purchase?

17 A A hatchet.

18 Q You said he bought something else besides a

19 hatchet?

20 A Gloves.

21 Q Gloves? I show you what has been previously

22 marked as State's Exhibit 21.

23 A Yeah.

24 Q Does that look like something similar to the

25 hatchet that Mr. Vanisi purchased?

1 A Yeah.

2 Q I ask you to look at Exhibit 25. It's two

3 items stapled together. Do you recognize what's in those

4 bags?

5 A Uh-huh. Yeah.

6 Q What are they?

7 A Gloves.

8 Q And were they similar to the gloves in

9 appearance, color and texture as the ones that he purchased

10 at the same time with his hatchet?

11 A Yes.

12 Q Did you ask him what he wanted those items for?

13 A I didn't ask him. The register guy asked him.

14 Q Did you hear Mr. Vanisi's response?

15 A Yeah. He said he was going to do construction.

16 Q Construction?

17 A Yeah.

18 Q How much did Mr. Vanisi pay for the hatchet?

19 A I think like \$7 or \$7 all together or

20 something.

21 Q And you know that because he asked you for some

22 money, didn't he?

23 A Yeah.

24 Q How much money did you give him?

25 A \$5.

1 Q Did there come a time where Mr. Vanisi made a
2 statement to you about wanting to kill somebody?

3 A Yeah.

4 Q When was that in relationship to when he
5 purchased the hatchet? Before or after?

6 A After.

7 Q That same night?

8 A Yeah.

9 Q Who was present when he said that?

10 A Me and Saia and Margaleta.

11 Q Who?

12 A Margaleta.

13 Q Margaleta; is that correct?

14 A Uh-huh.

15 Q Who is she?

16 A My friend.

17 Q Where were you the first time you heard
18 Mr. Vanisi say that?

19 A In the van.

20 Q Were you driving somewhere? You have to answer
21 out loud.

22 A Yes.

23 Q Where were you driving?

24 A Around.

25 Q And specifically as best as you can and as best

1 as you can remember, would you tell the ladies and gentlemen
2 of this jury the precise words that you heard Mr. Vanisi say
3 when he told you to the effect he wanted to kill somebody?

4 A What?

5 Q Could you use to the best of your memory the
6 exact words that Mr. Vanisi used when he said he wanted to
7 kill somebody?

8 A He said, I want to kill a cop.

9 Q There were several other people present when he
10 said this?

11 A Yes.

12 Q Did he say it more than once?

13 A Yes.

14 Q How many times did he say it?

15 A A couple.

16 Q More than five?

17 A I think so. I can't remember.

18 Q Do you recall whether or not he said
19 specifically while driving to the Cal-Neva to pick up
20 Margaleta a comment about killing a police officer?

21 A Yeah.

22 Q Who was present when that comment was made?
23 Same people in the van?

24 A Me and Saia.

25 Q Saia again is how old?

1 A He's 15 now.

2 Q He was 14 at the time?

3 A Yeah.

4 Q And who was the defendant talking to when he
5 was saying this?

6 A He was like telling stories. He was just
7 talking to us.

8 Q Talking to everybody?

9 A (Positive nod.)

10 Q Do you remember telling the police that you
11 thought that he was talking to your cousin Saia at this
12 point? Do you remember that?

13 A Yes.

14 Q Does that refresh your recollection as to who
15 Mr. Vanisi was talking to in the van about killing a cop?

16 A Yeah.

17 Q Who was that?

18 A Saia.

19 Q What did Saia respond to Mr. Vanisi? How did
20 he answer Mr. Vanisi when he made the statement, I want to
21 kill a cop?

22 A He was just like, Yeah, right, whatever.

23 Q What was Mr. Vanisi's response? Do you
24 remember?

25 A No.

1 MR. STANTON: Court's indulgence's one moment.

2 THE COURT: Yes.

3 BY MR. STANTON:

4 Q Ma'am, that's a transcript of your interview.
5 Could you please take a look at that and see if it appears
6 to be familiar to you? Do you recognize that?

7 A Yes.

8 Q Does that appear to be the copy that you
9 previously have been provided with?

10 A Yeah.

11 Q And does that, after your review prior to your
12 testimony today, accurately reflect the questions and
13 answers that occurred during that interview on January 27th,
14 1998?

15 A Uh-huh. Yeah.

16 Q Ma'am, I'd like you to turn to page 6 of that
17 transcript. Directing your attention -- and you will find
18 the page numbers in the lower rights hand corner. In the
19 left-hand column on that page, ma'am, you'll see a series of
20 numbers. Those are line numbers. If you could to yourself,
21 review that portion of the transcript at page 6, lines 7
22 through 10.

23 A Read it?

24 Q No, just to yourself, ma'am. Just lines 7
25 through 10.

1 A Okay.

2 Q Now, does that refresh your recollection? Does

3 that remind you of what you told the police about what

4 Mr. Vanisi's response was after your cousin said that he

5 didn't believe him?

6 A Yeah.

7 Q What was Mr. Vanisi's response?

8 A He was like, Oh, watch me, watch me.

9 Q Watch me, watch me?

10 A Like, you know, watch, I'm going to do it.

11 Q That same time period in the same van while

12 going to pick up your friend Margaret or Margaleta -- she

13 works at the Cal-Neva; correct?

14 A Yeah.

15 Q On the way to the Cal-Neva, did you drive past

16 the Reno Police Department?

17 A Yeah.

18 Q While driving past the Reno Police Department,

19 did Mr. Vanisi make any statements about wanting to kill a

20 cop at that location?

21 A Yeah.

22 Q What did he say?

23 A He said to drop him off over there.

24 Q Where was that?

25 A The police department.

1 Q And what was occurring outside the Reno Police
2 Department at the time that you were driving by?
3 A What was out there?
4 Q Yes.
5 A Police, cops. Police cars.
6 Q Were police officers outside?
7 A Oh, yeah. I think so.
8 Q Mr. Vanisi asked you to drop him off at that
9 point?
10 A Yeah.
11 Q Why did he want to be dropped off?
12 A I guess he was going to do what he said he was
13 going to do.
14 Q Kill a cop?
15 A Yeah.
16 Q Did he ever tell you about wanting to kill
17 white people?
18 A He said he don't like white people.
19 Q Do you remember an incident two days before he
20 purchased the hatchet where you heard him say that white
21 people should be killed because they took a lot from
22 Polynesians?
23 A Yeah.
24 Q Where did that statement by Mr. Vanisi, where
25 did that occur? Where were you when that was said?

- 1 A In the van.
- 2 Q Was it the same night?
- 3 A No.
- 4 Q A couple days before?
- 5 A Yeah.
- 6 Q That same night as the hatchet purchase, did
7 you also drive around the downtown strip of Reno?
- 8 A Yeah.
- 9 Q And Mr. Vanisi was in the van at that time?
- 10 A Yeah.
- 11 Q And what was he repeatedly saying while driving
12 around the downtown strip area about police officers?
- 13 A To drop him off behind them.
- 14 Q To drop him off?
- 15 A Behind them.
- 16 Q Behind a police officer?
- 17 A Yes.
- 18 Q Once again for the same reasons that he
19 previously stated?
- 20 A Yeah.
- 21 Q To kill a cop?
- 22 A Yeah.
- 23 Q Was there a time that Mr. Vanisi said that he
24 wanted to go home and put on a Tongan mat?
- 25 A Yeah.

1 Q What is a Tongan mat?

2 A It's like, we use them a lot for like weddings
3 and funerals and tradition and stuff.

4 Q I need you to speak once again a little louder.
5 Would you repeat that again?

6 What is a Tongan mat?

7 A It's like what we use for weddings and funerals
8 and Tongan things.

9 Q What did Mr. Vanisi say he wanted to
10 specifically do with the Tongan mat?

11 A Disguise.

12 Q Disguise himself?

13 A Uh-huh.

14 Q For what purpose?

15 A To go rob Jack-in-the-Box.

16 Q He was going to go rob a Jack-in-the-Box and
17 wear the mat as a disguise?

18 A Yes.

19 Q And in fact, while driving around, you stopped
20 for him to find a Tongan mat; right?

21 A Yes.

22 Q Did he find one?

23 A No.

24 Q Did there come a time where you asked
25 Mr. Vanisi for gas money?

1 A Yes.

2 Q What did he tell you he would do to get that
3 money?

4 A To wait til he robbed Jack-in-the-Box.

5 Q Could you turn to the transcript before you?

6 MR. STANTON: Counsel, page 10 and 11.

7 BY MR. STANTON:

8 Q Miss Maveni, on page 10, directing your
9 attention to lines 38 and 40 on that page and carries over
10 to the top of page 111, lines 1 through 2, if you could read
11 just those lines to yourself and tell me when you are
12 finished.

13 Does that refresh or help you remember what you
14 told the police?

15 A Yeah.

16 Q What was Mr. Vanisi's response when you asked
17 him for gas money as to how he was going to get that money?

18 A He said to wait til he goes kills a cop to get
19 the gun and go rob the store, so then he'll give us the
20 money.

21 Q So he was going to kill a cop, get his gun, and
22 then go rob stores?

23 A Yeah.

24 Q When was the last time prior to today that you
25 saw the defendant Siaosi Vanisi?

1 A Monday morning.

2 Q Was this after the murder?

3 A No, before.

4 Q And where was it that you saw him? Where were

5 you?

6 A At Losa's house.

7 Q Where does Losa live?

8 A In Sparks.

9 Q At 1090 Rock, Apartment A?

10 A I think so, yeah.

11 Q Did you ever hear a reason or did you ever hear

12 the reason stated by Mr. Vanisi, just from him, as to why he

13 wanted to kill police officers?

14 A No.

15 Q He never told you?

16 A (Negative nod.)

17 MR. STANTON: No further questions at this

18 time.

19 THE COURT: Cross-examination.

20 MR. SPECCHIO: Thank you, Your Honor.

21 **CROSS-EXAMINATION**

22 BY MR. SPECCHIO:

23 Q Did Mr. Vanisi ever tell you that he wanted to

24 kill a white cop or did -- he just doesn't like white

25 people?

1 A He never said he's going to kill a white cop.

2 Q He never said that to you. Did you believe
3 that he really wanted to kill a cop?

4 A No.

5 Q That was kind of -- I mean, you guys kind of
6 shined that on, didn't you?

7 A Yeah.

8 Q You didn't believe him?

9 A Huh-uh.

10 Q You say that he wanted to go into the police
11 station and kill a cop, you didn't actually stop and he went
12 in and killed some cop that we don't know about?

13 A No.

14 Q When you say that he wanted to rob the
15 Jack-in-the-Box, you didn't stop and he went in and robbed
16 the Jack-in-the-Box?

17 A No.

18 Q Would it be safe to say that you and at least
19 the people that you were with when you heard these
20 statements thought it was a joke?

21 A Yeah, we thought it was a joke.

22 Q The Tongan mat, what is it? Is it a headdress?
23 Is it a -- what do you do with this thing? It's made out of
24 cloth?

25 A It is done for a lot of things.

1 Q Is it made out of cloth? Do you wear it like?
2 Is it an article of clothing? What is a Tongan mat?

3 A We use it for a lot of things.

4 Q I know you use it for a lot of things. But is
5 it something that you wear?

6 A No.

7 Q You don't eat it?

8 A No.

9 Q Do you stand on it?

10 A Yeah, you can.

11 Q You do. So it is a mat like a rug?

12 A It could be used for that.

13 Q So during certain seasonal holiday rites,
14 people would sit on this mat; is that right?

15 A Yeah.

16 Q Is it like -- how big is it? Is it a mat or is
17 it a carpet?

18 A It's a mat.

19 Q How wide would you say?

20 A It depends. There is big ones. There are
21 different sizes.

22 Q Well, how would somebody use that to disguise
23 themselves? Is that what he said? I think your testimony
24 was, and correct me if I'm wrong, that he wanted to go get a
25 Tongan mat so nobody could identify him?

1 A Yeah. You could wear it.

2 Q So you can wear it like a --

3 A Like wrap it around.

4 Q So it's a mat, it's a rug, it's a carpet, but

5 it can be worn as a cloak of some sort?

6 A Yeah.

7 Q But you didn't stop at the police station?

8 A No.

9 Q You didn't do the Jack-in-the-Box?

10 A No.

11 Q And you didn't go get the Tongan mat?

12 A No.

13 Q The night that you bought the hatchet, he

14 needed to borrow money from you in order to buy the hatchet?

15 A It was money that he gave me for gas.

16 Q He gave you money and then he took it back?

17 A Yeah.

18 Q Didn't the man in the store give the gloves?

19 They weren't purchased, were they? Do you remember the guy

20 behind the counter saying, you know --

21 A I can't remember, but I think it was on

22 discount or he gave it to him for free.

23 Q You don't know how much money Mr. Vanisi had?

24 A That night?

25 Q That night, do you? How much he had on him?

1 A No.

2 Q You say that you knew him as Pe?

3 A Yeah.

4 Q And that would be spelled P-E?

5 A Yeah.

6 Q Pronounced Pe?

7 A Yeah.

8 Q Do you remember the statement that -- well, you

9 probably have it with you right there. Do you remember

10 giving that statement to the police?

11 A This one?

12 Q Yes.

13 A Yes.

14 Q Do you remember making any reference to the

15 defendant being high on marijuana or marijuana and speed?

16 A I don't know if he did speed, but we were

17 smoking weed on that night.

18 Q We? You were part of the program?

19 A Yes.

20 Q Who else was smoking weed? Weed being

21 marijuana?

22 A Yes. Who else was smoking it?

23 Q Yeah.

24 A Everybody that was in the van.

25 Q When you gave your statement to the police,

1 didn't you make reference to the fact that Mr. Vanisi, if he
2 did this, didn't act alone; there was somebody else with
3 him?

4 I think if you will check page 48, lines 1
5 through 7, if you look at those and read them to yourself,
6 please.

7 A Did you say page 48?

8 Q 46, I think. I might have said 48. 46 is
9 where we're supposed to be.

10 A Yeah. I heard there was somebody else with
11 him.

12 Q Well, the Tongan community is a pretty
13 close-knit group, isn't it?

14 A Yeah.

15 Q You guys are pretty close-knit. You go to
16 church together, you socialize together, you have dances
17 together? You are all friends; right?

18 A Yeah.

19 Q Word spreads pretty good --

20 A Yeah.

21 Q -- through the community. So you heard it was
22 who?

23 A Teki.

24 Q Okay. Teki. Who is Nina?

25 A My friend.

1 Q Was she anywhere around that night?

2 A No.

3 Q Was she at the Wal-Mart when the hatchet was

4 purchased?

5 A No.

6 Q So it was you, Mr. Vanisi, Saia?

7 A Saia.

8 Q Saia, and who is he now?

9 A My cousin.

10 Q What is his full name?

11 A Saia Peaua.

12 Q He is a Peaua?

13 A Yes.

14 Q You are a Maveni?

15 A Yes.

16 Q How are the Peauas and Mavenis -- what is the

17 connection, or is everybody just a cousin?

18 A No. I'm related to him the same way I'm

19 related to Renee.

20 Q That doesn't help me any. Renee is another

21 Peaua?

22 A Yeah.

23 Q Renee --

24 A Do you want me to explain our relations?

25 Q No, no. I just want to make sure I know who

1 belongs where. Is Renee, is she a sister to Saia?
 2 A No. Cousin.
 3 Q She is a cousin. So those Peauas are cousins.
 4 Renee's brother is who, Manaoui?
 5 A Uh-huh.
 6 Q Does Saia have a sister?
 7 A Yeah.
 8 Q And what's the name of that sister?
 9 A Numa, Manuma (phonetic).
 10 Q Okay. Do you know Shamari?
 11 A Not personally.
 12 Q You have never met him?
 13 A I met him. I just like -- I have never talked,
 14 talked with him.
 15 Q Shamari is Shamari Roberts?
 16 A I don't know his last name. I think so.
 17 Q He is a black man?
 18 A Yeah.
 19 Q When you went to the K-Mart -- the Wal-Mart
 20 store, the original -- what was the purpose? Who said,
 21 Let's go to Wal-Mart? Somebody always ends up saying, Let's
 22 go, and everybody follows. Whose idea was it?
 23 A Well, Pe said that he wanted to go get some
 24 shaving cream. I said, Let's go to Wal-Mart.
 25 Q So he wanted to buy shaving cream?

1 A Shaving stuff.

2 Q Shaving stuff. Razor and stuff?

3 A Yeah.

4 Q That would have been on the Friday night?

5 A Yeah.

6 Q And then did you leave the store and then come

7 back?

8 A Yeah.

9 Q Or did you just then go look around more and

10 pick up the hatchet? How did that happen?

11 A I remember because we came to Wal-Mart like, I

12 believe, three or two times, two or three times.

13 Q Two or three times that day?

14 A Yeah, that night.

15 Q And you were all smoking a little funny stuff?

16 Right?

17 A Uh-huh.

18 Q And maybe you weren't really concerned about

19 what time it was?

20 A What is that?

21 Q You really weren't concerned about what time it

22 was?

23 A We went there before 10:45 because we had to

24 pick up Leta at 10:45.

25 Q That is Margaret? Margaret worked at the

1 Cal-Neva?

2 A Yeah.

3 Q Just so I'm clear in my own mind, this police
4 station that you drove by, for whatever reason, it is not
5 the main police station, it's the substation by the bowling
6 thing? Is that right?

7 A No. It was not by the bowling thing.

8 Q Where is it? Over across the river on Second
9 Street?

10 A Over here.

11 Q Over here.

12 A I don't know the street. There is like a hill.
13 If we were -- we were driving in the back where all the
14 police cars were at.

15 Q You mean at the sheriff's office up on Parr
16 Boulevard?

17 A It is where they took me in for questioning.
18 No, no, no.

19 Q I wasn't there.

20 A I don't know the street it's on.

21 Q But it was -- there was a lot of police cars
22 around?

23 A Yeah. It was a police department.

24 Q It was what?

25 A It was a police department.

1 Q Could it have been the sheriff's office?

2 A I think so.

3 Q It was on the hill?

4 A Yeah.

5 MR. SPECCHIO: May I have the Court's
6 indulgence's, Your Honor?

7 THE COURT: Yes.

8 MR. SPECCHIO: I think that is all I have, Your
9 Honor.

10 THE COURT: Redirect?

11 MR. STANTON: Yes, Your Honor.

12 **REDIRECT EXAMINATION**

13 BY MR. STANTON:

14 Q Going back to the clothing that you saw
15 Mr. Vanisi wearing, you described a burgundy jacket. This
16 is Exhibit 11. Is that the jacket you saw Mr. Vanisi
17 wearing?

18 A Yes.

19 Q Previously I asked you about Losa's house, and
20 do you know what address that is? I may have gave a wrong
21 address. Do you know she lives at 1098 Rock?

22 A I know she lives on Rock in an apartment.

23 Q You don't know the precise address?

24 A No.

25 Q Mr. Specchio was asking you a couple questions

1 about the Tongan community being a small community here in
2 Reno. And he cited to your transcript at page 46 and asked
3 you if you thought that two people had done this murder.

4 Once again if you could refer back to your
5 statement at the same section Mr. Specchio cited you, page
6 46, lines 1 through as far as you need to go.

7 Isn't it true, ma'am, that you never thought it
8 was two people, but that it was something that you had
9 heard?

10 A Yeah.

11 Q Is it true that you heard a lot of things
12 within the community about this case?

13 A Yeah.

14 Q Everybody was talking about it?

15 A Yeah.

16 Q You indicated that to the police, that you saw
17 the news broadcast of Sergeant Sullivan's murder the next
18 evening on the 6:00 o'clock news. Do you remember making
19 that statement?

20 A Yeah.

21 Q When you had heard about the murder of that
22 police officer, who did you think had done it?

23 A Well, when we saw the picture of him, I was
24 like, look at that, Renee's brother. Then I said that's not
25 Manaoui. That is the guy that came to church.

1 Q Mr. Vanisi?

2 A Yeah.

3 Q Within this tight-knit Tongan community, had
4 you heard anybody else say that they wanted to kill a police
5 officer other than the defendant?

6 A No.

7 Q Ma'am, I believe your testimony was that when
8 you heard Mr. Vanisi say that he wanted to kill a cop, I
9 think your testimony, if I wrote it down correctly, is you
10 thought it was a joke?

11 A Yeah.

12 Q Come Tuesday night, January 13th, and the news
13 broadcast at 6:00 o'clock, did you think it was a joke then?

14 A No.

15 MR. STANTON: Nothing further.

16 THE COURT: Mr. Specchio?

17 MR. SPECCHIO: Thank you, Your Honor.

18 **RECROSS-EXAMINATION**

19 BY MR. SPECCHIO:

20 Q The statement was never made to you that
21 Mr. Vanisi wanted to kill a white cop, was it?

22 A No.

23 Q You know who Teki is?

24 A Yes.

25 Q When is the last time you saw Teki after Friday

1 night when the hatchet was purchased?

2 A When was the last time I saw him?

3 Q Right, from Friday night when the hatchet was
4 purchased, did you see him Saturday night at the dance?

5 A I didn't go to the dance.

6 Q Okay. Did you see him Saturday or Saturday
7 night?

8 A No.

9 Q Did you see him Sunday or Sunday night?

10 A No.

11 Q But when the police asked you about two people
12 involved, your response was that you had heard that Teki was
13 involved?

14 A Yes.

15 MR. SPECCHIO: I have no further questions.

16 THE COURT: Anything further?

17 MR. STANTON: No further questions of this
18 witness, Your Honor.

19 THE COURT: You may step down. Just leave that
20 there. We'll clean it up. Thank you.

21 (The witness was excused.)

22 THE COURT: Mr. Stanton, is that your copy?

23 MR. STANTON: It is, Your Honor. May counsel
24 approach while I collect that?

25 THE COURT: Yes.

1 (Whereupon, a bench conference was held among
 2 Court and counsel as follows.)
 3 MR. STANTON: Your Honor, our next witness is,
 4 what I gathered today for the first time, is the person that
 5 did the murder. His name is Teki Taukieuvea. I would
 6 imagine based upon what I have heard today that the
 7 examination of this individual is going to be lengthier than
 8 I would otherwise have anticipated. It is going to be
 9 somewhat moderate in length anyway, but certainly with that
 10 development, I think it's going to be longer than otherwise
 11 anticipated.

12 I don't know what of value we're going to get
 13 into in five minutes if the Court plans on stopping at 5:00
 14 o'clock. For the record, it's 4:55. It's a natural time to
 15 break. I know it is a little bit before 5:00, but based
 16 upon the nature of who our next witness is, I think it might
 17 be an appropriate time to stop.

18 THE COURT: Counsel have a problem with that?

19 MR. SPECCHIO: No. Judge, I don't know if we
 20 are going to cross-examine him or bring him back.

21 THE COURT: That is fine. I haven't been
 22 excusing any of the witnesses. Rather than get into a
 23 cumbersome discussion at the side-bar, if you want somebody
 24 excused, you should do that at some point. But nobody has
 25 been excused.

MR. SPECCHIO: I have been excusing anybody up

1 til now. With this guy it will be different.

2 THE COURT: That is fine.

3 MR. SPECCHIO: But I don't know how long -- you
4 will be with him 40 minutes?

5 MR. STANTON: I have not mapped it out, Judge.

6 THE COURT: We're not going to do him. We'll
7 do him tomorrow morning anyway.

8 My calendar looks like we might -- that's
9 might -- be able to start at 10:00. I'm going to have the
10 jury come back at 10:00 because we're going to have to break
11 at noon. So we'll try to be here at 10:00, and we'll try to
12 get started closely, as close to that as we can depending on
13 the calendar.

14 Do you have any setup that you will have to do
15 in the morning?

16 MR. SPECCHIO: What?

17 THE COURT: Any setup?

18 MR. SPECCHIO: No.

19 MR. BOSLER: Can we leave the stuff here?

20 THE COURT: There is no problem. The bailiff
21 has made arrangements to watch it.

22 Have you seen those people come back in?

23 MR. BOSLER: No.

24 THE COURT: I have been watching and I haven't
25 seen them. But I asked around, and nobody else has seen

1 them making any motions.

2 MR. BOSLER: Until I see them.

3 THE COURT: My law clerk saw them leave. She
4 didn't see them come in. So we don't know what their faces
5 look like when they came in. If you have something like
6 that again, please approach the bench when it happens.

7 MR. BOSLER: I intend to do so.

8 (Whereupon, the following proceedings were held
9 in open court, in the presence of the jury.)

10 THE COURT: Ladies and gentlemen of the jury, I
11 think this a natural time to take our evening recess.
12 During this evening's recess, I'm going to ask that you
13 follow the admonition I have given you at the other breaks.

14 I anticipate that we'll start trial again
15 tomorrow morning at 10:00 a.m. I have 14 matters currently
16 set on my morning calendar that I have to resolve before I
17 start visiting with you all. So I'm guesstimating that
18 we'll start right at 10:00. The bailiff will inform you if
19 there is any delay, and he will tell you why we're being
20 delayed, but I would ask that you be here ready to go at
21 10:00 a.m.

22 During this evening's recess remember the
23 admonition that I have given you at all other breaks. It is
24 your duty not to discuss among yourselves or with anyone
25 else any matter having to do with this case. It is your

1 further duty not to form or express any opinion regarding
2 the guilt or innocence of the defendant until the case has
3 been finally submitted to you for decision.

4 You are not to read, look at or listen to any
5 news media accounts relating to this case, should there be
6 any. Should any person attempt to influence you or discuss
7 the case in any manner, you are to advise the bailiff who in
8 turn will advise the Court.

9 Ladies and gentlemen of the jury, I'll see you
10 back tomorrow morning at 10:00 a.m.

11 Court is in recess.

12 (Recess taken for day at 4:57 p.m.)
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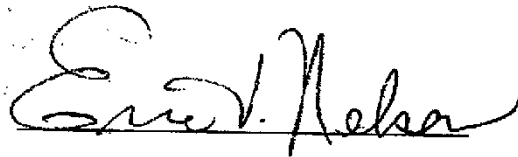
STATE OF NEVADA,)
COUNTY OF WASHOE.)

I, ERIC V. NELSON, Certified Shorthand Reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify:

That I was present in Department No. 4 of the above-entitled Court and took stenotype notes of the proceedings entitled herein, and thereafter transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true and correct transcription of my stenotype notes of said proceedings.

DATED: At Reno, Nevada, this 13th day of January, 1999.



ERIC V. NELSON, CCR No. 57

Case No. CR98-0516

Dept. No. 4

FILED

JAN 15 1999

AMY HARVEY
By: *M. Nelson*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

-oOo-

THE STATE OF NEVADA,
Plaintiff,
vs.
SIAOSI VANISI,
Defendant.

TRIAL

January 14, 1999
VOLUME 4
Reno, Nevada

APPEARANCES:

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The Defendant:

SIAOSI VANISI

Reported by:

ERIC V. NELSON, CCR No. 57

ORIGINAL

SIERRA NEVADA REPORTERS (702) 329-6560

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SATEKI "TEKI" TAUKIEUVEA	690	736		
JOHN E. OAKES	762			
MARIA LOSA LOUIS	766	791		
PRISCILLA LUPE ENDEMANN	801			
MANAMOUI PEAUA	817	828	831	
METUISELA DANIEL TAUVELI	834	851	862	
JIM DUNCAN	863			

<u>EXHIBITS:</u>	<u>Marked for Identification</u>	<u>Admitted into Evidence</u>
36		692
20-A		810
20-B		810
30-A through 30-G	834	
8		849
24-D		874
21		880
23-A		885
23-B		885
11		885
25		886
29-A		897
29-B		897
15-B		898
15-C		898
15-D		898
22		900
26		900
16		901
16-A		901
16-B		901

RENO, NEVADA, THURSDAY, JANUARY 14, 1999, 10:28 A.M.

-o0o-

(Whereupon, the following proceedings were held in open court, in the presence of the jury.)

THE COURT: Good morning, ladies and gentlemen of the jury.

THE JURY: Good morning.

THE COURT: Counsel, are you able to stipulate to the presence of the jury?

MR. GAMMICK: Yes, Your Honor.

MR. SPECCHIO: Yes, Your Honor.

THE COURT: Thank you. You may proceed.

MR. STANTON: Your Honor, the State would call its next witness, Sateki Taukiueva.

SATEKI TAUKIUVEA

called as a witness on behalf of the Plaintiff,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Sir, if you could turn and face me. Pull that microphone as close as you can to you. Could you please state your full name and spell your first and last name for the court reporter?

1 A Sateki Taukiuvea. S-A-T-E-K-I.
2 Last name is T-A-U-K-I-U-V-E-A.
3 Q Do you have a name that friends call you?
4 A Yeah. Teki.
5 Q Teki, how old are you?
6 A Nineteen.
7 Q And I want to draw you back to approximately
8 one year ago. Do you recall on January 19th of 1998, being
9 interviewed by two Reno detectives at the Reno Police
10 Department?
11 A Yes.
12 Q And you brought with you today a transcript of
13 that interview?
14 A Yes.
15 Q Have you had occasion to review that
16 transcript?
17 A Not really.
18 Q Is the portions that you have reviewed an
19 accurate -- is it an accurate rendition of the questions
20 that were asked and the answers that you gave?
21 A Yeah.
22 Q On January 12th, 1998, where were you working?
23 A At UNR.
24 Q What were you doing at UNR?
25 A Campus dining.

1 Q Where is the campus dining facilities that you
2 worked at?

3 A It's on South Virginia.

4 Q What is the name of the building where you
5 worked?

6 A Crossroads.

7 Q How long had you worked there as of January
8 12th, 1998?

9 A Three years.

10 Q What did you do there on campus dining?

11 A I was beverage waiter.

12 Q A beverage waiter?

13 A Yeah.

14 Q Now, at some time in January of 1998, did you
15 meet an individual by the name of Siaosi Vanisi?

16 A Yes.

17 Q Prior to January of 1998, had you ever met him
18 before?

19 A No.

20 Q From the date of January 13th, that is the date
21 of the murder of Sergeant Sullivan, do you remember when
22 that occurred?

23 A Yeah.

24 MR. STANTON: Your Honor, Exhibit No. 36 has
25 been marked. It is a blown-up calendar of January 1998. I

1 move for its admission.

2 MR. SPECCHIO: No objection, Your Honor.

3 THE COURT: That's Exhibit 36. It's admitted.
4 (Exhibit No. 36 admitted.)

5 BY MR. STANTON:

6 Q Mr. Taukiueva, if you could take a look at
7 Exhibit No. 36, the month of January 1998. I'll represent
8 to you that on Monday night, the 12th of January, and into
9 just past the midnight hours of Tuesday, January 13th, is
10 when Sergeant George Sullivan was murdered on the UNR
11 campus. With that map or that chart of January as a
12 reference, could you tell this Court when you first met
13 Mr. Vanisi?

14 A I'm not sure.

15 Q How many days?

16 A I don't know. I don't want to take a guess.

17 Q Was it a week, a month?

18 A I would say about a week.

19 Q About a week.

20 A Yeah.

21 Q You had never met him before that?

22 A No.

23 Q Do you see Mr. Vanisi in court today?

24 A Yeah.

25 Q Could you please point out where he is in the

1 courtroom and what he is wearing?

2 A He's wearing a gray suit, blue tie.

3 Q Could you point to him?

4 A (Indicating.)

5 Q Is he the individual sitting at counsel table?

6 A Yeah.

7 Q Does he look today like when you first met him?

8 A No.

9 Q How did he look when you first met him?

10 A He had long hair, a wig, and just full beard.

11 Q 24-A and 24-B, if they haven't been already

12 moved for admission, I think they have been. 24-A, do you

13 recognize that photograph?

14 A Yeah.

15 Q Is that how he looked?

16 A Yes.

17 Q And did you ever see him in this condition,

18 24-B?

19 A I don't remember.

20 Q Relative to when you first saw him,

21 Mr. Taukiuvea, you said he had a wig on. Could you describe

22 that?

23 A It was just long, and a beanie.

24 Q Did he have anything on top of the wig?

25 A Like a headband.

1 Q And where did you meet him? Where physically
2 were you when you met him?

3 A I don't remember.

4 Q Do you remember anything about the Mormon
5 church on Buena Vista and Imperial?

6 A Yeah.

7 Q I'm sorry?

8 A Yeah. Yes.

9 Q Does that remind you of where you may have
10 first met him?

11 A Yes.

12 Q That's what you told the police?

13 A Yes.

14 Q And he was wearing this wig and the beanie.
15 Did you see anything else as far as a weapon on him when you
16 first saw him at that church?

17 A I don't remember .

18 Q At the time that you met Mr. Vanisi, did you
19 have a girlfriend?

20 A Yes.

21 Q What was her name?

22 A Renee.

23 Q What is Renee's last name?

24 A Peaua.

25 Q Miss Peaua, was she related to the defendant,

1 Mr. Vanisi?

2 A Yes.

3 Q What relations were they?

4 A I'm not sure.

5 Q Was your girlfriend Renee Peaua the closest
6 relative or the closest friend Mr. Vanisi had in Reno?

7 A Yeah.

8 MR. SPECCHIO: Objection, Your Honor. I'm not
9 so sure he is qualified to answer that question.

10 MR. STANTON: Just from his perspective.

11 THE COURT: You can ask him if he knows of any
12 other relatives or if they were relatives, as far as he
13 knows.

14 BY MR. STANTON:

15 Q Let me rephrase my question to you,
16 Mr. Taukiuvea. From your perspective, from what you knew
17 and what you observed of the defendant here in Reno for the
18 entire time that you saw him here, who was his closest
19 relative and the person that he was closest to?

20 A His family down here.

21 Q Pardon me?

22 A His family down here.

23 Q Who was his family down here?

24 A Renee's family.

25 Q The Peaua family?

1 A Yeah.

2 Q Where do they live?

3 A On Sterling Way.

4 Q Now, during the course of your seeing

5 Mr. Vanisi on that day in the church, was there anything

6 that stood out in your mind as far as how he was acting or

7 behaving?

8 A No.

9 Q He was fine?

10 A Yeah.

11 Q Didn't notice anything unusual?

12 A No.

13 Q Exhibit 6, can you see that from where you are

14 sitting?

15 A Yes.

16 Q Is that how the defendant looked?

17 A Yes.

18 Q Almost exactly; correct?

19 A Uh-huh.

20 Q You have to answer out loud.

21 A Yes.

22 Q That's with his wig and the beanie on?

23 A Yes.

24 Q Did he have a full beard?

25 A Yes.

1 Q You saw this later on, didn't you?

2 A Well, what do you mean?

3 Q On the television?

4 A No.

5 Q You didn't see this?

6 A No. I heard about it.

7 Q But you never saw that composite drawing?

8 A No.

9 Q On Friday night, which would be January 9th,

10 did you have occasion to be at Losa's house and see the

11 defendant, Mr. Vanisi?

12 A Yes.

13 Q Do you know Losa's full name?

14 A Losa Louis.

15 Q Where does Miss Louis live?

16 A On Rock Boulevard.

17 Q 1098 Rock Boulevard, apartment number A?

18 A Yeah.

19 Q You were there?

20 A Yes.

21 Q And do you go over there frequently?

22 A Yes.

23 Q Why?

24 A Because they are friends of mine.

25 Q Who else lives at Losa Louis' house?

1 A Corina, Bill and Masi.

2 Q Who is Corina, Bill and Masi?

3 A They are brothers and sisters.

4 Q Of Losa?

5 A Yeah.

6 Q And Masi would be spelled M-A-S-I?

7 A Yes.

8 Q On the 9th of January, did you see the

9 defendant with a weapon?

10 A I'm not sure.

11 Q You're not sure?

12 A Yeah.

13 Q Would reviewing the transcript of your

14 interview with the police remind you of what you said?

15 A Yes.

16 Q And is your memory better, Mr. Taukiuvea, of

17 the events of what occurred around that time today or back

18 when you talked to the police?

19 A Probably back when I talked with the police.

20 Q If you would, and counsel, to his transcript,

21 turn, Mr. Taukiuvea, to page 26. Do you have that

22 transcript in front of you?

23 A Yes.

24 Q In order to give you the frame of reference of

25 time, if you would go to page 24 first because it's a couple

1 pages back where they lay the foundation or discuss with you
2 the time.

3 I direct your attention to lines 19 where
4 questioned by Detective Dreher, down to line 38. Do you see
5 that, Mr. Taukiuvea?

6 A Yes.

7 Q Could you read that to yourself, those lines?
8 Just tell me when you are done reading it.

9 Are you done?

10 A Uh-huh.

11 Q So at this point you say it's Friday that you
12 are over at Losa's house?

13 A Yes.

14 Q Now, if you could turn to page 26 and directing
15 your attention to lines 13 through 37. If you could read
16 those to yourself and tell me when you are done reading
17 them.

18 A All right.

19 Q When the detectives asked you on the Friday,
20 January 9th, at Losa's house of seeing the defendant, they
21 ask you whether or not he was carrying any weapon with him.

22 A Uh-huh.

23 Q What did you say to the detectives then?

24 A He did.

25 Q What kind of weapon did he have on him?

1 A He had a hatchet, an ax, little ax.

2 Q Could you describe that little ax as you

3 remember seeing it on the defendant, what it looked like?

4 A It was just about so big and had a black

5 handle.

6 Q You are indicating approximately 18, 20 inches?

7 A Yeah.

8 Q It had a black handle on it? Where was the

9 defendant carrying it when you saw him?

10 A On his right side.

11 Q How was he carrying it? Was it in something?

12 A It was like in his pants.

13 Q Tucked inside his waistband?

14 A Tucked inside his pants.

15 Q And did you ask the defendant why he had the

16 hatchet?

17 A No. I don't remember.

18 Q Showing you Exhibit 21, take a close look at

19 that, Mr. Taukiueva. Does that appear to be the same size,

20 dimension, color, characteristics of the weapon you saw on

21 the defendant?

22 A Yes.

23 Q If you would direct your attention once again

24 to your transcript, Mr. Taukiueva, page 26, line 39. The

25 very bottom of that page, a question is posed to you by

1 Detective Dreher. Could you read that question to yourself?
2 A Page 26?
3 Q Yes. Very last line of that page. Do you see
4 the question that he asked you?
5 A Yeah.
6 Q If you could turn to page 27. I'd like you to
7 read from line 20, or line 1 through line 27 to yourself.
8 A Okay.
9 Q Now, Detective Dreher asked you a specific
10 question about whether or not he told you, he being
11 Mr. Vanisi, why he was carrying the ax. And you responded
12 that he didn't tell you, just like you testified here;
13 correct? You have to answer out loud.
14 A Yes.
15 Q In fact, that wasn't true, was it?
16 A No.
17 Q The defendant had told you why he was carrying
18 the ax, didn't he?
19 A Yes.
20 Q And then on that same page, line 27, the
21 detectives confront you with that fact, and they say, "Yes,
22 he did tell you, Mr. Taukiuvea." What did you tell the
23 police the second time they asked you, when they confronted
24 you with the fact they didn't think you were truthful about
25 why Mr. Vanisi told you he was carrying the hatchet?

1 A He said he wanted to kill a cop.

2 Q That's what you told the police during the
3 interview?

4 A Yes.

5 Q He told you something else, didn't he, about
6 why he wanted to kill a cop, beyond just killing a cop,
7 didn't he?

8 A Yes.

9 Q And the police then confront you with that,
10 right after your answer that you just gave, they confront
11 you again and they say, didn't he say something else? What
12 did Mr. Vanisi tell you beyond wanting to kill a cop, as to
13 why he had the hatchet?

14 A That he wanted to kill a cop.

15 Q Anything else?

16 A That he wanted his badge and radio.

17 Q Anything else besides his badge and his radio?

18 A And his gun.

19 Q That's what you told the police there on line
20 22 and 23; correct?

21 A Yes.

22 Q Is that the truth?

23 A Yes.

24 Q Who else was present in the Losa Louis home
25 when Mr. Vanisi made this statement?

1 A Me, Losa, Corina, Bill, Masi and Laki.
2 Q Was he trying to -- did he whisper this to you?
3 A Whisper what?
4 Q That he wanted to kill a cop, take his badge,
5 radio, gun?
6 A No.
7 Q He said it out loud?
8 A Yeah.
9 Q Wasn't trying to hide it?
10 A Uh-huh.
11 Q Was he trying to hide what he was saying?
12 A No.
13 Q All those other people that you just mentioned
14 were present and could potentially overhear what he said;
15 correct?
16 A Yes.
17 Q How many times did he tell you that day that he
18 wanted to kill a cop?
19 A He said it a lot of times.
20 Q Do you remember how many times?
21 A No.
22 Q Was it more than five?
23 A I would think so.
24 Q I'd like to turn your attention to page 29 of
25 that transcript. Directing your attention to the final line

1 on 40, question posed to you by Detective Dreher, if you
2 could read that question to yourself, and then turn the page
3 to page 30, and read lines 1 through 6 to yourself.

4 You gave a description to the detectives about
5 how many times or kind of an impression of how often
6 Mr. Vanisi was talking about killing a cop. What was that
7 impression, how many times, as the words that you used to
8 the detectives?

9 A He was just bragging about it.

10 Q The cop, Detective Dreher, asked you, "Okay,
11 tell us, elaborate, what do you mean?" Beginning on line 5
12 and 6, what was your response? You can read it out loud.

13 A Read it out loud?

14 Q Yes, lines 5 and 6, your response to Detective
15 Dreher's: "Okay, tell us, elaborate, what you mean when you
16 said blabbing."

17 A Like every time he talked, you know, it would
18 be like, I got to do this, I have to kill a cop. I have to
19 do this, you know.

20 Q So he was constantly saying this?

21 A Uh-huh.

22 Q Was the conversation about killing cops when
23 you brought it up, or was this something he brought up on
24 his own?

25 A Brought up on his own.

1 Q What did you think about that when you first
2 heard it?

3 A I thought he was just joking.

4 Q Did there come a time that, Mr. Taukiuvea,
5 where Mr. Vanisi talked to you about going to Wal-Mart and
6 purchasing a hatchet?

7 A No.

8 Q You don't remember that? You have to answer
9 out loud.

10 A No.

11 Q Could you turn to page 32 of the transcript?
12 Actually page 31. Directing your attention to lines 25
13 through 27. He told you he went to Wal-Mart with some other
14 people?

15 A Yes.

16 Q Was one of those people he mentioned
17 specifically to you Mele Maveni?

18 A Yes.

19 Q Did he ever tell you why he went to Wal-Mart?

20 A No.

21 Q On Monday, the 12th of January, did you have
22 occasion to be at Losa Louis' house at approximately 10:00
23 a.m.?

24 A Yes.

25 Q Who was there at Miss Louis' house on that day

1 and that time?

2 A Same people.

3 Q Do you know a Priscilla Endemann?

4 A Yes.

5 Q Was she there?

6 A I'm not sure.

7 Q Turn to page 36 of your transcript, if you

8 would. Starting at line 1 through line 21. Do you remember

9 now who was at Losa's house at that time?

10 A Yes.

11 Q Was Priscilla Endemann there?

12 A Yes.

13 Q Who is Priscilla Endemann?

14 A That was Laki's girlfriend at that time.

15 Q That is Laki, L-A-K-I?

16 A Yes.

17 Q He is a friend as well?

18 A Yes.

19 Q Do you know his full name?

20 A No.

21 Q You just know him as Laki?

22 A Yeah.

23 Q He is Priscilla's boyfriend?

24 A At that time.

25 Q And Priscilla was there, Priscilla Endemann?

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1 A Yes.

2 Q And Laki is there?

3 A Yes.

4 Q Was Losa there?

5 A Yes.

6 Q Was Mr. Vanisi there?

7 A Yes.

8 Q On that day, later on in the evening, did that

9 same general group go to a restaurant called Bully's at

10 McCarran and Mae Ann?

11 A What day is this?

12 Q It would have been around or about the 12th of

13 January or the previous Sunday, the 11th.

14 A No.

15 Q It wasn't the 12th?

16 A No.

17 Q It was Sunday, the 11th?

18 A Yeah.

19 Q There is an incident involving you going with

20 the defendant to look for a cop to kill. Was that the night

21 that you went to Bully's?

22 A No. We went to Bully's on Saturday.

23 Q And the incident in Sparks with the defendant

24 looking for a cop to kill occurred Sunday?

25 A Yes.

1 Q Did you see the defendant on Saturday when you
2 went to Bully's with the hatchet?

3 A Yes.

4 Q Where was he carrying the hatchet?

5 A Same place.

6 Q Describe it again?

7 A On his right side.

8 Q In his pants?

9 A In his pants.

10 Q And you went to Bully's to play pool?

11 A Yes.

12 Q Did the defendant carry the hatchet into
13 Bully's with him?

14 A Yes.

15 Q Underneath the coat?

16 A Yes.

17 Q What kind of coat was he wearing?

18 A He had a red burgundy jacket.

19 Q How long did the jacket come down? How long on
20 Mr. Vanisi's body did it come?

21 A Probably past, between -- to his knees.

22 Q I show you 23-A and -B. Do you recognize the
23 burgundy leather jacket in these photographs?

24 A Yeah.

25 Q Is that the jacket he was wearing?

1 A Yes.

2 Q Do you recognize where these photographs were

3 taken?

4 A Losa's house.

5 Q On Saturday night, when you went to Bully's and

6 any time during that evening, did you ever hear the

7 defendant make any statements about wanting to kill a cop

8 that night?

9 A I don't remember it.

10 Q You're not sure if he did one way or another?

11 A No.

12 Q On Sunday night, I'd like to talk to you,

13 Mr. Taukiueva, about the incident that occurred with you and

14 Mr. Vanisi driving around looking for a cop to kill. Do you

15 remember that?

16 A Yes.

17 Q Is that pretty clear in your mind?

18 A A little bit.

19 Q Prior to you getting into the car with

20 Mr. Vanisi, where were you at?

21 A At Losa's house.

22 Q How did it come that you and Mr. Vanisi, just

23 you two, ended up in a car?

24 A I don't remember.

25 Q You don't remember? Do you remember what time

1 of evening it was?

2 A No.

3 Q Was it in the evening?

4 A Yeah, it was in the nighttime.

5 Q Whose car were you in?

6 A In my car.

7 Q Who was driving?

8 A Me.

9 Q When did the subject come up about killing a
10 cop? Before you got into the car or after you got into the
11 car?

12 A After.

13 Q And where were you going prior to the subject
14 being brought up about killing a cop?

15 A I don't remember.

16 Q You don't remember? But it's just you and
17 Mr. Vanisi?

18 A Yes.

19 Q You're driving?

20 A Yes.

21 Q Who is the first person that brings up the
22 subject about killing a cop?

23 A He is.

24 Q The same as he had done a couple days before?

25 A Yes.

1 Q What did you think this time?

2 A I thought he was serious.

3 Q What made -- excuse me. What made you think he

4 was serious this time?

5 A I don't know. Just the way he said it.

6 Q Was it different than the way he said it before

7 or what made it different?

8 A Just because it was just me and him.

9 Q How was he dressed?

10 A The same.

11 Q Describe it again.

12 A He had the burgundy jacket, ax, with the long

13 hair.

14 Q Dressed like that?

15 A Yes.

16 Q Where is the ax?

17 A On his right side.

18 Q Did there come a time where you saw a police

19 officer?

20 A Yes.

21 Q Where were you physically in your vehicle when

22 you saw this police officer?

23 A We were at an intersection.

24 Q What was the intersection of the streets?

25 A Oddie and El Rancho.

1 Q If you could turn to that transcript at page
2 112. Directing your attention to page 112 to lines 9
3 through 11. If you turn to the page 111, one page before,
4 lines 6 through 13, you also discuss the location at that
5 portion of the interview. Do you remember where, what the
6 intersections, the precise streets were when you saw this
7 police officer?

8 A It was on Oddie and Silverada.

9 Q There is a couple of landmarks that you gave to
10 the police, Paradise Park and the Jack-in-the-Box that was
11 nearby?

12 A Uh-huh.

13 Q What police officer did you see? What agency
14 and what did that police officer look like?

15 A He was from Sparks.

16 Q Sparks police officer?

17 A Yeah.

18 Q How do you know that?

19 A Because he was in a white car.

20 Q He was in a marked patrol unit?

21 A Yeah.

22 Q Was he in uniform?

23 A Yeah.

24 Q Was he white?

25 A Yeah.

1 Q What did the defendant say when he saw that
2 police officer driving in front of the intersection right in
3 front of your car?

4 A He told me to follow him.

5 Q When he said to follow him, why do you think
6 the defendant, based upon what he had said to you, wanted
7 you to follow that police car?

8 A I don't know. To do it.

9 Q Do what?

10 A To kill him.

11 Q Did you follow him?

12 A No.

13 Q What did you tell the defendant?

14 A I don't remember.

15 Q You don't remember what you told him?

16 A Huh-uh.

17 Q Did you tell him you wanted to follow him?

18 A No. I told him I didn't want to.

19 Q What did he say after you told him that you
20 didn't want to follow him?

21 A I don't remember.

22 Q Turn to page 113. If you would direct your
23 attention, sir, to lines 23 through 38.

24 At line 31, the detective is asking you what
25 happens after you were to follow him, and your response on

1 line 34, read that out loud, please.

2 A "He wanted me to drop him off and leave."

3 Q Leave him?

4 A Yeah.

5 Q The detective asked you, "Drop him off where"?

6 What was your response?

7 A "Where the cop was at."

8 Q Specifically he told you to do several things.

9 That line, line 38, read it verbatim, what you said.

10 A "Wherever he stopped at, the cop, and leave."

11 Q He wanted you to follow him, drop him off

12 wherever the cop stopped and then leave; is that correct?

13 A Yes.

14 Q And Mr. Vanisi told you that?

15 A Yes.

16 Q Is that what indeed he told you on that night?

17 Sunday night?

18 A Yes.

19 Q Mr. Taukiuvea, I want to now direct your

20 attention to Monday evening, January 12th, 1998. Sir, on

21 that evening, did you happen to be with the defendant at

22 Losa's house?

23 A Yes.

24 Q About 10:30 in the evening?

25 A In the evening?

1 Q Yes.

2 A No.

3 Q You don't remember that?

4 A I don't remember.

5 Q If you turn to page 44. Direct your attention
6 to that page, lines 25 through 40. This is the night that
7 he asked you for the ride to Sterling, to the Sterling
8 address, the Peaua home. There is some confusion about in
9 your mind when you talk to the detectives whether it is
10 Sunday night or Monday night.

11 A , Yeah.

12 Q Now, if officer -- Sergeant Sullivan is
13 murdered just after midnight on Monday, the 12th, into the
14 13th of January, that Monday night, the 12th of January, at
15 10:30 at night, were you at Losa's house with the defendant?

16 A 10:30?

17 Q Yes.

18 A On Monday?

19 Q Yes.

20 A I took him home at 10:30, around that time.

21 Q So prior to you taking him home, prior to
22 10:30, you and Mr. Vanisi were at Losa Louis' house at 1098
23 Rock, apartment number A?

24 A Yes.

25 Q And who asked you to drop him off at the

1 Sterling Way address?

2 A He did.

3 Q Mr. Vanisi?

4 A Yes.

5 Q Did you have a car?

6 A Yes.

7 Q Did he?

8 A No.

9 Q At any time when you saw Mr. Vanisi here in

10 Reno during the month of January, did you ever see him in a

11 car that he owned or driving one?

12 A No.

13 Q When you dropped Mr. Vanisi off at the Peaua

14 home on Sterling Way on Monday night, January 12th, 1998,

15 how was he dressed?

16 A The same.

17 Q Red jacket?

18 A Yeah.

19 Q Wig and beanie?

20 A Yes.

21 Q Did he have the hatchet with him?

22 A Yes.

23 Q Can you describe what kind of pants he was

24 wearing?

25 A Brown corduroys.

1 Q What kind of shirt did he have?

2 A Purple shirt.

3 Q I show you Exhibit 29-B. Do you see that
4 purple shirt there?

5 A Yes.

6 Q Does that look like the shirt he was wearing?

7 A Yes.

8 Q Once again with Exhibit 6, that's how he looked
9 when you dropped him off at Sterling Way, Monday night,
10 10:30 p.m.?

11 A Yes.

12 Q After dropping Mr. Vanisi off at the Peaua
13 home, this is the home of your girlfriend; correct?

14 A Yes.

15 Q You knew the home pretty well?

16 A Yes.

17 Q Did you see your girlfriend there that night?

18 A No.

19 Q Did you go in the home at all?

20 A No.

21 Q After you dropped off Mr. Vanisi, where did you
22 go?

23 A I went back to Losa's house.

24 Q What did you do when you arrived back at Losa's
25 house?

1 A I fell asleep.

2 Q Who else was in Losa Louis' home when you came

3 back and fell asleep?

4 A Losa, Corina, Laki, Bill, Masi.

5 Q Everybody is there?

6 A Yeah.

7 Q Was anybody awake when you came back?

8 A Yeah.

9 Q Who was?

10 A Losa and Corina and Laki.

11 Q Laki?

12 A Yeah.

13 Q Where did you go to sleep inside Losa Louis'

14 home?

15 A In the boys' room.

16 Q Is that one of the bedrooms?

17 A Yeah.

18 Q Anybody else sleeping in the room?

19 A Yeah. Bill and Masi.

20 Q The younger boys?

21 A Yeah.

22 Q How old are Bill and Masi?

23 A I don't know.

24 Q As old as you or younger?

25 A Younger.

1 Q And where was Losa and Corina when you came
2 into the apartment?

3 A They were on the computer.

4 Q And where is the computer? Where were they
5 working at in the apartment?

6 A It is in the kitchen.

7 Q Did you talk to them?

8 A No. Just came in and sat down.

9 Q You went to bed?

10 A Uh-huh.

11 Q What time were -- did you awake, after going to
12 bed?

13 A I don't remember. I don't remember. .

14 Q Do you remember telling the detectives it was
15 approximately 1:30 in the morning?

16 A Yes.

17 Q Does that sound approximately correct?

18 A Yes.

19 Q What awoke you?

20 A When Vanisi came in the door.

21 Q The defendant, Siasos Vanisi?

22 A Uh-huh.

23 Q And when he walked through the door, what
24 caused you to wake up?

25 A Just the door.

1 Q Did you get a good look at him?

2 A A little bit.

3 Q Did he look any different from what you
4 previously described here in Exhibit 6 when he walked
5 through the door at 1:30 in the morning?

6 A I don't remember.

7 Q You don't remember. Do you remember telling
8 the police how he looked?

9 A No.

10 Q If you could turn to page 51 of the transcript.
11 I direct your attention to -- you need the frame of
12 reference of the whole or the first portion of page 51, but
13 specifically lines 19 through 27.

14 Do you remember now how he was different from
15 the way he was dressed when you dropped him off at the Peaua
16 home?

17 A Yes.

18 Q What was different about it?

19 A He didn't have his wig.

20 Q Didn't have his wig. Did you see him with a
21 hatchet?

22 A No.

23 Q And was he carrying anything?

24 A He had a plastic bag.

25 Q Did you see that beanie or the bandana that was

1 on top of the wig?

2 A I don't remember.

3 Q Look to lines 25 and 27. Did he have the

4 beanie?

5 A No.

6 Q And you said he was carrying something?

7 A Yeah. A plastic bag.

8 Q What kind of plastic bag?

9 A Raley's shopping plastic bag.

10 Q What color was it?

11 A White.

12 Q Did you see what was inside of it?

13 A No.

14 Q I show you Exhibits 22 and 26. First 22. Does

15 that appear to be the same color, shape and size plastic bag

16 that he was carrying?

17 A Yes.

18 Q And showing you 26, same thing with that

19 plastic bag inside that cabinet?

20 A Yes.

21 Q You couldn't see what was in the bag?

22 A No.

23 Q You told the police that you had some

24 description of what was inside the bag. Do you remember

25 what you told the police?

1 A No.

2 Q Turn to page 135, if you would, of your
3 transcript. Directing your attention to lines 19 through
4 37. Do you remember what additional description you gave to
5 the police about the contents of that plastic bag?

6 A That it was black.

7 Q The items inside the bag appeared to be black
8 to you?

9 A Yes.

10 Q You indicated to the detectives that the bag
11 was somewhat see-through, it was light enough that you could
12 see a portion through the bag?

13 A Yes.

14 Q And it appeared to be black?

15 A Yes.

16 Q Did the bag appear to be full?

17 A I don't remember.

18 Q Was that the truth you told to the police?

19 A Yes.

20 Q Is that the best of your recollection today,
21 your memory today, that indeed it was black items in that
22 white plastic bag?

23 A Yes.

24 Q When Mr. Vanisi walked into the apartment at
25 1:30, did he ask anything of you?

1 A He asked me for my car keys.
2 Q Where was your car parked?
3 A In front of the apartment.
4 Q What kind of car was it?
5 A It's an '86 Cutlass.
6 Q And did you give him the keys?
7 A Yes.
8 Q And what did he do after you gave him the keys?
9 A He went outside.
10 Q How long was he outside?
11 A I don't remember.
12 Q Was it more than half an hour?
13 A I couldn't -- I don't remember.
14 Q He came back into the apartment?
15 A Yes.
16 Q And when he came back into the apartment, was
17 he carrying the same plastic bag?
18 A Yes.
19 Q Do you remember him carrying the bag back into
20 the apartment?
21 A Yes.
22 Q Are you certain of that?
23 A Yes.
24 Q When you awoke, did you go to sleep the next --
25 after he came back into the apartment?

1 A Yeah.

2 Q Where did Mr. Vanisi sleep?

3 A In the living room, I think.

4 Q Where did you sleep?

5 A I was in the room, the boys' room.

6 Q When you awoke the next morning, was Mr. Vanisi

7 there?

8 A Yes.

9 Q Do you have any idea how Mr. Vanisi got back to

10 the Losa Louis home on Rock Boulevard from Sterling?

11 A I don't remember.

12 Q Do you know?

13 A Yes.

14 Q You didn't take him?

15 A No.

16 Q And the only way you know is from hearing it

17 from other people?

18 A Yes.

19 Q You don't have personal knowledge --

20 A Yes.

21 Q -- of how he got back; correct?

22 A Right.

23 Q The next morning, what time did you get up,

24 Mr. Taukiuvea? Do you remember?

25 A No.

1 Q That Tuesday, the 13th of January, you first
2 hear about Sergeant Sullivan being murdered; correct?

3 A Yes.

4 Q How did you first hear about the news of his
5 murder?

6 A Everyone was talking about it.

7 Q Who is everyone?

8 A Losa and everybody.

9 Q What time of day did you first hear about the
10 murder?

11 A About when I woke up.

12 Q In the morning?

13 A Uh-huh.

14 Q Did there come a time on Tuesday morning when
15 you were with the defendant, Mr. Vanisi, at a church?

16 A Yes.

17 Q At that time did you directly ask Mr. Vanisi if
18 he killed a police officer?

19 A I don't remember.

20 Q Sir, if you could turn to the transcript, page
21 53. The police detectives ask you several times the day
22 that they interviewed you about whether or not Mr. Vanisi
23 told you anything the following morning, Tuesday, the 13th
24 of January, about the murder of Sergeant Sullivan; and you
25 initially told them several different times Mr. Vanisi never

1 told you anything. Is that a fair summarization of what you
2 told the police?

3 A Yes.

4 Q And you were lying to the police?

5 A I don't remember.

6 Q Well, you told the police that Mr. Vanisi never
7 said anything to you Tuesday morning about killing Sergeant
8 Sullivan; right?

9 A Yes.

10 Q Initially. Then you changed your story.

11 A Yes.

12 Q After they asked you several times and they
13 told you that they didn't think you were being truthful;
14 right?

15 A Yes.

16 Q Now, after they confronted you several
17 different times, you tell them about an incident that took
18 place at the church on Tuesday morning when it was just you
19 and Mr. Vanisi alone. Do you remember that?

20 A Yes.

21 Q Can you tell the ladies and gentlemen of this
22 jury what you asked Mr. Vanisi that morning when you were
23 alone with him, at the church?

24 A I don't remember.

25 Q Would you please turn your attention to page 54

1 of your transcript. Line 1 through line 14. Does that help
2 you remember?

3 A Yes.

4 Q What did Mr. Vanisi -- what did you ask
5 Mr. Vanisi?

6 A I asked him if he did it.

7 Q What did he say?

8 A He said no.

9 Q Then what did you say?

10 A I don't remember.

11 Q You don't remember. Did he show you something?

12 A Yes.

13 Q What did he show you?

14 A A gun.

15 Q What kind of gun was it?

16 A I don't know.

17 Q I show you Exhibit 15-A. Does that look
18 familiar to you?

19 A Yes.

20 Q Is that the gun that he showed you or what
21 appears to be the gun he showed you?

22 A Yes.

23 Q Same size, same general color?

24 A Yes.

25 Q What did you -- what precisely did he say when

1 he showed you the gun; do you remember?

2 A No.

3 Q Would you turn to page 54, line 38? What did
4 he say when he showed you the gun?

5 A "Look what I have."

6 Q Where was the gun on Mr. Vanisi's person?

7 A It was in his pocket.

8 Q Did it seem to you that he knew how to operate
9 that gun?

10 A No.

11 Q Why is that?

12 A I don't know. Just the way he was holding it.

13 Q Didn't seem to know much about guns?

14 A Yeah.

15 Q What did you tell Mr. Vanisi after he showed
16 you the gun?

17 A I don't remember.

18 Q Turn to page 55, lines 13 through 23. After he
19 tells you, Look what I got, what do you tell him?

20 A I told him he was crazy.

21 Q What did he say after you told him he was
22 crazy?

23 A Nothing.

24 Q I'd like to direct your attention to page 55,
25 Mr. Taukiueva, to line 15. Do you see that in quotes about

1 Mr. Vanisi in that line, what he said?

2 A Yes.

3 Q Read that aloud, please.

4 A "This is the first time I had a gun."

5 Q That is what Mr. Vanisi told you?

6 A Yes.

7 Q Is that the truth?

8 A I don't remember.

9 Q You don't remember him saying that?

10 A Yeah, I do.

11 Q Was your memory better back when you were
12 talking to the police about what he said --

13 A Yes.

14 Q -- than it is today?

15 A Yes.

16 Q In that same line, line 15, you say that you
17 then tell Mr. Vanisi, You're crazy.

18 A Yes.

19 Q And the detective asked you down at line 21,
20 "What did he say back?" Meaning Mr. Vanisi. "What did he
21 say back to you when you told him he was crazy?"

22 And you said, "He said nothing. But he did
23 something." What did he do?

24 A He just giggled.

25 Q Did you ask him how he got the gun?

1 A I don't remember.

2 Q Directing your attention to page 55, line 33
3 through 35. When the police asked you about what Mr. Vanisi
4 said about how he got the gun, you told them he didn't tell
5 you how he got the gun.

6 A Yes.

7 Q That was a lie, wasn't it?

8 A Yes.

9 Q He did tell you how he got the gun, didn't he?

10 A I don't remember.

11 Q You don't remember. Do you remember what you
12 told the police?

13 A No.

14 Q Turn to the next page. Lines 1 through 5.
15 What did he tell you?

16 A He said he did it.

17 Q Did what?

18 A I don't know.

19 Q You don't know? He shows you the gun, he tells
20 you that this is the first time he's gotten a gun. You tell
21 him he is crazy. He giggles. Then you ask him how he got
22 the gun, and you don't remember what he told you about how
23 he got the gun?

24 A He probably killed a cop.

25 Q You say probably killed a cop. Do you remember

1 what Mr. Vanisi told you?

2 A He said he was going to.

3 Q Well, at the time that he is showing you this
4 gun and this conversation is going on, where are you?

5 A We're in the Mormon church.

6 Q Where in the Mormon church?

7 A In the bathroom.

8 Q Who else is present?

9 A Just me and him.

10 Q Just you and him. I direct your attention to
11 page 57, lines 13 through 24. Mr. Taukiuvea, specifically
12 lines 15 through 16, the police detectives ask you whether
13 or not on that date, the 13th of January, in the bathroom at
14 the Mormon church, you ask Mr. Vanisi whether or not he
15 killed the police officer. What did Mr. Vanisi say?

16 A He said yes.

17 Q He said, Yeah, I did it?

18 A Yes.

19 Q How was Mr. Vanisi acting that morning when he
20 was telling you this, besides giggling?

21 A I don't remember.

22 Q Was he nervous, calm, agitated, excited?

23 A I don't remember.

24 Q You don't remember. Who was the first person
25 to approach the subject about the gun and showing you the

1 gun? Was it you or was it him?

2 A What do you mean?

3 Q You are in the bathroom. Who first brings
4 up -- how did you find out that he had a gun? Did you ask
5 him first or does he say something to you?

6 A He just pulls it out.

7 Q Page 75, Mr. Taukiueva, line 18 through 20.
8 Specifically at line -- it would be probably -- appears to
9 you to be line 19. Are there any quotes in that line
10 starting with, "Hey, Teki?" What did you tell the police
11 was his exact words?

12 A "Check this out."

13 Q "Hey, Teki, check this out." And then he shows
14 you the gun?

15 A Yes.

16 Q Do you know of a dog that is a family dog at
17 the Peaua home at Sterling Way?

18 A Yes.

19 Q What is the name of the dog?

20 A Doobie.

21 Q Can you describe that dog?

22 A It's a black and white dog.

23 Q Black and white dog?

24 A Yeah.

25 Q It is a big dog, small dog?

1 A Big.

2 Q And did Mr. Vanisi tell you whether or not he
3 was with Doobie at the time that he committed these murders?

4 A I don't remember.

5 Q Turn to page 96 and 97, if you would,
6 Mr. Taukiuvea. Directing your attention on line 40, do you
7 want to read a couple lines above that to kind of get the
8 sense of where you are in this conversation with detectives?
9 Finish up with page 96 and read half way down page 97.

10 A He said, "I'm lucky because Doobie is a nice
11 dog, sniffed his way home."

12 Q What did that mean?

13 A That he walked him home.

14 Q The dog of the Peauas, Doobie, Mr. Vanisi told
15 you after the murder, helps him find his way home by
16 sniffing his way back to the Peaua home?

17 A Yes.

18 Q Mr. Taukiuvea, have you ever been convicted of
19 a felony?

20 A A felony?

21 Q Yes.

22 A I don't know.

23 Q You don't know? Were you arrested by Sparks
24 Police Department for a charge?

25 A Yes.

1 Q When was that?

2 A I don't remember.

3 Q How long ago was it?

4 A A year ago.

5 Q Was it before the events that we're talking

6 about now?

7 A It was after.

8 Q You were arrested after?

9 A After, if I remember correctly.

10 Q Well, Mr. Taukiuvea, the night that you talked

11 to the police, the police thought you had a warrant out for

12 your arrest?

13 A Yes. That's when I got arrested.

14 Q But you had previously been arrested by the

15 police for the actual offense; correct?

16 A Yes.

17 Q So maybe I'm confusing you, and I apologize if

18 I am. The night that you were interviewed by the police,

19 January 19th, 1998, the police thought you had an

20 outstanding warrant because you failed to appear on a court

21 date.

22 A Uh-huh.

23 Q That court date was involving charges that you

24 had already been arrested on?

25 A Yes.

1 Q And is that all correct?

2 A Yes.

3 Q How long before talking to the police on

4 January 12th, 1998, had you been arrested by the police

5 initially for the first time regarding those charges?

6 A I don't remember.

7 Q Was it days, months?

8 A Months.

9 Q So sometime in 1997, you were arrested by the

10 police; is that correct?

11 A Yes.

12 Q Do you remember what those charges were?

13 A Burglary.

14 Q Possession of stolen property?

15 A Yes.

16 Q Grand larceny? And what were you ultimately

17 convicted for?

18 A Possession.

19 Q Possession of stolen property?

20 A Yeah.

21 Q And you're on probation on that charge as you

22 sit here today?

23 A Yes.

24 Q And this offense that you were arrested on, the

25 possession of stolen property that you were convicted of,

1 occurred in 1997?

2 A Yes.

3 Q And when you were arrested in 1997, did the
4 police take your fingerprints?

5 A Yes.

6 MR. STANTON: No further questions at this
7 time, Your Honor.

8 THE COURT: Cross-examination.

9 MR. SPECCHIO: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 BY MR. SPECCHIO:

12 Q Let me understand. How many times have you
13 been arrested for felony charges?

14 A Just that one time.

15 Q Okay. So when Mr. Stanton tells you that you
16 were arrested before the death of Sergeant Sullivan, that's
17 the only one?

18 A Yes.

19 Q And then you went to court I think on
20 January 29th of last year, didn't you? Like this day right
21 here?

22 A I don't remember.

23 Q Sergeant Sullivan was killed midnight here?

24 A Uh-huh.

25 Q Is that the 12th and 13th?

1 A Yes.

2 Q You gave your statement that you have in front
3 of you, isn't the date January 19th? Isn't the date on that
4 January 19th, the date of the statement?

5 A I don't know.

6 Q Look over here where it says 1/19/98.

7 A Yes.

8 Q So that would be here.

9 A Yes.

10 Q So you knew at least on the 19th of January
11 that you would be a witness in this case?

12 A Yes.

13 Q And you went to court on the 29th -- do you
14 remember going to court on the 29th? Is that about right?

15 A I don't remember.

16 Q You don't remember a lot of things, huh?

17 A No. It's been a year, a long time.

18 Q I mean, you don't even remember stuff like what
19 anybody said to anybody or things like wanting to kill a cop
20 and all that? You don't remember any of that?

21 A What do you mean?

22 Q It didn't stick out in your mind? You
23 indicated 43 times on your direct examination that you
24 didn't remember, which you might have been asked 47
25 questions, which means to me that this was not necessarily

1 an event in your life that you wanted to recall.

2 A I don't know what you mean.

3 Q Okay. We'll go through it by the numbers. All
4 right?

5 A All right.

6 Q You are a student at UNR?

7 A No.

8 Q You were a student at UNR January of '98?

9 A No.

10 Q You just work there?

11 A Yes.

12 Q Okay. How long did you work there?

13 A For about three years.

14 Q Always doing the same thing?

15 A Yes.

16 Q And your normal hours would be what?

17 A 4:00 to 8:00.

18 Q 4:00 in the afternoon to 8:00 at night?

19 A Yes.

20 Q During that time I guess you got to know the
21 workings of people that work at UNR?

22 A Yes.

23 Q You saw UNR police officers before?

24 A Yes.

25 Q You saw them in your place of business?

1 A Yes.

2 Q You knew the routines that they had?

3 A No.

4 Q You didn't?

5 A No.

6 Q You never saw any police officers parked in a

7 certain location?

8 A No.

9 Q Were there police officers on duty while you

10 were working?

11 A I don't know.

12 Q Who is Chiatra Hanke?

13 A That was my ex-girlfriend.

14 Q And she was your girlfriend back in January;

15 right, of last year?

16 A During this?

17 Q Yes.

18 A No.

19 Q No? Renee was your girlfriend?

20 A Yes.

21 Q You didn't have two very close friends, Chiatra

22 and Renee, at the same time?

23 A No.

24 Q When you talk about Masi --

25 A Masi.

1 Q -- that's -- is that Brandon Louis, the young
2 boy?

3 A Yeah.

4 Q Was he present when you heard Mr. Vanisi say
5 that he wanted to kill a cop?

6 A I'm pretty sure he was.

7 Q How many times did you hear this, I want to
8 kill a cop, I got to kill a cop, I have to kill a cop? How
9 many times did you hear that?

10 A I'm not sure. He kept on saying it.

11 Q You would say four, five, six times; is that
12 about right? You don't remember that?

13 A I don't remember that.

14 Q Was the statement ever made that, I have to
15 kill a white cop?

16 A No.

17 Q You never heard that?

18 A No.

19 Q You would have remembered that?

20 A Yeah.

21 Q Now, you have been interviewed I assume by the
22 police and the District Attorney on a number of occasions?

23 A Yes.

24 Q When is the last time that you were
25 interviewed?

1 A Last time was I think last week.

2 Q Were you interviewed yesterday?

3 A Yesterday, no.

4 Q Last week?

5 A Yeah.

6 Q Were you given that transcript of the statement
7 that you gave to the police?

8 A Yes.

9 Q And did you read it?

10 A No.

11 Q Oh, okay. So it didn't help you refresh your
12 recollection in any fashion?

13 A No.

14 Q There's just some things you just don't
15 remember; isn't that right?

16 A Yes.

17 Q You have seen this before; right?

18 A Yes.

19 MR. STANTON: For the record --

20 BY MR. SPECCHIO:

21 Q Exhibit 15-A --

22 THE COURT: Let the record reflect that is the
23 same exhibit that Mr. Stanton was holding up earlier and it
24 was identified at that time.

25 BY MR. SPECCHIO:

1 Q You have seen this before?

2 A Yes.

3 Q You have told the police that your fingerprint

4 may be on this gun?

5 A Yes.

6 Q That is a true statement; isn't it?

7 A Yes.

8 Q You remember that?

9 A Yes.

10 Q On the night that Sergeant Sullivan got killed,

11 you drove Mr. Vanisi someplace, didn't you?

12 A Yes.

13 Q You didn't return directly back to the Rock

14 Boulevard address, did you?

15 A I did.

16 Q You did. What time did you get there?

17 A Back to the Rock Boulevard?

18 Q You left from there, took Mr. Vanisi to

19 Sterling Way?

20 A Uh-huh. And came straight back.

21 Q You didn't make any stops?

22 A No.

23 Q You remember that?

24 A Yes.

25 Q Who is Moa?

1 A Moa? That's Renee's brother.
2 Q Who is Manaoui?
3 A That is the older brother.
4 Q How long have you lived in Reno?
5 A About 16 years.
6 Q And you're 19 years old?
7 A Yeah.
8 Q Do you know what the term 187 means?
9 A Yes.
10 Q What does 187 mean to you?
11 A Death. That there was a killing.
12 Q It means somebody is dead?
13 A Yeah.
14 Q Do you know where 187 comes from?
15 A No.
16 Q Did you ever have a conversation with Moa about
17 a 187?
18 A I don't remember.
19 Q On the night of January 12th -- well, on the
20 morning of January 13th, there was a lot of talk going
21 around about the death of Sergeant Sullivan, wasn't there?
22 A Yes.
23 Q Were you interviewed on the 13th?
24 A No.
25 Q The 14th?

1 A No.

2 Q The 15th?

3 A No.

4 Q Any time before the 19th?

5 A No.

6 Q Do you remember if you were wearing the same

7 clothes on the 19th as you were wearing on the 13th?

8 A No.

9 Q No, you weren't, or no, you don't remember?

10 A I don't remember.

11 Q Tell me about this let's-go-look-for-a-cop-to-

12 kill trip that you took on Sunday night, which would be the

13 11th. How did this come about?

14 A I don't remember.

15 Q Could it have been you that said, Let's go out

16 and find a cop to kill?

17 A No.

18 Q It couldn't be that way?

19 A No.

20 Q Did you ever have any problems with any

21 University of Nevada police?

22 A No.

23 Q What about drugs? Any drugs being used by

24 either you or Mr. Vanisi?

25 A Just marijuana.

1 Q Just marijuana.
2 A Yeah.
3 Q When? What time? What days?
4 A I don't remember.
5 Q Well, I guess I could have expected that one.
6 When you were driving the car, taking
7 Mr. Vanisi from Rock Boulevard to Sterling Way, were you
8 smoking marijuana?
9 A No.
10 Q When you were driving around Sunday night
11 looking for a cop to kill, were you smoking marijuana?
12 A No.
13 Q The only other time you saw him was at Losa's
14 house and at the church?
15 A Yes.
16 Q First of all, whose weed? Is it yours or his?
17 A His.
18 Q This is a foreign substance to you, you never
19 smoked marijuana before?
20 A (Negative nod.)
21 Q Never before?
22 A Yeah. The day before.
23 Q So the marijuana smoking happened at the
24 church?
25 A No.

1 Q It didn't happen in the two trips in the car.
2 It didn't happen at the church and it didn't happen at
3 Losa's. When else were you with Mr. Vanisi?

4 A I don't remember.

5 Q Were you on the campus of the University of
6 Nevada at Reno?

7 A No.

8 Q You said that the bag, the white plastic bag,
9 how far away from that bag were you?

10 A About three, four feet.

11 Q Was the room lit like this room is lit?

12 A No.

13 Q It was darker?

14 A It was in between. Half the room was lit.

15 Q You never looked in the bag?

16 A No.

17 Q So you don't know what was in there?

18 A No.

19 Q You said it looked black. Could it have been
20 dark brown, the material that was in the bag?

21 A Yeah.

22 Q When did you see Mr. Vanisi's picture on
23 television?

24 A I didn't see it.

25 Q You never saw it?

1 A No.

2 Q Ever?

3 A No.

4 Q You were talking about the death of the police
5 officer. You read the stuff in the paper?

6 A No.

7 Q You didn't read it?

8 A Just heard about it.

9 Q Okay. And you never watched anything on TV?

10 A No.

11 Q Did anybody ever tell you that Mr. Vanisi's
12 picture was on television?

13 A Yes.

14 Q Did you tell him then that he should leave the
15 state?

16 A No.

17 Q How long were you in the car on Sunday night
18 looking for a cop to kill?

19 A About 15 minutes, 15, 20 minutes.

20 Q So it wasn't a long hunt? This thing was over
21 pretty quickly?

22 A Yeah.

23 Q You were driving the car?

24 A Yes.

25 Q You never stopped any police officer?

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1 A No.

2 Q You didn't kill anybody that night?

3 A No.

4 Q The statement that you gave to the police,

5 which is in front of you, about what, 150 pages long?

6 A Yeah. 143.

7 Q 143. And you spoke to the police for how long?

8 I think it says from time to time on the front, doesn't it?

9 A No.

10 Q It doesn't have the times on it?

11 A No.

12 Q But you agree it was on the 19th, which is the

13 following Monday, after this incident?

14 A Yes.

15 Q Does that date agree with your recollection?

16 That it was about a week after the officer died that you

17 were interviewed?

18 A Yes.

19 Q And you spoke to nobody, no police officers

20 between the time of death of Sergeant Sullivan until the

21 19th?

22 A Yes.

23 Q Now, you said that that statement is 143 pages

24 long. You lied a lot in there, didn't you?

25 A Yes.

1 Q And at some point in time you decided that
2 maybe you were in trouble and you were going to tell
3 whatever you had to tell and lay this thing on Mr. Vanisi?
4 Isn't that a fair statement?

5 A Yes.

6 Q If you look at page 81 -- how long did this
7 thing go on? How long were you interviewed this day?

8 A Probably six hours.

9 Q This is all on six hours on this 143 pages?

10 A (Positive nod.) 82?

11 Q Page 81. If you look down the eighth -- your
12 first statement coming up from the bottom. What did you
13 tell the police?

14 A I'd tell them the truth.

15 Q What is the whole sentence?

16 A "For once I am telling the truth."

17 Q That's on page 81; right?

18 A Yes.

19 Q Now, you will admit to me now that there are a
20 number of less-than-truthful statements between pages 1 and
21 81?

22 A Less than truth?

23 Q There were lies here, but then you turned them
24 around later?

25 A I don't remember because I didn't read this. I

1 didn't look it over.

2 Q Do you want to go through them? We can do it.
3 We'll be here for a while.

4 A No.

5 Q There are some statements in here that are
6 incorrect; is that a fair statement?

7 A No.

8 Q It's not?

9 A No.

10 Q There's no false statements in here?

11 A They are true.

12 MR. SPECCHIO: Well, Judge, maybe the best way
13 to do this would be for me to recall him. He's going to be
14 here for two hours.

15 THE COURT: It's your choice. If you'd like to
16 recall him.

17 MR. SPECCHIO: I think that's what we will do.

18 THE COURT: Based on the --

19 MR. SPECCHIO: Make it subject to recall.

20 THE COURT: Okay. Subject to recall.

21 Mr. Stanton.

22 MR. STANTON: Thank you.

23 **REDIRECT EXAMINATION**

24 BY MR. STANTON:

25 Q Mr. Taukiueva, you told the police that your

1 fingerprints were going to be on this gun 15-A?

2 A Yes.

3 Q How did your fingerprints come about to be on
4 that gun?

5 A Because he wanted to show me how to use it.

6 Q Where was this taking place?

7 A The same place, in the bathroom.

8 Q Who is he?

9 A Vanisi.

10 Q Mr. Vanisi?

11 A Yeah.

12 Q And so you took the gun?

13 A No, I didn't take it. I just touched the top
14 part of it. I just left it alone.

15 Q Mr. Vanisi is me. He's got the gun. How do
16 you touch it? What do you do? You show him how it works?

17 A No. I just leave it alone.

18 Q You didn't pull it back like this?

19 A No.

20 Q The police were asking you whether or not your
21 fingerprints were going to be on this gun; right?

22 A Uh-huh.

23 Q Mr. Specchio asked whether or not you have met
24 with the District Attorney's Office or police prior to your
25 testimony today. I believe you indicated that you met with

1 myself and other members of my office sometime last week?

2 A Uh-huh.

3 Q There was one thing that was told to you
4 repeatedly of what you were to do when you were sitting in
5 this witness chair testifying. What is that?

6 A Tell the truth.

7 Q When you were talked to by the police, the
8 transcript that you have in front of you, what was your
9 relationship with Mr. Vanisi at the time that they
10 interviewed you?

11 A I didn't really talk to him that much.

12 Q Were you friends?

13 A I really didn't see him that much.

14 Q Did you call the police?

15 A No.

16 Q You didn't call them up and say, Hey, look, I
17 have heard about this murder, I think I have some
18 information that you want?

19 A No.

20 Q They came and got you?

21 A Uh-huh.

22 Q If the police hadn't come and gotten you, would
23 you have called them?

24 A No.

25 Q Why did you tell the police some lies in your

1 interview?

2 A Too scared.

3 Q Scared of what?

4 A How they were talking to me, pressuring me.
5 They like put words in my mouth.

6 Q They thought you were up on the campus with the
7 defendant during Sergeant Sullivan's murder, didn't they?

8 A Yes.

9 Q They asked you a number of questions about
10 that?

11 A Yes.

12 Q Did you ever tell them that you were up on the
13 campus?

14 A No.

15 Q Mr. Specchio asked you a question about your
16 charges and that you were interviewed on the 19th and that
17 you entered your plea sometime after your interview with the
18 police. Do you remember that?

19 A Yes.

20 Q Who was your attorney for those charges?

21 A John Oakes.

22 Q Now, when you were arrested sometime back in
23 1997, on the charges that you mentioned, you had what's
24 called a preliminary hearing. Do you remember that?

25 A No.

1 Q It would have been the first time your case
2 would have been called to court. It would have been out at
3 the Sparks Justice Court. Do you remember that?

4 A No.

5 Q Do you think your attorney would remember a lot
6 more of these details than you, than you remember about what
7 happened in your case when things happened?

8 A Yeah.

9 Q Now, did you go to trial on those charges, just
10 like we are here today in front of a jury?

11 A No.

12 Q You plead guilty?

13 A Yes.

14 Q You plead guilty pursuant to a plea bargain?

15 A Yes.

16 Q That is you plead to some charge, usually not
17 all the charges or some lesser charge and there is some deal
18 struck?

19 A Yes.

20 Q When was that deal struck, Mr. Taukiuvea?

21 A I don't remember.

22 Q Was it before Sergeant Sullivan's murder?

23 A Yes.

24 Q Do you remember how long before the murder?

25 A No.

1 Q Would November of 1997 ring a bell with you?

2 A No.

3 Q Mr. Oakes would know a lot better than you?

4 A Yes.

5 MR. STANTON: Thank you. Nothing further.

6 THE COURT: Do you want to reserve everything
7 until later, Mr. Specchio?

8 MR. SPECCHIO: In light of his response, Your
9 Honor, I don't think I have any alternative. So we'll
10 excuse him now subject to recall.

11 THE COURT: Okay. You may step down, but you
12 are not excused from further testimony in the case.

13 (The witness was temporarily excused.)

14 THE COURT: Ladies and gentlemen of the jury,
15 we have come to the time when we will take our lunch recess.
16 During this break, I ask that you remember the admonition I
17 have given you at all other breaks. I'll see you back this
18 afternoon at 1:30 p.m.

19 It is your duty not to discuss among yourselves
20 or with anyone else any matter having to do with this case.
21 It is your further duty not to form or express any opinion
22 regarding the guilt or innocence of the defendant until the
23 case is finally submitted to you for decision.

24 You are not to read, look at, view or listen to
25 any news media accounts regarding this case. And should any

1 person attempt to discuss the case with you or in any manner
 2 attempt to influence you with regard to it, notify the
 3 bailiff immediately upon returning to the court, and he in
 4 turn will notify me.

5 Ladies and gentlemen of the jury, we'll see you
 6 back at 1:30.

7 Counsel, I will see you back at 1:30.

8 Court is in recess.

9 (Recess taken at 11:54 a.m.)

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RENO, NEVADA, THURSDAY, JANUARY 14, 1999, 1:37 P.M.

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(Whereupon, the following proceedings were held in open court, outside the presence of the jury.)

THE COURT: Mr. Specchio. Mr. Stanton.

MR. STANTON: Yes. Thank you, Your Honor.

Your Honor, based upon the cross-examination of the last State's witness, Sateki Taukiuvea, the State would make a motion at this time to endorse an additional witness, and that would be Mr. Taukiuvea's attorney, John Oakes, who is present in the courtroom.

THE COURT: Mr. Specchio.

MR. SPECCHIO: I would prefer to stand mute on that issue, Your Honor.

THE COURT: Other than the specifics of -- tell me why you believe that it is necessary and why you didn't know beforehand.

MR. STANTON: Well, the cross-examination -- until the opening argument was made by counsel in this case, the State was unaware that the theory of the defense was Mr. Taukiuvea's the murderer of Sergeant Sullivan, I guess among other things.

In addition, the cross-examination of Mr. Taukiuvea, which obviously the State wasn't privy to,

1 involved, prior to the actual examination occurring, was an
2 implicit reference to the time of Mr. Taukiueva's interview
3 by Detectives Dreher and Depczynski on the 19th of January,
4 1998, and his subsequent entry of plea in the Second
5 Judicial District Court to a felony charge of possession of
6 stolen property.

7 I think the clear inference of that examination
8 by Mr. Specchio is that there was some sort of negotiations
9 or deal struck with the witness and the State. The State
10 plans to call Mr. Taukiueva's --

11 THE COURT: Excuse me just a minute. Would you
12 remove the gentleman from the courtroom, please?

13 Go ahead.

14 MR. STANTON: The purpose of calling Mr. Oakes
15 is to clarify before this jury that the negotiations as
16 Mr. Taukiueva's counsel was conducted relative to that
17 charge as far as the plea bargain was entered into on
18 November 25th, 1997, a little over a month prior to George
19 Sullivan's murder.

20 THE COURT: With that offer of proof, do you
21 have anything further to add, Mr. Specchio?

22 MR. SPECCHIO: No, Your Honor. We will submit
23 the matter to the Court.

24 THE COURT: Based upon that offer of proof, the
25 Court will grant the relief requested. Mr. Oakes is added

1 as a potential witness in this case.

2 MR. STANTON: In addition, Your Honor, I
3 believe the next order of business prior to calling
4 Mr. Oakes in front of the jury would be a stipulation
5 regarding a piece of evidence, and I would ask the Court at
6 the end of the stipulation to advise the jury of what a
7 stipulation is and how they are to treat it.

8 THE COURT: What is the stipulation?

9 MR. GAMMICK: Your Honor, I have been speaking
10 with Mr. Specchio. This morning we had a known fingerprint
11 of Mr. -- Teki compared with the unidentified fingerprint
12 that came from the white plastic bag that was discussed
13 yesterday. They did not match. So that fingerprint was not
14 produced by Mr. Taukiuvea.

15 I would like -- Mr. Specchio has agreed to do
16 that by stipulation rather than recalling Mr. Stevenson.

17 THE COURT: Mr. Specchio?

18 MR. SPECCHIO: Sounds good to me, Judge.

19 THE COURT: Have you reduced this stipulation
20 to writing?

21 MR. SPECCHIO: No.

22 MR. GAMMICK: All I have at this time is a
23 note, Your Honor. If the Court would like that prepared on
24 a piece of paper, we can do that. On a yellow piece of
25 paper at this time, it is signed the Marx Brothers. That is

1 an inside joke for Investigator Mark Covington and
2 Investigator Mark Crosby are the ones that passed the note
3 to us.

4 THE COURT: I think that there is no urgency
5 that it be done right this minute before the jury, that
6 stipulation. So I'd like you to reduce it to writing, one
7 side to the other. Both of you sign the stipulation, and
8 I'll provide it to the jury, and it will be in writing, and
9 I will read the stipulation.

10 If you want me to utilize the standard stock
11 instruction that we use in civil cases frequently with
12 regard to stipulations, I can do that. But I'd also like
13 that instruction to be at the bottom of the stipulation so
14 that the record is clear that you all are agreeing that that
15 is what I should tell the jury.

16 MR. GAMMICK: Can do that, Your Honor.

17 THE COURT: Thank you. Now, you intend to call
18 Mr. Oakes now?

19 MR. STANTON: After the stipulation is entered
20 into, that would be the next witness.

21 THE COURT: What do you mean after the
22 stipulation? You don't need the stipulation on the
23 fingerprints before Mr. Oakes testifies, do you?

24 MR. STANTON: If the Court is ruling -- maybe I
25 misunderstood it. The stipulation will come in when the

1 actual document is prepared?

2 THE COURT: Yes.

3 MR. STANTON: The next witness would be
4 Mr. Oakes.

5 THE COURT: Now, Mr. -- is there anything
6 additional with regard to his testimony to give Mr. Specchio
7 notice of what you intend to call him for?

8 MR. STANTON: That is all the direct
9 examination of Mr. Oakes is going to be.

10 THE COURT: Mr. Specchio, do you need a
11 continuance to confer with Mr. Oakes?

12 MR. SPECCHIO: No, Your Honor.

13 THE COURT: Then we will bring the jury in.

14 (Whereupon, the following proceedings were held
15 in open court, in the presence of the jury.)

16 THE COURT: Counsel, can you stipulate to the
17 presence of the jury?

18 MR. GAMMICK: Yes, Your Honor.

19 MR. SPECCHIO: So stipulated, Your Honor.

20 THE COURT: Thank you. You may be seated.

21 Good afternoon, ladies and gentlemen of the
22 jury.

23 Call your next witness.

24 MR. STANTON: State would call John Oakes to
25 the stand.

JOHN E. OAKES

called as a witness on behalf of the Plaintiff,
having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Mr. Oakes, could you please state your complete name for the record?

A John E. Oakes.

Q And, Mr. Oakes, are you a licensed attorney here in the State of Nevada?

A I have been, yes.

Q And how long have you been a licensed attorney?

A Since 1978.

Q Currently your practice is in what area?

A Criminal defense.

Q I want to direct your attention to the name of Sateki Taukiuvea. Do you recognize that name?

A I do, and I cannot to this date pronounce it.

Q Were you Mr. Taukiuvea's attorney for criminal charges that arose out of an arrest from Sparks Police Department in 1997?

A Yeah. I was appointed by the Washoe County Public Defender's office on October -- little bit different up here; I'm used to being back there -- October 22nd, 1997.

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1 Q When was Mr. Taukiueva's arrest from arising
2 out of those charges that you were appointed on that date?

3 A October 14th of 1997.

4 Q And is it fair to say that the first or one of
5 the early important proceedings that occurs in a criminal
6 case is something called a preliminary hearing?

7 A Correct. That was held on November 25th, 1997.

8 Q At that time was there plea negotiations that
9 were entered into between the State and your client?

10 A Yes. He was charged with two counts: one
11 count of burglary and one count of possession of stolen
12 property.

13 I did not personally negotiate this deal. At
14 that point in time, my partner, David Spitzer, appeared in
15 my behalf. He negotiated the case, and as reflected on the
16 waiver of preliminary hearing, it was agreed that the State
17 would dismiss the charge of burglary and he would enter a
18 plea of guilty to possession of stolen property.

19 Additionally, at the time of sentencing the
20 State would have no objection to a 458 program. Otherwise
21 concur with the recommendation of the Department of Parole
22 and Probation.

23 Q You said a lot of things that I'm sure are part
24 of the vernacular to an experienced criminal defense
25 attorney. Let me just back up and go through it briefly.

1 When was the date that that plea negotiation
2 was settled between your client and the State of Nevada?

3 A November 25th, 1997.

4 Q And after that date, was there any time that
5 the plea negotiations were either modified, attempted to be
6 modified, or were you ever approached by any representative
7 of the District Attorney's Office to modify those
8 negotiations?

9 A Never.

10 Q When was the first time you had heard about any
11 inquiry regarding your client's plea that we just mentioned?

12 A When I was walking out of the courtroom this
13 morning after the morning arraignments and I thought you
14 were making a joke. So this morning about 10:00 o'clock.

15 Q Now, Mr. Oakes, the negotiations that you just
16 mentioned, were those fairly typical of a case of that
17 magnitude and the facts as you knew them to be?

18 A The facts of this case were pretty straight
19 forward. He and a co-offender -- actually two other
20 co-offenders were caught red-handed with hot stolen
21 merchandise.

22 In October of '97, there was a blackout in
23 Sparks. They were caught, or Sparks Police Department was
24 doing a sweep around the neighborhood because there was a
25 blackout in Sparks. He was caught with his co-offender with

1 some stolen sporting goods equipment, who had just
2 suffered -- it was a next door store, and they had just been
3 burglarized.

4 Q So the negotiations that the State entered into
5 in this case, would they be fair and reasonable based upon
6 your number of years and experience based upon the facts and
7 the charges in that case?

8 A And the evidence, yes.

9 Q And was there any time after that again that
10 anybody sought to modify the negotiations?

11 A At no time. In fact, his change of plea was
12 before Judge Berry on December 22nd, 1997.

13 Q And relative to the contact with the District
14 Attorney's Office and your representation of Mr. Taukiuvea,
15 did anybody ever contact you at any time requesting the
16 assistance of your client pursuant to his charges of being a
17 witness in this case?

18 A Not at any point in time. Like I said, the
19 first contact I had was by you today.

20 MR. STANTON: No further questions.

21 THE COURT: Cross?

22 MR. SPECCHIO: Your Honor, as tempting as it
23 is, no questions, Your Honor.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you.

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(The witness was excused.)

MR. STANTON: State would call Maria Losa
Louis.

MARIA LOSA LOUIS

called as a witness on behalf of the Plaintiff,
having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Ma'am, if you could pull that microphone down
as close as you can get to it.

Could you state your full and complete name?

A Maria Losa Louis.

Q Could you spell your middle?

A L-O-S-A.

Q And how do you spell your last?

A L-O-U-I-S.

Q How old are you, ma'am?

A 22.

Q I want to direct your attention to
approximately one year ago, the time frame of January 13th,
1998. Ma'am, at that time, where were you living?

A 1098 North Rock Boulevard, Apartment A.

Q And who else was living with you at that
location?

1 A It was myself, my sister and my two little
2 brothers.

3 Q Can you tell me your siblings' names and their
4 ages?

5 A Corina Louis, 18; William Louis, 15; Brandon
6 Louis, 12.

7 Q And Brandon also has a name of Masi?

8 A Uh-huh. Yes.

9 Q Now, over your right-hand shoulder is a chart
10 of the month of January 1998. If you need to refer to that
11 in any part of my questions, feel free to do so.

12 Do you know someone by the name of Siaosi
13 Vanisi?

14 A Yes, I do.

15 Q Do you see him in court today?

16 A Yes, I do.

17 Q Could you point to where he is in the courtroom
18 and tell me what he is wearing?

19 A He is sitting right there with the gray suit,
20 blue tie.

21 Q At the table right to my left?

22 A Yes.

23 Q Now, ma'am, on January or in January of 1998,
24 how well did you know Mr. Vanisi?

25 A Not that well. We met on family occasions,

1 family gatherings.

2 Q About how many times had you seen or met
3 Mr. Vanisi prior to his arrival in Reno in January?

4 A I would say about twice.

5 Q How long before his arrival in January 1998 had
6 you seen him on those two occasions?

7 A A year. I would say a year.

8 Q Now, do you remember where you were in Reno
9 when you first saw Mr. Vanisi in January of 1998?

10 A Yes. I was at a dance.

11 Q Where did this dance take place?

12 A At Paradise Park.

13 Q Was the dance put on by a particular
14 organization?

15 A It was just for the Tongan society youth.

16 Q And you said you saw the defendant there --

17 A Yes, I did.

18 Q -- Mr. Vanisi? And was he dressed or look the
19 same at the dance when you saw him as he does in court
20 today?

21 A No, he does not.

22 Q How does he look different?

23 A Well, when I first saw him, he had a -- he had
24 longer hair, it was a wig, with a beanie, black baggy pants,
25 and a leather jacket.

1 Q Showing you Exhibit 24-A, is this the way he
2 looked, minus the wig and the beanie?

3 A Yes.

4 Q When you saw him at the dance that night, how
5 was he behaving?

6 A I wasn't really paying attention. He was just
7 dancing like others, like the rest of us.

8 Q Was he acting unusual?

9 A No.

10 Q Do you remember on January 13th, 1998, sometime
11 in the evening hours of that day being interviewed by the
12 Reno Police Department, members of the Reno Police
13 Department?

14 A Yes.

15 Q Using that time frame and up there on the chart
16 that would be reflected as Tuesday, when was the dance when
17 you first saw Mr. Vanisi?

18 A Saturday, the 11th. I'm sorry. The 10th.

19 Q You said he had a wig on?

20 A Yes.

21 Q How do you know that it was a wig?

22 A Because he came over to my house and he took it
23 off.

24 Q I show you Exhibit 6. Have you ever seen that
25 composite drawing before?

1 A On the news.

2 Q And did that, does this accurately depict the
3 way Mr. Vanisi looked when you saw him at the dance that
4 night?

5 A Yes.

6 Q What were the names that you knew Mr. Vanisi by
7 in January 1998?

8 A Pe.

9 Q Pe?

10 A Perin (phonetic) and Siaosi.

11 Q Did you ever hear him called George?

12 A No.

13 Q During the dance that you described at Paradise
14 Park, did you ever see Mr. Vanisi with a hatchet?

15 A No, I didn't.

16 Q Did you see the hatchet sometime later with
17 him?

18 A Yes, I did.

19 Q Do you remember him wearing a jacket at the
20 dance?

21 A Yes.

22 Q What kind of jacket was it?

23 A It was a burgundy leather jacket.

24 Q Ma'am, I want to show you two photographs, 23-A
25 and 23-B. First 23-A, do you recognize what's contained in

1 that photograph?

2 A Yes.

3 Q And 23-B?

4 A Yes.

5 Q Is that the jacket that you just mentioned you
6 saw the defendant wearing?

7 A Yes.

8 Q Do you know where these two photographs are
9 taken?

10 A In my apartment. 1098 North Rock Boulevard.

11 Q Do they accurately reflect the condition of the
12 jacket and its location where you last remember seeing it
13 before the police came in?

14 A I don't remember seeing that jacket. I have
15 seen it before, but I don't remember seeing it there.

16 Q In your apartment like this?

17 A Yeah.

18 Q But you are certain that is the jacket he was
19 wearing at the dance?

20 A Yes, it is.

21 Q When was the first time that you saw Mr. Vanisi
22 with a hatchet?

23 A Saturday night after the dance.

24 Q And that would be?

25 A On the 10th.

1 Q And where did he have it on his person, on his
2 body?

3 A He had it -- when I first saw him he had it on
4 his chest, tied around with a belt.

5 Q Now, using me as Mr. Vanisi, where on my body
6 would the belt be? Here?

7 A Yeah. Little lower.

8 Q About here?

9 A About there.

10 Q Right around where my stomach is?

11 A Yes.

12 Q It was a belt?

13 A It looked like a belt.

14 Q And was that hatchet on the outside of his
15 jacket or the inside?

16 A Inside.

17 Q So if I walked up to him and didn't know any
18 better, I couldn't see the hatchet?

19 A No, you couldn't.

20 Q Where were you when you saw -- physically where
21 in Reno were you when you first saw it?

22 A The hatchet?

23 Q Yes.

24 A Starlight Bowling.

25 Q Who else was present with you when you were at

1 Starlite Bowl?

2 A Sateki Taukiuvea and Renee Peaua.

3 Q And Sateki Taukiuvea and Renee Peaua were
4 boyfriend and girlfriend?

5 A Yes, they were.

6 Q Did you ask Mr. Vanisi at the Starlite Bowl
7 where he had the hatchet?

8 A No, I just asked him, What are you doing with
9 that?

10 Q What did he respond?

11 A He didn't say nothing.

12 Q You thought that was unusual?

13 A No, I didn't think nothing of it.

14 Q Did you see many people that you know carry
15 around hatchets?

16 A No.

17 Q So that was unusual?

18 A You could say that.

19 Q Did you ever hear the defendant Siaosi Vanisi
20 make a statement that he wanted to kill a cop?

21 A Yes, I did.

22 Q When was the first time you heard that?

23 A I can't really tell you the first time, but I
24 have heard it several times.

25 Q And was he the only person you ever heard say

1 that?

2 A Yes.

3 Q How many total times did you hear Mr. Vanisi

4 say, I want to kill a cop?

5 A I have heard him like three times.

6 Q Was anybody else present when he said it?

7 A Yeah. There was a lot of us.

8 Q And who were some of the other people that were

9 present when he said -- made that statement?

10 A Renee Peaua, Sateki Taukieuvea, Laki Tauveli,

11 Corina, Louis and myself.

12 Q And the person you said goes by the name of

13 Laki; correct?

14 A Yes.

15 Q Then we have Teki?

16 A Uh-huh.

17 Q And Renee?

18 A Yes.

19 Q Peaua?

20 A Yes.

21 Q Where is Renee Peaua?

22 A She is in Tonga.

23 Q When did she leave to go to Tonga?

24 A She left last year, January, or February.

25 Q Right after the murder of Sergeant Sullivan?

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1 A Yeah. Yes.

2 Q Now, the statements that you heard Mr. Vanisi
3 make about killing a cop, did he whisper those to you or did
4 he say them out loud like you and I are talking now?

5 A He said them out loud.

6 Q And were these statements made before or after
7 Sergeant Sullivan was killed?

8 A Before.

9 Q Did he ever make any of those statements that
10 you heard after Sergeant Sullivan had been killed?

11 A No.

12 Q Ma'am, I'd like to take you to Monday, January
13 12th, 1998. Do you remember being at the house, at your
14 house on Rock Boulevard, Apartment A, when you came home at
15 approximately 5:00 to 6:00 p.m.?

16 A Yes.

17 Q What was Mr. Vanisi doing when you arrived at
18 your apartment on that day and that time?

19 A We were just in the house. Everybody was
20 talking.

21 Q Do you remember him to be cooking dinner?

22 A Yeah. After we talked he went in and cooked
23 dinner.

24 Q What did you do?

25 A I went and cleaned my room, fell asleep.

1 Q Who else was present at your home prior to you
2 going to sleep?
3 A My two little brothers, my sister, I'm sure
4 Laki was there, and Pe.
5 Q Was Sateki Taukiuvea there?
6 A He had left to go take our cousin home.
7 Q Pardon me?
8 A He had left to go take our cousin home.
9 Q Which cousin was that?
10 A Namoia Tupou.
11 Q Do you remember him coming back?
12 A Yes.
13 Q What time did Teki come back?
14 A I can't tell you because I was asleep.
15 Q What time do you remember seeing Teki there?
16 A I woke up at about five minutes to 12:00, and
17 Teki was in the room sleeping. My brother's room.
18 Q Was Priscilla Endemann there?
19 A No, she wasn't.
20 Q And was the defendant, Mr. Vanisi, there?
21 A When I woke up, no.
22 Q You saw Teki there, and I believe you have
23 mentioned that there are a couple brothers that were also
24 living at that residence with you?
25 A Yes.

1 Q Were they there as well?

2 A Yes.

3 Q That would be Masi?

4 A And Bill.

5 Q And Bill. When did you next see Mr. Vanisi

6 either that night or the early hour morning of the next day?

7 A I saw him -- after 1:00 on Tuesday morning,

8 a.m.

9 Q And do you remember giving the precise time to

10 the police and what that time is?

11 A Yeah. I told them between 1:00 and 1:15.

12 Q How is it that you know it was that time?

13 A Because I was on the computer, and when he

14 walked in, I glanced at the clock on the computer.

15 Q Now, when you last saw Mr. Vanisi on Monday,

16 the 12th, he looked like that; correct?

17 A Yes.

18 Q Now, when he walked into your apartment Tuesday

19 morning around 1:00 o'clock, as you have testified, did his

20 appearance look different from that composite drawing,

21 Exhibit No. 6?

22 A Yes.

23 Q What was different about his appearance when he

24 walked into your house Tuesday morning around 1:00 a.m.?

25 A He just didn't have the wig nor the beanie on.

1 Q Was he carrying anything?

2 A A plastic bag, shopping, grocery bag.

3 Q What color was that shopping bag?

4 A White.

5 Q Did you know what was inside it?

6 A No, I couldn't see what was inside it.

7 Q What did he do when he walked in with the bag

8 at 1:00 o'clock?

9 A He just walked in, and he asked Sateki for his

10 keys.

11 Q Exhibit 22, does that look like the bag that he

12 carried in?

13 A That looks like the bag, but that stuff was not

14 in there.

15 Q The stuff that was inside?

16 A Yes.

17 Q How do you know that stuff wasn't inside?

18 A Because the bag looked light.

19 Q And when he came in with the bag, he asked for

20 Teki's keys?

21 A Yes.

22 Q So Teki is there?

23 A Yes.

24 Q What was Teki doing?

25 A He was sleeping. He was laying on the couch.

1 Q And he asked for Teki's keys. What did Teki
2 do?
3 A Just threw him the keys.
4 Q What did Mr. Vanisi do after he got the keys?
5 A He went back outside.
6 Q And how long was he gone?
7 A Not that long because he kept going in and out.
8 Q In and out of your apartment?
9 A Yes.
10 Q Did he come back in -- the next time he came
11 back into your house, did he come in with the bag?
12 A No.
13 Q Did the defendant, Mr. Vanisi, tell you how he
14 got to your address at Rock Boulevard?
15 A When he walked in, we asked him how he got
16 there. He told us he walked.
17 Q Did he have on the leather jacket you have
18 previously identified?
19 A Yes.
20 Q The red burgundy one?
21 A Yes.
22 Q Was he wearing any gloves?
23 A Yes.
24 Q What kind of gloves was he wearing?
25 A I think they were cream.

- 1 Q Showing you Exhibit 25, do those look similar
- 2 in both appearance, color and size?
- 3 A Yes.
- 4 Q Did he have those gloves on?
- 5 A Yes, he did.
- 6 Q I'm sorry. Which did he have, on or off?
- 7 A He had them on.
- 8 Q What kind of pants did he have on?
- 9 A Black jeans.
- 10 Q Do you remember how they looked on him?
- 11 A Baggy.
- 12 Q Showing you Exhibit 29-A, do you see those
- 13 black pants in the middle there?
- 14 A Yes.
- 15 Q Do those appear to be consistent in color and
- 16 size as the pants that he wore when he came back into your
- 17 apartment at 1:15?
- 18 A Yes.
- 19 Q How was Mr. Vanisi acting when he came back and
- 20 was going in and out of your apartment?
- 21 A He was quiet. He wasn't talking. He was heavy
- 22 breathing.
- 23 Q Was Mr. Vanisi a quiet person normally?
- 24 A No.
- 25 Q What was he normally like?

1 A He talked a lot.

2 Q Always talking?

3 A Yes.

4 Q When he comes back in at 1:00 o'clock, the

5 thing that you notice is different is he's quiet?

6 A He's quiet.

7 Q Anything else?

8 A His heavy breathing.

9 Q Did he ask you for a T-shirt?

10 A Yes, he did, but that was the next day.

11 Q After you went back to sleep?

12 A Yeah.

13 Q Now, there came a time where you were asked on

14 January 13th to come down to the police station; correct?

15 A Yes.

16 Q That was in the evening?

17 A Repeat your question, please.

18 Q Yes. At the time that you first came down to

19 the police department to give a statement about what you

20 knew in this case, was it in the evening?

21 A Yes, it was.

22 Q Exhibit 27, you have seen this photograph on

23 January 13th at the police station?

24 A Yes.

25 Q I'll represent to you that is a photograph from

1 Jackson's Mini-mart. Did you identify the person that is in
2 the middle of that photograph with his left hand to his
3 chin?

4 A Yes.

5 Q Who is that?

6 A Pe.

7 Q The defendant, Siaosi Vanisi?

8 A Yes.

9 Q You told the police that night, didn't you?

10 A Yes.

11 Q The police asked you several times whether or
12 not you were certain this was Siaosi Vanisi in this
13 photograph; correct?

14 A Yes.

15 Q What was your response?

16 A I said yes, it was.

17 Q In fact, you said you were positive; correct?

18 A Yes.

19 Q You're positive today that's Mr. Vanisi in that
20 photograph?

21 A Yes.

22 Q In the morning hours of January 13th when he
23 comes back to your apartment, you say he's quiet. Did you
24 ask him if anything was wrong?

25 A Yeah. I asked him what was wrong? He said,

1 "Nothing."
2 Q The police on January 13th came to your
3 apartment on Rock Boulevard; correct?
4 A Yes.
5 Q Did they ask for consent to search your home?
6 A They asked me that downtown.
7 Q And you gave them consent?
8 A Yes.
9 Q Now, I'd like to talk about the events that
10 occurred once again on the 13th of January, 1998, but a
11 little further along in the morning, not the 1:00 o'clock
12 time frame but the next morning when everybody gets up at
13 your apartment.
14 Do you remember a time where Mr. Vanisi asked
15 to have his appearance changed?
16 A Yes, he did.
17 Q What time of day on Tuesday, the 13th, did that
18 occur?
19 A 10:00 o'clock. Around 10:00.
20 Q Where did Mr. Vanisi sleep that night?
21 A He slept in the house, in my apartment.
22 Q Whereabouts in your apartment?
23 A Living room.
24 Q Can you describe to the jury what kind of
25 apartment, how many rooms?

1 A Two bedroom.

2 Q So he slept in one of the bedrooms?

3 A In the living room.

4 Q In the living room. And how did Mr. Vanisi's

5 appearance change that morning?

6 A He just had his beard shaved.

7 Q And he did that in your apartment?

8 A Yes.

9 Q And who cut his beard?

10 A Shamari Roberts.

11 Q Is he a friend of yours?

12 A Yes.

13 Q I'd like to show you Exhibit 24-B. Do you

14 recognize that photograph?

15 A Yes.

16 Q Does that photograph accurately reflect the

17 condition of Mr. Vanisi's facial hair after being shaved by

18 Mr. Roberts on that morning?

19 A Yes.

20 MR. STANTON: Move for 24-B into evidence, Your

21 Honor.

22 THE COURT: Mr. Specchio?

23 MR. SPECCHIO: I thought it was in, Judge.

24 THE COURT: 24-B I think was admitted but let

25 me make sure. Yes, it has been previously.

1 MR. SPECCHIO: I'll do it again if it will make
2 everybody happy.

3 MR. STANTON: No, I didn't have it marked.

4 THE COURT: 24-A and B were admitted yesterday.

5 BY MR. STANTON:

6 Q Who asked on that morning to have his beard
7 shaved?

8 A Pe did.

9 Q When was the last time that you saw Mr. Vanisi?

10 A At church.

11 Q That would be on Tuesday?

12 A Tuesday.

13 Q Once again that would be the 13th of January?

14 A Yes.

15 Q What time of day was it? When was the last
16 time you saw him?

17 A I would say after 8:00.

18 Q In the evening?

19 A In the evening.

20 Q Did you accompany Mr. Vanisi to the Mormon
21 church Tuesday morning with Sateki Taukiuvea?

22 A No, I didn't.

23 Q The photographs that I showed you of the
24 plastic bags in your home, do you remember when you found
25 those?

1 A I found them Thursday, the 22nd.

2 Q Could it possibly have been Thursday, the 15th?

3 A Oh, yeah, it was.

4 Q Does that seem more like it, the 15th?

5 A Yes.

6 Q Prior to your discovery of the plastic bag and

7 the items that were in that plastic bag, let me just ask you

8 a couple questions. Were you aware that the police were

9 actively searching for personal items of Sergeant George

10 Sullivan?

11 A Yes.

12 Q How did you know that?

13 A I saw it on the news.

14 Q What did you see on the news?

15 A I saw Gammick.

16 Q The District Attorney?

17 A Yes. Holding up the belt. They were looking

18 for it.

19 Q And how did you come about finding those bags?

20 What were you doing?

21 A I went to my toaster cabinet to grab my toaster

22 out, and the antenna just stuck out.

23 Q The antenna?

24 A Of the walkie-talkie.

25 Q Of the radio?

1 A Uh-huh.

2 Q Now, did you see some other items in the bag?

3 A No. That was it.

4 Q What did you do after you saw those items?

5 A I called the cops.

6 Q And did they come out and pick it up?

7 A Yes.

8 Q And you were interviewed by the police a second

9 time?

10 A Yes.

11 Q Did you look any closer at any of the items

12 inside the bag besides the radio?

13 A No.

14 Q Did you touch the bag in any way?

15 A No.

16 Q Do you have any idea as you sit here today,

17 ma'am, how that bag got into your apartment?

18 A No, I don't.

19 Q And was that the bag or be the same bag that

20 Mr. Vanisi brought into your apartment on the early morning

21 hours of January 13th?

22 A Not with the stuff in there.

23 Q It didn't appear to be as full as what it did

24 when you found it?

25 A Yes.

1 Q Other than that, it's the same color, the same
2 style?

3 A Same color bag.

4 MR. STANTON: Court's indulgence for one
5 moment.

6 THE COURT: Yes.

7 BY MR. STANTON:

8 Q Do you have any idea, ma'am, what Siaosi means
9 in English?

10 A George.

11 Q What time of evening were you at the Starlite
12 Bowl?

13 A I would say it was after midnight.

14 Q And I'd like to show you a couple photographs
15 of a hatchet that was found in your residence. 20-B and
16 20-A. I ask you to look at these two photographs. That's
17 20-A. That's 20-B. Do you recognize what's in those
18 photographs?

19 A Yes.

20 Q Is that inside your apartment?

21 A Yes.

22 Q Whereabouts inside your apartment are those
23 photographs taken?

24 A Front door.

25 Q Did you see these, what's in these photographs,

1 in the same condition on Tuesday? I'll rephrase the
2 question. It was poorly worded.

3 What's depicted in these photographs, did you
4 see it in the same or similar condition as to what is
5 inside -- that was poorly worded, too.

6 These photographs, do they accurately depict
7 the condition inside your front door as you saw it Tuesday
8 morning?

9 A Yes.

10 Q And how do you know or do you know how that
11 hatchet got there?

12 A My little brother had threw it out of his room.

13 Q What little brother threw it out?

14 A William Louis.

15 Q Pardon me?

16 A William Louis.

17 Q When did he throw it out of his room?

18 A I would say before we left for church.

19 Q What day was this?

20 A Tuesday.

21 Q What time was this?

22 A Around 6:00.

23 Q Does that hatchet appear to be the same hatchet
24 that you had seen previously in the possession of Mr. Vanisi
25 on several occasions?

1 A Yes.

2 Q What time of the evening did you begin to work

3 on your computer, either Monday night or Tuesday morning?

4 A When I woke up, my sister was typing her paper.

5 She got off around midnight. That's when I got on.

6 Q Do you know what a Tongan mat is?

7 A Tongan mat?

8 Q Yeah, mat?

9 A Mat.

10 Q Yes.

11 A There is a lot of them.

12 Q What is a Tongan mat?

13 A There's one called a tapa that's made out of

14 mulberry bark.

15 Q How is that spelled?

16 A Tapa, T-A-P-A.

17 Q You said there is another type?

18 A Yeah. It's called a fala. I don't know the

19 English translation.

20 Q How is that spelled?

21 A F-A-L-A.

22 Q Are those items of clothing or what can be worn

23 as clothing?

24 A Yes, it can be worn as clothing.

25 Q Are they wraps that you put around your body?

1 A Yes.

2 MR. STANTON: No further questions, Your Honor.

3 THE COURT: Cross-examination.

4 **CROSS-EXAMINATION**

5 BY MR. SPECCHIO:

6 Q Mrs. Louis, are you related to Mr. Vanisi?

7 A Yes, I am.

8 Q He's -- how are you related to him?

9 A He's my uncle.

10 Q He's your uncle. You were shown a couple of
11 photographs, Exhibit 26, 22, and 26.

12 MR. SPECCHIO: May I approach, Your Honor?

13 THE COURT: Yes.

14 BY MR. SPECCHIO:

15 Q Are these the white bags that you referenced
16 before?

17 A Before?

18 Q When Mr. Stanton was asking you about it.

19 A Yes.

20 Q Is that exactly how it looked?

21 A I didn't look in there. I just saw the antenna
22 sticking out of the bag.

23 Q Is this where it was located?

24 A Yes.

25 Q In 26, it was located in a cupboard?

1 A Yes.

2 Q Is this another bag up here on the sink?

3 A Yes.

4 Q Same type, white plastic kind of bag?

5 A Yes.

6 Q Now, if I understand your testimony correctly,

7 the last day that you saw Mr. Vanisi was on the 13th?

8 A Yes.

9 Q The police came to your house later on the 13th

10 and searched your apartment?

11 A Yes.

12 Q What time did they search?

13 A Excuse me?

14 Q What time did they search?

15 A We were downtown. We were downtown around

16 10:00.

17 Q So you weren't even there when they searched?

18 A We weren't there.

19 Q You gave them consent down there, and they went

20 out and searched it while you were still at the police

21 station?

22 A Yes.

23 Q When you came back, were you able to tell from

24 a visual inspection of your apartment that police had

25 already in fact been there?

1 A Yes.

2 Q So they kind of turned things upside down or
3 tossed the place or whatever?

4 A Yes.

5 Q And then -- well, they didn't find the bag, did
6 they?

7 A No.

8 Q In fact, you don't know if the bag was even
9 there on the 13th, do you?

10 A Yeah.

11 Q Do you know?

12 A No, I don't know.

13 Q You don't know. So somebody could have put it
14 there on the 14th?

15 A Yes.

16 Q Somebody even could have put it there on the
17 15th?

18 A Yes.

19 Q Isn't that the day that you think you found it?

20 A Yes.

21 Q I you think you testified originally it was the
22 22nd, but you think now it's the 15th?

23 A I'm positive.

24 Q But it was definitely a Thursday?

25 A Yes.

1 Q So you don't know, number one, who put that bag
2 there?
3 A No, I don't.
4 Q And you don't know when it was placed there?
5 A No, I don't.
6 Q Are you related to Teki?
7 A No, I'm not.
8 Q He's just a friend?
9 A Yes.
10 Q His girlfriend at the time was Renee?
11 A Yes.
12 Q Was he married to Renee?
13 A No.
14 Q Did you ever see anybody else wear the wig?
15 A Teki tried it on.
16 Q At your place; right?
17 A Yes.
18 Q When would that be? Do you know when he did
19 that?
20 Did you actually see it? Did you see, actually
21 see him put the wig on?
22 A Yes, I did.
23 Q When did that happen; do you know?
24 A I would say Monday. I'm not real sure.
25 Q How many people slept at your place on the

1 night of the 11th? Let me back up.

2 A That's a Sunday?

3 Q Right. Let me back up a little bit.

4 When did you go to the bowling alley? On the
5 10th?

6 A Yes.

7 Q How many people slept at the Rock Boulevard
8 address on the 10th?

9 A It was just me, my sisters and brothers.

10 Q You are the oldest of the Louis children, are
11 you not?

12 A Over here in the United States.

13 Q Over here.

14 A Yes.

15 Q And this apartment at 1098 is really -- it's
16 listed in Laki's name?

17 A Yes.

18 Q But you occupy the place?

19 A Yes.

20 Q He spends time there from time to time?

21 A Yes, he does.

22 Q Teki spends time there from time to time?

23 A Yes.

24 Q Shamari Roberts is a close friend of yours?

25 A Uh-huh.

1 Q He spends time there from time to time?

2 A Yes.

3 Q Shamari is out of state right now, is he not?

4 A Yes, he is.

5 Q Louisiana?

6 A Yes.

7 Q What does he do? How does he learn a living?

8 A When he used to live here, he worked at

9 Colorite Plastics.

10 Q Is he involved in anything else?

11 A Church. He sings.

12 Q How about beautician or barber?

13 A Yes. He does that also.

14 Q So you saw Mr. Vanisi before the Shamari

15 haircut, beard shaving?

16 A I was in the room. When I came out they were

17 shaving his beard.

18 Q I mean, you could recognize him after the

19 shave, couldn't you?

20 A Yes.

21 Q So it was more of a shave than an altering of

22 appearance?

23 A Yes.

24 Q Let's talk about the sleeping arrangements on

25 the 11th. Who spent Sunday night, who spent the night at

1 your address on Rock Boulevard?

2 A It was me, my brothers and sister. I would say
3 Pe and Teki. Teki. They didn't spend the night. They just
4 sat up talking. They would leave early in the morning.

5 Q Teki and?

6 A And Renee.

7 Q And Mr. Vanisi?

8 A No, Renee. Take her home.

9 Q Now, let me see if I have got it right. Your
10 sister is Corina?

11 A Yes.

12 Q Bill is William Christopher?

13 A Yes.

14 Q Masi is Brandon?

15 A Brandon Thomas.

16 Q Brandon Thomas. Brandon, Masi and -- Brandon
17 and William share a bedroom?

18 A Yes.

19 Q On the night of the 10th of January, didn't
20 Teki sleep in the boys' room?

21 A No, he didn't.

22 Q He didn't?

23 A No.

24 Q Did he sleep on the couch?

25 A No.

1 Q Where did he sleep?

2 A The 10th, we went out to Starlite Bowling. We
3 went on and logged on the computer. They were just talking.
4 And they left. They went home about 5:00 in the morning.

5 Q So Teki never slept on Monday night?

6 A I don't know if he slept. No, I don't think
7 so.

8 Q Did Mr. Vanisi sleep at your place on Monday
9 night?

10 A Monday night? Yes, he did Monday night,
11 Tuesday morning.

12 Q Okay.

13 A Teki was there.

14 Q Teki was there. Where was Teki and where was
15 Mr. Vanisi?

16 A On Monday night, Teki was there. On Saturday,
17 the 10th, we were just sitting up talking, and they left and
18 went back home.

19 Q Okay. Let's forget Saturday and let's go to
20 Monday. On Monday, both Mr. Vanisi and Teki were at your
21 place?

22 A I woke up, and Teki was there but Mr. Vanisi
23 wasn't.

24 Q What time was that?

25 A I woke up around five to 12:00.

1 Q Do you know if Teki left after that?

2 A No, he didn't.

3 Q Did Mr. Vanisi return after that time?

4 A He returned around 1:00.

5 Q Did Mr. Vanisi sleep then when he came back?

6 A I fell asleep before he did.

7 Q When you got up the next morning, did you know

8 where Mr. Vanisi and where Teki slept, if they did?

9 A I woke up, and Pe was at the house. Teki went

10 home.

11 Q And you don't know what time Teki left?

12 A Around 5:00.

13 Q 5:00 in the morning?

14 A 5:00 in the morning.

15 Q You got up at what time?

16 A I woke up around 10:00.

17 Q Okay. I'm a little confused. You went back to

18 sleep about what time?

19 A Around 5:00.

20 Q 5:00 in the morning when Teki left?

21 A Yeah. When Teki was leaving.

22 Q So you were up during the time that Teki was

23 there. So Teki never slept on the night of the 12th?

24 A He was sleeping.

25 Q Where?

1 A My brothers' room.

2 Q Brothers being Bill and Brandon?

3 A And Brandon.

4 Q And the next day, Bill or Brandon throw this
5 out of the room?

6 A Yes.

7 Q Mr. Vanisi wasn't sleeping in that room, was
8 he?

9 A I didn't see him in the room. When I woke up
10 he was already awake.

11 Q You didn't see him in that room while you were
12 awake, sleeping?

13 A No.

14 MR. SPECCHIO: May I have the Court's
15 indulgence, Your Honor?

16 THE COURT: Yes.

17 MR. SPECCHIO: No further questions.

18 THE COURT: Redirect?

19 MR. STANTON: No questions.

20 THE COURT: Thank you. You may step down.

21 (The witness was excused.)

22 THE COURT: Call your next witness.

23 MR. STANTON: State would call Priscilla

24 Endemann.

25

PRISCILLA LUPE ENDEMANN

called as a witness on behalf of the Plaintiff,
having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Ma'am, could you please state your full name
and complete name?

A Priscilla Lupe Endemann.

Q And Miss Endemann, how old are you?

A 21.

Q I want to direct your attention back to the
first couple weeks of January of 1998. At that time, ma'am,
did you know someone by the name of Siaosi Vanisi?

A Yes.

Q How did you know him?

A Through a friend.

Q What friend was it?

A Losa.

Q Losa. And had you ever seen Mr. Vanisi before
that time?

A Saturday.

Q Before he came to Reno?

THE COURT: Excuse me just a minute. Would you
scoot a little closer to the microphone? Thank you.

1 I'm sorry, Mr. Stanton. You may proceed.

2 BY MR. STANTON:

3 Q You are going to have to speak into that
4 microphone. So if you could come even closer to it.

5 Prior to seeing Mr. Vanisi in January of 1998
6 in Reno, had you ever seen him before?

7 A No.

8 Q And what name did you know him by when you were
9 introduced to him in January?

10 A Pe.

11 Q Do you see Pe in court today?

12 A Yes.

13 Q Could you please point him out, where he is in
14 the courtroom and what he is wearing?

15 A He's second to the right, he's wearing a gray
16 suit with the blue tie.

17 Q And does he look different today than he did
18 when you first saw him in January?

19 A Yes.

20 Q How so?

21 A He lost weight.

22 Q Lost weight? Anything else?

23 A There's no beard.

24 Q When you first met him, ma'am, in January of
25 1998, do you know what day it was, day of the month and

1 where you met him, where physically in Reno you first met
2 him?

3 A I don't remember the date, but it was at
4 Paradise Park.

5 Q What was going on at Paradise Park?

6 A A dance.

7 Q Showing you Exhibit 24-A, does that look closer
8 to the way he looked when you first met him?

9 A Yes.

10 Q What was going on at Paradise Park?

11 A It was a dance for the youth.

12 Q Can you describe to the ladies and gentlemen of
13 this jury how he was dressed that night at the dance when
14 you first saw him?

15 A He had a wig on, and he had a hatchet in his
16 hand.

17 Q Describe the wig for me. How long was it?

18 A Shoulder length.

19 Q Could you demonstrate on yourself how long?

20 A About this long (indicating).

21 Q Was he wearing any type of hat over the wig?

22 A No.

23 Q Do you remember talking to the police about a
24 bandana?

25 A Yes.

1 Q Does that --

2 A Yes. Like a scarf holding the wig down.

3 Q And what kind of pants was he wearing?

4 A Dark jeans.

5 Q And were they tight fitting or looser?

6 A It was fitting. It wasn't too tight, wasn't

7 too loose.

8 Q Do you remember giving a statement to the

9 police?

10 A Yes.

11 Q And do you recall telling the police that they

12 were baggy?

13 A I don't remember.

14 Q Would looking at a transcript help you?

15 A Okay.

16 MR. STANTON: Court's indulgence for one

17 moment.

18 BY MR. STANTON:

19 Q Miss Endemann, if you could briefly take a look

20 at that and see if that looks familiar to you and relative

21 to the questions and answers that you gave to police on

22 January 13th, 1998. Does it look familiar?

23 A Yes.

24 Q Could you turn to page 6. The page number will

25 be in your lower right-hand corner. And on the left-hand

1 column of that page is a series of numbers. I'd like to
2 refer you to lines 19 through 21. Just read that to
3 yourself. Does that help you remember?

4 A Yes.

5 Q Now, you said that he had a bandana on;
6 correct?

7 A Yes.

8 Q And that he had a -- the hatchet and that he
9 used something for a belt. What did he use for a belt?

10 A A necktie.

11 Q Necktie. And what color was the bandana; do
12 you remember?

13 A Dark colored.

14 Q If you direct your attention to lines 34
15 through 38, just read that to yourself. Do you remember
16 what color the bandana was?

17 A Yes.

18 Q What?

19 A Black.

20 Q Turn the page to page 7, the next page, lines 7
21 through 10. Specifically do you now recall what you told
22 the police as far as the fit and the color of the pants he
23 was wearing?

24 A Yes.

25 Q What were they?

1 A Black jeans, baggy jeans, and I still wasn't
2 sure about the color of the shirt.

3 Q Showing you Exhibit No. 6, does that remind you
4 of how Mr. Vanisi looked?

5 A Yes.

6 Q Is that pretty accurate?

7 A Yes.

8 Q Now, you said that he had a hatchet with him.
9 Can you describe that hatchet for me?

10 A Black handle and silver on the top.

11 Q Exhibit 5. Does this look about the same size,
12 shape, color?

13 A Yes.

14 Q If you could take that hatchet and could you
15 demonstrate for the ladies and gentlemen of this jury how
16 you saw Mr. Vanisi dancing with that hatchet?

17 A Wherever he would move his arm, the hatchet, he
18 wasn't trying to swing it around. He was just dancing with
19 it.

20 Q How many people were at that dance when he was
21 doing that?

22 A I would say more than 50.

23 Q Could you repeat your answer to that last
24 question? How many people were at the dance?

25 A More than 50.

1 Q More than 50?

2 Now, in relationship to your interview with the
3 police, and you can refer to that chart over your right
4 shoulder of January of 1998, the interview with the police I
5 believe occurred on late Tuesday evening, January 13th,
6 1998. What date was the dance?

7 A It was on the 11th. I mean the 10th. I'm
8 sorry.

9 Q The 10th?

10 A Yes.

11 Q From the 10th when you first met him at the
12 dance and he was dancing with the hatchet, until the last
13 time you saw Mr. Vanisi in that month, how many times did
14 you see him with a hatchet?

15 A Twice.

16 Q Is that how many times you saw him?

17 A Not really, no.

18 Q Can you speak up a little louder?

19 A Sure.

20 Q Can you move a little closer to that
21 microphone?

22 Now, let me just repeat my last couple
23 questions to make sure everybody heard you.

24 How many times total did you see Mr. Vanisi
25 from the first time you saw him at the dance till the last

1 time you saw him in January?

2 A With the hatchet?

3 Q Just how many times did you see him?

4 A More than a couple times.

5 Q Did he always have the hatchet with him?

6 A Not always.

7 Q Most of the time?

8 A Yes.

9 Q And how was he carrying the hatchet?

10 A Just holding it.

11 Q Now, on Tuesday, the 13th of January, did you

12 happen to be at Losa's house at 1098 Rock Boulevard,

13 Apartment A?

14 A Yes.

15 Q What time did you arrive at that location?

16 A I don't remember.

17 Q Did you spend the night there?

18 A No.

19 Q Were you present when the hatchet was found

20 inside the apartment on Tuesday morning?

21 A Yes.

22 Q Who found the hatchet?

23 A Losa's brothers.

24 Q What's Losa's brothers' names?

25 A Masi and Bill.

1 Q How old are Masi and Bill?

2 A Masi is 12, Bill is 15.

3 Q And can you describe what happened when they

4 found it, what you saw, what you heard?

5 A The boys were disgusted because they seen a

6 little bit of blood on it.

7 Q And where were they when they found the blood

8 on it and they got disgusted?

9 A In their bedroom.

10 Q And what did they do with it?

11 A They brought it to the living room, and then

12 they dropped it in front of the door.

13 Q Did you see any blood on it?

14 A When I looked closely, yes.

15 Q Showing you Exhibits 20-E and 20-A, do you

16 recognize what is in those photos?

17 A Yes.

18 Q Is that the hatchet you just testified to?

19 A Yes.

20 Q Is that the location where it ultimately ended

21 up?

22 A Yes.

23 Q Is that in the same or similar condition as you

24 saw it as you just testified to?

25 A Yes.

1 MR. STANTON: Move for 20-A and B into
2 evidence.

3 THE COURT: Mr. Specchio, any objection?

4 MR. SPECCHIO: No objection, Your Honor.

5 THE COURT: Exhibit 20-A and 20-B are admitted.
6 (Exhibit Nos. 20-A and 20-B admitted.)

7 MR. STANTON: Your Honor, may I publish both
8 those photographs to the jury?

9 THE COURT: You may.

10 BY MR. STANTON:

11 Q Did you ever hear Mr. Vanisi ever state that he
12 wanted to hurt anyone?

13 A Yes.

14 Q What did he say as best you can remember, his
15 exact words?

16 A I want to kill a cop.

17 Q When was the first time that you heard that?

18 A Sunday.

19 Q Sunday, which Sunday?

20 A Sunday, the 11th.

21 Q And who else was present when he first made
22 that statement?

23 A Laki, Losa, Corina -- I'm not sure if Teki --
24 and Losa's younger brothers, Masi and Bill.

25 Q Did he whisper that to you or did he say out

1 loud like you and I are talking right now?

2 A He said it out loud.

3 Q Approximately how many times did you hear
4 Mr. Vanisi say he wanted to kill a cop?

5 A More than 10 times.

6 Q Did he ever tell you about a particular way he
7 wanted to catch a police officer?

8 A During his break time.

9 Q What type of break time?

10 A Coffee break.

11 Q And when did he say this?

12 A It was Sunday. I don't remember.

13 Q Sunday?

14 A On the 11th.

15 Q On the 11th. How was Mr. Vanisi acting when he
16 said that he wanted to kill a cop?

17 A Casual.

18 Q Matter of fact?

19 A Yes.

20 Q When was the first time that you heard about
21 the murder of George Sullivan?

22 A Tuesday morning.

23 Q And how did you find out about it,
24 Miss Endemann?

25 A Went to the university because my son had a

1 doctor's appointment.

2 Q At the university campus?

3 A Yes.

4 Q What time was your son's doctor appointment on
5 Tuesday the 13th?

6 A I believe it was at 9:00 a.m.

7 Q What happened when you went to the university?

8 A It was closed.

9 Q And were you advised why the campus was closed?

10 A A cop was killed.

11 Q At some time later that same day, did you
12 happen to see a composite sketch?

13 A Yes.

14 Q Was that on television?

15 A Yes.

16 Q Showing you Exhibit 6, is that what you saw on
17 television?

18 A Yes.

19 Q Miss Endemann, when you first saw this
20 composite sketch on television, what was the first thought
21 that entered your mind?

22 A That it was Pe.

23 Q In fact, you told the police -- and I know it's
24 been almost a year since your interview -- do you remember
25 the precise words of what you told the police about when you

1 saw that photograph?

2 A I thought about what he said on Sunday, and I
3 just put it together and I figured out that it was him.

4 Q If you could turn to your transcript, page 12,
5 lines 23 through 25, question by Detective Jenkins: "You
6 thought it looked like Pe from the sketch"?

7 What was your response?

8 A "It fit him so perfect, I have to go back and
9 make sure everybody was safe."

10 Q That is a good enough. You said, "It fit him
11 so perfect"?

12 A Yes.

13 Q Did Mr. Vanisi change his appearance at all
14 Tuesday morning, the 13th?

15 A Yes.

16 Q How did he change his appearance?

17 A Shaved part of his beard.

18 Q Did there come a time at Losa's house in the
19 afternoon hours of Tuesday, January 13th, where the evening
20 news came on at the Losa home?

21 A Yes.

22 Q Who was at the home when the evening news came
23 on that night?

24 A Corina, Losa, Bill, Masi, Laki, and myself.

25 Q Was the defendant, Siaosi Vanisi, there?

1 A Yes.

2 Q When the evening news came on, what was
3 Mr. Vanisi doing?

4 A He was sleeping.

5 Q Where was he sleeping?

6 A On the bed next to the TV.

7 Q The TV that was on?

8 A Yes.

9 Q What was he doing before the news broadcast
10 came on besides sleeping? Was he making any noise?

11 A He was snoring.

12 Q And what was the first story that the evening
13 news broadcast that night as you watched it?

14 A The cop killing.

15 Q And that's the one where they broadcast this
16 composite sketch, No. 6?

17 A Yes.

18 Q Did something occur with Mr. Vanisi as he was
19 snoring during the news broadcast?

20 A He stopped snoring.

21 Q And what did you all do after watching the news
22 broadcast?

23 A We got quiet.

24 Q And where did you go after the broadcast of the
25 cop had been murdered?

1 A We left the room.

2 Q And did you make a plan to leave the apartment?

3 A Yes.

4 Q Who?

5 A Myself, Laki, Corina, Losa and the boys.

6 Q And why did you want to leave the apartment?

7 A Because I was scared.

8 Q Where did you want to go?

9 A Anywhere but there.

10 Q And what happened? Can you tell us what

11 happened?

12 A The boys left to the church before we did. And

13 as me and Corina and Laki were about to leave, he came along

14 with us.

15 Q Who is he?

16 A Pe.

17 Q So he had woken up?

18 A Yes.

19 Q This is not what you had planned?

20 A No.

21 Q Where did you go?

22 A We went to the church.

23 Q Which church?

24 A The Mormon church.

25 Q Where is that Mormon church located?

1 A By the university.

2 Q University of Nevada, Reno campus?

3 A Yes.

4 Q From where you were going or coming from Rock

5 Boulevard at Losa's house to the Mormon church, do you

6 normally go through the university?

7 A Yes.

8 Q Did Mr. Vanisi act any differently while you

9 were approaching the university campus?

10 A Yes.

11 Q Can you describe how he was acting?

12 A He was acting paranoid.

13 Q Different from how he was acting at all the

14 times previous that day?

15 A Yes.

16 Q And when did he begin to act paranoid?

17 A As soon as we came close to the university.

18 MR. STANTON: Court's indulgence.

19 THE COURT: Yes.

20 MR. STANTON: No further questions.

21 THE COURT: Cross-examination?

22 MR. SPECCHIO: May I have the Court's

23 indulgence?

24 THE COURT: Certainly.

25 MR. SPECCHIO: No questions, Your Honor.

1 THE COURT: Thank you. You may step down.
 2 (The witness was excused.)
 3 THE COURT: Call your next witness.
 4 MR. STANTON: State would next call Manamoui
 5 Peaua.

6 **MANAMOUI PEAU**
 7 called as a witness on behalf of the Plaintiff,
 8 having been first duly sworn,
 9 was examined and testified as follows:

10 **DIRECT EXAMINATION**

11 BY MR. STANTON:

12 Q Sir, could you please state your full name and
 13 complete name and spell your first and last name for the
 14 court reporter?

15 A Manamoui Peaua; M-A-N-A-M-O-U-I, P-E-A-U-A.

16 Q Sir, how old are you?

17 A 26.

18 Q And how long have you lived here in Reno?

19 A About 20 years.

20 Q Sir, over your right hand shoulder is
 21 Exhibit 8, which is a street map. I'd ask if you'd look at
 22 that for a moment and see if you can become familiarized
 23 with the streets and the locations on that map.

24 A Yes.

25 Q I'd like to direct your attention back to

1 January of 1998. You have a large family that lives here in
2 Reno?

3 A Yes, sir.

4 Q Where does the bulk of your family reside?

5 A 1645 Sterling Way.

6 Q Could you point where that is on the map?

7 A Right here.

8 Q It's got the label there?

9 A Right.

10 Q And there is a red dot just to the left side of
11 that label. Does that accurately reflect the Sterling
12 Street?

13 A Yes.

14 Q Do you know Siaosi Vanisi?

15 A Yes, I do.

16 Q How is he related to you?

17 A Cousin.

18 Q And how often have you seen Mr. Vanisi, say,
19 prior to January 1998?

20 A Probably two, three times a year.

21 Q And how would you describe your relationship
22 with him?

23 A Just family.

24 Q Friends?

25 A Friends.

1 Q Prior to January 1998, when was the last time
2 you saw Mr. Vanisi?

3 A Maybe about two months prior, two, three months
4 prior.

5 Q Was that a family gathering?

6 A No.

7 Q Was that in Reno?

8 A That was in L.A.

9 Q Los Angeles?

10 A Yes.

11 Q In January of 1998, did Mr. Vanisi come to
12 Reno?

13 A Yes, he did.

14 Q Was that a scheduled visit or a surprise to
15 you?

16 A I knew maybe a week beforehand.

17 Q Was there any family gathering that was planned
18 at that time?

19 A I don't think so.

20 Q Do you see Mr. Vanisi in court today?

21 A Yes, I do.

22 Q Could you please point out where he is and what
23 he is wearing for me, sir?

24 A He's wearing a gray suit, blue tie.

25 Q Sitting at this table right to my left?

1 A Yes.

2 Q Beneath this map is a blowup of January 1998.
3 If you need that for your reference.

4 Could you tell me what day in January you first
5 saw Mr. Vanisi in Reno?

6 A I'm not sure. I would have to be reminded.

7 Q If I were to tell you that the murder of
8 Sergeant George Sullivan took place just after midnight
9 going from Monday, the 12th, into Tuesday, the 13th of
10 January, does that give you a frame of reference?

11 A Yeah. Probably maybe a week before.

12 Q And where did you first physically see
13 Mr. Vanisi?

14 A At the house.

15 Q At Sterling?

16 A Right.

17 Q Did he have any clothes with him when he
18 arrived?

19 A I think he was carrying a bag and just what he
20 had on.

21 Q Can you describe how he looked when he first
22 arrived in Reno when you first saw him at your house?

23 A He had a jacket, a vest, cream pants, I think.

24 Q Was he wearing a wig?

25 A Yes.

1 Q What kind of wig? Can you describe it for me?
2 A Brown wig.
3 Q Was it normal or usual for you to see your
4 cousin wearing a wig?
5 A No.
6 Q No, it wasn't normal?
7 A No, it was not.
8 Q First time you had ever seen him with a wig?
9 A Yes.
10 Q Did he have anything over the wig?
11 A A beanie.
12 Q Showing you Exhibit '6, does that look like your
13 cousin when you first saw him?
14 A Yes.
15 Q When you were at the Sterling address, did you
16 see him unpack any other clothing besides what he was
17 wearing?
18 A He had a few things. I can't remember them.
19 Q What kind of jacket was he wearing?
20 A Leather jacket.
21 Q What color was it?
22 A Brown.
23 Q Now, I'd like to direct your attention to
24 Monday, the 12th of January, on that. Refer to that chart
25 if you need to.