

**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.

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Volume 7 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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<u>VOLUME</u>	<u>DOCUMENT</u>	<u>PAGE</u>
36	Addendum to Motion to Set Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 20, 2018.....	AA07685 – AA07688
<b>EXHIBIT</b>		
36	1. Handwritten note from Siao Si Vanisi to Jennifer Noble or Joe Plater August 13, 2018.....	AA07689 – AA07690
32	Answer to Petition for Writ of Habeas Corpus (Post-Conviction), July 15, 2011 .....	AA06756 – AA06758
35	Application for Order to Produce Prisoner, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 20, 2018.....	AA07321 – AA07323
35	Application for Order to Produce Prisoner, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 11, 2018 .....	AA07385 – AA07387
12	Application for Setting, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 11, 2001 .....	AA02529
35	Application for Setting, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 20, 2018.....	AA07324

14	Application for Writ of Mandamus and/or Writ of Prohibition, <i>State of Nevada v. Vanisi</i> , Nevada Supreme Court, Case No.45061 April 13, 2005.....	AA02818 – AA02832
14-15	Case Appeal Statement, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 November 28, 2007.....	AA02852 – AA03030
39	Case Appeal Statement, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 25, 2019 .....	AA08295 – AA08301
35	Court Minutes of May 10, 2018 Conference Call Re: Motion for Reconsideration of the Order to Produce, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 17, 2018 .....	AA07390
35	Court Minutes of May 30, 2018 Oral Arguments on Motion for Discovery and Issuance of Subpoenas/Waiver of Petitioner’s Appearance at Evidentiary Hearing and All Other Hearings, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 June 4, 2018 .....	AA07447-AA07749
39	Court Minutes of September 25, 2018 Status Hearing on Petitioner’s Waiver of Evidentiary Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 28, 2018.....	AA08190 – AA08191

37	Court Ordered Evaluation, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 ( <b>FILED UNDER SEAL</b> ) September 19, 2018.....	AA07791 – AA07829
3	Evaluation of Siao Si Vanisi by Frank Everts, Ph.D., June 10, 1999 .....	AA00554 – AA00555
34	Findings of Fact, Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 April 10, 2014 .....	AA07103 – AA07108
12	Judgment, Second Judicial District Court of Nevada, <i>State of Nevada v. Vanisi</i> , Case No. CR98-0516 November 22, 1999.....	AA02523 – AA02524
12	Motion for Appointment of Post-Conviction Counsel, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 18, 2002.....	AA02530 – AA02540
12	Motion for Extension of Time to File Supplemental Materials (Post-Conviction Petition for Writ of Habeas Corpus (Death Penalty Case), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 23, 2002.....	AA02556 – AA02559
38	Motion for Leave to File Supplement to Petition for Writ of Habeas Corpus, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 28, 2018.....	AA08083 – AA08090



## EXHIBIT

- 38        1.     Supplement to Petition for Writ of  
             Habeas Corpus (Post Conviction)  
             September 28, 2018..... AA08091 – AA08114
- 13        Motion for Order Appointing Co-Counsel, State of *Nevada*  
             *v. Vanisi*, Second Judicial District Court of Nevada,  
             Case No. CR98-0516  
             October 30, 2003..... AA02588 – AA02590
- 35        Motion for Reconsideration, *State of Nevada v. Vanisi*,  
             Second Judicial District Court of Nevada,  
             Case No. CR98-0516  
             April 2, 2018 ..... AA07327 – AA07330

## EXHIBITS

- 35        1.     *State of Nevada v. Vanisi*, Case No.  
             CR98-P0516, Petitioner’s Waiver of  
             Appearance,  
             January 24, 2012..... AA07332 – AA07336
- 35        2.     *State of Nevada v. Vanisi*, Case No.  
             CR98-P0516, Waiver of Petitioner’s  
             Presence,  
             November 15, 2013..... AA07337- AA07340
- 35        3.     *State of Nevada v. Vanisi*, Case No.  
             CR98-P0516, Order on Petitioner’s  
             Presence,  
             February 7, 2012 ..... AA07341 – AA07342
- 35        4.     *State of Nevada v. Vanisi*, Case No.  
             CR98-P0516, Order, ..... AA07343 – AA07346  
             February 7, 2014

13	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. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 November 9, 2004.....	AA02594 – AA02608
14	Motion to Continue Evidentiary Hearing, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 April 26, 2005.....	AA02835 – AA02847
32	Motion to Dismiss Petition for Writ of Habeas Corpus (Post-Conviction), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 15, 2011 .....	AA06759 – AA06764
35	Motion to Disqualify the Washoe County District Attorney’s Office, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 June 29, 2018 .....	AA07450 – AA07468

## EXHIBITS

35	1. State Bar of Nevada, Standing Committee on Ethics and Professional Responsibility, Formal Opinion No. 41 June 24, 2009 .....	AA07469 – AA07476
35	2. American Bar Association, Standing Committee on Ethics and Professional Responsibility, Formal Opinion 10-456,	

	Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim July 14, 2010 .....	AA07477 – AA07482
35-36	3. Response to Motion to Dismiss, or Alternatively, To Disqualify the Federal Public Defender, <i>Sheppard v. Gentry, et al.</i> , Second Judicial District Court of Nevada, Case No. CR03-502B December 22, 2016 .....	AA07483 – AA07545
36	4. Transcript of Proceedings – Conference Call Re: Motions, <i>Sheppard v. Gentry, et al.</i> , Second Judicial District Court of Nevada, Case No. CR03-502B December 29, 2016 .....	AA07546 – AA07568
36	5. Order (denying the State's Motion to Dismiss, or Alternatively, To Disqualify the Federal Public Defender), <i>Sheppard v. Gentry, et al.</i> , Second Judicial District Court of Nevada, Case No. CR03-502B January 5, 2017.....	AA07569 – AA07586
36	Motion to Set Hearing Regarding Vanisi's Request to Waive Evidentiary Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 25, 2018 .....	AA07607 – AA07610
12	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 18, 2002 .....	AA02564 – AA02567
36	Non-Opposition to Presence of Defendant, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 21, 2018.....	AA07691 – AA07694

12	Notice in Lieu of Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 34771 October 6, 1999.....	AA02413
14	Notice in Lieu of Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 45061 May 17, 2005 .....	AA02848
12	Notice of Appeal, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, Nevada Supreme Court Case No. (35249) November 30, 1999.....	AA02525 – AA02526
14	Notice of Appeal, <i>State of Nevada v. Vanisi</i> , Nevada Supreme Court, Case No. 50607 November 28, 2007.....	AA02849 – AA02851
34	Notice of Appeal, <i>State of Nevada v. Vanisi</i> , Nevada Supreme Court, Case No. 65774 May 23, 2014 .....	AA07117 – AA07293
38	Notice of Appeal, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, Nevada, Supreme Court Case No. (78209) February 25, 2019 .....	AA08181 – AA08184
34	Notice of Entry of Order, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 April 25, 2014 .....	AA07109 – AA07116
38	Notice of Entry of Order, (Order Denying Relief), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 6, 2019 .....	AA08167 – AA08173

38	Notice of Entry of Order (Order Denying Motion for Leave to File Supplement), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 22, 2019 .....	AA08174 – AA08180
34	Objections to Proposed Findings of Fact, Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 31, 2014.....	AA07097 – AA07102
36	Opinion (on ethical duties of capital post-conviction counsel), David M. Siegel, Professor of Law, August 23, 2018.....	AA07695 – AA07700
12	Opposition to Motion for Extension of Time to File Supplemental Materials (Post-Conviction Petition for Writ of Habeas Corpus) (Death Penalty Case), State of Nevada v. Vanisi, Second Judicial District Court of Nevada, Case No. CR98-0516 November 1, 2002.....	AA02560 – AA02563
32	Opposition to Motion to Dismiss, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 30, 2011.....	AA06765 – AA06840
38	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 8, 2018.....	AA08115 – AA08122

36	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 9, 2018 .....	AA07587 – AA07594
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## EXHIBITS

36	1. State Bar of Nevada, Standing Committee on Ethics and Professional Responsibility, Formal Opinion No. 55 .....	AA07595 – AA07602
36	2. E-mail from Margaret "Margy" Ford to Joanne Diamond, Randolph Fiedler, Scott Wisniewski, re Nevada-Ethics-Opinion-re-ABA-Formal-Opinion-55 July 6, 2018 .....	AA07603 – AA07604
12	Opposition to 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 23, 2002 .....	AA02568 – AA02571
3	Order (directing additional examination of Defendant), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 June 3, 1999 .....	AA00551 – AA00553
32	Order (to schedule a hearing on the motion to dismiss), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 21, 2012.....	AA06845 – AA06847
34-35	Order Affirming in Part, Reversing in Part and Remanding, <i>Vanisi v. State of Nevada</i> , Nevada Supreme Court, Case No. 65774 September 28, 2017.....	AA07294 – AA07318

38	Order Denying Motion for Leave to File Supplement, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 15, 2019 .....	AA08176 – AA08180
37	Order Denying Motion to Disqualify, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 17, 2018.....	AA07785 – AA07790
14	Order Denying Petition, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 45061 April 19, 2005.....	AA02833 – AA02834
3	Order Denying Petition for Writ of Certiorari or Mandamus, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 34771 September 10, 1999.....	AA00620 – AA00621
38	Order Denying Relief, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 6, 2019 .....	AA08169 – AA08173
37	Order for Expedited Psychiatric Evaluation, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 6, 2018.....	AA07782 – AA07784
13	Order (granting Motion to Appoint Co-Counsel), <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 23, 2003 .....	AA02591 – AA02593
38	Order Granting Waiver of Evidentiary Hearing, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 6, 2019 .....	AA08157– AA08166

35	Order to Produce Prisoner, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 23, 2018.....	AA07325 – AA07326
35	Order to Produce Prisoner, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 14, 2018 .....	AA07388 – AA07389
12	Order (relieving counsel and appointing new counsel), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 11, 2002.....	AA2553 – AA02555
3	Original Petition for Writ of Certiorari or Mandamus And Request for Emergency Stay of Trial Pending Resolution of the Issues Presented Herein, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 34771 September 3, 1999.....	AA00556 – AA00619
15-16	Petition for Writ of Habeas Corpus (Post-Conviction), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 4, 2011 .....	AA03033 – AA03269

## EXHIBITS

16	1. Criminal Complaint, <i>State of Nevada v. Vanisi, et al.</i> , Justice Court of Reno Township No. 89.820, January 14, 1998.....	AA03270 – AA03274
16	2. Amended Complaint, <i>State of Nevada v. Vanisi, et al.</i> , Justice Court of Reno Township No. 89.820, February 3, 1998 .....	AA03275 – AA3279



16	3.	Information, <i>State of Nevada v. Vanisi</i> , Second Judicial Circuit of Nevada, Case No. CR98-0516, February 26, 1998.....	AA03280 – AA03288
16	5.	Declaration of Mark J.S. Heath, M.D., (including attached exhibits), May 16, 2006 .....	AA03289 – AA03414
16	6.	Birth Certificate of Siaosi Vanisi, District of Tongatapu, June 26, 1970.....	AA03415 – AA03416
16	7.	Immigrant Visa and Alien Registration of Siaosi Vanisi, May 1976.....	AA03417 – AA03418
16-17	11.	Juror Instructions, Trial Phase, <i>State of Nevada v.</i> <i>Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, September 27, 1999.....	AA03419 – AA03458
17	12.	Juror Instructions, Penalty Phase, <i>State of Nevada v.</i> <i>Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, October 6, 1999.....	AA03459 – AA03478
17	16.	Motion to Dismiss Counsel and Motion to Appoint Counsel. <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, June 16, 1999 .....	AA03479 – AA03489
17	17.	Court Ordered Motion for Self Representation, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 5, 1999 .....	AA03490 – AA03493
17	18.	Ex-Parte Order for Medical Treatment, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 12, 1999 .....	AA03494 – AA03496

17	19.	Order, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, August 11, 1999.....	AA03497 – AA03507
17	20.	<i>State of Nevada v. Vanisi</i> , Washoe County Second Judicial District Court Case No. CR98-0516, Transcript of Proceedings June 23, 1999 .....	AA03508 – AA03551
17	21.	Transcript of Proceedings <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 3, 1999 .....	AA03552 – AA03594
17-18	22.	Reporter's Transcript of Motion for Self Representation <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 10, 1999.....	AA03595 – AA03681
18	23.	In Camera Hearing on Ex Parte Motion to Withdraw <i>State of Nevada v. Vanisi</i> , Second Judicial District Court, Case No. CR98-0516 August 26, 1999.....	AA03682 – AA03707
18	24.	Amended Notice of Intent to Seek Death Penalty, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 18, 1999.....	AA03708 – AA03716
18	25.	Mental Health Diagnosis, Phillip A. Rich, M.D., October 27, 1998.....	AA03717 – AA03720
18	26.	Various News Coverage Articles ...	AA03721 – AA03815

18	29.	Verdict, Guilt Phase, <i>State of Nevada v. Vanisi, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 27, 1999.....	AA03816 – AA03821
18	30.	Verdict, Penalty Phase, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 6, 1999.....	AA03822 – AA03829
18	31.	Photographs of Siaoosi Vanisi from youth .....	AA3830 – AA03834
18	32.	Ex Parte Motion to Reconsider Self-Representation, <i>State of Nevada v. Vanisi</i> , Case No. CR98-0516, Second Judicial District Court of Nevada, August 12, 1999.....	AA03835 – AA03839
18-19	33.	Defense Counsel Post-Trial Memorandum in Accordance with Supreme Court Rule 250, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 15, 1999.....	AA03840 – AA03931
19	34.	Petition for Writ of Habeas Corpus (Post-Conviction) <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 January 18, 2002.....	AA03932 – AA03943
19	35.	Ex Parte Motion to Withdraw, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 August 18, 1999.....	AA03944 – AA03952

19-20	36.	Supplemental Points and Authorities to Petition for Writ of Habeas Corpus (Post-Conviction), <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 February 22, 2005 ..... AA03953 – AA04146
20	37.	Reply to State’s Response to Motion for Protective Order, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516, March 16, 2005..... AA04147 – AA04153
20	39.	Transcript of Proceedings - Post-Conviction Hearing <i>Vanisi v. State of Nevada et al.</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 May 2, 2005 ..... AA04154 – AA04255
20-21	40.	Transcript of Proceedings - Continued Post-Conviction Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 May 18, 2005 ..... AA04256 – AA04349
21	41.	Transcript of Proceedings, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 April 2, 2007 ..... AA04350 – AA04380
21	42.	Findings of Fact, Conclusions of Law and Judgment, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98P0516 November 8, 2007..... AA04381 – AA04396
21	43.	Appellant’s Opening Brief, Appeal from Denial of Post-Conviction Habeas Petition <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 50607, August 22, 2008..... AA04397 – AA04496

21-22	44.	Reply Brief, Appeal from Denial of Post-Conviction Habeas Petition, <i>State of Nevada v. Vanisi</i> , Nevada Supreme Court, Case No. 50607 December 2, 2008.....	AA04497 – AA04554
22	45.	Order of Affirmance, Appeal from Denial of Post-Conviction Petition, <i>State of Nevada v. Vanisi</i> , Nevada Supreme Case No. 50607 April 20, 2010.....	AA04555 – AA04566
22	46.	Petition for Rehearing Appeal from Denial of Post-Conviction Petition, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 50607 May 10, 2010 .....	AA04567 – AA04580
22	48.	Order for Competency Evaluation <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 27, 2004 .....	AA04581 – AA04584
22	49.	Forensic Psychiatric Assessment, Thomas E. Bittker, M.D., January 14, 2005.....	AA04585 – AA04593
22	50.	Competency Evaluation, A.M. Amezaga, Jr., Ph.D., February 15, 2005 .....	AA04594 – AA04609
22	56.	Order finding Petitioner Competent to Proceed, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court, Case No. CR98-0516 March 16, 2005.....	AA04610 – AA04614
22	59.	Sanity Evaluation, Thomas E. Bittker, M.D., June 9, 1999 .....	AA04615 – AA4622
22-23	60.	Preliminary Examination, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 20, 1998 .....	AA04623 – AA04856

- 23        61.    Arraignment, *State of Nevada v. Vanisi*,  
                  Second Judicial District Court of Nevada, Case No.  
                  CR98-0516  
                  March 10, 1998..... AA04857 – AA04867
- 23        62.    Status Hearing, *State of Nevada v. Vanisi*,  
                  Second Judicial District Court of Nevada,  
                  Case No. CR98-0516  
                  August 4, 1998 ..... AA04868 – AA04906
- 23        63.    Status Hearing *State of Nevada v. Vanisi*,  
                  Second Judicial District of Nevada,  
                  Case No. CR98-0516  
                  September 4, 1998..... AA04907 – AA04916
- 23        64.    Status Hearing, *State of Nevada v. Vanisi*,  
                  Second Judicial District Court of Nevada, Case No.  
                  CR98-0516  
                  September 28, 1998..... AA4917 – AA04926
- 23        65.    Report on Psychiatric Evaluations, *State of Nevada v.*  
                  *Vanisi*, Second Judicial District Court of Nevada,  
                  Case No. CR98-0516  
                  November 6, 1998..... AA04927 – AA04940
- 24        66.    Hearing Regarding Counsel, *State of Nevada v.*  
                  *Vanisi*, Second Judicial District Court of Nevada,  
                  Case No. CR98-0516  
                  November 10, 1998..... AA04941 – AA04948
- 24        67.    Pretrial Hearing, *State of Nevada v. Vanisi*,  
                  *et al.*, Second Judicial District Court of Nevada,  
                  Case No. CR98-0516  
                  December 10, 1998 ..... AA04949 – AA04965

24	69.	Hearing to Reset Trial Date, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court, Case No. CR98-0516 January 19, 1999.....	AA04966 – AA04992
24	70.	Transcript of Proceeding – Pretrial Motion Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 June 1, 1999 .....	AA04993 – AA05009
24	71.	Motion Hearing, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 11, 1999.....	AA05010 – AA05051
24	72.	Decision to Motion to Relieve Counsel, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 August 30, 1999.....	AA05052 – AA05060
24	73.	In Chambers Review, <i>State of Nevada v. Vanisi, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 12, 1999 .....	AA05061 – AA05080
24	81.	Transcript of Proceedings - Report on Psych Eval, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 November 6, 1998.....	AA5081 – AA05094
24	82.	Hearing Regarding Counsel, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 November 10, 1998.....	AA05095 – AA05102
24-25	89.	Transcript of Proceeding, Trial Volume 4, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516	

	January 14, 1999.....	AA05103 – AA05331
25	90. Order (granting Motion for Mistrial), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 15, 1999.....	AA05332 – AA05335
25	92. Declaration of Paulotu Palu January 24, 2011.....	AA05336 – AA05344
25	93. Declaration of Siaosi Vuki Mafileo February 28, 2011 .....	AA05345 – AA05359
25-26	94. Declaration of Sioeli Tuita Heleta January 20, 2011.....	AA05360 – AA05373
26	95. Declaration of Tufui Tafuna January 22, 2011.....	AA05374 – AA05377
26	96. Declaration of Toeumu Tafuna April 7, 2011 .....	AA05378 – AA05411
26	97. Declaration of Herbert Duzant’s Interview of Michael Finau April 18, 2011 .....	AA05412 – AA05419
26	98. Declaration of Edgar DeBruce April 7, 2011 .....	AA05420 – AA05422
26	99. Declaration of Herbert Duzant’s Interview of Bishop Nifai Tonga April 18, 2011 .....	AA05423 – AA05428
26	100. Declaration of Lita Tafuna April 2011.....	AA05429 – AA05431
26	101. Declaration of Sitiveni Tafuna April 7, 2011 .....	AA05432 – AA05541



26	102. Declaration of Interview with Alisi Peaua conducted by Michelle Blackwill April 18, 2011 .....	AA05442 – AA05444
26	103. Declaration of Tevita Vimahi April 6, 2011 .....	AA05445 – AA05469
26	104. Declaration of DeAnn Ogan April 11, 2011 .....	AA05470 – AA05478
26	105. Declaration of Greg Garner April 10, 2011 .....	AA05479 – AA05486
26	106. Declaration of Robert Kirts April 10, 2011 .....	AA05487 – AA05492
26	107. Declaration of Manamoui Peaua April 5, 2011 .....	AA05493 – AA05497
26	108. Declaration of Toa Vimahi April 6, 2011 .....	AA05498 – AA05521
26-27	109. Reports regarding Siaosi Vanisi at Washoe County Jail, Nevada State Prison and Ely State Prison, Various dates .....	AA05522 – AA05699
27	110. Declaration of Olisi Lui April 7, 2011 .....	AA05700 – AA05704
27	111. Declaration of Peter Finau April 5, 2011 .....	AA05705 – AA05709
27	112. Declaration of David Kinikini April 5, 2011 .....	AA05710 – AA05720
27	113. Declaration of Renee Peaua April 7, 2011 .....	AA05721 – AA05726

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
27	121. Declaration of Limu Havea January 24, 2011.....	AA05758 – AA05767
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
28	145. Correspondence to Michael Pescetta from Michael R. Specchio October 9, 1998.....	AA05864 – AA05866

28	146. 3 DVD's containing video footage of Siaosi Vanisi in custody on various dates (MANUALLY FILED).....	AA05867
28	147. Various Memorandum to and from Michael R. Specchio 1998-1999 .....	AA05868 – AA05937
28	148. Memorandum to Vanisi file Crystal-Laura from MRS April 20, 1998.....	AA05938 – AA05940
28	149. Declaration of Steven Kelly April 6, 2011 .....	AA05941 – AA05943
28	150. Declaration of Scott Thomas April 6, 2011 .....	AA05944 – AA05946
28	151. Declaration of Josh Iveson April 6, 2011 .....	AA05947 – AA05949
28	152. Declaration of Luisa Finau April 7, 2011 .....	AA05950 – AA05955
28	153. Declaration of Leanna Morris April 7, 2011 .....	AA05956 – AA05960
28	155. Declaration of Maile (Miles) Kinikini April 7, 2011 .....	AA05961 – AA05966
28	156. Declaration of Nancy Chiladez April 11, 2011 .....	AA05967 – AA05969
28-29	159. Transcript of Proceedings, Trial Volume 1, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 11, 1999.....	AA05970 – AA06222

29-31	160. Transcript of Proceedings, Trial Volume 2, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 12, 1999.....	AA06223 – AA06498
31	163. Neuropsychological and Psychological Evaluation of Siao Si Vanisi, Dr. Jonathan Mack April 18, 2011.....	AA06499 – AA06569
31-32	164. Independent Medical Examination in the Field of Psychiatry, Dr. Siale ‘Alo Foliaki April 18, 2011.....	AA06570 – AA06694
32	172. Motion for Change of Venue, <i>State of Nevada v. 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 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
32	181. Declaration of Jeremy Bosler April 17, 2011.....	AA06715 – AA06718

- 32        183. San Bruno Police Department Criminal  
Report No. 89-0030  
February 7, 1989 ..... AA06719 – AA06722
- 32        184. Manhattan Beach Police Department Police  
Report Dr. # 95-6108  
November 4, 1995..... AA06723 – AA06727
- 32        185. Manhattan Beach Police Department  
Crime Report  
August 23, 1997..... AA06728 – AA06730
- 32        186. Notice of Intent to Seek Death Penalty,  
*State of Nevada v. Vanisi*, Second Judicial  
District Court of Nevada, Case No. CR98-0516  
February 26, 1998 ..... AA06731 – AA06737
- 32        187. Judgment, *State of Nevada v. Vanisi*,  
Second Judicial District Court of Nevada,  
Case No. CR98-0516  
November 22, 1999..... AA06738 – AA06740
- 32        190. Correspondence to The Honorable Connie  
Steinheimer from Richard W. Lewis, Ph.D.  
October 10, 1998..... AA06741 – AA06743
- 32        195. Declaration of Herbert Duzant’s Interview of  
Juror Richard Tower  
April 18, 2011 ..... AA06744 – AA06746
- 32        196. Declaration of Herbert Duzant’s Interview of  
Juror Nettie Horner  
April 18, 2011 ..... AA06747 – AA06749
- 32        197. Declaration of Herbert Duzant’s Interview of  
Juror Bonnie James  
April 18, 2011 ..... AA06750 – AA06752

32	198. Declaration of Herbert Duzant’s Interview of Juror Robert Buck April 18, 2011.....	AA06753 – AA06755
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

## EXHIBITS

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

## EXHIBIT

35	1. Petitioner’s Waiver of Appearance (and attached Declaration of Siaosi 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,	



Case No. CR98-0516  
November 17, 2004..... AA02609 – AA02613

36 Reply to State’s Response to Petitioner’s Suggestion  
of Incompetence and Motion for Evaluation, *Vanisi*  
*v. State of Nevada, et al.*, Second Judicial District  
Court of Nevada, Case No. CR98-0516  
August 6, 2018..... AA07671 – AA07681

### EXHIBIT

36 1. Declaration of Randolph M. Fiedler  
August 6, 2018 ..... AA07682 – AA07684

36 Request from Defendant, *State of Nevada v.*  
*Vanisi*, Second Judicial District Court of Nevada,  
Case No. CR98-0516  
July 24, 2018 ..... AA07605 – AA07606

32 Response to Opposition to Motion to Dismiss  
Petition for Writ of Habeas Corpus  
(Post-Conviction), *State of Nevada v. Vanisi*,  
Second Judicial District Court of Nevada,  
Case No. CR98-0516  
October 7, 2011..... AA06841 – AA06844

36 Response to Vanisi’s Suggestion of Incompetency  
and Motion for Evaluation, *State of Nevada v.*  
*Vanisi*, Second Judicial District Court of Nevada,  
Case No. CR98-0516  
July 30, 2018 ..... AA07667 – AA07670

35 State’s Opposition to Motion for Reconsideration  
and Objection to Petitioner’s Waiver of Attendance at  
Evidentiary Hearing, *State of Nevada v. Vanisi*, Second  
Judicial District Court of Nevada,  
Case No. CR98-0516  
April 11, 2018..... AA07347 – AA07352

## EXHIBIT

1. Declaration of Donald Southworth, *Vanisi v. State of Nevada, et al.*, Second Judicial District Court of Nevada, Case No. CR98-0516  
April 11, 2018..... AA07353 – AA07355
- 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  
August 31, 2018..... AA07701 – AA07710

## EXHIBIT

- 36 1. Transcript of Proceedings – Status Hearing, *Vanisi v. State of Nevada*, Second Judicial District Court of Nevada, Case No. CR98-0516  
July 1, 2002 ..... AA07711 – AA07724
- 36 Suggestion of Incompetency and Motion for Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516  
July 25, 2018 ..... AA07611 – AA07614
- 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  
September 24, 2018..... AA07830 – AA07924
- 37-38 Transcript of Proceedings – Report on Psychiatric Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516  
September 24, 2018..... AA07925 – AA08033

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
13	Transcript of Proceedings – In Chambers Hearing, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District of Nevada, Case No. CR98-0516 January 19, 2005..... AA02645 – AA02654
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

### **EXHIBITS**

Admitted December 5, 2013

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

### **EXHIBITS**

Admitted December 6, 2013

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
3-5	Transcript of Proceedings – Trial Volume 1, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 20, 1999.....	AA00622 – AA00864
5-6	Transcript of Proceedings – Trial Volume 2, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 21, 1999.....	AA00865 – AA01112
1-2	Transcript of Proceedings – Trial Volume 3, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 13, 1999.....	AA00128 – AA00295
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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Sara Jelenik  
An employee of the Federal  
Public Defender's Office

1 Your Honor, may we have a side bar?

2 THE COURT: Yes.

3 MR. GREGORY: Just with defense counsel. I  
4 need to ask the Court some guidance.

5 THE COURT: I think you can ask with the  
6 counsel for the State being present.

7 (Whereupon, a bench conference was held among  
8 Court and counsel as follows:)

9 MR. GREGORY: Your Honor, we'd like to question  
10 this witness on certain areas that we believe are relevant  
11 to the penalty phase, so we're going to ask the Court -- we  
12 don't have a subpoena on her. We'd ask the Court indicate  
13 to her that she's still under subpoena so that we can  
14 utilize her during the penalty phase. At this time, we do  
15 not believe that we can question her during the guilt phase.

16 THE REPORTER: Excuse me?

17 THE COURT: They said be back on the 4th.

18 I've read the cross-examination that  
19 Mr. Specchio did of this witness. There are areas of that  
20 cross-examination that I believe you can utilize if you so  
21 desire. If you decide it's a tactical reason not to do  
22 that, that's your choice. But in reviewing the transcript  
23 from the last trial, there's pieces of it that you could  
24 utilize in spite of where we have been discussing matters in  
25 the sealed part of the case. But it will be -- it's your

1 choice.

2 MR. GREGORY: Indeed. And our preference is to  
3 bring certain things out during the penalty phase but not at  
4 this time.

5 THE COURT: Okay. Do you really believe you  
6 won't be in the penalty phase if we get there until October  
7 4th? I was concerned about that date with the way the trial  
8 is going.

9 MR. BOSLER: We had to serve our California  
10 subpoenas before we really had this issue flushed out.

11 MR. GREGORY: And we just added the two weeks,  
12 the 13 days that you gave us, Your Honor. I do have  
13 witnesses coming in on the 1st. We have witnesses coming in  
14 on the 1st, okay, so that would be fine. Can we just ask  
15 her to -- can we recess now and then we can talk to her?

16 THE COURT: What were you going to say,  
17 Mr. Stanton?

18 MR. STANTON: Mr. Gammick and I have discussed  
19 earlier today, based upon the pace that we're going at, I  
20 believe the State is going to be concluded with its case in  
21 chief no later than the 28th of September.

22 MR. GAMMICK: That's going to work out pretty  
23 close.

24 THE COURT: Okay. So I will hold her today to  
25 talk to you and I will tell her she has to be available on

1 the 29th in Reno.

2 MR. GREGORY: That's fine.

3 THE COURT: Then you can talk to her.

4 MR. STANTON: I'd advise Court and counsel that  
5 we've advised her repeatedly through numerous different  
6 contacts with her about calling in and checking. And  
7 obviously you saw the result. We had to go to request a  
8 material witness warrant. I don't think it was malicious.  
9 I just think that a group of the Tongan witnesses don't  
10 really have the same concept of time and appointments as we  
11 as attorneys and the courts do. So I just want to give that  
12 as a heads-up to everybody here. When you tell her to come  
13 back, we've done the same thing and you see where we had to  
14 go.

15 THE COURT: That's what I'm thinking. I'll  
16 tell her she has to be back here a week from today so the  
17 date maybe won't be confusing, and I'll tell her she has to  
18 stay and talk to you now.

19 MR. GREGORY: Thank you.

20 THE COURT: If you can get your witnesses that  
21 you subpoenaed, if they show up and are willing to appear,  
22 if you can get them here sooner than the 4th, please start  
23 working on that.

24 MR. STANTON: Your Honor, are we -- we won't  
25 have time for the next witness that we have. We're going to

1 recess?

2 THE COURT: Yes.

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

5 THE COURT: Mr. Gregory, questions?

6 MR. GREGORY: No, Your Honor, not at this time.

7 THE COURT: Ma'am, I am going to ask that when  
8 I recess today, I'm going to let you go outside and wait.  
9 I'm going to let you stay. I'd like to you stay with the  
10 investigator for a few minutes after you leave. And also  
11 I'm putting you on notice now that you are ordered to return  
12 to Reno at a week from today.

13 THE WITNESS: Huh?

14 THE COURT: You have to stay in touch with the  
15 witness identification unit and you have to stay in touch  
16 with them all the time. And you're going to be back here in  
17 my courtroom probably a week from today.

18 THE WITNESS: Which is next Wednesday?

19 THE COURT: Next Wednesday. It's very  
20 important.

21 THE WITNESS: Yeah.

22 THE COURT: Plan on being back here at that  
23 time. But stay in touch with the witness identification  
24 unit.

25 THE WITNESS: Okay.

1 THE COURT: In case anything changes.

2 THE WITNESS: Okay.

3 THE COURT: Thank you. You may step down now.

4 MR. STANTON: Based upon the time of day, is  
5 now a convenient time to conclude for the day?

6 THE COURT: Yes.

7 Ladies and gentlemen of the jury, we're going  
8 to take our evening recess at this time. Tomorrow is the  
9 morning that you're going to have off from service. And you  
10 will report here a few minutes before 2:00 in the afternoon.  
11 You'll be back on the record at 2:00 p.m., so make sure you  
12 get here a few minutes earlier so that we're able to start  
13 right at 2:00.

14 During this evening's recess, remember the  
15 admonition that you've received at all the breaks. It is  
16 your duty not to discuss among yourselves or with anyone  
17 else any matter having to do with this case. It is your  
18 further duty not to form or express any opinion regarding  
19 the guilt or innocence of the defendant until the case has  
20 been finally submitted to you for decision.

21 You are not to read, look at or listen to any  
22 news media accounts relating to this case should there be  
23 any. And should any person attempt to influence you in any  
24 manner with regard to this case, inform the bailiff outside  
25 the presence of your fellow jurors immediately and he in

1 turn will advise me.

2 Ladies and gentlemen of the jury, you may go  
3 with the bailiff at this time.

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

7 THE COURT: Counsel, the jury is outside the  
8 room. Do you have any housekeeping issues that you want to  
9 bring up at this time?

10 MR. STANTON: No. The only one that I'd like  
11 to put on the record is the transcript relative to State's  
12 Exhibit -- the audiotape of the dispatch. State's Exhibit  
13 18. That in discussion with defense counsel, I think a more  
14 accurate record for purposes of Rule 250 would be had if we  
15 can have a transcript of that document prepared by personnel  
16 that indeed produced it. And we'd ask, for the record,  
17 permission from the defense to have State's Exhibit 18  
18 copied and have that process ongoing. We will return  
19 Exhibit 18 this afternoon or first thing in the morning.

20 MR. GREGORY: No objections.

21 THE COURT: Okay. Then that will be the order  
22 of the Court. The clerk, when you do get the transcript,  
23 will mark the transcript next in order and it will be  
24 admitted. If you all look at it and think it's fine, it  
25 will be admitted and made a part of the permanent record of  
the case.

1 MR. GREGORY: Your Honor, I have another  
2 personal matter I'd like to bring -- may we do it over here?

3 THE COURT: Certainly.

4 (Whereupon, a bench conference was held among  
5 Court and counsel as follows:)

6 MR. GREGORY: My doctor -- Marge Uraldi is my  
7 doctor and she has recently put me on blood pressure  
8 medication, and she's asked me to return so that she can  
9 check me out. She's doubled up my medication since she  
10 first prescribed it. I had some difficulty. I already  
11 talked to Mr. Gammick. I'm thinking -- the doctor has  
12 accommodated me in the past and allowed me to have 4:30  
13 appointments on Friday. I'm just wondering if the Court  
14 would tolerate that.

15 THE COURT: You need to go -- what time would  
16 you need to leave to get there?

17 MR. GREGORY: If I can be in my car, it  
18 shouldn't take 10, 12 minutes to get out to her office.

19 THE COURT: We'd have to recess at like 4:15.

20 MR. GREGORY: Or 10 after or something like  
21 that to give me a chance to walk over.

22 THE COURT: We definitely want to make sure  
23 that your medication is correct and that you're feeling  
24 okay. So Friday, the jury won't be mad if we recess a few  
25 minutes early anyway.



1                   So Mr. Gammick and Mr. Stanton, you don't have  
2 any problem with that, do you?

3                   MR. GAMMICK: No.

4                   THE COURT: Let's just plan on recessing at  
5 4:00 on Friday so Mr. Gregory has plenty of time to get over  
6 there.

7                   MR. STANTON: Fine.

8                   MR. GREGORY: Thank you.

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

11                  THE COURT: Anything further?

12                  MR. STANTON: Not from the State.

13                  MR. GREGORY: No, Your Honor.

14                  THE COURT: We'll be in recess until tomorrow  
15 afternoon.

16                  (Recess taken at 4:58 p.m.)

17  
18  
19  
20  
21  
22  
23  
24  
25

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

That we were 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 our stenotype notes of said proceedings.

DATED: At Reno, Nevada, this 22nd day of  
September, 1999.

Eric V. Nelson

ERIC V. NELSON, CCR No. 57

lencho em 15.08.2016

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**FILED**

SEP 24 1999

AMY HARVEY  
By: *in Stone*  
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.

Case No. CR98-0516  
Dept. No. 4

**ORIGINAL**

TRIAL - VOLUME 4  
September 23, 1999  
Reno, Nevada

APPEARANCES:  
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and JEREMY BOSLER  
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The Defendant:

SIAOSI VANISI

Reported by:

KAREN YATES, CCR No. 195

SIERRA NEVADA REPORTERS (702) 329-6560

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# I N D E X

PAGE:

## WITNESSES ON BEHALF OF THE PLAINTIFF:

MAKALETA KAVAPALU

Direct by Mr. Stanton..... 672

SATEKI TAUKEUEA

Direct by Mr. Stanton..... 688

RENEE PEAU

Direct by Mr. Stanton..... 705

MARIA LOUIS

Direct by Mr. Stanton..... 744

Cross by Mr. Gregory..... 760

Redirect by Mr. Stanton..... 762

Recross by Mr. Gregory..... 763

WILLIAM LOUIS

Direct by Mr. Stanton..... 764

SIERRA NEVADA REPORTERS (702) 329-6560

I N D E X

(CONTINUED)

WITNESSES ON BEHALF OF THE PLAINTIFF (CONTINUED):

PRISCILLA ENDEMANN

Direct by Mr. Stanton..... 777

MANAOUI PEAU

Direct by Mr. Stanton..... 782

EXHIBITS

ADMITTED

IN EVIDENCE

23-A and 23-B.....	754
27.....	755
24-B.....	757
26.....	759
20-A and 20-B.....	771

RENO, NEVADA, THURSDAY, SEPTEMBER 23, 1999, 2:06 P.M.

-o0o-

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

THE COURT: Thank you. Please be seated.

Counsel stipulate to the presence of the jury?

MR. STANTON: State will so stipulate.

MR. GREGORY: And the defense will so stipulate.

THE COURT: You may call your next witness.

MR. STANTON: The next witness the State will call will be Makaleta Kavapalu.

(One witness sworn.)

THE CLERK: Thank you. Please be seated at the witness stand.

MAKALETA KAVAPALU

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 can scoot your chair up and pull that microphone in front of you. I know you speak very softly. If you can speak in that microphone and speak as

SIERRA NEVADA REPORTERS (702) 329-6560

1 loudly as you can. Okay?

2 Could you please state your full and complete  
3 name and spell your first and last name?

4 A Makaleta Osenia Kavapalu, M-a-k-e-l-e-t-a,  
5 K-a-v-a-p-a-l-u.

6 Q Ms. Kavapalu, how old are you?

7 A Twenty.

8 Q I want to direct your attention back to January  
9 of 1998, Specifically January 27. Were you interviewed by  
10 homicide detectives of the Reno Police Department?

11 A Uh-huh.

12 Q That had to do with the murder of Officer  
13 George Sullivan, correct?

14 A Yeah.

15 Q My first question to you is, Ms. Kavapalu, are  
16 you related to two individuals by the name of Mele Mavani  
17 and Renee Peaua?

18 A Yes.

19 Q Who are they in relation to you?

20 A My cousins.

21 Q Cousins?

22 A Yes.

23 Q The defendant, Siaosi Vanisi, in January of  
24 1998, how well did you know Mr. Vanisi?

25 A Just for like two or three weeks.

1           Q     I need you to lean forward and pull the  
2 microphone closer to you and speak louder. Scoot your chair  
3 towards me a little bit. There you go.

4                     And let me just ask that last question, make  
5 sure everybody heard you.

6                     How did you know Mr. Vanisi?

7           A     It was Renee's cousin.

8           Q     And how long had you known him during January?

9           A     Two weeks.

10          Q     I want to operate from the time of Sergeant  
11 Sullivan's murder which is just after midnight on January 13  
12 of 1998. You would have known the defendant two weeks then  
13 from that date?

14          A     Yeah.

15          Q     Prior to that time period, had you ever met or  
16 seen Mr. Vanisi before?

17          A     Before the murder?

18          Q     Before in Reno.

19          A     No.

20          Q     I want to draw your attention, Ms. Kavapalu, to  
21 the Saturday before Sergeant Sullivan's murder. And  
22 specifically drawing your attention to an occasion when you  
23 were in a van in downtown Reno. Do you remember that?

24          A     Uh-huh.

25          Q     At that time, were you working in downtown



1 Reno?

2 A Yeah.

3 Q Where were you working?

4 A At Club Cal Neva.

5 Q Where in Club Cal Neva?

6 A Top Deck.

7 Q Is that a restaurant?

8 A Yes.

9 Q Were you picked up from work or did you drive

10 home that night?

11 A I was picked up.

12 Q Who were you picked up by?

13 A Mele, Saia and Pe.

14 Q When you say Pe, is that the defendant,

15 Mr. Vanisi?

16 A Uh-huh.

17 Q You have to answer yes.

18 A Yes.

19 Q You knew him as Pe?

20 A Yes.

21 Q Did you ever know him as any other name besides

22 Pe?

23 A No.

24 Q Saia was in the van?

25 A Yes.

1 Q How old was Saia?

2 A Sixteen.

3 Q Do you remember what time of the evening you  
4 got off work?

5 A 10:30.

6 Q How soon after you getting off work were you  
7 picked up?

8 A 10:45.

9 Q Could you describe for the ladies and gentlemen  
10 of the jury where all these individuals are seated inside  
11 that van after you were picked up?

12 A Mele's driving. I'm on the front passenger  
13 side. Pe is right behind me and Saia is in the back.

14 Q Mr. Vanisi is right behind you in the passenger  
15 portion?

16 A Uh-huh.

17 Q After you were picked up, was there a statement  
18 made by Mr. Vanisi about killing a cop?

19 MR. GREGORY: I object to the subject matter.  
20 He's leading.

21 MR. STANTON: I will rephrase the question.

22 THE COURT: Okay.

23 BY MR. STANTON:

24 Q Did Mr. Vanisi make any statement about harming  
25 a police officer?

1 A Yes.

2 Q What did he say? As best you can remember, the  
3 exact words that he used.

4 A That night?

5 Q That night.

6 A That he was going to kill a police officer with  
7 his ax.

8 Q Did you see him with an ax in the van?

9 A It was laying on the floor.

10 Q Where in the van was it laying?

11 A Between the driver and the passenger seat.

12 Q Did Mr. Vanisi ever mention to you either that  
13 night or anytime prior to the murder about why he wanted to  
14 kill a white police officer?

15 MR. GREGORY: I'm going to object to that  
16 question, Your Honor. There's no -- she hasn't indicated at  
17 all that the subject matter was a white police officer.  
18 He's leading the witness.

19 THE COURT: Sustained.

20 BY MR. STANTON:

21 Q Ms. Kavapalu, did Mr. Vanisi ever give an  
22 explanation about why he wanted to kill a police officer?

23 A Something, his wife.

24 Q Pardon me?

25 A Something about his wife left him.

1 Q Okay. And did he give any further details  
2 about the problem with his wife?

3 A She left him for a police officer.

4 Q Did he describe what ethnicity the police  
5 officer was that his wife left him for?

6 MR. GREGORY: I object to that. It's not  
7 relevant.

8 THE COURT: Overruled.

9 BY MR. STANTON:

10 Q Do you remember my question?

11 A A white police officer.

12 Q How many times did he mention to you over that  
13 two-week time period about the motive for him wanting to  
14 hurt police officers?

15 A What do you mean?

16 Q How many times did he say that? Was it just  
17 once? Was it more than once?

18 A A few times.

19 Q Was it more than five times?

20 A Probably.

21 Q How was Mr. Vanisi dressed that night?

22 A He was wearing a wig.

23 Q And could you describe the wig for the jury?  
24 How long it was, what color it was?

25 A It was red, yellow, and green. And it was

1 braids, about shoulder length.

2 Q What was red, yellow and green?

3 A The hat.

4 Q Was there a hat over the top of the wig?

5 A It was like connected together.

6 Q And how long was the wig as far as the length  
7 of hair?

8 A Shoulder length.

9 Q When Mr. Vanisi -- while you were in the van on  
10 Saturday night, did you make any statement to him after he  
11 said he wanted to kill a cop?

12 A I don't remember.

13 Q You don't remember? Would looking at your  
14 transcript assist you?

15 A Uh-huh.

16 THE COURT: Would you identify the date of that  
17 transcript for Counsel and the Court?

18 MR. STANTON: January 27, 1998, yes.

19 MR. GREGORY: Thank you, Your Honor.

20 BY MR. STANTON:

21 Q Would you take a look at that briefly and see  
22 if you recognize that document? Do you recognize it?

23 A Uh-huh.

24 Q Does that appear to be a transcript of your  
25 oral interview that you gave to police on the 27th of

1 January to homicide detectives?

2 A Yes.

3 Q On the very bottom right-hand portion of each  
4 page, Ms. Kavapalu, is the page number. Down the left-hand  
5 column is line numbers. I would like to direct your  
6 attention to page 16 of that transcript..

7 Ma'am, if you could direct your attention to  
8 lines ten through 14. If you could read those lines to  
9 yourself and tell me when you're done reading them.

10 A I'm done.

11 Q You're done? Does that help you remember what  
12 you told the police?

13 A Yeah.

14 Q Okay. And is that indeed what happened, what  
15 you told the police in that section?

16 A Yes.

17 Q Let me go back to my question then to you,  
18 Ms. Kavapalu: Did there come a time while you were in the  
19 van after Mr. Vanisi made a statement that he wanted to kill  
20 a police officer that you made a statement to him?

21 A Yes.

22 Q What did Mr. Vanisi say after -- what did you  
23 say to Mr. Vanisi?

24 A That it was wrong to kill people.

25 Q What was Mr. Vanisi's reaction when you told

1 him that?

2 A He almost hit me with the ax.

3 Q Can you describe how that happened?

4 A I don't remember, but I think I said something

5 and he was holding it and he just hit the chair with the ax.

6 Q The seat that you were sitting in?

7 A Uh-huh.

8 Q In the van?

9 A Yeah.

10 Q Did he hit it hard?

11 A Yeah.

12 Q How many times did he hit the seat?

13 A Just once.

14 Q How far away from your head was the hatchet

15 when he hit the seat?

16 A Maybe a couple inches.

17 Q Were you afraid?

18 A Yes.

19 Q When he did that with the hatchet hitting your

20 seat, did you then ask him a question?

21 A No.

22 Q You don't remember that?

23 A (Witness shakes head.)

24 Q Do you remember whether or not after he hit the

25 seat, whether you asked him any questions?

1 A I don't remember.

2 Q Once again, if you would go to page 16 in the  
3 transcript. If you could direct your attention to your  
4 answer at lines 22 through 25. Just read it to yourself and  
5 tell me when you're finished.

6 A Okay.

7 Q Does that help you remember? You have to  
8 answer out loud.

9 A Yes.

10 Q Once again, after he swung the hatchet at you  
11 and hit your seat, did you say something to him?

12 A "Why did you do it?"

13 Q Pardon?

14 A Why did he do it.

15 Q What was Mr. Vanisi's reaction?

16 A He didn't say anything.

17 Q What was he doing?

18 A He was just staring at me.

19 Q Did Mr. Vanisi ever make a statement to you  
20 about what he was going to do as far as appearance after he  
21 killed the police officer?

22 A He was going to shave his head and his beard.

23 Q Did Mr. Vanisi ever make a statement to you  
24 about how he was going to kill a police officer?

25 A From -- with an ax and he was going to hit him



1 from the back.

2 Q I'm sorry, could you say that again?

3 A He was going to hit him from the back.

4 Q In your presence, Ms. Kavapalu, how many other  
5 people approximately did Mr. Vanisi say that he was -- or  
6 tell that he was going to kill a cop?

7 A Ten to 15, probably.

8 Q After leaving the Cal Neva area and driving  
9 around with Mr. Vanisi in the vehicle, did there come a time  
10 where you all came upon what appeared to be another police  
11 officer standing in the street?

12 A Yeah.

13 Q Could you describe to this jury what occurred  
14 when you drove near this police officer?

15 A He said to stop and let him out.

16 Q Who said that?

17 A Pe.

18 Q Mr. Vanisi?

19 A Uh-huh.

20 Q Did he say why?

21 A So he can kill him.

22 Q And how many times did he say that when you  
23 drove by police that night?

24 A Twice.

25 Q Did Mr. Vanisi ever express hatred towards

1 white people?

2 A A little.

3 Q Okay. And did he ever tell you why he hated

4 white people?

5 A Because they took a lot from his people.

6 Q His people being Tongans?

7 A Polynesian.

8 Q Tongans? Polynesian, did he say?

9 A Yeah.

10 Q What term did he use? Did he say from his

11 people or --

12 A From his people.

13 Q Did he ever mention what he wanted to do to

14 white people?

15 A No.

16 Q Let me direct your attention to page 37 of that

17 transcript. Ms. Kavapalu, if you direct your attention to

18 lines three through 12. Just read it to yourself and tell

19 me when you're done.

20 My question again, Ms. Kavapalu, to you is:

21 Did Mr. Vanisi ever make a statement to you about what he

22 wanted to do to white people?

23 A Yeah.

24 Q What was that?

25 A It was his turn to take --

1 Q Excuse me?

2 A It was his turn to take stuff away from them.

3 Q Okay. Did he make a specific reference about

4 how he was going to do that?

5 A By killing them.

6 Q Anything else?

7 A And robbing.

8 Q That's what you told the detectives on the

9 27th, correct?

10 A Yeah.

11 Q Is that true today?

12 A Uh-huh.

13 Q You have to answer yes --

14 A Yes, sorry.

15 Q Now, did there come a time, Ms. Kavapalu, that

16 you saw television news broadcasts of the murder of Sergeant

17 Sullivan?

18 A Yes.

19 Q When was the first time you remember watching

20 one of those broadcasts?

21 A The next -- the morning that it happened.

22 Q Do you remember what time in the morning you

23 saw that?

24 A Around noon.

25 Q Around noon?

1 A Yes.

2 Q I'm showing you now State's Exhibit 6. Do you  
3 remember seeing that composite broadcast on the television  
4 news when you first saw it?

5 A Yes.

6 Q What was your first reaction when you saw this  
7 composite on television?

8 A That it was him.

9 Q That it was who?

10 A Pe.

11 Q Mr. Vanisi?

12 A Yes.

13 Q Is this the way he looked when he was wearing  
14 the wig and the beanie prior to the murder when you saw him?

15 A Uh-huh.

16 Q Excuse --

17 A Yes.

18 Q Ms. Kavapalu, did there come a time when  
19 Mr. Vanisi mentioned to you or talked about a dog by the  
20 name of Doobie?

21 A Uh-huh, yes.

22 Q And what did Mr. Vanisi say he wanted to do  
23 with Doobie relative to killing a police officer?

24 A He was going to take it, take Doobie with him  
25 so it would look like he was walking his dog.

1 Q While he was killing a police officer?

2 A Yes.

3 MR. STANTON: I have no further questions of  
4 Ms. Kavapalu at this time.

5 THE COURT: Cross-examination?

6 MR. GREGORY: Thank you, Your Honor. May we  
7 have Court's indulgence?

8 THE COURT: Yes.

9 (There was a pause in the proceedings while  
10 Counsel and the defendant conferred.)

11 MR. GREGORY: Thank you, Your Honor. No  
12 questions.

13 THE COURT: You may step down.

14 (The witness was excused and left the  
15 courtroom.)

16 THE COURT: Counsel, you may call your next  
17 witness.

18 MR. STANTON: Thank you. The State would next  
19 call Sateki Taukiuvea.

20 (One witness sworn.)

21 THE CLERK: Thank you. Please be seated at the  
22 witness stand.

23 / / /

24 / / /

25 / / /

1 SATEKI TAUKEUVEA  
2 called as a witness on behalf of the Plaintiff,  
3 having been first duly sworn,  
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STANTON:

7 Q Sir, could you please state your full name and  
8 spell both your first and last name?

9 A Sateki Taukiueva. S-a-t-e-k-i, last name  
10 T-a-u-k-i-u-v-e-a.

11 Q Mr. Taukiueva, how old are you?

12 A I'm 20, sir.

13 Q And I want to direct your attention back to  
14 January of 1998. How old were you then?

15 A Nineteen.

16 Q And where were you working?

17 A At UNR.

18 Q Where at UNR?

19 A Campus dining.

20 Q I want to direct your attention to a couple  
21 days or a week prior to January 13, 1998. Did you have  
22 during that time period occasion to meet someone by the name  
23 of Siaosi Vanisi?

24 A Yes.

25 Q Do you see him today?

SIERRA NEVADA REPORTERS (702) 329-6560

1 A Yes.

2 Q Could you please describe where he's sitting,  
3 what he's wearing?

4 A He's wearing a blue suit, yellow tie.

5 MR. STANTON: May the record reflect the  
6 identification of the Defendant?

7 THE COURT: Record will so reflect.

8 BY MR. STANTON:

9 Q Prior to meeting him in Reno in that time  
10 frame, did you ever meet Mr. Vanisi prior to that time?

11 A No.

12 Q Are you related to Mr. Vanisi?

13 A No.

14 Q Do you know someone who is related to him?

15 A Yes.

16 Q Who is that?

17 A Renee.

18 Q What is Renee's last name?

19 A Peaua.

20 Q Who is she to you?

21 A My girlfriend.

22 Q Was she your girlfriend back in January of  
23 1998?

24 A Yes.

25 Q When you first met Mr. Vanisi, would you

1 describe how he first physically appeared to you? What he  
2 was wearing?

3 A He had long hair, head band. He had like a  
4 maroon jacket.

5 Q That long hair, was it his hair?

6 A No, it was a wig.

7 Q How long did the hair of his wig come down?

8 A Probably down to his shoulders.

9 Q Did you ever see Mr. Vanisi in possession of a  
10 hatchet?

11 A Yes.

12 Q When was the first time that you saw him with a  
13 hatchet?

14 A I don't remember.

15 Q And the frame of reference to Sergeant  
16 Sullivan's murder, it was Monday night, Tuesday morning;  
17 actually approximately 15 minutes after midnight,  
18 technically January 13, a Tuesday. From that being a frame  
19 of reference, Mr. Taukiuvea, how much time before that was  
20 it when you first saw the hatchet?

21 A It was probably a couple days before.

22 Q And did you ask him anything about the hatchet  
23 when you first saw it?

24 A No.

25 Q Did you ever ask him why he had the hatchet?



1 describe how he first physically appeared to you? What he  
2 was wearing?

3 A He had long hair, head band. He had like a  
4 maroon jacket.

5 Q That long hair, was it his hair?

6 A No, it was a wig.

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10 hatchet?

11 A Yes.

12 Q When was the first time that you saw him with a  
13 hatchet?

14 A I don't remember.

15 Q And the frame of reference to Sergeant  
16 Sullivan's murder, it was Monday night, Tuesday morning;  
17 actually approximately 15 minutes after midnight,  
18 technically January 13, a Tuesday. From that being a frame  
19 of reference, Mr. Taukiuvea, how much time before that was  
20 it when you first saw the hatchet?

21 A It was probably a couple days before.

22 Q And did you ask him anything about the hatchet  
23 when you first saw it?

24 A No.

25 Q Did you ever ask him why he had the hatchet?

1           A     Yeah.

2           Q     What did he tell you?

3           A     He said he wanted to kill a cop.

4           Q     Did he say anything else about why he wanted to

5     kill a cop?

6           A     Just that he wanted his badge and radio.

7           Q     And did he mention anything else besides a

8     badge and radio that he wanted?

9           A     A gun, his gun. Just the whole belt piece.

10          Q     And where on Mr. Vanisi's person, his body, was

11     he carrying this hatchet?

12          A     On his right side.

13          Q     Was it concealed or was it out in the open?

14          A     I think it was concealed.

15          Q     How many times did you hear Mr. Vanisi say he

16     wanted to kill a cop?

17          A     A lot.

18          Q     Approximately how many times?

19          A     He just bragged about it. He just kept saying

20     it.

21          Q     More than ten times?

22          A     Yeah.

23          Q     More than 20?

24          A     Yes.

25          Q     Did Mr. Vanisi ever tell you how he got the

1 hatchet?

2 A Yes. Well, he didn't tell me. I just heard  
3 from friends.

4 Q But he never told you?

5 A No.

6 Q When you first saw it, do you remember what it  
7 looked like?

8 A Yeah.

9 Q Could you describe it?

10 A It was about probably about 18 inches long with  
11 the black handle.

12 Q I am showing you Exhibit 21.

13 A Yes.

14 Q Does that look like it?

15 A Yes.

16 Q Same size, same color?

17 A Yes.

18 Q I want to focus in on a specific time period  
19 prior to the murder of Sergeant Sullivan. It would be the  
20 Sunday night before Sergeant Sullivan's murder. I will ask  
21 you a series of questions about when you and Mr. Vanisi went  
22 for a car ride in Sparks. Do you remember that incident?

23 A Yes.

24 Q Can you tell the ladies and gentlemen of this  
25 jury what time of evening that was?

1 A It was about 8:00, 8:30 in the evening.

2 Q And how did you and Mr. Vanisi come about to be  
3 driving in a car together that night?

4 A We were just supposed to go, like, find a pool  
5 hall, just, like, go shoot some pool.

6 Q Where were you when you got in the car?

7 A We were at Losa's house.

8 Q Losa's last name is what?

9 A Louis.

10 Q Where is that house?

11 A Rock Boulevard.

12 Q Would 1098 Rock Boulevard be the address that  
13 you remember?

14 A Yes.

15 Q When going to look for a pool hall, who went  
16 with you?

17 A Just me and him, me and Pe Vanisi.

18 Q After you got into the car -- strike that.  
19 Who drove the car?

20 A I did.

21 Q And where was Mr. Vanisi now?

22 A In the passenger side.

23 Q After you got into the car, did Mr. Vanisi  
24 after some point make a statement about doing something  
25 other than looking for a pool hall?

1 A Yes.

2 Q Can you tell the ladies and gentlemen of the  
3 jury as best as you can recall the exact words used by  
4 Mr. Vanisi, what he told you he wanted to do?

5 A He wanted to look for a cop.

6 Q For what reason?

7 A Probably to kill him.

8 MR. GREGORY: I'm going to object to the  
9 "probably" and ask that it be struck.

10 MR. STANTON: I'll follow up on that question,  
11 Your Honor.

12 BY MR. STANTON:

13 Q When he said he wanted to look for a cop, did  
14 he give a reason about why he wanted to look for a cop?

15 A No.

16 Q Did you ask him why?

17 A I don't remember.

18 Q Okay.

19 THE COURT: Okay, I'll strike the word.

20 MR. GREGORY: Thank you, Your Honor.

21 BY MR. STANTON:

22 Q After you were driving and he made this  
23 statement, what did you do?

24 MR. GREGORY: Your Honor, I don't mean to  
25 interrupt, but I think the jury should be instructed at this

1 time that when the Court indeed strikes something, they are  
2 to disregard it.

3 THE COURT: Oh, well, yes. I did tell them  
4 earlier that if I sustain anything.

5 I'm sustaining his objection and I'm striking  
6 it.

7 MR. GREGORY: Thank you, Your Honor.

8 BY MR. STANTON:

9 Q After Mr. Vanisi says he wants to go look for a  
10 cop, what did you do?

11 A I told him I didn't want to.

12 Q Did there come a time where you saw a police  
13 officer?

14 A Yes.

15 Q Where was that at?

16 A It was at an intersection.

17 Q Where?

18 A In, I think it was Oddie and Silverada.

19 Q In Sparks, Nevada?

20 A Yes.

21 Q Where did you see this police officer?

22 A He was at the intersection.

23 Q Was he in a car?

24 A Yes.

25 Q And how did the car appear to you? What did it

- 1 look like?
- 2 A It was a Sparks police car.
- 3 Q It was a marked unit?
- 4 A Yes.
- 5 Q Lights on it, emblems on the side?
- 6 A Yes.
- 7 Q Did you see the driver of that car?
- 8 A Yes.
- 9 Q What did Mr. Vanisi say when he saw --
- 10 A He told me to follow him.
- 11 Q Were you able to see what ethnicity, what race
- 12 the police officer was?
- 13 A He was white.
- 14 Q And did you follow him?
- 15 A No.
- 16 Q What did Mr. Vanisi say to do with him after
- 17 you followed the car?
- 18 A He told me to drop him off.
- 19 Q Did he tell you where to drop him off?
- 20 A Wherever the cop stopped at.
- 21 Q On Monday evening, the next night, did you take
- 22 Mr. Vanisi in the evening anywhere in the car?
- 23 A In the evening? I just took him to Renee's
- 24 house.
- 25 Q Where does Renee live?

1 A Sterling Way.

2 Q Is that near the university?

3 A Yes.

4 Q Do you remember how Mr. Vanisi was dressed?

5 A He was dressed the same.

6 Q Can you describe that again?

7 A He had his wig with the maroon coat, brown

8 corduroy pants.

9 Q Do you remember what kind of jacket he had on?

10 A It was like a maroon leather jacket.

11 Q I want to show you Exhibit 29-A.

12 Do you recognize any of the clothing items in

13 29-A.

14 A Yes.

15 Q Are those the items you saw Mr. Vanisi wearing?

16 A Yes.

17 Q Once again, directing your attention to Monday

18 evening, did there come a time after dropping Mr. Vanisi off

19 at Sterling, Renee Peaua's home, that you went back to

20 Losa's house on Rock Boulevard?

21 A Yes, I went back after I dropped him off.

22 Q What time was it that you arrived at Rock

23 Boulevard?

24 A It was about 10:30.

25 Q What did you do when you got back to Losa's



- 1 house?
- 2 A I just went to sleep, fell asleep over there.
- 3 Q Who was at Losa's house when you got over
- 4 there?
- 5 A It was me, Losa, Corrina, Laki, and Bill,
- 6 Mossy.
- 7 Q Someone by the name of Laki, would you spell
- 8 that for me?
- 9 A L-a-k-i.
- 10 Q You said Bill and Mossy. Who are they?
- 11 A They are two little brothers of Losa's.
- 12 Q They lived at Rock Boulevard?
- 13 A Yes.
- 14 Q I want to direct your attention now,
- 15 Mr. Taukiuvea, to approximately 1:30 a.m. Were you awoken
- 16 at that time period?
- 17 A Yes.
- 18 Q By whom?
- 19 A By Siaosi.
- 20 Q Mr. Vanisi?
- 21 A Yes.
- 22 Q Could you describe to the ladies and gentlemen
- 23 of the jury when you were awoken at 1:30, what you saw and
- 24 what you heard?
- 25 A I just heard the door open. He walked in. I

1 saw him walking in with like a white plastic bag.

2 Q And was that like a shopping bag?

3 A Yes.

4 Q Was there anything in the bag?

5 A I didn't see it, but it was --

6 MR. GREGORY: I'm going to object if he didn't  
7 see it.

8 MR. STANTON: Your Honor, I think if the  
9 witness would be allowed to answer the entire question, he  
10 would address Mr. Gregory's objection.

11 THE COURT: You asked him: Was that like a  
12 shopping bag? He said yes. Was there anything in it?

13 I'm not sure what he didn't see. Why don't you  
14 clarify that.

15 BY MR. STANTON:

16 Q Was there anything in the bag?

17 A Yes.

18 Q Could you tell what was in the bag?

19 A No.

20 Q Could you tell what color the items in the bag  
21 appeared to be?

22 A It was like a dark color.

23 Q And what, if anything, did Mr. Vanisi say when  
24 he walked in at that time?

25 A He didn't say much.

1 Q And did you see what he did when he came in?

2 A No.

3 Q At some point after he came in, did he ever ask  
4 you for anything?

5 A Yes.

6 Q What did he ask you for?

7 A He asked me for my car keys.

8 Q And approximately how much time after he  
9 entered the apartment did he ask you for the car keys?

10 A I'm not sure.

11 Q Was it minutes? Was it hours?

12 MR. GREGORY: I'm going to object. He already  
13 answered he's not sure.

14 MR. STANTON: It's a clarification, Your Honor.

15 THE COURT: He can clarify it. Overruled.

16 BY MR. STANTON:

17 Q Was it minutes or hours when he asked you for  
18 the car keys?

19 A Probably about a half hour.

20 Q When he walked into Losa's apartment at 1:30 in  
21 the morning, how was Mr. Vanisi dressed?

22 A The same, but he didn't have his wig.

23 Q Did he have the hat on?

24 A No.

25 Q On Tuesday, that next morning, did you see news

1 broadcasts regarding Sergeant Sullivan's murder?

2 A No.

3 Q When did you first find out about Sergeant  
4 Sullivan's murder?

5 A Through friends.

6 Q What time was that?

7 A It was probably in the morning.

8 Q Tuesday morning?

9 A Yeah.

10 Q And did there come a time when you asked  
11 Mr. Vanisi directly whether he had any involvement in that  
12 murder?

13 A Yeah.

14 Q What did he say?

15 A He said he did.

16 Q He did what?

17 A He did it.

18 Q Can you tell the ladies and gentlemen of the  
19 jury his precise words as best you can remember?

20 A He just said, "I killed the cop."

21 Q And where were you when that conversation took  
22 place?

23 A We were at the Mormon church.

24 Q Where is the Mormon church?

25 A On Buena Vista and Imperial.

1 Q Where is that in relation to the campus of UNR?

2 A It's close to the campus.

3 Q Just to the west side of the campus?

4 A Yes.

5 Q At that church, did he show you anything?

6 A Yes.

7 Q What did he show you?

8 A He showed me a gun.

9 Q Did he tell you where he got that gun from?

10 A I don't think so.

11 Q Did he tell you how he got the gun?

12 A I don't remember.

13 Q What were you talking about just before he

14 showed you the gun?

15 A I don't remember.

16 Q Do you remember what the gun looked like?

17 A Yes.

18 Q Describe it for me.

19 A It was like -- I don't know, I don't know my

20 guns. But it was gray.

21 Q Do you know the difference between a revolver

22 and a semiautomatic?

23 A Yes.

24 Q Tell me the difference between the two.

25 A I just know by looks.

1 Q Okay. Revolver has a wheel on it?

2 A Yeah.

3 Q And how does a semiautomatic --

4 A It don't have a wheel. It just cocks or

5 whatever.

6 Q Okay. I show you State's Exhibit 15-A. Take a

7 close look at that. Does that look familiar?

8 A Yeah.

9 Q Does this appear to be the gun that he showed

10 you?

11 A Yeah.

12 Q Did you hold the gun when he showed it to you?

13 A I didn't hold it.

14 Q What did he tell you when he showed you the

15 gun? Did he say anything?

16 A I don't remember.

17 Q Did he mention to you --

18 MR. GREGORY: I'm going to object, Your Honor.

19 I believe he's getting ready to refresh this witness's

20 recollection.

21 THE COURT: Were you moving on to a new area?

22 MR. STANTON: I was, Your Honor.

23 THE COURT: I will allow it.

24 MR. GREGORY: I apologize to the Court.

25 / / /

1 BY MR. STANTON:

2 Q Did there come a time when Mr. Vanisi talked to  
3 you about Doobie, the dog?

4 A Yes.

5 Q What did Mr. Vanisi tell you about Doobie and  
6 murdering Sergeant Sullivan?

7 A He said that he was lucky because he sniffed  
8 his way home.

9 Q Who?

10 A The dog helped him sniff his way home.

11 Q When did he help him sniff his way home?

12 A I don't know. He didn't say nothing about  
13 that.

14 Q Okay. Was it in relationship to killing  
15 Sergeant Sullivan?

16 A Yeah.

17 MR. STANTON: No further questions.

18 THE COURT: Cross-examination?

19 MR. GREGORY: Thank you, Your Honor. Court's  
20 indulgence.

21 (There was a pause in the proceedings while  
22 Counsel and the defendant conferred.)

23 MR. GREGORY: Thank you, Your Honor. No  
24 questions.

25 THE COURT: You may step down. You are

1 excused.

2 (The witness was excused and left the  
3 courtroom.)

4 THE COURT: Call your next witness.

5 MR. STANTON: State would next call Renee  
6 Peaua.

7 (One witness sworn.)

8 THE CLERK: Thank you. Please be seated at the  
9 witness stand.

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

14 DIRECT EXAMINATION

15 BY MR. STANTON:

16 Q Ma'am, you are very soft-spoken. If you could  
17 slide up as close as you can to that microphone. If you  
18 could state your complete name, spelling both your first and  
19 last name for the court reporter.

20 A Renee, R-e-n-e-e, Peaua, P-e-a-u-a.

21 Q Ms. Peaua, how old are you?

22 A Nineteen.

23 Q I want to take you back to January of 1998.  
24 How old were you at that time?

25 A Seventeen.



1 Q Do you recall giving a statement to Reno  
2 homicide detectives on January 14 of that year?

3 A Yes.

4 Q And at the time you made that statement, did  
5 you know that they were asking you questions in relationship  
6 to the murder of Sergeant Sullivan?

7 A Yes.

8 Q In that time period, ma'am, where were you  
9 living?

10 A 1645 Sterling Way.

11 Q And Sterling Way, where is that in relationship  
12 to the University of Nevada campus?

13 A I don't know. By the university.

14 Q Okay. I'm showing you State's Exhibit 8. I  
15 ask you to take a moment and get oriented on this map, and  
16 ask you where on this map your home is.

17 A Right there.

18 Q There is a dot there, red dot with the label of  
19 Sterling Way?

20 A Uh-huh.

21 Q Does that accurately depict where your home is?

22 A Yes.

23 Q Are you related to Siaosi Vanisi?

24 A Yes.

25 Q What relationship do you have to him?

1 A Cousin.

2 Q Do you see him in court today?

3 A Yes.

4 Q Could you please describe where he is in the  
5 courtroom and what he's wearing?

6 A He's sitting right there. He has a blue jacket  
7 on and a yellow tie and blue shirt.

8 Q Could you speak up louder?

9 A He's sitting right there.

10 Q What is he wearing?

11 A A blue jacket with a yellow tie and a light  
12 blue shirt.

13 MR. STANTON: May the record reflect the  
14 identification of the defendant?

15 THE COURT: The record will so reflect.

16 BY MR. STANTON:

17 Q Do you have a brother that is known as Manaoui?

18 A Yes.

19 Q What is Manaoui's full name?

20 A Manaoui Peaua.

21 Q Is he older or younger than you?

22 A He is older.

23 Q During the time period of January 1998, did he  
24 live with you at Sterling Way?

25 A Yes, he did.

1 Q Do you know your cousin, the defendant, Siaosi  
2 Vanisi, by any other name?

3 A Pe.

4 Q Is that a nickname?

5 A Well, that's what we call him.

6 Q Using the time period of Sergeant Sullivan's  
7 murder, which is approximately 15 minutes after midnight on  
8 January 13, actually Tuesday morning, late Monday night,  
9 when did Mr. Vanisi arrive in Reno?

10 A I think a week. Well, all I remember is he  
11 arrived on a weekday.

12 Q Do you remember how he was dressed when you  
13 first saw him?

14 A He had a wig and a beanie.

15 Q How long is the wig?

16 A I know past his ears.

17 Q And how did you feel about Mr. Vanisi in  
18 January 1998? What was your relationship to him?

19 A He is my brother. I mean -- how else am I  
20 supposed to --

21 Q In whatever way you feel most comfortable in  
22 describing your relationship.

23 A He wasn't the same like he was used -- like he  
24 used to be.

25 Q My question more is: How was your relationship

1 to him?

2 A Oh, I loved him.

3 Q Close to him?

4 A We were really close. I took him everywhere I  
5 went.

6 Q And out of all the friends and relatives of  
7 Mr. Vanisi here in Reno, who was the closest person to him?

8 A Probably I was.

9 Q Would it be a fair statement that you idolized  
10 Mr. Vanisi?

11 A Yes.

12 Q In fact, you used that word with the police  
13 when they talked to you?

14 A Yes.

15 Q I want to direct your attention specifically,  
16 Ms. Peaua, to Monday night, the 12th of January?

17 A Uh-huh.

18 Q And direct your attention to approximately  
19 10:30 at night. Were you at Sterling Way at that time?

20 A Pretty sure I was.

21 Q And do you remember seeing Siaosi Vanisi at  
22 Sterling Way at that time?

23 A Can I have a statement?

24 Q Would that help you?

25 A Yes.

1 MR. STANTON: Your Honor, for the record, the  
2 transcript of Ms. Peaua's statement dated January 14, 1998.

3 THE COURT: Okay.

4 BY MR. STANTON:

5 Q Ms. Peaua, do you have difficulty remembering  
6 those kind of details?

7 A Not important stuff. I can remember important  
8 stuff.

9 Q If you would, could you direct your attention  
10 to page 19 of that transcript?

11 A Okay.

12 Q Specifically beginning at line 33 with a  
13 question by the detective. If you would just read to  
14 yourself the bottom of that page, line 39.

15 A Okay.

16 Q If you would go then to page 20, and once again  
17 lines one through seven, reading them to yourself.

18 A Okay.

19 Q Okay? Does that help you?

20 A Yes.

21 Q Okay. Now, the question I want to go back to,  
22 Ms. Peaua, is Monday night, 10:30 at your home on Sterling.  
23 Was the defendant there?

24 A Yes, he was.

25 Q What was he doing?

1 A Eating.

2 Q And after you saw him eating in your home at  
3 that time, did you then leave your house?

4 A I went to Losa's house.

5 Q And do you remember what time of evening it was  
6 when you went to Losa's house?

7 A I know after 10:30.

8 Q Who took you to Losa's house?

9 A My sister-in-law, Kathy.

10 Q When you left or last saw Mr. Vanisi at your  
11 home on Sterling, how was he dressed?

12 A His beanie and his wig.

13 Q Do you remember what kind of clothing he had  
14 besides the beanie and wig?

15 A Uh-uh.

16 Q Turn to page 24. If you would direct your  
17 attention to lines five through 15. Strike that, through  
18 13.

19 A Okay.

20 Q Does that help you?

21 A I guess.

22 Q You guess. Let me ask you again.

23 You talked to the detectives on January 14.

24 They asked you a question about what he was wearing when you  
25 left Sterling Way.

1 A Uh-huh.

2 Q You gave them an answer. Were you giving them  
3 a truthful answer when you talked to them on the 14th about  
4 that question?

5 A Uh-huh.

6 Q And what did you tell the detectives on the  
7 14th of January, 1998, about what he was wearing?

8 A His beanie, wig, and his jacket.

9 Q Okay. He had a couple other items on, didn't  
10 he? Line 13?

11 MR. GREGORY: Your Honor, I would like the  
12 record to reflect that this witness's recollection is not  
13 being refreshed. She's reading directly from the transcript  
14 and responding to the prosecution's questions.

15 MR. STANTON: I agree that's what the record  
16 should reflect.

17 THE COURT: That is what the record should  
18 reflect. Go ahead.

19 BY MR. STANTON:

20 Q What else did he have on?

21 A His boots.

22 Q And a pair of jeans?

23 A Uh-huh.

24 Q Is that correct? Is that what he was wearing  
25 when you left?

1           A     I guess. Well, if I said it in this statement,  
2           then I'm pretty sure it was, but I don't remember what  
3           happened two years ago.

4           Q     Okay. I appreciate that, Ms. Peaua. You don't  
5           remember today maybe that detail. But my question to you  
6           now is: Having read that transcript, would you agree with  
7           me that you were telling the truth to the police when you  
8           talked to them on the 14th of January?

9           MR. GREGORY: I object to that. He's vouching  
10          now. "Agree with me"? I object to that, form of the  
11          question.

12          THE COURT: Sustained.

13          BY MR. STANTON:

14          Q     Ms. Peaua, did you tell the police the truth  
15          when you talked to them on January 14?

16          A     Yes.

17          Q     Did you tell them the truth when they asked you  
18          this question and you gave them this answer?

19          A     Yes.

20          Q     Is your memory about that particular fact, what  
21          Mr. Vanisi was wearing when you left, better on January 14  
22          of last year or better today?

23          A     Better then.

24          Q     You said that you went to 1098 Rock Boulevard  
25          when you left your home that night, correct?



1 A Uh-huh.

2 Q Who was there when you arrived at Rock

3 Boulevard?

4 A Losa.

5 Q And anybody else?

6 A I think Losa, Corrina. I don't know if the

7 boys were there. And Teki.

8 Q And Teki was what to you then?

9 A My boyfriend.

10 Q And did you have a dog at your Sterling Way

11 apartment? A family dog?

12 A Uh-huh, yes.

13 Q What was your dog's name?

14 A Doobie.

15 Q I'm showing you State's Exhibit 41-A and 41-B.

16 A Yes, that's my dog.

17 Q Does Doobie ever run away from home?

18 A Yes.

19 Q How often?

20 A A lot.

21 Q And is there kind of a habit of what happens

22 when Doobie runs away?

23 A He comes back.

24 Q On his own?

25 A Uh-huh.

1 Q The evening of Monday, the 12th of January,  
2 over at 1098 Rock, what time did you go to bed that night?  
3 A Hmm, I don't remember. Late.  
4 Q Do you remember how late?  
5 A Probably around after 12:00. I know after  
6 12:30.  
7 Q Where did you go to sleep at? Where physically  
8 in the apartment?  
9 A In the living room on the couch.  
10 Q Who else was with you physically?  
11 A Teki and Losa.  
12 Q When you fell asleep, where was Sateki  
13 Taukiuvea?  
14 A Right beside me.  
15 Q Did you wake up during the night or morning?  
16 A Yes.  
17 Q What caused you to wake up?  
18 A Losa, Corrina and Pe.  
19 Q And what caused you to wake up? What made you?  
20 A Losa, Corrina and Pe.  
21 Q What happened?  
22 A Corrina and Losa switching who is going to be  
23 on the computer and Pe walking in.  
24 Q When Mr. Vanisi walked in, Pe walked in, do you  
25 remember what time of evening it was?

1           A     Uh-uh.

2           Q     How was the defendant dressed when he walked

3 into the apartment?

4           A     Without his wig.

5           Q     And was he carrying anything?

6           A     A bag.

7           Q     What kind of bag?

8           A     A white bag.

9           Q     I'm showing you Exhibit 22. I ask you to take

10 a look at that bag. Does that look familiar to you?

11          A     I guess.

12          Q     Did it look like the same type of bag that

13 Mr. Vanisi was carrying when he walked into the apartment

14 that evening?

15          A     I don't remember.

16          Q     You don't remember? Do you remember what color

17 the bag was?

18          A     It was white and all I remember, he was

19 carrying a bag.

20          Q     Did it have anything in it?

21          A     It looked like something was in it.

22          Q     Was the bag -- do you know what color or

23 material the bag was made out of?

24          A     No.

25          Q     Did you ask Mr. Vanisi about his wig when he

1 came in?

2 A I don't remember.

3 Q You don't remember? If you would turn to page  
4 37, ma'am, of the transcript before you. Directing your  
5 attention to lines 23, 22 through 26.

6 A Okay.

7 Q Do you remember asking Mr. Vanisi what happened  
8 to his wig?

9 A No.

10 Q Reading that transcript doesn't refresh your  
11 recollection?

12 A No.

13 Q Same questions to you as I did before. Was  
14 your memory better back then about that question than it is  
15 today?

16 A Pretty sure it would be.

17 Q What did you tell the police about Mr. Vanisi's  
18 wig when you asked him what happened to it?

19 A That the wind blew it.

20 Q Mr. Vanisi told you that the wind blew it off?  
21 Anything else?

22 A And that he was too cold to go get it back.

23 MR. GREGORY: Again, Your Honor, for the  
24 record, the witness is reading directly from her transcript.

25 THE COURT: The record will so reflect.

1 BY MR. STANTON:

2 Q When Mr. Vanisi came into the apartment  
3 carrying this bag, what did he do when he came into the  
4 apartment?

5 A Just walked in.

6 Q Okay. Where did he go?

7 A I don't remember.

8 Q You don't remember?

9 A Uh-huh.

10 Q Okay. You can turn to page 60 of the  
11 transcript. Actually, if you could turn to page 59 and  
12 begin at line 15. You have a long answer and it begins at  
13 line 15. If you could read to the end of that page, line  
14 40, to yourself and tell me when you're done reading.

15 A Okay.

16 Q Let me walk you through this section. As I ask  
17 you here today, do you have a memory, Ms. Peaua, about what  
18 Mr. Vanisi did and what he said when he walked into the 1098  
19 Rock apartment that morning?

20 A Yes.

21 Q Okay. Can you tell the ladies and gentlemen of  
22 the jury what your cousin, Mr. Vanisi, did when he walked in  
23 the apartment that morning?

24 A He walked in the apartment that morning. He  
25 went to the kitchen. Was that it?

1 Q Did he say anything when he walked in?

2 A He just said he was here.

3 Q And how was he acting?

4 A Well, I said in the statement paranoid, but I

5 don't remember how he was acting.

6 Q You don't remember today how he was acting?

7 A No.

8 Q But you remembered back when you talked to the

9 police officer on the 14th of January?

10 A Yes.

11 Q Is there any reason why, Ms. Peaua, you don't

12 remember today?

13 A I don't really remember what happened. This

14 happened two years ago. I'm just now reading over my

15 statement.

16 Q Okay. Is it because of the lapse of time that

17 you don't remember?

18 A Yes.

19 Q Now, when you talked to the detectives on the

20 14th of January, you previously testified that you knew it

21 was about the murder of Sergeant Sullivan?

22 A Yes, I did.

23 Q Did you understand that it was an important

24 thing?

25 A Yes.

1 Q Certainly for the police it was important?

2 A Yes.

3 Q Was it important for you?

4 A Yes, it was, because it had to do with my  
5 brother.

6 Q You say brother; you point to Mr. Vanisi. Is  
7 that what you refer to him as, your brother?

8 A Uh-huh.

9 Q And you don't remember those facts today  
10 because time has eroded your memory?

11 A Yes. No, I don't.

12 Q Did it seem important to you back then, these  
13 things?

14 A The case?

15 Q What they were asking you and what you knew and  
16 what you remembered?

17 A Yes, it did.

18 Q But things like that just don't stick in your  
19 memory?

20 MR. GREGORY: Your Honor. I object. He's  
21 arguing with his own witness.

22 MR. STANTON: Whether the State calls a witness  
23 or not doesn't mean I can't ask questions of the witness.

24 THE COURT: Objection is overruled.

25 / / /

1 BY MR. STANTON:

2 Q Are you the type of person, Ms. Peaua, that you  
3 just don't remember things two years later?

4 A I remember important things. I remember him at  
5 Losa's house. I remember seeing him. I don't remember  
6 seeing him at my house -- well, yes, I do, as a matter of  
7 fact. I remember seeing him at my house. As far as what he  
8 was wearing, I don't remember that. And if he did come in  
9 with the hatchet, I don't remember -- I remember what,  
10 how --

11 MR. GREGORY: I'm going to ask that the witness  
12 not narrate from this point on.

13 MR. STANTON: I'll begin to ask questions. I  
14 agree with Counsel.

15 THE COURT: All right.

16 BY MR. STANTON:

17 Q You told the detectives on the 14th of January,  
18 1998, your cousin, Mr. Vanisi, walked into the apartment  
19 carrying a white plastic bag and was paranoid. Do you  
20 remember that?

21 A Okay.

22 Q Do you remember that?

23 A I remember talking to them, about him coming in  
24 carrying a plastic bag. I don't remember saying "paranoid."

25 Q As you read the transcript, now you see the



1 words in there that you told the detectives that he was  
2 paranoid?  
3 A Okay.  
4 Q Was your transcript correct?  
5 A Yes.  
6 Q You told the detectives that?  
7 A Yes.  
8 Q Is that truthful when you told the detectives?  
9 A I probably wouldn't say paranoid, but he walked  
10 in. That's probably the only word that came to my mind  
11 then.  
12 Q Ma'am, did you use the word "paranoid" to the  
13 detectives?  
14 A Yes, I did.  
15 Q Were you being truthful to the detectives when  
16 you told them that?  
17 A Yes, I did. I don't know.  
18 Q You don't know whether you were being truthful?  
19 A Not about him being paranoid. I was paranoid.  
20 Q You told them that he wasn't wearing his wig.  
21 Do you remember telling the detectives that?  
22 A Yes, I do.  
23 Q Do you remember waking up later in the morning?  
24 A Yes, I do.  
25 Q And do you remember seeing Mr. Vanisi when you

1 woke up the second time?

2 A I don't remember.

3 Q Okay. Out of the statement that you just read  
4 on page 59, did that help you with your memory about seeing  
5 Mr. Vanisi the second time you woke up that morning?

6 A Which line?

7 Q It began at line 26. Read to line 33.

8 A Okay.

9 Q Do you remember that, as we sit here today,  
10 about what you saw Mr. Vanisi doing the second time you woke  
11 up?

12 A He was in the kitchen.

13 Q You remember that?

14 A Yes.

15 Q What was he doing in the kitchen?

16 A Just looking at his hatchet.

17 Q What kind of hatchet was he looking at?

18 A It was about that -- well, (indicating) it's a  
19 silver hatchet with a handle.

20 Q Can you describe how he was looking at the  
21 hatchet?

22 A Like that (indicating). I don't remember how  
23 he was looking at the hatchet.

24 Q You told the detectives something unique about  
25 how he was looking at the hatchet?

1 A Constantly.

2 Q Yeah. You mentioned something about his eyes.  
3 Do you remember that?

4 A Which line is this?

5 Q I'm just going to ask you first whether or not  
6 you remember what you told the detectives.

7 A No.

8 Q Do you remember telling the detectives that his  
9 eyes got really big?

10 A No.

11 Q You don't remember that? You don't remember it  
12 as you sit here today?

13 A No.

14 Q You noticed something unusual or different  
15 about the hatchet at that time, didn't you?

16 A At that time? I said it was bended.

17 Q Had you seen the hatchet prior to that morning?

18 A I don't remember. Yes.

19 Q How many times prior to that morning had you  
20 seen the defendant with that hatchet? How many different  
21 times?

22 A I don't know. A lot.

23 Q More than five times?

24 A You can say that.

25 Q I'm not saying that. I'm asking you. Was it

1 more than five times?

2 A Could have been, yes.

3 Q More than ten times?

4 A No. I don't know. I don't sit there and sit  
5 there, one, two. I don't know. More than two times, say  
6 that.

7 Q Well, was it unusual for you to see people  
8 carrying hatchets?

9 A No. Oh, oh, yeah. Sorry.

10 Q It's okay.

11 A Yes, it was. For him, no.

12 Q For Mr. Vanisi, no? He always carried a  
13 hatchet with him?

14 A No. I mean it was at the time, yes.

15 Q When you saw it Tuesday morning?

16 A Uh-huh.

17 Q You knew something looked different about the  
18 hatchet. And you asked him about it? Do you remember that?

19 A I don't even remember talking to him.

20 Q Okay. Now that you read that portion of the  
21 transcript on page 59, does that help you with your memory  
22 about what you talked with Mr. Vanisi in the kitchen about  
23 the hatchet?

24 A No.

25 Q I would like to direct your attention to line

- 1 33. You asked him if the hatchet was bent, correct?
- 2 A Uh-huh.
- 3 Q And you also asked him, that it was dirty?
- 4 A Uh-huh.
- 5 Q Did it look dirty to you?
- 6 A I don't remember.
- 7 Q You asked, you told the police that's what you
- 8 asked Mr. Vanisi, correct?
- 9 A Yes.
- 10 Q What did Mr. Vanisi tell you after you asked
- 11 him why it was dirty?
- 12 A He was playing in some dirt.
- 13 Q That's what Mr. Vanisi told you, correct?
- 14 A He could have, yeah.
- 15 Q Well, Ms. Peaua, my question, if there's some
- 16 confusion, I apologize. You told the police in the
- 17 transcript that's what Mr. Vanisi said?
- 18 A Uh-huh.
- 19 Q Were you lying to the police when you told them
- 20 that?
- 21 A I think -- I don't know. Probably -- I don't
- 22 know if I was or not.
- 23 Q You don't know if you were lying or not?
- 24 A About that, because I don't even remember
- 25 talking to him, seriously.

1 Q I'm a little confused. Mr. Vanisi walks into  
2 your apartment, or when you wake up he's inside the kitchen  
3 and he's staring at a hatchet?

4 A Uh-huh.

5 Q You tell the detectives the next day after this  
6 happens, on the 14th, that the hatchet looked bent. You ask  
7 him about why it was bent. And it looked dirty and you  
8 asked him why it was dirty. And you don't remember that?

9 A Uh-uh.

10 Q Why is it that you think you don't remember?

11 A Because I don't even remember talking to him.

12 Q I understand that. But why is it that you  
13 think you don't remember here today about that event?

14 A About, I mean, I saw him in the kitchen, but I  
15 don't remember talking to him and asking, "Why is your  
16 hatchet dirty? Why is it all bended?" I don't remember  
17 that.

18 Q You told the detectives that the hatchet -- or  
19 Mr. Vanisi told you the hatchet was dirty because he was  
20 playing in some dirt?

21 A Uh-huh.

22 Q You don't remember today whether or not that  
23 was a truthful statement when you talked to the police?

24 A No, I don't.

25 Q Why would you lie about something like that?

1           A     Because I was scared at the time.

2           Q     Scared of what?

3           A     I don't know.

4           Q     You don't know what you were scared of? You

5     have to answer out loud.

6           A     I don't know what I was scared of.

7           Q     Why would telling the police Mr. Vanisi's

8     response about the hatchet being dirty or not cause you to

9     be scared or cause you to lie?

10          A     I don't know.

11          Q     Were you trying to protect Mr. Vanisi when you

12     talked to the police?

13          A     No. I was just telling the police from what I

14     knew.

15          Q     Were you afraid for your own safety?

16          A     From who?

17          Q     I don't know. You said you were scared. I'm

18     trying to find out why you were scared.

19          A     I don't know.

20          Q     You don't know whether or not --

21          A     Because this is the first time I have been in

22     like, like in a situation like this. I have never been in

23     something like this in my life.

24          Q     I'm trying to find out, Ms. Peaua, why you

25     don't remember whether you were lying to the police or not

1 when you told them those statements.

2 A I think if I said this a couple days after it  
3 really happened, then it's true. I mean, I don't remember  
4 what happened. If he was -- all I don't remember is, I  
5 don't remember him -- I don't even remember talking to him.  
6 I don't. I mean, I could have saw him in the kitchen with  
7 the hatchet all dirty and what, whatever. I just don't  
8 remember having a conversation with him. Even from reading  
9 my statements I don't.

10 Q And you are not certain as to that portion of  
11 this transcript about playing in dirt, whether or not you  
12 were lying or not? You don't remember --

13 A I don't think I would lie about it.

14 Q Ma'am, if you could turn to page 36 of the  
15 transcript.

16 A Okay.

17 Q Would you read the entire page, lines one  
18 through 40?

19 A Okay.

20 Q Does that help you any more?

21 A Yes, it does.

22 Q Now, once again, my question to you was or is:  
23 Do you remember what Mr. Vanisi's eyes were like when he was  
24 looking at the hatchet in the kitchen on Tuesday morning?

25 A No.



1 Q Directing your attention to lines one through  
2 three.

3 A Big.

4 Q That's what you told the detectives --

5 A Yes.

6 Q -- the next day? Were you lying about that?

7 A No. His eyes are always big.

8 Q Okay. So he didn't look any different when he  
9 was looking at the hatchet. Is that what your testimony is?

10 A I don't remember how he was looking at the  
11 hatchet.

12 Q Well, you specifically told the detectives that  
13 his eyes were, "like, big and stuff"?

14 A Okay, if I told them that, then that's the  
15 answer.

16 Q Now, is it your testimony today that his eyes  
17 were always big and therefore it wasn't unusual, the way he  
18 was looking at the hatchet?

19 A I don't remember how he was looking at the  
20 hatchet. But if I did tell the detectives that his eyes  
21 were big, then probably to me his eyes were big then.

22 Q I understand that, Ms. Peaua. Please listen to  
23 my question very carefully.

24 A Okay.

25 Q Right after that, earlier in your testimony you

1 said, you blurted out, "His eyes are always big."

2 A Uh-huh.

3 Q When I read your transcript testimony, or the  
4 transcript of what you told the police, I get the impression  
5 that you are telling them that his eyes were big while he  
6 was looking at the hatchet and that was unusual, it was  
7 unique. That's why you told them that his eyes were big.

8 A Okay.

9 Q Am I wrong or am I right?

10 A You are right.

11 Q He was looking at it differently than he  
12 normally looks at things? At least what you told the police  
13 on the 14th?

14 A Yes.

15 Q Once again, were you truthful with the police  
16 when you were describing how Mr. Vanisi looked, what he  
17 looked like, looking at the hatchet?

18 A Yes.

19 Q Now, did you read the rest of the page, lines  
20 five through 40 on page 36?

21 A Yes, I did.

22 Q Once again, you told the detectives for the  
23 second time that the hatchet as you observed it looked  
24 different; that the hatchet was bent and it looked dirty.  
25 That's the second time you mentioned that to the detectives

1 in this interview.

2 Does that help your memory today as you sit  
3 here today?

4 A No.

5 Q You don't remember the hatchet being bent or  
6 dirty?

7 A Not from today.

8 Q I'll ask you this question: Relative to your  
9 comments for the second time in this transcript that it was  
10 bent and it was dirty, were you being truthful to the police  
11 when you told them that?

12 A Yes.

13 Q You have to wait until I'm done asking the  
14 question.

15 A I know what you're going to ask me.

16 Q I understand. But the woman sitting in front  
17 of you has to take down every word in this trial. When you  
18 and I speak at the same time, it's a very difficult job for  
19 her. Okay?

20 Line 24 through 29, for the second time you  
21 tell detectives on your own that you asked Mr. Vanisi why  
22 the hatchet was dirty and he responded to you that he was  
23 playing with some dirt.

24 That's the second time you tell that to the  
25 detectives. Did you tell the detectives the truth during

1 this portion of the interview?

2 A Yes.

3 Q Ma'am, if you could direct your attention to  
4 lines 36 through 39. Once again page 36.

5 A Okay.

6 Q The detectives asked you whether or not you  
7 knew what the substance on the hatchet that looked like dirt  
8 was, correct?

9 A Uh-huh.

10 Q Do you remember today what it looked like?

11 A No.

12 Q Do you remember what you told the detectives?

13 A That it was dirty.

14 Q You describe a color. Directing your attention  
15 to line 37.

16 A Brown stuff.

17 Q Were you truthful when you told the police that  
18 statement, ma'am?

19 A Yes.

20 Q How was the defendant dressed when he came back  
21 or when you saw him in the kitchen that morning?

22 A Without his wig.

23 Q Do you remember what his other clothing items  
24 were, what color, what they looked like?

25 A No, I don't.

1 Q Ma'am, could you turn to page 37, lines 30 and  
2 31.  
3 A 30 and 31?  
4 Q Yes, ma'am.  
5 A Okay.  
6 Q Does that refresh your memory?  
7 A Yes, it does.  
8 Q What else was he wearing?  
9 A Just his purple cutoff shirt, his jeans, and  
10 his boots.  
11 Q Where was his T-shirt cut off? Whereabouts?  
12 A Right here (indicating).  
13 Q You're indicating at the shoulder?  
14 A Yeah, about right here (indicating).  
15 Q That next Tuesday morning, did the defendant  
16 change his appearance at all?  
17 A Tuesday morning?  
18 Q Yes.  
19 A As in what?  
20 Q As in anything. Did he change his appearance?  
21 A No, not when I saw him.  
22 Q You don't remember him doing anything to his  
23 face or hair area?  
24 A I don't remember seeing him Tuesday morning  
25 besides when he came in Losa's house.

1 Q Did he look different anytime Tuesday to you?

2 A Tuesday, without his wig?

3 Q Without his wig. Anything about his facial  
4 appearance?

5 A No.

6 Q How about his beard?

7 A No.

8 Q You never saw him after his beard had been  
9 shaved?

10 A No.

11 Q Did you ever see television news accounts of  
12 the murder of Sergeant Sullivan?

13 A Yes.

14 Q When was the first time you saw that, ma'am?

15 A That morning when I went home.

16 Q Is that Tuesday morning?

17 A Yes, it is.

18 Q And did you see Exhibit 6, the television news?

19 A Yes, I did.

20 Q What was the first thought that entered your  
21 mind when you saw this composite on the television?

22 A Could it be Pe?

23 Q Could it be Pe or was it Pe?

24 A Was it Pe.

25 Q Do you remember what you told the police what

1 your response was when you first saw this?

2 A No.

3 Q Turn to page 63 of that transcript, ma'am. I

4 direct your attention to line 37 through 38.

5 A 37 to 38? Page 63?

6 Q I'm sorry.

7 MR. STANTON: Court's indulgence for one

8 moment.

9 THE COURT: Yes.

10 BY MR. STANTON:

11 Q Let me go back one question. Could you turn to

12 the next page, page 64, lines 34 through 35?

13 A Okay.

14 Q Would you read that to yourself?

15 A Okay.

16 Q Do you remember my previous question to you

17 about him shaving his beard?

18 A Yes.

19 Q Do you remember talking to the police about

20 that?

21 A Yes.

22 Q What did you tell the police about his beard?

23 A That he shaved it.

24 Q When did he shave it?

25 A I don't know. I wasn't there when he shaved

1 it.

2 Q Do you remember seeing him after he shaved his  
3 beard?

4 A No.

5 Q You never saw him after he shaved his beard?

6 A I don't remember seeing him after he shaved his  
7 beard. Probably -- not directly after, I mean.

8 Q But you saw him sometime Tuesday?

9 A Yes.

10 Q He had shaved his beard?

11 A Yes.

12 Q Do you remember anything or any comments the  
13 defendant made about a po-po?

14 MR. STANTON: Ms. Reporter, that's P-o-P-o.

15 THE WITNESS: As in the police?

16 BY MR. STANTON:

17 Q I'm going to ask you a series of questions  
18 about that. My first question, ma'am: Do you ever remember  
19 the defendant, Mr. Vanisi, making any comment to you while  
20 he was in Reno in January of 1998 about a po-po?

21 A Yes.

22 Q What is a po-po?

23 A Police.

24 Q Is that a slang term or is it a Tongan word?

25 A It's slang. Everyone says it. Not everyone,



1 but it's slang.

2 Q Is it slang in Tongan?

3 A Not just in Tongan. Other people say it, other  
4 cultures.

5 Q So you know po-po is a slang term for a police  
6 officer?

7 A Yes.

8 Q What did Mr. Vanisi say about Po Pos in January  
9 of 1998?

10 A That he wanted to kill a cop.

11 Q And he also used the word "po-po"?

12 A I don't remember.

13 Q Did he ever talk about robbing stores?

14 A No.

15 Q You don't remember that?

16 A Him talking about robbing stores?

17 Q Yes.

18 A I don't remember.

19 Q Do you remember talking to members of the  
20 District Attorney's office about your statement and your  
21 knowledge in this case?

22 A Yes.

23 Q Do you ever remember talking to members of our  
24 office in front of me about --

25 A Yes.

1 Q -- about Mr. Vanisi talking about robbing  
2 stores?

3 A Yes.

4 Q Did you tell us that?

5 A Yes.

6 Q Okay. Well, did Mr. Vanisi, in January of  
7 1998, talk about robbing stores?

8 A Yes.

9 Q What did the defendant think about money in the  
10 general concept back in January of 1998?

11 A He wanted money.

12 Q In fact, you used a particular word to describe  
13 his thought processes about money to the police during this  
14 interview. Do you remember?

15 A Obsessed with money.

16 Q And is that true?

17 A At the time, yes.

18 Q At the time that you told the police, it was  
19 true?

20 A Yes.

21 Q Indeed, in January of 1998, Siaosi Vanisi was  
22 obsessed with money?

23 A Yes.

24 Q On Tuesday morning while you were in the  
25 kitchen, did Mr. Vanisi talk to you about killing a police

1 officer?

2 A Tuesday morning? Yes.

3 Q What did he tell you? And could you please  
4 tell the ladies and gentlemen of the jury as precise as you  
5 can and using the words to the best of your memory, the  
6 exact words, what Mr. Vanisi said about that?

7 A As in what do you mean? How did he say it?

8 Q Yes, ma'am.

9 A He just said yes.

10 Q He said yes to what?

11 A Because I asked him.

12 Q What did you ask him?

13 A I asked him, was I -- well, there's a policeman  
14 killed. I was like, Did you do it? He was like, Yeah.  
15 Sarcastically. So I didn't -- I was like, Did you? He's  
16 like -- Come on, Renee, you know me better. I was like, Did  
17 you do it? He was like, Yes.

18 MR. STANTON: Thank you. Nothing further.

19 THE COURT: Cross-examination?

20 MR. GREGORY: Court's indulgence, please.

21 (There was a pause in the proceedings while  
22 Counsel and the defendant conferred.)

23 MR. GREGORY: Your Honor, we have no questions  
24 at this time. However, we ask the Court to hold this  
25 witness to her subpoena and also ask that the witness remain

1 outside in the hallway until we take our break.

2 THE COURT: Okay. Ma'am, they are not going to  
3 ask you any questions at this time. They want an  
4 opportunity to talk to you.

5 THE WITNESS: Okay.

6 THE COURT: I am going to order that you await  
7 their speaking with you.

8 THE WITNESS: Okay, that's fine.

9 THE COURT: You will go with your victim,  
10 witness unit person, your witness unit person, and they will  
11 wait with you until counsel can come out in the hall and  
12 visit with you. Thank you.

13 You are held to your subpoena. You may have to  
14 come back and testify. You will have to stay until then.

15 THE WITNESS: That's fine.

16 (The witness stepped down and left the  
17 courtroom.)

18 THE COURT: Counsel, is this a good time to  
19 take our afternoon recess?

20 MR. STANTON: It is, Your Honor.

21 THE COURT: Ladies and gentlemen of the jury, I  
22 am going to let you take your afternoon recess. Remember  
23 you'll stay together and go on out into the jury room. But  
24 remember the admonition that you've received at all the  
25 breaks.

1           It is your duty not to discuss among yourselves  
2 or anyone else any matter having to do with this case. It  
3 is your further duty not to form or express any opinion  
4 regarding the guilt or innocence of the defendant until the  
5 case has been finally submitted to you for decision.

6           You are not to read, listen to or look at any  
7 news media accounts regarding this case. Should any person  
8 attempt to influence you in any manner regarding this case,  
9 you are to notify the bailiff outside your fellow jurors'  
10 presence, who in turn will notify me immediately.

11           Court is in recess. Counsel, see you back in  
12 15 minutes.

13           (A recess was taken at 3:34 p.m.)  
14  
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RENO, NEVADA, THURSDAY, SEPTEMBER 23, 1999, 3:58 P.M.

-o0o-

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

THE COURT: Thank you, please be seated.

Counsel stipulate to the presence of the jury?

MR. STANTON: State will so stipulate.

MR. GREGORY: Defense will so stipulate..

THE COURT: You may call your next witness.

MR. STANTON: May counsel approach regarding an administrative matter?

(There was a discussion at the bench off the record.)

MR. STANTON: Thank you, Your Honor. The next witness for the State is Maria Louis.

(One witness sworn.)

THE CLERK: Thank you. Please be seated at the witness stand.

MARIA LOUIS

called as a witness on behalf of the Plaintiff,

having been first duly sworn,

was examined and testified as follows:

/ / /

/ / /

SIERRA NEVADA REPORTERS (702) 329-6560

DIRECT EXAMINATION

BY MR. STANTON:

Q Good afternoon.

A Good afternoon.

Q Could you please state your complete name and spell your first and last name for the court reporter?

A Maria Losa Louis. M-a-r-i-a, L-o-u-i-s.

Q Could you spell your middle name?

A L-o-s-a.

Q Is that how your friends call you, by the name of Losa?

A Yes.

Q Ma'am, I would like to direct your attention back to January of 1998. Where did you live at that time?

A 1098 North Rock Boulevard.

Q Who lived with you at that address?

A My brothers and sister.

Q And what are your brothers' and sister's name?

A Corrina Louis, William Louis, and Brandon Louis.

Q How old are your two brothers?

A 16 and 13.

Q And did you live in an apartment number there?

A Apartment A.

Q Do you know the defendant, Siaosi Vanisi?

1 A Yes, I do.

2 Q Do you see him in court?

3 A Yes, I do.

4 Q Could you please describe what he's wearing and  
5 where he is in the courtroom?

6 A Navy blue suit, yellow tie, and he's on your  
7 left, my right.

8 MR. STANTON: May the record reflect the  
9 identification of the defendant?

10 THE COURT: Record may so reflect.

11 BY MR. STANTON:

12 Q Are you related to Mr. Vanisi?

13 A Yes, I am.

14 Q How are you related to him?

15 A He is my uncle.

16 Q What other names do you know Mr. Vanisi by?

17 A Pe.

18 Q Any others?

19 A Siaosi.

20 Q And how many times prior to January of 1998,  
21 different occasions had you seen Mr. Vanisi?

22 A Couple of days.

23 Q And when he came to Reno in 1998, was that a  
24 scheduled visit or surprise visit?

25 A Surprise visit to me.



1 Q Okay. And when was the first time -- where  
2 were you and what were you doing when you first saw  
3 Mr. Vanisi in January of 1998?

4 A I was at a dance, the Tongan society, for the  
5 youths of Reno, Tongans.

6 Q I want to put it in context with Sergeant  
7 Sullivan's murder. Sergeant Sullivan was murdered  
8 approximately 15 minutes after midnight January 13, Monday  
9 night or Tuesday morning, depending on your perspective.  
10 When was the dance in relation to that?

11 A It was on a Saturday, the 10th.

12 Q Okay. So the Saturday just before the murder?

13 A Yes.

14 Q What was the defendant wearing when you saw him  
15 for the first time at that dance?

16 A Some baggie pants, a leather jacket, he had a  
17 wig and a beanie.

18 Q Okay. Did you ever see Mr. Vanisi with a  
19 hatchet?

20 A Yes.

21 Q Can you describe that hatchet?

22 A A little small ax.

23 Q How long was it? With your hands, if you  
24 would.

25 A That long (indicating).

1 MR. STANTON: May the record reflect the  
2 witness approximated 12 to 18 inches?

3 THE COURT: Record will so reflect.

4 BY MR. STANTON:

5 Q What color was that hatchet?

6 A Silver with a black rubber handle.

7 Q Where were you when you first saw it?

8 A Starlite Bowling.

9 Q Showing you Exhibit 21, take a close look at  
10 that, Ms. Louis.

11 A Yeah, this is it.

12 Q Okay. Where did Mr. Vanisi have that hatchet  
13 on his body when you first saw it?

14 A In his waist, had it like in his waist by his  
15 stomach.

16 Q Was it concealed or was it out in the open?

17 A He covered it with his jacket, concealed.

18 Q Did you ask him what it was for?

19 A No. I just asked him why he had it.

20 Q What did he say?

21 A He didn't answer me.

22 Q He didn't answer?

23 A I don't think he heard me.

24 Q Did you ever hear the defendant make any  
25 comments about police officers?

1 A Yes.

2 Q What did he say?

3 A He wanted to kill a cop.

4 Q Did he tell you why he wanted to kill a cop?

5 A No. Yes, he wanted to kill them because they  
6 took so much -- well, he wanted to kill a white cop because  
7 they took so much from the Polynesians.

8 Q Did he say what he wanted to take from the  
9 white police officer once he killed them?

10 A Their radio, the gun.

11 Q Did he ever say anything about taking money  
12 from them?

13 A No.

14 Q How many times do you recall Mr. Vanisi making  
15 those statements prior to Sergeant Sullivan's murder?

16 A I only heard him, I would say more than three  
17 times.

18 Q Were other people present when he made those  
19 statements?

20 A Yes.

21 Q Did you ever hear Mr. Vanisi make any of those  
22 statements after the murder of Sergeant George Sullivan 15  
23 minutes after midnight on January 13?

24 A No.

25 Q On Tuesday morning, approximately 1:30 a.m., do

1 you remember being at your Rock Boulevard address?

2 A Yes.

3 Q Who else was there at that time of the morning  
4 on Tuesday, the 13th of January?

5 A My sister, Teki and Renee and my brothers.

6 Q What were you doing at that time?

7 A I was on the computer.

8 Q In your house?

9 A Yes.

10 Q And do you remember anybody coming into your  
11 apartment about that time?

12 A Pe did.

13 Q Pe?

14 A Yes.

15 Q Is that Mr. Vanisi?

16 A Yes.

17 Q Are you certain about the time?

18 A Yes.

19 Q How are you certain?

20 A Because he walked in. I just glanced at a tiny  
21 clock on the side of the computer.

22 Q What time was it?

23 A I say between 1:00 and 1:15.

24 Q And how was he dressed when he walked through  
25 your door?

1           A     He just had the jacket, the gloves. He didn't  
2     have the wig on, and his baggie pants.

3           Q     You said he had a pair of gloves on?

4           A     Uh-huh.

5           Q     I show you Exhibit 25. I ask you to take a  
6     close look at that. Do they look familiar?

7           A     Yes.

8           Q     How do they look familiar to you, ma'am?

9           A     Because those were the gloves that he wore.

10          Q     Was he wearing a wig?

11          A     No.

12          Q     Had you seen him wear a wig before that  
13     morning?

14          A     Tuesday morning? Monday morning?

15          Q     Before he walked in the apartment, had you ever  
16     seen the defendant wear a wig?

17          A     No.

18          Q     You said you saw him with a wig at the dance?

19          A     Yes.

20          Q     How many times, when you first saw him at the  
21     dance until the time he walked into the apartment, did you  
22     see Mr. Vanisi?

23          A     I just saw him at the dance and the apartment  
24     and that was it, when he came over that night.

25          Q     Was he carrying anything with him?

1 A No.

2 Q When he walked into your apartment at 1:30?

3 A Oh, yes, he was.

4 Q What was he carrying?

5 A A little white plastic bag, a grocery bag.

6 Q I show you Exhibit 26. Do you see that

7 photograph?

8 A Yes.

9 Q Where is Exhibit 26, that photograph, taken?

10 A In my kitchen.

11 Q And in the center of that photograph, a cabinet

12 door is open. Do you see what is inside of the cabinet on

13 the top shelf?

14 A Yes.

15 Q Does that look like what Mr. Vanisi carried in

16 with him?

17 A No.

18 Q It doesn't?

19 A No, it doesn't.

20 Q What is different between what is in the center

21 of that photograph and what he carried in?

22 A When he came in the first time, the bag looked

23 empty. It wasn't full like that.

24 Q Okay. So, when you found it, it was full?

25 A Uh-huh, yes.

1 Q It appeared empty when he walked in?

2 A Yes.

3 Q Did you ask him what was in the bag when he

4 walked into your apartment?

5 A No.

6 Q What did he do with the bag when he walked into

7 your apartment?

8 A He didn't put it down. He went back outside

9 with it.

10 Q How long after he came into your apartment did

11 he walk out with the bag?

12 A I would say like 15 minutes.

13 Q In that 15-minute time period, where did

14 Mr. Vanisi go?

15 A He walked in. He came and sat by me while I

16 was on the computer. And Renee and I were asking him what

17 was wrong. He didn't say anything. He said nothing.

18 Q Was he acting unusual?

19 A He wasn't saying anything.

20 Q Was that unusual for him?

21 A Yes.

22 Q How is Mr. Vanisi normally?

23 A He's always talking.

24 Q And he wasn't that morning?

25 A No.

1 Q Do you know where he went when he was inside  
2 your apartment for those 15 minutes besides sitting next to  
3 you at the computer?

4 A No. Then he just got up and went to the living  
5 room, and I guess he went outside after that.

6 Q Before he went outside, that 15-minute time  
7 period, did you see where in your apartment he went?

8 A No.

9 Q I show you photographs 23-A and B. First,  
10 photograph 23-A, I ask you if you recognize first, ma'am,  
11 where that photograph is taken?

12 A In my hallway.

13 Q And do you recognize the maroon jacket on that  
14 chair?

15 A Yes.

16 Q Who's jacket is that?

17 A Pe's.

18 Q Mr. Vanisi's?

19 A Yes.

20 Q Is that the jacket that he was wearing when he  
21 walked into your apartment?

22 A Yes.

23 Q 23-B, do you recognize that?

24 A Yes.

25 Q And in the center of that photograph is a pair



1 of gloves. Are those the gloves you previously identified  
2 as being Mr. Vanisi's?

3 A Yes.

4 MR. STANTON: Your Honor, I move for admittance  
5 of 23-A and B.

6 MR. GREGORY: We would submit those items, Your  
7 Honor.

8 THE COURT: Exhibit 23-A and 23-B are admitted.  
9 (Plaintiff's Exhibit Nos. 23-A and 23-B  
10 admitted.)

11 BY MR. STANTON:

12 Q Did there come a time, ma'am, when you were  
13 down at the Reno Police Department on January 13 to talk to  
14 Reno homicide detectives?

15 A Yes.

16 Q Was that in the late evening hours of  
17 January 13?

18 A Yes.

19 Q While you were being interviewed, did  
20 detectives come in and show you a photograph from a video  
21 camera at a minimart?

22 A Yes.

23 Q Ma'am, I show you Exhibit 27. Do you remember  
24 seeing this photograph on January 13 at the Reno Police  
25 Department?

1 A Yes.

2 Q In the center of that photograph with his left  
3 arm bent, touching his chin, is an individual. Do you  
4 recognize who that individual is?

5 A Yes.

6 Q Who is that?

7 A Mr. Vanisi.

8 Q And you were asked that same question by  
9 homicide detectives that evening, correct?

10 A Yes.

11 Q And you gave them the same answer?

12 A Yes.

13 MR. STANTON: Move for Exhibit 27 to be  
14 admitted.

15 MR. GREGORY: Again, Your Honor, we will submit  
16 it.

17 THE COURT: Exhibit 27 is admitted.

18 (Plaintiff's Exhibit No. 27 admitted.)

19 MR. STANTON: May I publish, Your Honor?

20 THE COURT: You may.

21 (The exhibit was displayed to the jury.)

22 BY MR. STANTON:

23 Q On Tuesday morning, the 13th of January, 1998,  
24 at your apartment, were you present when Mr. Vanisi asked to  
25 have his appearance changed?

1 A Yes.

2 Q And what happened there?

3 A I heard him from the other room. He was asking  
4 Shamari to shave his beard.

5 Q And did you see Mr. Vanisi after Shamari had  
6 shaved his beard?

7 A Yes.

8 Q What kind of difference did Mr. Vanisi present  
9 after shaving his beard?

10 A There wasn't that much difference. He just  
11 took some hair out because he wanted the Elvis look.

12 Q When you say the Elvis look, what type of look  
13 was that?

14 A What's on the picture.

15 Q Okay. And could you describe it, what you mean  
16 by an Elvis look?

17 A Long sideburns.

18 Q How was his facial hair before the Elvis look?

19 A Bushy.

20 Q I show you Exhibit 24-B. Do you recognize in  
21 this photograph the facial hair of Mr. Vanisi?

22 A Yes.

23 Q Is that the Elvis look that you referred to?

24 A Yes.

25 MR. STANTON: Move for 24-B in evidence, Your

1 Honor.

2 MR. GREGORY: We submit both items, Your Honor.

3 MR. STANTON: Just 24-B, Your Honor.

4 THE COURT: 24-B is admitted.

5 (Plaintiff's Exhibit No. 24-B admitted.)

6 MR. STANTON: May I publish?

7 THE COURT: You may.

8 (The exhibit was display to the jury.)

9 BY MR. STANTON:

10 Q Did there come a time, Ms. Louis, that you  
11 became aware that police were looking for certain items  
12 involved in this case?

13 A Yes.

14 Q How did you know what the police were looking  
15 for?

16 A I saw it on the news.

17 Q And what items did you see on the news the  
18 police were looking for?

19 A Gammick held up the belt, the police belt.

20 Q You said "Gammick." You're talking about the  
21 District Attorney, Dick Gammick, here in court?

22 A Uh-huh.

23 Q You saw him on television?

24 A Yes.

25 Q What was it he held up?

1 A The police belt.

2 Q You watched that on the news?

3 A Yes.

4 Q After you watched that on the news, did you

5 find those items?

6 A Yeah.

7 Q Where were they?

8 A In my kitchen cabinet.

9 Q Exhibit 26, the photograph I showed you

10 previously. Where were -- is this a photograph of where you

11 found them?

12 A Yes.

13 Q Could you point out where in the photograph you

14 found them?

15 A (Indicating.)

16 Q Turn that around. Could you once again point

17 to it?

18 A (Indicating.)

19 Q Is this in the same or similar condition as you

20 found it?

21 A Yes.

22 Q This was taken by the police?

23 A Yes.

24 Q They came to your house?

25 A Yes.

1 Q Did you permit them to photograph this?

2 A Yes.

3 Q After you found the items, what did you do?

4 A I called a detective.

5 Q And how soon after you called did they come to

6 your house?

7 A I would say they were there in like 15 minutes.

8 MR. STANTON: Court's indulgence just a moment.

9 THE COURT: Yes.

10 MR. STANTON: Move for 26 into evidence, Your

11 Honor.

12 MR. GREGORY: Again we will submit it, Your

13 Honor.

14 THE COURT: Exhibit 26 is admitted.

15 (Plaintiff's Exhibit No. 26 admitted.)

16 MR. STANTON: May I publish?

17 THE COURT: Yes, you can.

18 (The exhibit was displayed to the jury.)

19 BY MR. STANTON:

20 Q Do you have any idea how that bag got into your

21 apartment?

22 A No, I don't.

23 MR. STANTON: No further questions.

24 MR. GREGORY: Court's brief indulgence?

25 THE COURT: Yes, counsel.

1 (There was a pause in the proceedings while  
2 Counsel and the defendant conferred.)

3 MR. GREGORY: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. GREGORY:

6 Q Is it Louise (pronouncing)? Is that how you  
7 pronounce your last name?

8 A Louis.

9 Q Louis? Prior to your testifying today, when  
10 was the last time you talked with the District Attorney's  
11 representatives?

12 A Oh, gosh, I don't remember.

13 Q Well, let's try a guess. Was it within the  
14 last month?

15 A Yeah, I'll say last month.

16 Q Okay. Sometime in August, is that what you're  
17 saying?

18 A Yes.

19 Q Did you talk to them today or yesterday prior  
20 to your testimony?

21 A No.

22 Q So, the last time you talked to them was in  
23 August of this year?

24 A Yes.

25 Q Okay. Do you remember testifying at the

1 preliminary hearing? Do you not?

2 A Yes.

3 Q And do you remember giving a statement to  
4 Detective Duncan on January 15 of 1998 when you went to the  
5 police station?

6 A Yes.

7 Q I assume, ma'am, you remember testifying on the  
8 14th of January of this year, some nine months ago?

9 A Yes.

10 Q Ma'am, I've gone through each and every one of  
11 those statements. I don't see you use the word "white"  
12 anywhere. You mentioned that Mr. Vanisi said he was going  
13 to kill a cop. But you never used the term "white." Why  
14 did you decide to use it today?

15 A I don't know, because I have heard him.

16 Q Pardon me?

17 A I have heard him say it.

18 Q Say that he was going to kill a cop?

19 A Uh-huh.

20 Q All right. But you're missing my distinction  
21 here, ma'am. I've gone through these transcripts. You  
22 never used the word "white" anywhere. Not from the first  
23 statement you gave to the police, not at the preliminary  
24 hearing, not at the last time you testified before this  
25 Court. And then today, you decided to use the word "white



1 cop" as opposed to "kill a cop."

2 MR. GREGORY: May I approach the witness, Your  
3 Honor?

4 THE COURT: You may.

5 BY MR. GREGORY:

6 Q I'll show you, this is your testimony, Volume 4  
7 of the transcript, page 773, starting at line 19. Would you  
8 read that to yourself?

9 Going to page 774, line five, did you see the  
10 word "white"?

11 A No.

12 Q What did you indicate at that time? That he  
13 wanted to kill a cop; is that correct?

14 A Correct.

15 MR. GREGORY: I have nothing further from this  
16 witness.

17 THE COURT: Anything further, Mr. Stanton?

18 MR. STANTON: Briefly.

19 REDIRECT EXAMINATION—

20 BY MR. STANTON:

21 Q Ms. Louis, when you met with the District  
22 Attorney's office, the question Mr. Gregory didn't ask you,  
23 did we ever ask you to say the word "white"?

24 A No.

25 Q Why is it your testimony that he said "a white

1 cop" today?

2 A Well, we just had been discussing it and  
3 talking amongst ourselves, with other witnesses.

4 Q Is that because that's what he said,  
5 Mr. Vanisi?

6 A Yes.

7 MR. STANTON: Nothing further.

8 RECROSS-EXAMINATION

9 BY MR. GREGORY:

10 Q But you didn't -- I'm not going to beat this  
11 too far. You gave a statement to the police on January 15,  
12 1998. You testified at the preliminary hearing. And you  
13 testified under oath in this Court last January, asked that  
14 question many times by Mr. Stanton, and by Detective Duncan.  
15 You Never used the word "white"; is that correct?

16 MR. STANTON: Objection, asked and answered.

17 THE COURT: Sustained.

18 MR. GREGORY: Thank you, Your Honor.

19 THE COURT: May the witness be excused?

20 MR. STANTON: From the State's perspective,  
21 yes.

22 MR. GREGORY: Yes, Your Honor.

23 THE COURT: You may step down. You may be  
24 excused.

25 / / /

1 (The witness was excused and left the  
2 courtroom.)

3 THE COURT: Call your next witness.

4 MR. STANTON: The State would call William  
5 Louis.

6 (One witness sworn.)

7 THE CLERK: Thank you. Please be seated at the  
8 witness stand.

9 WILLIAM LOUIS

10 called as a witness on behalf of the Plaintiff,

11 having been first duly sworn,

12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. STANTON:

15 Q You can pull your seat up as close as you can  
16 to the microphone.

17 Could you please state your name?

18 A William Christopher Louis.

19 Q And how old are you, sir?

20 A Sixteen.

21 Q And I direct your attention back to January of  
22 1998. How old were you during that time period?

23 A Fourteen.

24 Q Where were you living?

25 A 1098 North Rock Boulevard, Apartment A.

1 Q Speak up a little.

2 A 1098 Rock Boulevard, Apartment A.

3 Q Who lived with you at that location?

4 A Me, my brothers and sisters and my cousin.

5 Q And who is your cousin?

6 A Laki.

7 Q Do you know an individual by the name of Siaosi

8 Vanisi?

9 A Yes.

10 Q How do you know him?

11 A He's my uncle.

12 Q Do you see him in court today?

13 A Yeah.

14 Q Could you describe where he is in the courtroom

15 and what he's wearing?

16 A To the right of me, wearing a blue suit and a

17 yellow tie.

18 MR. STANTON: May the record reflect the

19 identification of the defendant?

20 THE COURT: Yes, the record will so reflect.

21 BY MR. STANTON:

22 Q In January of 1998 when you first saw

23 Mr. Vanisi here in Reno, where did you see him at?

24 A At a dance.

25 Q And how was he dressed?

1 cop" today?

2 A Well, we just had been discussing it and  
3 talking amongst ourselves, with other witnesses.

4 Q Is that because that's what he said,  
5 Mr. Vanisi?

6 A Yes.

7 MR. STANTON: Nothing further.

8 RECROSS-EXAMINATION

9 BY MR. GREGORY:

10 Q But you didn't -- I'm not going to beat this  
11 too far. You gave a statement to the police on January 15,  
12 1998. You testified at the preliminary hearing. And you  
13 testified under oath in this Court last January, asked that  
14 question many times by Mr. Stanton, and by Detective Duncan.  
15 You Never used the word "white"; is that correct?

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24 excused.

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2 courtroom.)

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16 to the microphone.

17 Could you please state your name?

18 A William Christopher Louis.

19 Q And how old are you, sir?

20 A Sixteen.

21 Q And I direct your attention back to January of  
22 1998. How old were you during that time period?

23 A Fourteen.

24 Q Where were you living?

25 A 1098 North Rock Boulevard, Apartment A.

1 Q Speak up a little.

2 A 1098 Rock Boulevard, Apartment A.

3 Q Who lived with you at that location?

4 A Me, my brothers and sisters and my cousin.

5 Q And who is your cousin?

6 A Laki.

7 Q Do you know an individual by the name of Siaosi

8 Vanisi?

9 A Yes.

10 Q How do you know him?

11 A He's my uncle.

12 Q Do you see him in court today?

13 A Yeah.

14 Q Could you describe where he is in the courtroom

15 and what he's wearing?

16 A To the right of me, wearing a blue suit and a

17 yellow tie.

18 MR. STANTON: May the record reflect the

19 identification of the defendant?

20 THE COURT: Yes, the record will so reflect.

21 BY MR. STANTON:

22 Q In January of 1998 when you first saw

23 Mr. Vanisi here in Reno, where did you see him at?

24 A At a dance.

25 Q And how was he dressed?

1           A     Some raggedy clothes, a leather jacket, I  
2 think.

3           Q     How about his hair and his face? How did he  
4 look in that area?

5           A     He had a beard and some -- I think it was a  
6 wig, brown hair.

7           Q     Were you ultimately able to see on television a  
8 composite drawing regarding a person that the police were  
9 looking for in the murder of Sergeant Sullivan?

10          A     Yeah.

11          Q     I show you Exhibit 6. Do you recognize that?

12          A     Yes.

13          Q     When you saw that on the television news, did  
14 you have an idea who that was?

15          A     Yes.

16          Q     Did you have that idea immediately after you  
17 saw this picture?

18          A     Yes.

19          Q     Who was that?

20          A     Pe.

21          Q     Mr. Vanisi?

22          A     Yes.

23          Q     After the dance -- was this Saturday night, the  
24 dance?

25          A     Yes, Saturday night.



1 Q After the dance, did Mr. Vanisi show you  
2 anything?  
3 A No.  
4 Q Do you remember ever seeing Mr. Vanisi with a  
5 hatchet?  
6 A Yes.  
7 Q When was the first time you saw him with a  
8 hatchet?  
9 A I think it was that night.  
10 Q The night of the dance? You have to answer out  
11 loud.  
12 A Yeah.  
13 Q And where were you when he showed you the  
14 hatchet?  
15 A He didn't show it to me. I just seen it.  
16 Q Where did you see it?  
17 A At the front of the door.  
18 Q At where?  
19 A At the dance.  
20 Q Was he wearing it?  
21 A Yes.  
22 Q Where was he wearing it?  
23 A In his pants.  
24 Q And did you ever hear Mr. Vanisi talk about  
25 killing a police officer?

1 A Yes.

2 Q When was the first time you heard that?

3 A The following Sunday night.

4 Q The Sunday night after the dance?

5 A Yeah.

6 Q Where were you when he first told you about

7 that?

8 A I was in my bedroom.

9 Q At Rock Boulevard?

10 A Uh-huh.

11 Q Did you think he was serious?

12 A No.

13 Q Can you describe the hatchet to me?

14 A It was just metal with a rubber black handle.

15 Q How long was it?

16 A What?

17 Q How big was it?

18 A I'm not sure.

19 Q If you saw it again, do you think you would

20 recognize it?

21 A Yes.

22 Q Exhibit 21?

23 A Yes.

24 Q Is that it?

25 A Uh-huh.

1 Q When you first saw the hatchet, Mr. Louis, how  
2 did it look to you?  
3 A It looked brand new.  
4 Q Did you ever see that hatchet Tuesday morning  
5 at your apartment?  
6 A Yeah.  
7 Q Did it look different?  
8 A Yeah.  
9 Q How did it look when you saw it Tuesday?  
10 A Scraped up, as if it had been used.  
11 Q Did you see anything on the hatchet?  
12 A Yes.  
13 Q What did you see on it?  
14 A Some brown spots and stuff.  
15 Q What did you think those brown spots were when  
16 you first saw them?  
17 A I thought it was blood.  
18 Q Where did you see the hatchet on Tuesday?  
19 A On top of my drawer.  
20 Q In your bedroom?  
21 A Uh-huh.  
22 Q Did you do anything to the hatchet when you saw  
23 it in that condition?  
24 A No.  
25 Q Did you see the hatchet in the possession of

1 somebody else later on Tuesday?

2 A Yes.

3 Q Who?

4 A My little brother had it.

5 Q What is your little brother's name?

6 A Brandon Louis.

7 Q At the time you saw your little brother with

8 the hatchet later on Tuesday, how old was your little

9 brother?

10 A I think 11.

11 Q Pardon me?

12 A He was 11.

13 Q And what did you think when you saw your

14 brother holding the hatchet?

15 A I told him not to touch it.

16 Q And what did you do after you told your brother

17 that?

18 A I grabbed it from him and threw it on the

19 floor.

20 Q Where did you throw it on the floor in your

21 apartment?

22 A By the door, the front door.

23 Q I'm showing you photographs 20-A and 20-B and

24 ask you, Mr. Louis, if you recognize the photographs?

25 A Yeah.

1 Q And do they accurately depict the hatchet where  
2 you placed it based upon your testimony?

3 A Yes.

4 Q Where are those photographs taken?

5 A In my house.

6 Q Where in your house?

7 A At the front door.

8 MR. STANTON: Move 20-A and 20-B into evidence.

9 MR. GREGORY: We will submit both items, Your  
10 Honor.

11 THE COURT: May I see those? 20-A and 20-B are  
12 admitted.

13 (Plaintiff's Exhibit Nos. 20-A and 20-B  
14 admitted.)

15 MR. STANTON: May I publish to the jury?

16 THE COURT: You may.

17 (The exhibits were displayed to the jury.)

18 BY MR. STANTON:

19 Q On Tuesday, did you ever see Mr. Vanisi in  
20 possession of that hatchet?

21 A No.

22 Q How many times did you hear Mr. Vanisi say he  
23 wanted to kill a cop?

24 A I don't know, I'm not sure. A few times maybe.

25 Q More than five?

1 A I don't know. I think so.

2 Q Did he ever tell you why he wanted to kill a  
3 police officer?

4 A No.

5 Q Did he ever tell you what he was going to kill  
6 the police officer with?

7 A No.

8 Q Do you remember giving a statement to police  
9 officers?

10 A Yeah.

11 Q Do you think that might help refresh your  
12 memory about what you saw?

13 A Yes.

14 Q A transcript given the 14th of January, 1998.  
15 Take a look at that. See if you recognize what that  
16 transcript is about.

17 Does that look familiar to you?

18 A Uh-huh.

19 Q And I would like you to turn, Mr. Louis -- at  
20 the very bottom of the page there's references to page  
21 numbers. If you could turn to page four and read to  
22 yourself line 13 through 22.

23 A Read it out loud?

24 Q No, read it to yourself and tell me when you're  
25 done reading it. Thank you.

1 Does that help you remember?

2 A A little bit.

3 Q Okay. On line 21, you talk to the police about  
4 what Mr. Vanisi told you about why he wanted to kill a cop.  
5 Do you remember that? What did you tell the police when you  
6 talked to them about --

7 A I said about money right here.

8 Q Do you remember saying that to the police?

9 A Yeah. I don't know. I'm not sure. Kind of.

10 Q Do you have any reason to believe this  
11 transcript is inaccurate for any reason?

12 A A little bit.

13 Q Okay. Do you think that's wrong about the  
14 money?

15 A No, I don't think that's wrong.

16 Q Were you telling the police the truth when you  
17 told them about the money?

18 A I think that's all I heard, I guess, just heard  
19 that.

20 Q So you heard that from Mr. Vanisi?

21 A I think so.

22 Q If you could turn, Mr. Louis, to page eight.  
23 If you could read lines 12 through 16 to yourself, and tell  
24 me when you're finished.

25 Do you remember Mr. Vanisi making that comment

1 to you now?

2 A Yeah, I think so.

3 Q Could you tell the ladies and gentlemen of the  
4 jury what Mr. Vanisi told you about how he was going to kill  
5 a cop?

6 A Right here?

7 Q You don't need to read it. If that refreshes  
8 your memory?

9 A Yeah, I think so. He wanted to kill a cop with  
10 the hatchet, I guess.

11 Q That's what Mr. Vanisi told you?

12 A Well, he didn't really told me. I heard him.

13 Q You heard him say it to somebody else; is that  
14 correct?

15 A Yeah.

16 Q On Tuesday morning, Mr. Louis, did you happen  
17 to be in the kitchen of your apartment on Rock Boulevard  
18 when it was just you, the defendant, Mr. Vanisi, and Renee  
19 Peaua?

20 A In the morning?

21 Q Morning, afternoon, right around noontime?

22 A I can't remember.

23 Q Let me see if I can put it into a context that  
24 you might remember. It was when Mr. Vanisi whispered  
25 something to Renee. Do you remember that?



1           A     Yeah. Or she whispered something to him,  
2     like -- I don't know. They were just talking.  
3           Q     Where was this conversation?  
4           A     Like in between the kitchen and the living  
5     room, like because it's kind of -- yeah.  
6           Q     Who was talking?  
7           A     Pe and Renee.  
8           Q     Mr. Vanisi and Renee?  
9           A     Yeah.  
10          Q     Renee is who?  
11          A     Is my cousin.  
12          Q     Renee Peaua?  
13          A     Yes.  
14          Q     What did you hear between Mr. Vanisi and Renee?  
15          A     I heard her say, "There's like a big manhunt  
16     for you."  
17          Q     How was Renee saying that to Mr. Vanisi?  
18          A     Whispering.  
19          Q     What did Mr. Vanisi say in response to that?  
20          A     I didn't see him say anything. I don't know.  
21          Q     If you could turn to page 21 of that  
22     transcript. If you could, read lines six through ten. If  
23     you would once again read that to yourself and tell me when  
24     you're finished.  
25                     Does that help you?

1 A No, I don't know.

2 Q Do you remember talking to the police about

3 that?

4 A Yeah.

5 Q And what did you tell the police was said in

6 that conversation that you overheard between Mr. Vanisi and

7 Renee?

8 A Well, I told them that he said yeah, that he

9 killed him.

10 Q Killed who?

11 A In there. Sergeant Sullivan.

12 MR. STANTON: Thank you. No further questions.

13 THE COURT: Cross?

14 MR. GREGORY: Court's indulgence.

15 (There was a pause in the proceedings while

16 Counsel and the defendant conferred.)

17 MR. GREGORY: Thank you, Your Honor. No

18 questions.

19 THE COURT: You may step down.

20 (The witness was excused and left the

21 courtroom.)

22 THE COURT: Call your next witness.

23 MR. STANTON: The State would next call

24 Priscilla Endemann, Your Honor.

25 (One witness sworn.)

1 THE CLERK: Thank you. Please be seated at the  
2 witness stand.

3 PRISCILLA ENDEMANN

4 called as a witness on behalf of the Plaintiff,

5 having been first duly sworn,

6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. STANTON:

9 Q Could you please state your complete name and  
10 spell your first and last name for the court reporter?

11 A Priscilla Lupe Endemann. First name  
12 P-r-i-s-c-i-l-l-a; Endemann, E-n-d-e-m-a-n-n.

13 Q Ma'am, I want to go back to January 1998.  
14 During that time period, ma'am, did you ever have occasion  
15 to meet a person by the name of Siaosi Vanisi?

16 A Yes.

17 Q When was the first time you met him?

18 A On Saturday, January 10.

19 Q And prior to that day, had you ever known  
20 Mr. Vanisi before that?

21 A No.

22 Q What were you introduced to him as, his name?

23 A Pe.

24 Q Do you see that person in court today?

25 A Yes.

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1 Q Could you please point him out, where he is in  
2 the courtroom and what he's wearing?

3 A He's second to the right. He's wearing a blue  
4 suit, yellow tie, and his hair is a lot longer.

5 MR. STANTON: May the record reflect the  
6 identification of the defendant?

7 THE COURT: The record will so reflect.

8 BY MR. STANTON:

9 Q Did you ever hear Mr. Vanisi ever state during  
10 the time period that you knew him that he wanted to hurt  
11 anyone?

12 A Yes.

13 Q What specifically did he tell you?

14 A "I want to kill a cop."

15 Q How many times did you hear him say that during  
16 the time period you knew him?

17 A About ten times.

18 Q And did there come a time where he told you  
19 where he wanted to catch this cop or in what situation he  
20 wanted to do that?

21 A While he was taking a coffee break.

22 Q Did there come a time on Tuesday, the 13th of  
23 January, where you saw a composite drawing on television?

24 A Yes.

25 Q I show you Exhibit 6. Is that the drawing you

1 saw?

2 A Yes.

3 Q When you first saw this drawing on television,

4 ma'am, what was your reaction?

5 A That it fit him so perfect.

6 Q Fit who so perfect?

7 A Pe.

8 Q On the 13th of January, did you have occasion

9 to be present with Mr. Vanisi in an automobile traveling

10 towards the university?

11 A Yes.

12 Q What time of day was that?

13 A It was during the evening.

14 Q Do you remember what time?

15 A Say around 7:00, 7:00 or 8:00 p.m.

16 Q Where were you going?

17 A Towards the church.

18 Q Which church is that?

19 A The Mormon church by the university.

20 Q Is that on the west side of the campus?

21 A I believe so, yes.

22 Q And who was driving the vehicle?

23 A I was.

24 Q And what route were you taking to go to church?

25 A Right in front of the university parking. I'm

1 not sure what street that is.

2 Q Who else was in the vehicle?

3 A Laki, Corrina, and Pe.

4 Q The defendant, Mr. Vanisi?

5 A Yes.

6 Q I show you State's Exhibit 8. I ask you to  
7 take a moment to look at that map and orient yourself.

8 A The university, okay. I think it was Ninth  
9 Street. It was right by the parking where the scene of the  
10 murder was.

11 Q And that was the way you normally go to church?

12 A Yes.

13 Q Where was Mr. Vanisi physically in that car  
14 when you were driving over to church?

15 A In the far back seat.

16 Q As you got to the university, did Mr. Vanisi's  
17 behavior and demeanor change?

18 A Yes.

19 Q Could you explain to the jury how Mr. Vanisi's  
20 demeanor changed and what, if anything, he said as you got  
21 close to the university?

22 A As I started heading to the university, he said  
23 that the campus was closed, that the roads were blocked off.  
24 I told him earlier that day it was open, so we can go  
25 through. He just got quiet.

1 Q Do you remember how his demeanor was, how he  
2 was acting?

3 A He was paranoid.

4 MR. STANTON: Thank you. No further questions.

5 THE COURT: Cross-examination?

6 MR. GREGORY: Court's indulgence.

7 (There was a pause in the proceedings while  
8 Counsel and the defendant conferred.)

9 MR. GREGORY: Thank you, Your Honor. No  
10 questions.

11 THE COURT: You may step down. You are  
12 excused.

13 (The witness was excused and left the  
14 courtroom.)

15 MR. STANTON: Your Honor, the time is now 5:00  
16 o'clock. The State has one additional witness that would be  
17 relatively brief. If that fits in with the Court's  
18 schedule, the State would like to call that witness and then  
19 conclude today.

20 THE COURT: All right. The clock in the  
21 courtroom shows five or six minutes. This witness was on  
22 for about the same amount of time. Are we talking about a  
23 similar length of time?

24 MR. STANTON: Yes, Your Honor.

25 THE COURT: Go ahead and call them.

1 MR. STANTON: The State would call Manaoui  
2 Peaua.

3 (One witness sworn.)

4 THE CLERK: Please be seated at the witness  
5 stand.

6 MANAOUI PEAUUA  
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 Could you state your complete name, spelling  
13 your first and last name for the court reporter?

14 A Manaoui Peaua, M-a-n-a-o-u-i and P-e-a-u-a.

15 Q How old are you?

16 A Twenty-seven.

17 Q How long have you lived in the Reno area?

18 A About 21 years.

19 Q Where do you live, or where did you live in  
20 January of 1998?

21 A 1645 Sterling Way.

22 Q And do you know an individual by the name of  
23 Renee Peaua?

24 A Yes.

25 Q Who is she?



1 A My younger sister.

2 Q Sir, do you know who Siaosi Vanisi is?

3 A Yes.

4 Q Who is he?

5 A My cousin.

6 Q Do you see him in court today?

7 A Yes, I do.

8 Q Would you please describe where he is in the  
9 courtroom and what he's wearing?

10 A Sitting in the defendant's chair, wearing a  
11 blue suit.

12 Q Is he wearing a tie?

13 A In the middle, yes.

14 Q What color is that tie?

15 A Yellow.

16 MR. STANTON: May the record reflect the  
17 identification of the defendant?

18 THE COURT: Record will so reflect.

19 BY MR. STANTON:

20 Q How many times have you seen Mr. Vanisi prior  
21 to his arrival in Reno in January of 1998?

22 A Maybe three or four times.

23 Q When he arrived in Reno in January of 1998, do  
24 you know who picked him up?

25 A I did.

1 Q Where did you pick him up at?

2 A The airport.

3 Q In reference to the murder of Sergeant Sullivan  
4 which occurred approximately 15 minutes after midnight on  
5 January 13, 1998, how many days prior to that day did you  
6 pick up the defendant at the airport?

7 A Maybe a week, maybe less than a week.

8 Q And when you first saw Mr. Vanisi at the  
9 airport, how was he dressed and how did he appear to you?

10 A He had a wig and a beanie on, and a jacket.

11 Q I want to direct your attention to Monday  
12 evening, the 12th of January, approximately 10:00 p.m. Were  
13 you at the Sterling Way address that evening?

14 A Yes.

15 Q What were you doing at home around that time?

16 A Watching T.V.

17 Q Did you see the defendant, Mr. Vanisi, in your  
18 home?

19 A Yes.

20 Q Where was he around that time when you saw him?

21 A Sleeping.

22 Q Where was he sleeping?

23 A In my bedroom.

24 Q Your bedroom?

25 A Yes.

1 Q And where were you in the home from there until  
2 approximately 1:00?  
3 A In my brother's bedroom.  
4 Q And where is that in location to where  
5 Mr. Vanisi was sleeping?  
6 A In the back of the house.  
7 Q Are the rooms, are they anywhere near each  
8 other?  
9 A No.  
10 Q Who was watching movies with you?  
11 A Myself, my brother, his wife.  
12 Q At some point early in the morning, did you see  
13 Mr. Vanisi again where he asked something of you?  
14 A Around 2:00 o'clock.  
15 Q From the time that you saw him sleeping until  
16 the time he asked you at approximately 2:00 o'clock for  
17 something, did you see him in that interim time period?  
18 A No.  
19 Q What did he ask you?  
20 A For a ride.  
21 Q To where?  
22 A To my cousin's house.  
23 Q Where does your cousin live?  
24 A Off Rock Boulevard.  
25 Q Do you know the address?

- 1 A No.
- 2 Q What is your cousin's name?
- 3 A Losa.
- 4 Q When Mr. Vanisi approached and asked you in
- 5 your home for that ride, was he wearing a wig?
- 6 A No.
- 7 Q Was he carrying anything with him?
- 8 A Plastic bag.
- 9 Q What color was the plastic bag?
- 10 A White.
- 11 Q Shopping bag?
- 12 A Yes.
- 13 Q Was there anything in the bag?
- 14 A Yeah, there was.
- 15 Q Do you know what it was?
- 16 A No.
- 17 Q How did the defendant act when you were driving
- 18 from your home to Losa's house?
- 19 A Quiet.
- 20 Q Was that normal for him?
- 21 A It depended, you know. It was 2:00 o'clock in
- 22 the morning. I'm sure he wasn't very loud.
- 23 Q Did he say anything to you on the ride over?
- 24 A We just chitchatted on the way over.
- 25 Q Was he upset?

1           A     No.

2           Q     Was he acting abnormal in any way?

3           A     Not -- no, no.

4           Q     And after you dropped him off -- did you drop

5     him off?

6           A     Yes.

7           Q     Did you go into Losa's house?

8           A     No.

9           Q     Where did you go after that?

10          A     Home.

11                MR. STANTON: No further questions.

12                THE COURT: Cross-examination?

13                MR. GREGORY: Court's indulgence.

14                (There was a pause in the proceedings while

15                Counsel and the defendant conferred.)

16                MR. GREGORY: Thank you, Your Honor. No

17     questions.

18                THE COURT: You may step down. You are

19     excused.

20                (The witness was excused and left the

21                courtroom.)

22                THE COURT: Ladies and gentlemen of the jury,

23     our schedule tomorrow is going to be that we are going to

24     come in the morning and we are going to hear some testimony.

25     We are going to start at 9:00 a.m. I don't know how long it

1 will take. We may get done a few minutes before lunch. I  
2 just don't know for sure.

3 Then I'm going to excuse you for the remainder  
4 of the day. The attorneys have some legal issues that I  
5 have to look at, one of which is the jury instructions that  
6 you will ultimately get in this case. They have an  
7 opportunity to go over what they want me to give and I think  
8 about it and we discuss it. We need a little time to do  
9 that. We are going to do it tomorrow afternoon.

10 You are going to be able to have your afternoon  
11 off. That gives you an idea of what your schedule is going  
12 to be.

13 After tomorrow, you will come back on Monday  
14 morning. I think Monday morning we are starting at 9:00. I  
15 don't think there's anything scheduled before this trial.  
16 We will be back in court Monday morning at 9:00. So you are  
17 going to be Friday morning at 9:00, probably not into the  
18 afternoon. You'll probably have the afternoon off. Then  
19 Monday morning you will be here at 9:00.

20 Tomorrow I'll give you a little bit better idea  
21 of what your day will be like on Monday. For now I expect  
22 it to be a full day on Monday. So you should make those  
23 kinds of arrangements.

24 During this break, I ask that you remember the  
25 admonition you received at all of your breaks. You are not

1 to form or express any opinion about the ultimate outcome of  
2 this matter until it is finally submitted to you for your  
3 decision.

4 You are not to discuss among yourselves or  
5 anyone else any matter having to do with this case. It is  
6 your further duty not to form or express any opinion  
7 regarding the guilt or innocence of the defendant until the  
8 case has been finally submitted to you for decision.

9 You are not to read, listen to or look at any  
10 news media accounts regarding this case. Should any person  
11 attempt to influence you in any manner regarding this case,  
12 you are to notify the bailiff outside your fellow jurors'  
13 presence, who in turn will notify me immediately.

14 Ladies and gentlemen of the jury, you are  
15 excused until tomorrow morning at 9:00 a.m.

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

18 THE COURT: Counsel, I wanted to make a record  
19 so the transcript is clear. We have a lot of "Court's  
20 indulgence" and that's fine. I have absolutely no problem  
21 with that, but I did want to make the record clear that you,  
22 during that time, you and Mr. Bosler and the defendant are  
23 able to communicate and are visiting, and this does seem to  
24 be active discussion between the defendant and counsel,  
25 before you make a decision whether to cross-examine or not.

1 So I just wanted to put that on the record. I didn't want  
2 to do it after each witness.

3 MR. GREGORY: Thank you, Your Honor. Court's  
4 indulgence.

5 (There was a discussion between defense  
6 counsel.)

7 MR. GREGORY: Mr. Bosler did make a point.  
8 Mr. Vanisi's involvement is more as a courtesy. The  
9 exchange is primarily between Mr. Bosler and myself.

10 THE COURT: Obviously I am not listening to  
11 whatever is being discussed. I do see him listening and  
12 from time to time giving you comments, and then the two of  
13 you talking. I want to make sure the record is clear that  
14 you weren't looking at paperwork or something and that you  
15 really were talking to each other. I didn't want to do it  
16 in front of the jury and I didn't want to have a hearing  
17 outside of the presence of the jury every time.

18 MR. BOSLER: The record should reflect  
19 Mr. Vanisi is actually sitting between Mr. Gregory and I.  
20 He has to actually pull his seat out so we can talk.

21 THE COURT: I don't hear what he says, but I do  
22 see him nodding, communicating.

23 Counsel, the schedule tomorrow?

24 MR. STANTON: Your Honor, we have tomorrow  
25 scheduled five witnesses, six witnesses --



1 MR. GREGORY: Seven, eight, nine, ten.

2 MR. STANTON: Six witnesses. They are all  
3 relatively short in order, although the first witness is  
4 Detective Jim Duncan which will take some period of time.  
5 The State is comfortable now that we will conclude prior to  
6 the noon hour.

7 There are a couple additional items that I  
8 would like to address the Court whenever the Court is ready  
9 this afternoon.

10 THE COURT: That's fine. Go ahead.

11 MR. STANTON: Couple of things, Your Honor. We  
12 would request of the Court and the Court staff that the  
13 supplemental questionnaires of the jurors and the alternates  
14 that have been selected in this case, as well as the  
15 supplemental questionnaires of the jurors that were excused  
16 for cause, as well as the ones that were used for peremptory  
17 challenges by both the State and defense, be made a part of  
18 the permanent record in this case.

19 THE COURT: They have been marked already.

20 MR. BOSLER: We join in that request.

21 THE COURT: It was already done. You didn't  
22 have to ask.

23 MR. STANTON: I didn't know. I felt I had to.

24 In addition, Your Honor, there is the issue  
25 that was undecided in trial number one in this case relative

1 to a photograph that is marked 33-A. I want to just  
2 re-raise that issue because that photograph is going to  
3 become relevant for debate and evidentiary value with the  
4 Salt Lake City witnesses scheduled for testimony this coming  
5 Monday morning.

6 The issue, I don't know if the Court  
7 remembers --

8 THE COURT: The picture of Jesus and the elders  
9 of the Mormon church?

10 MR. STANTON: Yes, Your Honor.

11 THE COURT: I remember that much of it.

12 MR. STANTON: Does the Court -- the testimony  
13 that the State believes is going to occur regarding Exhibit  
14 33-A is testimony that, in the presence of a relative of  
15 Mr. Vanisi's, he pointed Sergeant Sullivan's handgun at  
16 photographs of Jesus Christ and elders of the Mormon church  
17 and said he is going to kill these white people.

18 That is the nature and extent of the testimony  
19 regarding the photograph.

20 THE COURT: And the relevance of that  
21 testimony?

22 MR. STANTON: The relevance is that that state  
23 of mind of his intent is exhibited by that conduct and  
24 specifically with the depiction of those individuals, and  
25 the photographs of those individuals depict the intent of

1 Mr. Vanisi's mind that relates back to the target and the  
2 victim in this case, Sergeant Sullivan, a white police  
3 officer; and that it reaffirms Mr. Vanisi's previously  
4 stated intent to kill a white police officer, and that the  
5 ethnicity of that individual was specific, designed, and  
6 premeditated.

7 THE COURT: Mr. Gregory?

8 MR. GREGORY: Your Honor, I believe that the  
9 Court heard arguments on this earlier and I can't remember  
10 if the Court ruled that that picture was not to be admitted  
11 or not. But we are in a position, Your Honor, where the  
12 only thing we can do at this time is submit the matter to  
13 the Court.

14 THE COURT: You can argue its evidentiary value  
15 or lack thereof.

16 MR. GREGORY: Your Honor, I will go this far.  
17 We are going to get into the relationship of Mr. Vanisi with  
18 the Mormon church or with Jesus Christ the savior. I don't  
19 assume they are accusing him of killing Jesus, although that  
20 might have been implied in what Mr. Stanton said. We have  
21 so muddled the waters of this trial.

22 With that, Your Honor, I don't feel comfortable  
23 going beyond that. I'm just going to submit it.

24 MR. STANTON: Well, Your Honor, as I stated,  
25 the State's intention is not to suggest or imply that

1 Mr. Vanisi is the killer of Jesus Christ. As a fundamental  
2 matter, I don't know how that can be reasonably inferred  
3 from what the State's proffered at this juncture or in any  
4 way, shape or form by use of that photograph.

5 As an alternative, the State would suggest that  
6 absent an -- I think the test -- let me back up.

7 Counsel submitting the matter about the  
8 admission of this document as well as all the other  
9 documents, I am confident that at some point a record is  
10 going to be made that the strategy of not only submitting it  
11 to this Court, but the theory of cross-examination through  
12 these witnesses is one of a strategic decision-making  
13 process and not for any other reason.

14 In addition, Your Honor, the question about  
15 this photograph and about the proffer the State has made I  
16 submit to the Court is a question ultimately for this Court  
17 to weigh the probative value versus the prejudicial effect.  
18 The State is cognitive of the fact that any statement  
19 remotely suggesting what Mr. Vanisi did -- once again, I'm  
20 not the one that said it, I'm not the one that did it.  
21 Mr. Vanisi did it. He did it in front of a relative of his,  
22 a very religious man, by the way, David Kinikini. This is  
23 the witness who, when testifying to this fact at the  
24 preliminary hearing, brought a Bible to the witness stand.  
25 He is a devoutly religious Mormon.

1           The State is just offering what the defendant  
2 did. And if the Court determines that in its analysis the  
3 prejudicial effect would outweigh the probative value, then  
4 the State would suggest that an alternative is at least the  
5 State be able to inquire of the witness that he pointed a  
6 gun at a photograph of white people that were on  
7 Mr. Kinikini's wall and stated that he was going to kill  
8 those white people.

9           That would eliminate the prejudicial effect, if  
10 there is any in these circumstances, of the figures that he  
11 is stating that he wants to kill.

12           Obviously, religious and prominent religious  
13 figures in significant religious groups here in the United  
14 States.

15           THE COURT: Mr. Gregory?

16           MR. GREGORY: Eighty percent of the people in  
17 this country are white. For him to extrapolate from  
18 Mr. Vanisi's act of pointing the weapon at the pictures that  
19 has something to do with his wanting to kill white people is  
20 taking it a step that I don't think he can take with it at  
21 this point. I think it is so inherently prejudicial and so  
22 unnecessary in this case to open up the religious can of  
23 worms.

24           This man was an elder in the Mormon church.  
25 The Mormon church is about 99.9 percent white. He has shown

1 through his participation in that church and the levels that  
2 he rose to that he is not a racist. If we are going to get  
3 into those issues, I think we go down a rabbit trail and run  
4 the risk of distracting this jury.

5 THE COURT: I am not going to admit it in the  
6 case in chief. I may reconsider that if it becomes  
7 relevant if we have a penalty hearing. But I think it is  
8 unnecessary to show, to prove motive in this case.

9 I am concerned about the prejudicial effect not  
10 only with regard to -- I don't know if we have any  
11 Christians or Mormons on our jury, but I assume that we  
12 probably do have, there's potential for either one. Easily  
13 recognized figures. It could imply that he should be found  
14 guilty because he wanted, if the testimony is believed, to  
15 kill the elders and/or was being sacrilegious with respect  
16 to a picture that could be purported to be Jesus Christ.

17 For those reasons I think there's potential for  
18 the jury to misunderstand the relevancy of the evidence. I  
19 find the prejudicial effect outweighs the probative value.  
20 I will not allow the admission of the exhibit. You can  
21 reapply if there's a penalty hearing if you think about it.  
22 See if it may at that point become more relevant.

23 MR. STANTON: That's all the items that the  
24 State has at this juncture.

25 THE COURT: Okay. Anything further for the

1 defense?

2 MR. GREGORY: No, Your Honor.

3 THE COURT: Okay, then. Court is in recess.

4 (The trial adjourned at 5:16 p.m.)

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I, KAREN YATES, 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 23rd day of  
September, 1999.

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Code No. 4185

FILED

SEP 23<sup>MS</sup> 1999

AMY HARVEY  
By: *[Signature]*  
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.

Case No. CR98-0516  
Dept. No. 4

TRIAL - VOLUME 5  
September 24, 1999  
Reno, Nevada

APPEARANCES:

For the Plaintiff:

RICHARD A. GAMMICK  
District Attorney  
DAVID L. STANTON  
Chief Deputy District Attorney  
75 Court Street  
Reno, Nevada

For the Defendant:

STEPHEN GREGORY  
and JEREMY BOSLER  
Deputies Public Defender  
One South Sierra Street  
Reno, Nevada

The Defendant:

SIAOSI VANISI

ORIGINAL

Reported by:

DENISE PHIPPS, CCR No. 234  
KAREN YATES, CCR No. 195

SIERRA NEVADA REPORTERS (775) 329-6560

I N D E X

WITNESSES:

DIRECT    CROSS    REDIRECT

JIM DUNCAN	800	--	--
FERNANDO MOREIRA	835	--	--
LOUIS HILL	841	--	--
PATRICIA MISITO	846	--	--
CALEB BARTELHEIM	855	858	860
DIANA SHOUSE	861	--	--

EXHIBITS:

Marked for  
Identification

Admitted  
into  
Evidence

11	--	817
21	--	820
22	--	833
23A & B	--	816
24C	--	828
25	--	818
29A & B	--	827
31A	--	838
31C, D & G	--	839
31E & F	--	838
32A & B	--	844
42	--	852

RENO, NEVADA, FRIDAY, SEPTEMBER 24, 1999, 9:10 A.M.

-oOo-

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

MR. GAMMICK: Yes, Your Honor.

MR. GREGORY: Defense would so stipulate, Your Honor.

THE COURT: Thank you. Call your next witness.

MR. GAMMICK: Detective Jim Duncan, please.

THE CLERK: Please raise your right hand.

(Witness sworn.)

THE CLERK: Please be seated at the witness stand.

JIM DUNCAN

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 Jim Duncan, D-u-n-c-a-n.

SIERRA NEVADA REPORTERS (702) 329-6560

1 Q What's your profession or occupation?

2 A I'm a police officer for the City of Reno.

3 Q And how long have you been a police officer?

4 A About 14 years now.

5 Q And do you have any specific duties that you do

6 at this time?

7 A Yes, I'm assigned to the robbery/homicide unit

8 as a detective.

9 Q And how long have you been a detective?

10 A About seven years.

11 Q And in January of 1998 were you in that

12 capacity?

13 A Yes, sir, I was.

14 Q And doing robbery/homicide then, too?

15 A Actually, then it was called the major crimes

16 unit.

17 Q How long have you been investigating murders,

18 homicides?

19 A Most of the seven years.

20 Q Do you know what POST stands for, P-O-S-T?

21 A Yes.

22 Q What is that?

23 A Those letters stand for the Peace Officers

24 Standards in Training.

25 Q And what is that? How does that affect your

1 life?

2 A Those are the minimum requirements or  
3 requirements set by the state of Nevada that a person must  
4 achieve to become a licensed or a sworn peace officer.

5 Q And is it a certification process?

6 A Yes, it is.

7 MR. GREGORY: Your Honor, I'll stipulate to the  
8 expertise of Detective Duncan. I've known him for several  
9 years.

10 MR. GAMMICK: I just have a couple more  
11 questions in this area that I believe are pertinent, Your  
12 Honor, and then that would be fine.

13 THE COURT: Okay.

14 MR. GAMMICK: Thank you.

15 BY MR. GAMMICK:

16 Q Is part of that training weaponless defense?

17 A Yes, sir.

18 Q And what is that?

19 A That's the use of force necessary to effect  
20 arrests or protect yourself or other persons. It includes  
21 things not only physically with your hands, impact weapons,  
22 batons, chemical sprays, pepper sprays, all of the items  
23 that a peace officer uses or has at their disposal.

24 Q And then do you receive weapon training?

25 A Yes.

1 Q And what does that entail?

2 A That's the actual use of the deadly force or  
3 the different weapons we have, the hand-carried weapons and  
4 long rifles, long guns, all the weapons that can effect  
5 deadly force.

6 Q Now, as a sworn peace officer, are you required  
7 to do this type of training on an annual basis, refresher  
8 training, so to speak?

9 A Yes, to maintain your proficiency in all of it.

10 Q And Sergeant Sullivan as a uniformed officer  
11 would have gone through the same training you did?

12 A Yes.

13 MR. GREGORY: I'm going to object to Detective  
14 Duncan's testifying as to what Sergeant Sullivan did, Your  
15 Honor.

16 THE COURT: Lay a foundation.

17 BY MR. GAMMICK:

18 Q Do these requirements pertain to all police  
19 officers that are uniformed police officers that work on the  
20 street?

21 A Yes.

22 Q And Sergeant Sullivan, to your knowledge, was a  
23 uniformed police officer?

24 A Yes, sir.

25 MR. GAMMICK: Is that sufficient, Your Honor?

1 THE COURT: Yes.

2 BY MR. GAMMICK:

3 Q January 13th, 1998, Tuesday morning, sometime

4 after 1:00 in the morning, were you called out?

5 A Yes, sir, I was.

6 Q And where were you?

7 A I was at home in bed.

8 Q When you have a major crime -- and I believe

9 you stated at that time you were on the major violators

10 unit -- when you had a major crime, how would you be

11 notified?

12 A I was in the major crimes unit and we were

13 notified, if it was after normal business hours, you would

14 be called at home by one of your supervisors.

15 Q And were you part of a team?

16 A Yes.

17 Q And on this particular night was the entire

18 team called out?

19 A Yes, it was.

20 Q About what time -- or did you arrive at the

21 university campus?

22 A I did.

23 Q About what time was that?

24 A Just after two a.m.

25 Q And if you'll notice in front of you are

1 Exhibits 7 and 8. Do you recognize, first of all, start  
2 with the upper exhibit, No. 7, do you recognize that and  
3 what it depicts?

4 A Looks like a map of parts of Reno and Sparks.

5 Q And then No. 8, the overhead photograph?

6 A Definitely aerial photos. Looks like the  
7 university area.

8 Q And I'll call your attention to this area right  
9 here at the south end of the university on either chart. Is  
10 that the area you responded to?

11 A Yes. Near the intersections of Center and  
12 Ninth Street.

13 Q Can you see this all right or do I need to get  
14 it up higher?

15 A Not the bottom of it.

16 Q We won't do much with that, then.

17 When you arrived, what did you observe?

18 A Well, there were numerous uniformed officers  
19 that were stationed along the sidewalk on Ninth Street  
20 adjacent to the property of the campus. They were stationed  
21 in increments obviously to secure that area and not let  
22 people come and go. Also the yellow crime scene barrier  
23 tape had been strung the entire length of Ninth Street, and  
24 then numerous officers right at what's really the main  
25 entrance and no gates or anything that would stop traffic,



1 they had more officers to physically stop traffic.

2 Q And does Reno have a mobile operations center?

3 A Yes, we do.

4 Q Was that also brought to the scene?

5 A Yes, it was.

6 Q To the best you can recall at this time, name  
7 some of the agencies that were present, not only when you  
8 arrived but also arrived after you did.

9 A Nevada Highway Patrol had people there. The  
10 Washoe County Sheriff's Office, the Sparks Police  
11 Department, UNR Police Department and Reno Police Department  
12 that I can think of right off the bat.

13 Q And do you know who Raven is?

14 A Yes.

15 Q What is that?

16 A Raven is a name or the call sign for the Washoe  
17 County Sheriff's Office helicopter air unit.

18 Q And were they also in the air?

19 A Yes, they were.

20 Q Did there come a time when dogs were brought  
21 in?

22 A Yes.

23 Q For what purpose?

24 A The dogs can track human scent and article  
25 searches; such as anything that a human has touched and

1 thrown in a bush, they will actually go into the bush and  
2 pull it out.

3 Q Now, when an investigation such as this one or  
4 even when this investigation gets started, is there a time  
5 line on it? Do people go home at the end of their shift?  
6 Do you only work so many hours and then go home? How does  
7 this work?

8 A The way the Reno Police Department has always  
9 worked in my experience is we don't stop unless we're at a  
10 point where there are no leads and there's nothing else to  
11 do. We just generally go 24 hours a day.

12 Q I'll jump ahead a little bit. Was there a time  
13 when a suspect was taken into custody?

14 A Yes, sir.

15 Q Do you recall approximately when that was?

16 A I believe it's, I want to say, Wednesday, maybe  
17 Tuesday. Tuesday evening -- well, it would be the 14th,  
18 that's Wednesday.

19 Q The 14th was Wednesday. Would that be the day?

20 A I believe so, yes.

21 Q From the time you responded Tuesday morning,  
22 arrived at about 2:00 until he was taken into custody  
23 Wednesday on the 14th in the evening, did the investigation,  
24 everyone continue this investigation?

25 A Yes, sir.

1 Q What type of activities were going on?

2 A Well, initially we have the crime scene and  
3 what we believe to be an outstanding suspect. So we've got  
4 to process the primary crime scene, which is where the  
5 actual murder occurred, and then branch out. And in effect  
6 what happened was we had SWAT teams that searched every  
7 building on the campus, the interiors. The Washoe County  
8 Hasty Team came out and did a shoulder-to-shoulder,  
9 inch-by-inch search of all the grounds outside the buildings  
10 to pick up everything that looked like or even possibly  
11 could be an item of evidence.

12 They also drained the lake, Manzanita Lake, I  
13 believe it's called, and lowered the ditches, the  
14 tributaries that run into the lake and around the campus,  
15 lowered the water levels and searched those areas too.

16 Q I call your attention to Tuesday afternoon.  
17 About two in the morning. We'll go on past noon to Tuesday  
18 afternoon. Were there any active leads that were being  
19 followed up at that time, possible suspects?

20 A No.

21 Q Were you looking for someone at that time,  
22 though?

23 A No.

24 Q Were you looking for someone in connection with  
25 the possibility of being a witness or having been on campus?

1 A Yes, sir, we were.

2 Q As a result of that, I'll back up a little bit,  
3 on Tuesday morning, did you release a composite to the  
4 media?

5 A Yes, we did.

6 Q I'll show you No. 6 and ask if you recognize  
7 that?

8 A Yes, that is the composite.

9 Q So that was being shown on the media but you  
10 didn't have any active leads come Tuesday afternoon?

11 A Correct.

12 Q Tuesday evening did something happen?

13 A Yes, it did.

14 Q And what was that?

15 A We received a call to the Secret Witness hot  
16 line and that information was immediately filtered to us,  
17 the investigators.

18 Q What was the subject matter of that call?

19 A It was that a Tongan male had committed a 187.

20 MR. GREGORY: Your Honor --

21 MR. GAMMICK: This is not being offered --

22 MR. GREGORY: Is it being offered for his state  
23 of mind?

24 MR. GAMMICK: Yes.

25 MR. GREGORY: No objection.

1 THE COURT: Thank you. You may proceed.

2 BY MR. GAMMICK:

3 Q Go ahead, please.

4 A That was the main portion of the call, the  
5 parts of interest was that a Tongan male had committed a 187  
6 recently.

7 Q What does 187 mean to you as a homicide  
8 investigator?

9 A 187 is the Penal Code or the number for  
10 California Penal Code of murder.

11 Q Was any identifying information besides the  
12 fact that it was a Tongan male given to the investigators  
13 through the Secret Witness call?

14 A Yes. It was the name Baya, B-a-y-a, was  
15 written on the sheet.

16 Q Were you able to identify Baya?

17 A Yes.

18 Q And who was identified as being Baya?

19 A The defendant, Siaosi Vanisi.

20 Q Do you see him in court today?

21 A Yes, I do.

22 Q Would you please indicate where he's seated and  
23 what he's wearing?

24 A He's sitting next to Mr. Gregory, a gray suit  
25 and a tie with red and gray in it.

1 MR. GAMMICK: May the record reflect the  
2 identification of the defendant, Vanisi, Your Honor?

3 THE COURT: The record will so reflect.

4 BY MR. GAMMICK:

5 Q As a result of your investigation now and  
6 having a suspect identified, or was he a suspect now at this  
7 time, after receiving that information?

8 A Well, initially, yes. He would certainly be  
9 our best person to look at at that point.

10 Q In fact, at that time we're talking a suspect  
11 as compared to the suspect?

12 A Yes.

13 Q And was there investigation continued along  
14 this line of Mr. Vanisi?

15 A Yes, there was.

16 Q And as a result of this continued investigation  
17 did you wind up going to a residence in Sparks?

18 A Yes, sir, I did.

19 Q And where was that?

20 A It was on Rock Street. It was 1098 Rock.  
21 Apartment A.

22 Q Right where I'm pointing the pointer at now on  
23 No. 7?

24 A Yes, sir.

25 Q When you arrived, why did you go there?

1           A     Well, we had information that that was one  
2     local residence that Mr. Vanisi had visited and may in fact  
3     be there or come back to.

4           Q     Did you have information about a possible other  
5     residence he may be at?

6           A     Yes.

7           Q     Where was that?

8           A     On Sterling, 1645.

9           Q     Right in the area I'm pointing at now?

10          A     Yes.

11          Q     And did you have any information about  
12     somewhere else where he may be hanging out or he used to  
13     stay at?

14          A     Well, we had heard he'd been at a Mormon  
15     church.

16          Q     Again, the location of that about where I'm  
17     pointing now on the chart?

18          A     Yes, just up off the university, yes.

19          Q     So did officers respond to all of those  
20     locations?

21          A     Yes.

22          Q     And you went to 1098 Rock?

23          A     Yes, sir.

24          Q     Describe that. Did you know where Mr. Vanisi  
25     was?

1 A No, we didn't.

2 Q Did you have information concerning Sergeant  
3 Sullivan's handgun and whether or not it had been recovered?

4 A Yes, I did. It hadn't been recovered and we  
5 knew it was missing from the scene and from Sergeant  
6 Sullivan's person.

7 Q So how do you as police officers handle going  
8 to 1098 Rock Boulevard knowing you have the possible suspect  
9 that may be armed out there?

10 A We actually had several detectives on all  
11 locations in what we call a surveillance or stakeout.  
12 Initially we don't make contact but we do set up so we can  
13 see visually the area of people coming and going and any  
14 vehicles or any activities. And that's what we did at each  
15 location.

16 Q Did you take any other type of action, you  
17 meaning collectively as the police officers, take any other  
18 type of action on Rock Boulevard before you approached that  
19 residence?

20 A No. We sat up, made sure that all exits and  
21 entrances were covered and we could see it. And we watched  
22 it for just a short time.

23 Q Was there any concern for the neighbors if  
24 there was some kind of problem there?

25 A Yes. We do usually and did clear out neighbors



1 that would be at least in the immediate danger area if there  
2 is gun fire. They usually can travel through the walls. So  
3 you can move out at least a few neighbors on either side.

4 Q Did there come a time when you did approach  
5 that residence?

6 A Yes.

7 Q And would you please explain what occurred.

8 A There were some Tongan juveniles kind of  
9 playing around outside. We hadn't seen any other movement.  
10 So we did approach, my partner and I approached, and talked  
11 with them. They said they lived there. They were locked  
12 out of the house. Their parents or the adults that lived  
13 there had the keys, were coming home at any time. So they  
14 were just waiting for them. So we waited outside with them  
15 for a few minutes.

16 Q Did you identify those individuals?

17 A Yes, we did.

18 Q Bill and Mossy?

19 A Yeah. I don't remember their names. I  
20 remember we spoke with them and got their identity at that  
21 time.

22 Q Brothers of the person that actually --

23 MR. GREGORY: I'm going to object.

24 BY MR. GAMMICK:

25 Q Were they related to the person that actually

1 lived there?

2 A Yes.

3 Q What was the relationship?

4 A They said they were brothers and sisters of the  
5 people.

6 MR. GREGORY: I'm going to object to  
7 Mr. Gammick testifying, Your Honor, and leading the witness.  
8 If he doesn't remember, he doesn't. I don't mean to be  
9 difficult.

10 THE COURT: I think Mr. Gammick realized he was  
11 leading and rephrased his question. So the objection for  
12 leading is sustained. But I think it's been corrected.

13 MR. GAMMICK: Thank you, Your Honor.

14 BY MR. GAMMICK:

15 Q Did there come a time when you did enter the  
16 residence?

17 A Yes, sir.

18 Q And was Mr. Vanisi there?

19 A No, he wasn't.

20 Q How did you secure the residence for your own  
21 safety?

22 A We do what we call a security sweep and just  
23 quickly go through all the rooms and look where a human  
24 being could be hiding, not a search of small drawers or  
25 anything like that, just to look for our own safety where a

1 person could be hiding.

2 Q I'm going to show you 23-A and 23-B, ask you to  
3 look at those. Do those accurately depict what you found  
4 there that evening?

5 A Yes, they do.

6 MR. GAMMICK: I'd move for 23-A and 23-B, Your  
7 Honor.

8 MR. GREGORY: Thank you, Your Honor. We would  
9 submit it.

10 THE COURT: Exhibit 23-A and 23-B are admitted.

11 (Plaintiff's Exhibits 23-A and 23-B were  
12 admitted.)

13 BY MR. GAMMICK:

14 Q What's depicted in those photographs, sir?

15 A There's a maroon or burgundy colored leather  
16 type jacket.

17 Q If I can stop you there for a second. We'll  
18 talk about that for a minute. Did you ultimately wind up  
19 collecting that jacket from that scene?

20 A Yes, sir.

21 Q And I'll show you what's been marked as Exhibit  
22 No. 11, see if you recognize this, sir?

23 A That's the jacket.

24 Q And you took this and submitted it to the  
25 laboratory people or the evidence collection people to be

1 submitted to the laboratory?

2 A We actually had the crime lab people come out  
3 and pick it up physically after they photographed it, yes.  
4 And they kept it.

5 MR. GAMMICK: I'd move for No. 11, please.

6 THE COURT: Counsel?

7 MR. GREGORY: Again, we would submit it.

8 THE COURT: Exhibit 11 is admitted.

9 (Plaintiff's Exhibit 11 was admitted.)

10 BY MR. GAMMICK:

11 Q Then I believe you were going to start talking  
12 about another item being in those photographs.

13 A Yes, there's a beige or cream colored leather  
14 glove.

15 Q I'll show you what I believe is item 25 and ask  
16 you to look at these and see if you recognize those.

17 A Yes, sir, I do.

18 Q Are those the gloves that are depicted in that  
19 photograph?

20 A Only one glove is depicted, but two were  
21 actually there. One was still inside the pocket.

22 Q And again, did you have the crime lab come down  
23 and collect the gloves as well as the jacket?

24 A Yes, sir.

25 Q And who is responsible for requesting specific

1 types of tests to be done in the laboratory?

2 A The actual final responsibility lies with the  
3 primary detectives, the case agents.

4 Q Were you the case agent in this case, or one of  
5 them?

6 A Yes, sir, I was.

7 Q Did you request any kind of testing on these  
8 gloves and on that jacket?

9 A Yes, sir.

10 Q What type?

11 A To test for the presence of what appeared to me  
12 to be blood.

13 MR. GAMMICK: If I haven't moved for 25, I  
14 will, Your Honor.

15 MR. GREGORY: Again, we will submit it.

16 THE COURT: Exhibit 25 is admitted.

17 (Plaintiff's Exhibit 25 was admitted.)

18 MR. GAMMICK: May I publish these to the jury,  
19 Your Honor?

20 THE COURT: You may.

21 BY MR. GAMMICK:

22 Q These photographs show the condition that these  
23 items were in when you entered the apartment?

24 A Yes, sir.

25 Q When you entered the residence, did you see

1 another item that you ultimately seized as evidence?

2 A Yes, sir.

3 Q What was that?

4 A It was a hatchet laying on the floor just  
5 inside the door.

6 Q Show you what has been marked as 20-A and 20-B,  
7 ask you if you recognize those photographs.

8 A Yes, sir, that's the hatchet just as I saw it.

9 Q And are those accurate photographs of what you  
10 saw when you came in the door of 1098 Rock Boulevard,  
11 Apartment A?

12 A Yes, they are.

13 MR. GAMMICK: Your Honor, I'd move for those  
14 two photographs to be admitted.

15 MR. GREGORY: I believe they already are, Your  
16 Honor.

17 THE COURT: Yes, I think so. 20-A and B were  
18 previously admitted.

19 MR. GAMMICK: Thank you.

20 May I publish?

21 THE COURT: Yes, you may.

22 BY MR. GAMMICK:

23 Q I'm going to show you item 21 and ask if you  
24 recognize this item.

25 A Yes, sir, I do. That's the hatchet you just

1 had in the pictures.

2 Q The one you found inside the door and had  
3 picked up by forensic investigators?

4 A Yes, sir.

5 MR. GAMMICK: Your Honor, I move for 21 to be  
6 admitted, please.

7 THE COURT: Counsel?

8 MR. GREGORY: We submit it, Your Honor.

9 THE COURT: Exhibit 21 is admitted.

10 (Plaintiff's Exhibit 21 was admitted.)

11 BY MR. GAMMICK:

12 Q Now, at the time you found this, did you see  
13 anything on it that raised your suspicions and resulted in  
14 you requesting testing on this item?

15 A Yes, sir. In the little crevices on it, in the  
16 shaft and also on the blade itself, there appeared to be  
17 dried blood.

18 Q Did you request testing for blood?

19 A Yes.

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

21 THE COURT: You may.

22 BY MR. GAMMICK:

23 Q Did there come a time when during the course of  
24 the investigation the at least suspected origin of that  
25 hatchet was determined?

1 A Yes.

2 Q And was that a local store?

3 A Yes, sir, a WalMart store.

4 Q Were there other hatchets purchased at that  
5 store by you or your team of investigators during the course  
6 of this investigation?

7 A Yes, sir, there were.

8 Q Let me show you what's been marked Exhibit 5  
9 which is for demonstrative purposes and ask if you recognize  
10 that?

11 A Yes, that's one of the hatchets we purchased  
12 for the investigation.

13 MR. GAMMICK: Your Honor, I'd ask this be  
14 admitted for demonstrative purposes only.

15 THE COURT: It has been.

16 BY MR. GAMMICK:

17 Q Did you also submit a request for the testing  
18 of the blood found on Sergeant Sullivan's car?

19 A Yes, sir.

20 Q At the time you were at the stakeout at 1098  
21 Rock Boulevard, did you have communications capabilities?

22 A Yes, I did.

23 Q What did you have with you?

24 A I had a cell phone and a Reno Police Department  
25 hand-held radio.



1 Q And did you monitor some activity that you felt  
2 may have been tied in with this case or what you were doing?

3 A Yes, sir.

4 Q What was the nature of that activity?

5 A I heard a couple two or three calls that seemed  
6 to be related. One was a stolen car in the northeast Reno  
7 neighborhood, and minutes after that, within a short time of  
8 that stolen car, we had two armed robberies of convenience  
9 stores. When the dispatcher put out the armed robberies and  
10 descriptions, she described in one a Hawaiian looking male  
11 and the other one, one of the victims or witnesses at the  
12 robbery was familiar with weapons and had mentioned it was  
13 definitely a Glock pistol that was being brandished by the  
14 Hawaiian type male in that one. So those three to me seemed  
15 all related to Mr. Vanisi.

16 Q Why did Glock -- is that a brand name for a  
17 handgun?

18 A Yes. And that's the same type that Sergeant  
19 Sullivan had and that we were missing in our investigation.

20 Q That's Tuesday night that that happened.  
21 Anything else major develop on through Tuesday night and on  
22 into Wednesday morning?

23 A No. After the robberies, the stakeouts  
24 continued. The robberies stopped and it was pretty quiet as  
25 far as our investigation. We had no more leads and there

1 was no real activity going on.

2 Q Did you make application for an arrest warrant?

3 A Yes, sir.

4 Q And through a judge?

5 A Yes.

6 Q Was an arrest warrant granted?

7 A Yes, there was.

8 Q Once you an arrest warrant, then what do you do  
9 with that information?

10 A We put it on the national crime computer,  
11 which -- so that any law enforcement officer that may come  
12 in contact with Mr. Vanisi at least would have the  
13 information that he was wanted for a violent crime out of  
14 Reno.

15 Q Did you receive such information?

16 A Yes, we did.

17 Q And what agency or who contacted you with  
18 respect to Mr. Vanisi?

19 A The Salt Lake County Sheriff's Office, Salt  
20 Lake, Utah.

21 Q Do you recall about what time that was?

22 A I think it was in the early afternoon or early  
23 evening on Wednesday.

24 Q As a result of the information you received  
25 from Salt Lake City, what did you do?

1           A     My partner and I made arrangements to get on  
2 the very next flight out of Reno to go to Salt Lake.

3           Q     Your partner being?

4           A     At that point it was Detective David Jenkins.

5           Q     Did something happen while you were en route to  
6 Salt Lake City or were you advised of something?

7           A     Yes. At the time we carried pagers that were  
8 alpha or alpha pagers that they could type a message. As we  
9 were on the runway just starting to lift off, we got  
10 messages that Mr. Vanisi had been taken into custody.

11          Q     Did you go ahead and go to Salt Lake City?

12          A     Yes, we did.

13          Q     You and Detective Jenkins?

14          A     Yes, sir.

15          Q     Did you meet with investigators there?

16          A     Yes, sir.

17          Q     From where?

18          A     From the Salt Lake County Sheriff's Office.

19          Q     Did you meet a person by the name of Vainga  
20 Kinikini?

21          A     Yes, we did.

22          Q     What was your understanding of his relationship  
23 to the defendant, Mr. Vanisi?

24          A     He was a cousin to Mr. Vanisi.

25          Q     Did you receive information from Mr. Kinikini?

1 with respect to some evidence that had not been recovered  
2 yet in Reno?

3 A Can you repeat that?

4 Q Did you receive some information from  
5 Mr. Kinikini about some evidence that had not been recovered  
6 yet in Reno?

7 A Yes, sir.

8 Q And did that pertain to a wig and a hat?

9 A Yes.

10 MR. GREGORY: I'm going to object to the  
11 leading, Your Honor.

12 THE COURT: Sustained.

13 BY MR. GAMMICK:

14 Q What did it pertain to?

15 A Mr. Kinikini said that when he spoke with  
16 Mr. Vanisi, that he told him that he had been wearing a wig  
17 and a hat and he discarded that after the crime.

18 Q Was a more specific location given?

19 A He told him that he had thrown it in a ditch  
20 area or in an area leaving the campus to the east or towards  
21 the Sterling house.

22 Q And did that information ring true to you from  
23 your knowledge of the area just east of the campus?

24 A Yes, I knew the area that he was describing.

25 Q And is there a ditch there?

1 A Yes.

2 Q Does it have running water?

3 A Depending on the time of year, yes.

4 Q And did you bring that information back to  
5 Reno?

6 A Yes.

7 Q Was there -- to your knowledge was there a  
8 search made of that area?

9 A Yes. The hasty team or the search and rescue  
10 did do a search.

11 Q Did you bring other items back with you from  
12 Salt Lake City?

13 A Yes, we did.

14 Q I'll show you what's marked as 29-A and B, ask  
15 you to look at those photographs. Do you recognize those  
16 photographs?

17 A Yes.

18 Q And are those true and accurate depictions of  
19 what's contained in them?

20 A Yes, it is.

21 MR. GAMMICK: Your Honor, I move for 29-A and  
22 B.

23 THE COURT: May I see them?

24 MR. GREGORY: Submit it.

25 MR. GAMMICK: Did you ask to see them, Your

1 Honor?

2 THE COURT: Yes, please.

3 You say submitted?

4 MR. GREGORY: Yes, Your Honor.

5 THE COURT: They're admitted.

6 (Plaintiff's Exhibits 29-A and 29-B were  
7 admitted.)

8 BY MR. GAMMICK:

9 Q What do these depict?

10 A It's the clothing that the Salt Lake Sheriff's  
11 Office told us Mr. Vanisi was wearing at the time of his  
12 arrest.

13 Q And I believe in 29-A is shown a pair of boots?

14 A Yes.

15 Q And you were advised that all of that clothing  
16 belonged to Mr. Vanisi or at least was on Mr. Vanisi at the  
17 time of his arrest?

18 A Yes, we were.

19 Q Was there anything on the boots that prompted  
20 you to request further testing?

21 A Yes. There was what appeared to be blood on  
22 those also.

23 Q And did you request further testing on those  
24 boots?

25 A Yes, I did.

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

2 THE COURT: You may.

3 BY MR. GAMMICK:

4 Q Did you bring back any other items?

5 A Yes.

6 Q What was the next item, please?

7 A Well, we brought back fingerprint cards of  
8 Mr. Vanisi. We brought back photographs of Mr. Vanisi.

9 Q Let me show you what's been marked as 24-C and  
10 ask you if you recognize that.

11 A Yes, sir, I do.

12 Q Is that a true and accurate picture?

13 A Yes. That's his booking photo from the Salt  
14 Lake --

15 Q Excuse me just a second. I move for 24-C to be  
16 admitted.

17 THE COURT: Counsel?

18 MR. GREGORY: We would submit it.

19 THE COURT: Admitted.

20 (Plaintiff's Exhibit 24-C was admitted.)

21 BY MR. GAMMICK:

22 Q Go ahead.

23 A It's the booking photo that the Salt Lake  
24 County Sheriff's Office gave to us of Mr. Vanisi.

25 Q That's the person whose clothing you brought

1 back and the fingerprint card and other items that you're  
2 describing?

3 A Yes, sir.

4 MR. GAMMICK: May I publish?

5 THE COURT: You may.

6 BY MR. GAMMICK:

7 Q Did you bring a weapon back?

8 A Yes, sir, we did.

9 Q And was that recovered in Salt Lake City by the  
10 sheriff's department?

11 A Yes, sir, it was.

12 Q Let me show you 15-A, B and C and ask if you  
13 recognize these items.

14 A Yes, sir, I do.

15 Q Are those the items you brought back from Salt  
16 Lake City?

17 A Yes, they are.

18 MR. GAMMICK: I'd move for 15-A, B and C, Your  
19 Honor.

20 THE COURT: Counsel.

21 MR. GREGORY: We would submit it, Your Honor.

22 THE COURT: 15-A, B and C are admitted.

23 (Exhibits 15-A, B and C were admitted.)

24 BY MR. GAMMICK:

25 Q Were you present -- first of all, is the



1 weapon, is that a Glock weapon?

2 A Yes, it is.

3 Q Does it have a serial number?

4 A Yes, it does.

5 Q Were you present when a comparison was made  
6 between the serial number on that weapon and Sergeant  
7 Sullivan's weapon?

8 A I made that comparison, yes.

9 Q And was it the same serial number?

10 A Yes, it was.

11 Q Is that Sergeant Sullivan's weapon?

12 A Yes, it is.

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

14 THE COURT: You may.

15 BY MR. GAMMICK:

16 Q I guess as to items B and C, what are those?

17 A The bullets and the magazine that were actually  
18 in the gun when Salt Lake City recovered it. That's just  
19 unloaded now.

20 Q After you returned from Salt Lake City, was  
21 there a time that you were contacted to go back to 1098 Rock  
22 Boulevard?

23 A Yes, there was.

24 Q And did you return to that address?

25 A Yes, sir, I did.

1 Q Did you find other items of evidentiary value  
2 there?

3 A Yes, sir.

4 MR. GREGORY: May I see that?

5 MR. GAMMICK: I'm sorry.

6 BY MR. GAMMICK:

7 Q Let me show you photographs, start with 26,  
8 which I believe is already in evidence. Do you recognize  
9 that photograph?

10 A Yes, sir, I do.

11 Q And what does that depict?

12 A That's the kitchen area and specifically a  
13 kitchen cabinet in 1098-A with the door open and some white  
14 plastic bags sticking out of it.

15 Q Describe the bags. What are they?

16 A They're the type that when you go to the  
17 grocery store, they ask if you want paper or plastic with  
18 the handles, just small plastic bags.

19 Q Was there something inside of that bag? And  
20 I'll show you -- first of all, let me do this, I'll show you  
21 22, ask if you recognize that photograph.

22 A Yes, sir, I do.

23 Q Is it true and accurate?

24 A Yes.

25 MR. GAMMICK: Move for 22, Your Honor.

1 THE COURT: Do you have any objection?

2 MR. GREGORY: We would submit it, Your Honor.

3 THE COURT: Would you lay a better foundation,  
4 please. I didn't understand it was fair and accurate of --

5 MR. GAMMICK: Of what it depicts.

6 THE WITNESS: Yes, it is.

7 THE COURT: Counsel approach.

8 (Bench conference between Court and counsel  
9 outside the presence of the jury as follows:)

10 THE COURT: I just wanted to make it clear that  
11 when counsel is submitting and not interposing an objection,  
12 I'm being careful that I'm sure that the foundation is laid.  
13 At this stage in the proceedings, although there's no  
14 objection, I do not feel that a proper foundation has been  
15 laid for admission.

16 MR. GAMMICK: My concern is I know the Court  
17 doesn't want me to get into what the subject matter of the  
18 photograph is. I know I can do this without getting into  
19 the subject matter, so I won't do that until it's admitted.

20  
21 (Whereupon, the following proceedings were held  
22 in open court, in the presence of the jury.)

23 THE COURT: You may proceed.

24 BY MR. GAMMICK:

25 Q Was the photograph taken at 1098 North Rock

1 Boulevard?

2 A Yes, it was.

3 Q Does it involve the subject we've just been

4 discussing?

5 A Yes.

6 MR. GAMMICK: I move for its admittance.

7 MR. GREGORY: Again, we would submit it.

8 THE COURT: It's admitted.

9 (Plaintiff's Exhibit 22 was admitted.)

10 BY MR. GAMMICK:

11 Q What are we looking at?

12 A In the second photo you gave me, it's actually

13 a picture of my hands, and I'm holding the bag open for the

14 photograph. And what's inside, a flashlight, a hand-held

15 radio, items of leather, similar with what a police officer

16 would carry, and in fact similar to the same items we were

17 missing in the investigation from Sergeant Sullivan's body.

18 Q Let me show you item 16 which has been admitted

19 and ask you to look at the items contained therein.

20 A It's the same items that were in the bag.

21 Q And are the bags also contained in that box?

22 A Yes.

23 Q Did you request any further testing with

24 respect to the white plastic bags?

25 A Yes, I did.

1 Q What type of testing did you request?

2 A Requested that the bags be tested for the  
3 presence of a fingerprint or any fingerprints.

4 Q To your understanding were there any  
5 fingerprints found on the bags?

6 A Yes, sir.

7 Q Was that done by Investigator Stevenson,  
8 Investigator Leal from the crime lab?

9 A Yes.

10 MR. GAMMICK: Those are all the questions I  
11 have at this time. Thank you.

12 MR. GREGORY: May I have the Court's  
13 indulgence, please?

14 THE COURT: Yes.

15 (Discussion between counsel and defendant.)

16 MR. GREGORY: No questions, Your Honor.

17 THE COURT: You may step down. You're excused.

18 MR. GAMMICK: May we approach for just a  
19 moment, Your Honor?

20 THE COURT: Yes.

21 (Bench conference between Court and counsel  
22 outside the presence of the jury as follows:)

23 MR. GAMMICK: Detective Duncan inquired that  
24 once he had been excused if he could come back into the  
25 courtroom to watch further testimony of the trial.

1 THE COURT: Do you anticipate using him in the  
2 penalty phase?

3 MR. GREGORY: No.

4 THE COURT: Do you anticipate using him in your  
5 case?

6 MR. GREGORY: No.

7 THE COURT: Do you have any objection to him  
8 coming back in?

9 MR. GREGORY: We would submit it.

10 No, we don't.

11 THE COURT: Thank you.

12

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

15 THE COURT: Call your next witness.

16 MR. GAMMICK: Fernando Moreira, Your Honor.

17 (Witness sworn.)

18 FERNANDO MOREIRA

19 called as a witness on behalf of the Plaintiff,

20 having been first duly sworn,

21 was examined and testified as follows:

22

23 DIRECT EXAMINATION

24 BY MR. GAMMICK:

25 Q Would you please state your name and spell your

1 last name, sir.

2 A My first name is Fernando, last name Moreira,  
3 M-o-r-e-i-r-a.

4 Q Mr. Moreira, do you have some involvement with  
5 the sheriff's department?

6 A Yes, sir. I'm involved with the search and  
7 rescue for the last six years.

8 Q And would you describe a little bit about what  
9 you do with search and rescue.

10 A I'm involved in -- actually, I'm one of the  
11 rescue swimmers around the state of Nevada. I do scuba  
12 diving. I do everything to do with water. I also do a lot  
13 of back country search, mine rescues and evidence searches.

14 Q You say you've been involved how long doing  
15 that?

16 A Six years.

17 Q I'll call your attention to January of 1998.  
18 Were you involved in a search of the University of Nevada  
19 campus and just off campus?

20 A Yes, sir, I was.

21 Q And are you familiar with the Orr Ditch?

22 A Yes, sir. I was inside the ditch.

23 Q And that was part of your search area?

24 A Yes, sir.

25 Q Was there a -- did there come a time when you

1 were looking in the ditch for specific items?

2 A Actually, my sergeant, Sergeant Emerson from  
3 the sheriff's department, called me in the morning, January,  
4 he asked me to start looking for any kind of evidence like  
5 clothing, a wig, mask, hood, anything.

6 Q Did there come a time when you found some  
7 items?

8 A Yes, sir.

9 Q Where were those -- were they in the ditch, out  
10 of the ditch? Where were they?

11 A It was on the northeast inside the ditch.

12 Q Let me show you 31-E and 31-F and ask if you  
13 recognize those items.

14 A Yes, sir, I do.

15 Q And do those depict the area that you were  
16 searching that morning?

17 A Yes, sir.

18 MR. GAMMICK: I'd move for those two items,  
19 please, Your Honor.

20 THE COURT: Counsel?

21 MR. GREGORY: We would submit it, Your Honor.

22 THE COURT: Can you hold it so I can see it?  
23 31-A and 31-F are admitted.

24 MR. BOSLER: I believe it's E and F.

25 THE COURT: E or A?



1 MR. GAMMICK: Your Honor, E as in Edward.

2 THE COURT: E as in Edward.

3 Thank you, Mr. Bosler.

4 (Plaintiff's Exhibits 31-E and 31-F were  
5 admitted.)

6 BY MR. GAMMICK:

7 Q In the areas that are depicted in those  
8 photographs, did you recover some items?

9 A Yes. I recovered pictures of baseball cap like  
10 with colors on it.

11 Q If you'd stop for a minute, I'd like to show  
12 you 31-A and B and ask you to look at those photographs.

13 A Yes, that's the thing I found.

14 MR. GAMMICK: Your Honor, I'd move for  
15 admission of 31-A and B.

16 THE COURT: May I see them, please?

17 MR. GREGORY: Thank you, Your Honor. We would  
18 submit it.

19 THE COURT: You can have one or the other.

20 MR. GAMMICK: 31-A.

21 THE COURT: It's admitted.

22 (Plaintiff's Exhibit 31-A was admitted.)

23 BY MR. GAMMICK:

24 Q Did you recover any other items from the ditch?

25 A Yes, sir, I recovered also a wig.

1 Q Let me show you 31-C, D and G, and ask if you  
2 recognize those.

3 A Yes, sir, that's the one I found.

4 Q The same wig?

5 A Yes, sir.

6 MR. GAMMICK: Your Honor, I move for the  
7 admission of those three photographs. And I'll show the  
8 Court.

9 THE COURT: Counsel?

10 MR. GREGORY: We've seen the exhibits. We will  
11 submit it.

12 THE COURT: 31-C, D and G are admitted.

13 (Plaintiff's Exhibits 31-C, D and G were  
14 admitted.)

15 MR. GAMMICK: May I publish these items to the  
16 ladies and gentlemen, Your Honor?

17 THE COURT: You may.

18 BY MR. GAMMICK:

19 Q When you found these items in the Orr Ditch,  
20 was it behind a residence?

21 A Yes, sir, it was behind an apartment complex.  
22 I think on the 1200 block.

23 Q Do you remember which street?

24 A It was right across the street from a park.  
25 Actually, I forgot the name of the street, sir.

1 Q Would that be in this area that's depicted by  
2 the No. 1215 Beech?

3 A Yes, that's what it is.

4 Q Do you know which way that Orr Ditch flows, the  
5 water flow is?

6 A It was going up north. If I don't make a  
7 mistake, it's going towards Sparks, like behind the K-Mart  
8 in Sparks. I think that's where the Orr Ditch actually goes  
9 all the way around.

10 Q Does it flow toward the University of Nevada  
11 campus or away from it?

12 A Oh, away from it.

13 Q When you were doing your search of that ditch,  
14 did you run across some barking dogs?

15 A Yes, sir, I did.

16 Q Is that anywhere?

17 A There were some residences actually was like  
18 when I was going down the creek on my right side is some  
19 residences out there and there was a blue house and they  
20 have about two or three dogs there.

21 Q They were barking at you?

22 A Yes, sir.

23 MR. GAMMICK: Those are all the questions I  
24 have at this time, Your Honor.

25 THE COURT: Cross-examination?

1 MR. GREGORY: Court's indulgence.  
2 (Discussion between counsel and defendant.)

3 MR. GREGORY: No questions.

4 THE COURT: You may step down. You are  
5 excused.

6 MR. GAMMICK: Your Honor, the State would call  
7 Louis Hill.

8 THE CLERK: Please raise your right hand.  
9 (Witness sworn.)

10 THE CLERK: Thank you. Please be seated at the  
11 witness stand.

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

16  
17 DIRECT EXAMINATION

18 BY MR. GAMMICK:

19 Q Would you please state your name and spell your  
20 last name, sir.

21 A My name is Louis Daniel Hill. Last name is  
22 Hill, H-i-l-l.

23 Q Mr. Hill, I want to call your attention back to  
24 January of 1998. Did you own a car at that time, sir?

25 A Yes, I did.

1 Q Would you please describe it.

2 A It was a black Toyota '92 Camry.

3 Q And on the evening or nighttime of January

4 13th, which would have been a Tuesday, did you have your car

5 with you?

6 A Yes, I did.

7 Q Where were you?

8 A At 1998 Helena Street.

9 Q Is that in the area I'm pointing to right now

10 with the pointer?

11 A Yes.

12 Q Can you see that all right?

13 A Yes.

14 Q What were you doing?

15 A I had my car outside warming up and I was in

16 the house. When I came out two minutes later, it was gone.

17 Q Your car was gone?

18 A Yeah.

19 Q Did you ever get it back?

20 A Yes, I did.

21 Q Where was that?

22 A My parents went down to Utah to get it.

23 Q I ask you to look at the gentleman seated at

24 the table to your right in the gray suit with the red tie.

25 Do you know that man?

1 A No, I don't.

2 Q Did he have permission to have your car?

3 A No.

4 Q Let me show you what's been marked 32-A and B,  
5 ask if you recognize what's in those photographs.

6 A Yes. I recognize my car.

7 Q Both of those are of your car?

8 A Yes.

9 MR. GAMMICK: Would the Court like to see them,  
10 Your Honor?

11 THE COURT: Yes.  
12 Counsel?

13 MR. GREGORY: Submitted, Your Honor. Thank  
14 you.

15 THE COURT: I'll require you to lay a little  
16 bit more foundation as to the different conditions.

17 MR. GAMMICK: Certainly.

18 BY MR. GAMMICK:

19 Q 32-A and B are of both of the same car?

20 A Yes, sir.

21 Q Is there an item in 32-A that is not in 32-B?

22 A Yes, the car cover.

23 Q Is that your car cover?

24 A No, it ain't.

25 Q Do you know where that came from?

1                   A       No.

2                   MR. GAMMICK: I'd move for their admission,

3       Your Honor.

4                   THE COURT: Counsel?

5                   MR. GREGORY: Again, Your Honor, submit it.

6                   THE COURT: 32-A and B are admitted.

7                   (Plaintiff's Exhibits 32-A and B were

8                   admitted.)

9                   MR. GAMMICK: May I publish?

10                  THE COURT: You may.

11                  MR. GAMMICK: Those are all the questions I

12       have of Mr. Hill, Your Honor. Thank you.

13                  THE COURT: Cross-examination.

14                  MR. GREGORY: Court's indulgence.

15                  (Discussion between counsel and defendant)

16                  MR. GREGORY: No questions.

17                  THE COURT: You may step down. You are

18       excused.

19                  Call your next witness.

20                  MR. GAMMICK: May we approach, Your Honor?

21                  THE COURT: Yes.

22

23                  (Bench conference between Court and counsel

24                  outside the presence of the jury as follows:)

25                  MR. GAMMICK: We're going to call Ms. Misito next

1 from the 7-Eleven. We have a videotape that we couldn't do  
2 before but it's been done now to show -- it's so dark it's  
3 not going to work on this projection system. So we have a  
4 TV set or the regular TV cart and everything here. So we  
5 just need time to roll that in, set it up, put out the two  
6 small sets.

7 THE COURT: We'll take a short recess. This is  
8 a good time to take a little a recess.

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

12 THE COURT: This is a good time to take our  
13 morning recess. We will be in recess for probably 10 or 15  
14 minutes. It's going to be a brief recess if at all possible  
15 so we can get back on the record. During this break do not  
16 discuss the case among yourselves or with anyone else. Do  
17 not form or express any opinion about the ultimate outcome  
18 of this matter. Do not allow anyone to attempt to influence  
19 you or speak to you about the case in any way. If anyone  
20 should attempt to influence you with regard to this case,  
21 report that occurrence to the bailiff immediately. Do not  
22 read, listen to or view any news media accounts regarding  
23 this case.

24 Ladies and gentlemen of the jury, you may go in  
25 the jury room now. Court's in recess.



1 (Recess taken.)

2 THE COURT: Counsel, can you stipulate to the  
3 presence of the jury?

4 MR. GAMMICK: The State will so stipulate.

5 MR. GREGORY: The defense so stipulates, Your  
6 Honor.

7 THE COURT: Thank you. Mr. Gammick, you may  
8 call your next witness.

9 MR. GAMMICK: Patricia Misito, please.

10 THE CLERK: Please raise your right hand.

11 (Witness sworn.)

12 THE CLERK: Thank you. Please be seated at the  
13 witness stand.

14

15 PATRICIA MISITO

16 called as a witness on behalf of the Plaintiff,

17 having been first duly sworn,

18 was examined and testified as follows:

19

20 DIRECT EXAMINATION

21 BY MR. GAMMICK:

22 Q Would you please state your name and spell your  
23 last name, ma'am.

24 A Patricia Misito, M-i-s-i-t-o.

25 Q Ms. Misito, I'll call your attention to January

1 13th, 1998. Where were you employed at that time?

2 A Bearing 7-Eleven on Baring Boulevard.

3 Q I'll call your attention to Exhibit No. 7. Do

4 you recognize -- this is a map?

5 A Sparks.

6 Q Here where it says 7-Eleven, 710 Baring, is

7 that where you were employed?

8 A Yes.

9 Q By the YMCA there in Sparks?

10 A Uh-huh.

11 Q About 10:15 to 10:20 at night, somewhere in

12 that neighborhood, were you on duty?

13 A Yes, I was.

14 Q Did you have anyone else in the store with you

15 at that time?

16 A Yeah. I had a 19-year-old boy in the cooler.

17 He was stocking. I had a customer at the magazine rack and

18 a customer came in to buy Copenhagen, 19-year-old boy.

19 Q So you had a customer at the counter with you?

20 A Yes.

21 Q And have you since determined what that person,

22 at least his first name is, the one that was the customer?

23 A No, I don't know his first name.

24 Q Did something unusual happen to you?

25 A Yeah. Well, before he came up to the counter,

1 I looked up at the door and there was a man standing in the  
2 door, and he had a turtleneck shirt on but the turtleneck  
3 was basically split here because I could see skin in  
4 between. It was a purplish color. It was up around his  
5 face. He was doing this with it, which made me believe he  
6 was taking it down. It was January and it was cold.

7 Q Let me put the brakes on here for just a  
8 second. The lady right in front of you is trying to get  
9 everything you say down word-for-word. If we could get you  
10 to take maybe ten miles an hour off.

11 A That's the Jersey in me.

12 Q You are nervous today?

13 A No, I'm from New Jersey. We talk fast. We  
14 have to.

15 (Laughter.)

16 BY MR. GAMMICK:

17 Q I'll get you to slow down just a little bit.

18 You mentioned a shirt. Let me show you Exhibit  
19 29-B, which is in evidence, and ask if you recognize that.

20 A Yes. The purple shirt. In the middle -- the  
21 collar was cut off. That's they way it looked to me. It  
22 looked like the collar was cut off because I seen skin in  
23 between and the thing was pulled up by his face.

24 MR. GREGORY: I don't mean to be difficult.  
25 I'd ask that the witness just answer the question that's

1 asked instead of narrating.

2 THE COURT: Okay. The question was did she  
3 recognize it.

4 MR. GAMMICK: Yes.

5 BY MR. GAMMICK:

6 Q Do you recognize this photograph?

7 A Yes, I do.

8 Q What do you recognize?

9 A The purple shirt in the center.

10 Q One other little bad habit -- let me finish  
11 what I'm saying because she needs to get each one of us.  
12 Okay. I know in New Jersey you want to talk fast, but slow  
13 down a little bit for me.

14 This purple shirt, is that what the man was  
15 wearing that night when he came in your store?

16 A Yes.

17 Q You had him at the doorway. Then what  
18 happened?

19 A I had him at the doorway. My first thought was  
20 he's going to rob me. My second thought was it's cold, so  
21 he's pulling it up or down around his face, because he was  
22 playing with it. Then I had the kid at the counter buying  
23 the Copenhagen, so automatically I had to ID him, take care  
24 of him. So I lost track of the other guy. And as the kid  
25 gave me a \$20 bill and I think some change, and I went to

1 ring it up --

2 MR. GREGORY: Again, we're going to object to  
3 her narrating.

4 THE COURT: I think this was responsive.  
5 Overruled. Go ahead.

6 THE WITNESS: When I had the drawer open,  
7 giving the change back, the man stepped up to the counter.  
8 He said, "While you got that open, can you help me out?"

9 BY MR. GAMMICK:

10 Q Let me stop you here right now. The man in the  
11 purple shirt stepped up?

12 A Yes.

13 Q And he said --

14 A While you got that drawer open, can you help me  
15 out.

16 Q Then what happened?

17 A I looked up. He picked his shirt up, showed me  
18 the gun, took the gun out. I reached over to the drawer,  
19 took the drawer out of the register, put it on the counter,  
20 told him help yourself -- looked him in the face, told him  
21 help yourself, turned and faced the window.

22 Q Where was this young man that was buying --

23 A Right next to him.

24 Q Again, let me finish my sentence. Was buying  
25 the Copenhagen, is what I was going to say.

1           A     Right next to him.

2           Q     So you gave the man in the purple shirt the

3     cash drawer?

4           A     The cash drawer.

5           Q     Why?

6           A     Because he had a gun.

7           Q     Were you scared?

8           A     Yeah.

9           Q     The man that was in the purple shirt that had

10    the gun, is he in this courtroom today?

11          A     Yes, he is.

12          Q     Would you please indicate where he is seated

13    and what he's wearing.

14          A     He's sitting right over there with the grayish

15    blue jacket on, in the middle of the two men.

16          Q     Is he wearing a tie?

17          A     Yes, he is. It's got red in it.

18                MR. GAMMICK: Your Honor, may the record

19    reflect the identification of Defendant Vanisi?

20                THE COURT: Yes, the record will so reflect.

21

22

23

24

25

1 BY MR. GAMMICK:

2 Q Do you have or did you have when you worked at  
3 that store any type of surveillance equipment in the store?

4 A Yes, we had video cameras.

5 Q And since then have you been shown a videotape  
6 of what occurred?

7 A Yes, I have.

8 Q Let me show you what's been marked as No. 42  
9 and ask if you recognize that.

10 A Yes, that's my signature.

11 Q When did you sign that?

12 A Two weeks ago.

13 Q Did you see the tape first?

14 A After I seen the tape and then I signed it.

15 MR. GAMMICK: I move for No. 42 to be admitted.

16 THE COURT: Counsel?

17 MR. GREGORY: Again, Your Honor, we would  
18 submit it.

19 MR. GAMMICK: She did testify that this was a  
20 videotape from surveillance that she has seen and then  
21 signed.

22 THE COURT: I was reading that. But thank you.  
23 I'll admit 42.

24 (Plaintiff's Exhibit 42 was admitted.)

25 MR. GAMMICK: Thank you. May I publish?

1 THE COURT: You may.

2 THE COURT: Does the room need to be darkened?

3 MR. GAMMICK: This tape is so dark I don't know  
4 that it would really make any difference, so we'll just show  
5 it at this time.

6 (Whereupon the videotape was played.)

7 BY MR. GAMMICK:

8 Q I believe the tape at the top shows 1999. Is  
9 that an error?

10 A Yes.

11 Q This was January 13th, 1998?

12 A '98.

13 Q Can you see the tape?

14 A I know what's -- I could tell you what it's  
15 doing.

16 Q Is that the young man you were talking about  
17 who just walked in?

18 A Yeah, the kid's up. He had given me his ID.

19 Q The young man buying the Copenhagen?

20 A Yeah. I think he's looking for change to go  
21 with the 20. See him? There he comes up on the side. Now  
22 he's standing right in front of the register.

23 Q Is that Mr. Vanisi, or the defendant, that just  
24 walked up behind him?

25 A Yeah, it's the defendant. As soon as I hand



1 the kid back his change, that's when he says about helping  
2 him out. Then I take the drawer out of the register, put it  
3 on the counter, tell him help yourself.

4 Q Did he take money?

5 A Yes. Then I turned to face the window, he's  
6 saying to the kid, "Times are hard, man." I was just  
7 watching the kid out of the corner of my eye. Then he  
8 talked to me again. He said, "Is there anything else you  
9 can do, anything else you could help me with?" I turned  
10 back and I said, "No, I'm sorry." I looked at him, turned  
11 back to the window. He asked again. I said the same thing.  
12 At that point -- I don't know if you see the kid, he goes to  
13 hand him his change. I don't know if that happened yet.

14 The kid went to hand his change from the  
15 Copenhagen. He said, "No thanks, man." Gave it back to  
16 him. Then the last thing he said was, "Just don't call the  
17 cops or I'll be back." And then he left.

18 (Video concluded.)

19 BY MR. GAMMICK:

20 Q Could you please describe the loss.

21 A There was approximately \$99. The only reason  
22 it was that much was there was one 20 that I think the young  
23 man had just given me. There was like four or five fives,  
24 maybe 25 to 30 singles. And there was \$11 in half dollar  
25 bills which I was collecting. And there was a \$2 bill

1 underneath, too. We just broke the drawers down, that's why  
2 I know. At 10:00 we break the drawer down to one drawer.  
3 We know how much is in that drawer at that time. That's why  
4 I could be pretty precise.

5 MR. GAMMICK: Thank you. That's all the  
6 questions I have at this time.

7 THE COURT: Cross-examination.

8 MR. GREGORY: Court's indulgence.

9 (Discussion between counsel and defendant).

10 MR. GREGORY: No questions.

11 THE COURT: You may step down. You are  
12 excused.

13 Call your next witness.

14 MR. GAMMICK: Caleb Bartelheim, Your Honor.

15 THE CLERK: Please raise your right hand.

16 (Witness sworn.)

17 THE CLERK: Thank you. Please be seated at the  
18 witness stand.

19 CALEB BARTELHEIM

20 called as a witness on behalf of the Plaintiff,

21 having been first duly sworn, \_\_\_\_

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. GAMMICK:

25 Q Would you please state your name and spell your

1 last name, sir.

2 A My name is Caleb Bartelheim,  
3 B-a-r-t-e-l-h-e-i-m.

4 Q We'll call your attention to January 13th,  
5 1998, at about 10:15 in the evening. Were you at the  
6 7-Eleven on Baring Boulevard in Sparks?

7 A Yes, I was.

8 Q And why were you there?

9 A I was buying a can of chewing tobacco.

10 Q Something unusual happen to you?

11 A Yes.

12 Q What was that?

13 A The store was robbed.

14 Q Were you present while it was robbed?

15 A Yes, I was. I was at the counter.

16 Q Two or three weeks ago did you have the  
17 opportunity to see a videotape?

18 A Yes, I was.

19 Q It was explained it was a videotape of the  
20 robbery?

21 A Yes.

22 Q And there's an individual -- it's a pretty dark  
23 tape, but there's an individual standing right in front of  
24 the counter. Was that you?

25 A Yes, it was.

1 Q When did you first become aware that there was  
2 a robbery happening?  
3 A When he said, "Be cool. Give me the money," I  
4 believe.  
5 Q Did you see a weapon?  
6 A Yes, I did.  
7 Q Do you have any knowledge of weapons?  
8 A Yes, I do.  
9 Q Did you recognize the make of the weapon?  
10 A It was a Glock.  
11 Q Was that a brand name of a handgun?  
12 A Yes, it is.  
13 Q Let me show you 15-A and ask if you recognize  
14 that?  
15 A Yes.  
16 Q Is that the weapon or at least looked like the  
17 weapon that was used?  
18 A Yes, it is.  
19 Q Who had this weapon?  
20 A Will you repeat the question, I'm sorry?  
21 Q Pardon?  
22 A Will you repeat the question?  
23 Q Sure. Who had this weapon?  
24 A A gentleman behind me.  
25 Q The man who robbed the store?

1 A Yes.

2 Q Is he present in this courtroom today?

3 A Yes, he is.

4 Q Would you please indicate where he's at and

5 what he's wearing.

6 A He's right there sitting in the gray suit.

7 Q Gray suit?

8 A Yes, I believe so.

9 MR. GAMMICK: May the record reflect the

10 identification of the Defendant Vanisi, Your Honor?

11 THE COURT: Yes, the record will so reflect.

12 MR. GAMMICK: Those are all the questions I

13 have at this time.

14 THE COURT: Cross-examination.

15 MR. GREGORY: Again, Court's indulgence.

16 THE COURT: Yes.

17 (Discussion between counsel and defendant.)

18 MR. GREGORY: A couple questions, Your Honor.

19 THE COURT: Go ahead.

20

21 CROSS-EXAMINATION

22 BY MR. GREGORY:

23 Q Sir, when was the last time you saw the

24 videotape?

25 A I believe three or four weeks ago, I believe.

1 Q I assume that this was a fairly striking event  
2 in your life. Do you remember what occurred?

3 A Yes, I do.

4 Q Over and beyond that videotape; is that  
5 correct?

6 A Yes.

7 Q Did the person you've identified as the  
8 defendant ever tell you to lie down on the floor or --

9 A He just told us to be cool.

10 Q I noticed on the videotape that you were  
11 handing him some money. Did he request that money from you,  
12 sir?

13 A No. I just held it up, and he said, "No  
14 thanks."

15 Q Is that all he said to you?

16 A He said, "Times are rough and you know how it  
17 is," before I held up the money.

18 Q And then he said, "No thanks"?

19 A Yes.

20 MR. GREGORY: Nothing further. Thank you, Your  
21 Honor.

22 THE COURT: Anything further?

23 MR. GAMMICK: Quickly, Your Honor.  
24  
25

REDIRECT EXAMINATION

BY MR. GAMMICK:

Q You've already testified that he had the gun that you've identified. Did he point that gun at you at any time?

A When he was pulling it out, he went towards me and then towards -- away from me with his -- yeah, with his right hand.

Q He pointed it at you and then away from you. Did you ever see him point it at the clerk?

A Yes, it was pointed at the clerk.

Q So he pointed the gun at both you and the clerk?

A Yes.

MR. GAMMICK: Thank you.

MR. GREGORY: Is that reflected on the video?

THE WITNESS: I believe so.

MR. GREGORY: Nothing further.

THE COURT: Okay. You may step down. You are excused.

Call your next witness.

MR. GAMMICK: Diana Shouse, please, Your Honor.

THE CLERK: Please raise your right hand.

(Witness sworn.)

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DIANA SHOUSE

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, ma'am.

A Diana Shouse, S-h-o-u-s-e.

Q I want to call your attention to January 13th,  
1998, at about 10:15 to 10:30 at night. Where were you  
working at that time?

A Jackson Food Stores.

Q And where was that located? Where is it  
located?

A Winners Circle and McCarran.

Q Is that what's depicted her? It says Jackson's  
Market up here around McCarran and Clear Acre?

A Uh-huh.

Q What were you doing?

A I was working there. It was like 10:30. He  
came in and --

Q Let me ask this: In what capacity were you  
working there?



1 A Just a clerk.

2 Q You say about 10:30 he came in. What happened?

3 A He came in, laid a gun in his hand on the  
4 counter and told me to empty the cash drawer into a paper  
5 bag.

6 Q Did you?

7 A Yes.

8 Q Why?

9 A If you point a gun at me, you can have anything  
10 you want.

11 Q Were you scared?

12 A Definitely.

13 Q Did he say anything after you gave him the  
14 money?

15 A He was complaining that it wasn't much, that he  
16 should get a job. I told him to get two like me.

17 Q Do you have some type of surveillance in the  
18 store?

19 A Yeah, video cameras.

20 Q And were some photographs taken of that? Let  
21 me show you No. 27 which has already been admitted into  
22 evidence, ask if you recognize that photograph.

23 A That's him walking out of the store, with the  
24 paper bag.

25 Q Is there someone else at least partially shown

1 in that photograph?

2 A That's me behind the counter.

3 Q Now, you say "That's him." Let me back up here  
4 just a second.

5 Is the time correct on that photograph?

6 A No. They just bought the store, didn't know  
7 how to change the time on the videos. And it was daylight  
8 savings or it was backwards, an hour.

9 Q It's an hour off?

10 A (Witness nodded head affirmatively.)

11 Q And where it shows 2341, which I believe would  
12 be 11:41 at night, it should be 2241?

13 A Right.

14 Q Do you know what the loss was, what he took?

15 A Like 52.34 or something like that.

16 Q What was the make-up of that money?

17 A 10s, fives, ones and change, because I was  
18 giving him everything in the drawer.

19 Q Do you know how many 10s?

20 A No. I had just made a drop and I don't  
21 remember what was --

22 Q Was it predominantly small bills?

23 A Yes.

24 Q Ma'am, the man you've talked about that came  
25 into the store, presented the gun and took the money, is he

1 in the courtroom today?

2 A Yes, he's sitting at the table there in the  
3 gray suit.

4 Q Gray suit. Does he have a tie on?

5 A Yes.

6 Q What color?

7 A Maroon, gray.

8 MR. GAMMICK: May the record reflect the  
9 identification of Defendant Vanisi, Your Honor?

10 THE COURT: The record will so reflect.

11 MR. GAMMICK: That's all the questions I have  
12 of Mr. Shouse.

13 THE COURT: Cross-examination?

14 MR. GREGORY: Court's indulgence.

15 No questions, Your Honor.

16 THE COURT: You may step down. You are  
17 excused.

18 Counsel, call your next witness.

19 MR. GAMMICK: I believe that will be Monday  
20 morning, Your Honor, since we have some other things to do  
21 the rest of the day.

22 THE COURT: Okay. That's fine.

23 Ladies and gentlemen of the jury, we went  
24 quickly this morning. I appreciate your attentiveness this  
25 morning. As I had told you last night, you were going to

1 get off early today. It's even earlier than I expected.  
 2 Now during this recess, it's going to be the rest of the  
 3 afternoon today and all over the weekend. And then you'll  
 4 be coming back here on Monday morning.

5 Now, I want to remind you that I give you this  
 6 admonition at every break and you've gotten it in the  
 7 evenings, but this weekend I won't be reminding you every  
 8 few hours of it. So please remind yourself of the  
 9 admonition.

10 Remember, you are still on duty throughout the  
 11 weekend and you must follow the admonition.

12 We will begin on Monday morning at nine a.m.  
 13 Now, ladies and gentlemen of the jury, this case is going a  
 14 little quicker than I had originally anticipated. I  
 15 anticipate that you may well be deliberating on Monday. I  
 16 don't know for sure, because I never can tell until I  
 17 actually get through the witnesses, but there is a potential  
 18 for that. If that does occur, once you begin deliberating,  
 19 you will not be going home or calling, making calls, making  
 20 arrangements once you begin your deliberation process. So I  
 21 just want you to be kind of aware Monday night, it may be a  
 22 late evening for you. It may not happen on Monday. It  
 23 might happen on Tuesday. But I believe Monday or Tuesday  
 24 you'll be deliberating one of those days. Whichever day it  
 25 is, you may need to make some arrangements. If you had

1 someplace you normally are at 5:00, don't plan on being  
2 there on Monday if you are deliberating, just to give you a  
3 little heads up about what may be going on.

4 Now, during the recess that we're going to take  
5 now, remember the admonition. You are not to form or  
6 express any opinion about the ultimate outcome of this case  
7 or the defendant's guilt or innocence until the matter is  
8 finally submitted to you for determination. You are not to  
9 allow anyone to attempt to influence you in any manner  
10 regarding this case or speak of it in your presence.

11 If anyone should attempt to do so, you must  
12 report such an attempt to the bailiff, who in turn will  
13 report it to me.

14 You may not view any news media accounts  
15 regarding this case, listen to or read any news media  
16 accounts relating to this case, and you may not allow any  
17 influences that I have advised you previously to allow to  
18 take place. Do not talk about the case among yourselves or  
19 with anyone else.

20 Ladies and gentlemen of the jury, I'll see you  
21 Monday morning at nine a.m. You are excused.

22 (Whereupon the jury was excused.)

23 (Whereupon, the following proceedings were held  
24 In open court, outside the presence of the  
25 jury.)

1 THE COURT: Just for purposes of the record, I  
2 want to make clear that again there were brief recesses  
3 where counsel discussed their strategy amongst themselves  
4 and with the defendant before each witness was excused.

5 Now, counsel, we had planned to make our legal  
6 determination as to the jury instructions today. Do you  
7 want to have a preliminary review of the jury instructions  
8 in chambers and submit them to me or do you want to do them  
9 all out on the record from the beginning to the end with  
10 Mr. Vanisi present?

11 MR. GREGORY: We would ask that Mr. Vanisi be  
12 present, Your Honor.

13 THE COURT: Then what I'd like to do is find  
14 out if you have received the proposed instructions as  
15 submitted by the District Attorney's Office.

16 MR. GREGORY: We have received -- yes, we have.

17 THE COURT: Why don't we take a short recess  
18 and let you get those instructions in front of you, move the  
19 TV cameras out, and --

20 MR. GREGORY: We're going to ask for a little  
21 longer than that. We'd like to confer with our appellate  
22 deputy, if we might, Your Honor. We may have some special  
23 instructions to offer.

24 THE COURT: Okay. Then 1:00 today?

25 MR. GREGORY: That's excellent.

1 THE COURT: Can you get those special  
2 instructions to me if you do want to offer them as soon  
3 prior to 1:00 if at all possible.  
4 MR. GREGORY: Yes, Your Honor.  
5 THE COURT: Then we will be in recess until one  
6 p.m. Court's in recess.  
7 (Recess taken at 10:50 a.m.)  
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1 RENO, NEVADA, FRIDAY, SEPTEMBER 24, 1999, 1:20 P.M.

2 --oOo--

3 (The following proceedings took place in open  
4 court, outside the presence of the jury.)

5 THE COURT: Thank you. Please be seated. I don't  
6 have anybody here, but it is open to anyone who wants to  
7 attend.

8 Okay. This is the time set for settlement of jury  
9 instructions. Let the record reflect that the jury is not  
10 present. Counsel?

11 MR. GAMMICK: Your Honor, just so you can figure  
12 them into the scheme of things here, we have requested two  
13 additional instructions. One of those is, you have an  
14 instruction now which says "Murder in the first degree is,"  
15 and it defines it in a short paragraph. We just added a  
16 second paragraph to that one that says it's further divided  
17 into murder in the first degree and murder in the second  
18 degree.

19 I've asked for one more instruction that states  
20 that basically in this case murder in the first degree is,  
21 A, premeditated and deliberate murder; B, murder committed  
22 while lying in wait; C, murder committed in the course or  
23 furtherance of a robbery. All other murders are second  
24 degree murder.

25 I don't think those were clear in the current