

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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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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- 36 1. Transcript of Proceedings – Status Hearing, *Vanisi v. State of Nevada*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 Suggestion of Incompetency and Motion for Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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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
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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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1 Q -- that's -- is that Brandon Louis, the young
2 boy?

3 A Yeah.

4 Q Was he present when you heard Mr. Vanisi say
5 that he wanted to kill a cop?

6 A I'm pretty sure he was.

7 Q How many times did you hear this, I want to
8 kill a cop, I got to kill a cop, I have to kill a cop? How
9 many times did you hear that?

10 A I'm not sure. He kept on saying it.

11 Q You would say four, five, six times; is that
12 about right? You don't remember that?

13 A I don't remember that.

14 Q Was the statement ever made that, I have to
15 kill a white cop?

16 A No.

17 Q You never heard that?

18 A No.

19 Q You would have remembered that?

20 A Yeah.

21 Q Now, you have been interviewed I assume by the
22 police and the District Attorney on a number of occasions?

23 A Yes.

24 Q When is the last time that you were
25 interviewed?

1 A Last time was I think last week.
2 Q Were you interviewed yesterday?
3 A Yesterday, no.
4 Q Last week?
5 A Yeah.
6 Q Were you given that transcript of the statement
7 that you gave to the police?
8 A Yes.
9 Q And did you read it?
10 A No.
11 Q Oh, okay. So it didn't help you refresh your
12 recollection in any fashion?
13 A No.
14 Q There's just some things you just don't
15 remember; isn't that right?
16 A Yes.
17 Q You have seen this before; right?
18 A Yes.
19 MR. STANTON: For the record --
20 BY MR. SPECCHIO:
21 Q Exhibit 15-A --
22 THE COURT: Let the record reflect that is the
23 same exhibit that Mr. Stanton was holding up earlier and it
24 was identified at that time.
25 BY MR. SPECCHIO:

1 Q You have seen this before?

2 A Yes.

3 Q You have told the police that your fingerprint
4 may be on this gun?

5 A Yes.

6 Q That is a true statement; isn't it?

7 A Yes.

8 Q You remember that?

9 A Yes.

10 Q On the night that Sergeant Sullivan got killed,
11 you drove Mr. Vanisi someplace, didn't you?

12 A Yes.

13 Q You didn't return directly back to the Rock
14 Boulevard address, did you?

15 A I did.

16 Q You did. What time did you get there?

17 A Back to the Rock Boulevard?

18 Q You left from there, took Mr. Vanisi to
19 Sterling Way?

20 A Uh-huh. And came straight back.

21 Q You didn't make any stops?

22 A No.

23 Q You remember that?

24 A Yes.

25 Q Who is Moa?

1 A Moa? That's Renee's brother.

2 Q Who is Manacui?

3 A That is the older brother.

4 Q How long have you lived in Reno?

5 A About 16 years.

6 Q And you're 19 years old?

7 A Yeah.

8 Q Do you know what the term 187 means?

9 A Yes.

10 Q What does 187 mean to you?

11 A Death. That there was a killing.

12 Q It means somebody is dead?

13 A Yeah.

14 Q Do you know where 187 comes from?

15 A No.

16 Q Did you ever have a conversation with Moa about

17 a 187?

18 A I don't remember.

19 Q On the night of January 12th -- well, on the

20 morning of January 13th, there was a lot of talk going

21 around about the death of Sergeant Sullivan, wasn't there?

22 A Yes.

23 Q Were you interviewed on the 13th?

24 A No.

25 Q The 14th?

1 A No.

2 Q The 15th?

3 A No.

4 Q Any time before the 19th?

5 A No.

6 Q Do you remember if you were wearing the same
7 clothes on the 19th as you were wearing on the 13th?

8 A No.

9 Q No, you weren't, or no, you don't remember?

10 A I don't remember.

11 Q Tell me about this let's-go-look-for-a-cop-to-
12 kill trip that you took on Sunday night, which would be the
13 11th. How did this come about?

14 A I don't remember.

15 Q Could it have been you that said, Let's go out
16 and find a cop to kill?

17 A No.

18 Q It couldn't be that way?

19 A No.

20 Q Did you ever have any problems with any
21 University of Nevada police?

22 A No.

23 Q What about drugs? Any drugs being used by
24 either you or Mr. Vanisi?

25 A Just marijuana.

1 Q Just marijuana.

2 A Yeah.

3 Q When? What time? What days?

4 A I don't remember.

5 Q Well, I guess I could have expected that one.

6 When you were driving the car, taking

7 Mr. Vanisi from Rock Boulevard to Sterling Way, were you
8 smoking marijuana?

9 A No.

10 Q When you were driving around Sunday night
11 looking for a cop to kill, were you smoking marijuana?

12 A No.

13 Q The only other time you saw him was at Losa's
14 house and at the church?

15 A Yes.

16 Q First of all, whose weed? Is it yours or his?

17 A His.

18 Q This is a foreign substance to you, you never
19 smoked marijuana before?

20 A (Negative nod.)

21 Q Never before?

22 A Yeah. The day before.

23 Q So the marijuana smoking happened at the
24 church?

25 A No.

1 Q It didn't happen in the two trips in the car.
2 It didn't happen at the church and it didn't happen at
3 Losa's. When else were you with Mr. Vanisi?

4 A I don't remember.

5 Q Were you on the campus of the University of
6 Nevada at Reno?

7 A No.

8 Q You said that the bag, the white plastic bag,
9 how far away from that bag were you?

10 A About three, four feet.

11 Q Was the room lit like this room is lit?

12 A No.

13 Q It was darker?

14 A It was in between. Half the room was lit.

15 Q You never looked in the bag?

16 A No.

17 Q So you don't know what was in there?

18 A No.

19 Q You said it looked black. Could it have been
20 dark brown, the material that was in the bag?

21 A Yeah.

22 Q When did you see Mr. Vanisi's picture on
23 television?

24 A I didn't see it.

25 Q You never saw it?

1 A No.

2 Q Ever?

3 A No.

4 Q You were talking about the death of the police
5 officer. You read the stuff in the paper?

6 A No.

7 Q You didn't read it?

8 A Just heard about it.

9 Q Okay. And you never watched anything on TV?

10 A No.

11 Q Did anybody ever tell you that Mr. Vanisi's
12 picture was on television?

13 A Yes.

14 Q Did you tell him then that he should leave the
15 state?

16 A No.

17 Q How long were you in the car on Sunday night
18 looking for a cop to kill?

19 A About 15 minutes, 15, 20 minutes.

20 Q So it wasn't a long hunt? This thing was over
21 pretty quickly?

22 A Yeah.

23 Q You were driving the car?

24 A Yes.

25 Q You never stopped any police officer?

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1 A No.

2 Q You didn't kill anybody that night?

3 A No.

4 Q The statement that you gave to the police,

5 which is in front of you, about what, 150 pages long?

6 A Yeah. 143.

7 Q 143. And you spoke to the police for how long?

8 I think it says from time to time on the front, doesn't it?

9 A No.

10 Q It doesn't have the times on it?

11 A No.

12 Q But you agree it was on the 19th, which is the

13 following Monday, after this incident?

14 A Yes.

15 Q Does that date agree with your recollection?

16 That it was about a week after the officer died that you

17 were interviewed?

18 A Yes.

19 Q And you spoke to nobody, no police officers

20 between the time of death of Sergeant Sullivan until the

21 19th?

22 A Yes.

23 Q Now, you said that that statement is 143 pages

24 long. You lied a lot in there, didn't you?

25 A Yes.

1 Q And at some point in time you decided that
2 maybe you were in trouble and you were going to tell
3 whatever you had to tell and lay this thing on Mr. Vanisi?
4 Isn't that a fair statement?

5 A Yes.

6 Q If you look at page 81 -- how long did this
7 thing go on? How long were you interviewed this day?

8 A Probably six hours.

9 Q This is all on six hours on this 143 pages?

10 A (Positive nod.) 82?

11 Q Page 81. If you look down the eighth -- your
12 first statement coming up from the bottom. What did you
13 tell the police?

14 A I'd tell them the truth.

15 Q What is the whole sentence?

16 A "For once I am telling the truth."

17 Q That's on page 81; right?

18 A Yes.

19 Q Now, you will admit to me now that there are a
20 number of less-than-truthful statements between pages 1 and
21 81?

22 A Less than truth?

23 Q There were lies here, but then you turned them
24 around later?

25 A I don't remember because I didn't read this. I

1 didn't look it over.

2 Q Do you want to go through them? We can do it.
3 We'll be here for a while.

4 A No.

5 Q There are some statements in here that are
6 incorrect; is that a fair statement?

7 A No.

8 Q It's not?

9 A No.

10 Q There's no false statements in here?

11 A They are true.

12 MR. SPECCHIO: Well, Judge, maybe the best way
13 to do this would be for me to recall him. He's going to be
14 here for two hours.

15 THE COURT: It's your choice. If you'd like to
16 recall him.

17 MR. SPECCHIO: I think that's what we will do.

18 THE COURT: Based on the --

19 MR. SPECCHIO: Make it subject to recall.

20 THE COURT: Okay. Subject to recall.

21 Mr. Stanton.

22 MR. STANTON: Thank you.

23 **REDIRECT EXAMINATION**

24 BY MR. STANTON:

25 Q Mr. Taukiuvea, you told the police that your

1 fingerprints were going to be on this gun 15-A?

2 A Yes.

3 Q How did your fingerprints come about to be on
4 that gun?

5 A Because he wanted to show me how to use it.

6 Q Where was this taking place?

7 A The same place, in the bathroom.

8 Q Who is he?

9 A Vanisi.

10 Q Mr. Vanisi?

11 A Yeah.

12 Q And so you took the gun?

13 A No, I didn't take it. I just touched the top
14 part of it. I just left it alone.

15 Q Mr. Vanisi is me. He's got the gun. How do
16 you touch it? What do you do? You show him how it works?

17 A No. I just leave it alone.

18 Q You didn't pull it back like this?

19 A No.

20 Q The police were asking you whether or not your
21 fingerprints were going to be on this gun; right?

22 A Uh-huh.

23 Q Mr. Specchio asked whether or not you have met
24 with the District Attorney's Office or police prior to your
25 testimony today. I believe you indicated that you met with

1 myself and other members of my office sometime last week?

2 A Uh-huh.

3 Q There was one thing that was told to you
4 repeatedly of what you were to do when you were sitting in
5 this witness chair testifying. What is that?

6 A Tell the truth.

7 Q When you were talked to by the police, the
8 transcript that you have in front of you, what was your
9 relationship with Mr. Vanisi at the time that they
10 interviewed you?

11 A I didn't really talk to him that much.

12 Q Were you friends?

13 A I really didn't see him that much.

14 Q Did you call the police?

15 A No.

16 Q You didn't call them up and say, Hey, look, I
17 have heard about this murder, I think I have some
18 information that you want?

19 A No.

20 Q They came and got you?

21 A Uh-huh.

22 Q If the police hadn't come and gotten you, would
23 you have called them?

24 A No.

25 Q Why did you tell the police some lies in your

1 interview?

2 A Too scared.

3 Q Scared of what?

4 A How they were talking to me, pressuring me.
5 They like put words in my mouth.

6 Q They thought you were up on the campus with the
7 defendant during Sergeant Sullivan's murder, didn't they?

8 A Yes.

9 Q They asked you a number of questions about
10 that?

11 A Yes.

12 Q Did you ever tell them that you were up on the
13 campus?

14 A No.

15 Q Mr. Specchio asked you a question about your
16 charges and that you were interviewed on the 19th and that
17 you entered your plea sometime after your interview with the
18 police. Do you remember that?

19 A Yes.

20 Q Who was your attorney for those charges?

21 A John Oakes.

22 Q Now, when you were arrested sometime back in
23 1997, on the charges that you mentioned, you had what's
24 called a preliminary hearing. Do you remember that?

25 A No.

1 Q It would have been the first time your case
2 would have been called to court. It would have been out at
3 the Sparks Justice Court. Do you remember that?

4 A No.

5 Q Do you think your attorney would remember a lot
6 more of these details than you, than you remember about what
7 happened in your case when things happened?

8 A Yeah.

9 Q Now, did you go to trial on those charges, just
10 like we are here today in front of a jury?

11 A No.

12 Q You plead guilty?

13 A Yes.

14 Q You plead guilty pursuant to a plea bargain?

15 A Yes.

16 Q That is you plead to some charge, usually not
17 all the charges or some lesser charge and there is some deal
18 struck?

19 A Yes.

20 Q When was that deal struck, Mr. Taukiueva?

21 A I don't remember.

22 Q Was it before Sergeant Sullivan's murder?

23 A Yes.

24 Q Do you remember how long before the murder?

25 A No.

1 Q Would November of 1997 ring a bell with you?

2 A No.

3 Q Mr. Oakes would know a lot better than you?

4 A Yes.

5 MR. STANTON: Thank you. Nothing further.

6 THE COURT: Do you want to reserve everything
7 until later, Mr. Specchio?

8 MR. SPECCHIO: In light of his response, Your
9 Honor, I don't think I have any alternative. So we'll
10 excuse him now subject to recall.

11 THE COURT: Okay. You may step down, but you
12 are not excused from further testimony in the case.

13 (The witness was temporarily excused.)

14 THE COURT: Ladies and gentlemen of the jury,
15 we have come to the time when we will take our lunch recess.
16 During this break, I ask that you remember the admonition I
17 have given you at all other breaks. I'll see you back this
18 afternoon at 1:30 p.m.

19 It is your duty not to discuss among yourselves
20 or with anyone else any matter having to do with this case.
21 It is your further duty not to form or express any opinion
22 regarding the guilt or innocence of the defendant until the
23 case is finally submitted to you for decision.

24 You are not to read, look at, view or listen to
25 any news media accounts regarding this case. And should any

1 person attempt to discuss the case with you or in any manner
 2 attempt to influence you with regard to it, notify the
 3 bailiff immediately upon returning to the court, and he in
 4 turn will notify me.

5 Ladies and gentlemen of the jury, we'll see you
 6 back at 1:30.

7 Counsel, I will see you back at 1:30.

8 Court is in recess.

9 (Recess taken at 11:54 a.m.)

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RENO, NEVADA, THURSDAY, JANUARY 14, 1999, 1:37 P.M.

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

THE COURT: Mr. Specchio. Mr. Stanton.

MR. STANTON: Yes. Thank you, Your Honor.

Your Honor, based upon the cross-examination of the last State's witness, Sateki Taukiueva, the State would make a motion at this time to endorse an additional witness, and that would be Mr. Taukiueva's attorney, John Oakes, who is present in the courtroom.

THE COURT: Mr. Specchio.

MR. SPECCHIO: I would prefer to stand mute on that issue, Your Honor.

THE COURT: Other than the specifics of -- tell me why you believe that it is necessary and why you didn't know beforehand.

MR. STANTON: Well, the cross-examination -- until the opening argument was made by counsel in this case, the State was unaware that the theory of the defense was Mr. Taukiueva's the murderer of Sergeant Sullivan, I guess among other things.

In addition, the cross-examination of Mr. Taukiueva, which obviously the State wasn't privy to,

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1 involved, prior to the actual examination occurring, was an
2 implicit reference to the time of Mr. Taukiueva's interview
3 by Detectives Dreher and Depczynski on the 19th of January,
4 1998, and his subsequent entry of plea in the Second
5 Judicial District Court to a felony charge of possession of
6 stolen property.

7 I think the clear inference of that examination
8 by Mr. Specchio is that there was some sort of negotiations
9 or deal struck with the witness and the State. The State
10 plans to call Mr. Taukiueva's --

11 THE COURT: Excuse me just a minute. Would you
12 remove the gentleman from the courtroom, please?

13 Go ahead.

14 MR. STANTON: The purpose of calling Mr. Oakes
15 is to clarify before this jury that the negotiations as
16 Mr. Taukiueva's counsel was conducted relative to that
17 charge as far as the plea bargain was entered into on
18 November 25th, 1997, a little over a month prior to George
19 Sullivan's murder.

20 THE COURT: With that offer of proof, do you
21 have anything further to add, Mr. Specchio?

22 MR. SPECCHIO: No, Your Honor. We will submit
23 the matter to the Court.

24 THE COURT: Based upon that offer of proof, the
25 Court will grant the relief requested. Mr. Oakes is added

1 as a potential witness in this case.

2 MR. STANTON: In addition, Your Honor, I
3 believe the next order of business prior to calling
4 Mr. Oakes in front of the jury would be a stipulation
5 regarding a piece of evidence, and I would ask the Court at
6 the end of the stipulation to advise the jury of what a
7 stipulation is and how they are to treat it.

8 THE COURT: What is the stipulation?

9 MR. GAMMICK: Your Honor, I have been speaking
10 with Mr. Specchio. This morning we had a known fingerprint
11 of Mr. -- Teki compared with the unidentified fingerprint
12 that came from the white plastic bag that was discussed
13 yesterday. They did not match. So that fingerprint was not
14 produced by Mr. Taukiuvea.

15 I would like -- Mr. Specchio has agreed to do
16 that by stipulation rather than recalling Mr. Stevenson.

17 THE COURT: Mr. Specchio?

18 MR. SPECCHIO: Sounds good to me, Judge.

19 THE COURT: Have you reduced this stipulation
20 to writing?

21 MR. SPECCHIO: No.

22 MR. GAMMICK: All I have at this time is a
23 note, Your Honor. If the Court would like that prepared on
24 a piece of paper, we can do that. On a yellow piece of
25 paper at this time, it is signed the Marx Brothers. That is

1 an inside joke for Investigator Mark Covington and
2 Investigator Mark Crosby are the ones that passed the note
3 to us.

4 THE COURT: I think that there is no urgency
5 that it be done right this minute before the jury, that
6 stipulation. So I'd like you to reduce it to writing, one
7 side to the other. Both of you sign the stipulation, and
8 I'll provide it to the jury, and it will be in writing, and
9 I will read the stipulation.

10 If you want me to utilize the standard stock
11 instruction that we use in civil cases frequently with
12 regard to stipulations, I can do that. But I'd also like
13 that instruction to be at the bottom of the stipulation so
14 that the record is clear that you all are agreeing that that
15 is what I should tell the jury.

16 MR. GAMMICK: Can do that, Your Honor.

17 THE COURT: Thank you. Now, you intend to call
18 Mr. Oakes now?

19 MR. STANTON: After the stipulation is entered
20 into, that would be the next witness.

21 THE COURT: What do you mean after the
22 stipulation? You don't need the stipulation on the
23 fingerprints before Mr. Oakes testifies, do you?

24 MR. STANTON: If the Court is ruling -- maybe I
25 misunderstood it. The stipulation will come in when the

1 actual document is prepared?

2 THE COURT: Yes.

3 MR. STANTON: The next witness would be
4 Mr. Oakes.

5 THE COURT: Now, Mr. -- is there anything
6 additional with regard to his testimony to give Mr. Specchio
7 notice of what you intend to call him for?

8 MR. STANTON: That is all the direct
9 examination of Mr. Oakes is going to be.

10 THE COURT: Mr. Specchio, do you need a
11 continuance to confer with Mr. Oakes?

12 MR. SPECCHIO: No, Your Honor.

13 THE COURT: Then we will bring the jury in.

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

16 THE COURT: Counsel, can you stipulate to the
17 presence of the jury?

18 MR. GAMMICK: Yes, Your Honor.

19 MR. SPECCHIO: So stipulated, Your Honor.

20 THE COURT: Thank you. You may be seated.
21 Good afternoon, ladies and gentlemen of the
22 jury.

23 Call your next witness.

24 MR. STANTON: State would call John Oakes to
25 the stand.

JOHN E. OAKES

called as a witness on behalf of the Plaintiff,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Mr. Oakes, could you please state your complete name for the record?

A John E. Oakes.

Q And, Mr. Oakes, are you a licensed attorney here in the State of Nevada?

A I have been, yes.

Q And how long have you been a licensed attorney?

A Since 1978.

Q Currently your practice is in what area?

A Criminal defense.

Q I want to direct your attention to the name of Sateki Taukiuvea. Do you recognize that name?

A I do, and I cannot to this date pronounce it.

Q Were you Mr. Taukiuvea's attorney for criminal charges that arose out of an arrest from Sparks Police Department in 1997?

A Yeah. I was appointed by the Washoe County Public Defender's office on October -- little bit different up here; I'm used to being back there -- October 22nd, 1997.

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1 Q When was Mr. Taukiuvea's arrest from arising
2 out of those charges that you were appointed on that date?

3 A October 14th of 1997.

4 Q And is it fair to say that the first or one of
5 the early important proceedings that occurs in a criminal
6 case is something called a preliminary hearing?

7 A Correct. That was held on November 25th, 1997.

8 Q At that time was there plea negotiations that
9 were entered into between the State and your client?

10 A Yes. He was charged with two counts: one
11 count of burglary and one count of possession of stolen
12 property.

13 I did not personally negotiate this deal. At
14 that point in time, my partner, David Spitzer, appeared in
15 my behalf. He negotiated the case, and as reflected on the
16 waiver of preliminary hearing, it was agreed that the State
17 would dismiss the charge of burglary and he would enter a
18 plea of guilty to possession of stolen property.

19 Additionally, at the time of sentencing the
20 State would have no objection to a 458 program. Otherwise
21 concur with the recommendation of the Department of Parole
22 and Probation.

23 Q You said a lot of things that I'm sure are part
24 of the vernacular to an experienced criminal defense
25 attorney. Let me just back up and go through it briefly.

1 When was the date that that plea negotiation
2 was settled between your client and the State of Nevada?

3 A November 25th, 1997.

4 Q And after that date, was there any time that
5 the plea negotiations were either modified, attempted to be
6 modified, or were you ever approached by any representative
7 of the District Attorney's Office to modify those
8 negotiations?

9 A Never.

10 Q When was the first time you had heard about any
11 inquiry regarding your client's plea that we just mentioned?

12 A When I was walking out of the courtroom this
13 morning after the morning arraignments and I thought you
14 were making a joke. So this morning about 10:00 o'clock.

15 Q Now, Mr. Oakes, the negotiations that you just
16 mentioned, were those fairly typical of a case of that
17 magnitude and the facts as you knew them to be?

18 A The facts of this case were pretty straight
19 forward. He and a co-offender -- actually two other
20 co-offenders were caught red-handed with hot stolen
21 merchandise.

22 In October of '97, there was a blackout in
23 Sparks. They were caught, or Sparks Police Department was
24 doing a sweep around the neighborhood because there was a
25 blackout in Sparks. He was caught with his co-offender with

1 some stolen sporting goods equipment, who had just
2 suffered -- it was a next door store, and they had just been
3 burglarized.

4 Q So the negotiations that the State entered into
5 in this case, would they be fair and reasonable based upon
6 your number of years and experience based upon the facts and
7 the charges in that case?

8 A And the evidence, yes.

9 Q And was there any time after that again that
10 anybody sought to modify the negotiations?

11 A At no time. In fact, his change of plea was
12 before Judge Berry on December 22nd, 1997.

13 Q And relative to the contact with the District
14 Attorney's Office and your representation of Mr. Taukiuvea,
15 did anybody ever contact you at any time requesting the
16 assistance of your client pursuant to his charges of being a
17 witness in this case?

18 A Not at any point in time. Like I said, the
19 first contact I had was by you today.

20 MR. STANTON: No further questions.

21 THE COURT: Cross?

22 MR. SPECCHIO: Your Honor, as tempting as it
23 is, no questions, Your Honor.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you.

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(The witness was excused.)

MR. STANTON: State would call Maria Losa
Louis.

MARIA LOSA LOUIS

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

DIRECT EXAMINATION

BY MR. STANTON:

Q Ma'am, if you could pull that microphone down
as close as you can get to it.

Could you state your full and complete name?

A Maria Losa Louis.

Q Could you spell your middle?

A L-O-S-A.

Q And how do you spell your last?

A L-O-U-I-S.

Q How old are you, ma'am?

A 22.

Q I want to direct your attention to
approximately one year ago, the time frame of January 13th,
1998. Ma'am, at that time, where were you living?

A 1098 North Rock Boulevard, Apartment A.

Q And who else was living with you at that
location?

1 A It was myself, my sister and my two little
2 brothers.
3 Q Can you tell me your siblings' names and their
4 ages?
5 A Corina Louis, 18; William Louis, 15; Brandon
6 Louis, 12.
7 Q And Brandon also has a name of Masi?
8 A Uh-huh. Yes.
9 Q Now, over your right-hand shoulder is a chart
10 of the month of January 1998. If you need to refer to that
11 in any part of my questions, feel free to do so.
12 Do you know someone by the name of Siaosi
13 Vanisi?
14 A Yes, I do.
15 Q Do you see him in court today?
16 A Yes, I do.
17 Q Could you point to where he is in the courtroom
18 and tell me what he is wearing?
19 A He is sitting right there with the gray suit,
20 blue tie.
21 Q At the table right to my left?
22 A Yes.
23 Q Now, ma'am, on January or in January of 1998,
24 how well did you know Mr. Vanisi?
25 A Not that well. We met on family occasions,

1 family gatherings.

2 Q About how many times had you seen or met
3 Mr. Vanisi prior to his arrival in Reno in January?

4 A I would say about twice.

5 Q How long before his arrival in January 1998 had
6 you seen him on those two occasions?

7 A A year. I would say a year.

8 Q Now, do you remember where you were in Reno
9 when you first saw Mr. Vanisi in January of 1998?

10 A Yes. I was at a dance.

11 Q Where did this dance take place?

12 A At Paradise Park.

13 Q Was the dance put on by a particular
14 organization?

15 A It was just for the Tongan society youth.

16 Q And you said you saw the defendant there --

17 A Yes, I did.

18 Q -- Mr. Vanisi? And was he dressed or look the
19 same at the dance when you saw him as he does in court
20 today?

21 A No, he does not.

22 Q How does he look different?

23 A Well, when I first saw him, he had a -- he had
24 longer hair, it was a wig, with a beanie, black baggy pants,
25 and a leather jacket.

1 Q Showing you Exhibit 24-A, is this the way he
2 looked, minus the wig and the beanie?

3 A Yes.

4 Q When you saw him at the dance that night, how
5 was he behaving?

6 A I wasn't really paying attention. He was just
7 dancing like others, like the rest of us.

8 Q Was he acting unusual?

9 A No.

10 Q Do you remember on January 13th, 1998, sometime
11 in the evening hours of that day being interviewed by the
12 Reno Police Department, members of the Reno Police
13 Department?

14 A Yes.

15 Q Using that time frame and up there on the chart
16 that would be reflected as Tuesday, when was the dance when
17 you first saw Mr. Vanisi?

18 A Saturday, the 11th. I'm sorry. The 10th.

19 Q You said he had a wig on?

20 A Yes.

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

22 A Because he came over to my house and he took it
23 off.

24 Q I show you Exhibit 6. Have you ever seen that
25 composite drawing before?

1 A On the news.

2 Q And did that, does this accurately depict the
3 way Mr. Vanisi looked when you saw him at the dance that
4 night?

5 A Yes.

6 Q What were the names that you knew Mr. Vanisi by
7 in January 1998?

8 A Pe.

9 Q Pe?

10 A Perin (phonetic) and Siaosi.

11 Q Did you ever hear him called George?

12 A No.

13 Q During the dance that you described at Paradise
14 Park, did you ever see Mr. Vanisi with a hatchet?

15 A No, I didn't.

16 Q Did you see the hatchet sometime later with
17 him?

18 A Yes, I did.

19 Q Do you remember him wearing a jacket at the
20 dance?

21 A Yes.

22 Q What kind of jacket was it?

23 A It was a burgundy leather jacket.

24 Q Ma'am, I want to show you two photographs, 23-A
25 and 23-B. First 23-A, do you recognize what's contained in

1 that photograph?

2 A Yes.

3 Q And 23-B?

4 A Yes.

5 Q Is that the jacket that you just mentioned you
6 saw the defendant wearing?

7 A Yes.

8 Q Do you know where these two photographs are
9 taken?

10 A In my apartment. 1098 North Rock Boulevard.

11 Q Do they accurately reflect the condition of the
12 jacket and its location where you last remember seeing it
13 before the police came in?

14 A I don't remember seeing that jacket. I have
15 seen it before, but I don't remember seeing it there.

16 Q In your apartment like this?

17 A Yeah.

18 Q But you are certain that is the jacket he was
19 wearing at the dance?

20 A Yes, it is.

21 Q When was the first time that you saw Mr. Vanisi
22 with a hatchet?

23 A Saturday night after the dance.

24 Q And that would be?

25 A On the 10th.

1 Q And where did he have it on his person, on his
2 body?

3 A He had it -- when I first saw him he had it on
4 his chest, tied around with a belt.

5 Q Now, using me as Mr. Vanisi, where on my body
6 would the belt be? Here?

7 A Yeah. Little lower.

8 Q About here?

9 A About there.

10 Q Right around where my stomach is?

11 A Yes.

12 Q It was a belt?

13 A It looked like a belt.

14 Q And was that hatchet on the outside of his
15 jacket or the inside?

16 A Inside.

17 Q So if I walked up to him and didn't know any
18 better, I couldn't see the hatchet?

19 A No, you couldn't.

20 Q Where were you when you saw -- physically where
21 in Reno were you when you first saw it?

22 A The hatchet?

23 Q Yes.

24 A Starlight Bowling.

25 Q Who else was present with you when you were at

1 Starlite Bowl?

2 A Sateki Taukiuvea and Renee Peaua.

3 Q And Sateki Taukiuvea and Renee Peaua were
4 boyfriend and girlfriend?

5 A Yes, they were.

6 Q Did you ask Mr. Vanisi at the Starlite Bowl
7 where he had the hatchet?

8 A No, I just asked him, What are you doing with
9 that?

10 Q What did he respond?

11 A He didn't say nothing.

12 Q You thought that was unusual?

13 A No, I didn't think nothing of it.

14 Q Did you see many people that you know carry
15 around hatchets?

16 A No.

17 Q So that was unusual?

18 A You could say that.

19 Q Did you ever hear the defendant Siaosi Vanisi
20 make a statement that he wanted to kill a cop?

21 A Yes, I did.

22 Q When was the first time you heard that?

23 A I can't really tell you the first time, but I
24 have heard it several times.

25 Q And was he the only person you ever heard say

1 that?

2 A Yes.

3 Q How many total times did you hear Mr. Vanisi
4 say, I want to kill a cop?

5 A I have heard him like three times.

6 Q Was anybody else present when he said it?

7 A Yeah. There was a lot of us.

8 Q And who were some of the other people that were
9 present when he said -- made that statement?

10 A Renee Peaua, Sateki Taukieuvea, Laki Tauveli,
11 Corina, Louis and myself.

12 Q And the person you said goes by the name of
13 Laki; correct?

14 A Yes.

15 Q Then we have Teki?

16 A Uh-huh.

17 Q And Renee?

18 A Yes.

19 Q Peaua?

20 A Yes.

21 Q Where is Renee Peaua?

22 A She is in Tonga.

23 Q When did she leave to go to Tonga?

24 A She left last year, January, or February.

25 Q Right after the murder of Sergeant Sullivan?

1 A Yeah. Yes.

2 Q Now, the statements that you heard Mr. Vanisi
3 make about killing a cop, did he whisper those to you or did
4 he say them out loud like you and I are talking now?

5 A He said them out loud.

6 Q And were these statements made before or after
7 Sergeant Sullivan was killed?

8 A Before.

9 Q Did he ever make any of those statements that
10 you heard after Sergeant Sullivan had been killed?

11 A No.

12 Q Ma'am, I'd like to take you to Monday, January
13 12th, 1998. Do you remember being at the house, at your
14 house on Rock Boulevard, Apartment A, when you came home at
15 approximately 5:00 to 6:00 p.m.?

16 A Yes.

17 Q What was Mr. Vanisi doing when you arrived at
18 your apartment on that day and that time?

19 A We were just in the house. Everybody was
20 talking.

21 Q Do you remember him to be cooking dinner?

22 A Yeah. After we talked he went in and cooked
23 dinner.

24 Q What did you do?

25 A I went and cleaned my room, fell asleep.

1 Q Who else was present at your home prior to you
2 going to sleep?
3 A My two little brothers, my sister, I'm sure
4 Laki was there, and Pe.
5 Q Was Sateki Taukiuvea there?
6 A He had left to go take our cousin home.
7 Q Pardon me?
8 A He had left to go take our cousin home.
9 Q Which cousin was that?
10 A Namoa Tupou.
11 Q Do you remember him coming back?
12 A Yes.
13 Q What time did Teki come back?
14 A I can't tell you because I was asleep.
15 Q What time do you remember seeing Teki there?
16 A I woke up at about five minutes to 12:00, and
17 Teki was in the room sleeping. My brother's room.
18 Q Was Priscilla Endemann there?
19 A No, she wasn't.
20 Q And was the defendant, Mr. Vanisi, there?
21 A When I woke up, no.
22 Q You saw Teki there, and I believe you have
23 mentioned that there are a couple brothers that were also
24 living at that residence with you?
25 A Yes.

1 Q Were they there as well?

2 A Yes.

3 Q That would be Masi?

4 A And Bill.

5 Q And Bill. When did you next see Mr. Vanisi
6 either that night or the early hour morning of the next day?

7 A I saw him -- after 1:00 on Tuesday morning,
8 a.m.

9 Q And do you remember giving the precise time to
10 the police and what that time is?

11 A Yeah. I told them between 1:00 and 1:15.

12 Q How is it that you know it was that time?

13 A Because I was on the computer, and when he
14 walked in, I glanced at the clock on the computer.

15 Q Now, when you last saw Mr. Vanisi on Monday,
16 the 12th, he looked like that; correct?

17 A Yes.

18 Q Now, when he walked into your apartment Tuesday
19 morning around 1:00 o'clock, as you have testified, did his
20 appearance look different from that composite drawing,
21 Exhibit No. 6?

22 A Yes.

23 Q What was different about his appearance when he
24 walked into your house Tuesday morning around 1:00 a.m.?

25 A He just didn't have the wig nor the beanie on.

1 Q Was he carrying anything?

2 A A plastic bag, shopping, grocery bag.

3 Q What color was that shopping bag?

4 A White.

5 Q Did you know what was inside it?

6 A No, I couldn't see what was inside it.

7 Q What did he do when he walked in with the bag

8 at 1:00 o'clock?

9 A He just walked in, and he asked Sateki for his

10 keys.

11 Q Exhibit 22, does that look like the bag that he

12 carried in?

13 A That looks like the bag, but that stuff was not

14 in there.

15 Q The stuff that was inside?

16 A Yes.

17 Q How do you know that stuff wasn't inside?

18 A Because the bag looked light.

19 Q And when he came in with the bag, he asked for

20 Teki's keys?

21 A Yes.

22 Q So Teki is there?

23 A Yes.

24 Q What was Teki doing?

25 A He was sleeping. He was laying on the couch.

1 Q And he asked for Teki's keys. What did Teki
2 do?

3 A Just threw him the keys.

4 Q What did Mr. Vanisi do after he got the keys?

5 A He went back outside.

6 Q And how long was he gone?

7 A Not that long because he kept going in and out.

8 Q In and out of your apartment?

9 A Yes.

10 Q Did he come back in -- the next time he came
11 back into your house, did he come in with the bag?

12 A No.

13 Q Did the defendant, Mr. Vanisi, tell you how he
14 got to your address at Rock Boulevard?

15 A When he walked in, we asked him how he got
16 there. He told us he walked.

17 Q Did he have on the leather jacket you have
18 previously identified?

19 A Yes.

20 Q The red burgundy one?

21 A Yes.

22 Q Was he wearing any gloves?

23 A Yes.

24 Q What kind of gloves was he wearing?

25 A I think they were cream.

- 1 Q Showing you Exhibit 25, do those look similar
- 2 in both appearance, color and size?
- 3 A Yes.
- 4 Q Did he have those gloves on?
- 5 A Yes, he did.
- 6 Q I'm sorry. Which did he have, on or off?
- 7 A He had them on.
- 8 Q What kind of pants did he have on?
- 9 A Black jeans.
- 10 Q Do you remember how they looked on him?
- 11 A Baggy.
- 12 Q Showing you Exhibit 29-A, do you see those
- 13 black pants in the middle there?
- 14 A Yes.
- 15 Q Do those appear to be consistent in color and
- 16 size as the pants that he wore when he came back into your
- 17 apartment at 1:15?
- 18 A Yes.
- 19 Q How was Mr. Vanisi acting when he came back and
- 20 was going in and out of your apartment?
- 21 A He was quiet. He wasn't talking. He was heavy
- 22 breathing.
- 23 Q Was Mr. Vanisi a quiet person normally?
- 24 A No.
- 25 Q What was he normally like?

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1 A He talked a lot.

2 Q Always talking?

3 A Yes.

4 Q When he comes back in at 1:00 o'clock, the

5 thing that you notice is different is he's quiet?

6 A He's quiet.

7 Q Anything else?

8 A His heavy breathing.

9 Q Did he ask you for a T-shirt?

10 A Yes, he did, but that was the next day.

11 Q After you went back to sleep?

12 A Yeah.

13 Q Now, there came a time where you were asked on

14 January 13th to come down to the police station; correct?

15 A Yes.

16 Q That was in the evening?

17 A Repeat your question, please.

18 Q Yes. At the time that you first came down to

19 the police department to give a statement about what you

20 knew in this case, was it in the evening?

21 A Yes, it was.

22 Q Exhibit 27, you have seen this photograph on

23 January 13th at the police station?

24 A Yes.

25 Q I'll represent to you that is a photograph from

1 Jackson's Mini-mart. Did you identify the person that is in
2 the middle of that photograph with his left hand to his
3 chin?

4 A Yes.

5 Q Who is that?

6 A Pe.

7 Q The defendant, Siaosi Vanisi?

8 A Yes.

9 Q You told the police that night, didn't you?

10 A Yes.

11 Q The police asked you several times whether or
12 not you were certain this was Siaosi Vanisi in this
13 photograph; correct?

14 A Yes.

15 Q What was your response?

16 A I said yes, it was.

17 Q In fact, you said you were positive; correct?

18 A Yes.

19 Q You're positive today that's Mr. Vanisi in that
20 photograph?

21 A Yes.

22 Q In the morning hours of January 13th when he
23 comes back to your apartment, you say he's quiet. Did you
24 ask him if anything was wrong?

25 A Yeah. I asked him what was wrong? He said,

1 "Nothing."

2 Q The police on January 13th came to your
3 apartment on Rock Boulevard; correct?

4 A Yes.

5 Q Did they ask for consent to search your home?

6 A They asked me that downtown.

7 Q And you gave them consent?

8 A Yes.

9 Q Now, I'd like to talk about the events that
10 occurred once again on the 13th of January, 1998, but a
11 little further along in the morning, not the 1:00 o'clock
12 time frame but the next morning when everybody gets up at
13 your apartment.

14 Do you remember a time where Mr. Vanisi asked
15 to have his appearance changed?

16 A Yes, he did.

17 Q What time of day on Tuesday, the 13th, did that
18 occur?

19 A 10:00 o'clock. Around 10:00.

20 Q Where did Mr. Vanisi sleep that night?

21 A He slept in the house, in my apartment.

22 Q Whereabouts in your apartment?

23 A Living room.

24 Q Can you describe to the jury what kind of
25 apartment, how many rooms?

1 A Two bedroom.

2 Q So he slept in one of the bedrooms?

3 A In the living room.

4 Q In the living room. And how did Mr. Vanisi's

5 appearance change that morning?

6 A He just had his beard shaved.

7 Q And he did that in your apartment?

8 A Yes.

9 Q And who cut his beard?

10 A Shamari Roberts.

11 Q Is he a friend of yours?

12 A Yes.

13 Q I'd like to show you Exhibit 24-B. Do you

14 recognize that photograph?

15 A Yes.

16 Q Does that photograph accurately reflect the

17 condition of Mr. Vanisi's facial hair after being shaved by

18 Mr. Roberts on that morning?

19 A Yes.

20 MR. STANTON: Move for 24-B into evidence, Your

21 Honor.

22 THE COURT: Mr. Specchio?

23 MR. SPECCHIO: I thought it was in, Judge.

24 THE COURT: 24-B I think was admitted but let

25 me make sure. Yes, it has been previously.

1 MR. SPECCHIO: I'll do it again if it will make
2 everybody happy.

3 MR. STANTON: No, I didn't have it marked.

4 THE COURT: 24-A and B were admitted yesterday.

5 BY MR. STANTON:

6 Q Who asked on that morning to have his beard
7 shaved?

8 A Pe did.

9 Q When was the last time that you saw Mr. Vanisi?

10 A At church.

11 Q That would be on Tuesday?

12 A Tuesday.

13 Q Once again that would be the 13th of January?

14 A Yes.

15 Q What time of day was it? When was the last
16 time you saw him?

17 A I would say after 8:00.

18 Q In the evening?

19 A In the evening.

20 Q Did you accompany Mr. Vanisi to the Mormon
21 church Tuesday morning with Sateki Taukiuvea?

22 A No, I didn't.

23 Q The photographs that I showed you of the
24 plastic bags in your home, do you remember when you found
25 those?

1 A I found them Thursday, the 22nd.

2 Q Could it possibly have been Thursday, the 15th?

3 A Oh, yeah, it was.

4 Q Does that seem more like it, the 15th?

5 A Yes.

6 Q Prior to your discovery of the plastic bag and

7 the items that were in that plastic bag, let me just ask you

8 a couple questions. Were you aware that the police were

9 actively searching for personal items of Sergeant George

10 Sullivan?

11 A Yes.

12 Q How did you know that?

13 A I saw it on the news.

14 Q What did you see on the news?

15 A I saw Gammick.

16 Q The District Attorney?

17 A Yes. Holding up the belt. They were looking

18 for it.

19 Q And how did you come about finding those bags?

20 What were you doing?

21 A I went to my toaster cabinet to grab my toaster

22 out, and the antenna just stuck out.

23 Q The antenna?

24 A Of the walkie-talkie.

25 Q Of the radio?

1 A Uh-huh.

2 Q Now, did you see some other items in the bag?

3 A No. That was it.

4 Q What did you do after you saw those items?

5 A I called the cops.

6 Q And did they come out and pick it up?

7 A Yes.

8 Q And you were interviewed by the police a second

9 time?

10 A Yes.

11 Q Did you look any closer at any of the items

12 inside the bag besides the radio?

13 A No.

14 Q Did you touch the bag in any way?

15 A No.

16 Q Do you have any idea as you sit here today,

17 ma'am, how that bag got into your apartment?

18 A No, I don't.

19 Q And was that the bag or be the same bag that

20 Mr. Vanisi brought into your apartment on the early morning

21 hours of January 13th?

22 A Not with the stuff in there.

23 Q It didn't appear to be as full as what it did

24 when you found it?

25 A Yes.

1 Q Other than that, it's the same color, the same
2 style?

3 A Same color bag.

4 MR. STANTON: Court's indulgence for one
5 moment.

6 THE COURT: Yes.

7 BY MR. STANTON:

8 Q Do you have any idea, ma'am, what Siaosi means
9 in English?

10 A George.

11 Q What time of evening were you at the Starlite
12 Bowl?

13 A I would say it was after midnight.

14 Q And I'd like to show you a couple photographs
15 of a hatchet that was found in your residence. 20-B and
16 20-A. I ask you to look at these two photographs. That's
17 20-A. That's 20-B. Do you recognize what's in those
18 photographs?

19 A Yes.

20 Q Is that inside your apartment?

21 A Yes.

22 Q Whereabouts inside your apartment are those
23 photographs taken?

24 A Front door.

25 Q Did you see these, what's in these photographs,

1 in the same condition on Tuesday? I'll rephrase the
2 question. It was poorly worded.

3 What's depicted in these photographs, did you
4 see it in the same or similar condition as to what is
5 inside -- that was poorly worded, too.

6 These photographs, do they accurately depict
7 the condition inside your front door as you saw it Tuesday
8 morning?

9 A Yes.

10 Q And how do you know or do you know how that
11 hatchet got there?

12 A My little brother had threw it out of his room.

13 Q What little brother threw it out?

14 A William Louis.

15 Q Pardon me?

16 A William Louis.

17 Q When did he throw it out of his room?

18 A I would say before we left for church.

19 Q What day was this?

20 A Tuesday.

21 Q What time was this?

22 A Around 6:00.

23 Q Does that hatchet appear to be the same hatchet
24 that you had seen previously in the possession of Mr. Vanisi
25 on several occasions?

1 A Yes.

2 Q What time of the evening did you begin to work

3 on your computer, either Monday night or Tuesday morning?

4 A When I woke up, my sister was typing her paper.

5 She got off around midnight. That's when I got on.

6 Q Do you know what a Tongan mat is?

7 A Tongan mat?

8 Q Yeah, mat?

9 A Mat.

10 Q Yes.

11 A There is a lot of them.

12 Q What is a Tongan mat?

13 A There's one called a tapa that's made out of

14 mulberry bark.

15 Q How is that spelled?

16 A Tapa, T-A-P-A.

17 Q You said there is another type?

18 A Yeah. It's called a fala. I don't know the

19 English translation.

20 Q How is that spelled?

21 A F-A-L-A.

22 Q Are those items of clothing or what can be worn

23 as clothing?

24 A Yes, it can be worn as clothing.

25 Q Are they wraps that you put around your body?

1 A Yes.

2 MR. STANTON: No further questions, Your Honor.

3 THE COURT: Cross-examination.

4 **CROSS-EXAMINATION**

5 BY MR. SPECCHIO:

6 Q Mrs. Louis, are you related to Mr. Vanisi?

7 A Yes, I am.

8 Q He's -- how are you related to him?

9 A He's my uncle.

10 Q He's your uncle. You were shown a couple of
11 photographs, Exhibit 26, 22, and 26.

12 MR. SPECCHIO: May I approach, Your Honor?

13 THE COURT: Yes.

14 BY MR. SPECCHIO:

15 Q Are these the white bags that you referenced
16 before?

17 A Before?

18 Q When Mr. Stanton was asking you about it.

19 A Yes.

20 Q Is that exactly how it looked?

21 A I didn't look in there. I just saw the antenna
22 sticking out of the bag.

23 Q Is this where it was located?

24 A Yes.

25 Q In 26, it was located in a cupboard?

1 A Yes.

2 Q Is this another bag up here on the sink?

3 A Yes.

4 Q Same type, white plastic kind of bag?

5 A Yes.

6 Q Now, if I understand your testimony correctly,

7 the last day that you saw Mr. Vanisi was on the 13th?

8 A Yes.

9 Q The police came to your house later on the 13th

10 and searched your apartment?

11 A Yes.

12 Q What time did they search?

13 A Excuse me?

14 Q What time did they search?

15 A We were downtown. We were downtown around

16 10:00.

17 Q So you weren't even there when they searched?

18 A We weren't there.

19 Q You gave them consent down there, and they went

20 out and searched it while you were still at the police

21 station?

22 A Yes.

23 Q When you came back, were you able to tell from

24 a visual inspection of your apartment that police had

25 already in fact been there?

1 A Yes.

2 Q So they kind of turned things upside down or
3 tossed the place or whatever?

4 A Yes.

5 Q And then -- well, they didn't find the bag, did
6 they?

7 A No.

8 Q In fact, you don't know if the bag was even
9 there on the 13th, do you?

10 A Yeah.

11 Q Do you know?

12 A No, I don't know.

13 Q You don't know. So somebody could have put it
14 there on the 14th?

15 A Yes.

16 Q Somebody even could have put it there on the
17 15th?

18 A Yes.

19 Q Isn't that the day that you think you found it?

20 A Yes.

21 Q I you think you testified originally it was the
22 22nd, but you think now it's the 15th?

23 A I'm positive.

24 Q But it was definitely a Thursday?

25 A Yes.

1 Q So you don't know, number one, who put that bag
2 there?
3 A No, I don't.
4 Q And you don't know when it was placed there?
5 A No, I don't.
6 Q Are you related to Teki?
7 A No, I'm not.
8 Q He's just a friend?
9 A Yes.
10 Q His girlfriend at the time was Renee?
11 A Yes.
12 Q Was he married to Renee?
13 A No.
14 Q Did you ever see anybody else wear the wig?
15 A Teki tried it on.
16 Q At your place; right?
17 A Yes.
18 Q When would that be? Do you know when he did
19 that?
20 Did you actually see it? Did you see, actually
21 see him put the wig on?
22 A Yes, I did.
23 Q When did that happen; do you know?
24 A I would say Monday. I'm not real sure.
25 Q How many people slept at your place on the

1 night of the 11th? Let me back up.

2 A That's a Sunday?

3 Q Right. Let me back up a little bit.

4 When did you go to the bowling alley? On the

5 10th?

6 A Yes.

7 Q How many people slept at the Rock Boulevard

8 address on the 10th?

9 A It was just me, my sisters and brothers.

10 Q You are the oldest of the Louis children, are

11 you not?

12 A Over here in the United States.

13 Q Over here.

14 A Yes.

15 Q And this apartment at 1098 is really -- it's

16 listed in Laki's name?

17 A Yes.

18 Q But you occupy the place?

19 A Yes.

20 Q He spends time there from time to time?

21 A Yes, he does.

22 Q Teki spends time there from time to time?

23 A Yes.

24 Q Shamari Roberts is a close friend of yours?

25 A Uh-huh.

1 Q He spends time there from time to time?

2 A Yes.

3 Q Shamari is out of state right now, is he not?

4 A Yes, he is.

5 Q Louisiana?

6 A Yes.

7 Q What does he do? How does he learn a living?

8 A When he used to live here, he worked at

9 Colorite Plastics.

10 Q Is he involved in anything else?

11 A Church. He sings.

12 Q How about beautician or barber?

13 A Yes. He does that also.

14 Q So you saw Mr. Vanisi before the Shamari

15 haircut, beard shaving?

16 A I was in the room. When I came out they were

17 shaving his beard.

18 Q I mean, you could recognize him after the

19 shave, couldn't you?

20 A Yes.

21 Q So it was more of a shave than an altering of

22 appearance?

23 A Yes.

24 Q Let's talk about the sleeping arrangements on

25 the 11th. Who spent Sunday night, who spent the night at

1 your address on Rock Boulevard?

2 A It was me, my brothers and sister. I would say
3 Pe and Teki. Teki. They didn't spend the night. They just
4 sat up talking. They would leave early in the morning.

5 Q Teki and?

6 A And Renee.

7 Q And Mr. Vanisi?

8 A No, Renee. Take her home.

9 Q Now, let me see if I have got it right. Your
10 sister is Corina?

11 A Yes.

12 Q Bill is William Christopher?

13 A Yes.

14 Q Masi is Brandon?

15 A Brandon Thomas.

16 Q Brandon Thomas. Brandon, Masi and -- Brandon
17 and William share a bedroom?

18 A Yes.

19 Q On the night of the 10th of January, didn't
20 Teki sleep in the boys' room?

21 A No, he didn't.

22 Q He didn't?

23 A No.

24 Q Did he sleep on the couch?

25 A No.

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1 Q Where did he sleep?

2 A The 10th, we went out to Starlite Bowling. We
3 went on and logged on the computer. They were just talking.
4 And they left. They went home about 5:00 in the morning.

5 Q So Teki never slept on Monday night?

6 A I don't know if he slept. No, I don't think
7 so.

8 Q Did Mr. Vanisi sleep at your place on Monday
9 night?

10 A Monday night? Yes, he did Monday night,
11 Tuesday morning.

12 Q Okay.

13 A Teki was there.

14 Q Teki was there. Where was Teki and where was
15 Mr. Vanisi?

16 A On Monday night, Teki was there. On Saturday,
17 the 10th, we were just sitting up talking, and they left and
18 went back home.

19 Q Okay. Let's forget Saturday and let's go to
20 Monday. On Monday, both Mr. Vanisi and Teki were at your
21 place?

22 A I woke up, and Teki was there but Mr. Vanisi
23 wasn't.

24 Q What time was that?

25 A I woke up around five to 12:00.

- 1 Q Do you know if Teki left after that?
- 2 A No, he didn't.
- 3 Q Did Mr. Vanisi return after that time?
- 4 A He returned around 1:00.
- 5 Q Did Mr. Vanisi sleep then when he came back?
- 6 A I fell asleep before he did.
- 7 Q When you got up the next morning, did you know
- 8 where Mr. Vanisi and where Teki slept, if they did?
- 9 A I woke up, and Pe was at the house. Teki went
- 10 home.
- 11 Q And you don't know what time Teki left?
- 12 A Around 5:00.
- 13 Q 5:00 in the morning?
- 14 A 5:00 in the morning.
- 15 Q You got up at what time?
- 16 A I woke up around 10:00.
- 17 Q Okay. I'm a little confused. You went back to
- 18 sleep about what time?
- 19 A Around 5:00.
- 20 Q 5:00 in the morning when Teki left?
- 21 A Yeah. When Teki was leaving.
- 22 Q So you were up during the time that Teki was
- 23 there. So Teki never slept on the night of the 12th?
- 24 A He was sleeping.
- 25 Q Where?

1 A My brothers' room.

2 Q Brothers being Bill and Brandon?

3 A And Brandon.

4 Q And the next day, Bill or Brandon throw this
5 out of the room?

6 A Yes.

7 Q Mr. Vanisi wasn't sleeping in that room, was
8 he?

9 A I didn't see him in the room. When I woke up
10 he was already awake.

11 Q You didn't see him in that room while you were
12 awake, sleeping?

13 A No.

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

16 THE COURT: Yes.

17 MR. SPECCHIO: No further questions.

18 THE COURT: Redirect?

19 MR. STANTON: No questions.

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

21 (The witness was excused.)

22 THE COURT: Call your next witness.

23 MR. STANTON: State would call Priscilla

24 Endemann.

25

PRISCILLA LUPE ENDEMANN

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

DIRECT EXAMINATION

BY MR. STANTON:

Q Ma'am, could you please state your full name
and complete name?

A Priscilla Lupe Endemann.

Q And Miss Endemann, how old are you?

A 21.

Q I want to direct your attention back to the
first couple weeks of January of 1998. At that time, ma'am,
did you know someone by the name of Siaosi Vanisi?

A Yes.

Q How did you know him?

A Through a friend.

Q What friend was it?

A Losa.

Q Losa. And had you ever seen Mr. Vanisi before
that time?

A Saturday.

Q Before he came to Reno?

THE COURT: Excuse me just a minute. Would you
scoot a little closer to the microphone? Thank you.

1 I'm sorry, Mr. Stanton. You may proceed.

2 BY MR. STANTON:

3 Q You are going to have to speak into that
4 microphone. So if you could come even closer to it.

5 Prior to seeing Mr. Vanisi in January of 1998
6 in Reno, had you ever seen him before?

7 A No.

8 Q And what name did you know him by when you were
9 introduced to him in January?

10 A Pe.

11 Q Do you see Pe in court today?

12 A Yes.

13 Q Could you please point him out, where he is in
14 the courtroom and what he is wearing?

15 A He's second to the right, he's wearing a gray
16 suit with the blue tie.

17 Q And does he look different today than he did
18 when you first saw him in January?

19 A Yes.

20 Q How so?

21 A He lost weight.

22 Q Lost weight? Anything else?

23 A There's no beard.

24 Q When you first met him, ma'am, in January of
25 1998, do you know what day it was, day of the month and

1 where you met him, where physically in Reno you first met
2 him?

3 A I don't remember the date, but it was at
4 Paradise Park.

5 Q What was going on at Paradise Park?

6 A A dance.

7 Q Showing you Exhibit 24-A, does that look closer
8 to the way he looked when you first met him?

9 A Yes.

10 Q What was going on at Paradise Park?

11 A It was a dance for the youth.

12 Q Can you describe to the ladies and gentlemen of
13 this jury how he was dressed that night at the dance when
14 you first saw him?

15 A He had a wig on, and he had a hatchet in his
16 hand.

17 Q Describe the wig for me. How long was it?

18 A Shoulder length.

19 Q Could you demonstrate on yourself how long?

20 A About this long (indicating).

21 Q Was he wearing any type of hat over the wig?

22 A No.

23 Q Do you remember talking to the police about a
24 bandana?

25 A Yes.

1 Q Does that --

2 A Yes. Like a scarf holding the wig down.

3 Q And what kind of pants was he wearing?

4 A Dark jeans.

5 Q And were they tight fitting or looser?

6 A It was fitting. It wasn't too tight, wasn't

7 too loose.

8 Q Do you remember giving a statement to the

9 police?

10 A Yes.

11 Q And do you recall telling the police that they

12 were baggy?

13 A I don't remember.

14 Q Would looking at a transcript help you?

15 A Okay.

16 MR. STANTON: Court's indulgence for one

17 moment.

18 BY MR. STANTON:

19 Q Miss Endemann, if you could briefly take a look

20 at that and see if that looks familiar to you and relative

21 to the questions and answers that you gave to police on

22 January 13th, 1998. Does it look familiar?

23 A Yes.

24 Q Could you turn to page 6. The page number will

25 be in your lower right-hand corner. And on the left-hand

1 column of that page is a series of numbers. I'd like to
2 refer you to lines 19 through 21. Just read that to
3 yourself. Does that help you remember?

4 A Yes.

5 Q Now, you said that he had a bandana on;
6 correct?

7 A Yes.

8 Q And that he had a -- the hatchet and that he
9 used something for a belt. What did he use for a belt?

10 A A necktie.

11 Q Necktie. And what color was the bandana; do
12 you remember?

13 A Dark colored.

14 Q If you direct your attention to lines 34
15 through 38, just read that to yourself. Do you remember
16 what color the bandana was?

17 A Yes.

18 Q What?

19 A Black.

20 Q Turn the page to page 7, the next page, lines 7
21 through 10. Specifically do you now recall what you told
22 the police as far as the fit and the color of the pants he
23 was wearing?

24 A Yes.

25 Q What were they?

1 A Black jeans, baggy jeans, and I still wasn't
2 sure about the color of the shirt.

3 Q Showing you Exhibit No. 6, does that remind you
4 of how Mr. Vanisi looked?

5 A Yes.

6 Q Is that pretty accurate?

7 A Yes.

8 Q Now, you said that he had a hatchet with him.
9 Can you describe that hatchet for me?

10 A Black handle and silver on the top.

11 Q Exhibit 5. Does this look about the same size,
12 shape, color?

13 A Yes.

14 Q If you could take that hatchet and could you
15 demonstrate for the ladies and gentlemen of this jury how
16 you saw Mr. Vanisi dancing with that hatchet?

17 A Wherever he would move his arm, the hatchet, he
18 wasn't trying to swing it around. He was just dancing with
19 it.

20 Q How many people were at that dance when he was
21 doing that?

22 A I would say more than 50.

23 Q Could you repeat your answer to that last
24 question? How many people were at the dance?

25 A More than 50.

1 Q More than 50?

2 Now, in relationship to your interview with the
3 police, and you can refer to that chart over your right
4 shoulder of January of 1998, the interview with the police I
5 believe occurred on late Tuesday evening, January 13th,
6 1998. What date was the dance?

7 A It was on the 11th. I mean the 10th. I'm
8 sorry.

9 Q The 10th?

10 A Yes.

11 Q From the 10th when you first met him at the
12 dance and he was dancing with the hatchet, until the last
13 time you saw Mr. Vanisi in that month, how many times did
14 you see him with a hatchet?

15 A Twice.

16 Q Is that how many times you saw him?

17 A Not really, no.

18 Q Can you speak up a little louder?

19 A Sure.

20 Q Can you move a little closer to that
21 microphone?

22 Now, let me just repeat my last couple
23 questions to make sure everybody heard you.

24 How many times total did you see Mr. Vanisi
25 from the first time you saw him at the dance till the last

1 time you saw him in January?

2 A With the hatchet?

3 Q Just how many times did you see him?

4 A More than a couple times.

5 Q Did he always have the hatchet with him?

6 A Not always.

7 Q Most of the time?

8 A Yes.

9 Q And how was he carrying the hatchet?

10 A Just holding it.

11 Q Now, on Tuesday, the 13th of January, did you

12 happen to be at Losa's house at 1098 Rock Boulevard,

13 Apartment A?

14 A Yes.

15 Q What time did you arrive at that location?

16 A I don't remember.

17 Q Did you spend the night there?

18 A No.

19 Q Were you present when the hatchet was found

20 inside the apartment on Tuesday morning?

21 A Yes.

22 Q Who found the hatchet?

23 A Losa's brothers.

24 Q What's Losa's brothers' names?

25 A Masi and Bill.

1 Q How old are Masi and Bill?

2 A Masi is 12, Bill is 15.

3 Q And can you describe what happened when they

4 found it, what you saw, what you heard?

5 A The boys were disgusted because they seen a

6 little bit of blood on it.

7 Q And where were they when they found the blood

8 on it and they got disgusted?

9 A In their bedroom.

10 Q And what did they do with it?

11 A They brought it to the living room, and then

12 they dropped it in front of the door.

13 Q Did you see any blood on it?

14 A When I looked closely, yes.

15 Q Showing you Exhibits 20-E and 20-A, do you

16 recognize what is in those photos?

17 A Yes.

18 Q Is that the hatchet you just testified to?

19 A Yes.

20 Q Is that the location where it ultimately ended

21 up?

22 A Yes.

23 Q Is that in the same or similar condition as you

24 saw it as you just testified to?

25 A Yes.

1 MR. STANTON: Move for 20-A and B into
2 evidence.

3 THE COURT: Mr. Specchio, any objection?

4 MR. SPECCHIO: No objection, Your Honor.

5 THE COURT: Exhibit 20-A and 20-B are admitted.
6 (Exhibit Nos. 20-A and 20-B admitted.)

7 MR. STANTON: Your Honor, may I publish both
8 those photographs to the jury?

9 THE COURT: You may.

10 BY MR. STANTON:

11 Q Did you ever hear Mr. Vanisi ever state that he
12 wanted to hurt anyone?

13 A Yes.

14 Q What did he say as best you can remember, his
15 exact words?

16 A I want to kill a cop.

17 Q When was the first time that you heard that?

18 A Sunday.

19 Q Sunday, which Sunday?

20 A Sunday, the 11th.

21 Q And who else was present when he first made
22 that statement?

23 A Laki, Losa, Corina -- I'm not sure if Teki --
24 and Losa's younger brothers, Masi and Bill.

25 Q Did he whisper that to you or did he say out

1 loud like you and I are talking right now?

2 A He said it out loud.

3 Q Approximately how many times did you hear
4 Mr. Vanisi say he wanted to kill a cop?

5 A More than 10 times.

6 Q Did he ever tell you about a particular way he
7 wanted to catch a police officer?

8 A During his break time.

9 Q What type of break time?

10 A Coffee break.

11 Q And when did he say this?

12 A It was Sunday. I don't remember.

13 Q Sunday?

14 A On the 11th.

15 Q On the 11th. How was Mr. Vanisi acting when he
16 said that he wanted to kill a cop?

17 A Casual.

18 Q Matter of fact?

19 A Yes.

20 Q When was the first time that you heard about
21 the murder of George Sullivan?

22 A Tuesday morning.

23 Q And how did you find out about it,
24 Miss Endemann?

25 A Went to the university because my son had a

1 doctor's appointment.

2 Q At the university campus?

3 A Yes.

4 Q What time was your son's doctor appointment on
5 Tuesday the 13th?

6 A I believe it was at 9:00 a.m.

7 Q What happened when you went to the university?

8 A It was closed.

9 Q And were you advised why the campus was closed?

10 A A cop was killed.

11 Q At some time later that same day, did you
12 happen to see a composite sketch?

13 A Yes.

14 Q Was that on television?

15 A Yes.

16 Q Showing you Exhibit 6, is that what you saw on
17 television?

18 A Yes.

19 Q Miss Endemann, when you first saw this
20 composite sketch on television, what was the first thought
21 that entered your mind?

22 A That it was Pe.

23 Q In fact, you told the police -- and I know it's
24 been almost a year since your interview -- do you remember
25 the precise words of what you told the police about when you

1 saw that photograph?

2 A I thought about what he said on Sunday, and I
3 just put it together and I figured out that it was him.

4 Q If you could turn to your transcript, page 12,
5 lines 23 through 25, question by Detective Jenkins: "You
6 thought it looked like Pe from the sketch"?

7 What was your response?

8 A "It fit him so perfect, I have to go back and
9 make sure everybody was safe."

10 Q That is a good enough. You said, "It fit him
11 so perfect"?

12 A Yes.

13 Q Did Mr. Vanisi change his appearance at all
14 Tuesday morning, the 13th?

15 A Yes.

16 Q How did he change his appearance?

17 A Shaved part of his beard.

18 Q Did there come a time at Losa's house in the
19 afternoon hours of Tuesday, January 13th, where the evening
20 news came on at the Losa home?

21 A Yes.

22 Q Who was at the home when the evening news came
23 on that night?

24 A Corina, Losa, Bill, Masi, Laki, and myself.

25 Q Was the defendant, Siasosi Vanisi, there?

1 A Yes.

2 Q When the evening news came on, what was
3 Mr. Vanisi doing?

4 A He was sleeping.

5 Q Where was he sleeping?

6 A On the bed next to the TV.

7 Q The TV that was on?

8 A Yes.

9 Q What was he doing before the news broadcast
10 came on besides sleeping? Was he making any noise?

11 A He was snoring.

12 Q And what was the first story that the evening
13 news broadcast that night as you watched it?

14 A The cop killing.

15 Q And that's the one where they broadcast this
16 composite sketch, No. 6?

17 A Yes.

18 Q Did something occur with Mr. Vanisi as he was
19 snoring during the news broadcast?

20 A He stopped snoring.

21 Q And what did you all do after watching the news
22 broadcast?

23 A We got quiet.

24 Q And where did you go after the broadcast of the
25 cop had been murdered?

1 A We left the room.

2 Q And did you make a plan to leave the apartment?

3 A Yes.

4 Q Who?

5 A Myself, Laki, Corina, Losa and the boys.

6 Q And why did you want to leave the apartment?

7 A Because I was scared.

8 Q Where did you want to go?

9 A Anywhere but there.

10 Q And what happened? Can you tell us what

11 happened?

12 A The boys left to the church before we did. And

13 as me and Corina and Laki were about to leave, he came along

14 with us.

15 Q Who is he?

16 A Pe.

17 Q So he had woken up?

18 A Yes.

19 Q This is not what you had planned?

20 A No.

21 Q Where did you go?

22 A We went to the church.

23 Q Which church?

24 A The Mormon church.

25 Q Where is that Mormon church located?

1 A By the university.

2 Q University of Nevada, Reno campus?

3 A Yes.

4 Q From where you were going or coming from Rock
5 Boulevard at Losa's house to the Mormon church, do you
6 normally go through the university?

7 A Yes.

8 Q Did Mr. Vanisi act any differently while you
9 were approaching the university campus?

10 A Yes.

11 Q Can you describe how he was acting?

12 A He was acting paranoid.

13 Q Different from how he was acting at all the
14 times previous that day?

15 A Yes.

16 Q And when did he begin to act paranoid?

17 A As soon as we came close to the university.

18 MR. STANTON: Court's indulgence.

19 THE COURT: Yes.

20 MR. STANTON: No further questions.

21 THE COURT: Cross-examination?

22 MR. SPECCHIO: May I have the Court's
23 indulgence?

24 THE COURT: Certainly.

25 MR. SPECCHIO: No questions, Your Honor.

1 THE COURT: Thank you. You may step down.
 2 (The witness was excused.)
 3 THE COURT: Call your next witness.
 4 MR. STANTON: State would next call Manamoui
 5 Peaua.

6 **MANAMOUI PEAU**
 7 called as a witness on behalf of the Plaintiff,
 8 having been first duly sworn,
 9 was examined and testified as follows:

10 **DIRECT EXAMINATION**

11 BY MR. STANTON:

12 Q Sir, could you please state your full name and
 13 complete name and spell your first and last name for the
 14 court reporter?

15 A Manamoui Peaua; M-A-N-A-M-O-U-I, P-E-A-U-A.

16 Q Sir, how old are you?

17 A 26.

18 Q And how long have you lived here in Reno?

19 A About 20 years.

20 Q Sir, over your right hand shoulder is
 21 Exhibit 8, which is a street map. I'd ask if you'd look at
 22 that for a moment and see if you can become familiarized
 23 with the streets and the locations on that map.

24 A Yes.

25 Q I'd like to direct your attention back to

1 January of 1998. You have a large family that lives here in
2 Reno?

3 A Yes, sir.

4 Q Where does the bulk of your family reside?

5 A 1645 Sterling Way.

6 Q Could you point where that is on the map?

7 A Right here.

8 Q It's got the label there?

9 A Right.

10 Q And there is a red dot just to the left side of
11 that label. Does that accurately reflect the Sterling
12 Street?

13 A Yes.

14 Q Do you know Siao Si Vanisi?

15 A Yes, I do.

16 Q How is he related to you?

17 A Cousin.

18 Q And how often have you seen Mr. Vanisi, say,
19 prior to January 1998?

20 A Probably two, three times a year.

21 Q And how would you describe your relationship
22 with him?

23 A Just family.

24 Q Friends?

25 A Friends.

1 Q Prior to January 1998, when was the last time
2 you saw Mr. Vanisi?

3 A Maybe about two months prior, two, three months
4 prior.

5 Q Was that a family gathering?

6 A No.

7 Q Was that in Reno?

8 A That was in L.A.

9 Q Los Angeles?

10 A Yes.

11 Q In January of 1998, did Mr. Vanisi come to
12 Reno?

13 A Yes, he did.

14 Q Was that a scheduled visit or a surprise to
15 you?

16 A I knew maybe a week beforehand.

17 Q Was there any family gathering that was planned
18 at that time?

19 A I don't think so.

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

21 A Yes, I do.

22 Q Could you please point out where he is and what
23 he is wearing for me, sir?

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

25 Q Sitting at this table right to my left?

1 A Yes.

2 Q Beneath this map is a blowup of January 1998.

3 If you need that for your reference.

4 Could you tell me what day in January you first
5 saw Mr. Vanisi in Reno?

6 A I'm not sure. I would have to be reminded.

7 Q If I were to tell you that the murder of
8 Sergeant George Sullivan took place just after midnight
9 going from Monday, the 12th, into Tuesday, the 13th of
10 January, does that give you a frame of reference?

11 A Yeah. Probably maybe a week before.

12 Q And where did you first physically see
13 Mr. Vanisi?

14 A At the house.

15 Q At Sterling?

16 A Right.

17 Q Did he have any clothes with him when he
18 arrived?

19 A I think he was carrying a bag and just what he
20 had on.

21 Q Can you describe how he looked when he first
22 arrived in Reno when you first saw him at your house?

23 A He had a jacket, a vest, cream pants, I think.

24 Q Was he wearing a wig?

25 A Yes.

1 Q What kind of wig? Can you describe it for me?
2 A Brown wig.
3 Q Was it normal or usual for you to see your
4 cousin wearing a wig?
5 A No.
6 Q No, it wasn't normal?
7 A No, it was not.
8 Q First time you had ever seen him with a wig?
9 A Yes.
10 Q Did he have anything over the wig?
11 A A beanie.
12 Q Showing you Exhibit '6, does that look like your
13 cousin when you first saw him?
14 A Yes.
15 Q When you were at the Sterling address, did you
16 see him unpack any other clothing besides what he was
17 wearing?
18 A He had a few things. I can't remember them.
19 Q What kind of jacket was he wearing?
20 A Leather jacket.
21 Q What color was it?
22 A Brown.
23 Q Now, I'd like to direct your attention to
24 Monday, the 12th of January, on that. Refer to that chart
25 if you need to.

1 Mr. Peaua, directing your attention to
2 approximately 10:00 p.m., on that date, was the defendant
3 staying at your home?

4 A Yes, he was.

5 Q And do you remember him arriving at your home
6 on Monday evening?

7 A No.

8 Q You don't? Were you there all day?

9 A Pretty much.

10 Q Do you remember your cousin, the defendant,
11 Mr. Vanisi, being there all day?

12 A Off and on, I believe.

13 Q Well, I want to direct your attention
14 specifically to 10:00 p.m. Do you recall your cousin, the
15 defendant, Siaosi Vanisi, arriving at your home at
16 approximately 10:00 p.m.?

17 A I saw him around 10:00.

18 Q Would you say you saw him but you don't know if
19 he necessarily arrived then; is that your testimony?

20 A Yes.

21 Q Could he have arrived at that time, or do you
22 not remember?

23 A Could have, I guess.

24 Q How was he dressed?

25 A He had a shirt, pants. He may have had the

1 brown jacket, I think.

2 Q Exhibit 11, does that look like the jacket?

3 A It looks like it.

4 Q About the same length of Mr. Vanisi?

5 A Just about, yeah.

6 Q What were you doing at about 10:00 o'clock that

7 evening at your home?

8 A Watching TV.

9 Q Other family members watching TV as well?

10 A Yeah.

11 Q Did Mr. Vanisi have the wig and the beanie on?

12 A No.

13 Q You didn't see that?

14 A No.

15 Q Was he carrying anything?

16 A No.

17 Q What did you do the rest of the evening from

18 10:00 o'clock on?

19 A Just watch movies.

20 Q Did you go to sleep any time before midnight?

21 A No.

22 Q What time the next morning did you ultimately

23 go to sleep?

24 A On the next morning?

25 Q Yes.

1 A About 2:30, maybe three.

2 Q Prior to you going to sleep, do you recall
3 Mr. Vanisi leaving your home?

4 A Yes.

5 Q What time did he leave the home?

6 A About 2:30, 2:00 o'clock, between 2:00 and
7 2:30.

8 Q From the time of 10:00 o'clock p.m. to 2:30 in
9 the morning, you never saw him leave?

10 A No.

11 Q He was there all the time?

12 A Last time I seen him, yes, he was there.

13 Q Okay. When was the last time you seen him?

14 A About 10:30, about 10:30, close to there.

15 Q Let me get this straight. You are watching
16 television, watching a movie with family members?

17 A Right.

18 Q Where is Mr. Vanisi?

19 A He was sleeping in the bedroom.

20 Q So he's not in the same room?

21 A No.

22 Q At sometime he comes into your house and asks
23 you for a ride?

24 A Yes.

25 Q What time of the morning does that occur?

- 1 A About 2:30. 2:00 to 2:30.
- 2 Q Where does he ask you to take him?
- 3 A To our cousin's house on Rock Boulevard.
- 4 Q What is your cousin's name?
- 5 A Losa's house.
- 6 Q To Losa's house?
- 7 A Right.
- 8 Q Was he by himself?
- 9 A Yes.
- 10 Q Do you know Sateki Taukiueva?
- 11 A Yes.
- 12 Q Was he there?
- 13 A At which place?
- 14 Q At Sterling?
- 15 A No.
- 16 Q When the defendant, Mr. Vanisi, asked you for a
- 17 ride, was he by himself?
- 18 A Yes.
- 19 Q And did you take him to Losa's house?
- 20 A Yes.
- 21 Q Did you take anybody else to Losa's house?
- 22 A No.
- 23 Q How was the defendant, Mr. Vanisi, acting when
- 24 he asked you for a ride?
- 25 A Usual, just quiet and just chitchatting.

1 That's about it.

2 Q Was it usual for him to be quiet or was it
3 usual for him to be chitchat?

4 A Either one. You know. It just depends on how
5 he was at the time.

6 Q And how was he at that time?

7 A Just quiet at sometimes but, you know, start a
8 little conversation here and there. That's about it.

9 Q When he asked you for the ride back to Losa's
10 house, did he have the wig on?

11 A No.

12 Q Was he wearing the jacket that we just looked
13 at?

14 A Yes.

15 Q Was he wearing any gloves?

16 A No.

17 Q Was he carrying anything with him?

18 A Plastic bag.

19 Q What color was it?

20 A White.

21 Q Showing you Exhibit 22, does that appear to be
22 the color and type of bag that he had with him?

23 A Yeah.

24 Q Did you see what was in the bag, sir?

25 A No.

1 Q Did it appear to be empty or full?

2 A Halfway full, I suppose.

3 Q Did you ever see a hatchet on him?

4 A No.

5 Q If he was wearing a hatchet underneath his
6 coat, would you have seen it?

7 A Probably not.

8 Q After dropping him off at Rock Boulevard, did
9 you ever see him after that?

10 A No.

11 Q What time did you drop him off at Rock
12 Boulevard?

13 A About 2:30.

14 Q Did you go into the house?

15 A No.

16 Q Do you know Mr. Taukiuvea's vehicle that he
17 drives?

18 A No.

19 Q You don't know it?

20 A No.

21 Q So you wouldn't know whether or not it was at
22 the Losa's house when you arrived?

23 A I wouldn't know.

24 MR. STANTON: No further questions.

25 THE COURT: Cross-examination?

MR. SPECCHIO: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. SPECCHIO:

Q Mr. Peaua, are you a student at UNR?

A Not at this time, no.

Q You were previously?

A Yes.

Q And who were you dating in January 1998?

A Christina, I think.

Q Is that -- what was the name?

A Christina.

Q Christina. You know the defendant?

A Yes, I do.

Q And you know Teki --

A Yes.

Q -- Taukiuvea? Do you know Chiatra Hanke,
Chiatra Hanke?

A I don't think so.

Q Do you remember talking to her on the phone?

A I don't think so.

Q The times that you have just talked about with
the District Attorney are in relation to the night of
Monday, January 12th?

A Yes.

Q The best of your knowledge and recollection,

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1 Mr. Vanisi was at the Sterling address from 10:30 to 2:30 in
2 the morning?

3 A Yes.

4 Q The bag that he was carrying, did you look in
5 it?

6 A No.

7 Q Did you carry it?

8 A No.

9 Q So you don't know if it was light or heavy?

10 A It looked like he had clothes in it.

11 Q So it looked like half full of clothes?

12 A Right, half full of clothes.

13 Q So I mean, you didn't have to have two hands to
14 lift it up?

15 A No.

16 Q Do you know how Mr. Vanisi got -- the Sterling
17 address is where you live; right?

18 A Right.

19 Q Do you know how he got there at around 10:00
20 o'clock that night?

21 A No.

22 Q You didn't see Teki drive him over there at
23 10:00 o'clock?

24 A No.

25 Q He could have walked?

1 A Could have.

2 Q He didn't have an automobile, did he?

3 A No.

4 Q He could have taken a cab?

5 A Could have.

6 Q And then around 2:30 in the morning, you drove

7 him over to Rock Boulevard?

8 A Right.

9 Q You didn't get out of the car so you don't know

10 who was in the house?

11 A Right.

12 Q Do you know Teki's vehicle?

13 A No.

14 Q You don't know what kind of car Teki has?

15 A No.

16 Q If I were to say the word or the number to you

17 187, do you know what that means?

18 A Oh, yeah.

19 Q What does that mean?

20 A Murder.

21 Q Do you ever remember having a conversation with

22 Teki where he said to you, I just did a 187?

23 A No.

24 Q I got to hang up?

25 A No.

1 Q That never happened?

2 A No.

3 Q And you don't know anybody by the name of
4 Chiatra Hanke?

5 A Not from that name, no.

6 MR. SPECCHIO: No further questions, Your
7 Honor.

8 THE COURT: Redirect?

9 MR. STANTON: Briefly, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MR. STANTON:

12 Q Mr. Peaua, on the night of Monday,
13 January 12th, from 10:30 to 2:00 o'clock in the morning when
14 Mr. Vanisi asked you for a ride, did you ever see him in
15 your home during those time periods?

16 A Between the time period?

17 Q Between 10:30 p.m. on January 12th, and to the
18 time he comes in and asks for a ride back to Losa's house,
19 did you ever see him in your house?

20 A No, I don't think so.

21 Q You don't think so?

22 A No.

23 Q Now who is Doobie?

24 A My dog.

25 Q Your dog?

1 A Right.

2 Q Can you describe your dog to the ladies and
3 gentlemen of the jury?

4 A Husky, half husky, white with black spots.

5 Q Big dog?

6 A Pretty big, yes.

7 Q Did you ever see Mr. Vanisi walking your dog?

8 A Sometimes.

9 MR. STANTON: Thank you. Nothing further.

10 THE COURT: Anything further?

11 MR. SPECCHIO: No, ma'am. No, Judge. No, Your
12 Honor.

13 THE COURT: Do you need a break?

14 MR. SPECCHIO: Sure.

15 THE COURT: You may step down.

16 (The witness was excused.)

17 THE COURT: Ladies and gentlemen of the jury,
18 we'll take our afternoon recess now. During this break do
19 not discuss the case among yourselves or with anyone else.
20 It is your further duty not to form or express any opinion
21 regarding the guilt or innocence of the defendant until the
22 case has been finally submitted to you for decision.

23 You are not to read, look at or listen to any
24 news media accounts regarding this matter should there be
25 any, and should any person attempt to discuss the case with

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

4 Ladies and gentlemen of the jury, go ahead and
5 have a recess now. The bailiff will be bringing you back in
6 as soon as we're through with our recess.

7 Court is in recess.

8 Counsel, I will see you back in 15 minutes.

9 (Recess taken at 3:03 p.m.)
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RENO, NEVADA, THURSDAY, JANUARY 14, 1999, 3:32 P.M.

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

THE COURT: Counsel, can we stipulate to the presence of the jury?

MR. GAMMICK: Yes, Your Honor.

MR. SPECCHIO: Yes, Your Honor.

THE COURT: Call your next witness.

MR. STANTON: Your Honor, I'm going to have to use the nickname. It would be Laki.

THE CLERK: Exhibits 30-A through G marked.

(Exhibit Nos. 30-A through 30-G marked.)

METUISELA DANIEL TAUVELI

called as a witness on behalf of the Plaintiff,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STANTON:

Q Sir, if you could pull your chair up so that you are real close, as far as you can, close to the microphone. Lift that microphone so it is as close to your mouth as you can get it.

If you need to, lean forward just a little bit

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1 when you give your answers. Okay?

2 Could you please state your complete name, and
3 I need you to spell both your first and last name?

4 A Metuisela, Daniel, Tauveli. The first name is
5 M-E-T-U-I-S-E-L-A. The last name is T-A-U-V-E-L-I.

6 Q You have a nickname that you go by?

7 A Laki.

8 Q How do you spell that?

9 A L-A-K-I.

10 Q And sir, how old are you?

11 A Twenty.

12 Q How long have you lived in Reno?

13 A Twenty years.

14 Q Do you know Siaosi Vanisi?

15 A Yes.

16 Q How do you know him?

17 A He's my cousin.

18 Q And how often have you seen him through the 20
19 years of your life?

20 A Off and on. The longest I haven't seen him was
21 like two years, three.

22 Q You see him regularly?

23 A Yes.

24 Q You see him in court today?

25 A Yes.

1 Q Where is he and what is he wearing?

2 A He's over there, and he's wearing a gray suit.

3 Q Is he wearing a tie?

4 A Yes.

5 Q What color is the tie?

6 A It's blue.

7 Q Sitting down at this table?

8 A Yes.

9 Q Now, I want to direct your attention to January
10 of 1998. Over your right shoulder, a blowup of that month,
11 a calendar month.

12 And as a frame of reference, sir, I'd indicate
13 to you that you talked to the police and gave a recorded
14 statement on Tuesday, January 13th, 1998, in the evening,
15 around almost 10:00 p.m.; is that correct?

16 A Yes.

17 Q Using that as a frame of reference, Tuesday,
18 the 13th of January, when was the first time that you saw
19 the defendant, Siaosi Vanisi, in January 1998?

20 A The first time? About a week before.

21 Q Where was the first time that you saw him?

22 A At Jack-in-the-Box.

23 Q How was he dressed?

24 A He was wearing some jeans. I think it was
25 jeans or slacks. And a shirt and a vest.

1 Q What color was his jeans?
2 A They were dark color. I can't remember what
3 color it was exactly.
4 Q Could you raise your voice up a little bit for
5 me?
6 A Yes.
7 Q What color jeans was he wearing?
8 A I can't remember. They were just dark.
9 Q And does he look or did he look different that
10 first time you saw him than he does in court?
11 A Yes.
12 Q How does he look different?
13 A He had a full beard and long hair.
14 Q Long hair. Was that his natural hair or
15 something else?
16 A It was a wig.
17 Q How do you know it was a wig?
18 A Because his hair wasn't that long.
19 Q Did you ever see him take it off?
20 A Yeah.
21 Q And do you know what dreadlocks are?
22 A Yes.
23 Q Did it look like that?
24 A No.
25 Q How long was it?

1 A About shoulder length.

2 Q And what color was the hair?

3 A It was a dark color. Dark brown probably.

4 Q And did he wear any hat over the wig?

5 A No. He just wore a bandana over it.

6 Q What color was that bandana?

7 A I don't remember.

8 Q Showing you Exhibit 6, is that how your cousin

9 Pe looked on that day when you saw him at Jack-in-the-Box?

10 A Yes. But he was wearing a bandana instead of a

11 beanie.

12 Q Other than that?

13 A Yes.

14 Q You say that was a week before your interview

15 with the police. So that would put it about January 6th?

16 A I think so, yes.

17 Q How was your cousin acting when you saw him on

18 the 6th of January?

19 A Funny.

20 Q Pardon me?

21 A He was pretty weird. He was funny.

22 Q Acting different than he normally had?

23 A Yeah.

24 Q What was different about how he was acting?

25 A He was just very talkative, more -- I don't

1 know. He was different. He talks more differently.

2 Q Did you ever hear him speak about killing a
3 cop?

4 A Yes.

5 Q When was the first time you heard that?

6 A I think later on that day at home or after.

7 Q That would have been the 6th of January?

8 A Yes.

9 Q What did you think when you first heard that?

10 A I thought it was just a joke.

11 Q And who else was present when he said that?

12 A I'm not sure. It could have been -- I think
13 most of us at the apartment.

14 Q And which apartment is that?

15 A Losa's apartment.

16 Q Who usually was hanging out at Losa's
17 apartment?

18 A Losa, her brothers and sister, me, Teki.

19 Q Teki is Sateki Taukiuvea?

20 A Yes.

21 Q What was the conversation about at Losa's house
22 when you first heard the defendant say he wanted to kill a
23 cop? Do you remember?

24 A No.

25 Q Were the rest of you talking about killing a

1 cop?

2 A No.

3 Q Was it out of the blue, in other words?

4 A Yes.

5 Q Was it out of context when he said that?

6 A Yes.

7 Q You thought he was joking?

8 A Yes.

9 Q Do you remember the exact words that he used?

10 A "I want to kill a cop."

11 Q And from the first time you heard him say it to
12 the last time you heard him say it, how many times do you
13 think he said I want to kill a cop?

14 A Probably close to 10 times probably.

15 Q Now, up on that chart you were interviewed by
16 the police on Tuesday, January 13th. I'll represent to you
17 Sergeant Sullivan was murdered on the university campus just
18 after midnight on that day.

19 When was the last time you heard Mr. Vanisi say
20 he wanted to kill a cop?

21 A I think the day before that.

22 Q Did you ever hear him say I want to kill a cop
23 after that?

24 A No.

25 Q Did he ever mention to you about why he wanted

1 to kill a cop?

2 A No.

3 Q Did he ever mention to you about getting
4 money --

5 A No.

6 Q -- from killing a cop? You don't remember
7 that?

8 A I don't remember.

9 Q Do you remember giving a statement to the
10 police?

11 A Yes.

12 Q And that that statement was recorded?

13 A Yes.

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

15 THE COURT: Yes.

16 BY MR. STANTON:

17 Q Take a glance at the first couple of pages and
18 see if you recognize that transcript. Does that look like a
19 transcript of the questions that were asked of you and the
20 answers you gave on January 13th?

21 A Yes.

22 Q I'd like you if you could, sir, to turn to page
23 26. When you get to 26, on the left-hand column of that
24 page is a series of numbers. If you would direct your
25 attention and read for me, just to yourself, lines 26

1 through 39. Do you remember what he said about killing a
2 cop?

3 A Yes.

4 Q What was that?

5 A He said he wanted to kill a cop and he can get
6 us some money.

7 Q Get you some money?

8 A Yes.

9 Q Showing you photograph 20-A, this document has
10 been admitted into evidence. Do you recognize anything in
11 that photograph?

12 A Yes.

13 Q Those shoes right here, are those yours?

14 A These are.

15 Q These two here?

16 A Yeah.

17 Q Did you ever see that hatchet at Losa's house?

18 A Yes.

19 Q When did you see the hatchet at Losa's house?

20 A What do you mean like?

21 Q When was the first time you saw it? Did you
22 see it in this condition at the home?

23 A Yes.

24 Q And when was that?

25 A Tuesday night.

1 Q Had you ever seen that hatchet before?

2 A Yes.

3 Q Who had it?

4 A Siaosi.

5 Q Mr. Vanisi?

6 A Yes.

7 Q Did you ever see anybody else with that
8 hatchet?

9 A Sometimes some of my family would play with it,
10 but he usually had it.

11 Q Where did he have it?

12 You need to lean down in that microphone and
13 speak up real loud.

14 A He had it right on this side or in this side or
15 tucked in his pants.

16 Q You are pointing to this side or this side,
17 your upper chest?

18 A Hooked on to a belt.

19 Q Where was the belt; wrapped around his chest?

20 A Wrapped around his chest.

21 Q It was up this high?

22 A Uh-huh.

23 Q Was that inside or outside his coat?

24 A Inside.

25 Q What kind of coat was he wearing?

1 A It was a leather coat.

2 Q Now, Monday, January 12th, 1998, did you see
3 Mr. Vanisi that day?

4 A Yes.

5 Q Where was it and what time of day did you see
6 him?

7 A I think at home in the morning time.

8 Q Do you remember approximately what time?

9 A No, I don't.

10 Q When was the last time you saw him on the 12th
11 of January, Monday?

12 A When I was heading home.

13 Q What time did you head home?

14 A I was going home around 9:30, almost 10:00.

15 Q Morning or night?

16 A Night. Evening.

17 Q And where did you see Mr. Vanisi?

18 A Him and Teki were driving toward the Peauas'
19 residence.

20 Q When was the next time you saw Mr. Vanisi?

21 A The next morning after I got off work, Tuesday
22 morning.

23 Q Where were you and what time did you see him?

24 A I walked in the house from work around 8:30 or
25 9:00.

1 Q Morning or night?

2 A Morning.

3 Q Who was present inside the Losa Louis home on
4 Rock Boulevard?

5 A Losa, her sister, the boys. No, I think the
6 boys went to school. And Siaosi and Shamari.

7 Q And did you see Mr. Vanisi after he had had his
8 beard shaved?

9 A Did I see him after?

10 Q Yes.

11 A Yes.

12 Q When was his beard shaved, do you --

13 A In the morning.

14 Q Tuesday morning?

15 A Yes.

16 Q On Tuesday morning, did you see Mr. Vanisi
17 wearing a wig?

18 A No.

19 Q The night before when you saw him with Sateki
20 about 10:00 o'clock at night, did you see him wearing a wig?

21 A I don't remember.

22 Q On Tuesday morning, did you ask Mr. Vanisi
23 where the wig was?

24 A I don't remember.

25 Q Turn to page 16, if you would. Direct your

1 attention to line 31 through 33.

2 MR. SPECCHIO: I'm sorry, what page again?

3 MR. STANTON: 16.

4 BY MR. STANTON:

5 Q Does that help you remember?

6 A Yes.

7 Q So on Tuesday morning, the 13th of January,
8 1998, sir, did you ask Mr. Vanisi where his wig was?

9 A Yes.

10 Q What did he tell you?

11 A He said it was missing.

12 Q Did you see Mr. Vanisi with the hatchet inside
13 Losa's house the morning of Tuesday, January 13th?

14 A No.

15 Q When was the -- I direct your attention to page
16 12. Directing your attention to lines 23 through 25. Does
17 that help you out?

18 A Yeah.

19 Q Do you remember Tuesday morning whether or not
20 you saw the defendant with a hatchet at Losa's house?

21 A The last time I saw it was just on the
22 microwave.

23 Q The last time you remember seeing it was on the
24 microwave?

25 A On the microwave.

1 Q Inside Losa's house?

2 A Yes.

3 Q Who put it there?

4 A I don't know who put it there.

5 Q On Tuesday, were you present inside Losa's

6 house when the 6:00 o'clock evening news came on?

7 A Yes.

8 Q Was Mr. Vanisi there?

9 A Yes.

10 Q Where was Mr. Vanisi?

11 A He was sleeping on the other bed in the room I

12 was sleeping in.

13 Q And did there come a time where he was snoring?

14 A Yes.

15 Q And did the evening news come on and broadcast

16 the story about Sergeant Sullivan's murder?

17 A Yes.

18 Q What was Mr. Vanisi's reaction when that story

19 came on?

20 A He wasn't snoring no more.

21 Q What did you do at that point, sir?

22 A I got scared.

23 Q And did you make plans to leave the apartment?

24 A Yes, I did.

25 Q And who were you going to leave the apartment

1 with?

2 A With Corina and Priscilla.

3 Q You left the apartment and you went into what
4 vehicle?

5 A To my van.

6 Q And prior to you leaving the van, did something
7 happen?

8 A Yes.

9 Q What was that?

10 A Vanisi came out and got in also.

11 Q And you didn't want that to happen, did you?

12 A I was scared, yes.

13 Q Why were you scared?

14 A I don't know. I just had a feeling.

15 Q Had a feeling?

16 A Yes.

17 Q Where were you going when you left the Rock
18 Boulevard apartment?

19 A We were going to our church.

20 Q What church is that?

21 A The Church of Jesus Christ of Latter Day
22 Saints.

23 Q I ask you to take a look at Exhibit 8. Take a
24 moment to familiarize yourself with that. Specifically if
25 you can on that map, sir, orient yourself to Losa's

1 apartment on Rock Boulevard and the Mormon church that you
2 just spoke of.

3 Does that map fairly and accurately depict the
4 street map or the streets that you are familiar with,
5 specifically Rock Boulevard and the Mormon church on Buena
6 Vista?

7 A Yes.

8 MR. STANTON: Your Honor, I move Exhibit 8 into
9 evidence at this time.

10 THE COURT: Is it 8?

11 MR. STANTON: 8.

12 MR. SPECCHIO: No objection.

13 THE COURT: Exhibit 8 is admitted.

14 (Exhibit No. 8 admitted.)

15 BY MR. STANTON:

16 Q Sir, could you take that pointer for me? Can
17 you show me on that map the route that you took on Tuesday
18 leaving Losa's apartment to go to the Mormon church?

19 A I took Rock Boulevard South down to I-80. I
20 took I-80 west, exit off the Virginia exit, and I went up I
21 think it's Evans. Yeah, I went up Center Street and took a
22 left on Ninth Street and went up on Virginia Street and made
23 a left on the first block and took a right and on Imperial I
24 took a left.

25 Q On the way over to the Mormon church on Buena

1 Vista, did Mr. Vanisi tell you to take an alternative route
2 that you normally wouldn't take to get to the church?

3 A Yes.

4 Q What did he tell you to do?

5 A He told me to take the back way.

6 Q Why did he tell you that?

7 A He told me because the police might be still
8 investigating the murder or the crime.

9 Q Was Mr. Vanisi acting any differently when he
10 told you that?

11 A No.

12 Q He wasn't?

13 A No. He was just telling me to go.

14 Q Did you see this composite on the evening news?

15 A Yes.

16 Q When you saw that composite, did someone come
17 to mind as soon as you saw it as to who it was?

18 A Yes.

19 Q Who?

20 A Mr. Vanisi.

21 Q Is that the way he looked the last time you saw
22 him on Monday night, the 12th of January?

23 A Yes.

24 MR. STANTON: No further questions.

25 THE COURT: Cross-examination?

MR. SPECCHIO: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. SPECCHIO:

Q Mr. Tauveli, the route that you just showed that you went from Rock Boulevard to the church, is that the route you would normally take?

A That's the route I usually always take from Rock Boulevard.

Q So you didn't pay any attention to what Mr. Vanisi said, you went the way you usually go anyway?

A Yes.

Q Last year, January of '98, Priscilla Endemann was your girlfriend?

A Yes.

Q Is that still a fact today?

A No, it's not.

Q How about Teki? Do you know Teki?

A Yes.

Q Do you know who his girlfriend was at that time?

A Renee Peaua.

Q Do you know a young lady by the name of Chiatra Hanke?

A That's his ex-girlfriend.

Q That is his ex-girlfriend?

1 A Yes.

2 Q You saw -- what kind of car does Teki drive?

3 A He was an '87 Cutlass Supreme Oldsmobile.

4 Q You would be able to recognize that car?

5 A Yes.

6 Q Matter of fact, you did recognize that car on
7 Monday night?

8 A Yes.

9 Q And you saw Teki driving Mr. Vanisi someplace?

10 A Yes.

11 Q It was at least -- would you point out on that
12 map where you saw that Oldsmobile?

13 A I was making a right going south on Sullivan,
14 and he was making a left going north off of Merchant towards
15 Oddie.

16 Q So you were in the area of Oddie and Sullivan?

17 A Yes.

18 Q And you saw the Oldsmobile, and it was late at
19 night?

20 A Yes.

21 Q It was dark out?

22 A Yes.

23 Q Do you know who was driving the car?

24 A Yes.

25 Q Did you see the driver or did you just see the

1 car and some people inside?

2 A No, I saw the driver.

3 Q And who was driving?

4 A Sateki.

5 Q Was Teki wearing the wig at that time?

6 A No.

7 Q And you saw the defendant, Mr. Vanisi. Was he
8 sitting in the front seat or the back seat?

9 A I don't know. I saw another person, but I
10 didn't know who it was.

11 Q Let me ask you this: Could there have been two
12 other people besides Teki in that car?

13 A Yes.

14 Q Matter of fact, did you tell the police that
15 you thought somebody was sitting in the back seat?

16 A Yeah. I'm not sure.

17 Q You spoke to the police for a couple hours on
18 January 13th?

19 A Yes.

20 Q You obviously can't remember everything you
21 said, but you have an idea pretty much everything you told
22 them; right?

23 A Yes.

24 Q You weren't involved in this incident in any
25 fashion, were you?

1 A No.

2 Q As a matter of fact, you made a number of
3 comments, did you not, about Mr. Vanisi's mental capacity?

4 A Yes.

5 Q You said a couple of times you thought he was
6 crazy?

7 A Yes.

8 Q And that's based on the fact that you knew he
9 was the suspect in this criminal case; right?

10 A No.

11 Q No?

12 A No.

13 Q You just thought that because of his --

14 A His behavior.

15 Q His behavior. Coupled with his attire?

16 A Yes.

17 Q So you saw him with bandanas and hatchets and
18 dreadlocks and beanies and figured this guy is a little
19 weird?

20 A Yes.

21 Q So the statements that you made regarding his
22 mental capacity are based primarily on your observations of
23 him?

24 A Yes.

25 Q And the way he was acting, what he was doing

1 and the way he was dressed?

2 A Yes.

3 Q The hatchet, they showed you the picture of the
4 hatchet?

5 A Yes.

6 Q Let me just show you Exhibit 26. First of all,
7 you're familiar with the Rock Boulevard address, aren't you?

8 A Yes.

9 Q Aren't you actually the lessee; isn't the place
10 in your name?

11 A Yes.

12 Q So it's your name. It's in your name and your
13 relatives Losa, Maria -- Losa Louis lives there with her
14 sister and brothers?

15 A Yes.

16 Q So you must be related somehow?

17 A Yes.

18 Q And how are you related?

19 A They are my nieces.

20 Q Losa is your niece?

21 A Yes.

22 Q That being said, you're familiar with the 1098
23 Rock Boulevard Apartment A address?

24 A Yes.

25 Q How long have you had that address, that

1 apartment in your name?

2 A About two years now.

3 Q About a year before this incident?

4 A Yes.

5 Q You're familiar with the layout of the
6 apartment, how it's laid out, where the rooms are, et
7 cetera?

8 A Yes.

9 Q And how it's furnished?

10 A Yes.

11 Q Let me show you this exhibit. Exhibit 26, ask
12 if you recognize that.

13 A Yes, I do.

14 Q What would you say that is?

15 A That's the bag.

16 Q What is this?

17 A That is our kitchen.

18 Q Is that the kitchen at 1098 Rock Boulevard?

19 A Yes.

20 Q Where in relation to this photograph would the
21 microwave be?

22 A The microwave would be right here.

23 Q Okay. Is this bag on it or in front of it?

24 A In front of it.

25 Q So I think your testimony before was at the

1 time that you saw the hatchet, it was on the microwave?

2 A Yes.

3 Q What time is that? When did you see the
4 hatchet on the microwave?

5 A It was in the morning.

6 Q Of Tuesday?

7 A Yes.

8 Q Do you know what time?

9 A I would say around 8:30 or 9:00, 9:30, 10:00.

10 Q Do you know if that hatchet had already been
11 discovered by William or Brandon?

12 A No, not yet.

13 Q It hadn't been?

14 A It hadn't been.

15 Q You're not sure of that, though?

16 A I'm not sure.

17 Q You were there when Mr. Vanisi got a change of
18 appearance; is that right?

19 A Yes.

20 Q Did you recognize him before the shave?

21 A Yes.

22 Q Did you recognize him after the shave?

23 A Yes.

24 Q Did he have long hair before or reasonably long
25 hair before, before he was shaved?

1 A He had a full beard and shaved into an Elvis
2 cut.

3 Q By Elvis cut, you mean the sideburns were cut
4 off here?

5 A Yes.

6 Q You had no trouble recognizing him before and
7 after the shave?

8 A No.

9 Q How about his hair? Was his hair cut?

10 A I don't remember.

11 Q So you don't know if anything happened other
12 than the shaving?

13 A Yes.

14 Q You know Shamari Roberts?

15 A Yes.

16 Q Shamari did the shaving?

17 A Yes.

18 Q Has he ever shaved you or cut your hair?

19 A Yes.

20 Q It wasn't unusual to see Shamari shave somebody
21 or cut somebody's hair?

22 A He cuts everyone's hair.

23 THE COURT: I'm going to stop you for just a
24 moment, Mr. Specchio.

25 Will the court reporter approach?

1 Thank you, Mr. Specchio. You may continue.

2 MR. SPECCHIO: Thank you, Your Honor.

3 BY MR. SPECCHIO:

4 Q Mr. Tauveli, when the wig was gone, Mr. Vanisi
5 didn't tell you that he lost it, he just said it's missing;
6 right?

7 A Yes.

8 Q Isn't that what you said in your report?

9 A Yes.

10 Q Now, you -- the place is in your name and you
11 sleep there upon occasion, don't you, at Rock Boulevard?

12 A Yes.

13 Q Where do you work?

14 A I used to work at Colorite Plastics.

15 Q You don't work there anymore?

16 A No.

17 Q At the time that was in closer proximity to
18 Colorite Plastics than your house?

19 A Yes.

20 Q You lived north of town, did you not?

21 A Yes.

22 Q So you spent some nights there because it was
23 easier for you to go to work?

24 A Yes.

25 Q You worked what, graveyard shift?

1 A Yes.

2 Q And that began at what time?

3 A 12:00 a.m.

4 Q Midnight?

5 A Yes.

6 Q On Monday, January 12th, did you work that

7 night?

8 A Yes.

9 Q Which would be your Tuesday morning, I guess?

10 A Yes.

11 Q So you left at midnight to go to work; is that

12 right?

13 A I left at 11:30.

14 Q Of course. You left a little earlier to go to

15 work?

16 A Yes.

17 Q Did you work Sunday night, Monday morning?

18 A I think I did. I think that was one of our

19 overtime weeks.

20 Q So if I tell you that -- well, let me digress a

21 minute here so I don't confuse you. I'm already confused.

22 You indicated that Teki was asleep in the Rock

23 Boulevard apartment at -- let me rephrase that again. You

24 get off work at what time?

25 A 8:00 in the morning.

1 Q Okay. And after that it was not unusual for
2 you to go to the Rock Boulevard apartment either?

3 A Yes.

4 Q In fact, you went there on Tuesday morning at
5 about 10:00 o'clock, didn't you?

6 A Around 8:00, 9:00, 10:00.

7 Q And who was there at that time?

8 A Everyone.

9 Q By everyone, Losa?

10 A Yes.

11 Q Corina?

12 A Yes.

13 Q William Christopher?

14 A Yes.

15 Q Masi?

16 A Yes.

17 Q Mr. Vanisi?

18 A Yes.

19 Q Teki?

20 A I think so, yes.

21 Q Do you remember telling the police officers
22 that Teki had been asleep in the room with William and Masi?

23 A Yes.

24 MR. SPECCHIO: I have no further questions.

25 Thank you, Your Honor.

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THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. STANTON:

Q Did you hear anybody else besides Siaosi Vanisi say they wanted to kill a cop during any time of January 1998?

A No.

Q Not anybody we have mentioned here today?

A No.

Q Did you ever see the defendant wearing the wig after Monday night when you saw him with Sateki Taukiuvea?

A No.

Q Never saw him again wear that wig?

A Yes.

MR. STANTON: Nothing further.

THE COURT: Recross?

MR. SPECCHIO: No, no further questions.

THE COURT: You may step down. You are excused.

(The witness was excused.)

THE COURT: Call your next witness.

MR. GAMMICK: We call Detective Jim Duncan, Your Honor.

(One witness sworn.)

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.

Q What is your profession or occupation?

A I'm a police officer for the City of Reno.

Q How long have you been a police officer?

A Thirteen years.

Q Has all that been with the City of Reno?

A Yes, sir, it has.

Q What type of assignments have you held?

A I worked the patrol division, the canine unit,
the detective division. I spent some time in burglary and
fraud sections, and approximately six years now in the
homicide section, robbery, homicide.

Q You say you worked in the patrol division.
Would you explain briefly the difference between someone who
works in the patrol division and someone who works in the
detective division?

A Yes. Patrol are the uniformed officers that

1 are on the streets around the clock, in the marked police
2 cars. They are the first responders to any call for service
3 from a citizen.

4 Detectives are the ones that go out after
5 patrol has made their initial reports or their preliminary
6 investigation, and if there is any follow-up needed to
7 complete whatever they started, that comes to the detective
8 to finish and then advances to the District Attorney's
9 Office.

10 Q Homicide robbery, what is that?

11 A Crimes against persons, violent crimes against
12 persons. It includes all armed robbery, whether they are
13 business, or purse snatches downtown, on up to all death
14 investigations, including suicides, homicides, murder, et
15 cetera.

16 Q Let's say that officers, patrol officers
17 respond to a murder scene. Who do they contact once they
18 arrive and feel they may have a murder or suspicious death?

19 A It actually goes through a chain of command.
20 They would make sure one of their immediate supervisors in
21 patrol responds and makes the same assessment. Then his job
22 is to contact a detective supervisor who will make the
23 assessment and start sending out detectives from their
24 residence or depending on the time of day.

25 Q Is that how you get involved in these types of

1 cases as being called up while the scene is still there?

2 A Yes, sir.

3 Q I want to call your attention specifically to
4 the morning, early morning hours of January 13th, 1998.

5 Were you notified that morning of a murder?

6 A Yes, sir, I was.

7 Q And where was that and what were the
8 circumstances you were initially given?

9 A I was told that a UNR police sergeant had been
10 shot to death on the campus, and I was asked to respond to
11 the station initially to help with interviews of witnesses
12 or persons that patrol had found and thought may be of some
13 assistance, and they were being transported for interviews.

14 Q Did you receive a special assignment as to this
15 case?

16 A Yes, sir. Eventually I was named one of the
17 co-case agents or lead agents.

18 Q What does that mean?

19 A Well, we try to assign generally at least two
20 primary or lead agents in every case. There are a lot of
21 things that come up not only through the investigation but
22 later on for crime lab requests. A lot of items that have
23 to be taken care of that at least the case agents are then
24 responsible for after the initial investigation.

25 Q And do you work with the District Attorney's

1 Office in preparation of a case as a case agent?

2 A Yes, sir.

3 Q Were you assigned, as I believe you stated, a
4 co-case agent in this case?

5 A Yes, sir, I was.

6 Q Did you arrive at the scene?

7 A Yes. After I went to the station, there had
8 been a change, and I was asked to go to the crime scene, and
9 a detective there would come back and help with the
10 interviews. Then I did go to the scene and stayed there for
11 some time.

12 Q How many different agencies were involved?

13 A I think most if not all agencies in this part
14 of the state showed up to assist or actually did assist us
15 at some point.

16 Q And detectives, do you have any idea how many
17 detectives were called out on this?

18 A I couldn't tell you an exact number. I believe
19 all of the Sparks Police Department detectives, all of the
20 Reno robbery homicide detectives, Washoe County detectives
21 were there. I think every detective in the area.

22 Q You mentioned that you were asked to come in
23 and do some interviews and some initial investigation at the
24 station. When you went to the scene and there were all
25 these different agencies and police officers involved, were

1 different officers and different detectives involved in
2 tracking down any leads you had at that time?

3 A At the scene there had been -- one of the main
4 things we want to do at the scene is start canvassing.
5 There weren't a lot of leads. There were some things,
6 information that had come forward that we wanted to track
7 down as early as possible.

8 We also want to make sure that the entire area
9 around the crime scene as far as residences, any open
10 businesses, delivery people, anybody in the area is actually
11 talked to to see if they saw anything. They were busy doing
12 a lot of the outer crime scene work.

13 Q Does the names of Jack and Julie Wood mean
14 anything to you as far as this case is concerned?

15 A Yes, sir.

16 Q How were they involved?

17 A One of the first things we did was also try to
18 determine what Sergeant Sullivan's last movements and last
19 known movements were, and we found out that he had made a
20 traffic stop involving those two persons, and that was the
21 last known radio contact with the department. Those persons
22 were contacted at their residence by police officers, and I
23 believe it is over in Sparks.

24 Q And were they interviewed and any follow-up
25 investigation done with respect to them?

1 A Yes. They came done to the Reno Police
2 Department, and they were interviewed by detectives at the
3 station.

4 Q And was there a conclusion reached as to
5 whether or not they were involved in the murder of Sergeant
6 Sullivan?

7 A Yes. We will felt comfortable that they
8 weren't involved.

9 Q Now, you mentioned you do an area canvass.
10 Just what was going on at this scene as we start getting
11 toward dawn Tuesday morning?

12 A When I first got there, I noticed the yellow
13 crime scene barrier ribbon we put up at crime scenes had
14 stretched all along the south, what I call the south border
15 of the main campus along Ninth Street. Also along that
16 ribbon every few feet, every few yards was a police officer
17 to make sure nobody crossed under the ribbon.

18 Q Let me have you refer to Exhibit 8, which is
19 a -- do you recognize that exhibit?

20 A Well, it looks like a map of part of Reno and
21 Sparks.

22 Q Do you recognize the University of Nevada
23 campus?

24 A Yes.

25 Q Would you please indicate as you are talking

1 about what was happening there -- in fact --

2 THE COURT: You guys can't see? We have a
3 couple jurors outside the box. Back up.

4 Can you see now?

5 A JUROR: Yes.

6 BY MR. GAMMICK:

7 Q At this point would it be better to use No. 8
8 or No. 7, which is a blown up photograph of the campus?

9 A Whatever you want.

10 Q Go ahead.

11 A This is all that is marked in pink is the
12 University of Nevada campus. The actual area I'm talking
13 about is this Ninth Street, which intersects with Center
14 Street. Actually the campus extends, to my way of thinking,
15 right up to Virginia Street and Ninth.

16 I was told that the main entrance to the campus
17 would actually be the easiest way to enter the crime scene.
18 At Ninth and Center where that main campus entrance is, is
19 where I was going.

20 As I'm pulling in along Ninth Street, I noticed
21 the crime scene barrier tape, police officers to insure that
22 people didn't go into that scene; and at the entrance
23 itself, there were three or four police officers that made
24 sure nobody drove through them and into the entrance. That
25 was the main portion of the crime scene where I went and

1 that I entered.

2 Q What is a command post?

3 A We have a mobile command post, which is really
4 a custom built motor home that the Reno Police Department
5 has. I think most agencies have them. We don't use it all
6 the time. It just depends on the circumstances of the
7 investigation.

8 But in this particular case, we did roll out
9 the mobile command post and park it there near the
10 intersection of Ninth and Center.

11 Q Did the Washoe County Search and Rescue play a
12 role in this investigation that was happening?

13 A Yes, they did.

14 Q What as their role?

15 A Well, they did a couple of things that I can
16 think of. We were looking for Sergeant Sullivan's handgun
17 and some other items that were missing from him.

18 They did things -- we lowered the level of the
19 lake, and they checked lakes, ditches, all the area around.
20 They searched shoulder to shoulder and inch by inch as best
21 they could, not only on the campus but also a block or two
22 off the campus.

23 Q Was there any material that was picked up
24 during that search of the area that was later discounted as
25 having any connection with the crime?

1 A Yes, sir.

2 Q Quite a bit of it?

3 A Plenty of things, yes.

4 Q Would it be fair to say that just about every
5 gum wrapper got picked up in that entire area?

6 A Absolutely.

7 Q Is there a procedure known as a canvass of the
8 area?

9 A Yes, sir.

10 Q And what's that entail?

11 A That's what I was talking about earlier.

12 That's physically talking to everybody that we can place in
13 the area, not only residences and any open businesses. We
14 try to look for delivery people. Depending on the time of
15 day, any number of people, power company, utilities people
16 can be in the area. So it's a physical canvassing of the
17 area for persons or evidence, anything that we think might
18 be related.

19 Q Does that include knocking on doors?

20 A Yes, sir.

21 Q And was that done in this case?

22 A Yes, sir.

23 Q Let's move to sun's up Tuesday, even into noon,
24 early afternoon. Did you have any leads at that time as to
25 who was responsible for this?

1 A Not what I'd call good concrete leads, no. The
2 media coverage was massive. That fueled numerous phone
3 calls into the police department, and so those were leads
4 that had to be followed up. But there weren't any leads
5 that subsequently turned out to be of substance.

6 Q Did there come a time when a telephone call was
7 received that did start building into something?

8 A Yes, sir.

9 Q And where was that call received?

10 A It was received at the Secret Witness hotline.

11 Q Are you familiar with the term 187 PC?

12 A Yes, sir, I am.

13 Q What is that?

14 A That's the -- PC is for the penal code. That
15 is a California Penal Code number for murder.

16 Q And did this telephone call involve use of that
17 terminology?

18 A Yes, sir.

19 Q Was there follow-up done with respect to the
20 Secret Witness report?

21 A Yes, sir, there was.

22 Q And was a suspect developed at that time?

23 A Yes.

24 Q What information did you have to lead you to a
25 suspect?

1 A We knew that we were looking for a Tongan male
2 that went by the name of Pe or Pea that was currently
3 visiting and in the Reno area.

4 Q Were you able to find a photograph of that
5 person?

6 A Yes, we did.

7 Q And was that given to the media for
8 broadcasting?

9 A Yes.

10 Q Let me show you what's been marked as 24-D and
11 ask if you recognize those photographs.

12 A Yes, that is the photograph.

13 Q It appears to be a passport photo?

14 A Yes.

15 Q Who is the photograph of?

16 A That would be the defendant, Mr. Vanisi.

17 Q Would you please indicate where he is seated
18 and what he is wearing today?

19 A He is seated to the table left of yours and
20 next to Mr. Gregory. He has a gray suit, blue and red tie.

21 MR. GAMMICK: Move for 24-D to be admitted,
22 Your Honor.

23 THE COURT: Any objection, Mr. Specchio?

24 MR. SPECCHIO: No, Your Honor.

25 THE COURT: 24-D is admitted.

1 (Exhibit No. 24-D admitted.)

2 BY MR. GAMMICK:

3 Q Was there also a composite drawing that was
4 obtained and becoming involved in the investigation Tuesday
5 evening?

6 A There were a couple of composites from
7 different people.

8 Q Let me show you Exhibit No. 6 and ask if you
9 recognize that.

10 A Yes, sir, that is one of the composites that
11 was done.

12 Q Was this also released to the media?

13 A I believe it was, yes.

14 Q Did you receive information as to a possible
15 address frequented by Mr. Vanisi?

16 A Yes, sir.

17 Q And where was that?

18 A That was in Sparks off of Rock Boulevard, and
19 you have marked it here as 1098 Rock, Apartment A.

20 Q What did you do once you received that
21 information?

22 A I went to the apartment with another detective,
23 and we actually sat outside on a surveillance initially to
24 see and ascertain what kind of movement may be in and around
25 the apartment. We also noted there was a vehicle parked

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1 outside that had come up in the investigation that was
2 connected to Mr. Vanisi, and so we watched that for maybe a
3 half hour to an hour.

4 Q Was there information received about another
5 possible residence?

6 A Yes.

7 Q In Reno?

8 A Yes. On Sterling Drive, 1645 Sterling.

9 Q Is that close to the University of Nevada
10 campus?

11 A Yes, it is.

12 Q Did officers also respond to that location?

13 A Yes, they did.

14 Q You say you set up a stakeout outside. What
15 did you do after a period of time?

16 A We noticed some kids playing out front, some
17 juvenile males. They looked of Tongan descent to us. We
18 finally approached and contacted them, identified ourselves
19 and told them what we were doing there and asked them if we
20 could speak to them. We also wanted to speak with their
21 parents and asked who lived at home.

22 They said they were currently locked out and
23 couldn't get in the house. It was a cold night, and that's
24 why they had been playing outside. They were waiting.

25 Not long after we were there talking with them,

1 some other folks pulled up, and it was a male and either two
2 females or at least one female, as I recall, that introduced
3 themselves and said that this was in fact their residence
4 and they lived there with the juveniles.

5 We explained to them what was going on, and
6 they invited us inside, because it was cold, to finish the
7 rest of our conversation.

8 Q So you entered the residence at that time?

9 A Yes, sir.

10 Q It may be obvious, but through the front door?

11 A Yes.

12 Q Did you almost step on something?

13 A I did, without noticing it. Shortly after I
14 was inside, I looked down, and literally at my feet, just 12
15 inches or so inside the door was a small hatchet.

16 Q Let me show you 20-A and 20-B and ask if you
17 recognize those photographs.

18 A Yes, sir. This is the hatchet just the way I
19 saw it.

20 Q Let me show you No. 21 and ask if you recognize
21 that item.

22 A It certainly looks like the same hatchet.

23 Q Same hatchet depicted in these photographs and
24 that you almost stepped on?

25 A Yes, sir.

1 MR. GAMMICK: I'm not sure if it's been done
2 previously, Your Honor. I'm going to move for 20-A and -B
3 and for 21.

4 THE COURT: 20-A and -B have been admitted. 21
5 has not.

6 Mr. Specchio, do you have any objection?

7 MR. SPECCHIO: Well, not to 20-A and -B. 21 is
8 the hatchet?

9 THE COURT: Correct.

10 MR. SPECCHIO: May we approach?

11 THE COURT: Certainly.

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

14 MR. SPECCHIO: We have two hatchets, one the
15 actual, one facsimile, whatever you want to call it. We
16 will have a problem admitting one and not the other.

17 MR. GAMMICK: What I wanted to do -- go ahead.

18 MR. SPECCHIO: I mean, they are like the same
19 thing. Maybe he should offer 5 or whatever it is.

20 MR. GAMMICK: Yes, 5 is the demo hatchet.

21 MR. SPECCHIO: I'm just thinking that we ought
22 to clear this up right now. I mean, I don't really care. I
23 just think it is going to be awful bizarre to somebody
24 reading this down the road that we got a hatchet and another
25 hatchet in. I'm just thinking we ought to --

1 MR. GAMMICK: I can clear it up at this time or
2 I can wait until tomorrow when Dr. Clark comes in. And No.
3 5 is here because it is accessible. 21, as you noted, is
4 sealed in a plastic bag.

5 THE COURT: What you want to do, as I
6 understand, is use Exhibit 5 for demonstrative purposes
7 only?

8 MR. GAMMICK: For Dr. Ellen Clark's testimony,
9 and then I am going to ask for it to be admitted also should
10 the jury want to examine it closely. They can't actually
11 handle No. 21 because it is sealed in a plastic bag.

12 No. 5, and we'll explain very carefully that
13 that was purchased at Wal-Mart. It still has the label with
14 it, the advertising that says what it is, where it is
15 distributed, all that. I'm not trying to confuse anyone on
16 this.

17 THE COURT: I don't think the jury needs to
18 have both of them in the jury room. We can let Dr. Clark
19 use Exhibit 5 for demonstrative purposes, and then if the
20 jury thinks they need it, they will ask for it. But I think
21 it could become kind of confusing.

22 MR. SPECCHIO: He can talk about No. 21 all you
23 want. You can even show 21 to her and say, Are these
24 similar.

25 MR. GAMMICK: That is what I plan on doing.

1 THE COURT: When you have the demonstrative
2 purposes.

3 MR. GAMMICK: Definitely don't want to confuse
4 them at all.

5 MR. SPECCHIO: Okay. You can clear it up with
6 him as to why there are two now. Let him -- he doesn't need
7 5, he needs 21. Tomorrow she needs 5 and not 21. You can
8 clean it up with either one of them. I just think it's
9 cleaner that way.

10 THE COURT: Now, I have got your stipulation.
11 I have got proposed instructions on the stipulation. It is
12 a pattern instruction from the civil pattern book.

13 I'll have to canvass Mr. Vanisi. We'll do that
14 at the end of business today, after I excuse the jury.
15 We'll put it on the record, and then you can do it tomorrow.

16 MR. STANTON: What time are you going to break?

17 THE COURT: 5:00.

18 MR. STANTON: What time do you want to break?

19 THE COURT: I was thinking of breaking at 5:00.
20 How much more direct examination do you have?

21 MR. GAMMICK: I'm going to be talking to him
22 for a little while about evidence and stuff. I think by the
23 time they cross, he will probably be the last witness today,
24 would be my guess.

25 THE COURT: Let's finish up with him and then

1 we'll break, do the stipulation on the record. I'll send
2 the jury home.

3 MR. GAMMICK: Did you want to put the DNA up
4 today?

5 MR. STANTON: We won't have time.

6 MR. SPECCHIO: 10:00 tomorrow?

7 THE COURT: I haven't looked at the calendar.
8 I think 10:00 tomorrow.

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

11 MR. GAMMICK: At this time I'll move for 21,
12 Your Honor.

13 THE COURT: Based upon the bench discussion and
14 Mr. Specchio's stipulation, it's admitted.

15 (Exhibit No. 21 admitted.)

16 BY MR. GAMMICK:

17 Q As to Item No. 21, maybe we can digress here
18 for just a moment. The hatchet, during the course of your
19 investigation, were you able to determine the source of
20 that -- of the hatchet?

21 THE COURT: Exhibit No.?

22 THE WITNESS: Yes, sir.

23 THE COURT: You were referring to Exhibit
24 No. 21?

25 MR. GAMMICK: 21, yes, Your Honor.

1 BY MR. GAMMICK:

2 Q And let me show you what's been marked as
3 No. 5. Does that appear to be at least the same type of
4 hatchet?

5 A Yes, sir, it does.

6 Q And where was No. 21, the actual weapon,
7 purchased with respect -- referring to No. 5?

8 A At Wal-Mart store.

9 Q In this case, were there two hatchets involved
10 in the case itself in the investigation?

11 A There were as far as -- you mean that we bought
12 our own later?

13 Q That's where I'm headed.

14 A Yes.

15 Q So that hatchet was purchased by police
16 officers later on during the investigation?

17 A Absolutely.

18 Q And I'm referring to Exhibit No. 5.

19 A Yes.

20 Q The one that still has the Wal-Mart label on
21 it.

22 A Correct.

23 Q No. 21 is the one you actually found in the
24 residence?

25 A Yes, sir.

1 Q At your feet?

2 A Yes, sir.

3 Q What did you do with respect to No. 21 once you

4 went in and saw it lying there on the floor?

5 A Actually left it and didn't touch it.

6 Q Why is that?

7 A We don't normally have the detectives, at least

8 in the Reno Police Department, collect our own evidence. We

9 have trained crime lab personnel who will come out at our

10 request, and they are trained more in the photography and

11 collection and packaging of the material.

12 Q Is that FIS personnel?

13 A Yes.

14 Q Forensic Investigative Services?

15 A Yes.

16 Q Did you call FIS then when you saw the hatchet

17 laying on the ground?

18 A Not at that point. Subsequently they did come

19 out and collect it.

20 Q Now, you stated I believe when you were

21 initially called that you were told that Sergeant Sullivan

22 had been shot. During the day of the 13th, Tuesday, was

23 that opinion changed as to how he died?

24 A Yes.

25 Q And was that pursuant or after an autopsy by

1 Dr. Ellen Clark?

2 A When I first viewed the decedent, I didn't see
3 any evidence of gunshot wounds. I know sometimes the
4 initial information, especially through the radio and
5 through the telephone getting to the detectives, is not
6 always absolutely accurate.

7 All I could see was obvious bludgeoning and
8 blunt force type injuries. But they were to the extent that
9 a gunshot wound could certainly be there.

10 But through the autopsy, we were able to find
11 there were no gunshot wounds.

12 Q So you weren't looking for a gun come Tuesday
13 night?

14 A Correct.

15 Q With respect to the death of Sergeant
16 Sullivan -- we'll talk about another gun here in a minute.

17 A Yes.

18 Q You were looking for some type of instrument
19 that would create those wounds?

20 A Yes, sir.

21 Q I believe I asked you, you didn't call FIS at
22 that time?

23 A No, sir, not immediately.

24 Q And why not?

25 A There wasn't any hurry on my part since I was

1 there and I could see that nothing would happen to the
2 hatchet from then on. As we spoke with the people there at
3 the house, they made some statements that we certainly would
4 be interested in getting a formal statement from them. So
5 they agreed to follow one of the detectives down to the
6 station for those formal interviews while I stayed there
7 with the hatchet.

8 Along with that before they left, I asked them,
9 Well, whose hatchet was it? And they said it belonged to
10 Pe, a person who had been staying there.

11 I asked them, was there any other items in the
12 house that belonged to Pe. They showed me a red or what I
13 call a wine-colored jacket in an entryway, or a hallway,
14 short hallway near a bathroom. And sticking out of the
15 jacket were some cream-colored gloves. They said those were
16 his gloves also.

17 Q Let me show you what's been marked -- excuse
18 me, counsel -- 23-A and -B and ask if you recognize the
19 items depicted in those photographs.

20 A Yes. That's the jacket and gloves that were in
21 the short hallway near the bathroom.

22 MR. GAMMICK: Move for admittance of 23-A and
23 -B, Your Honor.

24 MR. SPECCHIO: I think they are in, Judge. But
25 I'm willing to stipulate again to let them in.

1 THE COURT: 23-A and 23-B are admitted --

2 MR. SPECCHIO: Okay.

3 THE COURT: -- now.

4 (Exhibit No. 23-A and 23-B admitted.)

5 BY MR. GAMMICK:

6 Q Let me show you what's been marked as Item
7 No. 11 and ask if you recognize that.

8 A Yes, sir. That is the jacket that we're
9 talking about that's in the photos.

10 Q This was in the house at 1098 South Rock or
11 Rock Boulevard when you went in?

12 A Yes, sir.

13 MR. GAMMICK: Move for No. 11, Your Honor.

14 MR. SPECCHIO: Can't change now, Judge.

15 THE COURT: Any time you want to, Mr. Specchio.
16 Does that mean you are stipulating?

17 MR. SPECCHIO: Yes, ma'am.

18 THE COURT: Or stipulating?

19 MR. SPECCHIO: Judge, Your Honor, yes.

20 (Exhibit No. 11 admitted.)

21 MR. SPECCHIO: You know, Judge, I got to say,
22 it's hot in here. You know that?

23 THE COURT: I agree. Pour some water.

24 MR. SPECCHIO: Then I'll have to go to the
25 little room, and you know. One thing leads to another.

1 THE COURT: Do you want a stretch break?

2 MR. SPECCHIO: Could we?

3 THE COURT: Ladies and gentlemen of the jury,
4 if you'd like to stand and stretch for a minute, please feel
5 free to do so.

6 Ladies and gentlemen of the jury, do any of you
7 need any fresh water? Let's be seated and proceed.

8 MR. SPECCHIO: Thank you, Your Honor.

9 THE COURT: You are welcome.
10 You may continue.

11 MR. GAMMICK: Thank you, Your Honor.

12 BY MR. GAMMICK:

13 Q You mentioned some tan gloves sticking out of
14 the jacket. Let me show you what's been marked as Item
15 No. 25 and ask if you recognize those items.

16 A Yes. Those are the gloves.

17 Q Those were with the burgundy jacket, Item
18 No. 11 at 1098 Rock?

19 A Yes.

20 MR. GAMMICK: I move for admission of that
21 exhibit, Your Honor.

22 THE COURT: 25. Mr. Specchio, any objection?

23 MR. SPECCHIO: No objection, Your Honor.

24 THE COURT: Admitted.

25 (Exhibit No. 25 admitted.)

1 BY MR. GAMMICK:

2 Q Now, if I can digress for just a moment, and
3 then we'll come back to this scene. As to Items 11, 25 and
4 21, the jacket, the gloves and the hatchet, did you
5 ultimately call FIS to respond to that scene?

6 A Yes, sir.

7 Q And were those items collected?

8 A Yes, they were.

9 Q Now, as the case agent, does that end your
10 involvement with those items?

11 A No.

12 Q Who makes the request for any type of lab or
13 laboratory examinations to be done of evidence?

14 A The case agents, whether it be written or
15 verbal or a combination of all lab requests.

16 Q And as to these items that we have before us
17 now, the jacket, the gloves and the hatchet, did you make
18 such request that tests be made for blood and then further
19 type that blood?

20 A I'm sure I either made them or another case
21 agent detective with my sanctioning did, yes.

22 Q What is a staffing?

23 A Staffing is a meeting. We use the term a
24 couple of ways. But with the crime lab and District
25 Attorney's Office, we have a staffing or a meeting of all

1 agencies that will be involved in the case, usually prior to
2 the actual testing of any items that have been recovered so
3 we can discuss what we have, what's available, what kind of
4 tests we can run on them without damaging prior to another
5 test, things like that.

6 Q Were staffings held later on in this case?

7 A Yes.

8 Q Once you had these items of evidence?

9 A Yes, they were.

10 Q As a result of those staffings, whether by you
11 personally or with you present, were requests made to test
12 these various items?

13 A Yes, sir.

14 Q And as far as you know, were those tests
15 completed?

16 A Yes, sir.

17 Q As part of your request for testing as the case
18 agents, were you also familiar with any type of evidence
19 that may have existed on Sergeant Sullivan's vehicle?

20 A Yes, sir. There was what appeared to be blood
21 spatter evidence.

22 Q Did you request that some samples be taken from
23 that vehicle to also be tested?

24 A Yes, sir.

25 Q As far as you know, was that completed?

1 A Yes, sir.

2 Q Now, I'll jump back to 1098 Rock Boulevard,
3 early morning hours -- or correction -- evening hours of
4 January 13th, 1998.

5 A Yes, sir.

6 Q After you had discovered the jacket and gloves,
7 what did you do?

8 A Since we hadn't found this Pe or Pea and we
9 knew we were missing a weapon, and certainly we considered
10 him a very dangerous individual, we thought he may in fact
11 come back to that residence. We continued the surveillance
12 once the folks had left to go down to the police department
13 to give the formal statement.

14 Myself and some other law enforcement officers
15 stayed inside and some officers in the outside. That was
16 being done at other locations in the city. But at that
17 particular residence, we had inside and outside
18 surveillances.

19 Q I asked you a few minutes ago if you were
20 looking for a gun as to a weapon that inflicted injuries on
21 Sergeant Sullivan. You responded no.

22 A Correct.

23 Q Were you looking for a gun?

24 A Yes. We were looking for Sergeant Sullivan's
25 gun.

1 Q And where did you believe at that time that gun
2 was?

3 A Based on the statements by the first person who
4 found him and Officer Carl Smith, the actual second person,
5 we believed that his assailant had removed the gun along
6 with some other items.

7 Q So was that a reason for your extra caution in
8 the number of officers involved at that time at the
9 stakeout?

10 A Absolutely.

11 Q While you were at 1098, did you have a police
12 radio with you?

13 A Yes, I did.

14 Q And were you in contact with dispatch through
15 the communications center?

16 A Yes. I also had a cellular phone, and I used
17 both.

18 Q Over the radio did you monitor some type of
19 calls later on that evening?

20 A Yes, sir.

21 Q What type of calls were those?

22 A They were armed robbery calls that were
23 occurring. There was actually armed robberies occurring in
24 Reno and Sparks. I had a Sparks police officer, more than
25 one with me, and I could hear their radios.

1 Specifically in the Reno armed robberies, I
2 heard a location of a vehicle that had been stolen and then
3 one armed robbery after another. There were two. And in
4 each of them, they have described a large, sometimes
5 Hawaiian type male, and one specifically had mentioned that
6 he used a Glock brand pistol as the weapon in the armed
7 robbery, which to me, it certainly sounded like it was our
8 same suspect who was now on a continuing type crime spree.

9 Q What was your reaction to monitoring these
10 types of calls?

11 A Hearing what was going on and knowing the
12 locations that they were giving us, I knew he was not
13 actually that far from my address or out of the Reno area at
14 all. He was in close proximity.

15 So we continued the surveillance. I called
16 dispatch after hearing those and said, special attention,
17 that this certainly sounds like our homicide suspect and
18 it's going to be very dangerous. And I told them to pay
19 particular attention to a Toyota Camry that I had heard
20 announced just prior to the armed robberies as being stolen,
21 because it sounded to me like he had taken that car.

22 I knew from the area, he was very comfortable
23 in that area where the car was missing. So we continued the
24 surveillances and waited to see if he would return to any of
25 those residences.

1 Q Let's say that those string of three crimes,
2 stealing of the car and the two armed robberies, occurred in
3 the vicinity of 10:15 to 10:35 at night, Tuesday night. Was
4 there any other activity that you either saw or monitored
5 with respect to the suspect after that?

6 A No.

7 Q And on the 13th on to the 14th, something did
8 happen; is that correct?

9 A That is correct.

10 Q We will get to that in a minute. Did there
11 come a time that you did call FIS to collect this evidence
12 then?

13 A Yes. After we had not heard of any further
14 crimes, there was nobody had any contact with the suspect,
15 we decided I think, and I'm just guessing, I think 1:00 or
16 1:30, we finally had the crime lab people come into the
17 residence, and even then we made them keep the lights down
18 low, do their collecting and photography as quickly, as
19 quietly as possible.

20 We didn't do a hard search of the entire
21 residence to get them out, and actually we kept the
22 surveillance going, although I left as soon as FIS did. But
23 there were officers that still stayed on the residence in
24 case he did come back.

25 Q By that time of the night, did you have all of

1 the identifying information that you needed on your suspect
2 to pursue an arrest warrant?

3 A We got the arrest warrant the next -- well,
4 several hours later. But as I recall, by then we did have
5 enough to identify him.

6 Q And what is an arrest warrant? What process do
7 you go through?

8 A We type out an affidavit to the judge outlining
9 all of our probable cause to believe that a certain person
10 in the case, the defendant, has committed whichever crimes
11 we delineate in the arrest warrant. Our reasons to believe
12 he committed the crime, that the crime occurred in Reno, and
13 then we present that to the judge.

14 Q Was an arrest warrant issued in this matter?

15 A Yes, it was.

16 Q And what did you do with that information
17 concerning the fact an arrest warrant had been issued?

18 A We immediately broadcast that to all local
19 agencies, but we also put it on the national crime computer
20 so that any officers that may come in contact with the
21 suspect at least has a running chance, knowing that he's
22 armed and dangerous and wanted in the State of Nevada.

23 Q Next day, January 14th, 1998, from where we
24 left off, did you receive some information as a result of
25 broadcasting that nationally or putting it on the computer

1 system?

2 A Yes. We were contacted by representatives of
3 the Salt Lake County Sheriff's office.

4 Q Do you recall what time of the morning that
5 was?

6 A I think it was later on into the afternoon,
7 early evening. I'm thinking 5:00ish on the 14th.

8 Q Do you happen to know, Detective Duncan, what
9 the mileage is, rough mileage is between Reno and Salt Lake
10 City?

11 A I have heard it before as roughly 500 miles.

12 Q 500, 550?

13 A Somewhere in there, yes.

14 Q So by the time you were called by Salt Lake
15 City, would that have given someone sufficient time from the
16 last armed robbery to drive to Salt Lake City from Reno?

17 A More than enough time, yes.

18 Q What did you do as a result of the telephone
19 call you received from Salt Lake City?

20 A Myself and another detective made immediate
21 arrangements to travel to Salt Lake City, and we caught a
22 flight out as soon as possible.

23 Q You're on the airplane headed for Salt Lake
24 City. Did you receive some additional information.

25 A Yes. Not long after -- in fact, I don't think

1 we had left the runway. But we carry pagers. At that time
2 they were alpha type pagers. And we got a message that said
3 Mr. Vanisi is in custody at the Salt Lake County Sheriff's
4 office.

5 Q Did you proceed to Salt Lake City?

6 A Yes, we did.

7 Q And did you meet with detectives there?

8 A Yes, we did the next morning, about 8:00 or
9 9:00 a.m.

10 Q Was Detectives Keith Stevens from Salt Lake
11 County one of the people you met with?

12 A Yes, sir.

13 Q After you met with the detectives in Salt Lake
14 City on that trip, did you return to Reno?

15 A Yes.

16 Q And did you bring some items with you?

17 A Yes, we did.

18 Q A fingerprint master card for Mr. Vanisi?

19 A Yes, sir.

20 Q Did you bring back -- what other items did you
21 bring back with you?

22 A Where they had actually found the stolen Toyota
23 was up there in Salt Lake County near one of his relative's
24 homes. They had impounded that.

25 So we went with them, and we searched the

1 vehicle, actually another detective from Reno and I, and we
2 took the items out of the vehicle.

3 They also released the clothing that Mr. Vanisi
4 was arrested in. We brought that back. And I believe I
5 brought back some negatives of the film that they had taken
6 but they hadn't even developed yet.

7 Q Let me show you photograph 32-B, ask if you
8 recognize that.

9 A Yes, sir. That's a photo of the Toyota within
10 the evidence section at Washoe -- I'm sorry -- Salt Lake
11 County.

12 Q That is the vehicle you searched when you were
13 up there?

14 A Yes.

15 Q I believe you stated you brought back some
16 clothing?

17 A Yes, sir.

18 Q Let me show you what's been marked as 29-A and
19 -B and ask if you recognize those items.

20 A Yes. That's the clothing we brought back, and
21 they told us this is the clothing that Mr. Vanisi had on at
22 the time of his arrest.

23 Q With respect to that clothing, we had already
24 discussed as the case agent your requests to have certain
25 tests done at the FIS, at the forensic laboratory. Did you

1 also request examination and tests be conducted on some
2 articles of that clothing?

3 A Yes, sir.

4 Q And was that completed?

5 A Yes, sir.

6 MR. GAMMICK: Your Honor, I move for 29-A and
7 -B, please.

8 THE COURT: Any objection?

9 MR. SPECCHIO: No objection, Your Honor.

10 THE COURT: 29-A and 29-B are admitted.

11 (Exhibit Nos. 29-A and 29-B admitted.)

12 BY MR. GAMMICK:

13 Q Did you also bring back a firearm?

14 A Yes, sir, we did.

15 MR. GAMMICK: Your Honor, I might indicate at
16 this time that we do have this firearm No. 15-A that we have
17 been using throughout the trial, that the white is simply a
18 safety device to insure that the weapon is inoperable, the
19 white tie.

20 THE COURT: All right. It has been admitted,
21 Mr. Gammick.

22 BY MR. GAMMICK:

23 Q Did you have a serial number with you, when you
24 went to Salt Lake City, of Sergeant Sullivan's firearm?

25 A Yes, sir, I did.

1 Q And when you arrived at Salt Lake City, did you
2 compare that serial number with the serial number of the gun
3 you have in your hand now?

4 A Yes, sir.

5 Q Is that Sergeant Sullivan's weapon?

6 A Yes, sir, it is.

7 Q Did you also bring back some other items that
8 were part of that weapon?

9 A Yes, sir.

10 Q Let me show you what's been marked as Exhibits
11 15-B, -C and -D, and ask if you -- you might want to look in
12 the envelope -- ask if you recognize those items.

13 A Yes, sir, I do.

14 Q Were those with Sergeant Sullivan's weapon when
15 you retrieved it in Salt Lake City?

16 A Yes.

17 MR. GAMMICK: I'd move for 15-B, -C and -D,
18 Your Honor.

19 THE COURT: Any objection?

20 MR. SPECCHIO: No, I don't have any. I thought
21 we did this once already.

22 THE COURT: A was admitted.

23 Now we'll admit 15-B, 15-C and 15-D.

24 (Exhibit Nos. 15-B, 15-C and 15-D admitted.)

25 BY MR. GAMMICK:

1 Q After you came back from Salt Lake City, do you
2 recall when Sergeant Sullivan's funeral was? If you need
3 to, there is a calendar here right behind this map.

4 A I believe it would be Friday, the 16th.

5 Q Did you make it to that funeral?

6 A No, sir, I didn't.

7 Q Why not?

8 A I received a phone call from one of the
9 residents at 1098 Rock Boulevard, the address we were at
10 earlier. They said they had found something in their home
11 that they thought would be pertinent to our investigation.

12 Q And did you respond to 1098 Rock?

13 A Yes, sir, I did.

14 Q Apartment A?

15 A Yes.

16 Q And did you find something else of evidentiary
17 value there?

18 A Yes, sir.

19 Q Let me show you what's been marked photographs
20 22 and 26 and ask if you recognize those.

21 A Yes, sir.

22 Q Are those true and accurate depictions of what
23 you found?

24 A Yes. That's the picture just the way I found
25 it before we recovered it, and then we opened the bag and

1 took another photo of the items inside the bag that we were
2 recovering.

3 MR. GAMMICK: Your Honor, I move for 22 and 26,
4 please.

5 THE COURT: Any objection?

6 MR. SPECCHIO: No objection, Your Honor.

7 THE COURT: 22 is admitted and 26 is admitted.

8 (Exhibit No. 22 and 26 admitted.)

9 BY MR. GAMMICK:

10 Q Let me hand you a box that's been marked as
11 Item No. 16 and ask you to please look in there and see if
12 you recognize the items contained.

13 A Yes, sir, I do.

14 Q Are those the same items to include the white
15 plastic bags that you seized at 1098 South Rock Boulevard,
16 Apartment A, on the 16th?

17 A Yes, sir, it is.

18 Q Were you able to identify the weapon belt and
19 the equipment that is inside?

20 A Yes, sir.

21 Q Is that Sergeant Sullivan's equipment?

22 A Yes, it is. His name is actually engraved on
23 some of the items, or with a Dynamo labeler type label on
24 some of the others.

25 MR. GAMMICK: Your Honor, I move for 16 and

1 contents be admitted.

2 THE COURT: Any objection?

3 MR. SPECCHIO: No objection, Your Honor.

4 THE COURT: Exhibit 16 is admitted.

5 (Exhibit No. 16 admitted.)

6 THE COURT: That doesn't include 16-A or -B,
7 does it?

8 MR. GAMMICK: Those are included in the box.
9 I'll do those now.

10 THE COURT: Those have been marked separately.

11 MR. GAMMICK: Sure.

12 BY MR. GAMMICK:

13 Q I show you Items 16-A and 16 B. Were these two
14 of the items that you mentioned that were marked with
15 Sergeant Sullivan's name that were in that bag?

16 A Yes, they were. It says Sullivan on the radio,
17 and then the name is actually engraved along the cone of the
18 flashlight, Sullivan.

19 MR. GAMMICK: Your Honor, I move for admission
20 of both those items too.

21 MR. SPECCHIO: Didn't we do those already?

22 THE COURT: We marked them previously.

23 MR. SPECCHIO: I have no objection.

24 THE COURT: 16-A and 16-B are admitted.

25 _____ (Exhibit No. 16-A and 16-B admitted.)

1 MR. GAMMICK: May I remove these items just in
2 front of the jury to publish them? I don't want to hand
3 them around or anything but just to show them what is in the
4 box?

5 THE COURT: Yes.

6 BY MR. GAMMICK:

7 Q Actually I see numerous white plastic bags.
8 Were these all within each other at the time?

9 A Yes.

10 Q We have this would be an officer's duty belt?

11 A Yes, sir.

12 Q Isn't there a buckle or something that goes on
13 this?

14 A There is one missing for that one.

15 Q And was that found at the scene where Sergeant
16 Sullivan was killed?

17 A Yes, sir.

18 Q Are these belts with the buckle system pretty
19 strong?

20 A Yes, sir, they are.

21 Q Have you been involved wearing this type of
22 equipment yourself over the last 15 years?

23 A More than I'd like to remember, yes, sir.

24 Q I notice that there is some -- let me ask you
25 this first. We have already talked about laboratory

1 requests and having things done on several items now. Did
2 you also request that these items be processed by the Washoe
3 County crime laboratory?

4 A Yes, sir.

5 Q And for instance, on the radio, we see some
6 white substance here. Are you familiar with that?

7 A Yes, sir. That is the remnants of the
8 Supergluing technique which they employ to hopefully raise
9 latent prints, fingerprints.

10 Q Now, from your experience and training, would a
11 person leave a latent fingerprint if they are wearing
12 gloves?

13 A No, sir.

14 Q You had information -- let me ask it this way.
15 Did you have information that there was a hunt for a police
16 officer Sunday evening?

17 A Yes, sir.

18 Q And did you have information who was involved
19 in that?

20 A Yes, sir.

21 Q And who was that?

22 A I'm not good on the Tongan names. I believe
23 it's Sateki Taukiuvea and the defendant, Mr. Vanisi.

24 Q Also known as Teki?

25 A Yes.

1 Q So at that time you had information that two
2 people were involved in that particular incident Sunday
3 night?

4 A Yes, sir.

5 Q Absent that, was there any evidence that you
6 found or anyone else that worked with you or any evidence
7 that you are aware of during this entire investigation that
8 would indicate that more than one person was involved in the
9 death of Sergeant George Sullivan?

10 A Absolutely not.

11 MR. STANTON: That's all the questions I have
12 at this time, Your Honor. Thank you.

13 THE COURT: Cross-examination?

14 MR. SPECCHIO: May we approach, Your Honor?

15 THE COURT: Yes.

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

18 MR. SPECCHIO: I don't want to start now.

19 THE COURT: Do you have a lot for him?

20 MR. SPECCHIO: Yeah, probably 20 minutes or a
21 half hour.

22 THE COURT: Okay.

23 MR. SPECCHIO: I don't want them to think that
24 I'm going to keep them here that long.

25 THE COURT: What is the status of your

1 witnesses?

2 MR. SPECCHIO: We're rolling.

3 MR. GAMMICK: We're doing fine.

4 THE COURT: When is Dr. Clark going to be here?

5 MR. GAMMICK: She is on vacation this week. We
6 can notify her at any time.

7 MR. STANTON: Right now, Judge, we're looking
8 at a little slower than where we thought the cusp was going
9 to be. We should have a pretty full -- your concern is
10 advising the jury tomorrow?

11 We have Jeffrey Riolo after Jim Duncan. He is
12 about DNA. He is a moderately lengthy witness. After that
13 we have a series of witnesses involved in the robbery, or we
14 have Fernando Moreira.

15 MR. GAMMICK: He is not very long.

16 MR. STANTON: We have the robbery folks which
17 aren't very long. So I would think --

18 MR. SPECCHIO: We'll get done early tomorrow.

19 THE COURT: Will we be able to have Dr. Clark
20 here when we get done so we can make that record?

21 MR. SPECCHIO: Probably Tuesday morning they
22 will probably start with her, I think.

23 MR. GAMMICK: We can do her tomorrow.

24 THE COURT: I'm trying to think if we are going
25 to take an extra long break so that I can have my

1 out-of-the-presence hearing with Dr. Clark.

2 MR. STANTON: Jeffrey Riolo is probably going
3 to take an hour.

4 MR. SPECCHIO: At least. Yeah, about an hour,
5 hour and a half for him. But the after that they should
6 slide pretty easy.

7 MR. GAMMICK: Right now finishing with
8 Mr. Duncan tomorrow morning on cross, the rest of the
9 witnesses, I'm anticipating Dr. Clark 1:30 early afternoon
10 we'll be ready for her.

11 MR. STANTON: Because if we have got the cross
12 of Jim tomorrow morning, we have Riolo, that is probably
13 going to carry us over into the afternoon.

14 MR. SPECCHIO: I don't think it will be that
15 long, do you?

16 THE COURT: You said 20 minutes.

17 MR. SPECCHIO: Half hour, 20 minutes with him.
18 Probably that long with Riolo. Maybe not that long with
19 Riolo. I would think lunchtime we'd be done with these two
20 days. After that they should be up and down like nothing.

21 MR. GAMMICK: I'm figuring Dr. Clark 1:30 at
22 the earliest, depending if we carry over witnesses.

23 We're getting down to kind of shaving hours
24 now, and it is going to be pretty close. I'll tell the jury
25 they will probably get off early tomorrow afternoon, and I

1 would have to have Dr. Clark here at 1:00 so we can have our
2 hearing outside the presence of the jury then, and then I'll
3 bring the jury back from lunch at 1:30.

4 Q And then we have probably about a full hour of
5 witnesses after that. That is 2:30?

6 MR. SPECCHIO: That is it.

7 MR. STANTON: Then we will be into Ellen if we
8 can call her after those witnesses. I'm thinking somewhere
9 around the afternoon recess, little bit before that, we'll
10 be getting to --

11 MR. SPECCHIO: If we are going to bring that
12 Teki back, we'll bring him back after her.

13 THE COURT: They are not resting yet.

14 MR. SPECCHIO: Who else do you have? You have
15 the Salt Lake guys.

16 MR. GAMMICK: Tuesday morning.

17 THE COURT: Are you going to cross Dr. Clark
18 very long?

19 MR. SPECCHIO: No, I don't think so.

20 THE COURT: All right. If you are, then they
21 won't get out early.

22 MR. SPECCHIO: No, I don't think so.

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

25 THE COURT: Okay. Ladies and gentlemen of the

1 jury, we were just discussing the schedule for tomorrow so
2 that I could give you some indication of what your schedule
3 is going to be like tomorrow.

4 I do have an early morning hearing, but I
5 anticipate that we will be able to start by 10:00 a.m. So
6 I'd ask that you be back at 10:00 a.m. ready to go.

7 I anticipate that we will break for lunch
8 approximately noon and that you will have a lunch break from
9 12:00 to 1:30. Then you may get off early tomorrow
10 afternoon.

11 We might have a situation where we have got
12 some people coming from out of town to be witnesses, and
13 we're not going to bring them in until after the holiday
14 weekend. So when we get done with the witnesses tomorrow
15 afternoon is when you will get to go home.

16 I can guarantee you, you won't be here past
17 5:00, but I think it will probably be around 3:30 or 4:00.
18 We'll work as diligently as we can. You might get a little
19 bit long weekend.

20 We will not be holding court on Monday. Monday
21 is a legal holiday, and so court will not be held on Monday.

22 So you will have the three-day weekend, and
23 then you will return to the courthouse on Tuesday. I'll go
24 over that in more detail with you tomorrow. But just so you
25 can kind of make your schedules out.

1 Now, ladies and gentlemen, during this
 2 evening's recess, I want you to remember the admonition that
 3 you have received at all other breaks. It's your duty not
 4 to discuss among yourselves or with anyone else any matter
 5 having to do with this case. It is your further duty not to
 6 form or express any opinion with regard to the defendant's
 7 guilt or innocence until the case has been finally submitted
 8 to you for decision.

9 You may not look at, read, view, listen to any
 10 news media accounts regarding this case, and should any
 11 person attempt to influence you in any manner about this
 12 case, you are to report it to the bailiff as soon as you
 13 return to the courthouse.

14 Ladies and gentlemen of the jury, you are
 15 excused at this time.

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

19 THE COURT: Audience will remain seated,
 20 please. Detective, you are excused until tomorrow morning
 21 at 10:00 a.m.

22 THE WITNESS: Thank you, Your Honor.

23 (Witness temporarily excused.)

24 THE COURT: Counsel, you have provided to me
 25 something entitled Stipulation. It purports to be a
 stipulation regarding Investigator William Stevenson's

1 testimony.

2 Have you signed that, Mr. Specchio?

3 MR. SPECCHIO: Yes, Your Honor.

4 THE COURT: And Mr. Gammick?

5 MR. GAMMICK: Yes, Your Honor.

6 THE COURT: Mr. Vanisi, did you have an
7 opportunity to discuss the entering of a stipulation with
8 your counsel?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And you saw the stipulation?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you discuss it with him?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you have any objection to his
15 entering that stipulation?

16 THE DEFENDANT: No objection, Your Honor.

17 THE COURT: Now, counsel for the State has
18 requested that a jury instruction be read to the jury at the
19 same time as the stipulation is entered and provided to the
20 jury. I don't know exactly what you want me to say, but I
21 did pull out the Nevada pattern jury instructions for civil
22 cases. This is Nevada pattern instruction 2.06.

23 The instruction reads: "If counsel for the
24 parties have stipulated to any fact you will regard that
25 fact as being conclusively proved." And the stock

1 instruction is "as to the party or parties making the
2 stipulation," and I changed that to read just "conclusively
3 proven."

4 MR. SPECCHIO: Well, Your Honor, I would oppose
5 reading any instructions to the jury at this time. I think
6 you can read the stipulation. If they don't understand it,
7 I'm sure that somebody in closing argument will bring that
8 out to them.

9 I just think highlighting an instruction to a
10 jury before they are instructed is getting into dangerous
11 territory.

12 THE COURT: Do you have any objection to the
13 instruction as I have provided it to you in the instructions
14 at the end of the case?

15 MR. SPECCHIO: No, I don't, Your Honor.

16 THE COURT: Mr. Stanton, would that satisfy
17 your concerns? _____

18 MR. STANTON: Yes, Your Honor.

19 THE COURT: Okay. Well, he made the motion,
20 Mr. Gammick. I wasn't trying to ignore you.

21 MR. GAMMICK: I understand, Your Honor.

22 I believe we did include a stipulation
23 instruction in the stock jury instructions we furnished the
24 court. It's not in there?

25 THE COURT: No. I looked for it this afternoon

1 after you gave me the stipulation, and it wasn't in the ones
2 I received. That's why we did this one. So if you want to
3 provide a different one by the time we settle instructions,
4 that is fine. Otherwise this will be the one I'll give.

5 MR. GAMMICK: That is fine, Your Honor.

6 THE COURT: Counsel, do you understand that the
7 clerk will file the stipulation in and mark it as an exhibit
8 next in line? It will not go to the jury, but it will be
9 part of the permanent record of this case, and counsel has
10 requested being able to read the stipulation into the
11 record.

12 MR. SPECCHIO: That's fine, Your Honor.

13 MR. GAMMICK: That's fine, Your Honor.

14 THE COURT: Is that what you wanted to do?

15 MR. GAMMICK: That is fine, Your Honor.

16 THE COURT: The clerk will mark the entered
17 stipulation, and we will place the proposed instruction with
18 the other proposed instructions for final determination at a
19 later time of jury settling, jury instruction settling.

20 It is hot in here, Mr. Specchio. You think
21 it's hot for you, wear a wool bath robe, and you will feel
22 even better.

23 MR. SPECCHIO: May I tomorrow, Your Honor?

24 THE COURT: You know, I have often thought we
25 could give everybody different colors. Court clerk has

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asked for that before. At the present stage I don't think
I'll let you.

Anything further?

MR. GAMMICK: No, Your Honor.

MR. SPECCHIO: No, Your Honor.

THE COURT: Court is in recess.

(Recess for day taken at 5:05 p.m.)

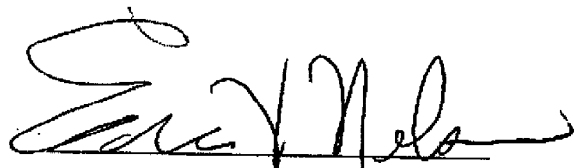
STATE OF NEVADA,)
COUNTY OF WASHOE.)

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

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

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

DATED: At Reno, Nevada, this 14th day of January, 1999.



ERIC V. NELSON, CCR No. 57

SIERRA NEVADA REPORTERS (702) 329-6560

Exhibit 90

Exhibit 90

1 Case No. CR98-0516

2 Dept. No. 4

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10 THE STATE OF NEVADA,
11 Plaintiff,

12 vs.

O R D E R

13 SIAOSI VANISI, a.k.a.
14 "PE," a.k.a. "GEORGE,"

15 Defendant.

16

17 The Defendant having made a Motion for Mistrial in open
18 court on January 15, 1999, and having considered the oral
19 representations of counsel, as well as the Defendant's
20 statements, finds in the interests of justice and with good
21 cause appearing,

22 IT IS HEREBY ORDERED that the Motion for Mistrial is
23 GRANTED.

24 ///

25 ///

26 ///

///

FILED
JAN 15 1999
AMY HARVEY CLERK
By: *[Signature]*
ADMIN. ASST.

1 IT IS FURTHER ORDERED that a hearing be set for Tuesday,
2 January 19, 1999, at 10:00 a.m., to reschedule this matter for
3 trial.

4 Dated this 15 day of January, 1999.

5 Connie J. Steinheimer
6 DISTRICT JUDGE
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CERTIFICATE OF MAILING

Case No. CR98-0516

Pursuant to NRCP 5 (b), I certify that I am an employee of JUDGE CONNIE STEINHEIMER, and that on the 15 day of January, 1999, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

Richard Gammick
Washoe County District Attorney
VIA INTERCOUNTY MAIL

Michael Specchio
Washoe County Public Defender
VIA INTERCOUNTY MAIL

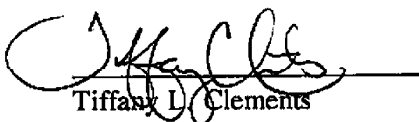

Tiffany L. Clements

Exhibit 92

Exhibit 92

Declaration of Paulotu Palu

I, Paulotu Palu, hereby declare as follows:

1. My name is Paulotu Palu and I currently live in the village of Fasi moe Afi, on the Island of Tongatapu, in the Kingdom of Tonga. I am related to Maile and Luisa Tafuna through my maternal family.
2. I was born in Tonga, but moved to the San Francisco Bay area of California, in the United States, in approximately 1982 in order to attend school. This is when I first met Siaosi Vanisi and he was about 12 years old at the time. I lived in the United States until 1987 when I moved back to Tonga. During the time I lived in the United States I stayed with Maile Tafuna for approximately a year.
3. Maile was a very giving man and would always go out of his way to help people. He provided me with anything I needed and did the same for many other people in the community. In fact, he was so generous to others that he would sometimes deprive his own immediate family of things in order to help other people. I moved out of his house because I felt that he was doing so much for others and me that his own wife and children were doing without. I called my mother when I began to feel this way and she told me that I should move out because it was not right for me to take away from Maile's own family.
4. Domestic violence was very common in the Tafuna's and my family. Men in the family beat their wives and children as a form of discipline and this was not considered unusual. Maile's family was no exception. He was extremely authoritarian and harsh with his wife and family. He angrily yelled at them when he was unhappy with their behavior and he regularly beat his wife.
5. Maile liked living big and giving the impression that he was rich. He used his position as the head of his extended family to get income from his family members. He used this income to maintain appearances and financially help others in the Tongan community.
6. Siaosi was always a good kid when he was growing up. He was well behaved and didn't cause any problems. Siaosi's brother, Tevita, was the troublemaker in the family. Despite their different natures, Siaosi and Tevita were very close. Siaosi was deeply affected when Tevita died and Siaosi was depressed for a long time.
7. Siaosi was raised by his aunt Toeumu, who was called Umu. The Tafuna family in San Bruno were all very close and Siaosi's uncle Maile was his father figure. Siaosi was very attached to Umu. He was clingy and seemed like he was always by her side. Siaosi acted like he was a baby clinging to his mother, even after he was no



longer a small child. Umu and the rest of the family all treated Siaoasi like he was a baby as long as I can remember. Because of his nature and the way he was treated Siaoasi was given the nickname "Pe pe," which is the Tongan word for baby. When he got a little older his nickname was shortened to "Pe."

8. Umu was always a little slow in her thinking. Because of this, Umu was treated much the same way that Siaoasi was treated by the rest of her family. When Umu was younger her nickname was also "Pe." Umu and Siaoasi's mother, Luisa, were very close.
9. When Siaoasi's father left Luisa in Tonga and moved to the United States Luisa's family all pitched in to help support her and her children. Maile helped to take care of Luisa more than anyone else did. When Maile left and went to the United States it greatly effected Luisa's living situation. Nonetheless, Luisa was always a very happy and outgoing person.
10. After returning to Tonga I still traveled to the United States about once every year to visit family. One time after Siaoasi was an adult, in approximately 1990, I went to the United States for a wedding. I saw Siaoasi for a little while on that occasion and he was acting strangely. He was unusually outgoing and talkative and seemed a little hyper. He was dressed as a cowboy, wearing a cowboy hat and boots and a complete cowboy outfit. He was also speaking with a Southern drawl and sounded like a cowboy from the movies. I thought it was odd at the time, but thought that Siaoasi was just seeking to be the center of attention.
11. Luisa was devastated when Siaoasi received the death sentence. She was no longer the happy, outgoing person that she always was. She cried uncontrollably and often would cry continuously without stopping for hours. Luisa died within about a year of Siaoasi's sentence and I believe that his situation contributed to her death.

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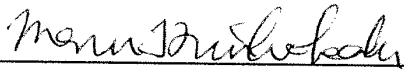


12. No one ever spoke to me about Siaosi's case prior to the time of his trial. The first people acting on Siaosi's behalf to ever talk to me about Siaosi's case were Assistant Federal Public Defender Benjamin Scroggins, defense investigator Herbert Duzant, and interpreter Manu Tu'uholoaki. Had anyone on Siaosi's defense team ever contacted me I would have given them the information contained in this declaration and would have testified to these facts on Siaosi's behalf.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 24 2011 in the village of Fasi moe Afi, Tongatapu, Tonga.



PALOTU PALU



Manu Tu'uholoaki, Interpreter

Koe fakamatala ā Pulotu Palu (P.1)

1. Ko e ngaahi meā eni ne fakapapaui ē Pulotu Palu:

[1] Ko hoku hinga ko Pulotu Palu ōku ou nofoi he kolo ko Fasi moe Afī i he motu Tongatapu i he Paleanga Tonga ōku ou Kainga mo Maile mo Luisa Tafunga i heēku famili faēē.

[2] Naē fanau ai i Tonga, ka naāku hiki ki San Francisco i Kalefonia ā iā i Amelika i he 1982 koeūhi ke hoko atu ēku ako. Pea naāku nofo i Kalefonia ou fuofua feiloaki ai mo Siaosi Vanisi ā ia naā ne taū 12 nai hono taū motua he taimi kora. Naāku nofo i Amelika ō ai ki he 1987 pea toki foki mai ki Tonga'ni. I he taimi naāku nofo ai i Amelika naāku nofo he taū ē taha ia Maile Tafunga mo hono fāmili.

[3] Ko e tangata faā foaki Sauripito ā Maile pea faā tokoni ki he Kakai Kehekehe. Naā ne foaki kiate au mo e kakai tokolahi i he feituuni. Naē i ai ā e ngaahi taimi naē lahi unge ēne foaki māe Kakai Kehe ōu kanai toki kae hala hono hōa mo e fānau. Naāku hiki mei hono āpi he ōku ikai keu fēmālie ki heēne foaki kiate au mo e kakai Kehe kae hala ēne fānau mo hono hōa. Naāku fefuitali mai ki heēku faē. Naā ne talamai keu au au ōua to e hoko hoko atu ā e nofo ai he ōku ikai

Ke totonu kua au keu vahevahe ā e māunga mōtū^(P2)
e famili o Maile.

[4] Koe ngāueāki ā e tā he vāhā o e husepaniti
mo e uaiti ōku lahi āupito ā hono ngāueāki tatau
pē ihe famili Tafuna hangē pe ~~ko~~ homau Kainga
Koe kakai tangata tokolahi ōku nau tā honau
ngaahi hoāmo ē nau fānau pea koe ūlungaangā
ni ōku lahi āupito honofai' pea ikei ke faka-
tokanga'i ko ha ūlungaanga kehe. Koe famili
o Maile naē kauai o ikei ke makehe. Naē n-
kailcaila mo faā tatulu ihe ikei ke toto
fiemālie ki ha mea. Naē tuū taē fīe auna
mo fakafefeka ā ēne tuūtuūniki hono
hoā' mo e famili. Hangē ko ēne tauka ēne
fānau mo hono hoā.

[5] Naē manako ā Maile ke fakaāliāli ōku mān
ēne mea. Naē ne ngāueāki ēne ūlumotuā he
famili ke tanaki mo fakamāōpōōpo kinautū
ōāu ki he tanaki paānga ke fakailongāi ōku
lahi ēne mea ōku mān. Pea ihe ēne tanaki
mei he kau memifa o e famili naē ne tokoni
āki ki he kakai kehe ōku fīemān tokoni.

[6] Koe tamasi' anga lelei ā Siaso he ne
tupu hake. Naē talangofua pea ikei ha palopdem
Koe tokona ā Siaso ko Tevita Siu naē faā palopdem
mo e famili. Ne onao ēna faikoholkehe ~~he~~.

he 'ulungaanga mo e to'onga ka na'ana fu'u vā'afi (p.3) 4
mo hono tokoua ko Tevita Sia. Na'e fu'u lotomamahi
āupito ā Siaosi he māvae mo Tevita he'ene
mālōlō pea na'e lotomamahi mo faingata'ia he
taimi lahi hili ā e mate hono ta'okefe.

□ Na'e ohi ē Toe'umu, tokoua o'ene fa'ē ē ā
Siaosi. Pea na'e ui ko'umu. Na'e fu'u vā'afi
āupito ā Siaosi mo e famili Tafuna i San
Bruno pea ko'ene fa'ē tangata ko Malle
na'e hangē ha tamai kiate ia. Na'e fu'u
pipiki āupito ā Siaosi kia'umu. Koe taimi
kotoa pē, na'ku fakatokangāi ā ēnei he
tafa'aki o'umu. Na'e fu'u pipiki ā Siaosi kia
umu o'au aipē ki he'ene fu'u lahi hake i'kai
ko ha kiitamasii'sii. Ko'eku fakatokangāi
na'e tauhi mo tokangāi ā Siaosi ē he famili
hangē pe ha pēpē. Koe'uhi koe anga ē au
tauhi mo ohi o' Siaosi ko'ehinga ia na'e uia
ko pēpē ā ia ko e lea fakatonga ia ki he pēpē.
I he'ene fu'u lahi hake na'e māu hono hinga
fakatenetene ko "pē."

□ Ko'umu na'e hangē pē o'ku kua tuai ā ēne
to'onga, fakakaukau. Koe'uhi ko e fai pēpē ā
umu na'e pēpē, pe ā e anga o' e famili kia o'
hangē ko' Siaosi si he'ene na'e to'onga

1. He Kei sili a Umu fa'e ohi a Siaosi Kohono hinga
fakakinetene ko "Pe". Na'e fu'u va'afi ai upito a Umu
fa'e ohi a Siaosi mo Luisa a'ene fa'e totonu.

[9] Ihe mavae a e tamai a Siaosi mo Luisa o
tuku a Luisa moe fanau kae hiki ki Amerika. Na'e
tauhi mo takangai e he ngaahi famili moe kaing
a Luisa mo'ene fanau. Na'e tokoni a Maile ke
tauhi a Luisa mo'ene fanau o lahi hake i ha
to'e taha. Ihe hiki a Maile ki Amerika mo hono
famili na'e fu'u ongo ai upito kua Luisa i he anga
o e nofo. Ka na'e hoko pe a Luisa ko e tokopaha
fie fia mo faka'feohi.

[10] Hili eku foki mai ki Tongani na'a ku fa'a
fononga pe ki Amerika meimei tuotaha hetai
o'ahi ki hoku kainga. Na'e iai a e fa'u e
taha na'a ku'eku ai ki he mali i Amerika. Na'e
ku sio ai kua Siaosi o'ku to'onga keheka o'ku
ne o'si fu'u tangata mahalo pe 1990. Na'a ne fu'u
fa'a talanoa ai upito mo to'onga sekiseki mo i'ini.
Na'a ne tui hono vala fakatauvao, ko e puti faka
kampoe mo e tata mo e foiteunga kalato. Pea ko e
anga'ene lea hangē ko e faahinga lea a e taha
Tonga i Amerika o hangē ha lea o kampoe he ngaahi
faiva. Na'a ku fakakaukau o'ku ngali kehe ka na'a
cu pehē o'ku ne fiemai ke tokanga ane ki ai.

(P. 5)
[11] Na'e ongoi aupito e Lu'isa 'a e tautea matea 'a Siasosi. Na'e liliu ene to'onga fiefia mo malimali he ko e fefine fiefia. Na'a-ne lotomamahi mo fa'a tangi pea ihe fa'imi nihi; na'e tangi o laulau houa. Na'e ma'lotō 'a Lu'isa he osipē fa'a faha mei he hoko 'a e mea 'a Siasosi. Oku ou tui ko e tauka o Siasosi na'e fakavave ai si'i hiki atu 'a e fa'e'ni.

[12] Na'e te'eki ke talanoa mai ha taha ki he tauka o Siasosi. Ko e kakai na'a nau fakafofonga 'a Siasosi ki mua na'e ikei ke nau fetu'utaki mai kiate au. Ko e fuofua fetu'utaki mai kiate au o fekau'aki mo Siasosi ko Benjamin Scroggins, ko e fakafofonga la'o 'a e Federal, Herbert Duzant, fakatoto'o 'a e Federal pea mo Manu Tuihoholaki, fakatonulea. Kapau ne fetu'utaki mai 'a e kau fakafofonga ki mua 'a Siasosi na'eku foaki 'a e fakamataki tatani ke tokoni ki si'i Siasosi.

Oku ou fakapapau ko e u le'a ni ko e fotonu mo mo'oni 'a ia na'e tui he 'aho 24 Sanuali 2011; he kolo ko Fasi moe Afi, Tongatapu, Tonga.

Manu Tuihoholaki
Manu Tuihoholaki, Fakatono

Palu
Pulotu Palu

Exhibit 93

Exhibit 93

Declaration of Siaosi Vuki Mafileo

I, Siaosi Vuki Mafileo, hereby declare as follows:

1. My name is Siaosi Vuki Mafileo, my date of birth is _____, and I currently live in Honolulu, Hawaii. Maka'afa Vanisi, the father of Siaosi Vanisi, was my cousin as our grandfathers were brothers. I am two years older than Maka'afa and we were raised together in Tonga from the time that we were small children. Maka'afa lived with his immediate family in Fasi, Tongatapu and I lived in neighboring Kolofo'ou. Maka'afe and I attended the same Government Primary School, but we attended different high schools. When we were teenagers we were both a part of a circle of friends who were known as the Kolofo'ou stars, and I still have the star tattooed on my hand which signified our friendship in this group.
2. Maka'afa was never focused as a child, or at any time during his life, and he did not have any responsibilities. Maka'afa never had a job while he was in Tonga and he survived by living off various members of the family. Maka'afa depended on his parents, aunts, uncles and cousins for food, money and shelter. Maka'afa never lived independently at any time in his life. Maka'afa had a short attention span and a lot of difficulties with completing tasks.
3. Maka'afa started drinking alcohol when he was about 15 years old and he quickly developed a bad drinking habit. Maka'afa frequently made a Tongan fermented beverage called Hopi and he used to hide it in swamps and other secluded areas. Maka'afa drank until he was intoxicated almost everyday.
4. Maka'afa was a violent drunk because he usually became angry when he drank alcohol and started problems with random people. Whenever Maka'afa became drunk he often picked on people and tried to start fights. I recall at least two occasions where I had to hit Maka'afa to stop him from starting fights with others and I warned him to change his ways.
5. Whenever Maka'afa drank alcohol he usually talked to himself. Maka'afa rambled during these occasions and his words made no sense to me. Maka'afa spoke about random topics that were not in a particular order and he sometimes mentioned a few names of people. I was never able to follow what he was trying to say.
6. Maka'afa frequently did the Tongan warrior dance and bragged about his family being from the island of Vava'u. If anyone laughed at Maka'afa or teased him while he was doing the warrior dance, Maka'afa attacked the person.
7. Throughout Maka'afa's life, I frequently saw him sitting down by himself and gazing off to the distance. During these occasions it seemed like his body was there but his

mind was somewhere else. When Maka'afa became older I sometimes saw tears steaming from his eyes as he gazed off into the distance, and he sometimes told me that he cried because he wished that his life could have turned out differently. Maka'afa frequently seemed like he was depressed, and he sometimes spoke about the regrets of his life. Maka'afa felt bad that he was never able to take care of himself or be there for his children. To make Maka'afa feel better, and to take his mind off of the things that depressed him, I usually pulled out a bible and read scriptures with him. This usually took some of the sadness away.

8. Maka'afa suffered from mood swings while he was sober or intoxicated. Maka'afa was happy one minute, sad the next and then he'd get angry and began yelling at people and wanting to fight for no reason. It was impossible to predict Maka'afa's moods and reactions to different situations because they were constantly changing and without explanation.
9. Maka'afa used to carry around knives from the time that we were growing up in Tonga. When Maka'afa was in his late twenties he was arrested in Tonga for stabbing another man. The stab was not fatal because the man survived his injuries. Maka'afa never went to trial because a family friend, Mr. Vakapuna, bought Maka'afa a ticket to come to Hawaii to work for him in 1969.
10. Although I knew that Maka'afa was married and had children at the time when he left Tonga for Hawaii, I never met his family. I also had no idea how their lives were impacted by Maka'afa leaving them behind. He never spoke about his family and I knew nothing about his children.
11. I joined the Tongan army from 1969 until 1975, and then I worked on a cruise ship from 1975 until 1978. In 1978 I moved to Hawaii and I have lived here ever since that time. When Maka'afa came to Hawaii in 1978 or 1979 he stayed with my brother, the late Latu P. Mafileo, for about a year before moving in with me and my wife. Maka'afa lived with us for almost twenty years at four or five locations around Oahu.
12. Maka'afa dated women during the time period that he lived in Hawaii, but he never had any long term relationships. Maka'afa usually took a woman out for a date once or twice, and then never saw her again.
13. Maka'afa sometimes did work for my business during the 1980's, but he was never a constant or reliable worker. Maka'afa was forgetful, he spent time hanging out in the streets with friends instead of working, and he often did not complete jobs. Maka'afa usually worked no more than two or three days at a time, and stopped after he was paid. Maka'afa usually only worked when he needed extra money to purchase alcohol.

14. Maka'afa's drinking problems continued from his teen age years into his adulthood, and he drank heavily throughout the time period that he lived with me in Hawaii.
15. Maka'afa's belligerence while drinking also continued while he was living in Hawaii. Maka'afa frequently engaged in bar fights, and attacked people for no reason when he was drunk. Maka'afa sometimes sat quietly while he was drunk and then all of a sudden he stood up and attacked people who did nothing to him. I remember seeing Maka'afa strike a guy with a chair as he was passing by for no reason. When I spoke to the guy he told me that he had no idea why Maka'afa attacked him because he didn't even know him. When I asked Maka'afa why he attacked the man, Maka'afa never explained why. Maka'afa was never able to tell anyone why he attacked people for no cause.
16. I once stopped Maka'afa from stabbing a guy in a bar. During the altercation Maka'afa pulled out a knife and began swinging it at the guy. I stepped in and grabbed Maka'afa before he injured the other person. I heard that Maka'afa attacked at least one other person in a bar, in Hawaii, with a knife when I was not around. I'm not certain how this other incident ended.
17. Maka'afa was obsessed with revenge and getting back at people who he believed did him wrong. Maka'afa held on to grudges for long periods of time and he did not rest until he got back at a person no matter how long it took. Maka'afa sometimes attacked people who did him wrong after they had forgotten about the dispute and moved on.
18. Maka'afa frequently experienced blackouts and could not recall the things that he did while he was intoxicated and before passing out. Maka'afa always complained about not remembering the things that he did while he was intoxicated, like attacking people for no reason. Maka'afa was often surprised when he heard the things that he did while he was drunk. Maka'afa also complained about not knowing where he was or how he had gotten to the locations where he woke up. I often had to drive to the various locations where Maka'afa found himself on the mornings after his drinking binges.
19. I became fed up with Maka'afa's behavior while he was drunk so I completely stopped drinking alcohol with him around 1984, although he continued living with me. I was tired of breaking up his fights and stopping him from harming others. I was also tired of seeing him make a fool out of himself while he was intoxicated.
20. My wife and I cared for Maka'afa and allowed him to live with us until 1999 when Maka'afa moved into an assisted living facility. Maka'afa had a couple strokes and developed other major health problems by this time, and we could no longer care for

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him by ourselves because my wife and I both worked. Maka'afa never lived independently or held onto jobs for long during the entire time that he lived with us.

21. Maka'afa never talked about his children in San Bruno, so I never knew much about them. I have no recollection of Maka'afa ever discussing the death of his eldest son, Tevita Siu Vanisi, during the 1980's. Maka'afa knew that his son, Siaosi, was in prison for murder but we never discussed this matter because it was painful for Maka'afa. Maka'afa discussed his feelings of regret for not being there for his children only towards the end of his life.
22. Maka'afa's daughter, Sela, came from San Bruno, California to retrieve him in 2005 when Maka'afa became too ill to live by himself even at the assisted living facility. Sela then cared for Maka'afa for the next five years until his death in March 2010. Maka'afa wanted to die in Hawaii but he had no choice because there was no one here in Hawaii who could care for him. I attended Maka'afa's funeral and, at his request, eulogized him on behalf of his father's family.
23. I was never contacted by anyone working on Siaosi Vanisi's behalf during the time of his trial or at any other time. Herbert Duzant and Ben Scroggins of the Federal Public Defender's office, district of Nevada, and their interpreter, Lois Tiedemann, were the first people who ever spoke with me about Siaosi's case. Had I been contacted previously, I would have provided all of the information that was included in this declaration and I would have been willing to testify to these facts. I also would have asked the jury to spare the life of my cousin's child.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 28, 2011 in Honolulu, Hawaii.



Siaosi Vuki Mafileo



Interpreter, Lois Tiedemann

KOE FAKAMATALA 'A SIAOSI VUKI MAFILEO: P1

KO AU, SIAOSI VUKI MAFILEO, OKU OU FAKAHA ATU
'AE NGA'HI FAKAMATALANI;

(1). KO HOKU HINGOA KO SIAOSI VUKI MAFILEO, NA'E FA'ELE
AU 'I NUKUALOFA, TONGATAPU, 'IHE 'AHO 24 OSEPITEMA
TAU 1944. OKU OU LOLOTONGA NOFO 'I HONOLULU, 'I
HAWAII. KO MAKAAFA VANISI, KOE TAMAI 'A SIAOSI
VANISI. OKU OU TOKOUA 'AKI 'A MAKAAFA HE KO'E NE
KUI PEA MO'EKU KUI KOE ONGO TAUTEHINA. NA'AKU
TUPU FAKATAHA HAKE PEA MO MAKAAFA, NE ONGO
NA'E NOFO PE 'A 'I FASI PEA MO'E NE ONGO MATUA
PEA MO HONAU KII FAMILI, KAU TU PU HAKE PE A
MO NOFO 'I KOLOFO'OU, PE A MO'E KU ONGO MATUA
PE A MO HONAU KII FAMILI. NA'AKU HU FAKATAHA
PE A MO MAKAAFA KI HE LAUTOMI PULEANGA 'A
NUKUALOFA, 'I KOLOFO'OU. 'IHE AKO FAKAKOLISI
NE MA AKO HE KOLISI KEHE KEHE. 'IHE TAMU
NE MA AU AI KI HE VAHA'A OE TAU 13, MOE TAU
19, NE MA HU AI O KAU, 'IHE KULUPU 'AE TO'UTU,
HO MA NGA'HI MAHENI, NA'E UI KOE KOLOFO'OU
STARS. OKU KEI 'I LONGA PE 'I HOKU NIMA, 'AE
TATATA, KOE FOI FETU (STAR). KOE FAKA'ILONGA
'AE UO UO NGATAHA, PE A MOE FE'OFEO'OFANI, 'AE
KAU NEMPA OE KULUPU.

2. KO MAKAAFA NA'E TAUMUA VALEA PE 'A'E NE MOUI,
TALU PE MEI HE'E NE KEI SIISI. NA'E 'IKAI KE
FIE NGA'UE IA 'I HA NGA'UEANGA, 'IHE'E NE KEI 'I TONGA.
NA'E FAKAFAALALA PE'E NE MOUI KI HE'E NE ONGO
MATUA, PE A MOE FAMILI. OTATATU PE, PE KOHA PA'ANGA,
KE FE'AU 'AKI'E NE FIENAI, PE KOHA MEAKAI KE KAI,

5/19
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PE KOHA FEITUU KE NOFO MO MOHEAI. NA'E IKA
TEITEI 'AI HA TAIMI 'IHE MOU' A MAKAAFA, NA'E
LAVA AI KE MOULIATE IA PE, TA'E FAKAFA LALA
KIHA TAHA KEHE. NA'E MOU' FAKAFALEVALE,
PEA NA'E IKA KE LAVA E MAKAAFA, KE FAI FAKA
LELEI, MO FAKAMATOATO, HA FAHINGA NGANE
E OANGE KENE FAI.

3. NA'E KANATA PE AE INU KAVA MALOH I A MAKAAFA,
OKU KEI TAHI IS PE, PE OEL KIAI. NA'E IKA FUOLOA
KUD MAU HEE KAVA MALOH I A MAKAAFA. NA'ENGAHI
HOPI MAU PE O FUEU HOLO HE NGAHI FEITUU
KEHEKEHE - HE OKU TAHI 'IHE LAO AE PULEANGA
TONGA - AE NGAHI, PE KOE KONA, 'IHE HOPI. NA'E
KONA PE A MAKAAFA IA 'IHE MEIMEI AHO KOTOA.

4. NA'E NATUAKI FAKATUTANAKI AUNTO A
MAKAAFA, 'IHE TAIMI NA'E KONA AI. NA'E TAKA -
TAKA FAKAMALOHI, FAKAMOVEUVEU, PE NA'E
MEIMEI FAKATUPU KE PE IA, 'IHE TAIMI KOTOA PE
NA'E KONA AI. NA'E TUO UA 'E KU HANGA OTUKI
A MAKAAFA KE TA'OEI AKI, KOEHI, KO'ENE FAKA -
TUPU KE. NE TUO LAHI 'E KU AKONAKI KIA MAKAAFA
KE FEINGA KE TUKU'ENE INU KAVA MALOH PE
KE FEINGA FOKI KE LILU'ENE TONGA NOU.

5. NA'AKU TOKANGAI KO'E TAIMI KOTOA PE OKU KONA
AI A MAKAAFA, OKU TALATALANGA PE IA KIAI.
TAIM LAHI OKU NGONENGONE PE, PE A IKA FA'A
MAHINO IA KIHA TAHA, PE KOE HA KOA AE MEA
'OKU TALANGA KIAI. TAIM E TAHA, OKU VALEVALE
LAHI 'IHE NGAHI MEA KEHEKEHE, OKU IKA TE NAY
CEKAUAKI, PE A FA' TUUNALINAI.

NĀE 'AI ĀE TAIMI 'E NI'HI NĀE FĀA TU'AI Ā
 6. Ō HAKAI ĀE SIPITAI - TOKUA KOE SIPITAI Ā
 VAVAU. NĀE LAUKAU ĀKI 'E MAKĀĀFA ĀE PEHE
 KOE HĀU Ā HONO FAMILI MEI VAVAU. NĀE
 FAKAPO'U'U ĀUPITO ŌKAPAU, 'E FAKAMATALILI
 ANGE HA TAHA, LOLOTONGA 'ENE HAKAI ĀE SIPITAI
 - PEA ĀU ŌNE ŌHOEI ĀE NI'HI.

7. KOE TAIMI LAHI 'IHE KEI MO'U Ā MAKĀĀFA. NEU
 FAKATOKANGĀ, NĀNE MANAKO KE NOFO TOKOTAHA
 PE Ō SID FAKAMAMA'U KIHE MAMA'U. KOE NGAAHI
 TAIMI 'ENI NĀE HANGE KO HONO NGĒESI SINŌ PE NE NĀU
 SID KIĀ. KO 'ENE FAKAKAUKAU ĀNA NĀE MAMA'U
 ĀUPITO IA 'IHE FEITUU KEHE. 'IHE TAIMI NEMOTUA
 ANGE AI Ā MAKĀĀFA, NĀE ŌHOVALE PE KUO
 MOKULUKULU HONO LOIMATA. NĀE MAHINO
 ĀUPITO NĀE MAEASIA 'ENE FAKAKAUKAU PEA
 MO'ENE MO'U 'IHE TAIMI LAHI. NĀE TOKI LEA
 MA 'E IA Ō PEHE - NĀE FĀA TANGI, KO 'ENE
 FAKATONAKA PEA LOTO MANAHI, KOE 'IKAI
 KENE ~~FA~~ MO FUA LELEI HONO NGAAHI
 FATONGI, KIHE 'ENE FĀNĀLI MO HONO MALI.
 TUO LAHI ĀE TAIMI NEU 'ILO'AI ŌKU PUPUTU
 PEA FAINGATA'IA 'ENE FAKAKAUKAU 'IHE NGAAHI
 MEĀ KEHEKEHE. NĀAKU TOO MAI LEVA 'EKU
 TOHITAPU, Ō TOO MEI AI ĀE NGAAHI VEESI, Ō
 MA LAU NO TALANOA KIA. NEU 'ILO' NĀE FĀA
 TOKONI LELEI ĀUPITO 'ENI KIA MAKĀĀFA.

8. NĀE MOUA Ā MAKĀĀFA 'IHE LOTO MAEASIA MO FĀA
 FELILILUAKI. TATAU PE, PE ŌKU KONĀ PE TĀE
 KONĀ. 'E BIEFIA PE IA 'IHA MEĀ HE MINITE KOE,
 FOKIEĀ PE, KUO LOTO MANAHI IA HE MINITE HOKO
 MAT. PEA FAKA'HOVALE PE, KUO 'ITA IA MOKAKALA

KIHE KAKAI, PEA POLE KENAU FUUU, TAE HANO
 UHINGA. NAE FAINGATAA 'AUPITO, KE LAVAKETE
 TALA MO FAKAPAPAUI, AE LOTO, MOE ULUNGAANG
 O MAKAAFA 'I HA TAIMI, KO EUHI, HE NAE FELILUAKI
 PEA TA MAHINO MO FAKATAETA EKUHĀ.

9. 'I HE TAIMI NAA MAKEI 'TONGA AI, NAE LAHI 'AUPITO
 'AE TAIMI, NEU HANGA AI O FAKATOKANGAI, OKU TOO
 HOLA AI E MAKAAFA 'AE HELETUI. 'I HE TAIMI NAE
 TAU UO FULUTUAI AI, NAE PUKEA IIA HEE KAU
 POLIST, KO EUHI, KO ENE TUIHELEI 'AE TANGATA.
 NAE HAO PE 'AE TANGATA O 'IKAI NATE, NAE
 TE EKIAI KE FAI AE 'A ^{MOPO} MAKAAFA 'I HE HIA KO ENI,
 KUO HANGA HEE TANGATA IA, MAHENI O E FAMILI,
 O FAKATAU AE TIKITE A MAKAAFA, KE FOLAU MAI
 KI HONOLULU O NGAE ANGE KIAI 'I TAU 1969.
 NAE FOLAU MAI LEVA A MAKAAFA KI HONOLULU.
 PEA HOKO ATU KI SAN FRANCISCO, HE NAE NOFO
 AI HONO TOKOUA LAHI KO MANU VANISI.

10. NEONGO NEU 'ILOI NE OSI MAI A MAKAAFA
 TONGA, KIMUA PEA TOKI HAU KI AMELIKANI, NAE
 'IKAI TEU 'ILOI, PE TEU MAHENI, PEA MOE MAI
 MOE FANAU KO ENI A MAKAAFA. NAE TE EKIAI
 TUO TAHA HAA MAI FEILOAKI - PEA NAE 'IKAI
 TEU 'ILOI PE NAE FEFEE E NAU NOFO MO ENAU
 MOU 'I TONGA 'I HE TAIMI NAE HAU AI A
 MAKAAFA KI AMELIKANI. NAE 'IKAI PE TALANGA
 A MAKAAFA IA HA TAIMI, O KAU KIA NAUTOLU
 PEA 'IKAI AI PE TEU 'ILOI E AU HA MEA,
 KAU KIA KINAUTOLU.

11. NAAKU HU O KAU KI HE TAU MALU FOUVA A TONGA

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'IHE TAÚ 1969 KIHE TAÚ 1975. NEU HU LEVA 'O NGĀUE KOE SETUATA, 'IHE VAKA UTA PASESE 'AE PULEANGA NAURU, MEI HE TAÚ 1975, KIHE TAÚ 1978, NEU FOLAU MAI KI HAUVAI, 'IHE TAÚ 1978 - 'OU NOFO AI PE 'O AÚ MAI KIHE 'AHONI. 'IHE FUOFUA HAU 'A MAKAAFA KI HAUVAI'INI, 'IHE 1979. NAE NOFO PE MO HOKU TOKOUA LAHI, KOE TANGATAEIKI FAIFEKAM KO LATU POPI MAFILEO. KUO 'OSI PEKIA, HILI NAI HA TAÚ 'E TAHA, PEA TOKI HIKI NAI LEVA 'O NOFO MO AU MO HOKU MALI, 'IHE MEINEI TAÚ 'E 20, 'O HIKIHIKO HOLO 'E NAU NOFO HE FEITUU 'E 4 'I LOTO HONOLULU.

12 'IHE TAIMI NAE NOFO AI 'A MAKAAFA MO AU. NAE FAA KAUNEÁ MOE KAKAI FEFINE KEHEHE NAE'IKAI KE FUOLOA HA KAUNEÁ IA 'A MAKAAFA MO HA FEFINE. KOE MEINEI TUO TAHA PE, PE TUO UA HAANE 'ALLI MO HA FEFINE PEA 'IKAI KE TOE 'ALLI IA KIHE FEFINE KOIA.

13. NAE FAA NGĀUE PE 'A MAKAAFA 'IHE 'EKU KI KAUTAHA NGĀUE. KAE MEÁ PANGO' NAE'IKAI KE FAKAPOTOPOTO PE NGĀUE FAKAMATOATO, NAE 'IKAI LAVA KETE FALALA KIA KENE FAI FAKALELEI HA NGĀUE. NAE HANGĒ 'OKU LOTO NGALONGALO HE TAIMI 'E NI'IHI. PEA MANAKO PE IA KE NOFO HOLO HE VEEHALA PEA MO HONO NGAAHI KAUNGĀMEÁ, KAE LIARI 'E MA NGĀUE 'A MAUA. NAE NGĀUE PE 'A MAKAAFA 'IHE 'AHO 'E UA PE TOLU 'IHE UIKE. KOE MAU PE 'ENE VAHE KE FAIARI 'ENE KONA.

14. NĀĒ HOKO ĀE INUKAVA MALOHI Ā NAKAĀFĀ
KOE PALOPALENA LAHI KIHE ĒNE MOŪT, TALU
MEI HE ĒNE KEISI, Ō FAI MAI A PE Ō AU KIHE
TAMIN NĀĒ NOFO AI MO AU I HONOULLUNI.

15. KOE ULUNGAANGA FAKA MALOHI, FAKANOUEUEU,
MO FAKATAETAEKUHĀ Ō NAKAĀFĀ NĀĒ FAI A
PE LOLOTONGA ĒNE NOFO MO AU I HONOULLUNI.
NĀĒ FĀĀ FUKU I HE PĀ, PEA FĀĀ ŌHO KIHE
KAKAI Ē NĪHI TĀĒ HANO ŪHINGA. NĀĒ FĀĀ
KONĀ PE IA Ō TANGUTU FAKALONGOLONGO
ŌHOVALE PE KUO ŌHOEI Ē IA HA TAHA OKU
OU MANATUI ĒNE HANGA Ō TĀĀĪ ĀE TANGATA
Ē TAHA, ĀKI ĀESEA I HE PA NĀĒ INU A, KOE ŪHI
KO ĒNE ĀLU OEI ANGE HE MEĀ NĀĒ NOFO AI
Ā NAKAĀFĀ. NEU TALANOĀ KIHE TANGATA NĀĒ
TĀĀĪ ĀKI Ē NAKAĀFĀ ĀESEA, PEA FAKAHA
MAI Ē HE TANGATĀ, ŌKU ĪKAI KENE ILOI Ē IA
PE KOE HĀ HĀ ŪHINGA KE ŌHO ANGE AI Ā
NAKAĀFĀ KIAI, HE ŌKU ĪKAI KENE ILOI Ē IA Ā
NAKAĀFĀ. NĀĒ ĪKAI PE KE TALANAI Ē NAKAĀFĀ
KIA TE AU, PE KOE HA ŌKU FĀĀ ŌHO NOĀĪA
AI KIHE KAKAI, ŌKU ĪKAI TENALI FAI ANGE HA
KOVI KIA TE IĀ.

16. NĀĒ TUŌ TAHA ĒKU HANGA Ō ŌHOEI Ā
NAKAĀFĀ Ō PUKE KOE ŪHI KO ĒNE ŌHO PEA MOE
HELE KIHE TANGATĀ I HE PA. NĀĒ FAI ĀE KI
MAKUKU I HE PĀ, NE ŌHO LEVA Ā NAKAĀFĀ
PEA MOE HELE KIHE TANGATĀ Ē TAHA. KOIA
NĀĀKU ŌHOEI AI Ā NAKAĀFĀ Ō PUKE ĀE HELE
NEU FANONGO NĀĒ TOE ŌHO Ā NAKAĀFĀ PEA
MOE HELE KIHE TANGATĀ I HE PA Ē TAHA

NAE'IKAI TEU'AI, PEA OKU'IKAI TEU'ILOI PE
NAE'IKU KIHĒ HA'ĀE MEĀ KO IĀ.

17 NAE'ULUISINO'IA MAKĀĀFA'ĀE LOTO KE SĀUNI
HA TAHA PE, OKU TUI NAĀ NE FAIANGE KIATE
IA HAKOVI. NAE'IKAI KE LAVA'E MAKĀĀFA
O FAĀ FAKAMOLEMOLEI MO FAKANGALO'Ī HA
TAHA NAĀ NA KE, PE FAKAFEKIKI'ĪHE FAĀHINGA
MEĀ. NAE'IAI'ĀE NGAĀHI TAIMI IA NE TOE OHO
IA KIHĒ KAKAI NE OSI EUOLOA'E NAU FAKALELEI
'ĪHA MEĀ NAE'YOKO EUOLOA ATU, PEA KUO OSI
FAKANGALO'ĪHE KAKAI KOIA'ĀE TĀE FEMĀ-
HINOĀKI NAE'YOKO'Ī HONAU VA PEA MO
MAKĀĀFA'.

18 NAE LAHI'ĀE TAIMI NAE MOLE FAKATAIMI AI
ĀE MANATU'Ī MAKĀĀFA. NAE'IKAI KENE FAĀ
MANATU'Ī'ĀE NGAĀHI MEĀ NAĀ NE FAI'ĪHE
TAIMI NAE KONĀ AI. NAE'IKAI KE FAĀ
MANATU'Ī'Ē IA HA'ĀNE OHO KIHĀ TAHA
'ĪHE TAIMI OKU KONĀ AI - PEA OHOVALE HE
FAKANATALA ATU KIAI'ĀE NGAĀHI MEĀ NAĀ
NE FAI. NAE'IKAI KENE FAĀ MANATU'Ī'Ē IA,
PE NAE ANGA FĒFĒ'ĒNE AŪ KIHĒ NGAĀHI
FEITU, OKU AKE HAKE AI, MEI HE'ĒNE KONĀ
PEA NAĀKU'ĀLU MEĀLELE HE TAIMI LAHI,
KE LITAI MEI HE FEITU KEHEKEHE OKU
AKE KONĀ MEI AI.

19 NAĀKU FOI'ĀUPITO'ĪHE FAĀHINGA'ULUNGAANGA
O MAKĀĀFA - TAUTAU TEFI TO KIHĒ TAIMI
OKU KONĀ AI. KOIA'ĪHE TĀU 1984 NAE TUKU

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‘AUPITO AI ‘EKU INU KAVA MALOHĪ ‘NEONGO
 NĀĒ KEI NOFO PE ‘Ā MAKĀĀFA IATE AH MO
 HOKU MALI. ‘NE AU ŌU FOĪ ‘AUPITO ‘IHE FĀĀ
 TAŌFI ‘ENE ŌHO FAKAPOŪLI NOĀĪA KI HE
 KAKAI ‘PEAU ONGOI MA ‘AUPITO KOEŪHI KOE
 KOVI ‘Ā HONO ‘ILUNGAĀNGĀ.

20. NĀĀKU TAUHI MO HOKU MALI ‘Ā MAKĀĀFA Ō
 AU KI HE TAŪ 1999 PEĀ ‘ĀVE LEVA KI HE FALE
 NĀĒ TUKU NAI ‘EHE SITEITI, KE ‘ĀVE KIAI KE TAHI
 PEĀ MO TOKONI. NĀĒ TUŌ 2 ‘ENE PA KALAVA, PEĀ
 TOE KANONI NAI MOE NGAAHI MAHAKI LALAHĪ
 KEHEKEHE. NĀĒ ‘IKAI LEVA KE MA TOE LAVA Ō
 TAHI ‘Ā MAKĀĀFA - HE NĀĀ MA FAKATOU
 NGĀUE KIMAU PEĀ ‘IKAI HA TAHA KE NOFO
 PEĀ MO MAKĀĀFA. NĀĒ TALU ‘ĀE TUPU ‘Ā
 MAKĀĀFA MOE FAKAFALALA ‘ENE MOŪI
 KI HE KAKAI KEHE. PEĀ NĀĒ ‘IKAI FORI
 KE PEHE NĀĒ NGĀUE LELEI MO FUOLOA
 ‘IHA KAUTAHA - KE MAKATUŪNGĀ AI HĀĀNAY
 FIE TOKONI (KIA MAKĀĀFA). KOE TAIN NĀĒ
 PUKE LAHI ĀI, NĀĒ FAKĀŌFA ‘AUPITO,

21. NĀĒ ‘IKAI PE KE TALANOĀ ‘Ā MAKĀĀFA ‘HA
 TAINI Ō KAU KI HE ‘ENE FĀNAY ‘I SAN BRUNO.
 ‘IHE ‘ENE PEHEE NĀĒ SIISI ‘HA MEĀ TEU ‘ILOI
 FEKAUĀKI MOE KI FĀNAY KOENI. NĀĒ ‘IKAI
 PE TENE TALANAI ‘ĪA KIATEAU ‘ĀE MATE
 ‘Ā HONO FOHA LAHI ‘TEVITA SIU VANISI
 NĀĒ MATE ‘IHE 1980 TUPU. NĀĒ ‘ILOI ‘E
 MAKĀĀFA ŌKU FAKAHU HONO FOHA KOĪA KO
 SIAOSI VANISI ‘I FONUA LAHI - Ō TALI HONO

SM
 JB

'IHE HIA KOE TAMATE TANGATA. NAE
'IKAI KE LOTO IA KE FAI HATA LANOA KIAI.
HE NAE FULI FAKALOTO MANAHI 'AUPITO KI
AI KE FAI HATA LANOA KAU KIAI. NAE TOKI
LEA PE'A MAKAAFA O KAU KI HE 'ENE FANAUI
KUO OSI PUKE LAHI AUPITO.

22. NAE HAU HONO OFEEINE KO SELA, MEI SAN
FRANCISCO HE TAU 2005 O AVE'A MAKAAFA
KI SAN BRUNO. NAE PUKE'A MAKAAFA
HE NGAHI MAHAKI LALAI KEHEKEHE,
PEA NAE FIENAU LEVA HA TAHA TONU KENE
TAUHI HOVA E 24 HE'AHO KOTOA PE. NAE
AVE'E SELA'A MAKAAFA O TAUHI'I SAN
BRUNO - O AU AI PE KI HE 'ENE MALOLO
'I MAASI 2010. NAE LOTO PE'A MAKAAFA
KE MATE PE'I HAUVAI'INI PEA TANU'I HENI.
KAE PANGO KOE 'IKAI HA TAHA TONU KE
NOFO O TAUHI IA 24/7. NAAKU ALU KI HE PUTU
PUTU O MAKAAFA. PEA HANGE KOIA NAE
23. ^{LOTO} ~~MAA~~ KIAI - NAAKU FAKAHOKO AE LEA AE
FAMILI'I HONO PUTU'I SAN BRUNO.

23. NAE TE'EKIAI HA TAHA'E FETU'ITAKI MAI
KATEAU, KOHA TAHA NAA'NE FAKAFOFONGAI
A SIAOSI VANISI'I HE 'ENE HOPO NAE FAI
KOE TAMATE TANGATA. KO HERBERT DUZANT
PEA MO BEN SCROGGINS MEI HE O'ENI AE
PULEANGA FAKATAHATAHA O AMELIKA KI
HONO TAUKAPOI OE TONU FAKALAO AE KAKAI,
VAA'I HE SITEITI O NEVADA. PEA MO'ENA
FAKATONU LEA KO LOIS TIEDEMANN. KO

SM
JE

KINAUTOLU 'AE EUDEUA KAU FAKAEKEEKE KE
 MAU FETALANOAAKI MAHINO'O KAU KIHĒ HOPO
 'Ā SIAOSI VANISI. KAPAU NAE SINAKI FAI MAI
 HA FETUUTAKI KIATEAU KIMUA PEHE NAE
 MEI LAVA PE KE OATU KOTOA 'AE NGA'AHĪ FAKA-
 NATALA 'OKU HA ATU 'I HENI. NAU MEI LOTO
 LELEI 'AUPITO KEU HOKO KOE FAKAMOONI
 'OKAPAU NAA NAU EIENALI. PEA 'OKAPAU NAE
 PEHE, NAAKU KOLE KIHĒ KAU SULĀ KE NAU
 HANGA 'O FAKAMOLEMOLEI 'Ā E FOHA 'O MOTUA
 HOKU TOKOUA'.

'OKU OU 'ILOI KOE EUAKAVA LOI 'OKU TAUTEA
 MAMAEA HEE LAO. KO IA AI 'OKU OU EUAKAVA
 KOE NGA'AHĪ FAKAMATALA KOTOA PE 'OKU
 HIKI ATU HENI 'OKU MOONI MO TOTONU.

NAE FAI 'AE FAKAMATALA KO'ENI 'I HE
 'AHO 11 'O SEPUELI, TA'U 2011, 'I HONOLULU,
 HAWAII.

Siaosi Vuki Mafileo

02/11/2011

SIAOSI VUKI MAFILEO

Lois Tiedemann

Lois Tiedemann

2/11/2011

INTERPRETER, LOIS TIEDEMANN

Exhibit 94

Exhibit 94

Declaration of Sioeli Tuita Heleeta

I, Sioeli Tuita, hereby declares as follows:

1. My name is Sioeli Tuita, my date of birth is , and I currently live in the Nukualofa, Tongatapu in the Kingdom of Tongan. Maka'afa Vanisi, the father of Siasosi Vanisi, was one of my best friends when we were growing up together in Tonga. Maka'afa and I met in St. Andrew highschool and we spent a lot of time together from that point forward. Our friendship lasted until 1969 when he abandoned his family and left Tonga for Hawaii.
2. Maka'afa and I were not serious when it came to our studies in highschool, and we spent a lot of time cutting classes and spending time around town while our classes were in session.
3. Maka'afa and I were the children of upper-middle class members of society. My father was a government surveyor and Maka'afa's dad was a police inspector. Maka'afa and I hung out in a group of about four or five guys, and we spent most of our time drinking alcohol and eating food from stores where Maka'afa and another friend's father had lines of credit at four or five local stores. Maka'afa also had an aunt, Like Vete, who owned a store and she frequently supplied us with food and money.
4. Most of the money that we received was used to purchase the items needed to make a local alcoholic beverage known as Hopi. Hopi is a drink that is made from fermented fruit and he drank it almost everyday. We usually made the Hopi in discrete locals near swamps so the authorities wouldn't catch us. Maka'afa's developed a heavy drinking habit in highschool, especially after Rugby games, and it lasted throughout the years that I knew him. Public drunkenness is a criminal offense in Tonga but no officers ever bothered us when we drank because Maka'afa's father, Kuli Vanisi, was the police inspector. This allowed us to drink as much as we wanted because there was never any consequences.
5. Whenever Maka'afa drank alcohol it was always to the point where he was intoxicated. Whenever Maka'afa became drunk he frequent passed out and experienced Black Outs. Maka'afa usually had no memory of what he did before he passed out, had no idea where he was or how he came to the place that he found himself in. Maka'afa also experienced loss of time and he often had difficulties in figuring out the time of day. Maka'afa was frequently robbed by passers-by for discovered him laying on the ground and went through his pockets.
6. Whenever Maka'afa found out who robbed him he always carried a grudge against that person that lasted for several months. Four or five months might pass when

Maka'afa finally got even with his assailants by attacking them. Maka'afa had a difficult time letting go of his thoughts of vengeance for anyone who ever wrong him, and it did not seem normal.

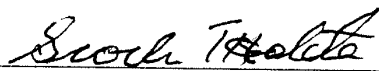
7. Whenever Maka'afa became intoxicated he experienced changes in his personalities. Maka'afa had illusions of greatness and he often told unrealistic stories of himself being a sports champion or even the direct decedent of 'Ulukalala, a revered Tongan warrior from the island of Vava'u where the Vanisi family originated. Everyone knew that Maka'afa had no actual blood relation to this warrior but listened as he told elaborate stories and did warrior dances to simulate 'Ulukalala. Maka'afa was usually more inclined to do the warrior dances whenever there was a crowd watching him.
8. Maka'afa enjoyed dressing up as a soldier or policeman and walking around town in these outfits, even though he was never a member of the military or the police. Maka'afa was also known for carrying large and small knives, and hanging them off of his uniform while he walked around the streets in town. Maka'afa particularly enjoyed wearing his uniform while walking by bus stops that were full of people to show off and get attention.
9. Whenever Maka'afa was drunk while wearing his military and police uniforms, he sometimes acted like an officer or a soldier. I saw him marching around in the streets and saluting for no reason at times.
10. To help sober-up Maka'afa we sometimes took him to women who provided him sex in exchange for money. Nothing could bring Maka'afa back to his senses like being in the company of an attractive woman.
11. Maka'afa met Luisa Tafuna, the mother of Siaosi Vanisi, through his aunt Like. Luisa's family rented space on Like's property, and used that space as an ice cream parlor. Like encouraged Maka'afa to marry Luisa because she was a nice girl, she came from a good family and Like believed that Maka'afa might stop begging her for food and money because he could obtain them from the Tafuna family. Maka'afa and Luisa began dating and they were soon married thereafter.
12. Our circle of friends included Maka'afa, Manase Tovi, our younger friend Mapa and myself. Our friendship was like a brotherhood and we all tattooed stars on our hands to signify that we were the stars of Kolofo'ou, which was the section of Nukualofa where we lived and spent most of our times together. We were dedicated to one another and often put our friendship before our own families.
13. Maka'afa's relationship with Luisa was totally based upon what she could do for him. From the time of their courtship, Luisa gave Maka'afa a lot of food and money from her family's business. Maka'afa usually took this money and used it to support his

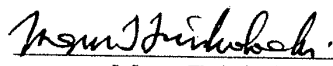
drinking habit. Maka'afa also used the money for the things that he did with everyone in our circle of friends.

14. To endear himself to Luisa's family, Maka'afa converted to the Mormon faith but it was just in title only. Maka'afa continued drinking, hanging out with us and the rest of our friends and he was never a religious man. Maka'afa also worked as a bus driver in Luisa's family's transportation business, and he moved onto Luisa's family property after they married. Luisa's family treated Maka'afa very well and they took care of him.
15. Maka'afa was always immature and he acted like someone who was much younger than he actually was. Maka'afa was never a person who was able to take care of himself and he always depended upon his family members to support him where ever he went.
16. Maka'afa was never responsible as a husband to Luisa or a father to their children. Maka'afa used money that could have gone towards supporting his household to support the drinking habits of himself and his friends. Whenever I, or our other friends, came over to visit Maka'afa, he always immediately dropped whatever he was doing, left Luisa with the children and went out for drinks no matter what was going on at his home. Maka'afa had much more regard for our friendship than he did for his family. Maka'afa was never serious about his marriage and he always preferred spending more time around his friends and drinking partners.
17. Maka'afa marriage to Luisa was strictly for his own convenience even though Luisa's love for him was true and sincere. Although I loved Maka'afa as a brother, I must admit that he was a user and he ended up leaving Luisa in the latter part 1969 after he had no more use for her. Maka'afa only liked hanging around people who could do things for him. Maka'afa relocated to Hawaii and left Luisa while she was still pregnant with their third child, Siaosi. Maka'afa sent people to convince me to join him over the years, but I always turned his offer down because Tonga is the home that I love. I have not seen Maka'afa since he left Tonga in 1969.
18. After their divorce, I had the opportunity to see how Luisa was getting along as a single mother. The Tafuna family's ice-cream parlor and other businesses ended up closing because her brother and the main person behind the businesses, Maile Tafuna, had moved to the United States and Luisa became unemployed. Maile actually left Tonga before Maka'afa did and his businesses may have been closing down before Maka'afa left Luisa. Nevertheless, Luisa continued to socialize and date other men, and Luisa never seemed like she was depressed over the loss of her husband and the father of her children..
19. I was never contacted by anyone working on Siaosi's behalf during the time of his

trial or at any other time in the past. Herbert Duzant of the Federal Public Defender office, district of Nevada, and his interpreter, Manu Tu'uholoaki, were the first people who ever spoke with me about Siaosi's case. Had I been contacted previously, I would have provided all of the information that was included in this declaration. I also would have been willing to testify to these facts and to ask the jury to spare the life of my friend's child,

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 20, 2011 in Nukualofa, Tonga.


Sioeli Tuita *Heletu*


Manu Tu'uholoaki, Interpreter

Ko e Fakamatala ā Sioeli Tuita (P.I.) ST
Heleta

Ko au Sioeli Tuita, naa ku fakamahinoi ā e
ngaahi mea ni:

[1.] Ko hoku hingoa ko Sioeli Tuita, nae faelei au i Fepueli 7, 1941, pea oku ou nofo i Nukualofa Tongatapu, TONGA. Ko Makaafa Vanisi, tamai ā Siaso Vanisi, ko hoku kaumea fafale. Naa ma tutupu fakataha i Tonga ni. Naa ma toua ko ihe api ako maolunga Sa Anitelu. Pea ma feohi fakataha mo fekatani fakakaumea. Ko ema kaunga tangata nae osi ki he 1969 hili ene liaki hono famili ka ne hiki ki Huaii.

[2.] Ko Makaafa naa ma takanga talu mei he ako maolunga o kokohoko atu. Ihe lolotonga a e ako naa ma hola kima o e va ki loto kolo kae liaki a e ako ia.

[3.] Ko au mo Makaafa ko e fanau a e Kakei maolunga o e fonua ni he a ko ko ia. Ko eku tamai ko e atita a e Puleanga Tonga Pea ko Kuli Vanisi, tamai ā Makaafa ko e inisipekita Polisi. Ko ema kii takanga mo Makaafa

na'e toko 4 pe 5. ko e taimi lahi ko'e mau ^(p.2) 57
takai holo o fai emau inu kava malohi mo kai
meakei na'e fakamoua mei he 'u fale koloa e
fa pe nima na'e moua ai a e tamai a Makaafa
mo e tamai a e tama e taha o e kau takanga

⊕ Ko e paanga na'a mau mau ne
fakamoleki ia ki he ngaahi o e kava faka-
totofo ma ko e Hopi. ko e Hopi na'e ngaahi ia
mei he ngaahi foi a kau kuw fakapala pea na'a
mau inu ia meimei ko e aho kotoa o e uike.

Na'a mau ngaahi a e Hopi o tukufutu i he
ngaahi ~~feitua~~ ko'ehi ke dua e ilo e he kau
polisi. ke fakahā kima'utu. Na'e inu kava
malohi lahi aupito a Makaafa Vanisi tautautefiti
ki he taimi tuku ai a e vainga akapulu
i he ngaahi tau na'a ku maheni ai mo

Makaafa Vanisi. Oku tapu a inu kava malohi
he ngaahi feitua fakapukeanga i Tonga nika na'e
i kai ala ha polisi ke tautau kima'utu ko'ehi
ko Kuli Vanisi, tamai a Makaafa ko e inisipekiti
polisi a e Pukeanga Tonga. Koia ai ne

(1.3)

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[7] Ko e faimi ōku tūkonā ai ā Makaāfa¹⁴³ mei
kavamalohi ōku liliu ēne toonga. Ōku iai ēne
ngaahi talanoa sekisekia mo hikisia ō hange ko
ēne pehē ko ia ko e toā pea ko e hakahako
ō Ulukalala, aia ko e toā he hisitolia ō Tonga
ko ēne haū vei Vavaūaia ko e haū ā e famili
Vanisi mei Vavaū. Ko e tokotaha kotoa pē ōku
nau fanongo ki he ngaahi talanoa ā Makaāfa
naā nau i lo ōku ikei ko e haka ō Ulukalala ka
naā ne faā fai ā e haka ō e sipitanu mo
fakaāliāli ko e tangata toā ia mei ā Ulukalala.
Naē loto lelei ke fakaāliāli ā e fauolunga
sipi tan ō kapau ōku tokotokolahi ke mamata.

[8] Naē manako ā Makaāfa ke tui ā e ngaahi teung
kaki hange ha sotia mai pe polisi. Pea ōku ne
tui mai pe ā ngaahi talangese lōloa fomu he
kato muā moe katomui ō fao ai ēne ā hele
fūfū. Pea manako ke fonoa kare āsi ā e hele
i hono ū kato. Naē fautau tefito ki he ngaahi
faungaga pasi moe ngaahi potu ōku kakaia
ā ēne lankem ke fakaāliāli hono teunga
faka sotia pe polisi.

[9] I he ta'imi na'ā ne tui ai hono teunga ^(P.15) Sotia
pe polisi na'ā ne faka'ali'ali ko e tokotaha polisi
ia pe Sotia. Hengē na'ā ku sio na'ā ne lakatale
he hala o faka'apāpa mo salute ta'e i ai
hano ūhinga.

[10] Ke tokoni ke fakaake ā Maka'āfa mei he'ene
konā na'ā mau fa'a ave ia ke mohe mo ~~fine~~ ^{ha} fine
fine motuā. Ko e mea fakaake ngofua taha ki
Maka'āfa ko ēne i he fefine o ku malimali ki ai

[11] Na'e fofua fēi loaki ā Maka'āfa mo Lu'isa
Tafua i he faka'āi'āi ē he tokona ēne fa'e
ko Like. Na'e nofo totongi ā e famili o Lu'isa
ki a Like mo Hale Vete. Na'e ngāne ōki ē he fami
ke faka'ele Senau pisinisi Aisikilimi. Na'e faka'āi'āi ē
Like ā Maka'āfa ke malimo Lu'isa ko e ūhi ko e
ta'ahine angalelei pea hau mei he famili lelei. Na
ā manaki ā Like ke hoko atu ā e kotekote ā Maka'ā
ki he famili Tafua. Kamata leva ā e faka-
kaumea ā Maka'āfa mo Lu'isa pea vave
āpito kuona mali.

12] Ko homau kau takanga ^{Makaafa,} ko Manase Tovi, mo e
siisiitaha ko Mapa, pea mo au fiki. Pea mau
a i a tatatau a e fetuu homau nima ke fakamooni
ko e kau fetuu kimantolu o Kodofoa. Aia ko e
Konga ia o Mukuatola naa mau nofoai. Pea mau
fenganeaki loto taha mo faaitaha pea taimi khi
ange emau tokanga ki homau faungatanga
i homau ngaahi famili.

13] Ko e teimi lahi a e feohi a Makaafa mo Luisa
Ko e oange paanga mo e meakai mei he pisin
a e famili o Luisa. Pea nganeaki e Makaafa a e
paanga ke fakautuutu a e imu kawa malohi mo
foaki ki hono keungatanga!

14] Na e papi a Makaafa he Siasi Mamonga ke loti
lelei kiai a e famili Tafuna ka na e holohoko
atu pe e imu kawa malohi mo e fakakeungatanga
tanga. Na e ikai teitei tokanga ia kihe loti
Na e fakaeiki a Makaafa he pasi a e famili Tafuna
pea hiki atu onoto mo e famili pea na e feui
lelei a Makaafa e he teimi o Luisa Tafuna.

15] Ko e toonga a Makaafa hangē pē ha ki i tamasi
Vale. Ikai hangē ha toonga ha tangata lahi. Na e pau
pē ke fakafala kihe kakewake ke tokoni ia. Uka
ko ene matua pea mali hiki atu ke teui mo tokoni
e he famili haka haka

16] Nāe i kai pe ke hoko ā Makāāfa koha husepaniti. Si
fātalaānga kia Luisa pe tamai fātalaānga kihe fān
ko e pāānga nāāne māi nāe toloveka āki mo hōno
ngaahi kāmēā. Koe taumi kōtoā pē ōku māu omi
ō ēva māi kia Makāāfa pea tuku kōtoā ē Makāāfa
hōno hōā moe fānau kae hōi ō muimui māi ia
kimantolu, hōno kāmngātangata, i ha fēāhinga tām
pē. Nāe i kai ke ne mahūngāia i hōno lakaānga faka
temai. Nāe lakaānge kia Makāāfa hōno ngaahi
kāmngātangata i heē he tokanga ki hōno fāmili.
Nāe i ka ke fakamamafai ē Makāāfa ē hōno fāmili
ō laka hōke hōno kāmngātangata.

17] Neongo nāe ōfa lahi ā Luisa kia Makāāfa nāe
tokanga pē ā Makāāfa ia ke lava ēne fiemāi mo
hōno kāmngātangata nāe i kai fiutokanga ia ke
feohi fakamali. Neongo ōku ou ōfa kia Makāāfa
ko hoku kāmngātangata ka ōku ou faka papāi nāe
mali pē ā Makāāfa kia Luisa koeūhi pē ke fātalaā
ēne fiemāi iō nāe ēā ia i hēne liāki ā Luisa moe
fānau he kōnga kāmni 1969, hēne iho ōku i kai
te ne toe āonga kiāte ia. He ōku moralo pē ā
Makāāfa ke feohi mo kimantolu te ne ngāneā!
Ko ia ne hikeratu ā Makāāfa ki hēmai kae liāki ā
Luisa moe fānau pea ōku ne lolotonga feitama, ā e
fika tolu ē ēna fānau ē ia ko Siasia. Nāe ne fān
fekam māi kia au ken hikeri ki muli ke nāe ke fānau