

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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28	127. Declaration of Crystal Calderon April 18, 2011.....	AA05815 – AA05820
28	128. Declaration of Laura Lui April 7, 2011.....	AA05821 – AA05824
28	129. Declaration of Le’o Kinkini-Tongi April 5, 2011.....	AA05825 – AA05828
28	130. Declaration of Sela Vanisi-DeBruce April 7, 2011.....	AA05829 – AA05844
28	131. Declaration of Vainga Kinikini April 12, 2011.....	AA05845 – AA05848
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28	136. Correspondence to Stephen Gregory from Edward J. Lynn, M.D. July 8, 1999.....	AA05853 – AA05855
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- 36 State’s Sur-Reply to Vanisi’s Motion to Disqualify the Washoe County District Attorney’s Office, *Vanisi v. State of Nevada, et al.*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 1. Transcript of Proceedings – Status Hearing, *Vanisi v. State of Nevada*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 Suggestion of Incompetency and Motion for Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 37 Transcript of Proceedings – Competency for Petitioner to Waive Evidentiary Hearing, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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33	201. Billing Records-Thomas Qualls, Esq. Various Dates.....	AA06970 – AA06992
33	214. Memorandum to File from MP March 22, 2002.....	AA06993 – AA07002
33	Transcript of Proceedings - Petition for Post-Conviction (Day Two), <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 6, 2013	AA07003 – AA07083

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33	224. Letter to Scott Edwards, Esq. from Michael Pescetta, Esq. January 30, 2003.....	AA07087 – AA07088

12-13	Transcript of Proceedings – Post-Conviction, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 28, 2003.....	AA02576 – AA02582
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36-37	Transcript of Proceedings – Status Conference, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 5, 2018.....	AA07725 – AA07781
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3	Transcript of Proceedings, Trial Volume 5, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 15, 1999.....	AA00524 – AA0550
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9-10	Transcript of Proceedings – Trial Volume 9, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 1, 1999.....	AA01754 – AA01984
10-11	Transcript of Proceedings – Trial Volume 10, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 4, 1999.....	AA01985 – AA02267

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

CERTIFICATE OF SERVICE

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

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

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An employee of the Federal
Public Defender's Office

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

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 ____, 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 NGAAHI FAKAMATALANI:

(1). KO HOKU HINGOA KO SIAOSI VUKI MAFILEO, NAE FAELE
AU I NUKUALOFA, TONGATAPU, 'IHE A [REDACTED]
[REDACTED]. OKU OU LOLOTONGA NOFO I HONOLULU, I
HAWAII. KO MAKAAFA VANISI, KOE TANAI IA 'A SIAOSI
VANISI. OKU OU TOKOUA 'AKI 'A MAKAAFA HE KO 'ENE
KUI PEA MO EKV KUI KOE ONGO TAUTEHINA. NAAKU
TUPU FAKATAHA HAKE PEA MO MAKAAFA, NEONGO
NAE NOFO PE IA I FASI PEA MO 'ENE ONGO NATUA
PEA MO HONAKI I FAMILI, KAU TUPU HAKE PEA
MO NOFO I KOLOFOOU, PEA MO EKV ONGO NATUA
PEA MO HONAKI I FAMILI. NAAKU HU FAKATAHA
PEA MO MAKAAFA KI HE LAUTOMI PULEANGA 'A
NUKUALOFA, I KOLOFOOU. 'IHE AKO FAKAKOLISI
NE MA AKO HE KOLISI KEHE KEHE. 'IHE TAIMI
NE MA AU AI KI HE VAHA 'A OE TAG 13, MOE TAG
19, NE MA HU AI O KAU, 'IHE KULUPU 'AE TOUITU,
HO MA NGAAHI MAHENI, NAE UI KOE KOLOFOOU
STARS. OKU KEI 'I LONGA PE I HOKU NIMA, 'AE
TATATA, KOE FOI FETU (STAR). KOE FAKA'ILONGA
'AE UOONGATAHA, PEA MOE FEFOOFANI, 'AE
KAU NEMPA OE KULUPU.

2. KO MAKAAFA NAE TAUMU'AVALEA PE 'A 'ENE MOUI,
TALU PE MEI HE 'ENE KEI SI'ISI. NAE 'IKAI KE
FIE NGAE IA 'I HA NGAEANGA, 'IHE 'ENE KEI I TONGA.
NAE FAKAFAIATA PE 'ENE MOUI KI HE 'ENE ONGO
WATUA, PEA MOE FAMILI. OTATALI PE, PE KOHA PAANG,
KE FEALU 'AKI 'ENE FIENAU, PE KOHA MEAKAI KE KAI,

PE KOHA FEITUU KE NOFO MO MOHEAI. NA'E IKAI
TEITEI 'IAI HA TAIMI 'IHE MOU' A MAKAAFA, NA'E
LAVA AI KE MOU'IATEIA PE, TA'E FAKAFA LALA
KIHA TAHA KEHE. NA'E MOU' FAKAVALEVALE,
PEA NA'E IKAI KE LAVA'E MAKAAFA, KE FAI FAKA-
LELEI, MO FAKAMATOATO, HA FAAHINGA NGAE
E OANGE KENE FAI.

3. NA'E KAMATA PE AE INU KAVA MALOH I A MAKAAFA,
OKU KEI TAU IS PE, PE OEI KIAI. NA'E IKAI FUOLOA
KUD MAU HEE KAVA MALOH I A MAKAAFA. NA'ENGAHI
HOPI MAU PE O FUFU HOLO HE NGAHI FEITUU
KEHEKEHE - HE OKU TAU 'IHE LAO AE PULEANGA
TONGA - AE NGAHI, PE KOE KONĀ, 'IHE HOPI. NA'E
KONĀ PE A MAKAAFA IA 'IHE MEIMEI AHO KOTOA.

4. NA'E MATUAKI FAKATUUTĀWAKI AUAITO A
MAKAAFA, 'IHE TAIMI NA'E KONĀ AI. NA'E TAKA-
TAKA FAKANĀLOHI, FAKAMOVEUVEU, PE NA'E
MEIMEI FAKATUPU KE PEIA, 'IHE TAIMI KOTOA PE
NA'E KONĀ 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 TOONGA NOU.

5. NA'AKU TOKANGAI KOE TAIMI KOTOA PE OKU KONĀ
AI A MAKAAFA, OKU TALATALANGA PEIA KIAI.
TAIMI LAHI OKU NGONENGONE PE, PE A IKAI FA
MAHINO IA KIHA TAHA, PE KOE HA KOĀ AE MEĀ
'OKU TALANGA KIAI. TAIMI E TAHA, OKU VALEVALE
LAH 'IHE NGAHI MEĀ KEHEKEHE, OKU IKAI TE NAY
CEKAUAKI. PE FA TUNAMAMAI.

NAE 'AI AE TAIMI E NI'IHI NAE FA'A TU'A I'A
 6. O HAKAI AE SIPITAI - TOKUA KO E SIPITAI A
 VAVAU. NAE LAUKAU AKI E MAKAAFA AE PEHE,
 KO E HAU A HONO FAMILI MEI VAVAU. NAE
 FAKAPOULI AUPITO OKAPAU, E FAKAMATALILI
 ANGE HA TAHA, LOLOTONGA ENE HAKAI AESIPITAI
 - PEA AU ONE OHOEI AE NI'IHI.

7. KO E TAIN LAHI IHE KEI MOU A MAKAAFA. NEU
 FAKATOKANGAI, NAANE MANAKO KE NOFO TOKOTAHA
 PE O SIO FAKAMANA, KI HE NAMA O. KO E NGAAHI
 TAIMI ENI NAE HANGE KO HONO NGEESI SINŌ PE NE NAU
 SIO KIAI. KO ENE FAKAKAUKAU ANA NAE NAMA O
 AUPITO IA IHE FEITUU KEHE. IHE TAIN NE MOTUA
 ANGE AI A MAKAAFA, NAE OHOVALE PE KUO
 MOKULUKULU HONO LOINATA. NAE MAHINO
 AUPITO NAE MAFASIA ENE FAKAKAUKAU PEA
 MO'ENE MOU IHE TAIN LAHI. NAE TOKI LEA
 MA'E IA O PEHE - NAE FA'A TANGI, KO ENE
 FAKATOMALA PEA LOTO MAMAHU, KO E 'IKAI
 KENE FAI MO FUA LELEI HONO NGAAHI
 FATONGIA, KI HE ENE FANAU MO HONO MALI.
 TUO LAHI AE TAIN NEU ILOI AI OKU PUPUTU
 PEA FAINGATAAIA ENE FAKAKAUKAU IHE NGAAHI
 MEA KEHEKEHE. NA'AKU TOO MAI LEVA 'EKU
 TOHITAPU, O TOO MEI AI AE NGAAHI VEESI, O
 NA LAU MO TALANCA KIAI. NEU ILOI NAE FA'A
 TOKONI LELEI AUPITO ENI KIA MAKAAFA.

8. NAE MOUA A MAKAAFA IHE LOTO MAFASIA MO FA'A
 FELILILIAKI. TATAU PE, PE OKU KONA PE TAE
 KONA. E FIEPIA PE IA IHA MEA HE MINITE KOE,
 EOKI FA PE, KUO LOTO MAMAHU IA HE MINITE HOKO
 MAT. PEA FAKA OHOVALE PE, KUO ITA IA MOKAKAILA

KIHE KAKAI, PEA POLE KENAU FUIHU, TAE HANO
 'UHINGA. NAE FAINGATAA 'AUPITO, KE LAVA KETE
 TALA MO FAKAPAPA'I, AE LOTO, MOE 'ULUNGAANGA
 O MAKAAFA 'IHA TAIMI, KOE 'UHI, HE NAE FELILUAKI
 PEA TAEMAHINO MO FAKATAETAEKUHÄ.

9. 'IHE TAIMI NAA MAKEI 'I TONGA AI, NAE LAHI 'AUPITO
 'AE TAINI, NEU HANGA AI O FAKATOKANGAI, OKU TOO
 HOLA AI E MAKAAFA 'AE HELETUI. 'IHE TAIMI NAE
 TAU UOFULUTUAI AI, NAE PUKEAIIA HEE KAU
 POLISI, KOE 'UHI, KO ENE TUIHELEI 'AE TANGATA.
 NAE HAO PE AE TANGATA O 'IKAI NATE, NAE
 TE'EKIAI KE FAI AE 'A MAKAAFA 'IHE HIA KO'ENI,
 KUO HANGA HEE TANGATA IA, MAHENI O E FAMILI,
 O FAKATAU AE TIKITE A MAKAAFA, KE FOLAU NAI
 KI HONOLULU O NGAE EANGE KIAI 'I TAU 1969.
 NAE FOLAU NAI 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 NALI A MAKAAFA 'I
 TONGA, KIMUA PEA TORI HAU KI AMELIKANI, NAE
 'IKAI TEU 'ILOI, PE TEU MAHENI, PEA MOE NAI
 MOE FANAU KO'ENI A MAKAAFA. NAE TE'EKI
 TUO TAHA HAA NAI FEILOAKI - PEA NAE 'IKAI
 TEU 'ILOI PE NAE FEEFE E NAI NOFO MO ENAU
 MOU 'I TONGA 'IHE 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 KIHE TAU NALU FONUA A TONGA

'IHE TAŪ 1969 KIHE TAŪ 1975, NEU HU LEVA 'O NGĀUE KOE SETUATA, 'IHE VAKA UTA PASESE 'AE PULEANGA NAURU, MEI HE TAŪ 1975, KIHE TAŪ 1978, NEU FOLAU MAI KI HAUVAI, 'IHE TAŪ 1978 - 'OU NOFO AI PE 'O AŪ MAI KIHE 'AHONI. 'IHE FUOFUA MAU 'A MAKAAFA KI HAUVAI'INI, 'IHE 1979. NAE NOFO PE MO HOKU TOKOUA LAHI, KOE TANGATAEIKI FAIFERAKI KO LATU POPI MAFILEO. KUO OSI PEKIA, HILI NAI HA TAŪ E TAHA, PEA TOKI HIKI MAI LEVA 'O NOFO MO AU MO HOKU MALI, 'IHE MEINEI TAŪ E 20, 'O HIKIHIKO HOLO E MAU NOFO HE FEITUU E 4 'I LOTO HONOLULU.

12 'IHE TAIMI NAE NOFO AI 'A MAKAAFA MO AŪ. NAE FAA KAUNE'A MOE KAKAI FEFINE KEHEKEHE NAE'IKAI KE FUOLOA HA KAUNE'A 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 ME'A PANGO' NAE'IKAI KE FAKAPOTOPOTO PE NGĀUE FAKAMATOATO, NAE'IKAI LAVA KETE FALALA KIAI KENE FAI FAKALILEI HA NGĀUE. NAE HANGĒ 'OKU LOTO NGALONGALO HE TAIMI E NI'IHI. PEA MANAKO PE IA KE NOFO HOLO HE VEE HALA PEA MO HONO NGAAHI KAUNGA ME'A, KAE LIAKI E MA NGĀUE 'A MAUA. NAE NGĀUE PE 'A MAKAAFA 'IHE 'AHO E UA PE TOLLU 'IHE LIKE. KOE MAU PE ENĒ VAHĒ KE FAIAKI ENĒ KONA.

14. NAE HOKO AE INUKAVA MALOHI A NAKA'AFĀ
KOE PALOPALENA LAHI KIHĒ'ENE MOU' TALU
MEI HE'ENE KEISI', O FAI MAI A PE O AU KIHĒ
TAMINAE NOFO AI MO AU I HONOLULUNI.

15. KOE ULUNGAANGA FAKAMALOHI, FAKANOVEUEU,
MO FAKATAETA'EKUHĀ O NAKA'AFĀ NAE FAI AI
PE LOLOTONGA'ENE NOFO MO AU I HONOLULUNI.
NAE FAĀ FUHI'HE PĀ, PEA FAĀ OHO KIHĒ
KAKAI'E NI'IHI TA'E HANO UHINGA. NAE FAĀ
KONĀ PE IA O TANGUTU FAKALONGOLONGO -
OHOLE PE KUO OHOFI E IA HA TAHA OKU
OU MANATUI'ENE HANGA O TAĀ'AE TANGATA
E TAHA, AKI AE SEĀ I HE PA NAE INU AI, KOE UHI
KO'ENE AU OFI ANGE HE MEĀ NAE NOFO AI
A NAKA'AFĀ. NEU TALANOĀ KIHĒ TANGATA NAE
TAĀ'AKI E NAKA'AFĀ AE SEĀ, PEA FAKAHA
MAI E HE TANGATĀ, OKU'IKAI KENE'ILOI' E IA
PE KOE HĀ HĀ UHINGA KE OHO ANGE AI A
NAKA'AFĀ KIAI, HE OKU'IKAI KENE'ILOI' E IA A
NAKA'AFĀ. NAE'IKAI PE KE TALAMAI E NATA'AFĀ
KIA TE AU, PE KOE HĀ OKU FAĀ OHO NOĀ'IA
AI KIHĒ KAKAI, OKU'IKAI TE NAU FAI ANGE HA
KOVI KIA TE IĀ.

16. NAE TUO TAHA E KU HANGA O OHOFI A
NAKA'AFĀ O PUKE KOE UHI KO'ENE OHO PEA MOE
HELE KIHĒ TANGATĀ I HE PA. NAE FAI AE KI
NAKUKU I HE PĀ, NE OHO LEVA A NAKA'AFĀ
PEA MOE HELE KIHĒ TANGATA E TAHA. KO IA
NA'AKU OHOFI AI A NAKA'AFĀ O PUKE AE HELE
NEU FANONGO NAE TOE OHO A NAKA'AFĀ PEA
MOE HELE KIHĒ TANGATĀ I HE PA E TAHA

NAE'IKAI TEU'IAI, PEA OKU'IKAI TEU'ILOI PE
NAE IKU KIHÉ HA'AE MEÁ KO IÁ.

17 NAE ULLUISINO'IA NAKA'ÁFA'AE LOTO KE SĀUNI
HA TAHA PE, OKU TUI NA'ANE FAIANGE KI'ATE
IA HAKOVI. NAE'IKAI KE LAVA'E NAKA'ÁFA
O FA'Á FAKAMOLEMOLEI' MO FAKANGALO' HA
TAHA NA'Á NA KE, PE FAKAFEKIKI' IHE FA'AHINGA
MEÁ. NAE'IAI'AE NGA'HI TAIMI IA NE TOE OHO
IA KIHÉ KAKAI NE OSI'EUOLOA'E NAU FAKALELEI
'HA MEÁ NAE HOKO'EUOLOA'ATU, PEA KUO'OSI
FAKANGALO'ÉHE KAKAI KOIA'AE TAE FENA-
HINOÁKI NAE HOKO' HONAU VA PEA MO
NAKA'ÁFA'.

18 NAE LAHI'AE TAIMI NAE MOLE FAKATAIMI AI
'AE MANATU'Á NAKA'ÁFA. NAE IKAI KENE FA'Á
MANATU'Í'AE NGA'HI MEÁ NA'Á NE FAI' IHE
TAIMI NAE KONĀ AĪ. NAE'IKAI KE FA'Á
MANATU'Í'É IA HA'ANE OHO KIHÁ TAHA
'IHE TAIMI OKU KONĀ AI - PEA OHOVALE HE
FAKAMATALA'ATU KIAI'AE NGA'HI MEÁ NA'Á
NE FAĪ. NAE IKAI KENE FA'Á MANATU'Í'É IA,
PE NAE ANGA FEFĒ'ENE AŪ KIHÉ NGA'HI
FEITU'U, OKU AKE HAKE AI, MEI HE ÉNE KONĀ
PEA NA'AKU'ALU MEÁLELE HE TAIMI LAHI,
KE UTA MAI MEI HE FEITU'U KEHEKEHE OKU
AKE KONĀ MEI AI.

19 NA'AKU FOI'ĀUPITO' IHE FA'AHINGA'ULUNGA ANGA
O NAKA'ÁFA - TAUTAUTEFITO KIHÉ TAIMI
OKU KONĀ AĪ. KOIA' IHE TĀU 1984 NAE TUKU

'AUPITO AI 'EKU INU KAVA MALOHĪ' NEONGO
 NĀE KEI NOFO PE 'A MAKĀĀFA IATE A4 MO
 HOKU MALI. 'NE AŪ ŌU FOĪ 'AUPITO 'IHE FĀĀ
 TĀOFI 'ENE ŌHO FAKAPOŪLI NOAĪA KI HE
 KAKAI 'PEALI ONGOI MA 'AUPITO KOEŪHI KOE
 KOVI 'A HONO 'ILUNGAĀNGĀ.

20. NĀĀKU TAUHI MO HOKU MALI 'A MAKĀĀFA Ō
 AŪ KI HE TĀU 1999 PEĀ 'ĀVE LEVA KI HE FALE
 NĀE TUKU NAI 'E HE SITEITI, KE 'ĀVE KIAI KE TAUHI
 PEĀ MO TOKONIĪ. NĀE TUŌ 2 'ENE PA KALAVA, PEĀ
 TOE KANONI NAI MOE NGAĀHI MAHAKI LALAHĪ
 KEHEKEHE. NĀE 'IKAI LEVA KE MA TOE LAVA 'O
 TAUHI 'A MAKĀĀFA - HE NĀĀ MA FAKATOU
 NGĀUE KIMAU PEĀ 'IKAI HA TAHA KE NOFO
 PEĀ MO MAKĀĀFA. NĀE TALU 'ĀE TUPU 'A
 MAKĀĀFA MOE FAKAFALALA 'ENE MOŪI
 KI HE KAKAI KEHE. PEĀ NĀE 'IKAI FOKI
 KE PEHE NĀE NGĀUE LELEI MO FUOLOA
 'IHA KAUTAHA - KE MAKATUŪNGĀ AI HĀĀNAY
 FIE TOKONI (KIA MAKĀĀFA). KOE TAIMI NĀE
 PUKE LAHI ĀI, NĀE FAKĀŌFA 'AUPITO,

21. NĀE 'IKAI PE KE TALANOĀ 'A MAKĀĀFA 'IHA
 TAIMI Ō KAU KI HE 'ENE FĀNAY 'I SAN BRUNO.
 'IHE 'ENE PEHEE NĀE SIISI 'I HA MEĀ TEU 'ILOI
 FEKAUĀKI MOE KII FĀNAY KOENI. NĀE 'IKAI
 PE TENE TALANAI 'E IA KIATEAU 'ĀE MATE
 'A HONO FOHA LAHI 'TEVITA SIU VANISI,
 NĀE MATE 'IHE 1980 TUPU. NĀE 'ILOI 'E
 MAKĀĀFA ŌKU FAKAHU HONO FOHA KOIA KO
 SIAOSI VANISI 'I FONUA LAHI - Ō TALI HOPU

IHE HIA KOE TAMATE TANGATA. NAE
 'IKAI KE LOTO IA KE FAI HA TALANOA KIAI.
 HE NAE FUU FAKALOTO MANAHI 'AUPITO KI
 AI KE FAI HA TALANOA KAU KIAI. NAE TOKI
 LEA PE'A NAKA'AFA O KAU KIHE 'ENE FANAU
 KUO OSI PUKE LAHI AUPITO.

22. NAE HAU HONO OFFEINE KO SELA, MEI SAN
 FRANCISCO HE TAU 2005 O AVE'A NAKA'AFA
 KI SAN BRUNO. NAE PUKE A NAKA'AFA I
 HE NGAHI MAHAKI LALAI KEIHEKEHE,
 PEA NAE FIENAU LEA HA TAHA TONU KENE
 TAUHI HOVA E 24 HE 'AHO KOTOA PE. NAE
 AVE E SELA A NAKA'AFA O TAUHI I SAN
 BRUNO - O AU AI PE KIHE 'ENE MALOLO
 I MAASI 2010. NAE LOTO PE'A NAKA'AFA
 KE MATE PE I MAUVAI'INI PEA TANU I HENI.
 KAE PANGO KOE 'IKAI HA TAHA TONU KE
 NOFO O TAUHI IA 24/7. NAAKU ALU KIHE PUTU
 PUTU O NAKA'AFA. PEA HANGE KOIA NAE
 23. ^{LOTO} ~~NAKA~~ KIAI - NAAKU FAKAHOKO AE LEA AE
 FANLI I HONO PUTU, I SAN BRUNO.

23. NAE TE'EKIAI HA TAHA E FETU'ITAKI MAI
 KIATEAU, KOHA TAHA NAA'NE FAKAFOFONGAI
 A SIAOSI VANISI IHE 'ENE HOPO NAE FAI
 KOE TAMATE TANGATA. KO HERBERT DUZANT
 PEA MO BEN SCROGGINS MEI HE OFEISI AE
 PULEANGA FAKATAHATAHA O AMERIKA KI
 HONO TAUKAPOI OE TOTONU FAKALAO AE KAKAI,
 VAA IHE SITEITI O NEVADA. PEA MO ENA
 FAKATONU LEA KO LOIS TIEDENANN. KO

KINAUTOLU 'AE EUDEUA KAU FAKAEKEEKE KE
 MAU FETALANOA'AKI MAHINO'O KAU KIHE HOPO
 'A SIAOSI VANISI. KAPAU NAE SINAKI FAI MAI
 HA FETUUTAKI KIATEAU KIMUA. PEHE NAE
 MEI LAVA PE KE OATU KOTOA 'AE NGA'HI FAKA-
 NATALA OKU HA ATU I HENI. NAU MEI LOTO
 LELEI AUPITO KEU HOKO KOE FAKAMOONI
 OKAPAU NAA NAU FIEMALI. PEA OKAPAU NAE
 PEHE, NAAKU KOLE KIHE KAU SULĀ KE NAU
 HANGA O FAKAMOLEMOLEI 'AE FOHA O E MOTUA
 HOKU TOKOUA'.

'OKU OU ILOI KOE EUAKAVA LOI OKU TAUTEA
 NAMAFA HEE LAO. KO IA AI OKU OU EUAKAVA
 KOE NGA'HI FAKANATALA KOTOA PE OKU
 HIKI ATU HENI OKU MOONI MO TOTONU.

NAE FAI 'AE FAKANATALA KO'ENI IHE
 'AHO 11 O FEPUELI, TAU 2011, I HONOLULU,
 HAWAII.

Amap'io.

02/11/2011

SIAOSI VUKI NAFILEO

Jois

[Signature]

2/11/2011

INTERPRETER, LOIS TIEDEMANN

Exhibit 127

Exhibit 127

Declaration Of Crystal J. Calderón

I, Crystal J. Calderón, declare as follows:

1. My name is Crystal J. Calderon. I currently reside in Placer County, California, and I am a former employee of the Washoe County Public Defender office in Reno, Nevada. I was employed as an investigator with that office and worked there from 1997 to 2000. I was one of three investigators who were assigned to Siao Si Vanisi's death penalty case.
2. My career as an investigator began in 1989 when I was a college intern working at the Sacramento County Public Defender office. After working in the Sacramento County office for six years, I then went on to work for the Placer County Public Defenders office as an investigator. Although the Placer County office was an excellent place to work and live, I rarely had the opportunity to conduct investigations on serious felony cases because they were in short supply. I longed to do capital defense work, so I decided to put in for a position at the Washoe County Public Defender office as they handled several murder cases each year. I was hired by the Washoe County office in late 1996 or early 1997. Mr. Vanisi's case became the first capital murder case I ever handled, from beginning to end.
3. Within two months of being assigned to Mr. Vanisi's case in 1998, I was sent to a "Life in the Balance" training conference to obtain tips on ways to handle a capital murder investigation. It was at this conference that I introduced myself to Scharlotte Holdman, the nationally renowned mitigation expert, and sought her advice on how to handle Mr. Vanisi's case. Scharlotte and I exchanged numbers and we had a few conversations about the case in the weeks that followed. Scharlotte provided me with many recommendations on how to conduct the mitigation investigation into Mr. Vanisi's background. Scharlotte suggested Mr. Vanisi's defense team obtain a Tongan cultural expert, travel to Tonga to speak with family members, obtain various records, and create a social history of Mr. Vanisi's life along with several other things.
4. Jeremy Bosler was the first person on the team who I talked to about Scharlotte's recommendations and he immediately recognized all of her suggestions were valid and well-founded ideas. I knew I needed to get Jeremy on board with Scharlotte's suggestions before going to Mr. Specchio to advocate a course of action. Jeremy was a young, bright and well respected attorney in the office and I could not have convinced Mr. Specchio to speak with Scharlotte had it not been for Jeremy's help.
5. Mr. Specchio was reluctant to speak with Scharlotte and it took a month to schedule a teleconference between her and the team. Mr. Specchio thought her suggestions were a complete waste of time and money, even though the office seemingly had the time and funds to accomplish them. Mr. Specchio thought a death verdict in Mr. Vanisi's case was inevitable and he did not see the point in spending money to accomplish

tasks that would not change the outcome of the case. After the conversation with Scharlotte Holdman, Mr. Specchio spoke sarcastically about Scharlotte and mocked everything she had to say. I was never part of any follow-up conversations with Scharlotte after this phone conversation, and no one ever brought up her name again during any team meetings.

6. For Mr. Specchio, it was not a priority for me to travel outside of Reno to interview Siaosi's family members and other possible mitigation witnesses. Mr. Specchio did not give me authorization to travel to the San Francisco Bay area to interview Mr. Vanisi's family, teachers and friends until two months before the beginning of the trial. Mr. Specchio sent Evo Novak, the second investigator in the case, to Los Angeles, California, to speak with Mr. Vanisi's former roommates on one occasion. Evo did not come back with much information.
7. There were three attorneys assigned to Mr. Vanisi's case. Michael Specchio was first in command, Steven Gregory was the second in charge and Jeremy Bosler was the third seat. Michael Specchio was in charge and every decision that went on in the case during both trials, and everyone had to answer to him. Although he was in charge of the delegation of everyone's duties, Mr. Specchio did not allow his team to do everything they could have to help work-up Mr. Vanisi's case. Mr. Specchio did not allow us to create a comprehensive social history of Mr. Vanisi's background. No one was allowed to travel to Utah to speak with any witnesses to Mr. Vanisi's arrest or any of his close relatives who lived there. No one was allowed to travel to Tonga to speak with his family there. No one interviewed anyone on the paternal side of Mr. Vanisi's family because they primarily lived in Tonga. Jeremy Bosler tried to change Mr. Specchio's mind and convince him these trips were worthwhile, but Mr. Specchio never entertained the thought.
8. Mr. Specchio spoke about Mr. Vanisi's case like it was a hopeless effort. During meetings, Mr. Specchio often said of Mr. Vanisi, "you know he's going to die" and that "he is a dead man walking." Mr. Specchio never spoke about Mr. Vanisi with kindness or compassion at anytime. Mr. Specchio called Mr. Vanisi various derogatory names like "Asshole", "Nut Job", and "Idiot.". What sticks out most in my memory was when I heard Mr. Specchio refer to Mr. Vanisi as being a "Jamoke". I didn't know what Jamoke meant and thought it could have been a racial insult, and this made me feel uncomfortable. I never knew why Mr. Specchio harbored so much animosity towards Mr. Vanisi, and why he displayed it so openly.
9. Mr. Specchio was known for having tantrums and intimidating employees around the office. I heard about Mr. Specchio loudly screaming at an attorney and chasing them down a hallway before firing them. There were other similar stories. It seemed an inappropriate way for a supervisor to act.
10. Stephen Gregory was a former prosecutor and second in charge of the defense team's duties. Gregory was always in total agreement of the way Mr. Specchio was

handling the case. Gregory suffered from heart problems during the time of the trial and the medication he was taking caused him to have problems with his memory. Gregory was known in the office as "The Hammer" because of his ability to pressure almost any client into pleading guilty.

11. Jeremy Bosler was the attorney with the least amount of say regarding how the case was handled. Jeremy was in agreement with all of Scharlotte Holdman's suggestions, and he tried to educate Mr. Specchio about the standard of care for handling a death penalty case to no avail. Jeremy was the only attorney on Mr. Vanisi's case who was really fighting to do the right thing, and I always had the feeling the outcome of the trial would have been different had Jeremy been in charge of the case.
12. There were three investigators who worked on Mr. Vanisi's case while it was being handled by the Washoe County PD - Me, Tim Ford and Evo Novak. It was the office's general practice to assign two investigators to each case, but there were no clear division of assignments or focus areas such as mitigation and the guilt phase investigations. The lead investigator does most of the work on the case, and the 2nd investigator fills in to complete various tasks whenever needed.
13. The first lead investigator who was assigned to Mr. Vanisi's case was Tim Ford but he was on it for a short period of time because he was retiring and on his way out of the office. After Tim's departure from the case, I was elevated to the lead investigator and Evo Novak was the second investigator. Neither Tim Ford or Evo Novak had any experience in effectively working up a mitigation case and contributed nothing towards this effort due to interest or time.
14. Evo Novak was a retired Los Angeles police officer with twenty-five years of experience on the force. Evo had only been working for the Washoe County PD's office for less than a year before being assigned to Mr. Vanisi's case. Evo's position at the Washoe County PD's office was his first experience as a defense investigator.
15. The Early Case Resolution, ECR, program was established to save the county money by getting defendants to plead guilty in the initial days after their arrest. After a person was arrested, the ECR attorneys were charged with reviewing the case to see whether it was hopelessly doomed to fail at trial or had a chance of being dismissed or acquitted. If the ECR attorneys believe there was no chance for victory, they pressured clients to take guilty pleas to save everyone money, even before they had a chance to investigate the cases. Mr. Vanisi's attorney, Stephen Gregory, ran the ECR program at the Washoe County PD's office after he had to stop running trial teams because of the memory problems his medications caused.
16. I heard rumors Mr. Specchio received financial bonuses from the county in return for the money that he saved the county through the ECR program. I have no idea whether this was true, but if so, it could explain why he always spent a minimum amount of money on each case.

17. From the time Mr. Vanisi was arrested, Mr. Specchio pressured him to plead guilty even though the District Attorney's office was not offering any deals because they were intent on seeking death.
18. Mr. Vanisi was frequently mistreated by correction officers during the time when he was being held at the Washoe county detention center before trial. Whenever I went to the facility to visit Mr. Vanisi, the correction officers always left their door open for what they described as security purposes even though I never felt threatened by Mr. Vanisi and he never did anything to threaten me. I often heard the officers repeatedly pressing their taser guns as they sat just outside of the door. Mr. Vanisi told me the officers used their tasers on him every day and they frequently made noises with them to intimidate and scare him. Mr. Vanisi was always visibly disturbed and uncomfortable when he heard the officers pressing their taser guns during my visits. Mr. Vanisi tried to be strong and he sometimes managed to ignore them the best he could. However, there were times when Mr. Vanisi became overwhelmed and broke down sobbing. Whenever this happened, I spent extra time with Mr. Vanisi so he had time to dry his eyes and get himself together before leaving the attorney visiting area. Mr. Vanisi never wanted to look weak in front of the officers who attacked him at the detention facility.
19. Besides tasing Vanisi everyday, the corrections officers at the detention facility also did not let Mr. Vanisi get much sleep at night. He reported to me that the officers frequently made noises to wake him up or prevent him from going to sleep throughout each night.
20. Whenever Mr. Vanisi was moved from his cell, the officers frequently squeezed his handcuffs very hard to make sure they were extra tight around his wrists. Mr. Vanisi often complained to me about the pain his handcuffs caused him. Mr. Vanisi had a better time when he was transferred from the county detention facility to Nevada State Prison in Carson City, Nevada.
21. There were a few people at the Washoe County Public Defender office who were friends with Officer George Sullivan, the victim in Mr. Vanisi's case, and his family. Maizie Pusich knew Mr. Sullivan and his wife, and another attorney, Jennifer Lunt, did as well. There were others in the office who knew Mr. Sullivan and his family as well, but I can't recall all of the names.
22. There were several public memorials held around town in honor of Officer Sullivan, and I wanted to attend some of them just to learn more about his life and hear what his friends and family members possibly had to say about Mr. Vanisi's case. I never had any intentions of making contact with anyone during these public services. Nevertheless, Stephen Gregory forbade me from doing this and he was very adamant. Mr. Gregory was more concerned about honoring the memory of the victim than he was with me possibly finding out helpful information for Mr. Vanisi's case in a respectful and non-confrontational way, at a public gathering. This was most likely not that important in the grand scheme of things related to defending Mr. Vanisi life,

but it was representative of the way that Mr. Gregory and Mr. Specchio ran the case. It didn't seem like Mr. Vanisi's welfare was foremost in their minds.

23. I was never contacted by Mr. Vanisi's state post-conviction attorney. Herbert Duzant of the Federal Public Defender office was the first person to discuss Mr. Vanisi's case with me since the time of his trial.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 18, 2011 in Los Angeles county, California.

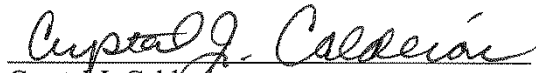

Crystal J. Calderon

EXHIBIT 128

EXHIBIT 128

Declaration Of Laura Lui

I, Laura Lui, declare as follows:

1. My name is Laura Lui and I am the wife of Siaosi Vanisi's maternal cousin, Olisi Lui. I am an attorney and have been a member of the Nevada state bar since 1995. ~~I am~~ the only attorney of Tongan heritage in the state of Nevada. I have known and interacted with Siaosi and his family for over twenty years.
2. I attended law school in the Los Angeles area from 1992-1994, and I periodically interacted with Siaosi when he visited my church during Sunday services. I was attending the LDS singles Ward in the Westwood section of Los Angeles.
3. Siaosi seemed like he was suffering from a cultural identity crisis when I saw him in L.A. during the early 1990's. Siaosi denied his Tongan background and pretended to be from another culture. Siaosi refused to speak Tongan, and when someone addressed him in Tongan he acted as if he did not understand the person. Siaosi only hung out with Caucasian people and he tried his best to speak, talk and dress like a white person. It seemed like Siaosi was trying to be someone else.
4. The Tongan community is a small community that's spread, mostly, throughout the western part of the U.S. Nevertheless news travels quickly because everyone knows someone who is related to you in some way or another. When a person does something shameful, like when Siaosi was sent home from a mission ~~after engaging in incest and having a child out of wedlock~~, it is very difficult for that person to escape their mistake. Anywhere the person goes he will always be reminded of what he's done wrong because someone will know about it. This reality places a tremendous burden upon the person, and I believe this might be what happened to Siaosi. He seemed like he could have been trying to run away from his identity and his community.
5. I moved ~~back~~ to Reno in 1994, and I continued seeing Siaosi when he periodically came to town for visits. Siaosi acted strangely whenever he visited my husband, Olisi, and I. Siaosi spoke quickly, he rapidly changed subjects, and he rambled a lot when he spoke to the point that I could not always understand what he was trying to say. Siaosi also suffered from mood swings. Siaosi stopped taking care of his personal appearance and hygiene. He was no longer dressing neatly and grooming his hair as he always did in the past and he gained a lot of weight.
6. I always suspected that Siaosi suffered from mental health problems, and I believe that it runs in his family. I also suspected that Siaosi's uncle, Maile Tafuna, his biological mom Luisa and his sister ~~Sela~~ all suffered for mental health difficulties as well. They all exhibited dramatic and unexplained mood swings, and seemed depressed at times. It was like they all

At the time of the incident involving Siaosi, I was.

had a switch that could be flipped on or off and their emotions changed in an instant. Maile and Luisa had it the worst. There are others in the family who suffered from this condition as well.

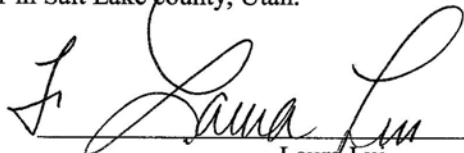
7. I was working as a prosecutor in the Churchill County District Attorney's office at the time of Siaosi's arrest in January 1998. I was the only Tongan attorney admitted in the Nevada bar, so the Washoe County DA, Dick Gammick, reached out to me for assistance with translating a letter that was intercepted from Siaosi. Gammick contacted my old boss, Art Mallory, who instructed me to help Gammick. Art Mallory even gave me leave to travel to Reno for my meeting with Gammick. Siaosi wrote the letter from the Washoe county detention facility and he wrote it in Tongan. I explained to Gammick that I was married to one of Siaosi's closest relatives but Gammick saw no conflict of interest in seeking out my help.
8. Siaosi's letter was an appeal to young Polynesians in America. In his letter, Siaosi talked about the Laminites and the 2000 Stripling warriors that are spoken of in the LDS Church's Book of Mormon. The LDS church taught that the Polynesians were the descendants of these warrior clans, and the belief is still held by many Polynesians today. Siaosi addressed the letter to young Polynesians and he was calling on them to reclaim their warrior heritage and rise up to fight the western powers that have colonized and oppress them. Siaosi also called for the youths to coalesce behind him as their leader. Much of Siaosi's letter was senseless rambling, and it was hard to follow all of the points he was trying to make. It was clear that Siaosi was totally out of his mind when he wrote this letter.
9. I was never asked to testify about anything that I translated from Siaosi's letter for Gammick and I was never given a copy of the letter. I have never seen or heard anything about the letter again after my meeting with Gammick.
10. Besides having me translate Siaosi's letter, Gammick also had many questions about the LDS church and our beliefs. He also asked a couple questions about Siaosi's background information, but nothing in-depth.
11. Siaosi's crime was devastating to the image of the local Tongan community in Reno. The community went from being relatively unrecognized to being demonized and cast in a negative light. Like Blacks, Hispanics and other minorities, Tongans were sometimes subjected to racial profiling and mistreatment by the police, but it was never as bad as the time following Siaosi's arrest. In the weeks and months following Officer Sullivan's death, many young Tongans in Reno complained about being profiled, harassed and disrespected by the local authorities across the valley. Many complained about being stopped and searched for no reason. Many felt like they were being held responsible for Siaosi's actions even though our community was just as appalled by Siaosi's actions as everyone else in town.

12. When my husband and I heard what was taking place, we returned to Reno to speak with members of the Tongan community and the police. Olisi and I held meetings to explain to the community their rights not be profiled and harassed, but we also told the community to have patience and tolerance, and to try to see things from the perspective of the police officers. All the police knew was that a Tongan individual was accused of killing a cop and the officers around town were responding emotionally. As time went on, the tensions between the police and the Tongan community subsided and things went back to normal.

13. ^a I was ~~the~~ public defender in Ely, Nevada at the time when Siaosi was sentenced to death in 1999. I was employed with the ~~White Pine County public Defender's office~~ ^{Nevada state} and I was the only attorney stationed in Ely. My husband, Olisi Lui, was a corrections officer at Ely State Prison at that time, and we both saw a conflict in having Olisi work at the facility where his cousin, Siaosi, would be held on death row. ~~This is why my husband decided to leave Ely to avoid the possibility of experiencing any conflicts.~~ ^{not factually correct} I was at the Churchill County District Attorneys when Siaosi was sentenced to death in 1999.

14. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case and background with me. I was never contacted by Siaosi's trial attorneys nor the attorneys who worked on his behalf during his state post-conviction proceedings. I would have given Siaosi's previous attorneys all of the information that I have stated in this declaration had I been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7th 2011 in Salt Lake county, Utah.



Laura Lui

EXHIBIT 129

EXHIBIT 129

Declaration Of Le'o Kinikini-Tongi

I, Le'o Kinikini-Tongi, declare as follows:

1. My name is Le'o Kinikini-Tongi, I am the cousin of Siaosi Vanisi and I currently reside in Salt Lake county, Utah. I have known and interacted with Siaosi since the time that he came to the United States from the Kingdom of Tonga as a child during the 1970's.
2. My late father, Kime, worked for United Airlines which allowed our family to travel for free whenever we wanted to visit extended family members living in Reno, Nevada and San Bruno, California. As a result of this benefit, siblings and I frequently saw Siaosi and the other family members in San Bruno various times throughout each year. Whenever my family traveled to San Bruno we usually stayed in Siaosi's home, which was owned by his uncle Moli Tafuna and his wife Lose. Lose and Siaosi's other uncle, Maile Tafuna, also worked for United Airways so this allowed Siaosi and his other family members to travel to Salt Lake City each year for free as well. Siaosi spent various summers in Salt Lake City when he was growing up and he usually stayed in my immediate family's home at 733 Emery Street. The family usually came together each year to celebrate holidays, birthday celebrations, weddings, funerals, church events and other occasions.
3. Siaosi was in elementary school when I first met him and he had not been in the United States for more than about a year. Siaosi was a well behaved child who always did what everyone in the family told him to do. Siaosi's aunt and adopted mother, Toeumu Tafuna, and others in the family were always telling Siaosi to go and get something for them. Siaosi always seemed like he was eager to please people and do anything that he could for everyone.
4. Toeumu always had Siaosi's name in her mouth, calling him for various reasons throughout the day. Toeumu was always giving Siaosi something to do, and she yelled at him a lot for not doing a task fast enough or for forgetting to do something. Toeumu depended on Siaosi for help in caring for her ailing brother, Moli
5. There were three bedrooms in Siaosi's home. Uncle Moli and Lose shared a room, Kaloline had her own room, and Toeumu and Siaosi shared a room, the master with a bathroom, until Siaosi was in his mid-teens.
6. Siaosi's household was extremely religious and strict. Siaosi and his eldest sister, Kaloline, were only allowed to be in three places at any given time which were school, church and home. They were not allowed to hang out with friends around the neighborhood, go to the movies, or do many things that normal kids did. Kaloline made frequent trips to Salt Lake City when she was growing up because she knew that my parents allowed her to go to the movies, hang out in the mall, attend dances and do other things that were forbidden in her home. Kaloline and I are the same age and we spent a lot of time together.

*Siaosi's
Aunt, Lose
also worked
for United
Airways.*

(et)

et

7. Kaloline was always resentful that her birth mom, Luisa, gave her away to her Uncle Moli and his wife, Lose, when the family moved to the States. Kaloline also seemed like she was jealous of her younger sister, Sela, at times because Luisa kept and raised her. Whenever Sela came over to Lose's home or to the family's church, during my trips to San Bruno, I noticed that Kaloline became withdrawn and stopped talking. Kaloline sometimes just walked away. It was like Kaloline did not want to be around Sela even though Sela was always pleasant and never did anything wrong to Kaloline.
8. Besides avoiding interactions with Sela, Kaloline also seemed to be disconnected from her other siblings in San Bruno, including Siaoisi. Even though Kaloline and Siaoisi grew up together and lived in the same household, they did not seem to share a normal brother-sister relationship. Kaloline was distant from Siaoisi and didn't spend much time around him.
9. I don't recall much about Siaoisi's eldest brother, Sitiveni, because he never spent much time around me during my visits to San Bruno. Sitiveni spent a lot of time hanging out in the streets and he also left home around the early 1980's. I did not see Sitiveni at all for many years.
10. I knew that Siaoisi left San Bruno shortly after he was sent home from his LDS mission in 1990, and this is when we lost touch with one another for a couple years. Siaoisi distanced himself from the family and I do not know much about his life in southern California in the years that followed. I saw Siaoisi a few times during the 1990's if he happened to be in San Bruno while I was visiting, but nothing more. The few times that I saw Siaoisi in San Bruno I remember hearing him talk about acting in films and his desire to lose weight. Siaoisi was chubby as a child, but he took off a lot of weight at some point when he was in his late teens or early twenties.
11. Siaoisi did not tell me when he became married, and I never met his wife, DeAnn, or their children. This was odd for Siaoisi because he was always so close to me and the family members in Salt Lake City and he knew how much we all loved him.
12. During Christmas week 1997, just a couple of weeks before his arrest on the instant case, Siaoisi drove to Salt Lake City to visit me and my family on Emery Street. Siaoisi came with presents for me and my siblings, Susanna and Maile Kinikini. The gifts included name brand perfumes and colognes, and other items. Siaoisi apparently decided to come to Salt Lake at the spur of the moment and he did not give anyone advance notice.
13. Siaoisi did not seem like he was in his right mind during this visit. Siaoisi had gum in his mouth and he was chewing it very quickly like a rabbit. Siaoisi was talking rapidly and his words didn't make much sense. The things that Siaoisi said gave me the impression that he was losing touch with reality.
14. Amongst Siaoisi's various rambling, he talked like he was rich and had a lot of money. Siaoisi



told me and my siblings to tell him whatever we wanted and he could buy it for us. Siaosi also told us that he was going to college and he mentioned something about his wife. I thought that Siaosi may have been on drugs at the time of this visit, even though I didn't smell anything and I didn't see him using any substances. Siaosi's mannerisms and demeanor just looked like that of someone on drugs.

15. Siaosi kept telling me and my siblings how much he loved us and how important we were to him. Siaosi also talked about his desire get closer to everyone in the family, like he used to be, and get back in touch with his roots and culture. Siaosi said he had been away too long and he wanted to make up for the lost time.
16. Siaosi visited with us for about an hour on the evening that he brought the gifts, and then he said that he wanted to visit David Kinikini and others in the family who lived around Salt Lake City. Siaosi stayed in town for a few days but I have no idea where he stayed. I saw Siaosi a few times during the days that he was in town and he seemed like he was out of his right mind during each of our interactions.
17. I do not recall seeing Siaosi in the Salt Lake area a few weeks after his Christmas visit around the time of his arrest in mid-January 1998.
18. I believe that there are probably other people in the family with undiagnosed mental health issues. It is taboo in Tongan culture for someone to seek help for mental health issues or even admit having them.
19. Herbert Duzant of the Federal Public Defender office was the first person to discuss Siaosi's case and background with me. I would have provided the information in this declaration to Siaosi's previous attorneys had I been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 5th 2011 in Salt Lake county, Utah.


Le'o Kinikini-Tongi

EXHIBIT 130

EXHIBIT 130

Declaration Of Sela Vanisi-DeBruce

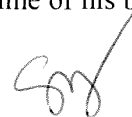
I, Sela Vanisi-DeBruce, declare as follows:

1. My name is Sela Vanisi-DeBruce, I am 42 years old and I currently reside in San Bruno, California. Siaosi Vanisi is my younger brother and we had the same parents, Luisa Tafuna and Maka'afa Vanisi, both of whom are now deceased. Siaosi and I were both born in Nukualofa, Tongatapu, the Kingdom of Tonga's capital, and we came to the United States at the same time in 1976.
2. Back in Tonga, the Tafuna family were business owners and were considered to be upper middle-class. The family had a transportation company that consisted of one bus and a few taxis. They also cultivated various crops, owned a coconut grove, had a fish farm and raised cattle. The family had a good life and never wanted for anything when we were all back home in Tonga. *SB my mother used to work for family*
3. Like the Tafuna family, the Vanisi family were one of Tonga's upper middle-class families, but the Vanisis enjoyed an even higher status. The Vanisis owned businesses and held positions in government. They had a bus company, they owned plantations that produced various crops and several family members were police officers. The Vanisi family were also relatives of Queen Halevalu of Tonga, and enjoyed somewhat of a noble status.
4. After our parents married, my grandfather, Kuli, gave them a piece of land in the Pili section of Nukualofa, on the main island, Tongatapu. My mother was pregnant with me at the time when they married. My parents built a house on the land that my mother lived in for about a year or two before she decided to move herself and Tevita and I back to her family's land in "Longolongo", because she was having problems in her marriage. I was too young to remember the details of the family's home and our experiences in Pili.
5. My mother had a very difficult time during her marriage to my father because he had many personal problems and shortcomings. He was a heavy drinker and he often came home intoxicated. He enjoyed partying and he was an unapologetic womanizer. My father frequently cheated on my mother and often stayed away from home for days at a time, leaving my mother to care for us by herself. To make matters worse, he sometimes physically beat her at times. I was too young at the time to recall the severity or frequency of the beatings that he gave her. My mother's siblings gave her a lot of love and support during those days, but I do not know whether they ever tried to intervene to help her.
6. Kuli Vanisi was against my father's relationship with my mother from the start because she gave birth to two children before she met my father, and she was never married. Kuli also looked down on the Tafuna family because he felt that they were of a lower social status than the Vanisis. Kuli constantly tried to come between them even after my parents had married and began having children. Kuli knew that my father and my mother were having problems



in their marriage. He frequently tried to convince my father to leave her, and ultimately he did convince him and he ended up leaving her and me and my siblings. Kuli then purchased a one-way ticket for my father to leave Tonga for New Zealand. My mother was pregnant with Siaoasi at the time when he left us, and she went into a deep depression for the balance of her pregnancy.

7. I recall my mother discussing her experience on many occasions throughout her life. My mother was so deeply affected by this time period that she carried the pain throughout her life. When he left her, she had no idea what she was going to do or how she was going to take care of me and my siblings. My mother depended heavily on her side of the family for both emotional and financial support.
8. After my father went to New Zealand, he sent divorce papers to Tonga for her to sign and the divorce was finalized while he was away. I have no recollection of interacting with my father at any time in my life, except when he took ill about 5 years before his death. My father was living in Hawaii at the time, and he did not have anyone around to look after him. My first inclination was to tell my father off for the way that he abandoned our family when I was a child. I wanted to leave him to suffer on his own, but several people in the family talked me into helping my father. Looking back, I was happy that I had a chance to get to know him before he died because it provided me with some closure after he passed away. I learned that he was just not a man of responsibility and he was not a family man. I learned not to take it so personally because, in a way, my father couldn't help himself because that was the person that he was. He had been spoiled by his parents because they always gave him anything that he wanted, and he was never taught responsibility. He was a free roaming spirit, a rolling stone, a person who never settled down. He lived in New Zealand, Alaska, California, Utah, Hawaii, and many other places, during the years that he was away from us.
9. After Siaoasi was born, his umbilical chord fell off after two or three days, which is a bit odd because this normally takes about two weeks. A nun told my mother that Siaoasi's early chord separation was a spiritual sign that he would either be really intelligent and successful in life, or really bad and mentally insane. This was based on some kind of Tongan superstition.
10. My mother's decision to give Siaoasi away at the time of his birth to her sister, Toeumu, was based solely on the unfortunate situation that she was in. She had two children that she had to raise on her own. Actually it was three children, counting her second child Kaloline who she was still caring for until the family moved to the states where Luisa's brother, Moli Tafuna, could take custody of Kaloline. Having an additional child to support was too much for her to handle. I am certain that Siaoasi would never have been given away had my father remained in the picture.
11. Siaoasi was given to our maternal aunt, Toeumu, at the time of his birth and she raised him



from that point onwards. No one told Siaosi that his biological mother was our mother, Luisa, for the first several years of his life.

12. It is quite common in the Tongan community for a couple or someone to take on the duties of raising the children of other relatives. These types of adoptions are usually not officially done through the assistance of government agencies. Rather, they are based on the arrangements and understanding that the relatives have with one another.
13. These adoptions are done, in part, to give relatives without any children the chance to raise children of their own, and have a parental experience. However, they are also done to help relatives who become parents in less than fortunate circumstances. Good candidates for having their children adopted out to other family members are typically young unmarried mothers, mothers who were left by their husband by divorce or death, parents with too many children to raise with little financial resources, children born out of an incestuous relationship, and other situations.
14. Giving the children to more stable relatives can be a win, win situation for all involved. The biological parents have relief to establish themselves, or better care for their other kids. The adopting relatives have the benefit of parenthood, and the child has a better life. However, these situations don't always work out especially if deception is involved.
15. In most of these internal family adoptions, the children know who their real parents are and there's no illusions. In Siaosi's case, he was lied to when he was born, and he did not find out that our aunt Toeumu wasn't his mother until he was a little older. Upon learning who his real mother was, Siaosi developed questions about his identity and whether he was loved. At times, Siaosi seemed insecure to me. When we were children, he talked about the whole experience. This is why my husband Edgar and I didn't lie to our son when we adopted him from our relatives. Our son knows and still has a relationship with his parents and siblings. My aunt Toeumu doesn't agree with the way that I am raising my son and she gets mad whenever I take him to visit his biological siblings. I believe and tell my son that it's alright to love his biological parents and his siblings, and my husband and I at the same time. I try to maintain an atmosphere of love, patience and acceptance that Siaosi did not have.
16. My main motive for raising my son this way is to avoid him having to go through the same things that Siaosi, Sitiveni and Kaloline went through when they were growing up. Siaosi, Sitiveni and Kaloline always knew who their mom and siblings were, but they were forbidden from ever calling my mother, Luisa, their mother or their siblings sister or brother. Moli's wife, Lose, was ~~a very~~ ^{very} jealous person and she had no problem making them feel guilty or like they betrayed her whenever they slipped up. Lose was ~~funny~~ ^{upset} when Sitiveni was asked to lead the funeral ceremony for my mother Luisa's burial in 2000. He was my mother's eldest child and in Tongan culture, the eldest son officiates the funeral ceremonies of parents. Lose took this as a sign of betrayal, but Sitiveni loved his biological mother and led the ceremony anyway. This kind of life was not healthy and this is why I don't want it for my son.

17. Although Siaosi was being raised by our aunt, Toeumu, he lived in the same household with his biological mom and his other siblings. We all lived on the Tafuna family's land in the "Longolongo" section of Nukualofa, which was owned by my uncle, Maile Tafuna. There were several homes on the family's land, and Maile lived in the biggest house with his wife and their 8 or 9 children. I lived with my mother Luisa, Kaloline, Tevita, Siaosi, Moale, Toeumu and Siaosi Pohahau. Siaosi Pohahau was the son of my aunt in-law Mele Tafuna's sister, and he was given to my mother after his mother left the family and his father died. Siaosi Pohahau and Siaosi Vanisi were like best friends when they were growing up in Tonga and in the states because they were close in age, and always together. Moale was the only one of my mother's children who was left behind when the family moved to the States. Moale and Kaloline have the same father, but he's never been a part of either of their lives. However, Moale was taken in and raised by our paternal uncle. My oldest sibling, Sitiveni Tafuna, was already living in the U.S. with our uncle Moli by the time that my brother Siaosi was born.
18. In 1973, when Siaosi was only three years old, Toeumu left Tonga for America to help take care of her ailing brother, Moli. I recall Siaosi was devastated when Toeumu left him behind in Tonga because she was the only mother he knew. Siaosi had been given to Toeumu at birth and everyone in the family always told him that she was his mother and that our mother Luisa was only his aunt. Siaosi took it very hard when Toeumu left Tonga to go to the U.S., and I remember the scene at the airport as being very sad. Siaosi was uncontrollably crying out and screaming for Toeumu and begging her not to leave him. The family did all that they could to pull him away so that Toeumu could board the plane. Toeumu also became very emotional and cried when she left Siaosi that day.
19. It took Siaosi several months to adjust to life in Tonga without Toeumu. I recall whenever Siaosi saw a plane flying overhead he often cried and called out for Toeumu to return home to him. Siaosi sometimes held and kissed photographs of Toeumu whenever he felt lonely. When my mother tried to tell Siaosi that she was his biological mother and that she loved him just as much as her other children, Siaosi rejected that idea and accused her of lying to him.
20. Whenever Siaosi was overcome with his feelings of abandonment by Toeumu's departure he was often inconsolable. My mother, and everyone in the house, usually tried to calm him down but often ended up having to leave him alone to cry himself to sleep.
21. Siaosi often became withdrawn, and isolated himself during the years that he was separated from Toeumu. He sometimes refused to interact with me and the other children in the family. Siaosi often ran into his room, hid under his bed and cried for long periods of time.
22. After a few months, Siaosi slowly came out of his shell and began to interact with our family in a more normal fashion, but the pain of his separation from Toeumu was always in the



- background.
23. When Siasosi was about five years old, he used to tease the family dog to make the dog fight him. However, the dog always got the better of Siasosi. This never deterred him from teasing the dog even after the dog injured Siasosi on at least two occasions. I recall Siasosi was bit on his face during both incidents, but this didn't stop him from trying to fight the dog.
 24. By the time that we moved to America in 1976, Siasosi had been living without Toeumu for three years and he had become used to being around my mother and his siblings. My mother was his primary caretaker during those three years and he developed a motherly trust for her.
 25. When my mother, siblings and I joined the rest of the family in 1976, we all moved into the home of my uncle Moli. Moli was living with his wife Lose, Toeumu, and my two eldest siblings, Sitiveni and Kaloline, because they had been adopted by Moli and Lose. My mother, my mother's husband, Mr. Uluave, Tevita and I only stayed with Moli for one night before moving in with my other uncle, Maile, and his family. When my mother left Moli's home on the following day, she left Siasosi with Toeumu so that she could continue where she left off in raising him.
 26. When Siasosi first saw Toeumu, he did not recognize her and my mother had to keep prodding him to go to his "mother." At first, Siasosi would go to Toeumu and then run back to my mother because he did not yet fully trust her. At first, when Toeumu tried hugging Siasosi, he pushed her away. It wasn't until Toeumu took Siasosi to the bathroom, and bathed him, that he remembered who she was and accepted her.
 27. Being left alone at uncle Moli's house presented other adjustment issues for Siasosi. Siasosi was born after Moli, Lose and his eldest brother, Sitiveni had left Tonga so he never saw them before in his life. Our sister Kaloline left when Siasosi was younger and I do not recall whether or not he recognized her when he was left behind at Moli's house. Moli had many health problems and Toeumu had to take care of him everyday, so her attention for Siasosi was a bit divided. Moli was the only man in the house when Siasosi first moved in, but his illness prevented him from giving Siasosi the fatherly attention that he needed as a child. Lose's father Moleni moved in a couple years later.
 28. When Siasosi was still in elementary school, in the ensuing years after my mother left him with Toeumu, he sometimes asked her why she gave him away. Siasosi wanted to know why she didn't love him enough to keep him, like she did her other kids. Siasosi also used to express that he felt unwanted and unloved. Siasosi knowing that my mother Luisa was his mother, was in need of answers to help him deal with the situation. However, I recall my mother never gave him any explanations and responded coldly to his emotional pleas. She would just tell Siasosi to go back to Toeumu because she doesn't have any children of her own, and that he needed to take care of her. She never hugged or kissed Siasosi during these conversations, and I believe she didn't handle him as gently as she should have.



29. By the time that Siaosi was about twelve years old, and in Junior HS, he wanted to leave Toeumu's house and move in with my mother and his other siblings. However, she rejected his idea and told him to go home to Toeumu. Sometimes, Siaosi expressed feeling like he didn't belong in the family throughout his childhood.
30. Siaosi received a lot of beatings at the hands of Toeumu, and many verbal scoldings by his uncle Maile. For what I believe were for little to no reasons, at times. Although Maile didn't live in Siaosi's household, he lived up the block, so they were always around one another. Maile was also the head of the family so he was usually giving everyone directions and telling them what to do.
31. Siaosi usually received beatings, primarily from Toeumu, when he came home late from school, didn't do his homework, didn't do his chores, talked back and acted rebelliously, or didn't listen or pay attention. Toeumu used to beat Siaosi with her hands, shoes, sticks and wooden spoons. I do not recall whether Siaosi was beaten by other family members, because we lived in different households and weren't together all of the time, even though we always saw one another throughout the week. I also do not recall seeing any marks on Siaosi's body that came from Toeumu's beatings.
32. I never saw my mother Luisa beat Siaosi because, I believe, she suffered from too much guilt over giving him away to be able to beat him. She overcompensated in the affection and attention that she showed Siaosi, whenever they were around one another. I feel my mother "smothered" Siaosi whenever he was around her and, at times, she acted like she didn't want him to leave her side. She was always hugging and kissing Siaosi more than she did her other children, although she was affectionate with us as well.
33. Although my mother didn't beat Siaosi, she had no problem beating me and my other siblings. When she beat me, she used to pull my hair, slap me, pinch me and punch me. She also used to beat me with sticks, shoes, brooms, belts and just about anything else that she could pick up around the house. My mother beat me in the privacy of the family's home, as well as in public, and in front of strangers. Her beatings often left red marks on my skin, but no cuts. My mother was a very free spirit and a defiant child, and it seemed like she was always trying to tame me. I believe that I received more beatings than my other siblings.
34. From the time that Siaosi was about ten years old, uncle Maile began giving him severe scoldings, often for little or no reason. Maile was overly strict and rigid with all of the children in our family, even his own kids, but he treated Siaosi the worst.
35. I recall Maile was always after Siaosi, picking on him and putting him down. It seemed at times like Siaosi could do nothing right. Maile frequently told Siaosi that he was "worthless", "useless" and "stupid." Maile didn't care who was around when he said these awful things to Siaosi and Maile frequently embarrassed him whenever there was an audience.



36. Maile yelled at Siaosi for not listening to Toeumu, not doing his chores, not doing something that he had to for church, being too lazy, etc. Whenever Maile scolded Siaosi, Siaosi usually responded by having a lost look on his face, mumbling to himself under his breath and withdrawing to go off somewhere by himself. I believe the pressure affected Siaosi and he was always afraid of failing and letting the family down.
37. Maile often spoke down to the children in the family and told us, "you're nothing." Maile was the head of the family and he bossed everyone around. Maile had a "my way or the highway" attitude about all decisions involving the family, and he always had total control.
38. Although Maile had a kind heart and did a lot for people in the community, he did far less for his own children, nieces and nephews. Maile also treated the children within the immediate family much harsher than other children.
39. Although Maile did a lot to help people in the community, he heavily relied on my aunts and mother's money to help him accomplish everything that he was doing. Maile's siblings had to give him money, to give to others, to buy food and other supplies, and to travel. People around the community always thought that it was all coming directly from Maile. This helped Maile maintain the status amongst the community that he enjoyed when he was still living in Tonga.
40. Umu faithfully followed Maile's wishes and did anything that he told her to do without questions or hesitation. Thus, Umu gave Siaosi no protection from Maile at all. My mother, on the other hand, was a strong and opinionated person who questioned and disobeyed Maile's demands if she did not think that it was best for herself and her children.
41. Example - When one of Maile's sons was getting married, Maile ordered all of his siblings to give him \$1,000.00 each so that he could present his son with all of the money at one time. When Kaloline saw Umu preparing the money for Maile's son, she questioned the wisdom of giving so much money when their household was financially in need. In response to Kaloline's inquiry, Umu lashed out at her and admonished Kaloline to never question Maile's directives. Many people in our family didn't care for Toeumu because it never seemed like she had a mind of her own.
42. When Maile told my mother to give his son \$1,000.00, the response was totally different. She refused to give Maile's son so much money because she needed it to take care of herself, me, Siu and Tupou. My mother told Maile that she wasn't going to sacrifice her own family's needs for a wedding gift. She was a strong person and she refused to allow Maile to push her around, especially if his demands went against her family's interest. Toeumu was the complete opposite. Siaosi would have done better with my mother's direct care, because she would have given Siaosi more shelter from Maile's demanding and abrasive personality.



43. Overall, there was a lot of expectations and pressure placed on Siaosi to succeed in life and I believe that he was overwhelmed. Although Siaosi tried his best, he couldn't succeed in his LDS Mission, holding down jobs or going to college after graduating high school. Then Siaosi moved away from San Bruno when he was 19 years old. Siaosi seemed like he was trying to escape the pressures of family life.
44. Siaosi was in need of a supportive and nurturing father figure in his life, but he never received one. Uncle Moli was too sick and needy, Lose's father was too old, and Maile was too harsh and critical. By the time that Siaosi was in Junior HS, he began asking many questions about the identity of his father. Siaosi knew that our mother Luisa was his mother, and that his aunt Toeumu had adopted him, but he knew nothing of his real father.
45. When Toeumu registered Siaosi in school, she used the name George Tafuna instead of Siaosi Vanisi. Siaosi means "George" in Tongan so that was alright, but my mother believed that Siaosi should have used the last name of his father. I once overheard Toeumu tell my mother that she refused to allow Siaosi to use the last name Vanisi because his father was never a part of his life and he never did anything for Siaosi.
46. When Siaosi asked Toeumu where his father was, Toeumu used to tell him that his dad, Maka'afa Vanisi, died in a war. Siaosi later found out that this was a lie. Our father had gotten in touch with the family when Siaosi was in high school. Our father had come to town and was staying with relatives, and he wanted to see all me, Tevita and Siaosi. I had no intentions of going to see my father until Siaosi and Tevita talked me into going along with them. Siaosi and Tevita really enjoyed being around our father and they were very happy after the meeting. However, I recall Toeumu was very angry and never wanted the meeting to take place.
47. Although Toeumu strictly disciplined Siaosi and frequently spanked him, she also spoiled him at times. Toeumu always gave Siaosi anything that he wanted when he was growing up, like candy and money. I felt a certain sense of jealousy towards Siaosi, at times, when we were children because my mother didn't spoil me and my siblings at all. Also, my mother was hardly around most of the time because she was always busy working and trying to make ends meet. Toeumu's only task was to care for her brother Moli, and she never had a job outside of the house, so she was always around to care for all of Siaosi's needs. Toeumu's nickname for Siaosi was "Pe," which means baby in Tongan, and she treated him like a baby throughout his childhood. The name Pe stuck with Siaosi from the time that he was a small child, and everyone in the family called him Pe even after he became a grown man. I recall Siaosi was always uncomfortable being called Pe throughout his adolescence and into his early adulthood, but he never told anyone in the family to stop.
48. Siaosi would assist Toeumu in caring for his uncle Moli by feeding him, changing his urine catheter and bag, washing him and putting lotion on his skin. Siaosi began doing these tasks from the time that he was about ten years old and onward. After Lose's father, Moleni,



moved into the home Siaosi began helping him bathe as well. Moleni also shared a room with Siaosi during that time. Lose was the only one in the house who worked, so she was always away from the house and trying to make ends meet. Besides assisting Toeumu in caring for Moli and Moleni, Siaosi really didn't have any other responsibilities around the house. Everything was always done for him.

49. When Siaosi was eleven or twelve years old, he got a job working as a paperboy, but he never worked by himself. Our older sister, Kaloline, always went along with him while he was delivering the newspapers.
50. The entire family are members of the LDS church, and the church was an important centerpiece for the family when we were in Tonga and also here in the U.S. Uncle Moli's household was substantially more religious and strict than the homes of our other relatives in San Bruno. Toeumu and Lose had many household rules that all of the children, including Siaosi, had to follow. I recall, cursing wasn't allowed, talking back wasn't allowed, clothing had to be conservative, everyone had to attend church every Sunday, as well as all youth program meetings. Siaosi had to be enrolled in cub scouts, televisions were not allowed in the house and Sundays were like a sabbath which was revered and observed all day long. Children were seen and not heard, and there was no negotiating around the rules of the house. Although Lose and Toeumu ran a very strict and religious home, something did not seem right to me. They were very secret in the way that they kept each other's confidences.
51. Myself and all of the children in the family were made to speak Tongan at home to maintain our connection to Tongan culture. The adults in the family insisted on this.
52. Our family experienced various deaths in the family when Siaosi was growing up in San Bruno. Our paternal grandfather, Kuli Vanisi, died in Tonga when Siaosi was a small child and too young to remember. This was the first funeral that Siaosi attended.
53. Uncle Saia Tafuna passed away in 1978 in San Bruno, California, and he was the first person in the family to die during Siaosi's time in San Bruno.
54. Moleni Sika, aunt Lose's father and Siaosi's grandfather figure, passed away in 1985 in San Bruno, when Siaosi was in his mid-teens. Moleni was Siaosi's roommate and he was like a grandfather to Siaosi. I recall Siaosi being deeply impacted by the death of Moleni and I recall seeing him cry a lot and isolating himself during this time period.
55. Uncle Moli Tafuna passed away in 1986, in San Bruno, and the entire family was deeply impacted and saddened by this loss. Moli was the first family member to immigrate to America, and he was responsible for helping everyone to come behind him. Moli also suffered from a long-term illness which resulted from a brain tumor and several debilitating strokes. Aunt Toeumu was his main caretaker, however, Siaosi was one of his caretakers too. Siaosi and Moli enjoyed a positive and affectionate relationship with one another. With Moli



and Moleni gone, Uncle Maile became Siaoosi's primary male figure, and Maile was never as loving and supportive of Siaoosi as they were.

56. Mine and Siaoosi's brother, Tevita Vanisi, passed away in 1987, and everyone in our family, including Siaoosi, was deeply saddened and emotionally impacted by the loss. Siaoosi spoke very reflectively of his relationship with his brother and how he wished that it was better. Siaoosi deeply regretted not getting along better with Tevita and having a more positive relationship with his brother. Siaoosi also spoke a lot about how he wished that he had taken the time to get to know Tevita better as a person.
57. Tevita was a nice, loving and handsome young man, but he gave our mother a lot of problems while she was raising him. Tevita was always in trouble at school, and may have had a learning disability. Tevita was a hyperactive child and he had a lot of trouble staying focused in class and with his studies at home. Tevita was very disruptive in school and had difficulties staying still. Tevita frequently got into trouble for talking and walking around the school while lessons were being taught. Tevita was kicked out of various schools, beginning in elementary school, for his behavioral issues.
58. Tevita was arrested on several occasions and charged with various juvenile offenses. Tevita had no remorse for the bad things that he did. I recall many people in our family believed that Tevita seemed more like the type who would end up on death row rather than Siaoosi. Tevita was arrested on several occasions for stealing bikes around the neighborhood, shoplifting, fighting and other offenses. Tevita spent a lot of time in Juvenile hall while he was growing up. Tevita never tried to deny or hide anything that he did because he saw no problem with his actions.
59. Tevita had a very generous side to his personality. Whenever he had a job he always insisted on being paid in one dollar bills so that he could give them out to his nieces, aunts and female cousins. Tevita never gave any money to our mother because she was always away from the house working, and he did not believe that she needed the money because she had a job, unlike many other women in the family.
60. I recall Tevita and Siaoosi had a strained relationship and were never close to one another. Siaoosi was smarter and better in school than Tevita. Siaoosi enjoyed showing off and proving to Tevita that he was smarter than him by asking Tevita to spell words that Siaoosi knew he couldn't. Siaoosi also used to ask Tevita the definition of words, and their correct pronunciation, just to see him struggle.
61. I believe Siaoosi was ashamed of our brother. Whenever Siaoosi was in the streets, he avoided being around Tevita, acting like he didn't want Tevita to be around him. Tevita had a bad reputation in the community. Siaoosi acted like he was afraid that people may associate his behavior with Tevita if people knew that they were brothers. Siaoosi was also afraid that Tevita might do something to embarrass him in front of his friends.



62. At times, Tevita and Siaosi had physical fights with one another, but Tevita was stronger than Siaosi and always got the better of him. Both Tevita and Siaosi were good athletes, particularly in football, but Tevita was the superior sportsman of the two. Sports was the only area that Tevita out- shined Siaosi. Tevita was such a good athlete that his coaches believed that he had an excellent chance of playing college football and then advancing to the NFL. However, Tevita's dreams of playing in the NFL were ended by his untimely death.
63. On the day of his death, Tevita was dirt biking in the hills behind Uncle Moli's house with friends, and then they all rode to a nearby 7-11 to buy drinks. Tevita walked into the store and then collapsed and died as he reached for the refrigerator door to retrieve a soda pop. Tevita was taken to Seton Medical Center where he was pronounced dead, and then he was taken to the County Hospital. I do not recall whether an autopsy was performed, but the cause of death was listed as a heart attack. The family found this hard to accept since Tevita was in such good shape. I knew that Tevita abused alcohol and marijuana, but I had no idea whether he used harder substances. Tevita was a senior in school and he was about to graduate at the time of his death. My mother and I attended his class graduation and I accepted Tevita's diploma on behalf of the family
64. 1985 to 1987 was a particularly hard period for Siaosi because he lost Moleni, Moli, and Tevita all within about a year's time. Our sister, Kaloline, became married that year as well. Kaloline's husband moved into the family home, and she was not able to provide Siaosi with the same level of attention that she had previously.
65. Uncle Esei Finau-Tafuna passed away in 1989, in Mesa, Arizona. Although he lived a couple states away, Siaosi grew up around Esei, and his family, and they were just as much a part of the family as everyone in San Bruno. Siaosi was particularly close to Esei's son, Mike Finau, and they lived together in later years in Los Angeles, California and Mesa, Arizona.
66. Moale was born after my mother had Siaosi and divorced my father. Moale's father, Sitani Havili, was also the father of Kaloline, and he briefly came back into the picture shortly after the divorce. I have fond memories of being around Sitani because he was a pleasant person. I recall he took me for piggy-back rides, and bought me a lot of candy. However, Sitani ended up leaving my mother again, for a second time, and he was never a part of Moale's or Kaloline's lives. I do not know what problems existed between Sitani and my mother in their relationship because I was too young to know what was going on.
67. My mother raised our brother Moale for the first three or four years of his life. When the rest of us immigrated to the U.S. around 1976, mt mother left Moale in Tonga to be raised by his paternal uncle, Sione Havili and his wife Felea Havili. Moale was the only one of our siblings who was left behind. Moale always knew my mother Luisa was his biological mother. He was old enough to remember all of us before we left for America without him.



68. Moale and I spent a lot of time together during my recent trip back to Tonga this past spring. He shared many of his feelings about the past with me. Moale told me that he grew up with many unanswered questions constantly going through his mind. Moale wondered why he was the only one who our mother left behind. Moale wondered if our mother would ever return for him, and take him to America to be with the rest of the family. Moale wondered if our mother ever loved him or had any feelings of regret over abandoning him.
69. Moale recalled seeing my mother during the 1980's when she returned to Tonga for a visit. She had been away for so long at that point, that she seemed like a stranger to him. Moale saw his aunt and uncle, who were raising him, as his parents. He did not feel the same connection to our mother that he once had years earlier. His aunt and uncle raised other children, but they were much older than Moale. They all had left the home by that time, so they paid a lot of attention to him and treated him like the baby of the family. When my mother tried to give Moale a hug, he pulled away from her and refused to go to her side. Moale told me that he did not want to betray or disrespect his aunt and uncle by showing her any parental affections. The purpose of my mother's trip was to retrieve Moale and bring him back to the States to live with us. Moale turned her offer down and opted to stay in Tonga with his aunt and uncle, where he felt more secure. However, a part of Moale wondered what life would have been like if he had gone back to the States with her. I recall my mother made this trip to retrieve Moale before the death of my brother Tevita.
70. Moale's biological father abandoned him, as well as my mother. Moale often wondered how life would have been if his real mother and father stayed in his life and loved him. Moale described his upbringing to me as being very painful.
71. Today, Moale is living an openly homosexual lifestyle, he is a cross dressing "Fakaleiti" and enjoys competing in "Miss Galaxy" drag queen competitions in Tonga. He also models in fashion shows. Moale is very feminine, and attractive, and the average person would have a difficult time telling that he was a man when he's dressed in women's clothes. In Tongan, the word "Fakaleiti" means "like a lady" and it has been an accepted part of Tongan culture for centuries, especially in families that had too many male children and not enough girls to help feminine chores in a household.
72. Moale has an alter-ego that is called "Moisha", and she comes out whenever he's dressed up in women's clothing. Moale and Mosiha are two completely different people. I believe that Moale may have developed the Moisha personality as a coping mechanism to help him deal with his conflicting sexual identity and family history. When Moale turns into Moisha, he is happier, more outgoing and in control of his environment.
73. I am very accepting of Moale's lifestyle and I spent a lot of time going out with him to various social gatherings when I was in Tonga a few months back. We were like "sisters" having the time of our lives. Moale and I went to dance clubs, restaurants and to the Pentecostal church where Moale is a member, and he was always dressed in his female regalia. Moale has many



friends and we were accepted wherever we went.

74. Although Kaloline is Moale's only full sibling, she does not interact with him at all. I believe that she does not accept his lifestyle. Kaloline returns to Tonga, more than anyone else in the family, and she never visits or even calls Moale to say hello. Kaloline is the most distant of all of my mother's children, even when it comes to Siaosi and his situation. I recall that Kaloline never made herself available to talk with Siaosi's previous lawyers or investigators, and she's never communicated with Siaosi since he's been incarcerated. I do not know why Kaloline is so detached from the family.
75. In 1989, it became known that Siaosi was going on an LDS mission, and this was a source of great pride for the family. There was a celebration that was held for him which was attended by all our family, friends, the church elders and fellow congregants. There were various speeches made on his behalf, and everyone had high expectations for him. However, Siaosi was sent home in disgrace after it was discovered that he had impregnated a girl in San Mateo before he left. I recall when Siaosi returned to San Bruno he was severely scolded by uncle Maile. I recall that Maile told Siaosi something that was so mean and cruel, that it really bothered Siaosi for sometime, but I do not recall the details. Siaosi suffered from a deep feeling of shame during this period.
76. To make matters worse, it was also discovered that the girl who Siaosi impregnated, Heather Wolfgram, was his paternal first cousin. Heather is the daughter of our father's eldest brother, uncle Siaosi Vanisi. It just so happens that Siaosi was named after Heather's father at birth but they never had much contact with one another because our father abandoned us as babies. Siaosi and Heather had no idea that they were related because Toeumu changed Siaosi's name to George Tafuna, when he was enrolled in school after moving to California. Heather's last name was changed from Vanisi to her mother's last name, Wolfgram, after her parents separated. Siaosi also did not grow up around his paternal uncle Siaosi Vanisi, even though he only lived a town away. Incest is a taboo in Tongan culture and this added to the shame of Siaosi being sent home from his mission. My mother blamed Toeumu for the situation because she was the one who decided to change Siaosi's last name.
77. The family had built up their hopes for Siaosi to be a success in life, because of his accomplishments in his adolescence. Siaosi was a decent student, a talented athlete, well behaved, the first of my mother's sons to graduate from high school, and the first son to go on an LDS mission. After experiencing the shame of being sent home from his mission, because of fornication, Siaosi fell out of the good graces of the family members and he felt like a complete failure. Siaosi believed that everyone in the family, and in the community viewed him differently, and he needed to escape his environment. I recall that this is when Siaosi decided to leave home and move to the Los Angeles area to attend college. He wanted to become a physician. The last thing that I remember Siaosi telling everyone, before he left, was that he was going to "make it and be someone." It seemed like Siaosi was determined to prove to our family that he was not a loser and that he could do something positive with his



life.

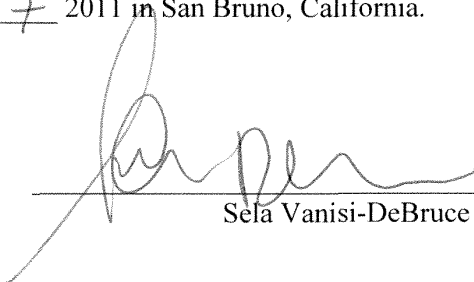
78. Siasosi dropped out of college shortly after he started and began pursuing a career in the film industry. I do not know many details of Siasosi's life in Los Angeles. During this time we did not communicate much.
79. Siasosi met DeAnn in Los Angeles and I have no details about when, where or how they met. Siasosi never brought DeAnn up to the Bay area to meet me or the rest of the family during their courtship. It came as a complete surprise to me when I found out that Siasosi was getting married. I would have attended the wedding if I was given more notice. Siasosi told Toeumu about his plans to marry DeAnn, but she did not approve, and did not tell anyone in the family about it until it was too late to go.
80. Uncle Maile, the head of the family, had a deep resentment for white Americans because of the discrimination that he experienced after coming to this country. He, like most elders in the family, held a preference that the children in our family marry only Tongans, or at least South Pacific Islanders. Toeumu knew that Maile would have been furious if he found out that Siasosi was going to marry a white girl, so she kept his marriage plans a secret. As a result of this, no one from the family attended Siasosi's wedding.
81. When Siasosi was growing up in San Bruno, he almost exclusively associated with his white friends. I never saw Siasosi hanging out with Tongans or other south pacific islanders. He also exclusively dated white girls, except for the Tongan cousin that he had his first daughter with. Many people in the family believed that Siasosi was not proud of his heritage and tried to avoid being around his people because he was ashamed.
82. By the mid-late 1990's, I recall that Siasosi had dramatic personality changes during the year leading up to the incident for which he was convicted. He constantly engaged in rapid non-stop conversations where he would quickly move from one subject to another. Siasosi was speaking and changing the words and subjects so rapidly, that the person who he was addressing was never able to get a word in edgewise. Siasosi seemed like his mind was racing faster than his ability to get his words out.
83. Siasosi had always been very much against drinking and drug abuse, but I suspected that he may have been abusing these substances. In 1997, I asked Siasosi about his substance abuse, he would not confirm or deny that he was abusing drugs.
84. Siasosi began speaking a lot about Tonga. Siasosi believed that life was better in the islands and he wanted to know why the family decided to leave Tonga. I recall Siasosi wanting to know if the family still owned land in Tonga and he spoke about his desire to move back.
85. Siasosi allegedly took a trip to China. Siasosi told me that he went to China for a film shoot, but I never believed that he actually went anywhere. I never saw Siasosi with an airline ticket



or itinerary before he allegedly left, and he was financially broke and could not afford to pay for such a trip. When he was supposed to be away, Siaosi never sent a post-card, never took any pictures and did not shoot any video footage, and these were all the type of things he would normally do when he traveled. Siaosi did not return with any stories of anything that he did while he was supposed to be in China. I never even found out what the name of the movie, or the details of the role, that Siaosi allegedly played in the film. Overall, there was zero evidence that Siaosi went to China and I think it was all a delusion. I believe that Siaosi was delusional when he talked about the various movies that he claimed to be in. He never had anything to show that he participated in the film industry in Hollywood.

86. When I met with Siaosi's defense team, before the time of my trial testimony, they did not ask me about most of the details that I have covered in this declaration. I would have told his trial attorneys everything that I have stated here, had I been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7 2011 in San Bruno, California.



Sela Vanisi-DeBruce


EXHIBIT 131

EXHIBIT 131

Declaration Of Vainga Kinikini

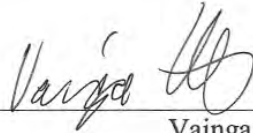
I, Vainga Kinikini, declare as follows:

1. My name is Vainga Kinikini, I am 36 years old and I'm currently incarcerated in Cache county, Utah. Siaosi Vanisi is my cousin and I have known him since the time of my childhood.
2. I am four years younger than Siaosi and I was raised in Salt Lake City. I never traveled to San Bruno, California while I was growing up but I interacted with Siaosi during his trips out to Salt Lake beginning in the early 1980's. Siaosi was not as close to me as he was with my older brother, David Kinikini.
3. Siaosi was always a goodie-two-shoes as a child. Siaosi was very involved in church activities and he enjoyed preaching to his cousins about doing the right thing. Siaosi also spoke properly and didn't use slang words like me and other kids in the family. Some of our cousins and I used to call Siaosi a white boy because of the way that he acted and talked. We also used to call him church boy because he was lecturing us about doing the right thing.
4. I used to see Siaosi a few times each year at family functions and reunions. Siaosi's uncle, Maile Tafuna, was frequently in attendance at these functions. Maile was like a father figure to Siaosi, and Siaosi had a lot of fear and respect for him. Siaosi's adopted mom, his aunt Toeumu, was very protective of Siaosi and the other kids in the family.
5. I was sent to live with family members in Texas in 1987, and I did not see Siaosi again until the day of his arrest on his instant case in January 1998. I have no idea what went on in Siaosi's life in between 1987 and 1998.
6. In January 1998, Siaosi looked broken down and tired when I saw him at my brother, David Kinikini's home in Salt Lake City. Siaosi's hair was not combed, his face was unshaven and he had bad personal hygiene.
7. When I saw Siaosi in January 1998, he looked so different that I did not recognize him when I first saw him. Siaosi was dressed strangely with sweat pants that were turned inside out and utility boots.
8. Siaosi was very nervous and jumpy during the visit. Siaosi became anxious and looked disturbed every time the house phone rang. Siaosi's eyes were moving rapidly and he was frequently moving around and turning like he was paranoid and was looking behind his back. Siaosi rambled when he spoke and at times I could not understand what he was trying to say. Siaosi seemed like he was confused and lost.

9. Siaosi spoke about not liking the police, but he never explained why. Siaosi spoke about outer space, and he also said that he was planning to build a laser beam gun.
10. Siaosi was acting totally out of character and talking like he was some kind of a fake street thug. ~~I had the sense that Siaosi was trying to impress me because he knew that I was a former gang member.~~  Siaosi told me that he did a couple "Fahi Kesis," which was an outdated Tongan slang for gas station robbery. Fahi Kesi was an old word that was no longer being used on the streets anymore, even in 1998. Siaosi also told me that he had a "G ride," which is a street term for a stolen car, parked outside, but I never saw it. I never heard Siaosi talk in this manner and it sounded wrong coming out of his mouth because he was a church boy. I actually thought that he was making it all up because Siaosi was always known for being such a square. Siaosi was never affiliated with any gangs as far as I knew.
11. At one point during the visit, Siaosi pointed a handgun at a picture of LDS church leaders as they were standing in front of an image of Jesus. As Siaosi was pointing the gun, he stated, "Fuck that white man" and then Siaosi began ranting about going back to his roots and re-establishing the order of Lamanite and Stripling warriors to fight the evil forces of the west who have oppressed the Polynesian people for centuries. Siaosi talked about wanting to unite his people to fight the Nyphites.
12. The Lamanite are figures in Mormon history who were at war with the Nephite Nation. The Lamanites were a dark skinned people and the color of their skin was a curse for their evil ways and for turning their backs on God and fighting his righteous people, who were the white Nephites. The 2000 Stripling Warriors were Lamanites who turned from their evil ways and joined forces to fight on the side of the Nephites against their own people. The Lamanites moved to the Americas after the war and became the indigenous peoples of North, Central and South America. The Nephites and Lamanites were both tribes of Israelites and they both traveled to the Americas before the coming of Christ. The Lamanites are also the ancestors of the Polynesian people, and they are all believed to be the descendants of Hagoth, a Lamanite shipbuilder. They believe that Hagoth once sailed off the shores of the Americas with other Lamanites and became lost at sea during a storm. Hagoth never found his way back home, so he and those with him stayed in the south pacific and their descendants established the various Polynesian societies.
13. The LDS church is central to our family's life and we have many people throughout our family who are Bishops and church officials. My brother, David Kinikini, is currently a Bishop within the church.
14. I did not previously know about Siaosi's excommunication but I know it must have weighed heavily on him, mentally speaking. I am going through my own review process right now where the church elders are determining whether I will be excommunicated or disfellowshipped for being incarcerated. The situation is weighing very heavily on me.

15. Tonga is a religious nation and the church is like part of our DNA. Tonga's constitution actually says that we are a holy nation under the rule of God, and the Tongan crest says that God and Tonga are our inheritance. When a person is excommunicated it is like losing your heritage, culture and national identity.
16. I was used as a prosecution witness during Siaosi's death penalty trial, but I was never interviewed by Siaosi's trial or state post-conviction attorneys. Herbert Duzant of the Federal Public Defender office was the first person working on Siaosi's behalf to ever speak with me. I would have provided Siaosi's previous attorneys with all of the information in this declaration had I been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 12 2011 in Cache county, Utah.



Vainga Kinikini

Jurat

State of Utah

County of Cache

Subscribed and sworn to (affirmed) before me this 12 day of
April, 2011 by Vainga Kinikini

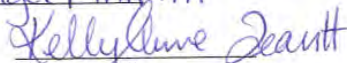

Notary Public



Exhibit 132

Exhibit 132

Declaration Of David Hales

I, David Hales, declare as follows:

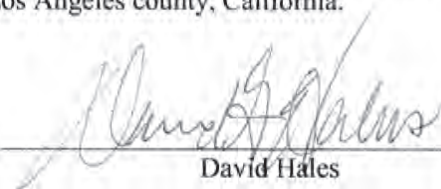
1. My name is David Hales, I currently reside in Los Angeles county and I am a Stake president within the Church of Jesus Christ of Latter-Day Saints. I first came to know Siaoosi Vanisi in 1994 when I was a Bishop at the Manhattan Beach Ward. In those days Siaoosi went by the name Perrin Vanacey.
2. Siaoosi was living with, then girlfriend, DeAnn and she was pregnant with their first child, Forest, when I first met them. Siaoosi and DeAnn joined the Manhattan Beach Ward where I was a Bishop, and I ^{I Presided at Baptism of} baptized DeAnn when she was converted into the faith. I conducted Siaoosi and DeAnn's wedding ceremony during that same year and I counseled Siaoosi and DeAnn before their wedding and throughout the time of their marriage.
3. Siaoosi was a good hearted and jolly fellow, but he was very immature. Siaoosi never had any sense of responsibility, and he couldn't hold onto jobs or stick to anything that he wanted to do. I tried to help Siaoosi understand basic concepts of being a responsible husband and father, things that he should have known at his age but didn't. I had to explain to Siaoosi why it wasn't good for a husband to stay out all night with friends and come home the next day, because Siaoosi didn't understand why this might anger his wife. Siaoosi treated his children like he was one of them, and he did not provide them with any parental leadership. I had to explain to Siaoosi how to talk to his children and set basic parameters like not letting them eat too much junk food or putting them to bed on time.
4. Everything was funny to Siaoosi and he never took anything seriously because his mind was like that of a child. Siaoosi had the maturity level of a 8 to 10 year old child. I know teenagers who were a lot more mature than Siaoosi, who was in his early-mid twenties at the time when I counseled him.
5. Siaoosi was caught up in materialistic ideas and was impressed by anything that suggested wealth. I recall an instance when Siaoosi came to my home and just as he stepped into my garage he said, "Wow, you have six bikes!," "That's great!" I was shocked that Siaoosi could count the bikes almost instantaneously. Siaoosi was always mindful of what other people had and took notice. Siaoosi did this in other instances as well.
6. Siaoosi spoke about his desires to one day become rich, but he had no plan. Siaoosi couldn't keep jobs or stick to anything, and he didn't study or take any courses to acquire skills to improve himself. Siaoosi wanted to be an actor so he took jobs working as a grip on film sets to get his foot in the door, but he couldn't maintain these jobs or position himself to do more. Siaoosi just knew he wanted to be wealthy, but he expected success to fall in his lap. Siaoosi's approach to his goals gave me the impression that he was not in touch with reality.

7. Siaoasi had identity issues and never seemed like he was comfortable in his own skin. Siaoasi spoke like he didn't want to be Polynesian, he didn't want to be obese and he didn't want to be poor. ~~Siaoasi seemed like he wanted to be anyone other than himself.~~ *sp*
8. My main involvement in Siaoasi's life was to help him keep his family together. My goal was to help Siaoasi become a better husband to his wife and a better father to their children. However, I never felt like I ever truly reached Siaoasi in a meaningful way because he never opened up and discussed all of the things that he was obviously holding inside. Siaoasi was always very respectful to me and others at the church, but I never had the sense that Siaoasi ever became a true partner with me in the effort to help him in his circumstances.
9. Siaoasi's wife, DeAnn, was a good influence on him and she stayed in his corner through very tough times. DeAnn was also an excellent mother to their children. However, the pressure became too much for DeAnn to bear and she ended up leaving Siaoasi after the first year or two of their marriage. The whole situation just wore her down over time and she couldn't take it anymore. DeAnn told me that she also left for the benefit of their children because Siaoasi's personal problems were impacting them negatively. DeAnn didn't think it was a healthy environment for their sons.
10. I have no memory of seeing Siaoasi again after DeAnn left him. My memories of Siaoasi are only during the time that he and DeAnn were together and I have no recollection of Siaoasi reaching out to the church for help after his marriage ended.
11. I recall that Siaoasi was either excommunicated or dis-fellowshipped while he was attending the Manhattan Beach Ward. I believe that Siaoasi was just disfellowshipped if anything, but I don't recall the specific details. I don't remember the exact reasons why Siaoasi was disciplined by the church in this manner. I also don't recall the others who were involved in the process, but it's normally done by a closed council meeting of church elders. I have a tendency to forget the details of disfellowships and excommunications of members because it's not something that I enjoy.
12. Siaoasi was not allowed to lay hands on his first son, Forest, during his blessing ceremony because Siaoasi was not in the right relationship with the church at that time. I remember one of Siaoasi's cousins stepping in to lay hands on Forest during the ceremony while Siaoasi looked on in the background. I was not present for Moleni's blessing ceremony because it took place somewhere else.
13. The local LDS wards don't keep any records of any past or present congregation members. All congregant files are kept at the church's central archive in Salt Lake City.
14. Everything that I and the church did to help Siaoasi and DeAnn was self-contained within the church. I never referred Siaoasi to any outside organizations for additional assistance. I never knew Siaoasi to have any substance abuse problems during the time that I counseled

him from 1994 to 1996.

15. I only learned of Siasosi's arrest on the instant case after my brother in ^{Central Nevada} Las Vegas, who is an attorney, called to tell me about the case and that a Tongan was alleged to have killed a UNR police officer. When I read news articles about the case, I discovered that it was Siasosi. I knew him as Perrin Vanacey, but I instantly recognized his photograph.
16. I was never contacted by Siasosi's trial or state post-conviction attorneys. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siasosi's case and background with me. I would have provided Siasosi's previous attorneys with all of the information in this declaration had I been asked.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 10 2011 in Los Angeles county, California.



David Hales

EXHIBIT 136

EXHIBIT 136

Edward J. Lynn, M.D., Ltd.

*Fellow American
Psychiatry Association*

*Diplomate American Board
Psychiatry and Neurology*

*411 North Division Street
Carson City, Nevada 89703-4102
Tel (775) 882-7770
Fax (775) 882-7294*

July 8, 1999

Mr. Stephen Gregory
Chief Deputy Public Defender
Washoe County Public Defender's Office
P O Box 11130
Reno, NV 89520-0027

Re: Siasof Vanisi, #58497

At your request I evaluated your client on 7/8/99 at the Nevada State Prison. I had seen him 4/24/98. At that time, there were suggestions of possible Bipolar and ADHD issues in addition to antisocial behaviors. I reviewed recent records including reports by Thomas Bittker, M.D. and Ole Thienhaus, M.D. Both of these psychiatrists (without having been able to interview him) concluded from the record, that he was malingering, based on bizarre behaviors, that he was "acting crazy". The inmate reports "I have selective mutism", admits to some difficulties communicating with his attorney. Dr. Mace Knapp, a prison psychologist, felt after interview, that although he was manipulating, Mr. Vanisi was suffering from Bipolar, Manic with psychosis on Axis I and Psychopathic Deviation on Axis II. The MMPI II I implemented suggested feelings of alienation and unusual thinking and his responses were consistent with antisocial features, with alcohol and drug problems.

He has been on a number of medications, including (Risperdal, Elavil, Depakote, Haldol, Cogentin, Ativan) none were reportedly helpful and he was also non compliant.

More recently, as per report of his custody officer; "He's been good lately". He had been acting bizarrely in the past (e.g. wearing underwear on his head).

He is extremely pressured today. He claims being "in the throes of depression for three weeks" and being "normal today". He notes, "I hate being manic ...it's magical". There is no evidence of psychosis. He occasionally goes off on a tangent and is able to return to the theme at hand. Occasionally he is flighty. He is now willing to take Lithium.

State v. Vanisi

-2-

July 8, 1999

Recommendation

- . Consider Lithium
 - .Prelithium work up
 - .Titration with appropriate blood level monitoring.
- . When he is at therapeutic lithium levels, start Wellbutrin and titrate to 300 mg/daily.

This regimen may help with mood stabilization and better impulse control. It is unlikely it will have any effect on his antisocial personality or any further pretense of craziness.

Respectfully submitted,

Edward J. Lynn — MP
Edward J. Lynn, M.D.

EJL:km

EXHIBIT 137

EXHIBIT 137

M E M O R A N D U M

To: Vanisi File
From: MRS
Re: Dr. Lynn
Date: 4/27/98

I spoke with Dr. Lynn (882-7770) this date. He advised as follows:

- 1. He interviewed Pe at the jail on Friday afternoon (4/24/98);**
- 2. He said that he left off a MMPI packet for the client to complete and mail back to him;**
- 3. That he has some additional forms he need Pe to complete, I told him to send them to me and I will get them to Pe and back to him;**
- 4. He wanted to know about Dr. Wildman...I explained the conflict; He said that since he is doing the MMPI, I probably do not need a psychologist in this case;**
- 5. He said the client is not psychotic, he is not insane and, in fact, is quite intelligent;**
- 6. He said that he will have some preliminary results back in about two (2) weeks;**
- 7. He agreed not to reduce anything to writing until all tests are in and we have an opportunity to talk;**
- 8. He indicated he would advise when all the testing/evaluation is complete and I will meet him for lunch and we can discuss the next steps;**
- 9. He did indicate that the client has no indication, at this time of any mental illness;**

10. He indicated that he was surprised at the "matter-of-fact" and nonchalant manner in which he speaks of this crime...he does not deny any of the allegations;
11. He said that he does not believe that this was a racial thing...he hates cops period...white or otherwise;
12. The story he was told is that he killed the cop, he was lying in wait, to get the gun and the radio...the gun to be able to rob convenience stores and the radio so that he could stay one step ahead of the cops;
13. He wants some more background, the MMPI and some ADD testing before he makes a formal evaluation. I explained that we had some time to deal with this;
14. I will wait until testing is complete and I hear from the Doctor.

EXHIBIT 143

EXHIBIT 143

M E M O R A N D U M

To: VANISI FILE

From: MIKE SPECCHIO
Public Defender

Re: NSP

Date: 7/31/98

I received a call from Dave Stanton, DDA, he received a call from the NSP regarding Vanisi.

Apparently he is acting very strange and bizarre.

He is:

- 1. wearing a hand-made mask**
- 2. drawing tattoos on his arms**
- 3. he is talking gibberish**
- 4. he is pissing off every guard and inmate with whom he has had contact**
- 5. some inmates have indicated they want to kill him**
- 6. he is speaking in strange language**
- 7. he is saying bizarre things**
- 8. he talks ALL THE TIME and in a very loud voice about things no one understands**
- 9. etc., etc., etc.**

Apparently the State is NOW concerned about his mental status.

I told Stanton:

- 1. I would ask the Court to move him back here**
- 2. I would seek an Order that we(each) get a copy of any evaluation they have done on Vanisi (Stanton appears confident the prison has done some evaluation)**
- 3. Allow the Court to have him evaluated for the record**

This thing will keep getting more bizarre until we can finalize it!

**cc: Crystal
Laura
File(s)**

EXHIBIT 144

EXHIBIT 144

Law Offices of the Federal Public Defender

330 S. Third Street, Suite 700

Las Vegas, Nevada 89101

Tel: 702-388-6577

Fax: 702-388-6261

***Franny A. Forsman
Federal Public Defender
District of Nevada***

***John C. Lambrose
Chief, Appellate/Habeas Division
Rene L. Valladares
Chief, Trial Division
Michael Pescetta
Chief, Capital Habeas Division***

October 6, 1998

Via Overnight Mail

CONFIDENTIAL

Mr. Michael R. Specchio
Washoe County Public Defender
One S. Sierra Street
P.O. Box 11130
Reno, Nevada 89520

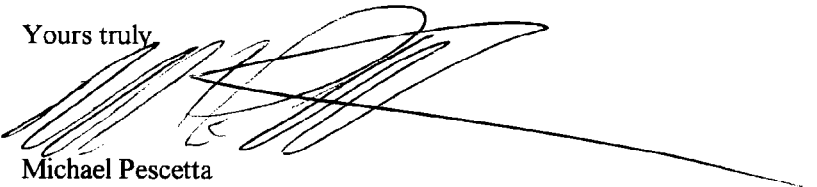
Re: State v. Vanisi

Dear Mr. Specchio:

I have received some information that Mr. Vanisi may be suffering from a bipolar disorder, and may have committed the offense in the manic phase of the disorder. I have consulted some experts informally, who have indicated that it is important to have a person suffering from such a disorder to be examined over a period of time long enough to allow the manic phase to manifest itself, under observation at a place like Lakes Crossing. I don't know what your experts have received in connection with examining Mr. Vanisi, but I would strongly advise getting all of his recent incarceration records and investigating what everyone who's come into contact with him can report.

I know this case is a tough one. Maybe this could be the one case in Nevada where a change of venue could actually be granted (or at least served up for the federal courts). Good luck with it.

Yours truly



Michael Pescetta
Assistant Federal Public Defender

MP/kac

WCPD05666
AA05863

EXHIBIT 145

EXHIBIT 145



Washoe County Public Defender

Michael R. Specchio / Public Defender

Standard of Excellence Since 1969

October 9, 1998

Michael Pescetta
Chief, Capital Habeas Division
Federal Public Defender
330 South Third Street - Suite 700
Las Vegas, Nevada 89101

PERSONAL AND CONFIDENTIAL

Re: State of Nevada v. Siaso Vanisi

Dear Michael:

Thank you for your letter of October 6, 1998. I wish the information you have relayed were correct. Our preparation in this case contradicts the information that you have received. Possibly if you would advise as to the source of your information, I could do some follow-up.

Mr. Vanisi has been tested and evaluated and is undergoing separate, court-ordered evaluations at this writing.

Mr. Vanisi has sporadically attempted to feign some sort of mental illness while admitting that he is "pulling the chains" of the authorities.

There have been rumors and reports that he has acted in a bizarre fashion. Unfortunately, he has acted in bizarre ways for many years. It is more to gain attention than an indication of ANY mental illness.

Michael Pescetta
Re: The State of Nevada v. Siaosi Vanisi
October 9, 1998
Page Two

This is a very difficult case and I believe that the inclusion of a "mental" defense, if supported, would be to Mr. Vanisi's benefit. As you know, bizarre behavior, by someone craving attention is not sufficient.

Mr. Vanisi is of average to above-average intelligence. I have spent almost one hundred hours with Mr. Vanisi. He is competent.

I believe I know how this self-diagnosed claim of bipolar disorder came to pass. I would prefer not to go into specifics and a lengthy dissertation on the essence of our inquiry and investigation on this issue.

If you have any other, more enlightening information as to Mr. Vanisi's mental condition, I would like to hear about it.

As always, thank you for your concern and consideration in this most difficult matter.

Very truly yours,

MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: file

EXHIBIT 146

MANUALLY FILED

EXHIBIT 146

EXHIBIT 147

EXHIBIT 147

Ex 144

For

M E M O R A N D U M

To: FILE OF SIAOSI VANISI

From: MRS

Re: FIRST INTERVIEW

Date: 1/26/98

I interviewed this client at the WCJ after his video arraignment, which I attended.

The Preliminary Hearing is set for 2/20/98 at 9:00 a.m. – all day.

Cal Dunlap represents the Sullivan family.

My initial interview with the Defendant was for vitals and background...the "second" interview is on tape, very sensitive and in the safe.

From this interview, I learned:

Name: Siaoisi (Say-ossie) Vanisi

Also called "Pe" and "George", he prefers that we call him Siaoisi.

D.O.B. ...he's 27

Born: Kolofo'ou, Tonga

Religion: Mormon...hasn't followed the faith for quite a while

Education: High school in San Bruno, California
Didn't complete first semester in college

WCPD03810

AA05869

History:

Came to the U.S. in 1976 at the age of 6

Was in San Bruno and from 1976-1990

Went to the L.A. – Manhattan Beach and the South Bay area 1990-1996

Was in Arizona parts of 1992-1993

Was in Reno less than one week

Family:

**Mother: Luisa Vanisi
San Bruno, California
No contact almost 2 years**

**Father: Maka'afa Vanisi
Hawaii
No contact since young childhood**

**Brothers: (one died)
2 half brothers – mother re-married
no contact**

**Sisters: Sela Vanisi DeBruce
San Bruno, Ca. (with mother)
Older, not know age

Kalolaie Tukuafu
Older – unknown address – not seen over two years**

No military

Was a Boy Scout as a young boy in San Bruno

WCPD03811

AA05870

Employment:

None now
Couldn't get a job at McDonalds
Works in building trades
Worked in movies – grip, lighting
Did a TV commercial

Charged with :

I Murder
II Robbery (cop's gun)
III Robbery (7-11)
IV Robbery (Jackson Market)

Will be charged with Count V. PSP – Black and Gold Toyota

Criminal History:

No felonies
Misdemeanors
 California)
 Arizona) all misdemeanor traffic offenses
 Utah)
 Nevada)

Jail time:

2-3 days in California, one time for FTA on a traffic case.

HE SAYS HE WANTS TO TALK TO THE NEWS MEDIA

I EXPLAINED THE DANGERS

I TOLD HIM POSSIBLY LATER

HE AGREED TO REFRAIN FOR THE TIME BEING

He is married to DeAnn Vanisi of Simi Valley

Separated about one year

2 kids - boys: Forest Vanisi (3 to 4)

Moleni Vanisi (1-2)

To his knowledge, his wife is unaware of the trouble that he is in

Her number is (805) 527-6925 (I called and left a recorded message)

She is employed as a representative for some home loan brokerage firm

He also has a child in Chandler, Arizona named Kylie...the mother is Leanna Morris...he has had no contact with her in the past few months...he has little or no contact with the child...he does not pay child support. It is unknown whether his wife is aware of this other woman or the other child.

.....
Saiosi was visiting with relatives at the Rock Blvd. address.

He does not know the address.

He does not know why these relatives would say bad things about him...

He did admit to one of the females that he killed the cop...but only after he was continually hounded...he initially denied it and denied it and finally said yes, just to shut them up.

The Rock Blvd. residents are:

Losa Louis (Tongan), about 21

Her mother and his mother are cousins

Does not know where she works, if at all

She is single

Carina Louis, about 17

Losa's sister

The statements they gave the cops "I want to kill a cop" is truthful

No one else probably heard it...but could have.

The flashlight and gloves they turned over to the cops...is true

The flashlight (and Gun) that he found probably did belong to the deceased cop.

There are also two (2) younger brothers...under 18...he doesn't know their names.

Other "visitors" to the Rock Blvd. address are:

Teki (LNU) – Tongan, adult...met him the week he was there
They became friends

Laki (LNU) – Tongan, adult also hangs around this address

He did not "I want to kill a cop" from either of those two...he doesn't think

The next address that concerns this case is the Stirling street address

He does not have any house numbers

Tavake and Kathleen Peaua live there

On the night in question, Moa and Renee Peaua were also there
They may be able to give him an alibi for the night of the shooting
between 11:00 p.m. and 1:30 a.m...(QUESTIONABLE)

FINAL STUFF:

He wants to take a polygraph – I told him I would arrange it after the Preliminary Hearing

When he refers to Doobie...he is referring to the dog that belongs to the Peauas

He readily admits robbing the Jackson and 7-11 stores

He readily admits stealing the car

He readily admits to having the cops gun in Salt Lake City...he found the cops stuff in the park???

He gave NO statements to the cops.

MEMORANDUM

To: VANISI FILE
From: MRS
Re: WIFE
Date: 1/27/98

The defendant's wife returned my telephone calls. I finally spoke with her this morning (800) 669-2443 ext. 4130...she is very cooperative and advised me as follows:

1. They were in 1994
2. They have two boys
3. She knew him for about 1 year before they married
4. It was an abusive marriage...he saw nothing wrong with this
5. She said he was arrested in Manhattan Beach, Ca. in November 1996 or 1997, she can't remember, for a bar fight he was a bouncer for a brief period of time...he failed to tell me about this...she doesn't know what the outcome was.
6. She says he is a compulsive liar...she NEVER believes anything he says...according to her he is storyteller and gets some degree of satisfaction from this.
7. He has a poor work ethic...not worked regularly for over two (2) years...may be considered lazy
8. He does drink
9. He uses marihuana

WCPD03815

6
AA05874

10. She understands he ahs also been involved with speed since they separated about one (1) year ago
11. He offered to rob banks for her in the past when they needed money...she would have nothing to do with that
12. He gave her some money in early December, 1997...she does not know where he got the money from
13. He does not pay support or otherwise provide for his children
14. His children love and miss him
15. She found out about this case on 1/14/98, after he was arrested in Salt Lake City...she learned from his Reno relatives...the Peauas
16. She doesn't know the Rock Blvd. relatives...Losa and Carina
17. According to her the closest person to him is his cousin Michael Finau with whom he lived in Manhattan Beach. She will tell him I want to speak with him...he is an introvert and will not say much on the phone...I will probably have to go down there (I will see Deann - Simi Valley at the same time).
18. Michael may know about a planned robbery of a bar in Manhattan Beach where the Defendant was fired from a bouncer job...(probably same bar with the bar fight, above).
19. Michael probably knows a lot about the defendant...maybe even this thing about wanting to kill a cop
20. She says this is not the man she married
21. He always wanted to be a Super Hero...he would wear tights and wigs and always wanted to be someone, noticed, center of attention. This wearing of the wig and tights was NOT an isolated thing...he often pretends to be other people....one incident she recalls when he was the happiest was when he was wearing his tights and went to Chuckie Cheese and some kid thought he was Super Hero...he thought this was great.
22. She does not know if he was a faithful husband...she couldn't believe him anyway

WCPD03816

7

AA05875

23. She indicates nothing bizarre in their sex life
24. She says that he is known by many names: George, Pe Perren, Charlsie, Gincomo...only his mother calls his Siaosi...she calls him Perren
25. She says he has two (2) mothers....the biological mother and her sister that actually raised him
26. He changed her name, not legally, the spelling she uses is "Vanacey"...she believes this was his attempt to distance himself from his natural father
27. She is contact with the family...I believe most of the family except the father, but she does not know the Rock Blvd. people here in Reno...only the Peauas
28. They advised her of the incident AFTER he was arrested in Salt Lake City
29. She advised the mother, I don't know which mother, but the mother had to hospitalized with a heart "thing" after learning of this
30. After they separated he began "hanging" with a Tongan gang in Manhattan Beach...mostly teenagers...she says he probably liked being looked up to...she thinks this when the speed use began but she is not sure...Michael Finau will be able to fill in these gaps
31. He recently did do a Miller Lite television commercial
32. About a week before he came to Reno he found the body of an elderly neighbor woman. He did work for her and errands in exchange for help with his (share) of rent...she died of natural causes
33. The police have contacted her and she told them that he was abusive and that he used drugs and there were drugs in the home (grass), she did not tell them about the speed...she didn't tell them much else. She won't talk to them again and tell them that she wants us to be present, I told that would be fine. She is sorry she said anything and hopes that she didn't hurt his case, I told her not to worry about that.
34. She advised that Michael Finau had his house surrounded with cops with weapons drawn to search...when looking for the Defendant. He has no phone... he lives at 1913 Du Four in Manhattan Beach...she will tell him to contact me. Michael also is heavy user of grass.

35. I will discuss some of these issues with the Defendant and follow-up.

cc: Wally Fey
Tim Ford
Laura

WCPD03818

9

AA05877

Jord

MEMORANDUM

To: Vanisi file
From: MRS
Re: interview
Date: 1/28/98

After speaking with the defendant's wife and reviewing my notes, I had some additional questions and re-interviewed the client today. It went like this:

1. I wanted to know about the Salt Lake City, Utah people that he went to see when he left Reno. They are Vaiga Kinikini and David Kinikini (brothers) they are "cousins". He has not seen Vaiga in about 10 years and David in about 4 years. Since their house was tear-gassed and Vanisi set their garage on fire during his capture, I am sure they were glad to see him go and probably do not miss him. They probably have little good to say about him. He said he does not know why he set the garage on fire...it help him escape...or help his relationship with his family.
2. The women at the Rock Blvd. address, Losa and Catrina told the cops that Vanisi left the residence the night of the killing, 1/13, wearing a hat and a wig. I explained to Vanisi that the cops, yesterday, found a hat and wig in a ditch by UNR... he said it was his.
3. He received his wife's letter that she sent to Salt Lake. I advised not to write ANYTHING about the case in his letters {and cautioned the wife, as well}, etc., etc. He does not want to see his wife, yet. I advised her by phone and they will correspond, for now. She does want to see him and is willing to do whatever we want or to assist in any fashion.
4. He is a bit TOO anxious to read about himself in the paper. Laura has sent him all of our press clippings.

5. **He does not know about a bar fight in Manhattan Beach in 1996 or 1997. He WAS arrested once for a bar fight in 1994 and paid a \$1,000.00 fine...he just forgot to tell me about that about his past...says that is the only other thing than the traffic cases.**
6. **He became extremely embarrassed when I talked to him about this "Super Hero" stuff. We did not go into it much other than for him to say that he liked what the super heroes did, etc. This is in response to information from the wife...we can discuss this further.**
7. **I asked about his cousin, Michael Finau, in Manhattan Beach with whom he lived before coming to Reno one week before the cop got killed. He says that Michael knows more about him than anyone...maybe even his wife. I told him that I would have to interview him...he says Michael knows about him wanting to "kill a cop" and this whole thing.**
8. **He did plan to rob a bar (Shellbacks) in Manhattan Beach...he was a bouncer there and then fired. He talked about it with his friend Mark...they never did anything about it though or made any plans...only talked about it.**
9. **I asked him to explain this two (2) mothers thing that his wife referenced. He says his natural mother is his biological mother...he lived with her sister (his aunt) BECAUSE she didn't have any kids and lived alone...close proximity to his family though {I wonder if this is consistent with my Polynesian folklore information...we can discuss this separately, as well}. I advised him that his mother had to be hospitalized when she heard he was arrested for killing a cop...he said "yeah, she has diabetes" I explained to him that I believe she had a heart attack...NO EMOTION. He did advise this would be his biological mother.**
10. **I asked him about the use of Pe, Perren, Giacomo George...he said all just nicknames. I asked about why his wife's last name is spelled different. He confirmed the wife's statement that he wanted to distance himself from his father's family name and they just did when they married in Manhattan Beach in the Mormon Church. No other reason.**

11. I asked him if the Peauas are related to "Bubba" Peaua he said yes. They are...he doesn't know him, however...at least he doesn't remember him.
12. I told in the police report about of the 7-11...a witness said that he got into 1990-1995 Ford Ranger pick-up. He said NO, it was there when he robbed the place, a white one...he left in the stolen Toyota.

THE REST OF THE MEMO IS THE CONFIDENTIAL PORTION AND WILL BE IN THE TRIAL BOOK AND NOT SET FORTH HERE.

MEMORANDUM

To: Vanisi file
From: MRS
Re: interview
Date: 1/28/98

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1. I wanted to know about the Salt Lake City, Utah people that he went to see when he left Reno. They are Vaiga Kinikini and David Kinikini (brothers) they are "cousins". He has not seen Vaiga in about 10 years and David in about 4 years. Since their house was tear-gassed and Vanisi set their garage on fire during his capture, I am sure they were glad to see him go and probably do not miss him. They probably have little good to say about him. He said he does not know why he set the garage on fire...it help him escape...or help his relationship with his family.
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3. He received his wife's letter that she sent to Salt Lake. I advised not to write ANYTHING about the case in his letters {and cautioned the wife, as well}, etc., etc. He does not want to see his wife, yet. I advised her by phone and they will correspond, for now. She does want to see him and is willing to do whatever we want or to assist in any fashion.
4. He is a bit TOO anxious to read about himself in the paper. Laura has sent him all of our press clippings.

WCPD04578

B

AA05881

5. He does not know about a bar fight in Manhattan Beach in 1996 or 1997. He WAS arrested once for a bar fight in 1994 and paid a \$1,000.00 fine...he just forgot to tell me about that about his past...says that is the only other thing than the traffic cases.
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7. I asked about his cousin, Michael Finau, in Manhattan Beach with whom he lived before coming to Reno one week before the cop got killed. He says that Michael knows more about him than anyone...maybe even his wife. I told him that I would have to interview him...he says Michael knows about him wanting to "kill a cop" and this whole thing.
8. He did plan to rob a bar (Shellbacks) in Manhattan Beach...he was a bouncer there and then fired. He talked about it with his friend Mark...they never did anything about it though or made any plans...only talked about it.
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11. I asked him if the Peauas are related to "Bubba" Peaua he said yes. They are...he doesn't know him, however...at least he doesn't remember him.
12. I told in the police report about of the 7-11...a witness said that he got into 1990-1995 Ford Ranger pick-up. He said NO, it was there when he robbed the place, a white one...he left in the stolen Toyota.

CONFIDENTIAL-----CONFIDENTIAL

We discussed that fact that I read the autopsy report and I told him it indicates about 20 blows to the head, face, neck, torso, etc...not the 6-8 we discussed the other day...he said most of the blows were from a 45 degree angle...their numbers could be accurate.

He advised he is ambidextrous ...AND TOLD THE JAILERS this.

He said he had the hatchet in both his right and left hand during the attack.

He indicated there were two (2) cop cars around UNR that night...he watched as they stopped someone to check ID, a pedestrian. He is not sure if the other car was UNR Police or RPD...but the UNR car was parked with Sullivan and the other car was farther South in a parking lot...he did watch these cops for awhile.

He walked by the "other" car and the cop didn't say anything...didn't hassle him and drove off...he walked by Sullivan's car and Sullivan hassled him..."his career as a police officer was about to come to an end".

He didn't say that he stalked him, he did refer to the fact that he did want to deal with a car with ONLY ONE officer, not a team.

There continues to be less and less to work with here.

Bielser, Laura

From: Specchio, Mike
Sent: Monday, February 09, 1998 7:51 AM
To: Ford, Tim; Bielser, Laura; Fey, Wally
Cc: Specchio, Mike
Subject: VANISI

BEFORE I FORGET...KEEEP THESE NAMES HANDY...

MAKELALA KAUAPALU

MELE MAVENI

PAI TAFUNA OR NAMIA KOFU

THESE THREE (3) TONGAN /SAMOAN HUG HIGH SCHOOL GIRLS ACCOMPANIED THE DEFENDANT TO THE SPARKS WALMART...WHEN HE PURCHASED THE HATCHET

M E M O R A N D U M

To: VANISI FILE
From: MRS
Re: DISCOVERY
Date: 2/9/98

**I REVIEWED ALL DISCOVERY THIS WEEKEND AS PROVIDED BY
TH D.A. TO DATE.**

**TIM WILL KEEP UP WITH THE BALANCE THAT IS BEING COPIED
AND WILL BE SENT OVER.**

AS EXPECTED, THERE WAS NO EXULPATORY MATERIAL.

**THERE ARE MANY PAGES OF POLICE REPORTS OF THE
DEFENDANT'S INCIDENTS IN MANHATTAN BEACH, CALIFORNIA AND
MESA, ARIZONA.**

**THE WITNESS' STATEMENTS PRETTY MUCH MAKE THIS CASE
INDEFENSIBLE.**

**I WOULD NOT BOTHER READING THE STATEMENTS UNDER THE
FOLLOWING NAMES...THEY ARE INCONSEQUENTIAL:**

**Dallimore
Islam
Wilson
Wenzel
Mc Cabe
Galliland
Carruthers
Giridhar**

WCPD05616

Law Offices of the Federal Public Defender

330 S. Third Street, Suite 700

Las Vegas, Nevada 89101

Tel: 702-388-6577

Fax: 702-388-5819

*Franny A. Forsman
Federal Public Defender
District of Nevada*

*John C. Lambrose
Chief, Appellate/Habeas Division
Rene L. Valladares
Chief, Trial Division
Michael Pescetta
Chief, Capital Habeas Division*

March 4, 1998

Overnight Mail

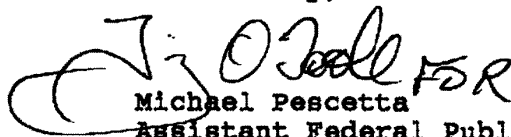
Mr. Michael R. Specchio
Washoe County Public Defender
One South Sierra Street
Reno, Nevada 89501

Re: Vanisi

Dear Mr. Specchio:

I've been talking about your client, Mr. Vanisi, with the people at the Center for Capital Assistance in San Francisco. They have experience in dealing with clients from minority cultural backgrounds, and they steered me to the experts we used in the Calambro case. They have become interested in the Tongan aspect of Mr. Vanisi's case, and they have produced the enclosed material on potential experts and investigation in his case. I think you would be well-advised to contact Scharlette Holdman (Center for Capital Assistance, 529 Castro Street, San Francisco, California 94114, telephone 415-621-8860) and see if you can exploit their enthusiasm for this work.

Yours truly,


Michael Pescetta
Assistant Federal Public Defender

MP/ef

enclosure: as noted

MEMORANDUM

To: VANISI FILE
From: MRS
Re: MITIGATION WITNESSES
Date: 3/4/98

I received a call from David Goodman (213)660-3267, 931 North Tularosa Drive - Apt. 11, Los Angeles, California 96026.

He is a member of LDS...he is a counsellor/clergyman. He intends to come to Reno and visit with the Jail Chaplain as well as Vanisi.

He has known Perrin for a number of years...they were roommates I Hermosa Beach, California...they lived together about six (6) months. He knows Perrin's wife...he wants to talk with her...I told him I would let her know and give her his phone number if she wants to contact him.

I will send her a letter today.

He also wants me to tell Perrin that he sends his regards and wants to speak with him and will be coming to Reno.

I will send him a letter today as well.

Apparently, they played volleyball together and became roommates. They attended each other's wedding.

He reiterated MANY times that he could not believe this...he said this was totally out of character for Perrin...he still considers him a friend.

He indicated that he tried to speak with Michael Finau...Pe's cousin and former roommate but Finau would give little or no information...per my earlier discussions with Pe's wife.

WCPD04712

19

AA05887

He also advised that he spoke with another friend of his and Perrin's, Robert Kurts, (310) 540-7324, 1919 Rockefeller, Redondo Beach, California, who also does not believe this. He said that Robert may have some information about Perrin saying he "was going crazy" and carrying rocks and stuff. I will have to follow-up on this.

In any event, I told him that I would be at the Radisson Hotel in Simi Valley on May 21st to speak with DeAnn and Michael and he was free to attend...this could save me some time as well. I also told him I would appreciate it if Robert could accompany him.

cc: Wally Fey
Tim Ford
Laura Bielser
File (s) – mitigation
Travel file

WCPD04713

20

AA05888



Washoe County Public Defender

Michael R. Specchio / Public Defender

Standard of Excellence Since 1969

March 5, 1998

Michael Pescetta
Assistant Federal Public Defender
330 South Third Street – Suite 700
Las Vegas, Nevada 89101

Re: State of Nevada v. Vanisi

Dear Michael:

Thank you for your letter of March 4th. I am in the process of contacting the Center for Capital Assistance.

This is a particularly difficult case and any assistance we can compile will be a plus.

Thanking you, again, for your assistance and consideration, I remain

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. Specchio", is written over the typed name.

MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: file

One South Sierra Street / P.O. Box 11130 / Reno, Nevada 89520-0027
Phone (702) 328-3464 / Fax (702) 328-3596

WCPD04911

21

AA05889



Washoe County Public Defender

Michael R. Specchio / Public Defender

Standard of Excellence Since 1969

March 6, 1998

Scharlette Holdman
Center for Capital Assistance
529 Castro Street
San Francisco, California 94114

Re: State of Nevada v. Vanisi

Dear Ms. Holdman:

As you are aware, this Office represents Mr. Vanisi in the capital Murder case pending against him.

I am contacting you upon the advice of Mr. Pescetta of the Federal Public Defender's Office because of the difficulties we will be facing in presenting a defense and meaningful mitigation in this case.

I will give you a brief description of Mr. Vanisi and the case pending against him.

Mr. Vanisi is Tongan who has lived in the United States since the age of six (6) years. He has no contact with his natural father since a very young age. His father is believed to be living in Hawaii. He apparently has had little contact with his mother(s) {he was raised primarily by an aunt and considers them both his mother} over the past few years. His feelings of mistrust and detachment from his mother(s) are probably best exemplified by his statement to the police at the time of his arrest... referencing the handcuffs.... "my mother should be wearing these, she brought me here from Tonga".

One South Sierra Street / P.O. Box 11130 / Reno, Nevada 89520-0027
Phone (702) 328-3464 / Fax (702) 328-3596

WCPD03832

22

AA05890

Scharlette holdman
Re: State of Nevada v. Vanisi
March 6, 11998
Page Two

Mr. Vanisi was raised in the Mormon faith but professes no beliefs at this time. I have been contacted by a number of Church officials who have indicated a desire to assist Mr. Vanisi if at all possible. I have also been contacted by various members of the local Tongan community who have taken a unique approach to this matter...they want to support him if he is innocent and they want to shun him if he is guilty. Their position apparently is that if he did this he is an embarrassment to the Tongan community and they do not want to support him. At this point in time, the church is more willing to support him than his family and the Tongan community.

Mr. Vanisi "Pe" (27) was raised in California...San Bruno, Redondo Beach, Manhattan Beach, spending some time in Mesa, Arizona and Salt Lake City, Utah. He was in Nevada about one (1) week before this alleged incident.

The testimony presented at the Preliminary Hearing basically indicated the following:

1. Pe was staying with his cousin Losa Louis;
2. He made statements (more than ten times) that he "wanted to kill a cop" and this statement was heard by more than a dozen people, most of whom are relatives;
3. He purchased a hatchet at Wal-Mart in the presence of three (two (2) Tongan and one (1) Samoan) high school girls;
4. On Saturday night he appeared at a local Tongan community dance where he had, demonstrated and danced with the hatchet;
5. The police officer was murdered on Monday night;
6. On Tuesday morning Pe had the blood-stained, bent hatchet at the Louis' residence...he told a number of people (only some of which were relatives) that he killed a cop;
7. On Tuesday, about noon, two convenience stores were robbed with a gun that was similar to the one taken from the deceased police officer...they were robbed about fifteen minutes apart;

WCPD03833

Scharlette Holdman
Re: State of Nevada v. Vanisi
March 6, 1998
Page Three

8. Needless to say, this incident was all over the television and newspapers;
9. They showed a picture of the convenience store robber (Pe) on television and the cousins told friends who told the police;
10. Pe went to Salt Lake City. The police were already looking for him there. He was at a cousin's home, there was a stand-off, he set the garage on fire in an effort to get away. He was shot with one of those rubber bullets...nothing serious, and he was taken into custody;
11. We contacted the Salt Lake City Public Defender and had them speak with him, tell him to keep quiet and waive extradition to return to Nevada;
12. His Salt Lake City cousin testified that Pe: said he killed a cop; said he thought it was funny; said that once he kills, he has to kill again, said he wanted to kill a WHITE cop {this provides the State with an additional HATE CRIME aggravating circumstance for the death penalty}; said he killed the cop with a hatchet; said he robbed the convenience stores with the cop's gun; said he stole a car to get to Salt Lake City;
13. They found the officers weapon on Pe at the time of his arrest;
14. They found Pe's clothes at the apartment in Reno...with the officer's blood.

I have only listed the major highlights as presented at the Preliminary Hearing (February 20, 1998).

The District Court arraignment is set for next Tuesday, March 10th. We will be entering a plea of "not guilty" and set the trial for the latter part of this year.

Needless to say this community is outraged and they want to hang all of us, NOW!

WCPD03834

24

AA05892

Scharlette Holdman
Re: State of Nevada v. Vanisi
March 6, 1998
Page Four

As you can readily see, we have some difficult hurdles to negotiate and any help you may render will be greatly appreciated.

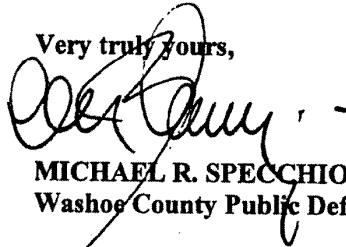
There is much work to do in this case.

I will soon be going to Southern California to meet with Pe's estranged wife, family, friends, former roommates, church members, etc. in an effort to compile some beneficial information on this young man.

If you think you could be of assistance in this matter and are willing to lend a hand, I will be more than willing to come to San Francisco to meet with you to discuss this matter further.

Thank you for any advice and consideration you may offer in this difficult matter.

Very truly yours,



MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: Vanisi team
file

WCPD03835

25

AA05893

M E M O R A N D U M

To: Vanisi file
From: MRS
Re: Tongan community
Date: 2/5/98

I spoke with Tom Lautaha who is active in the Tongan community here and in California. He knows Vanisi's mother. He says she is doing fine.

I also spoke with Tui Finau, whom I have known for a number of years. He is also available as a Tongan Interpreter -333-9359 (home) and 333-9320 (business).

They are going to speak with Vanisi tonite...I told them I just did not want them to speak with the police about their discussion and to advise what they discuss. I indicated they were like priests and advisors and did not have to speak with the cops about their conversation with him.

They indicated there was some talk in the community about Vanisi being innocent...that this is a "cover-up"...but they were not sure.

I believe their position is they want to support him if he is innocent and they do not want to support him if he is guilty...they indicate that if he IS guilty, he has done a great dis-service to the local Tongan community.

We'll just have to see how Vanisi handles this and how this plays out.

25a

WCPD04577

AA05894

Law Offices of the Federal Public Defender

330 S. Third Street, Suite 700

Las Vegas, Nevada 89101

Tel: 702-388-6577

Fax: 702-388-6261

***Franny A. Forsman
Federal Public Defender
District of Nevada***

***John C. Lambrose
Chief, Appellate/Habeas Division
Rene L. Valladares
Chief, Trial Division
Michael Pescetta
Chief, Capital Habeas Division***

March 10, 1998

Mr. Michael R. Specchio
Washoe County Public Defender
One South Sierra Street
P.O. Box 11130
Reno, Nevada 89520

Re: Vanisi

Dear Mr. Specchio:

I enclose the original of a declaration that has been forwarded to me, relating to Mr. Vanisi's case.

Yours truly,



Michael Pescetta
Assistant Fed

MP/II

Attachments: as noted

RECEIVED

MAR 09 1998

Federal Public Defender
Las Vegas, Nevada

WCPD01720

26

AA05895

DECLARATION OF PHILLIP T. S. TUKIA

I, PHILLIP T. S. TUKIA, declare as follows,

1. I am an attorney licensed to practice law in the State of California. I have personal knowledge of the following facts and opinions, and if called upon as a witness, I could and would competently testify thereto.

2. I am marginally acquainted to Siaosi Vanisi (hereinafter "George"). My mother's first cousin was married to George's late paternal uncle.

3. I first met George on or around 1989. I believe he was approximately seventeen (17) or eighteen (18) years old at that time. He struck me as a conservative and respectable young man who dressed well. Since 1989, I have only seen George on rare occasions and have not maintained close contact with him.

4. It is my understanding and belief that George has been charged with a capital offense in the State of Nevada. I convey my compassion and sorrow to the family of the victim, as well as to George's family. My thoughts and prayers go out to them.

5. The Tongan community in the United States is very small and close-knit. As a member therein, I would feel deeply shamed if the criminal charges levied against George were proven to be true. However, as a person who believes in justice and fairness, I know that George is unequivocally entitled to a competent defense and certainly a presumption of innocence.

6. Tongan culture is different from U.S. culture. Tongan children are raised to respect the hierarchy and structure of family and community. This reflects the extended clan as the basic family unit in the Tongan culture, rather than the smaller

///

nuclear model of the American culture. Few Tongan children or adults deviate from such a basic tenet of their upbringing.

7. Displaying and feeling a high degree of respect for authority is central to Tongan culture. Thus, if a Tongan does not show the required respect, it can bring shame upon the individual, his or her family and the Tongan community at large. Bringing disgrace to one's family and community is to be avoided at all costs, especially since the Tongan community is small and everyone knows each other.

8. Therefore, I was stunned to hear of George's arrest for the alleged murder of a law enforcement officer. I believe such an alleged act may be inconsistent with George's Tongan values and upbringing. As such, further investigation should be conducted to determine his state of mind.

9. I was surprised to hear of George's arrest because it seemed incredible that the upstanding young man I remember could be the same one responsible for such a heinous act. If George did in fact commit the crime he is accused of, then he has certainly undergone a dramatic character change, at least from my perspective. I have heard talk in the Tongan community that George's mental state has deteriorated considerably over the years, based on people's observations of him. Perhaps it is true.

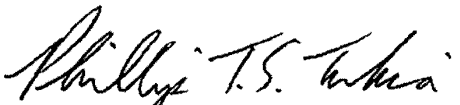
10. Morally and emotionally, I am profoundly conflicted in playing a part that appears to be supportive of George, assuming he did indeed kill a campus police officer. As a human being, I abhor the killing of another human being. But as a Tongan, I am even more repulsed when the killing is alleged to have been accomplished by a fellow Tongan.

///

11. Nonetheless, I recognize that George has a fundamental right to competent counsel and defense. Therefore, I feel I have a moral and ethical duty to assist George's attorneys in understanding the degree to which George's behavior is inconsistent with the values ingratiated in him when growing up as a Tongan individual in the United States.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my recollection.

Executed this 6th day of March, 1998 in Glendale, California.



Phillip T.S. Tufia



Washoe County Public Defender

Michael R. Specchio / Public Defender

Standard of Excellence Since 1969

April 14, 1998

Scharlette Holdman
Center for Capital Assistance
529 Castro Street
San Francisco, California 94114

Re: State of Nevada v. Siasosi Vanisi

Dear Ms. Holdman:

I have not received a response to my March 6th letter.

If you are unable to assist in this matter or direct me to other available resources, please advise.

Needless to say, time is of the essence.

Very truly yours,


MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: file

30

One South Sierra Street / P.O. Box 11130 / Reno, Nevada 89520-0027
Phone (702) 328-3464 / Fax (702) 328-3596

WCPD04906

AA05899

M E M O R A N D U M

To: Vanisi file
From: MRS
Re: Leanne Morris
Date: 4/14/98

I spoke with Leeanne Morris on the telephone. Her address and phone number are:

812 West El Prado Road
Chandler, Arizona 85224

(602) 857-0615

She knew and dated Perrin in about 1992/3/4. They dated for about one (1) year. She became pregnant with Kylie (4 ½). She is now re-married and wants to have her husband adopt Kylie and will need Perrin's signature to do so. I told her to send whatever papers she has and I will take them to him to sign...if he will.

Apparently, he left Leeane and moved back to California and got Deeanne pregnant. He married Deeanne.

Perrin is not on the birth certificate. He has seen the child from time-to-time and provided some support until the birth of his kids. She has never pursued and has no intentions of doing so.

Besides the irony of going from Leeanne to Deeanne...Deeanne's father is a police officer...AND her father's name is William Holden...he lives on Buckskin Canyon Road.

WCPD04553

311

AA05900

I asked about Vanisi...she also knows him as Vanacey and she advised as follows:

- 1. He is not a bigot.**
- 2. She does not believe this was racially motivated.**
- 3. He is not prejudiced, he liked people and liked being around people.**
- 4. He loved her father and really respected him.**
- 5. She has no information about his having any "hate" for any group.**
- 6. She is Caucasian...her daughter is dark skinned.**
- 7. She got my name and number from Deeanne.**
- 8. She and Deanne have become long-distance friends.**
- 9. I doubt that she would be willing to come to Reno to testify for him at the sentencing or penalty hearing...but I could pursue that.**
- 10. She seems like a very nice person...like Deeanne.**
- 11. She has no ill feelings against Perrin.**

WCPD04554

322

AA05901

F A C S I M I L E

TO: DEBRA SABAH

*FROM: LAURA BIELSER
WASHOE COUNTY PUBLIC DEFENDER*

RE: SIAOSI VANISI

DATE: 4/17/98

FAX: 415-621-8830

.....
*THE FOLLOWING IS A LIST OF PERSONAL DOCUMENTS RETRIEVED ON SIAOSI
VANISI:*

*PASSPORT PHOTOS
W-2 FROM ENTERTAINMENT INDUSTRY
BIRTH CERTIFICATE
HAND DRAWINGS BY MR. VANISI
TEMPORARY DRIVER'S LICENSE
CALIFORNIA DRIVER'S LICENSE
ARIZONA DRIVER'S LICENSE
BANK RECORDS
POLICE REPORTS FROM SO. CALIFORNIA ON MISDO. (CHARGES AND ARRESTS)
NEVADA SPEEDING TICKET
POLICE BULLETIN
APB
MUG SHOTS (CALIFORNIA)
SOCIAL SECURITY CARD
SLIP FROM TONGAN CONSULATE REVENUE CERTIFICATE*

*We arranged for Mr. Vanisi to be seen by two psychologists and should have those
reports within 30 days.*

Michael Specchio will call you at 1:15 p.m.

Specchio, Mike

From: Debra Sabah [dsabah@worldnet.att.net]
Sent: Saturday, April 18, 1998 5:56 PM
To: Specchio, Mike
Subject: Tonga Expert



ADELAIDE.rtf (Rich Text Format...)



lblohm.rtf (Rich Text Format...)



tongonline.rtf (Rich Text Form...)

Dear Michael:

Helen Morton, an Australian anthropologist, has written the first comprehensive work about what it means to be raised in Tongan culture. I am putting a photocopy of her book "Becoming Tongan" in the mail. It is yours to keep.

You will want to contact Helen and it is easiest to do so via e-mail given the time differences. Her scholarship is outstanding — I have also found her to be helpful, warm and enthusiastic. Do mention me when you e-mail her. Her address is:

Helen_M@sociology.resfss.latrobe.edu.au

I am attaching her two other works (each is to be published this year) plus her excellent bibliography to this e-mail.

There was quite a bit of discussion of this case on the Tongan chat room. I recommend checking it out because reactions within the Tongan community were very interesting. I believe you can access January discussions through the site's archives.

<http://www.pacificforum.com/kavabowl>

You may also want to contact:

Dr. Adrienne Kaeppler: kaeppler.adrienne@nmnh.si.edu (Smithsonian expert on Tongan culture)

Dr. Barbara McGrath: bbmcgrat@u.washington.edu (Works with Tongan youth in the U.S. on health issues, including HIV)

Prof. Susan Philips: sphilips@U.Arizona.edu (doing work comparing Tongan & U.S. legal systems — very useful in terms of Vanisi's/family's/community's understanding & expectations about justice, etc.)

Phil Tukia: ptukia@earthlink.net (distant relative of Vanisi & attorney practicing in California — is willing to help, testify)

It's easiest to reach me by e-mail. Let me know when you receive this.

debra sabah

To: sphilips@U.Arizona .edu

U. of Arizona – works on comparsons of Tongan and U.S. justice systems

Dear Professor Susan Philips:

I represent a young Tongan male, Slaosi Vanisi, who is charged in Reno, Nevada with the murder of a police officer.

I have been in contact with Debra Sabah and Scharlette Holdman of the Center for Capital Assistance in San Francisco who have been very helpful. Debra suggested that I contact you.

In the instant case, the State of Nevada has indicated a desire to execute Mr. Vanisi if convicted. The circumstances of this murder are particularly gruesome...the officer was slain with an axe...with over twenty (2) blows to the head.

I would like to save Mr. Vanisi from being executed if at all possible. I would like to explore the possibility of cultural differences contributing to this crime. I know I will not be able to justify the killing...but if I can "explain" it, I might have a chance to save Mr. Vanisi's life.

I understand your focus is on comparing Tongan and U.S legal systems and you may have in-put that may be of assistance in this matter.

If you are able and would be willing to render any assistance in this matter in the form of direction, suggestion, testimony, etc., please advise.

Sincerely.

Michael Specchio, Washoe County Public Defender (Reno), Nevada USA
mspecchi@mail.co.washoe.nv.us.

WCPD04114

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AA05904

To: bbmcgrat@u.washington.edu

U. of Washington – works with Tongan youth on health issues

Dear Dr. Barbara McGrath:

I represent a young Tongan male, Siaosi Vanisi, who is charged in Reno, Nevada with the murder of a police officer.

I have been in contact with Debra Sabah and Scharlette Holdman of the Center for Capital Assistance in San Francisco who have been very helpful. Debra suggested that I contact you.

In the instant case, the State of Nevada has indicated a desire to execute Mr. Vanisi if convicted. The circumstances of this murder are particularly gruesome...the officer was slain with an axe...with over twenty (2) blows to the head.

I would like to save Mr. Vanisi from being executed if at all possible. I would like to explore the possibility of cultural differences contributing to this crime. I know I will not be able to justify the killing...but if I can "explain" it, I might have a chance to save Mr. Vanisi's life.

I understand your focus is on Tongan's (living in USA) health issues. Possibly you have some information regarding mental health issues that may be applicable.

If you are able and would be willing to render any assistance in this matter in the form of direction, suggestion, testimony, etc., please advise.

Sincerely.

Michael Specchio, Washoe County Public Defender (Reno), Nevada USA
mspecchi@mail.co.washoe.nv.us.

WCPD04115

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AA05905

M E M O R A N D U M

To: Vanisi file
From: Mike Specchio
Re: Dr. Lynn
Date: 5/12/98

I spoke with Dr. Lynn and he has the MMPI results...his evaluation is unchanged. Vanisi is sane and competent.

There is little in these test results that would assist in a defense for Vanisi.

He did get a letter from the client and sent him a kind of self-help book.

He indicated to me we could have lunch and would further detail his evaluation and the test results..I told him I may after speaking with the California people.

He invited me to his office to have his secretary allow me to review the file but he did not think I would gain much from that but I was welcome.

He indicated the following:

He tries to look good...as all inmates do

He has eccentric way of life and eccentric beliefs

He believes in unconventional living and life styles...he should never be married nor would he ever stay married

He admits to rules violations...he enjoys this approach to life

He is likable but not necessarily predictable

WCPD05653

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AA05906

He scored about 11% on the Megregee (sp) profile test...indicative of scores of lower class and minority participants

The scores are fairly accurate, the fail-safe test indicates he tended to try to make himself look better...but the raw scores show a significant degree of accuracy in his testing

Doc thinks that re-testing would not vary the score significantly

He is aloof without being withdrawn

He is stable personality wise

He is cynical about life

(Life is inconsequential with varied response to varied people meaning that he is knowledgeable and able to distinguish classes and profiles and sees himself at the lower rung of the ladder...he is not happy with his lot in life and deals with it by striking out...most noticeably by wanting to be notice to compensate for realized inadequacies)

He has admitted and long term problems with alcohol and drugs...not problems that do interfere with his everyday life but could...he would prefer to be out-of-work, smoking pot and being idolized by people

(He could easily have fallen into the position of worshipping grass)

If he were ever to be released (unlikely...impossible) he would have to address his abuse of alcohol and devotion to marihuana

Bottom line...he is not crazy.

He did a CRAZY thing, but he had a motive, a goal and an ambition...

(To kill a cop to take his weapon to use to rob convenience stores and get money and possibly, just possibly, he would get killed during one of these robberies)

(If he wasn't stopped with this incident it is not without the realm of possibility that he would have killed again)

He shows little or no remorse

He apparently enjoys the recognition that he now receives

WCPD05654

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AA05907

I specifically asked about the "Superhero" stuff...that is a manifestation of his desire to be noticed...possibly looked up to

There is nothing sinister about this activity...quite some time was spent discussing this activity

There is not that much that is bizarre about this, especially by one who is so entrenched with the eccentric view of life possessed by this man

He is not crazy

This is not crazy activity

He would frequently go to the beach dressed in such attire...the bottom line is that that is consistent with someone who wants to noticed, someone who is bizarre in life thoughts and someone that may crave attention.

{No rational basis upon which to pursue any mental angle in the defense pof the client}...

State of Nevada v. Siaosi Vanisi

Case Number: CR98-0516 **Date:** May 15, 1998

Attorney(s): MRS (solo)

Investigator: Calderon - (Ford)

D.A.: Gammick - Stanton

Charges:

- I. Murder (Death Penalty - sought)
- II. Robbery - 7/11
- III. Robbery - Jackson Market
- IV. Robbery - Officer's gun, radio, etc.
- V. Grand Larceny - automobile

Trial: January 11, 1999

Next Hearing: July 23, 1998 4:00 p.m. - Status Hearing

Status: I have made a rough draft of fifty (50) Motions to be filed in the case. John petty is going to review these Motions and put them in final form. We will file them in about ten (10) days.

The difficulties in the case are two-fold: (1) the facts of the crime and the client's admission of the details to a dozen people (friends and family) insure the imposition of the death penalty and (2) I am having a difficult, if not impossible time keeping the client away from the media. He thinks he will be able to explain this crime to the public. He has agreed to do nothing until July 4th ...so far, so good.

He has been tested and shrunk.

I am going to California next week to interview some of his family and many of his friends to see what help, if any, I can get from them.

Next: I will re-evaluate the case after talking with the family members, friends and possible witnesses.

WCPD04544

MEMORANDUM

To: File
From: Mike Specchio
Re: Siaosi Vanisi Witnesses
Date: June 1, 1998

This memo memorializes my trip to California to interview witnesses.

Pismo Beach, California

I attempted to locate Tui Tafuna, Lopes Lake Road, Arroyo Grande, California.

Tafuna was to have knowledge of some or Vanisi's prior criminal acts.

Tui no longer in Arroyo Grande (Pismo Beach), I was given an address in Twenty Nine Palms, California.

Simi Valley, California

First met with David Goodman. I was disappointed that he came alone.

He is white and a lay-clergy member of the LDS church.

Everything he told me is consistent with my memo of March 4, 1998, in file.

His address and phone numbers are the same. He works for Oce Office Systems. 725 South Figueroa, # 150, Los Angeles, CA 90017...213-630-3588.

He indicated the following information regarding Vanisi:

- 1. Used the diet drug fen-fen heavily.*
- 2. He was not a practicing member of the church*
- 3. He wanted to be a model*
- 4. He did not smoke pot (to his knowledge)*
- 5. He did drink occasionally*
- 6. He never saw him act in a violent manner*
- 7. Robert Kurtz may have some knowledge of some violent act of Vanisi (Kurtz never appeared at the meeting)*
- 8. Kurtz (218) 540-7324, lives at 1919 Rockefeller, Redondo Beach, CA*

WCPD04538

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AA05910

9. Kurtz may have some information involving Vanisi in fights with cops, and other acts of aggression while drinking
10. Goodman has known Vanisi since 1993...was once his roommate with Kurtz
11. Was with Vanisi when he met DeAnne at Lake Havasu
12. Kurtz told Goodman that Vanisi would hang out with young guys and young gang members...he would ask them if they would kill their mother and if not, "what kind of gang member are you?"
13. Heard about them buying a police scanner to help them commit robberies (cops radios)
14. He met Vanisi's mother one time
15. He would welcome opportunity to testify. I indicated we may let him know, send him a plane ticket and get a room for him.
16. He intends to visit Vanisi in jail

I don't know if he has enough information to assist us but he can testify he never witnessed any acts of aggression or violence from Vanisi.

I then met with DeAnne Vanacey.... Vanisi's wife.

She indicated that Greg Garner knows of some incidents of criminal activity with Vanisi. Since he was a participant, he may not want to talk about it.

She indicated she was aware of one incident when they rolled car to collect insurance. She says they both did drugs together.

I asked about the incident with the police when Vanisi refused to get out of the car and had to be maced. She said that was with a guy named "Joel"...she doesn't know the last name, but he now lives in Boston.

She describes Perrin as lazy, conceited, egotistical and abusive.

She told me of one incident when she was eight (8) months pregnant when he would drive her around looking for a second job for her...and he was unemployed.

She said that he was bizarre at times...he had a swastika on his bedroom wall.

He would pick up other women in her presence.

He believes, as is Polynesian custom, that women are second class citizens...it's a cultural thing.

I asked her what she liked and disliked most about him...his good looks and his disrespect for her.

I asked her about the name differences (Vanacey – Vanisi)...she said when the 1st child was born, he wanted to distance himself from his family...he hates his father (probably for abandoning his family...the same thing he has done) and wanted to change the name.

They changed it (not legally) to Vanacey and she has used it ever since.

We discussed the two (2) mothers.

Luisa is the biological mother ...she is in poor health (diabetes, heart problems). She lives with Vanisi's sister (Mofi) and ½ brother Beau. She will need an interpreter...Mofi will interpret.

Umu is the mother that raised him...

The both live in San Bruno, Ca., and we will have to talk to both...Mofi will interpret. DeAnne was supposed to get me the phone numbers and addresses, but never returned my phone calls after the interview.

She was obviously distraught after our meeting. I provided all of the newspaper articles to her.

When they married he didn't invite any of his family. She thinks they would not have approved of his marrying a white woman.

Her parents live in Simi Valley and have no use for Vanisi...

She thinks he married her because of pressure from the church.

She said he was abusive – verbally and physically – whether drunk or sober.

We discussed this "Superhero" thing. He would wear tights, wigs, etc., and try to be a Superhero...the Doctor attributes this to the eccentric nature of Vanisi.

She says he constantly told stories...he was a compulsive liar.

He told her he didn't love her...he is now changing that story because he is alone.

She said to be careful of Robert Kurtz...he wants gossip and won't tell much.

She said that Perrin said he was sexually abused as a child...only after she told him she was...de doesn't believe it.

She said the death of his older brother Seau (see you), 10 years, affected him. He never got over his death. It was drug overdose but the family claims it was a heart problem.

She will testify if we want her to.

She says she wants a divorce or maybe she'll just be a widow.

Redondo Beach, California

I attempted to reach Giorgio (310) 675-9950.

Left a message to call the office.

I attempted to contact Terry Williams (310) 318-2342.

Left message to call the office.

I contacted Greg Garner (310) 376-4052.

He told me the following:

- 1. Known Perrin for 5 years.*
- 2. Nice guy, personable, big, not threatening*
- 3. Wanted to be left alone by police*
- 4. Eccentric guy*
- 5. Not like authority*
- 6. Dressed strangely*
- 7. Cops would come to his home in force because of his size*

Michael Finau, Vanisi's cousin, works at the Olive Garden Restaurant in Redondo Beach.

Greg Garner just moved in with him at 1913 DuFour, Manhatten Beach, Ca. (310) 376-4052.

This guy is very closed-mouthed. He didn't want to talk at all. He also hates cops.

He was supposed to have come to Simi Valley to meet with me and said he knew nothing about it. I know this was untrue because DeAnne set it up and I sent him a letter.

In any event, he obviously wants to help his cousin and does not want to get involved.

I finally got him on the phone and this is what I got out of him:

1. *Vanisi is insane*
2. *Known Vanisi all his life*
3. *Vanisi changed when he started using fen-fen.*
4. *Planning on building a spaceship*
5. *Would suffer bizarre moods*
6. *Started believing in "Lester" imaginary prophet*
7. *The bedroom door had hatchet marks and when asked what he was doing, Vanisi would say "practicing".*
8. *He would save plastic bottles for re-entry into orbit (spaceship)*
9. *Needed the spaceship to escape*
10. *He was building a laser gun*
11. *He had a lot of chemistry books*
12. *Stole (not purchased) a scanner – so they would monitor police calls so they would rob banks, (and a restaurant that Vanisi was fired from)*
13. *Vanisi was a bodyguard for escorting prostitutes to and from jobs*

He obviously has more information (probably all unfavorable).

He would say no more.

He is a strange dude.

He hates cops (they handcuffed him when they raided his apartment when they were first looking for Vanisi...)

I told him I would not tell him not to talk to the cops...but this information is not going to put Vanisi in a favorable light.

He said he wouldn't talk to the cops in any case.

He is willing to testify...but I would be afraid of him on cross-examination.

Twenty-Nine Palms

Located Tui Tafuna, no address, was working for exterminator, last day on the job. He has no information. Picked up tidbits about Vanisi case on Internet and passed them on.

Confirms Vanisi statement that he didn't know him.

Cc: Calderon

WCPD04542

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AA05914

M E M O R A N D U M

To: Crystal and Laura

From: Mike Specchio

Re: Vanisi

Date: 6/19/98

I again visited with Vanisi at the jail.

Apparently my letter to him about pleading guilty and going before the 3-judge panel got to him. He now realizes that would be suicide...he is now not so inclined to die and get it over with.

He advised that he IS going to go to trial, that he will listen to what we have to say and that he won't be giving any more television interviews.

We discussed that he did NOT help his case any with those interviews...I explained to him that he also looked like a nut case and that can't help him.

He keeps relying on the statement from Dr. Lynn that he has "above-average intelligence" to remind me how bright he is...I explained that a bright guy would not go on television and would not lie to his attorney and would LISTEN to what his attorney said.

In any event, this thing will probably go to trial in January, unless he, again, changes his mind...but I don't think so.

WCPD04887

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AA05915

Page Two

He wanted to know what his defense would be...I asked him to tell me...he wanted to come up with "story" about Sonny Brown doing this...I explained that this would be an impossible defense since this guy doesn't exist. I indicated that I could possibly infer someone else was with him and the mysterious person actually killed Sullivan...just inferences.

In any event he understands there is NO defense...all we can do is to TRY to plant some seed of doubt and possibly the jury might not kill him...they are definitely going to convict him...but maybe if we can raise some inferences they might not kill him.

I explained to him, again, that I thought his chances of any success, in light of the evidence {which primarily consists of his statements} were minimal.

I explained that historically juries are inclined to deal with cop killers in only one fashion...the maximum penalty.

He now understands that the death penalty IS A VERY REAL POSSIBILITY, in fact that is where the smart money would be.

I believe I have finally convinced him:

1. The State is not going back away from the death penalty;
2. The State is not going to offer him any plea negotiations;
3. The State will not let him plead guilty and return to Tonga;
4. The State (and a majority of this community) want to kill him;
5. That a sentence of 20 years is not even a possibility;
6. That we will do whatever we can for him;
7. That he will probably get the death penalty despite our best efforts;

We had a long and detailed discussion about whether he would testify at trial. I explained this decision would be crucial. I POUNDED into his head the fact that he has to make a FINAL decision about this...he cannot change his mind without dire consequences.

I believe he finally understood how important this decision is. I explained that I can live with him testifying AND I can live with him not testifying...we will tailor the case, cross examination and statements whichever way he decides to go...I CANNOT live with him changing his mind.

We AGREED he would have until Labor Day to make this decision and then he would not change.

WCPD04888

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AA05916

Page Three

I advised that I did not think he could answer all of the questions regarding the evidence at the trial stage...I suggested he probably should not testify...that he can say whatever he wants (police harassed him all of his life, etc.) at the penalty hearing. I told him if he wanted to testify, I would work with him on his testimony and cross-examination...that he call was going to his...we'll see!!!

From a realistic standpoint most of the work on this case is done, but we now have to dot all of the I'S and cross the T's.

My perspective on this is as follows:

1. John Petty will have to complete the remaining 22 Pre-trial motions that I rough drafted...I anticipate this will be done by the first 10 days of July;
2. Crystal is in the process of rounding up Renee Peaua and Maria "Losa" Louis, she will get them in here and I will interview them with Crystal...probably the second week of July;
3. I have written Vanisi's wife, DeAnne, twice to get the names and addresses of Vanisi's mother(s) in San Bruno...Crystal can go to California and interview them...Vanisi's sister, Sela, will be available to interpret...we are probably looking at the end of July;
4. I will also want to speak with Shomari Roberts...he is close friends with Losa and may willingly accompany Losa to the office;
5. The only other person we may have to interview would be "Teki", Sateki Taukuivea;
6. I believe the next thing we will have to do is to confirm our witness list and get the people subpoenaed. It does not appear that we will have trial witnesses and that our witnesses will be for the penalty hearing. We discussed this and he agreed...but we will see maybe we may have to call someone at the guilt phase (possibly Shomari Roberts), again, we will see!!!

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WCPD04889

AA05917

Page Four

7. **At this point I have suggested the following witnesses for the penalty hearing:**

Vanisi;

David Kinkini his cousin from Salt Lake City where he was arrested...he is deeply involved in the Church;

DeAnne Vanacey, his wife;

(possibly) Maria "Losa" Louis;

(possibly) Renee Peaua;

David Goodman, his friend from Redondo Beach;

(possibly) his sister, Sela;

(possibly) Michael Finau, his cousin and roommate;

(possibly his mother/mothers/sister) depending how Crystal's interviews go in California;
8. **I discussed my reluctance to call Roberts Kurtz, Gary Gardner and his cousin, Michael Finau...they can definitely hurt him. We may have to speak with Finau one more time to make the final decision;**
9. **The only other thing we will probably need will be the service records of the decedent, George Sullivan, to see what type of UNR cop he was, whether he had any aggressive tendencies, write-ups, complaints, etc. I will write a letter to Stanton for this information and if we don't get I, I'll file a formal Discovery Motion;**

I don't know of anything else we have to do in this case. If you see anything I missed, let me know. I have a complete list of the State's witnesses from the Information and I have the summarized each of those witnesses' statements (Yellow Book, section 6).

I see no point in contesting the DNA results. We obviously can't proceed with any type of insanity or diminished capacity defense.

WCPD04890

Page Five

The next hearing in this matter is JULY 22nd ...a Status Hearing.

The Motions should all be filed then and I will re-confirm the Court's scheduling of the remaining hearings and Trial Date. I believe she has set three (3) days for arguing the Motions (for some reason, I lost the dates but believe they start on November 23rd ...Thanksgiving week).

Again, if either of you have any ideas or see anything I missed...YELL!!

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WCPD04891

AA05919

M E M O R A N D U M

To: CRYSTAL

From: MIKE SPECCHIO
Public Defender

Re: VANISI

Date: AUGUST 1, 1998

First, let me bring you up-to-date:

I have asked Vanisi's wife, Deanne, for the address/phone numbers of the relatives (mother(s) and sister) in San Bruno many times.

I interviewed her in May and she was supposed to call me at the hotel after the interview to give me the information she failed to do. I also asked Vanisi to tell his wife to get me this information...she never did.

I called her three (3) times and asked tfor the information and I sent her two (2) letters with a questionnaire...I think you received copies.

Initially, she said she mailed the questionnaire three (3) weeks ago.

I received a voice-mail indicating she was not pleased with the "tone" of my letter...I have only asked for this meager information for over two (2) months.

That is where I stand with her. If you need to contact her... her address is 2662 Tapo Street, Simi Valley, California 93063...her phone numbers are: (805) 527-6925 {home} and (800) 669-2443 ext.4130 {work}.

WCPD04203

In any event, Vanisi's sister, Mofi De Bruce (?), will interpret for the mother(s) if need be.

I don't have an address but her phone number is: 650-875-6829.

His natural mother, Lu'isa Tafuna Vanisi, is in poor health and will probably need an interpreter...Mofi.

His "other" mother is Uma Tafuna, Vanisi's aunt and sister of the natural mother, who actually raised Vanisi...I believe she speaks English. Her phone number is 415-855-9657.

* * * * *

How are we doing with Losa, Renee and Shomari?

* * * * *

I think this is what we have to do to complete the interviews and investigation work in this case.

1. There is a Status Hearing on Tuesday, August 4th, at 10:00 a.m. in Department 4. I will ask that Vanisi be moved back from the prison to the County jail...the distance is impeding our ability to have access to our client;
2. I will have to follow-up with our discovery requests;
3. I think we should look at Sullivan's personnel file;
4. We should meet with Losa, Renee and Shomari as soon as possible;
5. You should probably call Mofi and see if they have any intention of coming to Nevada to see Vanisi and, if so, we can interview them here...otherwise, you might want to plan on a trip to San Bruno to interview all three 93) of them;
6. You can complete the interviews of the other witnesses you wanted to interview;

7. We will get Vanisi's final word on whether he intends to testify at trial...I told him he had to let us know by Labor Day...and then NOT change his mind;
8. We should finalize the witnesses we are going to call...probably most for the penalty hearing. We can then determine which of these people should be interviewed again;
9. We can discuss whether we should involve the Consulate General from Tonga;
10. It might be necessary to send you to Salt Lake City to interview the Kinkini brothers...David will definitely be a good witness for us...his brother, Vaigna, is a devastating witness against Vanisi but should probably be interviewed;
11. I will probably want you to interview David Goodman...a "friend" of Vanisi from I.A. He is a nice man, closely connected to the Church (LDS) and says this is so out of character for Vanisi that he doesn't believe it. He is good in that he has known Vanisi for some time and has NEVER seen his violent or aggressive. He is thinking on coming to Reno to visit Vanisi and you may be able to interview him here. *His phone numbers are: 213-660-3267 {home} and 213-630-3527 {work}.*
12. We will discuss whether we want to call Vanisi's closest friend and relative, Michael Finau. I am a bit afraid of him. He knows too many BAD things about Vanisi that might come out if he were to testify...we will discuss this further, as well. This is the "cousin" that Vanisi was living with before coming to Reno in January. Maybe the best thing is to let Vansii may the call on this guy since he knows him best; {address: 1913 DuFour, Manhattan Beach, California...phone: }
13. I guess we may want to try to contact Vanisi's father in Hawaii...Mak'afa Vanisi. This will probably tee off Vanisi since he HATES his father...we better think this one over;
14. I think it best NOT to call his former girlfriend and mother of one of his "other" children...LeAnne Morris of Chandler, Arizona...she would bury him if she could;

15. Depending on Vanisi's decision regarding a defense and whether he will testify {and Shomari Roberts recollection} we may want to subpoena Officer/ Detective P. Fye {3251} Sparks P.D....he took a statement from Christian Lindgren Lauderdale who was a witness to the Baring Boulevard robbery...or maybe Lauderdale, himself. He gave a statement to Fye that he saw or thought he saw another person in the vehicle when Vanisi left the market;
16. We should probably interview Sateki "Teki" Taukuivea...he as with Vanisi a lot of the time and probably knows more than he is saying;
17. We might want to also interview Makeleta "Margaret" Kavapalu...from what I know, she is the only person, other than Vaigna Kinikini that ever talks about RACE and wanting to kill a "white" cop. This is an important fact because this is race issue is listed as an aggravating factor calling for the death penalty. We will probably have to follow-up...one thing we know for sure is that "Margaret" hates Vanisi;
18. I will review the Motions and submit the ones that can be submitted and we will argue the remainder in November...I will pursue the Discovery issues in August, if possible, so that we will have everything we need. We will probably have to review trial strategy AFTER the Court rules on the Motions so we can see exactly where we are. I am, however, proceeding under the impression that the Court will DENY all substantive Motions. This may help with the Appellate process but not much for trial purposes.

THIS IS PROBABLY IT...I DO NOT WANT TO EXPAND THE INVESTIGATION ANY FURTHER THAN I HAVE LISTED HERE...UNLESS YOU HAVE SOME POINTS YOU WANT TO PURSUE...SO I WANT YOU TO REVIEW THIS AND LET ME KNOW, BECAUSE IF AT ALL POSSIBLE I WANT TO USE THIS MEMO AS A GUIDELINE AND CHECKLIST FOR ALL THE REMAINING STUFF THAT WE WILL HAVE TO DO IN THIS CASE.

LET ME KNOW YOUR THOUGHTS AND IF THERE IS A N Y T H I N G ELSE THAT YOU WANT TO PURSUE.

cc: Laura
file

Bielser, Laura

From: Specchio, Mike
Sent: Friday, September 04, 1998 11:44 AM
To: Calderon, Crystal; Bielser, Laura
Cc: Specchio, Mike
Subject: VANISI

WE HAD A MEETING SET UP TO INTERVIEW LOSA LOUIS AND HER SISTER, CORRINA LOUIS, (VANISI'S COUSINS) ON WEDNESDAY, 9/2/98 AT 10:00 A.M.

THEY CANCELLED THE MEETING AND RE-SCHEDULED FOR TODAY, 9/4/98 AT 10:00 A.M.

APPARENTLY THEY WERE GOING TO BE LATE.

AT 11:00 A.M. I ASKED CRYSTAL YTO CALL THEM.

I WAITED TWO (2) HOURS, UNTIL NOON, AND THEY NEVER SHOWED UP... APPARENTLY THEY ARE NOT CONCERNED ABOUT VANISI OR INTERESTED IN HELPING HIM OR TALKING TO US.

I THINK WE ARE SAFE IN ASSUMING THAT THEIR ACTIONS ARE SUFFICIENT FOR US TO DEDUCE THAT ARE REFUSING TO SPEAK WITH US.

LL PUT A COPY OF THIS IN THE FILE.

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M E M O R A N D U M

To: Evo Novak

From: MIKE SPECCHIO
Public Defender

Re: State of Nevada v. Siaosi Vanisi

Date: 9/12/98

Let me give you a brief rundown on this case.

In January of this year, George Sullivan, a University of Nevada- Reno officer was killed, on-duty, around 12:30 a.m. He was brutally killed by a person wielding a hatchet. He was struck a number of times in the head and died...a particularly gruesome murder. Sullivan was a 22 year veteran of the force. He was particularly well-liked and left a wife and four children.

About 4-5 days before this killing, our client, Siaosi Vanisi, came to Reno with some relatives that were returning from the L.A. area. Vanisi, known as "Pe", pronounced "Bay", is a Tongan.

He was brought up in the Bay area and later moved to L.A. He came to the U.S. at the age of 6. He was involved in making Miller Beer commercials but he primarily (and sporadically) worked as a bartender, bouncer, etc.

He is married (separated) and has two small children. His wife supported the family during the brief marriage. She is white and resides in Simi Valley, California.

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WCPD04606

AA05925

He separated from his wife and moved in with his cousin, Michael Finau, who is waiter and works at the Olive Garden Restaurant in Redondo Beach. He resides at 1913 Du Four in Manhattan Beach, California. His phone number is 310-376-4052.

Vanisi lived with Finau since he split from his wife...but he goes back with Finau to when they were young boys...they are legitimate cousins. Michael Finau probably knows more about Vanisi than any living person...including Vanisi's wife.

Finau now lives with a guy named Greg Garner, who is also a friend of Vanisi's.

All of these guys hate cops.

Finau and Garner were supposed to meet me in Simi Valley when I went down to interview the wife in May...neither of them showed...I did talk to them on the phone. After that conversation, I decided that I probably would not call Finau because he knows TOO many bad things about Vanisi. Stuff that I did not want to come out.

{I have attached a copy of my June 1, 1998 Memo, which re-caps the events of my trip to California and discussion with these people}.

Without boring you with all of the details, basically the case against Vanisi is as follows:

1. After he came to town, he set himself out from other members of the group by wearing a wig...all the time;
2. He went to K-Mart with three (3) Tongan high school girls, relatives, and purchased a hatchet;
3. He told no less than 12 people...mostly friends and Tongan relatives that he wanted to kill a cop. He attended a number of local Church (LDS) and Tongan functions...always in possession of the hatchet and wearing the goofy wig...he even danced at the Tongan dances with the hatchet;
4. After the murder of Sullivan, Vanisi stole a car and fled to some relatives in Salt Lake City;
5. The car was stolen in close time and proximity to the killing of the officer;

WCPD04607

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AA05926

6. About 12 hours after the killing, Vanisi is caught on video tape robbing a Jackson Market (convenience store);
7. About 12 minutes later he allegedly robbed a 7/11 store in Sparks;
8. His cousins saw his picture on television as the perpetrator of the robbery...from the video camera;
9. What made him a suspect was during the robbery a patron in the store said the robber had used a Glock 9 m.m. (he had one, just like it);
10. A Glock was taken from Sullivan during the robbery/murder;
11. Before leaving Reno, Vanisi allegedly put some of the property taken from Sullivan in a relative's apartment on Rock Blvd.;
12. In Salt Lake City they found the gun (Glock) and stolen car;
13. In an attempt to avoid arrest he barricaded himself in his cousin's apartment and eventually set the place on fire;
14. During the standoff...Vanisi was shot in the arm...minor wound;
15. The cops lured him out the door...he was shot in the groin with a bean bag and was arrested;
16. He also told his cousin how much he enjoyed killing this white cop.

Although he never gave the cops any statement...he told about 12 people he was going to kill a cop (before the fact) and about 4-5 after the fact that he did kill a cop.

They have the cops blood, DNA, on his clothes...they have him in possession of the cop's gun...they have some fingerprints; they have his video...they pretty much have it made.

Needless to say, they are seeking the death penalty...and will probably get it.

He is charged with:

- 1. Capital Murder**
- 2. Robbery (Market)**
- 3. Robbery (7/11)**
- 4. Robbery (Officer's gun, belt, radio, etc.)**
- 5. Grand Larceny (Car)**
- 6. Possession of Stolen Property (gun)**

Excluding the Murder charge, he is facing 110 years on charges 2-6.

In any event, you may want to speak with me before you go to L.A. I would like you to interview Finau (Garner, too, if he is there) and see what you can find out.

I know Finau will have a lot of information...mostly all bad. I don't think I can get enough out of him to make it worth bringing him here for the trial OR penalty phase. You can let me know.

If you have any questions, let me know...and, thanks.

**enc.
cc: Crystal
file**

State of Nevada v. Siaosi Vanisi

Case Number: CR98-0516 **Date:** November 13, 1998
Attorney(s): Mike Specchio and Steve Gregory and Jeremy Bosler
Investigator: Calderon
D.A.: Gammick – Stanton
Charges: I. Murder (Death Penalty – sought)
II. Robbery – 7/11
III. Robbery – Jackson Market
IV. Robbery – Officer's gun, radio, etc.
V. Grand Larceny – automobile
Trial: January 11, 1999
Next Hearings: November 24-25 – Motions Hearings

Status: Preparing for Trial

Next: Complete Investigation
Crystal has some witnesses to interview

He has elected to pursue an impossible defense against the advice of counsel.

I will meet with him next week.

Jeremy will select the jury and make the opening. I will cross examine all of the State's witnesses, Steve will handle Vanisi, and Steve and Jeremy will do the defense and mitigation witnesses (if we can find any).

Hearing on unresolved pre-trial Motions set for 11/24 and 11/25.

WCPD04464

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AA05929

State v. Vanisi

Next (con't.)

Interview few remaining witnesses

Discuss client's defense/testimony

Try to gather mitigation

Final trial preparation

**Team meeting - attorneys and investigators, next
Friday, 11/20, to finalize preparation and assignments.**

**cc: Jennifer Lunt
Maizie Pusich
Steve Gregory
Jeremy Bosler
Crystal Calderon
Evo Novak
Laura Bielser
file**

WCPD04465

61

AA05930

State of Nevada v. Siasosi Vanisi

Case Number: CR98-0516 **Date:** December 11, 1998
Attorney(s): Mike Specchio and Steve Gregory and Jeremy Bosler
Investigator: Calderon and Novak
D.A.: Gammick - Stanton
Charges:
I. Murder (Death Penalty - sought)
II. Robbery - 7/11
III. Robbery - Jackson Market
IV. Robbery - Officer's gun, radio, etc.
V. Grand Larceny - automobile
Trial: January 11, 1999
Next Hearing: Trial

Status: Final preparation for Trial

Next: Complete Investigation
Crystal has some witnesses to interview

He has elected to pursue an impossible defense against the advice of counsel.

I will meet with him weekly through December and twice weekly in January...you talk about cruel and unusual punishment.

Jeremy will select the jury and make the opening. I will cross examine all of the State's witnesses, Steve will handle Vanisi, and Steve and Jeremy will do the defense and mitigation witnesses (if we can find any).

State v. Vanisi

WCPD03695

62

AA05931

Next (con't.)

Interview few remaining witnesses

Discuss client's defense/testimony

Try to gather mitigation

Final trial preparation

**Team meeting - attorneys and investigators, next
Monday, 12/14, to finalize preparation and assignments.**

**cc: Jennifer Lunt
Maizie Pusich
Steve Gregory
Jeremy Bosler
Crystal Calderon
Evo Novak
Laura Bielser
file**

WCPD03696

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AA05932

M E M O R A N D U M

To: Steve Gregory, Jeremy Bosler, Maizie
Laura

From: MIKE SPECCHIO

Re: Mitigation

Date: 1/25/99

I just read an article about mitigation in capital cases...they urge consideration of the following factors in building a mitigation presentation.

This coincides nicely with a Capital Case Questionnaire I have been working on and will have completed in another 30 days. The referenced article suggests consideration of the following in all capital cases:

- Genetic pre-dispositions
- Medical histories of parents
- Medical histories of grandparents
- Family histories (mental illness, retardation of caregivers)
- Abuse
- Maltreatment

- Abandonment
- Neglect
- Malnutrition
- Anemia
- Poor hygiene

WCPD05427

64

AA05933

Poor medical/dental care
Premature sexualization
Instability
Divorce in family
Intermittent parents

Adoption
Foster placements
Substance abuse
Criminal involvement of caregivers
Domestic violence

Physical abuse
Psychological abuse
Sexual abuse
Trauma
Injuries - physical / mental

Tragedy
Natural disaster
Death of family members
Exposure to violence
Exposure to trauma

Recklessness - accidents / injuries
Truancy
Running away
Depression
Sexual disorders

Sleep disorders
Substance use / abuse
Medications
School performance / adjustment
Employment - performance / adjustment

Psychological testing
Evaluations
Therapy
Commitments
Incarcerations

WCPD05428

68
AA05934

History of self-destructive behaviors - suicide /cutting on oneself
Learning disabilities
Literate versus illiterate
Neurological deficits
Seizures

Physical condition affecting cognitive power
- Hearing impairment
- Vision impairment

Stress- related impairments - asthma - may be stress related

Medical illnesses with psychiatric symptoms and consequences:

- AIDS
- Diabetes
- Cerebral ischemia
- Encephalitis
- Hypoglycemia
- Hypothyroidism
- Malaria
- Mononucleosis
- Systemic lupus

Incest

Social inacceptance

Prejudice

- Realized
- Demonstrated

Rejection / Acceptance

Polysubstance - use / abuse/ addiction

Reality confusion

- hallucinations
- illusions
- phobias
- disorientation
- delusions

Speech and language

- incoherence
- neologisms
- poverty of speech
- poverty of thought
- distractibility
- tangentiality
- derailment

WCPD05429

66

AA05935

- circumstantially
- loss of goal
- perseveration
- pressured speech
- blocking
- paraphasia
- slurring
- monotone
- stilted speech
- micrographia
- eye contact
- eye movement
- concentration
- acknowledgement of presence
- hypergraphia
- dyslexia

Memory and attention

- amnesia
- confabulation
- hypermnesia
- limited attention span
- selective inattention

Medical complaints

- hypochondria
- self-mutilization
- insomnia
- hypersomnia
- anorexia
- ringing in ears
- dizziness
- blackouts
- blurred vision
- hysterical blindness

Emotional tone

- anxiety
- suspicion
- depression
- hostility
- irritability
- paranoia
- excitement

WCPD05430

67

AA05936

- flat affect
- emotional liability - instability
- vulnerability
- delicate
- compromising

Personal insight and Problem Solving

- too high self-esteem
- too low self-esteem
- frustration
- truthfulness
- denial of mental problems

Physical abilities

- agitation
- hypervigilence
- psychomotor retardation
- clumsiness
- tension
- organic disorders

Social interaction

- isolation
- estrangement
- difficulty perceiving social cues
- suggestibility
- dis-inhibition

EXHIBIT 148

EXHIBIT 148

M E M O R A N D U M

To: Vanisi file
Crystal – Laura

From: MRS

Re: Center for Capital Assistance
Tongan Culture

Date: 4/20/98

I had a conference call with Scharlette Holdman an anthropologist at the Center for Capital Assistance in San Francisco and Debra Sabah and attorney (taking the Bar in May) who have agreed to assist in this case.

They have requested that we do certain things that are probably beyond our capabilities...go to Tonga for two weeks...with an expert in Tongan culture...but they are sending me books on Tongan culture and have provided some other expert names that I will contact.

They want to have the birth records, school records and employment records of three (3) generations of Vanisi family members...they want us to prepare Releases so we can get this information...I will do so for my May meeting with family members and potential witnesses.

We will probably have to get ALL of Vanisi's medical, school and employment histories...possibly Crystal get a complete breakdown of all schools he attended (with dates and employment history (dates) that he can remember and any medical or psychological problems...we have some W-2 records as well.

Laura will send e-mails to these people to see if anyone can be of assistance to Mr. Vanisi...we will copy Vanisi.

We will then try to get as much of this background and family employment, education and medical/psychological histories together. I told Scharlette and Debra that I would then come to San Francisco and discuss this with them.

Any questions, see me.

They have added that:

I should not have him examined by a psychologist – too late

I should not have him tested – too late

I should not have him examined by a psychiatrist – too late

They say that psych. Stuff is a waste of time and money AND mostly unreliable. I explained that I agreed and understood, but with his recent bizarre behavior (wanting to confess on television) and former bizarre behavior (Superhero stuff) that I had to make sure all the bulbs weren't burned out.

That attacking "mental" health and "cultural" issues will be the only way to save Vanisi's life.

With all due respect to these ladies, I am sure that they are experts and do what they do very well, (Holdman) has just finished the Kyznski (unabomber case) for the past two years. I do not know if I can do what they expect nor do I have the time nor resources to do as they suggest.

In any event will go with this as far as we can.

EXHIBIT 149

EXHIBIT 149

Declaration of Steven Kelly

I, Steven Kelly declare as follows:

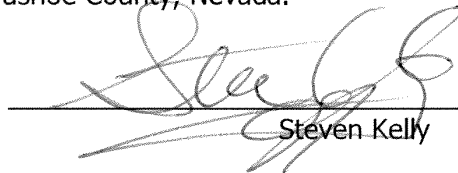
1. My name is Steven Kelly. I am a Captain with the Washoe County Sheriffs Office (WCSO). I currently reside in Washoe County, Nevada. I was a Sergeant at the time that Siaoisi Vanisi was incarcerated at the WCSO pretrial.
2. I was primarily in charge of classification. Most of my interaction with Siaoisi was responding to his kites and grievances, and overseeing the DRT (Detention Response Team) incidents. I had no direct contact with Siaoisi.
3. I recall Siaoisi was a complete ass from day one. Siaoisi was an active individual and a very unique case. He was a high profile inmate and a very high security risk. Siaoisi was very hostile and had a defiant presentation.
4. I recall that Siaoisi appeared to be hostile towards authority. Siaoisi was constantly challenging the WCSO staff. When Siaoisi saw an opportunity to challenge, he would take it. He also did not like law enforcement in particular, and just the staff's presence alone antagonized him.
5. Siaoisi was "pain tolerant" and he was very strong. Siaoisi spent the majority of his time in administrative segregation. The reason he was moved to Nevada State Prison was two-fold. He was challenging our staff and the WCSO was concerned that someone would get seriously injured. Siaoisi's safety was also at risk and a cause of uneasiness in our department. We were concerned one of the staff would kill him due to his behaviors. Additionally, there was a conflict due to the nature of his case, that he had killed one of our own. We believed it would be better if Siaoisi was housed where there was no direct link to our county.
6. Siaoisi's behavior was very odd. I am not a doctor, I believe what is diagnosed inside a correctional facility as mental illness is very different from what the outside professionals perceive mental illness to be. I believe that Siaoisi was involved with our prison health services and medical services departments. If Siaoisi was involved with any such services, more than likely, it would be documented in his classification file. All court ordered psych evaluations are separate from our in-house psych services. I am not aware if Siaoisi was taking any medication.
7. Siaoisi was intelligent, but at the same time nutty. I believe the fact that a hand weapon (a hatchet), was used to kill Officer Sullivan, is indicative that he is not normal. However, as odd as Siaoisi could be, he was clever, had a plan and played and tested the system to the best of his ability. Siaoisi was an individual who appeared mentally ill, but was trying to get attention from our staff. I recall Siaoisi was the most physically aggressive inmate at the WCSO in all of my career.



AA05942

8. The WCSO has now implemented a special needs housing unit (HU3) for the mentally ill. The correction officers assigned to that unit are specifically trained in crisis intervention (CIT) training. Today the correction officers are better equipped to handle inmates with mental illness than in years past. They are more aware of the red flags and behavioral issues associated with these inmates classified as having special needs (mental illness). The HU3 unit helps treat those inmates who cannot be housed in general population. These units are also staffed with mental health workers. The CIT was implemented because of the unfortunate circumstance that some individuals get sent to the jail, instead of getting the treatment they need at the proper facilities. I clearly recognize that correction officers are not doctors who can diagnose inmates with mental illness.
9. Michele Blackwill and Tena Francis of the Federal Public Defenders Office interviewed me regarding Siaso Vanisi's behavior while he was incarcerated at the Washoe County Sheriffs Office.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6 2011 in Washoe County, Nevada.



Steven Kelly

EXHIBIT 150

EXHIBIT 150

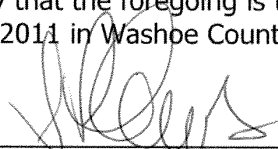
Declaration of Scott Thomas

I, Scott Thomas declare as follows:

1. My name is Scott Thomas. I am currently a Deputy Sheriff at the Washoe County Sheriffs Office (WCSO). I reside in Washoe County, Nevada. I was a Deputy Sheriff assigned to the maximum security unit and a member of the DRT (Detention Response Team) at the time Siasosi Vanisi was incarcerated at the WCSO pretrial. I had interacted with Siasosi on a daily basis and developed a rapport with him.
2. I recall Siasosi's first emotion was aggression. He was very violent and I believe no one else has ever lived up to his level of violence since I have been employed at the facility. Siasosi would put himself "in a zone" when he was violent. I was never able to figure out what triggered Siasosi into this zone and his violent acts. I believe Siasosi did have some degree of mental health issues, but to what extent is unknown. A normal person would not behave like that. I am not aware if Siasosi was taking any medication at the time he was incarcerated here.
3. Siasosi was extremely smart. I believe the DRT learned from Siasosi how to be better in our strategies. I actually use Siasosi as an example when training our new deputy's. Siasosi would be creative and change his behavior, to make it harder for our DRT team the next time we had to exercise a cell extraction. Siasosi learned our DRT tactics and would plan how to defeat us the next go around.
4. Transports and court appearances were a major concern for our staff. I recall there was a lot of added security during his trial because Siasosi was such a high security risk. I recall several of our DRT members staffing the courtroom. Some officers were in plain clothes, some were dressed as bailiffs, and others were on stand by in the event an incident occurred. One officer was posted as a buffer between defense counsel's table and the judge.
5. Ironically, Siasosi never acted up in court. I recall he was always well behaved and never had any issues. He never gave his defense team any problems throughout the trial.
6. As violent as Siasosi could be, he could also be very cordial. I recall, at times, having coherent conversations with Siasosi. Siasosi could be pleasant one minute and ready to fight the next minute. Siasosi was not a bad guy. I wish him no ill will and I feel if we knew what was wrong with him back then, a lot of problems could have been solved/avoided.
7. Michele Blackwill and Tena Francis of the Federal Public Defenders Office were the first people to interview me regarding Siasosi Vanisi's trial. Michele and Tena were also the first people to ask me about Siasosi's state of mind during his incarceration at the Washoe County Sheriffs Office.



I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6 2011 in Washoe County, Nevada.

A handwritten signature in black ink, appearing to read 'Scott Thomas', is written over a horizontal line.

Scott Thomas

EXHIBIT 151

EXHIBIT 151

Declaration of Josh Iveson

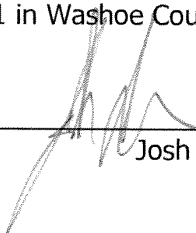
I, Josh Iveson declare as follows:

1. My name is Josh Iveson and I am a Deputy Sheriff with the Washoe County Sheriffs Office (WCSO). I reside in Washoe County, Nevada. I have been with the WCSO since Siaosi Vanisi was incarcerated here pretrial. My duties include being a maximum unit correction officer, DRT (Detention Response Team) member and transport officer. I currently conduct training for staff.
2. I recall Siaosi was extremely unpredictable. I feel Siaosi was 50% crazy and 50% normal. One minute Siaosi was a goofball, acting out his native Tongan cultural rituals and mumbling to the point no one could understand him. The next minute he was exhibiting normal thoughts and understanding the rules. Siaosi's behavior was dependant upon his current mood.
3. Siaosi was also very smart. He continually challenged our DRT strategies. Siaosi was able to upgrade his creativeness and tactics with each cell extraction. He practiced how to counter and overcome the strategies that our DRT utilized to get him out of his cell.
4. I do recall Siaosi's eyes were expressionless. They were dull all the time. He looked like he could kill you at any minute. Siaosi also never showed any pain. No matter how hard he was beaten, it was like he had a switch that he turned off to feel no pain. Siaosi had amazing strength. No one had the pain tolerance that Siaosi had.
5. I do not recall if Siaosi took his medication. Siaosi would get forced medication, a "cocktail" of haldol and other medication, after a cell extraction to calm him down. This medication was part of the cell extraction protocol. He was also placed in a restraint chair until he no longer posed an immediate threat to our staff. After a cell extraction he would often apologize to us, saying "I am sorry guys".
6. Siaosi was an extreme security risk and was treated as such. Transports and court appearances were taken very seriously. We had extensive added security during his trial. I recall there were anywhere from 8 to 10 extra officers present. Some of our officers were uniformed, others in plain clothes. Some acted as bailiffs and some were posted in the judges chambers. Added precautions were necessary, given the issues we had with Siaosi while he was housed at our facility.
7. Ironically, Siaosi never had any issues in court or during his trial. I recall he continued to have that dull stare and was always emotionless. Siaosi's demeanor was very flat. The only time Siaosi was aggressive was back at the jail. His extreme volatile issues are what facilitated his move to Nevada State Prison before trial. Siaosi was never housed at our facility again after he was found guilty.



8. Michele Blackwill and Tena Francis of the Federal Public Defenders Office were the first people to interview me regarding Siasosi Vanisi's trial. Michele and Tena were also the first people to ask me about Siasosi's state of mind during his incarceration at the Washoe County Sheriffs Office.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6TH 2011 in Washoe County, Nevada.



Josh Iveson

EXHIBIT 152

EXHIBIT 152

Declaration Of Luisa Finau

I, Luisa Finau, declare as follows:

1. My name is Luisa Finau, I am 37 years old and I currently reside in Maricopa county, Arizona. Siaosi Vanisi and I are first cousins as my father, Esei Finau, was the elder brother of Siaosi's mother, Luisa Tafuna. My father named me after Siaosi's mother because she was his favorite sister. Although I was born and raised in Arizona, I have known and interacted with Siaosi almost all of my life. I was about five years old when I first met Siaosi. I used to travel to San Bruno, California, with my parents and siblings to attend family functions and gatherings at least once a year, and I always spent time with Siaosi. Siaosi and I are only separated by three years in age, so we were peers.
2. Siaosi was a happy child and a great cousin. My earliest memories of Siaosi are filled with a lot of joking around and good times. Siaosi was the family clown and he enjoyed making people laugh. Siaosi never argued or got into fights with other children in or outside the family. Siaosi was an obedient child and I don't recall him getting into a lot of trouble with the adults in the family.
3. Although my aunt Luisa was Siaosi's biological mother, he was raised by our aunt Toeumu Tafuna, and they lived in the home with our uncle Moli Tafuna and his wife Lose. Aunt Luisa always told Toeumu that she shouldn't make Siaosi use the last name Tafuna because aunt Luisa was married to Siaosi's father when he was born and Siaosi's official name was Vanisi. Aunt Luisa used to tell aunt Toeumu that she was going to confuse Siaosi and make him crazy by allowing him to use the wrong last name.
4. Uncle Moli had several strokes and remained in a vegetated state for many years before he died. Siaosi use to help aunt Toeumu and Lose care for uncle Moli until his death in the mid-1980's. The elders in our family used to make me and the other children kiss uncle Moli on his cheek each time that I came to town even though we were all terrified to see him in the condition that he was in. Kissing uncle Moli was a very unsettling experience, but we were made to do it. I don't recall how Siaosi was affected by the passing of Uncle Moli but I figured he took it hard because they were so close.
5. The next major loss for Siaosi was the sudden death of his older brother, Tevita Siu Vanisi. Tevita was about 18 years old at the time of his death and Siaosi was only 16 years old, and I recall that Siaosi took the news very hard. Siaosi was the last one in the family to see Tevita before his death, and Siaosi carried a lot of guilt for a long time over not being there for his brother on that last occasion. Aunt Toeumu bought an old used car for Siaosi to drive around the neighborhood when he was 16 years old, and he refused to give Tevita a ride to school earlier that day because Siaosi was going to pick up his friends. Tevita ended up cutting school that day and hanging out with his friends around the neighborhood. After running up and down the hills in the area, Tevita collapsed and died. After finding out about Tevita's



passing, Siaosi felt a deep sense of guilt and he believed that his brother might still be alive if he simply drove Tevita to school that morning. I was upset with Siaosi for a long time because I couldn't understand why he refused to give his brother a ride that day. Siaosi later told me that he and Tevita didn't get along well because Siaosi didn't approve of Tevita's lifestyle. Tevita used drugs, hung out with a bad crowd, attended an alternative school for troubled teens and Siaosi did not want to be a part of Tevita's negative environment. However, Siaosi regretted being so judgmental against his brother. Siaosi also said that he should have taken more time to get to know his brother better and build a closer relationship.

6. I lived in San Bruno for one year when I was fifteen years old and attended highschool with Siaosi. I was in the tenth grade and Siaosi was a senior, and I was staying in the home of our uncle, Maile Tafuna. Siaosi primarily lived in the residence of our aunt, Toeumu Tafuna, and our aunt in-law Lose Tafuna, which was located just a short walking distance down the street from uncle Maile's house. However, Siaosi spent many nights and most of his free time at uncle Maile's house because there was usually no adult supervision there. Maile and his wife, Mele, worked long hours day and evening shifts so their children and other kids in the family were often left alone. I saw Siaosi everyday, at home and in school, during my entire one year stay in San Bruno.
7. Whenever Siaosi stayed over at uncle Maile's house, he was on the second floor with the boys and I stayed on the first floor with the girls. In Tongan culture it is customary to keep the boys and girls within the family separated from each other. I was not even allowed to attend the same parties or social gatherings, and I couldn't hang out in the same group of friends that Siaosi and my other male cousins did because it was considered to be a taboo, especially amongst the family in San Bruno. The family in San Bruno were much more religious and had a bigger Tongan cultural influence than my immediate family in Arizona. My mother, Gaynor, is a white New Zealander, so my siblings and I were raised to be more open minded and westernized than the San Bruno side of the family.
8. Siaosi's biological father was never a part of his life, so uncle Maile became Siaosi's main father figure and male role model as Siaosi grew older. Uncle Maile was a fair but strict person, and he was known for yelling at the children in the family whenever they made mistakes or didn't follow his rules. Uncle Maile did not have much patience and he had no problem letting you know how he felt about things regardless of how it made you feel.
9. It is common in Tongan culture for adults to speak very harshly to children in their family. The meaning and direct translations of Tongan words and phrases have a different meaning in English, and they come across differently from the choice of words that American parents use when they talk to or reprimand their children.
10. Siaosi's mother, aunt Luisa, sometimes said things that embarrassed us in public. Aunt Luisa had no problem telling me and her daughter, Sela, that we needed to go on a diet while we

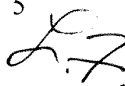
were in a room full of people.

11. My father talked harshly to me and my siblings at times, and I have had to catch myself when I've talked to my kids in a similar manner. I always remind myself that it isn't appropriate and that I don't want to treat my children the same way that I was treated as a child.
12. There was tension between my dad and uncle Maile because of Maile's views about my parents' relationship. Maile believed that Tongans should not marry outside of their race and he was very critical of my father for marrying a Caucasian woman. This was part of the reason why my father left San Bruno for Arizona before I was born, and also why my father did not visit the family in California more often.
13. Siaosi sometimes complained about uncle Maile yelling at him and speaking to him in a harsh manner, but it was hard to tell how Siaosi was affected by Maile's treatment. Whenever Siaosi spoke about something that might be bothering him he often brought it up randomly in bits and pieces, and we never had a full discussion about the matter. Siaosi sometimes also mentioned things that bothered him in a joking manner, and I couldn't tell if he was serious or not.
14. Siaosi seemed like he struggled with his identity when we were in high school together. Siaosi never spoke Tongan in public, he didn't spend time around other Polynesian students before, during or after school and tried to speak like he was white when he was around his classmates.
15. Siaosi was very protective of his family and friends from the time that we were in high school together. Siaosi used to protect me from boys who harassed me at school. Whenever he heard that someone was bullying me he'd tell me that he would talk to them, and the next thing I knew the bully never bothered me again. Siaosi was also always concerned that I ate lunch, so he gave me money to buy lunch everyday, whether or not I had any cash on me.
16. Siaosi took two girls to his senior high school prom, in 1989, without their knowledge. Siaosi pulled this off by picking them up at different times and wearing different outfits. I helped Siaosi get ready for his prom by painting his fingernails with clear nail polish, and I recall that he wore reversible clothes that he could turn inside out. I never learned whether the girls found out about one another.
17. I moved back to Arizona in 1989 after completing the tenth grade because my father passed away that year and I wanted to be closer to my mom. However, I continued to travel between Arizona and San Bruno for the next few years. I recall being with Siaosi just before he was going off on his LDS mission in 1990. Siaosi was preaching to me about the importance of always doing the right thing and staying out of trouble, and he cautioned me to be careful while he was away. Siaosi also wanted us to stay in touch through letter writing while he was on his mission. I was back in Arizona at the time when Siaosi was sent home



from his mission.

18. The next time I saw Siaoosi was in 1992 when he moved out to Mesa, Arizona. Siaoosi contacted me shortly after he moved to town and he was driving a motorcycle. Siaoosi told me that the family back in California believed that he was attending college in Los Angeles but he wasn't, and he asked me not to tell anyone. Siaoosi said that he didn't want to let aunt Tocumu and the rest of the family down.
19. Siaoosi's identity issues grew worse by the time that he moved to Arizona. Siaoosi told people that his name was Perrin because it sounded less Polynesian. Siaoosi told people that he was not Tongan and he refused to speak Tongan whenever anyone addressed him in his native tongue. Some Tongans in the community used to test whether Siaoosi understood Tongan by calling him various derogatory names and swearing at him in Tongan, but Siaoosi reacted and always pretended not to understand what they were saying. Many Tongans in the local community did not care for Siaoosi because he denied his heritage.
20. In the summer of 1992, I became married and lived in Danville, California for two years. I then moved back to Arizona in 1994.
21. The next time I saw Siaoosi was in 1994 or 1995 when he drove from Los Angeles, California to Arizona to visit me and the other family members in town. Siaoosi was with his wife DeAnn and their first son, Forest, who was just a baby. Siaoosi was physically fit, well dressed and he had a portfolio with head shots of himself. Siaoosi spoke a lot about wanting to be an actor and working in Hollywood.
22. The next time that I saw Siaoosi was about a year later, in 1995. Siaoosi's wife, DeAnn, was pregnant with their second child, Moleni, at the time of their visit to the Mesa area. I noticed a big change in Siaoosi's appearance. Siaoosi gained a lot of weight, his hair had grown out and he was dressed very sloppy. Siaoosi's appearance was the total opposite of the clean cut aspiring actor that he was a year earlier. Siaoosi was driving an old beat-up looking Volkswagen van and he looked like a hippy. The only thing I remember Siaoosi talking about during this trip was a trick that he used to stay awake. Siaoosi said that he usually left something in his hand when he was tired and didn't want to fall asleep, and the object in his hand would hit the ground and wake him back up whenever he dozed off.
23. The next and last time that I saw Siaoosi was in 1997 at his sister Sela's wedding in San Bruno. I saw Siaoosi at Sela's house and he was in the company of his wife DeAnn and their two sons. This was the first time that I remembered meeting his youngest son, Moleni. Siaoosi's attitude towards me was very unusual because he only said hello and good bye, and there was no warmth in the way that he addressed me. Siaoosi was always friendly and affectionate when he interacted, but he was cold and distant during this meeting. Siaoosi lost a lot of weight and he cut almost all of his hair off. Siaoosi was taking photographs at the wedding and I recall him climbing on the stage to get weird angles, and he was also putting the camera in the faces



of the royal family members who were in attendance. I also recall uncle Maile yelling at Siaosi and demanding that he stop acting so crazy. This was the last time that I saw Siaosi in person.

24. After Siaosi's arrest and conviction, we wrote letters to one another for several years. The last time that I communicated with Siaosi was around 2005. Siaosi said a lot of strange things in his letters. During his first haircut in jail, Siaosi told me that he saw the face of his dead brother, Tevita Siu, in the locks of his hair as they hit the floor. This was one of Siaosi's stranger comments that sticks out in my memories.
25. Herbert Duzant and Gerald Bierbaum, of the Federal Public Defender office, were the first people to ever speak with me about Siaosi's case. I was never contacted by Siaosi's trial attorneys or their representatives. I would have told Siaosi's attorneys everything that I've said in this declaration had they interviewed me, and I also would have been willing to testify to these facts in court. I also would have asked the jury to spare the life of my cousin.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 5th 2011 in Maricopa County, Arizona.


Luisa Finau
 4/7/11

Exhibit 153

Exhibit 153

Declaration Of Leanna Morris

I, LeAnna Morris, declare as follows:

1. My name is Leanna Morris, I am 38 years old and I currently reside in Maricopa county, Arizona. I am the former girlfriend of Siaoosi Vanisi and I am the mother of his second child, Kylee.
2. I first met Siaoosi around 1992 in Mesa, Arizona and we were introduced to one another by my cousin, Charlie Brown. Siaoosi and Charlie Brown were roommates back then and they lived in close proximity to where I was residing at the time. Whenever Siaoosi introduced me to people he knew he always referred to me as being his friend or relative. I never met any of Siaoosi's relatives until after I had our daughter, Kylee, and Siaoosi and I had already broken up. Siaoosi's secretness about our relationship always seemed weird to me and I was bothered by it. All together, our relationship lasted about nine months or longer and we lived together most of that time.
3. When Siaoosi and I first met he introduced himself to me as Perrin Vanisi. However, I soon learned that he used various names and alias. I heard Siaoosi introduce himself to other people as Perrin Vanisi, Perrin Vanacey, George, Siaoosi, Gia Como and other names. Each of Siaoosi's personalities had their own accents and ways of speaking. One had a French accent, another had an Italian accent and there were others. Each personality had their own individual and unique mannerisms, and they randomly manifested without any warning signs.
4. Siaoosi also had various photo identification cards with his various names on them. Most of the ID cards were issued by various colleges in the Mesa, Arizona area as well as California. Siaoosi liked hanging out at colleges for some reason, so he made false identifications so that he could get in and out whenever he wanted to. In the beginning of our relationship, Siaoosi told me that he was going to Mesa Community College but I never believed him because I never saw him with any books or study material and I never saw him going to classes. The only activity that I saw Siaoosi take part in at the college was playing volleyball at the LDS Campus Institute, which is open to the general public.
5. Besides assuming various names and identities, Siaoosi also wore strange looking wigs at times and he also put his hair in different styles. In the beginning of our relationship, Siaoosi's hair was short and neat looking. However, as time went on he allowed his hair to grow long and disorderly. Siaoosi's Gia Como personality wore his hair in a ponytail and he liked going to clubs. Another personality of Siaoosi's liked wearing his hair in a huge afro-puff. At times, Siaoosi walked around the streets with pantyhose over his head. When Siaoosi wore the pantyhose on his head he sometimes said that he was going to be like the Ice Killer, a normal husband and father by day and a killer by night. Siaoosi never mentioned who he might kill, and I never took him seriously whenever he made these comments. Siaoosi said that he thought it was a good storyline and he always wanted to be famous actor.



6. Siaosi never seemed proud of his Tongan heritage and always acted like he wanted to be someone else. Siaosi never talked about his family in San Bruno, California and he never discussed anything regarding his heritage. Siaosi never told people that he was Tongan and he usually made up stories about his ethnicity when he met new people.
7. The only thing that Siaosi mentioned about his family was that he was raised by his mother's sister, and that he was deeply effected by the death of his brother when he was a child. Siaosi never provided me with details of his brother's death.
8. Although I never saw or heard Siaosi talk about using drugs or drinking alcohol, I did witness him come home intoxicated at times. I usually didn't know what he was high on and I did not smell alcohol on his person often. Like Siaosi, I was a member of the LDS church and he knows that I did not approve of alcohol consumption or drug abuse.
9. Siaosi spent many nights hanging out in the streets until the early morning hours or even the next day at times. He came home from clubs & parties with bruises from fighting with others. Usually, he started the fights with the.
10. Siaosi attended weekly services and gatherings at the local LDS singles wards at Mesa Community College and Arizona State University. Siaosi wore his temple garments at the beginning of our relationship, but he stopped wearing them as time went on. At times I felt like Siaosi attended church gatherings more for his image than for receiving spiritual guidance. Church seemed like it was just something to do for him to pass the time.
11. Siaosi suffered from irregular sleeping patterns when we were together. Siaosi usually stayed awake all night and when he was able to fall asleep it was usually during the daytime. When Siaosi slept days he usually woke up late in the afternoon and then he'd be up all night again. Siaosi did not get much sleep throughout the time of our relationship, and I never knew why.
12. Siaosi had problems holding onto jobs and he was never financially stable or independent throughout our entire relationship. When Siaosi managed to find a job it was only as a waiter and he was usually fired within a few weeks of being hired. Siaosi spent most of his time staying home, but he always expected me to work and pay for all of our bills and expenses, even when I was pregnant with Kylee.
13. I had a car throughout our relationship, but Siaosi did not have one until his mother, Umu, gave him money to purchased a used BMW. Siaosi drove the BMW for a while until it broke down and he didn't have any money to fix it.
14. Siaosi suffered from severe and unpredictable mood swings. One minute he was happy and laughing, and the next minute he was sad or angry for no reason. I never knew what to expect when it came to his emotional states.

15. Siaoosi always kept five or six empty two-liter plastic bottles around the livingroom. Siaoosi urinated in these bottles at times when he was too tired or too focused on a movie to go to the bathroom. Siaoosi filled these bottles with his urine and he never emptied them. These bottles were always at the side of the couch where Siaoosi sat.
16. Siaoosi and I had verbal and physical disputes during our relationship. Siaoosi started some of the disputes and I started others. ~~Siaoosi wanted me to be submissive like a Tongan woman and accept all of his shortcomings as a partner. However, I always reminded him that I am an American woman and freely spoke my mind.~~ He just, in general, expected women to be submissive and expect him for who he is.
17. Siaoosi and I broke up after an argument when I was a few months pregnant. After the argument, Siaoosi took my car without my permission and I told my father, who was a police officer, about what happened. My father then had a conversation with Siaoosi and Siaoosi was so afraid that he left Arizona and moved to Los Angeles. I don't know what my father told Siaoosi. After Siaoosi was arrested in 1998 for death of the UNR police office, my father told me that he felt a little guilty for the way that he ran Siaoosi out of town. My father believed that he may have sowed the seeds of Siaoosi's animosity for police officers.
18. Siaoosi returned to Mesa when I was about five or six months pregnant to tell me that he met his new girlfriend, Deanne, and that she was pregnant with his child. Siaoosi went on to tell me that he and Deanne met at Lake Havasu earlier that spring, and how much they were in love with one another. Siaoosi told me this in a very blunt manner, and he didn't seem to have any regards for my emotions. We had broken up but I was still carrying his child and I was still in love with him because he was my first boyfriend. What made hearing this worse was that my pregnancy with Kylee was not an accident. We planned to have Kylee together because Siaoosi wanted to have a child more than anything else. I began crying a lot during our conversation and I became so sick to my stomach that I began throwing up. Siaoosi didn't try to comfort me at all while I was crying and vomiting and he had an emotionless expression on his face. Siaoosi just continued talking about how wonderful Deanne was and it seemed like there was no connection with what his words were doing to me. Siaoosi even told me that he and Deanne were planning to get married while I was completely falling apart. After this meeting I wanted nothing more to do with Siaoosi, and he went back to California.
19. When I was about to have Kylee Siaoosi called me and said he wanted to be present for her birth. I told Siaoosi to stay away from me and Kylee and that I did not want him in our lives. Someone did come to the hospital the day Kylee was born, and told the staff he was the father but they were told not to let anyone in our room or to see Kylee. We never saw or heard from anyone after that.
20. After Kylee was born, when she was a week or two old, I let Perrin and Deanne visit Kylee at my sisters home, where my mom, sister, me and Kylee were present. They were not

married at that time. We all tried to tell and warn Deanne about Perrin and what she could expect from a relationship with him, but she didn't really listen and was in love with him.

21. The last time that I saw Siaoasi in person was when he showed up to my home unannounced when Kylee was about one and a half years old. I was already married to my current husband at that time and Siaoasi was in the company of his wife, Deanne and their baby boy, Forest. The meeting was brief and cordial and I never saw Siaoasi again afterwards.
22. After Siaoasi's arrest in 1998, I was the first to reach out to his attorneys. My husband, Tim, and I wanted Siaoasi to agree to give up his paternal rights so that Tim could officially adopt Kylee as his own daughter. We also wanted to have Kylee sealed to us at our local LDS temple, but the Bishop needed Siaoasi's consent. Siaoasi refused to give up his paternal rights so we hired an attorney to fight him in court. We were ultimately successful in the court case and Tim won the right to adopt Kylee.
23. I spoke with Siaoasi's trial attorney by telephone only and no one from his office ever came to Arizona to interview me in person. During our telephone conversations we only discussed Siaoasi's parental rights issues and the attorney never asked for background information in regards to my relationship with Siaoasi or my observations of his behaviors during the time when we were together. Had Siaoasi's attorneys asked me about these matters I would have told them everything that I have stated in this declaration. Herbert Duzant and Gerald Bierbaum of the Federal Public Defender office were the first people to discuss Siaoasi's case with me since my telephone conversation with Siaoasi's attorney prior to the start of his trial.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7 2011 in Maricopa County, Arizona.

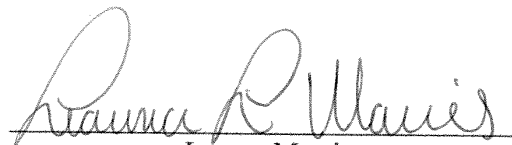

Leanna Morris

Exhibit 155

Exhibit 155

Declaration Of Miles Kinikini

I, Miles Kinikini, declare as follows:

1. My name is Miles Kinikini, I am 36 years old and I currently live in Salt Lake county, Utah. I am the cousin of Siaoasi Vanisi and I have known him for most of my life.
2. I first met Siaoasi during the early 1980's, when he was about 10 or 11 years old and I was 6 or 7. Siaoasi was living in the home of his uncle Moli and his wife Lose Tafuna. Me and my family always stayed at Moli and Lose's home whenever we traveled to San Bruno and Siaoasi always stayed at my family's home, on Emery Street, whenever he came to Salt Lake City. I usually saw Siaoasi a few time each year whenever we visited one another's home for family gatherings and church events. Siaoasi also spent various summers out in Salt Lake City with us.
3. Siaoasi shared a room with his older brother, Sitiveni, during the early 1980's. Sitiveni was an alcoholic and a drug addict, and I did not see him around Siaoasi's home during two-thirds of my visits to San Bruno. However, when Sitiveni was around I often saw him passed out and sleeping in his room after coming home intoxicated.
4. When Sitiveni was awake, I always did my best to stay as far away from him as I could. Sitiveni was a large and intimidating person and much older than us. Sitiveni also used to chase me and the other kids in the family around the house trying to catch us so that he could insert his fingers between our buttocks. Sitiveni caught me one day during a chase and he was about to stick his fingers in my butt until I flinched and moved and managed to escape. From that point forward I always stayed away from him because I didn't trust him. I never told the adults in the family about what Sitiveni was doing to us, and I don't think that any other the other kids in the family said anything as well.
5. I always suspected that Sitiveni sexually abused Siaoasi because I witnessed Sitiveni chasing Siaoasi around the house and putting his fingers in his butt, and they shared the same room. Siaoasi wouldn't have had any protection from Sitiveni at night when they were in the room by themselves.
6. Sitiveni was heavily into pornography and I used to see his sexually explicit magazines all over the room. I believe that Sitiveni's addiction to pornography affected Siaoasi because he used to sit for half an hour or more trying to tune into an adult channel that used to broadcast in the Bay area. The channel came in only if the dial was turned just right and it was time consuming, but Siaoasi always had the patience to take as much time as he needed to get it to work.



7. By the time that Siaoosi was 12 or 13 years old, he frequently and enthusiastically masturbated and ejaculated all over his house and in front of me and his other peers in the family. Siaoosi never dared do such a thing in front of any of the adults in the family. Siaoosi was always too concerned about the opinions of his elders and he always wanted to please them and win their approval. I once observed Siaoosi masturbate and ejaculate on top of the toilet in the bathroom of his home. Siaoosi then collected his semen from the toilet, placed it in a pill bottle and held it up to show me as he had a big smile on his face. Siaoosi then told me that his semen was "spanish fly" and that he could get girls to have sex with him by putting it, his semen, in their drinks. I knew from that point forward that Siaoosi was out of his mind. I also suspected that his sexual behavior was influenced whatever was going on between him and his brother. No other kids in the family were engaging in these behaviors.
8. Siaoosi also had a feminine side to his personality when we were children. Siaoosi often spoke with a gay accent as he walked around flipping his wrists and switching his hips. Siaoosi often did these things whenever Siaoosi came out of the shower, while also tucking his penis between his thighs and pretending that he had a vagina. Siaoosi place towels over his head to pretend he had long hair and around his chest pretending to have breasts. Siaoosi behaved like this so often and in so many situations that I sometimes questioned his sexuality.
9. Siaoosi was treated meanly by everyone in his house. Lose and Toeumu, his adopted mom, were always yelling at Siaoosi and beating him for little to no reason. Siaoosi was often hit hard over the head by Lose and Toeumu with wooden spoons for forgetting to throw out the trash or not responding to their calls quickly enough for their liking. Siaoosi was also hit in his head for no reason at all on many occasions. I saw Siaoosi get hit while he was just minding his business and not doing anything. When Siaoosi asked Lose or Toeumu why they hit him for no reason, they sometimes told him that it was for something that he did on some other day. To me, it seemed like Lose and Toeumu were simply taking out their frustrations on Siaoosi when they were having a bad day.
10. Siaoosi's sister, Kalolaine, never seemed close or affectionate to Siaoosi and she frequently yelled at him. Besides touching Siaoosi inappropriately, his brother Sitiveni also used to beat Siaoosi for little to no reason as well. I always felt sorry for Siaoosi because of how he was treated in his home.
11. By the time that Siaoosi was in high school, he developed a very religious and conservative view and he often preached to me and the other younger cousins in the family. Siaoosi often spoke about the bible. Siaoosi did not allow us to curse or talk back to our elders in the family, and he often beat us for speaking and acting out of line. Siaoosi began hitting me on one occasion for saying the word, fuck, in his presence but his older brother, Tevita Siu, came to my aide and began beating Siaoosi and telling him to leave me alone.



12. Siaoosi suffered with severe mood swings since the time he was a kid. He might be laughing and joking one moment, and then furiously yelling the next. I recall an incident when me and our cousin Saia Tafuna were driving with Siaoosi in his used Pinto car. Siaoosi was in highschool at the time. We were all laughing and joking and having a good time, when all of a sudden Siaoosi became enraged and started yelling at us and demanding that we get out of his car and walk home. Saia and I had no idea what we may have said to make him so angry, but we got out of his car and walked home. It was like someone flipped a switch in his brain and change instantly his mood, but we were used to this. You never knew why, when or what might set Siaoosi's emotions off.
13. Although Siaoosi frequently preached about doing the right thing, he did not always take his own advice. Siaoosi cursed at times, drank alcohol and I remember him having sex with a girl at his house while the adults were away, when he was about 15 years old. These are all things that he told us not to do, but he had no problem doing them himself. When I confronted Siaoosi about his hypocrisy, he just told me "shut up" and mind my business.
14. Siaoosi's family placed a lot of pressure on him to succeed and make them proud, and they were all let down in a big way when he was sent home from his mission when he was 19 years old. Siaoosi's uncle Maile Tafuna was the hardest on him and I recall hearing that uncle Maile told Siaoosi that he was a disgrace to everyone and that he was not longer a part of the family. This is why Siaoosi let San Bruno for Los Angeles shortly after returning from his mission. Siaoosi came to Salt lake City right after he was sent home from his mission, and he seemed like he was a little crazy during that visit. Siaoosi was dressed weird and he spoke like he wasn't completely in touch with reality.
15. I recall seeing Siaoosi a couple of years later, when he was in his early twenties, during his trip to Salt Lake City. Siaoosi looked great, he was dressed in a business suit and he told me that he was selling life insurance policies at the time. Siaoosi seemed like he was starting to pull himself together. Siaoosi's visit was brief and I did not have many discussions with him during this visit.
16. The next time that I recall seeing Siaoosi was in January 1998, on the day that he was arrested on the instant case. Siaoosi's first stop was to my house on Emery Street and I welcomed him with a warm hug. I did not know what he had done in Reno at the time, but I could tell that something was not right. Siaoosi's appearance was weird with a long beard that he cut into various parts in a strange design. Siaoosi was nervous and antsy, and he rambled about things that made no sense, like when he told me that he wanted to take me on a cruise around the world to visit China and other far away lands. I was a newly wed at the time and Siaoosi was making my wife a little uncomfortable, so I called our cousin, David Kinikini, to get Siaoosi away from me and my family.



17. Siaosi, me and my wife left my house and met up with David Kinikini and his brother, Vainga Kinikini. We all then went to a local pool hall afterwards, and that's when Vainga first told me about some of the things that Siaosi had told him regarding the incident in Reno. Siaosi was acting crazy at the time so we didn't believe that he was serious. Siaosi told me that he had to go outside for a minute, and I following him. That is when I saw Siaosi pull out a pipe, which suggested to me that he was on drugs at the time. I went back inside so I didn't see what he was smoking. I doubt that it was marijuana because he was too hyperactive, like he was on some type of methamphetamine or something.
18. When we left the pool hall, we went to Arby's to get lunch. When my wife opened her sandwich, she expressed that she was disappointed by the small amount of meat that was placed on her sandwich. This is when Siaosi told her not to worry about it and that he'd take care of it. Siaosi then went to the cashier and demanded that they put more meat on my wife's sandwich. When the clerk said they couldn't do that, Siaosi created a big scene and demanded that she make my wife's sandwich look like the one in their advertisement photo or else, and then he reached in his breast pocket in a way that suggested he had a gun. This is when the clerk nervously loaded up a new sandwich with a huge amount of meat and gave it to Siaosi. Siaosi never showed a weapon and no one on the staff called the police. Shortly afterwards, I told Siaosi that I had to leave but I'd see him later. Siaosi looked disappointed but I was not concerned about that because I felt like me and my wife needed to get away from him. When I went back home my mother told me that members of the Sheriff's department had been by to see if Siaosi was there because he was wanted for the death of an officer in Reno. This was the first time that I realized that Siaosi was in real trouble.
19. Our cousin, David Kinikini, alerted the police to Siaosi's presence at his house and there was a stand off. I was visiting with my sister who lived nearby and had just walked up to scene when I overheard officers asking, "Who is Maile Kinikini" because Siaosi was demanding to speak with me. I told the officers that I was Maile Kinikini and then I was allowed to speak with Siaosi. Siaosi was rambling and engaging in more crazy talk. Siaosi knew that I was a reformed gang member, so he was asking me to round up Tongan gang members to fight with police officers so that he could get away. I kept telling Siaosi to surrender but he didn't listen to me.
20. It's clear to me that Siaosi suffered from some type of mental disturbance, but he never received any help. Mental illness is not something that's dealt with in Tongan culture because families tend to just sweep the problem under a rug. Many people in Tongan culture also don't know how to recognize many of the signs or symptoms.



21. Herbert Duzant, of the Federal Public Defender office, was the first person to ever speak with me about Siaosi's case. I was never contacted by any of Siaosi's past attorneys during the time of his trial or state post-conviction proceedings. I would have provided Siaosi's previous lawyers with everything that's in this declaration had I been contacted.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7th, 2011 in Salt Lake county, Utah.



Miles Kinkini



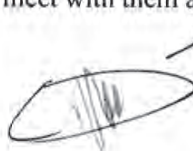
Exhibit 156

Exhibit 156

Declaration Of Nancy Chaidez

I, Nancy Chaidez, declare as follows:

1. My name is Nancy Chaidez, I am a Hollywood talent agent and I currently reside in Los Angeles county. I worked for the Shirley Wilson's Entertainment Agency from 1991 to 1997. In December 1997, I went to work for JEOW Entertainment for a few years before opening a company of my own.
2. I met Siaoasi Vanisi through a referral in 1996, or 1997, while I was still working for Shirley Wilson. I did not work with Siaoasi while I was with JEOW Entertainment. From what I recall, Siaoasi was by no means a major player in the film industry. The biggest project that Siaoasi ever did was the Miller Beer commercial. I never obtained any acting roles for Siaoasi in any motion pictures or television projects, and I have no recollection of Siaoasi doing this level of work before meeting me.
3. I don't represent actors who play extras in movies or television shows, so I have no idea whether Siaoasi ever did this type of work. I also don't represent stage hand or film crews, so I don't know anything about Siaoasi's work as a "grip" on film sets.
4. I was not involved in booking Siaoasi for any film shoots outside of the country, including China. Siaoasi also never told me that he was involved in any film work that took him to China. There are no film companies that I know of that would send extras across the world for a film shoot because extras are always found in the country where the films are being shot. This is more cost effective because there are always budgetary concerns for producers and film companies. Siaoasi was not the caliber of an actor who would be sent over seas for work for any speaking roles. I believe that his alleged trip to China was something that he must have made up in his mind.
5. There are a lot of actors within the film industry who suffer from profound issues of mental illness. Bipolar and Schizophrenic actors are usually amongst the best performers in the business because these illnesses allow them to get into the roles in ways that more sane actors can't. This also goes for actors who suffered severe child abuse when they were growing up. I know these facts from my experience working around Hollywood for decades. I also had a personal experience with mental illness in my family because my dad was Bipolar and terrorized me and my mother for years during my childhood.
6. The prevalence of mental illness amongst actors in Hollywood is the reason why I maintain two different offices. I always send new clients to the first office, in a commercial facility, and meet with them there for a while until I can make an assessment of their mental stability. Once I'm convinced that a client is mentally stable and safe, I then meet with them at my ~~home~~ office.

 *Second*
Page 1 of 2

7. Siaosi acted and appeared differently each time that he came to my office, and it almost seemed like he was different people. One time he came into my office wearing glasses with his hair slicked back and he acted calm and reserved. Another time he came into the office with a puffed-out Samoan type Afro hairdo and he was very outspoken and excited. I can't recall all of the various changes in Siaosi's personality during all of his visits to my office, but it seemed like he was a different person each time. None of Siaosi's various personalities where ever a part of a role that he was studying for. The personalities also were not a method to obtain work in the industry.
8. In 1997 when I was still working for Shirley Wilson, I recall getting a phone call from Siaosi. It was a direct call, it wasn't collect and I had no reason to believe that he was incarcerated. Siaosi told me that he wanted to harm a police officer because he thought that it would make a good storyline for a movie that he wanted to write. I thought that Siaosi was making up the story as some kind of joke because the scenario didn't make any sense. Siaosi's storyline was incoherent, not interesting and just sounded crazy. I recall brushing him off by saying, "Yeah right . . . Sure you're going to kill a cop . . . that ain't happening." Siaosi seemed serious during conversation and he wasn't laughing, but I thought that was all part of his joke. I had no idea that Siaosi really intended to go through with his plans.
9. After Siaosi was arrested on the instant case, he wrote me a few letters in an effort to convince me to represent his rights to his story. Siaosi was under the delusion that he was going to sell his rights to the story about his crime and that it would be made into a full featured movie. I never bothered to respond to his letters.
10. I was working at JEOW Entertainment during the time of Siaosi's two trials, but I have no recollection of ever being contacted, in person or via telephone, by anyone on Siaosi's trial attorneys. I was also never contacted by Siaosi's state post-conviction attorney. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case with me. I would have told his previous attorneys everything that is contained in this declaration had I been contacted.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 11th 2011 in Los Angeles county, Calif

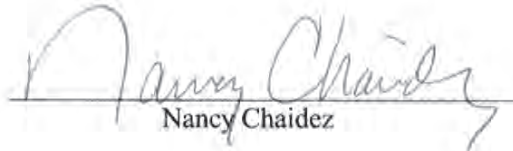

Nancy Chaidez

EXHIBIT 159

EXHIBIT 159

13

Case No. CR98-0516

FILED

Dept. No. 4

JAN 12 1999

AMY HARVEY
By: *ms*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

SIAOSI VANISI,

Defendant.

TRIAL
VOLUME 1
January 11, 1999

Reno, Nevada

APPEARANCES:

For the Plaintiff:

RICHARD A. GAMMICK
District Attorney
DAVID L. STANTON
and THOMAS BARB
Chief Deputies District Attorney
75 Court Street
Reno, Nevada 89520

For the Defendant:

MICHAEL R. SPECCHIO
Public Defender
STEPHEN GREGORY
and JEREMY BOSLER
Deputies Public Defender
One South Sierra Street
Reno, Nevada

The Defendant:

SIAOSI VANISI

Reported by:

ERIC V. NELSON, CCR No. 57

ORIGINAL

SIERRA NEVADA REPORTERS (702) 329-6560

SVenisi 2JDC02254

I N D E X

EXHIBITS ON BEHALF OF THE PLAINTIFF:

ID EVID

7 Blowup of UNR campus 249

SIERRA NEVADA REPORTERS (702) 329-6560

RENO, NEVADA, MONDAY, JANUARY 11, 1998, 10:16 A.M.

-oOo-

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

THE COURT: This is the time set for jury selection, but before we bring the jury panel in, I would like to handle a couple of things outside the presence of the jury.

First, late Friday we had a couple of other jurors that we had to excuse from being here. We haven't asked Mr. Vanisi if he has any objection to that.

THE DEFENDANT: No objection, Your Honor.

THE COURT: Mr. Vanisi, I think your attorneys told you it was Mrs. Lyle who was going on a trip over the weekend, and there was Mr. Peak who his father was ill.

Did your attorneys go over that with you, Mr. Vanisi?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did you have any problems with your not being there, here for that? Had you actually waived that?

THE DEFENDANT: Yes.

THE COURT: Then we'll proceed with the jury panel as it is currently constituted.

1 Also an issue has occurred to me that during
2 the course of the jury selection, there may come a time when
3 I ask counsel to approach for a side bar with the
4 prospective juror and counsel and the court reporter and the
5 Court.

6 MR. SPECCHIO: I have advised Mr. Vanisi, Your
7 Honor, and he's willing to waive his appearance at the side
8 bar for the purpose of those conferences.

9 THE COURT: Okay. Now, Mr. Gregory.

10 MR. GREGORY: Yes, Your Honor. We have a
11 problem that I should bring to the Court's attention
12 regarding what is on the back of Mr. Vanisi. When he is
13 sitting down, it is not obvious, but when he stands up --

14 Go ahead and stand up, Mr. Vanisi, and turn.

15 -- you can see this thing. It's pretty
16 obvious. I don't know whether we should allow him to set
17 there and let me set with him so it is not obvious that he's
18 got this thing on him or how we should handle this, Judge.

19 MR. SPECCHIO: Also if he was ever to lean
20 forward to write notes down, it is going to become apparent
21 to the people behind him.

22 THE COURT: The back of the chair, though,
23 would cover it.

24 MR. GREGORY: It does indeed, Your Honor. But
25 when he stands up, it is a very obvious thing. I didn't

1 notice it until he stands up for the Court.

2 THE COURT: Can't he stand to the side?

3 MR. GREGORY: That is even worse.

4 THE COURT: From my angle, from straight on, it
5 looks like a poorly fitting suit.

6 MR. GREGORY: It does when it is straight on.
7 When you are looking at him, you mean?

8 THE COURT: I don't see it straight on.

9 MR. GREGORY: No, ma'am, you wouldn't because
10 the back pack is in the back.

11 MR. SPECCHIO: Can he stay seated?

12 THE COURT: The question is when the Court
13 comes and goes; is that what you are asking?

14 MR. GREGORY: Yes, ma'am. If we can make some
15 accommodation for him.

16 THE COURT: Try putting your arms behind you,
17 Mr. Vanisi. How does that do?

18 MR. GREGORY: That is a little better, although
19 now he looks like he is in cuffs.

20 THE COURT: Well, you know how a lot of people
21 stand with their hands sort of -- I don't mean like you are
22 in cuffs. You don't have to look like that.

23 MR. STANTON: Your Honor, could I just, because
24 we're describing and visually looking at something. If we
25 could verbally describe this for the record.

1 The fact that he may look like he has cuffs if
2 he puts his hands behind his back would be maybe a fact if
3 he wasn't to bring his hands around in any portion during
4 the hearing, which obviously he is going to be doing,
5 writing on a pad of paper in front of him. I agree with
6 counsel that his hands behind his back, it is virtually
7 indistinguishable that he indeed has a pack.

8 For the record, it is a bulge in the lower part
9 of his small of his back.

10 THE COURT: Why don't you kind of -- my
11 problem, Mr. Gregory, isn't that I'm worried about him
12 standing for me, but I think it's the wrong impression for
13 the jury if they all have to stand. It makes him look like
14 he's being less a part of the process. And I don't really
15 think that is a good idea.

16 Just unbutton the coat and just kind of
17 casual -- you can put your hand behind your back,
18 Mr. Gregory.

19 MR. GREGORY: Like that?

20 THE COURT: No, no, you put your hands behind
21 your back the same way.

22 MR. SPECCHIO: See no, hear no.

23 THE COURT: You guys can all do it in unison.
24 I think that will be okay.

25 Turn around, Mr. Vanisi, so I can see. Now let

1 go of your hands. Now put your hands back for me to see.

2 That's great. If he stands up straight and
3 puts his hands back, they won't see a thing. I think that
4 looks fine. I don't see any indication there at all.

5 It is fine in front? That is Mr. Specchio
6 nodding?

7 MR. SPECCHIO: Yes, Your Honor.

8 THE COURT: Go ahead and be seated, Mr. Vanisi.

9 Now, with regard to the side bars, which is
10 where we were --

11 MR. SPECCHIO: Judge, maybe you ought to come
12 down and take a look at this. When he leans forward, it is
13 really --

14 MR. GREGORY: When he sits down, it is
15 grotesque.

16 THE COURT: Bailiff, approach.

17 MR. GREGORY: For the record, this is a
18 security belt that's on Mr. Vanisi. Apparently the battery
19 pack is sticking out on his back.

20 MR. SPECCHIO: Judge, I don't think we have a
21 problem with this once we have a jury because we will know
22 everybody is there, but now they can see this.

23 THE COURT: Just a minute.

24 MR. STANTON: For purposes of jury selection,
25 counsel has asked that the view from behind when he is

1 sitting down and leaning over is something that they are
2 concerned about. Maybe Mr. Gregory would be kind enough to
3 switch the chairs with Mr. Vanisi so there is a higher back.

4 THE COURT: Well, before we do that, there was
5 a specific -- I'm asking the security details. You can
6 approach.

7 THE SHERIFF: Your Honor, we have two concerns.

8 MR. GREGORY: For the record, in response to
9 Mr. Stanton, the security has already indicated they would
10 not allow Mr. Vanisi to sit in the chair that has wheels on
11 it.

12 THE COURT: Mr. Gregory, would you switch
13 chairs with Mr. Vanisi?

14 MR. GREGORY: Yes, ma'am. Thank you.

15 THE COURT: For purposes of jury selection
16 only.

17 MR. GREGORY: Be sure when you stand up that
18 you stand up straight like this.

19 MR. SPECCHIO: Well, not like that. Kind of
20 put your hands behind you, kind of casually.

21 MR. GREGORY: Although, Your Honor, for the
22 record, I think Mr. Barb should have to set in this chair.

23 THE COURT: You guys can switch back as soon as
24 we have a jury.

25 Thank you, Mr. Vanisi. Be seated.

1 Now, with regard to the side bars --

2 MR. STANTON: Just so we have the record
3 cleared up on that, Your Honor, Mr. Vanisi is now in a chair
4 where the back rises just below his ears and the pack would
5 not be observable from the jury panel, the respective
6 members in the audience.

7 THE COURT: Now, the side bars, Mr. Specchio
8 has said Mr. Vanisi has no objection to waiving his
9 appearance at the side bar, which will still be in the
10 courtroom, but he won't be able to hear what is said at the
11 side bar.

12 Mr. Vanisi, did your attorneys go over that
13 with you?

14 THE DEFENDANT: Yes, they did, Your Honor.

15 THE COURT: Do you waive that right?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you have any problem with that?

18 THE DEFENDANT: No, I don't, Your Honor.

19 THE COURT: As soon as they are through talking
20 to me at the side bar, and it will be on the record, and you
21 will get a transcript of that on a daily basis, they will
22 tell you what was said. Okay?

23 THE DEFENDANT: Yeah.

24 THE COURT: Any other housekeeping issues that
25 we need to resolve prior to bringing in the jury?

1 MR. SPECCHIO: I didn't hear the music and the
2 chairs are changing over here.

3 THE COURT: It looks to me like seniority has
4 its perks, Mr. Specchio. Mr. Gregory has now switched with
5 Mr. Bosler.

6 Anything else, counsel?

7 MR. STANTON: Not from the State, Your Honor.

8 THE COURT: We'll take a short recess while the
9 Jury Commissioner brings in the prospective jury panel.

10 Counsel, I ask that you remain while the jury
11 panel comes in.

12 Be in recess.

13 (Recess taken at 10:26 a.m.)

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RENO, NEVADA, MONDAY, JANUARY 11, 1998, 10:52 A.M.

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THE COURT: Please be seated, those of you who have chairs.

I want to welcome all of you. As you know, you came in three different groups. We had some people come early on Thursday morning, a little bit later on Thursday morning -- or Monday morning, and then some people came on Thursday. So now that you look around, you realize why we broke you up and had you come separately.

The process that we're going to participate in this morning requires that you all be present for the process in its entirety. As you can see, there are several chairs up here in front. As soon as we fill those 36 chairs, I think we'll have the ability to seat just about everyone, and at least nobody will have to be standing in front of other people. That's my hope.

We're going to try to go through this process as quickly as we can, but with 130 of you, it just adds to the logistics. So please be patient with us.

I want to remind you that we will work as quickly as we can throughout this process and move the case forward. Today is scheduled to select the jury. So we hopefully will have our jury completely selected, perhaps

1 even by midday, but I think it is probably going to take us
2 most of the day, and then we'll actually start hearing
3 evidence tomorrow.

4 For you, so you remember who everyone is -- I
5 know you have been introduced to everyone, but it was some
6 time ago -- I'm going to ask that the parties introduce
7 themselves, the counsel, and then I'll have my staff
8 introduce themselves. So we'll start with the State.

9 MR. GAMMICK: Good morning, ladies and
10 gentlemen. My name is Richard Gammick. I'm the Washoe
11 County District Attorney. With me today are Chief Deputy
12 David Stanton and Chief Deputy Tom Barb.

13 THE COURT: Thank you.

14 MR. SPECCHIO: Thank you, Your Honor. Ladies
15 and gentlemen, my name is Mike Specchio. I'm representing
16 Mr. Vanisi, along with Steven Gregory and Jeremy Bosler.
17 Thank you.

18 THE COURT: Thank you. And I'd like the staff
19 that serve with me here in the department as well as the
20 Jury Commissioner staff to introduce themselves to you.

21 — We can start with you, Susie.

22 MS. CRAWFORD: I'm Susie Crawford. I'm here to
23 assist you today, whatever the Court needs me to do during
24 the process of jury selection.

25 MS. DAVIS: Good morning. I'm Karyn Davis.

1 I'm Judge Steinheimer's law clerk.

2 DEPUTY BROKAW: Good morning. I'm Deputy Max
3 Brokaw, and I'm the bailiff in Department 4.

4 DEPUTY UPTAIN: I'm Deputy Brian Uptain. I am
5 the second bailiff and here to assist Deputy Brokaw.

6 THE CLERK: Good morning. I'm Marci Stone, and
7 I'm the court clerk here in Department 4.

8 THE REPORTER: My name is Eric Nelson, and I'll
9 be the court reporter during this trial.

10 THE COURT: During the course of this event,
11 the Jury Commissioner staff and my bailiffs and my law clerk
12 will all be assisting. There may come a time when we move
13 you, some of you, down to another courtroom like we did when
14 you were filling out your questionnaires. So please be
15 aware that whatever any of those individuals ask you to do,
16 any of the staff ask you to do, please abide by their
17 requests. Then if you have any concerns, please feel free
18 to tell the staff your concerns, and they will repeat them
19 to me. So in that way we can keep moving forward.

20 I also want to let you know that we all
21 appreciate the inconvenience, and I'm not talking about just
22 standing this morning. I'm talking about the inconvenience
23 that jury duty causes.

24 As I told you when you came before, I'm very
25 much aware that for all of you it is an inconvenience, and

1 for some it's a financial hardship. We'll try to deal with
2 those issues; but I wanted to remind you that the
3 Legislature has set who may be excused from jury service,
4 and financial hardship in and of itself is not a reason to
5 excuse you from service.

6 You are an essential component of our judicial
7 system, and I regard you that way. I know the attorneys on
8 both sides of this case regard you that way, and I promise
9 you that if you are selected as a juror in this case, that
10 your time will be well spent, and it will be a productive
11 period of time that you spend with us.

12 This is the time previously set in Case No.
13 CR98-0516, the State of Nevada versus Mr. Vanisi.

14 Counsel for the State, are you ready to
15 proceed?

16 MR. GAMMICK: We are ready, Your Honor.

17 THE COURT: Counsel for the defense, are you
18 ready to proceed?

19 MR. SPECCHIO: Ready, Your Honor.

20 THE COURT: Let the record reflect the
21 defendant is present represented by counsel as previously
22 noted as well as the State represented by counsel.

23 Ladies and gentlemen of the jury panel, the
24 clerk will now call the roll of those summoned to serve in
25 this case. Please answer here or present as your name is

1 called.

2 (Roll call of jury panel taken.)

3 THE COURT: Is there anyone present who thinks
4 they are on this jury panel whose name has not been called?

5 (No response.)

6 THE COURT: The clerk will now swear the jury,
7 except those people who wish to affirm will be first. I
8 know we have Mr. Judson. Anyone else wishing to affirm
9 rather than swear?

10 Stand, please. Mr. Judson, okay.

11 Ma'am, what is your name?

12 A PROSPECTIVE JUROR: Shiela Miller.

13 THE COURT: Please affirm. Raise your right
14 hand.

15 (Two jury panel members affirmed.)

16 THE COURT: You may be seated. Everyone else
17 please stand, raise your right hand and be sworn.

18 (Jury panel sworn.)

19 THE COURT: We're going to move directly before
20 I say -- there are some general comments I wanted to make
21 before we actually begin selecting a jury, but before I make
22 those comments, we'll select our 36 who will be seated in
23 the jury box. That way we can try to get to you a little
24 bit -- a few more seats.

25 Ladies and gentlemen of the jury, the clerk

1 will be calling those name tags that the Jury Commissioner
2 gave her, one for each of you out of this box. As your name
3 is pulled out of the box, that means you are on our initial
4 panel that will be seated in our jury box, which is expanded
5 from its usual size.

6 There are 36 chairs here, and as your names are
7 called, you are going to be seated in order beginning with
8 the very back row. The bailiff will assist you in finding
9 the proper row. You will fill in the rows as you come
10 forward.

11 THE CLERK: Marilyn Y. Mueller.

12 Geneva Y. Guiler.

13 Debbie J. Aguirre.

14 Richard H. Adamson.

15 Kim M. Hill.

16 Carl E. Hinxman.

17 Cheryl L. Kominek.

18 James E. LaFond.

19 Kimberly A. Burkholder.

20 Jafar A. Sepahpour.

21 Lisa A. Saputo.

22 Dean H. Judson.

23 Daniel M. Gerbatz.

24 ~~Janet M. Thomas.~~

25 Dellice M. Getz.

1 James A. Stephenson.
 2 Samuel L. Barger.
 3 Luisa Arlitz.
 4 Victoria A. Lyman.
 5 Benilda G. Viernes.
 6 Irmgard Kenny.
 7 Susan E. Cadena.
 8 Janet T. Frandsen.
 9 Lawrence L. Jones.
 10 Mark J. Battaglia.
 11 Robert P. Furrie.
 12 Nancie J. Timmerman.
 13 Robert J. Estey.
 14 Paula J. Kizis.
 15 Colette N. Imasaki.
 16 April D. Turnage.
 17 Joseph L. Geach.
 18 Susan M. Frankel.
 19 Jennifer A. Booth.
 20 Carole J. Burke.
 21 James H. Dunn.

22 THE COURT: Anyone have a seat next to you,
 23 raise your hand so we can find those extra seats.

24 Any other blanks? Are all of you all right to
 25 stand? Are you okay to stand? Those of you on the back

1 wall, can you stand? Are you doing all right? Thank you.

2 We're close to having a full complement.

3 Counsel need any of the names repeated?

4 MR. STANTON: No, Your Honor.

5 MR. GREGORY: No, Your Honor.

6 THE COURT: The following comments are directed
7 at all prospective jurors, those of you seated here in our
8 jury box as well as those of you still seated or standing
9 behind the rail.

10 It is important that all of you pay close
11 attention to what is about to happen. It is not only
12 possible but probable that at least some of you currently
13 seated in the audience will be called upon to replace jurors
14 who are currently seated in our jury box.

15 If this were to take place, I do not want to
16 have to repeat all of my questions of a general nature or
17 all the general questions that counsel may have already
18 asked to you. It is for that reason that I ask you to keep
19 a mental or written note of those questions that you would
20 respond to - this is the people in the audience - if you
21 were here in our jury box.

22 If you need a piece of paper or a pencil to jot
23 down those questions, please raise your hand. The bailiff
24 and the assistants will get those to you.

25 Those of you seated here in the jury box, you

1 don't have to make any notes because we are going to be
2 having you raise your hands, and you will just tell me the
3 answer to your question -- to my question as we go.

4 Now, when we set these up, we had no idea who
5 was actually going to be in seat number 10, and that's you,
6 Mr. Sepahpour. Would you mind scooting your chair a little
7 to your right? Thank you.

8 Does that make it a little bit better? That
9 way everyone -- it is not to exclude you, just so the person
10 behind you can see me. You all ended up being on the same
11 level.

12 So ladies and gentlemen of the jury box, as we
13 go through the process here, I'm going to be asking some
14 questions, and when I do, if you want to respond to those
15 questions or if it would be appropriate to respond to those
16 questions, raise your hand and either myself will call on
17 you, or if it is during the counsel's questioning of you,
18 they will call upon you to answer the question.

19 The purpose of what follows is to determine
20 whether or not you are qualified under the law to serve as a
21 juror in this particular case. That is, are you so
22 unrelated to the parties, the attorneys and the facts of the
23 case that you would be able to act as a fair and totally
24 impartial juror.

25 To make this determination I will first ask you

1 a number of general questions. Then the attorneys will be
2 allowed to ask you more specific questions. You are
3 obligated by the oath that you just took or the affirmation
4 that you just made to answer these questions fully and
5 truthfully.

6 If any of your answers appear to reveal a legal
7 basis for which you may be excused from service in this
8 case, one of the other of the attorneys will make such a
9 motion. That is, they will ask that you be excused. I may
10 inquire further of you or allow the other side to ask you
11 some more questions before I decide whether or not I will
12 excuse you from service.

13 However, once all 36 of you have been
14 qualified, then the attorneys on each side will be allowed
15 to exercise a different kind of challenge. These challenges
16 they will be allowed to make will be 10 each. They will
17 each get to reduce your number by 10.

18 And they do not have to give me a reason in
19 most circumstances why they are making such a motion and
20 asking that you be excused. Usually, except for in very
21 rare cases, the court has no alternative but to accept their
22 excusing of you.

23 If this happens, please do not feel that
24 anything is wrong with you or any of your questions were
25 answered improperly. It merely means that one of the other

1 of the attorneys believes that someone else currently seated
2 in the jury box would be better suited for this particular
3 case.

4 During this questioning, I ask that you bear in
5 mind that neither myself nor the attorneys wish to embarrass
6 you or match wits with you. We are only seeking relevant
7 information upon which to decide your qualifications as a
8 possible juror.

9 I will now ask those general questions that I
10 mentioned earlier. Remember, those of you in the audience,
11 if you would raise your hand if you were sitting up here,
12 please make a written note or a mental note so that this
13 process won't be made even longer than it's necessary to
14 have.

15 Remember, raise your hand if you have something
16 to say to me with regard to my questions or those of
17 counsel. I encourage you not to hesitate to raise your
18 hand. The integrity of our entire judicial system depends
19 upon jurors who are willing to abide by the affirmation or
20 the oath that you just took and answer our questions
21 truthfully and completely. It is only in this way that we
22 are able to select an appropriate jury panel.

23 Now, while I read the note that's been passed
24 to me, you all are sitting on a piece of paper. You had a
25 piece of paper on your chair. Would you please review the

1 names on that piece of paper?

2 When you are through reading the list, go ahead
3 and look up at me so I know you are finished reading the
4 list.

5 Is anyone acquainted with, related to or know
6 in any way anybody on that list of potential witnesses?

7 Yes, Mr. Hinxman.

8 A PROSPECTIVE JUROR: I know approximately 10,
9 I believe, Your Honor.

10 THE COURT: Which ones?

11 A PROSPECTIVE JUROR: David Jenkins, Ellen
12 Clark I'm familiar with. Jeff Partyka, Jim Duncan, Joe
13 Depczynski, Ron Dreher, and I recognize Sateki Taukieuvea's
14 name. I can't place where.

15 THE COURT: Is there anything about your
16 knowledge of these individuals that would cause you
17 difficulty serving on a jury in this case?

18 A PROSPECTIVE JUROR: None whatsoever.

19 THE COURT: Would you afford any of these
20 individuals special consideration if they testify or would
21 you determine the credibility of their testimony based
22 solely as they presented here in the courtroom?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: No special consideration?

25 A PROSPECTIVE JUROR: No special consideration.

1 THE COURT: Thank you. Now, also in the back
2 row, I think someone else raised their hand? Anyone else in
3 the back row?

4 Okay, Mr. Barger.

5 A PROSPECTIVE JUROR: Dr. Clark.

6 THE COURT: How do you know her?

7 A PROSPECTIVE JUROR: Through my daughter
8 through when she worked in pathology for the hospital.

9 THE COURT: Okay. Is there anything about your
10 association or knowledge of Dr. Clark that would cause you
11 difficulty serving in this case?

12 A PROSPECTIVE JUROR: No.

13 THE COURT: Would you be able to weigh her
14 testimony the same as every other witness who testifies here
15 in the courtroom?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Anyone else in that second row?

18 Ma'am, did you want to raise your hand?

19 A PROSPECTIVE JUROR: I just recognize Ron
20 Dreher.

21 THE COURT: That is Miss Adamson?

22 A PROSPECTIVE JUROR: No. I'm Debbie Aguirre.
23 Ron Dreher, I recognize the name, but I don't know him
24 personally.

25 THE COURT: Anything about your knowledge of

1 him that would cause you difficulty serving as a juror in
2 this case?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Yes, Miss Saputo.

5 A PROSPECTIVE JUROR: I worked by the
6 university, and I waited on a lot of cops. I don't know
7 their names by first names or last names, but Steve Sauter,
8 is he an officer?

9 THE COURT: I don't think he is with university
10 police, is he?

11 MR. STANTON: Yes, he is.

12 THE COURT: Yes, he is.

13 A PROSPECTIVE JUROR: I know a lot of them by
14 first names coming in and seeing them three times a week. I
15 don't know if that is going to make a difference or not.

16 THE COURT: You are still employed at the
17 university?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: This was in the past?

20 A PROSPECTIVE JUROR: Yes.

21 THE COURT: Would you give those, anybody from
22 the university police department, special consideration?

23 A PROSPECTIVE JUROR: Maybe.

24 THE COURT: Did you have any problems with
25 them?

1 A PROSPECTIVE JUROR: No, not at all. I liked
2 them a lot.

3 THE COURT: The question is, if they came in
4 and testified, would you be able to give their testimony the
5 same consideration as any other witness?

6 A PROSPECTIVE JUROR: Yes, I guess so.

7 THE COURT: Would you listen to what they said
8 and determine their credibility based on the way they
9 presented themselves here on the stand?

10 A PROSPECTIVE JUROR: Yeah. Yes.

11 THE COURT: Okay. Anyone else in that row?
12 We'll go to the third row. Anyone in the third row know
13 anyone?

14 And the fourth row, just about the last row
15 here in front?

16 Yes, is that Miss Imasaki?

17 A PROSPECTIVE JUROR: Imasaki. I'm familiar
18 with Dr. Clark. When I formerly worked in Child Protective
19 Services, she did a number of evaluations for me. And Jeff
20 Partyka I don't know very well, but I bought my house from
21 him 10 years ago.

22 THE COURT: Anything about the house that has
23 caused you problems?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: Okay. And anything about your

1 association with Dr. Clark that would cause you to give her
2 testimony some special weight?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: You would be able to weigh her
5 testimony the way it is presented here in this case in this
6 trial without any consideration of her prior association
7 with you?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Anyone else in that row?
10 And the front row, anyone? Yes, sir.

11 A PROSPECTIVE JUROR: I know Jim Duncan. I
12 don't know if it is the same one or not.

13 THE COURT: What does the Jim Duncan that you
14 know do for a living?

15 A PROSPECTIVE JUROR: He worked for a wholesale
16 plumbing company in town.

17 THE COURT: Counsel?

18 MR. STANTON: Jim Duncan is a homicide
19 detective with the Reno Police Department.

20 THE COURT: Not the same person.

21 Anyone else? Is anyone acquainted --
22 Mr. Specchio, have you introduced your client to the jury?

23 MR. SPECCHIO: I will, Your Honor.

24 THE COURT: Just so they know. I'm going to
25 ask if they are acquainted or related to him.

1 Go ahead, Mr. Specchio.

2 MR. SPECCHIO: Thank you, Your Honor.

3 This is Siasosi Vanisi. He is the defendant in
4 this action, my client.

5 THE COURT: Thank you. Is anyone related to or
6 acquainted with Mr. Vanisi?

7 Is anyone acquainted with or related to any of
8 the attorneys in this case?

9 Remember, we had all the attorneys representing
10 the State of Nevada and the attorneys representing
11 Mr. Vanisi. Go ahead and raise your hands.

12 Is it just the two of you?

13 Miss Aguirre.

14 A PROSPECTIVE JUROR: The attorneys aren't
15 acquainted with me, but I work for Erickson, Thorpe &
16 Swainston for Tom Beko. I know both Mr. Gammick and
17 Mr. Specchio. I don't know how much detail you want.

18 THE COURT: Is there anything about your
19 knowledge -- you don't personally know them, you just know
20 of them?

21 A PROSPECTIVE JUROR: They don't know me.

22 THE COURT: You know them through your
23 professional association with Mr. Beko?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Is there anything you might have

1 learned during that association that would cause you
2 difficulty in this case?

3 A PROSPECTIVE JUROR: The only thing,
4 Mr. Gammick was --

5 THE COURT: You don't have to tell me what it
6 might be.

7 A PROSPECTIVE JUROR: Possibly. Sorry.

8 THE COURT: One of the things that we're going
9 to do here today is if we have something that I think I need
10 to hear about and everybody else does not have to hear about
11 it, then I may ask you to come over here, and we're going to
12 call it a side bar and come over here by the court reporter
13 and at least a couple of the attorneys will come up and
14 we'll hear about it. So it will be on the record, but
15 everybody won't be hearing your particular concerns.

16 A PROSPECTIVE JUROR: I understand.

17 THE COURT: So there may be something that you
18 think we should talk about?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. And Mr. Hinxman.

21 A PROSPECTIVE JUROR: I'm familiar with all the
22 attorneys, both the defense and for the State. I have
23 worked with all of them in a professional level currently.

24 THE COURT: Is there anything about your
25 associations with them that would cause you difficulty

1 sitting on this case?

2 A PROSPECTIVE JUROR: No, ma'am.

3 THE COURT: And Miss Adamson.

4 A PROSPECTIVE JUROR: Miss Kominek. I know
5 Mr. Stanton.

6 THE COURT: Are you social friends?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Acquaintances?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: Is there anything about your
11 association with Mr. Stanton that would cause you difficulty
12 in this case?

13 A PROSPECTIVE JUROR: No.

14 THE COURT: Do you feel you would be biased one
15 way or another?

16 A PROSPECTIVE JUROR: No, I wouldn't.

17 THE COURT: The court reporter takes everything
18 down. So if my question seems a little ambiguous, clear it
19 up for me. I try to ask them clear, but sometimes I'm not.

20 Is there anyone else who is acquainted?

21 Yes, Miss Imasaki.

22 A PROSPECTIVE JUROR: I'm familiar with
23 Mr. Stanton. He recently did a presentation about a month
24 or two ago at our department.

25 THE COURT: Anything about the professional

1 association or familiarity that you have with him that would
2 cause you any problems in this case?

3 A PROSPECTIVE JUROR: No, it would not.

4 THE COURT: Do you feel biased for or against
5 his position?

6 A PROSPECTIVE JUROR: I do not.

7 THE COURT: Okay. Anyone else? Yes, ma'am.

8 A PROSPECTIVE JUROR: I know of Mr. Bosler as a
9 client at the travel agency I work at. I don't have any
10 real acquaintance with him. Never met him.

11 THE COURT: Is there anything about his being a
12 client of your agency that would cause you difficulty
13 serving in this case?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Do you have any bias for or against
16 him in any way?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Would you feel that your
19 professional position or your employment would be
20 jeopardized based upon your service here or a decision you
21 might make?

22 A PROSPECTIVE JUROR: I would hope not. No, I
23 don't think so.

24 THE COURT: I want to make sure it is not a
25 concern for you.

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Anyone else?

3 Is anyone related to or acquainted with anyone
4 in the offices that these attorneys represent?

5 Yes, ma'am.

6 A PROSPECTIVE JUROR: I'm acquainted with one
7 of Mr. Specchio's deputy defenders.

8 THE COURT: Who is that?

9 A PROSPECTIVE JUROR: Joseph Merkin,
10 M-E-R-K-I-N.

11 THE COURT: He is not in this case, but
12 anything about the fact that he works for Mr. Specchio that
13 would cause you a problem in this case?

14 A PROSPECTIVE JUROR: No. I simply wanted the
15 Court to know I'm familiar with him through the office.

16 THE COURT: Anyone else?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Mr. Hinxman.

19 A PROSPECTIVE JUROR: I do know a lot of the
20 deputy district attorneys and public defenders that I do
21 work with and their support staff, but no one on a personal
22 basis.

23 THE COURT: Mr. Hinxman, for the record, let's
24 go ahead and put your employment.

25 A PROSPECTIVE JUROR: I work for Washoe County

1 as the Acting Director of Court Services.

2 THE COURT: And you are supervised by the
3 District Court?

4 A PROSPECTIVE JUROR: By the court
5 administrator.

6 THE COURT: Your position is neither that of
7 the State or the defense; is that correct?

8 A PROSPECTIVE JUROR: That is correct.

9 THE COURT: Do you see yourself as a neutral
10 party?

11 A PROSPECTIVE JUROR: I do.

12 THE COURT: Any biases or prejudice for or
13 against either side in this case that you have developed
14 over the course of time?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Counsel may want to inquire
17 further, but I think that will be fine.

18 Anyone else?

19 Is anyone, any juror related to or acquainted
20 with or have a friendship other than what you have already
21 told me about with any law enforcement personnel, police
22 officers, sheriff, deputy sheriff, highway patrol, someone
23 like that? If you have a neighbor who is a highway
24 patrolman? We would kind of like to get it all out.

25 Miss Burkholder.

1 A PROSPECTIVE JUROR: My father was a police
2 officer. My brother-in-law is a police officer. My
3 husband's uncle is a police officer. I live next to Kevin
4 Crush, who is a canine cop, and I also live across the
5 street from Mark who is one.

6 THE COURT: Now, would you feel that you had to
7 justify any particular verdict if you sat on this jury trial
8 to any of those individuals?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Do you feel that you are biased for
11 or against any of the witnesses that may testify in this
12 case based solely on your relationship or based upon your
13 relationship with your family members?

14 A PROSPECTIVE JUROR: Probably, yes.

15 THE COURT: And the nature of that bias?

16 A PROSPECTIVE JUROR: Meaning that I have
17 family that work for the police department and stuff.

18 THE COURT: Do you feel that you would decide
19 issues based solely on the fact of a police officer's
20 employment, or would you require that proof be presented
21 here in the courtroom?

22 A PROSPECTIVE JUROR: I would require proof to
23 be presented.

24 THE COURT: Would you be able to weigh the
25 testimony of police officers and law enforcement officers

1 who testify in this case based upon their presentation here
2 in the courtroom and the evidence that they present here?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: Anyone else?

5 Yes. I'm going to try to keep track of you
6 all.

7 Yes, Mr. Sepahpour.

8 A PROSPECTIVE JUROR: I know the gentleman that
9 works with the Washoe County Sheriff's Department, John
10 Sabo.

11 THE COURT: Anything about your association
12 with him that would cause you difficulty being fair and
13 impartial in this case?

14 A PROSPECTIVE JUROR: No, other than the facts
15 I already know, no.

16 THE COURT: Okay. You feel you have had some
17 specific discussions with him regarding this case?

18 A PROSPECTIVE JUROR: No. Just what I have
19 read and seen on TV.

20 THE COURT: Okay. I'm going to get into some
21 specific questions about the media and whether or not that
22 is facts that you can rely upon; but in terms of law
23 enforcement, you have had no discussions about this case?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: And have you gotten any information

1 from any other source other than what you are calling the
2 news media? Do you have any personal knowledge with regard
3 to the case?

4 A PROSPECTIVE JUROR: Yeah. My wife knows the
5 head of the police department at UNR and just what he's
6 discussed with her.

7 THE COURT: And then she's discussed it with
8 you?

9 A PROSPECTIVE JUROR: Yeah.

10 THE COURT: We'll come back to you on that.
11 Mr. Judson.

12 A PROSPECTIVE JUROR: Yes, I met a Detective
13 Douglas from the Reno Police Department about a year ago,
14 professionally. He was requesting some information from my
15 office. We met for about an hour at the Reno Police
16 Department. I work on the University of Nevada campus, and
17 I have interacted with campus security on occasions when I
18 locked myself out of my office.

19 THE COURT: Anything about any of these
20 interactions that would cause you difficulty serving in this
21 case?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: Mr. Gerbatz.

24 A PROSPECTIVE JUROR: I am related to three
25 police officers, and good acquaintance, I would classify

1 them, good friends with four others.

2 THE COURT: Here in the Reno area?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: What are their names?

5 A PROSPECTIVE JUROR: The relation is
6 Cassinelli, Bunker and Wiskerchen. And they are all with
7 Reno PD.

8 Acquaintances are Officer Tone, Zeissner,
9 Bradshaw, and Caldwell, who is the only one that is with
10 Washoe County Sheriff's.

11 THE COURT: Now, is there anything about your
12 familial relationship or your acquaintanceship with these
13 police officers that would cause you difficulty serving in
14 this case?

15 A PROSPECTIVE JUROR: I would say no.

16 THE COURT: Would you feel you had to justify
17 any particular result or verdict that the jury reached to
18 them?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: And would you be able to determine
21 the credibility of police officers in general who testified
22 based upon their testimony and the way they present
23 themselves here in the courtroom and not just because they
24 are police officers?

25 A PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: Anyone else in that row?

2 Yes, Mr. Barger.

3 A PROSPECTIVE JUROR: Over the years when I was
4 with Sears in management, I had contact with quite a few
5 various ones that would be in the store when we had a
6 security problem. I also worked with one of the deputies
7 that is in the courtroom now.

8 THE COURT: Okay. Anything about your prior
9 association with these deputies, the deputy sheriffs that
10 are currently here that would cause you a problem serving in
11 this case?

12 A PROSPECTIVE JUROR: No, none.

13 THE COURT: Do you have any problem weighing
14 testimony of individual law enforcement officers as it's
15 presented here in the courtroom in determining the
16 credibility or how you are going to view that evidence based
17 solely as it's presented here in the courtroom?

18 A PROSPECTIVE JUROR: None.

19 THE COURT: Anyone in the third row?

20 Yes.

21 A PROSPECTIVE JUROR: My husband is the chief
22 of police of Washoe County School District, and my son also
23 works for the school as a police officer, and I do believe
24 my husband was acquainted with Mr. Sullivan.

25 THE COURT: Did you ever meet Mr. Sullivan?

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A PROSPECTIVE JUROR: No.

THE COURT: Is there anything about your association with your husband and the son that would cause you difficulty serving in this case?

A PROSPECTIVE JUROR: No.

THE COURT: Would you be in the position that you would have to justify any particular verdicts or result to your husband or son?

A PROSPECTIVE JUROR: No.

THE COURT: Would you feel you would have to give any particular consideration, special consideration to any police officers who were to testify based solely on the fact that they are a police officer?

A PROSPECTIVE JUROR: No.

THE COURT: Anyone else in that row?

Yes, Miss Kenny.

A PROSPECTIVE JUROR: My son-in-law was a sheriff.

THE COURT: And is he still a sheriff?

A PROSPECTIVE JUROR: No.

THE COURT: Anything about your son-in-law's association with law enforcement that would cause you difficulty in this case?

A PROSPECTIVE JUROR: No.

THE COURT: Are you biased for or against

1 either side with regard to law enforcement?

2 A PROSPECTIVE JUROR: No.

3 MR. GREGORY: I'm sorry, I didn't hear what
4 Miss Kenny said.

5 THE COURT: She said no. What her connection
6 was?

7 MR. GREGORY: Yes, ma'am.

8 THE COURT: Her connection is her son-in-law
9 used to be a deputy sheriff with Los Angeles Sheriff's
10 Department.

11 He's not anymore? You have to answer outloud.

12 A PROSPECTIVE JUROR: No.

13 THE COURT: And you don't feel any connection
14 or bias one way or another?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Was this a happy separation, your
17 son-in-law from the sheriff's office? Was it his choice?

18 A PROSPECTIVE JUROR: I really don't know.

19 THE COURT: So you don't have any feelings
20 about it one way or another?

21 A PROSPECTIVE JUROR: Which feelings, to the
22 case here or to his case?

23 THE COURT: To him. What I'm trying to find
24 out is sometimes people, because of their association or
25 their family's association with law enforcement, they

1 develop certain biases or prejudices. Sometimes people
2 don't like working for law enforcement. So it is either
3 way.

4 That is what I'm trying to discover here, if
5 your son-in-law's being a deputy sheriff, that was a problem
6 or if it caused you to have any feelings one way or another
7 about law enforcement in general.

8 A PROSPECTIVE JUROR: I wouldn't be able to
9 judge because I was not there. But I do know -- I really
10 don't know, because a lot of problems created for me because
11 of all that stress.

12 THE COURT: Okay. So you do have some feelings
13 about the stress of police officers.

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you. Would you be able to
16 weigh a police officer's testimony the same as any other
17 person who testified?

18 A PROSPECTIVE JUROR: I think he would be
19 honest, yes.

20 THE COURT: Anyone else in that row, the fourth
21 row?

22 Mr. Arlitz.

23 Mr. Furrie.

24 A PROSPECTIVE JUROR: I have an acquaintance at
25 my work, volunteer who works, who comes in, who -- Sparks

1 police officer.

2 THE COURT: And anything about your association
3 with him that would cause you difficulty in this case?

4 A PROSPECTIVE JUROR: None, Your Honor.

5 THE COURT: Would you feel you had to justify
6 any particular verdict to him?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Anyone else in that row?

9 Yes.

10 A PROSPECTIVE JUROR: During the course of my
11 profession I have had contact with multiple officers in the
12 three different agencies here in this area. But who they
13 are, I couldn't rattle names off to you.

14 THE COURT: Is there anything about this
15 association that would cause you difficulty in this case?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Would you be able to weigh the
18 testimony of a police officer as they testify here in the
19 courtroom and not the fact just because they are a police
20 officer?

21 A PROSPECTIVE JUROR: I would.

22 THE COURT: Would you feel you had to justify
23 any particular verdict to any of the police officers that
24 you have worked with in the past?

25 A PROSPECTIVE JUROR: No.

1 THE COURT: And would you feel any particular
2 professional pressure to reach any particular result in this
3 case?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Ma'am.

6 A PROSPECTIVE JUROR: When I was very young a
7 friend, some family friends of ours, the son was a police
8 officer. I'm not sure what division or whatever he was a
9 police officer for. His name is Mike Smith. But I don't
10 think it would affect my being able to listen to the
11 evidence.

12 THE COURT: Have you stayed close friends with
13 him?

14 A PROSPECTIVE JUROR: No. I haven't seen him
15 in many, many years.

16 THE COURT: Thank you. Anyone in the front
17 row?

18 Yes, Mr. Dunn.

19 A PROSPECTIVE JUROR: I know Mike and Jerry
20 Tone who are Reno police officers and their father who is
21 retired from Sparks Police Department.

22 THE COURT: Anything about that
23 acquaintanceship that would cause you difficulty in this
24 case?

25 A PROSPECTIVE JUROR: No.

1 THE COURT: Would you feel you had to justify
2 any particular verdict to them?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Would you feel that you have any
5 difficulty weighing police officers' testimony in general?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: Could you afford it the same
8 critical analysis that you would any other witness that
9 testifies here?

10 A PROSPECTIVE JUROR: Yes, I would.

11 THE COURT: Mr. Geach.

12 A PROSPECTIVE JUROR: Yes. I have a sister who
13 is on the Las Vegas Metro, and she currently works for the
14 police department there. And then I have a grandfather who
15 was killed in the line of duty on the Reno Police Department
16 in 1947.

17 THE COURT: What was your grandfather's name?

18 A PROSPECTIVE JUROR: Roy Geach, Captain Geach.

19 THE COURT: Is there anything about your
20 sister's employment or your father's prior employment --

21 A PROSPECTIVE JUROR: Grandfather.

22 THE COURT: -- grandfather's that would cause
23 you problems?

24 A PROSPECTIVE JUROR: I think I would have bias
25 in this case, yes.