

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

SIAOSI VANISI,

Appellant,

vs.

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

Respondents.

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Volume 34 of 38

APPELLANT'S APPENDIX

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

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27	114. Declaration of Heidi Bailey-Aloi April 7, 2011.....	AA05727 – AA05730
27	115. Declaration of Herbert Duzant’s Interview of Tony Tafuna April 18, 2011.....	AA05731- AA05735
27	116. Declaration of Terry Williams April 10, 2011.....	AA05736 – AA05741
27	117. Declaration of Tim Williams April 10, 2011.....	AA05742 – AA05745
27	118. Declaration of Mele Maveni Vakapuna April 5, 2011.....	AA05746 – AA05748
27	119. Declaration of Priscilla Endemann April 6, 2011.....	AA05749 – AA05752
27	120. Declaration of Mapa Puloka January 24, 2011.....	AA05753 – AA05757
27	121. Declaration of Limu Havea January 24, 2011.....	AA05758 – AA05767
27	122. Declaration of Sione Pohahau January 22, 2011.....	AA05768 – AA05770
27	123. Declaration of Tavake Peaua January 21, 2011.....	AA05771 – AA05776
27	124. Declaration of Totoa Pohahau January 23, 2011.....	AA05777 – AA05799
27-28	125. Declaration of Vuki Mafileo February 11, 2011	AA05800 – AA05814

28	127. Declaration of Crystal Calderon April 18, 2011.....	AA05815 – AA05820
28	128. Declaration of Laura Lui April 7, 2011.....	AA05821 – AA05824
28	129. Declaration of Le’o Kinkini-Tongi April 5, 2011.....	AA05825 – AA05828
28	130. Declaration of Sela Vanisi-DeBruce April 7, 2011.....	AA05829 – AA05844
28	131. Declaration of Vainga Kinikini April 12, 2011.....	AA05845 – AA05848
28	132. Declaration of David Hales April 10, 2011.....	AA05849 – AA05852
28	136. Correspondence to Stephen Gregory from Edward J. Lynn, M.D. July 8, 1999.....	AA05853 – AA05855
28	137. Memorandum to Vanisi File from MRS April 27, 1998.....	AA05856 – AA05858
28	143. Memorandum to Vanisi File From Mike Specchio July 31, 1998.....	AA05859 – AA05861
28	144. Correspondence to Michael R. Specchio from Michael Pescetta October 9, 1998.....	AA05862 – AA05863
28	145. Correspondence to Michael Pescetta from Michael R. Specchio October 9, 1998.....	AA05864 – AA05866

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

29-31	160. Transcript of Proceedings, Trial Volume 2, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 12, 1999.....	AA06223 – AA06498
31	163. Neuropsychological and Psychological Evaluation of Siaoosi Vanisi, Dr. Jonathan Mack April 18, 2011.....	AA06499 – AA06569
31-32	164. Independent Medical Examination in the Field of Psychiatry, Dr. Siale ‘Alo Foliaki April 18, 2011.....	AA06570 – AA06694
32	172. Motion for Change of Venue, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 15, 1998.....	AA06695 – AA06700
32	173. Declaration of Herbert Duzant’s Interview with Tongan Solicitor General, ‘Aminiasi Kefu April 17, 2011.....	AA06701 – AA06704
32	175. Order Denying Rehearing, Appeal from Denial of Post-Conviction Petition, <i>Vanisi vs. State of Nevada</i> , Nevada Supreme Court, Case No. 50607 June 22, 2010.....	AA06705 – AA06706
32	178. Declaration of Thomas Qualls April 15, 2011.....	AA06707 – AA06708
32	179. Declaration of Walter Fey April 18, 2011.....	AA06709 – AA06711
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32	181. Declaration of Jeremy Bosler April 17, 2011.....	AA06715 – AA06718

- 32 183. San Bruno Police Department Criminal
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- 32 184. Manhattan Beach Police Department Police
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- 32 185. Manhattan Beach Police Department
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- 32 186. Notice of Intent to Seek Death Penalty,
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- 32 187. Judgment, *State of Nevada v. Vanisi*,
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- 32 190. Correspondence to The Honorable Connie
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- 32 195. Declaration of Herbert Duzant’s Interview of
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- 32 196. Declaration of Herbert Duzant’s Interview of
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- 32 197. Declaration of Herbert Duzant’s Interview of
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32	198. Declaration of Herbert Duzant’s Interview of Juror Robert Buck April 18, 2011.....	AA06753 – AA06755
12	Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 35249 November 27, 2001.....	AA02527 – AA02528
15	Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 50607 July 19, 2010	AA03031 – AA03032
35	Remittitur, <i>Vanisi v. State of Nevada, et al.</i> , Nevada Supreme Court, Case No. 65774 January 5, 2018.....	AA07319 – AA07320
12	Reply in Support of Motion to Withdraw as Counsel of Record, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 December 27, 2002	AA02572 – AA02575
39	Reply to Opposition to Motion for Leave to File Supplement to Petition for Writ of Habeas Corpus, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 October 15, 2018.....	AA08232 – AA08244
36	Reply to Opposition to Motion to Disqualify the Washoe County District Attorney’s Office, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 July 27, 2018	AA07615 – AA07639

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

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

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36 Reply to State’s Response to Petitioner’s Suggestion
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36 1. Declaration of Randolph M. Fiedler
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36 Request from Defendant, *State of Nevada v.*
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32 Response to Opposition to Motion to Dismiss
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36 Response to Vanisi’s Suggestion of Incompetency
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35 State’s Opposition to Motion for Reconsideration
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Evidentiary Hearing, *State of Nevada v. Vanisi*, Second
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1. Declaration of Donald Southworth, *Vanisi v. State of Nevada, et al.*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 State’s Sur-Reply to Vanisi’s Motion to Disqualify the Washoe County District Attorney’s Office, *Vanisi v. State of Nevada, et al.*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 1. Transcript of Proceedings – Status Hearing, *Vanisi v. State of Nevada*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 36 Suggestion of Incompetency and Motion for Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 37 Transcript of Proceedings – Competency for Petitioner to Waive Evidentiary Hearing, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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- 37-38 Transcript of Proceedings – Report on Psychiatric Evaluation, *State of Nevada v. Vanisi*, Second Judicial District Court of Nevada, Case No. CR98-0516
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13	Transcript of Proceedings – Conference Call – In Chambers, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 February 5, 2003	AA02583 – AA02587
35	Transcript of Proceedings – Conference Call, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 10, 2018	AA07372 – AA07384
34	Transcript of Proceedings – Decision (Telephonic), <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 March 4, 2014.....	AA07089 – AA07096
12	Transcript of Proceedings – In Chambers Hearing & Hearing Setting Execution Date, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District of Nevada, Case No. CR98-0516 January 18, 2002.....	AA02541 – AA02552
13	Transcript of Proceedings – In Chambers Hearing, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District of Nevada, Case No. CR98-0516 January 19, 2005.....	AA02645 – AA02654
13	Transcript of Proceedings – In Chambers Hearing, <i>Vanisi v. State of Nevada, et al.</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 24, 2005.....	AA02655 – AA02679
35	Transcript of Proceedings – Oral Arguments, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 May 30, 2018	AA07391 – AA07446

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

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

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

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

36-37	Transcript of Proceedings – Status Conference, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 5, 2018.....	AA07725 – AA07781
3-5	Transcript of Proceedings – Trial Volume 1, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 20, 1999.....	AA00622 – AA00864
5-6	Transcript of Proceedings – Trial Volume 2, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 21, 1999.....	AA00865 – AA01112
1-2	Transcript of Proceedings – Trial Volume 3, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 13, 1999.....	AA00128 – AA00295
6-7	Transcript of Proceedings – Trial Volume 3, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 22, 1999.....	AA01113 – AA01299
2-3	Transcript of Proceedings – Trial Volume 4, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 January 14, 1999.....	AA00296 – AA00523
7	Transcript of Proceedings – Trial Volume 4, <i>State of Nevada v. Vanisi</i> , Second Judicial District Court of Nevada, Case No. CR98-0516 September 23, 1999.....	AA01300 – AA01433

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

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

CERTIFICATE OF SERVICE

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

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

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Code No. 4185

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-

STATE OF NEVADA,	)	
	)	
Plaintiff,	)	Case No. CR98-0516
	)	
vs.	)	Dept. No. 4
	)	
SIAOSI VANISI,	)	
	)	
Defendant.	)	
	)	

TRANSCRIPT OF PROCEEDINGS

DECISION

(TELEPHONIC)

TUESDAY, MARCH 4, 2014

RENO, NEVADA

Reported By: STEPHANI L. LODER, CCR No. 862

TELEPHONIC APPEARANCES:

For the Plaintiff: TERRENCE MCCARTHY
Deputy District Attorney
Reno, Nevada

For the Defendant: TIFFANI D. HURST
Deputy Federal Public Defender
Las Vegas, Nevada

GARY ALLEN TAYLOR
Deputy Federal Public Defender
Las Vegas, Nevada

1 RENO, NEVADA, TUESDAY, MARCH 4, 2014, 11:15 A.M.

2 -o0o-

3
4 THE COURT: Counsel, be sure to identify yourself
5 before you speak because I'm not sure the court reporter
6 will recognize all of your voices. This is the judge
7 speaking.

8 MR. MCCARTHY: This is Terry McCarthy. Good
9 morning, Your Honor.

10 THE COURT: Good morning.

11 MS. HURST: This is Tiffani Hurst. Good morning.

12 THE COURT: Good morning.

13 MR. TAYLOR: This is Gary Taylor.

14 THE COURT: Good morning. I wanted to first
15 thank you all for your presentation in this matter. I was
16 impressed by the work that was presented and the
17 thoughtfulness of the pleadings and the arguments.

18 Before the Court now is the State's motion to
19 dismiss which was filed back on July 15th, 2011, to
20 dismiss the post-conviction petition which had been filed
21 on behalf of petitioner on May 4th, 2011.

22 As you know, we had the motion to dismiss
23 initially submitted, the review by the Court, oral
24 arguments, and the Court allowed for an evidentiary

1 hearing on the issue of post-conviction counsels'
2 ineffectiveness.

3 I did move forward and hear those arguments and
4 had the hearing in December wherein it was petitioner's
5 opportunity to establish good cause to overcome the
6 procedural bars to the new petition and defeat the State's
7 motion to dismiss wherein they were arguing it was
8 untimely, abusive, and excessive.

9 After the hearing and the presentation of
10 evidence, the Court reviewed the petition as well as the
11 motion to dismiss and all related pleadings in this case
12 and took additional time to review the case law cited by
13 counsel for both sides and the testimony of the two
14 post-conviction attorneys, Mr. Qualls and Mr. Edwards,
15 specifically.

16 And I have reviewed those things again and
17 completed that review, and I'm ready to render a decision
18 today.

19 The petitioner must have shown that
20 post-conviction counsel fell below an objective standard
21 of reasonableness in their presentation and representation
22 on the petition for the petitioner when it was first filed
23 and the supplements that were filed by counsel in order to
24 allow the new petition to be heard and defeat the State's

1 motion to dismiss.

2 The Court agrees with the arguments presented by
3 the State in their pleadings and at the hearing that
4 counsels' representation in the post-conviction action did
5 not fall below prevailing norms. They did not act below
6 some objective standard of reasonableness in their
7 representation.

8 Among other testimony, Mr. Edwards testified that
9 he asked the psychological expert what the expert needed
10 from him as counsel in order to render a competency
11 opinion. This does appear to be reasonable and a
12 reasonable approach, and it is the best evidence before
13 the Court of what the prevailing professional norm is in
14 this regard in this area.

15 The Court also adopts the State's view of the
16 evidence with regard to the time spent preparing for the
17 post-conviction supplemental petition and hearings by
18 Qualls and Edwards, and, thus, I do not find that they
19 fell below the standard of professional norms in this
20 area.

21 The Court cannot find that petitioner has
22 established that any of Qualls' and Edwards' or Picker's
23 representation was unreasonable; and, therefore, it has
24 not been know shown that the representation fell below an

1 objective standard of reasonableness which would excuse
2 the untimely, abusive, and excessive petition before the
3 Court at this time.

4 Therefore, for the reasons I have just stated and
5 the arguments previously presented by the State more
6 fully, the motion to dismiss is granted, and the petition
7 before the Court is deemed to be untimely, abusive,
8 successive, and the Court finds no excuse for the delay.

9 Counsel for the State will prepare proposed
10 findings consistent with this decision as I've articulated
11 and adopted the State's position and provide to counsel
12 for the petitioner and the Court that proposed draft of
13 findings.

14 MR. McCARTHY: I'll take care of that, Your
15 Honor, and I hope to have something out within a couple
16 weeks.

17 THE COURT: Okay. Thank you.

18 MR. TAYLOR: Would we have an opportunity to file
19 any objections?

20 THE COURT: Yes. Once he provides it to you, if
21 you find something in it that does not comport with my
22 determination, you certainly can file an objection.

23 It wouldn't be by way of rearguing your case, but
24 if you think there is something that is not appropriately

1 in that, you will have ten days to file your objections
2 once Mr. McCarthy provides it to you.

3 MR. TAYLOR: Thank you, Judge.

4 MS. HURST: Thank you, Your Honor.

5 THE COURT: Okay. Thank you, Counsel.
6 Appreciate your time.

7 MR. McCARTHY: Okay. Bye.

8 THE COURT: Bye.

9 MS. HURST: Bye.

10 (Proceedings concluded at 11:21 a.m.)
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1 STATE OF NEVADA)
2)
3 COUNTY OF WASHOE)

4 I, STEPHANI L. LODER, Certified Shorthand
5 Reporter of the Second Judicial District Court of the
6 State of Nevada, in and for the County of Washoe, do
7 hereby certify:

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

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

15 DATED: At Reno, Nevada, this 4th day of
16 March, 2014.

17
18 /s/ Stephani L. Loder
19 STEPHANI L. LODER, CCR No. 862
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1 **2630**

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9 Attorneys for Petitioner

10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
11 NEVADA IN AND FOR THE COUNTY OF WASHOE

12 SIAOSI VANISI,

13 Petitioner,

14 vs.

15 RENEE BAKER, Warden, and
16 CATHERINE CORTÉZ MASTO,
Attorney General of the State of
Nevada,

17 Respondents.

Case No. CR98-0516

Dept. No.: 4

(Death Penalty Habeas Corpus Case)

18 **OBJECTIONS TO PROPOSED**
19 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**
20 **DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

21 Petitioner SIAOSI VANISI objects to the proposed Findings of Fact,
22 Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus
23 which respondent provided the court. These objections are based upon the specific
24 objections herein and the entire file in this matter.

25 DATED this 31st day of March, 2014.

26 RENE L. VALLADARES

Federal Public Defender

/s/ Tiffani D. Hurst

27 TIFFANI D. HURST

Assistant Federal Public Defender

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/s/ Gary Taylor
GARY TAYLOR
Assistant Federal Public Defender
Attorney for Petitioner

OBJECTIONS TO PROPOSED ORDER

Mr. Vanisi filed an amended petition for writ of habeas corpus on May 4, 2011. The state filed a motion to dismiss this petition. This Court ordered an evidentiary hearing limited to the testimony of appointed state habeas counsel, Scott Edwards and Tom Qualls. See PT 2/23/12 at 48. This Court held this hearing on December 5 and 6, 2013. On March 4, 2014, this Court orally granted the state's motion to dismiss during a telephonic hearing. This Court ordered Respondents to prepare a proposed order, and indicated that Mr. Vanisi would be allowed to submit objections to the proposed order which do not challenge the Court's resolution of the issues. Respondents submitted proposed Findings of Fact, Conclusions of Law and Judgment on March 24, 2014. In compliance with the limitations submitted by this Court, Mr. Vanisi hereby submits the following objections:

1. The proposed order indicates that initial state habeas "counsel did not present much mitigating evidence" Proposed Order at 2. This finding contradicts the testimony of state habeas counsel that they conducted no investigation and presented no mitigating evidence which was not already a part of the record in these proceedings. See PT 12/5/13 at 32 ("[W]e didn't ever complete a thorough investigation."); id. at 34 ("I don't recall talking to an investigator in this case."); id. at 42 ("There was no intention to file the supplement without any further investigation."); PT 12/6/13 at 21 ("We didn't start an investigation, put it that way. . . We didn't hire an investigator. We didn't do those things."). This Court's final order, therefore, should indicate that post-conviction counsel did not conduct any investigation or present any mitigation evidence.

2. The proposed order indicates that the Court "scheduled a hearing to allow Vanisi the opportunity to prove that his post-conviction lawyers were ineffective. . . . The only witnesses were post-conviction counsel, [Tom] Qualls and [Scott] Edwards." Proposed Order at 2. This finding is misleading. Upon scheduling the evidentiary hearing, this Court stated that "I am going to have a hearing on the

1 ineffective assistance of counsel claim as to whether or not it's been pled with
2 sufficiency and you can show it's sufficient to overcome the procedural time bar.
3 That's the only hearing that I'm going to allow on the issues presented in the motion
4 to dismiss or the petition at this stage." PT 2/23/12 at 46. Respondents' sought
5 clarification from this Court on what witnesses would be allowed: "I would envision
6 that a hearing with Qualls and Edwards . . . as witnesses and maybe Mr. Vanisi, if he
7 wanted to testify, but I can't imagine anybody else." In response, this Court stated
8 "[c]orrect." Id. at 48. This Court's final order, therefore should specify that this
9 Court ordered a hearing limited to the testimony of Mr. Vanisi and post-conviction
10 counsel.

11 CONCLUSION

12 For the foregoing reasons, Mr. Vanisi respectfully objects to the order
13 proposed by respondents and requests that this Court enter an order which is in
14 accord with the testimony and evidence currently before the Court and clearly
15 established federal law.

16 Respectfully submitted this 31st day of March, 2013.

17 RENE L. VALLADARES
Federal Public Defender

18 /s/ Tiffani D. Hurst
19 TIFFANI D. HURST
Assistant Federal Public Defender

20 /s/ Gary Taylor
21 GARY TAYLOR
Assistant Federal Public Defender

22 Attorneys for Petitioner
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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned do hereby affirm that the proceeding document does not contain the social security number of any person.

Dated: March 31, 2014

RENE L. VALLADARES
Federal Public Defender

Tiffani D Hurst
TIFFANI D. HURST
Assistant Federal Public Defender

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1 CODE #1750

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 SIAOSI VANISI,

10 Petitioner,

11 v.

Case No. CR98-0516

12 E.K. McDANIEL, WARDEN and
13 CATHERINE CORTEZ MASTO,
14 ATTORNEY GENERAL OF
15 THE STATE OF NEVADA,

Dept. No. 4

16 Respondents.
17 _____

18 FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT
19 DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

20 Petitioner Vanisi was represented by senior members of the Washoe County Public
21 Defender's office when he stood trial for the murder of Sgt. Sullivan of the University of Nevada
22 Police Department. The jury found Vanisi guilty and found aggravating circumstances and
23 imposed a sentence of death. Vanisi appealed but the judgment was affirmed. *Vanisi v. State*, 117
24 Nev. 330, 22 P.3d 1164 (2001). He filed his first post-conviction petition in 2002. This court
25 appointed counsel to represent him in that action. At first the lawyers were Marc Picker and Scott
26 Edwards. Picker later had to withdraw and Edwards assumed the helm. Edwards had been
assisted by Tom Qualls. Qualls had graduated from law school some years earlier but had not been
licensed to practice law. In the capacity of a para-legal, he had extensive experience in the capital

1 post-conviction arena. Once he was licensed, at the request of Edwards, he was appointed as the
2 second attorney in that first post-conviction case.

3 While the petition was pending, the lawyers filed a motion for an indefinite stay of the
4 proceedings, asserting that Vanisi was incompetent at that time. Eventually, the court ordered an
5 evaluation by one psychiatrist and one psychologist. The psychiatric reports differed somewhat
6 and the court ordered a hearing on the motion. Months before the hearing, the court alerted
7 counsel to be ready to file their supplemental petition. At the conclusion of the hearing, the court
8 found that Vanisi was in fact competent. Counsel then filed their supplemental petition.

9 One of the claims was that trial counsel were ineffective in failing to gather additional
10 mitigating evidence. However, counsel did not present much mitigating evidence and so that claim
11 was denied along with each other claim in the petition. Vanisi again appealed, and the Supreme
12 Court again affirmed, noting the evidence that Vanisi had the ability to cooperate with his lawyers
13 but that he was refusing to cooperate due to his mental illness. *Vanisi v. State*, Docket No. 50607,
14 Order of Affirmance (April 20, 2010). The remittitur issued on July 19, 2010.

15 Vanisi filed his second petition on May 4, 2011. The petition was filed beyond the time
16 allowed by NRS 34.726 and included claims that were raised before and that could have been
17 raised in prior proceedings, as prohibited by NRS 34.810. Vanisi sought to overcome these bars
18 by asserting, *inter alia*, that post-conviction counsel was ineffective in failing to adequately
19 investigate the claims that trial counsel failed to adequately investigate and present mitigating
20 evidence.

21 That assertion, if proved, might overcome the bars of NRS 34.810 and allow some of the
22 new claims to be heard. Accordingly, the court scheduled a hearing to allow Vanisi the opportunity
23 to prove that his post-conviction lawyers were ineffective. That hearing took place on December
24 5 and 6, 2013. The only witnesses were post-conviction counsel, Qualls and Edwards. Vanisi also
25 offered many documents in evidence. In each case, they were not offered or admitted for the truth
26 of the matter asserted.

1 The focus of the hearing was the performance of post-conviction counsel. It has long been
2 the rule of law in Nevada that, in a capital case, where appointment of post-conviction counsel is
3 mandated by NRS 34.820(1)(a), a procedural bar can sometimes be overcome if the petitioner can
4 plead and prove that the claim was not previously heard in a timely post-conviction action, due to
5 the ineffective assistance of counsel. *McKague v. Warden*, 112 Nev. 159, 165 n. 5, 912 P.2d 255,
6 258 n. 5 (1996). There first arises the question of what standard should be applied when
7 evaluating the claim of ineffective post-conviction counsel. The court concludes that the standard
8 is the standard described in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). As
9 the Court ruled in that case:

10 First, the defendant must show that counsel's performance was
11 deficient. This requires showing that counsel made errors so serious
12 that counsel was not functioning as the "counsel" guaranteed the
13 defendant by the Sixth Amendment. Second, the defendant must
14 show that the deficient performance prejudiced the defense. This
15 requires showing that counsel's errors were so serious as to deprive
16 the defendant of a fair trial, a trial whose result is reliable. 466 U.S. at
17 687.

18 As applied, the standard must be modified a bit, in that the issue is whether post-conviction
19 counsel made such serious errors that the court can conclude that post-conviction counsel was not
20 functioning as "counsel." The standard would require asking if the performance of the
21 post-conviction lawyers was so deficient as to deprive the petitioner of a post-conviction hearing
22 whose result is reliable.

23 In making that evaluation, "Judicial scrutiny of counsel's performance must be highly
24 deferential. It is all too tempting for a defendant to second-guess counsel's assistance after
25 conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after
26 it has proved unsuccessful, to conclude that a particular act or omission of counsel was
unreasonable." 466 U.S. at 698.

"When a convicted defendant complains of the ineffectiveness of counsel's assistance, the
defendant must show that counsel's representation fell below an objective standard of

1 reasonableness.” 466 U.S. at 687.

2 So, as applied to the instant case, the petitioner would have the burden of demonstrating
3 that the specific acts or omissions of post-conviction counsel fell below some objective standard
4 of reasonableness as measured by prevailing professional norms. That is, the court must
5 determine if Vanisi has proved that professional norms for post-conviction counsel required
6 counsel to make some specific decision to undertake specific forms of investigation. The court
7 finds that Vanisi has proved only that different paths were available, but not that some objective
8 standard required counsel to take that path.

9 Attorney Edwards testified that he was aware that in many cases it would be wise to seek
10 out additional mitigating evidence, to support the claim that trial counsel was ineffective in failing
11 to seek out that same evidence. However, he testified that mitigation was not his priority. Indeed,
12 he testified that he thought such a claim was far from the most attractive claim in this case because
13 the aggravation was so great that it was unlikely that any amount of mitigation would be sufficient
14 to outweigh the aggravation. Thus, he testified, that he and Qualls determined to focus on
15 competency and on legal issues. They expected to prevail on the claim of incompetency and
16 expected to have additional time and resources to devote to less attractive issues. They would have
17 eventually looked at additional mitigating evidence, given sufficient time and resources, but the
18 focus was on competency and legal issues. The court is not persuaded that there is some objective
19 standard that required a different approach. Certainly some other post-conviction counsel could
20 take a different approach, but that is not the standard. In cases of appellate counsel, it seems clear
21 enough that appellate counsel need not present all non-frivolous issues but instead must make a
22 tactical decision on what issues to present. *Hernandez v. State*, 117 Nev. 463, 24 P.3d 767 (2001).
23 The court finds that should apply to post-conviction as well.

24 A claim based on additional mitigating evidence does not automatically lead to relief.
25 Instead, a reviewing court can re-weigh the aggravation and the mitigating evidence, both the old
26 and the new. *See Wiggins v. Smith*, 539 U.S. 510, 123 S.Ct. 2527 (2010). The standard could

1 certainly affect the decision of where counsel should focus their energies. Thus, at the end of the
2 hearing, the court remained unpersuaded that some as yet unidentified objective standard required
3 counsel to take a different approach.

4 Vanisi suggested that some objective standard required counsel to undertake the
5 investigation of mitigating circumstances in order to provide the mitigating information to the
6 mental health professionals to assist them in their efforts in determining whether Vanisi is
7 presently incompetent. The court finds no reason to believe that prevailing professional norms
8 require that approach. Instead, the court agrees with Edwards, who testified that the customary
9 approach is to ask the mental health professionals what information they need to render an
10 opinion about the present competency of the subject. Doctors Bittker and Amazaga apparently
11 were able to render opinions, to their own satisfaction, without the need for additional evidence
12 of the sort described in the various exhibits admitted in the post-conviction hearing. The court is
13 not persuaded that there is some standard, some prevailing professional norm, that required a
14 different approach.

15 Accordingly, the court finds that Vanisi has failed to prove that specific decisions, acts or
16 omissions of post-conviction counsel were deficient. Thus, the alleged deficiency does not
17 overcome the procedural bars. Therefore, the petition is dismissed.

18 DATED this 10 day of April, 2014.

19
20 Connie J. Steinheimer
21 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of April, 2014, I filed the attached document with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

 Personal delivery to the following: [NONE]

 X **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

Terrence McCarty, Esq.
Chief Deputy District Attorney

Gary Taylor, Esq.
Deputy Federal Public Defender

Tiffani Hurst, Esq.
Deputy Federal Public Defender

 X **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada:**

Siaosi Vanisi
Inmate no. 63376
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

 Placing a true copy thereof in a sealed envelope for service via:

 Reno/Carson Messenger Service – **[NONE]**

 Federal Express or other overnight delivery service **[NONE]**

 Inter-Office Mail **[NONE]**

DATED this 10th day of April, 2014.



1 CODE: 2540

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5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 ***

9 SIAOSI VANISI,

Petitioner,

CASE NO: CR98-0516

10
11 vs.

DEPT. NO: 4

12
13 E.K. McDANIEL, WARDEN and
14 CATHERINE CORTEZ MASTO,
15 ATTORNEY GENERAL OF
THE STATE OF NEVADA,

Respondents.

16 _____/
17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that on the 10th day of April, 2014 the Court entered a
19 decision or order in this matter, a true and correct copy of which is attached hereto.

20 You may appeal to the Supreme Court from the decision or order of the Court. If
21 you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-
22 three (33) days, after the date this notice is mailed to you. This notice was mailed on the
23 25th day of April, 2014.

24
25 **JOEY ORDUNA HASTINGS**
26 Clerk of the Court

27 **By /s/ Janelle Yost**
28 Deputy Clerk

1 **CERTIFICATE OF SERVICE**

2 CASE NO. CR98-0516

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial
4 District Court of the State of Nevada, County of Washoe; and that on the 25th day of April,
5 2014, I electronically filed the Notice of Entry of Order with the Clerk of the Court by using
6 the ECF system which will send a notice of electronic filing to:

7 Gary Taylor, Esq.
8 Tiffany Hurst, Esq.
9 Terrence McCarthy, Esq.

10 I further certify that on the 25th day of April, 2014, I deposited in the Washoe County
11 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
12 true and correct copy of the Notice of Entry of Order, addressed to:

13 Attorney General's Office
14 100 N. Carson St.
15 Carson City, NV 89701-4717

16 Siaosi Vanisi, #63376
17 Ely State Prison
18 P O Box 1989
19 Ely, NV 89301

20 /s/ Janelle Yost
21 Janelle Yost
22
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1 CODE #1750

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 SIAOSI VANISI,

10 Petitioner,

11 v.

Case No. CR98-0516

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Dept. No. 4

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19 DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

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17 overcome the procedural bars. Therefore, the petition is dismissed.

18 DATED this 10 day of April, 2014.

19
20 Connie J. Steinheimer
21 DISTRICT JUDGE
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25
26

CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of April, 2014, I filed the attached document with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

 Personal delivery to the following: [NONE]

 X **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

Terrence McCarty, Esq.
Chief Deputy District Attorney

Gary Taylor, Esq.
Deputy Federal Public Defender

Tiffani Hurst, Esq.
Deputy Federal Public Defender

 X **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada:**

Siaosi Vanisi
Inmate no. 63376
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

 Placing a true copy thereof in a sealed envelope for service via:

 Reno/Carson Messenger Service – [NONE]

 Federal Express or other overnight delivery service [NONE]

 Inter-Office Mail [NONE]

DATED this 10th day of April, 2014.



2515
RENE L. VALLADARES
Federal Public Defender
Nevada Bar No. 11479
TIFFANI D. HURST
Assistant Federal Public Defender
Nevada Bar No. 11027C
GARY TAYLOR
Assistant Federal Public Defender
Nevada Bar No. 11031C
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Las Vegas, Nevada 89101
(702) 388-6577
(Fax) 388-5819
danielle_hurst@fd.org
gary_taylor@fd.org

Electronically Filed
May 30 2014 03:43 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Attorneys for Petitioner

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE**

SIAOSI VANISI,
Petitioner,

vs.

RENEE BAKER, Warden, and
CATHERINE CORTEZ MASTO,
Attorney General of the State of
Nevada,
Respondents.

Case No. CR98-0516
Dept. No. 4

NOTICE OF APPEAL

(Death Penalty Habeas Corpus Case)

NOTICE is hereby given that Petitioner, Siasoi Vanisi, appeals to the Nevada Supreme Court from the Findings of Fact, Conclusions of Law and Judgment Dismissing Petition for Writ of Habeas Corpus, dated April 10, 2014 and entered, filed, and served in this action on April 25, 2014, which dismissed Mr. Vanisi's Petition for Writ of Habeas Corpus.

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1 (Post-Conviction) (Death Penalty Case).

2 The undersigned does hereby affirm that the preceding document does not contain
3 the social security number of any person.

4 DATED this 23rd day of May 2014.

5 RENE L. VALLADARES
6 Federal Public Defender

7 /s/ Tiffani D. Hurst
8 TIFFANI D. HURST
9 Assistant Federal Public Defender
10 Nevada Bar Number 11027C
11 411 E. Bonneville Ave., Suite 250
12 Las Vegas, Nevada 89101
13 (702) 388-6577

14 /s/ Gary Taylor
15 GARY TAYLOR
16 Nevada Bar Number 11031C
17 411 E. Bonneville Ave., Suite 250
18 Las Vegas, Nevada 89101
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20 Attorneys for Petitioner
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Richard A. Gammick
Washoe County District Attorney
dgammick@da.washoecounty.us

Terrence McCarthy
Washoe County District Attorney
tmccarth@da.washoecounty.us

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1 **1310**

2 RENE L. VALLADARES

3 Federal Public Defender

4 Nevada Bar No. 11479

5 TIFFANI D. HURST

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7 Nevada Bar No. 11027C

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14 Fax: (702) 388-5819

15 Danielle_Hurst@fd.org

16 Gary_Taylor@fd.org

17 Attorneys for Petitioner

18 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE**
19 **STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE**

20 SIAOSI VANISI,

21 Petitioner

22 vs.

23 RENEE BAKER, Warden, and
24 CATHERINE CORTEZ MASTO,
25 Attorney General,

26 Respondents.

Case No.

CR98-0516

Dept No.

4

CASE APPEAL STATEMENT

CASE APPEAL STATEMENT

1. **Name of petitioner filing this case appeal statement:**

Siaosi Vanisi

2. **Identify the judge issuing the order appealed from:**

Honorable Connie J. Steinheimer

3. **All parties to the proceedings in the district court:**

Same as in caption; State of Nevada is real party in interest.

4. **All parties involved in this appeal:**

Same as in caption; State of Nevada is real party in interest.

1 5. **Set forth the name, law firm, address and telephone number of all**
2 **counsel on appeal and party or parties whom they represent:**

3 Rene Valladares
4 Federal Public Defender
5 Tiffani D. Hurst
6 Gary Taylor
7 Assistant Federal Public Defenders
8 411 E. Bonneville, Ste. 250
9 Las Vegas, NV 89101
10 (702) 388-6577

11 Counsel for Petitioner, Siaosi Vanisi

12 Richard A. Gammick
13 Washoe County District Attorney
14 Terrence P. McCarthy
15 Chief Appellate Deputy District Attorney
16 Office of the District Attorney
17 One Sierra Avenue
18 PO Box 30083
19 Reno, Nevada 89520-3083
20 (775) 337-5750

21 and

22 Catherine Cortez Masto
23 Attorney General of Nevada
24 Robert E. Wieland
25 Senior Deputy Attorney General
26 Office of the Nevada Attorney General
27 5420 Kietzke Lane, Suite 202
28 Las Vegas, NV 89511
 (775) 688-1818

 Counsel for Warden and State of Nevada

 6. **Whether petitioner/appellant was represented by appointed or**
 retained counsel in the district court:

 The United States District Court appointed the Federal Public Defender
 for the District of Nevada on August 5, 2010, See Vanisi v. Baker No.
 3:10-cv-00448-MMD-VPC, Docket No.5. The Federal Public
 Defender made their first appearance on behalf of Petitioner/Appellant
 Vanisi in this case on August 13, 2010, Docket No. 7.

 7. **Whether petitioner/appellant was granted leave to proceed in**
 forma pauperis, and the date of entry of the district court order
 granting such leave:

 The United States District Court granted Mr. Vanisi leave to proceed in
 forma pauperis on August 5, 2010. The Nevada courts previously held
 that Mr. Vanisi was indigent.

1 8. **Date proceedings commenced in the district court (e.g., date**
2 **complaint, indictment, information or petition was filed):**

3 Petition for writ of habeas corpus (post-conviction) was filed on August
4 5, 2010, and an amended petition was filed on April 18, 2011.

5 9. **A brief description of the nature of the action and result in the**
6 **district court, including the type of judgment or order being**
7 **appealed and the relief granted by the court: (in accordance with**
8 **Nev. R. App. P. (f)(3)(I))**

9 Mr. Vanisi filed a petition for writ of habeas corpus seeking relief from
10 his first-degree-murder conviction. See Vanisi v. State, 117 Nev. 330, 22
11 P.3d 1164 (2001). The District Court held that Mr. Vanisi's claims were
12 procedurally barred pursuant to NRS 34.810 and dismissed the habeas
13 petition.

14 10. **Whether the case has previously been the subject of an appeal to**
15 **or original writ proceeding in the Supreme Court: (in accordance**
16 **with Nev. R. App. P. (f)(3)(J))**

17 Vanisi v. State, 117 Nev. 330, 22 P.3d 1164 (2001)

18 Vanisi v. State, No. 50607, 2010 WL 3270985 (Nev. April 20, 2010).

19 The undersigned does hereby affirm that the preceding document does not
20 contain the social security number of any person.

21 Respectfully submitted this 23rd day of May, 2014.

22 RENE VALLADARES
23 Federal Public Defender

24 /s/ Tiffani D. Hurst
25 TIFFANI D. HURST
26 Nevada Bar No. 11027C
27 Assistant Federal Public Defender

28 /s/ Gary Taylor
 GARY TAYLOR
 Nevada Bar No. 11031C
 Assistant Federal Public Defender

 Attorneys for Petitioner/Appellant

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CERTIFICATE OF SERVICE

In accordance with Rule 5(b)(2)(D) of the Nevada Rules of Civil Procedure, the undersigned hereby certifies that on the 23rd day of May, 2014, a true and correct copy of the foregoing CASE APPEAL STATEMENT was filed electronically with the Second Judicial District Court. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

Richard A. Gammick
Washoe County District Attorney
dammick@da.washoecounty.us

Terrence P. McCarthy
Washoe County District Attorney
tmccarth@da.washoecounty.us

/s/ Jeremy Kip
An employee of the Federal Public Defender

FILED

Electronically

05-12-2011:01:45:46 PM

Howard W. Conyers

Clerk of the Court

Transaction # 2222017

3035

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

SIAOSI VANISI,

Petitioner,

Case No. CR98P0516

vs.

Department No.: 4

THE STATE OF NEVADA,

Respondent.

ORDER GRANTING IN FORMA PAUPERIS

Having read Petitioner's Affidavit in Support of Request to Proceed in *Forma Pauperis*, the Court finds that Petitioner is currently serving a sentence in a correctional institution.

Pursuant to Nevada Supreme Court's Order ADKT No. 411, a person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent qualified legal counsel on his own. Under this standard, a presumption of substantial hardship attaches to those persons currently serving a sentence in a correctional institution or housed in a mental health facility.

The Court further finds that pursuant to NRS 171.188, Petitioner has insufficient assets and/or income to proceed absent a grant of *forma pauperis* status.

IT IS HEREBY ORDERED, pursuant to NRS 171.188, Petitioner is granted leave to proceed in *forma pauperis*.

AA07124

1 IT IS HEREBY FURTHER ORDERED that the Court allow said SIAOSI VANISI
2 to bring such action without costs and file or issue any necessary writ, process, pleading
3 or paper without charge, with the exception of jury fees.

4 IT IS HEREBY FURTHER ORDERED that the Sheriff or any other appropriate
5 officer within the state make personal service of any necessary writ, process, pleading
6 or paper without charge for SIAOSI VANISI.

7 IT IS HEREBY FURTHER ORDERED that the above entitled matter is referred to
8 the Honorable Connie Steinheimer, the assigned Judge presiding over the underlying
9 matter, for future action.

10 DATED this 12th day of May, 2010.

11
12 Connie J. Steinheimer
13 CHIEF DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 12th day of May, 2011, I electronically filed the Order with the Clerk of the Court by using the ECF system, which sent a notice of electronic filing to the following:

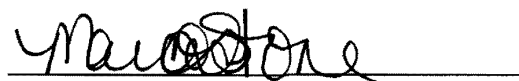
Gary Hatlestad, Esq.
Chief Deputy District Attorney

Tiffani Hurst, Esq.
Assistant Federal Public Defender

C. Benjamin Scroggins, Esq.
Assistant Federal Public Defender

I further certify that on the 13th day of May, 2011, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service, a true copy of the same, addressed to:

Siaosi Vanisi
Inmate no. 63376
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301


Marci L. Stone

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR98-0516

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

5/27/2014

10:05:12AM

Case ID:	CR98-0516	Case Type:	CRIMINAL	Initial Filing Date:	2/26/1998
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	SIAOSI VANISI - @104848
PD	Randolph Fiedler, Esq. - 12577
PD	Tiffani D. Hurst, Esq. - 11027C
PD	C. Benjamin Scroggins, Esq. - 7902
PD	Franny A. Forsman, Esq. - 14
PD	Gary Taylor, Esq. - 11031C
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>		<i>Charge Description</i>
1	F720	2/26/1998	INF	MURDER IN THE FIRST DEGREE
2	F960	2/26/1998	INF	ROBBERY WITH THE USE OF A DEADLY WEAPON
3	F960	2/26/1998	INF	ROBBERY WITH THE USE OF A FIREARM
4	F960	2/26/1998	INF	ROBBERY WITH THE USE OF A FIREARM
5	F520	2/26/1998	INF	GRAND LARCENY

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	F720	3/10/1998	PLED NOT GUILTY
2	F960	3/10/1998	PLED NOT GUILTY
3	F960	3/10/1998	PLED NOT GUILTY
4	F960	3/10/1998	PLED NOT GUILTY
5	F520	3/10/1998	PLED NOT GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
11/22/1999	1 - Death		DEATH	
11/22/1999	2 - Nevada State Prison		NSP MAX 180 MOS, MIN PAROLE 72 MOS, W/CONSEC LIKE TERM FOR USE, CONSEC TO CT I + \$10,000 FINE + \$25 AAF + DNA TESTING	
11/22/1999	3 - Nevada State Prison		NSP MAX 180 MOS, MIN PAROLE 72 MOS W/CONSEC LIKE TERM FOR USE, CONSEC TO CTS I & II + \$750 ATTY FEE + \$250 DNA FEE	
11/22/1999	4 - Nevada State Prison		NSP MAX 180 MOS, MIN PAROLE 72 MOS, W/CONSEC LIKE TERM, CONSEC TO CTS I, II & III	
11/22/1999	5 - Nevada State Prison		NSP MAX 120 MOS, MIN PAROLE 48 MOS, CONSEC TO CTS I, II, III & IV	

Release Information

Custody Status

Case Description: STATE VS SIAOSI VANISI (D4)

Case ID: CR98-0516 Case Type: CRIMINAL Initial Filing Date: 2/26/1998

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1 D4	TRIAL - JURY	12/11/2001	11:00:00	12/11/2001
Event Extra Text:		Disposition: D895 12/11/2001 JURY TRIAL HELD SEPTEMBER 20, 1999 THROUGH OCTOBER 6, 1999 IN D4 FOUND GUILTY BY JURY ON 9/27/99 ON ALL COUNTS		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2 D4	HEARING...	1/18/2002	13:15:00	1/18/2002
Event Extra Text: TO SET EXECUTION DATE		Disposition: D435 1/18/2002 COURT ENTERED EXECUTION DATE/MOTION FOR STAY PENDING POST CONVICTION MUST BE PLACED IN WRITING		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D4	HEARING...	9/2/2010	11:00:00	8/31/2010
Event Extra Text: ON REMITTITUR		Disposition: D870 8/31/2010 CASE STAYED PER USDC ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D4	EVIDENTIARY HEARING	12/5/2013	13:30:00	12/5/2013
Event Extra Text: ON PETITION FOR WRIT OF HABEAS CORPUS		Disposition: D498 12/5/2013		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D4	EXHIBITS TO BE MARKED W/CLERK	12/5/2013	10:00:00	12/5/2013
Event Extra Text:		Disposition: D596 12/5/2013		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6 D4	HEARING ONGOING	12/6/2013	09:00:00	12/6/2013
Event Extra Text: - PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)		Disposition: D840 12/6/2013		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7 D4	Request for Submission	12/6/2013	12:00:00	2/7/2014
Event Extra Text: - PETITION FOR WRIT OF HABEAS CORPUS (ONGOING MOTION TO DISMISS) UNDER ADVISEMENT AFTER ORAL ARGUMENTS		Disposition: S200 2/7/2014		

Case Description: STATE VS SIAOSI VANISI (D4)

Case ID: CR98-0516 **Case Type:** CRIMINAL **Initial Filing Date:** 2/26/1998

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
8 D4	EVIDENTIARY HEARING	12/6/2013 09:00:00	12/5/2013
Event Extra Text: (ONGOING) ON PETITION FOR WRIT OF HABEAS CORPUS		Disposition: DUP 12/5/2013	
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
9 D4	DECISION	3/4/2014 11:00:00	3/4/2014
Event Extra Text: (TELEPHONIC)		Disposition: D425 3/4/2014 MOTION TO DISMISS GRANTED STATE TO PREPARE FINDINGS AND SUBMIT TO PETITIONER'S COUNSEL - PETITIONER'S COUNSEL HAS 10 DAYS THEREAFTER TO FILE OBJECTION	
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
10 D4	Tickle Start Code	4/4/2014 07:00:00	4/4/2014
Event Extra Text: - FINDINGS GRANTING MOTION TO DISMISS PETITION/SUPPLEMENTAL PETITION?		Disposition: T200 4/4/2014	

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	159523
RJ	Reno Justice's Court	RCR89820
SC	Supreme Court	SCN 45061

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
2/26/1998	2610	Notice ...	NOTICE OF INTENT TO SEEK DEATH PENALTY
2/26/1998	1800	Information	
3/4/1998	3700	Proceedings	
3/10/1998	MIN	***Minutes	
4/9/1998	4185	Transcript	ARRAIGNMENT - MARCH 10, 1998
4/28/1998	4185	Transcript	MOTION TO SET BAIL - MARCH 19, 1998
5/28/1998	2490	Motion ...	MOTION FOR PRDUCTION OF SAMPLES, PROCEDURES AND REPORTS OF ALL DNA TESTING FOR IND
5/28/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: COURTROOM SECURITY
5/28/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: PROSECUTORIAL MISCONDUCT
5/28/1998	2045	Mtn for Discovery	
5/29/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: PRIOR BAD ACTS
5/29/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: GRUESOME PHOTOGRAPHS
5/29/1998	2490	Motion ...	MOTION FOR HEARING TO DETERMINE COMPETENCY OF WITNESSES UNDER AGE OF FOURTEEN YE
5/29/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: CUSTODY STATUS OF DEFENDANT
6/1/1998	2490	Motion ...	MOTION FOR ADDITIONAL PEREMPTORY CHALLENGES
6/1/1998	2490	Motion ...	MOTION FOR PROPER NUMBER OF JURY VENIREMEN
6/1/1998	2490	Motion ...	MOTION TO EXPAND JURY ADMONITION

Case Description: STATE VS SIAOSI VANISI (D4)				Initial Filing Date: 2/26/1998	
Case ID:	CR98-0516	Case Type:	CRIMINAL		
6/1/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: ARREST OF DEFENDANT		
6/2/1998	2470	Mtn to Sever			
6/4/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: REFERENCE TO GANG AFFILIATION		
6/4/1998	2490	Motion ...	MOTION TO AVOID DEATH-PRONE JURY		
6/5/1998	2490	Motion ...	MOTION TO PRECLUDE PHOTOGRAPHS AND TELEVISION COVERAGE IN THE COURTROOM		
6/8/1998	2490	Motion ...	MOTION FOR ALL BACKGROUND INFORMATION OF PROSEPECTIVE JURORS		
6/8/1998	2490	Motion ...	MOTION FOR EARLY JURY LIST		
6/8/1998	2490	Motion ...	MOTION FOR INDIVIDUAL VOIR DIRE OF PROSPECTIVE JURORS		
6/8/1998	2490	Motion ...	MOTION FOR INVOCATION OF RULE OF EXCLUSION		
6/9/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: CRIMINAL HISTORY OF DEFENDANT		
6/9/1998	2490	Motion ...	MOTION FOR JURY QUESTIONNAIRE		
6/9/1998	2490	Motion ...	MOTION FOR ORDER OF EXCHANGE OF EXPERT WITNESSES		
6/9/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: ARREST OF DEFENDANT		
6/17/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: STATE'S DNA EXPERT		
6/17/1998	1250	Application for Setting			
6/17/1998	2270	Mtn to Compel...	MOTION TO COMPEL STATE TO DESIGNATE TRIAL WITNESSES		
6/18/1998	2490	Motion ...	MOTION TO DISQUALIFY CERTAIN POTENTIAL JURORS		
6/18/1998	2490	Motion ...	MOTION TO ALLOW JURY CONSULTANTS AND PSYCHOLOGISTS AT COUNSEL TABLE DURING JURY S		
6/24/1998	3880	Response...	RESPONSE TO MOTION FOR DISCOVERY		
6/24/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: PROSECUTORIAL MISCONDUCT		
6/24/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: REFERENCE TO GANG AFFILIATION		
6/24/1998	3880	Response...	RESPONSE TO MOTION FOR INVOCATION OF RULE OF EXCLUSION		
6/24/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE REGARDING ARREST OF DEFENDANT		
6/24/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: COURTROOM SECURITY		
6/24/1998	3880	Response...	RESPONSE TO MOTION TO AVOID DEATH-PRONE JURY		
6/24/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO SEVER		
6/26/1998	3880	Response...	RESPONSE TO MOTION FOR PRODUCTIONS OF SAMPLES PROCEDURES AND REPORTS OF ALL DNA		
6/26/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: PRIOR BAD ACTS		
6/30/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR HEARING TO DETERMINE COMPETENCY OF WITNESSES UNDER AGE C		
6/30/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: GRUESOM PHOTOGRAPHS		
6/30/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE: RE CUSTODY STATUS OF DEFENDANT		
7/1/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR PROPER NUMBER OF JURY VENIRE		
7/1/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ADDITIONAL PEREMPTORY CHALLENGES		
7/1/1998	3880	Response...	RESPONSE TO MOTION TO EXPAND JURY ADMONITION		
7/7/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ALL BACKGROUND INFORMATION OF PROSPECTIVE JURORS		
7/7/1998	3880	Response...	RESPONSE TO MOTION FOR EARLY JURY LIST		
7/7/1998	3880	Response...	RESPONSE TO MOTION FOR INDIVIDUAL VOIR DIRE OF PROSPECTIVE JURORS		
7/9/1998	3880	Response...	RESPONSE TO MOTION FOR ORDER OF EXCHANGE OF EXPERT WITNESSES		
7/9/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR JURY QUESTIONNAIRE		

Case Description: STATE VS SIAOSI VANISI (D4)			
Case ID:	CR98-0516	Case Type:	CRIMINAL
Initial Filing Date:	2/26/1998		
7/9/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: CRIMINAL HISTORY OF DEFENDANT
7/14/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: RACIALLY MIXED JURY
7/14/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: UNDISCLOSED INFORMANTS
7/14/1998	2490	Motion ...	MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUES UNCONSTITUTIONAL
7/15/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO COMPEL STATE TO DESIGNATE TRIAL WITNESSES
7/15/1998	2490	Motion ...	MOTION TO EXERCISE RIGHT OF ALLOCUTION
7/15/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: STAT'S DNA EXPERT
7/15/1998	2490	Motion ...	MOTION FOR REASONABLE TIME BETWEEN GUILT AND PENALTY PHASES OF TRIAL
7/15/1998	2030	Mtn for Change of Venue	
7/15/1998	2490	Motion ...	MOTION TO LIMIT VICTIM IMPACT STATEMENTS
7/15/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: HEARSAY EVIDENCE AT PENALTY HEARING
7/16/1998	2490	Motion ...	MOTION FOR PRODUCTION OF ALL AGGRAVATING FACTORS AND CHARACTER EVIDENCE THE STATE
7/16/1998	2490	Motion ...	MOTION FOR CONSIDERATION OF ALL MITIGATING FACTORS
7/16/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: FUTURE DANGEROUSNESS
7/16/1998	2610	Notice ...	NOTICE OF MITIGATING CIRCUMSTANCES
7/16/1998	2245	Mtn in Limine	MOTION IN LIMINE RE: EXCLUDE INADMISSABLE AND PREJUDICIAL EVIDENCE AT PENALTY HEARING
7/20/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO ALLOW JURY CONSULTANTS AND PSYCHOLOGISTS AT COUNSEL TABLE
7/20/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISQUALIFY CERTAIN POTENTIAL JURORS
7/20/1998	4105	Supplemental ...	SUPPLEMENT TO TO STATE'S OPPOSITION TO MOTION IN LIMINE RE: STATE'S DNA EXPERT
7/21/1998	2490	Motion ...	MOTION FOR BEFURCATED PENALTY HEARING
7/22/1998	2475	Mtn to Strike...	
7/22/1998	1250	Application for Setting	
7/29/1998	1250	Application for Setting	
8/4/1998	MIN	***Minutes	
8/4/1998	3370	Order ...	
8/5/1998	1250	Application for Setting	
8/10/1998	4185	Transcript	STATUS HEARING - AUG. 4, 1998
8/13/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: EXCLUDE INADMISSIBLE AND PREJUDICIAL EVIDENCE AT PENALTY HEARING
8/13/1998	3880	Response...	RESPONSE TO MOTION FOR PRODUCTION OF ALL AGGRAVATING FACTORS AND CHARACTER EVIDENCE
8/13/1998	3880	Response...	RESPONSE TO MOTION TO EXERCISE RIGHT OF ALLOCUTION
8/13/1998	3880	Response...	RESPONSE TO MOTION IN LIMINE RE: RACIALLY MIXED JURY
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO LIMIT VICTIM IMPACT STATEMENTS
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DECLARE DEATH PENALTY UNCONSTITUTIONAL
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR CHANGE OF VENUE
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR REASONABLE TIME BETWEEN GUILT AND PENALTY PHASES OF TRIAL
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: UNDISCLOSED INFORMANTS
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR CONSIDERATION OF ALL MITIGATING FACTORS
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: HEARSAY EVIDENCE AT PENALTY HEARING
8/13/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: FUTURE DANGEROUSNESS

Case Description: STATE VS SIAOSI VANISI (D4)

Case ID:	CR98-0516	Case Type:	CRIMINAL	Initial Filing Date:	2/26/1998
8/19/1998	3373	Other ...	DEFENDANT'S PROPOSED JURY QUESTIONNAIRE		
8/20/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO STRIKE AGGRAVATING FACTORS		
8/20/1998	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR BIFURCATED PENALTY HEARING		
8/28/1998	2630	Objection to ...			
9/4/1998	4050	Stipulation ...	DISCOVERY STIPULATIONS		
9/4/1998	MIN	***Minutes			
9/15/1998	4185	Transcript	STATUS HEARING - SEPT. 4, 1998		
9/16/1998	2490	Motion ...	MOTION FOR SUBMISSION OF SPECIFIED PRE-TRIAL MOTION		
9/28/1998	MIN	***Minutes			
10/1/1998	4185	Transcript	STATUS HEARING - SEPT. 28, 1998		
10/1/1998	2960	Ord Psychiatric Evaluation			
10/9/1998	2610	Notice ...	NOTICE OF ASSOCIATION OF COUNSEL		
11/6/1998	MIN	***Minutes			
11/10/1998	MIN	***Minutes			
11/13/1998	4185	Transcript	HEARING REGARDING COUNSEL - NOV. 10, 1998		
11/24/1998	MIN	***Minutes			
11/25/1998	3370	Order ...	DEFENDANT'S MOTION TO PRECLUDE PHOTOGRAPHS AND TELEVISION COVERAGE IS DENIED		
11/25/1998	3370	Order ...	DEFENDANT'S MOTION TO AVOID DEATH PRONEJURY IS GRANTED		
12/1/1998	4185	Transcript	REPORT ON PSYCH EVAL - NOV. 6, 1998		
12/4/1998	4185	Transcript	PRE-TRIAL MOTIONS - NOV. 24, 1998		
12/10/1998	MIN	***Minutes			
12/14/1998	3373	Other ...	DEFENDANT'S PROPOSED JUROR QUESTIONNAIRE		
12/16/1998	2490	Motion ...			
12/16/1998	3370	Order ...			
12/16/1998	2501	Non-Opposition ...	DEFENDANT'S NON OPPOSITION TO JURY QUESTIONNAIRE AND NON OPPOSITION TO THE ENDORSE		
12/16/1998	3373	Other ...	STATE'S PROPOSED JUROR QUESTIONNAIRE		
12/18/1998	3370	Order ...			
12/23/1998	MIN	***Minutes			
12/28/1998	3370	Order ...			
12/31/1998	3370	Order ...			
1/4/1999	MIN	***Minutes			
1/4/1999	4185	Transcript	TELEPHONE CONFERENCE - DEC. 30, 1998		
1/4/1999	3940	Special Instruction ...	SPECIAL JUROR INSTRUCTION "A" AND SPECIAL JUROR QUESTIONNAIRE		
1/6/1999	4185	Transcript	JURY SELECTION - JAN. 4, 1999		
1/7/1999	MIN	***Minutes			
1/8/1999	MIN	***Minutes			
1/11/1999	4185	Transcript	HEARING - JAN. 7, 1999		
1/11/1999	MIN	***Minutes	JURY TRIAL - JAN. 11 - 15, 1999		
1/11/1999	4185	Transcript	JURY SELECTION - JAN. 8, 1999		

Case Description: STATE VS SIAOSI VANISI (D4)				Initial Filing Date: 2/26/1998	
Case ID:	CR98-0516	Case Type:	CRIMINAL		
1/11/1999	MIN	***Minutes	CORRECTED MINUTES (3/29/99) - JAN. 11 - 15, 1999		
1/11/1999	4185	Transcript	CONTINUED JURY SELECTION - JAN. 7, 1998		
1/12/1999	4185	Transcript	TRIAL (VOLUME 1I) - JAN. 11, 1999		
1/12/1999	4185	Transcript	PRE-TRIAL HEARING - DEC. 10, 1998		
1/13/1999	4185	Transcript	TRIAL (VOLUME 2) - JAN. 12, 1999		
1/14/1999	4185	Transcript	TRIAL (VOLUME 3) - JAN. 13, 1999		
1/14/1999	2840	Ord Denying ...	ORDER DENYING MOTION FOR CHANGE OF VENUE		
1/15/1999	4185	Transcript	TRIAL (VOLUME 4) - JAN. 14, 1999		
1/15/1999	3370	Order ...			
1/19/1999	MIN	***Minutes			
1/19/1999	4185	Transcript	TRIAL (VOLUME 5) - JAN. 15, 1999		
1/28/1999	4185	Transcript	HEARING TO RESET TRIAL DATE - JAN. 19, 1999		
2/18/1999	1120	Amended ...	AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY		
3/19/1999	MIN	***Minutes			
4/6/1999	2490	Motion ...	MOTION TO DECLARE ADVERSE WITNESSES		
4/13/1999	2490	Motion ...	MOTION TO RENEW REQUEST FOR ADDITIONAL PEREMPTORY CHALLENGES		
4/15/1999	2490	Motion ...	MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE		
4/15/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DECLARE ADVERSE WITNESSES		
4/23/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO RENEW REQUEST FOR ADDITIONAL PEREMPTORY CHALLENGES		
4/26/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE		
5/3/1999	3795	Reply...	REPLY TO STATE'S OPPOSITION TO MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE		
5/10/1999	1250	Application for Setting			
5/12/1999	MIN	***Minutes			
5/18/1999	4185	Transcript	IN CHAMBERS REVIEW - MAY 12, 1999		
6/1/1999	MIN	***Minutes			
6/3/1999	3370	Order ...			
6/3/1999	4185	Transcript	PRE-TRIAL MOTIONS - JUNE 1, 1999		
6/9/1999	3370	Order ...			
6/9/1999	1105	Amended Ord and/or Judgment			
6/9/1999	4505	Crt Ord Psych Eval - Conf.			
6/10/1999	4505	Crt Ord Psych Eval - Conf.			
6/16/1999	2315	Mtn to Dismiss ...	MOTION TO DISMISS COUNSEL AND MOTION TO APPOINT COUNSEL		
6/18/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS COUNSEL AND MOTION TO APPOINT COUNSEL		
6/18/1999	2315	Mtn to Dismiss ...	MOTION TO DISMISS COUSEL AND MOTION TO APPOINT COUNSEL		
6/18/1999	1360	Certificate of Service			
6/21/1999	2490	Motion ...	MOTION FOR ORDER RELEASING PSYCHIATRIC REPORT		
6/23/1999	MIN	***Minutes			
6/23/1999	3370	Order ...			
6/28/1999	4185	Transcript	SEALED TRANSCRIPT OF PROCEEDINGS - JUNE 23, 1999		

Case Description: STATE VS SIAOSI VANISI (D4)			
Case ID:	CR98-0516	Case Type:	CRIMINAL
			Initial Filing Date: 2/26/1998
6/28/1999	4185	Transcript	PRE-TRIAL MOTIONS - JUNE 23, 1999
6/29/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ORDER RELEASING PSYCHIATRIC REPORT
6/30/1999	3370	Order ...	
7/1/1999	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ORDER RELEASING PSYCHIATRIC REPORT
7/2/1999	3795	Reply...	REPLY IN SUPPORT OF MOTION FOR ORDER RELEASING PSYCHIATRIC REPORT
7/2/1999	3860	Request for Submission	
7/8/1999	4505	Crt Ord Psych Eval - Conf.	
7/12/1999	1675	Ex-Parte Ord...	* SEALED * EX PARTE ORDER FOR MEDICAL TREATMENT
7/13/1999	1250	Application for Setting	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/19/1999	1270	Application ...	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/26/1999	1340	CCUA-Secure Witness Attendance	
7/28/1999	1250	Application for Setting	
8/3/1999	MIN	***Minutes	
8/4/1999	4185	Transcript	SEALED PROCEEDINGS - AUG. 3, 1999
8/4/1999	4185	Transcript	MOTION RE: MEDICATION - AUG. 3, 1999
8/5/1999	3370	Order ...	
8/5/1999	3370	Order ...	
8/5/1999	2490	Motion ...	* SEALED * COURT ORDERED MOTION FOR SELF REPRESENTATION
8/9/1999	3880	Response...	RESPONSE TO "COURT-ORDERED MOTION FOR SELF REPRESENTATION" POINTS AND AUTHORITIES

Case Description: STATE VS SIAOSI VANISI (D4)

Case ID:	CR98-0516	Case Type:	CRIMINAL	Initial Filing Date:	2/26/1998
8/10/1999	MIN	***Minutes			
8/10/1999	3370	Order ...			
8/11/1999	2840	Ord Denying ...	DEFENDANT'S MOTION FOR SELF REPRESENTATION		
8/11/1999	2840	Ord Denying ...	DENYING MOTION FOR STAY		
8/11/1999	MIN	***Minutes			
8/12/1999	4185	Transcript	MOTION FOR SELF REPRESENTATION - AUG. 10, 1999		
8/12/1999	2490	Motion ...	MOTION FOR JURY QUESTIONNAIRE		
8/12/1999	3370	Order ...			
8/12/1999	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION TO RECONSIDER SELF-REPRESENTATION		
8/16/1999	4185	Transcript	MOTIONS - AUG. 11, 1999		
8/16/1999	3880	Response...	RESPONSE TO UNDER SEAL EX PARTE MOTION TO RECONSIDER SELF REPRESENTATION		
8/16/1999	4105	Supplemental ...	STATE'S PROPOSED SUPPLEMENTAL JUROR QUESTIONNAIRE		
8/17/1999	3795	Reply...	REPLY TO RESPONSE TO MOTION TO RECONSIDER SELF-REPRESENTATION		
8/18/1999	2840	Ord Denying ...	DEFENDANT'S MOTION TO RECONSIDER SELF-REPRESENTATION		
8/18/1999	1670	Ex-Parte Mtn...	* SEALED * EX PARTE (NEVADA SUPREME COURT RULE 172) MOTION TO WITHDRAW		
8/20/1999	2490	Motion ...	MOTION TO REQUIRE PRIOR NOTICE OF COURTROOM CLOSURE OR CHAMBERS HEARINGS		
8/24/1999	3370	Order ...			
8/24/1999	1670	Ex-Parte Mtn...	EX PARTE REQUEST FOR HEARING		
8/24/1999	1360	Certificate of Service			
8/26/1999	MIN	***Minutes			
8/27/1999	2610	Notice ...	NOTICE OF EVIDENCE TO SUPPORT AGGRAVATORS		
8/30/1999	3370	Order ...	ORDER UNDER SEAL		
8/30/1999	MIN	***Minutes			
8/30/1999	4185	Transcript	REQUEST FOR HEARING ON EX PARTE MOTION TO WITHDRAW - AUGUST 26, 1999		
8/30/1999	4185	Transcript	DECISION ON MOITON TO RELIEVE COUNSEL - AUG. 30, 1999		
8/30/1999	4185	Transcript	* SEALED * REQUEST FOR HEARING ON EX PARTE MOTION TO WITHDRAW (IN CAMERA HEARING) AU		
8/30/1999	1485	Corrected Judgment or Ord	CORRECTED ORDER		
8/30/1999	3370	Order ...			
8/30/1999	3370	Order ...			
9/1/1999	2840	Ord Denying ...	DENYING MOTION FOR ORDER RELEASING PSYCHIATRIC REPORT		
9/10/1999	4125	Supreme Court Order...			
9/10/1999	3370	Order ...	COURT WILL UTILIZE THE SPECIAL JUROR QUESTIONNAIRE		
9/10/1999	3373	Other ...	SPEICAL JUROR INSTRUCTION "A" AND SPECIAL JUROR QUESTIONNAIRE		
9/13/1999	2592	Notice of Witnesses			
9/13/1999	MIN	***Minutes			
9/13/1999	4128	Supreme Court Order Denying	ORDER DENYING PETITION FOR WRIT OF CERTIORARI OR MANDAMUS		
9/14/1999	3860	Request for Submission			
9/14/1999	1270	Application ...			
9/14/1999	1270	Application ...			

			Case Description: STATE VS SIAOSI VANISI (D4)			
Case ID:	CR98-0516	Case Type:	CRIMINAL	Initial Filing Date:	2/26/1998	
9/14/1999	1270	Application ...				
9/14/1999	1270	Application ...				
9/14/1999	1270	Application ...				
9/14/1999	1270	Application ...				
9/14/1999	1270	Application ...				
9/14/1999	1270	Application ...				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/14/1999	1340	CCUA-Secure Witness Attendance				
9/15/1999	4185	Transcript	TELEPHONE CONFERENCE - SEPT. 13, 1999			
9/17/1999	MIN	***Minutes				
9/20/1999	4185	Transcript	PRE-TRIAL MOTIONS - SEPT. 17, 1999			
9/20/1999	4185	Transcript	JURY SELECTION (QUESTIONNAIRE) - SEPT. 13, 1999			
9/20/1999	MIN	***Minutes	JURY TRIAL - SEPT. 20 - OCT. 6, 1999			
9/21/1999	4185	Transcript	* SEALED * TRIAL - VOLUME 1A - SEPT. 20, 1999			
9/21/1999	1302	Material Witness-Bench Warrant				
9/21/1999	3940	Special Instruction ...	COURT'S SPECIAL INSTRUCTION "B"			
9/21/1999	2490	Motion ...				
9/21/1999	3370	Order ...	MATERIAL WITNESS ORDER			
9/21/1999	3870	Request	CITADEL BROADCASTING COMPANY'S REQUESTION TO UTILIZE AUDIO EQUIPMENT TO RECORD AND			
9/21/1999	1075	Affidavit ...				
9/21/1999	4185	Transcript	TRIAL - VOLUME 1 - SEPT. 20, 1999			
9/22/1999	4185	Transcript	TRIAL (VOLUME 2) - SEPT. 21, 1999			
9/23/1999	3893	Return on B/W - Quashed				
9/23/1999	4185	Transcript	TRIAL (VOLUME 3) - SEPT. 22, 1999			
9/24/1999	3755	Refused Instructions-Deft	DEFENDANT'S OFFERED INSTRUCTION B			
9/24/1999	3755	Refused Instructions-Deft	DEFENDANT'S OFFERED INSTRUCTION A			
9/24/1999	3755	Refused Instructions-Deft	DEFENDANT'S OFFERED INSTRUCTION C			
9/24/1999	4185	Transcript	TRIAL (VOLUME 4) - SEPT. 23, 1999			
9/24/1999	3370	Order ...				
9/27/1999	4245	Verdict(s)...	GUILTY - COUNT V			
9/27/1999	4245	Verdict(s)...	GUILTY - COUNT IV			
9/27/1999	2840	Ord Denying ...	ORDER DENYING GAZETT'S MOTION TO REQUIRE PRIOR NOTICE OF COURTROOM CLOSURE OR CHA			
9/27/1999	4185	Transcript	TRIAL (VOLUME 5) - SEPT. 24, 1999			

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9/27/1999	4245	Verdict(s)...	GUILTY - COUNT III		
9/27/1999	4245	Verdict(s)...	GUILTY - COUNT II		
9/27/1999	4245	Verdict(s)...	GUILTY OF MURDER		
9/27/1999	1885	Jury Instructions			
9/27/1999	1890	Jury Question, Court Response			
9/27/1999	1890	Jury Question, Court Response			
9/27/1999	1892	Jury Question, No Response			
9/27/1999	1892	Jury Question, No Response			
9/27/1999	4235	Unused Verdict Form(s)...			
9/28/1999	4185	Transcript	TRIAL (VOLUME 6) - SEPT. 27, 1999		
9/28/1999	4185	Transcript	* SEALED * TRIAL - VOLUME 6A - SEPT. 27, 1999		
9/30/1999	4185	Transcript	TRIAL (VOLUME 7) - SEPT. 28, 1999		
10/1/1999	4185	Transcript	TRIAL (VOLUME 8) - SEPT. 30, 1999		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION J		
10/4/1999	4185	Transcript	TRIAL (VOLUME 9) - OCT. 1, 1999		
10/4/1999	1885	Jury Instructions	DEFENDANT PROPOSED INSTRUCTION D		
10/4/1999	1885	Jury Instructions	DEFENDANT OFFERED INSTRUCTION E		
10/4/1999	1885	Jury Instructions	DEFENDANT OFFERED INSTRUCTION F		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION G		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION H		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION I		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION K		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION L		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION M		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION N		
10/4/1999	1885	Jury Instructions	DEFENDANT'S OFFERED INSTRUCTION O		
10/5/1999	4185	Transcript	TRIAL (VOLUME 10) - OCT. 4, 1999		
10/5/1999	4235	Unused Verdict Form(s)...			
10/6/1999	1885	Jury Instructions			
10/6/1999	4185	Transcript	TRIAL (VOLUME 11) CORRECTED TRANSCRIPT - OCT. 5, 1999		
10/6/1999	4185	Transcript	TRIAL (VOLUME 11) - OCT. 5, 1999		
10/6/1999	1892	Jury Question, No Response			
10/6/1999	3950	Special Verdict ...			
10/6/1999	1890	Jury Question, Court Response			
10/6/1999	4235	Unused Verdict Form(s)...			
10/7/1999	4131	Supreme Ct Not/Lieu/Remittitur			
10/7/1999	4185	Transcript	TRIAL (VOLUME 12) - OCT. 6, 1999		
10/12/1999	1075	Affidavit ...			
10/18/1999	1075	Affidavit ...	POST-TRIAL AFFIDAVITS		

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Case ID:	CR98-0516	Case Type:	CRIMINAL	Initial Filing Date:	2/26/1998
10/22/1999	3880	Response...	RESPONSE TO THE DEFENSE POST TRIAL AFFIDAVITS FILED ON OCTOBER 18, 1999		
10/25/1999	3795	Reply...	REPLY TO STATE'S RESPONSE		
10/26/1999	4055	Subpoena			
11/22/1999	1850	Judgment of Conviction			
11/22/1999	MIN	***Minutes			
11/22/1999	4292	Warrant of Execution			
11/22/1999	3138	Order of Committal or Release			
11/22/1999	1315	** Case Closed			
11/22/1999	3143	Order of Execution			
11/22/1999	4500	PSI - Confidential			
11/23/1999	3370	Order ...	ORDER STAYING EXECUTION PENDING DIRECT APPEAL		
11/23/1999	4185	Transcript	SENTENCING/IMPOSITION OF JURY SENTENCE - NOV. 22, 1999		
11/30/1999	1365	Certificate of Transmittal			
11/30/1999	1310	Case Appeal Statement			
11/30/1999	2515	Notice of Appeal Supreme Court			
6/13/2001	4111	Supreme Ct Clk's Cert & Judg			
6/13/2001	4145	Supreme Court Remittitur			
6/13/2001	4120	Supreme Court Opinion			
6/25/2001	4125	Supreme Court Order...	ORDER RECALLING AND STAYING REMITTITUR		
9/7/2001	4120	Supreme Court Opinion			
9/7/2001	4111	Supreme Ct Clk's Cert & Judg			
9/7/2001	4145	Supreme Court Remittitur			
9/20/2001	4125	Supreme Court Order...	ORDER RECALLING REMITTITUR		
11/26/2001	4145	Supreme Court Remittitur			
11/29/2001	4111	Supreme Ct Clk's Cert & Judg			
11/29/2001	4126	Supreme Ct Order Directing...			
12/11/2001	1250	Application for Setting	1/18/02		
12/11/2001	1260	Application Produce Prisoner			
12/11/2001	1325	** Case Reopened			
12/12/2001	3340	Ord to Produce Prisoner			
1/18/2002	3143	Order of Execution			
1/18/2002	3138	Order of Committal or Release			
1/18/2002	1315	** Case Closed	NEW EXECUTION DATE SET		
1/18/2002	4292	Warrant of Execution			
2/19/2002	4185	Transcript	IN-CHAMBERS HEARING & HEARING SETTING EXECUTION DATE		
3/11/2002	3370	Order ...	(FOR POST CONVICTION APPT OF COUNSEL) STAYING EXECUTION		
2/20/2003	4185	Transcript	02/05/03 - CONFERENCE CALL - IN CHAMBERS		
3/9/2005	3105	Ord Granting ...	COMPENSATION (QUALLS)		
8/16/2005	PAYRC	**Payment Received	A Payment of -\$52.97 was made on receipt DCDC147003.		

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Initial Filing Date:	2/26/1998		
8/8/2008	2777	Order Approving ...	FEES AND COSTS OF COURT-APPOINTED ATTORNEYS (DEATH PENALTY CASE)
7/26/2010	1250	Application for Setting	HEARING TO SET EXECUTION DATE - 09/02/10 AT 11:00 A.M.
7/26/2010	1325	** Case Reopened	
8/2/2010	1260	Application Produce Prisoner	
8/6/2010	NEF	Proof of Electronic Service	Transaction 1643691 - Approved By: NOREVIEW : 08-06-2010:10:07:18
8/6/2010	3340	Ord to Produce Prisoner	SEPTEMBER 2, 2010 - Transaction 1643658 - Approved By: NOREVIEW : 08-06-2010:10:02:47
8/31/2010	3980	Stip and Order...	STIPULATION AND ORDER TO VACATE HEARING - Transaction 1690538 - Approved By: NOREVIEW : 08-31-2010:10:02:47
8/31/2010	4075	Substitution of Counsel	JEREMY T. BOSLER, ESQ. CONSENTS TO THE SUBSTITUTION OF THE LAW OFFICE OF THE FEDERAL PUBLIC DEFENDERS OFFICE
8/31/2010	2192	** Case Stayed	PER UNITED STATES DISTRICT COURT ORDER
8/31/2010	NEF	Proof of Electronic Service	Transaction 1690546 - Approved By: NOREVIEW : 08-31-2010:13:57:30
8/31/2010	1315	** Case Closed	
9/9/2010	1360	Certificate of Service	
10/11/2013	1477	**Consolidated With...	CONSOLIDATED WITH CR98P0516. PLEASE FILE ALL FUTURE PLEADINGS IN THIS CASE.
11/15/2013	NEF	Proof of Electronic Service	Transaction 4138285 - Approved By: NOREVIEW : 11-15-2013:16:54:29
11/15/2013	4270	Waiver of Appearance	WAIVER OF PETITIONER'S PRESENCE AT EVIDENTIARY HEARING - Transaction 4138237 - Approved By: NOREVIEW : 11-15-2013:16:54:29
12/4/2013	COC	Evidence Chain of Custody Form	
12/6/2013	NEF	Proof of Electronic Service	Transaction 4180473 - Approved By: NOREVIEW : 12-06-2013:10:23:07
12/6/2013	4185	Transcript	PETITION FOR POST CONVICTION - DAY ONE - Transaction 4180464 - Approved By: NOREVIEW : 12-06-2013:10:23:07
12/9/2013	NEF	Proof of Electronic Service	Transaction 4184542 - Approved By: NOREVIEW : 12-09-2013:14:23:01
12/9/2013	4185	Transcript	post conviction - day 2 - Transaction 4184522 - Approved By: NOREVIEW : 12-09-2013:14:20:17
1/13/2014	NEF	Proof of Electronic Service	Transaction 4253030 - Approved By: NOREVIEW : 01-13-2014:14:14:07
1/13/2014	NEF	Proof of Electronic Service	Transaction 4253133 - Approved By: NOREVIEW : 01-13-2014:14:37:29
1/13/2014	MIN	***Minutes	PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/ONGOING MOTION TO DISMISS – DAY ONE
1/13/2014	MIN	***Minutes	PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/ONGOING MOTION TO DISMISS – DAY TWO
2/7/2014	3370	Order ...	SETTING TELEPHONIC HEARING FOR THE COURT TO RENDER DECISION ON POST CONVICTION MATTER
2/7/2014	NEF	Proof of Electronic Service	Transaction 4296218 - Approved By: NOREVIEW : 02-07-2014:14:46:14
2/7/2014	S200	Request for Submission Completed	
3/4/2014	NEF	Proof of Electronic Service	Transaction 4328755 - Approved By: NOREVIEW : 03-04-2014:15:16:11
3/4/2014	4185	Transcript	DECISION (TELEPHONIC) - MARCH 4, 2014 - Transaction 4328737 - Approved By: NOREVIEW : 03-04-2014:15:16:11
3/10/2014	NEF	Proof of Electronic Service	Transaction 4336924 - Approved By: NOREVIEW : 03-10-2014:17:01:32
3/10/2014	MIN	***Minutes	(TELEPHONIC) DECISION - PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/ONGOING MOTION TO DISMISS – DAY THREE
3/13/2014	3370	Order ...	ORDER - TRANSCRIPTION FEES GRANTED; STATE PUBLIC DEFENDER PAY CAPIONS \$1860.00 PER ATTORNEY
3/13/2014	NEF	Proof of Electronic Service	Transaction 4342881 - Approved By: NOREVIEW : 03-13-2014:15:51:33
3/19/2014	NEF	Proof of Electronic Service	Transaction 4350695 - Approved By: NOREVIEW : 03-19-2014:14:38:05
3/19/2014	2520	Notice of Appearance	TIFFANI HURST, GARY TAYLOR AND RANDOLPH FIEDLER - FEDERAL PUBLIC DEFENDERS OFFICE - TRUSTEE
3/31/2014	2630	Objection to ...	OBJECTIONS TO PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT DISMISSING OBJECTIONS
4/1/2014	NEF	Proof of Electronic Service	Transaction 4367424 - Approved By: NOREVIEW : 04-01-2014:08:56:21
4/4/2014	T200	Tickle End Code	
4/7/2014	3880	Response...	RESPONSE TO "OBJECTIONS TO PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT"

Case Description: STATE VS SIAOSI VANISI (D4)

Case ID:	CR98-0516	Case Type:	CRIMINAL	Initial Filing Date:	2/26/1998
4/7/2014	NEF	Proof of Electronic Service	Transaction 4376211 - Approved By: NOREVIEW : 04-07-2014:14:23:17		
4/10/2014	F230	Other Manner of Disposition			
4/10/2014	1750	Findings, Conclusions & Judg	Transaction 4381806 - Approved By: NOREVIEW : 04-10-2014:11:44:25		
4/10/2014	NEF	Proof of Electronic Service	Transaction 4381809 - Approved By: NOREVIEW : 04-10-2014:11:45:13		
4/24/2014	NEF	Proof of Electronic Service	Transaction 4400860 - Approved By: NOREVIEW : 04-24-2014:08:45:08		
4/24/2014	3370	Order ...	ORDER - PAYMENT OF TRANSCRIPTION FEES PAYABLE BY FEDERAL PUBLIC DEFENDER TO CAPTION		
4/25/2014	NEF	Proof of Electronic Service	Transaction 4403632 - Approved By: NOREVIEW : 04-25-2014:11:21:23		
4/25/2014	2540	Notice of Entry of Ord	Transaction 4403627 - Approved By: NOREVIEW : 04-25-2014:11:20:24		
5/23/2014	1310	Case Appeal Statement	Transaction 4448007 - Approved By: ASMITH : 05-27-2014:08:26:31		
5/23/2014	2515	Notice of Appeal Supreme Court	Transaction 4448003 - Approved By: ASMITH : 05-27-2014:08:25:54		
5/27/2014	NEF	Proof of Electronic Service	Transaction 4448333 - Approved By: NOREVIEW : 05-27-2014:08:26:59		
5/27/2014	NEF	Proof of Electronic Service	Transaction 4448621 - Approved By: NOREVIEW : 05-27-2014:09:46:27		
5/27/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4448615 - Approved By: I		
5/27/2014	NEF	Proof of Electronic Service	Transaction 4448335 - Approved By: NOREVIEW : 05-27-2014:08:27:37		

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR98P0516

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

5/27/2014

10:05:42AM

Case Description: Consolidated into CR98-0516 (D4)

Case ID:	CR98P0516	Case Type:	POST CONVICTION	Initial Filing Date:	1/18/2002
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Parties

PETR	SIAOSI VANISI - @104848
APPE	SIAOSI VANISI - @104848
RESP	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Richard Allen Gammick, Esq. - 1510
PD	Franny A. Forsman, Esq. - 14
PD	C. Benjamin Scroggins, Esq. - 7902
PD	Tiffani D. Hurst, Esq. - 11027C

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D4	Tickle Start Code	2/6/2002 07:00:00	2/6/2002

Event Extra Text: pull file, check for petitioner's response, or verification of petition. do order appting counsel with pd to provide record to new counsel

Disposition:
T200 2/6/2002

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D4	STATUS HEARING	7/1/2002 13:30:00	7/1/2002

Event Extra Text:

Disposition:
D435 7/1/2002
DISCUSSION ENSUED REGARDING RULE 250 MEMO AND
DISCOVERY/IF PETITIONER'S COUNSEL DOES NOT
RECEIVE ALL INFORMATION, MAY REQUEST A RECORDS
DEPOSITION.

AA07141

Case Description: Consolidated into CR98-0516 (D4)

Case ID: CR98P0516 Case Type: POST CONVICTION Initial Filing Date: 1/18/2002

Department	Event Description	Sched. Date & Time		Disposed Date
3 D4	CONFERENCE CALL	1/29/2003	15:00:00	1/29/2003
Event Extra Text: COURT TO INITIATE		Disposition: D435 1/29/2003 DISCUSSION ENSUED REGARDING THE MOTION TO WITHDRAW AS COUNSEL/CNSL EDWARDS TO ATTEMPT TO FIND COUNSEL TO ASSIST HIM, PRIOR TO DECISION OF MTN TO WITHDRAW BEING DECIDED		
Department	Event Description	Sched. Date & Time		Disposed Date
4 D4	CONFERENCE CALL	2/5/2003	15:30:00	2/5/2003
Event Extra Text: (MOTION TO WITHDRAW AS COUNSEL)		Disposition: D435 2/5/2003 MOTION TO WITHDRAW AS COUNSEL BY PICKER GRANTED/EDWARDS TO PROCEED WITH PARALEGAL ASSISTANCE/INTERIM BILLING TO BE ALLOWED/EDWARDS TO OBTAIN APPROVAL FOR PARALEGAL FEE FROM THE STATE PUBLIC DEFENDER		
Department	Event Description	Sched. Date & Time		Disposed Date
5 D4	Tickle Start Code	4/30/2004	07:00:00	4/30/2004
Event Extra Text: HAS ORAL ARGUMENTS BEEN SET?		Disposition: T200 4/30/2004 HEARING SET		
Department	Event Description	Sched. Date & Time		Disposed Date
6 D4	PETITION FOR POST CONVICTION	11/22/2004	10:00:00	11/22/2004
Event Extra Text: (2 DAYS)		Disposition: D435 11/22/2004 MOTION FOR PSYCH. EVAL. OF PETITIONER GRANTED/MOTION FOR TRANSFER TO LAKE'S CROSSING DENIED/MOTION FOR PERMANENT STAY DENIED/PETITIONER'S COUNSEL ORDERED TO HAVE ANY SUPPLEMENT PETITION WITH REGARDS TO CLAIMS THAT THE PETITIONER'S ASSISTANCE IS NOT NEEDED PREPARED AND READY TO FILE AT NEXT HEARING		
Department	Event Description	Sched. Date & Time		Disposed Date
7 D4	IN-CHAMBERS CONFERENCE	1/19/2005	15:45:00	1/20/2005
Event Extra Text: RE: DR. AMAZAGA		Disposition: D435 1/20/2005 UPON DR. AMEZAGA' REQUEST, COURT ORDERED PETITIONER'S COUNSEL TO FORWARD A COPY OF THE ORIGINAL ORDER FOR PSYCH. EVAL. TO THE DR. FOR EVALUATION PURPOSES AND REVIEW OF RECORDS/COURT ADVISED COUNSEL THAT THE PREVIOUSLY MARKED RECORDS WILL BE COPIED BY THE END OF THE WEEK/COURT FURTHER ORDERED THAT DR. ARE REQUIRED TO ATTEND THE HEARING ON 1/27/05 UPON REQUEST OF PETITIONER'S COUNSEL		

Case Description: Consolidated into CR98-0516 (D4)

Case ID: CR98P0516 Case Type: POST CONVICTION Initial Filing Date: 1/18/2002

Department	Event Description	Sched. Date & Time		Disposed Date
8 D4	IN-CHAMBERS CONFERENCE	1/24/2005	13:30:00	1/27/2005
Event Extra Text: RE: DR. AMEZAGA		Disposition: D435 1/27/2005		
Department	Event Description	Sched. Date & Time		Disposed Date
9 D4	REPORT PSYCHIATRIC EVALUATION	1/27/2005	14:00:00	1/27/2005
Event Extra Text:		Disposition: D435 1/27/2005 TESTIMONY PRESENTED FROM DR. BITTKER/HEARING BIFURCATED FOR DR. AMEZAGA		
Department	Event Description	Sched. Date & Time		Disposed Date
10 D4	REPORT PSYCHIATRIC EVALUATION	2/18/2005	13:30:00	2/18/2005
Event Extra Text:		Disposition: D414 2/18/2005 TO PROCEED WITH POST CONVICTION PROCEEDINGS/STATE MUST PREPARE FINDINGS BY 5 PM ON 2/22/05 MOTION FOR STAY PENDING APPEAL DENIED SUPPLEMENTAL PETITION MUST BE FILED BY 5 PM ON 2/22/05 STATE MUST RESPOND TO SUPPLEMENT PETITION W/IN 45 DAYS		
Department	Event Description	Sched. Date & Time		Disposed Date
11 D4	CONFERENCE CALL	4/25/2005	14:30:00	4/25/2005
Event Extra Text: RE: SCHEDULE OF EVIDENTIARY HEARING		Disposition: D435 4/25/2005 COURT AND COUNSEL DISCUSSED SCHEDULE OF POST CONVICTION HEARINGS SET FOR 5/2/05		
Department	Event Description	Sched. Date & Time		Disposed Date
12 D4	PETITION FOR POST CONVICTION	5/2/2005	09:00:00	5/2/2005
Event Extra Text:		Disposition: D498 5/2/2005		
Department	Event Description	Sched. Date & Time		Disposed Date
13 D4	HEARING ONGOING	5/18/2005	10:00:00	5/18/2005
Event Extra Text: PETITION FOR POST CONVICTION/MOTION TO DISMISS		Disposition: D840 5/18/2005		
Department	Event Description	Sched. Date & Time		Disposed Date
14 D4	Tickle Start Code	2/15/2006	07:00:00	2/15/2006
Event Extra Text: HAS DECISION BEEN ENTERED?		Disposition: T200 2/15/2006		

Case Description: Consolidated into CR98-0516 (D4)

Case ID: CR98P0516 Case Type: POST CONVICTION Initial Filing Date: 1/18/2002

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
15 D4	PETITION FOR POST CONVICTION	4/2/2007	13:30:00	4/2/2007
Event Extra Text: ORAL ARGUMENTS		Disposition: D435 4/2/2007 STATE TO SUBMIT RESPONSE TO DEFENSE BRIEF W/IN 10 DAYS.		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
16 D4	Tickle Start Code	4/12/2007	07:00:00	4/12/2007
Event Extra Text: PULL FILE FOR JUDGE (RESPONSE DUE FROM STATE)		Disposition: T200 4/12/2007		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
17 D4	DECISION	9/7/2007	09:00:00	9/7/2007
Event Extra Text: TELEPHONIC		Disposition: D435 9/7/2007 PETITION FOR POST CONVICTION DENIED AS TO ALL CLAIMS STATE TO PREPARE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER UPON ENTRY OF WRITTEN DECISION A HEARING SHALL BE HELD WHEREIN A NEW EXECUTION DATE SHALL BE SET		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
18 D4	Tickle Start Code	11/16/2007	07:00:00	11/8/2007
Event Extra Text: HAS ORDER DENYING PETITION FOR POST CONVICTION BEEN SIGNED?		Disposition: T200 11/8/2007		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
19 D4	Tickle Start Code	9/23/2011	07:00:00	9/23/2011
Event Extra Text: STATUS?		Disposition: T200 9/23/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
20 D4	Request for Submission	10/7/2011	17:00:00	12/9/2011
Event Extra Text: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		Disposition: S200 12/9/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
21 D4	Request for Submission	11/16/2011	16:05:00	12/9/2011
Event Extra Text: MOTION FOR DISCOVERY AND MOTION FOR EVIDENTIARY HEARING		Disposition: S200 12/9/2011		

Case Description: Consolidated into CR98-0516 (D4)

Case ID: CR98P0516 Case Type: POST CONVICTION Initial Filing Date: 1/18/2002

Department	Event Description	Sched. Date & Time		Disposed Date
22 D4	Tickle Start Code	12/23/2011	07:00:00	2/1/2012
Event Extra Text: - HAVE ORAL ARGUMENTS ON THE MOTION TO DISMISS AND THE MOTION FOR LEAVE TO CONDUCT DISCOVERY BEEN SET?		Disposition: T200 2/1/2012		
Department	Event Description	Sched. Date & Time		Disposed Date
23 D4	ORAL ARGUMENTS	2/23/2012	14:00:00	2/23/2012
Event Extra Text: ON MTN TO DISMISS PETITION AND MTN FOR LEAVE TO CONDUCT DISCOVERY		Disposition: D435 2/23/2012 COURT ORDERED EVIDENTIARY HEARING ON THE MOTION TO DISMISS ON THE CLAIM OF THE INEFFECTIVENESS OF COUNSEL BEING PLEAD WITH SUFFICIENT PARTICULARITY TO OVERCOME THE TIME-BAR REQUIREMENTS AS TO ALL OTHER CLAIMS THE MOTION TO DISMISS WILL BE GRANTED		
Department	Event Description	Sched. Date & Time		Disposed Date
24 D4	Tickle Start Code	4/5/2012	07:00:00	4/5/2012
Event Extra Text: HAS EVIDENTIARY HEARING BEEN SET		Disposition: T200 4/5/2012		
Department	Event Description	Sched. Date & Time		Disposed Date
25 D4	Tickle Start Code	5/11/2012	07:00:00	5/11/2012
Event Extra Text: - HAS ADDITIONAL HEARING ON THE MOTION TO DISMISS BEEN SET		Disposition: T200 5/11/2012		
Department	Event Description	Sched. Date & Time		Disposed Date
26 D4	EVIDENTIARY HEARING	1/18/2013	09:00:00	12/27/2012
Event Extra Text:		Disposition: D870 12/27/2012		
Department	Event Description	Sched. Date & Time		Disposed Date
27 D4	EVIDENTIARY HEARING	6/20/2013	14:00:00	4/29/2013
Event Extra Text:		Disposition: D870 4/29/2013		
Department	Event Description	Sched. Date & Time		Disposed Date
28 D4	EVIDENTIARY HEARING	6/21/2013	09:00:00	4/29/2013
Event Extra Text: (ongoing)		Disposition: D870 4/29/2013		

Case Description: Consolidated into CR98-0516 (D4)

Case ID: CR98P0516 Case Type: POST CONVICTION Initial Filing Date: 1/18/2002

Department	Event Description	Sched. Date & Time	Disposed Date
29 D4	EVIDENTIARY HEARING	12/5/2013 13:30:00	11/26/2013
Event Extra Text: ON PETITION FOR WRIT OF HABEAS CORPUS		Disposition: D845 11/26/2013 HEARING TRANSFERRED TO CR98-0516 CASE DUE TO CHANGE IN COURT POLICY RE: POST CONVICTIONS	
Department	Event Description	Sched. Date & Time	Disposed Date
30 D4	EVIDENTIARY HEARING	12/6/2013 09:00:00	11/26/2013
Event Extra Text: (ON GOING) ON PET FOR WRIT OF HABEAS CORPUS		Disposition: D845 11/26/2013 HEARING TRANSFERRED TO CR98-0516 CASE DUE TO CHANGE IN COURT POLICY RE: POST CONVICTIONS	

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 45061
SC	Supreme Court	SCN 50607

Actions

Action Entry Date	Code	Code Description	Text
1/18/2002	2490	Motion ...	FOR APPOINTMENT OF POST CONVICTION COUNSEL
1/18/2002	3585	Pet Writ Habeas Corpus	
1/22/2002	3862	**Criminal Submit	DOCUMENT TITLE: POST CONVICTION
1/22/2002	3880	Response...	TO MOTION FOR APPOINTMENT OF POST-CONVICTION COUNSEL
2/1/2002	3795	Reply...	TO MOTION FOR APPOINTMENT OF POST-CONVICTION COUNSEL AND VERIFICATION ADDENDUM TO
2/4/2002	3862	**Criminal Submit	DOCUMENT TITLE: REPLY TO MOTION FOR APPT
2/6/2002	T200	Tickle End Code	
3/11/2002	2745	Ord Appointing ...	MARC PICKER TO REPRESENT, FOR PD TO PROVIDE COPY OF FILE TO ATTORNEY, FOR 45 DAYS TO I
3/18/2002	3980	Stip and Order...	FOR EXTENSION OF TIME TO FILE SUPPLEMENT (DEADLINE10/01/02)
6/14/2002	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS 1
6/19/2002	3105	Ord Granting ...	* SEALED * ORDER APPROVING FEES OF COURT-APPOINTED ATTORNEYS
7/1/2002	MIN	***Minutes	
8/1/2002	4185	Transcript	STATUS HEARING
10/23/2002	2075	Mtn for Extension of Time	TO FILE SUPPLEMENTAL MATERIALS (POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)
11/1/2002	2645	Opposition to Mtn ...	FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL MATERIALS
12/18/2002	2490	Motion ...	TO WITHDRAW AS COUNSEL OF RECORD
12/23/2002	2645	Opposition to Mtn ...	TO WITHDDRAW AS COUNSEL OF RECORD
12/27/2002	3795	Reply...	IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL OF RECORD
1/6/2003	3860	Request for Submission	DOCUMENT TITLE: MTN TO W/D AS COUNSEL
1/9/2003	1250	Application for Setting	
1/29/2003	MIN	***Minutes	
2/5/2003	MIN	***Minutes	
2/10/2003	3105	Ord Granting ...	MOTION TO WITHDRAW AS COUNSEL OF RECORD AND APPOINTING THE PUBLIC DEFENDER'S OFFIC

Case Description: Consolidated into CR98-0516 (D4)			
Case ID:	CR98P0516	Case Type:	POST CONVICTION
			Initial Filing Date: 1/18/2002
2/10/2003	3370	Order ...	RESCINDING ORDER RE: PUBLIC DEFENDER'S OFFICE
2/10/2003	3370	Order ...	GRANTING MOTION TO WITHDRAW AS COUNSEL OF RECORD (MARK PICKER)
2/14/2003	4185	Transcript	1/28/03 POST CONVICTION
2/20/2003	4185	Transcript	CONFERENCE CALL (IN CHAMBERS) - FEB. 5, 2003
3/25/2003	3370	Order ...	* SEALED * GRANTING COMPENSATION FOR SERVICES RENDERED
3/27/2003	2490	Motion ...	EX PARTE MOTION FILED UNDER SEAL TO PROVIDE COPIES OF SEALED ORDER AND TRANSCRIPTS
4/2/2003	2010	Mtn for Attorney's Fee	* SEALED * 2ND INTERIM BILL
4/2/2003	3105	Ord Granting ...	* SEALED * FEES OF COURT-APPOINTED ATTORNEYS (DEATH PENALTY CASE)
4/23/2003	3370	Order ...	GRANTING MOTION TO PROVIDE SEALED DOCUMENTS TO ATTORNEY SCOTT EDWARDS, ONLY
7/1/2003	2010	Mtn for Attorney's Fee	* SEALED *
7/2/2003	3370	Order ...	* SEALED * GRANTING COMPENSATION FOR SERVICES RENDERED
10/30/2003	2490	Motion ...	FOR ORDER APPOINTING CO-COUNSEL
11/20/2003	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR ORDER APPOINTING CO-COUNSEL
12/23/2003	2745	Ord Appointing ...	THOMAS QUALLS, ESQ. SECOND CHAIR
3/17/2004	3347	Order to Set	
4/1/2004	2605	Notice to Set	
4/21/2004	1250	Application for Setting	(NOVEMBER 22, 2004)
4/30/2004	T200	Tickle End Code	HEARING SET
5/6/2004	1260	Application Produce Prisoner	
5/6/2004	3340	Ord to Produce Prisoner	
11/9/2004	2195	Mtn for Stay ...	MOTION FOR STAY OF POST-CONVICTION HABEAS CORPUS PROCEEDINGS AND FOR TRANSFER OF
11/15/2004	3880	Response...	RESPONSE TO MOTION FOR STAY OF POST-CONVICTION HABEAS PROCEEDINGS
11/17/2004	3795	Reply...	REPLY TO RESPONSE TO MOTION FOR STAY OF POST CONVICTION PROCEEDINGS AND FOR TRANSI
11/17/2004	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR STAY OF POST-CONVICTION HABEAS CORPUS PROCEEDINGS
11/19/2004	2610	Notice ...	OF SUPPLEMENTAL AUTHORITIES
11/22/2004	1695	** Exhibit(s) ...	A and B - ADMITTED
11/22/2004	3370	Order ...	NO PERSONS OTHER THAN SWORN PERSONNEL SPECIFICALLY ASSIGNED TO SECURITY FOR THIS P
11/22/2004	MIN	***Minutes	
11/23/2004	4185	Transcript	POST-CONVICTION 11-22-04
11/29/2004	4185	Transcript	POST-CONVICTION
12/13/2004	2525	Notice of Change of Address	THOMAS L. QUALLS, ESQ.
12/14/2004	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS 1
12/17/2004	2777	Order Approving ...	* SEALED * FEES OF COURT-APPOINTED ATTORNEYS
12/27/2004	2960	Ord Psychiatric Evaluation	
1/14/2005	1670	Ex-Parte Mtn...	* SEALED * EX PARTE CLAIM FOR ATTORNEY COMPENSATION
1/18/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION
1/19/2005	MIN	***Minutes	
1/19/2005	1695	** Exhibit(s) ...	C - ADMITTED UNDER SEAL
1/24/2005	MIN	***Minutes	

Case Description: Consolidated into CR98-0516 (D4)				Initial Filing Date: 1/18/2002	
Case ID:	CR98P0516	Case Type:	POST CONVICTION		
1/27/2005	MIN	***Minutes			
1/27/2005	4185	Transcript	01/24/05 - IN-CHAMBERS CONFERENCE		
1/28/2005	2777	Order Approving ...	* SEALED * PAYMENT OF TRANSCRIPTION FEES		
1/28/2005	2777	Order Approving ...	* SEALED * TRANSCRIPTION FEES		
1/31/2005	4185	Transcript	01/27/05 - REPORT ON PSYCHIATRIC EVALUATION		
2/4/2005	3105	Ord Granting ...	* SEALED * CLAIM FOR COMPENSATION (QUALLS)		
2/4/2005	1670	Ex-Parte Mtn...	* SEALED * FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COL		
2/16/2005	4505	Crt Ord Psych Eval - Conf.	DR AMEZAGA		
2/16/2005	4185	Transcript	IN CHAMBERS HEARING1-19-05		
2/18/2005	MIN	***Minutes			
2/22/2005	4105	Supplemental ...	SUPPLEMENTAL POINTS & AUTHORITIES TO PETITION FOR POST CONVICTION		
2/22/2005	4185	Transcript	02/18/05 - POST CONVICTION - REPORT ON PSYCHIATRIC EVALUATION		
2/22/2005	3862	**Criminal Submit	DOCUMENT TITLE: SUPPLEMENTAL POINTS & AUTHORITIES TO PETITION FOR POST CONVICTION		
2/23/2005	2165	Mtn for Protective Ord			
2/23/2005	1670	Ex-Parte Mtn...	* SEALED * FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COL		
2/28/2005	1670	Ex-Parte Mtn...	* SEALED * EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
3/1/2005	3105	Ord Granting ...	* SEALED * FEES & COSTS (EDWARDS)		
3/1/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
3/7/2005	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS 1		
3/7/2005	3105	Ord Granting ...	* SEALED * FEES & COSTS OF COURT APPOINTED ATTY (EDWARDS)		
3/7/2005	3370	Order ...	* SEALED * ORDER APPROVING FEES AND COSTS		
3/9/2005	3880	Response...	RESPONSE TO MOTION FOR A PROTECTIVE ORDER		
3/9/2005	3105	Ord Granting ...	* SEALED * FEES & COSTS FOR ATTY (EDWARDS)		
3/9/2005	3370	Order ...	* SEALED * ORDER ALLWOING CLAIM FOR COMPENSATION		
3/14/2005	3860	Request for Submission	FOR PAYMENT OF TRANSCRIPTION FEES		
3/14/2005	3370	Order ...	* SEALED * RE: TRANSCRIPTION FEES		
3/16/2005	3370	Order ...	ORDER FINDING PETITIONER COMPETENT TO PROCEED		
3/16/2005	4105	Supplemental ...	SUPPLEMENTAL RESPONSE TO MOTION FOR A PROTECTIVE ORDER		
3/16/2005	3795	Reply...	REPLY TO STATE'S RESPONSE TO MOTION FOR PROTECTIVE ORDER		
3/18/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PROTECTIVE ORDER		
4/14/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES & CC		
4/14/2005	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 45061		
4/14/2005	1670	Ex-Parte Mtn...	* SEALED * FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COL		
4/14/2005	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 45061		
4/20/2005	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 45061		
4/21/2005	2300	Mtn to Dismiss Pet			
4/21/2005	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS AND SUPPLEMENTAL POINTS AND AUTHORITI		
4/21/2005	3105	Ord Granting ...	* SEALED * FEES AND COSTS OF COURT-APPOINTED ATTYS		
4/25/2005	MIN	***Minutes			

Case Description: Consolidated into CR98-0516 (D4)				Initial Filing Date: 1/18/2002	
Case ID:	CR98P0516	Case Type:	POST CONVICTION		
4/26/2005	2280	Mtn to Continue	EVIDENTIARY HEARING		
4/26/2005	4185	Transcript	04/25/05 - IN CHAMBERS CONFERENCE CALL		
4/27/2005	3880	Response...	TO MOTION TO CONTINUE		
4/28/2005	3370	Order ...	PETITIONER'S MOTION FOR PROTECTIVE ORDER IS DENIED. SUPPLEMENTAL POINTS & AUTHORITIE		
4/29/2005	3370	Order ...	PETITIONER'S MOTION TO CONTNUE EVIDENTIARY HEARING IS DENIED IN PART. THE HEARING WILL		
5/2/2005	MIN	***Minutes			
5/3/2005	4185	Transcript	05/02/05 - POST-CONVICTION HEARING		
5/6/2005	2645	Opposition to Mtn ...	TO DISMISS		
5/6/2005	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES TO EXPERT V		
5/9/2005	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
5/9/2005	1670	Ex-Parte Mtn...	* SEALED * EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
5/12/2005	3105	Ord Granting ...	* SEALED * ORDER AUTHORIZING EXPENDITURE OF EXPERT WITNESS FEES		
5/12/2005	3105	Ord Granting ...	* SEALED * QUALLS		
5/18/2005	3370	Order ...	* SEALED * OF PMT OF TRANSCRIPTION FEES THROUGH STATE PD		
5/18/2005	4133	Supreme Court Notice	SUPREME COURT CASE NO. 45061		
5/18/2005	MIN	***Minutes			
5/20/2005	4185	Transcript	05/18/05 - CONTINUED POST-CONVICTION HEARING		
5/25/2005	1670	Ex-Parte Mtn...	* SEALED * FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COL		
5/31/2005	1665	Ex-Parte Application...	* SEALED * EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
6/7/2005	3105	Ord Granting ...	* SEALED * FEES & COSTS OF COURT-APPOINTER ATTORNEYS (SCOTT EDWARDS, ESQ.)		
6/7/2005	3897	Return			
6/14/2005	3105	Ord Granting ...	* SEALED * CLAIM FOR COMPENSATION (T. QUALLS)		
7/15/2005	3060	Ord Granting Mtn ...	* SEALED * FOR ATTY'S FEES (MR EDWARDS FOR EXP WIT RICHARD CORNELL)		
8/31/2005	3370	Order ...	* SEALED * PMT OF TRANSCRIPTION FEES IS GRANTED AND THE STATE PD TO PAY CAPTIONS UNLIM		
2/15/2006	T200	Tickle End Code			
3/14/2007	1260	Application Produce Prisoner			
3/15/2007	1250	Application for Setting	POST CONVICTION - ORAL ARGUMENTS - 4/2/07 AT 1:30 P.M.		
3/21/2007	3340	Ord to Produce Prisoner			
3/28/2007	1960	Memorandum ...	OF LAW REGARDING MCCONNELL ERROR		
3/28/2007	3370	Order ...	NO PERSONS OTHER THAN SWORN PERSONNEL SPECIFICALLY ASSIGNED TO SECURITY FOR THIS P		
4/2/2007	MIN	***Minutes	PETITION FOR POST CONVICTION		
4/3/2007	4185	Transcript	04/02/07 - POST CONVICTION HEARING		
4/6/2007	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
4/6/2007	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
4/6/2007	1960	Memorandum ...	STATE'S MEMORANDUM OF LAW CONCERNING THE RETROACTIVE APPLICATION OF MCCONNELL		
4/11/2007	3370	Order ...			
4/12/2007	T200	Tickle End Code			
4/16/2007	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND		
4/16/2007	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINT		

Case Description: Consolidated into CR98-0516 (D4)

Case ID:	CR98P0516	Case Type:	POST CONVICTION	Initial Filing Date:	1/18/2002
6/4/2007	3105	Ord Granting ...	CLAIM FOR COMPENSATION OF ATTORNEY FEES FOR THOMAS QUALLS, ESQ. IN THE AMOUNT OF \$2		
6/4/2007	3105	Ord Granting ...	FEES AND COSTS OF COURT-APPOINTED ATTORNEY FOR SCOTT EDWARDS, ESQ. IN THE AMOUNT C		
8/21/2007	1250	Application for Setting	TELEPHONIC DECISION - 9/7/07 @ 9:00 A.M.		
9/9/2007	4185	Transcript	ORAL DECISION - SEPTEMBER 7, 2007 - Transaction 46553 - Approved By: TPRINCE : 09-10-2007:07:22:36		
9/18/2007	3370	Order ...	PAYMENT OF TRANSCRIPTION FEES BE GRANTED AND THAT THE STATE PUBLIC DEFENDER PAY CAI		
11/6/2007	MIN	***Minutes	DECISION ON PETITION FOR POST CONVICTION (TELEPHONIC) - 9/7/07 - Transaction 80766 - Approved E		
11/8/2007	1315	** Case Closed			
11/8/2007	T200	Tickle End Code			
11/8/2007	1750	Findings, Conclusions & Judg	PETITION FOR WRIT OF HABEAS CORPUS DENIED		
11/19/2007	2540	Notice of Entry of Ord			
11/28/2007	1365	Certificate of Transmittal			
11/28/2007	1350	Certificate of Clerk			
11/28/2007	1310	Case Appeal Statement			
11/28/2007	2515	Notice of Appeal Supreme Court			
12/3/2007	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 50607		
12/3/2007	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 50607		
1/28/2008	3370	Order ...	1/25/08 - ORDER DIRECTING STATE PUBLIC DEFENDER TO PAY CAPTIONS UNLIMITED OF NEVADA, INI		
3/18/2008	2525	Notice of Change of Address	THOMAS L. QUALLS, ESQ.		
8/8/2008	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND		
8/8/2008	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINT		
8/8/2008	1670	Ex-Parte Mtn...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
8/8/2008	1325	** Case Reopened			
8/19/2008	3105	Ord Granting ...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION (6TH INTERIM BILLING)		
10/22/2008	1665	Ex-Parte Application...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION: THOMAS QUALLS		
11/24/2008	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF FEES AND EXPENSES Transaction 468951 - Approv		
12/3/2008	1665	Ex-Parte Application...	EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
12/8/2008	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINT		
1/5/2009	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES AND EXPENSES (SCC		
1/5/2009	1315	** Case Closed			
1/5/2009	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES AND EXPENSES (THC		
3/12/2010	2010	Mtn for Attorney's Fee	EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
3/24/2010	2010	Mtn for Attorney's Fee	CORRECTED EX PARTE CLAIM FOR ATTORNEY COMPENSATION		
4/7/2010	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED		
4/22/2010	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 50607 / ORDER OF AFFIRMANCE - Transaction 1444010 - Approved By: NOR		
4/22/2010	NEF	Proof of Electronic Service	Transaction 1444015 - Approved By: NOREVIEW : 04-22-2010:08:48:54		
5/17/2010	2010	Mtn for Attorney's Fee	EX PARTE CLAIM FOR ATTORNEY COMPENSATION - Transaction 1491958 - Approved By: IXFLORES : 05-		
5/17/2010	NEF	Proof of Electronic Service	Transaction 1492406 - Approved By: NOREVIEW : 05-17-2010:13:01:06		
6/25/2010	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED		
6/30/2010	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 50607/ORDER DENYING REHEARING - Transaction 1574272 - Approved By: I		

Case Description: Consolidated into CR98-0516 (D4)					
Case ID:	CR98P0516	Case Type:	POST CONVICTION	Initial Filing Date:	1/18/2002
6/30/2010	NEF	Proof of Electronic Service	Transaction 1574285 - Approved By: NOREVIEW : 06-30-2010:15:52:53		
7/1/2010	NEF	Proof of Electronic Service	Transaction 1576746 - Approved By: NOREVIEW : 07-01-2010:14:43:01		
7/1/2010	2525	Notice of Change of Address	Transaction 1576614 - Approved By: AZION : 07-01-2010:14:41:26		
7/22/2010	4128	Supreme Court Order Denying	SUPREME COURT NO. 50607/ORDER DENYING HEARING - Transaction 1614855 - Approved By: NOREVIEW		
7/22/2010	4145	Supreme Court Remittitur	SUPREME COURT NO. 50607/REMITTITUR - Transaction 1614855 - Approved By: NOREVIEW : 07-22-2010:		
7/22/2010	NEF	Proof of Electronic Service	Transaction 1614879 - Approved By: NOREVIEW : 07-22-2010:10:04:00		
7/22/2010	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 50607/CLERK'S CERTIFICATE - Transaction 1614855 - Approved By: NOREVIEW : 0		
7/22/2010	4134	Supreme Court Order Affirming	SUPREME COURT NO. 50607/ORDER OF AFFIRMANCE - Transaction 1614855 - Approved By: NOREVIEW :		
5/4/2011	NEF	Proof of Electronic Service	Transaction 2203611 - Approved By: NOREVIEW : 05-04-2011:15:15:39		
5/4/2011	3585	Pet Writ Habeas Corpus	Transaction 2203444 - Approved By: JYOST : 05-04-2011:15:04:10		
5/4/2011	NEF	Proof of Electronic Service	Transaction 2203553 - Approved By: NOREVIEW : 05-04-2011:15:07:35		
5/4/2011	NEF	Proof of Electronic Service	Transaction 2203594 - Approved By: NOREVIEW : 05-04-2011:15:13:30		
5/4/2011	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL - Transaction 2203447 - Approved By: JYOST : 05-04-2011:15:1		
5/4/2011	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS - Transaction 2203453 - Appro		
5/5/2011	1020	Addendum	PETITIONER'S EXHIBITS IN SUPPORT OF AMENDED PETITION FOR WRIT OF HABEAS CORPUS (DEATH		
5/5/2011	2610	Notice ...	NOTICE OF MANUAL FILING OF EXHIBITS 146 (3-DVD's) AND 154 (1-DVD) IN SUPPORT OF AMENDED PE		
5/12/2011	NEF	Proof of Electronic Service	Transaction 2222037 - Approved By: NOREVIEW : 05-12-2011:13:50:09		
5/12/2011	3035	Ord Grant in Forma Pauperis	AND REFERRING MATTER TO D4 FOR FUTURE ACTION - Transaction 2222017 - Approved By: NOREVIEW		
5/31/2011	NEF	Proof of Electronic Service	Transaction 2256650 - Approved By: NOREVIEW : 05-31-2011:14:17:41		
5/31/2011	3370	Order ...	MOTION FOR APPOINTMENT OF COUNSEL DENIED/FEDERAL PD TO REMAIN AS COUNSEL OF RECORD		
7/15/2011	2526	Notice of Change of Attorney	TERRENCE P. MCCARTHY HAS REPLACED GARY HATLESTAD - Transaction 2348423 - Approved By: SSTI		
7/15/2011	NEF	Proof of Electronic Service	Transaction 2349391 - Approved By: NOREVIEW : 07-15-2011:14:43:01		
7/15/2011	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 2348423 - Ap		
7/15/2011	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 2348		
8/2/2011	2075	Mtn for Extension of Time	MOTION FOR EXTENSION OF TIME - Transaction 2382903 - Approved By: SSTINCHF : 08-02-2011:15:30:32		
8/2/2011	NEF	Proof of Electronic Service	Transaction 2383124 - Approved By: NOREVIEW : 08-02-2011:15:31:59		
8/29/2011	NEF	Proof of Electronic Service	Transaction 2437122 - Approved By: NOREVIEW : 08-29-2011:14:46:46		
8/29/2011	3795	Reply...	REPLY TO ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) - Transaction 24		
8/31/2011	2075	Mtn for Extension of Time	Transaction 2443159 - Approved By: SSTINCHF : 08-31-2011:14:33:45		
8/31/2011	NEF	Proof of Electronic Service	Transaction 2443410 - Approved By: NOREVIEW : 08-31-2011:14:36:53		
9/23/2011	T200	Tickle End Code			
9/30/2011	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS (DEATH PENALTY - HABEAS CORPUS CASE) - Transaction 250464		
9/30/2011	4105	Supplemental ...	PETITIONER'S EXHIBITS IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS - Transaction 2504647 -		
10/3/2011	NEF	Proof of Electronic Service	Transaction 2505090 - Approved By: NOREVIEW : 10-03-2011:08:51:53		
10/3/2011	NEF	Proof of Electronic Service	Transaction 2505150 - Approved By: NOREVIEW : 10-03-2011:08:58:36		
10/7/2011	3880	Response...	RESPONSE TO OPPOSITION TO MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST		
10/7/2011	NEF	Proof of Electronic Service	Transaction 2519843 - Approved By: NOREVIEW : 10-07-2011:17:01:23		
10/7/2011	3860	Request for Submission	Transaction 2519830 - Approved By: SSTINCHF : 10-07-2011:17:00:00		
10/18/2011	2045	Mtn for Discovery	MOTION FOR LEAVE TO CONDUCT DISCOVERY - Transaction 2539441 - Approved By: JYOST : 10-18-2011		

Case Description: Consolidated into CR98-0516 (D4)				Initial Filing Date:	1/18/2002
Case ID:	CR98P0516	Case Type:	POST CONVICTION		
10/18/2011	NEF	Proof of Electronic Service	Transaction 2539677 - Approved By: NOREVIEW : 10-18-2011:16:53:24		
10/18/2011	3373	Other ...	PETITIONERS EXHIBIT IN SUPPORT OF MOTION FOR LEAVE TO CONDUCT DISCOVERY - Transaction 25		
10/18/2011	NEF	Proof of Electronic Service	Transaction 2539581 - Approved By: NOREVIEW : 10-18-2011:16:39:14		
10/20/2011	2490	Motion ...	MOTION FOR EVIDENTIARY HEARING - Transaction 2542886 - Approved By: SHAMBRIG : 10-20-2011:11:00		
10/20/2011	NEF	Proof of Electronic Service	Transaction 2543278 - Approved By: NOREVIEW : 10-20-2011:11:01:45		
10/31/2011	NEF	Proof of Electronic Service	Transaction 2561284 - Approved By: NOREVIEW : 10-31-2011:12:39:36		
10/31/2011	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR LEAVE TO CONDUCT DISCOVERY - Transaction 2561144 - Approved By: SI		
11/8/2011	2075	Mtn for Extension of Time	Transaction 2579181 - Approved By: SHAMBRIG : 11-09-2011:08:18:34		
11/9/2011	NEF	Proof of Electronic Service	Transaction 2579316 - Approved By: NOREVIEW : 11-09-2011:08:20:31		
11/16/2011	3790	Reply to/in Opposition	REPLY TO OPPOSITION TO MOTION FOR DISCOVERY - Transaction 2593973 - Approved By: SHAMBRIG :		
11/16/2011	3860	Request for Submission	- Transaction 2594310 - Approved By: SHAMBRIG : 11-16-2011:15:58:37		
11/16/2011	NEF	Proof of Electronic Service	Transaction 2594486 - Approved By: NOREVIEW : 11-16-2011:16:06:40		
11/16/2011	NEF	Proof of Electronic Service	Transaction 2594230 - Approved By: NOREVIEW : 11-16-2011:15:37:26		
12/9/2011	S200	Request for Submission Complet			
12/9/2011	3347	Order to Set	- ORAL ARGUMENTS ON THE MOTION TO DISMISS PETITION FOR WRIT AND MOTION FOR LEAVE TO C		
12/9/2011	NEF	Proof of Electronic Service	Transaction 2637990 - Approved By: NOREVIEW : 12-09-2011:17:03:35		
12/9/2011	S200	Request for Submission Complet			
12/27/2011	NEF	Proof of Electronic Service	Transaction 2668666 - Approved By: NOREVIEW : 12-27-2011:14:36:04		
12/27/2011	1250E	Application for Setting eFile	ORAL ARGUMENTS ON MTN TO DISMISS AND MTN TO CONDUCT DISCOVERY - FEBRUARY 23, 2012 AT		
1/18/2012	1260	Application Produce Prisoner	Transaction 2705644 - Approved By: SHAMBRIG : 01-18-2012:15:30:10		
1/18/2012	NEF	Proof of Electronic Service	Transaction 2705787 - Approved By: NOREVIEW : 01-18-2012:15:31:45		
1/20/2012	3340	Ord to Produce Prisoner	Transaction 2710168 - Approved By: NOREVIEW : 01-20-2012:10:51:23		
1/20/2012	NEF	Proof of Electronic Service	Transaction 2710175 - Approved By: NOREVIEW : 01-20-2012:10:53:08		
2/1/2012	4270	Waiver of Appearance	PETITIONER'S WAIVER OF APPEARANCE - Transaction 2734882 - Approved By: JYOST : 02-01-2012:10:27:		
2/1/2012	NEF	Proof of Electronic Service	Transaction 2735097 - Approved By: NOREVIEW : 02-01-2012:10:29:51		
2/1/2012	T200	Tickle End Code			
2/7/2012	3105	Ord Granting ...	ORDER ON PETITIONER'S WAIVER OF APPEARANCE - FEBRUARY 23, 2012 HEARING - Transaction 2747		
2/7/2012	NEF	Proof of Electronic Service	Transaction 2747638 - Approved By: NOREVIEW : 02-07-2012:09:02:16		
2/24/2012	NEF	Proof of Electronic Service	Transaction 2784902 - Approved By: NOREVIEW : 02-24-2012:09:07:58		
2/24/2012	4185	Transcript	HEARING - ORAL ARGUMENTS - FEBRUARY 23, 2012 - Transaction 2784897 - Approved By: NOREVIEW : 0		
2/29/2012	MIN	***Minutes	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND MOTION FOI		
2/29/2012	NEF	Proof of Electronic Service	Transaction 2796002 - Approved By: NOREVIEW : 02-29-2012:16:46:35		
3/21/2012	3370	Order ...	THE COURT FINDS THAT THE ISSUE OF WHETHER THE PETITION WAS PLEADED WITH SUFFICIENT P/		
3/21/2012	NEF	Proof of Electronic Service	Transaction 2839357 - Approved By: NOREVIEW : 03-21-2012:12:54:40		
4/5/2012	T200	Tickle End Code			
5/4/2012	NEF	Proof of Electronic Service	Transaction 2930421 - Approved By: NOREVIEW : 05-04-2012:09:15:34		
5/4/2012	1250	Application for Setting	EVIDENTIARY HEARING - 01-18-13 @ 9:00 - Transaction 2930351 - Approved By: AZION : 05-04-2012:09:13:		
5/4/2012	1325	** Case Reopened			
5/11/2012	T200	Tickle End Code			

Case Description: Consolidated into CR98-0516 (D4)

Case ID:	CR98P0516	Case Type:	POST CONVICTION	Initial Filing Date:	1/18/2002
12/26/2012	NEF	Proof of Electronic Service	Transaction 3427852 - Approved By: NOREVIEW : 12-26-2012:14:15:31		
12/26/2012	4050	Stipulation ...	STIPULATION TO CONTINUE EVIDENTIARY HEARING - Transaction 3427820 - Approved By: JYOST : 12-26		
1/9/2013	1260	Application Produce Prisoner	Transaction 3453323 - Approved By: SHAMBRIG : 01-09-2013:15:48:10		
1/9/2013	NEF	Proof of Electronic Service	Transaction 3453375 - Approved By: NOREVIEW : 01-09-2013:15:51:21		
1/14/2013	3340	Ord to Produce Prisoner	Transaction 3463489 - Approved By: NOREVIEW : 01-14-2013:17:21:29		
1/14/2013	NEF	Proof of Electronic Service	Transaction 3463496 - Approved By: NOREVIEW : 01-14-2013:17:22:55		
1/18/2013	NEF	Proof of Electronic Service	Transaction 3476729 - Approved By: NOREVIEW : 01-18-2013:13:17:01		
1/18/2013	3020	Ord Granting Continuance	ORDER GRANTING STIPULATION TO CONTINUE EVIDENTIARY HEARING - FROM JANUARY 18, 2013 TO		
4/10/2013	4045	Stipulation to Continuance	STIPULATION TO CONTINUE EVIDENTIARY HEARING - Transaction 3651401 - Approved By: SHAMBRIG : C		
4/10/2013	NEF	Proof of Electronic Service	Transaction 3651599 - Approved By: NOREVIEW : 04-10-2013:15:11:46		
4/29/2013	NEF	Proof of Electronic Service	Transaction 3689975 - Approved By: NOREVIEW : 04-29-2013:08:55:01		
4/29/2013	3020	Ord Granting Continuance	ORDER GRANTING CONTINUANCE - EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS COR		
10/11/2013	1478	**Consolidated To...	CONSOLIDATED INTO CR98-0516. PLEASE FILE ALL FUTURE PLEADINGS INTO CR98-0516.		

1 CODE #1750

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 SIAOSI VANISI,

10 Petitioner,

11 v.

Case No. CR98-0516

12 E.K. McDANIEL, WARDEN and
13 CATHERINE CORTEZ MASTO,
14 ATTORNEY GENERAL OF
15 THE STATE OF NEVADA,

Dept. No. 4

16 Respondents.
17 _____/

18 FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT
19 DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

20 Petitioner Vanisi was represented by senior members of the Washoe County Public
21 Defender's office when he stood trial for the murder of Sgt. Sullivan of the University of Nevada
22 Police Department. The jury found Vanisi guilty and found aggravating circumstances and
23 imposed a sentence of death. Vanisi appealed but the judgment was affirmed. *Vanisi v. State*, 117
24 Nev. 330, 22 P.3d 1164 (2001). He filed his first post-conviction petition in 2002. This court
25 appointed counsel to represent him in that action. At first the lawyers were Marc Picker and Scott
26 Edwards. Picker later had to withdraw and Edwards assumed the helm. Edwards had been
licensed to practice law. In the capacity of a para-legal, he had extensive experience in the capital

1 post-conviction arena. Once he was licensed, at the request of Edwards, he was appointed as the
2 second attorney in that first post-conviction case.

3 While the petition was pending, the lawyers filed a motion for an indefinite stay of the
4 proceedings, asserting that Vanisi was incompetent at that time. Eventually, the court ordered an
5 evaluation by one psychiatrist and one psychologist. The psychiatric reports differed somewhat
6 and the court ordered a hearing on the motion. Months before the hearing, the court alerted
7 counsel to be ready to file their supplemental petition. At the conclusion of the hearing, the court
8 found that Vanisi was in fact competent. Counsel then filed their supplemental petition.

9 One of the claims was that trial counsel were ineffective in failing to gather additional
10 mitigating evidence. However, counsel did not present much mitigating evidence and so that claim
11 was denied along with each other claim in the petition. Vanisi again appealed, and the Supreme
12 Court again affirmed, noting the evidence that Vanisi had the ability to cooperate with his lawyers
13 but that he was refusing to cooperate due to his mental illness. *Vanisi v. State*, Docket No. 50607,
14 Order of Affirmance (April 20, 2010). The remittitur issued on July 19, 2010.

15 Vanisi filed his second petition on May 4, 2011. The petition was filed beyond the time
16 allowed by NRS 34.726 and included claims that were raised before and that could have been
17 raised in prior proceedings, as prohibited by NRS 34.810. Vanisi sought to overcome these bars
18 by asserting, *inter alia*, that post-conviction counsel was ineffective in failing to adequately
19 investigate the claims that trial counsel failed to adequately investigate and present mitigating
20 evidence.

21 That assertion, if proved, might overcome the bars of NRS 34.810 and allow some of the
22 new claims to be heard. Accordingly, the court scheduled a hearing to allow Vanisi the opportunity
23 to prove that his post-conviction lawyers were ineffective. That hearing took place on December
24 5 and 6, 2013. The only witnesses were post-conviction counsel, Qualls and Edwards. Vanisi also
25 offered many documents in evidence. In each case, they were not offered or admitted for the truth
26 of the matter asserted.

1 The focus of the hearing was the performance of post-conviction counsel. It has long been
2 the rule of law in Nevada that, in a capital case, where appointment of post-conviction counsel is
3 mandated by NRS 34.820(1)(a), a procedural bar can sometimes be overcome if the petitioner can
4 plead and prove that the claim was not previously heard in a timely post-conviction action, due to
5 the ineffective assistance of counsel. *McKague v. Warden*, 112 Nev. 159, 165 n. 5, 912 P.2d 255,
6 258 n. 5 (1996). There first arises the question of what standard should be applied when
7 evaluating the claim of ineffective post-conviction counsel. The court concludes that the standard
8 is the standard described in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). As
9 the Court ruled in that case:

10 First, the defendant must show that counsel's performance was
11 deficient. This requires showing that counsel made errors so serious
12 that counsel was not functioning as the "counsel" guaranteed the
13 defendant by the Sixth Amendment. Second, the defendant must
14 show that the deficient performance prejudiced the defense. This
15 requires showing that counsel's errors were so serious as to deprive
16 the defendant of a fair trial, a trial whose result is reliable. 466 U.S. at
17 687.

18 As applied, the standard must be modified a bit, in that the issue is whether post-conviction
19 counsel made such serious errors that the court can conclude that post-conviction counsel was not
20 functioning as "counsel." The standard would require asking if the performance of the
21 post-conviction lawyers was so deficient as to deprive the petitioner of a post-conviction hearing
22 whose result is reliable.

23 In making that evaluation, "Judicial scrutiny of counsel's performance must be highly
24 deferential. It is all too tempting for a defendant to second-guess counsel's assistance after
25 conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after
26 it has proved unsuccessful, to conclude that a particular act or omission of counsel was
unreasonable." 466 U.S. at 698.

"When a convicted defendant complains of the ineffectiveness of counsel's assistance, the
defendant must show that counsel's representation fell below an objective standard of

1 reasonableness.” 466 U.S. at 687.

2 So, as applied to the instant case, the petitioner would have the burden of demonstrating
3 that the specific acts or omissions of post-conviction counsel fell below some objective standard
4 of reasonableness as measured by prevailing professional norms. That is, the court must
5 determine if Vanisi has proved that professional norms for post-conviction counsel required
6 counsel to make some specific decision to undertake specific forms of investigation. The court
7 finds that Vanisi has proved only that different paths were available, but not that some objective
8 standard required counsel to take that path.

9 Attorney Edwards testified that he was aware that in many cases it would be wise to seek
10 out additional mitigating evidence, to support the claim that trial counsel was ineffective in failing
11 to seek out that same evidence. However, he testified that mitigation was not his priority. Indeed,
12 he testified that he thought such a claim was far from the most attractive claim in this case because
13 the aggravation was so great that it was unlikely that any amount of mitigation would be sufficient
14 to outweigh the aggravation. Thus, he testified, that he and Qualls determined to focus on
15 competency and on legal issues. They expected to prevail on the claim of incompetency and
16 expected to have additional time and resources to devote to less attractive issues. They would have
17 eventually looked at additional mitigating evidence, given sufficient time and resources, but the
18 focus was on competency and legal issues. The court is not persuaded that there is some objective
19 standard that required a different approach. Certainly some other post-conviction counsel could
20 take a different approach, but that is not the standard. In cases of appellate counsel, it seems clear
21 enough that appellate counsel need not present all non-frivolous issues but instead must make a
22 tactical decision on what issues to present. *Hernandez v. State*, 117 Nev. 463, 24 P.3d 767 (2001).
23 The court finds that should apply to post-conviction as well.

24 A claim based on additional mitigating evidence does not automatically lead to relief.
25 Instead, a reviewing court can re-weigh the aggravation and the mitigating evidence, both the old
26 and the new. *See Wiggins v. Smith*, 539 U.S. 510, 123 S.Ct. 2527 (2010). The standard could

1 certainly affect the decision of where counsel should focus their energies. Thus, at the end of the
2 hearing, the court remained unpersuaded that some as yet unidentified objective standard required
3 counsel to take a different approach.

4 Vanisi suggested that some objective standard required counsel to undertake the
5 investigation of mitigating circumstances in order to provide the mitigating information to the
6 mental health professionals to assist them in their efforts in determining whether Vanisi is
7 presently incompetent. The court finds no reason to believe that prevailing professional norms
8 require that approach. Instead, the court agrees with Edwards, who testified that the customary
9 approach is to ask the mental health professionals what information they need to render an
10 opinion about the present competency of the subject. Doctors Bittker and Amazaga apparently
11 were able to render opinions, to their own satisfaction, without the need for additional evidence
12 of the sort described in the various exhibits admitted in the post-conviction hearing. The court is
13 not persuaded that there is some standard, some prevailing professional norm, that required a
14 different approach.

15 Accordingly, the court finds that Vanisi has failed to prove that specific decisions, acts or
16 omissions of post-conviction counsel were deficient. Thus, the alleged deficiency does not
17 overcome the procedural bars. Therefore, the petition is dismissed.

18 DATED this 10 day of April, 2014.

19
20 Connie J. Steinheimer
21 DISTRICT JUDGE
22
23
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25
26

CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of April, 2014, I filed the attached document with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

 Personal delivery to the following: [NONE]

☒ **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

Terrence McCarty, Esq.
Chief Deputy District Attorney

Gary Taylor, Esq.
Deputy Federal Public Defender

Tiffani Hurst, Esq.
Deputy Federal Public Defender

☒ **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada:**

Siaosi Vanisi
Inmate no. 63376
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

 Placing a true copy thereof in a sealed envelope for service via:

 Reno/Carson Messenger Service – **[NONE]**

 Federal Express or other overnight delivery service **[NONE]**

 Inter-Office Mail **[NONE]**

DATED this 10th day of April, 2014.



1 CODE: 2540
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8 ***

9 SIAOSI VANISI,

Petitioner,

CASE NO: CR98-0516

11 vs.

DEPT. NO: 4

12
13 E.K. McDANIEL, WARDEN and
14 CATHERINE CORTEZ MASTO,
ATTORNEY GENERAL OF
THE STATE OF NEVADA,

15 Respondents.
16 _____/

17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that on the 10th day of April, 2014 the Court entered a
19 decision or order in this matter, a true and correct copy of which is attached hereto.

20 You may appeal to the Supreme Court from the decision or order of the Court. If
21 you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-
22 three (33) days, after the date this notice is mailed to you. This notice was mailed on the
23 25th day of April, 2014.
24

25 JOEY ORDUNA HASTINGS
26 Clerk of the Court

27 By /s/ Janelle Yost
28 Deputy Clerk

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CERTIFICATE OF SERVICE

CASE NO. CR98-0516

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; and that on the 25th day of April, 2014, I electronically filed the Notice of Entry of Order with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to:

Gary Taylor, Esq.
Tiffany Hurst, Esq.
Terrence McCarthy, Esq.

I further certify that on the 25th day of April, 2014, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true and correct copy of the Notice of Entry of Order, addressed to:

Attorney General's Office
100 N. Carson St.
Carson City, NV 89701-4717

Siaosi Vanisi, #63376
Ely State Prison
P O Box 1989
Ely, NV 89301

/s/ Janelle Yost
Janelle Yost

1 CODE #1750

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 SIAOSI VANISI,

10 Petitioner,

11 v.

Case No. CR98-0516

12 E.K. McDANIEL, WARDEN and
13 CATHERINE CORTEZ MASTO,
14 ATTORNEY GENERAL OF
15 THE STATE OF NEVADA,

Dept. No. 4

16 Respondents.
17 _____/

18 FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT
19 DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

20 Petitioner Vanisi was represented by senior members of the Washoe County Public
21 Defender's office when he stood trial for the murder of Sgt. Sullivan of the University of Nevada
22 Police Department. The jury found Vanisi guilty and found aggravating circumstances and
23 imposed a sentence of death. Vanisi appealed but the judgment was affirmed. *Vanisi v. State*, 117
24 Nev. 330, 22 P.3d 1164 (2001). He filed his first post-conviction petition in 2002. This court
25 appointed counsel to represent him in that action. At first the lawyers were Marc Picker and Scott
26 Edwards. Picker later had to withdraw and Edwards assumed the helm. Edwards had been
licensed to practice law. In the capacity of a para-legal, he had extensive experience in the capital

1 post-conviction arena. Once he was licensed, at the request of Edwards, he was appointed as the
2 second attorney in that first post-conviction case.

3 While the petition was pending, the lawyers filed a motion for an indefinite stay of the
4 proceedings, asserting that Vanisi was incompetent at that time. Eventually, the court ordered an
5 evaluation by one psychiatrist and one psychologist. The psychiatric reports differed somewhat
6 and the court ordered a hearing on the motion. Months before the hearing, the court alerted
7 counsel to be ready to file their supplemental petition. At the conclusion of the hearing, the court
8 found that Vanisi was in fact competent. Counsel then filed their supplemental petition.

9 One of the claims was that trial counsel were ineffective in failing to gather additional
10 mitigating evidence. However, counsel did not present much mitigating evidence and so that claim
11 was denied along with each other claim in the petition. Vanisi again appealed, and the Supreme
12 Court again affirmed, noting the evidence that Vanisi had the ability to cooperate with his lawyers
13 but that he was refusing to cooperate due to his mental illness. *Vanisi v. State*, Docket No. 50607,
14 Order of Affirmance (April 20, 2010). The remittitur issued on July 19, 2010.

15 Vanisi filed his second petition on May 4, 2011. The petition was filed beyond the time
16 allowed by NRS 34.726 and included claims that were raised before and that could have been
17 raised in prior proceedings, as prohibited by NRS 34.810. Vanisi sought to overcome these bars
18 by asserting, *inter alia*, that post-conviction counsel was ineffective in failing to adequately
19 investigate the claims that trial counsel failed to adequately investigate and present mitigating
20 evidence.

21 That assertion, if proved, might overcome the bars of NRS 34.810 and allow some of the
22 new claims to be heard. Accordingly, the court scheduled a hearing to allow Vanisi the opportunity
23 to prove that his post-conviction lawyers were ineffective. That hearing took place on December
24 5 and 6, 2013. The only witnesses were post-conviction counsel, Qualls and Edwards. Vanisi also
25 offered many documents in evidence. In each case, they were not offered or admitted for the truth
26 of the matter asserted.

1 The focus of the hearing was the performance of post-conviction counsel. It has long been
2 the rule of law in Nevada that, in a capital case, where appointment of post-conviction counsel is
3 mandated by NRS 34.820(1)(a), a procedural bar can sometimes be overcome if the petitioner can
4 plead and prove that the claim was not previously heard in a timely post-conviction action, due to
5 the ineffective assistance of counsel. *McKague v. Warden*, 112 Nev. 159, 165 n. 5, 912 P.2d 255,
6 258 n. 5 (1996). There first arises the question of what standard should be applied when
7 evaluating the claim of ineffective post-conviction counsel. The court concludes that the standard
8 is the standard described in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). As
9 the Court ruled in that case:

10 First, the defendant must show that counsel's performance was
11 deficient. This requires showing that counsel made errors so serious
12 that counsel was not functioning as the "counsel" guaranteed the
13 defendant by the Sixth Amendment. Second, the defendant must
14 show that the deficient performance prejudiced the defense. This
15 requires showing that counsel's errors were so serious as to deprive
16 the defendant of a fair trial, a trial whose result is reliable. 466 U.S. at
17 687.

18 As applied, the standard must be modified a bit, in that the issue is whether post-conviction
19 counsel made such serious errors that the court can conclude that post-conviction counsel was not
20 functioning as "counsel." The standard would require asking if the performance of the
21 post-conviction lawyers was so deficient as to deprive the petitioner of a post-conviction hearing
22 whose result is reliable.

23 In making that evaluation, "Judicial scrutiny of counsel's performance must be highly
24 deferential. It is all too tempting for a defendant to second-guess counsel's assistance after
25 conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after
26 it has proved unsuccessful, to conclude that a particular act or omission of counsel was
unreasonable." 466 U.S. at 698.

"When a convicted defendant complains of the ineffectiveness of counsel's assistance, the
defendant must show that counsel's representation fell below an objective standard of

1 reasonableness.” 466 U.S. at 687.

2 So, as applied to the instant case, the petitioner would have the burden of demonstrating
3 that the specific acts or omissions of post-conviction counsel fell below some objective standard
4 of reasonableness as measured by prevailing professional norms. That is, the court must
5 determine if Vanisi has proved that professional norms for post-conviction counsel required
6 counsel to make some specific decision to undertake specific forms of investigation. The court
7 finds that Vanisi has proved only that different paths were available, but not that some objective
8 standard required counsel to take that path.

9 Attorney Edwards testified that he was aware that in many cases it would be wise to seek
10 out additional mitigating evidence, to support the claim that trial counsel was ineffective in failing
11 to seek out that same evidence. However, he testified that mitigation was not his priority. Indeed,
12 he testified that he thought such a claim was far from the most attractive claim in this case because
13 the aggravation was so great that it was unlikely that any amount of mitigation would be sufficient
14 to outweigh the aggravation. Thus, he testified, that he and Qualls determined to focus on
15 competency and on legal issues. They expected to prevail on the claim of incompetency and
16 expected to have additional time and resources to devote to less attractive issues. They would have
17 eventually looked at additional mitigating evidence, given sufficient time and resources, but the
18 focus was on competency and legal issues. The court is not persuaded that there is some objective
19 standard that required a different approach. Certainly some other post-conviction counsel could
20 take a different approach, but that is not the standard. In cases of appellate counsel, it seems clear
21 enough that appellate counsel need not present all non-frivolous issues but instead must make a
22 tactical decision on what issues to present. *Hernandez v. State*, 117 Nev. 463, 24 P.3d 767 (2001).
23 The court finds that should apply to post-conviction as well.

24 A claim based on additional mitigating evidence does not automatically lead to relief.
25 Instead, a reviewing court can re-weigh the aggravation and the mitigating evidence, both the old
26 and the new. *See Wiggins v. Smith*, 539 U.S. 510, 123 S.Ct. 2527 (2010). The standard could

1 certainly affect the decision of where counsel should focus their energies. Thus, at the end of the
2 hearing, the court remained unpersuaded that some as yet unidentified objective standard required
3 counsel to take a different approach.

4 Vanisi suggested that some objective standard required counsel to undertake the
5 investigation of mitigating circumstances in order to provide the mitigating information to the
6 mental health professionals to assist them in their efforts in determining whether Vanisi is
7 presently incompetent. The court finds no reason to believe that prevailing professional norms
8 require that approach. Instead, the court agrees with Edwards, who testified that the customary
9 approach is to ask the mental health professionals what information they need to render an
10 opinion about the present competency of the subject. Doctors Bittker and Amazaga apparently
11 were able to render opinions, to their own satisfaction, without the need for additional evidence
12 of the sort described in the various exhibits admitted in the post-conviction hearing. The court is
13 not persuaded that there is some standard, some prevailing professional norm, that required a
14 different approach.

15 Accordingly, the court finds that Vanisi has failed to prove that specific decisions, acts or
16 omissions of post-conviction counsel were deficient. Thus, the alleged deficiency does not
17 overcome the procedural bars. Therefore, the petition is dismissed.

18 DATED this 10 day of April, 2014.

19
20 Connie J. Steinheimer
21 DISTRICT JUDGE
22
23
24
25
26

CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of April, 2014, I filed the attached document with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

 Personal delivery to the following: [NONE]

☒ **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

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Chief Deputy District Attorney

Gary Taylor, Esq.
Deputy Federal Public Defender

Tiffani Hurst, Esq.
Deputy Federal Public Defender

☒ **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada:**

Siaosi Vanisi
Inmate no. 63376
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

 Placing a true copy thereof in a sealed envelope for service via:

 Reno/Carson Messenger Service – **[NONE]**

 Federal Express or other overnight delivery service **[NONE]**

 Inter-Office Mail **[NONE]**

DATED this 10th day of April, 2014.



CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. PE, a.k.a. GEORGE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/10/98

ARRAIGNMENT

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

K. Bokelmann

(Reporter)

District Attorney Dick Gammick and Deputy District Attorney David Stanton 3/19/98

represented the State. Defendant present with counsel, Public Defender, 9:00 am

Michael Specchio, and Deputy Public Defender, Walter Fey. Motion to

Defendant handed copy of Information; indicated to the Court that name as Set Trial

set forth on same was his true name; waived reading and stood mute. Upon

the Defendant standing mute, Court entered a plea of not guilty to the

charges set forth in the Information.

Defendant did waive the 60-Day Rule and COURT ORDERED this matter continued for jury trial and a briefing schedule to be set.

Upon a notice of intent to seek the death penalty being filed, State's counsel Gammick set forth aggravating circumstances. State's counsel Gammick further reserved right to file any additional aggravating circumstances if necessary.

Defendant remanded to the custody of the sheriff.

CR98-0516
STATE VS SIAOSI
District Court
Washoe County
MTN
DC-9900020820-111
VANISI (D4)
03/10/1998 09:00 AM
1 Page
TWITE
MIN

AA07168

CASE NO. CR98-0516 STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/4/98

HONORABLE
CONNIE

STEINHEIMER

DEPT. NO. 4

B. Walker

(Clerk)

E. Nelson

STATUS HEARING

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State.

Defendant was present with counsel, Public Defender Michael Specchio. Court furnished a file stamped copy of the Order dated August 4, 1998 to respective counsel and discussed the rulings therein.

Regarding the Motion in Limine as to Prior Bad Acts, District Attorney Gammick addressed the Court stating he feels this motion is "moot" and if they come across something, they will produce same to the Court and Defense counsel; Public Defender Specchio requested the Court to "reserve ruling" on this matter.

Deputy District Attorney Stanton addressed the Court as to the housing of the Defendant who is presently housed in the Nevada State Prison for security reasons, because the Washoe County Jail is having difficulty with the situation; response by Public Defender Specchio who stated he doesn't have the luxury of driving to Carson City and wants to have the Defendant transferred back to the Washoe County Jail.

COURT ORDERED: The Department of Prisons to provide copies of any evaluation to the State and the Public Defender's office and copies be ongoing. Respective counsel to be notified of any disciplinary action or notes taken by prison officials.

Deputy District Attorney Stanton addressed the Court, requesting any competency issues be placed on the record.

COURT will contact Sheriff Means to discuss the housing of the Defendant. Public Defender Specchio addressed the Court requesting the personnel file of Sgt. Sullivan; response by District Attorney Gammick, who suggested meeting to discuss the matter.

Defendant remanded to the custody of the Sheriff.

11/24/98 at 10:00 a.m.

Motion in Limine Re: Reference to Gang Affiliation

Motion in Limine Re: Arrest of Defendant

11/24/98 at 1:30 p.m.

Motion to Avoid Death-Prone Jury

Motion to Preclude Photographs and Television in the Courtroom

Motion for Individual voir dire of Prospective Jurors

3:30 p.m.

Motion in Limine Re: State's DNA Expert

11/25/98 at 10:00 a.m. Motion in Limine Re: Prior Bad Acts

CR98-0516
STATE VS SIAOSI
DISTRICT COURT
WASHOE COUNTY
DC-9900020920-109
VANISI (D4)
08/04/1998 10:00 AM
1 Page
TJH:TE
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AA07169

DATE, JUDGE
OFFICERS OFCOURT PRESENTAPPEARANCES - HEARINGCONT'D TO

09/04/98

HONORABLE

C O N N I E

STEINHEIMER

DEPT. NO. 4

S. Hopper

(Clerk)

E. Nelson

(Reporter)

STATUS HEARING

District Attorney Richard Gammick was present for the State. Defendant was present being represented by counsel, Washoe County Public Defender Michael Specchio.

Court reviewed the letters and memos between counsel.

Counsel Gammick addressed the Court regarding jury questionnaires and evidence. Court further reviewed personal profile of Sergeant Sullivan.

Counsel Specchio addressed the Court regarding custody status of the Defendant at Washoe County Jail/Nevada State Prison.

COURT ORDERED: Defendant shall be incarcerated at the Washoe County Jail per Captain Means.

Counsel Specchio further addressed the Court regarding a psychiatric evaluation of the Defendant.

COURT ORDERED: Matter continued. Defendant was in custody.

09/28/98

9:00 a.m.

Status Hearing/

Motion for

Psych Eval

CR98-0516
STATE VS SIAOSI VANISI (D4)
District Court
Washoe County
MIN
DC-9500020820-112
1 Page
09/04/1998 08:30 AM
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CASE NO. CR98-0516 STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/28/98

STATUS HEARING

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State.

11/6/98

CONNIE J..

Defendant was present with counsel, Chief Public Defender Michael Specchio and Deputy Public Defender Steve Gregory.

3:00 p.m.

STEINHEIMER

DEPT. NO. 4

B. Walker

(Clerk)

L. Clarkson

(Reporter)

Respective counsel stipulated to the Defendant's submitting to a psychological evaluation.

Report on
Psych. Eval.

COURT ORDERED: Two (2) Psychiatrists or Psychologists appointed to evaluate the Defendant.

Matter continued.

Defendant in custody.

CR98-0516
STATE VS SIAOSI VANISI (D4)
District Court
Washoe County
DC-9900020820-108
1 Page
09/28/1998 09:00 AM
TWHITE
MIN

AA07171

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/6/98

REPORT ON PSYCHIATRIC EVALUATION REPORTS

HONORABLE

District Attorney Richard Gammick represented the State. Defendant

CONNIE

present with counsel, Public Defender, Michael Specchio.

STEINHEIMER

Court noted receipt of reports from psychiatrists; advised counsel of

DEPT. NO. 4

findings set forth therein.

M. Stone

COURT ENTERED ORDER finding defendant competent to stand trial and

(Clerk)

to aid counsel in preparation of that trial pursuant to statute.

C. Brown

Court further entered ORDER that the Psychiatric Reports be marked and

(Reporter)

admitted as exhibits.

Exhibits A and B marked and admitted into evidence.

Discussion ensued regarding the Defendant obtaining private counsel or representing himself. Defendant made statement.

COURT ORDERED matter set for hearing on November 10, 1998, at 11:00

a.m. Defendant must speak with counsel Specchio to weigh his options.

Defendant remanded to the custody of the sheriff.

CR98-0516
STATE VS SIAOSI VANISI (D4)
District Court
Washoe County
MIN
DC-9900020820-107
1 Page
11/06/1998 03:00 PM
THITE

AA07172

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES HEARING

CONT'D TO

11/10/98

HEARING REGARDING COUNSEL FOR DEFENDANT

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant present with counsel, Public

STEINHEIMER

Defender, Michael Specchio.

DEPT. NO.4

11:00 a.m. Court convened.

M. Stone

Defendant indicated to the Court that he wants Public Defender Specchio

(Clerk)

and his Office to represent him at trial.

E. Nelson

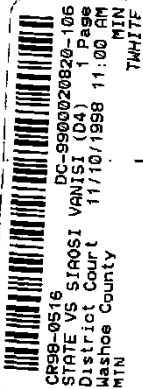
Upon request of State's counsel, COURT FURTHER advised the defendant

(Reporter)

that any future requests for new counsel or to represent himself will be

denied, if those requests are made solely to continue the trial and/or if they
are not made timely prior to trial.

11:10 a.m. Court recessed. Defendant remanded to the custody of the
sheriff.



AA07173

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/24/98

PRE-TRIAL MOTIONS

HONORABLE

District Attorney Richard A. Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant present with counsel, Public

STEINHEIMER

Defender Michael Specchio and Deputy Public Defender Steve Gregory.

DEPT. NO.4

M. Stone

Discussion ensued regarding the order in which the Motions shall be

(Clerk)

heard.

D. Phillips

Respective counsel Gammick and Specchio made statement regarding the use of Jury Questionnaires and Individual Voir Dire. COURT ORDERED that decision on this Motion shall be held in abeyance pending receipt by the Court of a Recommendation being prepared by a Jury Consultant. COURT FURTHER ORDERED matter set for hearing on December 10, 1998, at 10:00 a.m.

Upon agreement of respective counsel, Motion to Avoid Death Penalty is submitted for decision on the pleadings, without oral argument.

Motion to preclude photographs and T.V. Reporters by defense counsel Specchio; presented argument. COURT ENTERED ORDER denying the Motion to preclude photographs and T.V. Reporters in the Courtroom, as long as they abide by the rules and regulations set out by the Court. If there is any violations of those rules, the photographers shall be removed from the Courtroom. COURT FURTHER ENTERED ORDER that reporters, with or without cameras may not congregate outside the Courtroom, or be on the floor, with the exception of the one in the Courtroom.

Jeff Riolo called by State's counsel Stanton, sworn and testified.

Exhibits 1, 2 and 3 marked and offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Riolo further direct examined; cross-examined by defense counsel Specchio; redirect examined; examined by the Court; excused.

Exhibits 4A-4J marked.

Dr. Ellen Clark called by State's counsel Stanton, sworn and testified.

Exhibit 4A withdrawn.

CR98-0516 DC-990020820-105
STATE VS SIAOSI VANISI (04) 3 Pages
District Court 11/24/1998 10:00 AM
Washoe County
MINUTE
TAHLETS

AA07174

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

PAGE TWO

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/24/98

CONTINUED PRE-TRIAL MOTIONS

D. Phipps

(Reporter)

Witness Clark further direct examined.

Exhibit 5 marked as demonstrative by State's counsel.

Witness Clark further direct examined; cross-examined; excused.

Motion in Limine regarding Gruesome Photographs by defense counsel Specchio; presented argument; objection and argument by State's counsel Stanton. Upon finding the photographs necessary during the testimony of the Pathologist, COURT ENTERED ORDER denying Motion and allowing the use of pictures marked as Exhibits 4B - 4 J during trial.

Request to Use the Doar System to Display exhibits during trial; including photographs, by State's counsel Stanton; presented argument; objection and argument by defense counsel. Upon finding that the photographs were not any more gruesome when used with the Doar System, COURT ENTERED ORDER granting request. Defense counsel's Objection is noted for the record and shall continue through trial.

Motion in Limine regarding the State's DNA Expert by defense counsel; presented argument; objection and argument by State's counsel. COURT took matter under advisement and ORDERED counsel to provide copies of cases cited to the Law Clerk.

Discussion ensued regarding the Motion in Limine regarding the Arrest of the Defendant.

Exhibit A marked.

COURT ORDERED that any statements against interest made by the Defendant, stated in a report or not in a report, must be disclosed in a hearing outside the presence of the jury to determine its admissibility.

12:00 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

1:40 p.m. Court reconvened with respective counsel and defendant

AA07175

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

PAGE THREE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/24/98

D. Phipps
(Reporter)

CONTINUED PRE-TRIAL MOTIONS

present.

Motion in limine regarding prior bad acts and any gang affiliations of the Defendant by defense counsel; presented argument; argument by State's counsel Stanton. Upon agreement by respective counsel, COURT ORDERED that testimony of Vienga Kinney-Kinney be redacted to exclude any reference to gang activity; and if necessary, the State may lead this witness during direct examination. COURT FURTHER ORDERED that the prior bad act regarding the religion of Mormons, be held in abeyance pending progress of trial.

Court reviewed the Motions filed and decided with counsel.

Upon Motion by State's counsel and no objection by defense counsel, COURT ORDERED exhibits 4B-4J and 5 released to the State once copied by the Clerk of the Court.

12/10/98
10:00 a.m.
Status Hrg
Re: Jury
Question-
naire

AA07176

DATE, JUDGE
OFFICERS OF**COURT PRESENT****APPEARANCES - HEARING****CONT'D TO**

12/10/98

MOTION FOR JURY QUESTIONNAIRE

HONORABLE

District Attorney Richard Gammick was present for the State. Defendant was present being represented by counsel, Public Defender Michael Specchio.

C O N N I E
STEINHEIMER

DEPT. NO. 4

Counsel Specchio addressed the Court regarding the seating arrangements of counsel and the Defendant during trial. Counsel Specchio further addressed the Court regarding trial materials and the possibility of such materials remaining in the courtroom overnight during trial weeks.

S. Hopper

(Clerk)

L. Clarkson

(Reporter)

COURT ORDERED: All of counsels' trial materials may remain in the courtroom.

Court addressed the security issue of firearms being checked in with the bailiff, Deputy Max Brocaw, when entering the courtroom.

Court further addressed counsel regarding pre-trial jury questionnaire and the approved Jury Questionnaire to be submitted to the Jury Commissioner by January 4th, 1999 at 1:30 p.m.

Court reviewed the jury confidentiality process and policy in Department Four (4).

Court further reviewed its ruling regarding the Motion in Limine as to the District Attorney's DNA expert.

Counsel Gammick addressed the Court regarding Exhibits 5 and 4 (b through j); said exhibits were returned to Clerk Hopper to be returned to Exhibit Clerk Dick Duer. Counsel Gammick further addressed the Court regarding the photos presented to the Public Defender pursuant to discovery.

Counsel Specchio addressed the Court regarding the security of the Defendant and his restraints.

Respective counsel further addressed the Court regarding the Jury Questionnaire; respective counsel shall prepare and submit their respective questions for approval by Wednesday, December 16th, 1998.

SO APPROVED. Defendant was in custody.

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STATE VS SIAOSI VANISI (D4)
District Court
Washoe County
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1 Page
12/10/1998 10:00 AM
TWH:TF

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

12/30/98

TELEPHONIC HEARING REGARDING JURORS

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Public Defender Michael Specchio

STEINHEIMER

represented the Defendant, who was not present.

DEPT. NO.4

Court informed respective counsel of conflict with Juror Haskell. Upon no

M. Stone

objection by respective counsel, COURT ENTERED ORDER releasing Juror

(Clerk)

Haskell from reporting for Jury Service on January 4, 1999.

D. Phipps

Further discussion ensued regarding Jury Selection. Upon waiver and no

(Reporter)

objection by State's counsel, COURT ENTERED ORDER allowing the

Defendant to waive his presence at the January 4, 1999, hearing. Upon

request of State's counsel, the Defendant shall place his waiver on the

record at the January 7, 1999.

Upon discussion regarding the marking the exhibits for the trial, COURT

ENTERED ORDER that State's counsel provide a list of exhibits to the Clerk

to assist in marking the exhibits and that exhibits shall be marked on

January 8, 1999, at 2:00 p.m.

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STATE VS SIAOSI VANISI (D4)
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TWLITE

AA07178

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIOASI VANISI, a.k.a. "PE", a.k.a. "GEORGE"

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/4/99

VOIR DIRE (JURY SELECTION)

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CÒNNIE

Stanton represented the State. Defendant not present, appearance

STEINHEIMER

previously waived, being represented by counsel, Public Defender Michael

DEPT. NO.4

Specchio and Deputy Public Defenders Steve Gregory and Jeremy Bosler.

M. Stone

10:10 a.m. Court convened.

(Clerk)

First panel of prospective jurors present.

D. Phipps

Court addressed prospective jurors. Court personnel and respective counsel

(Reporter)

introduced to the jury panel.

Roll taken of prospective jurors. Upon prospective juror Palmer having her children present, Prospective juror Palmer sworn by Court Clerk and excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

Further roll taken of prospective jurors; all present except jurors Crook, Dallmann, Fratini, Garaventa, E. Green, Haskell, Latimore, Loring, Morancy, Munns, O'Daye, Polikalas, Ramsey and Saputo. Prospective jurors Armentrout and Domingo also present, although names not initially called in roll.

Upon request, Juror Null sworn by affirmation.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

10:30 a.m. Court recessed.

10:45 a.m. Court reconvened with respective counsel present.

Second panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Bacigalupi, Brown, Ebright, Gibson, Malone, Meluis, Papas, Reinbold, Richter, Roberts, Rogers, Sheets, Sowers and Turnage. Prospective juror E. Green also present, although name was initially called with first panel of prospective jurors.

Upon request, Juror Judson sworn by affirmation.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

Defense counsel Gregory and Specchio set forth Defendant's waiver of right to be present.

11:03 a.m. Juror Palmer re-entered Courtroom. Upon discussion at the bench and no objection by respective counsel, COURT ENTERED ORDER excusing juror Palmer.

11:05 a.m. Court recessed.

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STATE VS SIAOSI VANISI (D4) 1 Page
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Washoe County
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DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D T

1/7/99

CONTINUED VOIR DIRE (JURY SELECTION)

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant not present, appearance

STEINHEIMER

previously waived, being represented by counsel, Public Defender Michael

DEPT. NO.4

Specchio and Deputy Public Defenders Steve Gregory and Jeremy Bosler.

M. Stone

8:40 a.m. Court convened.

(Clerk)

Third panel of prospective jurors present.

E. Nelson

Court addressed prospective jurors. Court personnel and respective counsel

(Reporter)

introduced to the jury panel.

Roll taken of prospective jurors.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

Third panel of prospective jurors excused to complete Special Juror

Instruction "A" and Special Juror Questionnaire.

8:50 a.m. Court recessed.

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AA07180

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"GEORGE"

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/8/99

PRE-TRIAL HEARING

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney Gammick represented the State. Defendant not present with counsel, Public

CONNIE

STEINHEIMER

Defendant Michael Specchio and Deputy Public Defenders Steve Gregory and Jeremy Bosler.

DEPT. NO.4

M. Stone

Defendant's appearance waived.

(Clerk)

Discussion ensued regarding Jurors Peak and Agee (a.k.a. Lyle). Upon no objection, COURT ENTERED ORDER releasing Jurors Peak and Agee.

K. Ramage

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STATE VS SIAOSI VANISI (D4)
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AA07181

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COURT PRESENT

APPEARANCES - HEARING

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1/11/99 JURY TRIAL waived right
HONORABLE 9:50 a.m. Court convened in chambers with respective counsel Stanton and to be present.
CONNIE Bosler. Discussion ensued regarding voir dire questions.
STEINHEIMER 10:00 a.m. Court recessed.
DEPT. NO.4 District Attorney Richard Gammick and Deputy District Attorney David
M. Stone Stanton represented the State. Defendant present with counsel, Public
(Clerk) Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory
E. Nelson and Jeremy Bosler.
(Reporter) 10:15 a.m. Court reconvened outside the presence of the jury.
Court canvassed Defendant regarding waiver of presence when Court
excused Jurors Lyle (a.k.a. Agee) and Peak and during side bars during the
course of the trial. Defendant waive right.
Discussion ensued regarding security of the Courtroom.
10:30 a.m. Court recessed.
10:55 a.m. Court reconvened with respective counsel and defendant present.
Prospective jurors present.
Court personnel, respective counsel and defendant introduced to the jury
panel.
Roll taken of prospective jurors; all present. All prospective jurors sworn as
to their qualifications to serve as trial jurors. Thirty-Six names drawn
(Mueller, Guiler, Aguirre, Adamson, Hill, Hinxman, Kominek, Lafond,
Burkholder, Sepahpour, Saputo, Judson, Gerbetz, Thomas, Getz,
Stephenson, Barger, Arlitz, Lyman, Viernes, Kenny, Cadena, Frandsen, L.
Jones, Battaglia, Furrie, Timmerman, Estey, Kizis, Imasaki, Turnage, Geach,
Frankel, Booth, Burke and Dunn); jurors seated and generally questioned by
the Court.
12:20 p.m. Jury excused. Seated Jury Panel to Department 9's Courtroom. Un-
selected Jury Panel to Department 3's Courtroom.
Outside the presence of the jury, Defense counsel Bosler objection to the jury
selection process. State's counsel Stanton made statement. COURT
ENTERED ORDER denying Motion regarding Jury Selection, with leave to
renew at another time.
12:33 p.m. Court proceeded with individual voir dire.

Juror Aguirre entered; examined by Court, State's counsel Stanton and
Defense counsel Bosler; challenged for cause by defense counsel Bosler;
objection by State's counsel Stanton; excused for cause.

Court addressed defendant about his presence during the excusing of the
panels for lunch and roll call following the lunch. Defendant and counsel

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CONTINUED JURY TRIAL

E. Nelson
(Reporter)

Juror Geach entered; examined by Court; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

12:46 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

12:50 p.m. Court reconvened in Department 3 with panel of un-selected jurors.

Court excused panel for lunch to return at 1:45 p.m. in Department 9.

12:58 p.m. Court reconvened in Department 9 with panel of selected jurors.

Court excused panel for lunch to return at 1:45 p.m. in Department 3's juryroom.

2:00 p.m. Court recessed.

1:45 p.m. Court reconvened in Department 3's juryroom; roll called, all 34 present of selected jury panel.

1:50 p.m. Court reconvened in Department 9; roll called, all present of un-selected jury panel, except Meidell.

2:00 p.m. Court reconvened with respective counsel and defendant present in Department 4.

Outside the presence of the jury, Court informed respective counsel of missing juror.

Juror J. Thomas entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

2:08 Juror Meidell present and excused to Department 9.

Juror Burke entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed by State's counsel Stanton; further examined by Court; challenge denied.

Juror Getz entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

Juror Adamson entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

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E. Nelson
(Reporter)

Juror Hill entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge renewed by State's counsel Specchio; excused.

Juror Sepahpour entered; examined by Court and State's counsel Stanton challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused.

Juror Gerbatz entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Cadena entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Outside the presence of the jury, Motion for Court to Modify Jury Selection by defense counsel Bosler granted. The Defense would be allowed to examine panel before the State.

Juror Battaglia entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and objection by State's counsel Stanton; challenge denied.

Juror Kizis entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Turnage entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; excused.

Juror Kenny entered; examined by Court; stipulation to excuse by respective counsel Stanton and Bosler; excused.

3:45 p.m. Court recessed. Defendant remanded to the custody of the sheriff.
4:07 p.m. Court reconvened with respective counsel and defendant present.
Entire prospective panel present.

AA07184

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E. Nelson
(Reporter)

Law Clerk Davis and Jury Commissioner Lopshire indicated that no jurors left their assigned room since roll was last taken. Respective counsel stipulated to the presence of the jury panel.

Eight additional names drawn. Frank X. Sotero, John W. Auld, Bo H. Larsson, Mary H. Schultz, Grace B. Mills, Randall A. McCargar, Alan R. Golbov and Stephen L. Sowers called, seated and generally examined by Court.
Jury panel further generally examined by Court.

Upon discussion at the bench and no objection by respective counsel, COURT excused Jurors Schulz, Larsson, Burkeholder, Saputo, Judson, Timmerman, Sowers, Burke and Auld.

Nine additional names drawn. James G. Rumbaugh, Preston, E. O'Daye, George A. Decker, Rayetta Buckley, Rebeka A. Hilliary, John J. Giordano, Doris E. Roberts, Rhonda D. Pembroke and Peter G. Thomas called.

5:13 p.m. Court admonished and excused panel until January 12, 1999, at 9:30 a.m.

Outside the presence of the jury, respective counsel invoked the rule of exclusion with the exception of the witnesses to be used in penalty phase of the trial. If any person display any emotion whatsoever during the course of the trial, they will be removed from the courtroom and not allowed back in for the duration of the trial.

Discussion ensued regarding security.

EXHIBIT 7 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

5:30 p.m. Court recessed.

1/12/99

CONTINUED JURY TRIAL

E. Nelson
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

9:37 a.m. Court reconvened with all prospective jurors present except Juanita

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E. Nelson Pierce.

(Reporter) Upon the Court being notified that Juror Pierce was hospitalized and no objection by respective counsel, COURT excused juror Pierce.

Upon discussion at the bench with juror Pembroke, COURT excused Pembroke.

Another name drawn. Jerome A. Moss called and seated.

Jury panel further generally examined by the Court.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Jury panel further generally examined by Court.

Juror Giordano excused due to hearing impairment.

Another name drawn. William V. King called, seated and generally examined by the Court.

Jury panel further generally examined by Court.

Juror Hilliary challenged for cause by State's counsel Stanton; objection by defense counsel Bosler; challenge granted; excused.

Another name drawn. Anita J. Cason called, seated and generally examined by the Court.

Upon discussion at the bench, Juror Cason excused.

Another name drawn. Paul E. Damoth called, seated and generally examined by the Court.

Upon direction of the Court, State's counsel Stanton specifically examined the panel.

Juror Mills challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

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E. Nelson
(Reporter)

Juror Buckley challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted; excused.

Juror Gerbatz challenged for cause by defense counsel Bosler; objection by State's counsel; challenge denied.

Two additional names drawn. Menandro H. Domingo and Robin W. Sheets called, seated and generally examined by Court.

Juror Domingo challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Another name drawn. Sandra J. Ellin called, seated and generally examined by the Court.

Juror Ellin challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; challenge granted; excused.

Another name drawn. Gordon D. Berg called, seated and generally examined by the Court.

Jury panel further specifically examined by State's counsel.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

11:47 a.m. Jury admonished and excused. Outside the presence of the jury, defense counsel set forth arguments for certain challenges.

Juror Mueller challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Court informed respective counsel of voir dire questions that could be asked during specific voir dire.

Exhibit C marked by the Court.

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CONTINUED JURY TRIAL

E. Nelson
(Reporter)

12:25 p.m. Court recessed. Defendant remanded to the custody of the sheriff.
1:13 p.m. Court reconvened with respective counsel and defendant present.
Clerk called roll; all prospective jurors present.
Based upon hearing outside the presence of the jury, Court excused Jurors Mueller and Rumbaugh.

Two additional names drawn. Shelby A. Denton and Julie C. Springer called, seated and generally examined by the Court.
Panel further specifically examined by State's counsel Stanton.
Upon direction of the Court, Defense counsel Bosler specifically examined the panel; passed for cause.
Court thanked and excused un-selected jurors.

Respective counsel exercised, silently, 8 peremptory challenges each as to the jury and 2 peremptory challenges each as to alternate jury.

EXHIBIT D marked by the Court.

The following twelve persons and four alternates were sworn to try this case:

Shelby Y. Denton	Cheryl L. Kominick	George A. Decker
Daniel M. Gerbatz	William V. King	Gordon D. Berg
James A. Stephenson	Victoria A. Lyman	Benilda G. Viernes
Randall A. McCargar	Lawrence L. Jones	Doris E. Roberts.

Alternates: Jerome A. Moss, Susan M. Frankel, Peter G. Thomas and James H. Dunn

5:30 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.
Outside the presence of the jury, discussion ensued regarding the schedule of trial.
Court further instructed all persons present in the audience, that there may not be any visible reactions to any testimony during the trial.
5:35 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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CONTINUED JURY TRIAL

HONORABLE
CONNIE J.

STEINHEIMER

DEPT. NO. 4

M. Stone

(Clerk)

E. Nelson

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

11:15 a.m. Court reconvened outside the presence of the jury.

Motion for Mistrial or in the alternative, Motion for Change of Venue by defense counsel Bosler; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER denying the Motion for Mistrial and for Change of Venue.

Motion to use transparency during opening statement by defense counsel Bosler; objection and argument by State's counsel Stanton. COURT ENTERED ORDER allowing the use of the transparency with the words redacted off.

EXHIBIT 38 marked and offered by defense counsel Bosler; no objection by State's counsel; ordered admitted into evidence.

Exhibit 37 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

11:30 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court Clerk read the Information aloud and indicated that pleas of not guilty had previously been entered by the defendant.

State's counsel Gammick presented opening statement.

Defense counsel Bosler presented opening statement.

11:56 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

1:30 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Brenda Martinez called by State's counsel Gammick, sworn and testified.

EXHIBIT 6 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Martinez further direct examined; excused.

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CONTINUED JURY TRIAL

E. Nelson
(Reporter)

Carl Smith called by State's counsel Gammick, sworn and testified.

***Record reflected identification of the Defendant.

Witness Smith further direct examined.

EXHIBITS 12 and 13 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 15A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 16A and 16B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 18 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 14A and 14B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined; cross-examined by defense counsel Specchio; redirect examined.

EXHIBITS 24A and 24B offered by State's counsel Gammick; no objection by

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E. Nelson
(Reporter)

defense counsel Specchio; ordered admitted into evidence.

Witness Smith further redirect examined; excused.

3:00 p.m. Jury admonished and excused. Outside the presence of the jury, defense Bosler made statement regarding people in the audience making faces at the defendant.

3:05 p.m. Court recessed.

3:25 p.m. Court reconvened with respective counsel and defendant present.

Andrew Ciocca called by State's counsel Gammick, sworn and testified.

EXHIBITS 17B and 17C offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness further direct examined; cross-examined by defense counsel Specchio; excused.

Willie Stephenson called by State's counsel Gammick, sworn and testified.

***Stipulation entered regarding this witness being a fingerprint expert.

Witness Stephenson further direct examined.

EXHIBIT 19 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson further direct examined.

EXHIBIT 17D marked by State's counsel Gammick.

Witness Stephenson further direct examined.

EXHIBIT 17D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson cross-examined by defense counsel Specchio; redirect examined; excused.

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E. Nelson
(Reporter)

Mele Mavani called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused.

5:00 p.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

1/14/99

CONTINUED JURY TRIAL

E. Nelson
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:25 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Sateki Taukieuvea called by State's counsel Stanton, sworn and testified.

EXHIBIT 36 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Taukieuvea further direct examined.

(10:50 a.m. Steve Hopper - Court Clerk entered)

Witness Taukieuvea further direct examined; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused subject to recall.

11:55 a.m. Jury admonished. Court recessed.

1:40 p.m. (M. Stone - Court Clerk) Court reconvened outside the presence of the jury with respective counsel and defendant present.

Motion to endorse additional witness John Oakes, Esq., by State's counsel Stanton; presented argument; defense counsel stood moot. COURT ENTERED ORDER granting motion.

Upon request, COURT will give the jury an Instruction regarding stipulations.

AA07192

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E. Nelson
(Reporter)

Defense counsel Specchio did not wish a continuance due to the newly endorsed witness.

1:45 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

John Oakes called by State's counsel Stanton, sworn and testified; excused.

Maria Louis called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; excused.

Priscilla Endemann called by State's counsel Stanton, sworn and testified.

EXHIBIT 20A and 20B offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Endemann further direct examined; excused.

Manaoui Peaua called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; excused.

3:04 p.m. Jury admonished. Court recessed.

3:34 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Metuisel Tauveli called by State's counsel Stanton, sworn and testified.

EXHIBIT 8 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Tauveli further direct examined; cross-examined by defense counsel Specchio; redirect examined; excused.

Jim Duncan called by State's counsel Gammick, sworn and testified.

EXHIBIT 24D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

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E. Nelson
(Reporter)

Witness Duncan further direct examined.

EXHIBIT 21 offered by State's counsel Gammick; based on stipulation by defense counsel Specchio and discussion at bench, ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 23A and 23B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 11 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 25 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 29A and 29B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 15B, 15C and 15D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 22 and 26 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 16, 16A and 16B offered by State's counsel Gammick; no objection

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E. Nelson
(Reporter)

by State's counsel; ordered admitted into evidence.

5:00 p.m. Jury admonished and excused. Outside the presence of the jury, Defendant canvassed by the Court regarding a stipulation to be read to the jury and jury instruction. Defense counsel opposed the use of a jury instruction at this time, but had no objection to a jury instruction regarding stipulations at the time of all the instructions.

5:05 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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CONTINUED JURY TRIAL

E. Nelson
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:10 a.m. Court reconvened outside the presence of the jury.

State's counsel Gammick made statement regarding statement made to police by Michelle Chaitra.

EXHIBIT A marked by State's counsel Gammick.

State's counsel made further statement.

EXHIBIT B and C marked by State's counsel Gammick.

State's counsel made further statement.

Motion for Mis-Trial by Defense counsel Specchio; presented argument; response by State's counsel Gammick.

Defense counsel Specchio stipulated that a Mis-Trial would not create a double jeopardy issue for the Defendant.

Defendant canvassed regarding a potential Mis-Trial and double jeopardy. Upon finding a manifest necessity, COURT ENTERED ORDER granting the Defense's Motion for Mis-Trial.

10:40 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

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E. Nelson

Court informed jury panel of Mis-Trial.

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(Reporter)

10:45 a.m. Jury excused.

10:00 a.m.

COURT ORDERED respective counsel to return on January 19, 1999, at 10:00 Hrg to Re-Set
a.m. to re-set the matter for trial.

Trial

10:55 a.m. Court recessed.

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JURY TRIAL

HONORABLE 9:50 a.m. Court convened in chambers with respective counsel Stanton and
CONNIE Bosler. Discussion ensued regarding voir dire questions.

STEINHEIMER 10:00 a.m. Court recessed.

DEPT. NO.4 District Attorney Richard Gammick and Deputy District Attorney David
M. Stone Stanton represented the State. Defendant present with counsel, Public
(Clerk) Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory
E. Nelson and Jeremy Bosler.

(Reporter) 10:15 a.m. Court reconvened outside the presence of the jury.

Court canvassed Defendant regarding waiver of presence when Court
excused Jurors Lyle (a.k.a. Agee) and Peak and during side bars during the
course of the trial. Defendant waive right.

Discussion ensued regarding security of the Courtroom.

10:30 a.m. Court recessed.

10:55 a.m. Court reconvened with respective counsel and defendant present.
Prospective jurors present.

Court personnel, respective counsel and defendant introduced to the jury
panel.

Roll taken of prospective jurors; all present. All prospective jurors sworn as
to their qualifications to serve as trial jurors. Thirty-Six names drawn
(Mueller, Guiler, Aguirre, Adamson, Hill, Hinxman, Kominek, Lafond,
Burkholder, Sepahpour, Saputo, Judson, Gerbetz, Thomas, Getz, Stephenson,
Barger, Arlitz, Lyman, Viernes, Kenny, Cadena, Frandsen, L. Jones, Battaglia,
Furrie, Timmerman, Estey, Kizis, Imasaki, Turnage, Geach, Frankel, Booth,
Burke and Dunn); jurors seated and generally questioned by the Court.

12:20 p.m. Jury excused. Seated Jury Panel to Department 9's Courtroom. Un-
selected Jury Panel to Department 3's Courtroom.

Outside the presence of the jury, Defense counsel Bosler objection to the jury
selection process. State's counsel Stanton made statement. COURT
ENTERED ORDER denying Motion regarding Jury Selection, with leave to
renew at another time.

12:33 p.m. Court proceeded with individual voir dire.

Juror Aguirre entered; examined by Court, State's counsel Stanton and
Defense counsel Bosler; challenged for cause by defense counsel Bosler;
objection by State's counsel Stanton; excused for cause.

Court addressed defendant about his presence during the excusing of the
panels for lunch and roll call following the lunch. Defendant and counsel
waived right to be present.

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Juror Geach entered; examined by Court; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

12:46 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

12:50 p.m. Court reconvened in Department 3 with panel of un-selected jurors. Court excused panel for lunch to return at 1:45 p.m. in Department 9.

12:58 p.m. Court reconvened in Department 9 with panel of selected jurors. Court excused panel for lunch to return at 1:45 p.m. in Department 3's juryroom.

2:00 p.m. Court recessed.

1:45 p.m. Court reconvened in Department 3's juryroom; roll called, all 34 present of selected jury panel.

1:50 p.m. Court reconvened in Department 9; roll called, all present of un-selected jury panel, except Meidell.

2:00 p.m. Court reconvened with respective counsel and defendant present in Department 4.

Outside the presence of the jury, Court informed respective counsel of missing juror.

Juror J. Thomas entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

2:08 Juror Meidell present and excused to Department 9.

Juror Burke entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed by State's counsel Stanton; further examined by Court; challenge denied.

Juror Getz entered; examined by Court and State's counsel Stanton; challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused for cause.

Juror Adamson entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

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Juror Hill entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge renewed by State's counsel Specchio; excused.

Juror Sepahpour entered; examined by Court and State's counsel Stanton challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; excused.

Juror Gerbatz entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Cadena entered; examined by Court, State's counsel Stanton and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Outside the presence of the jury, Motion for Court to Modify Jury Selection by defense counsel Bosler granted. The Defense would be allowed to examine panel before the State.

Juror Battaglia entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and objection by State's counsel Stanton; challenge denied.

Juror Kizis entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Juror Turnage entered; examined by Court and defense counsel Bosler; challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; excused.

Juror Kenny entered; examined by Court; stipulation to excuse by respective counsel Stanton and Bosler; excused.

3:45 p.m. Court recessed. Defendant remanded to the custody of the sheriff.
4:07 p.m. Court reconvened with respective counsel and defendant present.
Entire prospective panel present.

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E. Nelson
(Reporter)

Law Clerk Davis and Jury Commissioner Lopshire indicated that no jurors left their assigned room since roll was last taken. Respective counsel stipulated to the presence of the jury panel.

Eight additional names drawn. Frank X. Sotero, John W. Auld, Bo H. Larsson, Mary H. Schultz, Grace B. Mills, Randall A. McCargar, Alan R. Golbov and Stephen L. Sowers called, seated and generally examined by Court. Jury panel further generally examined by Court.

Upon discussion at the bench and no objection by respective counsel, COURT excused Jurors Schulz, Larsson, Burkeholder, Saputo, Judson, Timmerman, Sowers, Burke and Auld.

Nine additional names drawn. James G. Rumbaugh, Preston, E. O'Daye, George A. Decker, Rayetta Buckley, Rebeka A. Hilliary, John J. Giordano, Doris E. Roberts, Rhonda D. Pembroke and Peter G. Thomas called.

5:13 p.m. Court admonished and excused panel until January 12, 1999, at 9:30 a.m.

Outside the presence of the jury, respective counsel invoked the rule of exclusion with the exception of the witnesses to be used in penalty phase of the trial. If any person display any emotion whatsoever during the course of the trial, they will be removed from the courtroom and not allowed back in for the duration of the trial.

Discussion ensued regarding security.

EXHIBIT 7 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

5:30 p.m. Court recessed.

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CONTINUED JURY TRIAL

E. Nelson
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

9:37 a.m. Court reconvened with all prospective jurors present except Juamita

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Pierce.

Upon the Court being notified that Juror Pierce was hospitalized and no objection by respective counsel, COURT excused juror Pierce.

Upon discussion at the bench with juror Pembroke, COURT excused Pembroke.

Another name drawn. Jerome A. Moss called and seated.

Jury panel further generally examined by the Court.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Jury panel further generally examined by Court.

Juror Giordano excused due to hearing impairment.

Another name drawn. William V. King called, seated and generally examined by the Court.

Jury panel further generally examined by Court.

Juror Hilliary challenged for cause by State's counsel Stanton; objection by defense counsel Bosler; challenge granted; excused.

Another name drawn. Anita J. Cason called, seated and generally examined by the Court.

Upon discussion at the bench, Juror Cason excused.

Another name drawn. Paul E. Damoth called, seated and generally examined by the Court.

Upon direction of the Court, State's counsel Stanton specifically examined the panel.

Juror Mills challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

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(Reporter)

Juror Buckley challenged for cause by defense counsel Bosler; no objection by State's counsel Stanton; challenge granted; excused.

Juror Gerbatz challenged for cause by defense counsel Bosler; objection by State's counsel; challenge denied.

Two additional names drawn. Menandro H. Domingo and Robin W. Sheets called, seated and generally examined by Court.

Juror Domingo challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Another name drawn. Sandra J. Ellin called, seated and generally examined by the Court.

Juror Ellin challenged for cause by defense counsel Bosler; traversed and no objection by State's counsel Stanton; challenge granted; excused.

Another name drawn. Gordon D. Berg called, seated and generally examined by the Court.

Jury panel further specifically examined by State's counsel.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

11:47 a.m. Jury admonished and excused. Outside the presence of the jury, defense counsel set forth arguments for certain challenges.

Juror Mueller challenged for cause by defense counsel Bosler; stipulation by State's counsel Stanton; challenge granted; excused.

Juror Rumbaugh challenged for cause by defense counsel Bosler; objection by State's counsel Stanton; challenge denied.

Court informed respective counsel of voir dire questions that could be asked during specific voir dire.

Exhibit C marked by the Court.

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E. Nelson
(Reporter)

12:25 p.m. Court recessed. Defendant remanded to the custody of the sheriff.
1:13 p.m. Court reconvened with respective counsel and defendant present.
Clerk called roll; all prospective jurors present.
Based upon hearing outside the presence of the jury, Court excused Jurors Mueller and Rumbaugh.

Two additional names drawn. Shelby A. Denton and Julie C. Springer called, seated and generally examined by the Court.
Panel further specifically examined by State's counsel Stanton.
Upon direction of the Court, Defense counsel Bosler specifically examined the panel; passed for cause.
Court thanked and excused un-selected jurors.

Respective counsel exercised, silently, 8 peremptory challenges each as to the jury and 2 peremptory challenges each as to alternate jury.

EXHIBIT D marked by the Court.

The following twelve persons and four alternates were sworn to try this case:

Shelby Y. Denton	Cheryl L. Kominek	George A. Decker
Daniel M. Gerbatz	William V. King	Gordon D. Berg
James A. Stephenson	Victoria A. Lyman	Benilda G. Viernes
Randall A. McCargar	Lawrence L. Jones	Doris E. Roberts

Alternates: Jerome A. Moss, Susan M. Frankel, Peter G. Thomas and James H. Dunn

5:30 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.
Outside the presence of the jury, discussion ensued regarding the schedule of trial.
Court further instructed all persons present in the audience, that there may not be any visible reactions to any testimony during the trial.
5:35 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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HONORABLE District Attorney Richard Gammick and Deputy District Attorney David
CONNIE J. Stanton represented the State. Defendant present with counsel, Public
STEINHEIMER Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory
DEPT. NO. 4 and Jeremy Bosler.

M. Stone

11:15 a.m. Court reconvened outside the presence of the jury.

(Clerk)

Motion for Mistrial or in the alternative, Motion for Change of Venue by
defense counsel Bosler; presented argument; objection and argument by
E. Nelson State's counsel Stanton. COURT ENTERED ORDER denying the Motion for
(Reporter) Mistrial and for Change of Venue.

Motion to use transparency during opening statement by defense counsel
Bosler; objection and argument by State's counsel Stanton. COURT
ENTERED ORDER allowing the use of the transparency with the words
redacted off.

EXHIBIT 38 marked and offered by defense counsel Bosler; no objection by
State's counsel; ordered admitted into evidence.

Exhibit 37 offered by State's counsel Gammick; no objection by defense
counsel Specchio; ordered admitted into evidence.

11:30 a.m. Jury entered. Respective counsel stipulated to the presence of the
jury.

Court Clerk read the Information aloud and indicated that pleas of not guilty
had previously been entered by the defendant.

State's counsel Gammick presented opening statement.

Defense counsel Bosler presented opening statement.

11:56 a.m. Jury admonished. Court recessed. Defendant remanded to the
custody of the sheriff.

1:30 p.m. Court reconvened with respective counsel and defendant present.
Respective counsel stipulated to the presence of the jury.

Brenda Martinez called by State's counsel Gammick, sworn and testified.

EXHIBIT 6 offered by State's counsel Gammick; no objection by defense
counsel Specchio; ordered admitted into evidence.

Witness Martinez further direct examined; excused.

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E. Nelson
(Reporter)

Carl Smith called by State's counsel Gammick, sworn and testified.

***Record reflected identification of the Defendant.

Witness Smith further direct examined.

EXHIBITS 12 and 13 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 15A offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 16A and 16B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 18 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 14A and 14B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Smith further direct examined; cross-examined by defense counsel Specchio; redirect examined.

EXHIBITS 24A and 24B offered by State's counsel Gammick; no objection by

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(Reporter)

defense counsel Specchio; ordered admitted into evidence.

Witness Smith further redirect examined; excused.

3:00 p.m. Jury admonished and excused. Outside the presence of the jury, defense Bosler made statement regarding people in the audience making faces at the defendant.

3:05 p.m. Court recessed.

3:25 p.m. Court reconvened with respective counsel and defendant present.

Andrew Ciocca called by State's counsel Gammick, sworn and testified.

EXHIBITS 17B and 17C offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness further direct examined; cross-examined by defense counsel Specchio; excused.

Willie Stephenson called by State's counsel Gammick, sworn and testified.

*** Stipulation entered regarding this witness being a fingerprint expert.

Witness Stephenson further direct examined.

EXHIBIT 19 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson further direct examined.

EXHIBIT 17D marked by State's counsel Gammick.

Witness Stephenson further direct examined.

EXHIBIT 17D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Stephenson cross-examined by defense counsel Specchio; redirect examined; excused.

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Mele Mavani called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused.

5:00 p.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

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E. Nelson
(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:25 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Sateki Taukieuvea called by State's counsel Stanton, sworn and testified.

EXHIBIT 36 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Taukieuvea further direct examined.

(10:50 a.m. Steve Hopper - Court Clerk entered)

Witness Taukieuvea further direct examined; cross-examined by defense counsel Specchio; redirect examined; recross-examined; excused subject to recall.

11:55 a.m. Jury admonished. Court recessed.

1:40 p.m. (M. Stone - Court Clerk) Court reconvened outside the presence of the jury with respective counsel and defendant present.

Motion to endorse additional witness John Oakes, Esq., by State's counsel Stanton; presented argument; defense counsel stood moot. COURT ENTERED ORDER granting motion.

Upon request, COURT will give the jury an Instruction regarding stipulations.

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E. Nelson Defense counsel Specchio did not wish a continuance due to the newly
(Reporter) endorsed witness.

1:45 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

John Oakes called by State's counsel Stanton, sworn and testified; excused.

Maria Louis called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; excused.

Priscilla Endemann called by State's counsel Stanton, sworn and testified.

EXHIBIT 20A and 20B offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Endemann further direct examined; excused.

Manaoui Peaua called by State's counsel Stanton, sworn and testified; cross-examined by defense counsel Specchio; redirect examined; excused.

3:04 p.m. Jury admonished. Court recessed.

3:34 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Metuisel Tauveli called by State's counsel Stanton, sworn and testified.

EXHIBIT 8 offered by State's counsel Stanton; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Tauveli further direct examined; cross-examined by defense counsel Specchio; redirect examined; excused.

Jim Duncan called by State's counsel Gammick, sworn and testified.

EXHIBIT 24D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

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E. Nelson
(Reporter)

Witness Duncan further direct examined.

EXHIBIT 21 offered by State's counsel Gammick; based on stipulation by defense counsel Specchio and discussion at bench, ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 23A and 23B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 11 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 25 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 29A and 29B offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 15B, 15C and 15D offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 22 and 26 offered by State's counsel Gammick; no objection by defense counsel Specchio; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBITS 16, 16A and 16B offered by State's counsel Gammick; no objection

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(Reporter)

by State's counsel; ordered admitted into evidence.

5:00 p.m. Jury admonished and excused. Outside the presence of the jury, Defendant canvassed by the Court regarding a stipulation to be read to the jury and jury instruction. Defense counsel opposed the use of a jury instruction at this time, but had no objection to a jury instruction regarding stipulations at the time of all the instructions.

5:05 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

1/15/99

CONTINUED JURY TRIAL

E. Nelson

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Public Defender Michael Specchio, and Deputy Public Defenders, Steve Gregory and Jeremy Bosler.

10:10 a.m. Court reconvened outside the presence of the jury.

State's counsel Gammick made statement regarding statement made to police by Michelle Chaitra.

EXHIBIT A to the Motion for Mis-Trial marked by State's counsel Gammick.

State's counsel made further statement.

EXHIBIT B and C to the Motion for Mis-Trial marked by State's counsel Gammick.

State's counsel made further statement.

Motion for Mis-Trial by Defense counsel Specchio; presented argument; objection and argument by State's counsel Gammick.

Defense counsel Specchio stipulated that a Mis-Trial would not create a double jeopardy issue for the Defendant.

Defendant canvassed regarding a potential Mis-Trial and double jeopardy. Upon finding a manifest necessity, COURT ENTERED ORDER granting the Defense's Motion for Mis-Trial.

10:40 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

AA07210

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI a.k.a. "PE". a.k.a. "GEORGE"

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES HEARING

CONT'D TO

1/15/99

CONTINUED JURY TRIAL

E. Nelson

Court informed jury panel of Mis-Trial.

1/19/99

(Reporter)

10:45 a.m. Jury excused.

10:00 a.m.

COURT ORDERED respective counsel to return on January 19, 1999, at 10:00 a.m. to re-set the matter for trial.

Hrg to Re-Set
Trial

10:55 a.m. Court recessed.

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI a.k.a. "PE", a.k.a. "GEORGE"

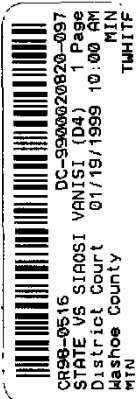
DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/19/99	<u>HEARING TO RESET TRIAL</u>	
HONORABLE	District Attorney Richard Gammick and Deputy District Attorney David	6/1/99
CONNIE	Stanton represented the State. Defendant present with counsel, Public	9:00 a.m.
STEINHEIMER	Defender Michael Specchio and Deputy Public Defender Steve Gregory.	Pre-Trial
DEPT. NO.4	Upon discussion regarding trial date, COURT ENTERED ORDER setting	Mtns
M. Stone	the trial for September 7, 1999, for a period of 3 weeks.	
(Clerk)	Discussion ensued regarding the new Rule 250. COURT ORDERED that all	8/30/99
K. Bokelmann	parties must comply with the rules as set forth in the new Rule 250 and all	9/2/99
(Reporter)	deadlines must be met with the starting date of January 30, 1999, as set	at 10:00 a.m.
	forth in the Rule.	Jury Quest.
	Upon discussion, COURT set out the new briefing schedule. COURT	
	FURTHER ORDERED that all new motions must be filed by April 15, 1999.	9/2/99
	Upon request of respective counsel, COURT ENTERED ORDER that all	11:00 a.m.
	witnesses are held to their original subpoenas.	Mtn to
	COURT FURTHER ENTERED ORDER that all prior Motions and their	Confirm
	Rulings will remain.	
	Upon request by the State and no objection by Defense counsel, COURT	9/2/99
	ENTERED ORDER that the tapes marked B and C are released to the	2:00 p.m.
	State's Investigator for copying and then returned to the Clerk of the Court.	Exhibits
	Discussion ensued regarding discovery, COURT ORDERED all video and	
	audio tapes to be copied and provided to the defense, then it is the	9/7/99
	Defenses responsibility to check if the transcript matches the actual tape.	10:00 a.m.
	11:00 a.m. Court recessed. Defendant remanded to the custody of the	Jury Trial
	Sheriff.	



AA07212

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTD TO

3/19/98

MOTION TO SET TRIAL

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David 7/23/98

CONNIE

Stanton represented the State. Defendant present with counsel, Public 4:00 p.m.

STEINHEIMER

Defender Michael Specchio and Deputy Public Defender Walter Fey. Status Conf.

DEPT. NO.4

Upon discussion, COURT ENTERED ORDER setting the jury trial and

M. Stone

briefing schedule.

11/23/98

(Clerk)

COURT FURTHER ENTERED ORDER finding all counsel involved qualified to 10:00 a.m.

D. Phipps

try a death penalty case pursuant to Rule 250.

Pre-Trial Mtns

(D. Phipps)

Defendant remanded to the custody of the sheriff.

1/7/99

9:00 am

Motion to

Confirm/Pre-

Trial Motions

1/11/99

10:00 am

Jury Trial

DC-9900020820-110
STATE VS SIAOSI VANISI (D4)
District Court 03/19/1999 09:00 AM
Washoe County
MTN
TMH:ITE

AA07213

CASE NO. CV98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/12/99

IN CHAMBERS REVIEW HEARING

HONORABLE

District Attorney Richard Gammick represented the State. Defendant not

CONNIE

present being represented by counsel, Deputy Public Defenders Steve

STEINHEIMER

Gregory and Jeremy Bosler.

DEPT. NO.4

Discussion ensued regarding the Defendant's actions at the Washoe

M. Stone

County Jail

(Clerk)

Upon stipulation, COURT ORDERED Defendant to remain at the Nevada

N. Alexander

State Prison until 6/1/99, at which time the Defendant's Housing shall be re-

(Reporter)

evaluation.

Respective counsel Gammick and Gregory made further statements.

CR98-0516
STATE VS SIAOSI VANISI (D4)
District Court
Washoe County
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1. Page
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AA07214

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

6/1/99

PRE-TRIAL MOTIONS

6/23/99

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David L.

1:15 p.m.

CONNIE

Stanton represented the State. Defendant present with counsel, Deputy

Report on

STEINHEIMER

Public Defenders Steven Gregory and Jeremy Bosler.

Psych. Eval./

DEPT. NO.4

Motion for Psychiatric Evaluation by defense counsel Gregory; presented

Pre-Tri Mtgs

M. Stone

argument; no objection by State's counsel Stanton. Court canvassed

(Clerk)

Defendant.

E. Nelson

COURT ENTERED ORDER granting the Motion for Psychiatric Evaluation;

(Reporter)

and appointing two Doctors to evaluate the Defendant.

Court informed counsel that any motions could be submitted without oral argument.

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STATE VS SIAOSI
District Court
Washoe County
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VANISI (D4)
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AA07215

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONTD TO

6/23/99

REPORT ON PSYCHIATRIC EVALUATION/PRE-TRIAL MOTIONS

HONORABLE

District Attorney Richard A. Gammick and Deputy District Attorney David

CONNIE

L. Stanton represented the State. Defendant present with counsel, Public

STEINHEIMER

Defender, Michael R. Specchio, and Deputies Public Defender Jeremy

DEPT. NO.4

Bosler.

M. Stone

Court noted receipt of Psychiatric Evaluations. Upon no objections,

(Clerk)

COURT ENTERED ORDER finding the Defendant competent to aid and

E. Nelson

assist counsel in preparation of trial.

(Reporter)

COURT ORDERED Courtroom closed and following proceedings sealed.

Court Security Detail and Personnel sworn as to the rules of a sealed hearing.

Motion to Dismiss Counsel by Defendant; presented argument. Defense counsel Specchio made statement.

EXHIBIT V1 marked by Defense counsel Specchio.

Defense counsel Specchio made further statement.

Defendant presented further argument. COURT ENTERED ORDER denying Motion to Dismiss Counsel.

Upon request of Defense counsel Gregory, COURT ENTERED ORDER denying any Request for Medication to be Administered to Defendant. If the NSP and/or WCJ Medical Personnel examine the Defendant and decide it is necessary to medicate the Defendant, Counsel must request a hearing.

2:27 p.m. Court recessed.

2:50 p.m. Court reconvened with respective counsel and Defendant present. Courtroom unsealed.

Upon submission on the pleadings by respective counsel, COURT took the Motion for Additional Peremptory Challenges and the Motion to Declare Adverse Witnesses under advisement.

Motion for Sequestered Individual Voir Dire by Defense counsel Bosler; presented argument; objection and argument by State's counsel Stanton; Reply by Defense counsel Bosler. COURT ENTERED ORDER denying Motion.

Request for Challenges of the Jury Panel to be made outside the presence of the Jury made by Defense counsel Bosler denied.

Motion for Defendant to be transported back to the Washoe County Jail by Defense counsel Gregory; present argument; response by State's counsel

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STATE VS SIAOSI VANISI (D4) 2 Pages
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AA07216

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

6/23/99

REPORT ON PSYCHIATRIC EVALUATION/PRE-TRIAL MOTIONS

HONORABLE
CONNIE

Stanton; reply by Defense counsel Gregory. COURT ENTERED ORDER that the Defendant be transported back to the Washoe County Jail on July 15, 1999, where he shall remain until the completion of this case. The Washoe County Sheriff has the authority to transport the Defendant back to the Nevada State Prison, if it is deemed by him that the Defendant is a threat to his facility or that of this community.

8/5/99

2:00 p.m.

STEINHEIMER
DEPT. NO.4

Hearing Re:
Press

M. Stone
(Clerk)

3:14 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

E. Nelson
(Reporter)

3:36 p.m. Court reconvened with respective counsel and Defendant present.

Motion to Reconsider use of Photographs by State's counsel Gammick; presented argument; no objection by Defense counsel. COURT ENTERED ORDER allowing the use of Exhibits 4B, 4C, 4D, 4G, 4H, 4I, 4J, 4K and 4L; and that the Photographs be displayed on the poster board without the use of the DOAR System, for purposes of Dr. Ellen Clark's Testimony.

Upon discussion, COURT ORDERED that counsel brief the issue regarding whether or not the Psychiatric Evaluations should be released to the Press and whether or not the press should be allowed to attend In-Chambers Meetings; and set the matter for hearing.

3:50 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

AA07217

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/3/99

HEARING REGARDING MEDICATIONS

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

STEINHEIMER

Public Defender Steven Gregory and Jeremy Bosler.

DEPT. NO.4

Discussion ensued regarding the Ex-Parte Order for Medication.

M. Stone

Court canvassed Defendant regarding the Voluntariness of taking

(Clerk)

Medication.

K. Yates

Upon withdraw of the Ex-Parte Order by Defense counsel Gregory, COURT

(Reporter)

advised Defense counsel to consider a Release of Information for Dr. Lind

to release information to the Washoe County Jail Personnel and, if
requested, Court would visit the issue of medication for the Defendant at a
later date.

Upon request by Defense counsel Gregory, COURT ORDERED the
Courtroom closed and sealed the transcript.

All personnel admonished regarding the confidentiality of the following
proceedings.

Motion for Self Representation by Defendant; presented argument.

COURT ORDERED Defendant to place the Motion in writing and a hearing
would be set.

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STATE VS SIAOSI
District Court
Washoe County
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AA07218

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/10/99

MOTION FOR SELF REPRESENTATION

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

8/11/99

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

10:00 a.m.

STEINHEIMER

Public Defender Steven Gregory and Jeremy Bosler.

Motions Re:

DEPT. NO.4

Court made inquiries of the Defendant pursuant to Rule 256. Upon

Media

M. Stone

direction of the Court, State's counsel Stanton suggested additional

(Clerk)

questions for the Court. Defense counsel Gregory declined to make any suggestions to the Court.

K. Yates

11:55 a.m. Court recessed. Defendant remanded to the custody of the sheriff.

(Reporter)

12:02 p.m. Court reconvened with respective counsel and Defendant present.

Respective counsel Stanton and Gregory made statements regarding the Motion

EXHIBIT A marked and offered by State's counsel Stanton; objection by Defense counsel Gregory; ordered admitted into evidence over objection only for the purpose of the intent of the statement, not the demeanor of the Defendant.

Respective counsel Stanton and Gregory made further statements.

12:23 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

3:10 p.m. Court reconvened with respective counsel and Defendant present.

Dr. Ole Thienhaus called by Court, sworn; examined by State's counsel; excused.

Defendant made statement regarding statements made on video tape (Exhibit A).

Respective counsel Stanton and Gregory made further statements regarding the Motion.

COURT took matter under advisement.

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STATE VS SIAOSI VANISI (D4)
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TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/11/99

MOTION FOR RELEASE OF PSYCHIATRIC EVALUATIONS

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

STEINHEIMER

Public Defender Steven Gregory and Jeremy Bosler. Reno Newspapers,

DEPT. NO.4

Inc., represented by counsel, Phillip Bartlett.

M. Stone

COURT ENTERED ORDER denying Motion for Self Representation.

(Clerk)

D. Phipps

Request for Stay pending Decision whether or not to file a Writ of

(Reporter)

Mandamus by Defense counsel Gregory; presented argument; objection
and argument by State's counsel Gammick. COURT ENTERED ORDER
denying Request for Stay.

Motion for Release of Psychiatric Evaluations by counsel Bartlett;
presented argument; objection and argument by State's counsel
Gammick; Defense counsel Bosler stood on written Opposition; reply by
counsel Bartlett.

COURT took matter under advisement.

Discussion ensued regarding letter requesting a hearing prior to any in
chambers/closed hearings by Reno Newspapers, Inc.

Motion for Request to be submitted in writing by Defense counsel Gregory.

COURT took motion under advisement.

Request for a Hearing prior to any In chambers/Closed Hearings by
counsel Bartlett. Upon issues involved in the Request, COURT ORDERED
counsel to reduce the request to writing, with responses to follow. If
requested, Court will allow for a shortened Briefing Schedule.

11:00 a.m. Court recessed.

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TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/26/99

EX-PARTE MOTION TO WITHDRAW AS COUNSEL

HONORABLE

District Attorney Richard A. Gammick and Deputy District Attorney David L.

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

STEINHEIMER

Public Defender Steve Gregory and Jeremy Bosler.

DEPT. NO.4

7:00 a.m. Court convened.

M. Stone

Discussion ensued regarding whether or not the Courtroom should be

(Clerk)

sealed for the following proceedings.

E. Nelson

Request for In-Camera Inspection by Defense counsel Gregory; objection

(Reporter)

by State's counsel.

Motion to continue by Representative Mike Henderson, on behalf of Reno
Newspaper, Inc. COURT ENTERED ORDER denying Motion to Continue
upon counsel of record not being present to provide legal basis.

7:15 a.m. Court recessed.

7:21 a.m. Court reconvened with respective counsel and Defendant
present.

Upon finding that an Ex-Parte Hearing is needed for Defense counsel to set
forth the ethical consideration for the Motion, COURT ENTERED ORDER
granting the Request for a sealed hearing.

Court admonished Court Security and personnel as to confidentiality of the
following proceedings.

COURTROOM SEALED.

Motion to Withdraw as Counsel of Record by Defense counsel Gregory
and Bosler; presented argument.

COURT took matter under advisement.

8:15 a.m. Court recessed.

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District Court
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CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
8/30/99	<u>MOTION TO WITHDRAW AS COUNSEL</u>	
HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) E. Nelson (Reporter)	District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender Steve Gregory and Jeremy Bosler. COURT ENTERED ORDER denying Motion to Withdraw as Counsel made by Defense counsel. COURT FURTHER ENTERED ORDER that the Trial is continued for a period of two weeks for Defense counsel to file documents with the Supreme Court of Nevada or be prepared for Trial. State's counsel Gammick made statement. COURT FURTHER ORDERED that all witnesses are held to their subpoenas.	9/13/99 10:00 a.m. Jury Selection 9/20/99 10:00 a.m. Jury Trial

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STATE VS SIAOSI VANISI (04)
District Court
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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/13/99

VOIR DIRE (JURY SELECTION)

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO.4

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant not present, appearance previously waived, being represented by counsel, Public Defender Michael Specchio and Deputies Public Defender Steve Gregory and Jeremy Bosler.

M. Stone

9:58 a.m. Court convened outside the presence of the jury.

(Clerk)

Defense counsel Bosler set forth objections to Question Nos. 4 and 9 of the Juror Questionnaire. State's counsel Gammick made statement. Upon finding that the Defense did not objection to Question No. 4 in the previous trial nor was an objection made in a timely fashion, COURT ENTERED ORDER denying the Request for Modification of the Juror Questionnaire.

E. Nelson

10:05 a.m. Court recessed.

(Reporter)

10:11 a.m. Court reconvened with respective counsel present.

First panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Billbao, Easterly, Hite, Lombardo, Ohotto, Phillips, Prater, Shutts, Simpson and Verneys.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

10:20 a.m. Court recessed.

10:36 a.m. Court reconvened with respective counsel present.

Second panel of prospective jurors present.

Court addressed prospective jurors. Court personnel and respective counsel introduced to the jury panel.

Roll taken of prospective jurors; all present except jurors Basinger, Doreen, Fiechtl, Germano, Leonard, McKittrick, Oberg, Rosa, Salley, Smith and Tsatso.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

First panel of prospective jurors excused to complete Special Juror Instruction "A" and Special Juror Questionnaire.

10:50 a.m. Court recessed.

2:20 p.m. Court reconvened in chambers with District Attorney Gammick and Deputy Public Defender Gregory present via telephone.

Defense counsel Gregory waived Defendant's right to be present.

Court advised counsel as to issues regarding Juror Boynton's Questionnaire.

Defense counsel Gregory set forth objection to release of Juror. State's counsel Gammick presented non-objection to release of Juror. Upon objection by Defense counsel, COURT ENTERED ORDER that Juror Boynton

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STATE VS SIOASI
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DATE, JUDGE

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OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/13/99

VOIR DIRE (JURY SELECTION)

HONORABLE must remain on the Jury Panel.

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

E. Nelson

(Reporter)

AA07224

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES HEARING

CONT'D TO

9/17/99

PRE-TRIAL MOTIONS/STATUS HEARING

HONORABLE

District Attorney Richard Gammick and Deputy District Attorney David

CONNIE

Stanton represented the State. Defendant present with counsel, Deputies

STEINHEIMER

Public Defender Stephen Gregory and Jeremy Bosler.

DEPT. NO.4

Discussion ensued regarding releasing Jurors. Upon stipulation of

M. Stone

respective counsel, COURT ENTERED ORDER releasing Jurors Boynton,

(Clerk)

Faehling and Kidder.

D. Phipps

Defense counsel Bosler informed the Court that he had completed the

(Reporter)

appropriate CLE Classes for the Rule 250 requirements.

Discussion ensued regarding the Exhibits. Defense counsel Gregory
would not stipulate to any evidence being admitted into evidence.

EXHIBITS 40 - 43G marked by State's counsel Gammick.

Discussion ensued regarding stipulations entered during the First Trial.

COURT ORDERED that all previously entered Stipulations shall remain in
effect unless notified otherwise.

Court recessed.

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STATE VS SIAOSI VANISI (D4)
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DATE, JUDGE
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONTD TO

9/20/99

JURY TRIAL

HONORABLE
CONNIE
STEINHEIMER

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender, Steve Gregory and Jeremy Bosler.

DEPT. NO.4

9:53 a.m. Court reconvened outside the presence of the jury.

M. Stone,
(Clerk)

Court canvassed Defendant regarding waiver of presence when Court excused Jurors Boynton, Faehling and Kidder and during side bars during the course of the trial. Defendant waive right.

SNR

Court advised counsel of additional issues with regard to Jurors Carsten, Rameriz, Scrottish and Barrientos. Upon no objections, COURT ENTERED ORDER excusing Jurors Carsten and Rameriz, upon receipt of medical releases.

Discussion ensued regarding the lack of Defense Witnesses. Court advised Defense counsel that Robert Bare, Legal Counsel for the State Bar of Nevada, is available to them for advice anytime during this trial.

Request of In-Camera Hearing by Defense counsel Gregory.

10:01 a.m. Court recessed.

10:11 a.m. Court reconvened with respective Defense counsel Gregory, Bosler and John Petty present.

Defense counsel Petty requested matter sealed. COURT ENTERED ORDER sealing hearing.

Defense counsel made statement regarding the representation of the Defendant.

Matter unsealed. State's counsel Gammick and Stanton present.

Rule of Exclusion invoked. Upon discussion regarding witnesses, COURT ORDERED that all Penalty Phase witnesses and Carolyn and Meghan Sullivan are excluded from the Rule of Exclusion.

Discussion ensued regarding voir dire questions regarding Aggravators and Mitigators. COURT ENTERED ORDER that Defense counsel Bosler may not ask specific questions of each juror in this regard, but may ask a general question of the entire panel.

10:31 a.m. Court recessed.

10:58 a.m. Court reconvened with respective counsel and Defendant present.

Prospective jurors present.

Court personnel, respective counsel and Defendant introduced to the jury panel.

Roll taken of prospective jurors; all present except Barrientos and Doiron.

All prospective jurors sworn as to their qualifications to serve as trial jurors.

Thirty-Six names drawn (James, Kersbergen, Patch, Ziler, N. Jones,

CR98-0516
STATE VS SIAOSI
District Court
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AA07226

DATE, JUDGE
OFFICERS OF

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COURT PRESENT

APPEARANCES-HEARING

CONTD TO

9/20/99

JURY TRIAL

SNR

(Reporter)

Caramella, Grate, Minassian, Mullins, Ralston, Ashley, Sheahan, Sharkey, Bell, Jones, Grider, Johnson, Ayers, O'Keefe, Kruse, Salais, Buck, S. Butler, Scolari, Hodges, Estes, Tower, Carmichael, Hullin, Petrilak, Magnin, Whitmore, Beers-Diaz, Williams, D. Smith and Webb); jurors seated and generally questioned by the Court.

Juror Caramella challenged for cause by Defense counsel Bosler; objection by State's counsel Stanton; examined by the Court; challenge denied.

Jury panel further generally examined by the Court.

Juror Williams challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Lori T. Frazer called, seated and generally examined by Court.

Jury panel further generally examined by the Court.

Upon stipulation of respective counsel, Court excused Juror N. Jones due to language barrier.

Another name drawn. Tish A. Kelly called, seated and generally examined by the Court.

Jury panel further generally examined by the Court.

Upon no objection by respective counsel, Court excused Juror Caramella due to Husband's scheduled surgery.

Juror Grate challenged for cause by Defense counsel Bosler; objection by State's counsel Stanton; examined by the Court; challenge denied.

Another name drawn. Nettie Horner called and seated.

Jury panel further generally examined by the Court.

Juror Sharkey challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. William R. Meyers called and seated.

Jury panel further generally examined by the Court.

Juror O'Keefe challenged for cause by Defense counsel Bosler; traversed by State's counsel Stanton; examined by the Court; challenge denied.

Jury panel further generally examined by the Court.

Juror Hullin challenged for cause by Defense counsel Bosler; objection by State's counsel Stanton; challenge granted.

Another name drawn. Marria L. Knight called and seated.

Jury panel further generally examined by the Court.

Juror Meyer challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Mary E. Callahan called, seated and generally examined by the Court.

DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE THREE APPEARANCES-HEARING	CONT'D TO
9/20/99	<u>JURY TRIAL</u>	
SNR	12:41 p.m. Jury admonished. Court recessed.	
(Reporter)	1:48 p.m. Court reconvened with respective counsel and Defendant present. Clerk called roll; all present, except Juror Gilmore. Upon stipulation of respective counsel, COURT excused Juror Ray. Court waited for the presence of Juror Gilmore. 2:01 p.m. Juror Gilmore present. Jury panel further generally examined by the Court. Upon discussion at the bench, COURT excused Juror Beers-Diaz. Another name drawn. Joann Shively called and seated. Jury panel further generally examined by the Court. Upon discussion at the bench, COURT excused Juror Whitmore. Another name drawn. Donna J. Marting called and seated. Jury panel further generally examined by the Court. Upon direction of the Court, State's counsel Stanton specifically examined the panel. Juror Magnin challenged for cause by State's counsel Stanton; examined by Defense counsel Bosler; challenge granted. Jury panel further specifically examined by State's counsel Stanton. Juror Morris challenged for cause by State's counsel Stanton; no objection by Defense counsel Bosler; challenge granted. Two additional name drawn. Pete S. Costello and Dianne M. Smith called, seated and generally examined by Court. Jury panel further specifically examined by State's counsel Stanton. Juror Kelley challenged for cause by State's counsel Stanton; examined and submitted by Defense counsel Bosler; challenge granted. Jury panel further specifically examined by State's counsel Stanton. Jurors Ashley, Salais and Hodges challenged for cause by State's counsel Stanton; objection by Defense counsel Bosler; challenge granted as to Jurors Ashley and Salais, denied as to Juror Hodges. Three additional names drawn. John E. Kennedy, James D. McMorran and Bruce C. Miller called, seated and generally examined by the Court and State's counsel Stanton. 4:00 p.m. Court recessed. 4:21 p.m. Court reconvened with respective counsel, Defendant and Jurors present. Upon direction of the Court, Defense counsel Bosler specifically examined the panel. Juror Knight challenged for cause by Defense counsel Bosler; traversed by State's counsel Stanton.	

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, a.k.a. "PE", a.k.a. "GEORGE"

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JURY TRIAL

SNR

(Reporter)

4:55 p.m. Jury panel admonished. Court recessed.

5:08 p.m. Court reconvened with respective counsel and Defendant present. Court addressed respective counsel regarding an Instruction regarding Mitigating and Aggravating Circumstances.

Request to Specifically examined the Jury panel regarding Information received from Outside Resources.

Discussion ensued regarding schedule of witnesses and use of peremptory challenges.

5:20 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

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CONTINUED JURY TRIAL

M. Stone

(Clerk)

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

10:29 a.m. Court reconvened.

Clerk called roll; all present.

Court read Instruction regarding Mitigators and Aggravators.

Jury panel further specifically examined by Defense counsel Bosler.

Juror Grate challenged for cause by Defense counsel Bosler; objection and examination by State's counsel Stanton; challenge denied.

Jury panel further specifically examined by Defense counsel Bosler.

12:05 p.m. Jury panel admonished. Court recessed.

1:11 p.m. Court reconvened with respective counsel and Defendant present.

Clerk called roll; all present.

Jury panel further specifically examined Defense counsel Bosler.

Juror O'Keefe challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Connie E. Ryan called, seated and generally examined by the Court and State's counsel Stanton.

Juror Ryan challenged for cause by State's counsel Stanton; no objection by Defense counsel Bosler; challenge granted.

Another name drawn. Kevin M. Stevens called, seated and generally examined by the Court and State's counsel Stanton.

Jury panel further specifically examined by Defense counsel Bosler.

Juror Butler challenged for cause by defense counsel Bosler; examination

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SNR

(Reporter)

and no objection by State's counsel Stanton; challenge granted.

Another name drawn. Shawna L. Mefford called, seated and generally examined by the Court and State's counsel Stanton.

Juror Mefford challenged by State's counsel Stanton; examination by Defense counsel Bosler; challenge granted.

Another name drawn. Raul V. Frias called, seated and generally examined by the Court, State's counsel Stanton and Defense counsel Bosler.

Juror Frias challenged by State's counsel Stanton; examination and objection by State's counsel; challenge granted.

Another name drawn. Susan E. Johnson called, seated and generally examined by the Court.

3:03 p.m. Court recessed.

3:20 p.m. Court reconvened with respective counsel and Defendant present. Motion for Material Witness Order by State's counsel Gammick; present argument. COURT ENTERED ORDER granting Material Witness Warrant and setting the bail at \$50,000.00.

3:23 p.m. Court recessed.

3:31 p.m. Court reconvened with respective counsel, Defendant and Jury panel present.

Juror Johnson specifically examined by State's counsel Stanton.

Jury panel further specifically examined by Defense counsel Bosler.

Juror Petrillak challenged for cause by Defense counsel Bosler; examined and no objection by State's counsel Stanton; challenge granted.

Another name drawn. Kerry L. Humphries called, seated and generally examined by the Court and State's counsel Stanton.

Juror Humphries challenged for cause by Defense counsel Bosler; no objection by State's counsel Stanton; challenge granted.

Another name drawn. Holly R. Jenkins called, seated and generally examined by the Court, State's counsel Stanton and Defense counsel Bosler.

Panel further specifically examined by Defense's counsel Bosler.

Jurors Grate, Ziler and Patch challenged for cause by Defense counsel Bosler; traversed by State's counsel Stanton; challenge denied.

Respective counsel passed the jury panel for cause.

Court thanked and excused un-selected jurors.

4:55 p.m. Jury admonished. Court recessed.

5:15 p.m. Court reconvened with respective counsel and Defendant present.

Respective counsel stipulated to the presence of the jury.

Respective counsel exercised, silently, 8 peremptory challenges each as to the jury and 2 peremptory challenges each as to alternate jury.

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(Reporter)

EXHIBIT G marked by the Court.

The following twelve persons and four alternates were sworn to try this case:

Bonnie K. James

Lauren Ziler

Nettie Horner

Shaylene J. Grate

Jeannette L. Minassian

Larry F. Mullins

James D. McMorran

Michael Sheahan

Alice J. Bell

Leslie C. Johnson

James L. Ayers

Robert T. Buck

Alternates: Richard A. Tower, Shaun L. Carmichael, Pete S. Costello
and Lori T. Frazier

5:50 p.m. Jury admonished; said admonishment administered prior to each recess throughout the trial. Jury excused.

Outside the presence of the jury, Defense counsel Bosler set forth objections to Jury panel as sworn.

Motion for Objection to Jury panel and/or Mis-Trial by Defense counsel Bosler; presented argument; objection and argument by State's counsel. COURT ENTERED ORDER denying Motion.

Discussion ensued Motion for Change of Venue.

5:57 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

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CONTINUED JURY TRIAL

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton. Defendant, Siasos Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

9:11 a.m. Court reconvened outside the presence of the jury.

Court read letter from Juror Ziler.

Juror Ziler entered, seated, examined by Court, and excused.

Defense counsel Bosler objected to the release of the Juror.

State's counsel Stanton had no objection to release of Juror.

COURT ENTERED ORDER releasing the Juror from any further service due to the stress creating a serious mental state.

Defense counsel Bosler did not have a Motion to Mis-Trial to present.

Respective counsel had no objection to Information as shown being read.

9:20 a.m. Court recessed.

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10:13 a.m. Court reconvened with respective counsel and Defendant present.

(Reporter)

Respective counsel stipulated to the presence of the jury.

Court Clerk read the Information aloud and indicated that pleas of not guilty had previously been entered by the defendant.

State's counsel Gammick presented opening statement.

Defense counsel Gregory waived opening statement.

Ellen Clark called by State's counsel Gammick, sworn and testified.

EXHIBIT 9 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Clark further direct examined.

EXHIBITS 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K and 4L offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Clark further direct examined.

EXHIBITS 5 offered by State's counsel Gammick for demonstrative purposes; submitted by Defense counsel Gregory; ordered admitted into evidence for demonstrative purposes only.

Witness Clark further direct examined; excused.

11:18 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

11:34 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Brenda Martinez called by State's counsel Gammick, sworn and testified.

EXHIBIT 7 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Martinez further direct examined.

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(Reporter)

EXHIBITS 41A and 41B offered by State's counsel Gammick; submitted by Defense counsel; ordered admitted into evidence.

Witness Martinez further direct examined.

EXHIBIT 6 offered by State's counsel Gammick; submitted by Defense counsel; ordered admitted into evidence.

Witness Martinez further direct examined; cross-examined by Defense counsel Gregory; excused.

11:56 a.m. Jury admonished. Court recessed. Defendant remanded to the custody of the sheriff.

1:42 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Carl Smith called by State's counsel Gammick, sworn and testified.

EXHIBIT 8 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

***Record reflected identification of the Defendant.

Witness Smith further direct examined.

EXHIBIT 12 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17A offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 10A and 10B offered by State's counsel Gammick; submitted by

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Defense counsel Gregory; ordered admitted into evidence.

(Reporter)

Witness Smith further direct examined.

EXHIBITS 16, 16A and 16B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBITS 14A and 14B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 18 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Smith further direct examined.

EXHIBIT 17B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence,

Witness Smith further direct examined; cross-examined by Defense counsel Gregory; redirect examined; excused.

Andrew Ciocca called by State's counsel Gammick, sworn and testified.

EXHIBIT 17C offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Ciocca further direct examined; excused.

Willie Stephenson called by State's counsel Gammick, sworn and testified.

EXHIBIT 19 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Stephenson further direct examined.

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(Reporter)

EXHIBIT 17D offered by State's counsel Gammick; submitted by defense counsel Gregory; ordered admitted into evidence.

Witness Stephenson further direct examined.

EXHIBIT 30 offered by State's counsel Gammick; stipulated by Defense counsel Gregory; ordered admitted into evidence.

Witness Stevenson further direct examined; excused.

3:27 p.m. Jury admonished. Court recessed.

3:56 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Jeff Riolo called by State's counsel Stanton, sworn and testified.

EXHIBIT 40 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Riolo further direct examined.

EXHIBITS 43A - 43G offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Riolo excused.

Mele Maveni called by State's counsel Stanton, sworn and testified.

EXHIBIT 24A offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Maveni further direct examined; excused, subject to recall.

4:55 a.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued regarding transcript of exhibit 18. Upon no objection of respective counsel, COURT ORDERED exhibit 18 released to State's Investigator for copying. Once tape transcribed, the Transcript shall be marked and admitted into evidence.

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JURY TRIAL

SNR

5:00 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

(Reporter)

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CONTINUED JURY TRIAL

M. Stone

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant present with counsel, Deputies Public Defender, Steve Gregory and Jeremy Bosler.

(Clerk)

SNR

(Reporter)

2:09 p.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Makaleta Kauapalu called by State's counsel Stanton, sworn and testified; excused.

Sateki Taukieuvea called by State's counsel Stanton, sworn and testified.

***Record reflects identification of the Defendant.

Witness Taukieuvea further direct examined; excused.

Renee Peaua called by State's counsel Stanton, sworn and testified.

***Record reflects identification of the Defendant.

Witness Peaua further direct examined; excused, subject to recall.

3:37 p.m. Jury admonished. Court recessed. Defendant remanded into the custody of the Sheriff.

4:06 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Maria Louis called by State's counsel Stanton, sworn and testified.

***Record reflects identification of the Defendant.

Witness Louis further direct examined.

EXHIBITS 23A and 23B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

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HONORABLE Witness Louis further direct.

CONNIE

STEINHEIMER EXHIBIT 27 offered by State's counsel Stanton; submitted by Defense counsel

DEPT. NO.4 Gregory; ordered admitted into evidence.

M. Stone

(Clerk) Witness Louis further direct examined.

SNR

(Reporter) EXHIBIT 24B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Louis further direct examined.

EXHIBIT 26 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Louis further direct examined; cross-examined by defense counsel Gregory; redirect examined; recross-examined; excused.

William Louis called by State's counsel Stanton, sworn and testified.

***Record reflects identification of the Defendant.

Witness Louis further direct examined.

EXHIBITS 20A and 20B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Louis further direct examined; excused.

Priscilla Endemann called by State's counsel Stanton, sworn and testified.

***Record reflects identification of the Defendant.

Witness Endemann further direct examined; excused.

Manouei Peaua called by State's counsel Stanton, sworn and testified.

***Record reflects identification of the Defendant.

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Witness Peaua further direct examined; excused.

(Reporter)

5:05 p.m. Jury admonished and excused. Outside the presence of the jury, Court set forth for the record that when the Defense requested the Court indulgence, Defense counsel was having a conversation with the Defendant. Discussion ensued regarding the admission of exhibits 33A. COURT ORDERED that the Exhibit shall not be admitted in the State's case-in-chief, but may be re-addressed for Rebuttal Witnesses.

5:17 p.m. Court recessed.

CONTINUED JURY TRIAL

9/24/99

M. Stone

(Clerk)

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

9:10 a.m. Court reconvened. Respective counsel stipulated to the presence of the jury.

Jim Duncan called by State's counsel Gammick, sworn and testified.

EXHIBIT 11 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 25 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 21 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined.

EXHIBIT 29A and 29B offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

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COURT PRESENT APPEARANCES-HEARING CONT'D TO

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HONORABLE Witness Duncan further direct examined.
CONNIE
STEINHEIMER EXHIBIT 24C offered by State's counsel Stanton; submitted by Defense
DEPT. NO.4 counsel Gregory; ordered admitted into evidence.
M. Stone
(Clerk) Witness Duncan further direct examined.
SNR
(Reporter) EXHIBIT 15A, 15B and 15C offered by State's counsel Stanton; submitted by
Defense counsel Gregory; ordered admitted into evidence.

Witness Duncan further direct examined; excused.

Fernando Moreira called by State's counsel Gammick.

EXHIBITS 31E and 31F offered by State's counsel Gammick; submitted by
Defense counsel Gregory; ordered admitted into evidence.

Witness Moreira further direct examined.

EXHIBITS 31A and 31B offered by State's counsel Gammick; submitted by
Defense counsel Gregory; exhibit 31A ordered admitted into evidence.

Witness Moreira further direct examined.

EXHIBITS 31C, 31D and 31G offered by State's counsel Gammick; submitted
by Defense counsel Gregory; ordered admitted into evidence.

Witness Moreira further direct examined; excused.

Louis Hill called by State's counsel Gammick, sworn and testified.

EXHIBITS 32A and 32B offered by State's counsel Gammick; submitted by
Defense counsel Gregory; ordered admitted into evidence.

Witness Hill excused.

10:07 a.m. Jury admonished. Court recessed.

10:26 a.m. Court reconvened with respective counsel and Defendant present.
Respective counsel stipulated to the presence of the jury.

AA07239

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Patricia Masito called by State's counsel Gammick, sworn and testified.

(Reporter)

***Record reflects identification of the Defendant.

Witness Masito further direct examined.

EXHIBIT 42 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Masito further direct examined; excused.

Kaleb Bartelheim called by State's counsel Gammick, sworn and testified.

***Record reflects identification of the Defendant.

Witness Bartelheim cross-examined by Defense counsel Gregory; redirect examined; recross-examined; excused.

Dianna Shouse called by State's counsel Gammick, sworn and testified.

***Record reflects identification of the Defendant.

Witness Shouse excused.

10:51 a.m. Jury admonished and excused. Outside the presence of the jury, Court made additional record regarding the Defense's "Court's Indulgence". Discussion ensued regarding Jury Instructions.

10:52 a.m. Court recessed. Defendant remanded into the custody of the Sheriff.

1:24 Court reconvened outside the presence of the jury with respective counsel and Defendant present. Respective counsel and Court settled Jury Instructions. Defendant offered three Instructions; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER marking the Instructions "Defendant's Offered Instructions A, B and C" and denied their use.

Respective counsel had no additional instructions to offer.

Discussion ensued regarding Defense Witnesses. COURT ORDERED the District Attorney's Investigator and the Public Defender's Investigator to meet and exchange contacts with the Defense Witness to assist in locating all

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M. Stone

Witnesses.

(Clerk)

Court advised counsel of Question No. 1 received for a Juror.

SNR

2:18 p.m. Court recessed. Defendant remanded into the custody of the Sheriff.

(Reporter)

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CONTINUED JURY TRIAL

M. Stone

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi present with counsel, Deputies Public Defenders, Stephen Gregory and Jeremy Bosler.

(Clerk)

SNR

9:20 a.m. Court reconvened. Respective counsel stipulated to the presence of the Jury.

(Reporter)

David Kinikini called by State's counsel Stanton, sworn and testified.

EXHIBITS 33C and 33D offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Kinikini further direct examined; excused, subject to recall.

Keith Stevens called by State's counsel, sworn and testified.

***Record reflects identification of Defendant.

Witness Stevens further direct-examined.

EXHIBIT 28 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Stevens further direct-examined; excused.

Craig Meyer called by State's counsel, sworn and testified.

EXHIBITS 34A and 34B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Meyer further direct examined.

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SNR

(Reporter)

EXHIBIT 33B offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Meyer further direct examined.

***Record reflects identification of the Defendant.

Witness Meyer further direct examined; cross-examined; excused.

Vainga Kinikini called by State's counsel Stanton, sworn and testified.

10:39 a.m. Jury admonished. Court recessed.

10:58 a.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

State's counsel notified the Court and Defense counsel that Witness Kinikini is the last State's Witness.

Court canvassed Defendant as to his 5th Amendment Right.

Defendant made statement and waived right to testified.

Court further canvassed the Defendant.

Defense counsel Gregory requested an In-Camera Hearing.

11:03 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Kinikini, heretofore sworn, resumed stand and was further direct examined.

EXHIBITS 15C and 15D offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Kinikini further direct examined; excused.

EXHIBITS 35, 36 and 37 offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence.

State rested.

11:35 a.m. Jury admonished and excused. Outside the presence of the jury, discussion ensued at the Bench.

11:37 a.m. Court recessed. Defendant remanded to the custody of the

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SNR

Sheriff.

(Reporter)

11:52 a.m. Court reconvened in-camera outside the presence of the Jury with Defense counsel Gregory and Bosler and Defendant present.

Discussion ensued regarding the Defense of this case.

Court canvassed the Defendant.

12:06 p.m. Jury entered. State's counsel also entered. Respective counsel stipulated to the presence of the Jury.

Defense counsel Gregory waived opening statement.

Defense rested.

12:09 p.m. Jury admonished and excused. Outside the presence of the jury, further discussion ensued regarding the Jury Instruction.

Defense counsel Bosler had no additional Instructions to offer, with the exception of the Instruction regarding the Defendant's right to not testify.

Respective counsel had no further Instructions or Objections to offer to the Instructions.

12:15 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

1:29 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Court reviewed order of Instructions.

Respective counsel had no further Instructions nor Objections to offer.

Respective counsel had no objection to the Verdict forms.

1:32 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

1:41 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

EXHIBIT 18A (transcript of Exhibit 18) marked and offered by State's counsel Gammick; submitted by Defense counsel Gregory; ordered admitted into evidence, but not to jury.

Court advised respective counsel of the procedure used regarding the evidence that is ammunition.

1:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read answer to Question No. 1 aloud to the Jury.

Court read Instructions to the Jury.

State's counsel Gammick presented opening argument.

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Defense counsel waived answering argument.

(Reporter)

2:38 p.m. Bailiff and Law Clerk sworn and jury retired for deliberations.

Outside the presence of the jury, Court advised counsel of clerical errors in the Instructions.

2:40 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

3:23 p.m. Court reconvened in chambers with respective counsel present.

Defense counsel Gregory waived Defendant's appearance for the purpose of answering a question from the Jury.

Court read Question to counsel. Upon agreement of counsel, COURT ORDERED answer to Question No. 2 delivered to the Jury.

3:30 p.m. Court recessed.

4:31 p.m. Court reconvened with respective counsel and Defendant present.

Respective counsel stipulated to the presence of the jury.

Clerk called Roll.

Jury returned the following verdicts:

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of MURDER.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres
FOREPERSON

Having found the defendant guilty of Murder, you must answer the following question: Was it Murder of the First Degree or Murder of the Second Degree?

X Murder of the First Degree
X Murder of the Second Degree

(Sgd) James L. Ayres
FOREPERSON

If you have found the defendant the defendant guilty of Murder, you must answer the following question: Was a deadly weapon used in the

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SNR

commission of this Murder as defined in these instructions?

(Reporter)

Yes X No

(Sgd) James L. Ayres
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT II. ROBBERY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres
FOREPERSON

If you have found the defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

Yes X No

(Sgd) James L. Ayres
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT III. ROBBERY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres
FOREPERSON

If you have found the defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of

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SNR

(Reporter)

this Robbery as defined in these instructions?

Yes X No

(Sgd) James L. Ayres
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT IV. ROBBERY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres
FOREPERSON

If you have found the defendant guilty of Robbery, you must answer the following question: Was a deadly weapon used in the commission of this Robbery as defined in these instructions?

Yes X No

(Sgd) James L. Ayres
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", GUILTY of COUNT V. GRAND LARCENY.

DATED this 27th day of September, 1999.

(Sgd) James L. Ayres
FOREPERSON

Court inquired of the jurors as a whole if this was the verdict to which they

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SNR agreed and there were no negative responses.
(Reporter) Neither counsel requested the Jury polled.
COURT ORDERED jurors to contact the Court's Chambers on September 28, 1999, between 4:00 p.m. and 5:00 p.m. for further instructions regarding when they must report back to Court for the Penalty Phase of the Trial.
4:50 p.m. Jury admonished and excused. Outside the presence of the jury, COURT ORDERED respective counsel to return to Court on September 28, 1999, at 1:30 p.m. to give the Court a report on the availability of witnesses.

9/28/99 CONTINUED JURY TRIAL
M. Stone District Attorney Richard Gammick and Deputy District Attorney Dave
(Clerk) Stanton represented the State. Defendant, Siasosi Vanisi, present with
SNR counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.
(Reporter) 1:38 p.m. Court reconvened outside the presence of the Jury.
Court advised counsel of her conversations with the Judge handling the
Motions to Compel Witnesses to Testify in San Mateo.
Defense counsel Bosler made statement.
Upon request by State's counsel Gammick and no objection by the
Defense, COURT ENTERED ORDER that the Penalty Phase shall begin on
October 1, 1999, at 9:00 a.m.
COURT FURTHER ENTERED ORDER that respective counsel must submit
their Penalty Phase Instructions to the Court by 4:00 p.m. on September 30,
1999.
Upon Request by State's counsel Gammick, COURT ORDERED Defense
counsel to provide the State with all defense witnesses immediately
following this hearing.
1:55 p.m. Court recessed. Defendant remanded to the custody of the
sheriff.

9/30/99 CONTINUED JURY TRIAL
M. Stone District Attorney Richard Gammick and Deputy District Attorney Dave
(Clerk) Stanton represented the State. Defendant, Siasosi Vanisi, present with
SNR counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.
(Reporter) 3:40 Court reconvened outside the presence of the jury.

AA07247

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SNR

(Reporter)

Court advised respective counsel that all but one witnesses was Ordered by the California Judge to appear for trial.

State's counsel Gammick made statement regarding Defense witnesses.

EXHIBITS H and I marked by State's counsel Gammick.

State's counsel Gammick presented argument regarding Notice and timeliness of Defense Witnesses. Defense counsel Gregory presented argument. State's counsel Gammick presented further argument.

EXHIBIT J marked by State's counsel Gammick.

State's counsel Gammick presented further argument.

UPON COURT ORDER, Defense counsel Gregory presented the names of which Witnesses where to be called and the general topic of their testimony.

Motion in Limine to exclude Defense Witnesses from testifying as to the sentence the Defendant should receive by State's counsel Gammick; presented argument; no objection by Defense counsel Gregory. COURT ENTERED ORDER granting Motion.

State's counsel Stanton provided Court with proposed Jury Instructions. Discussion ensued regarding Victim Impact Statements.

EXHIBITS K & L marked by State's counsel Gammick.

Upon discussion regarding redactions to the Victim Impact Statements, COURT ORDERED counsel to be prepared to argue the issues at 8:30 a.m. on October 1, 1999.

Defense counsel Bosler provided Court with proposed Jury Instructions. Discussion ensued regarding the admissibility of Exhibit 33A. State's counsel put the Defense on notice of potential use of that exhibit. Discussion ensued regarding the photograph taken of the Defendant at the Washoe County Jail.

AA07248

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9/30/99	<u>CONTINUED JURY TRIAL</u>	
SNR (Reporter)	EXHIBIT 44 marked by State's counsel Stanton.	

COURT ENTERED ORDER that in light of all the other evidence the State has against the Defendant, exhibit 44 is not admitted into evidence.

EXHIBIT 45 marked and offered by State's counsel Gammick; objection by Defense counsel Gregory; Court reserved ruling pending review of the video tape and the Defense providing the law their objections are based on.

EXHIBITS 46A - 46E marked and offered by State's counsel Gammick; no objection by Defense counsel Gregory; ordered admitted into evidence upon the testimony.

Discussions ensued regarding the Victim Impact Statements and the testimony of Deputy Ellis.

4:50 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

10/1/99	<u>CONTINUED JURY TRIAL</u>
M. Stone (Clerk)	District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.
SNR (Reporter)	8:30 a.m. Court reconvened outside the presence of the jury. Discussion ensued regarding Victim Impact Statement. Upon no objections, all redactions were made by the Court to Exhibit K by interlineation.

Motion in Limine to exclude State's counsel Gammick of making comments about his law enforcement background during closing arguments by Defense counsel Gregory; presented argument; no objection by State's counsel Stanton. COURT ENTERED ORDER granting Motion.

Upon review of all cases provided by the Defense and arguments made by respective counsel, COURT ENTERED ORDER finding the victim impact

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statements admissible as redacted.

(Reporter)

Defense counsel Gregory made statement regarding the number of
uniformed police officers in the Courtroom.

Court indicated that the number of uniformed Police Officers in the
Courtroom was not noticeable with the number of civilian Persons.

EXHIBIT 47 - 52 marked by Defense counsel Bosler.

9:22 a.m. Jury entered. Respective counsel stipulated to the presence of
the jury.

State's counsel Stanton presented opening statement.

Defense counsel Gregory presented opening statement.

EXHIBITS PREVIOUSLY ADMITTED offered by State's counsel Stanton;
submitted by Defense counsel Gregory; ordered admitted into evidence
for the Penalty Phase.

Michael Wiley called by State's counsel Stanton, sworn and testified;
cross-examined by Defense counsel Gregory.

EXHIBIT 53 marked and offered by Defense counsel Gregory; one
objection by State's counsel Stanton; ordered admitted into evidence.

Witness Wiley further cross-examined; redirect examined; recross-
examined; excused.

David Molnar called by State's counsel Stanton, sworn and testified;
cross-examined by Defense counsel Gregory; excused.

Debra Mann called by State's counsel Stanton, sworn and testified; cross-
examined; excused.

10:39 a.m. Jury admonished. Court recessed.

11:01 a.m. Court reconvened with respective counsel and Defendant
present. Respective counsel stipulated to the presence of the jury.

Deputy James Ellis called by State's counsel, sworn and testified; cross-

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examined by Defense counsel Gregory; excused.

Viangra Kinikini, heretofore sworn, called by State's counsel Stanton and direct examined; cross-examined by Defense counsel Gregory; redirect examined; excused, subject to recall.

11:40 a.m. Jury admonished. Court recessed.

1:09 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Lt. Geoffrey Wise called by State's counsel Stanton, sworn and testified; cross-examined by Defense counsel Gregory; redirect examined; recross-examined; excused.

Sue Millard called by State's counsel Stanton, sworn and testified.

EXHIBIT 46A - 46E offered by State's counsel Stanton; no objection by Defense counsel Gregory; ordered admitted into evidence.

Witness Millard further direct examined; excused.

Steve Sauter called by State's counsel, sworn and testified; excused.

2:16 p.m. Jury admonished. Outside the presence of the jury, Defense counsel Gregory set forth for the record that the last two witnesses and gallery were emotional.

Discussion ensued regarding the Victim impact statement. COURT ORDERED that the word "savagely" be stricken from the statement.

2:30 p.m. Court recessed.

2:45 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Carolyn Sullivan called by State's counsel Stanton, sworn and testified.

EXHIBIT 45 offered by State's counsel Stanton; submitted by Defense counsel Gregory; ordered admitted into evidence.

Witness Sullivan further direct examined.

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3:38 p.m. Jury admonished. Court recessed.

(Reporter)

3:56 p.m. Court reconvened outside the presence of the jury with
respective counsel and Defendant present.

Defense counsel set forth for the record the emotional state of the
witnesses, the Jury and the Audience during last testimony.

3:57 p.m. Jury entered. Respective counsel stipulated to the presence of
the jury.

Witness Sullivan, heretofore sworn, resumed stand and was further direct
examined; excused.

Meaghan Sullivan called by State's counsel Stanton, sworn and testified;
excused.

State's counsel rested.

Sione Peaua called by Defense counsel Bosler, sworn and testified.

EXHIBIT 51B offered by Defense counsel Bosler; no objection by State's
counsel; ordered admitted into evidence.

Witness Peaua cross-examined by State's counsel Stanton; redirect
examined; excused.

Renee Peaua, heretofore sworn, called by Defense counsel Gregory and
direct examined.

EXHIBIT 51A offered by Defense counsel Gregory; no objection by State's
counsel Gammick; ordered admitted into evidence.

Witness further direct- examined; cross-examined; excused.

4:36 Jury admonished and excused. Outside the presence of the jury,
Discussion ensued regarding the schedule of witnesses. Defense counsel
provided the Court and the State with a list of witnesses.

4:40 p.m. Court recessed.

AA07252

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CONTINUED JURY TRIAL

M. Stone

(Clerk)

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney Dave Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Steven Gregory and Jeremy Bosler. 9:40 Court reconvened. Respective counsel stipulated to the presence of the jury.

Matthew McGinn called by Defense counsel Bosler, sworn and testified.

EXHIBIT 52 offered by Defense counsel Bosler; no objection by State's counsel Stanton; ordered admitted into evidence.

Witness McGinn further direct examined.

***Record reflects identification of the Defendant.

Witness McGinn cross-examined by State's counsel Stanton; excused.

LeAnn Jones called by Defense counsel Bosler, sworn and testified; cross-examined by State's counsel Stanton; excused.

Tupouheua Luce called by Defense counsel Bosler, sworn and testified; cross-examined by State's counsel Stanton; excused.

Sitiveni Tafuna called by Defense counsel Bosler, sworn and testified; cross-examined; excused.

Anna Marie Jones called by Defense counsel Bosler, sworn and testified; excused.

Sela Oto Ota DeBruce called by Defense counsel Bosler, sworn and testified; excused.

11:08 a.m. Jury admonished. Court recessed.

11:33 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the Jury.

Nifai Tonga called by Defense counsel Gregory, sworn and testified.

AA07253

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SNR

(Reporter) ***Record reflects identification of the Defendant.

Witness Tonga further direct examined.

EXHIBIT 33A offered by Defense counsel Gregory; no objection by State's counsel Stanton; ordered admitted into evidence.

Witness Tonga further direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

11:59 a.m. Jury admonished and excused. Outside the presence of the jury, Court advised respective counsel that Tui Finau will be sworn to interpret the proceedings for the witnesses if necessary.

12:03 p.m. Court recessed.

1:35 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.

Brian Verna called by Defense counsel Bosler, sworn and testified.

***Record reflects identification of the Defendant.

Witness Verna further direct examined; cross-examined by State's counsel Stanton; excused.

Kurt Krueger called by Defense counsel Bosler, sworn and testified.

EXHIBIT 38 offered by Defense counsel Bosler; no objection by State's counsel Stanton; ordered admitted into evidence.

Witness Krueger further direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

Judith Celeste called by Defense counsel Bosler, sworn and testified.

***Record reflects identification of the Defendant.

Witness Celeste further direct examined; excused.

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(Reporter)

Ole Thienhaus called by Defense counsel Gregory, sworn and testified;
cross-examined by State's counsel Stanton; redirect examined; recross-
examined; further examined by Defense counsel Gregory; excused.

3:04 p.m. Jury admonished and excused. Outside the presence of the jury,
Discussion ensued regarding the Interpreter.

3:05 p.m. Court recessed.

3:30 p.m. Court reconvened outside the presence of the jury with
respective counsel and Defendant present.

Tui Finau sworn to interpret the proceedings for any witness needing the
services.

3:35 p.m. Court recessed.

3:50 p.m. Court reconvened with respective counsel and Defendant
present. Respective counsel stipulated to the presence of the jury.

Deanne Vanacey called by Defense counsel Bosler, sworn and testified;
cross-examined; redirect examined; recross-examined; excused.

Toa Vimahi called by Defense counsel Bosler, assisted by an Interpreter,
sworn and testified; excused.

Louisa Tafuna called by Defense counsel Bosler, sworn and testified;
cross-examined by State's counsel Stanton; excused.

5:02 p.m. Jury admonished and excused. Outside the presence of the jury,
State's counsel Stanton set forth a standing objection to further testimony
regarding the Defendant's Sister's wedding, the custom of raising children
and the use of first names. COURT ENTERED ORDER that all witnesses
must be addressed by their Sir-Names.

5:05 Court recessed.

5:37 p.m. Court reconvened outside the presence of the jury with
respective counsel and Defendant present.

Court set forth order of Instructions. Respective counsel and Court settled
Jury Instructions. Defendant offered five Instructions; presented argument;
objection and argument by State's counsel Stanton. COURT ENTERED
ORDER marking the Instructions "Defendant's Offered Instructions D, E, F,
G and H" and denied use of Offered Instructions D, E and G.

6:24 p.m. Court recessed.

AA07255

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(Reporter)

6:38 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.
Upon review of case law, Respective counsel and Court settled Jury Instructions. COURT ENTERED ORDER denying use of Offered Instructions F and H.
Defendant offered seven additional Instructions; presented argument; objection and argument by State's counsel Stanton. COURT ENTERED ORDER marking the Instructions "Defendant's Offered Instructions I, J, K, L, M, N and O" and denied their use.
Upon arguments, COURT ENTERED ORDER allowing for a modification of Defendant's Offered Instruction H.
Defense counsel Bosler objected to the verdict forms as offered by the State.
7:55 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

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CONTINUED JURY TRIAL

M. Stone

(Clerk)

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant, Siaoosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.
10:41 a.m. Court reconvened. Respective counsel stipulated to the presence of the jury.

Kathy Peaua called by Defense counsel Gregory, sworn and testified.

***Record reflects Identification of the Defendant.

Witness Peaua further direct examined; cross-examined by State's counsel Stanton; excused.

Renee Peaua, heretofore sworn, called by Defense counsel Gregory and direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

Sateki Taukieuvea, heretofore sworn, called by Defense counsel Gregory and direct examined; cross-examined by State's counsel Stanton;

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excused.

(Reporter)

Mele Mauveni, heretofore sworn, called by defense counsel Gregory and direct examined.

11:00 a.m. Jury admonished and excused.

Witness Mauveni examined by State's counsel Gammick; excused.

Motion for Sanctions and a Curative Instruction by State's counsel Gammick; presented argument; objection and argument by Defense counsel Gregory.

COURT HELD matter under abeyance pending receipt of the transcript of Witness Mauveni's direct examination.

11:25 a.m. Court recessed.

11:56 a.m. Court reconvened with respective counsel and defendant present. Respective counsel stipulated to the presence of the jury.

Court admonished and excused jury for lunch.

11:57 a.m. Court recessed.

1:43 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present. Court noted receipt of the Transcript of Witness Mauveni's direct examination.

1:44 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Witness Mauveni, heretofore, resumed stand and was cross-examined by State's counsel Gammick; redirect-examined; recross-examined; further examined by Defense counsel Gregory; excused.

David Kinikini, heretofore sworn, called by Defense counsel Gregory and direct examined; cross-examined by State's counsel Stanton; redirect examined; excused.

Toeumu Tafuna called by Defense counsel Gregory, assisted by an interpreter, sworn and testified; cross-examined by State's counsel Stanton; excused.

Crystal Calderon called by Defense counsel Gregory, sworn and testified;

AA07257

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SNR

cross-examined by State's counsel Gammick; excused.

(Reporter)

Defense rested.

2:27 p.m. Jury admonished and excused. Outside the presence of the jury, COURT canvassed the Defendant as to his right to testify. Defendant advised the Court of his wish to not testify, but make a Statement in Allocation.

2:33 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

David Jenkins called in rebuttal by State's counsel Stanton, sworn and testified; cross-examined by Defense counsel Gregory; redirect examined; excused.

State's counsel rested rebuttal.

3:00 p.m. Jury excused. Outside the presence of the jury, COURT advised the Defendant of the parameters of a Statement in Allocation.

3:03 Court recessed.

3:26 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

Defendant advised Court further of his wish to make a Statement in Allocation.

3:29 p.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Defendant made Statement in Allocation.

3:31 p.m. Jury admonished. Court recessed.

3:53 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present to finalize jury instructions.

Court review order of Instructions.

Defense counsel Bosler withdrew request for 5th Amendment Instruction.

Respective counsel had no further Instruction or Objections to offer.

Defense counsel Bosler had one Verdict form to offer; presented argument; objection and argument by State's counsel Stanton. COURT ORDERED proposed Verdict marked "Defendant Offered Verdict Form P" and denied request.

Upon stipulation of respective counsel, COURT ORDERED packet of

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SNR

(Reporter)

Instructions, Verdict form and all admitted exhibits to be delivered to the jury upon their deliberations.

Discussion ensued regarding whether or not the Guilt Phase Jury Instructions should be delivered to the Jury for their deliberations.

4:30 p.m. Court recessed.

4:54 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.

State's counsel presented the Court with a Corrected Verdict Form.

Upon agreement of counsel, COURT ENTERED ORDER that the Guilt Phase Jury Instructions will not be delivered to the Jury.

5:00 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

10/6/99

CONTINUED JURY TRIAL

M. Stone

(Clerk)

SNR

(Reporter)

District Attorney Richard Gammick and Deputy District Attorney David Stanton represented the State. Defendant, Siasosi Vanisi, present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler.

9:12 a.m. Court reconvened outside the presence of the jury.

Discussion ensued regarding the State's Closing Arguments.

Motion to Seal Courtroom by Defense counsel Gregory; presented argument; objection and argument by State's counsel.

COURT ENTERED ORDER that the State may not commit prosecutorial mis-conduct and that if a person from the gallery leaves the Courtroom they may not re-enter until the next recess.

Court advise counsel of a clerical correction made to Instruction No. 7.

9:17 a.m. Jury entered. Respective counsel stipulated to the presence of the jury.

Court read instructions aloud.

State's counsel Stanton presented opening argument.

Defense counsel Bosler presented answering argument.

EXHIBIT 54 marked and offered at bench conference by Defense counsel Bosler; objection by State's counsel Stanton; denied.

Defense counsel Bosler further presented answering argument.

11:00 a.m. Jury admonished. Court recessed.

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10/5/99	<u>JURY TRIAL</u>
SNR	11:25 a.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury. State's counsel Stanton presented closing argument.
(Reporter)	
	12:05 p.m. Bailiff and Law Clerk sworn and jury retired for deliberations. Outside the presence of the jury, Court advised counsel of clerical errors in the Instructions.
	Court advised gallery that they must leave the fourth floor during the jury's deliberations.
	12:09 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.
	2:31 p.m. Court reconvened outside the presence of the jury with respective counsel and Defendant present.
	Court read Question to counsel. Upon agreement of counsel, COURT ORDERED answer to Question No. 3 delivered to the Jury.
10/6/99	2:39 p.m. Court recessed.
M. Stone	4:07 p.m. Court reconvened with respective counsel and Defendant present. Respective counsel stipulated to the presence of the jury.
(Clerk)	
SNR	Clerk called Roll.
(Reporter)	Jury returned the following verdict:

VERDICT

We, the jury in the above-entitled matter, having previously found the defendant, SIAOSI VANISI, also known as "PE", also known as "GEORGE", guilty of murder in the first degree, find that the following aggravating circumstance exists, to wit:

1. The murder of SGT. GEORGE SULLIVAN was committed by defendant SIAOSI VANISI, also known as "PE", also known as "GEORGE", in the commission of or attempt to commit the crime of Robbery With the Use of a Deadly Weapon.

Yes X No

2. The murder of SGT. GEORGE SULLIVAN was committed by defendant SIAOSI VANISI, also known as "PE", also known as "GEORGE", upon a peace officer who was engaged in the performance of his official

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI a.k.a. "PE", a.k.a.
"GEORGE"

DATE, JUDGE
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APPEARANCES-HEARING

CONT'D TO

10/5/99

JURY TRIAL

SNR

(Reporter)

duty and the defendant knew or reasonably should have known that the victim was a peace officer.

Yes X No

3. The murder involved mutilation of SGT. GEORGE SULLIVAN.

Yes X No

4. The murder of SGT. GEORGE SULLIVAN was committed by defendant SIAOSI VANISI, also known as "PE", also known as "GEORGE", because of the actual or perceived race, color, religion or national origin of SGT. GEORGE SULLIVAN.

Yes No X

The jury further finds that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found, and, therefore, set the penalty to be imposed upon the defendant at DEATH.

DATED this 6th day of October, 1999.

(Sgd) James L. Ayres
FOREPERSON

Court inquired of the jurors as a whole if this was the verdict to which they agreed and there were no negative responses.

Upon motion by defense counsel Gregory, COURT ORDERED THE JURY POLLED. To the question, "Is this your verdict as read?", posed to each of the jurors individually, as to each Defendant, each responded "Yes".

Court thank and excused the Jurors from further jury service.

Motion to Waive PSI by Defense counsel Gregory; presented argument; no objection by State's counsel.

COURT ENTERED ORDER denying motion. The Division of Parole and Probation may contact the Defendant through the Shift Supervisor at the Washoe County Jail. The Defendant may refuse to talk to the Division of Parole and Probation.

COURT ORDERED Defendant referred to Probation Department for PSI on Counts II, III, IV and V and continued for entry of judgment, consideration of probation report and imposition of sentences on Counts I, II, III and IV.

COURT FURTHER ORDERED that the imposition of the Death Sentence shall be held in abeyance pending sentencing on the other charges.

Discussion ensued regarding Motion for Sanctions and Motions for

AA07261

CASE NO. CR98-0516 TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI a.k.a. "PE", a.k.a.
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Prosecutorial Misconduct. COURT ORDERED that all motions must be filed and personally served by October 18, 1999, at 4:00 p.m., all Responses must be filed and personally served by October 22, 1999, at 5:00 p.m., and all Replies must be filed and personally served by October 26, 1999, at 4:00 p.m. If counsel wants oral arguments on the Motions, then Counsel must request an hearing in their pleadings.
4:35 p.m. Court recessed. Defendant remanded to the custody of the sheriff.

11/22/99

10:00 a.m.

Sentencing/
Imposition of
Death
Sentence

AA07262

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SIAOSI VANISI
Dept: 4 Addl Info:

At issue: 00/00/00
Clerk: MB

Trial: 11/22/99 HEARING - SENTENCING

This case is exempt from purge

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1	CURRICULUM VITAE - JEFFREY RIOLO Intro: 11/24/98 Off/Obj:	01	STATE	4	MT
2	U.S. DEPT. OF JUSTICE FEDERAL BUREAU OF INVESTIGATION - QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LAB Intro: 11/24/98 Off/Obj:	01	STATE	4	MT
3	THE EVALUATION OF FORENSIC DNA EVIDENCE BY NATIONAL RESEARCH COUNCIL Intro: 11/24/98 Off/Obj:	01	STATE	4	MT
4.A	PIECE OF PAPER ACCIDENTIALLY MARKED Intro: 11/24/98 Off/Obj: Disp: E01 11/24/98 WITHDRAWN	01	STATE	4	MT
4.B	PHOTOGRAPH - FACE OF VICTIM Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ. Loc: EXHIBIT ROOM	01	STATE	4	MT
4.C	PHOTOGRAPH - LEFT HAND OF VICTIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.D	PHOTOGRAPH - TOP OF HEAD OF VICTIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.E	PHOTOGRAPH - RIGHT CHEEK OF VICTIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.F	PHOTOGRAPH - TOP OF HEAD Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.G	PHOTOGRAPH - TOP OF HEAD Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.H	PHOTOGRAPH - TOP OF HEAD Intro: 01/09/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.I	PHOTOGRAPH - MOUTH OF VICTIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.J	PHOTOGRAPH - LEFT EYE OF VICTIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.K	PHOTOGRAPH - RIGHT FACE OF VICTIM Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
4.L	PHOTOGRAPH - TOP Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
5	HATCHET (DEMONSTRATIVE) Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
6	COMPOSITE BY BRENDA MARTINEZ Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
7	DIAGRAM - AERIAL PHOTOGRAPH Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
8	MAP OF AREA Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

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FULL CASE HISTORY

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Title: STATE OF NEVADA

VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
9	PHOTOGRAPH - SGT. GEORGE SULLIVAN Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
10.A	PHOTOGRAPH - VICTIM'S WEB BELT Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
10.B	PHOTOGRAPH - VICTIM'S RADIO Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
11	DEFENDANT'S MAROON LEATHER COAT Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
12	BLACK LEATHER NOTEBOOK OF VICTIMS Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
13	FI CARD BY VICTIM OF WOOD Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
14.A	VICTIMS GLASSES Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
14.B	ENVELOPE WITH GLASSES LENS Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
15.A	VICTIM'S MODEL 21 GLOCK 45 Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
15.B	GLOCK MAGAZINE WITH AMMO Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
15.C	13 ROUNDS OF AMMUNITION FROM MAGAZINE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
15.D	1 ROUND OF AMMUNITION FROM MAGAZINE Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
16	BOX CONTAINING WHITE PLASTIC BAG W/ VICTIM'S GUN BELT AND EQUIPMENT Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
16.A	RADIO OF VICTIM Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
16.B	FLASHLIGHT OF VICTIM Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.A	PHOTOGRAPH - CRIME SCENE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.B	PHOTOGRAPH - UNR SCENE & TELEPHONE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.C	PHOTOGRAPH - INSIDE OF VICTIM'S CAR WITH COFFEE CUP Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
17.D	PHOTOGRAPH - CAR WITH RED YARN MARKING SPOTS ON GROUND Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18	RPD DISPATCH TAPE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
18.A	TRANSCRIPT OF RPD 911 DISPATCH TAPE Intro: 09/27/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
19	CRIME SCENE VIDEO Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
20.A	PHOTOGRAPH - HATCHET Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

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FULL CASE HISTORY

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Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
20.B	PHOTOGRAPH - CLOSEUP OF HATCHET	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/23/99	
21	HATCHET	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
22	PHOTOGRAPH - WHITE PLASTIC BAG	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
23.A	PHOTOGRAPH - JACKET	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/23/99	
23.B	PHOTOGRAPH - JACKET & GLOVE	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/23/99	
24.A	PHOTOGRAPH - DEFENDANT BEFOR TRIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/22/99	
24.B	PHOTOGRAPH - DEFENDANT AFTER TRIM	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/23/99	
24.C	PHOTOGRAPH - BOOKING OF DEFENDANT	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
24.D	PHOTOGRAPH - DEFENDANT'S PASSPORT	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj:		Admit:	00/00/00	
25	DEFENDANT'S TAN LEATHER GLOVES	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
26	PHOTOGRAPH - WHITE PLASTIC BAG AT 1098 ROCK	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/23/99	
27	PHOTOGRAPH - DEFENDANT IN JACKSON'S FOOD MART	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/23/99	
28	PHOTOGRAPH - GUN IN SLC	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/27/99	
29.A	PHOTOGRAPH - DEFENDANT'S CLOTHES FROM SLC	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
29.B	PHOTOGRAPH - DEFENDANT'S CLOTHES FROM SLC	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
30	DNA TABLES AND RESULTS	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/22/99	
31.A	PHOTOGRAPH - BEANIE	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
31.B	PHOTOGRAPH - BEANIE	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/		Admit:	00/00/00	
31.C	PHOTOGRAPH - WIG	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
31.D	PHOTOGRAPH - WIG	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
31.E	PHOTOGRAPH - ORR DITCH	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	
31.F	PHOTOGRAPH - BEANIE IN ORR DITCH	01	STATE	4	MT
	Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/24/99	

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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

11/02/99 10:26

FULL CASE HISTORY

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Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
31.G	PHOTOGRAPH - WIG IN ORR DITCH Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
32.A	PHOTOGRAPH - CAR WITH COVER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
32.B	PHOTOGRAPH - CAR WITHOUT COVER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.A	PHOTOGRAPH - INSIDE OF KINIKINI HOUSE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.B	PHOTOGRAPH - INSIDE OF KINIKINI HOUSE HALL Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.C	PHOTOGRAPH - KINIKINI HOME/GARAGE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
33.D	PHOTOGRAPH - KINIKINI HOME/INSIDE GARAGE Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
34.A	PHOTOGRAPH - SWAT OFFICER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
34.B	PHOTOGRAPH - SWAT OFFICER Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
35	STIPULATION REGARDING THE CHAIN OF CUSTODY Intro: 01/08/99 Off/Obj:	01	STATE	4	MT
36	JANUARY 1998 CALENDAR Intro: 01/08/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
37	TIMES OF EVENTS Intro: 01/13/99 Off/Obj:	01	STATE	4	MT
38	OVERHEAD TRANSPARENCY - PHOTOGRAPHS OF DEFENDANT IN HIGH SCHOOL Intro: 01/13/99 Off/Obj: OFF'D/NO OBJ.	01	DEF:	4	MT
39	STIPULATION DATED 1/14/99 Intro: 01/14/99 Off/Obj:	01	STATE	4	MT
40	BLOW-UP Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
41.A	PHOTOGRAPH OF DOG Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
41.B	PHOTOGRAPH OF DOG Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
42	VIDEO TAPE OF 7-11 ROBBERY Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.A	"DNA" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.B	"WHERE CAN DNA BE FOUND" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.C	"WHERE DOES DNA COME FROM?" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.D	"DNA - THE MOLECULE" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT
43.E	"ISOLATION" Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.	01	STATE	4	MT

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Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
43.F	"AMPLIFICATION - THE CYCLES"	01	STATE	4	MT
	Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/22/99	
43.G	"PCR - SEQUENCE DETECTION"	01	STATE	4	MT
	Intro: 09/17/99 Off/Obj: OFF'D/NO OBJ.		Admit:	09/22/99	
44	PHOTOGRAPH OF DEFENDANT AT WCJ	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj:		Admit:	00/00/00	
45	VIDEO OF VICTIM'S FAMILY GATHERINGS	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.A	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.B	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.C	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.D	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
46.E	PHOTOGRAPH OF VICTIM	01	STATE	4	MT
	Intro: 09/30/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
47	CERTIFICATE FOR FRESH-SOPH TRACK & FIELD	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
48	CERTIFICATE FRESH-SOPH WRESTLING	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
49	CERTIFICATE VARSITY FOOTBALL 87-88	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
50	CERTIFICATE VASITY FOOTBALL 88-89	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
51.A	PHOTOGRAPH OF DEFENDANT	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
51.B	PHOTOGRAPH OF DEFENDANT	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
51.C	PHOTOGRAPH OF DEFENDANT	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj:		Admit:	00/00/00	
52	PHOTOGRAPH - CAPUCHINO HIGH SCHOOL 86-87 FOOTBALL TEAM	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/04/99	
53	DIAGRAM DRAWN BY WITNESS WILEY	01	DEF:	4	MT
	Intro: 10/01/99 Off/Obj: OFF'D/NO OBJ.		Admit:	10/01/99	
54	DIAGRAM WITH QUOTES FROM KERRY KENNEDY CUOMO, AND CORETTA SCOTT KING	01	DEF:	4	MT
	Intro: 10/06/99 Off/Obj: OFF'D/OBJ.SUSTAINED		Admit:	00/00/00	
A	PSYCHIATRIC EVALUATION BY DR. PHILIP RICH	04	COURT	4	MT
	Intro: 11/06/98 Off/Obj: ADMITTED		Admit:	11/06/98	
A	UTAH WITNESS LIST	071	STATE	4	MT
	Intro: 11/24/98 Off/Obj: OFF'D/NO OBJ.		Admit:	11/24/98	
A	RPD TRANSCRIPT OF CHAITRA HANKE DATE 1/13/98 (EXHIBIT TO MTN FOR MISTRIAL)	071	STATE	4	MT
	Intro: 01/15/99 Off/Obj: OFF'D/NO OBJ.		Admit:	01/15/99	

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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

11/02/99 10:26

FULL CASE HISTORY

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Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL

Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
A	JURY LIST Intro: 01/04/99 Off/Obj: STIP.	04	COURT	4	MT
B	PSYCHIATRIC EVALUATION BY DR. RICHARD LEWIS Intro: 11/06/98 Off/Obj: ADMITTED Disp: E01 01/19/99 RELEASED PER COURT ORDER	04	COURT	4	MT
B	LIST OF ABSENT JURORS Intro: 01/07/99 Off/Obj: NO OBJ.	04	COURT	4	MT
B	AUDIO TAPE OF STATEMENT BY CHAITRA HANKE (EXH. TO MTN FOR MISTRIAL) Intro: 01/15/99 Off/Obj: OFF'D/NO OBJ.	071	STATE	4	MT
C	VIDEO TAPE OF STATEMENT BY CHAITRA HANKE (EXH. TO MTN FOR MISTRIAL) Intro: 01/15/99 Off/Obj: OFF'D/NO OBJ. Disp: E01 01/19/99 RELEASED PER COURT ORDER	071	STATE	4	MT
C	DEFENSE'S VOIR DIRE QUESTIONS (PROPOSED) Intro: 01/09/99 Off/Obj:	04	COURT	4	MT
D	JURY SELECTION PEREMPTORY CHALLENGES Intro: 01/12/99 Off/Obj: STIPULATED	04	COURT	4	MT
F	BACKGROUND SEARCH INFORMATION TRIAL #2 Intro: 09/20/99 Off/Obj: STIPULATED	04	STATE	4	MT
F	MEMORANDUM TO GAMMICK/STANTON FROM BOSLER/GREGORY - LIST OF MITIGATION WITNESSES Intro: 09/30/99 Off/Obj: OFF'D	04	STATE	4	MT
G	PEREMPTORY CHALLENGES TRIAL #2 Intro: 09/21/99 Off/Obj: STIPULATED	04	COURT	4	MT
H	WASHOE COUNTY PUBLIC DEFENDER PEOPLE VS. SIAOSI VANISI WITNESS LIST Intro: 09/30/99 Off/Obj: OFF'D	04	STATE	4	MT
I	E-MAIL TO STANTON FROM CRYSTAL CALDERON RE: TWO WITNESSES Intro: 09/30/99 Off/Obj: OFF'D	04	STATE	4	MT
J	E-MAIL TO GAMMICK/STANTON FROM SPECCHIO RE: WITNESSES/EXHIBITS Intro: 09/30/99 Off/Obj: OFF'D/	04	STATE	4	MT
K	VICTIM IMPACT STATEMENT BY CAROLYN SULLIVAN - REDATED 10/1/99 Intro: 09/30/99 Off/Obj: OFF'D/OBJECTION	04	STATE	4	MT
L	VICTIM IMPACT STATEMENT BY DEBRA MANN Intro: 09/30/99 Off/Obj: OFF'D/OBJ.	04	STATE	4	MT
M	DOCUMENTS SENT TO THE SUPREME COURT PURSUANT TO ORDER DATED 9/9/99 Intro: 09/15/99 Off/Obj:	04	COURT	4	MT
V.1	SCR 250 TIME RECORD BY MICHAEL R. SPECCHIO Intro: 06/23/99 Off/Obj:	071	DEF:	4	MT

AA07268

Case No: CR98-0516 Filed: 02/24/98 Type: CRIMINAL
Title: STATE OF NEVADA VS. SIAOSI VANISI

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
AA	WCSO MEMORANDUM REGARDING DEFENDANTS BEHAVIOR IN THE WCJ	04	STATE	4	MT
	Intro: 05/12/99 Off/Obj:				Admit: 00/00/00
A1-A150	JURY QUESTIONIONNAIRES (JURY SELECTION)	04	COURT	4	MT
	Intro: 01/04/99 Off/Obj: STIP.				Admit: 01/04/99
E1-E144	JUROR QUESTIONNAIRES FROM TRIAL #2	04	COURT	4	MT
	Intro: 09/13/99 Off/Obj: STIPULATED				Admit: 09/13/99

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI also known as
"GEORGE", also known as "PE"

DATE, JUDGE
OFFICERS OF

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/22/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO.4

District Attorney Richard Gammick represented the State. Defendant present with counsel, Deputies Public Defender, Stephen Gregory and Jeremy Bosler. Probation Officer Robert Tucker also present.

M. Stone
(Clerk)
E. Nelson
(Reporter)

Court noted receipt of report. Defense counsel Gregory had no factual corrections to the report and submitted matter on the Report. State's counsel concurred with the recommendation. Probation Officer Tucker stood on recommendation. Respective counsel made statement regarding entry of the Order for Execution. Defendant declined to make a statement on his own behalf.

COURT ORDERED JUDGMENT ENTERED and sentenced defendant to the punishment of Death for Count I; by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with a consecutive like term for the use of a deadly weapon, for Count II, to be served consecutively to sentence in Count I; by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with a consecutive like term for the use of a firearm, for Count III, to be served consecutively to sentences in Counts I and II; by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred eighty (180) months with the minimum parole eligibility of seventy-two (72) months, with a consecutive like term for the use of a firearm, for Count IV, to be served consecutively to sentences in Counts I, II and III; and by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred twenty (120) months with the minimum parole eligibility of forty-eight (48) months, for Count V, to be served consecutively to sentences in Counts I, II, III and IV. Defendant shall receive credit for six hundred sixty seven (667) days time served.

Defendant is further punished by payment of a fine in the amount of Ten Thousand Dollars (\$10,000.00); and by submission to a DNA Analysis Test for the purpose of determining genetic markers. Defendant shall reimburse the Washoe County Public Defender attorney's fees in the amount of Seven Hundred Fifty Dollars (\$750.00). Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee and a Two Hundred Fifty Dollar (\$250.00) DNA analysis fee to the Clerk of the Second Judicial District Court.

CR98-0516
STATE VS SIAOSI VANISI (04)
District Court
Washoe County
DC-9900020820-085
2 Pages
11/22/1999 10:00 AM
MIN
TWITE

AA07270

CASE NO. CR98-0516

TITLE: THE STATE OF NEVADA VS. SIAOSI VANISI, also known as
"GEORGE", also known as "PE"

DATE, JUDGE
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/22/99

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

COURT FURTHER ORDERED that the sentence of Death take place during
the week commencing on Monday, the 24th day of January, 2000.

CONNIE

STEINHEIMER

Upon request by defense counsel, COURT ENTERED ORDER staying
execution pending direct appeal.

DEPT. NO.4

M. Stone

(Clerk)

E. Nelson

(Reporter)

FILED

Electronically

01-13-2014:02:10:16 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 4252949

CASE NO. CR98-0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA
(POST CONVICTION PROCEEDINGS)

**DATE, JUDGE
OFFICERS OF**

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

12/5/13

PETITION FOR WRIT OF HABEAS CORPUS (POST

HONORABLE

CONVICTION)/ONGOING MOTION TO DISMISS – DAY 1

CONNIE

Deputies Federal Public Defenders Gary Taylor, Esq., and Tiffani Hurst,

STEINHEIMER

Esq., represented the Petitioner. Chief Deputy District Attorney Terrence

DEPT. NO.4

McCarthy, Esq., represented the State.

M. Stone

Petitioner's counsel Taylor advised the Court that the Petitioner continues to

(Clerk)

waive his appearance at these proceedings.

S. Loder

(Reporter)

***Upon request of counsel, **COURT** took judicial notice of all the previous proceedings associated with this case.

Thomas Qualls called by Petitioner's counsel Taylor, sworn and testified.

EXHIBIT 213 offered by Petitioner's counsel Taylor. **COURT** took judicial notice of such exhibit.

Witness Qualls further direct examined.

EXHIBIT 201 offered by Petitioner's counsel Taylor; no objection by State's counsel; ordered admitted into evidence.

Witness Qualls further direct examined.

EXHIBITS 214 – 220 offered by Petitioner's counsel Taylor; upon the presentation of an offer of proof, no objection by State's counsel; ordered admitted into evidence.

Witness Qualls further direct examined.

EXHIBIT 178 offered by Petitioner's counsel Taylor; objection by State's counsel; **COURT** took judicial notice of such exhibit.

Witness Qualls further direct examined.

EXHIBIT 205 offered by Petitioner's counsel Taylor; no objection by State's counsel; ordered admitted into evidence.

Witness Qualls further direct examined.

AA07272

CASE NO. CR98-0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA
(POST CONVICTION PROCEEDINGS)

DATE, JUDGE
OFFICERS OF
COURT PRESENT

PAGE TWO

APPEARANCES-HEARING

CONT'D TO

12/5/13
S. Loder
(Reporter)

PETITION FOR WRIT OF HABEAS CORPUS (POST
CONVICTION)/ONGOING MOTION TO DISMISS – DAY 1

12/6/13
9:00 a.m.
Ongoing
Hearing

EXHIBIT 192 offered by Petitioner's counsel Taylor; no objection by State's counsel; ordered admitted into evidence.

Stipulation to Admit Exhibits 42 – 199, unless previously offered, entered into by respective counsel. Based on such stipulation, **EXHIBITS 42, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 149, 150, 151, 152, 153, 155, 156, 163, 164, 173, 179, 180, 181, 195, 196, 197, 198 and 199** ordered admitted into evidence not for the truthfulness of the matters contained within, but for the Witnesses to assume that it is truthful.

3:15 p.m. Court recessed.

3:38 p.m. Court reconvened with respective counsel present.

EXHIBIT 223 marked by Petitioner's counsel Taylor.

Witness Qualls, heretofore sworn, resumed stand and was further direct examined.

EXHIBIT 223 offered by Petitioner's counsel Taylor; objection by State's counsel; further offer by Petitioner's counsel; objection sustained.

Witness Qualls further direct examined; cross-examined; redirect examined; excused, subject to recall.

4:57 p.m. Court recessed until 9:00 a.m. on December 6, 2013.

AA07273

CASE NO. CR98-0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA
(POST CONVICTION PROCEEDINGS)

FILED

Electronically
01-13-2014:02:33:20 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4253109

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

12/6/13

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

S. Culp

(Reporter)

**PETITION FOR WRIT OF HABEAS CORPUS (POST
CONVICTION)/ONGOING MOTION TO DISMISS – DAY 2**

Deputies Federal Public Defenders Gary Taylor, Esq., and Tiffani Hurst, Esq., represented the Petitioner. Chief Deputy District Attorney Terrence McCarthy, Esq., represented the State.

9:15 a.m. Court convened.

Scott Edwards called by Petitioner's counsel Taylor, sworn and testified.

EXHIBIT 200 offered by Petitioner's counsel Taylor; objection by State's counsel; objection as to hearsay sustained.

Witness Edwards further direct examined; cross-examined; redirect examined.

EXHIBIT 224 marked Petitioner's counsel Taylor.

Witness Edwards further redirect examined.

EXHIBIT 224 offered by Petitioner's counsel Taylor; no objection by State's counsel; ordered admitted into evidence.

Witness Edwards further redirect examined.

10:35 a.m. Court recessed.

11:00 a.m. Court reconvened with respective counsel present.

Witness Edwards, heretofore sworn, resumed stand and was further redirect examined.

EXHIBIT 220 re-offered by Petitioner's counsel Taylor; no objection by State's counsel; ordered admitted into evidence.

Witness Edwards further redirect examined; recross-examined; excused.

Petitioner rested.

State's counsel had no evidence to present.

State's counsel presented opening argument.

Petitioner's counsel Hurst presented answering argument.

State's counsel presented closing argument.

COURT took matter under advisement.

AA07274

FILED
Electronically
2014-03-10 04:44:52 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4336860

CASE NO. CR98-0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA
(POST CONVICTION PROCEEDINGS)

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/4/14 **(TELEPHONIC) DECISION - PETITION FOR WRIT OF HABEAS CORPUS**
HONORABLE **(POST CONVICTION)/ONGOING MOTION TO DISMISS**
CONNIE Deputies Federal Public Defenders Gary Taylor, Esq., and Tiffani Hurst,
STEINHEIMER Esq., represented the Petitioner. Chief Deputy District Attorney Terrence
DEPT. NO.4 McCarthy, Esq., represented the State.
M. Stone Having reviewed the pleadings filed by each side and having reviewed the
(Clerk) testimony and evidence presented at the evidentiary hearing, the Court
S. Loder finds that the arguments presented by the State that Post Conviction
(Reporter) Counsel did not fall below an objective standard of reasonableness in the
Petitioner's first Petition for Writ of Habeas Corpus Post Conviction. The
Court further finds that the testimony from Mr. Edwards regarding the
Psychological expert was the best evidence of the prevailing norm in this
area and further, that the time spent by Post Conviction Counsel in
preparing the Supplement to the Petitioner's First Petition was reasonable
and did not fall below the standard of professional norm for this area. Based
on those findings, **COURT ENTERED ORDER** granting the State's Motion
to Dismiss the instant Petition as it is before the Court untimely, is abusive,
is successive and is without excuse for delay.
State's counsel shall prepare the Order in accordance with the above
decision.

AA07275

CASE NO. CR98P0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/1/02

STATUS HEARING - IN CHAMBERS

HONORABLE

Counsel Marc Picker, Esq., represented the Petitioner. Deputy District Attorney

CONNIE

Terrence McCarthy, Esq., represented the State.

STEINHEIMER

Petitioner's counsel advised Court of delaying the Discovery of this Case and receipt of Rule 250 Memorandum.

DEPT. NO.4

M. Stone

(Clerk)

EXHIBIT Z1 marked by Petitioner's counsel.

Not Reported

State's counsel made statement.

COURT ADVISED counsel that if issues continue as to the receipt of records, a records deposition may be allowed.

CR98P0516
DC-9900020820-084
POST. SIAOSI VANISI (D4)
District Court 07/01/2002 03 30 PM
Washoe County
MTN
TWITE

AA07276

CASE NO. CR98P0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/29/03

MOTION TO RELIEVE COUNSEL (CONFERENCE CALL)

HONORABLE

Counsel Mark Picker, Esq., and Scott Edwards, Esq., represented the Petitioner.

2/5/03

CONNIE

Deputy District Attorney Terrence McCarthy, Esq. represented the State.

3:30 p.m.

STEINHEIMER

Motion to Relieve counsel by Petitioner's counsel Picker; presented argument;

Mtn to

DEPT. NO.4

objection and argument by State's counsel. Discussion ensued regarding ability to obtain additional co-counsel.

Withdraw

M. Stone

(Clerk)

COURT ORDERED Petitioner's counsel to attempt to locate an Attorney to be co-counsel in this case; and continued Motion to Relieve counsel.

Counsel

E. Nelson

(Reporter)

CR98P0516
DC-9900020920-083
POST: SIAOSI VANISI (D4)
District Court 01/29/2003 02:30 PM
Washoe County
MIN
TWITE

AA07277

CASE NO. CR98P0516

TITLE: SIAOSI VANISIVS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/5/03

CONFERENCE CALL - MOTION TO WITHDRAW AS COUNSEL

HONORABLE

Counsel Marc Picker, Esq., and Scott Edwards, Esq., represented the Petitioner.

CONNIE

Deputy District Attorney Gary Hadlestad, Esq., represented the State.

STEINHEIMER

Petitioner's counsel Edwards advised the Court that he was willing to proceed with

DEPT. NO.4

the case with Paralegal assistance. State's counsel had no objection.

M. Stone

COURT ENTERED ORDER granting the Motion to Withdraw as Counsel by

(Clerk)

Petitioner's counsel Picker; and allowing for interim billing.

K. Murray

Counsel Edwards to contact the State Public Defender's office to for approval of

(Reporter)

paralegal fees.

CR98P0516
DC-9900020820-082
POST - SIAOSI VANISIVS (D4)
District Court
Washoe County
MIN
TWHITF
02/05/2003 03:30 PM

AA07278

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
11/22/04 HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) M. Ferrell (Reporter)	PETITION FOR POST CONVICTION Petitioner, Siaoosi Vanisi, present with counsel, Scott Edwards, Esq., and Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq. Motion for Psychiatric Evaluation of Petitioner and Stay of Proceedings by Petitioner's counsel Edwards; presented argument. EXHIBIT A and B marked and offered by Petitioner's counsel Edwards; objection and argument by State's counsel; ordered admitted into evidence of over objection. Further argument by Petitioner's counsel Edwards; objection and argument by State's counsel; reply by Petitioner's counsel Qualls; further argument by respective counsel. COURT ENTERED ORDER granting Petitioner's Motion for Psychiatric Evaluation for determination of whether the Petitioner is competent to aid and assist counsel in the preparation of the Petition and whether the Petitioner is competent to testify as a Witness in these proceedings; denying Petitioner's Motion for Transfer to Lake's Crossing; granting Petitioner's Motion for Stay pending outcome of Psychiatric Evaluations; and denying Petitioner's Motion for Permanent Stay. Motion for Petitioner's counsel to file the Supplemental Petition as to Claims that do not need the Petitioner's assistance or competency by State's counsel; presented argument; objection and argument by Petitioner's counsel Edwards. COURT ORDERED Petitioner's counsel to prepare and have a Supplemental Petition ready for filing at the next hearing.	1/27/05 2:00 p.m. RPT ON PSYCH. EVAL.

CR98P0516
DC-9900020820-081
POST: SIAOSI VANISI (D4)
District Court 11/22/2004 08:36 AM
Washoe County
MIN
TWILITE

AA07279

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
1/19/05 HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) J.Schonlau (Reporter)	TELEPHONIC CONFERENCE RE: LETTER FROM DR. A.M. AMEZAGA Petitioner Siaosi Vanisi, not present being represented by counsel, Scott Edwards, Esq. Deputy District Attorney Terrence McCarthy, Esq. Court advised counsel of Letter received by Dr. A.M. Amezaga requesting access to the Petitioner's medical records at the Nevada State Prison. EXHIBIT C marked by the Court; no objection respective counsel; ordered admitted into evidence under seal.	

COURT ENTERED ORDER that Petitioner's counsel shall facsimile a copy of the Original Order entered that allowed for access to the Petitioner's medical records at the Nevada State Prison.
COURT further advised counsel that the Clerk would have the copies of previously marked Exhibit A available for counsel by the end of the week. Upon discussion regarding the testimony of the Doctors at the hearing scheduled on January 27, 2005, and request of Petitioner's counsel, COURT ENTERED ORDER requiring the Doctors to be present and that the bill for testimony shall be sent to Petitioner's counsel and paid by the State Public Defender.

CR98P0516
POST: SIAOSI VANISI (D4)
District Court
Washoe County
DC-9900020829-079
Page
01/19/2005 02:00 PM
MIN
THITE

AA07280

[illegible]

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
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1/24/05 IN CHAMBERS CONFERENCE REGARDING LETTER FROM DR. A.M.

HONORABLE AMEZAGA, JR.

CONNIE Petitioner, whose appearance was waived upon this being a procedural
STEINHEIMER hearing, not present being represented by counsel Scott Edwards, Esq.,
DEPT. NO.4 and Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy,
M. Stone Esq., represented the State.
(Clerk) Court advised counsel of Letter from Dr. Amezaga indicating the Petitioner's
D. Arnaud unwillingness to meet for evaluation.
(Reporter) Discussion ensued regarding the Findings of Dr. Bittker.

Motion to Vacate Hearing, change medications pursuant to Dr. Bittker's
Report, and have the Defendant re-evaluation in 90 days by Petitioner's
counsel Qualls; presented argument; objection and argument by State's
counsel.

COURT ENTERED ORDER denying continuance of hearing and denying
motion for change of medication.

Upon further discussions, Petitioner's counsel shall contact client and
advise him of the importance of the evaluation by Dr. Amezaga; and Dr.
Amezaga shall attempt to meet with the Defendant one more time and
evaluate him.

COURT FURTHER ENTERED ORDER that the hearing on January 31,
2005, shall proceed as scheduled. If necessary it may be bifurcated to hear
Dr. Amezaga's report at a later date.

CR98P0516
POST: SIAOSI VANISI (D4)
District Court
Washoe County
01/24/2005 02:00 PM
MIN
TWITE

AA07282

CASE NO. CR98P0516 **TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA**

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

1/27/05

REPORT ON PSYCHIATRIC EVALUATION

HONORABLE

Petitioner present with counsel Scott Edwards, Esq. Deputy District

CONNIE

Attorney Terrence McCarthy, Esq., represented the State.

STEINHEIMER

Court noted receipt of Evaluation from Dr. Thomas Bittker.

DEPT. NO.4

M. Stone

EXHIBIT D marked by Court; offered by Defense counsel; no objection by State's counsel; ordered admitted into evidence under seal.

(Clerk)

D. Arnaud

(Reporter)

Dr. Thomas Bittker called by Petitioner's counsel Edwards, sworn and testified; cross-examined.

2:50 p.m. Petitioner's counsel Thomas Qualls, Esq., present.

Dr. Bittker further cross-examined; redirect examined; recross-examined; excused.

Motion to Bifurcate Hearing by Defense counsel; objection and argument by State's counsel. COURT ENTERED ORDER granting Motion and continued hearing for report from Dr. Amezaga.

2/18/05

1:30 p.m.

Rpt on

Psych. Eval.

CR98P0516 DC-9900026820-077
POST. SIAOSI VANISI (04) Page
District Court 01/27/2005 01:30 PM
Washoe County MIN
THITE
MIN

AA07283

DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE ONE	CONT'D TO
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2/18/05 **REPORT ON PSYCHIATRIC EVALUATION**

HONORABLE Petitioner present with counsel Scott Edwards, Esq., and Thomas Qualls,
CONNIE Esq. Deputy District Attorney Terrence McCarthy, Esq., represented the
STEINHEIMER State.

DEPT. NO.4 Court noted receipt of Evaluation from Dr. Alfredo Amezaga, Jr.

M. Stone

(Clerk)

J. Kernan

(Reporter)

EXHIBIT E marked by Court; offered by Petitioner's counsel; no objection
by State's counsel; ordered admitted into evidence under seal.

Dr. Alfredo Amezaga, Jr., called by Petitioner's counsel Edwards, sworn and
testified.

2:43 p.m. Court recessed.

2:53 p.m. Court reconvened with respective counsel and Petitioner present.

Dr. Amezaga, Jr., heretofore sworn, resumed stand and was cross-
examined; redirect examined.

EXHIBITS F, G and H marked and offered by Petitioner's counsel; no
objection by State's counsel; ordered admitted into evidence.

Petitioner for Defendant to be determined incompetent to proceed with post
conviction by Petitioner's counsel Qualls; presented argument; objection
and argument by State's counsel; reply by Petitioner's counsel Qualls.
COURT ENTERED FINDINGS that the Motion for change of Petitioner's
medications administered by the Prison should be brought before the Court
in the County in which the Petitioner is housed; that this Court must follow
all decisions made by the 9th Circuit Court of Appeals until they are
overturned; and that based upon review of the Petitioner's Medical Records,
testimony presented at each hearing and written evaluations, COURT
ENTERED ORDERED that the Petitioner is competent to proceed with the
Petition for Post Conviction and any hearing set in the matter.
Motion for Stay of Proceedings for Petitioner to appeal decision to the
Supreme Court by Petitioner's counsel Edwards; objection by State's
counsel. COURT ENTERED ORDER denying Stay of Proceedings.
Motion for an additional 30 days to file a Supplemental Petition for Post
Conviction by Petitioner's counsel Edwards; presented argument; objection
and argument by State's counsel. COURT ENTERED ORDER denying
Motion for Additional Time. COURT FURTHER ENTERED ORDER that
Petitioner's Supplemental Petition for Post Conviction must be filed by

CR98P0516
DC-9500020820-076
POST: SIAOSI VANISI (04) 2 Pages
District Court 02/18/2005 01 30 PM MTN
Washoe County
MTN
THWITE

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE TWO APPEARANCES-HEARING	CONT'D TO
2/18/05 J. Kernan (Reporter)	<u>REPORT ON PSYCHIATRIC EVALUATION</u> February 22, 2205, at 5:00 p.m.; that the State shall have 45 days thereafter to file a responsive pleading; and that oral arguments on the Petition for Post Conviction is set for May 2, 2005, at 9:00 a.m. EXHIBIT I marked and offered by State's counsel; no objection by Defense counsel; ordered admitted into evidence. Court recessed.	5/2/05 9:00 a.m. Petition for Post Conviction

AA07285

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

4/25/05

TELECONFERENCE REGARDING SCHEDULE OF EVIDENTIARY

HONORABLE

HEARING

5/2/05

CONNIE

Counsel Thomas Qualls, Esq., present on behalf of the Petitioner. Deputy

9:00 a.m.

STEINHEIMER

District Attorney Terrence McCarthy, Esq., represented the State.

Evidentiary

DEPT. NO.4

Defendant appearance waived for the purposes of this administrative hearing.

Hearing on

M. Stone

Court advised counsel that a Decision shall be made this week as to the Motion for Protective Order.

Petition for

(Clerk)

State's counsel advised that Court that Petitioner's counsel Edwards had agreed that the Answer to the Petition for Post Conviction could be filed after the deadline previously given by the Court.

Post

D. Phipps

COURT ORDERED Petitioner's counsel to file the Response to the Motion to Dismiss by April 29, 2005.

Conviction

(Reporter)

Petitioner's counsel advised the Court that a Motion to Continue Hearing may be filed by the Petitioner. State's counsel would not objection to a Motion for Order Shortening Time to File a Response to a Motion to Continue Hearing.

Respective counsel advised the Court that should it be determined that Michael Specchio's Testimony is necessary, they would stipulate to a bifurcated hearing, due to the Witnesses unavailability.

Court recessed.

CR98P0516
DC-9900020820-075
POST: SIAOSI VANISI (D4) / 44 Pages
District Court 04/25/2005 09:00 AM
Washoe County
MTN
S.C.
TWITE

AA07286

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/2/05

PETITION FOR POST CONVICTION

HONORABLE
CONNIE
STEINHEIMER

Petitioner present with counsel Scott Edwards, Esq., and Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq., represented the State.

DEPT. NO.4

Upon request of Defense counsel, COURT will allow another hearing to be set for testimony from Michael Specchio, Esq., and arguments on the Motion to Dismiss and Petition for Post Conviction.

M. Stone

(Clerk)

D. Phipps

(Reporter)

Stephen Gregory, Esq., called by Petitioner's counsel Edwards, sworn and testified; cross-examined; redirect examined; recross-examined; excused, subject to recall on another day.

12:00 a.m. Court recessed.

2:20 p.m. Court reconvened with respective counsel and petitioner present.

Respective counsel stipulated to this Court taking Judicial Notice of the Rule 250 Memorandum filed by Stephen Gregory, Esq., and Jeremy Bosler, Esq., and further stipulated that the document be unsealed.

Jeremy Bosler, Esq., called by Petitioner's counsel, sworn and testified; cross-examined; redirect examined; excused.

3:22 p.m. Court recessed.

3:58 p.m. Court reconvened with respective counsel and petitioner present. COURT set ongoing hearing on Petition for Post Conviction for May 18, 2005, at 10:00 a.m.

EXHIBIT J marked, and upon no objection by counsel, ordered admitted under seal.

Laura Bielser called by State's counsel, sworn and testified; cross-examined by Petitioner's counsel Edwards; redirect examined; recross-examined; excused.

4:15 p.m. Court recessed.

5/18/05
10:00 a.m.
Ongoing
Petition for
Post
Conviction

CR98P0516
DC-9500020820-074
POST: SIAOSI VANISI (D4)
District Court 05/02/2005 09:00 AM
Washoe County
MTN
WHITE

AA07287

DATE, JUDGE

PAGE ONE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/18/05

ONGOING PETITION FOR POST CONVICTION/MOTION TO DISMISS

HONORABLE

Petitioner Siaoosi Vanisi present with counsel Scott Edwards, Esq., and

CONNIE

Thomas Qualls, Esq. Deputy District Attorney Terrence McCarthy, Esq.,

STEINHEIMER

represented the State.

DEPT. NO.4

M. Stone

Michael Specchio called by Petitioner's counsel Edwards, sworn and testified; cross-examined; redirect examined; recross-examined; excused.

(Clerk)

D. Phipps

(Reporter)

Motion to Exclude Testimony of Richard Cornell by State's counsel Edwards; presented argument; objection and argument by State's counsel. COURT ENTERED ORDER allowing the Testimony of Richard Cornell. Should the State determine that a rebuttal witness is necessary, then a continuance would be granted.

Richard Cornell called by Petitioner's counsel Qualls, sworn and testified.

Request for Witness to be deemed an Expert as to Trial Counsels Effectiveness by Petitioner's counsel Qualls; presented argument; objection and argument by State's counsel. COURT ENTERED ORDER granting Motion as the answer only goes to the weight of the testimony.

Witness Cornell further direct examined; cross-examined; redirect examined; excused.

11:28 a.m. Court recessed.

11:37 a.m. Court reconvened with counsel and petitioner present.

State's counsel withdrew any Motion to Dismiss issues as to Appellate Counsel.

Motion to Dismiss by State's counsel; presented argument; objection and argument by Petitioner's counsel Edwards. COURT TOOK MATTER UNDER ADVISEMENT.

Petition for Post Conviction by Petitioner's counsel Edwards; presented argument; objection and argument by State's counsel.

Petitioner's counsel Qualls advised the Court that he is not available this afternoon due trial commencing in Department 10 at 1:00 p.m.

11:58 a.m. Court recessed.

CR98P0516
DC-9900020820-073
POST: SIAOSI VANISI (D4) 2 Pages
District Court 05/18/2005 08:30 AM
Washoe County
TJH:TF

CASE NO. CR98P0516 TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE
OFFICERS OF

PAGE TWO

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/18/05

ONGOING PETITION FOR POST CONVICTION/MOTION TO DISMISS

D. Phipps
(Reporter)

1:17 p.m. Court reconvened with respective counsel, except Petitioner's
counsel Qualls, and Petitioner present.

Objection and argument by State's counsel; reply by Petitioner's counsel
Edwards. COURT TOOK MATTER UNDER ADVISEMENT.

1:45 p.m. Court recessed.

CASE NO. CR98P0516 TITLE: POST: SIAOSI VANISI

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

4/2/07

PETITION FOR POST CONVICTION

HONORABLE

Petitioner presented, being represented by Petitioner's counsel, Thomas

CONNIE

Qualls, Esq., and Scott W. Edward, Esq. Terrence McCarthy, Esq., present

STEINHEIMER

on behalf of the State.

DEPT. NO.4

R. Cotter

Discussion ensued regarding Petitioner's counsels briefs submitted by

(Clerk)

Petitioner.

Captions

Motion to Strike by State's counsel; presented argument; objection and

Unlimited

argument by Plaintiff's counsel.

(Reporter)

COURT ORDERED State's counsel to submit Response to Petitioner's Brief within ten (10) days of the date of this hearing, at which time briefs will be submitted to Court for decision.

CR98P0516
POST: SIAOSI VANISI (04)
District Court
Washoe County
MIN
DC-9900001140-213
1 Page
04/02/2007 01:30 PM
RCOTTER

By R. Cotter
6/13/2007

AA07290

FILED

Electronically
11-06-2007:04:30:54 PM
Howard W. Conyers
Clerk of the Court
Transaction # 80766

CASE NO. CR98P0516 **TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/7/07 **DECISION ON PETITION FOR POST CONVICTION (TELEPHONIC)**
HONORABLE Counsel Scott Edwards, Esq., represented the Petitioner. Deputy District
CONNIE Attorney Terrence McCarthy represented the State.
STEINHEIMER Based on the arguments presented in the pleadings and at the hearing and
DEPT. NO.4 on finding that the State's arguments where more persuasive then the
M. Stone Petitioners and further, the Court relied on the cases of *Later vs. Warden*
(Clerk) and *Strickland*, **COURT ENTERED ORDER** denying the Petition for Post
Captions Conviction.
Unlimited Discussion ensued regarding this Court's Order finding the Petitioner
(Reporter) competent to proceed with Petition for Post Conviction. Although the State
indicates that it prepared a written order for this Court's signature, this Court
did not receive the Order. This Court finds that a ruling that the Petitioner is
competent and that ruling was made part of the record of the hearing
through the minutes and the transcript.
State's counsel shall prepare the written order denying the Petition for Post
Conviction which shall include the procedural history of the case, the
findings made by this Court in this hearing and a hearing date for this Court
to set a new execution date.
Court advised counsel that a Motion to Stay Execution Date may be heard
at that next hearing.

AA07291

FILED

Electronically

02-29-2012:04:43:14 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 2795986

CASE NO. CR98P0516

TITLE: SIAOSI VANISI VS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/23/12

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

B. Van Auken

(Reporter)

MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS
(POST CONVICTION) AND MOTON FOR LEAVE TO CONDUCT
DISCOVERY

Deputy Federal Public Defender Tiffani Hurst, Esq., represented the
Petitioner. Deputy District Attorney Terrence McCarthy, Esq., represented
the State.

Petitioner's counsel noted for the record that the Petitioner previously filed a
Waiver of his Appearance at this hearing, which was approved by the Court.
Motion to Dismiss Petition for Writ of Habeas Corpus (Post Conviction) by
State's counsel; presented argument; objection and argument by
Petitioner's counsel; reply by State's counsel. Further arguments were
presented by respective counsel.

Based on the argument presented in the pleadings and at this hearing, the
Court does not find that the Petitioner has met the burden to overcome
dismissal as to all claims except the ineffective assistance of counsel
regarding the investigation conducted. The Court is not convinced at this
time that the Petitioner has plead such a claim with sufficient specificity to
overcome the procedural time-bar requirements but believes testimony is
necessary in order to make a decision regarding that Claim.

Counsel shall call the Administrative Assistant for Department Four to reset
this matter once the schedule of witnesses is determined.

State's counsel shall prepare an Order for the Court's signature in
accordance with this finding.

AA07292

1 **Code 1350**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **SIAOSI VANISI,**

9 **Petitioner,**

10 **vs.**

Case No. CR98-0516

11 **E.K. McDANIEL, WARDEN and**
12 **CATHERINE CORTEZ MASTO,**
13 **ATTORNEY GENERAL OF**
14 **THE STATE OF NEVADA,**

Dept. No. 4

15 **Respondents.**
16 _____/

17 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

18 I certify that I am an employee of the Second Judicial District Court of the State of
19 Nevada, County of Washoe; that on the 27th day of May, 2014, I electronically filed the
20 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

21 I further certify that the transmitted record is a true and correct copy of the original
22 pleadings on file with the Second Judicial District Court.

23 Dated this 27th day of May, 2014

24
25 **JOEY ORDUNA HASTINGS**
26 **CLERK OF THE COURT**

27 By /s/ Annie Smith
28 Annie Smith
Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

SIAOSI VANISI,
Appellant,
vs.
RENEE BAKER, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 65774

FILED

SEP 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER AFFIRMING IN PART,
REVERSING IN PART AND REMANDING*

This is an appeal from an order of the district court denying appellant Siasosi Vanisi's postconviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Vanisi murdered University of Nevada-Reno Police Sergeant George Sullivan and stole his duty belt and firearm. Vanisi also committed several other armed robberies on the night of the murder. Vanisi was convicted of first-degree murder, three counts of robbery with the use of a deadly weapon, and grand larceny. The jury sentenced him to death. This court affirmed the judgment of conviction on appeal. *Vanisi v. State*, 117 Nev. 330, 22 P.3d 1164 (2001). Vanisi unsuccessfully sought relief in a prior postconviction petition for a writ of habeas corpus. *Vanisi v. State*, Docket No. 50607 (Order of Affirmance, April 20, 2010). In this appeal from the dismissal of his second postconviction petition, Vanisi argues that the district court erred in concluding that prior postconviction counsel was not ineffective and that consequently he had not demonstrated good cause to raise procedurally barred ineffective-assistance-of-trial-and-appellate-counsel claims.

Procedural bars

Vanisi's postconviction petition for a writ of habeas corpus is subject to several procedural bars. The petition was untimely as it was filed more than one year after this court issued its remittitur on direct appeal. NRS 34.726(1). To the extent that the petition raised the same claims that were raised in prior petitions, it was successive. NRS 34.810(1)(b)(2); NRS 34.810(2). To the extent that the petition raised new claims that could have been litigated in a prior proceeding, it constituted an abuse of the writ. NRS 34.810(1)(b); NRS 34.810(2). Petitions that are untimely, successive, or constitute an abuse of the writ are subject to dismissal absent a showing of good cause and prejudice. NRS 34.726(1); NRS 34.810(1)(b), (3). As cause to overcome the procedural default rules, Vanisi contends that prior postconviction counsel provided ineffective assistance. *See Crump v. Warden*, 113 Nev. 293, 304-05, 934 P.2d 247, 254 (1997) (recognizing that ineffective assistance of postconviction counsel may establish cause and prejudice to file second postconviction petition where counsel was appointed pursuant to a statutory mandate).

Ineffective assistance of postconviction counsel

Vanisi argues that the district court erred in concluding that his claims of ineffective assistance of postconviction counsel lacked merit and thus failed to provide good cause to overcome the procedural bars. To be entitled to relief, Vanisi must demonstrate that his postconviction counsel's performance was deficient for failing to raise the underlying claims of ineffective assistance of counsel in his prior petition, and that prejudice resulted. *See Rippo v. State*, 132 Nev., Adv. Op. 11, 368 P.3d 729, 740-41 (2016) (adopting the *Strickland v. Washington*, 466 U.S. 668

(1984), analysis for ineffective assistance of postconviction counsel claims), *vacated on other grounds by Rippo v. Baker*, ___ U.S. ___, 137 S. Ct. 905 (2017); *see also Crump*, 113 Nev. at 304-05, 934 P.2d at 254. Therefore, in evaluating whether postconviction counsel were ineffective, we must consider the merits of the omitted claims of ineffective assistance of trial or appellate counsel. Both deficiency and prejudice must be shown, *Rippo*, 368 P.3d at 741, and the petitioner must demonstrate the underlying facts by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). A petitioner is entitled to an evidentiary hearing when the claims asserted are supported by specific factual allegations not belied or repelled by the record that, if true, would entitle the petitioner to relief. *See Nika v. State*, 124 Nev. 1272, 1300-01, 198 P.3d 839, 858 (2008). We give deference to the district court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

Failure to investigate mitigation evidence

Vanisi contends the district court erred in denying his claim that postconviction counsel was ineffective for failing to investigate mitigation evidence to substantiate an ineffective-assistance-of-trial-counsel claim. After conducting an evidentiary hearing, the district court concluded that, while postconviction counsel may have elected among several strategies for litigating his petition, Vanisi failed to prove that counsel's chosen strategy, in which counsel focused nearly entirely on litigating a competency motion during the pendency of the postconviction

petition, was objectively unreasonable. We conclude that the district court erred.

Postconviction counsels' decision to pursue a competency motion, to the exclusion of investigating mitigation evidence to support the ineffective-assistance-of-trial-counsel claim, was objectively unreasonable. The competency motion would not have provided relief as contemplated by a postconviction petition. A postconviction petition is a petitioner's opportunity to challenge the effectiveness of trial and appellate counsel. Instead, by counsel's own admission, he sought to use the delay from successful litigation of the motion to investigate other claims.¹ This was not an effective strategy for litigating the postconviction petition as it is not clear that, even if Vanisi were incompetent, the postconviction proceedings would have been stayed. Although *Rohan ex rel. Gates v. Woodford*, 334 F.3d 803, 813-15 (9th Cir. 2003), *abrogated by Ryan v. Gonzales*, 568 U.S. 57 (2013), held that a federal postconviction petitioner had a right to be competent to assist statutorily appointed counsel, the decision was not binding authority on the Nevada state district court. See *Blanton v. North Las Vegas Mun. Court*, 103 Nev. 623, 633, 748 P.2d 494, 500 (1987) ("[D]ecisions of the federal district court and panels of the

¹Counsel also indicated that they had hoped they could demonstrate that Vanisi could not be rendered competent and therefore prevent his execution. This does not render their actions any more reasonable because, while Vanisi's first timely postconviction petition was his only opportunity to freely litigate prior counsels' effectiveness, he could seek a stay of execution based on insanity at any time "there is a good reason to believe that [he] has become insane." NRS 176.425(1).

federal circuit court of appeal are not binding upon this court.”). As this court has not addressed whether a capital defendant must be competent during postconviction proceedings, counsel should not have forsaken reasonable investigations into postconviction claims in favor of litigating a motion of speculative value. In addition, the litigation of the competency motion does not fully explain prior postconviction counsel’s failure to investigate mitigation evidence. *Rohan* was not decided until 17 months after Vanisi filed his postconviction petition, and counsel did not file the competency motion until 17 months after *Rohan* was decided. But more importantly, counsels’ own records do not indicate that *Rohan* was a concern until 27 months after counsel was appointed. The decision to pursue the competency motion is not a reasonable defense for counsel’s failure to investigate mitigation evidence during the more than two years between their appointment and their focus on *Rohan*.

Postconviction counsel also indicated that they did not investigate additional mitigation evidence to support the trial-counsel claim because the case in aggravation had been so strong that it was unlikely any mitigation evidence would have altered the outcome at the penalty hearing. The district court’s order suggests that postconviction counsel’s decision to delay investigation of mitigation evidence based on their assessment of the case in aggravation did not fall below an objective standard of reasonableness. We disagree. The Supreme Court has observed that trial counsel “has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Strickland*, 466 U.S. at 691. Postconviction counsel’s duty is similar when it comes to a timely, first postconviction petition in a

capital case.² Here, postconviction counsel did not suggest that they had reason to believe an investigation would be fruitless or harmful. *See id.* (“[W]hen a defendant has given counsel reason to believe that pursuing certain investigations would be fruitless or even harmful, counsel’s failure to pursue those investigations may not later be challenged as unreasonable.”). Counsel had not investigated possible mitigation evidence before reaching this conclusion. Instead, postconviction counsel assessed the strength of the challenge to trial counsel’s mitigation investigation and presentation and whether to expend any resources on it based on the hope that they would prevail on the competency motion and the strength of the case in aggravation. We have explained the unreasonableness of postconviction counsel’s decision to focus on the competency motion above. Their decision to forgo investigating mitigating evidence by relying on the strength of the aggravation case, while oblivious to the nature and extent of potential mitigation evidence, was equally unreasonable. *See Doleman v. State*, 112 Nev. 843, 848, 921 P.2d 278, 281 (1996) (providing that counsel’s decision not to present penalty phase witnesses was not reasonable where counsel failed to investigate their potential testimony); *State v. Love*, 109 Nev. 1136, 1141, 865 P.2d 322, 325 (1993) (Rose and Steffen, JJ., concurring) (“Legal and factual judgments erroneously made because of inadequate investigation may be deemed ineffective assistance of counsel.”).

²This is not to suggest that postconviction counsel has a duty to investigate the entire case from the ground up. *See In re Reno*, 283 P.3d 1181, 1213-14 (Cal. 2012).

The evidentiary hearing conducted in the district court did not address whether Vanisi was prejudiced by postconviction counsels' failure to litigate the claim that trial counsel were ineffective for failing to discover and present mitigation evidence. Accordingly, we remand this matter to the district court to conduct an evidentiary hearing concerning whether Vanisi was prejudiced by postconviction counsel's failure to substantiate their claim of ineffective assistance of trial counsel for failure to introduce additional mitigation evidence. The hearing should address whether trial counsel could have discovered and presented the evidence as well as whether there was a reasonable probability of a different outcome at the penalty hearing had this additional mitigation evidence been presented.³

³Vanisi also contends that postconviction counsel were ineffective for failing to investigate additional mitigation evidence to be used during the reweighing analysis conducted after aggravating circumstances were struck during the first postconviction proceeding. He further contended that postconviction counsel should have also asserted that reweighing could only be done by a jury. This court has repeatedly rejected the contention that new mitigating evidence must be considered in the reweighing calculus when an aggravating circumstance has been invalidated. See *Bejarano v. State*, 122 Nev. 1066, 1081, 146 P.3d 265, 276 (2006); *Rippo v. State*, 122 Nev. 1086, 1093-94, 146 P.3d 279, 284 (2006); *Archanian v. State*, 122 Nev. 1019, 1040-41, 145 P.3d 1008, 1023 (2006); *State v. Haberstroh*, 119 Nev. 173, 184 n.23, 69 P.3d 676, 683 n.23 (2003); *Bridges v. State*, 116 Nev. 752, 766, 6 P.3d 1000, 1010 (2000). In addition, this court may properly conduct reweighing analysis. See *Clemons v. Mississippi*, 494 U.S. 738, 741 (1990) ("[T]he Federal Constitution does not prevent a state appellate court from upholding a death sentence that is based in part on an invalid or improperly defined aggravating circumstance either by reweighing of the aggravating and mitigating evidence or by harmless-error review.").

Premeditation instruction

Vanisi contends that postconviction counsel were ineffective for failing to argue that appellate counsel were ineffective for failing to challenge the premeditation instruction. Further, Vanisi asserts appellate counsel were ineffective for failing to argue that Vanisi's due process and equal protection rights were violated by the instruction. We conclude that the district court did not err in denying this claim.⁴ In *Byford v. State*, this court disapproved of the *Kazalyn*⁵ instruction on the mens rea required for a first-degree murder conviction based on willful, deliberate, and premeditated murder, and provided the district courts with new instructions. 116 Nev. 215, 233-37, 994 P.2d 700, 712-15 (2000). As *Byford* was decided while Vanisi's appeal was pending, it applied to Vanisi. Nevertheless, Vanisi cannot demonstrate prejudice based on appellate counsel's failure to challenge the *Kazalyn* instruction. The evidence presented at trial demonstrated that Vanisi had contemplated murdering a police officer for a considerable amount of time. He expressed his plan to murder a police officer and take his belt, radio, and gun to numerous people over the days before the murder. He purchased the

⁴Vanisi also asserts that this error was compounded by counsels' failure to investigate and introduce evidence that Vanisi was not capable of premeditation and deliberation. As a direct appeal is limited to matters appearing in the record, *see Tabish v. State*, 119 Nev. 293, 312 n.53, 72 P.3d 584, 596 n.53 (2003), appellate counsel could not be faulted for not conducting an extra record investigation to support the challenge to the instruction.

⁵*Kazalyn v. State*, 108 Nev. 67, 825 P.2d 578 (1992).

murder weapon after expressing his plan. He then ambushed a police officer at a location where police officers routinely stopped to complete paperwork while on patrol. These actions strongly support the conclusion that the murder was premeditated, deliberate, and willful. Moreover, this evidence overwhelmingly demonstrated that the murder occurred after Vanisi lay in wait for the victim and during the course of a robbery, therefore, Vanisi failed to demonstrate that appellate counsel's failure to argue the *Kazalyn* instruction violated his constitutional rights on appeal prejudiced him. As such, postconviction counsel cannot be faulted for omitting this issue.

Insanity plea

Vanisi contends that prior postconviction counsel should have argued that *Finger v. State*, 117 Nev. 548, 27 P.3d 66 (2001), provided good cause to raise a claim that the Legislature unconstitutionally barred him from pleading insanity. We conclude that Vanisi failed to demonstrate that postconviction counsel acted unreasonably or that he was prejudiced. Vanisi was not "in a delusional state such that he [could not] know or understand the nature and capacity of his act, or his delusion [was] such that he [could not] appreciate the wrongfulness of his act." *Id.* at 576, 27 P.3d at 84-85; NRS 174.035(4). Vanisi repeatedly told others of his plan to murder a police officer and steal his weapon and radio, ambushed the victim at night, fled Nevada, and was arrested after barricading himself in a residence in Utah. These actions indicate that Vanisi appreciated the wrongfulness of his actions and that postconviction counsel did not act unreasonably in not pursuing a claim based on *Finger*.

Failure to contact consulate

Vanisi contends that under the Vienna Convention, trial counsel should have notified the Tongan Consulate of his arrest and prosecution so that it could have aided in conducting an investigation into his background. Vanisi contends that he was prejudiced by postconviction counsel's failure to investigate prejudice related to this claim.

We conclude that Vanisi failed to demonstrate that had trial counsel been successful in contacting the Tongan consular authorities, counsel would have been able to introduce evidence that would have altered the outcome of the trial. Although born in Tonga, Vanisi travelled to the United States when he was six years old. He did not start experiencing symptoms of mental illness until decades later. Further, much of his family and extended family had already moved to the United States at the time of trial. Therefore, evidence about attitudes concerning mental health in Tongan culture are of little relevance and have little resonance relative to the information developed from sources in the United States about Vanisi's mental health. As Vanisi failed to demonstrate that the result of the trial would have been different had counsel received assistance from the Tongan consulate, he failed to demonstrate that postconviction counsel neglected to raise a viable claim that trial counsel were ineffective in this regard.

Mutilation aggravating circumstance

Vanisi contends that postconviction counsel were ineffective for failing to claim that trial and appellate counsel were ineffective for failing to challenge the validity of the mutilation aggravating circumstance and instruction. He asserts that the aggravating