

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,

Respondent.

Electronically Filed
Sep 26 2019 04:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. 78209

District Court Case No. CR98-0516

(Death Penalty Habeas Corpus
Case)

**MOTION TO TRANSMIT SELECT DVD FILED AS
EXHIBIT 146 WITH APPELLANT'S PETITION FOR WRIT
OF HABEAS CORPUS**

Appellant, Siasosi Vanisi, hereby moves this Court to direct the Second Judicial District Court Clerk to transmit to this Court select exhibits in appellant's appendix that are in DVD format. NRAP 27. This motion is brought pursuant to NRAP 30(d), and is made and based on the following points and authorities and the entire file herein.

DATED this 26th day of September, 2019.

Respectfully submitted,

/s/ *Randolph M. Fiedler*

RANDOLPH M. FIEDLER

Assistant Federal Public Defender

Nevada Bar No. 12577

411 E. Bonneville Ave., Suite 250

Las Vegas, Nevada 89101

702-388-6577

POINTS AND AUTHORITIES

Concurrently, with the submission of Vanisi's opening brief, counsel mailed a notice of manual filing of three DVDs on September 26, 2019 (Ex. 146, 28AA05867). These DVDs were an exhibit to the Petition for Writ of Habeas Corpus, which Vanisi filed with the Second Judicial District Court, Department 4 (Honorable Judge Connie J. Steinheimer) on May 5, 2011. The DVDs contain videos that cannot be reproduced in the appendix. *See* NRAP 30(d); *see also* NRAP 10(b)(2).

Mr. Vanisi requests this Court to direct the district court clerk to transmit the original DVD exhibits to this Court. *See also* NRAP 30(d) ("If the exhibits are too large or otherwise incapable of being reproduced in the appendix, the parties may file a motion requesting the court to direct the district court to transmit the original exhibits."); *see also* NRAP 10(b)(2). Review of this exhibit is "relevant to the issues on appeal" and "necessary to the determination of the issues."

In his opening brief, Vanisi raises issues related to his mental health. Opening Brief, Argument § A (arguing that Vanisi's severe mental illness renders him ineligible for the death penalty); Argument §

B.1 (arguing that Vanisi suffers from diminished capacity); Argument § B.2 (arguing that Vanisi was incompetent to waive his evidentiary hearing); *see also* 31AA06568 (Vanisi suffers schizoaffective disorder); 31AA06575 (same); 37AA07850 (same); 37AA07934 (Vanisi suffers from “a serious mental illness”).

The exhibit that Mr. Vanisi requests be transmitted, Exhibit 146, consists of three DVDs containing videos depicting Mr. Vanisi’s psychotic behavior while in custody prior to his trial, and supports this argument.

Vanisi filed a similar request with this Court in his prior appeal to this Court in Docket No. 65774. Document Number 15-01552. This Court previously granted the request in Document Number 15-2880.

///

///

///

Conclusion

Vanisi respectfully requests that this Court direct the district court clerk to transmit the original Exhibit 146 for consideration in these proceedings.

DATED this 26th day of September, 2019.

Respectfully submitted,

/s/ Randolph M. Fiedler
RANDOLPH M. FIEDLER
Assistant Federal Public Defender
Nevada State Bar No. 12577
411 E. Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
702-388-6577

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 MOTION TO TRANSMIT SELECT DVDS FILED AS EXHIBIT 146 WITH APPELLANT'S PEITITION FOR WRIT OF HEABEAS CORPUS shall be made in accordance with the Master Service List as follows:

Jennifer Noble
Washoe County District Attorney
jnoble@da.washoecounty.us

/s/ Sara Jelinek

An Employee of the Federal Public
Defender, District of Nevada