

NOASC  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
200 Lewis Street  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

Electronically Filed  
Apr 06 2020 10:35 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

JOHN JOSEPH SEKA,  
#1525324,

Defendant.

Case No. 99c159915  
Dept. No. XXV

**NOTICE OF APPEAL**

TO: JOHN JOSEPH SEKA, Defendant; and

TO: PAOLA M. ARMENI & JENNIFER SPRINGER, Counsels for Defendant; and

TO: KATHLEEN DELANEY, District Judge, Eighth Judicial District Court,  
Dept. No. XXV.

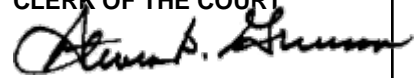
NOTICE IS HEREBY GIVEN THAT THE STATE OF NEVADA, Plaintiff in the  
above entitled matter, appeals to the Supreme Court of Nevada, pursuant to NRS 177.015(2)  
from the order the district court filed March 24, 2020, granting Defendant's Motion for a New  
Trial.

Dated this 27<sup>th</sup> day of March, 2020.

STEVEN B. WOLFSON,  
Clark County District Attorney

BY /s/ Alexander Chen  
ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539





ASTA  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
200 Lewis Street  
Las Vegas, Nevada 89155-2212  
(702) 671-2750  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOHN JOSEPH SEKA,  
#1525324,

Defendant.

Case No. 99C159915  
Dept. No. XXV

**CASE APPEAL STATEMENT**

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

The State of Nevada / Clark County District Attorney

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

Judge Kathleen Delaney

**3. Identify all parties to the proceedings in the district court:**

John Joseph Seka

The State of Nevada

**4. Identify all parties involved in this appeal:**

John Joseph Seka

The State of Nevada

**5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:**

ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
Clark County District Attorney  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2750

PAOLA M. ARMENI, ESQ.  
Nevada Bar No. 008357  
Clark Hill  
3800 Howard Hughes Parkway, Ste. 500  
Las Vegas, NV 89169  
(702) 862-8300

JENNIFER SPRINGER, ESQ.  
Nevada Bar #013767  
Rocky Mountain Innocence Center  
358 South 700 East, B235  
Salt Lake City, Utah 84105  
(801) 355-1888

Counsel for Appellant  
State of Nevada

Counsel for Respondent  
John Joseph Seka

**6. Indicate whether appellant was represented by appointed or retained counsel in the district court:** Appointed

**7. Indicate whether appellant is represented by appointed or retained counsel on appeal:** Appointed

**8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:** N/A

**9. Date proceedings commenced in the district court:**

Information was filed June 30, 1999.

**DATED** this 27<sup>th</sup> day of March 2020.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar # 001565

BY /s/ Alexander Chen

ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
Office of the Clark County District Attorney

1                                   **CERTIFICATE OF ELECTRONIC TRANSMISSION**

2           I hereby certify that service of the above and foregoing was made this 27<sup>th</sup> day of  
3 March, 2020, by electronic transmission to:

4  
5                                   PAOLA M. ARMENI, ESQ.  
Email: [parmeni@clarkhill.com](mailto:parmeni@clarkhill.com)

6                                   JENNIFER SPRINGER, ESQ.  
7 Email: [jspringer@rminnocence.org](mailto:jspringer@rminnocence.org)

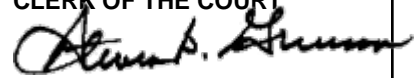
8                                   ALEXANDER CHEN  
9 Chief Deputy District Attorney

10           I further certify that I served a copy of this document by mailing a true and correct copy  
11 thereof, postage pre-paid, addressed to:

12                                   JUDGE KATHLEEN DELANEY  
13 Eighth Judicial District Court, Dept. 25  
14 Regional Justice Center  
200 Lewis Avenue  
15 Las Vegas, Nevada 89101

16  
17  
18 BY /s/ E. Davis  
Employee, District Attorney's Office

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24 AC///ed



**REQT**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ALEXANDER CHEN  
Chief Deputy District Attorney  
Nevada Bar #010539  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

JOHN JOSEPH SEKA,  
#1525324,

Defendant.

Case No. 99C159915  
Dept. No. XXV

**ORIGINAL TRANSCRIPT REQUEST**

TO: BILL NELSON, COURT RECORDER – DEPT. NO. XXV

THE STATE OF NEVADA, Appellant named above, requests preparation of an original transcript request of certain portions of the proceedings before the district court, as follows:

**MARCH 11, 2020 – Defendant’s Motion for New Trial.**

This notice requests a transcript of only those portions of the district court proceedings which counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors, opening statements and closing arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless specifically requested above.

I recognize that I must serve a copy of this form on the above named Court Reporter/Recorder and opposing counsel, and that the above named Court Reporter/Recorder

1 shall have thirty (30) days from the receipt of this notice to prepare an original certified copy  
2 and an additional certified copy for the appendix.

3 Dated this 27<sup>th</sup> day of March, 2020.

4  
5 BY /s/ Alexander Chen

6 ALEXANDER CHEN  
7 Chief Deputy District Attorney  
8 Nevada Bar #010539  
9 Office of the Clark County District Attorney  
10 Regional Justice Center  
11 200 Lewis Avenue  
12 Post Office Box 552212  
13 Las Vegas, Nevada 89155-2212  
14 (702) 671-2750  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of the foregoing Original Transcript Request was made  
3 via e-filing courtesy copy notification on March 27, 2020 to:

4 PAOLA M. ARMENI, ESQ.  
5 Email: [parmeni@clarkhill.com](mailto:parmeni@clarkhill.com)

6 JENNIFER SPRINGER, ESQ.  
7 Email: [jspringer@rminnocence.org](mailto:jspringer@rminnocence.org)

8 BILL NELSON  
9 Court Reporter  
10 District Court Dept. XXV  
11 [zbillnelson@aol.com](mailto:zbillnelson@aol.com)

12  
13 BY /s/ E. Davis  
14 Employee, District Attorney's Office

15  
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**CASE SUMMARY****CASE No. 99C159915****The State of Nevada vs John J Seka**

§ Location: **Department 25**  
 § Judicial Officer: **Delaney, Kathleen E.**  
 § Filed on: **06/30/1999**  
 § Case Number History:  
 § Cross-Reference Case **C159915**  
 § Number:  
 § Defendant's Scope ID #: **1424324**  
 § Lower Court Case # Root: **99F03542**  
 Lower Court Case Number: **99F03542X**

**CASE INFORMATION**

| Offense  | Statute      | Deg | Date       | Case Type:   | Felony/Gross Misdemeanor |
|--|--------------|-----|------------|--------------|--------------------------|
| 1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON     | 200.010*165  | F   | 01/01/1900 | Case Status: | <b>05/17/2006 Closed</b> |
| 2. MURDER OF THE SECOND DEGREE WITH OF A DEADLY WEAPON | 200.0302*165 | F   | 01/01/1900 |              |                          |
| 3. ROBBERY   | 200.380      | F   | 01/01/1900 |              |                          |
| 4. ROBBERY   | 200.380      | F   | 01/01/1900 |              |                          |

**Related Cases**

99F03542X (Bind Over Related Case)

**Statistical Closures**

|            |                                    |
|------------|------------------------------------|
| 03/14/2005 | USJR Reporting Statistical Closure |
| 02/08/2005 | USJR Reporting Statistical Closure |
| 02/23/2004 | USJR Reporting Statistical Closure |
| 05/17/2006 | USJR Reporting Statistical Closure |



**DATE****CASE ASSIGNMENT****Current Case Assignment**

|                  |                      |
|------------------|----------------------|
| Case Number      | 99C159915            |
| Court            | Department 25        |
| Date Assigned    | 08/06/2012           |
| Judicial Officer | Delaney, Kathleen E. |

**PARTY INFORMATION**















|                  |                          | Lead Attorneys  |
|------------------|--------------------------|---|
| <b>Defendant</b> | <b>Seka, John Joseph</b> | <b>Armeni, Paola M.</b><br><i>Retained</i><br>702-862-8300(W) |
| <b>Plaintiff</b> | <b>State of Nevada</b>   | <b>Wolfson, Steven B</b><br>702-671-2700(W)                   |

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

|            |   |
|------------|---|
| 06/30/1999 |  Information<br><i>INFORMATION Fee \$0.00</i>  |
| 06/30/1999 | Hearing<br><i>INITIAL ARRAIGNMENT</i>   |
| 06/30/1999 |  Criminal Bindover<br><i>CRIMINAL BINDOVER</i> |

# CASE SUMMARY















CASE No. 99C159915

|            |  |
|------------|--|
| 07/14/1999 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING</i>                                    |
| 07/15/1999 |  Motion<br><i>DEFT'S MOTION TO SET BAIL</i>   |
| 07/23/1999 | Hearing<br><i>STATE'S REQUEST ADVISE COURT STATE SEEKING DEATH</i>   |
| 07/26/1999 |  Notice of Intent to Seek Death Penalty<br><i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>                        |
| 08/10/1999 |  Motion<br><i>DEFT'S MOTION TO APPOINT CO-COUNSEL AND MOTION TO RESET TRIAL DATE</i>                            |
| 08/19/1999 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF AUG. 18, 1999 DEFTS MOT TO APPT CO-COUNSEL/RESET TRIAL</i> |
| 09/01/1999 |  Order<br><i>ORDER GRANTING MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES JUSTICE COURT JUSTICE COURT</i>  |
| 09/22/1999 |  Petition<br><i>DEFT'S PETN FOR WRIT OF HABEAS CORPUS</i>   |
| 09/22/1999 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER APPOINTING PETER S CHRISTIANSEN ESQ</i>           |
| 09/22/1999 |  Receipt of Copy<br>Filed by: Defendant Seka, John Joseph<br><i>RECEIPT OF COPY</i>                           |
| 09/24/1999 |  Request<br>Filed by: Defendant Seka, John Joseph<br><i>EX-PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR</i>   |
| 09/24/1999 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER</i>   |
| 10/05/1999 | Conversion Case Event Type<br><i>ARGUMENT AND DECISION RE: DEFT'S PETITION FOR WRIT OF HABEAS</i>  |
| 10/06/1999 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PETITION FOR WRIT OF HABEAS CORPUS</i>                   |
| 11/08/1999 |  Writ<br><i>RETURN TO WRIT OF HABEAS CORPUS</i>   |
| 11/24/1999 |  Reporters Transcript   |

**CASE SUMMARY**

**CASE No. 99C159915**















*REPORTER'S TRANSCRIPT OF PROCEEDINGS*

|            |  |
|------------|--|
| 11/29/1999 |  Order<br><i>ORDER DENYING DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS</i>  |
| 05/03/2000 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER APPOINTING EXPERT WITNESS DR MICHAEL M BADEN MD</i>   |
| 05/16/2000 |  Expert Witness List<br><i>NOTICE OF EXPERT WITNESSES</i>   |
| 05/16/2000 |  Expert Witness List<br><i>NOTICE OF WITNESSES</i>  |
| 05/19/2000 |  Notice<br><i>NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>  |
| 05/31/2000 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF CALENDAR CALL</i>  |
| 06/15/2000 |  Request<br>Filed by: Defendant Seka, John Joseph<br><i>EX PARTE MOTION FOR POLYGRAPH</i>   |
| 06/15/2000 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER</i>   |
| 12/21/2000 |  Motion<br><i>STATE'S MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES</i>  |
| 01/18/2001 | Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF STATE'S MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMP</i>  |
| 02/02/2001 |  Motion<br><i>DEFT'S MOTION IN LIMINE</i>   |
| 02/02/2001 |  Motion<br><i>DEFT'S MOTION TO DISMISS CHARGE OF MURDER/ROBBERY</i>   |
| 02/06/2001 |  Receipt of Copy<br>Filed by: Defendant Seka, John Joseph<br><i>RECEIPT OF COPY</i>   |
| 02/06/2001 |  Receipt of Copy<br>Filed by: Defendant Seka, John Joseph<br><i>RECEIPT OF COPY</i>   |
| 02/08/2001 |  Opposition<br><i>STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS THE CHARGE OF MURDER ANDAND ROBBERY OF PETER LIMANNI AND ERIC HAMILTON INTO TWO SEPARATE TRIALS ROBBERY OF PETER LIMANNI OR IN THE ALTERNATIVE TO SEVER</i> |

## CASE SUMMARY
















CASE No. 99C159915

*THE CHARGES OF MURDER AND ROBBERY OF PETER LIMANNI AND ERIC HAMILTON INTO TWO SEPARATE TRIALS ROBBERY OF PETER LIMANNI OR IN THE ALTERNATIVE TO SEVER THE CHARGES OF MURDER*

|            |   |
|------------|---|
| 02/08/2001 |  Opposition<br><i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE</i>             |
| 02/09/2001 | Motion<br><i>ALL PENDING MOTIONS 2/9/01</i>   |
| 02/12/2001 |  Order<br><i>ORDER FOR TRANSCRIPT</i>  |
| 02/13/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME I</i>     |
| 02/13/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME II</i>   |
| 02/13/2001 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER</i>                    |
| 02/14/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME I</i>     |
| 02/14/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME II</i> |
| 02/14/2001 |  Jury List<br><i>CRIMINAL JURY LIST</i>  |
| 02/14/2001 |  Expert Witness List<br><i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>           |
| 02/15/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME II</i>  |
| 02/15/2001 |  Request<br><i>MEDIA REQUEST</i>   |
| 02/15/2001 | Order<br><i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>  |
| 02/15/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME I</i>     |
| 02/20/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME II</i> |
| 02/20/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME I</i>     |


# CASE SUMMARY

CASE No. 99C159915

|            |   |
|------------|---|
| 02/20/2001 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER APPOINTING EXPERT WITNESS DR NORAH RUDIN MD</i>  |
| 02/20/2001 |  Application<br>Filed By: Defendant Seka, John Joseph<br><i>EX PARTE APPLICATION FOR APPOINTMENT OF EXPERT AND FOR FEES IN EXCESS OF THE STATUTORY MAXIMUM THE STATUTORY MAXIMUM</i> |
| 02/20/2001 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER</i>  |
| 02/21/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME II</i>   |
| 02/21/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME I</i>   |
| 02/22/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME I</i>   |
| 02/22/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME II</i>  |
| 02/23/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS VOLUME II</i>   |
| 02/23/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS VOLUME I</i>  |
| 02/26/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME I</i>  |
| 02/27/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME II</i>  |
| 03/01/2001 | Hearing<br><i>PENALTY HEARING</i>   |
| 03/01/2001 |  Instructions to the Jury<br><i>INSTRUCTIONS TO THE JURY</i>   |
| 03/01/2001 |  Verdict<br><i>VERDICT</i>   |
| 03/01/2001 |  Proposed Jury Instructions Not Used At Trial<br><i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>   |
| 03/02/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF VERDICT</i>   |
| 03/02/2001 |   |

# CASE SUMMARY













CASE No. 99C159915

|            |   |
|------------|---|
|            |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER ALLOWING CONTACT VISITATION</i>  |
| 03/02/2001 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER ALLOWING CONTACT VISITATION</i>  |
| 03/02/2001 |  Instructions to the Jury<br><i>INSTRUCTIONS TO THE JURY</i>   |
| 03/02/2001 |  Verdict Submitted to the Jury But Returned Unsigned<br><i>VERTICT(S) SUBMITTED TO JURY BUT RETURNED UNSIGNED</i>                  |
| 03/05/2001 | Hearing<br><i>STATUS CHECK: THREE JUDGE PANEL</i>   |
| 03/05/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PENALTY HEARING</i>   |
| 03/13/2001 |  Conversion Case Event Type<br><i>SENTENCING</i>   |
| 03/13/2001 |  Stipulation<br>Filed by: Defendant Seka, John Joseph<br><i>STIPULATION AND AGREEMENT TO WAIVE SENTENCING BY THREE-JUDGE PANEL</i> |
| 03/30/2001 |  Notice<br><i>NOTICE TRANSCRIPTS ON SHELVES</i>  |
| 04/06/2001 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER FOR EXCESS FEES</i>  |
| 04/24/2001 |  Writ<br>Filed by: Defendant Seka, John Joseph<br><i>WRIT OF HABEAS CORPUS POST-CONVICTION RELIEF</i>                            |
| 04/27/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF SENTENCING</i>  |
| 04/30/2001 |  Order<br><i>ORDER FOR TRANSCRIPT</i>  |
| 05/09/2001 |  Judgment<br><i>ADMINISTRATION/ASSESSMENT FEE</i>  |
| 05/09/2001 | Judgment<br><i>GENETIC TESTING FEE</i>  |
| 05/09/2001 | Judgment<br><i>JUDGMENT OF RESTITUTION (COUNT I)</i>  |
| 05/09/2001 | Judgment  |

# CASE SUMMARY













CASE No. 99C159915

## JUDGMENT OF RESTITUTION (COUNT II)

|            |   |
|------------|---|
| 05/15/2001 |  Statement<br>Filed by: Defendant Seka, John Joseph<br><i>CASE APPEAL STATEMENT</i>  |
| 05/15/2001 |  Notice of Appeal<br>Filed By: Defendant Seka, John Joseph<br><i>NOTICE OF APPEAL</i>  |
| 05/16/2001 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>ORDER APPOINTING PETER S CHRISTIANSEN ESQ</i>                                    |
| 05/24/2001 |  Notice of Appeal<br>Filed By: Defendant Seka, John Joseph<br><i>NOTICE OF APPEAL</i>  |
| 05/25/2001 |  Statement<br><i>CASE APPEAL STATEMENT</i>   |
| 12/31/2001 |  Judgment<br><i>CLERK'S CERTIFICATE APPEAL DISMISSED</i>   |
| 05/09/2003 | Judgment<br><i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>  |
| 05/09/2003 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>      |
| 02/13/2004 |  Certificate<br>Filed By: Defendant Seka, John Joseph<br><i>FINANCIAL CERTIFICATE</i>  |
| 02/13/2004 |  Request<br>Filed by: Defendant Seka, John Joseph<br><i>MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>                            |
| 02/13/2004 |  Petition<br>Filed by: Defendant Seka, John Joseph<br><i>PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION</i>                      |
| 02/13/2004 |  Affidavit in Support<br>Filed By: Defendant Seka, John Joseph<br><i>AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS</i> |
| 02/13/2004 | Motion<br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN</i>   |
| 02/24/2004 | Petition<br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20</i>   |
| 02/24/2004 |  Order for Petition for Writ of Habeas Corpus<br><i>ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS</i>                               |

# CASE SUMMARY














CASE No. 99C159915

|            |   |
|------------|---|
| 03/30/2004 |  Hearing<br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22</i>  |
| 04/06/2004 |  Response<br><i>STATES RESPONSE TO DEFENDANTS MOTION FOR REQUEST TO RESPOND TO<br/>RESPONDENTS ANSWER TO PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS<br/>ANSWER TO PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS</i> |
| 04/06/2004 |  Opposition<br><i>STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS</i>   |
| 04/07/2004 | Motion<br><i>ALL PENDING MOTIONS 4/7/04</i>   |
| 08/06/2004 | Motion<br><i>ALL PENDING MOTIONS 8/6/04</i>   |
| 09/23/2004 |  Order<br><i>ORDER FOR PRODUCTION OF INMATE</i>  |
| 11/02/2004 |  Receipt of Copy<br><i>RECEIPT OF COPY</i>   |
| 11/02/2004 |  Affidavit<br><i>AFFIDAVIT OF PETER S CHRISTIANSEN IN RESPONSE TO DEFENDANT JOHN<br/>JOSEPH SEKA POST CONICTION PETITION FOR WRIT OF HABEAS CORPUS SEKA<br/>POST CONICTION PETITION FOR WRIT OF HABEAS CORPUS</i>        |
| 11/09/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 11/23/2004 | Motion<br><i>ALL PENDING MOTIONS 11/5/04</i>  |
| 01/31/2005 |  Judgment<br><i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER DENYING DEFENDANTS<br/>PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION FOR WRIT OF HABEAS<br/>CORPUS POST CONVICTION</i>                            |
| 02/01/2005 |  Notice of Entry of Decision and Order<br><i>NOTICE OF ENTRY OF DECISION AND ORDER</i>   |
| 02/09/2005 |  Motion<br><i>DEFT'S PRO PER MTN FOR TRANSCRIPT FOR EVIDENTIARY HEARING/26</i>   |
| 02/09/2005 |  Notice of Appeal<br>Filed By: Defendant Seka, John Joseph<br><i>DESIGNATION OF RECORD ON APPEAL</i>   |
| 02/09/2005 |  Notice of Appeal<br>Filed By: Defendant Seka, John Joseph<br><i>NOTICE OF APPEAL</i>  |











# CASE SUMMARY

CASE No. 99C159915

|            |  |
|------------|--|
| 02/10/2005 |  Statement<br><i>CASE APPEAL STATEMENT</i>  |
| 02/14/2005 |  Opposition<br><i>STATES OPPOSITION TO DEFENDANTS MOTION FOR TRANSCRIPT OF EVIDENTIARY HEARING</i>                                |
| 03/17/2005 | Notice of Appeal<br><i>APPEAL TO THE SUPREME COURT</i>   |
| 03/24/2005 |  Judgment<br><i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>   |
| 03/25/2005 |  Notice of Entry of Decision and Order<br><i>NOTICE OF ENTRY OF DECISION AND ORDER</i>  |
| 04/14/2005 |  Notice of Appeal<br>Filed By: Defendant Seka, John Joseph<br><i>NOTICE OF APPEAL</i>   |
| 04/15/2005 |  Statement<br><i>CASE APPEAL STATEMENT</i>  |
| 06/24/2005 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED</i>      |
| 06/24/2005 | Judgment<br><i>CLERK'S CERTIFICATE APPEAL DISMISSED</i>  |
| 07/18/2005 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i> |
| 07/18/2005 | Judgment<br><i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>   |
| 04/30/2007 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>  |
| 07/27/2007 |  Order<br><i>ORDER RELEASING EVIDENCE</i>   |
| 08/03/2007 |  Order<br><i>AMENDED ORDER RELEASING EVIDENCE</i>   |
| 08/03/2007 |  Petition<br><i>AMENDED PETITION FOR RELEASE OF EVIDENCE</i>  |
| 08/09/2007 |  Receipt<br><i>RECEIPT OF EXHIBITS</i>  |
| 08/06/2012 | Case Reassigned to Department 25<br><i>Case reassigned from Judge Mosley</i>   |

# CASE SUMMARY

CASE No. 99C159915

|            |   |
|------------|---|
| 06/19/2017 |  Petition<br>Filed by: Defendant Seka, John Joseph<br><i>Post-Conviction Petition Requesting A Genetic Marker Analysis of Evidence Within Possession or Custody of the State of Nevada (NRS 176.0918)</i>  |
| 07/07/2017 |  Notice of Hearing<br>Filed By: Defendant Seka, John Joseph<br><i>Notice of Hearing on the Petition Requesting A Genetic Marker Analysis of Evidence Within Possession or Custody of the State of Nevada (NRS 176.0918)</i>                                  |
| 08/15/2017 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response to Defendant's Petition Requesting Genetic Marker Analysis</i>   |
| 09/05/2017 |  Reply to Opposition<br>Filed by: Defendant Seka, John Joseph<br><i>Defendant's Reply to State's Opposition of Defendant's Petition for Post-Conviction Genetic Marker Analysis Testing NRS 176.0918</i>   |
| 09/19/2017 |  Order Granting<br>Filed By: Defendant Seka, John Joseph<br><i>Order Granting Petitioner John Joseph Seka's Post-Conviction Petition Requesting a Genetic Marker Analysis of Evidence within Possession or Custody of the State of Nevada (NRS 176.0918)</i> |
| 09/19/2017 |  Notice of Entry<br>Filed By: Defendant Seka, John Joseph<br><i>Notice of Entry of Order</i>  |
| 09/25/2017 |  Certificate of Service<br>Filed by: Defendant Seka, John Joseph<br><i>Certificate of Service</i>  |
| 09/25/2017 |  Receipt of Copy<br>Filed by: Defendant Seka, John Joseph<br><i>Receipt of Copy</i>  |
| 09/25/2017 |  Receipt of Copy<br>Filed by: Defendant Seka, John Joseph<br><i>Receipt of Copy</i>  |
| 02/15/2018 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>Order</i>  |
| 02/15/2018 |  Notice of Entry<br>Filed By: Defendant Seka, John Joseph<br><i>Notice of Entry of Order</i>   |
| 02/22/2018 |  Receipt for Release of Exhibits   |
| 06/14/2018 |  Order for Production of Inmate<br>Party: Plaintiff State of Nevada<br><i>Order for Production of Inmate, John S. Seka, BAC #69025</i>   |

# CASE SUMMARY

CASE NO. 99C159915

|            |  |
|------------|--|
| 01/15/2019 |  Stipulation and Order<br>Filed by: Defendant Seka, John Joseph<br><i>Stipulation and Order to Transport Exhibit 19 (Bullet/Bullet Fragments) on the Prosecution's Trial Exhibit List From the District Court Evidence Vault to the LVMPD Forensic Lab for the Purpose of Opening the Evidence and Photographing it</i> |
| 01/16/2019 |  Notice of Entry of Order<br>Filed By: Defendant Seka, John Joseph<br><i>Notice of Entry of Order</i>   |
| 01/24/2019 |  Order<br>Filed By: Defendant Seka, John Joseph<br><i>Order</i>   |
| 01/25/2019 |  Notice of Entry<br>Filed By: Defendant Seka, John Joseph<br><i>Notice of Entry of Order</i>  |
| 01/29/2019 |  Receipt for Release of Exhibits<br><i>State's Exhibit #19 &amp; #22</i>  |
| 07/25/2019 |  Order<br>Filed By: Plaintiff State of Nevada<br><i>Order for Transcript</i>  |
| 07/29/2019 |  Reporters Transcript<br><i>Reporter's Transcript of Petition Re Genetic Marker Analysis December 14, 2018</i>  |
| 11/19/2019 |  Motion for New Trial<br>Filed By: Petitioner Seka, John<br><i>Defendant John Seka's Motion for a New Trial</i>   |
| 01/30/2020 |  Response<br><i>State's Response to Defendant's Motion for a New Trial</i>  |
| 03/04/2020 |  Reply in Support<br>Filed By: Defendant Seka, John Joseph<br><i>Reply in Support of Mr. Seka's Motion for a New Trial</i>  |
| 03/24/2020 |  Order Granting Motion<br><i>Defendant John Seka's Order Granting Motion for a New Trial</i>  |
| 03/25/2020 |  Notice of Entry of Order<br>Filed By: Defendant Seka, John Joseph<br><i>Notice of Entry of Order</i>   |
| 03/27/2020 |  Notice of Appeal (criminal)<br>Party: Plaintiff State of Nevada<br><i>Notice of Appeal</i>   |
| 03/27/2020 |  Request<br>Filed by: Plaintiff State of Nevada<br><i>Original Transcript Request.</i>  |

# CASE SUMMARY

CASE NO. 99C159915

03/27/2020



Case Appeal Statement

Filed By: Plaintiff State of Nevada

Case Appeal Statement.

## DISPOSITIONS

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

1. MURDER WITH A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

2. MURDER IN THE SECOND DEGREE WITH A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

3. ROBBERY

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

4. ROBBERY

Not Guilty

PCN: Sequence:

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

2. MURDER OF THE SECOND DEGREE WITH OF A DEADLY WEAPON

Guilty

PCN: Sequence:

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

3. ROBBERY

Guilty

PCN: Sequence:

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

4. ROBBERY

Guilty

PCN: Sequence:

04/26/2001

**Disposition** (Judicial Officer: User, Conversion)

# CASE SUMMARY

CASE No. 99C159915

04/26/2001

**Adult Adjudication** (Judicial Officer: User, Conversion)

1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.010\*165 (200.010\*165)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE

Converted Disposition:

Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0001

and Sentence#: 0001

Converted Disposition:

Sentence# 0003: RESTITUTION

Amount: \$2825.00

Converted Disposition:

Sentence# 0004: CREDIT FOR TIME SERVED

Minimum 720 Days to Maximum 720 Days

Converted Disposition:

Sentence# 0005: ADMINISTRATION FEE

Amount: \$25.00

04/26/2001

**Adult Adjudication** (Judicial Officer: User, Conversion)

2. MURDER OF THE SECOND DEGREE WITH OF A DEADLY WEAPON  
01/01/1900 (F) 200.0302\*165 (200.0302\*165)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0001

and Sentence#: 0001

Converted Disposition:

Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0002

and Sentence#: 0001

04/26/2001

**Adult Adjudication** (Judicial Officer: User, Conversion)

3. ROBBERY  
01/01/1900 (F) 200.380 (200.380)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 35 Months to Maximum 156 Months

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0002

and Sentence#: 0001

04/26/2001

**Adult Adjudication** (Judicial Officer: User, Conversion)

4. ROBBERY  
01/01/1900 (F) 200.380 (200.380)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 35 Months to Maximum 156 Months

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0003

and Sentence#: 0001

# CASE SUMMARY

CASE No. 99C159915

## HEARINGS

|            |  |
|------------|--|
| 07/13/1999 | <p><b>Initial Arraignment (9:00 AM)</b></p> <p>Events: 06/30/1999 Hearing<br/> <i>INITIAL ARRAIGNMENT Court Clerk: RITA LOPEZ Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley</i><br/> Matter Heard; INITIAL ARRAIGNMENT Court Clerk: RITA LOPEZ Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>DEFENDANT SEKA ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. Mr. Kane reserved the right to file a Notice to Seek the Death Penalty. CUSTODY 9/7/99 9:30 AM CALENDAR CALL 9/13/99 1:00 PM TRIAL BY JURY ;</i></p>  |
| 07/20/1999 | <p><b>Motion to Set Bail (9:00 AM)</b></p> <p>Events: 07/15/1999 Motion<br/> <i>DEFT'S MOTION TO SET BAIL Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley</i><br/> Granted; DEFT'S MOTION TO SET BAIL Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>Mr. Kennedy requested bail set at \$50,000. Arguments and elements of the case by Mr. Kane. COURT ORDERED, BAIL SET AT \$50,000 AS TO COUNT I; NO BAIL ON COUNT II; STANDARD BAIL ON COUNTS III &amp; IV. CUSTODY ;</i></p>  |
| 07/28/1999 | <p><b>Request (9:00 AM)</b></p> <p>Events: 07/23/1999 Hearing<br/> <i>STATE'S REQUEST ADVISE COURT STATE SEEKING DEATH Court Clerk: JUDY NORMAN Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley</i><br/> Matter Heard; STATE'S REQUEST ADVISE COURT STATE SEEKING DEATH Court Clerk: JUDY NORMAN Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>Mr. Kane advised he would try to maintain the Trial date; however, he anticipated a Writ would now be filed as well as numerous motions. Mr. Kennedy concurred. COURT DIRECTED counsel to advise this Court at whatever point it arises if the date cannot be maintained. Mr. Kennedy advised he would. CUSTODY ;</i></p>   |
| 08/18/1999 | <p><b>Motion (9:00 AM)</b></p> <p>Events: 08/10/1999 Motion<br/> <i>DEFT'S MOTION TO APPOINT CO-COUNSEL AND MOTION TO RESET TRIAL DATE Court Clerk: JUDY NORMAN Relief Clerk: AMBER FARLEY/af Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley</i><br/> Matter Heard; DEFT'S MOTION TO APPOINT CO-COUNSEL AND MOTION TO RESET TRIAL DATE Court Clerk: JUDY NORMAN Relief Clerk: AMBER FARLEY/af Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>Court stated matter is on for appointment of co-counsel, as this is a Capital case. Mr. Christiansen requested to be appointed as co-counsel, stated he is Rule 250 Certified. COURT ORDERED, Mr. Christiansen APPOINTED as CO-COUNSEL. Mr. Kennedy requested trial date be continued, and stated the will have to WAIVE the 60-day rule. Mr. Kane stated no objection. COURT ORDERED, calendar call and trial dates VACATED and RESET. 5/30/00 9:30 AM CALENDAR CALL 6/5/00 1:00 PM JURY TRIAL ;</i></p> |
| 09/07/1999 | <p><b>CANCELED Calendar Call (9:30 AM)</b></p> <p><i>Vacated</i></p>   |
| 09/13/1999 | <p><b>CANCELED Jury Trial (1:00 PM)</b></p> <p><i>Vacated</i></p>  |
| 10/05/1999 | <p><b>Petition for Writ of Habeas Corpus (9:00 AM)</b></p> <p>Events: 09/22/1999 Petition<br/> <i>DEFT'S PETN FOR WRIT OF HABEAS CORPUS Court Clerk: JUDY NORMAN</i></p>   |

# CASE SUMMARY

CASE No. 99C159915

|            |   |
|------------|---|
|            | <p>Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Matter Heard; DEFT'S PETN FOR WRIT OF HABEAS CORPUS Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Journal Entry Details:<br/> COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS: STATE'S RESPONSE DUE 10/29; REPLY DUE 11/12; SET FOR HEARING. CUSTODY 11/18/99 9:00 AM ARGUMENT AND DECISION RE: PETITION FOR WRIT OF HABEAS CORPUS ;</p>  |
| 11/18/1999 | <p><b>Hearing (9:00 AM)</b><br/> Events: 10/05/1999 Conversion Case Event Type<br/> ARGUMENT AND DECISION RE: DEFT'S PETITION FOR WRIT OF HABEAS Heard By: Donald Mosley</p>  |
| 11/22/1999 | <p><b>Hearing (9:00 AM)</b><br/> ARGUMENT AND DECISION RE: DEFT'S PETITION FOR WRIT OF HABEAS Court Clerk: JUDY NORMAN Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley<br/> Denied; ARGUMENT AND DECISION RE: DEFT'S PETITION FOR WRIT OF HABEAS Court Clerk: JUDY NORMAN Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley<br/> Journal Entry Details:<br/> Mr. Kennedy argued there was no connecting evidence to tie Defendant to the murder of Hamilton or the two robberies. Mr. Kane argued the evidence which was brought out at the Justice Court level showed enough probable cause to bind the matter over. Mr. Christiansen argue the bodies were found 60 miles apart and 45 days apart. The Court stated the same evidence which would link Defendant to the murders would link him to the robberies and, when looking at the totality, FINDS the evidence sufficient. COURT ORDERED, PETITION DENIED. CUSTODY ;</p> |
| 05/30/2000 | <p><b>Calendar Call (9:30 AM)</b><br/> CALENDAR CALL Court Clerk: JUDY NORMAN Relief Clerk: GREER JENNISON/GJ Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Matter Heard; CALENDAR CALL Court Clerk: JUDY NORMAN Relief Clerk: GREER JENNISON/GJ Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Journal Entry Details:<br/> COUNSEL DISCUSSED IN CHAMBERS. Mr. Christansen advised he had been through Discovery and now had an additional 30 witnesses, some of whom are in Federal custody, all of whom have Counsel and requested a continuance to allow him to co-ordinate the arrangements. COURT ORDERED, Trial date VACATED and RESET with PRIORITY in the ordinary course. CUSTODY 2/6/01 9:30 AM CALENDAR CALL 2/12/01 10:00 AM JURY TRIAL (PRIORITY) ;</p>   |
| 06/05/2000 | <p><b>CANCELED Jury Trial (1:00 PM)</b><br/> Vacated</p>  |
| 01/17/2001 | <p><b>Motion to Compel (9:00 AM)</b><br/> Events: 12/21/2000 Motion<br/> STATE'S MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES Court Clerk: JUDY NORMAN Relief Clerk: KEITH REED/KAR Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Granted; STATE'S MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES Court Clerk: JUDY NORMAN Relief Clerk: KEITH REED/KAR Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley<br/> Journal Entry Details:<br/> Mr. Kane stated no opposition had been filed and noted the order may not be necessary as a stipulation may be worked out. Mr. Kennedy concurred. COURT ORDERED, motion GRANTED. Order submitted and signed in open court. CUSTODY ;</p>   |
| 02/06/2001 | <p><b>Calendar Call (9:30 AM)</b><br/> CALENDAR CALL Court Clerk: LINDA SKINNER Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley<br/> Matter Heard; CALENDAR CALL Court Clerk: LINDA SKINNER Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley<br/> Journal Entry Details:<br/> Upon Court's inquiry, counsel announced ready and trial should last about 9 days. Mr. Kane advised he filed two pre-trial motions to be heard the morning of trial. Following colloquy</p>   |

# CASE SUMMARY

CASE No. 99C159915

between Court and counsel, those motions will be heard on Friday, 2/9. CUSTODY 2/9/01 9:00 AM PRE-TRIAL MOTIONS ;

02/09/2001

**Motion in Limine (9:00 AM)**

Events: 02/02/2001 Motion

DEFT'S MOTION IN LIMINE Heard By: Donald Mosley

02/09/2001

**Motion to Dismiss (9:00 AM)**

Events: 02/02/2001 Motion

DEFT'S MOTION TO DISMISS CHARGE OF MURDER/ROBBERY Heard By: Donald Mosley

02/09/2001

**All Pending Motions (9:00 AM)**

ALL PENDING MOTIONS 2/9/01 Court Clerk: LINDA SKINNER/ls Relief Clerk: KEITH REED Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley

Matter Heard; ALL PENDING MOTIONS 2/9/01 Court Clerk: LINDA SKINNER/ls Relief Clerk: KEITH REED Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley

Journal Entry Details:

DEFT'S MOTION TO DISMISS THE CHARGE OF MURDER AND ROBBERY OF PETER LAMANI, OR IN THE ALTERNATIVE, TO SEVER THE CHARGES OF MURDER AND ROBBERY OF PETER LAMANI AND ERIC HAMILTON INTO TWO SEPARATE TRIALS...DEFT'S MOTION IN LIMINE DEFT'S MOTION TO DISMISS: Court noted the issue is that the victim, Peter Lamani, was found in California, however, the murder happened in Nevada. Mr. Kane concurred. Mr. Kennedy argued that there is no evidence that Peter Lamani was murdered in Nevada. There is an abundance of evidence tying the victim to California. Based on the Evidentiary Hearing and discovery, it is not clear that Peter Lamani was murdered in Clark County. Arguments by Mr. Kane; victim's ID was found here with some of his own blood on it. The Forensic Officers will testify this is a Clark County homicide as the body was found in an unpopulated section of the California desert. Additionally, victim had a business and residence here. Upon Court's inquiry regarding signs of a struggle, Mr. Kennedy advised there are tire tracks leading away from the body. COURT ORDERED, Deft's Motion is DENIED. DEFT'S MOTION IN LIMINE: Mr. Kane advised Defendant was interviewed and stated "either arrest me or let me go" and then left the State for Pennsylvania. Mr. Kennedy stated Defendant told police he was going to Pennsylvania; the interview was in November and he left December 23 to visit family. Officers had contacted the DA and they did not have enough evidence to arrest him. Mr. Kane concurred, however, Defendant was interviewed at his business and stated he would be back that evening. He never returned, went to Pennsylvania and called the building owner to lock up the business. Mr. Kane argued that he borrowed Peter's girlfriends car to go back to his residence and the business because the police were watching his van; he fled to Pennsylvania and borrowed the car to avoid arrest. Mr. Kennedy argued that is was not clear that the police were going to arrest him. COURT ORDERED, Deft's Motion is DENIED, there is sufficient evidence to bring before the jury. CUSTODY ;

02/12/2001

**Jury Trial (1:00 PM)**

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

Journal Entry Details:

The Clerk called the roll of the Jury Panel with all present. Jury Selection. COURT ORDERED, EVENING RECESS. CUSTODY ;

02/13/2001

**Jury Trial (1:00 PM)**

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

Journal Entry Details:

The Clerk called the roll of the Jury Panel with all present. Jury selection continued. Jury and Alternate Jurors sworn to try the case. The Clerk read the Information to the Jury. Opening statement by Mr. Kane. Opening statement by Mr. Kennedy. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS. CUSTODY ;



# CASE SUMMARY

CASE No. 99C159915

02/14/2001

## Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

### Journal Entry Details:

*Outside the presence of the Jury, Mr. Christiansen objected to Mr. Kane mentioning David Welch in openings. David Welch was an expert they had not been given notice of pursuant to statute and received his CV yesterday. Mr. Christiansen requested Mr. Welch excluded from testifying. Mr. Kane advised of the State's open door policy, and his policy of contacting counsel 2-3 weeks prior to trial to invite them to look through his file. Upon the Court's inquiry, Mr. Kane advised he would be calling Mr. Welch tomorrow, as he was leaving town on Saturday and had a doctor's appointment on Friday. The Court stated his intentions were not to strike but to try to accomodate counsel in any way possible. Mr. Kane advised he would also accomodate defense counsel as best he could. The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS. CUSTODY ;*

02/15/2001

## Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.

### Journal Entry Details:

*Court in recess this date. CUSTODY ;*

02/16/2001

## Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN - JOE D'AMATO Heard By: Mosley, Donald M.

### Journal Entry Details:

*The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, NOON RECESS. Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.) Outside the presence of the Jury, Mr. Christiansen advised during the redirect of David Welch, he was asked if the defense had the ability to test samples if they so desired. Mr. Christiansen argued that was a burden shifting question which was improper and moved for mistrial. Mr. Kane argued there was sufficient material left for testing since 3/1, and defense counsel had disclosure for almost a year. Further, matter could be cured by an instruction regarding shifting of burden. Mr. Christiansen argued that had not had notice of the DNA expert and five of the six items left were blood of victims. The Court stated he had indicated to counsel at the Bench that the State would be allowed to proceed and the question asked by Mr. Fattig would not be stricken. Parties have spent a lot of time today on this DNA question, and it is an important question in this case. COURT FINDS that clear inference was made in that Mr. Fattig was in his rights to make a counter-assertiion to the question asked. As to a shifting of the burden, COURT FINDS that in the context of what was found here in this case this afternoon, a shift in the burden has not occurred. As to the notice of expert regarding DNA, the Court stated he did not think that fact necessarily justified or suggested that DNA testing would not be pursued. Once the report was received in 3/00 of DNA testing, counsel could have inquired if there were more material to test and, by the way, are you going to call an expert. COURT ORDERED, MOTION FOR MISTRIAL DENIED. Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS. CUSTODY ;*

02/20/2001

## Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN / JOE D'AMATO Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN / JOE D'AMATO Heard By: Mosley, Donald M.

### Journal Entry Details:

*1:10 PM IN PRESENCE OF JURY: Roll call taken; testimony and exhibits presented (see worksheets). 3:40 PM OUTSIDE PRESENCE OF JURY: Objections by Mr. Christiansen regarding the witness Mr. Cremer making statements that were unresponsive and feels they are prejudicial to Defendant. Therefore, Mr. Christiansen MOVED FOR A MISTRIAL. Arguments by Mr. Kane. Court stated its findings and advised a cautionary instruction will be considered. Court DENIED request for a mistrial and stated Defendant is entitled to a fair*

# CASE SUMMARY

CASE No. 99C159915

*trial, not a perfect one. 3:50 PM IN PRESENCE OF JURY: Counsel stipulated to presence of Jury; testimony and exhibits continued (see worksheets). 5:05 PM EVENING RECESS; Jury admonished, excused and told to return at 1:00 PM on 2/21. ;*

02/21/2001

**Jury Trial (1:00 PM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: JOE D'AMATO - MAUREEN SCHORN Heard By: Mosley, Donald M.*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: JOE D'AMATO - MAUREEN SCHORN Heard By: Mosley, Donald M.*

*Journal Entry Details:*

*The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS. CUSTODY ;*

02/22/2001

**Jury Trial (1:00 PM)**

*TRIAL BY JURY Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN / JOE D'AMATO Heard By: Mosley, Donald M.*

*Matter Continued; TRIAL BY JURY Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN / JOE D'AMATO Heard By: Mosley, Donald M.*

*Journal Entry Details:*

*1:03 PM IN PRESENCE OF JURY: Roll call taken; testimony and exhibits presented (see worksheets). 2:10 PM STATE RESTS. 3:15 PM OUTSIDE PRESENCE OF JURY: Defendant advised of his rights. 3:20 PM IN PRESENCE OF JURY: DEFENSE RESTS. There being no rebuttal, Court excused, admonished and told Jury to return at 10:00 AM on 2/23. ;*

02/23/2001

**Jury Trial (9:00 AM)**

*TRIAL BY JURY Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN / JOE D'AMATO Heard By: Mosley, Donald M.*

*Matter Continued; TRIAL BY JURY Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN / JOE D'AMATO Heard By: Mosley, Donald M.*

*Journal Entry Details:*

*10:10 AM OUTSIDE PRESENCE OF JURY: Jury instructions settled on the record. Counsel stipulated to Defendant's Exhibits H, AA & BB being admitted into evidence. 10:35 AM IN PRESENCE OF JURY: Roll call taken. Jury instructions read by Judge. Closing argument by Mr. Fattig; Jury excused. 1:30 PM IN PRESENCE OF JURY: Counsel stipulated to presence of Jury. Closing arguments by Mr. Christiansen and Mr. Kane. 3:10 PM JURY RETIRED TO DELIBERATE. 4:45 PM Jury admonished and excused until Monday, 2/26 at 9:00 AM. ;*

02/26/2001

**Jury Trial (9:00 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.*

*Journal Entry Details:*

*Jury deliberating. COURT ORDERED, EVENING RECESS. CUSTODY ;*

02/27/2001

**Jury Trial (9:00 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.*

*Journal Entry Details:*

*Jury deliberating. COURT ORDERED, EVENING RECESS. CUSTODY ;*

02/28/2001

**Jury Trial (9:00 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Heard By: Mosley, Donald M.*

*Journal Entry Details:*

*Jury deliberating. COURT ORDERED, evening recess. CUSTODY ;*

03/01/2001

**Jury Trial (9:00 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley*

*Matter Heard; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley*

# CASE SUMMARY

CASE No. 99C159915

## Journal Entry Details:

*At the hour of 11:40 AM, the Jury returned with VERDICTS FINDING DEFENDANT SEKA as to COUNT I-GUILTY OF MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); as to COUNT II-GUILTY OF MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); as to COUNT III-GUILTY OF ROBBERY (F); as to COUNT IV-GUILTY OF ROBBERY (F). The Court thanked the Jury and, ORDERED, PENALTY HEARING TO BEGIN 3/2. CUSTODY 3/2/01 10:00 AM PENALTY HEARING ;*

03/02/2001

## Hearing (10:00 AM)

Events: 03/01/2001 Hearing

PENALTY HEARING Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley

Matter Heard; PENALTY HEARING Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley

## Journal Entry Details:

*Outside the presence of the Jury, Jury Instructions settled in Open Court. As to Victim Peter Limani's sister testifying, Mr. Kane argued the murders were related and testimony should be allowed as to prior murders. Mr. Christiansen argued victim impact statement could only be considered as to Victim Hamilton. COURT ORDERED, Ms. Tomasevich will be PRECLUDED from offering a statement before the Jury. However, the Court will accomodate and allow Ms. Tomasevich to address the Court outside the presence of the Jury. Testimony and exhibits presented. (See worksheets.) The Court instructed the Jury on the laws which apply to the case. Outside the presence of the Jury, the Court advised defendant of his right to make an unsworn statement. Closing arguments by Mr. Kane. Closing arguements by Mr. Kennedy and Mr. Christiansen. Rebuttal argument by Mr. Kane. Bailiff sworn to take charge of the Jury at 11:40 AM. At the hour of 4:10 PM, the Jury returned to Court. The Foreman advised the Court that the Jury was deadlocked and unable to reach a verdict. Conference at the Bench. COURT ORDERED, PENALTY HEARING REFERRED TO A THREE JUDGE PANEL; set for STATUS CHECK. The Court thanked and excused the Jury. Outside the presence of the Jury, Dianne Tomasevich sworn and addressed the Court. 3/13/01 9:00 AM STATUS CHECK: THREE JUDGE PANEL ;*

03/13/2001

## Status Check (9:00 AM)

Events: 03/05/2001 Hearing

STATUS CHECK: THREE JUDGE PANEL Court Clerk: LINDA SKINNER

Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley

Matter Heard; STATUS CHECK: THREE JUDGE PANEL Court Clerk: LINDA SKINNER

Reporter/Recorder: JOE D'AMATO Heard By: Donald Mosley

## Journal Entry Details:

*STIPULATION AND AGREEMENT TO WAIVE SENTENCING BY THREE JUDGE PANEL FILED IN OPEN COURT. Mr. Kane advised the parties have stipulated for this Court to sentence defendant and that Count I shall carry a life sentence without the possibility of parole with an equal and consecutive term for the use of a deadly weapon; all parties retain the right to argue and defendant retains his right to appeal. Court advised the Three Judge Panel will be WAIVED, matter is referred to the Division of Parole and Probation for a Pre-sentence Investigation Report and ORDERED, set for sentencing. CUSTODY 4/26/01 9:00 AM SENTENCING ;*

04/26/2001

## Sentencing (9:00 AM)

Events: 03/13/2001 Conversion Case Event Type

SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN

Heard By: Donald Mosley

## MINUTES



Conversion Case Event Type

SENTENCING

Granted; SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley

## Journal Entry Details:

*Nathan Michaels from the Division of Parole and Probation present. DEFENDANT SEKA ADJUDGED GUILTY of COUNT I - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT II - MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III-IV - ROBBERY (F). Speaker Michelle Hamilton sworn and testified. Statements by the State, defendant and counsel. COURT ORDERED,*

**CASE SUMMARY****CASE No. 99C159915**

*DEFENDANT SENTENCED to the Nevada Department of Prisons as to: COUNT I - Life WITHOUT the possibility of parole, plus an equal and consecutive Life WITHOUT the possibility of parole for the Use of a Deadly Weapon and pay \$2,825 restitution. COUNT II - Life WITH the possibility of parole, plus an equal and consecutive Life WITH the possibility of parole for the Use of a Deadly Weapon; Count II to run CONSECUTIVE to Count I. COUNT III - a MAXIMUM term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS; Count III to run CONSECUTIVE to Count II. COUNT IV - a MAXIMUM term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS; Count IV to run CONSECUTIVE to Count III. Credit for time served is 720 days. Mr. Christiansen requested to be appointed for the appeal. There being no objection, COURT SO ORDERED. CLERK'S NOTE: Pursuant to statute and Pre-sentencing Report, a \$25 Administrative Assessment fee and a \$250 DNA Analysis fee is imposed. CLERK'S NOTE: 5/1/01 Additionally, Defendant's Pro Per Petition for Writ of Habeas Corpus is DENIED as the issue was entertained and denied on two previous occasions; 11/22/99 and 2/9/01. The defendant is not allowed to file pro per motions while represented by counsel. This petition is not properly brought before the Court. Is CLERK'S NOTE: 5/3/01 Count IV is to run CONSECUTIVE to Count III not CONCURRNET. ls ;*

|            |  |
|------------|--|
| 04/07/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>Events: 02/24/2004 Petition</i><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>   |
| 04/07/2004 | <b>Motion (9:00 AM)</b><br><i>Events: 02/13/2004 Motion</i><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>   |
| 04/07/2004 | <b>Request (9:00 AM)</b><br><i>Events: 03/30/2004 Hearing</i><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>   |
| 04/07/2004 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 4/7/04 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i><br><i>Matter Heard; ALL PENDING MOTIONS 4/7/04 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i><br><i>Journal Entry Details:</i><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR REQUEST TO RESPOND TO RESPONDENT'S ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS Mr. Peter J. Christiansen appeared for Mr. Peter S. Christiansen. Court noted a 45 day continuance has been requested to submit affidavits. Mr. Christiansen concurred in that Mr. Peter S. Christiansen has just finished a long murder trial. Court requested counsel contact his Law Clerk if they are not prepared to go forward next date and ORDERED, matter CONTINUED. NDC ...CONTINUED 5/28/04 9:00 AM ;</i> |
| 05/28/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>   |
| 05/28/2004 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>   |
| 05/28/2004 | <b>Request (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>  |
| 07/09/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>   |
| 07/09/2004 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>   |
| 07/09/2004 | <b>Request (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>  |

# CASE SUMMARY

CASE No. 99C159915

|            |   |
|------------|---|
| 08/06/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>  |
| 08/06/2004 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>  |
| 08/06/2004 | <b>Request (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>   |
| 08/06/2004 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 8/6/04 Relief Clerk: Jennifer Lott Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br><i>Matter Heard; ALL PENDING MOTIONS 8/6/04 Relief Clerk: Jennifer Lott Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br><i>Journal Entry Details:</i><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.....DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS.....DEFT'S MOTION FOR REQUEST TO RESPOND TO RESPONDENTS' ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS Mr. Kennedy stated he submitted an affidavit and counsel expects Mr. Christiansen will do the same. COURT ORDERED, matter CONTINUED as Mr. Christiansen is out of the jurisdiction. NDC CONTINUED TO: 9/17/04 9:00 A.M. (SAME AS ABOVE) ;</i> |
| 09/17/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>  |
| 09/17/2004 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>  |
| 09/17/2004 | <b>Request (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>   |
| 10/01/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>  |
| 10/01/2004 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>  |
| 10/01/2004 | <b>Request (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>   |
| 11/05/2004 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /20 Heard By: Donald Mosley</i>  |
| 11/05/2004 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO MTN Heard By: Donald Mosley</i>  |
| 11/05/2004 | <b>Request (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR REQUEST TO RESPOND/22 Heard By: Donald Mosley</i>   |
| 11/05/2004 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 11/5/04 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br><i>Matter Heard; ALL PENDING MOTIONS 11/5/04 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br><i>Journal Entry Details:</i><br><i>DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR REQUEST TO RESPOND TO RESPONDENTS' ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS AS TO PROCEED IN FORMA PAUPERIS: COURT ORDERED, GRANTED. AS TO WRIT: Mr. Kennedy and Mr. Christiansen sworn and testified. Court</i>  |

# CASE SUMMARY

CASE NO. 99C159915

*addressed all points of Defendant's writ. Defendant feels that his defense team was not assertive, thereby being ineffective. Following all arguments, Court found Defendant's counsel was not ineffective and ORDERED, writ DENIED. AS TO MOTION: Court noted any time to respond has passed and ORDERED, DENIED. NDC ;*

02/24/2005

**Motion (9:00 AM)**

Events: 02/09/2005 Motion

*DEFT'S PRO PER MTN FOR TRANSCRIPT FOR EVIDENTIARY HEARING/26 Court Clerk:*

*Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley*

*Denied; DEFT'S PRO PER MTN FOR TRANSCRIPT FOR EVIDENTIARY HEARING/26*

*Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley*

*Journal Entry Details:*

*As Defendant gives no reason or justification for the taxpayers to pay for the transcript,*

*COURT ORDERED, DENIED. NDC ;*

07/17/2017



**Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)**

**07/17/2017, 09/06/2017, 09/13/2017, 12/20/2017, 01/08/2018, 01/24/2018, 04/02/2018, 07/02/2018, 08/20/2018, 09/10/2018, 10/08/2018, 12/14/2018, 12/19/2018**

*Petitioner's Post-Conviction Petition Requesting a Genetic Marker Analysis of Evidence Within Possession, or Custody of the State of Nevada (NRS 176.0918)*

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

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Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Granted in Part;

Matter Continued;

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Granted in Part;

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Granted in Part;

Matter Continued;

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**CASE No. 99C159915**

Printed on 03/30/2020 at 10:52 AM

**CASE No. 99C159915**

Matter Continued;  
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# CASE SUMMARY

CASE No. 99C159915

Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Granted in Part;  
Journal Entry Details:

*Deft. not present, Nevada Department of Corrections (NDC). Ms. Craggs requested 30 days for the State to respond to Deft's. Petition as it was mailed to their office and only received last week. COURT ORDERED, State's Response DUE 08/14/17, Deft's. Reply DUE 08/28/17, a Hearing SET; Petition CONTINUED. NDC 09/16/17 9:00 A.M. DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...HEARING: DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918;*

09/13/2017

**Hearing (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

*Hearing: Defendant's Post-Conviction Petition Requesting A Genetic Marker Analysis of Evidence Within Possession or Custody of the State of Nevada (NRS 176.0918)*

Matter Continued;

09/13/2017



**All Pending Motions (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

Matter Heard;

Journal Entry Details:

*HEARING: DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918 Deft. not present, Nevada Department of Corrections (NDC). Colloquy regarding certain procedures that must be met if the Court makes its decision on the Petition today with no further hearings are to be set, and the parties required to be noticed and present. COURT STATED today's hearing is to determine if the Petition should be granted or denied; a follow up hearing would be set to see what evidence exists. COURT CONSIDERS this Petition as putting the Las Vegas Metropolitan Police Department (LVMPD) and State on notice. Extensive argument by counsel. Ms. Armeni argued she believes the criteria has been met to have the genetic markers tested, the case was based on largely circumstantial evidence. Further arguing, there is zero direct evidence; Deft. lived and worked at the same place as the victim. There have been advances in DNA testing that may identify somebody else. Mr. Fattig argued the statute requires a reasonable possibility the Deft. would not have been prosecuted or convicted if exculpatory evidence was obtained; he does not believe this is exculpatory evidence. Adding, many of the items Deft. wants tested already excluded him. Mr. Fattig further argued members of the jury handled evidence, who is to say their fingerprints are not on the evidence; he does not think the Deft. has met the standard. Ms. Armeni further argued the Police Department gathered all the evidence, at one point they believed it was important enough to collect. COURT NOTED with the opportunity of newly available technology there is testing available that was not available then; there were items that were collected that could identify someone else as a potential suspect. COURT STATED ITS FINDINGS, and ORDERED, testing should be allowed on the items that met the standard; it is necessary to see what inventory does exist. A Status Check SET for the Court to make a final determination on what should be tested and what meets the standard, Petition CONTINUED. Ms. Armeni is to prepare Order. The Court will issue an Order to be sent to the Las Vegas Metro Police Department and Clerk's Office to preserve all evidence within their possession, an inventory is to be provided within 90 days of the Order. Colloquy regarding any evidence that may be in San Bernardino as Deft. was found there. COURT DIRECTED Mr. Fattig to facilitate the provision of any evidence that may be in San Bernardino as inventory. NDC 12/20/17 9:00 A.M. STATUS CHECK: SETTING OF HEARING / RECEIPT OF INVENTORY BY COUNSEL AND COURT...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918;*

12/20/2017

**Status Check (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

**12/20/2017, 01/08/2018, 01/24/2018**

*Status Check: Setting of Hearing / Receipt of Inventory by Court and Counsel*

# CASE SUMMARY

CASE No. 99C159915

Matter Continued;  
Matter Continued;  
Matter Heard;  
Matter Continued;  
Matter Continued;  
Matter Heard;  
Matter Continued;  
Matter Continued;  
Matter Heard;

12/20/2017



**All Pending Motions (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: SETTING OF HEARING/ RECEIPT OF INVENTORY BY COURT AND COUNSEL... DEFENDANT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) Deft. not present. Ms. Armeni stated an inventory list has been received from Metro, inclusive of which exhibits were opened and which were still sealed. There is an issue with the list received from the Courthouse Vault. Mr. Fattig stated it appeared the list from the Vault is just a copy of the exhibit list from the trial, it did not specify which items were opened or still sealed. Additionally, it did not clarify if there were additional items in the vault not used during the trial. COURT CLARIFIED, the Vault is to provide counsel a comprehensive list of ALL exhibits in their possession, noting which items are opened and / or remain sealed, and ORDERED, matters CONTINUED. Upon Ms. Armeni s inquiry, COURT ADVISED, the Hearing will not held at the future Court date, the Hearing will be SET for another date. CONTINUED TO: 01/08/18 9:00 A.M. (BOTH);*

01/08/2018



**All Pending Motions (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: SETTING OF HEARING / RECEIPT OF INVENTORY BY COURT AND COUNSEL...DEFT'S. POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) Deft. not present. Mr. Fattig requested the MATTER be TRAILED as he would like to speak with Ms. Armeni regarding additional discovery that was received. MATTER RECALLED, all parties present as before. Mr. Fattig stated he received inventories for both the Clerk of the Court and the Las Vegas Metropolitan Police Department (LVMPD). He just received a copy of the forensic expert's reports and provided that to Ms. Armeni today; he would like to speak to an expert regarding some of the advances in science. He will speak with Ms. Armeni to see if they can agree as to what items can be tested. Upon Court's inquiry, Ms. Armeni stated that sounded amendable. COURT ORDERED, matters CONTINUED. NDC CONTINUED TO: 01/24/18 9:00 A.M. (BOTH);*

01/24/2018



**All Pending Motions (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: SETTING OF HEARING / RECEIPT OF INVENTORY BY COURT AND COUNSEL...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176/0918) Mr. Fattig stated the parties have been discussing testing certain items; the State is still objecting based on the same argument made in September, 2017. COURT NOTED the State is objecting but following the Court's directive. Mr. Fattig stated if the Court feels certain standards have been meet the parties have agreed to the testing of Court's Exhibit #36 from the original trial. It was admitted, it is still in a sealed condition and appears to have never been opened. Additionally, the parties agree to testing of the cigarette butts found by the victim's body. They were maintained by the Las Vegas Metropolitan Police Department (LVMPD); they are believed to still be in a sealed condition. The parties STIPULATE to testing these items as a good place to start. COURT ADVISED, it will provide an Order to test these items, and STATED ITS FINDINGS; the Court RESERVES for counsel to come back for testing of further items. Mr. Fattig stated he believes another Buccal swab needs to be obtained, that can be done later. Additionally, Deft. suggests they want a different test that the Las Vegas Metropolitan Police Department does not do here, the items would have to be shipped out and it would be very expensive. Colloquy regarding scheduling.*

# CASE SUMMARY

CASE No. 99C159915

*COURT ORDERED, Petition CONTINUED, a Status Check SET. NDC 04/02/18 9:00 A.M. STATUS CHECK: TESTING... DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176/0918) ;*

04/02/2018

**Status Check (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

**04/02/2018, 07/02/2018, 08/20/2018**

*Status Check: Testing*

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;

Matter Continued;

Matter Heard;

04/02/2018



**All Pending Motions (9:00 AM)** (Judicial Officer: Bonaventure, Joseph T.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: TESTING...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) Deft. not present, Nevada Department of Corrections (NDC). Ms. Armeni stated the parties have spoken, they hope the results on the initial testing will be returned in mid June and requested the matters be CONTINUED, With there being no objection by the State, COURT SO ORDERED. NDC CONTINUED TO: 07/02/18 9:00 A.M. (BOTH);*

07/02/2018



**All Pending Motions (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: TESTING...DEFENDANT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) Deft. not present. Ms. Armeni stated the preliminary testing was done; a buccal swab was taken yesterday. Mr. Fattig concurred. COURT ORDERED, matter CONTINUED for the test results. NDC CONTINUED TO: 8/20/18 9:00 AM;*

08/20/2018



**All Pending Motions (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

Matter Heard;

Journal Entry Details:

*PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: TESTING COURT ADVISED, Deft. DOES NOT need to be transported for any future hearings until the Court ORDERS otherwise. Ms. Armeni stated testing was completed on the items; Deft. was excluded from all results; two items had a foreign contributor. Adding, she spoke with the State as she would like further testing done on some items. Ms. Armeni requested the matter be CONTINUED; the parties may stipulate as to the items or submit to the Court. Mr. Fattig stated the hindrance may be preservation of the items; some items weren't preserved, they were opened in front of the Jury. Mr. Fattig stated it needs to be seen how the additional items were preserved over the years. Following colloquy regarding scheduling, COURT ORDERED, matter CONTINUED, a Status Check SET; Deft's. presence WAIVED. NDC PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: ADDITIONAL DNA TESTING ;*

09/10/2018

**Status Check (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)





**09/10/2018, 10/08/2018**

*Status Check: Additional DNA Testing*

Matter Continued;

# CASE SUMMARY

CASE No. 99C159915

|            |  |
|------------|--|
|            | <p>Matter Heard;<br/>Matter Continued;<br/>Matter Heard;</p>   |
| 09/10/2018 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)</p> <p>Matter Heard;<br/>Journal Entry Details:<br/><i>PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: ADDITIONAL DNA TESTING Deft. not present, Nevada Department of Corrections (NDC). Mr. Fattig stated the parties have had communication back and forth; they have not been able to come to a conclusion of the lab. Additionally, Ms. Armeni has a trial coming up. Upon Court's inquiry, the parties concurred it is just a matter of communication. COURT ORDERED, matter CONTINUED; Deft. is not to be transported until the Court deems it necessary. NDC ;</i></p>  |
| 10/08/2018 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)</p> <p>Matter Heard;<br/>Journal Entry Details:<br/><i>PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: ADDITIONAL DNA TESTING Deft. not present, Nevada Department of Corrections (NDC). Ms. Armeni stated she spoke with Mr. Fattig this morning, the State won't agree to any further testing. Mr. Fattig stated he intends to call a DNA expert that has already completed some testing; contamination issues are the State's main concerns. There are three items in dispute: a black baseball hat, State's exhibit 22 at trial, and bullet fragments from 1929 Western Ave, State's exhibit 19 at trial. The third items are a tin of Shoal tobacco and two beer bottles that were not opened or admitted at trial; items 22 and 19 were opened at trial and handled by the jury. Upon Court's inquiry, counsel concurred that everything the Court previously ordered retested was, including items counsel stipulated to. There were items counsel came to an impasse about that were not tested. Following colloquy regarding scheduling, COURT ORDERED, Petition CONTINUED, an Evidentiary Hearing SET. Mr. Fattig requested items 19 and 22 from the trial be available at the Hearing. COURT SO NOTED. NDC 12/14/18 9:00 A.M. PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...EVIDENTIARY HEARING: PETITION RE: GENETIC MARKER ANALYSIS;</i></p> |
| 12/14/2018 | <p><b>Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)<br/><b>12/14/2018, 12/19/2018</b><br/><i>Evidentiary Hearing: Petition Re: Genetic Marker Analysis</i><br/>Matter Continued;<br/>Matter Heard;<br/>Matter Continued;<br/>Matter Heard;</p>  |
| 12/14/2018 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)</p> <p>Matter Heard;<br/>Journal Entry Details:<br/><i>EVIDENTIARY HEARING: PETITION RE: GENETIC MARKER ANALYSIS....PETITIONER S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) DEFT NOT PRESENT. Testimony and exhibits presented (see worksheet) Closing arguments of counsel. The Court stated it will need time to review the arguments of counsel and the case before giving a ruling, therefore, COURT ORDERED, MATTER CONTINUED for DECISION. NDC 12-19-18 9:00 AM DECISION (DEPT. XXV);</i></p>  |
| 12/19/2018 | <p><b>Decision</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)<br/>Decision Made;</p>   |
| 12/19/2018 | <p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)<br/><i>Status Check: Competency Request</i></p>   |

# CASE SUMMARY

CASE No. 99C159915

Matter Heard;

Journal Entry Details:

*DECISION...EVIDENTIARY HEARING: PETITION RE: GENETIC MARKER ANALYSIS...PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918) Deft. not present, Nevada Department of Corrections (NDC). COURT ORDERED, Deft.'s. Petition Requesting a Genetic Marker Analysis of Evidence Within Possession, or Custody of the Sate of Nevada GRANTED IN PART / DENIED IN PART, and STATED FINDINGS. Motion GRANTED as to additional testing on the cap found at the murder scene and bottle and can of Skoal found at the dump site, Motion DENIED as to additional testing on the bullet fragments. The State is to prepare the Order. Mr. Fattig noted the items are already with the Las Vegas Metropolitan Police Department, there should be no issues getting them to the laboratory for additional testing. Following colloquy regarding scheduling, COURT FURTHER ORDERED, a Status Check SET. NDC 03/20/19 9:00 A.M. STATUS CHECK: TEST RESULTS ;*

04/03/2019



**Status Check (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

**04/03/2019, 07/24/2019**

*Status Check: Test Results*

## MINUTES

Matter Continued;

Matter Heard;

Journal Entry Details:

*Defendant's presence waived for these proceedings. COURT ORDERED, briefing schedule set as follows: Defendant's Motion for New Trial DUE: 10/28/19; State's response DUE 1/06/20; Defendant's reply DUE: 2/03/20 and matter set for argument and decision. NDC 2/10/20 9:00 a.m. Defendant's Motion for New Trial;*

Matter Continued;

Matter Heard;

Journal Entry Details:

*Deft. not present, Nevada Department of Corrections (NDC). Ms. Armeni stated the necessary report was received back from the last round of testing, Las Vegas Metropolitan Police Department provided the data for all underlying testing. Colloquy regarding scheduling. COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 05/15/19 9:00 A.M.;*

## SCHEDULED HEARINGS



**Motion for New Trial (02/10/2020 at 9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

**02/10/2020, 03/11/2020**

*DEFENDANT'S MOTION FOR NEW TRIAL*

02/10/2020



**Motion for New Trial (9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)

**02/10/2020, 03/11/2020**

*DEFENDANT'S MOTION FOR NEW TRIAL*

## MINUTES

Matter Continued;

email chain dated 02/12/20

Motion Granted;

Journal Entry Details:

*Deputy District Attorney Skyler Sullivan, Esq. present on behalf of State. Deft. not present, Nevada Department of Corrections (NDC). Arguments by counsel regarding the additional testing completed items obtained at the crime scene, profiles obtained, and statutes applicable. Ms. Armeni argued pursuant to NRS 176.515 the two-year statute of limitations is not applicable here; the DNA testing the State allowed was favorable to Deft. State's evidence was circumstantial, Deft. provided consent and a voluntary statement. It was a mixed jury verdict. There is some suggestion the Jury struggled to come up with their verdict. Ms. Skyler argued because Deft. actually filed a Motion for Genetic Testing the actual statute that applies to Deft.'s. Motion for a new trial is NRS 176.09187; there is no evidence provided that is favorable to Deft. The evidence provided at trial was that Deft. was excluded as a contributor to this DNA evidence. Adding, just because police collected evidence doesn't mean it was related to the crime scene or a perpetrator of the crime. Ms. Armeni further argued that evidence was collected that excluded Deft. and included an unknown person or persons.*



**CASE SUMMARY****CASE No. 99C159915**

*COURT STATED FINDINGS, and ORDERED, Def't's. Motion GRANTED; a Status Check SET. COURT FINDS that the evidence, at least with regard to the finger nail clippings specifically and with Court believing we can consider the other items as collected by police even if there is not a certainty that they can be tied to the crime scene, they were collected; cigarette butts, Skoal container and beer bottle, and as we consider those things and looking at the totality of the circumstances, COURT FINDS, that information to be otherwise potentially favorable to Def't. because they include other unknown individuals. COURT FINDS the two-year statute of limitations in NRS 176.515(3) is not inapplicable therefore, there is no statute of limitations. Also, NRS 176.09187(1)(b) does WAIVE that limitation. COURT STATED FURTHER FINDINGS. Ms. Armeni is to prepare the Order. NDC 04/15/20 9:00 A.M. STATUS CHECK: NEW TRIAL.;*

Matter Continued;  
email chain dated 02/12/20  
Motion Granted;  
Journal Entry Details:

*No parties present. COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 03/11/20 9:00 A.M. CLERK'S NOTE: Following email communications between counsel and Court staff, the future hearing date of 02/19/20 RESET to 03/11/20 as that date was previously mutually agreed upon by counsel. A copy of this minute order was electronically served on all counsel. /sb 02/10/20;*

**SCHEDULED HEARINGS**

**Status Check** (04/15/2020 at 9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

*Status Check: New Trial*

04/15/2020

**Status Check** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

*Status Check: New Trial*

**DATE****FINANCIAL INFORMATION**

**Defendant** Seka, John Joseph

Total Charges

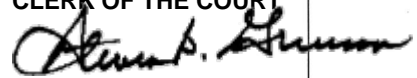
275.00

Total Payments and Credits

3.92

**Balance Due as of 3/30/2020**

**271.08**



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CLARK HILL  
PAOLA M. ARMENI  
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Fax: (702) 862-8400

ROCKY MOUNTAIN INNOCENCE CENTER  
JENNIFER SPRINGER  
Nevada Bar No. 13767  
E-mail: [jspringer@rminnocence.org](mailto:jspringer@rminnocence.org)  
358 South 700 East, B235  
Salt Lake City, Utah 84102  
Tel: (801) 355-1888

*Attorneys for Petitioner John Joseph Seka*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

JOHN JOSEPH SEKA,  
Petitioner,

vs.

STATE OF NEVADA,  
Respondent,

CASE NO. 99C159915  
DEPT. XXV

**DEFENDANT JOHN SEKA'S ORDER GRANTING MOTION FOR A NEW TRIAL**

John Seka's Motion for New Trial having come on regularly for hearing on the 11<sup>th</sup> day of March 2020, in Department XXV, the Honorable Judge Kathleen Delaney presiding, the Defendant, John Seka being represented by Paola M. Armeni, Esq., of the law firm of Clark Hill PLC and Jennifer Springer, Esq., of the Rocky Mountain Innocence Center, the Plaintiff, State of Nevada being represented by Alexander G. Chen, Chief Deputy District Attorney, and Skyler Sullivan, Deputized Law Clerk, the issues being fully argued by counsel, the Court makes the following findings:

1. That the evidence of the finger nail clippings of the named victim Eric Hamilton, cigarette

1 butts, Skoal container and beer bottle that were located at the scene where Mr. Hamilton  
2 was located, as well as the baseball hat that was found at the purported crime scene was  
3 subjected to DNA testing after the Court granted in part Petitioner's Post Conviction  
4 Petition Requesting a Genetic Marker Analysis of Evidence Within the Possession, or  
5 Custody of the State of Nevada.  
6

- 7 2. That DNA profiles to unknown individuals was located on five out of the 6 items that  
8 were tested. Additionally, five out of six of the items also excluded Mr. Seka as a DNA  
9 match.  
10 3. The multiple unknown DNA profiles are favorable evidence to Mr. Seka.  
11 4. Since there is favorable evidence, the two-year statute of limitations in NRS 176.515(3)  
12 is inapplicable, therefore, there is no statute of limitations and Mr. Seka's Motion for  
13 New Trial is timely.  
14 5. Mr. Seka has established a basis for new trial as the evidence is newly discovered,  
15 material to his defense, that even with the exercise of reasonable diligence it could not  
16 have been discovered or produced for trial, is non-cumulative, renders a different result  
17 probable upon retrial, and is not only an attempt to discredit a witness and this evidence  
18 is the best evidence this case admits.

19 ///

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1 The Court being fully advised in the premises and good cause appearing therefor,

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant's Motion  
3 for New Trial is hereby Granted.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a Status Check for  
5 setting a new trial is set for April 15, 2020 at 9:00 a.m.

6 DATED this 24<sup>th</sup> day of March 2020.

7  
8  
9   
DISTRICT COURT JUDGE  
10 TG

Submitted By:

11 CLARK HILL PLLC  
12 

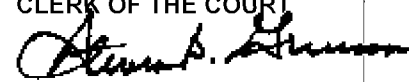
13 Paola M. Armeni, Esq.  
14 Nevada Bar No. 8357  
15 3800 Howard Hughes Pkwy., #500  
16 Las Vegas, Nevada 89169

17 Jennifer Springer  
18 Rocky Mountain Innocence Center  
19 Nevada Bar No. 13767  
20 358 South 700 East, B235  
21 Salt Lake City, UT 84102  
22 Attorneys for John Joseph Seka

23 Approved as to form and content:

24 CLARK COUNTY DISTRICT ATTORNEY- CRIMINAL DIVISION  
25 

26 Alexander G. Chen  
27 Chief Deputy District Attorney  
28 Skyler Sullivan  
Deputized District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff, The State of Nevada



1 **NOE**  
2 CLARK HILL PLC  
3 PAOLA M. ARMENI  
4 Nevada Bar No. 8357  
5 E-mail: [parmeni@clarkhill.com](mailto:parmeni@clarkhill.com)  
6 3800 Howard Hughes Parkway, Suite 500  
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9 Fax: (702) 862-8400

6 ROCKY MOUNTAIN INNOCENCE CENTER  
7 JENNIFER SPRINGER  
8 Nevada Bar No. 13767  
9 E-mail: [jspringer@rminnocence.org](mailto:jspringer@rminnocence.org)  
10 358 South 700 East, B235  
11 Salt Lake City, Utah 84102  
12 Tel: (801) 355-1888

10 *Attorneys for Petitioner John Joseph Seka*  
11 *In Conjunction with Rocky Mountain Innocence Center*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 JOHN JOSEPH SEKA,  
15  
16 Petitioner,

16 vs.

17 STATE OF NEVADA,  
18  
19 Respondent,

CASE NO. 99C159915  
DEPT. XIV

20 **NOTICE OF ENTRY OF ORDER**

21 PLEASE TAKE NOTICE that Defendant John Seka's Order Granting Motion for a New  
22 Trial was entered in the above-entitled matter on the 23<sup>rd</sup> day March, 2020, a copy of which is

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 attached hereto.

2 Dated this 25<sup>th</sup> day March, 2020.

3 CLARK HILL PLC

4 /s/ Paola M. Armeni

5 PAOLA M. ARMENI

6 Nevada Bar No. 8357

3800 Howard Hughes Parkway, Suite 500

Las Vegas, Nevada 89169

7 Tel: (702) 862-8300

8 ROCKY MOUNTAIN INNOCENCE CENTER

9 JENNIFER SPRINGER

10 Nevada Bar No. 13767

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11 Salt Lake City, Utah 84102

Tel: (801) 355-1888

12 *Attorneys for Petitioner John Joseph Seka*

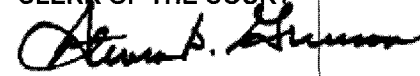
13 *In Conjunction with Rocky Mountain Innocence*  
14 *Center*

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Clark Hill PLC, hereby certifies that on the 25  
day of March, 2020, I served a copy of the **NOTICE OF ENTRY OF ORDER** by electronic  
means addressed to:

Clark County District Attorney – Criminal Division  
Alexander G. Chen, Chief Deputy District Attorney  
Skyler Sullivan, Deputized District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89101  
Email: [Alexander.Chen@clarkcountyda.com](mailto:Alexander.Chen@clarkcountyda.com)

  
An employee of CLARK HILL PLC



1 OGM  
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3 PAOLA M. ARMENI  
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Salt Lake City, Utah 84102  
Tel: (801) 355-1888

10 *Attorneys for Petitioner John Joseph Seka*

11 **EIGHTH JUDICIAL DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JOHN JOSEPH SEKA,

14 Petitioner,

15 vs.

16 STATE OF NEVADA,

17 Respondent,

CASE NO. 99C159915  
DEPT. XXV

18  
19 **DEFENDANT JOHN SEKA'S ORDER GRANTING MOTION FOR A NEW TRIAL**

20 John Seka's Motion for New Trial having come on regularly for hearing on the 11<sup>th</sup> day of  
21 March 2020, in Department XXV, the Honorable Judge Kathleen Delaney presiding, the  
22 Defendant, John Seka being represented by Paola M. Armeni, Esq., of the law firm of Clark Hill  
23 PLC and Jennifer Springer, Esq., of the Rocky Mountain Innocence Center, the Plaintiff, State of  
24 Nevada being represented by Alexander G. Chen, Chief Deputy District Attorney, and Skyler  
25 Sullivan, Deputized Law Clerk, the issues being fully argued by counsel, the Court makes the  
26 following findings:  
27

- 28 1. That the evidence of the finger nail clippings of the named victim Eric Hamilton, cigarette

1 butts, Skoal container and beer bottle that were located at the scene where Mr. Hamilton  
2 was located, as well as the baseball hat that was found at the purported crime scene was  
3 subjected to DNA testing after the Court granted in part Petitioner's Post Conviction  
4 Petition Requesting a Genetic Marker Analysis of Evidence Within the Possession, or  
5 Custody of the State of Nevada.  
6

- 7 2. That DNA profiles to unknown individuals was located on five out of the 6 items that  
8 were tested. Additionally, five out of six of the items also excluded Mr. Seka as a DNA  
9 match.  
10 3. The multiple unknown DNA profiles are favorable evidence to Mr. Seka.  
11 4. Since there is favorable evidence, the two-year statute of limitations in NRS 176.515(3)  
12 is inapplicable, therefore, there is no statute of limitations and Mr. Seka's Motion for  
13 New Trial is timely.  
14 5. Mr. Seka has established a basis for new trial as the evidence is newly discovered,  
15 material to his defense, that even with the exercise of reasonable diligence it could not  
16 have been discovered or produced for trial, is non-cumulative, renders a different result  
17 probable upon retrial, and is not only an attempt to discredit a witness and this evidence  
18 is the best evidence this case admits.

19 ////

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1 The Court being fully advised in the premises and good cause appearing therefor,

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant's Motion  
3 for New Trial is hereby Granted.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a Status Check for  
5 setting a new trial is set for April 15, 2020 at 9:00 a.m.

6 DATED this 24<sup>th</sup> day of March 2020.

7  
8  
9   
DISTRICT COURT JUDGE  
10 JG

Submitted By:

11 CLARK HILL PLLC  


12 Paola M. Armeni, Esq.  
13 Nevada Bar No. 8357  
14 3800 Howard Hughes Pkwy., #500  
Las Vegas, Nevada 89169

15 Jennifer Springer  
16 Rocky Mountain Innocence Center  
17 Nevada Bar No. 13767  
358 South 700 East, B235  
Salt Lake City, UT 84102  
*Attorneys for John Joseph Seka*

18  
19 Approved as to form and content:

20 CLARK COUNTY DISTRICT ATTORNEY - CRIMINAL DIVISION  
21 

22 Alexander G. Chen  
23 Chief Deputy District Attorney  
24 Skyler Sullivan  
25 Deputized District Attorney  
26 200 Lewis Avenue  
27 Las Vegas, Nevada 89101  
28 *Attorneys for Plaintiff, The State of Nevada*

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 13, 1999**

99C159915

The State of Nevada vs John J Seka

**July 13, 1999****9:00 AM****Initial Arraignment****INITIAL  
ARRAIGNMENT  
Court Clerk: RITA  
LOPEZ  
Reporter/Recorder:  
JOE D'AMATO  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John JAttorney  
Attorney  
Defendant**JOURNAL ENTRIES**

- DEFENDANT SEKA ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.  
COURT ORDERED, matter set for trial. Mr. Kane reserved the right to file a Notice to Seek the Death  
Penalty.

**CUSTODY**

9/7/99 9:30 AM CALENDAR CALL

9/13/99 1:00 PM TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 20, 1999**

99C159915

The State of Nevada vs John J Seka

**July 20, 1999****9:00 AM****Motion to Set Bail****DEFT'S MOTION  
TO SET BAIL Court  
Clerk: JUDY  
NORMAN  
Reporter/Recorder:  
MAUREEN  
SCHORN Heard By:  
Donald Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John JAttorney  
Attorney  
Defendant**JOURNAL ENTRIES**

- Mr. Kennedy requested bail set at \$50,000. Arguments and elements of the case by Mr. Kane.  
COURT ORDERED, BAIL SET AT \$50,000 AS TO COUNT I; NO BAIL ON COUNT II; STANDARD  
BAIL ON COUNTS III & IV.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 28, 1999**

99C159915

The State of Nevada vs John J Seka

**July 28, 1999****9:00 AM****Request**

**STATE'S REQUEST  
ADVISE COURT  
STATE SEEKING  
DEATH Court Clerk:  
JUDY NORMAN  
Reporter/Recorder:  
JOE D'AMATO  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John J

Attorney  
Attorney  
Defendant

**JOURNAL ENTRIES**

- Mr. Kane advised he would try to maintain the Trial date; however, he anticipated a Writ would now be filed as well as numerous motions. Mr. Kennedy concurred. COURT DIRECTED counsel to advise this Court at whatever point it arises if the date cannot be maintained. Mr. Kennedy advised he would.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 18, 1999**

99C159915

The State of Nevada vs John J Seka

**August 18, 1999****9:00 AM****Motion**

**DEFT'S MOTION  
TO APPOINT CO-  
COUNSEL AND  
MOTION TO RESET  
TRIAL DATE Court  
Clerk: JUDY  
NORMAN Relief  
Clerk: AMBER  
FARLEY/af  
Reporter/Recorder:  
MAUREEN  
SCHORN Heard By:  
Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.  
Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John J

Attorney  
Attorney  
Attorney  
Defendant

**JOURNAL ENTRIES**

- Court stated matter is on for appointment of co-counsel, as this is a Capital case. Mr. Christiansen requested to be appointed as co-counsel, stated he is Rule 250 Certified. COURT ORDERED, Mr. Christiansen APPOINTED as CO-COUNSEL. Mr. Kennedy requested trial date be continued, and stated the will have to WAIVE the 60-day rule. Mr. Kane stated no objection. COURT ORDERED, calendar call and trial dates VACATED and RESET.

5/30/00 9:30 AM CALENDAR CALL

PRINT DATE: 03/30/2020

Page 4 of 61

Minutes Date:

July 13, 1999

6/5/00 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 05, 1999**

99C159915

The State of Nevada vs John J Seka

**October 05, 1999****9:00 AM****Petition for Writ of Habeas  
Corpus**

**DEFT'S PETN FOR  
WRIT OF HABEAS  
CORPUS Court  
Clerk: JUDY  
NORMAN  
Reporter/Recorder:  
MAUREEN  
SCHORN Heard By:  
Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.  
Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John J

Attorney  
Attorney  
Attorney  
Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, BRIEFING SCHEDULE AS FOLLOWS: STATE'S RESPONSE DUE 10/29;  
REPLY DUE 11/12; SET FOR HEARING.

CUSTODY

11/18/99 9:00 AM ARGUMENT AND DECISION RE: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 22, 1999

99C159915

The State of Nevada vs John J Seka

November 22, 1999

9:00 AM

Hearing

**ARGUMENT AND  
DECISION**

**RE: DEFT'S  
PETITION FOR  
WRIT OF HABEAS  
Court Clerk: JUDY  
NORMAN**

**Reporter/Recorder:  
JOE D'AMATO  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- Mr. Kennedy argued there was no connecting evidence to tie Defendant to the murder of Hamilton or the two robberies. Mr. Kane argued the evidence which was brought out at the Justice Court level showed enough probable cause to bind the matter over. Mr. Christiansen argue the bodies were found 60 miles apart and 45 days apart. The Court stated the same evidence which would link Defendant to the murders would link him to the robberies and, when looking at the totality, FINDS the evidence sufficient. COURT ORDERED, PETITION DENIED.

CUSTODY

PRINT DATE:

03/30/2020

Page 7 of 61

Minutes Date:

July 13, 1999

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 30, 2000

99C159915

The State of Nevada vs John J Seka

May 30, 2000

9:30 AM

Calendar Call

CALENDAR CALL

Court Clerk: JUDY

NORMAN Relief

Clerk: GREER

JENNISON/GJ

Reporter/Recorder:

MAUREEN

SCHORN Heard By:

Donald Mosley

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- COUNSEL DISCUSSED IN CHAMBERS. Mr. Christansen advised he had been through Discovery and now had an additional 30 witnesses, some of whom are in Federal custody, all of whom have Counsel and requested a continuance to allow him to co-ordinate the arrangements. COURT ORDERED, Trial date VACATED and RESET with PRIORITY in the ordinary course.

CUSTODY

2/6/01 9:30 AM CALENDAR CALL

2/12/01 10:00 AM JURY TRIAL (PRIORITY)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 17, 2001**

99C159915

The State of Nevada vs John J Seka

**January 17, 2001****9:00 AM****Motion to Compel**

**STATE'S MOTION  
TO COMPEL  
PRODUCTION OF  
HANDWRITING  
SAMPLES Court  
Clerk: JUDY  
NORMAN Relief  
Clerk: KEITH  
REED/KAR  
Reporter/Recorder:  
MAUREEN  
SCHORN Heard By:  
Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John J

Attorney  
Attorney  
Defendant

**JOURNAL ENTRIES**

- Mr. Kane stated no opposition had been filed and noted the order may not be necessary as a stipulation may be worked out. Mr. Kennedy concurred. COURT ORDERED, motion GRANTED. Order submitted and signed in open court.  
CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2001**

99C159915

The State of Nevada vs John J Seka

**February 06, 2001****9:30 AM****Calendar Call****CALENDAR CALL  
Court Clerk: LINDA  
SKINNER  
Reporter/Recorder:  
JOE D'AMATO  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Kane, Edward R.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- Upon Court's inquiry, counsel announced ready and trial should last about 9 days. Mr. Kane advised he filed two pre-trial motions to be heard the morning of trial. Following colloquy between Court and counsel, those motions will be heard on Friday, 2/9.

CUSTODY

2/9/01 9:00 AM PRE-TRIAL MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 09, 2001**

99C159915

The State of Nevada vs John J Seka

**February 09, 2001****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 2/9/01  
Court Clerk: LINDA  
SKINNER/ls Relief  
Clerk: KEITH REED  
Reporter/Recorder:  
JOE D'AMATO  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John J

Attorney  
Attorney  
Defendant

**JOURNAL ENTRIES**

- DEFT'S MOTION TO DISMISS THE CHARGE OF MURDER AND ROBBERY OF PETER LAMANI, OR IN THE ALTERNATIVE, TO SEVER THE CHARGES OF MURDER AND ROBBERY OF PETER LAMANI AND ERIC HAMILTON INTO TWO SEPARATE TRIALS...DEFT'S MOTION IN LIMINE DEFT'S MOTION TO DISMISS: Court noted the issue is that the victim, Peter Lamani, was found in California, however, the murder happened in Nevada. Mr. Kane concurred. Mr. Kennedy argued that there is no evidence that Peter Lamani was murdered in Nevada. There is an abundance of evidence tying the victim to California. Based on the Evidentiary Hearing and discovery, it is not clear that Peter Lamani was murdered in Clark County. Arguments by Mr. Kane; victim's ID was found here with some of his own blood on it. The Forensic Officers will testify this is a Clark County homicide as the body was found in an unpopulated section of the California desert. Additionally,

victim had a business and residence here. Upon Court's inquiry regarding signs of a struggle, Mr. Kennedy advised there are tire tracks leading away from the body. COURT ORDERED, Deft's Motion is DENIED.

DEFT'S MOTION IN LIMINE: Mr. Kane advised Defendant was interviewed and stated "either arrest me or let me go" and then left the State for Pennsylvania. Mr. Kennedy stated Defendant told police he was going to Pennsylvania; the interview was in November and he left December 23 to visit family. Officers had contacted the DA and they did not have enough evidence to arrest him. Mr. Kane concurred, however, Defendant was interviewed at his business and stated he would be back that evening. He never returned, went to Pennsylvania and called the building owner to lock up the business. Mr. Kane argued that he borrowed Peter's girlfriends car to go back to his residence and the business because the police were watching his van; he fled to Pennsylvania and borrowed the car to avoid arrest. Mr. Kennedy argued that it was not clear that the police were going to arrest him. COURT ORDERED, Deft's Motion is DENIED, there is sufficient evidence to bring before the jury. CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2001**

99C159915

The State of Nevada vs John J Seka

**February 12, 2001****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MAUREEN****SCHORN - JOE****D'AMATO Heard****By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- The Clerk called the roll of the Jury Panel with all present. Jury Selection. COURT ORDERED,  
EVENING RECESS.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 13, 2001**

99C159915

The State of Nevada vs John J Seka

**February 13, 2001****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MAUREEN****SCHORN - JOE****D'AMATO Heard****By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- The Clerk called the roll of the Jury Panel with all present. Jury selection continued. Jury and Alternate Jurors sworn to try the case. The Clerk read the Information to the Jury. Opening statement by Mr. Kane. Opening statement by Mr. Kennedy. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 14, 2001**

99C159915

The State of Nevada vs John J Seka

**February 14, 2001****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MAUREEN****SCHORN - JOE****D'AMATO Heard****By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- Outside the presence of the Jury, Mr. Christiansen objected to Mr. Kane mentioning David Welch in openings. David Welch was an expert they had not been given notice of pursuant to statute and received his CV yesterday. Mr. Christiansen requested Mr. Welch excluded from testifying. Mr. Kane advised of the State's open door policy, and his policy of contacting counsel 2-3 weeks prior to trial to invite them to look through his file. Upon the Court's inquiry, Mr. Kane advised he would be calling Mr. Welch tomorrow, as he was leaving town on Saturday and had a doctor's appointment on Friday. The Court stated his intentions were not to strike but to try to accomodate counsel in any way possible. Mr. Kane advised he would also accomodate defense counsel as best he could. The Clerk

called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.)  
COURT ORDERED, EVENING RECESS.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 15, 2001**

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99C159915

The State of Nevada vs John J Seka

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**February 15, 2001****10:00 AM****Jury Trial****TRIAL BY JURY  
Court Clerk: JUDY  
NORMAN Heard  
By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Court in recess this date.  
CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 16, 2001**

99C159915

The State of Nevada vs John J Seka

**February 16, 2001****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MAUREEN****SCHORN - JOE****D'AMATO Heard****By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, NOON RECESS. Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.) Outside the presence of the Jury, Mr. Christiansen advised during the redirect of David Welch, he was asked if the defense had the ability to test samples if they so desired. Mr. Christiansen argued that was a burden shifting question which was improper and moved for mistrial. Mr. Kane argued there was sufficient material left for testing since 3/1, and defense counsel had disclosure for almost a year. Further, matter could be cured by an instruction regarding shifting of burden. Mr. Christiansen argued that had not had notice of the

DNA expert and five of the six items left were blood of victims. The Court stated he had indicated to counsel at the Bench that the State would be allowed to proceed and the question asked by Mr. Fattig would not be stricken. Parties have spent a lot of time today on this DNA question, and it is an important question in this case. COURT FINDS that clear inference was made in that Mr. Fattig was in his rights to make a counter-assertiion to the question asked. As to a shifting of the burden, COURT FINDS that in the context of what was found here in this case this afternoon, a shift in the burden has not occurred. As to the notice of expert regarding DNA, the Court stated he did not think that fact necessarily justified or suggested that DNA testing would not be pursued. Once the report was received in 3/00 of DNA testing, counsel could have inquired if there were more material to test and, by the way, are you going to call an expert. COURT ORDERED, MOTION FOR MISTRIAL DENIED. Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 20, 2001**

99C159915

The State of Nevada vs John J Seka

**February 20, 2001****1:00 PM****Jury Trial**

**TRIAL BY JURY**  
**Court Clerk: LINDA**  
**SKINNER**  
**Reporter/Recorder:**  
**MAUREEN**  
**SCHORN / JOE**  
**D'AMATO Heard**  
**By: Mosley, Donald**  
**M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                        |           |
|------------------------|-----------|
| Christiansen, Peter S. | Attorney  |
| Fattig, John T         | Attorney  |
| Kane, Edward R.        | Attorney  |
| Kennedy, Kirk T.       | Attorney  |
| Seka, John J           | Defendant |

**JOURNAL ENTRIES**

- 1:10 PM IN PRESENCE OF JURY: Roll call taken; testimony and exhibits presented (see worksheets). 3:40 PM OUTSIDE PRESENCE OF JURY: Objections by Mr. Christiansen regarding the witness Mr. Cremer making statements that were unresponsive and feels they are prejudicial to Defendant. Therefore, Mr. Christiansen MOVED FOR A MISTRIAL. Arguments by Mr. Kane. Court stated its findings and advised a cautionary instruction will be considered. Court DENIED request for a mistrial and stated Defendant is entitled to a fair trial, not a perfect one. 3:50 PM IN PRESENCE OF JURY: Counsel stipulated to presence of Jury; testimony and exhibits continued (see worksheets). 5:05 PM EVENING RECESS; Jury admonished, excused and told to return at 1:00 PM on 2/21.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 21, 2001**

99C159915

The State of Nevada vs John J Seka

**February 21, 2001****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:****JOE D'AMATO -****MAUREEN****SCHORN Heard By:****Mosley, Donald M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- The Clerk called the roll of the Jury with all present. Testimony and exhibits presented. (See worksheets.) COURT ORDERED, EVENING RECESS.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 22, 2001**

99C159915

The State of Nevada vs John J Seka

**February 22, 2001****1:00 PM****Jury Trial****TRIAL BY JURY****Court Clerk: LINDA  
SKINNER****Reporter/Recorder:  
MAUREEN****SCHORN / JOE****D'AMATO Heard****By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- 1:03 PM IN PRESENCE OF JURY: Roll call taken; testimony and exhibits presented (see worksheets). 2:10 PM STATE RESTS. 3:15 PM OUTSIDE PRESENCE OF JURY: Defendant advised of his rights. 3:20 PM IN PRESENCE OF JURY: DEFENSE RESTS. There being no rebuttal, Court excused, admonished and told Jury to return at 10:00 AM on 2/23.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 23, 2001**

99C159915

The State of Nevada vs John J Seka

**February 23, 2001****9:00 AM****Jury Trial****TRIAL BY JURY**  
**Court Clerk: LINDA**  
**SKINNER**  
**Reporter/Recorder:**  
**MAUREEN**  
**SCHORN / JOE**  
**D'AMATO Heard**  
**By: Mosley, Donald**  
**M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Christiansen, Peter S.  
Fattig, John T  
Kane, Edward R.  
Kennedy, Kirk T.  
Seka, John JAttorney  
Attorney  
Attorney  
Attorney  
Defendant**JOURNAL ENTRIES**

- 10:10 AM OUTSIDE PRESENCE OF JURY: Jury instructions settled on the record. Counsel stipulated to Defendant's Exhibits H, AA & BB being admitted into evidence. 10:35 AM IN PRESENCE OF JURY: Roll call taken. Jury instructions read by Judge. Closing argument by Mr. Fattig; Jury excused. 1:30 PM IN PRESENCE OF JURY: Counsel stipulated to presence of Jury. Closing arguments by Mr. Christiansen and Mr. Kane. 3:10 PM JURY RETIRED TO DELIBERATE. 4:45 PM Jury admonished and excused until Monday, 2/26 at 9:00 AM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 26, 2001**

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99C159915

The State of Nevada vs John J Seka

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**February 26, 2001****9:00 AM****Jury Trial****TRIAL BY JURY  
Court Clerk: JUDY  
NORMAN Heard  
By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Jury deliberating. COURT ORDERED, EVENING RECESS.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 27, 2001**

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99C159915

The State of Nevada vs John J Seka

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**February 27, 2001****9:00 AM****Jury Trial****TRIAL BY JURY  
Court Clerk: JUDY  
NORMAN Heard  
By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Jury deliberating. COURT ORDERED, EVENING RECESS.  
CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 28, 2001**

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99C159915

The State of Nevada vs John J Seka

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**February 28, 2001****9:00 AM****Jury Trial****TRIAL BY JURY  
Court Clerk: JUDY  
NORMAN Heard  
By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Jury deliberating. COURT ORDERED, evening recess.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 01, 2001**

99C159915

The State of Nevada vs John J Seka

**March 01, 2001****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY****NORMAN****Reporter/Recorder:****MAUREEN****SCHORN Heard By:****Donald Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Fattig, John T

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- At the hour of 11:40 AM, the Jury returned with VERDICTS FINDING DEFENDANT SEKA as to COUNT I-GUILTY OF MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); as to COUNT II-GUILTY OF MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); as to COUNT III-GUILTY OF ROBBERY (F); as to COUNT IV-GUILTY OF ROBBERY (F). The Court thanked the Jury and, ORDERED, PENALTY HEARING TO BEGIN 3/2. CUSTODY

3/2/01 10:00 AM PENALTY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 02, 2001**

99C159915

The State of Nevada vs John J Seka

**March 02, 2001****10:00 AM****Hearing**

**PENALTY  
HEARING Court  
Clerk: JUDY  
NORMAN  
Reporter/Recorder:  
MAUREEN  
SCHORN Heard By:  
Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                        |           |
|------------------------|-----------|
| Christiansen, Peter S. | Attorney  |
| Fattig, John T         | Attorney  |
| Kane, Edward R.        | Attorney  |
| Kennedy, Kirk T.       | Attorney  |
| Seka, John J           | Defendant |

**JOURNAL ENTRIES**

- Outside the presence of the Jury, Jury Instructions settled in Open Court. As to Victim Peter Limani's sister testifying, Mr. Kane argued the murders were related and testimony should be allowed as to prior murders. Mr. Christiansen argued victim impact statement could only be considered as to Victim Hamilton. COURT ORDERED, Ms. Tomasevich will be PRECLUDED from offering a statement before the Jury. However, the Court will accomodate and allow Ms. Tomasevich to address the Court outside the presence of the Jury. Testimony and exhibits presented. (See worksheets.) The Court instructed the Jury on the laws which apply to the case. Outside the presence of the Jury, the Court advised defendant of his right to make an unsworn statement. Closing arguments by Mr. Kane. Closing arguements by Mr. Kennedy and Mr. Christiansen. Rebuttal

PRINT DATE:

03/30/2020

Page 28 of 61

Minutes Date:

July 13, 1999

argument by Mr. Kane. Bailiff sworn to take charge of the Jury at 11:40 AM. At the hour of 4:10 PM, the Jury returned to Court. The Foreman advised the Court that the Jury was deadlocked and unable to reach a verdict. Conference at the Bench. COURT ORDERED, PENALTY HEARING REFERRED TO A THREE JUDGE PANEL; set for STATUS CHECK. The Court thanked and excused the Jury. Outside the presence of the Jury, Dianne Tomasevich sworn and addressed the Court.

3/13/01 9:00 AM STATUS CHECK: THREE JUDGE PANEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 13, 2001**

99C159915

The State of Nevada vs John J Seka

**March 13, 2001****9:00 AM****Status Check**

**STATUS CHECK:**  
**THREE JUDGE**  
**PANEL Court Clerk:**  
**LINDA SKINNER**  
**Reporter/Recorder:**  
**JOE D'AMATO**  
**Heard By: Donald**  
**Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- STIPULATION AND AGREEMENT TO WAIVE SENTENCING BY THREE JUDGE PANEL FILED IN OPEN COURT. Mr. Kane advised the parties have stipulated for this Court to sentence defendant and that Count I shall carry a life sentence without the possibility of parole with an equal and consecutive term for the use of a deadly weapon; all parties retain the right to argue and defendant retains his right to appeal. Court advised the Three Judge Panel will be WAIVED, matter is referred to the Division of Parole and Probation for a Pre-sentence Investigation Report and ORDERED, set for sentencing.

CUSTODY

4/26/01 9:00 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 26, 2001**

99C159915

The State of Nevada vs John J Seka

**April 26, 2001****9:00 AM****Sentencing****SENTENCING****Court Clerk: LINDA  
SKINNER****Reporter/Recorder:  
MAUREEN****SCHORN Heard By:  
Donald Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter S.

Attorney

Kane, Edward R.

Attorney

Kennedy, Kirk T.

Attorney

Seka, John J

Defendant

**JOURNAL ENTRIES**

- Nathan Michaels from the Division of Parole and Probation present. DEFENDANT SEKA ADJUDGED GUILTY of COUNT I - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT II - MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON (F); COUNT III-IV - ROBBERY (F). Speaker Michelle Hamilton sworn and testified. Statements by the State, defendant and counsel. COURT ORDERED, DEFENDANT SENTENCED to the Nevada Department of Prisons as to: COUNT I - Life WITHOUT the possibility of parole, plus an equal and consecutive Life WITHOUT the possibility of parole for the Use of a Deadly Weapon and pay \$2,825 restitution. COUNT II - Life WITH the possibility of parole, plus an equal and consecutive Life WITH the possibility of parole for the Use of a Deadly Weapon; Count II to run CONSECUTIVE to Count I. COUNT III - a MAXIMUM term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS; Count III to run CONSECUTIVE to

Count II. COUNT IV - a MAXIMUM term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of THIRTY-FIVE (35) MONTHS; Count IV to run CONSECUTIVE to Count III.

Credit for time served is 720 days.

Mr. Christiansen requested to be appointed for the appeal. There being no objection, COURT SO ORDERED.

CLERK'S NOTE: Pursuant to statute and Pre-sentencing Report, a \$25 Administrative Assessment fee and a \$250 DNA Analysis fee is imposed.

CLERK'S NOTE: 5/1/01 Additionally, Defendant's Pro Per Petition for Writ of Habeas Corpus is DENIED as the issue was entertained and denied on two previous occasions; 11/22/99 and 2/9/01. The defendant is not allowed to file pro per motions while represented by counsel. This petition is not properly brought before the Court. ls

CLERK'S NOTE: 5/3/01 Count IV is to run CONSECUTIVE to Count III not CONCURRNET. ls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 07, 2004**

99C159915

The State of Nevada vs John J Seka

**April 07, 2004****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 4/7/04  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Christiansen, Peter J.  
Kane, Edward R.

Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR REQUEST TO RESPOND TO RESPONDENT'S ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

Mr. Peter J. Christiansen appeared for Mr. Peter S. Christiansen. Court noted a 45 day continuance has been requested to submit affidavits. Mr. Christiansen concurred in that Mr. Peter S. Christiansen has just finished a long murder trial. Court requested counsel contact his Law Clerk if they are not prepared to go forward next date and ORDERED, matter CONTINUED.

NDC

...CONTINUED 5/28/04 9:00 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 06, 2004

99C159915

The State of Nevada vs John J Seka

August 06, 2004

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8/6/04  
Relief Clerk: Jennifer  
Lott  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bawa, Ravindar N.  
Kennedy, Kirk T.  
Sanft, Michael W.

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.....DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS.....DEFT'S MOTION FOR REQUEST TO RESPOND TO RESPONDENTS' ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

Mr. Kennedy stated he submitted an affidavit and counsel expects Mr. Christiansen will do the same. COURT ORDERED, matter CONTINUED as Mr. Christiansen is out of the jurisdiction.

NDC

CONTINUED TO: 9/17/04 9:00 A.M. (SAME AS ABOVE)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2004

99C159915

The State of Nevada vs John J Seka

November 05, 2004

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 11/5/04  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Kane, Edward R.  
Seka, John J

Attorney  
Defendant

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR REQUEST TO RESPOND TO RESPONDENTS' ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS AS TO PROCEED IN FORMA PAUPERIS: COURT ORDERED, GRANTED.

AS TO WRIT: Mr. Kennedy and Mr. Christiansen sworn and testified. Court addressed all points of Defendant's writ. Defendant feels that his defense team was not assertive, thereby being ineffective. Following all arguments, Court found Defendant's counsel was not ineffective and ORDERED, writ DENIED.

AS TO MOTION: Court noted any time to respond has passed and ORDERED, DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 24, 2005**

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99C159915

The State of Nevada vs John J Seka

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**February 24, 2005****9:00 AM****Motion****DEFT'S PRO PER  
MTN FOR  
TRANSCRIPT FOR  
EVIDENTIARY  
HEARING/26 Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Peterson, Clark A.

Attorney

**JOURNAL ENTRIES**

- As Defendant gives no reason or justification for the taxpayers to pay for the transcript, COURT ORDERED, DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 17, 2017**

99C159915

The State of Nevada vs John J Seka

**July 17, 2017****9:00 AM****Motion****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Renee Silvaggio**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Craggs, Genevieve C.

Attorney

Seka, John

Petitioner

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present, Nevada Department of Corrections (NDC).

Ms. Craggs requested 30 days for the State to respond to Deft's. Petition as it was mailed to their office and only received last week. COURT ORDERED, State's Response DUE 08/14/17, Deft's. Reply DUE 08/28/17, a Hearing SET; Petition CONTINUED.

NDC

09/16/17 9:00 A.M. DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...HEARING: DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 06, 2017**

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99C159915

The State of Nevada vs John J Seka

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**September 06, 2017    9:00 AM            Motion****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                     |           |
|-----------------|---------------------|-----------|
| <b>PRESENT:</b> | Merback, William J. | Attorney  |
|                 | State of Nevada     | Plaintiff |

**JOURNAL ENTRIES**

- COURT ADVISED, this matter is on the calendar by mistake, the Hearing on Deft's. Petition is set 09/13/17. COURT ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 13, 2017**

99C159915

The State of Nevada vs John J Seka

**September 13, 2017    9:00 AM            All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                  |            |
|-----------------|------------------|------------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney   |
|                 | Fattig, John T   | Attorney   |
|                 | Seka, John       | Petitioner |
|                 | State of Nevada  | Plaintiff  |

**JOURNAL ENTRIES**

- HEARING: DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918

Deft. not present, Nevada Department of Corrections (NDC).

Colloquy regarding certain procedures that must be met if the Court makes its decision on the Petition today with no further hearings are to be set, and the parties required to be noticed and present. COURT STATED today's hearing is to determine if the Petition should be granted or denied; a follow up hearing would be set to see what evidence exists. COURT CONSIDERS this Petition as putting the Las Vegas Metropolitan Police Department (LVMPD) and State on notice.

Extensive argument by counsel. Ms. Armeni argued she believes the criteria has been met to have the genetic markers tested, the case was based on largely circumstantial evidence. Further arguing, there is zero direct evidence; Deft. lived and worked at the same place as the victim. There have been

advances in DNA testing that may identify somebody else. Mr. Fattig argued the statute requires a reasonable possibility the Deft. would not have been prosecuted or convicted if exculpatory evidence was obtained; he does not believe this is exculpatory evidence. Adding, many of the items Deft. wants tested already excluded him. Mr. Fattig further argued members of the jury handled evidence, who is to say their fingerprints are not on the evidence; he does not think the Deft. has meet the standard. Ms. Armeni further argued the Police Department gathered all the evidence, at one point they believed it was important enough to collect.

COURT NOTED with the opportunity of newly available technology there is testing available that was not available then; there were items that were collected that could identify someone else as a potential suspect. COURT STATED ITS FINDINGS, and ORDERED, testing should be allowed on the items that met the standard; it is necessary to see what inventory does exists. A Status Check SET for the Court to make a final determination on what should be tested and what meets the standard, Petition CONTINUED. Ms. Armeni is to prepare Order. The Court will issue an Order to be sent to the Las Vegas Metro Police Department and Clerk's Office to preserve all evidence within their possession, an inventory is to be provided within 90 days of the Order. Colloquy regarding any evidence that may be in San Bernardino as Deft. was found there. COURT DIRECTED Mr. Fattig to facilitate the provision of any evidence that may be in San Bernardino as inventory.

NDC

12/20/17 9:00 A.M. STATUS CHECK: SETTING OF HEARING / RECEIPT OF INVENTORY BY COUNSEL AND COURT...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 20, 2017**

99C159915

The State of Nevada vs John J Seka

**December 20, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Shelley Boyle  
Kimberly Estala

**RECORDER:****REPORTER:** Renee Silvaggio**PARTIES**

|                 |                  |           |
|-----------------|------------------|-----------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney  |
|                 | Fattig, John T   | Attorney  |
|                 | State of Nevada  | Plaintiff |

**JOURNAL ENTRIES**

- STATUS CHECK: SETTING OF HEARING/ RECEIPT OF INVENTORY BY COURT AND COUNSEL... DEFENDANT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

Deft. not present.

Ms. Armeni stated an inventory list has been received from Metro, inclusive of which exhibits were opened and which were still sealed. There is an issue with the list received from the Courthouse Vault. Mr. Fattig stated it appeared the list from the Vault is just a copy of the exhibit list from the trial, it did not specify which items were opened or still sealed. Additionally, it did not clarify if there were additional items in the vault not used during the trial. COURT CLARIFIED, the Vault is to provide counsel a comprehensive list of ALL exhibits in their possession, noting which items are opened and / or remain sealed, and ORDERED, matters CONTINUED. Upon Ms. Armeni s inquiry, COURT ADVISED, the Hearing will not held at the future Court date, the Hearing will be SET for another date.



CONTINUED TO: 01/08/18 9:00 A.M. (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 08, 2018**

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99C159915

The State of Nevada vs John J Seka

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**January 08, 2018****9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle  
Kimberly Estala**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                  |            |
|-----------------|------------------|------------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney   |
|                 | Fattig, John T   | Attorney   |
|                 | Seka, John       | Petitioner |
|                 | State of Nevada  | Plaintiff  |

**JOURNAL ENTRIES**

- STATUS CHECK: SETTING OF HEARING / RECEIPT OF INVENTORY BY COURT AND COUNSEL...DEFT'S. POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

Deft. not present. Mr. Fattig requested the MATTER be TRAILED as he would like to speak with Ms. Armeni regarding additional discovery that was received.

MATTER RECALLED, all parties present as before. Mr. Fattig stated he received inventories for both the Clerk of the Court and the Las Vegas Metropolitan Police Department (LVMPD). He just received a copy of the forensic expert's reports and provided that to Ms. Armeni today; he would like to speak to an expert regarding some of the advances in science. He will speak with Ms. Armeni to see if they can agree as to what items can be tested. Upon Court's inquiry, Ms. Armeni stated that sounded amendable. COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 01/24/18 9:00 A.M. (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 24, 2018**

99C159915

The State of Nevada vs John J Seka

**January 24, 2018****9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Fattig, John T

Attorney

Seka, John

Petitioner

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: SETTING OF HEARING / RECEIPT OF INVENTORY BY COURT AND COUNSEL...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176/0918)

Mr. Fattig stated the parties have been discussing testing certain items; the State is still objecting based on the same argument made in September, 2017. COURT NOTED the State is objecting but following the Court's directive. Mr. Fattig stated if the Court feels certain standards have been met the parties have agreed to the testing of Court's Exhibit #36 from the original trial. It was admitted, it is still in a sealed condition and appears to have never been opened. Additionally, the parties agree to testing of the cigarette butts found by the victim's body. They were maintained by the Las Vegas Metropolitan Police Department (LVMPD); they are believed to still be in a sealed condition. The parties STIPULATE to testing these items as a good place to start. COURT ADVISED, it will provide an Order to test these items, and STATED ITS FINDINGS; the Court RESERVES for counsel to come back for testing of further items.

Mr. Fattig stated he believes another Buccal swab needs to be obtained, that can be done later.

Additionally, Deft. suggests they want a different test that the Las Vegas Metropolitan Police Department does not do here, the items would have to be shipped out and it would be very expensive. Colloquy regarding scheduling. COURT ORDERED, Petition CONTINUED, a Status Check SET.

NDC

04/02/18 9:00 A.M. STATUS CHECK: TESTING... DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176/0918)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 02, 2018**

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99C159915

The State of Nevada vs John J Seka

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**April 02, 2018****9:00 AM****All Pending Motions****HEARD BY:** Bonaventure, Joseph T.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Fattig, John T

Attorney

Seka, John

Petitioner

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: TESTING...DEFT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

Deft. not present, Nevada Department of Corrections (NDC).

Ms. Armeni stated the parties have spoken, they hope the results on the initial testing will be returned in mid June and requested the matters be CONTINUED, With there being no objection by the State, COURT SO ORDERED.

NDC

CONTINUED TO: 07/02/18 9:00 A.M. (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 02, 2018**

99C159915

The State of Nevada vs John J Seka

**July 02, 2018****9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle  
Sharyne Suehiro**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                  |           |
|-----------------|------------------|-----------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney  |
|                 | Fattig, John T   | Attorney  |
|                 | State of Nevada  | Plaintiff |

**JOURNAL ENTRIES**

- STATUS CHECK: TESTING...DEFENDANT'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

Deft. not present. Ms. Armeni stated the preliminary testing was done; a buccal swab was taken yesterday. Mr. Fattig concurred. COURT ORDERED, matter CONTINUED for the test results.

NDC

CONTINUED TO: 8/20/18 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 20, 2018**

99C159915

The State of Nevada vs John J Seka

**August 20, 2018****9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Fattig, John T

Attorney

Seka, John

Petitioner

Seka, John Joseph

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: TESTING

COURT ADVISED, Deft. DOES NOT need to be transported for any future hearings until the Court ORDERS otherwise. Ms. Armeni stated testing was completed on the items; Deft. was excluded from all results; two items had a foreign contributor. Adding, she spoke with the State as she would like further testing done on some items. Ms. Armeni requested the matter be CONTINUED; the parties may stipulate as to the items or submit to the Court. Mr. Fattig stated the hindrance may be preservation of the items; some items weren't preserved, they were opened in front of the Jury. Mr. Fattig stated it needs to be seen how the additional items were preserved over the years. Following colloquy regarding scheduling, COURT ORDERED, matter CONTINUED, a Status Check SET; Deft's. presence WAIVED.

NDC



PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS  
OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS  
176.0918)...STATUS CHECK: ADDITIONAL DNA TESTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 10, 2018**

99C159915

The State of Nevada vs John J Seka

**September 10, 2018     9:00 AM             All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                  |            |
|-----------------|------------------|------------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney   |
|                 | Fattig, John T   | Attorney   |
|                 | Seka, John       | Petitioner |
|                 | State of Nevada  | Plaintiff  |

**JOURNAL ENTRIES**

- PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: ADDITIONAL DNA TESTING

Deft. not present, Nevada Department of Corrections (NDC).

Mr. Fattig stated the parties have had communication back and forth; they have not been able to come to a conclusion of the lab. Additionally, Ms. Armeni has a trial coming up. Upon Court's inquiry, the parties concurred it is just a matter of communication. COURT ORDERED, matter CONTINUED; Deft. is not to be transported until the Court deems it necessary.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 08, 2018**

99C159915

The State of Nevada vs John J Seka

**October 08, 2018****9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Fattig, John T

Attorney

Seka, John

Petitioner

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...STATUS CHECK: ADDITIONAL DNA TESTING

Deft. not present, Nevada Department of Corrections (NDC).

Ms. Armeni stated she spoke with Mr. Fattig this morning, the State won't agree to any further testing. Mr. Fattig stated he intends to call a DNA expert that has already completed some testing; contamination issues are the State's main concerns. There are three items in dispute: a black baseball hat, State's exhibit 22 at trial, and bullet fragments from 1929 Western Ave, State's exhibit 19 at trial. The third items are a tin of Shoal tobacco and two beer bottles that were not opened or admitted at trial; items 22 and 19 were opened at trial and handled by the jury. Upon Court's inquiry, counsel concurred that everything the Court previously ordered retested was, including items counsel stipulated to. There were items counsel came to an impasse about that were not tested. Following colloquy regarding scheduling, COURT ORDERED, Petition CONTINUED, an Evidentiary Hearing SET. Mr. Fattig requested items 19 and 22 from the trial be available at the Hearing. COURT SO NOTED.

NDC

12/14/18 9:00 A.M. PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)...EVIDENTIARY HEARING: PETITION RE: GENETIC MARKER ANALYSIS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2018

99C159915

The State of Nevada vs John J Seka

**December 14, 2018      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Phyllis Irby**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                  |            |
|-----------------|------------------|------------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney   |
|                 | Fattig, John T   | Attorney   |
|                 | Seka, John       | Petitioner |
|                 | State of Nevada  | Plaintiff  |

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING: PETITION RE: GENETIC MARKER ANALYSIS....PETITIONER S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

DEFT NOT PRESENT.

Testimony and exhibits presented (see worksheet)

Closing arguments of counsel. The Court stated it will need time to review the arguments of counsel and the case before giving a ruling, therefore, COURT ORDERED, MATTER CONTINUED for DECISION.

NDC

12-19-18 9:00 AM DECISION (DEPT. XXV)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 19, 2018**

99C159915

The State of Nevada vs John J Seka

**December 19, 2018      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES**

|                 |                  |            |
|-----------------|------------------|------------|
| <b>PRESENT:</b> | Armeni, Paola M. | Attorney   |
|                 | Fattig, John T   | Attorney   |
|                 | Seka, John       | Petitioner |
|                 | State of Nevada  | Plaintiff  |

**JOURNAL ENTRIES**

- DECISION...EVIDENTIARY HEARING: PETITION RE: GENETIC MARKER ANALYSIS...PETITIONER'S POST-CONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN POSSESSION, OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)

Deft. not present, Nevada Department of Corrections (NDC).

COURT ORDERED, Deft's. Petition Requesting a Genetic Marker Analysis of Evidence Within Possession, or Custody of the Sate of Nevada GRANTED IN PART / DENIED IN PART, and STATED FINDINGS. Motion GRANTED as to additional testing on the cap found at the murder scene and bottle and can of Skoal found at the dump site, Motion DENIED as to additional testing on the bullet fragments. The State is to prepare the Order. Mr. Fattig noted the items are already with the Las Vegas Metropolitan Police Department, there should be no issues getting them to the laboratory for additional testing. Following colloquy regarding scheduling, COURT FURTHER ORDERED, a Status Check SET.

NDC

03/20/19 9:00 A.M. STATUS CHECK: TEST RESULTS

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 03, 2019**

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99C159915

The State of Nevada vs John J Seka

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**April 03, 2019****9:00 AM****Status Check****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Fattig, John T

Attorney

Seka, John

Petitioner

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present, Nevada Department of Corrections (NDC).

Ms. Armeni stated the necessary report was received back from the last round of testing, Las Vegas Metropolitan Police Department provided the data for all underlying testing. Colloquy regarding scheduling. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 05/15/19 9:00 A.M.



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 24, 2019**

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99C159915

The State of Nevada vs John J Seka

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**July 24, 2019****9:00 AM****Status Check****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Alan Castle**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Fattig, John T

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Defendant's presence waived for these proceedings. COURT ORDERED, briefing schedule set as follows: Defendant's Motion for New Trial DUE: 10/28/19; State's response DUE 1/06/20; Defendant's reply DUE: 2/03/20 and matter set for argument and decision.

NDC

2/10/20 9:00 a.m. Defendant's Motion for New Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2020**

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99C159915

The State of Nevada vs John J Seka

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**February 10, 2020****9:00 AM****Motion for New Trial****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Dana J. Tavaglione**PARTIES****PRESENT:****JOURNAL ENTRIES**

- No parties present. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 03/11/20 9:00 A.M.

CLERK'S NOTE: Following email communications between counsel and Court staff, the future hearing date of 02/19/20 RESET to 03/11/20 as that date was previously mutually agreed upon by counsel. A copy of this minute order was electronically served on all counsel. /sb 02/10/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 11, 2020**

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99C159915

The State of Nevada vs John J Seka

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**March 11, 2020****9:00 AM****Motion for New Trial****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Shelley Boyle**RECORDER:****REPORTER:** Bill Nelson**PARTIES****PRESENT:**Armeni, Paola M.  
Chen, Alexander G.  
Seka, John  
Springer, Jennifer  
State of NevadaAttorney  
Attorney  
Petitioner  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- Deputy District Attorney Skyler Sullivan, Esq. present on behalf of State. Deft. not present, Nevada Department of Corrections (NDC).

Arguments by counsel regarding the additional testing completed items obtained at the crime scene, profiles obtained, and statutes applicable. Ms. Armeni argued pursuant to NRS 176.515 the two-year statute of limitations is not applicable here; the DNA testing the State allowed was favorable to Deft. State's evidence was circumstantial, Deft. provided consent and a voluntary statement. It was a mixed jury verdict. There is some suggestion the Jury struggled to come up with their verdict. Ms. Skyler argued because Deft. actually filed a Motion for Genetic Testing the actual statute that applies to Deft's. Motion for a new trial is NRS 176.09187; there is no evidence provided that is favorable to Deft. The evidence provided at trial was that Deft. was excluded as a contributor to this DNA evidence. Adding, just because police collected evidence doesn't mean it was related to the crime scene or a perpetrator of the crime. Ms. Armeni further argued that evidence was collected that excluded Deft. and included an unknown person or persons.

COURT STATED FINDINGS, and ORDERED, Deft's. Motion GRANTED; a Status Check SET.

COURT FINDS that the evidence, at least with regard to the finger nail clippings specifically and with Court believing we can consider the other items as collected by police even if there is not a certainty that they can be tied to the crime scene, they were collected; cigarette butts, Skoal container and beer bottle, and as we consider those things and looking at the totality of the circumstances, COURT FINDS, that information to be otherwise potentially favorable to Deft. because they include other unknown individuals. COURT FINDS the two-year statute of limitations in NRS 176.515(3) is not inapplicable therefore, there is no statute of limitations. Also, NRS 176.09187(1)(b) does WAIVE that limitation. COURT STATED FURTHER FINDINGS. Ms. Armeni is to prepare the Order.

NDC

04/15/20 9:00 A.M. STATUS CHECK: NEW TRIAL.

Clerk

**PROSECUTION'S EXHIBIT LIST**

**Case No.** C159915

**Defendant:** SEKA, JOHN JOSEPH

| <b>No.</b>    | <b>Description</b>  | <b>Offered</b> | <b>Admitted</b> |
|---------------|---|----------------|-----------------|
| <del>1</del>  | PHOTO - John "Lumber" Doe/Eric Hamilton                                   | 2/14           | 2/14            |
| <del>2</del>  | PHOTO - John "Lumber" Doe's grave   | 2/14           | 2/14            |
| <del>3</del>  | PHOTO - John "Lumber" Doe's grave   | 2/14           | 2/14            |
| <del>4</del>  | PHOTO - John "Lumber" Doe's grave   | 2/14           | 2/14            |
| <del>5</del>  | PHOTO - John "Lumber" Doe's grave   | 2/14           | 2/14            |
| <del>6</del>  | PHOTO - John "Lumber" Doe's grave   | 2/14           | 2/14            |
| <del>7</del>  | PHOTO - Door of 1929 Western  | 2/14           | 2/14            |
| <del>8</del>  | PHOTO - Door of 1929 Western  | 2/14           | 2/14            |
| <del>9</del>  | PHOTO - 1929 Western/Interior floor<br>(with glass and hat)               | 2/14           | 2/14            |
| <del>10</del> | PHOTO - 1929 Western/Interior floor<br>(with hat and jacket)              | 2/14           | 2/14            |
| <del>11</del> | PHOTO - 1929 Western/Interior floor<br>(with apparent drag marks)         | 2/14           | 2/14            |
| <del>12</del> | PHOTO - 1929 Western/Interior floor<br>(with apparent drag marks and hat) | 2/14           | 2/14            |
| <del>13</del> | PHOTO - 1929 Western/Interior floor<br>(with glass and hat)               | 2/14           | 2/14            |
| <del>14</del> | PHOTO - 1929 Western/Interior floor<br>(with glass and blood)             | 2/14           | 2/14            |
| <del>15</del> | PHOTO - 1929 Western/Interior floor<br>(jacket closeup)                   | 2/14           | 2/14            |
| <del>16</del> | PHOTO - 1929 Western/Interior floor<br>(hat closeup)                      | 2/14           | 2/14            |
|               |   |                |                 |

| No.           | Description  | Offered | Admitted |
|---------------|--|---------|----------|
| <del>17</del> | PHOTO - 1929 Western/Interior floor<br>(with evidence cones) | 2/14    | 2/14     |
| <del>18</del> | CRIME SCENE DIAGRAM -<br>1929 Western                        | 2/14    | 2/14     |
| <del>19</del> | AMMUNITION from 1929 Western                                 | 2/14    | 2/14     |
| <del>20</del> | ENVELOPE & NOTE<br>(from Kato Takeo to Tom Thowsen)          | 2/21    | 2/21     |
| <del>21</del> | BRACELET from 1929 Western                                   | 2/14    | 2/14     |
| <del>22</del> | HAT from 1929 Western  | 2/14    | 2/14     |
| <del>23</del> | JACKET from 1929 Western                                     | 2/14    | 2/14     |
| <del>24</del> | SEARCH WARRANT   | NO      | NO       |
| 25            | PHOTO - Box on floor   | 2/20    | 2/20     |
| 26            | BLOOD SAMPLES (1998 Toyota Truck)                            | 2/16    | 2/16     |
| 27            | TIRE IMPRESSIONS (1998 Toyota Truck)                         | 2/16    | 2/16     |
| 28            | PHOTO - 1998 Toyota Truck                                    | 2/16    | 2/16     |
| 29            | PHOTO - 1998 Toyota Truck                                    | 2/16    | 2/16     |
| 30            | PHOTO - 1998 Toyota Truck                                    | 2/16    | 2/16     |
| 31            | PHOTO - 1998 Toyota Truck (bed)                              | 2/16    | 2/16     |
| 32            | PHOTO - 1998 Toyota Truck (bed)<br>(luminol reaction)        | 2/16    | 2/16     |
| <u>33</u>     | DNA DRAWINGS - <i>Not taken</i>                              | NO      | NO       |
| <del>34</del> | DNA CHART  | 2/16    | 2/16     |
|               |  |         |          |

| No. | Description                                     | Offered | Admitted |
|-----|---|---------|----------|
| 35  | DNA CHART                                       | 2/16    | 2/16     |
| 36  | HAIR/NAILS (Hamilton)                           | 2/20    | 2/20     |
| 37  | NOTE (Jack/429-5957)                            | 2/20    | 2/20     |
| 38  | DIAGRAM - 1933 Western                          | 2/20    | 2/20     |
| 39  | DUMPSTER CONTENTS                               | 2/20    | 2/20     |
| 40  | DUMPSTER CONTENTS                               | 2/20    | 2/20     |
| 41  | CARDS FROM PAVEMENT                             | 2/20    | 2/20     |
| 42  | AMMUNITION (1933 Western)                       | 2/20    | 2/20     |
| 43  | MISC OFFICE CONTENTS (1933 Western)             | 2/20    | 2/20     |
| 44  | JEANS (1933 Western)                            | 2/20    | 2/20     |
| 45  | BLOOD SAMPLES (1933 Western)                    | 2/20    | 2/20     |
| 46  | BLOOD SAMPLES (1933 Western)                    | 2/20    | 2/20     |
| 47  | BLOOD SAMPLES (1998 Dodge Van)                  | 2/20    | 2/20     |
| 47A | EVIDENCE ENVELOPE                               | "       | "        |
| 48  | BUSINESS CARDS (1998 Dodge Van)                 | 2/20    | 2/20     |
| 49  | PROJECTILES (Limanni Autopsy)                   | 2/20    | 2/20     |
| 50  | PHOTO - VEHICLES<br>parked outside 1933 Western | 2/20    | 2/20     |
| 51  | PHOTO - VEHICLES<br>parked outside 1933 Western | 2/20    | 2/20     |
| 52  | PHOTO - WALL CALENDAR<br>(inside 1933 Western)  | 2/20    | 2/20     |

| No.           | Description   | Offered | Admitted |
|---------------|---|---------|----------|
| <del>53</del> | PHOTO - OFFICE AREA inside 1933 Western             | 2/20    | 2/20     |
| <del>54</del> | PHOTO - BULLET IN TOILET (1933 Western)             | 2/20    | 2/20     |
| <del>55</del> | PHOTO - LUMBER in 1933 Western                      | 2/20    | 2/20     |
| <del>56</del> | PHOTO - COUCH in 1933 Western (front)               | 2/20    | 2/20     |
| <del>57</del> | PHOTO - COUCH in 1933 Western (back)                | 2/20    | 2/20     |
| <del>58</del> | PHOTO - BULLET in ceiling of 1933 Western           | 2/20    | 2/20     |
| <del>59</del> | PHOTO - DUMPSTER behind 1933 Western                | 2/20    | 2/20     |
| <del>60</del> | PHOTO - DUMPSTER CONTENTS                           | 2/20    | 2/20     |
| <del>61</del> | PHOTO - SHOE AND ID DOCUMENTS                       | 2/20    | 2/20     |
| <del>62</del> | PHOTO - REAR OF 1998 VAN                            | 2/20    | 2/20     |
| <del>63</del> | PHOTO - INTERIOR OF 1998 VAN                        | 2/20    | 2/20     |
| <del>64</del> | PHOTO - INTERIOR OF 1998 VAN                        | 2/20    | 2/20     |
| <del>65</del> | PHOTO - TIRE TRACKS & BERM<br>(Limanni burial site) | 2/16    | 2/16     |
| <del>66</del> | PHOTO - LIMANNI'S BODY                              | 2/16    | 2/16     |
| <del>67</del> | PHOTO - LIMANNI'S BODY                              | 2/16    | 2/16     |
| <del>68</del> | PHOTO - LIMANNI'S BODY                              | 2/16    | 2/16     |
| <del>69</del> | PHOTO - LIMANNI'S HEAD (closeup)                    | 2/16    | 2/16     |
|               |   |         |          |



| No.           | Description  | Offered                       | Admitted         |
|---------------|--|-------------------------------|------------------|
| <del>70</del> | TIRE CAST (Hamilton burial site)                                     | 2/20                          | 2/20             |
| <del>71</del> | LUMBER (Hamilton burial site)<br>(Individual boards = A,B,C,D,E,F,G) | 2/20                          | 2/20             |
| <del>72</del> | SKU UPC TAG (from lumber)  | 2/20                          | 2/20             |
| <del>73</del> | AERIAL PHOTO (Hamilton burial site)                                  | 2/20                          | 2/20             |
| <del>74</del> | AERIAL PHOTO (Hamilton burial site)                                  | 2/20                          | 2/20             |
| <del>75</del> | PHOTO - TIRE CAST<br>(Hamilton burial site)                          | 2/20                          | 2/20             |
| <del>76</del> | PHOTO - CAMERA AND TRIPOD<br>(Hamilton burial site)                  | 2/20                          | 2/20             |
| <del>77</del> | PHOTO - CASINO CARDS ON PAVEMENT                                     | 2/20                          | 2/20             |
| <del>78</del> | PHOTO - BURNT CLOTHING   | 2/20                          | 2/20             |
| <del>79</del> | DIAGRAM - Hamilton gravesite   | 2/20                          | 2/20             |
| <del>80</del> | TAPE - SEKA INTERVIEW<br>(80A=Transcript; marked but NOT offered)    | 2/21                          | 2/21             |
| <del>81</del> | LATENT PRINTS FROM LUMBER  | 2/21                          | 2/21             |
| <del>82</del> | LATENT PRINTS FROM 1998 TOYOTA<br>(Reed)                             | 2/21                          | 2/21             |
| <del>83</del> | LATENT PRINTS FROM 1998 TOYOTA<br>(McPhail)                          | 2/21                          | 2/21             |
| <del>84</del> | LATENT PRINTS FROM BEER BOTTLES<br>(1933 Western - McPhail)          | 2/21                          | 2/21             |
| <del>85</del> | PAWN SHOP RECORDS  | FEB 22 2001<br>✓ <i>no dy</i> | FEB 22 2001<br>✓ |
| 86            |  |                               |                  |
|               |  |                               |                  |

86 pg 2d  
penalty

| No.           | Description  | Offered       | Admitted    |
|---------------|--|---------------|-------------|
| <del>70</del> | TIRE CAST (Hamilton burial site)                                     | 2/20          | 2/20        |
| <del>71</del> | LUMBER (Hamilton burial site)<br>(Individual boards = A,B,C,D,E,F,G) | 2/20          | 2/20        |
| <del>72</del> | SKU UPC TAG (from lumber)  | 2/20          | 2/20        |
| <del>73</del> | AERIAL PHOTO (Hamilton burial site)                                  | 2/20          | 2/20        |
| <del>74</del> | AERIAL PHOTO (Hamilton burial site)                                  | 2/20          | 2/20        |
| <del>75</del> | PHOTO - TIRE CAST<br>(Hamilton burial site)                          | 2/20          | 2/20        |
| <del>76</del> | PHOTO - CAMERA AND TRIPOD<br>(Hamilton burial site)                  | 2/20          | 2/20        |
| <del>77</del> | PHOTO - CASINO CARDS ON PAVEMENT                                     | 2/20          | 2/20        |
| <del>78</del> | PHOTO - BURNT CLOTHING   | 2/20          | 2/20        |
| <del>79</del> | DIAGRAM - Hamilton gravesite   | 2/20          | 2/20        |
| <del>80</del> | TAPE - SEKA INTERVIEW<br>(80A=Transcript; marked but NOT offered)    | 2/21          | 2/21        |
| <del>81</del> | LATENT PRINTS FROM LUMBER  | 2/21          | 2/21        |
| <del>82</del> | LATENT PRINTS FROM 1998 TOYOTA<br>(Reed)                             | 2/21          | 2/21        |
| <del>83</del> | LATENT PRINTS FROM 1998 TOYOTA<br>(McPhail)                          | 2/21          | 2/21        |
| <del>84</del> | LATENT PRINTS FROM BEER BOTTLES<br>(1933 Western - McPhail)          | 2/21          | 2/21        |
| <del>85</del> | PAWN SHOP RECORDS  |               |             |
| <del>86</del> | CERTIFIED COURT RECORDS<br>(Pennsylvania Case No. 6638-88)           | ✓ MAR 02 2001 | MAR 02 2001 |
|               |  |               |             |

| No.           | Description  | Offered          | Admitted    |
|---------------|--|------------------|-------------|
| <del>87</del> | CERTIFIED COURT RECORDS<br>(Pennsylvania Case No. 6598-88) | ✓<br>MAR 02 2001 | MAR 02 2001 |
| <del>88</del> | CERTIFIED COURT RECORDS<br>(Pennsylvania Case No. 6599-88) | ✓<br>MAR 02 2001 | MAR 02 2001 |
| <del>89</del> | CERTIFIED COURT RECORDS<br>(Pennsylvania Case No. 2891-88) | ✓<br>MAR 02 2001 | MAR 02 2001 |
| <del>90</del> | CERTIFIED COURT RECORDS<br>(Pennsylvania Case No. 3106-96) | ✓<br>MAR 02 2001 | MAR 02 2001 |
| 91            |  |                  |             |
| 92            |  |                  |             |
| 93            |  |                  |             |
| 94            |  |                  |             |
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| 100           |  |                  |             |
| 101           |  |                  |             |
| 102           |  |                  |             |
| 103           |  |                  |             |
|               |  |                  |             |



Defendant's Exhibits Rev. 1/01/jh

DEFENDANT'S EXHIBITS:

CASE NO. C159915

|   |      | OFFERED   | ADMITTED                                 |
|---|------|---|--|
| A. <u>Peter Limanni Business CARD</u>                   | 2/13 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/13 |
| B. <u>Voluntary Statement (Harrison)</u>                |      | <input type="checkbox"/>  | <input type="checkbox"/>                 |
| C. <u>Incident Recall Sheet</u>                         | 2/14 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/14 |
| D. <u>Drawing of Complex</u>                            | 2/16 | <input checked="" type="checkbox"/> stip  | <input checked="" type="checkbox"/> 2/16 |
| E. <u>Photo - Bed of Truck</u>                          | 2/16 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/16 |
| F. <u>"</u>   | "    | <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/>         | <input checked="" type="checkbox"/> 2/16 |
| G. <u>Letter 10-28-98 (To Nev. Properties)</u>          | 2/16 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/16 |
| H. <u>GUARANTEE</u>                                     | 2/23 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/23 |
| I. <u>U.S. Bankruptcy Court</u>                         | 2/16 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/16 |
| J. <u>Photo - office - T.V./chain (1933)</u>            | 2/21 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/21 |
| K. <u>Photo - Behind building 1933</u>                  | 2/20 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/20 |
| L. <u>Photo - alley w/ van</u>                          | 2/20 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/20 |
| M. <u>Photo - alley w/ chain link fence</u>             | 1    | <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/>         | <input checked="" type="checkbox"/> 1    |
| N. <u>Officer Rogues report</u>                         |      | <input type="checkbox"/>  | <input type="checkbox"/>                 |
| O. <u>Drawing by officer Rogues</u>                     | 2/20 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/20 |
| P. <u>Photo - SS card - Birth certificate - CA I.D.</u> | 2/20 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/20 |
| Q. <u>Photo - Deft</u>                                  | 2/21 | <input checked="" type="checkbox"/> NO<br><input checked="" type="checkbox"/> obj | <input checked="" type="checkbox"/> 2/21 |
| R. <u>" - Deft</u>                                      | "    | <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/>         | <input checked="" type="checkbox"/> 2/21 |
| S. <u>" - Building</u>                                  | "    | <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/>         | <input checked="" type="checkbox"/> 2/21 |
| T. <u>" - Lumber</u>                                    | "    | <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/>         | <input checked="" type="checkbox"/> 2/21 |

## EXHIBIT(S) LIST

**Case No:**

C159915

Case No. CR000113  
THE STATE OF NEVADA vs JOHN J. SEKA  
STATE'S EXHIBITS

## EXHIBITS

[illegible]

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; ORIGINAL  
TRANSCRIPT REQUEST; DISTRICT COURT DOCKET ENTRIES; DEFENDANT JOHN SEKA'S  
ORDER GRANTING MOTION FOR A NEW TRIAL; NOTICE OF ENTRY OF ORDER; DISTRICT  
COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JOHN JOSEPH SEKA,

Defendant(s).

Case No: 99C159915

Dept No: XXV

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 30 day of March 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk