

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

v.

JOHN JOSEPH SEKA,

Respondent.

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Case No. 80925

APPELLANT'S APPENDIX

Volume 9

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on September 3, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
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EVENT: 981116-0443

STATEMENT OF: JOHN JOSEPH "JACK" SEKA

Q: But as far as today, today's when the police saw...

A: Nobody else (Talking over each other.)

Q: Said they saw the bullet, Is that right?

A: Yeah. Nobody else was ever there.

Q: Okay. So what do you think about that?

A: I thought they took it to be honest with you. I mean, I didn't, I didn't go back, you know what I mean, I didn't...after they left, I went and I changed, I cleaned up a little bit and I was going to walk up to 7-11 and get a coffee. 'Cause I had somebody actually coming, the guy that called me, was coming to pick me up in an hour, so... Um, you know, was going to pretty much go about my day.

Q: Do you know anything about what happened to Seymore?

A: No, I do not.

Q: Did you do anything to Seymore?

A: No, I did not.

Q: Do you have anything else that you want to say right at this point that would help us with this investigation?

A: Other than, other than it's, other than it's an area that believe it or not, you guys are never in. You're never there. And there's ni..., I mean it's just a bad neighborhood at night and you guys are never there. I mean I never see a cop go through there.

AA 002001

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 22

EVENT: 981116-0443

STATEMENT OF: JOHN JOSEPH "JACK" SEKA

And it's probably why there's so many people that are, you know what I mean, like _____, there's like, you know what I mean, you get, you get derelicts from Cheetah's, that come over and piss on your trucks...that walk. You know what I mean, up and from one place to the other one. And you got nine million people walk on this railroad tracks, you know what I mean.

Q: Uh huh.

A: So, I mean, it's not, you know, it's not...it's great during the day time. It's great with all neighborhood because it's...you know what I mean, there's a lot of traffic. That's why we're going to do a cigar store there. A lot of traffic...people, you know...I mean this neighbor is real nice. The other guy is kind of an asshole. But, uh, you know. I mean there were like three abandoned cars out back behind the building for three months there. I mean, just sat and sat and sat and sat. You knew that they were...I figured they had 'em, you know what I mean, like _____ this is _____, we used to say like how long are these going to be here, you know what I mean. It was like week after week after week. And finally the guy next door got tired of 'em and had 'em towed out.

Q: Anything else?

A: No. That's...sorry, I'm long winded.

AA 002002

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 23

EVENT: 981116-0443

STATEMENT OF: JOHN JOSEPH "JACK" SEKA

Q: That will be the end of the statement. The same persons are present. The time is 1548. That's all. Thank you.

I HAVE READ THIS STATEMENT CONSISTING OF 23 PAGES AND AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT 1548 HOURS ON THE 17TH DAY OF NOVEMBER, 1998.

WITNESS: _____

WITNESS: _____

JOHN JOSEPH "JACK" SEKA

/kb
98v0988

AA 002003

EXHIBIT 8

DECLARATION OF ED HEDDY

I Ed Heddy, declare as follows:

I declare that I was assigned to assist Debra Bookout, Assistant Federal Public Defender, in preparation of the case entitled John Joseph Seka vs. E. K. McDANIEL, et al., 3:05-cv-0409-HDM-VPC. That the investigation included locating and interviewing a potential witness by the name of Justin Nguyen.

I declare that I attempted to locate Justin Nguyen on a couple of occasions and Mr. Nguyen called me leaving me his telephone number.

I declare that I telephoned Mr. Nguyen and conducted a telephonic interview on July 9, 2008.

I declare that Justin Nguyen told me that he had first met Peter Limanni in 1998, month unknown, at Mr. Limanni's place of business, Cinergi HVAC, and then met Jack Seka a few weeks later. Mr. Nguyen said Mr. Limanni had introduced him to his business partner, describing him as a Korean or Japanese guy but didn't recall his name. Furthermore, Mr. Nguyen told me that he was hired by Mr. Limanni and worked for Cinergi's HVAC for three or four months when he left for vacation to California. He said that he had taken Cinergi's van and keys along with his tools and gave them to Peter Limanni before leaving. Upon his return from vacation, he was told that the police were looking for him, so a family member drove him to the Las Vegas Metropolitan Police Department to inquire as to why they were looking for him. He said at that

time two police officers arrested him. Mr. Nguyen further explained that he had been arrested and was in the Clark County Detention Center from September 23, 1998 through April 1999 when the charges were subsequently dismissed against him.

...

...

I declare that Justin Nguyen told me that during his employment at Cinergi's Mr. Limanni had purchased four white vans for the business. He said Mr. Limanni gave one of the vans to him which he kept and drove during his employment. According to Mr. Nguyen, he was the "main guy, ran all the calls" because he was the only one who had his own tools. He said Mr. Limanni had employed two other people (names unknown) but they only worked for a short period of time.

I declare that Justin Nguyen described Peter Limanni as treating Jack Seka "like his own brother". He also said that whenever they were all together he noticed that Mr. Limanni was always paying for Jack Seka's way.

That Peter Limanni was training Jack Seka on how to run the air conditioning business. They always appeared to get along and never argued. Justin said he never saw or heard Mr. Limanni call Seka names or mistreat him in anyway. Mr. Limanni would say that he and Seka were like brothers.

Furthermore, I declare that Justin Nguyen had never been contacted and interviewed by the prosecution or defense attorneys and that if they had he would have testified to the above

information.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this _____ day of July, 2008

Ed Heddy, Investigator

EXHIBIT 9

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March 7, 2006

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RE: JOHN JOSEPH SEKA
Our File No. 05-I-150
Interview with Kazutoshi Toe

The following is a tape recorded interview between Jim Thomas (JT) and Kazutoshi Toe (KT). The date is March 7, 2006 and the time is 1:57 PM. The interview is taking place via telephone number (714) 458-8939.

JT: Sir, do you understand this interview is being tape recorded?

KT: Mm-hmm (affirmative).

JT: Do I have your permission to do that?

KT: Yes, sir.

JT: Is it true I'm speaking to you at a telephone number of (714) 458-8939?

KT: That's correct.

JT: And I believe that's your cellular telephone number?

KT: Yes.

JT: And can I get your home address and home telephone number, please?

AA 002009

KT: Okay. My, I have hang up to, um, get to my home phone number because it's in my cell phone and I don't remember and, yeah.

JT: But your home address is...?

KT: Oh, okay. The new address is, new address, um, that I have to get it because I don't remember my home address either.

JT: Okay.

KT: So, um, yeah, if you can give me, um, like three minutes just to call my wife and get my home address and phone number.

JT: Okay, uh –

KT: Because, yeah, I just, I'm not trying to remember my information so, uh –

JT: Okay, well let's, we can do that later, okay? I'll do the interview and then I'll give you a little bit of time and I'll call you back on our cell, okay?

KT: Okay.

JT: Are you acquainted with Mr. Kato?

KT: Yes.

JT: And how do you know Mr. Kato?

KT: Uh, he's my school buddy.

JT: Okay, he's a school buddy. Do you also do business together?

KT: Yes, sir.

JT: And at some point in the past did you do business with a man named Peter Limanni?

KT: Mm-hmm (affirmative).

JT: Would you explain to me what that business was and how it came to be that you and Mr. Kato went into business with Mr. Limanni?

KT: Okay. He was our neighbor in Santa Monica, like next door from our office back then and he approached Mr. Kato that he has all connections to go to Las Vegas to do air conditioning work and he needed investors. And he explained the situation and since I was business partner of Kato, I was just involved, and, uh, so we went to Las Vegas with Peter Limanni and, uh, later on we found out that he was trying to screw us and, um, pretty much that he screwed us with the money and we were dumped. And we ended up leaving Las Vegas, so we did and after that we heard few things through, you know, people in Las Vegas and that was it.

JT: Now, when you opened this air conditioning business in Las Vegas –

KT: Yes, sir.

JT: I understand through Mr. Kato that you and he and Limanni and Mr. Seka all lived together in the back of the business, is that true?

KT: Who's Seko?

JT: John Seka, do you know him? Jack Seka?

KT: Jack, yes I know him.

JT: Okay.

KT: Yes, but he was the person who came in, like, afterwards.

JT: Okay.

KT: Uh, yeah, Peter, I think he called him in and, uh, he started involving, I think he was from Philadelphia.

JT: Correct.

KT: And, uh, yeah, um, but after he came in, um, he didn't last and, you know, right after we left so we don't know much about him.

JT: Okay, but you did live in the back room with Mr. Limanni, is that true?

KT: Yes, yes, that's true.

JT: Okay.

KT: Few weeks.

JT: And during the time that you lived with Mr. Limanni, did you ever see a gun or any evidence of a gun, bullets or anything else, in the back room?

KT: Um, I have to refresh my memory because it's quite some time ago and, uh, I think I saw box of bullets. He showed me.

JT: Okay.

KT: But, um, gun, I don't think I saw it.

JT: Okay, but you did see bullets so it's, you know, at least you had some idea that maybe there was a gun laying around somewhere?

KT: Uh, yeah, I didn't think that deep but, yeah, because, you know, the bullets there themselves, it's kind of weird.

JT: Now, during the time you were there with Mr. Limanni, I understand that he did the physical labor and that Mr. Kato and you took the phone calls and did the office work, correct?

KT: Yeah, for the operation, um, pretty much we took care of those paper. There was a dispatcher. Her name was, don't remember her name, um, anyway we had, like, two dispatchers and then they did all the phone

work, but we pretty much did, like, advertisement, artwork and, you know, and delivery here and there kind of job because we didn't know what the air conditioning business. And, uh, Peter was going, like, hey, we need somebody speaks English for here because you guys are not going to get any jobs.

JT: Okay.

KT: So, um, yeah.

JT: So you did have two dispatchers and you don't recall either one's name?

KT: One of them is Betty. I don't know her last name.

JT: Eddie?

KT: No, not Eddie. Um, Betty.

JT: Betty, okay.

KT: B-E-T-T, uh-huh (affirmative).

JT: Okay.

KT: And she, well she's very experienced A.C., uh, in the A.C. dispatching industry I think.

JT: Okay.

KT: Peter just her on board.

JT: Okay, was she from Las Vegas, do you know?

KT: Las Vegas, yes.

JT: During the time that you lived with Limanni, did you ever meet a lady named Jennifer Harrison who was Limanni's girlfriend?

KT: Never. He showed me a picture a once or twice and he was saying that he was ex-girlfriend.

JT: Okay.

KT: But I don't know, I don't remember the name of her. I think she was from east coast.

JT: Now, you said after several weeks or so you found out that Limanni was screwing you, is that correct?

KT: Mm-hmm (affirmative).

JT: And how was he screwing you?

KT: Well, as soon as financial part was taken care of, you know, he tried to just, he was saying we are just useless and, uh, he said he wants to take over the business and then we like wait a minute. We financed everything and, uh, you know, everything was under Mr. Kato's name and it was, you know, agreement that we had back in Santa Monica. Then he seemed like he didn't care anything anymore but he wanted to, um, pursue this business either with alone or somebody else like, you know, his friend or, I don't know.

JT: Okay. Now, during the time that you were in business with him, did you sign the lease on several vans for the business?

KT: For a guaranty?

JT: Yes, were several vehicles leased?

KT: Yes.

JT: Okay and who took care of the leases?

KT: Oh, that was Mr. Kato.

JT: Okay.

KT: Everything was under his name.

JT: And were you an equal partner with Mr. Kato?

KT: Right now?

JT: No, then, in that business?

KT: Well, um, -

JT: As an investor?

KT: We are, like, friends for a long time and, um, it's not like business relationship so, um, you know, since we are in business and, uh, we never talked about, okay this is a percentage, you know, my percentage of this business and that business, but I was pretty much fine with anything.

JT: Do you recall how much money you and Mr. Kato put into this business?

KT: Um, the cash or just through credit and --

JT: Total money that you invested and lost.

KT: Probably, uh, I believe everything close to \$1 million.

JT: That's a lot of money.

KT: Oh, yes, it was a lot of money and we lost so much money on this.

JT: Did Limanni ever try paying you any of that money back?

KT: That was the, issue that he, you know, it was on the contract that he was going to pay, you know, certain amount every month but he never paid and by saying the sales were short here, the business was bad, but, uh, he didn't pay nothing. But, uh, I heard that he was sending money to east

coast for, sending to bank account someplace oversea which there's no interest was involved, I don't know these things.

JT: Okay, so you were believing that he was sending money out of the country to some offshore bank?

KT: Yeah, that's what I heard. I don't know for sure, but, uh, he was just talking with the, um, his friend, um, Jake –

JT: Jack?

KT: - Jack about it.

JT: Did you actually ever meet Jack?

KT: Yes.

JT: Okay, so Jack came out here and went to work before you and Mr. Kato left?

KT: Yes.

JT: Approximately how long was Jack here before you and Mr. Kato left Las Vegas?

KT: I think it was a matter of a week or so and then we left after that and I think he was back in Philadelphia for, um, five days or ten days, I don't remember exactly.

JT: This is Jack we're talking about?

KT: Uh...

JT: Was it Jack that was back in Philadelphia?

KT: Yes, he said that he was, he said that he was going to Philadelphia for one week or so and then when we talked to Peter Limanni, he told us on the

phone that Jack was in Philadelphia coming back, like, you know, a week later or so.

JT: Okay. What was the relationship like between Peter Limanni and Jack Seka? Did you observe them interact together?

KT: Yeah, well, I think they friends from a lot, from east coast for long time and, um, I think they're relationship was, you know, like good friendship, but this Peter Limanni, he never trusted no one. You know, I don't know, it's just probably him, so, my, what I think about Jack for Peter, Pete and Jack was his friend but, um, they didn't trust each other kind of relationship.

JT: Okay and did Limanni trust you or Mr. Kato?

KT: Probably, um, probably, yes. I hope he did.

JT: And obviously you trusted Limanni at first because you gave him so much money?

KT: Yes.

JT: But then did you come to feel that that trust had been betrayed?

KT: Yes, exactly right.

JT: Okay. Now, when was the last time you saw Mr. Limanni?

KT: Um, when we left, when we left Las Vegas with Kato, so, um, you want to know exactly? Because I don't –

JT: Well, I know that it's a number of years ago, but is that what you're saying is that the last time you saw Limanni was when you and Mr. Kato pulled out of Las Vegas?

KT: Yes.

JT: Were you aware or did you see Mr. Limanni when he came to Santa Barbara? Because I know he came down there and met with Mr. Kato.

KT: Santa Barbara?

JT: Well, maybe not Santa Barbara.

KT: Lake Tahoe?

JT: Oh, Lake Tahoe? Did you see him in Lake Tahoe?

KT: No, um, I heard Lake Tahoe, he had all the equipment, I think... This is what I heard, I don't remember who from, but I heard that he was having self storage or something and tried to hide, like, the tools and everything from us so that, uh, we could not take what he's got, uh, you know?

JT: Okay. I believe it was Santa Monica that Mr. Kato told me that Limanni had come down to see him and talk to him about the business.

KT: Oh, okay. That probably, I don't know if I was there, but I remember that Kato was asking, like, you know, he came over to Santa Monica after a month or so and he was having a little financial problem and, uh, he was asking Mr. Kato to see if we would invest, you know, more money into the business.

JT: Okay.

KT: And then, I still remember that I said no way.

JT: At what point did you find out that Mr. Limanni was a missing person or that they had found him dead? Do you recall how you found that out?

KT: I think I heard from Mr. Kato and, uh, hmm... Let me think, because back then somebody told me and I think it was on TV too, it was on the news. Um, land lord because the office was under Mr. Kato's name.

JT: Okay. There was also a black man who had worked for the company sporadically who was found murdered. Do you know who he was?

KT: No, I don't.

JT: Okay.

KT: He worked for the company?

JT: Yes.

KT: Oh, no, I never met.

JT: Mr. Kato was interviewed by the police during their original investigation but you were not, is that correct?

KT: That's correct.

JT: Do you know why that was?

KT: I don't know.

JT: Were you out of the country for a period of time at that time?

KT: Um, yes, on and off because after that, I had financial problem because I, you know, I had to, yeah.

JT: I would anybody who had lost \$1 million in a business would have financial problems.

KT: Okay. And I have kids too so I had to feed my family, so I think I went back to my country for a couple months with Mr. Kato.

JT: Is that Japan?

KT: Mm-hmm (affirmative).

JT: Now, after being taken for all this money, how did you feel about Limanni?

KT: Right now or right after...?

JT: Back then.

KT: Back then?

JT: Yeah, what were your feelings towards Limanni at the point when you had to leave Las Vegas and go back without all your money?

KT: Well, the money's gone for sure because he had no intention to paying back, so, um, we knew that the money was not coming back, but we tried to get at least, like, those cars back because all the automobiles were under Mr. Kato's name, but Mr. Limanni, he refused to let them go. So we tried to save whatever he had, we got the refrigerator back from him because that's what we bought too, but that was pretty much it.

JT: Okay.

KT: And, uh, we thought, you know, okay, everybody makes mistakes and this is huge mistake that we made and, uh, it expensive lesson but it's gone and let's move on. That's what we talked about.

JT: After you and Mr. Kato left Las Vegas, I know that Mr. Kato came back to Las Vegas on at least one occasion to see Limanni. Did you ever come back?

KT: Probably. Back then I was with Mr. Kato that trip I think and the reason was to just talk to him and see if we can get at least a few, some money

back or probably at least we can get some kind of equipment that we can make cash, and we ended up getting one refrigerator.

JT: Okay.

KT: And we tried to get automobile that trip but he refused to give us keys and, uh, we had to leave without automobiles.

JT: After Limanni became missing, did Mr. Seka, Jack Seka, did he ever contact you to tell you that Limanni was missing?

KT: Mm, no, not that I know of.

JT: Okay. Did you, at the time that you were with Mr. Limanni, ever come into contact with a man named Amir Mohamed?

KT: Mm, not that I know of.

JT: Would it help your memory if I told you that Amir Mohamed was the person that Mr. Limanni was planning on going into the cigar business with?

KT: I knew that he was going to cigar business, that's, I heard about it, but, I don't know. Okay, now I just start remember things that, yes, I don't know who he was going to business with, but he was opening up a cigar shop and he spend so much money to, um, improve the shop, so much money for improvement for cigar shop. So we knew that he had money, you know, but he never tried to pay us back.

JT: Okay. It was probably your money that he was opening the cigar shop with, do you think?

KT: Probably, so he was hiding money somewhere, but, you know, you never know.

JT: Mr. Kato also advised me that he became aware that Limanni was buying jewelry and stuff with your money. Were you aware of that?

KT: I think I heard about a watch that, he was buying expensive watch somewhere in Las Vegas, but he was also complaining that business was doing bad and, uh, it didn't really make sense to us and, you know, yeah.

JT: Okay. Did you do anything to try to recover your money other than just wait for him to pay you?

KT: We tried to talk to, we went to talk to lawyers and it was pretty much all verbal agreement and they said they can't do anything about it. And there was also a person, um, his name was, um, there was one guy from Santa Monica too. He was general contractor but he came to Las Vegas for one week or so. Um...

JT: Was he going to try to get your money back?

KT: Yeah, he helped us try to get the money back by introducing, like, lawyers or explain of, like, what's going on and, you know.

JT: Do you remember that man's name?

KT: Uh, his last name was Paquette.

JT: Paquette?

KT: Uh-huh.

JT: P-A-Q-U-E-T-T-E?

KT: I don't remember how to spell it, but it sounds like Paquette.

JT: Okay and you don't recall his first name?

KT: Um, let me think. From Massachusetts.

JT: He was from Massachusetts?

KT: Mm-hmm (affirmative). Um, no, I can't recall his first name.

JT: Was he an investigator or lawyer himself or, how did you get involved with him?

KT: No, no, he was general contractor and he came to business with us.

JT: What kind of contractor?

KT: General contractor.

JT: A general contractor, okay.

KT: And he was also supposed to get a percentage of the company and, um, I don't remember if he put the money in it, but he put time and labor in it. But he was another person that, uh, kind of was screwed up.

JT: So he was another investor with Limanni?

KT: I don't know about the money portion, but he was --

JT: But labor and probably materials?

KT: Yeah, promised to get percentage of the company.

JT: Is there anything else that I haven't asked you about this situation that you feel would be important to my investigation?

KT: Not that I can think of.

JT: Do you personally have any feelings or ideas as to who may have killed Peter Limanni?

KT: I have no idea, but it's like, I don't know. That guy's kind of like the first human being that, uh, I don't know how to explain it. Like, you know, I think he has so many enemies and, I don't know. It's kind of difficult to explain his character but, you know. It's really, I don't know what to say.

JT: Okay.

KT: Yeah.

JT: The last information I found for you as far as a home address was 203 Harbor Blvd., #B1, do you –

KT: That was my old one.

JT: That's an old address?

KT: Yes.

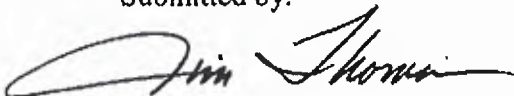
JT: So I'm going to close this interview and ask you to call home and get your address and phone number and I will call you back in five minutes. Is that fair?

KT: Yeah, that's fair.

JT: Okay. We're ending the interview at this time. It's now 2:25 PM and I want to thank you very much.

KT: Oh, my pleasure. Any time.

Submitted by:

A handwritten signature in black ink, appearing to read "Jim Thomas". The signature is fluid and cursive, with the first name "Jim" and last name "Thomas" clearly distinguishable.

Jim Thomas

JT:lt

EXHIBIT 10

JIM THOMAS & ASSOCIATES
Investigations & Process Service
601 South Tenth Street, Suite 104
Las Vegas, NV 89101
Telephone (702) 388-7175
Fax (702) 388-7376

February 28, 2006

Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA
Our File No. 05-I-150
Interview with Takeo Kato

The following is a tape recorded interview between Jim Thomas (JT) and Takeo Kato (TK). The date is February 27, 2006 and the time is 10:16 AM. The interview is taking place via telephone number (310) 582-1277.

JT: Mr. Kato, do you understand this interview is being tape recorded?

TK: Yes, sir.

JT: Do I have your permission to do so?

TK: Yes.

JT: Is it true I'm speaking to you at a telephone number of (310) 582-1277?

TK: Yes.

JT: And is that a home telephone number?

TK: Yes it is.

JT: Can I get your home address, sir?

TK: 1528 Franklin St., Santa Monica, 90404.

AA 002026

JT: Okay and is that apartment number 7?

TK: That's right.

JT: Sir, were you acquainted with a man named Peter Lamanni?

TK: Yes I did.

JT: And do you recall how you met Mr. Lamanni?

TK: Yes I did. Oh, how, to who, I'm sorry?

JT: How did you meet him to begin with?

TK: Oh the uh, Peter. Uh, he was my neighbor for my office. He moved in my next door of my office.

JT: Now, was that here in Las Vegas or somewhere else?

TK: No, it's in Santa Monica.

JT: In Santa Monica, okay. And you were also acquainted with a man named Kaz Toe, is that correct?

TK: Yes, that's my partner.

JT: Okay and after meeting Mr. Lamanni, did he ask to make a loan from you or invest in a company he was trying to start?

TK: That's right.

JT: And would you tell me about that, sir?

TK: Uh, yes. Well actually he was, he, well he asked me about investing the company, uh, in Vegas, he explained about the opportunity in Vegas and everything, so we decided to do that.

JT: Okay and this was an air conditioning, heating business?

TK: Yes it was.

JT: And how much did he borrow from you?

TK: Uh, um, well for the capital or all together?

JT: All together, sir.

TK: All together, uh, I would say about \$300.

JT: \$300,000?

TK: Including lease and everything, lease car, automo-, you know, the vans and everything.

JT: Okay. They were, what, like four different vans or something that were leased?

TK: No, it could be, I think it was, like, five.

JT: Five of them?

TK: Right.

JT: Okay and was he also trying to expand this business into Lake Tahoe?

TK: No, that's after, this is what happened, uh, we didn't know anything about that. Um, we guess he was involved into some kind of different business which is I think, I believe he was, tried to, cigar business in Vegas in my office. What happened is after three months, we opened office, um, there's some kind of different business, uh, because it was just totally different from what he told me about the beginning. So we decided to leave the business, um, so we left Vegas after three months but I told him, he promised us to pay back everything what he owed me in, like, four months, six months.

JT: Okay.

TK: And then after that we, you know, since it was maybe one or two weeks to go back to Vegas and talk to him, you know, how he do, how he does, and on the phone also pretty much, like, every week. And then, uh, I didn't know anything about, uh, the note, uh, and also he, probably after we left maybe two, three months later, he built cigar business in office.

JT: Okay.

TK: And, um, um, we asked him about it and he said because it's going to be winter so business is going to be slow so he have to, he took something to pay me back. So I didn't leave with anything but I don't know how he got money, but he never pay me back at all.

JT: Well, he never actually got into the cigar business either. They were in the process of putting up some walls or something in that office, but nothing was ever done. Did you or your partner make several trips to Las Vegas to-

TK: I mean, when? After or...? We use to live in Vegas.

JT: Okay, so you were living in Vegas in at the time he had this business going?

TK: Which is, the refrigerant business, yes.

JT: So when he came to Vegas to open his business, you and your partner also moved here?

TK: Exactly, we moved together.

JT: Okay. You moved together? Did you actually live with him?

TK: Yes I did. I share in the back of the office because it was a 24-hour operation, uh, supposed to be. So we decided to have, make some room in the back, uh, so we live over there in the back.

JT: Okay and at that same time did you become acquainted with an employee of his, Jack Seka?

TK: Uh, yes, but I don't recall, well, I never hire him. He supposed to be helping us so we never have an interview or anything at all, but yes, he was working for us.

JT: And what was his position?

TK: Uh, helper.

JT: Okay. Did –

TK: Actually, I was doing the business side and Peter was actually doing the actual work. So I don't know what, you know, what he does with Peter.

JT: Okay, so you and your partner were handling the business, getting contracts and that type of thing>

TK: Kind of, yes.

JT: And it was up to him to do the actual maintenance with, you and your partner, were you the ones that handled the office then and took the phone calls from people?

TK: Kind of, yes.

JT: Okay and was, Seka, was he just going out on jobs with Limanni? How did that work?

TK: Yes, I believe so.

JT: Okay. What was the relationship like between Seka and Limanni?

TK: I think they grown up together or at least they came from same city, which is I think they told Brooklyn or in New York somewhere. Uh, they came, I think both of them came from the same city. I don't know if they born over there, but just they, I guess they're buddy.

JT: And did they seem to get along okay?

TK: Uh, yes. It's almost like, almost like Peter was his older brother.

JT: Okay, so it was like a brother relationship?

TK: Kind of. That's what I felt too.

JT: Okay.

TK: Because both of them trust, I just known him like maybe, I just knew him like maybe four or five months most, but probably their relationship is much stronger than I used to have.

JT: Okay. Now, as a businessman I know it's tough to start a new business and it seems like it would be extremely hard coming from an area that –

TK: Exactly.

JT: - is different from where you're starting the business at and not knowing anybody here.

TK: Exactly, and also we used to do, because this is the situation, we used to have export business and then the export wasn't making money so much, so we kind of looking for the new business, new venture. So that's this, but that was totally new, so we didn't know anything about what's going on. That was a problem with us so we decided to leave because, um,

sometimes Peter is kind of, you know, using the company money as a personal stuff which is, we mentioned to him, we talk him, you know, he not going to do it but he did it again. So we decided to leave.

JT: What was he buying with the company money?

TK: Uh, like watches and, you know, pretty personal stuff, and also the money was using, well because Jack, he didn't have the money to come by, to come to the Vegas, I remember that. So he tried to help Jack to come over too, which was fine but I didn't know him pretty well.

JT: Okay.

TK: I wasn't sure he was a friend or he's going to help me, you know, I didn't know that.

JT: So what was Limanni's reaction when you called him on the carpet about spending the company money on personal items?

TK: Uh, you know, he said, well he just, you know, he just saying that all the excuses and everything. Well, in the beginning, well, we used to live together, I didn't know, I didn't see he was kind of hiding but we kind of noticed it, so we mentioned about it, so I didn't see actual watches and anything. But I know he was spending money for personal stuff so I mentioned about it, he was kind of, you know, explaining what, wasn't personal whatever. And then after we left, you know, he start buying watches and the personal things, so that time we, you know...

JT: Okay. When you started the business here, did you form a corporation?

TK: In Vegas, yes.

JT: In Nevada, did you form a corporation?

TK: Yes I did.

JT: And who were the officers in that corporation?

TK: Uh, it's me.

JT: Just you?

TK: Uh-huh (affirmative).

JT: And --

TK: No, you know, it was, I'm sorry, it wasn't the corporation, it was a solo which is my name.

JT: I'm sorry, it was sort of a what?

TK: It was a solo, uh, ownership which is my name.

JT: Okay.

TK: It wasn't the corporation.

JT: Okay, so it was not a corporation?

TK: No.

JT: Was Limanni then considered a partner or an employee or what was...?

TK: He was a partner.

JT: But --

TK: Well, actually, I'm sorry, because I have three companies and it was corporation I think. It was such a long time ago, because we had meetings and everything so I think pretty much he was one of the officer.

JT: Okay, so it was a corporation and who would have been president then?

TK: I would, me.

JT: And the treasurer?

TK: Yes. It was my partner, Kaz.

JT: And Limanni, what position would he have been?

TK: Uh, he was, um, I don't recall. I don't recall at all. Hello?

JT: Yes, I'm here. I'm listening.

TK: I don't recall.

JT: You don't recall, okay. So when you and your partner decide to pull out and you go back to California, what's Limanni's attitude?

TK: Uh, no, he wanted to do actually because he wanted to have the 100 percent control. I felt like it. So he was kind of, he said okay, I could be the silent partner. So he say he was going to take everything, every business and then pay me back and that's it. Because all I wanted is the money we invest. All the profit, he can keep it, I told him.

JT: Were there any harsh words or anything like that?

TK: Between me and him?

JT: Between you or your partner and him, yes.

TK: Uh, no, I don't think so.

JT: Okay and did he sign a note for the \$300,000?

TK: No.

JT: Okay, so everything was just on a handshake?

TK: Yes.

JT: And did you actually ever receive any of the money back?

TK: No, at all.

JT: Okay, so it was a complete write-off?

TK: Uh, kind of, and also we, the end I have to do, I have to file a bunch of (unintelligible -- dog barking) myself.

JT: Okay. Now, how did you find out that Limanni had been murdered?

TK: Uh, well actually he, some, I think police officer from Vegas called me to my house about the murder in the next door, which is next door of my office.

JT: Of the black man?

TK: Exactly, but he ask about, so I drove same day to the Vegas, see what's going to happen. So I went to the police department and went to the landowners and then at that time Peter was just missing. We didn't know anything about he got killed, anything. So he was missing and he supposedly took one of the vans. So I didn't know anything about it and after six months later, uh, we heard from I think Peter's relative or something that the police find the body.

JT: Had you known anything about the black man? Did you know who he even was?

TK: I never met, I never met.

JT: Okay. Did you know that he was sometimes doing work for the business?

TK: No, I don't, well between, uh, meaning when I was living in the Vegas with Peter?

JT: Yes.

TK: Uh, no, he wasn't, I never seen him in offices or I never, you know, Peter is hiring somebody. Because I think we hired couple people out of office to come work, but I don't recall at all.

JT: When was the last time you saw Peter alive?

TK: Uh, Peter alive was after three months, after four months or three months, the day he promised us to pay back because we have to go over there and talk to him. I went visit him to the office, uh, but that was like, because I didn't want to call him before I go, maybe he's going to...

JT: Yeah, so you wanted to surprise him?

TK: Surprise him, and he got really mad.

JT: He got mad at you?

TK: Yes, because, you know, he's like, because he didn't call me to come and, but, you know, so he was very, very upset.

JT: Was he threatening?

TK: Kind of.

JT: What did he say?

TK: Uh, I don't remember, but he was very upset. But I didn't want him to disappear, everything. I didn't know, you know, if he could just disappear and leave everything on me. So I didn't want him to upset, I want him to do the business continue and then pay me back. So I talk to him and said this is what I want and that I give you more time to pay me back and he agree and was, he mentioned about the one thing about new business because winter's coming.

JT: Okay. How long –

TK: Oh, no, I'm sorry. After that, after that he came to Santa Monica to see me.

JT: Okay.

TK: He called, he said he's on the way to the north.

JT: He's on his way to what?

TK: To the north.

JT: Oh, to the north?

TK: To the north.

JT: Okay.

TK: He came to me and he ask me if I can, if, he said use the credit card maxed up and do the bankruptcy and he said, basically he's asking me to borrow more money using the credit card.

JT: Okay.

TK: And I told him okay, let me think about it because I didn't want him to disappear. Of course I didn't think so, but that's the last time I saw him.

JT: Okay. Did you or your partner come to Las Vegas while he was still alive and take any of the vans back or anything like that?

TK: I'm sorry?

JT: Did either you or your partner come to Las Vegas to recover the vans?

TK: Uh, yes we did, I think.

JT: And was that before or after his disappearance?

TK: Uh, after.

JT: Okay.

TK: Because everything is under my name so it's kind of worry about it.

JT: Was there a van up in Lake Tahoe too that you had to recover? Did you know anything about that?

TK: I don't know anything about it.

JT: Did you get all of the vans back that you had leased?

TK: Uh, the company, the automobile company did, I think.

JT: Okay.

TK: But I didn't do it.

JT: Did you have any conversations with Seka after?

TK: I'm sorry?

JT: Did you have any conversations with John, or Jack Seka after Peter disappeared?

TK: Yes I did, actually. I went to the office after the Las Vegas Police Department called me, so I was there and then of course Peter is gone already. I spoke to Jack. He was saying his name is Jack so I talk to him and he said he didn't know anything about it. That's what he said.

JT: Did he tell you when he had last seen Peter?

TK: Uh, yes, he make, I think he showed me his note, um, about to do list and then I think he, I don't recall, but he was kind of looking for Peter also to decide all the business matter.

JT: Okay. Did he talk to you at all about Peter having cleaned out the bank accounts? Did he say anything along those lines?

TK: Uh-uh (negative).

JT: Okay.

TK: He didn't.

JT: Did, was the dog still around when you talked to him?

TK: Uh, yes. He, when I got there, Jack and a dog was there. But they, see the dog was very strong dog. But he was very, very nervous.

JT: Okay.

TK: So I'm telling you something wrong with this.

JT: When you lived in the back, did all four of you live in the back?

TK: Yes. Uh, uh, including Jack, yes.

JT: Did you see any guns around?

TK: No.

JT: So when you were there, there were no guns?

TK: Um, no. I, I saw one. I saw one, um, I saw one and also I saw bullet.

JT: Okay and that was while you were still living there?

TK: Uh, no, when I visit Jack.

JT: Okay, so when you came back and visited, you saw a gun?

TK: Um, no, um, you know what? I remember I saw the gun but I don't know when, but I know I saw, when I got to the Vegas I saw bullet in office.

JT: Did that concern you, did that upset you?

TK: A little bit.

JT: Make you worried?

TK: Yes, you know, because I don't want the guns.

JT: Okay, make you worried about who you were dealing with?

TK: Kind of.

JT: Do you have any ideas at all as to what might have happened?

TK: Well I'm very, I have no idea, but seems like, in my opinion, uh, dealing with cigar guy was kind of, sometimes cigar guy came and I was kind of suspicious what's going on and so I don't know because of that or, um, I don't know.

JT: Did you actually meet the cigar guy?

TK: Uh, I don't think so, I don't think so.

JT: Okay, his name was Amir Mohamed.

TK: Oh, you know what? He mentioned about it because, I remember because he was Arabic name.

JT: Okay, but you never actually met that man?

TK: I don't think so.

JT: Do you recall who drew up your corporate papers?

TK: Uh, I'm sorry?

JT: Who drew up the corporate papers when you incorporated?

TK: Um, I think it was office, I forgot the name, but we have the lawyer.

JT: Okay. Do you know the name Marilyn Mignone?

TK: What is he?

JT: Marilyn is a paralegal. We had heard that maybe she drew up the papers.

TK: Could be.

JT: But she denies that and I'm just trying to get to the bottom of this.

TK: Um, you know, I don't recall. I don't recall at all.

JT: Okay. The relationship between Seka and Limanni you thought was pretty good?

TK: Uh, you mean Jack?

JT: Yes.

TK: Uh, yes. Um, Jack like a brother.

JT: Did you ever see them argue?

TK: No, actually, because he, Jack is like a younger brother, so always he listen to.

JT: Okay.

TK: I think anything that Peter said he does.

JT: Did Limanni treat Jack good, do you think?

TK: I think so.

JT: Did he yell at him or call him names?

TK: No.

JT: Okay.

TK: I mean in front of me, I don't know.

JT: Did you actually give a statement to the police when they were doing the investigation?

TK: Yes I did.

JT: When I read through this it said that one person gave a statement and the other one was in Japan at the time, so was it your partner that was in Japan?

TK: Both of us in Japan.

JT: Oh, both of you were in Japan, okay. I'm also wanting to interview your partner. Do you know how I can get a hold of him?

TK: Uh, yes, yes, but, uh...

JT: Or would you ask him to call me?

TK: Uh, sure. I don't know if he want to do it but I can ask.

JT: I'd appreciate it. We're just trying to get to the bottom of this. Jack says he didn't do it, the court says he did, and if he didn't do it then he shouldn't be in prison. If he did, he should be, right?

TK: Um, so you protecting him, Jack?

JT: I'm doing an investigation for his appeal, okay? I wouldn't say that I'm protecting him. I'm just trying to investigate the facts.

TK: This is the thing, this is the thing, I mean can I say my personal opinion?

JT: Sure.

TK: Um, if he did kill Peter, um, he grown up together and then when I got to the office Peter was already gone with. Supposedly he killed already. And he stayed there more than week, same room, maybe he killed in the room, I don't know. Maybe killed outside, but he could have disappear after he kill Peter, but he stayed weeks. And also he showed me the paperwork that says what to do, to go to the bank and go to pickup the dog food and whatever. It's a normal to do list. I mean if he's not like a really crazy guy, you know, I wouldn't be, like, calm like this in the weeks, same room, same daily routine.

JT: So you thought Jack was acting normally?

TK: Very normal. He was concerned about the dog food. I mean, you know, it's just, I don't understand.

JT: Okay.

TK: That's my opinion. I don't know, maybe he's very cold, but I don't know. He was very normal, but he was kind of worried about Peter was, he can't contact Peter.

JT: So he did show concern over Peter?

TK: Yes he did.

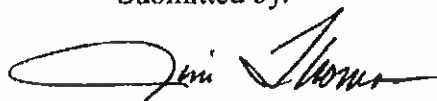
JT: Is there anything else I haven't asked you about that you feel would be important to my investigation?

TK: Uh, no, I don't think so.

JT: Okay. With that we'll go ahead and end the interview at this time. It's now 10:43 AM and I want to thank you very much.

TK: No problem.

Submitted by:

A handwritten signature in black ink, appearing to read "Jim Thomas". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Jim Thomas

JT:lt

EXHIBIT 11

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT.

EVENT #: 981116-0443

MURDER WITH DEADLY WEAPON
SUBJECT

DIVISION REPORTING:

ISD

DIVISION OF OCCURRENCE:

PD

SCENE #1: LAS VEGAS
BLVD. SOUTH APPROX. 2
MILES SOUTH OF STATE
ROUTE 146
SCENE #2: 1929 WESTERN
AVE., LAS VEGAS, NV. 89102
SCENE #3: 1933 WESTERN
AVE., LAS VEGAS, NV. 89102

DATE AND TIME OCCURRED: 11/16/98 0617 HOURS

LOCATION OF OCCURRENCE:

DICTATING OFFICER:

DET. T. THOWSEN, P# 1467
HOMICIDE SECTION

VICTIM #1:

HAMILTON, ERIC
BMA, DOB: 08/16/64
SS#: 5
LVMPD ID# 1590973
LAST KNOWN ADDRESS:
DOWNTOWNER MOTEL, RM. 171
FROM 10/25/98 THROUGH 11/01/98

POSSIBLE VICTIM #2:

MISSING PERSON REPORT
981120-0699
LIMANNI, PETER PAUL
WMA, DOB: 12/22/64
SS#: 1229300
LVMPD ID# 1229300
HOME ADDRESS: 1933 WESTERN AVE.,
LAS VEGAS, NV. 89102
BUSINESS ADDRESS:
CINERGI HVACR INCORPORATED
1933 WESTERN AVE.,
LAS VEGAS, NV. 89102

Date and Time of Report:

12/10/98 2120 hours

Officer:

DET. T. THOWSEN

P#: 1467

Approved:

Sgt. K. Hefner

Officer:

P#:

SIGNATURE:

T. Thowson AA 002045

CONTINUATION REPC. 1

ID/Event Number: 981116-0443

Page 2 of 2

SUSPECT:

SEKA, JOHN JOSEPH
AKA: JACK
WMA, DOB: [REDACTED]
SS#:
FBI#: 118012KA6
HOME ADDRESS: 1933 WESTERN AVE.,
LAS VEGAS, NV. 89102
CELL PHONE: 429-5957
BUSINESS ADDRESS:
CINERGI HVACR INCORPORATED
1933 WESTERN AVE.,
LAS VEGAS, NV. 89102

WEAPON USED:

MEDIUM CALIBER HANDGUN
NFD

VEHICLES RECOVERED
AND PROCESSED:

#1 1998 TOYOTA PICKUP TRUCK,
BROWN IN COLOR,
NEVADA LICENSE 720JJM
VIN# 4TANL42N1WZ148638
REGISTERED OWNER:
CINERGI HVACR INCORPORATED
1933 WESTERN AVENUE,
LAS VEGAS, NV. 89102

#2 1998 DODGE VAN, WHITE IN COLOR,
WITH CINERGI LOGOS ON SIDE PANELS
NEVADA LICENSE 514JME
VIN# 2B7JB21Z6WK102143
REGISTERED OWNER:
KATO, TAKEO
1933 WESTERN AVENUE,
LAS VEGAS, NV. 89102

VEHICLE TAKEN BY SUSPECT:

1998 DODGE VAN, WHITE IN COLOR
UNLICENSED
VIN# 2B7JB21Y0WK161695
LEASED BY:
KATO, TAKEO

AA 002046

CONTINUATION REPORT

ID/Event Number: 981116-0443

Page 3 of 2

I. SYNOPSIS:

On 11/16/98 at approximately 0600 hours, the body of a black male later identified as Eric Hamilton was discovered in the desert adjacent to Las Vegas Boulevard South approximately two miles south of State Route 146. Hamilton had three through and through gunshot wounds and one grazing gunshot wound. At the scene, numerous items of new lumber were recovered from the top of Hamilton's body. They included both pine boards and cedar. Tire impressions were observed and documented at the scene indicating that Hamilton's body was dumped from a narrow wheel-based vehicle with narrow tires. A handwritten note was located in Hamilton's pants pocket containing the name Jack and the phone number 429-5957. Investigation revealed that the phone was issued to Jack Seka at Cinergi HVACR Incorporated at 1933 Western Avenue in Las Vegas.

On 11/17/98 at approximately 1132 hours, Crime Scene Analyst D. Ruffino, arrived the scene of a Malicious Destruction of Property at 1929 Western Avenue reported under Event 981117-0730. C.S.A. Ruffino noted that there was an area containing a large amount of apparent blood, a large broken glass entry into the business, several items of clothing and three spent bullets inside the building. C.S.A. Ruffino contacted the Homicide Section and it was determined that the business at 1929 Western Avenue was located directly next to Cinergi HVACR Incorporated at 1933 Western.

As a result of the investigation that followed, a Consent to Search and later, search warrants were obtained for 1933 Western Avenue as well as a 1998 Toyota pickup truck and a 1998 Dodge van that were parked in front of 1933 Western and were operated by Cinergi Incorporated. Blood was discovered in both vehicles as well as the interior of 1933 Western. John Joseph Seka AKA: Jack was located inside 1933 Western and was transported to the LVMPD Detective Bureau where he gave a voluntary taped statement. Seka submitted to being photographed, gave a sample of his fingerprints and his DNA through a Buccal swab kit. Following his interview, Seka left the scene in the above listed white 1998 Dodge van and has not been located since.

Information given by Seka and other persons contacted indicate that the owner of Cinergi HVACR Incorporated was identified as Peter Limanni. Limanni has not been seen since approximately November 5th or 6th, 1998. A Jack Russell Terrier named Jake identified as Peter Limanni's dog was located at the 1933 Western address. In addition, a wallet containing identification and credit cards in the name Peter Limanni were located in the attic area of 1933 Western Avenue. Based on physical evidence and interviews, it appears that Peter Limanni may be a second homicide victim.

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Upon contacting Limanni's family in New Jersey, a missing person's report was filed with the LVMPD.

II. WITNESSES INTERVIEWED:

1. **STANISH, MICHAEL FELIX**
WMA, DOB: 02/21/55
SS#: 097-48-4127
Home Address: 8204 Bright Drive, Las Vegas, Nevada 89117
Home Phone: 243-4053
Business Address: Ace Equipment, 6120 W. Tropicana, Ste. A16,
Las Vegas, Nevada 89103
2. **LOWERY, JEFFREY WAYNE**
WMA, DOB: 08/18/71
SS#: 524-51-3144
Home Address: 5253 Hibbetts Drive, Las Vegas, Nevada 89103
Home Phone: 252-0802 or 242-0497
Business Address: C&N Transport for Mandalay Bay,
Las Vegas, Nevada 89103
Business Phone (Cell): 283-0001
3. **BANKS, KEVIN**
BMA, DOB: 07/31/61
SS#: 562-19-8750
Home Address: 4747 Pennwood, Apt. #2010, Las Vegas, Nevada 89102
Home Phone: 379-4268
Business Address: Gold Strike located in Jean, Nevada
4. **CERDA, MICHAEL KIRK**
WMA, DOB: 12/22/43
SS#: 561-60-7543
Home Address: 3521 N. Bronco Street,
Las Vegas, Nevada 89108
Home Phone: 655-8319
Business Address: Nevada Properties,
630 Las Vegas Blvd. South, Las Vegas, Nevada 89101
Business Phone: 382-6022

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5. HARRISON, JENNIFER
WFA, DOB: 05/04/65
SS#: 147-54-8122
LVMPD ID# 1289225
Home Address: 2701 N. Rainbow #2089, Las Vegas, Nevada 89108
Home Phone: 658-6535
Business Address: Frontier Directory,
6455 S. Industrial Rd., Las Vegas, Nevada
Business Phone: 897-4442
Pager: 696-2348

III. PERSONS CONTACTED:

1. KATO, TAKEO
AMA, DOB: 01/15/64
SS#: 557-87-6499
Home Address: 1528 Franklin St., #7, Santa Monica, California 90404
Home Phone: 310-393-2343
Business Address: International Trading, 1526 14th Street, Suite 104,
Santa Monica, California 90404
Business Phone: 310-578-1277
2. HAMILTON, MICHELLE
Home Phone: 310-762-1497
Refused to provide any information as to home address, social security
number or date of birth.
(Sister of Eric Hamilton)
3. KEKUA, ELLSWORTH
Business Address: 129 N. 8th Street, Las Vegas, Nevada 89101
Business Phone: 384-1441
(Desk clerk for Downtowner Motel)
4. BRIZZI, JOSEPH RICHARD
WMA, DOB: 09/20/37
SS#: 577-52-3761
LVMPD ID# 249924
Home Address: 2703 Osborne Lane, Henderson, Nevada 89014
Home Phone: 458-0702
Business Address: Horseshoe Hotel
(Peter Limanni's former father-in-law)

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5. LIMANNI, STEVEN
WMA, DOB: 01/27/57
SS#: 151-56-0649
Home Address: 16 Old Oak Rd., Mickelton, New Jersey 08056
Home Phone: 609-423-2766
(Brother of Peter Limanni)
6. TOMASEVICH, DIANE
WFA, DOB: 10/04/51
SS#: 143-44-3962
Home Address: 1281 Tristran Circle, Mantura, New Jersey 08051
Home Phone: 609-415-1475
(Sister of Peter Limanni)
7. BELL, CARL
BMA, DOB: 05/13/60
SS#: 374-64-7042
Home Address: 2058 W. 103rd Place, Los Angeles, California 90047
Home Phone: 323-779-4273
(Cousin of Eric Hamilton)
8. MIGNONE, MARILYN MARIE
WFA, DOB: 12/29/44
SS#: 147-34-0084
LVMPD ID#1059145
Home Address: 2733 Lodestone, Las Vegas, Nevada
Home Phone: 242-4526
9. JONES, MARY
Business Address: 2233 69th Street, Long Beach, California 90805
(Monitor at Volunteers of America (VOA) Work Furlough)
10. EICHHORN, PEGGY
Business Address: Coldwell Banker-McKinney and Associates, Inc.
2196 Lake Tahoe Blvd., Suite 1, South Lake Tahoe, California 96150
Business Phone: 530-542-5521
11. RECOM TELEPHONE COMPANY
KRAJESKI, CARY
Business Phone: 714-412-8000
12. PRAY, JIM
Business Phone: 303-721-3739

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IV. OTHER JURISDICTIONS CONTACTED:

1. SOUTH LAKE TAHOE POLICE DEPARTMENT
SGT. ALEX SCHUMACHER
Business Phone: 530-542-6100

V. INTERVIEW OF WITNESSES FROM SCENE #1:

1. MICHAEL FELIX STANISH
(Taped statement by Detective T. Thowsen)

Stanish is a truck driver working on the Mandalay Bay project. He said he was driving his truck on Las Vegas Boulevard South at approximately 6 A.M. when he saw what appeared to be a body on the side of the road. When he arrived at his job site at the Circus Circus stockpile (located approximately a mile from the body), he borrowed a cell phone from another driver to call 9-1-1. He went back to the scene of the body with the other driver (Jeffrey Lowery) and waited for police.

For further details, see the transcribed taped statement and written statement of Michael Felix Stanish.

2. JEFFREY WAYNE LOWERY
(Taped statement by Detective T. Thowsen)

Lowery is a truck driver working on the Mandalay Bay project. He said that at approximately 6:15 or 6:30, he was dumping at his work site located on Las Vegas Boulevard when a water truck driver named Mike told him he had seen a body of a black male lying near Las Vegas Boulevard. Lowery said Mike phoned the police, called his boss, Dan O'Donnell, then drove back to the location of the dead body and waited for the police to arrive.

For further details, see the transcribed taped statement or written statement of Jeffrey Wayne Lowery.

3. KEVIN BANKS
(Written statement witnessed by Detective E. Landino at the Southwest Substation on 11/18/98)

According to his statement, Mr. Banks indicates he was driving north on the old Las Vegas Highway when he saw a brown van stop at the side of the road and observed a man 5-9 to 6 foot tall walking to the van. He described

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the van as brown in color and said that it was five or eight miles from where he works at the Gold Strike Hotel and Casino. He indicated that he observed the vehicle at approximately 1:20 A.M.

For further details, see the written statement of Kevin Banks.

VI. INTERVIEW OF SUSPECT

JOHN JOSEPH SEKA

(Taped statement by Detective T. Thowsen on 11/17/98 at approximately 1525 hours)

I responded to 1933 Western on 11/17/98 at approximately 1430 hours. I had been contacted by Sgt. Hefner and apprised of a Malicious Destruction of Private Property call at the adjacent business of 1929 Western Avenue. Sgt. Hefner explained that blood and evidence of a shooting were discovered inside the building. I told Sgt. Hefner that the cell phone information concerning the note found in the victim's pocket returned to a cellular telephone from Cinergi HVACR, Inc. at 1933 Western Avenue.

Upon arriving at 1933 Western Avenue, I spoke briefly with Sgt. Hefner and Detective Buczek. Sgt. Hefner explained that John Joseph Seka, also known as Jack, was identified as the only employee working inside 1933 Western. Sgt. Hefner told me that Seka had provided a Consent to Search for 1933 Western.

As a result of the search that was underway, Sgt. Hefner pointed out that several locations had been discovered with apparent droplets of blood on the interior walls of the business. In a back office area, Sgt. Hefner pointed out a couch that had an apparent gunshot hole from the front through the back with stuffing protruding from the rear of the couch and a bullet hole through one piece of drywall and a bullet recovered in a second piece of drywall directly behind the couch and in line with the apparent bullet hole.

I learned that Patrol officers that had contacted Seka prior to the notification of the homicide observed a cartridge on Seka's desk inside the business. When the Homicide detectives began their search, they noticed the cartridge was missing. When Seka had been asked about it, he gave conflicting answers.

Sgt. Hefner gave information that the Patrol officers upon initially checking the area after arriving the scene at 1929 Western, checked the rear dumpster area and noted nothing of interest. After the arrival of Homicide, several items of clothing

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and checks in the name Peter Limanni were found partially burned in the dumpster area.

I asked Seka if he would voluntarily accompany me to the Detective Bureau so that I could speak with him about the damage to the next-door business and the blood that had been found in that business and in his business. Seka agreed and accompanied me to the LVMPD Detective Bureau. At approximately 1450 hours, I explained to Seka that he was not under arrest but I wished him to read a Rights of Person Arrested card aloud so that he might be apprised of the rights due to the nature of the crime being investigated. Seka read the card aloud, signed it, indicated that he was wanting to cooperate and speak with me without an attorney being present. He signed and returned the card.

During my conversation with Seka, he explained that the business at 1933 Western is owned by a man that is a friend of his named Peter Limanni. According to Seka, there were two men that were business partners in the Cinergi business that put up the money. He described them as silent partners and said they both live in L.A. He identified them as Tak Kato and Kaz Toe. Seka said that the two men had not been in Las Vegas for approximately a month to five weeks. Seka said he left town to go to Philadelphia for his daughter's birthday leaving on the 29th of October and returning to Las Vegas on the 3rd of November. He said Limanni picked him up at the airport the night he came back and spent the following day with him and the next morning, Limanni got up and left on his own and did not wake him. Seka said he had not seen or heard from Peter Limanni since. There was a white Jack Russell Terrier named Jake that was at the Cinergi office. Seka said that the dog belonged to Peter Limanni.

Seka explained that the business had two white Dodge vans and a Toyota pickup truck that they utilized. He said that there was an additional Dodge van that Peter Limanni had taken to Lake Tahoe for a business that he was going to start there. Seka said the Las Vegas business had a telephone number of 678-5993, however, it had been turned off and he was currently using his cell phone which has the number 429-5957. Seka was wearing the cell phone at the time of the interview.

Seka was asked if he was familiar with a black male that may have been around the business. He explained that other officers had told him that there was a black male homicide victim that had his name and phone number. Seka said that the black male was named Seymore and that in the past he had done some odd jobs for the construction company. He said he last saw Seymore about a month ago and told him to call in about a month to see if there was work.

I mentioned to Seka that a cardboard box was observed in front of 1933 Western with a drop of apparent blood on it. He explained that he was walking Jake when

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he found the box under one of the vans parked in front. He said he pulled the box out from underneath the bumper and flipped it onto the corner before he was leaving. When asked about the blood inside the business at 1933 Western, Seka explained that he had cut himself and Peter had cut himself there at different times when they were working. He pointed out that he had banged his knuckles. In speaking with Seka, I noticed that he had some cuts and scrapes on his hands. When I asked about a particular knuckle that was cut, he explained that he just bit it off (referring to the scab), that there was a scrape and he had picked off the scab because he's one of those kind of people that hate scabs.

Seka explained that Peter Limanni owns guns, however, he had never seen any in Las Vegas. Seka claimed that he did not own any guns and had not ever fired a gun. I asked Seka about the cartridge in question that had been seen by officers on his desk earlier in the day. Seka denied any knowledge of the bullet and claimed that he did not pick it up. In my conversation and in the taped statement that I took from Seka from approximately 1525 through 1548 hours, he explained that he was the only person that had been at the 1933 Western address in the last few weeks and claimed that he did not know what happened to the black male whom he called Seymore and said that he did not do anything to Seymore.

Upon documenting the taped statement of Seka, I left him in the interview room and contacted Sgt. Hefner via telephone. Sgt. Hefner was in the process of securing a search warrant for 1933 Western and was speaking with Deputy D.A. Dave Wall. I explained my conversation with Seka and asked Sgt. Hefner to review the evidence in the case to Deputy D.A. Wall and determine if he would approve of a P.C. arrest of Seka for the homicide of John "Lumber" Doe. (Eric Hamilton had not been identified at that point.) Sgt. Hefner explained that per Deputy D.A. Wall, we were to wait until additional evidence from processing the scene confirmed a connection between John "Lumber" Doe and the two scenes located at 1929 Western and 1933 Western.

Upon finishing my phone call with Sgt. Hefner, I returned to the interview room and explained to Seka that the evidence did not support his statement. I explained that I believed he killed the black male that had been dumped, that the blood and bullet evidence linked the victim, that the lumber in his business was similar to the lumber found at the scene where the body was located, and that his story was inconsistent. Seka sat back in his chair and smiled. He said, "You're really starting to scare me now. I think you better arrest me or take me home. Do you have enough to arrest me at this point?" I explained to Seka that I would not arrest him until all of the processing and forensic testing could be done. Seka asked to be returned to his home located inside 1933 Western. I drove him back to the Western location and requested that he wait outside until the scene was finished being processed. I asked Seka if he would give consent to have his photographs and fingerprints taken. Seka agreed and said he was wanting to cooperate. I asked if he would

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give consent to having a Buccal swab sample taken in order that we could test his DNA. Seka once again agreed. At approximately 1615 hours on 11/17/98, Seka read then signed a Consent to Search card for his DNA and fingerprints. In the parking lot of 1933 Western, photographs were taken of Seka showing his overall appearance as well as close-ups of several cuts and scrapes on his hands. Seka explained that he had a dinner engagement and that if he was not under arrest, he would like to leave in one of his vehicles and would return in a few hours.

I told Seka that we were going to impound the brown Toyota pickup truck to have it processed for evidence. While Seka was present at the scene, Crime Scene Analysts discovered apparent blood spots in and around the bed of the truck that tested positive for blood with presumptive testing. Seka reached into his pocket and removed the key for the Toyota truck. He explained that he wanted to take one of the vans and asked if he could go inside the business himself to get the keys. I explained that he needed to wait outside and I returned with two sets of Dodge keys. I handed Seka one set of keys. He remarked that the keys I gave him were for the unmarked white van. He seemed perplexed as though he was expecting or wanting to leave in the second van that was marked with large Cinergi decals.

I told Seka that it might be better for him to drive the van with the Cinergi decals thinking the vehicle would be easier to locate if he fled the area. I asked Seka if he minded if I looked in the vans before he drove one of them from the area. Seka agreed. He unlocked the marked van having Nevada license 514JME. Upon looking inside, I observed that it had a driver and passenger seat and that the back of the van was completely empty with no seats. Upon looking at the floor and the wall area, I noted several areas of what appeared to be blood or blood that had been partially washed out. I requested the Crime Scene Analyst conduct a presumptive test for blood. The test was completed with positive results. I then checked the plain white van bearing no license plates (VIN listed above) and could not observe anything that appeared to be of evidentiary value.

Prior to releasing the vehicle to Seka, I went to the Toyota pickup truck and with the use of a flashlight, observed with the Crime Scene Analysts the front undercarriage area looking for any evidence of off-road use and/or possible vegetation that could have been deposited there when the body of the victim was dumped in the desert. In viewing the front undercarriage area, several areas were identified as being consistent with being in contact with brush or similar shaped or designed objects that would cause scratches in the dust and oil areas. No vegetation was observed or collected. The undercarriage was photographed prior to the vehicle being towed to the Crime Lab for processing.

Detective Buczek and I consulted with Sgt. Hefner concerning the additional evidence discovered at the scene. However, it was determined that we would still

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allow Seka to leave the scene as we had samples of his fingerprints, photographs and DNA for later identification and location.

Seka drove from the scene in the unmarked vehicle and failed to return as he had promised to secure the business. The business and dog were later turned over to the property manager, Michael Cerda, upon completion of all processing.

For further details, see the transcribed taped statement of John Joseph Seka.

VII. FOLLOW-UP:

On 11/17/98, I spoke with Michael Cerda, the property manager for 1933 Western Avenue. Cerda gave a taped statement and explained that Peter Limanni had a lease for 1933 Western and had originally been doing business as a heating and air conditioning repair service. Cerda said that the business started off well but had died off and that Limanni had been in the process of converting a portion of the business into a smoke shop with a cigar humidor. Cerda said that the business had been occupied for approximately six months and that Tak Kato, a California businessman, was also on the lease. Cerda said that Kato had not been at the business for more than a month. He said Peter Limanni had been staying at the business along with his friend or partner named Jack. Cerda had been allowed to view photographs that were taken from the business and identified one of the photographs as Peter Limanni and another photograph as Peter Limanni and Jack standing together.

According to Cerda, he believed he last saw Peter Limanni in the late afternoon on Friday, the 6th of November, in front of 1933 Western. They discussed the rent and Limanni showed Cerda approximately \$2000.00 or \$3000.00 in cash and was going to be participating in a show at Cashman Field. Limanni said he would pay the rent on the following Monday. Cerda said he called on Monday and did not get a response and came to the site throughout the week. He said no one answered the door but Jake, the dog, was inside. He said on Wednesday, the 11th or 12th, he posted a five day notice on one of the vehicles for the business which he described as the Toyota. Cerda said Jack called the day he posted the five day notice and told him that he had just come back to town and he was going to pay the rent. According to Cerda, Jack said he did not know where Peter was.

Cerda said that on today's date he was asked to come down by the tenant in the trophy business when he saw that there was a break-in with broken glass and blood on the front door of unit 1929 Western. Cerda said 1929 had been vacant for approximately a month and a half.

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Cerda explained that earlier in the day when the police officers were at the scene, they asked if they could go inside 1933 to see if there was any damage inside of that building. He said when they all went inside, the officer was with Jack in the foyer area. He said while in the office, the officer was looking around the room and found an open knife on the table and saw a shell (cartridge) on the top of the table. Cerda said it looked like the size of a .38 or a .357 magnum. He described it as a complete cartridge and said it looked like it was a full metal jacket with a brass case. Cerda said when the officer saw the cartridge and knife, he temporarily handcuffed Cerda for safety reasons. According to Cerda, when the officers asked Jack if he had a weapon, Jack answered "no." When they questioned what the bullet was doing here, Cerda thought Jack answered "I think Peter has a weapon and he has a permit for it."

For further details, see the transcribed taped statement of Michael Kirk Cerda.

On 11/18/98 I made telephone contact with Lydia Gorzoch. A purse had been recovered in the attic at 1933 Western having I.D. in Gorzoch's name. Investigation revealed that the purse had been taken out of her vehicle when it was parked near the Crazy Horse Too on Industrial after someone fired a bullet through the window to gain entry. The report was taken on 11/06/98 at 0952 hours reported under Event 981106-0539. Gorzoch said she did not know Limanni or Jack Seka. It should be noted that a bullet was recovered from her vehicle and is being submitted for comparison to the bullets recovered in the homicide investigation.

On 11/24/98 at approximately 1040 hours, I received a telephone call from Michelle Hamilton. Hamilton explained that she is the sister of the victim, Eric Hamilton. (Identified via the Coroner's Office through fingerprint identification.) Hamilton refused to give any of her personal information as to her date of birth, social security number or home address. She gave the home phone number of area code 310-762-1497. She explained that her brother Eric had been treated in the past for paranoid schizophrenia. She said that her cousin, Carl Bell, drove Eric from Los Angeles to Las Vegas on the date that she believed was October 11, 1998. She said she last spoke with Eric on 11/13/98 and said at one point, he had been staying in room 171 at an unknown hotel with a phone number of area code 702-384-1441. She said Eric commonly smoked Marlboro cigarettes and that he had been at a half-way house in Long Beach and provided the phone number 562-634-1033. She said she thought the name of the half-way house was the American Flag. Hamilton provided a phone number for Carl Bell of 323-779-4273.

At approximately 1600 hours that same date, I responded to the Downtowner Motel after learning that the phone number 384-1441 returned to their address. I spoke with Desk Clerk Ellsworth Kekua and explained that I was attempting to locate the room of a homicide victim identified as Eric Hamilton. Kekua checked his files and

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could find no record under the name Eric Hamilton. In looking for records on room 171, Kekua determined that an individual named Thelya Wilson was currently in the room and had moved in on 11/02/98. I later spoke with Thelya Wilson, black male, DOB: 01/28/73, SS#: 361-54-5541 and learned that he had no knowledge of Eric Hamilton.

On 11/30/98 at approximately 1000 hours, I contacted the LVMPD Pawn Detail and requested a gun registration check for Eric Hamilton, John Seka and Peter Limanni. The results were negative, however, the Pawn Detail determined a .40 caliber Sig Sauer handgun registered to a Tiffany Limanni with a date of birth of 08/30/68 and an address of 2703 Osborne. In checking phone records for the Osborne address, I ultimately made contact with Joseph Brizzi. Brizzi explained that he was Tiffany Limanni's father. He said Tiffany had been separated from Peter Limanni for more than a year and had moved to an unknown location in California.

A check of pawn tickets revealed that John Seka using social security number 184-54-5812 and date of birth: 12/30/68 had three entries beginning on 11/07/98. The first entry dated 11/07/98 was for a wire feed welder. The second entry dated 11/10/98 was for a Milwaukee metal saw and the third entry dated 11/10/98 was for a Hitachi disk grinder and sander. These are items that are commonly associated with construction companies and it should be noted that while Seka is purported to be an employee of Cinergi Incorporated, it is also apparent from the investigation that he has no known ownership of the company or equipment.

On 11/30/98 at approximately 1400 hours, I made telephone contact with Steven Limanni, the brother of Peter Limanni. In speaking with Steven, I learned that he last spoke with Peter three years ago. He explained that he was not close with his brother, however, his brother would stay in touch with their mother. Steven said that Peter had a white dog named Jake and took the dog everywhere with him. He did not feel that Limanni would leave the dog under any circumstances.

On 12/01/98 at approximately 1000 hours, I spoke with Diane Tomasevich, the sister of Peter Limanni. She said she had a telephone call on October 4th from Peter and in the beginning portion of November, she had attempted to phone Peter and spoke with Jack. She said Jack told her Peter was in Reno with his girlfriend, Jennifer. Tomasevich said that her mother, Sylvia Cappella had not spoken with Peter since the first part of November. She explained that her mother was in poor health and requested that I not contact her to question her about her brother indicating that she and her brother Steven would speak with her about it further. Tomasevich said that Peter was extremely close with his dog and took the dog everywhere with him. She said he would even try to sneak it into restaurants at times and that if he went out of town, he would take the dog with him. I explained my concerns to Tomasevich that the evidence and information at hand indicated there was a strong likelihood that her brother Peter may have become the victim of

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a homicide since he had not been seen since the early portion of November, approximately November 5th or 6th and that his dog had been abandoned at the business and his wallet with personal papers and credit cards was discovered hidden in the attic of his business as well as the link to the homicide of Eric Hamilton to Peter's friend, Jack Seka. Having this information, Tomasevich contacted the LVMPD at my request and completed a Missing Persons report.

On 12/01/98 I spoke via telephone with Carl Bell, the cousin of Eric Hamilton. Bell said that his cousin had been under house arrest and wanted to leave Los Angeles for a fresh start in Las Vegas. He said he knew that his cousin was determined and if he did not drive him to Las Vegas, he would find some other way to come here. Bell said he drove Eric Hamilton to Las Vegas on 10/25/98 and got a room at the Downtowner Motel in his name (Carl Bell). Bell confirmed that Hamilton had a dark navy blue jacket, a black brimmed hat and an unknown logo'd dark baseball cap as part of his belongings when he came to Las Vegas. It was believed that Hamilton had approximately a thousand dollars or more with him when he arrived in town. It should be noted that inside the scene at 1929 Western, a dark blue jacket with apparent bullet holes was recovered as well as a black baseball cap. Bell said that Hamilton wanted to get a job in Las Vegas where he could be paid under the table. Bell said Hamilton was a known drug user and would use crack cocaine.

On 12/02/98, Tomasevich telephoned my office and explained that they had been contacting people that knew Jack and her brother Steven had been in contact with a Mr. Polsky from a business called Motor Works in New Jersey with a business phone of 609-251-0050. She claimed Polsky said that he was to pick Jack up from the airport in October when he was coming back home. According to Polsky, Jack was not on the plane but showed up the next day. He said the following day, Jack returned to Las Vegas. After returning to Las Vegas, Polsky received a phone call from Jack claiming that Pete had vanished and had taken all the money from three accounts.

On 12/02/98 I telephoned the South Lake Tahoe, California Police Department and left a message on the voice mail of Detective Brian Williams requesting a check for the Cinergi van as well as the business that Limanni had been in the process of opening in South Lake Tahoe.

On 12/02/98 I received a telephone call from a woman identifying herself as Marilyn Mignone. She explained that she was a paralegal that had been involved in a business with a man named Amir Shabant Mohamed. She provided his social security number as 566-44-7875. She said that Mohamed was to be a supplier of cigars for Limanni and she was trying to contact Limanni at his business and attempt to locate Amir Shabant Mohamed because Mohamed had absconded with owing bad checks in the amount of approximately \$50,000.00. Mignone explained that Mohamed had previously been staying at 6908 Emerald Springs Lane in

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Spanish Trails and approximately two weeks ago, an individual in a white van was seen by security as assisting Mohamed moving items from his residence. Mignone went on to explain that she was owed money by Mohamed and was involved in civil litigation with him and was attempting to locate him.

X On 12/07/98 at approximately 0900 hours, I telephoned Takeo Kato. Mr. Kato explained that he was the investor in Peter Limanni's business along with his business partner named Kaz Toe. Kato said he and Toe owned a company in California called International Trading. Kato said Limanni's Las Vegas business was started in the end of April or beginning of May, 1998. They invested approximately \$100,000.00 in the business. According to Kato, the air conditioning business was failing and on October 15th, he was supposed to get the money he invested returned as well as the four vans and Toyota pickup truck that he had leased for the business. On October 13th, Limanni went to California and met with Kato and attempted to get Kato to invest in the cigar business.

Kato said on October 26th, he came to Las Vegas and told Limanni that he decided he would not invest in the business. He said Limanni explained that if there was a problem with bad credit, he knew how they could get false identification to access a fresh credit line. Kato said Limanni showed false ID with Limanni's photograph and said that he could become another person. Kato refused to become involved in the business deal and took one of the Dodge vans from Cinergi and drove it back to California leaving three vans and one pickup truck in the custody of Limanni. Kato said that on October 27th, he talked briefly on the phone to Limanni. On November 5th or 6th, he called to speak with Limanni and spoke with Jack. Jack said that he had not seen Peter. Kato later learned that Peter Limanni's cell phone of 429-7433 was turned off as of November 17th. Kato said Limanni had one of the Dodge vans at a business he was starting in Tahoe. He said the VIN number to the Tahoe van was 2B7JB21Z8WK134379. The only further information Kato could offer was that Limanni mentioned having a business on an island south of Florida in which he could purchase cigars for the cigar business. I have not been able to substantiate the existence of this business with any of the friends or family members of Peter Limanni.

Kato said he recovered a note pad from the property left inside the 1933 Western address. The top page was a list dated 11/12/98. Number 14 on the list was a notation to find a home for Jake (Limanni's dog). I asked Kato to mail the pad and note prior to leaving on his month long trip to Japan. I told him I would need to take a statement from him upon his return to the U.S.A.

On 12/07/98 at approximately 1230 hours, I met with Jennifer Harrison at the LVMPD Homicide Office. Harrison provided a taped statement in which she explained that she was the current girlfriend of Peter Limanni. She said they met July 31, 1998 and she last saw him at her home on November 4, 1998. She

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explained that their relationship had been on a downturn because Limanni was wanting to move his business to Tahoe and she wanted to remain in Las Vegas. According to Harrison, in September or the first part of October, Peter Limanni and Jack, his friend, drove one of the Cinergi vans to Tahoe to leave it at the business and returned to Las Vegas in a second van. She said the business had a total of four vans and one small truck.

Harrison said on the morning of November 5th, she attempted to call Peter Limanni on his cell phone and could get no response. She thought this was unusual because his cell phone was always turned on. She then utilized the radio portion of her Nextel telephone and alerted the telephone of Jack Seka. She said the alert was successfully sent indicating that his phone would have been turned on. She said his phone then was turned off. Harrison called Jack Seka's cell phone number knowing that he did not have Caller ID. When he answered the phone, she questioned him as to the whereabouts of Limanni. Jack told her that Limanni had spent the night at the Western address and had gotten up early in the morning, showered and had left in the pickup truck and he had no idea where he could be located.

Harrison said she left her work around noon and went to the 1933 Western address in an attempt to locate Peter Limanni. When she arrived, she noticed the pickup truck was parked near the back door. She knocked at the door with no response and felt that Limanni was inside with another woman. She said she utilized her key to open the front door and found the door leading to the back office was locked. She said that door was never locked and she again felt that Limanni was with another woman. Upon opening this door, she observed a white female sleeping on the couch and Jack Seka passed out in the middle of the floor. She went to the back bedroom that was utilized by Limanni and Seka and found that door to be locked. Feeling that Limanni was inside with another woman, she began beating on the door. She said the female that had been sleeping on the couch woke up and asked her what she was doing. Harrison said that she knew Peter was inside with another woman and she was going to get inside. The woman remarked "Peter? Jack told me Peter's dead." Harrison said she blew it off thinking that they were trying to cover for Limanni in stopping her from seeing him with another woman. She said she ultimately opened the door and discovered that no one was inside the bedroom. She searched through the bedroom and found a cartridge on the floor. Harrison remarked that she saw all of the shoes that Peter owned as well as a pair of pants with a belt that she believed he was wearing when she last saw him at the residence. She said she kicked at Jack trying to wake him up to find out where Peter was, however, he was so intoxicated or high on drugs that he would not wake up. She noticed that on a table, there was approximately \$200.00 in cash as well as some marijuana. Harrison said she gave the female a ride to a nearby bar at Western and Oakey and learned that the woman was a dancer that had gotten off work at Cheetah's at 5:00 in the morning and was walking down the road when Jack

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Seka drove up in the pickup truck and asked her if she wanted to have a drink. The woman claimed that they had bought a six pack and returned to the business at 1933 Western when Seka passed out on the floor and she went to sleep on the couch. Harrison said she could not recall the woman's name although she could provide a description as listed in her statement.

Throughout her statement, Harrison stopped and started several times and ultimately asked if I thought the murder was mob connected and if her life was in danger. I explained that there was no mob connection that was apparent to the police and I did not believe her life to be in danger. She explained that Jack had called her after being interviewed by the police and told her about the interview. Harrison said he asked her if he could use her car because the police were watching for the van he was driving. He claimed that he wanted to go back to the business to pick up some items. Harrison said she refused and later received other phone calls from Jack in which he attempted to persuade her that Peter owed money to the Japanese businessman and they were perhaps the one's that had killed him. Jack told her that he was wanted for other crimes from his home state and was hiding out because he would be arrested for charges unrelated to the homicide investigation. It should be noted that a check through NCIC revealed no warrants for John Joseph Seka although it does list a criminal record that includes Robbery.

Jennifer Harrison said Limanni had bank accounts with Wells Fargo, Nevada State Bank and Silver State Bank. She believed there was an additional Nevada State Bank account strictly for the Rabbit's Smoke Shop.

According to Harrison, Jack never had any money. Any money he got, he had to ask Peter Limanni for. She said Peter Limanni would constantly degrade Seka and referred to him as "his nigger." Harrison said that when Jack would get drunk, he would get very friendly with her and it would make Limanni take notice and inform Seka that he should not look at her like he wants to "fuck her."

Harrison said she was told by Seka that when he went home for his daughter's birthday, he walked in and found his girlfriend in bed with another man. She said he was extremely upset because of this.

For further details, see the transcribed taped statement of Jennifer Hamilton.

On 12/08/98 at approximately 0900 hours, I once again telephoned the South Lake Tahoe Police Department. I explained that I had received no call back from my first request to check the Lake Tahoe location of Limanni's business. I made contact with Detective Sgt. Alex Schumacher and I was advised that a check of the location would be made and I would be re-contacted.

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On 12/09/98 I received a voice mailbox message from Sgt. Schumacher indicating that the business was vacant and locked and that the van in question bearing Nevada license 113JME was parked at the business location.

On 12/09/98 I made contact via telephone with Peggy Eichhorn, a realtor with Coldwell Banker-McKinney and Associates, Incorporated in South Lake Tahoe, California. She explained that she is the realtor that had arranged for Peter Limanni to rent his office space for his business in South Lake Tahoe. She said Limanni was in her office on September 22, 1998 to sign the lease for 2494 Lake Tahoe Blvd. and the check bounced. She said he returned on October 5th with another check. On that date he was with a young looking male whom she did not know. She said Limanni had paid for three months on the lease. When the rent became overdue, she sent a three day notice to pay the rent as well as registered letters asking him to move his van. She said the letters were all returned to her unopened.

Eichhorn said she had been in contact with Limanni's mother, his girlfriend Jennifer, a real estate broker in Santa Monica and his bank and that they had not heard from Limanni. Eichhorn faxed a brief statement indicating what she had told me as well as the rental agreement signed by Peter Limanni and a credit report.

In a telephone conversation with South Lake Tahoe Police Department Sgt. Schumacher, I was advised that his department would conduct a welfare check of the interior of the business and contact me with any pertinent information. At the time of this report on 12/10/98, there has been no further contact from the South Lake Tahoe Police Department.

VIII. FORENSIC LABORATORY EXAMINATION:

On 11/17/98, a request was submitted for the latent print processing of a Skoal Tobacco container, two Beck's empty beer bottles and seven pieces of lumber that were recovered from the Las Vegas Boulevard South scene. Two Marlboro cigarette butts from the scene were submitted for DNA analysis. As a result of the initial latent print processing request, latent prints found on lumber at the Las Vegas Boulevard South scene have been matched to Jack Seka and Peter Limanni.

On 11/23/98, a DNA request was submitted for samples recovered at the Las Vegas Boulevard South scene, the 1929 Western Avenue scene and the 1933 Western Avenue scene as well as the above listed Dodge van and Toyota pickup truck.

Forensic requests have been submitted on the firearms evidence to determine if possible what type of weapon they may have been fired from and if they were fired

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from the same weapon. A request has been submitted to determine if hairs found on the clothing of victim Hamilton are consistent with hair recovered from the dog inside 1933 Western. A request has been submitted for a comparison with the tire impressions recovered from the Toyota pickup truck with cast impressions recovered at the scene on Las Vegas Boulevard.

At the time of this report, the DNA results, firearms results and tire impression results have not been completed.

IX. CONCLUSION:

John Joseph (Jack) Seka remains at large. Records from Nextel Communications via indicate that the cell phone was turned off on 11/30/98. Peter Limanni remains a missing person and it is believed that blood evidence recovered in the investigation will support the assertion that Peter Limanni was killed by Jack Seka and transported in one of the vehicles, possibly the Dodge van containing the recovered blood samples.

For further information, please refer to any and all reports under Event numbers 981116-0443, 981106-0539, 981120-0699 and 981117-0730.

TT/kb
9801019

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EXHIBIT 12

1 FRANNY A. FORSMAN
Federal Public defender
2 Nevada State Bar No. 00014
DEBRA A. BOOKOUT
3 Assistant Federal Public Defender
Florida State Bar No. 968196
4 411 East Bonneville Ave., Ste. 250
Las Vegas, NV 89101
5 (702) 388-6577
(702) 388-6261 (FAX)
6

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 JOHN JOSEPH SEKA,
12 Petitioner,
13 vs.
14 E. K. McDANIEL, et al.,
15 Respondents.

3:05-cv-0409-HDM-(VPC)

16
17 **DECLARATION OF ED HEDDY**

18 I, ED HEDDY, declare as follows:

19 1. I am an investigator in the office of the Federal Public Defender, District of Nevada
20 and have been so employed since August of 1995. I am currently assigned to the non-death
21 habeas unit investigating federal habeas petitions. From July of 1987 until August of 1995, I was
22 employed as an investigator with the Nevada State Public Defender's Office, Carson City,
23 Nevada. Prior to that I was a fully commissioned Sergeant of the Carson City Sheriff's
24 Department, beginning December of 1973 and continuing until July of 1987. During this time I
25 was assigned to a variety of investigative tasks including but not limited to Homicide
26 investigations. As a defense investigator I am assigned to reinvestigate the case and give an
27 opinion as to what should have been done as a defense investigator.
28 ...

1 2. I have been assigned to assist Debra A. Bookout, Assistant Federal Public Defender,
2 in the preparation of the case entitled JOHN JOSEPH SEKA vs. E. K. McDANIEL, et al., 3:05-
3 cv-0409-HDM-(VPC). The investigation entailed reading and reviewing the discovery provided
4 in the above entitled case, locating and interviewing potential defense witnesses. After having
5 reviewed the discovery material it is clear that a great deal of traditional investigative effort was
6 never undertaken by the trial counsel.

7 3. As stated in GROUND 11 C. of the Federal Petition. Trial counsel was ineffective in
8 failing to adequately investigate and interview witnesses.

9 1. *Justin Nguyen*

10 2. *Marilyn Mignone*

11 3. *Amir Mohammed*

12 4. *Ken Bates*

13 4. After having reviewed trial counsels' files which also contained investigative files of
14 Phil Needham, Investigator, Professional Investigators, Inc., I saw no reports or notes indicating
15 that an attempt was made to locate and interview the above named defense witnesses. Nor was
16 there any indication that even a simple background check was made on the witnesses.

17 5. On February 9, 2007, I made contact with Ken Bates in Las Vegas, Nevada. After
18 having shown Mr. Bates a photograph of John Seka, he said he recognized him as having helped
19 Amir Mohammed move from Spanish Trails located on West Tropicana to a townhouse
20 belonging to Ben Boykin located on Laguna Del Sol Dr., Las Vegas, Nevada. Furthermore, after
21 a short period of time Mr. Bates recalled Mr. Seka helping Amir Mohammed move from the
22 Laguna Del Sol address to Tucson, Arizona.

23 6. On March 1, 2007, after conducting a background check on Ben Boykin and Sam
24 Akkad and having determined that Mr. Boykin was living in Tucson and Mr. Akkad living in
25 Phoenix, I flew to Phoenix and made contact with Mr. Akkad. He remembered Mr. Seka after
26 having viewed his photograph. Mr. Akkad recalled having been in a joint business venture with
27 Amir Mohammed where they had owned and operated an Italian clothing store, Panorama Italy,
28 in Las Vegas in 1998 and that Amir Mohammed owned Royal Diamonds, Inc. located on South

1 Valley View Blvd. Furthermore, Mr. Akkad recalled that sometime late November or early
2 December 1998 he was in Tucson with Amir Mohammed and Ben Boykin. Mr. Akkad recalls
3 seeing Mr. Seka in Tucson explaining that Mr. Seka had driven a U-Haul truck from Las Vegas
4 to Tucson with Mr. Mohammed's belongings. After staying a week or two in Tucson, Mr. Akkad
5 remembered getting ready to drive back to Las Vegas when Mr. Seka asked if he could ride back
6 to Las Vegas with him. Mr. Akkad recalled giving Mr. Seka a ride back to Las Vegas but didn't
7 remember exactly where he dropped him off. During the ride back to Las Vegas, Mr. Akkad
8 recalled Mr. Seka asking him for a job and asking him to help him find a job. He also recalled
9 Mr. Seka saying numerous times "I want to be just like you when I grow up".

10 7. On December 2, 1998, Detective Thowsen interviewed Marilyn Mignone. Detective
11 Thowsen wrote in his report that Ms. Mignone told him, she was a paralegal involved in a
12 business with Amir Mohammed and that Mr. Mohammed was a cigar supplier for Peter Limanni.
13 She told Detective Thowsen that she was looking for Mr. Mohammed because he had taken off
14 with fifty thousand dollars. She also told him that a white van was seen in Spanish Trails
15 assisting Mr. Mohammed in moving. Further investigation revealed that Ms. Mignone was also
16 the office manager for Panorama Italy and Royal Diamonds Inc.

17 8. On March 1, 2007, I drove down to Tucson, Arizona and met with Ben and Sammie
18 Boykin. I was informed that Mr. Boykin was in poor health from having open heart surgeries and
19 having dementia causing him to lose his memory. After showing Mr. Seka's photograph to Mr.
20 Boykin, he said he thought he looked familiar but he was not sure. However, Mrs. Boykin
21 recognized Mr. Seka. According to Mrs. Boykin, they were attempting to purchase a townhouse
22 in Las Vegas off of Laguna Del Sol Dr. when Mr. Boykin had to go into the hospital to have
23 open heart surgery. After Mr. Boykin was released from the hospital they moved down to
24 Tucson. She recalled Amir Mohammed having stayed at the townhouse for a short period of time
25 then moved to Tucson where they helped him get a place of his own. She further recalled that
26 Mr. Seka showed up sometime around Thanksgiving of 1998 in a U-Haul truck. Mr. Seka had
27 brought Mr. Mohammed's belongings to him. She also remembered that Mr. Seka had ridden
28 back to Las Vegas with Mr. Akkad. Mrs. Boykin further relayed that Amir Mohammed had taken

1 them for about fifty thousand dollars and they have not seen him for about five years.

2 9. After conducting an extensive background check and attempting to locate the
3 whereabouts of Amir Mohammed all leads have been unsuccessful in locating him. It is my
4 belief that Mr. Mohammed has gone into hiding or has gone back to Syria, his home country.

5 10. It is my belief that if trial counsel had expended the same efforts in attempting to
6 locate Ken Bates, Amir Mohammed and Marilyn Mignone before the trial commencing on
7 February 12, 2001 they would have easily located them. Furthermore, every investigative tool
8 that I utilized in locating the witnesses was available to Investigator Phil Needham.

9 11. It is my belief that if an adequate investigation was conducted prior to trial, counsel
10 would have obtained the same information and possibly more details that may have been lost
11 from witnesses memory due to lapse of time. By locating and interviewing Ken Bates I was led to
12 Sam Akkad and Ben Boykin.

13 12. The minimal number of hours of investigation that occurred in this case is woefully
14 inadequate to properly prepare a death penalty charged double murder case. There should have
15 been at least an attempt to verify Mr. Seka's whereabouts from November 17, 1998 to April
16 1999. An area absent from the defense investigation was an experienced interest in and review of
17 potential defense witnesses. Investigation into potential defense witnesses from the material that I
18 received appears not to have been considered. A competent investigative review, had it been
19 done, would have possibly drawn serious question into the State's claim that Mr. Seka left the
20 jurisdiction to avoid prosecution, and would have at least met the defense's responsibility of
21 investigating Mr. Seka's claim thoroughly. Admittedly an investigator would have no way of
22 knowing in advance that such efforts would have produced desired results; however the potential
23 of success did exist and based on my reviewing the discovery material, no attempt as such was
24 ever made by the defense. Alternatively, if such efforts were made it is not mentioned in any of
25 the discovery material.

26 ...

27 ...

28 ...

1 I declare under penalty of perjury that the foregoing is true and correct.

2
3 Executed on this 16th Day of May, 2007

4
5
6 
7 Ed Heddy, Investigator

EXHIBIT 13

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

EVENT #: 981116-0443

MURDER WITH DEADLY WEAPON/DISCOVERY OF
LIMANNI'S BODY

SUBJECT

DIVISION REPORTING:

ISD

DIVISION OF OCCURRENCE:

PD

DATE AND TIME OCCURRED:

12/23/98 APPROX. 0815
HRS.

LOCATION OF OCCURRENCE:

1 MILE EAST OF I-15 ON
NIPTON RD.,
MOUNTAIN PASS,
CALIFORNIA 92366
(SCENE NO. 4)

DICTATING OFFICER:

DET. T. THOWSEN, P#1467
HOMICIDE SECTION

VICTIM:

LIMANNI, PETER PAUL
WMA,
SS#:
LVMPD ID#1229386

SUSPECT:

SEKA, JOHN JOSEPH
AKA: JACK
WMA, DOB:
SS#:
FBI#: 118012KA6

I. SYNOPSIS:

On 12/23/98 at approximately 0815 hours, Peter Borden was driving east on Nipton Road approximately one mile east of I-15 when he observed a dog tugging on a corpse. Borden notified the San Bernardino County Sheriff's Office and the body of a white male identified by fingerprints as Peter Paul Limanni was discovered in a shallow grave.

and Time of Report:

01/11/99 0930 HOURS

Approved:

Sgt. K. Hays

Officer:

DET. T. THOWSEN

P#: 1467

Officer:

T. Thow

P#:

SIGNATURE:

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IV. OTHER JURISDICTIONS CONTACTED:

1. SOUTH LAKE TAHOE POLICE DEPARTMENT
SGT. ALEX SCHUMACHER
Business Phone: 530-542-6100

V. INTERVIEW OF WITNESSES FROM SCENE #1:

1. MICHAEL FELIX STANISH
(Taped statement by Detective T. Thowsen)

Stanish is a truck driver working on the Mandalay Bay project. He said he was driving his truck on Las Vegas Boulevard South at approximately 6 A.M. when he saw what appeared to be a body on the side of the road. When he arrived at his job site at the Circus Circus stockpile (located approximately a mile from the body), he borrowed a cell phone from another driver to call 9-1-1. He went back to the scene of the body with the other driver (Jeffrey Lowery) and waited for police.

For further details, see the transcribed taped statement and written statement of Michael Felix Stanish.

2. JEFFREY WAYNE LOWERY
(Taped statement by Detective T. Thowsen)

Lowery is a truck driver working on the Mandalay Bay project. He said that at approximately 6:15 or 6:30, he was dumping at his work site located on Las Vegas Boulevard when a water truck driver named Mike told him he had seen a body of a black male lying near Las Vegas Boulevard. Lowery said Mike phoned the police, called his boss, Dan O'Donnell, then drove back to the location of the dead body and waited for the police to arrive.

For further details, see the transcribed taped statement or written statement of Jeffrey Wayne Lowery.

3. KEVIN BANKS
(Written statement witnessed by Detective E. Landino at the Southwest Substation on 11/18/98)

According to his statement, Mr. Banks indicates he was driving north on the old Las Vegas Highway when he saw a brown van stop at the side of the road and observed a man 5-9 to 6 foot tall walking to the van. He described

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the van as brown in color and said that it was five or eight miles from where he works at the Gold Strike Hotel and Casino. He indicated that he observed the vehicle at approximately 1:20 A.M.

For further details, see the written statement of Kevin Banks.

VI. INTERVIEW OF SUSPECT

JOHN JOSEPH SEKA

(Taped statement by Detective T. Thowsen on 11/17/98 at approximately 1525 hours)

I responded to 1933 Western on 11/17/98 at approximately 1430 hours. I had been contacted by Sgt. Hefner and apprised of a Malicious Destruction of Private Property call at the adjacent business of 1929 Western Avenue. Sgt. Hefner explained that blood and evidence of a shooting were discovered inside the building. I told Sgt. Hefner that the cell phone information concerning the note found in the victim's pocket returned to a cellular telephone from Cinergi HVACR, Inc. at 1933 Western Avenue.

Upon arriving at 1933 Western Avenue, I spoke briefly with Sgt. Hefner and Detective Buczek. Sgt. Hefner explained that John Joseph Seka, also known as Jack, was identified as the only employee working inside 1933 Western. Sgt. Hefner told me that Seka had provided a Consent to Search for 1933 Western.

As a result of the search that was underway, Sgt. Hefner pointed out that several locations had been discovered with apparent droplets of blood on the interior walls of the business. In a back office area, Sgt. Hefner pointed out a couch that had an apparent gunshot hole from the front through the back with stuffing protruding from the rear of the couch and a bullet hole through one piece of drywall and a bullet recovered in a second piece of drywall directly behind the couch and in line with the apparent bullet hole.

I learned that Patrol officers that had contacted Seka prior to the notification of the homicide observed a cartridge on Seka's desk inside the business. When the Homicide detectives began their search, they noticed the cartridge was missing. When Seka had been asked about it, he gave conflicting answers.

Sgt. Hefner gave information that the Patrol officers upon initially checking the area after arriving the scene at 1929 Western, checked the rear dumpster area and noted nothing of interest. After the arrival of Homicide, several items of clothing

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and checks in the name Peter Limanni were found partially burned in the dumpster area.

I asked Seka if he would voluntarily accompany me to the Detective Bureau so that I could speak with him about the damage to the next-door business and the blood that had been found in that business and in his business. Seka agreed and accompanied me to the LVMPD Detective Bureau. At approximately 1450 hours, I explained to Seka that he was not under arrest but I wished him to read a Rights of Person Arrested card aloud so that he might be apprised of the rights due to the nature of the crime being investigated. Seka read the card aloud, signed it, indicated that he was wanting to cooperate and speak with me without an attorney being present. He signed and returned the card.

During my conversation with Seka, he explained that the business at 1933 Western is owned by a man that is a friend of his named Peter Limanni. According to Seka, there were two men that were business partners in the Cinergi business that put up the money. He described them as silent partners and said they both live in L.A. He identified them as Tak Kato and Kaz Toe. Seka said that the two men had not been in Las Vegas for approximately a month to five weeks. Seka said he left town to go to Philadelphia for his daughter's birthday leaving on the 29th of October and returning to Las Vegas on the 3rd of November. He said Limanni picked him up at the airport the night he came back and spent the following day with him and the next morning, Limanni got up and left on his own and did not wake him. Seka said he had not seen or heard from Peter Limanni since. There was a white Jack Russell Terrier named Jake that was at the Cinergi office. Seka said that the dog belonged to Peter Limanni.

Seka explained that the business had two white Dodge vans and a Toyota pickup truck that they utilized. He said that there was an additional Dodge van that Peter Limanni had taken to Lake Tahoe for a business that he was going to start there. Seka said the Las Vegas business had a telephone number of 678-5993, however, it had been turned off and he was currently using his cell phone which has the number 429-5957. Seka was wearing the cell phone at the time of the interview.

Seka was asked if he was familiar with a black male that may have been around the business. He explained that other officers had told him that there was a black male homicide victim that had his name and phone number. Seka said that the black male was named Seymore and that in the past he had done some odd jobs for the construction company. He said he last saw Seymore about a month ago and told him to call in about a month to see if there was work.

I mentioned to Seka that a cardboard box was observed in front of 1933 Western with a drop of apparent blood on it. He explained that he was walking Jake when

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he found the box under one of the vans parked in front. He said he pulled the box out from underneath the bumper and flipped it onto the corner before he was leaving. When asked about the blood inside the business at 1933 Western, Seka explained that he had cut himself and Peter had cut himself there at different times when they were working. He pointed out that he had banged his knuckles. In speaking with Seka, I noticed that he had some cuts and scrapes on his hands. When I asked about a particular knuckle that was cut, he explained that he just bit it off (referring to the scab), that there was a scrape and he had picked off the scab because he's one of those kind of people that hate scabs.

Seka explained that Peter Limanni owns guns, however, he had never seen any in Las Vegas. Seka claimed that he did not own any guns and had not ever fired a gun. I asked Seka about the cartridge in question that had been seen by officers on his desk earlier in the day. Seka denied any knowledge of the bullet and claimed that he did not pick it up. In my conversation and in the taped statement that I took from Seka from approximately 1525 through 1548 hours, he explained that he was the only person that had been at the 1933 Western address in the last few weeks and claimed that he did not know what happened to the black male whom he called Seymore and said that he did not do anything to Seymore.

Upon documenting the taped statement of Seka, I left him in the interview room and contacted Sgt. Hefner via telephone. Sgt. Hefner was in the process of securing a search warrant for 1933 Western and was speaking with Deputy D.A. Dave Wall. I explained my conversation with Seka and asked Sgt. Hefner to review the evidence in the case to Deputy D.A. Wall and determine if he would approve of a P.C. arrest of Seka for the homicide of John "Lumber" Doe. (Eric Hamilton had not been identified at that point.) Sgt. Hefner explained that per Deputy D.A. Wall, we were to wait until additional evidence from processing the scene confirmed a connection between John "Lumber" Doe and the two scenes located at 1929 Western and 1933 Western.

Upon finishing my phone call with Sgt. Hefner, I returned to the interview room and explained to Seka that the evidence did not support his statement. I explained that I believed he killed the black male that had been dumped, that the blood and bullet evidence linked the victim, that the lumber in his business was similar to the lumber found at the scene where the body was located, and that his story was inconsistent. Seka sat back in his chair and smiled. He said, "You're really starting to scare me now. I think you better arrest me or take me home. Do you have enough to arrest me at this point?" I explained to Seka that I would not arrest him until all of the processing and forensic testing could be done. Seka asked to be returned to his home located inside 1933 Western. I drove him back to the Western location and requested that he wait outside until the scene was finished being processed. I asked Seka if he would give consent to have his photographs and fingerprints taken. Seka agreed and said he was wanting to cooperate. I asked if he would

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give consent to having a Buccal swab sample taken in order that we could test his DNA. Seka once again agreed. At approximately 1615 hours on 11/17/98, Seka read then signed a Consent to Search card for his DNA and fingerprints. In the parking lot of 1933 Western, photographs were taken of Seka showing his overall appearance as well as close-ups of several cuts and scrapes on his hands. Seka explained that he had a dinner engagement and that if he was not under arrest, he would like to leave in one of his vehicles and would return in a few hours.

I told Seka that we were going to impound the brown Toyota pickup truck to have it processed for evidence. While Seka was present at the scene, Crime Scene Analysts discovered apparent blood spots in and around the bed of the truck that tested positive for blood with presumptive testing. Seka reached into his pocket and removed the key for the Toyota truck. He explained that he wanted to take one of the vans and asked if he could go inside the business himself to get the keys. I explained that he needed to wait outside and I returned with two sets of Dodge keys. I handed Seka one set of keys. He remarked that the keys I gave him were for the unmarked white van. He seemed perplexed as though he was expecting or wanting to leave in the second van that was marked with large Cinergi decals.

I told Seka that it might be better for him to drive the van with the Cinergi decals thinking the vehicle would be easier to locate if he fled the area. I asked Seka if he minded if I looked in the vans before he drove one of them from the area. Seka agreed. He unlocked the marked van having Nevada license 514JME. Upon looking inside, I observed that it had a driver and passenger seat and that the back of the van was completely empty with no seats. Upon looking at the floor and the wall area, I noted several areas of what appeared to be blood or blood that had been partially washed out. I requested the Crime Scene Analyst conduct a presumptive test for blood. The test was completed with positive results. I then checked the plain white van bearing no license plates (VIN listed above) and could not observe anything that appeared to be of evidentiary value.

Prior to releasing the vehicle to Seka, I went to the Toyota pickup truck and with the use of a flashlight, observed with the Crime Scene Analysts the front undercarriage area looking for any evidence of off-road use and/or possible vegetation that could have been deposited there when the body of the victim was dumped in the desert. In viewing the front undercarriage area, several areas were identified as being consistent with being in contact with brush or similar shaped or designed objects that would cause scratches in the dust and oil areas. No vegetation was observed or collected. The undercarriage was photographed prior to the vehicle being towed to the Crime Lab for processing.

Detective Buczek and I consulted with Sgt. Hefner concerning the additional evidence discovered at the scene. However, it was determined that we would still

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allow Seka to leave the scene as we had samples of his fingerprints, ph and DNA for later identification and location.

Seka drove from the scene in the unmarked vehicle and failed to return as he had promised to secure the business. The business and dog were later turned over to the property manager, Michael Cerda, upon completion of all processing.

For further details, see the transcribed taped statement of John Joseph Seka.

VII. FOLLOW-UP:

On 11/17/98, I spoke with Michael Cerda, the property manager for 1933 Western Avenue. Cerda gave a taped statement and explained that Peter Limanni had a lease for 1933 Western and had originally been doing business as a heating and air conditioning repair service. Cerda said that the business started off well but had died off and that Limanni had been in the process of converting a portion of the business into a smoke shop with a cigar humidor. Cerda said that the business had been occupied for approximately six months and that Tak Kato, a California businessman, was also on the lease. Cerda said that Kato had not been at the business for more than a month. He said Peter Limanni had been staying at the business along with his friend or partner named Jack. Cerda had been allowed to view photographs that were taken from the business and identified one of the photographs as Peter Limanni and another photograph as Peter Limanni and Jack standing together.

According to Cerda, he believed he last saw Peter Limanni in the late afternoon on Friday, the 6th of November, in front of 1933 Western. They discussed the rent and Limanni showed Cerda approximately \$2000.00 or \$3000.00 in cash and was going to be participating in a show at Cashman Field. Limanni said he would pay the rent on the following Monday. Cerda said he called on Monday and did not get a response and came to the site throughout the week. He said no one answered the door but Jake, the dog, was inside. He said on Wednesday, the 11th or 12th, he posted a five day notice on one of the vehicles for the business which he described as the Toyota. Cerda said Jack called the day he posted the five day notice and told him that he had just come back to town and he was going to pay the rent. According to Cerda, Jack said he did not know where Peter was.

Cerda said that on today's date he was asked to come down by the tenant in the trophy business when he saw that there was a break-in with broken glass and blood on the front door of unit 1929 Western. Cerda said 1929 had been vacant for approximately a month and a half.

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Cerda explained that earlier in the day when the police officers were at the scene, they asked if they could go inside 1933 to see if there was any damage inside of that building. He said when they all went inside, the officer was with Jack in the foyer area. He said while in the office, the officer was looking around the room and found an open knife on the table and saw a shell (cartridge) on the top of the table. Cerda said it looked like the size of a .38 or a .357 magnum. He described it as a complete cartridge and said it looked like it was a full metal jacket with a brass case. Cerda said when the officer saw the cartridge and knife, he temporarily handcuffed Cerda for safety reasons. According to Cerda, when the officers asked Jack if he had a weapon, Jack answered "no." When they questioned what the bullet was doing here, Cerda thought Jack answered "I think Peter has a weapon and he has a permit for it."

For further details, see the transcribed taped statement of Michael Kirk Cerda.

On 11/18/98 I made telephone contact with Lydia Gorzoch. A purse had been recovered in the attic at 1933 Western having I.D. in Gorzoch's name. Investigation revealed that the purse had been taken out of her vehicle when it was parked near the Crazy Horse Too on Industrial after someone fired a bullet through the window to gain entry. The report was taken on 11/06/98 at 0952 hours reported under Event 981106-0539. Gorzoch said she did not know Limanni or Jack Seka. It should be noted that a bullet was recovered from her vehicle and is being submitted for comparison to the bullets recovered in the homicide investigation.

On 11/24/98 at approximately 1040 hours, I received a telephone call from Michelle Hamilton. Hamilton explained that she is the sister of the victim, Eric Hamilton. (Identified via the Coroner's Office through fingerprint identification.) Hamilton refused to give any of her personal information as to her date of birth, social security number or home address. She gave the home phone number of area code 310-762-1497. She explained that her brother Eric had been treated in the past for paranoid schizophrenia. She said that her cousin, Carl Bell, drove Eric from Los Angeles to Las Vegas on the date that she believed was October 11, 1998. She said she last spoke with Eric on 11/13/98 and said at one point, he had been staying in room 171 at an unknown hotel with a phone number of area code 702-384-1441. She said Eric commonly smoked Marlboro cigarettes and that he had been at a half-way house in Long Beach and provided the phone number 562-634-1033. She said she thought the name of the half-way house was the American Flag. Hamilton provided a phone number for Carl Bell of 323-779-4273.

At approximately 1600 hours that same date, I responded to the Downtowner Motel after learning that the phone number 384-1441 returned to their address. I spoke with Desk Clerk Ellsworth Kekua and explained that I was attempting to locate the room of a homicide victim identified as Eric Hamilton. Kekua checked his files and

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could find no record under the name Eric Hamilton. In looking for records on room 171, Kekua determined that an individual named Thelya Wilson was currently in the room and had moved in on 11/02/98. I later spoke with Thelya Wilson, black male, DOB: 01/28/73, SS#: 361-54-5541 and learned that he had no knowledge of Eric Hamilton.

On 11/30/98 at approximately 1000 hours, I contacted the LVMPD Pawn Detail and requested a gun registration check for Eric Hamilton, John Seka and Peter Limanni. The results were negative, however, the Pawn Detail determined a .40 caliber Sig Sauer handgun registered to a Tiffany Limanni with a date of birth of 08/30/68 and an address of 2703 Osborne. In checking phone records for the Osborne address, I ultimately made contact with Joseph Brizzi. Brizzi explained that he was Tiffany Limanni's father. He said Tiffany had been separated from Peter Limanni for more than a year and had moved to an unknown location in California.

A check of pawn tickets revealed that John Seka using social security number 184-54-5812 and date of birth: 12/30/68 had three entries beginning on 11/07/98. The first entry dated 11/07/98 was for a wire feed welder. The second entry dated 11/10/98 was for a Milwaukee metal saw and the third entry dated 11/10/98 was for a Hitachi disk grinder and sander. These are items that are commonly associated with construction companies and it should be noted that while Seka is purported to be an employee of Cinergi Incorporated, it is also apparent from the investigation that he has no known ownership of the company or equipment.

On 11/30/98 at approximately 1400 hours, I made telephone contact with Steven Limanni, the brother of Peter Limanni. In speaking with Steven, I learned that he last spoke with Peter three years ago. He explained that he was not close with his brother, however, his brother would stay in touch with their mother. Steven said that Peter had a white dog named Jake and took the dog everywhere with him. He did not feel that Limanni would leave the dog under any circumstances.

On 12/01/98 at approximately 1000 hours, I spoke with Diane Tomasevich, the sister of Peter Limanni. She said she had a telephone call on October 4th from Peter and in the beginning portion of November, she had attempted to phone Peter and spoke with Jack. She said Jack told her Peter was in Reno with his girlfriend, Jennifer. Tomasevich said that her mother, Sylvia Cappella had not spoken with Peter since the first part of November. She explained that her mother was in poor health and requested that I not contact her to question her about her brother indicating that she and her brother Steven would speak with her about it further. Tomasevich said that Peter was extremely close with his dog and took the dog everywhere with him. She said he would even try to sneak it into restaurants at times and that if he went out of town, he would take the dog with him. I explained my concerns to Tomasevich that the evidence and information at hand indicated there was a strong likelihood that her brother Peter may have become the victim of

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Spanish Trails and approximately two weeks ago, an individual in a white van was seen by security as assisting Mohamed moving items from his residence. Mignone went on to explain that she was owed money by Mohamed and was involved in civil litigation with him and was attempting to locate him.

On 12/07/98 at approximately 0900 hours, I telephoned Takeo Kato. Mr. Kato explained that he was the investor in Peter Limanni's business along with his business partner named Kaz Toe. Kato said he and Toe owned a company in California called International Trading. Kato said Limanni's Las Vegas business was started in the end of April or beginning of May, 1998. They invested approximately \$100,000.00 in the business. According to Kato, the air conditioning business was failing and on October 15th, he was supposed to get the money he invested returned as well as the four vans and Toyota pickup truck that he had leased for the business. On October 13th, Limanni went to California and met with Kato and attempted to get Kato to invest in the cigar business.

Kato said on October 26th, he came to Las Vegas and told Limanni that he decided he would not invest in the business. He said Limanni explained that if there was a problem with bad credit, he knew how they could get false identification to access a fresh credit line. Kato said Limanni showed false ID with Limanni's photograph and said that he could become another person. Kato refused to become involved in the business deal and took one of the Dodge vans from Cinergi and drove it back to California leaving three vans and one pickup truck in the custody of Limanni. Kato said that on October 27th, he talked briefly on the phone to Limanni. On November 5th or 6th, he called to speak with Limanni and spoke with Jack. Jack said that he had not seen Peter. Kato later learned that Peter Limanni's cell phone of 429-7433 was turned off as of November 17th. Kato said Limanni had one of the Dodge vans at a business he was starting in Tahoe. He said the VIN number to the Tahoe van was 2B7JB21Z8WK134379. The only further information Kato could offer was that Limanni mentioned having a business on an island south of Florida in which he could purchase cigars for the cigar business. I have not been able to substantiate the existence of this business with any of the friends or family members of Peter Limanni.

Kato said he recovered a note pad from the property left inside the 1933 Western address. The top page was a list dated 11/12/98. Number 14 on the list was a notation to find a home for Jake (Limanni's dog). I asked Kato to mail the pad and note prior to leaving on his month long trip to Japan. I told him I would need to take a statement from him upon his return to the U.S.A.

On 12/07/98 at approximately 1230 hours, I met with Jennifer Harrison at the LVMPD Homicide Office. Harrison provided a taped statement in which she explained that she was the current girlfriend of Peter Limanni. She said they met July 31, 1998 and she last saw him at her home on November 4, 1998. She

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explained that their relationship had been on a downturn because Limanni was wanting to move his business to Tahoe and she wanted to remain in Las Vegas. According to Harrison, in September or the first part of October, Peter Limanni and Jack, his friend, drove one of the Cinergi vans to Tahoe to leave it at the business and returned to Las Vegas in a second van. She said the business had a total of four vans and one small truck.

Harrison said on the morning of November 5th, she attempted to call Peter Limanni on his cell phone and could get no response. She thought this was unusual because his cell phone was always turned on. She then utilized the radio portion of her Nextel telephone and alerted the telephone of Jack Seka. She said the alert was successfully sent indicating that his phone would have been turned on. She said his phone then was turned off. Harrison called Jack Seka's cell phone number knowing that he did not have Caller ID. When he answered the phone, she questioned him as to the whereabouts of Limanni. Jack told her that Limanni had spent the night at the Western address and had gotten up early in the morning, showered and had left in the pickup truck and he had no idea where he could be located.

Harrison said she left her work around noon and went to the 1933 Western address in an attempt to locate Peter Limanni. When she arrived, she noticed the pickup truck was parked near the back door. She knocked at the door with no response and felt that Limanni was inside with another woman. She said she utilized her key to open the front door and found the door leading to the back office was locked. She said that door was never locked and she again felt that Limanni was with another woman. Upon opening this door, she observed a white female sleeping on the couch and Jack Seka passed out in the middle of the floor. She went to the back bedroom that was utilized by Limanni and Seka and found that door to be locked. Feeling that Limanni was inside with another woman, she began beating on the door. She said the female that had been sleeping on the couch woke up and asked her what she was doing. Harrison said that she knew Peter was inside with another woman and she was going to get inside. The woman remarked "Peter? Jack told me Peter's dead." Harrison said she blew it off thinking that they were trying to cover for Limanni in stopping her from seeing him with another woman. She said she ultimately opened the door and discovered that no one was inside the bedroom. She searched through the bedroom and found a cartridge on the floor. Harrison remarked that she saw all of the shoes that Peter owned as well as a pair of pants with a belt that she believed he was wearing when she last saw him at the residence. She said she kicked at Jack trying to wake him up to find out where Peter was, however, he was so intoxicated or high on drugs that he would not wake up. She noticed that on a table, there was approximately \$200.00 in cash as well as some marijuana. Harrison said she gave the female a ride to a nearby bar at Western and Oakey and learned that the woman was a dancer that had gotten off work at Cheetah's at 5:00 in the morning and was walking down the road when Jack

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Seka drove up in the pickup truck and asked her if she wanted to have a drink. The woman claimed that they had bought a six pack and returned to the business at 1933 Western when Seka passed out on the floor and she went to sleep on the couch. Harrison said she could not recall the woman's name although she could provide a description as listed in her statement.

Throughout her statement, Harrison stopped and started several times and ultimately asked if I thought the murder was mob connected and if her life was in danger. I explained that there was no mob connection that was apparent to the police and I did not believe her life to be in danger. She explained that Jack had called her after being interviewed by the police and told her about the interview. Harrison said he asked her if he could use her car because the police were watching for the van he was driving. He claimed that he wanted to go back to the business to pick up some items. Harrison said she refused and later received other phone calls from Jack in which he attempted to persuade her that Peter owed money to the Japanese businessman and they were perhaps the one's that had killed him. Jack told her that he was wanted for other crimes from his home state and was hiding out because he would be arrested for charges unrelated to the homicide investigation. It should be noted that a check through NCIC revealed no warrants for John Joseph Seka although it does list a criminal record that includes Robbery.

Jennifer Harrison said Limanni had bank accounts with Wells Fargo, Nevada State Bank and Silver State Bank. She believed there was an additional Nevada State Bank account strictly for the Rabbit's Smoke Shop.

According to Harrison, Jack never had any money. Any money he got, he had to ask Peter Limanni for. She said Peter Limanni would constantly degrade Seka and referred to him as "his nigger." Harrison said that when Jack would get drunk, he would get very friendly with her and it would make Limanni take notice and inform Seka that he should not look at her like he wants to "fuck her."

Harrison said she was told by Seka that when he went home for his daughter's birthday, he walked in and found his girlfriend in bed with another man. She said he was extremely upset because of this.

For further details, see the transcribed taped statement of Jennifer Hamilton.

On 12/08/98 at approximately 0900 hours, I once again telephoned the South Lake Tahoe Police Department. I explained that I had received no call back from my first request to check the Lake Tahoe location of Limanni's business. I made contact with Detective Sgt. Alex Schumacher and I was advised that a check of the location would be made and I would be re-contacted.

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On 12/09/98 I received a voice mailbox message from Sgt. Schumacher indicating that the business was vacant and locked and that the van in question bearing Nevada license 113JME was parked at the business location.

On 12/09/98 I made contact via telephone with Peggy Eichhorn, a realtor with Coldwell Banker-McKinney and Associates, Incorporated in South Lake Tahoe, California. She explained that she is the realtor that had arranged for Peter Limanni to rent his office space for his business in South Lake Tahoe. She said Limanni was in her office on September 22, 1998 to sign the lease for 2494 Lake Tahoe Blvd. and the check bounced. She said he returned on October 5th with another check. On that date he was with a young looking male whom she did not know. She said Limanni had paid for three months on the lease. When the rent became overdue, she sent a three day notice to pay the rent as well as registered letters asking him to move his van. She said the letters were all returned to her unopened.

Eichhorn said she had been in contact with Limanni's mother, his girlfriend Jennifer, a real estate broker in Santa Monica and his bank and that they had not heard from Limanni. Eichhorn faxed a brief statement indicating what she had told me as well as the rental agreement signed by Peter Limanni and a credit report.

In a telephone conversation with South Lake Tahoe Police Department Sgt. Schumacher, I was advised that his department would conduct a welfare check of the interior of the business and contact me with any pertinent information. At the time of this report on 12/10/98, there has been no further contact from the South Lake Tahoe Police Department.

VIII. FORENSIC LABORATORY EXAMINATION:

On 11/17/98, a request was submitted for the latent print processing of a Skoal Tobacco container, two Beck's empty beer bottles and seven pieces of lumber that were recovered from the Las Vegas Boulevard South scene. Two Marlboro cigarette butts from the scene were submitted for DNA analysis. As a result of the initial latent print processing request, latent prints found on lumber at the Las Vegas Boulevard South scene have been matched to Jack Seka and Peter Limanni.

On 11/23/98, a DNA request was submitted for samples recovered at the Las Vegas Boulevard South scene, the 1929 Western Avenue scene and the 1933 Western Avenue scene as well as the above listed Dodge van and Toyota pickup truck.

Forensic requests have been submitted on the firearms evidence to determine if possible what type of weapon they may have been fired from and if they were fired

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from the same weapon. A request has been submitted to determine if hairs found on the clothing of victim Hamilton are consistent with hair recovered from the dog inside 1933 Western. A request has been submitted for a comparison with the tire impressions recovered from the Toyota pickup truck with cast impressions recovered at the scene on Las Vegas Boulevard.

At the time of this report, the DNA results, firearms results and tire impression results have not been completed.

IX. CONCLUSION:

John Joseph (Jack) Seka remains at large. Records from Nextel Communications via indicate that the cell phone was turned off on 11/30/98. Peter Limanni remains a missing person and it is believed that blood evidence recovered in the investigation will support the assertion that Peter Limanni was killed by Jack Seka and transported in one of the vehicles, possibly the Dodge van containing the recovered blood samples.

For further information, please refer to any and all reports under Event numbers 981116-0443, 981106-0539, 981120-0699 and 981117-0730.

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EXHIBIT 14

64
1
2 **ORIGINAL**

DISTRICT COURT

CLARK COUNTY, NEVADA

FILED IN OPEN COURT

FEB 21 2001 19

SHIRLEY B. PARRAGUIRRE, CLERK

BY Judy Norman
JUDY NORMAN DEPUTY

3
4
5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 JOHN JOSEPH SEKA,

9 Defendant.

) Case No. C159915
) Dept. XIV
)
)
)
)
)
)

10
11 VOLUME II

12 REPORTER'S TRANSCRIPT
13 OF
14 JURY TRIAL

15 BEFORE THE HONORABLE DONALD M. MOSLEY

16 DISTRICT JUDGE

17 Taken on Tuesday, February 20, 2001

18 At 3:05 p.m.

19 APPEARANCES:

20 For the State:

EDWARD KANE, ESQ.
TIM FATTIG, ESQ.
Deputy District Attorneys

21
22 For the Defendant:

KIRK T. KENNEDY, ESQ.
PETER S. CHRISTIANSEN, ESQ.

23
24
25 Reported by: Maureen Schorn, CCR No. 496, RPR

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FEB 21 2001

MAUREEN SCHORN, CCR NO. 496, RPR

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1 transcript.

2 So this is somebody who had been admonished
3 in another courtroom. Your Honor admonished him after the
4 first time when he tried to spit out something about
5 Mr. Seka's legal problems back east.

6 Now, the truth of the fact, Jack Seka had no
7 problems back east. Detective Thowsen ran this gentleman.
8 He had no warrant or arrests or anything else. There's an
9 old conviction, but the jury is now left with the
10 impression that Jack Seka had some criminal activity back
11 east.

12 And that is especially harmful in a case
13 where one of the jurors in voir dire expressed his disdain
14 for the legal system in Colorado when he found out
15 something along those lines about a defendant on a jury he
16 sat as the foreman on. So that is the first problem.

17 The second is, when Mr. Creamer, in response
18 to a question by the State, claimed that in his
19 confrontation with Mr. Seka in January of 1999, he felt
20 threatened, that he thought that he was a loose end, and
21 that Jack was going to tie up a loose end, and that Jack
22 was a threat to him. That, again, came in response to a
23 question by the State.

24 There has been no notice to us that
25 Mr. Creamer was ever going to allege that he had been

1 show you what's been marked for identification purposes as
2 Defense Proposed Exhibit K. Is that a picture of the back
3 of 1933 as you've drawn it on the board?

4 A Yes,

5 Q And does that fairly and accurately depict
6 how it appeared to you back in 1998?

7 A As far as I can recall, yes.

8 MR. CHRISTIANSEN: I move for the
9 admission of Defense Proposed Exhibit K.

10 MR. FATTIG: No objection.

11 THE COURT: It is received, Thank you.

12 Q (By Mr. Christiansen) Officer Nogues, the
13 gentleman that was in the chain link area that you
14 believed was the manager, did you ever secure his name?

15 A No, sir.

16 Q And, specifically, on the day in question
17 you didn't secure his name, that being November the 17th
18 '98?

19 A No, sir.

20 Q And even when called upon by homicide to do
21 a report about 20 days later, as we've talked about on
22 December the 5th, you never went back and secured that
23 gentleman's name?

24 A No, sir.

25 Q And that was the gentleman that told you

1 there were parties going on in 1933, and people were there
2 at nighttime on a regular basis?

3 A Yes, sir. I don't recall that he was
4 telling me specifically, or if he was just telling Officer
5 Kroll. I remember he was telling us that there had been
6 parties there on a nightly basis; yes, sir.

7 Q So everybody is clear, you've drawn for the
8 jury a model of what the building, 1933 and 27 and 37
9 looks like they're on Western Avenue; is that right?

10 A As far as I can recall, yes.

11 Q And that's not to scale by any engineering
12 or construction standards, is it?

13 A No, sir.

14 Q But does that fairly and accurately depict
15 the building and the location of the dumpster, and the
16 location of that chain link fence as it relates to Western
17 back in November of 1998?

18 A Yes, sir.

19 MR. CHRISTIANSEN: Judge, I would move
20 for the admission of -- and I don't have it marked yet,
21 but I think the next one would be Defense Proposed Exhibit
22 O, and I will have it marked.

23 MR. FATTIG: No objection.

24 THE COURT: It is received.

25 MR. CHRISTIANSEN: Thank you. I have

1 walk in.

2 The work was either completed or just
3 nearing the stages of completion on that. So there was a
4 lot of wood and other objects laying around in the
5 northwest office toward the front of the storefront.
6 There was also in the southwest office a lot of cedar
7 wood, specifically on the floor here.

8 Additionally, there was damage to the wall
9 where I'm not sure if construction was going on and there
10 was some kind of damage to the wall, but the wall board
11 was missing behind the couch here in the south central
12 office.

13 And this wall here used to be a doorway and
14 they were, apparently, in the process of making an archway
15 that opened into this southeast office area. So there was
16 a lot of construction and construction materials laying
17 around.

18 We found several firearms evidence.

19 Perhaps, I don't want to get out --

20 Q You didn't find any firearms, correct?

21 A No firearms, meaning guns?

22 Q You found some firearms-related evidence?

23 A Yes.

24 Q Go ahead and describe that.

25 A First of all, I have to kind of give you the

1 nomenclature on the firearms. We've all been watching TV
2 and they show you a bullet, and a bullet can mean anything
3 from the thing that comes out of a gun, a lead piece that
4 hits somebody, to the whole contraption, which would
5 include the base and everything.

6 So I just wanted to kind of explain our
7 nomenclature on this. For us a complete cartridge is the
8 whole thing. It's composed of the cartridge case, which
9 is a metal cup. The metal cup is usually made out of a
10 chrome-colored metal or brass. It holds the powder or
11 propellant.

12 And then on top of that metal cup is the
13 actual bullet. The bullet also has a couple of
14 components. It has a core and it's lead, and oftentimes
15 it will have a jacket over it fully covering it, or
16 partially covering it with the bullet. And then it has a
17 primer somehow on the cartridge case.

18 Anyway, we found a cartridge case, it was a
19 357 magnum size in the false ceiling near the center of
20 the north wall in the northeast office -- northwest
21 office, I'm sorry.

22 We also found a cartridge case 357 magnum
23 size on the light fixture that was in front of the double
24 doors leading to the humidor. We also found another
25 cartridge case near the center of this south wall in that

1 northwest office, and they were all 357 magnum size.

2 Additionally, firearms evidence would
3 include a bullet that was lodged inside the wall, the
4 drywall of the south central office in the west wall. The
5 bullet had apparently traveled through the couch, the back
6 of the couch gathering up stuffing material as it went,
7 and lodged itself in the wall. When I recovered this, I
8 pulled the stuffing material out to get the bullet out,
9 and that's how that was found.

10 Additionally, there was a .32 caliber
11 cartridge, complete cartridge that had everything in it
12 that could have been fired, put into a gun and fired. It
13 was located inside the toilet in the restroom area in the
14 bottom of the bowl.

15 There was an additional .24 caliber
16 cartridge up in that false ceiling above his chair in the
17 northeast corner of the northeast office.

18 Q If you just go through the list of items
19 that you have on your diagram, I'll show the physical
20 items later. But if you could briefly go through them at
21 this point.

22 A Okay. We found numerous items out there.
23 I'll start with the dumpster in the back area. There were
24 numerous items out there, including photos and personal
25 papers in the name of Peter Limanni. There was also a

1 front side of the business, so we're looking at the west
2 side of the business. And it also has three vehicles in
3 front; a Cinergi van, a 1998 Toyota pickup truck, golden
4 in color, and an additional van.

5 No. 51, again, same shot, but it has more of
6 the other side, so it shows a different van in front of
7 the business.

8 No. 52 is showing the south central office.
9 Once again, this would be the east wall. It's showing the
10 location of the calendar that was collected or recovered.

11 And No. 53, that would be the south central
12 office again.

13 No. 54 is showing a picture of the toilet
14 bowl with the cigarette butt inside of it, and .32 caliber
15 cartridge complete.

16 No. 55 is showing the rear side of the
17 business just to the south of the door that was in here.
18 So it's just this area here, the southeast office area on
19 the exterior east side of the building.

20 No. 56 is a view of the couch in south
21 central office against the west wall. And there's a scale
22 in there showing where a bullet hole is in the top cushion
23 of the couch.

24 No. 57 shows the bullet hole going through
25 the couch and into the wall. And you can see a mass of

1 material in the wall, and that's what the bullet had
2 enshrouded itself in as it traveled through the couch.

3 No. 58 is showing a complete cartridge that
4 was a .32 caliber. That was in that northeast office
5 above the chair in the northeast corner of the office.

6 No. 59 shows a view of the rear side of the
7 business. It shows where the dumpster is, the pile of
8 wood that was in one of these other photos also that we
9 talked about earlier.

10 No. 60 shows the overall condition of the
11 dumpster, showing the beer bottles inside, clothing items,
12 burnt items, and the items in that bag that we talked
13 about earlier.

14 No. 61 is a photo of a birth certificate and
15 social security card, other cards in the name of Peter
16 Limanni. And it would also have the shoe that was
17 recovered from -- I believe it's a left shoe, so that
18 would be from the office, the inside office, not the
19 dumpster. The dumpster had the right shoe in it.

20 No. 77 has the gaming cards we opened up
21 here, and they were located just on the north side of the
22 dumpster near the side of the building.

23 And No. 78 shows the burnt clothing items
24 that we just pulled out of the bag.

25 Q Now, in addition to the crime scene sketch

1 A Yes, it does.

2 Q And were they?

3 A Yes.

4 Q And from what location or locations?

5 A The only place we got fingerprints were on
6 beer bottles that were located inside the trash can in the
7 south central office. There's an additional trash can in
8 the southeast office that had beer bottles inside of it,
9 and there was beer bottles in the dumpster in the back.

10 I tried other areas, and that's why I
11 couldn't remember the walls and stuff that I tried proved
12 negative, but the beer bottles I took back to the lab we
13 did get prints on those bottles.

14 Q Now, the jury has heard the way that
15 fingerprint processing is done, is that any of those
16 latents that you lifted that are later examined by a
17 fingerprint technician, would be then retained by that
18 technician. Is that the way you understand the procedure?

19 A If we get fingerprints and turn them in, the
20 latent print section does retain and store those
21 fingerprints for evaluation. Is that what you're asking?

22 Q Right. And on each of the latents that you
23 recovered, did you note on the card that you affixed the
24 latent to where it was recovered from?

25 A Right.

EXHIBIT 15

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DISTRICT COURT **FILED IN OPEN COURT**
CLARK COUNTY, ~~NEVADA~~ *February 22, 2001*
SHIRLEY B. PARRAGUIRRE, CLERK
BY *Linda Skinner*
LINDA SKINNER DEPUTY

THE STATE OF NEVADA,
Plaintiff,
vs.
JOHN JOSEPH SEKA,
Defendant.

No. C159915
Dept No: XIV

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME I

February 21, 2001
1:07 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17

1 A. 2:02, yes.

2 Q. 2:02. When you arrived, your supervisor,
3 Mr. Kabralis was there?

4 A. Yes.

5 Q. Mr. Ruffino, another crime scene analyst,
6 he was there?

7 A. Yes.

8 Q. Homicide Detectives Buczek, Thowsen,
9 Hefner were also there?

10 A. Correct.

11 Q. So there are at least five members of the
12 Las Vegas Metropolitan Police Department at this location
13 when you arrived?

14 A. That and more, because there's some patrol
15 officers actually watching the back end of the business,
16 to make sure nothing got disturbed in the rear open side
17 of the business.

18 Q. When you arrived your report indicates
19 there were two vans in front of the business, both
20 bearing a business logo of Sinergi?

21 A. Yeah, I noticed that in the report.
22 Looking back at the photos, I see one van with Sinergi
23 and one plain van.

24 I, somehow, became confused when I wrote
25 that report. There is a plain white van with no logo on

1 the side and a Sinergi van and the keys to both vans were
2 inside the business and accessed from the business, the
3 business itself.

4 Q. Were you the individual that took the
5 photographs of Mr. Seka there at 1933?

6 A. Yes, I was.

7 Q. And if I showed you some photographs would
8 you be able to tell the Ladies and Gentlemen of the Jury
9 if those were the pictures that you took?

10 A. Yes.

11 MR. CHRISTIANSEN: May I approach?

12 THE COURT: You may.

13 BY MR. CHRISTIANSEN:

14 Q. I'm going to show you what has been marked
15 as Defense proposed exhibits Q and R and ask you if those
16 are a fair and accurate depiction of Mr. Seka on the day
17 or evening of November 17, 1998.

18 A. Yes.

19 Q. Is one of those pictures a frontal picture
20 of Mr. Seka?

21 A. Yes.

22 Q. And the other a side picture?

23 A. Correct.

24 Q. They are taken there at 1933 Western by
25 yourself?

1 gone through one of these couches, and I'll - -

2 A. Yes, the south central office, on the west
3 wall.

4 Q. Is that correct where I'm pointing, the
5 one on the west wall?

6 A. Yes.

7 Q. You told the jury that part of the
8 stuffing from the couch had actually been carried with
9 the bullet into the drywall?

10 A. That's correct.

11 Q. Was there any blood on that bullet?

12 A. I didn't observe any, no.

13 Q. You also told Mr. Kane yesterday that all
14 of the other samples that you took appeared to be either
15 a rubbing against the wall or like a hand or something of
16 that nature or a dripping like under the sink where you
17 found it?

18 A. That's correct.

19 Q. Could all of those have been consistent
20 with the injuries on Mr. Seka's hands?

21 A. I don't know. I don't know how much blood
22 was on Mr. Seka's hands from the injury. At the time I
23 saw it and photographed it.

24 To determine whether it actually dripped
25 that much would be impossible for me to say right now.

1 Q. How long had that blood in the 14 or 15
2 samples you took inside 1933, how long had those samples
3 been on the various areas from which you removed them?

4 A. I don't know.

5 Q. Now I am done with 1933. I'll thank you.
6 I'm almost finished with you.

7 To the van that you processed at the crime
8 laboratory, I forgot where - -

9 A. Criminalistics bureau.

10 Q. That van had footprints in the back of it;
11 is that correct?

12 A. Yes, that's true.

13 Q. Were those footprints ever compared to Mr.
14 Seka's?

15 A. I really don't know. We gathered the
16 evidence and turned it in. What happens beyond that is
17 really out of our control.

18 Q. In the inside of the van did you already
19 tell me how many samples, apparent samples you took?

20 A. I think there was 13, no, 14, if you count
21 the Sinergi magnetic business cards, yes.

22 Q. Explain to me. As I read your reports I
23 see it says control and apparent sample.

24 A. Um-hum.

25 Q. What is control and apparent sample?

1 Q. Explain that to the jury.

2 A. The particular characteristic I'm thinking
3 of is one in a semi-automatic pistol where the cartridge,
4 the live cartridge is loaded actually into the back of
5 the barrel and fired from that position.

6 The bullet always hits the rifling
7 straightaway and it usually has very crisp markings.

8 With a revolver, which is a firearm which
9 has a cylinder that revolves to bring the new cartridge
10 into line with the barrel, if that cylinder doesn't
11 rotate to exactly the right place the bullet leaves the
12 front of the cylinder and then has to sort of make a
13 little turn to get into the barrel. They don't line up.

14 When that happens you get sort of the side
15 of the bullet is scraped off and that's very
16 characteristic of revolvers, and that was what I observed
17 on some of the bullets here.

18 Q. Now, the four, .357 cartridges that you
19 said appeared to have been fired from a single firearm,
20 first of all, what indicated to you that they had been
21 fired from the same firearm?

22 A. They all bore markings on the primer that
23 are picked up during firing and those markings were
24 identified too each other. That is to say they matched.
25 So those markings came from the same gun.

1 Q. And of those four did any of those come
2 from State's exhibit 19, the package that was recovered
3 from 1929 Western?

4 A. No, they did not.

5 Q. Did any of them come from the package that
6 has been marked or has been admitted as State's exhibit
7 42 recovered from 1933 South Western?

8 A. Yes. Three of them do.

9 Q. Where did the fourth one come from?

10 A. It was in the third package that is not
11 present, but was referred to a few moments ago.

12 Q. The one that I said Mr. Ruffino recovered
13 in December of 1998?

14 A. That's correct.

15 Q. So those three from 1933, in November, and
16 the one recovered from 1933, in December, all appear to
17 have been fired from the same firearm?

18 A. Yes.

19 Q. Were you able to tell in any kind of a
20 useful way what type or brand of firearm may have fired
21 any of these bullets?

22 A. Well, type would be whether it was a
23 pistol or a revolver and the answer is sort of a
24 qualified yes on that.

25 And in terms of the other part of the

1 question, whether, what brand of that, I did prepare a
2 list of weapons that mark bullets as the bullets, in
3 exhibit 19, are marked.

4 Q. Would it be fair to say that that list is
5 rather wide ranging? There's no way to pin these bullets
6 down to a particular brand of firearm?

7 A. That's correct.

8 There is a number of brands and each of
9 those brands make many, many firearms so I couldn't
10 narrow it down.

11 Q. How about narrowing design down the types
12 of firearm?

13 A. You can narrow it down, at least in
14 general, in that the .357 Magnum cartridge is generally
15 fired in a revolver and that's the most likely type of
16 firearm to use for that, though that's not to say that
17 it's the only type.

18 It's just the most common.

19 Q. With respect to the four, .357 Magnum
20 cartridge cases that you've said were fired from a single
21 firearm was there anything else that you observed about
22 those?

23 A. Just the fact that there was a variety of
24 head stamps which is the identifying marks that the
25 manufacturer places on there to identify their brand,

1 Q. Can you tell these people in the jury
2 there's been more than one primer strike on each of these
3 cartridges?

4 A. I don't recall seeing more than one.
5 I couldn't say that there weren't.

6 Q. Just so I'm clear, the primer is the very
7 bottom part of the bullet where - - I misspoke.

8 A. The cartridge.

9 Q. The very bottom part, the cartridge, the
10 primer is in there which is the explosive that sends the
11 bullet out of the top of the cartridge?

12 A. The primer is in the center of the flat
13 part of the cartridge which we call the head, and that's
14 kind of the sparkplug that lights the powder that sends
15 the bullet out. It's

16 the part that is actually hit by the
17 firing pin.

18 Q. The firing pin for us non-experts is the
19 hammer that falls on the back of the bullet?

20 A. It can be a hammer or it can actually be a
21 firing pin, but it's what hits the back of the cartridge
22 case, yes.

23 Q. If those bullets were re-loads and had
24 been fired from more than one gun there would have been
25 different primer - - different marks from the other

1 Q. Would looking at your report refresh your
2 recollection?

3 A. It will.

4 Q. Would you do that?

5 A. That is bullet item 22 in Exhibit 42.

6 MR. KANE: Nothing further.

7 THE COURT: Re-cross.
8
9

10 RE-EXAMINATION

11 BY MR. CHRISTIANSEN:

12 Q. Mr. Johnson, as I read your report I see
13 you to use two different terms. You either say they are
14 class consistent or consistently barrel class
15 characteristics are consistent or you say they are
16 conclusive identification?

17 A. That's right. Those are the two levels of
18 comparisons.

19 Q. In this case all you've been able to tell
20 this jury is the lower level of comparison, the least
21 reliable, which is class characteristics?

22 A. Right.

23 I'm limited because the class
24 characteristics are characteristics that are common to a
25 class of objects.

1 That is to say there could be a number of
2 firearms out there that would have very similar or the
3 same types of characteristics.

4 Q. Right.

5 You've been so honest as to even in these
6 three reports, as I count it, list more than 10 different
7 types of ammunition and numerous different types of guns
8 that could have been associated with the things you
9 examined?

10 A. That's correct.

11 Q. And what bullets go into can affect their
12 appearance, correct?

13 A. Oh, definitely.

14 Q. If a bullet goes through a couch in a wall
15 and hits some type of hard metal object and causes a
16 scrape on the right side that could be mistaken or as a
17 class characteristic from a misaligned cylinder?

18 A. It probably wouldn't be mistaken for that
19 but it certainly could obliterate marks, I would want to
20 say.

21 Q. You tested those items in a vacuum.
22 You get them and look at them to try to
23 make comparisons, correct?

24 A. That's correct.

25 MR. CHRISTIANSEN: Nothing further. Thank

1 Carl Low.

2 The second one was a John Seka and there
3 were prints on a Peter Limanni.

4 Q. Now, were you provided with latent
5 fingerprints that were recovered by crime scene analysts
6 so that you could compare those to those known exemplars?

7 A. Yes, I was.

8 Q. In addition to that, were you provided
9 with items of physical evidence from which you yourself
10 tried to recover latent fingerprints?

11 A. Yes, I was.

12 Q. And let's start with those.

13 What items did you receive that you
14 yourself as opposed to some crime scene analyst attempted
15 to recover latent fingerprints from?

16 A. I received seven pieces of wood, I
17 received a beer bottle. I received some cartridge cases
18 and the latent print lifts.

19 Q. Were you successful in your attempts to
20 secure latent fingerprints from any of these items?

21 A. I need to add one more. I did receive a
22 plaster cast also.

23 Q. Okay. Were you successful in your
24 attempts to recover latents from any of these items?

25 A. Yes, I was.

1 Q. From what?

2 A. The - - a beer bottle, I received, I
3 obtained a latent print. I obtained latent prints off of
4 pieces of wood that I had processed.

5 Q. I'd ask you to look next to you at what
6 has been admitted into evidence as State's exhibit 71.

7 Do you recognize that?

8 A. May I get up?

9 Q. If you would, please.

10 A. Yes, I do.

11 Q. Does that bear your signature or other
12 markings?

13 A. Yes, it has my markings, FNB1 on the
14 outside label, plus it bears my signature.

15 Q. Is this the lumber that you've been
16 talking about?

17 A. Yes, it was.

18 Q. At my request did you bring to my office
19 earlier today all of the lift cards containing the latent
20 fingerprints that you'd examined in this case?

21 A. Yes.

22 Q. And did you and I divide those up into
23 groups in anticipation of your testimony?

24 A. Yes, you did, or we did.

25 Q. Show you what have been marked for

1 identified to John Seka and the last one behind the
2 driver's door exterior from the 1998 Toyota pickup there
3 was a right thumb that was identified to John Seka.

4 These were all - - these were submitted by
5 Gary Reed.

6 Q. If you'd replace those, I want to talk to
7 you about State's exhibit 83 and where were the latents
8 in 83 recovered?

9 A. State's exhibit 83 contains five
10 fingerprint lifts. These are by crime scene analyst
11 Randy McPhail and these were obtained from Miller Lite
12 bottles found some in a trash can and one in a dumpster.

13 Q. So the jury is not confused, I think that
14 you mentioned that you developed a latent fingerprint
15 from a beer bottle, correct?

16 A. There was a Beck beer bottle that was
17 booked in as evidence and that is different and separate
18 from these.

19 Q. Okay. Would you go ahead with these and
20 then indicate what comparisons you were able to effect?

21 A. Yes.

22 Like I mentioned, they would be the five
23 print lifts; they were all submitted to me by crime scene
24 analyst McPhail. One fingerprint lift from Miller Lite,
25 the bottle located in the dumpster on the east rear side

1 of 1933 South Western Avenue.

2 That's the label on the card. I was able
3 to identify this as belonging to the left index finger of
4 John Seka.

5 The next lift was a - - from a Miller Lite
6 bottle located in the trash can inside the southeast
7 office. This was identified to the left index finger of
8 John Seka.

9 Another lift also labeled Miller Lite from
10 the trash can in the south east office was identified to
11 the left index of John Seka.

12 Q. And a third fingerprint lift also labeled
13 Miller Lite located in the trash can in the southeast
14 office were identified as belonging to John Seka.

15 Again, these are not labeled one, two,
16 three as far as bottles. I don't know if these are from
17 the same bottle or if we're talking about three bottles.

18 The last latent fingerprint lift also
19 labeled Miller Lite bottle located in the trash can in
20 the southeast office.

21 This was identified as belonging to the
22 left middle finger of Eric Hamilton.

23 Q. If you'd replace those in the envelope,
24 please.

25 In addition to the examination that you

EXHIBIT 16

1 **ORIGINAL**

DISTRICT COURT

FILED IN OPEN COURT

FEB 22 2001

19

2 CLARK COUNTY, NEVADA

WILEY D. PARRAGUIRRE, CLERK

3 * * * *

4 *Linda Skinner*
LINDA SKINNER DEPUTY

5 STATE OF NEVADA,)

6 Plaintiff,)

7 vs.)

8 JOHN JOSEPH SEKA,)

9 Defendant.)

Case No. C159915

Dept. XIV

10
11 VOLUME II

12 REPORTER'S TRANSCRIPT
13 OF
14 JURY TRIAL

15 BEFORE THE HONORABLE DONALD M. MOSLEY

16 DISTRICT JUDGE

17 Taken on Wednesday, February 21, 2001

18 At 3:00 p.m.

19 **APPEARANCES:**

20 For the State:

EDWARD KANE, ESQ.

TIM FATTIG, ESQ.

Deputy District Attorneys

22 For the Defendant:

KIRK T. KENNEDY, ESQ.

PETER S. CHRISTIANSEN, ESQ.

24
25 Reported by: Maureen Schorn, CCR No. 496, RPR

MAUREEN SCHORN, CCR NO. 496, RPR

AA 002114

1 Q You've been doing that for 20-some-odd
2 years, right?

3 A Full time; yes, sir.

4 Q You can't tell the people in this jury how
5 long any of the items had been in a particular area before
6 they were taken by the crime scene analyst and then
7 subsequently given to you to examine?

8 A No, sir, I cannot.

9 Q Similarly, you can't tell the jury how long
10 it was before the items, be it this wood or the beer
11 bottles, had been touched by some person and a print left
12 on them prior to them being left in a certain place?

13 A No, sir, I cannot.

14 Q You never went to the 1933 Western, correct?

15 A That is correct. I was never to the crime
16 scene.

17 Q Nobody from homicide ever asked you to go
18 out and process areas of the inside of 1933 or 1929
19 Western?

20 A No, sir. That's normally the job of the
21 crime scene analyst, although we are subject to be called
22 if they find some problem out there and they need our
23 assistance. But normally they do a pretty good job and
24 they don't need us.

25 Q You looked, I think you told the folks in

1 the jury, at a Skoal can and a Becks beer bottle from the
2 area around where Mr. Hamilton's body was found November
3 the 16th, 1998?

4 A That's correct.

5 Q Did you have the opportunity to review
6 pictures of those items taken by the crime scene analyst?

7 A Not right from the scene. I did -- there
8 was a beer bottle that was booked in as evidence, and I
9 had processed that myself for latent print comparison. If
10 it's the same one we're speaking of, then I did process
11 that, did come up with a latent print, a value for
12 identification, and I was unable to identify it.

13 MR. CHRISTIANSEN: May I approach the
14 witness, Your Honor?

15 THE COURT: You may.

16 Q (By Mr. Christiansen) Does Defense Proposed
17 Exhibits X and Y appear to be the Skoal can and the Becks
18 bottle that you examined?

19 A It appears to be. I can't say definitely it
20 is, but I assume that if this is the evidence that was at
21 the scene and that it was booked in that, this was
22 what -- maybe I looked at it at the lab.

23 MR. CHRISTIANSEN: Judge, the Defense
24 would offer Proposed Exhibits X and Y. I believe the
25 crime scene analyst sufficiently --

1 MR. KANE: No objection.

2 THE COURT: Those items are received.

3 Thank you.

4 Q (By Mr. Christiansen) Now, if I understand
5 you correctly, this Becks beer bottle you found a print?

6 A Yes, sir, there was.

7 Q And that was a latent identifiable print,
8 which means that had somebody handed you a known print,
9 you could have compared the two?

10 A That is correct.

11 Q Did you compare that print to the known
12 print of Jack Seka?

13 A Yes, sir; in addition to the two other
14 people, and there was no match.

15 Q And it wasn't Jack Seka, right?

16 A No. I did not ID it.

17 Q You can't tell the people in this jury how
18 the beer bottle, the Skoal can, or the wood that was
19 across Mr. Hamilton's body got to be in that location
20 south of town?

21 A No, sir.

22 Q And I thought I heard you say that on the
23 seven boards that you examined that's right there to the
24 right of you, sir, that on five of the boards you found
25 latent identifiable prints; is that accurate?

1 A Yes, sir.

2 Q And on three of those boards you found
3 prints -- two boards you found prints of Mr. Seka,
4 correct?

5 A Yes.

6 Q And on one board you found prints of
7 Mr. Limanni, correct?

8 A Yes, sir.

9 Q And on two other boards you found latent
10 identifiable prints that did not belong to Mr. Seka or
11 Mr. Limanni?

12 A That's correct.

13 Q Did you ever compare on those two boards
14 that had prints that didn't belong to Mr. Seka or
15 Mr. Limanni, did you ever compare those prints to the
16 prints on the Becks bottle?

17 A No, sir. I never did that.

18 Q Nobody ever asked you to do that, right?

19 A No. That would be a latent-to-latent
20 comparison. Normally, latent-to-latent comparisons
21 routinely are not done, unless it's specifically
22 requested, and that's due to the nature of the prints
23 themselves.

24 Q I just want to be clear, nobody asked you to
25 do that, right?

1 looked at what he had also observed, it appeared unique.

2 Q How long would you say you were at that
3 location on that day November 17th of '98?

4 A Quite some time, eight or nine hours.

5 Q Was Detective Buczek with you that entire
6 duration?

7 A I believe so. I think Detective Thowsen
8 left to do an interview. I'm pretty sure Buczek was there
9 the whole time.

10 Q And just so I'm clear, when you arrived the
11 first time you arrived at that site, did Buczek come with
12 you, or in a separate car?

13 A That I don't recall. He may have ridden
14 with me that day, I just don't know.

15 Q And you were shown a copy of the search
16 warrant. The address of 1933 Western, did you have
17 permission to search that address? Absent the search
18 warrant that you obtained, was there permission to enter
19 that premises from Jack Seka?

20 A When we initially arrived and contacted
21 Mr. Seka, he provided a consent to search, yes.

22 MR. KENNEDY: Pass the witness, Your
23 Honor.

24 THE COURT: Anything further?

25 MR. KANE: No, Your Honor.

1 Q Could you please point to him and identify a
2 piece of clothing that he's wearing today?

3 A He's the gentleman seated directly before me
4 wearing the multicolored brown and greyish sweater.

5 MR. FATTIG: May the record reflect the
6 identification of the defendant?

7 THE COURT: It may.

8 MR. FATTIG: Thank you.

9 Q (By Mr. Fattig) Could you describe your
10 initial contact with the defendant that day?

11 A Yes. After speaking with Sergeant Hefner
12 and Detective Buczek, I spoke with Mr. Seka and asked if
13 he would be willing to speak with me, and to accompany me
14 to the Detective Bureau where we could sit and talk and
15 try and see if he could assist us in our investigation.

16 Q And did the defendant agree to do that?

17 A Yes, he did.

18 Q And so did both of you go to the Detective
19 Bureau?

20 A Yes.

21 Q And where is that located at?

22 A At 400 East Stewart Avenue.

23 Q When you got to the Detective Bureau, what
24 happened?

25 A We went to an interview room which is

1 individual. At that point, he kind of smiled and sat back
2 in his chair, and said something to the effect of: You're
3 really starting to scare me now. I think you'd better
4 arrest me or take me back home. Do you have enough to
5 arrest me right now?

6 And at that point I explained to him that we
7 would not arrest him at this point, that we would wait
8 until all the forensic evidence was back before any such
9 arrest would be made.

10 Q When you said this individual, who were you
11 referring to in terms of who you thought he was a suspect
12 in killing?

13 A The person that was found on Las Vegas
14 Boulevard south of State Route 146, who was later
15 identified as Eric Hamilton. At the time of the statement
16 with Mr. Seka, we didn't know the person's true name.

17 Q And at that point, did you take the
18 defendant back to 1933 Western?

19 A Yes, I did.

20 Q Did you obtain samples of evidence from the
21 defendant?

22 A Yes, I did.

23 Q What did you obtain?

24 A We had the crime scene analyst take
25 photographs showing his overall face, injuries to his

1 hand. He was fingerprinted, and we obtained a DNA sample
2 via a buckle swab, which is for like a little tooth brush
3 that rubs inside the cheek of your mouth.

4 Q And did you, in fact, take that buckle swab
5 and impound that into evidence?

6 A Yes.

7 Q Did the defendant eventually leave the
8 business there on Western?

9 A Yes, he did.

10 Q And, again, he wasn't under arrest at that
11 point?

12 A No, he was not.

13 Q How did that come about?

14 A While we were back at the scene on Western,
15 I explained to Mr. Seka that he could not go back inside
16 because the scene was being processed by the crime scene
17 analyst.

18 At one point he said that he had a dinner
19 appointment and he needed to take a vehicle and leave.
20 And I explained to him that we were impounding the brown
21 truck that was there as evidence, and that would be
22 processed and he wouldn't be able to take it.

23 At that point, he took out the key to the
24 brown truck and handed it to me, and asked if he could go
25 inside the business to retrieve keys to one of the two

1 vans that were parked in the front. There was a white van
2 and a van with large decals advertising the Cinergi
3 business.

4 I explained that he could not go inside the
5 scene because it was being protected and processed, but if
6 he will tell me where the keys were I would get the keys
7 and bring them out for them.

8 Q Did the defendant do that?

9 A Yes, he did.

10 Q The brown truck you're talking about, is
11 that the Toyota pickup truck?

12 A Yes, it is.

13 Q And did the defendant have the key to that
14 in his pocket?

15 A Yes, he did.

16 Q Did you, in fact, go inside and retrieve the
17 Dodge van keys?

18 A Yes. I retrieved two different sets of keys
19 to Dodge vans.

20 Q And where you retrieved them, were they in
21 the place the defendant described?

22 A Yes. He directed me to an area near a water
23 heater, and that's where I found them.

24 Q When you obtained the keys, did you have
25 additional contact with the defendant out in the back?

1 A Yes, I did.

2 Q Could you explain that?

3 A I went to hand him the keys, and he
4 commented that the key I gave him was to the white van,
5 like he was expecting that he wanted to take the van with
6 the decals on it.

7 And after thinking about it, my feeling was
8 that if he was to try and leave town, he would be easier
9 to find if he was in a vehicle with large decals on it
10 than a solid white vehicle. I asked him if he minded if I
11 look inside the vehicles prior to him taking one of them,
12 and he agreed that that would be okay.

13 Q And did you look inside the van with the
14 Cinergi decals on it?

15 A Yes, I did.

16 Q And what did you see?

17 A I found it to be a van that had a front
18 driver's seat and a front passenger's seat, and the entire
19 back of it was open. You could clearly see some areas
20 that looked like possible blood droplets, or where blood
21 may have been diluted as if it was cleaned out.

22 Q And were you present when any tests may have
23 been conducted on that?

24 A Yes, I was.

25 Q And what was the result of those?

1 A The crime scene analyst did a test, a
2 presumptive test for blood, and the test was positive.

3 Q What happened next?

4 A Next I looked into the solid white van and
5 was unable to find anything that appeared to be of
6 evidentiary connection to any of the cases.

7 Q So did the defendant obtain the keys and
8 then leave in that solid white van?

9 A Yes, he did.

10 Q Did he indicate whether or not he was coming
11 back to the business?

12 A Yes, he did.

13 Q What did he say?

14 A He said that he would be going out to have
15 dinner, and that he would return. Because we had the keys
16 to the business, and we were going to have him come back
17 and we would turn the keys over to him if he was going to
18 be back at a later time when the processing was finished.
19 He agreed that he would come back and take charge of the
20 business.

21 Q And did he, in fact, come back to the
22 business that night?

23 A No, he did not.

24 Q Approximately when was the next time you saw
25 him?

1 the forceful taking of property from another person,
2 correct?

3 A That's correct.

4 Q Did you know that Mr. Hamilton was arrested
5 and placed in the City Jail on November the 6th, 1998?

6 A I knew of some of his arrests in the past.
7 I don't recall, specifically, that date or circumstances.

8 MR. CHRISTIANSEN: Judge, may I
9 approach?

10 THE COURT: You may.

11 MR. CHRISTIANSEN: For the record, I
12 provided the State a copy of these documents that I just
13 received late yesterday afternoon.

14 MR. KANE: Acknowledged.

15 THE COURT: Thank you.

16 Q (By Mr. Christiansen) You're familiar with
17 booking sheets and sheets kept in detention centers about
18 how long somebody is kept, and what their name is, and
19 things of that like, correct?

20 A Yes.

21 Q If I handed you a group of such sheets
22 related to the November 6th arrest of Mr. Hamilton, could
23 you perhaps answer some questions?

24 A Certainly.

25 MR. CHRISTIANSEN: May I approach,

1 Judge?

2 THE COURT: Yes.

3 Q (By Mr. Christiansen) Handing you what's
4 been marked for identification purposes Defense Proposed
5 Exhibit AA. See if you can take a look at that and tell
6 me what it appears to be?

7 A This appears to be an arrest of an
8 individual on November 6th, 1998 at 10:25 in the evening,
9 where he was booked as a John Doe.

10 Q What does it mean when somebody is booked as
11 a John Doe?

12 A It means that they have no identification
13 and are not providing an actual name of who they are.

14 Q So it's twofold: A, no identification, and
15 they are unwilling, or unable, I guess at times if
16 somebody was hurt, to give their name?

17 A That's my understanding, yes.

18 Q Would you flip the page there, if you would,
19 and I'm not interested in the underlying facts. It
20 appears that he was arrested on a trespass charge; is that
21 correct?

22 A Yes.

23 Q And another charge was false information to
24 a police officer?

25 A Yes.

1 Q And those are both by their event number,
2 November the 6th, 1998?

3 A That's correct.

4 Q I'm showing you what's about ten pages down
5 of that, for counsel's purposes, a piece of paper that
6 came from the Las Vegas City Jail. Does that reflect when
7 it was Mr. Hamilton was released from the City Jail?

8 A It says Thursday, November 12th at 1915,
9 which will be 7:15 in the evening.

10 Q So he was released four days before he was
11 found, correct?

12 A Correct.

13 Q And I'm showing you now the following page.
14 It appears to be a booking photo. Does that seem to
15 indicate that might be Mr. Hamilton?

16 A Yes, it does.

17 Q It looks like Mr. Hamilton?

18 A Yes.

19 Q And is he still listed here as John Doe in
20 the booking photograph?

21 A Yes; without the top portion.

22 Q At some point it appears that he's able to
23 be identified as Eric Hamilton by the City Jail?

24 A It appears that way.

25 Q Whether he gave it, or fingerprints

1 identified it, I can't seem to tell on here. When
2 somebody is taken into custody, is an inventory taken of
3 what they have on their person?

4 A Yes.

5 Q And is that to make sure that when somebody
6 is released, they get back what they had?

7 A Yes.

8 Q Look on that piece of paper and see if you
9 can tell for me if that is the inventory of John Doe,
10 which is later identified to be Eric Hamilton?

11 A That's what it says, yes.

12 Q Does he have a wallet when he is booked?

13 A Looking at the line they use, I understand
14 that would be a no.

15 Q Does he have any money, any currency?

16 A It does not appear to be, no.

17 Q And it appears that he does not have any
18 jewelry either when he was booked on November the 6th,
19 1998?

20 A No.

21 Q So you don't get money and/or jewelry in
22 any of the jails here in Las Vegas, do you?

23 A Not that I'm aware of.

24 Q So when he was released November the 12th,
25 he didn't have a wallet, currency, or any jewelry on

1 November the 12th at 7:00-something p.m.?

2 A Based on that document, no.

3 Q Does it also show here that Mr. Hamilton
4 used multiple names and social security numbers?

5 A According to the City Hall information, the
6 City Jail information, yes.

7 Q Now, in fairness to you, Detective, this is
8 the first time you've seen this material, correct?

9 A Correct.

10 Q In fact, during your investigation, you
11 never went and obtained this on your own?

12 A Not the City Jail information, no.

13 Q In connection with Mr. Hamilton, I'm going
14 to try and go one to the other so we stay focused. You
15 had occasion to interview by telephone his sister; is that
16 accurate?

17 A Yes.

18 Q And a cousin, a gentleman by the name of
19 Carl Bell?

20 A That's correct.

21 Q And the information you received from the
22 sister was that Mr. Hamilton had been a paranoid
23 schizophrenic in California?

24 A Yes.

25 Q And that he had been institutionalized at

1 some point in time?

2 A Yes.

3 Q And that he had at some point left
4 California to come to Las Vegas to try to get a clean
5 start, so to speak?

6 A That is correct.

7 Q And you spoke to Carl Bell, his cousin, and
8 Mr. Bell told you, and the sister I think told you this as
9 well, that Mr. Hamilton had a drug problem?

10 A Yes.

11 Q And that he had some problems in LA that he
12 was trying to get away from coming here? Mr. Bell told
13 you that information?

14 A That's correct.

15 Q And Mr. Bell told you that he, in fact,
16 brought Mr. Hamilton here, and they were staying together
17 at the Downtowner Hotel sometime around October 25th,
18 1998?

19 A I don't believe they were staying together.
20 He just had got the room for Mr. Hamilton.

21 Q There came a time when in trying to identify
22 Mr. Hamilton you sort of back-tracked yourself to the
23 Downtowner Hotel, correct?

24 A Correct.

25 Q There was no entry for Eric Hamilton at that

1 Q I will offer to you, and I will allow you to
2 look in your reports, and in your reports it reflects
3 there's no license plate on the plain van with no decals.

4 A Okay.

5 Q So if following your logic, somebody that is
6 innocent would take a plain van with no decals and no
7 license plate, over one that's easily identifiable and has
8 a license plate. That's what you're telling these folks
9 in the jury?

10 A If they were going out for a dinner, and
11 probably not realizing that there was no plate on it at
12 that time as we walked outside to that area.

13 Q What if they like to advertise?

14 A Then I guess they would take one that had a
15 sticker on it.

16 Q Now, we just got to hear the statement of
17 Mr. Seka, and I'll point you to the page if you want to
18 look, what does he tell you?

19 A That he likes to advertise.

20 Q And so he drives the one with the decals on
21 the side, doesn't he?

22 A Yes.

23 Q So what you have spun for the jury as
24 something a little hinkey, is very much consistent with
25 what he told you in his statement that he drives the van

1 with the decals because he likes to advertise, right?

2 A The only problem with that, is that the air
3 conditioning business was defunct at that point and he was
4 trying to open the cigar store, so there would be no point
5 in advertizing it.

6 Q I just want to know, is that the van he told
7 you he liked to drive?

8 A That's the van he told me that he was
9 wanting to drive that night, yes.

10 Q Now, you've talked about the business being
11 defunct, correct?

12 A Correct.

13 Q And did you ever go check the bank accounts
14 that the various witnesses gave you for Peter Limanni?

15 A I believe we had information from the bank
16 accounts.

17 Q Did your information show that on a regular
18 basis from September through the closure of the accounts
19 in November 2nd of 1998, Mr. Limanni removed money in
20 large sums and on a regular basis?

21 A I don't recall off the top of my head.

22 MR. CHRISTIANSEN: May I approach,
23 Judge?

24 THE COURT: You may.

25 MR. CHRISTIANSEN: Your Honor, these

1 are records I received yesterday in return to a subpoena
2 to the bank accounts of Mr. Peter Limanni.

3 Q (By Mr. Christiansen) Now, Jennifer
4 Harrison told you what bank Mr. Limanni banked at,
5 correct?

6 A Yes. She told us several.

7 Q And one of them was Nevada State Bank, was
8 it not?

9 A I believe so, yes.

10 MR. CHRISTIANSEN: May I approach?

11 THE COURT: You may.

12 Q (By Mr. Christiansen) Detective Thowsen,
13 showing you what's been marked for identification purposes
14 as Defense Proposed Exhibit BB, and ask to you take a look
15 at that and see if I was correct that the bank account was
16 closed November the 2nd, and that prior to that sums of
17 monies were removed for a period of three months until
18 there was no money and there were overdrafts?

19 A Yes.

20 Q That appears to be correct?

21 A Yes.

22 Q Did you run a background check on
23 Mr. Limanni?

24 A Depends what kind of background check that
25 you're referring to.

EXHIBIT 17

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 07/13/93)

EVENT: 981116-0443

STATE OF NEVADA)
) ss: SEKA, JOHN JOSEPH "JACK"
COUNTY OF CLARK) FBI# 118012KA6

Det. T. Thowsen, being first duly sworn, deposes and says:

That he is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 21 years, assigned to investigate the crime(s) of MURDER WITH DEADLY WEAPON, 2 CTS and ROBBERY WITH DEADLY WEAPON, 2 CTS committed on or about 11/15/98 to 11/16/98, which investigation has developed SEKA, JOHN JOSEPH "JACK" as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:

That on 11/16/98 at approximately 0600 hours, Michael Stanish was driving southbound on Las Vegas Boulevard approximately two miles south of State Route 146 when he observed a body laying in the west side of the road in the desert. Stanish notified Metro police of the incident and Resident Officer G. Kapp responded to the scene and requested General Assignment detectives. General Assignment Detectives Flynn and Hnatuick arrived the scene and determined that Homicide detectives should be notified.

That at approximately 0730 hours declarant arrived the scene and met with Det. Buczek and Sgt. Hefner. A homicide investigation was initiated under event# 981116-0443. The victim, documented as John "Lumber" Doe, was observed to be a black male with apparent gunshot wounds. Various pieces of lumber were laying across the body. The wood consisted of various lengths of lumber that appeared to be new and not stained or weathered.

That upon examination by Coroner Investigator Stallings, a gunshot wound was located to the victim's back beneath the left shoulder blade, a second gunshot wound was to the lower abdomen, and a third gunshot wound was located in the chest.

That a piece of scrap paper was located in the victim's right front pocket. The name Jack and the telephone number 429-5957 were written on the paper.

That tire impressions were observed, photographed, and cast in plaster. The tire impressions led from the roadway to the position the body was dumped and back to the roadway. The impressions indicated that the vehicle drove over small desert vegetation and had a narrow wheelbase and narrow tires.

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That the phone number found in the victim's pocket, "429-5957", was researched through Recom Wireless. The telephone number returned to a cell phone to Cinergi Hvacar (heating ventilation and air conditioning) Inc. at 1933 Western Avenue to an employee named Jack. Your declarant checked through Business License and determined that 1933 Western was licensed by Peter Limanni as both a heating and air conditioning business and a smoke shop.

That a check through Scope revealed that Peter Paul Limanni, under LVMPD ID#1229386, is a white male, DOB: 12/22/64, listing his home address as 1933 Western Avenue, Las Vegas, Nevada.

That on 11/17/98 Rick Ferguson of R&M Trophies located at 1937 Western Avenue telephoned Metro dispatch at approximately 1007 hours. Mr. Ferguson reported that the glass was broken out at the front of a vacant business at 1929 Western and pools of blood were visible on the sidewalk and inside the business. Metro Patrol Officers R. Nogues and R. Kroll arrived the scene at 1929 Western and observed what appeared to be marks in blood that were consistent with dragging of a heavy object, possibly a body. Inside the business, the officers found three spent bullets, a jacket, a hat, and a bracelet. The jacket was later determined to have three apparent gunshot holes. The bullet holes in the jacket were consistent with the gunshot holes in John "Lumber" Doe.

That while investigating the incident, Officer Nogues requested Criminalistics and began to check the area. At the rear of the business, Officer Nogues observed a dumpster. Being concerned that somebody or something may be in the dumpster, Nogues checked and observed that the dumpster had been emptied and only a small amount of miscellaneous papers were stuck to the bottom.

That while at the scene, Officers Nogues and Kroll observed a white male later identified as John Joseph Seka pull up to the business at 1933 Western in a small brown Toyota pickup.

That Officer Kroll made contact with Seka to see if he had heard anything or knew what might have happened in the business next to his. In the conversation Seka had with the patrol officers which lasted between fifteen to thirty minutes, he was noted to be cooperative but seemed very nervous.

That Seka told Officer Kroll that he had just returned from New Jersey within a week and had not seen anything suspicious in the area. Seka explained that his business partner, Peter Limanni, had not been around since November 5th.

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DECLARATION OF WARRANT/SUMMONS CONTINUATION

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That when Officer Kroll asked Seka where Limanni might be, Seka stated that he thought Limanni was in South Lake Tahoe or Reno with his girlfriend.

That Officer Kroll asked Seka if he could have permission to look inside his business at 1933 Western to make sure there was no one else in there that was hurt. Seka agreed and Officer Kroll checked the business.

That Officer Kroll saw a cartridge approximately two and a half inches long sitting on top of a desk as well as several knives that were in the office area. Officer Kroll temporarily handcuffed Seka for his safety and patted him down. Officer Kroll continued to look through the business and did not find any other suspects or victims or anything that he felt was out of the ordinary. Kroll released Seka from the handcuffs and cleared the scene.

That Crime Scene Analyst D. Ruffino responded to 1929 Western to process the scene. After realizing that the bullets, blood, and jacket could be related to the homicide from the previous day involving the body dump on Las Vegas Boulevard South, Ruffino contacted Sgt. Hefner.

That Sgt. Hefner and Det. Buczek responded to 1929 Western and were briefed by Crime Scene Analyst Ruffino. Sgt. Hefner contacted Mr. Seka at 1933 Western and requested the original Patrol Officers Kroll and Nogues to return to the scene.

That Seka gave Sgt. Hefner a written consent to search 1933 Western Avenue. While searching the business, it was noted that the cartridge described by Officers Nogues and Kroll was now missing. Officer Kroll asked Seka where the cartridge was. Seka told Kroll that he did not know what happened and felt that he may have knocked it over or somebody may have taken it from the area.

That while officers were searching the area, the same dumpster Officer Kroll had previously checked behind 1933 Western was examined. Several items of clothing that were partially burned were discovered inside. Some of the items of clothing had the name Limanni written on them and a checkbook in the name Peter Limanni was discovered.

That new lumber being used to build a walk-in humidior for the smoke shop under construction inside 1933 Western was similar to the wood found on top of John "Lumber" Doe at the Las Vegas Boulevard South scene.

That the wood found on Las Vegas Boulevard South was processed for latent fingerprints. The latent fingerprints recovered were matched to John Joseph Seka and Peter Limanni.

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DECLARATION OF WARRANT/SUMMONS CONTINUATION
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EVENT: 981116-0443

That your declarant responded to 1929 Western on 11/17/98 at approximately 1430 hours and spoke with Sgt. Hefner and Det. Buczek. Sgt. Hefner explained that John Joseph Seka also known as "Jack" was identified as the only employee working inside 1933 Western.

That Sgt. Hefner explained pursuant to the consent to search for 1933 Western, several locations had been discovered with droplets of apparent blood on the interior walls of the business. In the back office area, Sgt. Hefner pointed out a couch that had an apparent gunshot hole from the front through the back with stuffing protruding from the rear of the couch and a bullet hole through one piece of drywall and a bullet recovered in a second piece of drywall directly behind the couch and in line with the apparent bullet hole.

That declarant asked Seka if he would voluntarily come to the Detective Bureau and be interviewed about the damage to the next door business and blood that had been found in that business and his business.

That Seka agreed and your declarant drove him to the LVMPD Detective Bureau.

That at approximately 1450 hours declarant explained to Seka that he was not under arrest, however, he was requested to read a Rights of Person Arrested out loud so that he would be apprised of his rights due to the nature of the crime being investigated. Seka read the card aloud, signed it, and indicated that he was wanting to cooperate and speak to declarant without an attorney being present.

That Seka explained that the business at 1933 Western is owned by a friend of his named Peter Limanni. According to Seka, there were two other men that were business partners in the Cinergi business that had put up the money. He described them as silent partners and said they both live in L.A. He identified them as Tak Kato and Kaz Toe. Seka said the two men had not been in Las Vegas for approximately five weeks.

That Seka said he left town to go to Philadelphia for his daughter's birthday leaving on the 29th of October and returning to Las Vegas on the 3rd of November. He said Limanni picked him up at the airport the night he came back and spent the following day with him. The next morning, Limanni got up and left on his own and did not wake him. Seka said he had not seen or heard from Peter Limanni since.

That there was a white Jack Russell Terrier named Jake that was in the Cinergi office. Seka explained that the dog belonged to Peter Limanni.

That white hair consistent with dog hair was recovered on the victim's clothing.

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DECLARATION OF WARRANT/SUMMONS CONTINUATION
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That Seka explained that the business had two white Dodge vans and a brown Toyota pickup truck that they utilized. He said there was an additional Dodge van that Peter Limanni had previously taken to Lake Tahoe for a business he was going to start there.

That Seka said the Las Vegas business had a telephone number of 678-5993, however, it had been turned off and he was currently using his cell phone with number "429-5957". Seka was wearing the cell phone and displayed it to declarant during the interview. This is the same phone number found in the pocket of victim John "Lumber" Doe.

That Seka was asked if he was familiar with a black male that may have been around the business. Seka explained that other officers had told him there was a black male homicide victim that had his name and phone number. Seka said the black male was named Seymour and that in the past he had done some odd jobs at 1933 Western.

That Seka claimed he last saw Seymour about a month ago and told him to call in about a month to see if there was any work available.

That declarant asked Seka if he could explain the blood inside the business at 1933 Western. Seka said that he had cut himself and Peter Limanni had cut himself there at different times when they were working. Seka pointed out that he had injuries to his knuckles. When questioned about a cut on one knuckle, Seka explained that the injury had a scab but he bit it off because he is one of those kind of people that hate scabs.

That declarant asked Seka if he or Limanni owned any guns. Seka explained that Limanni owns guns, however, he had not seen any in Las Vegas. When asked about the cartridge that was seen by officers on his desk earlier in the day, Seka denied any knowledge of the cartridge and claimed he did not pick it up.

That Seka explained that he was the only person that had been at the 1933 Western address in the last few weeks and claimed he did not know what happened to the black male whom he called Seymour and that he did not do anything to Seymour.

That Seka said Limanni's business had originally been an air conditioning business, however, they were recently attempting to open a smoke shop. Seka said even though he had not seen or heard from Limanni in several weeks, he was continuing to work on the business himself to get the smoke shop open.

That your declarant briefly left Seka in the interview room and made telephone contact with Sgt. Hefner to explain what had been learned from the interview. Declarant learned that Sgt. Hefner was in the process of seeking a search warrant for the 1933 Western address and vehicles. He advised that per the D.A.'s office, we were to wait prior to arresting Seka

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until additional evidence linked our victim John "Lumber" Doe and the two scenes located at 1929 Western and 1933 Western. The whereabouts of Limanni needed to be determined also.

That upon returning to the interview room, declarant explained to Seka that the evidence did not support his statement. Declarant explained to Seka that it was believed that he killed the black male that had been dumped and that the blood and bullet evidence linked the victim and that the lumber in Seka's business was similar to the lumber found at the scene where the body was located as well as inconsistencies in Seka's story.

That Seka sat back in his chair and smiled. He said, "You're really starting to scare me now. I think you better arrest me or take me home. Do you have enough to arrest me at this point?"

That declarant explained to Seka that he would not be arrested until processing and forensic testing could be done. Declarant drove Seka back to the 1933 Western location where Seka had been living and working.

That Seka gave consent to have his photographs, fingerprints, and a buccal swab taken while at 1933 Western.

That crime scene analysts at the scene discovered apparent blood spots around the bed of the same brown Toyota pickup truck which tested positive for blood. Declarant advised Seka that the truck would be impounded and processed as evidence. Seka reached into his pocket and removed the key for the Toyota truck. He then explained that he wanted to take one of the vans to go have dinner and asked if he could go into the business to get the keys.

That declarant refused to allow Seka into the business because it was being processed. Declarant obtained two sets of Dodge keys from inside the residence and returned to Seka. One of the Dodge vans was an unmarked white van, the second was marked with large Cinergi decals. Upon handing one of the sets of keys to Seka, he remarked that the keys declarant gave him were for the unmarked white van. He seemed perplexed as though he was expecting or wanting to leave in the second van that was marked in the large Cinergi decals. Declarant asked Seka if he would grant permission to search inside the vans before they left the area. Seka agreed and unlocked the marked van having Nevada license 514JME. Upon looking inside, declarant observed on the back of the van was completely empty. Upon looking at the floor and wall area, declarant noted several areas of what appeared to be blood or blood that had been partially washed out.

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That declarant requested crime scene analysts to conduct a presumptive test for blood. The test was completed with positive results.

That declarant checked the plain white van bearing no license plates and could not observe anything that appeared to be of evidentiary value.

That Seka left the area in the unmarked white van and said he would return to the business to secure it when he finished with his dinner.

That declarant and the crime scene analysts checked the undercarriage of the Toyota pickup truck looking for any evidence of off-road use and/or a possible vegetation that could have been deposited there when the body of the victim was dumped in the desert. In viewing the front of the undercarriage, several areas were identified as being consistent with being in contact with brush or similar shaped or designed objects that would cause scratches in the dust and oil areas. No vegetation was observed or collected. The undercarriage was photographed prior to the vehicle being towed to the crime lab for processing.

That your declarant and Det. Buczek remained at the scene for several hours with crime scene analysts and Seka never returned. The property manager, Michael Serta, was contacted to secure the business and take charge of the white Jack Russell Terrier.

That other items of evidence located inside 1933 Western included a wallet located in the false ceiling belonging to Peter Limanni. The wallet contained his drivers license, social security card, birth certificate, and various credit cards. A .32 caliber cartridge was recovered from the toilet bowl. A .32 caliber cartridge was located in the northeast corner of the false ceiling and three .357 shell casings were recovered in the false ceiling above the northwest desk.

That your declarant interviewed Michael Cerda, the property manager for 1933 Western Avenue. Cerda explained that Peter Limanni had a lease for 1933 Western and had been originally doing business as a heating and air conditioning repair service. Cerda said the business started off well but had died off and Limanni had been in the process of converting a portion of the business into a smoke shop with a cigar humidor. Cerda said the business had been occupied for approximately six months and that Tak Kato, a California business man, was also on the lease.

That Cerda said Kato had not been at the business for more than a month. He said Peter Limanni had been staying at the business with his friend or partner named Jack.

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That Cerda was shown photographs that were taken from the business and identified one of the photographs as Peter Limanni and another photograph as Peter Limanni and Jack standing together.

That according to Cerda, he believed he last saw Peter Limanni in the late afternoon on Friday, the 6th of November in front of 1933 Western. They discussed the rent and Limanni showed Cerda approximately two or three thousand dollars in cash and said he was going to be participating in a cigar show at Cashman Field. Limanni said he would pay the rent on the following Monday.

That Cerda said he called on Monday and did not get a response. He came to the site throughout the week. He said no one answered the door but Jake the dog was inside. Cerda said on Wednesday, the 11th or 12th, he posted a five day notice on one of the vehicles for the business which he described as the Toyota pickup truck.

That Cerda said Jack called the day he posted the five day notice and told him that he had just come back to town and he was going to be paying the rent even though he did not know where Peter was.

That Cerda said on 11/17/98 he was asked to come down by the tenant in the trophy business when the break-in was discovered with broken glass and blood on the front door of unit 1929 Western. Cerda said 1929 had been vacant for approximately a month and a half.

That Cerda explained that he was inside 1933 Western earlier with the police and observed a cartridge that appeared to be a .38 or .357 magnum. He described it as a full metal jacket with a brass case. According to Cerda, when the officers asked Jack if he had a weapon, Jack answered no. When they asked what the bullet was doing there, Cerda thought Jack answered, "I think Peter has a weapon and he has a permit for it."

That in addition to the other items found in 1933 Western, a purse was discovered in the false ceiling having ID in the name Lydia Gorzch. Investigation revealed that the purse had been taken out of her vehicle as it was parked near the Crazy Horse II on Industrial after someone fired a bullet through the window to gain entry on 11/6/98.

That on 11/17/98, an autopsy was performed on the body of John "Lumber" Doe at the office of the Clark County Coroner/Medical Examiner's Office. Det. Buczek attended the autopsy and noted that the victim had one entry gunshot wound to the left lower abdomen, one exit gunshot wound to the right buttocks, one entry gunshot wound to the back left midline, one exit gunshot wound to the chest, one entry gunshot wound to the right rear thigh, one exit gunshot wound to the right inner thigh, and one gunshot wound grazing the

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right rear thigh. After a complete autopsy, Dr. G. Sheldon Green ruled the cause of death to be a gunshot wound to the back, manner of death - homicide.

That on 11/24/98 declarant received a telephone call from Michelle Hamilton. Hamilton explained that she is the sister of the victim, Eric Hamilton (Eric Hamilton, previously mentioned as John "Lumber" Doe, had been identified by fingerprints by the Clark County Coroner's Office). Hamilton explained that Eric Hamilton had been treated in the past for paranoid schizophrenia. She said her cousin, Carl Bell, drove Eric from Los Angeles to Las Vegas on a date that she believed was October 11, 1998. Michelle Hamilton said she last spoke with Eric on 11/13/98 and at one point he'd been staying in room 171 at an unknown hotel with a phone number of (702) 384-1441.

That declarant researched the telephone number and learned it returned to the Downtowner Motel. Declarant responded to the Downtowner Motel and spoke with desk clerk Elsworth Kekua. Kekua checked the files and could not find any record under the name Eric Hamilton. In looking for records on room 171, Kekua determined that an individual named Thelya Wilson was currently in the room and had moved in on 11/2/98. Declarant later spoke with Thelya Wilson, black male, DOB: 1/28/73, and learned that he had no knowledge of Eric Hamilton.

That on 11/30/98 declarant contacted the LVMPD Pawn Detail and requested a gun registration check for Eric Hamilton, John Seka, and Peter Limanni. The results were negative, however, the Pawn Detail determined a .40 caliber Sig Sauer handgun was registered to a Tiffany Limanni with a date of birth of 8/30/68 and address on 2703 Osborne.

That upon investigating further, declarant made contact with Joseph Brizzi. Brizzi explained that he was Tiffany Limanni's father. He said Tiffany had been separated from Peter Limanni for more than a year and had moved to an unknown location in California.

That a check of pawn tickets revealed that John Seka using social security number 184-54-5812, and date of birth 12/30/68, had three entries beginning on 11/7/98. The first entry dated 11/7/98 was for a wire feed welder. The second entry dated 11/10/98 was for a Milwaukee metal saw and the third entry dated 11/10/98 was for a Hitachi disk grinder and sander.

That on 11/30/98 declarant spoke with Steven Limanni, brother of Peter Limanni. Declarant learned that Steven last spoke with Peter three years ago and explained that he was not close, however, his brother would stay in touch with their mother. Steven said Peter had a dog named Jake and took the dog everywhere with him. He did not feel that Peter would leave the dog under any circumstances.

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That on 12/1/98 declarant spoke with Diane Tomasevich, the sister of Peter Limanni. She explained that she had a telephone call on October 4th from Peter. She said in the beginning portion of November, she attempted to phone Peter and spoke with Jack. She said Jack told her Peter was in Reno with his girlfriend Jennifer. Tomasevich said Jack worked for Peter but did not own any equipment in the business.

That Tomasevich said her mother, Sylvia Copella, had not spoken with Peter since the first part of November.

That Tomasevich said Peter was extremely close to his dog and took the dog everywhere with him.

That declarant explained concerns that Peter Limanni may have become a victim of homicide and requested Tomasevich contact the LVMPD and complete a missing persons report.

That on 12/1/98 declarant spoke with Carl Bell, the cousin of Eric Hamilton. Bell said that his cousin had been under house arrest and wanted to leave Los Angeles for a fresh start in Las Vegas. Bell said he drove Hamilton to Las Vegas on 10/25/98 and got a room at the Downtowner Motel under the name Carl Bell. Bell confirmed that Hamilton had a dark navy blue jacket, a black brimmed hat, and an unknown logoed dark baseball cap as part of his belongings when he came to Las Vegas. He believed that Hamilton had approximately a thousand dollars or more with him when he arrived in town.

That on 12/2/98 Tomasevich contacted declarant by telephone and explained that her brother Steven had been in contact with a Mr. Polsky at a business called Motor Works in New Jersey, with a business phone of (609) 251-0050. She claimed Polsky said he was to pick up Jack from the airport in October when he was coming back home. According to Polsky, Jack was not on the plane but showed up the next day. He said the following day, Jack returned to Las Vegas. After returning to Las Vegas, Polsky allegedly received a phone call from Jack claiming that Pete had vanished and had taken all the money from three accounts.

That on 12/7/98 declarant made telephone contact with Takeo Kato. Mr. Kato explained that he was the investor in Limanni's business along with his partner, Kaz Toe. Kato said Limanni's business was started at the end of April or beginning of May 1998. He said they invested approximately one hundred thousand dollars in the business. According to Kato, the air conditioning business was failing and October 15th he was suppose to get the money he invested returned as well as the four vans and Toyota pickup truck he had leased for the business. On October 13th, Limanni went to California and met with Kato and attempted to get Kato to invest in the cigar business.

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That on October 26th, Kato came to Las Vegas and told Limanni that he would not invest in the business. He said Limanni explained that if there's a problem with bad credit, he knew how they could get false identification to access a fresh credit line. Kato said Limanni showed false I.D. with Limanni's photograph and said that he could become another person.

That Kato refused to become involved in the business deal and took one of the Dodge vans from Cinergi and drove it back to California leaving three vans and one pickup truck in the custody of Limanni. Kato said that on October 27th, he talked briefly on the phone to Limanni.

That on November 5th or 6th, Kato called to speak with Limanni and spoke with Jack. Jack said he had not seen Peter.

That Kato said he recovered a note pad from the property left inside 1933 Western. The top page was a list dated 11/12/98. Number 14 on the list was a notation to find a home for Jake.

That declarant asked Kato to mail the pad to the Metro Homicide Section and requested Kato make contact for a statement upon returning to the U.S. following his upcoming trip to Japan.

That on 12/7/98 declarant interviewed Jennifer Harrison, the girlfriend of Peter Limanni. Harrison said she met Limanni July 31, 1998 and the last time she saw him was at her home on November 4, 1998. Harrison explained that their relationship had been in a downturn because Limanni was wanting to move his business to Tahoe and she wished to remain in Las Vegas.

That according to Harrison, in September or the first part of October, Peter Limanni and his friend Jack drove one of the Cinergi vans to Tahoe to leave it at the business and returned to Las Vegas in a second van.

That Harrison said on the morning of November 5th, she attempted to call Peter Limanni on his cell phone and could get no response. She thought this was unusual because his cell phone was always turned on. Harrison then utilized the radio portion of her Nextel telephone to alert the telephone of Jack Seka. She said the alert was successfully sent indicating that his phone would have been turned on. She said his phone was then turned off. Harrison called Jack Seka's cell phone number knowing that he did not have caller I.D. When he answered the phone, she questioned him as to the whereabouts of Limanni.

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That Jack told Harrison, Limanni had spent the night at the Western address and had gotten up early in the morning, showered, and left in the pickup truck and he had no idea where he could be located.

That Harrison said she left her work around noon and went to the 1933 Western address in an attempt to locate Peter Limanni. When she arrived, she noticed the pickup truck was parked near the back door. Harrison said she knocked at the door with no response and felt that Limanni was inside with another woman. She utilized her key to open the front door and found the door leading to the back office locked. Upon opening this door, Harrison observed a white female sleeping on the couch and Jack Seka passed out in the middle of the floor. Harrison went to the back bedroom that was utilized by Limanni and Seka and found that door to be locked. Feeling that Limanni was inside with another woman, she began beating on the door.

That Harrison said the female that had been sleeping on the couch woke up and asked her what she was doing. Harrison said that she knew Peter was inside with another woman and she was going to get inside.

That the woman remarked, "Peter, Jack told me Peter's dead." Harrison said she blew it off thinking that they were trying to cover for Limanni and stop her in seeing him with another woman.

That Harrison ultimately opened the door and discovered that no one was inside the bedroom. She searched through the bedroom and found a cartridge on the floor.

That Harrison said she saw all of the shoes that Peter owned as well as a pair of pants with a belt that she believed he was wearing when she last saw him at her residence.

That Harrison said she kicked Jack trying to wake him up to find out where Peter was, however, Jack was so intoxicated or high on drugs that he would not wake up. She noticed on a table there was approximately two hundred dollars in cash as well as some marijuana.

That Harrison gave the female a ride to a nearby bar at Western and Oakey and learned that the woman was a dancer that had gotten off work at Cheetah's at five o'clock in the morning and was walking down the road when Seka drove up in the pickup truck and asked her if she wanted to have a drink. The woman claimed they bought a six pack and returned to the business. When Seka passed out on the floor, she went to sleep on the couch.

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That in her conversation with declarant, Harrison stopped and started several times. She ultimately asked if the police thought the murder was mob connected and if her life was in danger. She explained that Jack had called her after being interviewed by the police and told her about the interview. Harrison said he asked her if he could use her car because the police were watching for the van he was driving. He claimed he wanted to get back to the business to pick up some items.

That Harrison said she refused and later received other phone calls from Jack in which he attempted to persuade her that Peter owed money to the Japanese business men and they were perhaps the ones that had him killed.

That Jack told Harrison he was wanted for other crimes in his home state and was hiding out because he would be arrested for charges unrelated to the homicide investigation.

That a check through NCIC revealed no warrants for John Joseph Seka.

That according to Harrison, Jack never had any money. She said any money he got, he had to ask Peter Limanni for. Harrison said Limanni would constantly degrade Seka and refer to him as "his nigger". Harrison said that when Jack would get drunk, he would get very friendly with her. It would make Limanni take notice and inform Seka that he should not look at Harrison like he wants to "fuck her".

That declarant contacted Cheetah's manager Mark Rodney in an attempt to I.D. the dancer described by Harrison. Rodney explained that the dancers are private contractors so they do not keep any kind of record or schedule. Rodney said he would post a flyer with a request for anyone with information to contact Homicide.

That on 12/8/98 declarant telephoned the South Lake Tahoe Police Department in a second attempt to have detectives check the location of Limanni's business. Declarant made contact with Sgt. Alex Schumacher.

That on 12/9/98 declarant received a message from Sgt. Schumacher indicating that the business was vacant and locked and that the van inquired about was parked at the business location bearing Nevada license 113JME.

That on 12/9/98 declarant made telephone contact with Peggy Eichhorn, a realtor with Caldwell Banker McKinney and Associates, Inc. in South Lake Tahoe, California. Eichhorn explained that she is the realtor that arranged for Peter Limanni to rent the office space in South Lake Tahoe. She said Limanni was in her office on September 22, 1998 to sign the lease for 2494 Lake Tahoe Boulevard and the check bounced. She said that he returned on October 5th with another check. On that date he was with a young looking

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male whom she did not know. She said Limanni had paid for three months on his lease. When the rent became overdue, Eichhorn sent a three day notice to pay the rent as well as a registered letter asking him to move his van. Eichhorn said the letters were all returned to her unopened.

That on 12/23/98 at approximately 0815 hours, Peter Bordon was driving east on Nipton Road approximately one mile east of I-15 in California when he observed a dog tugging on a corpse. Bordon notified the San Bernardino County Sheriff's Department and the body of a white male identified by fingerprints as Peter Paul Limanni was discovered in a shallow grave.

That on 12/24/98 declarant received a telephone call in reference to members of the San Bernardino Sheriff's Office discovering the body of Peter Limanni.

That declarant spoke with Det. Wolfe and learned that the body was partially mummified and clad in only underpants.

That on 12/29/98 at approximately 0930 hours, declarant and Det. Buczek attended the autopsy of Peter Limanni at the San Bernardino County Medical Examiner's Office. The autopsy was conducted by Dr. S. Trenkle, Deputy Medical Examiner of the San Bernardino Medical Examiner's Office. Declarant explained that Limanni had vanished in the early portion of November. Dr. Trenkle confirmed that the condition of the body was consistent with that time period.

That Limanni's body was viewed and it was observed that the head, neck, shoulders, and upper torso were mutilated due to post mortem animal feeding and insect activity. The remainder of the body was mummified, decomposed and clad with dirt and stones. The left little finger is missing from below the middle knuckle and the left ring finger is missing from above the upper knuckle.

That Dr. Trenkle labeled ten wounds as follows:

- #1 An apparent gunshot wound located in the left rib cage.
- #2 An apparent gunshot wound in the left side rib cage.
- #3 A non-penetrating gunshot wound to the base of the skull.
- #4 An apparent gunshot wound to the left of #3 in the skull.
- #5 An apparent gunshot wound above the left ear in the skull.
- #6 An apparent gunshot wound located on the top of the skull.
- #7 An indented skull fracture on top of the skull.
- #8 A small hole on top of the skull.
- #9 An apparent gunshot wound in the right temple.

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#10 A presumed gunshot wound in the left shoulder.

A total of nine bullets or fragments were recovered from Limanni's body.

That examination of firearms evidence by Firearms Examiner Torrey Johnson revealed that the four .357 magnum cartridge cases recovered from 1933 Western were fired from a single firearm and the cases appeared to have been reloaded. The lead bullet recovered inside the drywall at 1933 Western was determined by Torrey Johnson to be a nominal .32 caliber bullet which appears to have been fired from a revolver.

That DNA testing conducted by David P. Welch of the LVMPD Forensic Laboratory determined that Eric Hamilton cannot be excluded as a source of the human blood found on glass fragments from 1929 Western and two swabs of apparent blood recovered from the bed of the Toyota pickup truck registered to Cinergi Hvacar Inc. bearing Nevada license 720JJM. John J. Seka cannot be eliminated as the source of human blood for a sample of apparent blood on the wall east of the front door at 1933 Western approximately 49 inches above the floor.

That the blood samples recovered from the 1998 Dodge van with Cinergi logos and Nevada license 514JME were examined by David P. Welch of the LVMPD Forensic Laboratory. As a result, Peter Limanni cannot be excluded as the source of human blood on the magnetic cards located in the interior pocket area of the right rear door as well as a sample of blood from the interior side of the removed plastic threshold cover to the right side doors and a sample of blood recovered from the interior side of the right wall of the rear cargo area above and to the rear of the right rear wheel well. In addition, John J. Seka cannot be excluded as the source of human blood recovered on a pair of jeans inside 1933 Western.

That as a result of the investigation, it is believed that on or about 11/5/98 John Joseph Seka, otherwise known as Jack, killed Peter Paul Limanni shooting him with an apparent .32 caliber handgun and disposing of the body off of Nipton Road in California utilizing the 1998 Dodge van bearing Nevada license 514JME. It appears that Seka was attempting to continue with the construction on the cigar shop as a future source of income and was involved in a series of crimes in order to obtain money which included the theft of the purse from the parking lot of the Crazy Horse II, the pawning of construction equipment believed to belong to Peter Limanni and the murder and apparent robbery of Eric Hamilton in which Hamilton was shot to death with a .38/.357 handgun and transported to Las Vegas Boulevard near Lake Mead in the 1998 brown Toyota pickup truck bearing Nevada license 720JJM on or about 11/16/98. Following his interview by Homicide, Seka abandoned the business at 1933 Western and fled the state.

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That the above occurred in the County of Clark, State of Nevada.

Wherefore, declarant prays that a Warrant of Arrest be issued for suspect JOHN JOSEPH "JACK" SEKA on a charge(s) of MURDER WITH DEADLY WEAPON, 2 CTS; ROBBERY WITH DEADLY WEAPON, 2 CTS.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 26nd day of FEBRUARY, 1999.

DECLARANT: J. House

WITNESS: James J. Buehl DATE: 02/26/99

TT/dfk
99a0095

AA 002151

EXHIBIT 18

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DISTRICT COURT
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
FEB 20 2001 19
SHIRLEY B. PARRAGUIRRE, CLERK
BY *Linda Skinner*
DEPUTY
LINDA SKINNER
No. C159915
Dept No: XIV

THE STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME II

February 16, 2001
2:15 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17



1 witness.

2 THE COURT: You may.

3 BY MR. KENNEDY:

4 Q. Let me show you what has been marked as
5 Defendant's proposed exhibit I. This document appears to
6 be from the Bankruptcy Court in the Central District of
7 California.

8 Is that your name on the filing for
9 Chapter 7 bankruptcy?

10 A. Yes.

11 MR. KENNEDY: At this time move for
12 admission of Defendant's proposed exhibit I.

13 MR. KANE: No objection.

14 THE COURT: Received. Thank you.

15 BY MR. KENNEDY:

16 Q. Mr. Kato, in January 1999, just two to
17 three months after you last saw Mr. Limanni, you had to
18 file for Chapter 7 bankruptcy; is that right?

19 A. Yes, actually, but I was - - that was the
20 process to finish that day, but I was doing for about
21 three months.

22 Q. In this bankruptcy you had certain debts
23 that you had incurred, including the leases on the
24 vehicles for Sinergi; is that right?

25 A. Yes, I did.

EXHIBIT 19

JIM THOMAS & ASSOCIATES

Investigations & Process Service

601 South Tenth Street, Suite 104

Las Vegas, NV 89101

Telephone (702) 388-7175

Fax (702) 388-7376

March 13, 2006

Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA
Our File No. 05-I-150
Your Case No. 3:05-CV-0409-HDM (VCP)

Dear Ms. Bookout:

One of my assignments in the Seka case was to locate and interview Amir Mohamed who you advised owned Panorama Italy. The deceased, Peter Limanni, was in the process of starting a cigar business with Amir Mohamed at the time of his death.

During my initial interview with Marilyn Mignone on February 8, 2006, Mignone advised me that she had overheard Mohamed speaking on the telephone to an unknown party in Arabic and had also overheard Amir express sentiments of hatred against the United States. Mignone advised that she felt that Amir Mohamed could possibly have been part of a terrorist cell in the United States and may even have been connected to the September 11th incident.

My locate work on Amir Mohamed provided little information concerning him and no information as to his current location. The Clark County Clerk's Office did register a fictitious business name, Panorama Italy, Inc., to Amir Mohamed. This fictitious business name had an expiration date of May 31, 2003. The same business name under the same file number, 0225782, was also issued to a man named J.D. Dobson.

An inquiry was made through the database Faces of the Nation for Amir Mohamed. I found one subject by this name in Clark County, NV. That subject had a partial social security number of 528-60-XXXX and only one address showing, that being 3859 S. Valley View Blvd., Las Vegas, NV 89103. This report also indicated that this same social security number was issued to a man named J.D. Dobson. I ran a complete

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personal history report through Faces of the Nation on Amir Mohamed however there was very little information concerning this subject. The report indicated that Mohamed resided at 3859 S. Valley View Blvd., #4 from April 2000 through July 2001. The report provided none of the usual information that would be expected to be found in one of these reports which includes vehicle registrations, business names, other addresses, financial information or relatives.

I next attempted to locate Amir Mohamed through an account that I have with TransUnion Credit Corporation. This particular account allows me to enter a name and a last known address and in turn have that address updated as well as being supplied with the full social security number. In this case I entered the name Amir Mohamed with the address 3859 S. Valley View Blvd., #4, Las Vegas, NV 89103. In return I received a social security number 528-60-3224, but no other addresses showed up for this subject. As part of the answer to this same inquiry, I was notified that J.D. Dobson, last known to be at 1350 Flamingo Rd., Las Vegas, NV 89119, also was using this social security number. At this point I began to suspect that J.D. Dobson and Amir Mohamed were one and the same person. I felt this in spite of the fact that the social security number had been issued in the State of Utah and the name Dobson is not Arabic.

At this time I recalled Marilyn Mignone to see if she could settle any light on the Mohamed/Dobson relationship. Mignone indicated that she had met both men and that they were two separate people. She further advised that she had observed both men at the same time, so she knew they were two separate people. She described J.D. Dobson as being a "hick" from Utah who had come to Las Vegas to start a vitamin business. She advised that Dobson had somehow gotten together with Amir Mohamed and that Mohamed had talked him into starting the jewelry store, Panorama Italy. Mignone further stated that Amir Mohamed had gone on to bleed J.D. Dobson dry and that all of this was part of a federal investigation of which she had been a subject of interest at one time. Mignone advised that she did not know exactly what it was that the federal government was investigating, but she went on to state that Amir Mohamed, as well as his partner, Sam Akaad, appeared to be very dangerous people. I advised Mignone that the name Sam Akaad was new to me and she advised that Akaad was the "jeweler" for Panorama Italy. I advised Mignone that I had been given the name Ben Boyed as being the jeweler who worked with Amir at Panorama Italy and her response was that she had never heard of Ben Boyed and that Sam Akaad was the jeweler.

Having struck out in my efforts to locate Amir Mohamed, I attempted to locate J.D. Dobson in the hope that I could possibly get a current location for Mohamed as well as background information on Mohamed. I determined that the social security number previously provided, 528-60-3224, was actually issued by the Social Security Administration to J.D. Dobson. A personal profile check through Faces of the Nation revealed that the initial J in J.D. Dobson's name actually stands for the first name Jay.

Debra Bookout, Esq.

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The Clark County Clerk's Office revealed that in addition to Panorama Italy, Inc., J.D. Dobson had obtained a fictitious business name for a business named Wahsatch Nutrition and that this fictitious business name expired on May 31, 2003. The address for this fictitious business was 3305 Spring Mountain Rd., Suite 60, Las Vegas, NV 89102 which was the same address that the fictitious business name Panorama Italy, Inc. was issued to. I determined that neither business is still located at 3305 Spring Mountain Rd., Suite 60.

I obtained a comprehensive report on J.D. Dobson through Accurant. This report indicated that J.D. Dobson has a date of birth of May 9, 1948 and holds the social security number previously given. Dobson was originally from the Provo, UT area and has been back and forth over the years. His last address shows as 3750 Arville St., #68, Las Vegas, NV 89103. An inquiry with Experian Subscriber Services indicated that Jay D. Dobson has a last known address of 3750 Arville St., Las Vegas, NV 89103-5945. Experian confirms his social security number as 528-60-3224 but also gives a second social security number 321-23-3221. I ran this second social security number through TransUnion Credit Corporation on a social security number trace and the result was that the social security number has not been issued by the Social Security Administration.

An inquiry was made through the Las Vegas Metropolitan Police Department on both J.D. Dobson and Amir Mohamed. There was no record on Mohamed. Dobson is LVMPD ID #1514868. He is listed in SCOPE for a misdemeanor citation that he received on April 11, 1998 for Annoying a Minor under event number 980411-1903. He also received an alcohol awareness certification on February 9, 2000. This card expired February 9, 2005 and has not been renewed.

Because Dobson was originally from the Provo, UT area, I contacted a source who is high up in Utah law enforcement. This source advised that Dobson has no criminal history in the State of Utah. He further advised that the last address they have for Dobson is over 10 years old and was in Provo, UT.

An inquiry was made through the Nevada Department of Motor Vehicles for J.D. Dobson and Amir Mohamed. There was no record on Mohamed. There was an expired driver's license issued to J.D. Dobson, date of birth May 9, 1948, social security number 528-60-3224, however this license expired on May 9, 2002. The last address shown was 3750 S. Arville, #68, Las Vegas, NV 89103.

This morning I drove to the Arville address in an attempt to contact J.D. Dobson. I made contact with the current occupants, who are a Spanish speaking family. They had no knowledge of J.D. Dobson. An inquiry at the apartment office failed to locate anybody who remembered J.D. Dobson.

Debra Bookout, Esq.

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Upon returning to my office I rechecked the Nevada Secretary of State and determined that Panorama Italy International, Inc. is the only Nevada corporation in which Amir S. Mohamed has been involved. The address listed was the same 3305 Spring Mountain Rd., Suite 60, Las Vegas, NV 89102 as on the fictitious business name. Amir Mohamed was the president, treasurer and secretary for this corporation.

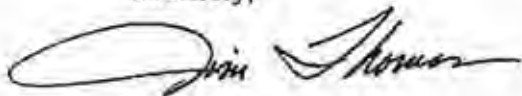
Both Amir Mohamed and J.D. Dobson were checked through PACER for federal criminal, federal civil, federal court of appeals and federal bankruptcy filings. There was no record for Amir Mohamed. There were two records for Jay Dobson, both bankruptcy cases, however it was determined that neither was the same person who is involved in this case. I also checked Amir Mohamed and J.D. Dobson through the Nevada prison system however neither one is an inmate.

I made inquiries on Sam Akaad however was unable to obtain any information whatsoever on him.

At this point I have examined all sources available to me and it appears that I will be unable to locate either Amir Mohamed or J.D. Dobson. Amir Mohamed appears to be very elusive in that other than the business Panorama Italy and the home address of Valley View, there is no record of Amir Mohamed anywhere in the United States that I could locate. I believe that Mohamed is a possible alternate suspect in these slayings and is someone who should have been looked into by the Las Vegas Metropolitan Police Department at the time of the original investigation.

My investigation is continuing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Thomas", with a stylized flourish at the end.

Jim Thomas

JT:lt

AA 002159

EXHIBIT 20

JIM THOMAS & ASSOCIATES

Investigations & Process Service

601 South Tenth Street, Suite 104

Las Vegas, NV 89101

Telephone (702) 388-7175

Fax (702) 388-7376

March 7, 2006

Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Ave., #250
Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA
Our File No. 05-I-150
Your Case No. 3:05-CV-0409-HDM (VCP)

Dear Ms. Bookout:

I am in receipt of your letter dated March 2, 2006. I have in fact been tracing and interviewing witnesses and among those you name are Marilyn Mignone and Kaz Toe. The Mignone interview was completed on February 8, 2006. This was not a recorded interview however a report was made concerning the conversation I had with Ms. Mignone. You should have that report in your file. If you do not, please advise and I will send a copy.

I interviewed Kaz Toe this afternoon. His true name is Kazutoshi Toe. His story, while similar to Takeo Kato's, does differ in the total amount of money which was invested with Peter Limanni. Kato advised that the total sum neared \$300,000 while Mr. Toe is of the opinion that they had invested \$1 million. Toe has never before been interviewed in this case. Also during the interview with Toe I determined that there was another investor who may not have put money into the air conditioning business, but did provide professional services and materials for the construction of the business in Las Vegas. This man's last name was given to me as Paquette. Toe believes that Paquette was originally from Massachusetts and that he is a licensed general contractor in California. Please advise if you wish me to try to locate and interview Paquette.

To date I have had no luck in locating Ken Bates, Justin Nguyen, Jeanette or Misty, who apparently were waitresses at the Peppermill, Amir Mohamed or Ben Boyed. I am continuing my search in an attempt to find these people. Mohamed in particular appears to be a "ghost". I have tried several different spellings of his name but as yet have found

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Debra Bookout, Esq.

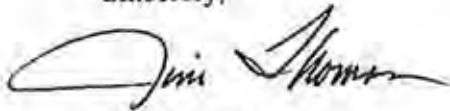
March 7, 2006

Page 2

nothing. It may be that Mohamed is a fraud himself and that the identity he presented to Limanni and Seka was fictitious.

At any rate, the investigation is continuing and further reports will be forthcoming.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Thomas".

Jim Thomas

JT:lt

AA 002162

***Jim Thomas & Associates
Investigations & Process Service
601 South Tenth Street, Suite 104
Las Vegas, NV 89101***

MAR - 7 2006

***Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Ave., #250
Las Vegas, NV 89101***

EXHIBIT 21

JIM THOMAS & ASSOCIATES

Investigations & Process Service

601 South Tenth Street, Suite 104

Las Vegas, NV 89101

Telephone (702) 388-7175

Fax (702) 388-7376

July 30, 2008

Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Avenue, Suite 250
Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA
Our File No. 05-I-150

Dear Ms. Bookout:

On Monday, July 28, 2008, I was contacted by your assistant, who requested that I provide a synopsis of my investigation that was completed between December 26, 2005 and May 3, 2006. My records indicate that there were 13 potential witnesses that I was to locate and interview. This report is to advise you of my efforts to do so.

Thomas Creamer was a prosecution witness against Seka at trial. The defense attempted to show that Creamer had a grudge against John Seka, and that this was his reason for testifying. I completed locate work on Creamer and the last known address was dated July 2001 at 39 Springfield Avenue, Flourtown, PA 19031. I was unable to locate a telephone number and contact with Creamer was not made.

Margie Daly McConnell was found at 2100 Andover Road, Cinnaminson, NJ 08077. McConnell advised that Thomas Creamer was a former boyfriend. McConnell advised that Creamer was on drugs and extremely violent. He was abusing Percocet and Xanax, eating them by the handful. McConnell recalled a situation when Creamer, who was living at his grandmother's house, was high on drugs and extremely violent. He was threatening McConnell and his grandmother. She telephoned Seka and requested that he come over to talk to Creamer, as they were good friends. She advised that this backfired because Creamer accused her and Seka of having an affair. She became afraid and called her sister, and one of them, either herself or her sister, then called the police. McConnell left the residence and Jack stayed there. When the police arrived, it was Jack who let them into the house. The police took Creamer into custody and transported him to a mental facility. Creamer blamed Seka for his being locked up.

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Debra Bookout, Esq.

July 30, 2008

Page 2

Lee Polsky was somebody who worked with John Seka in New Jersey and also knew the victim, Peter Limanni. Polsky resides at 627 Queen Street, Woodbury, NJ 08096. He was interviewed via telephone. Polsky advised that he was brought out to Las Vegas by the defense to testify at Seka's trial, however, he does not recall if he actually testified. Polsky advised that Jack was "likeable", and "not violent". Polsky further stated that Limanni was good at heating and plumbing, but that he had an "extremely bad temper". Polsky recalled Limanni getting into a fight with a person who was much bigger and beating the guy up pretty bad. This occurred in Paulsboro, New Jersey. Polsky indicated that the guy who was beaten up came back and shot Limanni in the shoulder stating that "he blew his shoulder away". When asked who would win a fight between Jack Seka and Peter Limanni, Polsky advised that Limanni would have won such a fight easily.

Amir Mohamed was somebody reported to have business dealings with the victim, Peter Limanni. My investigation found very little about Amir Mohamed. He was using a social security number that actually belonged to another person named J. D. Dobson. It appeared that Dobson and Mohamed were involved in business dealings together. I was unable to locate either Mohamed or Dobson. It appeared that Amir Mohamed may have been an assumed name. In an interview with Marilyn Mignone, she advised that she felt that Amir Mohamed may have been part of a terrorist cell residing in the United States. In her mind, he was possibly connected to the 9-11 tragedy.

Ben Boyed was listed as an associate of Amir Mohamed, working for Mohamed at a jewelry store called "Panorama Italy". I could find no record of anybody named Ben Boyed anywhere in the United States. Marilyn Mignone, who also worked at Panorama Italy, stated that Boyed was not a jeweler at Panorama Italy. She advised that the jeweler's name was Sam Akaad.

Another subject I was to locate and interview was Ken Bates. The name Kenneth Bates is too common, and I was unable to locate the correct one. I would need more information such as a previous address, social security number, or date of birth to contact Bates.

Marilyn Mignone was somebody who did office work at Panorama Italy, and was acquainted with Amir Mohamed, Peter Limanni, and John Seka. I completed a non-recorded interview with Mignone. She claimed that the Federal Government was investigating herself, Amir Mohamed, Peter Limanni, and John Seka. She was represented by a local attorney, Michael Cristalli, and all of her records are in the possession of Cristalli. I had been told that she had drawn up an agreement between Limanni and two investors, Kaz Toe and Takeo Kato. Marilyn Mignone denied drawing up such an agreement and claimed that she had never heard of Toe or Kato. Mignone advised that Amir Mohamed was an extremely suspicious person of Arab decent, who

AA 002166

Debra Bookout, Esq.

July 30, 2008

Page 3

she thought may be part of a terrorist cell. She had heard Mohamed voice his hatred for the United States, and had also heard him carrying on conversations in Arabic with unknown parties. She believed that Amir Mohamed was involved with an oriental subject in the State of California producing tee shirts for Evel Knievel. Mohamed and the victim Limanni were supposed to open a cigar shop together. She considered Mohamed to be very shady and very dangerous.

Kaz Toe was given to me as an investor with Peter Limanni. I determined that his true name is Kazutoshi Toe. Toe resides at 650 Tamarack Avenue, Apartment #4406, Brea, California 92821. I conducted a telephonic interview with Toe. He advised that he and Takeo Kato had invested one million dollars with the victim Peter Limanni. He further stated that they had lost all of their money, and he thought that they had been defrauded by Limanni. He denied knowing anything about Limanni's death. He identified another previously unknown investor whose last name was Paquette. He could provide no further information about Paquette.

Takeo Kato was a business partner with Kazutoshi Toe, who invested a large sum of money with Peter Limanni. Kato resides at 1528 Franklin Street, Santa Monica, California 90404. A telephonic interview was completed with Takeo Kato. Kato claimed that he had been defrauded of three hundred thousand dollars that he invested with Limanni. This differs from the amount of one million dollars that Kazutoshi Toe says they invested. It was possible that Kato was referring to money that he personally put into the partnership, three hundred thousand dollars, and that the remaining seven hundred thousand dollars may have been Toe's investment. They were both difficult to communicate with, so I was unable to clarify. Kato also denied knowing anything about Peter Limanni's death.

Jeanette and Misty were cocktail waitresses at the Peppermill on Las Vegas Boulevard South, who John Seka offers as potential alibi witnesses. In early 2006, Jeanette and Misty were no longer cocktail waitresses at the Peppermill. With only their first names, I was unable to identify them further. They may have been available at the time of trial if the defense team had attempted to interview them at that time.

Lynn Cheryl Lightfoot was another alibi witness for Seka. During the time up through early 2002, Lightfoot was an active prostitute in Las Vegas, who was coming into contact with police officers. She also had a number of work cards up through early 2002, and should have been fairly easy to find at that time. However, since early 2002, she has disappeared and I was unable to locate her.

AA 002167

Debra Bookout, Esq.

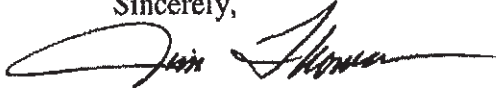
July 30, 2008

Page 4

Jennifer Harrison was reported to be Limanni's girlfriend at the time of his death. According to the investigation request you sent me, Harrison was a prosecution witness who testified that she had talked with Seka on the morning of November 6th, during the early morning hours. The client had claimed that the first call he received from Harrison was 11:13 AM, and apparently has no records to show that. Jennifer Harrison is a very common name, and without further identifiers, I was unable to locate her.

I believe that this is a complete summary of my investigation into this matter. If I can be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Thomas", with a stylized flourish at the end.

Jim Thomas

JT:se

AA 002168

EXHIBIT 22

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DISTRICT COURT
CLARK COUNTY, NEVADA
FILED IN OPEN COURT
February 23, 2001
SHIRLEY B. PARRAGUIRRE, CLERK
BY Linda Skinner

THE STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

LINDA SKINNER DEPUTY

No. C159915
Dept No: XIV

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME I

February 22, 2001
1:10 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17

1 THE COURT: You may.

2 BY MR. CHRISTIANSEN:

3 Q. Show you what's been entered as Defense
4 exhibit Q. Does that appear to be a picture of Jack Seka
5 on November 17, 1998?

6 A. Yes, it does.

7 Q. And in his belt area there is a pack of
8 cigarettes, correct?

9 A. That's correct.

10 Q. What kind of cigarettes are they?

11 A. It appears to be Marlboro, with the red
12 packaging.

13 Q. In one of his hands there's even a lit
14 cigarette that appears; is that correct?

15 A. That's correct.

16 Q. What color is the filter on that
17 cigarette?

18 A. I think it's tan, but it's hard to say if
19 it's the filter or his finger.

20 Q. If I showed you a pack of Marlboro
21 cigarettes and all the filters were tan, would that clear
22 it up for you?

23 A. That would clear it up, yes. I wouldn't
24 dispute that.

25 Q. So the type of cigarettes Mr. Seka was

1 smoking, 36 hours after the Hamilton body was found, was
2 different than the type of cigarette filters surrounding
3 or around the body of Eric Hamilton, correct?

4 A. Than the one filter, yes.

5 Q. Yes.

6 Now, are you familiar or do you have have
7 knowledge that there were fingerprints identifiable,
8 latent fingerprints found on the boards on top of Mr.
9 Hamilton?

10 A. Yes.

11 Q. And I'll proffer to you that Mr. Boyd, we
12 were just discussing, Mr. Boyd testified that on three of
13 those boards there were prints from Peter Limanni and
14 Jack Seka, not on all three, but in between the three.

15 Does that comport to your knowledge?

16 A. Yes.

17 Q. He also testified that there were two
18 boards with identifiable latent fingerprints on the top
19 of them that were not matches to any of the known
20 fingerprints he had, Mr. Seka's, Mr. Hamilton's or Mr.
21 Limanni's.

22 Does that sound familiar to you?

23 A. It's not familiar to me, but that's not
24 something I would remember, if it was not specific to a
25 person.

1 Q. Are you familiar with two doors down was a
2 telemarketing room with 30 or so employees?

3 A. No.

4 Q. Would it surprise you to know that there
5 was a federal indictment that came down as to that
6 telemarketing room?

7 MR. FATTIG: Objection. Relevance.

8 THE COURT: What is the relevance?

9 MR. CHRISTIANSEN: All suspects that
10 weren't investigated by the officer.

11 THE COURT: What makes them a suspect?

12 MR. CHRISTIANSEN: May we approach, judge?

13 THE COURT: Yes.

14 (Discussion off the record.)

15 THE COURT: Thank you.

16 Pursue another area, please.

17 BY MR. CHRISTIANSEN:

18 Q. As we sit here today you can't tell
19 anybody in the jury who occupied every space in that one
20 office building, correct?

21 A. That's correct.

22 Q. Okay. Now, Mr. Seka also told Officer
23 Noguez that he hadn't been staying at 1933, but with a
24 friend in Spanish Trails, correct?

25 That's in Officer Noguez's report; is it

1 not?

2 MR. FATTIG: Objection.

3 Mischaracterization of the report.

4 THE COURT: In what regard?

5 MR. CHRISTIANSEN: I don't know if he can
6 answer for the detective.

7 THE COURT: Is it in the report or isn't
8 it?

9 MR. CHRISTIANSEN: I believe it is, judge.
10 Detective Thowsen can tell me, if he
11 knows.

12 THE WITNESS: I don't recall that portion,
13 Your Honor. If somebody has it, I'd like to look at it.
14 BY MR. CHRISTIANSEN:

15 Q. If he had testified here in Court that was
16 his recollection of a conversation he had with Mr. Seka
17 would you have any reason to disagree with him?

18 A. If the officer testified in Court I
19 wouldn't have any reason to disagree with what he said,
20 no.

21 Q. You also found during the course of your
22 investigation information about a white van being in
23 Spanish Trails from a woman known as Marilyn Mignone; is
24 that right?

25 A. That's correct. I think that's correct.

1 Q. She's listed as one of the witnesses in
2 your officer's report; is that accurate?

3 A. No.

4 She was listed as a person contacted. She
5 was not a witness.

6 Q. She told you that there was an individual
7 or she was looking for Peter Limanni, correct?

8 A. She was trying to find someone else and
9 trying to find Peter Limanni and where to locate the
10 other person she was looking for.

11 Q. She told you that a white van had been at
12 Spanish Trails about two weeks before you interviewed her
13 at that individual's house and you interviewed her on the
14 2nd of December; is that correct?

15 A. Correct.

16 It would have been the 18th of the month
17 before that she was referring to.

18 Q. Approximately two weeks before would be
19 the 18th?

20 A. Approximately two weeks before.

21 Q. Okay. You had some discussion yesterday
22 with Mr. Fattig about Mr. Seka fleeing or not coming back
23 to 1933 Western.

24 Do you remember that discussion?

25 A. I remember that was discussed, yes.

1 Q. I'll be specific.

2 Was there a warrant for his arrest arising
3 out of the investigation that you were involved in at
4 1933 or 1925 Western prior to February 26 or 27th, 1999?

5 A. I'm not exactly sure on the date, but
6 prior to that area, no, there was not.

7 Q. If your declaration for an arrest warrant
8 is dated February 26, 1999 and signed by yourself, there
9 would have been no warrant prior to that, correct?

10 A. That's correct.

11 Q. All right. So he was - - as far as you
12 were concerned in your investigation, he was free to go
13 anywhere he wanted in this country?

14 A. Yes, he was.

15 Q. And, in fact, in his statement Jack told
16 you that he had been back east to see his daughter for
17 her birthday between October 29 and November 3rd, right?

18 A. Yes.

19 Q. And he told you his parents' address back
20 in Philadelphia, correct?

21 A. He told me a couple addresses.

22 I don't recall specifically if it was
23 parents or who, but he did give me some addresses back
24 there.

25 Q. He told you he was from Philadelphia; is

1 is uncomfortable becomes more uncomfortable when they are
2 asked to go down to homicide or to the bureau and give a
3 statement, correct?

4 A. That would be correct.

5 Q. And then when somebody such as yourself, a
6 homicide detective with all your years of experience,
7 says "I don't believe you. I think you killed another
8 person", that could cause an individual to become even
9 more uncomfortable, right?

10 A. That might make them uncomfortable, yes.

11 Q. And you don't suppose to tell this jury
12 that you knew Jack Seka and how he reacted and that his
13 reaction was somehow based on your experience with him,
14 inconsistent with his general personality?

15 A. I can only say that based on my experience
16 with many, many suspects and many, many witnesses over
17 the years that that's what I felt from his behavior.

18 Q. And just so we're clear, that's from your
19 experience with other people, not with Jack Seka?

20 A. That's correct.

21 Q. Okay. Now, you caused or at some point
22 you were able to obtain contact with the family of Peter
23 Limanni; is that accurate?

24 A. Yes.

25 Q. You instructed, I think it was his sister,

1 Diane, and I'm going to butcher her last name, Tomzivich
2 (phonetic) - -

3 A. It's a difficult one and I would do as
4 badly.

5 Q. - - to file a missing person's report?

6 A. Correct.

7 Q. And she did that on or about the 2nd of
8 December 1998, correct?

9 Does that sound right?

10 A. I don't remember the specific date.

11 MR. CHRISTIANSEN: May I approach?

12 THE COURT: You may.

13 BY MR. CHRISTIANSEN:

14 Q. I'm showing you - - you tell me if it
15 seems you recognize that document or have seen something
16 like it before.

17 A. The report date in this box here is
18 December 1, 1998. The event number which also reflects
19 the date is 11.20.1998.

20 Q. The event number would reflect what date,
21 the date that you talked to her or the date she called
22 in?

23 A. The date the event was created.

24 Q. Then in your report it should indicate In
25 relation to your interview of her what day you talked to

1 her, right?

2 A. Yes.

3 Q. And would you mind looking up - - if I
4 asked you to look at your report would it help you
5 refresh your recollection?

6 A. Yes, it would.

7 Q. Would you please do it for me? It's in
8 the big notebook, I imagine.

9 Maybe I can help you out. If you look on
10 page 15 of 20 of your 11.16 - - I'm sorry, your 12.10.98
11 report, it's about the third paragraph from the bottom.

12 It might be even a little bit before
13 there.

14 A. It's actually on the day before. It's on
15 December 1, I spoke with her. That's on page 14.

16 Q. Thank you. I was pointing.

17 A. So I'd say yeah, the December 2nd date
18 would be accurate for that report.

19 Q. According to your support of a declaration
20 an arrest warrant, you believed Mr. Limanni was killed on
21 or about November 5, 1998; is that accurate?

22 A. That's accurate, yes.

23 Q. Now, you spoke to his sister on December
24 1, 1998 and prior to that nobody in his family filed a
25 missing person's report; is that correct?

EXHIBIT 23

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ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * *
FILED IN OPEN COURT
FEB 27 2001 19

SHIRLEY B. PARRAGUIRRE, CLERK

BY Judy Norman
JUDY NORMAN DEPUTY

STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

Case No. C159915
Dept. XIV

VOLUME II

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE DONALD M. MOSLEY

DISTRICT JUDGE

Taken on Friday, February 23, 2001

At 1:30 p.m.

APPEARANCES:

For the State:

EDWARD KANE, ESQ.
TIM FATTIG, ESQ.
Deputy District Attorneys

For the Defendant:

KIRK T. KENNEDY, ESQ.
PETER S. CHRISTIANSEN, ESQ.

RECEIVED

FEB 27 2001

COUNTY CLERK

Reported by: Maureen Schorn, CCR No. 496, RPR

CE

MAUREEN SCHORN, CCR NO. 496, RPR

AA 002181

1 And Jack needs money. Through a stipulation
2 we've entered the pawn shop tickets that demonstrate from
3 the time of November the 7th through about November the
4 12th, Jack is pawning various items that were used in
5 conjunction with the air conditioning business.

6 He's broke. He's telling his friends he's
7 broke, he doesn't know how he's getting back east. He's
8 pawning the stuff. If he's pawning stuff, why does he
9 leave the one item of value on Eric Hamilton's body? Why?

10 And there is such a thing as being called
11 felony stupid, but why in the world would you take
12 somebody's jacket off, you take their bracelet, you take
13 their hat, all the things that were left in 1929, but you
14 leave your own stinking name and phone number in his front
15 pocket?

16 The State may argue that's felony stupid. I
17 submit to you that it's a very good way to have the police
18 go down the wrong trail and never come to LA to question
19 you if you're Mr. Kato.

20 The time frame for which Mr. Hamilton is
21 killed is about, like Mr. Fattig said, sometime November
22 the 15th, or early morning November the 16th. That's
23 about between 48 and 72 hours between the time when Jack
24 is seen in the vehicle.

25 And are Jack's fingerprints in the Toyota?

1 there to take, and he tries to take the one that is later
2 found to have Peter Limanni's blood in the back, and Pete
3 Limanni's blood-stained business cards in the side pocket
4 of one of the doors.

5 And it's a coincidence that Pete Limanni's
6 ID is found up in the ceiling of 1933 Western. And it's a
7 coincidence that Tom Creamer, and I'll talk about him a
8 little later, is right about both the method of killing,
9 that it was done by gun, and that Pete Limanni was killed
10 by multiple gunshot wounds.

11 Are all of these coincidences? No. There
12 are things that fit in, because Jack Seka killed Pete
13 Limanni, Jack Seka killed Eric Hamilton, Jack Seka tried
14 to dispose of the evidence tying him to both of those
15 crimes, and was unsuccessful in doing so. And there's
16 nothing coincidental about this. It's all part of a
17 logical series of events.

18 You did get an instruction on flight, and
19 the flight instruction says that when a person leaves
20 after the commission of a crime, or during some
21 significant event in the investigation, not after he's
22 been charged, but just when he knows there's an
23 investigation, you may consider that as evidence of guilt.
24 That's up to you.

25 You have to decide if the circumstances

1 They're going to make a smoke shop. They're going to
2 build a humidor, and they're both going to get well and
3 have money again, and everything is going to be okay.
4 Except, now he finds out that Pete Limanni is running out
5 on him.

6 Peter Limanni, a guy who he thought was his
7 friend, and who was going to be his financial salvation at
8 a time when his girl has betrayed him, at a time when he's
9 got no money, he finds out that Pete is planning to clean
10 him out.

11 He's going to leave, he's going to leave
12 Jack holding the bag with all the business problems, or
13 just leave him to twist in the breeze with no money, no
14 job, no prospects, thousands of miles from his home that
15 he left to start up this business with Peter Limanni.

16 And he snaps and he kills him. And the one
17 thing that I agree with Mr. Christiansen on, is Eric
18 Hamilton probably was an innocent bystander, maybe not to
19 innocent. He may have walked in in the middle of the
20 altercation that resulted in Pete Limanni's death.

21 He may have helped dispose of the body, and
22 then just become one of those lose ends that needed to be
23 cleaned up. But he certainly was around and involved to
24 the extent that that formed a motive for his murder.

25 But the last thing I want to say to you

EXHIBIT 24

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DISTRICT COURT
CLARK COUNTY, NEVADA
FILED IN OPEN COURT
FEB 15 2001
19
SHIRLEY B. PARRAGUIRRE, CLERK
BY Judy Norman
JUDY NORMAN DEPUTY

THE STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

No. C159915
Dept No: XIV

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME II

February 14, 2001
3:40 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIM FATTIG
Deputy District Attorney

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law
Deputy Public Defender

Reported by:
Joseph A. D'Amato
Nevada CCR #17



1 Q. Where did you work at?

2 A. Molycor Mine.

3 Q. Where was that located at?

4 A. Mountain Pass, California.

5 Q. Can you be a little bit more specific?

6 Where, in California, was it at?

7 A. Maybe about eight miles past Stateline or
8 so, right at Mountain Pass on Route 15.

9 Q. On December 23, 1998 were you working that
10 day?

11 A. Yes.

12 Q. What were your general duties?

13 A. I worked in the utility carpenter shop at
14 the mine and one of my responsibilities was to monitor
15 the waste water lines and fresh water lines that service
16 the mine.

17 Q. And how would you do that?

18 A. By truck, drive along side the roads that
19 they went along, parallel to.

20 Q. What roads do they go off?

21 A. Semere Road (phonetic) and Nipton Road.
22 Basically, those were the main areas.

23 Q. On December 23, 1998, did you work that
24 day?

25 A. Yes, I did.

1 Q. Did you see anything unusual?

2 A. Yes.

3 Q. Where were you at?

4 A. I was on Nipton Road.

5 Q. And what did you see?

6 A. I saw a dog on the side of the road
7 chewing on something, and to see a dog on that road was
8 out of place, so I turned around to go back and see what
9 the dog was doing there.

10 Q. And did you turn around and get a closer
11 look?

12 A. Yes.

13 Q. What did you see?

14 A. I saw what appeared to be a body.

15 I wasn't sure what it was, at first, and
16 the dog had been on top of the body, chewing on it.

17 Q. How much of the body did you see?

18 A. About from the waist up.

19 Q. Was there anything obstructing the view of
20 the body between the body and the road?

21 A. Yes. There was a berm there.

22 Q. Berm made out of what, dirt?

23 A. Dirt.

24 I wouldn't have seen it had the dog not
25 been there.

1 involved in the incidents that we're going to be talking
2 about?

3 A. Yes, yes, there were.

4 Q. With the understanding that they will be
5 testifying and bringing in the various items of physical
6 evidence, I do want to go through just a brief overview
7 of how this investigation got started and we'll start on
8 November 16, a little after 7:30 in the morning.

9 Were you contacted by Sergeant Ken Hefner
10 at that point?

11 A. Yes, I was.

12 Q. And what information were you given?

13 A. Sergeant Hefner told me to respond to Las
14 Vegas Boulevard South and it would be approximately two
15 miles south of Route 146, which at that time was called
16 Lake Mead.

17 Currently it's St. Rose Parkway.

18 Q. And did you respond to that scene?

19 A. Yes, I did.

20 Q. And again your responsibility here was
21 primarily processing the scene with Detective Thowsen
22 primarily interviewing witnesses; is that correct?

23 A. That is correct.

24 Q. Would you describe the scene as you
25 observed it?

1 A. As I arrived to park my vehicle, I got out
2 and I saw the body of an individual laying - - it was
3 west of Las Vegas Boulevard South and east of I-15.

4 The body was covered with a variety of
5 lumber, different sizes. Some were cedarwood, others
6 were 2x4's, 1x4's, 1x6's and I believe it was also 1x3's
7 of various lengths.

8 The body you could still see beneath the
9 wood, without any difficulties from the roadway.

10 MR. KANE: May I approach?

11 THE COURT: You may.

12 BY MR. KANE:

13 Q. I want to show you what have been marked
14 for identification as State's proposed exhibits 2 through
15 6.

16 Without describing them would you tell me
17 first if you recognize them?

18 A. Yes, I do.

19 Q. Are those photographs that were taken of
20 the scene that you've just been talking about back on
21 November 16 of 1998?

22 A. Yes, they were.

23 Q. Do they fairly and accurately depict the
24 scene as you saw it in that morning?

25 A. Without a doubt, yes.

1 A. The body was that of a black male. He was
2 laying face down.

3 His head was to the north and his feet
4 were to the south. His arms were extended over his head
5 in this position (indicating).

6 He was wearing a charcoal grey T-Shirt.
7 He also had on a pair of black Levi jeans and black
8 athletic shoes.

9 MR. KANE: Can the record reflect when
10 Detective Buczek said he was in this position, he raised
11 his hands about shoulder width apart?

12 THE COURT: Do you concede?

13 MR. KENNEDY: Yes.

14 THE COURT: The record will reflect that.

15 BY MR. KANE:

16 Q. Was there any identification on the body?

17 A. No.

18 Q. Was there anything on the body in the way
19 of personal effects?

20 A. The victim had a ring on.

21 There was also just a rubberband around
22 his wrist and also in his, I believe it was his front
23 pocket was a piece of paper and on the piece of paper was
24 the name Jack and a telephone number.

25 Q. Now, from what you saw at the scene were

1 you able to fix an identity to this person?

2 A. No.

3 Q. And in cases like that the person is
4 treated initially as a John Doe?

5 A. Yes, that is correct.

6 Q. And because of the wood piled on top of
7 the body this victim was initially referred to as John
8 Lumber Doe; is that correct?

9 A. That's correct, yes.

10 Q. What did you do with respect to the phone
11 number that was found in his pockets?

12 A. My partner, Tom Thowsen, did a check on
13 it, and I can't recall what company it was, but the
14 number, I believe, was 429-5957, and it came back to
15 Sinergi which is a business located at 1933 Western
16 Avenue.

17 My understanding is that the person who
18 was supposed to use that phone was a person by the name
19 of Jack.

20 Q. Now, on the next day, that is November 17,
21 1998, was there an investigation in progress at 1929
22 Western Avenue?

23 A. Yes, there was.

24 Q. And how did - - how were you made aware of
25 that?

1 A. The crime scene analyst had contacted my
2 sergeant again, Ken Hefner, and told him that we probably
3 would be interested in responding to that location, that
4 there was a scene there, there were some bullets and also
5 some blood located there, so we headed down.

6 My sergeant instructed me to go down
7 there. I went down and upon my arrival I noticed that
8 the front window just south of the front door had been
9 broken and inside, inside the business - - the business
10 was vacant and it was - - I believe there are five rooms
11 and two bathrooms in the business.

12 However, the front room where you would go
13 through the doorway, the glass was inside and there was
14 also quite a bit of blood on the carpeting and also on
15 the glass and we also located, I believe it was at that
16 scene, three bullets and also three fragments of bullets
17 there.

18 There was also in the northwest corner of
19 the room a dark blue jacket with quite a bit of blood on
20 it. The jacket had some holes in it and the holes were
21 consistent with bullet holes.

22 We later compared the bullet holes and
23 they were similar to the bullet holes that Eric Hamilton
24 had in his body.

25 Q. And Eric Hamilton is what John Lumber Doe

1 was eventually identified as?

2 A. That's correct.

3 And when I'm saying similar, I mean its
4 positioning, where they were positioned on the body in
5 the jacket.

6 Q. Now, in addition to the scene at 1929
7 Western Avenue was your attention directed eventually to
8 1933 Western Avenue on that same day, November 17?

9 A. Yes, it was.

10 Q. For what reason?

11 A. The patrol officers that had arrived there
12 had contacted Jack Seka and they felt that he was a bit
13 nervous. They also had seen a bullet in front of Mr.
14 Seka on the desk and then related that to us.

15 There was also some burned clothing and
16 personal items to Peter Limanni that were located in a
17 dumpster in the back.

18 Q. And all of that had happened before your
19 attention was drawn over to that premise?

20 A. Yes.

21 Q. Did you enter and view the premises at
22 1933 Western?

23 A. Yes, I did.

24 We had contacted Mr. Seka and talked to
25 him and he gave permission to Sergeant Hefner to allow us

1 The couch had a bullet hole in the couch
2 and the bullet had passed through the couch into the wall
3 behind it and the bullet was recovered out of that wall.

4 We also found in the toilet, in the water
5 portion of the toilet in the bathroom was a .32 cartridge
6 which would be the bullet and shell casing in full. It
7 was submerged in water.

8 We also found in the ceiling - - it had a
9 false ceiling and we went up and looked around in the
10 ceiling. We found some .357 ammunition, I believe it was
11 maybe three cartridges, and a couple .32 cartridges also
12 in the ceiling.

13 Also found a wallet belonging to Peter
14 Limanni in the ceiling. The wallet contained a driver's
15 license of Peter - -

16 MR. KENNEDY: Objection.

17 Assumes facts not in evidence as to who
18 owned the wallet.

19 MR. KANE: I'm not saying it was
20 truthfully his identification. He can say what it said
21 on the identification.

22 MR. KENNEDY: He can say that, but he
23 can't say it's Peter Limanni's wallet.

24 THE COURT: All right.

25 BY MR. KANE:

1 Q, You found a wallet, correct?

2 THE COURT: The characterization that it's
3 Peter Limanni's wallet will be stricken.

4 Proceed.

5 BY MR. KANE:

6 Q. It bore identification; is that correct?

7 A. That's correct.

8 Q. What forms of identification?

9 A. It had a Nevada driver's license. I
10 believe it was in the name of Peter Limanni. It had A
11 Social Security number in the name of Peter Limanni, had
12 a birth certificate in the name of Peter Limanni and I
13 believe there was also some credit cards.

14 Q. And what else of significance did you
15 observe in 1933 Western Avenue?

16 A. There was also a purse, okay.

17 Q. Not important.

18 Q. In any event, in processing these scenes
19 as the homicide detective do you actually take possession
20 of any of the items of evidence and put them in the
21 evidence vault?

22 A. No, I do not.

23 Q. Who does that?

24 A. That would have been the crime scene
25 analysts who respond out there and there was crime scene

1 A. I'm not saying that.

2 Q. But you don't recall going back to the
3 scene twice?

4 A. No, I really don't.

5 Q. Would you have made a report indicating
6 that you had returned to the scene, later in the day?

7 A. We stayed there constantly, continually,
8 as you can see. It shows that we're there.

9 If I may have been - - I don't believe I
10 did leave, but if I did I - - there would have been other
11 detectives there or my sergeant.

12 Q. The items that were in the dumpster
13 itself, you testified they were burnt or they appeared
14 burnt; is that right?

15 A. That's correct, yes.

16 Q. You're saying that because they had
17 perhaps a black charring around them?

18 A. That's correct.

19 Q. Were they physically - - you testified you
20 didn't see anybody remove them, but could you identify
21 what the pieces of burnt evidence there were in that
22 dumpster and could you peer inside of it and see what was
23 in there?

24 A. Yes, I did.

25 Q. Is that in one of your reports, as well,

1 Q. What type of scene were you there to
2 investigate?

3 A. I had received a call as a malicious
4 destruction of private property/suspicious circumstances.

5 So when I arrived there that's the type of
6 scene that I was called to.

7 Q. Would you describe how the scene at 1929
8 Western looked at you first observed it?

9 A. Okay. Basically with my 23 years
10 experience as a crime scene analyst it looked like a
11 murder scene, but let me be more specific.

12 There was a point of entry into the scene
13 that was broken glass. There was blood all over it.

14 There was a piece of the molding from that
15 particular window that was out in the parking lot. It
16 appeared to have a bullet hole in through that molding.

17 There was a bullet, actually a lead
18 projectile apparently from a bullet on the sidewalk
19 outside that business. As you go inside the business
20 there's bloody glass all over.

21 There's apparent blood on the floor,
22 starting from about two feet from the south wall in the
23 reception area and it arched about eight feet on the rug
24 itself within that front of the business, whereas at the
25 end of the eight feet there was a large blood spot,

1 besides the blood that went up to it and then there was a
2 blood pattern coming back towards that point of entry
3 window that was busted.

4 Aside from that there was bullets inside
5 on the floor, which is not a normal thing to see on any
6 malicious property. There was a security guard jacket
7 that had blood on it and apparent bullet holes through
8 it.

9 I've seen things like this before on
10 hundreds of murder scenes and so it was more than a
11 malicious destruction of private property, in my view.

12 At the time I had 22 years experience. To
13 me, my own professional opinion at the time was this
14 could be a murder scene.

15 Q. Did the location itself have any
16 significance to you, the fact that it was Western Avenue?

17 A. Initially, no.

18 As the scene progressed I contacted my
19 supervisor at the time was Al Kabralis, and he contacted
20 homicide for me, because I had personal information that
21 there was a body discovered just the day before.

22 They did not know where the crime scene
23 was, but they found where a body was located. That body
24 at the time was called John Lumber Doe.

25 So in talking with homicide Al Kabralis,

1 This was an address photographed at that
2 location on Western that day.

3 State's proposed exhibit 8, this is a more
4 distant shot of the business, the front of the business
5 which looks west.

6 It includes part of the address number as
7 well as the broken window and apparent blood that's
8 located outside the business at that location.

9 State's proposed exhibit 9, this is a
10 photograph of the interior of the business showing the
11 apparent blood type drag marks, the broken glass and
12 other blood as well as the hat that was located inside
13 the point of entry window, which was a broken window, at
14 the west front side of the business.

15 State's proposed exhibit 10 is also a
16 photograph of the interior of the business. This is
17 showing part of that apparent blood type drag marks, the
18 pooling of blood I spoke about earlier as well as the
19 security coat I spoke about earlier that had the apparent
20 bullet-type holes through the coat.

21 State's proposed exhibit 11, also another
22 view of the blood drag type marks showing some broken
23 glass on the interior of this scene as well as I believe
24 the pamphlet that I recovered, advertisement of sort
25 sorts that I impounded as evidence.

EXHIBIT 25

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DISTRICT COURT
FILED IN OPEN COURT
CLARK COUNTY, NEVADA FEB 21 2001 19

SHIRLEY B. PARRAGUIRRE, CLERK

THE STATE OF NEVADA,

BY, Judy Norman
JUDY NORMAN DEPUTY

Plaintiff,

vs.

No. C159915
Dept No: XIV

JOHN JOSEPH SEKA,

Defendant.

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME I

February 20, 2001
1:10 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17

1 Like he got in trouble with the law.

2 I testified for him.

3 MR. CHRISTIANSEN: Objection. Your Honor.

4 It's irrelevant, non-responsive to the
5 prosecutor's question.

6 THE WITNESS: I'm trying to explain.

7 THE COURT: Just a minute. All right.

8 MR. KANE: I did not seek to elicit that
9 response. I simply wanted to establish they were arguing
10 over their personal relationship.

11 MR. CHRISTIANSEN: Move to strike.

12 THE COURT: No objection?

13 MR. KANE: No objection.

14 THE COURT: It is stricken.

15 Next question.

16 BY MR. KANE:

17 Q. Without going into the details of what you
18 were arguing about in the course of the argument did the
19 name of Pete Limanni come up?

20 A. Yes.

21 Q. By yourself or by Mr. Seka?

22 A. By Mr. Seka.

23 Q. And what did he say?

24 A. He - - the argument got very heated. I
25 got up and he was standing at the top of the steps in my

1 room. We were upstairs.

2 I got up in his face and he said to me "Do
3 you want me to do to you what I did to Pete Limanni?"

4 At that point I looked in his eyes and
5 never saw anything. I never looked in - - I never saw -
6 -

7 MR. CHRISTIANSEN: Objection, Your Honor.

8 THE WITNESS: - - I never saw anything
9 like it.

10 THE COURT: Just a minute.

11 MR. CHRISTIANSEN: I don't believe the
12 witness is going to be able to give statements of that
13 type.

14 MR. KANE: He's known him for 12, 13
15 years. It explains what happens next in the course of
16 the altercation.

17 THE WITNESS: And why I did what I did.

18 THE COURT: Just a moment. All right.

19 Are you offering the response to give some
20 basis for the next response or responses or are you
21 asking the individual here to indicate what look he saw
22 in his eyes.

23 MR. KANE: I'm offering it for two
24 reasons: to reflect Mr. Seka's attitude and demeanor at
25 the time he said this and to explain Mr. Cramer's

1 varying side effects, including confusion, loss of
2 memory, delusions, hallucinations, erratic behavior?

3 Are you aware those medications have all
4 those side effects?

5 A. I never experienced them from that.

6 The only thing I experienced from the
7 Paxil was it made me feel sort of violent, it really did.

8 When I was in building 50, they can
9 validify that because they gave me an 80-milligram dose
10 one night.

11 I could not sit still and I didn't know
12 what to do. I wanted to kill myself in the hospital.

13 Finally, somebody took me to the desk and
14 they gave me a shot and calmed me down.

15 Q. You told us in the past at the preliminary
16 hearing and you told us here today that you are a
17 recovering alcoholic?

18 Are you recovering - - are you in a
19 treatment program for alcoholism?

20 A. I go to three or four AA meetings a day.
21 I worked hard for it. I'm in therapy twice a week.

22 I have a therapist, a psychiatrist and I
23 make three groups a day, twice a week. I have two
24 sponsors and I worked real hard to get this - - just what
25 I got today.

1 Tender the witness.

2 THE COURT: Cross-examination

3

4

5

EXAMINATION

6

BY MR. KENNEDY:

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9

10

Q. Mr. Roberts, the scene itself when you got out there you had a chance to walk around and basically take a look and get a handle on the scene; is that correct?

11

A. Yes.

12

13

14

Q. Around the body area where the body of John Lumber Doe was found you didn't see any footwear impression, did you?

15

A. No, I did not.

16

17

Q. If you had you would have taken impressions of that footwear; is that correct?

18

A. Yes, we would have.

19

20

Q. On your evidence impound report it says you found two empty Beck's beer bottles; is that right?

21

A. Yes.

22

23

Q. You're certain they were Beck's beer bottles as opposed to Heinekin beer bottles?

24

A. Yes, just because of the label.

25

Q. You collected those items of evidence

1 yourself?

2 A. Yes.

3 MR. CHRISTIANSEN: Pass the witness.

4 THE COURT: Anything further?

5 MR. KANE: Just one further thing.

6 BY MR. KANE:

7 Q, Is it a part of your responsibility at
8 crime scenes to process the scenes for latent prints as
9 well?

10 A. Yes.

11 Q. Do you recall if you did that at this
12 time?

13 A. Not at this particular time.

14 MR. KANE: Nothing further.

15 THE COURT: Anything further?

16 BY MR. CHRISTIANSEN:

17 Q. To the best of your knowledge were the
18 beer bottles submitted for processing at later time?

19 A. Yes, they were.

20 Q. You didn't do the processing, did you?

21 A. No, I did not.

22 MR. CHRISTIANSEN: Pass the witness.

23 THE COURT: Anything further?

24 MR. KANE: No.

25 THE COURT: Thank you, very much, Mr.

1 Q. How long have you been so employed?

2 A. Approximately three and a half years now
3 I've been so employed.

4 Q. Were you on duty back on November 17,
5 1998?

6 A. I was.

7 Q. And did you have the same assignment at
8 that point?

9 A. I did.

10 Q. Did you get a call to go out to 1929
11 Western here in Las Vegas, Clark County, Nevada?

12 A. I did.

13 Q. What was the nature of the call?

14 A. I believe the business owner at a trophy
15 shop said he believed he saw a suspicious situation.

16 That's the way the call came into me and
17 my partner.

18 Q. Who is your partner?

19 A. Officer Rick Nogues.

20 Q. Are you guys in separate vehicles?

21 A. Yes.

22 Q. Did you each of you respond to the scene?

23 A. We did.

24 Q. What did you do upon responding?

25 A. Upon arrival we made contact with the

1 owner of the trophy store and he brought us to a
2 storefront a couple doors down from his building, from
3 his business, and he showed us a plate glass window next
4 to a doorway which had been broken and there was what we
5 now know to be blood on the ground and inside of that,
6 the entryway to that business inside of the broken glass.

7 Q. What did you do after you saw that?

8 A. We thought that maybe there was somebody
9 that might be injured inside or in the area, because of
10 the blood there, so my partner and I entered the business
11 through the broken glass.

12 We checked out the interior of this
13 business. It was vacant at that time and unoccupied, but
14 we checked the other rooms inside the business to make
15 sure there was nobody in there that needed medical
16 attention.

17 Q. What did you generally see inside the
18 business?

19 A. Generally we saw I believe more blood on
20 the carpet inside of that window and we also saw a dark
21 colored, dark blue jacket rolled up off to one side
22 inside of the business and a baseball cap as well, dark
23 colored baseball cap.

24 Q. Did you see any bodies or any people
25 there?

1 MR. FATTIG: May the record reflect the
2 identification of the Defendant?

3 THE COURT: It may.

4 BY MR. FATTIG:

5 Q. When the Defendant came up with the Toyota
6 pickup truck what did you do?

7 A. I believe that I informed him of why we
8 were there, the reason we were at the business, because
9 we had the suspicious situation next door with the blood,
10 and I asked him if he had been in the area, if he had
11 been around.

12 Q. What did the Defendant tell you?

13 A. I think that he told me at that time he
14 had just gotten back from somewhere back east, maybe New
15 Jersey or Philadelphia.

16 I really don't recall at this time.

17 Q. Do you remember whether or not he
18 indicated to you he had seen anything or heard anything
19 suspicious in the area?

20 A. I know that I asked him him if he had seen
21 or heard anything suspicious and he said that he had not.

22 Q. Did he indicate whether or not he worked
23 with anyone there at the business?

24 A. He did.

25 He said he had a partner at the business

1 Q. I want you to - - do you recognize this
2 document?

3 A. I do.

4 Q. And what is it?

5 A. This is an officer's report which I
6 dictated reference this incident.

7 Q. If you can refer to the second page and
8 read it to yourself and indicate to me after you've read
9 the middle paragraph there whether or not it refreshes
10 your recollection.

11 A. It does.

12 Q. What did Mr. Seka indicate in terms of the
13 last time he saw Peter Limanni?

14 A. He said that he hadn't seen him since
15 November 5.

16 Q. What happened next?

17 A. At the time - - I know it was late morning
18 and my partner and I, there were several different things
19 going on. We saw a dog inside this heating and air
20 conditioning business.

21 We had asked the owner on the trophy store
22 if this was unusual, that the business hadn't been opened
23 yet this morning, he indicated it was.

24 When Mr. Seka arrived I explained to him
25 why we were there and I wanted to make sure there was

1 nobody inside his business that also may need medical
2 attention, in light of the circumstances.

3 Q. Did you eventually go into the business?

4 A. I did.

5 Q. And was that with the consent of the
6 Defendant?

7 A. It was.

8 Q. And what did you see upon entering?

9 A. Upon entering the business I didn't see
10 anything unusual in the very front area.

11 I remember looking off to the left and
12 seeing some wood laying around and I believe Mr. Seka
13 explained that they had changed the business; they were
14 going to start a cigar humidor business and there was
15 some cedarwood and other things laying around.

16 It was obvious they were constructing a
17 humidor in there.

18 Q. Did you see anything unusual that struck
19 your attention?

20 A. Not in that immediate area, I didn't.

21 Q. Did you continue back into the office?

22 A. I did.

23 I continued past the reception area where
24 the desk was. There was a doorway that entered into the
25 back of the business and upon entering that area there

1 were two desks to my left and in the middle of the left
2 most desk there was a bullet that was standing on its
3 end, on its base, standing straight up in the middle of
4 the desk.

5 Q. Can you describe what the bullet looked
6 like?

7 A. It was about two, two and a half inches in
8 length and it had a rounded top.

9 Q. After seeing the bullet did you see any
10 other weapons or guns or anything?

11 A. I saw some knives in there as well.

12 Q. What did you do?

13 A. At that point I explained to Mr. Seka that
14 for my safety and the safety of my partner that I was
15 going to Pat him down to make sure he didn't have any
16 weapons that could be used against us.

17 I believe I also handcuffed him at that
18 point of time and informed him he was not under arrest,
19 but we needed to look further into what was going on
20 inside of that business.

21 Q. And after you placed him in handcuffs what
22 did you do?

23 A. I had him sit down on a couch which is in
24 the reception area, then I continued back into the
25 business to see if there was anybody in there that needed

1 Q. What did you see inside the dumpster?

2 A. I saw some miscellaneous papers on the
3 bottom of the dumpster, not very many papers, enough so
4 that I could see the bottom of the dumpster at several
5 different points within the dumpster.

6 Q. Did it look like the dumpster had been
7 actually dumped out at some point?

8 A. Yes.

9 Actually, the business owner of business
10 number four came out and I believe he told me that it had
11 just been emptied either that morning or the night prior.
12 So he didn't expected to see anything in the dumpster

13 Q. Was that the trophy shop guy?

14 A. Yes.

15 Q. Did you look elsewhere throughout that
16 back area?

17 A. Yes, just basically a peripheral, you
18 know, there wasn't a lot of obstructed views besides the
19 dumpster, so just in that general area in the back.

20 Q. Did you notice anything unusual in that
21 back area?

22 A. Not that I can recall.

23 Q. After you surveyed the area around the
24 businesses there what did you do next?

25 A. We decided that we didn't have a victim,

1 Q. You went back to the same dumpster you had
2 looked at earlier?

3 A. Yes.

4 Q. Was that the only dumpster in that back
5 area there?

6 A. Yes.

7 Q. And what did you see in the dumpster this
8 time?

9 A. I immediately noticed that there was some
10 clothing, maybe a few pieces of clothing, a shoe and a
11 number of inches worth of papers, probably four to six
12 inches worth of papers, that were now filled, that now
13 filled the bottom of the dumpster and miscellaneous
14 papers, I guess, clothing.

15 Q. All that stuff you were describing, none
16 of that was there earlier when you looked in the
17 dumpster?

18 A. Well, no, nothing that - - I mean, the
19 papers that were on the bottom of the dumpster the first
20 time I saw it were miscellaneous and still strewn about.

21 I could see the bottom. I didn't
22 specifically look at items, but the things that were
23 there when I came back most obviously were the clothing
24 and the shoes and then a large amount of paper,
25 identification, things like that that I know that I

1 didn't see the first time I was there.

2 Q. Were you looking - - did those types of
3 things, the identification, the clothing, the burnt
4 items, did that strike you as unusual?

5 A. It did, just because I knew that it wasn't
6 there when I was there hours earlier.

7 MR. FATTIG: May I approach the witness?

8 THE COURT: You may.

9 BY MR. FATTIG:

10 Q. Showing you proposed exhibit 60, a
11 photograph, do you recognize that?

12 A. It appears to be the dumpster that I came
13 back to.

14 Q. And is that in the condition it was the
15 second time when you observed it?

16 A. As far as I can recall, yes.

17 Q. Is that a fair and accurate reflection of
18 what it looked like when you looked in there?

19 A. Yes.

20 MR. FATTIG: Move for admission of Exhibit
21 60.

22 MR. CHRISTIANSEN: No objection.

23 THE COURT: Received. Thank you.

24 BY MR. FATTIG:

25 Q. Did you notice any cards in the area, the

EXHIBIT 26

60

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ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * *
FILED IN OPEN COURT
FEB 20 2001 19
SHIRLEY B. PARRAGUIRRE, CLERK
BY *Linda Skinner*
LINDA SKINNER, DEPUTY

STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
JOHN JOSEPH SEKA,)
)
Defendant.)
_____)

Case No. C159915
Dept. XIV

VOLUME I
REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE DONALD M. MOSLEY
DISTRICT JUDGE

Taken on Friday, February 16, 2001
At 10:50 a.m.

APPEARANCES:

For the State: EDWARD KANE, ESQ.
TIM FATTIG, ESQ.
Deputy District Attorneys
For the Defendant: KIRK T. KENNEDY, ESQ.
PETER S. CHRISTIANSEN, ESQ.

Reported by: Maureen Schorn, CCR No. 496, RPR

1 you either can clip it on or wear it around your neck.

2 Q The scene itself outside 1929, was there any
3 evidence of blood or blood droplets outside the entrance
4 of 1929?

5 A Yes, there was.

6 Q Was there any pattern from those droplets to
7 inside the building; in other words, a trail of droplets
8 leading into the building?

9 A I wouldn't say there was a trail of
10 droplets, but there was a couple of droplets outside. I
11 don't think I determined direction or anything at that
12 particular time, but there was a couple droplets out on
13 the sidewalk. The majority of the apparent blood was at
14 that point of entry and, of course, inside on the floor.

15 Q There was no blood leading to the back of
16 building where the door was secured; is that correct?

17 A Not that I saw.

18 Q And you looked over the whole area?

19 A Yes.

20 MR. KENNEDY: Pass the witness, Your
21 Honor.

22 THE COURT: Anything further, counsel?

23 MR. KANE: No redirect. Thank you,
24 Your Honor.

25 THE COURT: Thank you, sir. Next

1 A Right.

2 Q Which was from the 1998 Dodge van?

3 MR. CHRISTIANSEN: Your Honor, may I
4 approach to see better?

5 THE COURT: Yes, you may.

6 Q (By Mr. Fattig) Could you get into your
7 conclusions regarding this first piece of evidence booked
8 by Mr. McPhail from the Dodge van?

9 A Again, the middle portion of the chart or
10 the typing results, and then the side portion of the chart
11 has the conclusion. So the conclusion was, Mr. McPhail
12 called it apparent blood. It was determined that it was
13 human blood.

14 Q You conducted the test?

15 A I conducted the test to determine it was
16 human blood. The next part of the conclusion says who is
17 included as a source of the human blood. Well, Mr. Peter
18 Limanni. So what that means is, if you look it means that
19 he can't be excluded. In other words, this DNA type is
20 the same as Mr. Limanni. And if you look over here and
21 you look at the first one, you will see a B, B, A, A, A,
22 A, 1.2, 18, 25.

23 In this particular case, there was an NR put
24 up there. What that means is no results. Sometimes in
25 the DNA typing there are things that we encounter that

1 prohibit us from doing the typing. In other words,
2 remember, these are not pristine samples. These are
3 samples that are found at crime scenes.

4 There are things that can be found on
5 clothes like dyes that sometimes interfere with the DNA
6 testing. There are chemicals that are used on rugs that
7 may interfere with the DNA testing. So sometimes we hope
8 we get all the DNA results, but sometimes that just
9 doesn't happen.

10 In this case, there was some kind of
11 reaction where I did not get a result as far as whether
12 the DNA was male or female. So in those cases we just put
13 an NR there, meaning no results were obtained.

14 Q Does that affect your ability to make a
15 probability?

16 A No. The antigen is not taken into account
17 as far as the probability. It's just additional
18 information that says whether the blood was male or
19 female, but it's not taken into these numbers at all.

20 Q And what was the probability on that first
21 piece of evidence that it was Peter Limanni's blood, if I
22 were to tell you Peter Limanni was a Caucasian man?

23 A Then the probabilities are one in 1.8
24 million, meaning that you would have to test 1.8 million
25 people in order to find one person with that DNA type, and

1 the DNA matches Mr. Limanni.

2 Q Let's go on to the second piece of evidence
3 here which is listed as glass fragments with apparent
4 blood booked by Crime Scene Analyst Ruffino, Item No. 9
5 which he actually testified about.

6 What were your results on that test?

7 A Well, again, on the glass fragments we
8 generated the DNA type with probabilities. It was human
9 blood, and the included source is Eric Hamilton, which if
10 we look over here at Eric Hamilton's -- and I apologize
11 for having to write this in, but I hope you can see that
12 all the DNA types match Mr. Hamilton's, so the type is the
13 same.

14 Q And with regards to Mr. Hamilton, if I were
15 to tell you that Mr. Hamilton is an African American male,
16 what was the probability that that was his blood?

17 A If he was an African American male, then the
18 probability is one in 2.8 million, meaning you would have
19 to sample 2.8 million people to find one person that has
20 this type.

21 Q Would you have to sample 2.8 million African
22 Americans?

23 A Yes. If you want to talk specifically about
24 African Americans, right.

25 Q And let's move on to the third item on the

1 chart, which is just listed as magnetic cards with
2 apparent blood, again, booked by Mr. McPhail, Item No. 14
3 which is from --

4 MR. CHRISTIANSEN: Objection, Your
5 Honor. May we approach, briefly?

6 THE COURT: You may.

7 (Whereupon, counsel conferred with the Court.)

8 THE COURT: Proceed, counsel.

9 Q (By Mr. Fattig) And, sir, on the third
10 piece of evidence that you tested, Item 14 which is the
11 magnetic cards that I was talking about, what were your
12 results based on testing of that?

13 A Well, the magnetic cards, again, it was
14 human blood. The included source is Peter Limanni. So if
15 you look at Peter Limanni, you look at the results of the
16 typing there and the typing here, and they're the same.
17 And, again, Mr. Limanni is a Caucasian and one in 1.8
18 million people have that typing.

19 Q And how about the fourth piece of evidence?
20 Looks like Mr. McPhail, Package 14, Item 37. Again, what
21 were your conclusions on that one?

22 A On this particular swab it was human blood,
23 the included source is John Seka. Now, on this particular
24 swab you can see or focus in on the numbers, and you can
25 see that they're different.

1 The reason that the numbers are different on
2 this particular swab, there was -- when I do not put any
3 results in the block, what that indicates is that it was a
4 small amount of blood there. I was not able -- I was only
5 able to do a certain amount of DNA typing, and then the
6 blood simply ran out so I couldn't do anymore.

7 So in this particular swab item, I was able
8 to type the DNA in these six areas, but I was not able to
9 do D1S80 or antigen. So, again, because I didn't examine,
10 I wasn't able to do as much DNA typing as I had on the
11 reference standards, well, the probability is lower now.
12 The less types I do, the lower the number.

13 So in this case, the number I came up with
14 for Mr. Seka on this particular source, John Seka was one
15 in 17,200.

16 Q So the fact that you were unable to a
17 conduct those particular tests affected the probability
18 that you were able to reach in the end?

19 A I couldn't. The more testing do you, the
20 more probably it is that you can identify the blood. If
21 the blood runs out, that's it. You just have what you
22 have.

23 Q And that was blood that was found inside of
24 1933 Western on the wall?

25 A I don't know where it was found.

1 Q There will be later testimony on that. The
2 last item there looks like a swab with apparent blood
3 booked by Mr. Reed, crime scene analyst.

4 A Mr. Reed. And, again, same thing, blood
5 sample identified as human blood. The included source is
6 Eric Hamilton. If you look at the DNA types in the
7 standard and compare it to that swab, you see that they
8 are the same. Again, the probability of finding that
9 type -- Mr. Hamilton is an African American?

10 Q Yes.

11 A Would be one in 2.8 million.

12 Q And you were able to -- I see on the chart
13 you have excluded and included?

14 A Right. We also exclude people. In other
15 words, the included source would be a possible suspect
16 whose blood this could be. Excluded means that we have
17 excluded those people from being possible donors.

18 Just like if we were to find Type A blood at
19 a crime scene and you're a Type B person, then you're
20 excluded as a source. You couldn't have deposited that
21 blood because you're a different blood type. So excluded
22 sources are people that we can exclude and say they cannot
23 be the donor of this blood.

24 Q And I see on this last piece of evidence you
25 have excluded source John Joseph Seka?

1 A Yes.

2 Q That can't be John Seka's blood in this
3 particular case that was found in the back of the 1998
4 Toyota pickup?

5 A No, it could not be.

6 Q Could it be Peter Limanni's blood?

7 A The excluded source -- no, it couldn't be
8 Peter Limanni's blood either.

9 Q And you don't have Peter Limanni on there as
10 an excluded source, and could you explain that?

11 A The reason for that is, is that the evidence
12 sort of trickled into the laboratory. We process evidence
13 when we get a request from a detective. In this
14 particular case, Detective Thowsen submitted a request
15 sometime December and wanted us to look at certain pieces
16 of evidence.

17 A month or two later more evidence was
18 generated, or more evidence was deemed to be important in
19 this case, and a second request was sent through saying:
20 Would you now examine this evidence.

21 So at that time when this chart was
22 generated we didn't have Mr. Limanni's blood standard, so
23 that's why it doesn't appear on this particular chart.

24 Q But you were able to compare it to the
25 reference standard, the known sample of Mr. Limanni?

1 A Yeah. If we were to just look at the
2 standard here of the last one, just look at one number in
3 particular, this is a 1.1, 4.1. Mr. Limanni is a 1.2, so
4 that can't be his blood.

5 Q And, again, we can do the same thing with
6 the fourth item of evidence, you have excluded source,
7 Mr. Eric Hamilton?

8 A Right.

9 Q Can you say that also Peter Limanni can be
10 an excluded source of the blood found on the wall?

11 A 1.33, Mr. Limanni a 1.2. So, again, he can
12 be excluded. If you were to look at the types you could
13 see that he would be excluded.

14 Q And you can say that to an absolute
15 certainty?

16 A Yes.

17 Q It's just the included part is when we have
18 the ratios?

19 A Right.

20 Q And, again, the second piece of evidence,
21 the glass fragments with apparent blood which was located
22 inside of 1929 Western, you have excluded source, John
23 J. Seka. Can we also exclude Peter Limanni from that?

24 A Again, the type here if we just focus in on
25 the DQ81, this type is a 1.1 and 4.1. Mr. Limanni is a

1 1.2, so it can't be his blood.

2 Q To an absolute certainty?

3 A Yes.

4 Q If you could take your seat back. At this
5 point I'm going to ask you, do you have a copy of your
6 reports there?

7 A Yes. I do have copies of my reports.

8 Q Did you test some other items in this case
9 that we haven't talked about yet?

10 A Yes, I did.

11 Q Referring to an item that's listed on your
12 report as swab with blood booked by Mr. Reed, 37, 31,
13 Package 1, Item 2, could you find that?

14 A Yes, I can.

15 MR. CHRISTIANSEN: What's the date of
16 the report?

17 MR. FATTIG: The date of the report is
18 December 28th of '98 -- excuse me, December 18th, '98.

19 THE WITNESS: Yes.

20 Q (By Mr. Fattig) What were the results of
21 that particular --

22 A In summary, that swab with blood turned out
23 to be human blood, and Eric Hamilton could not be excluded
24 as the source of the blood.

25 Q And you were able to exclude Mr. Limanni and

1 Mr. Seka?

2 A Yes.

3 Q And what was the ratio on that particular
4 piece of evidence?

5 A The ratio? The probability?

6 Q The probability.

7 A It would be the same as the -- well, excuse
8 me. Mr. Hamilton is the African American?

9 Q Yes.

10 A One in 2.8 million.

11 Q You had occasion to test some hairs with
12 blood. Again, that's off of the report, that same report,
13 I believe, booked by Mr. McPhail, Item No. 6, 33, 26-5,
14 hairs with blood.

15 A Yes. I see that.

16 Q And those were hairs that were found
17 underneath Mr. Hamilton's finger. What was your analysis
18 on that?

19 A That Mr. Hamilton can't be excluded as the
20 source of the hair.

21 Q And, again, is that one in 2.8 million?

22 A Yes. The numbers are consistently the same.

23 Q And how about fingernail clippings with
24 blood, again taken from Mr. Hamilton?

25 A Eric Hamilton cannot be excluded as the

1 source of the blood found under the fingernail clippings.

2 Q And in that particular analysis, I believe
3 on your report it states that the ratio or probability is
4 one in 5700, and that's from the --

5 A Yes.

6 Q And is that, again, are the numbers
7 lower? Why are the numbers lower?

8 A The numbers are lower in this case, again,
9 because there was only a certain amount of blood present
10 and I could only do so much DNA typing. I wasn't able to
11 do the full complement.

12 Q And how about Mr. Reed booked Item No. 3
13 there, 37, 31-1, Item 3, again, swab with apparent blood
14 taken from the back of the Toyota truck, a separate swab.

15 What was the analysis on that?

16 A Again, Eric Hamilton cannot be excluded as
17 the source of that blood.

18 Q And, again, that was one in 5700?

19 A Yes, that was.

20 Q And Mr. McPhail booked 33, 26, Package 1,
21 Item 1, again, a swab of apparent blood taken out of the
22 1998 Dodge van. What was the analysis on that?

23 A Could you please refer to the report?

24 Q Yes. It's off of --

25 A Is that the same report, or a separate

1 report?

2 Q It is a separate report. That is the second
3 report you generated on February 8th of 1999.

4 A Okay.

5 Q And referring to Item 1, Package 1 from
6 Mr. McPhail.

7 A Item 1, Package 1. Okay, I see that.

8 Q Swab with apparent blood?

9 A Yes. The results are Peter Limanni cannot
10 be excluded as a source of that blood.

11 Q That was from the back of the Dodge van.
12 What was the ratio or findings on that in terms of the
13 numbers?

14 A One in -- Mr. Limanni is Caucasian, one in
15 35,500.

16 Q And you also had occasion, again, referring
17 to that same report on the next page, Mr. McPhail booked
18 Package 14, Item 40, again, a swab of apparent blood off
19 of a sink counter inside 1933 Western.

20 What were the findings on that one?

21 A That John Seka cannot be excluded as a
22 source of that blood.

23 Q And since Mr. Seka is Caucasian, that would
24 be one in 1.9 million?

25 A Yes.

1 Q And you also had occasion to, again, right
2 below that Mr. McPhail booked some blue jeans with
3 apparent blood found inside of 1933 Western.

4 What was the conclusion on that one? That
5 would be Item 33, Package 11.

6 A On the blue jeans, John Seka cannot be
7 excluded as the source of the blood on the blue jeans.

8 Q And that would be one in 17,200 on that
9 particular test?

10 A Yes.

11 Q Did you also have occasion to test a piece
12 of fabric that was submitted and it was described as a
13 stained piece of fabric?

14 A Yes.

15 Q What was the test on that that you did?

16 A Testing on the fabric, I described it as
17 having reddish/brownish stains. The tests were negative
18 for the presence of blood, so they were brown stains but
19 they weren't blood.

20 Q And did you also have occasion to conduct
21 DNA analysis on two Marlboro cigarette butts that were
22 recovered by Vince Roberts near the body of where Eric
23 Hamilton was found?

24 A Yes, I did.

25 Q And what were the results of that?

1 A No typing, DNA typing results were obtained
2 on the cigarette butts.

3 Q And why is that?

4 A Sometimes on cigarettes butts we can get DNA
5 types because, as I mentioned, DNA can be obtained from
6 all the cells in your body, including the cells in your
7 mouth.

8 Generally speaking, if a person has wet lips
9 and smokes the entire cigarette and the filter would be
10 wet, the chances are very good that we could get a DNA
11 type off of that. If a person just takes one drag of the
12 cigarette and puts it down and didn't smoke much of it and
13 his lips were dry, or her lips were dry, the chances are
14 we couldn't get DNA typing results.

15 And in this case I can't tell you why we
16 didn't. There could be other reasons, we just didn't get
17 any type of results off the cigarette butts.

18 Q And to the best of your knowledge, have we
19 now covered all the items that you conducted tests on?

20 A I believe so.

21 Q And who decided which items for you to
22 conduct tests on?

23 A It's generally decided by the investigating
24 officer in charge. In this case it was Tommy Thowsen.
25 Oftentimes, the detective will call the DNA laboratory and

1 A On DNA typing and testing, no. On DNA in
2 general, yes.

3 Q Now, that changed, if I count seven classes
4 you've been to in 1996, when you started going to these
5 classes for DNA analysis, correct?

6 A Correct.

7 Q And that would be about five years ago?

8 A Yes.

9 Q Now, five years ago there was a prevalent
10 type of DNA testing that was done, and what was that
11 called?

12 A I am not sure. Are you trying to ask about
13 RFLP?

14 Q Yes.

15 A Okay. I refer to this technology as an
16 older technology, and it's more specifically what we call
17 an older PCR technology. There was a DNA technology that
18 was around before this, because the technology changes
19 very rapidly. Every couple of years what was deemed state
20 of the art becomes obsolete.

21 And what you're referring to is, there was a
22 technology called RFLP. Is that what you're referring to?
23 It was predated PCR technology, and was the original old
24 DNA technology that people first started working with.

25 Q Was this RFLP testing, or was this PCR

1 testing?

2 A This was PCR testing.

3 Q And what type of testing do you do today at
4 your lab?

5 A PCR testing.

6 Q Is it a new type of PCR testing?

7 A Yes. It's a more advanced type of PCR
8 testing than what we were doing in 1998.

9 Q I understand science moves quickly and
10 you're oftentimes called upon to testify for now three
11 years, two-and-a-half years out from when you performed
12 most of these tests?

13 A Yes.

14 Q Nobody ever called you up and said: Hey,
15 Mr. Welch, why don't you test those cigarette butts under
16 the new PCR testing, the most sophisticated we have as of
17 today at the time of trial?

18 You were never called upon to do anything
19 after February of 1999, correct?

20 A That's correct.

21 Q And you understand during this trial, my
22 client is on trial for his life?

23 A Yes. I understand that.

24 Q And you told the jury one of the most
25 important things for you to do when you get blood samples

EXHIBIT 27

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

Copy all

EVENT #: 981116-0443

MURDER WITH DEADLY WEAPON
SUBJECT

DIVISION REPORTING: ISD - HOMICIDE DIVISION OF OCCURRENCE: PD
DATE AND TIME OCCURRED: 11-16-98 / 0617 HRS LOCATION OF OCCURRENCE: APPROX 2 MI
SO OF STATE RTE 146 ON
LVBS

DICTATING OFFICER: DET. J. BUCZEK
HOMICIDE SECTION

VICTIM: HAMILTON, ERIC
BMA DOB: 11-16-64
SSN:
LVMPD ID#: 1590973

SUSPECT: SEKA, JOHN JOSEPH (JACK)
WMA DOB: 11-16-64
SSN:
FBI#: 118012KA6
ADDRESS: 1933 WESTERN AVE.
LAS VEGAS, NV 89103
CELL PH#: 429-5957

I. SYNOPSIS

On 11-16-98, Michael Stanish was driving his vehicle southbound on Las Vegas Boulevard South and observed a dead body laying on the west side of the road in the desert. The body had various sizes of lumber laying across it. Stanish drove to a nearby work site and called on Jeffery Lowery's cellular telephone to the Las Vegas Metropolitan Police Department to report his find.

Date and Time of 9 12-1-98 Officer: DET. J. BUCZEK P#: 3702
Approved: Sgt. K. Heffner Officer: James J. Buczek P#:
SIGNATURE: James J. Buczek AA002237
VMPD 82 (REV. 1-91) • AUTOMATED

II. PERSON AT THE SCENE

A. LVBS 2 MILES SOUTH OF STATE RTE 146

1. PATROL DIVISION - RESIDENT SECTION

A. OFF. G. KAPP, P#2136

2. GENERAL ASSIGNMENT DETAIL

A. DET. M. HNATUICK, P#3582

B. DET. D. FLYNN, P#3028

3. HOMICIDE SECTION

A. LT. W. PETERSEN, P#1913

B. SGT. K. HEFNER, P#2185

C. DET. T. THOWSEN, P#1467

D. DET. J. BUCZEK, P#3702

4. CRIMINALISTIC PERSONNEL

A. CSA SUPERVISOR G. REED P#3731

B. CSA D. LEMASTER, P#4243

C. CSA V. ROBERTS, P#5714

5. CLARK COUNTY CORONER AND MEDICAL EXAMINER'S OFFICE

A. CORONER'S INVESTIGATOR J. STALLINGS
PRONOUNCED THE VICTIM DEAD AT 0920 HOURS

6. DAVIS MORTUARY

A. ATTENDANT M. HARDICK

B. ATTENDANT B. BALLARD

7. CLARK COUNTY FIRE DEPARTMENT RESCUE 87

A. FIRE FIGHTER UPTON

B. FIRE FIGHTER LEARY

B. 1929 WESTERN AVENUE AND 1933 WESTERN AVENUE

1. PATROL DIVISION

- A. OFF. R. KROLL, P#4850
- B. OFF. R. NOGUES, P#5622

2. HOMICIDE SECTION

- A. SGT. K. HEFNER, P#2185
- B. DET. T. THOWSEN, P#1467
- C. DET. J. BUCZEK, P#3702

3. CRIMINALISTICS PERSONNEL

- A. CSA SUPERVISOR A. CABRALES, P#2045
- B. CSA D. RUFFINO, P#1502
- C. CSA R. MCPHAIL, P#3326

III. WITNESSES INTERVIEWED

REFER TO DET. T. THOWSEN'S OFFICER'S REPORT

IV. PERSON REPORTING

STANISH, MICHAEL FELIX

WMA DOB: 02-04-55

SSN:

ADDRESS:

4 BRIGHT DR

LAS VEGAS, NV. 89117

PH#: 243-4053

WORK ADDRESS:

6120 W. TROPICANA #A-16,

LAS VEGAS, NV. 89103

WK PH#: 880-0660

V. DETAILS

Upon receiving Stanish's call, Resident Off. G. Kapp was dispatched to the scene. Off. Kapp arrived, determined that the victim was dead, and requested that General Assignment detectives respond. Det. D. Flynn and Det. M. Hnatuick arrived, viewed the scene, and requested that Homicide detectives be notified and respond.

VI. CRIME SCENE INVESTIGATION

A. NOTIFICATION OF HOMICIDE SECTION

On 11-16-98, at approximately 0733 hours, I was contacted by Sgt. K. Hefner while I was at the office. Sgt. Hefner instructed me to respond to Las Vegas Boulevard South, two miles south of State Route 146. I responded and arrived at approximately 0807 hours.

I met with my partner, Det. T. Thowsen, and Sgt. K. Hefner. It was determined that Det. Thowsen would be responsible for interviewing the witnesses and that I would be responsible for the crime scene investigation.

Crime Scene Analysts LeMaster, Reed, and Roberts arrived. They photographed the scene, completed a crime scene sketch, and processed the scene for evidence.

Coroner's Investigator J. Stallings arrived and pronounced the victim dead at 0920 hours. Davis Mortuary attendants arrived the scene, removed the victim's body and transported the victim to the Clark County Coroner and Medical Examiner's office pending an autopsy.

B. DESCRIPTION OF THE SCENE

The scene was located in the desert area west of Las Vegas Boulevard South and east of the fence that is between Las Vegas Boulevard South and I-15 North. A compound for Lucky's food store transport trailers is north of the scene.

The victim is laying in the middle of two tire-tracks. The tracks enter the desert north of the victim from Las Vegas Boulevard South and exit the desert south of the victim returning onto the paved roadway. Northeast of the victim is a white filtered cigarette butt. A white filtered cigarette butt is also located southeast of the victim on the shoulder of the road.

A blue can of Skoal is east of the victim's body on the shoulder of the road. An empty Heineken beer bottle is located southeast of the victim. Another set of tire-tracks pull into the desert and appear to back out, northeast of the victim. The GPS coordinates are north 35 degrees 56.268 and west 115 degrees 11.216.

C. DESCRIPTION OF THE BODY

The victim is a black male adult. He is laying face-down on the ground. The victim's head of pointing to the north and his feet are to the south. His arms

are extended over his head. The victim has a rubber band around his left wrist and has a yellow-colored metal ring with numerous clear stones on his right ring finger.

He is wearing a charcoal-colored short-sleeved shirt and there is apparent blood stain on the front of the victim's shirt. He is also wearing black Levis jeans which are size 34/30, and black athletic shoes. There is a tear in the right leg of the Levis beneath the right rear pocket. There are seven pieces of various sized lumber, including a panel of cedar, laying across of and on top of the victim's body. The wood consisted of various lengths of 2 1x4's, a 1x6, a 1x3, a 2x4, and a 5 1/2"x1/2" piece of OBS plywood. The cedar panel measured 4'x15" x1/4". A 3/4" x 1 1/2" tag was stapled to the end of a 1"x6" and has a bar code and Plum Creek printed on it. The 1"x6" board has the number 2 and < inscribed on it with an orange crayon. The wood appeared to be relatively new and was not stained nor weathered.

The victim's body is laying approximately 48 feet 6 inches west of the center line of Las Vegas Boulevard South. Coroner's Investigator Stallings moved the victim's body and it was learned that there was one gunshot wound to the victim's back beneath the left shoulder-blade. There is a second gunshot wound to the lower left abdomen. A third gunshot wound was located in the chest.

A piece of scrap paper was located in the victim's right front pocket. The name "Jack" and the telephone number 429-5957 were written on the paper.

D. DESCRIPTION OF 1929 WESTERN AVENUE

On 11-17-98, at approximately 1007 hours, Officer R. Nogues and Officer R. Kroll were dispatched to 1929 Western Avenue under event #981117-0730, in reference to a glass window that had been broken out in a vacant business. Upon their arrival they discovered a large amount of apparent blood stains inside the vacant business. They requested that Criminalistics respond to process the scene. Criminalistics personnel arrived and contacted Sgt. K. Hefner in the Homicide office. Sgt. Hefner was informed that they were at 1929 Western Avenue and that the scene contained apparent blood stains, spent bullets and a broken window. Sgt. Hefner and I responded to 1929 Western Avenue.

The front door of the business of 1929 Western Avenue faces west and is located between 1925 Western Avenue and 1933 Western Avenue. 1929 Western Avenue consists of five empty rooms, one storage area and two bathrooms. The room containing the crime scene is the southwest room of the vacant business.

The entryway consists of a glass wall facing west, a glass wall facing south, and a cinder block wall facing south. The west glass wall consists of two glass panels and a glass door. The door swings out and to the north. The glass panel which is located south of the door is broken and most of the broken glass is laying on the floor inside. There is apparent blood stain on the glass inside of the building and on the floor.

There are drag marks across the green carpet, consisting of apparent blood, which starts at the bloodied and broken glass and arches to the north to another apparent blood stain on the carpet. There is another set of drag marks from the second stain returning to the broken window. A dark-blue jacket stained with apparent blood is located in the northwest corner of the room. The jacket also had some holes in it that were consistent with holes made by bullets. The location of the holes in the jacket are consistent with the location of the wounds found in victim Eric Hamilton's body. A gold-colored bracelet was found on the glass near the doorway. A black hat with the logo JC Penny Construction/ Arcadia in white lettering, was located just inside the front door.

A spent bullet was located on the floor next to the south wall. A second spent bullet was located on the carpet next to the east wall. Two bullet fragments were located on the carpet between the arching drag marks and the east wall. A third spent bullet was located on the carpet, just inside of the front door. An unopened boxed toothbrush was just inside of the front door. A fourth spent bullet was located on the sidewalk, just south of the entryway, in front of 1929 Western Avenue. There are apparent blood stains on the sidewalk and carpet directly in front of the entry to 1929 Western Avenue.

E. DESCRIPTION OF 1933 WESTERN AVENUE

The front of the business is constructed of glass. The glass has a mirrored tint applied to it. The address 1933 Western Avenue is located above the front door in white letters and numbers. In front of 1933 Western Avenue is a large brown box with apparent blood stains on it. The interior is undergoing extensive remodeling. The front door pulls out and swings to the north. There is an apparent blood stain on the outside handle of the door. There is another apparent blood stain on the south portion of the door jam. Upon entering the business there are two small rooms.

The north room connects to a walk-in humidor which is entered through French doors in the east wall. The walls of the humidor are constructed of cedar, however a section measuring 31"x15" is not covered with cedar. A piece of OBS plywood that occupies the 31"x15" space was removed and impounded by crime scene analysts. The size of the missing piece of cedar is somewhat similar in size with the piece of cedar measuring 4"x15" that was recovered at the Las Vegas Blvd. South crime scene. The north room

contains various sizes of lumber including 2x4's, 1x6's, 1x4's, cedar tongue and groove planks, and OSB plywood . One piece of lumber has a 2 and < written on it with an orange crayon. A 1x4 had a 1 1/2"x3/4" tag stapled to the end. The tag has a bar code and Plum Creek printed on it. This tag is similar to the tag that was found on a piece of lumber at the Las Vegas Blvd. South crime scene. A handbag belonging to Lydia Gorzoch was located in the false ceiling above the French doors. The handbag and contents were reported stolen under Event Number 981106-0539. Gorzoch's window in her unoccupied vehicle was shot out with a firearm and her handbag was removed.

The room to the south contains a couch against the east wall and various sizes of cedar lumber are piled against the front window. A door in the southeast corner of the east wall offers access into the office area. Two desks are against the south wall and are cluttered with various items. A desk is against the northwest corner of the north wall.

A pair of blue jeans stained with apparent blood was draped over an open desk drawer of the desk against the north wall. A shredder and file cabinet are also against the north wall. A grey couch is against the west wall and a bullet hole travels through it. Two pieces of sheet-rock are behind the couch and the bullet traveled through the first sheet of sheet-rock and was lodged in the second sheet of sheet-rock. Three .357 shell-casings were recovered in the false ceiling above the northwest desk.

Also located in the ceiling was a wallet belonging to Peter Limanni. The wallet contained his driver's license, Social Security card, birth certificate, and various credit cards. A high-back chair is in the middle of the room. The entire room is cluttered. A large opening, approximately 7 feet by 7 feet, is located in the east wall and accesses a storage room which is quite cluttered.

A door is in the northeast corner of the east wall and offers access to the rear parking area. Just west of the door on the northwest wall is an apparent blood smear. In the northwest corner of the west wall is a counter and sink. There is an apparent blood stain on the counter. A red plastic ammunition packaging with 25 empty slots is located on the hot water heater south of the counter. A copy machine is located against the north wall.

A doorway is in the northwest corner of the north wall and accesses a small hallway. The north wall of the hallway accesses two bathrooms. The west bathroom contains a sink and a toilet. A .32 caliber cartridge is located in the water of the toilet bowl. The east bathroom contains a sink and a makeshift shower.

A doorway in the east part of the hallway accesses a room. The room contains a chair and ottoman in the northeast corner, a white desk against

the south wall, and a partition near the southwest corner. A mattress and bag of clothing are on the floor. A .32 caliber cartridge was located in the northeast corner of the false ceiling. An ironing board is located in the middle of the room. An athletic shoe is located on the ironing board. A blood smear is located on the east wall of the room, over the electrical box, nearest the northeast corner.

A dumpster located to the rear of the business contained burnt clothing. There were also burnt personal items that belonged to Peter Limanni in the dumpster.

A 1998 Toyota pickup truck, bearing Nevada license plates 720JJM, and a 1998 Dodge van, bearing Nevada license plates 514JME were located in the parking lot in front of the business. Apparent blood was located in the rear cargo area of the van and in the bed of the pickup truck. Presumptive testing was conducted and it was determined that the stains were human blood. The vehicles were sealed and towed to the LVMPD Crime Lab where they were later processed for evidence.

F. VISIBLE EVIDENCE AT THE SCENE

1. LAS VEGAS BOULEVARD SOUTH, 2 MILES SOUTH OF STATE ROUTE 146

Refer to CSA Roberts' evidence impound report.

2. 1929 WESTERN AVENUE AND 1933 WESTERN AVENUE

Refer to CSA McPhail's evidence impound report.

VII. INTERVIEW OF WITNESSES

Refer to Det. T. Thowsen's Officer's Report.

VIII. AUTOPSY

The autopsy of the body of Eric Hamilton was conducted at the Clark County Coroner and Medical Examiner's office on 11-17-98 at approximately 0930 hours.

A. PERSONS IN ATTENDANCE

1. DR. S. GREEN - MEDICAL EXAMINER
2. K. MORRIS - FORENSIC ASSISTANT
3. DET. J. BUCZEK, P#3702

4. CSA R. MCPHAIL, P#3326

B. LOCATION OF INJURIES

1. One entry gunshot wound to the left lower abdomen.
2. One exit gunshot wound to the right buttocks.
3. One entry gunshot wound to the back left of midline.
4. One exit gunshot wound to the chest.
5. One entry gunshot wound to the right rear thigh.
6. One exit gunshot wound to the right inner thigh.
7. One gunshot wound grazing the right rear thigh.
8. Abrasions to the chest.
9. Abrasions and contusions on the nose, left cheek, and above the left eye.
10. Abrasions on the left elbow.
11. Abrasions on the right palm and thumb.
12. A laceration on the right forearm.

C. ITEMS IMPOUNDED

Refer to CSA McPhail's Evidence Impound Report.

D. CAUSE OF DEATH

After a complete autopsy, Dr. Green ruled the cause of death to be a gunshot wound to the back. The manner of death was homicide.

JB/smb
984163

AA 002245

EXHIBIT 28

AA 002246

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CRIME SCENE REPORT

SECTOR/BEAT C2

INCIDENT HOMICIDE - FOLLOW-UP		EVENT # 981116-0443	
REQUESTING OFFICER THOWSEN, P# 1467 BUCZEK, P# 3702		DIVISION ISD	DATE 11-17-98 TIME 1132
VICTIM JOHN "LUMBER" DOE		LOCATION 1929 WESTERN AVENUE	

RESULTS OF INVESTIGATION ☐ NO ACTION TAKEN ☐ NO EVIDENCE RECOVERED

1. PHOTOGRAPHY

- ☐ black and white negatives exposed
☒ color negatives exposed
☐ _____

2. LATENT PRINT PROCESSING

- ☒ latent processing conducted
☒ latent fingerprints lifted
☒ latent palm prints lifted
☐ negative results
☐ _____

3. FIREARMS EVIDENCE

- ☒ projectile(s) recovered
☐ casing(s) recovered
☐ cartridge(s) recovered
☐ weapon(s) recovered
☐ _____

4. FOOTWEAR AND TIRE IMPRESSIONS

- ☐ footwear ☐ tire impression(s)
☐ casting ☐ original surface
☐ photographed ☐ _____

5. POSSIBLE BODY FLUIDS RECOVERED

- ☒ bloodlike substance(s) ☒ control(s)
☐ _____

6. TOOLMARK EVIDENCE

- ☐ original surface recovered ☐ casting
☐ tools recovered
☐ _____

7. OTHER

☒ Refer Property Report

VEHICLES

ADDITIONAL INFORMATION

On 11-17-98 at 1132 hours, I, Senior Crime Scene Analyst (CSA) D. Ruffino, P# 1502, arrived at the listed location, initially to investigate a malicious destruction of private property/suspicious circumstances call under Event #981117-0730. After evaluation of the scene and additional information was obtained, the scene was investigated as a follow-up call under Event #981116-0443. CSA Supervisor A. Cabrales, P# 2045, arrived at the scene at approximately 1230 hours, and Homicide Detectives were contacted and they arrived a short time later.

APPROVED		P#	2045	ID OFFICER	David Ruffino 	1502
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H:\FRONTOFF\SHIRLEY\WORK AREA\RUFFINO\RUFFINO\CSR

AA 002247

SCENE:

The scene was located at 1929 Western Avenue at a vacant, unrented business suite in a building shared by other businesses, which is physically located on the east side of Western Avenue with the front of the building facing in a westerly direction.

A broken point-of-entry window was located on the front west side of the business with apparent blood located on the ground, glass fragments, and on the sidewalk outside the point-of-entry.

A large lead, possible bullet fragment was located on the front sidewalk four (4) feet south of the location. The apparent lower point-of-entry window molding, with an apparent bullet hole through it, was found just west of the businesses' front sidewalk.

Upon entering the front west door of the vacant business, the point-of-entry west front broken window was located just south of the entrance, with several broken glass fragments located on the floor inside the point-of-entry, with apparent blood on the floor and several glass fragments inside the point-of-entry. A gold colored nugget-type bracelet was found on the floor inside the point-of-entry just one (1) inch east of the south wall. A J. C. Penney construction cap and a packaged beige toothbrush were located on the floor inside the west front door.

An apparent blood trail was observed in the center of the room, starting two (2) feet from the south wall of the office, arcing northward for about eight (8) feet, where a large apparent blood spot is located, before it arcs back toward the initial point-of-entry window in a southerly direction.

A blue winter security-type jacket, with apparent blood on it and bullet-type holes in it, was found lying on the floor in the northwest corner of the room.

Two (2) small pieces of paper were found on the floor, one (1) with "GSI Thunderbird Hotel" printed on it, and the second one with "1149 Feet" printed on one side and "Security" printed on the other side. An escort-type advertisement publication was also located on the floor.

Five (5) more pieces of firearms-type evidence was located on the floor inside the business on the office floor. A copper-jacketed bullet was found adjacent to the south wall of the office. A second copper-jacketed bullet was found adjacent to the east wall of the office. The third copper-jacketed bullet was found lying on a broken glass fragment inside the west front door. Two (2) additional lead/copper bullet-type fragments were found on the center/east side floor of the office.

The rest of the business contained additional empty offices, men's and women's bathrooms, and a secured rear east door.

No victim for this incident was located on the premises.

APPROVED		PN	2016	ID OFFICER	David Ruffino		PN	1502
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PHOTOGRAPHY:

I exposed color negatives of the scene showing the address location; overall views of the sidewalk; the exterior of the location; the west point-of-entry broken window; overall views of the interior front west empty reception/office area; the apparent victim's hat, coat, and toothbrush; and close-up views of firearms and other evidence recovered.

EVIDENCE:

I recovered the above mentioned lead bullet and possible blood sample from the front sidewalk, a glass fragment with possible blood on it from the ground outside the west point-of-entry window, the three (3) copper-jacketed bullets, and two (2) fragments from the office floor, as well as the coat, cap, toothbrush, glass samples with and without possible blood, hair samples, carpet standard, two (2) pieces of paper with printing, an escort-type advertisement, and a gold colored nugget-type bracelet. Please refer to my Evidence Impound Report under this event number for a complete description and exact locations of the items recovered.

LATENT PRINTS:

I processed the scene for latent fingerprints, with latents being recovered from the exterior north vertical metal frame edge to the west front point-of-entry window, the interior front west door on the glass pane, and from a glass fragment inside the point-of-entry on the office floor.

CRIME SCENE DIAGRAM:

I prepared a sketch of the scene, including the sidewalk in front of the location, the point-of-entry window, the front reception area/office, and the location of evidence recovered showing pertinent relationships and measurements.

No further action taken.

NOV 23 10 51 AM '98

APPROVED		PR	2011 -	ID OFFICER	David Ruffino 	1502
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EXHIBIT 29