


FILED
FIFTH JUDICIAL DISTRICT

MAR 26 2021


Nye County Clerk
Electronically Filed
Mar 30 2021 03:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 DANIEL E. MARTINEZ, ESQ.
Nevada Bar No. 12035
2 **DANIEL MARTINEZ LAW, LLC**
3 3199 E. Warm Spring Rd., Ste 100
Las Vegas, Nevada 89120
4 Telephone: 702-625-0610
Facsimile: 702-947-8068
5 Email: daniel@danielmartinezl原因.com
6 *Attorney for Defendant/Appellant*

7 **IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE**
8 **OF NEVADA IN AND FOR THE COUNTY OF NYE**

9 THE STATE OF NEVADA,
10 Plaintiff/Respondent

District Court Case No. CR9226

11 vs.

Department No. 2

12 COLE DUANE ENGELSON,
13 Defendant/Appellant

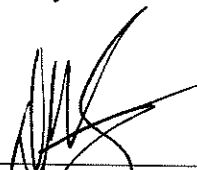
Supreme Court Case No:

14 **NOTICE OF APPEAL**

15 DANIEL E. MARTINEZ, ESQ. of the law firm of DANIEL MARTINEZ LAW, LLC. attorney
16 for Defendant/Appellant, COLE DUANE ENGELSON, hereby gives notice of intent to appeal to the
17 Supreme Court of Nevada from the final Judgment of Conviction entered the 12th day of March, 2021
18 in the above-captioned matter.

19 A copy of the Judgment of Conviction appealed from is attached to this Notice of Appeal as
20 Exhibit "1" hereto.

21 DATED this 26th day of March, 2021


22 
23 **DANIEL E. MARTINEZ, ESQ.**
24 Nevada Bar # 12035
25 3199 E. Warm Spring Rd., Ste 100
26 Las Vegas, Nevada 89120
27 Telephone: 702-625-0610
28 *Attorney for Defendant/Appellant*

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2021, I, DANIEL E. MARTINEZ, ESQ., served the foregoing NOTICE OF APPEAL by depositing a copy in the U.S. Mail, first-class postage prepaid, addressed to the following person(s) at the following address(es):

NYE COUNTY DISTRICT ATTORNEY
Chris R. Arabia, Esq., District Attorney
Kirk D. Vitto, Esq. Chief Deputy District Attorney
1520 East Basin Avenue, Suite 107
Pahrump, Nevada 89060



DANIEL E. MARTINEZ, ESQ.

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EXHIBIT “1”

Case No. CR 9226

MAR 12 2021

Dept. No. 2P

Nye County Clerk

Judy Ayotte Deputy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

COLE DUANE ENGELSON,

Defendant.

On the 16th day of November 2020, the above-named defendant, appeared before the Court, in custody, with his counsel, DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., and was found guilty by a jury of the crime of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030 a category "A" felony. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 8th day of March 2020, the defendant appeared personally, in custody, with his counsel DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., for entry of judgment. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him, the Court adjudged the Defendant guilty of the crime(s) of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030a category "A" felony..

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a term of *Life Imprisonment without the possibility of parole.*

That the Defendant shall pay to the Clerk of this Court a sum of \$25.00 as an Administrative Assessment fee.





1 That the Defendant shall pay to the Clerk of this Court a sum of \$150.00 as a DNA fee.

2 That the Defendant shall pay to the Clerk of this Court the sum of \$3.00 as a DNA
3 Administrative Assessment fee.

4 That the Defendant shall pay to the Clerk of this Court a sum of \$500.00 in attorney
5 fees.

6 That the Defendant shall pay to Nye County the sum of \$400.00 for preparation of pre-
7 sentence investigation report.

8 That the Defendant shall pay restitution in the amount of \$11,803.86.

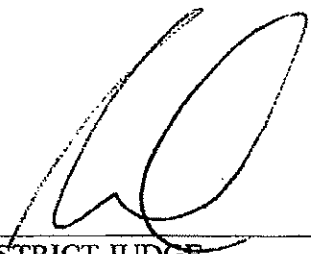
9 That the Defendant sign a civil confession of judgment for the amount of restitution
10 fees owed and pay all applicable fees associated with the filing of the judgment, if any.

11 That the Defendant shall receive credit for one thousand three hundred thirty-three
12 (1,333) days pre-sentence time served.

13 IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless
14 previously ordered by this court for forfeiture or any other purpose.

15 Pursuant to NRS 239B.030, the undersigned affirms this document does not contain the
16 social security number of any person.

17 DATED this 12th day of March 2020.

18
19 
20 DISTRICT JUDGE
21
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CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 12th day of March 2020, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

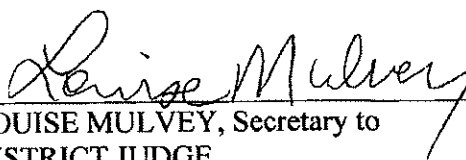
NYE COUNTY DISTRICT ATTORNEY
1520 E. BASIN AVE.
PAHRUMP, NV 89060
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

DANIEL MARTINEZ, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

NYE COUNTY SHERIFF
TONOPAH, NV 89049
(FLEET DELIVERED)

NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV 89048
(HAND DELIVERED)


LOUISE MULVEY, Secretary to
DISTRICT JUDGE



DANIEL E. MARTINEZ, ESQ.
Nevada Bar No. 12035
DANIEL MARTINEZ LAW, LLC
3199 E. Warm Spring Rd., Ste 100
Las Vegas, Nevada 89120
Telephone: 702-625-0610
Facsimile: 702-947-8068
Email: daniel@danielmartinezl原因.com
Attorney for Defendant/Appellant

FILED
FIFTH JUDICIAL DISTRICT

MAR 26 2021

 Nye County Clerk
Deputy

**IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF NYE**

THE STATE OF NEVADA,
Plaintiff/Respondent

District Court Case No. CR9226

vs.

Department No. 2

COLE DUANE ENGELSON,
Defendant/Appellant

Supreme Court Case No:

CASE APPEAL STATEMENT

COMES NOW Defendant/Appellant, COLE DUANE ENGELSON, by and through his Public Defenders, DANIEL E. MARTINEZ, ESQ. and RONNI N. BOSKOVICH, ESQ., and hereby submits the following Case Appeal Statement pursuant to N.R.A.P. 3(f):

1. Name of appellant(s) filing this case appeal statement:

COLE DUANE ENGELSON

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

The Honorable Robert Lane, Fifth Judicial District Court Judge, Nye County, Nevada,
Department 2

3. Identify each appellant and the name and address of counsel for each appellant:

COLE DUANE ENGELSON, Defendant/Appellant
c/o DANIEL E. MARTINEZ, ESQ.
3199 E. Warm Spring Rd., Ste 100
Las Vegas, Nevada 89120
Telephone: 702-625-0610

1 and

2 RONNI N. BOSKOVICH, ESQ.
3 3190 South Highway 160, Suite H
4 Pahrump, Nevada 89048
(702) 583-4041

5 4. Identify each respondent and the name and address of appellate counsel, if known, for each
6 respondent:

7 THE STATE OF NEVADA, Plaintiff/Respondent
8 NYE COUNTY DISTRICT ATTORNEY'S OFFICE
9 CHRIS ARABIA, ESQ., DISTRICT ATTORNEY
10 KIRK VITTO, ESQ. CHIEF DEPUTY DISTRICT ATTORNEY
1520 East Basin Ave., Suite 107
Pahrump, NV 89060

11 5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to
12 practice law in Nevada and, if so, whether the district court granted that attorney permission to appear
13 under SCR 42:

14 No attorney identified in section 3 or 4 is an unlicensed practitioner in the State of Nevada.

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

16 Appellant was represented by court-appointed counsel, DANIEL E. MARTINEZ, ESQ. and
17 RONNI N. BOSKOVICH, ESQ., Nye County Public Defenders, at all relevant time in this matter
18 in the Nye County District Court (Note: Appellant was initially represented by BRENT
19 PERCIVAL, ESQ.; however, DANIEL E. MARTINEZ, ESQ. and RONNI N. BOSKOVICH,
20 ESQ., were substituted in as counsel of record on March 30, 2020).

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

22 Appellant is represented by court-appointed counsel DANIEL E. MARTINEZ, ESQ. and
23 RONNI N. BOSKOVICH, ESQ., Nye County Public Defenders.

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

No. Defendant was represented by Nye County Public Defenders DANIEL E. MARTINEZ, ESQ. and RONNI N. BOSKOVICH, ESQ., at the time of sentencing.

9. Indicate the date the proceedings commenced in the district court:

November 27, 2018

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment and order being appealed and the relief granted by the district court:

This is a criminal Appeal, taken from a written Judgment of Conviction entered the 12th day of March, 2021, adjudicating the Defendant/Appellant COLE DUANE ENGELSON guilty of Count 1: ***First Degree Murder***, a Category A felony. Defendant/Appellant was found guilty after a jury trial, and was sentenced on March 8, 2021. Appellant is seeking a new trial.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

To the best of Counsel for Appellant's knowledge, this case has not previously been the subject of an Appeal.

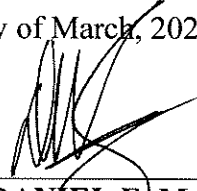
12. Indicate whether this appeal involves child custody or visitation:

This case does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This is not a civil case.

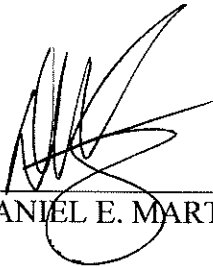
RESPECTFULLY SUBMITTED this 26th day of March, 2021.


DANIEL E. MARTINEZ, ESQ.
Nevada Bar # 12035
3199 E. Warm Spring Rd., Ste 100
Las Vegas, Nevada 89120
Telephone: 702-625-0610
Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2021, I, DANIEL E. MARTINEZ, ESQ., served the foregoing CASE APPEAL STATEMENT by depositing a copy in the U.S. Mail, first-class postage prepaid, addressed to the following person(s) at the following address(es):

NYE COUNTY DISTRICT ATTORNEY
Chris R. Arabia, Esq., District Attorney
Kirk D. Vitto, Esq. Chief Deputy District Attorney
1520 East Basin Avenue, Suite 107
Pahrump, Nevada 89060



DANIEL E. MARTINEZ, ESQ.

Fifth Judicial District Court - Nye County
Case Summary

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Case #: CR0009226
Judge: LANE, ROBERT W
Date Filed: 11/14/2018 **Department:**
Case Type: Crimes Against Persons (Felony)

Defendant	Attorney(s)
ENGELSON, COLE DUANE	BOSKOVICH, RONNI
Plaintiff	
STATE OF NEVADA	DISTRICT ATTORNEY'S OFFICE

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
01/11/2021	CRTIMP	\$50.00	\$50.00	\$0.00	\$0.00

Charge: NRS 200.010 / NRS 200.030 FIRST DEGREE MURDER F/A Count 1
Sent: FOUND GUILTY OF FIRST DEGREE MURDER BY A JURY ON NOVEMBER 16, 2021. SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE.

Disp/Judgment: **Date:**

Hearings:

Date	Time	Hearing	Court Result
01/28/2019	9:00AM	ARRAIGNMENT HEARING	
02/11/2019	9:00AM	STATUS CHECK	
06/03/2019	9:00AM	CALENDAR CALL(D2P-7.5 DAYS-07/08-12&17-19/19)	
06/03/2019	2:30PM	JURY DRAW - FILE TO LOUISE (120 JURORS)	
10/14/2019	11:00AM	MTN FOR JUDICIAL...	
10/28/2019	9:00AM	CALENDAR CALL(D2P-8.5 DAYS-12/03-06&09-13/19)	
10/28/2019	2:30PM	JURY DRAW - FILE TO LOUISE (120 JURORS)	
11/01/2019	8:30AM	STATUS CHECK (RE: JURY TRIAL)	
12/16/2019	9:00AM	27 STATUS CHECK (RE: JURY TRIAL)	
01/13/2020	9:00AM	22 CALENDAR CALL (02/19-21, 25-28, 03/03-06/20)	
01/13/2020	2:30PM	99 JURY DRAW - FILE TO LOUISE	
01/13/2020	9:00AM	DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL	
02/19/2020	8:30AM	PRE-TRIAL MOTIONS (CONT 12/10)	CANC
02/19/2020	9:00AM	JURY TRIAL (2/19-2/21, 2/25-2/28, 3/3-3/6/2020)	CANC
02/24/2020	3:00PM	PRE-TRIAL MOTIONS (PETROCELLI MOTION)	CANC
03/09/2020	9:00AM	29 STATUS CHECK/TRIAL DATES	CANC

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03/09/2020	9:00AM	29 STATUS HEARING	CANC
03/23/2020	11:00AM	70 STATUS HRG/MTN FOR PRO SE (11AM TO 9AM-PER LOUISE)	CANC
03/23/2020	9:00AM	03# STATUS HRG/DEFT'S MTN FOR PRO SE REPRESENTATION	
04/06/2020	9:00AM	61#STATUS HRG/MTN FOR DEPOSITION	
04/06/2020	9:00AM	CALENDAR CALL	CANC
04/06/2020	2:30PM	JURY DRAW-120 JURORS FILE TO LOUISE	CANC
05/05/2020	8:30AM	PRE TRIAL MOTIONS	CANC
05/05/2020	9:00AM	JURY TRIAL MAY5-8, 12-15, 20-22	CANC
05/21/2020	10:00AM	DEPOSITION - CHRIS PULLEN	
06/22/2020	9:00AM	61#MOTION FOR EXTRAORDINARY FEE	CANC
06/22/2020	9:00AM	61#DEFENDANT'S MOTION TO SUPPRESS	CANC
07/06/2020	9:00AM	61#MOTION ADMITTING BAD ACT EVIDENCE	
07/06/2020	9:00AM	61#CALENDAR CALL (JT 08/11-8/28)	
07/06/2020	2:30PM	99#JURY DRAW-120 JURORS FILE TO LOUISE	
07/06/2020	9:00AM	61#DEFENDANTS MOTION TO SUPPRESS	
07/06/2020	9:00AM	61#MOTION FOR EXTRAORDINARY FEE	
07/10/2020	9:00AM	STATUS CHECK	
08/10/2020	1:15PM	99#PETROCELLI HEARING (DAY 1)	
08/11/2020	8:30AM	PRE TRIAL MOTIONS	CANC
08/11/2020	10:00AM	JURY TRIAL-AUG 11-14, 19-21, 25-28	CANC
08/11/2020	1:15PM	PETROCELLI HEARING (DAY 2)	
08/20/2020	11:00AM	CRIMINAL SETTLEMENT CONFERENCE	
10/05/2020	9:00AM	62#CALENDAR CALL (JT 11/2/2020 3 WEEKS)	
10/22/2020	9:00AM	PRE TRIAL MOTION RE REMOTE TESTMONY	
10/26/2020	11:00AM	MTN RE REMOTE TESTMONY	CANC
10/29/2020	3:00PM		
11/02/2020	9:00AM	JURY TRIAL(11/2/20 THROUGH 11/20/20-3 WEEKS	CONTINUED
11/04/2020	9:00AM	JURY TRIAL (3 WEEKS)	
01/11/2021	9:00AM	80#ORDER TO SHOW CAUSE FOR MULTIPLE JURORS	
01/13/2021	8:30AM	01#RECALL B/W OF MATERIAL WITNESS CHRISTOPHER PULLEN	
02/01/2021	9:00AM	54#SENTENCING	
03/08/2021	9:00AM	54#SENTENCING HEARING	

Filings:

Date	Filing
11/14/2018	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT
11/14/2018	BINDOVER ORDER
11/14/2018	RECEIPT FROM PAHRUMP JUSTICE COURT
11/19/2018	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT (TRANSCRIPT OF WAIVER OF PRELIMINARY HEARING) (HEARING 11/14/18)
11/27/2018	INFORMATION (FELONY/PERSON)

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01/28/2019	Court Minutes
02/07/2019	AMENDED INFORMATION(FELONY/PERSON)
02/11/2019	Court Minutes
02/14/2019	ORDER SETTING JURY TRIAL(D2P-7.5 DAYS JULY 8-12 & 17-19)
02/15/2019	NOTICE OF PENALTIES FOR FIRST DEGREE MURDER
04/05/2019	NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES
04/05/2019	AMENDED NOTICE OF WITNESSES
04/05/2019	NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES
04/05/2019	NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES
04/05/2019	NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES
04/05/2019	NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES
04/09/2019	NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES (NICOLE VAN AKEN)
05/14/2019	REQUEST FOR DISCLOSURE (EVIDENCE)
05/20/2019	RECEIPT OF SERVICE
05/20/2019	CERTIFICATE OF SERVICE
06/03/2019	Court Minutes
06/06/2019	ORDER SETTING JURY TRIAL (D2P- 7 DAYS- 12/10-13 & 16-18/19)
09/20/2019	JUDICIAL NOTICE
09/23/2019	OMNIBUS MOTION
09/27/2019	ORDER SETTING HEARING (10/14/19 @ 11:00 AM)
10/07/2019	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM(10/14/19)
10/14/2019	Court Minutes
10/18/2019	SECOND AMENDED NOTICE OF WITNESSES
10/22/2019	AMENDED ORDER SETTING JURY TRIAL
10/23/2019	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM/ ORDER (HRG 10/28/19 9AM-RONDA VAN WINKLE;
10/24/2019	TRANSCRIPT OF: MOTION FOR JUDICIAL NOTICE HEARING (10/14/19)
10/28/2019	Court Minutes
11/01/2019	Court Minutes
11/04/2019	ORDER SETTING JURY TRIAL (2/19-21; 2/25-28 & 3/3-3/6/2019)
11/04/2019	TRANSCRIPT OF:CALENDAR CALL(10/28/19)
11/05/2019	TRANSCRIPT OF:STATUS CHECK(RE: JURY TRIAL)(11/1/19)
11/25/2019	BRIEF IN SUPPORT OF ADMITTING BAD ACT EVIDENCE
11/25/2019	TRANSCRIPT OF:ARRAIGNMENT(1/28/2019)
11/25/2019	TRANSCRIPT OF: STATUS CHECK(2/11/2019)
11/25/2019	TRANSCRIPT OF: CALENDAR CALL(6/3/2019)
12/03/2019	ERRATA TO BAD ACT BRIEF
12/13/2019	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
12/16/2019	COURT MINUTES
12/19/2019	EX PARTE MOTION FOR EXTRAORDINARY FEES FOR EXPERT WITNESS
12/20/2019	ORDER FOR REIMBURSEMENT OF EXTRAORDINARY COSTS
12/20/2019	ORDER FOR EXTRAORDINARY FEES FOR EXPERT WITNESS (GRANTED)
12/24/2019	CRIMINAL SUBPOENA -RETURN OF SERVICE
01/03/2020	TRANSCRIPT OF: STATUS CHECK (12/16/19)
01/08/2020	TRANSCRIPT OF: CALENDAR CALL (D2P - 7.5 DAYS - 07/08-12 & 17-19/19) (6/3/19)

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Case Summary

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01/10/2020 DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL/ NOTICE OF HEARING (01/13/2020, 9AM) (SUBMITTED BY BRENT D. PERCIVAL, ESQ., FOR DEFENDANT COLE DUANE ENGELSON)

01/13/2020 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM(SELWIN HARRIS-PV TIMES)

01/13/2020 COURT MINUTES

01/22/2020 TRANSCRIPT OF: CALENDAR CALL(1/13/20)

01/23/2020 ORDER SETTING JURY TRIAL

01/24/2020 STIPULATION AND ORDER TO ADMIT (STIPULATION ONLY/NO ORDER) (SUBMITTED BY KIRK VITTO, CDDA, FOR STATE OF NEVADA, AND BRENT D. PERCIVAL, ESQ., FOR DEFENDANT)

01/30/2020 ORDER TO ADMIT

02/10/2020 NOTICE OF MOTION AND MOTION FOR DEPOSITION

02/28/2020 DEFENDANTS FORMAL REQUEST FOR PRO SE, SELF REPRESENTATION

03/05/2020 ORDER SETTING HEARING (VACATE 3/9/20-SET 3/23/20)

03/17/2020 DEFENDANTS FORMAL REQUEST FOR PRO/SE, SELF REPRESENTATION

03/23/2020 COURT MINUTES

03/30/2020 ORDER APPOINTING COUNSEL

03/30/2020 DEFENSE ATTORNEY: BOSKOVICH, RONNI AND MARTINEZ, DANIEL ASSIGNED

03/30/2020 ***** END OF FILE NO. 1 *****

04/06/2020 COURT MINUTES

04/06/2020 EX PARTE MOTION FOR EXTRAORDINARY FEES FOR INVESTIGATIVE COSTS

04/08/2020 ORDER FOR EXTRAORDINARY FEES FOR INVESTIGATIVE COSTS

04/09/2020 TRANSCRIPT OF: STATUS CHECK/DEFT'S MOTION FOR PRO SE REPRESENTATION

04/27/2020 STIPULATION AND ORDER FOR THE DEPOSITION OF CHRISTOPHER PULLEN

04/27/2020 ORDER FOR THE DEPOSITION OF CHRISTOPHER PULLEN

04/28/2020 ORDER TO PRODUCE PRISONER

04/29/2020 DEFENDANT COLE D ENGELSON'S OPPOSITION TO BAD ACT EVIDENCE

05/07/2020 TRANSCRIPT OF: STATUS HEARING/MOTION FOR DEPOSITION(4/6/20)

05/21/2020 COURT MINUTES - 5/21/20

05/27/2020 REPLY TO OPPOSITION TO BRIEF IN SUPPORT OF ADMITTING BAD ACT EVIDENCE

05/27/2020 TRANSCRIPT OF: DEPOSITION OF CHRISTOPHER PULLEN (05/21/2020)

06/04/2020 MOTION TO SUPPRESS DEFENDANT'S STATEMENTS/ NOTICE OF MOTION (06/22/2020, 9AM) (SUBMITTED BY DANIEL E. MARTINEZ, ESQ., FOR DEFENDANT)

06/05/2020 ORDER RESETTING THE TIME FOR THE FOLLOWING CASES FOR DEPARTMENT 2 (06/22/2020 FROM 9:00 TO 10:00)

06/08/2020 EX PARTE MOTION FOR ADDITIONAL EXTRAORDINARY FEES FOR EXPERT WITNESS COSTS (SUBMITTED BY DANIEL E. MARTINEZ, ESQ., FOR DEFENDANT)

06/12/2020 OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S STATEMENTS

06/12/2020 ***** END OF FILE NO. 2 *****

06/16/2020 STIPULATION TO CONTINUE (MOTION HEARING, 06/22/2020, 9AM)

06/17/2020 ORDER TO CONTINUE(7/6/2020)

06/24/2020 ORDER TO PRODUCE PRISONER

06/26/2020 ORDER TO PRODUCE PRISONER

07/06/2020 COURT MINUTES

07/08/2020 ORDER SETTING HEARING (07/10/2020)

07/08/2020 COURT ORDER

07/08/2020 COURT ORDER

07/08/2020 THIRD AMENDED NOTICE OF WITNESSES (SUBMITTED BY NCDA/ KIRK D. VITTO, CDDA, FOR STATE)

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07/09/2020 TRANSCRIPT OF PROCEEDINGS DEFENDANT'S MOTION TO SUPPRESS/MOTION ADMITTING
BAD ACT EVIDENCE/CALENDAR CALL JULY 6, 2020

07/10/2020 COURT MINUTES

07/10/2020 ORDER CONTINUING JURY TRIAL(11/2-20/2020)

07/22/2020 TRANSCRIPT OF: STATUS CHECK/NEW TRIAL DATES-7/10/20

08/10/2020 COURT MINUTES

08/11/2020 COURT MINUTES

08/11/2020 SETTLEMENT CONFERENCE ACKNOWLEDGMENT

08/12/2020 ORDER SETTING HEARING (CRIMINAL SETTLEMENT CONFERENCE, 08/20/2020, 11AM)

08/19/2020 TRANSCRIPT OF: PETROCELLI HEARING DAY 1 (8/10/20)

08/20/2020 COURT MINUTES

08/24/2020 FOURTH AMENDED NOTICE OF WITNESSES

08/24/2020 STATE'S AMENDED NOTICE OF EXPERT WITNESSES

08/25/2020 RECEIPT OF COPY

08/25/2020 RECEIPT OF COPY

08/25/2020 TRANSCRIPT OF: PETROCELLI HEARING DAY 2 (8/11/2020)

09/14/2020 AFFIDAVIT FOR ATTENDANCE OF OUT OF STATE WITNESS

09/14/2020 AMENDED ORDER SETTING JURY TRIAL(11/4/2020 3 WEEKS)

09/14/2020 CERTIFICATE

10/01/2020 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM/
ORDER (HRG 10/05/2020 - DEANNA O'DONNELL; MISSEY KOHLER, KPVM-TV)

10/05/2020 *****END OF FILE #3*****

10/05/2020 STATE'S SECOND AMENDED NOTICE OF EXPERT WITNESSES

10/05/2020 FIFTH AMENDED NOTICE OF WITNESSES

10/05/2020 NOTICE OF ENTRY OF WAIVER AND AGREEMENT OF OUT OF STATE WITNESSES

10/05/2020 COURT MINUTES

10/05/2020 VENIRE

10/05/2020 VENIRE

10/05/2020 VENIRE

10/06/2020 AFFIDAVIT FOR ATTENDANCE OF OUT-OF-STATE WITNESS

10/08/2020 CERTIFICATE

10/13/2020 TRANSCRIPT OF: CALENDAR CALL(10/5/20)

10/19/2020 RECEIPT OF COPY

10/19/2020 SIXTH AMENDED NOTICE OF WITNESSES

10/20/2020 EX PARTE MOTION FOR ADDITIONAL EXTRAORDINARY FEES FOR EXPERT WITNESS COSTS

10/20/2020 MOTION ON ORDER SHORTENING TIME TO ALLOW REMOTE TESTIMONY VIA AUDIOVIDEO
TECHNOLOGY (SUBMITTED BY NCDA/ KIRK D. VITTO, CDDA, FOR THE STATE)

10/21/2020 OPPOSITION TO MOTION ON ORDER SHORTENING TIME TO ALLOW REMOTE TESTIMONY VIA
AUDIOVIDEO TECHNOLOGY

10/21/2020 ORDER SHORTENING TIME TO HEAR: MOTION ON ORDER SHORTENING TIME TO ALLOW
REMOTE TESTIMONY VIA AUDIOVIDEO TECHNOLOGY

10/21/2020 ORDER FOR ADDITIONAL EXTRAORDINARY FEES FOR EXPERT WITNESS COSTS

10/22/2020 COURT MINUTES

10/23/2020 COURT ORDER (HRG 10.22.2020)

10/27/2020 MOTION TO DISQUALIFY THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE

10/29/2020 OPPOSITION TO DEFENDANT'S MOTION TO DISQUALIFY THE NYE COUNTY DISTRICT
ATTORNEY'S OFFICE

10/29/2020 COURT MINUTES

11/03/2020 TRANSCRIPT OF: STATES MOTION TO ALLOW REMOTE TESTIMONY(10/22/20)

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Case Summary

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11/04/2020	COURT MINUTES
11/06/2020	MOTION FOR MATERIAL WITNESS ARREST
11/06/2020	WARRANT OF ARREST MATERIAL WITNESS
11/12/2020	SEVENTH AMENDED NOTICE OF WITNESS
11/12/2020	STATE'S THIRD AMENDED NOTICE OF EXPERT WITNESSES
11/16/2020	INSTRUCTIONS TO THE JURY
11/16/2020	VERDICT COUNT 1 - GUILTY 1ST DEGREE MURDER
11/24/2020	ORDER TO SHOW CAUSE(WILLIAM WHITE) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(ALBERT KRUMINS) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(CHAD JONES) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(CAROL A HULL) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(ZACHARY PRYOR) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(KENNETH E MURPHY SR) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(JENNIFER HINCKS) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(HEIDI L FLEISS) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(CLARENCE HARGIS) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(LAWRENCE EDWARD BURSON) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(MICHAEL RIGNEY) (1/11/21)
11/24/2020	ORDER TO SHOW CAUSE(DILLON J PILLMAN-BRADEN) (1/11/21)
12/01/2020	ORDER VACATING ORDER TO SHOW CAUSE (CAROL A. HULL)
12/01/2020	ORDER VACATING ORDER TO SHOW CAUSE (KENNETH E MURPHY, SR.)
12/03/2020	ORDER VACATING ORDER TO SHOW CAUSE(MICHAEL RIGNEY)
12/04/2020	ORDER VACATING ORDER TO SHOW CAUSE (HEIDI FLEISS)
12/14/2020	ORDER VACATING ORDER TO SHOW CAUSE (ALBERT KRUMINS)
01/11/2021	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
01/11/2021	COURT MINUTES (HEARING 01/11/2021)
01/11/2021	PAYMENT \$50.00 RECEIPT #4553
01/13/2021	COURT MINUTES
01/13/2021	COURT ORDER
01/14/2021	PRESENTENCE INVESTIGATION REPORT
01/15/2021	DEFENSE ATTORNEY: MARTINEZ, DANIEL ASSIGNED
02/01/2021	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
02/01/2021	COURT MINUTES
02/02/2021	PAYMENT \$0.00 RECEIPT #4802
02/03/2021	TRANSCRIPTS OF: MOTION TO DISQUALIFY THE NYE COUNTY'S DISTRICT ATTORNEY'S OFFICE (10.29.2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 1 (NOVEMBER 4, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS---JURY TRIAL DAY 2 (NOVEMBER 5, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 3 (NOVEMBER 6, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 4 (NOVEMBER 9, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 5 (NOVEMBER 10, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 6 (NOVEMBER 12, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS---JURY TRIAL DAY 7 (NOVEMBER 13, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 8 (NOVEMBER 16, 2020)
02/11/2021	TRANSCRIPT OF: OSC MATERIAL WITNESS BENCH WARRANT RTN(CHRISTOPHER PULLEN) (1/13/21)
03/03/2021	TRANSCRIPT OF: SENTENCING(CONT) (2/1/21)

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03/08/2021	COURT MINUTES
03/12/2021	JUDGMENT OF CONVICTION
03/16/2021	TRANSCRIPT OF: SENTENCING(3/8/21)
03/26/2021	NOTICE OF APPEAL
03/26/2021	CASE APPEAL STATEMENT

FILED
FIFTH JUDICIAL DISTRICT

Case No. CR 9226

Dept. No. 2P

MAR 12 2021

Nye County Clerk
Deputy

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE**

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

COLE DUANE ENGELSON,

Defendant.

On the 16th day of November 2020, the above-named defendant, appeared before the Court, in custody, with his counsel, DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., and was found guilty by a jury of the crime of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030 a category "A" felony. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 8th day of March 2020, the defendant appeared personally, in custody, with his counsel DANIEL MARTINEZ, ESQ. and RONNI BOSKOVICH, ESQ., for entry of judgment. The state was represented by CHRIS ARABIA, District Attorney and KIRK VITTO, ESQ., Chief Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him, the Court adjudged the Defendant guilty of the crime(s) of FIRST DEGREE MURDER, a violation of NRS 200.010/NRS 200.030a category "A" felony..

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a term of *Life Imprisonment without the possibility of parole.*

That the Defendant shall pay to the Clerk of this Court a sum of \$25.00 as an Administrative Assessment fee.

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES





1 That the Defendant shall pay to the Clerk of this Court a sum of \$150.00 as a DNA fee.

2 That the Defendant shall pay to the Clerk of this Court the sum of \$3.00 as a DNA
3 Administrative Assessment fee.

4 That the Defendant shall pay to the Clerk of this Court a sum of \$500.00 in attorney
5 fees.

6 That the Defendant shall pay to Nye County the sum of \$400.00 for preparation of pre-
7 sentence investigation report.

8 That the Defendant shall pay restitution in the amount of \$11,803.86.

9 That the Defendant sign a civil confession of judgment for the amount of restitution
10 fees owed and pay all applicable fees associated with the filing of the judgment, if any.

11 That the Defendant shall receive credit for one thousand three hundred thirty-three
12 (1,333) days pre-sentence time served.

13 IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless
14 previously ordered by this court for forfeiture or any other purpose.

15 Pursuant to NRS 239B.030, the undersigned affirms this document does not contain the
16 social security number of any person.

17 DATED this 12th day of March 2020.

18 
19 _____
20 DISTRICT JUDGE
21
22
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28



CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 12th day of March 2020, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

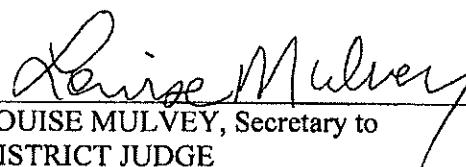
NYE COUNTY DISTRICT ATTORNEY
1520 E. BASIN AVE.
PAHRUMP, NV 89060
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

DANIEL MARTINEZ, ESQ.
3190 S. HWY. 160, SUITE H
PAHRUMP, NV 89048
(HAND DELIVERED)

NYE COUNTY SHERIFF
TONOPAH, NV 89049
(FLEET DELIVERED)

NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV 89048
(HAND DELIVERED)


LOUISE MULVEY, Secretary to
DISTRICT JUDGE

Fifth Judicial District Court - Nye County
Case Summary

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Case #: CR0009226
Judge: LANE, ROBERT W
Date Filed: 11/14/2018 **Department:**
Case Type: Crimes Against Persons (Felony)

Defendant	Attorney(s)
ENGELSON, COLE DUANE	BOSKOVICH, RONNI
Plaintiff	
STATE OF NEVADA	DISTRICT ATTORNEY'S OFFICE

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
01/11/2021	CRTIMP	\$50.00	\$50.00	\$0.00	\$0.00

Charge: NRS 200.010 / NRS 200.030 FIRST DEGREE MURDER F/A Count 1
Sent: FOUND GUILTY OF FIRST DEGREE MURDER BY A JURY ON NOVEMBER 16, 2021. SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE.

Disp/Judgment: **Date:**

Hearings:

Date	Time	Hearing	Court Result
01/28/2019	9:00AM	ARRAIGNMENT HEARING	
02/11/2019	9:00AM	STATUS CHECK	
06/03/2019	9:00AM	CALENDAR CALL(D2P-7.5 DAYS-07/08-12&17-19/19)	
06/03/2019	2:30PM	JURY DRAW - FILE TO LOUISE (120 JURORS)	
10/14/2019	11:00AM	MTN FOR JUDICIAL...	
10/28/2019	9:00AM	CALENDAR CALL(D2P-8.5 DAYS-12/03-06&09-13/19)	
10/28/2019	2:30PM	JURY DRAW - FILE TO LOUISE (120 JURORS)	
11/01/2019	8:30AM	STATUS CHECK (RE: JURY TRIAL)	
12/16/2019	9:00AM	27 STATUS CHECK (RE: JURY TRIAL)	
01/13/2020	9:00AM	22 CALENDAR CALL (02/19-21, 25-28, 03/03-06/20)	
01/13/2020	2:30PM	99 JURY DRAW - FILE TO LOUISE	
01/13/2020	9:00AM	DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL	
02/19/2020	8:30AM	PRE-TRIAL MOTIONS (CONT 12/10)	CANC
02/19/2020	9:00AM	JURY TRIAL (2/19-2/21, 2/25-2/28, 3/3-3/6/2020)	CANC
02/24/2020	3:00PM	PRE-TRIAL MOTIONS (PETROCELLI MOTION)	CANC
03/09/2020	9:00AM	29 STATUS CHECK/TRIAL DATES	CANC

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03/09/2020	9:00AM	29 STATUS HEARING	CANC
03/23/2020	11:00AM	70 STATUS HRG/MTN FOR PRO SE (11AM TO 9AM-PER LOUISE)	CANC
03/23/2020	9:00AM	03# STATUS HRG/DEFT'S MTN FOR PRO SE REPRESENTATION	
04/06/2020	9:00AM	61#STATUS HRG/MTN FOR DEPOSITION	
04/06/2020	9:00AM	CALENDAR CALL	CANC
04/06/2020	2:30PM	JURY DRAW-120 JURORS FILE TO LOUISE	CANC
05/05/2020	8:30AM	PRE TRIAL MOTIONS	CANC
05/05/2020	9:00AM	JURY TRIAL MAY5-8, 12-15, 20-22	CANC
05/21/2020	10:00AM	DEPOSITION - CHRIS PULLEN	
06/22/2020	9:00AM	61#MOTION FOR EXTRAORDIANRY FEE	CANC
06/22/2020	9:00AM	61#DEFENDANT'S MOTION TO SUPPRESS	CANC
07/06/2020	9:00AM	61#MOTION ADMITTING BAD ACT EVIDENCE	
07/06/2020	9:00AM	61#CALENDAR CALL (JT 08/11-8/28)	
07/06/2020	2:30PM	99#JURY DRAW-120 JURORS FILE TO LOUISE	
07/06/2020	9:00AM	61#DEFENDANTS MOTION TO SUPRESS	
07/06/2020	9:00AM	61#MOTION FOR EXTRAORDINARY FEE	
07/10/2020	9:00AM	STATUS CHECK	
08/10/2020	1:15PM	99#PETROCELLI HEARING (DAY 1)	
08/11/2020	8:30AM	PRE TRIAL MOTIONS	CANC
08/11/2020	10:00AM	JURY TRIAL-AUG 11-14, 19-21, 25-28	CANC
08/11/2020	1:15PM	PETROCELLI HEARING (DAY 2)	
08/20/2020	11:00AM	CRIMINAL SETTLEMENT CONFERENCE	
10/05/2020	9:00AM	62#CALENDAR CALL (JT 11/2/2020 3 WEEKS)	
10/22/2020	9:00AM	PRE TRIAL MOTION RE REMOTE TESTMONY	
10/26/2020	11:00AM	MTN RE REMOTE TESTMONY	CANC
10/29/2020	3:00PM		
11/02/2020	9:00AM	JURY TRIAL(11/2/20 THROUGH 11/20/20-3 WEEKS	CONTINUED
11/04/2020	9:00AM	JURY TRIAL (3 WEEKS)	
01/11/2021	9:00AM	80#ORDER TO SHOW CAUSE FOR MULTIPLE JURORS	
01/13/2021	8:30AM	01#RECALL B/W OF MATERIAL WITNESS CHRISTOPHER PULLEN	
02/01/2021	9:00AM	54#SENTENCING	
03/08/2021	9:00AM	54#SENTENCING HEARING	

Filings:

Date	Filing
11/14/2018	DOCUMENTS RECEIVED FORM PAHRUMP JUSTICE COURT
11/14/2018	BINDOVER ORDER
11/14/2018	RECEIPT FROM PAHRUMP JUSTICE COURT
11/19/2018	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT (TRANSCRIPT OF WAIVER OF PRELIMINARY HEARING) (HEARING 11/14/18)
11/27/2018	INFORMATION (FELONY/PERSON)

01/28/2019 Court Minutes - ARRAIGNMENT HEARING

JUDGE: ROBERT W. LANE
CLERK: SARAH WESTFALL
COURT REPORTER: CECILIA THOMAS
BAILIFF: JAMELE TAYLOR
APPS: MICHAEL VIETA-KABELL, DDA, FOR THE STATE; LISA THELANER FOR P&P;
BRENT PERCIVAL WITH DEFENDANT, IN CUSTODY (NCDC).

COURT CALLS THE MATTER ON CALENDAR FOR ARRAIGNMENT HEARING. PERCIVAL BRIEFS THE RECORD, NOTES MATTER INITIALLY RESOLVED BUT DEFENDANT HAS SINCE DEVELOPED SECOND THOUGHTS ABOUT ENTERING PLEA. PERCIVAL INFORMS COURT DEFENDANT WAS ADVISED OF HIS RIGHT TO INVOKE SPEEDY TRIAL BUT WAS ALSO ADVISED OF THE BELIEF THIS WOULD NOT BE IN HIS BEST INTEREST. VIETA-KABELL MOVES FOR A CONTINUANCE OF THE MATTER SO STATE MAY RE-FILE THE ORIGINAL CHARGE OF FIRST DEGREE MURDER. COURT CONCURS AND SETS THE MATTER ON CALENDAR FOR STATUS CHECK ON FEBRUARY 11, 2019 AT 0900. COURT STAFF IS TO WORK WITH COUNSEL ON TRIAL SETTINGS. STATE IS TO RE-FILE THE ORIGINAL CHARGE. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NYE COUNTY DETENTION CENTER.

02/07/2019 AMENDED INFORMATION(FELONY/PERSON)

02/11/2019 Court Minutes - STATUS CHECK

JUDGE: ROBERT W. LANE
CLERK: SARAH WESTFALL
COURT REPORTER: CECILIA THOMAS
BAILIFF: JAMELE TAYLOR
APPS: DANIEL YOUNG, DDA, FOR THE STATE; LISA THELANER FOR P&P;
BRENT PERCIVAL WITH DEFENDANT, IN CUSTODY (NCDC).

COURT CALLS THE MATTER ON FOR STATUS CHECK. PERCIVAL INFORMS COURT THE MATTER IS NOT RESOLVED AND ASKS TRIAL DATES BE SET IN THE ORDINARY COURSE AS DEFENDANT PREVIOUSLY WAIVED RIGHT TO SPEEDY TRIAL. COURT ACKNOWLEDGES AMENDED INFORMATION ON FILE CHARGING COUNT OF FIRST DEGREE MURDER AND SETS TRIAL FOR JULY 8 - 12 AND 17 - 19, 2019; CALENDAR CALL JUNE 3, 2019. DEFENDANT UNDERSTANDS AND CONFIRMS ENTRANCE OF NOT GUILTY PLEA TO THE CHARGE, A CATEGORY 'A' FELONY. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NYE COUNTY DETENTION CENTER.

02/14/2019 ORDER SETTING JURY TRIAL(D2P-7.5 DAYS JULY 8-12 & 17-19)

02/15/2019 NOTICE OF PENALTIES FOR FIRST DEGREE MURDER

04/05/2019 NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES

04/05/2019 AMENDED NOTICE OF WITNESSES

04/05/2019 NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES

04/05/2019 NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES

04/05/2019 NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES

04/05/2019 NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES

04/09/2019 NOTICE TO DEFENSE OF STATE'S INTENDED EXPERT WITNESSES (NICOLE VAN AKEN)

05/14/2019 REQUEST FOR DISCLOSURE (EVIDENCE)

05/20/2019 RECEIPT OF SERVICE

05/20/2019 CERTIFICATE OF SERVICE

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06/03/2019 Court Minutes - CALENDAR CALL(D2P-7.5 DAYS-07/08-12&17-19/19)
JURY DRAW - FILE TO LOUISE (120 JURORS)

JUDGE: ROBERT W. LANE
CLERK: SARAH WESTFALL
COURT REPORTER: CECILIA THOMAS
BAILIFF: JAMELE TAYLOR
APPS: GERARD GOSIOCO, DDA, FOR THE STATE; LISA THELANER FOR P&P;
BRENT PERCIVAL WITH DEFENDANT, IN CUSTODY (NCDC).

COURT CALLS THE MATTER. PERCIVAL DECLARES NOT READY FOR TRIAL AS SET IN JULY AND MOVES FOR A CONTINUANCE, ASKING THAT JURY TRIAL BE RE-SET IN THE ORDINARY COURSE. GOSIOCO DECLARES READY FOR TRIAL AS CURRENTLY SET, BUT STATES NO OPPOSITION TO DEFENSE MOTION FOR A CONTINUANCE. WITHOUT OPPOSITION, COURT RE-SETS JURY TRIAL TO DECEMBER 10 - 13 AND 16 - 18, 2019; CALENDAR CALL OCTOBER 28, 2019. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NYE COUNTY DETENTION CENTER.

06/06/2019 ORDER SETTING JURY TRIAL (D2P- 7 DAYS- 12/10-13 & 16-18/19)

09/20/2019 JUDICIAL NOTICE

09/23/2019 OMNIBUS MOTION

09/27/2019 ORDER SETTING HEARING (10/14/19 @ 11:00 AM)

10/07/2019 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM(10/14/19)

10/14/2019 Court Minutes - MTN FOR JUDICIAL...

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY BRENT PERCIVAL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY; LISA THELANDER ON BEHALF OF THE DIVISION OF P&P.

COURT CALLS THE MATTER AS MOTION FOR JUDICIAL NOTICE HEARING. THE STATE OUTLINES THE DEFENDANT'S MOTION, DEFENDANT IS CLAIMING INEFFECTIVE COUNSEL; ISSUES WITH THE SCHEDULING OF THE JURY TRIAL. PERCIVAL STATES THE DEFENDANT HAS ONE DEFENSE, AND AN EXPERT WITNESS IS NECESSARY BUT HE HAS BEEN UNABLE TO RETAIN ONE; SCHEDULED A JURY TRIAL DURING CHRISTMAS TIME HAS BECOME AN ISSUE; OUTLINES NEGOTIATIONS THAT WERE REJECTED BY THE DEFENDANT, THEN THE DA'S OFFICE WITHDREW THE OFFER; REQUEST TRIAL BE CONTINUED.

COURT CONFIRMS TRIAL DATES. STATE REQUEST THE TRIAL DATE BE ADVANCED TO 12/3/2019 - 12/6/2019. COURT CONCURS AND ADVANCES THE JURY TRIAL TO 12/3/2019. COURT ADVISES THE PARTIES, THE COURT HAS READ DEFENDANT'S MOTIONS.

DEFENDANT REQUEST NEW ATTORNEY, CURRENTLY HAS LAWSUIT AGAINST PERCIVAL. COURT DENIES DEFENDANT'S MOTION, PERCIVAL TO REMAIN ON THE CASE. DEFENDANT OUTLINES ISSUES WITH THE CHARGES; STATES HE HAS NO WITNESS; CLAIMS INEFFECTIVE COUNSEL; REQUEST ALL DISCOVERY THAT PERCIVAL HAS. COURT ORDERS ALL DISCOVERY THAT THE STATE HAS BE PROVIDED TO PERCIVAL AND PERCIVAL TO PROVIDE ALL TO THE DEFENDANT.

10/18/2019 SECOND AMENDED NOTICE OF WITNESSES

10/22/2019 AMENDED ORDER SETTING JURY TRIAL

10/23/2019 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM/
ORDER (HRG 10/28/19 9AM-RONDA VAN WINKLE;

10/24/2019 TRANSCRIPT OF: MOTION FOR JUDICIAL NOTICE HEARING (10/14/19)

10/28/2019 Court Minutes - CALENDAR CALL(D2P-8.5 DAYS-12/03-06&09-13/19)
JURY DRAW - FILE TO LOUISE (120 JURORS)

JUDGE: ROBERT W. LANE
CLERK: SARAH WESTFALL
COURT REPORTER: CECILIA THOMAS
BAILIFF: JAMELE TAYLOR
APPS: KIRK VITTO, CDDA, FOR THE STATE;
BRENT PERCIVAL WITH DEFENDANT, IN CUSTODY (NCDC).

COURT CALLS THE MATTER. PERCIVAL ADDRESSES AND ADVISES THE COURT THAT DEFENSE IS ATTEMPTING TO SCHEDULE 2 EXPERTS FOR THE UPCOMING JURY TRIAL; UNSURE AT THIS TIME WHETHER EXPERTS AVAILABLE. PERCIVAL REFERS TO THE DEFENDANT'S REQUEST FOR DISCOVERY AT THE LAST HEARING ON OCTOBER 14TH AND CONFIRMS REQUEST SATISFIED; DISCOVERY PRODUCED WITH EXCEPTIONS. PERCIVAL OUTLINES FOR THE COURT HIS CONTACT WITH THE DEFENDANT WITH REGARD TO THE CASE. VITTO CLARIFIES FOR THE RECORD THAT THERE ARE CURRENTLY NO OFFERS AVAILABLE TO THE DEFENDANT. COURT NOTES DEFENSE READY FOR JURY TRIAL GIVEN EXPERTS AVAILABLE; DEFENSE TO HAVE KNOWLEDGE OF THIS BY FRIDAY. VITTO DECLARES READY FOR JURY TRIAL ON BEHALF OF THE STATE. DEFENDANT ADDRESSES THE COURT AND MAKES AN ORAL MOTION TO CONTINUE JURY TRIAL AS HE INTENDS ON FILING A WRIT. COURT DECLARES READY FOR JURY TRIAL AND HOLDS DRAWING A JURY OF 120 UNTIL FRIDAY. DEFENSE TO NOTIFY COURT STAFF BY FRIDAY TO CONFIRM WHETHER READY. COUNSEL DECLINES THE COURT'S OFFER FOR A SUPPLEMENTAL JUROR QUESTIONNAIRE; CONTENT WITH THE STANDARD JUROR QUESTIONNAIRE. DEFENDANT IS REMANDED BACK TO THE CUSTODY OF THE NYE COUNTY DETENTION CENTER.

11/01/2019 Court Minutes - STATUS CHECK (RE: JURY TRIAL)

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY BRENT PERCIVAL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY.

COURT CALLS THE MATTER AS STATUS CHECK HEARING. (JURY TRIAL SET FOR 12/3/2019 8 DAYS). COURT ADVISES THE PARTIES THE JURY IS TO BE PULLED TODAY. PERCIVAL HAS ONE EXPERT, HOWEVER HE STILL NEEDS A PEDO INJURY EXPERT, REQUEST CONTINUANCE. STATE OBJECTS, ARGUES THE CASE IS OVER 2 YEARS OLD, THE TRIAL HAS BEEN CONTINUED IN THE PAST FOR THE SAME REASONS; THERE IS NO POSSIBILITY OF NEGATIONS, REQUEST JUSTICE FOR THE VICTIM; REQUEST FEBRUARY TRIAL DATE; REQUEST PETROCELLI MOTION BE HEARD DURING THE TRIAL DUE TO WITNESS BEING OUT OF STATE. PERCIVAL AGREES TO FEBRUARY TRIAL DATE; OUTLINE CASE HISTORY. STATE REQUEST 2 WEEKS. COURT CONTINUES THE JURY TRIAL TO 2/19-2/21; 2/24-2/28; 3/3-3/6/2020, CALENDAR CALL 1/13/2020. STATE REQUEST PETROCELLI MOTION BE HEARD ON 2/24/20. COURT SETS THE PETROCELLI MOTION FOR 2/24/20 AT 3:00 PM.

11/04/2019 ORDER SETTING JURY TRIAL (2/19-21; 2/25-28 & 3/3-3/6/2019)

11/04/2019 TRANSCRIPT OF:CALENDAR CALL(10/28/19)

11/05/2019 TRANSCRIPT OF:STATUS CHECK(RE: JURY TRIAL)(11/1/19)

11/25/2019 BRIEF IN SUPPORT OF ADMITTING BAD ACT EVIDENCE

11/25/2019 TRANSCRIPT OF:ARRAIGNMENT(1/28/2019)

11/25/2019 TRANSCRIPT OF: STATUS CHECK(2/11/2019)

11/25/2019 TRANSCRIPT OF: CALENDAR CALL(6/3/2019)

12/03/2019 ERRATA TO BAD ACT BRIEF

12/13/2019 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM

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12/16/2019 COURT MINUTES - STATUS CHECK HEARING
JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DANIEL YOUNG ON BEHALF OF THE STATE;
ATTORNEY BRENT PERCIVAL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY;
LISA THELANDER ON BEHALF OF THE DIVISION OF P&P.
COURT CALLS THE MATTER.
STATE ADDRESSES THE COURT WANTS TO MAKE SURE DEFENSE HAS THEIR EXPERTS READY FOR TRIAL.
PERCIVAL ADVISES THE COURT EXPERT FEES HAVE TO BE APPROVED; ONE EXPERT IN CALIFORNIA AND ANOTHER IN LAS VEGAS.
COURT CONFIRMS TRIAL DATES AND PERCIVAL IS TO THE FILE MOTION FOR FEES.
12/19/2019 EX PARTE MOTION FOR EXTRAORDINARY FEES FOR EXPERT WITNESS
12/20/2019 ORDER FOR REIMBURSEMENT OF EXTRAORDINARY COSTS
12/20/2019 ORDER FOR EXTRAORDINARY FEES FOR EXPERT WITNESS (GRANTED)
12/24/2019 CRIMINAL SUBPOENA -RETURN OF SERVICE
01/03/2020 TRANSCRIPT OF: STATUS CHECK (12/16/19)
01/08/2020 TRANSCRIPT OF: CALENDAR CALL (D2P - 7.5 DAYS - 07/08-12 & 17-19/19) (6/3/19)
01/10/2020 DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL/ NOTICE OF HEARING (01/13/2020, 9AM) (SUBMITTED BY BRENT D. PERCIVAL, ESQ., FOR DEFENDANT COLE DUANE ENGELSON)
01/13/2020 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM(SELWIN HARRIS-PV TIMES)
01/13/2020 COURT MINUTES - CALENDAR CALL HEARING
JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST SPECIALLY APPEARING FOR BRENT PERCIVAL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY;
BRIAN GENTRY ON BEHALF OF THE DIVISION OF P&P.
COURT CALLS THE MATTER.
JURY TRIAL SET FOR 2/19-2/21, 2/25-2/28, 3/3-3/6/2020; PETROCELLI MOTION 2/24/2020 @ 3:00.
DEFENDANT'S MOTION TO CONTINUE TRIAL.
COURT ADVISES THE DEFENDANT OF PERCIVAL'S MEDICAL ISSUES, AND THAT PERCIVAL HAS REQUESTED AUGUST, TRIAL DATES, IN HIS PLEADINGS.
VITTO ADDRESSES THE COURT, DOES NOT OPPOSED THE MOTION; NEEDS NEW DATES FOR WITNESSES...; REQUEST MAY DATE.
EARNEST REQUEST AUGUST DATE.
COURT WILL SCHEDULE MAY AND SEPTEMBER TRIAL DATES AND NOTICE ALL PARTIES.
COURT SETS A STATUS CHECK TO 3/9/2020 AT 9:00, CURRENT TRIAL DATES VACATED.
01/22/2020 TRANSCRIPT OF: CALENDAR CALL(1/13/20)
01/23/2020 ORDER SETTING JURY TRIAL
01/24/2020 STIPULATION AND ORDER TO ADMIT (STIPULATION ONLY/NO ORDER) (SUBMITTED BY KIRK VITTO, CDDA, FOR STATE OF NEVADA, AND BRENT D. PERCIVAL, ESQ., FOR DEFENDANT)
01/30/2020 ORDER TO ADMIT
02/10/2020 NOTICE OF MOTION AND MOTION FOR DEPOSITION
02/28/2020 DEFENDANTS FORMAL REQUEST FOR PRO SE, SELF REPRESENTATION
03/05/2020 ORDER SETTING HEARING (VACATE 3/9/20-SET 3/23/20)
03/17/2020 DEFENDANTS FORMAL REQUEST FOR PRO/SE, SELF REPRESENTATION

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03/23/2020 COURT MINUTES - STATUS HEARING AND DEFENDANT'S MOTION TO REPRESENT HIMSELF.
JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY BRENT PERCIVAL, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN
CUSTODY VIA VIDEO.
COURT CALLS THE MATTER.
DEFENDANT STATES, IN GOOD FAITH HE WITHDREW HIS CIVIL CASE AGAINST
PERCIVAL; HE WANTS TO MOVE FORWARD; CLAIMS A BREAKDOWN IN ATTORNEY CLIENT
RELATIONSHIP, CLAIMS PERCIVAL VIOLATED ATTORNEY CLIENT PRIVILEGE BY SHARING
INFORMATION WITH ATTORNEY JASON EARNEST, WHO IS ALSO FRIENDS WITH THE
DISTRICT ATTORNEY; UPSET OVER PERCIVAL CONTACTING HIS MOTHER; CLAIMS IS
JUDGE LANE IS PREJUDICE DUE TO HIS RELIGION; REQUEST PERCIVAL BE RELEASED;
REQUEST ATTORNEYS DANIEL MARTINEZ OR RONNI BOSKOVICH.
PERCIVAL DOES NOT OBJECT TO BEING RELEASED; CLAIMS HE HAS BEEN SLANDERED BY
THE DEFENDANT.
STATE CLAIMS IF A NEW ATTORNEY IS APPOINTED THAT WOULD BE CONTRARY TO MAY
TRIAL DATES, ALSO REQUEST DEPOSITION DATES IN MAY IF THE MAY TRIAL DATES
ARE VACATED; ARGUES THE DEFENDANT IS NOT ENTITLED TO SELECT AN ATTORNEY OF
THE DEFENDANT'S CHOOSING, THAT WOULD BE UP TO THE COURT TO DECIDE; REQUEST
AN ARRAIGNMENT HEARING BE SET WITH NEW COUNSEL; REQUEST THE AUGUST TRIAL
DATES REMAIN.
PERCIVAL STATES THE STATES' MOTION IS ON AT 11:00 TODAY;
ARGUES AT THE JUSTICE COURT LEVEL REVIEWED THE PROPOSED PLEA WITH THE
DEFENDANT AND HIS MOTHER, HE WAS GOING TO ACCEPT THE GPA, THEN HE BACKED
OUT OF THE DEAL OF SECOND DEGREE MURDER WITH USE; THEN WAS OFFERED SECOND
DEGREE MURDER WITHOUT USE, THAT HE OBJECTED; PERCIVAL STATES MURDER BY
CHILD ABUSE IS OF THE FIRST DEGREE; CLAIMS THE DEFENDANT WAS VOLUNTARY
INTOXICATED; OUTLINES THE DEGREES OF MURDER STATUTES, THAT A JURY MAY FIND
MALICIOUS FORETHOUGHT WITH INTENT TO KILL.
STATE ADVISES THE COURT HE HAS MET WITH CLARK COUNTY, AND THAT IS WHAT THE
STATE WOULD REQUEST IN THEIR JURY INSTRUCTIONS.
PERCIVAL STATES THIS IS NOT HIS FIRST PEDIATRIC MURDER CASE; EARNEST DOES
SHARE OFFICE SPACE AND HE WAS PRESENT AT A MEETING WITH THE DEFENDANT;
OUTLINES THE POSSIBLE SENTENCES; PERCIVAL BELIEVES IF THIS CASE WENT TO A
JURY, SENTENCING WOULD BE STRONGER THAN WHAT HAS BEEN OFFERED; DEFENDANT
REFUSES TO LISTENING TO HIM; PERCIVAL STATES THERE IS NO PERSONAL
ANIMOSITY, BUT THERE IS A BREAKDOWN BETWEEN THEM.
COURT HAS NO DOUBT THAT PERCIVAL IS QUALIFIED AND ASKED THE DEFENDANT WHAT
HE WANTS TO DO.
DEFENDANT REQUEST TO REPRESENT HIMSELF, REQUEST STANDBY COUNSEL FOR TRIAL.
COURT DENIES REQUEST, BELIEVES IT WOULD BE HARMFUL TO THE DEFENDANT TO
REPRESENT HIMSELF, AS HE IS NOT QUALIFIED; THE COURT WILL CHECK WITH DANIEL
MARTINEZ AND RONNI BOSKOVICH TO SEE IF THEY WOULD BE AVAILABLE; SETS
HEARINGS ON 04/06/2020 AT 9:00 FOR STATUS AND STATES MOTION FOR DEPOSITION;
AUGUST TRIAL DATES TO REMAIN; REMOVES PERCIVAL FROM THE CASE.
03/30/2020 ORDER APPOINTING COUNSEL
03/30/2020 DEFENSE ATTORNEY: BOSKOVICH, RONNI AND MARTINEZ, DANIEL ASSIGNED
03/30/2020 ***** END OF FILE NO. 1 *****

04/06/2020 COURT MINUTES - STATUS/MOTION FOR DEPOSITION HEARING
JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEYS DANIEL MARTINEZ AND RONNIE BOSKOVICH, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY VIA VIDEO.
COURT CALLS THE MATTER.
MARTINEZ BRIEFS THE RECORD; OUTLINES ISSUES WITH WITNESS; ISSUES WITH THE
DEPOSITION REQUEST BY THE STATE; REQUEST WITNESS BE PRESENT AT TRIAL.
STATE REQUEST DEPOSITION, DUE TO THE WITNESS WAS JUST LOCATED IN CUSTODY,
REQUEST THE DEPOSITION BE DONE IN MAY, IN THIS COURTROOM, AND TRANSCRIBED
BY A COURT REPORTER.
COURT GRANTS MOTION, PARTIES TO AGREE ON A DATE AND NOTIFY COURT STAFF.
MARTINEZ REQUEST CONFIRMATION OF TRIAL DATES.
COURT CONFIRMS 8/11/2020-8/28/2020 FOR THE JURY TRIAL, AND 7/6/2020
CALENDAR CALL.
STATE ADVISES THE COURT A NEW EXPERT NEEDS TO BE CONFIRMED.
COURT WILL ALLOW THE EXPERT.
MARTINEZ WILL BE FILING OPPOSITION OUTSIDE OF THE STATUTORY TIME.
STATE STIPULATES, EXPECTS A BAD ACT MOTION.
COURT CAN HEAR THE MOTION THE 1ST DAY OF TRIAL.
04/06/2020 EX PARTE MOTION FOR EXTRAORDINARY FEES FOR INVESTIGATIVE COSTS
04/08/2020 ORDER FOR EXTRAORDINARY FEES FOR INVESTIGATIVE COSTS
04/09/2020 TRANSCRIPT OF: STATUS CHECK/DEFT'S MOTION FOR PRO SE REPRESENTATION
04/27/2020 STIPULATION AND ORDER FOR THE DEPOSITION OF CHRISTOPHER PULLEN
04/27/2020 ORDER FOR THE DEPOSITION OF CHRISTOPHER PULLEN
04/28/2020 ORDER TO PRODUCE PRISONER
04/29/2020 DEFENDANT COLE D ENGELSON'S OPPOSITION TO BAD ACT EVIDENCE
05/07/2020 TRANSCRIPT OF: STATUS HEARING/MOTION FOR DEPOSITION(4/6/20)

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05/21/2020 COURT MINUTES - 5/21/20 - JUDGE: ROBERT W. LANE
CLERK: RACHEL ALDANA
BAILIFF: JAMELE TAYLOR
COURT REPORTER: CECILIA THOMAS
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEYS DANIEL MARTINEZ AND RONNIE BOSKOVICH, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY. MR. VITTO CALLS HIS FIRST WITNESS CHRISTOPHER
PULLEN. WITNESS IS SWORN IN BY THE CLERK. WITNESS TESTIFIES TO HIS TIME IN
PRISON AND THE CHARGES HE IS THERE FOR. WITNESS CONTINUES TO TESTIFY TO HIS
INVOLVEMENT WITH THE DEFENDANT IN THIS CASE. WITNESS MAKES AN IN COURT
IDENTIFICATION OF THE DEFENDANT. WITNESS TESTIFIES TO THE CONVERSATIONS HE
HAS HAD WITH THE DEFENDANT IN REGARDS TO HIS CHARGES AND NOTES HE SPOKE
WITH THE SHERIFF'S OFFICE IN REGARDS TO THEIR MULTIPLE CONVERSATIONS.
WITNESS OUTLINES THE DETAILS OF WHAT THE DEFENDANT TOLD HIM IN REGARDS TO
THE INCIDENT THAT OCCURRED. WITNESS TESTIFIES HE SPOKE WITH THE SHERIFF'S
OFFICE IN REGARDS TO THE DEFENDANT TO GET AN EARLY RELEASE. WITNESS IS
PASSED. MR. MARTINEZ CONDUCTS CROSS EXAMINATION. WITNESS REITERATES THE
DETAILS OF WHAT THE DEFENDANT TOLD HIM IN REGARDS TO THE INCIDENT THAT
OCCURRED. WITNESS TESTIFIES THAT HE WAS IN PROTECTED CUSTODY BECAUSE HE WAS
IN A SKIN HEAD GANG. WITNESS CONTINUES TO TESTIFY TO THE REASON HE IS BACK
IN CUSTODY. WITNESS TESTIFIES TO WHAT HE SPOKE TO THE SHERIFF'S OFFICE ABOUT
IN REGARDS TO THE DEFENDANT. WITNESS SWEARS UNDER OATH THAT HE WILL BE
PRESENT FOR THE TRIAL AND UNDERSTANDS WHAT THE MEANING IS FOR A HABITUAL
CRIMINAL. WITNESS IS PASSED. MR. VITTO CONDUCTS REDIRECT. WITNESS TESTIFIES
TO THE REASON HE HAS CHARGES FOR ESCAPING FROM CUSTODY. WITNESS REFERS TO
STATE'S PROPOSED EXHIBITS #1, #2 AND #3, PICTURES FROM THE DEFENDANT'S
SHOWER AT HIS RESIDENCE. WITNESS REITERATES THAT HE WILL APPEAR AT THE
TRIAL DATES TO TESTIFY. WITNESS IS EXCUSED. MR. VITTO HAS NOTHING FURTHER.
MR. MARTINEZ MAKES A CLOSING STATEMENT AND REQUESTS A COPY OF THE
TRANSCRIPT FROM TODAY'S HEARING AND THE VIDEO. COURT CONCURS.
05/27/2020 REPLY TO OPPOSITION TO BRIEF IN SUPPORT OF ADMITTING BAD ACT EVIDENCE
05/27/2020 TRANSCRIPT OF: DEPOSITION OF CHRISTOPHER PULLEN (05/21/2020)
06/04/2020 MOTION TO SUPPRESS DEFENDANT'S STATEMENTS/ NOTICE OF MOTION (06/22/2020,
9AM) (SUBMITTED BY DANIEL E. MARTINEZ, ESQ., FOR DEFENDANT)
06/05/2020 ORDER RESETTING THE TIME FOR THE FOLLOWING CASES FOR DEPARTMENT 2
(06/22/2020 FROM 9:00 TO 10:00)
06/08/2020 EX PARTE MOTION FOR ADDITIONAL EXTRAORDINARY FEES FOR EXPERT WITNESS COSTS
(SUBMITTED BY DANIEL E. MARTINEZ, ESQ., FOR DEFENDANT)
06/12/2020 OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S STATEMENTS
06/12/2020 ***** END OF FILE NO. 2 *****
06/16/2020 STIPULATION TO CONTINUE (MOTION HEARING, 06/22/2020, 9AM)
06/17/2020 ORDER TO CONTINUE (7/6/2020)
06/24/2020 ORDER TO PRODUCE PRISONER
06/26/2020 ORDER TO PRODUCE PRISONER

07/06/2020

COURT MINUTES - CALENDAR CALL HEARING (JT 08/11-08/25/2020)
MOTION ADMITTING BAD ACT EVIDENCE
MOTION FOR EXTRAORDINARY FEES
MOTION TO SUPPRESS
JAVS RECORDING TIME: 1031

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY RONNI BOSKOVICH AND DANIEL MARTINEZ, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY VIA VIDEO.
COURT CALLS THE DEFENDANT'S MOTIONS TO SUPPRESS DEFENDANT'S STATEMENTS TO
LAW ENFORCEMENT.
MARTINEZ ARGUES THE MASSACHUSETTS RULE DOES NOT APPLY; OUTLINES THE
INTERVIEWS BY THE NCSO DEPUTY FERNANDEZ, ARGUES THE MIRANDA RIGHTS WERE NOT
READ PRIOR TO THE START OF FERNANDEZ' INTERVIEW WITH THE DEFENDANT.
STATE ARGUES THE MIRANDA RIGHTS WERE READ.
MARTINEZ ARGUES THE WAIVER OF MIRANDA, DID NOT APPLY DUE TO THE DEFENDANT
BEING INTOXICATED, THE WAIVER HAS TO BE KNOWING, INTELLIGENT AND VOLUNTARY.
STATE ARGUES THAT INVOKES THE MASSACHUSETTS RULE, DEFENDANT WAS ABLE TO
COMMUNICATE WITH FIRST RESPONDERS.
MARTINEZ REPLIES, ARGUES AGAINST PUTTING THE DEFENDANT ON THE STAND.
STATE OUTLINES CITATIONS AND EXHIBITS ATTACHED TO THE STATE'S OPPOSITION,
OUTLINES THE NEED TO PUT THE DEPUTY ON THE STAND; ADVISES THE COURT THE
INTERVIEW WAS RECORDED.
COURT TAKES THE MATTER UNDER SUBMISSION, WILL LISTEN TO THE RECORDED
INTERVIEW.
MARTINEZ ARGUES THE INTERVIEW BY NCSO DEPUTIES COX, GIBBS AND FANCHER;
MARTINEZ ARGUES THE INTERVIEW SHOULD BE SUPPRESSED, DUE TO SLEEP
DEPRIVATION, A HANGOVER & THE DEFENDANT HAD BEEN PLACED IN A SUICIDE-SMOCK,
THEREFORE THE WAIVER WAS NOT KNOWING INTELLIGENT AND VOLUNTARY.
STATE ARGUES IT DOES NOT HAVE TO BE READ PRIOR TO EACH INTERVIEW.
MARTINEZ ARGUES THE INTERVIEW BY NCSO DEPUTY BORUCHOWITZ; ARGUES THE
MIRANDA WAIVER WAS STALE, INTERVIEW WAS 14 HOURS LATER.
STATE ARGUES THE DEFENDANT WAS AWARE OF THE MIRANDA WAIVER.
COURT TAKES THE MATTER UNDER ADVISEMENT, ADVISES THE PARTIES, IF HEARING IS
NEEDED, COURT WILL SET AND NOTICE.
COURT CALLS THE STATE'S MOTION ADMITTING BAD ACT EVIDENCE.
STATE PROVIDES (UNMARKED) PHOTOGRAPHS FROM DEFENDANT'S PHONE REQUEST TO
ADMIT AT TRIAL; OUTLINES THE DEFENDANT AND VICTIM'S MOTHER RELATIONSHIP;
ARGUES THE PHOTOS ARE RELEVANT; STATE PROVIDES A (UNMARKED) PHOTO TAKEN AT
DESERT VIEW HOSPITAL SUBMITTED TO THE COURT; OUTLINES THE INCIDENT AND
VICTIM'S INJURIES; OUTLINES THE IMAGES IN THE PICTURES; OUTLINES
DEFENDANT'S STATEMENTS DURING THE INTERVIEWS; STATE SUBMITS AND REQUEST TO
ADMIT (UNMARKED) UMC MEDICAL RECORDS, AND (UNMARKED) KID FIXERS MEDICAL
RECORDS AND PHOTOGRAPHS.
MARTINEZ ARGUES AGAINST ADMITTING THE STATE'S EVIDENCE, CLAIMS THE PHOTOS
WERE OF ONE INCIDENT AND WHEN THE DEFENDANT DRAGGED THE VICTIM THROUGH THE
ROCKS, SHE HAD BRUISES ON HER LEGS, THE OTHER PICTURE OF A CUT ON THE
VICTIM'S CHIN WHEN THE CHILD HAD FALLEN, THE STATEMENT BY DEFENDANT TO
VICTIM'S BROTHER, ARE ALL THE STATE TRYING TO ATTACK THE DEFENDANT'S
CHARACTER.
STATE DENIES ATTACKING DEFENDANT'S CHARACTER; OUTLINES STATEMENTS TO LAW
ENFORCEMENT; DENIES THE PHOTOS WERE OF ONE INCIDENT; EVIDENCE SHOWS
MOTIVE/INTENT; OUTLINES JURY INSTRUCTIONS.
STATE RESPONDS, OUTLINES THE CITATIONS IN THE STATE'S BRIEF; REQUEST
EVIDENCE BE ADMITTED.
COURT TAKES THE MATTER UNDER SUBMISSION.
COURT CALLS DEFENDANT'S MOTION FOR EXTRAORDINARY FEES.
MARTINEZ ADVISES THE COURT THAT MATER CAN BE TAKEN OFF CALENDAR.

COURT ADVISES THE PARTIES THAT JURY SELECTION WILL BE AT THE COMMISSIONER'S CHAMBERS, HOWEVER AVAILABILITY IS UNKNOWN AT THIS POINT AND DATES OR TIMES MAY HAVE TO BE RESCHEDULED; COURT CONFIRMS PETROCELLI MOTION FOR 08/10/2020 AT 1:15.

STATE ADVISES THE COURT ALL WITNESSES ARE LISTED ON THE FIRST PAGE OF HIS BRIEF.

07/08/2020 ORDER SETTING HEARING (07/10/2020)

07/08/2020 COURT ORDER

07/08/2020 COURT ORDER

07/08/2020 THIRD AMENDED NOTICE OF WITNESSES (SUBMITTED BY NCDA/ KIRK D. VITTO, CDDA, FOR STATE)

07/09/2020 TRANSCRIPT OF PROCEEDINGS DEFENDANT'S MOTION TO SUPPRESS/MOTION ADMITTING BAD ACT EVIDENCE/CALENDAR CALL JULY 6, 2020

07/10/2020 COURT MINUTES - STATUS CHECK

JUDGE: ROBERT W. LANE

CLERK: SARAH WESTFALL

REPORTER: CECILIA THOMAS

BAILIFF: JAMELE TAYLOR

APPS: KIRK VITTO, CDDA, FOR THE STATE;

DANIEL MARTINEZ AND RONNI BOSKOVICH FOR DEFENDANT, WHO IS IN CUSTODY (NCDC) AND PRESENT VIA VIDEO CONFERENCE.

COURT CALLS THE MATTER; NOTES UPCOMING TRIAL SETTING IN AUGUST AND EXISTING CONCERNS RELATING TO THE COVID-19 DISEASE IF TRIAL WERE TO GO FORWARD AS CURRENTLY SET. CDDA VITTO ADDRESSES THE COURT; REQUESTS TRIAL BE RE-SET FOR THE EARLIEST POSSIBLE DATES AVAILABLE IN NOVEMBER. CDDA VITTO READS FOR THE COURT A LETTER FROM DECEASED MINOR VICTIM'S MOTHER IN RESPONSE TO TRIAL BEING RE-SET. CDDA VITTO ASKS THE COURT STILL PROCEED WITH THE STATE'S PETROCELLI HEARING IN AUGUST. ATTORNEY MARTINEZ STATES NO OBJECTION TO PETROCELLI HEARING REMAINING ON CALENDAR IN AUGUST; FURTHER STATES NO PREFERENCE AS TO WHEN TRIAL IS RE-SET, BUT NOTES CONCERN WITH TRIAL BEING SET IN EARLY NOVEMBER DURING GENERAL ELECTION. COURT TO ISSUE SETTING ORDER; PETROCELLI HEARING FOR AFTERNOON OF AUGUST 10TH AND AFTERNOON OF AUGUST 11TH, AND JURY TRIAL TENTATIVELY FOR NOVEMBER 2ND - 20TH, 2020, WITH CALENDAR CALL OCTOBER 5TH, 2020.

07/10/2020 ORDER CONTINUING JURY TRIAL(11/2-20/2020) - <New Note>

07/22/2020 TRANSCRIPT OF: STATUS CHECK/NEW TRIAL DATES-7/10/20

08/10/2020 COURT MINUTES - PETROCELLI HEARING
JAVS RECORDING TIME: 0128

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEYS RONNI BOSKOVICH & DANIEL MARTINEZ, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY.
*STATE SUBMITS 16 EXHIBITS, CLERK MARKED EXHIBITS 1 THROUGH 16, PRIOR TO
THE HEARING.
COURT CALLS THE MATTER.
STATE CONDUCTS OPENING STATEMENT; OUTLINES THE STATES WITNESS TO BE CALLED
TODAY AND AT TOMORROWS HEARING.
COURT INVOKES EXCLUSIONARY RULE AND CLEARS THE COURTROOM OF WITNESSES AT
THE REQUEST OF THE DEFENSE.
STATE CALLS WITNESS KISHANNA MARQUEZ, TO THE STAND. WITNESS SWORN AND
TESTIFIES AS TO: THE INCIDENT THAT OCCURRED IN DECEMBER 2016, AT HER
RESIDENCE, A CONDO, WHEN SHE LIVED WITH VICTORIA SCHLICK AND VICTORIA'S
THREE CHILDREN; WITNESS IDENTIFIES THE DEFENDANT COLE ENGELSON BEING
PRESENT IN THE COURTROOM; SHE OUTLINES VICTORIA'S CHILDREN'S NAMES;
OUTLINES THE INCIDENT BETWEEN COLE AND THE YESSENIA CAMP (THE VICTIM), WHEN
COLE WAS BABYSITTING THE VICTIM, HE DRUG THE VICTIM THROUGH THE ROCKS AND
UP THE STAIRS OF THE CONDO; OUTLINES HER CONVERSATION WITH VICTORIA AFTER
THE INCIDENT; OUTLINES COLES FRUSTRATION AFTER THE INCIDENT.
STATE SUBMITS PROPOSED EXHIBIT 15 & 16, EXHIBIT IDENTIFIED AS PHOTOGRAPHS
OF THE CONDO (NO MOVE TO ADMIT).
WITNESS IDENTIFIES THE PHOTOS OF THE CONDO THAT SHE WAS LIVING AT DURING
THE INCIDENT, WITNESS STATES THE PHOTOS ARE. WITNESS PASSED.
BOSKOVICH CROSS EXAMINES THE WITNESS: WITNESS TESTIFIES AS TO: HOW SHE MET
VICTORIA IN 2000; THEY WERE ROOMMATES IN LAS VEGAS FOR ABOUT 6 MONTHS;
VICTORIA HAD 3 CHILDREN AT THE TIME; WITNESS OUTLINES WHY SHE MOVED OUT AND
VICTORIA STAYED IN THE CONDO; OUTLINES THE TYPE OF CHILD THE VICTIM WAS;
WITNESS STATES SHE JUST MOVE BACK FROM FLORIDA; OUTLINES THE LAY-OUT OF THE
CONDO; OUTLINES WHERE THEY ALL WERE DURING THE INCIDENT; ESTIMATES THE
HEIGHT OF THE DEFENDANT AND THE VICTIM; OUTLINES HOW THE DEFENDANT WAS
DRAGGING THE VICTIM AND HOW FAR HE DRUG HER; DOES NOT RECALL WHAT THE
VICTIM WAS WEARING; COLE STATED THE VICTIM WAS THROWING ROCKS; SHE DID NOT
ARGUE WITH COLE; SHE TOOK THE VICTIM FROM COLE; THE VICTIM WAS THE ONLY
CHILD HOME AT THAT TIME; SHE DID NOT SEE ANY INJURIES; OUTLINES HOW THE
CHILD COMMUNICATED; SHE DID TELL VICTORIA ABOUT THE INCIDENT WHEN VICTORIA
RETURNED HOME, COLE HAD LEFT BEFORE VICTORIA GOT HOME; AFTER THE INCIDENT,
THE VICTIM WAS NOT TAKEN TO THE DOCTOR, SHE DID NOT CALL THE POLICE OR DCFS
OR VICTORIA; NO PHOTOGRAPHS WERE TAKEN; DOES NOT RECALL THE DATE OF THE
INCIDENT, IN NOVEMBER OR DECEMBER, IT HAPPEN IN THE AFTERNOON; OUTLINES HER
CURRENT RELATIONSHIP WITH VICTORIA, HOW OFTEN THEY COMMUNICATE; OUTLINES
HOW SHE FOUND OUT THE VICTIM HAD DIED AND WHEN SHE SPOKE TO VICTORIA;
OUTLINES HER MEDICAL CONDITION/MEDICATIONS; AT THE TIME OF THE INCIDENT SHE
SMELLED MARIJUANA, DENIES USING THAT DAY, ADMITS USING IT THE DAY PRIOR;
STATES THE INCIDENT OCCURRED APPROXIMATELY 4 YEARS AGO, HER TESTIMONY IS
FROM MEMORY ONLY, NO REPORTS/NOTES. WITNESS PASSED.
STATE REDIRECTS: WITNESSES TESTIFIES AS TO: WHAT SHE RECALLS OF THE
INCIDENT; SHE WOULD BABYSIT THE VICTIM, SHE SAW THE VICTIM EVERYDAY; DENIES
EVER DRAGGING THE VICTIM IN THE WAY SHE CLAIMS COLE DID. WITNESS PASSED.
COURT EXAMINES THE WITNESS: WITNESS TESTIFIES AS TO: HOW THE VICTIM WAS
BEING DRAGGED; DENIES THE VICTIM HAD ANY INJURIES; SHE NEVER WITNESSED ANY
OTHER INCIDENTS. WITNESS EXCUSED.
STATE CALLS WITNESS DR. JOHN LAPORE, TO THE STAND. WITNESS SWORN AND
TESTIFIES AS TO: HE OUTLINES HIS EXPERTISE, EMPLOYMENT, EDUCATION,
LICENSES, HE HAS BEEN A PEDIATRICIAN FOR 16 YEARS.
STATE SUBMITS PROPOSED EXHIBIT 9, EXHIBIT IDENTIFIED AS PRINT OUT OF THE

WITNESSES RECORD FROM THE VICTIMS 12/29/2016 APPOINTMENT. WITNESS CONTINUES TO TESTIFY AS TO: HE IDENTIFIES THE EXHIBIT; OUTLINES HIS EXAMINATION, THE VICTIM'S INJURIES AT THAT APPOINTMENT, THE VICTIM'S HEALTH AT THE TIME OF THE EXAM; HAD CONCERNS ABOUT THE VICTIMS INJURIES/SYMPTOMS; OUTLINES HIS CONVERSATION WITH VICTORIA; WITNESS PASSED. STATE MOVES TO ADMIT EXHIBIT 9, MARTINEZ OBJECTS. OVER OBJECTION, EXHIBIT 9 ADMITTED INTO EVIDENCE.

MARTINEZ CROSS-EXAMINES THE WITNESS: WITNESS TESTIFIES AS TO: HE CONFIRMS EXHIBIT 9, IS HIS REPORT; HE IS LICENSED TO PRACTICE IN NEVADA, TREATS NEWBORNS TO 18/21 YEARS OLD; CONFIRMS HE IS A MANDATORY REPORTER, HE DID NOT FEEL THE NEED TO REPORT AFTER THAT APPOINTMENT; OUTLINES THE INJURIES/MEDICAL CONDITION; HE IS THE OWNER OF KID FIXERS, AND HAD OTHER DOCTORS WORKING FOR HIM AT THAT TIME; HE GAVE VICTORIA POST-APPOINTMENT INSTRUCTIONS; OUTLINES HIS REPORT; VICTIM HAD JUST VISITED WITH HER FATHER PRIOR TO THE APPOINTMENT. WITNESS PASSED.

STATE REST, NO FURTHER QUESTIONS.

COURT EXAMS THE WITNESS: WITNESS OUTLINES WHAT HE RECALLS OF THE APPOINTMENT.

WITNESS EXCUSED.

STATE SUBMITS PROPOSED EXHIBIT 13, EXHIBIT IDENTIFIED AS THE NEVADA ATTORNEY GENERAL'S HIGH TECH CRIMES UNIT REPORT BY CHRIS DEFONSEKA'S, STATE ADVISES THE COURT THE DEFENDANT'S PRIOR ATTORNEY HAD STIPULATED TO THE EXHIBIT BE ADMITTED, OUTLINES THE FACTS OF THE REPORT REGARDING EXHIBITS 1-7 (PHOTOGRAPHS), THERE WERE 10 PHOTOGRAPHS IN TOTAL, SOME WERE DUPLICATE; STATE SUBMITS PROPOSED EXHIBIT 17, CLERK MARKS EXHIBIT IDENTIFIED AS EXTRACTION REPORT. STATE MOVES TO ADMIT EXHIBIT 13, AND 17.

MARTINEZ STATES DEFENSE STIPULATES TO ADMISSION FOR THIS HEARING ONLY. EXHIBIT 13 & 17 ADMITTED INTO EVIDENCE.

STATE CALLS WITNESS TODD ARMS, TO THE STAND. WITNESS SWORN AND TESTIFIES AS TO: HE IS EMPLOYED AS AN INVESTIGATOR FOR THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE.

STATE SUBMITS PROPOSED EXHIBITS 1-7, EXHIBITS, IDENTIFIED AS 7 PHOTOGRAPHS OF THE VICTIM. (NO MOVE TO ADMIT).

WITNESS CONTINUES TO TESTIFY AS TO: HE IDENTIFIES THE PHOTOGRAPHS, AS BEING FROM THE DEFENDANT'S PHONE; MEDIA-DATA REPORT GIVEN TO THE WITNESS TO REVIEW, WITNESS DENIES EVER REVIEWING THIS MEDIA-DATA REPORT; EXHIBIT 17 GIVEN TO THE WITNESS, WITNESS CONFIRMS HE HAS REVIEWED THIS EXTRACTION REPORT PRIOR TO TODAY, USING THE REPORT THE WITNESS OUTLINES THE DATES THE PHOTOGRAPHS WERE TAKEN; WITNESS PASSED.

MARTINEZ CROSS-EXAMINES THE WITNESS: WITNESS TESTIFIES AS TO: THE CONTENTS OF THE EXTRACTION REPORT, HE IS UNSURE WHAT THE UTC IS TO OUR TIME ZONE; DENIES PREPARING THE EXTRACTION REPORT. WITNESS PASSED.

WITNESS EXCUSED.

STATE CALLS WITNESS VICTORIA SCHLICK TO THE STAND. WITNESS SWORN AND TESTIFIES AS TO: SHE IS THE VICTIM'S MOTHER, HER OCCUPATION; OUTLINES HER 3 CHILDREN'S NAMES AND DATES OF BIRTH.

EXHIBITS 15 & 16 GIVEN TO THE WITNESS TO REVIEW.

SCHLICK IDENTIFIES THE PICTURES OF THE CONDO, CONFIRMS SHE TOOK THE PHOTOGRAPHS; OUTLINES WHEN SHE LIVED IN THE CONDO; OUTLINES HER RELATIONSHIP WITH COLE; SHE MOVED FROM THE CONDO BACK TO PAHRUMP WITH COLE AND THE CHILDREN.

EXHIBITS 1-7 GIVEN TO THE WITNESS FOR REVIEW. WITNESS CONTINUES TO TESTIFY AS TO: SHE HAS SEEN THE PHOTOGRAPHS FROM TEXT MESSAGES, WITNESS IDENTIFIES EXHIBIT 1 & 2 AS TEXT SHE RECEIVED FROM COLE OF THE VICTIMS CHIN INJURY; WITNESS IDENTIFIES COLE ENGELSON AS THE DEFENDANT PRESENT IN THE COURTROOM; WITNESS IDENTIFIES EXHIBITS 3-7, ARE ALSO TEXTS FROM THE DEFENDANT; SHE DENIES SEEING THE PICTURES ON HIS PHONE; EXHIBIT 1 IS WHEN THE VICTIM SLIPPED-OFF THE BATHROOM COUNTER IN THE CONDO, JUST BEFORE CHRISTMAS, SHE LEFT WORK TO TAKE THE VICTIM TO QUICK CARE; EXHIBIT 8 GIVEN TO THE WITNESS; WITNESS IDENTIFIES IT AS A COPY OF THE VICTIM'S QUICK CARE MEDICAL RECORDS, FOR THE VICTIM'S CHIN INJURY, COLE WAS ALONE WITH THE VICTIM, HE WAS BABYSITTING THAT DAY AND THE DAY SHE DIED, SHE COULD TELL HE HAD BEEN

DRINKING, HE GOT HOME AROUND 7-7:30 AM; DENIES SEEING HIM DRINK ON THE DAY THE VICTIM DIED, BUT THEY WERE BICKERING OVER AN INCIDENT WHEN STEVE PICKED UP HER SON; DENIES HE HAD BLACK-OUTS, OUTLINES HIS DRINKING/TOLERANCE FOR ALCOHOL; OUTLINES THE INCIDENT WHEN THE VICTIM HURT HER CHILD, THEY WERE ALONE AND HE GAVE HER A SHOWER AND DID THE SAME THINK ON THE DAY SHE DIED; SHE WAS 3 AT THE TIME OF THE INCIDENT; WITNESS OUTLINES CONVERSATIONS THEY HAD AFTER THE VICTIM DIED; DEFENDANT HAD BEEN DRINKING AND GAVE THE VICTIM A SHOWER;

STATE SUBMITS PROPOSED EXHIBIT 10, CLERK MARKS EXHIBIT IDENTIFIED AS PHOTOGRAPH AS THE VICTIM'S INJURIES (NO MOVE TO ADMIT).

WITNESS CONTINUES TO TESTIFY AS TO: SHE OUTLINES THE TREATMENT TO THE VICTIM'S CHIN.

EXHIBIT 9 GIVEN TO THE WITNESS, SHE HAS A PERSONAL COPY OF THE KID FIXERS REPORT, OUTLINES WHY THE VICTIM WAS TAKEN TO KID FIXERS FOR POSSIBLE BUG BITES; KISHANNA CONVERSATION WITH HER REGARDING COLE AND THE INCIDENT; OUTLINES A CONVERSATION WITH COLE REGARDING DISCIPLINING HER SON, AND WHEN COLE SPANKED THE VICTIM; OUTLINES THE DAY THE VICTIM DIED, THE VICTIM WANTED TO GO WITH HER, SHE DID NOT WANT TO BE LEFT WITH COLE; OUTLINES CONVERSATION DAYS AFTER THE DEATH.

STATE SUBMITS PROPOSED EXHIBIT 8, EXHIBIT IDENTIFIED AS UMC QUICK CARE REPORT, FOR THE 04/08/2017 CHIN INJURY. STATE MOVES TO ADMIT EXHIBITS 1-7, 8, 15 & 16.

MARTINEZ HAS NO OBJECTION FOR THE PURPOSE OF THIS HEARING ONLY.

EXHIBITS 1-7, 8, 15 & 16 ADMITTED INTO EVIDENCE FOR THE PURPOSES OF THIS HEARING ONLY.

MARTINEZ CROSS-EXAMINES THE WITNESS: WITNESS TESTIFIES AS TO: SHE CLAIMS COLE STATED THEY WERE GOING AT IT AS HE WAS TRYING TO GIVE THE VICTIM A SHOWER; WITNESS STATES THE VICTIM DIDN'T LIKE HER HEAD/FACE WET IN THE SHOWER; THE WITNESS HAS KNOWN COLE SINCE SHE WAS 18 YEARS OLD; OUTLINES THEIR RELATIONSHIP COLE, LIVING WITH KISHANNA; OUTLINES THE OTHER CHILDREN FATHER'S VISITATION SCHEDULES, SHE WOULD DROP OFF AND PICK UP THE KIDS; COLE WOULD BABYSIT BECAUSE KISHANNA GOT A JOB; OUTLINES COLE DRAGGING THE VICTIM THROUGH THE ROCKS, THERE WAS REDNESS, NO INJURIES; OUTLINES THE KID FIXER APPOINTMENT AFTER THE FATHER'S VISITATION, NO FOLLOW-UP APPOINTMENT; DENIES TALKING TO THE VICTIM TO THE DOCTOR AFTER THE ROCK INCIDENT; OUTLINES TEXT MESSAGES COLE WOULD SEND HER WHILE HE WAS BABYSITTING; OUTLINES THE VICTIMS AND COLE'S RELATIONSHIP; OUTLINES THE CHIN INCIDENT, VICTIM TOLD HER SHE FELL DOWN; THROWING A FIT TEXT; WITNESS PASSED. COURT EXCUSES THE WITNESS, MATTER TO CONTINUE TOMORROW, 01:15, COURT ADJOURNED.

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08/11/2020 COURT MINUTES - PETROCELLI HEARING (CONTINUING FROM 08/10/2020)
JAVS RECORDING TIME: 0128

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEYS RONNI BOSKOVICH & DANIEL MARTINEZ, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY.
*STATE SUBMITS 10 EXHIBITS, CLERK MARKED EXHIBITS 18A THROUGH 18J, PRIOR TO
THE HEARING.
COURT CALLS THE MATTER.
STATE CALLS WITNESS JOSHUA TETER, TO THE STAND. WITNESS SWORN AND
TESTIFIES AS TO: HIS OCCUPATION, HIS EMPLOYMENT AS A DEPUTY SHERIFF; AT THE
TIME OF THE INCIDENT HE WAS IN K9 TRAINING WITH THE NYE COUNTY SHERIFF'S
OFFICE; HE WAS DISPATCHED TO DESERT VIEW HOSPITAL FOR AN UNRESPONSIVE
FEMALE; OUTLINES THE VICTIM'S INJURIES HE OBSERVED; LEE'S FUNERAL HOME TOOK
THE VICTIM TO THE CLARK COUNTY CORNERS; CONFIRMS HE TOOK THE PHOTOGRAPHS AT
THE HOSPITAL. EXHIBIT 10 GIVEN TO THE WITNESS, CONFIRMS HE TOOK THE
PHOTOGRAPH OF THE VICTIM, WITNESS STATES HE HAD NEVER SEEN ANYTHING LIKE
THIS INCIDENT.
STATE MOVES TO ADMIT EXHIBIT 10.
BOSKOVICH OBJECTS.
STATE ARGUES IN SUPPORT OF THE RELEVANCE OF THE PREVIOUS SCAR THAT WAS
PHOTOGRAPH.
COURT ADMITS EXHIBIT 10 INTO EVIDENCE.
STATE SUBMITS PROPOSED EXHIBITS 18A THROUGH 18J, IDENTIFIED AS PHOTOGRAPHS
OF THE VICTIM POSTMORTEM.
WITNESS CONTINUES TO TESTIFY: CONFIRMS HE TOOK THE PHOTOGRAPHS AND THEY ARE
ACCURATE.
STATE MOVES TO ADMIT EXHIBIT 18A THROUGH 18J.
BOSKOVICH OBJECTS TO THE EXHIBITS.
COURT ADMITS EXHIBITS 18A THROUGH 18J INTO EVIDENCE.
WITNESS PASSED.
BOSKOVICH CROSS EXAMINES THE WITNESS: WITNESS TESTIFIES AS TO: HE WAS
EMPLOYED FOR 2 YEARS AT NCSO, HE WAS IN K9 TRAINING AT THE TIME OF THE
INCIDENT, HE HAD PASSED FIELD TRAINING, LEFT THE NCSO IN FEBRUARY 2019;
WITNESS OUTLINES HIS TRAINING/TECHNIQUE USED IN TAKING PHOTOGRAPHS,
OUTLINES HIS ARRIVAL AT DVH, HE STAYED WITH DECEDENT UNTIL CPR WAS
COMPLETED; HE DID NOT KNOW COLE OR THE VICTORIA; HE WAS NEVER AT THE SCENE
OF THE CRIME NOR DID HE TALK TO ANY WITNESS AT THE SCENE. WITNESS PASSED.
STATE REDIRECTS: THE WITNESS TESTIFIES HE DOES NOT BELIEVE THE BRUISES ON
THE VICTIM CHANGED BECAUSE HE DID NOT MEASURE EACH BRUISE.
WITNESS EXCUSED.
STATE'S OFFER OF PROOF, PETROCELLI ALLOWS DETECTIVE ALEXANDRA FERNANDEZ
TRANSCRIPT BE ALLOWED, AS SHE IS NOT ABLE TO BE HERE TODAY, REQUEST THE
COURT CONSIDER HER TRANSCRIPT.
MARTINEZ HAS NO OBJECTION.
STATE READS PROPOSED EXHIBIT 14 REGARDING ALEXANDRA'S INTERVIEW WITH COLE:
PAGE 3, PAGE 4, PAGE 6, PAGE 8, PAGE 9, PAGE 10, PAGE 12, PAGE 14, PAGE 15,
PAGE 20 19-11, PAGE 23, PAGE 25, PAGE 27, AND PAGE 32.
STATE SUBMITS PROPOSED EXHIBIT 14, CLERK MARKS EXHIBIT IDENTIFIED AS
DETECTIVE ALEX FERNANDEZ' TRANSCRIPT OF INTERVIEW OF COLE ENGELSON DATED
07/15/2017. STATE MOVES TO ADMIT EXHIBIT 14, NO OBJECTION, EXHIBIT 14
ADMITTED INTO EVIDENCE.
STATE CALLS WITNESS CAPT. DAVID BORUCHOWITZ, TO THE STAND. WITNESS SWORN
AND TESTIFIES AS TO: OCCUPATION WITH THE NCSO/LAW ENFORCEMENT; ADVISES THE
COURT HE HAS TWO PIECES OF EVIDENCE FROM THE NCSO EVIDENCE VAULT.
STATE SUBMITS PROPOSED EXHIBIT 19 & 20, CLERK MARKS EXHIBIT 19, IDENTIFIED
AS #AC1-69699, A BAG CONTAINING A CELL PHONE AND EXHIBIT 20 IDENTIFIED AS
#AC9-69699, A BAG CONTAINING TWO CELL PHONES.

WITNESS TESTIFIES AS TO: THE TYPE OF BAGS THE PHONES ARE PLACED IN THAT PREVENT ANY CHANGES TO ITS CONTENTS BY RADIO FREQUENCY SIGNALS TO ELECTRONIC DEVICES; EXHIBITS 10, 18A-18J GIVEN TO THE WITNESS FOR REVIEW, WITNESS RECOGNIZES THE PHOTOS OF THE VICTIM; HE DOES NOT RECALL IF TETER WAS THERE AT THE SAME TIME HE WAS; WITNESS IDENTIFIES COLE ENGELSON IN THE COURTROOM; WITNESS STATES HE WAS DOING FOLLOW-UP AS THE NCSO WATCH COMMANDER WHEN HE INTERVIEWED COLE; PROPOSED EXHIBIT 11, THE TRANSCRIPT OF INTERVIEW BETWEEN THE WITNESS AND DEFENDANT GIVEN TO THE WITNESS TO REVIEW. MARTINEZ OBJECTS.

COURT PRESERVES THE OBJECTION.

WITNESS CONTINUES TO TESTIFY AS TO: HOW THE DEFENDANT DISCIPLINED THE VICTIM'S BROTHER; OUTLINES HOW HE WAS TRYING TO KEEP THE VICTIM IN THE SHOWER.

STATE ADVISES THE COURT AMY, VICTORIA'S FRIEND IS PRESENT IN THE GALLERY AND REQUEST THE COURT ADMONISH HER.

COURT ADMONISHES AMY, SHE IS NOT TO TALK ABOUT THIS MATTER. AMY CONCURS. WITNESS CONTINUES TO TESTIFY AS TO: HE OUTLINES THE DEFENDANT'S ANSWERS TO HIS INTERVIEW AND HOW HIS STORY CHANGED DURING THE INTERVIEW.

STATE SUBMITS PROPOSED EXHIBIT 11, CLERK MARKS EXHIBIT IDENTIFIED AS TRANSCRIPT OF LIEUTENANT DAVID BORUCHOWITZ' TRANSCRIPT OF HIS INTERVIEW WITH COLE ENGELSON DATED 07/16/2017. STATE MOVES TO ADMIT EXHIBIT 11, NO OBJECTION, EXHIBIT 11 ADMITTED INTO EVIDENCE.

WITNESS TESTIFIES AS TO: HE OUTLINES, IN DETAIL, HIS INTERVIEW WITH THE DEFENDANT, THE DEFENDANT'S BEHAVIOR DURING THE INTERVIEW, HOW THE DEFENDANT DESCRIBED HOW HE GOT PHYSICAL WITH THE VICTIM, HOW HE WOULD REFERENCE ALCOHOL, OUTLINED HOW THE DEFENDANT'S MEMORY FELL APART, HOW THE DEFENDANT DESCRIBED THE VICTIM SCREAMING AND FIGHTING THE WHOLE TIME SHE WAS IN THE SHOWER, HOW THE DEFENDANT WOULD NOT LET THE VICTIM OUT OF THE SHOWER, THEN HE CLAIMED HE DID NOT REMEMBER WHAT HAPPEN AFTER THE SHOWER; HIS REACTION AFTER HE LOOKED AT THE PICTURES, STATING HE COULD HAVE NOT DONE THAT SOBER; WITNESS TESTIFIES HE HAS DONE 1000'S OF SUSPECT INTERVIEWS, OUTLINES TRAINING SEMINARS, INTERVIEW TECHNIQUES, SUSPECTS WILL MINIMIZE THEIR INVOLVEMENT; WITNESS REVIEWS PAGES 52 & 39 OF THE TRANSCRIPT, PAGES 39 DEFENDANT DESCRIBES TWO FALLS; PAGE 52 DEFENDANT DESCRIBES THE SAME ALTERCATION; PAGE 11 WITNESS RECALLS THAT WAS THE BEGINNING OF THE INTERVIEW; WITNESS DESCRIBES EXHIBIT 19 RED CASE W/ CELL PHONE, EXHIBIT 20 TWO CELL PHONE BLUE AND BLACK THE OTHER IS ALL BLACK; EXHIBIT 19 IS THE DEFENDANTS. WITNESS PASSED.

MARTINEZ CROSS-EXAMINES THE WITNESS. WITNESS TESTIFIES AS TO THE FALL WHEN THE VICTIM FELL OFF A CHAIR, HE STATES IT IS NOT THAT COMMON FOR A SUSPECT NOT TO RECALL WHAT HAPPENED, WITNESS REVIEWS PAGE 41 LINE 3 - 14, OUTLINES THE CRITICAL MOMENT IN THE INTERVIEW YOU PROVIDE THE SUSPECT AN OUT, OUTLINES OTHER INTERVIEW TACTICS; WITNESS STATES HE HAS TESTIFIED SEVERAL TIMES DOES NOT RECALL HOW MANY, HE BELIEVES FERNADEZ, COX, FLANCHER, AND GIBS ALL INTERVIEWED THE DEFENDANT; VICTIMS INJURIES LOOKED BAD; OUTLINES THE NATURE OF THE INTERVIEW. WITNESS PASSED.

STATE REDIRECTS: WITNESS TESTIFIES HE DOES NOT RECALL IF HE FELT THE BACK OF THE VICTIMS HEAD; WITNESS REVIEWS HIS TRANSCRIPT, REGARDING THE FALL FROM THE CHAIR. WITNESS PASSED.

WITNESS EXCUSED.

COURT RECESSES.

BACK IN SECESSION 0251

STATE RECALLS WITNESS VICTORIA SCHLICK, TO THE STAND. COURT REMINDS THE WITNESS SHE IS STILL UNDER OATH. WITNESS IS GIVEN EXHIBITS 19 & 20 FOR REVIEW. WITNESS TESTIFIES AS TO: SHE IDENTIFIES EXHIBIT 19 AS THE DEFENDANT'S CELL PHONE, SHE IDENTIFIES EXHIBIT 20 THE BLUE AND BLACK PHONE IS HER CELL PHONE, SHE IS UNAWARE OF WHO THE BLACK PHONE BELONGS TO. STATE MOVES TO ADMIT EXHIBIT 19 & 20.

MARTINEZ OBJECTS.

OVER OBJECTION EXHIBIT 19 & 20 ADMITTED INTO EVIDENCE.

WITNESS CONTINUES TO TESTIFY: THE LAST BATH SHE GAVE THE VICTIM WAS THE DAY PRIOR TO THE INCIDENT; THE DAY PRIOR THE VICTIM DID NOT HAVE ANY INJURIES;

OUTLINES THE CONVERSATION WITH KISHANNA; WITNESS TESTIFIES SHE LOVED THE DEFENDANT AND CANNOT BELIEVE HE COULD HURT THE VICTIM. WITNESS PASSED. MARTINEZ HAS NO FURTHER QUESTIONS. WITNESS EXCUSED.

STATE REST ITS CASE IN CHIEF.

NO OBJECTIONS TO THE WITNESS REMAINING IN THE GALLERY DURING CLOSING ARGUMENT.

STATE CONDUCTS CLOSING STATEMENT; THE EVIDENCE IS CLEAR AND CONVINCING; REQUEST THE EXHIBITS PRESENT TODAY BE ADMITTED FOR TRIAL, PRIOR BAD ACTS BE ALLOWED IN FRONT OF THE JURY.

MARTINEZ CONDUCTS CLOSING STATEMENT ON BEHALF OF THE DEFENDANT; THE EVIDENCE PRESENTED IS NOT RELEVANT; OUTLINES WITNESSES' TESTIMONY THAT IS IRRELEVANT; REQUEST PRIOR BAD ACTS NOT BE ALLOWED.

STATE REBUTS AND REITERATES HIS ARGUMENT.

COURT RECESSES. COURT BACK IN SECESSION (411)

ALL PARTIES ARE PRESENT.

COURT RULES: LAPORE'S TESTIMONY WILL NOT BE ADMIT AS PRIOR BAD ACT, IT IS NOT CLEAR AND CONVINCING; MARQUEZ TESTIMONY WILL NOT ALLOWED, NOT RELEVANT; UMC QUICK CARE REGARDING THE CUT ON CHIN IS ALLOWED, WILL BE ARGUED IN FRONT OF THE JURY; PHOTOS FROM THE CELL PHONE OF THE CHILD BEING SAD, IS NOT CLEAR AND CONVINCING.

08/11/2020 SETTLEMENT CONFERENCE ACKNOWLEDGMENT

08/12/2020 ORDER SETTING HEARING (CRIMINAL SETTLEMENT CONFERENCE, 08/20/2020, 11AM)

08/19/2020 TRANSCRIPT OF: PETROCELLI HEARING DAY 1 (8/10/20)

08/20/2020 COURT MINUTES - CRIMINAL MEDIATION HEARING

JUDGE/MEDIATOR: LINDA BELL;

CLERK: JUANITA TORRES;

BAILIFF: JAMELE TAYLOR;

REPORTER: NONE;

APPEAR: KIRK VITTO ON BEHALF OF THE STATE;

ATTORNEYS DAN MARTINEZ & RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY.

MEDIATION HELD, NO AGREEMENT REACHED.

08/24/2020 FOURTH AMENDED NOTICE OF WITNESSES

08/24/2020 STATE'S AMENDED NOTICE OF EXPERT WITNESSES

08/25/2020 RECEIPT OF COPY

08/25/2020 RECEIPT OF COPY

08/25/2020 TRANSCRIPT OF: PETROCELLI HEARING DAY 2 (8/11/2020)

09/14/2020 AFFIDAVIT FOR ATTENDANCE OF OUT OF STATE WITNESS

09/14/2020 AMENDED ORDER SETTING JURY TRIAL(11/4/2020 3 WEEKS)

09/14/2020 CERTIFICATE

10/01/2020 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM/
ORDER (HRG 10/05/2020 - DEANNA O'DONNELL; MISSEY KOHLER, KPVM-TV)

10/05/2020 *****END OF FILE #3*****

10/05/2020 STATE'S SECOND AMENDED NOTICE OF EXPERT WITNESSES

10/05/2020 FIFTH AMENDED NOTICE OF WITNESSES

10/05/2020 NOTICE OF ENTRY OF WAIVER AND AGREEMENT OF OUT OF STATE WITNESSES

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10/05/2020 COURT MINUTES - CALENDAR CALL HEARING (JT 11/2/2020 3 WEEKS)
JAVS RECORDING TIME: 0916

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DON CHAIREZ ON BEHALF OF THE STATE;
ATTORNEY RONNI BOSKOVICH AND DANIEL MARTINEZ, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY.
COURT CALLS THE MATTER.
PARTIES ANNOUNCE READY.
COURT CONFIRMS JURY SELECTION WILL BEGIN ON 11/4/2020 AT THE BOCC CHAMBERS,
TRIAL DATES CONFIRMED; COUNSEL TO MEET AT BOCC FOR A PRETRIAL MEETING,
COURT STAFF WILL ARRANGE A DATE AND TIME.

10/05/2020 VENIRE

10/05/2020 VENIRE

10/05/2020 VENIRE

10/06/2020 AFFIDAVIT FOR ATTENDANCE OF OUT-OF-STATE WITNESS

10/08/2020 CERTIFICATE

10/13/2020 TRANSCRIPT OF: CALENDAR CALL(10/5/20)

10/19/2020 RECEIPT OF COPY

10/19/2020 SIXTH AMENDED NOTICE OF WITNESSES

10/20/2020 EX PARTE MOTION FOR ADDITIONAL EXTRAORDINARY FEES FOR EXPERT WITNESS COSTS

10/20/2020 MOTION ON ORDER SHORTENING TIME TO ALLOW REMOTE TESTIMONY VIA AUDIOVIDEO
TECHNOLOGY (SUBMITTED BY NCDA/ KIRK D. VITTO, CDDA, FOR THE STATE)

10/21/2020 OPPOSITION TO MOTION ON ORDER SHORTENING TIME TO ALLOW REMOTE TESTIMONY VIA
AUDIOVIDEO TECHNOLOGY

10/21/2020 ORDER SHORTENING TIME TO HEAR: MOTION ON ORDER SHORTENING TIME TO ALLOW
REMOTE TESTIMONY VIA AUDIOVIDEO TECHNOLOGY

10/21/2020 ORDER FOR ADDITIONAL EXTRAORDINARY FEES FOR EXPERT WITNESS COSTS

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10/22/2020 COURT MINUTES - STATE'S MOTION REGARDING REMOTE TESTMONY HEARING
JAVS RECORDING TIME: 0937

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS, NOT PRESENT;
APPEAR: CHRIS ARABIA AND KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY DANIEL MARTINEZ AND RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY.
COURT CALLS THE MATTER.
VITTO BRIEFS THE RECORD; OUTLINES PAGE 4 OF THE STATE'S BRIEFS; CLARIFIES
PAGE 4 LINES 4-5 AND PAGE 5; ARGUES DR. MOUSSA WOULD NOT BE POINTING HIS
FINGER AT THE DEFENDANT REGARDING THE VICTIM'S CAUSE OF DEATH, DR. MOUSSA
DOES NOT KNOW THE DEFENDANT OR THE VICTIM'S FAMILY; ARGUES THE STATE IS NOT
TRYING TO TAKE AWAY THE DEFENDANT'S SIXTH AMENDMENT RIGHT.
BOSKOVICH ARGUES THERE IS NOT A STATUTE THAT PROVIDES FOR AUDIOVISUAL
DURING A JURY TRIAL; OUTLINES THE SUPREME COURT RULES, IF THE PARTIES
STIPULATE TO REMOTE AUDIOVISUAL, WHICH THE DEFENSE HAS NOT OR IF THE COURT
FINDS THAT IT IS NECESSARY, AND THE RIGHT OF CONFRONTATION IS PRESERVED;
SHE UNDERSTANDS DR COVID CONCERNS ABOUT BEING EXPOSED TO COVID, HOWEVER
THAT DOES ALLOW TO PUT THE DEFENDANT'S SIXTH AMENDMENT RIGHT TO CONFRONT A
WITNESS, DEFENSE WOULD BE UNABLE TO ADEQUATELY CROSS-EXAMINE THE WITNESS,
DR. MOUSSA WOULD NOT BE ABLE TO REVIEW THE PHOTOGRAPHS IN PERSON, NOR
IDENTIFY OLD INJURIES INCLUDING A BITE MARK; REQUEST THE STATE'S MOTION
BE DENIED.
STATE STANDS.
COURT DENIES THE MOTION, THE WITNESS IS TO APPEAR IN COURT.
10/23/2020 COURT ORDER (HRG 10.22.2020)
10/27/2020 MOTION TO DISQUALIFY THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE
10/29/2020 OPPOSITION TO DEFENDANT'S MOTION TO DISQUALIFY THE NYE COUNTY DISTRICT
ATTORNEY'S OFFICE

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10/29/2020 COURT MINUTES ~ OPPOSITION TO DEFENDANT'S MOTION TO DISQUALIFY THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE HEARING
JAVS RECORDING TIME: 0300

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: CHRIS ARABIA, KIRT VITTO AND CHRISTI KINDEL ON BEHALF OF THE STATE;
ATTORNEY DANIEL MARTINEZ AND RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT,
WHO IS PRESENT IN CUSTODY.
COURT CALLS THE MATTER.
MARTINEZ BRIEFS THE RECORD; ARGUES IN SUPPORT OF DEFENDANT'S MOTION; THE DEFENDANT'S FORMER PUBLIC DEFENDER BRENT PERCIVAL HAS ACCEPTED EMPLOYMENT WITH THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE, AND NOW HE HAS BEEN PLACED ON ADMINISTRATIVE LEAVE; REQUEST A SPECIAL PROSECUTOR; CITES UNPUBLISHED CASE LAW REGARDING IMPROPRIETY; PERCIVAL WAS RELEASED FROM HIS CONTRACT EARLY, SO HE COULD START AT THE DA'S OFFICE, ARABIA SUPPORTED PERCIVAL'S EARLY RELEASE; COULD LEAD TO UNFAIRNESS; ARGUES AGAINST THE STATE'S OPPOSITION; REQUEST THE DA BE DISQUALIFIED DUE TO THE EXTREME APPEARANCE OF IMPROPRIETY.
STATE ARGUES AGAINST DEFENDANT'S MOTION; CITES PUBLISHED CASES OVERRULING THE DEFENDANT'S ARGUMENT; THEY ARE ALL LEGAL PROFESSIONALS; THIS ISSUE WOULD FAIL IF CONVICTED AT TRIAL; OUTLINES AFFIDAVITS ATTACHED TO THE STATE'S OPPOSITION, IF NEEDED THOSE WITNESS ARE AVAILABLE TO TESTIFY AT THIS HEARING; ARGUES NO EVIDENCE HAS BEEN PRESENTED IN SUPPORT OF DEFENDANT'S MOTION, THE APPEARANCE OF IMPROPRIETY FAILS.
COURT SUMMARIZES DEFENDANT'S ARGUMENT, BELIEVES IT IS SPECULATIVE, THE COURT HAS NOT SEEN ANY EVIDENCE IN SUPPORT OF THE MOTION.
MARTINEZ ARGUES THE DEFENDANT HAD REQUESTED HE BE ALLOWED TO PROCEED PRO SE AND ACCUSED PERCIVAL OF SHARING PRIVILEGED COMMUNICATIONS; AGREES IT IS SPECULATIVE.
STATE CONFIRMS PERCIVAL WAS PUT ON ADMINISTRATIVE OF LEAVE YESTERDAY, IN AN ABUNDANCE OF CAUTION, AND FOR NO OTHER REASON; ARGUES TWO TRIAL DATES HAVE BEEN VACATED SINCE THE NEW COUNSEL HAS BEEN APPOINTED; REQUEST THE MOTION BE DENIED.
MARTINEZ ADVISES THE COURT ONLY ONE TRIAL DATE HAS BEEN VACATED DUE TO COVID.
COURT FINDS THE DEFENDANT'S MOTION IS SPECULATIVE, THE DEFENDANT'S BURDEN HAS NOT BEEN MEET, PERCIVAL HAS AN ETHICAL DUTY TO PERFORM, MOTION IS DENIED; COURT CONFIRMS TRIAL DATES AND REQUEST THE PARTIES ADVISE THE COURT REGARDING ANY PRETRIAL MOTIONS, TO BE HEARD PRIOR TO JURY SELECTION.

11/03/2020 TRANSCRIPT OF: STATES MOTION TO ALLOW REMOTE TESTIMONY(10/22/20)

11/04/2020 COURT MINUTES - JURY TRIAL (NOVEMBER 4TH - 16TH, 2020)

JUDGE: ROBERT W. LANE
CLERK: RACHEL ALDANA/ SARAH WESTFALL
REPORTER: CECILIA THOMAS
BAILIFF: JAMELE TAYLOR
APPS: CHRIS ARABIA, DA, AND KIRK VITTO, CDDA, FOR THE STATE;
DANIEL MARTINEZ, ESQ., AND RONNI BOSKOVICH, ESQ., WITH DEFENDANT.

**SCANNED IN BENCHMARK.

11/06/2020 MOTION FOR MATERIAL WITNESS ARREST

11/06/2020 WARRANT OF ARREST MATERIAL WITNESS

11/12/2020 SEVENTH AMENDED NOTICE OF WITNESS

11/12/2020 STATE'S THIRD AMENDED NOTICE OF EXPERT WITNESSES

11/16/2020 INSTRUCTIONS TO THE JURY

11/16/2020 VERDICT COUNT 1 - GUILTY 1ST DEGREE MURDER

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11/24/2020 ORDER TO SHOW CAUSE(WILLIAM WHITE) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(ALBERT KRUMINS) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(CHAD JONES) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(CAROL A HULL) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(ZACHARY PRYOR) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(KENNETH E MURPHY SR) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(JENNIFER HINCKS) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(HEIDI L FLEISS) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(CLARENCE HARGIS) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(LAWRENCE EDWARD BURSON) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(MICHAEL RIGNEY) (1/11/21)
11/24/2020 ORDER TO SHOW CAUSE(DILLON J PILLMAN-BRADEN) (1/11/21)
12/01/2020 ORDER VACATING ORDER TO SHOW CAUSE (CAROL A. HULL)
12/01/2020 ORDER VACATING ORDER TO SHOW CAUSE (KENNETH E MURPHY, SR.)
12/03/2020 ORDER VACATING ORDER TO SHOW CAUSE(MICHAEL RIGNEY)
12/04/2020 ORDER VACATING ORDER TO SHOW CAUSE (HEIDI FLEISS)
12/14/2020 ORDER VACATING ORDER TO SHOW CAUSE (ALBERT KRUMINS)
01/11/2021 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
01/11/2021 COURT MINUTES (HEARING 01/11/2021) - ORDER TO SHOW CAUSE HEARING (FOR
MULTIPLE JURORS)
JUDGE: ROBERT LANE;
CLERK: RACHEL ALDANA;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; MS.
BOSKOVICH IS PRESENT WITH THE DEFENDANT WHO IS IN CUSTODY.
JURORS PRESENT: CLARENCE HARGIS, JENNIFER HINCKS, AND ZACH PRYOR.
COURT CALLS THE MATTER. MR. HARGIS ADDRESSES THE COURT AND STATES HE DID
NOT RECIEVE A SUMMONS. COURT EXCUSES HIM. MS. HINCKS INFORMS THE COURT THAT
SHE FORGOT. COURT ORDERS HER TO PAYN\$50 FINE AT THE CLERKS OFFICE. MR.
PRYOR DID NOT GET A SUMMONS. COURT EXCUSES HIM. COURT RECALLS THIS MATTER.
LAWRENCE HARGIS SHOWED UP AND INFORMED THE COURT HE MISSED THE TRIAL DATE
BECAUSE HIS SISTER PASSED AWAY. COURT EXCUSED HIM.
01/11/2021 PAYMENT \$50.00 RECEIPT #4553

01/13/2021 COURT MINUTES - ORDER TO SHOW CAUSE RE: WARRANT OF ARREST OF MATERIAL WITNESS (CHRISTOPHER PULLEN) HEARING
JAVS RECORDING TIME: 0858

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: CHEFF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;
WITNESS CHRISTOPHER PULLEN PRESENT IN CUSTODY.
ATTORNEYS DANIEL MARTINEZ AND RONNI BOSKOVICH, COUNSEL FOR THE DEFENDANT, ARE PRESENT AND ADVISE THE COURT THEY HAVE NO INTEREST IN THIS HEARING. COURT EXCUSES THEM, CALLS THE MATTER AND OUTLINES THE REASON FOR TODAY'S HEARING: THE WITNESS WAS SERVED, SIGNED A PROMISE TO APPEAR, FAILED TO APPEAR AT TRIAL AND A WARRANT FOR MATERIAL WITNESS WAS ISSUED. PULLEN ADDRESS THE COURT, APOLOGIZES FOR NOT APPEARING AT TRIAL, CLAIMS HE AND HIS FAMILY WERE THREATENED HARM IF HE TESTIFIED. STATE ARGUES THE WITNESS WAS PROPERLY SERVED, OUTLINES ISSUES WITH HIS CREDIBILITY, REQUEST MAXIMUM SENTENCE OF \$500 FINE AND 25 DAYS IN JAIL. PULLEN ARGUES HIS WIFE HAD BEEN THREATEN FIRST AND HE HAD ADVISED THE DA PRIOR TO THE TRIAL. STATE AGREES THE WITNESS DID ADVISE THE DA'S OFFICE AND IT WAS INVESTIGATED, HOWEVER THEY WERE UNABLE TO PROVE ANYTHING. COURT SENTENCES THE WITNESS TO 25 DAYS NCDC, FOR CONTEMPT, 10 DAYS CREDIT FOR TIME SERVED, TO BE VERIFIED, AND ANY GOOD TIME CREDIT FROM THE SHERIFF'S DEPARTMENT; NO FINE ORDERED.

01/13/2021 COURT ORDER

01/14/2021 PRESENTENCE INVESTIGATION REPORT

01/15/2021 DEFENSE ATTORNEY: MARTINEZ, DANIEL ASSIGNED

02/01/2021 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM

02/01/2021 COURT MINUTES - SENTENCING HEARING
JAVS RECORDING TIME: 1029

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DISTRICT ATTORNEY CHRIS ARABIA AND CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY DANIEL MARTINEZ, RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY VIA VIDEO.
COURT CALLS THE MATTER.
DEFENSE BRIEFS THE RECORD, REQUEST CONTINUANCE.
MR. ARABIA ADVISES THE COURT THEY ARE NOT TAKING A POSITION REGARDING A CONTINUANCE.
MR. VITTO ARGUES THE VICTIMS HAVE WAITED 3 ½ YEARS AND THEY HAVE REQUESTED TO MAKE STATEMENTS AT TODAY'S HEARING.
COURT GRANTS CONTINUANCE, CONTINUES THE MATTER TO 03/08/2021 AT 11:00, A.M., AND INQUIRES IF THE VICTIMS WOULD LIKE TO TESTIFY TODAY OR RETURN ON 03/08/2021.
ARABIA ADVISES THE COURT THE VICTIMS WHO WISH TO TESTIFY TODAY ARE DWIGHT CAMP, AND NICKOLE ROBINSON.
STATE CALLS VICTIM'S BROTHER, DWIGHT CAMP TO THE STAND, WITNESS SWORN AND READS GRANDMOTHER'S AND AUNT'S WRITTEN STATEMENT ON THE RECORD; HE ADVISES THE COURT HE WILL RETURN ON 03/08/2021, TO GIVE HIS STATEMENT. WITNESS EXCUSED.
STATE CALLS VICTIM'S SISTER, NICKOLE ROBINSON TO THE STAND WITNESS SWORN AND TESTIFIES AS TO HOW THIS HAS AFFECTED HER LIFE.

02/02/2021 PAYMENT \$0.00 RECEIPT #4802

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02/03/2021	TRANSCRIPTS OF: MOTION TO DISQUALIFY THE NYE COUNTY'S DISTRICT ATTORNEY'S OFFICE (10.29.2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 1 (NOVEMBER 4, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS---JURY TRIAL DAY 2 (NOVEMBER 5, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 3 (NOVEMBER 6, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 4 (NOVEMBER 9, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 5 (NOVEMBER 10, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS---JURY TRIAL DAY 6 (NOVEMBER 12, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS---JURY TRIAL DAY 7 (NOVEMBER 13, 2020)
02/05/2021	TRANSCRIPTS OF PROCEEDINGS--JURY TRIAL DAY 8 (NOVEMBER 16, 2020)
02/11/2021	TRANSCRIPT OF: OSC MATERIAL WITNESS BENCH WARRANT RTN(CHRISTOPHER PULLEN) (1/13/21)
03/03/2021	TRANSCRIPT OF: SENTENCING (CONT) (2/1/21)

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03/08/2021 COURT MINUTES - SENTENCING HEARING
JAVS RECORDING TIME: 1052

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DISTRICT ATTORNEY CHRIS ARABIA, ON BEHALF OF THE STATE;
ATTORNEY DANIEL MARTINEZ & RONNI BOSKOVICH, ON BEHALF OF THE DEFENDANT, WHO
IS PRESENT VIA VIDEO IN CUSTODY.
COURT CALLS THE MATTER.
COURT CALLS THE MATTER AND OUTLINES THE PLEA NEGOTIATIONS IN THE
PRESENTENCE INVESTIGATION REPORT DATED 01/14/2021.
MARTINEZ BRIEFS THE RECORD, REQUEST ELIGIBILITY FOR PAROLE AFTER 20 YEARS;
OUTLINES THE PSI REPORT; OUTLINES DEFENDANT'S CRIMINAL HISTORY.
BOSKOVICH NOTHING FURTHER.
DEFENDANT ADDRESSES THE COURT; INQUIRES IF TODAY'S STATEMENT CAN BE USED
AGAINST HIM AT A SECOND TRIAL.
COUNT IS UNAWARE IF IT CAN OR NOT.
VITTO DOES NOT BELIEVE ANYTHING HE WOULD SAY WOULD BE RELEVANT AND REJECTS
GIVING ANY IMMUNITY.
COURT CLARIFIES THE FORGOING TO THE DEFENDANT.
DEFENDANT CONTINUES TO ADDRESS THE COURT; REQUEST THE JURY BE ALLOWED TO
SENTENCE HIM.
COURT DENIES REQUEST.
DEFENDANT CONTINUES TO ADDRESS THE COURT.
ARABIA CALLS WITNESS NICHOLE ROBINSON, TO THE STAND, THE WITNESS WISHES TO
GIVE AN ORAL VICTIM IMPACT STATEMENT. WITNESS SWORN AND TESTIFIES AS TO:
THE VICTIM IS HER LITTLE SISTER; WITNESS TESTIFIES HOW THIS HAS AFFECTED
HER LIFE AND DESCRIBES THE EMOTIONAL, IMPACT SHE HAS SUFFERED AS A RESULT
OF THE DEATH OF YESSENIA; REQUEST LIFE IN PRISON.
DEFENSE STANDS.
WITNESS EXCUSED.
ARABIA CALLS WITNESS DWIGHT CAMP, TO THE STAND, THE WITNESS WISHES TO GIVE
AN ORAL VICTIM IMPACT STATEMENT. WITNESS SWORN AND TESTIFIES AS TO: HE
REQUESTS LIFE WITHOUT PAROLE AND HOW THIS HAS AFFECTED HIS LIFE.
DEFENSE STANDS.
WITNESS EXCUSED.
VITTO CALLS WITNESS VICTORIA SCHLICK, TO THE STAND, THE WITNESS WISHES TO
GIVE AN ORAL VICTIM IMPACT STATEMENT. WITNESS SWORN AND TESTIFIES AS TO:
THE VICTIM WAS HER DAUGHTER; WITNESS TESTIFIES HOW THIS HAS AFFECTED HER
LIFE AND DESCRIBES THE EMOTIONAL, IMPACT SHE HAS SUFFERED AS A RESULT OF
THE DEATH OF YESSENIA; REQUEST THE DEFENDANT BE SENTENCE TO LIFE IN PRISON
WITHOUT THE POSSIBLY OF PAROLE.
DEFENSE STANDS.
WITNESS EXCUSED.
VITTO CALLS WITNESS BRYAN MONROE, TO THE STAND, THE WITNESS WISHES TO GIVE
AN ORAL VICTIM IMPACT STATEMENT. WITNESS SWORN AND TESTIFIES AS TO:
WITNESS IS THE VICTIM'S UNCLE.
MARTINEZ ADDRESSES THE COURT, HE AGREES RELATIVES CAN SPEAK AT SENTENCING,
BUT HE BELIEVES IT IS IMMEDIATE FAMILY ONLY, OBJECTS TO THE UNCLE.
1121. COURT CALLS RECESS SO THE DEFENSE CAN DETERMINE THE DEGREE OF
CONSANGUINITY.
1137 COURT BACK IN SECESSION.
VITTO ARGUES IT IS THE COURT'S DISCRETION, THE UNCLE IS THE BROTHER OF THE
VICTIM'S FATHER, THE FATHER DIED OF CANCER APPROXIMATELY ONE YEAR AFTER THE
DEATH OF YESSENIA.
MARTINEZ DEFINES A RELATIVE BY STATUTE, ARGUES AN UNCLE HAS NO RIGHT BY
STATUTE TO TESTIFY.
COURT FINDS THAT SINCE THE FATHER IS NOT HERE TO TESTIFY, HIS BROTHER MAY
REPRESENT HIM AND ALLOWS TESTIMONY.
WITNESS RETURNS TO THE STAND, STILL UNDER OATH, WITNESS TESTIFIES AS TO: HE

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IS THE BROTHER OF THE VICTIM'S FATHER WHO DIED APPROXIMATELY ONE YEAR AFTER THE CHILD; THEY WERE LIVING TOGETHER WHEN THE CHILD PASSED; HE READS A STATEMENT ON HOW THIS HAS AFFECTED HIS AND HIS BROTHER'S LIFE; REQUEST THE DEFENDANT BE SENTENCING TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE.

NO FURTHER QUESTIONS, WITNESS IS EXCUSED.

STATE HAS NO FURTHER WITNESSES. VITTO AND ARABIA ADDRESS THE COURT, REQUEST THE DEFENDANT BE SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE.

VITTO REQUEST RESTITUTION.

MARTINEZ ADVISES THE COURT THEY WOULD BE ABLE TO RECEIVE UP TO \$10K RESTITUTION FROM THE NEVADA VICTIMS OF CRIMES PROGRAM.

COURT INQUIRES IF THEY HAVE BEEN COMPENSATED.

VITTO ADVISES THE COURT, THE FAMILY HAS NOT RECEIVED ANYTHING.

COURT ORDERS \$11,803.86 IN RESTITUTION AND SENTENCES THE DEFENDANT TO LIFE IN PRISON, WITHOUT THE POSSIBILITY OF PAROLE, ALL THE STANDARD FINES AND FEES SET FORTH IN THE PSI REPORT.

03/12/2021 JUDGMENT OF CONVICTION

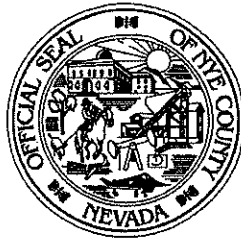
03/16/2021 TRANSCRIPT OF: SENTENCING(3/8/21)

03/26/2021 NOTICE OF APPEAL

03/26/2021 CASE APPEAL STATEMENT

**OFFICE OF THE NYE COUNTY CLERK
SANDRA L. MERLINO**

Tonopah Office
Nye County Courthouse
P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
Phone (775) 482-8127
Fax (775) 482-8133



Pahrump Office
Government Complex
1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775) 751-7047

Friday, March 26, 2021

SENT VIA E-FILE

Supreme Court Clerk
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: CR9226
STATE OF NEVADA, Plaintiff,
vs.
COLE DUANE ENGELSON, Defendant.


Dear Clerk of Court:

I am submitting an appeal packet for a proper person appeal received and filed March 26, 2021, in the above referenced matter. As this is a criminal matter, no fees were collected.

Please feel free to contact me should you have any questions with regard to the foregoing.

Sincerely,

**SANDRA L. MERLINO
NYE COUNTY CLERK**

By 
Brittani K. Smith
Deputy Clerk, Pahrump

cc: Daniel Martinez, Esq -Defendant's Counsel
Nye County District Attorney
Honorable Robert W. Lane

**OFFICE OF THE NYE COUNTY CLERK
SANDRA L. MERLINO**

Tonopah Office
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P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
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1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775) 751-7047

CERTIFICATION OF COPY

**STATE OF NEVADA
COUNTY OF NYE**

I, **SANDRA L. MERLINO**, the duly elected, qualifying and acting Clerk of Nye County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original documents in the action entitled:

STATE OF NEVADA,

Plaintiff,

vs.

COLE DUANE ENGELSON

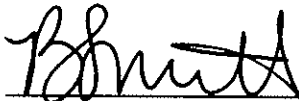
Defendant.

Case No. CR9226

now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court at my office, Pahrump, Nevada, this 26th day of March 2021.

**SANDRA L. MERLINO
NYE COUNTY CLERK**

By: 
Brittani K. Smith
Deputy Clerk, Pahrump