IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 83796

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Elizabeth A. Brown
Clerk of Supreme Court

DONTE JOHNSON,
Petitioner,

v.

STATE OF NEVADA, *et al.*,
Respondent.

Appeal From Clark County District Court
Eighth Judicial District, Clark County
The Honorable Jacqueline M. Bluth, District Judge
(Dist. Ct. No. A-19-789336-W)

APPELLANT'S APPENDIX

Volume 35 of 50

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DOCUMENT	DATE	VOLUME	PAGE(S)
Amended Verification, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	05/17/2019	47	11613–11615
Amended Verification – Index of Exhibit and Exhibit in Support, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	05/17/2019	47	11616–11620
Court Minutes, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	02/13/2019	49	12248
Court Minutes, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	10/28/2021	50	12365
Defendant's (Pro Se) Request for Petition to be Stricken as it is Not Properly Before the Court, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	04/11/2019	46	11606–11608
Defendant's (Pro Se) Request to Strike Petition, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	04/04/2019	46	11603–11605

DOCUMENT	DATE	VOLUME	PAGE(S)
Exhibits and Exhibit List in Support of Petition for Writ of Habeas Corpus	02/13/2019	25	6130–6146
6. Judgment of Conviction, State *v.* Johnson, Case No. 153154, District Court, Clark County (Oct. 3, 2000)	02/13/2019	25	6147–6152
7. Judgment of Conviction (Amended), *State v. Johnson*, Case No. 153154, District Court, Clark County (Oct. 9, 2000)	02/13/2019	25	6153–6158
8. Appellant's Opening Brief, Johnson v. State, Case No. 36991, In the Supreme Court of the State of Nevada (July 18, 2001)	02/13/2019	25	6159–6247
10. Appellant's Reply Brief, Johnson v. State, Case No. 36991, In the Supreme Court of the State of Nevada (Jan. 15, 2002)	02/13/2019	25–26	6248–6283
15. Motion to Amend Judgment of Conviction, *State v. Johnson*, Case No. 153154, District Court, Clark County (Apr. 8, 2004)	02/13/2019	26	6284–6295
16. Amended Judgment of Conviction, *State v. Johnson*, Case No. 153154, District Court, Clark County (Apr. 20, 2004)	02/13/2019	26	6296–6298
17. Judgment of Conviction, *State v. Johnson*, Case No. 153154, District Court,	02/13/2019	26	6299–6303

DOCUMENT		DATE	VOLUME	PAGE(S)
	Clark County (June 6, 2005)			
21.	Judgment Affirming Death Sentence (45456), *Johnson v.* State, Case No. 45456, In Supreme Court of the State of Nevada (Dec. 28, 2006)	02/13/2019	26	6304–6330
22.	Notice of filing of writ of certiorari, *Johnson v. State*, Case No. 45456, In Supreme Court of the State of Nevada (Apr. 5, 2007)	02/13/2019	26	6331–6332
24.	Petition for Writ of Habeas Corpus, *State v. Johnson*, Case No. 153154, District Court, Clark County (Feb. 11, 2008)	02/13/2019	26	6333–6343
25.	Pro Per Petition, *Johnson v. State*, Case No. 51306, In the Supreme Court of the State of Nevada (Mar. 24, 2008)	02/13/2019	26	6344–6364
26.	Response to Petition Writ of Habeas Corpus, *State v. Johnson*, Case No. 153154, District Court, Clark County (Apr. 29, 2008)	02/13/2019	26	6365–6369
27.	Order denying Pro Per Petition, *Johnson v. State,* Case No. 51306, In the Supreme Court of the State of Nevada (May 6, 2008)	02/13/2019	26	6370–6372
28.	Supplemental Brief in Support of Petition for Writ of Habeas Corpus, *State v. Johnson*, Case No.	02/13/2019	26	6373–6441

DOCUMENT		DATE	VOLUME	PAGE(S)
	153154, District Court, Clark County (Oct. 12, 2009)			
29.	Second Supplemental Brief in Support of Petition for Writ of Habeas Corpus, *State v. Johnson*, Case No. 153154, District Court, Clark County (July 14, 2010)	02/13/2019	26	6442–6495
30.	Response to Petition Writ of Habeas Corpus, *State v. Johnson*, Case No. 153154, District Court, Clark County (Jan. 28, 2011)	02/13/2019	26–27	6496–6591
31.	Reply to Response to Petition Writ of Habeas Corpus, *State v. Johnson*, Case No. 153154, District Court, Clark County (June 1, 2011)	02/13/2019	27	6592–6627
32.	Reply Brief on Initial Trial Issues, *State v.* Johnson, Case No. 153154, District Court, Clark County (Aug. 22, 2011)	02/13/2019	27–28	6628–6785
33.	Findings of Fact and Conclusions of Law, *State v. Johnson*, Case No. 153154, District Court, Clark County (Mar. 17, 2014)	02/13/2019	28	6786–6793
34.	Petition for Writ of Habeas Corpus, *State v. Johnson*, Case No. 153154, District Court, Clark County (Oct. 8, 2014)	02/13/2019	28	6794–6808

DOCUMENT	DATE	VOLUME	PAGE(S)
35. Response to Second Petition for Writ of Habeas Corpus (Post-Conviction), *State v. Johnson*, Case No. 153154, District Court, Clark County (Dec. 15, 2014)	02/13/2019	28	6809–6814
36. Reply to Response to Second Petition for Habeas Corpus (Post-Conviction), *State v. Johnson*, Case No. 153154, District Court, Clark County (Jan. 2, 2015)	02/13/2019	28	6815–6821
37. Appellant's Opening Brief, No. 65168, Nev. Sup. Ct., Jan. 9, 2015	02/13/2019	28	6822–6973
38. Findings of Fact and Conclusions of Law), *State v. Johnson*, Case No. 153154, District Court, Clark County (Feb. 4, 2015)	02/13/2019	28	6974–6979
40. Appellant's Reply Brief, No. 65168, Nev. Sup. Ct., Nov. 18, 2015	02/13/2019	28–29	6980–7078
45. Autopsy Report for Peter Talamantez (Aug. 15, 1998)	02/13/2019	29	7079–7091
46. Las Vegas Metropolitan Police Dept. Voluntary Statement of Ace Rayburn Hart_Redacted (Aug. 17, 1998)	02/13/2019	29	7092–7121
47. Las Vegas Metropolitan Police Dept., Voluntary Statement of Brian	02/13/2019	29	7122–7138

DOCUMENT		DATE	VOLUME	PAGE(S)
	Johnson_Redacted (Aug. 17, 1998)			
48.	Indictment, *State v.* Johnson, District Court, Clark County, Nevada Case No. C153154 (Sep. 2, 1998)	02/13/2019	29	7139–7149
49.	Las Vegas Metropolitan Police Dept., Voluntary Statement of Terrell Young_Redacted (Sep. 2, 1998)	02/13/2019	29	7150–7205
50.	Las Vegas Metropolitan Police Dept., Voluntary Statement of Charla Severs _Redacted (Sep. 3, 1998)	02/13/2019	29	7206–7239
51.	Las Vegas Metropolitan Police Dept., Voluntary Statement of Sikia Smith_Redacted (Sep. 8, 1998)	02/13/2019	29–30	7240–7269
52.	Superseding Indictment, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Sep. 15, 1998)	02/13/2019	30	7270–7284
53.	Las Vegas Metropolitan Police Dept., Voluntary Statement of Todd Armstrong_Redacted (Sep. 17, 1998)	02/13/2019	30	7285–7338
54.	Las Vegas Metropolitan Police Dept., Voluntary Statement of Ace Hart_Redacted (Sep. 22, 1998)	02/13/2019	30	7339–7358

DOCUMENT	DATE	VOLUME	PAGE(S)
55. Testimony of Todd Armstrong, *State of Nevada v. Celis*, Justice Court, Clark County, Nevada Case No. 1699-98FM (Jan. 21, 1999)	02/13/2019	30–31	7359–7544
56. Trial Transcript (Volume VIII), *State v. Smith*, District Court, Clark County, Nevada Case No. C153624 (June 17, 1999)	02/13/2019	31	7545–7675
57. Trial Transcript (Volume XVI-AM), *State v. Smith*, District Court, Clark County, Nevada Case No. 153624 (June 24, 1999)	02/13/2019	31–32	7676–7824
58. Motion to Permit DNA Testing of Cigarette Butt (Aug. 17, 1998)	02/13/2019	32	7825–7835
59. Trial Transcript (Volume VI), *State v. Young,* District Court, Clark County, Nevada, Case No. C153154 (Sep. 7, 1999)	02/13/2019	32	7836–7958
60. Interview of Charla Severs (Sep. 27, 1999)	02/13/2019	32	7959–7980
61. Motion to Videotape Deposition of Charla Severs, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Sep. 29, 1999)	02/13/2019	32–33	7981–8004
62. Opposition to Videotape Deposition of Charla Severs, *State v. Johnson*, District Court, Clark	02/13/2019	33	8005–8050

DOCUMENT		DATE	VOLUME	PAGE(S)
	County, Nevada Case No. C153154 (Oct. 6, 1999)			
63.	Transcript of Video Deposition of Charla Severs (Filed Under Seal), *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Oct. 6, 1999)	02/13/2019 **SEALED**	33	8051–8160
64.	Cellmark Report of Laboratory Examination (Nov. 17, 1999)	02/13/2019	33	8161–8165
65.	Motion for Change of Venue, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Nov. 29, 1999)	02/13/2019	33	8166–8291
66.	Records from the California Youth Authority_Redacted	02/13/2019	33–34	8292–8429
67.	Jury Instructions (Guilt Phase), *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (June 8, 2000)	02/13/2019	34	8430–8496
68.	Verdict Forms (Guilt Phase), *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (June 9, 2000)	02/13/2019	34	8497–8503
69.	Special Verdict, *State v.* Johnson, District Court, Clark County, Nevada Case No. C153154 (June 15, 2000)	02/13/2019	34	8504–8506
70.	Affidavit of Kristina Wildeveld (June 23, 2000)	02/13/2019	34	8507–8509

DOCUMENT	DATE	VOLUME	PAGE(S)
71. Amended Notice of Evidence Supporting Aggravating Circumstances, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Mar. 17, 2004)	02/13/2019	34	8510–8518
72. Second Amended Notice of Evidence Supporting Aggravating Circumstances, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Apr. 6, 2004)	02/13/2019	34	8519–8527
73. Opposition to Second Amended Notice of Evidence Supporting Aggravating Circumstances, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Apr. 20, 2004)	02/13/2019	34	8528–8592
74. Reply to Opposition to Notice of Evidence Supporting Aggravating Circumstances, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Apr. 26, 2004)	02/13/2019	34–35	8593–8621
75. Jury Instructions (Penalty Phase 3), *State v.* Johnson, District Court, Clark	02/13/2019	35	8622–8639

DOCUMENT		DATE	VOLUME	PAGE(S)
	County, Nevada Case No. C153154 (Apr. 28, 2005)			
76.	Petition for rehearing, Johnson *v. State*, Nevada Supreme Court, Case No. 45456 (Mar. 27, 2007)	02/13/2019	35	8640–8652
77.	John L. Smith, *Mabey takes* heat *for attending his patients* instead *of the inauguration*, Las Vegas Review-Journal (Jan. 5, 2007)	02/13/2019	35	8653–8656
78.	Sam Skolnik, *Judge out of order, ethics claims say*, Las Vegas Sun (Apr. 27, 2007)	02/13/2019	35	8657–8660
79.	EM 110 - Execution Procedure_Redacted (Nov. 7, 2017)	02/13/2019	35	8661–8667
80.	*Nevada v. Baldonado*, Justice Court, Clark County, Nevada Case No. 04FH2573X (Mar. 30, 2004)	02/13/2019	35	8668–8698
81.	Birth Certificate John White Jr_Redacted	02/13/2019	35	8699–8700
82.	Declaration of Eloise Kline (Nov. 19, 2016)	02/13/2019	35	8701–8704
83.	Jury Questionnaire 2000_Barbara Fuller_Redacted (May 24, 2000)	02/13/2019	35	8705–8727
84.	Media Jury Questionnaire 2000	02/13/2019	35–36	8728–8900
85.	Media Jury Questionnaire 2005	02/13/2019	36	8901–9025
86.	News Articles	02/13/2019	36–37	9026–9296

DOCUMENT	DATE	VOLUME	PAGE(S)
87. State's Exhibit 63 – Photo	02/13/2019	37	9297–9299
88. State's Exhibit 64 – Photo	02/13/2019	37	9300–9302
89. State's Exhibit 65 – Photo	02/13/2019	37	9303–9305
90. State's Exhibit 66 – Photo	02/13/2019	37	9306–9308
91. State's Exhibit 67 – Photo	02/13/2019	37	9309–9311
92. State's Exhibit 69 – Photo	02/13/2019	37	9312–9314
93. State's Exhibit 70 – Photo	02/13/2019	37	9315–9317
94. State's Exhibit 74 – Photo	02/13/2019	37	9318–9320
95. State's Exhibit 75 – Photo	02/13/2019	37	9321–9323
96. State's Exhibit 76 – Photo	02/13/2019	37	9324–9326
97. State's Exhibit 79 – Photo	02/13/2019	37	9327–9329
98. State's Exhibit 80 – Photo	02/13/2019	37	9330–9332
99. State's Exhibit 81 – Photo	02/13/2019	37	9333–9335
100. State's Exhibit 82 – Photo	02/13/2019	37	9336–9338
101. State's Exhibit 86 – Photo	02/13/2019	37	9339–9341
102. State's Exhibit 89 – Photo	02/13/2019	37	9342–9344
103. State's Exhibit 92 – Photo	02/13/2019	37	9345–9347
104. State's Exhibit 113 – Photo	02/13/2019	37	9348–9350
105. State's Exhibit 116 – Photo	02/13/2019	37	9351–9353
106. State's Exhibit 120 – Photo	02/13/2019	37	9354–9356
107. State's Exhibit 125 – Photo	02/13/2019	37	9357–9359
108. State's Exhibit 130 – Photo	02/13/2019	38	9360–9362
109. State's Exhibit 134 – Photo	02/13/2019	38	9363–9365
110. State's Exhibit 137 – Photo	02/13/2019	38	9366–9368
111. State's Exhibit 145 – Photo	02/13/2019	38	9369–9371
112. State's Exhibit 146 – Photo	02/13/2019	38	9372–9374
113. State's Exhibit 148 – Photo	02/13/2019	38	9375–9377
114. State's Exhibit 151 – Photo	02/13/2019	38	9378–9380
115. State's Exhibit 180 – Photo	02/13/2019	38	9381–9384
116. State's Exhibit 181 – Photo	02/13/2019	38	9385–9388
117. State's Exhibit 216 - Probation Officer's Report - Juvenile_Redacted	02/13/2019	38	9389–9403
118. State's Exhibit 217 - Probation Officer's Report_Redacted	02/13/2019	38	9404–9420

DOCUMENT	DATE	VOLUME	PAGE(S)
119. State's Exhibit 221 – Photo	02/13/2019	38	9421–9423
120. State's Exhibit 222 – Photo	02/13/2019	38	9424–9426
121. State's Exhibit 256	02/13/2019	38	9427–9490
122. Las Vegas Metropolitan Police Dept. Crime Scene Report (Aug. 14, 1998)	02/13/2019	38	9491–9499
123. VCR at Terra Linda	02/13/2019	38	9500–9501
124. VCR Remote Control Buying Guide	02/13/2019	38	9502–9505
125. Jury Instructions (Penalty Phase 3), *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (May 4, 2005)	02/13/2019	38	9506–9519
126. Motion to Bifurcate Penalty Phase, *State v.* Johnson, District Court, Clark County, Nevada Case No. C153154 (Apr. 27, 2004)	02/13/2019	38	9520–9525
127. Motion to Reconsider Request to Bifurcate Penalty Phase, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Apr. 11, 2005)	02/13/2019	38	9526–9532
128. Special Verdicts (Penalty Phase 3), *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Apr. 28, 2005)	02/13/2019	38	9533–9544
129. Verdict (Penalty Phase 3), *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (May 5, 2005)	02/13/2019	38	9545–9549

DOCUMENT	DATE	VOLUME	PAGE(S)
130. Declaration of Arthur Cain (Oct. 29, 2018)	02/13/2019	38	9550–9552
131. Declaration of Deborah White (Oct. 27, 2018)	02/13/2019	38	9553–9555
132. Declaration of Douglas McGhee (Oct. 28, 2018)	02/13/2019	38	9556–9558
133. Declaration of Elizabeth Blanding (Oct. 29, 2018)	02/13/2019	38	9559–9560
134. Declaration of Jesse Drumgole (Oct. 27, 2018)	02/13/2019	38	9561–9562
135. Declaration of Johnnisha Zamora (Oct. 28, 2018)	02/13/2019	38	9563–9566
136. Declaration of Johnny White (Oct. 26, 2018)	02/13/2019	38	9567–9570
137. Declaration of Keonna Bryant (Oct. 30, 2018)	02/13/2019	38	9571–9573
138. Declaration of Lolita Edwards (Oct. 30, 2018)	02/13/2019	38	9574–9576
139. Declaration of Loma White (Oct. 31, 2018)	02/13/2019	38	9577–9579
140. Declaration of Moises Zamora (Oct. 28, 2018)	02/13/2019	38	9580–9582
141. Declaration of Vonjelique Johnson (Oct. 28, 2018)	02/13/2019	38	9583–9585
142. Los Angeles Dept. of Child & Family Services_Redacted	02/13/2019	38–39	9586–9831
143. Psychological Evaluation of Donte Johnson by Myla H. Young, Ph.D. (June 6, 2000)	02/13/2019	39	9832–9841
144. Psychological Evaluation of Eunice Cain (Apr. 25, 1988)	02/13/2019	39	9842–9845

DOCUMENT	DATE	VOLUME	PAGE(S)
145. Psychological Evaluation of John White by Harold Kates (Dec. 28, 1993)	02/13/2019	39–40	9846–9862
146. Student Report for John White	02/13/2019	40	9863–9867
147. School Records for Eunnisha White_Redated	02/13/2019	40	9868–9872
148. High School Transcript for John White_Redacted	02/13/2019	40	9873–9874
149. School Record for John White_Redacted	02/13/2019	40	9875–9878
150. Certified Copy SSA Records_Eunice Cain_Redacted	02/13/2019	40	9879–9957
151. Declaration of Robin Pierce (Dec. 16, 2018)	02/13/2019	40	9958–9961
152. California Department of Corrections Records_Redacted (Apr. 25, 2000)	02/13/2019	40	9962–10060
153. Letter from Maxine Miller to Lisa Calandro re forensic lab report (Apr. 13, 1999)	02/13/2019	40	10061–10077
154. Letter from Lisa Calandro Forensic Analytical to Maxine Miller (Apr. 20, 1994)	02/13/2019	40	10078–10080
155. Memorandum re call with Richard Good (Apr. 29, 1999)	02/13/2019	40	10081–10082
156. Letter from Maxine Miller to Berch Henry at Metro DNA Lab (May 7, 1999)	02/13/2019	40	10083–10086
157. Letter from Maxine Miller to Richard Good (May 10, 1999)	02/13/2019	40	10087–10092

DOCUMENT	DATE	VOLUME	PAGE(S)
158. Letter from Maxine Miller to Tom Wahl (May 26, 1999)	02/13/2019	40	10093–10098
159. Stipulation and Order, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (June 8, 1999)	02/13/2019	40	10099–10101
160. Stipulation and Order, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154, (June 14, 1999)	02/13/2019	40	10102–10105
161. Letter from Maxine Miller to Larry Simms (July 12, 1999)	02/13/2019	40–41	10106–10110
162. Stipulation and Order, *State v.* Johnson, District Court, Clark County, Nevada Case No. C153154 (Dec. 22, 1999)	02/13/2019	41	10111–10113
163. Letter from Maxine Miller to Nadine LNU re bullet fragments (Mar. 20, 2000)	02/13/2019	41	10114–10118
164. Memorandum (Dec. 10, 1999)	02/13/2019	41	10119–10121
165. Forensic Analytical Bloodstain Pattern Interpretation (June 1, 2000)	02/13/2019	41	10122–10136
166. Trial Transcript (Volume III), State *v. Young*, District Court, Clark County, Nevada, Case No. C153461 (Sep. 7, 1999)	02/13/2019	41	10137–10215
167. Trial Transcript (Volume VII), *State v. Young*,	02/13/2019	41	10216–10332

DOCUMENT	DATE	VOLUME	PAGE(S)
District Court, Clark County, Nevada, Case No. C153461 (Sep. 13, 1999)			
168. National Research Council, *Strengthening Forensic Science in the United States: A Path Forward*, Washington, D.C.: The National Academies Press (2009)	02/13/2019	41	10333–10340
169. Las Vegas Metropolitan Police Dept. Forensic Lab Report of Examination (Sep. 26, 1998)	02/13/2019	41	10341–10343
170. Todd Armstrong juvenile records_Redacted	02/13/2019	41–42	10344–10366
171. Handwritten notes on Pants	02/13/2019	42	10367–10368
172. Declaration of Cassondrus Ragsdale (Dec. 16, 2018)	02/13/2019	42	10369–10371
173. Report of Dr. Kate Glywasky (Dec. 19, 2018)	02/13/2019	42	10372–10375
174. Curriculum Vitae of Dr. Kate Glywasky	02/13/2019	42	10376–10384
175. Report of Deborah Davis, Ph.D. (Dec. 18, 2018)	02/13/2019	42	10385–10435
176. Curriculum Vitae of Deborah Davis, Ph.D.	02/13/2019	42	10436–10462
177. Report of T. Paulette Sutton, Associate Professor, Clinical Laboratory Sciences (Dec. 18, 2018)	02/13/2019	42	10463–10472
178. Curriculum Vitae of T. Paulette Sutton	02/13/2019	42	10473–10486

DOCUMENT	DATE	VOLUME	PAGE(S)
179. Report of Matthew Marvin, Certified Latent Print Examiner (Dec. 18, 2018)	02/13/2019	42	10487–10494
180. Curriculum Vitae of Matthew Marvin	02/13/2019	42	10495–10501
181. Trial Transcript (Volume V), *State v. Smith*, District Court, Clark County, Nevada Case No. C153624 (June 16, 1999)	02/13/2019	42–43	10502–10614
182. Trial Transcript (Volume VI), *State v. Smith*, District Court, Clark County, Nevada Case No. C153624 (June 16, 1999)	02/13/2019	43	10615–10785
183. Las Vegas Metropolitan Police Dept. Interview of Tod Armstrong_Redacted (Aug. 17, 1998)	02/13/2019	43	10786–10820
184. Las Vegas Metropolitan Police Dept. Interview of Tod Armstrong _Redacted (Aug. 18, 1998)	02/13/2019	43	10821–10839
185. Las Vegas Metropolitan Police Dept. Interview of Charla Severs_Redacted (Aug. 18, 1998)	02/13/2019	43–44	10840–10863
186. Las Vegas Metropolitan Police Dept. Interview of Sikia Smith_Redacted (Aug. 17, 1998)	02/13/2019	44	10864–10882
187. Las Vegas Metropolitan Police Dept. Interview of Terrell Young_Redacted (Sep. 2, 1998)	02/13/2019	44	10883–10911
188. Declaration of Ashley Warren (Dec. 17, 2018)	02/13/2019	44	10912–10915

DOCUMENT	DATE	VOLUME	PAGE(S)
189. Declaration of John Young (Dec. 10, 2018)	02/13/2019	44	10916–10918
190. Brief of Plaintiffs-Appellants, *Abdur'rahman v.* Parker, Tennessee Supreme Court, Nashville Division, Case No. M2018-10385-SC-RDO-CV	02/13/2019	44–45	10919–11321
191. Sandoz' Inc.'s Motion for Leave Pursuant to NRAP 29 to Participate as Amicus Curiae in Support of Real Parties in Interest, *Nevada v. The Eighth Judicial Disrict Court of the State of Nevada*, Nevada Supreme Court, Case No. 76485	02/13/2019	45	11322–11329
192. Notice of Entry of Order, *Dozier v. State of Nevada*, District Court, Clark County, Nevada, Case No. 05C215039	02/13/2019	45	11330–11350
193. Declaration of Cassondrus Ragsdale (2018.12.18)	02/13/2019	45	11351–11353
194. Affidavit of David B. Waisel, *State of Nevada*, District Court, Clark County, Case No. 05C215039 (Oct. 4, 2018)	02/13/2019	45–46	11354–11371
195. Declaration of Hans Weding (Dec. 18, 2018)	02/13/2019	46	11372–11375
196. Trial Transcript (Volume IX), *State v. Smith*, District Court, Clark County, Nevada Case No. C153624 (June 18, 1999)	02/13/2019	46	11376–11505

DOCUMENT	DATE	VOLUME	PAGE(S)
197. Voluntary Statement of Luis Cabrera (August 14, 1998)	02/13/2019	46	11506–11507
198. Voluntary Statement of Jeff Bates (handwritten)_Redacted (Aug. 14, 1998)	02/13/2019	46	11508–11510
199. Voluntary Statement of Jeff Bates_Redacted (Aug. 14, 1998)	02/13/2019	46	11511–11517
200. Presentence Investigation Report, State's Exhibit 236, *State v. Young*, District Court, Clark County, Nevada Case No. C153461_Redacted (Sep. 15, 1999)	02/13/2019	46	11518–11531
201. Presentence Investigation Report, State's Exhibit 184, *State v. Smith*, District Court, Clark County, Nevada Case No. C153624_Redacted (Sep. 18, 1998)	02/13/2019	46	11532–11540
202. School Record of Sikia Smith, Defendant's Exhibit J, *State v. Smith*, District Court, Clark County, Nevada (Case No. C153624)	02/13/2019	46	11541–11542
203. School Record of Sikia Smith, Defendant's Exhibit K, *State v. Smith*, District Court, Clark County, Nevada (Case No. C153624)	02/13/2019	46	11543–11544

DOCUMENT	DATE	VOLUME	PAGE(S)
204. School Record of Sikia Smith, Defendant's Exhibit L, *State v. Smith*, District Court, Clark County, Nevada (Case No. C153624)	02/13/2019	46	11545–11546
205. Competency Evaluation of Terrell Young by Greg Harder, Psy.D., Court's Exhibit 2, *State v. Young*, District Court, Clark County, Nevada Case No. C153461 (May 3, 2006)	02/13/2019	46	11547–11550
206. Competency Evaluation of Terrell Young by C. Philip Colosimo, Ph.D., Court's Exhibit 3, *State v. Young*, District Court, Clark County, Nevada Case No. C153461 (May 3, 2006)	02/13/2019	46	11551–11555
207. Motion and Notice of Motion in Limine to Preclude Evidence of Other Guns Weapons and Ammunition Not Used in the Crime, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154 (Oct. 19, 1999)	02/13/2019	46	11556–11570
208. Declaration of Cassondrus Ragsdale (Dec. 19, 2018)	02/13/2019	46	11571–11575
209. Post –Evidentiary Hearing Supplemental Points and Authorities, Exhibit A: Affidavit of Theresa Knight, *State v. Johnson*,	02/13/2019	46	11576–11577

DOCUMENT	DATE	VOLUME	PAGE(S)
District Court, Clark County, Nevada Case No. C153154, June 5, 2005			
210. Post –Evidentiary Hearing Supplemental Points and Authorities, Exhibit B: Affidavit of Wilfredo Mercado, *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154, June 22, 2005	02/13/2019	46	11578–11579
211. Genogram of Johnson Family Tree	02/13/2019	46	11580–11581
212. Motion in Limine Regarding Referring to Victims as "Boys", *State v. Johnson*, District Court, Clark County, Nevada Case No. C153154	02/13/2019	46	11582–11585
213. Declaration of Schaumetta Minor, (Dec. 18, 2018)	02/13/2019	46	11586–11589
214. Declaration of Alzora Jackson (Feb. 11, 2019)	02/13/2019	46	11590–11593
Exhibits in Support of Petitioner's Motion for Leave to Conduct Discovery	12/13/2019	49	12197–12199
1. *Holloway v. Baldonado*, No. A498609, Plaintiff's Opposition to Motion for Summary Judgment, District Court of Clark County, Nevada, filed Aug. 1, 2007	12/13/2019	49	12200–12227
2. Handwritten letter from Charla Severs, dated Sep. 27, 1998	12/13/2019	49	12228–12229

DOCUMENT	DATE	VOLUME	PAGE(S)
Exhibits in Support of Reply to State's Response to Petition for Writ of Habeas Corpus	12/13/2019	47	11837–11839
215. *Holloway v. Baldonado*, No. A498609, Plaintiff's Opposition to Motion for Summary Judgment, District Court of Clark County, Aug. 1, 2007	12/13/2019	47–48	11840–11867
216. *Holloway v. Baldonado*, No. A498609, Opposition to Motion for Summary Judgment Filed by Defendants Stewart Bell, David Roger, and Clark County, District Court of Clark County, filed Jan. 16, 2008	12/13/2019	48–49	11868–12111
217. Letter from Charla Severs, dated Sep. 27, 1998	12/13/2019	49	12112–12113
218. Decision and Order, *State of Nevada v. Johnson*, Case No. C153154, District Court of Clark County, filed Apr. 18, 2000	12/13/2019	49	12114–12120
219. State's Motion to Disqualify the Honorable Lee Gates, State *of Nevada v. Johnson*, Case No. C153154, District Court of Clark County, filed Apr. 4, 2005	12/13/2019	49	12121–12135
220. Affidavit of the Honorable Lee A. Gates, *State of Nevada v. Johnson*, Case No. C153154, District	12/13/2019	49	12136–12138

DOCUMENT	DATE	VOLUME	PAGE(S)
Court of Clark County, filed Apr. 5, 2005			
221. Motion for a New Trial (Request for Evidentiary Hearing), *State of Nevada v. Johnson*, Case No. C153154, District Court of Clark County, filed June 23, 2000	12/13/2019	49	12139–12163
222. Juror Questionnaire of John Young, *State of Nevada v. Johnson*, Case No. C153154, District Court of Clark County, dated May 24, 2000	12/13/2019	49	16124–12186
Findings of Fact, Conclusions of Law and Order, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	10/08/2021	49	12352–12357
Minute Order (denying Petitioner's Post–Conviction Writ of Habeas Corpus, Motion for Discovery and Evidentiary Hearing), *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	05/15/2019	49	12264–12266
Minutes of Motion to Vacate Briefing Schedule and Strike Habeas Petition	07/09/2019	47	11710
Motion and Notice of Motion for Evidentiary Hearing, *Johnson v.*	12/13/2019	49	12231–12241

DOCUMENT	DATE	VOLUME	PAGE(S)
Gittere, et al., Case No. A–19–789336–W, Clark County District Court, Nevada			
Motion and Notice to Conduct Discovery, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	12/13/2019	49	12187–12196
Motion for Leave to File Under Seal and Notice of Motion	02/15/2019		11600–11602
Motion in Limine to Prohibit Any References to the First Phase as the "Guilt Phase"	11/29/1999	2	302–304
Motion to Vacate Briefing Schedule and Strike Habeas Petition, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	05/16/2019	46–47	11609–11612
Motion to Vacate Briefing Schedule and Strike Habeas Petition, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	05/23/2019	47	11621–11624
Motion to Withdraw Request to Strike Petition and to Withdraw Request for Petition to be Stricken as Not Properly Before the Court), *Johnson v. Gittere, et al.*, Case No. A–19–789336–	06/26/2019	47	11708–11709

DOCUMENT	DATE	VOLUME	PAGE(S)
W, Clark County District Court, Nevada			
Notice of Appeal, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	11/10/2021	50	12366–12368
Notice of Entry of Findings of Fact, Conclusions of Law and Order, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	10/11/2021	49–50	12358–12364
Notice of Hearing (on Discovery Motion), *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	12/13/2019	49	12330
Notice of Objections to Proposed Order, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	02/02/2021	49	12267–12351
Notice of Supplemental Exhibit 223, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	02/11/2019	49	11242–12244
223. Declaration of Dayvid J. Figler, dated Feb. 10, 2020	02/11/2019	49	12245–12247
Opposition to Defendants' Motion in Limine to Prohibit	12/02/1999	2	305–306

DOCUMENT	DATE	VOLUME	PAGE(S)
Any References to the First Phase as the "Guilt Phase"			
Opposition to Motion in Limine to Preclude Evidence of Other Guns, Weapons and Ammunition Not Used in the Crime	11/04/1999	2	283–292
Opposition to Motion to Vacate Briefing Schedule and Strike Habeas Petition, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	05/28/2019	47	11625–11628
Petition for Writ of Habeas Corpus, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	02/13/2019	24–25	5752–6129
Post–Evidentiary Hearing Supplemental Points and Authorities	06/22/2005	22	5472–5491
Reply to Opposition to Motion to Vacate Briefing Schedule and Strike Habeas Petition	06/20/2019	47	11705–11707
Reply to State's Response to Petition for Writ of Habeas Corpus	12/13/2019	47	11718–11836
State's Response to Defendant's Petition for Writ of Habeas Corpus (Post–Conviction),	05/29/2019	47	11629–11704

DOCUMENT	DATE	VOLUME	PAGE(S)
Johnson v. Gittere, et al., Case No. A–19–789336–W, Clark County District Court, Nevada			
Stipulation and Order to Modify Briefing Schedule, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	09/30/2019	47	11711–11714
Stipulation and Order to Modify Briefing Schedule, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	11/22/2019	47	11715–11717
Transcript of All Defendant's Pending Motions	03/02/2000	2	416–430
Transcript of Argument to Admit Evidence of Aggravating Circumstances	05/03/2004	12	2904–2958
Transcript of Argument: Petition for Writ of Habeas Corpus (All Issues Raised in the Petition and Supplement)	12/01/2011	22–23	5498–5569
Transcript of Arguments	04/28/2004	12	2870–2903
Transcript of Decision: Procedural Bar and Argument: Petition for Writ of Habeas Corpus	07/20/2011	22	5492–5497
Transcript of Defendant's Motion for Leave to File Under	02/25/2019	46	11594–11599

DOCUMENT	DATE	VOLUME	PAGE(S)
Seal, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada			
Transcript of Defendant's Motion to Reveal the Identity of Informants and Reveal Any Benefits, Deals, Promises or Inducements; Defendant's Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution; Defendant's Motion to Compel the Production of Any and All Statements of Defendant; Defendant's Reply to Opposition to Motion in Limine to Preclude Evidence of Other Guns, Weapons, Ammunition; Defendant's Motion in Limine to Preclude Evidence of Witness Intimidation	11/18/1999	2	293–301
Transcript of Evidentiary Hearing	05/17/2004	12	2959–2989
Transcript of Evidentiary Hearing	06/14/2005	22	5396–5471
Transcript of Evidentiary Hearing	04/04/2013	23	5570–5673
Transcript of Evidentiary Hearing	04/11/2013	23	5674–5677

DOCUMENT	DATE	VOLUME	PAGE(S)
Transcript of Evidentiary Hearing	06/21/2013	23	5678–5748
Transcript of Evidentiary Hearing	09/18/2013	23–24	5749–5751
Transcript of Excerpted Testimony of Termaine Anthony Lytle	05/17/2004	12	2990–2992
Transcript of Jury Trial – Day 1 (Volume I)	06/05/2000	2–4	431–809
Transcript of Jury Trial – Day 2 (Volume II)	06/06/2000	4–5	810–1116
Transcript of Jury Trial – Day 3 (Volume III)	06/07/2000	5–7	1117–1513
Transcript of Jury Trial – Day 4 (Volume IV)	06/08/2000	7–8	1514–1770
Transcript of Jury Trial – Day 5 (Volume V)	06/09/2000	8	1771–1179
Transcript of Jury Trial – Penalty – Day 1 (Volume I) AM	04/19/2005	12–13	2993–3018
Transcript of Jury Trial – Penalty – Day 1 (Volume I) PM	4/19/2005[1]	13	3019–3176
Transcript of Jury Trial – Penalty – Day 10 (Volume X)	05/02/2005	20–21	4791–5065

[1] This transcript was not filed with the District Court nor is it under seal.

DOCUMENT	DATE	VOLUME	PAGE(S)
Transcript of Jury Trial – Penalty – Day 10 (Volume X) – Exhibits	05/02/2005	21	5066–5069
Transcript of Jury Trial – Penalty – Day 11 (Volume XI)	05/03/2005	21–22	5070–5266
Transcript of Jury Trial – Penalty – Day 12 (Volume XII)	05/04/2005	22	5267–5379
Transcript of Jury Trial – Penalty – Day 12 (Volume XII) – Deliberations	05/04/2005	22	5380–5383
Transcript of Jury Trial – Penalty – Day 13 (Volume XIII)	05/05/2005	22	5384–5395
Transcript of Jury Trial – Penalty – Day 2 (Volume I) AM	04/20/2005	13	3177–3201
Transcript of Jury Trial – Penalty – Day 2 (Volume II) PM	04/20/2005	13–14	3202–3281
Transcript of Jury Trial – Penalty – Day 3 (Volume III) PM	04/21/2005	14–15	3349–3673
Transcript of Jury Trial – Penalty – Day 3 (Volume III–A) AM	04/21/2005	14	3282–3348
Transcript of Jury Trial – Penalty – Day 4 (Volume IV) AM – Amended Cover Page	04/22/2005	16	3790–3791
Transcript of Jury Trial – Penalty – Day 4 (Volume IV) PM	04/22/2005	15–16	3674–3789

DOCUMENT	DATE	VOLUME	PAGE(S)
Transcript of Jury Trial – Penalty – Day 4 (Volume IV–B)	04/22/2005	16	3792–3818
Transcript of Jury Trial – Penalty – Day 5 (Volume V) PM	04/25/2005	16	3859–3981
Transcript of Jury Trial – Penalty – Day 5 (Volume V–A)	04/25/2005	16	3819–3858
Transcript of Jury Trial – Penalty – Day 6 (Volume VI) PM	04/26/2005	17–18	4103–4304
Transcript of Jury Trial – Penalty – Day 6 (Volume VI–A) PM	04/26/2005	16–17	3982–4102
Transcript of Jury Trial – Penalty – Day 7 (Volume VII–PM)	04/27/2005	18	4382–4477
Transcript of Jury Trial – Penalty – Day 7 (Volume VII–A)	04/27/2005	18	4305–4381
Transcript of Jury Trial – Penalty – Day 8 (Volume VIII–C)	04/28/2005	18–19	4478–4543
Transcript of Jury Trial – Penalty – Day 9 (Volume IX)	04/29/2005	19–20	4544–4790
Transcript of Jury Trial – Penalty Phase – Day 1 (Volume I) AM	06/13/2000	8	1780–1908
Transcript of Jury Trial – Penalty Phase – Day 1 (Volume II) PM	06/13/2000	8–9	1909–2068

DOCUMENT	DATE	VOLUME	PAGE(S)
Transcript of Jury Trial – Penalty Phase – Day 2 (Volume III)	06/14/2000	9–10	2069-2379
Transcript of Jury Trial – Penalty Phase – Day 3 (Volume IV)	06/16/2000	10	2380–2470
Transcript of Material Witness Charla Severs' Motion for Own Recognizance Release	01/18/2000	2	414–415
Transcript of Motion for a New Trial	07/13/2000	10	2471–2475
Transcript of Petition for Writ of Habeas Corpus and Setting of 1. Motion for Leave and 2. Motion for Evidentiary Hearing, *Johnson v. Gittere, et al.*, Case No. A–19–789336–W, Clark County District Court, Nevada	02/13/2020	49	12249–12263
Transcript of Preliminary Hearing	10/12/1999	2	260–273
Transcript of State's Motion to Permit DNA Testing	09/02/1999	2	252 – 254
Transcript of State's Motion to Videotape the Deposition of Charla Severs	10/11/1999	2	255–259
Transcript of Status Check: Filing of All Motions (Defendant's Motion to Reveal	10/21/1999	2	274–282

DOCUMENT	DATE	VOLUME	PAGE(S)
the Identity of Informants and Reveal Any Benefits, Deals, Promises or Inducements; Defendant's Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution; Defendant's Motion to Compel the Production of Any and All Statements of Defendant; State's Motion to Videotape the Deposition of Charla Severs; Defendant's Motion in Limine to Preclude Evidence of Other Crimes; Defendant's Motion to Reveal the Identity of Informants and Reveal any Benefits, Deals' Defendant's Motion to Compel the Production of any and all Statements of the Defendant			
Transcript of the Grand Jury, *State v. Johnson*, Case No. 98C153154, Clark County District Court, Nevada	09/01/1998	1–2	001–251
Transcript of Three Judge Panel – Penalty Phase – Day 1 (Volume I)	07/24/2000	10–11	2476–2713
Transcript of Three Judge Panel – Penalty Phase – Day 2 and Verdict (Volume II)	07/26/2000	11–12	2714–2853

DOCUMENT	DATE	VOLUME	PAGE(S)
Transcript Re: Defendant's Motions	01/06/2000	2	307–413
Verdict Forms – Three Judge Panel	7/26/2000	12	2854–2869

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2022, I electronically filed the foregoing Appendix with the Nevada Supreme Court by using the appellate electronic filing system. The following participants in the case will be served by the electronic filing system:

Alexander G. Chen
Chief Deputy District Attorney
Clark County District Attorney's Office

/s/ Celina Moore
Celina Moore
An employee of the Federal
Public Defender's Office

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
702-455-3210

CLARK COUNTY NEVADA MEDICAL EXAMINER CORONER

AUTOPSY REPORT
Case Number: 02-05043

August 1, 2002

AUTOPSY REPORT

PATHOLOGICAL EXAMINATION ON THE BODY

OF

DERRICK CHARLES CALDWELL

DIAGNOSES

I. Multiple gunshot wounds (face and back), remote.
   A. Paraplegia (T3-T4).
      1. Severe purulent, chronic decubitus ulceration, sacrum.
         a. Sepsis.
            1. Bilateral bronchopneumonia.
            2. Acute pulmonary thromboembolism.
II. Arteriosclerotic cardiovascular disease.
   A. Diffuse calcific coronary atherosclerosis.
      1. 80% stenosis, left anterior descending coronary artery.
III. Hypertensive cardiovascular disease.
   A. Cardiomegaly (550 grams) with left ventricular hypertrophy.
   B. Chronic passive congestion, liver.

OPINION

CAUSE OF DEATH: It is my opinion that the death of Derrick Charles Caldwell is due to pulmonary thromboembolism due to debilitated state and paraplegia, due to penetrating gunshot wound of back.

OTHER SIGNIFICANT CONTRIBUTING CONDITIONS: Sepsis.

MANNER OF DEATH: Homicide.

Gary D. Telgenhoff, M.S., D.O.
Deputy Medical Examiner
GDT/bsa

EXHIBIT "2"

Clark County Coroner
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CLARK COUNTY NEVADA MEDICAL EXAMINER CORONER

AUTOPSY REPORT
Case Number: 02-05043

August 1, 2002

POSTMORTEM EXAMINATION ON THE BODY OF

Derrick Charles Caldwell

HISTORY: This 44-year-old African-American male had been shot approximately five years ago, with one shot going into his face (mouth area) and one in his back. He was admitted to Sunrise Hospital at that time. The decedent has required hospitalization at Valley Hospital for bedsores and treatments of his contracted feet. He required a colostomy bag, due to his gunshot injuries. He was on medication, including Percocet, Diazepam and hydrocodone. He had been complaining of pain in his face and his right arm. According to our investigator, there was Diazepam present which appeared to be short in number, approximately 10 pills.

AUTOPSY: The postmortem examination of the body of an adult African-American male identified as Derrick Charles Caldwell, is performed at the Clark County Coroner-Medical Examiner's Office on 1 August 2002. The examination is conducted by Gary D. Telgenhoff, M.S., D.O., Deputy Medical Examiner, and is begun at 0925 hours.

IDENTIFICATION TAGS: There is a CCCME identification tag around the right great toe with the inscription 02-5043, Derrick Caldwell.

EXTERNAL EXAMINATION: The body is that of a well-developed, well-nourished adult African-American male, 200 pounds, 72 inches, with an appearance compatible with the stated age of 44 years. The refrigerated body is cold. Rigor mortis is full. Blanching purple livor mortis extends over the posterior surfaces of the body, except in areas exposed to pressure. The scalp hair is black and is formed into multiple braids; maximal length is 12 inches. The frontal aspect of the skull and nose are intact by palpation. There is deformity of the right maxillary structures, to be described. The irides are brown with bilateral arcus senilis. The sclerae and conjunctivae are unremarkable. The decedent wears a black mustache and a small patch of hair just below the lower lip. The oral cavity is disrupted by past injury, to be described. The neck is well developed and symmetrical with a midline trachea. Multiple surgical scars are on the body, to be described. The chest is well developed and symmetrical. The

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
702-455-3210

AUTOPSY REPORT
Case Number: 02-05043

abdomen is soft, it is slightly protuberant. The genitalia are those of a normal adult male with bilaterally descended testes. A large, severe, deep decubitus ulceration involves the sacrum, buttocks, perineum and proximal thighs. There is a creamy white exudate involving most of the lesion, which extends to the genitalia. There is severe infection of the penis with open ulcerations at the base and the underside. There is a creamy white exudate, highly suggestive of Candida. The extremities are well developed and symmetrical, with no evidence of clubbing. The lower extremities are in an early state of atrophy. There is contracture of both feet, which are extended downward. There is scaling dermatitis of both feet. A brown powdery-like substance is on both feet.

X-RAYS: Film of the skull, laterally, reveals numerous metallic projectile fragments within the maxillary structures of the face. X-ray film of the torso reveals numerous projectile fragments situated in the midline, within the chest cavity and/or the spine. Sternal wires are identified.

IDENTIFYING MARKS: A 1/4-inch scar is on the left upper aspect of the forehead. A 1/4-inch scar is on the center of the forehead. A depressed 3/4 x 1/2-inch scar is on the right cheek. There is deformity (concavity) of the right maxilla, just above the upper lip, on the right. A 2-inch scar is under the skin. Numerous scars are on the neck, averaging 1/4 inch. A 3/4-inch scar is in the center of the neck, anteriorly, consistent with past tracheostomy. A 12-inch scar is in the midline, traversing the chest. A large surgical scar extends from mid abdomen to just above the pubis, with keloid formation and distortion of the umbilicus. Multiple round to oval scars are on the shoulders, upper extremities, chest and lower extremities, consistent with past skin popping versus acne. Some on the lower extremities are slightly hemorrhagic, with drying blood. A 3/8 x 1/4-inch scar is on the left upper aspect of the back, 1-1/2 inches from midline. This is highly consistent with candidal infection. A 2 x 3/8-inch scar is on the left upper aspect of the chest and the shoulder. A 1-1/2-inch scar is on the right forearm.

Tattoos: A star is tattooed to the left upper aspect of the chest. An incomplete tattoo, consisting of, apparently a number of hearts, is on the left arm and shoulder. A heart with an

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
702-455-3210

CORONER

AUTOPSY REPORT
Case Number: 02-05043

illegible inscription is on the left arm. A knife is on the back of the forearm. A star is on the right arm. The left ear is pierced once.

EVIDENCE OF MEDICAL INTERVENTION: A colostomy bag containing a trace amount of liquid dark brown stool is on the lower left aspect of the abdomen. A Foley catheter is in the urethra.

EVIDENCE OF RECENT INJURY: None.

EVIDENCE OF REMOTE INJURY: Penetrating gunshot wound of head:
Entrance: Situated on the right cheek of the face, directly over the zygoma, is a 1-1/2 x 1-inch depressed scar, highly suggestive of past gunshot wound with surgical correction.
Path: Skin, subcutaneous tissue, right zygomatic arch and maxilla.
Recovery: Retrieved from the right maxilla, from the superior approach, are multiple gray metallic fragments consistent with past gunshot wound. Also recovered is a large piece of copper metal jacketing. The gray metallic projectile is blackened and oxidized.
Trajectory: Undetermined.

Penetrating gunshot wound of back:
Entrance: The aforementioned oval scar on the back is 3/4 x 1/4 inch. It is well-healed, it is situated 15-1/2 inches from the top of the head and 1-1/2 inches left of the midline.
Path: Skin, subcutaneous tissue and thoracic spine at the level of T6.
Recovery: A portion of copper metal jacketing with the intact base is retrieved from subdural space of the spinal cord at the level of T3-4. The cord is pulpified in this vicinity and is necrotic with some liquefaction. A mushroomed lead core is retrieved from the spinal canal at the level of C7-T1. It is slightly oxidized. The cord is compressed flat in this vicinity with surrounding necrosis and liquefaction. Numerous small lead fragments are between the two large portions just described. A few additional fragments are found inferior to the jacketing previously described.
Trajectory: Undetermined.

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
702-455-3210

CORONER

AUTOPSY REPORT
Case Number: 02-05043

INTERNAL EXAMINATION: The body is opened in the usual manner with a Y-shaped incision revealing a normal arrangement of internal organs. There are numerous adhesions within the mediastinum and the peritoneal spaces. There is thick, yellow to tan malodorous creamy exudate within some of the recesses of the peritoneum. This is most concentrated in the pelvis.

CARDIOVASCULAR SYSTEM: The pericardial surfaces of the 500-gram heart are smooth, glistening and unremarkable. A suture is seen within the anterior aspect of the heart. The pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally and follow the usual distribution of a right dominant pattern with severe diffuse calcific coronary atherosclerosis throughout. There is up to 80% stenosis of the left anterior descending coronary artery. The chambers and valves bear the usual size and position relationship and are unremarkable. The right ventricular wall is 0.4 centimeter and the left is 1.6 centimeters in thickness. The myocardium is dark red-brown, firm and unremarkable; the atrial and ventricular septa are intact. The aorta and its major branches arise normally and follow the usual course with moderate atherosclerosis. The vena cava and its major tributaries return to the heart in the usual distribution and are unremarkable.

RESPIRATORY SYSTEM: The lungs are 1600 grams, together. The upper and lower airways contain an abundant amount of mucus, as well as frothy white liquid. The pleural surfaces are otherwise smooth, glistening and unremarkable. The pulmonary parenchyma is dark red-purple but admixed with light tan patchy consolidated areas. The parenchyma exudes an abundant amount of blood and frothy fluid. A saddle pulmonary thromboembolism is within the pulmonary trunk and the pulmonary arteries, bilaterally. There is an abundant amount of fibrin within the clot. It is branched and complex, with some curling and folding within the vessel.

DIGESTIVE/HEPATOBILIARY SYSTEM: The esophagus is lined by gray-white smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen contains a trace amount of thick, red-brown fluid. The small and large intestines are unremarkable. The mesentery and omentum appear normal, and the vessels are patent. The appendix is present. The colon contains formed stool. The pancreas has a normal gray-white lobulated appearance,

Clark County Coroner
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Las Vegas, NV 89106
702-455-3210

AUTOPSY REPORT
Case Number: 02-05043

and the ducts are clear. The liver is 2250 grams. The hepatic capsule is smooth, glistening and intact, covering a red-brown, nutmeg parenchyma. The gallbladder contains viscid bile. The extrahepatic biliary tree is patent.

ENDOCRINE SYSTEM: The pituitary, thyroid and adrenal glands are unremarkable. Distinct parathyroid glands are not seen.

GENITOURINARY SYSTEM: The normal shaped kidneys are 380 grams together. The renal capsules are smooth, thin, semitransparent, and strip with ease from the underlying, irregular, light tan, mottled, soft cortical surfaces. The cortices are sharply delineated from the medullary pyramids. The calyces, pelves and ureters are unremarkable. There are numerous small foci (1/8 inch) distributed throughout the cortex, which are a light tan to off-white. These are suggestive of microabscess formation. The right kidney contains a relatively recent, 1-inch infarct which is wedge-shaped. The urinary bladder is empty; the mucosa is gray-tan and smooth.

The testes and prostate are not examined.

HEMATOPOIETIC SYSTEM: The thymus is dispersed in anterior mediastinal fat. The 400-gram spleen has a smooth intact capsule covering red-brown moderately firm parenchyma. The regional lymph nodes appear normal. The bone marrow is red-purple and homogeneous, without evidence of focal abnormality.

MUSCULOSKELETAL SYSTEM: Aside from the injuries previously described, the bony framework, supporting musculature and soft tissues are not unusual.

NECK: Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities. The hyoid bone and larynx are intact. The tongue is normal.

NERVOUS SYSTEM: The brain is 1370 grams. The dura mater and falx cerebri are intact, and the leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical. The structures at the base of the brain, including cranial nerves and blood vessels, are intact and free of abnormality. Sections through the cerebral hemispheres reveal no lesions within the cortex, subcortical white

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
702-455-3210

CLARK COUNTY NEVADA MEDICAL EXAMINER CORONER

AUTOPSY REPORT
Case Number: 02-05043

matter, or deep parenchyma of either hemisphere. The cerebral ventricles are of normal caliber. Sections through the brain stem and cerebellum are unremarkable. The spinal cord is examined to reveal the injury previously described.

SPECIMENS OBTAINED: Blood for storage, vitreous for electrolytes. Blood cultures are obtained. A culture is obtained of the pelvic purulent fluid previously described.

AML
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LABORATORY RESULTS

Facsimile Copy

4230 Burnham Avenue, Suite 250
Las Vegas, NV 89119 (702) 733-7866

PATIENT CALDWELL, DERRICK SPC00 1084
REFERRED BY CC CORONERS OFFICE P055240
AGE/SEX 44Y M ACCESSION # 01621573 1704 PINTO LANE
COLLECTED 08/01/2002 09:30 MED. RECORD # 0011436331 LAS VEGAS, NV 89106
RECEIVED 08/02/2002 01:26 CHART #
S.S. #

GDT

TEST	RESULTS	FLG	REF RANGE	UNITS	LOW	NORM	HIGH
DR TELGENHOFF							
BACTERIAL ANTIGEN PANEL (BLOOD)							
SPECIMEN: ANAEROBIC ARD CULTURE BOTTLE [HEART BLOOD]							
TEST CANCELLED - IMPROPER SPECIMEN SUBMITTED							
08/02/02 15:35 BLOOD CULTURE (BLOOD)							
* PRELIMINARY RESULTS *							
POSITIVE BLOOD CULTURE							
NOTE: THIS IS A MARKEDLY ABNORMAL RESULT							
POSSIBLE GRAM NEGATIVE BACILLI							
SEEN ON SMEAR FROM BLOOD CULTURE BROTH. FURTHER RESULTS TO FOLLOW.							
Results To Follow:							
#T2300 CULTURE							
#T2100 BLOOD CULTURE							

AMIL
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Associated Pathologists Laboratories Division
4230 Burnham Ave
Las Vegas, Nevada 8911
(702) 733-786
www.aml.con

PATIENT CALDWELL, DERRICK

AGE/SEX 44Y M
COLLECTED 08/01/2002 09:30
RECEIVED 08/02/2002 01:30

ACCESSION NO. 01621580
MED. RECORD NO. 0011436334
CHART NO.
S.S. NO.

AML ROUTE SPC00 1084
REFERRED BY CC CORONERS OFFICE P055240
1704 PINTO LANE
LAS VEGAS, NV 89106

GDJ

TEST	RESULTS	ABN	REFERENCE RANGE	UNITS	LOW	NORMAL	HIG

DR TELGENHOFF

BACTERIAL ANTIGEN PANEL (BLOOD)
TEST CANCELLED - IMPROPER SPECIMEN SUBMITTED
SPECIMEN :AEROBIC ARD CULTURE BOTTLE [HEART BLOOD]

08-06-02A09:47 RCVD

GT

PRINTED: 08/02/02 05:59

FORM NO. C1-008

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PATIENT	CALDWELL 02-5043, DERRICK	AML ROUTE	SPC00		1084
		REFERRED BY	CC CORONERS OFFICE		P055240
AGE/SEX	44Y M	ACCESSION NO.	01621573	1704 PINTO LANE	
COLLECTED	08/01/2002 09:30	MED. RECORD NO.	0011436331	LAS VEGAS, NV 89106	
RECEIVED	08/02/2002 01:26	CHART NO.			
		S.S. NO.			

6M

TEST	RESULTS	ABN	REFERENCE RANGE	UNITS	LOW	NORMAL	HIGH

DR TELGENHOFF

BACTERIAL ANTIGEN PANEL (BLOOD)

SPECIMEN: ANAEROBIC ARD CULTURE BOTTLE [HEART BLOOD]
TEST CANCELLED - IMPROPER SPECIMEN SUBMITTED
CANCELLED TEST CALLED ON 08/08/02 AT 12:33 BY LS/DGB728
TO:
DR SIMMS

08/01/02 09:30 CULTURE (ABDOMEN)
* FINAL RESULTS *

HEAVY GROWTH KLEBSIELLA PNEUMONIAE

LIGHT GROWTH PROTEUS MIRABILIS

08/02/02 15:35 BLOOD CULTURE (BLOOD)
* FINAL RESULTS *

POSITIVE BLOOD CULTURE

NOTE: THIS IS A MARKEDLY ABNORMAL RESULT

KLEBSIELLA PNEUMONIAE

06-15-02 13:01 RCVD

FORM NO. C1-008 ((

APL
SSOCIATED PATHOLOGISTS LABORATORIES

4230 Burnham Ave.
Las Vegas, Nevada 89119
(702) 733-3790
www.apllabs.com

James A. Bourland, Ph.D.
Technical Director, Toxicology

CAP No. 89109-004-011

PATIENT CALDWELL 02-5043, DERRICK
AGE/SEX 44Y M
COLLECTED 08/01/2002 09:30
ACCESSIONED 08/01/2002 17:59
TOXICOLOGY NO. 020231715 CORON

ACCESSION NO. 01615924
MED. RECORD NO. 0011433681
CHART NO.
SS NO.

APL ROUTE SPC00 1084
REFERRED BY CC CORONERS OFFICE P055240
1704 PINTO LANE
LAS VEGAS, NV 89106

GOT

TOXICOLOGY REPORT

COMPREHENSIVE BLOOD SCREEN

RESULTS: ETHANOL = NEGATIVE

OXYCODONE = 306 NG/ML.

OXYMORPHONE = 14 NG/ML.

DIAZEPAM = 0.1 UG/ML.

NORDIAZEPAM = 0.3 UG/ML.

NO OTHER DRUGS IDENTIFIED IN BLOOD.

THE FOLLOWING BLOOD SCREEN FOR ACIDIC, NEUTRAL AND BASIC DRUGS INCLUDES BUT IS NOT LIMITED TO:

Amitriptyline	Amphetamine	Benzoylecgonine
Cocaine	Codeine	Desipramine
Diphenhydramine	Hydrocodone	Hydromorphone
Imipramine	Lidocaine	Meperidine
Methadone & Metabs	Methamphetamine	Methaqualone
Morphine	Nortriptyline	Oxycodone
Pentazocine	Phencyclidine	Phenylpropanolamine
Propoxyphene & Metabolites		
Acetaminophen	Amobarbital	Barbital
Butabarbital	Butalbital	Carbamazepine
Chlordiazepoxide	Diazepam	Ethchlorvynol
Ethosuximide	Glutethimide	Mephobarbital
Meprobamate	Methaqualone	Methsuximide
Methyprylon	Nordiazepam	Pentobarbital
Phenobarbital	Phenytoin	Salicylate
Secobarbital	Theophylline	Valproic Acid

VITREOUS ELECTROLYTES

Glucose	6	mg/dL
VUN	56	mg/dL
Creatinine	2.0	mg/dL
Sodium	138	mEQ/L
Potassium	11.5	mEQ/L
Chloride	118	mEQ/L

08-15-02 12:06 RCVD

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	3638	
CONNECTION TEL		4556273
CONNECTION ID		
ST. TIME	04/26 09:39	
USAGE T	08'08	
PGS. SENT	27	
RESULT	OK	

RSPN
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
GARY L. GUYMON
Chief Deputy District Attorney
Nevada Bar #003726
200 South Third Street
Las Vegas, Nevada 89155-2212
(702) 455-4711
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- DONTE JOHNSON, #1586283 Defendant.	CASE NO: C153154 DEPT NO: V

STATES REPLY TO DEFENDANT'S OPPOSITION TO THE STATES NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES

DATE OF HEARING: 04/28/04
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through GARY L. GUYMON, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Opposition To The State's Notice Of

EXHIBIT 75

EXHIBIT 75

560

INST

FILED IN OPEN COURT
APR 28 2005 2:30pm
SHIRLEY B. PARRAGUIRRE, CLERK
BY Sharon Coffman
SHARON COFFMAN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DONTE JOHNSON,

Defendant.

Case No. C153154

Dept No. VIII

INSTRUCTIONS TO THE JURY

(INSTRUCTION NO. 1)

MEMBERS OF THE JURY:

It is now my duty as judge to instruct you in the law that applies to this penalty hearing. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.

S12

INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

INSTRUCTION NO. 3

The jury must find the existence of each aggravating circumstance, if any, unanimously and beyond a reasonable doubt.

The jurors need not find mitigating circumstances unanimously.

INSTRUCTION NO. 4

A reasonable doubt is one based on reason. It is not mere possible doubt, but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

INSTRUCTION NO. 5

In the penalty hearing, evidence may be presented concerning aggravating and mitigating circumstances relative to the offense.

Hearsay is admissible in a penalty hearing.

INSTRUCTION NO. 6

During the first portion of the penalty hearing, you will consider evidence relevant to the existence of aggravating circumstances and evidence relevant to the existence of mitigating circumstances. You must consider each type of evidence for its appropriate purposes.

In determining unanimously whether any aggravating circumstance has been proven beyond a reasonable doubt, you are to consider only evidence relevant to that aggravating circumstance.

In determining individually whether any mitigating circumstance exists, you are to consider only evidence relevant to that mitigating circumstance.

In determining individually whether any mitigating circumstances outweigh any aggravating circumstances, you are to consider only evidence relevant to any mitigating and aggravating circumstances.

If you find unanimously and beyond a reasonable doubt that at least one aggravating circumstance exists and each of you determines that any mitigating circumstances do not outweigh the aggravating, note this on the special verdict form.

If you do not decide unanimously that at least one aggravating circumstance has been proven beyond a reasonable doubt or if at least one of you determines that the mitigating circumstances outweigh the aggravating, note this on the special verdict form.

INSTRUCTION NO. 7

You are instructed that the following factors are circumstances by which Murder of the First Degree may be aggravated:

The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree.

INSTRUCTION NO. 8

Mitigating circumstances are those factors which, while they do not constitute a legal justification or excuse for the commission of the offense in question, may be considered, in the estimation of the jury, in fairness and mercy, as extenuating or reducing the degree of the Defendant's moral culpability.

In balancing aggravating and mitigating circumstances, it is not the mere number of aggravating circumstances or mitigating circumstances that controls.

INSTRUCTION NO. 9

In determining whether mitigating circumstances exist, jurors have an obligation to make an independent and objective analysis of all the relevant evidence. Arguments of counsel or a party do not relieve jurors of this responsibility. Jurors must consider the totality of the circumstances of the crime and the defendant, as established by the evidence presented in the guilt and penalty phases of the trial. Neither the prosecution's nor the defendant's insistence on the existence or nonexistence of mitigating circumstances is binding upon the jurors.

INSTRUCTION NO. 10

Murder of the first degree may be mitigated by any of the following circumstances, even though the mitigating circumstance is not sufficient to constitute a defense or reduce the degree of the crime:

1. The youth of the defendant at the time of the crime.

2. The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance.

3. At age 7-1/2 the Defendant was removed from his mother's custody due to neglect and sent into foster care.

4. At age 7-1/2 the Defendant moved into his grandmother's home, where up to ten children and four adults stayed.

5. After age 7-1/2 the Defendant had no positive or meaningful contact with either parent.

6. The Defendant never had a positive male role model.

7. For all his childhood the Defendant resided in neighborhoods where violence was frequent.

8. The Defendant witnessed many violent acts as a child.

9. When the Defendant was age 9, his grandmother had custody of as many as 12 children under the age of 10.

10. Beginning when he was 13 years old, the Defendant attended schools where violence was common.

11. Any other mitigating circumstance.

INSTRUCTION NO. 11

The jury is instructed that in determining the existence of aggravating circumstances as well as mitigating circumstances that it may consider all evidence introduced at both the penalty hearing phase of these proceedings and at the trial of this matter.

INSTRUCTION NO. 12

In your deliberation you may not discuss or consider the subject of guilt or innocence of a Defendant, as that issue has already been decided.

INSTRUCTION NO. 13

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 14

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 15

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

INSTRUCTION NO. 16

The Court has submitted three sets of verdicts to you. One set is for a determination of the existence of an aggravating circumstance. The second set is for a determination of the existence of mitigating circumstances. The third set is for a determination of weight to be given the aggravating and/or mitigating circumstances.

INSTRUCTION NO. 17

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: _____
DISTRICT JUDGE

4-27-05

EXHIBIT 76

EXHIBIT 76

ORIGINAL

RETURNED
UNFILED
JUN 8 9 2007
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY D. Alvarado
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

DONTE JOHNSON, Appellant, vs. THE STATE OF NEVADA, Respondent.	CASE NO. 45456 **PETITION FOR REHEARING AND MOTION TO RECUSE THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE FROM FURTHER INVOLVEMENT IN THE CASE**

COMES NOW, Appellant DONTE JOHNSON, by and through his attorneys DAVID M. SCHIECK, SPECIAL PUBLIC DEFENDER, and RANDALL H. PIKE, Deputy Special Public Defender, and petitions this Court for rehearing of the direct appeal decided on December 28, 2006 in Johnson v. State, 122 Nev.Ad.Op. 113 (2006).

In addition, Appellant moves the Court to order that the Clark County District Attorney's Office be recused from further involvement in the case.

This Petition is made and based on NRAP 40(c)(2)(ii), the arguments and authorities herein contained, and the records and briefs on file with this Court.

DATED: 3/23/07

SUBMITTED BY:

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER

RANDALL H. PIKE
Deputy Special Public Defender
Nevada Bar No. 1940
330 S. Third St., Ste. 800
Las Vegas NV 89155
702-455-6265
Attorneys for Johnson

RECEIVED
Las Vegas Drop Box
CLERK OF SUPREME COURT
2007 MAR 23 PM 3:15

RECEIVED
MAR 27 2007
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

07-06872

ARGUMENT

I.

BASED UPON THE LACK OF DISCLOSURE BY THEN JUSTICE BECKER, THE COURT OVERLOOKED, MISAPPLIED OR FAILED TO CONSIDER A STATUTE, PROCEDURAL RULE, REGULATION OR DECISION DIRECTLY CONTROLLING A DISPOSITIVE ISSUE IN THE CASE

NRAP 40 provides in relevant portion as follows:

> "(a)(1) A petition for rehearing may be filed within eighteen (18) days after the filing of the court's decision pursuant to Rule 36 unless the time is shortened or enlarged by order. The three day mailing period set forth in Rule 26(c) does not apply to the time limits set by this rule. The petition shall state briefly and with particularity the points of law or fact which in the opinion of the opinion of the petitioner the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present. Oral argument in support of the petition will not be permitted. Any claim that this court has overlooked or misapprehended a material fact shall be supported by a reference to the page of the transcript, appendix or record where the matter is to be found; any claim that this court has overlooked or misapprehended a material question of law or has overlooked, misapplied or failed to consider controlling authority shall be supported by a reference to the page of the brief where petitioner has raised the issue.
>
> (2) This court considers a decision by a panel or the en banc court resolving a claim of error in a criminal case, including a claim for post-conviction relief, to be final for purposes of exhaustion of state remedies in subsequent federal proceedings. Rehearing is available only under the limited circumstances set forth in subsection (c) of this Rule. Petitions for rehearing filed on the pretext of exhausting state remedies may result in sanctions pursuant to subsection (g) of this Rule."

NRAP 40 goes on to set forth when a rehearing may be considered:

> "(c)(2) The court may consider rehearings in the following circumstances:
>
> (i) When the court has overlooked or misapprehended a material fact in the record or a material question of law in the case, or
>
> (ii) When the court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation

or decision directly controlling a dispositive issue in the case."

In the present case Counsel for DONTE JOHNSON, after the 4-3 decision issued by the Supreme Court, learned that a member of the majority opinion of the Court had, immediately after signing the Order in this matter, accepted an appointment with the Clark County District Attorney's office. It appears from the evidence available that the offending Justice had, prior to the signing of the Decision in this matter been engaging in negotiations with the District Attorney's office, and that after negotiations had commenced, she failed to recuse herself from consideration of the case(s) and/or advise counsel for the Defense.

Based upon the record and facts that have come to the attention of the Defendant after the issuance of the Order in this matter, there are sufficient facts to warrant a confidential investigation by either the Attorney General's office, the Nevada Commission on Judicial Discipline, and/or the Supreme Court regarding the actions of departing Justice Nancy Becker and her subsequent employment with the District Attorney's Office. Her actions between the time of her loss of the election and her subsequent employment appear to have violated the Canons of Judicial Conduct. It appears, however, that the best use of limited Judicial time would best be served by a rehearing by the present Court, en banc, which lacks the potential taint of the appearance of impropriety attendant with the previous opinion issued by the Court.

Of concern are the death penalty cases that were the subject of non-unanimous decisions by the Nevada Supreme Court. These cases are: Thomas v. State 122 Nev. Adv. Opinion 12; and Johnson v. State 122 Nev. Adv. Opinion 13. Also of concern is the non-death case of

Summers v. State 122 Nev. Adv. Opinion 14.

The appearance of impropriety directly falls under Canon 3E(1) of the Nevada Code of Judicial Conduct. The facts, as they present themselves are as follows:

> **11/8/06** Justice Becker loses the election. As Justice Rose announces his intentions to retire, Justice Becker is thereafter seeking employment within the State of Nevada.
>
> **12/22/06** The Supreme Court, *en banc* approves and signs an Order "amending the commentary to Canon 3E(1)." Justice Becker is signatory to this Amendment.
>
> **12/28/06** The offending Opinions are issued. Justice Becker, being the potential swing vote, becomes a member of the slight majority.
>
> On or before **1/4/07** John L. Smith of the Review Journal becomes aware that the Clark County District Attorney's Office has offered the now former Justice a job. Specifically, his words (Review Journal 1/05/07) "Nancy Becker is considering accepting a newly created position as an appellate attorney in the district attorney's office. Before she can accept the job [the District Attorney will have to find the necessary funds to pay Becker's salary."
>
> **1/16/07** the official announcement of the District Attorney that former Justice Becker is now employed by the office. (This date is both important and raises suspicion in that it is the due date for any petitions or motions for rehearing to be filed).

With the New Year's Holiday intervening, this gave Mr. Smith, less than 3 working days in which to obtain the information either from Justice Becker directly or from a representative of the District Attorney's office.

The fact that the commentary of 12/22/06 was set to "be effective February 1, 2007" is alarming, and could be construed to have been engineered by former Justice Becker to allow for her employment with the District Attorney's office. From the facts known at the time, she was the **only** Justice that appeared to be actively seeking employment post service on the Court.

Additionally, the commentary itself, merely offered guidance to

judges leaving or contemplating leaving office. The Canon already was designed to address the situation. The "effective date" of a commentary does not mean that the rule is modified on that date. Clearly, under the Canon **as it existed on December 28, 2006**, Justice Becker would have known that it was inappropriate for her to be involved in judicial decisions if she was in negotiations with or contemplating employment with the Clark County District Attorney's Office. This is particularly true of those cases involving the death penalty, as "death is different".

The prohibition of this conduct by Justice Becker is not peculiar to the Nevada Judicial Code of Ethics. Indeed, the relevant opinion of the United States Judicial Conference's Committee on Codes of Conduct, as stated in its compendium of selected opinions, states: It is permissible for a judge who is considering leaving the bench, to explore future employment possibilities with law firms, on a private, dignified, basis. The judge must, of course, recuse from all cases handled by any such law firm during any such negotiations, and for a reasonable period after the negotiations terminate (the exact length of time depending upon the nature of the discussions, the reasons for termination, etc.). Judicial Conference of the United States, Committee on Code of Conduct for United States Judges, Compendium of Selected Opinions, § 2.5 (2003). Bankruptcy Servs. v. Ernst & Young (In re CBI Holding Co.), 424 F.3d 265, 266-267 (2d Cir. 2005). See also, Scott v. United States, 559 A.2d 745, 747 (D.C. 1989):

> We must decide the appropriate remedy for a violation of Canon 3 (C) (1) of the American Bar Association's Code of Judicial Conduct which requires that "[a] judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned." CODE OF JUDICIAL CONDUCT Canon 3 (C) (1). n1 The trial judge

> presided at a trial prosecuted by the United States Attorney for the District of Columbia, a division of the United States Department of Justice, while the judge was negotiating for employment with the Executive Office for United States Attorneys in the Department of Justice. The defendant, appellant Monroe W. Scott, Jr., learned of the judge's negotiations after he had been sentenced and he had noted an appeal from his conviction. Applying the special harmless error test of Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 100 L. Ed. 2d 855, 108 S. Ct. 2194 (1988), we hold that Scott is entitled to a new trial.

Given the present interpretation, a judge's "recusal is required when, at the very time * * * [of] trial before a judge, he is in negotiation * * * with a lawyer or law firm or party in the case over his future employment." (Pepsico, Inc. v. McMillen, (7th Cir. 1985) 764 F.2d 458, 461.) Bender v. Board of Fire & Police Comm'rs, 254 Ill. App. 3d 488, 491 (Ill. App. Ct. 1993)

JOHNSON has an ethical obligation to bring the instant motion for a new panel and a rehearing of the arguments based upon the information that has been made available through the media, as well as the inferences that may be drawn therefrom. The acquisition of specific information regarding the dates and times of the negotiations is unknown, and unknowable to JOHNSON or the public. Nor can the information be obtained by defense counsel. So, while there appear to be sufficient facts to raise the appearance of impropriety, JOHNSON and his attorneys lack the investigative tools to prove the violation except circumstantially. The Defense obligation is clear, and all avenues must be explored. Fortunately, the Court can ascertain with some specificity when the negotiations were commenced. Justices, familiar with the financial procedures of Clark County, would be aware of the possible locations of the information that would confirm the dates of the negotiations as

including, but not limited to:

1. Telephone records verifying calls to the District Attorney's office and the Justice.
2. Emails
3. Correspondence
4. Internal records within the possession of the District Attorneys' office as to the date of the "new position".
5. Records through the County Human Resources Department containing the application form.
6. Internal authorization through the County Managers' office verifying the request and justification for hiring a new employee at the highest pay rate.

Additionally, the Court would be in the best position to obtain the above.

Had the information been available, or had the District Attorney or then Justice Becker been forthcoming to the Defendant and his counsel while ongoing negotiations for employment were being had while the matter was pending , the Defendant could have made a strategic decision to either invoke or waive his right under NRS 1.225.

> "1.225. Grounds and procedure for disqualifying supreme court justices. 1. A justice of the supreme court shall not act as such in an action or proceeding when he entertains actual bias or prejudice for or against one of the parties to the action. 2. A justice of the supreme court shall not act as such in an action or proceeding when implied bias exists in any of the following respects: (a) When he is a party to or interested in the action or proceeding. (b) When he is related to either party by consanguinity or affinity within the third degree. (c) When he has been attorney or counsel for either of the parties in the particular action or proceeding before the court. (d) When he is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree. 3. A justice of the supreme court, upon his own motion, may disqualify himself from acting in any matter upon the ground of actual or implied bias. 4. Any party to an action or proceeding seeking to disqualify a justice of the supreme court for actual or implied bias shall file a charge in writing, specifying the facts upon which such disqualification is sought. Hearing on such charge shall be had before the other justices of the supreme court. 5. Upon the disqualification of a justice of the supreme court pursuant to this section, a district judge shall be designated to sit in his place as provided in section 4 of

article 6 of the constitution of the State of Nevada. 6. No person shall be punished for contempt for making, filing or presenting a charge for disqualification pursuant to subsection 4."

This motion for disqualification, at that time would not necessarily had to rise to the level of a statutory "charge," which automatically calls for a formal hearing before unchallenged justices. Whitehead v. Nevada Comm'n on Judicial Discipline, 110 Nev. 380, 873 P.2d 946, 1994 Nev. LEXIS 48 (1994), *cert. denied*, In re Whitehead, 519 U.S. 1107, 117 S. Ct. 1021, 136 L. Ed. 2d 896, 1997 U.S. LEXIS 1214 (1997). Indeed, once the matter had been brought "pre-signature" by the Justice, the Court would have had the option of simply having Justice Becker withdraw from consideration of the matter and had a District Court fill the vacant position, participating via a review of the record. See NRS 1.225(5). "Upon the disqualification of a justice of the supreme court pursuant to this section, a district judge shall be designated to sit in his place as provided in section 4 of article 6 of the constitution of the State of Nevada."

A review of the facts in the present matter clearly indicate that if a motion was brought pre-signature against Justice Becker, it would have been granted. As the standard for assessing judicial bias is "whether a reasonable person, knowing all the facts, would harbor reasonable doubts about [a judge's] impartiality." PETA v. Bobby Berosini, Ltd., 111 Nev. 431, 438, 894 P.2d 337, 341 (1995); see also Richard E. Flamm, Judicial Disqualification § 5.5 (1996). Whether a judge's "impartiality can reasonably be questioned under an objective standard, however, is a question of law and this court will exercise its independent judgment of the undisputed facts." Berosini, 111 Nev. at 437, 894 P.2d at 341 (*citing* Flier v. Superior

Court (Perkins), 23 Cal. App. 4th 165, 28 Cal. Rptr. 2d 383, 386 (Ct. App. 1994); State v. Rochelt, 165 Wis. 2d 373, 477 N.W.2d 659, 661 (Wis. Ct. App. 1991) In re Varain, 114 Nev. 1271, 1278 (Nev. 1998).

The Defendant's counsel, being denied information that was available to the State, as well as Justice Becker, was denied his due process right to make a motion to recuse Justice Becker, and, now that the above information has been provided, given the espoused position of Justice Becker by her signature on the Decision affirming the Defendant's sentence of death, Defense has an obligation to bring the instant motion. NRS 1.223(6) 6. No person shall be punished for contempt for making, filing or presenting a charge for disqualification pursuant to subsection 4.

II.

DEFENDANT HAS A DUE PROCESS
RIGHT TO HAVE THE MATTER HEARD

The due process clause clearly applies in the instant case as the claimant has been deprived (or is in jeopardy of being deprived) of his most sacred liberty interest. Morrissey v. Brewer, 408 U.S. 471, 481 (1972). Thus, if a liberty interest is not at stake, the claimant cannot assert the protections of due process. Id. If, however, the government is attempting to infringe on a protected liberty interest, then it (the government) may do so only if it follows the procedures mandated by the due process clause. Id. Kelch v. Sumner, 107 Nev. 827, 829 (Nev. 1991).

> In addition to the duty of the Court to have advised the parties, it can be reasonably argued from the mild nature and lack of redress that were made concerning the defendant's claims of prosecutorial misconduct made in the cases, that there were concessions possibly made.

Wherefore, based upon the above, counsel for JOHNSON

respectfully moves for an Order allowing for a rehearing of the matter before the Court, en banc, with it's present members. In the alternative, the Defendant would request that this Honorable Court initiate a review of the Court's records to either establish the violation of the above Canon of Judicial Ethics or exonerate the former Justice of the allegations.

Attendant with the above request, based upon the current employment by former Justice Becker, the Clark County District Attorney's Office must be recused, as the non-disclosure by the State further concealed the offending action. Appellant is well aware that the current Attorney General was previously the Assistant county manager that would have approved the financial matters concerning the hiring of Justice Becker at the highest salary, however, her Honor Ms. Mastos followed the ethical high road by resigning from her County position well before these matters became at issue. The State must now assume the lead in this matter.

DATED: 3/23/07

SUBMITTED BY:

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER

RANDALL W. PIKE
Deputy Special Public Defender
Nevada Bar No. 1940
330 S. Third St., Ste. 800
Las Vegas NV 89155
702-455-6265
Attorneys for Johnson

AFFIDAVIT OF COUNSEL

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

RANDALL H. PIKE, being first duly sworn, deposes and says:

Affiant is an attorney duly licensed to practice law in the State of Nevada and the Assistant Special Public Defender. That Affiant submits this Affidavit in support of Appellant JOHNSON'S Petition for Rehearing.

That based upon the information provided, Affiant has an ethical obligation to raise this issue for resolution at the first available opportunity.

Wherefore, based upon the above points and authorities, and upon good faith a belief, affiant believes that failure to rehear the above matter by this Honorable Court would constitute a violation of Defendant's due process rights under the Nevada and United State's Constitutions.

This Motion is made in good faith and not for the purpose of delay.

Further Affiant sayeth naught.

RANDALL H. PIKE

SUBSCRIBED and SWORN to before me this 23 day of March, 2007.

NOTARY PUBLIC

KATHLEEN FITZGERALD
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 92-1867-1
MY APPT. EXPIRES DEC. 24, 2010

CERTIFICATE OF MAILING

The undersigned employee of The Special Public Defender's Office, does hereby certify that on the 23 day of March, 2007, I did deposit in the United States Post Office at Las Vegas, Nevada, a copy of the above and foregoing Petition for Rehearing, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to the following: Clark County District Attorney, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89155; and Nevada Attorney General, 100 N. Carson St., Carson City NV 89701-4717.

KATHLEEN FITZGERALD
an employee of
The Special Public Defender

EXHIBIT 77

EXHIBIT 77

NewsRoom

1/5/07 Las Vegas Rev.-J. 1B
2007 WLNR 326702

Las Vegas Review-Journal (NV)
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January 5, 2007

Section: City

Mabey takes heat for attending his patients instead of the inauguration

John L. Smith

The Legislature isn't yet in session, and Gov. Jim Gibbons hasn't finished unpacking his boxes, but incoming Republican Assembly Minority Leader Garn Mabey of Las Vegas is taking a thumping for failing to interrupt his medical practice and fly to Carson City for this week's inauguration.

If Gibbons missed Mabey's presence, he hasn't registered an official complaint, but GOP knife-fighter Chuck Muth continues to whittle on the assemblyman. In a widely circulated e-mail message, Muth wrote, "Also conspicuous by his absence was newly elected Assembly Minority Leader Garn Mabey ... who happens to be from the same party as the new Governor. What an insult."

Mabey, a local gynecologist, said he hadn't intended to insult anyone, but he was busy earning a living prior to the start of the '07 session, during which time his practice will lose a bundle. He was also working on a legislative proposal that would enable retired physicians to return to practice as volunteers to assist indigent Nevadans in need of medical attention.

Sounds like worthy work to me.

"I just thought, it's the governor's time," Mabey said. "I'm proud he's our governor. But I didn't go."

What Mabey didn't say was the thought of sitting in the Carson City cold for a swearing-in ceremony is almost as uncomfortable as it is boring.

"I stayed home and worked to make a nickel," said Mabey, who has been criticized for not striking a tougher posture in his caucus. "I figure when the session starts I'll be up there for four months and will sacrifice a lot. For somebody to complain that I didn't go up and stand in cold weather and listen to the inauguration, it's asinine."

Interestingly, Mabey's taking more hits in conservative Republican circles for his no-show than out-going Gov. Kenny Guinn for his absence.

BECKER'S BUSINESS: Former Supreme Court Justice Nancy Becker is considering accepting a newly created position as an appellate attorney in the district attorney's office. Before she can accept the job, however, District Attorney David Roger will have to analyze his budget to find the necessary funds to pay Becker's salary.

REID'S RENAISSANCE: CNN's Dana Bash is the latest national reporter to sketch the character and background of Nevada Sen. Harry Reid. In "The Situation Room" earlier this week, Bash interviewed Reid at his Searchlight home, talked about his Nevada roots, Mormon faith, and eclectic tastes in music (the Cowboy Junkies gets a plug) and magazines ("People" is one of his favorites).

My favorite Reid quote: "I'm a pessimist about everything in life. That way I have fewer disappointments."

Sounds pretty somber for a guy who finds himself on top of the Democratic political world.

ETHICS MEETING: The Nevada Center for Public Ethics has scheduled a public meeting for 11 a.m. Saturday at the Flamingo Library's theater. Among the topics of discussion are several upcoming legislative proposals. The center is the creation of ethicist Craig Walton.

So why do I suspect the public officials who could most benefit from an ethics update won't be in attendance?

ON THE BOULEVARD: More union organizing rumors swirling from Wynn Las Vegas following management's decision to include floor personnel in the dealers' tip pool and a complaint this week with the National Labor Relations Board. Some of the dealers are being very, very careful not to let their identities become known for fear of reprisal. … Dice dealer Robert "Razorback" Hendrix died recently at age 79. The Arkansas native opened the first MGM Grand and was there the day the pleasure palace burned. The Navy veteran and 44-year Las Vegan spent 27 years chasing the galloping dominoes on the Strip.

BOULEVARD II: Longtime locals who fondly remember the Batter Beater Café will want to know that it's back in business at 222 S. Decatur Blvd. on the site of the former Fasolini's Pizza Café. This time around, the Batter Beater has added Korean specialties to its All-American café lineup. … Jerry Tao, who ran a spirited and unsuccessful campaign for county commissioner, has joined Ayala and Associates as a partner. Tao is an ex-deputy DA and former chief speechwriter for Harry Reid.

BOULEVARD III: Former Clark County Commissioner Thalia Dondero is recovering from a broken arm. No truth to the rumor it happened while she was arm-wrestling. … Metro Deputy Chief Mike Ault is retiring after 34 years with the department.

Have an item for the Bard of the Boulevard? E-mail comments and contributions to Smith@reviewjournal.com or call 383-0295.

---- Index References ----

Company: AKTIEBOLAGET WILH BECKER; REPUBLICAN; NEVADA SECRETARY OF STATE: DIVISION OF CORPORATIONS; MGM MIRAGE

News Subject: (Legal (1LE33); Judicial (1JU36))

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LABOR RELATIONS BOARD; NAVY; NEVADA; NEVADA CENTER FOR PUBLIC ETHICS; REPUBLICAN; REPUBLICAN ASSEMBLY MINORITY) (Ayala; David Roger; Dice; Garn Mabey; Harry Reid; Interestingly, Mabey; Jerry Tao; Jim Gibbons; Kenny Guinn; Mabey; Mike Ault; Mormon; Muth; Reid; S. Decatur Blvd.; Sounds; Tao; Thalia Dondero)

Keywords: john l smith; on the boulevard column; garn mabey; governor jim gibbons; inauguration; chuck muth; nancy becker; david roger; dana bash; nevada center for public ethics; meeting; legislatie proposals; wynn las vegas; dealers tip pool; nlrb; robert hendrix; died obituary; batter beater cafe; jerry tao; thalia dondero; mike ault

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EXHIBIT 78

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April 27, 2007

Section: A

Judge out of order, ethics claims say

Sam Skolnik

Former Nevada Supreme Court Justice Nancy Becker is under fire from defense lawyers claiming she may have committed ethics violations during her recent transition to the Clark County District Attorney's Office.

In papers filed this month with the Supreme Court, lawyers from the Special Public Defender's Office say that late last year, Becker ruled on several cases involving the district attorney's office while she was negotiating with that office for a high-ranking, high-paying job.

In motions to the Supreme Court to rehear three murder case appeals, the defender's office says Becker should have recused herself from ruling on th ose cases, and that by not doing so she may have violated the part of the Nevada Code of Judicial Conduct that says judges must disqualify themselves from matters "in which the judge's impartiality might reasonably be questioned."

In one of the appeals motions, in fact, Deputy Special Public Defender Randall Pike argued that facts had come to light that warrant a "confidential investigation by either the attorney general's office, the Nevada Commission on Judicial Discipline, and/or the Supreme Court regarding the actions of departing Justice Nancy Becker and her subsequent employment with the district attorney's office."

On Nov. 7 Becker, who had served as a Supreme Court justice since 1998, lost her reelection bid to District Judge Nancy Saitta.

District Attorney David Roger said Becker first called him later that month or in early December to discuss possibly working for his office. Roger said Becker was weighing at least one other offer .

The Supreme Court issued the three rulings in question - in the cases of Donte Johnson, Marlo Thomas and Charles Summers - on Dec. 28, three days before Becker's term on the court expired.

In each case the murderer had appealed his sentence, saying his rights had been violated when prosecutors introduced hearsay evidence during his sentencing hearing without allowing the defense to confront the witness.

In each case Becker sided with the majority in 4-3 rulings, which favored the district attorney's argument that no violation had occurred.

The three other justices signed on to a separate, concurring opinion. Although all the justices agreed that none of the men deserved to have his sentence reversed, the three others argued that future murder defendants should have the right to argue that such hearsay evidence shouldn't be allowed.

News reports surfaced in the first week in January that Becker was in discussions to work for Roger's office. One sticking point was money: Becker and Roger agreed that Becker needed an exemption from Clark County to earn a salary closer to what she made on the court, $140,000.

She gained the exemption from the county and started her job as a chief deputy in the office's appellate section on Jan. 16. Assistant Clark County Manager Elizabeth Quillin said Becker was approved by the county to earn $120,000 annually.

Roger said he and Becker did not discuss any of Becker's pending Supreme Court cases while they were discussing a possible job for her. As to whether Becker should have recused herself from any cases involving his office while they were in discussions, he said, "I think that's an issue for Justice Becker to address."

Becker declined to comment on the cases. But in a response to the special public defender's motion in the Thomas case, Chief Deputy District Attorney Steve Owens noted that oral arguments in that case took place in June, six months before the Dec. 28 decision was handed down.

In other words, said Owens, chief of the office's Capital Case Unit for death penalty cases, the real vote-taking and decisions in all three cases may have been made months before the election, making any talk about a conflict of interest moot.

Owens added that because he wasn't an expert on court procedures, he couldn't say for sure when the actual decisions were made.

The special public defender "can say all sorts of crazy things," Owens said, "but that doesn't mean there's a story there."

Special Public Defender David Schieck strongly disagreed. "Obviously," he said, "there's an appearance of impropriety, and an appearance of a huge conflict."

Allen Lichtenstein, general counsel for the American Civil Liberties Union of Nevada, concurred.

"There's no basis to say there was collusion, but there clearly appears to be a conflict of interest," Lichtenstein said. "This doesn't help people to have faith in judicial independence, which is unfortunate."

Becker also was criticized recently by a private defense lawyer regarding the cases she has worked on since becoming a prosecutor.

In February Las Vegas attorney JoNell Thomas filed a motion with the Supreme Court arguing that Becker should have disqualified herself from any role in a case involving Thomas' client, William Bickom.

Becker was one of three justices who in 2006 signed an order affirming Bickom's conviction. Then as a prosecutor, Becker earlier this year filed a motion on the same case.

Thomas has argued that Becker should have recused herself, and that her client's rights were violated because she did not. As a justice, Thomas said , Becker had access to information about the case not afforded her.

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Referring to the Nevada Rules of Professional Conduct, Thomas said "Becker was precluded from representing the state in connection with Mr. Bickom's case because she 'personally and substantially' participated in this case while a Nevada Supreme Court justice."

Becker responded in court papers that there are certain types of cases from which she has agreed to recuse herself as a prosecutor, including cases in which she had participated as a justice.

But she said she does not believe she should be screened from handling appeals cases stemming from post-conviction proceedings like Bickom's. Becker added that she had participated in thousands of appeals cases and had no recollection of Bickom's case.

The Supreme Court has not ruled on Thomas' or the special public defender's motions.

Sam Skolnik can be reached at 474-7406 or at sam.skolnik@lasvegassun.com.

---- Index References ----

Company: O M HOLDING INC; OWENS AND MINOR INC; STATE OF NEVADA (USA)

News Subject: (Violent Crime (1VI27); Crime (1CR87); Legal (1LE33); Judicial (1JU36); Social Issues (1SO05); Criminal Law (1CR79); Economics & Trade (1EC26))

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EXHIBIT 79

EXHIBIT 79

NEVADA DEPARTMENT OF CORRECTIONS

EXECUTION MANUAL
EM 110
EXECUTION PROCEDURE

Effective Date: **11/07/2017**

CONFIDENTIAL IN UN-REDACTED FORMAT: YES

AUTHORITY AND RESPONSIBILITY

The Director and designated Deputy Director will ensure that this manual is accurately revised and published upon order of the Governor prior to a scheduled execution.

110.01 FINAL PREPARATION OF COMDENMED INMATE

[redacted]

1. The Warden will ensure that the Execution Area Viewing Room blinds are closed and that the Viewing Room lights are at full illumination.

2. The [redacted] Team consisting [redacted]

   [redacted]

   b. [redacted] officers will then move to their assigned Execution Area Viewing Rooms to operate the Viewing Room lights on command of the Warden. [redacted] will move to the Execution Area Viewing Room Hallway to assist [redacted] officers with any issues that may arise before, during or after the execution.

3. The condemned inmate is placed [redacted] restraints by the Security Team Sergeant.

B. At [redacted] the [redacted] Team Sergeant will inform the Warden that the condemned inmate is ready to enter the Execution Area Chamber Room.

C. [redacted] with permission of the Warden, the inmate is escorted from the Execution Area Holding Cell to the Execution Chamber Room by the [redacted] Team, placed on the table and secured using soft restraints. The restraints that were used during escort will then be removed. A head support will be placed under the inmate's head and the table will be placed at a reverse Trendelenburg position.The [redacted] will ensure the inmate is properly secured to the table and announce 'inmate secured'.

D. [redacted] Officers will post themselves in the Execution Chamber Room while the [redacted] escorts one of the EMT's into the Execution Chamber Room to set the IV lines and cardiac monitor leads.

1. The EMT will perform a venipuncture of both arms or alternate sites derived from the advice of the Attending Physician such as (in the order of preference) the condemned inmate's ankle, lower leg or neck.

   a. Using the appropriate gauge needle/catheter set (18 or 20 depending upon the size and condition of the vein at the intended venipuncture site) the EMT will perform a venipuncture of the condemned inmate's right arm (or alternate site derived from the advice of the Attending Physician). The venipuncture site should be selected as distal on the extremity as possible which will also accommodate at least a 20 gauge needle/catheter set. Should that site prove unsuccessful, a site proximal on the arm can then be selected and a second venipuncture re-attempted. When the venipuncture of the right arm is successful, the EMT will withdraw and appropriately discard the needle, connect the catheter tubing to the IV line, remove the tourniquet on the condemned inmate's upper arm and then check the patency of the venipuncture.

      i. The EMT will open the IV line flow-valve and observe for a free flow of saline inside the IV drip chamber.

      ii. The EMT will also observe the IV site for any unwanted swelling, discoloration or fluid seeping at the venipuncture site. If any of these problems are observed, the EMT will discontinue the IV at that site. If no problems are observed, the catheter/IV line will be secured with sufficient tape and set the IV flow at a rate sufficient to keep the vein open.

   b. The process set forth above in Section 110.01(D)(1)(a) will be repeated for the contralateral side or at another location on the same side to establish another adequate intravenous line.

2. If the EMT is unable to find an adequate vein in an arm, the venipuncture will occur into a vein of an ankle, lower leg or neck as advised by the Attending Physician. Once established and secure, a normal saline solution will then be infused at a slow rate in order to keep the vein open.

3. Once both venipunctures are successfully completed, cardiac leads will be attached to the condemned inmate by the EMT. The EMT will check with the EMT [redacted] to ensure that the cardiac monitor is functioning properly. The cardiac monitor will then be turned off until the end of the process; there will be no dynamic cardiopulmonary electronic monitoring of the condemned inmate during the process.

E. [redacted] once these tasks have been accomplished successfully, the Security Team and the EMT who set the lines will then exit the Execution Area Chamber Room and proceed [redacted] The only person remaining with the condemned inmate will be the Warden.

F. [redacted] the Warden will direct the [redacted] Team members posted in the Execution Area Viewing Rooms to dim the lights. The Warden will then open the Execution Area Viewing Room blinds and advise the condemned inmate that those witnessing the execution may now hear his last words. A digital audio recorder will also record them.

110.02 EXECUTION OF CONDEMNED INMATE

A. [redacted] the Director will positively contact the Attorney General/designee and the Governor/designee in person or on their direct lines [redacted] in order to confirm a possible stay of execution, order, pardon or commutation of sentence. If none exists, the Director will inform the Warden to proceed with the execution.

B. Prior to the execution, the Warden will receive practical training in:

1. Measuring and reporting the condemned inmate's level of consciousness.

2. Monitoring the IV sites for signs of compromise.

C. Prior to the administration of lethal drugs, an Attending Physician or properly trained and qualified medical professional will enter the Execution Chamber Room behind a screen in order to monitor the condemned inmate's level of consciousness during the procedure.

D. The Warden will instruct the Drug Administrators to begin injecting the lethal drugs into the condemned inmate as specified below.

1. It must be understood that after the infusion of the lethal drugs has begun the execution may still be stopped, but the inmate's respiratory and cardiovascular systems will be progressively more compromised.

   a. If the execution is ordered to be stopped at any point after the infusion of the lethal drugs has begun, all reasonable attempts to save the inmate's life will be made by the Attending Physician and medical personnel present using equipment that will be made available for that possible contingency as noted in EM 104.01 – List of Needed Equipment, Materials and External/Internal Contacts.

   b. If necessary, the inmate will be transported via ambulance to the nearest emergency room for further stabilization and medical care.

2. If at any point, the Attending Physician determines that the condemned inmate's responses to the lethal drugs deviates from as expected, the Drug Administrators, Warden and Director will pause the procedure, close the Viewing Room window blinds and consult with the Attending Physician. Following the consultation with the Attending Physician, the Director will then decide how to proceed from that point. If the execution is to continue, the Viewing Room blinds will be reopened before proceeding.

3. From Workroom #1, in the following order and manner, a Drug Administrator will administer the lethal drugs while the Attending Physician and other medical personnel,

assisted by the Warden in the Chamber Room, closely observes and measures the level of consciousness of the condemned inmate.

a. Throughout the procedure the Warden, Attending Physician, and other medical personnel will evaluate the patency of the IV sites by ensuring that the IV drip chambers show continuous steady drips and that the IV sites show no signs of compromise. If the patency of one of the IV's is believed to be compromised, the medical professionals will inform the Drug Administrators to use the other, patent IV site. If both IV's appear to be compromised, the Warden will then consult with the Attending Physician before allowing the EMT to proceed with steps to re-establish patent IV access.

b. After the contents of each syringe has been administered, the syringe will be removed from the injection port and the syringe/needle unit will be placed in a new, small sharps container labeled and provided for that purpose.

c. From Tray-1, a Drug Administrator will obtain Diazepam syringes #1-1 and #1-2 containing 50 milligrams of Diazepam. The contents of the syringes will then be administered over one minute. The injection of Diazepam will be titrated to its desired effect in the following manner:

   i. 60 seconds after the initial injection of 50 milligrams of Diazepam, the Attending Physician or other medical personnel will attempt to elicit an interpretable physical response to verbal stimuli (i.e. move fingers, thumbs up, open eyes) from the condemned inmate. If the condemned inmate does not respond to the verbal stimulus attempt, the injection of Diazepam will stop and the injection of Fentanyl will begin.

   ii. If, after the initial 50 milligrams of Diazepam have been injected, the inmate shows a response to verbal stimuli, the Drug Administrator will obtain supplemental Diazepam syringe #1-3 containing 25 milligrams of Diazepam and administer its contents over an additional minute.

   iii. 60 seconds after the injection of the supplemental 25 milligrams of Diazepam, the Attending Physician or other medical personnel will reattempt to elicit an interpretable physical response to verbal stimuli (i.e. move fingers, thumbs up, open eyes). If the condemned inmate does not respond to this attempt, the injection of Diazepam will stop and the injection of Fentanyl will begin.

   iv. If, after the supplemental 25 milligrams of Diazepam have been injected, the inmate shows a response to verbal stimuli, the Drug Administrator will obtain supplemental Diazepam syringe #1-4 containing 25 milligrams of Diazepam and administer its contents over an additional minute.

   v. 60 seconds after the injection of the second supplemental 25 milligrams of Diazepam, the Attending Physician or other medical personnel will reattempt to elicit an interpretable physical response to verbal stimuli (i.e. move fingers, thumbs up, open eyes). If the condemned inmate does not respond to this attempt, the injection of Diazepam will stop and the injection of Fentanyl will begin.

vi. If, after the injection of the second supplemental 25 milligrams of Diazepam, the inmate shows a response to verbal stimuli, the Drug Administrators shall not proceed. The Director will consult with the Attending Physician. The Director will then decide the next course of action, which may include:

1. Waiting and observing for an additional short period of time
2. Initiating another IV
3. Administering additional Diazepam to titrate to effect.
4. Halting the execution
5. Begin with the injection of Fentanyl if the IV is patent.

vii. The Drug Administrator will not begin the injection of Fentanyl until directed to do so by the Attending Physician.

d. From Tray-2, a Drug Administrator will obtain Fentanyl syringes #2-1 through #2-10 containing 5,000 micrograms of Fentanyl. The contents of all syringes will then be administered within two minutes. The injection of Fentanyl will be titrated to its desired effect in the following manner:

i. 90 seconds after the initial injection of 5,000 micrograms of Fentanyl, the Attending Physician or other medical personnel will attempt to elicit a response to painful stimuli (in the form of a medical grade pinch) from the condemned inmate. If the condemned inmate does not respond to the painful stimulus attempt, the injection of Fentanyl will stop and the injection of Cis-atracurium will begin.

ii. If, after the initial 5,000 micrograms of Fentanyl have been injected, it is determined by the Attending Physician or other medical personnel that the inmate responded to painful stimuli, the Drug Administrator will obtain a supplemental dose of 2,500 micrograms of Fentanyl from syringes #2-11 through #2-15 and administer their contents over an additional two minutes.

iii. 90 seconds after the injection of the supplemental 2,500 micrograms of Fentanyl, the Attending Physician or other medical personnel will reattempt to elicit responses to painful stimuli. If the condemned inmate does not respond to this attempt, the injection of Fentanyl will stop and the injection of Cis-atracurium will begin.

iv. If, after the injection of the supplemental 2,500 micrograms of Fentanyl, the inmate shows a response to painful stimuli, the Drug Administrators shall not proceed. The Director will consult with the Attending Physician. The Director will then decide the next course of action, which may include:

1. Waiting and observing for an additional short period of time
2. Initiating another IV
3. Administering additional Fentanyl to titrate to effect.
4. Halting the execution

v. The Drug Administrator will not begin the injection of Cis-atracurium until directed to do so by the Attending Physician.

e. From Tray-3, a Drug Administrator will obtain Cis-atracurium syringes #3-1 through #3-5 containing 100 milligrams of Cis-atracurium. The contents of all syringes will then be administered over 60 seconds. The injection of Cis-atracurium will be titrated to its desired effect in the following manner:

i. After the initial 100 milligrams of Cis-atracurium have been injected and five minutes have elapsed, the Drug Administer will administer a supplemental dose of 100 milligrams from supplemental syringes #3-6 through #3-10. The contents of the supplemental dose will then be administered over an additional 60 seconds.

f. After the administration of the supplemental dose of Cis-atracurium has been administered, the Attending Physician or other medical personnel in Workroom #1 will then turn on the cardiac monitor. The Attending Physician or other medical personnel will observe it until all signs of electrical activity of the heart have ceased.

E. When the lethal drugs have been injected as outlined above, and all electrical activity of the condemned inmate's heart has ceased (as shown by the cardiac monitor), and confirmed by the Attending Physician, the Coroner will be escorted to the execution room to confirm the condemned inmate is deceased and pronounce the time of death. Times recorded for the execution process will be recorded from clocks located in the Execution Area Chamber Room.

F. Immediately following the Coroner's pronouncement of death the Warden will close the Execution Area Chamber Room blinds and direct the posted Observation Team members to fully illuminate their assigned Viewing Room lights.

G. The two Drug Administrators who inject the lethal drugs into the IV lines will document the amount of each lethal drug administered and confirm that it was administered on form DRC 2001.

NO ATTACHMENTS: SEE CEM 112 FOR ALL EXECUTION RELATED FORMS

EXHIBIT 80

EXHIBIT 80

ORIGINAL

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HENDERSON JUSTICE COURT
3-30-04
FILED IN OPEN COURT

IN THE JUSTICE COURT OF HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA, Plaintiff, vs. PETER S. BALDONADO, #0126707, Defendant.	CASE NO. 04FH2573X DEPT. NO. 1 **SECOND AMENDED CRIMINAL COMPLAINT**

The undersigned, BRIAN SANDOVAL, Attorney General of the State of Nevada, by and through Conrad Hafen, Senior Deputy Attorney General, complains and charges the above named defendant, PETER S. BALDONADO, with having committed the crimes of ASKING OR RECEIVING BRIBE BY PUBLIC OFFICER OR EMPLOYEE a category C Felony in violation of NRS 197.040, MISCONDUCT OF A PUBLIC OFFICER a category E Felony in violation of NRS 197.110 and SEXUAL ASSAULT a Category A Felony in violation of NRS 200.366 within the County of Clark, State of Nevada, contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada.

COUNT I

ASKING OR RECEIVING BRIBE BY PUBLIC OFFICER OR EMPLOYEE

(A Category C Felony - NRS 197.040)

That the defendant did knowingly, willfully and unlawfully being any public officer in the business of the State, who asks or receives, directly or indirectly, any compensation,

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555 E. Washington, Suite 3900
Las Vegas, NV 89101

FELONY
GROSS MSD.
District Court
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gratuity or reward, or any promise thereof, upon an agreement or understanding that he will do or admit any act or proceeding or in any way neglect or violate any official duty to wit: That on or about January 24, 2004 in Clark County Nevada, the Defendant, PETER S. BALDONADO, while employed as an investigator and peace officer with the Clark County District Attorney's Office did solicit sexual favors from a confidential witness in exchange for fixing outstanding bench warrants and/or arrest warrants for the confidential witness in violation of his duty as a public officer and/or peace officer to execute arrest warrants.

COUNT II

MISCONDUCT BY A PUBLIC OFFICER

(A Category E Felony- NRS 197.110)

That the defendant did knowingly, willfully and unlawfully being a public officer who uses any property under his official control or direction, or in his official custody, for the private benefit or gain of himself to wit: That on or about January 1-24, 2004 the defendant, PETER S. BALDONADO, while acting as an investigator for the Clark County District Attorney's Office, used his official computer to obtain information regarding the status of an outstanding arrest warrant of an individual acting as a confidential witness, used his official vehicle to meet this confidential witness and used his official cell phone to contact this confidential witness, all for the purpose of quashing an arrest warrant in exchange for sexual relations with the confidential witness.

COUNT III

SEXUAL ASSAULT

(A Category A Felony- NRS 200.366)

That the defendant did knowingly, willfully and unlawfully subject another person to sexual penetration, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct to wit: That on or about November 28, 2003 the Defendant commit the act of sexual intercourse by inserting his penis into the vaginal opening of LOVE HOLLOWAY, against her will and /or under conditions in which the Defendant knew,

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or should have known, that LOVE HOLLOWAY was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

All of which is contrary to the form, force and effects of the statutes in such cases made and provided against the peace and dignity of the State of Nevada, said complainant makes this declaration subject to the penalty of perjury.

Dated this 29 day of March, 2004

BRIAN SANDOVAL
Attorney General

By: _____
CONRAD HAFEN
Senior Deputy Attorney General
Criminal Justice Division
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101
(702) 486-3430

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BRIAN SANDOVAL
Attorney General
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Attorney for Respondent

ORIGINAL

FILED IN OPEN COURT
APR 2 2 2004
SHIRLEY B. PARRAGUIRRE, CLERK
BY Linda Skinner
DEPUTY
LINDA SKINNER

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

STATE OF NEVADA, Plaintiff, v. PETER S. BALDONADO, ID# 0126707, Defendant.	CASE NO.: C 200489 DEPT. NO.:

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: MISCONDUCT BY A PUBLIC OFFICER, a Category E Felony in violation of NRS 197.110 and agree to enter an Alford Plea to COERCION, a Category B Felony in violation of NRS 207.190 as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

Both sides are free to argue at time of sentencing. The state agrees not to file any criminal charges relating to investigations involving the defendant that are currently pending in the Attorney General's Office and relate to this matter.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty to MISCONDUCT BY A PUBLIC OFFICER AND entering an Alford Plea to COERCION I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of **guilty to Count I, Misconduct by a Public Officer**, I may be punished by imprisonment in the state prison for a minimum term of not less than one year and a maximum term of not more than four years, and may be further punished by a fine of not more than $5,000. I understand that for this charge probation is mandatory however the court may sentence me, as a condition of probation, to serve time in the Clark County detention facility.

I understand that as a consequence of my **Alford Plea to Count II, Coercion**, I may be punished by imprisonment in the state prison for a minimum term of not less than one year and a maximum term of not more than six years, and may be further punished by a fine of not more than $5,000. I understand that probation is available but not mandatory for this charge. I further understand that the law requires me to pay an Administrative Assessment Fee, be subject to DNA genetic marker analysis and pay a One Hundred-fifty dollar ($150) DNA fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and Alford. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I also understand that information regarding charges not filed, dismissed charges, or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

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Las Vegas, NV 89101

I understand if the offense to which I am pleading guilty to was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offenses.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

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VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charges against me with my attorney and I understand the nature of the charges against me.

I understand that the State would have to prove each element of the charges against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 22 day of April, 2004.

Defendant

AGREED TO BY:

CONRAD HAFEN
Senior Deputy Attorney General

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

4. To the best of my knowledge and belief, the Defendant:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.

b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the defendant as certified in paragraphs 1 and 2 above.

Dated: This 22 day of April, 2004.

ATTORNEY FOR DEFENDANT

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 DISTRICT COURT

2 CLARK COUNTY, NEVADA

FILED IN OPEN COURT
APR 1 2 2005
SHIRLEY B. PARRAGUIRRE, CLERK
BY MELISSA SWINN DEPUTY

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4 THE STATE OF NEVADA,

5 Plaintiff,

6 vs.

7 PETER S. BALDONADO,

8 Defendant.

No. C200489
Dept. No. XIV

9

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

11

12 June 17, 2004
9:00 a.m.

13 Department XIV

14

15 ORIGINAL

APPEARANCES:

16

For the State:

17 MR. CONRAD HAFEN
Deputy Attorney General

18

For the Defendant:

19 MR. WILLIAM TERRY
Attorney-at-Law

20

For Parole and Probation:

21 NO APPEARANCE

22

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24 RECEIVED
APR 1 2 2005
COUNTY CLERK

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

1

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

PETER S. BALDONADO,

Defendant

No. C200489
Dept. No. XIV

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

June 17, 2004
9:00 a.m.
Department XIV

APPEARANCES:

For the State:
MR. CONRAD HAFEN
Deputy Attorney General

For the Defendant:
MR. WILLIAM TERRY
Attorney-at-Law

For Parole and Probation:
NO APPEARANCE

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

2

THE COURT: C200489, State versus Peter Baldonado. Mr. Hafen, the record reflects your presence representing the Attorney General's Office. The presence of Mr. Terry is acknowledged. The Defendant is present, out of custody. The matter is set for sentencing.

Mr. Terry, are you prepared to proceed?

MR. TERRY: We are.

THE COURT: Mr. Baldonado, do you have any legal cause or reason why judgement should not be pronounced against you at this time?

THE DEFENDANT: No, sir.

THE COURT: By virtue of your pleas of guilty you're adjudged guilty of Counts I and II, Count I, misconduct by a public official or officer, a felony, Count II, coercion, a felony.

Mr. Hafen?

MR. HAFEN: Your Honor, we do have a victim impact statement we'd like to present. The victim is here.

She'd like to make a statement to the Court.

THE COURT: You have a speaker?

MR. HAFEN: Yes.

THE COURT: Before she speaks what is your position?

MR. HAFEN: Our position is that the Court

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should impose the maximum sentence on both counts. As to Count I, we'd ask the Court impose a sentence of 18 to 48 months in the Nevada State Prison, suspend that; it's mandatory probation, but as a condition of probation to impose one year in the Clark County Jail and in addition to that impose all the other conditions set forth in the Presentence Investigation Report.

As to Count II, Your Honor, ask the Court to impose the maximum sentence of 30 months to 72 months in the Nevada State Prison and run both counts one and two consecutive to each other.

The reason for that, Your Honor, is as you look at this Defendant there are a lot of people who have known him for a lot of years. There is a lot of letters of support.

If you look at his personnel file there are glowing reports that he acted beyond the call of duty as an investigator. It almost appears as though the Defendant led a double life.

One as a competent investigator with the Clark County District Attorney's Office and the other one, as the reports indicate, clearly as a predator, a predator on individuals who were weak and as a result of his position he was able to intimidate.

As you'll hear from the victim -- and also

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I'm sure you've read her letter -- what he did to her is going to affect her the rest of her life. Doesn't matter how much counseling she's going to receive, how many apologies he can give to her.

She is going to be affected by this incident the rest of her life. In addition to that, Your Honor, the mere fact he was a law enforcement officer has an impact on this community.

With that position comes a lot of privilege and a lot of benefits, and even though there may be some argument that he should not be treated any different than any other Defendant that comes before this Court, when he decided to be an investigator and law enforcement officer that put him in the position of being treated differently.

That's why we're asking for the maximum sentence on both counts against this Defendant, Your Honor.

The law enforcement community, I don't think -- well, they are going to take a long time to recover from his actions.

As a result of his actions a lot of people in this community now distrust law enforcement officers moreso than ever before and it's going to take some work for these other law enforcement officers who serve with distinction and with courage to overcome the damage that

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1 this man has done to the law enforcement community.
2 So we believe that our recommendation is a
3 fair recommendation, that it weighs both mercy and justice
4 and that in some small measure, Your Honor, it's going to
5 compensate what he did to the victim and what he did to
6 the law enforcement officers in this community.
7 THE COURT: Mr. Hafen, let me ask you a
8 question or two having to do with the mechanics of what
9 you are recommending here.
10 First of all, to give this man a sentence
11 and suspend it as to Count I, which is required by law --
12 MR. HAFEN: That's correct.
13 THE COURT: -- but to run that
14 consecutively would mean if he were to receive parole out
15 of the second count that he would be in a rather unusual
16 situation and probably not he, but our system would be in
17 a rather unusual situation of having him on probation and
18 parole simultaneously.
19 Is that what you're contemplating?
20 MR. HAFEN: Well, Your Honor, I understand
21 the mechanics may cause him problems. The bottom line is
22 we want this individual to go to prison.
23 We do not want him to be given any type of
24 probation on Count II. We understand the law requires
25 mandatory probation on Count I, but it also allows this

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1 Court to impose a one-year jail sentence as a condition of
2 probation.
3 THE COURT: That's the next issue.
4 I'm willing to discuss this, because I am
5 not claiming to have the definitive answer, but we have
6 crossed this bridge before.
7 On an E Felony where there is a mandated
8 probation the Supreme Court has indicated -- and this was
9 several years ago -- that you cannot as a condition of
10 probation require some jail time.
11 It frustrates, I guess, the thinking of the
12 Legislature in that they are requiring probation. We got
13 ourselves in a situation one time on that.
14 Do you recall?
15 MR. HAFEN: That's correct, but I believe
16 that after that opinion was rendered the Legislature
17 changed the statute.
18 THE COURT: That may be.
19 If you have that information, I would be
20 willing to hear it.
21 MR. HAFEN: As I understand, 193.130,
22 particularly subsection E, they made the change in 1999
23 and that case you're talking about I believe was issued --
24 the opinion was issued before those changes.
25 Maybe Mr. Terry has got a different take on

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1 that.
2 That's my understanding is that they changed
3 that statute.
4 THE COURT: Your position is that the
5 Legislature amended the statute to address the problem?
6 MR. HAFEN: That's correct.
7 I believe that's reflected in the
8 Presentence Investigation Report. I believe they are also
9 recommending a one-year term in the county jail as a
10 condition of probation.
11 THE COURT: They are, in fact.
12 Of course, none of us are infallible. I see
13 these Presentence Investigation Report reports and
14 sometimes things are recommended they just don't catch,
15 not to criticize anyone.
16 Mr. Baldonado, before your attorney speaks
17 on your behalf what is it you'd have to say?
18 THE DEFENDANT: First, I would like to
19 accept full responsibility for my conduct. I offer
20 neither alibi nor excuse or blame no one but myself.
21 I was given the position of trust and I
22 violated this trust. For that I'm truly sorry. I would
23 like to apologize to the people of Nevada, my employer, my
24 family, my friends and to anyone that I've offended.
25 I would like to apologize to Ms. Holloway

8

1 for any pain or suffering she may have that I may have
2 caused.
3 Your Honor, I would like the opportunity for
4 probation. If given this opportunity I will not let the
5 Court down. Thank you.
6 THE COURT: Mr. Terry?
7 MR. TERRY: Thank you, Your Honor.
8 Judge, I welcome the opportunity to address
9 the court and I've had some lengthy sentences in the past
10 before Your Honor. I would like to address the court
11 regarding some factors.
12 I've known Mr. Baldonado for approximately
13 25 years, Your Honor. When he asked me to represent him I
14 felt that was a compliment to me and an honor to represent
15 him.
16 When he came before the Court and entered
17 his plea -- please take into consideration he's currently
18 60 years of age. When he came before the Court and
19 entered his plea he acknowledged responsibility in
20 reference to the misconduct.
21 As the Court is aware, he entered a guilty
22 plea pursuant to Alford because he could not acknowledge
23 that, in the reference to Count II, there was a force
24 element that was involved. That is still his position.
25 I want the Court to be clear he acknowledges

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1 a sexual relationship and that is what he has apologized
2 to the Court for.
3 The Court, I think, has picked up on a key
4 element. I must, as an Officer of the Court, concur with
5 my colleague's analysis in this regard.
6 The statute that deals with a Category E
7 felony at a point in time allowed the Court to give
8 probation, but as a condition of probation give some
9 period of incarceration.
10 The Nevada Supreme Court came down with a
11 decision that said 'No. In a Category E felony that's
12 exactly what we mean. Probation and probation only.'
13 However, there was a Legislative change.
14 The statute was amended so that the Court has the option
15 of granting probation with a condition of probation being
16 a period of incarceration.
17 I felt I had to indicate that to the Court,
18 but the Court has also pointed out the inconsistency
19 really in the Attorney General's position in reference to
20 this case.
21 I'd ask the Court to draw upon its own
22 experience when how many times you've seen an individual
23 that has pled guilty to two counts, but one is mandatory
24 probation.
25 When an individual pleads guilty to a charge

10

1 after resolution to a Category E felony what the
2 prosecuting agency is really telling the Court is "We've
3 reviewed this case. We think this is a person that should
4 receive a benefit under a Category E felony."
5 It is an inconsistency to then say "However,
6 he should go to jail."
7 I think the position that the Attorney
8 General's Office takes today is the only one that they can
9 take, which is giving him a period of incarceration based
10 upon a condition of probation, but meanwhile give him a
11 period of incarceration based on the other category of
12 felony that he pled guilty to.
13 I would suggest to the Court, again, that
14 that is an inconsistent position for a prosecutor to take.
15 What my colleague would like this Court to do is look at
16 the case in a vacuum.
17 What I'm asking to court to do is look at
18 Mr. Baldonado in totality. When I reminded the Court he's
19 60 years of age that means you don't have a two-year old
20 up in front of you that says 'In the future I'll do such
21 and such."
22 This is a person that has lived a great
23 majority of his life and as we will point out and
24 demonstrate in the documentation the great majority of
25 people he has come in contact have had nothing but praise

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1 for him.
2 When we talk about acceptance of
3 responsibility I also want to remind the Court, because I
4 am going to be critical of the Presentence Investigation
5 Report in this case because they don't tell you what the
6 facts are.
7 I'm going to remind the Court at the time he
8 was confronted in his office, in the District Attorney's
9 Office, that he not only acknowledged what he had done was
10 wrong, but he gave additional information to the
11 investigator agency to allow them to look further.
12 This isn't a person who was playing hide the
13 ball or invoke your right to counsel or anything like
14 that. In my discussions with him he's indicated that that
15 was somewhat of a relief type of situation.
16 In this case because we expect the
17 Department of Parole & Probation -- and I say this in the
18 kindest way that I can -- it has been my experience that
19 highly publicized cases and/or political cases receive a
20 different type of treatment by the Department.
21 In the federal system you have a set of
22 guidelines that are the focus of every sentencing wherein
23 an individual gets points for doing certain things wrong.
24 There is a base offense because of the wrongdoing that the
25 individual did.

12

1 If he accepts responsibility he gets points
2 that are taken off. The reason for that is because they
3 want some consistency in the sentencing.
4 The Department of Parole & Probation is
5 guided by that same principal, but they do it on a point
6 system that you're not aware of.
7 They don't provide the scale to you. We're
8 going to demonstrate that to you.
9 They give you a four-paragraph analysis of
10 the facts and in their analysis -- and I mean
11 realistically they are recommending incarceration -- in
12 their own analysis at page three they are factually
13 incorrect. I'll point it out to the Court.
14 Mr. Baldonado proposed sex in return for
15 dropping the warrant. The victim consented and they had
16 sex. Page three, second to the bottom paragraph.
17 Incorrect.
18 This was the confidential informant, if you
19 may, the individual that the police agency had call
20 Mr. Baldonado. I don't think the Attorney General's
21 Office is going to say that the act went so far as to
22 allow a confidential informant to make contact with
23 somebody and then allow the sex act to occur.
24 I rather doubt that that's their position.
25 We do acknowledge that there was the call.

13

1 We do acknowledge there was the solicitation.
2 We do not acknowledge that there was a
3 sexual act. That is exactly what the department is
4 relying upon at page three. They are factually incorrect.
5 One of the things we have provided to the
6 Court because of my feeling, so to speak, is the
7 alternative presentence report. This is a document that
8 we provided to the Attorney General's Office and we've
9 provided to the Court.
10 We did that for a realistic reason, judge.
11 Because what the department is asking you to
12 do is look at this individual, put him in custody, based
13 really on four pages, four pages which they don't go into
14 a lot of detail on and with great respect they are
15 factually incorrect on in certain areas.
16 What we did is we hired Mr. Lawson who was
17 formerly with the Department of Parole & Probation. His
18 directive was very specific.
19 You're to analyze the case in exactly the
20 same way that you expect the Department of Parole &
21 Probation to analyze the case. I believe he did do that.
22 I would point that out to the Court.
23 One of the things that the department
24 doesn't tell the Court is the full background of
25 Mr. Baldonado and when they do point out the background

14

1 they kind of ho-hum it. It's like no big thing, because
2 it's all overcome by the acts that he's currently before
3 the Court on.
4 I'll give the Court an example of that.
5 This is an individual that started in a
6 humble beginning. That sounds like some type of a
7 lawyer's tactic to tell you, but the report itself says he
8 was born on a farm and he rose and he took care of himself
9 and he became an accomplished individual.
10 He did not graduate from college but he went
11 to college. He went to the service and he joined the
12 service. That brings me to the next example I want to
13 point out to the Court.
14 At page two of the Presentence Investigation
15 Report, judge, they talk about his educational background
16 and his employment background and his military discharge.
17 All they do is mention to the Court the Defendant received
18 numerous citations and commendations. During his military
19 service, during combat in Viet Nam, the Defendant was shot
20 in the leg.
21 It's almost like, no big thing, no big
22 thing. He did the same thing that anybody would do for
23 his country.
24 He went a lot further than that, Your Honor.
25 This goes to the 'Please look at him in the totality.'

15

1 On page eight of our report it indicates --
2 of Mr. Lawson's report it indicates Mr. Baldonado's tour
3 of duty was two in Viet Nam. In those days you didn't go
4 for two tours unless you wanted to, unless you
5 volunteered.
6 It talks about the types of decorations and
7 awards, et cetera, that he received. One of them that he
8 received is the Bronze Star.
9 You know, I believe that that's two steps
10 below the Congressional Medal of Honor, Bronze Star,
11 Silver Star, Congressional Medal of Honor.
12 One of the documents we provided to the
13 Court was the letter that was signed by the general, not
14 in anticipation of this sentencing, but at the time that
15 Mr. Baldonado received the Bronze Star.
16 It's in the report. I'm not going to read
17 it to the Court. I know the Court is well prepared for
18 the sentencing.
19 What it does is it says this was a person of
20 valor under fire, was concerned for his fellow human
21 beings, resisted further fire from the Viet Cong, was shot
22 again and maintained his position until such time as his
23 men were safe and until such time as the situation was
24 under control.
25 That's not something we made up for this

16

1 Court. It's something that's present in the documents
2 that Mr. Lawson prepared and put forward to you.
3 I think that the Department of Parole &
4 Probation has -- if they are going to recommend
5 incarceration, which they have done in this case, I think
6 they have got a duty to provide you not just with the bad
7 stuff, so to speak, but with the good stuff.
8 And it's almost like they came to the
9 conclusion of what are we going to recommend and now let's
10 just testify it.
11 Your Honor has a lot more experience in
12 reviewing Presentence Investigation Report reports than I
13 do. I'm simply making that suggestion to the court.
14 And what is perhaps most important, judge --
15 and again in Mr. Lawson's directives he was asked to
16 specifically evaluate this case as the Department of
17 Parole & Probation would evaluate it -- and you have the
18 score sheets within your documentation.
19 I call upon the Department of Parole &
20 Probation right now to show me the invalidity of the score
21 sheets that Mr. Lawson prepared. I call upon the
22 Department of Parole & Probation right now to provide you
23 with their score sheets. These are the exact ones that
24 they use. Probation success probability.
25 This is their way of trying to get some

1 uniformity of sentence. If you look at the second page of
2 that document Mr. Baldonado scored 86. I might tell
3 you -- I call upon the Attorney General to show me the
4 flaw in this document.
5 MR. HAFEN: I'm going to object.
6 I don't know if the Court is obligated to
7 follow a private investigator's recommendations. I would
8 think you're obligated to consider the recommendations set
9 for by the Department of Parole & Probation, so I don't
10 know if this is appropriate for him to inform the Court as
11 to what some private investigator has concluded when he is
12 not even connected with the Department of Parole &
13 Probation.
14 THE COURT: To answer your question, the
15 Court is the inclined to consider any relevant evidence or
16 information at sentencing. I can consider it in any way I
17 feel is appropriate.
18 I'm not required, I don't suppose, to follow
19 the recommendation of the private investigator certainly,
20 but I will hear whatever there is to say.
21 Counsel, I would like to expedite matters.
22 Candidly, I have to be somewhere. I'm sorry.
23 MR. TERRY: Very well.
24 Judge this is my one opportunity on behalf
25 of Mr. Baldonado.

1 THE COURT: I understand what you're saying.
2 I've read the report, absolutely.
3 MR. TERRY: I'll make it brief, judge.
4 The bottom line is his point total is 86.
5 Under the standards that the Department of Parole &
6 Probation uses that is mandatory probation, not
7 borderline, not denied probation, mandatory.
8 All we're suggesting to the Court is this --
9 is the same documentation they utilized for their
10 criteria. My colleague has indicated that this is an
11 individual that has embarrassed law enforcement and in all
12 candor he has, but he hasn't embarrassed law enforcement.
13 He's embarrassed himself.
14 I think my colleague doesn't appreciate the
15 fact this is an individual that has been deeply
16 humiliated. He is no longer in the same form of
17 employment and no longer is in the trusted position he
18 was.
19 We have provided to the Court and to the
20 Attorney General's Office numerous letters of character
21 for Mr. Baldonado and these include letters that were not
22 written in anticipation of sentencing, but were written in
23 reference to Mr. Baldonado during the period of time that
24 he was with the District Attorney's Office -- unsolicited
25 letters.

1 And what they consistently say is that "But
2 for Mr. Baldonado we would not have been a success in this
3 prosecution." I'm not going to mention those deputies'
4 names.
5 You have all of those letters, Your Honor.
6 I'm prepared to go through them one at a time, but I
7 understand the court's directive.
8 These letters were written because
9 Mr. Baldonado did an outstanding job, because he did a job
10 that, in certain situations, nobody else could do.
11 What I'm asking to Court to do is to look at
12 him as a total individual during the 60-year period of
13 time and I'm suggesting to the Court that merely because
14 this is a highly publicized case or because, as the
15 department puts it, he violated his conditions of
16 responsibility, I'm asking the Court to look at him as an
17 individual and to still grant him probation.
18 When we talk about our duties, Mr. Baldonado
19 performed his duties and he will suffer the consequences
20 for the wrongs that he did as a result of whatever
21 sentence Your Honor gives him.
22 He will be adjudicated on the felonies in
23 just a minute by Your Honor.
24 In the past we have had members of law
25 enforcement that the department has not recommended

1 incarceration on. They were not necessarily before this
2 Court, but I can think of two very specific cases that
3 involved police officers where they were both granted
4 probationary situations.
5 I have those case names. We have the
6 documentation if the Court needs them. They were
7 situations also of a violation of public trust, but yet
8 the individual was looked at in the totality.
9 I would suggest they did not have the
10 background that Mr. Baldonado does.
11 In a few minutes you're going to listen to
12 Ms. Holloway. As the Court is aware, my position is never
13 to examine. That's kind of the policy I have.
14 I would ask the Court to take into
15 consideration the fact that Mr. Baldonado acknowledges
16 responsibility in reference to the sexual endeavors with
17 her. What we have denied is that there was a force
18 element in this case.
19 We would submit it to you on that.
20 THE COURT: Thank you.
21 LOVE HOLLOWAY,
22 called as a speaker herein, was sworn by the clerk of the
23 court and spoke as follows:
24 THE COURT: Tell us what you'd have us know,
25 please, in your own words.

1 SPEAKER HOLLOWAY: Your Honor, before this
2 incident took place I was very comfortable and I was very
3 happy and secure in my home. I was full of life, until
4 the day that Mr. Baldonado came to my house.
5 He stole my humanity. I don't feel
6 comfortable in my own home anymore and I feel like people,
7 because they have a gun and a badge, you don't have the
8 right to take something that's not yours.
9 You don't have the right to use power for
10 people who don't have power.
11 I felt I had power. Now I feel I lost the
12 power because of you. I don't feel strong anymore. You
13 took a lot from me.
14 My therapist, everything, my life will never
15 be the same again and it hurts. I've lost time from work,
16 depression. I am very stressed now.
17 I don't have all those awards and everything
18 that you have and I don't feel you should shine today,
19 because it's womens [sic] Like me that if we don't speak
20 out we would never be heard.
21 How do we know who is gonna believe us? My
22 sons -- everything is so different. I don't even go to my
23 own home anymore. I don't even want to be there anymore.
24 For everybody who can't speak out, I have to
25 do it, because wrong is wrong and right is right.

1 Right now, I just don't even want to be here
2 and face you, but I have to face my fears so I can try to
3 move on with my life.
4 I feel you should pay. For me and all the
5 other womens [sic] And for those who won't even come
6 forward -- I didn't do anything wrong. I didn't have
7 tickets and warrants or whatever the situation may be.
8 I trusted the law. I trusted the case that
9 you worked on. I believed in you. You took that away. I
10 don't know who to believe.
11 I don't know who is on your side and who is
12 not. I don't have anyone on my side but my God and my
13 family. You have all these people around you.
14 I didn't ask for it and me and my family is
15 kind of destroyed behind it. When I see people like you
16 come to my job I get so scared I run to the back until I
17 think they are gone.
18 Your badge and your gun, it is to use to
19 protect and to serve, not to misuse and abuse and take
20 what you feel.
21 How I'm looking at you right now is God has
22 given me my strength and my family that's given me my
23 strength. I was going to read this but why?
24 I know what I need to say from my heart.
25 You need to pay the price. It's not fair that you guys

1 can do this to us. I don't owe you anything.
2 THE COURT: Ma'am, anything further?
3 SPEAKER HOLLOWAY: No.
4 THE COURT: Any questions here from the
5 State?
6 MR. HAFEN: No, Your Honor.
7 THE COURT: Defense counsel?
8 MR. TERRY: Your No, Your Honor.
9 THE COURT: Thank you.
10 Stand, please. I won't belabor the matter.
11 I will say merely this is a sad day. It's a sad day for
12 the Defendant certainly and his family.
13 It's a sad day for the criminal justice
14 system, for the victim -- the victims. When the lady just
15 said "You guys can't do this to me or to us" -- and that's
16 the perception -- you guys, being law enforcement -- and
17 that's one of the real problems.
18 The recommendation will be essentially
19 followed.
20 The sentence, in accordance with the law of
21 the State of Nevada, Count I, 48 months in prison,
22 eligibility for parole after 18 months. Probation is
23 mandated.
24 It will be granted for an indeterminate
25 period of time not to exceed three years. Conditions of

1 probation which are typically set forth don't make much
2 sense, often times, if you're in custody, which you will
3 be.
4 Mental health counseling will be indicated
5 as will the search clause. Of course, you'll be searched
6 in prison, but the search clause will also apply.
7 There will be no community service
8 obviously, no jail time as a condition of probation,
9 because it's of very little consequence under the
10 sentencing scheme I'm sitting for here.
11 As to Count II, 60 months in prison,
12 eligibility for parole after 24 months. The sentences
13 will be served concurrently.
14 I think, on balance, this is a fair
15 resolution. I don't expect you to believe me or agree
16 with me, either the State or the Defendant.
17 Of course, that's not required. I think on
18 balance this is a fair resolution. That will be all.
19
20
21 ATTEST that this is a true and complete transcript of the
22 proceedings held, DATED this 5th day of April 2005.
23
24
25 J. A. D'AMATO CCR #017

21

1 SPEAKER HOLLOWAY: Your Honor, before this
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3 happy and secure in my home. I was full of life, until
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22 sons -- everything is so different. I don't even go to my
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9 you worked on. I believed in you. You took that away. I
10 don't know who to believe.
11 I don't know who is on your side and who is
12 not. I don't have anyone on my side but my God and my
13 family. You have all these people around you.
14 I didn't ask for it and me and my family is
15 kind of destroyed behind it. When I see people like you
16 come to my job I get so scared I run to the back until I
17 think they are gone.
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20 what you feel.
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22 given me my strength and my family that's given me my
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24 I know what I need to say from my heart.
25 You need to pay the price. It's not fair that you guys

23

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23
24
25 J. A. D'AMATO CCR #017

ORIGINAL

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Attorney for Respondent

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Shirley B. Parraguirre
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

STATE OF NEVADA,

Plaintiff,

v.

PETER S. BALDONADO, ID# 0126707,

Defendant.

CASE NO.: C200489

DEPT. NO.: XIV

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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JUDGMENT OF CONVICTION

WHEREAS on the 22nd day of April, 2004, Defendant PETER S. BALDONADO, pleaded guilty to Count I of the Criminal Information, MISCONDUCT BY A PUBLIC OFFICER, a Category E Felony in violation of NRS 197.110, committed on or about January 1-24, 2004; Count II of the Criminal Information, COERCION, a Category B Felony in violation of NRS 207.190,

AND WHEREAS on the 17th day of June, 2004, Defendant Baldonado, present with counsel, WILLIAM B. TERRY, and Senior Deputy Attorney General CONRAD HAFEN also being present representing the State, and this Court having considered a pre-sentence investigation report prepared by the Division of Probation and Parole, in addition to the imposition of a Twenty-Five Dollar ($25) administrative assessment and One Hundred-Fifty Dollar ($150) DNA Fee, Defendant is to submit to a test for the purpose of determining genetic markers, the above-entitled Court did adjudge Defendant Baldonado guilty of Count I and Count

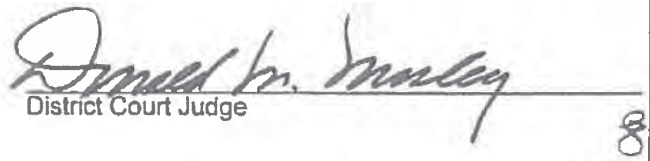
II of the Criminal Information, MISCONDUCT BY A PUBLIC OFFICER a Felony in violation of NRS 197.110 and COERCION, a Felony in violation of NRS 207.190, and did sentence him to a term of incarceration in the custody of the Nevada Department of Corrections on Count I for a minimum term of eighteen (18) months and a maximum term of forty-eight (48) months; Suspended and placed on Probation for an indeterminate period not to exceed three (3) years with the following conditions:

1. Defendant must enter and complete mental health counseling; and
2. Defendant must submit to periodic searches by Parole and Probation.

For Count II Defendant was sentenced to a term of incarceration in the Custody of the Nevada Department of Corrections for a minimum term of twenty-four (24) months and a maximum term of sixty (60) months to run concurrent with Count 1. Defendant has been given 1 day credit for time served. Furthermore, any bond is hereby exonerated.

THEREFORE, the Clerk of the above-entitled Court is directed to enter this Judgment of Conviction as part of the record in the above-entitled matter.

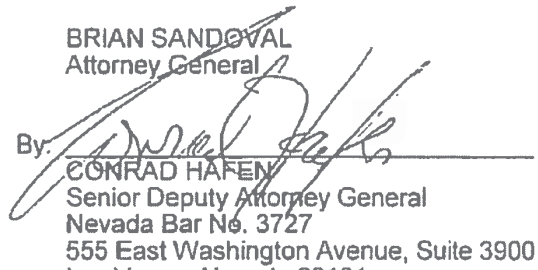
DATED this 29TH day of June, 2004, in the City of Las Vegas, County of Clark, State of Nevada.



District Court Judge

Respectfully submitted by:

BRIAN SANDOVAL
Attorney General



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Friday, March 19, 2004

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Former investigator charged with rape

Police say suspect admits soliciting sex while working for district attorney

By GLENN PUIT

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Peter S. Baldonado said he solicited sex from at least 30 women while working for the district attorney.

Peter S. Baldonado said he solicited sex from at least 30 women while working for the district attorney.

A former district attorney's office investigator was charged Thursday with raping a potential witness in a Clark County murder case, according to FBI reports and court records obtained by the Review-Journal.

In addition, authorities say former investigator Peter S. Baldonado has told the FBI that, while working in the district attorney's office, he solicited sex from at least 30 women.

In exchange for the proposed sex acts, Baldonado said he offered to quash the women's traffic tickets or warrants.

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"Baldonado admitted to soliciting in excess of 30 girls; however, he was only successful and had sex with the girls three or four times," according to reports prepared by the Federal Bureau of Investigation and Henderson police.

Baldonado later told the FBI, "I was successful just under 10 times," according to the report.

Baldonado's attorney, Bill Terry, wouldn't comment.

Baldonado was an investigator with the district attorney's office who worked on some of Southern Nevada's most high-profile murder cases until his arrest and resignation in February.

He originally was charged with a single count of asking for or receiving a bribe by a public officer or employee after a woman told authorities Baldonado promised to quash her traffic warrants if she had sex with him.

The FBI and Henderson police then set up a sting that resulted in Baldonado's arrest.

On Thursday morning in Henderson Justice Court, the Nevada attorney general's office filed two more charges against Baldonado: sexual assault and misconduct by a public officer.

According to FBI reports obtained by the Review-Journal, the sexual assault allegation was made by a woman who is a potential witness in the murder trial of

JWalker SPD07603

Kenneth Curtis. Curtis, who is awaiting trial, is accused of killing his girlfriend, Marysol Peres, in 1997.

According to the reports, as the Curtis case was progressing through the courts, the potential witness said Baldonado repeatedly told her she was pretty and asked her out. The woman said she declined his advances because she thought he was being kind only out of concern for her well-being.

On Dec. 12, 2003, the woman said she was supposed to be in court for Curtis' case, but Baldonado called her and told her the court proceedings were postponed. Baldonado told the woman he would come to her home and explain why.

The woman said Baldonado showed up at her house and "began telling her how pretty she was and began touching her breasts and said that they were beautiful."

"She said that she asked him not to touch her and told him that she was not comfortable," a police report states.

The woman said she went into her bedroom to try to find a tape recorder, but Baldonado followed her.

"She became frightened and could not believe this was happening to her," authorities wrote in the reports.

The woman said Baldonado was persistent in having sex with her. He eventually undressed and forced himself on her.

JWalker SPD07604

"I lied there quietly, obediently, just wanting him to get finished," the woman told authorities.

The FBI said the woman complied with Baldonado's demands for sex because she feared him.

"She said that she did not fight him ... because 'he intimidated her with his position and power,' " an FBI agent wrote in a police report. "She was very frightened of him because he carried a gun."

"(She) advised that she just kept saying, 'No, no, please don't -- I don't want to do this,' " the report quoted the woman as saying.

Baldonado's attorney entered a not guilty plea on behalf of his client in Henderson Justice Court on Thursday.

In the reports obtained by the Review-Journal, FBI Special Agent Brett Shields and Henderson Detective Rand Allison detailed the original sting operation that led to Baldonado's arrest. They said Baldonado waived his rights and gave a statement to investigators after he was informed he was being investigated.

"Baldonado stated that this all started when an unidentified girl asked him to take care of her warrants in return for sex," the report states. "After doing this the first time, Baldonado 'became addicted to it, and it just snowballed,' and he began soliciting girls himself.' "

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"If the girls promised sex, I would do it," the report quoted Baldonado as saying. "I would get promised sex a lot, but I was unsuccessful a lot at getting sex. I guess I got out of line with the sex thing. I was successful just under 10 times."

The investigators asked Baldonado how he took care of the traffic tickets or warrants. Baldonado said no district attorneys were involved in the process. Instead, he simply "would call the judge about a ticket and have it quashed."

Baldonado said he went on to say he often called a "North Las Vegas Judge" and the judge's secretary.

North Las Vegas Municipal Judge Warren VanLandschoot said Thursday that Baldonado has in the past called his chambers and asked the court to assist him with quashing a warrant. VanLandschoot said Baldonado would call about a person who might have an outstanding warrant for failure to pay traffic fines or tickets in his courtroom.

The judge said Baldonado would claim that he needed the judge to quash the warrant and put the person back on a payment plan that allowed them to pay off the traffic fines. The warrant needed to be quashed because the individual in question was cooperating in murder investigations or major felony cases Baldonado was working on.

"A key witness in a trial, that some murderer is going to go free,"

JWalker SPD07606

VanLandschoot said of Baldonado's representations as to why a warrant needed to be quashed.

VanLandschoot said an adjustment would be made to an outstanding warrant only if the North Las Vegas city attorney's office agreed to the arrangement considering the provisions of Baldonado's representations.

"Any reasonable thinking person would say, 'Let's give up a traffic ticket to get a conviction in a major felony case,' " the judge said.

The judge said he was dismayed to learn of Baldonado's arrest and that he feels betrayed.

"I respected the guy and this totally shocked us," VanLandschoot said. "He just abused the system. Any law enforcement officer that abuses the system, they should lock them up for a long, long time."

Conrad Hafen, a senior Nevada deputy attorney general prosecuting Baldonado, wouldn't comment Thursday on the specifics of the investigation.

"There is an ongoing investigation regarding other issues," Hafen said.

Of the sexual assault charge, Hafen said, "I believe that there was probable cause to file charges."

Baldonado faces a preliminary hearing in the courtroom of Justice of the Peace Rodney Burr on April 1. He is currently out

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of custody.

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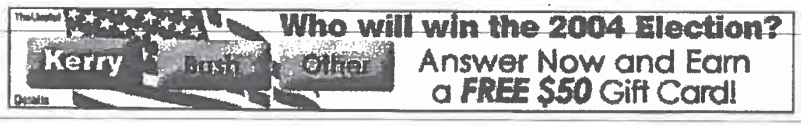

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LAS VEGAS SUN

Former DA investigator agrees to plea deal in Henderson court

AP

Saturday, April 3, 2004 | 1:22 a.m.

HENDERSON, Nev. - A former investigator for the Clark County district attorney's office has agreed to plead guilty to reduced charges after being accused of offering to fix court warrants for a woman in exchange for sex, authorities said.

As part of a plea deal with state prosecutors, Peter S. Baldonado agreed Thursday to plead guilty to one count of coercion and one count of misconduct by a public employee. Baldonado, once a respected investigator, faces a sentence ranging from probation to 10 years in prison.

"We are certainly going to be arguing for prison time," Senior Nevada Deputy Attorney General Conrad Hafen said.

Baldonado was arrested in February on a single count of asking for or receiving a bribe by a public officer or employee. The charge was filed after a woman, a confidential informant for the FBI, told authorities Baldonado promised to quash her traffic warrants if she had sex with him.

The FBI and Henderson police set up a sting, and police reports indicate Baldonado was recorded on tape discussing sex with the woman.

After Baldonado's arrest, another woman who is a potential witness in a murder case alleged Baldonado sexually assaulted her. The woman said Baldonado was working as an investigator on the case when he came to her house and raped her.

As a result of the woman's accusations, authorities also filed a sexual assault charge against Baldonado.

Baldonado has admitted he solicited sex from as many as 30 women, according to police reports, and said he succeeded on fewer than 10 occasions.

Baldonado appeared before Henderson Justice of the Peace Rodney Burr on Thursday and waived his right to a preliminary hearing.

He said he would plead guilty to the misconduct by a public officer charge before District Judge Donald Mosley on April 22 and would enter an Alford plea to the coercion charge. An Alford plea does not involve an admission of guilt, but acknowledges that prosecutors have enough evidence to obtain a conviction.

Under the deal, state prosecutors have agreed not to file more charges against Baldonado. However, Baldonado could face more charges if authorities receive new information about crimes not included in the current investigation by the FBI and Henderson police.

In his job at the district attorney's office, Baldonado worked on some of Las Vegas' most high-profile murder cases, including the investigation of Brookey Lee West, who was convicted in 2001 of murdering her mother and stashing the body in a garbage can.

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DA's Office Harassment

Las Vegas, NV: (Apr-15-08) Love Holloway brought a lawsuit against the county of Las Vegas, alleging that she was sexually harassed by Peter Baldonado, a former investigator in the DA's office. The suit claimed that Baldonado forced her to have sex with him. Holloway further stated that past and current officials in the DA's office knew of similar complaints by women against former investigator Peter Baldonado, but failed to take proper action. In his defense, Peter Baldonado pleaded the equivalent of no contest in April 2004 to one count of coercion and another of misconduct.

In a recent development in the case, county commissioners were urged to approve a $400,000 settlement with Holloway, to resolve the sexual harassment allegations. County finance officials recommend commissioners accept the settlement in a bid to avoid a bigger payout that may result out of prolonged litigation. [LAS VEGAS SUN: LAWYERS MAY GET MILLIONS MORE FOR COURTHOUSE FIGHT]

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Last updated on Apr-17-08

EXHIBIT 81

EXHIBIT 81

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES • REGISTRAR-RECORDER/COUNTY CLERK

0190-046156

CERTIFICATE OF LIVE BIRTH

STATE BIRTH CERTIFICATE NUMBER — STATE OF CALIFORNIA—DEPARTMENT OF HEALTH — LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

THIS CHILD

1a NAME OF CHILD—FIRST NAME: JOHN
1b MIDDLE NAME: LEE
1c LAST NAME: WHITE, JR.
2 SEX: MALE
3a THIS BIRTH SINGLE, TWIN OR TRIPLET: SINGLE
3b IF TWIN OR TRIPLET, THIS CHILD BORN 1ST, 2ND, 3RD: – –
4a DATE OF BIRTH—MONTH, DAY, YEAR: [redacted]
4b HOUR: 11:46 A.M.

PLACE OF BIRTH

5a PLACE OF BIRTH—NAME OF HOSPITAL: WHITE MEMORIAL MEDICAL CENTER
5b STREET ADDRESS (STREET AND NUMBER, OR LOCATION): [redacted]
5c INSIDE CITY CORPORATE LIMITS (SPECIFY YES OR NO): YES
5d CITY OR TOWN: LOS ANGELES
5e COUNTY: LOS ANGELES

MOTHER OF CHILD

6a MAIDEN NAME OF MOTHER—FIRST NAME: EUNICE
6b MIDDLE NAME: DENISE
6c LAST NAME (MAIDEN SURNAME): CATN
7 BIRTHPLACE (STATE OR FOREIGN COUNTRY): CALIFORNIA
8 AGE OF MOTHER (AT TIME OF THIS BIRTH): 17 YEARS
8a SOCIAL SECURITY NUMBER OF MOTHER: [redacted]
9 COLOR OR RACE OF MOTHER: BLACK
10a RESIDENCE OF MOTHER—STREET ADDRESS (STREET AND NUMBER, RURAL ADDRESS, OR LOCATION): [redacted]
10b INSIDE CITY CORPORATE LIMITS (SPECIFY YES OR NO):
10c RESIDENCE OF MOTHER—CITY OR TOWN: LOS ANGELES
10d RESIDENCE OF MOTHER—COUNTY: LOS ANGELES
10e RESIDENCE OF MOTHER—STATE: CALIFORNIA 90058

FATHER OF CHILD

11a NAME OF FATHER—FIRST NAME: JOHNNY
11b MIDDLE NAME: LEE
11c LAST NAME: WHITE
12 BIRTHPLACE (STATE OR FOREIGN COUNTRY): TEXAS
13 AGE OF FATHER (AT TIME OF THIS BIRTH): 24 YEARS
13a SOCIAL SECURITY NUMBER OF FATHER: NOT STATED
14 COLOR OR RACE OF FATHER: BLACK
15

INFORMANT'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE REVIEWED THE ABOVE STATED INFORMATION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

16a PARENT OR OTHER INFORMANT—SIGNATURE (IF OTHER THAN PARENT, SPECIFY): Eunice Denise Catn
16b DATE REVIEWED AND SIGNED BY INFORMANT: MAY 27, 1977

ATTENDANT'S CERTIFICATION

I HEREBY CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED ABOVE.

17a PHYSICIAN (OR OTHER PERSON WHO ATTENDED THIS BIRTH)—SIGNATURE, DEGREE OR TITLE: Raymond [illegible] MD
17b DATE SIGNED BY PHYSICIAN OR OTHER ATTENDANT: 5/27/77
17c ADDRESS: 1720 BROOKLYN AVENUE LOS ANGELES 90033
17d PHYSICIAN'S CALIFORNIA LICENSE NUMBER: A26680

LOCAL REGISTRAR

18 REQUEST OMISSION FROM SOLICITATION LISTS
19 LOCAL REGISTRAR—SIGNATURE: [illegible]
20 DATE RECEIVED FOR REGISTRATION BY LOCAL REGISTRAR: JUN 2 1977

21a PREVIOUS DELIVERIES TO ... 21b HOW MANY OTHER CHILDREN BORN ... 21c DATE OF LAST LIVE BIRTH ... 21d DATE OF LAST FETAL DEATH ...

DOB 8-5-59

This is to certify that this document is a true copy of the official record filed with the Registrar-Recorder/County Clerk.

Conny B. McCormack

CONNY B. McCORMACK
Registrar-Recorder/County Clerk

DEC 14 1999

19-392222

This copy not valid unless prepared on engraved border displaying the Seal and Signature of the Registrar-Recorder/County Clerk.

THE GREAT SEAL OF THE STATE OF CALIFORNIA — EUREKA

COUNTY OF LOS ANGELES — CALIFORNIA

AA08700

EXHIBIT 82

EXHIBIT 82

Declaration of Eloise Kline

I, Eloise Kline, hereby declare as follow:

1. My name is Eloise Kline. I am fifty-seven years old and reside in Clark County, Nevada. I testified for the prosecution at James Walker's preliminary hearing in 2005, and again in 2007 at the guilt phase of his death penalty trial.

2. On the night of the incident, I recalled seeing a man, who I believe to be James Walker, standing outside of the Sav-On drugstore and acting in a bizarre manner. Mr. Walker looked like he was either mentally disturbed or a drug addict who was in need of a fix. He was very anxious, fidgety and seemed paranoid. I am familiar with the behaviors of drug addicts from my own personal experiences and encounters with them.

3. After paying for my beer, I saw Mr. Walker again when I went back outside. He was still acting strangely. I asked him for a light for my cigarette. I then walked towards my home.

4. I did not see or hear any portion of the assault against the victim, but I saw Mr. Walker running away from the Sav-On and getting in to the car with a woman.

5. Although, I did not know Mr. Walker and Ms. Archie's names on the night of the incident, I knew their faces because I had previously seen them on several occasions in the area. They both seemed like drug addicts who were hustling around the community to support their habits.

6. After learning that the victim had been robbed and stabbed, I called Sav-On and provided the worker with the license plate number for the car he drove off in.

7. When I returned to the Sav-On to check on the status of the victim, I was tackled by police officers. The officers told me that they recognized me from the surveillance

footage, and thought I may have been involved in the crime because I was on tape talking to Mr. Walker. I told the officers that I had nothing to do with the robbery and told them everything that I saw. The officers took my information and released me. The officers then stood and watched me as I walked down the street and into the gates of my residence. It seemed like they were still suspicious of me, and wanted to see if I was really going to the address I gave them.

8. I made a call to "Secret Witness" to provide them with the identifying and license tag information of the suspects. Secret Witness promised to pay me $2,000.00 for my cooperation, if a suspect was arrested and convicted. However, Secret Witness never kept their end of the bargain. They failed to pay me the full sum that I was owed, even after Mr. Walker and Ms. Archie were convicted. To this date, I only received two-hundred and forty-something dollars for my assistance, and I feel cheated.

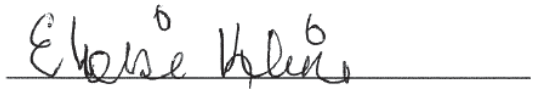
9. I did not have contact with the police again, until the morning of my testimony at Mr. Walker's preliminary hearing. I was sleeping on my living room couch at the time, when I was abruptly awoken by screaming officers and guns pointed at my face. I was handcuffed and taken into police custody. The officers did not allow me to brush my teeth, comb my hair or change into street clothes. I was escorted out to a squad car in my night gown and house slippers, and driven to the courthouse. I was still wearing my night gown and slippers when I met with the prosecutors, and testified on the witness stand.

10. During my pre-testimony meeting with the prosecutors, they told me that they still believed I knew Mr. Walker and had something to do with the robbery. I had to assert my innocence and re-explain everything all over again before I was made to testify. It felt like the district attorneys wanted to charge me with the crime if they could, and I felt threatened. I also felt like some of the detectives were trying to put words in my mouth and get me to testify about things that did not happen. I don't recall the false details that the officers and prosecutors wanted me to include in my testimony, but I stuck to my story.

11. When I met with Herbert Duzant of the Federal Public Defender Office, he showed me a photograph of DA Investigator Peter Baldonado. I immediately recognized him as the person who drove me home after my testimony at Mr. Walker's preliminary hearing Mr. Baldonado sexually harassed me two days later when he returned to my home unannounced and offered me money for sex. When I said no to his initial advances, he increased his price. After I said no a second time, Mr. Baldonado said, "Okay, I'll come back another time." He then handed me his business card and told me to call him whenever I was in need of something. I told him not to return to my home, and threw his card away. I never saw or heard from Mr. Baldonado again after this encounter. I was too fearful of retribution to report Mr. Baldonado to the authorities. However, I told my mother, Evelyn Johnson, about the situation right after it happened.

12. I was not contacted by any of Mr. Walker's representatives, until my recent conversation with Herbert Duzant of the Federal Public Defender Office. I would have provided them with all of the details found in this declaration had I been contacted, and I would have testified to them.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Clark County, Nevada, on November 19, 2016.



Eloise Kline

EXHIBIT 83

EXHIBIT 83

No pre-trial
thinks the punishments
are serious - would take
~~time to convict~~
okay to keep
D should prove his innocence

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff,	)	CASE NO: C153154
vs.	)	DEPT. NO: V
DONTE JOHNSON Defendant.	)	

could give LWOP ~~if~~ equally
" " LWP
DPV " "

JURY QUESTIONNAIRE

1700952 571
JUROR NUMBER BADGE NO.

BARBARA Fuller
PRINT NAME

[redacted]
DATE OF BIRTH

Dear Prospective Juror:

You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. The State has the burden of proving these allegations beyond a reasonable doubt. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.

DISTRICT COURT JUDGE JEFFREY SOBEL
DEPARTMENT V

SYNOPSIS OF CASE

On or about the 14th day of August, 1998, it is alleged that DONTE JOHNSON, TERREL YOUNG, and SIKIA SMITH entered a home at 4825 Terra Linda, Las Vegas, Nevada, wiht the intent to commit a robbery. During the robbery, it is alleged that MATTHEW MOWEN, TRACEY GORRINGE, JEFFREY BIDDLE, and PETER TALMENTEZ, were tied up with duct-tape and shot and killed.

PROCEDURE

Donte Johnson is charged by way of Indictment with:

1 Count of BURGLARY WHILE IN POSSESSION OF A FIREARM

1 count of CONSPIRACY TO COMMIT ROBBERY AND/OR KIDNAPING AND/OR MURDER

4 counts of ROBBERY WITH USE OF A DEADLY WEAPON

4 counts of FIRST DEGREE KIDNAPING WITH USE OF A DEADLY WEAPON

4 counts of MURDER WITH USE OF A DEADLY WEAPON

An indictment is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

PLEASE REMEMBER THESE ARE ONLY ALLEGATIONS AND THE STATE ALWAYS HAS THE BURDEN OF PROVING, BEYOND A REASONABLE DOUBT, THAT THE DEFENDANT COMMITTED THE CRIMES AS ALLEGED.

DEMOGRAPHICS

1. Your full name: BARBARA GAIL FULLER

2. Your age: 52

3. Your place of birth: PHOENIX, ARIZONA

4. Your parents' place of birth:

Mother: HERMITAGE, ARKANSAS
Father: , OKLAHOMA

5. Your marital status (married, divorced, single, separated): MARRIED

How long: 24 YEARS

6. Children:

	Age	Sex	Education	Occupation
step-children a.	~~40~~ 41	M	NON-GRADUATE	PART-TIME LAWN MAINTENANCE
b.	40	F	"	NONE
c.	38	M	"	COOK
d.				
e.				

PLACE OF RESIDENCE

7. In what area of town do you live?

SOUTH EAST

How long have you lived in that location? 3 YEARS, 7 MONTHS

8. How long have you lived in the Las Vegas Metropolitan area: 3 YRS., 7 MOS.

EDUCATION

9. What is the highest grade you have completed? 13 YRS

10. Did you attend College or University? YES/~~COLLEGE~~ If so, please complete the following:

College/ PHOENIX COLLEGE - 1 YEAR Major/

University	Year	Degree	Concentration

11. Have you received any other special training or schooling? NO

If so, explain:_____

12. What is the education level of your spouse or person you are living with?

HIGH SCHOOL

13. Did he/she attend college or university? NO Graduate school?_____
If either, what was his/her degree and major area of concentration?

14. Has he/she received any special training? NO If so, please explain:

15. If you have taken courses or had training in any of the behavioral sciences (e.g. psychology, sociology, counseling or similar areas), please identify such courses/training by title and subject matter:

16. If you have taken courses or had training in any of the legal fields, (i.e. law, administration of justice, corrections, law enforcement), please identify such courses/training by title and subject matter:

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

TV NEWS REPORT

19. How many times, in the last two years, have you heard something about this case?
POSSIBLY ONCE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

WOULD NOT AFFECT

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) REVIEW JOURNAL

23. Do you watch local newscast? If so which one(s) CHANNEL 8

24. Other than what you have learned today what information do you know about this case? nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

If, after listening to all of the evidence presented in the first phase, you and your fellow jurors should find the defendant guilty of first degree murder, then under the laws of the State of Nevada, you would be involved in a second phase of the trial to determine if the penalty will be:

A. Life imprisonment with the possibility of parole,

B. Life imprisonment without the possibility of parole,

C. The imposition of the death penalty,

D. Definite term of 50 years with the possibility of parole after 20 years.

25. Will asking questions concerning your views about the death penalty and the penalty of life in prison with or without the possibility of parole suggest to you that the defendant(s) must be guilty? Yes _____ No ✓ If yes, please explain:

_____

_____

26. Do you understand that there may never be a penalty phase in this case, and that the asking of these questions is only done to prepare for that possibility?
Yes ✓ No _____

27. Do you belong to any organization that advocates the abolition of the death penalty? Yes _____ No ✓ If yes, what organization:

_____

_____

28. Do you belong to any organization that agrees with the death penalty?
Yes ____ No ✓ If yes, what organization:

_____

_____

29. How do you feel the legal system treats persons accused of crimes? _____

fairly

30. As a juror, would you feel an obligation to reach a verdict because that was the vote of the majority? Yes _____ No ✓

31. How would you feel if the jury you sat on was unable to reach a verdict?

that we weighed facts and all did not agree, respect others

32. Would you vote a certain way solely because you wanted to see a unanimous verdict reached in this case? Yes _____ No ✓

33. Would you say that you are generally: (circle one)

a. in favor of the death penalty,
b. generally opposed to it,
c. would consider it in certain circumstances,
d. never thought about it.

34. Do you believe that you personally could vote to impose the death penalty, if you believed that it was warranted in a particular case? Yes ✓ No _____

35. Are you open to considering all four forms of punishment in a capital case, depending on the evidence presented at the trial and what you learn about the defendant in a penalty phase, should you find him guilty of first degree murder? Yes ✓ No ___

36. In your present state of mind, can you, if selected as a juror, consider all four possible forms of punishment, with out giving preference to one over the other and select the one that you feel is the most appropriate depending upon the facts and the law? Yes ✓ No _____ If no, please explain:

37. What do you think of the saying "an eye for an eye":

just a saying

38. Do you feel that one convicted of murder should be sentenced to death without consideration of background information?

Always _____ Probably _____ Possibly _____ Never ✓ Unsure _____

Please explain:

39. Overall, in considering general issues of punishment, which do you think might be worse for a defendant:

Death ✓ Life in prison without possibility of parole _____

Please explain:

loss of life

40. Without having heard any evidence in this case, what are your general thoughts about the benefit of imposing a death sentence on a person convicted of murder in the first degree?

very serious

41. Without having heard any evidence in this case, what are your general thoughts about the benefit of imposing a sentence of life without the possibility of parole on a person convicted of murder in the first degree?

very serious

42. Without having heard any evidence in this case, what are your general thoughts about the benefit of imposing a sentence of life with the possibility of parole, or a term of years with the possibility of parole on a person convicted of murder in the first degree?

very serious

43. Do you feel that life in prison without the possibility of parole is a severe punishment? Yes ✓ No ____ Please explain:

loss of freedom, no control or say in what you can do.

44. Indicate your opinion of the following statements:

A. If the prosecutor goes to the trouble of bringing someone to trial, the person is probably guilty.

Strongly Agree ____ Agree ____ Disagree ____

Strongly Disagree ✓ No opinion ____

B. A defendant in a criminal trial should be required to prove his or her innocence.

Strongly Agree ✓ Agree ____ Disagree ____

Strongly Disagree ____ No opinion ____

C. A person is entitled to a fair and thorough investigation by law enforcement officers before he/she is arrested and charged with a serious crime.

Yes ✓ No _____ No Opinion _____

45. If you were convinced beyond a reasonable doubt that the defendant was guilty of first degree murder, would you say that:

A. Your beliefs about the death penalty are such that you would ALWAYS vote for the punishment of life imprisonment and NEVER vote for the death penalty regardless of the facts and circumstances of the case.

Yes _____ No ✓

B. Your beliefs about the death penalty are such that you would ALWAYS vote for the death penalty and NEVER vote for life imprisonment regardless of the facts and circumstances of the case.

Yes _____ No ✓

OCCUPATIONAL/VOLUNTEER WORK

46. Have you performed any volunteer work in the last five (5) years; if yes please provide the name of the agency, organization or charity, and the description of the work performed. voter registration

MILITARY

47. Have you ever had military experience? NO

48. If so, indicate branch of service, dates of service, position/rank held, and duties:

Branch	Dates	Position/Rank	Duties

49. Were you ever a member of the military police or shore patrol? Yes _____ No ✓

50 Were you ever involved in a military court martial? Yes _____ No ✓
If yes, please describe your role in the proceedings?

_____

_____

PARTICIPATION IN CLUBS, ORGANIZATIONS, COMMUNITY ACTIVITIES

51. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.) ? NO If yes, please explain:

_____

_____

52. Do you attend religious services? Yes _____ No ✓ If yes, how often?_____

53. Are you active in church activities of any kind? Yes _____ No ✓

LEGAL SYSTEM

54. Do you have any relatives or close friends who are judges or attorneys? no
If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

_____

55. Do you have any acquaintances who are practicing criminal lawyers? NO
If yes, please give the names and the relationship you have with them:

_____

_____

56. Do you have any relatives or close friends who are now, or have been in the past, involved in law enforcement (police officers, security guard, military police, etc.)? NO If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

_____

_____

57. Do you believe that your relationship with any of the above persons would affect your ability to be fair and impartial to both sides in this case? _____ If yes, please explain:

_____

JURY SYSTEM/JUROR ROLE

58. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Nature of Case	Submitted to Jury	Did you Reach a Verdict
				Y____ N____
				Y____ N____
				Y____ N____

59. Did you find your experience as a juror to be:

Positive _____ Negative _____

60. If you have ever been a juror before, did you talk with the Judge, Prosecutor or Defense Attorney after returning your verdict?_____

61. What types of opinions do you have that could affect your judgment in a criminal law trial?

NONE

62. Are you taking any medication regularly that might make it difficult for you to pay attention or concentrate for long periods of time? NO If yes, please specify the medication, the purpose for which you are taking it, and describe its effects upon your ability to concentrate:

63. Do you have any difficulty with your hearing? NO If so, might it affect your performance as a juror?_____

64. Do you have a problem with your vision? NO If yes, please specify the nature of that difficulty and how it might affect your performance as a juror:

CRIME AND VIOLENCE

65. In general, what are your opinions and feelings about how the criminal justice system works?

fairly

66. Have you or any family member or close friend ever been arrested and/or charge with a crime? YES If yes, please explain (what happened, when did it happen):

STEP-SON SAID HE WAS IN JAIL, THIS YEAR, DON'T KNOW CIRCUMSTANCES. LIVES IN ANOTHER STATE

67. If you or any family member or close friend has ever been arrested and/or charged with a crime, how has this affected your feelings about the criminal justice system?

NO AFFECT

68. Have you or any family member or close friend ever been the victim of a crime? NO If yes, please explain (who was the victim, what happened, and when did it happen):

69. Was there a conviction? _____

70. How has this experience affected your feelings about the criminal justice system?

71. Have you or any family member or close friend ever been a witness to a crime? If yes, please explain (what type of crime, when did it happen, did you have to testify in a court proceeding):

NO

72. Do you own any firearms (guns, rifles)? Yes ✓ No _____
If yes, what type(s)?

don't know what type - small pistol

73. If you have ever used a weapon for any purpose other than target, skeet shooting or hunting, please explain:

_____

_____

LEGAL EXPERIENCE

74. Have you had any experience working in any legal field? NO If yes, please explain:

_____

_____

NO 75. Have you ever testified as a witness in any type of matter in a court of law? If yes, please explain?

_____

_____

76. Whether or not you have had any experience with the, what is your opinion of:

a. Defense Attorneys doing their job

b. Public Defenders doing their job

c. Prosecutors doing their job

77. Would you have tendency to give more weight or credence to the testimony of a police officer simply because he/she is a police officer? Yes _____ No ✓

Why? everyone can make mistakes

78. How do you feel the crime problem is handled in your community?

Adequately ✓ Inadequately _____ No opinion _____

Please explain: live in a gated community, know where to report situations or talk to members of community about concerns

79. Do you belong to a crime prevention group in your neighborhood? NO
If yes, what is the nature of your participation?

80. Generally what is your opinion of the punishment that convicted criminals receive? if facts warrant the punishment, feel it's justified

81. If you had your choice, would you give the police more or less power than they have now? Yes _____ No ✓
If yes, please explain:

82. When a defendant is charged with a crime, do you think he should have to prove his innocence? Yes ✓ No _____

If yes, please explain:
when others are accusing you, if you can show reasons they're wrong, show them

RACIAL OR ETHNIC BIASES

83. Do you have some biases of some sort against a young African-American man?
Yes ___ No ✓
Please explain your answer: no biases, a young men

A. Do you think that some biases exist, in our society, against an African-American male ?
Yes ✓ No ___
Please explain: possibly news programs, movies type cast individuals

B. Would you say that you were raised in an atmosphere free of biases?
Yes ___ No ✓
Please explain your answer:_____

C. Have you been exposed to persons who exhibit, or have exhibited, racial, sexual, religious, and/or ethnic prejudice?
Yes ✓ No ___
Please explain your answer: sexual, job situations

D. Please list any biases you might have:_____

E. Would you say you have some racist or ethnic attitudes?
Strong ___ Moderate ___ Mild ✓ None ___

84. Do you think an African-American man can receive a fair trail, in Clark County Nevada, free of racial biases? Please Explain.
yes, if people consider facts presented - that would be fair

85. Can you think of any reason(s) you might be biased or prejudiced either for or against a young African-American male?
Yes ___ No ✓
Please explain your answer: _____

86. What is it about yourself that makes you feel you can be an impartial juror on this case? good listener, ask questions, open minded

87. Given what you know about the nature of this case, please list any biases you may have which could interfere with your ability to be an impartial juror, if selected to sit on this case: _____

_____

_____

_____

88. Can you think of any reason you might not be an impartial juror, if selected to serve on this case? Yes ___ No ✓

If "Yes", please explain: _____

_____

89. Please state why you might like or not like to sit on this case? _____

give someone a fair trial.

_____

_____

EXPLANATION SHEET

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Barbara Fuller — 5-24-00

Signature — Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

JEFFREY SOBEL, District Judge

EXHIBIT 84

EXHIBIT 84

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

what I seen and heard was been in the media - News. Like when it happend and what happend to them.

19. How many times, in the last two years, have you heard something about this case?
don't remember.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I don't know. I know there has to ~~free~~ be more information about ~~[illegible]~~ than what I've seen and heard on T.V.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) Yes, Channel #8 mostly sometimes Channel #3.

24. Other than what you have learned today what information do you know about this case? I think I've heard on the News that Terrel Young was convicted, I'm not 100% sure.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

Ø

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

I only remember the unusual name, & Bardsey about them being bound & murdered

19. How many times, in the last two years, have you heard something about this case?
?.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Ø ?

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

N/a

23. Do you watch local newscast? If so which one(s) 8, 13

Very seldom

24. Other than what you have learned today what information do you know about this case? Ø

_____

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

No

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
Not too much.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Don't Know

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ✓ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) LAS Vegas/ Sun.

23. Do you watch local newscast? If so which one(s) Channel 8

24. Other than what you have learned today what information do you know about this case? I think it was wrong ~~to~~ for that boy to kill - the innocent ones

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

_____

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) CNN / CHANNEL 8

_____

24. Other than what you have learned today what information do you know about this case? _____

NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

none

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

N/A

19. How many times, in the last two years, have you heard something about this case?
have not heard anything.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

would have no effect as I have not heard anything

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) do not subscribe to any newspaper

23. Do you watch local newscast? If so which one(s) on occasion News 13 or Fox 5. Mainly national news on CNN

24. Other than what you have learned today what information do you know about this case? None whatsoever

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

That the three young men when to rob this house thinking that they were go to Find a lot of Money and Drugs

19. How many times, in the last two years, have you heard something about this case?
Many time.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

It would affect me because I'am a Friend of Donte girl Friend (Mother)

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) NO, But I read the paper at work

23. Do you watch local newscast? If so which one(s) yes

24. Other than what you have learned today what information do you know about this case? I do not know anything else about this case But Donte GirlFriend Mother work with me some years back and I'am still Friends with her.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

TV NEWS REPORT

19. How many times, in the last two years, have you heard something about this case?
POSSIBLY ONCE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

WOULD NOT AFFECT

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) REVIEW JOURNAL

23. Do you watch local newscast? If so which one(s) CHANNEL 8

24. Other than what you have learned today what information do you know about this case? nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No _____ maybe ✓

If yes, describe what you saw or heard?

I think, I read about it in the R.J.

19. How many times, in the last two years, have you heard something about this case?
not sure.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I don't remember much if anything about it.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) Review Journal

23. Do you watch local newscast? If so which one(s) yes, I change I like all the local newscast

24. Other than what you have learned today what information do you know about this case? _____

nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

None

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
Never.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

No

23. Do you watch local newscast? If so which one(s) _____

Yes. Channel 13

24. Other than what you have learned today what information do you know about this case? None

_____

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

NEWS THE NIGHT OF EVENT

19. How many times, in the last two years, have you heard something about this case?
ONCE OR TWICE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

WOULD NOT AFFECT MY JUDGEMENT

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

YES R-J

23. Do you watch local newscast? If so which one(s) _____

YES 3 + 8

24. Other than what you have learned today what information do you know about this case? _____

NOTHING

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No ~~X~~

If yes, describe what you saw or heard?

Briefly on the news.

19. How many times, in the last two years, have you heard something about this case?
_____.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

a Crime That cruel, Makes me Think They were not There by Chance.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

R.J

23. Do you watch local newscast? If so which one(s) yes randonly

24. Other than what you have learned today what information do you know about this case? _____

None

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

Nursing

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

TV, Newspapers

19. How many times, in the last two years, have you heard something about this case?
NOT SURE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Cannot remember much, unsure

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ✓ No _____
somewhat

22. Do you subscribe to any local newspaper? If yes which one(s) L.V. Review & HENDERSON LOCAL

23. Do you watch local newscast? If so which one(s) YES – All CHANNELS

24. Other than what you have learned today what information do you know about this case? THAT IT MAY HAVE BEEN DRUG RELATED.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

No

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
0.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NONE

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) SUN

23. Do you watch local newscast? If so which one(s) CH 3 & 8

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

NEWS REPORT (TV) OF SHOOTINGS. VAGUELY REMEMBER NEWS REPORT OF SUSPECTS BEING ARRESTED.

19. How many times, in the last two years, have you heard something about this case?
MAYBE 4 OR 5 TIMES.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I DON'T BELIEVE IT WOULD. I WAS SO BUSY WITH SCHOOL AND WORK I DIDN'T HAVE TIME FOR THE NEWS OR READING OTHER THAN TEXTBOOKS.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) CH 8 ABOUT ONCE OR TWICE A WEEK

24. Other than what you have learned today what information do you know about this case? _____

NONE OTHER THAN THE INITIAL REPORT OF

4 YOUNG MEN BEING FOUND.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
none.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

_____

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) yes - Channel 8
occasionally

24. Other than what you have learned today what information do you know about this case? none

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

ANATOMY: PHYSIOLOGY, MEDICAL TERMINOLOGY, HEALTH OCCUPATIONS (DEALING WITH CERTIFIED NURSE ASSISTANT AND MEDICAL ASSISTANT)

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
NEVER.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

IT WOULDN'T.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) NO

24. Other than what you have learned today what information do you know about this case? Nothing.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

I believe it was on TV News

19. How many times, in the last two years, have you heard something about this case?
Unknown.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

It wouldn't

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) LV Journal

23. Do you watch local newscast? If so which one(s) Ch 3, 8, 5, 20
Cable mostly eye witness news

24. Other than what you have learned today what information do you know about this case? None

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) yes
Las Vegas Sun

23. Do you watch local newscast? If so which one(s) yes
channel 13, 8, 3

24. Other than what you have learned today what information do you know about this case? none

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

I am a paramedic in Clark County (Fire Dept.)

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

Newspaper, television, work

19. How many times, in the last two years, have you heard something about this case?
Approx 10-15.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

With the information that I have learned, it seems that lives were lost for little purpose. So I would need to hear some overwhelming testimony.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No /

22. Do you subscribe to any local newspaper? If yes which one(s) No

23. Do you watch local newscast? If so which one(s) yes, usually channel 8

24. Other than what you have learned today what information do you know about this case? Stolen merchandise - possible locations of the victims in the home

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

ON NEWS WHEN 1ST HAPPENED. SAID WHAT WAS IN SYNOPSIS

19. How many times, in the last two years, have you heard something about this case?
DON'T REMEMBER.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

WOULD NOT. CAN'T REMEMBER

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) L.V. REV. JOUR

23. Do you watch local newscast? If so which one(s) YES. PREFER CHANNEL 3, THEN CHANNEL 8

24. Other than what you have learned today what information do you know about this case? NONE. CAN'T REMEMBER

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

Just on the news when it happened.

19. How many times, in the last two years, have you heard something about this case?
0.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Not sure if it would or not.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____ (Hard to say)

22. Do you subscribe to any local newspaper? If yes which one(s) no

23. Do you watch local newscast? If so which one(s) yes. all of them.

24. Other than what you have learned today what information do you know about this case? none

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NONE

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No Y

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

SET The Electric Chair on pension FOR life

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes Y No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

R. Journal

23. Do you watch local newscast? If so which one(s) YES

Channel 8 News

24. Other than what you have learned today what information do you know about this case? _____

NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I DON'T THINK IT WOULD HAVE ANY ~~AFFECT~~ AFFECT.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

REVIEW Journal

23. Do you watch local newscast? If so which one(s) No

24. Other than what you have learned today what information do you know about this case? No OTHER INFORMATION

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

I don't recieve a newspaper and very seldom watch local news broadcasts

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

_____

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) very seldom channel 3

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

currently an RN - specialty Home Health Nursing

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
none.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

N/A

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ (No)

22. Do you subscribe to any local newspaper? If yes which one(s) no

23. Do you watch local newscast? If so which one(s) occassionally Channel 3

24. Other than what you have learned today what information do you know about this case? none

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

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D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No __X__

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
__NONE__.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

_____

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) __yes R.J.__

_____

23. Do you watch local newscast? If so which one(s) __NO__

_____

24. Other than what you have learned today what information do you know about this case? nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

Heard About the case in the News, no details other then synopsis noted

19. How many times, in the last two years, have you heard something about this case?
unknown Possable 3 times.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I Tend To Believe most people Are Guilty of the Crime they Are Acused of

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) yes channel 3

24. Other than what you have learned today what information do you know about this case? ? Is this the case where the defendant says he only speaks E-Bonics there fore could not tell Right from wrong ?

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

Anatomy & Physiology

Med-Terminology

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
None.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

N/A

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) No.

23. Do you watch local newscast? If so which one(s) CNN - occaisionally

24. Other than what you have learned today what information do you know about this case? None.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

MEDIA REPORTS: TV & NEWSPAPERS

19. How many times, in the last two years, have you heard something about this case?
Running News Broadcasts for ABOUT 1 WEEK

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I MAY BE INFLUENCED BY THE REPORTS ON TV.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ? No _____ If WHAT I HEARD ON TV WAS TRUE I MAY HAVE FORMED AN OPINION

22. Do you subscribe to any local newspaper? If yes which one(s) _____

23. Do you watch local newscast? If so which one(s) _____

CHANNELS 3, 8 & 13

24. Other than what you have learned today what information do you know about this case? _____

_____

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

No

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
_____.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

23. Do you watch local newscast? If so which one(s) _____

24. Other than what you have learned today what information do you know about this case? _____

_____

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

None

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
None.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I Have no Prior Knowledge

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) Yes
Review Journal

23. Do you watch local newscast? If so which one(s) Yes
channel 13

24. Other than what you have learned today what information do you know about this case? none

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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C. Life imprisonment with the possiblity of parole,

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This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

I SAW IN THE NEWS OF WHAT ALLEGEDLY HAPPENED

19. How many times, in the last two years, have you heard something about this case?
ABOUT 2 TO 3 TIMES.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

It WOULD NOT AFFECT MY ABILITY, I HAVE VERRY LITTLE KNOWLEDGE OF THE CASE.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) NO

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
_____.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

_____

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) No

_____

23. Do you watch local newscast? If so which one(s) Yes channel 8 usually

24. Other than what you have learned today what information do you know about this case? None

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

ONLY EMER. SERVICE 1ST AID / C.P.R. ETC.

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

NEWSPAPER

19. How many times, in the last two years, have you heard something about this case?
POSS. 4 OR 5 TIMES.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

WOULD NOT AFFECT.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

REVIEW

23. Do you watch local newscast? If so which one(s) YES

MOSTLY CHANNEL 8

24. Other than what you have learned today what information do you know about this case? _____

NONE

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NONE

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) CHANNEL 8

_____

24. Other than what you have learned today what information do you know about this case? Nunc

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

None

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
None.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Poor

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

Las Vegas Sun

23. Do you watch local newscast? If so which one(s) Ch # 8 + # 13

24. Other than what you have learned today what information do you know about this case? None

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

vaguely Recall Seeing the news about this Event. when it first Occured

19. How many times, in the last two years, have you heard something about this case?
1 or 2 X's.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

would not affect my ability

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) yes
Review Journal

23. Do you watch local newscast? If so which one(s) yes
Channel 8 Am News

24. Other than what you have learned today what information do you know about this case? _____

it was a group of friends that were killed @ Someones house. idn't sure if others were involved.

ATTITUDES REGARDING THE DEATH PENALTY

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

No

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

TV NEWS, SOMETHING IN THE NEWS PAPER

19. How many times, in the last two years, have you heard something about this case?
A FEW TIMES.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

WOULD NOT AFFECT MY ABILITY TO BE IMPARTIAL

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No —

22. Do you subscribe to any local newspaper? If yes which one(s) Review Journal

23. Do you watch local newscast? If so which one(s) Whichever is on —

24. Other than what you have learned today what information do you know about this case? NOT MUCH BEYOND INITIAL NEWS REPORTS —

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NONE

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

I REMEMBER HEARING ABOUT IT ON THE T.V. NEWS

19. How many times, in the last two years, have you heard something about this case?
I DON'T KNOW, I WATCH THE NEWS ALMOST EVERY NIGHT

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I AM NOT SURE

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) CHANNEL 13 AND 8

24. Other than what you have learned today what information do you know about this case? NONE, EXCEPT I did SEE IT ON THE NEWS, BUT I don't REMEMBER much ABOUT IT

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NONE

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
_____.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) LVRJ

23. Do you watch local newscast? If so which one(s) Very Little
MORE NATIONAL NEWS

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

IN TV NEWS IT WAS DESCRIBED AS 4 YOUNG MEN WERE IN A HOUSE THAT WAS BROKEN INTO AND THEY WERE TIED UP ROBBED + AFTERWARDS KILLED.

19. How many times, in the last two years, have you heard something about this case?
AT LEAST 5.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I DON'T FEEL THERE WAS ANY REASON FOR KILLING THE VICTIMS. BEING BOUND OR TIED THE VICTIMS HAD NO WAY OF PROTECTING THEMSELVES OR FIGHTING BACK.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) REVIEW JOURNAL

_____

23. Do you watch local newscast? If so which one(s) CHANNELS 3, 8, + 13

_____

24. Other than what you have learned today what information do you know about this case? NONE, EXCEPT FOR WHAT WAS TALKED ABOUT IN THE MEDIA.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

Minor in physiology as part of doctoral program

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

Reports on television news and newspapers

19. How many times, in the last two years, have you heard something about this case?
5-6.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Would not have an effect

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

L.V. Review Journal

23. Do you watch local newscast? If so which one(s) _____

Channel 3, channels 8 & 5 sometimes

24. Other than what you have learned today what information do you know about this case? _____

only the details provided by the media at the time the event occurred

ATTITUDES REGARDING THE DEATH PENALTY

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B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

VICTIMS WHERE MURDERED IN COLD BLOOD FOR DRUGS + MONEY

19. How many times, in the last two years, have you heard something about this case?
MANY.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

THE VICTIMS NEVER HAD A CHANCE

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ✓ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) _____

L.V. JOURNAL L.V. SUN

23. Do you watch local newscast? If so which one(s) _____

CBS + ABC SOMETIMES NBC

24. Other than what you have learned today what information do you know about this case? _____

I THINK ONE OF THE ACCUSED HAS BEEN FOUND GUILTY

ATTITUDES REGARDING THE DEATH PENALTY

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

NEWS PAPER + T.V. NEWS.

19. How many times, in the last two years, have you heard something about this case?
ONE OR TWO.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NONE

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No NO

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) _____

ALL LOCAL

24. Other than what you have learned today what information do you know about this case? NOTHING

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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B. Life imprisonment without the possibility of parole,

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D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

Just ~~yahal~~ that there was a robbery & murder

19. How many times, in the last two years, have you heard something about this case?
1.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

It would not

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

LAS VEGAS REVIEW JOURNAL

23. Do you watch local newscast? If so which one(s) VERY SELDOM

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NONE

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NA

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) YES - CHANNEL 8

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
_____.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

_____

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ___

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) NO

_____

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

HEARD NEWS ACCOUNT WHEN IT HAPPENED

19. How many times, in the last two years, have you heard something about this case?
3-4.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NONE

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

IT'S A USELESS RAG

23. Do you watch local newscast? If so which one(s) CH 3 + 8 -

CNN - MSNBC

24. Other than what you have learned today what information do you know about this case? NONE

ATTITUDES REGARDING THE DEATH PENALTY

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

_____

_____

19. How many times, in the last two years, have you heard something about this case?
Never.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

N/A

_____

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) NO

_____

24. Other than what you have learned today what information do you know about this case? nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
Never.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

N/A

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) _____

No

23. Do you watch local newscast? If so which one(s) _____

Yes (NBC/Channel 3 morning news)

24. Other than what you have learned today what information do you know about this case? _____

None

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

NEWSPAPER / TV - DESCRIBED AS INDICATED IN QUESTIONNAIRE

19. How many times, in the last two years, have you heard something about this case?
NUMEROUS.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

DIFFICULT TO TELL AT THIS TIME.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ✓ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) YES - I WORK AT THE REVIEW-JOURNAL AS A DEPT. MANAGER. MY JOB IS TO READ THE PAPER (BOTH RJ & SUN) EACH DAY.

23. Do you watch local newscast? If so which one(s)

YES 8 & 13

24. Other than what you have learned today what information do you know about this case? _____

DON'T REALLY ALL DETAILS, JUST WHAT WAS GENERALLY DESCRIBED.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

BREIF NEWS ACCOUNT ON TV & RADIO

19. How many times, in the last two years, have you heard something about this case?
3 OR 4.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NOT AT ALL

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

REVIEW JOURNAL

23. Do you watch local newscast? If so which one(s) _____

NOT MUCH CHANNEL 8

24. Other than what you have learned today what information do you know about this case? _____

VERY LITTLE

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ___X___ No _____

If yes, describe what you saw or heard?

I remember my husband talking about the incident. I can not recall if he was present on the scene, as I can't keep all his arrests & involvements straight especially that long ago, or if he was telling me about it from other officers and their reports & messages through the stations.

19. How many times, in the last two years, have you heard something about this case?
It would have just been his (my husband) telling of the incident. So once or twice

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I believe it would affect me to believe in their guilt.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ___X___ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) NO

_____

23. Do you watch local newscast? If so which one(s) Yes, 13 and 8

_____

24. Other than what you have learned today what information do you know about this case? I basically know nothing more than what was ~~so~~ provided this morning.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

None

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

I have just about read everything in The R.J., and saw it on TV. —

19. How many times, in the last two years, have you heard something about this case?
?

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

My mind is all ready made up.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes X No _____

22. Do you subscribe to any local newspaper? If yes which one(s) R.J.

23. Do you watch local newscast? If so which one(s) 8-3-13- CNN & 39

24. Other than what you have learned today what information do you know about this case? They were SHOT in Cold Blood for practically Nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

no

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
0.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

It shouldn't interfer if I heard Something about this case

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) no

23. Do you watch local newscast? If so which one(s) Channel 8 news

24. Other than what you have learned today what information do you know about this case? nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

None

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

I heard the name + thought it was the stepparent of one of my students - it wasn't

19. How many times, in the last two years, have you heard something about this case?
Twice.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

no affect

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) Yes, L.V. Sun

23. Do you watch local newscast? If so which one(s) Yes, channel 13

24. Other than what you have learned today what information do you know about this case? _____

Nothing

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

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D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

N/A

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

Heard about the event on the news when it happened and read many follow-up Accounts in newspaper

19. How many times, in the last two years, have you heard something about this case?
about 5.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I don't Know that it would affect my ability.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) yes
RJ | Sun

23. Do you watch local newscast? If so which one(s) Occasionally
news 3

24. Other than what you have learned today what information do you know about this case? _____

Not Much More than I read today

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

_____

_____

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____
I THINK
If yes, describe what you saw or heard?

READ A NEWSPAPER ARTICLE

19. How many times, in the last two years, have you heard something about this case?
I CAN'T REMEMBER.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I DON'T THINK SO.

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) _____

LAS VEGAS REVIEW JOURNAL

23. Do you watch local newscast? If so which one(s) NOT REGULARLY

24. Other than what you have learned today what information do you know about this case? NOTHING MORE THAT I CAN THINK OF

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

none

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes X No _____

If yes, describe what you saw or heard?

I think I remember seeing on TV news program

19. How many times, in the last two years, have you heard something about this case?
once or perhaps twice.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I do not think prior knowledge will affect my ability to be impartial

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) Yes
Review Journal

23. Do you watch local newscast? If so which one(s) yes -
Ch 13

24. Other than what you have learned today what information do you know about this case? _____

I believe I remember those killed were very young (18-20 yrs old) & that Metro believed drugs were involved.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

None

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No ✓

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
0.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

would not -

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) NO

23. Do you watch local newscast? If so which one(s) Not every day / Occasionally (not home from work)

24. Other than what you have learned today what information do you know about this case? None

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

no

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
none.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I don't think I could handle it, because of what I went through a year ago. I'm still (emotional)

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) _____
no

23. Do you watch local newscast? If so which one(s) Sometimes
Channel 8 or 13

24. Other than what you have learned today what information do you know about this case? Nothing.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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D. Definite term of 50 years with the possibility of parole after 20 years.

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

none

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

briefing reading it in the newspaper

19. How many times, in the last two years, have you heard something about this case?
once or twice.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

I don't really remember any details of it that would affect it

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No ✓

22. Do you subscribe to any local newspaper? If yes which one(s) yes Review-Journal

23. Do you watch local newscast? If so which one(s) seldom

24. Other than what you have learned today what information do you know about this case? _____

none I can recall on.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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D. Definite term of 50 years with the possibility of parole after 20 years.

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This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

NO

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

I READ ABOUT it in the PAPER AND ON the NEWS

19. How many times, in the last two years, have you heard something about this case?
AROUND 15 times.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

Because of what I've READ + HEARD I could not Be IMPARTIAL

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ✓ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) YES
RJ

23. Do you watch local newscast? If so which one(s) yes
Channel 8, 13, 3

24. Other than what you have learned today what information do you know about this case? _____

I think Drugs were involved.

_____

_____

_____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

Short military training AS AN OFFICER ABOARD SHIP

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
NONE.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

NO AFFECT

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No _____ NA

22. Do you subscribe to any local newspaper? If yes which one(s) YES, Review JOURNAL

23. Do you watch local newscast? If so which one(s) YES, CH8

24. Other than what you have learned today what information do you know about this case? _____

NONE AT ALL

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

A. The death penalty,

B. Life imprisonment without the possibility of parole,

C. Life imprisonment with the possiblity of parole,

D. Definite term of 50 years with the possibility of parole after 20 years.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors must be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment. By asking these questions, the court is not implying that the defendant is guilty or that you will necessarily need to decide the penalty in this case.

This trial will be divided into two phases.

During the first phase the jury will determine if the defendant is guilty or not guilty of First Degree Murder. You will not be concerned with the punishment to be imposed at this phase of the trial. If the defendant is found not guilty, or is found guilty of any offense other than First Degree Murder, the trial will end and you will not be involved in any further proceedings.

17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

no

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes ✓ No _____

If yes, describe what you saw or heard?

on T.V.

19. How many times, in the last two years, have you heard something about this case?
Several.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

looks guilty

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes ✓ No _____

22. Do you subscribe to any local newspaper? If yes which one(s) no.

23. Do you watch local newscast? If so which one(s) yes Channel 3

24. Other than what you have learned today what information do you know about this case? Nothing

ATTITUDES REGARDING THE DEATH PENALTY

The defendant(s) in this case has been charged with First Degree Murder. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are:

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17. If you have taken courses or had training in any of the medical sciences, and in particular the medical specialty of psychiatry, please identify such courses/training by subject matter or title:

none

PRE-TRIAL PUBLICITY

Based upon the synopsis of the case attached to this questionnaire:

18. Do you recall hearing or seeing anything about this case prior to today?
Yes _____ No X

If yes, describe what you saw or heard?

19. How many times, in the last two years, have you heard something about this case?
none.

20. How would your prior knowledge of the case affect your ability to sit as an impartial juror?

unknown until faced with the evidence

21. As a result of what you have seen or heard, have you formed any opinion as to the guilt or innocence of the defendant(s)? Yes _____ No X

22. Do you subscribe to any local newspaper? If yes which one(s) no

23. Do you watch local newscast? If so which one(s)

ch 13