

Steven D. Grierson

1 NOAS

2 LUIS A. HIDALGO III #1038133
3 LOVELOCK CORRECTIONAL CENTER

4 1200 PRISON ROAD
5 LOVELOCK, NEVADA 89419

6 PETITIONER IN PRO SE

Electronically Filed
May 14 2021 09:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 * * * * *

10 LUIS A. HIDALGO III

11 PETITIONER,

CASE NO. 05C212667-2

12 -VS-

DEPT. NO. ~~XX~~

13 THE STATE OF NEVADA,

14 RESPONDENT,

15 NOTICE OF APPEAL

16 NOTICE IS GIVEN THAT PETITIONER, LUIS A HIDALGO III
17 IN PRO SE, hereby appeals TO THE NEVADA SUPREME COURT the
18 Findings of Fact, Conclusions of Law and Order Denying / Dismissing
19 PETITION FOR: MOTION FOR MODIFICATION OF SENTANCE, as
20 filed / entered on or about the 20TH day of APRIL, 2021 in the
21 ABOVE ENTITLED COURT.

22 Dated this 3RD day of MAY, 2021.

[Signature]

LUIS A HIDALGO III
LOVELOCK CORRECTIONAL CENTER
1200 PRISON ROAD
LOVELOCK, NEVADA - 89419

PETITIONER IN PRO SE

CLERK OF THE COURT

MAY 10 2021

RECEIVED
27


28

1
2 CERTIFICATE OF SERVICE

3 I do certify that I mailed a true and correct copy of the
4 foregoing NOTICE OF APPEAL to the below address(es) on this
5 3RD day of MAY, 2021, by placing same in the
6 U.S. Mail via prison law library staff:

7 CLARK COUNTY DISTRICT ATTORNEY
8 200 LEWIS AVENUE
9 LAS VEGAS, NEVADA - 89155
10 ATTN: MARC DISIALOMO

11 CLERK OF THE COURT
12 EIGHTH JUDICIAL DISTRICT COURT
13 200 LEWIS AVENUE, 3RD FLOOR
14 LAS VEGAS, NEVADA 89155-1601

15
16
17 
18 Luis A. HIDALGO III #1038133
19 Lovelock Correctional Center
20 1200 Prison Road
21 Lovelock, Nevada 89419

22 Petitioner In Pro Se

23 AFFIRMATION PURSUANT TO NRS 239B.030

24 The undersigned does hereby affirm that the preceding
25 NOTICE OF APPEAL filed in District Court Case No. 05C212667-2
26 does not contain the social security number of any person.

27 Dated this 3RD day of MAY, 2021.

28 
Luis A. HIDALGO III

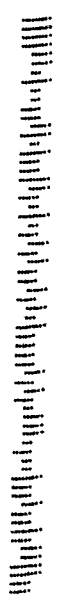
Petitioner In Pro Se

LOUIS H. HIGHTOWER
LAWLOCK CORP. DR.
1200 PRISON ROAD
LAWLOCK, NV - 89419
#1038133

INMATE LEGAL
MAIL CONFIDENTIAL

CLERK OF THE COURT
15TH JUDICIAL DISTRICT COURT
200 LEWIS AVENUE, 3RD FL
LAS VEGAS, NV - 89155-1601

891018300



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04 MAY 2021

CLERK OF THE COURT
APR 22 2021



1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 LUIS ALONSO HIDALGO, III,

14 Defendant(s),

Case No: 05C212667-2
Consolidated with 08C241394
Dept No: IX

15
16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Luis A. Hidalgo, III

19 2. Judge: Cristina D. Silva

20 3. Appellant(s): Luis A. Hidalgo, III

21 Counsel:

22 Luis A. Hidalgo, III #1038133
23 1200 Prison Rd.
24 Lovelock, NV 89419

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: February 13, 2008

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 48233, 50576, 50939, 51549, 54272, 55608, 57217,
63115, 64757, 67640, 78081

12. Child Custody or Visitation: N/A

Dated This 10 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Luis A. Hidalgo, III

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. 05C212667-2****The State of Nevada vs Luis A Hidalgo**

§ Location: **Department 9**
 § Judicial Officer: **Silva, Cristina D.**
 § Filed on: **06/17/2005**
 § Case Number History:
 § Cross-Reference Case **C212667**
 § Number:
 § Defendant's Scope ID #: **1849634**
 § Lower Court Case # Root: **05FB00052**
 § Lower Court Case Number: **05FB00052B**
 § Supreme Court No.: **67640**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT BATTERY WITH A DEADLY WEAPON OR BATTERY	199.480	G	01/01/1900	Case Status:	08/28/2010 Closed
2. SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON	200.010	F	01/01/1900		
3. SOLICITATION TO COMMIT MURDER	199.500	F	01/01/1900		
4. SOLICITATION TO COMMIT MURDER	199.500	F	01/01/1900		

Related Cases

05C212667-1 (Multi-Defendant Case)
 05C212667-3 (Multi-Defendant Case)
 05C212667-4 (Multi-Defendant Case)
 05C212667-5 (Multi-Defendant Case)
 08C241394 (Consolidated)

Statistical Closures

05/31/2010 USJR Reporting Statistical Closure
 03/18/2010 USJR Reporting Statistical Closure
 12/21/2008 USJR Reporting Statistical Closure
 08/28/2010 Jury Trial - Conviction - Criminal
 08/27/2010 Jury Trial - Conviction - Criminal

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

Case Number 05C212667-2
 Court Department 9
 Date Assigned 01/04/2021
 Judicial Officer Silva, Cristina D.

PARTY INFORMATION

		Lead Attorneys
Defendant	Hidalgo, Luis A	Lichtenstein, Allen <i>Retained</i> 7024332666(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)














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

05/01/2000

 Judgment
VERDICT

CASE SUMMARY

CASE NO. 05C212667-2

06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>
06/17/2005	Hearing <i>INITIAL ARRAIGNMENT</i>
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER FEE \$0.00</i>
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER FEE \$0.00</i>
06/17/2005	 Criminal Bindover <i>CRIMINAL BINDOVER FEE \$0.00</i>
06/20/2005	 Information <i>INFORMATION</i>
06/20/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>
06/23/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>
07/01/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRELIMINARY HEARING</i>
07/06/2005	Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL / STATUS</i>
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
07/06/2005	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
07/11/2005	Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS</i>
07/11/2005	Hearing <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS</i>
07/11/2005	Hearing <i>STATUS CHECK: TRIAL</i>
07/12/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST FOR APPOINTMENT OF</i>




CASE SUMMARY

CASE No. 05C212667-2

	COUNSEL/STATUS
07/14/2005	Motion <i>ALL PENDING MOTIONS 7/14/05</i>
07/14/2005	 Order <i>ORDER FOR TRANSCRIPT</i>
07/15/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING STATES REQUEST FOR APPOINTMENT OF COUNSEL APPOINTMENT OF COUNSEL</i>
07/20/2005	Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/10</i>
07/20/2005	 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/11</i>
07/21/2005	Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/09</i>
08/01/2005	 Motion <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12</i>
08/03/2005	Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13</i>
08/03/2005	 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14</i>
08/04/2005	Motion <i>ALL PENDING MOTIONS 8/4/05</i>
08/04/2005	 Certificate <i>CERTIFICATE OF SERVICE</i>
08/09/2005	Conversion Case Event Type <i>ARGUMENT ON WRITS</i>
08/09/2005	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>
08/10/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>
08/10/2005	 Order <i>ORDER THAT WRIT OF HABEAS CORPUS ISSUE</i>
08/10/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT</i>
08/11/2005	 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17</i>

CASE SUMMARY












CASE NO. 05C212667-2

08/11/2005	 Receipt of Copy <i>RECEIPT OF COPY</i>
08/11/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
08/11/2005	 Supplement <i>SUPPLEMENT TO KENNETH COUNTS MOTION FOR A REDUCTION IN BAIL AND/OR HOUSE ARREST - RELATED PARTYID: 05C212667_0001</i>
08/12/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT COUNTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>
08/16/2005	 Order <i>ORDER GRANTING MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES SAMPLES</i>
08/16/2005	 Order <i>ORDER DENYING DEFENANTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST</i>
08/19/2005	Petition <i>PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0002</i>
08/19/2005	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0002</i>
08/24/2005	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>
08/25/2005	 Order <i>ORDER</i>
08/25/2005	 Receipt of Copy <i>RECEIPT OF COPY</i>
08/25/2005	 Writ <i>WRIT OF HABEAS CORPUS</i>
08/30/2005	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>
08/31/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>
08/31/2005	 Notice <i>NOTIFICATION OF MEDIA REQUEST</i>
08/31/2005	 Media Request and Order

CASE SUMMARY

CASE No. 05C212667-2

MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS

08/31/2005	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>
09/16/2005	 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18</i>
09/16/2005	 Order <i>NUNC PRO TUNC ORDER APPOINTING ATTORNEY DANIEL M BUNIN AND ATTORNEY DAYVID J FIGLER FIGLER- RELATED PARTYID: 05C212667_0004</i>
09/22/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANT'S MOTION FOR APPOINTMENT OF CO-COUNSEL DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS</i>
09/23/2005	 Reply <i>REPLY TO RETURN TO WRIT OF HABEAS CORPUS</i>
09/27/2005	Motion <i>ALL PENDING MOTIONS 9/27/05</i>
10/06/2005	Motion <i>ALL PENDING MOTIONS 10/6/05</i>
10/07/2005	 Order <i>ORDER FOR TRANSCRIPT</i>
10/07/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PETITION FOR WRIT OF HABEAS CORPUS</i>
10/13/2005	 Order <i>ORDER APPOINTING COUNSEL</i>
10/19/2005	 Order <i>ORDER DENYING DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS</i>
10/21/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT</i>
10/21/2005	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002</i>
10/24/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>
10/26/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002</i>
11/09/2005	 Motion <i>STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23</i>














CASE SUMMARY

CASE NO. 05C212667-2

11/10/2005	 Application <i>EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPES FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS- RELATED PARTYID: 05C212667_0001</i>
11/10/2005	 Application <i>EX PARTE APPLICATION FOR APPOINTMENT OF INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>
11/14/2005	 Motion <i>DEFT'S MTN TO SEVER /24</i>
11/14/2005	 Ex Parte <i>AMENDED EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPES FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS</i>
11/23/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO SEVER</i>
11/23/2005	 Response <i>STATES RESPONSE TO DEFENDANTS AMENDED EX PARTE APPLICATION FOR DEFENSE COUNSEL TO OBTAIN COPIES OF SCOPEN FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS COUNSEL TO OBTAIN COPIES OF SCOPEN FOR ALL CO DEFENDANTS ALL WITNESSES AND ALL UNINDICTED CO DEFENDANTS</i>
11/28/2005	Motion <i>ALL PENDING MOTIONS 11/28/05</i>
11/28/2005	 Opposition <i>KENNETH COUNTS OPPOSITION TO MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE AND MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES ADDITIONAL AGGRAVATING CIRCUMSTANCE AND MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES- RELATED PARTYID: 05C212667_0001</i>
12/07/2005	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO KENNETH COUNTS MOTION TO SEVER DEFENDANTS SEVER DEFENDANTS- RELATED PARTYID: 05C212667_0001</i>
12/08/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002</i>
12/09/2005	Hearing <i>INITIAL ARRAIGNMENT</i>
12/09/2005	 Criminal Bindover <i>CRIMINAL BINDOVER</i>
12/09/2005	 Application <i>EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>










CASE SUMMARY

CASE NO. 05C212667-2

12/12/2005	 Motion <i>DEFT'S MTN TO STRIKE /27</i>
12/12/2005	Motion <i>ALL PENDING MOTIONS 12/12/05</i>
12/12/2005	 Information <i>INFORMATION</i>
12/12/2005	 Notice of Intent to Seek Death Penalty <i>AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
12/13/2005	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0003</i>
12/15/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
12/16/2005	 Order <i>ORDER TO ALLOW RICHARD FRANKY LPI AND/OR AN AGENT OF RDF INVESTIGATIVE AGENCY SPECIFICALLY INVESTIGATOR LIZA GRIPENTROG WHO ARE EMPLOYED AS THE INVESTIGATORS BY THE LAW OFFICES OF BUNIN & BUNIO LTD CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER AGENCY SPECIFICALLY INVESTIGATOR LIZA GRIPENTROG WHO ARE EMPLOYED AS THE INVESTIGATORS BY THE LAW OFFICES OF BUNIN & BUNIO LTD CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER- RELATED PARTYID: 05C212667_0004</i>
12/16/2005	 Order <i>ORDER - RELATED PARTYID: 05C212667_0004</i>
12/16/2005	 Ex Parte <i>EX PARTE APPLICATION TO APPOINT INVESTIGATOR</i>
12/19/2005	 Order <i>ORDER GRANTING THE STATES MOTION TO AMEND THE NOTICE OF INTENT TO SEEK THE DEATH PENALTY THE DEATH PENALTY</i>
12/19/2005	 Order <i>ORDER DENYING DEFENDANTS MOTION TO SEVER</i>
12/21/2005	 Opposition <i>STATES OPPOSITION TO DEFENDANTS HIDALGOS AND ESPINDOLAS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
12/22/2005	Motion <i>DEFT'S MTN TO STRIKE</i>
12/23/2005	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY SEEK DEATH PENALTY</i>
01/05/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY DEATH PENALTY</i>

CASE SUMMARY

CASE NO. 05C212667-2

01/11/2006	 Application <i>EX PARTE APPLICATION FOR APPOINTMENT OF INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>
01/19/2006	Motion <i>ALL PENDING MOTIONS 1/19/06</i>
01/26/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>
01/26/2006	 Order <i>ORDER</i>
02/02/2006	Motion <i>ALL PENDING MOTIONS 2/2/06</i>
02/09/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>
02/09/2006	 Application <i>EX PARTE APPLICATION FOR ORDER FOR CONTACT VISITS - RELATED PARTYID: 05C212667_0001</i>
02/10/2006	 Motion <i>DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34</i>
02/10/2006	 Motion <i>DEFT'S MTN TO FEDERALIZE ALL MTNS/35</i>
02/10/2006	 Motion <i>DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36</i>
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE & OTHER PHOTOGRAPHS/37</i>
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38</i>
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PROHIBIT ANY REF TO FIRST PHRASE/39</i>
02/10/2006	 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/40</i>
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMNT/41</i>
02/10/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42</i>
02/10/2006	 Motion

CASE SUMMARY

CASE No. 05C212667-2

DEFT'S MTN FOR DISCOVERY & EVID HEARING/43

02/10/2006



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02/10/2006



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02/10/2006



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02/13/2006



Motion

DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44

02/13/2006



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02/15/2006



Response

STATES RESPONSE TO DEFENDANTS MOTION TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE IMPACT EVIDENCE

02/15/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES

02/15/2006
















Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE



CASE SUMMARY

CASE No. 05C212667-2

02/15/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE GUILT PHASE THE FIRST PHASE AS THE GUILT PHASE</i>
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE</i>
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO EXCLUDE AUTOPSY CRIME SCENE AND OTHER GRUESOME PHOTOGRAPHS SCENE AND OTHER GRUESOME PHOTOGRAPHS</i>
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER</i>
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE</i>
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT ARGUMENT</i>
02/15/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNEER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT REGARDING THE MANNEER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT</i>
02/15/2006	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO ARGUE LAST AT THE PENALTY PHASE</i>
02/22/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING</i>
02/28/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0005</i>
03/03/2006	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0003</i>
03/03/2006	 Order <i>ORDER GRANTING EX PARTE APPLICATION FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0002</i>
03/10/2006	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>










CASE SUMMARY

CASE No. 05C212667-2

03/10/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO DEFENDANT COUNTS MOTIONIN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY HANDLING OF GUNS AND BATTERIES- RELATED PARTYID: 05C212667_0001</i>
03/15/2006	 Motion <i>DEFT'S MTN FOR SEVERANCE/45</i>
03/15/2006	 Appearance <i>NOTICE OF APPEARANCE OF COUNSEL - RELATED PARTYID: 05C212667_0003</i>
03/15/2006	 Notice <i>NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY NOTICE OF INTENT TO SEEK DEATH PENALTY- RELATED PARTYID: 05C212667_0003</i>
03/16/2006	 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENT/46</i>
03/17/2006	Motion <i>ALL PENDING MOTIONS 3/17/06</i>
03/17/2006	Hearing <i>EVIDENTIARY HEARING</i>
03/21/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
03/27/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS STATEMENT</i>
04/05/2006	Hearing <i>STATE'S REQUEST FOR CLARIFICATION OF RULING</i>
04/20/2006	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 05C212667_0005</i>
04/20/2006	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 05C212667_0004</i>
04/20/2006	 Subpoena Duces Tecum <i>SUBPOENA - RELATED PARTYID: 05C212667_0005</i>
04/21/2006	 Application <i>EX PARTE APPLICATION FOR REQUEST OF FUNDS</i>
04/21/2006	 Order <i>ORDER FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
04/24/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EVIDENTIARY HEARING DEFENDANTS MOTION FOR</i>



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	<i>SEVERANCE AND MOTION TO SUPPRESS STATEMENT SEVERANCE AND MOTION TO SUPPRESS STATEMENT</i>
05/01/2006	Motion <i>ALL PENDING MOTIONS 4/21/06</i>
05/19/2006	 Order <i>ORDER FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>
05/19/2006	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGES/51</i>
06/15/2006	Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGE/52</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE /53</i>
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE/54</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /55</i>
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /56</i>
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY /57</i>
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY /58</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /59</i>
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /60</i>
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /61</i>
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /62</i>
06/15/2006	 Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS & PREJUDICE /63</i>
06/15/2006	Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS & PREJUDICE /64</i>

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06/15/2006	 Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /65</i>
06/15/2006	Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /66</i>
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /67</i>
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /68</i>
06/15/2006	Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/69</i>
06/15/2006	 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/70</i>
06/15/2006	 Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /71</i>
06/15/2006	Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /72</i>
06/15/2006	 Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /73</i>
06/15/2006	Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /74</i>
06/15/2006	 Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75</i>
06/15/2006	Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /77</i>
06/15/2006	Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78</i>
06/15/2006	 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79</i>
06/15/2006	Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80</i>
06/15/2006	 Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR</i>
















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	CALL /81
06/15/2006	Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL /82</i>
06/15/2006	 Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /83</i>
06/15/2006	Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /84</i>
06/15/2006	 Motion <i>DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85</i>
06/15/2006	Motion <i>DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86</i>
06/15/2006	 Motion <i>DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87</i>
06/15/2006	Motion <i>DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88</i>
06/15/2006	 Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL & PROF EXPERIENCE /89</i>
06/15/2006	Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS PER & PROF EXPERIENCE /90</i>
06/15/2006	 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /91</i>
06/15/2006	Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /92</i>
06/26/2006	Motion <i>ALL PENDING MOTIONS 6/26/06</i>
06/26/2006	Hearing <i>STATUS CHECK: TRIAL DATE</i>
06/26/2006	Hearing <i>STATUS CHECK: TRIAL DATE</i>
06/27/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
06/28/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>

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06/29/2006	 Motion <i>DEFT'S MTN TO VACATE TRIAL DATE /104 (VJ 6/30/06)</i>
07/03/2006	 Expert Witness List <i>NOTICE OF WITNESSES</i>
07/03/2006	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>
07/05/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
07/06/2006	Motion <i>ALL PENDING MOTIONS 6/30/06</i>
07/27/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116</i>
07/27/2006	 Motion <i>DEFT'S MTN TO DISMISS DEATH PENALTY DUE TO FED DUE PROCESS VIOLATIONS /117</i>
07/27/2006	 Motion <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118</i>
07/27/2006	 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119</i>
07/27/2006	 Motion <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120</i>
07/27/2006	 Motion <i>DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY EVID /121</i>
07/27/2006	 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /122</i>
07/27/2006	 Motion <i>DEFT'S MTN FOR ORDER PERMITTING DISC OF RECORDS PERTAINING TO FAMILY LIFE /123</i>
07/27/2006	 Motion <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124</i>
07/27/2006	 Motion <i>DEFT'S JOINDER TO OTHER DEFTS' MTNS/125</i>
07/27/2006	 Request <i>KENNETH COUNTS RENEWED MOTION TO SEVER DEFENDANTS - RELATED PARTYID: 05C212667_0001</i>

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07/28/2006	 Application <i>EX PARTE APPLICATION FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
07/28/2006	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
08/01/2006	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES</i>
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL BY JURY VENIRE ONE WEEK PRIOR TO TRIAL</i>
08/09/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGO AND EXPINDOLAS MOTION FOR COURT TOALLOW PRESENTATIION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE ALLOW PRESENTATIION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE</i>
08/09/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY PENALTY BASED UPON UNCONSTITUTIONALITY</i>
08/09/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO STRIKE NOTICEOF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION</i>
08/09/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO DETERMINE ADMISSIBILITY OF STATES HEARSAY EVIDENCE BEFORE TRIAL HEARSAY EVIDENCE BEFORE TRIAL</i>
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL 704.206 UNCONSTITUTIONAL</i>
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO CONDUCT VOIR DIRE ON POSSIBLE BIAS AND PREJUDICE DIRE ON POSSIBLE BIAS AND PREJUDICE</i>
08/09/2006	 Response <i>STATES RESPONSE TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO PRECLUDE THE COUNT FROM PARTICIPATION IN REHABILITATION OF POTENTIAL</i>

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JURORS COUNT FROM PARTICIPATION IN REHABILITATION OF POTENTIAL JURORS

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING INTRODUCTION OF HEARSAY DURING SENTENCING

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES OF IMPUTED AGGRAVATING CIRCUMSTANCES

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANTS HIDALGO AND ESPINDOLAS MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO SUPPRESS EVIDENCE OF THE DEFENDANTS PRIOR FELONY CONVICTIONS OF THE DEFENDANTS PRIOR FELONY CONVICTIONS

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR DISCLOSURE OF EXCULPATORY FAMILY MEMBERS EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS FAMILY MEMBERS EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXECUTION UPON VICTIMS

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE ON HOUSE ARREST ALTERNATIVE FOR RELEASE ON HOUSE ARREST

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS OF PHONE CONVERSATIONS

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT HIDALGO AND ESPINDOLAS MOTION TO

CASE SUMMARY

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PRECLUDE USE OF PEREMPTORY CHALLENGES OF PEREMPTORY CHALLENGES

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS RENEWED MOTION TO SEVER

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS VIOLATIONS DUE TO FEDERAL DUE PROCESS VIOLATIONS

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION IN L LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT ADMISSION OF EVIDENCE OF ARREST OR FLIGHT

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR RELEASE OF JUVENILE RECORDS

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANTS HIDALGOS AND ESPINDOLAS MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATION CIRCUMSTANCES PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATION CIRCUMSTANCES

08/10/2006



Opposition

OPPOSITION TO DEFENDANT HIDALGOS AND ESPINDOLAS MOTION TO BIFURCATE PENALTY PHASE PHASE

08/10/2006



Opposition

STATES OPPOSITION TO DEFENDANTS HIDALGOS AND ESPINDOLAS MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE

08/24/2006



Reply

REPLY TO STATES OPPOSITION TO MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE

08/24/2006



Reply

REPLY TO STATES OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION

08/24/2006















Reply

REPLY TO STATES RESPONSE TO MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN THE REHABILITATION OF POTENTIAL JURORS PARTICIPATING IN THE REHABILITATION OF POTENTIAL JURORS

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08/24/2006	 Reply <i>REPLY TO STATES RESPONSE TO MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL BY JURY VENIRE ONE WEEK PRIOR TO TRIAL</i>
08/24/2006	 Reply <i>REPLY TO STATES RESPONSE TO MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES POTENTIAL JURORS PERSONAL AND PROFESSIONAL EXPERIENCES</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITON TO MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS PROCEEDINGS</i>
08/24/2006	 Reply <i>REPLY TO STATES RESPONSE TO MOTION TO DECLARE NRS 704.206 UNCONDITIONAL</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES CHALLENGES</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO DETEREMINE ADMISSIBILTY OF STATES HEARSY EVIDENCE BEFORE TRIAL HEARSY EVIDENCE BEFORE TRIAL</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES AGGRAVATING CIRCUMSTANCES</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERANTIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE DETERRENCE OR IN THE ALTERANTIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PRECLUDE THE INTRODUCTION OF HEARSYA DURING SENTENCING HEARSYA DURING SENTENCING</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE RACIAL BIAS AND PREJUDICE</i>
08/24/2006	 Reply <i>REPLY STATES OPPOSITON TO MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY UNCONSTITUTIONALITY</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION FOR COURT OT ALLOW PRESENTATION</i>

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	<i>OF UNFAIRNESS OF A DEATH SENTENCE EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND</i>
08/24/2006	 Reply <i>REPLY TO STATES OPPOSITION TO MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES IRRELEVANT MITIGATING CIRCUMSTANCES</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO RENEWED MOTION TO SEVER - RELATED PARTYID: 05C212667_0001</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO SUPPRESS EVIDENCE OF DEFENDANTS PRIOR FELONY CONVICTIONS SUPPRESS EVIDENCE OF DEFENDANTS PRIOR FELONY CONVICTIONS- RELATED PARTYID: 05C212667_0001</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS PRECLUDE ADMISSION OF PHONE CONVERSATIONS- RELATED PARTYID: 05C212667_0001</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION FOR RELEASE OF JUVENILE RECORDS JUVENILE RECORDS- RELATED PARTYID: 05C212667_0001</i>
08/28/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT- RELATED PARTYID: 05C212667_0001</i>
08/31/2006	Hearing <i>STATUS CHECK: STATUS CHECK: TRIAL</i>
09/01/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTIONS</i>
09/06/2006	 Reply <i>KENNETH COUNTS REPLY TO STATES OPPOSITION TO MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE FOR RELEASE OF HOUSE ARREST IN BAIL OR IN THE ALTERNATIVE FOR RELEASE OF HOUSE ARREST</i>
09/08/2006	Motion <i>ALL PENDING MOTIONS 8/31/06</i>
09/08/2006	Motion <i>DEFT'S RENEWED MTN TO SEVER DEFENDANTS</i>
09/11/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>
09/11/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>

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09/26/2006	Hearing <i>STATE'S REQUEST FOR STATUS CHECK</i>
09/30/2006	Motion <i>ALL PENDING MOTIONS 9/8/06</i>
10/03/2006	 Order <i>ORDER</i>
10/05/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST FOR STATUS CHECK</i>
11/01/2006	Hearing <i>MINUTE ORDER RE: RECUSAL- DEPT 14</i>
11/02/2006	 Notice of Department Reassignment <i>NOTICE OF DEPARTMENT REASSIGNMENT 000854004264004349006275005825FC 005825006275004349004264000854 005825006275004349004264000854</i>
11/08/2006	 Order <i>ORDER FOR VISITATION - RELATED PARTYID: 05C212667_0001</i>
11/17/2006	 Order <i>EX PARTE APPLICATION AND ORDER FOR A CONTACT VISIT WITH A TAPE RECORDING DEVICE DEVICE- RELATED PARTYID: 05C212667_0001</i>
11/17/2006	 Order <i>EX PARTE APPLICATION AND ORDER FOR CONTACT VISITS - RELATED PARTYID: 05C212667_0001</i>
11/17/2006	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>
11/29/2006	Hearing <i>TRIAL SETTING</i>
12/08/2006	 Order <i>KENNETH COUNTS EX PARTE APPLICATION AND ORDER FOR CONTACT VISITS - RELATED PARTYID: 05C212667_0001</i>
12/26/2006	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEY - RELATED PARTYID: 05C212667_0002</i>
01/19/2007	 Motion <i>DEFT'S MTN TO DISMISS /143</i>
01/25/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES FOR INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>
01/25/2007	 Order <i>ORDER FOR EXCESS FEES INVESTIGATOR - RELATED PARTYID: 05C212667_0001</i>
01/30/2007	

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	Hearing
	<i>STATUS CHECK: DISCUSSION WITH WITNESS</i>
02/05/2007	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>
02/27/2007	Motion <i>ALL PENDING MOTIONS 2/27/07</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER /146</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER TO ALLOW DEFENSE TO ARGUE/147</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/148</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO DISMISS/149</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER DISCLOSURE/150</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE TO PRECLUDE/151</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR DISCOVERY/152</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO STRIKE/153</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR INDIVIDUAL VOIR DIRE/154</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER TO BAR IMPROPER/155</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO FEDERALIZE/156</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/157</i>
04/09/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/158</i>
04/10/2007	 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/159</i>
04/10/2007	 Receipt of Copy

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RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001

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RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001

04/11/2007



Request

KENNETH COUNTS MOTION TO RECONSIDER MOTION TO SEVER DEFENDANTS -
RELATED PARTYID: 05C212667_0001

04/12/2007



Order

ORDER FOR CONTINUATION OF VISITATION - RELATED PARTYID: 05C212667_0001

04/12/2007



Application

EX PARTE APPLICATION FOR EXTENSION OF VISITATION - RELATED PARTYID:
05C212667_0001

04/16/2007



Application

EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION -
RELATED PARTYID: 05C212667_0001

04/16/2007



Ex Parte Order

EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED

CASE SUMMARY











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PARTYID: 05C212667_0001

04/18/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>
04/18/2007	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>
04/25/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS DEATH PENALTY DUE TO FEDERAL DUE PROCESS</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS SECOND MOTION TO RECONSIDER HIS MOTION TO SEVER TO SEVER</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION TO BIFURCATE PENALTY PHASE PENALTY PHASE</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS COUNTS MOTION TO RECONSIDER MOTION FORDISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXXECUTION UPON VICTIMS FAMILY MEMBERS DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANTS EXXECUTION UPON VICTIMS FAMILY MEMBERS</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE SEQUESTERED VOIR DIRE</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS</i>
04/26/2007	 Response <i>STATES RESPONSE TO DEFENDANTS MOTION TO RECONSIDER MOTION TO PRECLUDE THE INTRODUCTION VICTIM IMPACT EVIDENCE INTRODUCTION VICTIM IMPACT EVIDENCE</i>
04/26/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
04/26/2007	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION TO ARGUE LAST AT THE PENALTY PHASE PENALTY PHASE</i>
04/26/2007	

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	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION FOR DISCOVERY ANDEVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>
04/26/2007	 Opposition <i>OPPOSITION TO DEFENDANTS MOTION TO RECONSIDER MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT IMPROPER PROSECUTORIAL ARGUMENT</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION TO RECONSIDER MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY AND HANDLING OF GUNS TO PRECLUDE ADMISSION OF GANG AFFILIATION DRUG ACTIVITY AND HANDLING OF GUNS</i>
04/26/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT COURTS MOTION TO RECONSIDER MOTION TOFEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE FEDERALIZE ALL MOTIONS OBJECTIONS REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE</i>
05/01/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>
05/01/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
05/04/2007	 Motion <i>DEFT'S MTN TO CONTINUE /161</i>
05/04/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0003</i>
05/08/2007	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
05/08/2007	 Order <i>EX PARTE APPLICATION AND ORDER FOR A CONTACT VISIT WITH A TAPE RECORDING DEVICE DEVICE- RELATED PARTYID: 05C212667_0001</i>
05/08/2007	 Order

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CASE No. 05C212667-2

ORDER FOR CONTACT VISIT - RELATED PARTYID: 05C212667_0001

05/11/2007	Hearing <i>AT THE REQUEST OF THE COURT TO ADDRESS DEFT'S CUSTODY STATUS IN THIS CASE</i>
05/14/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST OF FUNDS - RELATED PARTYID: 05C212667_0001</i>
05/14/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
05/15/2007	Motion <i>ALL PENDING MOTIONS 05-15-07</i>
05/15/2007	 Motion <i>DEFT'S MTN TO CONTINUE TRIAL/164</i>
05/15/2007	Motion <i>ALL PENDING MOTIONS 05-15-07</i>
05/16/2007	 Motion <i>DEFT'S MTN TO DISMISS /165</i>
05/16/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
05/17/2007	 Expert Witness List <i>NOTICE OF DEFENDANTS EXPERT WITNESSES - RELATED PARTYID: 05C212667_0001</i>
05/17/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>
05/17/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>
05/17/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF DEFENDANTS EXPERT WITNESSES - RELATED PARTYID: 05C212667_0001</i>
05/17/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
05/17/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
05/17/2007	 Notice <i>NOTICE OF EVIDENCE IN AGGRAVATION</i>
05/18/2007	Hearing <i>STATUS CHECK: TRIAL SETTING</i>
05/18/2007	













CASE SUMMARY

CASE NO. 05C212667-2

	Motion <i>ALL PENDING MOTIONS (05-17-07)</i>
05/18/2007	 Order <i>ORDER FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
05/18/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
05/18/2007	 Order <i>ORDER FOR FUNDS</i>
05/18/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>
05/18/2007	 Expert Witness List <i>NOTICE OF WITNESSES</i>
05/21/2007	Hearing <i>STATUS CHECK: TRIAL SETTING</i>
05/21/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>
05/24/2007	Hearing <i>STATUS CHECK: JURY QUESTIONNAIRE</i>
05/24/2007	 Notice <i>NOTICE OF ALIBI WITNESS - RELATED PARTYID: 05C212667_0001</i>
05/25/2007	 Order <i>ORDER FOR TRANSCRIPT</i>
05/25/2007	 Order <i>EX PARTE APPLICATION AND ORDER FOR A HAIRCUT BY A BARBER - RELATED PARTYID: 05C212667_0001</i>
05/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>
05/29/2007	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
05/29/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
05/29/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
05/29/2007	 Application <i>EX PARTE APPLICATION FOR REQUEST OF FUNDS - RELATED PARTYID: 05C212667_0001</i>

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05/29/2007	 Expert Witness List <i>NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0001</i>
05/29/2007	 Notice <i>DISCLOSURE OF DEFENDANTS EVIDENCE - RELATED PARTYID: 05C212667_0001</i>
06/01/2007	 Order <i>NUNC PRO TUNC ORDER OF APPOINTMENT - RELATED PARTYID: 05C212667_0004</i>
06/01/2007	 Order <i>NUNC PRO TUNC ORDER OF APPOINTMENT - RELATED PARTYID: 05C212667_0004</i>
06/05/2007	Conversion Case Event Type <i>CHANGE OF PLEA</i>
06/06/2007	 Expert Witness List <i>NOTICE OF WITNESSES</i>
06/06/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE HEARING TRIAL PROCEEDINGS DAY 1</i>
06/06/2007	 Information <i>AMENDED INFORMATION</i>
06/06/2007	 Filed Under Seal <i>FILED UNDER SEAL GUILTY PLEA AGREEMENT</i>
06/06/2007	 Memorandum <i>GUILTY PLEA MEMORANDUM/AGREEMENT</i>
06/08/2007	 Change of Address <i>NOTICE OF CHANGE OF ADDRESS TELEPHONE AND FACSIMILE NUMBERS - RELATED PARTYID: 05C212667_0005</i>
06/08/2007	 Order <i>ORDER</i>
06/18/2007	Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION</i>
06/18/2007	Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION</i>
06/18/2007	Hearing <i>AT REQUEST OF COURT: IN-COURT DEPOSITION</i>
06/19/2007	Conversion Case Event Type <i>SENTENCING</i>
06/19/2007	Hearing <i>STATUS CHECK</i>
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL BY JURY</i>

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06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK JURY QUESTIONNAIRE</i>
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT TRIAL SETTING ALL</i>
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANTS MOTION FOR DISMISSAL ALL</i>
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTIONS</i>
06/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE STATU CHECK TRIAL SETTING</i>
06/26/2007	Motion <i>ALL PENDING MOTIONS 6-26-07</i>
07/05/2007	 Motion <i>STATES MTN TO CONDUCT VIDEOTAPED TEST/192</i>
07/12/2007	 Opposition <i>LUIS HIDALGO IIIS OPPOSITION TO THE STATES MOTION TO CONDUCT VIDEO TAPED TESTIMONY OF A WITNESS TESTIMONY OF A WITNESS- RELATED PARTYID: 05C212667_0002</i>
07/13/2007	 Notice <i>NOTICE OF JOINDER IN DEFENDANTS LUIS HIDALGO IIIS OPPOSITION TO THE STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A WITNESS MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A WITNESS- RELATED PARTYID: 05C212667_0001</i>
07/16/2007	 Receipt of Copy <i>RECEIPT OF COPY</i>
07/17/2007	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0002</i>
07/19/2007	 Ex Parte <i>EX PARTE APPLICAITON FOR INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>
07/26/2007	Hearing <i>STATUS CHECK: OPEN/SEALED DEPOSITIONS</i>
07/26/2007	Hearing <i>DEPOSITIONS HEARING</i>
08/13/2007	 Notice <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
08/14/2007	 Notice <i>NOTICE OF CHANGE IN STATUS OF COUNSEL FOR PETITIONER - RELATED</i>

CASE SUMMARY

CASE NO. 05C212667-2

PARTYID: 05C212667_0003

08/15/2007	 Expert Witness List <i>NOTICE OF WITNESSES AND OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0004</i>
08/16/2007	 Supplement <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
08/16/2007	 Request <i>MOTION TO STRIKE DEATH PENALTY AGGRAVATORS OR IN THE ALTERNATIVE MOTION FOR CONTINUANCE AND/OR MOTION FOR STAY MOTION FOR CONTINUANCE AND/OR MOTION FOR STAY- RELATED PARTYID: 05C212667_0004</i>
08/16/2007	Motion <i>DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208</i>
08/20/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>
08/21/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES MOTION TO CONDUCT VIDEOTAPED TEST</i>
08/21/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES MOTION TO CONDUCT VIDEOTAPED TEST</i>
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>
08/23/2007	Hearing <i>STATUS CHECK: TRIAL STATUS</i>
08/27/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>
08/28/2007	Motion <i>ALL PENDING MOTIONS (8/28/07)</i>
08/29/2007	 Motion <i>DEFT'S MTN FOR DISCOVERY /209</i>
08/30/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING</i>
09/05/2007	 Order <i>ORDER APPOINTING PSYCHIATRIST FOR DEATH PENALTY MITIGATION</i>
09/11/2007	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES AND INTERIM COMPENSATION -</i>

CASE SUMMARY

















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RELATED PARTYID: 05C212667_0001

09/11/2007	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>
09/11/2007	 Order <i>ORDER FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>
09/20/2007	 Order <i>ORDER FOR EXCESS FEES - RELATED PARTYID: 05C212667_0001</i>
09/20/2007	 Order <i>ORDER FOR REQUEST FOR INTERIM COMPENSATION - RELATED PARTYID: 05C212667_0001</i>
09/27/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS AGGRAVATORS</i>
10/02/2007	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEY - RELATED PARTYID: 05C212667_0003</i>
10/04/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS AGGRAVATORS</i>
10/09/2007	 Application <i>EX PARTE APPLICATION FOR EXTENSION OF VISITATION - RELATED PARTYID: 05C212667_0001</i>
10/09/2007	 Order <i>ORDER FOR CONTINUATION OF VISITATION - RELATED PARTYID: 05C212667_0001</i>
10/24/2007	 Motion <i>DEFT'S PRO PER MTN ON PTN TO MARRY/210</i>
11/09/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESS - RELATED PARTYID: 05C212667_0004</i>
11/14/2007	 Notice <i>AMENDED NOTICE OF EVIDENCE IN AGGRAVATION</i>
11/20/2007	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEY - RELATED PARTYID: 05C212667_0002</i>
11/21/2007	 Certificate <i>CERTIFICATE OF SERVICE - RELATED PARTYID: 05C212667_0002</i>
11/21/2007	 Conversion Case Event Type <i>PROPOSED JURY QUESTIONNAIRE - RELATED PARTYID: 05C212667_0004</i>
11/21/2007	

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CASE NO. 05C212667-2

	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0004</i>
11/26/2007	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>
11/27/2007	 Order <i>ORDER DENYING DEFENDANTS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS</i>
11/27/2007	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>
12/07/2007	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>
01/02/2008	 Request <i>MOTION REQUESTING ADDITIONAL FUNDS FOR INVESTIGATION - RELATED PARTYID: 05C212667_0005</i>
01/05/2008	Hearing <i>STATE'S REQUEST STATUS CHECK - AGREED</i>
01/07/2008	 Motion <i>DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213</i>
01/07/2008	 Motion <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>
01/08/2008	 Motion <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>
01/08/2008	 Motion <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216</i>
01/08/2008	 Motion <i>DEFT'S MTN TO SET BAIL /217</i>
01/08/2008	 Motion <i>DEFT'S MTN FOR SEVERANCE FROM CAPITL/218</i>
01/08/2008	 Motion <i>DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES</i>
01/09/2008	 Notice <i>AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATION CIRCUMSTANCES</i>
01/09/2008	 Notice <i>AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>
01/09/2008	 Notice

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AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES

01/09/2008



Notice

AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES

01/10/2008



Notice

SECOND AMENDED NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES

01/10/2008



Request

NOTICE OF MOTION AND MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE AGGRAVATING CIRCUMSTANCE

01/11/2008



Motion

DEFT'S MTN TO JOIN IN MTN TO SET BAIL/220

01/14/2008



Receipt of Copy

RECEIPT OF COPY - RELATED PARTYID: 05C212667_0003

01/14/2008



Expert Witness List

DEFENDANT LUIS A HIDALGO III'S NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002

01/15/2008

Motion

ALL PENDING MOTIONS 1/15/08

01/17/2008



Request

EX PARTE MOTION REQUESTING ADDITIONAL FUNDS FOR INVESTIGATION AND ORDER - RELATED PARTYID: 05C212667_0005

01/18/2008



Opposition

OPPOSITION TO DEFTS SECOND MOTION TO RECONSIDER MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES AGGRAVATING CIRCUMSTANCES

01/22/2008



Expert Witness List

DEFENDANT LUIS A HIDALGO III S NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002

01/22/2008



Reporters Transcript

REPORTER'S TRANSCRIPT CALENDAR CALL

01/22/2008



Reporters Transcript

REPORTER'S TRANSCRIPT DEFENDANT CARROLLS MOTION TO STRIKE DEATH PENALTY AGGRAVATORS AGGRAVATORS

01/23/2008



Order

ORDER DENYING MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES - RELATED PARTYID: 05C212667_0001

01/23/2008



Order

ORDER FOR DAILY TRANSCRIPTS









01/24/2008

Hearing

MINUTE ORDER RE: RE: BAIL FOR DEFTS. HILDALGO AND




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01/24/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO IIIS SUPPLEMENTAL NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>
01/24/2008	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS</i>
01/25/2008	 Motion <i>DEFT'S MTN IN LIMINE TO ALLOW STATEMENT/227</i>
01/25/2008	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0001</i>
01/25/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT MOTIONS</i>
01/25/2008	 Order <i>EX PARTE APPLICATION AND ORDER FOR A HAIRCUT BY A BARBER - RELATED PARTYID: 05C212667_0001</i>
01/29/2008	 Information <i>SECOND AMENDED INFORMATION</i>
01/30/2008	Motion <i>ALL PENDING MOTIONS 1/29/08</i>
01/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL JURY VOIR DIRE DAY ONE</i>
01/30/2008	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>
01/30/2008	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>
01/30/2008	 Conversion Case Event Type <i>EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0001</i>
01/31/2008	 Proof <i>OFFER OF PROOF - RELATED PARTYID: 05C212667_0001</i>
01/31/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
01/31/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
01/31/2008	 Expert Witness List <i>NOTICE OF WITNESS FOR PENALTY PHASE - RELATED PARTYID: 05C212667_0001</i>
01/31/2008	
















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CASE NO. 05C212667-2

	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL JURY VOIR DIRE DAY TWO</i>
01/31/2008	 Expert Witness List <i>NOTICE OF DEFTS EXPERT WITNESS FOR PENALTY PHASE - RELATED PARTYID: 05C212667_0001</i>
01/31/2008	 Jury List <i>DISTRICT COURT JURY LIST</i>
02/01/2008	 Motion <i>DEFT'S MTN TO SET BAIL /229</i>
02/01/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY THREE</i>
02/04/2008	Hearing <i>STATUS CHECK:SENTENCING</i>
02/04/2008	Conversion Case Event Type <i>CHANGE OF PLEA</i>
02/04/2008	 Expert Witness List <i>SUPPLEMTNTAL NOTICE OF WITNESSES</i>
02/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EXCERPT OF PROCEEDINGS TESTIMONY OF RONTEA ZONE</i>
02/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEPOSITION OF OMAR MANOR</i>
02/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY FOUR</i>
02/04/2008	 Information <i>THIRD AMENDED INFORMATION</i>
02/04/2008	 Memorandum <i>GUILTY PLEA MEMORANDUM/AGREEMENT</i>
02/04/2008	 Filed Under Seal <i>AGREEMENT TO TESTIFY - RELATED PARTYID: 05C212667_0003</i>
02/05/2008	Motion <i>ALL PENDING MOTIONS 2/5/08</i>
02/05/2008	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
02/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY FIVE</i>














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02/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY FIVE JAYSON TAOIPUS TESTIMONY</i>
02/05/2008	 Conversion Case Event Type <i>ORDER TO TRANSPORT</i>
02/05/2008	 Request <i>MOTION TO PRECLUDE TESTIMONY FROM DETECTIVES RE THEIR INTERPRETATION OF THIRD PHONE CONVERSATIONS THIRD PHONE CONVERSATIONS- RELATED PARTYID: 05C212667_0001</i>
02/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY THREE</i>
02/06/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT HEARING RE JURY TRIAL DAY SIX</i>
02/07/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>
02/07/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>
02/07/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY SEVEN</i>
02/07/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ESPINDOLA PLEA</i>
02/08/2008	 Motion <i>DEFT'S MTN FOR DISCLOSURE/233</i>
02/08/2008	 Motion <i>DEFT'S MTN FOR DISCLOSURE OF THE EXISTENCE/234</i>
02/08/2008	 Motion <i>DEFT'S MTN TO COMPEL PRODUCTION OF HANDWRITTEN NOTES/235</i>
02/08/2008	Conversion Case Event Type <i>SENTENCING</i>
02/08/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY EIGHT</i>
02/08/2008	 Conversion Case Event Type <i>ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
02/08/2008	 Judgment <i>VERDICT (COUNT 1)</i>
02/08/2008	Judgment <i>VERDICT (COUNT 2) - RELATED PARTYID: 05C212667_0001</i>

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02/08/2008	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>
02/08/2008	 Proposed Verdict Forms Not Used at Trial <i>PROPOSED VERDICT FORMS NOT USED AT TRIAL</i>
02/11/2008	Hearing <i>HEARING:POTENTIAL CONFLICT</i>
02/11/2008	 Expert Witness List <i>DEFT LUIS A HIDALGO III'S SECOND SUPPLEMENTAL NTC OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>
02/11/2008	 Notice <i>NOTICE OF HABITUAL CRIMINALITY</i>
02/12/2008	 Memorandum <i>MEMORANDUM OF LAW REGARDING JOINT REPRESENTATION OF CO DEFENDANTS</i>
02/12/2008	 Expert Witness List <i>DEFENDANT LUIS A HIDALGO III S THIRD SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>
02/13/2008	Motion <i>ALL PENDING MOTIONS 2/7/08</i>
02/13/2008	 Response <i>RESPONSE TO STATE OF NEVADAS MEMORANDUM OF LAW REGARDING JOINT REPRESENTATION OF CO DEFENDANTS REPRESENTATION OF CO DEFENDANTS- RELATED PARTYID: 05C212667_0002</i>
02/14/2008	Motion <i>ALL PENDING MOTIONS 2/11/08</i>
02/15/2008	 Motion <i>DEFT'SMTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242</i>
02/15/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT VERDICT</i>
02/20/2008	 Motion <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i>
02/20/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
02/22/2008	 Opposition <i>STATES OPPOSITION TO DEFENDANT COUNTS MOTION FOR NEW TRIAL</i>
02/26/2008	Motion <i>ALL PENDING MOTIONS 2/26/08</i>
03/06/2008	 Notice of Intent to Seek Death Penalty

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NOTICE OF INTENT TO SEEK DEATH PENALTY

03/10/2008	Motion <i>ALL PENDING MOTIONS 2/14/08</i>
03/14/2008	 Order <i>ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL</i>
03/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CHANGE OF PLEA</i>
03/28/2008	Conversion Case Event Type <i>SENTENCE TO RUN CONSECUTIVE TO CALIFORNIA TIME</i>
03/28/2008	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>
03/28/2008	 Order <i>ORDER - RELATED PARTYID: 05C212667_0001</i>
03/31/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>
03/31/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>
03/31/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>
03/31/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>
04/07/2008	 Ex Parte Order <i>EX PARTE ORDER FOR EXCESS FEES AND FINAL COMPENSATION - RELATED PARTYID: 05C212667_0001</i>
04/07/2008	 Application <i>EX PARTE APPLICATION FOR EXCESS FEES</i>
04/09/2008	 Motion <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250</i>
04/15/2008	Motion <i>ALL PENDING MOTIONS 4/15/08</i>
04/16/2008	 Opposition <i>OPPOSITION TO STATES MTN TO CONDUCT VIDEOTAPED TESTIMONY OF COOPERATING WITNESS WITNESS- RELATED PARTYID: 05C212667_0001</i>
04/16/2008	 Filed Under Seal <i>FILED UNDER SEAL EXHIBIT 2 TO OPPOSITION TO STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY - SEALED TESTIMONY - SEALED</i>
04/23/2008	

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	 Order <i>EX PARTE APPLICATION AND ORDER FOR REQUEST FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
04/23/2008	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
04/30/2008	 Notice of Appeal <i>NOTICE OF APPEAL (51549) - RELATED PARTYID: 05C212667_0001</i>
04/30/2008	 Request <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 05C212667_0001</i>
04/30/2008	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C212667_0001</i>
04/30/2008	 Request <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 05C212667_0001</i>
05/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MOTIONS</i>
05/08/2008	 Filed Under Seal <i>FILED UNDER SEAL ORDER SEALING AGREEMENT TO TESTIFY AND EXHIBIT 2 OF OPPOSITION TO STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS OPPOSITION TO STATES MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS</i>
05/09/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>
05/09/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT ALL PENDING MOTIONS</i>
05/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS SENTENCING</i>
05/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DEFENDANTS MOTION FOR NEW TRIAL AND REQUEST FOR EVIDENTIARY HEARING EVIDENTIARY HEARING</i>
05/29/2008	Hearing <i>STATUS CHECK: TRIAL SETTING</i>
06/05/2008	 Order <i>ORDER FOR FUNDS - RELATED PARTYID: 05C212667_0001</i>
06/18/2008	 Notice of Intent to Seek Death Penalty <i>AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
06/25/2008	 Motion <i>STATES MTN TO CONSOLIDATE WITH C241394/256</i>

CASE SUMMARY

CASE NO. 05C212667-2

06/26/2008	 Application <i>EX PARTE APPLICATION FOR ADDITIONAL MITIGATION EXPERT INVESTIGATIVE FEES PURSUANT TO NRS 7.135 PURSUANT TO NRS 7.135- RELATED PARTYID: 05C212667_0004</i>
06/26/2008	 Order <i>ORDER - RELATED PARTYID: 05C212667_0004</i>
06/30/2008	 Motion <i>NOTICE OF INTENT REV OF PROB</i>
07/03/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK TRIAL SETTING/AFFIDAVIT DEFENDANTS MOTIONFOR DISCLOSURE OF EXISTENCE OF ELECTRONIC SURVEILLANCE DEFENDANTS MOTION FOR DISCLOSURE OF INTERCEPTED COMMUNICATIONS FOR DISCLOSURE OF EXISTENCE OF ELECTRONIC SURVEILLANCE DEFENDANTS MOTION FOR DISCLOSURE OF INTERCEPTED COMMUNICATIONS</i>
08/19/2008	 Order <i>ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF</i>
10/13/2008	 Filed Under Seal <i>FILED UNDER SEAL - EX PARTE APPLICATION FOR DEFT LUIS A HIDALGO III TO BEGORDON SILVER TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF GORDON SILVER TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF- RELATED PARTYID: 05C212667_0002</i>
10/14/2008	 Order <i>ORDER TO SEAL EX PARTE APPLICATION AND ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
10/14/2008	 Filed Under Seal <i>FILED UNDER SEAL - DEFENDANT LUIS A HIDALGO IIIS EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
10/20/2008	Hearing <i>TRIAL SETTING</i>
10/20/2008	 Notice of Intent to Seek Death Penalty <i>AMENDED NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
10/28/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE TRIAL SETTING</i>
10/30/2008	 Reporters Transcript <i>RECORDERS TRANSCRIPT OF HEARING RE MOTIONS (unsealed per order dated 02/04/11)</i>
10/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE DEFTS MTN TO SET BAIL</i>
10/30/2008	 Order <i>ORDER TO SEAL</i>

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CASE NO. 05C212667-2

11/13/2008	Hearing <i>STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394</i>
11/21/2008	 Substitution of Attorney <i>SUBSTITUTION OF ATTORNEYS - RELATED PARTYID: 05C212667_0002</i>
12/08/2008	 Opposition <i>DEFTS LUIS HIDALGO JR AND LUIS HIDALGO IIIS OPPOSITION TO THE MTN TO CONSOLIDATE CASE NO C241394 INTO C212667 CONSOLIDATE CASE NO C241394 INTO C212667- RELATED PARTYID: 05C212667_0002</i>
12/08/2008	 Request <i>DEFT LUIS A HIDALGO IIIS MTN TO STRIKE THE AMENDED NOTICE TO SEEK DEATH PENALTY - RELATED PARTYID: 05C212667_0002</i>
12/15/2008	 Response <i>RESPONSE TO DEFT LUIS HIDALGO JR AND LUIS HIDALGO IIIS OPPOSITION TO CONSOLIDATE CASE NO C241394 INTO C212667 CONSOLIDATE CASE NO C241394 INTO C212667</i>
12/22/2008	 Notice <i>DEFT LUIS A HIDALGO IIIS AMENDED NOTICE TO STRIKE THE AMENDED NOTICE TO SEEK DEATH PENALTY DEATH PENALTY- RELATED PARTYID: 05C212667_0002</i>
12/29/2008	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATES REQUEST FOR STATUS CHECK ON MOTION TO CONSOLIDATE MOTION TO CONSOLIDATE</i>
12/29/2008	 Filed Under Seal <i>FILED UNDER SEAL - EX PARTE APPLICATION FOR LUIS HIDALGO III TO BE TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICE OF GORDON SILVER FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICE OF GORDON SILVER- RELATED PARTYID: 05C212667_0002</i>
12/29/2008	 Order <i>ORDER TO SEAL EX PARTE APPLICATION AND ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
12/29/2008	 Filed Under Seal <i>FILED UNDER SEAL - DEFT LUIS A HIDALGO IIIS EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
12/31/2008	 Opposition <i>STATES OPPOSITION TO DEFT LUIS A HIDALGO IIIS AMENDED NOTICE TO STRIKE THE AMENDED NOTICE TO SEEK DEATH PENALTY AMENDED NOTICE TO SEEK DEATH PENALTY</i>
01/05/2009	 Expert Witness List <i>DEFT LUIS A HIDALGO III'S 3RD SUPPLEMENTAL NOTICE OF EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>
01/06/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF EXPERT WITNESSES</i>
01/07/2009	 Motion




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	<i>STATE'S MTN TO REMOVE MR GENTILE AS ATTORNEY OR TO REQ WAIVERS/262</i>
01/07/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>
01/08/2009	 Motion <i>DEFT'S MTN FOR FAIR & ADEQUATE VOIR DIRE/263</i>
01/09/2009	 Order <i>ORDER ADMITTING TO PRACTICE - RELATED PARTYID: 05C212667_0002</i>
01/12/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT - STATES REQUEST - STATUS CHECK ON MTN TO CONSOLIDATE</i>
01/15/2009	 Filed Under Seal <i>DEFENDANT LUIS A HIDALGO IIIS EX PARTE ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
01/15/2009	 Filed Under Seal <i>EX PARTE APPLICATION FOR DEFT LUIS A HIDALGO III TO BE TRANSPORTED FROM THE CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF GORDON SILVER CLARK COUNTY DETENTION CENTER TO THE LAW OFFICES OF GORDON SILVER- RELATED PARTYID: 05C212667_0002</i>
01/15/2009	 Order <i>ORDER TO SEAL EX PARTE APPLICATION AND ORDER TO TRANSPORT - RELATED PARTYID: 05C212667_0002</i>
01/16/2009	Motion <i>ALL PENDING MOTIONS 1-16-09</i>
01/16/2009	 Waiver <i>WAIVER OF RIGHTS TO A DETERMINATION OF PENALTY BY THE TRIAL JURY</i>
01/16/2009	 Order <i>ORDER GRANTING THE STATES MOTION TO CONSOLIDATE C241394 INTO C212667</i>
01/16/2009	 Notice <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>
01/20/2009	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>
01/20/2009	 Opposition <i>OPPOSITION TO STATE OF NEVADAS MTN IN LIMINE TO EXCLUDE TESTIMONY OF VALERIE FRIDLAND FRIDLAND- RELATED PARTYID: 05C212667_0002</i>
01/20/2009	 Opposition <i>STATES OPPOSITION TO DEFT LUIS A HIDALGO JRS MTN TO SUPPRESS EVIDENCE</i>
01/20/2009	 Opposition <i>STATES OPPOSITION TO DEFT LUIS A HIDALGO JRS MTN TO SUPPRESS EVIDENCE</i>













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01/23/2009	Hearing <i>DECISION:MATTERS ADDRESSED ON 1/22/09</i>
01/23/2009	Hearing <i>STATE'S REQUEST FOR CLARIFICATION</i>
01/26/2009	 Notice of Witnesses and/or Expert Witnesses <i>DEFENDANTS SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>
01/26/2009	 Information <i>FOURTH AMENDED INFORMATION</i>
01/29/2009	 Subpoena Duces Tecum <i>SUBPOENA - CRIMINAL - RELATED PARTYID: 05C212667_0002</i>
01/29/2009	 Memorandum <i>LUIS A HIDALGO JRS TRIAL MEMORANDUM - REDACTED - RELATED PARTYID: 05C212667_0002</i>
02/02/2009	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0002</i>
02/02/2009	 Jury List <i>DISTRICT COURT JURY LIST</i>
02/03/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS - EXCERPT OF PROCEEDINGS - STATES OPENING STATEMENT PROCEEDINGS - STATES OPENING STATEMENT</i>
02/04/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS</i>
02/05/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS</i>
02/09/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE EXCERPT OF PROCEEDINGS - HEARD 02-06-09 02-06-09</i>
02/10/2009	 Notice of Witnesses and/or Expert Witnesses <i>DEFTS FIRST SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 05C212667_0002</i>
02/10/2009	 Bench Warrant <i>BENCH WARRANT ISSUED</i>
02/10/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT EXCERPT OF PROCEEDINGS OF ANABEL ESPINDOLAS TESTIMONY TESTIMONY</i>

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02/11/2009	Conversion Case Event Type <i>STATUS CHANGE: ACTIVE TO WARRANT</i>
02/12/2009	 Proposed Verdict Forms Not Used at Trial <i>PROPOSED VERDICT FORMS NOT USED AT TRIAL</i>
02/13/2009	 Jury List <i>AMENDED DISTRICT COURT JURY LIST</i>
02/17/2009	 Judgment <i>VERDICT</i>
02/17/2009	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>
02/17/2009	 Proposed Verdict Forms Not Used at Trial <i>PROPOSED VERDICT FORMS NOT USED AT TRIAL</i>
02/18/2009	Conversion Case Event Type <i>SENTENCING VJ 5/1/09</i>
02/18/2009	Motion <i>O.R. RELEASE/BAIL REDUCTION VA 2/18/09</i>
02/18/2009	 Motion <i>DEFT'S MTN FIR O.R. RELEASE FOR HOUSE ARREST/271</i>
02/18/2009	 Request <i>MOTION FOR OWN RECOGNIZANCE RELEASE FOR HOUSE ARREST - RELATED PARTYID: 05C212667_0003</i>
02/24/2009	 Ex Parte <i>EX PARTE APPLICATION TO EXTEND TIME TO FILE MTN FOR NEW TRIAL - RELATED PARTYID: 05C212667_0002</i>
02/24/2009	 Ex Parte Order <i>DEFENDANTS LUI EX PARTE ORDER TO EXTEND TIME TO FILE MTN FOR NEW TRIAL - RELATED PARTYID: 05C212667_0002</i>
03/10/2009	 Motion <i>DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272</i>
03/10/2009	Motion <i>DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/273</i>
03/11/2009	 Request <i>SUPPLEMENT TO LUIS A HIDALGO JRS MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>
03/17/2009	 Opposition <i>STATES OPPOSITION TO DEFT LUIS HIDALGO IIS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL IN THE ALTERNATIVE A NEW TRIAL</i>

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03/18/2009	 Order <i>ORDER FOR EXPEDITED TRANSCRIPT</i>
03/18/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF DEFTS MTN FOR OR RELEASE FOR HOUSE ARREST</i>
03/20/2009	 Order <i>STIPULATION AND ORDER TO CONTINUE HEARING ON DEFTS LUIS A HIDALGO JRS AND LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>
03/23/2009	 Notice <i>NOTICE OF ENTRY OF ORDER TO CONTINUE HEARING ON DEFTS LUIS A HIDALGO JRS AND LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL LUIS A HIDALGO IIIS MTNS FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>
03/23/2009	 Stipulation <i>STIPULATION AS TO THE RELEASE OF UNITED STATES SAVINGS BONDS TO DEFT LUIS A HIDALGO III AND SUBSTITUTION OF EVIDENCE HIDALGO III AND SUBSTITUTION OF EVIDENCE- RELATED PARTYID: 05C212667_0002</i>
03/23/2009	 Order <i>ORDER TO RELEASE UNITED STATES SAVINGS BONDS TO LUIS A HIDALGO III OR JOHNARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS ARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS- RELATED PARTYID: 05C212667_0002</i>
03/23/2009	 Order <i>ORDER TO RELEASE UNITED STATES SAVINGS BONDS TO LUIS A HIDALGO III OR JOHNARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS ARRASCADA AND SUBSTITUTE INTO EVIDENCE PHOTOCOPIES OR PHOTOGRAPHS OF THE UNITED STATES SAVINGS BONDS- RELATED PARTYID: 05C212667_0002</i>
03/23/2009	 Stipulation <i>STIPULATION AS TO THE RELEASE OF UNITED STATES SAVINGS BONDS TO DEFT LUIS A HIDALGO III AND SUBSTITUTION OF EVIDENCE HIDALGO III AND SUBSTITUTION OF EVIDENCE- RELATED PARTYID: 05C212667_0002</i>
04/15/2009	 Reply <i>REPLY TO THE STATES OPPOSITION TO DEFT LUIS HIDALGO IIIS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>
04/15/2009	 Reply <i>REPLY TO THE STATES OPPOSITION TO DEFT LUIS HIDALGO IIIS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>
04/17/2009	 Reply <i>REPLY TO STATES OPPOSITION TO DEFT LUIS A HIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL ACQUITTAL OR IN THE</i>

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ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002

04/24/2009	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>
04/27/2009	 Points and Authorities <i>SUPPLEMENTAL POINTS AND AUTHORITIES TO DEFT LUIS A HIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL OF ACQUITTAL OR IN THE ALTERNATIVE A NEW TRIAL- RELATED PARTYID: 05C212667_0002</i>
05/01/2009	Hearing <i>STATUS CHECK: SENTENCING</i>
05/05/2009	Conversion Case Event Type <i>STATUS CHANGE: WARRANT TO ACTIVE</i>
05/05/2009	 Bench Warrant <i>BENCH WARRANT RETURN</i>
05/07/2009	Hearing <i>REVOCATION OF PROBATION</i>
05/28/2009	 Notice <i>AMENDED NOTICE OF EVIDENCE IN AGGRAVATION</i>
06/02/2009	Conversion Case Event Type <i>SENTENCING</i>
06/15/2009	Hearing <i>STATUS CHECK: APPOINTMENT OF DAN ALBREGTS/RESET TRIAL</i>
06/15/2009	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>
06/19/2009	 Objection <i>LUIS A HIDALGO JRS OBJECTIONS TO THE SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT REPORT- RELATED PARTYID: 05C212667_0002</i>
06/19/2009	 Memorandum <i>LUIS A HIDALGO JRS SENTENCING MEMORANDUM - RELATED PARTYID: 05C212667_0002</i>
06/19/2009	 Memorandum <i>LUIS A HIDALGO IIIS SENTENCING MEMORANDUM - RELATED PARTYID: 05C212667_0002</i>
06/19/2009	 Order <i>ORDER REGARDING PLAINTIFFS MOTION TO STAY PROCEEDINGS - RELATED PARTYID: 05C212667_0001</i>
06/19/2009	 Order <i>ORDER</i>
06/23/2009	 Reporters Transcript

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CASE No. 05C212667-2

RECORDER'S TRANSCRIPT OF HEARING RE JURY TRIAL - HEARD 06-15-09

06/23/2009



Order

ORDER DIRECTING THE DEPT OF PAROLE AND PROBATION TO MAKE THE FOLLOWING CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS

06/23/2009



Order

ORDER DIRECTING THE DEPARTMENT OF PAROLE AND PROBATION TO MAKE THE FOLLOWING CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORTS FOR THE ABOVE REFERENCED DEFENDANTS

06/29/2009



Order

ORDER FOR TRANSCRIPT

07/06/2009



Judgment

AMENDED JUDGMENT OF CONVICTION

07/06/2009



Ex Parte

EX PARTE APPLICATION REQUESTING THAT DEFT LUIS A HIDALGO IIIS EX PARTE APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED- RELATED PARTYID: 05C212667_0002

07/06/2009



Ex Parte Order

EX PARTE ORDER DECLARING LUIS A HIDALGO JR INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002

07/06/2009



Ex Parte

EX PARTE APPLICATION REQUESTING THAT DEFTS LUIS A HIDALGO JRS EX-PARTE APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED APPLICATION REQUESTING AN ORDER DECLARING HIM INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL BE SEALED- RELATED PARTYID: 05C212667_0002

07/06/2009



Ex Parte Order

EX PARTE ORDER TO SEAL EX-PARTE APPLICATION TO DECLARE LUIS A HIDALGO JR INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002

07/06/2009



Ex Parte

EX PARTE APPLICATION REQUESTING THAT DEFT LUIS A HIDALGO III BE DECLARED INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002

07/06/2009



Ex Parte Order

EX PARTE ORDER DECLARING LUIS A HIDALGO III INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002

CASE SUMMARY

CASE No. 05C212667-2

07/06/2009	 Filed Under Seal <i>EX PARTE APPLICATION REQUESTING THAT DEFT LUIS A HIDALGO JR BE DECLARED INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL INDIGENT FOR PURPOSES OF APPOINTING APPELLATE COUNSEL- RELATED PARTYID: 05C212667_0002</i>
07/09/2009	 Order <i>ORDER FOR EXPEDITED TRANSCRIPTS</i>
07/10/2009	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>
07/10/2009	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>
07/13/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE SENTENCING - HEARD 6-23-09</i>
07/14/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATUS CHECK - APPOINTMENT OF DAN ALBREGTS - RESET TRIAL - HEARD 06-18-09 ALBREGTS - RESET TRIAL - HEARD 06-18-09</i>
07/16/2009	 Notice of Appeal <i>LUIS A HIDALGO JRS NOTICE OF APPEAL (SC 54272) - RELATED PARTYID: 05C212667_0002</i>
07/16/2009	 Notice of Appeal <i>LUIS A HIDALGO IIIS NOTICE OF APPEAL (SC 54209) - RELATED PARTYID: 05C212667_0002</i>
07/29/2009	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C212667_0002</i>
07/30/2009	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 05C212667_0002</i>
07/30/2009	 Request <i>REQUEST FOR TRANSCRIPTS OF PROCEEDINGS - RELATED PARTYID: 05C212667_0002</i>
07/30/2009	 Statement <i>CASE APPEAL STATEMENT</i>
07/30/2009	 Request <i>REQUEST FOR TRANSCRITPS FO PROCEEDINGS - RELATED PARTYID: 05C212667_0002</i>
07/31/2009	 Request <i>REQUEST FOR TRANSCRIPTS OF PROCEEDINGS - RELATED PARTYID: 05C212667_0002</i>
08/11/2009	 Ex Parte <i>LUIS A HIDALGO JRS EX PARTE APPLICATION REQUESTING THE STATE OF NEVADA</i>

CASE SUMMARY

CASE No. 05C212667-2

TO PAY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS
INDIGENCY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS
INDIGENCY- RELATED PARTYID: 05C212667_0002

08/17/2009



Notice

NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 05C212667_0002

08/18/2009



Judgment

AMENDED JUDGMENT OF CONVICTION JURY TRIAL

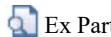
08/21/2009



Ex Parte Order

EX PARTE ORDER ORDERING THE STATE OF NEVADA TO PAY FOR DISTRICT
COURTTRANSCRIPTS OF PROCEEDINGS ON BEHALF OF LUIS A HIDALGO III DUE
TO HIS INDIGENCY TRANSCRIPTS OF PROCEEDINGS ON BEHALF OF LUIS A
HIDALGO III DUE TO HIS INDIGENCY- RELATED PARTYID: 05C212667_0002

08/21/2009



Ex Parte

LUIS A HIDALGO IIIS EX PARTE APPLICATION REQUESTING THE STATE OF NEVADA
TO PAY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS
INDIGENCY FOR TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS DUE TO HIS
INDIGENCY- RELATED PARTYID: 05C212667_0002

10/05/2009



Receipt

RECEIPT OF EXHIBITS

11/20/2009



Reporters Transcript

RECORDER'S TRANSCRIPT OF HEARING RE MOTIONS - HEARD 01-16-09

11/20/2009



Reporters Transcript

RECORDER'S TRANSCRIPT OF HEARING RE DEFENDANTS MOTIONS - HEARD 02-11-
08

11/20/2009



Reporters Transcript

RECORDER'S TRANSCRIPT OF HEARING RE DEFTS MTN FOR AUDIBILITY HEARING
AND TRANSCRIPT APPROVAL - HEARD 02-05-08 TRANSCRIPT APPROVAL - HEARD 02-
05-08

11/20/2009



Reporters Transcript

REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - STATES MTN IN
LIMINETO EXCLUDE TESTIMONY OF VALERIE FRIDLAND - DEFT LUIS HIDALGO JRS
MTN TO SUPPRESS EVIDENCE - HEARD 01-22-09 TO EXCLUDE TESTIMONY OF
VALERIE FRIDLAND - DEFT LUIS HIDALGO JRS MTN TO SUPPRESS EVIDENCE -
HEARD 01-22-09

11/20/2009



Reporters Transcript

RECORDER'S TRANSCRIPT OF HEARING RE STATES MTN TO CONSOLIDATE WITH
C241394 - STATES MTN TO CONSOLIDATE WITH C212667 - STATES MTN TO
CONSOLIDATE WITH C212667

11/20/2009



Reporters Transcript

REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFT LUIS HIDALGO IIIS MTN
FORHIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL - HEARD 05-01-09
JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE FOR A NEW TRIAL - DEFT LUIS
A HIDALGO JRS MTN FOR JUDGMENT OF ACQUITTAL - HEARD 05-01-09 JUDGMENT
OF ACQUITTAL OR IN THE ALTERNATIVE FOR A NEW TRIAL - DEFT LUIS A
















CASE SUMMARY

CASE NO. 05C212667-2

11/20/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATUS CHECK - HEARD 06-26-07</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL JANUARY 30 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL FEBRUARY 11 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 1 JURY VOIR DIRE JANUARY 27 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 5 FEBRUARY 2 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 6 FEBRUARY 3 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL JANUARY 28 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL JANUARY 29 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 9 FEBRUARY 6 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 8 FEBRUARY 5 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 7 FEBRUARY 4 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 11 FEBRUARY 10 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 14 VERDICT FEBRUARY 17 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 13 FEBRUARY 12 2009</i>
11/24/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE JURY TRIAL DAY 10 FEBRUARY 9 2009</i>
12/17/2009	 Motion <i>DEFT'S PRO PER MTN TO WITHDRAW CNSL/283</i>
12/17/2009	 Request <i>MOTION TO WITHDRAW COUNSEL - RELATED PARTYID: 05C212667_0001</i>

CASE SUMMARY

CASE NO. 05C212667-2

01/11/2010	 Motion <i>DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284</i>
01/25/2010	 Motion <i>DEFT'S PRO PER MTN FOR PRODCUTION OF DOCUMENTS PAPERS PLEADINGS AND TNGBL/285</i>
02/04/2010	 Opposition <i>STATES OPPOSITION TO DEFTS MTN FOR RELIEF FROM JUDGMENT</i>
02/25/2010	 Order <i>ORDER DENYING DEFENDANTS PRO PER MOTION FOR RELIEF FROM JUDGMENT</i>
03/08/2010	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 05C212667_0001</i>
03/08/2010	 Notice of Appeal <i>NOTICE OF APPEAL (SC 55608) - RELATED PARTYID: 05C212667_0001</i>
03/11/2010	 Statement <i>CASE APPEAL STATEMENT</i>
03/18/2010	 Motion <i>DEFT'S PRO PER MTN TO DISMISS COUNSEL/286</i>
03/30/2010	 Order <i>ORDER TO ALLOW COURT APPOINTED EXPERT DAVID L SCHMIDT PHD AND OR ASSISTANT OFDAIVD L SCHMIDT PHD SPECIFICALLY ROBYN DONALDSON AND LEA THALOR CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER DAIVD L SCHMIDT PHD SPECIFICALLY ROBYN DONALDSON AND LEA THALOR CONTACT VISITS IN THE CLARK COUNTY DETENTION CENTER- RELATED PARTYID: 05C212667_0004</i>
04/01/2010	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE DEFTS MTN TO DISMISS COUNSEL AND APPOINTMENT OF ALTERNATE COUNSEL - HEARD 03-30-10 APPOINTMENT OF ALTERNATE COUNSEL - HEARD 03-30-10</i>
04/16/2010	 Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>
04/16/2010	 Points and Authorities <i>POINTS AND AUTHORITIES IN SUPPORT OF POST-CONVICTION WRIT - RELATED PARTYID: 05C212667_0001</i>
04/19/2010	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>
04/19/2010	 Notice <i>SECOND AMENDED NOTICE OF EVIDENCE IN AGGRAVATION</i>
04/22/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE JAYSON TAOIPU BAC #1037733</i>
















CASE SUMMARY

CASE NO. 05C212667-2

04/26/2010	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0004</i>
04/26/2010	 Order for Petition for Writ of Habeas Corpus <i>ORDER THAT WRIT OF HABEAS CORPUS ISSUE</i>
04/28/2010	 Motion <i>STATE'S MTN FOR DISCOVERY RE: EXPERT TESTIMONY & MTN IN LIMINE RE: EXPRT/288</i>
04/30/2010	 Motion <i>DEFT'S MTN TO SUPPRESS /289</i>
04/30/2010	 Points and Authorities <i>ADDITIONAL POINTS AND AUTHORITIES IN SUPPORT OF POST-CONVICTION WRIT - RELATED PARTYID: 05C212667_0001</i>
05/04/2010	 Opposition <i>STATES OPPOSITION TO DEFTS MTN TO SUPPRESS</i>
05/05/2010	 Proof of Service <i>PROOF OF SERVICE - RELATED PARTYID: 05C212667_0001</i>
05/05/2010	 Affidavit <i>AFFIDAVIT OF SERVICE OF POST CONVICTION WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0001</i>
05/05/2010	 Proof of Service <i>PROOF OF SERVICE - RELATED PARTYID: 05C212667_0001</i>
05/05/2010	 Writ <i>WRIT OF HABEAS CORPUS - RELATED PARTYID: 05C212667_0001</i>
05/10/2010	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 05C212667_0004</i>
05/11/2010	 Order <i>ORDER GRANTING THE STATES MOT FOR DISCOVERY RE EXPERT TESTIMONY</i>
05/12/2010	Motion <i>ALL PENDING MOTIONS 5/11/10</i>
05/12/2010	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING RE STATES MOTION FOR DISCOVERY RE EXPERT TESTIMONY - DEFTS MOTION TO SUPPRESS - HEARD 05-11-10 EXPERT TESTIMONY - DEFTS MOTION TO SUPPRESS - HEARD 05-11-10</i>
05/18/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 1 - JURY VOIR DIRE - HEARD 05-17-10 HEARD 05-17-10</i>
















CASE SUMMARY

CASE NO. 05C212667-2

05/19/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 2 JURY VOIR DIRE 05-18-10</i>
05/20/2010	 Order <i>ORDER FOR DAILY TRANSCRIPTS</i>
05/20/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 3 ON 05-19-10</i>
05/20/2010	 Subpoena Duces Tecum <i>CRIMINAL SUBPOENA - REGULAR - ANABEL ESPINDOLA LOCATED AT 1013 WOODBRIDGE DRIVE LAS VEGAS NV 89108 DRIVE LAS VEGAS NV 89108- RELATED PARTYID: 05C212667_0004</i>
05/21/2010	 Jury List <i>DISTRICT COURT JURY LIST</i>
05/21/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 4 - HEARD 05-20-10</i>
05/21/2010	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
05/21/2010	 Information <i>FIFTH AMENDED INFORMATION</i>
05/24/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 5 - HEARD 05-21-10</i>
05/25/2010	Motion <i>PENALTY HEARING</i>
05/25/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 6 - HEARD 05-24-10</i>
05/25/2010	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>
05/27/2010	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
06/02/2010	 Media Request and Order <i>MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS</i>
06/02/2010	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
06/02/2010	 Proposed Jury Instructions Not Used At Trial <i>DEFTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
06/03/2010	Petition <i>PTN FOR WRIT OF HABEAS CORPUS (CONTINUED FROM 6/03/10)</i>

CASE SUMMARY











CASE NO. 05C212667-2

06/03/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS PENALTY PHASE DAY 1</i>
06/04/2010	Conversion Case Event Type <i>SENTENCING</i>
06/04/2010	 Verdict Submitted to the Jury But Returned Unsigned <i>VERDICT(S) SUBMITTED TO JURY BUT RETURNED UNSIGNED</i>
06/04/2010	Judgment <i>ENTRY IN ERROR</i>
06/04/2010	 Verdict <i>VERDICT</i>
06/04/2010	 Verdict <i>SPECIAL VERDICT</i>
06/04/2010	 Verdict <i>SPECIAL VERDICT</i>
06/04/2010	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>
06/04/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - PENALTY PHASE DAY 2 - HEARD 06-03-10</i>
06/08/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE PENALTY PHASE VERDICT 06-04-10</i>
06/11/2010	 Order <i>STIPULATION AND ORDER EXTENDING TIME</i>
06/23/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE KENNETH JAY COUNTS BAC #1017559</i>
06/28/2010	 Opposition <i>STATES OPPOSITION TO DEFTS PETITION FOR WRIT OF HABEAS CORPUS</i>
06/29/2010	 Request <i>EX PARTE MOTION FOR RELEASE OF EVIDENCE</i>
06/29/2010	 Order <i>ORDER RELEASING EVIDENCE</i>
07/01/2010	Motion <i>PTN FOR WRIT OF HABEAS CORPUS (CONT. 7/1/10)</i>
07/08/2010	 Receipt <i>RECEIPT OF EXHIBITS</i>
07/09/2010	 Reply

CASE SUMMARY

CASE No. 05C212667-2

REPLY TO STATES OPPOSITION TO POINTS AND AUTHORITIES IN SUPPORT OF
POST-CONVICTION WRIT POST-CONVICTION WRIT- RELATED PARTYID:
05C212667_0001

07/15/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE KENNETH COUNTS BAC #1017559</i>
08/25/2010	 Criminal Order to Statistically Close Case
11/12/2010	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Jury Trial - Day 13 - Feb. 12, 2009</i>
02/04/2011	 Order Unsealing File <i>Order Unsealing Transcript Filed October 30, 2008</i>
04/17/2013	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied; Petition Denied; Order Denying En Banc Reconsideration.</i>
01/22/2014	 Motion Filed By: Defendant Hidalgo, Luis A <i>Motion for Extension of Time to file Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/22/2014	 Petition for Writ of Habeas Corpus Filed by: Defendant Hidalgo, Luis A <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
02/25/2014	 Substitution of Attorney Filed by: Defendant Hidalgo, Luis A <i>Substitution of Counsel</i>
02/26/2014	 Order <i>ORDER</i>
02/26/2014	 Notice of Entry of Order Filed By: Defendant Hidalgo, Luis A <i>Notice of Entry of Order</i>
05/09/2014	 Supplemental Filed by: Defendant Hidalgo, Luis A <i>Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
07/16/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response To Defendant's Supplemental Petition For Writ Of Habeas Corpus (Post-Conviction)</i>
07/28/2014	 Stipulation and Order Filed by: Defendant Hidalgo, Luis A <i>Stipulation and Order Re: Extension of Time to File Reply to Response</i>
10/01/2014	 Waiver

CASE SUMMARY

CASE NO. 05C212667-2

Filed by: Defendant Hidalgo, Luis A
Waiver of Appearance

10/02/2014	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmate Luis Alonso Hidalgo , BAC# 1038133</i>
02/20/2015	 Transcript of Proceedings <i>Transcript of Proceedings Hearing - Tuesday, September 23, 2014</i>
02/20/2015	 Transcript of Proceedings <i>Transcript of Proceedings Hearing - December 15, 2014</i>
03/09/2015	 Reporters Transcript <i>Hearing, Monday, December 15, 2014</i>
03/09/2015	 Reporters Transcript <i>Hearing, Tuesday, September 23, 2014</i>
03/12/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
03/16/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry Of Findings of Fact, Conclusions of Law and Order</i>
03/23/2015	 Notice of Appeal (Criminal) Party: Plaintiff State of Nevada <i>Notice of Appeal to Supreme Court</i>
03/24/2015	 Case Appeal Statement Filed By: Defendant Hidalgo, Luis A <i>Case Appeal Statement</i>
05/20/2015	 Ex Parte Motion Filed By: Defendant Hidalgo, Luis A <i>Ex-parte Motion to Appoint Counsel</i>
06/08/2015	 Order <i>Ex-Parte Order Appointing Counsel</i>
02/22/2016	 Filed Under Seal <i>Recorder's Transcript Re: Hearing: Potential Conflict</i>
06/08/2016	 Ex Parte Motion Filed By: Defendant Hidalgo, Luis A <i>Ex-Parte Motion for Interim Payment</i>
10/27/2016	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied; Petition Denied</i>
10/15/2019	 Motion to Modify Sentence

CASE SUMMARY

CASE NO. 05C212667-2

	Filed By: Defendant Hidalgo, Luis A <i>Motion for Modification of Sentence</i>
10/15/2019	 Motion for Appointment of Attorney Filed By: Defendant Hidalgo, Luis A
10/15/2019	 Application to Proceed in Forma Pauperis Filed By: Defendant Hidalgo, Luis A
10/30/2019	 Order to Proceed In Forma Pauperis Granted for: Defendant Hidalgo, Luis A <i>Order to Proceed In Forma Pauperis</i>
12/31/2019	 Opposition <i>State's Opposition to Defendant's Motion for Modification of Sentence and Motion for Appointment of Counsel</i>
01/16/2020	 Filing Filed By: Defendant Hidalgo, Luis A <i>Confirmation of Counsel</i>
10/27/2020	 Stipulation and Order Filed by: Defendant Hidalgo, Luis A <i>Stipulation and Order - Briefing Schedule</i>
11/30/2020	 Motion Filed By: Defendant Hidalgo, Luis A <i>Motion for Modification of Sentence</i>
01/04/2021	Case Reassigned to Department 9 <i>Judicial Reassignment to Judge Cristina Silva</i>
02/08/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Modification of Sentence and Motion for Appointment of Counsel</i>
02/09/2021	 Opposition <i>Supplemental State's Opposition to Defendant's Motion for Modification of Sentence</i>
03/12/2021	 Reply to Opposition Filed by: Defendant Hidalgo, Luis A <i>Defendants' Reply to State's Opposition to Defendant's Motion for Modification of Sentence</i>
04/20/2021	 Order Denying Motion <i>Order Denying Defendant's Motion For Modification of Sentence</i>
05/10/2021	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
05/10/2021	 Case Appeal Statement Filed By: Defendant Hidalgo, Luis A <i>Case Appeal Statement</i>

CASE SUMMARY

CASE NO. 05C212667-2

DISPOSITIONS

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT BATTERY WITH A DEADLY WEAPON OR BATTERY Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. SOLICITATION TO COMMIT MURDER Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. SOLICITATION TO COMMIT MURDER Not Guilty PCN: Sequence:
06/23/2009	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT BATTERY WITH A DEADLY WEAPON OR BATTERY Guilty PCN: Sequence:
06/23/2009	Disposition (Judicial Officer: User, Conversion)
06/23/2009	Disposition (Judicial Officer: User, Conversion) 2. SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
06/23/2009	Disposition (Judicial Officer: User, Conversion)
06/23/2009	Disposition (Judicial Officer: User, Conversion) 3. SOLICITATION TO COMMIT MURDER Guilty PCN: Sequence:
06/23/2009	Disposition (Judicial Officer: User, Conversion)
06/23/2009	Disposition (Judicial Officer: User, Conversion) 4. SOLICITATION TO COMMIT MURDER Guilty PCN: Sequence:
06/23/2009	Disposition (Judicial Officer: User, Conversion)
06/23/2009	Adult Adjudication (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT BATTERY WITH A DEADLY WEAPON OR BATTERY 01/01/1900 (G) 199.480 (199.480)

CASE SUMMARY

CASE NO. 05C212667-2

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 12 Months to Maximum 12 Months

Placement: CCDC

Converted Disposition:

Sentence# 0002: CREDIT FOR TIME SERVED

Minimum 746 Days to Maximum 746 Days

Converted Disposition:

Sentence# 0003: CREDIT FOR TIME SERVED

Minimum 746 Days to Maximum 746 Days

06/23/2009

Adult Adjudication (Judicial Officer: User, Conversion)

2. SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.010 (200.010)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0001

and Sentence#: 0001

Converted Disposition:

Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Consecutive

w/Charge Item: 0004

and Sentence#: 0001

06/23/2009

Adult Adjudication (Judicial Officer: User, Conversion)

3. SOLICITATION TO COMMIT MURDER

01/01/1900 (F) 199.500 (199.500)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 24 Months to Maximum 72 Months

Placement: NSP

Cons/Conc: Concurrent

w/Charge Item: 0004

and Sentence#: 0001

06/23/2009

Adult Adjudication (Judicial Officer: User, Conversion)

4. SOLICITATION TO COMMIT MURDER

01/01/1900 (F) 199.500 (199.500)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 24 Months to Maximum 72 Months

Placement: NSP

Cons/Conc: Concurrent

w/Charge Item: 0007

and Sentence#: 0001

HEARINGS

06/27/2005

Initial Arraignment (9:00 AM)

Events: 06/17/2005 Hearing

INITIAL ARRAIGNMENT Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn

Heard By: Donald Mosley

Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Linda Skinner Reporter/Recorder:

Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

CASE SUMMARY

CASE No. 05C212667-2

AS TO DEFT COUNTS: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days. AS TO DEFT HIDALGO: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days. AS TO DEFT ESPINDOLAS: Mr. Draskovich appeared for Mr. Oram. DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days. AS TO DEFT CARROLL: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days. Counsel requested 21 days from the filing of the Preliminary Hearing Transcript to file a writ. COURT ORDERED, Defendant's rights are reserved. CUSTODY (ALL) 8/23/05 9:00 AM CALENDAR CALL (ALL) 8/29/05 1:30 PM JURY TRIAL (ALL) ;

07/11/2005

Request (9:00 AM)

Events: 07/06/2005 Hearing

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL / STATUS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Heard; STATE'S REQUEST FOR APPOINTMENT OF COUNSEL / STATUS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

Mr. Figler appeared for Ms. Wildeveld and advised the State has filed a Notice of Intent to Seek Death Penalty on all Defendants; he requested Mr. Bunin be appointed as his co-counsel. Court noted Mr. Draskovich was in chambers prior to calendar and would like Mr. Langford appointed as co-counsel. Mr. Whipple would like Ms. Wildeveld appointed. Mr. DiGiacomo advised Mr. Draskovich and Mr. Oram were retained and Rule 250 does not apply to retained counsel. COURT ORDERED, State's Request is GRANTED as to Defts Counts & Carroll. Mr. Figler requested a status check now that the State has filed a death notice to make sure everyone is on track. There being no objection, COURT SO ORDERED and matter CONTINUED as to Hidalgo and Espindolas. CUSTODY (ALL) 7/14/05 9:00 AM STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...STATUS CHECK: TRIAL (ALL) ;

07/14/2005

Request (9:00 AM)

Events: 07/11/2005 Hearing

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley

07/14/2005

Request (9:00 AM)

Events: 07/11/2005 Hearing

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley

07/14/2005

Status Check (9:00 AM)

Events: 07/11/2005 Hearing

STATUS CHECK: TRIAL

07/14/2005

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 7/14/05 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Heard; ALL PENDING MOTIONS 7/14/05 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...STATUS CHECK; TRIAL SETTING (ALL) Mr. Kane advised they will need to continue the matter as to counsel. Further, as all counsel are not present, COURT ORDERED, matter CONTINUED and directed that counsel be noticed to be present next date. CUSTODY (ALL) ...CONTINUED 8/4/05 9:00 AM CLERK'S NOTE: Judicial Executive Assistant notified all counsel to be present next date. Is ;

08/04/2005

Request (9:00 AM)

STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley

08/04/2005

Request (9:00 AM)

CASE SUMMARY

CASE No. 05C212667-2

	<i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS</i> Heard By: Donald Mosley
08/04/2005	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL</i>
08/04/2005	Motion to Compel (9:00 AM) Events: 07/21/2005 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/09</i> Heard By: Donald Mosley
08/04/2005	Motion to Compel (9:00 AM) Events: 07/20/2005 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/10</i>
08/04/2005	Motion to Compel (9:00 AM) Events: 07/20/2005 Motion <i>STATE'S MTN TO COMPEL HANDWRITING EXAMPLES/11</i>
08/04/2005	Motion (9:00 AM) Events: 08/01/2005 Motion <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12</i> Heard By: Donald Mosley
08/04/2005	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8/4/05</i> Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley Matter Heard; <i>ALL PENDING MOTIONS 8/4/05</i> Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley Journal Entry Details: <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLA) ... STATE'S MOTION TO COMPEL HANDWRITING EXAMPLES (HIDALGO, ESPINDOLA & CARROLL) ... DEFT COUNT'S MOTION FOR REDUCTION IN BAIL OR, IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST ... STATUS CHECK (ALL) As to Bail, O.R. or H.A. and Appointment of Counsel: Court stated that parties met in chambers, prior to court to discuss these issues. All parties agree that the matters need to be continued and COURT SO ORDERED. As to Motion to Compel Handwriting Examples: Mr. Figler stated he has no objection as long as it is not out of the scope. COURT ORDERED, motion GRANTED. As to Trial Setting: Court noted all parties have waived the 60 day rule. COURT ORDERED, trial date VACATED and this matter CONTINUED. Ms. Wildeveld stated she has not received the transcript and intends to file a writ. Further, Defendant Counts has a medical problem with his shoulder and needs to see a doctor. Court Services Officer stated he will make sure the Defendant is seen by a doctor. Colloquy regarding pending writs, supplements and replies. Counsel agreed upon two weeks for supplements and 30 days for the State to respond. CUSTODY (ALL) 8/11/05 9 AM DEFT COUNT'S MOTION FOR REDUCTION IN BAIL OR, IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST 9/27/05 9 AM STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLA). . . DEFTS' WRIT OF HABEAS CORPUS (HIDALGO & ESPINDOLA). . . ARGUMENT ON WRITS (ALL) . . . STATUS CHECK: TRIAL (ALL) ;</i>
08/11/2005	Motion (9:00 AM) <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12</i> Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley Denied; <i>DEFT'S MTN FOR REDUCTION IN BAIL OR FOR RELEASE ON HOUSE ARREST/12</i> Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley Journal Entry Details: <i>Mr. Whipple asked for a bail amount to be set, that Defendant has been in this community for over 10 years, has 4 children, has employment and coaches football. Further, Mr. Whipple advised they would be filing a writ. Court so noted. Mr. DiGiacomo provided Defendant's scope to Court and argued the co-defendants all testified this Defendant was the shooter and would object to the motion. Following additional colloquy, COURT ORDERED, Motion DENIED. CUSTODY ;</i>
08/18/2005	Petition for Writ of Habeas Corpus (9:00 AM)

CASE SUMMARY

CASE NO. 05C212667-2

	Events: 08/03/2005 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13 Heard By: Donald Mosley</i>
08/18/2005	Petition for Writ of Habeas Corpus (9:00 AM) Events: 08/03/2005 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14 Heard By: Donald Mosley</i>
08/23/2005	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
08/29/2005	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
09/21/2005	Motion (9:00 AM) Events: 09/16/2005 Motion <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i> Matter Continued; DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M. Journal Entry Details: <i>Court noted Mr. DiGiacomo, Mr. Pesci, Mr. Bunin, Mr. Oram, Mr. Draskovich and Mr. Hart were in chambers prior to calendar. Court inquired if Defendant knew him. Defendant indicated he did not. At request of Mr. Stein, who appeared in chambers after meeting but before calendar, COURT ORDERED, matter CONTINUED. CUSTODY ;</i>
09/27/2005	Request (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>
09/27/2005	Request (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>
09/27/2005	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL</i>
09/27/2005	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13 Heard By: Donald Mosley</i>
09/27/2005	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14 Heard By: Donald Mosley</i>
09/27/2005	Hearing (9:00 AM) Events: 08/09/2005 Conversion Case Event Type <i>ARGUMENT ON WRITS Heard By: Donald Mosley</i>
09/27/2005	Petition for Writ of Habeas Corpus (9:00 AM) Events: 08/11/2005 Petition <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17</i>
09/27/2005	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 9/27/05 Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> Matter Heard; ALL PENDING MOTIONS 9/27/05 Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley Journal Entry Details: <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS) . . . DEFTS HIDALGO AND ESPINDOLAS' PETITION FOR WRIT OF HABEAS CORPUS . . . DEFT COUNTS' PETITION FOR WRIT OF HABEAS CORPUS . . . ARGUMENTS ON WRITS . . . STATUS CHECK: TRIAL (ALL) Court indicated it met with</i>

CASE SUMMARY

CASE No. 05C212667-2

interested parties prior to court and ORDERED, all matters as stated above as well as the matter on October 5, 2005 are CONTINUED to October 6, 2005. CUSTODY (ALL) CONTINUED TO: 10/6/05 9 AM ;

10/05/2005	Motion (9:00 AM) <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Heard By: Donald Mosley</i>
10/06/2005	Request (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>
10/06/2005	Request (9:00 AM) <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS Heard By: Donald Mosley</i>
10/06/2005	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL</i>
10/06/2005	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /13 Heard By: Donald Mosley</i>
10/06/2005	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /14 Heard By: Donald Mosley</i>
10/06/2005	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /17</i>
10/06/2005	Motion (9:00 AM) <i>DEFT'S MTN TO PLACE ON CALENDAR FOR THE PURPOSE OF BEIND APPOINTED AS CO-CNSL/18 Heard By: Donald Mosley</i>
10/06/2005	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10/6/05 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i> <i>Matter Heard; ALL PENDING MOTIONS 10/6/05 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i> <i>Journal Entry Details:</i> <i>STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...DEFTS HIDALGO'S AND ESPINDOLAS' PETITION FOR WRIT OF HABEAS CORPUS...DEFT COUNTS' PETITION FOR WRIT OF HABEAS CORPUS...DEFT HIDALGO'S MOTION TO PLACE ON CALENDAR FOR THE PURPOSE OF BEING APPOINTED AS CO-COUNSEL BY THE COURT...STATUS CHECK: TRIAL (ALL) AS TO THE WRIT: Court noted the issue stems from the tape introduced at the Preliminary Hearing. Mr. Draskovich concurred and stated it is unclear who is actually speaking. Mr. DiGiacomo stated that was untrue, that the Detective that is familiar with their voices identified them. Arguments by Mr. Draskovich, Mr. Oram and Ms. Wildeveld regarding the tape, how it was obtained and the statements made and asking for the tape to be disallowed. Court noted there was a quantum of evidence produced at the Preliminary Hearing and he needs to evaluate if the Justice of the Peace had enough sufficient evidence to bind this over and this Court feels he did. Therefore, COURT ORDERED, Writ DENIED. As to Deft Hidalgo: Mr. Stein advised he is a friend of the family and they have asked that he join Mr. Draskovich in representation and provided the paperwork to the Court. COURT ORDERED, matter UNDER ADVISEMENT. As to Deft Espindolas: Mr. Oram advised he was retained and at this time because of her assets, co-counsel cannot be appointed. COURT ORDERED, matter set for trial in ordinary course. CUSTODY (ALL) 7/18/06 9:00 AM CALENDAR CALL (ALL) 7/24/06 1:30 PM JURY TRIAL (ALL) ;</i>
11/28/2005	Motion (9:00 AM) <i>Events: 11/09/2005 Motion</i> <i>STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23 Heard By: Donald Mosley</i>

CASE SUMMARY

CASE NO. 05C212667-2

11/28/2005	<p>Motion to Sever (9:00 AM) Events: 11/14/2005 Motion <i>DEFT'S MTN TO SEVER /24 Heard By: Donald Mosley</i></p>
11/28/2005	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 11/28/05 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Joseph Pavlikowski</i> Matter Heard; ALL PENDING MOTIONS 11/28/05 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Joseph Pavlikowski Journal Entry Details: <i>STATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS Mr. Whipple advised he did not receive the State's Opposition and requested matter be continued. Further, Mr. Whipple FILED IN OPEN COURT Kenneth Counts' Opposition to Motion to File Amended Notice Alleging an Additional Aggravating Circumstance and Motion to Strike Aggravating Circumstances. COURT ORDERED, both Motions CONTINUED. ...CONTINUED 12/12/05 9:00 AM ;</i></p>
12/12/2005	<p>Motion (9:00 AM) <i>STATE'S MTN TO FILE AMENDED NTC ALLEGING AN ADDITIONAL AGGRAVATION /23 Heard By: Donald Mosley</i></p>
12/12/2005	<p>Motion to Sever (9:00 AM) <i>DEFT'S MTN TO SEVER /24 Heard By: Donald Mosley</i></p>
12/12/2005	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 12/12/05 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> Matter Heard; ALL PENDING MOTIONS 12/12/05 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley Journal Entry Details: <i>STATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS AS TO AMENDED NOTICE: Mr. DiGiacomo stated Defendant was on parole at the time of this murder and that there is actually an active warrant out of California as he absconded. Ms. Wildeveld argued Defendant transferred his probation to Nevada, did what he was supposed to do and was unaware of the warrant. Mr. DiGiacomo advised the Investigator learned of the active warrant during his investigation and that Defendant was on parole/probation at the time of this incident; he filed this motion within the 15 day period. Following additional colloquy, COURT ORDERED, Motion GRANTED. State's Amended Notice of Intent to Seek Death Penalty FILED IN OPEN COURT. AS TO MOTION TO SEVER: Mr. DiGiacomo stated he had no objection and feels Deft Carroll should be severed. Mr. Figler stated he was unaware of this motion and Defendant should be present. Ms. Wildeveld stated this pertains to Deft. Counts. Court noted the allegations are that the Defendants hired Deft Counts to kill someone. Ms. Wildeveld argued that 5 people got together and formed a plan that Deft. Counts was not involved in; he was picked up by a van, driven to the scene and driven back. Arguments by Mr. DiGiacomo. Ms. Wildeveld stated the majority of evidence does not pertain to Deft. Counts. Mr. DiGiacomo stated there will be testimony that Defendant was paid \$6,000 after the murder. Following additional arguments, COURT ORDERED, Motion DENIED. Mr. Figler and Mr. Whipple advised they have submitted Ex-Parte Orders for Investigators that they have not received back from the Court. Court advised \$5,000 would be approved and will see if the Orders are in chambers. Mr. Whipple advised he has asked for scope on the other co-defendants. Mr. DiGiacomo advised some of what he wants is juvenile. Court requested counsel put this on calendar. CUSTODY ;</i></p>
12/21/2005	<p>Initial Arraignment (9:00 AM) Events: 12/09/2005 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk: Kathleen Arnold Reporter/Recorder: Kiara Schmidt Heard By: J. CHARLES THOMPSON</i> Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk: Kathleen Arnold Reporter/Recorder: Kiara Schmidt Heard By: J. CHARLES THOMPSON Journal Entry Details: <i>DEFT. TAOIPU ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY 07-18-06 9:00 AM CALENDAR CALL</i></p>

CASE SUMMARY

CASE NO. 05C212667-2

07-24-06 1:30 PM JURY TRIAL ;

12/22/2005	Motion to Strike (9:00 AM) Events: 12/12/2005 Motion <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>
12/22/2005	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i> Matter Continued; DEFT'S MTN TO STRIKE Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M. Journal Entry Details: <i>Court noted Ms. Weckerly and Mr. Draskovich appeared in chambers prior to calendar. At request of counsel, COURT ORDERED the following briefing schedule: Ms. Weckerly to reply by 1/5 and matter set for argument. CUSTODY CLERK'S NOTE: This motion also applies to Deft. Espindola and she should be added to calendar next date. ;</i>
01/19/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>
01/19/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>
01/19/2006	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 1/19/06 Court Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> Matter Heard; ALL PENDING MOTIONS 1/19/06 Court Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley Journal Entry Details: <i>DEFENDANTS HIDALGO AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY COURT ORDERED, matter CONTINUED TWO WEEKS. CUSTODY CONTINUED TO: 2/2/06 @ 9AM ;</i>
02/02/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>
02/02/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>
02/02/2006	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 2/2/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> Matter Heard; ALL PENDING MOTIONS 2/2/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley Journal Entry Details: <i>DEFTS' MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY (HIDALGO & ESPINDOLA) Court noted at request of Mr. Draskovich, COURT ORDERED, matter CONTINUED. CUSTODY (BOTH) ...CONTINUED 2/17/06 9:00 AM ;</i>
02/17/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley</i>
02/17/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE Heard By: Donald Mosley</i>
02/21/2006	Motion (9:00 AM) Events: 02/10/2006 Motion <i>DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34 Heard By: Donald Mosley</i>
02/21/2006	Motion (9:00 AM) Events: 02/10/2006 Motion

CASE SUMMARY

CASE No. 05C212667-2

DEFT'S MTN TO FEDERALIZE ALL MTNS/35 Heard By: Donald Mosley

02/21/2006 **Motion** (9:00 AM)

Events: 02/10/2006 Motion

DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36 Heard By: Donald Mosley

02/21/2006 **Motion in Limine** (9:00 AM)

Events: 02/10/2006 Motion

*DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE & OTHER
PHOTOGRAPHS/37 Heard By: Donald Mosley*

02/21/2006 **Motion in Limine** (9:00 AM)

Events: 02/10/2006 Motion

*DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38
Heard By: Donald Mosley*

02/21/2006 **Motion in Limine** (9:00 AM)

Events: 02/10/2006 Motion

*DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFTO FIRST PHRASE/39 Heard By: Donald
Mosley*

02/21/2006 **Motion to Bifurcate** (9:00 AM)

Events: 02/10/2006 Motion

DEFT'S MTN TO BIFURCATE PENALTY PHASE/40 Heard By: Donald Mosley

02/21/2006 **Motion in Limine** (9:00 AM)

Events: 02/10/2006 Motion

*DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMNT/41 Heard By: Donald
Mosley*

02/21/2006 **Motion in Limine** (9:00 AM)

Events: 02/10/2006 Motion

*DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42 Heard
By: Donald Mosley*

02/21/2006 **Motion for Discovery** (9:00 AM)

Events: 02/10/2006 Motion

DEFT'S MTN FOR DISCOVERY & EVID HEARING/43 Heard By: Donald Mosley

02/27/2006 **Motion** (9:00 AM)

Events: 02/13/2006 Motion

*DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44 Heard By: Donald
Mosley*

03/17/2006 **Motion to Strike** (9:00 AM)

DEFT'S MTN TO STRIKE /27 Heard By: Donald Mosley

03/17/2006 **Motion to Strike** (9:00 AM)

DEFT'S MTN TO STRIKE Heard By: Donald Mosley

03/17/2006 **Motion** (9:00 AM)

*DEFT'S MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT PENALTY PHASE/34 Heard
By: Donald Mosley*

03/17/2006 **Motion** (9:00 AM)

DEFT'S MTN TO FEDERALIZE ALL MTNS/35 Heard By: Donald Mosley

03/17/2006 **Motion** (9:00 AM)

DEFT'S MTN FOR INDIVIDUAL VOIR DIRE/36 Heard By: Donald Mosley

03/17/2006 **Motion in Limine** (9:00 AM)

CASE SUMMARY

CASE No. 05C212667-2

DEFT'S MTN IN LIMINE TO INCLUDE AUTOPSY, CRIME SCENE & OTHER PHOTOGRAPHS/37 Heard By: Donald Mosley

03/17/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO PRECLUDE INTRODUCTION OF VICTIM IMPACT EVID/38 Heard By: Donald Mosley

03/17/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO PROHIBIT ANY REFTO FIRST PHRASE/39 Heard By: Donald Mosley

03/17/2006 **Motion to Bifurcate** (9:00 AM)
DEFT'S MTN TO BIFURCATE PENALTY PHASE/40 Heard By: Donald Mosley

03/17/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO BAR IMPROPER PROSEC ARGUMNT/41 Heard By: Donald Mosley

03/17/2006 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION/42 Heard By: Donald Mosley

03/17/2006 **Motion for Discovery** (9:00 AM)
DEFT'S MTN FOR DISCOVERY & EVID HEARING/43 Heard By: Donald Mosley

03/17/2006 **Motion** (9:00 AM)
DEFT'S MTN FOR DISQUALIFICATION FROM THE JURY VENIRE/44 Heard By: Donald Mosley

03/17/2006 **All Pending Motions** (9:00 AM)
ALL PENDING MOTIONS 3/17/06 Relief Clerk: Jennifer Lott Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley
Matter Heard; ALL PENDING MOTIONS 3/17/06 Relief Clerk: Jennifer Lott Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley
Journal Entry Details:

DEFTS HIDALGO'S AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY.....DEFT COUNTS' MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE...DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE.....DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS..DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE....DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"....DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE...DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT.....DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES....DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT....DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER Mr. Figler requested to join Defendant Carroll in motions if necessary. Mr. Jackson stated Court's secretary told him to be present, his client Defendant Taoipu is not on calendar; however, counsel requested Court move 3/27/06 motions to accommodate his schedule. Mr. Di Giacomo stated Defendant Taoipu (Mr. Jackson's client) fled to California, was brought back through Boulder City, he was given the same case number, and Mr. Jackson filed a Motion to Sever Defendant Taoipu. COURT ORDERED, motions CONTINUED and Evidentiary Hearing SET 4/21/06 at 9:00 a.m. COURT ORDERED, all motions MUST BE ON CALENDAR FROM NOW ON. Mr. Figler will file his motions in short order. Ms. Wildeveld requested Defendant Counts' motions be separated from other defendants as Defendant Counts is not involved if other charges. COURT ORDERED, Request is DENIED. Ms. Wildeveld requested to Join in Motions in issues are related.

CASE SUMMARY**CASE No. 05C212667-2**

Argument by Ms. Thomas, Mr. Draskovich, and Mr. Orme in support of Defts Hidalgo's and Espindola's Motion to Strike Notice of Intent to Seek Death Penalty. Ms. Thomas argued defendants did not intend to kill anyone, argument regarding pecuniary gain factor, and counsel requested all aggravators stricken. Mr. Draskovich stated baseball bats and garbage bags were not included in the taped conversations; argument by counsel in opposition to State's intent to seek the death penalty. Argument by Mr. Di Giacomo in opposition to motion. Mr. Orme read from the transcript to correct testimony (Page 4 after 844); counsel stated there is nothing in the tapes indicating Defendant Espindola intended to kill anyone, and the death penalty is not appropriate. Colloquy regarding if defendants were aware of surveillance. Mr. Draskovich argued this case cannot be raised to a death case. **COURT ORDERED, motion is UNDER ADVISEMENT. DEFT COUNTS' MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE:** Matter submitted by Ms. Wildeveld; Mr. Pesci argued this claim has no merit. **COURT ORDERED, motion is DENIED. DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE:** Argument by Ms. Wildeveld. Mr. Di Giacomo argued motion does not solve the problems before the Federal Court, and this Court should be given the opportunity to address proper concerns. Ms. Wildeveld is not asking to be completely relieved of her obligation, and counsel will make every effort to make a full objection. **COURT ORDERED, motion is DENIED WITHOUT PREJUDICE. DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE:** Matter submitted by counsel. **COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS:** **COURT ORDERED, motion is PREMATURE and Court RESERVES RULING. DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE:** Argument by Ms. Wildeveld in opposition to the jury hearing benevolent testimony regarding victim as he did participate in a drug deal. **COURT ORDERED, Court WILL ALLOW testimony from victim's son and daughter; however, Court RESERVES RULING on this motion. DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE":** Matter submitted by counsel. **COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE:** Matter submitted by Ms. Wildeveld, and argument by Mr. Pesci. **COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT:** Matter submitted by counsel. **COURT ORDERED, motion is GRANTED. DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES:** Arguments by counsel. **COURT ORDERED, GANG AFFILIATION and DRUG ACTIVITY WILL NOT BE DISCUSSED unless State brings a Motion for Bad Acts at trial; HOWEVER, information WILL BE ALLOWED AT THE PENALTY PHASE.** Regarding issue of handguns, Ms. Wildeveld argued she does not have Defendant Counts' scope, Judicial Clearance document provided to the Court, and counsel argued another Kenneth Counts is located in California. Mr. Di Giacomo argued defendant does not dispute felony convictions for drugs or Ex-Felon in Possession of Firearm, and information will not be brought out at trial unless State brings a Motion for Bad Acts. **COURT SO ORDERED, however, information WILL BE AVAILABLE DURING THE PENALTY PHASE.** Arguments by counsel regarding viewing the State's information. **COURT ORDERED, counsel to GET TOGETHER and SHARE CRIMINAL RECORDS, and fingerprints MUST BE MADE if necessary.** For the record, Ms. Wildeveld stated she went to California Court, did extensive research on Defendant Counts' convictions, and counsel did not find anything except what was already discussed. **COURT ORDERED, DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES is GRANTED IN PART (as indicated above). DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT:** Ms. Wildeveld argued for information on how State determines death penalty cases. Mr. Pesci argued the State follows criteria of the statute to determine aggravators, and the jury determines if aggregators exist. Argument by Mr. Di Giacomo regarding State's committee to review cases, and requests by defense counsel to offer a presentation to committee. Ms. Wildeveld was not aware that opportunity existed. **COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER:** Arguments by Ms. Wildeveld and Mr. Di Giacomo. **COURT ORDERED, motion is GRANTED.** Ms. Wildeveld requested defendant's shoulder be examined at the jail as defendant has sent several kytes without success. **COURT ORDERED, defendant MUST HAVE HIS SHOULDER EXAMINED at the jail. CUSTODY 4/21/06 9:00 A.M. DEFT TAOIPU'S MOTION FOR SEVERANCE.....DEFT TAOIPU'S MOTION TO SUPPRESS STATEMENT.....EVIDENTIARY HEARING ;**

CASE SUMMARY

CASE NO. 05C212667-2

03/27/2006	Motion (9:00 AM) Events: 03/15/2006 Motion <i>DEFT'S MTN FOR SEVERANCE/45 Heard By: Donald Mosley</i>
03/27/2006	Motion to Suppress (9:00 AM) Events: 03/16/2006 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENT/46 Heard By: Donald Mosley</i>
04/11/2006	Request (9:00 AM) Events: 04/05/2006 Hearing <i>STATE'S REQUEST FOR CLARIFICATION OF RULING Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> Matter Resolved; <i>STATE'S REQUEST FOR CLARIFICATION OF RULING Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> Journal Entry Details: <i>Court noted matter was resolved in chambers prior to calendar. COURT ORDERED, matter RESOLVED. CUSTODY ;</i>
04/21/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR SEVERANCE/45 Heard By: Donald Mosley</i>
04/21/2006	Motion to Suppress (9:00 AM) <i>DEFT'S MTN TO SUPPRESS STATEMENT/46 Heard By: Donald Mosley</i>
04/21/2006	Evidentiary Hearing (9:00 AM) Events: 03/17/2006 Hearing <i>EVIDENTIARY HEARING</i>
04/21/2006	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 4/21/06 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i> Matter Heard; <i>ALL PENDING MOTIONS 4/21/06 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i> Journal Entry Details: <i>DEFT'S MOTION FOR SEVERANCE...DEFT'S MOTION TO SUPPRESS STATEMENT...EVIDENTIARY HEARING AS TO SEVERANCE: Mr. DiGiacomo advised he has no objection to the motion as this Defendant was arrested at a different time and has a different Information. COURT ORDERED, Motion GRANTED and this Defendant to receive a new case number. AS TO STATEMENT: Mr. DiGiacomo advised this entire issue was litigated at the Preliminary Hearing. Mr. Jackson requested to call witnesses and outlined his reasons why. Hearing commenced. Testimony and evidence presented. Mr. Jackson argued Defendant was not mirandized, was not allowed to leave, was held in a small locked room and was not able to call his parents. Mr. DiGiacomo stated there was no evidence of coercion. Defendant's statement clearly indicates that he thought he was free to leave. Even if Defendant asked for his father, due to the charge, the father would not have been called. Court noted the reason Deft Carroll brought Defendant to the Police is of no consequence; as to the room, Defendant agreed he was free to leave and using video versus audio for interview is simply an investigative tool. Therefore, COURT ORDERED, Motion to Suppress Statement is DENIED. CUSTODY ;</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGES/51 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGE/52 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion

CASE SUMMARY

CASE No. 05C212667-2

	<i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE /53 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE/54 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /55 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /56 Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASEDUPON UNCONSTITUTIONALITY /57 Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASEDUPON UNCONSTITUTIONALITY /58 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /59 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT PHASE /60 Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /61 Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /62 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS & PREJUDICE /63 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS & PREJUDICE /64 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /65 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /66</i>

CASE SUMMARY

CASE NO. 05C212667-2

	<i>Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /67 Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /68 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/69 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK PRIOR/70 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /71 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /72 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /73 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /74 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /77 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78 Heard By: Donald Mosley</i>

CASE SUMMARY

CASE NO. 05C212667-2

06/26/2006	Motion to Bifurcate (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79 Heard By: Donald Mosley</i>
06/26/2006	Motion to Bifurcate (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /81 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /82 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OFSTATE'S HEARSAY EVID BEFORE TRIAL /83 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OFSTATE'S HEARSAY EVID BEFORE TRIAL /84 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL & PROF EXPERIENCE /89 Heard By: Donald Mosley</i>
06/26/2006	Motion (9:00 AM) Events: 06/15/2006 Motion <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS PER & PROF EXPERIENCE /90 Heard By: Donald Mosley</i>
06/26/2006	Motion to Strike (9:00 AM) Events: 06/15/2006 Motion

CASE SUMMARY

CASE No. 05C212667-2

DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON
UNCONSTITUTIONALITY /91 Heard By: Donald Mosley

06/26/2006

Motion to Strike (9:00 AM)

Events: 06/15/2006 Motion

DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON
UNCONSTITUTIONALITY /92 Heard By: Donald Mosley

06/26/2006

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 6/26/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe
D'Amato Heard By: Donald Mosley

Matter Heard; ALL PENDING MOTIONS 6/26/06 Court Clerk: Linda Skinner
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley

Journal Entry Details:

DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY
CHALLENGES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT
ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF
DETERRENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF
IMPUTED AGGRAVATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S
MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...DEFTS
HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM
IMPACT EVIDENCE DURING THE GUILT PHASE...DEFTS HIDALGO & ESPINDOLA'S
MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON
UNCONSTITUTIONAL WEIGHING EQUATION...DEFTS HIDALGO & ESPINDOLA'S
MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND
PREJUDICE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT
FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...DEFTS
HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS
UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE
EVIDENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE
TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...DEFTS HIDALGO
& ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED
DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...DEFTS HIDALGO &
ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER
COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...DEFTS
HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF
EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND
UNFAIRNESS OF A DEATH SENTENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO
PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...DEFTS
HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE
PROCEEDINGS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF
PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...DEFTS HIDALGO &
ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY
EVIDENCE BEFORE TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT
EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...DEFTS
HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206
UNCONSTITUTIONAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT
FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL
EXPERIENCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF
INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF
LETHAL INJECTION Court noted the trial and all the motions will be continued due to Ms.
Wildeveld's condition. As to length, Mr. DiGiacomo stated if all Defendants were tried together
it would take about 5 weeks and noted Deft Taoipu has been severed, however, Deft Carroll
has not. Mr. Figler concurred and stated there is a Bruton problem and will not object to a
severance, he stated he just has not filed one and added the co-defendants do not want to be
tried with Deft Carroll. Mr. DiGiacomo stated he had no objection to Deft Carroll being
severed out. Ms. Thomas stated if the State was not going to introduce Deft Carroll's
statements, then there is no need for a severance. Mr. DiGiacomo advised he was. Conference
at the Bench. By oral stipulation, COURT ORDERED, Defendant Carroll is severed out. As to
motions, Court directed counsel to have all motions filed by 7/27; answers to be filed by 8/10;
replies by 8/24 and matter set for argument on 8/31/06. Further, trial date VACATED and
RESET as to Counts, Hidalgo and Espindola. Matter set for status check as to trial for Carroll
and Taoipu. CUSTODY (ALL) 7/6/06 9:00 AM STATUS CHECK: TRIAL DATE (CARROLL &
TAOIPU) 8/31/06 9:00 AM ARGUMENT ON (ABOVE) MOTIONS & ANY OTHERS FILED
4/10/07 9:00 AM CALENDAR CALL (#1) (COUNTS, HIDALGO & ESPINDOLA) 4/16/07 1:30
PM JURY TRIAL (#1) (COUNTS, HIDALGO & ESPINDOLA) ;

CASE SUMMARY

CASE NO. 05C212667-2

06/30/2006	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL DATE</i>
06/30/2006	Status Check (9:00 AM) <i>STATUS CHECK: TRIAL DATE</i>
06/30/2006	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6/30/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> <i>Matter Heard; ALL PENDING MOTIONS 6/30/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i> <i>Journal Entry Details:</i> <i>STATUS CHECK: TRIAL DATE (CARROLL & TAOIPU) Mr. Figler stated Deft. Carroll was severed as was Deft. Taoipu and both should have separate trials. All counsel concurred. However, Mr. Jackson stated due to his schedule, he will not be ready for trial on 7/24 and would request an additional 90 days to prepare. Mr. Figler stated the status check date was moved up, however, he spoke briefly to his Investigator and they feel they could be ready for trial phase, however, not sure for penalty phase as there is still a lot of work to be done. Mr. Draskovich advised he is ready for Deft. Espindola and would request to go to trial as originally scheduled. Mr. DiGiacomo objected and advised Defts Counts, Hidalgo and Espindola need to be tried together. Court DENIED request. Following additional colloquy and discussion as to Court's schedule, COURT ORDERED, trial date for Defts Carroll & Taoipu VACATED; trial date set for Defts Counts, Hildago & Espindola are MOVED BACK ONE WEEK and start on 4/23; Deft. Carroll will be set for trial on 4/16 and Deft. Taoipu will start on 5/8. Objections by Mr. Draskovich and Ms. Thomas. Court so noted. Mr. Jackson advised he had a Motion set for 7/10 to continue the trial date. COURT ORDERED, Motion VACATED. CUSTODY (CARROLL & TAOIPU) 4/10/07 9:00 AM CALENDAR CALL (CARROLL) 4/16/07 1:30 PM JURY TRIAL (CARROLL) 4/17/07 9:00 AM CALENDAR CALL (COUNTS, HIDALGO & ESPINDOLA) 4/23/07 1:30 PM JURY TRIAL (COUNTS, HIDALGO & ESPINDOLA) 5/8/07 9:00 AM CALENDAR CALL (TAOIPU) 5/14/07 1:30 PM JURY TRIAL (TAOIPU) ;</i>
07/06/2006	Status Check (9:00 AM) <i>Events: 06/26/2006 Hearing</i> <i>STATUS CHECK: TRIAL DATE</i>
07/06/2006	Status Check (9:00 AM) <i>Events: 06/26/2006 Hearing</i> <i>STATUS CHECK: TRIAL DATE</i>
07/10/2006	CANCELED Motion to Vacate (9:00 AM) <i>Events: 06/29/2006 Motion</i> <i>Vacated</i>
07/18/2006	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
07/18/2006	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
07/18/2006	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
07/24/2006	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
07/24/2006	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
07/24/2006	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>

CASE SUMMARY

CASE NO. 05C212667-2

08/07/2006	Motion in Limine (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion to Dismiss (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN TO DISMISS DEATH PENALTY DUE TO FED DUE PROCESS VIOLATIONS /117</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion for Own Recognizance Release/Setting Reasonable Bail (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion in Limine (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY EVID /121</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /122</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN FOR ORDER PERMITTING DISC OF RECORDS PERTAINING TO FAMILY LIFE /123</i> <i>Heard By: Donald Mosley</i>
08/07/2006	Motion in Limine (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGES/51</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE USE OF PEREMPTORY CHALLENGE/52</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE /53</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT ARGUMENT ON DETERRENCE/54</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /55</i> <i>Heard By: Donald Mosley</i>

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CASE NO. 05C212667-2

08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES /56</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASEDUPON UNCONSTITUTIONALITY /57</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE DEATH PENALTY BASEDUPON UNCONSTITUTIONALITY /58</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT</i> <i>PHASE /59 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT INTRO OF VICTIM IMPACT EVID DURING GUILT</i> <i>PHASE /60 Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /61 Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH /62 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS & PREJUDICE /63</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS & PREJUDICE /64</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /65</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE COURT FROM PARTICIPATING IN REHAB OF JURORS /66</i> <i>Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /67 Heard By:</i> <i>Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE DEATH PENALTY AS UNCONSTITUTIONAL /68 Heard By:</i> <i>Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK</i> <i>PRIOR/69 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE 1 WEEK</i> <i>PRIOR/70 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH</i> <i>PENALTY /71 Heard By: Donald Mosley</i>

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08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO DECLARE UNCONSTITUTIONAL THE DISCRETION TO SEEK DEATH PENALTY /72 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /73 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR PROCEDURES REGARDING BAILIFFS & OTHER COURT PERSONNEL /74 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /75 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR COURT TO ALLOW PRESENTATION OF EVID TO JURY /76 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /77 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PRECLUDE INTRO OF HEARSAY DURING SENTENCING /78 Heard By: Donald Mosley</i>
08/31/2006	Motion to Bifurcate (9:00 AM) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /79 Heard By: Donald Mosley</i>
08/31/2006	Motion to Bifurcate (9:00 AM) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE PROCEEDINGS /80 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /81 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR EXCHANGE OF PROPOSED JURYINSTRUCTIONS AT CALENDAR CALL /82 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /83 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVID BEFORE TRIAL /84 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/85 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO PROHIBIT EVID & ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCE/86 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO DECLARE NRS 704.206 UNCONSTITUTIONAL /87 Heard By: Donald</i>

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	<i>Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO DECLARD NRS 704.206 UNCONSTITUTIONAL /88 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS' PERSONAL & PROF EXPERIENCE /89 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN TO CONDUCT FULL VOIR DIRE ON JURORS PER & PROF EXPERIENCE /90 Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /91 Heard By: Donald Mosley</i>
08/31/2006	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE NTC OF INTENT TO SEEK DEATH UPON UNCONSTITUTIONALITY /92 Heard By: Donald Mosley</i>
08/31/2006	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116 Heard By: Donald Mosley</i>
08/31/2006	Motion to Dismiss (9:00 AM) <i>DEFT'S MTN TO DISMISS DEATH PENALTY DUE TO FED DUE PROCESS VIOLATIONS /117 Heard By: Donald Mosley</i>
08/31/2006	Motion for Own Recognizance Release/Setting Reasonable Bail (9:00 AM) <i>DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118 Heard By: Donald Mosley</i>
08/31/2006	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR DISCLOSURE OF EXCULPATORY EVID /121 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR JURY QUESTIONNAIRE /122 Heard By: Donald Mosley</i>
08/31/2006	Motion (9:00 AM) <i>DEFT'S MTN FOR ORDER PERMITTING DISC OF RECORDS PERTAINING TO FAMILY LIFE /123 Heard By: Donald Mosley</i>
08/31/2006	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY CONVICTIONS /124 Heard By: Donald Mosley</i>
08/31/2006	Joinder (9:00 AM) Events: 07/27/2006 Motion <i>DEFT'S JOINDER TO OTHER DEFTS' MTNS/125 Heard By: Donald Mosley</i>
08/31/2006	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 8/31/06 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>

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CASE No. 05C212667-2

Matter Heard; ALL PENDING MOTIONS 8/31/06 Court Clerk: Linda Skinner

Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

1) DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...2) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILTY PHASE...3) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...4) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...5) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE... 6) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...7) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...8) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...9) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...10) DEFT HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...11) DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...12) DEFT HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...13) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...14) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...15) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION...16) DEFT COUNTS' NOTICE OF JOINDER...17) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...18) DEFT COUNTS' MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY CONVICTIONS...19) DEFT COUNTS' MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM...20) DEFT COUNTS' MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM FAMILY MEMBERS...21) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE RECORDS...22) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...23) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...24) DEFT COUNTS' MOTION TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS VIOLATIONS...25) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT...26) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...27) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...28) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...29) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVIDENCE BEFORE TRIAL...30) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...31) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...32) DEFT COUNTS' MOTION FOR JURY QUESTIONNAIRE Mr. Figler would like to join in the motions as to Deft. Carroll and would request his presence be waived. Mr. DiGiacomo objected as he has not received any motions relating to this defendant. Mr. Figler argued that most of these motions are very broad and would apply to Deft. Carroll as well. COURT ORDERED, GRANTED. Ms. Wildeveld advised Mr. Whipple is still in a murder trial and would request some of the motions as to Deft Counts be continued for his presence. COURT ORDERED, GRANTED. 1) Ms. Thomas advised they would like open ended questions as opposed to racial questions. Objections by Mr. DiGiacomo. Court noted voir dire will be relaxed and counsel will be able to expand on some questions, however, open ended questions will not be asked. COURT ORDERED, DENIED. 2) Upon Court's inquiry, Mr. DiGiacomo advised he is not sure what defense is asking. Ms. Thomas stated her concerns. Statements by Mr. DiGiacomo. COURT ORDERED, DENIED as this issue is moot. 3) Ms. Thomas requested this be done to get an idea of where the State will be going. Court advised it has never done this and will not deviate now. COURT ORDERED, DENIED. 4) Court noted it has reviewed what was

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submitted and advised there are a number of them that will not be allowed. Further, Court noted there will not be a lot of questions either. Following colloquy, Court advised it feels this would be a profiling process, which will not be allowed. COURT ORDERED, DENIED. 5) Counsel advised this was submitted for appeal purposes. COURT ORDERED, DENIED. 6) Court noted it takes exception to this in regards to his staff. COURT ORDERED, DENIED. 7) Counsel argued that hearsay should be allowed. Following arguments, COURT ORDERED, DENIED. 8) Ms. Thomas argued that even if the Supreme Court has O.K.'d this, she does not feel they have addressed both issues at the same time. Arguments by Mr. Draskovich. Following additional arguments, COURT ORDERED, DENIED. 9) Following discussion by counsel, Court noted it is not uncommon for the Court to ask questions of potential jurors and ORDERED, DENIED. 10) Court advised the death penalty is not on trial. Counsel advised the issue was raised for appeal. COURT ORDERED, DENIED. 11) Court noted this is contrary to State law. Arguments by Ms. Thomas. COURT ORDERED, DENIED. 12) Ms. Thomas stated jurors relate their own personal experiences to other jurors and she feels that counsel should know what their life experiences are. Court advised there would be no end to the inquiry of every experience. Mr. Draskovich advised that there could be 5 or 6 specific questions unique to this case. Court advised counsel may submit some questions for review, however, MOTION, DENIED. 13) Ms. Thomas advised they take exception as to how the State determines which case gets the death penalty. Following statements by Mr. DiGiacomo, COURT ORDERED, DENIED. 14) COURT ORDERED, DENIED. 15) Ms. Thomas argued that if the drugs used are not applied properly, it can cause extreme pain. Mr. DiGiacomo advised this is the cart before the horse, first there needs be a guilty verdict and feels this is a premature issue. Following arguments, Court advised this issue has been preserved and there is a presumption of legality, however, COURT ORDERED, DENIED. 16) Court advised this has been recognized and ORDERED, GRANTED. 17) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED. 18) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED. 19) Matter submitted by Ms. Wildeveld. Court advised it does see the relevancy and ORDERED, DENIED. 20) Ms. Wildeveld stated they would like to know if the family members agree with the death penalty. Mr. DiGiacomo argued the victim's family are not allowed to discuss punishment. Following colloquy, COURT ORDERED, DENIED. 21) Mr. DiGiacomo advised he does not understand why they want this information, that the only juvenile is Taoipu, however, he is not a witness but a defendant, however, will provide the records to the Court for an in-camera review. Following additional arguments, at request of Ms. Wildeveld, COURT ORDERED, matter CONTINUED for Mr. Whipple. 22) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED. 23) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED. 24) Ms. Wildeveld referred to Floyd vs State and submitted. COURT ORDERED, DENIED. 25) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED. 26) Ms. Thomas argued the peremptory challenges should be declared unconstitutional as they lead to Batson challenges. Ms. Thomas stated she feels there should be 4 challenges for each side with no peremptory challenges. Objections stated by Mr. DiGiacomo. Following additional arguments, COURT ORDERED, DENIED. 27) Ms. Thomas argued that the State should not apply aggravators to any other defendant. Mr. DiGiacomo stated the aggravators are specific as to each Defendant. Statements by Mr. Draskovich. Court advised it feels this issue is moot and does not feel it will occur, however, ORDERED, GRANTED. 28) Mr Draskovich advised the Supreme Court has addressed this issue. COURT ORDERED, DENIED. 29) Court noted what counsel want is a mini trial before trial. Ms. Thomas advised this Court did this in the early 80's. Following additional colloquy, Court noted the concept is not inappropriate, however, feels it is just another layer before trial with no meaningful result. COURT ORDERED, DENIED. 30) Ms. Thomas stated they do not want the State to blow up the statues as to mitigators for their closing. Mr. DiGiacomo advised he does not disagree with this and will not do it. COURT ORDERED, RESOLVED. 31) Ms. Thomas stated she feels the jury pool should include names from the power bills and not just from DMV. She argued that in rural areas, the power bills are used and would request it be done here to get a diverse panel. Mr. DiGiacomo stated there is no statue that requires the Court to compel Nevada Power to comply. COURT ORDERED, DENIED. 32) Court advised it has not done this in the past and will not start now. COURT ORDERED, DENIED. COURT ORDERED, motions not heard today are CONTINUED and matter set for status check as to trial and all counsel to be present next date. CUSTODY (ALL) 9/8/06 9:00 MOTIONS...STATUS CHECK TRIAL ;

08/31/2006

Motion (9:00 AM)

DEFT'S RENEWED MTN TO SEVER DEFENDANTS Heard By: Donald Mosley

09/08/2006

Motion in Limine (9:00 AM)

CASE SUMMARY

CASE NO. 05C212667-2

DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF EVID OF ARREST/FLIGHT /116
Heard By: Donald Mosley

09/08/2006 **Motion for Own Recognizance Release/Setting Reasonable Bail (9:00 AM)**
DEFT'S MTN FOR REDUCTION OF BAIL / RELEASE ON HOUSE ARREST /118 Heard By:
Donald Mosley

09/08/2006 **Motion in Limine (9:00 AM)**
DEFT'S MTN IN LIMINE TO PRECLUDE ADMISSION OF PHONE/119 Heard By: Donald
Mosley

09/08/2006 **Motion (9:00 AM)**
DEFT'S MTN FOR RELEASE OF JUVENILE RECORDS /120 Heard By: Donald Mosley

09/08/2006 **Motion in Limine (9:00 AM)**
DEFT'S MTN IN LIMINE TO SUPPRESS EVID OF DEFT'S PRIOR FELONY
CONVICTIONS /124 Heard By: Donald Mosley

09/08/2006 **Status Check (9:00 AM)**
Events: 08/31/2006 Hearing
STATUS CHECK: STATUS CHECK: TRIAL

09/08/2006 **Motion (9:00 AM)**
DEFT'S RENEWED MTN TO SEVER DEFENDANTS Heard By: Donald Mosley

09/08/2006 **All Pending Motions (9:00 AM)**
ALL PENDING MOTIONS 9/8/06 Court Clerk: Linda Skinner Reporter/Recorder: Joe
D'Amato Heard By: Donald Mosley
Matter Heard; ALL PENDING MOTIONS 9/8/06 Court Clerk: Linda Skinner
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley
Journal Entry Details:

1) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...2) DEFT COUNTS'
MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY
CONVICTIONS...3) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE
RECORDS...4) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR, IN THE
ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...5) DEFT COUNTS' MOTION IN
LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...6) DEFT COUNTS'
MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR
FLIGHT...STATUS CHECK: TRIAL (ALL) 1) Mr. Whipple state if the jury cannot consider the
death penalty for all defendants, that Mr. Counts should be severed out. Following additional
arguments, COURT ORDERED, DENIED. 2) Mr. Whipple feels this is a prejudicial vs
probative issue. If Defendant takes the stand, there is a prejudicial issue as to his priors,
however, they are drug related. Mr. DiGiacomo stated that non violent felonies are admissible
and concurred that they are drug related. Following additional colloquy, COURT ORDERED,
DENIED. 3) Court advised it will review these records in chambers. Mr. DiGiacomo advised
there are two, Zone and Taoipu. However, Taoipu is not a witness, but a charged Defendant. If
he does become a witness, then his records will be submitted for review. Mr. Whipple argued
that Taoipu was the only witness in the car with a gun. Following additional arguments, Mr.
DiGiacomo stated the propensity of evidence to commit a crime is not admissible. Just because
Taoipu may have had a gun two years ago, does not mean he had a gun in this instance. Mr.
Whipple requested the Court review the records. Following additional arguments, Court
advised it thinks this will be of no value, however, ORDERED, GRANTED. 4) Mr. Whipple
advised there is no bail at this time and would request a bail amount be set. Mr. DiGiacomo
argued this has been before the Court before and since the last time, we have learned that
Defendant was an absconder from probation when he committed this crime. Mr. Whipple
argued that Defendant has been a good role model, has a family and is a Little League coach.
Mr. DiGiacomo argued Defendant has picked up 2 new charges in California. Following
additional arguments, COURT ORDERED, DENIED. 5) Court noted this involves jail phone
calls and Mr. Whipple feels they should be disallowed. Mr. Whipple concurred and stated he
feels it is speculation as to all calls. Arguments by Mr. DiGiacomo including that Defendant
Counts was never informed prior to a phone call that he was being involved with Deft. Carroll.
Further, Deft Counts' descriptions in conversations are an admission of guilt. Court advised if
there is evidence to support the theory, then there is no speculation. COURT ORDERED,
DENIED. Mr. Whipple requested an offer of proof from the State regarding the phone calls.

CASE SUMMARY

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Mr. DiGiacomo stated if he is going to use these phone calls, he will have them transcribed. Upon Court's inquiry, Mr. DiGiacomo advised he played 7 phone calls at the Preliminary Hearing and may play 2-3 more. Court requested all calls be transcribed and this issue can be reviewed later, however, prior ruling stands. 6) Court noted Defendant was found in the attic and that is not flight. Mr. Whipple advised Defendant was acting irrational, but there was no flight; Defendant was not trying to secret himself. Further, he does not feel these were actions of guilt, but irrational behavior. Court advised this does not preclude the State from arguing the opposite. Mr. DiGiacomo argued Defendant was trying to hide from Police to not be arrested. Mr. Whipple argued that the Police knew he was there, he was not trying to hide, he was acting irrational. Court advised it will not embrace either side, however, ORDERED, DENIED. 7) Question as to Death Penalty: Court noted the Defense attorneys feel they should be present for the Death Review panel. Mr. DiGiacomo advised if the State can't prove intent, there will be no death case against the Defendants. Ms. Thomas argued the Notice the State filed is bad and should not be holding the Defendants as to the death penalty. Mr. Draskovich advised the State is seeking the death penalty against two of the Defendants that did not actually kill the victim. Following additional arguments, Court felt that Defense counsel should attend the review, however, at this time, Motion DENIED WITHOUT PREJUDICE. As to intent to kill, Court advised there was enough evidence to be bound over, it will not prejudice the evidence and is a question for the Jury. COURT ORDERED, DENIED. ;

10/04/2006

Status Check (9:00 AM)

Events: 09/26/2006 Hearing

STATE'S REQUEST FOR STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Resolved; STATE'S REQUEST FOR STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

Mr. DiGiacomo stated he is concerned as a time limit was set in July to file any motions; there was a hearing in September wherein Mr. Figler joined into the motions already on calendar. Mr. DiGiacomo advised his concern is that Mr. Figler will wait until it is closer to trial to file any motions for his Defendant and thus frustrate the trial date. Mr. Figler stated he has no intention of continuing the trial. He advised he is working on motions that are unique and not the boiler plate ones that were submitted already; he advised they will be ready to file soon. Following colloquy, COURT ORDERED, Mr. Figler to file his motions by 12/1/06 and the State to respond by 1/2/07. CUSTODY ;

11/01/2006

Minute Order (1:30 PM)

MINUTE ORDER RE: RECUSAL- DEPT 14 Relief Clerk: Carol Donahoo/cd Heard By: Donald Mosley

Matter Heard; MINUTE ORDER RE: RECUSAL- DEPT 14 Relief Clerk: Carol Donahoo/cd Heard By: Donald Mosley

Journal Entry Details:

Due to a substitution of counsel and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random. ;

12/07/2006

Conversion Hearing Type (9:30 AM)

Events: 11/29/2006 Hearing

TRIAL SETTING Relief Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; TRIAL SETTING Relief Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

AS TO DEFT COUNTS: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07. AS TO DEFT HIDALGO: Mr. Gentile advised the Court he is substituting in for Mr. Stein. Opposition by Mr. Pesci. Court agreed to wait on the Decision from the Supreme Court. COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07. AS TO DEFT. ESPINDOLA: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07. AS TO DEFT. CARROL: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07. AS TO DEFT. TAOIPU: Court noted this is the only non capital. COURT ORDERED, matter set for trial. CUSTODY (ALL) 05-17-07 9:30 AM CALENDAR CALL (CARROLL) 05-21-07 10:00 AM JURY TRIAL (CARROLL) 05-31-07 9:30 AM CALENDAR CALL (COUNTS, HIDALGO, ESPINDOLA) 06-04-07 10:00 AM JURY TRIAL (COUNTS, HIDALGO, ESPINDOLA) 08-02-07 9:30 AM CALENDAR CALL (TAOIPU) 08-06-07 10:00 AM JURY TRIAL (TAOIPU) ;

CASE SUMMARY

CASE NO. 05C212667-2

01/30/2007	<p>Motion to Dismiss (9:30 AM) Events: 01/19/2007 Motion <i>DEFT'S MTN TO DISMISS /143 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; DEFT'S MTN TO DISMISS /143 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>Mr. Jackson argued that he needs to speak with Mr. Pike regarding one of the witnesses; Mr. Zone is a critical witness and he has to know whether or not someone has discouraged him from testifying. The State requested more time to file an opposition. COURT ORDERED, matter CONTINUED and set for a status check regarding discussion with the witness. CUSTODY 2/27/07 9:30 AM DEFENDANT'S MOTION TO DISMISS...STATUS CHECK: DISCUSSION WITH WITNESS ;</i></p>
02/27/2007	<p>Motion to Dismiss (9:30 AM) <i>DEFT'S MTN TO DISMISS /143 Heard By: Valerie Adair</i></p>
02/27/2007	<p>Status Check (9:30 AM) Events: 01/30/2007 Hearing <i>STATUS CHECK: DISCUSSION WITH WITNESS Heard By: Valerie Adair</i></p>
02/27/2007	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 2/27/07 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 2/27/07 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>DEFENDANT'S MOTION TO DISMISS...STATUS CHECK: DISCUSSION WITH WITNESS Mr. Jackson stated that Mr. Pike wants him to interview Mr. Zone in his presence. The Court directed counsel to facilitate this. COURT ORDERED, matter is OFF CALENDAR; parties may renew following the interview. ;</i></p>
04/10/2007	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
04/10/2007	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
04/10/2007	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
04/10/2007	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
04/16/2007	<p>CANCELED Jury Trial (1:30 PM) <i>Vacated</i></p>
04/16/2007	<p>CANCELED Jury Trial (1:30 PM) <i>Vacated</i></p>
04/16/2007	<p>CANCELED Jury Trial (1:30 PM) <i>Vacated</i></p>
04/16/2007	<p>CANCELED Jury Trial (1:30 PM) <i>Vacated</i></p>
04/17/2007	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
04/17/2007	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>

CASE SUMMARY**CASE No. 05C212667-2**

04/17/2007	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
04/17/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
04/23/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
04/23/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
05/08/2007	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
05/14/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER /146 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER TO ALLOW DEFENSE TO ARGUE/147 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/148 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO DISMISS/149 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER DISCLOSURE/150 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE TO PRECLUDE/151 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR DISCOVERY/152 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO STRIKE/153 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN FOR INDIVIDUAL VOIR DIRE/154 Heard By: Valerie Adair</i>
05/15/2007	Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER TO BAR IMPROPER/155 Heard By: Valerie Adair</i>

CASE SUMMARY

CASE NO. 05C212667-2

05/15/2007	<p>Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN TO FEDERALIZE/156 Heard By: Valerie Adair</i></p>
05/15/2007	<p>Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/157 Heard By: Valerie Adair</i></p>
05/15/2007	<p>Motion to Reconsider (9:30 AM) Events: 04/09/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/158 Heard By: Valerie Adair</i></p>
05/15/2007	<p>Motion to Reconsider (9:30 AM) Events: 04/10/2007 Motion <i>DEFT'S MTN TO RECONSIDER MTN IN LIMINE/159 Heard By: Valerie Adair</i></p>
05/15/2007	<p>Motion to Continue (9:30 AM) Events: 05/04/2007 Motion <i>DEFT'S MTN TO CONTINUE /161 Heard By: Valerie Adair</i></p>
05/15/2007	<p>Request of Court (9:30 AM) Events: 05/11/2007 Hearing <i>AT THE REQUEST OF THE COURT TO ADDRESS DEFT'S CUSTODY STATUS IN THIS CASE Heard By: Valerie Adair</i></p>
05/15/2007	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 05-15-07 Heard By: Valerie Adair</i></p>
05/15/2007	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 05-15-07 Court Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 05-15-07 Court Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>AS TO DEFT. COUNTS: Following argument by counsel Court stated findings and ORDERED, as follows: 1)Motion to reconsider motion to allow the defense to argue last at the penalty phase/147, DENIED. 2)Motion to reconsider motion to bifurcate penalty phase/146, DENIED. 3)Motion to reconsider motion in limine to preclude admission of evidence of arrest or flight/148, DENIED. 4)Motion to reconsider motion to dismiss the death penalty due to federal due process violations/149, DENIED. 5)Motion to reconsider disclosure of exculpatory evidence pertaining to the impact of the Defendant's execution upon victim's family members/150, DENIED 6)Motion to reconsider motion in limine to preclude admission of phone conversations/151, DENIED. 7)Motion to reconsider motion for discovery and evidentiary hearing regarding the manner and method of determining in which murder cases the death penalty will be sought/152, DENIED. 8)Motion to reconsider motion to strike notice of intent to seek the death penalty/153, DENIED. 9)Motion to reconsider motion for individual voir dire/154, DENIED, as need only basis. 10)Motion to reconsider motion in limine to bar improper prosecutorial argument/155, GRANTED as already done by Judge Mosley. 11) Motion to reconsider motion to federalize all motions objections requests and other applications for the proceedings in the above entitled case/156, DENIED. 12)Motion to reconsider motion in limine to preclude the introduction of victim impact evidence/157, DENIED. 13)Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/158, DENIED. 14)Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/159, DENIED. AS TO DEFT. ESPINDOLA: Motion to continue, following argument by counsel, COURT ORDERED, matter taken, UNDER ADVISEMENT, Court will announce it's decision by tomorrow. ;</i></p>
05/17/2007	<p>CANCELED Calendar Call (9:30 AM) <i>Vacated</i></p>
05/17/2007	<p>Motion to Continue (9:30 AM) Events: 05/15/2007 Motion</p>

CASE SUMMARY

CASE NO. 05C212667-2

DEFT'S MTN TO CONTINUE TRIAL/164

05/17/2007

All Pending Motions (9:30 AM)

ALL PENDING MOTIONS (05-17-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; ALL PENDING MOTIONS (05-17-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

DEFENDANT CARROLL'S MOTION TO CONTINUE TRIAL DATE...CALENDAR CALL Court advised it received Mr. Figler's Motion to Continue Trial set for May 29, 2007. Court advanced the Motion to today. Conference at the Bench. Mr. DiGiacomo announced ready. Mr. Figler indicated he has more work to do in this matter as there are a number of significant issues. COURT ORDERED, Motion to Continue Trial GRANTED. Colloquy regarding a new trial date. COURT FURTHER ORDERED, trial date VACATED; matter set for status check. Court directed all parties to be present. CUSTODY 05/21/07 9:30 AM STATUS CHECK: TRIAL SETTING ;

05/21/2007

Status Check (9:30 AM)

Events: 05/18/2007 Hearing

STATUS CHECK: TRIAL SETTING Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; STATUS CHECK: TRIAL SETTING Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Conference in Chambers with all counsel prior to the commencement of proceedings regarding scheduling issues. DELANGELO RESHAWN CARROLL: Court noted Mr. Figler's Motion to Continue Trial was granted. Therefore, COURT ORDERED, trial date VACATED and RESET. KENNETH COUNTS: Trial for this Deft. is set for June 4, 2007; however, the State does not want to try this Deft. separately. A ruling from the Supreme Court could have an impact on this Deft. and since the trial dates for Deft. Hidalgo and Deft. Espindola have been continued, Court will consider vacating and resetting Deft. Counts' trial as well. Colloquy regarding Supreme Court issues. COURT ORDERED, matter set for status check. JAYSON TAOIPU: Court noted Deft. Taoipu is the only non-capital matter. COURT ORDERED, trial date VACATED and RESET. LUIS ALONSO HIDALGO and ANABEL ESPINDOLA: COURT ORDERED, trial dates VACATED and RESET. Mr. DiGiacomo advised he has packets with additional discovery on his secretary's desk available for all counsel. CUSTODY (ALL) 08/16/07 9:30 AM CALENDAR CALL (CARROLL) 08/20/07 10:00 AM JURY TRIAL (CARROLL) 05/24/07 9:30 AM STATUS CHECK: TRIAL SETTING (COUNTS) 03/06/08 9:30 AM CALENDAR CALL (TAOIPU) 03/10/08 10:00 AM JURY TRIAL (TAOIPU) 01/24/08 9:30 AM CALENDAR CALL (HIDALGO and ESPINDOLA) 01/28/08 10:00 AM JURY TRIAL (HIDALGO and ESPINDOLA) ;

05/21/2007

CANCELED Jury Trial (10:00 AM)

Vacated

05/24/2007

Status Check (9:30 AM)

Events: 05/21/2007 Hearing

STATUS CHECK: TRIAL SETTING Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; STATUS CHECK: TRIAL SETTING Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Court advised this matter was continued to give Ms. Wildevelt time to review the writ filed by the co-defendants to see if it would be something she would be filing a joinder on behalf of Defendant Counts. Upon Court's inquiry, Ms. Wildevelt advised she and Mr. Whipple would not be joining in on the writ, announced ready for trial and requested the 6/4/07 trial date. Colloquy between Court and counsel regarding the writ. Mr. Pesci advised he feels the trial should not go forward until the Supreme Court has ruled on the writ. Ms. Wildevelt adamantly requested the 6/4/07 trial date. Further colloquy regarding the trial date. Following CONFERENCE AT BENCH, COURT ORDERED, matter set for JURY TRIAL on 6/4/07 at the request of Ms. Wildevelt. Ms. Wildevelt inquired about a jury questionnaire and advised they will get one to the State and Court this evening or first thing tomorrow. Court advised Ms. Wildevelt that it did not think it would be possible, logistically, to have a jury questionnaire at such a late date. Following CONFERENCE AT BENCH, Ms. Wildevelt advised that Mr. Whipple had already forwarded a copy of the proposed jury questionnaire to Mr. DiGiacomo

CASE SUMMARY

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and Mr. Pesci stated he will check with him to see if he has it. COURT ORDERED, matter set for STATUS CHECK on the jury questionnaire tomorrow morning. CUSTODY 5/25/07 9:30 AM STATUS CHECK: JURY QUESTIONNAIRE 6/4/07 10:00 AM JURY TRIAL ;

05/25/2007

Status Check (9:30 AM)

Events: 05/24/2007 Hearing

STATUS CHECK: JURY QUESTIONNAIRE Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; STATUS CHECK: JURY QUESTIONNAIRE Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Jury questionnaire, reviewed, amended and agreed upon by counsel. Mr. Owens stated his reasons why he believes the trial should not go forward until the Nevada Supreme Court has decided on the Co-Defendants' writ. Mr. Owens inquired if Court would contact the Clerk of the Nevada Supreme Court to see if a decision would be forthcoming. Matter TRAILED. Matter RECALLED and Court advised it's Judicial Executive Assistant (JEA) called the Clerk of the Nevada Supreme Court and was advised that the decision will not be coming any time soon. COURT ORDERED, trial date STANDS and counsel to get together and finalize the jury questionnaire and get it to Jury Services first thing on Tuesday morning. CUSTODY ;

05/29/2007

Motion to Dismiss (9:30 AM)

Events: 05/16/2007 Motion

DEFT'S MTN TO DISMISS /165 Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Off Calendar; DEFT'S MTN TO DISMISS /165 Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Ms. Wildeveld advised Deft. Counts' buccal swabs came back negative; she requested matter be taken off calendar. COURT SO ORDERED; Court noted this matter is set for calendar call on May 31, 2007, and trial begins on June 4, 2007. CUSTODY ;

05/31/2007

CANCELED Calendar Call (9:30 AM)

Vacated

05/31/2007

CANCELED Calendar Call (9:30 AM)

Vacated

05/31/2007

CANCELED Calendar Call (9:30 AM)

Vacated

05/31/2007

Calendar Call (9:30 AM)

CALENDAR CALL Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; CALENDAR CALL Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Court advised counsel the jury questionnaires were available in chambers and confirmed the trial was going forward; however, the start date has been moved from Monday to Tuesday. CUSTODY 06-05-07 10:30 AM JURY TRIAL ;

06/04/2007

CANCELED Jury Trial (10:00 AM)

Vacated

06/04/2007

CANCELED Jury Trial (10:00 AM)

Vacated

06/04/2007

CANCELED Jury Trial (10:00 AM)

Vacated

06/04/2007

CANCELED Jury Trial (10:00 AM)

Vacated

06/05/2007

Jury Trial (10:30 AM)

CASE SUMMARY

CASE NO. 05C212667-2

	<p><i>TRIAL BY JURY Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i></p> <p>Matter Continued; TRIAL BY JURY Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</p> <p>Journal Entry Details:</p> <p><i>11:48 a.m. Jury selection commenced. Court and counsel examine prospective jurors. COURT ORDERED, trial CONTINUED; jury selection will resume on June 6, 2007, at 10:30 a.m. 5:30 p.m. Court admonished the prospective jurors and recessed for the evening. ;</i></p>
06/05/2007	<p>CANCELED Jury Trial (10:30 AM)</p> <p><i>Vacated</i></p>
06/06/2007	<p>Change of Plea (9:30 AM)</p> <p>Events: 06/05/2007 Conversion Case Event Type</p> <p><i>CHANGE OF PLEA Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i></p> <p>Matter Heard; CHANGE OF PLEA Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</p> <p>Journal Entry Details:</p> <p><i>Mr. Jackson advised this matter is negotiated and Deft. Taoipu will withdraw his not guilty plea and plead guilty to reduced charges. Colloquy regarding sealing the courtroom and the plea. Conference at the Bench. COURT ORDERED, plea WITHDRAWN; EXHIBIT 2 of the Guilty Plea Agreement (GPA) shall be SEALED. Mr. DiGiacomo to submit an Order. Amended Information and GPA FILED IN OPEN COURT. NEGOTIATIONS: State retains the right to argue and agrees to recommend concurrent sentences between the counts. Both sides agree they are bound by the terms and conditions of Exhibit 2 of the GPA. DEFT. TAOIPU ARRAIGNED and PLED GUILTY to COUNT 1 - CONSPIRACY TO COMMIT MURDER (F) and COUNT 2 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F). Mr. DiGiacomo advised Count 2 is a fictitious charge; however, the statement as to what was done is not fictitious. COURT accepted plea and FURTHER ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for status check; trial date VACATED. CUSTODY 09/04/07 9:30 AM STATUS CHECK: SENTENCING ;</i></p>
06/06/2007	<p>Jury Trial (10:30 AM)</p> <p><i>TRIAL BY JURY Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i></p> <p>Matter Heard; TRIAL BY JURY Relief Clerk: Carol Donahoo Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</p> <p>Journal Entry Details:</p> <p><i>OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court advised counsel came to court today and raised a potential conflict. The conflict was presented to Judge Bell. Colloquy regarding the appointment of Robert Langford, Esq., to represent a witness and how things will proceed from this point. Court noted Court Services confiscated from Deft. the jury questionnaires and his notes regarding the prospective jury panel. Colloquy regarding same. Due to the aforementioned developments, COURT ORDERED, the prospective panel of jurors DISMISSED and matter set for status check. CUSTODY 06/26/07 9:30 AM STATUS CHECK CLERK'S NOTE: All Deft.'s notes, not concerning the prospective jurors, were returned to him. ;</i></p>
06/25/2007	<p>Request of Court (7:30 AM)</p> <p>Events: 06/18/2007 Hearing</p> <p><i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i></p>
06/25/2007	<p>Request of Court (7:30 AM)</p> <p>Events: 06/18/2007 Hearing</p> <p><i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i></p>
06/25/2007	<p>Request of Court (7:30 AM)</p> <p>Events: 06/18/2007 Hearing</p> <p><i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i></p>
06/26/2007	<p>Request of Court (7:30 AM)</p> <p><i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i></p>

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06/26/2007	<p>Request of Court (7:30 AM) <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i></p>
06/26/2007	<p>Request of Court (7:30 AM) <i>AT REQUEST OF COURT: IN-COURT DEPOSITION Heard By: Stewart Bell</i></p>
06/26/2007	<p>All Pending Motions (7:30 AM) <i>ALL PENDING MOTIONS 6-26-07 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i> Matter Heard; ALL PENDING MOTIONS 6-26-07 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell Journal Entry Details: <i>AT REQUEST OF COURT: IN-COURT DEPOSITION (COUNTS, HIDALGO & ESPINDOLA) 8:04 A.M.--Robert Langford, Esq. present with witness Omar Manor. Court advised this hearing is due to a potential conflict that arose with Ms. Wildeveld and Mr. Whipple regarding a witness. If there is not a conflict, this video will be used as testimony in any trial regarding Deft. Counts wherein he is represented by Ms. Wildeveld or Mr. Whipple. Mr. DiGiacomo advised he does not plan on playing the video of Mr. Manor if he is available. Court advised the video has to be used to waive any conflict. Mr. DiGiacomo advised the defense would have to waive any defect. Mr. Whipple advised that is inherent. Court advised, in any case where Deft. Counts is represented by Ms. Wildeveld or Mr. Whipple, this video must be used. Mr. DiGiacomo advised all counsel would have to agree. All defense counsel present agreed. Court advised the video is locked on the witness as Defts. Counts, Hidalgo and Espindola were brought over in jail clothing, so they will not appear on the video but everyone's voices will be picked up. Court advised, if there is a conflict, Ms. Wildeveld and Mr. Whipple would have to be relieved and new counsel appointed, then the State could call Mr. Manor live. 8:11 a.m.--Omar Manor sworn and testified. 8:17 a.m.--Court stated it appears Ms. Wildeveld and Mr. Whipple can go forward in this case and ORDERED, Ms. Wildeveld and Mr. Whipple will remain as counsel for Deft. Counts. Court advised a status check is already set before Judge Adair on this matter. Mr. DiGiacomo advised, because there is an ongoing relationship between Omar and Irene, there may be other issues that come up and he will bring those before the Court if such issues arise. 8:19 a.m.--Hearing concluded. CUSTODY (ALL) ;</i></p>
06/26/2007	<p>Status Check (9:30 AM) Events: 06/19/2007 Hearing <i>STATUS CHECK Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; STATUS CHECK Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Colloquy regarding Discovery. The Court encouraged Mr. Whipple to protect the record by listing what was provided. FURTHER, matter set for trial. CUSTODY 1/24/08 9:30 AM CALENDAR CALL 1/28/08 10:00 AM JURY TRIAL ;</i></p>
07/24/2007	<p>Motion (9:30 AM) Events: 07/05/2007 Motion <i>STATES MTN TO CONDUCT VIDEOTAPED TEST/192 Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; STATES MTN TO CONDUCT VIDEOTAPED TEST/192 Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>COURT ORDERED, matter CONTINUED. CUSTODY ;</i></p>
07/26/2007	<p>Motion (9:30 AM) <i>STATES MTN TO CONDUCT VIDEOTAPED TEST/192 Court Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Continued; STATES MTN TO CONDUCT VIDEOTAPED TEST/192 Court Clerk: Sandra Anderson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Court noted this is the States motion and that Court has received oppositions. Following conference at the bench Court stated it findings and ORDERED, motion GRANTED. Following colloquy Court advised the specific will be discussed in chambers. CUSTODY</i></p>

CASE SUMMARY

CASE No. 05C212667-2

(ALL) 08-13-07 (CHAMBERS) STATUS/CHECK: OPEN/SEALED DEPOSITIONS 08-27-07
9:30 AM HEARINGS: DEPOSITIONS ;

08/02/2007	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>
08/06/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/13/2007	Status Check (0:00 AM) Events: 07/26/2007 Hearing STATUS CHECK: OPEN/SEALED DEPOSITIONS
08/16/2007	Calendar Call (9:30 AM) <i>CALENDAR CALL (VJ 8/28/07) Court Clerk: Phyllis Irby/pi Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Matter Heard; CALENDAR CALL (VJ 8/28/07) Court Clerk: Phyllis Irby/pi Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: Following extended arguments of counsel. COURT ORDERED, matter CONTINUED. CUSTODY 8-20-07 9:30 AM CALENDAR CALL/JURY TRIAL (CARROLL) ;</i>
08/20/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/27/2007	Hearing (9:30 AM) Events: 07/26/2007 Hearing <i>DEPOSITIONS HEARING Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Off Calendar; DEPOSITIONS HEARING Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: COURT ORDERED, matter OFF CALENDAR. CUSTODY (ALL) ;</i>
08/28/2007	Status Check (9:30 AM) Events: 08/23/2007 Hearing STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair
08/28/2007	Status Check (9:30 AM) Events: 08/23/2007 Hearing STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair
08/28/2007	Status Check (9:30 AM) Events: 08/23/2007 Hearing STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair
08/28/2007	Status Check (9:30 AM) Events: 08/23/2007 Hearing STATUS CHECK: TRIAL STATUS Heard By: Valerie Adair
08/28/2007	All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS (8/28/07) Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Matter Heard; ALL PENDING MOTIONS (8/28/07) Court Clerk: Tia Everett/te Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: STATUS CHECK TRIAL (COUNTS...HIDALGO...ESPINDOLA...CARROLL) Colloquy regarding trial setting and scheduling of all parties involved. Upon Court's inquiry, counsel anticipate trial to last four weeks. COURT ORDERED, as to Defts' Counts, Hidalgo, and Espindola Trial dates VACATED and RESET. CONFERENCE AT BENCH. COURT FURTHER ORDERED, as to Deft. Carroll, Trial date VACATED and RESET. CUSTODY (ALL) 11/29/07 CALENDAR CALL (CARROLL) 12/03/07 JURY TRIAL (CARROLL) 1/17/08</i>

CASE SUMMARY

CASE No. 05C212667-2

CALENDAR CALL (COUNTS...HIDALGO...ESPINDOLA) 1/22/08 JURY TRIAL
(COUNTS...HIDALGO...ESPINDOLA) ;

09/04/2007

Sentencing (9:30 AM)

Events: 06/19/2007 Conversion Case Event Type

SENTENCING Relief Clerk: Nora Pena Reporter/Recorder: Debbie Winn Heard By: Adair, Valerie

Matter Continued; SENTENCING Relief Clerk: Nora Pena Reporter/Recorder: Debbie Winn Heard By: Adair, Valerie

Journal Entry Details:

Conference at the bench. Mr. DiGiacomo requested a continuance the second week in January. COURT ORDERED, matter CONTINUED. CUSTODY ;

09/11/2007

Motion for Discovery (9:30 AM)

Events: 08/29/2007 Motion

DEFT'S MTN FOR DISCOVERY /209 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Granted; DEFT'S MTN FOR DISCOVERY /209 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Mr. Digiacomo state he has provided audio and video tapes and has more that he will provide to Mr. Whipple by the end of the week; he will give him the photo line-up by the end of week as well. COURT ORDERED, motion GRANTED. FURTHER, pursuant to request by Mr. Whipple, the State is to provide a list of all items produced. CUSTODY ;

09/20/2007

Motion to Strike (9:30 AM)

Events: 08/16/2007 Motion

DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Matter trailed for either Mr. Digiacomo or Mr. Pesci to be present. Matter recalled. Mr. Figler advised that he and Mr. Digiacomo agreed to continue the hearing to allow counsel time to file an opposition. COURT ORDERED, CONTINUED. CUSTODY ;

10/09/2007

Motion to Strike (0:00 AM)

DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

The Court informed counsel that all pleadings have been reviewed. Mr. Figler advised that the received the State's opposition last Thursday; he argued oral response to State's motion. Mr. DiGiacomo submitted. COURT ORDERED, RULING RESERVED; for now, the Court is not inclined to stay the case against the Defendant in District Court. CUSTODY ;

10/11/2007

Motion to Strike (9:00 AM)

DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Heard By: Valerie Adair

Denied; DEFT CARROLL'S MOTION TO STRIKE DEATH PENALTY AGGRAVATORS/208 Court Clerk: Denise Husted Heard By: Valerie Adair

Journal Entry Details:

COURT ORDERED, Motion to Strike DENIED based on State's opposition. The State is to prepare findings of fact and conclusions of law and order. FURTHER, Motion to Stay is DENIED. CUSTODY ;

11/06/2007

Motion (9:30 AM)

Events: 10/24/2007 Motion

DEFT'S PRO PER MTN ON PTN TO MARRY/210 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

CASE SUMMARY

CASE NO. 05C212667-2

Granted; DEFT'S PRO PER MTN ON PTN TO MARRY/210 Court Clerk: Denise Husted
Reporter/Recorder: Janie Olsen Heard By: Valerie Adair
Journal Entry Details:
COURT ORDERED, motion GRANTED. ;

11/29/2007	<p>Calendar Call (9:30 AM) <i>CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>The Court noted that Mr. Figler filed an emergency stay in the Nevada Supreme Court; he did not file a written motion for continuance in District Court. Mr. Digiacomo announced ready for trial which should last one week and one to two days for the penalty phase, should there be one. He also stated that he has witnesses coming in from Thailand. Mr. Figler advised that the state noticed new witnesses on 11/14/07; defendant Taoipu's attorney said his client would plead the Fifth Amendment, which indicates to him that the state has questioned Taoipu. In addition, he informed the Court that after speaking with the defendant yesterday, he found the defendant seemed to have cognitive problems and he wants him evaluated by Dr. Roitman. He further stated the Mr. Roitman was busy working on another case. The Court noted that the case he is speaking about dealt, which would have left time to request an evaluation. Mr. Digiacomo strongly objected to Mr. Figler's accusation that the state spoke to Mr. Taoipu; Mr. Jackson, who is his attorney was the one that spoke to him and reported to counsel that the defendant would plead the Fifth Amendment. COURT ORDERED, the trial will be heard next week; trial date VACATED and RESET. CUSTODY 12/6/07 9:30 AM JURY TRIAL ;</i></p>
12/03/2007	<p>CANCELED Jury Trial (9:30 AM) <i>Vacated</i></p>
12/06/2007	<p>CANCELED Jury Trial (10:30 AM) <i>Vacated</i></p>
01/10/2008	<p>Request (9:30 AM) Events: 01/05/2008 Hearing <i>STATE'S REQUEST STATUS CHECK - AGREED Heard By: Valerie Adair</i></p>
01/15/2008	<p>Sentencing (9:30 AM) <i>SENTENCING Heard By: Valerie Adair</i></p>
01/15/2008	<p>Calendar Call (9:30 AM) <i>CALENDAR CALL</i></p>
01/15/2008	<p>Calendar Call (9:30 AM) <i>CALENDAR CALL</i></p>
01/15/2008	<p>Calendar Call (9:30 AM) <i>CALENDAR CALL</i></p>
01/15/2008	<p>Request (9:30 AM) <i>STATE'S REQUEST STATUS CHECK - AGREED Heard By: Valerie Adair</i></p>
01/15/2008	<p>Motion (9:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213</i></p>
01/15/2008	<p>Motion (9:30 AM) <i>DFT'S MTN TO SUPPRESS CUSTODIAL STATEMENTS/214</i></p>
01/15/2008	<p>Motion (9:30 AM) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i></p>
01/15/2008	<p>Motion (9:30 AM) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216 Heard By: Valerie Adair</i></p>

CASE SUMMARY

CASE NO. 05C212667-2

01/15/2008	<p>Motion to Set Bail (9:30 AM) Events: 01/08/2008 Motion <i>DEFT'S MTN TO SET BAIL /217 Heard By: Valerie Adair</i></p>
01/15/2008	<p>Motion to Sever (9:30 AM) Events: 01/08/2008 Motion <i>DEFT'S MTN FOR SEVERANCE FROM CAPITL/218 Heard By: Valerie Adair</i></p>
01/15/2008	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 1/15/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 1/15/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>DEFENDANT HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT COUNTS MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR SEVERANCE FROM CAPITAL DEFENDANT...DEFENDANT HIDALGO'S MOTION TO SET BAIL...DEFENDANT HIDALGO'S MOTION FOR SEVERANCE FROM CAPITAL DEFENDANT...STATE'S REQUEST STATUS CHECK-AGREED (COUNTS)...CALENDAR CALL The Court stated the trial in this matter would go forward on January 28th. The Supreme Court decision in this matter struck the aggravators regarding the death penalty with regard to Espindola and Hidalgo so this would not be a capital case and there was no reason not to go forward with what could have been done months ago. Mr. Gentile presented argument regarding due process rights of the co-defendants, and the issue regarding the fifteen day notice citing case law to support his position. Mr. Oram advised he was ready to go forward with defendant Espindola and joined all the arguments of Mr. Gentile. Ms. Wildeveld stated her preference would be to proceed on the 28th as she has an issue that would preclude her from going until a much later date. Colloquy between Court and counsel. Mr. Whipple advised he intended to file motions to strike with regard to defendant Counts with the Supreme Court. Court stated this is something that Mr. Whipple should have addressed months ago and it was too late at this point in time but he was free to file with the Supreme Court if he so desired. Mr. DiGiacomo addressed the issue of the remittitur and authority of the Court to proceed lacking the receipt of the formal remittitur and requested the Court stay this matter in order for him to return to the Supreme Court on an emergency writ. COURT ORDERED, request for STAY DENIED; trial for Counts will proceed on January 28th at 10:00 AM. This Court had previously started the trial in the Counts case as a death penalty case when as issue arose that had to be heard by Judge Bell; however, it is still a death penalty case and since trial counsel was prepared to go forward at that time as a death penalty case, there is no reason why it should not go forward as such now. FURTHER ORDERED, DEFENDANT COUNTS IS SEVERED FROM DEFENDANTS HILDALGO AND ESPINDOLA as these defendants are no longer death qualified. Trial for defendants Hildalgo and Espindola will proceed following this case on February 11th at 9:30 AM. Colloquy between Court and counsel regarding jury questionnaires. CONFERENCE AT BENCH. COURT ORDERED, the jurors will fill out a questionnaire based on the death penalty and if the Supreme Court strikes the aggravators as to Counts then a new panel will be brought in. The Court would not use the same panel that filled out a death questionnaire for a trial where that was no longer a consideration. Mr. Gentile requested a hearing on the motion for audibility and presented argument. Response by the State. Colloquy between Court and counsel. COURT ORDERED, it would listen to the CD and read the transcript and then issue a ruling on January 29th at 9:30 AM. Mr. Gentile presented argument on the issue of bail regarding defendant Hidalgo. State argued in opposition. Court stated that if it were inclined to issue bail in this matter it would in all likelihood be set at a significantly high amount. COURT ORDERED, matter to be taken UNDER ADVISEMENT and a decision to be issued. Counsel advised that there is a motion regarding defendant Counts set for January 29th that needs to be addressed prior to the trial date. Colloquy. COURT ORDERED, due to its schedule this matter will be heard by Judge Bell on January 22nd so that this matter can proceed to trial on the 28th. Mr. Jackson requested that defendant Taoipu's sentencing date be set within thirty days. COURT SO ORDERED and referred the matter to the Division of Parole and Probation for a presentence investigation report to be prepared. Mr. Jackson inquired about an order for excess investigation fees. Court informed Mr. Jackson to prepare the order and submit it and it would be signed. CUSTODY (COUNTS, HIDALGO, ESPINDOLA, TAOIPU) 1/22/08 8:00 AM DEFENDANT COUNTS MOTION TO RECONSIDER MOTION TO STRIKE (HEARD BY JUDGE BELL) 1/28/08</i></p>

CASE SUMMARY

CASE No. 05C212667-2

10:00 AM JURY TRIAL (COUNTS) 1/29/08 9:30 AM DEFENDANT HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT COUNT'S MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL 2/11/08 9:30 AM JURY TRIAL (HIDALGO & ESPINDOLA) 2/12/08 9:30 AM SENTENCING (TAOIPU) ;

01/17/2008 **Calendar Call (9:30 AM)**
CALENDAR CALL

01/17/2008 **Calendar Call (9:30 AM)**
CALENDAR CALL

01/17/2008 **Calendar Call (9:30 AM)**
CALENDAR CALL

01/22/2008 **Motion to Strike (8:30 AM)**
DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L.
Matter Continued; DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L.
Journal Entry Details:
Court advised this is Judge Adair's case, however, she is on vacation and he is hearing this motion as counsel need a ruling prior to trial. Mr. Whipple provided a copy of the Hidalgo decision to the Court and argued regarding Rule 250, late Notice of Intent, aggravating circumstances and specificity. Mr. Whipple advised the co-Deft. had the aggravators stripped and that case is no longer a capital case. Mr. DiGiacomo argued Deft. Counts was still under a sentence of imprisonment in two cases when this occurred and was in warrant status in one of them so there is no specificity problem as to the first aggravator. Mr. Whipple argued the issue is how the State pled it. Mr. Pesci argued the law says they can still plead in the alternative. Mr. Whipple argued the issue goes to notice and argued the State cannot boot strap. Court advised he will read the Hidalgo decision and ORDERED, matter CONTINUED to tomorrow for decision. Mr. Whipple advised, if the Court strikes the aggravators, they are ready for trial; if not, he will request a stay. Court advised he is not the trial judge and will not grant a stay, so counsel should be forewarned. CUSTODY ;

01/22/2008 **CANCELED Jury Trial (10:30 AM)**
Vacated

01/22/2008 **CANCELED Jury Trial (10:30 AM)**
Vacated

01/22/2008 **CANCELED Jury Trial (10:30 AM)**
Vacated

01/23/2008 **Motion to Strike (8:30 AM)**
DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Court Clerk: Tina Hurd/th Relief Clerk: Tia Everett Reporter/Recorder: Renee Vincent Heard By: Stewart Bell
Denied; DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES Court Clerk: Tina Hurd/th Relief Clerk: Tia Everett Reporter/Recorder: Renee Vincent Heard By: Stewart Bell
Journal Entry Details:
Court advised he has read the pleadings and cases provided and ORDERED, motion DENIED. Court stated he does not believe the decision has much changed the pleadings rules as they have known them over the years. Every theory has to be charged. Court advised this case also says they have to charge anything on which there has to be notice. They can be charged in the alternative but everything in the alternative has to be supporting that. Court advised, in death penalty cases, it has to be the case that each and every prong is supported. Court FINDS if Deft. was on probation for a Felony with an underlying term, that IS a sentence of imprisonment and was charged appropriately. Court advised Ms. Wildeveld has a motion to stay and ORDERED, stay DENIED and the defense may go to the Supreme Court.

CASE SUMMARY

CASE No. 05C212667-2

Mr. DiGiacomo advised they need to have the jury questionnaire to the Department this morning. Colloquy. Court advised he is not getting to substantive issues of whether a stay is appropriate. He heard this motion for Judge Adair and he is not going to set this trial off in her absence. If the Supreme Court does, so be it. Ms. Wildeveld advised, for the record, they are ready to go to trial. Hearing concluded. CUSTODY ;

01/24/2008	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>
01/24/2008	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>
01/24/2008	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>
01/24/2008	Minute Order (1:30 PM) <i>MINUTE ORDER RE: RE: BAIL FOR DEFTS. HILDALGO AND Court Clerk: Denise Husted</i> <i>Heard By: Valerie Adair</i> <i>Matter Heard; MINUTE ORDER RE: RE: BAIL FOR DEFTS. HILDALGO AND Court</i> <i>Clerk: Denise Husted Heard By: Valerie Adair</i> <i>Journal Entry Details:</i> <i>After taking this matter under consideration, COURT ORDERED, BAIL is SET as to Deft.</i> <i>HILDALGO at EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.) as to DEFT.</i> <i>ESPINDOLA at FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.). ;</i>
01/28/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/28/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/28/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/28/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/29/2008	Motion (9:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213</i>
01/29/2008	Motion (9:30 AM) <i>Events: 01/07/2008 Motion</i> <i>DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213</i>
01/29/2008	Motion (9:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>
01/29/2008	Motion (9:30 AM) <i>Events: 01/07/2008 Motion</i> <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i>
01/29/2008	Motion (9:30 AM) <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>
01/29/2008	Motion (9:30 AM) <i>Events: 01/08/2008 Motion</i> <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215</i>
01/29/2008	Motion (9:30 AM) <i>Events: 01/08/2008 Motion</i> <i>DFT'S MTN TO JOIN HIDALGO'S MTN FOR SEVERANCE/216 Heard By: Valerie Adair</i>

CASE SUMMARY

CASE NO. 05C212667-2

01/29/2008	<p>Motion to Strike (9:30 AM) Events: 01/08/2008 Motion <i>DEFT'S SECOND MTN TO RECONSIDER MTN TO STRIKE AGGRAVATING CIRCUMSTANCES</i> Heard By: Valerie Adair</p>
01/29/2008	<p>CANCELED Motion (9:30 AM) Events: 01/11/2008 Motion <i>Vacated</i></p>
01/29/2008	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 1/29/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 1/29/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL (HIDALGO)...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENTS (COUNTS)...DEFENDANT'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY HEARING (ESPINDOLA) Mr. Gentile requested that the motions calendared this day be continued for further review. There being no opposition by other counsel, COURT ORDERED, motions CONTINUED. CONTINUED TO: 2/5/08 10:30 AM ;</i></p>
01/29/2008	<p>Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding potential penalty witnesses. The Court informed counsel that there will be three alternates and twelve jurors. Colloquy regarding aggravators and mitigators. Mr. Pesci stated that the jury questionnaires will cover this. Mr. Whipple moved for a continuance based on Supreme Court rule 250(4)(d); he stated he needs time to review the notice and needs thrifty days. Opposition by Mr. Digiacomo; he advised that Judge Bell's previous ruling was clean in denying the trial continuance and believes Mr. Whipple's request is inappropriate. COURT ORDERED, motion for CONTINUANCE DENIED. Second Amended Information FILED IN OPEN COURT. IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. Mr. Whipple requested a new jury panel on the basis of ethnic make-up. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED. ;</i></p>
01/30/2008	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding potential penalty phase and reports; counsel cited Zane Floyd case which is specific as to expert disclosures. COURT FINDS, counsel needs to disclosed experts and turn of curriculum vitae. Mr. Digiacomo cited paragraphs thirteen and fourteen of the Floyd case. The Court stated that Mr. Whipple is to conform to Discovery rules; counsel is entitles to tests and reports. Following further arguments and request by Mr. Digiacomo, COURT ORDERED, Mr. Whipple is to provide written notice, curriculum vitae and tests and they must be filed by tomorrow. Colloquy regarding questioning of potential jurors. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Mr. Whipple requested allowance of giving specific mitigators; he wanted it on the record what he will and will not be allowed to do. COURT ADVISED, Mr. Whipple may illustrate and provide examples of mitigators. IN THE PRESENCE OF THE JURY. Jury selected. OUTSIDE THE PRESENCE OF THE JURY. Discussion among Court and counsel regarding jury panel. Evening recess. MATTER CONTINUED. ;</i></p>
01/31/2008	<p>Jury Trial (9:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By:</i></p>

CASE SUMMARY

CASE NO. 05C212667-2

Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Defendant's Offer of Proof, Notice of Defendant's Expert Witnesses for Penalty Phase, ROC, ROC and Notice of Wireesses for Penalty Phase FILED IN OPEN COURT. Arguments by counsel regarding offer of proof regarding statement of defendant Deangelo Carroll that he made to another prisoner regarding his involvement in the murder. Mr. Pesci stated that he never gave this statement to the police; now a statement by a cell mate in the detention center is dubious at best. Mr. Digiacoimo argued that the statement is clearly unreliable. COURT FINDS, technically it is a statement against penal interest; one statement will be allowed in an the other statements will not be allowed. IN THE PRESENCE OF THE JURY. Jurors SWORN. Second Amended Information read by the Clerk. Introductory statement by the Court. Opening statements by Mr. Digiacoimo. Opening Statements by Mr. Whipple. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, COURT ORDERED, previous rulings by Judge Mosely are the law of the case. Mr. Whipple moved for a mistrial on the basis of due process violations against his client. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED. ;

02/01/2008

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding Mr. Whipple saying that he had not received certain exhibits from the State. Mr. Digiacoimo stated that whenever Mr. Whipple came and requested exhibits, they were provided to him. Mr. Whipple advised that he bate-stamped what he was requesting and gave the request to the State. COURT FINDS, at this point is up to defense counsel to obtain what they want from the State. Further arguments regarding the power point presentation and making a particular exhibit a Court's exhibit. COURT ORDERED, this issue was already decided by Judge Mosely. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, Mr. Digiacoimo stated that it became apparent that something was wrong with Mr. Zone. Mr. Pesci stated that Mr. Zone has another son that Mr. Whipple has represented. Mr. Digiacoimo advised that they spoke with Mr. Zone; Mr. Whipple remembered the other son. Mr. Whipple informed the Court that at some point he spoke with Mr. Zone, but never discussed anything pertaining to this case with Mr. Zone or the other son. He also stated that he never met Roantae Zone. The Court question Mr. Zone regarding the preliminary hearing. Mr. Whipple stated that he was not present at that hearing. CONFERENCE AT BENCH. The Court question Mr. Counts regarding the fact that Mr. Whipple represented Mr. Zones brother. The Defendant stated he has no problem of Mr. Whipple continuing to represent him. Out of an abundance of caution, the Court asked Mr. Zone to leave the Courtroom. After that, Mr. Whipple stated he has no problem zealously advocating and representing Mr. Counts. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding whether or not Officer Rivera was on the witness list. As there were other officers listed, COURT FINDS, his testimony will be allowed. Mr. Digiacoimo stated that Officer Rivera was on the list in the Justice Court hearing. Mr. Whipple objected to Mr. Rivera's testimony as he believes it is prejudicial to his client's due process rights and MOVED for a mistrial. COURT ORDERED, DENIED. Mr. Whipple requested that the phone calls from the detention center be provided before his testimony. Opposition by Mr. Digiacoimo. The Court stated that if there is a policy at the detention center, then it can be done. The Court services attorney or an investigator must stay with the Defendant the entire time, but Court Services cannot stay with the Defendant while he listens. Further discussion regarding Officer Rivera's testimony. The Court stated that Mr. Whipple was aware that some SWAT Officer would be testifying and he didn't call any other officers to testify. Mr. Whipple advised that it was not his burden. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. COURT ORDERED, defendant Burman to be remanded to the Clark County Detention for this weekend in order that Mr. Whipple's investigators will have time to review the case with him. Evening recess. MATTER CONTINUED. ;

02/04/2008

Change of Plea (9:00 AM)

CHANGE OF PLEA Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By:

CASE SUMMARY

CASE NO. 05C212667-2

Valerie Adair

Matter Heard; CHANGE OF PLEA Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Third Amended Information FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT ESPINDOLA ARRAIGNED and PLED GUILTY to Voluntary Manslaughter with use of a Deadly Weapon. COURT ACCEPTED plea and ORDERED, matter CONTINUED for a status check regarding sentencing. FURTHER, pursuant to request by the State, Attachment to the Guilty Plea Agreement is to be FILED UNDER SEAL. CUSTODY 4/15/08 9:30 AM SENTENCING ;

02/04/2008

Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Counsel advised that defendant Taoipu sent a letter to Mr. Counts, which was received last night at 10:00 PM. Colloquy regarding having investigator pick up witnesses from Tonopah to testify Wednesday. Discussion regarding Discovery. Colloquy regarding scheduling of witnesses. Mr. Digiaco stated he believes Mr. Bremmer can wait his turn as his witnesses (who are not incarcerated) have been inconvenienced. Further discussion regarding Discovery. Mr. Whipple informed the Court that he received a phone call from Cal Potter's office regarding post conviction relief for Defendant in Palomino murder in 2000. They believe this murder was set up by Hidalgo. The State inquired the validity of that having anything to do to this case. Mr. Whipple advised that he didn't really know, but wanted to make a record and make a Court's exhibit and requested a twenty-four hour continuance to find "Aerial" AKA Michelle Schwanderlik. Mr. Digiaco stated that the other murder was when the Palomino Club was under different ownership; also, the person Mr. Whipple is looking for cannot be found. He further advised that there is no evidence linking this murder to the other murder in case C182148 filed on 8/6/02. COURT FINDS, there is no need for a Court's exhibit, and DENIED the continuance. Mr. Digiaco stated he had no problem with the Court reviewing the other case. OUTSIDE THE PRESENCE OF THE JURY. The Court inquired of Mr. Taoipu if he discussed testifying with his counsel, Terry Jackson, Esq. Mr. Taoipu stated that he had spoken with counsel and that he understands his rights. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/05/2008

Motion (9:30 AM)

DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213

02/05/2008

Motion (9:30 AM)

DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214

02/05/2008

Motion (9:30 AM)

DFT'S MTN TO JOIN HIDALGO'S MTN FOR AUDIBILITY HEARING/215

02/05/2008

Motion in Limine (9:30 AM)

Events: 01/25/2008 Motion

DEFT'S MTN IN LIMINE TO ALLOW STATEMENT/227 Heard By: Valerie Adair

02/05/2008

All Pending Motions (9:30 AM)

ALL PENDING MOTIONS 2/5/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; ALL PENDING MOTIONS 2/5/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL (HIDALGO)...DEFENDANT'S MOTION TO SUPRESS CUSTODIAL STATEMENT...DEFENDANT'S MOTION TO ALLOW STATEMENTS Hidalgo: CONFERENCE AT BENCH. Mr. Digiaco advised that based on new evidence, the State is seeking an indictment against Hidalgo, Jr. Mr. Gentile stated that service would not be accepted as there is a Supreme Court ordered regarding conflict for him to represent Hidalgo III, and Hidalgo Jr.; those records are sealed. Following further arguments and request by the

CASE SUMMARY

CASE NO. 05C212667-2

State, COURT ORDERED, the police are no to destroy any notes and they must be maintained; the Court will sign an order as to this. Mr. Gentile requested procudtion of phone conversations from Espindolaa and Hidalgo Jr. COURT ORDERED, Defendant's Motion for Audibility Hearing and Transcrip Approval is CONTINUED. Counts: COURT ORDERED, Defendant's Motion to Supress Custodial Statements pertain to Defendant Hidalgo and is CONTINUED; Defendant's Motion in Limine to Allow Statements is MOOT. CUSTODY (BOTH) CONTINUED TO: 2/7/08 9:30 AM DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TOSUPRESS CUSTODIAL STATEMENT (HIDALGO III) ;

02/05/2008

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Mr. Whipple stated he had not received certain items of Discovery; if they weren't copied, they must have come from the detectives files. Defendant's Motion to Preclude Test from Detectives Re: their Interpretation of Third Party Conversation FILED IN OPEN COURT. COURT ORDERED, they can testify if interpretations is non street slang; they can't speculate as to meaning. He further stated that as to the conspiracy charge as to Kenneth Counts will be asking for a directed verdict as to that issue. Arguments by counsel. Arguments by Ms. Wildeveld in support of her possession; discussion regarding the way the charge was pled. COURT FINDS, all of the conspirators do not have to be at all of the meetings at the same time. Mr. Digiacomo stated this argument was made in front of Judge Moseley and is part of the record. The Court informed counsel that these issues can be determined with jury instructions. Arguments by Mr. Whipple regarding Crawford issues. IN THE PRESENCE OF THE JURY; Testimony and exhibits per worksheet. OUTSIDE THE PRESENCE OF THE JURY; Discussion regarding witness Calvin Williams being transported from Tohapah, NV tonight; order to transport to be prepared. Mr. Whipple stated he doesn't want Deangelo Carroll's statements to be given to the jury. Mr. Diagiaco stated they were given file stamped copies of transcript; they could have redacted before how. He stated that Mr. Whipple is being disingenuous to say he didn't have a copy of this information. COURT ORDERED, redaction of statement is UNTIMELY; Judge Moseley's previous order stands. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/06/2008

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

IN THE PRESENCE OF THE JURY. State rested. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding exhibits. Discussion regarding transport of the two witnesses; the Court directed to transport the two witnesses separately. Colloquy regarding Mr. Whipple's witnesses. Opposition by Mr. Digiacomo. The Court admonished Mr. Counts of his constitutional right to not be compelled to take the stand in how own defense. The Defendant stated he understood his rights. Colloquy regarding Defendant Carroll and that the State may call him as a witness. IN THE PRESENCE OF THE JURY. CONFERENCE AT BENCH. Testimony and exhibits presented per worksheet. Defense rested. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. The Court requested that parties settle jury instructions. Mr. Whipple stated that he was not prepared to do that. Evening recess. MATTER CONTINUED. ;

02/07/2008

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proposed jury instructions. Mr. Whipple requested twenty four hour continuance to review discrepancy in exhibit 189. The Court DENIED Mr. Whipple's motion as the document became relevant due to testimony of the Defendant; he opened the door. Mr. Whipple MOVED for a mistrial based on the violation of

CASE SUMMARY

CASE NO. 05C212667-2

Mr. Counts due process rights. COURT ORDERED, DENIED. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. The Court instructed the jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Whipple. Closing arguments by Mr. DiGiacomo. Officer sworn to take charge of the jury. Alternate jurors thirteen to fifteen revealed; the Court requested that they provide phone numbers to the bailiff in the event that they have to be recalled. At the hour of 4:40 PM the jury retired to deliberate. Evening recess. MATTER CONTINUED. ;

02/07/2008 **Motion (9:30 AM)**

DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213

02/07/2008 **Motion (9:30 AM)**

DFT'S MTN TO SUPPRESS CUSTODIAL STATEMENTS/214

02/07/2008 **Motion to Set Bail (9:30 AM)**

Events: 02/01/2008 Motion

DEFT'S MTN TO SET BAIL /229 Heard By: Valerie Adair

02/07/2008 **All Pending Motions (9:30 AM)**

ALL PENDING MOTIONS 2/7/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; ALL PENDING MOTIONS 2/7/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL

STATEMENTS...DEFENDANT'S MOTION TO SET BAIL Mr. Gentile requested that the motions other than the bail motion be continued to 2/11/08 and that the trial be continued to 2/12/08. COURT SO ORDERED. The Court noted that Mr. Hidalgo's bail is already set at \$800,000.00. Mr. Gentile requested that the bail be lowered and the Defendant be placed on house arrest. Opposition by Mr. DiGiacomo regarding lowering of bail. COURT ORDERED, Defendant's Motion to Set Bail is DENIED. Pursuant to CONFERENCE AT BENCH, the Court stated that if the Defendant can come up with \$800,000.00 in property, Mr. Gentile may place the matter back on calendar for a hearing, however the previous ruling issued regarding lowering bail STANDS AT THIS POINT CUSTODY 2/11/08 9:30 AM DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT ;

02/08/2008 **Jury Trial (9:00 AM)**

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Verdict; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

At the hour of 5:40 PM the jury returned with the following verdict: COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY COURT ORDERED, Defendant REMANDED without bail on this charge. COUNT II - MURDER WITH USE OF A DEADLY WEAPON - NOT GUILTY. The Court thanked and excused jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and set for sentencing. CUSTODY 3/20/08 9:30 AM SENTENCING ;

02/11/2008 **Jury Trial (9:30 AM)**

TRIAL BY JURY Court Clerk: Denise Husted Heard By: Valerie Adair

Matter Heard; TRIAL BY JURY Court Clerk: Denise Husted Heard By: Valerie Adair

Journal Entry Details:

Pursuant to conference in chambers, COURT ORDERED, trial date VACATED and RESET. FURTHER, matter set for a hearing regarding potential conflict. 2/13/08 1:30 PM HEARING: POTENTIAL CONFLICT 2/19/08 10:30 AM JURY TRIAL (LUIS HIDALGO III) ;

02/11/2008 **CANCELED Jury Trial (9:30 AM)**

Vacated

02/11/2008 **Motion (9:30 AM)**

Events: 02/08/2008 Motion

CASE SUMMARY

CASE NO. 05C212667-2

DEFT'S MTN FOR DISCLOSURE/233

02/11/2008	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 2/11/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 2/11/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT...DEFENDANT'S MOTION FOR DISCLOSURE COURT ORDERED, motions CONTINUED. CONTINUED TO: 2/14/08 10:30 AM ;</i></p>
02/11/2008	<p>Motion (10:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213</i></p>
02/11/2008	<p>Motion (10:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i></p>
02/12/2008	<p>Sentencing (9:30 AM) <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>CONFERENCE AT BENCH. Mr. Jackson stated that the continuance needs to be continued as the Division of Parole and Probation has not prepared the presentence investigation report. He stated that he filed a motion for House Arrest pending the new sentencing date. The State submitted on Mr. Jackson's request. COURT ORDERED, Defendant RELEASED ON HOUSE ARREST through the Clark County Detention Center. FURTHER, Defendant MUST REPORT IMMEDIATELY upon release to interview; also, he must report to the Detention Center as often as they require. H.A. ;</i></p>
02/13/2008	<p>Hearing (1:30 PM) Events: 02/11/2008 Hearing <i>HEARING:POTENTIAL CONFLICT Heard By: Valerie Adair</i></p> <p>MINUTES Hearing <i>HEARING:POTENTIAL CONFLICT</i> Matter Continued; HEARING:POTENTIAL CONFLICT Heard By: Valerie Adair</p>
02/14/2008	<p>Motion (10:30 AM) <i>DEFT'S MTN FOR AUDIBILITY HEARING & TRANSCRIPT APPROVAL/213</i></p>
02/14/2008	<p>Motion (10:30 AM) <i>DFT'S MTN TO SUPRESS CUSTODIAL STATEMENTS/214</i></p>
02/14/2008	<p>Motion (10:30 AM) <i>DEFT'S MTN FOR DISCLOSURE/233</i></p>
02/14/2008	<p>Motion (10:30 AM) Events: 02/08/2008 Motion <i>DEFT'S MTN FOR DISCLOSURE OF THE EXISTENCE/234</i></p>
02/14/2008	<p>Motion to Compel (10:30 AM) Events: 02/08/2008 Motion <i>DEFT'S MTN TO COMPEL PRODUCTION OF HANDWRITTEN NOTES/235</i></p>
02/14/2008	<p>Hearing (10:30 AM) <i>HEARING:POTENTIAL CONFLICT Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; HEARING:POTENTIAL CONFLICT Court Clerk: Denise Husted</p>

CASE SUMMARY

CASE NO. 05C212667-2

Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Confidential conflict hearing held. CUSTODY ;

02/14/2008



All Pending Motions (10:30 AM) (Judicial Officer: Adair, Valerie)

ALL PENDING MOTIONS 2/14/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

MINUTES

03/10/2008

Motion

ALL PENDING MOTIONS 2/14/08

Matter Heard; ALL PENDING MOTIONS 2/14/08 Court Clerk: Denise Husted

Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

DEFENDANT'S MOTION FOR DISCLOSURE...DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENTS...DEFENDANT'S MOTION FOR DISCLOSURE OF THE EXISTENCE/DEFT'S MOTION TO COMPEL PRODUCTION OF HANDWRITTEN NOTES...HEARING: RE. POTENTIAL CONFLICT As to Defendant's Motion for Disclosure of the Existence, Mr. Gentile informed the Court that there was no wiretap. COURT ORDERED, that motion was to be heard on 2/19/08, therefore is to be reset to day and OFF CALENDAR. As to the other part of the motion, Deft's Motion to Compel Production of Handwritten notes, parties agreed there is a Grand Jury transcript of Espindola; Defendant will ask for that. The State has no opposition for the Defendant is entitled to them. Audibility tapes played on the record. COURT ORDERED, as to Defendant's Motion for Audibility Hearing and Transcript Approval, both transcripts will be provided to the jury and the tape will be played twice per stipulation of counsel. Custodial statements recordings played. Arguments by Ms. Armeni that Defendant was not told he did not have to talk with the Detective. The Court noted he was listening and responding, even though it was not in the manner the Detectives wanted him to respond. Although it was obvious he had a cough, there were long periods of time that he didn't cough. COURT ORDERED, the tape is more appropriate than the transcript. State submitted. Colloquy regarding defense agreement to testify; if introduced to the jury it may create an inference. COURT ORDERED, the only way it will come in is if the door was opened; agrees it is prejudicial, therefore Defendant's Motion to Suppress Custodial Statements was ADDRESSED BY THE COURT. Defendant's Motion for Disclosure was not addressed. CUSTODY CLERK'S NOTE: The above minute order modified to reflect that the transcript of this hearing was sealed. d.h./2/19/16 ;

02/19/2008

CANCELED Jury Trial (10:30 AM)

Vacated

02/21/2008

Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Colloquy regarding Supreme Court stay of trial. Mr. Digiacomo stated that although there were motions that parties intended to argue, the Stay precludes them from being heard. COURT ORDERED, trial date RESET. CUSTODY 5/22/08 9:30 AM CALENDAR CALL 5/27/08 10:00 AM JURY TRIAL ;

02/22/2008

CANCELED Jury Trial (9:00 AM)

Vacated

02/26/2008

Motion for New Trial (9:30 AM)

Events: 02/15/2008 Motion

DEFT'S MTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242 Heard By: Valerie Adair

02/26/2008

Motion to Dismiss (9:30 AM)

Events: 02/20/2008 Motion

DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC

CASE SUMMARY

CASE NO. 05C212667-2

02/26/2008	<p>All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 2/26/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 2/26/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>DEFENDANT'S MOTION FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING (COUNTS)...DEFENDANT'S MOTION TO DISMISS OR TO STRIKE The Court informed Mr. Whipple that the current Supreme Court stay does not apply to Mr. Counts. Mr. Whipple requested a continuance as Ms. Wildeveld is not available until after 3/6/08. COURT ORDERED, CONTINUED. CONTINUED TO: 3/11/08 9:30 AM ;</i></p>
03/06/2008	<p>CANCELED Calendar Call (9:30 AM) <i>Vacated</i></p>
03/10/2008	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>
03/11/2008	<p>Motion for New Trial (9:30 AM) <i>DEFT'SMTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242 Relief Clerk: REBECCA FOSTER Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Denied; DEFT'SMTN FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING/242 Relief Clerk: REBECCA FOSTER Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Arguments by counsel. Court stated she inspected documents in-camera, the documents can be sealed and made a part of the Court's record in case the Nevada Supreme Court wants to look at them, the Declaration of Arrest should be sufficient and, ORDERED, motion DENIED. CUSTODY ;</i></p>
03/11/2008	<p>Motion to Dismiss (9:30 AM) <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i></p>
03/20/2008	<p>Sentencing (9:30 AM) Events: 02/08/2008 Conversion Case Event Type <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Granted; SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Parties argued and submitted. Statement by Defendant. The State MOVED that Defendant's copies of Judgements of Conviction be admitted as exhibits and also requested that the Defendant be sentenced under the Small Habitual Criminal statute. Arguments in opposition by Mr. Whipple. DEFENDANT COUNTS ADJUDGED GUILTY under the Small Habitual Criminal Statute of CONSPIRACY TO COMMIT MURDER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED to a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of TWO-HUNDRED FORTY (240) MONTHS, to RUN CONSECUTIVELY to Defendant's cases in California, with 1,029 DAYS CREDIT for time served. FURTHER, copies of Judgements of Conviction are ADMITTED; Ms. Wildeveld is APPOINTED as appellate counsel. NDC ;</i></p>
03/25/2008	<p>Sentencing (9:30 AM) <i>SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Continued; SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Parties argued and submitted. Statement by Defendant. Upon Court's inquiry, Ms. Jones stated the Defendant has been looking for a job and the Public Defender's office has been assisting him in obtaining a copy of his birth certificate so that he can get his driver's license and identification. DEFENDANT TAOIPU ADJUDGED GUILTY of COUNT I - CONSPIRACY TO COMMIT MURDER (F) and COUNT II - VOLUNTARY MANSLAUGHTER WITH USE OF A</i></p>

CASE SUMMARY

CASE No. 05C212667-2

DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED on Count I to a MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of ONE-HUNDRED TWENTY (120) MONTHS; Count II to a MINIMUM of SIXTEEN (16) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS with an equal and consecutive term of 16/60 MONTHS for the deadly weapons enhancement; Count II to RUN CONCURRENTLY with Count I, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. CONDITIONS: 1. Obtain/maintain lawful full time employment unless Defendant is a full time student; 2. Defendant placed on House Arrest for a period not to exceed one year; 3. Submit to counseling evaluation and any counseling deemed necessary by the evaluator; submit to random urinalyses; 4. Complete GED/high school diploma; 5. Complete vocational training as deemed necessary by the Division of Parole and Probation. BOND, if any EXONERATED. ;

04/10/2008	Motion (9:30 AM) Events: 04/09/2008 Motion <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair</i>
04/15/2008	Status Check (9:30 AM) Events: 02/04/2008 Hearing <i>STATUS CHECK:SENTENCING Heard By: Valerie Adair</i>
04/15/2008	Motion (9:30 AM) <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair</i>
04/15/2008	All Pending Motions (9:30 AM) <i>ALL PENDING MOTIONS 4/15/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; ALL PENDING MOTIONS 4/15/08 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>STATE'S MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS (LUIS HIDALGO, III)...STATUS CHECK: SENTENCING (ANABEL ESPINDOLA) COURT ORDERED, Status Check: Sentencing is OFF CALENDAR. FURTHER, State's Motion to Conduct Videotaped Testimony of a Cooperating Witness is CONTINUED. CUSTODY (BOTH) 4/17/08 9:30 AM STATE'S MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS (LUIS HIDALGO III) ;</i>
04/17/2008	Motion (9:30 AM) <i>STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair</i> Off Calendar; STATE'S MTN TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS/250 Heard By: Valerie Adair Journal Entry Details: <i>As this case has been STAYED by the Supreme Court, COURT ORDERED, OFF CALENDAR. CUSTODY ;</i>
05/22/2008	Motion to Dismiss (9:30 AM) <i>DEFT'S MTN TO DISMISS OR MTN TO STRIKE/243 VJ 5/22 STAY BY NSC</i>
05/22/2008	CANCELED Calendar Call (9:30 AM) <i>Vacated</i>
05/27/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
06/17/2008	Status Check (9:30 AM) Events: 05/29/2008 Hearing <i>STATUS CHECK: TRIAL SETTING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i>

CASE SUMMARY

CASE NO. 05C212667-2

	<p>Matter Heard; STATUS CHECK: TRIAL SETTING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>COURT ORDERED, trial date is to be set recognizing that the Court has not ruled on consolidation. CUSTODY 1/22/09 9:30 AM CALENDAR CALL 1/26/09 10:00 AM JURY TRIAL ;</i></p>
07/10/2008	<p>Motion to Consolidate (9:30 AM) Events: 06/25/2008 Motion <i>STATES MTN TO CONSOLIDATE WITH C241394/256 Heard By: Valerie Adair</i></p>
07/10/2008	<p>Notice of Intent to Seek Revocation of Probation (9:30 AM) Events: 06/30/2008 Motion <i>NOTICE OF INTENT REV OF PROB Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Probation Reinstated; NOTICE OF INTENT REV OF PROB Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Statement by Mr. DiGiacomo. Mr. Jackson stated the facts alleged in the violation report are not sufficient to revoke the Defendant. The Court noted the Defendant has been in custody over two weeks. Further, the Defendant did not avail himself of the free counseling, was not in compliance with imposed curfew and didn't meet with his Probation Officer, which makes it appear the Defendant is not taking the benefit of probation seriously. Mr. Jackson informed the Court he spoke with the Defendant regarding his responsibilities; he also helped him obtain an ID card, so he will now be able to seek employment. COURT ORDERED, PROBATION REINSTATED with the same conditions imposed previously. ;</i></p>
07/22/2008	<p>Motion to Consolidate (9:30 AM) <i>STATES MTN TO CONSOLIDATE WITH C241394/256 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Off Calendar; STATES MTN TO CONSOLIDATE WITH C241394/256 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Mr. Gentile requested more time to respond to the State's Motion to Consolidate. Upon Court's inquire Mr. Gentile stated he is still willing to represent both Hidalgo defendants as long as the cases are not consolidated. He further stated he will be filing a challenge regarding seeking the death penalty as to Luis Hidalgo, III, but he is uncertain regarding this issue as to Luis Hidalgo, Jr. Colloquy regarding trial dates. COURT ORDERED, States' Motions to Consolidate are OFF CALENDAR. FURTHER, trial date VACATED and RESET in case C241294. The Court informed counsel that the cases will be tried back to back, with the in-custody Defendant being tried first, as long as the cases are not consolidated. CUSTODY ;</i></p>
08/12/2008	<p>Motion to Consolidate (9:30 AM) <i>STATES MTN TO CONSOLIDATE WITH C241394/256 Heard By: Valerie Adair</i></p>
10/23/2008	<p>Conversion Hearing Type (9:30 AM) Events: 10/20/2008 Hearing <i>TRIAL SETTING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; TRIAL SETTING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Counsel advised that the Nevada Supreme Court has made its decision and the State has to file a notice in conformance. Mr. DiGiacomo advised that has been done. COURT ORDERED, trial date SET. CUSTODY 6/11/09 9:30 AM CALENDAR CALL 6/15/09 10:00 AM JURY TRIAL ;</i></p>
11/20/2008	<p>Request (9:30 AM) Events: 11/13/2008 Hearing <i>STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</p>

CASE SUMMARY

CASE NO. 05C212667-2

Journal Entry Details:

Mr. Gentile introduced Chris Adams, Esq. from Atlanta, who will be substituting in as counsel for Luis Hidalgo, III; also John Arascata, Esq. from Reno will be appearing later. He further stated that these attorneys will be representing Hidalgo, III because of the issues that can be raised between Hidalgo, III and Hidalgo, Jr. and because of the Nevada Supreme Court's narrow mandate in their ruling. Mr. Gentile advised he will continue to represent Hidalgo, Jr. and requested additional time to file oppositions for the Motions to Consolidate cases C212667 and C241394. Mr. DiGiacomo requested time for the State to file replies to Mr. Gentile's opposition. COURT ORDERED, Mr. Gentile's opposition is due by 12/4/08 and the State's reply is due by 12/11/08. FURTHER, Motions to Consolidate CONTINUED in cases C212667 and C241394. CUSTODY ;

12/19/2008

Request (9:30 AM)

STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Relief Clerk:

Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Relief Clerk: Carole D'Aloia Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher W. Adams, Esq., from Atlanta, Georgia, also present on behalf of Defendant Hidalgo III. Mr. Arrascada advised he has filed an Order for association of counsel on behalf of Mr. Adams, Court advised it did not see a problem with this and it will sign the Order. Dominic P. Gentile, Esq., also present on behalf of DEFENDANT HIDALGO, JR., case C241394. Mr. DiGiacomo advised that when he picked-up his copy of Defendants' opposition to the State's motion to consolidate, there were two (2) additional motions to strike the amended notice to seek death penalty on behalf of both Defendants and the State has not had an opportunity to respond and requested time to do so, noting he spoke to Mr. Gentile regarding this matter. Court informed counsel that if the motion is granted, and the notice to seek the death penalty is stricken for either Defendant, the motion to consolidate will not be granted. COURT ORDERED, Defendants' Motions to Strike the Amended Notice to seek Death Penalty CONTINUED. As to the State's motion to consolidate, Mr. Gentile stated his objections on the record. Mr. Gentile informed, if Court grants this motion, it would deprive Defendants their right to eight (8) preemptory challenges each. Mr. Adams advised he is joining in this motion on behalf of Defendant Hidalgo III. Response by Mr. DiGiacomo. Court advised the biggest problem it foresees in granting the motion to consolidate would be during the penalty phase of the trial, where possibly family members would have to choose which of the two (2) Defendants they would testify on behalf of and, then if called upon to testify as to the other Defendant, they could not testify to the contrary. Court advised Mr. Gentile his argument was very interesting and, ORDERED, RULING RESERVED to continuance date. CUSTODY ;

01/09/2009

Request (9:30 AM)

STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Court Clerk:

Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

COURT ORDERED, matter CONTINUED for decision. CUSTODY ;

01/16/2009

Request (9:30 AM)

STATE'S REQUEST STATUS CHECK ON MTN TO CONSOLIDATE C241394 Heard By: Valerie Adair

01/16/2009

Motion (9:30 AM)

STATE'S MTN TO REMOVE MR GENTILE AS ATTORNEY OR TO REQ WAIVERS/262 Heard By: Valerie Adair

01/16/2009

Motion (9:30 AM)

DEFT'S MTN FOR FAIR & ADEQUATE VOIR DIRE/263 Heard By: Valerie Adair

01/16/2009

All Pending Motions (9:30 AM)

ALL PENDING MOTIONS 1-16-09 Relief Clerk: REBECCA FOSTER Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

CASE SUMMARY

CASE No. 05C212667-2

Matter Heard; ALL PENDING MOTIONS 1-16-09 Relief Clerk: REBECCA FOSTER
Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

STATE'S MOTION TO REMOVE MR. GENTILE AS ATTORNEY OR REQUEST WAIVERS AFTER DEFENDANTS HAVE HAD TRUE INDEPENDENT COUNSEL...STATE'S REQUEST STATUS CHECK ON MOTION TO CONSOLIDATE C241394...DEFT'S MOTION FOR FAIR AND ADEQUATE VOIR DIRE Christopher W. Adams, Esq. pro hac vice also present. WAIVER OF RIGHTS TO A DETERMINATION OF PENALTY BY THE TRIAL JURY (HILDAGO, JR and HIDALGO III) FILED IN OPEN COURT. ORDER GRANTING THE STATE'S MOTION TO CONSOLIDATE C241394 INTO C212667 FILED IN OPEN COURT. Mr. DiGiacomo advised the Court an agreement has been reached between parties as it relates to conflict issue and Notice to Seek Death Penalty against both depts will be withdrawn. Further defense counsel acknowledged there is no conflict as to the guilt phase. Colloquy between Court and counsel regarding charging documents and voir dire process. COURT ORDERED, State's Motion to Remove Mr. Gentile is MOOT; Motion to Consolidate with C241394 is GRANTED; and Deft'S Motion for Fair and Adequate Voir Dire is MOOT. COURT FURTHER ORDERED, Deft's Motion to Suppress scheduled for 1-20 will be heard at 10:15 with other Motion in Limine to Exclude Testimony (C241394). CUSTODY ;

01/20/2009

Motion (9:30 AM)

Events: 01/07/2009 Motion

STATE'S MTN TO REMOVE MR GENTILE AS ATTORNEY OR TO REQ WAIVERS/262
Heard By: Valerie Adair

01/20/2009

Motion (9:30 AM)

Events: 01/08/2009 Motion

DEFT'S MTN FOR FAIR & ADEQUATE VOIR DIRE/263 Heard By: Valerie Adair

01/22/2009

Calendar Call (9:30 AM)

CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Christopher Adams, Esq. appearing in case C212667; Dominic Gentile, Esq. and Paola Armeni, Esq. appearing in consolidated case C241394, with Defendant Luis Hidalgo Jr. Colloquy regarding trial date. Counsel announced ready for trial which should last two weeks with 26 witnesses. Mr. Arrascada stated opposition to parts of the State's Fourth Amended Information. Mr. DiGiacomo stated that the Jury must be advised there are two different conspiracies and that he believes it was addressed as to Luis Hidalgo Jr. He further advised that it will require a special verdict form, which is not before the Court at this time. Consolidated case C241394: STATE'S MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF VALERIE FRIDLAND...DEFENDANT'S MOTION TO SUPPRESS EVIDENCE...CALENDAR CALL Arguments by Mr. Gentile regarding the linguistics expert, Valerie Fridland. He stated that the use of pronouns employed by Ms. Espindola in the tapes in which she didn't know she was being recorded and the Grand Jury tapes were different and that the expert will be able to evaluate what was said in order to assist the jury. Opposition by Mr. DiGiacomo. The Court stated that this matter will be reviewed further and a ruling will be made on 1/23/09. As to Defendant's Motion to Suppress Evidence, Mr. Gentile submitted on the pleadings. He added that this was a general warrant; the issue regarding Family Court signing the warrant needed to be raised now, or it can't be raised later in front of the Supreme Court. COURT FINDS, Family Court has jurisdiction to sign warrants. Mr. Gentile stated the warrant left too much to the discretion of the searching officers, which violates the Fourth Amendment. Mr. DiGiacomo argued that each and every one of the witnesses is tied to a specific crime and there was probable cause for each item listed. COURT FINDS, it was not so general as to be considered a general warrant and ORDERED, Defendant's Motion to Suppress is DENIED. Colloquy regarding pleadings and whether or not new Information would be filed. Additionally, discussion ensued as to possibly striking parts of the Information/Indictment. COURT ORDERED, a ruling will be given on 1/23/09 following further review of the Court's minutes and transcripts. COURT ORDERED, ORDERED, trial date VACATED and RESET for a firm setting. 1/27/09 12:30 PM JURY TRIAL (C212667 AND C241394) ;

01/23/2009

Decision (10:50 AM)

DECISION:MATTERS ADDRESSED ON 1/22/09 Court Clerk: Denise Husted Heard By:

CASE SUMMARY

CASE NO. 05C212667-2

	<p>Valerie Adair Matter Heard; DECISION:MATTERS ADDRESSED ON 1/22/09 Court Clerk: Denise Husted Heard By: Valerie Adair Journal Entry Details: <i>COURT ORDERED, the State's Motion in Limine to Exclude the Testimony of Valerie Fridland is GRANTED. FURTHER, as to Hidalgo III's oral objection to the conspiracy count in the Fourth Amended Indictment, the COURT ORDERS that the language objected to be STRICKEN. Additionally, the COURT FINDS that there were two conspiracies; one relating to Timothy Hadland and one relating to Kenneth Counts. ;</i></p>
01/26/2009	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>
01/26/2009	<p>Request (10:00 AM) Events: 01/23/2009 Hearing <i>STATE'S REQUEST FOR CLARIFICATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i> Matter Heard; STATE'S REQUEST FOR CLARIFICATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: <i>Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. Hidalgo, Jr. presence WAIVED. Mr. Digiacoimo stated that questions arose pertaining to the 4/17/08 transcript; there are multiple meanings as to what order on 1/23/19 means. He asked if the Court made a legal determination the Hidalgo, III is not admissible. The Court stated that right now it cannot say automatically that this is an ongoing part of conspiracy and part of the cover up of the conspiracy; not prepared to say this is a conspiracy. If the evidence ties it in, the State can argue they are not able to say factually that this is part of intentional conspiracy. Case law shows there may have been a second conspiracy; the initial conspiracy involved payment; the second conspiracy involved getting rid of Mr. Counts. Mr. Digiacoimo read the Federal case law; Nevada law relates to ongoing acts of concealment. Following further arguments by counsel, COURT FINDS, the issue of Hidalgo, III solicitation of murder is up to the defense to bring in; the Court cannot say for certain that it was part of the first conspiracy. CUSTODY (HIDALGO III) ;</i></p>
01/27/2009	<p>Jury Trial (12:30 PM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding for cause challenges. Evening recess. MATTER CONTINUED. ;</i></p>
01/28/2009	<p>Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie</i> Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: <i>Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. OUTSIDE THE PRESENCE OF THE JURY. The Court noted that juror number fifteen said the stress of this process exacerbated a medical condition and provided a prescription. The Court excused this juror. Discussion regarding transcripts provided by the State; Mr. Adams objected to this. Mr. Gentile stated an audibility hearing was previously held regarding the tape. He requested that the Court listen to the tape and see if the transcript is reasonable decision regarding Anabel's debriefing. He further requested that he be provided the State's notes in order to determine if there may be a Brady issue. Mr. Digiacoimo stated the admissibility hearing came before Anabel's plea. Following further discussion, the Court informed counsel that jury selection is to proceed. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENT OF THE JURY. Discussion regarding juror challenges. IN THE PRESENCE OF THE JURY. Jury</i></p>

CASE SUMMARY

CASE NO. 05C212667-2

selection proceeded. CONFERENCE AT BENCH. Evening recess. MATTER CONTINUED. ;

01/29/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Defendant Hidalgo III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Defendant Hidalgo Jr. in consolidated case C241394. IN THE PRESENCE OF THE JURY. Jury selection continued. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury panel and possible conversations between some of them regarding the case. Jurors 018 and 052 questioned separately regarding this issue. IN THE PRESENCE OF THE JURY. Jury selection continued; voir dire questioning held one at a time outside the presence of the others in the panel. OUTSIDE THE PRESENCE OF THE JURY. Luis A. Hidalgo Jr's Trial Memorandum (Redacted) in case C212667 and consolidated case C241394 FILED IN OPEN COURT. Colloquy regarding differences in transcripts of Ms. Espindola. The Court noted it may be better to play the tape. Mr. Gentile agreed and Mr. Digiacommo opposed the suggestion. Discussion regarding the interview of Ms. Espindola. Mr. Adams requested copies of the notes of the interview. Following further discussion, the Court directed counsel to provide highlighted copies of the first and second transcripts showing the differences; the Court will review these prior to making a decision. Evening recess. MATTER CONTINUED. ;

01/30/2009

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. Jury selection continued. Voir Dire questioning took place with individual jurors apart from the others. OUTSIDE THE PRESENCE OF THE JURY. The Court read the case provided by counsel regarding the transcript issue. COURT ORDERED, parties are not precluded from allowing use of the transcript pursuant to case law provided by Mr. Arrascada. IN THE PRESENCE OF THE JURY. Jury selection continued. Introductions by Court and counsel. Information read by the Clerk. Evening recess. MATTER CONTINUED. ;

02/02/2009

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Defendant Hidalgo III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Defendant Hidalgo Jr. in consolidated case C241394. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. IN THE PRESENCE OF THE JURY. Jury selection continued; voir dire questioning took place with individual jurors apart from the others. OUTSIDE THE PRESENCE OF THE JURY. Mr. Adams argued Batson challenge. Opposition by the State. COURT FINDS, the release of the juror was with good cause. IN THE PRESENCE OF THE JURY. Jury selection continued. Voir dire questioning took place with individual jurors apart from the others. Jury selected and SWORN. Opening arguments counsel. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/03/2009

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Relief Clerk: Carol Donahoo (3:45 p.m.) Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Relief Clerk: Carol Donahoo (3:45 p.m.) Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

CASE SUMMARY

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OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding the State amending the witness list to include Christopher Oram. Mr. Gentile stated that Ms. Espindola will have to waive attorney client privilege should Mr. Oram testify. The Court informed counsel that the law regarding this issue will be reviewed. Further statements regarding jail phone records between Deangelo Carroll and his wife. IN THE PRESENCE OF THE JURY Testimony and exhibits presented per worksheet. Carol Donahoo (3:45 p.m.) Testimony and exhibits presented (see worksheet). COURT ORDERED, trial CONTINUED and recessed for the evening. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel with respect to the legal issues surrounding the tape recording of Deangelo Carroll. Counsel will revisit this matter tomorrow. Evening recess. MATTER CONTINUED. ;

02/04/2009

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/05/2009

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proper questioning of Detective McGrath. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/06/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding exhibits. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/09/2009

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling of witnesses. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Mr. Espindola with anyone during the lunch break. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding jury questions. Mr. Adams made stated on the record the people that Ms. Espincola conspired with. Now, one of the juror questions shows that the information they were told to consider is on the note. He MOVED for a mistrial. COURT ORDERED, DENIED; the matter will be cured by a statement by the Court. IN THE

CASE SUMMARY

CASE No. 05C212667-2

PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

02/10/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding evidence. Discussion regarding article in the Review Journal. Following discussion by counsel, the Court stated it will ask jurors if anyone has seen anything about this case in the news media. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. State rested. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Opposition by counsel to being served with notice of witnesses this morning; he needs time to prepare for cross-examination. COURT ORDERED, said witness is to be excluded as there is another witness that may be called. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Juror number eleven excused as the trial is going longer than expected and he informed the Court and counsel at jury selection that he has to be out of town. Evening recess. MATTER CONTINUED. ;

02/11/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding witness being called who was in the Clark County Detention Center at the same time as Ms. Espindola. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding testimony of P.K. Handley. Mr. Gentile requested receipt of evidence given to the Court to find if there is exculpatory evidence. Following further discussion regarding this issue. COURT ORDERED, Mr. Gigiacomo is to provide the defense with a copy of the information, and if not, the State will be precluded from recalling Mr. Handley. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Mr. Digiacomo read Mr. Handley's stated and advised there is no need to ask any other questions. Discussion regarding testimony of Ms. Perez. Mr. Digiacomo informed the Court that Mr. Gentile is requesting Mr. Oram's notes from interviewing Ms. Espindola. Mr. Oram advised he has no problem showing the Court his work product in camera, but feels it would be inappropriate to have to testify. Mr. Gentile argued there is a joint defense argument with Ms. Espindola before she pled. The Court excused Mr. Handley with the caveat that he is to leave his cell phone on in case he has to be called back to Court. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court advised Mr. Hidalgo, Jr. and Mr. Hidalgo, III of their constitutional rights to not be compelled to testify on their own behalf. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. Mr. Gentile RESTED. Mr. Arrascada RESTED. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding rebuttal testimony and what witnesses will be called and how they will be questioned. IN THE PRESENCE OF THE JURY. testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. The State RESTED. OUTSIDE THE PRESENCE OF THE JURY. Counsel directed to provide jury instructions by disc to the Judicial Executive Assistant for modification. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admission of Taoipu's affidavit in lieu of live testimony, as he has absconded. COURT STATED FINDINGS and ORDERED, that one exculpatory statement may not be used without discussing Hidalgo, III and his involvement. Evening recess. MATTER CONTINUED. ;

CASE SUMMARY

CASE NO. 05C212667-2

02/12/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. Jurors instructed on the law of the case. OUTSIDE THE PRESENCE OF THE JURY. Mr. Adams requested that any testimony regarding "bats and bags" be stricken from the testimony. He sited his reason as being issues regarding due process and trial rights. Mr. Digiacoimo stated there is no legal basis for this request. IN THE PRESENCE OF THE JURY. Closing arguments by Mr. Pesci. Closing arguments by Mr. Gentile. Closing arguments by Mr. Adams. Closing arguments by Mr. Digiacoimo. At the hour of 6:45 PM, the jury retires to deliberate. Officer Wooten sworn to take charge of the jury. The Court released alternates in chairs seven and fifteen and asked them to provide Officer Wooten with their phone numbers in case the have to fill in for another juror. Evening recess. MATTER CONTINUED. ;

02/13/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Deliberation by juror. Evening recess. MATTER CONTINUED. ;

02/17/2009

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

IN THE PRESENCE OF THE JURY. At the hour of 3:05 PM the jury returned with the following verdict: Count 1 - GUILTY of CONSPIRACY TO COMMIT A BATTERY WITH A DEADLY WEAPON OR BATTERY RESULTING IN SUBSTANTIAL BODILY HARM (F); Count 2 - GUILTY of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); Count 3 - GUILTY of SOLICITATION TO COMMIT MURDER (F); Count 4 - GUILTY of SOLICITATION TO COMMIT MURDER The Court thanked and excused the jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for sentencing. CUSTODY 5/5/09 9:30 AM SENTENCING ;

02/24/2009

CANCELED Motion for Own Recognizance Release/Settting Reasonable Bail (9:30 AM)

Events: 02/18/2009 Motion
Vacated

02/24/2009

Motion for Own Recognizance Release/Settting Reasonable Bail (9:30 AM)

Events: 02/18/2009 Motion

DEFT'S MTN FIR O.R. RELEASE FOR HOUSE ARREST/271 Relief Clerk: Sharon Chun Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Granted; DEFT'S MTN FIR O.R. RELEASE FOR HOUSE ARREST/271 Relief Clerk: Sharon Chun Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Following arguments by counsel, COURT ORDERED, Deft Espindola RELEASED ON O.R. WITH HOUSE ARREST THROUGH CLARK COUNTY DETENTION CENTER, noting that the State can coordinate her next appearance. O.R./H.A. ;

03/24/2009

Motion for Judgment (9:30 AM)

Events: 03/10/2009 Motion

DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Heard By: Valerie Adair

CASE SUMMARY

CASE NO. 05C212667-2

03/24/2009	<p>Motion for Judgment (9:30 AM) Events: 03/10/2009 Motion DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/273</p>
04/21/2009	<p>Motion for Judgment (9:30 AM) DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/273</p>
04/21/2009	<p>Motion for Judgment (10:30 AM) DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Matter Continued; DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie Journal Entry Details: Dominic Gentile and Paola Armeni appearing in consolidated case C241394. Following arguments by counsel, COURT ORDERED, CONTINUED. CUSTODY ;</p>
05/01/2009	<p>Motion for Judgment (10:30 AM) DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Matter Heard; DEFT'S MTN FOR JUDGMENT OF ACQUITTAL/272 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: Dominic Gentile and Paola Armeni appearing in consolidated case C241394. The Court noted that the question is regarding DeAngelo Carrol's statement. Statement by Ms. Armeni regarding Carrol's statement and his use of the pronoun "you". Mr. Digiacomio argued that what the jury acted appropriately with what the Court instructed them to do. Mr. Gentile advised that a Crawford problem now exists as Carrol never took the stand in this trial. Additionally, the question is what is the magnitude of error of the jury not following their instructions. The Court stated its belief that there was no intentional misconduct. Mr. Gentile cited the Valdez case, which was decided last November by the Nevada Supreme Court; the Nevada statute is based on the advisory committees first draft of the code. Mr. Digiacomio argued that the law is on the State's side in this issue and the Court should not consider what happened in the jury room during deliberations. COURT FINDS, it is very clear that if anything is considered, there will be an Evidentiary Hearing or a ruling at a later date. COURT ORDERED, parties are to brief the issue; objections are due by 5/15/09 and the response is due by 5/22/09. Mr. Gentile requested that the sentencing be continued as the presentence investigation report was sent to the wrong law firm. Additionally, once the report was received, he found several mistakes in the report. COURT ORDERED, it will reluctantly continue the sentencing, however counsel must file a motion with the Court identifying the alleged errors in the presentence investigation report. CUSTODY 6/2/09 9:30 AM SENTENCING ;</p>
05/05/2009	<p>CANCELED Sentencing (9:30 AM) Events: 02/18/2009 Conversion Case Event Type Vacated</p>
05/07/2009	<p>Bench Warrant Return (9:30 AM) Events: 05/05/2009 Bench Warrant BENCH WARRANT RETURN Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Matter Heard; BENCH WARRANT RETURN Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair Journal Entry Details: The Court noted that the Defendant is currently being held in North Las Vegas and a Revocation hearing needs to be set. Matter trailed for Mr. Jackson's appearance. Matter recalled with Mr. Jackson present. He stated he has a Federal trial coming up which may last several months, and doesn't think he will be able to continue representing the Defendant. The Court stated that since he has been with the Defendant throughout the case, he should continue representing him; the matter will be continued to accommodate Mr. Jackson's schedule. Mr. Digiacomio advised the Defendant has been charged with four separate home invasions and will be in custody pending preliminary hearings in those cases. COURT ORDERED, matter set for revocation hearing. CUSTODY 6/16/09 9:30 AM REVOCATION OF PROBATION ;</p>

CASE SUMMARY

CASE NO. 05C212667-2

06/02/2009	<p>Status Check (9:30 AM)</p> <p>Events: 05/01/2009 Hearing</p> <p><i>STATUS CHECK: SENTENCING Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i></p> <p>Matter Heard; STATUS CHECK: SENTENCING Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</p> <p>Journal Entry Details:</p> <p><i>Following conference at the bench, Court advised it addressed the previous Motions in chambers and prepared a minute order. Regarding the corrected pre-sentence investigation report (PSI), COURT ORDERED, both counsel to prepare an Order directing P & P to make the necessary changes. Following conference at the bench, State advised they are willing to accept the changes Deft's attorneys are referring to and suggested the State prepare the Order and to include 6/16/09 as the due date for the PSI; COURT SO ORDERED and matter SET for sentencing. CUSTODY 06/23/09 10:00 AM SENTENCING (HIDALGO) ;</i></p>
06/11/2009	<p>Calendar Call (9:30 AM)</p> <p><i>CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i></p> <p>Matter Heard; CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</p> <p>Journal Entry Details:</p> <p><i>The State announced ready for trial which should last one week for the guilt phase and one day for the penalty phase, if necessary. Mr. Figler requested a continuance to review the jury questionnaires. Additionally, he stated that the Court can address the aggravator or he can take it to the Supreme Court. Mr. Digiacomio argued that he cannot start any later that the trial is now set. The Court informed Mr. Figler that he was informed at the last continuance that he must be ready for trial at this setting. COURT ORDERED, Mr. Figler's oral motion to Stay and request to continue are DENIED; trial date STANDS and will begin at 9:30 AM. CUSTODY 9/15/09 9:30 AM JURY TRIAL ;</i></p>
06/15/2009	<p>Jury Trial (9:30 AM)</p> <p><i>TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</i></p> <p>Matter Heard; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair</p> <p>Journal Entry Details:</p> <p><i>OUTSIDE THE PRESENCE OF THE JURY. Oral motion by Mr. Figler to continue the trial as he is not adequately prepared to represent the Defendant in this death penalty case. He added that he requested that the case be tried as a non-death penalty case and that he has not had adequate time to fully review the jury questionnaires. The Court noted that the questionnaires were ready for Mr. Figler's review last week; because this is a death penalty case, the questionnaires were mandatory. Mr. Figler informed the Court that due to the death of his father, the fact that he was recently hospitalized and that he recently switched firms, he is not prepared to try this case. The Court stated that everyone knew that Carroll was wearing a wire long before Mr. Figler experienced personal problems; this was the issue from the inception of the case and it is inexcusable that Mr. Figler is not prepared. Mr. Bunin advised that he is not comfortable going forward at this time. Mr. Digiacomio stated his belief that Mr. Figler is posturing to have the death penalty taken off of the table and have the information regarding the wires excluded; in that case the jury questionnaires are not necessary. Mr. Bunin stated that he has not been able to speak to Mr. Figler during the last two months to determine what his trial preparation is. The Court noted that has been a long history of continuances by Mr. Figler and he was told that one more request for a continuance would result in his removal from the case. CONFERENCE AT BENCH. Upon Court's inquiry the Defendant stated that in four years, he has spoken to Mr. Figler for one and on-half hours; he advised that he doesn't want Mr. Figler representing him any longer. COURT ORDERED, Dayvid Figler is REMOVED from the case; the matter is referred to Drew Christiansen to appoint a 250 qualified attorney. Mr. Figler stated he will turn over all of the paperwork and Discovery to Mr. Bunin. COURT ORDERED, CONTINUED for Confirmation of Counsel/Dan Albregts and to reset trial. The Judicial Executive Assistant to contact Mr. Albregts to appear. CUSTODY 6/18/09 9:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL/DAN ALBREGTS/RESET TRIAL ;</i></p>
06/16/2009	<p>Revocation of Probation (9:30 AM)</p> <p>Events: 05/07/2009 Hearing</p> <p><i>REVOCATION OF PROBATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen</i></p>

CASE SUMMARY

CASE NO. 05C212667-2

Heard By: Adair, Valerie

Matter Continued; REVOCATION OF PROBATION Court Clerk: Denise Husted

Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

Mr. Jackson stated the matter was not resolved. The Court noted that the Defendant has been indicted on new charges. Colloquy regarding the new case. Mr. Jackson requested that the Revocation be continued until after the conclusion of any other new cases. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED for the presence of an officer from the Division of Parole and Probation. CUSTODY ;

06/18/2009

Status Check (9:30 AM)

Events: 06/15/2009 Hearing

STATUS CHECK: APPOINTMENT OF DAN ALBREGTS/RESET TRIAL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Granted; STATUS CHECK: APPOINTMENT OF DAN ALBREGTS/RESET TRIAL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Tom Ericson CONFIRMED as counsel replacing Dayvid Figler. Colloquy regarding scheduling date for new trial. COURT ORDERED, trial date SET. CUSTODY 5/13/10 9:30 AM CALENDAR CALL 5/17/10 9:30 AM JURY TRIAL ;

06/23/2009

Sentencing (10:00 AM)

Events: 06/02/2009 Conversion Case Event Type

SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Granted; SENTENCING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Discussion regarding juror misconduct and misuse of jury instructions. COURT FINDS, there was enough evidence that the conspiracy went beyond simple battery and the Court is not inclined to overturn the verdict. FURTHER, the Court stands by its decision to disallow the testimony of Jayson Taoipu. Parties argued and submitted. Victim speakers Doris Gibbs, Allana Hadland and Jennifer Hadland SWORN AND TESTIFIED. DEFENDANT HIDALGO III ADJUDGED GUILTY of Count I - Conspiracy to Commit Battery with a Deadly Weapon or Battery (GM), Count II - Second Degree Murder with Use of a Deadly Weapon (F), and Counts III & IV - Solicitation to commit Murder (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clerk of the Court, Defendant SENTENCED as follows: Count I - TWELVE (12) MONTHS in the Clark County Detention Center; Count II - MINIMUM of ONE-HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of LIFE, plus an EQUAL and CONSECUTIVE term of 120 Months to LIFE for the Deadly Weapons enhancement, Count II to RUN CONCURRENTLY with Count I; Count III - MINIMUM of TWENTY FOUR (24) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of SEVENTY-TWO (72) MONTHS, Count III to RUN CONCURRENTLY with Counts I & II; Count IV - MINIMUM of TWENTY FOUR (24) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of SEVENTY TWO (72) MONTHS, Count IV to RUN CONCURRENTLY with Count I, II and III. BOND, if any EXONERATED. Defendant to receive 1,492 DAYS CREDIT for time served. ;

06/30/2009

Revocation of Probation (9:30 AM)

REVOCATION OF PROBATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Probation Revoked; REVOCATION OF PROBATION Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Tim Case of the Division of Parole and Probation present. Officer case SWORN AND TESTIFIED. Exhibits admitted per worksheets. Mr. Jackson questioned Officer Case. Jason Taoipu SWORN AND TESTIFIED. Arguments by Mr. Jackson in support of reinstatement. Ms. Weckerly stated the record is clear that the Defendant was not in compliance with probation. COURT ORDERED, PROBATION REVOKED; underlying sentence IMPOSED as follows: Count I - MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of ONE-HUNDRED TWENTY (120) MONTHS; Count II - MINIMUM of SIXTEEN (16) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS, plus an EQUAL AND CONSECUTIVE term of 16/60 months for the deadly weapons enhancement;

CASE SUMMARY

CASE No. 05C212667-2

Count II to RUN CONCURRENTLY with Count I, with 870 DAYS CREDIT for time served. ;

12/29/2009

Motion (9:30 AM)

Events: 12/17/2009 Motion

DEFT'S PRO PER MTN TO WITHDRAW CNSL/283 Court Clerk: Denise Husted Heard By: Valerie Adair

Matter Heard; DEFT'S PRO PER MTN TO WITHDRAW CNSL/283 Court Clerk: Denise Husted Heard By: Valerie Adair

Journal Entry Details:

COURT ORDERED, motion GRANTED. NDC ;

01/21/2010

Motion (9:30 AM)

Events: 01/11/2010 Motion

DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284 Court Clerk: Denise Husted Reporter/Recorder: Patti Slattery Heard By: Adair, Valerie

Matter Continued; DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284 Court Clerk: Denise Husted Reporter/Recorder: Patti Slattery Heard By: Adair, Valerie

Journal Entry Details:

The Court noted there is no certificate of service. Mr. Smith stated that this is Mr. Digiacomio's case. COURT ORDERED, CONTINUED. NDC CLERK'S NOTE: Mr. Digiacomio notified via e-mail of the continuance date. ;

02/09/2010

Motion (9:30 AM)

Events: 01/25/2010 Motion

DEFT'S PRO PER MTN FOR PRODCUTION OF DOCUMENTS PAPERS PLEADINGS AND TNGBL/285 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Granted; DEFT'S PRO PER MTN FOR PRODCUTION OF DOCUMENTS PAPERS PLEADINGS AND TNGBL/285 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

COURT ORDERED, motion GRANTED; Ms. Wildeveld to provide the Defendant with requested papers, etc. NDC ;

02/11/2010

Motion (9:30 AM)

DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284 Court Clerk: Melissa Benson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Denied; DEFT'S PRO PER MTN FOR RELIEF FROM JUDGMENT/284 Court Clerk: Melissa Benson Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Court stated it is not entertaining any argument as their are no parties present and ORDERED, based upon review of the breifs motion DENIED. NDC CLERK'S NOTE: A copy of this minute order was mailed to the Deft. Kenneth Counts #1017559 PO Box 650 H.D.S.P., Indian Springs, NV 89070. mb 2/11/10 ;

03/30/2010

Motion to Dismiss (9:30 AM)

Events: 03/18/2010 Motion

DEFT'S PRO PER MTN TO DISMISS COUNSEL/286 Relief Clerk: Shelly Landwehr Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Withdrawn; DEFT'S PRO PER MTN TO DISMISS COUNSEL/286 Relief Clerk: Shelly Landwehr Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Mr. Bunin advised Deft. wished to withdraw his motion. Upon Court's inquiry, Deft. concurred. COURT ORDERED, motion WITHDRAWN. Trial date STANDS. CUSTODY ;

05/11/2010

Motion (9:30 AM)

Events: 04/28/2010 Motion

STATE'S MTN FOR DISCOVERY RE: EXPERT TESTIMONY & MTN IN LIMINE RE: EXPRT/288

05/11/2010

Motion to Suppress (9:30 AM)

Events: 04/30/2010 Motion

DEFT'S MTN TO SUPPRESS /289

CASE SUMMARY

CASE NO. 05C212667-2

05/11/2010

All Pending Motions (9:30 AM)

ALL PENDING MOTIONS 5/11/10 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair
Matter Heard; ALL PENDING MOTIONS 5/11/10 Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair
Journal Entry Details:
STATE'S MOTION FOR DISCOVERY RE: EXPERT TESTIMONY AND MOTION IN LIMINE RE: EXPERT TESTIMONY Mr. Erickson argued opposition to State's Motion for Discovery; under the rules, doctors have to turn over their reports to other doctors and not lay personnel. *COURT ORDERED*, reports can be released to a licensed physician. Mr. Erickson informed the Court he will provide to the State by 5/12/10. Mr. Pesci advised that a report is not ready as yet, only data is available. *COURT ORDERED*, report has to be completed within forty-eight hours. As to Defendant's Motion to Suppress, the Court informed parties that a ruling will be made following an in-camera review of briefs, transcript and the DVD. *CUSTODY CLERK'S NOTE*: After reviewing the transcript, DVD and Defendant's interview, *COURT FINDS* no need for an Evidentiary Hearing on the Defendant's Motion to Suppress. Based upon the briefs, transcript and DVD, *COURT ORDERED*, Defendant's Motion to Suppress is *DENIED*. ;

05/13/2010

Calendar Call (9:30 AM)

CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair
Matter Heard; CALENDAR CALL Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Valerie Adair
Journal Entry Details:
CONFERENCE AT BENCH. Counsel announced ready for trial with 10-12 witnesses and five days for the guilt phase. *COURT ORDERED*, trial date *STANDS*. 5/17/10 9:00 AM *JURY TRIAL (CARROLL)* ;

05/17/2010

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie
Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie
Journal Entry Details:
IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. *OUTSIDE THE PRESENCE OF THE JURY*. Discussion regarding for cause challenges. Juror #126 excused due to a medical situation. *IN THE PRESENCE OF THE JURY*. Jury selection continued. Second half of jury panel present in Court. Introductions by counsel. Roll of second panel called by the Clerk. *OUTSIDE THE PRESENCE OF THE JURY*. Discussion regarding timeline of opening statements. Juror #320 questions regarding his jury questionnaire. After the juror left the Courtroom, the Court informed counsel that it cannot dismiss that juror for cause. Mr. Ericsson stated his opinion regarding juror #320 is that the juror should be stricken for cause. Opposition by Mr. Digiacomo. The Court informed counsel that it has to presume jurors are being truthful; #320 will be able to sit as a juror based on his answers. *IN THE PRESENCE OF THE JURY*. Jury selection process continued. Evening recess. *MATTER CONTINUED*. ;

05/18/2010

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie
Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. *IN THE PRESENCE OF THE JURY*. Roll of jurors called by the Clerk. Jury selection process continued. Evening recess. *MATTER CONTINUED*. ;

05/19/2010

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie
Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

CASE SUMMARY

CASE NO. 05C212667-2

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Mr. Digiacomo informed the Court that the State decided they are not calling Ms. Espindola and that any conversations the State has had with counsel are not relevant in this case. The Court agreed. IN THE PRESENCE OF THE JURY. Jurors Sworn. Information read by the Clerk. Introductory comments by the Court. Opening statements by Ms. Digiacomo. Opening statement by Mr. Ericsson. OUTSIDE THE PRESENCE OF THE JURY. Mr. Ericsson objected to the State playing segments of interviews with the police and the Defendant. Mr. Digiacomo stated there is no legal basis for Mr. Ericsson's objections. COURT FINDS, it the same as the State highlighting portions of a transcript; the COURT DOES NOT FIND playing segments objectionable. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished counsel to not make speaking objections. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

05/20/2010

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding cross examination of Rontae Zone. The Court informed Mr. Digiacomo that he may ask Mr. Zone whether of not he used the works kill or murder during his interview. IN THE PRESENCE OF THE JURY. Testimony and Exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED. ;

05/21/2010

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding Anabella Espindola's transcript. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished the Defendant regarding his first Amendment right to not be compelled to testify on his own behalf. The Defendant stated he understands his rights. The State RESTED. CONFERENCE AT BENCH. The State reopened their case. Testimony per worksheet. The State RESTED. Defense RESTED. Mr. Ericsson moved for a mistrial as Mr. Digiacomo reopened his case to ask the detective where the crime took place. COURT ORDERED, DENIED as the incident took place in Clark county. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury instructions. Evening recess. MATTER CONTINUED. ;

05/24/2010

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. The Court instructed jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Bunin. Rebuttal arguments by Mr. Digiacomo. Officer Wooten SWORN to take charge of the jury. At the hour of 2:05 PM the jury retired to deliberate. Alternate jurors in seats thirteen, fourteen and fifteen released. Evening recess. MATTER CONTINUED. ;

05/25/2010

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: David Wall

Matter Heard; TRIAL BY JURY Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: David Wall

Journal Entry Details:

CASE SUMMARY

CASE No. 05C212667-2

IN THE PRESENCE OF THE JURY. At the hour of 2:05 PM, the jury returned with the following verdict: COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON - GUILTY. Penalty hearing SET. The Court thanked the jurors and advised them to return on 6/2/10 for the penalty hearing. COURT ORDERED, Defendant HELD WITHOUT BAIL. CUSTODY 6/2/10 11:00 AM PENALTY HEARING ;

06/02/2010

Motion (11:00 AM)

Events: 05/25/2010 Motion

PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Mr. Bunin opposed Judge Loehrer hearing the penalty phase as Judge Adair has been involved with this case from the beginning and has heard two previous trials in this case. Judge Loehrer stated that the Defendant has already been convicted of first degree murder; Judge Adair is unavailable today and there are no rules precluding another Judge from hearing the Penalty Phase. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. Introductions by the Court. Opening statement by Mr. Digiacomio. Opening statements by Mr. Ericsson. Testimony and exhibits presented per worksheet. State RESTED. Evening recess. MATTER CONTINUED. ;

06/03/2010

Petition for Writ of Habeas Corpus (9:30 AM)

Events: 04/16/2010 Petition

PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Susan Jovanovich /sj Reporter/Recorder: Janie Olsen Heard By: Doug Smith

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Susan Jovanovich /sj Reporter/Recorder: Janie Olsen Heard By: Doug Smith

Journal Entry Details:

At request of State, COURT ORDERED, matter CONTINUED for 30 days, for Def't's presence. State to prepare an order for transport. NDC MATTER CONTINUED TO: 7-01-10 9:30 AM ;

06/03/2010

Motion (9:30 AM)

PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Matter Continued; PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Adair, Valerie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding death penalty being sought in this case with other defendants. COURT ORDERED, based on Judge Loehrer's ruling, the jury will be instructed that the State sought the death penalty against Kenneth Counts; it was also sought against defendants' Hidalgo, Jr. and Hidalgo, III, but was withdrawn based on tactical issues. Additionally the jurors will be told that plea negotiations were entered by defendants' Taiopu and Espindola. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. Defendant admonished that he has the right to take the stand and make an unsworn statement in front of the jury. The Court further advised him of what discussion was proper and what was not proper. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. UNSWORN statement by Deangelo Carroll. Defense RESTED. The Court instructed jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Ericsson. Closing arguments by Mr. Bumin. CONFERENCE AT BENCH. Closing arguments by Mr. Bunin continued. Rebuttal arguments by Mr. Pesci. At the hour of 5:20 PM, the jury retired to deliberate. Marshall SWORN to take charge of the jury. Evening recess. MATTER CONTINUED. ;

06/04/2010

Motion (9:30 AM)

PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Doug Smith

Matter Heard; PENALTY HEARING Court Clerk: Denise Husted Reporter/Recorder: Janie Olsen Heard By: Doug Smith

Journal Entry Details:

IN THE PRESENCE OF THE JURY: At the hour of 2:10 PM the jury returned with the following verdict: Count 2 - MURDER OF THE FIRST DEGREE - Life in the Nevada State

CASE SUMMARY**CASE NO. 05C212667-2**

Prison with the Possibility of Parole, beginning when a Minimum of 40 Years has been Served; SPECIAL VERDICT: Deangelo did not come up with the idea to kill Timothy Hadland. Deangelo was not the shooter. Deangelo's cooperation led to charges being filed against other defendants. Deangelo has a low IQ. Deangelo suffers from dependent personality disorder. Deangelo can still be a significant part of his grandmother's life. Deangelo can still be a significant part of his son's life. The killing did not involve torture or mutilation of the victim. The killing was not a case of multiple homicides. Other persons involved in the offense received punishments significantly lower than the punishments Deangelo is facing. SPECIAL VERDICT: Defendant Deangelo Reshawn Carroll having been found Guilty of Count 2 - Murder of the First Degree - The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value. The Court thanked and excused jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for sentencing. CUSTODY 8/12/10 9:30 AM SENTENCING ;

07/01/2010

Petition for Writ of Habeas Corpus (9:30 AM)

Events: 06/03/2010 Petition

PTN FOR WRIT OF HABEAS CORPUS (CONTINUEDFROM 6/03/10) Court Clerk: Dameda Scott Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Matter Heard; PTN FOR WRIT OF HABEAS CORPUS (CONTINUEDFROM 6/03/10) Court Clerk: Dameda Scott Reporter/Recorder: Janie Olsen Heard By: Valerie Adair

Journal Entry Details:

Colloquy regarding appeal filed by Defendant Pro Se; confirmed all remaining issues to be heard in Dept. 21 with nothing, including appeal, pending before Nevada Supreme Court. Mr. Schwartz requested continuance and, there being no opposition, COURT ORDERED, matter CONTINUED and Reply due 7/15/10. NDC 8/19/10 9:30 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS ;

07/27/2010

CANCELED Sentencing (9:45 AM) (Judicial Officer: Adair, Valerie)*Vacated - On In Error*

08/19/2010

CANCELED Motion (9:30 AM)*Vacated - On In Error*

03/11/2014

**Petition for Writ of Habeas Corpus (9:30 AM) (Judicial Officer: Adair, Valerie)***Petition for Writ of Habeas Corpus (Post-Conviction)*

Hearing Set;

Journal Entry Details:

Attorney R. Cornell is present on behalf of Deft participated telephonically. Court noted it has received a Petition from Mr. Cornell but, hasn't received a Return from the State. Mr. Cornell advised the Court he needs to file a Supplemental Petition and the State will need to file a Return regarding the Supplemental Petition. COURT ORDERED, Supplemental Petition is due by 5/14/14. The State to file its Return by 7/16/14. The Reply is due by 8/14/14. Hearing set. 8-21-14 9:30 AM HEARING/DECISION (DEPT. XXI) ;

09/23/2014

**Hearing (9:30 AM) (Judicial Officer: Adair, Valerie)***Defendant's Petition for Writ of Habeas Corpus*

Hearing Set; Evidentiary Hearing

Journal Entry Details:

The Court informed Mr. Cornell that she reviewed the record and also has a vivid recollection of the trial. Arguments by Mr. Cornell in support of Petition for Writ of Habeas Corpus. Mr. DiGiacomo requested an Evidentiary Hearing. Mr. Cornell stated that in order to get Taiopo's statement in, there should have been a Motion to Sever. COURT ORDERED, matter SET for an Evidentiary Hearing. NDC 12/8/14 9:30 AM EVIDENTIARY HEARING ;

12/15/2014

**Evidentiary Hearing (10:00 AM) (Judicial Officer: Adair, Valerie)**

Denied;

Journal Entry Details:

Mr. Cornell stated that the defendant signed a waiver of appearance. There is nothing in the scope of the hearing that the defendant can add and he knew he could be present. John Arrascada SWORN AND TESTIFIED. EXCLUSIONARY RULE INVOKED. The Court noted that at the last hearing, the motion to sever was not filed. Mr. Digiacomo recollected he said

CASE SUMMARY

CASE NO. 05C212667-2

that the last hearing was for a tactical reason and not to sever. Mr. Cornell stated he wished to question the witness regarding jury instructions. The witness returned into the Courtroom and was questioned by Mr. Cornell. Mr. Cornell submitted. Mr. Cornell submitted that Moore is good law in this case and that he believes the Court was well versed in the facts and law of this case. The COURT stated its findings and ORDERED, petition DENIED. Mr. Digiacomo to prepare the order and run it by Mr. Cornell.;

11/10/2015

CANCELED Motion (9:30 AM) (Judicial Officer: Adair, Valerie)

Vacated - per Secretary

Motion for an Extension of Time to File Supplemental Deft's Petition for Writ of Habeas Corpus (Fourth Request)

11/07/2019



Motion to Modify Sentence (9:30 AM) (Judicial Officer: Silva, Cristina D.)

11/07/2019, 01/09/2020, 01/16/2020, 07/28/2020, 02/12/2021, 03/19/2021

Defendant's Pro Per Motion for Modification of Sentence

Continued;

Continued;

Continued;

Will reset for time after supplemental briefs have been filed

Matter Continued; Defendant's Pro Per Motion for Modification of Sentence

Matter Continued; Defendant's Pro Per Motion for Modification of Sentence

Denied;

Journal Entry Details:

Defendant's presence waived. NDC. Argument by Mr. Lichtenstein. Opposition by the State. Court finds that Defendant was seeking to set aside the verdict; the motion was not styled accordingly; however the Court does not have jurisdiction as it was the findings of the Jury and not appealed. COURT ORDERED, motion DENIED. NDC;

Continued;

Continued;

Continued;

Will reset for time after supplemental briefs have been filed

Matter Continued; Defendant's Pro Per Motion for Modification of Sentence

Matter Continued; Defendant's Pro Per Motion for Modification of Sentence

Denied;

Journal Entry Details:

Defendant not present and in custody in the Nevada Department of Corrections. COURT ORDERED, Defendant's presence WAIVED. Mr. Lichtenstein stated there was an Opposition that was filed was supposed to have been filed on January 26, 2021, and they were over two weeks late, and there was no chance to reply. Mr. Lichtenstein further stated it was never addressed as to why they were filed late, and the rules have not been followed. Mr. Di Giacomo stated when they were informed this matter was coming back on calendar, he could not find an Opposition that was filed, adding he was never served this Motion, and his office couldn't find any proof they State was ever served this Motion. Mr. Di Giacomo further stated they originally filed an Opposition to the Pro-Per Motion, and then they filed a Supplement to address Mr. Lichtenstein's Motion, and he still has no proof the Motion was ever provided to the State. Upon Court's inquiry, Mr. Di Giacomo stated even though the document is filed into Odyssey it doesn't automatically serve, unless they are registered, and he contacted their IT Department, and could not verify being served. Mr. Lichtenstein stated his understanding was under the filing it was also service. COURT STATED they just reviewed the Service List in Odyssey, and the State is not listed, which is consistent with the representations by Mr. Di Giacomo, and the Court is going to allow the untimely filing in light of the lack of service, and the Court will allow additional time for Mr. Lichtenstein to file a reply. Mr. Di Giacomo stated he has no objection to allow more time for Mr. Lichtenstein to reply. Upon Court's inquiry, Mr. Lichtenstein requested thirty days to file a Reply. COURT DIRECTED Mr. Lichtenstein to file a Reply on or before March 12, 2021; matter CONTINUED. Mr. Lichtenstein inquired if he should reply to both Oppositions. Mr. Di Giacomo stated in his Supplement he adopted the First Opposition and added information. COURT STATED the Defense can file an Omnibus Reply. NDC CONTINUED TO: 3/19/2021 1:30 P.M.;

Continued;

Continued;



Continued;

Will reset for time after supplemental briefs have been filed

Matter Continued; Defendant's Pro Per Motion for Modification of Sentence

CASE SUMMARY

CASE NO. 05C212667-2

	<p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence Denied;</p> <p>Journal Entry Details:</p> <p><i>Court noted supplemental has not been filed. Mr. Lichtenstein stated he is still working on supplemental, advised there are material issues counsel has not been able to get access to, counsel and State agree to continue 90 to 120 days. COURT ORDERED, the following briefing schedule set: Deft's Supplemental Brief due by October 27, 2020, State's Supplemental Opposition due by January 6, 2021, and matter CONTINUED. Statement by Mr. Torre. NDC CONTINUED TO: 2/9/2021 9:30 AM;</i></p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Will reset for time after supplemental briefs have been filed</p> <p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence</p> <p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence</p> <p>Denied;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Will reset for time after supplemental briefs have been filed</p> <p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence</p> <p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence</p> <p>Denied;</p> <p>Continued;</p> <p>Continued;</p> <p>Continued;</p> <p>Will reset for time after supplemental briefs have been filed</p> <p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence</p> <p>Matter Continued; Defendant's Pro Per Motion for Modification of Sentence</p> <p>Denied;</p>
11/07/2019	<p>Motion for Appointment of Attorney (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>11/07/2019, 01/09/2020</p> <p><i>Defendant's Pro Per Motion for Modification of Sentence</i></p> <p>Continued;</p> <p>Granted;</p> <p>Continued;</p> <p>Granted;</p>
11/07/2019	<p> All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFENDANT'S PRO PER MOTION FOR MODIFICATION OF SENTENCE ...</i></p> <p><i>DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF ATTORNEY COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 1/9/20 CLERK'S NOTE: A copy of this minute order has been mailed to: Luis A. Hidalgo #1038133 LCC 1200 Prison Road Lovelock, NV 89419;</i></p>
01/09/2020	<p> All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFENDANT'S PRO PER MOTION FOR MODIFICATION OF SENTENCE ...</i></p> <p><i>DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL Defendant not present. COURT ORDERED, Motion for Appointment of Counsel GRANTED and SET for Confirmation of Counsel; Motion for Modification CONTINUED. NDC CONTINUED TO: 1/16/20 9:30 AM ;</i></p>
01/16/2020	<p>Confirmation of Counsel (9:30 AM) (Judicial Officer: Adair, Valerie)</p> <p>Matter Heard;</p>
01/16/2020	<p> All Pending Motions (9:30 AM) (Judicial Officer: Adair, Valerie)</p>

CASE SUMMARY

CASE NO. 05C212667-2

Matter Heard;

Journal Entry Details:

CONFIRMATION OF COUNSEL...DEFT'S PO PER MOTION FOR MODIFICATION OF SENTENCE Mr. Lichtenstein confirmed as counsel. Mr. Di Giacomo objected to the appointment of counsel as he does not believe there is a legal basis to do so. At the request of Mr. Lichtenstein, COURT ORDERED, matter CONTINUED. NDC CONTINUED TO 3/19/20 9:30 AM;

DATE

FINANCIAL INFORMATION

Defendant Hidalgo, Luis A

Total Charges

205.00

Total Payments and Credits

30.00

Balance Due as of 5/10/2021

175.00

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MARC DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #006955
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

LUIS HIDALGO, III,
#1849634

Defendant.

CASE NO: 05C212667-2

DEPT NO: IX

**ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OF
SENTENCE**

DATE OF HEARING: 03/19/2021
TIME OF HEARING: 1:30 APM.

THIS MATTER having come on for hearing before the above entitled Court on the 19th day of March, 2021, the Defendant not being present, IN PROPER PERSON and presence waived and represented by ALLEN LICHTENSTEIN, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MARC DIGIACOMO, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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1 Court finds that Defendant was seeking to set aside the verdict; the motion was not
2 styled accordingly; however the Court does not have jurisdiction as it was the findings of the
3 Jury and not appealed. IT IS HEREBY ORDERED that the Defendant's Motion for
4 Modification of Sentence, shall be, and it is, DENIED. **Dated this 20th day of April, 2021**

5 ~~DATED this _____ day of April, 2021.~~

6
7 
DISTRICT JUDGE

EC

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

F89 360 3A4F B2C6
Cristina D. Silva
District Court Judge

10
11 BY /s/ Marc DiGiacomo
12 **MARC DIGIACOMO**
13 Chief Deputy District Attorney
14 Nevada Bar #006955
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28 05FB0052X/sj/MVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Luis A
Hidalgo

CASE NO: 05C212667-2

7 DEPT. NO. Department 9

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
system to all recipients registered for e-Service on the above entitled case as listed below:

12 Service Date: 4/20/2021

13 Dept 9 Law Clerk

dept09lc@clarkcountycourts.us

14 Dept 21 Law Clerk

dept21lc@clarkcountycourts.us

15 Allen Lichtenstein, Esq.

allaw@lvcoxmail.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 27, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 27, 2005

9:00 AM

Initial Arraignment

**INITIAL
ARRAIGNMENT**
**Court Clerk: Linda
Skinner**
**Reporter/Recorder:
Maureen Schorn**
**Heard By: Donald
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- AS TO DEFT COUNTS: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

AS TO DEFT HIDALGO: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

AS TO DEFT ESPINDOLAS: Mr. Draskovich appeared for Mr. Oram. DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

AS TO DEFT CARROLL: DEFENDANT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. COURT ORDERED, matter set for trial within sixty days.

Counsel requested 21 days from the filing of the Preliminary Hearing Transcript to file a writ.

COURT ORDERED, Defendant's rights are reserved.

CUSTODY (ALL)

8/23/05 9:00 AM CALENDAR CALL (ALL)

8/29/05 1:30 PM JURY TRIAL (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 11, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 11, 2005

9:00 AM

Request

**STATE'S REQUEST
FOR
APPOINTMENT OF
COUNSEL / STATUS
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

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

Di Giacomo, Marc P.
Hidalgo, Luis A

Attorney
Defendant

JOURNAL ENTRIES

- Mr. Figler appeared for Ms. Wildeveld and advised the State has filed a Notice of Intent to Seek Death Penalty on all Defendants; he requested Mr. Bunin be appointed as his co-counsel. Court noted Mr. Draskovich was in chambers prior to calendar and would like Mr. Langford appointed as co-counsel. Mr. Whipple would like Ms. Wildeveld appointed. Mr. DiGiacomo advised Mr. Draskovich and Mr. Oram were retained and Rule 250 does not apply to retained counsel. COURT ORDERED, State's Request is GRANTED as to Defts Counts & Carroll. Mr. Figler requested a status check now that the State has filed a death notice to make sure everyone is on track. There being no objection, COURT SO ORDERED and matter CONTINUED as to Hidalgo and Espindolas.

CUSTODY (ALL)

7/14/05 9:00 AM STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO &

05C212667-2

ESPINDOLAS)...STATUS CHECK: TRIAL (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 14, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 14, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 7/14/05
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Hidalgo, Luis A
Kane, Edward R.

Defendant
Attorney

JOURNAL ENTRIES

- STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...STATUS CHECK; TRIAL SETTING (ALL)

Mr. Kane advised they will need to continue the matter as to counsel. Further, as all counsel are not present, COURT ORDERED, matter CONTINUED and directed that counsel be noticed to be present next date.

CUSTODY (ALL)

...CONTINUED 8/4/05 9:00 AM

CLERK'S NOTE: Judicial Executive Assistant notified all counsel to be present next date. ls

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 04, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

August 04, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 8/4/05**
**Relief Clerk: Melissa
Swinn**
**Reporter/Recorder:
Joe D'Amato Heard**
By: Donald Mosley

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

DiGiacomo, Sandra

Attorney

Draskovich Jr, Robert M.

Attorney

Hidalgo, Luis A

Defendant

JOURNAL ENTRIES

- STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLA) ...
 STATE'S MOTION TO COMPEL HANDWRITING EXAMPLES (HIDALGO, ESPINDOLA &
 CARROLL) ... DEFT COUNT'S MOTION FOR REDUCTION IN BAIL OR, IN THE ALTERNATIVE,
 FOR RELEASE ON HOUSE ARREST ... STATUS CHECK (ALL)

As to Bail, O.R. or H.A. and Appointment of Counsel: Court stated that parties met in chambers,
 prior to court to discuss these issues. All parties agree that the matters need to be continued and
 COURT SO ORDERED.

As to Motion to Compel Handwriting Examples: Mr. Figler stated he has no objection as long as it is
 not out of the scope. COURT ORDERED, motion GRANTED.

As to Trial Setting: Court noted all parties have waived the 60 day rule. COURT ORDERED, trial
 date VACATED and this matter CONTINUED.

Ms. Wildeveld stated she has not received the transcript and intends to file a writ. Further,

Defendant Counts has a medical problem with his shoulder and needs to see a doctor. Court Services Officer stated he will make sure the Defendant is seen by a doctor. Colloquy regarding pending writs, supplements and replies. Counsel agreed upon two weeks for supplements and 30 days for the State to respond.

CUSTODY (ALL)

8/11/05 9 AM DEFT COUNT'S MOTION FOR REDUCTION IN BAIL OR, IN THE
ALTERNATIVE, FOR RELEASE ON HOUSE ARREST

9/27/05 9 AM STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO &
ESPINDOLA). . . DEFTS' WRIT OF HABEAS CORPUS (HIDALGO & ESPINDOLA). . . ARGUMENT
ON WRITS (ALL) . . . STATUS CHECK: TRIAL (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 11, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

August 11, 2005

9:00 AM

Motion

DEFT'S MTN FOR
REDUCTION IN
BAIL OR FOR
RELEASE ON
HOUSE ARREST/12
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- Mr. Whipple asked for a bail amount to be set, that Defendant has been in this community for over 10 years, has 4 children, has employment and coaches football. Further, Mr. Whipple advised they would be filing a writ. Court so noted. Mr. DiGiacomo provided Defendant's scope to Court and argued the co-defendants all testified this Defendant was the shooter and would object to the motion. Following additional colloquy, COURT ORDERED, Motion DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 21, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 21, 2005

9:00 AM

Motion

DEFT'S MTN TO
PLACE ON
CALENDAR FOR
THE PURPOSE OF
BEING APPOINTED
AS CO-CNSL/18
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Mosley,
Donald M.

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

Draskovich Jr, Robert M.

Attorney

Hidalgo, Luis A

Defendant

JOURNAL ENTRIES

- Court noted Mr. DiGiacomo, Mr. Pesci, Mr. Bunin, Mr. Oram, Mr. Draskovich and Mr. Hart were in chambers prior to calendar. Court inquired if Defendant knew him. Defendant indicated he did not. At request of Mr. Stein, who appeared in chambers after meeting but before calendar, COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 27, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 9/27/05**
Relief Clerk: Melissa Swinn
**Reporter/Recorder:
Joe D'Amato Heard**
By: Donald Mosley

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

Draskovich Jr, Robert M.

Attorney

Miller, Ross J.

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS) .
 .. DEFTS HIDALGO AND ESPINDOLAS' PETITION FOR WRIT OF HABEAS CORPUS ... DEFT
 COUNTS' PETITION FOR WRIT OF HABEAS CORPUS ... ARGUMENTS ON WRITS ... STATUS
 CHECK: TRIAL (ALL)

Court indicated it met with interested parties prior to court and ORDERED, all matters as stated
 above as well as the matter on October 5, 2005 are CONTINUED to October 6, 2005.

CUSTODY (ALL)

CONTINUED TO: 10/6/05 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

October 06, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10/6/05
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- STATE'S REQUEST FOR APPOINTMENT OF COUNSEL/STATUS (HIDALGO & ESPINDOLAS)...DEFTS HIDALGO'S AND ESPINDOLAS' PETITION FOR WRIT OF HABEAS CORPUS...DEFT COUNTS' PETITION FOR WRIT OF HABEAS CORPUS...DEFT HIDALGO'S MOTION TO PLACE ON CALENDAR FOR THE PURPOSE OF BEING APPOINTED AS CO-COUNSEL BY THE COURT...STATUS CHECK: TRIAL (ALL)

AS TO THE WRIT: Court noted the issue stems from the tape introduced at the Preliminary Hearing. Mr. Draskovich concurred and stated it is unclear who is actually speaking. Mr. DiGiacomo stated that was untrue, that the Detective that is familiar with their voices identified them. Arguments by Mr. Draskovich, Mr. Oram and Ms. Wildeveld regarding the tape, how it was obtained and the statements made and asking for the tape to be disallowed. Court noted there was a quantum of

evidence produced at the Preliminary Hearing and he needs to evaluate if the Justice of the Peace had enough sufficient evidence to bind this over and this Court feels he did. Therefore, COURT ORDERED, Writ DENIED.

As to Deft Hidalgo: Mr. Stein advised he is a friend of the family and they have asked that he join Mr. Draskovich in representation and provided the paperwork to the Court. COURT ORDERED, matter UNDER ADVISEMENT.

As to Deft Espindolas: Mr. Oram advised he was retained and at this time because of her assets, co-counsel cannot be appointed.

COURT ORDERED, matter set for trial in ordinary course.

CUSTODY (ALL)

7/18/06 9:00 AM CALENDAR CALL (ALL)

7/24/06 1:30 PM JURY TRIAL (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

November 28, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 11/28/05**
**Court Clerk: Linda
Skinner**
**Reporter/Recorder:
Joe D'Amato Heard**
**By: Joseph
Pavlikowski**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Stanton, David L.
Whipple, Bret O.

Attorney
Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS
 Mr. Whipple advised he did not receive the State's Opposition and requested matter be continued.
 Further, Mr. Whipple FILED IN OPEN COURT Kenneth Counts' Opposition to Motion to File Amended Notice Alleging an Additional Aggravating Circumstance and Motion to Strike Aggravating Circumstances. COURT ORDERED, both Motions CONTINUED.
 ...CONTINUED 12/12/05 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 12, 2005

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 12, 2005

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 12/12/05**
**Court Clerk: Linda
Skinner**
**Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

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

Di Giacomo, Marc P.
Whipple, Bret O.

Attorney
Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO FILE AMENDED NOTICE ALLEGING AN ADDITIONAL AGGRAVATING CIRCUMSTANCE...DEFT'S MOTION TO SEVER DEFENDANTS AS TO AMENDED NOTICE: Mr. DiGiacomo stated Defendant was on parole at the time of this murder and that there is actually an active warrant out of California as he absconded. Ms. Wildeveld argued Defendant transferred his probation to Nevada, did what he was supposed to do and was unaware of the warrant. Mr. DiGiacomo advised the Investigator learned of the active warrant during his investigation and that Defendant was on parole/probation at the time of this incident; he filed this motion within the 15 day period. Following additional colloquy, COURT ORDERED, Motion GRANTED. State's Amended Notice of Intent to Seek Death Penalty FILED IN OPEN COURT.

AS TO MOTION TO SEVER: Mr. DiGiacomo stated he had no objection and feels Deft Carroll should be severed. Mr. Figler stated he was unaware of this motion and Defendant should be present. Ms. Wildeveld stated this pertains to Deft. Counts. Court noted the allegations are that the Defendants

hired Deft Counts to kill someone. Ms. Wildeveld argued that 5 people got together and formed a plan that Deft. Counts was not involved in; he was picked up by a van, driven to the scene and driven back. Arguments by Mr. DiGiacomo. Ms. Wildeveld stated the majority of evidence does not pertain to Deft. Counts. Mr. DiGiacomo stated there will be testimony that Defendant was paid \$6,000 after the murder. Following additional arguments, COURT ORDERED, Motion DENIED. Mr. Figler and Mr. Whipple advised they have submitted Ex-Parte Orders for Investigators that they have not received back from the Court. Court advised \$5,000 would be approved and will see if the Orders are in chambers.

Mr. Whipple advised he has asked for scope on the other co-defendants. Mr. DiGiacomo advised some of what he wants is juvenile. Court requested counsel put this on calendar.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 21, 2005**

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 21, 2005**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: Sandra
Anderson/sa Relief
Clerk: Kathleen
Arnold
Reporter/Recorder:
Kiara Schmidt Heard
By: J. CHARLES
THOMPSON**

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

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- DEFT. TAOIPU ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

07-18-06 9:00 AM CALENDAR CALL

07-24-06 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 22, 2005**

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 22, 2005**9:00 AM****Motion to Strike****DEFT'S MTN TO
STRIKE Court Clerk:
Linda Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Mosley,
Donald M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Draskovich Jr, Robert M.

Attorney

Hidalgo, Luis A

Defendant

Nelson III, Roy L.

Attorney

JOURNAL ENTRIES

- Court noted Ms. Weckerly and Mr. Draskovich appeared in chambers prior to calendar. At request of counsel, COURT ORDERED the following briefing schedule: Ms. Weckerly to reply by 1/5 and matter set for argument.

CUSTODY

CLERK'S NOTE: This motion also applies to Deft. Espindola and she should be added to calendar next date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 19, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 19, 2006**9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 1/19/06****Court Clerk: Melissa
Swinn****Reporter/Recorder:****Joe D'Amato Heard****By: Donald Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Draskovich Jr, Robert M.

Attorney

Hidalgo, Luis A

Defendant

Rutledge, Brian S.

Attorney

Stein, Stephen

Attorney

JOURNAL ENTRIES

- DEFENDANTS HIDALGO AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO
SEEK DEATH PENALTY

COURT ORDERED, matter CONTINUED TWO WEEKS.

CUSTODY

CONTINUED TO: 2/2/06 @ 9AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 02, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 02, 2006**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS 2/2/06
Court Clerk: Linda
Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Draskovich Jr, Robert M.
Hidalgo, Luis A
Nelson III, Roy L.Attorney
Defendant
Attorney**JOURNAL ENTRIES**

- DEFTS' MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY (HIDALGO & ESPINDOLA)

Court noted at request of Mr. Draskovich, COURT ORDERED, matter CONTINUED.

CUSTODY (BOTH)

...CONTINUED 2/17/06 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2006

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 17, 2006

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 3/17/06**
**Relief Clerk: Jennifer
Lott**
**Reporter/Recorder:
Joe D'Amato Heard**
By: Donald Mosley

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

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Stein, Stephen	Attorney

JOURNAL ENTRIES

- DEFTS HIDALGO'S AND ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY.....DEFT COUNTS' MOTION TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE...DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE...DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE.....DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS..DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE....DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE"....DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE...DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL

ARGUMENT.....DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES....DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT....DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER

Mr. Figler requested to join Defendant Carroll in motions if necessary. Mr. Jackson stated Court's secretary told him to be present, his client Defendant Taoipu is not on calendar; however, counsel requested Court move 3/27/06 motions to accommodate his schedule. Mr. Di Giacomo stated Defendant Taoipu (Mr. Jackson's client) fled to California, was brought back through Boulder City, he was given the same case number, and Mr. Jackson filed a Motion to Sever Defendant Taoipu.

COURT ORDERED, motions CONTINUED and Evidentiary Hearing SET 4/21/06 at 9:00 a.m.

COURT ORDERED, all motions MUST BE ON CALENDAR FROM NOW ON. Mr. Figler will file his motions in short order. Ms. Wildeveld requested Defendant Counts' motions be separated from other defendants as Defendant Counts is not involved if other charges. COURT ORDERED, Request is DENIED. Ms. Wildeveld requested to Join in Motions in issues are related.

Argument by Ms. Thomas, Mr. Draskovich, and Mr. Orme in support of Defts Hidalgo's and Espindola's Motion to Strike Notice of Intent to Seek Death Penalty. Ms. Thomas argued defendants did not intend to kill anyone, argument regarding pecuniary gain factor, and counsel requested all aggravators stricken. Mr. Draskovich stated baseball bats and garbage bags were not included in the taped conversations; argument by counsel in opposition to State's intent to seek the death penalty.

Argument by Mr. Di Giacomo in opposition to motion. Mr. Orme read from the transcript to correct testimony (Page 4 after 844); counsel stated there is nothing in the tapes indicating Defendant Espindola intended to kill anyone, and the death penalty is not appropriate. Colloquy regarding if defendants were aware of surveillance. Mr. Draskovich argued this case cannot be raised to a death case. COURT ORDERED, motion is UNDER ADVISEMENT.

DEFT COUNTS' MTN TO ALLOW THE DEFENSE TO ARGUE LAST AT THE PENALTY PHASE: Matter submitted by Ms. Wildeveld; Mr. Pesci argued this claim has no merit. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MTN TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE: Argument by Ms. Wildeveld. Mr. Di Giacomo argued motion does not solve the problems before the Federal Court, and this Court should be given the opportunity to address proper concerns. Ms. Wildeveld is not asking to be completely relieved of her obligation, and counsel will make every effort to make a full objection. COURT ORDERED, motion is DENIED WITHOUT PREJUDICE.

DEFT COUNTS' MOTION FOR INDIVIDUAL VOIR DIRE: Matter submitted by counsel. COURT ORDERED, motion is DENIED.

DEFT COUNTS' MOTION IN LIMINE TO EXCLUDE AUTOPSY, CRIME SCENE, AND OTHER GRUESOME PHOTOGRAPHS: COURT ORDERED, motion is PREMATURE and Court RESERVES RULING.

DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE THE INTRODUCTION OF VICTIM IMPACT EVIDENCE: Argument by Ms. Wildeveld in opposition to the jury hearing benevolent testimony

regarding victim as he did participate in a drug deal. COURT ORDERED, Court WILL ALLOW testimony from victim's son and daughter; however, Court RESERVES RULING on this motion. DEFT COUNTS' MOTION IN LIMINE TO PROHIBIT ANY REFERENCES TO THE FIRST PHASE AS THE "GUILT PHASE": Matter submitted by counsel. COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION TO BIFURCATE PENALTY PHASE: Matter submitted by Ms. Wildeveld, and argument by Mr. Pesci. COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT: Matter submitted by counsel. COURT ORDERED, motion is GRANTED. DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES: Arguments by counsel. COURT ORDERED, GANG AFFILIATION and DRUG ACTIVITY WILL NOT BE DISCUSSED unless State brings a Motion for Bad Acts at trial; HOWEVER, information WILL BE ALLOWED AT THE PENALTY PHASE. Regarding issue of handguns, Ms. Wildeveld argued she does not have Defendant Counts' scope, Judicial Clearance document provided to the Court, and counsel argued another Kenneth Counts is located in California. Mr. Di Giacomo argued defendant does not dispute felony convictions for drugs or Ex-Felon in Possession of Firearm, and information will not be brought out at trial unless State brings a Motion for Bad Acts. COURT SO ORDERED, however, information WILL BE AVAILABLE DURING THE PENALTY PHASE. Arguments by counsel regarding viewing the State's information. COURT ORDERED, counsel to GET TOGETHER and SHARE CRIMINAL RECORDS, and fingerprints MUST BE MADE if necessary. For the record, Ms. Wildeveld stated she went to California Court, did extensive research on Defendant Counts' convictions, and counsel did not find anything except what was already discussed. COURT ORDERED, DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF GANG AFFILIATION, DRUG ACTIVITY, HANDLING OF GUNS AND BATTERIES is GRANTED IN PART (as indicated above). DEFT COUNTS' MOTION FOR DISCOVERY AND EVIDENTIARY HEARING REGARDING THE MANNER AND METHOD OF DETERMINING IN WHICH MURDER CASES THE DEATH PENALTY WILL BE SOUGHT: Ms. Wildeveld argued for information on how State determines death penalty cases. Mr. Pesci argued the State follows criteria of the statute to determine aggravators, and the jury determines if aggregators exist. Argument by Mr. Di Giacomo regarding State's committee to review cases, and requests by defense counsel to offer a presentation to committee. Ms. Wildeveld was not aware that opportunity existed. COURT ORDERED, motion is DENIED. DEFT COUNTS' MOTION FOR DISQUALIFICATION FROM THE JURY VENIRE OF ALL POTENTIAL JURORS WHO WOULD AUTOMATICALLY VOTE FOR THE DEATH PENALTY IF THEY FOUND KENNETH COUNTS GUILTY OF CAPITAL MURDER: Arguments by Ms. Wildeveld and Mr. Di Giacomo. COURT ORDERED, motion is GRANTED. Ms. Wildeveld requested defendant's shoulder be examined at the jail as defendant has sent several kytes without success. COURT ORDERED, defendant MUST HAVE HIS SHOULDER EXAMINED at the jail.

CUSTODY

4/21/06 9:00 A.M. DEFT TAOIPU'S MOTION FOR SEVERANCE.....DEFT TAOIPU'S MOTION TO SUPPRESS STATEMENT.....EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 11, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

April 11, 2006**9:00 AM****Request**

**STATE'S REQUEST
FOR
CLARIFICATION
OF RULING Court
Clerk: Linda Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

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

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Court noted matter was resolved in chambers prior to calendar. COURT ORDERED, matter
RESOLVED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 21, 2006

05C212667-2

The State of Nevada vs Luis A Hidalgo

April 21, 2006

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 4/21/06
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR SEVERANCE...DEFT'S MOTION TO SUPPRESS
STATEMENT...EVIDENTIARY HEARING

AS TO SEVERANCE: Mr. DiGiacomo advised he has no objection to the motion as this Defendant was arrested at a different time and has a different Information. COURT ORDERED, Motion GRANTED and this Defendant to receive a new case number.

AS TO STATEMENT: Mr. DiGiacomo advised this entire issue was litigated at the Preliminary Hearing. Mr. Jackson requested to call witnesses and outlined his reasons why. Hearing commenced. Testimony and evidence presented. Mr. Jackson argued Defendant was not mirandized, was not allowed to leave, was held in a small locked room and was not able to call his parents. Mr. DiGiacomo stated there was no evidence of coercion. Defendant's statement clearly indicates that he thought he was free to leave. Even if Defendant asked for his father, due to the charge, the father would not have been called. Court noted the reason Deft Carroll brought

Defendant to the Police is of no consequence; as to the room, Defendant agreed he was free to leave and using video versus audio for interview is simply an investigative tool. Therefore, COURT ORDERED, Motion to Suppress Statement is DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 26, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 26, 2006**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6/26/06
Court Clerk: Linda
Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

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

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILT PHASE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM

PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVIDENCE BEFORE TRIAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION

Court noted the trial and all the motions will be continued due to Ms. Wildeveld's condition. As to length, Mr. DiGiacomo stated if all Defendants were tried together it would take about 5 weeks and noted Deft Taoipu has been severed, however, Deft Carroll has not. Mr. Figler concurred and stated there is a Bruton problem and will not object to a severance, he stated he just has not filed one and added the co-defendants do not want to be tried with Deft Carroll. Mr. DiGiacomo stated he had no objection to Deft Carroll being severed out. Ms. Thomas stated if the State was not going to introduce Deft Carroll's statements, then there is no need for a severance. Mr. DiGiacomo advised he was.

Conference at the Bench. By oral stipulation, COURT ORDERED, Defendant Carroll is severed out. As to motions, Court directed counsel to have all motions filed by 7/27; answers to be filed by 8/10; replies by 8/24 and matter set for argument on 8/31/06. Further, trial date VACATED and RESET as to Counts, Hidalgo and Espindola. Matter set for status check as to trial for Carroll and Taoipu.

CUSTODY (ALL)

7/6/06 9:00 AM STATUS CHECK: TRIAL DATE (CARROLL & TAOIPU)
 8/31/06 9:00 AM ARGUMENT ON (ABOVE) MOTIONS & ANY OTHERS FILED
 4/10/07 9:00 AM CALENDAR CALL (#1) (COUNTS, HIDALGO & ESPINDOLA)
 4/16/07 1:30 PM JURY TRIAL (#1) (COUNTS, HIDALGO & ESPINDOLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 30, 2006**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6/30/06
Court Clerk: Linda
Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

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

Di Giacomo, Marc P.

Attorney

Draskovich Jr, Robert M.

Attorney

Stein, Stephen

Attorney

JOURNAL ENTRIES**- STATUS CHECK: TRIAL DATE (CARROLL & TAOIPU)**

Mr. Figler stated Deft. Carroll was severed as was Deft. Taoipu and both should have separate trials. All counsel concurred. However, Mr. Jackson stated due to his schedule, he will not be ready for trial on 7/24 and would request an additional 90 days to prepare. Mr. Figler stated the status check date was moved up, however, he spoke briefly to his Investigator and they feel they could be ready for trial phase, however, not sure for penalty phase as there is still a lot of work to be done. Mr. Draskovich advised he is ready for Deft. Espindola and would request to go to trial as originally scheduled. Mr. DiGiacomo objected and advised Defts Counts, Hidalgo and Espindola need to be tried together. Court DENIED request. Following additional colloquy and discussion as to Court's schedule, COURT ORDERED, trial date for Defts Carroll & Taoipu VACATED; trial date set for Defts Counts, Hildago & Espindola are MOVED BACK ONE WEEK and start on 4/23; Deft. Carroll will be set for trial on 4/16 and Deft. Taoipu will start on 5/8. Objections by Mr. Draskovich and Ms.

Thomas. Court so noted. Mr. Jackson advised he had a Motion set for 7/10 to continue the trial date.
COURT ORDERED, Motion VACATED.

CUSTODY (CARROLL & TAOIPU)

4/10/07 9:00 AM CALENDAR CALL (CARROLL)

4/16/07 1:30 PM JURY TRIAL (CARROLL)

4/17/07 9:00 AM CALENDAR CALL (COUNTS, HIDALGO & ESPINDOLA)

4/23/07 1:30 PM JURY TRIAL (COUNTS, HIDALGO & ESPINDOLA)

5/8/07 9:00 AM CALENDAR CALL (TAOIPU)

5/14/07 1:30 PM JURY TRIAL (TAOIPU)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 31, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

August 31, 2006**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 8/31/06
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

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

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Stein, Stephen	Attorney
Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- 1) DEFTS HIDALGO & ESPINDOLA'S MOTION TO CONDUCT VOIR DIRE ON POSSIBLE RACIAL BIAS AND PREJUDICE...2) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT INTRODUCTION OF VICTIM IMPACT EVIDENCE DURING THE GUILTY PHASE...3) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR EXCHANGE OF PROPOSED JURY INSTRUCTIONS AT CALENDAR CALL...4) DEFTS HIDALGO & ESPINDOLA'S MOTION FOR JURY QUESTIONNAIRE TO BE COMPLETED BY JURY VENIRE ONE WEEK PRIOR TO TRIAL...5) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE THE DEATH PENALTY AS UNCONSTITUTIONAL BASED ON ITS ALLOWANCE OF INHERENTLY UNRELIABLE EVIDENCE... 6) DEFTS HIDALGO &

ESPINDOLA'S MOTION FOR PROCEDURES REGARDING BAILIFFS AND OTHER COURT PERSONNEL CONCERNING JURORS AND PROSPECTIVE JURORS...7) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE INTRODUCTION OF HEARSAY DURING SENTENCING...8) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT ARGUMENT ON DETERRENCE OR IN THE ALTERNATIVE TO PERMIT EVIDENCE OF LACK OF DETERRENCE...9) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...10) DEFT HIDALGO & ESPINDOLA'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...11) DEFTS HIDALGO & ESPINDOLA'S MOTION TO BIFURCATE PENALTY PHASE PROCEEDINGS...12) DEFT HIDALGO & ESPINDOLA'S MOTION TO CONDUCT FULL VOIR DIRE ON POTENTIAL JURORS' PERSONAL AND PROFESSIONAL EXPERIENCES...13) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE AS UNCONSTITUTIONAL THE UNBRIDLED DISCRETION OF PROSECUTION TO SEEK THE DEATH PENALTY...14) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE DEATH PENALTY BASED UPON UNCONSTITUTIONALITY...15) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH PENALTY BASED UPON UNCONSTITUTIONALITY OF LETHAL INJECTION...16) DEFT COUNTS' NOTICE OF JOINDER...17) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...18) DEFT COUNTS' MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY CONVICTIONS...19) DEFT COUNTS' MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM...20) DEFT COUNTS' MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE PERTAINING TO THE IMPACT OF THE DEFENDANT'S EXECUTION UPON VICTIM FAMILY MEMBERS...21) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE RECORDS...22) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...23) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...24) DEFT COUNTS' MOTION TO DISMISS THE DEATH PENALTY DUE TO FEDERAL DUE PROCESS VIOLATIONS...25) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT...26) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PRECLUDE USE OF PEREMPTORY CHALLENGES...27) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT USE OF IMPUTED AGGRAVATING CIRCUMSTANCES...28) DEFTS HIDALGO & ESPINDOLA'S MOTION TO STRIKE NOTICE OF INTENT TO SEEK DEATH BASED UPON UNCONSTITUTIONAL WEIGHING EQUATION...29) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DETERMINE ADMISSIBILITY OF STATE'S HEARSAY EVIDENCE BEFORE TRIAL...30) DEFTS HIDALGO & ESPINDOLA'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT ON IRRELEVANT MITIGATING CIRCUMSTANCES...31) DEFTS HIDALGO & ESPINDOLA'S MOTION TO DECLARE NRS 704.206 UNCONSTITUTIONAL...32) DEFT COUNTS' MOTION FOR JURY QUESTIONNAIRE

Mr. Figler would like to join in the motions as to Deft. Carroll and would request his presence be waived. Mr. DiGiacomo objected as he has not received any motions relating to this defendant. Mr. Figler argued that most of these motions are very broad and would apply to Deft. Carroll as well. COURT ORDERED, GRANTED. Ms. Wildeveld advised Mr. Whipple is still in a murder trial and would request some of the motions as to Deft Counts be continued for his presence. COURT

ORDERED, GRANTED.

- 1) Ms. Thomas advised they would like open ended questions as opposed to racial questions. Objections by Mr. DiGiacomo. Court noted voir dire will be relaxed and counsel will be able to expand on some questions, however, open ended questions will not be asked. COURT ORDERED, DENIED.
- 2) Upon Court's inquiry, Mr. DiGiacomo advised he is not sure what defense is asking. Ms. Thomas stated her concerns. Statements by Mr. DiGiacomo. COURT ORDERED, DENIED as this issue is moot.
- 3) Ms. Thomas requested this be done to get an idea of where the State will be going. Court advised it has never done this and will not deviate now. COURT ORDERED, DENIED.
- 4) Court noted it has reviewed what was submitted and advised there are a number of them that will not be allowed. Further, Court noted there will not be a lot of questions either. Following colloquy, Court advised it feels this would be a profiling process, which will not be allowed. COURT ORDERED, DENIED.
- 5) Counsel advised this was submitted for appeal purposes. COURT ORDERED, DENIED.
- 6) Court noted it takes exception to this in regards to his staff. COURT ORDERED, DENIED.
- 7) Counsel argued that hearsay should be allowed. Following arguments, COURT ORDERED, DENIED.
- 8) Ms. Thomas argued that even if the Supreme Court has O.K.'d this, she does not feel they have addressed both issues at the same time. Arguments by Mr. Draskovich. Following additional arguments, COURT ORDERED, DENIED.
- 9) Following discussion by counsel, Court noted it is not uncommon for the Court to ask questions of potential jurors and ORDERED, DENIED.
- 10) Court advised the death penalty is not on trial. Counsel advised the issue was raised for appeal. COURT ORDERED, DENIED.
- 11) Court noted this is contrary to State law. Arguments by Ms. Thomas. COURT ORDERED, DENIED.
- 12) Ms. Thomas stated jurors relate their own personal experiences to other jurors and she feels that counsel should know what their life experiences are. Court advised there would be no end to the inquiry of every experience. Mr. Draskovich advised that there could be 5 or 6 specific questions unique to this case. Court advised counsel may submit some questions for review, however, MOTION, DENIED.
- 13) Ms. Thomas advised they take exception as to how the State determines which case gets the death penalty. Following statements by Mr. DiGiacomo, COURT ORDERED, DENIED.
- 14) COURT ORDERED, DENIED.
- 15) Ms. Thomas argued that if the drugs used are not applied properly, it can cause extreme pain. Mr. DiGiacomo advised this is the cart before the horse, first there needs be a guilty verdict and feels this is a premature issue. Following arguments, Court advised this issue has been preserved and there is a presumption of legality, however, COURT ORDERED, DENIED.
- 16) Court advised this has been recognized and ORDERED, GRANTED.
- 17) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.
- 18) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED,

matter CONTINUED.

19) Matter submitted by Ms. Wildeveld. Court advised it does see the relevancy and ORDERED, DENIED.

20) Ms. Wildeveld stated they would like to know if the family members agree with the death penalty. Mr. DiGiacomo argued the victim's family are not allowed to discuss punishment. Following colloquy, COURT ORDERED, DENIED.

21) Mr. DiGiacomo advised he does not understand why they want this information, that the only juvenile is Taoipu, however, he is not a witness but a defendant, however, will provide the records to the Court for an in-camera review. Following additional arguments, at request of Ms. Wildeveld, COURT ORDERED, matter CONTINUED for Mr. Whipple.

22) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

23) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

24) Ms. Wildeveld referred to Floyd vs State and submitted. COURT ORDERED, DENIED.

25) Mr. Whipple requested a continuance as to this motion as he is still in trial. COURT ORDERED, matter CONTINUED.

26) Ms. Thomas argued the peremptory challenges should be declared unconstitutional as they lead to Batson challenges. Ms. Thomas stated she feels there should be 4 challenges for each side with no peremptory challenges. Objections stated by Mr. DiGiacomo. Following additional arguments, COURT ORDERED, DENIED.

27) Ms. Thomas argued that the State should not apply aggravators to any other defendant. Mr. DiGiacomo stated the aggravators are specific as to each Defendant. Statements by Mr. Draskovich. Court advised it feels this issue is moot and does not feel it will occur, however, ORDERED, GRANTED.

28) Mr Draskovich advised the Supreme Court has addressed this issue. COURT ORDERED, DENIED.

29) Court noted what counsel want is a mini trial before trial. Ms. Thomas advised this Court did this in the early 80's. Following additional colloquy, Court noted the concept is not inappropriate, however, feels it is just another layer before trial with no meaningful result. COURT ORDERED, DENIED.

30) Ms. Thomas stated they do not want the State to blow up the statues as to mitigators for their closing. Mr. DiGiacomo advised he does not disagree with this and will not do it. COURT ORDERED, RESOLVED.

31) Ms. Thomas stated she feels the jury pool should include names from the power bills and not just from DMV. She argued that in rural areas, the power bills are used and would request it be done here to get a diverse panel. Mr. DiGiacomo stated there is no statue that requires the Court to compel Nevada Power to comply. COURT ORDERED, DENIED.

32) Court advised it has not done this in the past and will not start now. COURT ORDERED, DENIED.

COURT ORDERED, motions not heard today are CONTINUED and matter set for status check as to trial and all counsel to be present next date.

CUSTODY (ALL)

9/8/06 9:00 MOTIONS...STATUS CHECK TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 08, 2006

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 08, 2006

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 9/8/06
Court Clerk: Linda
Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

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

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Stein, Stephen	Attorney
Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- 1) DEFT COUNTS' RENEWED MOTION TO SEVER DEFENDANTS...2) DEFT COUNTS' MOTION TO SUPPRESS EVIDENCE OF THE DEFENDANT'S PRIOR FELONY CONVICTIONS...3) DEFT COUNTS' MOTION FOR RELEASE OF JUVENILE RECORDS...4) DEFT COUNTS' MOTION FOR REDUCTION IN BAIL OR, IN THE ALTERNATIVE, FOR RELEASE ON HOUSE ARREST...5) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHONE CONVERSATIONS...6) DEFT COUNTS' MOTION IN LIMINE TO PRECLUDE ADMISSION OF EVIDENCE OF ARREST OR FLIGHT...STATUS CHECK: TRIAL (ALL)

1) Mr. Whipple state if the jury cannot consider the death penalty for all defendants, that Mr. Counts should be severed out. Following additional arguments, COURT ORDERED, DENIED.

2) Mr. Whipple feels this is a prejudicial vs probative issue. If Defendant takes the stand, there is a prejudicial issue as to his priors, however, they are drug related. Mr. DiGiacomo stated that non violent felonies are admissible and concurred that they are drug related. Following additional colloquy, COURT ORDERED, DENIED.

3) Court advised it will review these records in chambers. Mr. DiGiacomo advised there are two, Zone and Taoipu. However, Taoipu is not a witness, but a charged Defendant. If he does become a witness, then his records will be submitted for review. Mr. Whipple argued that Taoipu was the only witness in the car with a gun. Following additional arguments, Mr. DiGiacomo stated the propensity of evidence to commit a crime is not admissible. Just because Taoipu may have had a gun two years ago, does not mean he had a gun in this instance. Mr. Whipple requested the Court review the records. Following additional arguments, Court advised it thinks this will be of no value, however, ORDERED, GRANTED.

4) Mr. Whipple advised there is no bail at this time and would request a bail amount be set. Mr. DiGiacomo argued this has been before the Court before and since the last time, we have learned that Defendant was an absconder from probation when he committed this crime. Mr. Whipple argued that Defendant has been a good role model, has a family and is a Little League coach. Mr. DiGiacomo argued Defendant has picked up 2 new charges in California. Following additional arguments, COURT ORDERED, DENIED.

5) Court noted this involves jail phone calls and Mr. Whipple feels they should be disallowed. Mr. Whipple concurred and stated he feels it is speculation as to all calls. Arguments by Mr. DiGiacomo including that Defendant Counts was never informed prior to a phone call that he was being involved with Deft. Carroll. Further, Deft Counts' descriptions in conversations are an admission of guilt. Court advised if there is evidence to support the theory, then there is no speculation. COURT ORDERED, DENIED. Mr. Whipple requested an offer of proof from the State regarding the phone calls. Mr. DiGiacomo stated if he is going to use these phone calls, he will have them transcribed. Upon Court's inquiry, Mr. DiGiacomo advised he played 7 phone calls at the Preliminary Hearing and may play 2-3 more. Court requested all calls be transcribed and this issue can be reviewed later, however, prior ruling stands.

6) Court noted Defendant was found in the attic and that is not flight. Mr. Whipple advised Defendant was acting irrational, but there was no flight; Defendant was not trying to secret himself. Further, he does not feel these were actions of guilt, but irrational behavior. Court advised this does not preclude the State from arguing the opposite. Mr. DiGiacomo argued Defendant was trying to hide from Police to not be arrested. Mr. Whipple argued that the Police knew he was there, he was not trying to hide, he was acting irrational. Court advised it will not embrace either side, however, ORDERED, DENIED.

7) Question as to Death Penalty: Court noted the Defense attorneys feel they should be present for the Death Review panel. Mr. DiGiacomo advised if the State can't prove intent, there will be no death case against the Defendants. Ms. Thomas argued the Notice the State filed is bad and should not be holding the Defendants as to the death penalty. Mr. Draskovich advised the State is seeking the death penalty against two of the Defendants that did not actually kill the victim. Following additional arguments, Court felt that Defense counsel should attend the review, however, at this time, Motion DENIED WITHOUT PREJUDICE.

As to intent to kill, Court advised there was enough evidence to be bound over, it will not prejudice

the evidence and is a question for the Jury. COURT ORDERED, DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 04, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

October 04, 2006**9:00 AM****Status Check**

**STATE'S REQUEST
FOR STATUS
CHECK Court Clerk:
Linda Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Donald
Mosley**

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

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Mr. DiGiacomo stated he is concerned as a time limit was set in July to file any motions; there was a hearing in September wherein Mr. Figler joined into the motions already on calendar. Mr. DiGiacomo advised his concern is that Mr. Figler will wait until it is closer to trial to file any motions for his Defendant and thus frustrate the trial date. Mr. Figler stated he has no intention of continuing the trial. He advised he is working on motions that are unique and not the boiler plate ones that were submitted already; he advised they will be ready to file soon. Following colloquy, COURT ORDERED, Mr. Figler to file his motions by 12/1/06 and the State to respond by 1/2/07.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 01, 2006**

05C212667-2

The State of Nevada vs Luis A Hidalgo

November 01, 2006**1:30 PM****Minute Order****MINUTE ORDER
RE: RECUSAL- DEPT
14 Relief Clerk:
Carol Donahoo/cd
Heard By: Donald
Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Due to a substitution of counsel and to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 2006

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 07, 2006

9:30 AM

Conversion Hearing Type

TRIAL SETTING

Relief Clerk: Sandra
AndersonReporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Draskovich Jr, Robert M.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- AS TO DEFT COUNTS: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT HIDALGO: Mr. Gentile advised the Court he is substituting in for Mr. Stein. Opposition by Mr. Pesci. Court agreed to wait on the Decision from the Supreme Court. COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT. ESPINDOLA: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT. CARROL: COURT ORDERED, matter set for trial. FURTHER ORDERED, Jury questionnaire due by 05-01-07.

AS TO DEFT. TAOIPU: Court noted this is the only non capital. COURT ORDERED, matter set for trial.

CUSTODY (ALL)

05-17-07 9:30 AM CALENDAR CALL (CARROLL)

05-21-07 10:00 AM JURY TRIAL (CARROLL)

05-31-07 9:30 AM CALENDAR CALL (COUNTS, HIDALGO, ESPINDOLA)

06-04-07 10:00 AM JURY TRIAL (COUNTS, HIDALGO, ESPINDOLA)

08-02-07 9:30 AM CALENDAR CALL (TAOIPU)

08-06-07 10:00 AM JURY TRIAL (TAOIPU)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 30, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 30, 2007**9:30 AM****Motion to Dismiss**

**DEFT'S MTN TO
DISMISS /143 Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Mr. Jackson argued that he needs to speak with Mr. Pike regarding one of the witnesses; Mr. Zone is a critical witness and he has to know whether or not someone has discouraged him from testifying. The State requested more time to file an opposition. COURT ORDERED, matter CONTINUED and set for a status check regarding discussion with the witness.

CUSTODY

2/27/07 9:30 AM DEFENDANT'S MOTION TO DISMISS...STATUS CHECK: DISCUSSION WITH WITNESS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 27, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 27, 2007**9:30 AM****All Pending Motions****ALL PENDING
MOTIONS 2/27/07
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS...STATUS CHECK: DISCUSSION WITH WITNESS
Mr. Jackson stated that Mr. Pike wants him to interview Mr. Zone in his presence. The Court directed counsel to facilitate this. COURT ORDERED, matter is OFF CALENDAR; parties may renew following the interview.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 15, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 15, 2007**9:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 05-15-07
Court Clerk: Sandra
Anderson
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Di Giacomo, Marc P.
Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- AS TO DEFT. COUNTS: Following argument by counsel Court stated findings and ORDERED, as follows: 1)Motion to reconsider motion to allow the defense to argue last at the penalty phase/147, DENIED. 2)Motion to reconsider motion to bifurcate penalty phase/146, DENIED. 3)Motion to reconsider motion in limine to preclude admission of evidence of arrest or flight/148, DENIED. 4)Motion to reconsider motion to dismiss the death penalty due to federal due process violations/149, DENIED. 5)Motion to reconsider disclosure of exculpatory evidence pertaining to the impact of the Defendant's execution upon victim's family members/150, DENIED 6)Motion to reconsider motion in limine to preclude admission of phone conversations/151, DENIED. 7)Motion to reconsider motion for discovery and evidentiary hearing regarding the manner and method of determining in which murder cases the death penalty will be sought/152, DENIED. 8)Motion to reconsider motion to strike notice of intent to seek the death penalty/153, DENIED. 9)Motion to reconsider motion for individual voir dire/154, DENIED, as need only basis. 10)Motion to reconsider

motion in limine to bar improper prosecutorial argument/155, GRANTED as already done by Judge Mosley. 11)Motion to reconsider motion to federalize all motions objections requests and other applications for the proceedings in the above entitled case/156, DENIED. 12)Motion to reconsider motion in limine to preclude the introduction of victim impact evidence/157, DENIED. 13)Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/158, DENIED. 14)Motion to reconsider motion in limine to preclude admission of gang affiliation or drug activity/159, DENIED.

AS TO DEFT. ESPINDOLA: Motion to continue, following argument by counsel, COURT ORDERED, matter taken, UNDER ADVISEMENT, Court will announce it's decision by tomorrow.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 17, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 17, 2007

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS (05-17-07)
Relief Clerk: Carol
Donahoo
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- DEFENDANT CARROLL'S MOTION TO CONTINUE TRIAL DATE...CALENDAR CALL
Court advised it received Mr. Figler's Motion to Continue Trial set for May 29, 2007. Court advanced the Motion to today. Conference at the Bench. Mr. DiGiacomo announced ready. Mr. Figler indicated he has more work to do in this matter as there are a number of significant issues. COURT ORDERED, Motion to Continue Trial GRANTED. Colloquy regarding a new trial date. COURT FURTHER ORDERED, trial date VACATED; matter set for status check. Court directed all parties to be present. CUSTODY

05/21/07 9:30 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 21, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 21, 2007

9:30 AM

Status Check

**STATUS CHECK:
TRIAL SETTING
Relief Clerk: Carol
Donahoo
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- Conference in Chambers with all counsel prior to the commencement of proceedings regarding scheduling issues.

DELANGELO RESHAWN CARROLL: Court noted Mr. Figler's Motion to Continue Trial was granted. Therefore, COURT ORDERED, trial date VACATED and RESET.

KENNETH COUNTS: Trial for this Deft. is set for June 4, 2007; however, the State does not want to try this Deft. separately. A ruling from the Supreme Court could have an impact on this Deft. and since the trial dates for Deft. Hidalgo and Deft. Espindola have been continued, Court will consider vacating and resetting Deft. Counts' trial as well. Colloquy regarding Supreme Court issues. COURT ORDERED, matter set for status check.

JAYSON TAOIPU: Court noted Deft. Taoipu is the only non-capital matter. COURT ORDERED, trial date VACATED and RESET.

LUIS ALONSO HIDALGO and ANABEL ESPINDOLA: COURT ORDERED, trial dates VACATED and RESET.

Mr. DiGiacomo advised he has packets with additional discovery on his secretary's desk available for all counsel.

CUSTODY (ALL)

08/16/07 9:30 AM CALENDAR CALL (CARROLL)

08/20/07 10:00 AM JURY TRIAL (CARROLL)

05/24/07 9:30 AM STATUS CHECK: TRIAL SETTING (COUNTS)

03/06/08 9:30 AM CALENDAR CALL (TAOIPU)

03/10/08 10:00 AM JURY TRIAL (TAOIPU)

01/24/08 9:30 AM CALENDAR CALL (HIDALGO and ESPINDOLA)

01/28/08 10:00 AM JURY TRIAL (HIDALGO and ESPINDOLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 24, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 24, 2007

9:30 AM

Status Check

STATUS CHECK:
TRIAL SETTING
Relief Clerk: Carole
D'Aloia
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Court advised this matter was continued to give Ms. Wildevelt time to review the writ filed by the co-defendants to see if it would be something she would be filing a joinder on behalf of Defendant Counts. Upon Court's inquiry, Ms. Wildevelt advised she and Mr. Whipple would not be joining in on the writ, announced ready for trial and requested the 6/4/07 trial date. Colloquy between Court and counsel regarding the writ. Mr. Pesci advised he feels the trial should not go forward until the Supreme Court has ruled on the writ. Ms. Wildevelt adamantly requested the 6/4/07 trial date. Further colloquy regarding the trial date. Following CONFERENCE AT BENCH, COURT ORDERED, matter set for JURY TRIAL on 6/4/07 at the request of Ms. Wildevelt. Ms. Wildevelt inquired about a jury questionnaire and advised they will get one to the State and Court this evening or first thing tomorrow. Court advised Ms. Wildevelt that it did not think it would be possible, logistically, to have a jury questionnaire at such a late date. Following CONFERENCE AT BENCH, Ms. Wildevelt advised that Mr. Whipple had already forwarded a copy of the proposed jury questionnaire to Mr. DiGiacomo and Mr. Pesci stated he will check with him to see if he has it. COURT ORDERED, matter set for STATUS CHECK on the jury questionnaire tomorrow morning.

05C212667-2

CUSTODY

5/25/07 9:30 AM STATUS CHECK: JURY QUESIONNAIRE

6/4/07 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 25, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 25, 2007

9:30 AM

Status Check

STATUS CHECK:
JURY
QUESTIONNAIRE
Relief Clerk: Carole
D'Aloia
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Owens, Christopher J.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- Jury questionnaire, reviewed, amended and agreed upon by counsel. Mr. Owens stated his reasons why he believes the trial should not go forward until the Nevada Supreme Court has decided on the Co-Defendants' writ. Mr. Owens inquired if Court would contact the Clerk of the Nevada Supreme Court to see if a decision would be forthcoming. Matter TRAILED.

Matter RECALLED and Court advised it's Judicial Executive Assistant (JEA) called the Clerk of the Nevada Supreme Court and was advised that the decision will not be coming any time soon.

COURT ORDERED, trial date STANDS and counsel to get together and finalize the jury questionnaire and get it to Jury Services first thing on Tuesday morning.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 29, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 29, 2007**9:30 AM****Motion to Dismiss****DEFT'S MTN TO
DISMISS /165 Relief
Clerk: Carol
Donahoo
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Turner, Robert B.

Attorney

JOURNAL ENTRIES

- Ms. Wildeveld advised Deft. Counts' buccal swabs came back negative; she requested matter be taken off calendar. COURT SO ORDERED; Court noted this matter is set for calendar call on May 31, 2007, and trial begins on June 4, 2007.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 31, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 31, 2007**9:30 AM****Calendar Call****CALENDAR CALL****Relief Clerk: Carol
Donahoo****Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Staudaher, Michael V.
Whipple, Bret O.Attorney
Attorney**JOURNAL ENTRIES**

- Court advised counsel the jury questionnaires were available in chambers and confirmed the trial was going forward; however, the start date has been moved from Monday to Tuesday.

CUSTODY

06-05-07 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 05, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 05, 2007**10:30 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: Carol
Donahoo****Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- 11:48 a.m. Jury selection commenced.

Court and counsel examine prospective jurors.

COURT ORDERED, trial CONTINUED; jury selection will resume on June 6, 2007, at 10:30 a.m.

5:30 p.m. Court admonished the prospective jurors and recessed for the evening.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 06, 2007**9:30 AM****Change of Plea****CHANGE OF PLEA****Relief Clerk: Carol
Donahoo****Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- Mr. Jackson advised this matter is negotiated and Deft. Taoipu will withdraw his not guilty plea and plead guilty to reduced charges. Colloquy regarding sealing the courtroom and the plea. Conference at the Bench. COURT ORDERED, plea WITHDRAWN; EXHIBIT 2 of the Guilty Plea Agreement (GPA) shall be SEALED. Mr. DiGiacomo to submit an Order. Amended Information and GPA FILED IN OPEN COURT. NEGOTIATIONS: State retains the right to argue and agrees to recommend concurrent sentences between the counts. Both sides agree they are bound by the terms and conditions of Exhibit 2 of the GPA. DEFT. TAOIPU ARRAIGNED and PLED GUILTY to COUNT 1 - CONSPIRACY TO COMMIT MURDER (F) and COUNT 2 - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F). Mr. DiGiacomo advised Count 2 is a fictitious charge; however, the statement as to what was done is not fictitious. COURT accepted plea and FURTHER ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for status check; trial date VACATED.

CUSTODY

09/04/07 9:30 AM STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 06, 2007

10:30 AM

Jury Trial

TRIAL BY JURY**Relief Clerk: Carol
Donahoo****Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Court advised counsel came to court today and raised a potential conflict. The conflict was presented to Judge Bell. Colloquy regarding the appointment of Robert Langford, Esq., to represent a witness and how things will proceed from this point. Court noted Court Services confiscated from Deft. the jury questionnaires and his notes regarding the prospective jury panel. Colloquy regarding same. Due to the aforementioned developments, COURT ORDERED, the prospective panel of jurors DISMISSED and matter set for status check.

CUSTODY

06/26/07 9:30 AM STATUS CHECK

CLERK'S NOTE: All Deft.'s notes, not concerning the prospective jurors, were returned to him.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 26, 2007

7:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 6-26-07
Court Clerk: Tina
Hurd
Reporter/Recorder:
Renee Vincent
Heard By: Stewart
Bell**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- AT REQUEST OF COURT: IN-COURT DEPOSITION (COUNTS, HIDALGO & ESPINDOLA)
8:04 A.M.--Robert Langford, Esq, present with witness Omar Manor. Court advised this hearing is due to a potential conflict that arose with Ms. Wildeveld and Mr. Whipple regarding a witness. If there is not a conflict, this video will be used as testimony in any trial regarding Deft. Counts wherein he is represented by Ms. Wildeveld or Mr. Whipple. Mr. DiGiacomo advised he does not plan on playing the video of Mr. Manor if he is available. Court advised the video has to be used to waive any conflict. Mr. DiGiacomo advised the defense would have to waive any defect. Mr. Whipple advised that is inherent. Court advised, in any case where Deft. Counts is represented by Ms. Wildeveld or Mr. Whipple, this video must be used. Mr. DiGiacomo advised all counsel would have to agree. All

defense counsel present agreed. Court advised the video is locked on the witness as Defts. Counts, Hidalgo and Espindola were brought over in jail clothing, so they will not appear on the video but everyone's voices will be picked up. Court advised, if there is a conflict, Ms. Wildeveld and Mr. Whipple would have to be relieved and new counsel appointed, then the State could call Mr. Manor live. 8:11 a.m.--Omar Manor sworn and testified. 8:17 a.m.--Court stated it appears Ms. Wildeveld and Mr. Whipple can go forward in this case and ORDERED, Ms. Wildeveld and Mr. Whipple will remain as counsel for Deft. Counts. Court advised a status check is already set before Judge Adair on this matter. Mr. DiGiacomo advised, because there is an ongoing relationship between Omar and Irene, there may be other issues that come up and he will bring those before the Court if such issues arise. 8:19 a.m.--Hearing concluded.
CUSTODY (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 26, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 26, 2007**9:30 AM****Status Check**

STATUS CHECK
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Di Giacomo, Marc P.
Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Colloquy regarding Discovery. The Court encouraged Mr. Whipple to protect the record by listing what was provided. FURTHER, matter set for trial.

CUSTODY

1/24/08 9:30 AM CALENDAR CALL

1/28/08 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 24, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 24, 2007**9:30 AM****Motion**

**STATES MTN TO
CONDUCT
VIDEOTAPED
TEST/192 Court
Clerk: Tia Everett/te
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

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

Armeni, Paola M.
Whipple, Bret O.

Attorney
Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 26, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 26, 2007

9:30 AM

Motion

**STATES MTN TO
CONDUCT
VIDEOTAPED
TEST/192 Court
Clerk: Sandra
Anderson
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Gentile, Dominic P.
Hidalgo, Luis A
Pesci, Giancarlo

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Court noted this is the States motion and that Court has received oppositions. Following conference at the bench Court stated its findings and ORDERED, motion GRANTED. Following colloquy Court advised the specific will be discussed in chambers.

CUSTODY (ALL)

08-13-07 (CHAMBERS) STATUS/CHECK: OPEN/SEALED DEPOSITIONS

08-27-07 9:30 AM HEARINGS: DEPOSITIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 16, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

August 16, 2007**9:30 AM****Calendar Call**

**CALENDAR CALL
(VJ 8/28/07) Court
Clerk: Phyllis Irby/pi
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- Following extended arguments of counsel. COURT ORDERED, matter CONTINUED.
CUSTODY

8-20-07 9:30 AM CALENDAR CALL/JURY TRIAL (CARROLL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 27, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

August 27, 2007

9:30 AM

Hearing

**DEPOSITIONS
HEARING Court
Clerk: Tia Everett/te
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter OFF CALENDAR.
CUSTODY (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

August 28, 2007

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS (8/28/07)**
**Court Clerk: Tia
Everett/te**
**Reporter/Recorder:
Janie Olsen Heard**
By: Valerie Adair

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

Di Giacomo, Marc P.	Attorney
Draskovich Jr, Robert M.	Attorney
Gentile, Dominic P.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- STATUS CHECK TRIAL (COUNTS...HIDALGO...ESPINDOLA...CARROLL)

Colloquy regarding trial setting and scheduling of all parties involved. Upon Court's inquiry, counsel anticipate trial to last four weeks. COURT ORDERED, as to Defts' Counts, Hidalgo, and Espindola Trial dates VACATED and RESET. CONFERENCE AT BENCH. COURT FURTHER ORDERED, as to Deft. Carroll, Trial date VACATED and RESET.

CUSTODY (ALL)

11/29/07 CALENDAR CALL (CARROLL)

12/03/07 JURY TRIAL (CARROLL)

1/17/08 CALENDAR CALL (COUNTS...HIDALGO...ESPINDOLA)

1/22/08 JURY TRIAL (COUNTS...HIDALGO...ESPINDOLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 04, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 04, 2007**9:30 AM****Sentencing****SENTENCING****Relief Clerk: Nora****Pena****Reporter/Recorder:****Debbie Winn Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Conference at the bench. Mr. DiGiacomo requested a continuance the second week in January.

COURT ORDERED, matter CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 11, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 11, 2007**9:30 AM****Motion for Discovery****DEFT'S MTN FOR
DISCOVERY /209
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Whipple, Bret O.Attorney
Attorney**JOURNAL ENTRIES**

- Mr. Digiacomo state he has provided audio and video tapes and has more that he will provide to Mr. Whipple by the end of the week; he will give him the photo line-up by the end of week as well. COURT ORDERED, motion GRANTED. FURTHER, pursuant to request by Mr. Whipple, the State is to provide a list of all items produced.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 20, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 20, 2007**9:30 AM****Motion to Strike****DEFT CARROLL'S
MOTION TO
STRIKE DEATH
PENALTY
AGGRAVATORS/20
8 Court Clerk:
Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Matter trailed for either Mr. Digiacomo or Mr. Pesci to be present.

Matter recalled. Mr. Figler advised that he and Mr. Digiacomo agreed to continue the hearing to allow counsel time to file an opposition. COURT ORDERED, CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 09, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

October 09, 2007

12:00 AM

Motion to Strike

DEFT CARROLL'S
MOTION TO
STRIKE DEATH
PENALTY
AGGRAVATORS/20
8 Court Clerk:
Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- The Court informed counsel that all pleadings have been reviewed. Mr. Figler advised that the received the State's opposition last Thursday; he argued oral response to State's motion. Mr. DiGiacomo submitted. COURT ORDERED, RULING RESERVED; for now, the Court is not inclined to stay the case against the Defendant in District Court.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 11, 2007**

05C212667-2

The State of Nevada vs Luis A Hidalgo

October 11, 2007**9:00 AM****Motion to Strike****DEFT CARROLL'S
MOTION TO
STRIKE DEATH
PENALTY
AGGRAVATORS/20
8 Court Clerk:
Denise Husted
Heard By: Valerie
Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- COURT ORDERED, Motion to Strike DENIED based on State's opposition. The State is to prepare findings of fact and conclusions of law and order. FURTHER, Motion to Stay is DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 06, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

November 06, 2007

9:30 AM

Motion

**DEFT'S PRO PER
MTN ON PTN TO
MARRY/210 Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2007

05C212667-2

The State of Nevada vs Luis A Hidalgo

November 29, 2007

9:30 AM

Calendar Call

CALENDAR CALL
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- The Court noted that Mr. Figler filed an emergency stay in the Nevada Supreme Court; he did not file a written motion for continuance in District Court. Mr. Digiacomo announced ready for trial which should last one week and one to two days for the penalty phase, should there be one. He also stated that he has witnesses coming in from Thailand. Mr. Figler advised that the state noticed new witnesses on 11/14/07; defendant Taoipu's attorney said his client would plead the Fifth Amendment, which indicates to him that the state has questioned Taoipu. In addition, he informed the Court that after speaking with the defendant yesterday, he found the defendant seemed to have cognitive problems and he wants him evaluated by Dr. Roitman. He further stated the Mr. Roitman was busy working on another case. The Court noted that the case he is speaking about dealt, which would have left time to request an evaluation. Mr. Digiacomo strongly objected to Mr. Figler's accusation that the state spoke to Mr. Taoipu; Mr. Jackson, who is his attorney was the one that spoke to him and reported to counsel that the defendant would plead the Fifth Amendment. COURT ORDERED, the trial will be heard next week; trial date VACATED and RESET.

CUSTODY

12/6/07 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 15, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 15, 2008

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 1/15/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Di Giacomo, Marc P.
Gentile, Dominic P.
Hidalgo, Luis A
Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney
Defendant
Attorney
Attorney

JOURNAL ENTRIES

- DEFENDANT HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT COUNTS MOTION TO SUPPRESS HIS CUSTODIAL STATEMENTS...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR SEVERANCE FROM CAPITAL DEFENDANT...DEFENDANT HIDALGO'S MOTION TO SET BAIL...DEFENDANT HIDALGO'S MOTION FOR SEVERANCE FROM CAPITAL DEFENDANT...STATE'S REQUEST STATUS CHECK-AGREED (COUNTS)...CALENDAR CALL

The Court stated the trial in this matter would go forward on January 28th. The Supreme Court decision in this matter struck the aggravators regarding the death penalty with regard to Espindola

and Hidalgo so this would not be a capital case and there was no reason not to go forward with what could have been done months ago. Mr. Gentile presented argument regarding due process rights of the co-defendants, and the issue regarding the fifteen day notice citing case law to support his position. Mr. Oram advised he was ready to go forward with defendant Espindola and joined all the arguments of Mr. Gentile. Ms. Wildeveld stated her preference would be to proceed on the 28th as she has an issue that would preclude her from going until a much later date. Colloquy between Court and counsel. Mr. Whipple advised he intended to file motions to strike with regard to defendant Counts with the Supreme Court. Court stated this is something that Mr. Whipple should have addressed months ago and it was too late at this point in time but he was free to file with the Supreme Court if he so desired. Mr. DiGiacomo addressed the issue of the remittitur and authority of the Court to proceed lacking the receipt of the formal remittitur and requested the Court stay this matter in order for him to return to the Supreme Court on an emergency writ. COURT ORDERED, request for STAY DENIED; trial for Counts will proceed on January 28th at 10:00 AM. This Court had previously started the trial in the Counts case as a death penalty case when an issue arose that had to be heard by Judge Bell; however, it is still a death penalty case and since trial counsel was prepared to go forward at that time as a death penalty case, there is no reason why it should not go forward as such now. FURTHER ORDERED, DEFENDANT COUNTS IS SEVERED FROM DEFENDANTS HIDALGO AND ESPINDOLA as these defendants are no longer death qualified. Trial for defendants Hidalgo and Espindola will proceed following this case on February 11th at 9:30 AM. Colloquy between Court and counsel regarding jury questionnaires. CONFERENCE AT BENCH. COURT ORDERED, the jurors will fill out a questionnaire based on the death penalty and if the Supreme Court strikes the aggravators as to Counts then a new panel will be brought in. The Court would not use the same panel that filled out a death questionnaire for a trial where that was no longer a consideration.

Mr. Gentile requested a hearing on the motion for audibility and presented argument. Response by the State. Colloquy between Court and counsel. COURT ORDERED, it would listen to the CD and read the transcript and then issue a ruling on January 29th at 9:30 AM.

Mr. Gentile presented argument on the issue of bail regarding defendant Hidalgo. State argued in opposition. Court stated that if it were inclined to issue bail in this matter it would in all likelihood be set at a significantly high amount. COURT ORDERED, matter to be taken UNDER ADVISEMENT and a decision to be issued.

Counsel advised that there is a motion regarding defendant Counts set for January 29th that needs to be addressed prior to the trial date. Colloquy. COURT ORDERED, due to its schedule this matter will be heard by Judge Bell on January 22nd so that this matter can proceed to trial on the 28th.

Mr. Jackson requested that defendant Taoipu's sentencing date be set within thirty days. COURT SO ORDERED and referred the matter to the Division of Parole and Probation for a presentence investigation report to be prepared. Mr. Jackson inquired about an order for excess investigation fees. Court informed Mr. Jackson to prepare the order and submit it and it would be signed.

CUSTODY (COUNTS, HIDALGO, ESPINDOLA, TAOIPU)

1/22/08 8:00 AM DEFENDANT COUNTS'S MOTION TO RECONSIDER MOTION TO STRIKE
(HEARD BY JUDGE BELL)

1/28/08 10:00 AM JURY TRIAL (COUNTS)

1/29/08 9:30 AM DEFENDANT HIDALGO'S MOTION FOR AUDIBILITY HEARING AND

TRANSCRIPT APPROVAL...DEFENDANT COUNT'S MOTION TO SUPPRESS HIS CUSTODIAL
STATEMENTS...DEFENDANT ESPINDOLA'S MOTION TO JOIN HIDALGO'S MOTION FOR
AUDIBILITY HEARING AND TRANSCRIPT APPROVAL
2/11/08 9:30 AM JURY TRIAL (HIDALGO & ESPINDOLA)
2/12/08 9:30 AM SENTENCING (TAOIPU)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 22, 2008

8:30 AM

Motion to Strike

DEFT'S SECOND
MTN TO
RECONSIDER MTN
TO STRIKE
AGGRAVATING
CIRCUMSTANCES
Court Clerk: Tina
Hurd
Reporter/Recorder:
Renee Vincent
Heard By: Bell,
Stewart L.

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- Court advised this is Judge Adair's case, however, she is on vacation and he is hearing this motion as counsel need a ruling prior to trial. Mr. Whipple provided a copy of the Hidalgo decision to the Court and argued regarding Rule 250, late Notice of Intent, aggravating circumstances and specificity. Mr. Whipple advised the co-Deft. had the aggravators stripped and that case is no longer a capital case. Mr. DiGiacomo argued Deft. Counts was still under a sentence of imprisonment in two cases when this occurred and was in warrant status in one of them so there is no specificity problem as to the first aggravator. Mr. Whipple argued the issue is how the State pled it. Mr. Pesci

argued the law says they can still plead in the alternative. Mr. Whipple argued the issue goes to notice and argued the State cannot boot strap. Court advised he will read the Hidalgo decision and ORDERED, matter CONTINUED to tomorrow for decision. Mr. Whipple advised, if the Court strikes the aggravators, they are ready for trial; if not, he will request a stay. Court advised he is not the trial judge and will not grant a stay, so counsel should be forewarned.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 23, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 23, 2008**8:30 AM****Motion to Strike**

**DEFT'S SECOND
MTN TO
RECONSIDER MTN
TO STRIKE
AGGRAVATING
CIRCUMSTANCES
Court Clerk: Tina
Hurd/th Relief Clerk:
Tia Everett
Reporter/Recorder:
Renee Vincent
Heard By: Stewart
Bell**

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

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- Court advised he has read the pleadings and cases provided and ORDERED, motion DENIED. Court stated he does not believe the decision has much changed the pleadings rules as they have known them over the years. Every theory has to be charged. Court advised this case also says they have to charge anything on which there has to be notice. They can be charged in the alternative but everything in the alternative has to be supporting that. Court advised, in death penalty cases, it has to be the case that each and every prong is supported. Court FINDS if Deft. was on probation for a Felony with an underlying term, that IS a sentence of imprisonment and was charged appropriately. Court advised Ms. Wildeveld has a motion to stay and ORDERED, stay DENIED and the defense

PRINT DATE: 05/10/2021

Page 80 of 199

Minutes Date: June 27, 2005

may go to the Supreme Court. Mr. DiGiacomo advised they need to have the jury questionnaire to the Department this morning. Colloquy. Court advised he is not getting to substantive issues of whether a stay is appropriate. He heard this motion for Judge Adair and he is not going to set this trial off in her absence. If the Supreme Court does, so be it. Ms. Wildeveld advised, for the record, they are ready to go to trial. Hearing concluded.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 24, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 24, 2008**1:30 PM****Minute Order****MINUTE ORDER
RE: RE: BAIL FOR
DEFTS.
HILDALGO AND
Court Clerk: Denise
Husted Heard By:
Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- After taking this matter under consideration, COURT ORDERED, BAIL is SET as to Deft. HILDALGO at EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.) as to DEFT. ESPINDOLA at FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 29, 2008

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 1/29/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Gentile, Dominic P.

Attorney

Pesci, Giancarlo

Attorney

Whipple, Bret O.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL (HIDALGO)...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENTS (COUNTS)...DEFENDANT'S MOTION TO JOIN HIDALGO'S MOTION FOR AUDIBILITY HEARING (ESPINDOLA)

Mr. Gentile requested that the motions calendared this day be continued for further review. There being no opposition by other counsel, COURT ORDERED, motions CONTINUED.

CONTINUED TO: 2/5/08 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 29, 2008

1:30 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding potential penalty witnesses. The Court informed counsel that there will be three alternates and twelve jurors. Colloquy regarding aggravators and mitigators. Mr. Pesci stated that the jury questionnaires will cover this. Mr. Whipple moved for a continuance based on Supreme Court rule 250(4)(d); he stated he needs time to review the notice and needs thrifty days. Opposition by Mr. Digiacomo; he advised that Judge Bell's previous ruling was clean in denying the trial continuance and believes Mr. Whipple's request is inappropriate. COURT ORDERED, motion for CONTINUANCE DENIED. Second Amended Information FILED IN OPEN COURT. IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. Mr. Whipple requested a new jury panel on the basis of ethnic make-up. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 30, 2008

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding potential penalty phase and reports; counsel cited Zane Floyd case which is specific as to expert disclosures. COURT FINDS, counsel needs to disclosed experts and turn of curriculum vitae. Mr. Digiacomo cited paragraphs thirteen and fourteen of the Floyd case. The Court stated that Mr. Whipple is to conform to Discovery rules; counsel is entitles to tests and reports. Following further arguments and request by Mr. Digiacomo, COURT ORDERED, Mr. Whipple is to provide written notice, curriculum vitae and tests and they must be filed by tomorrow. Colloquy regarding questioning of potential jurors. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection CONTINUED. OUTSIDE THE PRESENCE OF THE JURY. Mr. Whipple requested allowance of giving specific mitigators; he wanted it on the record what he will and will not be allowed to do. COURT ADVISED, Mr. Whipple may illustrate and provide examples of mitigators. IN THE PRESENCE OF THE JURY. Jury selected. OUTSIDE THE PRESENCE OF THE JURY. Discussion among Court and counsel regarding jury panel. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 31, 2008

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Defendant's Offer of Proof, Notice of Defendant's Expert Witnesses for Penalty Phase, ROC, ROC and Notice of Wirellesses for Penalty Phase FILED IN OPEN COURT. Arguments by counsel regarding offer of proof regarding statement of defendant Deangelo Carroll that he made to another prisoner regarding his involvement in the murder. Mr. Pesci stated that he never gave this statement to the police; now a statement by a cell mate in the detention center is dubious at best. Mr. Digiacommo argued that the statement is clearly unreliable. COURT FINDS, technically it is a statement against penal interest; one statement will be allowed in an the other statements will not be allowed. IN THE PRESENCE OF THE JURY. Jurors SWORN. Second Amended Information read by the Clerk. Introductory statement by the Court. Opening statements by Mr. Digiacommo. Opening Statements by Mr. Whipple. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, COURT ORDERED, previous rulings by Judge Mosely are the law of the case. Mr. Whipple moved for a mistrial on the basis of due process violations against his client. COURT ORDERED, motion DENIED. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 01, 2008

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Di Giacomo, Marc P.
Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding Mr. Whipple saying that he had not received certain exhibits from the State. Mr. Digiacomo stated that whenever Mr. Whipple came and requested exhibits, they were provided to him. Mr. Whipple advised that he bate-stamped what he was requesting and gave the request to the State. COURT FINDS, at this point is up to defense counsel to obtain what they want from the State. Further arguments regarding the power point presentation and making a particular exhibit a Court's exhibit. COURT ORDERED, this issue was already decided by Judge Mosely. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to CONFERENCE AT BENCH, Mr. Digiacomo stated that it became apparent that something was wrong with Mr. Zone. Mr. Pesci stated that Mr. Zone has another son that Mr. Whipple has represented. Mr. Digiacomo advised that they spoke with Mr. Zone; Mr. Whipple remembered the other son. Mr. Whipple informed the Court that at some point he spoke with Mr. Zone, but never discussed anything pertaining to this case with Mr. Zone or the other son. He also stated that he never met Roantae Zone.

The Court question Mr. Zone regarding the preliminary hearing. Mr. Whipple stated that he was not present at that hearing. CONFERENCE AT BENCH. The Court question Mr. Counts regarding the fact that Mr. Whipple represented Mr. Zones brother. The Defendant stated he has no problem of Mr. Whipple continuing to represent him. Out of an abundance of caution, the Court asked Mr. Zone to leave the Courtroom. After that, Mr. Whipple stated he has no problem zealously advocating and representing Mr. Counts. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding whether or not Officer Rivera was on the witness list. As there were other officers listed, COURT FINDS, his testimony will be allowed. Mr. Digiacomo stated that Officer Rivera was on the list in the Justice Court hearing. Mr. Whipple objected to Mr. Rivera's testimony as he believes it is prejudicial to his client's due process rights and MOVED for a mistrial. COURT ORDERED, DENIED. Mr. Whipple requested that the phone calls from the detention center be provided before his testimony. Opposition by Mr. Digiacomo. The Court stated that if there is a policy at the detention center, then it can be done. The Court services attorney or an investigator must stay with the Defendant the entire time, but Court Services cannot stay with the Defendant while he listens. Further discussion regarding Officer Rivera's testimony. The Court stated that Mr. Whipple was aware that some SWAT Officer would be testifying and he didn't call any other officers to testify. Mr. Whipple advised that it was not his burden. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. COURT ORDERED, defendant Burman to be remanded to the Clark County Detention for this weekend in order that Mr. Whipple's investigators will have time to review the case with him. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 04, 2008**9:00 AM****Change of Plea****CHANGE OF PLEA****Court Clerk: Denise
Husted****Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- Third Amended Information FILED IN OPEN COURT. Negotiations are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT ESPINDOLA ARRAIGNED and PLED GUILTY to Voluntary Manslaughter with use of a Deadly Weapon. COURT ACCEPTED plea and ORDERED, matter CONTINUED for a status check regarding sentencing. FURTHER, pursuant to request by the State, Attachment to the Guilty Plea Agreement is to be FILED UNDER SEAL. CUSTODY

4/15/08 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 04, 2008

1:00 PM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Counsel advised that defendant Taoipu sent a letter to Mr. Counts, which was received last night at 10:00 PM. Colloquy regarding having investigator pick up witnesses from Tonopah to testify Wednesday. Discussion regarding Discovery. Colloquy regarding scheduling of witnesses. Mr. Digiacomo stated he believes Mr. Bremmer can wait his turn as his witnesses (who are not incarcerated) have been inconvenienced. Further discussion regarding Discovery. Mr. Whipple informed the Court that he received a phone call from Cal Potter's office regarding post conviction relief for Defendant in Palomino murder in 2000. They believe this murder was set up by Hidalgo. The State inquired the validity of that having anything to do to this case. Mr. Whipple advised that he didn't really know, but wanted to make a record and make a Court's exhibit and requested a twenty-four hour continuance to find "Aerial" AKA Michelle Schwanderlik. Mr. Digiacomo stated that the other murder was when the Palomino Club was under different ownership; also, the person Mr. Whipple is looking for cannot be found. He further advised that there is no evidence linking this murder to the other murder in case C182148 filed on 8/6/02. COURT

FINDS, there is no need for a Court's exhibit, and DENIED the continuance. Mr. Digiacomo stated he had no problem with the Court reviewing the other case. OUTSIDE THE PRESENCE OF THE JURY. The Court inquired of Mr. Taoipu if he discussed testifying with his counsel, Terry Jackson, Esq. Mr. Taoipu stated that he had spoken with counsel and that he understands his rights. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 05, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 05, 2008

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 2/5/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Armeni, Paola M.	Attorney
Di Giacomo, Marc P.	Attorney
Gentile, Dominic P.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL (HIDALGO)...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT...DEFENDANT'S MOTION TO ALLOW STATEMENTS

Hidalgo: CONFERENCE AT BENCH. Mr. Digiacomo advised that based on new evidence, the State is seeking an indictment against Hidalgo, Jr. Mr. Gentile stated that service would not be accepted as there is a Supreme Court order regarding conflict for him to represent Hidalgo III, and Hidalgo Jr.; those records are sealed. Following further arguments and request by the State, COURT ORDERED, the police are not to destroy any notes and they must be maintained; the Court will sign an order as to this. Mr. Gentile requested production of phone conversations from Espindola and Hidalgo Jr.

COURT ORDERED, Defendant's Motion for Audibility Hearing and Transcrip Approval is CONTINUED.

Counts: COURT ORDERED, Defendant's Motion to Supress Custodial Statements pertain to Defendant Hidalgo and is CONTINUED; Defendant's Motion in Limine to Allow Statements is MOOT.

CUSTODY (BOTH)

CONTINUED TO: 2/7/08 9:30 AM DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TOSUPPRESS CUSTODIAL STATEMENT (HIDALGO III)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 05, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 05, 2008

10:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Mr. Whipple stated he had not received certain items of Discovery; if they weren't copied, they must have come from the detectives files. Defendant's Motion to Preclude Test from Detectives Re: their Interpretation of Third Party Conversation FILED IN OPEN COURT. COURT ORDERED, they can testify if interpretations is non street slang; they can't speculate as to meaning. He further stated that as to the conspiracy charge as to Kenneth Counts will be asking for a directed verdict as to that issue. Arguments by counsel. Arguments by Ms. Wildeveld in support of her possession; discussion regarding the way the charge was pled. COURT FINDS, all of the conspirators do not have to be at all of the meetings at the same time. Mr. Digiacomo stated this argument was made in front of Judge Moseley and is part of the record. The Court informed counsel that these issues can be determined with jury instructions. Arguments by Mr. Whipple regarding Crawford issues.

IN THE PRESENCE OF THE JURY; Testimony and exhibits per worksheet.

OUTSIDE THE PRESENCE OF THE JURY; Discussion regarding witness Calvin Williams being

transported from Tohapah, NV tonight; order to transport to be prepared. Mr. Whipple stated he doesn't want Deangelo Carroll's statements to be given to the jury. Mr. Diagiacomo stated they were given file stamped copies of transcript; they could have redacted before now. He stated that Mr. Whipple is being disingenuous to say he didn't have a copy of this information. COURT ORDERED, redaction of statement is UNTIMELY; Judge Moseley's previous order stands. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 06, 2008

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Whipple, Bret O.	Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. State rested. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding exhibits. Discussion regarding transport of the two witnesses; the Court directed to transport the two witnesses separately. Colloquy regarding Mr. Whipple's witnesses. Opposition by Mr. Digiacomo. The Court admonished Mr. Counts of his constitutional right to not be compelled to take the stand in how own defense. The Defendant stated he understood his rights. Colloquy regarding Defendant Carroll and that the State may call him as a witness. IN THE PRESENCE OF THE JURY. CONFERENCE AT BENCH. Testimony and exhibits presented per worksheet. Defense rested. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. The Court requested that parties settle jury instructions. Mr. Whipple stated that he was not prepared to do that. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 07, 2008

9:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Di Giacomo, Marc P.
Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proposed jury instructions. Mr. Whipple requested twenty four hour continuance to review discrepancy in exhibit 189. The Court DENIED Mr. Whipple's motion as the document became relevant due to testimony of the Defendant; he opened the door. Mr. Whipple MOVED for a mistrial based on the violation of Mr. Counts due process rights. COURT ORDERED, DENIED. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. The Court instructed the jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Whipple. Closing arguments by Mr. DiGiacomo. Officer sworn to take charge of the jury. Alternate jurors thirteen to fifteen revealed; the Court requested that they provide phone numbers to the bailiff in the event that they have to be recalled. At the hour of 4:40 PM the jury retired to deliberate. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 07, 2008

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 2/7/08**
**Court Clerk: Denise
Husted**
**Reporter/Recorder:
Janie Olsen Heard**
By: Valerie Adair

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

Di Giacomo, Marc P.
 Gentile, Dominic P.
 Hidalgo, Luis A

Attorney
 Attorney
 Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT
 APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL
 STATEMENTS...DEFENDANT'S MOTION TO SET BAIL

Mr. Gentile requested that the motions other than the bail motion be continued to 2/11/08 and that the trial be continued to 2/12/08. COURT SO ORDERED.

The Court noted that Mr. Hidalgo's bail is already set at \$800,000.00. Mr. Gentile requested that the bail be lowered and the Defendant be placed on house arrest. Opposition by Mr. DiGiacomo regarding lowering of bail. COURT ORDERED, Defendant's Motion to Set Bail is DENIED. Pursuant to CONFERENCE AT BENCH, the Court stated that if the Defendant can come up with \$800,000.00 in property, Mr. Gentile may place the matter back on calendar for a hearing, however the previous ruling issued regarding lowering bail STANDS AT THIS POINT
 CUSTODY

2/11/08 9:30 AM DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT
APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 08, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 08, 2008**9:00 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Di Giacomo, Marc P.
 Risse, Rebecca
 Whipple, Bret O.

Attorney
 Attorney
 Attorney

JOURNAL ENTRIES

- At the hour of 5:40 PM the jury returned with the following verdict: COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY COURT ORDERED, Defendant REMANDED without bail on this charge.

COUNT II - MURDER WITH USE OF A DEADLY WEAPON - NOT GUILTY.

The Court thanked and excused jurors from service.

COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and set for sentencing.

CUSTODY

3/20/08 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 11, 2008**9:30 AM****Jury Trial****TRIAL BY JURY
Court Clerk: Denise
Husted Heard By:
Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Gentile, Dominic P.

Attorney

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Pursuant to conference in chambers, COURT ORDERED, trial date VACATED and RESET.
FURTHER, matter set for a hearing regarding potential conflict.

2/13/08 1:30 PM HEARING: POTENTIAL CONFLICT

2/19/08 10:30 AM JURY TRIAL (LUIS HIDALGO III)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 11, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 11, 2008**9:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 2/11/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT
APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL
STATEMENT...DEFENDANT'S MOTION FOR DISCLOSURE
COURT ORDERED, motions CONTINUED.
CONTINUED TO: 2/14/08 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 12, 2008**9:30 AM****Sentencing****SENTENCING****Court Clerk: Denise
Husted****Reporter/Recorder:
Janie Olsen Heard****By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Mr. Jackson stated that the continuance needs to be continued as the Division of Parole and Probation has not prepared the presentence investigation report. He stated that he filed a motion for House Arrest pending the new sentencing date. The State submitted on Mr. Jackson's request. COURT ORDERED, Defendant RELEASED ON HOUSE ARREST through the Clark County Detention Center. FURTHER, Defendant MUST REPORT IMMEDIATELY upon release to interview; also, he must report to the Detention Center as often as they require.
H.A.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 14, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 14, 2008**10:30 AM****Hearing**

**HEARING:POTENTI
AL CONFLICT
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Armeni, Paola M.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Confidential conflict hearing held.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 14, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 14, 2008**10:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 2/14/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY: Adair, Valerie**COURTROOM:** No Location**COURT CLERK:** Denise Husted**RECORDER:** Janie Olsen**REPORTER:****PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

Jaffe, Steven T.

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR DISCLOSURE...DEFENDANT'S MOTION FOR AUDIBILITY HEARING AND TRANSCRIPT APPROVAL...DEFENDANT'S MOTION TO SUPPRESS CUSTODIAL STATEMENTS...DEFENDANT'S MOTION FOR DISCLOSURE OF THE EXISTENCE/DEFT'S MOTION TO COMPEL PRODUCTION OF HANDWRITTEN NOTES...HEARING: RE. POTENTIAL CONFLICT

As to Defendant's Motion for Disclosure of the Existence, Mr. Gentile informed the Court that there was no wiretap. COURT ORDERED, that motion was to be heard on 2/19/08, therefore is to be reset to day and OFF CALENDAR. As to the other part of the motion, Deft's Motion to Compel Production of Handwritten notes, parties agreed there is a Grand Jury transcript of Espindola; Defendant will ask for that. The State has no opposition for the Defendant is entitled to them.

Audibility tapes played on the record. COURT ORDERED, as to Defendant's Motion for Audibility Hearing and Transcript Approval, both transcripts will be provided to the jury and the tape will be played twice per stipulation of counsel.

Custodial statements recordings played. Arguments by Ms. Armeni that Defendant was not told he did not have to talk with the Detective. The Court noted he was listening and responding, even thought it was not in the manner the Detectives wanted him to respond. Although it was obvious he had a cough, there were long periods of time that he didn't cough. COURT ORDERED, the tape is more appropriate than the transcript. State submitted. Colloquy regarding defense agreement to testify; if introduced to the jury it may create an inference. COURT ORDERED, the only way it will come in is if the door was opened; agrees it is prejudicial, therefore Defendant's Motion to Suppress Custodial Statements was ADDRESSED BY THE COURT. Defendant's Motion for Disclosure was not addressed.

CUSTODY

CLERK'S NOTE: The above minute order modified to reflect that the transcript of this hearing was sealed. d.h./2/19/16

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 21, 2008

1:00 PM

Jury Trial

TRIAL BY JURYCourt Clerk: Denise
HustedReporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Colloquy regarding Supreme Court stay of trial. Mr. Digiacomo stated that although there were motions that parties intended to argue, the Stay precludes them from being heard. COURT ORDERED, trial date RESET.

CUSTODY

5/22/08 9:30 AM CALENDAR CALL

5/27/08 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 26, 2008

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 2/26/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR NEW TRIAL AND REQUEST FOR AN EVIDENTIARY HEARING (COUNTS)...DEFENDANT'S MOTION TO DISMISS OR TO STRIKE

The Court informed Mr. Whipple that the current Supreme Court stay does not apply to Mr. Counts. Mr. Whipple requested a continuance as Ms. Wildeveld is not available until after 3/6/08. COURT ORDERED, CONTINUED.

CONTINUED TO: 3/11/08 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 11, 2008**9:30 AM****Motion for New Trial**

**DEFT'SMTN FOR
NEW TRIAL AND
REQUEST FOR AN
EVIDENTIARY
HEARING/242
Relief Clerk:
REBECCA FOSTER
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court stated she inspected documents in-camera, the documents can be sealed and made a part of the Court's record in case the Nevada Supreme Court wants to look at them, the Declaration of Arrest should be sufficient and, ORDERED, motion DENIED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 20, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 20, 2008

9:30 AM

Sentencing

SENTENCING
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Di Giacomo, Marc P.
Pesci, Giancarlo
Whipple, Bret O.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Parties argued and submitted. Statement by Defendant. The State MOVED that Defendant's copies of Judgements of Conviction be admitted as exhibits and also requested that the Defendant be sentenced under the Small Habitual Criminal statute. Arguments in opposition by Mr. Whipple. DEFENDANT COUNTS ADJUDGED GUILTY under the Small Habitual Criminal Statute of CONSPIRACY TO COMMIT MURDER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED to a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of TWO-HUNDRED FORTY (240) MONTHS, to RUN CONSECUTIVELY to Defendant's cases in California, with 1,029 DAYS CREDIT for time served. FURTHER, copies of Judgements of Conviction are ADMITTED; Ms. Wildeveld is APPOINTED as appellate counsel. NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 25, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 25, 2008

9:30 AM

Sentencing

SENTENCING
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Parties argued and submitted. Statement by Defendant. Upon Court's inquiry, Ms. Jones stated the Defendant has been looking for a job and the Public Defender's office has been assisting him in obtaining a copy of his birth certificate so that he can get his driver's license and identification. DEFENDANT TAOIPU ADJUDGED GUILTY of COUNT I - CONSPIRACY TO COMMIT MURDER (F) and COUNT II - VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clark County Clerk, Defendant SENTENCED on Count I to a MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of ONE-HUNDRED TWENTY (120) MONTHS; Count II to a MINIMUM of SIXTEEN (16) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS with an equal and consecutive term of 16/60 MONTHS for the deadly weapons enhancement; Count II to RUN CONCURRENTLY with Count I, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. CONDITIONS: 1. Obtain/maintain lawful full time employment unless Defendant is a full time student; 2. Defendant placed on House Arrest for a period not to exceed one year; 3. Submit to counseling evaluation and

any counseling deemed necessary by the evaluator; submit to random urinalyses; 4. Complete GED/high school diploma; 5. Complete vocational training as deemed necessary by the Division of Parole and Probation.

BOND, if any EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 15, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

April 15, 2008**9:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 4/15/08
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATE'S MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS (LUIS HIDALGO, III)...STATUS CHECK: SENTENCING (ANABEL ESPINDOLA)
COURT ORDERED, Status Check: Sentencing is OFF CALENDAR.
FURTHER, State's Motion to Conduct Videotaped Testimony of a Cooperating Witness is CONTINUED.
CUSTODY (BOTH)
4/17/08 9:30 AM STATE'S MOTION TO CONDUCT VIDEOTAPED TESTIMONY OF A COOPERATING WITNESS (LUIS HIDALGO III)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 17, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

April 17, 2008**9:30 AM****Motion**

**STATE'S MTN TO
CONDUCT
VIDEOTAPED
TESTIMONY OF A
COOPERATING
WITNESS/250 Heard
By: Valerie Adair**

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

Di Giacomo, Marc P.
Gentile, Dominic P.
Hidalgo, Luis A
Pesci, Giancarlo

Attorney
Attorney
Defendant
Attorney

JOURNAL ENTRIES

- As this case has been STAYED by the Supreme Court, COURT ORDERED, OFF CALENDAR.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 17, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 17, 2008**9:30 AM****Status Check**

STATUS CHECK:
TRIAL SETTING
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

JOURNAL ENTRIES

- COURT ORDERED, trial date is to be set recognizing that the Court has not ruled on consolidation.
 CUSTODY

1/22/09 9:30 AM CALENDAR CALL

1/26/09 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 10, 2008

9:30 AM

**Notice of Intent to Seek
Revocation of Probation**

**NOTICE OF INTENT
REV OF PROB Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- Statement by Mr. DiGiacomo. Mr. Jackson stated the facts alleged in the violation report are not sufficient to revoke the Defendant. The Court noted the Defendant has been in custody over two weeks. Further, the Defendant did not avail himself of the free counseling, was not in compliance with imposed curfew and didn't meet with his Probation Officer, which makes it appear the Defendant is not taking the benefit of probation seriously. Mr. Jackson informed the Court he spoke with the Defendant regarding his responsibilities; he also helped him obtain an ID card, so he will now be able to seek employment. COURT ORDERED, PROBATION REINSTATED with the same conditions imposed previously.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 22, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 22, 2008

9:30 AM

Motion to Consolidate

**STATES MTN TO
CONSOLIDATE
WITH
C241394/256 Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Armeni, Paola M.
Gentile, Dominic P.
Hidalgo, Luis A
Pesci, Giancarlo

Attorney
Attorney
Defendant
Attorney

JOURNAL ENTRIES

- Mr. Gentile requested more time to respond to the State's Motion to Consolidate. Upon Court's inquire Mr. Gentile stated he is still willing to represent both Hidalgo defendants as long as the cases are not consolidated. He further stated he will be filing a challenge regarding seeking the death penalty as to Luis Hidalgo, III, but he is uncertain regarding this issue as to Luis Hidalgo, Jr. Colloquy regarding trial dates. COURT ORDERED, States' Motions to Consolidate are OFF CALENDAR. FURTHER, trial date VACATED and RESET in case C241294. The Court informed counsel that the cases will be tried back to back, with the in-custody Defendant being tried first, as long as the cases are not consolidated.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 23, 2008**

05C212667-2

The State of Nevada vs Luis A Hidalgo

October 23, 2008**9:30 AM****Conversion Hearing Type****TRIAL SETTING****Court Clerk: Denise
Husted****Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- Counsel advised that the Nevada Supreme Court has made its decision and the State has to file a notice in conformance. Mr. DiGiacomo advised that has been done. COURT ORDERED, trial date SET.

CUSTODY

6/11/09 9:30 AM CALENDAR CALL

6/15/09 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 20, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

November 20, 2008

9:30 AM

Request

**STATE'S REQUEST
STATUS CHECK ON
MTN TO
CONSOLIDATE
C241394 Court Clerk:
Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

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

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Mr. Gentile introduced Chris Adams, Esq. from Atlanta, who will be substituting in as counsel for Luis Hidalgo, III; also John Arascata, Esq. from Reno will be appearing later. He further stated that these attorneys will be representing Hidalgo, III because of the issues that can be raised between Hidalgo, III and Hidalgo, Jr. and because of the Nevada Supreme Court's narrow mandate in their ruling. Mr. Gentile advised he will continue to represent Hidalgo, Jr. and requested additional time to file oppositions for the Motions to Consolidate cases C212667 and C241394. Mr. Digiacomo requested time for the State to file replies to Mr. Gentile's opposition. COURT ORDERED, Mr. Gentile's opposition is due by 12/4/08 and the State's reply is due by 12/11/08. FURTHER, Motions to

05C212667-2

Consolidate CONTINUED in cases C212667 and C241394.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 19, 2008

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 19, 2008

9:30 AM

Request

**STATE'S REQUEST
STATUS CHECK ON
MTN TO
CONSOLIDATE
C241394 Relief
Clerk: Carole D'Aloia
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

JOURNAL ENTRIES

- Christopher W. Adams, Esq., from Atlanta, Georgia, also present on behalf of Defendant Hidalgo III. Mr. Arrascada advised he has filed an Order for association of counsel on behalf of Mr. Adams, Court advised it did not see a problem with this and it will sign the Order. Dominic P. Gentile, Esq., also present on behalf of DEFENDANT HIDALGO, JR., case C241394. Mr. DiGiacomo advised that when he picked-up his copy of Defendants' opposition to the State's motion to consolidate, there were two (2) additional motions to strike the amended notice to seek death penalty on behalf of both Defendants and the State has not had an opportunity to respond and requested time to do so, noting he spoke to Mr. Gentile regarding this matter. Court informed counsel that if the motion is granted, and the notice to seek the death penalty is stricken for either Defendant, the motion to consolidate will not be granted. COURT ORDERED, Defendants' Motions to Strike the Amended Notice to seek

Death Penalty CONTINUED. As to the State's motion to consolidate, Mr. Gentile stated his objections on the record. Mr. Gentile informed, if Court grants this motion, it would deprive Defendants their right to eight (8) preemptory challenges each. Mr. Adams advised he is joining in this motion on behalf of Defendant Hildalgo III. Response by Mr. DiGiacomo. Court advised the biggest problem it foresees in granting the motion to consolidate would be during the penalty phase of the trial, where possibly family members would have to choose which of the two (2) Defendants they would testify on behalf of and, then if called upon to testify as to the other Defendant, they could not testify to the contrary. Court advised Mr. Gentile his argument was very interesting and, ORDERED, RULING RESERVED to continuance date.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 09, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 09, 2009**9:30 AM****Request****STATE'S REQUEST
STATUS CHECK ON
MTN TO
CONSOLIDATE
C241394 Court Clerk:
Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for decision.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 16, 2009

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 1-16-09**
Relief Clerk:
REBECCA FOSTER
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO REMOVE MR. GENTILE AS ATTORNEY OR REQUEST WAIVERS AFTER DEFENDANTS HAVE HAD TRUE INDEPENDENT COUNSEL...STATE'S REQUEST STATUS CHECK ON MOTION TO CONSOLIDATE C241394...DEFT'S MOTION FOR FAIR AND ADEQUATE VOIR DIRE

Christopher W. Adams, Esq, pro hac vice also present. WAIVER OF RIGHTS TO A DETERMINATION OF PENALTY BY THE TRIAL JURY (HILDAGO, JR and HIDALGO III) FILED IN OPEN COURT. ORDER GRANTING THE STATE'S MOTION TO CONSOLIDATE C241394 INTO C212667 FILED IN OPEN COURT. Mr. DiGiacomo advised the Court an agreement has been reached between parties as it relates to conflict issue and Notice to Seek Death Penalty against both defts will be withdrawn. Further defense counsel acknowledged there is no conflict as to the guilt phase. Colloquy between Court and counsel regarding charging documents and voir dire process.

COURT ORDERED, State's Motion to Remove Mr. Gentile is MOOT; Motion to Consolidate with C241394 is GRANTED; and Deft'S Motion for Fair and Adequate Voir Dire is MOOT. COURT FURTHER ORDERED, Deft's Motion to Suppress scheduled for 1-20 will be heard at 10:15 with other Motion in Limine to Exclude Testimony (C241394).
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 22, 2009

9:30 AM

Calendar Call

CALENDAR CALL
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing in case C212667; Dominic Gentile, Esq. and Paola Armeni, Esq. appearing in consolidated case C241394, with Defendant Luis Hidalgo Jr. Colloquy regarding trial date. Counsel announced ready for trial which should last two weeks with 26 witnesses. Mr. Arrascada stated opposition to parts of the State's Fourth Amended Information. Mr. Digiacomo stated that the Jury must be advised there are two different conspiracies and that he believes it was addressed as to Luis Hidalgo Jr. He further advised that it will require a special verdict form, which is not before the Court at this time.

Consolidated case C241394: STATE'S MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF VALERIE FRIDLAND...DEFENDANT'S MOTION TO SUPPRESS EVIDENCE...CALENDAR CALL Arguments by Mr. Gentile regarding the linguistics expert, Valerie Fridland. He stated that the use of pronouns employed by Ms. Espindola in the tapes in which she didn't know she was being recorded and the Grand Jury tapes were different and that the expert will be able to evaluate what was said in order to assist the jury. Opposition by Mr. Digiacomo. The Court stated that this matter will be

reviewed further and a ruling will be made on 1/23/09. As to Defendant's Motion to Suppress Evidence, Mr. Gentile submitted on the pleadings. He added that this was a general warrant; the issue regarding Family Court signing the warrant needed to be raised now, or it can't be raised later in front of the Supreme Court. COURT FINDS, Family Court has jurisdiction to sign warrants. Mr. Gentile stated the warrant left too much to the discretion of the searching officers, which violates the Fourth Amendment. Mr. Digiacommo argued that each and every one of the witnesses is tied to a specific crime and there was probable cause for each item listed. COURT FINDS, it was not so general as to be considered a general warrant and ORDERED, Defendant's Motion to Suppress is DENIED. Colloquy regarding pleadings and whether or not new Information would be filed. Additionally, discussion ensued as to possibly striking parts of the Information/Indictment. COURT ORDERED, a ruling will be given on 1/23/09 following further review of the Court's minutes and transcripts.

COURT ORDERED, ORDERED, trial date VACATED and RESET for a firm setting.
1/27/09 12:30 PM JURY TRIAL (C212667 AND C241394)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 23, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 23, 2009**10:50 AM****Decision****DECISION:MATTER
S ADDRESSED ON
1/22/09 Court Clerk:
Denise Husted
Heard By: Valerie
Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- COURT ORDERED, the State's Motion in Limine to Exclude the Testimony of Valerie Fridland is GRANTED. FURTHER, as to Hidalgo III's oral objection to the conspiracy count in the Fourth Amended Indictment, the COURT ORDERS that the language objected to be STRICKEN. Additionally, the COURT FINDS that there were two conspiracies; one relating to Timothy Hadland and one relating to Kenneth Counts.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 26, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 26, 2009

10:00 AM

Request

**STATE'S REQUEST
FOR
CLARIFICATION
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Adams, Christopher W.
Arrascada, John L.
Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

Hidalgo, Jr. presence WAIVED. Mr. Digiacomo stated that questions arose pertaining to the 4/17/08 transcript; there are multiple meanings as to what order on 1/23/19 means. He asked if the Court made a legal determination the Hidalgo, III is not admissible. The Court stated that right now it cannot say automatically that this is an ongoing part of conspiracy and part of the cover up of the conspiracy; not prepared to say this is a conspiracy. If the evidence ties it in, the State can argue they are not able to say factually that this is part of intentional conspiracy. Case law shows there may have been a second conspiracy; the initial conspiracy involved payment; the second conspiracy involved getting rid of Mr. Counts. Mr. Digiacomo read the Federal case law; Nevada law relates to ongoing

acts of concealment. Following further arguments by counsel, COURT FINDS, the issue of Hidalgo, III solicitation of murder is up to the defense to bring in; the Court cannot say for certain that is was part of the first conspiracy.

CUSTODY (HIDALGO III)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 27, 2009

12:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding for cause challenges. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 28, 2009

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. The Court noted that juror number fifteen said the stress of this process exacerbated a medical condition and provided a prescription. The Court excused this juror. Discussion regarding transcripts provided by the State; Mr. Adams objected to this. Mr. Gentile stated an audibility hearing was previously held regarding the tape. He requested that the Court listen to the tape and see if the transcript is reasonable decision regarding Anabel's debriefing. He further requested that he be provided the State's notes in order to determine if there may be a Brady issue. Mr. Digiacomo stated the admissibility hearing came before Anabel's plea. Following further discussion, the Court informed counsel that jury selection is to proceed. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENT OF THE JURY. Discussion regarding juror challenges. IN THE PRESENCE OF THE JURY. Jury selection

proceeded. CONFERENCE AT BENCH. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 29, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Defendant Hidalgo III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Defendant Hidalgo Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Jury selection continued. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury panel and possible conversations between some of them regarding the case. Jurors 018 and 052 questioned separately regarding this issue. IN THE PRESENCE OF THE JURY. Jury selection continued; voir dire questioning held one at a time outside the presence of the others in the panel. OUTSIDE THE PRESENCE OF THE JURY. Luis A. Hidalgo Jr's Trial Memorandum (Redacted) in case C212667 and consolidated case C241394 FILED IN OPEN COURT. Colloquy regarding differences in transcripts of Ms. Espindola. The Court noted it may be better to play the tape. Mr. Gentile agreed and Mr. Digiacomo opposed the suggestion. Discussion regarding the interview of Ms. Espindola. Mr. Adams requested copies of the notes of the interview. Following further discussion, the Court directed counsel to provide highlighted copies of the first and second

transcripts showing the differences; the Court will review these prior to making a decision. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 30, 2009

10:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. Jury selection continued. Voir Dire questioning took place with individual jurors apart from the others. OUTSIDE THE PRESENCE OF THE JURY. The Court read the case provided by counsel regarding the transcript issue. COURT ORDERED, parties are not precluded from allowing use of the transcript pursuant to case law provided by Mr. Arrascada. IN THE PRESENCE OF THE JURY. Jury selection continued. Introductions by Court and counsel. Information read by the Clerk. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 02, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 02, 2009

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Defendant Hidalgo III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Defendant Hidalgo Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. IN THE PRESENCE OF THE JURY. Jury selection continued; voir dire questioning took place with individual jurors apart from the others. OUTSIDE THE PRESENCE OF THE JURY. Mr. Adams argued Batson challenge. Opposition by the State. COURT FINDS, the release of the juror was with good cause. IN THE PRESENCE OF THE JURY. Jury selection continued. Voir dire questioning took place with individual jurors apart from the others. Jury selected and SWORN. Opening arguments counsel. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 03, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 03, 2009

10:30 AM

Jury Trial

TRIAL BY JURY

Court Clerk: Denise

Husted Relief Clerk:

Carol Donahoo (3:45

p.m.)

Reporter/Recorder:

Janie Olsen Heard

By: Adair, Valerie

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding the State amending the witness list to include Christopher Oram. Mr. Gentile stated that Ms. Espindola will have to waive attorney client privilege should Mr. Oram testify. The Court informed counsel that the law regarding this issue will be reviewed. Further statements regarding jail phone records between Deangelo Carroll and his wife. IN THE PRESENCE OF THE JURY Testimony and exhibits presented per worksheet.

Carol Donahoo (3:45 p.m.)

Testimony and exhibits presented (see worksheet).

COURT ORDERED, trial CONTINUED and recessed for the evening.

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel with respect to the legal issues surrounding the tape recording of Deangelo Carroll. Counsel will revisit this matter tomorrow. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 04, 2009**10:30 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Adams, Christopher W.
Arrascada, John L.
Hidalgo, Luis A
Roger, David J.Attorney
Attorney
Defendant
Attorney**JOURNAL ENTRIES**

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 05, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 05, 2009

9:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proper questioning of Detective McGrath. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 06, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding exhibits. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 09, 2009

9:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Adams, Christopher W.	Attorney
Arrascada, John L.	Attorney
Di Giacomo, Marc P.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney
Roger, David J.	Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling of witnesses. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Mr. Espindola with anyone during the lunch break. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding jury questions. Mr. Adams made stated on the record the people that Ms. Espincola conspired with. Now, one of the juror questions shows that the information they were told to consider is on the note. He MOVED for a mistrial. COURT ORDERED, DENIED; the matter will be

cured by a statement by the Court. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 10, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 10, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Arrascada, John L.	Attorney
	Di Giacomo, Marc P.	Attorney
	Hidalgo, Luis A	Defendant
	Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding evidence. Discussion regarding article in the Review Journal. Following discussion by counsel, the Court stated it will ask jurors if anyone has seen anything about this case in the news media. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. State rested. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Opposition by counsel to being served with notice of witnesses this morning; he needs time to prepare for cross-examination. COURT ORDERED, said witness is to be excluded as there is another witness that may be called. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Juror number eleven excused as the trial is going longer than expected

and he informed the Court and counsel at jury selection that he has to be out of town. Evening recess.
MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 11, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Adams, Christopher W.	Attorney
Arrascada, John L.	Attorney
Di Giacomo, Marc P.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding witness being called who was in the Clark County Detention Center at the same time as Ms. Espindola. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding testimony of P.K. Handley. Mr. Gentile requested receipt of evidence given to the Court to find if there is exculpatory evidence. Following further discussion regarding this issue. COURT ORDERED, Mr. Gigiaco is to provide the defense with a copy of the information, and if not, the State will be precluded from recalling Mr. Handley. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE

JURY. Mr. Digiacomo read Mr. Handley's stated and advised there is no need to ask any other questions. Discussion regarding testimony of Ms. Perez. Mr. Digiacomo informed the Court that Mr. Gentile is requesting Mr. Oram's notes from interviewing Ms. Espindola. Mr. Oram advised he has no problem showing the Court his work product in camera, but feels it would be inappropriate to have to testify. Mr. Gentile argued there is a joint defense argument with Ms. Espindola before she pled. The Court excused Mr. Handley with the caveat that he is to leave his cell phone on in case he has to be called back to Court. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court advised Mr. Hidalgo, Jr. and Mr. Hidalgo, III of their constitutional rights to not be compelled to testify on their own behalf. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. Mr. Gentile RESTED. Mr. Arrascada RESTED. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding rebuttal testimony and what witnesses will be called and how they will be questioned. IN THE PRESENCE OF THE JURY. testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY Testimony and exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE OF THE JURY. The State RESTED. OUTSIDE THE PRESENCE OF THE JURY. Counsel directed to provide jury instructions by disc to the Judicial Executive Assistant for modification. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admission of Taoipu's affidavit in lieu of live testimony, as he has absconded. COURT STATED FINDINGS and ORDERED, that one exculpatory statement may not be used without discussing Hidaldgo, III and his involvement. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 12, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Adams, Christopher W.	Attorney
	Arrascada, John L.	Attorney
	Di Giacomo, Marc P.	Attorney
	Hidalgo, Luis A	Defendant
	Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- Christopher Adams, Esq. appearing pro hoc vice for Luis Hidalgo, III. Dominic Gentile, Esq. and Paola Armeni, Esq. appearing for Luis Hidalgo, Jr. in consolidated case C241394.

OUTSIDE THE PRESENCE OF THE JURY. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. Jurors instructed on the law of the case. OUTSIDE THE PRESENCE OF THE JURY. Mr. Adams requested that any testimony regarding "bats and bags" be stricken from the testimony. He sited his reason as being issues regarding due process and trial rights. Mr. Digiacomo stated there is no legal basis for this request. IN THE PRESENCE OF THE JURY. Closing arguments by Mr. Pesci. Closing arguments by Mr. Gentile. Closing arguments by Mr. Adams. Closing arguments by Mr. Digiacomo.

At the hour of 6:45 PM, the jury retires to deliberate. Officer Wooten sworn to take charge of the jury. The Court released alternates in chairs seven and fifteen and asked them to provide Officer Wooten

with their phone numbers in case the have to fill in for another juror. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 13, 2009

9:30 AM

Jury Trial

**TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Deliberation by juror. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 17, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 17, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Adams, Christopher W.	Attorney
Arrascada, John L.	Attorney
Di Giacomo, Marc P.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. At the hour of 3:05 PM the jury returned with the following verdict: Count 1 - GUILTY of CONSPIRACY TO COMMIT A BATTERY WITH A DEADLY WEAPON OR BATTERY RESULTING IN SUBSTANTIAL BODILY HARM (F); Count 2 - GUILTY of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); Count 3 - GUILTY of SOLICITATION TO COMMIT MURDER (F); Count 4 - GUILTY of SOLICITATION TO COMMIT MURDER

The Court thanked and excused the jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for sentencing. CUSTODY

5/5/09 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 24, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 24, 2009**9:30 AM****Motion for Own
Recognizance
Release/Setting Reasonable
Bail****DEFT'S MTN FIR
O.R. RELEASE FOR
HOUSE
ARREST/271 Relief
Clerk: Sharon Chun
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- Following arguments by counsel, COURT ORDERED, Deft Espindola RELEASED ON O.R. WITH HOUSE ARREST THROUGH CLARK COUNTY DETENTION CENTER, noting that the State can coordinate her next appearance.
O.R./H.A.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 21, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

April 21, 2009**10:30 AM****Motion for Judgment****DEFT'S MTN FOR
JUDGMENT OF
ACQUITTAL/272
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- Dominic Gentile and Paola Armeni appearing in consolidated case C241394.
Following arguments by counsel, COURT ORDERED, CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 01, 2009

10:30 AM

Motion for Judgment

DEFT'S MTN FOR
JUDGMENT OF
ACQUITTAL/272
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Arrascada, John L.

Attorney

Di Giacomo, Marc P.

Attorney

Hidalgo, Luis A

Defendant

JOURNAL ENTRIES

- Dominic Gentile and Paola Armeni appearing in consolidated case C241394. The Court noted that the question is regarding DeAngelo Carrol's statement. Statement by Ms. Armeni regarding Carrol's statement and his use of the pronoun "you". Mr. Digiacomo argued that what the jury acted appropriately with what the Court instructed them to do. Mr. Gentile advised that a Crawford problem now exists as Carrol never took the stand in this trial. Additionally, the question is what is the magnitude of error of the jury not following their instructions. The Court stated its belief that there was no intentional misconduct. Mr. Gentile cited the Valdez case, which was decided last November by the Nevada Supreme Court; the Nevada statute is based on the advisory committees first draft of the code. Mr. Digiacomo argued that the law is on the State's side in this issue and the Court should not consider what happened in the jury room during deliberations. COURT FINDS, it is very clear that if anything is considered, there will be an Evidentiary Hearing or a ruling at a later

date. COURT ORDERED, parties are to brief the issue; objections are due by 5/15/09 and the response is due by 5/22/09.

Mr. Gentile requested that the sentencing be continued as the presentence investigation report was sent to the wrong law firm. Additionally, once the report was received, he found several mistakes in the report. COURT ORDERED, it will reluctantly continue the sentencing, however counsel must file a motion with the Court identifying the alleged errors in the presentence investigation report.

CUSTODY

6/2/09 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 07, 2009

9:30 AM

Bench Warrant Return

**BENCH WARRANT
RETURN Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.

Attorney

JOURNAL ENTRIES

- The Court noted that the Defendant is currently being held in North Las Vegas and a Revocation hearing needs to be set. Matter trailed for Mr. Jackson's appearance.

Matter recalled with Mr. Jackson present. He stated he has a Federal trial coming up which may last several months, and doesn't think he will be able to continue representing the Defendant. The Court stated that since he has been with the Defendant throughout the case, he should continue representing him; the matter will be continued to accommodate Mr. Jackson's schedule. Mr.

Digiacoimo advised the Defendant has been charged with four separate home invasions and will be in custody pending preliminary hearings in those cases. COURT ORDERED, matter set for revocation hearing.

CUSTODY

6/16/09 9:30 AM REVOCATION OF PROBATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 02, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 02, 2009

9:30 AM

Status Check

STATUS CHECK:**SENTENCING****Relief Clerk: Shelly****Landwehr/sl****Reporter/Recorder:****Janie Olsen Heard****By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Armeni, Paola M.

Attorney

Di Giacomo, Marc P.

Attorney

Gentile, Dominic P.

Attorney

Hidalgo, Luis A

Defendant

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Following conference at the bench, Court advised it addressed the previous Motions in chambers and prepared a minute order. Regarding the corrected pre-sentence investigation report (PSI), COURT ORDERED, both counsel to prepare an Order directing P & P to make the necessary changes. Following conference at the bench, State advised they are willing to accept the changes Deft's attorneys are referring to and suggested the State prepare the Order and to include 6/16/09 as the due date for the PSI; COURT SO ORDERED and matter SET for sentencing.

CUSTODY

06/23/09 10:00 AM SENTENCING (HIDALGO)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 11, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 11, 2009**9:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- The State announced ready for trial which should last one week for the guilt phase and one day for the penalty phase, if necessary. Mr. Figler requested a continuance to review the jury questionnaires. Additionally, he stated that the Court can address the aggravator or he can take it to the Supreme Court. Mr. Digiacomo argued that he cannot start any later that the trial is now set. The Court informed Mr. Figler that he was informed at the last continuance that he must be ready for trial at this setting. COURT ORDERED, Mr. Figler's oral motion to Stay and request to continue are DENIED; trial date STANDS and will begin at 9:30 AM.

CUSTODY

9/15/09 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 15, 2009

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Di Giacomo, Marc P.
 Pesci, Giancarlo

Attorney
 Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Oral motion by Mr. Figler to continue the trial as he is not adequately prepared to represent the Defendant in this death penalty case. He added that he requested that the case be tried as a non-death penalty case and that he has not had adequate time to fully review the jury questionnaires. The Court noted that the questionnaires were ready for Mr. Figler's review last week; because this is a death penalty case, the questionnaires were mandatory. Mr. Figler informed the Court that due to the death of his father, the fact that he was recently hospitalized and that he recently switched firms, he is not prepared to try this case. The Court stated that everyone knew that Carroll was wearing a wire long before Mr. Figler experienced personal problems; this was the issue from the inception of the case and it is inexcusable that Mr. Figler is not prepared. Mr. Bunin advised that he is not comfortable going forward at this time. Mr. DiGiacomo stated his belief that Mr. Figler is posturing to have the death penalty taken off of the table and have the information regarding the wires excluded; in that case the jury questionnaires are not necessary. Mr. Bunin stated that he has not been able to speak to Mr. Figler during the last two months to determine what his trial preparation is. The Court noted that there has been a long history of continuances by Mr. Figler and he was

told that one more request for a continuance would result in his removal from the case.

CONFERENCE AT BENCH. Upon Court's inquiry the Defendant stated that in four years, he has spoken to Mr. Figler for one and on-half hours; he advised that he doesn't want Mr. Figler representing him any longer. COURT ORDERED, Dayvid Figler is REMOVED from the case; the matter is referred to Drew Christiansen to appoint a 250 qualified attorney. Mr. Figler stated he will turn over all of the paperwork and Discovery to Mr. Bunin. COURT ORDERED, CONTINUED for Confirmation of Counsel/Dan Albregts and to reset trial. The Judicial Executive Assistant to contact Mr. Albregts to appear.

CUSTODY

6/18/09 9:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL/DAN ALBREGTS/RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 16, 2009**9:30 AM****Revocation of Probation**

**REVOCATION OF
PROBATION Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

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

Attorney

JOURNAL ENTRIES

- Mr. Jackson stated the matter was not resolved. The Court noted that the Defendant has been indicted on new charges. Colloquy regarding the new case. Mr. Jackson requested that the Revocation be continued until after the conclusion of any other new cases. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED for the presence of an officer from the Division of Parole and Probation.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 18, 2009**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 18, 2009**9:30 AM****Status Check**

**STATUS CHECK:
APPOINTMENT OF
DAN
ALBREGTS/RESET
TRIAL Court Clerk:
Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- Tom Ericson CONFIRMED as counsel replacing Dayvid Figler. Colloquy regarding scheduling date for new trial. COURT ORDERED, trial date SET.

CUSTODY

5/13/10 9:30 AM CALENDAR CALL

5/17/10 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 23, 2009

10:00 AM

Sentencing

SENTENCING
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

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

Adams, Christopher W.	Attorney
Arrascada, John L.	Attorney
Di Giacomo, Marc P.	Attorney
Hidalgo, Luis A	Defendant
Pesci, Giancarlo	Attorney

JOURNAL ENTRIES

- Discussion regarding juror misconduct and misuse of jury instructions. COURT FINDS, there was enough evidence that the conspiracy went beyond simple battery and the Court is not inclined to overturn the verdict. FURTHER, the Court stands by its decision to disallow the testimony of Jayson Taoipu.

Parties argued and submitted. Victim speakers Doris Gibbs, Allana Hadland and Jennifer Hadland SWORN AND TESTIFIED. DEFENDANT HIDALGO III ADJUDGED GUILTY of Count I - Conspiracy to Commit Battery with a Deadly Weapon or Battery (GM), Count II - Second Degree Murder with Use of a Deadly Weapon (F), and Counts III & IV - Solicitation to commit Murder (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and submission to DNA testing under the direction of the Division and payment of a \$150.00 Analysis fee to the Clerk of the Court, Defendant SENTENCED as follows: Count I - TWELVE (12) MONTHS in the Clark County

Detention Center; Count II - MINIMUM of ONE-HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of LIFE, plus an EQUAL and CONSECUTIVE term of 120 Months to LIFE for the Deadly Weapons enhancement, Count II to RUN CONCURRENTLY with Count I; Count III - MINIMUM of TWENTY FOUR (24) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of SEVENTY-TWO (72) MONTHS, Count III to RUN CONCURRENTLY with Counts I & II; Count IV - MINIMUM of TWENTY FOUR (24) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of SEVENTY TWO (72) MONTHS, Count IV to RUN CONCURRENTLY with Count I, II and III.
BOND, if any EXONERATED. Defendant to receive 1,492 DAYS CREDIT for time served.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 30, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 30, 2009

9:30 AM

Revocation of Probation

**REVOCATION OF
PROBATION Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Weckerly, Pamela C.

Attorney

JOURNAL ENTRIES

- Tim Case of the Division of Parole and Probation present. Officer case SWORN AND TESTIFIED. Exhibits admitted per worksheets. Mr. Jackson questioned Officer Case. Jason Taoipu SWORN AND TESTIFIED. Arguments by Mr. Jackson in support of reinstatement. Ms. Weckerly stated the record is clear that the Defendant was not in compliance with probation. COURT ORDERED, PROBATION REVOKED; underlying sentence IMPOSED as follows: Count I - MINIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections with a MAXIMUM term of ONE-HUNDRED TWENTY (120 MONTHS; Count II - MINIMUM of SIXTEEN (16) MONTHS with a MAXIMUM term of SIXTY (60) MONTHS, plus an EQUAL AND CONSECUTIVE term of 16/60 months for the deadly weapons enhancement; Count II to RUN CONCURRENTLY with Count I, with 870 DAYS CREDIT for time served.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 29, 2009

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 29, 2009

9:30 AM

Motion

**DEFT'S PRO PER
MTN TO
WITHDRAW
CNSL/283 Court
Clerk: Denise Husted
Heard By: Valerie
Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Adams, Danae

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 21, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 21, 2010**9:30 AM****Motion****DEFT'S PRO PER
MTN FOR RELIEF
FROM
JUDGMENT/284
Court Clerk: Denise
Husted
Reporter/Recorder:
Patti Slattery Heard
By: Adair, Valerie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Smith, Phillip N.

Attorney

JOURNAL ENTRIES

- The Court noted there is no certificate of service. Mr. Smith stated that this is Mr. Digiacomo's case.
COURT ORDERED, CONTINUED.

NDC

CLERK'S NOTE: Mr. Digiacomo notified via e-mail of the continuance date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 09, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 09, 2010**9:30 AM****Motion**

**DEFT'S PRO PER
MTN FOR
PRODCUTION OF
DOCUMENTS
PAPERS
PLEADINGS AND
TNGBL/285 Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED; Ms. Wildeveld to provide the Defendant with requested papers, etc.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 11, 2010**9:30 AM****Motion****DEFT'S PRO PER
MTN FOR RELIEF
FROM
JUDGMENT/284
Court Clerk: Melissa
Benson
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Keeler, Brett O.

Attorney

JOURNAL ENTRIES

- Court stated it is not entertaining any argument as their are no parties present and ORDERED,
based upon review of the breifs motion DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to the Deft. Kenneth Counts #1017559 PO
Box 650 H.D.S.P., Indian Springs, NV 89070. mb 2/11/10

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 30, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 30, 2010**9:30 AM****Motion to Dismiss**

**DEFT'S PRO PER
MTN TO DISMISS
COUNSEL/286
Relief Clerk: Shelly
Landwehr
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

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

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Mr. Bunin advised Deft. wished to withdraw his motion. Upon Court's inquiry, Deft. concurred.
COURT ORDERED, motion WITHDRAWN. Trial date STANDS.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 11, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 11, 2010

9:30 AM

All Pending Motions

**ALL PENDING
MOTIONS 5/11/10
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR DISCOVERY RE: EXPERT TESTIMONY AND MOTION IN LIMINE RE:
EXPERT TESTIMONY

Mr. Erickson argued opposition to State's Motion for Discovery; under the rules, doctors have to turn over their reports to other doctors and not lay personnel. COURT ORDERED, reports can be released to a licensed physician. Mr. Erickson informed the Court he will provide to the State by 5/12/10. Mr. Pesci advised that a report is not ready as yet, only data is available. COURT ORDERED, report has to be completed within forty-eight hours. As to Defendant's Motion to Suppress, the Court informed parties that a ruling will be made following an in-camera review of briefs, transcript and the DVD. CUSTODY

CLERK'S NOTE: After reviewing the transcript, DVD and Defendant's interview, COURT FINDS no need for an Evidentiary Hearing on the Defendant's Motion to Suppress. Based upon the briefs, transcript and DVD, COURT ORDERED, Defendant's Motion to Suppress is DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 13, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 13, 2010**9:30 AM****Calendar Call****CALENDAR CALL****Court Clerk: Denise
Husted****Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Counsel announced ready for trial with 10-12 witnesses and five days for the guilt phase. COURT ORDERED, trial date STANDS.
5/17/10 9:00 AM JURY TRIAL (CARROLL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 17, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 17, 2010

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

PRESENT:	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	Roger, David J.	Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Introductions by Court and counsel. Roll of jurors called by the Clerk. Jury selection proceeded. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding for cause challenges. Juror #126 excused due to a medical situation. IN THE PRESENCE OF THE JURY. Jury selection continued. Second half of jury panel present in Court. Introductions by counsel. Roll of second panel called by the Clerk. OUTSIDE THE PRESENCE OF THE JURY. Discussion regarding timeline of opening statements. Juror #320 questions regarding his jury questionnaire. After the juror left the Courtroom, the Court informed counsel that it cannot dismiss that juror for cause. Mr. Ericsson stated his opinion regarding juror #320 is that the juror should be stricken for cause. Opposition by Mr. Digiacomo. The Court informed counsel that it has to presume jurors are being truthful; #320 will be able to sit as a juror based on his answers. IN THE PRESENCE OF THE JURY. Jury selection process continued. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 18, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 18, 2010**10:30 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury selection. IN THE PRESENCE OF THE JURY. Roll of jurors called by the Clerk. Jury selection process continued. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 19, 2010

10:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Mr. Digiacomo informed the Court that the State decided they are not calling Ms. Espindola and that any conversations the State has had with counsel are not relevant in this case. The Court agreed. IN THE PRESENCE OF THE JURY. Jurors Sworn. Information read by the Clerk. Introductory comments by the Court. Opening statements by Ms. Digiacomo. Opening statement by Mr. Ericsson. OUTSIDE THE PRESENCE OF THE JURY. Mr. Ericsson objected to the State playing segments of interviews with the police and the Defendant. Mr. Digiacomo stated there is no legal basis for Mr. Ericsson's objections. COURT FINDS, it the same as the State highlighting portions of a transcript; the COURT DOES NOT FIND playing segments objectionable. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished counsel to not make speaking objections. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 20, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 20, 2010

9:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet.
CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding cross
examination of Rontae Zone. The Court informed Mr. Digiacomo that he may ask Mr. Zone whether
of not he used the works kill or murder during his interview. IN THE PRESENCE OF THE JURY.
Testimony and Exhibits presented per worksheet. CONFERENCE AT BENCH. IN THE PRESENCE
OF THE JURY. Testimony and exhibits presented per worksheet. Evening recess. MATTER
CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 21, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 21, 2010

10:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie

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

DiGiacomo, Sandra
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding Anabella Espindola's transcript. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished the Defendant regarding his first Amendment right to not be compelled to testify on his own behalf. The Defendant stated he understands his rights. The State RESTED. CONFERENCE AT BENCH. The State reopened their case. Testimony per worksheet. The State RESTED. Defense RESTED. Mr. Ericsson moved for a mistrial as Mr. Digiacomo reopened his case to ask the detective where the crime took place. COURT ORDERED, DENIED as the incident took place in Clark county. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding jury instructions. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 24, 2010**9:30 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**DiGiacomo, Sandra
Pesci, GiancarloAttorney
Attorney**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. The Court instructed jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Bunin. Rebuttal arguments by Mr. Digiacomo. Officer Wooten SWORN to take charge of the jury.

At the hour of 2:05 PM the jury retired to deliberate. Alternate jurors in seats thirteen, fourteen and fifteen released.

Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 25, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

May 25, 2010**9:30 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Denise
Husted
Reporter/Recorder:
Janie Olsen Heard
By: David Wall**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. At the hour of 2:05 PM, the jury returned with the following verdict:

COUNT I - CONSPIRACY TO COMMIT MURDER - GUILTY COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON - GUILTY.

Penalty hearing SET. The Court thanked the jurors and advised them to return on 6/2/10 for the penalty hearing. COURT ORDERED, Defendant HELD WITHOUT BAIL.

CUSTODY

6/2/10 11:00 AM PENALTY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 02, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 02, 2010

11:00 AM

Motion

**PENALTY
HEARING Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Pesci, Giancarlo

Attorney
Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Mr. Bunin opposed Judge Loehrer hearing the penalty phase as Judge Adair has been involved with this case from the beginning and has heard two previous trials in this case. Judge Loehrer stated that the Defendant has already been convicted of first degree murder; Judge Adair is unavailable today and there are no rules precluding another Judge from hearing the Penalty Phase. Jury instructions settled on the record. IN THE PRESENCE OF THE JURY. Introductions by the Court. Opening statement by Mr. Digiacomo. Opening statements by Mr. Ericsson. Testimony and exhibits presented per worksheet. State RESTED. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 03, 2010**

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 03, 2010**9:30 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Relief Clerk: Susan
Jovanovich /sj
Reporter/Recorder:
Janie Olsen Heard
By: Doug Smith****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jorgenson, Eric G.

Attorney

JOURNAL ENTRIES

- At request of State, COURT ORDERED, matter CONTINUED for 30 days, for Deft's presence. State to prepare an order for transport.

NDC

MATTER CONTINUED TO: 7-01-10 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 03, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 03, 2010

9:30 AM

Motion

**PENALTY
HEARING Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Adair, Valerie**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding death penalty being sought in this case with other defendants. COURT ORDERED, based on Judge Loehrer's ruling, the jury will be instructed that the State sought the death penalty against Kenneth Counts; it was also sought against defendants' Hidalgo, Jr. and Hidalgo, III, but was withdrawn based on tactical issues. Additionally the jurors will be told that plea negotiations were entered by defendants' Taiopu and Espindola. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. Defendant admonished that he has the right to take the stand and make an unsworn statement in front of the jury. The Court further advised him of what discussion was proper and what was not proper. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented per worksheet. UNSWORN statement by Deangelo Carroll. Defense RESTED.

The Court instructed jurors on the law of the case. Closing arguments by Mr. Pesci. Closing arguments by Mr. Ericsson. Closing arguments by Mr. Bunin. CONFERENCE AT BENCH. Closing arguments by Mr. Bunin continued. Rebuttal arguments by Mr. Pesci. At the hour of 5:20 PM, the jury retired to deliberate. Marshall SWORN to take charge of the jury. Evening recess. MATTER

05C212667-2

CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

June 04, 2010

9:30 AM

Motion

**PENALTY
HEARING Court
Clerk: Denise Husted
Reporter/Recorder:
Janie Olsen Heard
By: Doug Smith**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY:

At the hour of 2:10 PM the jury returned with the following verdict:

Count 2 - MURDER OF THE FIRST DEGREE - Life in the Nevada State Prison with the Possibility of Parole, beginning when a Minimum of 40 Years has been Served;

SPECIAL VERDICT:

Deangelo did not come up with the idea to kill Timothy Hadland.

Deangelo was not the shooter.

Deangelo's cooperation led to charges being filed against other defendants.

Deangelo has a low IQ.

Deangelo suffers from dependent personality disorder.

Deangelo can still be a significant part of his grandmother's life.

Deangelo can still be a significant part of his son's life.

The killing did not involve torture or mutilation of the victim.

The killing was not a case of multiple homicides.

Other persons involved in the offense received punishments significantly lower than the

punishments Deangelo is facing.

SPECIAL VERDICT:

Defendant Deangelo Reshawn Carroll having been found Guilty of Count 2 - Murder of the First Degree - The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.

The Court thanked and excused jurors from service. COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for sentencing.

CUSTODY

8/12/10 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 01, 2010

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 01, 2010

9:30 AM

Petition for Writ of Habeas
Corpus

PTN FOR WRIT OF
HABEAS CORPUS
(CONTINUEDFROM
6/03/10) Court Clerk:
Damedia Scott
Reporter/Recorder:
Janie Olsen Heard
By: Valerie Adair

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:** Pesci, Giancarlo

Attorney

JOURNAL ENTRIES

- Colloquy regarding appeal filed by Defendant Pro Se; confirmed all remaining issues to be heard in Dept. 21 with nothing, including appeal, pending before Nevada Supreme Court. Mr. Schwartz requested continuance and, there being no opposition, COURT ORDERED, matter CONTINUED and Reply due 7/15/10.

NDC

8/19/10 9:30 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 11, 2014**

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 11, 2014**9:30 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Phyllis Irby**RECORDER:** Janie Olsen**REPORTER:****PARTIES****PRESENT:**Cornell, Richard F.
Jones, Tierra D.
State of NevadaAttorney
Attorney
Plaintiff**JOURNAL ENTRIES**

- Attorney R. Cornell is present on behalf of Deft participated telephonically.

Court noted it has received a Petition from Mr. Cornell but, hasn't received a Return from the State. Mr. Cornell advised the Court he needs to file a Supplemental Petition and the State will need to file a Return regarding the Supplemental Petition. COURT ORDERED, Supplemental Petition is due by 5/14/14. The State to file its Return by 7/16/14. The Reply is due by 8/14/14. Hearing set.

8-21-14 9:30 AM HEARING/DECISION (DEPT. XXI)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 23, 2014**

05C212667-2

The State of Nevada vs Luis A Hidalgo

September 23, 2014 9:30 AM**Hearing****Evidentiary Hearing****HEARD BY:** Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Denise Husted**RECORDER:** Janie Olsen**REPORTER:****PARTIES****PRESENT:**

Cornell, Richard F.

Attorney

Di Giacomo, Marc P.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- The Court informed Mr. Cornell that she reviewed the record and also has a vivid recollection of the trial. Arguments by Mr. Cornell in support of Petition for Writ of Habeas Corpus. Mr. DiGiacomo requested an Evidentiary Hearing. Mr. Cornell stated that in order to get Taiopo's statement in, there should have been a Motion to Sever. COURT ORDERED, matter SET for an Evidentiary Hearing.

NDC

12/8/14 9:30 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 15, 2014

05C212667-2

The State of Nevada vs Luis A Hidalgo

December 15, 2014 10:00 AM Evidentiary Hearing

HEARD BY: Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Denise Husted**RECORDER:** Janie Olsen**REPORTER:****PARTIES**

PRESENT:	Cornell, Richard F.	Attorney
	Di Giacomo, Marc P.	Attorney
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Cornell stated that the defendant signed a waiver of appearance. There is nothing in the scope of the hearing that the defendant can add and he knew he could be present. John Arrascada SWORN AND TESTIFIED. EXCLUSIONARY RULE INVOKED. The Court noted that at the last hearing, the motion to sever was not filed. Mr. Digiacomo recollected he said that the last hearing was for a tactical reason and not to sever. Mr. Cornell stated he wished to question the witness regarding jury instructions. The witness returned into the Courtroom and was questioned by Mr. Cornell. Mr. Cornell submitted. Mr. Cornell submitted that Moore is good law in this case and that he believes the Court was well versed in the facts and law of this case. The COURT stated its findings and ORDERED, petition DENIED. Mr. Digiacomo to prepare the order and run it by Mr. Cornell.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2019

05C212667-2

The State of Nevada vs Luis A Hidalgo

November 07, 2019 9:30 AM

All Pending Motions

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:

Scarborough, Michael J.

Attorney

Sitsis, Katherine E.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION FOR MODIFICATION OF SENTENCE ... DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF ATTORNEY

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 1/9/20

CLERK'S NOTE: A copy of this minute order has been mailed to:

Luis A. Hidalgo #1038133

LCC

1200 Prison Road

Lovelock, NV 89419

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2020

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 09, 2020

9:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 11C

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION FOR MODIFICATION OF SENTENCE ... DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL

Defendant not present.

COURT ORDERED, Motion for Appointment of Counsel GRANTED and SET for Confirmation of Counsel; Motion for Modification CONTINUED.

NDC

CONTINUED TO: 1/16/20 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 16, 2020**

05C212667-2

The State of Nevada vs Luis A Hidalgo

January 16, 2020**9:30 AM****All Pending Motions****HEARD BY:** Adair, Valerie**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Louisa Garcia**RECORDER:** Susan Schofield**REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.
Hidalgo, Luis A
Lichtenstein, Allen
State of Nevada

Attorney
Defendant
Attorney
Plaintiff

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL...DEFT'S PO PER MOTION FOR MODIFICATION OF SENTENCE

Mr. Lichtenstein confirmed as counsel. Mr. Di Giacomo objected to the appointment of counsel as he does not believe there is a legal basis to do so. At the request of Mr. Lichtenstein, COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO 3/19/20 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 28, 2020

05C212667-2

The State of Nevada vs Luis A Hidalgo

July 28, 2020

3:30 PM

Motion to Modify Sentence

**Defendant's Pro Per
Motion for
Modification of
Sentence**

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES**PRESENT:**

Lichtenstein, Allen
State of Nevada
Torre, John T.

Attorney
Plaintiff
Attorney

JOURNAL ENTRIES

- Court noted supplemental has not been filed. Mr. Lichtenstein stated he is still working on supplemental, advised there are material issues counsel has not been able to get access to, counsel and State agree to continue 90 to 120 days. COURT ORDERED, the following briefing schedule set: Deft's Supplemental Brief due by October 27, 2020, State's Supplemental Opposition due by January 6, 2021, and matter CONTINUED. Statement by Mr. Torre.

NDC

CONTINUED TO: 2/9/2021 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2021

05C212667-2

The State of Nevada vs Luis A Hidalgo

February 12, 2021

1:30 PM

Motion to Modify Sentence

**Defendant's Pro Per
Motion for
Modification of
Sentence**

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES**PRESENT:**

Di Giacomo, Marc P.
Lichtenstein, Allen
State of Nevada

Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections.

COURT ORDERED, Defendant's presence WAIVED. Mr. Lichtenstein stated there was an Opposition that was filed was supposed to have been filed on January 26, 2021, and they were over two weeks late, and there was no chance to reply. Mr. Lichtenstein further stated it was never addressed as to why they were filed late, and the rules have not been followed. Mr. Di Giacomo stated when they were informed this matter was coming back on calendar, he could not find an Opposition that was filed, adding he was never served this Motion, and his office couldn't find any proof they State was ever served this Motion. Mr. Di Giacomo further stated they originally filed an Opposition to the Pro-Per Motion, and then they filed a Supplement to address Mr. Lichtenstein's Motion, and he still has no proof the Motion was ever provided to the State. Upon Court's inquiry, Mr. Di Giacomo stated even though the document is filed into Odyssey it doesn't automatically serve, unless they are registered, and he contacted their IT Department, and could not verify being served. Mr. Lichtenstein stated his understanding was under the filing it was also service. COURT STATED they just reviewed the Service List in Odyssey, and the State is not listed, which is consistent with the

representations by Mr. Di Giacomo, and the Court is going to allow the untimely filing in light of the lack of service, and the Court will allow additional time for Mr. Lichtenstein to file a reply. Mr. Di Giacomo stated he has no objection to allow more time for Mr. Lichtenstein to reply. Upon Court's inquiry, Mr. Lichtenstein requested thirty days to file a Reply. COURT DIRECTED Mr. Lichtenstein to file a Reply on or before March 12, 2021; matter CONTINUED. Mr. Lichtenstein inquired if he should reply to both Oppositions. Mr. Di Giacomo stated in his Supplement he adopted the First Opposition and added information. COURT STATED the Defense can file an Omnibus Reply.

NDC

CONTINUED TO: 3/19/2021 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2021**

05C212667-2

The State of Nevada vs Luis A Hidalgo

March 19, 2021**1:30 PM****Motion to Modify Sentence****HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Alice Jacobson**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**Di Giacomo, Marc P.
Lichtenstein, Allen
State of NevadaAttorney
Attorney
Plaintiff**JOURNAL ENTRIES**

- Defendant's presence waived. NDC.

Argument by Mr. Lichtenstein. Opposition by the State. Court finds that Defendant was seeking to set aside the verdict; the motion was not styled accordingly; however the Court does not have jurisdiction as it was the findings of the Jury and not appealed. COURT ORDERED, motion DENIED.

NDC

Deft's (Luis Nidalgo, Jr.)
EXHIBITS

EXHIBITS

CASE NO. C212667

[illegible]

Deft's

(Luis Hidalgo, Jr.)

EXHIBITS

CASE NO. C212667

[illegible]

✓ & Admitted as AA

V- found 3/27/09

Deft's EXHIBITS

CASE NO. C212667

[illegible]

State's

EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

1. Autopsy Photo 05-3984	1/31	✓	24p	✓	1/31
2. " " " "	1/31	✓	✓	✓	1/31
3. " " " "	1/31	✓	✓	✓	1/31
4. " " " "	1/31	✓	✓	✓	1/31
5. Crime scene photo	1/31	✓	✓	✓	1/31
6. " " " - body in street	1/31	✓	✓	✓	1/31
7. " " " " " "	1/31	✓	✓	✓	1/31
8. " " " " " "	1/31	✓	✓	✓	1/31
9. Crime Scene Photo " " "	1/31	✓	✓	✓	1/31
10. " " " " " "	1/31	✓	24p	✓	1/31
11. " " " " " "	1/31	✓	24p	✓	1/31
12. " " " " " "	1/31	✓	24p	✓	1/31
13. Photo- Bloody glasses	1/31	✓	24p	✓	1/31
14. Photo- Street w/evidence	1/31	✓	24p	✓	1/31
15. " " " " "	1/31	✓	✓	✓	1/31
16. " " " " "	1/31	✓	✓	✓	1/31
17. " " " " "	1/31	✓	✓	✓	1/31
18. Street- evidence 4	1/31	✓	✓	✓	1/31
19. Street " 5	1/31	✓	✓	✓	1/31
20. Street " 6	1/31	✓	✓	✓	1/31
21. Photo- Kia Sportage	1/31	✓	✓	✓	1/31
22. Photo - " "	1/31	✓	✓	✓	1/31
23. Photo - " " interior	1/31	✓	✓	✓	1/31

State's EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

24. Photo - Interior of car - cell phone	1/31	✓	Slip	✓	1/31
25 Photo - Interior of car - cooler	1	✓	1	✓	1
26 Photo " " " Bag	1	✓	1	✓	1
27 Photo - Trunk of car - items inside	1	✓	1	✓	1
28 Photo - Cell phone	1	✓	1	✓	1
29 Photo - Bag + contents	1	✓	1	✓	1
30 Photo - Bank deposit case	1	✓	1	✓	1
31. Photo - Beer can	↓	✓	↓	✓	↓
32. Photo - Int. of van	1	✓	1	✓	1
33 Photo - Back of Chevy van - 363-NKS	1	✓	1	✓	1
34 Photo - Side of vehicle	1	✓	1	✓	1
35 Photo - " " "	1	✓	1	✓	1
36 Photo - Int. of van	1	✓	1	✓	1
37 Photo - " " "	1	✓	1	✓	1
38 Photo - Vehicle window - print lifts	1	✓	1	✓	1
39 Photo - Int. of van	1	✓	1	✓	1
40 Photo - " " "	1	✓	1	✓	1
41 Photo - Palomino cards/spoons	1	✓	1	✓	1
42 Photo - Seat w/ Palomino card	1	✓	1	✓	1
43 Photo - Ash tray	1	✓	1	✓	1
44 Photo - Int. of van	1	✓	1	✓	1
45. Photo - Ash tray	1	✓	1	✓	1
46 Photo - Back seat of van	↓	✓	↓	✓	↓

State's EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

47. Photo- Back seat of van	1/31	✓	SEP 2008	✓	1/31
48. Photo- Int. of van	1	✓		✓	1
49. Photo- Int of van- cupholder/ashtray	1	✓		✓	1
50 Photo- " " " "	1	✓		✓	1
51 Photo- Dash of van	1	✓		✓	1
52 Photo- Windshield of van	1	✓		✓	1
53 Photo- Cupholders/	1	✓		✓	1
54 Photo- Dash / Ash tray / glove box	1	✓		✓	1
55 Photo- DMV / Insurance papers	1	✓		✓	1
56 Photo- DMV envelope / Deangelo Carroll	1	✓		✓	1
57 Photo- " " " " / Palomino Cards	1	✓		✓	1
58 Photo- Drivers seat	1	✓		✓	1
59 Photo- Front seats	1	✓		✓	1
60. Photo- House	2/4	✓		✓	2/4
61. Photo- " Address 1676	1	✓		✓	1
62 Photo- Black Chevy	1	✓		✓	1
63 Photo- Cluttered Patio	1	✓		✓	1
64 Photo- Shelves w/items	1	✓		✓	1
65 Photo- Black metal	1	✓		✓	1
66 Photo- Bags of bullets	1	✓		✓	1
67 Photo- FAX Machine / Messy floor	1	✓		✓	1
68 Photo- Dining Area	1	✓		✓	1
69 Photo- Dining Table	1	✓		✓	1

70 Photo- Checkbook- Irene + Kenneth Counts	2/4	✓	2/4	✓	2/4
71 Photo- Sprint Bill- Photos	✓	✓	✓	✓	✓
72 Photo- Messy Hallway	✓	✓	✓	✓	✓
73 Photo- Clothes on floor	✓	✓	✓	✓	✓
74 Photo- " " "	✓	✓	✓	✓	✓
75 Photo- Black Shirt	✓	✓	✓	✓	✓
76 Photo- Black Cap- Item 6	✓	✓	✓	✓	✓
77 Photo- Black glove- Item 7 (Left)	✓	✓	✓	✓	✓
78 Photo- " " " " (Left)	✓	✓	✓	✓	✓
79 Photo- Black Pants	✓	✓	✓	✓	✓
80 Photo- Blue Jeans Item 2	✓	✓	✓	✓	✓
81 Photo- Curb- Address 1677	2/4	✓	2/4	✓	2/4
82 Photo- House	2/1	✓	2/1	✓	2/1
83 Photo- Garage	2/4	✓	2/4	✓	2/4
84 Photo- Hallway / ladder	2/1	✓	2/1	✓	2/1
85 Photo- Disheveled living room	2/1	✓	2/1	✓	2/1
86 Photo- " " "	2/4	✓	2/4	✓	2/4
87 Photo- " " "	✓	✓	✓	✓	✓
88 Photo- " " "	✓	✓	✓	✓	✓
89 Photo- TV Remote / ID Card	✓	✓	✓	✓	✓
90 Photo- Floor / Items on floor	✓	✓	✓	✓	✓
- 91 Photo- " " " "	✓	✓	✓	✓	✓
- 92 Photo- Misc Items	✓	✓	✓	✓	✓

93	Photo - Pouch w/ cash	2/4	✓	Exp	✓	2/4
94	Photo - Wallet NDL Irene Counts	2/4	✓		✓	2/4
95	Photo - Palomino Cards	2/4	✓		✓	2/4
96	Photo - Cash	2/4	✓		✓	2/4
97	Photo - Simones Auto	2/5	✓	obj	✓	2/5
98	" SAP 6770		✓		✓	
99	" - Int. of Building		✓		✓	
100	" " " "		✓		✓	
101	" " " "		✓		✓	
102	" - Desk		✓		✓	
103	" - Brief case		✓		✓	
104	" Desk		✓		✓	
105	" Check to Deangele Carroll		✓		✓	
106	" Pool table		✓		✓	
107	" 2 Red chairs		✓		✓	
108	" Pool table / Point Blank APRON		✓		✓	
109	" Magazine / Note on front		✓		✓	
110	" - Cash		✓		✓	
111	Photo - Int of building		✓		✓	
112	Photo - Door / hallway		✓		✓	
113	Photo - Door #6		✓		✓	
114	Photo - Hall / Disheveled Room		✓		✓	
115	Photo - Disheveled Room		✓		✓	

116	Photo - Disheveled Desk	2/5	✓	obj	✓	2/5
117	Photo - Disheveled Desk	↓	✓	↓	✓	↓
118	Photo - Birth Cert. Luis Hidalgo	↓	✓	↓	✓	↓
119	Photo - Order for savings bonds	↓	✓	↓	✓	↓
120	Photo - Disheveled Room	↓	✓	↓	✓	↓
121	Photo - Disheveled Room	↓	✓	↓	✓	↓
122	Photo - " "	↓	✓	↓	✓	↓
123	Photo Bed / Items on bed	↓	✓	↓	✓	↓
124	Photo - Disheveled Room	↓	✓	↓	✓	↓
125	Photo - " "	↓	✓	↓	✓	↓
126	Photo - Paperwork / Notebook	↓	✓	↓	✓	↓
127	Photo - Savings Bond - Luis Hidalgo	↓	✓	↓	✓	↓
128	Photo - SS Card - " "	↓	✓	↓	✓	↓
129	Photo - Bathroom	↓	✓	↓	✓	↓
130	Photo - Bathroom	↓	✓	↓	✓	↓
131	Photo - Item on tile	↓	✓	↓	✓	↓
132	Photo - Toilet	↓	✓	↓	✓	↓
133	Photo - " "	↓	✓	↓	✓	↓
134	Envelope	1/31	✓	obj	✓	1/31
134 A	Bullet fragment	↓	✓	↓	✓	↓
134 B	" " Upper Brain	↓	✓	↓	✓	↓
134 C	" " Lower Brain	↓	✓	↓	✓	↓
135	Photo - Palomina Club	2/5	✓	obj	✓	2/5

State's

EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

136 Photo- Palomino Club Blueprint	2/5	✓	Slip	✓	2/5
137 Photo - Money	1	✓	1	✓	1
138 Photo - Money		✓		✓	
139 Photo - Money / Jewelry		✓		✓	
140 Photo - Money		✓		✓	
141 Photo - Money		✓		✓	
142 Photo - Payroll 5/14/04		✓		✓	
143 Photo - Bulletin Board		✓		✓	
144 Photo - Box of Cards	↓	✓	↓	✓	↓
145 Metro Print Card (4 Pages)	1/31	✓	Slip	✓	1/31
146 Metro Print Card (2 pages)	1/31	✓	Slip	✓	1/31
147 \$100 dollar bill - front + back (Photo)	2/4	✓	Slip	✓	2/4
- 148 Event # 050519-3516 - List of evidence	1/31	✓	Slip	✓	1/31
149 Evidence Bag + Contents	1/31	✓	Slip	✓	1/31
149A #27 Farmers Ins ^{Simones Auto} Cert, Letter from DMV (Deangelo Carroll) DMV					
Reg (Anabel Esindola; env w/ Simones Auto Plaza on front;					
containing DMV reg (Anabel Espidola; BofA cashiers check					
(Deangelo Carroll) Env from DMV (Deangelo Carroll)					
150 Evidence Env.	1/31	✓	Slip	✓	1/31
150A 42 Palomino Bs. Cards	1/31	✓	Slip	✓	1/31
151 Evidence Env	1/31	✓	Slip	✓	1/31
151a 1 Palomino Club matchbook	1/31	✓	Slip	✓	1/31
152 Evidence Env	1/31	✓	Slip	✓	1/31

152 A 33 Palomino Club ad cards	1/31	✓	Slip	✓	1/31
153 Evidence Bags	1/31	✓	Slip	✓	1/31
153A Black Wallet + contents	1/31	✓	Slip	✓	1/31
154 Evidence Env	1/31	✓	Slip	✓	1/31
154a 28 Palomino Club Vip Cards	1/31	✓	Slip	✓	1/31
155 Evidence Bag					
155A 1 pneumatic tube w/ DI on the side					
156 Metro Print Card	1/31	✓	Slip	✓	1/31
157 Video	2/1	✓	Slip	✓	2/1
157A Voluntary Statement	2/1	✓	Slip	✓	2/1
158 Aerial street map	2/5	✓	Slip	✓	2/5
159 Aerial map	2/5	✓	Slip	✓	2/5
160 + Evidence Env	2/4	✓	Slip	✓	2/4
160A 1 Bus Card "The Scooter Guy"	2/4	✓	Slip	✓	2/4
160B 6 "Pal Vip Cards"	2/4	✓	Slip	✓	2/4
160C 1 " " "	2/4	✓	Slip	✓	2/4
160D 10 " " "	2/4	✓	Slip	✓	2/4
161 Evidence Env + Contents	2/4	✓	Slip	✓	2/4
161A 5 \$100.00 bills (Evid Env not opened)					
162 ENV BAG + Contents	2/4	✓	Slip	✓	2/4

State's

EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

162 A	6 Bills \$95.00 (Evid Env not opened)				
163	ENV (Evidence)	2/4	✓	Slip	✓ 2/4
163 A	Black Cloth Pistol Case	2/4	✓	Slip	✓ 2/4
164	Evid. Env + (contents) (Evid ENV not opened)	2/4	✓	Slip	✓ 2/4
164A					
164B					
165	ENV (Evidence) + contents (not opened)	2/4	✓	Slip	✓ 2/4
166	Evid ENV + contents (not opened)	2/4	✓	Slip	✓ 2/4
167	Evid ENV + contents (not opened)	2/4	✓	Slip	✓ 2/4
168	Evid ENV + contents (not opened)	2/4	✓	Slip	✓ 2/4
169	GPA- Jayson Taoifu - 6/6/07	2/4	✓	Slip	✓ 2/4
170	Cab trip sheet	2/4	✓	Slip	✓ 2/4
171	VIP Cards - Palomino		✓		✓

States

EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

172	Latent Print Lifts	2/4	✓	Slip	✓	2/4
173	" " "	2/4	✓	Slip	✓	2/4
174	" " "	2/4	✓	Slip	✓	2/4
175	Prints		✓		✓	
176	"		✓		✓	
177	"		✓		✓	
178	"		✓		✓	
179	"		✓		✓	
180	"		✓		✓	
181	\$100 bill + prints	↓	✓	↓	✓	↓
182	Photo- K J Counts	2/5	✓	Slip	✓	2/5
183	Contact Sheet 6/20/05	2/5	✓	Slip	✓	2/5
184	Call det exhibit	2/5	✓	Slip	✓	2/5
185	CD 2/1/08	2/5	✓	Slip	✓	2/5
186	CD 2/1/08	2/5	✓	Slip	✓	2/5
187	Kenneth Counts phone calls	2/5	✓	Slip	✓	2/5
188	Sprint document 4/26/06	2/5	✓		✓	2/5
189	Call log	2/5	✓		✓	2/5
190	Nextel document	2/5	✓	↓	✓	2/5
191	CD	2/5	✓	Slip	✓	2/5
191A	CD Transcript	2/5	✓	Slip	✓	2/5
191B	"	2/5	✓	Slip	✓	2/5
192A+B	CD					

Deft's EXHIBITS

CASE NO. C212667

Date Offered OBJ Admitted Date

A Photo - Deangelo Carroll	2/1	✓	Stop	✓	2/1
B Photo - Roantae Zone	2/1	✓	↓	✓	2/1
C Photo - Jayson Taoipa	2/1	✓	↓	✓	2/1
D Photo - Calvin Williams	2/6	✓	Stop	✓	2/6
E Photo - Calvin Williams (Side view)	2/6	✓	Stop	✓	2/6
F Photo - 6 people	2/6	✓	Stop	✓	2/6
G Photo - Woman	2/6	✓	obj		
H Photo - Older Man					
I Photo - Young Man / Yellow Shirt					
J Photo - Street w/ houses	2/5	✓	Stop	✓	2/5
K Letter from Jayson Taoipa to Kenneth Counts	2/4	✓	Stop	✓	2/4
L LV Metro Line Up.	2/4	✓	Stop	✓	2/4
M Evidence Bag	2/6	✓	Stop	✓	2/6
M1 Black T-Shirt	↓	✓	Stop	✓	
M2 Black Cap	↓	✓	Stop	✓	
M3 Black Gloves	↓	✓	Stop	✓	
M4 Black Jeans	↓	✓	Stop	✓	
M5 Black Pants (1)	↓	✓	Stop	✓	
M6 Black Pants (2)	↓	✓	Stop	✓	↓

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

	Date Offered	Objection	Date Admitted
✓ 1. Autopsy Photo – 05-3984	2/2/09 ✓	no	✓ 2/2/09
✓ 2. Autopsy Photo – 05-3984	" ✓	no	✓ "
✓ 3. Autopsy Photo – 05-3984	" ✓	no	✓ "
✓ 4. Autopsy Photo – 05-3984	" ✓	no	✓ "
✓ 5. Crime scene photo	" ✓	no	✓ "
✓ 6. Crime scene photo – body in street	" ✓	no	✓ "
✓ 7. Crime scene photo – body in street	" ✓	no	✓ "
✓ 8. Crime scene photo – body in street	" ✓	no	✓ "
✓ 9. Crime scene photo – body in street	" ✓	no	✓ "
✓ 10. Crime scene photo – body in street	" ✓	no	✓ "
✓ 11. Crime scene photo – body in street	" ✓	no	✓ "
✓ 12. Crime scene photo – body in street	" ✓	no	✓ "
✓ 13. Photo – bloody glasses	2/2 ✓	no	✓ 2/2/09
✓ 14. Photo – street/with evidence	2/2 ✓	no	✓ 2/2/09
✓ 15. Photo – street /with evidence	2/2 ✓	no	✓ 2/2/09
✓ 16. Photo – street/with evidence	2/2 ✓	no	✓ 2/2/09
✓ 17. Photo – street/with evidence	✓	"	✓
✓ 18. Street – evidence 4	✓	"	✓
✓ 19. Street – evidence 5	✓	"	✓
✓ 20. Street – evidence 6	✓	"	✓
✓ 21. Photo – Kia Sportage	✓	"	✓
✓ 22. Photo – Kia Sportage	✓	"	✓
✓ 23. Photo – Kia Sportage interior	✓	"	✓
✓ 24. Photo – Interior of car – cell phone	✓	"	✓
✓ 25. Photo - Interior of car – cooler	✓	"	✓
✓ 26. Photo – Interior of car – bag	✓	"	✓
✓ 27. Photo – Trunk of car – items inside	✓	"	✓
✓ 28. Photo – cell phone	✓	"	✓
✓ 29. Photo – bag & contents	✓	"	✓

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 30. Photo – bank deposit case	2/2	✓	no	✓	2/2/09
✓ 31. Photo – beer can	2/2	✓	no	✓	2/2/09
✓ 32. Photo – interior of van		✓		✓	
✓ 33. Photo – back of Chevy van – 363NKS		✓		✓	
✓ 34. Photo – side of vehicle		✓		✓	
✓ 35. Photo – side of vehicle		✓		✓	
✓ 36. Photo – interior of van		✓		✓	
✓ 37. Photo – interior of van		✓		✓	
✓ 38. Photo – vehicle window – print lifts		✓		✓	
✓ 39. Photo – interior of van		✓		✓	
✓ 40. Photo – interior of van		✓		✓	
✓ 41. Photo – Palomino cards/spoons		✓		✓	
✓ 42. Photo – seat w/Palomino card		✓		✓	
✓ 43. Photo – ash tray		✓		✓	
✓ 44. Photo – interior of van		✓		✓	
✓ 45. Photo – ash tray		✓		✓	
✓ 46. Photo – back seat of van		✓		✓	
✓ 47. Photo – back seat of van		✓		✓	
✓ 48. Photo – interior of van		✓		✓	
✓ 49. Photo – interior of van-cupholder/ashtray		✓		✓	
✓ 50. Photo – interior of van		✓		✓	
✓ 51. Photo – dash of van		✓		✓	
✓ 52. Photo – windshield of van		✓		✓	
✓ 53. Photo – cupholders		✓		✓	
✓ 54. Photo – dash/ashtray/glove box		✓		✓	
✓ 55. Photo – DMV/insurance papers		✓		✓	
✓ 56. Photo – DMV envelope-Deangelo Carroll		✓		✓	
✓ 57. Photo – DMV envelope –Deangelo Carroll/Palomino cards		✓		✓	
✓ 58. Photo – driver's seat		✓		✓	
✓ 59. Photo – front seats		✓		✓	

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 60. Photo – house			
✓ 61. Photo – house – address 1676	2-4-09	no obj	2-4-09
✓ 62. Photo – Black Chevy			
✓ 63. Photo – cluttered patio			
✓ 64. Photo – shelves w/items			
✓ 65. Photo – black metal			
✓ 66. Photo – bags of bullets			
✓ 67. Photo – fax machine/messy floor			
✓ 68. Photo – dining area			
✓ 69. Photo – dining table			
✓ 70. Photo – checkbook – Irene & Kenneth Counts			
✓ 71. Photo – Sprint bill – photos			
✓ 72. Photo – messy hallway			
✓ 73. Photo – clothes on floor			
✓ 74. Photo – clothes on floor			
✓ 75. Photo – black shirt			
✓ 76. Photo – black cap – item 6			
✓ 77. Photo – black glove – item 7 (left)			
✓ 78. Photo – black glove – item 7 (left)			
✓ 79. Photo – black pants			
✓ 80. Photo – blue jeans – item 2			
✓ 81. Photo – curb – address 1677	✓	✓	✓
✓ 82. Photo – house	2-4-09	no obj	2-4-09
✓ 83. Photo – garage			
✓ 84. Photo – hallway/ladder			
✓ 85. Photo – disheveled living room			
✓ 86. Photo – disheveled living room			
✓ 87. Photo – disheveled living room			
✓ 88. Photo – disheveled living room			
✓ 89. Photo – TV remote/ID card	✓	✓	✓

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 90. Photo – floor/items on floor	2-4-09	no obj	2-4-09
✓ 91. Photo – floor/items on floor			
✓ 92. Photo – misc. items			
✓ 93. Photo – pouch w/cash			
✓ 94. Photo – wallet – NDL – Irene Counts			
✓ 95. Photo – Palomino cards			
✓ 96. Photo – cash			
✓ 97. Photo – Simone's Auto	↓	↓	↓
✓ 98. Photo – Photo SAP 6770	2/6 ✓	no	✓ 2/6/09
✓ 99. Photo – interior of building			✓
✓ 100. Photo – interior of building			✓
✓ 101. Photo – interior of building			✓
✓ 102. Photo – desk			✓
✓ 103. Photo – brief case			✓
✓ 104. Photo - desk			✓
✓ 105. Photo – check to Deangelo Carroll			✓
✓ 106. Photo – pool table			✓
✓ 107. Photo – two red chairs			✓
✓ 108. Photo – pool table/point black apron			✓
✓ 109. Photo – magazine/note on front			✓
✓ 110. Photo – cash			✓
✓ 111. Photo – interior of building			✓
✓ 112. Photo – door/hallway	↓	↓	↓
✓ 113. Photo – door #6	2/9 ✓	obj	✓ 2/9/09
✓ 114. Photo – hall/dishveled room		obj	✓ 2/9/09
✓ 115. Photo – dishveled room		obj	✓ 2/9/09
✓ 116. Photo – dishveled desk		obj	✓ 2/9/09
✓ 117. Photo – dishveled desk	↓	obj	✓ 2/9/09
✓ 118. Photo – birth certificate of Luis Hidalgo	2/6 ✓	obj	
✓ 119. Photo – order for savings bonds	2/6 ✓	obj	✓ 2/6/09
	2/9 ✓	obj	✓ 2/9/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 120. Photo – disheveled room	2/9	✓	obj	✓	2/9
✓ 121. Photo – disheveled room	2/9	✓	obj		
✓ 122. Photo – disheveled room	2/6	✓	obj		
✓ 123. Photo – bed/items on bed	2/6	✓	obj		
✓ 124. Photo – disheveled room	2/9	✓	obj		
✓ 125. Photo - disheveled room	2/9	✓	obj		
✓ 126. Photo – paperwork/notebook	2/9	✓	obj		
✓ 127. Photo – savings bond – Luis Hidalgo	2/9	✓	obj	✓	2/9/09
✓ 128. Photo – social security card	2/9	✓	obj	✓	2/9/09
✓ 129. Photo – bathroom	2/9	✓	obj	✓	2/9/09
✓ 130. Photo – bathroom	2/9	✓	obj	✓	2/9/09
✓ 131. Photo – item on tile	2/9	✓	obj	✓	2/9/09
✓ 132. Photo – toilet	2/9	✓	obj	✓	2/9/09
✓ 133. Photo – toilet	2/9	✓	obj	✓	2/9/09
✓ 134. Envelope	2/9	✓	obj	✓	2/9/09
✓ 134 A – bullet fragment	2/2	✓	no	✓	2/2/09
✓ 134 B – bullet fragment – upper brain	"	✓	no	✓	"
✓ 134 C – bullet fragment – lower brain	"	✓	no	✓	"
✓ 135. Photo – Palomino Club	"	✓	no	✓	"
✓ 136. Photo – Palomino Club blueprint	2/5	✓	no	✓	2/5/09
✓ 137. Photo – money		✓		✓	
✓ 138. Photo – money		✓		✓	
✓ 139. Photo – money/jewelry		✓		✓	
✓ 140. Photo – money		✓		✓	
✓ 141. Photo – money		✓		✓	
✓ 142. Photo – payroll 5/14/04		✓		✓	
✓ 143. Photo – bulletin board		✓		✓	
✓ 144. Photo – box of cards		✓		✓	
✓ 145. Metro Print Card (four pages)	↓	✓	↓	✓	↓
✓ 146. Metro Print Card (two pages)	2/2	✓	no	✓	2/2/09
	2/2	✓	no	✓	2/2/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 147. Photo - \$100.00 dollar bill/front and back (photo)	2/10	✓	obj.	✓ 2/10/09
✓ 148. Event #050519-3516 – list of evidence	2/2	✓	no	✓ 2/2/09
✓ 149. Evidence bag and contents	2/2	✓	no	✓ 2/2/09
✓ 149 A - #27 Farmers Ins. Cert (Simone's Auto), Letter from DMV (Deangelo Carroll) DMV; Reg(Anabel Espindola, envelope w/Simone's Auto Plaza on front; containing DMV reg (Anabel Espindola, Bank of America cashier's check (Deangelo Carroll); Envelope from DMV (Deangelo Carroll)	2/2	✓	no	✓ 2/2/09
150. Evidence Envelope	2/2	✓	no	✓ 2/2/09
150 A – 42 Palomino Business Cards	2/2	✓	no	✓ 2/2/09
151 – Evidence Envelope	2/2	✓	no	✓ 2/2/09
151 A – one Palomino Club matchbook	2/2	✓	no	✓ 2/2/09
152 – Evidence Envelope	2/2	✓	no	✓ 2/2/09
152 A – 33 Palomino Club ad cards	2/2	✓	no	✓ 2/2/09
153 – Evidence Bag	2/2	✓	no	✓ 2/2/09
153 A – black wallet and contents <i>not opened</i>	2/2	✓	no	✓ 2/2/09
154 – Evidence Envelope	2/2/09	?	2/2/09	
154 A – 28 Palomino Club VIP cards	"	"	"	
155 – Evidence Bag	2/2	✓	no	✓ 2/2/09
155 A – one pneumatic tube w/DI on the side	2/2	✓	no	✓ 2/2/09
156 Metro Print Card	2/10	✓	no	✓ 2/10/09
157. Video (VHS)				
157 A – voluntary statement				
158. Aerial street map	2-4-09	no	obj.	2-4-09
159. Aerial map	2/2	✓	no	✓ 2/2/09
160. Evidence envelope	2-4-09	no	obj.	2-4-09
160 A – one business card "The Scooter Guy"				
160 B – six "Palomino VIP Cards"				
160 C – one "Palomino VIP Card"				
160 D – ten "Palomino VIP Cards"				

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 161. Evidence Envelope and Contents	Not opened	2-4-09	no obj	2-4-09
✓ 161 A – five \$100.00 bills				
✓ 162. Evidence Bag and Contents	Not opened	2-4-09	no obj	2-4-09
✓ 162 A – six bills equaling \$95.00	Not opened			
✓ 163. Evidence Envelope				
✓ 163 A – black cloth pistol case		2-4-09	no obj	2-4-09
✓ 164. Evidence Envelope and Contents	Not opened	↓	↓	↓
✓ 164 A - 18 "Win 9 m" Luger Cart.		2-4-09	obj res ruling	2/4/09
✓ 164 B - 59 RIM fire Cartridges				
✓ 165. Evidence Envelope and Contents	(Not opened)	2-4-09	no obj	2-4-09
165 A Misc. items				
✓ 166. Evidence Envelope and Contents	(Not opened)			
✓ 167. Evidence Envelope and Contents	(Not opened)	2/4/08	NR	2/4/08
✓ 168. Evidence Envelope and Contents	(Not opened)	2-4-09	no obj	2-4-09
✓ 169. GPA – Jayson Taoipu – 6/6/07				

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 170. Cab trip sheet	2/3	✓	no	✓	2/10/09
✓ 171. VIP cards – Palomino	2/10	✓	no	✓	2/10/09
✓ 172. Latent print lifts	2-4-09		no	✓	2/10/09
✓ 173. Latent print lifts	↓		no	✓	2/10/09
✓ 174. Latent print lifts	↓		no	✓	2/10/09
✓ 175. Prints	2/10	✓	no	✓	2/10/09
✓ 176. Prints	2/10	✓		✓	2/10/09
✓ 177. Prints	2/10	✓		✓	2/10/09
✓ 178. Prints	2/10	✓		✓	2/10/09
✓ 179. Prints	2/10	✓		✓	2/10/09
✓ 180. Prints	2/10	✓		✓	2/10/09
✓ 181. \$100.00 bill and prints	2/10	✓	↓	✓	2/10/09
✓ 182. Photo – K.J. Counts	2/10	✓	no	✓	2/10/09
✓ 183. Contact sheet – 6/20/05					
✓ 184. Call det. Exhibits					
✓ 185. CD 2/1/08					
✓ 186 CD 2/1/08					
✓ 187. Kenneth Count's phone calls					
✓ 188. Sprint document – 4/26/06					
✓ 189. Call log	2/3	✓	no	✓	2/3/09
✓ 190 Nextel document	2/3	✓	no	✓	2/3/09
✓ 191. CD	2/3	✓	obj	✓	2/3/09
✓ 191 A – CD Transcript	2-4-09		obj		2-4-09
✓ 191 B – Transcript					
✓ 192 A – CD					
✓ 192 B – CD	2-4-09		obj		2-4-09
✓ 193. Evidence Envelope	↓		↓	✓	2/3/09
✓ 193 A – two pieces of paper stapled together	2/5	✓	no	✓	2/3/09
✓ 194. Evidence Bag and contents	2/5	✓	no	✓	2/3/09
✓ 195. Evidence Env. (Not opened)	2/2	✓	no	✓	2/2/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 195 A Lake Mead Receipt <i>not opened</i>				
✓ 196 Badge Photo - Larry Mathewy	2/2	✓	no	✓ 2/2/08
✓ 197 - Nextel Sector Layout	2/3	✓	no	✓ 2/3/08
✓ 198 Photo - Denangelo Carroll	2/3	✓	no	✓ 2/3/08
✓ 199 Photo - Tapiru	2/3	✓	no	✓ 2/3/08
✓ 200 Evidence Bag				
✓ 200 A Large Yellow Pad w/handwriting				
✓ 200 B Yellow Pad w/handwriting				
✓ 200 C Paper sheets				
✓ 200 D Several notepads w/handwriting				
✓ 200 E Small Yellow Paper Pad				
✓ 200 F Small White paper pad				
✓ 200 G SS card # 615-18-0771				
✓ 200 H Two notes w/handwriting				
✓ 200 I Evid Env. ✓ 200 I-A Note	2/9	✓	Slip	✓ 2/9/09
✓ 200 J Checkbook Box ✓ 200 K - Num. Sav. Bond Forms	2/9	✓	Slip	✓ 2/9/09
✓ 201 Evidence Bag Released w/contents <i>per order</i>	2/9	✓	obj	✓ 2/9/09
✓ 202 Evidence Envelope containing (10) \$1,000 bills + (20) \$20 bills <i>Not opened</i>	2-4-09		no obj	2-4-09
✓ 203 Evidence bag containing Tanqueray bottle	2-4-09		no obj	2-4-09
✓ 204 Evidence bag <i>Not opened</i>	2/5	✓	no	✓ 2/5/09
✓ 204 A Black Purse				
✓ 204 B Miscellaneous credit cards and personal items				
✓ 205 Photo - Office	2/5	✓	no	✓ 2/5/09
✓ 206 Photo		✓		✓
✓ 207 Photo		✓		✓
✓ 208 Photo		✓		✓
✓ 209 Photo Bulletin Board		✓		✓
✓ 210 Photo		✓		✓
✓ 211 Photo TV/Equipment		✓		✓
✓ 212 Photo File drawer/open		✓		✓
✓ 201 A - Notebook	2/9	✓	obj	✓ 2/9/09
✓ 201 B 7/10, 100 Bonds, U.S (Released by Order)	2/9	✓	obj	✓ 2/9/09
✓ 203 A Gin Bottle				

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STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

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STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 213 Photo	File drawer / Open	2/5/09	✓	no	✓	2/5/09
✓ 214 Photo	TV - "		✓		✓	
✓ 215 Photo	TV		✓		✓	
✓ 216 Photo	Office		✓		✓	
✓ 217 Photo	Money		✓		✓	
✓ 218 Photo	Office		✓		✓	
✓ 219 Photo	Computer Equipment	↓	✓	↓	✓	↓
✓ 220 Envelope		2/6	✓	no	✓	2/6
✓ 220 A Letter		↓	✓	no	✓	↓
✓ 221 Envelope			✓	no	✓	
✓ 221 A Card		↓	✓	no	✓	↓
✓ 222 Envelope						
✓ 222 A Card						
✓ 222 B Letter						
✓ 223 Envelope		2/10	✓	no	✓	2/10/09
✓ 223 A Card		2/10	✓	no	✓	2/10/09
✓ 224 Document	- Carroll					
✓ 225 Document	- Counts					
✓ 226 JOC	- Carroll					
✓ 227	- Correspondence	2/6	✓	obj		
✓ 228	- GPA - Anabel Espindola	2/0	✓	obj		
✓ 229	- Note - Keep Your Mouth Shut					
✓ 230	- Silvertown Receipt	2/6	✓	obj	✓	2/6/09
✓ 231 Photo		2/10	✓	obj no	✓	2/9/10
✓ 232 Photo		2/10	✓	obj no	✓	2/10/09
✓ 233 Photo		2/10	✓	obj no	✓	2/10/09
✓ 234 Photo	Hidalgo Jr.	2/10	✓	obj		
✓ 235 Photo	- Anabel Espindola	2/10	✓	obj	✓	2/19/09
✓ 236 Photo	- Hidalgo III	2/10	✓	obj		

DEFENDANT'S EXHIBITS

CASE C212667/C241394 (cons.)

198 ²⁰⁰⁹
 199 ^{2008 not offered 2009}

	Date Offered	Objection	Date Admitted
✓ A. Photo – Deangelo Carroll			
✓ B. Photo – Roantae Zone			
✓ C. Photo – Jayson Taoipu			
✓ D. Photo – Calvin Williams			
✓ E. Photo – Calvin Williams (side view)			
✓ F. Photo – 6 people			
✓ G. Photo – woman			
✓ H. Photo – older man			
✓ I. Photo – young man/yellow shirt			
✓ J. Photo – street w/houses			
✓ K. Letter from J. Taoipu to K. Counts			
✓ L. LV Metro Line Up			
✓ M. Evidence Bag			
✓ M1 – Black t-shirt			
✓ M2 – Black cap			
✓ M3 – Black gloves			
✓ M4 – Black jeans			
✓ M5 – Black pants (1)			
✓ M6 – Black pants (2)			

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

	Date Offered	Objection	Date Admitted
1. Autopsy Photo - 05-3984	2/2/09 ✓	no	✓ 2/2/09
2. Autopsy Photo - 05-3984	" ✓	no	✓ "
3. Autopsy Photo - 05-3984	" ✓	no	✓ "
4. Autopsy Photo - 05-3984	" ✓	no	✓ "
5. Crime scene photo	" ✓	no	✓ "
6. Crime scene photo - body in street	" ✓	no	✓ "
7. Crime scene photo - body in street	" ✓	no	✓ "
8. Crime scene photo - body in street	" ✓	no	✓ "
9. Crime scene photo - body in street	" ✓	no	✓ "
10. Crime scene photo - body in street	" ✓	no	✓ "
11. Crime scene photo - body in street	" ✓	no	✓ "
12. Crime scene photo - body in street	2/2 ✓	no	✓ 2/2/09
13. Photo - bloody glasses	2/2 ✓	no	✓ 2/2/09
14. Photo - street/with evidence	2/2 ✓	no	✓ 2/2/09
15. Photo - street /with evidence	2/2 ✓	no	✓ 2/2/09
16. Photo - street/with evidence	✓	"	✓
17. Photo - street/with evidence	✓	"	✓
18. Street - evidence 4	✓	"	✓
19. Street - evidence 5	✓	"	✓
20. Street - evidence 6	✓	"	✓
21. Photo - Kia Sportage	✓	"	✓
22. Photo - Kia Sportage	✓	"	✓
23. Photo - Kia Sportage interior	✓	"	✓
24. Photo - Interior of car - cell phone	✓	"	✓
25. Photo - Interior of car - cooler	✓	"	✓
26. Photo - Interior of car - bag	✓	"	✓
27. Photo - Trunk of car - items inside	✓	"	✓
28. Photo - cell phone	✓	"	✓
29. Photo - bag & contents	✓	✓	✓

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

30. Photo – bank deposit case	2/2	✓	no	✓	2/2/09
31. Photo – beer can	2/2	✓	no	✓	2/2/09
32. Photo – interior of van		✓		✓	
33. Photo – back of Chevy van – 363NKS		✓		✓	
34. Photo – side of vehicle		✓		✓	
35. Photo – side of vehicle		✓		✓	
36. Photo – interior of van		✓		✓	
37. Photo – interior of van		✓		✓	
38. Photo – vehicle window – print lifts		✓		✓	
39. Photo – interior of van		✓		✓	
40. Photo – interior of van		✓		✓	
41. Photo – Palomino cards/spoons		✓		✓	
42. Photo – seat w/Palomino card		✓		✓	
43. Photo – ash tray		✓		✓	
44. Photo – interior of van		✓		✓	
45. Photo – ash tray		✓		✓	
46. Photo – back seat of van		✓		✓	
47. Photo – back seat of van		✓		✓	
48. Photo – interior of van		✓		✓	
49. Photo – interior of van-cupholder/ashtray		✓		✓	
50. Photo – interior of van		✓		✓	
51. Photo – dash of van		✓		✓	
52. Photo – windshield of van		✓		✓	
53. Photo – cupholders		✓		✓	
54. Photo – dash/ashtray/glove box		✓		✓	
55. Photo – DMV/insurance papers		✓		✓	
56. Photo – DMV envelope-Deangelo Carroll		✓		✓	
57. Photo – DMV envelope –Deangelo Carroll/Palomino cards		✓		✓	
58. Photo – driver's seat		✓		✓	
59. Photo – front seats	↓	✓	↓	✓	↓

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

60. Photo - house	2-4-09	no obj	2-4-09
61. Photo - house - address 1676			
62. Photo - Black Chevy			
63. Photo - cluttered patio			
64. Photo - shelves w/items			
65. Photo - black metal			
66. Photo - bags of bullets			
67. Photo - fax machine/messy floor			
68. Photo - dining area			
69. Photo - dining table			
70. Photo - checkbook - Irene & Kenneth Counts			
71. Photo - Sprint bill - photos			
72. Photo - messy hallway			
73. Photo - clothes on floor			
74. Photo - clothes on floor			
75. Photo - black shirt			
76. Photo - black cap - item 6			
77. Photo - black glove - item 7 (left)			
78. Photo - black glove - item 7 (left)			
79. Photo - black pants			
80. Photo - blue jeans - item 2	✓	✓	✓
81. Photo - curb - address 1677	2-4-09	no obj	2-4-09
82. Photo - house			
83. Photo - garage			
84. Photo - hallway/ladder			
85. Photo - disheveled living room			
86. Photo - disheveled living room			
87. Photo - disheveled living room			
88. Photo - disheveled living room			
89. Photo - TV remote/ID card	✓	✓	✓

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

90. Photo – floor/items on floor	2-4-09		no. obj	2-4-09
91. Photo – floor/items on floor				
92. Photo – misc. items				
93. Photo – pouch w/cash				
94. Photo – wallet – NDL – Irene Counts				
95. Photo – Palomino cards				
96. Photo – cash	↓		↓	↓
97. Photo – Simone's Auto	2/6	✓	no	✓ 2/6/09
98. Photo – Photo SAP 6770		✓		✓
99. Photo – interior of building		✓		✓
100. Photo – interior of building		✓		✓
101. Photo – interior of building		✓		✓
102. Photo – desk		✓		✓
103. Photo – brief case		✓		✓
104. Photo – desk		✓		✓
105. Photo – check to Deangelo Carroll		✓		✓
106. Photo – pool table		✓		✓
107. Photo – two red chairs		✓		✓
108. Photo – pool table/point black apron		✓		✓
109. Photo – magazine/note on front		✓		✓
110. Photo – cash		✓		✓
111. Photo – interior of building	↓	✓	↓	✓ ↓
112. Photo – door/hallway	2/9	✓	obj	✓ 2/9/09
113. Photo – door #6		✓	obj	✓ 2/9/09
114. Photo – hall/disheveled room		✓	obj	✓ 2/9/09
115. Photo – disheveled room		✓	obj	✓ 2/9/09
116. Photo – disheveled desk	↓	✓	obj	✓ 2/9/09
117. Photo – disheveled desk	2/6	✓	obj	
118. Photo – birth certificate of Luis Hidalgo	2/6	✓	obj	✓ 2/6/09
119. Photo – order for savings bonds	2/9	✓	obj	✓ 2/9/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

120. Photo – disheveled room	2/9	✓	obj	✓	2/9
121. Photo – disheveled room	2/9	✓	obj		
122. Photo – disheveled room	2/9	✓	obj		
123. Photo – bed/items on bed	2/9	✓	obj		
124. Photo – disheveled room	2/9	✓	obj		
125. Photo – disheveled room	2/9	✓	obj		
126. Photo – paperwork/notebook	2/9	✓	obj	✓	2/9/09
127. Photo – savings bond – Luis Hidalgo	2/9	✓	obj	✓	2/9/09
128. Photo – social security card	2/9	✓	obj	✓	2/9/09
129. Photo – bathroom	2/9	✓	obj	✓	2/9/09
130. Photo – bathroom	2/9	✓	obj	✓	2/9/09
131. Photo – item on tile	2/9	✓	obj	✓	2/9/09
132. Photo – toilet	2/9	✓	obj	✓	2/9/09
133. Photo – toilet	2/9	✓	obj	✓	2/9/09
134. Envelope	2/2	✓	no	✓	2/2/09
134 A – bullet fragment	"	✓	no	✓	"
134 B – bullet fragment – upper brain	"	✓	no	✓	"
134 C – bullet fragment – lower brain	"	✓	no	✓	"
135. Photo – Palomino Club	2/5	✓	no	✓	2/5/09
136. Photo – Palomino Club blueprint	1	✓	1	✓	1
137. Photo – money	1	✓	1	✓	1
138. Photo – money	1	✓	1	✓	1
139. Photo – money/jewelry	1	✓	1	✓	1
140. Photo – money	1	✓	1	✓	1
141. Photo – money	1	✓	1	✓	1
142. Photo – payroll 5/14/04	1	✓	1	✓	1
143. Photo – bulletin board	1	✓	1	✓	1
144. Photo – box of cards	↓	✓	↓	✓	↓
145. Metro Print Card (four pages)	2/2	✓	no	✓	2/2/09
146. Metro Print Card (two pages)	2/2	✓	no	✓	2/2/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

147. Photo - \$100.00 dollar bill/front and back (photo)	2/10	✓	obj.	✓ 2/10/09
148. Event #050519-3516 – list of evidence	2/2	✓	no	✓ 2/2/09
149. Evidence bag and contents	2/2	✓	no	✓ 2/2/09
149 A - #27 Farmers Ins. Cert (Simone's Auto), Letter from DMV (Deangelo Carroll) DMV; Reg (Anabel Espindola, envelope w/Simone's Auto Plaza on front; containing DMV reg (Anabel Espindola, Bank of America cashier's check (Deangelo Carroll); Envelope from DMV (Deangelo Carroll)	2/2	✓	no	✓ 2/2/09
150. Evidence Envelope	2/2	✓	no	✓ 2/2/09
150 A – 42 Palomino Business Cards	2/2	✓	no	✓ 2/2/09
151 – Evidence Envelope	2/2	✓	no	✓ 2/2/09
151 A – one Palomino Club matchbook	2/2	✓	no	✓ 2/2/09
152 – Evidence Envelope	2/2	✓	no	✓ 2/2/09
152 A – 33 Palomino Club ad cards	2/2	✓	no	✓ 2/2/09
153 – Evidence Bag	2/2	✓	no	✓ 2/2/09
153 A – black wallet and contents <i>not opened</i>				
154 – Evidence Envelope				
154 A – 28 Palomino Club VIP cards				
155 – Evidence Bag	2/2	✓	no	✓ 2/2/09
155 A – one pneumatic tube w/DI on the side	2/2	✓	no	✓ 2/2/09
156 Metro Print Card	2/10	✓	no	✓ 2/10/09
157. Video (VHS)				
157 A – voluntary statement				
158. Aerial street map	2-4-09		no obj.	2-4-09
159. Aerial map	2/2	✓	no	✓ 2/2/09
160. Evidence envelope	2-4-09		no obj.	2-4-09
160 A – one business card "The Scooter Guy"				
160 B – six "Palomino VIP Cards"				
160 C – one "Palomino VIP Card"				
160 D – ten "Palomino VIP Cards"				

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓ 161. Evidence Envelope and Contents	2-4-09	no. obj	2-4-09
161 A – five \$100.00 bills			
162. Evidence Bag and Contents	2-4-09	no. obj	2-4-09
162 A – six bills equaling \$95.00			
✓ 163. Evidence Envelope	2-4-09	no. obj	2-4-09
✓ 163 A – black cloth pistol case	↓	↓	↓
164. Evidence Envelope and Contents <i>not opened</i>	2-4-09	obj. 1/25/09	2/4/09
164 A - 18 "Win 9 m Lugar Cart.			
164 B - 59 RIM fire Cartridges			
✓ 165. Evidence Envelope and Contents <i>(not opened)</i>	2-4-09	no. obj	2-4-09
165 A Misc. items			
166. Evidence Envelope and Contents			
167. Evidence Envelope and Contents			
168. Evidence Envelope and Contents	2-4-09	no. obj	2-4-09
169. GPA – Jayson Taoipu – 6/6/07			

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

170. Cab trip sheet	2/3	✓	no	✓	2/3/09
171. VIP cards – Palomino	2/10	✓	no	✓	2/10/09
172. Latent print lifts	2-4-09		no 2/10	✓	2/10/09
173. Latent print lifts	↓		no 2/10	✓	2/10/09
174. Latent print lifts	↓		no 2/10	✓	2/10/00
175. Prints	2/10	✓	no	2/10	2/10/09
176. Prints	2/10	✓		✓	2/10/09
177. Prints	2/10	✓		✓	2/10/09
178. Prints	2/10	✓		✓	2/10/09
179. Prints	2/10	✓		✓	2/10/09
180. Prints	2/10	✓	↓	✓	2/10/09
181. \$100.00 bill and prints	2/10	✓	no	✓	2/10/09
182. Photo – K.J. Counts					
183. Contact sheet – 6/20/05					
184. Call det. Exhibits					
185. CD 2/1/08					
186 CD 2/1/08					
187. Kenneth Count's phone calls					
188. Sprint document – 4/26/06	2/3	✓	no	✓	2/3/09
189. Call log	2/3	✓	no	✓	2/3/09
190 Nextel document	2/3	✓	obj	✓	2/3/09
191. CD	2-4-09		obj 2		2-4-09
191 A – CD Transcript					
191 B – Transcript					
192 A – CD	2-4-09		obj 2		2-4-09
192 B – CD	↓		↓		↓
193. Evidence Envelope	2/5	✓	no	2/3	2/3/09
193 A – two pieces of paper stapled together	2/5	✓	no	✓	2/3/09
194. Evidence Bag and contents					
195. Evidence Env. (not opened)	2/2	✓	no	✓	2/2/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

✓195 A Lake Mead Receipt <i>not opened</i>				
✓196 Badge Photo - Larry Mathewy	2/2	✓	no	✓ 2/2/09
✓197 - Nextel Sector Layout	2/3	✓	no	✓ 2/3/08
✓198 Photo - Deangelo Carroll	2/3	✓	no	✓ 2/3/08
✓199 Photo - Tapiwa	2/3	✓	no	✓ 2/3/08
✓200 Evidence Bag				
200 A Large Yellow Pad w/handwriting				
200 B Yellow Pad w/handwriting				
200 C Paper sheets				
200 D Several notepads w/handwriting				
200 E Small Yellow Paper Pad				
200 F Small White paper pad				
200 G SS card # 615-18-0771				
200 H Two notes w/handwriting				
200 I Evid Env. + 200 I-A Note	2/9	✓	Slip	✓ 2/9/09
200 J Checkbook Box 200 K - Num. Sav. Bond forms	2/9	✓	Slip	✓ 2/9/09
✓201 Evidence Bag	2/9	✓	obj	✓ 2/9/09
✓202 Evidence Envelop containing (10) ^{\$100.00} \$100.00 bills + (20) \$20 bills	2-4-09		no obj	2-4-09
✓203. Evidence bag containing Tanqueray bottle	2-4-09		no obj	2-4-09
✓204. Evidence bag	2/5	✓	no	✓ 2/5/09
✓204A. Black Purse				
✓204B: Miscellaneous credit cards and personal items				
205 Photo - Office	2/5	✓	no	✓ 2/5/09
206 Photo		✓		✓
207 Photo		✓		✓
208 Photo		✓		✓
209 Photo Bulletin Board		✓		✓
210 Photo		✓		✓
211 Photo TV/Equipment		✓		✓
212 Photo File drawer/open	↓	✓	↓	✓ ↓
201 A - Notebook	2/9	✓	obj	✓ 2/9/09
201 B \$10, 100 Bonds, U.S.	2/9	✓	obj	✓ 2/9/09
✓203 A Gin Bottle	2/9	✓	no	✓ 2/9/09

STATE'S EXHIBITS

CASE NO. C212667/C241394 (cons.)

213 Photo	File drawer / open	2/5/09	✓	no	✓	2/5/09
214 Photo	TV - "		✓		✓	
215 Photo	TV		✓		✓	
216 Photo	Office		✓		✓	
217 Photo	Money		✓		✓	
218 Photo	Office		✓		✓	
219 Photo	Computer Equipment	↓	✓	↓	✓	↓
220 Envelope		2/6	✓	no	✓	2/6
220 A Letter			✓	no	✓	
221 Envelope			✓	no	✓	
221 A Card		↓	✓	no	✓	↓
222 Envelope						
222 A Card						
222 B Letter						
223 Envelope		2/10	✓	no	✓	2/10/09
223 A Card		2/10	✓	no	✓	2/10/09
224 Document	- Carroll					
225 Document	- Counts					
226 JOC	- Carroll					
227 - Correspondence		2/6	✓	obj		
228 - GPA	- Anabel Espindola	2/10	✓	obj		
229 - Note	- Keep Your Mouth Shut					
230 - Silvertown Receipt		2/6	✓	obj	✓	2/6/09
231 Photo		2/9	✓	obj no	✓	2/9/09
232 Photo		2/9	✓	obj no	✓	2/9/09
233 Photo		2/9	✓	obj no	✓	2/9/09
234 Photo	Nidalgo Jr.	2/10	✓	obj		
235 Photo	- Anabel Espindola	2/10	✓	obj	✓	2/19/09
236 Photo	- Nidalgo III	2/10	✓	obj		

CASE NO. C212667/C241394 (cons.)

11

Deft's (Luis Hidalgo, Jr.)
EXHIBITS

CASE NO. C212667

[illegible]

★ - Admitted as Δ 's L. Hidalgo III's AA

EXHIBITS

CASE NO. C212667

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EXHIBITS

Date	Offered	OBJ	Admitted	Bar
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[illegible]

CASE NO. C212667

DEPT. NO. 21

State of Nevada

VS

Jayson Taoipu
DEFENDANT

TRIAL DATE: 6/30/09

JUDGE: Valerie Adair

CLERK: Denise Husted

REPORTER: _____

Pam Weckerly
COUNSEL FOR PLAINTIFF

Terrence Jackson
COUNSEL FOR DEFENDANT

Vault Exhibit Form 5-01/jh

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

	Date Offered	Objection	Date Admitted
1. Autopsy Photo – 05-3984	5/20/10	Stip.	5/20/10
2. Autopsy Photo – 05-3984	5/20/10	Stip.	5/20/10
3. Autopsy Photo – 05-3984	5/20/10	Stip.	5/20/10
4. Autopsy Photo – 05-3984	5/20/10	Stip.	5/20/10
5. Crime scene photo	5/19/10	Stip.	5/19/10
6. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
7. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
8. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
9. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
10. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
11. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
12. Crime scene photo – body in street	5/19/10	Stip.	5/19/10
13. Photo – bloody glasses	5/19/10	Stip.	5/19/10
14. Photo – street/with evidence	5/19/10	Stip.	5/19/10
15. Photo – street /with evidence	5/19/10	Stip.	5/19/10
16. Photo – street/with evidence	5/19/10	Stip.	5/19/10
17. Photo – street/with evidence	5/19/10	Stip.	5/19/10
18. Street – evidence 4	5/19/10	Stip.	5/19/10
19. Street – evidence 5	5/19/10	Stip.	5/19/10
20. Street – evidence 6	5/19/10	Stip.	5/19/10
21. Photo – Kia Sportage	5/19/10	Stip.	5/19/10
22. Photo – Kia Sportage	5/19/10	Stip.	5/19/10
23. Photo – Kia Sportage interior	5/19/10	Stip.	5/19/10
24. Photo – Interior of car – cell phone	5/19/10	Stip.	5/19/10
25. Photo - Interior of car – cooler	5/19/10	Stip.	5/19/10
26. Photo – Interior of car – bag	5/19/10	Stip.	5/19/10
27. Photo – Trunk of car – items inside	5/19/10	Stip.	5/19/10
28. Photo – cell phone	5/19/10	Stip.	5/19/10
29. Photo – bag & contents	5/19/10	Stip.	5/19/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

30. Photo – bank deposit case	5/19/10	Stip.	5/19/10
31. Photo – beer can	5/19/10	Stip.	5/19/10
32. Photo – interior of van	5/19/10	Stip.	5/19/10
33. Photo – back of Chevy van – 363NKS	5/19/10	Stip.	5/19/10
34. Photo – side of vehicle	5/19/10	Stip.	5/19/10
35. Photo – side of vehicle	5/19/10	Stip.	5/19/10
36. Photo – interior of van	5/19/10	Stip.	5/19/10
37. Photo – interior of van	5/19/10	Stip.	5/19/10
38. Photo – vehicle window – print lifts	5/19/10	Stip.	5/19/10
39. Photo – interior of van	5/19/10	Stip.	5/19/10
40. Photo – interior of van	5/19/10	Stip.	5/19/10
41. Photo – Palomino cards/spoons	5/19/10	Stip.	5/19/10
42. Photo – seat w/Palomino card	5/19/10	Stip.	5/19/10
43. Photo – ash tray	5/19/10	Stip.	5/19/10
44. Photo – interior of van	5/19/10	Stip.	5/19/10
45. Photo – ash tray	5/19/10	Stip.	5/19/10
46. Photo – back seat of van	5/19/10	Stip.	5/19/10
47. Photo – back seat of van	5/19/10	Stip.	5/19/10
48. Photo – interior of van	5/19/10	Stip.	5/19/10
49. Photo – interior of van-cupholder/ashtray	5/19/10	Stip.	5/19/10
50. Photo – interior of van	5/19/10	Stip.	5/19/10
51. Photo – dash of van	5/19/10	Stip.	5/19/10
52. Photo – windshield of van	5/19/10	Stip.	5/19/10
53. Photo – cupholders	5/19/10	Stip.	5/19/10
54. Photo – dash/ashtray/glove box	5/19/10	Stip.	5/19/10
55. Photo – DMV/insurance papers	5/19/10	Stip.	5/19/10
56. Photo – DMV envelope-Deangelo Carroll	5/19/10	Stip.	5/19/10
57. Photo – DMV envelope –Deangelo Carroll/Palomino cards	5/19/10	Stip.	5/19/10
58. Photo – driver's seat	5/19/10	Stip.	5/19/10
59. Photo – front seats	5/19/10	Stip.	5/19/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

60. Photo – house	5/21/10	Stip	5/21/10
61. Photo – house – address 1676	5/21/10	Stip	5/21/10
62. Photo – Black Chevy	5/21/10	Stip	5/21/10
63. Photo – cluttered patio	5/21/10	Stip	5/21/10
64. Photo – shelves w/items	5/21/10	Stip	5/21/10
65. Photo – black metal	5/21/10	Stip	5/21/10
66. Photo – bags of bullets	5/21/10	Stip	5/21/10
67. Photo – fax machine/messy floor	5/21/10	Stip	5/21/10
68. Photo – dining area	5/21/10	Stip	5/21/10
69. Photo – dining table	5/21/10	Stip	5/21/10
70. Photo – checkbook – Irene & Kenneth Counts	5/21/10	Stip	5/21/10
71. Photo – Sprint bill – photos	5/21/10	Stip	5/21/10
72. Photo – messy hallway	5/21/10	Stip	5/21/10
73. Photo – clothes on floor	5/21/10	Stip	5/21/10
74. Photo – clothes on floor	5/21/10	Stip	5/21/10
75. Photo – black shirt	5/21/10	Stip	5/21/10
76. Photo – black cap – item 6	5/21/10	Stip	5/21/10
77. Photo – black glove – item 7 (left)	5/21/10	Stip	5/21/10
78. Photo – black glove – item 7 (left)	5/21/10	Stip	5/21/10
79. Photo – black pants	5/21/10	Stip	5/21/10
80. Photo – blue jeans – item 2	5/21/10	Stip	5/21/10
81. Photo – curb – address 1677	5/21/10	Stip	5/21/10
82. Photo – house	5/21/10	Stip	5/21/10
83. Photo – garage	5/21/10	Stip	5/21/10
84. Photo – hallway/ladder	5/21/10	Stip	5/21/10
85. Photo – disheveled living room	5/21/10	Stip	5/21/10
86. Photo – disheveled living room	5/21/10	Stip	5/21/10
87. Photo – disheveled living room	5/21/10	Stip	5/21/10
88. Photo – disheveled living room	5/21/10	Stip	5/21/10
89. Photo – TV remote/ID card	5/21/10	Stip	5/21/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

90. Photo – floor/items on floor	5/21/10	Stip	5/21/10
91. Photo – floor/items on floor	5/21/10	Stip	5/21/10
92. Photo – misc. items	5/21/10	Stip	5/21/10
93. Photo – pouch w/cash	5/21/10	Stip	5/21/10
94. Photo – wallet – NDL – Irene Counts	5/21/10	Stip	5/21/10
95. Photo – Palomino cards	5/21/10	Stip	5/21/10
96. Photo – cash	5/21/10	Stip	5/21/10
97. Photo – Simone's Auto	5/20/10	Stip.	5/20/10
98. Photo – Photo SAP 6770	5/20/10	Stip.	5/20/10
99. Photo – interior of building	5/20/10	Stip.	5/20/10
100. Photo – interior of building	5/20/10	Stip.	5/20/10
101. Photo – interior of building	5/20/10	Stip.	5/20/10
102. Photo – desk	5/20/10	Stip.	5/20/10
103. Photo – brief case	5/20/10	Stip.	5/20/10
104. Photo - desk	5/20/10	Stip.	5/20/10
105. Photo – check to Deangelo Carroll	5/20/10	Stip.	5/20/10
106. Photo – pool table	5/20/10	Stip.	5/20/10
107. Photo – two red chairs	5/20/10	Stip.	5/20/10
108. Photo – pool table/point black apron			
109. Photo – magazine/note on front	5/20/10	Stip.	5/20/10
110. Photo – cash	5/20/10	Stip.	5/20/10
111. Photo – interior of building	5/20/10	Stip.	5/20/10
112. Photo – door/hallway	5/20/10	Stip.	5/20/10
113. Photo – door #6	5/20/10	Stip.	5/20/10
114. Photo – hall/dishveled room	5/20/10	Stip.	5/20/10
115. Photo – dishveled room	5/20/10	Stip.	5/20/10
116. Photo – dishveled desk	5/20/10	Stip.	5/20/10
117. Photo – dishveled desk	5/20/10	Stip.	5/20/10
118. Photo – birth certificate of Luis Hidalgo	5/20/10	Stip.	5/20/10
119. Photo – order for savings bonds	5/20/10	Stip.	5/20/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

120. Photo – disheveled room	5/20/10	Stip.	5/20/10
121. Photo – disheveled room	5/20/10	Stip.	5/20/10
122. Photo – disheveled room	5/20/10	Stip.	5/20/10
123. Photo – bed/items on bed	5/20/10	Stip.	5/20/10
124. Photo – disheveled room	5/20/10	Stip.	5/20/10
125. Photo - disheveled room	5/20/10	Stip.	5/20/10
126. Photo – paperwork/notebook	5/20/10	Stip.	5/20/10
127. Photo – savings bond – Luis Hidalgo	5/20/10	Stip.	5/20/10
128. Photo – social security card	5/20/10	Stip.	5/20/10
129. Photo – bathroom	5/20/10	Stip.	5/20/10
130. Photo – bathroom	5/20/10	Stip.	5/20/10
131. Photo – item on tile	5/20/10	Stip.	5/20/10
132. Photo – toilet	5/20/10	Stip.	5/20/10
133. Photo – toilet	5/20/10	Stip.	5/20/10
134. Envelope	5/21/10	Stip.	5/21/10
134 A – bullet fragment	5/21/10	Stip	5/21/10
134 B – bullet fragment – upper brain	5/21/10	Stip	5/21/10
134 C – bullet fragment – lower brain	5/21/10	Stip	5/21/10
135. Photo – Palomino Club	5/21/10	Stip	5/21/10
136. Photo – Palomino Club blueprint	5/21/10	Stip	5/21/10
137. Photo – money	5/21/10	Stip	5/21/10
138. Photo – money	5/21/10	Stip	5/21/10
139. Photo – money/jewelry	5/21/10	Stip	5/21/10
140. Photo – money	5/21/10	Stip	5/21/10
141. Photo – money	5/21/10	Stip	5/21/10
142. Photo – payroll 5/14/04	5/21/10	Stip	5/21/10
143. Photo – bulletin board	5/21/10	Stip	5/21/10
144. Photo – box of cards	5/21/10	Stip	5/21/10
145. Metro Print Card (four pages)	5/19/10	Stip.	5/19/10
146. Metro Print Card (two pages)	5/19/10	Stip.	5/19/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

147. Photo - \$100.00 dollar bill/front and back (photo)	5/20/10	Stip.	5/20/10
148. Event #050519-3516 – list of evidence	5/19/10	Stip.	5/19/10
149. Evidence bag and contents	5/19/10	Stip.	5/19/10
149 A - #27 Farmers Ins. Cert (Simone's Auto), Letter from DMV (Deangelo Carroll) DMV; Reg(Anabel Espindola, envelope w/Simone's Auto Plaza on front; containing DMV reg (Anabel Espindola, Bank of America cashier's check (Deangelo Carroll); Envelope from DMV (Deangelo Carroll)	5/19/10	Stip.	5/19/10
150. Evidence Envelope	5/19/10	Stip.	5/19/10
150 A – 42 Palomino Business Cards	5/19/10	Stip.	5/19/10
151 – Evidence Envelope	5/19/10	Stip.	5/19/10
151 A – one Palomino Club matchbook	5/19/10	Stip.	5/19/10
152 – Evidence Envelope	5/19/10	Stip.	5/19/10
152 A – 33 Palomino Club ad cards	5/19/10	Stip.	5/19/10
153 – Evidence Bag			
153 A – black wallet and contents			
154 – Evidence Envelope	5/19/10	Stip.	5/19/10
154 A – 28 Palomino Club VIP cards	5/19/10	Stip.	5/19/10
155 – Evidence Bag	5/19/10	Stip.	5/19/10
155 A – one pneumatic tube w/DI on the side	5/19/10	Stip.	5/19/10
156 Metro Print Card	5/19/10	Stip.	5/19/10
157. Video (VHS)			
157 A – voluntary statement			
158. Aerial street map	5/21/10	Stip	5/21/10
159. Aerial map	5/19/10	Stip.	5/19/10
160. Evidence envelope	5/21/10	Stip	5/21/10
160 A – one business card "The Scooter Guy"	5/21/10	Stip	5/21/10
160 B – six "Palomino VIP Cards"	5/21/10	Stip	5/21/10
160 C – one "Palomino VIP Card"	5/21/10	Stip	5/21/10
160 D – ten "Palomino VIP Cards"	5/21/10	Stip	5/21/10

STATE'S EXHIBITS

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161. Evidence Envelope and Contents	5/21/10	Stip	5/21/10
161 A – five \$100.00 bills			
162. Evidence Bag and Contents	5/21/10	Stip	5/21/10
162 A – six bills equaling \$95.00			
163. - Evidence Envelope	5/21/10	Stip	5/21/10
163 A – black cloth pistol case	5/21/10	Stip	5/21/10
164. - Evidence Envelope and Contents	5/21/10	Stip	5/21/10
164 A – Winchester 9m Luger Cartridge			
164 B - 59 RIM fire cartridges			
165. - Evidence Envelope and Contents	5/21/10	Stip	5/21/10
165 A – Misc. Items			
166 - Evidence Envelope and Contents	5/21/10	Stip	5/21/10
167 - Evidence Envelope and Contents	5/21/10	Stip	5/21/10
168. - Evidence Envelope and Contents	5/21/10	Stip	5/21/10
169. - GPA – Jayson Taoipu – 6/6/07			
170. - Cab trip sheet	5/20/10	Stip.	5/20/10
171. - VIP cards – Palomino	5/20/10	Stip.	5/20/10
172. - Latent print lifts	5/20/10	Stip.	5/20/10
173. - Latent print lifts	5/20/10	Stip.	5/20/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

174. - Latent print lifts	5/20/10	Stip.	5/20/10
175. - Prints	5/20/10	Stip.	5/20/10
176. - Prints	5/20/10	Stip.	5/20/10
177. - Prints	5/20/10	Stip.	5/20/10
178. - Prints	5/20/10	Stip.	5/20/10
179. - Prints	5/20/10	Stip.	5/20/10
180. - Prints	5/20/10	Stip.	5/20/10
181. - \$100.00 bill and prints	5/20/10	Stip.	5/20/10
182. - Photo – K.J. Counts			
183. - Contact sheet – 6/20/05			
184. - Call det. Exhibits			
185. - CD 2/1/08			
186 - CD 2/1/08			
187. - Kenneth Count's phone calls			
188. - Sprint document – 4/26/06	5/21/10	Stip	5/21/10
189. - Call log	5/21/10	Stip	5/21/10
190 – Nextel document	5/21/10	Stip	5/21/10
191. - CD	5/21/10	Stip	5/21/10
191 A – CD Transcript			
191 B – Transcript			
192 A – CD	5/21/10	Stip	5/21/10
192 B – CD	5/21/10	Stip	5/21/10
193. Evidence Envelope	5/21/10	Stip	5/21/10
193 A – two pieces of paper stapled together	5/21/10	Stip	5/21/10
194. Evidence Bag and contents			
195 - Evidence Envelope	5/19/10	Stip.	5/19/10
195 A – Lake Mead Receipt	5/19/10	Stip.	5/19/10

STATE'S EXHIBITS

CASE NO. C212667 – D. Carroll 5/17/10

196 – Badge Photo – Larry Matheny			
197 – Nextel Sector Layout	5/21/10	Stip	5/21/10
198 – Photo – Deangelo Carroll	5/20/10	Stip.	5/20/10
199 – Photo Taoipu	5/20/10	Stip.	5/20/10
200 A – Large yellow pad w/handwriting			
200 B – Yellow pad w/writing			
200 C – Paper sheets			
200 D – Several notepads w/handwriting			
200 E – Small yellow paper pad			
200 F – Small white paper pad			
200 G – SS card #615-18-0771			
200 H – Two notes w/handwriting			
200 I – Evidence Envelope			
200 J – Evidence Envelope			
200 K – Evidence Envelope			
200 I A – Note			
201 – Evidence Bag (released to counsel per order)			
201 A – Nobebook			
201 B - \$10,100.00 US Bonds (released to counsel per order) Photocopies used.	5/20/10	Stip.	5/20/10
202 – Evidence Envelope containing (10) \$1,000.00 bills & (20) \$20.00 bills			
203 – Evidence Bag	5/20/10	Stip.	5/20/10
203 A – Tanqueray bottle	5/20/10	Stip.	5/20/10
204 – Evidence Bag			
204 A – Black Purse			
204 B - Misc. credit cards and personal items			
205 – Photo – Office	5/21/10	Stip	5/21/10
206 – Photo – Office	5/21/10	Stip	5/21/10

STATE'S EXHIBITS

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207 – Photo – Office.	5/21/10	Stip	5/21/10
208 – Photo – Office	5/21/10	Stip	5/21/10
209 – Photo – Bulletin Board	5/21/10	Stip	5/21/10
210 – Photo – Bulletin Board	5/21/10	Stip	5/21/10
211 – Photo – TV/Equipment	5/21/10	Stip	5/21/10
212 - Photo – File drawer/open	5/21/10	Stip	5/21/10
213 – Photo – File drawer/open	5/21/10	Stip	5/21/10
214 – Photo – File drawer/open	5/21/10	Stip	5/21/10
215. – Photo – TV	5/21/10	Stip	5/21/10
216. – Photo – Office	5/21/10	Stip	5/21/10
217 – Photo – Money	5/21/10	Stip	5/21/10
218 – Photo – Office	5/21/10	Stip	5/21/10
219 – Photo – Computer Equipment	5/21/10	Stip	5/21/10
220 - Envelope			
220 A – Letter			
221 – Envelope			
221 A – Card			
222 – Envelope			
222 A – Card			
222 B – Note in card			
223 – Envelope			
223 A – Card			
224 – Document – Carroll			
225 - Document – Counts			
226 – JOC – Carroll			
227 – Correspondence			
228 – GPA – Anabel Espindola	6/2/10	Stip.	6/2/10
229 – Note “keep your mouth shut”	5/20/10	Stip.	5/20/10
230 – Silverton receipt			
231 – Photo			

STATE'S EXHIBITS

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232 – Photo			
233 – Photo			
234 – Photo – Hidalgo Jr.	5/20/10	Stip.	5/20/10
235 – Photo – Anabel Espindola	5/20/10	Stip.	5/20/10
236 – Photo – Hidalgo III	5/20/10	Stip.	5/20/10
237 – Photo – Kenneth Counts	5/20/10	Stip.	5/20/10
238 – Phone Log	5/21/10	Stip	5/21/10
239 – Map of cell towers	5/21/10	Stip	5/21/10
240 – Photocopy – Check to Deangelo Carroll	5/20/10	Stip.	5/20/10
241 – Attorney Notes			
242 – Copy of envelope and card			
243. – CD – Deangelo Carroll statement	5/20/10	Stip.	5/20/10
244. – Portion of transcript - Carroll	5/21/10	Stip	5/21/10
245. – Portion of transcript – video transcript	5/21/10	Stip	5/21/10
246. – Transcript -	5/20/10	Stip.	5/20/10
Penalty Phase beginning 6/2/10			
247 -. Photo	6/2/10	Stip.	6/2/10
248 -. Photo	6/2/10	Stip	6/2/10
249 - Photo	6/2/10	Stip.	6/2/10
250 - Notebook	6/2/10	Stip.	6/2/10

State vs Carroll Penalty Hearing

Deft's EXHIBITS

CASE NO. C212667

[illegible]

● State vs Deangel ● Carroll
Penalty Hearing

Court's EXHIBITS

CASE NO. C212667

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

LUIS A. HIDALGO, III #1038133
1200 PRISON RD.
LOVELOCK, NV 89419

DATE: May 10, 2021
CASE: 05C212667-2
C/W 08C241394

RE CASE: STATE OF NEVADA vs. LUIS ALONSO HIDALGO, III

NOTICE OF APPEAL FILED: May 10, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OF
SENTENCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

LUIS ALONSO HIDALGO, III,

Defendant(s).

Case No: 05C212667-2

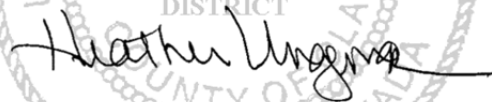
Consolidated with 08C241394

Dept No: IX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 10 day of May 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk