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JUN 21 2022

FILED

Leibel, Tatiana

1137908

FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
4370 SMILEY ROAD
LAS VEGAS, NV 89115

Douglas County
District Court Clerk

2022 JUN 21 PM 4:03

In the 9 Judicial District Court of the State of Nevada

In and for the County of Douglas

BOBBIE R. WILLIAMS
Electronic Filed
Jun 21 2022 11:19 a.m.
BY Elizabeth A. Brown DEPUTY
Clerk of Supreme Court

Tatiana Leibel

Appellant/Plaintiff/Petitioner

v.

Case No. 20A-CR-00062B

The State of Nevada

Appellee/Respondent/Defendant

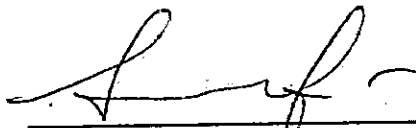
NOTICE OF APPEAL

Notice is hereby given that Tatiana Leibel, Petitioner above named in the above captioned case, hereby appeals to the SUPREME COURT FOR THE STATE OF NEVADA from the final judgment for 3rd Petition for Writ of Habeas Corpus (Post Conviction) entered on the 6 day of June, 2022. (Factual Innocence)

This document does not contain the personal information of any person as defined by NRS 603A.40.

Dated this 10 day of June, 2022

Respectfully submitted,



Petitioner

Signature/ Pro Se Litigant

Tatiana Leibel

Print Name

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Form 2. Case Appeal Statement

JUN 22 2022

FILED

No. 2014-CR-00062B

Douglas County
District Court Clerk

Dept. No. II

2022 JUN 22 PM 12:30

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

ROBERT K. WILLIAMS
CLERK

BY  DEPUTY

TATIANA LEIBEL,

Appellant,

vs

STATE OF NEVADA,

Respondent:

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Tatiana Leibel.
2. Identify the judge issuing the decision, judgment, or order appealed from:
Nathan Tod Young.
3. Identify each appellant and the name and address of counsel for each appellant:
Tatiana Leibel – Florence McClure Women's Correctional Center 4370 Smiley Road, Las Vegas, NV 89115 - Proper.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
State of Nevada represented Douglas County District Attorney's Office – P.O. Box 218, Minden, NV 89423.
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Proper.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
Proper.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
N/A.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):
The Petition for Writ of Habeas Corpus (Post Conviction) filed March 21, 2022.

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

This is a post-conviction criminal matter in which the appellant is appealing the Petition for
4 Writ of Habeas Corpus (Post Conviction) filed on March 21, 2022.

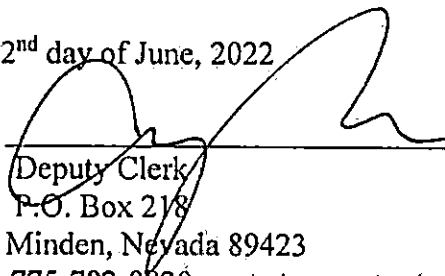
5 11. Indicate whether the case has previously been the subject of an appeal to or original writ
6 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number
7 of the prior proceeding: Notice of Appeal docket number 82594.

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

No.

9 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:
10 N/A

11 Dated this 22nd day of June, 2022

12 
13 Deputy Clerk
14 P.O. Box 218
15 Minden, Nevada 89423
16 775-782-9820
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Douglas County District Court

Case Summary Report

Case #: 2014-CR-00062
Case Title: State Of Nevada vs. Tatiana Leibel
Filed: 04/04/2014
Cause: Felony: Weapons

DV: N

Case Status: Reopened

Date: 10/06/2016

Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>		
Plaintiff	State Of Nevada			
Defendant	Leibel, Tatiana			
<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	Henry, Jamie	11395	Current	
Attorney	ATTORNEY, DISTRICT	9999	Current	

Charge/Sentence Information

<u>CNT</u>	<u>Section Code</u>	<u>Charge Description</u>
1	200.010	Open murder, e/dw

Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
04/14/2014	Arraignment	Concluded	
04/21/2014	Arraignment	Concluded	
08/05/2014	Motion Hearing	Vacated	
08/25/2014	Pre-Trial Conference	Vacated	
09/02/2014	Criminal Jury Trial	Vacated	
09/03/2014	Criminal Jury Trial	Vacated	
09/04/2014	Criminal Jury Trial	Vacated	
09/05/2014	Criminal Jury Trial	Vacated	
09/09/2014	Criminal Jury Trial	Vacated	
09/10/2014	Criminal Jury Trial	Vacated	
09/11/2014	Criminal Jury Trial	Vacated	
09/12/2014	Criminal Jury Trial	Vacated	
12/16/2014	Criminal	Vacated	
12/22/2014	Pre-Trial Conference	Continued	Other
01/08/2015	Pre-Trial Conference	Vacated	
01/12/2015	Pre-Trial Conference	Concluded	
01/23/2015	Calendar Call	Concluded	
01/27/2015	Criminal Jury Trial	Concluded	
01/28/2015	Criminal Jury Trial	Concluded	
01/29/2015	Criminal Jury Trial	Concluded	
01/30/2015	Criminal Jury Trial	Concluded	
02/02/2015	Criminal Jury Trial	Concluded	
02/03/2015	Criminal Jury Trial	Concluded	
02/04/2015	Criminal Jury Trial	Concluded	
02/05/2015	Criminal Jury Trial	Concluded	
02/06/2015	Criminal Jury Trial	Concluded	
04/20/2015	Sentencing Hearing	Concluded	

Documents

2014-CR-00062

<u>Date</u>	<u>Code</u>	<u>Description</u>
04/04/2014	DOCO	Order and Commitment - Order and Commitment

06/22/2022 11:51 AM

04/08/2014	MMOT	Motion - State's Motion to Increase Bail
04/08/2014	DN	Notice of - Notice of Non-Capital Proceeding(S.C.R. 250)
04/08/2014	DINF	Information - Information
04/11/2014	DCOS	Certificate of Service - Certificate of Service
04/11/2014	DOPT	Opposition to - Opposition To State's Motion to IncreaseBail
04/14/2014	DOAC	Order Appointing Counsel - Order Appointing Counsel
04/14/2014	DORD	Order - Order Increasing Bail
04/15/2014	DDAS	Alternative Sentencing Documentation - Alternative Sentencing SupplementalReport
04/16/2014	DTRN	Transcript of Proceedings - Transcript of Proceedings-PreliminaryHearing 4/3/14
04/17/2014	DORD	Order - (Sealed) Order Authorizing Fees forEmployment of an Investigator and to Seal Pleadings
04/17/2014	DRSU	Request for Submission - Request for Submission
04/17/2014	MMOT	Motion - Motion for Court.Appointed Fees withAffidvait in Support Thereof
04/17/2014	DREQ	Request - Request for Discovery
04/17/2014	DCOS	Certificate of Service - Certificate of Service
04/17/2014	DEXM	Ex Parte Motion - (Sealed) Ex Parte Application Fees
04/18/2014	DCOS	Certificate of Service - Certificate of Service
04/18/2014	DAPP	Application For - Application for Appointment ofInterpreter
04/21/2014	DOST	Order Setting Trial - Order Setting Trial
04/21/2014	DORD	Order - Order for.Payment of Attorney Fees
05/19/2014	DTRN	Transcript of Proceedings - Transcript of Proceedings-Arraignment4/14/14
05/21/2014	DTRN	Transcript of Proceedings - Transcript of Proceedings (Arraignment)
08/04/2014	DOST	Order Setting Trial - Order Setting Trial
08/04/2014	DORD	Order - Order to Continue
08/04/2014	DNON	Non-Opposition to - State's Non-opposition to Defendant'sMotion to Continue
08/04/2014	DCOS	Certificate of Service - Certificate of Service
08/04/2014	MMOT	Motion - Motion to Continue
09/29/2014	DREQ	Request - Request for Appointment of Co-Counsel
09/29/2014	DCOS	Certificate of Service - Certificate of Service
10/01/2014	DORD	Order - Order for Appointment of Co-Counsel
11/17/2014	DORD	Order - (SEALED) Order Authorizing Funds forEmployment of a Forensic Pathologist and Sealing Application and Order
11/17/2014	DAPP	Application For - (Sealed) Ex Parte Application for Funds
12/05/2014	DAPP	Application For - (SEALED) Ex Parte Application for Fundsfor Expert Witness
12/05/2014	DREQ	Request - (SEALED) Ex Parte Request for Payment
12/08/2014	DORD	Order - (SEALED) Order for Payment
12/09/2014	DORD	Order - (SEALED) Order Authorizing Funds forEmployment of a Forensic Pathologist and Sealing Application and Order
12/12/2014	MLIM	Motion in Limine - Motion in Limine Regarding Juror-Questioning of Witnesses
12/12/2014	MLIM	Motion in Limine - Motion in Limine RegardingCrime Scene and Autopsy Photographs
12/17/2014	DN	Notice of - Notice of Prosecution Trial Witnesses
12/17/2014	DN	Notice of - Notice of Expert Witnesses
12/18/2014	DAOR	Amended Order - (SEALED) Amended Order for Payment
12/19/2014	DORD	Order - Order Transferring Case to Department IVacating the Hearing Set for December 22, 2014 and Confirming the Trial Date of January 27, 2015 at 9:00 A.M.
12/24/2014	DORD	Order - Order Confirming Trial Dates andSetting Pre-Trial Conference
12/26/2014	DRTM	Response to Motion - Response To Motion in Limine RegardingCrime Scene and Autopsy Photographs
12/26/2014	DRTM	Response to Motion - Response To Motion in Limine RegardingJuror-Questioning of Witnesses
12/26/2014	MLIM	Motion in Limine - Motion in Limine Regarding DeathCertificate
12/26/2014	DAPP	Application For - Ex Parte Application for Fees
12/26/2014	DAPP	Application For - Ex Parte Application for Fees
12/29/2014	MMOT	Motion - Motion in Limine Regarding UnchargedMisconduct and Collateral Offenses
12/29/2014	DN	Notice of - Notice of Non-Opposition to Defendant'sMotion in Limine Regarding Death Certificate
12/30/2014	DORD	Order - Order Authorizing Fees for Employmentof a Fornsic Investigator

12/31/2014	MMOT	Motion - Motion for Court Order to Allow Defense Inspection of Scene of Alleged Offense
01/02/2015	DORD	Order - Order Calling Jury
01/02/2015	DORD	Order - Order Authorizing Additional fees for Employment of an Investigator and to Seal Pleadings
01/02/2015	DAPP	Application For - Ex Parte Application for Additional Investigative Fees
01/05/2015	DVEN	Jury Venire - Amended Jury Venire
01/05/2015	DORD	Order - Order Allowing the Defense to Purchase Weapon
01/05/2015	DLJU	List of Trial Jurors - List of Trial Jurors
01/05/2015	DVEN	Jury Venire - Jury Venire
01/06/2015	DASM	Affidavit of Service by Mail - Affidavit of Service by Mail
01/06/2015	DN	Notice of - Notice of Expert Witness
01/12/2015	DORD	Order - Order Granting Motion in Limine Regarding Juror Questioning of Witnesses
01/12/2015	DNNO	Non-Opposition to Motion - Non-Opposition to Defendant's Motion in Limine RE: Uncharged Misconduct and Collateral Offenses
01/12/2015	DN	Notice of - Notice of Withdrawal of Motion for Court Order to Allow Defense Inspection of Scene of Alleged Offense
01/14/2015	DORD	Order - Order Re: Motion in Limine Regarding Death Certificate
01/14/2015	DORD	Order - Order Re: Motion in Limine Regarding Uncharged Misconduct and Collateral Offenses
01/16/2015	DSTI	Stipulation - Stipulation to Waive Penalty Hearing By Jury Filed by DEF001-Leibel, Tatiana, PLT001-State Of Nevada,
01/20/2015	DTRN	Transcript of Proceedings - Transcript of Proceedings (Motions Hearing)
01/20/2015	MMOT	Motion - Motion in Limine Regarding Testimony Concerning Crime Scene Reconstruction by Mathew Noedel
01/20/2015	DN	Notice of - Notice of Witnesses
01/22/2015	DOPP	Opposition to Motion - Opposition to Defendant's Motion in Limine RE: Crime Scene Reconstruction
01/23/2015	DADT	Addendum to - Addendum to Notice of Witnesses
01/26/2015	DORD	Order - Order
01/28/2015	DSBF	Subpoena Filed - Subpoena Filed (Chris Headrick)
01/29/2015	DSBF	Subpoena Filed - Subpoena Filed (Jim Ante)
01/29/2015	DSBF	Subpoena Filed - Subpoena Filed
01/29/2015	DSBF	Subpoena Filed - Subpoena Filed
01/29/2015	DSBF	Subpoena Filed - Subpoena Filed
02/05/2015	DJV	Jury Verdict - Verdict
02/05/2015	DJUI	Jury Instructions - Instructions to the Jury
02/05/2015	DTRN	Transcript of Proceedings - Transcript of Proceedings (Motions Hearing)
02/06/2015	DREQ	Request - Ex Parte Request for Payment
02/09/2015	DORD	Order - Order for Payment
02/18/2015	DREQ	Request - Request for Payment
02/18/2015	DREQ	Request - Request for Payment
02/18/2015	DREQ	Request - Request for Payment
02/18/2015	DREQ	Request - Request for Payment
02/18/2015	DREQ	Request - Request for Payment
02/23/2015	DORD	Order - Order for Payment (Nancy Strayern)
02/23/2015	DORD	Order - Order for Payment (Forensic Tech)
02/23/2015	DORD	Order - Order for Payment (K. Brown)
03/06/2015	MMOT	Motion - Motion to Withdraw Request for Payment Firearm
03/09/2015	DTRN	Transcript of Proceedings - Transcript of Proceedings (Jury Selec)
03/09/2015	DORD	Order - Order for Payment
04/17/2015	DMIS	Misc. Document - Evidence in Mitigation
04/20/2015	DPIR	(Sealed) - CONFIDENTIAL Pre-Sent. Investigation - (SEALED) CONFIDENTIAL Pre-Sent. Invest
04/20/2015	DSMD	Statement - Victim Impact Statements and Photograph of Victim
04/20/2015	DSUP	Supplement - Supplemental Evidence in Mitigation
04/21/2015	DJOC	Judgment of Conviction - Judgment of Conviction
05/05/2015	DTRN	Transcript of Proceedings - Transcript of Proceedings (Sentencing Hearing)
05/11/2015	MPIP	Motion to Proceed in Forma Pauperis - Motion to Proceed In Forma Pauperis
05/11/2015	DREQ	Request - Request for Rough Draft Transcript
05/11/2015	DCAP	Case Appeal Statement - Case Appeal Statement
05/11/2015	DNOA	Notice of Appeal - Notice of Appeal

05/14/2015	DORD	Order - Order
05/27/2015	DCOS	Certificate of Service - Supplemental Certificate of Service Re:Request for Rough Draft Transcript
06/04/2015	DRFD	Receipt for Documents (Supreme Court) - Receipt for Documents (Supreme Court)
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 1/30/2015 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 2/5/2015 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 2/4/2015 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 1/23/2015 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 2/2/2015 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 1/27/15 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 1/28/2015 RoughDraft
06/18/2015	DTRN	Transcript of Proceedings - Transcript of Jury Trial 1/29/15 RoughDraft
12/21/2015	DORD	Order - Order of Affirmance
01/14/2016	DRMT	Remittitur - Remittitur (Supreme Court)
01/14/2016	DCLC	Clerk's Certificate - Clerk's Certificate (Supreme Court)
01/14/2016	DORD	Order - Order of Affirmance (Supreme Court)
10/06/2016	DORD	Order - Order to Withdraw Counsel
10/06/2016	DAFF	Affidavit of - Affidavit
10/06/2016	DIRO	Auto Reopen (not for manual use)
10/06/2016	MMOT	Motion - Motion to Withdraw Counsel
04/11/2018	MMOT	Motion - Motion for Enlargement of Time
04/12/2018	DIRO	Auto Reopen (not for manual use)
09/05/2018	DIRO	Auto Reopen (not for manual use)
02/02/2022	DRFD	Receipt for Documents (Supreme Court)

Douglas County District Court

Case Summary Report

Case #: 2014-CR-00062BD

Case Title: Tatiana Leibel vs. The State Of Nevada

Filed: 11/14/2016

Cause: Pre-Conviction Writ

DV: N

Case Status: Disposed

Date: 11/14/2016

Archived: 06/07/2022, 04/14/2022, 04/06/2022, 03/21/2022, 04/19/2021, 01/12/2021

Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>		
Petitioner	Leibel, Tatiana			
Respondent	The State Of Nevada			
<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	ATTORNEY, DISTRICT	9999	Current	
Attorney	Mausert, Mark	002398	Current	
Attorney	Malone, John	5706	Current	

Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
09/19/2018	Calendar Call	Concluded	
11/15/2018	Evidentiary Hearing	Concluded	

Documents

2014-CR-00062BD

<u>Date</u>	<u>Code</u>	<u>Description</u>
11/14/2016	DFSF	(Sealed) - Financial Disclosure Form - (Sealed)-Financial Certificate
11/14/2016	DCER	Certificate of - Certificate of Mailing
11/14/2016	DIPT	Petition - Petition for Writ of Habeas Corpus
11/14/2016	MMOT	Motion - Motion for Appointment of Counsel
11/15/2016	DIRO	Auto Reopen (not for manual use)
11/15/2016	DIRO	Auto Reopen (not for manual use)
11/28/2016	DORD	Order - Order
12/27/2016	DSTI	Stipulation - Stipulation to Extend the Time to File a Supplemental Petition for Writ of Habeas Corpus
		Filed by RES001-The State Of Nevada, , PET001-Leibel, Tatiana
01/03/2017	DORD	Order - Order
03/28/2017	DSTI	Stipulation - Stipulation to Extend of Time to File Supplemental Petition for Writ of Habeas Corpus - Second Request
		Filed by PET001-Leibel, Tatiana, RES001-The State Of Nevada,
03/30/2017	DORD	Order - Order
04/03/2017	MMOT	Motion - Ex Parte Invoice and Request for Payment
04/04/2017	DORD	Order - Order for Payment
04/07/2017	DIRO	Auto Reopen (not for manual use)
04/07/2017	MMOT	Motion - Ex Parte Motion for Funds for Investigator
04/11/2017	DIRO	Auto Reopen (not for manual use)
04/14/2017	DIRO	Auto Reopen (not for manual use)
04/14/2017	MMOT	Motion - Ex Parte Motion for Leave to Hire Investigator
04/17/2017	DORD	Order - Order Granting Motion for Leave to Hire Investigator
05/09/2017	DIRO	Auto Reopen (not for manual use)
05/09/2017	MMOT	Motion - Motion for Production of JAVS Recordings
05/09/2017	DIRO	Auto Reopen (not for manual use)
05/09/2017	MMOT	Motion - Motion for Funds for Interpreter
05/11/2017	DORD	Order - Order
05/11/2017	DORD	Order - Order

06/22/2017	DSTI	Stipulation - Stipulation to Extend Time to File Supplemental Petition for Writ of Habeas Corpus
06/23/2017	DORD	Filed by PET001-Leibel, Tatiana, RES001-The State Of Nevada, Order - Order
07/24/2017	DREQ	Request - Ex Parte Invoice and Request for Payment
07/25/2017	DORD	Order - Order for Payment
09/25/2017	DSTI	Stipulation - Stipulation to Extend Time to File Supplemental Petition for Writ of Habeas Corpus
09/27/2017	DORD	Filed by PET001-Leibel, Tatiana, RES001-The State Of Nevada, Order - Order
09/28/2017	DIRC	Auto Reclose (not for manual use)
01/24/2018	MMOT	Motion - Motion for Extension of Time to File Supplemental Petition for Writ of Habeas Corpus
01/25/2018	DIRO	Auto Reopen (not for manual use)
01/30/2018	DORD	Order - Order Granting Extension of Time
01/30/2018	DRTM	Response to Motion - Response To Motion for Extension of Time to File Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)
02/26/2018	DIPT	Petition - Supplemental Postconviction Petition for a Writ of Habeas Corpus
04/12/2018	DORD	Order - Order
04/13/2018	DIRC	Auto Reclose (not for manual use)
05/16/2018	DIRO	Auto Reopen (not for manual use)
05/16/2018	MMOT	Motion - Ex Parte Motion for Interpreter Fees
05/16/2018	DIRO	Auto Reopen (not for manual use)
05/16/2018	MMOT	Motion - Ex Parte Motion for Investigation Fees
05/16/2018	DIRO	Auto Reopen (not for manual use)
05/16/2018	MMOT	Motion - Ex Parte Motion for Investigation Fees
05/17/2018	DORD	Order - Order Granting Ex Parte Motion for Investigation Fees
05/17/2018	DORD	Order - Order Granting Ex Parte Motion for Interpreter Fees
05/17/2018	DORD	Order - Order Granting Ex Parte Motion for Investigation Fees
05/17/2018	DRES	Response to - Response to Post-Conviction Petition for Writ of Habeas Corpus
05/18/2018	DIRC	Auto Reclose (not for manual use)
05/18/2018	DIRC	Auto Reclose (not for manual use)
05/18/2018	DIRC	Auto Reclose (not for manual use)
05/24/2018	DIRC	Auto Reclose (not for manual use)
05/24/2018	DORD	Order - Order Setting Hearing
05/24/2018	DIRC	Auto Reclose (not for manual use)
05/24/2018	DORD	Order - Order for Issuance of Writ of Habeas Corpus
05/24/2018	WHC	Writ of Habeas Corpus - Issued Writ of Habeas Corpus
05/25/2018	DCOS	Certificate of Service - Certificate of Service
05/25/2018	DNEO	Notice of Entry of Order - Notice of Entry of Order
05/25/2018	DAFS	Affidavit of Service - Affidavit of Personal Service
08/08/2018	DIRO	Auto Reopen (not for manual use)
08/08/2018	MMOT	Motion - Ex Parte Motion for Postconviction Representation Expert
08/08/2018	DIRO	Auto Reopen (not for manual use)
08/08/2018	MMOT	Motion - Ex Parte Motion for Funds Investigation Fees
08/08/2018	DIRO	Auto Reopen (not for manual use)
08/08/2018	MMOT	Motion - Ex Parte Motion for Funds for a Crime Scene Expert
08/08/2018	DIRO	Auto Reopen (not for manual use)
08/08/2018	MMOT	Motion - Ex Parte Motion for Funds for a Psychiatric Expert
08/08/2018	DIRO	Auto Reopen (not for manual use)
08/08/2018	MMOT	Motion - Application for Order to Produce Prisoner
08/09/2018	DIRC	Auto Reclose (not for manual use)
08/09/2018	DORD	Order - Order
08/09/2018	DIRC	Auto Reclose (not for manual use)
08/09/2018	DORD	Order - Order to Produce Prisoner
08/09/2018	DIRC	Auto Reclose (not for manual use)
08/09/2018	DORD	Order - Order
08/09/2018	DIRC	Auto Reclose (not for manual use)
08/09/2018	DORD	Order - Order
08/09/2018	DIRC	Auto Reclose (not for manual use)
08/09/2018	DORD	Order - Order
08/16/2018	DIRO	Auto Reopen (not for manual use)

08/16/2018	MMOT	Motion - Ex Parte Motion for Interpreter Fees
08/20/2018	DIRC	Auto Reclose (not for manual use)
08/20/2018	DORD	Order - Order Granting Ex Parte Motion for Interpreter Fees
08/30/2018	DN	Notice of - Notice of Expert Witness
09/04/2018	MMOT	Motion - Motion to Compel Compliance with Disclosure Requirements Under NRCP 16.1(2)(b) and Request to Shorten Time to Respond
09/05/2018	DIRO	Auto Reopen (not for manual use)
09/06/2018	DIRC	Auto Reclose (not for manual use)
09/06/2018	DORD	Order - Order Shortening Time to Respond to Motion to Compel
09/06/2018	DIRO	Auto Reopen (not for manual use)
09/06/2018	MMOT	Motion - Petitioner's Response to Motion to Compel and Countermotion for Waiver of Obligation to Produce Expert Reports Pursuant to NRCP 16.1(a)(2)(B)
09/10/2018	DLOW	List of Witnesses - Notice of Witnesses
09/13/2018	DORD	Order - Order
09/13/2018	DRSU	Request for Submission - Request for Submission
09/14/2018	DIRC	Auto Reclose (not for manual use)
09/17/2018	DAOC	Association of Counsel - Notice of Association of Counsel
09/17/2018	DBRF	Brief of - Brief Regarding Structural Error in Failing to Obtain an Interpreter
09/18/2018	DIRO	Auto Reopen (not for manual use)
09/18/2018	MMOT	Motion - Motion to Strike Brief Regarding Structural Error or, in the Alternative, Motion for Sufficient Time to Respond to Brief in Writing
09/19/2018	DORD	Order - Order Setting Continued Hearing
09/20/2018	DIRC	Auto Reclose (not for manual use)
09/27/2018	DIRO	Auto Reopen (not for manual use)
09/27/2018	MMOT	Motion - Application for Order to Produce Prisoner
09/28/2018	DTRN	Transcript of Proceedings - Transcript of Proceedings (Motions Hrg.)
09/28/2018	DRES	Response to - Response to Brief Regarding Alleged Structural Error in Failing to Obtain an Interpreter
10/01/2018	DORD	Order - Order to Produce Prisoner
10/02/2018	DIRC	Auto Reclose (not for manual use)
10/25/2018	DIRC	Auto Reclose (not for manual use)
10/25/2018	DORD	Order - Order
10/25/2018	DN	Notice of - Notice of Expert Witness
10/25/2018	DIRO	Auto Reopen (not for manual use)
10/25/2018	MMOT	Motion - Ex Parte Motion for Funds for Linguistics Expert
10/29/2018	MMOT	Motion - Motion to Exclude Testimony of Natasha Kharikova
10/30/2018	DIRO	Auto Reopen (not for manual use)
11/06/2018	DOPP	Opposition to Motion - Petitioner's Opposition to Motion to Exclude Linguistics Expert
11/07/2018	DREP	Reply to - Reply to Opposition to Motion to Exclude Testimony of Natasha Kharikova
11/29/2018	DTRN	Transcript of Proceedings - Transcript of Proceedings (Post Conviction Hearing 11/16/18)
12/05/2018	DTRN	Transcript of Proceedings - Transcript of Proceedings (Post-Conviction Hearing 11/15/18)
12/20/2018	DIRC	Auto Reclose (not for manual use)
12/20/2018	DORD	Order - Order Denying Post-Conviction Petition for Writ of Habeas Corpus
12/24/2018	DAFS	Affidavit of Service - Affidavit of Service by Mail
12/24/2018	DNEO	Notice of Entry of Order - Notice of Entry of Order
01/18/2019	DCAP	Case Appeal Statement - Case Appeal Statement
01/18/2019	DNOA	Notice of Appeal - Notice of Appeal
01/18/2019	DCER	Certificate of - Certificate of That no Transcript is Being Requested
01/30/2019	DRFD	Receipt for Documents (Supreme Court) - Receipt for Documents (Supreme Court)
03/07/2019	DORD	Order - Order Granting Ex Parte Motion for Expert Witness Fees
03/07/2019	DIRO	Auto Reopen (not for manual use)
03/07/2019	MMOT	Motion - Ex Parte Motion For Expert Witness Fees
03/08/2019	DIRC	Auto Reclose (not for manual use)
06/26/2020	DORD	Order - of Affirmance
07/22/2020	DRMT	Remittitur
07/22/2020	OSUP	Order (Supreme Court) - Order of Affirmance
07/22/2020	DCLC	Clerk's Certificate
11/09/2020	MMOT	Motion - Notice of Motion

11/09/2020	PWPOST	Petition for Writ of Habeas Corpus (Post Conviction) - Petition for Writ of Habeas Corpus 2nd (Post Conviction)
11/09/2020	MMOT	Motion - Notice of Motion
11/09/2020	MMOT	Motion - Motion to Withdraw Counsel
11/09/2020	DAFF	Affidavit of - Affidavit "A"
11/09/2020	DAFF	Affidavit of - Affidavit "B"
11/09/2020	DAFF	Affidavit of - Affidavit "C"
11/09/2020	DAFF	Affidavit of - Affidavit "I"
11/09/2020	DEXH	Exhibit - Index of Exhibits
11/09/2020	DEXH	Exhibit - Index of Exhibit(s)
11/09/2020	DEXH	Exhibit - Index of Exhibits
11/09/2020	DRSU	Request for Submission
11/09/2020	COM	Certificate of Mailing
11/19/2020	DMFD	Motion for Dismissal - Motion to Dismiss Pro Per Second Post-Conviction Petition for a Writ of Habeas Corpus
11/23/2020	DAFF	Affidavit of - Affidavit "II"
11/23/2020	COM	Certificate of Mailing
12/17/2020	DORD	Order
12/23/2020	MDIS	Motion to Dismiss - Pro Per Second Post-Conviction Petition for a Writ of Habeas Corpus
01/04/2021	DCER	Certificate of - Mailing
01/04/2021	PWPOST	Petition for Writ of Habeas Corpus (Post Conviction) - Motion for Petition for Writ of Habeas Corpus (Second Post Conviction)
01/04/2021	MMOT	Motion - for Petition to Establish Factual Innocence
01/04/2021	DRSU	Request for Submission - (Second Petition of Habeas Corpus Post Conviction)
01/04/2021	DRSU	Request for Submission - of Motion (Petition to Establish Factual Innocence)
01/04/2021	PWPOST	Petition for Writ of Habeas Corpus (Post Conviction)
01/04/2021	DAFF	Affidavit of - Affidavit "1"
01/04/2021	DAFF	Affidavit of - Affidavit "2"
01/04/2021	DAFF	Affidavit of - Affidavit "A"
01/04/2021	DAFF	Affidavit of - Affidavit "B"
01/04/2021	DAFF	Affidavit of - Affidavit "C"
01/04/2021	DEXF	Exhibits Filed
01/04/2021	DEXF	Exhibits Filed
01/04/2021	DEXF	Exhibits Filed
01/11/2021	DRTM	Response to Motion - Motion to Respondent "Motion to Dismiss Pro Per Second Post- Conviction Petition For A Writ of Habeas Corpus"
01/11/2021	COM	Certificate of Mailing
01/11/2021	DRSU	Request for Submission - of Motion
01/22/2021	DORD	Order
01/22/2021	DNEO	Notice of Entry of Order
02/01/2021	MMOT	Motion - to Reconsider Decision
02/01/2021	COM	Certificate of Mailing
02/01/2021	DRSU	Request for Submission - of Motion
02/05/2021	DORD	Order
02/11/2021	DN	Notice of - Motion to Reconsider Decision
02/11/2021	COM	Certificate of Mailing
02/22/2021	DNOA	Notice of Appeal
03/08/2021	DCAP	Case Appeal Statement
03/11/2021	DRFD	Receipt for Documents (Supreme Court)
03/23/2021	ODTRRB	Order Directing Transmission of Record and Regarding Briefing
04/19/2021	DAPB	Appeal Brief - Appellant's Informal Brief
04/21/2021	COM	Certificate of Mailing
12/20/2021	DORD	Order - of Affirmance (Supreme Court)
01/03/2022	MMOT	Motion - for Petition for En Banc Reconsideration
01/14/2022	DORD	Order - Denying Rehearing (Supreme Court)
02/08/2022	DRMT	Remittitur - (Supreme Court)
02/08/2022	DODE	Order Denying - Rehearing (Supreme Court)
02/08/2022	DORD	Order - of Affirmance (Supreme Court)
02/09/2022	DRMT	Remittitur - (Supreme Court)
02/22/2022	DODE	Order Denying - Petition (Supreme Court)
03/15/2022	DN	Notice of - Notice in Lieu of Remittitur (Supreme Court)

03/21/2022	PWPOST	Petition for Writ of Habeas Corpus (Post Conviction)
03/21/2022	COM	Certificate of Mailing
03/21/2022	DRSU	Request for Submission - of Motion
03/30/2022	MDIS	Motion to Dismiss - Pro Per Third Post-Conviction Petition for a Writ of Habeas Corpus
04/05/2022	MMOT	Motion - to Dismiss Pro Per Third Post-Conviction Petition for a Writ of Habeas Corpus
06/06/2022	DORD	Order
06/21/2022	DNOA	Notice of Appeal

RECEIVED

FILED

Case No. 2014-CR-00062-B

JUN - 6 2022

Dept. No. I

Douglas County
District Court Clerk

2022 JUN -6 PM 3:43

BOBBIE R. WILLIAMS
CLERK

BY  DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

TATIANA LEIBEL,

Petitioner,

v.

ORDER

THE STATE OF NEVADA,

Respondent.

THIS MATTER comes before the court upon Petitioner Tatiana Leibel's "3th -
Petition for Writ of Habeas Corpus (Post-Conviction)/(Factual Innocence)" and the State's
"Motion to Dismiss Pro Per Third Post-Conviction Petition for a Writ of Habeas Corpus."
The motion to dismiss is not opposed by petitioner, with two months having passed since
the motion was served upon petitioner by mail on two different occasions.

Reviewing the petition substantively, petitioner re-asserts her innocence. In doing
so, defendant offers her own theories of the case similar to those she has alleged in past
petitions, arguing her belief that the evidence of record is insufficient for a reasonable jury
to have convicted her based upon the 'beyond a reasonable doubt' standard. The court
finds few new arguments in petitioner's self-acknowledged and self-titled successive
petition. For the most part, petitioner re-argues her case and some of the issues raised in
past petitions.

1 Pursuant to NRS 34.745(4),

2 [i]f the petition is a second or successive petition challenging the validity of a
3 judgment of conviction or sentence and if it plainly appears from the face of the petition or
4 an amended petition and documents and exhibits that are annexed to it, or from records of
5 the court that the petitioner is not entitled to relief based on any of the grounds set forth in
6 subsection 2 of NRS 34.810, the judge or justice shall enter an order for its summary
7 dismissal and cause the petitioner to be notified of the entry of the order.

8 According to NRS 34.810(1-3),

9 1. The court shall dismiss a petition if the court determines that:

10 . . .

11 (b) The petitioner's conviction was the result of a trial and the grounds for the
12 petition could have been:

13 (1) Presented to the trial court;

14 (2) Raised in a direct appeal or a prior petition for a writ of habeas
15 corpus or postconviction relief; or

16 (3) Raised in any other proceeding that the petitioner has taken to secure
17 relief from the petitioner's conviction and sentence,

18 unless the court finds both cause for the failure to present the grounds and actual prejudice
19 to the petitioner.

20 2. A second or successive petition must be dismissed if the judge or justice determines that
21 it fails to allege new or different grounds for relief and that the prior determination was on the
22 merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the
23 petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

24 3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving
25 specific facts that demonstrate:

26 (a) Good cause for the petitioner's failure to present the claim or for presenting the claim
27 again; and

28 (b) Actual prejudice to the petitioner.

Pursuant to *Mitchell v. State*,

A post-conviction petition for a writ of habeas corpus must be filed within one
year after the entry of the judgment of conviction or, if a timely appeal is taken from the
judgment, within one year after this court issues its remittitur. Further, a second or
successive petition must be dismissed if it fails to allege new or different grounds for relief
and the prior determination was on the merits, or, if new and different grounds are alleged,
the petitioner's failure to allege them in the prior petition(s) constitutes an abuse of the
writ. A petitioner can overcome the bar to an untimely or successive petition by showing
good cause and prejudice.

Mitchell v. State, 122 Nev. 1269, 1273, 149 P.3d 33, 35-36 (2006) (footnotes and citations

1 omitted).

2 "To show good cause, a petitioner must demonstrate that an 'impediment external
3 to the defense' prevented h[er] from complying with the procedural rules." *Brown v*
4 *McDaniel*, 130 Nev. 565, 569, 331 P.3d 867, 870 (2014) (citations omitted).

5 Within Ms. Leibel's third post-conviction petition to issue a writ of habeas corpus,
6 an impediment external to the defense which prevented Ms. Leibel from complying with
7 procedural rules is not addressed. Thus, to the extent any new grounds or new theories are
8 alleged within the petition, they could have been raised during prior proceedings; the court
9 finds the failure to have done so constitutes an abuse of the writ. As a matter of record,
10 prior determinations regarding preceding petitions have been on the merits.

11 As determined while addressing Ms. Leibel's prior petitions, the court finds no
12 good cause or actual prejudice, including factual innocence or a fundamental miscarriage
13 of justice, to otherwise excuse the procedural or time limitations presented. Furthermore,
14 without having presented actual new evidence, Tatiana Leibel cannot demonstrate that it is
15 more likely than not that no reasonable juror would have convicted her in light of any new
16 evidence.

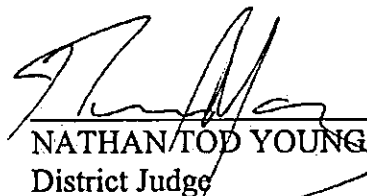
17 Finally, as proffered within the State's motion to dismiss, at page 2, lines 22 - 23,
18 Ms. Leibel filed her third petition to issue a writ of habeas corpus, post-conviction, more
19 than five years after the Nevada Supreme Court issued remittitur from her direct appeal.
20 There is no indication within the petition that the delay is not the fault of the petitioner.
21 The court determines, based upon the findings set forth herein, that dismissal of the
22 petition as untimely will not unduly prejudice the petitioner, having been previously
23 convicted by a jury of her peers, with that conviction upheld in multiple instances
24
25
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27
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1 afterward. The third post-conviction petition is untimely as it was filed well beyond the
2 one year time limit triggered by the Nevada Supreme Court issuing remittitur following
3 Ms. Leibel's direct appeal of her conviction, NRS 34.726(1), and no good cause for the
4 delay is present.

5
6 THEREFORE, for the reasons stated herein, Tatiana Leibel's third, successive writ
7 petition is DISMISSED; the State's motion to dismiss is GRANTED.

8 IT IS SO ORDERED.

9 Dated this 6 day of June, 2022.


NATHAN/TOD YOUNG
District Judge

10
11
12
13 Copies served this 6 day of June, 2022, to:

14 Douglas County District Attorney
15 via hand delivery

16 Tatiana Leibel, #1137908
17 Florence McClure Womens Correctional Center
18 4370 Smiley Road
19 Las Vegas, NV 89115

20 Nevada Attorney General
21 100 N. Carson St.
22 Carson City, NV 89701


Judicial Executive Assistant

CASE NO. 14-CR-0062

DEPT NO. II

THE STATE OF NEVADA,

v.

TATIANA LEIBEL, a.k.a.,
TATIANA KOSYRKINA,

DATE: 4/14/14 PLAINIFFS COUNSEL:
Thomas Gregory

JUDGE: MICHAEL P. GIBBONS

CLERK: Mary Biaggini DEFENDANTS COUNSEL:
Kristine L. Brown and
Kay Ellen Armstrong

COURT REPORTER: Kathy Jackson

LAW CLERK: Joan Neuffer

BAILIFFS: Rick Sousa/Eric Lindsay/David Nishikida

PAROLE & PROBATION: Pat Cerniglia

The above-entitled matter was before the Court this being the time set for ARRAIGNMENT. The defendant was present in Court and her true name was ascertained. The Court affirmed the lower court's appointment of Kristine L. Brown to represent the defendant in all further proceedings.

Mr. Gregory advised the Court that the State shall not be seeking the death penalty in this case.

The Court shall not appoint Ms. Armstrong as additional counsel for the defendant as a result of the State not seeking the death penalty.

The defendant advised the Court that she was prepared to proceed today without an interpreter. The defendant further stated that she would require an interpreter during the time of trial.

The Information was filed with the Court on April 8, 2014; copies were received and acknowledged and the defendant waived the formal reading thereof. The Information charges the defendant with: COUNT ONE: OPEN MURDER WITH THE USE OF A FIREARM, category A felony, in violation of NRS 200.010(1) through NRS 200.090 and

NRS 193.165.

To the Information, the defendant entered a plea of NOT GUILTY.

The Court advised the defendant of her right to a speedy trial within 60 days of the arraignment.

The Court acknowledged receipt and review of the State's Motion to Increase the Defendant's bail and the Opposition filed by Ms. Brown.

Ms. Brown advised the Court that a trial date has not been set.

Mr. Gregory argued on behalf of the bail mitigation.

Ms. Brown argued on behalf of the defendant and the increase in bail.

Upon hearing the statements presented by the parties and review of the documents provided, the Court ordered the following:

- * The Court cited to the parties the Du Novo Rule;
- * The Court GRANTED the request of the State;
- * The defendant's bail shall be increased in the amount of one millions dollars (\$1,000,000.00) cash or bond. The Court further ordered that if the defendant raises the bail amount, a Bail Hearing shall be scheduled.

Ms. Brown requested that the Court grant a one week continuance for further discussions with the defendant regarding the sixty (60) day rule.

Mr. Gregory offered no opposition to the request.

The Court granted the request and set this matter for a continued Arraignment for Monday, April 21, 2014 at 9:00 a.m.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO. 14-CR-0062

DEPT NO. II

THE STATE OF NEVADA,

v.

TATIANA LEIBEL, a.k.a,
TATIANA KOSYRKINA,

DATE: 4/21/14

PLAINTIFFS COUNSEL:
Eric Levin

JUDGE: MICHAEL P. GIBBONS

CLERK: Mary Biaggini

DEFENDANTS COUNSEL:
Kristine L. Brown

COURT REPORTER: Kathy Jackson

LAW CLERK: Joan Neuffer

BAILIFFS: Rick Sousa/Eric Lindsay/David Nishikida

PAROLE & PROBATION: Gail Falconer and Ashley Miller

The above-entitled matter was before the Court this being the time set for CONTINUED ARRAIGNMENT (FORMAL). The defendant was present in Court, her true name was ascertained and she was represented by counsel.

The Information was filed with the Court on April 8, 2014; copies were received and acknowledged and the defendant waived the formal reading thereof. The Information charges the defendant with: COUNT ONE: OPEN MURDER WITH THE USE OF A FIREARM, category A felony, in violation of NRS 200.010(1) through NRS 200.090 and NRS 193.165.

To the Information, the defendant previously entered a plea of NOT GUILTY on April 14, 2014.

The Court advised the defendant of her right to a speedy trial within 60 days of the arraignment. The defendant waived her right to a speedy trial, and the matter was set for day trial by jury commencing on Tuesday, September 2nd through the 5th 2014 at the hour of 9:00 a.m. and resuming on Tuesday, September 9th through the 12th 2014 at the hour of 9:00 a.m., for a total of eight (8) days.

The Court further set a Motions Hearing for August 5, 2014 at 2:30 p.m. and the Pre-Trial Conference shall be set for Monday, August 25, 2014 at 9:30 a.m.

The Court instructed the parties to submit their jury instructions and verdict forms to the Court by August 2, 2014.

The defendant was ordered to appear at the time set for trial, and advised that failure to appear would result in the issuance of a bench warrant, and the filing of additional charges.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO. 14-CR-0062

DEPT NO. I

THE STATE OF NEVADA,

v.

TATIANA LEIBEL,

DATE:	01-12-15	PLAINTIFF'S COUNSEL:
JUDGE:	NATHAN TOD YOUNG	Thomas Gregory
CLERK:	Kristin Wilfert	DEFENDANT'S COUNSEL:
COURT REPORTER:	Shelly Loomis	Kristine L. Brown
LAW CLERK:	John Seddon	
BAILIFFS:	Rick Sousa	
OTHERS PRESENT:	Anna Sosnovskaya - Russian Interpreter	

The above-entitled matter was before the Court this being the time set for PRE-TRIAL CONFERENCE. The defendant was present in Court (in custody) and represented by counsel.

The Court stated for the record that for the purpose of today's hearing the parties have agreed to have the interpreter appear via telephone due to the interpreter being located at a distance away.

The Court canvassed the defendant and asked if she understood the Court and the questions being asked of her. The defendant said she did understand.

The interpreter, Anna Sosnovskaya was sworn via telephone.

The Court instructed Ms. Brown that the defendant needs to decide about the sentencing phase, if she waives a jury sentencing or not.

The Court stated that there will be 2 interpreters used for the trial with the county bearing the cost.

**** Motion for Court Order to Allow Defense Inspection of Scene and Alleged Offense.** The Court ruled this motion as MOOT due to Ms. Henry filing a Notice of Withdraw of Motion for Court Order to Allow Defense Inspection of Scene and Alleged Offense.

66

**** Motion in Limine Regarding Juror Questioning of Witnesses.** The Court GRANTED the motion. The jurors will have to decide on this case based on the evidence presented by both sides. Mr. Gregory will prepare the order.

**** Motion in Limine Regarding Birth Certificate.** The Court GRANTED the motion. Ms. Brown inquire as to redaction of the death certificate. Mr. Gregory feels there should be no reason to offer the actual death certificate. If the death certificate is offered, The Court ordered that it be a photocopy on plain white paper with the entire section under 'Cause of Death' be redacted in a fashion where it cannot be read. Ms. Brown will prepare the order.

**** Motion in Limine Regarding Uncharged Misconduct and Collateral Offenses.** The Court ordered that the State will not present evidence without a hearing. Ms. Brown will prepare the order.

**** Motion in Limine Regarding Crime Scene and Autopsy Photographs.** The Court received photo's as a whole on a thumb drive. The Court cannot rule on admissibility of photo's as a group. Each photo will need to be shown to have a probative value. Ms. Brown said there may be a way to stipulate regarding which photo's to address with each witness. Mr. Gregory said that they will have the State's examiner go through the photo's and help decide which ones to use then propose to share photo's with the defense and come to a decision on which photo's will be admissible at trial.

The Court set a review hearing for January 23rd, 2015 at 9:00 a.m. and instructed the parties to be prepared to go through jury instructions.

Mr. Gregory requested to withdraw the exhibits (thumb drive) from the motion. Ms. Brown had no objection. The Court returned the exhibit (thumb drive) to Mr. Gregory.

Ms. Brown requested more time to discuss the waiver of the jury sentencing with the defendant, noting that she was going to meet with the defendant last week to discuss this matter, but had to give the defendant bad news regarding a personal matter and the defendant was to upset.

The Court will not accept the waiver of juror sentencing after January 23rd, 2015. If a stipulation is filed before January 23rd, 2015 on this matter, the Court will canvass the defendant on it.

The defendant said she understood everything discussed today.

CASE NO. 14-CR-0062

DEPT NO. I

THE STATE OF NEVADA,

v.

TATIANA LEIBEL,

DATE: 01-23-15 PLAINTIFF'S COUNSEL:
Thomas Gregory

JUDGE: NATHAN TOD YOUNG

CLERK: Kristin Wilfert DEFENDANT'S COUNSEL:
Kristine L. Brown

COURT REPORTER: Kathy Jackson

LAW CLERK: John Seddon

BAILIFFS: Eric Lindsay

OTHERS PRESENT: Anna Sosnovskoya - Interpreter via telephone

The above-entitled matter was before the Court this being the time set for PRE-TRIAL CONFERENCE. The defendant was present in Court and represented by counsel.

The Court received a request to have a photographer in the Courtroom during the trial. Mr. Gregory has no objection. Ms. Brown has no objection. The Court grants the newspapers request. The Court will prepare the order.

The Court will have 2 interpreters for the trial. The Court will confer with the interpreter's before trial.

The Court has received the Special Jury Instructions and the Stipulation to Waive Penalty Hearing. The Court made corrections to the Stipulation by interlineation and had the State and defendant initial corrections.

** Motion in Limine Regarding Testimony Concerning Crime Scene Reconstruction by Mathew Noedel. The Court inquired about scheduling a hearing outside the presence of the jury to have the witness testify. Ms. Brown has no objection to scheduling a hearing outside the presence of the jury. Mr. Gregory has no objection to scheduling a hearing outside the presence of the jury.

Ms. Brown has received the actual numbers for measurements. The Court will not allow photos into evidence that have the skeletons in them.

Ms. Brown told the Court that a member from the Russian Federation will be present on the 27th and a later day in February and will be requesting to meet with the defendant in the jail.

Mr. Gregory told the Court that he met with a pathologist yesterday to discuss which photos to use at trial. Ms. Brown has no objections to the series of photos.

CASE NO. 14-CR-0062

DEPT NO. I

THE STATE OF NEVADA,

v.

TATIANA LEIBEL,

DATE: 01-27-15 PLAINTIFF'S COUNSEL:
Thomas Gregory

JUDGE: NATHAN TOD YOUNG

CLERK: Kristin Wilfert DEFENDANT'S COUNSEL:
Kristine L. Brown

COURT REPORTER: Capital Reports Jamie Henry

LAW CLERK: John Seddon

BAILIFFS: David Nishikida/Rick Sousa/Eric Lindsay

OTHERS PRESENT: Anna Sosnovskoya - Interpreter
Zoya Spivakovsky - Interpreter
Marina Brodskaya - Interpreter

The above-entitled matter was before the Court this being the time set for CRIMINAL JURY TRIAL. The defendant was present in Court and represented by co-counsel.

The Court convened outside the presence off the jury to swear in the interpreters.

The Court canvassed the potential jurors and counsel made introductions.

Roll call of the Panel of potential jurors was taken at 9:20 a.m., and counsel stipulated to proceeding in the absence of the jurors who did not respond to their jury summons. The Court ordered the Clerk to issue Orders to Show Cause to those jurors who did not appear. The prospective jurors were sworn

The first 32 jurors were randomly called into the juror box and were examined generally by the Court.

The Court admonished the potential jury then recessed at 10:38 a.m. for a brief recess.

The Court reconvened in the presence of the jury at 10:55 a.m.

Mr. Gregory examined the jurors generally and specifically.

Mr. Gregory requested to excuse juror #7 for cause. Ms. Brown has no objection. The Court excused juror #7

Mr. Gregory passed the panel of 32 jurors for cause.

Ms. Brown examined the jurors generally and specifically.

Ms. Brown requested juror #25 be excused for cause. Mr. Gregory has no objection. The Court excused juror #25.

Mr. Gregory requested juror #9 be excused or cause. Ms. Brown has no objection. The Court excused juror #9.

Ms. Brown requested that juror #9 be excused or cause. Mr. Gregory has no objection. The Court excused juror #9.

The Court admonished the potential jury before excusing them for lunch at 12:15 p.m.

The Court convened outside the presence of the jury. Juror, Craig Schorer requested to be excused due to knowing the defendant and the victim in this case through church. Ms. Brown and Mr. Gregory had no objection. The Court excused Mr. Schorer.

The Court recessed for lunch at 12:20 p.m.

The Court reconvened in the presence of the jury at 1:20 p.m.

The parties stipulate to the presence of the venire.

Ms. Brown challenged juror #26. Mr. Gregory has no objection. The Court excused juror #26.

Ms. Brown challenged juror #26. Mr. Gregory has no objection. The Court excused juror #26.

The Court admonished the potential jury then recessed them at 2:00 p.m.

Ms. Brown passed the panel of 32 jurors for cause.

The Court admonished the potential jurors then recessed them at 2:00 p.m. and instructed them to return at 2:30 p.m.

The Court reconvened outside the presence of the jury at 2:05 p.m. with juror #9, Deborah Wood, who advised the Court that she has difficulties with counsel. The parties stipulate to excusing juror #9, Deborah Wood.

(6) (6)

The Court recessed at 2:10 p.m. The Court reconvened at 2:34 p.m. outside the presence of the jury to canvass the new juror.

The Court continued to convened outside the presence of the jury, in open Court, to exercise Peremptory challenges. The State exercised its first, second, third, fourth, fifth, sixth, seventh and eighth Peremptory challenges. The defense exercised its first, second, third, fourth, fifth, sixth, seventh and eighth Peremptory challenges.

Mr. Gregory objects to the Court exercising a peremptory that is waived by the State. The Court instructed the State to strike what the Court wrote in and to write 'waived'.

The State exercised its first challenge as to the alternate jurors. The defense exercised its first challenge as to the alternate jurors.

The Court convened in the presence of the jury at 3:10 p.m.

The jury constitute as follows: Russell Mortellano, Rhonda Bavaro, Suzanne Martin, Marlene Goodwin, Elaine Trent, Wallace Farnham, Steven Yates, Patrick Ezekial, Donna Unsinn, Lisa Watson, Billy Martin, Susan Stugart, Elaine Kyle, Thomas Tittle.

Counsel stipulated to the remainder of the panel being released from further service on this jury.

The jury and the alternates were sworn.

The Information was read to the jury by the Court Clerk.

The Court admonished the jury then recessed at 3:37 p.m.

The Court reconvened in the presence of the jury at 3:52 p.m.

Mr. Gregory presented his opening statement.

Ms. Brown presented her opening statement.

Mr. Gregory requested that the Court admonish those in the Courtroom (naming Hyanna Leibel). The Court admonished Hyanna Leibel.

Devon Moffat was sworn and testified.

Steven Haley was sworn and testified.

(6) (6)
The Court admonished the witness and the jury and instructed the jury to appear back in Court tomorrow (1/28/15) prior to 9:00 a.m.

The Court excused the jury for the day at 5:00 p.m.

The Court recessed for the day at 5:12 p.m.

** Wednesday, January 28th, 2015:

Exhibits 109 through 117 were marked prior to Court.

The Court convened in the presence of the jury at 9:03 a.m.

Counsel stipulate to the presence of the jury.

Ms. Brown requested that the Court admonish any potential and future witnesses from viewing the proceedings online. The Court administered an admonishment.

Mr. Gregory requested that the Court admonish the victims children, Sherone and Justin. The Court admonished the victims children.

Steven Haley resumed the stand.

Brandon Williamson was sworn and testified.

The Court admonished the jury then recessed at 10:25 for a brief recess.

The Court reconvened in the presence of the jury at 10:40 a.m.

The Court stated for the record that the entire trial will be translated unless it is requested and ordered to not be.

Counsel stipulate to the presence of the jury.

Chris Lucas was sworn and testified.

Justin Reddig was sworn and testified.

The Court admonished the jury before recessing for lunch at 12:00 p.m.

The Court reconvened outside the presence of the jury at 1:30 p.m.

The Court inquired how long the State will need the couch to be in the Courtroom. Mr. Gregory needs to keep the couch on

(6) (6)

premises. The Court stated for the record that the couch will be moved to a far wall in the Courtroom when it is not being used during the day.

The Court convened in the presence of the jury.

John Milby was sworn and testified.

Edward Garren was sworn and testified.

Ms. Brown does not object to the admission of exhibits 3 through 14 with the caveat that they were taken around 4:00 p.m. in the afternoon.

The Court inquired about Mr. Gregory displaying copies of photo exhibits on the overhead. Mr. Gregory said they were copies loaded onto a disc. The Court ordered Mr. Gregory to use the original marked photos to display on the overhead.

Mr. Gregory requested to display the photos to the gallery.

Mr. Gregory made copies of exhibit #60 and requested to hand out to the gallery so that they can follow along. Ms. Brown had no objection as long as she can make corrections as they go along. The Court granted Mr. Gregory's request.

The Court admonished the jury then excused them for a brief recess at 3:07 p.m.

The Court convened outside presence of the jury.

The Court inquired as to how long counsel will need for the expert witness to testify so the Court can excuse the jury at that time.

The Court recessed for a break at 3:09 p.m.

The Court reconvened outside presence of the jury at 3:27 p.m.

Counsel stipulated to having the expert witness testify tomorrow from 3:00 p.m. to 5:00 p.m.

The Court convened in the presence of the jury at 3:30 p.m.

Edward Garren resumed the stand.

Mr. Gregory requested to have a hearing outside presence of the jury.

The Court admonished the jury and excused the jury at 4:07 p.m.

(6) (6)
The Court convened outside the presence of the jury at 4:08 p.m.

Mr. Gregory noted his concern that Ms. Brown is eliciting here say and objects to the defense to asking the witness about content of the interview.

The Court stated for the record that there is information of what the defendant said happened. The Court will not allow this for evidence to show self defense and or suicide. Ms. Brown said she was only going to use the exhibit to refresh the witnesses memory.

The Court reconvened in the presence of the jury at 4:12 p.m.

Counsel stipulate to the presence of the jury.

Edward Garren resumed the stand.

The Court admonished the jury and excused them for the day at 4:45 p.m.

The Court convened outside the presence of the jury.

The Court canvassed the parties as to the criteria of questioning regarding the interview. The defense is allowed to introduce evidence as to maintaining a consistent position and contrary to that.

The Court recessed at 5:00 p.m.

Thursday, January 29th, 2015:

The Court convened in the presence of the jury at 9:00 a.m.

Counsel stipulate to the presence of the jury.

Joey Lear was sworn and testified.

Jennifer Naranjo was sworn and testified.

The Court admonished the jury and recessed at 10:30 a.m.

The Court reconvened in the presence of the jury at 10:53 a.m.

Counsel stipulate to the presence of the jury.

Kevin Byrne was sworn and testified.

Justin Leibel was sworn and testified.

(6) (6)

The Court admonished the jury then recessed the jury at 11:12 a.m.

The Court convened outside the presence of the jury to meet with juror #3, Suzzane Martin. Ms. Martin informed the Court that her mother is ill and being taken to the E.R.. Ms. Martin is letting the Court know she is uncertain of the near future of her mother's health. Ms. Martin says that this should not impact her ability to serve as a juror unless there is a death.

The Court stated for the record that a note was received from a juror stating that they could not hear some of the testimony from Kevin Byrne. The Court suggested the following: having the testimony re-read back, the Court inform the jury of the testimony verbally out loud or not respond. Mr. Gregory is in favor of re-reading the testimony or the Court informing the jury verbally out loud. Ms. Brown concurs.

Ms. Brown noted her concerns regarding juror #12 having a notebook folder they take in and out with them. She is concerned about any notes being taken out of the Courtroom. The Court will remind the jurors not to take their notes out of the Courtroom.

Ms. Henry noted her concern regarding copies of the call logs still being with the jurors. The Court instructed the parties to have them collected.

The Court recessed for lunch at 11:20 a.m.

The Court convened in the presence of the jury at 12:30 p.m.

The Court addressed the note from the juror regarding not being able to hear testimony. The Court provided the information regarding that testimony out loud.

James Halsey was sworn and testified.

Piotr Kubiczek was sworn and testified.

Mr. Gregory requested that the Court find Mr. Kubiczek qualified to provide answers and testimony to the questions directed to him. The Court finds Mr. Kubiczek qualified.

Mr. Gregory had the witness Piotr Kubiczek use a permanent marker to circle the projectiles on exhibits 51, 52, 133, 134, 135, 136.

The Court admonished the jury and excused them for a brief recess at 1:54 p.m.

The Court reconvened in the presence of the jury at 2:03 p.m.

Counsel stipulated to the presence of the jury.

Piotr Kubiczek resumed the stand.

The Court admonished the jury before releasing them for the day at 2:55 p.m. instructing them to return tomorrow (1/30/15) by 9:00 a.m.

The Court recessed for a break at 3:00 p.m.

The Court reconvened outside the presence of the jury at 3:27 p.m.

** Motion in Limine Regarding Testimony Concerning Crime Scene Reconstruction by Matthew Noedel. Ms. Brown requested an offer of proof from Mr. Noedel regarding this matter.

Matthew Noedel was sworn and testified.

Exhibits 102, 104, 105 were admitted for the purpose of this hearing only.

The Court took a brief recess at 4:25 p.m.

The Court reconvened outside the presence of the jury.

The Court recessed at 4:25 p.m.

The Court reconvened outside the presence of the jury 4:35 p.m.

Ms. Brown presented argument.

Mr. Gregory presented argument.

The Court finds that Mr. Noedel is qualified to be an expert witness and feels that his testimony will assist the jury. The scope will be limited with no diagrams that Mr. Noedel created being admitted. Mr. Noedel can only testify to his belief.

Mr. Gregory inquired as to Ms. Brown's diagrams. The Court stated for the record that the defense's photos can be subject to objection due to speculation.

Mr. Gregory orally motioned in limine to strike the defense photo's. Ms. Brown said she will not be offering the photos or trial at this point.

The Court partially granted the Motion in Limine Regarding Testimony Concerning Crime Scene Reconstruction by Matthew Noedel. The Court will allow testimony but not diagrams.

(6) (6)
The Court recessed for the day at 5:00 a.m.

Friday, January 30th, 2015:

The Court convened outside the presence of the jury at 8:55 a.m.

Interpreter, Marina Brodskaya was sworn.

The Court stated for the record that it was told to the Court that a juror was seen talking with the mother of Edward Garren. Juror #3, Suzanne Martin said she happen to run in to Edward Garren's mother and that they know each other from church and that it does not influence her ability to be a fair and impartial juror. Both Counsel were fine with her answer.

The Court convened in the presence of the jury at 9:00 a.m.

Counsel stipulated to the presence of the jury.

Ralph Baruch was sworn and testified.

Darla Leibel-Burrows was sworn and testified.

Sharon Oren was sworn and testified.

Matthew Noedel was sworn and testified.

The Court admonished the jury then recessed at 10:30 a.m. for the morning break.

The Court reconvened in the presence of the jury at 11:03 a.m.

Counsel stipulated to the presence of the jury.

Mr. Noedel resumed the stand.

The Court admonished the jury and the witness and then recessed for the lunch break at 12:00 p.m.

Exhibit 142 marked prior to hearing.

The Court convened in the presence of the jury at 1:33 p.m.

Counsel stipulate to the presence of the jury.

Mr. Noedel resumed the stand.

Jeff Schemenauer was sworn and testified.

John Barden was sworn and testified.

Mr. Noedel resumed the stand.

Joseph Rajacic was sworn and testified.

Lee Ann Brooks was sworn and testified.

The Court admonished the jury then excused them for a recess at 2:28 p.m.

The Court convened outside the presence of the jury to address a letter from a juror #2. Counsel stipulated to not responding to the letter.

The Court recessed at 2:30 p.m.

The Court reconvene outside the presence of the jury.

The Court and counsel stipulated to the admission of exhibits 100 and 101.

The Court convened in the presence of the jury at 3:05 p.m.

Counsel stipulated to the presence of the jury.

The State rested at 3:06 p.m.

The Court admonished the jury and recessed for the day at 3:10 p.m.

Monday, February 3rd, 2015:

The Court convened outside the presence of the jury at 9:07 a.m.

The Court stated for the record that it met with counsel in chambers prior to hearing regarding about juror #9 (Donna Unsinn). Ms. Unsinn told the bailiff that a daughter to a witness graduated from the school she works as a secretary last year.

The Counsel stipulate to juror #9 still qualifying as a juror.

The Court convened in the presence of the jury at 9:13 p.m.

Counsel stipulated to the presence of the jury.

Carrie Rajacic was sworn and testified.

Nick Robidart was sworn and testified.

David Billau was sworn and testified.

(6) (6)

The Court admonished the jury and recessed for a break at 10:30 a.m.

The Court reconvened in the presence of the jury at 10:46 a.m.

Counsel stipulated to the presence of the jury.

Mr. Billau resumed the stand.

Mr. Gregory requested to have a hearing outside the presence of the jury.

The Court admonished the jury and excused the jury at 11:09 a.m.

Mr. Gregory noted his concern regarding the information provided in the defense's Notice of Expert Witness. Mr. Gregory stated he is hearing about things the State has not been provided information with.

Ms. Brown stated she is not offering a conclusion, but knowledge about trajectory.

The Court stated for the record that the record has not been offered and instructed Ms. Brown not to question anything regarding the report.

The Court convened in the presence of the jury at 11:13 a.m.

Counsel stipulates to the presence of the jury.

Mr. Billau resumed the stand.

The Court admonished the jury and recessed for the day at 11:35 a.m.

Wednesday, February 4th, 2015:

The Court convened outside the presence of the jury at 1:05 p.m.

The parties stipulate to going over the instructions before presenting closing arguments.

Mr. Gregory moves to limit Dr. Bennet Omalu's testimony.

The Court stated for the record that it met with informally with counsel yesterday regarding the testimony of Dr. Omalu. Exhibit #147 was marked and not admitted.

The Court convened in the presence of the jury at 1:12 p.m.

(C) (C)
The Court canvassed the jury regarding the process for the rest of the trial.

Counsel stipulate to the presence of the jury.

Dr. Bennet Omalu was sworn and testified.

The Court admonished the witness and the jury at 2:30 p.m. and then recessed for a break.

The Court reconvened in the presence of the jury at 2:46 p.m.

Counsel stipulates to the presence of the jury.

Dr. Bennet Omalu resumed the stand.

The Court admonished the jury then took a brief recess at 3:35 p.m.

The Court reconvened in the presence of the jury at 3:45 p.m.

Counsel stipulate to the presence of the jury.

Dr. Bennet Omalu resumed the stand.

The defense rested at 4:45 p.m.

The Court convened outside the presence of the jury at 4:45 p.m.

The Court canvassed the defendant regarding not being called as a witness, noting that the defense did not want to call the defendant to testify. The defendant said that she chose not to testify.

Counsel stipulate to being satisfied with the canvass.

The Court resumed in the presence of the jury at 4:49 p.m.

Counsel stipulate to the presence of the jury.

Lawrence Kearney was sworn and testified.

The Court admonished the jury then released them for the day at 4:56 p.m.

The Court convened outside the presence of the jury.

The Court canvassed counsel regarding jury instructions.

The interpreters requested a copy of the instructions so that

they can read them to the defendant.

The Court recessed for the day at 5:05 p.m.

Thursday, February 5th, 2015:

The Court convened outside the presence of the jury at 9:37 a.m.

Counsel stipulated to instructions that have been settled in open Court.

Counsel had no objections to the instructions being offered by the Court.

The Court recessed at 9:39 a.m. so that the interpreters can read the instructions to the defendant.

The Court convened outside the presence of the jury at 10:40 a.m.

Ms. Brown is satisfied that the defendant has had sufficient time to have the instructions read to her. The defendant agrees.

The Court canvassed the defendant regarding instruction #24, the right for the defendant not to testify. Counsel requested that the Court give this instruction to the defendant. The defendant agrees.

The Court convened in the presence of the jury at 10:43 a.m.

Counsel stipulate to the presence of the jury.

The Court instructed the jury.

Mr. Gregory presented closing argument.

Ms. Brown presented closing argument.

Mr. Gregory presented final argument.

Juror #3, Suzzane Martin and Juror #11, Billy Martin were chosen as the alternate juror's.

The Court admonished the alternate juror's before releasing them.

The bailiff's were sworn to take charge of the jury.

The jury began deliberating at 1:27 p.m.

The Court convened outside the presence of the jury at 4:00 p.m.

Juror question #3 was marked. The Court responded.

The Court stated for the record that it will prepare a letter to the jury explaining that they can view exhibit #120 (couch) and #121 (end table) upon their request due to their size.

Deputy Sousa told the Court that exhibit #118 (main gun) is zip tied around the trigger and that the jury had an interest regarding the trigger. The Court ordered Deputy Sousa to cut the zip tie off.

The jury returned with a verdict at 9:30 p.m.

The Court convened in the presence of the jury at 9:47 p.m.

The Foreperson, juror #1, Russell Montellaro confirmed that the jury has reached a verdict.

The jury found the defendant GUILTY of the crime of second degree murder where a firearm was used.

The Court ordered the verdicts be entered on the record.

Counsel both stipulated to not polling the jury.

The Court confirmed with each juror that this was their verdict.

The Court discharged the jury at 9:55 p.m.

Sentencing was set for April 20th, 2015 at 1:30 p.m. and the matter was referred to the Division of Parole and Probation for a pre-sentence report. The Court ordered the defendant to appear at the time set for sentencing, and advised the defendant that failure to appear would result in the issuance of a bench warrant and the filing of additional charges.

The Court ordered the defendant to be held without bail.

The defendant was remanded to the custody of the Douglas County Sheriff.

STATES WITNESSES:

Devon Moffat
Steven Haley
Brandon Williamson
Chris Lucas
Justin Reddig
John Milby
Edward Garren
Joey Lear

DEFENSE WITNESSES:

Carrie Rajacic
Nick Robidart
James Ante
David Billau
Dr. Bennet Omalu

Jennifer Naranjo
Kevin Byrne
Justin Leibel
James Halsey
Piotr Kubiczek
Matthew Noedel
Ralph Baruch
Darla Leibel-Burrows
Sharon Oren
Jeff Schemenauer
John Barden
Joseph Rajacic
Lee Ann Brooks
Lawrence Kearney

EXHIBITS MARKED:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66,
67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82,
83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98,
99, 100, 101, **102, 103, **104, **105, 106, 107, 108, 109, 110,
111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,
124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,
137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,

** admitted for purpose of hearing on 1/29/15 only.

EXHIBITS ADMITTED: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,
37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,
53, 54, 55, 56, 57, 59, 60, 61, 67, 72, 73, 82, 83, 84, 100, 101,
110, 111, 112, 113, 114, 115, 118, 120, 121, 122, 123, 125, 126,
127, 128, 129, 130, 133, 134, 135, 136, 137, 138, 140, 141, 142,
143, 145, 146

EXHIBITS NOT ADMITTED: 21, 22, 23, 24, 25, 26, 62, 63, 64, 65,
66, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 85, 86, 87,
88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 102, 103, 104,
105, 106, 107, 108, 109, 116, 117, 119, 124, 131, 132, 139, 144,
147, 148, 149,

JUROR'S QUESTIONS MARKED: 1, 2, 3, 4 (correspondence from the
Court to the jurors)

CASE NO. 14-CR-0062

DEPT NO. I

THE STATE OF NEVADA,

v.

TATIANA LEIBEL,

DATE: 4/20/15

PLAINTIFFS COUNSEL:
Brian Filter, Esq.

JUDGE: NATHAN TOD YOUNG

CLERK: Mary Biaggini

DEFENDANTS COUNSEL:
Kristine L. Brown, Esq.
Jamie Henry, Esq.

COURT REPORTER: Vicki Lofthus

LAW CLERK: John Seddon

BAILIFFS: Eric Lindsay/Bill Addington/David Nishikida/
Rick Sousa

PAROLE & PROBATION: Debbie Beemer

OTHERS PRESENT: Marina Brodskaya - Certified Russian Court
Interpreter

The above-entitled matter was before the Court this being the
time set for SENTENCING. The defendant was present in Court and
represented by counsel.

STATE'S WITNESSES:

Justin Leibel
Cheron Bartee

DEFENDANT'S WITNESSES:

Joe Rajacic
Carrie Rajacic

The Pre-sentence Report is on file with the Court; copies were
received and acknowledged. There were factual corrections
contained in the Report.

Mr. Filter addressed the Court regarding the use of his
sentencing notes with the use of a firearm as an enhancement.

The Court advised the parties that it will address the sentencing enhancement with the use of a firearm. The parties offered no objection.

The Court further stated that the enhancement will be available and must be applied.

Mr. Beemer addressed the enhancement recommendation from the Division of Parole and Probation. The Division made a recommendation on the enhancement of 144 months with a minimum parole edibility of 32 months.

The Court inquired of anything in mitigation or aggravation.

The Court received and reviewed the Evidence in Mitigation, victim impact statements, Supplemental Evidence in Mitigation.

The parties offered no objection.

The Court stated for the record that numerous letters were received from the public. The Court advised the parties that none were taken under review due to ex parte communication.

Neither party objected to the Court's description and handling of the letters received.

Ms. Brown advised the Court that she has three (3) witnesses for today's sentencing hearing.

Mr. Filter advised the Court that the State had no further evidence to provide.

Ms. Brown argued on behalf of the defendant. Ms. Brown requested that the Court follow the recommendation set forth in the Pre-Sentence Report of 25 years with a minimum parole eligibility after 10 years on the 2nd Degree Murder conviction. Ms. Brown further requested a consecutive 12-30 month sentence on the enhancement conviction.

Mr. Filter requested to offer the victim impact statements.

The Court recessed at 2:19 p.m. The Court reconvened at 2:33 p.m.

Justin Leibel presented the Court with a victim impact statement.

Cheron Bartee presented the Court with a victim impact statement.

The Court stated for the record that the Court is only considering the victim impact statements as it explains victim's position. The Court further stated it will not be this Court's sentence to consider aggravated factor's but emotion.

Mr. Filter addressed the Court regarding the firearm enhancement in detail under NRS 193.165.

Mr. Filter requested that the Court sentence the defendant to life in prison for the remained of her natural life for the 2nd Degree Murder conviction and a 56-144 months sentence consecutive to the 2nd Degree Murder for the firearm enhancement.

The defendant addressed the Court on her own behalf. The defendant read a prepared statement in Russian which was translated in Court to English by Ms. Brodskaya.

No sufficient legal cause was shown by the defendant as to why judgment should not be pronounced against her. The Court adjudged the defendant guilty of the crime of SECOND DEGREE MURDER, a category A felony, in violation of NRS 200.030 and NRS 200.010(1).

The Court then sentenced the defendant to imprisonment with the Nevada Department of Corrections for a maximum term of twenty-five (25) years with a minimum parole eligibility of ten (10) years. The Court then enhanced the sentence for the USE OF A FIREARM, pursuant to NRS 193.165 with a consecutive term of imprisonment with the Nevada Department of Corrections for a maximum term of five (5) years with a minimum parole eligibility of two (2) years. The Court further ordered the defendant to pay the following to the District Court Clerk: one hundred and fifty dollars (\$150.00) as a fee for obtaining and testing samples of blood and saliva to determine genetic markers pursuant to NRS 176.0915(1), three dollars (\$3.00) as an administrative assessment fee pursuant to NRS 176.0623(1) for obtaining and testing the genetic markers, and twenty-five dollars (\$25.00) as an Administrative Assessment Fee.

The Court further ordered that the defendant shall pay the Court ordered fees of (\$150.00 + \$3.00 + \$25.00) within six (6) months of today's sentencing hearing.

This judgement constitutes a lien, pursuant to NRS 176.275. If the defendant does not pay the Fines and Fees as ordered by the Court, collection efforts may be undertaken against the defendant pursuant to the laws of this State.

The defendant is given credit for four hundred nineteen (419) days pre-sentence confinement time.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO. 14-CR-0062BD

DEPT NO. I

TATIANA LEIBEL,

v.

THE STATE OF NEVADA,

DATE: 09/19/2018 PLAINTIFFS COUNSEL:
Matthew Johnson

JUDGE: NATHAN TOD YOUNG

CLERK: Delores Goelz DEFENDANTS COUNSEL:
John Malone

COURT REPORTER: Susan Kiger Mark Mausert

LAW CLERK: John Seddon

BAILIFFS: Les Vido

OTHERS PRESENT: Tatiana Iacona - Russian interpreter
Zoya Spivakovsky - Russian interpreter

The above-entitled matter was before the Court this being the time set for EVIDENTIARY HEARING. The defendant was present in court (in custody) and represented by counsel.

The Court denied the Motion to Strike Brief Regarding Structural Error or, in the Alternative Motion for Sufficient Time to Respond to Brief in Writing.

The Court will allow the State 2 weeks to file a response to the brief and then the defendant will have 5 days to reply.

The Court continued this matter to Thursday, November 15th, 2018 at 9:00 a.m.

CASE NO. 14-CR-0062BD

DEPT NO. I

TATIANA LEIBEL,

v.

THE STATE OF NEVADA,

DATE: 11/15/2018 PLAINTIFFS COUNSEL:
11/16/2018 Matthew Johnson

JUDGE: NATHAN TOD YOUNG

CLERK: Delores Goelz DEFENDANTS COUNSEL:
John Malone

COURT REPORTER: Susan Kiger Mark Mausert (11/15/18)
(11/15/18)
Kathy Jackson
(11/16/18)

LAW CLERK: John Seddon

BAILIFFS: Eric Lindsay (11/15/18)
Les Vido (11/16/18)

OTHERS PRESENT: Tatiana Iacona - Russian interpreter
Zoya Spivakovsky - Russian interpreter

The above-entitled matter was before the Court this being the time set for an Evidentiary hearing on the PETITION FOR WRIT OF HABEAS CORPUS. The defendant was present in court (in custody) and represented by counsel.

WITNESSES SWORN AND TESTIFIED:

KRISTINE L. BROWN
KAY ELLEN ARMSTRONG
DAVID C. BILLAU
NATALYA (NATASHA) KHARIKOVA
TATIANA LEBIEL

EXHIBITS MARKED:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, 20

EXHIBITS ADMITTED:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20

The Court invoked the rule of exclusion.

Mr. Malone presented an opening statement.

The Court ordered counsel to meet and confer at the lunch break regarding stipulating to the admission of exhibits.

The Court disclosed that Mr. Mausert, at one time, represented his brother, but does not feel that any conflict or bias exists that would prevent the Court from hearing this matter.

The Court canvassed the defendant regarding the Court's disclosure and the defendant had no objection to moving forward with the proceeding.

Mr. Malone presented closing argument.

Mr. Johnson presented closing argument.

The Court finds that the petitioner did not meet the burden of proof and the Petition for Writ of Habeas Corpus was DENIED.

Mr. Johnson will prepare the order.

EXHIBIT LIST

CASE NAME: STATE OF NEVADA V. TATIANA LEIBEL
 CASE NUMBER: 14-CR-0062
 DATE OF HEARING: FEBRUARY 27, 28, 29, 2015
 JUDGE: NATHAN TOD YOUNG
 DEPT NO: I
 ATTORNEY: THOMAS GREGORY/KRISTINE L. BROWN/JAMIE HENRY
 PURPOSE OF HEARING: CRIMINAL JURY TRIAL

Exhibit #	Description	Marked for ID	Admitted	Not Admitted
1	PHOTO-VICTIM AT RESIDENCE	X	X	
2	PHOTO-GUN ON COUCH	X	X	
3	PHOTO-FRONT OF RESIDENCE	X	X	
4	PHOTO-HALLWAY	X	X	
5	PHOTO-LIVING ROOM #1	X	X	
6	PHOTO-LIVING ROOM #2	X	X	
7	PHOTO-THERMOSTAT	X	X	
8	PHOTO-VICTIM FROM HALLWAY	X	X	
9	PHOTO-VICTIM WITH TORSO WOUND	X	X	
10	PHOTO-VICTIM HAND	X	X	
11	PHOTO-COUCH	X	X	
12	PHOTO-GUN ON COUCH	X	X	
13	PHOTO-CLOSE UP OF GUN ON COUCH	X	X	
14	PHOTO-GUN CYLINDER #1	X	X	
15	PHOTO-GUN WITH TAPE MEASURE	X	X	
16	PHOTO-GUN CYLINDER #2	X	X	
17	PHOTO-AMMUNITION	X	X	
18	PHOTO-CYLINDER DIAGRAM	X	X	
19	PHOTO-END TABLE	X	X	

20	PHOTO-PHONE OF COUCH	X	X	
21	PHOTO-FRONT OF COUCH WITH TAPE MEASURE	X		X
22	PHOTO-BULLET DEFECT FRONT OF COUCH	X		X
23	PHOTO-UNOPENED SUITCASE	X		X
24	PHOTO-OPENED SUITCASE	X		X
25	PHOTO-DINING ROOM TABLE	X		X
26	PHOTO-BULLET DEFECT BACK OF COUCH	X		X
27	PHOTO-MEASUREMENT BACK OF COUCH #1	X	X	
28	PHOTO-MEASUREMENT BACK OF COUCH #2	X	X	
29	PHOTO-MEASUREMENT BACK OF COUCH #3	X	X	
30	PHOTO-MEASUREMENT FRONT OF COUCH #1	X	X	
31	PHOTO-MEASUREMENT FRONT OF COUCH #2	X	X	
32	PHOTO-MEASUREMENT FRONT OF COUCH #3	X	X	
33	PHOTO-MEASUREMENT FRONT OF COUCH #4	X	X	
34	PHOTO-MEASUREMENT FRONT OF COUCH #5	X	X	
35	PHOTO-BULLET DEFECT SHEETROCK	X	X	
36	PHOTO-CLOSEUP OF SHEETROCK	X	X	
37	PHOTO-BULLET DEFECT #1	X	X	
38	PHOTO-BULLET DEFECT #2	X	X	
39	PHOTO-BULLET DEFECT #3	X	X	
40	PHOTO-VICTIM FACE	X	X	
41	PHOTO-VICTIM RIGHT SIDE	X	X	
42	PHOTO-VICTIM RIGHT SIDE CLOSE UP	X	X	

43	PHOTO-VICTIM LEFT SIDE CHEST CAVITY	X	X	
44	PHOTO-VICTIM RIGHT LUNG	X	X	
45	PHOTO-VICTIM LIVER	X	X	
46	PHOTO-VICTIM LEFT LUNG	X	X	
47	PHOTO-VICTIM LEFT CHEST CAVITY	X	X	
48	PHOTO-VICTIM LEFT CHEST CAVITY CLOSE UP	X	X	
49	PHOTO-VICTIM EXIT WOUND	X	X	
50	PHOTO-VICTIM EXIT WOUND CLOSE UP	X	X	
51	PHOTO-VICTIM LEFT HAND	X	X	
52	PHOTO-VICTIM LEFT SHOULDER	X	X	
53	PHOTO-VICTIM LEFT SHOULDER CLOSE UP	X	X	
54	PHOTO-VICTIM ARM MEASUREMENT	X	X	
55	PHOTO-VICTIM HAND MEASUREMENT	X	X	
56	DISC 911 CALL	X	X	
57	CALL FOR SERVICE	X	X	
58	TRANSCRIPT OF 911 CALL	X		X
59	DEFENDANT'S WRITTEN STATEMENT	X	X	
60	DEFENDANT'S CELL PHONE EXTRACTION REPORT	X	X	
61	VICTIM'S CELL PHONE EXTRACTION REPORT - MOTOROLA	X	X	
62	VICTIM'S CELL PHONE EXTRACTION REPORT - IPHONE	X		X
63	DISC DEFENDANT'S INTERVIEW ON 2/23/14	X		X
64	DISC DEFENDANT'S INTERVIEW ON 2/24/14	X		X
65	DEFENDANT'S TRANSCRIPT OF INTERVIEW ON 2/23/14	X		X

66	DISC 911 CALL (EAST FORK JUSTICE COURT'S EXHIBIT #1 CASE NO. 14-0188)	X		X
67	SCENE DIAGRAM	X	X	
68	PHOTO-HARRY WITH BLUE GLOVE ON NECK	X		X
69	PHOTO-GUN ON COUCH WITH STRAP ACROSS CYLINDER	X		X
70	PHOTO-HARRY'S HAND	X		X
71	PHOTO-HARRY WITH LEADS ATTACHED TO CHEST	X		X
72	DOUGLAS COUNTY SHERIFF'S DEPARTMENT SCENE ENTRY LOG	X	X	
73	PHOTO-RIFLE (EAST FORK JUSTICE COURT'S EXHIBIT #2 CASE NO. 14-0188)	X	X	
74	CONSENT TO SEARCH	X		X
75	AFFIDAVIT IN SUPPORT OF SEARCH AND SEIZURE WARRANT	X		X
76	AFFIDAVIT IN SUPPORT OF ARREST WARRANT	X		X
77	DISC TATIANA GSR	X		X
78	PHOTO-DCSO 0707 JPG PROPERTIES	X		X
79	PHOTO-DCSO 0709 JPG PROPERTIES	X		X
80	PHOTO-DCSO 0713 JPG PROPERTIES	X		X
81	PHOTO-DCSO 0714 JPG PROPERTIES	X		X
82	TAHOE DOUGLAS FIRE DISTRICT REPORT	X	X	
83	TAHOE DOUGLAS FIRE DISTRICT EXCERPTS	X	X	
84	YARD STICK	X	X	
85	AUTOPSY PROTOCOL	X		X
86	PHOTO-CASE STUDY 1: 51 YR OLD (HOUSE)	X		X

87	PHOTO-CASE STUDY (AUTOPSY 1)	X		X
88	PHOTO-CASE STUDY (AUTOPSY 2)	X		X
89	PHOTO-CASE STUDY 2: GUN	X		X
90	PHOTO-CASE STUDY (WOMAN ON COUCH)	X		X
91	CERTIFIED COPY OF PETITION FOR PROBATE	X		X
92	REDACTED PETITION FOR PROBATE	X		X
93	CERTIFIED ORDER ADMITTING WILL TO PROBATE	X		X
94	CERTIFIED STIPULATION AND ORDER (14-PB-0022)	X		X
95	COURT MINUTES (14-PB-0022) 3/17/14	X		X
96	COURT MINUTES (14-PB-0022) 4/14/14	X		X
97	COURT MINUTES (14-PB-0022)	X		X
98	PRESTON REPORT ON MEASUREMENT	X		X
99	LYFORD EMAIL	X		X
100	LEAR ROOM DIAGRAM	X	X	
101	LEAR ROOM WITH COUCH	X	X	
102	PHOTO-HAND/SHOULDER SHOT (SIDE)	X ** admitted for purpose of hearing on 1/29/15 only		X
103	PHOTO-HAND/SHOULDER SHOT (FRONT)	X		X
104	PHOTO-SIDE SHOT (FRONT)	X ** admitted for purpose of hearing on 1/29/15 only		X

105	PHOTO-SIDE SHOT (SIDE)	X ** admitted for purpose of hearing on 1/29/15 only		X
106	PHOTO-SIDE SHOT (DETAIL)	X		X
107	PHOTO-MEASURING DIVETS ON CARPET	X		X
108	PHOTO-ESTATE SALE	X		X
109	PHOTO-HAND CLOSE UP	X		X
110	PHOTO-COUCH AND CHAIR	X	X	
111	PHOTO-COUCH (ONE SIDE DOWN)	X	X	
112	PHOTO-BACK OF COUCH (WALL)	X	X	
113	PHOTO-BACK OF COUCH TAPE MEASURE #1	X	X	
114	PHOTO-BACK OF COUCH TAPE MEASURE #2	X	X	
115	PHOTO-FRONT OF COUCH TAP MEASURE	X	X	
116	'DOCUMENT LIBRARY' PHOTO COUCH WITH BLANKET	X		X
117	'DOCUMENT LIBRARY' PHOTO COUCH WITH GUN	X		X
118	GUN (MAIN WEAPON)	X	X	
119	GUN (DUPLICATE)	X		X
120	COUCH	X	X	
121	END TABLE	X	X	
122	COPY OF PHOTO (COUCH ONE SIDE OUT)	X	X	
123	COPY OF PHOTO (WALL WITH WINDOW)	X	X	
124	COPY OF PORTION OF THE INTERVIEW TRANSCRIPT	X		X
125	DIAGRAM #1	X	X	
126	DIAGRAM #2	X	X	
127	DIAGRAM #3	X	X	

128	PHOTO-COUCH O. SIDE OUT	X	X	
129	PHOTO-MAN ON COUCH #1	X	X	
130	PHOTO-MAN ON COUCH #2	X	X	
131	FORENSIC REPORT L0644-14-3, 4, 5	X		X
132	FORENSIC REPORT L0644-14-13	X		X
133	X-RAY PICTURE #1	X	X	
134	X-RAY PICTURE #2	X	X	
135	X-RAY PICTURE #3	X	X	
136	X-RAY PICTURE #4	X	X	
137	PHOTO-BODY ON TABLE	X	X	
138	PHOTO-BODY BAG	X	X	
139	COPY OF RECONSTRUCTION REPORT	X		X
140	COPY OF CERTIFIED DEATH CERTIFICATE	X	X	
141	PHOTO-MEASUREMENT OF GUN	X	X	
142	PHOTO-VICTIM ARM AND MUZZLE (SPLIT PHOTO)	X	X	
143	ROBE	X	X	
144	EXAMINATION REQUEST FORM	X		X
145	PHOTO-COUCH WITH TIP OF TAPE MEASURE	X	X	
146	BLANKET	X	X	
147	PACKET OF 5 PHOTOS	X		X
148	LETTER DATED NOVEMBER 28, 2014 FROM BENNET OMALU	X		X
149	COPY OF EMAIL FROM KRISTINE L. BROWN	X	X	

EXHIBIT LIST

CASE NAME: LEIBEL V THE STATE OF NEVADA
CASE NUMBER: 14-CR-0062BD
DATE OF HEARING: NOVEMBER 15, 2018
JUDGE: NATHAN TOD YOUNG
DEPT NO: I
ATTORNEY: JOHN MALONE/MATTHEW JOHNSON
PURPOSE OF HEARING: EVIDENTIARY

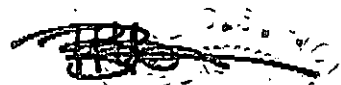
Exhibit #	Description	Marked for ID	Admitted	Not Admitted
1	DOUGLAS COUNTY SHERIFF'S OFFICE SUPPLEMENTAL NARRATIVE 04/25/2014	X		X
2	INTERVIEW OF CHAYA-ANNE LEIBEL	X	X	
3	DOUGLAS COUNTY SHERIFF'S DEPARTMENT SUPPLEMENTAL NARRATIVE 11/04/2014	X	X	
4	INTERVIEW WITH LANA RAYMO	X	X	
5	PHOTO	X	X	
6	NMS LABS TOXICOLOGY REPORT	X	X	
7	PREHOSPITAL CARE REPORT SUMMARY - TAHOE DOUGLAS FIRE	X	X	
8	DOUGLAS COUNTY SHERIFF'S DEPARTMENT SUPPLEMENTAL NARRATIVE 03/11/2014	X	X	
9	PAGES FROM THE ROUGH DRAFT TRANSCRIPT OF TRIAL	X	X	
10	DOUGLAS COUNTY SHERIFF'S DEPARTMENT SUPPLEMENTAL NARRATIVE 05/13/2014	X	X	
11	TYPED NOTES STARTING ZEPHYR COVE, NV 89448	X	X	

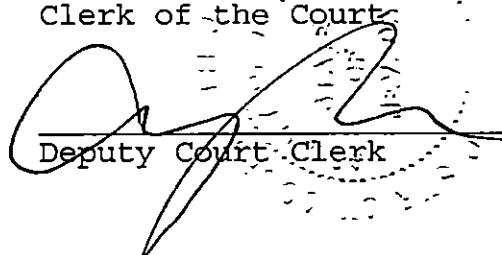
12	EMAIL RE: TATIANA LEIBEL (KOSYRKINA)	X	X	
13	CD - LEIBEL/DSCO INTERVIEW	X	X	
14	DOUGLAS COUNTY SHERIFF'S DEPARTMENT INTERVIEW TRANSCRIPTS 14SO0512	X		X
15	DIAGRAMS (2 PAGES)	X	X	
16	PHOTO	X	X	
17	911 TRANSCRIPT	X	X	
18	PHOTO	X	X	
19	PHOTO	X	X	
20	UNR TRANSCRIPTS FOR TATIANA LEIBEL	X	X	

1 STATE OF NEVADA)
2) SS
3 COUNTY OF DOUGLAS)

4 I, Alondra Ponce, Deputy Clerk Douglas County, State of
5 Nevada; said Court being a Court of Record, having common law
6 jurisdiction, and a Clerk and a Seal, do hereby certify that the
7 foregoing are true copies of the following originals in Case No.
8 2014-CR-00062B - TATIANA LEIBEL V. STATE OF NEVADA; Notice of
9 Appeal; Case Appeal Statement; District Court Docket Entries;
10 Judgment(s) or Order(s) appealed from; District Court Minutes;
11 Exhibit Lists.

12
13 IN TESTIMONY WHEREOF, I have
14 hereunto set my hand and affixed
15 my Official Seal at Minden, in
16 said County and State this
17 22nd day of June, A.D., 2022.

18
19 
20 Clerk of the Court

21
22 
23 Deputy Court Clerk
24
25
26
27
28



BOBBIE R. WILLIAMS

**CLERK OF COURT
COURT ADMINISTRATOR
JURY COMMISSIONER**

District Court Clerk's Office

(775) 782-9820

Tahoe Justice Court

(775) 586-7200

East Fork Justice Court

(775) 782-9955

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

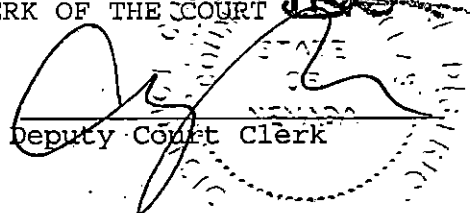
Date: June 22, 2022

Re: District Court Case #: 2014-CR-00062B
District Court Case Name: TATIANA LEIBEL V. STATE OF NEVADA

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are NOT included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Certificate That No Transcript Is Being Requested
- ☒ Defendant's Request for Transcript of Proceedings
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☒ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☐ Exhibit Lists
- ☒ Supreme Court filing fee (\$250.00), if applicable

Respectfully,
BOBBIE WILLIAMS
CLERK OF THE COURT

By: 
Deputy Court Clerk