

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

_____ /

Electronically Filed
Aug 30 2022 08:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 2014-CR-00062
2014-CR-00062BD

RECORD ON APPEAL

VOLUME 1

COPIES OF ORIGINAL PLEADINGS
PAGES 8-218

TATIANA LEIBEL
INMATE #1137908
FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER
4370 SMILEY ROAD
LAS VEGAS, NEVADA 89115

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

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

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ADDENDUM TO NOTICE OF WITNESS (FILED JAN 23'15)	701-702	(VOL. 5)
AFFIDAVIT OF PERSONAL SERVICE (FILED MAY 25'18)	2424-2426	(VOL. 18)
AFFIDAVIT "A" (FILED NOV 9'20)	3105-3119	(VOL. 23)
AFFIDAVIT "B" (FILED NOV 9'20)	3120-3125	(VOL. 23)
AFFIDAVIT "C" (FILED NOV 9'20)	3126-3132	(VOL. 23)
AFFIDAVIT "I" (FILED NOV 9'20)	3133-3154	(VOL. 23)
AFFIDAVIT OF SERVICE BY MAIL (FILED DEC 24'18)	3005-3006	(VOL. 22)
AFFIDAVIT (FILED OCT 6'16)	1488-1489	(VOL. 11)
AFFIDAVIT "C" (FILED JAN 4'21)	3545-3551	(VOL. 28)
AFFIDAVIT "II" (FILED NOV 23'20)	3376-3386	(VOL. 26)
AFFIDAVIT "1" (FILED JAN 4'21)	3449-3473	(VOL. 27)
AFFIDAVIT OF SERVICE BY MAIL (FILED JAN 6'15)	537-545	(VOL. 3)
AFFIDAVIT "2" (FILED JAN 4'21)	3474-3524	(VOL. 27)
AFFIDAVIT "A" (FILED JAN 4'21)	3525-3539	(VOL. 27)
AFFIDAVIT "B" (FILED JAN 4'21)	3540-3544	(VOL. 28)

1
2 INDEX OF PLEADINGS

3	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
4	ALTERNATIVE SENTENCING SUPPLEMENTAL		
5	REPORT		
6	(FILED APRIL 15'14)	84-85	(VOL. 1)
7	AMENDED ORDER FOR PAYMENT (SEALED)		
8	(FILED DEC 18'14)	413	(VOL. 2)
9	APPELLANT'S INFORMAL BRIEF		
10	(FILED APR 19'21)	3920-3928	(VOL. 30)
11	APPLICATION FOR APPOINTMENT OF		
12	INTERPRETER		
13	(FILED APRIL 18'14)	233-238	(VOL. 2)
14	APPLICATION FOR ORDER TO PRODUCE		
15	PRISONER		
16	(FILED SEP 27'18)	2504-2505	(VOL. 18)
17	APPLICATION FOR ORDER TO PRODUCE		
18	PRISONER		
19	(FILED AUG 8'18)	2431-2432	(VOL. 18)
20	BRIEF REGARDING STRUCTURAL		
21	(FILED SEP 17'18)	2494-2499	(VOL. 18)
22	CASE APPEAL STATEMENT		
23	(FILED MAR 8'21)	3915-3916	(VOL. 30)
24	CASE APPEAL STATEMENT		
25	(FILED JAN 18'19)	3009-3012	(VOL. 22)
26	CASE APPEAL STATEMENT		
27	(FILED JUN 22'22)	4036-4037	(VOL. 31)
28	CASE APPEAL STATEMENT		
29	(FILED MAY 11'15)	1085-1087	(VOL. 7)
30	CERTIFICATE OF MAILING		
31	(FILED FEB 1'21)	3858-3859	(VOL. 30)
32	CERTIFICATE OF MAILING		
33	(FILED JAN 11'21)	3785-3786	(VOL. 30)
34	CERTIFICATE OF SERVICE		
35	(FILED APRIL 11'14)	70	(VOL. 1)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
CERTIFICATE OF SERVICE (FILED MAY 25'18)	2430	(VOL. 18)
CERTIFICATE OF SERVICE (FILED SEP 29'14)	280	(VOL. 2)
CERTIFICATE OF SERVICE (FILED APRIL 18'14)	227	(VOL. 2)
CERTIFICATE OF SERVICE (FILED APRIL 18'14)	232	(VOL. 2)
CERTIFICATE OF MAILING (FILED NOV 14'16)	1510	(VOL. 11)
CERTIFICATE PF MAILING (FILED NOV 9'20)	3366-3367	(VOL. 25)
CERTIFICATE OF MAILING (FILED MAR 21'22)	4019-4020	(VOL. 31)
CERTIFICATE OF MAILING (FILED FEB 11'21)	3907-3910	(VOL. 30)
CERTIFICATE OF MAILING (FILED NOV 23'20)	3372-3375	(VOL. 25)
CERTIFICATE OF SERVICE (FILED AUG 4'14)	269	(VOL. 2)
CERTIFICATE OF MAILING (FILED APR 21'21)	3929-3930	(VOL. 30)
CERTIFICATE OF THAT NO TRANSCRIPT IS BEING REQUESTED (FILED JAN 18'19)	3013-3014	(VOL. 22)
CLERK'S CERTIFICATE (FILED JUL 22'20)	3049	(VOL. 22)
CLERKS CERTIFICATE(SUPREME COURT) (FILED JAN 14'16)	1485	(VOL. 11)
EVIDENCE IN MITIGATION (FILED APR 14'15)	999-1003	(VOL. 6)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
EX PARTE MOTION FOR FUNDS FOR INVESTIGATOR (FILED APRIL 7'17)	1550-1552	(VOL. 11)
EX PARTE MOTION FOR LEAVING TO HIRE INVESTIGATOR (FILED APRIL 14'17)	1553-1556	(VOL. 11)
EX PARTE INVOICE AND REQUEST FOR PAYMENT (FILED APRIL 3'17)	1546-1548	(VOL. 11)
EX PARTE APPLICATION FOR ADDITIONAL INVESTIGATIVE FEES (FILED JAN 2'15)	462-467	(VOL. 3)
EX PARTE INVOICE AND REQUEST FOR PAYMENT (FILED JUL 24'17)	1569-1570	(VOL. 11)
EX PARTE MOTION FOR FUNDS FOR A CRIME SCENE (FILE AUG 8'18)	2441-2443	(VOL. 18)
EX PARTE MOTION FOR INTERPRETER FEES (FILED MAY 16'18)	1971-1974	(VOL. 14)
EX PARTE MOTION FOR FUNDS FOR A PSYCHIATRIC EXPERT (FILED AUG 8'18)	2433-2436	(VOL. 18)
EX PARTE MOTION FOR INVESTIGATION FEES (FILED MAY 16'18)	1984-1986	(VOL. 14)
EX PARTE MOTION FOR POST CONVICTION REPRESENTATION EXPERT (FILED AUG 8'18)	2444-2447	(VOL. 18)
EX PARTE MOTION FOR FUNDS FOR LINGUISTICS EXPERT (FILED OCT 25'18)	2526-2530	(VOL. 18)
EX PARTE APPLICATION FOR FEES (SEALED) (FILED DEC 26'14)	445-447	(VOL. 3)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
EX PARTE APPLICATION FOR FEES (SEALED) (FILED DEC 26'14)	442-444	(VOL. 3)
EX PARTE APPLICATION FEES (SEALED) (FILED APRIL 17'14)	228-231	(VOL. 2)
EX PARTE APPLICATION FOR FUNDS (SEALED) (FILED NOV 17'14)	282-339	(VOL. 2)
EX PARTE MOTION FOR INTERPRETER (FILED AUG 16'18)	2454-2456	(VOL. 18)
EX PARTE REQUEST FOR PAYMENT (SEALED) (FILED DEC 5'14)	347-348	(VOL. 2)
EX PARTE MOTION FOR INVESTIGATION FEES (FILED MAY 16'18)	1975-1983	(VOL. 14)
EX PARTE APPLICATION FOR FUNDS FOR EXPERT WITNESS (SEALED) (FILED DEC 5'14)	341-346	(VOL. 2)
EX PARTE REQUEST FOR PAYMENT (FILED FEB 6'15)	786-787	(VOL. 5)
EX PARTE MOTION FOR EXPERT WITNESS FEES (FILED MAR 7'19)	3016-3029	(VOL. 22)
EXHIBITS FILED (FILED JAN 4'21)	3693-3780	(VOL. 29)
EXHIBITS FILED (FILED JAN 4'21)	3552-3654	(VOL. 28)
EXHIBITS FILED (FILED JAN 4'21)	3655-3692	(VOL. 29)
FINANCIAL DISCLOSURE FORM (SEALED) (FILED NOV 14'16)	1502-1507	(VOL. 11)
INDEX OF EXHIBITS (FILED NOV 9'20)	3155-3256	(VOL. 24)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
INDEX OF EXHIBIT(S) (FILED NOV 9'20)	3257-3278	(VOL. 24)
INDEX OF EXHIBITS (FILED NOV 9'20)	3279-3363	(VOL. 25)
INFORMATION (FILED APRIL 8'14)	55-60	(VOL. 1)
INSTRUCTION TO THE JURY (FILED FEB 5'15)	719-758	(VOL. 5)
ISSUED WRIT OF HABEAS CORPUS (FILED MAY 24'18)	2422-2423	(VOL. 18)
JUDGMENT OF CONVICTION (FILED APR 21'15)	1016-1018	(VOL. 7)
JURY VENIRE (FILED JAN 5'15)	471	(VOL. 3)
JURY VERDICT (FILED FEB 5'15)	710-718	(VOL. 5)
LIST OF TRIAL JURORS (FILED JAN 5'15)	470	(VOL. 3)
MOTION TO COMPEL COMPLIANCE WITH DISCLOSURE REQUIREMENTS (FILED SEP 4'18)	2475-2478	(VOL. 18)
MOTION IN LIMINE REGARDING CRIME SCENE AND AUTOPSY PHOTOGRAPHS (FILED DEC 12'14)	356-360	(VOL. 2)
MOTION TO STRIKE BRIEF REGARDING STRUCTURAL ERROR OR, IN THE ALTERNATIVE, MOTION FOR SUFFICIENT TIME TO RESPOND TO BRIEF IN WRITING (FILED SEP 18'18)	2500-2502	(VOL. 18)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
MOTION TO EXCLUDE TESTIMONY OF NATASHA KHARIKOVA (FILED OCT 29'18)	2532-2535	(VOL. 19)
MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT THEREOF (FILED APRIL 17'14)	221-223	(VOL. 2)
MOTION FOR COURT ORDER TO ALLOW DEFENSE INSPECTION OF SCENE OF ALLEGED OFFENSE (FILED DEC 31'14)	455-458	(VOL. 3)
MOTION TO RESPONDENT "MOTION TO DISMISS PRO PER SECOND POST CONVICTION PETITION FOR A WRIT OF HABEAS" (FILED JAN 11'21)	3781-3784	(VOL. 30)
MOTION TO PROCEED IN FORMA PAUPERIS (FILED MAY 11'15)	1078-1079	(VOL. 7)
MOTION TO WITHDRAW COUNSEL (FILED NOV 9'20)	3058-3066	(VOL. 22)
MOTION IN LIMINE REGARDING DEATH CERTIFICATE (FILED DEC 26'14)	424-441	(VOL. 3)
MOTION TO DISMISS PRO PER THIRD POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS (FILED APRIL 5'22)	4023-4026	(VOL. 31)
MOTION IN LIMINE REGARDING UNCHARGED MISCONDUCT AND COLLATERAL OFFENSES (FILED DEC 29'14)	448-451	(VOL. 3)
MOTION FOR DISMISS PRO PER SECOND POST CONVICTION FOR WRIT OF HABEAS CORPUS (FILED NOV 19'20)	3368-3371	(VOL. 25)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (FILED JAN 24'18)	1574-1579	(VOL. 11)
MOTION FOR FUNDS FOR INTERPRETER (FILED MAY 9'17)	1561-1564	(VOL. 11)
MOTION FOR PRODUCTION OF JAVS RECORDINGS (FILED MAY 9'17)	1558-1560	(VOL. 11)
MOTION FOR PETITION FOR WRIT OF HABEAS CORPUS (SECOND POST CONVICTION) (FILED JAN 4'21)	3445-3446	(VOL. 27)
MOTION FOR PETITION TO ESTABLISH FACTUAL INNOCENCE (FILED JAN 4'21)	3447-3448	(VOL. 27)
MOTION FOR PETITION FOR EN BANC RECONSIDERATION (FILED JAN 3'22)	3933-3942	(VOL. 31)
MOTION FOR APPOINTMENT OF COUNSEL (FILED NOV 14'16)	1508-1509	(VOL. 11)
MOTION FOR ENLARGEMENT OF TIME (FILED APRIL 11'18)	1493-1497	(VOL. 11)
MOTION IN LIMINE REGARDING JUROR- QUESTIONING OF WITNESSES (FILED DEC 12'14)	351-355	(VOL. 2)
MOTION IN LIMINE REGARDING TESTIMONY CONCERNING CRIME SCENE RECONSTRUCTION BY MATTHEW NOEDEL (FILED JAN 20'15)	588-693	(VOL. 4)
MOTION TO CONTINUE (FILED AUG 4'14)	270-275	(VOL. 2)

1
2 INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
MOTION TO RECONSIDER DECISION (FILED FEB 11'21)	3864-3906	(VOL. 30)
MOTION TO WITHDRAW REQUEST FOR PAYMENT FIREARM (FILED MAR 6'15)	815	(VOL. 5)
MOTION TO RECONSIDER DECISION (FILED FEB 1'21)	3815-3857	(VOL. 30)
MOTION TO WITHDRAW COUNSEL (FILED OCT 6'16)	1486-1487	(VOL. 11)
NON OPPOSITION TO DEFENDANTS MOTION IN LIMINE RE: UNCHARGED MISCONDUCT AND COLLATERAL OFFENSES (FILED JAN 12'15)	548-549	(VOL. 3)
NOTICE OF APPEAL (FILED JAN 18'18)	3007-3008	(VOL. 22)
NOTICE OF APPEAL (FILED JUN 21'22)	4035	(VOL. 31)
NOTICE OF APPEAL (FILED MAY 11'15)	1083-1084	(VOL. 7)
NOTICE OF APPEAL (FILED FEB 22'21)	3911-3914	(VOL. 30)
NOTICE OF ASSOCIATION OF COUNSEL (FILED SEP 17'18)	2492-2493	(VOL. 18)
NOTICE OF ENTRY OF ORDER (FILED MAY 25'18)	2427-2429	(VOL. 18)
NOTICE OF ENTRY OF ORDER (FILED DEC 24'18)	2986-3004	(VOL. 22)
NOTICE OF ENTRY OF ORDER (FILED JAN'21)	3801-3814	(VOL. 30)

27
28

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
NOTICE OF EXPERT WITNESS (FILED DEC 17'14)	369-412	(VOL. 2)
NOTICE OF EXPERT WITNESS (FILED JAN 6'15)	472-536	(VOL. 3)
NOTICE OF EXPERT WITNESS (FILED AUG'18)	2458-2474	(VOL. 18)
NOTICE OF EXPERT WITNESS (FILED OCT 25'18)	2521-2525	(VOL. 18)
NOTICE IN LIEU OF REMITTITUR (SUPREME COURT) (FILED MAR 15'22)	3954	(VOL. 31)
NOTICE OF MOTION (FILED NOV 9'20)	3050-3052	(VOL. 22)
NOTICE OF MOTION (FILED NOV 9'20)	3053-3057	(VOL. 22)
NOTICE OF NON-CAPITAL PROCEEDINGS (FILED APRIL 8'14)	68-69	(VOL. 1)
NOTICE OF NON-OPPOSITION TO DEFENDANTS MOTION IN LIMINE REGARDING DEATH CERTIFICATE (FILED DEC 29'14)	452-453	(VOL. 3)
NOTICE OF PROSECUTION TRIAL WITNESS (FILED DEC 17'14)	361-368	(VOL. 2)
NOTICE OF WITNESS (FILED JAN 20'15)	585-587	(VOL. 4)
NOTICE OF WITNESSES (FILED SEP 10'18)	2485-2487	(VOL. 18)
NOTICE OF WITHDRAWAL OF MOTION FOR COURT ORDER TO ALLOW DEFENSE INSPECTION OF SCENE OF ALLEGED		

1
2 INDEX OF PLEADINGS

3	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
4	OFFENSE		
5	(FILED JAN 12'15)	546-547	(VOL. 3)
6	OPPOSITION TO STATE'S MOTION TO		
7	INCREASE BAIL		
8	(FILED APRIL 11'14)	71-80	(VOL. 1)
9	OPPOSITION TO DEFENDANTS		
10	MOTION TO LIMINE RE: CRIME SCENE		
11	RECONSTRUCTION		
12	(FILED JAN 22'15)	694-700	(VOL. 5)
13	ORDER OF AFFIRMANCE		
14	(FILED FEB 8'22)	3947-3949	(VOL. 31)
15	ORDER FOR PAYMENT		
16	(FILED 24'17)	1571	(VOL. 11)
17	ORDER DENYING REHEARING		
18	(FILED JAN 14'22)	3943	(VOL. 31)
19	ORDER		
20	(FILED SEP 27'17)	1573	(VOL. 11)
21	ORDER OF AFFIRMANCE		
22	(FILED DEC 20'21)	3931-3932	(VOL. 31)
23	ORDER TO CONTINUE		
24	(FILED AUG 4'14)	276	(VOL. 2)
25	ORDER GRANTING EXTENSION OF TIME		
26	(FILED JAN 30'18)	1584	(VOL. 11)
27	ORDER DIRECTING TRANSMISSION OF RECORD		
28	AND REGARDING BRIEFING		
	(FILE MAR 23'21)	3918-3919	(VOL. 30)
	ORDER		
	(FILED MAY 11'17)	1566	(VOL. 11)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER FOR APPOINTMENT OF CO-COUNSEL (FILED OCT 1'14)	281	(VOL. 2)
ORDER (FILED APRIL 12'18)	1970	(VOL. 14)
ORDER AUTHORIZING FUNDS FOR EMPLOYMENT OF A FORENSIC PATHOLOGIST AND SEALING APPLICATION AND ORDER (SEALED) (FILED NOV 17'14)	340	(VOL. 2)
ORDER (FILED MAY 14'15)	1088-1089	(VOL. 7)
ORDER (FILED MAY 11'17)	1565	(VOL. 11)
ORDER GRANTING EX PARTE MOTION FOR INVESTIGATION FEES (FILED MAY 17'18)	1987	(VOL. 14)
ORDER GRANTING EX PARTE MOTION FOR INTERPRETER FEES (FILED MAY 17'18)	1988	(VOL. 14)
ORDER GRANTING EX PARTE MOTION FOR INVESTIGATION FEES (FILED MAY 17'18)	1989	(VOL. 14)
ORDER (FILED FEB 5'21)	3862-3863	(VOL. 30)
ORDER FOR PAYMENT (SEALED) (FILED DEC 8'14)	349	(VOL. 2)
ORDER AUTHORIZING FUNDS FOR FORENSIC PATHOLOGIST AND SEALING APPLICATION AND ORDER (SEALED) (FILED DEC 9'14)	350	(VOL. 2)
ORDER DENYING PETITION (SUPREME COURT) (FILED FEB 22'22)	3952-3953	(VOL. 31)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER GRANTING MOTION FOR LEAVE TO HIRE INVESTIGATOR (FILED APRIL 17'17)	1557	(VOL. 11)
ORDER FOR PAYMENT OF ATTORNEY FEES (FILED APRIL 21'14)	241	(VOL. 2)
ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS (FILED MAY 24'18)	2421	(VOL. 18)
ORDER (FILED JAN 11'21)	3789-3800	(VOL. 30)
ORDER TRANSFERRING CASE TO DEPARTMENT 1 VACATING THE HEARING SET FOR DECEMBER 22, 2014 AND CONFIRMING THE TRIAL DATE OF JANUARY 27, 2015 AT 9:00AM. (FILED DEC 19'14)	414	(VOL. 2)
ORDER SETTING TRIAL (FILED APRIL 21'14)	239-240	(VOL. 2)
ORDER CONFIRMING TRIAL DATES AND SETTING PRE-TRIAL CONFERENCE (FILED DEC 24'14)	415-416	(VOL. 2)
ORDER FOR PAYMENT (FILED APRIL 4'17)	1549	(VOL. 11)
ORDER (FILED JUNE 23'17)	1568	(VOL. 11)
ORDER FOR PAYMENT (FILED MAR 9'15)	998	(VOL. 6)
ORDER (FILED AUG 9'18)	2448-2449	(VOL. 18)
ORDER TO PRODUCE PRISONER (FILED AUG 9'18)	2450	(VOL. 18)

INDEX OF PLEADINGS

	<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
1			
2			
3	ORDER		
4	(FILED AUG 9'18)	2451	(VOL. 18)
5	ORDER		
6	(FILED AUG 9'18)	2452	(VOL. 18)
7	ORDER		
8	(FILED AUG 9'18)	2453	(VOL. 18)
9	ORDER CALLING JURY		
10	(FILED JAN 2'15)	459-460	(VOL. 3)
11	ORDER GRANTING EX PARTE MOTION		
12	FOR INTERPRETER FEES		
13	(FILED AUG 20'18)	2457	(VOL. 18)
14	ORDER	4031-4034	(VOL. 31)
15	(FILED JUN 21'22)		
16	ORDER FOR PAYMENT (K. BROWN)		
17	(FILED FEB 23'15)	814	(VOL. 5)
18	ORDER SHORTENING TIME TO RESPOND		
19	TO MOTION TO COMPEL		
20	(FILED AEP 6'18)	2479	(VOL. 18)
21	ORDER AUTHORIZING ADDITIONAL FEES		
22	FOR EMPLOYMENT OF AN INVESTIGATOR		
23	AND TO SEAL PLEADINGS (SEALED)		
24	(FILED JAN 2'15)	461	(VOL. 3)
25	ORDER		
26	(FILED JAN 3'17)	1545	(VOL. 11)
27	ORDER		
28	(FILED SEP 13'18)	2490-2491	(VOL. 18)
	ORDER ALLOWING THE DEFENSE TO		
	PURCHASE WEAPON		
	(FILED JAN 5'15)	468	(VOL. 3)
	ORDER		
	(FILED NOV 28'16)	1540-1541	(VOL. 11)

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

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER FOR PAYMENT (FORENSIC TECH) (FILED FEB 23'15)	813	(VOL. 5)
ORDER FOR PAYMENT (NANCY STRAYERN) (FILED FEB 23'15)	812	(VOL. 5)
ORDER SETTING CONTINUES HEARING (FILED SEP 19'18)	2503	(VOL. 18)
ORDER AUTHORIZING FEES FOR EMPLOYMENT OF INVESTIGATOR AND TO SEAL PLEADINGS (SEALED) (FILED APRIL 17'14)	219	(VOL. 1)
ORDER GRANTING MOTION IN LIMINE REGARDING JUROR QUESTIONING OF WITNESS (FILED JAN 12'15)	550	(VOL. 3)
ORDER INCREASING BAIL (FILED APRIL 14'14)	82-83	(VOL. 1)
ORDER TO PRODUCE PRISONER (FILED OCT 1'18)	2520	(VOL. 18)
ORDER (FILED OCT 25'18)	2531	(VOL. 18)
ORDER OF AFFIRMANCE (FILED DEC 21'15)	1479-1480	(VOL. 11)
ORDER (FILED DEC 23'20)	3387-3389	(VOL. 26)
ORDER RE: MOTION IN LIMINE REGARDING DEATH CERTIFICATE (FILED JAN 14'15)	551	(VOL. 4)
ORDER RE: MOTION IN LIMINE REGARDING UNCHARGED MISCONDUCT AND COLLATERAL OFFENSES (FILED JAN 14'15)	552	(VOL. 4)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
ORDER APPOINTING COUNSEL (FILED APRIL 14 '14)	81	(VOL. 1)
ORDER AUTHORIZING FEES FOR EMPLOYMENT OF A FORENSIC INVESTIGATOR (FILED DEC 30 '14)	454	(VOL. 3)
ORDER (FILED JAN 26 '15)	703-704	(VOL. 5)
ORDER DIRECTING TRANSMISSION OF RECORDS AND REGARDING BRIEFING (FILED AUG 1 '22)	1500-1501	(VOL. 11)
ORDER DENYING POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS (FILED DEC 20 '18)	2969-2985	(VOL. 22)
ORDER DENYING REHEARING (SUPREME COURT) (FILED FEB '8 '22)	3945-3946	(VOL. 31)
ORDER SETTING HEARING (FILED MAY 24 '18)	2419-2420	(VOL. 18)
ORDER OF AFFIRMANCE (SUPREME COURT) (FILED JUL 22 '20)	3040-3048	(VOL. 22)
ORDER OF AFFIRMANCE (SUPREME COURT) (FILED JAN 14 '16)	1481-1483	(VOL. 11)
ORDER FOR PAYMENT (FILED FEB 9 '15)	788	(VOL. 5)
ORDER OF AFFIRMANCE (FILED JUNE 26 '20)	3031-3038	(VOL. 22)
ORDER GRANTING EX PARTE MOTION FOR EXPERT WITNESS FEES (FILED MAR 7 '19)	3030	(VOL. 22)
ORDER AND COMMITMENT (FILED APRIL 4 '14)	8-54	(VOL. 1)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (FILED JAN 4 '21)	3400-3444	(VOL. 26)
PETITION FOR WRIT OF HABEAS CORPUS (FILED MAR 21 '22)	3955-4018	(VOL. 31)
PETITION FOR WRIT OF HABEAS CORPUS (FILED NOV 14 '16)	1511-1539	(VOL. 11)
PETITION FOR WRIT OF HABEAS CORPUS 2ND (POST CONVICTION) (FILED NOV 9 '20)	3067-3104	(VOL. 23)
PETITIONER'S OPPOSITION TO MOTION TO EXCLUDE (FILED NOV 6 '18)	2536-2548	(VOL. 19)
PETITIONER'S RESPONSE TO MOTION TO COMPEL AND COUNTERMOTION FOR WAIVER OF OBLIGATION TO PRODUCE EXPERT REPORTS PURSUANT TO NRCP (FILED SEP 6 '18)	2480-2484	(VOL. 18)
PRE-SENT INVESTIGATION-CONFIDENTIAL (SEALED) (FILED APR 17 '15)	1-7	(VOL. 1)
PRO PER SECOND POST CONVICTION PETITION FOR A WRIT OF HABEAS CORPUS (FILED JAN 4 '21)	3394-3395	(VOL. 26)
RECEIPT OF DOCUMENTS (SUPREME COURT) (FILED JAN 30 '19)	3015	(VOL. 22)
RECEIPT FOR DOCUMENTS (SUPREME COURT) (FILED FEB 2 '22)	1498	(VOL. 11)
RECEIPT FOR DOCUMENTS (SUPREME COURT) (FILED JUNE 27 '22)	1499	(VOL. 11)
RECEIPT FOR DOCUMENTS (SUPREME COURT) (FILED JUNE 4 '15)	1091	(VOL. 7)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
RECEIPT FOR DOCUMENTS (FILED MAR 11'21)	3917	(VOL. 30)
REMITTITUR (FILED JUL 22'20)	3039	(VOL. 22)
REMITTITUR (FILED FEB 9'22)	3951	(VOL. 31)
REMITTITUR (SUPREME COURT) (FILED JAN 14'16)	1484	(VOL. 11)
REPLY TO OPPOSITION TO MOTION TO EXCLUDE TESTIMONY OF NATASHA KHARIKOVA (FILED NOV 7'18)	2549-2560	(VOL. 19)
REQUEST FOR SUBMISSION (FILED NOV 9'20)	3364-3365	(VOL. 25)
REQUEST FOR PAYMENT (FILED FEB 18'15)	789-794	(VOL. 5)
REQUEST FOR PAYMENT (FILED FEB 18'15)	798-799	(VOL. 5)
REQUEST FOR PAYMENT (FILED FEB 18'15)	795-797	(VOL. 5)
REQUEST FOR SUBMISSION OF MOTION (FILED MAR 21'22)	4021-4022	(VOL. 31)
REQUEST FOR APPOINTMENT OF CO-COUNSEL (FILED SEP 29'14)	279	(VOL. 2)
REQUEST FOR SUBMISSION OF MOTION (FILED FEB 1'21)	3860-3861	(VOL. 30)
REQUEST FOR SUBMISSION- (SECOND PETITION OF HABEAS CORPUS POST CONVICTION) (FILED JAN 4'21)	3396-3397	(VOL. 26)
REQUEST FOR SUBMISSION OF MOTION (FILED JAN 4'21)	3398-3399	(VOL. 26)

1
2 INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
3 REQUEST FOR DISCOVERY		
4 (FILED APRIL 17'14)	224-226	(VOL. 2)
5 REQUEST FOR PAYMENT		
6 (FILED FEB 18'15)	803-811	(VOL. 5)
7 REQUEST FOR SUBMISSION		
8 (FILED SEP 13'18)	2487-2489	(VOL. 18)
9 REQUEST FOR SUBMISSION		
10 (FILED APRIL 17'14)	220	(VOL. 2)
11 REQUEST FOR ROUGH DRAFT TRANSCRIPT		
12 (FILED MAY 11'15)	1080-1082	(VOL. 7)
13 REQUEST FOR PAYMENT		
14 (FILED FEB 18'15)	800-802	(VOL. 5)
15 REQUEST FOR SUBMISSION OF MOTION		
16 (FILED JAN 11'21)	3787-3788	(VOL. 30)
17 RESPONSE TO MOTION IN LIMINE		
18 REGARDING JUROR QUESTIONING		
19 OF WITNESS		
20 (FILED DEC 26'14)	421-423	(VOL. 2)
21 RESPONSE TO MOTION IN LIMINE REGARDING		
22 CRIME SCENE AND AUTOPSY PHOTOGRAPHS		
23 (FILED DEC 26'14)	417-420	(VOL. 2)
24 RESPONSE TO MOTION FOR EXTENSION OF		
25 TIME TO FILE SUPPLEMENTAL PETITION		
26 FOR WRIT OF HABEAS CORPUS		
27 (FILED JAN 30'18)	1580-1583	(VOL. 11)
28 RESPONSE TO MOTION FOR EXTENSION OF		
TIME		
(FILED JAN 30'18)	1580-1583	(VOL. 11)
RESPONSE TO POST-CONVICTION PETITION		
FOR WRIT OF HABEAS CORPUS (PART 1)		
(FILED MAY 17'18)	1990-2075	(VOL. 14)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
RESPONSE TO POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS (PART 2) (FILED MAY 17'18)	2076-2210	(VOL. 15)
RESPONSE TO POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS (PART 4) (FILED MAY 17'18)	2316-2418	(VOL. 17)
RESPONSE TO POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS (PART 3) (FILED MAY 17'18)	2211-2315	(VOL. 16)
RESPONSE TO BRIEF REGARDING ALLEGED STRUCTURAL ERROR IN FAILING TO OBTAIN AN INTERPRETER. (FILED SEP 29'18)	2506-2510	(VOL. 18)
STATE'S MOTION TO INCREASE BAIL (FILED APRIL 8'14)	61-67	(VOL. 1)
STATE'S NON-OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE (FILED AUG 4'14)	277-278	(VOL. 2)
STIPULATION TO EXTEND TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (FILED JUNE 22'17)	1567	(VOL. 11)
STIPULATION TO EXTEND OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS -SECOND REQUEST (FILED DEC 24'16)	1542	(VOL. 11)
STIPULATION TO WAIVE PENALTY HEARING BY JURY (FILED JAN 16'15)	553-554	(VOL. 4)
STIPULATION TO EXTEND TIME TO FILE PETITION FOR WRIT OF HABEAS CORPUS (FILED SEP 25'17)	1572	(VOL. 11)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
SUBPOENA FILED (CHRIS HEADRICK) (FILED JAN 28'15)	705	(VOL. 5)
SUBPOENA FILED (JIM ANTE) (FILED JAN 29'15)	709	(VOL. 5)
SUBPOENA FILED (FILED JAN 29'15)	707	(VOL. 5)
SUBPOENA FILED (FILED JAN 29'15)	706	(VOL. 5)
SUBPOENA FILED (FILED JAN 29'15)	708	(VOL. 5)
SUPPLEMENTAL CERTIFICATE OF SERVICE RE: REQUEST FOR ROUGH DRAFT TRANSCRIPT (FILED MAY 27'15)	1090	(VOL. 7)
SUPPLEMENTAL POSTCONVICTION PETITION FOR A WRIT OF HABEAS CORPUS NRS 34.361 ET SEQ. (PART 2) (FILED FEB 26'18)	1778-1969	(VOL. 13)
SUPPLEMENTAL EVIDENCE IN MITIGATOR (FILED APR 20'15)	1011-1015	(VOL. 7)
SUPPLEMENTAL POSTCONVICTION PETITION FOR A WRIT OF HABEAS CORPUS NRS 34.361 ET SEQ. (PART 1) (FILED FEB 26'18)	1585-1777	(VOL. 12)
TRANSCRIPT OF PROCEEDINGS- ARRAIGNMENT 4/14/14 (FILED MAY 19'14)	242-261	(VOL. 2)
TRANSCRIPT OF JURY TRIAL 1/27/2015 ROUGH DRAFT (FILED JUNE 18'15)	1105-1119	(VOL. 8)

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
TRANSCRIPT OF JURY TRIAL 1/28/15 (FILED JUNE 18'15)	1120-1202	(VOL. 8)
TRANSCRIPT OF JURY TRIAL 1/29/15 (FILED JUNE 18'15)	1203-1285	(VOL. 9)
TRANSCRIPT OF PROCEEDINGS (POST CONVICTION HEARING 11/16/18) (FILED NOV 29'18)	2561-2637	(VOL. 19)
TRANSCRIPT OF PROCEEDINGS (SENTENCING HEARING) (FILED MAY 5'15)	1019-1077	(VOL. 7)
TRANSCRIPT OF PROCEEDINGS (POST CONVICTION HEARING 11/15/18) (PART 1) (FILED DEC 5'18)	2638-2796	(VOL. 20)
TRANSCRIPT OF JURY TRIAL 2/2/2015 (FILED JUNE 18'15)	1351-1387	(VOL. 10)
TRANSCRIPT OF JURY TRIAL 2/4/2015 (FILED JUNE 18'15)	1388-1446	(VOL. 11)
TRANSCRIPT OF PROCEEDINGS (MOTIONS HEARING) (FILED JAN 20'15)	555-584	(VOL. 4)
TRANSCRIPT OF JURY TRIAL 1/23/2015 ROUGH DRAFT (FILED JUNE 18'15)	1092-1104	(VOL. 8)
TRANSCRIPT OF PROCEEDINGS (JURY SELECTION) (FILED MAR 9'15)	816-997	(VOL. 6)
TRANSCRIPT OF JURY TRIAL 2/5/2015 (FILED JUNE 18'15)	1447-1478	(VOL. 11)
TRANSCRIPT OF PROCEEDINGS - PRELIMINARY HEARING (FILED APRIL 16'14)	86-218	(VOL. 1)

1
2 INDEX OF PLEADINGS

3 DESCRIPTION PAGE NO. VOL. NO.
4 TRANSCRIPT OF PROCEEDINGS (ARRAIGNMENT)
(FILED MAY 21 '14) 262-266 (VOL. 2)
5 ORDER SETTING TRIAL
(FILED AUG 4 '14) 267-268 (VOL. 2)
6
7 TRANSCRIPT OF PROCEEDINGS (MOTIONS HRG.)
(FILED SEP 28 '18) 2511-2519 (VOL. 18)
8
9 TRANSCRIPT OF PROCEEDINGS (POST
CONVICTION HEARING 11/15/18)
(PART 2)
10 (FILED DEC 5 '18) 2797-2968 (VOL. 21)
11
12 TRANSCRIPT OF JURY TRIAL 1/30/2015
(FILED JUNE 18 '15) 1286-1350 (VOL. 10)
13
14 TRANSCRIPT OF PROCEEDINGS (MOTION
HEARING)
(FILED FEB 5 '15) 759-785 (VOL. 5)
15
16 VICTIM IMPACT STATEMENTS AND
PHOTOGRAPH OF VICTIM
(FILED APR 20 '15) 1004-1010 (VOL. 6)
17
18
19
20
21
22
23
24
25
26
27
28

Case No. 14 CR 0188

FILED

14CR0062
2014 APR -4 PM 4:37

TED THUAN
CLERK

BY [Signature] DEPUTY

FILED

2014 APR -3 PM 3:39

TAHOE JUSTICE COURT

RECEIVED
APR - 4 2014

IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA
DOUGLAS COUNTY
DISTRICT COURT CLERK

THE STATE OF NEVADA,

Plaintiff,

vs.

ORDER AND COMMITMENT

TATIANA LEIBEL,

Defendant,

It appearing to the Court by the evidence or pursuant to a waiver of preliminary examination that there is probable cause to believe that the following offense(s) was/were committed, to wit:

NRS 200.010(1), 200.030
and 193.165

OPEN MURDER WITH THE USE OF A
DEADLY WEAPON, a CATEGORY A
FELONY

and that there is probable cause to believe that they have been committed by the Defendant referenced above.

The Court Orders that said Defendant be held to answer the same in District Court.

DATED this 3 day of April, 2014.

[Signature]
RICHARD GLASSON, Judge
Tahoe Justice Court

FILED

Case No.: 14 CR 0188

2014 APR -3 PM 2: 26

IN THE JUSTICE COURT OF TAHOE
COUNTY OF DOUGLAS, STATE OF NEVADA

TAHOE JUSTICE COURT
28th
CLERK

STATE OF NEVADA,

Plaintiff,

Vs.

TATIANA LEIBEL,

Defendant.

ORDER RE: CONDITIONS OF RELEASE

To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:

- ☒ Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.
- ☒ Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.
- ☒ Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.
- ☒ Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.
- ☒ Defendant shall have no contact with: **SURRENDER ALL PASSPORTS TO COURT, EXPIRED OR NOT.**
- ☒ Defendant SHALL NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS.
- ☒ Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision may include a tracking or VBT program and/or house arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department. **Defendant SHALL NOT be released from custody until the Department has interviewed defendant in person.** The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.

Before defendant may be released, defendant must sign a copy of this Order and post **\$75,000.00 CASH ONLY** bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. **It is so ordered.**

Dated Thursday, April 03, 2014.


RICHARD GLASSON, JUDGE
Tahoe Justice Court

Defendant's Signature

Broadcast Report

Date/Time
Local ID 1

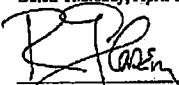
04-03-2014
77558867203

03:53:49 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1	Case No.: 14 CR 0188		FILED
2		IN THE JUSTICE COURT OF TAHOE	2014 APR -3 PM 2:26
3		COUNTY OF DOUGLAS, STATE OF NEVADA	
4			
5	STATE OF NEVADA,	}	ORDER RE: CONDITIONS OF RELEASE
6	Plaintiff,		
7	Vs.		
8	TATIANA LEIBEL,		
9	Defendant.		
10	To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times		
11	and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the		
12	following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further		
13	Order of the Court:		
14	<input checked="" type="checkbox"/> Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.		
15	<input checked="" type="checkbox"/> Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court		
16	<input checked="" type="checkbox"/> Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and		
17	<input checked="" type="checkbox"/> Defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the		
18	<input checked="" type="checkbox"/> Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless		
19	<input checked="" type="checkbox"/> Defendant shall have no contact with: SURRENDER ALL PASSPORTS TO COURT, EXPIRED OR NOT.		
20	<input checked="" type="checkbox"/> Defendant SHALL NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS.		
21	<input checked="" type="checkbox"/> Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County		
22	<input checked="" type="checkbox"/> Defendant shall follow all instructions and requests from the Department.		
23	<input checked="" type="checkbox"/> Defendant SHALL NOT be released from custody until the Department has interviewed defendant in		
24	<input checked="" type="checkbox"/> person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with		
25	<input checked="" type="checkbox"/> supervision, tracking equipment and testing.		
26			
27	Before defendant may be released, defendant must sign a copy of this Order and post \$75,000.00 CASH ONLY bail.		
28	Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has		
	violated a condition of this Order. It is so ordered.		
	Dated Thursday, April 03, 2014.		
			
	RICHARD OLSSON, JUDGE		
	Tahoe Justice Court		
	Defendant's Signature		

Total Pages Scanned : 1

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	535	7757829862 VALLEY JAIL	03:50:15 p.m. 04-03-2014	00:00:56	1/1	1	EC	HS	CP14400
002	535	7757838643 BROWN	03:50:15 p.m. 04-03-2014	00:00:26	1/1	1	EC	HS	CP28800
003	535	7758834030 ARMSTRONG	03:50:15 p.m. 04-03-2014	00:00:17	1/1	1	EC	HS	CP19200

Broadcast Report

Date/Time
Local ID 1

04-03-2014
77558867203

03:41:20 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1 Case No.: 14 CR 0188

2

3 IN THE JUSTICE COURT OF TAHOE

4 COUNTY OF DOUGLAS, STATE OF NEVADA

5 STATE OF NEVADA,)
6 Plaintiff,) ORDER RE: CONDITIONS OF RELEASE
7 Vs.)
8 TATIANA LEIBEL,)
9 Defendant.)

10 To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times
11 and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the
12 following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further
13 Order of the Court:

14 ☒ Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.

15 ☒ Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court
16 within 48 hours of any changes.

17 ☒ Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and
18 defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the
19 request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her
20 person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement
21 of warrant or probable cause.

22 ☒ Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless
23 employed therein.

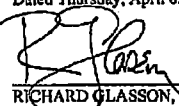
24 ☒ Defendant shall have no contact with: SURRENDER ALL PASSPORTS TO COURT, EXPIRED OR NOT.

25 ☒ Defendant SHALL NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS.

26 ☒ Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County
27 Department of Alternative Sentencing. This supervision may include a tracking or VBT program and/or house
28 arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department.
Defendant SHALL NOT be released from custody until the Department has interviewed defendant in
person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with
supervision, tracking equipment and testing.

Before defendant may be released, defendant must sign a copy of this Order and post \$75,000.00 CASH ONLY bail.
Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has
violated a condition of this Order. It is so ordered.

Dated Thursday, April 03, 2014.


RICHARD GLASSON, JUDGE
Tahoe Justice Court

Defendant's Signature

Total Pages Scanned : 1

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	529	7755867237 LAKE JAIL	03:37:41 p.m. 04-03-2014	00:00:17	1/1	1	EC	HS	CP26400
002	529	217757829967 DAS	03:37:41 p.m. 04-03-2014	00:00:16	1/1	1	EC	HS	CP21600
003	529	7757829847 LOVE/WONDER	03:37:41 p.m. 04-03-2014	00:00:30	1/1	1	EC	HS	CP14400

Exhibits Index

Title STATE OF NEVADA VS TATIANA LEIBEL

Case # 14 CR 0188

[illegible]



Prosecution: THOMAS GREGORY

Defendant: TATIANA LEIBEL

Defense: KRISTINE BROWN; KAY ELLEN ARMSTRONG

Witness: DEPUTY BRANDON JAMES WILLIAMSON; INVESTIGATOR EDWARD M GARREN

Judge: GLASSON

Clerk: EDITH; SANDEE

Bailiff: BOB; TIM; TOBY

Name:	Description:
Exhibit 01 STATE	911 CALL DC - ADMT'D
Exhibit 02 STATE	PHOTO OF COUCH W/BODY SIDE - ADMT'D
Exhibit 03 STATE	PHOTO OF BODY ON FLOOR - ADMT'D
Exhibit 04 STATE	PHOTO OF LEFT HAND - ADMT'D
Exhibit 05 STATE	PHOTO OF LEFT SHOULDER - ADMT'D
Exhibit 06 STATE	PHOTO OF FIREARM W/MEASURING DEVICE- ADMT'D
Exhibit 07 STATE	PHOTO OF FIREARM - ADMT'D
Exhibit 08 STATE	FIREARM CYLINDER OPEN - ADMT'D
Exhibit 09 STATE	CLOSE UP OF FIREARM CYLINDER - ADMT'D
Exhibit 10 STATE	DIAGRAM OF WEAPON CYLINDER - ADMT'D
Exhibit 11 STATE	PHOTO OF AMMUNITION - ADMT'D
Exhibit 12 STATE	PHOTO OF DESK W/CALCULATOR/ PICTURE/ DL - ADMT'D
Exhibit 13 DEFENSE	DIAGRAM OF SECOND FLOOR OF HOUSE - ADMT'D
Exhibit 14 DEFENSE	GROUP OF PHOTOS BLACK/WHITE - ADMT'D
Exhibit 15 DEFENSE	COLOR PHOTO - ADMT'D
Exhibit 16 DEFENSE	BLACK/WHITE PHOTO OF AN X-RAY - ADMT'D
Exhibit 17 DEFENSE	BLACK/WHITE PHOTO OF A BODY WITH ARM RAISED
Exhibit 18 DEFENSE	BLACK/WHITE PHOTO COPY OF X-RAY - ADMT'D

FILED

2014 MAR -6 AM 11:50

TAHOE JUSTICE COURT
CLERK

Case No.: 14-CR-0184

IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

Vs.

TATANIA LEIBEL,

Defendant.

ORDER APPOINTING SCR 250 COUNSEL


SCR 250(4)(a) provides that:

[w]hen the state seeks to initiate a charge of open or first-degree murder by the filing of a criminal complaint, unless the state declares at the defendant's first appearance before a magistrate pursuant to NRS 171.178 that it will not seek the death penalty, the magistrate shall appoint one attorney to serve as defense counsel during the preliminary hearing if the defendant is indigent. Appointed counsel must possess the qualifications specified in subsection 2(b) of this rule.

The defendant first appeared before the magistrate on February 25, 2014.¹ The state did not state that it would not seek the death penalty. Cause appearing, Kay Ellen Armstrong, Esq., an attorney qualified and listed in accordance with SCR 250, is hereby appointed as co-counsel for defendant.

It is so ordered.

Dated this 6 day of March, 2014.


R. GLASSON, Tahoe Justice Court

¹ At this appearance, the defendant claimed indigence and the Law Offices of Kristine Brown, Esq. was appointed as counsel for defendant.

ORDER APPOINTING SCR 250 COUNSEL

A

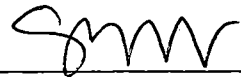
1 I declare that I am a member of the court staff of the Tahoe Justice Court, and on this date I delivered for
2 service by mail copies of the forgoing ORDER to all counsel of record at their offices as indicated in the
3 court's files and I also sent a copy by facsimile to said counsel of record to-wit:

4 Thomas Gregory, Esq. (by County mail only)

5 Kristine Brown, Esq.

6 Kay Ellen Armstrong, Esq.

7 Dated 3-6-14

8 

9 Deputy Court Clerk

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER APPOINTING SCR 250 COUNSEL

Transmission Report

Date/Time
Local ID 1


03-06-2014
7758867203

03:35:56 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1	Case No.: 14-CR-0184	<div>FILED 2014 MAR -6 AM 11:50 J.M.</div>
2		
3		
4		
5		
6	IN THE TAHOE JUSTICE COURT	
7	COUNTY OF DOUGLAS, STATE OF NEVADA	
8		
9	STATE OF NEVADA,	ORDER APPOINTING SCR 250 COUNSEL
10	Plaintiff,	
11	Vs.	
12	TATANIA LEIBEL,	
13	Defendant.	
14	SCR 250(4)(a) provides that:	
15	[w]hen the state seeks to initiate a charge of open or first-degree murder by the filing of a	
16	criminal complaint, unless the state declares at the defendant's first appearance before a	
17	magistrate pursuant to NRS 171.178 that it will not seek the death penalty, the magistrate	
18	shall appoint one attorney to serve as defense counsel during the preliminary hearing if the	
19	defendant is indigent. Appointed counsel must possess the qualifications specified in	
20	subsection 2(b) of this rule.	
21	The defendant first appeared before the magistrate on February 25, 2014. ¹ The state did not state	
22	that it would not seek the death penalty. Cause appearing, Kay Ellen Armstrong, Esq., an attorney	
23	qualified and listed in accordance with SCR 250, is hereby appointed as co-counsel for defendant.	
24	It is so ordered.	
25	Dated this <u>6</u> day of <u>March</u> , 20 <u>14</u> .	
26		
27	R. GLASSON, Tahoe Justice Court	
28		

¹ At this appearance, the defendant claimed indigence and the Law Offices of Kristine Brown, Esq. was appointed as counsel for defendant.

ORDER APPOINTING SCR 250 COUNSEL

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	580	7758834030 <i>Armstrong</i>	03:35:05 p.m. 03-06-2014	00:00:20	2/2	1	EC	HS	CP19200

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

110

Transmission Report

Date/Time
Local ID 1

03-06-2014
77558867203

03:36:56 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1 Case No.: 14-CR-0184
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

IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA,
Plaintiff,
Vs.
TATANIA LEIBEL,
Defendant.

ORDER APPOINTING SCR 250 COUNSEL

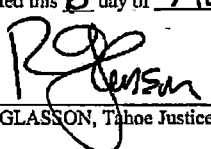
SCR 250(4)(a) provides that:

[w]hen the state seeks to initiate a charge of open or first-degree murder by the filing of a criminal complaint, unless the state declares at the defendant's first appearance before a magistrate pursuant to NRS 171.178 that it will not seek the death penalty, the magistrate shall appoint one attorney to serve as defense counsel during the preliminary hearing if the defendant is indigent. Appointed counsel must possess the qualifications specified in subsection 2(b) of this rule.

The defendant first appeared before the magistrate on February 25, 2014.¹ The state did not state that it would not seek the death penalty. Cause appearing, Kay Ellen Armstrong, Esq., an attorney qualified and listed in accordance with SCR 250, is hereby appointed as co-counsel for defendant.

It is so ordered.

Dated this 6 day of March, 2014.


R. GLASSON, Tahoe Justice Court

¹ At this appearance, the defendant claimed indigence and the Law Offices of Kristine Brown, Esq. was appointed as counsel for defendant.

ORDER APPOINTING SCR 250 COUNSEL

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	581	7757838643 Brown	03:35:25 p.m. 03-06-2014	00:00:19	2/2	1	EC	HS	CP28800

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

17

175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200

CITATION/CASE NO. 14-0188

DA'S NO. N/A

**IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA**

THE STATE OF NEVADA, Plaintiff,

vs. Veibel, Tatiana, Defendant

**NOTICE OF SETTING
AND
ORDER TO APPEAR**

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

- ☐ Continued Arraignment/Arraignment
☒ Preliminary Hearing
☐ MSC/Setting

- ☐ Trial
☐ Rev./Sentencing
☐ Entry of Plea

- ☐ Vacate
☒ Waived 15/60 Day Rule
☐ Payment Proof
☐
☐

In the above-entitled matter is set for:
9:00 A.M. on the 3 day of April, 2014; and the _____ is set for
_____.M. on the _____ day of _____, 2014; in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Bail @ \$500,000
w/ conditions

Dated this 8 day of MARCH, 2014

R. J. Rasmussen
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to DCC 9.199.335 willful **FAILURE TO APPEAR** as directed by the Court is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful **FAILURE TO APPEAR** to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

[Signature]
Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

- ☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court QJAIL
☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 3.4.14 Signed: [Signature], Clerk

Distribution: ☒ CAL ☒ D.A. ☒ Jail ☐ Def. ☐ P.D. ☒ Attorney Brown FAX 783-8643 18

Transmission Report

Date/Time
Local ID 1

03-04-2014
77558867203

04:39:10 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 14-0188 175 HIGHWAY 50 • P.O. BOX 7189
STATELINE, NV 89449 • (775) 586-7200 DA'S NO. NIA

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

vs. Veibel, Tatiana, Defendant

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

☐ Continued Arraignment/Assignment

☒ Preliminary Hearing

☐ MSC/Setting

☐ Trial

☐ Rev./Sentencing

☐ Entry of Plea

☐ Vacate

☒ Waived 15/30 Day Rule

☐ Payment Proof

☐

In the above-entitled matter is set for:

9:00 A.M. on the 3 day of April, 2014, and the _____ is set for
_____ M. on the _____ day of _____, 2014; in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Bail @ \$500,000
w/ conditions

Dated this 3 day of MARCH, 2014

R. Rasmussen
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to DCC 8.199.335 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 5 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

[Signature]
Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada, and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court (in jail)

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 3-4-14 Signed: [Signature] Clerk

Distribution: ☒ CAL ☒ P.D.A. ☐ Jail ☐ Del. ☐ P.D. ☐ Attorney Brown FAX 783-81043

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	446	217757829967 <u>DAS</u>	04:38:28 p.m. 03-04-2014	00:00:16	1/1	1	EC	HS	CP21600

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

19

Transmission Report

Date/Time
Local ID 1

03-04-2014
77558867203

04:44:56 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 14-0183 175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200 DA'S NO. NIA

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

vs. Veibel, Tatiana Defendant

NOTICE OF SETTING AND ORDER TO APPEAR

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

☐ Continued Arraignment/Arraignment ☐ Trial
☒ Preliminary Hearing ☐ Rev/Sentencing
☐ MSC/Setting ☐ Entry of Plea

☐ Vacate
☒ Vacated 15/30 Day Rule
☐ Payment Proof
☐

In the above-entitled matter is set for:

9:00 A M. on the 3 day of April 2014 is set for
M. on the ___ day of ___ 2014 in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Bail @ \$500,000
w/ conditions

Dated this 3 day of MARCH 2014

R. P. Pasm
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to DCC 9.159.335 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

[Signature]
Defendant Signature

Mailing Address City State Zip

Phone Number Physical Address Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court (BAIL)
☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 3-4-14 Signed: [Signature] Clerk

Distribution: 1 CAL 1 DA 1 Jail 1 Def. 1 ORD. 1 Attorney Brown FAX 763-81043

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	447	7755867237	04:38:43 p.m. 03-04-2014	00:00:17	1/1	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

20

Transmission Report

Date/Time
Local ID 1

03-04-2014
77558867203

04:46:17 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 14-0188 175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200 DA'S NO. NIA

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

Leibel, Tatiana, Defendant

NOTICE OF SETTING AND ORDER TO APPEAR

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

- ☒ Continued Arraignment/Arraignment
☒ Preliminary Hearing
☐ MSC/Setting

- ☐ Trial
☐ Rev/Sentencing
☐ Entry of Plea

- ☐ Vacate
☒ Valued 15 Day Rule
☐ Payment Proof
☐

In the above-entitled matter is set for:
9:00 A.M. on the 3 day of April, 2014
Is set for
M. on the ___ day of ___, 2014; In the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Bail @ \$500,000
w/ conditions

Dated this 3 day of MARCH, 2014

R. Plasm
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:
He/she understands that pursuant to DCC 9.199.335 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County Jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

[Signature]
Defendant Signature

Mailing Address City State Zip

Phone Number Physical Address Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:
☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court
☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 3-4-14 Signed: [Signature] Clerk

Distribution: ☒ CAL ☒ D.A. ☐ Jail ☐ Det. ☐ P.D. ☐ Attorney Brown FAX 703-81043

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	449	7757829847 <u>waiver</u>	04:38:55 p.m. 03-04-2014	00:00:30	1/1	1	EC	HS	CP14400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fall
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

21

Transmission Report

Date/Time
Local ID 1

03-04-2014
77558867203

04:44:05 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 14-0188 175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200 DA'S NO. N/A

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

Veibel, Tatiana, Defendant

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

☐ Continued Arraignment/Arraignment

☒ Preliminary Hearing

☐ MSC/Settling

☐ Trial

☐ Rev/Sentencing

☐ Entry of Plea

☐ Vacate

☒ Waived 15/80 Day Rule

☐ Payment Proof

In the above-entitled matter is set for:

9:00 A.M. on the 3 day of April, 2014
is set for
M. on the day of 2014, in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Bail @ \$500,000
w/ conditions

Dated this 3 day of MARCH, 2014

R. J. Plasm
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:
He/she understands that pursuant to DCC 9.159.325 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County Jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

[Signature]
Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 3-4-14 Signed: [Signature] Clerk

Distribution: ☒ CAL ☒ D.A. ☒ Jail ☐ Del. ☐ P.D. ☒ Attorney Brown FAX 783-8043

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	445	7757838643 <u>Brown</u>	04:38:15 p.m. 03-04-2014	00:00:16	1/1	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fall
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

22

FILED

Case No.: 14-0188

2014 MAR -4 PM 4:23

IN THE JUSTICE COURT OF TAHOE
COUNTY OF DOUGLAS, STATE OF NEVADA

TAHOE JUSTICE COURT

CLERK

STATE OF NEVADA,

Plaintiff,

ORDER RE: CONDITIONS OF RELEASE

Vs.

Tatiana Leibel

Defendant.


To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:

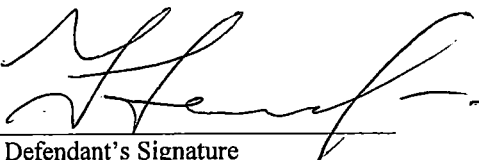
- ☒ Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.
- ☒ Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.
- ☒ Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.
- ☒ Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.
- ☒ Defendant shall: **Surrender all passports to Court, expired or not.**
- ☒ Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision ~~may include tracking or VBT program and/or house arrest as ordered by the Court.~~ Defendant shall follow all instructions and requests from the Department. **Defendant SHALL NOT be released from custody until the Department has interviewed defendant in person.** The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.

Defendant shall not possess any firearm or dangerous weapons.

Before defendant may be released, defendant must sign a copy of this Order and post \$ 500,000 bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. **It is so ordered.**

Dated this 4 day of March, 2013.


RICHARD GLASSON, JUDGE
Tahoe Justice Court


Defendant's Signature

Transmission Report

Date/Time
Local ID 1

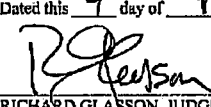

03-04-2014
77558867203

04:38:54 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1	Case No.: 14-0188	FILED	2014 MAR -4 PM 4:23
2	IN THE JUSTICE COURT OF TAHOE		
3	COUNTY OF DOUGLAS, STATE OF NEVADA		
4			
5	STATE OF NEVADA,)	ORDER RE: CONDITIONS OF RELEASE
6	Plaintiff,		
7	Vs.		
8	Tatiana Leibel		
9	Defendant.		
10	<p>To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:</p>		
11			
12	<p><input checked="" type="checkbox"/> Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.</p>		
13	<p><input checked="" type="checkbox"/> Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.</p>		
14	<p><input checked="" type="checkbox"/> Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.</p>		
15			
16	<p><input checked="" type="checkbox"/> Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.</p>		
17	<p><input checked="" type="checkbox"/> Defendant shall: Surrender all passports to Court, expired or not.</p>		
18	<p><input checked="" type="checkbox"/> Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision may include tracking or VDT program and/or house arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department. Defendant SHALL NOT be released from custody until the Department has interviewed defendant in person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.</p>		
19			
20	<p>Defendant shall not possess any firearm or dangerous weapons.</p>		
21			
22			
23	<p>Before defendant may be released, defendant must sign a copy of this Order and post \$500,000 bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. It is so ordered.</p>		
24			
25	Dated this 4 day of March , 2013.		
26	 RICHARD GLASSON, JUDGE Tahoe Justice Court		
27			
28	 Defendant's Signature		

2.09.07

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	441	217757829967	04:37:23 p.m. 03-04-2014	00:00:16	1/1	1	EC	HS	CP21600

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

24

Transmission Report

Date/Time
Local ID 1

03-04-2014
77558867203

04:50:53 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

FILED

Case No.: 14-0188

IN THE JUSTICE COURT OF TAHOE
COUNTY OF DOUGLAS, STATE OF NEVADA

2014 MAR -4 PM 4:23

STATE OF NEVADA,)
Plaintiff,) ORDER RE: CONDITIONS OF RELEASE
Vs.)
Tatiana Leibel)
Defendant.)

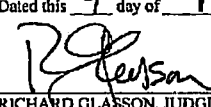
To protest the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:

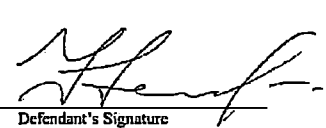
- ☒ Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.
- ☒ Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.
- ☒ Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.
- ☒ Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.
- ☒ Defendant shall: Surrender all passports to Court, expired or not.
- ☒ Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision may include tracking or VBT program and/or house arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department. Defendant SHALL NOT be released from custody until the Department has interviewed defendant in person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.

Defendant shall not possess any firearm or dangerous weapons.

Before defendant may be released, defendant must sign a copy of this Order and post \$500,000 bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. It is so ordered.

Dated this 4 day of March, 2013.


RICHARD GLASON, JUDGE
Tahoe Justice Court


Defendant's Signature

2.04.07

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	463	77558867237 taxi hub	04:50:02 p.m. 03-04-2014	00:00:19	1/1	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

25

Transmission Report

Date/Time
Local ID 1

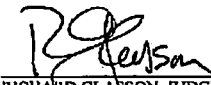
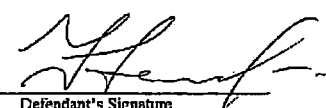
03-04-2014
77558867203

04:41:40 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1	Case No.: 14-0188	FILED	2014 MAR -4 PM 4:23
2	IN THE JUSTICE COURT OF TAHOE		
3	COUNTY OF DOUGLAS, STATE OF NEVADA		
4			
5	STATE OF NEVADA,	}	ORDER RE: CONDITIONS OF RELEASE
6	Plaintiff,		
7	Vs.		
8	Tatiana Leibel		
9	Defendant.		
10	<p>To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:</p>		
11			
12	<p><input checked="" type="checkbox"/> Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.</p>		
13	<p><input checked="" type="checkbox"/> Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.</p>		
14	<p><input checked="" type="checkbox"/> Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.</p>		
15			
16	<p><input checked="" type="checkbox"/> Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.</p>		
17	<p><input checked="" type="checkbox"/> Defendant shall: Surrender all passports to Court, expired or not.</p>		
18	<p><input checked="" type="checkbox"/> Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision may include tracking or VDT program and/or house arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department. Defendant SHALL NOT be released from custody until the Department has interviewed defendant in person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.</p>		
19	<p>Defendant shall not possess any firearm or dangerous weapons.</p>		
20			
21			
22			
23	<p>Before defendant may be released, defendant must sign a copy of this Order and post \$500,000 bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. It is so ordered.</p>		
24			
25	Dated this 4 day of March , 2013.		
26	 RICHARD GLASSON, JUDGE Tahoe Justice Court		
27			
28			
	 Defendant's Signature		

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	443	7757829847 weaver	04:37:50 p.m. 03-04-2014	00:00:23	1/1	1	EC	HS	CP14400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

210

Transmission Report

Date/Time
Local ID 1

03-04-2014
77558867203

04:43:49 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

1 Case No.: 14-0188

2 IN THE JUSTICE COURT OF TAHOE

3 COUNTY OF DOUGLAS, STATE OF NEVADA

4

5 STATE OF NEVADA,

6 Plaintiff,

7 Vs.

8 Tatiana Leibel

9 Defendant.

10 ORDER RE: CONDITIONS OF RELEASE

11 To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:

12 ☒ Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.

13 ☒ Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.

14 ☒ Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.

15 ☒ Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.

16 ☒ Defendant shall: Surrender all passports to Court, expired or not.

17 ☒ Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision may include tracking or VBT program and/or house arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department.

18 Defendant SHALL NOT be released from custody until the Department has interviewed defendant in person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.

19 Defendant shall not possess any firearm or dangerous weapons.

20

21 Before defendant may be released, defendant must sign a copy of this Order and post \$500,000- bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. It is so ordered.

22

23 Dated this 4 day of March, 2013.

24

25

26

27

28

Defendant's Signature

RICHARD GLASSON, JUDGE
Tahoe Justice Court

u.n2-77

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	444	7757838643	04:38:05 p.m. 03-04-2014	00:00:18	1/1	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

27

FILED

2014 MAR -4 PM 4:23

TAHOE TOWNSHIP
JUSTICE COURT

8m
CLERK

Case No.: 14-D188

IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

Tatiana Leibel

Defendant,

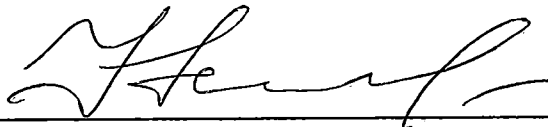
WAIVER OF SPEEDY

PRELIMINARY HEARING

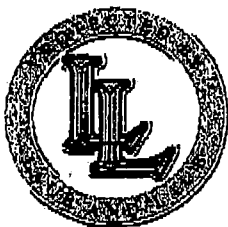
IT IS HEREBY STIPULATED by the above-named Defendant,
as follows:

That the said Defendant waives the fifteen (15) day rule and
any and all rights he/she has to a speedy Preliminary Hearing in
the above-entitled matter.

Dated this 4 day of March, 20 14.



Defendant



LAW FIRM OF LAUB & LAUB

A Professional Corporation

PERSONAL INJURY
WORKERS COMPENSATION
CRIMINAL DEFENSE
BANKRUPTCY
REAL ESTATE

FACSIMILIE TRANSMISSION

DATE: March 3, 2014

NAME:	FAX NO.	PHONE NO.
Karen/Stateline Township	775-586-7203	

FROM: Suzanne Laub

FAX NO. (530) 544-4920

PHONE: (530) 577-5282

RE: Scott Newman and another case Tatiana Leibel

NUMBER OF PAGES, INCLUDING COVER: 1

MESASAGE:

Dear Karen:

Please forward any info from your office to 530-544-4920. *fax*

Thank you, Suzanne

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

CONFIDENTIALITY NOTICE: This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 USC 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This communication may contain confidential and privileged material for the sole use of the intended recipient and receipt by anyone other than the intended recipient does not constitute a loss of the confidential or privileged nature of the communication. Any review of distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender by return electronic mail and delete all copies of this communication.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (530) 577-5282 AS SOON AS POSSIBLE.



1148 Ski Run Blvd.
South Lake Tahoe
California, 96150
(530) 577-LAUB
Fax (530) 544-4920



711 S. Carson St., Suite 2
Carson City
Nevada, 89701
(775) 883-LAUB
Fax (775) 883-1527

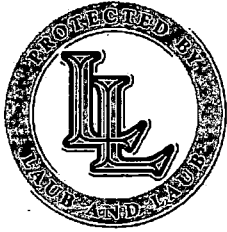


10368 Donner Pass Rd.
Truckee
California, 96161
(530) 587-LAUB
Fax (530) 587-2367



630 E. Plumb Lane
Reno
Nevada, 89502
(775) 323-LAUB
Fax (775) 323-3699

29



LAW FIRM OF
LAUB & LAUB

A Professional Corporation

RECEIVED

FEB 27 2014

**TAHOE TOWNSHIP
JUSTICE COURT**

February 25, 2014

PERSONAL INJURY
WORKERS COMPENSATION
CRIMINAL DEFENSE
BANKRUPTCY
REAL ESTATE

Via Facsimile:
775-586-7203

Original to Follow

Tahoe Justice Court
P.O. Box 7169
Stateline, Nevada 89449
Attn: Criminal Clerk

Re: **STATE OF NEVADA v. TATIAN LEIBEL**
DA's CASE NO.: 14-343G
COURT CASE NO.
DOB: 1/3/1964

Dear Clerk:

With regard to the above-referenced matter, please be advised that the Law Firm of Laub & Laub was recently retained to represent the above named defendant. It has been confirmed that Tatiana Leibel is being arraigned this afternoon and at the conclusion of the arraignment the cases will be set for preliminary hearing. Please notify our law firm of when that date is scheduled.

The client has been advised of the charges, possible pleas and defenses, potential direct consequences of conviction, and his constitutional and statutory rights, including those relevant to time limits. By this letter, the Defendant, pleads not guilty, and waives time for a speedy trial.

Thank you for your attention to this matter.

LAW FIRM OF LAUB & LAUB

Sandra Smith
Sandra Smith, Senior Paralegal to:
JOE M. LAUB

Cc: Deputy DA – Maria Pence

☒

1148 Ski Run Blvd.
South Lake Tahoe
California, 96150
(530) 577-LAUB
Fax (530) 544-4920

☐

711 S. Carson St., Suite 2
Carson City
Nevada, 89701
(775) 883-LAUB
Fax (775) 883-1527

☐

10368 Donner Pass Rd.
Truckee
California, 96161
(530) 587-LAUB
Fax (530) 587-2367

☐

630 E. Plumb Lane
Reno
Nevada, 89502
(775) 323-LAUB
Fax (775) 323-3699

30

DEFENDANT:

Leibel, Tatiana

CASE NO:

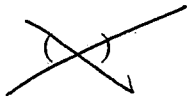
14-0188

NOTICE TO PERSONS CHARGED WITH A CRIME

1. The Judge has found that you are without means of employing an attorney, representation is required. The law firm checked below has been appointed to represent you.

()

DERRICK M LOPEZ, ESQ
1489 HIGHWAY 395 SOUTH
GARDNERVILLE, NV 89410
(775) 783-8200



KRISTINE BROWN, ESQ
1190 HIGH SCHOOL STREET SUITE A
GARDNERVILLE, NV 89410
(775) 783-8642

()

JAMIE C HENRY, ESQ
335 WEST FIRST STREET
RENO, NV 89503
(775) 324-0362

2. If you have not been interviewed by your attorney, and you have been released on bail or on your own recognizance, it is your responsibility to contact the attorney immediately at the telephone number shown to arrange for a personal interview.
3. Your attorney will ask you at the time of the interview for an address and telephone number where you can be contacted. You will be notified of all important Court dates and appearances at that address. It is your duty to keep your attorney informed of any changes in your status which would affect the handling of your case.
4. Failure to keep your attorney advised of your whereabouts and status can lead to serious consequences such as re-arrest and incarceration upon bench warrants, the filing of additional charges and bail revocation.
5. You should not discuss your case with anyone or submit to any tests or examinations without the advice and consent of your attorney.

Broadcast Report

Date/Time
Local ID 1

02-26-2014
77558867203

01:31:46 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

DEFENDANT: Leibel, Tatiana
CASE NO: 14-0188

NOTICE TO PERSONS CHARGED WITH A CRIME !!

1. The Judge has found that you are without means of employing an attorney, representation is required. The law firm checked below has been appointed to represent you.

() DERRICK M LOPEZ, ESQ
1489 HIGHWAY 395 SOUTH
GARDNERVILLE, NV 89410.
(775) 783-8200

~~()~~ KRISTINE BROWN, ESQ
1190 HIGH SCHOOL STREET SUITE A
GARDNERVILLE, NV 89410
(775) 783-8642

() JAMIE C HENRY, ESQ
335 WEST FIRST STREET
RENO, NV 89503
(775) 324-0362

2. If you have not been interviewed by your attorney, and you have been released on bail or on your own recognizance, it is your responsibility to contact the attorney immediately at the telephone number shown to arrange for a personal interview.
3. Your attorney will ask you at the time of the interview for an address and telephone number where you can be contacted. You will be notified of all important Court dates and appearances at that address. It is your duty to keep your attorney informed of any changes in your status which would affect the handling of your case.
4. Failure to keep your attorney advised of your whereabouts and status can lead to serious consequences such as re-arrest and incarceration upon bench warrants, the filing of additional charges and bail revocation.
5. You should not discuss your case with anyone or submit to any tests or examinations without the advice and consent of your attorney.

Total Pages Scanned : 1

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	179	7755867237 <i>late jail</i>	01:28:36 p.m. 02-26-2014	00:00:11	1/1	1	EC	HS	CP26400
002	179	7757829847 <i>waiver</i>	01:28:36 p.m. 02-26-2014	00:00:26	1/1	1	EC	HS	CP14400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

RECEIVED

FEB 26 2014



Douglas County Sheriff Minden, Nevada

Booking Sheet for Inmate # 14SOJ0490

Name #: 97776

Name: LEIBEL, TATIANA

Address: 452 KENT WY; RHIL

Zephyr Cove, NV 89448

Born: Iuzaevka, SX



Personal Identification

Drivers Lic: CONFIDENTIAL PL

Home Phone: (775) 339-2255

Work Phone: () -

State: NV

Local ID:

Soc. Sec.: [REDACTED]

Physical Description

DOB: 01/03/64 (50 yrs)

Race: W

Sex: F

Hgt: 5'02"

Wgt: 100

Eyes: GRN

Glasses:

Hair: RED

Hair Style:

Beard:

Complexn:

Build:

Ethnic:

Assigned Housing: Hold 02 Stateline

Current Location: Hold 02 Stateline

Property Bag: 96

No Active Holds Located

Booking Date: 09:20:36 02/25/14

Booked By: Summers J

Case #	Description	Billing Agency	CRT	Bail Amt	Bail Type	DSP	Sent
14SO05132	50005: Murder 1st degree (F)	DCSO	TTJC	\$0.00	NB		0
14SO05132	50001: Deadly Weapon Murder Enhancement (F)	DCSO	TTJC	\$0.00	NB		0



LEIBEL, TATIANA
Name #97776 DOB: 01/03/64

175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200

CITATION/CASE NO.

14-0188

DA'S NO.

**IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA**

THE STATE OF NEVADA, Plaintiff,

vs.

Leibel, Tatiana

Defendant

**NOTICE OF SETTING
AND
ORDER TO APPEAR**

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

☐ Continued Arraignment/Arraignment

☐ Preliminary Hearing

☒ MSC/Setting

☐ Trial

☐ Rev./Sentencing

☐ Entry of Plea

☐ Vacate

☐ Waived 15 / 60 Day Rule

☐ Payment Proof

☒ Bail to be addressed

In the above-entitled matter is set for:

1:00 P.M. on the 4 day of March, 2014, and the _____ is set for

_____, M. on the _____ day of _____, 2014; in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Dated this 25 day of February, 2014

R. P. Pison
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to DCC 9.199.335 willful **FAILURE TO APPEAR** as directed by the Court is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful **FAILURE TO APPEAR** to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court @ JAIL

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 2-25-14 Signed: SM, Clerk

Distribution: ☒ CAL ☒ D.A. ☒ Jail ☐ Def. ☐ P.D. ☐ Attorney _____ FAX _____

34

Broadcast Report

Date/Time
Local ID 1

02-26-2014
7755867203

01:26:51 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 140188
175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200

DA'S NO. _____

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

vs. Leibel, Tatiana, Defendant

NOTICE OF SETTING AND ORDER TO APPEAR

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:
☐ Continued Arraignment/Arraignment
☐ Preliminary Hearing
☒ MSC/Setting
☐ Trial
☐ Rev/Sentencing
☐ Entry of Plea

☐ Vacate
☐ Waived 15 / 60 Day Rule
☐ Payment Proof
☒ Bill to be addressed

In the above-entitled matter is set for:
1:00 P. M. on the 4 day of March, 2014, and the _____ is set for
_____ M. on the _____ day of _____, 2014 in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Dated this 25 day of February, 2014

R. P. Pasm
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:
He/she understands that pursuant to DCC 9.159.335 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County Jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 8 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court @ JAIL
☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 2-25-14 Signed: SM Clerk

Distribution: ☒ CAL ☒ D.A. ☒ Jail ☐ Def. ☐ ORD. ☐ Attorney FAX _____

Total Pages Scanned : 1

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	171	7755867237 <u>Lake Jail</u>	01:22:12 p.m. 02-26-2014	00:00:14	1/1	1	EC	HS	CP26400
002	171	7757829847 <u>Weaver</u>	01:22:12 p.m. 02-26-2014	00:00:23	1/1	1	EC	HS	CP14400
003	171	7757838643 <u>Brown</u>	01:22:12 p.m. 02-26-2014	00:00:17	1/1	1	EC	HS	CP26400

35

Transmission Report

Date/Time
Local ID 1

02-26-2014
77558867203

01:25:30 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 14-0188 175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200 DA'S NO. _____

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

vs. Leibel, Tatiana, Defendant

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

☐ Continued Arraignment/Arraignment

☐ Trial

☐ Preliminary Hearing

☐ Plead/Sentencing

☒ MSC/Settling

☐ Entry of Plead

☐ Vacate

☐ Waived 15 / 60 Day Rule

☐ Payment Proof

☒ Bail to be addressed

In the above-entitled matter is set for:

1:00 P. M. on the 4 day of March, 2014 and the _____ is set for
_____, M. on the _____ day of _____, 2014, in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Dated this 25 day of February, 2014

R. Rasmussen
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to DCC 9.189.335 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County Jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

[Signature]
Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada, and that on this day I:

☒ Have delivered to plaintiff and defendant (or defendant's attorney) in court @ JAIL

☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 2-25-14 Signed: SYM, Clerk

Distribution: ☒ CAL ☒ DA. ☒ Jail ☐ Det. ☐ PD. ☐ Attorney _____ FAX _____

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	168	7757838643 <u>BROWN</u>	01:20:02 p.m. 02-26-2014	00:00:16	1/1	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct 30

Transmission Report

Date/Time
Local ID 1

02-26-2014
77558867203

01:13:35 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

CITATION/CASE NO. 14-0188 175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200 DA'S NO. _____

IN THE TAHOE JUSTICE COURT COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA, Plaintiff,

Leibel, Tatiana Defendant

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:
☐ Continued Arraignment/Arrestment ☐ Trial
☐ Preliminary Hearing ☐ Rev/Sentencing
☒ MSC Setting ☐ Entry of Plea

NOTICE OF SETTING AND ORDER TO APPEAR

☐ Vacate ☐ Waived 15/60 Day Rule
☐ Payment Proof
☒ Bail to be addressed

In the above-entitled matter is set for:
1:00 P M. on the 4 day of March 2014, and the _____ is set for
_____ M. on the _____ day of _____, 2014 in the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Dated this 25 day of February 2014

R. G. Smith
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:
He/she understands that pursuant to DCC § 159.335 willful FAILURE TO APPEAR as directed by the Court is a separate violation for which punishment may be 6 months in County Jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful FAILURE TO APPEAR to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature

Mailing Address City State Zip

Phone Number

Physical Address

Place of Employment

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court @ JAIL
☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:

Dated: 2/25/14 Signed: SM Clerk

Distribution: LOCAL P.D.A. / Jail ☐ Del. ☐ ORD. ☐ Attorney _____ FAX _____

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	161	775 323 3699 <u>J. Laub</u>	01:12:39 p.m. 02-26-2014	00:00:17	1/1	1	EC	HS	CP24000

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

37

FILED

Case No.: 14-0188

2014 FEB 25 PM 5:07

ANGEL TOWNSHIP
JUSTICE COURT

CLERK

IN THE JUSTICE COURT OF TAHOE
COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA

Plaintiff,

FINANCIAL DECLARATION and ORDER

Vs.

Tatiana Leibel
Defendant.

I, _____, declare under penalty of perjury that I am an indigent person without financial means to employ an attorney and that all of the facts, figures, answers and statements contained in this Financial Declaration are true and correct:

Note: This is a two (2) sided document. All questions on both sides must be answered. All blanks must be filled in. If an answer does not apply, put N/A in the blank. If you do not completely fill out this Declaration, you might not receive consideration for Court appointed counsel.

1. I have this much money in my possession or my Jail property: \$ 0
2. Do you have a savings account? No If yes, indicate the city, state, and the amount in the account: N/A - Husbands Name
3. Do you have a checking account? No If yes, indicate the city, state, and the amount in the account: N/A - No \$ coming in if in jail
4. Are you employed? Self Salary \$ 5,000 month length of employment 8 yrs
- * Employer's Name: TIA & Group Phone number: _____
- Employer's address: 452 Kent Way, Zephyr Cove 89448
5. Marital Status: _____ If married, is your spouse employed? _____
- Spouse's employer: N/A How long? _____
- Number of dependants and relationship to you: 0
6. Net monthly income: \$ 5,000 month
7. During the past year have you received income from any source other than employment? yes
If yes, describe source and amount: Husbands account
8. If you own any of the following, describe fully:
Real Estate: Home 50% @ 452 Kentway Value \$ 700,000
Stocks and/or Bonds: No Value \$ _____
Vehicles: No Value \$ _____
9. Any other valuable property? Description: _____ Value \$ _____
10. Describe any other source of income or any money or any property you expect to receive soon:
None Value \$ _____
11. Who is your Bail Bondsman? N/A Amount paid: \$ _____
- Who paid the premium to the Bondsman? N/A

* software sales

FILED

12. My true name: Tatiana Laibal
13. My birth date: 1-3-64 2014 FEB 26 PM 1:17
14. My mailing address: P.O. Box 10676, Zephyr Cove
15. My physical address: 452 Kent Way, Zephyr Cove TOWNSHIP
16. My phone number: (775) 339-1225 JUSTICE COURT
17. Name of spouse: — CLERK
18. Name, address and phone number of emergency contact or person who will always know how to contact me:

Nancy Strayer (775) 721-6322
4604 Point Loma Ave strayer@201.com
San Diego, Ca 92107

I have read this declaration and it is true, accurate and completely filled out. I understand that if I have misstated anything on this form I may be refused Court-appointed counsel and/or be found guilty of contempt of Court.

Dated: 2/25/14

[Signature]
Defendant's signature

☒ Approved, tentatively

☐ Denied: _____

It appearing from the forgoing declaration and any inquiry of the Court that the defendant has been charged with a felony, gross misdemeanor or misdemeanor and that the defendant is without the means to employ counsel and cause appearing, IT IS HEREBY ORDERED THAT the Law Offices of:

KRISTINE BROWN, ESQ be and hereby is appointed to represent the defendant in this action and that if defendant is in custody said Law Offices shall attempt to initiate contact with defendant as soon as practicable.

Dated this 25 day of FEB, 20 14.

[Signature]
RICHARD GLASSON, JUDGE
Tahoe Justice Court

Transmission Report

Date/Time
Local ID 1

02-26-2014
77558867203

01:18:36 p.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

Case No.: 14-0188

IN THE JUSTICE COURT OF TAHOE
COUNTY OF DOUGLAS, STATE OF NEVADA

STATE OF NEVADA

Plaintiff,

Vs.

Tatiana Leibel
Defendant.

FILED

2014 FEB 25 PM 5:07

[Signature]

FINANCIAL DECLARATION and ORDER

I, Tatiana Leibel, declare under penalty of perjury that I am an indigent person without financial means to employ an attorney and that all of the facts, figures, answers and statements contained in this Financial Declaration are true and correct:

Note: This is a two (2) sided document. All questions on both sides must be answered. All blanks must be filled in. If an answer does not apply, put N/A in the blank. If you do not completely fill out this Declaration, you might not receive consideration for Court appointed counsel.

1. I have this much money in my possession or my real property: \$ 0
2. Do you have a savings account? No If yes, indicate the city, state, and the amount in the account: N/A
3. Do you have a checking account? No If yes, indicate the city, state, and the amount in the account: N/A
4. Are you employed? Yes Salary \$ 5,000 month length of employment 8 yrs
5. Employer's Name: TLB Group Phone number: 702-894-4488
6. Employer's address: 452 Kentway
7. Marital Status: Single If married, is your spouse employed? No
8. Spouse's employer: N/A How long? 0
9. Number of dependants and relationship to you: 0
10. Net monthly income: \$ 5,000 month
11. During the past year have you received income from any source other than employment? Yes
12. If yes, describe source and amount: Husband's account
13. 8. If you own any of the following, describe fully:
14. Real Estate: Home 50% @ 452 Kentway Value \$ 700,000
15. Stocks and/or Bonds: No Value \$ ---
16. Vehicles: No Value \$ ---
17. 9. Any other valuable property? Description: --- Value \$ ---
18. 10. Describe any other source of income or any money, or any property you expect to receive soon: --- Value \$ ---
19. 11. Who is your Bail Bondsman? N/A Amount paid: \$ ---
20. Who paid the premium to the Bondsman? N/A

* Software sales

Declaration and Order - 1

Total Pages Scanned : 4

Total Pages Confirmed : 4

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	165	7757838643 <u>Brown</u>	01:16:51 p.m. 02-26-2014	00:00:53	4/4	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

40



Douglas County Sheriff Minden, Nevada

Booking Sheet for Inmate # 14SOJ0490

02/25/2014

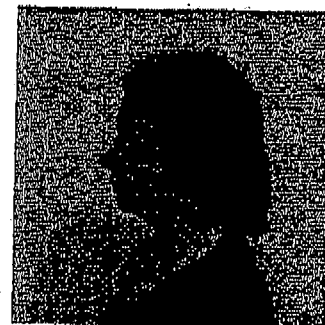
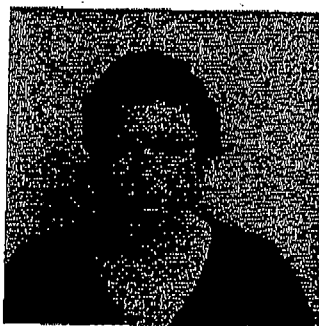
Name #: 97776

Name: LEIBEL, TATIANA

Address: 452 KENT WY, RHIL

Zephyr Cove, NV 89448

Born: Iuzavka, SX

Personal Identification

Drivers Lic:

Home Phone: (775)339-1225

Work Phone: ()-

Physical Description

DOB: 01/03/64 (50 yrs)

Race: W

Sex: F

Hgt: 5'02"

Wgt: 100

State: NV

Local ID:

Soc. Sec.: [REDACTED]

Eyes: GRN

Glasses:

Hair: RED

Hair Style:

Beard:

Complexn:

Build:

Ethnic:

finally received
from Valley jail
@ 2:40 pm

Alias: TATIANA KOSYRKINA (38937)

Assigned Housing: Hold 02 Stateline

Current Location: Hold 02 Stateline

Property Bag: 96

No Active Holds Located

Booking Date: 09:20:36 02/25/14

Booked By: Summers J

Case #	Description	Billing Agency	CRT	Bail Amt	Bail Type	DSP	Sent
14SO05132	50005: Murder 1st degree (F)	DCSO	TTJC	\$0.00	NB		0
14SO05132	50001: Deadly Weapon Murder Enhancement (F)	DCSO	TTJC	\$0.00	NB		0



LEIBEL, TATIANA
Name #97776 DOB: 01/03/64

RECEIVED

FEB 25 2014

TAHOE TOWNSHIP
JUSTICE COURT

14 CR 0188

CASE NO. 13 CR- [REDACTED]

DCSO 14SO05132

FILED

2014 FEB 25 PM 2:25

TAHOE TOWNSHIP
JUSTICE COURT

CLERK

IN THE JUSTICE COURT OF TAHOE TOWNSHIP
COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

TATIANA LEIBEL,

Defendant.

WARRANT OF ARREST

D.O.B. 1/3/1964
Ht. 5'2" Wt. 100 lbs.
Eyes: Green Hair: Red
LKA: 452 Kent Way
Zephyr Cove, NV

STATE OF NEVADA)
: ss.
COUNTY OF DOUGLAS)

THE STATE OF NEVADA: To any sheriff, constable, marshal, policeman, or other
peace officer in the State:

Complaint upon oath having this day been made before me, Steven D. McMorris,
Senior Justice of the Peace, East Fork/Tahoe Township/East Fork Township Justice Court, by
Thomas Gregory, Chief Criminal Deputy District Attorney, Douglas County, Nevada, on
information and belief, that the crime of OPEN MURDER WITH THE USE OF A DEADLY
WEAPON, a violation of NRS 200.010(1), 200.030, and 193.165, a category A felony, has been
committed and accusing TATIANA LEIBEL thereof, and probable cause exists to believe that
TATIANA LEIBEL has committed the crime thereof.

///

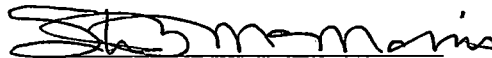
///

1 YOU ARE, THEREFORE COMMANDED forthwith to arrest the above-named
2 TATIANA LEIBEL, and bring her before me forthwith, at my office at Tahoe Township,
3 County of Douglas, State of Nevada, or in case of my absence or inability to act, before the
4 nearest and most accessible magistrate in this county.

5 Witness my hand this 24th day of February, 2014.

6 son I direct that this warrant may be served at any hour of the day or night on TATIANA
7 LEIBEL.

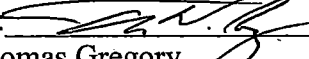
8 I direct that this warrant may be served between 7:00 a.m. and 7:00 p.m. on TATIANA
9 LEIBEL.

10
11 

12 STEVEN D. MCMORRIS, Senior Judge
13 Tahoe Township/East Fork Township Justice Court

14 Defendant may not be admitted to bail.

15
16 **APPROVED FOR EXTRADITION:** **Nationwide**

17
18 by: 
19 Thomas Gregory
20 Chief Criminal Deputy District Attorney

21 I HEREBY CERTIFY that I received the above warrant on the _____ day of
22 _____, 2013, and served the warrant by arresting the within named
23 defendant, TATIANA LEIBEL, and bringing her into Court this _____ day of _____,
24 2013.

RECEIVED

FEB 25 2014

TAHOE TOWNSHIP
JUSTICE COURT

14-CR-0188

CASE NO. 13-CR-

DCSO 14SO05132

FILED

2014 FEB 25 PM 2:24

TAHOE TOWNSHIP
JUSTICE COURT

CLERK

FILED

NO. [REDACTED]

2014 FEB 24 PM 9:01

EAST FORK JUSTICE COURT

BY [REDACTED]

IN THE JUSTICE COURT OF TAHOE TOWNSHIP
COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

**AFFIDAVIT IN SUPPORT
OF ARREST WARRANT**
NRS 171.106

TATIANA LEIBEL,

Defendant

STATE OF NEVADA)
: ss.
COUNTY OF DOUGLAS)

Ed Garren, being first duly sworn, deposes and states under the penalty of perjury:

That he is currently employed with the Douglas County Sheriff's Office, currently assigned to the Investigations Division.

On February 23, 2014, Your Affiant, Investigator Ed Garren, of the Douglas County Sheriff's Office was assigned to investigate the shooting death of Harry Leibel. The information contained in this affidavit is all based on the personal knowledge of your affiant through investigation he has conducted or information that has been shared with him by other law enforcement officer who are assisting him with this investigation.

On February 23, 2014, at approximately 11:00 a.m., Douglas County communications received a 911 telephone call from a female, who was later identified by members of the Douglas County Sheriff's Department as Tatiana Leibel, speaking with a heavy Russian accent. Ms. Leibel reported to Douglas County Dispatch that "My husband kill himself." Members of the Douglas County Sheriff's Office subsequently identified Ms. Leibel's husband as Harry

1 Leibel. Douglas County Dispatch questioned Ms. Leibel to obtain the necessary information
2 for emergency personnel to respond to her location and assist her. Ms. Leibel was asked to
3 explain what happened and she provided a brief narrative of the events resulting in Mr. Leibel's
4 alleged suicide. While explaining how Mr. Leibel allegedly committed suicide Ms. Leibel
5 indicated that Mr. Leibel killed himself with a rifle and that he (Mr. Leibel) "shoot two times.
6 He first shoot his hand and ah he shoot somewhere I don't know where." As a result of the
7 information provided by Ms. Leibel members of the Douglas County Sheriff's Office and the
8 Tahoe Douglas Fire and Paramedic District were dispatched to Ms. Leibel's location to
9 investigate this incident and to provide medical assistance to Mr. Leibel.

10 The first emergency personnel to arrive at Ms. Leibel's residence, located at 452 Kent
11 Way, Zephyr Cove, Nevada, were Deputies Haley and Williamson of the Douglas County
12 Sheriff's Department. Deputies Haley and Williamson made contact with Ms. Leibel and
13 ultimately located Mr. Leibel inside the residence. Mr. Leibel had an injury to his left hand that
14 was clearly visible and appeared to be consistent with a gunshot wound. Mr. Leibel appeared
15 to be lifeless and members of the Tahoe Douglas Fire and Paramedic District arrived and began
16 an assessment of Mr. Leibel. During the assessment of Mr. Leibel an injury, consistent with
17 another gunshot wound was found on right side of Mr. Leibel's torso. This probable gunshot
18 wound was located in an area likely to cause fatal trauma to Mr. Leibel. Mr. Leibel was
19 pronounced as deceased because there were no vital life signs present.

20 (Deputy Williamson contacted Ms. Leibel to ask her what happened and she told Deputy
21 Williamson that she and Mr. Leibel had been involved in arguments over her visiting her
22 daughter who lives in Southern California. Ms. Leibel said she was planning on leaving for
23 Southern California today, February 23, 2014. Ms. Leibel said she and Mr. Leibel began
24 arguing about her departure for Southern California and that Mr. Leibel was upset about her
25 intentions to leave. Ms. Leibel said Mr. Leibel had a rifle with him that he normally kept in
26 their bedroom. Ms. Leibel said she went into the kitchen and that she heard a "boom"
27 consistent with a firearm being discharged. Ms. Leibel said she returned to the living room and
28 found Mr. Leibel sitting on the couch holding the stock and trigger of the rifle in his right hand.
Ms. Leibel said Mr. Leibel was directing the barrel of the rifle toward his torso with his left
hand, but she was not certain exactly where Mr. Leibel was pointing the gun at his body. Ms.
Leibel said she covered her eyes and heard another "boom" consistent with a firearm being

1 discharged. Ms. Leibel said she opened her eyes and saw Mr. Leibel had shot himself and that
2 the rifle he had shot himself with was lying across his lap.

3 Ms. Leibel was interviewed by Investigator Chrzanowski of the Douglas County
4 Sheriff's Office. During this interview Ms. Leibel indicated that at the time that Mr. Leibel
5 shot himself she was alone with Mr. Leibel and that there were no other people at the residence.

6 On February 23, 2014, members of the Douglas County Sheriff's Office began
7 processing the Leibel residence as a crime scene. During the crime scene processing the rifle
8 that inflicted the gunshot wounds to Mr. Leibel was recovered. When the rifle was recovered
9 the rifle's firing mechanism or "hammer" was armed or "cocked" and prepared to be fired.
10 Your Affiant has determined, based on his examination of the firearm, that in order for the
11 hammer to be cocked it had to have been manually placed in this position after being
12 discharged. This fact is significant to your affiant because it would mean that someone
13 manually cocked the rifle and prepared it to be discharged again after Mr. Leibel had already
14 been shot two times. Based upon the mortal wounds inflicted by the first two shots, it is
15 unlikely that Mr. Leibel would have been capable of cocking the rifle in preparation for a third
16 shot.

17 During the processing of the crime scene your affiant learned that Mr. Leibel was likely
18 to have been seated or reclined on a recliner style sofa / couch at the time he sustained the
19 gunshot wounds described by Ms. Leibel as self-inflicted. Your Affiant's opinion regarding
20 Mr. Leibel's position at the time he was shot is supported by a defect in a cushion of the sofa /
21 couch consistent with a bullet impact and the location of this impact mark in relation with
22 injuries Mr. Leibel sustained to his left hand and shoulder.

23 Your Affiant reviewed the 911 phone call in which Ms. Leibel indicated that Mr. Leibel
24 allegedly shot himself in his hand first and then "shot somewhere else." This statement is
25 inconsistent with evidence obtained from an examination of the rifle. Based upon the evidence
26 recovered and your affiant's training and experience, it is your affiant's opinion that the mortal
27 shot to Mr. Leibel's torso was the first shot fired.

28 Your Affiant believes that, based on the information contained in this Affidavit, that
there is sufficient probable cause to establish that Ms. Leibel shot her husband with the rifle
thereby inflicting mortal wounds.

1 WHEREFORE, Affiant prays that a Warrant of Arrest be issued upon a Criminal
2 Complaint for the above-named individual and that the defendant be held in custody without
3 bail in order to assure her presence at any future hearings.

4 DATED this 24th day of February, 2014.

5 
6 _____
7 AFFIANT

8 SUBSCRIBED and SWORN to before me by

9 Thomas Gregory, this 24th day of November, 2013.

10 
11 _____
12 Justice of the Peace/Notary Public

RECEIVED

FEB 25 2014

TAHOE TOWNSHIP
JUSTICE COURT

CASE NO. 14-CR-0188

DA

DCSO 14SO05132

FILED

2014 FEB 25 PM 2:24

TAHOE TOWNSHIP
JUSTICE COURT

CLERK

FILED

NO. ~~14-CR-0188~~

2014 FEB 24 PM 9:01

EAST FORK JUSTICE COURT

BY JS

IN THE JUSTICE COURT OF TAHOE TOWNSHIP
COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

**CRIMINAL
COMPLAINT**

TATIANA LEIBEL,
DOB: 1/3/1964

Defendant. /

Thomas W. Gregory, Chief Deputy District Attorney, County of Douglas, State of Nevada, on information and belief, being first duly sworn, makes complaint and charges TATIANA LEIBEL with the crime of OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a violation of NRS 200.010(1), 200.030, and 193.165, a category A felony, committed as follows:

The defendant, TATIANA LEIBEL, on or about February 23, 2014, and prior to the filing of this complaint, in the County of Douglas, State of Nevada,

did willfully, unlawfully, deliberately and with malice aforethought, kill a human being with the use of a firearm or other deadly weapon, to wit: she shot Harry Leibel with a firearm thereby inflicting mortal wounds, all of which occurred in Douglas County,

///

///

///

1 against the peace and dignity of the State of Nevada. Complainant prays the Defendant be dealt
2 with according to law.

3
4 
COMPLAINANT

5 SUBSCRIBED and SWORN to before me by
6 Thomas Gregory, this 24th day of February 2014.

7 
Justice of the Peace/Notary Public

Transmission Report

Date/Time
Local ID 1

04-01-2014
7758867203

09:59:41 a.m.

Transmit Header Text
Local Name 1

Tahoe Justice Court

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

RECEIVED

FEB 25 2014

TAHOE TOWNSHIP
JUSTICE COURT

CASE NO. 14-CR-0188

DA

DCSO 14SO05132

FILED

2014 FEB 25 PM 2:24

FILED

2014 FEB 24 PM 3:01

TAHOE TOWNSHIP JUSTICE COURT

TS

IN THE JUSTICE COURT OF TAHOE TOWNSHIP
COUNTY OF DOUGLAS, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

CRIMINAL
COMPLAINT

TATIANA LEIBEL,
DOB: 1/3/1964

Defendant.

Thomas W. Gregory, Chief Deputy District Attorney, County of Douglas, State of Nevada, on information and belief, being first duly sworn, makes complaint and charges TATIANA LEIBEL with the crime of OPEN MURDER WITH THE USE OF A DEADLY WEAPON, a violation of NRS 200.010(1), 200.030, and 193.165, a category A felony, committed as follows:

The defendant, TATIANA LEIBEL, on or about February 23, 2014, and prior to the filing of this complaint, in the County of Douglas, State of Nevada,

did willfully, unlawfully, deliberately and with malice aforethought, kill a human being with the use of a firearm or other deadly weapon, to wit: she shot Harry Leibel with a firearm thereby inflicting mortal wounds, all of which occurred in Douglas County,

///

///

///

Total Pages Scanned : 8

Total Pages Confirmed : 8

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	374	7758834030	09:57:20 a.m. 04-01-2014	00:01:44	8/8	1	EC	HS	CP19200

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

50

CASE/CITATION NO. 14-0188

DATE OF CITATION/ARREST/OFFENSE:

2.23.14

ORIGINAL BOOKING/CITATION ALLEGATION (S):

OPEN MURDER WITH USE
OF A DEADLY WEAPON

☐ BOOKED ON: _____

TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA
JUDGE RICHARD GLASSON

THE STATE OF NEVADA, Plaintiff
Vs.

LABEL

LEIBEL, TATIANA Defendant.

INITIAL APPEARANCE/FAILED TO APPEAR
ON DATE:

Cash Forfeit () Bond Forfeit () Amount \$ _____

No Further Court Action () Dismissed by DA ()

INITIAL: APPEARANCE ARRAIGNMENT

ON DATE: 2.25.14

Arraigned on Amended Complaint on:

Added:

Copy of charges ☒ True name & spelling ☒

Right to Counsel, Speedy Trial, Confrontation and Cross-examination ()

Right not to testify () Right to delay before sentencing ()

Presumption of innocence ☒ Consequences of plea/enhancement ()

PLEA ENTERED ON DATE:

Date: GUILTY TO:

Date: NO CONTEST TO:

Date: NOT GUILTY TO:

Date: CHARGE (S) DISMISSED:

Sentence:

FILE NOTES

DEFENDANT'S ATTORNEY: Brown

DEFENDANT'S ADDRESS: Co-counsel - Kay Ellen
Armstrong

WAIVER OF: 60 Day Rule (Misdemeanor) on: _____

15 Day Rule (Felony) on: 13-4-14

Preliminary Hearing (Felony) on: _____

Active Jail Sentence: Required Sought Not Sought

ADVISED WAIVED APPOINTED Counsel on: 2.26.14

RETAINED COUNSEL on: _____

Financial Affidavit Sworn and Signed on: 2.26.14

The document to which this certificate
is attached is a full, true and correct
copy of the original on file and of
record in my office.

4-3-14 Ennis

Date Clerk of the Tahoe Township Justice Court
County of Douglas, State of Nevada (SEAL)

Today's Date

Next Court Date

For

Defendant to be Present?

2-25-14 CALLED LAKE JAIL TO REQUEST BOOKING SHEET.

DEPUTY (NEW FEMALE DEPUTY) SAID "ALL MY GUYS ARE IN COURT". BOTH VALLEY
JAIL & LAKE JAIL CALLED TO PROVIDE COPY OF BOOKING SHEET,
FACE SHEET (WHATEVER THEY CALLING IT NOW) VALLEY JAIL SAID TO CALL
LAKE JAIL.

2-25-14 Atty J. Lamb appearing specially for A. 3-4-14 @ 1pm -
MSC-Boul also to be addressed. A is most familiar w/
Russian language.

3-4-14

4-3-14 @ 9 P/L

4-3-14 CAUSE FOUND BOUND TO DISTRICT COURT DEPT. 2
SET FOR 4-14-14 @ 9 AM.

BAIL STATUS:

Bail posted in the amount of \$ _____ cash () bond () on date: _____
Bail increased () reduced () as is () changed to () in the amount of \$ 75,000 cash or \$ 500,000 bond on date: 3-4-14
Defendant to be released on OR on date: _____ Conditions amended: _____ Conditions to remain the same _____
Conditions of Bail/OR declared on date: 3-4-14 Waiver of extradition () Keep Court Appearance () Defendant to keep Court
apprised of address and phone number () Defendant not to enter any DC alcohol/gaming establishment () Defendant no to consume/possess
alcohol, marijuana, or unauthorized drugs () Defendant to submit to drug/alcohol testing () Defendant to allow search of person, residence,
vehicle () DAS supervision () GPS Tracking () TAD Device () House Arrest () Defendant not to operate a motor vehicle ()
Surrender: ALL PASSPORTS EXPIRED OR NOT Defendant not to contact: _____ ()
Other: NOT POSSIBLE FIREARMS OR DANGEROUS WEAPONS

BAIL NOTES:

BAIL REDUCED TO \$75,000 CASH ONLY W/SAME CONDITIONS GIVEN 3-4-14

CASH / BOND EXONERATED: _____

RESTITUTION: As a condition of suspended sentence, defendant shall pay restitution to victim, through the District Attorney's Office in the
total sum of \$ _____, or other: _____

FELONY: Preliminary hearing held on date: 4-3-14 No sufficient evidence finding on date: _____
Sufficient cause found on date: 4-3-14, or Preliminary hearing waived per page 1.
Defendant to be arraigned on date: 4-14-14 in Department 1 or (2) at 9 a.m.

COMPLETION OF SENTENCE:

Date Filed:		Date Filed:	
_____	Jail time / House Arrest completed	_____	Anger Management / DV enrolled
_____	Community Service completed	_____	Anger Management/ DV completed
_____	DUI school enrolled	_____	Substance Abuse Evaluation
_____	DUI school completed	_____	Substance Abuse Completion
_____	VIP certificate	_____	Restitution paid
_____	Other: _____	_____	Fine paid

Other sentence terms of completion and date proof was filed: _____

Today's Date

Next Court Date

For

Defendant to be Present:

RECEIVED

R-84 (Rev. 8-20-07)

FEB 27 2014

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each subject whose arrest fingerprints have been forwarded to the FBI Criminal Justice Information Service (CJIS) without final disposition noted. If no final disposition is available from arresting agency, complete left side and forward the form when case is referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: **FBI, CJIS Division, Clarksburg, WV 26306.**

(See instructions on reverse side)

NVDCSO1006937C
FBI Number

Name of fingerprint card submitted to FBI

LEIBEL, TATIANA First Middle

01/03/1964 F

Date of Birth Sex

Disposition Maintenance Indicator (DMI)

☐ Append ☐ Add ☐ Replace ☐ Delete

State Bureau No. (SID)

6 CONFIDENTIAL PURSUANT
TO NRS 239B.030

**Fingerprint Contributor/Arresting Agency ORI

NV0030000

Include complete name and location of agency

14S005132

02/26/2014

Arrest No. (OCA)

**Date Arrested or Received

02-25-2014 | 50005F MURDER 1ST DEGREE

**Offenses Charged at Arrest

02-25-2014 | 50001F OPEN MURDER, E/DW

** Final Disposition Date

(If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)

** Form Submitted by ORI Number

(Name, Title, Agency, City & State)

Signature

Date

Title

☐ COURT ORDERED EXPUNGEMENT
Certified or Authenticated Copy of Court Order Attached



REC-
APR - 8 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

Case No. 14-CR- 0062

FILED

Dept. No. II

2014 APR -8 AM 9:18

DA 14-343G

TED THIRAN

This document does not contain personal information of any person

BY [Signature] DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

INFORMATION

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

Defendant.


Thomas W. Gregory, Chief Criminal Deputy District Attorney, within and for the County of Douglas, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court that TATIANA LEIBEL, a.k.a., TATIANA KOSYRKINA, has committed the crime of OPEN MURDER WITH THE USE OF A FIREARM, a violation of NRS 200.010(1) through NRS 200.090 and NRS 193.165, a category A felony, committed as follows:

The defendant, on or about February 23, 2014, and before the filing of this Information, at and within the County of Douglas, State of Nevada,

COUNT ONE: OPEN MURDER WITH THE USE OF A FIREARM, a violation of NRS 200.010(1) through NRS 200.090 and NRS 193.165, a category A felony

did willfully, unlawfully and with malice aforethought, kill a human being, Harry Leibel, with the use of a firearm, a deadly weapon, thereby inflicting a mortal wound from which he died, to-wit: did kill Harry Leibel by using a firearm and shooting him in the torso, all of which occurred in the County of Douglas, State of Nevada,

1 against the peace and dignity of the State of Nevada. Complainant prays the defendant be
2 dealt with according to law.

3
4
5 
6 THOMAS W. GREGORY
7 Chief Deputy District Attorney

Douglas County District Attorney
Post Office Box 218
Minden, Nevada 89423
(775) 782-9800 Fax (775) 782-9807

The following are the names of such witnesses as are known to me at the time of
filing the within Information:

Eric Schinzing Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Brian Hubkey Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Steven Haley Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Ted Jaspersen Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Nadine Chrzanowski Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Ed Garren Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Adam Windsor Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Bernadette Smith Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

Ron Skibinski Douglas County Sheriff's Office
1038 Buckeye Road
Minden, NV 89423

1		
2	Geoff Marshall	Douglas County Sheriff's Office
3		1038 Buckeye Road
4		Minden, NV 89423
5	Brandon Williamson	Douglas County Sheriff's Office
6		1038 Buckeye Road
7		Minden, NV 89423
8	Leland Love	Douglas County Sheriff's Office
9		1038 Buckeye Road
10		Minden, NV 89423
11	John Milby	Douglas County Sheriff's Office
12		1038 Buckeye Road
13		Minden, NV 89423
14	Matthew Saylo	Douglas County Sheriff's Office
15		1038 Buckeye Road
16		Minden, NV 89423
17	Jeff Schemenauer	Douglas County Sheriff's Office
18		1038 Buckeye Road
19		Minden, NV 89423
20	James Halsey	Douglas County Sheriff's Office
21		1038 Buckeye Road
22		Minden, NV 89423
23	Justin Fricke	Douglas County Sheriff's Office
24		1038 Buckeye Road
25		Minden, NV 89423
26	Brian Wisneski	Douglas County Sheriff's Office
27		1038 Buckeye Road
28		Minden, NV 89423

1	John Preston	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
2		
3	Leland Love	Douglas County Sheriff's Office3 1038 Buckeye Road Minden, NV 89423
4		
5	Stacy Chambers	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
6		
7		
8	Johns Barden	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
9		
10	Debra Schamra	Douglas County Sheriff's Office 1038 Buckeye Road Minden, NV 89423
11		
12	Nick Robidart	East Fork Fire and Paramedic District 1694 County Road Minden, NV 89423
13		
14		
15	Chris Lucas	East Fork Fire and Paramedic District 1694 County Road Minden, NV 89423
16		
17	Fred Parson	East Fork Fire and Paramedic District 1694 County Road Minden, NV 89423
18		
19		
20	Justin Redigg	East Fork Fire and Paramedic District 1694 County Road Minden, NV 89423
21		
22	Michael Lyford	Washoe County Sheriff's Office Forensic Science Division 911 Parr Boulevard Reno, NV 89512
23		
24		
25	Marci Margritier	Washoe County Sheriff's Office Forensic Science Division 911 Parr Boulevard Reno, NV 89512
26		
27		
28		

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

Joey Lear

Washoe County Sheriff's Office
Forensic Science Division
911 Parr Boulevard
Reno, NV 89512

Sharon Bartee

2015 W. Dogwood
Anaheim, CA 92871

Piotr Kubiczek, M.D.

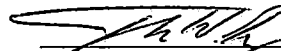
Washoe County Medical Examiner's Office
10 Kirman Avenue
Reno, NV 89502

Criminalists, T.B.D.

Washoe County Sheriff's Office
Forensic Science Division
911 Parr Boulevard
Reno, NV 89512

Devin Moffat

Dispatcher
911 Communications



Thomas W. Gregory
Chief Criminal Deputy District Attorney

1 CASE NO. 14CR0062

2 DEPT. NO. II

3 DA Case No. 14-343G

FILED

2014 APR -8 AM 9:19

TED THUAN
CLERK

BY [Signature] DEPUTY

RECEIVED

APR - 8 2014

DOUGLAS COUNTY
DISTRICT COURT CLERK

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

STATE'S MOTION TO
INCREASE BAIL

12 TATIANA LEIBEL,

13 DEFENDANT.
14 _____ /

15 Comes now, the State of Nevada, by and through the Douglas County District
16 Attorney's Office, and hereby files a Motion to Increase Bail. The State's motion is
17 based upon the attached points and authorities and the record herein.

18 Dated this 8 day of April, 2014.

20 [Signature]

21 Thomas W. Gregory
22 Chief Deputy District Attorney
23 P. O. Box 218
24 Minden, Nevada 89423
25 (775)782-9800

POINTS AND AUTHORITIES

PROCEDURAL BACKGROUND

On February 24, 2014, a criminal complaint was filed charging Tatiana Leibel, hereinafter Leibel, with the crime of open murder with the use of a deadly weapon, a violation of NRS 200.010(1), 200.030 and 193.165. The charge carries the potential for a conviction for murder in the first degree, the possible penalty for which includes a sentence of life without the possibility of parole. NRS 200.030. On the same day, a magistrate made a determination, based upon a sworn statement of a peace officer, that probable cause existed for the issuance of a warrant for Leibel's arrest. The warrant authorized holding Leibel without bail. Leibel was arrested shortly thereafter.

Leibel's first appearance was held on February 25, 2014. An attorney was appointed to represent Leibel and a status hearing was set for March 4, 2014. On that date, the matter was set for a preliminary hearing to be held on April 3, 2014. At the March 4, hearing, Leibel made an oral motion for bail. The State opposed the motion. The Justice Court set bail in the amount of \$500,000.

The preliminary hearing was heard on April 3, 2014. At the conclusion of the evidence, the Justice Court made a finding that the State had met its burden of proof and bound the matter over to District Court for further proceedings. Prior to designating the district court assignment and setting the arraignment date, the Justice Court entertained an oral motion from Leibel to further reduce bail. Like the first motion, Leibel's second motion was made orally, without any advance notice to the State, and with little evidence offered in support. The State opposed the motion. The Justice Court granted

1 Leibel's motion and reduced bail dramatically, this time to \$75,000, cash only. Bail
2 was posted the following day and Leibel is currently out of custody.

3 ARGUMENT

4 Article I, Section 7 of the Nevada Constitution provides: "All persons shall be
5 bailable by sufficient sureties; unless for Capital Offenses or murders punishable by life
6 imprisonment without the possibility of parole when the proof is evident or the
7 presumption great." Similarly, NRS 178.484(4) provides: "A person arrested for
8 murder of the first degree may be admitted to bail unless the proof is evident or the
9 presumption great by any competent court or magistrate authorized by law to do so in
10 the exercise of discretion, giving due weight to the evidence and to the nature and
11 circumstances of the offense." When bail is a matter of discretion, a court "shall require
12 such notice of the application therefor as the court or officer may deem reasonable to be
13 given to the district attorney..." NRS 178.486.

14 As Leibel has already posted bail and is out of custody, the State requests an
15 increase Leibel's bail and modification of the conditions of her release. A court may,
16 upon its own motion or upon motion of the district attorney and after notice to the
17 defendant's attorney, increase the amount of bail for good cause shown. NRS
18 178.499(1). In such case, the defendant must either return to custody or post the
19 additional amount of the bail. NRS 178.499(2). Bail must be set in an amount that will
20 "reasonably ensure the appearance of the defendant and the safety of other persons and
21 of the community, having regard to: (1) the nature and circumstances of the offense
22 charged; (2) the financial ability of the defendant to give bail; (3) the character of the
23 defendant; and the factors listed in NRS 178.4853." NRS 178.498.
24
25
26
27
28

1 Of the ten factors listed in NRS 178.498, those giving most concern to the State
2 are: (7) The nature of the offense with which the person is charged, the apparent
3 probability of conviction and the likely sentence, insofar as these factors relate to the
4 risk of not appearing; (8) The nature and seriousness of the danger to the alleged victim,
5 any other person or the community that would be posed by the person's release; and
6 (10) Any other factors concerning the person's ties to the community or bearing on the
7 risk that the person may willfully fail to appear. NRS 178.4853.
8

9 Leibel is a flight risk. Leibel is not only charged with open murder, but the case
10 has advanced beyond the preliminary hearing to the trial stage. The allegation is that
11 Ms. Leibel shot her husband with a rifle as he was lying on a couch. As Leibel claims
12 her husband's death to have been occasioned by suicide, there has been no claim of self-
13 defense or provocation, nor is there evidence of such. If Ms. Leibel is convicted, it is
14 likely to be for murder in the first degree with the use of a deadly weapon with a
15 significant probability of sentence of life without the possibility of parole.
16

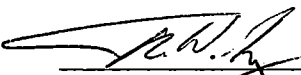
17 According to a contact with the United States Department of Homeland
18 Security, Leibel became a lawful permanent resident of the United States in 2011 but is
19 not United States citizen. Leibel has indicated that she is from Russia. While the
20 Justice Court conditioned Leibel's release upon relinquishment of any passports, the
21 magistrate did not condition the release upon remaining in Nevada or even the United
22 States. Leibel is on a GPS monitor but is not subject to house arrest. Nothing in the
23 current bail conditions would prohibit Leibel from obtaining another passport and/or
24 leaving the United States.
25
26
27
28

1 In twice successfully arguing for significant bail modifications, Leibel did not
2 supply much information relating to factors such as her employment history, reputation,
3 character, mental condition, character, and ties to the community. As for local ties, it is
4 important to note that immediately upon posting bail, Leibel made arrangements to fly
5 to San Diego, California.

6 CONCLUSION

7 Under these circumstances, \$75,000 cash, most likely not Leibel's own, is
8 woefully insufficient to ensure Leibel's appearance at trial. The State requests that bail
9 be increased to \$1,000,000.00, cash only. The State further requests that bail be
10 conditioned upon supervision by the Department of Alternative Sentencing; house arrest
11 at a suitable residence located in Northern Nevada; GPS monitoring; no travel outside
12 of the residence except as pre-authorized by DAS for necessities, medical attention,
13 work, or court; obedience to all laws; waiver of extradition; no firearms; no entry into
14 452 Kent Way; no use or possession of alcohol or controlled substances except as
15 prescribed; search/seizure and testing for firearms, alcohol, and controlled substances;
16 payment of all fees associated with her monitoring; and attendance at all scheduled
17 court appearances. Lastly, the State requests that Leibel be ordered to return to custody
18 pending the posting of additional bail and a demonstrated ability to abide by the
19 conditions. NRS 178.499(2).

20 Dated this 8 day of April, 2014.

21
22
23
24
25
26 
27 Thomas W. Gregory
28 Chief Deputy District Attorney
P. O. Box 218
Minden, Nevada 89423

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF DOUGLAS)

4 Thomas W. Gregory, being first duly sworn, deposes and states under the penalty of
5 perjury:

6 I am employed as a Chief Deputy with the Douglas County District Attorney's Office
7 and in said capacity I am assigned to the case of State v. Tatiana Leibel, DA 14-343G.

8 I have read the points and authorities supporting the State's Motion to Increase Bail
9 and believe the contents to be true based upon information and belief.

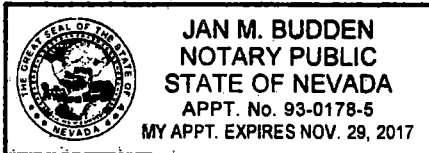
10 DATED this 8 day of April, 2014.

11 
12 AFFIANT

13 SUBSCRIBED and SWORN to before me

14 by Thomas W. Gregory, this 8th day of April, 2014.

15 
16 Justice of the Peace/Notary Public



1 CASE NO. 14-CR-
2 DEPT. NO. II
3 DA Case No. 14-343G
4
5

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

CERTIFICATE OF SERVICE

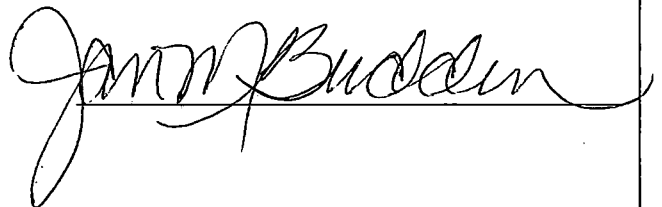
12 TATIANA LEIBEL,
13 DEFENDANT.
14 _____ /

15 Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for
16 Douglas County, Nevada, and that I deposited for delivery with Reno Carson Messenger/U.S.
17 Mail, a true copy of the State's Motion to Increase Bail, addressed to:

18 Kris Brown, Esq.
19 1190 High School, Suite A
20 Gardnerville, NV 89410

21 Kay Ellen Armstrong, Esq.
22 209 N. Pratt
23 Carson City, NV 89701

24 DATED this ~~8th~~ day of April, 2014,

25 
26
27
28

Case No. 14-CR-0062

FILED

Dept No. II

2014 APR -8 AM 9:19

DA 14-343G

TED THUAN
CLERK

This document does not contain personal information of any person

BY [Signature] DEPUTY

RECEIVED

APR - 8 2014

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

DOUGLAS COUNTY
DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

NOTICE OF NON-CAPITAL
PROCEEDING (S.C.R. 250)

TATIANA LEIBEL,

Defendant.

The State of Nevada, by and through Douglas County District Attorney Mark B. Jackson, and Thomas W. Gregory, Chief Deputy District Attorney, and hereby gives notice that the State will not be seeking the death penalty in the above-captioned case. Therefore, the procedures and provisions set forth in Supreme Court Rule 250 do not apply to this case.

Dated this 8 day of April, 2014.

MARK B. JACKSON
DISTRICT ATTORNEY

By: [Signature]

Thomas W. Gregory
Chief Deputy District Attorney
P. O. Box 218
Minden, Nevada 89423
(775)782-9800

Douglas County District Attorney
Post Office Box 218
Minden, Nevada 89423
(775) 782-9800 Fax (775) 782-9807

Case No. 14-CR-

Dept No. II

DA 14-343G

This document does not contain personal information of any person

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

THE STATE OF NEVADA,

Plaintiff,

vs.

CERTIFICATE OF SERVICE

TATIANA LEIBEL,

Defendant.

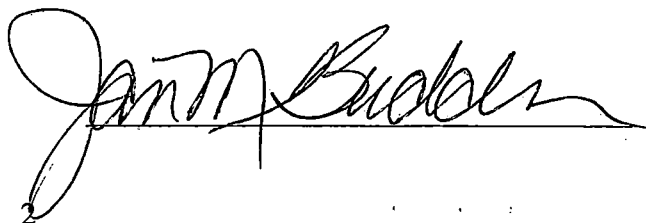
Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for
Douglas County, Nevada, and that I deposited for delivery a true copy of Notice of Non-Capital

Proceeding, addressed to: Kris Brown, Esq.,
1190 High School, Suite A
Gardnerville, Nevada 89410

Kay Ellen Armstrong, Esq.
209 Pratt
Carson City, NV 89701

- ☒ U.S. Mail
☒ Reno/Carson Messenger
☐ Hand Delivery

DATED this 24 day of April, 2014.



69

Case No. 14-CR-0062

Department No. II

This document does not contain personal information of any person.

RECEIVED
APR 11 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

FILED

2014 APR 11 PM 4:38

TED THUAN
CLERK

BY *[Signature]* **DEPUTY**

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

STATE OF NEVADA)

Plaintiff,)

vs.)

TATIANA LEIBEL)

Defendant)

CERTIFICATE OF SERVICE

I certify that I am an employee of The Law Office of Kristine L. Brown, LLC, and that on this date I hand-delivered a true and correct copy of Opposition to State's Motion to Increase Bail to:

The Douglas County District Attorney's Office
1038 Buckeye Road
Minden, Nv. 89423

Dated this 11th day of April, 2014.

Kristine L. Brown

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

RECEIVED

APR 11 2014

FILED

2014 APR 11 PM 4:38

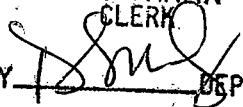
**DOUGLAS COUNTY
DISTRICT COURT CLERK**

Case No. 14-CR-0062

Dept. No. II

This document does not contain personal information of any person

**TED THUAN
CLERK**

BY  **DEPUTY**

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA)

Plaintiff,)

vs.)


TATIANA LEIBEL)

Defendant)

**OPPOSITION TO STATE'S MOTION TO
INCREASE BAIL**

Tatiana Leibel, defendant, opposes the State's Motion to Increase Bail. This opposition is based on the pleadings and papers on file and the following points and authorities.

Dated this 11th day of April, 2014.


Kristine L. Brown
State Bar No. 3026
1190 High School Street
Suite A
Gardnerville, Nv. 89410
775-783-8642
Attorney for Defendant

8

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

POINTS AND AUTHORITIES

Tatiana Leibel was arrested on February 25, 2014 on a charge of Open Murder with the Use of a Firearm. She appeared before the Tahoe Justice Court that same date. The matter was set for further proceedings on March 4, 2014 and counsel was appointed. There was a notation on the setting sheet that at the March 4th hearing, the matter of bail was to be addressed. See Exhibit 1.

At the March 4th hearing, the court was advised of Mrs. Leibel's residency status, the length of time she had been in the United States and the community. The court was also advised that Mrs. Leibel had two adult daughters and three grandchildren in southern California and that there was a strong family connection. Mr. and Mrs. Leibel also owned a residence in Zephyr Cove, Nevada. It was believed at the time that the home could be used as surety for a bail bond. Based on these and other factors, the court set bail at \$500,000.

At the request of the sheriff's department, the Public Administrator took possession of the Leibel home and control of the estate of Mr. Leibel. On March 17, 2014, a hearing was held in that matter, case number 14-PB-0022. At the conclusion of that hearing, the court ordered Mrs. Leibel excluded from the residence and disallowed the property to be used a collateral for bail.

A preliminary hearing was held in the criminal case on April 3, 2014. The state presented the testimony of two witnesses: Deputy Justin Williamson and Investigator Ed Garren. During Deputy Williamson's testimony, a recording of the 911 call was played. This call was from Mrs. Leibel reporting that her husband had shot himself in the family home. During the call, Mrs. Leibel was instructed to do CPR on her husband while she waited for emergency responders. It appeared, from what could be heard during the phone call, that Mrs.

8

Leibel attempted to follow the dispatchers instructions. When officers arrived, there was a brief delay while she put the family dog in a spare room, then she answered the door.

Deputy Williamson testified that Mrs. Leibel appeared panicked and upset when she answered the door. Deputy Williamson directed Mrs. Leibel to remain outside and entered the house with Deputy Haley. At that time, they could see the injury to Mr. Leibel's hand, but nothing more. Mr. Leibel showed no obvious signs of life. When paramedics arrived, they cut open Mr. Leibel's shirt. At that point, Deputy Williamson saw what appeared to be a circular wound under Mr. Leibel's right arm pit. Deputy Williamson left Deputy Haley with the paramedics and went outside to speak with Mrs. Leibel.

Deputy Williamson testified that Mrs. Leibel told him that Mr. Leibel was in the living room and she was around the corner in the kitchen. She heard a "boom" and ran into the living room. Mr. Leibel was on the couch holding a gun directed at his torso. Mrs. Leibel covered her eyes with her hands and heard a second shot. When she opened her eyes, the gun had fallen across his lap and she ran to the kitchen to call 911.

Investigator Garren arrived about an hour later. He was briefed by Deputy Williamson on what had occurred, then entered the residence. He saw Mr. Leibel lying on the floor in front of the couch. He first noticed the injury to the hand and that the hand appeared to be covered with a gray discoloration that appeared to be a powder burn. Deputy Garren, however, could not say what significance, if any, the powder burn had. Deputy Garren later noted the injury under Mr. Leibel's arm pit. He also saw blood on the couch next to the armrest and a hole in the back of the couch that appeared to be caused by a projectile. Behind the couch, he found a defect in the sheet rock consistent with entry of a projectile.

8

Based on these observations, Investigator Garren concluded that the death did not appear to be a suicide. Deputy Garren testified he was later shown what appeared to be a "graze" injury to Mr. Leibel's left shoulder. Photographs were taken "later" of the weapon that was alleged to have been used and the hammer was found to be cocked. There were also trajectory rods used at the scene to try to determine the path of the projectile, but no photographs demonstrating the trajectory were presented at the hearing.

Investigator Garren testified the weapon was later examined. It had a "revolver like" cylinder that contained three live rounds and two expended casings. The cylinder was loaded alternating .45 rounds and .410 shot. One of each had been fired from the gun. The gun was not examine to determine if it was operable or subject to mechanical malfunctions.

Investigator Garren described no physical evidence showing which, if either, shot had caused the apparent injury to the chest or what, if any, injury it had caused. Investigator Garren opined that that the injury to the hand was caused by a shotgun shell because of the wadding apparent in the wound. He had also concluded that the graze wound to the shoulder was caused by the same shot. Investigator Garren was not present at the autopsy and could not describe what evidence was discovered during that process.

Investigator Garren admitted he was not a firearms expert, a ballistics expert, or an expert in gunshot wounds. Yet he stated that it was his opinion that Mrs. Leibel's report of a suicide was inconsistent with the evidence.

Based on this evidence, the case was bound over to District Court. At the conclusion of the preliminary hearing, the court allowed the defense to address the matter of bail. After the previous bail hearing, it was learned that the house could not be used as collateral per the courts order in 14-PB-0022 . The family had raised the \$75,000 that they would have needed to pay

8

the bond fee. The court then set the bail at \$75, 000 cash and imposed conditions of release.
See exhibit 2.

“A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.” NRS 178.484(4), see also Article 1, Section 7 of the Nevada Constitution. Although the court found there was slight to marginal evidence to bind the case over, there was apparently no finding that the “proof was evident or the presumption great” that the crime had in fact been committed by Mrs. Leibel. The evidence at the preliminary hearing was based mostly on Investigator Garren’s conclusion that the evidence he observed was inconsistent with Mrs. Leibel’s report of suicide. There was no evidence presented concerning the results of the autopsy or any scientific testing. Therefore, bail was discretionary with the court.

Nevada Revised Statutes 178.498 states:

“If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;
3. The character of the defendant; and
4. The factors listed in NRS 178.4853.”

Once bail has been set, it can only be raised upon a showing of “good cause”. NRS 178.499(1). It is troubling that at the probate hearing, this court stated its opinion that the bail was too low, even when it was set at \$500,000. The court also recited facts concerning the case that were erroneous. A difference of opinion, however, is not “good cause”. The state has

8

1 indicated their biggest concern is the risk of flight and pointed out that upon release from
2 custody, Mrs. Leibel "immediately....made arrangements to fly to San Diego, California."

3 I would remind the state and the court that Mrs. Leibel, through this court's order has
4 been excluded from her residence in Zephyr Cove, Nevada. She has no access to any of the
5 family bank accounts or assets. Upon release from custody, she had nowhere to live and no
6 money to rent alternative accommodations. Her family is in southern California and she is
7 currently staying with a family friend in the same residence as her young daughter.
8 Additionally, prior to leaving, she checked in with the Department of Alternative Sentencing,
9 was fitted with a GPS tracking device and **advised** them of where she would be living. She did
10 not flee the jurisdiction. Additionally, although there is nothing per se that prohibits Mrs.
11 Leibel from getting a passport, if she did obtain one, she would be required by her conditions of
12 release to surrender it to the court.
13
14

15 Although Mrs. Leibel is charged with first degree, she is far from convicted of it. Very
16 little evidence has been put forward by the state at this juncture supporting that charge, so the
17 apparent probability of conviction is speculative. Mrs. Leibel's actions don't speak of a person
18 intent on flight. She placed the 911 call to report her husband had shot himself. She attempted
19 to administer CPR. She voluntarily gave a statement to the officer at the scene. She voluntarily
20 came to the Sheriff's Department for an interview. She left and voluntarily returned the next
21 day for another interview, knowing they suspected her of killing her husband. She left and was
22 still at her residence the next day when she was arrested. Had she wanted to flee, she had ample
23 opportunity.
24
25

26 As was previously brought to the attention of the justice court judge, Mrs. Leibel is fifty
27 years old and has no prior criminal history. Although born and raised in Russia, she has lived in
28

the United States since 1998. She is a lawful permanent resident. She and her husband had lived in the Stateline area over four years and owned a house there. Although she has no family in the immediate area, her daughters and grandchildren are in southern California, easily within a day's driving distance. She has a strong bond with her family and maintains regular contact.

Mrs. Leibel has previously owned her own company, TLA&Group. In 2009 she graduated from Lake Tahoe Community College with a degree in Social Science and worked as an intern at the State Legislature. She graduated from UNR in 2011 with a Bachelors Degree, majoring in International Affairs and Political Science. She owns a patent for software designed for the energy industry and was working on software design at UNR up until the time of her arrest.

Mrs. Leibel practices the Jewish faith and was visited often by the Rabbi during the time she was in custody.

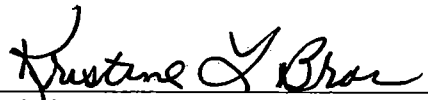
Mr. Leibel was gravely ill. He had in the past and was currently being treated for cancer. Mrs. Leibel had been his caregiver for many years. Before they moved to Nevada, Mr. Leibel was once hospitalized for a month. Mrs. Leibel stayed at his side during his whole recovery. Friends and family would vouch that she was devoted to Mr. Leibel.

Family members contributed the money to post Mrs. Leibel's cash bail. By court order, Mrs. Leibel, herself, has no access to money or property belonging to her and Mr. Leibel. She is truly indigent at this point.

The purpose of bail is to ensure that the defendant will appear in court when required and to protect the safety of the community. Taking those factors into account, Judge Glasson set bail in the amount of \$75,000, cash only. Since that time, there has been no change in circumstance or violation of bail conditions that would provide "just cause" for increasing the

1
2 bail amount. Therefore, the defendant would respectfully request that the court deny the State's
3 Motion to Increase Bail.

4 Dated this 11th day of April, 2014.

5
6 
7 Kristine L. Brown
8 State Bar No. 3026
9 1190 High School Street
10 Suite A
11 Gardnerville, Nv. 89410
12 775-783-8642
13 Attorney for Defendant
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

175 HIGHWAY 50 • P.O. BOX 7169
STATELINE, NV 89449 • (775) 586-7200

CITATION/CASE NO. 14-0188

DA'S NO. _____

**IN THE TAHOE JUSTICE COURT
COUNTY OF DOUGLAS, STATE OF NEVADA**

THE STATE OF NEVADA, Plaintiff,

vs. Leibel, Tatiana, Defendant

**NOTICE OF SETTING
AND
ORDER TO APPEAR**

TO: The above-named defendant and defendant's attorney(s):

YOU AND EACH OF YOU are hereby notified that the:

☐ Continued Arraignment/Arraignment☐ Trial☐ Vacate☐ Preliminary Hearing☐ Rev./Sentencing☐ Waived 15 / 60 Day Rule☒ MSC/Setting☐ Entry of Plea☐ Payment Proof☒ Bail to be addressed

In the above-entitled matter is set for:

1:00 P M. on the 4 day of March, 2014, and the _____ is set for
_____ M. on the _____ day of _____, 2014; In the

above-entitled Court at 175 Highway 50, Stateline, Nevada. The defendant is Ordered to appear at these times absent other Order of the Court. If this case has been set for a Mandatory Status/Settlement Conference (MSC), the parties are ordered to meet and confer with each other at or prior to the time and date set for the MSC. Court will commence one (1) hour after the time set by this Order for the MSC. The parties must advise the Court at that time as to the status of the case.

Dated this 25 day of February, 2014, 2013

RJusm
JUSTICE OF THE PEACE, Tahoe Justice Court

A DEFENDANT, BEING RELEASED ON BAIL OR HIS/HER OWN RECOGNIZANCE (WITHOUT BAIL) AGREES THAT:

He/she understands that pursuant to DCC 9.199.335 willful **FAILURE TO APPEAR** as directed by the Court is a separate violation for which punishment may be 6 months in County jail and/or \$1,000.00 fine, regardless of the disposition of this case. He/she understands that willful **FAILURE TO APPEAR** to answer felony charge(s) is a separate violation for which punishment can be state prison for not less than 1 year nor more than 6 years, and/or a fine of not more than \$5,000.00, regardless of the disposition of this case.

I HAVE RECEIVED A COPY, READ, UNDERSTAND AND AGREE TO THE CONDITIONS OF THIS ORDER AND I PROMISE TO APPEAR IN COURT ON THE DATE AND TIME INDICATED ABOVE.

Defendant Signature [Signature]

Mailing Address _____

City _____

State _____

Zip _____

Phone Number _____

Physical Address _____

Place of Employment _____

I certify that I am an employee of Tahoe Justice Court, Douglas County, Nevada and that on this day I:

☒ Hand delivered to plaintiff and defendant (or defendant's attorney) in court @ JAIL☐ Deposited for mailing at Minden, Nevada, a true copy of the within document addressed to:Dated: 2/25/14 Signed: SM _____, ClerkDistribution: ☒ CAL ☒ D.A. ☒ Jail ☐ Def. ☐ P.D. ☐ Attorney _____ FAX _____

FILED

Case No.: 14 CR 0188

2014 APR -3 PM 2:26

IN THE JUSTICE COURT OF TAHOE

COUNTY OF DOUGLAS, STATE OF NEVADA

JUDGE
281
CLERK

STATE OF NEVADA,

Plaintiff,

Vs.

TATIANA LEIBEL,

Defendant.

ORDER RE: CONDITIONS OF RELEASE

To protect the health, safety and welfare of the community and to ensure that the defendant will appear at all times and places ordered by the Court, and having given due consideration to the factors enumerated in NRS 178.484-4853, the following are ordered as conditions of defendant's release from custody, upon posting of bail or otherwise, pending further Order of the Court:

- ☒ Defendant shall waive extradition from any State to Nevada and shall appear at all times as ordered by this Court.
- ☒ Defendant shall apprise the Court of defendant's current address and phone number and shall inform the Court within 48 hours of any changes.
- ☒ Defendant shall not consume or possess alcohol, marijuana, medical marijuana or unauthorized drugs, and defendant shall submit to a chemical test to determine the presence of alcohol and/or drugs at any time upon the request of any peace officer, and defendant shall pay the cost of any such test and defendant shall submit his/her person, vehicle and residence to search and seizure to law enforcement officers at all times without a requirement of warrant or probable cause.
- ☒ Defendant shall not enter upon the premises of any Douglas County gaming or alcohol licensed premises, unless employed therein.
- ☒ Defendant shall have no contact with: **SURRENDER ALL PASSPORTS TO COURT, EXPIRED OR NOT.**
- ☒ Defendant **SHALL NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS.**
- ☒ Defendant shall be supervised during pre-trial release by making arrangements through the Douglas County Department of Alternative Sentencing. This supervision may include a tracking or VBT program and/or house arrest as ordered by the Court. Defendant shall follow all instructions and requests from the Department. Defendant **SHALL NOT** be released from custody until the Department has interviewed defendant in person. The Department's telephone number is 775-782-9970. Defendant shall pay all costs associated with supervision, tracking equipment and testing.

Before defendant may be released, defendant must sign a copy of this Order and post **\$75,000.00 CASH ONLY** bail. Any law enforcement officer may arrest the defendant if such officer has probable cause to believe that the defendant has violated a condition of this Order. It is so ordered.

Dated Thursday, April 03, 2014.



RICHARD GLASSON, JUDGE
Tahoe Justice Court

Defendant's Signature

80

1 CASE NO. 14-CR-0062

2 DEPT. NO. II

FILED

2014 APR 14 PM 12:45

RECEIVED

APR 14 2014

TED THUAN
CLERK

5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 DOUGLAS COUNTY DISTRICT COURT CLERK
7 IN AND FOR THE COUNTY OF DOUGLAS

8 IN THE MATTER OF THE APPLICATION OF

9 TATIANA LEIBEL, a.k.a.,
10 TATIANA KOSYRKINA,

ORDER APPOINTING
COUNSEL

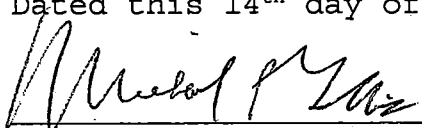
11 IN PROPRIA PERSONA FOR THE
12 APPOINTMENT OF COUNSEL

13 _____/

14 The Defendant, TATIANA LEIBEL, a.k.a., TATIANA
15 KOSYRKINA, having requested the appointment of an attorney to
16 represent him and having represented to the Court that he is
17 without means of employing an attorney and indicating therein
18 the facts concerning his financial status, and Good Cause
19 Appearing, Therefore,

20 IT IS HEREBY ORDERED that, KRISTINE L. BROWN ~~AND KAY~~
21 ~~ELLEN ARMSTRONG~~, be appointed to represent the Defendant in all
22 further proceedings herein.

23 Dated this 14th day of April, 2014

24 
25 MICHAEL P. GIBBONS
26 District Judge
27
28

FILED

2014 APR 14 PM 4:00

TED THAN
CLERK

BY [Signature] DEPUTY

RECEIVED

APR 14 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

1 CASE NO. 14-CR-0062

2 DEPT. NO. II

3 DA Case No. 14-343G

4
5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF DOUGLAS
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

ORDER INCREASING BAIL

12 TATIANA LEIBEL,

13 DEFENDANT.
14 _____ /

15
16 On April 8, 2014, the State filed a Motion to Increase Bail. The Defendant, by
17 and through counsel, Kristine Brown, Esq., filed an opposition to the motion on April
18 11, 2014. The Court addressed the motion in open court on April 14, 2014, and
19 provided the parties with an opportunity to provide additional arguments. The motion is
20 appropriately before the Court pursuant to NRS 178.499(1) and is ripe for
21 consideration.

22 The Court, having considered the briefs, the arguments of counsel, and the
23 factors enumerated in NRS 178.498 and 178.4853, finds that the current bail and
24 attendant conditions are insufficient to ensure the Defendant's appearance at trial. The
25 Court bases this decision primarily upon the severity of the charge and that the
26 Defendant is not a citizen of the United States.

27 ///

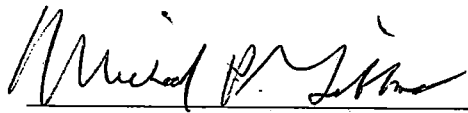
28 ///

1 IT IS HEREBY ORDERED, that the Defendant's bail is increased to
2 \$1,000,000.00, cash or bond. Whether the marital home may be used as collateral will
3 be determined in the probate court proceedings. Prior to bail being posted and the
4 Defendant being released, a hearing must be held to determine the appropriate
5 conditions of bail. Those conditions would include geographic limits on travel, GPS
6 monitoring, no possession of a passport issued from any country, and no possession of
7 firearms, amongst other conditions. The Defendant is ordered to return to custody
8 pending the posting of such bail and the corresponding hearing to determine conditions
9 of release. NRS 178.499(2).

10 IT IS FURTHER ORDERED, that the cash bail originally posted is exonerated
11 and shall be released to person who posted the money.

12 At the Defendant's request, the arraignment in this matter is continued until
13 April 21, 2014, at the hour of 9:00 a.m.

14 Dated this 14 day of April, 2014.

15 
16 _____
17 DISTRICT JUDGE



Department of
FILED
ALTERNATIVE SENTENCING



2014 APR 15 AM 10:44

DOUG ALBERTSON CHIEF PROBATION OFFICER
CLERK

RECEIVED

April 15, 2014

BY *[Signature]* DEPUTY

APR 15 2014

☐ VIOLATION REPORT

CASE NUMBERS:

☐ WARRANT REQUEST

DOUGLAS COUNTY
DISTRICT COURT CLERK
DC 14-CR-0062

☐ CRIME REPORT

☐ RECOMMENDATIONS TO COURT

☒ SUPPLEMENTAL REPORT

DEFENDANT: Leibel, Tatiana – DOB 01/03/1964

NARRATIVE: On April 4, 2014, the defendant was released on a \$75,000.00 cash bail. As part of release conditions, the Douglas County Department of Alternative Sentencing was ordered to supervise the defendant pending further Court matters. It was also further ordered that she be affixed with a Global Positioning System (GPS) device.

On April 14, 2014, the defendant was remanded back into the custody of the Douglas County Sheriff's Department and the device was removed.

The total cost for the device is \$165.00; \$15 per day for eleven (11) days. Additionally, there is a \$25.00 installation fee for a total of \$190.00.

To date no money has been paid for this service.

The DCDAS is requesting the cash bail be released to pay for the service rendered.

[Signature]

Doug Albertson
Chief Probation Officer

Identification: SCHWOERER, R.

DOB:

Sex:

Collected by: ALBERTSON, D.

Collected: 03/28/2014

Received: 04/08/2014 6:03 PM

Reported: 04/11/2014 5:09 PM

Account #: 122845

Requisition #: 900138

Accession #: 140408-16558

Specimen Type: Urine

Client: Alternative Sentencing - Douglas County

1038 Buckeye Rd

Minden, NV 89423-4150

Phone: (775)782-5177

RECEIVED
APR 15 2014
DOUGLAS COUNTY
DISTRICT ATTORNEY
647 - Ethyl Glucuronide (EtG)

Final Result Summary

- Ethyl Glucuronide (EtG) detected by LC/MS/MS
- Ethyl Sulfate (EtS) detected by LC/MS/MS

Drug Tests

		Screen		Confirmation	
Drug	Result	Method	Cutoff	Method	Cutoff
Ethyl Glucuronide					
Ethyl Glucuronide (EtG)	DETECTED	EIA	100 ng/mL		
Ethyl Glucuronide (EtG)	DETECTED			LC/MS/MS	100 ng/mL
Ethylglucuronide (EtG) > 10,000 ng/mL.					
Ethyl Sulfate (EtS)	DETECTED			LC/MS/MS	25 ng/mL
Ethyl Sulfate (EtS) > 10,000 ng/mL.					

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Chief Toxicologist: Wayne Ross, M.C.L.S. / MT(AAB)

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after 2 days; Positives - after 6 months; Methadone Maintenance - after 2 months

85

Case No. 14 CR 0188

FILED

2014 APR 16 PM 4:24

RECEIVED
APR 16 2014
DOUGLAS COUNTY
DISTRICT COURT CLERK

IN THE JUSTICE COURT OF HAWDE TOWNSHIP
CLERK
IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA
BY *[Signature]* DEPUTY
BEFORE THE HONORABLE RICHARD GLASSON, JUDGE

-oOo-

THE STATE OF NEVADA,

Plaintiff,

-VS-

PRELIMINARY HEARING

TATIANA LEIBEL,

Defendant.

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

APRIL 3, 2014

STATELINE, NEVADA

APPEARANCES:

For the Plaintiff:

THOMAS GREGORY
District Attorney
Minden, Nevada

For the Defense:

KRIS BROWN
KAYELLEN ARMSTRONG
Attorneys at Law
Minden, Nevada

REPORTED BY:

SUZANNE KUES ROWE
Nevada CCR #127

816

INDEX OF EXAMINATION

DIR CROSS RED. REC.

WITNESS:

BRANDON JAMES WILLIAMSON.....9 28
EDWARD GARREN.....40 67

INDEX OF EXHIBITS

	ID	EVID
1 - 911 CALL.....	14	15
2 - PHOTOGRAPH.....	44	45
3 - PHOTOGRAPH.....	33	34
4 - PHOTOGRAPH.....	47	47
5 - PHOTOGRAPH.....	48	49
6 - PHOGOTRAPH.....	50	51
7 - PHOTOGRAPH.....	54	54
8 - PHOTOGRAPH.....	56	56
9 - PHOTOGRAPH.....	57	58
10 - DIAGRAM.....	60	61
11 - PHOTOGRAPH.....	62	62
12 - PHOTOGRAPH.....	43	44
13 - DIAGRAM.....		
14 - GROUP OF PHOTOGRAPHS.....	67	70
15 - COLOR PHOTOGRAPH.....	70	70
16 - X-RAY PHOTOGRAPH.....	82	
17 - PHOTOGRAPH.....	86	89

87

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

EXAMINATION

18 - X-RAY PHOTOGRAPH.....91 92

88

1 THURSDAY, APRIL 3, 2014, STATELINE, NEVADA, 9:00 A.M.

2 -oOo-

3 THE COURT: Good morning, folks. Please be seated.
4 Thank you, deputy.

5 We have proceedings this morning in case 14-0188, State
6 of Nevada versus Tatiana Leibel.

7 Mr. Gregory is here for the plaintiff, Ms. Brown and
8 Ms. Armstrong are present for the defendant.

9 This is Ms. Leibel?

10 Ms. Leibel is present, she's in custody. We're still
11 looking for Ms. Sosnuskaya. Have we seen Ms. Sosnuskaya yet?

12 MS. ARMSTRONG: We have three interpreters waiting in
13 the nurse's office.

14 THE COURT: Okay. If we've got three, that's what I
15 need.

16 I'm going to start with the oath of the interpreter.
17 If you find one, just unscrew them and the other two pop out,
18 right?

19 Do you have the names of all three? They have not been
20 previously sworn?

21 All right. Good morning. From my left to my right, I
22 believe is Ms. Sosnuskaya, Ms. Broskaya and Ms. Goldberg. These
23 are our three interpreters. Would you please face the clerk and
24 accept our oath?

25 (Whereupon three interpreters were sworn.)

89

1 THE COURT: The record will reflect that all of our
2 interpreters have accepted the oath.

3 Counsel, my practice, and ladies, my practice is to
4 attempt to rotate for simultaneous translation about every 20
5 minutes.

6 Have you roshambo'd or figured out who's going to go
7 first?

8 Ms. Goldberg can go first then, if that's all right.
9 She'll be, what I will refer to as interpreter number one.

10 Ms. Broskaya will be interpreter number two, and Ms. Sosnuskaya
11 will be interpreter number three.

12 If interpreter number two would remain just to get an
13 idea for the cadence and the phrasing, interpreter three, you are
14 free to go on about your business and come in in about 20 minutes
15 or so.

16 THE INTERPRETER: I would like to stay here.

17 THE COURT: Fine. I was going to say it's a free
18 country. Thank you.

19 Okay. Our record will reflect that interpreter number
20 one is present and is now seated next to the defendant.

21 Are Counsel ready to proceed? This is a preliminary
22 hearing.

23 MR. GREGORY: The state's prepared, Your Honor.

24 THE COURT: Any preliminary motions or matters that the
25 Court needs to be --

90

1 MS. ARMSTRONG: I would like to invoke the Rule of
2 Exclusion, Your Honor.

3 THE COURT: All right. The Rule of Exclusion has been
4 invoked. I don't have a list of witnesses. Are Counsel pretty
5 much aware of who their witnesses will be in this case?

6 MR. GREGORY: The state can inform the Court I intend
7 on calling two witnesses. Deputy Marshal -- or excuse me.
8 Deputy Williamson, sorry. And Investigator Garren.

9 THE COURT: Deputy Williamson, Investigator Garren, the
10 Rule of Exclusion is being invoked. Therefore witnesses must
11 remain outside the courtroom until such time as they are called
12 to testify.

13 And once they have testified, they are not allowed to
14 discuss their testimony or anything else that they saw or heard
15 in this room until the conclusion of the hearing.

16 Ms. Armstrong, if you have witnesses, they would have
17 to wait outside as well.

18 MS. ARMSTRONG: Thank you, Your Honor. We don't have
19 any witnesses today, Your Honor. I would like to make a quick
20 record, though, about the receipt of the discovery.

21 I'm not asking for a continuance, I'm prepared to go
22 forward this morning. But, we didn't receive the discovery in
23 the initial round of discovery until two or three days ago. And
24 it's been trickling in a little bit since, including last night
25 and this morning.

1 MS. BROWN: Last night.

2 MS. ARMSTRONG: Last night, and now that we're here,
3 and we're prepared to begin, I realize that I never had a police
4 report from Deputy Garren, or Detective Garren. Is that
5 accurate?

6 MR. GREGORY: I don't believe there is one. The state
7 doesn't have one either.

8 MS. ARMSTRONG: Okay. Thank you.

9 MS. BROWN: Additionally, Your Honor, this morning
10 Ms. Armstrong and I discovered that she had received four disks
11 of photos from the crime scene that I had not been provided with,
12 and so we're working under that handicap also.

13 THE COURT: Okay. Well, one way or the other, this
14 Court's probably going to lose jurisdiction of this case today.

15 I advise all Counsel that it's my practice as a judge,
16 and it's my practice as an attorney, even when I was dealing with
17 multiple counts, to make sure that everybody got a copy of
18 everything.

19 It's the professional way to do things, and it's not
20 that much more costly, and it saves other judges having to make
21 these sort of speeches.

22 All right.

23 MR. GREGORY: Can I make just a brief record on that,
24 Your Honor?

25 THE COURT: You may, sir.

92

1 MR. GREGORY: This case, of course, is still under
2 investigation. The reason reports and whatnot are still
3 trickling in, as they have indicated is, work is still being done
4 on the case.

5 And as those items of evidence become available to me,
6 they become available to the defense. My apologies if Ms. Brown
7 did not get some of the information. We made every effort to
8 give both Counsel everything that we have.

9 I was not aware of any deficiencies in that regard.
10 So, again, my apologies.

11 THE COURT: And certainly none are necessary. I just
12 want to make sure everybody -- these are good attorneys,
13 professional. You probably all have good working relationships.
14 If you think you need something from Mr. Gregory, let him know.

15 And, Mr. Gregory, you know how to get in touch with Ms.
16 Brown and Ms. Armstrong?

17 MR. GREGORY: Absolutely.

18 THE COURT: Do you want to proceed directly to evidence
19 without any opening statements?

20 MR. GREGORY: The state's ready to proceed with
21 testimony, Your Honor.

22 THE COURT: All right. Who would you like first?

23 MR. GREGORY: The state would call Deputy Brandon
24 Williamson.

25 THE COURT: Okay. Investigator Garren, please step

1 outside.

2 MS. ARMSTRONG: One more question.

3 THE COURT: Go ahead.

4 Have a seat, sir.

5 Ms. Armstrong?

6 MS. ARMSTRONG: Your Honor, we would make a request
7 that our investigator, Dustin Gray, be allowed to sit up at the
8 table up here. He's helping us a lot with the forensics.

9 THE COURT: I have no objection to that. And that's
10 fine. Would it be helpful to make the table larger?

11 MS. ARMSTRONG: What do you think, Kris?

12 MS. BROWN: That might help.

13 THE COURT: Do we have another piece of table? Does
14 that have anything on it, that desk next to you?

15 MR. GREGORY: Your Honor, may I approach to give the
16 deputy some water?

17 BRANDON JAMES WILLIAMSON,
18 called as a witness in the matter herein,
19 having been first duly sworn
20 was examined and testified as follows:

21
22 THE COURT: Sir, would you please state your name and
23 spell your last name for our record?

24 THE WITNESS: It's Deputy Brandon James Williamson. W
25 I L L I a M S O N.

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

THE COURT: Thank you. Mr. Gregory?

MR. GREGORY: Thank you, Your Honor.

EXAMINATION

BY MR. GREGORY:

Q. By whom are you employed?

A. The Douglas County Sheriff's Office.

Q. And in what capacity?

A. As a patrol deputy.

Q. All right and --

THE INTERPRETER: This is interpreter speaking. I have trouble hearing.

THE COURT: Let's do two things to help with that. First, let's move the microphone a little bit closer to the witness.

Secondly, let's all speak a little bit louder.

And thirdly, until we all feel more comfortable, let's dig the cadence that the judge just used. Mr. Gregory?

MR. GREGORY: Thank you, Your Honor.

THE COURT: You're welcome.

BY MR. GREGORY:

Q. I'm going to start from the beginning, sir. If you could indicate by whom you are employed?

A. The Douglas County Sheriff's Office.

Q. And in what capacity were you so employed on February 23rd, 2014?

1 A. As a patrolman, and the sheriff's office of a deputy.

2 THE COURT: Please elevate your voice.

3 THE WITNESS: As a deputy for patrol.

4 THE COURT: Thank you.

5 BY MR. GREGORY:

6 Q. And were you also employed in the capacity as a deputy
7 coroner?

8 A. That is correct.

9 Q. And in that capacity, you are able to declare somebody
10 dead?

11 A. That is correct.

12 Q. On February 23rd, 2014, did you have occasion to go to
13 a residence located at 452 Kent Way?

14 A. Yes, sir, I did.

15 Q. Is that located here in Douglas County, Nevada?

16 A. Yes, sir. In Stateline, Nevada, up near Zephyr Cove.

17 Q. Why did you proceed to that location?

18 A. Dispatch received a call that came out as a weapons
19 call, initially, that is in the beat that I was assigned to that
20 day.

21 I headed that way, and as I was en route, I was updated
22 with further details.

23 Q. What details were you provided with?

24 A. Um, dispatch informed us that it was being reported as
25 an attempted suicide, that a man had shot himself. I upped my

96

1 response to lights and sirens and got there as quickly as I
2 could.

3 Q. Approximately what time did you arrive?

4 A. I'm not certain. It would be in my report, but it was,
5 the call came out at 11:03 hours, and I arrived shortly
6 thereafter.

7 Q. When you say "shortly," within five minutes, within ten
8 minutes?

9 A. Certainly within ten, but I would think five would be
10 closer.

11 Q. Okay.

12 THE COURT: Counsel, it would assist the Court if both
13 the inquisitor and the person responding would wait a full
14 measure before speaking again.

15 THE WITNESS: Yes.

16 MR. GREGORY: Thank you, Your Honor.

17 BY MR. GREGORY:

18 Q. When you arrived at the residence and observed the
19 residence, can you kind of generally tell us about the residence?

20 A. It's a large two-story residence on a hill. The
21 driveway leads up to the front entry. It's fenced with a wrought
22 iron fence.

23 Q. Is it a single family residence?

24 A. Yes, sir. Yes, it's a house.

25 Q. Upon arrival, did you have contact with any

1 individuals?

2 A. Not initially. I arrived with my partner. We
3 approached the house.

4 Q. What is your partner's name?

5 A. It's Deputy Haley, with the sheriff's office as well.

6 Q. So, you and Deputy Haley approached the house?

7 A. We approached the front door of the residence. I stood
8 at the bottom of the stone staircase that is outside the front
9 door. Deputy Haley approached the front door and began ringing
10 the doorbell and knocking.

11 Q. At that point in time, were there any other individuals
12 outside the residence that you observed?

13 A. I did not see anyone else on the street or around the
14 residence.

15 Q. What happened upon knocking on the door or ringing the
16 doorbell?

17 A. We did not receive any response for a period of time.
18 Deputy Haley continued to knock and ring the doorbell while I
19 checked around the perimeter for an alternative way in. He did
20 check the door, and it was locked.

21 I went around the side. The side gate was also locked,
22 and I couldn't make entry into the back yard to try the back
23 door.

24 I returned to Deputy Haley who was continuing to knock
25 and ring the doorbell.

98

1 Q. Okay. What happened next?

2 A. We requested that dispatch call the reporting party,
3 who was later identified as Tatiana Leibel and ask her to come to
4 the door and open it for us.

5 Q. Did anyone, in fact, ever come to the door?

6 A. Yes, sir. After dispatch made the phone call, Tatiana
7 came to the door and answered.

8 Q. And when you refer to people by name, I'd appreciate if
9 you would use, "Ms. Leibel" instead of Tatiana.

10 A. Yes, sir.

11 Q. Thank you. Do you see the person in the courtroom
12 today who came and answered the door?

13 A. Yes, sir.

14 Q. Where is that person seated, and what is he or she
15 wearing?

16 A. She is seated over here, and she's wearing a blue shirt
17 and a white shirt.

18 MR. GREGORY: May the record reflect the witness has
19 identified the defendant?

20 THE WITNESS: The record will.

21 BY MR. GREGORY:

22 Q. And she was later identified, you indicate, as Tatiana
23 Leibel?

24 A. Yes, sir.

25 Q. Did you have an opportunity at that time to have any

99

1 communications with Ms. Leibel?

2 A. It was very limited. I was still at the bottom of the
3 stone staircase when she initially opened the door. Deputy Haley
4 asked her several times to step outside the residence.

5 When she did, she seemed fairly shook up. Was
6 hyperventilating.

7 Deputy Haley asked her, "Where is he?"

8 And she indicated, "He is upstairs."

9 Beyond that, the only communication we had with Ms.
10 Leibel was to tell her to remain outside and to direct paramedics
11 to us when they arrived.

12 Q. Did you later have a conversation with Ms. Leibel?

13 A. I did, sir.

14 Q. And did you converse with her enough that you would be
15 able to identify her voice?

16 A. Yes, sir.

17 MR. GREGORY: Your Honor, at this point in time,
18 State's Exhibit Number 1 is a certified copy of the 911 call.

19 THE COURT: Has it previously been marked?

20 MR. GREGORY: It has been marked, Your Honor, State's
21 Exhibit 1.

22 (Marked Exhibit 1.)

23 MS. BROWN: No objection, Your Honor.

24 THE COURT: Exhibit 1 is received.

25 MR. GREGORY: At this time the state would be asking

100

1 for its admission.

2 THE COURT: It is admitted.

3 (Admitted.)

4 MR. GREGORY: Thank you.

5 THE COURT: Thank you.

6 MR. GREGORY: Your Honor, is the volume turned up on
7 the HDMI?

8 THE COURT: It is. Clicker? Does someone have the --
9 ah. Thank you. It's up all the way.

10 MR. GREGORY: Okay. Your Honor, I'm going to go and
11 play it by alternative means. I don't know why the sound is not
12 projecting.

13 THE COURT: All right. Thank you.

14 MR. GREGORY: May I use the boom box as an alternative?

15 THE COURT: Yes, you may. We've got belt, suspenders
16 and long johns.

17 THE CALLER: My husband kill himself.

18 THE OPERATOR: What's your address?

19 THE COURT: I'm going to start it over again, Counsel.

20 THE OPERATOR. 911 what's the address of your
21 emergency?

22 THE CALLER: My husband kill himself.

23 THE OPERATOR: What's your address?

24 I need you to tell me your address so I can get you
25 help.

1 THE CALLER: I can't -- I can't breathe.
2 THE OPERATOR: I need you to tell me your address so I
3 can get you help.
4 THE CALLER: Okay. 452 Kent Way.
5 THE OPERATOR: What's the telephone number that you're
6 calling from?
7 THE CALLER: 775-588-7105.
8 THE OPERATOR: Okay. Tell me exactly what happened.
9 THE CALLER: I was going to Los Angeles and he refuse,
10 and he start saying me, I kill myself, I kill myself, and he push
11 gun and he, he killed himself. Makes two times and put his, um,
12 um, hand in the (inaudible).
13 THE OPERATOR: Okay. What did he do?
14 THE CALLER: (Inaudible) I can't explain.
15 THE OPERATOR: Did he -- how did he kill himself?
16 THE CALLER: He kill for the rifle. He kill himself
17 for the rifle.
18 THE OPERATOR: He what?
19 THE CALLER: (No response.)
20 THE OPERATOR: He kills himself with what?
21 THE CALLER: A rifle.
22 THE OPERATOR: A rifle. Okay. Hold on just a second.
23 I just have some questions so I can get you some help, okay?
24 Okay? Are you with him now? How old is he?
25 THE CALLER: 65.

102

1 THE OPERATOR: 65?
2 THE CALLER: He's my husband.
3 THE OPERATOR: He's 65?
4 THE CALLER: 65.
5 THE OPERATOR: Is he awake?
6 THE CALLER: (Inaudible.)
7 THE OPERATOR: Is he breathing? You're doing a good
8 job. I need you to calm down so we can get through these
9 questions to help you.
10 THE CALLER: He's not breathing.
11 THE OPERATOR: He's not breathing. Okay.
12 THE CALLER: No.
13 THE OPERATOR: Hold on just a second. Is there any
14 serious bleeding?
15 THE CALLER: I don't know he bleeding, but he one hand
16 he shoot two times. He shoot his hand and then he shoot
17 somewhere, I don't know where.
18 THE OPERATOR: Okay. But he's not breathing?
19 THE CALLER: No, he's not breathing.
20 THE OPERATOR: Okay. I'm sending the paramedics and
21 the sheriff's department to help you now. Stay on the line, and
22 I'll tell you exactly what to do next. Are you right by him now?
23 THE CALLER: Yes.
24 THE OPERATOR: Okay. Listen carefully. Lay him flat
25 on his back and remove any pillows.

1 THE CALLER: Remove any pillows? Remove.
2 THE OPERATOR: Lay him his back on the floor and remove
3 any pillows.
4 THE CALLER: I put him floor?
5 THE OPERATOR: On the floor.
6 THE CALLER: On the floor?
7 THE OPERATOR: Flat on his back?
8 THE CALLER: On his back? Okay.
9 THE OPERATOR: Let me know when you've done that.
10 THE CALLER: Oh, my God.
11 THE OPERATOR: Have you got him flat on his back?
12 THE CALLER: I can -- one second. Okay. He on couch.
13 I can't move him.
14 THE OPERATOR: He's on the couch?
15 THE CALLER: (Inaudible.)
16 THE OPERATOR: Okay. Listen carefully. We need to get
17 him on the floor. Don't worry about hurting him, okay? Grab him
18 by the ankles and slide him off the couch on to the floor.
19 THE CALLER: (Inaudible.)
20 THE OPERATOR: Grab his ankles and slide him off the
21 chair on to the floor. Don't worry about the fall. We need to
22 help him now.
23 THE CALLER: I can't move.
24 THE OPERATOR: Okay. Don't worry. We can still help
25 him. Get him as flat on his back as possible.

104

1 THE CALLER: I can't -- the couch.
2 THE OPERATOR: If you can't get him flat on his back on
3 the couch, that's fine. Get him as flat as possible. Are you
4 able to get him on his back? On the couch?
5 THE CALLER: He's now floor.
6 THE OPERATOR: He's now on the floor?
7 THE CALLER: Yes.
8 THE OPERATOR: He's on the floor on his back?
9 THE CALLER: Right back or left back?
10 THE OPERATOR: He's on his back?
11 THE CALLER: Yeah, on back, yeah.
12 THE OPERATOR: Okay. He's on his back. Okay. Hold on
13 just a second, okay?
14 THE CALLER: Yeah.
15 THE OPERATOR: Listen carefully, and I'll tell you how
16 to do chest compressions. Make sure he is flat on his back on
17 the ground.
18 Place the heel of your hand on the breast bone in the
19 center of the chest right between the nipples. Put your other
20 hand on top of that hand. Can you hear me still?
21 THE CALLER: One second.
22 THE OPERATOR: Okay. Pump the chest hard and fast, at
23 least twice per second, and two inches deep. Okay. Let the
24 chest come all the way up between pumps. We're going to do this
25 600 times until help can take over.

105

1 THE CALLER: Okay. One second, please. Somebody
2 coming.
3 THE OPERATOR: That's the door?
4 THE CALLER: Yes.
5 THE OPERATOR: Okay. Is it the sheriff's department?
6 THE CALLER: Yeah. I put my dog up. One second.
7 Beau, Beau, come here.
8 THE OPERATOR: Are you able to let the sheriff's
9 department in?
10 THE CALLER: Yeah, I put my doggie inside room.
11 THE OPERATOR: Okay. I'll let you go so you can talk
12 to them.
13 THE DEPUTY: We're here from the fire department, okay?
14 Where are we going?
15 THE CALLER: Upstairs.
16 THE DEPUTY: Upstairs?
17 THE CALLER: Yeah, and I put doggie.
18 THE OPERATOR: When the fire department gets here, tell
19 them where to come, okay?
20 THE CALLER: Yeah, okay.
21 THE OPERATOR: Is that the Sheriff's Department?
22 THE CALLER: Yeah.
23 THE OPERATOR: I'll let you talk to them, okay?
24 THE CALLER: Yeah.
25 THE OPERATOR: What's your last name?

1 THE CALLER: (Inaudible.)
2 THE OPERATOR: What's your last name?
3 THE CALLER: Okay. Spelled L E I B E L.
4 THE OPERATOR: And your first name?
5 THE CALLER: My name Tatiana, T like Tom, a T I a N a.
6 THE OPERATOR: Okay. You did a good job, and I'll let
7 you go to so you can talk to the sheriff's department, okay?
8 THE CALLER: Yeah.
9 THE OPERATOR: I'm sorry?
10 THE CALLER: (Inaudible.)
11 THE OPERATOR: What do you need?
12 THE CALLER: I am outside.
13 THE OPERATOR: You're outside?
14 THE CALLER: Yes.
15 THE OPERATOR: Okay. But, the police are inside?
16 THE CALLER: Inside.
17 THE OPERATOR: Do you want me to stay on the phone with
18 you?
19 THE CALLER: Yes, please.
20 THE OPERATOR: Okay.
21 THE CALLER: Please.
22 THE OPERATOR: Just let me know when the fire
23 department is there, okay?
24 THE CALLER: Yes, please.
25 THE OPERATOR: Tatiana, you did the right thing by

107

1 calling us and getting help. So, just let me know when the fire
2 department is there, okay?

3 THE CALLER: He's not breathing. He's not breathing.

4 THE OPERATOR: Are you still outside waiting for the
5 fire department?

6 THE CALLER: Yes. Here.

7 THE OPERATOR: They're there?

8 THE CALLER: There.

9 THE OPERATOR: They're there?

10 THE CALLER: Yeah.

11 THE OPERATOR: Okay. I'll let you go. You need to
12 talk to them, okay?

13 THE CALLER: Yeah.

14 THE OPERATOR: All righty.

15 (Video ends and new speaker.)

16 THE DISPATCHER: 203.

17 THE DEPUTY: I copy.

18 THE DISPATCHER: 201 you need to be in route for a self
19 inflicted gunshot wound, 452 Kent Way, Roundhill.

20 THE DEPUTY: En route. Code Three.

21 MR. GREGORY: You can stop it there, Your Honor.

22 THE COURT: Is that sufficient, Counsel?

23 BY MR. GREGORY:

24 Q. Deputy Williamson, when you initially had contact with
25 Ms. Leibel at the front door, did she make any indication where

108

1 Mr. Leibel was located?

2 A. All that she indicated was he was upstairs.

3 Q. And after you had that initial contact with her, did
4 you, in fact, enter the residence?

5 A. Yes, sir. Deputy Haley and I both entered.

6 Q. And tell me, walk me through how you proceeded once you
7 made entry?

8 A. Okay.

9 Q. Through the front door is a foyer, and at the end of
10 the foyer is a spiral staircase that goes up to the second story.

11 We proceeded up that staircase. At the top of the
12 staircase is a small hallway, and directly across that hallway is
13 a sunken living room, and the deceased, Harry Leibel, was there
14 at the foot of the step into the sunken living room.

15 Q. And how was he positioned?

16 A. He was lying supine on the ground, and his head was
17 facing toward the hallway and his feet were into the room, as it
18 were.

19 Q. Do you recall how he was clothed?

20 A. He was wearing a black robe, which was pulled up around
21 his sides. A green T-shirt, some camouflage underwear, socks and
22 slippers.

23 Q. At that point in time, your initial observation, did
24 you observe any trauma to his person?

25 A. The only visible injury that we could see at that time

109

1 was on the back of his left hand, which appeared to be a large
2 powder burn, black mark, and inside that powder burn was a flesh
3 wound on the back of the left hand.

4 Q. Based on your training and experience, was that
5 consistent with a gunshot wound?

6 A. It did appear to be so, yes.

7 Q. Did you observe any firearms in close proximity to Mr.
8 Leibel?

9 A. I did, sir. On the couch, kind of behind and to the
10 side of him was a large long rifle that was pointed toward the
11 couch cushions and was in the middle of the couch there.

12 Q. At any point in time, did you touch the rifle?

13 A. We never manipulated the rifle. It was safe where it
14 was sitting, and we didn't receive any threat for it, so we left
15 it lie.

16 Q. Was Mr. Leibel moving at all when you first observed
17 him?

18 A. No, sir.

19 Q. At any point in time while you were there, did he move?

20 A. No, sir.

21 Q. Was he making any sounds?

22 A. No, sir.

23 Q. Did you make observation of his chest cavity and
24 whether there was any movement?

25 A. Yes, sir. I watched his chest. There was no rise or

1 fall. I put my hand above his mouth to check for exiting or
2 entering air pressure, and there was none. His skin was pale,
3 his eyes were open and staring at the ceiling, fixed. There was
4 no sound coming from him.

5 Q. Was there a pulse taken?

6 A. Deputy Haley checked his pulse at the carotid artery
7 and detected none.

8 Q. Did either you or Deputy Haley move Mr. Leibel at all?

9 A. No, sir, other than checking his pulse, we did not
10 manipulate or touch his body.

11 Q. How did you proceed at that point?

12 A. At that point we insured that the scene was safe and we
13 asked for paramedics to proceed and to make sure that Mr. Leibel
14 was beyond live saving measures.

15 Q. Was it your opinion at that point in time that he was
16 deceased?

17 A. It was my opinion, but as I'm not medical personnel. I
18 felt it was right to have paramedics check him first.

19 Q. Did paramedics, in fact, respond?

20 A. Yes, sir. Shortly after our arrival, they entered the
21 residence.

22 Q. And were you present when they came in the home?

23 A. Yes, sir, I was.

24 Q. And were you present when they attended to Mr. Leibel?

25 A. Yes, sir, I was.

1 Q. What did you observe?

2 Paramedics entered. They first opened his robe, which
3 was tied about his waist. As they opened the robe -- yes, sir.

4 THE COURT: Excuse me. We're switching.

5 THE WITNESS: Yes, sir.

6 THE COURT: I apologize for the interruption.

7 Continue, sir.

8 THE WITNESS: No problem. They opened his robe. As
9 they did so, I noticed on the right side of his torso his green
10 T-shirt was stained with what appeared to be blood. They then
11 cut open the green T-shirt down the middle.

12 As they opened the green T-shirt, I noticed some pooled
13 partially coagulated blood at the bottom of the right side of the
14 T-shirt.

15 On Mr. Leibel's right torso, under his arm pit, was a
16 small circular open wound, which is from my training and
17 experience, consistent with a gunshot entry wound.

18 At that point paramedics began to attach leads to his
19 chest to check for vitals.

20 Q. Was his shirt entirely removed at that point or just
21 cut down the center?

22 A. It was just cut down the center and flayed open.

23 Q. And so at that point in time, in addition to the two
24 gunshot wounds that you observed, did you see any other trauma to
25 Mr. Leibel?

1 A. No, sir, I did not.

2 Q. Did the paramedics attempt CPR or other life
3 sustaining --

4 A. They told me that they did not, no.

5 Q. And was Mr. Leibel pronounced dead officially at that
6 point in time?

7 A. Shortly thereafter, after attaching leads and ensuring
8 that he could not be resuscitated, they called their on-call
9 doctor and pronounced him dead, and I agreed with their
10 estimation.

11 Q. You do know about what time that was?

12 A. I do not recall, sir.

13 Q. If your report indicated that it was about 11:15, does
14 that refresh your recollection?

15 A. That would be entirely reasonable, yes, sir.

16 Q. Upon entry into the home and while you were in the
17 home, did you ever observe any other occupants inside of the
18 home?

19 A. No, sir.

20 Q. Were there any signs of forced entry into the home that
21 you observed?

22 A. No, sir. All windows were intact. None of the doors
23 had any damage that I could see.

24 Q. Any signs of struggle that you observed?

25 A. Other than Mr. Leibel being deceased, there was no

1 disturbed furniture or damage to the house, or any other sign
2 that anything had been wrong.

3 Q. During your communication with Ms. Liebel, did she ever
4 indicate the presence of anybody else in the home other than her
5 and Mr. Leibel?

6 A. No, sir. She indicated that they were alone that
7 morning, and there was no one else in the residence.

8 Q. Thank you.

9 MR. GREGORY: Nothing further.

10 THE COURT: Counsel, cross?

11 MS. BROWN: Thank you.

12 EXAMINATION

13 BY MS. BROWN:

14 Q. And you say the initial call came in about 11:03?

15 A. That is my recollection.

16 Q. And would your arrival at 11:09 be consistent with the
17 time frame you're --

18 A. Yep.

19 Q. And when you, you testified when you got to the door,
20 no one would answer, is that correct?

21 A. That's correct, ma'am.

22 Q. And you requested dispatch contact Ms. Leibel?

23 A. Yes. We weren't aware if they were still in contact
24 with her, so we asked them to have her come to the door.

25 Q. And you said her demeanor, when she came outside, that

114

1 she was upset?

2 A. Yes, ma'am. She appeared to be breathing rapidly and
3 to be upset.

4 Q. In fact, you state in your report she appeared to be
5 hyperventilating?

6 A. Yes, ma'am.

7 Q. And panicky?

8 A. If that's the word I used, then yes, ma'am.

9 Q. Do you recall using the word, panicky?

10 A. I would have to read the report, but that would be --

11 Q. Would panicked be consistent with what her appearance
12 was?

13 A. Yes, ma'am. It would.

14 Q. And at that time when she came out, she was holding a
15 cordless phone in her hand?

16 A. Yes, ma'am, she was.

17 Q. And as she spoke to you, her voice was shaking, is that
18 correct?

19 A. Yes, ma'am.

20 Q. And you didn't observe any signs of blood or injury on
21 her?

22 A. I did not.

23 Q. And then you directed her to remain outside while you
24 went ahead and went inside?

25 A. We did, yes.

1 Q. And she was cooperative with you?

2 A. Yes.

3 Q. Now, you've listened to, or we've all listened to the
4 911 tape from her call to dispatch?

5 A. This was the first time I've heard it, but yes.

6 Q. But, today in court you've listened?

7 A. Yes, ma'am.

8 Q. And during that call to dispatch, she's given
9 instructions on life saving measures, assuming that Mr. Leibel
10 would still be alive?

11 A. Mm-hmm.

12 Q. And she said she didn't believe he was breathing, is
13 that correct?

14 A. Yes, ma'am.

15 Q. So, she was instructed to go pull him off the couch so
16 that she could assume, we're assuming use CPR?

17 A. Yes, ma'am.

18 Q. She was told to get him on a flat, hard surface?

19 A. Correct.

20 Q. And in that 911 tape, you can hear her making attempts
21 to do that, is that correct?

22 A. Yes, ma'am.

23 Q. And so she's complying with what she's being instructed
24 by the dispatcher to try to get him on a hard surface so she can
25 complete life saving measures, is that correct?

1 A. From what it sounded like on the tape, yes.
2 Q. And so she was apparently following those instructions?
3 A. Yes, ma'am.
4 Q. And during the time she's doing CPR, you can hear the
5 doorbell ring, is that correct?
6 A. I didn't notice it until a few -- I mean I did start to
7 hear the doorbell, but it wasn't very loud.
8 Q. And did the dog start barking?
9 A. Yes.
10 Q. And you can hear her say to dispatch somebody's here,
11 is that correct?
12 A. Correct.
13 Q. And so she was hearing the doorbell, responding to
14 dispatch while you presumably were outside?
15 A. Yes, ma'am.
16 Q. And then you, she mentioned she has to put the dog in
17 the bedroom, and then immediately after that, she's greeting you
18 at the door?
19 A. I assume so, yes, ma'am.
20 Q. So, there really wasn't a delay in her responding to
21 the door, was there?
22 A. The amount of time that we were outside ringing the
23 doorbell was anywhere from 30 seconds to a minute. If she didn't
24 hear it, she didn't hear it. But I don't, I'm not sure.
25 Q. In the 911 tape, from the time you hear the doorbell

1 ring, the dog bark, and her saying somebody is outside, to her
2 responding from the door is a very short period of time?

3 A. It's possible that the cellphone didn't pick up all of
4 the doorbell ringing, but it was not a long time from when she
5 said she started to hear it, to her responding, you're correct.

6 Q. And the reason for the delay was apparently just
7 putting the dog in the bedroom?

8 A. Yes.

9 Q. Did you ever see the dog?

10 A. I did not. Never interacted with the dog.

11 Q. Did you know what kind of dog it was?

12 A. I don't.

13 Q. But, there was a telephone ringing with dispatch
14 calling her back, was there?

15 A. No.

16 Q. And then you entered into the residence, is that
17 correct?

18 A. Yes, ma'am.

19 Q. And once you went into the living room where she had
20 said Mr. Leibel was, you saw him lying on the ground?

21 A. Yes, ma'am.

22 Q. And it was in front of the couch?

23 A. Yes, ma'am.

24 Q. And his head was near the couch?

25 A. Sort of. I mean his head was closer to the couch and

1 his feet were pointed toward the hallway and kitchen area.

2 MS. BROWN: I'm asking to have a diagram marked for
3 Identification.

4 (Marked Exhibit 13.)

5 THE COURT: This will be number 13 in order for
6 identification.

7 MS. BROWN: And would ask that Exhibit 13 be shown to
8 the witness.

9 THE COURT: Mr. Gregory, any objection?

10 MR. GREGORY: No, Your Honor.

11 THE COURT: Exhibit 13 will be shown to the witness.
12 Thank you.

13 THE WITNESS: Thank you.

14 BY MS. BROWN:

15 Q. Deputy Williamson, I've had Exhibit 13 shown to you.
16 Are you familiar with the area shown in that diagram?

17 A. Yes, ma'am.

18 Q. And what is that area?

19 A. That is the living room and dining room area of the
20 upstairs of 452 Kent Way.

21 Q. And does this diagram accurately depict the scene as it
22 looked when you entered the residence?

23 A. Yes, ma'am, it does.

24 MS. BROWN: Your Honor, I'd offer Exhibit 13.

25 THE COURT: Any objection to 13?

1 MR. GREGORY: No objection, Your Honor.
2 THE COURT: 13 will be admitted.
3 (Admitted.)
4 BY MS. BROWN:
5 Q. Go ahead and keep looking at that.
6 A. Okay.
7 Q. The little body image that's marked B on the floor
8 there, that would be Mr. Leibel?
9 A. That's correct.
10 Q. And then there's sevens behind an object. Would that
11 be the couch?
12 A. Yes.
13 Q. And then towards the right end of the couch would be a
14 coffee table, is that correct?
15 A. Between the hallway and the couch?
16 Q. Yes.
17 A. I believe so, ma'am.
18 Q. And as you enter, as you're coming up those spiral
19 stairs, the kitchen would be to your left-hand side, is that
20 correct?
21 A. That's correct.
22 Q. And then the master bedroom would be to your right-hand
23 side?
24 A. Yes, ma'am.
25 Q. Did you go in the master bedroom?

1 A. Later. Not initially.

2 Q. Okay. When you entered, did you hear a dog barking in
3 there?

4 A. There was a dog in the downstairs, what I assume is an
5 office or bedroom, locked into one of those rooms downstairs.

6 Q. And did you go downstairs?

7 A. I did not look around the downstairs, other than the
8 foyer when we entered.

9 Q. And when you entered, you said that Mr. Leibel was, in
10 addition to the laying on the floor, he had a black robe that was
11 pulled up around his sides?

12 A. Yes. He had a black robe that was partially up around
13 his sides, that's correct.

14 Q. And his green shirt was pulled partially up his torso?

15 A. Yes. I think it was around belly button level. I
16 don't exactly recall how high.

17 Q. And again, the position of the clothing could be
18 consistent with somebody being pulled off the couch and placed on
19 the floor, and their clothes bunching up underneath them, is that
20 correct?

21 A. Certainly, ma'am.

22 Q. And at that time, the only visible trauma you could see
23 to him was to his left, left-hand?

24 A. Yes, ma'am. The back of his left hand.

25 Q. And do you still have Exhibit Number 13?

1 A. I do.

2 Q. There's an item marked number 1, gun?

3 A. Mm-hmm.

4 Q. Is that approximately the position you saw the gun in
5 when you arrived?

6 A. Yes, ma'am.

7 Q. And then after you had insured the scene was safe, you
8 went ahead and allowed paramedics to come inside?

9 A. That's correct.

10 Q. And you remained there during that period?

11 A. I remained there as they were attaching the leads. I
12 then went downstairs to begin speaking with Ms. Leibel. Deputy
13 Haley remained upstairs with the paramedics while I went
14 downstairs.

15 Q. Okay. So, you saw them cut the shirt then to attach
16 the leads?

17 A. Yes, ma'am.

18 Q. And it was at a time that they were opening up the
19 shirt, then you could see there appeared to be another wound on
20 the right side of the body, is that correct?

21 A. Yes, ma'am.

22 Q. And that was kind of underneath the arm pit area?

23 A. Several inches underneath the arm pit, kind of to the
24 back of the center line of his torso.

25 Q. And once you had seen that, then you left the scene?

1 A. I went downstairs to speak with Ms. Leibel, to find out
2 her account what had happened.

3 Q. And when you left, Deputy Haley was still there?

4 A. Right. He remained with paramedics and had --

5 Q. Right. You know that he stayed in the house?

6 A. Yes, ma'am.

7 Q. And you did a brief kind of overview of the living room
8 area, and you didn't see any signs of a struggle or anything?

9 A. Nothing, other than him lying there, no. There was no
10 up ended furniture or broken items that I could see.

11 Q. Okay. There were coffee tables in there that were
12 glass coffee tables?

13 A. Yes, ma'am.

14 Q. And there were still items sitting on the coffee
15 tables?

16 A. There were items about, yes.

17 Q. Lamps, TV remotes, things like that?

18 A. Yes, ma'am.

19 Q. So, there wasn't items that were scattered around the
20 room as if there had been a struggle in any way?

21 A. None that I saw, ma'am.

22 Q. And you prepared a report in this matter, is that
23 correct?

24 A. Yes, ma'am, I did.

25 Q. And that was a ten-page, ten-page document?

123

1 A. Was it that long?
2 Q. There's attachments.
3 A. Oh, I got you.
4 Q. You only prepared one report in this case?
5 A. That's correct, ma'am.
6 Q. And you also, when you went back down to speak with Ms.
7 Leibel, you had her give a verbal statement of what occurred?
8 A. Yes, ma'am, I did.
9 Q. And then you talked to her about, asked her to do a
10 written statement?
11 A. I did.
12 Q. And when you were talking to her, was she cooperative
13 about trying to explain what had happened?
14 A. Yes was.
15 Q. And when it came to the point of writing up your her
16 report, was she acting cooperatively at that time?
17 A. She said that she was willing but she did not write in
18 English well, so I asked her if it would be okay for her to
19 recount the story to me again, and I would attempt to transcribe
20 a written statement for her.
21 Q. And so when she was giving you a verbal account of what
22 happened and then you wrote it up on the statement form?
23 A. This was the second time I had asked her to recount the
24 events, but yes, that's correct.
25 Q. Okay. And were you writing it out word-for-word what

1 she said?

2 A. No, ma'am. It is nothing quite so accurate. She was
3 speaking quickly, and as you know, she speaks Russian as a
4 primary language, so I was trying to understand what she is
5 saying. It is in summary. It is not word-for-word.

6 Q. And you indicated she speaks with a heavy Russian
7 accent. Did you have difficulty at times understanding what she
8 was saying?

9 A. Occasionally. It was nothing terribly difficult, but,
10 you know, some verbiage issues and such.

11 Q. And did she appear to have any trouble understanding
12 what you were saying?

13 A. No, ma'am.

14 Q. But, she did say she doesn't read English very well?

15 A. She said she doesn't write English very well.

16 Q. Write English very well.

17 THE COURT: Are you done?

18 MS. BROWN: I'm done. Nothing further, Your Honor.

19 Thank you, deputy.

20 THE COURT: Mr. Gregory?

21 MR. GREGORY: Nothing further, Your Honor.

22 THE COURT: May this witness be excused?

23 MR. GREGORY: For the state, yes.

24 MS. BROWN: Yes.

25 THE COURT: Deputy Williamson, you are free to go about

1 your business, but you can't speak to anybody about what you
2 heard or saw in here until the conclusion of the hearing.

3 THE WITNESS: Yes, Your Honor.

4 MR. GREGORY: Your Honor, can we go ahead and return
5 Exhibit 13, and I believe Exhibit 1 is still --

6 THE COURT: I have Exhibit 13, and Exhibit 1 will be
7 provided to the clerk.

8 MR. GREGORY: Thank you. The state calls Investigator
9 Garren.

10
11 THE COURT: Good morning, sir. Can you please face our
12 clerk and raise your right hand?

13 EDWARD GARREN,
14 called as a witness in the matter herein,
15 having been first duly sworn
16 was examined and testified as follows:

17
18 THE COURT: Have a seat, sir.

19 THE WITNESS: Thank you.

20 THE COURT: Investigator, can you start out by telling
21 us your name and spelling your last name for our record?

22 THE WITNESS: Investigator Edward Garren. G A R R E N.

23 THE COURT: Investigator, this preliminary hearing is
24 being translated. We have a couple of interpreters here to
25 assist us, so we have been attempting to modulate our speech such

1 that we're waiting between questions and answers, and new
2 questions, so that everybody can keep on pace.

3 THE WITNESS: Okay.

4 THE COURT: Thank you.

5 MR. GREGORY: And I would add to that, speak up.

6 THE WITNESS: Yes, sir.

7 BY MR. GREGORY:

8 Q. By whom are you employed?

9 A. The Douglas County Sheriff's Office.

10 Q. And how long have you been so employed?

11 A. Little over 15 years.

12 Q. What is your current assignment?

13 A. I'm assigned to the investigations division in the
14 valley.

15 Q. Were you so assigned to the investigations division on
16 February 23rd, 2014?

17 A. Yes.

18 Q. And in that capacity, did you have any involvement in
19 the investigation into the death of Mr. Harry Leibel?

20 A. Yes, I did.

21 Q. And what was your role, and is your continuing role in
22 that investigation?

23 A. I'm the lead investigator in the case.

24 Q. When did you become involved in the investigation?

25 A. On the 23rd of February, I received a call from

1 dispatch, a little after eleven o'clock in the morning. They
2 asked me to respond to 452 Kent Way regarding a gunshot victim
3 that was reported as a possible suicide.

4 Q. And did you so respond to that residence?

5 A. Yes, I did.

6 Q. About what time did you get there?

7 A. I got there about an hour later.

8 Q. And when you got there, who was on scene, if you
9 recall?

10 A. Deputy Williamson and Sergeant Smith.

11 Q. Are you now familiar with Tatiana Leibel?

12 A. Yes, I am.

13 Q. And was Ms. Leibel present on scene at that time?

14 A. Yes, she was.

15 Q. Where was she located?

16 A. She was located across from the main entrance to the
17 house on the driveway.

18 Q. So, outside of the residence?

19 A. Outside, speaking with, I believe it was Deputy
20 Williamson at the time.

21 Q. And during the time that you were at the residence, did
22 Ms. Leibel, to your knowledge, ever reenter the residence?

23 A. No.

24 Q. Upon making entry into the residence, where did you go?

25 A. Went inside the entrance, went up the spiral staircase,

1 which led up to the second floor. Got to the second floor and
2 could see the open area living room. Mr. Leibel was laying on
3 the floor on his back in front of the couch, and there was also a
4 defect in the back of the couch.

5 Q. During the course of your investigation, did you ever
6 find any other identifying information inside the residence for
7 Mr. Leibel?

8 A. There was a driver's license found inside the
9 residence, as well as other photographs.

10 MR. GREGORY: May I approach the witness, Your Honor?

11 THE COURT: Do you have an exhibit in your hand?

12 (Marked Exhibit 12.)

13 MR. GREGORY: State's Exhibit Number 12.

14 THE COURT: You may approach with State's Exhibit 12.

15 BY MR. GREGORY:

16 Q. Investigator Garren, what does State's Exhibit 12,
17 which is a photograph, depict?

18 A. It's the Nevada driver's license of Mr. Leibel and a
19 photograph of him as well.

20 Q. And you had an opportunity to observe the decedent, as
21 well as the photograph and the driver's license?

22 A. Yes.

23 Q. And did that assist you in identifying the decedent as
24 Mr. Leibel?

25 A. Yes, it did.

1 MR. GREGORY: Your Honor, I would move for the
2 admission of State's Exhibit 12.

3 THE COURT: Any objection to 12?

4 MS. BROWN: No objection, Your Honor.

5 THE COURT: 12 is admitted.

6 (Exhibit 12 admitted.)

7 MR. GREGORY: And, Your Honor, for your viewing
8 pleasure, I put that up on the video there. We also have the
9 actual exhibit here, if Your Honor would like to see that?

10 THE COURT: Thank you.

11 (Marked Exhibit 2.)

12 BY MR. GREGORY:

13 Q. Investigator Garren, I'm handing you a photograph
14 that's been marked as State's Exhibit 2 for identification. What
15 does that photograph depict?

16 A. That is the upstairs living room area where we found
17 Mr. Leibel.

18 Q. All right. And does that photograph accurately depict
19 the way that the living room looked and Mr. Leibel looked upon
20 your arrival?

21 A. Yes, it does.

22 MR. GREGORY: Your Honor, I'd move for the admission of
23 State's Exhibit Number 2.

24 THE COURT: Any objection to 2?

25 MS. BROWN: Could I see the exhibit?

1 No objection.

2 THE COURT: Exhibit 2 is admitted.

3 (Exhibit 2 admitted.)

4 MR. GREGORY: And, Your Honor, I'd publish State's
5 Exhibit Number 2 on the video monitor.

6 BY MR. GREGORY:

7 Investigator Garren, in State's Exhibit Number 2, do
8 you have the exhibit in front of you?

9 A. I do not.

10 Q. Would you like to have it in front of you while you
11 testify?

12 A. Please.

13 Q. Okay. Thank you. Looking at State's Exhibit Number 2,
14 there's a placard designated number one. Was that a placard put
15 in place by the sheriff's department?

16 A. Yes, it was.

17 Q. And what is the significance of the placard being
18 located there?

19 A. I think just identifying that item of evidence.

20 Q. And what is that item?

21 A. The rifle.

22 Q. All right. Was the rifle in that position upon your
23 entry?

24 A. Yes.

25 Q. And you've indicated that that is also the way Mr.

1 Leibel was positioned upon your entry?

2 A. Yes.

3 Q. Upon your initial observation of Mr. Leibel, did you
4 observe any injuries or trauma to his body, to his vital area in
5 particular?

6 A. Yes. There was an injury on his right side below his
7 right arm pit that was consistent with a gunshot wound.

8 (Marked Exhibit 3.)

9 BY MR. GREGORY:

10 Q. Investigator Garren, I'm showing you what's been marked
11 as State's Exhibit Number 3. What does that photograph depict?

12 A. It's just a closer up picture of Mr. Leibel's body and
13 you can see the injury to his right side, to the vital area.

14 Q. Does that photograph accurately capture the way that
15 that injury looked?

16 A. Yes.

17 MR. GREGORY: Your Honor, I'd move for admission of
18 State's Exhibit Number 3.

19 THE COURT: Any objection to three?

20 MS. BROWN: No, Your Honor.

21 THE COURT: Exhibit 3 is admitted.

22 (Admitted.)

23 MR. GREGORY: Your Honor, I've published State's
24 Exhibit Number 3 on the video.

25 BY MR. GREGORY:

1 Q. Did you observe any other apparent gunshot wounds to
2 Mr. Leibel's body?

3 A. Yes. There was an injury to the back of his left hand
4 that was consistent with a gunshot wound.

5 (Marked Exhibit 4.)

6 BY MR. GREGORY:

7 Q. I'm handing you what's been marked as State's Exhibit
8 Number 4. Would you please indicate what that photograph
9 depicts?

10 A. It's the left hand of Mr. Leibel, documenting the
11 injury.

12 Q. Is that photograph consistent with your observations of
13 his left hand?

14 A. Yes.

15 MR. GREGORY: I'd move for the admission of State's
16 Exhibit Number 4.

17 THE COURT: Any objection to number 4?

18 MS. BROWN: No, Your Honor.

19 THE COURT: Exhibit 4 is admitted.

20 (Admitted.)

21 MR. GREGORY: Your Honor, I've published State's
22 Exhibit 4 on the video screen.

23 BY MR. GREGORY:

24 Q. Based upon, in looking at that exhibit, it looks like
25 it appears as though there's something sticking out of the bullet

1 wound. Do you see that item?

2 A. Yes, I do.

3 Q. All right. Based upon your training and experience,
4 what do you believe that to be?

5 A. A piece of plastic that's consistent with wadding from
6 a shotgun shell.

7 Q. Did you observe any other wounds to Mr. Leibel's body?

8 A. No, I did not.

9 Q. Did you observe any wounds to his shoulder area?

10 A. Later I did.

11 Q. Okay.

12 A. I was made aware of a grazing wound to the upper part
13 of his left shoulder.

14 Q. Left shoulder.

15 (Marked Exhibit 5.)

16 BY MR. GREGORY:

17 Q. Handing you what's been marked as State's Exhibit
18 Number 5, and what does that photograph depict?

19 A. That's the grazing injury that I saw that was
20 consistent with the grazing injury I saw to his left shoulder.

21 MR. GREGORY: Move for the admission of State's Exhibit
22 Number 5.

23 THE COURT: May Exhibit 5 be admitted?

24 MS. BROWN: No objection.

25 THE COURT: Exhibit 5 is admitted.

(Admitted.)

MR. GREGORY: And, Your Honor, I'm publishing State's Exhibit 5 on the video.

BY MR. GREGORY:

Q. Okay. Investigator Garren, I'd like to return to discuss the firearm a little bit that was located there on the couch.

A. Okay.

Q. Can you give a, you've had an opportunity to look at the firearm and examine it?

A. Yes.

Q. And can you give the court a general description of that firearm?

A. It's a rifle with a five shot revolver type cylinder to hold the rounds inside the gun or the rifle.

Q. And are you familiar with the type of ammunition that that gun is capable of shooting?

A. Yes. It's capable of shooting .45 caliber ammunition, as well as .410 shotgun rounds.

Q. Are you familiar with the term single action and double action?

A. Yes, I am.

Q. What does single action refer to?

A. Single action is when a revolver type weapon or a pistol is, the hammer is cocked and there's a live round under

1 the hammer, and you can depress the trigger to fire the gun.

2 Q. And what would, how would you differentiate single
3 action versus double action?

4 A. Double action, the hammer would be forward as you would
5 depress the trigger it cocks the hammer, rotates the cylinder and
6 fires the round.

7 Q. So, double action would be the hammer is not cocked,
8 but as the trigger is pulled, the hammer would cock and then
9 fire?

10 A. Correct.

11 Q. Correct. Are you familiar with whether this particular
12 gun was a single action or double action gun?

13 A. It shoots both single and double action.

14 Q. So, if I understand that correctly, if the gun is
15 loaded, you can fire the gun simply by pulling the trigger?

16 A. Correct.

17 Q. You can also fire the gun by first manually cocking the
18 hammer?

19 A. Yes.

20 Q. And then pulling the trigger?

21 A. Correct.

22 (Marked Exhibit 6.)

23 BY MR. GREGORY:

24 Q. Investigator Garren, I'm handing you what's been marked
25 as State's Exhibit Number 6 for identification. What does that

1 photograph depict?

2 A. The rifle.

3 Q. Okay. And is there a measuring device there?

4 A. Yes, there is.

5 Q. And based upon your observations of the rifle, is that
6 photograph consistent with your observations?

7 A. Yes.

8 MR. GREGORY: Your Honor, I'd move for the admission of
9 State's Exhibit Number 6.

10 THE COURT: Any objection to 6, Counsel?

11 MS. BROWN: I'd object to it's consistent with the
12 rifle. At what point in time?

13 BY MR. GREGORY:

14 Q. You observed the length of the rifle, of the barrel,
15 the stock, correct?

16 A. Correct.

17 Q. And that photograph that you're looking at, is it
18 consistent with your observations of that rifle at any time?

19 A. Yes.

20 MR. GREGORY: Your Honor, I'd move for admission of
21 State's Exhibit Number 6.

22 MS. BROWN: May I see number 6 again?

23 MR. GREGORY: Yes.

24 MS. BROWN: No objection.

25 THE COURT: Exhibit 6 is admitted.

(Admitted.)

MR. GREGORY: And, Your Honor, I'm publishing State's Exhibit 6 on the screen.

BY MR. GREGORY:

Q. Investigator Garren, based upon the measuring device there, what is the approximate length from the tip of the barrel to the trigger?

A. It's under two feet.

Q. Can you give an approximation?

A. Um, I would say approximately 21 or 22 inches.

Q. Thank you. And back to our discussion about double action versus single action, if this firearm is loaded with five rounds, what would cause the cylinder to rotate?

A. Cocking the hammer, or with the hammer forward, depressing the trigger to cock the hammer to fire it in double action.

Q. Okay. So, the cylinder would move in one of two ways. One would be by manually cocking the hammer, correct?

A. Correct.

Q. And what was the other way?

A. If the hammer is forward in double action, as you depress the trigger, as that cocks the hammer, it would also rotate the cylinder.

Q. And based upon your observations of this gun, when the hammer is manually cocked, what direction does the cylinder

1 rotate?

2 A. It rotates counterclockwise.

3 Q. And does it rotate exactly one spot?

4 THE COURT: Excuse me, Counsel. Counterclockwise when
5 the cylinder is observed from the muzzle end or from the cylinder
6 end?

7 MR. GREGORY: Thank you, Your Honor.

8 BY MR. GREGORY:

9 Q. Investigator Garren, if you are holding the firearm in
10 front of you?

11 A. If I'm holding the firearm with the barrel pointed away
12 from me, the cylinder would rotate counterclockwise. Does that
13 help?

14 THE COURT: That helps. Thank you.

15 THE WITNESS: Okay. Sorry.

16 THE COURT: No? We're going to switch interpreters.

17 THE WITNESS: Okay.

18 THE COURT: Thank you, Counsel.

19 MR. GREGORY: Thank you, Your Honor.

20 BY MR. GREGORY:

21 Q. If the firearm is fired, so the trigger is depressed
22 and a bullet is fired out, what would cause the cylinder to
23 rotate again after that?

24 A. Either pressing the trigger in double action or
25 manually cocking the hammer.

139

1 Q. To your knowledge, were you the first officer to touch
2 the rifle on scene?

3 A. Yes, I was.

4 (Marked Exhibit 7.)

5 BY MR. GREGORY:

6 Q. Showing you what's been marked as State's Exhibit 7,
7 can you indicate what that photograph depicts?

8 A. It's a closer up photograph of the rifle as it was on
9 the couch, and it shows the hammer in the cocked position.

10 Q. And does that accurately depict the gun as you found
11 it?

12 A. Yes.

13 MR. GREGORY: Move for admission of State's Exhibit
14 Number 7.

15 THE COURT: Any objection to 7?

16 MS. BROWN: No, Your Honor.

17 THE COURT: Number 7 is admitted.

18 (Admitted.)

19 MR. GREGORY: And number 7 is now depicted on the video
20 screen.

21 BY MR. GREGORY:

22 Q. Investigator Garren, did you make any observations
23 prior to this stage that were important to your investigation?

24 A. I did check the cylinder of the rifle.

25 Q. Well, let's talk first about before you picked the gun

1 up?

2 A. Okay.

3 Q. Did you make any observations of the gun that were
4 pertinent to your investigation?

5 A. The hammer was cocked.

6 Q. And by "cocked," what do you mean?

7 A. It's drawn back in the single action mode, indicating
8 it's ready to be fired.

9 Q. After you made that observation, what did you do?

10 A. I put on some gloves, I rendered the weapon safe by
11 manually moving the hammer forward, and then opening the cylinder
12 to see the condition of the cylinder.

13 Q. Describe how you went about manually moving the hammer?

14 A. Placed my right thumb on the hammer, put my finger on
15 the trigger. And as the trigger released the hammer, I released
16 it forward so it wouldn't engage the round, if there was a round
17 in there.

18 Q. And as you did that, did the cylinder rotate?

19 A. No, it did not.

20 Q. Based upon your prior testimony, when that hammer was
21 cocked, would that action have caused the cylinder to rotate
22 counterclockwise one spot at that time?

23 A. Yes.

24 Q. After making, after doing that with the hammer, what
25 did you do?

1 A. I opened the cylinder, there's a tab on there that
2 releases it. It swings out to the left. I maintained the
3 cylinder with the fingers of my left hand to make sure it didn't
4 move or rotate, and we photographed the condition of the cylinder
5 at that point.

6 (Marked Exhibit 8.)

7 BY MR. GREGORY:

8 Q. Showing you State's Exhibit Number 8, can you indicate
9 what this photograph depicts?

10 A. That depicts me holding the rifle as I opened the
11 cylinder.

12 Q. So, somebody snapped that photograph as you were
13 opening it up?

14 A. Yes.

15 Q. And does that photograph accurately depict what you
16 observed after you opened it up?

17 A. Yes.

18 MR. GREGORY: I would move for admission of State's
19 Exhibit Number 8.

20 THE COURT: Any objection to 8, Counsel?

21 MS. BROWN: No, Your Honor.

22 THE COURT: Exhibit 8 is admitted.

23 (Admitted.)

24 MR. GREGORY: I have published Exhibit Number 8 on the
25 video screen.

1 Upon opening the cylinder, how many rounds did you
2 observe?

3 A. The cylinder was loaded with five rounds.

4 Q. And at that point in time did you go ahead then and
5 close the cylinder?

6 A. Yes, I closed it, and maintaining the condition of the
7 cylinder, I closed it in the same condition it was as I had
8 opened it.

9 Q. And then the rifle was preserved for evidence?

10 A. Correct.

11 Q. Did you have an opportunity to open that cylinder again
12 at a later time?

13 A. Yes.

14 Q. And where did that take place?

15 A. In the evidence lab, in the valley, the following
16 morning.

17 Q. You were present when that occurred?

18 A. Yes, I was.

19 (Marked Exhibit 9.)

20 BY MR. GREGORY:

21 Q. Investigator Garren, I'm handing you what's been marked
22 as State's Exhibit Number 9 for identification. What does that
23 photograph depict?

24 A. The cylinder when it was opened in the lab.

25 Q. And how does that compare to when you last observed the

143

1 cylinder as it was at the residence?

2 A. It was in the same position.

3 Q. And that photograph accurately depicts your
4 observations at the lab?

5 A. Yes, it does.

6 MR. GREGORY: Move for admission of State's Exhibit
7 Number 9.

8 THE COURT: May Exhibit 9 be admitted?

9 MS. BROWN: No, objection, Honor Your.

10 THE COURT: Exhibit 9 is admitted.

11 (Admitted.)

12 MR. GREGORY: I'm publishing State's Exhibit Number 9
13 on the video screen.

14 BY MR. GREGORY:

15 Q. And just to clarify, I think you testified that the
16 cylinder, based on your observations, was in the same, had not
17 been rotated.

18 A. No, it was in the same position as when I had
19 originally opened it on scene.

20 Q. And looking at State's Exhibit Number 9, are you able
21 to identify live rounds versus expended or fired rounds?

22 A. Yes.

23 Q. How are you able to do that?

24 A. There's three live rounds, two expended rounds. The
25 two expended rounds, there's a dimple in the primer, indicating

1 that the firing pin struck those and fired the round.

2 Q. So, based on your training and experience, how do you
3 distinguish between the live rounds and the --

4 A. The dimple in the back of the round and the primer, and
5 there's three that did not have the dimple in them.

6 MR. GREGORY: Your Honor, are you able to see that on
7 the video screen?

8 THE COURT: Not close enough to observe what the
9 witness has just described.

10 MR. GREGORY: Investigator Garren, can you please hand
11 that exhibit to Judge Glasson?

12 THE COURT: Thank you, sir.

13 Thank you.

14 MR. GREGORY: Thank you, Your Honor.

15 BY MR. GREGORY:

16 Q. And were you able to make an observation as to which
17 round would have been located under the cocked hammer?

18 A. It's the round on top. The one closest to the top of
19 the frame of the gun.

20 Q. Okay. And what do you base that upon?

21 A. Based on the location of the two expended casings, and
22 couple that with the rotation of the cylinder.

23 Q. And based upon your observations, was that round that
24 was under the cocked hammer a live round or an expended round?

25 A. It was a live round.

1 Q. And looking to, you said that was at the top. Looking
2 to the left, the left most slot of that cylinder, what is the
3 next round, an expended round or a live round?

4 A. An expended round.

5 Q. And then going to the next position?

6 A. Continuing counterclockwise, would be another expended
7 round.

8 Q. And then the remaining two slots, live rounds or
9 expended rounds?

10 A. Would be a live round and then another live round.

11 Q. After observing the firearm in that condition, were the
12 rounds then removed from the firearm?

13 A. Yes, they were.

14 Q. And prior to doing that, was a diagram created,
15 documenting the location of the rounds in the cylinder?

16 A. Yes. There's a diagram that was created.

17 (Marked Exhibit 10.)

18 BY MR. GREGORY:

19 Q. Showing you what's been marked as State's Exhibit
20 Number 10 for identification, what is that?

21 A. It's a diagram that was drawn, with the weapon.

22 Q. And does that photograph accurately depict the diagram
23 that was used?

24 A. Yes, it does.

25 MR. GREGORY: Move for admission of State's Exhibit 10.

1 THE COURT: Any objection to ten?

2 MS. BROWN: No, Your Honor.

3 THE COURT: Ten shall be admitted.

4 (Admitted.)

5 MR. GREGORY: I have published number ten on the video
6 screen.

7 BY MR. GREGORY:

8 Q. So, in the slot that is designated or labeled number
9 one, there is a "U" located in that slot. What does that
10 signify?

11 A. An unfired round.

12 Q. And then in number two?

13 A. A fired round.

14 Q. Designated with an F?

15 A. Correct.

16 Q. And then in number three?

17 A. Designated with an F for fired round?

18 Q. Number four?

19 A. A U for an unfired round.

20 Q. And number five?

21 A. Again, a U for an unfired round.

22 Q. And based upon your observations of the firearm upon
23 opening the cylinder, which of those rounds would have been under
24 the cocked hammer?

25 A. Number one.

147

1 Q. And then I believe you testified that after making the
2 diagram, the rounds were, in fact, removed from the cylinder?

3 A. Yes, they were.

4 Q. Can you describe how that was accomplished, generally
5 speaking?

6 A. They were taken out and marked in the order, one, two,
7 three, four and five.

8 (Marked Exhibit 11.)

9 BY MR. GREGORY:

10 Q. Showing you what's been marked as State's Exhibit
11 Number 11 for identification, what does that photograph depict?

12 A. It depicts the rounds after they were removed from the
13 cylinder.

14 Q. And does that photograph accurately depict your
15 observations on that day, as the ammunition that was removed from
16 the firearm?

17 A. Yes.

18 MR. GREGORY: Move for admission of State's Exhibit
19 Number 11.

20 THE COURT: Any objection to 11?

21 MS. BROWN: No, Your Honor.

22 THE COURT: Exhibit 11 has been admitted.

23 (Admitted.)

24 THE COURT: All previously identified and marked
25 exhibits have been admitted.

148

1 MR. GREGORY: I'm publishing State's Exhibit Number 11
2 on the video screen.

3 BY MR. GREGORY:

4 Q. And so we can understand, Investigator Garren, looking
5 at that exhibit, which bullet, as appearing there in the exhibit,
6 was positioned under the cocked hammer?

7 A. The round labeled number one.

8 Q. And then the designation of the numbers, are those
9 consistent with the prior diagram that we looked at?

10 A. Yes.

11 Q. So, number two then, if I'm understanding correctly,
12 would have been the bullet that was directly to the left of
13 bullet number one?

14 A. Yes. Looking at the back of the cylinder, yes, it
15 would have been to the left.

16 Q. Thank you for clarifying that. And then same for
17 three, four and five?

18 A. Yes.

19 Q. So, we're going around again looking at the cylinder
20 from the back with the barrel facing outward, those would be
21 going in a counterclockwise fashion?

22 A. Correct.

23 Q. The bullet that you indicated was under the cocked
24 hammer, which was number one, was that a live round or an
25 expended round?

149

1 A. It's a live round.
2 Q. And what type of ammunition is it?
3 A. It's a .45 caliber round.
4 Q. Okay. And going to number two, what type of ammunition
5 was that?
6 A. That was a .410 shotgun round.
7 Q. Expended or live?
8 A. Expended round.
9 Q. Number three, what type of ammunition?
10 A. It's an expended casing for a .45 round.
11 Q. And number four?
12 A. Is a .410 live shotgun round.
13 Q. And number five?
14 A. Is a live .45 caliber round.
15 Q. Based upon the rotation of the cylinder, which of the
16 expended rounds was first to be fired?
17 A. Number three.
18 Q. And you've indicated that number three was an expended
19 .45 round?
20 A. Correct.
21 Q. And which round would have been fired second?
22 A. Number two, the .410 shotgun.
23 Q. And that's based upon the counterclockwise rotation of
24 the cylinder?
25 A. Correct. And the location of those rounds inside the

1 cylinder.

2 Q. You previously testified that Mr. Leibel had what
3 appeared to be a gunshot wound to his left hand?

4 A. Correct.

5 Q. And that based on your training and experience, there
6 was shotgun wadding sticking through that wound, is that correct?

7 A. Correct.

8 Q. When taken into -- when taking that in conjunction with
9 the order in which the rounds were fired out of the rifle, in
10 what order did Mr. Leibel receive the two gunshot wounds? So, in
11 other words, was the torso the first shot and the hand the second
12 shot or vice-versa?

13 A. The torso area was the first shot and the injury to the
14 hand was the second round fired.

15 Q. You're familiar with the statement made by Ms. Leibel
16 during the 911 call?

17 A. Yes.

18 Q. And that she had indicated that Mr. Leibel shot himself
19 first in the hand and then somewhere else, correct?

20 A. Correct.

21 Q. So, is her statement consistent or inconsistent with
22 what the evidence showed?

23 A. Inconsistent with what we found.

24 Q. Based upon your observations, what would have moved the
25 cylinder to the next live round?

1 A. Manually cocking the hammer.

2 Q. And that's consistent with your observations of the
3 rifle at the scene with the cocked hammer, correct?

4 A. Correct.

5 MR. GREGORY: Nothing further, Your Honor.

6 THE COURT: Thank you.

7 Ms. Brown?

8 MS. BROWN: Could we take our break, Your Honor?

9 THE COURT: Yes. Let's take 10 minutes now. We'll
10 come back at quarter to eleven.

11 Can I have those exhibits, please?

12 (Whereupon a recess was taken.)

13 THE WITNESS: Yes, sir.

14 THE COURT: Mr. Gregory, when we were here last on case
15 14-0188 where you're representing the plaintiff -- let's hang on.
16 Oh, there she is. Ms. Brown, and Ms. Armstrong are representing
17 the defendant.

18 You were asking some questions of Investigator Garren.
19 Did you have any more questions right now?

20 MR. GREGORY: No, Your Honor. Thank you.

21 THE COURT: Ms. Brown, cross?

22 MS. BROWN: Thank you, Your Honor. And could I get the
23 exhibits?

24 THE COURT: They're right here with the clerk.

25 MS. BROWN: 2 through 12.

EXAMINATION

BY MS. BROWN:

Q. Investigator Garren, you say you're the lead investigator on this case?

A. Yes.

Q. What are your responsibilities as lead investigator?

A. Assigning out tasks to other investigators to accomplish, other things that need to be followed up on, writing reports, compiling the reports, reviewing those reports, and, you know, collecting evidence or information as it comes in.

Q. So, you would be familiar with the reports of all the other deputies that, or officers that were involved in the case?

A. Yes.

Q. Would you be familiar with all the other photographs taken by other officers in the case?

A. Yes.

(Marked Exhibit 14.)

BY MS. BROWN:

Q. I'm handing you a group of photographs marked Exhibit 14.

A. Okay.

Q. Do you recognize what's shown in those photographs?

A. Yes, I do.

Q. And could you describe what's shown in those photographs?

1 A. Mr. Leibel on the floor. There appears to be two
2 people standing around him.

3 Q. That would be in the first of that series?

4 A. Yes. This one right here.

5 Q. And at that point in time, he doesn't appear to have
6 his shirt pulled up or cut away?

7 A. No, he does not.

8 Q. And he doesn't have the little blue tabs from any type
9 of wires on him?

10 A. No. He's still got the, like you said, the shirt is
11 still intact.

12 Q. Do you know who took those photographs?

13 A. Deputy Williamson.

14 Q. So, that would have been upon first entry into the
15 scene?

16 A. Yes.

17 Q. And what's the second photograph?

18 A. The second photograph here is a picture of the wound to
19 his left hand.

20 Q. And it's, does that accurately depict the wound as you
21 saw it later?

22 A. Yes.

23 Q. And what's the third exhibit, or third photograph?

24 A. The third is with the leads on Mr. Leibel and his shirt
25 cut away.

1 Q. And that would be more consistent with what you
2 observed when you entered?

3 A. Correct.

4 Q. And the fourth photograph?

5 A. Is a picture of the couch, showing the rifle and the
6 cellphone.

7 Q. And do those accurately depict the scene of the
8 incident that you recognized from your review of the other
9 officer's records?

10 MR. GREGORY: Well, Your Honor, I object from the
11 standpoint of foundation. This investigator was not present, it
12 is my understanding from the testimony so far, was not present
13 when those photographs were taken. So, I object as to
14 foundation.

15 THE COURT: The objection is overruled, because of your
16 last qualification, Ms. Brown. Is it consistent with what you
17 had reviewed in the other officer's reports. Not necessarily was
18 it consistent with what actually existed on the scene. You may
19 answer, sir.

20 THE WITNESS: Yeah, based on their reports, it's
21 consistent with their reports.

22 THE COURT: But, Ms. Brown, these other photographs
23 that this witness was reviewing, those haven't been marked for
24 identification, have they?

25 MS. BROWN: Yes, they have been marked as a group as

155

1 Exhibit 14.

2 THE COURT: Okay. Thank you.

3 MS. BROWN: And I would offer Exhibit 14.

4 THE COURT: Mr. Gregory?

5 MR. GREGORY: I make the same objection, Your Honor,
6 for foundational purposes.

7 THE COURT: Exhibit 14 is admitted.

8 (Admitted.)

9 (Marked Exhibit 15.)

10 BY MS. BROWN:

11 Q. I show you what's been marked as Exhibit 15. And
12 comparing that -- can he keep Exhibit 14? I just ask that you
13 compare that to photograph to Exhibit 14.

14 A. It appears to be the same photograph.

15 Q. Except in color?

16 A. In color. Correct. Sorry.

17 MS. BROWN: Thank you. I would offer Exhibit 15.

18 THE COURT: Mr. Gregory?

19 MR. GREGORY: Objection. Foundation.

20 THE COURT: Exhibit 15 is admitted.

21 (Admitted.)

22 BY MS. BROWN:

23 Q. And showing you what's been admitted as Exhibit 2, you
24 previously identified that as the scene as it was depicted when
25 you entered?

1510

1 A. Correct.

2 Q. And comparing that to Exhibit 15?

3 A. The sling is different in Exhibit 15 as in Exhibit 2.
4 The sling of the rifle has been moved.

5 MS. BROWN: And could I have Exhibit 2 back?

6 BY MS. BROWN:

7 Q. And in Exhibit 2, this has the little placard that
8 shows number one, so that was taken when evidence photos were
9 being taken?

10 A. Correct.

11 Q. So, that would have been later in the day?

12 A. Correct.

13 Q. And do you know when Exhibit Number 15 was taken?

14 A. Um, based on the report by Deputy Williamson, it was
15 upon entry, when he first arrived on scene.

16 Q. And so at that point the sling was up over the weapon?

17 A. Correct.

18 Q. In both Exhibit Number 2 and Exhibit 15, there seems to
19 be some little defect in the back of the couch?

20 A. Correct.

21 Q. Do you know what that is?

22 A. It's a defect consistent with a gunshot.

23 Q. What do you mean, consistent with a gunshot?

24 A. The size of the hole. The pattern of the defect. It's
25 circular in nature, which would be consistent with some type of a

1 projectile passing through it.

2 Q. And was any further investigation done concerning that
3 defect?

4 A. Yes.

5 Q. What was done?

6 A. There's a hole on the back side of that couch as well
7 as a defect into the sheet rock behind the couch as well.

8 Q. And what was found in the sheet rock, if anything?

9 A. They found pellets from, consistent with the .410
10 shotgun shell.

11 Q. I'm showing you what's been admitted as Exhibit Number
12 15.

13 A. Okay.

14 Q. And you previously identified that as a graze wound?

15 A. Consistent with a grazing wound, yes.

16 Q. And what do you mean by, "consistent with a grazing
17 wound"?

18 A. In that it's not -- it didn't enter the body, it looks
19 like something grazed the outer part of the skin instead of going
20 into the shoulder.

21 Q. Is there anything indicative of that wound, at what
22 range the weapon was held?

23 A. I have no idea.

24 Q. And you said in your testimony the .45 was the first
25 round?

158

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

A. Correct.

Q. And that went into the torso?

A. Correct.

Q. And then the shotgun was the second round?

A. Correct.

Q. And that went into the hand?

A. The hand, correct.

Q. And this third one, the grazing wound, which round, shot, caught that?

A. Um, I believe that would be consistent with the injury to the hand, which would be the second round fired.

Q. In what way consistent with?

A. Based on the position of his left hand, the location of the wound to the left shoulder, in conjunction with the position of the wound on the right side of his body.

Q. Show me, I'm not seeing. Show me with your left hand how that injury would be consistent with a grazing wound on that shoulder?

A. Well, the position of his left hand at the scene was here. (Indicating.)

Q. Was here?

A. Was here. It was on the left side, and his arm was like this, and the bullet wound for his right side was over here. (Indicating.)

Q. So, you're saying at the time you arrived on the scene,

1 because his hand was up here, that would be make it consistent?

2 A. Correct.

3 Q. Were you aware that he was pulled off the couch to
4 receive CPR?

5 A. Yes.

6 Q. Were you aware that paramedics had cut his shirt and
7 pulled it apart?

8 A. Yes.

9 Q. You were aware then that other people had been handling
10 and manipulating that body?

11 A. Yes.

12 Q. So, the position of his hand at the time you got to the
13 scene?

14 A. And also the position of the wounds. The wound on his
15 shoulder is over here. The wound to his right side is over here.

16 Q. But I'm talking about how is the wound on his shoulder
17 consistent with the injury to his hand?

18 A. Based on the wadding in his left hand, the shotgun
19 pellets found in the wall, believed to have passed through the
20 couch into the wall, it kind of creates a direction that
21 projectile went, which would be consistent with his left hand,
22 his left shoulder, and not a shot through his side.

23 Q. So, you're saying this grazing wound is consistent with
24 the injury to his left hand?

25 A. I believe so, yes.

1 Q. Okay. Show me where his left hand would have been to
2 get that track?

3 A. In some position in front of his left shoulder. I
4 couldn't put, I don't know exactly where it would have been
5 located.

6 Q. Okay. Are you calling the entrance wound is on the
7 front of the hand?

8 A. The back of the hand.

9 Q. The back of the hand. I'm sorry?

10 A. Correct.

11 Q. And then the exit wound you say comes out through the
12 wrist?

13 A. Correct.

14 Q. And so something, he would have his hand up, left hand
15 up in front of his left shoulder?

16 A. I don't know where his left hand was. It would have
17 been somewhere in front of his left shoulder, if the grazing
18 wound is consistent with that.

19 Q. If it is?

20 A. If it is.

21 Q. And then this is a contact wound, the wound to the
22 back, injury to the back of the hand?

23 A. I have no idea. I don't have that information yet on
24 if it was a contact wound or not.

25 Q. In the photographs of the injury to the hand, isn't

1 there black, a whole area of black around that?

2 A. Yes.

3 Q. Would that be consistent with a contact wound?

4 A. I don't know. I'm not knowledgeable in that type of
5 injury, whether it's a contact or not.

6 Q. Has any investigation been done to this point on
7 whether or not that's a contact wound?

8 A. It's currently at the Washoe County Crime Lab under the
9 investigation.

10 Q. And what are they doing?

11 MR. GREGORY: Objection. Relevance.

12 THE COURT: Overruled.

13 THE WITNESS: The gun has been submitted for them to do
14 testing on the type of injury, you know, to test the gun and see
15 what they can determine distance-wise with the shots.

16 BY MS. BROWN:

17 Q. Okay. Was anything done at the autopsy that you are
18 aware of to test whether or not there was any residue around that
19 injury?

20 A. I do not know.

21 Q. Was any -- were there gunshot residue samples taken
22 from Mr. Leibel's hands?

23 A. Yes.

24 Q. Do you know the results of those?

25 A. I haven't got any lab results yet.

1102

1 Q. At the scene, were you there when the crime lab was
2 there?

3 A. No, I was not.

4 Q. Okay. So, my understanding then was Deputy Williamson
5 gets there right after the call at about 11:09?

6 A. Okay. I don't know the exact times.

7 Q. He was the first deputy on the scene?

8 A. Yes.

9 Q. With Deputy Haley?

10 A. Correct.

11 Q. They entered the residence?

12 A. Correct.

13 Q. And went directly to Mr. Leibel?

14 A. Mm-hmm.

15 Q. Then Deputy Stanley stayed with Mr. Leibel while the
16 paramedics entered and Deputy Williamson came outside?

17 A. Correct.

18 Q. And neither deputy entered that downstairs portion of
19 the residence where the dog was?

20 MR. GREGORY: Objection. Calls for speculation.

21 THE COURT: If you have direct knowledge, let us know.
22 If you don't, then say I don't know.

23 THE WITNESS: I do not know where they went, other than
24 upstairs.

25 Q. Okay. And you don't know what they did when Deputy

103

1 Williamson walked in the door and sees a weapon on the couch. He
2 notes paramedics are going to come in. You don't know what he
3 did, do you?

4 A. I do not.

5 Q. And you don't know if anybody did anything with that
6 weapon during the time paramedics and the other two, Deputy
7 Stanley were there alone with him, do you?

8 A. You mean Deputy Haley?

9 Q. Deputy Haley.

10 A. Okay. I do not know.

11 Q. Did -- okay. So, Deputy Williamson and Deputy Haley
12 are there, then they both come outside of the residence, is that
13 correct? Or if you don't know?

14 A. I don't know what their course of movement was while
15 they were on scene.

16 Q. Okay. And then you arrived about an hour after the
17 call?

18 A. Correct.

19 Q. So, 12 something?

20 A. 12:10, 12:15 probably.

21 Q. And when you arrived, who all was there?

22 A. Sergeant Smith, Deputy Williamson, Deputy Haley may
23 have been there; I don't recall seeing him right away. I walked
24 up and met with Deputy Williamson.

25 Q. Okay. And at that point, you entered the residence?

104

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

A. Yes.

Q. And then at some point there were photographs taken by the sheriff's department with little placards?

A. Correct.

Q. And when did that occur?

A. Um.

THE COURT: Just one second, sir.

THE WITNESS: Okay.

THE COURT: Go ahead.

THE WITNESS: A couple hours later.

BY MS. BROWN:

Q. And who was present when those photographs were taken?

A. Myself, our evidence technician, John Barden, and his assistant, I believe her name is Deborah Shambra.

Q. And who was taking the photographs?

A. John Barden.

Q. And then at some point after that, the Washoe County Crime Lab arrived?

A. Correct.

Q. And what was the purpose of having the Washoe County Crime Lab come?

A. To assist in processing the scene.

Q. Okay. At the time you went through and took photographs, was any evidence collected at that point?

A. No.

1105

1 Q. Were you present when the Washoe County Crime Lab was
2 there?

3 A. No, I was not.

4 Q. Do you know, was any gunshot residue taken from any
5 location on the couch?

6 A. I do not know.

7 Q. Do you know if any of that, any testing was done on any
8 area of the couch?

9 A. I do not know.

10 Q. Was it, were you present when the couch was moved away
11 from the wall to look for whatever items were behind there?

12 A. No, I was not.

13 Q. Do you know if any trajectory rods were used to try to
14 find a trajectory of any type of shot?

15 A. Based on some of the photographs I have seen, I do
16 believe that occurred.

17 Q. You do believe?

18 A. Based on the photographs, I believe they were using
19 rods to --

20 Q. Do you have copies of those photographs with you?

21 A. I do not.

22 Q. Do you know if they exist? You've seen them?

23 A. Yes.

24 Q. You have seen photographs with trajectory rods?

25 A. Yes.

1106

1 Q. And when was, do you know was that when the crime lab
2 was there, or was that when, some other time?

3 A. Um, I believe it was when the crime lab was there. I
4 don't know if it was the day of the incident or the following
5 day.

6 Q. So, did the crime lab come back the next day?

7 A. I can't say when -- I know they were out there that
8 night. I know they did remove the couch the following day. I
9 don't know if they did those photographs or testing that day or
10 if it was the night before.

11 Q. Now, you talked again about this grazing wound to the
12 shoulder. Did that grazing wound cause any other injury?

13 A. (No response.)

14 Q. Did that grazing wound, other than breaking the skin,
15 cause an injury?

16 A. Not to my knowledge.

17 Q. Were you present at the autopsy in this?

18 A. No, I wasn't.

19 Q. Were you, have you reviewed any of the documentation
20 from the autopsy?

21 A. I have not received the report from the autopsy yet.

22 Q. Have you reviewed the radiographs that were taken at
23 the autopsy?

24 A. I briefly saw them. I haven't had a chance to review
25 them fully.

1107

1 Q. And what do you mean, you, "briefly saw them"?

2 A. They were sent to me in an e-mail yesterday, and I
3 looked at them. And I haven't had a chance to really sit down
4 and analyze them with anything else yet. I was waiting for the
5 autopsy results to compare with those.

6 Q. And would you be able to identify the, those
7 radiographs you received?

8 A. Yes.

9 Q. Is that a yes?

10 A. Yes.

11 Q. And you have not received an autopsy report?

12 A. No, I have not.

13 Q. And you weren't present during the autopsy?

14 A. I was not.

15 (Marked Exhibit 16.)

16 BY MS. BROWN:

17 Q. And showing you what's been marked as Exhibit 16 --

18 THE COURT: Counsel, before we inquire too much more
19 about Exhibit 16, the Court's unfamiliar with the term,
20 "radiograph". Is there something else more familiar to me that I
21 might have called it?

22 MS. BROWN: X-ray.

23 THE COURT: Thank you.

24 BY MS. BROWN:

25 Q. Do you recognize that as one of the x-rays you received

1108

1 from the autopsy?

2 A. Yes.

3 THE COURT: Ma'am, now you know why I want to law
4 school.

5 BY MS. BROWN:

6 Q. Are you familiar with what's depicted in that x-ray?

7 A. Yes, there appears there's shrapnel in the left arm and
8 left arm pit area.

9 Q. And what about the shoulder area, do you see any
10 defects in the shoulder area?

11 A. I don't, other than the shrapnel. I don't know what it
12 would look like on an x-ray.

13 MR. GREGORY: I am going to object as being outside the
14 scope of Investigator Garren's experience. He's looking now at
15 x-rays that, he was not present for the autopsy. He is not a
16 medical examiner. And he's being asked to give opinions as to
17 what, medical opinions as to what he has observed in those
18 x-rays.

19 THE COURT: He ought to stop doing that, because he's
20 not qualified to give one. But, he's freely giving them.

21 MR. GREGORY: Well, my objection is the questions are
22 outside the scope of his expertise, and so I object to the line
23 of questioning.

24 THE COURT: It certainly doesn't seem to have much
25 weight. Ms. Brown?

169

1 MS. BROWN: Your Honor, I think if he's the lead
2 investigator in this case, has testified that Ms. Leibel's story
3 is inconsistent with the evidence in the case, that his
4 familiarity with the evidence in this case, to be able to say
5 it's inconsistent would be relevant.

6 THE COURT: The objection is overruled. But, we are
7 getting into an area that I'm not getting much weight from this
8 witness.

9 BY MS. BROWN:

10 Q. And you said in that photograph there appears to be
11 some kind of shrapnel down in the arm?

12 A. Yeah. There's items in the x-ray that looks like --

13 MR. GREGORY: Your Honor, I object. The witness is
14 speculating. It is clear to me that he has not had personal
15 knowledge. And again, my objection is this is outside the scope
16 of his area of expertise.

17 THE COURT: And your objection is well noted. I think
18 the witness might be reaching for interpretation of what may or
19 may not be shrapnel and what things are made of. But, then
20 again, if he's freely giving these, that's for me to consider its
21 weight, and freely giving stuff when perhaps he shouldn't. The
22 objection is overruled.

23 MR. GREGORY: Then I would ask that you direct the
24 witness to only answer if he has direct personal knowledge and
25 the experience, the ability to answer those questions.

1 THE COURT: Thank you. I appreciate it. Ms. Brown?
2 BY MS. BROWN:

3 Q. So, you're saying near the arm bone there's shiny
4 objects in that x-ray?

5 A. I don't know what they are.

6 Q. But, they're shiny. Something shiny, shiny spots?

7 A. They're spots on the picture.

8 Q. Did you contact the doctor that performed the autopsy
9 to find out what those shiny spots were?

10 A. No, I did not.

11 Q. Would that be important in making a conclusion that
12 Ms. Leibel's story that she gave you was inconsistent with the
13 evidence?

14 A. It could be.

15 Q. So, those shiny spots could be evidence?

16 A. They could be.

17 Q. Do you know if there was also a defect underneath
18 Mr. Leibel's left arm pit? Underneath his arm?

19 A. I do not know. I haven't got the autopsy results back.

20 Q. Have you reviewed the autopsy photographs?

21 A. I have reviewed some of them.

22 Q. Did you see any defects underneath the left arm of Mr.
23 Leibel?

24 A. I can't recall which photographs I looked at from the
25 autopsy or not.

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

MS. BROWN: Can I get that marked?

(Marked Exhibit 17.)

BY MS. BROWN:

Q. Did you get an exhibit?

A. Yes.

Q. Is there a number on it?

THE COURT: Number 17.

BY MS. BROWN:

Q. Number 17. Do you recognize that photograph?

A. I'm not too familiar with it. It may have been one of the autopsy -- I reviewed a lot of photographs, I've read a lot of reports. I don't have it committed to memory, so I apologize. It could be -- it could be from the autopsy.

Q. It could be from the autopsy. And in that photograph, it appears to be that there's --

MR. GREGORY: Your Honor, this photograph has not been admitted yet. The state objects to its admissibility. There's been a lack of foundation as to when the photograph was taken. And the only thing that the officer can do is speculate as to when the photo, where the photo came from.

THE COURT: Could be right. Please finish your question, ma'am.

BY MS. BROWN:

Q. So, you don't know if this is connected with this case at all?

1 A. Not off the top of my head I don't.

2 Q. But, in that photograph, does there appear to be some
3 kind of wound under the arm, near the arm pit, on the left arm?

4 MR. GREGORY: Your Honor, I object to asking questions
5 about the content of the photograph without the photograph first
6 being admitted. I object to the admission of the photograph
7 based on foundation.

8 THE COURT: Thank you. The photograph is not admitted.
9 Your question, ma'am, is?

10 BY MS. BROWN:

11 Q. In that photograph does there appear to be some kind of
12 wound underneath the left arm?

13 MR. GREGORY: Your Honor, same objection. She's
14 wanting to discuss the content of this exhibit without first
15 admitting the exhibit into evidence. There's been no foundation,
16 or lack of foundation for the photograph.

17 The state objects to the photograph being admitted and
18 objects to a discussion about what the contents of the photograph
19 depict.

20 THE COURT: The objection is overruled.

21 BY MS. BROWN:

22 Q. So, in that photograph, does there appear to be some
23 kind of injury underneath the left arm?

24 A. There's some discoloration under the left arm.

25 Q. And that's all you see?

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

A. Yes.

THE COURT: It's a black and white photograph?

THE WITNESS: Yes.

THE COURT: Discolored from black or from white?

THE WITNESS: The body in the photograph is white and there's some darker marks underneath the left arm.

BY MS. BROWN:

Q. Is there a little ruler in that photograph?

A. Yes.

Q. Do you know any significance of the numbers on that little ruler?

A. There's a number, I don't know the significance of it.

Q. And showing you what's been marked as Exhibit 4, there's a little ruler in that photograph. Is that correct?

A. Yes.

Q. Are those the same or different little numbers on the little rulers?

A. Part of it is cut off, but some of the numbers do appear to be the same.

MS. BROWN: I'd offer Exhibit 17.

MR. GREGORY: The state --

THE COURT: Mr. Gregory?

MR. GREGORY: The state objects. Foundation.

THE COURT: Because the rulers are similar?

MS. BROWN: Yes.

1 THE COURT: Exhibit 17 is admitted.

2 (Admitted.)

3 MR. GREGORY: For the purpose of the rulers being
4 similar and for no other purpose?

5 THE COURT: They're for the purpose of consideration of
6 evidence in this case.

7 MR. GREGORY: My objection is to the relevance of
8 whether it's the same ruler or not.

9 THE COURT: I don't know what that relevance is, but
10 relevance is so broad. If the same ruler shows up in the same
11 case in Lake Tahoe, with all the rulers in the ruler universe,
12 and the definition of relevance being so broad, it's interesting.

13 So, I'm saying there's not much weight, which is a
14 different form of measurement.

15 MR. GREGORY: Thank you, Your Honor.

16 BY MS. BROWN:

17 Q. Does the sheriff's office use rulers with like specific
18 numbers for cases on them when they're taking photographs for a
19 specific case?

20 A. Some do.

21 Q. Some who?

22 A. I don't know. I don't.

23 Q. But, you didn't take either of these photographs?

24 A. I did not.

25 Q. And you don't know if the person that took these

1 photographs used that similar ruler?

2 A. I do not know.

3 Q. Okay. Did you prepare any reports in this case?

4 A. I prepared one report.

5 Q. And what was that report?

6 A. It was my initial report of the first two days of the
7 investigation.

8 Q. And did you review that report before you testified
9 here today?

10 A. Yes.

11 MS. BROWN: Your Honor, I don't appear to have a copy
12 of that report, and I don't think Ms. Armstrong does either.

13 THE COURT: I don't. I mean I'll look through my file,
14 but I don't usually get reports.

15 BY MS. BROWN:

16 Q. And so you relied on that report in order to refresh
17 your memory to testify here today?

18 A. My personal knowledge of the case, yeah, as to what's
19 in the report.

20 Q. But, you reviewed that report to refresh your memory?

21 A. Yes.

22 MS. BROWN: Your Honor, I would ask that we be given a
23 copy of that report and have time to review it before going
24 forward.

25 THE COURT: Do you have a copy of that report available

1 today?

2 MR. GREGORY: I do not, Your Honor. I'm certain if we
3 took a recess, we could track that down though.

4 THE COURT: All right. Well, we're set to break at
5 noon. Is there some way we can use this next 30 minutes for
6 something other than the report?

7 MS. BROWN: Your Honor, I think we could go ahead with
8 some further questioning and then get a copy of the report and
9 have time to review it.

10 THE COURT: Okay. You don't happen to have a copy on
11 you, do you?

12 THE WITNESS: I do not.

13 THE COURT: Okay.

14 MS. BROWN: Can I get this marked?

15 (Marked Exhibit 18.)

16 BY MS. BROWN:

17 Q. I'm showing you what's been marked as Exhibit 18 for
18 identification. Do you recognize that?

19 A. Yes.

20 Q. And what is it?

21 A. It's an x-ray.

22 THE COURT: Actually, it's a black and white copy of an
23 x-ray.

24 BY MS. BROWN:

25 Q. And is that black and white copy of the x-ray one of

177

1 the ones you received in the e-mail in this case?

2 A. Yes.

3 Q. And can you tell what portion of the body that's an
4 x-ray of?

5 A. It shows the torso.

6 Q. And do you see anything else in that x-ray within the
7 torso area?

8 A. There's some spots. Numerous spots.

9 Q. Excuse me?

10 A. There's numerous spots on the x-ray.

11 Q. And do you know what those spots are?

12 A. I have no idea.

13 Q. Did you -- you didn't call the pathologist to identify
14 what those spots were?

15 A. I did not.

16 Q. So, you have spots in the arm and you have spots in the
17 torso, and you don't know what they are?

18 A. No.

19 Q. You gave your opinion that the .45 round was the one
20 that entered the chest, is that correct?

21 A. Yes.

22 Q. What was that conclusion based on?

23 A. The wadding found in the left hand would be consistent
24 with the shotgun shell that was fired.

25 Q. So, because the left hand has wadding in it, you think

178

1 this wound, the wound on the torso then is a .45?

2 A. Yes.

3 Q. Other than that bit of information, you don't know what
4 went on inside the chest?

5 A. No, I do not. I haven't got any results or lab results
6 back on that.

7 Q. You didn't attend the autopsy to find out what they
8 were?

9 A. No, I did not.

10 Q. And you didn't review the autopsy photos to know what
11 they were taking out of the chest?

12 A. I have reviewed them. Like I said, I reviewed a lot of
13 photographs, read a lot of reports. I don't have all this
14 committed to memory, so I don't know what they took out of the
15 chest at this point.

16 Q. Okay. So, your conclusion that the injury to the torso
17 is a .45, is based solely on the fact that there's wadding in the
18 injury on the hand?

19 A. Yes.

20 Q. But, if the hand were over the injury on the torso,
21 then that could have been a shotgun injury?

22 A. It's a possibility.

23 Q. And then where does the shoulder injury come from?

24 A. I don't have the results. I don't know how Mr. Leibel
25 was positioned when the shots entered his body.

1 Q. Okay. So, your conclusion is only that the injury to
2 the shoulder is a shotgun, from a shotgun, on your assumption
3 that the hand with the shotgun injury wadding, the wadding coming
4 out of it was over the shoulder?

5 A. Mm-hmm.

6 Q. But, the same result could be, come about if you put
7 your hand over the torso injury and a shotgun went in?

8 A. Again, I don't know all the physical dynamics if this
9 is possible or not. I haven't got any information back from the
10 lab on any of that.

11 Q. So, if Ms. Leibel, you say her story was inconsistent
12 with the evidence in the case, is that correct?

13 A. I said her story was inconsistent with how the shots
14 were fired.

15 Q. And how the shots were fired, there's a .45 to the
16 chest and a shotgun to the shoulder?

17 A. Well, that the second round fired was a shotgun shell,
18 and on the 911, she said he shot himself in the hand first. And
19 if the shotgun wadding is in his hand, and it's a second round
20 fired, that becomes an inconsistent statement.

21 THE COURT: Excuse me. The Court's going to take five
22 minutes. If Counsel would speak with their client, then I don't
23 have to.

24 MS. BROWN: Thank you, Your Honor.

25 THE COURT: Thank you, ma'am.

180

1 What happened to Investigator Garren? He's a big guy.
2 MR. GREGORY: I think he went to the restroom, Your
3 Honor.

4 THE COURT: Thank you, sir.

5 THE WITNESS: Yes, sir.

6 MR. GREGORY: Your Honor, if I could just state at the
7 break, Investigator Garren was able to get his report.

8 THE COURT: Oh. Sweet.

9 MR. GREGORY: A copy has been provided to both defense
10 Counsel.

11 THE COURT: Thank you very much. I appreciate that,
12 Mr. Gregory. Thank you, investigator.

13 BY MS. BROWN:

14 Q. And handing you Exhibit 11, you previously identified
15 those as the rounds and shells that came out of the weapon?

16 A. Correct.

17 Q. And what kind of rounds are those?

18 A. They're, there's one spent .45 caliber casing, two .45
19 caliber rounds, and two .410 shotgun rounds.

20 Q. And what are those?

21 A. Hmm?

22 Q. Is there a specific kind of .45 rounds those are?

23 A. We have not yet identified what type of round that is.

24 Q. Is it a hollow point?

25 A. I can't tell by looking at it.

1 THE COURT: When you say .45, do you mean a .45 Long
2 Colt or a .45 ACP?

3 THE WITNESS: I believe they are .45 Long Colt rounds.

4 THE COURT: Thank you.

5 THE WITNESS: As to the type of round, we're still
6 determining that.

7 THE COURT: I appreciate that.

8 MS. BROWN: I'm sorry. I didn't hear the last thing
9 you said.

10 THE COURT: They're still determining what type of .45
11 round it is.

12 BY MS. BROWN:

13 Q. And on the .410 is that a copper jacketed?

14 A. I don't know.

15 THE COURT: Sir, does it appear from the photograph
16 that you're looking at, or your investigation, did it appear if
17 the .410 round held a single slug or sabot, or a separate lead
18 projectile, lead or steel projectiles?

19 THE WITNESS: There's four stacked BB's in that shell
20 is what it is.

21 BY MS. BROWN:

22 Q. Okay. And how do you know that?

23 A. One was cut open and looked inside, and it's four
24 stacked BB's wrapped in the wadding.

25 Q. Okay.

1 THE COURT: Those are the ones that remained. You
2 don't know what was in the empty shells, correct, yet?

3 THE WITNESS: No, but they were the similar rounds to
4 those rounds that they had found, that they took one of those.

5 THE COURT: Similar casings?

6 THE WITNESS: Yeah.

7 THE COURT: Okay. Thank you.

8 BY MS. BROWN:

9 Q. And similar in color?

10 A. Yes. Similar, there was a box of the ammo that was
11 collected at the scene.

12 Q. But you don't know at this point what came out of
13 those?

14 A. No. It's consistent with what was in the gun.

15 MS. BROWN: And, Your Honor, I'd also offer Exhibit 16
16 and 18. Those are the two x-ray photos.

17 THE COURT: Mr. Gregory?

18 MR. GREGORY: Objection. Foundation.

19 THE COURT: Sustained.

20 BY MS. BROWN:

21 Q. Now, you said you were aware when Ms. Leibel reported
22 this incident to dispatch. She was the one that did that,
23 correct?

24 A. Yes.

25 Q. And she said it was a suicide?

183

1 A. Yes.

2 Q. Or her husband had shot himself?

3 A. Yes.

4 Q. She didn't say he, she -- she said the injury she saw
5 was an injury to his hand, isn't that correct?

6 A. When I listened to the 911 call, she said he shot
7 himself first in the hand and then somewhere else.

8 Q. And the injury to the hand was the only injury that was
9 apparent on Mr. Leibel before clothing was pulled away, is that
10 correct?

11 A. Correct.

12 Q. And you're saying, again, that the evidence wasn't, was
13 inconsistent with her reporting that it was a suicide?

14 A. Correct.

15 Q. But, if a person were, for example, holding a weapon
16 down to their side, a rifle, the rifle has a 21 inch barrel,
17 right?

18 A. I said at least between, it's around 21, 22 inches.

19 Q. From the trigger to the end of the barrel?

20 A. Approximately.

21 Q. And so if a person were holding that weapon, trying to
22 kill himself down in the area of the torso, or out in the area of
23 the torso, and they were using their left hand to do that, you
24 would, it would be pushing on the trigger as opposed to pulling
25 on a trigger like normal, you would normally shoot a gun, is that

1 correct?

2 A. Um, that's one way you can press a trigger.

3 Q. Well, how would you do it if you were in a position
4 where you had a rifle held to your side and you were trying to
5 kill yourself?

6 A. It depends on where I could put my hand to pull the
7 trigger.

8 Q. But pushing the trigger would be one way?

9 A. Yes.

10 Q. And do you know -- have you fired that weapon?

11 A. I have not.

12 Q. So you don't know what kind of recoil there is. It
13 might bounce that weapon away from a person?

14 A. It's a possibility.

15 Q. And so it's a possibility that he was trying to kill
16 himself and that shotgun shot went into his hand was because that
17 weapon recoiled or bounced away enough to blast his hand and then
18 enter his body, is that correct?

19 A. With the shotgun round?

20 Q. With the shotgun round?

21 A. With the shotgun round being located behind the couch,
22 I don't believe that that was possible. In the wall behind the
23 couch.

24 Q. But, we don't have any trajectory rods or anything else
25 to show those are connected with this incident at all, do we?

1 A. No.

2 Q. And that would be one explanation of --

3 A. It's a possible explanation.

4 Q. The injury to the hand would be consistent with her

5 saying, "My husband shot himself," is that correct?

6 A. It's an explanation. It's a possible explanation.

7 Q. And so in that case, it wouldn't be inconsistent?

8 A. If that were the case. It's a possibility.

9 Q. It's a possibility because we don't know what's inside

10 the body?

11 A. Mm-hmm.

12 Q. Do you know if the shoulder was broken, the left

13 shoulder?

14 A. I do not know.

15 Q. You don't know.

16 A. I haven't gotten any autopsy or medical reports or lab

17 reports to date.

18 Q. And how do we know it's shotgun rounds behind the sofa?

19 What do you base that conclusion on?

20 A. The pellets that were removed from the wall were

21 consistent with the shot from the shotgun shell.

22 Q. And who came to that conclusion?

23 A. When it was removed, I was.

24 Q. Who removed it?

25 A. I don't know. I was not there.

186

1 Q. And so you did not see it?

2 A. I did not see it. It's based on the report.

3 Q. What report are we talking about? What report have you
4 seen that says that's --

5 A. Based on what I was told when they recovered the couch
6 and they recovered the --

7 Q. So, you're testifying to hearsay?

8 MR. GREGORY: She elicited it, Your Honor.

9 BY MS. BROWN:

10 Q. The question is, so you are testifying as to hearsay,
11 correct?

12 A. Correct.

13 Q. So, you have no personal knowledge of what was
14 recovered from behind the couch?

15 A. I was not there when it was recovered.

16 Q. Okay. And you don't know, it could have been recovered
17 on the 23rd, the day that this happened, or it could have been
18 recovered on the 24th, the day after?

19 A. Correct. I can't recall right now, without going back
20 and looking at all the reports, when that, when they recovered
21 that from the wall.

22 Q. And then -- so, the latest would have been the 24th
23 when it was recovered?

24 A. Correct.

25 Q. And then somebody wrote a report that told you about

187

1 what it was?

2 A. Yes.

3 Q. And then you reviewed that report?

4 A. I reviewed the report and I was told that when they
5 recovered the evidence, they took what they --

6 Q. Who told you that?

7 A. The evidence tech, John Barden.

8 Q. Did he prepare a report in this case?

9 A. Yes, he did.

10 Q. And you're assuming he was present when this was
11 recovered?

12 A. Based on my conversation with him, he was present is
13 what he told me.

14 Q. And this was found, do you know, you say it's in the
15 wall behind there. Do you know in what texture of surface it was
16 found in?

17 A. I can't recall.

18 Q. You don't know if it was, had gone through a sofa,
19 sheet rock and into a wooden beam?

20 A. I believe they took some out of the wooden beam and
21 somewhere down laying on the, I guess on the wood inside the
22 wall.

23 Q. How many of them?

24 A. I can't recall right now how many he told me they
25 pulled out.

1 Q. Do you know, was there any gunshot residue testing or a
2 sample collected from Ms. Leibel?

3 A. Yes, there was.

4 Q. And do you know when that was done?

5 A. That was done the night of the incident.

6 Q. The night of the incident?

7 A. Yeah, on the evening of the 23rd.

8 Q. Do you know who did that?

9 A. I want to say it was Investigator Czarnowski collected
10 that.

11 Q. And do you know --

12 A. It might have been in the early part, I mean it was
13 during that day that it was collected. I don't know if it was at
14 the beginning or it was later on.

15 Q. Okay. Do you know, have any results of that been
16 returned from the crime lab?

17 A. I have not -- like I said, I haven't got any results
18 from the crime lab. I haven't got any medical reports either.

19 Q. And do you know how far, what the distance is of this
20 gunshot residue traveling?

21 A. I have no idea.

22 Q. Now, was this rifle that was there, has anybody test
23 fired it to see how it fires that you know of?

24 A. Not that I'm aware of to date. Like I said, it's been
25 submitted to the Washoe County Crime Lab and they're doing the

1 tests on it.

2 Q. And you don't know if there's a possibility of
3 misfires, jammings, things like that?

4 A. I have no idea.

5 Q. Do you know -- now, you said the length of the weapon
6 was 21 to 22 inches from the trigger to the end of the barrel?

7 A. Based on the photograph from the back of the cylinder
8 with that tape measure there, it shows it was about 21, 22 inches
9 long, from the tip of the barrel to the back of the cylinder.

10 Q. To the back of the cylinder. So, is the trigger in
11 front of the cylinder or behind the cylinder?

12 A. It's in the same area. I do not know how far it is
13 from the trigger to the end of the barrel.

14 Q. So, if you're looking at the photographs, they're
15 basically right under it?

16 A. It's close, yes.

17 Q. It's close?

18 A. It's approximate.

19 Q. And do you know the length of Mr. Leibel's arms?

20 A. I do not.

21 MS. BROWN: Your Honor, could we go ahead and take a
22 break? We have received Investigator Garren's report, but we
23 have not had a chance to review it yet.

24 THE COURT: Sure. We're right up against lunchtime
25 anyway. Is an hour and half enough time for everybody to review

190

1 reports?

2 MS. BROWN: Yes.

3 THE COURT: All right. We are going to break for the
4 noon hour. The room is secured during lunch, if you want to
5 leave any materials here. That's number one.

6 Number two, I will remind Investigator Garren of the
7 Rule of Exclusion. You can't discuss this matter with anyone
8 other than Counsel during the lunch break.

9 And number three, a judge is required to be courteous,
10 dignified and patient. I want to talk about the courteous thing
11 for a second.

12 The lawyers know this. I don't talk to folks about a
13 case while the case is going on. Usually after it's going on I
14 try to get out of town. But, I'm about to go have lunch. And
15 it's likely that I'm going to run into one or more of you
16 downstairs at the Lakeside Inn, which is the best restaurant in
17 Lake Tahoe. If you want to know what I would suggest ordering,
18 ask me. But, anything else, I'm going to be discourteous and
19 ignore you. And we will be back at 1:30.

20 (Whereupon the noon recess was taken.)

21 THE COURT: Thank you, deputy. We're back here on case
22 14-0188, the State of Nevada versus Tatiana Leibel. Ms. Leibel
23 is present. Her Counsel is here. Mr. Gregory is here for the
24 state.

25 Ms. Brown was conducting cross-examination when we last

1 stopped.

2 Ma'am, did you have some more questions?

3 MS. BROWN: Yes, Your Honor. Thank you.

4 BY MS. BROWN:

5 Q. Investigator Garren, I'm handing you what's been marked
6 as Exhibit 2.

7 A. Okay.

8 Q. And this is the photograph of the scene when you first
9 entered?

10 A. Yes.

11 Q. One side of that couch is reclined, is that correct?

12 A. Correct.

13 Q. Do you know if the other side in front of or behind Mr.
14 Leibel also reclines?

15 A. My understanding is that it does reclines.

16 Q. And you don't know from that photograph whether or not
17 it was reclined at the time of his death, do you?

18 A. From the photograph, no.

19 Q. And your report, you notice, you said one of the first
20 things you noticed when you entered the room was Harry's left
21 hand?

22 A. Correct.

23 Q. And you noticed it because it was covered with a
24 darkish grayish discoloration which appeared to be consistent
25 with powder burn?

1 A. Correct.

2 Q. And what's powder burn?

3 A. When I saw the defect on his hand, it appeared to me
4 that it could be powder from the barrel of the gun, from the
5 gunshot.

6 Q. And how is powder burn deposited on the hand?

7 A. From what I can tell, by force.

8 Q. Excuse me?

9 A. Force of coming out of the barrel. From the bullet
10 being fired.

11 Q. Okay. Is that indicative of anything?

12 A. Um, of a gunshot wound.

13 Q. Is it indicative of range of a gunshot wound, to your
14 knowledge?

15 A. I don't have any knowledge of what would that indicate
16 in terms of range.

17 Q. And then the next thing you noticed was the actual
18 injury to his hand, is that correct?

19 A. Correct.

20 Q. And so those were the things that came, were
21 immediately apparent when you looked down at the body?

22 A. Yes.

23 Q. And it was later drawn to your attention then that
24 there was also a wound on the shoulder?

25 A. Yes.

1 Q. Okay. Are you familiar with the term flinching in
2 connection with suicide?

3 A. No, I'm not.

4 Q. Have you investigated any suicides?

5 A. I have investigated a number of suicides, yes.

6 Q. Has there ever been an occasion where a first shot is a
7 miss or an injury, because someone might draw away from a weapon?

8 A. Not in any of the ones I have investigated, no.

9 Q. And how many is that?

10 A. More than ten.

11 Q. And then after this initial observation, you concluded
12 that based on Harry's injuries and the fact that there was a
13 defect in the recliner, that this wasn't a suicide?

14 A. I didn't know if it was a suicide. I took steps to
15 investigate, do a complete death investigation.

16 Q. Isn't it true you wrote, right after you noted the
17 defect in the couch, and the sheet rock, your next observation
18 was, "Based on my observations of Harry's injuries and the
19 defects in the recliner, it did not appear that this was a
20 suicide."?

21 A. Yes.

22 Q. So, you sealed the house?

23 A. Yeah. Based on what I saw right then, it wasn't
24 consistent with any suicide I have ever investigated.

25 Q. So, you made the determination at that time to rule out

194

1 suicide?

2 A. To approach it not as a straight suicide investigation,
3 but to look into the investigation of how he died. It wasn't an
4 apparent suicide when I got there.

5 Q. Based on just your initial observations?

6 A. Right.

7 Q. Where was Ms. Leibel at this time?

8 A. She was outside in the driveway.

9 Q. And at some time was she transported or did she come
10 down for an interview?

11 A. Yes, she was.

12 Q. And when she left the residence, were her hands bagged?

13 A. No, they weren't.

14 Q. Directing your attention back to Exhibit 2, there's a
15 coffee table or an end table beside the sofa, is that correct?

16 A. Correct.

17 Q. And nothing appears to be disturbed on that end table?

18 A. Correct.

19 Q. There is a drink glass right near the edge?

20 A. Yes.

21 Q. Now, you were with the evidence technician, Barden, or
22 they went through the house and photographed all the evidence
23 initially?

24 A. Very briefly. When we started taking pictures, I
25 rendered the gun safe. I opened the cylinder, closed it,

1 evaluated the gun, put it down. And then I was requested to go
2 down at that point to the station for the interview, and I
3 released the scene at that time to Investigator Schemenauer.

4 Q. And are you familiar with the evidence that was taken
5 from the scene?

6 A. Yes.

7 Q. Were there other weapons taken from the scene?

8 A. Several weapons were taken from the scene.

9 Q. And many of these weapons were in obvious plain view
10 throughout the house?

11 A. Yes.

12 Q. And weapons in various rooms, is that correct?

13 A. Correct.

14 Q. And this particular weapon that we have been discussing
15 in the photographs and that was taken as evidence, there's been
16 no functionality test performed on that?

17 A. We haven't. Again, it's in the lab. I don't know what
18 tests have been administered at this point.

19 Q. You have no results then?

20 A. I have no results, no.

21 Q. You have no ballistic test to show that this is the
22 weapon that fired the presumed shots that were fired?

23 A. Like I said, I don't have any results from the crime
24 lab or medical reports.

25 Q. And the report you prepared in this case was signed off

1 on you by you on March 25th, is that correct?

2 A. Whatever the date is that's on it.

3 Q. And would looking at your report refresh your memory?

4 A. What do you mean by "signed off"?

5 Q. When you complete a report, you --

6 A. Okay. I put the date that I complete it and then it
7 gets forwarded in the system to be reviewed and approved.

8 Q. Okay. So, your report was completed on March 25th?

9 A. Correct.

10 Q. And the contents of your report end on February 25th,
11 is that correct?

12 A. Correct.

13 Q. And so in between February 25th and March 25th, there
14 was nothing to report?

15 A. No. There's other things that were in the process of
16 being followed up on that we were doing. I stopped that one
17 based on that was the initial assessment from the scene.

18 I will be preparing other reports in the future when I
19 get the follow-up finished and completed.

20 Q. Okay. So, the last entry would be February 25th, when
21 Ms Leibel was arrested, and then for the purposes of this report,
22 which you put into the system on March 25th, there was no further
23 notations?

24 A. Correct.

25 Q. In addition to suicides, have you investigated

1 attempted suicides?

2 A. Yes, I have.

3 Q. And so there are circumstances when people try to
4 commit suicide and it doesn't work?

5 A. Yes.

6 Q. And have you seen some minor injuries in those cases?

7 A. Most, I'd say all the attempted suicides that I have
8 investigated have dealt with drug related, like overdose. I have
9 not investigated a shooting injury, other than attempted suicide,
10 other than for overdosing.

11 Q. Okay. So, you aren't familiar with attempted suicides
12 by other weapons?

13 A. No, I have not. I have not investigated those.

14 Q. In the completed suicides that you've investigated, how
15 many of those have involved weapons?

16 A. I would say the majority.

17 Q. Are you the one that, as the case agent, who directs
18 what tests are performed by the Washoe County Crime Lab?

19 A. We request tests. It's on what, their ability to
20 perform those tests are.

21 Q. Is that yes?

22 A. Yes. We submit things to be tested to the lab.

23 Q. So, you would be the one that directs we want this
24 test, we want that test?

25 A. Right.

1 Q. Was anything directed?

2 A. Yes. We have submitted the rifle.

3 Q. And what request had you made in connection to the
4 rifle?

5 MR. GREGORY: Objection to the relevance to this
6 proceeding, Your Honor.

7 THE COURT: Ms. Brown?

8 MS. BROWN: Just to find out what follow-up has been
9 done.

10 THE COURT: But, what's the relevance at the prelim?

11 MS. BROWN: The functionality of the gun.

12 THE COURT: The tests haven't been completed?

13 THE WITNESS: I haven't gotten any results back.

14 THE COURT: Objection sustained.

15 MS. BROWN: Just a moment, Your Honor.

16 Thank you, Your Honor. I have nothing further.

17 THE COURT: Mr. Gregory, any follow-up?

18 EXAMINATION

19 BY MR. GREGORY:

20 Q. Investigator Garren, you were asked about other weapons
21 in the home being confiscated. Were any of the other weapons
22 pistols?

23 A. I haven't looked at the complete inventory, but I know
24 there was at least one pistol recovered at the house. Or
25 handgun.

199

1 Q. I wanted to follow up regarding the .410 ammunition.
2 You were asked some questions about that by Ms. Brown. I just
3 would like to clarify.

4 You indicated that the .410 ammunition, when opened up,
5 has four, you indicated BB shots inside. Was that your
6 testimony?

7 A. Yes.

8 Q. Can you indicate for the Court, you referred to them as
9 BB shots, but what size were those four shots?

10 A. They, I don't know measurement-wise, but they would fit
11 stacked on top of each other inside the diameter of that shotgun
12 shell.

13 Q. As far as the diameter, are we talking about something
14 like bird shot, or something more like the size of a marble?

15 THE COURT: Mr. Gregory, the Court will take Judicial
16 Notice that the designation .410 is 41, one hundredths of an
17 inch.

18 MR. GREGORY: Thank you, Your Honor. I appreciate
19 that.

20 BY MR. GREGORY:

21 Q. And your testimony was that those four shots inside
22 ammunition, inside of the jacket, were all stacked together,
23 correct, or one after the other, consecutive?

24 A. In the round that we opened, yes.

25 MR. GREGORY: Nothing further.

1 THE COURT: Ms. Brown?

2 EXAMINATION

3 BY MS. BROWN:

4 Q. Of the other weapons that were collected in the house,
5 do you know if those were loaded?

6 A. I do not know.

7 Q. So, you wouldn't know if there was any type of similar
8 pattern of loading?

9 A. I don't know how any of the weapons were loaded at this
10 point.

11 Q. Do you know any rationale for having a round and then a
12 shot, a round and then a shot?

13 A. I do not.

14 Q. And you aren't -- you couldn't tell us whether or not
15 those, the rounds that were shown in the photograph that came
16 from the gun were hollow points or not?

17 A. I can't recall what they looked like today. I looked
18 at the picture. It's hard. I don't know if they're hollow point
19 or if they're filled by looking.

20 Q. Do you know what a hollow point is?

21 A. Yes, I do.

22 Q. What's that for?

23 A. For the bullet to open up.

24 Q. And what happens -- when does a bullet open up?

25 A. Usually when it either impacts a solid surface, the

1 hollow point is designed, from training, is to open up and
2 penetrate.

3 Q. So, does a hollow point fragment once it strikes an
4 object?

5 A. I don't know if they are designed to do that or not.

6 Q. Okay. So, you don't have that much background in?

7 A. Ballistics. No, I don't.

8 Q. Ballistics. No? And you don't have much background in
9 determining anything concerning like the range?

10 A. No, I don't.

11 Q. Or if a gun is fired, how far away it is, and, you
12 know, what it would cause on a wound?

13 A. I not have that training, no.

14 Q. Okay. And you don't have any training in looking at
15 photographs or -- well, photographs from an autopsy, you aren't
16 able to distinguish a wound from anything else?

17 A. Nope.

18 Q. And you don't have any training or experience in
19 looking at a radiograph and being able to determine what, if
20 anything, this is showing concerning an injury?

21 A. Right. I don't have that training or knowledge.

22 Q. That x-ray?

23 A. Yeah.

24 BY MS. BROWN:

25 Q. Do patrol deputies load their weapons in the similar

1 manner of shell, round, shell, round?

2 A. I have no idea how patrol deputies load their weapons.

3 Q. Do you ever load your weapon that way?

4 A. I have a handgun that is loaded with the same type of
5 round.

6 MS. BROWN: Thank you. I have nothing further.

7 THE COURT: Mr. Gregory, anything else?

8 MR. GREGORY: No, Your Honor.

9 THE COURT: Deputy, thank you. You are excused.
10 There's still the Rule of Exclusion, but I understand that you
11 might be out of witnesses.

12 MR. GREGORY: Yes, Your Honor.

13 THE COURT: So, you are released from that exclusionary
14 order.

15 THE WITNESS: Okay. Thank you.

16 MR. GREGORY: Before I rest, Your Honor, I just wanted,
17 just as a matter of housekeeping. The Complaint in this case was
18 actually filed when the arrest warrant was obtained, it was
19 obtained through Judge McMorris who was acting as a pro tem judge
20 at the time.

21 That was accomplished down in the valley, and initially
22 that Complaint was actually file-stamped into East Fork Township
23 Justice Court. And I just want to make sure that Your Honor has
24 the Complaint in front of you, and just verify that the matter is
25 properly before you?

1 THE COURT: It is properly before me. The record
2 reflects, and the file reflects that the Criminal Complaint was
3 filed with our, at our court on February 25th at 2:24 in the
4 afternoon.

5 And what you said, Mr. Gregory, comports with my
6 memory, that I was contacted in the evening, and I was in
7 dispose. Judge McMorris executed the warrant. And according to
8 the file stamp here, sometime shortly before nine p.m. at night.

9 MR. GREGORY: Thank you, Your Honor.

10 THE COURT: All right. Have all of the exhibits been
11 returned to the clerk? I think we're clear there.

12 Mr. Gregory?

13 MR. GREGORY: Thank you, Your Honor. Of course we're
14 here today for a preliminary hearing. The state's burden at the
15 preliminary hearing is to provide proof by slight or even
16 marginal evidence that a crime has been committed and that it was
17 committed by the defendant.

18 As it relates to the crime of open murder, I have
19 referenced the Court to Sheriff versus Middleton, 112 Nevada,
20 956, a 1996 case, Your Honor, where it talks about establishing
21 probable cause in the case where the crime is open murder.

22 And boiled down, it's the state has to prove by slight
23 or marginal evidence that there was a death occasioned by
24 criminal agency, and it was the defendant, again, by slight or
25 marginal evidence, that was the cause of that death.

204

1 Keeping that burden in mind in this case, the state has
2 presented evidence that there were two people in the residence at
3 452 Kent Way. When police arrived, one was dead, Mr. Leibel.
4 One was alive, Ms. Leibel.

5 There were no other people present. And that was
6 confirmed by Ms. Leibel, who indicated that there were no other
7 persons present at the time of the shooting.

8 We now know from the testimony that Mr. Leibel was
9 found deceased. He had two gunshot wounds. We know that the gun
10 that was used was a rifle.

11 We know that the first shot that was fired was a .45
12 round, and the evidence has been that that first shot was into
13 the vital area of the decedent, Mr. Leibel.

14 Shot number two then was a shot that was fired by way
15 of if it was a shotgun blast, the .410. We know that there was
16 wadding stuck in the hand of Mr. Leibel, his left hand. There
17 was a grazing wound on the top of his left shoulder that was also
18 consistent with having his hand out front of him at the time he
19 was shot.

20 And then a like defect to the couch that then went into
21 the wall, with shot being recovered inside the wall.

22 The wadding in the wound, Investigator Garren testified
23 was consistent with wadding from a shotgun.

24 Your Honor, so not only do we have then the two shots,
25 we know that the gun is found in a manner in which the hammer is

1 cocked for a third shot.

2 Your Honor, with this evidence, I would argue to you
3 that we have shown by the burden we are required to at this stage
4 that Mr. Leibel's death was occasioned by criminal agency and
5 that it was Ms. Leibel who shot the gun and killed him. Thank
6 you.

7 THE COURT: Thank you. Counsel?

8 MS. BROWN: Your Honor, I don't think there's
9 sufficient evidence in this case to show that death was caused by
10 criminal agency.

11 Investigator Garren testified that he determined this
12 was a nonaccidental death, occasioned by Ms. Leibel killing Mr.
13 Leibel, because her story of a reported suicide was inconsistent
14 with the evidence.

15 But, he bases that on injuries, and he says, but I'm
16 not an expert in telling anything about injuries. Basing it on
17 weapons that were present and shots that were fired, but I'm not
18 an expert in ballistics.

19 And so I don't think there's, he has the appropriate
20 background then to even make that conclusion, that what is
21 possible and what isn't possible and what could have happened and
22 what didn't happen.

23 We have no indication that the weapon on the couch was
24 even used in this case, whether it was functional. There were
25 other weapons in the house that were loaded, could have been

1 loaded, we don't know. So, we don't know what weapon was used.

2 Investigator Garren based his conclusion on the .45
3 being the round that entered the chest, or the torso area, based
4 on just that there was shotgun wadding in the wound on the left
5 hand, and he determined based on the position of the body on the
6 floor almost, that that was consistent with the shotgun shell
7 going through the hand, and then grazing the shoulder, and then
8 somehow ending up down here in the back of the couch, and then
9 down on the floor.

10 But, again, there was no evidence showing that was even
11 a possible trajectory, or if that round that was found inside the
12 wall had any -- or fragments inside the wall, had anything to do
13 with this case.

14 We have no evidence of what injures Mr. Leibel
15 received, if there was a gunshot wound to his torso area, was it
16 immediately a deathly injury? Did he linger long after that
17 injury? Could he have tried to cock the gun to shoot himself
18 again?

19 There's nothing to show that at that point he was
20 incapacitated in any way, and that that was an immediately mortal
21 wound.

22 So, I don't think, even if the evidence was solid, that
23 that gun had been cocked again, if it was the gun that was used,
24 that he couldn't have done it himself.

25 But, there's also photographic evidence that at

207

1 different times that strap was moved. Investigator Garren said,
2 when I walked in, this is the way the gun looked. The strap is
3 looped on the floor.

4 There's another photograph where the strap is across,
5 right along the chamber, or, yeah. The cylinder of the gun.

6 So, again, we don't know who had access to that gun,
7 what was done in the meantime.

8 We had Williamson enter the residence, he left. Left
9 another deputy there. Paramedics came in, then there was a gap
10 of time before Investigator Garren got there. Again, we don't
11 know who was doing what in that residence.

12 The house, according to Deputy Williamson, was never
13 searched for anybody else. There was, he knew there was a dog in
14 the downstairs, but there was no, he didn't look around for that,
15 for anybody else in the residence, it was only Ms. Leibel's
16 statement, I was alone with him.

17 But, she was in another room when that happened. When
18 the first shot happened.

19 So, again, Your Honor, I think the main thing in this
20 case is they're trying to say this was a death by criminal agency
21 based on the testimony of somebody who doesn't do ballistics, who
22 can't give opinions concerning injuries, and who just is saying
23 what she's reported as a suicide was inconsistent with what I
24 saw, even though I'm not an expert in seeing any of this, and
25 asking you to bind her over on a case of murder.

1 And I think even though the burden of proof at a prelim
2 is slight to marginal, I don't think there's sufficient evidence
3 to bind her over on this charge.

4 THE COURT: Thank you.

5 Mr. Gregory?

6 MR. GREGORY: Your Honor, at the time of the
7 preliminary hearing, the state's not required to negate all
8 defenses, and all inferences are to be drawn in a light most
9 favorable to the state.

10 I would cite Sheriff versus Middleton, 109 Nevada, 412.
11 It's a 1993 case. The only thing I would add in reference to
12 Investigator Garren, he testified about observations. Things he
13 saw that have not been refuted here at all. Things that he saw.

14 And based upon that, I believe that the evidence
15 demonstrates that the death here was occasioned by criminal
16 agency.

17 So, again, the state believes it's met its burden, and
18 would submit it to Your Honor.

19 THE COURT: Thank you. Although mere presence can't
20 support an inference that one party is a party to an offense, the
21 presence, together with other circumstances may support a
22 reasonable inference that the accused committed an offense. And
23 there are other circumstances that have been testified to in
24 addition to the presence of the defendant.

25 Therefore, based upon the standards that are required

1 by the Supreme Court, and the very low standard that's required
2 by the Supreme Court, based upon the evidence in this case, both
3 direct and circumstantial, together with the inferences and
4 presumptions that may be drawn from that evidence, the Court
5 finds that there is an inference of probable cause that a crime
6 has been committed, to wit: Open Murder with the Use of a Deadly
7 Weapon, and there's evidence to support an inference that the
8 person who may have committed that inferential crime is the
9 defendant, Tatiana Leibel. Such that she and her case will be
10 bound to the district court for an arraignment, and if necessary,
11 a trial.

12 We need to select a department.

13 MS. BROWN: Your Honor, can we address bail at this
14 point?

15 THE COURT: Now is the time to do it.

16 Is it going to be a lengthy address? Because I would
17 want to switch, have a fresh interpreter.

18 MS. BROWN: In my opinion it is going to be brief.

19 THE COURT: All right.

20 MS. BROWN: Your Honor, bail was previously set in this
21 cases at \$500,000 because of civil litigation concerning the
22 property of the Leibels.

23 Although property exists, there's not property to
24 secure that amount of bail.

25 However, I am advised that the family could raise

1 \$75,000 to post as bail in this matter, and that's not coming
2 from Ms. Leibel or any of her assets. That's coming from family
3 members who would like to pitch in.

4 THE COURT: That's the cost of a half million dollar
5 bail bond.

6 MS. BROWN: But, there's not property to secure it.

7 THE COURT: Got ya. So, you're suggesting 75,000 cash?

8 MS. BROWN: Cash. Cash only. And again, Your Honor, I
9 think bail is appropriate in this case.

10 I think this is a case that raises many questions
11 concerning what actually happened in the case. It's not a case
12 where it's clear and convincing that this was a homicide and
13 she's responsible for it, anything like that.

14 So, I would ask that based on the evidence that's been
15 presented in this matter, that the Court lower the bail, or set
16 the bail at \$75,000, cash only.

17 THE COURT: Does the defense desire the Court address
18 conditions of release, if in fact a bail is met?

19 MS. BROWN: Yes, Your Honor.

20 THE COURT: I have some conditions back March 4th. I
21 don't know if Mr. Gregory has or even if Ms. Brown, has that
22 copy. I can certainly make one.

23 MS. BROWN: Yes. I don't appear to have a copy.

24 THE COURT: I can certainly share mine.

25 MS. BROWN: Thank you.

1 THE COURT: And I can look at my blank one, because
2 what I did is I checked all the boxes and then added to it.

3 The conditions that the Court would want to discuss in
4 addition to anything that Counsel wants this Court to know, are
5 the firearms issue and passport issue.

6 Investigator Garren indicated that there might have
7 been some other weapons taken from the residence, and I wrote it
8 loosely that the defendant should not possess or I said something
9 else. Weapons.

10 I wouldn't want the defendant within a hundred feet of
11 a weapon even if it was possessed by someone else, other than,
12 you know, Deputy Johnson there.

13 And the other was about passports. I do note that the,
14 I've got some not inexpensive interpreters here today. And one
15 would presume that Ms. Leibel might hold a passport from
16 countries other than the United States.

17 MS. BROWN: We are being told the passport expired a
18 long time ago.

19 THE COURT: Other than human beings, things that expire
20 have a way of becoming renewed.

21 MS. BROWN: Does still possess it so she could turn it
22 into the Court?

23 MS. ARMSTRONG: She would be willing to give it to the
24 Court pending the outcome of this case.

25 THE COURT: All right. Thank you.

1 Mr. Gregory, would you like to address Counsel's
2 request for a lowering of the bail?

3 MR. GREGORY: I would. Thank you, Your Honor.

4 Article I section VII of the Nevada Constitution, taken
5 in conjunction with NRS 178.484 indicates that no bail is
6 appropriate in a case where there's murder, where the possibility
7 is for punishment by life imprisonment without the possibility of
8 parole when proof is evident or the presumption great.

9 In this case an arrest warrant was submitted that
10 contained an affidavit. A judge made a decision that there was
11 probable cause to issue for that warrant.

12 You've heard evidence today and have made a decision
13 today that the State's met its burden at the preliminary hearing
14 stage. There's been no evidence that this case isn't ripe to go
15 forward and go into district court for trial.

16 The state believes that no bail is the appropriate bail
17 in this case.

18 I will remind the Court that in this case, the
19 defendant was arrested on or about February 24th. She has yet to
20 make a formal request for bail.

21 There's been no written bail motion. This Court has
22 made the decision on the preliminary hearing. I question the
23 Court's authority at this point in time to entertain bail.

24 I believe the Court's jurisdiction is passed to the
25 district court.

1 That being said, if they want to litigate that, do it
2 the right way. File a written motion at the right time, not at
3 the end of the preliminary hearing where both sides can address
4 bail in a very serious case. And present Your Honor, or a
5 district court judge, with all the appropriate information that
6 would go into making that decision.

7 So, Your Honor, I'm going to ask that bail be set at no
8 bail, and that you deny the request to reduce bail.

9 THE COURT: Thank you. Ms. Brown?

10 MS. BROWN: And, Your Honor, I don't even think,
11 whether or not this case is bound over and it hasn't been
12 determined that it's going to what district court yet, but I
13 think the statute reads that any magistrate in the state can set
14 bail. So, I don't think bail is a matter of jurisdiction of any
15 particular court.

16 This is, at this point, the Court would be reviewing a
17 bail set previously on its own, so I don't think it's
18 inappropriate or sets up any conflict between different
19 magistrates.

20 And again, based on the evidence that's been heard
21 today , I don't think there is proof that is evidence or the
22 presumption is great, that any crime has been committed.

23 I mean the Court has made a finding of probable cause.
24 There's nothing more than that that's been brought before the
25 Court, so I think based on that, Ms. Leibel's ties to the

1 community, that she's been here four to five years just in this
2 community, and her lack of criminal history. That she doesn't
3 pose a risk of flight, and she's not a danger to the community.

4 THE COURT: Thank you. It appears that the practice in
5 this Court must be that there's never a written application for
6 bail, because I haven't seen one in 13 years.

7 But, there are Rules of Practice that have been
8 published for this Court, and for other rural courts. Rule 18
9 subsection six states when a defendant is bound over to district
10 court, or is ordered by the court to appear in district court for
11 any reason, the bail and conditions of release of the Justice
12 Court remain in effect until modified by the District Court.

13 I still have this case. And anyone who seeks to modify
14 this Court's bail and conditions of release after I enter them is
15 certainly free to approach the district court in accordance with
16 the rule to seek a modification.

17 Upon receipt of Ms. Leibel's current passport, whether
18 expired or not, from the United States, an expired passport from
19 Russia, or its predecessor, and the posting of \$75,000 cash, she
20 will be released subject to the conditions as set forth on March
21 4th.

22 This case is about to be bound over to the district
23 court. So, if anybody needs to go down and get it modified, they
24 need to go to department number?

25 THE CLERK: Two.

215

1 THE COURT: Two. Where there will be an arraignment on
2 a Monday morning at nine o'clock at the convenience of Counsel.

3 MS. BROWN: 14th?

4 MR. GREGORY: That's fine with the state.

5 THE COURT: The 14th at nine o'clock. There will be no
6 notice from this Court. Counsel will let Ms. Leibel know to be
7 there.

8 Before I thank and excuse Counsel, I want to thank our
9 interpreters. I appreciate the distance that you've come for
10 this rather short proceeding, but appreciate the importance of
11 providing access to justice in this Court.

12 Should this matter proceed to district court, I'm
13 certain that Department II is going to be asking me for contact
14 information, so please make certain that your information is
15 accurate when you turn in your request for compensation to
16 Ms. Giovannini.

17 Counsel, thank you very much. This has been very
18 interesting.

19 MS. BROWN: Thank you, Your Honor.

20 MS. ARMSTRONG: Thank you.

21 THE COURT: Good luck in Department II. We're
22 adjourned.

23 (Whereupon proceedings concluded at 2:09 p.m.)
24
25

1 JUDGE'S CERTIFICATE

2
3 I, Richard Glasson, Justice of the Peace of Tahoe
4 Township, County of Douglas, State of Nevada, do hereby certify
5 that the foregoing proceeding was heard by me.

6
7 Having found there was probable cause, said Defendant
8 was thereafter bound over to stand trial.

9
10 I further certify that I am not of counsel or attorney
11 for either or any of the parties in the foregoing proceeding and
12 caption named, or in any way interested in the outcome of the
13 cause named in said caption.

14
15 In witness whereof, I have hereunto set my hand this
16 day.

17
18
19
20 Date: _____


21
22
23
24 _____ RICHARD GLASSON, JUDGE

1 STATE OF NEVADA }
2 COUNTY OF DOUGLAS } Ss.

3 I, SUZANNE KUES ROWE, Certified Court Reporter,
4 licensed in the State of Nevada, License #127, and a Notary
5 Public in and for the State of Nevada, County of Douglas, do
6 hereby certify that the foregoing proceeding was reported from by
7 me and was thereafter transcribed under my direction into
8 typewriting; that the foregoing is a full, complete and true
9 record of said proceedings.

10
11 I further certify that I am not of counsel or attorney
12 for either or any of the parties in the foregoing proceeding and
13 caption named, or in any way interested in the outcome of the
14 cause named in said caption.

15
16
17
18
19 Date: April 13, 2014

20
21 
22 SUZANNE KUES ROWE, CCR #127
23
24
25

218