

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

_____ /

Electronically Filed
Aug 30 2022 02:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

RECORD ON APPEAL

VOLUME 2

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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

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KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
209 N. PRATT AVE.
CARSON CITY, NEVADA 89701
PHONE (775) 883-3990, FAX (775) 883-4030

1 KAY ELLEN ARMSTRONG
State Bar No. 715
2 209 N. Pratt Ave.
Carson City, NV 89701
3 (775) 883-3990
Attorney for Defendant

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2014 APR 17 PM 4:26

TED THUAN
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DISTRICT COURT CLERK

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.

TATIANA LEIBEL,
Defendant.

CASE NO. 14-CR-0062
DEPT. NO. II

REQUEST FOR SUBMISSION

COMES NOW, defendant Tatiana Leibell, by and through
her attorney, Kay Ellen Armstrong, and hereby requests that the
Motion for Court Appointed Fees With Affidavit in Support, in
the above entitled action be submitted to the court for
consideration.

DATED this 10th day of April, 2014.

[Signature]
KAY ELLEN ARMSTRONG
State Bar No. 715
209 N. Pratt Ave.
Carson City, NV 8970
(775) 883-3990
Attorney for

KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
209 N. PRATT AVE.
CARSON CITY, NEVADA 89701
PHONE (775) 883-3990, FAX (775) 883-4030

KAY ELLEN ARMSTRONG
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209 N. Pratt Ave.
Carson City, NV 8970
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Attorney for Defendant

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DOUGLAS COUNTY
DISTRICT COURT CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

TATIANA LEIBEL,
Defendant.

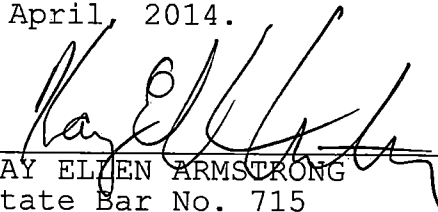
CASE NO. 14-CR-0062
DEPT. NO. II

**MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT
THEREOF**

COMES NOW, Kay Ellen Armstrong, having been appointed
as counsel to represent Tatiana Leibell in the above-entitled
matter and moves this Honorable Court for an Order for Payment
of Appointed Counsel, pursuant to NRS 7.125.

This motion is made and based upon the pleadings and
papers on file herein and the affidavit attached hereto.

DATED this 10th day of April, 2014.


KAY ELLEN ARMSTRONG
State Bar No. 715
209 N. Pratt Ave.
Carson City, NV 8970
(775) 883-3990

KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
209 N. PRATT AVE.
CARSON CITY, NEVADA 89701
PHONE (775) 883-3990, FAX (775) 883-4000

Carson City)

1. That affiant is an attorney licensed to practice law in the State of Nevada;

3. That affiant rendered the following services at the statutory rate of \$125.00 per hour for in court or out of court services:

222

KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
209 N. PRATT AVE.
CARSON CITY, NEVADA 89701
PHONE (775) 883-3990, FAX (775) 883-4030

04/09/14 .50 Telephone call to Susie Rowe, court reporter;
Received Notice of Non-Capital Proceeding;
Texts to Dustin and Kris

TOTAL HRS. \$22.75 = \$2,843.75

4. That the above services required 22.75 hours;
that NRS 7.125 provides for an attorney's fee of One Hundred
Twenty-Five Dollars (\$125.00) per hour for legal work performed
as of April 9, 2014. Therefore, the attorney's fees for legal
work is TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 75/100
(\$2,843.75) DOLLARS;

5. That to the best of affiant's knowledge, the
items set forth above are correct and have been necessarily
incurred in these proceedings;

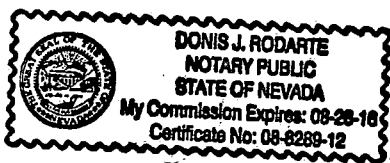
6. That affiant has not been paid from any other
source for the time and costs summarized herein.

Further affiant sayeth not.


Kay Ellen Armstrong

Subscribed and Sworn to before me
this 10th day of April, 2014.


Notary Public



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FILED

Case No. 14-CR-0062

Dept. No. II

DOUGLAS COUNTY

DISTRICT COURT CLERK

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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.

TATIANA LEIBEL

Defendant

REQUEST FOR DISCOVERY

Tatiana Leibel, defendant, by and through counsel, requests the court enter an order allowing discovery as follows.

1.) Pursuant to NRS 174.235 the right to inspect and copy or photograph any:

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; and

1 (c) Books, papers, documents, tangible objects, or copies thereof, which the
2 prosecuting attorney intends to introduce during the case in chief of the State and which are
3 within the possession, custody or control of the State, the existence of which is known, or by
4 the exercise of due diligence may become known, to the prosecuting attorney.

5 2.) A copy of the defendant's criminal history.

6 3.) Discovery of all evidence and material required by *Brady v. Maryland*, 373 U.S. 83
7 (1963); *see also*, *Mazzan v. Warden*, 116 Nev. 48; 993 P.2d 25 (2000); *Lay v. State*, 116 Nev.
8 1185; 14 P.3d 1256 (2000). (Due Process does not require simply the disclosure of
9 "exculpatory evidence". Evidence must also be disclosed if it provides grounds for the defense
10 to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the
11 credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks.
12 Discovery is not limited to investigative leads or reports that are admissible in evidence.
13 Evidence need not be independently admissible to be material.

14 4.) Disclosure before trial of all promises, inducements, or threats made to a witness to
15 gain co-operation in the investigation or prosecution of the Defendant as they relate to the case-
16 at-bar. Such disclosure is limited to such evidence which is known by the State of Nevada
17 counsel or could become known with the exercise of due diligence. *Giglio v. United States*, 405
18 U.S. 150 (1972).

19 5.) Not less than 5 judicial days before trial, or at such other time as the court directs,
20 a written notice containing the names and last known addresses of all witnesses the prosecuting
21 attorney intends to call during the case in chief of the State. NRS 174.234(a)(2).

22 6.) If the State, during its case in chief, expects to offer the testimony of an expert
23 witness, not less than 21 days before trial or at such other time as the court directs, a written
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2 notice containing:

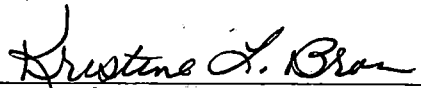
3 (a) A brief statement regarding the subject matter on which the expert witness is expected to
4 testify and the substance of the testimony;

5 (b) A copy of the curriculum vitae of the expert witness; and

6
7 (c) A copy of all reports made by or at the direction of the expert witness.

8 NRS 174.234 (2).

9 Dated this 17th day of April, 2014.

10 
11 Kristine L. Brown
12 Bar No. 3026
13 1190 High School Street, Suite A
14 Gardnerville, Nv. 89410
15 775-783-8642
16 Attorney for the Defendant
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Case No. 14-CR-0062

Department No. II

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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 Defendant's Request for Discovery to:

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

Dated this 17th day of April, 2014.

Kristine L. Brown

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APR 18 2014

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DISTRICT COURT CLERK

of any person
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 Application for Appointment of Interpreter to:

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

Dated this 18th day of April, 2014.

Kristine L. Brown

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DISTRICT COURT

Case No. 14-CR-0062

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Dept. No. II

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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)

APPLICATION FOR APPOINTMENT
OF INTERPRETER

Tatiana Leibel, defendant above named, by and through her attorney, Kristine L. Brown, applies to this court for an order authorizing the appointment of a Russian interpreter at county expense. This application is based on NRS 50.0545(1), the following Points and Authorities, Declaration of Counsel and the pleadings and papers on file in this matter.

Dated this 18th day of April, 2014.

[Signature]
Kristine L. Brown

Bar No. 3026

1190 High School Street

Suite A

Minden, Nv. 89410

775-783-8642

Attorney for the defendant

POINTS AND AUTHORITIES

An interpreter must be appointed at public expense for a person with a language barrier who is a defendant in a criminal proceeding. NRS 50.0545(1). A "person with a language barrier" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language. NRS 50.0545(2)(b); 1.510.

There is no Nevada case law interpreting this statute. Courts in other states when faced with the same issue have turned to case law interpreting the Federal Rules for guidance. *Tsen v. State*, 176 P.3d 1, (Court of Appeals, Alaska 2008). In 1978, the United States Congress enacted the federal Court Interpreters Act, 28 U.S.C. § 1827. According to the legislative history of the Court Interpreters Act, Congress did not intend the Act to "create new constitutional rights for defendants or expand existing constitutional safeguards". *United States v. Joshi*, 896 F.2d 1303, 1309 (11th Cir. 1990), citing House of Representatives Report No. 1687 (95th Congress, 2nd session, 1978), pp. 2-4. Rather, the Act was intended to head off potential constitutional problems by establishing a standard procedure for trial judges to use when evaluating the need for an interpreter, and then appointing a qualified interpreter if one is needed. *Id.*

Under subsection (d)(1) of the Act, a trial judge's duty to investigate the appointment of an interpreter arises when the judge is placed on notice that the defendant speaks only or primarily a language other than English, so that it appears that the defendant's lack of skill in English will inhibit his or her comprehension of the proceedings or inhibit communication with counsel or the presiding judicial officer, or, if the defendant takes the stand, inhibit the defendant's comprehension of questions and ability to meaningfully present testimony.

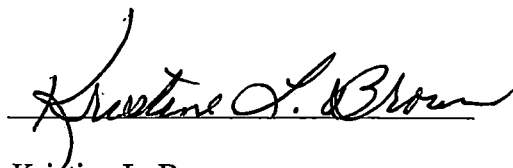
1 Federal courts have interpreted this Act to give trial judges broad discretion when
2 deciding whether a defendant's English language skills are so lacking as to require word-for-
3 word translation of the trial testimony. See, for instance, *United States v. Sandoval*, 347 F.3d
4 627, 632 (7th Cir. 2002). The decision whether to order full non-English interpretation of the
5 trial testimony involves a balancing of the defendant's right to due process against the public's
6 interest in the economical administration of criminal justice. *United States v. Martinez*, 616
7 F.2d 185, 188 (5th Cir. 1980). The decision whether to order word-for-word interpretation of
8 the trial testimony hinges on many variables. Chief among these variables are (1) the extent to
9 which the defendant can comprehend spoken English, (2) the extent to which the defendant can
10 express himself or herself in English, and (3) the degree to which the trial testimony will
11 present complex or subtle issues of fact that will require the defendant's input (*i.e.*, the
12 defendant's participation in formulating the defense case and in devising the cross-examination
13 of adverse witnesses). See *United States v. Febus*, 218 F.3d 784, 791-92 (7th Cir. 2000).

17 Tatiana Leibel's primary language is Russian. As is set out in the following Declaration
18 of Counsel, she can communicate in conversational English. Even then, it is often necessary to
19 stop and explain phrases or concepts to her, or to give her an opportunity to formulate a
20 sentence in English. She has often expressed confusion about what has happened in a court
21 hearing when an interpreter was not present. Word for word interpretation was provided during
22 the preliminary hearing.

24 As the State and Court have pointed out, Mrs. Leibel has been charged with the most
25 serious offense there is, murder. If convicted, she faces the possibility of life in prison without
26 the possibility of parole. Therefore, she should be afforded every opportunity to understand
27 every stage of the proceedings.
28

1 Based on the foregoing, the defendant asks that a Russian interpreter be appointed at
2 public expense and be available at every court proceeding.

3 Dated this 18th day of April, 2014.



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

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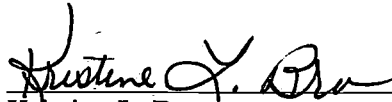
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1 April 14th, she could tell me that her home had been taken from her, but she could not explain the
2 court's rational in reaching that conclusion.

3 Mrs. Leibel is very intelligent and is actively involved in questioning the "science" that
4 led to her being charged in her husband's death. It is essential for her full participation in the
5 court proceedings for her to have a "real time" understanding of the testimony, arguments of
6 counsel and rulings of the court that would be provided by simultaneous translation from English
7 to Russian. In order to quickly be able to discuss matters with counsel, it would be necessary to
8 have an interpreter present at all times. Mrs. Leibel's ability to actively participate in court
9 proceedings is severely restricted without the presence of a Russian speaking interpreter.

10
11 Dated this 18th day of April, 2014.

12
13 

14 Kristine L. Brown
15 State Bar No. 3026
16 1190 High School Street
17 Suite A
18 Gardnerville, Nv. 89410
19 775-783-8642
20 Attorney for Defendant
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Case No. 14-CR-0062

Dept. No. II

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BY M. Blain 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.

ORDER SETTING TRIAL

TATIANA LEIBEL,

Defendant.

The above-entitled matter is set for:

(xx) Trial by Jury

TO COMMENCE on Tuesday, September 2-5, 2014, at the hour of 9:00
a.m. and reconvene on Tuesday September 9-12, 2014 at the hour of
9:00

Time allowed: 8 Days

Motions Hearing set for August 5, 2014 at 2:30 p.m.

Pre-Trial Conference set for Monday, August 25 2014 at 9:30 a.m.

The parties shall submit jury instructions and verdict forms
to the court and each other by August 2, 2014. Any pre-trial

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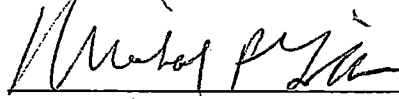
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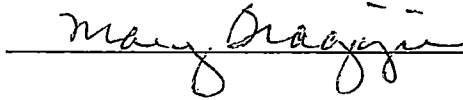
1 motions shall be filed with the court and exchanged between the
2 parties by August 2, 2014.

3 DATED this 21 day of April, 2014.

4 
5

6 MICHAEL P. GIBBONS
7 DISTRICT JUDGE
8

9 Copies served by hand on April 21, 2014, to Thomas Gregory, Esq.;
10 Douglas County District Attorney's Office; Kristine L. Brown, Esq.

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KAY ELLEN ARMSTRONG
ATTORNEY AT LAW
209 N. PRATT AVE.
CARSON CITY, NEVADA 89701
PHONE (775) 883-3990, FAX (775) 883-4030

KAY ELLEN ARMSTRONG
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Attorney for Defendant

FILED

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APR 17 2014

2014 APR 21 PM 12:59

DOUGLAS COUNTY
DISTRICT COURT CLERK

TED THIRAN
CLERK

BY M. Blagden 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.

CASE NO. 14-CR-0062

TATIANA LEIBEL,

DEPT. NO. II

Defendant.

ORDER FOR PAYMENT OF ATTORNEY FEES

IT IS HEREBY ORDERED that the Douglas County Treasurer pay forthwith the sum of TWO THOUSAND EIGHT HUNDRED FORTY-THREE AND 75/100 DOLLARS (\$2,843.75) to Kay Ellen Armstrong, 209 N. Pratt Ave., Carson City, NV 89701, in remuneration for her legal services in the above-entitled action. It is further ordered that both the motion for fees filed herewith and this order be sealed.

DATED this 21 day of April, 2014.

[Signature]
DISTRICT COURT JUDGE

FILED

ORIGINAL
RECEIVED

CASE NO. 14-CR-00062

MAY 19 2014

DEPT. NO. 2

2014 MAY 16 PM 1:49

DOUGLAS COUNTY
DISTRICT COURT CLERK

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

BEFORE THE HONORABLE DISTRICT COURT JUDGE, MICHAEL P. GIBBONS

THE STATE OF NEVADA,

Plaintiff,

vs.

TATIANA LEIBEL,

Defendant.

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

MONDAY, APRIL 14, 2014

APPEARANCES:

For the State:

TOM GREGORY
Chief Deputy District Attorney
Minden, Nevada

For the Defendant:

KRIS BROWN
Attorney at Law
Minden, Nevada

Reported By:

Kathy Jackson CSR
Nevada CCR #402
California CCR #10465

1 MONDAY, APRIL 14, 2014, MINDEN, NEVADA

2 -oOo-

3 THE COURT: The next matter is the State of
4 Nevada versus Tatiana Leibel. Good morning. Ms. Leibel is
5 appearing with her attorney, Ms. Brown, and Ms. Armstrong is
6 here too.

7 MS. ARMSTRONG: Good morning, Your Honor.

8 THE COURT: Good morning. Do we have another
9 chair?

10 THE DEFENDANT: Thank you.

11 THE COURT: Mr. Gregory is appearing for the
12 State. This is the time set for the arraignment.

13 Ms. Brown, have you received a copy of the
14 information?

15 MS. BROWN: I have, Your Honor. I've had a
16 chance to go over it with Ms. Leibel. She's familiar with
17 the contents and would waive a formal reading. She intends
18 to enter a plea of not guilty.

19 THE COURT: Ms. Leibel, have you seen the charge
20 that's been filed against you?

21 THE DEFENDANT: Yeah, I read the information.

22 THE COURT: Do you understand that charge?

23 THE DEFENDANT: I understood.

24 THE COURT: Are you able to hire your own
25 attorney at this time?

1 THE DEFENDANT: I cannot afford it, yeah.

2 THE COURT: Okay. She's indicated that she
3 cannot afford an attorney. Ms. Armstrong is also here. She
4 was appointed by the justice court. Mr. Gregory is here
5 representing the State. There was a notice filed by the
6 District Attorney's Office regarding the State's intent to
7 not seek the death penalty in this case; is that correct,
8 Mr. Gregory?

9 MR. GREGORY: Yes, Your Honor.

10 THE COURT: So the Supreme Court Rule 250 that
11 would require two attorneys would no longer be applicable.

12 Ms. Brown, do you see a reason to have a second
13 attorney appointed?

14 MS. BROWN: Not one outside the contract, Your
15 Honor.

16 THE COURT: All right. Ms. Armstrong, you were
17 appointed by the justice court. Do you think it was just
18 because of the issue of a death penalty that was unresolved
19 at this point?

20 MS. ARMSTRONG: I'm almost certain, yes.

21 THE COURT: All right. The Court will appoint
22 Ms. Brown to represent Ms. Leibell but not Ms. Armstrong.

23 MS. ARMSTRONG: Thank you.

24 THE COURT: You still get paid for your services
25 though.

1 MS. ARMSTRONG: I appreciate it. Thank you.

2 THE COURT: And, Ms. Brown, did you hear the
3 discussion on the last case about whether there might be a
4 change in the contract in having a second attorney for a
5 person charged with murder?

6 MS. BROWN: Yes, Your Honor.

7 THE COURT: All right. That discussion will be
8 incorporated into this case too. It's an unresolved issue.
9 It's just a policy consideration at this point in time that
10 will be picked up at a later point.

11 All right. Ms. Brown, what about an interpreter
12 for your client. Is that needed today?

13 MS. BROWN: Your Honor, she feels that she's okay
14 today without an interpreter. It's when we get evidentiary
15 hearings and don't have an opportunity to stop and discuss
16 things that it becomes a necessity.

17 THE COURT: Okay. This Court is also hearing the
18 case of the estate of Harry Leibel, that's Case Number
19 14E-0022, that's the probation action involving Ms. Leibel's
20 former husband, now deceased. In that case, there was no
21 request for an interpreter to be appointed, and we did have a
22 hearing. The Court was advised by the justice court that
23 there had been an interpreter for proceedings in that case.

24 MS. BROWN: That's correct, Your Honor.

25 THE COURT: Okay. So if there is a need for an

1 interpreter, please advise the Court and we'll have a
2 separate hearing on that.

3 Ms. Leibel, the information lists you your name
4 as Tatiana Leibel, also known has Tatiana Kasarinka
5 (phonetic).

6 THE DEFENDANT: Kasarinka.

7 THE COURT: Okay. What is your true name?

8 THE DEFENDANT: Tatiana Leibel.

9 THE COURT: And do you have a middle name?

10 THE DEFENDANT: Yes, for Russian but not for
11 United States.

12 THE COURT: And how about the spelling of your
13 first name, is that correct?

14 THE DEFENDANT: Yes, Tatiana.

15 THE COURT: It's spelled differently by your
16 attorney in the probate case.

17 THE DEFENDANT: No, spelled correct, Tatiana.

18 THE COURT: All right. Could you stand, please.
19 To the charge in the information, open murder with the use of
20 a firearm, do you plead guilty or not guilty?

21 THE DEFENDANT: Not guilty, Your Honor.

22 THE COURT: All right. Go ahead and have a seat.
23 You're entitled to have a speedy and public jury trial, and
24 that trial could be within 60 days. If you demand it, the
25 Court will accommodate that request and set the trial within

1 60 days. The State is also entitled to a trial within
2 60 days. The Court had asked counsel to meet with the
3 judicial assistant to see if you could agree on a trial date,
4 and I was advised there's been no agreement so far.

5 There's also been a motion to increase bail filed
6 by the District Attorney's Office. The Court has seen that
7 motion and an opposition that was filed on April 11th, 2014.

8 Ms. Brown, do you want to have that motion
9 decided before the trial date is set?

10 MS. BROWN: Yes, Your Honor, and Mr. Gregory and
11 I did meet with the judicial assistant last week and picked a
12 trial date. It's just it did not work for the Court, and
13 I've been advised by Ms. Barrett that outside of that date we
14 picked, it would be after the first of the year if the
15 60 days were waived. So I think we do need to decide the
16 bail issue before we go further.

17 THE COURT: The trial date can be set at any time
18 as an alternate. If somebody is -- if somebody is in
19 custody, then the Court would give priority to a trial
20 setting over all other cases.

21 Mr. Gregory, are you ready to argue that motion
22 for the bail increase?

23 MR. GREGORY: Yes, Your Honor.

24 THE COURT: Did you receive a copy of the
25 opposition?

1 MR. GREGORY: I did, Your Honor.

2 THE COURT: Okay. If you could go ahead, and
3 then if you want to respond to any of the points in
4 particular that are in the opposition.

5 MR. GREGORY: Your Honor, as articulated in my
6 written brief, our main concern here is flight. I understand
7 she hasn't been convicted yet, I get that, and I get those
8 points made by Ms. Brown.

9 But under the situation where she's charged with
10 open murder, she's now been bound over, so there's been a
11 finding of probable cause, and the trial date is going to be
12 set in a case where there is a possibility of a sentence, a
13 conviction and a sentence of life without the possibility of
14 parole that in that situation alone, \$75,000 cash is
15 inadequate.

16 When you add to that her citizenship status, the
17 State is concerned. And my understanding is that the bail
18 that's been posted is not her own and under these
19 circumstances, she really has no reason to want to come to
20 court and face these charges. So the State is asking for an
21 increase that is indicated.

22 I would also point out that the current
23 conditions do not restrict her travel. Although, Judge
24 Glasson did order that she turn in her passport. She did do
25 that, and she is on a GPS unit. However, the conditions do

1 not restrict her travel whatsoever other than advising the
2 department of alternative sentencing of that travel. So
3 hypothetically she could return to Russia with the GPS unit
4 on and would not be in violation of the Court's order, so the
5 State is concerned about that.

6 The State is also concerned with the fact that
7 immediately after she was granted bail, she grabbed a flight
8 down to the San Diego area. That would indicate to me that
9 she does not have strong local ties in this area. So the
10 State is concerned, happy to see her here today but more
11 importantly than that, we need her here for trial, and so the
12 State is asking for that increase.

13 As Your Honor knows, in a case where first degree
14 murder is charged, no bail is really the right initial bail
15 and it's only upon finding of the Court that the bail would
16 even be reduced. I never felt like those findings were made
17 at the justice court level, but I don't think we really need
18 to revisit that here as much as we're just asking for an
19 increase to the million dollars cash with a condition that
20 the State has recommended in my conclusion at the end of the
21 written brief, so the State is asking for that increase
22 today, Your Honor.

23 If the Court grants that, the State would ask
24 that she be held in custody pending the additional bail and
25 satisfaction being given to you, Your Honor, that she can

1 abide by the conditions.

2 THE COURT: Okay. Thank you, Mr. Gregory.

3 Ms. Brown?

4 MS. BROWN: Your Honor, I think findings were
5 made in the justice court. The final bail was set after the
6 preliminary hearing so the Court was aware of the evidence
7 that had been presented. It was a very minimal preliminary
8 hearing, that was the State's choice, and basically it was
9 the opinion of one investigator saying what Ms. Leibel told
10 us is not consistent with what little bit of evidence we're
11 going to be here talking about, and so there hasn't been a
12 strong showing of the possibility of conviction in this case
13 or that she committed the crime she's charged with, so I
14 think bail is appropriate.

15 And this was not brought in front of the justice
16 court without notice and, in fact, I included the notice of
17 the setting from her first appearance after her initial
18 appearance in justice court. There's a notice of setting
19 that says at the next hearing, we're going to discuss bail,
20 and so everybody should have been ready at that point.

21 At that time, there was a discussion concerning
22 Ms. Leibel's ties to the community, her past criminal
23 history, you know, a bunch of her background information, her
24 family in the country, her strong ties she has with them.
25 And at that point, it was -- the bail was set at \$500,000

1 bondable. When we came back to the preliminary hearing, the
2 only thing that was addressed was the fact that this Court
3 had ruled in the probate case that she could not use or there
4 was a ruling not letting her at that point use that house as
5 collateral, so basically there was no property that she could
6 use to secure bail.

7 The money that had been foreseen as going to a
8 bondsman, the \$75,000 had been raised and so all that
9 happened at that point was the bail was changed to a cash
10 only so that money that would have gone to a bondsman went
11 to -- on to deposit with the Court instead.

12 I think at this point there's been nothing new
13 that has come up. And so in order to see an increase in
14 bail, there has to be good cause shown and to me that sounds
15 like there has to be something over and above what a judge
16 has considered before, not just maybe another judge doesn't
17 agree with it.

18 In this case, it's a unique case because there is
19 a cash bail posted. Even if the bail was raised and taken
20 back into custody, that money would be available to be
21 returned. But if there's just going to be second guessing as
22 a case goes up, you know, the links into the court, if
23 somebody has gone through a bondsman and posted a 500,000
24 dollar bond and paid a bondsman \$75,000, then on a whim, the
25 second Court can say, no, I'm going to increase the bail and

1 they would lose that amount of money.

2 So I think there has to be something over and
3 above we all just disagree with the decision that Judge
4 Glasson made. It has to be something since that time this
5 evidence has come to light, this violation, whatever. And,
6 yes, there was no restriction on her traveling.

7 But, again, in the probate case, she was excluded
8 from that house that she was living in in Stateline. She was
9 excluded from having access to any of the assets, so she was
10 basically released from jail penniless. She had no place to
11 go and she -- yeah, she could have lived on the streets up at
12 Tahoe if that's what the Court wanted, but there wasn't even
13 money to rent a motel room.

14 Ms. Strayhern (phonetic) is the one who posted
15 the cash bail for her. She allows Ms. Leibel's daughter to
16 live in her residence, and so she has been providing a
17 residence for Ms. Leibel also. So she has an interest in
18 keeping an eye on Ms. Leibel because she posted the money for
19 her.

20 It wasn't that she immediately got out of jail
21 and just took off. She had to go to the department of
22 alternative sentencing, be put on an ankle bracelet. They
23 knew where she was going. There was no objection to -- you
24 know, they offered no objection to that. She has remained
25 compliant with the rules that they have set. She's remained

1 in contact. They know where she is, and so there's been no
2 violation of any condition that would justify an increase in
3 the amount of bail.

4 And her -- it's not just that she's moved to
5 Southern California because that's a place to live. That's
6 where her family is located, and so she's there where she has
7 family ties. She has children there. She has grandchildren
8 there, and so she does have strong ties and I'm not -- I
9 mean, when we talk about community, yes, you could focus on,
10 you know, Northern Nevada but in this day and age, community
11 can be, you know, in a general area, so she does have strong
12 ties there that keep her within or, you know, tie her to this
13 country to this -- you know, to this area and her desire to
14 see this case through.

15 I think one of the strongest indicators that
16 she's not a flight risk, and that's the main concern the
17 State has raised, she's here today. And I think if you look
18 at what happened in this case, she was the one that called
19 911. She was the one that, the evidence suggested, she was
20 trying to give Mr. Leibel CPR.

21 She was the one that met with the officers at the
22 scene. She was the one that voluntarily came to the
23 sheriff's department, gave a very very long interview where
24 she was confronted with, you know, this isn't how things
25 happen. She knew she was a suspect when they let her go.

1 She came back voluntarily the next day, voluntarily went
2 through another interview, where they accused her, let her
3 leave. She went back to her residence, and then the officers
4 arrested her the next day at the residence. So she had every
5 opportunity at the earliest stages if she was going to flee
6 to go and she didn't.

7 And since she's been released, she's done nothing
8 to indicate that she wants to go anywhere. She's remained
9 compliant. She's appeared in court. So I don't think
10 there's been any showing of justification for an increase in
11 bail at this point.

12 It's -- I mean, the State's opinion of the
13 appropriate amount of bail is always something beyond what
14 anybody could raise so it's in essence no bail. At this
15 point, there has been financial hardship on the person
16 raising this \$75,000 to post this amount of bail. This is --
17 you know, if you say this is the most, there is no more, then
18 they have posted a very large amount of bail. So, again, I
19 don't think you can just take the number, you know, magic
20 numbers. I think you can look at \$75,000, that's probably
21 more than most people make a year in a paycheck or in
22 salaries and so it's a huge amount of money.

23 So, again, I don't think there's any
24 justification for raising the bail in this case, and I would
25 ask you to let Ms. Leibel remain on that bail with the

1 conditions imposed previously by the Court.

2 THE COURT: Well, the Court hears bail matters
3 set frequently and almost all cases, it's the defense asking
4 to reduce the bail, and it's somewhat disingenuous to now say
5 the State can't ask to increase the bail when the defense
6 asks to reduce the bail all of the time, and I don't fault
7 either side. I mean, this is part of the process, but a bail
8 question is a de novo question for the district court when
9 looking at the justice court bail. It's not an appellate
10 review where the Court would give deference what was decided
11 in the lower court. It's de novo, meaning the Court looks at
12 it anew.

13 Under Chapter 178, there are a number of factors
14 to consider, factors that go in each direction in this case.
15 The very first one though under 178.498 is the nature and
16 circumstances of the offense charged. In this case the
17 offense is first degree murder with use of a deadly weapon,
18 that's the most serious offense there is in the State of
19 Nevada other than capital murder which is just another way of
20 stating the same charge.

21 Ms. Leibel is looking at two life sentences if
22 she's convicted as a likely outcome. I believe the statute
23 might provide for 50 years instead of a life sentence but
24 still two 50-year sentence is like a life sentence. Even if
25 it was only one life sentence, that's obviously a very

1 serious possible outcome so that could give someone a
2 motivation to leave.

3 Additionally, Ms. Leibel is apparently not a
4 United States citizen. Although, she might be here legally
5 and that could give her more ability to leave than the
6 average person if she's able to get another passport. I
7 don't know if she is or isn't. I know her passport was
8 turned in, but the bail as set is very low for a charge of
9 this type.

10 This Court is also hearing the probate case, as
11 was mentioned earlier, and in that hearing that we had
12 several weeks ago, the Court denied the verbal request to use
13 the home as collateral or to allow her to live in the home
14 if the administrator of the estate would not allow her to
15 live here -- live there, it's currently the public
16 administrator, but we're having a hearing at 1:30 today to
17 appoint an administrator so that could change.

18 The Court said though that its ruling in the
19 probate case was without prejudice meaning the issue could be
20 raised again by Ms. Leibel to use the home as collateral.
21 There were some novel legal questions that were being raised,
22 and I said that needed full briefing and so far, there's been
23 no motion filed in the probate case to allow the home to be
24 used as collateral, no motion filed by Ms. Leibel.

25 There was only a request from the public

1 administrator asking for advice and instructions. So the
2 situation could change in the probate case, but again her
3 attorney has not filed any motion. So as it stands now, the
4 home can't be used for collateral, and she's not allowed to
5 live in the home so obviously she's got to go somewhere.

6 But, again, the amount of the bail is just
7 incredibly low for a murder charge. So the Court is granting
8 the State's request. The bail will be increased to
9 \$1,000,000 and set at allowing bond, bond or cash, not just
10 cash. And if the Court does change the ruling in the probate
11 case, then the Court will allow both sides a chance to come
12 back here and argue this bail question again.

13 If Ms. Leibel is going to post bail, then we'll
14 have a further hearing on what the conditions would be of her
15 release, but the obvious one on what Mr. Gregory pointed out,
16 if you're going to have GPS monitoring, it doesn't make any
17 sense unless you're going to have a limit as to what
18 somebody's geographic boundaries are. Otherwise, that
19 monitoring doesn't mean much. That would be the first thing
20 to be addressed. We don't need to do it right now because I
21 don't know if she's going to be able to use the home or raise
22 any money.

23 All right. Let's go back to the trial date.
24 I'll assume for the moment she's going to be in custody.

25 MS. BROWN: Your Honor, could we set this out

1 then, excuse me, a week so I can discuss with Ms. Leibel the
2 different options that are available? Like I said, when we
3 had talked earlier, we were looking at an October trial date,
4 that's now not available. It's outside the 60 days, but it
5 might be acceptable. Now I'm told that there's no open trial
6 date left until the first of the year if she waived her
7 60 days.

8 THE COURT: We can set a trial in June if we need
9 to. I'll just clear my calendar and take everything else
10 off.

11 MS. BROWN: What I need to discuss with her is
12 what options she would like to follow, either to waive the
13 60 days, when we're looking at a trial that far out or what
14 is going to happen if she doesn't waive the 60 days and we
15 have to have the trial that quickly.

16 THE COURT: All right. What about the other
17 issues that normally go to prepare for trial, like an
18 investigator, ballistic analysis, gun powder residue,
19 whatever might be, do you expect those issues are going to be
20 coming up?

21 MS. BROWN: I do, Your Honor, and that's why when
22 we were looking at an October date, she understood there's a
23 need for investigation. There's a need for that, and so, you
24 know, that time frame was acceptable but if you're looking at
25 next year some time, she's going to be basically in custody

1 for a year.

2 THE COURT: Okay. Well --

3 MS. BROWN: There's no way to hurry up the State
4 on what evidence they are going to come up with.

5 THE COURT: Well, the State has the burden of
6 proof, not the defendant so you could ask for a speedy trial
7 and maybe they won't have it.

8 MS. BROWN: And then they will ask for a
9 continuance. Let's just -- can we just set it out a week so
10 we can have a chance to discuss that?

11 THE COURT: Mr. Gregory, do you have any problem
12 with that?

13 MR. GREGORY: No opposition to that, Your Honor.

14 THE COURT: Will the State be asking for a speedy
15 trial?

16 MR. GREGORY: No, Your Honor.

17 THE COURT: Okay. All right. We'll continue the
18 arraignment then for one week. Ms. Leibel is remanded to the
19 custody of the sheriff. She's to be back in court at 1:30
20 this afternoon.

21 THE DEFENDANT: Your Honor, I'm innocent, and I
22 know my rights, so I don't know why you do me like this. I
23 trust your judgment. Please, please, Your Honor.

24

25

1 STATE OF NEVADA,)
2 CARSON CITY.) ss.
3

4 I, KATHY JACKSON, Nevada Certified Court Reporter
5 Number 402, do hereby certify:

6 That I was present in the District Court in Minden, in
7 and for the State of Nevada, on Monday, April 14, 2014, for
8 the purpose of reporting in verbatim stenotype notes the
9 within-entitled Continued Arraignment;

10 That the foregoing transcript, consisting of pages 1
11 through 19, is a full, true and correct transcription of said
12 Continued Arraignment.

13
14 Dated at Carson City, Nevada, this 7th day
15 of May, 2014.

16
17
18 *Kathy Jackson*
19 KATHY JACKSON, CCR
20 Nevada CCR #402

21
22
23
24
25

1 CAPITOL REPORTERS
2 410 E. John Street, #A
3 Carson City, Nevada 89706
4 775-882-5322

5 THE NINTH JUDICIAL DISTRICT COURT
6 IN AND FOR THE COUNTY OF DOUGLAS

7 STATE OF NEVADA, Case No. 14-CR-00062
8 Plaintiff, Dept. No. 2
9 v.
10 TATIANA LEIBEL,
11 Defendant.

12 **AFFIRMATION**
13 Pursuant to NRS 239B.030

14 The Undersigned does hereby affirm that the following
15 document **DOES NOT** contain the social security number of any
16 person: (List of document(s) attached below)

17 1) Arraignment -- 4/14/14

18 -or-

19 The undersigned does hereby affirm that the document
20 named below **DOES** contain the social security number of a
21 person as required by state or federal law or for the
22 administration of a public program or for an application for
23 a federal or state grant: (List of document(s) attached
24 containing social security number information below)

25 1) _____
2) _____

(Your signature) Kathy Jackson (Date) 5/7/14

RECEIVED

MAY 21 2014

ORIGINAL
DOUGLAS COUNTY
DISTRICT COURT CLERK

CASE NO. 14-CR-00062

FILED

DEPT. NO. 2

2014 MAY 21 PM 4:02

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

TED THIRAN

CLERK

IN AND FOR THE COUNTY OF DOUGLAS

BY L. J. GIBBONS DEPUTY

BEFORE THE HONORABLE DISTRICT COURT JUDGE, MICHAEL P. GIBBONS

THE STATE OF NEVADA,

Plaintiff,

vs.

TATIANA LEIBEL,

Defendant.

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

MONDAY, APRIL 21, 2014

APPEARANCES:

For the State:

ERIK LEVIN
Deputy District Attorney
Minden, Nevada

For the Defendant:

KRIS BROWN
Attorney at Law
Minden, Nevada

Reported By:

Kathy Jackson CSR
Nevada CCR #402
California CCR #10465

1 MONDAY, APRIL 21, 2014, MINDEN, NEVADA

2 -oOo-

3 THE COURT: Good morning, everyone. The first
4 matter on calendar is Tatiana Leibel. Ms. Leibel is
5 appearing with her attorney, Ms. Brown. Mr. Levin for the
6 State. This is the time set for the arraignment.

7 Ms. Brown, do you have a copy of the information?

8 MS. BROWN: I do, Your Honor. I've had a chance
9 to go over it with Ms. Leibel. She's familiar with the
10 contents and would waive a formal reading.

11 THE COURT: All right. Ms. Leibel, if you could
12 stand, please. You're charged with one count of open murder
13 with use of a firearm. Do you understand that charge?

14 THE DEFENDANT: Yes, I understand.

15 THE COURT: Do you plead guilty or not guilty?

16 THE DEFENDANT: Not guilty.

17 THE COURT: Okay. Go ahead and have a seat. You
18 were in court last Monday. We discussed various aspects of
19 the case, and I asked counsel to further talk to each other
20 in this case with Ms. Brown and Mr. Gregory to discuss the
21 trial issues, the pretrial issues, and it's my understanding
22 that counsel did agree to a trial date starting
23 September 2nd; is that correct, Ms. Brown?

24 MS. BROWN: That's correct, Your Honor.

25 THE COURT: So that would mean Ms. Leibel is

1 waiving her right to speedy trial?

2 MS. BROWN: Yes, Your Honor.

3 THE COURT: All right. This case is set then for
4 jury trial starting Tuesday, September 2nd to go four days
5 that week and to reconvene on Tuesday, September 9th, to go
6 up to four days that week.

7 A motion's hearing date is set for August 5th at
8 2:30 p.m. A pretrial conference is set for August 25th at
9 9:30 a.m. and any special jury instructions and verdict forms
10 shall be submitted to the Court by August 2nd.

11 MR. LEVIN: I'm sorry, Your Honor, August 25th
12 was the pretrial?

13 THE COURT: Yes, 9:30 and August 2nd for filing
14 motions and exchanging them between counsel the same day.
15 The Court has prepared a written order and that will be filed
16 and presented to counsel today.

17 All right. Anything else?

18 MS. BROWN: No, Your Honor.

19 THE COURT: All right. That will be all.
20
21
22
23
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25


1 STATE OF NEVADA,)
2 CARSON CITY.) ss.
3)

4 I, KATHY JACKSON, Nevada Certified Court Reporter
5 Number 402, do hereby certify:

6 That I was present in the District Court in Minden, in
7 and for the State of Nevada, on Monday, April 21, 2014, for
8 the purpose of reporting in verbatim stenotype notes the
9 within-entitled Arraignment;

10 That the foregoing transcript, consisting of pages 1
11 through 4, is a full, true and correct transcription of said
12 Arraignment.

13
14 Dated at Carson City, Nevada, this 19th day
15 of May, 2014.
16
17

18 
19 KATHY JACKSON, CCR,
20 Nevada CCR #402
21
22
23
24
25

1 CAPITOL REPORTERS
2 410 E. John Street, #A
3 Carson City, Nevada 89706
4 775-882-5322

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

8 STATE OF NEVADA,
9 Plaintiff,
10 v.

Case No. 14-CR-00062
Dept. No. 2

11 TATIANA LEIBEL,
12 Defendant.

13 **AFFIRMATION**
14 **Pursuant to NRS 239B.030**

15 The Undersigned does hereby affirm that the following
16 document **DOES NOT** contain the social security number of any
17 person: (List of document(s) attached below)

18 1) Arraignment -- 4/21/14

19 **-or-**

20 The undersigned does hereby affirm that the document
21 named below **DOES** contain the social security number of a
22 person as required by state or federal law or for the
23 administration of a public program or for an application for
24 a federal or state grant: (List of document(s) attached
25 containing social security number information below)

1) _____
2) _____

(Your signature) Harley Gachs (Date) 5/19/14

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AUG 04 2014

FILED

1 Case No. 14-CR-0062

2 Dept. No. II

DOUGLAS COUNTY
DISTRICT COURT CLERK

2014 AUG -4 PM 2:32

TED THIRAN
CLERK

BY M. Blac DEPUTY

3
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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.
12 TATIANA LEIBEL,
13 Defendant.
14 _____/

ORDER SETTING TRIAL
AND VACATING HEARING DATES
OF SEPTEMBER 5, AUGUST 25
AND TRIAL BEGINNING
SEPTEMBER 2-12, 2014

15 The above-entitled matter is set for:

16 (xx) Trial by Jury

17 TO COMMENCE on Tuesday, January 27, 2015, at the hour of 9:00 a.m.

18 and reconvene on Tuesday, February 3, 2015 at the hour of 9:00

19 Time allowed: 8 Days

20 Motions Hearing set for December 16, 2014 at 1:30 p.m.

21 Pre-Trial Conference set for December 22, 2014 at 9:30 a.m.

22 The parties shall submit jury instructions and verdict forms
23 to the court and each other by December 22, 2014 at 8:30 a.m.. Any

24 /////

25 /////

26 /////

27 /////

28 /////

1 pre-trial motions shall be filed with the court and exchanged
2 between the parties by December 2, 2014 by 4:00 p.m.

3 DATED this 4 day of August, 2014.

4 

5 MICHAEL P. GIBBONS
6 DISTRICT JUDGE

7
8
9 Copies served by hand on August 4, 2014, to Thomas Gregory, Esq.;
10 Douglas County District Attorney's Office; Kristine L. Brown, Esq.

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1 Case No. 14-CR-0062

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FILED

2 Department No. II

AUG 04 2014

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3 This document does not contain personal information of any person.

DOUGLAS COUNTY
DISTRICT COURT CLERK

TED THUAN
CLERK

BY *m. b. [signature]* DEPUTY

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

9 STATE OF NEVADA)

10 Plaintiff,)

11 vs.)

12 TATIANA LEIBEL)

13 Defendant)

CERTIFICATE OF SERVICE

14
15 I certify that I am an employee of The Law Office of Kristine L. Brown, LLC, and that on this
16 date I hand-delivered a true and correct copy of the Motion to Continue to:

17 The Douglas County District Attorney's Office
18 1038 Buckeye Road
19 Minden, Nv. 89423

20 Dated this 4th day of August, 2014.

21 *Kristine L Brown*
22
23
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AUG 04 2014

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Case No. 14-CR- 62

Dept. No. II

DOUGLAS COUNTY
DISTRICT COURT CLERK

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TED THIRAN
CLERK

BY M. Blazynski DEPUTY

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

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

MOTION TO CONTINUE

Kristine L. Brown, attorney for the above named defendant, moves this court for an order continuing the trial to a date convenient with the court and counsel. This motion is based on the attached points and authorities and Declaration of Counsel.

Dated this 4th day of August, 2014.

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

POINTS AND AUTHORITIES

NRS 178.556 grants a defendant the right to have a trial within 60 days of their arraignment. Mrs. Leibel waived this right at her arraignment, albeit with the expectation that the case would proceed to trial in September. Even without the waiver, however, the court may continue a trial for good cause shown. *State v. Ricardo Robles-Nieves*, 129 Nev. Ad. Op. 55, 306 P. 3d 399 (2013). Courts in other jurisdictions have found that time needed to prepare for trial is a legitimate reason for continuances requested by defense counsel, even over a defendant's objections. *State v. Olliver*, 312 P.3d 1 (Wash. 2013); *State v. Kenyon*, 216 P. 3d 1024 (Wash. 2009), *People v. Lomax*, 49 Cal. 4th 530, (2010). Although the Washington decisions were based on a statutory rule that makes counsel's decisions concerning continuances to be binding on the defendant, the court noted that, under case law prior to the enactment of that rule, the granting of continuances over the defendant's objection to ensure counsel was adequately prepared and provided effective representation was not an abuse of discretion. *Olliver*, 312 P. 3d at 824, footnote 2.

In *Lomax*, the court noted:

"Defense counsel, as part of his or her control of the procedural aspects of a trial, ordinarily has authority to waive the statutory speedy trial rights of his or her client, even over the client's objection, as long as counsel is acting competently in the client's best interest. This is because statutory speedy trial rights are not among those rights that are considered so fundamental that they are 'beyond counsel's primary control.' *Barsamyan v. Appellate Division of Superior Court* (2008) 44 Cal.4th 960, 969

What constitutes good cause for the delay of a criminal trial is a matter that lies within the discretion of the trial court." *People v. Johnson, supra*, 26 Cal.3d at p. 570. We review the trial court's exercise of discretion with certain principles in mind.... Delay for the defendant's benefit [also] constitutes good cause to continue trial over his objection. *People v. Johnson*, at p. 570."

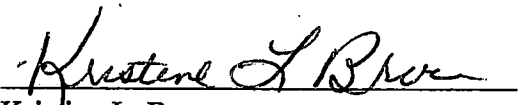
Id. at 553.

Furthermore, the court in *Lomax* noted that when defense counsel seeks a continuance based on the need for more time to prepare, the situation presents a classic confrontation

1 between the defendant's statutory and constitutional rights to a speedy trial and his Sixth
2 Amendment right to competent and adequately prepared counsel. When a continuance sought
3 to allow counsel to prepare the defendant's case, and the delay is for the defendant's benefit, a
4 continuance over the defendant's objection is justified. *Id.* at 556.

5
6 In the present case, the defendant waived her right to a trial within 60 days. The trial is
7 now just a month away and as is set out in the Declaration of Counsel, the parties still don't
8 have the autopsy protocol and are just beginning to receive results of the scientific testing of
9 the evidence. Results on much of the evidence is still pending. This would leave little, if any
10 time for review of all the evidence by a defense expert. Furthermore, there is voluminous
11 documentary evidence to review and evaluate. Therefore, the court should grant the motion to
12 continue in spite of the defendant's objection.
13

14 Dated this 4th day of August, 2014.
15

16
17 
18 Kristine L. Brown
19 Bar No. 3026
20 1190 High School Street
21 Suite A
22 Gardnerville, Nv. 89410
23 775-783-8642
24 Attorney for Defendant
25
26
27
28

1 **DECLARATION UNDER PENALTY OF PERJURY**

2 I, Kristine L. Brown, declare the following is true and correct under penalty of perjury:

3 I am an attorney duly licensed in t,he state of Nevada.

4 I am under contract with Douglas County to provide legal services for indigent criminal
5 defendants.

6 April 14, 2014, I was appointed to represent Tatiana Leibel in District Court case number
7 14-CR-0062. Mrs. Leibel is charged with Open Murder with the Use of a Firearm, a category A
8 felony, in violation of NRS 200.010(1) through NRS 200.090 and NRS 193.165. I had
9 previously been appointed to represent Mrs. Leibel in the Tahoe Justice court in the same matter.

10 At the time of her arraignment on April 14, 2014, Mrs. Leibel was out of custody, having
11 posted \$75,000 cash bail. Prior to the arraignment, the state had filed a motion to increase bail.
12 This motion was granted over the defense's objection and Ms. Leibel was remanded to custody.

13 A week prior to the arraignment the prosecutor and defense counsel had met with the
14 court's judicial assistant and set a trial date commencing in October 2014. The day of the
15 arraignment, we were advised by the court's administrative assistant that the October trial date
16 was not available and that no open trial dates were available until after the first of the year. At
17 the arraignment, the court granted a one weeks continuance so that the waiver of her speedy trial
18 rights could be discussed with Mrs. Leibel in light of her change in custody status and the
19 availability of court dates.

20 Before the continued arraignment on April 21, 2014, the court was able to open up a two
21 week trial setting commencing September 2, 2014. At the continued arraignment, Mrs. Leibel
22 waived her right to have the trial set within 60 days and the trial was scheduled for the
23 September dates.

24 After the arraignment, the prosecutor and defense counsel discussed scientific testing that
25 would be done on various item of evidence, including ballistics, DNA and gunshot residue
26 analysis. As of the time of the arraignment, the autopsy protocol still had not been received.

27 Towards the end of June, the prosecutor and defense counsel briefly discussed whether
28 the September court date was realistic since the autopsy protocol was still not available and no

1 results of scientific testing had been received. The investigator retained by defense counsel was
2 also unavailable during the scheduled trial dates and therefore would be unavailable for last
3 minute requests during trial.

4 On July 7th, Defense counsel received a report from the Washoe County Crime lab that
5 swabs taken from the trigger and hammer of the rifle alleged to have been used in the death Mr.
6 Leibel contained a limited, possibly testable quantity of DNA. Because testing would consume
7 the sample, no further testing was done. In the past, DNA testing has taken weeks if not months
8 to complete. There was also fingerprint found on the cylinder of the rifle. This fingerprint was
9 not made by Mrs. Leibel. A fingerprint card for Mr. Leibel was apparently not submitted with
10 the original request, so further comparison is needed.

11 On July 21st, defense counsel received a ballistic report. Testing on the clothing and test
12 firing patterns from the rifle along with autopsy photographs indicate that two of the shots were
13 at very close range. This is at odds with trajectory theories pictured by the Investigators at the
14 crime scene, but would possibly be consistent with suicide. There is a third injury on the
15 decedent that is not noted in the testing.

16 As of August 1, 2014, the autopsy protocol has not been received nor have the results
17 from the gunshot residue testing.

18 Mrs. Leibel has maintained from the beginning that Mr. Leibel committed suicide, and
19 that two shots were fired. The state has alleged that Mrs. Leibel murdered Mr. Leibel. Photos
20 from the crime scene show what appear to be three injuries: one to the left hand, one to the left
21 shoulder and one to the right side. Only two of these injuries are accounted for in ballistics
22 testing.

23 At this point, bits and pieces of scientific evidence are available. In order to present an
24 adequate defense in this matter, either through challenging the state's interpretation of the
25 evidence, or through presentation of expert testimony, results of the autopsy protocol and all
26 scientific testing must be known and factored in to "the big picture".

27 Additionally, last week I was provided by the prosecutor with documentary evidence
28 collected as the result of search warrants including bank records, phone records, medical records

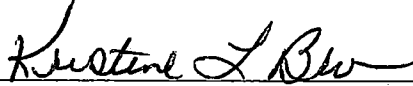
1 pharmacy records, computer records and immigration documents. Although many of these items
2 were provided to me on CD's, I was told by the prosecutor that the stack of documents in hard
3 copy is about two feet high. It would be all but impossible to give these documents any
4 meaningful review and analysis in the time remaining before the scheduled trial date while still
5 maintaining a regular caseload under the contract.

6 I have spoken to the prosecutor, Chief Criminal Deputy District Attorney Thomas
7 Gregory, and he is not opposed to continuing the trial date based on the amount of discovery that
8 is coming in at this point, the lack of the autopsy protocol, and the need for further analysis of
9 the evidence.

10 I have also spoken with Mrs. Leibel concerning a continuance and she is opposed to it.
11 This opposition is based in large part on the fact that she is in custody and the next available trial
12 date is in January. Mrs. Leibel has maintained her innocence throughout this case and is very
13 despondent and emotional at this point, and refuses to consider doing more time in jail. She
14 refuses to listen to me or her family that one of the possible outcomes of going to trial
15 unprepared is facing a possible sentence of a life of incarceration. Additionally, Mrs. Leibel is
16 concerned about the probate case and the possibility of her home going into foreclosure if the
17 mortgage is not paid. At this point, I don't believe Mrs. Leibel is emotionally or mentally able to
18 appreciate the full ramifications of going to trial without time to adequately analyze all the
19 evidence.

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

21
22 Dated this 4th day of August, 2014.

23
24 
25 Kristine L. Brown
26 State Bar No. 3026
27 1190 High School Street
28 Suite A
Gardnerville, Nv. 89410
775-783-8642
Attorney for Defendant

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Case No. 14-CR- 62

AUG 04 2014

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DISTRICT COURT CLERK

TED THIRAN
CLERK

BY M. Blagovest DEPUTY

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

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

ORDER TO CONTINUE

Based on a Motion filed by Defense Counsel, no opposition to the motion on behalf of
the state and good cause appearing,

IT IS HEREBY ORDERED that trial previously set to begin on September 2, 2014 is
vacated and the trial continued to a date to be determined by the court and counsel.

Dated this 4 day of August, 2014.

M. Blagovest
DISTRICT COURT JUDGE

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TED THURAN
CLERK

BY m Blagg DEPUTY

CASE NO. 14-CR-62

DEPT. NO. II

DA Case No. 14-343G

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

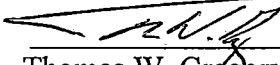
**STATE'S NON-OPPOSITION
TO DEFENDANT'S MOTION
TO CONTINUE**

TATIANA LEIBEL,

DEFENDANT.

Comes now, the State of Nevada, by and through Thomas W. Gregory, Chief Deputy District Attorney, Douglas County District Attorney's Office, and hereby provides notice of non-opposition to Defendant's motion to continue the trial currently set to begin on September 2, 2014.

Dated this 4 day of August, 2014.


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

1 CASE NO. 14-CR-62
2 DEPT. NO. II
3 DA Case No. 14-343G
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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.

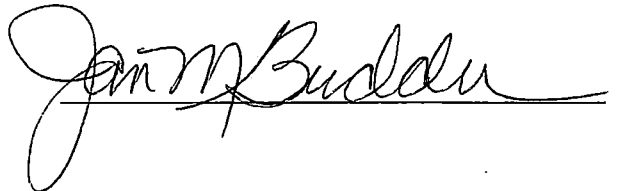
CERTIFICATE OF SERVICE

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, or hand-delivered, a true copy of the State's Non-Opposition to Defendant's to Continue,
18 addressed to:

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

22 DATED this 4th day of August, 2014.

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SEP 29 2014

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Case No. 14-CR-0062

Department No. II

DOUGLAS COUNTY
DISTRICT COURT CLERK

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BOBBIE R. WILLIAMS
CLERK

[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

REQUEST FOR APPOINTMENT
OF CO-COUNSEL

Kristine L. Brown, attorney for Tatiana Leibel, requests appointment of co-counsel to assist in the representation of Tatiana Leibel, who is charged with Open Murder with the Use of a Firearm. Specifically, counsel would request appointment of Jamie Henry. This appointment has been agreed to by all of the contract attorneys.

Paragraph 2(b) of the contract for indigent services provides that the attorney representing a defendant charged with Murder may request that a second contract attorney be appointed to assist the attorney in the representation. The next attorney in order on the appointment list shall be appointed unless all the contract attorneys agree to a different second attorney.

Dated this 26th day of September, 2014.

[Signature: Kristine L. Brown]

Kristine L. Brown
Bar No. 3026
1190 High School Street
Suite A
Minden, Nv. 89410
775-783-8642
Attorney for the defendant

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SEP 29 2014

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Case No. 14-CR-0062

Department No. II

**DOUGLAS COUNTY
DISTRICT COURT CLERK**

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BOBBIE R. WILLIAMS
CLERK

BY [Signature] DEPUTY

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**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 Request for Appointment of Co-counsel to:

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

Dated this 26th day of September, 2014.

[Signature: Kristine L. Brown]

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Case No. 14-CR-0062

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DISTRICT COURT CLERK**

**BOBBIE R. WILLIAMS
CLERK**

BY Michael P. Williams **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)

**ORDER FOR APPOINTMENT
OF CO-COUNSEL**

Based on the request of counsel, and good cause appearing,
IT IS HEREBY ORDERED that Jamie Henry is appointed as co-counsel in the
captioned matter.

Dated this 1 day of October, 2014.

Michael P. Williams
DISTRICT COURT JUDGE

1 Case No. 14-CR-0062

2 Dept. No. II

3 DA 13-343G

4 This document does not contain personal information of any person

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DEC 12 2014

Douglas County
District Court Dept. 2

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2014 DEC 12 AM 9:49

BOBBIE R. WILLIAMS
CLERK

J. Bernoulli
DEPUTY

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.

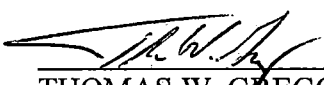
12 TATIANA LEIBEL,

13 Defendant.

MOTION IN LIMINE REGARDING
JUROR-QUESTIONING OF WITNESSES

15 The State of Nevada, by and through Thomas W. Gregory, Chief Deputy District
16 Attorney, hereby moves this court for a pretrial determination as to juror-questioning of
17 witnesses. This motion is made for the purpose of avoiding undue delays during the
18 prosecution's case-in-chief and is further made to put the court on notice of certain procedural
19 safeguards to minimize the attendant risks associated with allowing juror-questioning of
20 witnesses.

21 DATED this 12 day of December, 2014.

24 
THOMAS W. GREGORY
Chief Deputy District Attorney
Post Office Box 218
Minden, Nevada 89423
(775) 782-9800
Nevada Bar No. 5338

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While the advantages are primarily for the jurors, it is important for courts to understand that there are significant disadvantages and inherent dangers to allowing jurors to ask questions of witnesses during criminal trials. The dangers and disadvantages include:

- Flores v. State*, 114 Nev. 910, 912, 965 P.2d 901, 902 (1998) citing *DeBenedetto v. Goodyear Tire & Rubber Co.*, 754 F.2d 512 (4th Cir. 1985); *Morrison v. State*, 815 S.W.2d 766 (Tex. App. 1991).

28

1 In the event that this court does allow jury members to ask questions of witnesses, then
2 in order to minimize the attendant risks of prejudice, this court is mandated to invoke
3 procedural safeguards. *Flores v. State*, 114 Nev. at 913, 965 P.2d at 902-03. Those procedural
4 safeguards include:

- 5 1. initial jury instructions explaining that questions must be factual in nature *and*
6 designed to clarify information *already* presented;
- 7 2. the requirement that jurors submit their questions in writing;
- 8 3. determinations regarding the admissibility of the questions *must be conducted*
9 *outside the presence of the jury*;
- 10 4. counsel must have the *opportunity to object to each question outside the*
11 *presence of the jury*;
- 12 5. an admonition that only questions permissible under the rules of evidence will
13 be asked;
- 14 6. counsel is permitted to ask follow-up questions, and;
- 15 7. an admonition that jurors must not place undue weight on the responses to their
16 questions.


17 (Emphasis added). *Id.*

18 If the court does allow juror-questioning in this case, the State requests that the court
19 follow the *Flores* jury-questioning mandates. Counsel objects to any question that is not
20 factual in nature. Counsel objects to any factual question that is not for clarification of
21 information already presented. In the event a juror does submit a written question for a
22 witness, counsel requests that the court excuse the jury to the deliberation room, after
23 admonishing the jury pursuant to NRS 175.401, so that counsel and the court may review the
24 question, discuss the *Flores* limitations, admissibility, and have the opportunity to make legal
25 and evidentiary objections and ensure an appropriate record is made outside the presence of the
26 jury. Counsel for either party should not have to ask the court to discuss the question outside
27 the presence of the jury. Counsel should not have to tip their hand in the presence of the jury as
28 to whether or not they possibly have any legal, evidentiary or *Flores* objections to the proposed

1 juror question. Furthermore, counsel requests that jurors not be allowed to submit any written
2 questions until counsel have completed direct examination, cross examination, and any re-
3 direct or re-cross. Finally, counsel for either party should not be put in the situation of reading
4 the juror submitted question. The question should be read by the clerk of the court.

5 Based upon the foregoing, the State respectfully requests this Court to make a pretrial
6 ruling on the juror-questioning of witnesses.

7 DATED this 12 day of December, 2014.

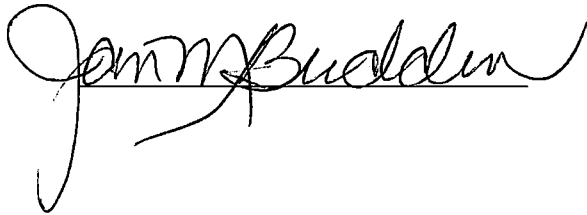
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11 THOMAS W. GREGORY
12 Chief Deputy District Attorney
13 Post Office Box 218
14 Minden, Nevada 89423
15 (775) 782-9800
16 Nevada Bar No. 5338
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Douglas County District Attorney's Office, and that on this day I deposited for mailing in Minden a copy of the foregoing motion in limine regarding juror-questioning of witnesses, addressed to:

Kristine L. Brown, Esq.
Attorney at Law
1190 High School, Suite A
Gardnerville, NV 89410

DATED this 12th day of August, 2014.

A handwritten signature in cursive script, reading "Jan M. Budden", written over a horizontal line.

DEC 12 2014

SECRET

2014 DEC 12 AM 9:50

BOBBIE R. WILLIAMS
CLERK

BY _____ DEPUTY

DA 14-343G

This document does not contain personal information of any person

IN AND FOR THE COUNTY OF DOUGLAS

VS.

Defendant.

MOTION IN LIMINE REGARDING CRIME SCENE AND AUTOPSY PHOTOGRAPHS

The State of Nevada, by and through Thomas W. Gregory, Chief Deputy District Attorney, hereby moves this Court for a pretrial determination of the admissibility, upon proper foundation at trial, of crime scene and autopsy photographs. This motion is made for the purpose of avoiding undue delays during the prosecution's case in chief. A flash drive containing crime scene photographs of the victim and autopsy photographs will be provided to the court *in camera* contemporaneous with the filing of this motion. The photographs have previously been provided to the defense in discovery.

DATED this 12 day of December, 2014.

THOMAS W. GREGORY
Chief Douglas County District Attorney
Post Office Box 218
Minden, Nevada 89423
(775) 782-9800
Nevada Bar No. 5338

1

2 MEMORANDUM OF POINTS AND AUTHORITIES

3 The State will be seeking admission of photographs into evidence at the trial in the
4 above-captioned case. Many of the photographs depict the victim, Harry Leibel, at the crime
5 scene and during the course of the autopsy. In order to avoid possible objections by the defense
6 during the course of the trial in connection with any autopsy photograph, the State submits
7 color copies of all such photographs under seal for the Court's *in camera* review.

8 It is the State's position that the submitted photographs are relevant and admissible
9 upon proper foundation at trial. Relevant evidence is defined as evidence having any tendency
10 to make the existence of any fact that is of consequence to the determination of the action more
11 or less probable than it would be without the evidence. NRS 48.015. In many murder cases,
12 defense attorneys object to the introduction of some of the submitted photographs by arguing
13 that the relevancy of the photographs is substantially outweighed by the danger of undue
14 prejudice if the jury were allowed to view the photographs. *See* NRS 48.035. However, in
15 murder trials, the objection to crime scene and autopsy photographs has routinely been rejected
16 by the Nevada Supreme Court.

17 It is well established in Nevada that the prosecution is entitled to present a full and
18 accurate account of the circumstances of the commission of the crime. *See, e.g., Dutton v.*
19 *State*, 94 Nev. 461, 581 P.2d 856 (1978); *Shults v. State*, 96 Nev. 742, 616 P.2d 388 (1980);
20 *Brackeen v. State*, 104 Nev. 547, 763 P.2d 59 (1988); *Bletcher v. State*, 111 Nev. 1477, 907
21 P.2d 978 (1995); *Leonard v. State*, 114 Nev. 1196, 969 P.2d 288 (1998). In murder cases, the
22 crime scene and autopsy photographs, by their very nature, can appear gruesome due to the
23 injuries, trauma and blood generally associated with the crime. However, this does not mean
24 that a defendant's claim of undue prejudice overcomes the relevancy of such photographs.

25 In *Libby v. State*, 109 Nev. 905, 859 P.2d 1050 (1993), the defendant objected to color
26 photographs of the victims' bodies submitted by the State during the murder trial. The State
27 used the photographs to demonstrate the manner in which the bodies were found at the crime
28 scene, the location of the gunshot wounds, the proximity of the barrel of the firearm to the

1 victims' heads, and the slit in one of the victim's throat. *Id.* at 910. The Nevada Supreme
2 Court rejected the defendant's argument that the photographs were unduly prejudicial and held
3 that the photographs depicted exactly what the expert described and were helpful in assisting
4 the jury in understanding the nature of the murders and the circumstances of the crime. *Id.* at
5 910-11.

6 Similarly, in *Byford v. State*, 116 Nev. 215, 994 P.2d 700 (2000), the defendant argued
7 that six photographs of the victim's body showing the victim several weeks after the murder
8 and depicting maggots found on the body were properly admissible. *Id.* at 231. The State
9 argued the photographs were admissible to portray the crime scene, to aid a witness in
10 describing the cause of death, to corroborate testimony as to how the murder occurred, and to
11 show the extent of damage to the body. *Id.* The Court reiterated that gruesome photos are
12 admissible if they aid in ascertaining the truth. *Id.*, citing *Scott v. State*, 92 Nev. 552, 556, 554
13 P.2d 735, 738 (1976). The Court further held that "[d]espite gruesomeness, photographic
14 evidence has been held admissible when it accurately shows the scene of the crime or when
15 utilized to show the cause of death and when it reflects the severity of wounds and the manner
16 of their infliction." *Id.*; see also, *Sonner v. State*, 112 Nev. 1328, 930 P.2d 707 (1996); *Browne*
17 *v. State*, 113 Nev. 305, 933 P.2d 187 (1997); *Williams v. State*, 113 Nev. 1008, 945 P.2d 438
18 (1997); *Castillo v. State*, 114 Nev. 271, 956 P.2d 103 (1998); *Thomas v. State*, 114 Nev. 1127,
19 967 P.2d 1111 (1998); *Meegan v. State*, 114 Nev. 1150, 968 P.2d 292 (1998).

20 In the present case, the State intends to project crime scene and autopsy photographs to
21 illustrate the testimony of the witnesses. The display of autopsy photographs through
22 projection systems is proper. *Doyle v. State*, 116 Nev. 148, 161, 995 P.2d 465 (2000). In
23 *Doyle*, the State projected autopsy photographs which had been admitted into evidence to aid
24 the medical examiner in explaining his findings related to the cause of death and the manner of
25 injury to the jury. *Id.* The Nevada Supreme Court noted that other state courts have approved
26 this method of facilitating the testimony of a medical examiner. *Id.* The Court pointed out that
27 the Court had long recognized the generally sanctioned rule that images properly admissible as
28 photographs "may be projected to illustrate the testimony of witnesses." *Id.*, citing *State v.*

1 *Kuhl*, 42 Nev. 185, 204, 175 P. 190, 196 (1918). The Court then held that where autopsy
2 photographs are admissible, it is permissible to project the same images onto a screen as a
3 means of assisting a medical examiner in explaining his or her findings relevant to the issues
4 before the jury. *Id.*

5 Based upon the foregoing, the State respectfully requests this Court to make pretrial
6 rulings on the admissibility of all of the color copies of photographs submitted under seal, upon
7 proper foundation at trial.

8 DATED this 12 day of December, 2014.

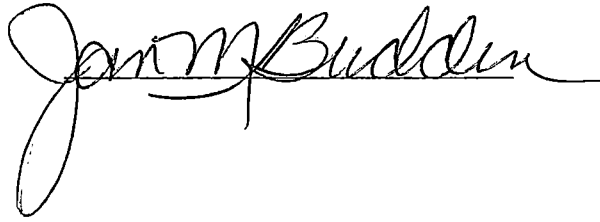
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11 THOMAS W. GREGORY
12 Chief Douglas County District Attorney
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3 **CERTIFICATE OF SERVICE**

4 Pursuant to NRCP 5(b), I certify that I am an employee of the Douglas County District
5 Attorney's Office, and that on this day I deposited for mailing in Minden a copy of the
6 foregoing motion in limine regarding certain crime scene and autopsy photographs, addressed
7 to:

8 Kristine L. Brown, Esq.
9 1190 High School, Suite A.
10 Gardnerville, NV 89410

11 DATED this 12th day of December, 2014.
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Case No14-CR-0062

Dept No. II

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DEC 17 2014

Douglas County
District Court Dept. 2

FILED

2014 DEC 17 PM 4:06

BOBBIE R. WILLIAMS
CLERK

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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.

NOTICE OF PROSECUTION
TRIAL WITNESSES

TATIANA LEIBEL,

Defendant.

The State of Nevada, by and through Thomas W. Gregory, Chief Deputy District Attorney, hereby provides notice of the names and last known addresses of all witnesses the State intends to call during the case in chief of the State. This notice is given pursuant to NRS 174.234. To the extent listed witness are not endorsed on the Information, the State requests leave of court to endorse those names to the Information.

John Barden

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

Eric Schinzing

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

Debra Schrambra

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

1		
2	Nate Almeida	Douglas County Sheriff's Office
3		1038 Buckeye Road
4		Minden, NV 89423
5	Brian Hubkey	Douglas County Sheriff's Office
6		1038 Buckeye Road
7		Minden, NV 89423
8	Steven Haley	Douglas County Sheriff's Office
9		1038 Buckeye Road
10		Minden, NV 89423
11	Ted Jaspersen	Douglas County Sheriff's Office
12		1038 Buckeye Road
13		Minden, NV 89423
14	Nadine Chrzanowski	Douglas County Sheriff's Office
15		1038 Buckeye Road
16		Minden, NV 89423
17	Ed Garren	Douglas County Sheriff's Office
18		1038 Buckeye Road
19		Minden, NV 89423
20	Adam Windsor	Douglas County Sheriff's Office
21		1038 Buckeye Road
22		Minden, NV 89423
23	Bernadette Smith	Douglas County Sheriff's Office
24		1038 Buckeye Road
25		Minden, NV 89423
26	Ron Skibinski	Douglas County Sheriff's Office
27		1038 Buckeye Road
28		Minden, NV 89423

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

1	Investigator John Preston	Douglas County Sheriff's Office
2		1038 Buckeye Road
3		Minden, NV 89423
4	James Christopher Headrick	1936 East F Street
5		Oakdale, CA 95361
6	Steven L. Brooks	200 Thomas Drive
7		Stateline, NV 89449
8	Claudette Marie Springmeyer	P. O. Box 1059
9		Minden, NV 89423
10	Leeann Brooks-Johnson	161 Pine Ridge Dr.
11		Stateline, NV 89449
12	Stacy Chambers	Douglas County Sheriff's Office
13		1038 Buckeye Road
14		Minden, NV 89423
15	Matt Noedel	13002 151st Street East
16		Puyallup, WA 98374
17	Cheron Bartee	2015 W. Dogwood
18		Anaheim, CA 92871
19	Steven James Smith	920 Merced Avenue
20		South Lake Tahoe, CA 96150
21	Lawrence Wayne	3777 Depot Road, Suite 409
22		Hayward, CA 94545
23	Sharon Oren	2105 Kietzke Lane
24		Reno, NV 89502
25	Carrie Rajacic	12335 Solitude Drive
26		Reno, NV 89511
27		
28		

1	Joseph Rajacic	12335 Solitude Drive Reno, NV 89511
2		
3	Justin Leibel	10211 Humbolt Street Los Alamitos, CA 90720
4		
5	Manoranjan Misra	20 Scattergun Circle Reno, NV 89519
6		
7	John Marini	4395 Bridle Way Reno, NV 89519
8		
9	Chaya-Anna Sofia Leibel	452 Kent Way Zephyr Cove, NV 89448
10		
11	Svetlana S. Raymo	8233 Blackburn Avenue #4 Los Angeles, CA 90048
12		
13	Nancy Strayer	4604 Point Loma Avenue San Diego, CA 92107
14		
15		
16	Darla Leibel-Burrows	690 Amber Circle Reno, NV 89509
17		
18	Melanie Burach	8281 Suffield Street La Palma, CA 90623
19		
20	Ralph Burach	8281 Suffield La Palma, CA 90623
21		
22	Jim Landis	5350 Playa Vista Drive #29 Playa Vista, CA 90094
23		
24	Adam Jenkins	Washoe Medical Examiner's Office 10 Kirman Reno, NV
25		
26		
27		
28		

1	Jim Ante	Tahoe Douglas Fire Protection District 193 Elks Point Road Zephyr Cove, NV
2		
3	Chris Lucas	Tahoe Douglas Fire Protection District 193 Elks Point Road Zephyr Cove, NV
4		
5		
6	Fred Parson	Tahoe Douglas Fire Protection District 193 Elks Point Road Zephyr Cove, NV
7		
8		
9	Justin Reddig	Tahoe Douglas Fire Protection District 193 Elks Point Road Zephyr Cove, NV
10		
11	Nick Robidart	Tahoe Douglas Fire Protection District 193 Elks Point Road Zephyr Cove, NV
12		
13		
14	Brian Poole	3975 Pole Line Road Pocatello, ID 83206
15		
16	Joey Lear	Washoe County Crime Lab 911 Parr Boulevard Reno, NV
17		
18	Michael Lyford	Washoe County Crime Lab 911 Parr Boulevard Reno, NV
19		
20		
21	Marci Margritier	Washoe County Crime Lab 911 Parr Boulevard Reno, NV
22		
23	Kevin Byrne	Washoe County Crime Lab 911 Parr Boulevard Reno, NV
24		
25		
26	Jennifer Naranjo	Washoe County Crime Lab 911 Parr Boulevard Reno, NV
27		
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Devin Moffat

Douglas County
Emergency Communications

Piotr Kubiczek

Washoe Medical Examiner's Office
10 Kirman
Reno, NV

John Springgate

203 S. Arlington Street
Reno, NV 89501

David Ricks

FBI
4500 Orange Grove Avenue
Sacramento, CA 95841

DATED this 17 day of December, 2014.

MARK B. JACKSON
DISTRICT ATTORNEY

By: 

THOMAS GREGORY
Chief Criminal Deputy District Attorney

Case No 14-CR-0062

DA 14-343G

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 Prosecutions Trial Witnesses, addressed to:

Kristine Brown, Esq.
1190 High School, Suite A
Gardnerville, Nevada 89410

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

DATED this 24 day of December, 2014.



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Case No. 14-CR-0062

DEC 17 2014

2014 DEC 17 PM 4:06

Dept No. II

Douglas County
District Court Dept. 2

ROBBIE R. WILLIAMS
CLERK

DA 14-343G

[Signature]
DEPUTY

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.

NOTICE OF EXPERT WITNESSES

TATIANA LEIBEL,

Defendant.

The State of Nevada, by and through Thomas W. Gregory, Chief Deputy District Attorney, and hereby provides notice of the expert witnesses the State intends to call during the State's case in chief. This notice is given pursuant to NRS 174.234. To the extent that listed witness are not endorsed on the Information, the State requests leave of court to endorse those names to the Information.

Kevin Byrne, Washoe County Crime Lab

Compared a fingerprint located on the firearm to known samples. Mr. Byrne's curriculum vitae is attached as Exhibit A. A copy of Mr. Byrne's written report has been provided in discovery.

Jennifer Naranjo, Washoe County Crime Lab

Compared DNA obtained from the firearm to known samples. Ms. Naranjo's curriculum vitae is attached as Exhibit B. Mr. Naranjo's written report has been provided in discovery.

Matthew Noedel, Washoe County Crime Lab/Noedel Scientific

Analyzed the firearm and ammunition utilized to kill the victim. Mr. Noedel is expected to testify regarding the firearm and ammunition and render opinions regarding distance and trajectory. Mr. Noedel's curriculum vitae is attached as Exhibit C. A copy of Mr. Noedel's report has been provided in discovery.

Piotr Kubiczek, M.D.

Dr. Kubiczek performed the autopsy on the victim. Dr. Kubiczek's curriculum vitae is attached as Exhibit D. A copy of Dr. Kubiczek's written autopsy protocol has been provided in discovery.

Brian R. Poole

Analyzed various computer components belonging to the victim and/or the defendant. Mr. Poole's curriculum vitae is attached as Exhibit E. Mr. Poole's analysis was rendered via a computer disc, a copy of which has been provided in discovery.

Lawrence Wayne

Analyzed victim and defendant samples for the presence of gunshot residue. Mr. Wayne's curriculum vitae is attached as Exhibit F. A copy of Mr. Wayne's written report has been provided in discovery.

Dated this 17 day of December, 2014.

MARK B. JACKSON
DISTRICT ATTORNEY

By: 

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
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EXHIBIT A

Kevin John Byrne

(775) 328-3322 office

(775) 219-4019 cell

Education

National University, San Diego CA, 1999-2000:

M.F.S. in Forensic Science received January 2001.

Grossmont College, El Cajon CA, 2000-2002:

Certificate in Forensic Evidence Technician Program received May 2002.

University of Detroit, Detroit MI, 1998- 1999:

M.A. program in Criminology completed 12 credits.

Michigan State University, East Lansing MI, 1991-1995:

B.A. in Criminal Justice received December 1995.

Work Experience

Latent Print Examiner-Washoe County Sheriff-Forensic Investigation Services

March 2008-present

- Fingerprint comparison and identification, AFIS/IAFIS search and entry, powder and chemical fingerprint processing, digital image processing, digital photography, Footwear and tire track examination and identification, crime scene documentation and processing, ASCLD accreditation preparation and certification.

Latent Print Examiner-Ideal Innovations Inc., DoD contractor-NCIS Latent Print Laboratory-Camp Fallujah and Biometric Fusion Center-Clarksburg WV

March 2006-March 2008

- Fingerprint comparison and identification, powder and chemical fingerprint processing, digital image processing, digital photography, ABIS/IAFIS search and entry, crime scene investigation, documentation and processing, training and education provision for military personnel.

Assistant Fingerprint Specialist-Disaster Mortuary Operational Response Team (Regions VIII and X)

August 2002-November 2007

- Forensic identification of victims in situations of mass disaster. Fingerprint comparison and identification, recovery of remains and effects, administrative, photography of scenes and victims.

Latent Print Examiner-Seattle Police Department

June 2005-March 2006

- Fingerprint comparison and identification, powder and chemical fingerprint processing, digital image processing, AFIS search and entry, digital photography, crime scene investigation, documentation and processing.

Forensic Scientist-Impression Evidence Section-Montana Department of Justice State Crime Lab

June 2003-May 2005

- Fingerprint comparison and identification, powder and chemical fingerprint processing,

digital image processing, impression casting, automated fingerprint search and entry, Footwear/Tiretrack comparison and identification, 35mm and digital photography, training and education provision for Montana Law Enforcement agencies, Crime scene investigation, documentation and processing, ASCLD accreditation preparation and certification. Contracted Latent Section Technical Leader from 8/2012 to 4/2013 in charge of competency testing, latents procedure manual revisions, and Latent Examiner training.

Forensic Technician II-Asheville Police Department, Asheville NC

May 2001-March 2003

- Crime scene investigation, documentation and processing. Powder and chemical fingerprint processing, latent bloodstain detection, crime scene sketching, impression casting, automated fingerprint search and entry, fingerprint comparison and identification, supervision of tech level I training, major case on-call responsibilities, acting supervisory responsibilities.

Investigative Aid Intern/Volunteer-San Diego Police Traffic Investigations Unit, San Diego, CA

April 2000-May 2001

- Assistance in accident scene documentation and vehicle examination, assistance in investigation of misdemeanor and felony traffic violations, photography of evidence, computer research, background research and data entry using CAD, ARJIS, and County/SUN police databases.

Investigator Intern-Michigan State Defender's Office, Detroit, MI

August 1998-May 1999

- Witness and suspect interviews, Affidavit testimony, Discovery orders, service of subpoenas, Photography of Evidence and Crime Scenes.

Manager-Motor City Investments, East Detroit, MI

December 1990-November 1996

- Budget, Employee Supervision, General Maintenance, Secretarial.

Investigator Intern-Michigan State Racing Commission, Livonia, MI

April 1 1995-April 1 1996

- Fingerprinting, Licensing, Drug testing, Background investigation, Interviewing, report writing, searches of vehicles and personal property.

Skills

- Latent print processing, comparison and identification experience-NCIS/Ideal Innovations, Seattle PD, Montana State Crime Lab, Asheville PD: June 2001 to present.
- AFIS/IAFIS search and entry experience-Asheville PD, Montana State Crime Lab, Seattle PD: May 2001 to March 2006.
- Footwear/Tire track impressions comparison and identification-Montana State Crime Lab: June 2003-March 2004.
- Crime Scene and Laboratory experience- NCIS/Ideal Innovations, FEMA, Seattle PD, Montana State Crime Lab, Asheville PD (including crime scene investigation, documentation and processing. Powder and chemical fingerprint processing, digital

image processing, automated fingerprint search and entry, fingerprint comparison and identification, latent bloodstain detection, presumptive blood testing, 35mm and digital photography, crime scene sketching, impression casting, bloodstain pattern analysis and documentation, forensic training provision, major case on-call responsibilities, acting supervisory responsibilities): May 2001-present.

- International Association for Identification Crime Scene Technician Certification: October 2003.
- International Association for Identification Latent Print Examiner Certification: June 2005.
- FBI Basic Fingerprint Identification: June 19-21, 2001.
- Advanced Fingerprint Comparison techniques-January 2005.
- PNWDIAI Intermediate Friction Ridge Comparison School-March, 2004.
- Advanced Palm Print Comparison Techniques-September, 2005.
- Courtroom Testimony Techniques-September, 2005.
- Foster and Freeman DCS4 System training: August 2010 (15 hours).
- Demystifying Palm Prints-IAI Education Conference: August 27, 2004 (4 hours).
- Footwear and Tire Track Evidence-International Association for Identification (South Carolina Division): February 7, 2003 (8 hours).
- Examination of Footwear Evidence-IAI Education Conference: August 26, 2004 (8 hours).
- POST Certification-Fluorescein Latent Blood Detection: June 2000 (16 hours).
- Forensic Science and Evidence Technology associated class work including laboratory experience (National City University, Grossmont College): 45 semester credits, 60 quarter credits: August 1999-May 2001.
- Advanced Fingerprint processing and Identification (Grossmont College): May 2001 (80 hours).
- Fingerprint Classification (AFIS, Henry, Cal-ID-Grossmont College): August 2000 (68 hours).
- Western North Carolina Death Investigation Seminar (Wake Forest School of Medicine): April 2002 (8.5 hours).
- Photoshop Charting Latents - Tri-State Division Conference: Oct 2011
- OC Pepper Spray training: June 2001 (8 hours).
- Reserve Deputy (Missoula County Sheriff Office) training in Evidence Collection, Criminal Offenses and Elements, Patrol Car, Arrest Transport and Booking.
- In-house training-Asheville Police Department, FEMA, MT State Crime Lab, Seattle PD (Agency orientation including Hazmat, AB/BB pathogens, evidence procedures, weapon safety, crime scene and emergency scene response, ASCLD accreditation, personnel/time keeping issues 2001, sexual harassment, blood borne pathogens/anthrax 2001): May 2001-March 2006 (24 hours).
- Computer background research and entry (DMV, ARJIS, NCIC and County/SUN police databases, Windows): January 2000-May 2001.
- Computer experience utilizing Windows, Dos, Acrobat, Excel, type 40 wpm, basic computer maintenance.

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

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EXHIBIT B

Jennifer L. Naranjo

Education:

May 1993 New Mexico Highlands University, Las Vegas New Mexico
B.S. in Environmental Science and Management

Work Experience:

09/12 – Present **DNA and Primary Exam Analyst – Criminalist II and Alternate State CODIS Administrator**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
Perform and interpret DNA analysis by PCR using STR DNA typing including Plexor HY, PowerPlex 16 HS, and AmpF/STR Y Filer[®] using the ABI 3130 Genetic Analyzer.

Examine evidence for the presence of biological fluids including blood, semen, and saliva and perform presumptive and confirmatory testing on these items of evidence. Determine if found hairs are of human or animal origin and if human, if they may contain a root suitable for nuclear DNA analysis.

Assist with CODIS duties including weekly upload and searches of DNA profiles entered in to the State database, weekly CODIS data backup and assist in conducting quarterly and annual internal audits.

03/10 – 09/12 **DNA Analyst – Criminalist II and Alternate State CODIS Administrator**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
Perform and interpret DNA analysis by PCR using STR DNA typing including Plexor HY, PowerPlex 16 HS, and AmpF/STR Y Filer[®] using the ABI 3130 Genetic Analyzer.

Assist with CODIS duties including weekly upload and searches of DNA profiles entered in to the State database, weekly CODIS data backup and assist in conducting quarterly and annual internal audits.

09/09 – 03/10 **Acting State of Nevada CODIS Administrator/DNA Analyst – Senior Criminalist**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
Perform and interpret DNA analysis by PCR using STR DNA typing including Quantifiler, AmpF/STR Identifiler, and AmpF/STR Y Filer[®] using the ABI 3130 Genetic Analyzer.

01/10 – Laboratory conversion to PowerPlex 16 HS and Plexor HY quantitation system; Applied Biosystems products discontinued by 03/10.

Serve as the central point of contact for the State of Nevada with the NDIS Custodian and ensure all participating laboratories in that State comply with the terms and conditions for participation in the National DNA Index System.

- 01/08 – 09/09 **DNA Analyst – Criminalist II and Alternate State CODIS Administrator**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
Perform and interpret DNA analysis by PCR using STR DNA typing including Quantifiler and AmpF/STR Identifiler and Yfiler using the ABI Prism 310 and 3130 Genetic Analyzers.
- Assist with CODIS duties including weekly upload and searches of DNA profiles entered in to the State database and weekly CODIS data backup.
- 09/06 – 01/08 **DNA Analyst – Criminalist II**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
Perform and interpret DNA analysis by PCR using STR DNA typing including Quantifiler and AmpF/STR Identifiler and Yfiler using the ABI Prism 310 and 3130 Genetic Analyzers
- 09/05 – 09/06 **DNA Analyst – Criminalist I**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
Perform and interpret DNA analysis by PCR using STR DNA typing including Quantifiler and AmpF/STR Identifiler and Yfiler using the ABI Prism 310 and 3130 Genetic Analyzers
- 01/05 – 09/05 **Project Manager**
Microflex Corporation - Regulatory and Scientific Affairs Reno Nevada
Manage all technical and scientific projects for all areas of the company. Verify data and method of generation, write new protocols for testing, interpret third party laboratory results, write or revise protocols, verify documents for scientific and technical accuracy and provide internal and external customer support.
- 04/02 – 01/05 **Associate Scientist**
Microflex Corporation - Laboratory Services, Reno Nevada
Lead Associate Scientist. Perform physical, chemical and biological analysis on latex and synthetic thin films. Validate and implement new testing protocols, verify established protocols and standard operating procedures and provide internal and external customer service.
- 08/01– 04/02 **Laboratory Technician**
Microflex Corporation- Laboratory Services, Reno Nevada
Perform physical analysis on latex and synthetic thin films.
- 08/99 – 12/01 **Research Assistant**
University of Nevada, Dept. of Environmental Science and Health, Reno

Perform assays to determine the identification of microbes in acid mine drainage treatment systems and in the lungs of cystic fibrosis patients. Assays include, sample extraction, amplification via PCR, DNA sequencing, RFLP analysis and data interpretation.

Meet the DNA advisory Board Quality Assurance Standards for Forensic DNA Testing Laboratories, Section 5.3 Examiner/Analyst requirements through the following:

Bachelors of Science Degree in Environmental Science and Management

Intro Biochemistry, BCH 600, 4 credits (Biochemistry)

Molecular Genetics, BCH 705, 4 credits (Genetics)

Molecular Biology, BCH 605, 3 credits (Molecular Biology)

Introduction to Probability and Statistics, MATH 115, 3 credits (Statistics)

Additional DNA Training

09/29/14 – 10/02/14 25th International Symposium on Human Identification, *Phoenix, AZ*
01/17/14 GlobalFiler Training, *Reno, NV*
01/16/14 PowerPlex Fusion Training, *Reno, NV*
04/12/13 NIST DNA Mixture Interpretation Workshop & Webcast, Butler, Coble, and others
08/23/12 Forensic Relationship Statistics Training, Kelly Beatty, Las Vegas, NV
04/12 Combined DNA Index System (CODIS) v7.0, FBI, Jacqueline Klinger, Portland, OR
04/12 Combined DNA Index System (CODIS) v7.0, Computer based training
08/11- 09/12 Washoe County Sheriff's Office In-house Primary examination training, Reno NV
08/11 FBI DNA Auditor Training
08/10 GeneMapper IDX v 1.1.1 Software Training, Reno NV
07/10 DNA Mixture Interpretation and Statistics, Dr. Michael Coble, Las Vegas, NV
12/09 PowerPlex 16 HS and Plexor HY Technical Training
01/09 Population Statistics, Relationship Testing, and Forensic DNA Analysis Workshop
02/08 Applied Biosystems HID University, New Products
09/07 FBI DNA Auditor Training
07/07 Applied Biosystems Human Identification University, Future Trends in Forensic DNA Technology
04/07 Applied Biosystems 7500 Real-Time PCR System Quantifiler Kits and Standard Operator Training
01/07 Report Writing Essentials
11/06 Courtroom Testimony Techniques – Success instead of Survival
11/06 Forensic Population Genetics and Statistics
11/06 Advanced Capillary Electrophoresis (ABI Prism 3130 Genetic Analyzer), ABI Prism 7500, GeneMapper ID v3.2 software training
05/06 Combined DNA Index System (CODIS) v5.7.2 training
03/06 GeneMapper ID Software v3.2 training
09/05 -03/06 Washoe County Sheriff's Office In-house DNA training, Reno NV

Presentations:

J. Maestas, C. Pitulle, and G. Miller. *The Identification of Microorganisms in an Acid Mine Drainage Treatment System Using a Genetic Approach*. Poster Presentation at WAESO 1st Annual Conference, Arizona State University, Tempe, Arizona, 2001.

Douglas County District Attorney
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EXHIBIT C



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www.noedelscientific.com

**MATTHEW NOEDEL, NOEDEL SCIENTIFIC
FORENSIC SCIENTIST**

EDUCATION

University of Montana, Missoula, MT 1985

Bachelor of Science - Microbiology

Bachelor of Science - Medical Technology

Minor in Chemistry

California State University, Sacramento, CA 1987

Bachelor of Science - Forensic Science

30 Quarter units of graduate credit in Criminal Justice with Forensic Emphasis

PROFESSIONAL AFFILIATIONS

American Academy of Forensic Scientists
Regular Member

Association of Crime Scene Reconstruction
Board of Directors (February 2005)
Program Chair Annual Meeting 2007
Treasurer (February 2007)
President (February 2013-current)

Association of Firearm and Tool Mark Examiners (AFTE)
Distinguished Member
Certified Member (Firearm, Tool Marks and Gunshot Residue)
Editor AFTE Journal (2002-2007)
Member of the Year (2009)
Nominating Committee (2009)
Assistant Conference Chair (2010)

International Association of Bloodstain Pattern Analysts
Regular Member
Ethics Committee (2009)

Northwest Association of Forensic Scientists
Member at Large (2005)
Program Chair Annual Conference (2000, 2011)
Vice President (2006)
President (2007, 2010, 2011)

CERTIFICATIONS

Certification in Firearms, Tool Marks, and Gunshot Residue Examination
Association of Firearm and Tool Mark Examiners (AFTE)

Certification in Crime Scene Reconstruction
International Association for Identification (IAI)



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EMPLOYMENT

Nov. 7, 2005 – Present

Noedel Scientific

Forensic Consultant

*Forensic Consultation, Reconstruction, Training,
Testimony, Analysis*

Noedel Scientific provides expert forensic analysis in a variety of areas including crime scene reconstruction, firearms examination, bloodstain pattern analysis, and case review. Examinations conducted are prepared with an emphasis on scientific detail for future court presentation.

Apr. 9, 1990 - Nov. 4, 2005

Washington State Patrol Crime Lab

Forensic Scientist III

*Crime Scene Response, Firearm and Tool Mark
Exam, Bloodstain Pattern Analysis, Chemistry, Trace
Evidence*

The Washington State Patrol Crime Laboratory provided forensic examinations for all of the police, sheriff, and prosecuting attorneys in the state of Washington. Of the services offered by the Tacoma Crime Lab, I worked in Chemistry, Drug Analysis, Fire Debris, Trace Evidence, Crime Scene Response, Bloodstain Pattern Interpretation, Firearms and Tool Mark Analysis.

April 1987-April 1990

Chemwest/CompuChem Laboratories

Toxicologist

I was responsible for the forensic examination of biological samples for the presence of drugs, alcohol, poisons and toxins. Both screening and confirmation for these chemicals was conducted in this high volume laboratory setting.

OTHER RESPONSIBILITIES

- Former Chemical Hygiene and Safety Officer-Tacoma Laboratory
- Former Leaf Marijuana identification Instructor
- Instruct various Crime Scene Training—Firearms
- Certified IBIS and Drugfire computerized database operator
- Washington State Patrol Firearms Review Committee
- Primary Responder and Crime Scene Consultant—Washington State Patrol Crime Lab Crime Scene Response Team

TOURS ATTENDED

- ❖ Nosler bullet Factory, Bend Oregon
- ❖ CCI/Speer Ammunition Factory, Lewiston, Idaho
- ❖ Arnold Arms Specialty Rifle Manufacturer, Arlington, WA
- ❖ Olympic Arms Pistol and Rifle Manufacturing, Olympia WA
- ❖ Alchemy Arms Pistol Manufacturing, Auburn, WA
- ❖ Ruger Firearms & Investment Casting, Ct. Facility
- ❖ Marlin Rifle Factory
- ❖ Savage Arms Factory
- ❖ Wilson Arms barrel making facility
- ❖ Barnes Bullet Manufacturing
- ❖ North American Arms Manufacturing
- ❖ Schneider Barrel Manufacture-Payson, AZ
- ❖ Ruger Firearms, Prescott, AZ Facility
- ❖ LAR Firearms-Jordon, UT

SPECIALIZED TRAINING

Factory Authorized Armory Training from the following firearm manufacturers:

Colt	Smith & Wesson	Ruger
Sig Sauer	Glock	Remington
Beretta	Heckler & Koch (MP-5)	Hi-Point

- Beeman Air Rifle Workshop
- Lassen College Law Enforcement School
- ATF Arson and Accelerant Detection
- California Department of Justice Basic Forensic Hair examination
- Restek Capillary Chromatography Seminar
- Tire Footprint Workshop
- McCrone's Advanced Microscopy
- Crime Scene Photography
- Hewlett Packard Gas Chromatography Inlet Systems
- Infra-red Technology--Bio Rad
- Advanced Crime Scene Response
- Crime Scene response In Service Training
- Exterior Ballistics and Reloading
- Crime Scene Response-Criminal Justice Training Center
- Characterization of Projectile Performance-Yuma proving Grounds
- ATF Serial Number Restoration
- Basic Bloodstain Pattern Analysis—TBI
- FBI Gunshot and Primer Residue School-Dillon/Rosati—August 1997
- Exterior Ballistics and Long Range Trajectory Workshop—July 2001
- Washington State Patrol Firearms Instructor—June 2001

SPECIALIZED TRAINING CONTINUED

- Investigation of Occult Crime Scenes—Lt. Randy Johnson; April 18th 2001
- Explosion and Bombing Crime Scenes—James Crippen; April 19th 2001
- Advanced Bloodstain Pattern Analysis Workshop—Toby Wolson, Metropolitan Police Institute, Miami, FL –May 7-11, 2001
- Marshall's Reagent and GSR Workshop-April 22, 2002
- Examination of the Taser non lethal weapon character-April 22, 2002
- Consecutive Manufactured Knife Blade Study- April 22, 2002
- Black Powder and Black Powder Substitute Analysis-April 23, 2002
- Ricochet Workshop—April 7, 2003 Instructed by Lucian Haag at the CAC/NWAFS joint meeting in Reno, NV
- Colt 1911 Style Pistol Armorer's Course—April 8th, 2003 Instructed by Vancouver PD Rob Caunt at the CAC/NWAFS joint meeting in Reno, NV
- Crime Zone Software Tools-October 14, 2003 NWAFS meeting Portland, OR
- Utilization of Crime Zone 7.0-October 24, 2003 ACSR Annual Conference Oklahoma City, OK
- Adobe Photoshop Techniques-October 24, 2003 ACSR Annual Conference Oklahoma City, OK
- Fluorescein Techniques-April 19-21, 2004 NWAFS Spring Meeting Missoula, Montana
- Putting Power in your Point-February 11, 2005 ACSR Annual Conference 2005
- LED/UV macro Photography-February 11, 2005 ACSR Annual Conference 2005
- Investigation of Lethal Force Encounters-June 10, 2005 CJTC--Dr. Lewinski of the Force Science Research Center, Mankato, MN
- Investigation of Firearms Misadventures-June 2005 AFTE Annual Conference, Indianapolis, Indiana
- Innovative Forensic Techniques-August 31, 2005. Oregon State Police Crime Lab sponsored training from Kjell Carlson, the inventor of the casting material Mikrosil
- Math, Physics and Computers in Advanced Bloodstain Pattern Analysis, October 24-28, 2005; Alberta Justice Staff College, Edmonton, Alberta
- Forensic Ethics by Peter Barnett, Carolyn Gannett-February 2010, ACSR Annual Conference San Diego, CA
- The Basics of Firearm Mechanism, by Rob Caunt, Vancouver Police Crime Laboratory NWAFS Conference September 29, 2010
- Photogrammetry in Post Scene Analysis and Reconstruction Workshop February 9, 2011 ACSR Conference Jacksonville, FL

PUBLICATIONS/PRESENTATIONS

Technical notes published in Microgram-An International U.S. Department of Justice, Drug Enforcement Administration publication dedicated to reporting trends and topics related to current controlled substance analysis.

"Separation of Isomers of (d/l) Amphetamine and (d/l) Methamphetamine from Urine by GC and GC/MS". Presented at the 29th annual meeting of the American Academy of Forensic Scientists; Las Vegas, NV. February 1988

"Solid Phase Extraction of Morphine and Codeine". Presented at the Fall meeting of the California Association of Toxicologists, San Diego, Ca. 1989

"Variations on Charcoal Strip Exposure for Absorption/Elution Recovery of Flammable Liquids". Presented at the Fall meeting of the Northwest Association of Forensic Scientists; Portland Oregon, October 1992.

"Understanding Your Mass Spectrometer" Crime Scene—A Quarterly Newsletter of the Northwest Association of Forensic Scientists; Volume 21--#3 p. 9 1995

"Uses and Implementation of the Caswell Indoor Firing Range for Forensic Purposes". Presented at the Firearms Round Table during the Northwest Association of Forensic Scientists Spring Conference, Spokane Wa. April 1996

"Drop Testing a .45 Auto Colt 1911". Association of Firearm and Toolmark Examiners Journal Volume 29 #2 Spring 1997 p. 183

"Persistence of Gunshot Residue on Clothing". Presented at the Spring Northwest Association of Forensic Scientists meeting Missoula, MT. April, 1997

"Velocity Drop During the Depletion of CO2 Cartridges in a Pellet Pistol". Association of Firearm and Tool Mark Examiners Journal Volume 30, Number 3; Summer 1998 p. 435;

- Presented at the Northwest Association of Forensic Scientists Fall Meeting Las Vegas, NV Fall 1997

"Slam Firing Calico M-100/M-100P Firearms". Association of Firearm and Tool Mark Examiners Journal Volume 30, Number 3; Summer 1998 p. 527

"Lead Patterns Observed in Ricochets". Presented at the Spring Northwest Association of Forensic Scientists meeting Anchorage, AK. April, 1999

"An Unusual Jennings By Bryco Model 59". Association of Firearm and Tool Mark Examiners Journal Volume 31, Number 2; Summer 1999 p. 147

PUBLICATIONS/PRESENTATIONS CONTINUED

"Tap Rack No Bang". Presentation at the Spring Northwest Association of Forensic Scientists meeting Sacramento CA May, 2000

"Full Auto Armory and Workshop" Instructor... Fall 2000 NWAFS Conference... Seattle, WA

"Examination of Unusual .22 Caliber Ammunition". Presentation at the Association of Firearm and Tool Mark Examiners Annual Conference St. Louis, MO; June, 2000.

"Examination of 12 Gauge Flare Guns". Presentation at the Association of Firearm and Tool Mark Examiners Annual Conference Newport Beach CA; July 11th, 2001

"Detection of Gunshot Residues on Secondary Surfaces". Presentation at the NWAFS Spring Conference, Spokane, WA; April 25th, 2002.

"Forensic Black Powder Workshop". Instructor at the NWAFS Spring Conference, Spokane, WA; April 23rd, 2002

"Firearms in the Forensic Environment" Instructor at the International Association for Identification Spring Conference, Tacoma, WA; May 7, 2003.

"Semiautomatic Firearm Ejection Patterns" Instructor at the NWAFS Fall Conference, Portland, OR; October 15, 2003

"An Interesting Shotgun Pattern Reconstruction" Presentation at the ACSR annual conference (Last Piece Society) Oklahoma City, OK; October 23, 2003

"Tool Marks in Bone—Evaluation of a "Sawzall" Presentation at the NWAFS Spring Conference, Missoula, Montana April, 2004

"Evaluation of Non-Replenishing Blood Drip Trails" Presentation at the IABPA Annual Conference October 2004; Tucson Arizona (Second presentation at the request of the Scientific Working Group for Bloodstain Pattern Analysis April 4, 2005)

"Trajectory Documentation Using a 360 Degree Scale" Instructor for the Washington State Patrol Crime Laboratory—presented to the Washington State Patrol Crime Scene Response Team, July 27, 2005⁶

"Special Topics for Crime Scene Examination" Instructor for the Joint IAI/NWAFS Conference May 18, 2005

PUBLICATIONS/PRESENTATIONS CONTINUED

"Shabazz v Shabazz-An Interesting Shooting Reconstruction" Presentation at the ACSR annual conference (Last Piece Society) Albuquerque, NM; February, 2006

"The Influence of Intermediate Objects Positioned Close to the Muzzle of a Firearm"
Presented at the Association of Firearm and Tool Mark Examiners Annual Conference
Springfield, Massachusetts-- June, 2006.

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor July 24-28, 2006—Olympia Police Department, Olympia, WA

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor December 19-23, 2006—Seattle Police Department, Seattle, WA

"Understanding and Exploring Gunshot Residue"—Lecture and Practical examinations pertaining to GSR. Instructor-January 23, 2007--Association for Crime Scene Reconstruction

"Microscopic Examination of Hair Damaged by the Passage of a Fired Bullet" Hamburg*, Chris & Noedel, Matthew. A technical presentation presented January 22, 2007-- Association for Crime Scene Reconstruction

"Using Adobe Photoshop Tools for Bloodstain Documentation" A technical presentation at the International Association for Bloodstain Pattern Analysts. San Antonio, Texas, October 4, 2007

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor November 26-30, 2007—Olympia Police Department, Olympia, WA

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor December 5-9, 2008, Norman Police Department, Norman OK

"Exploring the CSI Effect" A presentation for the "Inn at the Court"; a training conference of a collection of Judges and Attorneys-- February 9th, 2009 Tacoma, WA

"Using Lasers to Document Bullet Trajectories" Instructor--Presented in two sessions at the Association for Crime Scene Reconstruction Conference Feb 10-14, 2009, Denver, CO

PUBLICATIONS/PRESENTATIONS CONTINUED

"Preparing Reports for Shooting Crime Scenes" Instructor--Presented in two sessions at the Association for Crime Scene Reconstruction Conference Feb 10-14, 2009, Denver, CO

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor July, 2009, Tacoma Police Department, Tacoma, WA

"Examination of Vehicles for Shooting Reconstruction"—Sep 22, 2009. Instructor--NWAFFS Annual conference, Ft. Collins, Colorado

"Life of a Bullet" Presented at the 2009 Seventh Annual Violent Crimes Investigators' Regional Training Conference, November 5, 2009-Seattle, WA

"Practical Crime Scene Analysis and Reconstruction" Gardner, RM; Bevel, Tom. Contributing Author Chapter 7—Shooting Scene Processing and Reconstruction CRC Press, Published July 2009

"Semiautomatic Firearm Ejection Patterns"—February 11, 2010. Instructor to two sessions of this hands on workshop. ACSR Conference-San Diego, February 2010.

"Shooting Scenes" What You Don't Know Can Hurt You—May 11, 2010. A CLE training session at the Snohomish County Public Defenders Association, Everett, WA

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor April 2010, Olympia Police Department, Olympia, WA

"Forensic Aspects of Airsoft Replica Arms" Instructor of this 8 hour workshop that covered the design, construction, forensic examination and importance of airsoft firearms in forensic applications. NWAFFS Training Conference-Portland OR, September 29, 2010

"Exploring the Limit of Gunpowder Particle Quantity for Distance Determination"
A presentation at the NWAFFS Technical Session October 1, 2010-Portland OR

"Processing and Reconstructing Shooting Crime Scenes"—A 40 hour course on crime scene processing in shooting incidents. Instructor April 2011, Spokane County Sheriff's Office/Spokane Police Department, Spokane, WA

"Omni-Car: Crime Scene Processing" Co-instructor for a workshop involving techniques to process automobiles for trajectory, bloodstains, bullet documentation and recovery, shoe print, DNA considerations and overall vehicle processing. September 2011-NWAFFS Conference-Tacoma, WA

PUBLICATIONS/PRESENTATIONS CONTINUED

"Techniques for Successful Presentations with PowerPoint™" Co-instructor for a workshop involving techniques to organize, present and enhance digital material for presentation in court or at professional settings. September 2011-NWAFS Conference- Tacoma, WA

"Fired Bullet Impact Site Evaluation: Tumbling Bullet versus Angled Shot" Matthew Noedel, Noedel Scientific-Puyallup, WA--A presentation outlining how to evaluate bullet impact sites in context to a crime scene processing and reconstruction. September 2011-NWAFS Conference-Tacoma, WA

"Special Research Workshop #2: Characterizing Bullet Damage in Clothing" Mentor of basic research in the performance of various caliber and design of fired bullets through a variety of clothing items. September 2011-NWAFS Conference-Tacoma, WA

"Trajectory Documentation" Instructor of this 3-day class for Washoe County Sheriff Office FIS Section. Class involved the proper evaluation, documentation and processing of fired bullet paths and determining horizontal and vertical trajectory values in simulated building material and vehicles. October 2011

"Terminal Ballistics: Bullet Performance in Tissue Simulant" Instructor of this 4 hour course which involved the theory and practical performance of various fired bullets. Lecture and live fire demonstrations of hollow-point bullet performance fired directly into ballistic gelatin, animal (beef) ribs, and through intermediate targets. ACSR Annual Conference-Monterey, CA February, 2012

"Examination of Bullet Defects from Test Fires Through Fabric" Noedel, Matthew; Cwiklik, Chesterene; Haakenstad; Lisa Crime Scene, Volume 38 (Issue 2): pages 40-45 Spring, 2012

Temperature of Ejected Cartridge Cases. A one day workshop provided at the Northwest Association of Forensic Scientists annual Training Conference-Missoula, MT. This research based workshop involved attempts to evaluate the absolute temperature of cartridge cases at the moment they are ejected from a semiautomatic firearm. September 23, 2012

Shooting Scene Reconstruction. Instructor Michigan State Police. 3 day course involving ammunition, trajectory and vehicle damage assessment in shooting scene processing. October 2012, Frankenmuth, MI

Long Range Ballistics. Instructor of this ½ day workshop which involves the theory of long range bullet flight, using various computer programs to determine long range flight properties of fired bullets, considering drag and ballistic coefficient for projectiles. NWAFS Annual Conference- September 25, 2012, Missoula MT

PUBLICATIONS/PRESENTATIONS CONTINUED

Forensic Consultation and Training-Kingston, Jamaica. Monthly visits to Kingston Jamaica involve providing forensic scene and reconstruction training to investigators and forensic examiners working for the new government agency INDECOM (the Independent Commission of Investigations). Provide backlog reduction as needed and initiate start-up of a ballistic facility to compare fired bullets and cartridge cases via comparison microscopy. Since July 2012-current

Shooting Scene Reconstruction. Instructor Michigan State Police. 3 day course involving ammunition, trajectory and vehicle-damage assessment in shooting scene processing. September 9-11, 2013, Frankenmuth, MI

Ricochet and Impact to Concrete Surfaces. Mentor-this 1 day workshop conducted basic research into the performance of projectiles and the resultant properties of bullets fired into painted concrete surfaces. NWAFS Annual Conference September 16, 2013

Makings Black Powder. This 1 day course covered the properties, chemistry and techniques of manufacturing black powder propellant from the required raw materials. Batches of black powder manufactured by each student were then test fired and the velocity and energy data recorded. NWAFS Annual Conference September 17, 2013

Keynote Speaker: "Matthew Noedel Presents: Tales from the Private Side of Forensic Firearms Examination and Crime Scene Reconstruction" This keynote presentation discussed various experiences in working as a private forensic examiner in the current climate of forensic analysis. NWAFS Annual Conference September 18, 2013

SELECT TESTIMONY

Testimony related activity has involved serving as an expert witness in firearms, crime scene examination and crime scene reconstruction for over 15 years. An average year involves providing approximately 2-5 testimonies from events ranging from simple firearm function testing to complete crime scene reconstruction. A select list of recent, complicated casework during which I was accepted as an expert are summarized below:

June 2007

State of Washington v Belz

Thurston County Juvenile Court—Olympia, WA

Testimony involved the examination of a pistol for accidental versus unintentional discharge and the reconstruction of a single gunshot that occurred in a confined space. Specialized testing involved generating a test drop pendulum device and the characteristics of a dropped versus fired semiautomatic pistol.

July 2006

State of Washington v Benjamin Asaeli et al.

Pierce County Superior Court—Tacoma, WA

Testimony involved the examination, appearance and deformation of fired bullets and gunshot residues detected on the clothing of the victim. Residues that support a close range gunshot to the side of the victim were located and processed using infra-red video techniques and fired bullets were assessed to determine which had gone through the windshield of a vehicle, versus those that did not impact a significant intermediate object.

May 2006

State of Minnesota v Larry Clark—Conspiracy to commit Murder

Ramsey County Superior Court—St. Paul, MN

Testimony involved the examination of documents and crime scene work to reconstruct the trajectory of a single fired bullet that struck and killed a police officer in the year 1970. By examination of the old police reports, examination of the physical evidence and the current appearance of the scene, information missing from the 1970 era examination was filled in and documented with 2006 technologies. This analysis helped demonstrate the most likely trajectory of the fatal shot.

SELECT TESTIMONY CONTINUED

December 2005

State of Washington vs William Joice—Attempted Murder 1st degree
King County Superior Court

Testimony involved the examination of a vehicle that had been struck by fired bullets in conjunction with a recovered semiautomatic pistol, a suppressor and fired ammunition. The reconstruction presented revealed the position a shooter would have been in to deliver the shots and the trajectory that each shot would have traveled. One fired bullet struck the victim in the back of the head and bloodstain pattern examination helped position the victim at the time he was struck by the bullet.

September 2005

State of Washington vs Dwight C. Feeser—Homicide
Grays Harbor County Superior Court

Testimony involved the analysis of a sawed off shotgun in association with a wound pattern observed on the body of the deceased victim. Testing identified the range and orientation of the fatal shot. Distance determination based on the spread of the shot was presented and discussed during the trial.

May 2005

State of Washington vs Trollers Takbar Fleming —Homicide
Pierce County Superior Court

Testimony involved the analysis of a pistol, fired bullets, fired cartridge cases and multiple bullet holes through a driver's window (from inside to outside). Shot sequencing and positional information was related based on trajectory examination, bloodstain patterns and shooting reconstruction. The shooting had occurred from inside the car while the car was being driven. The victim was the driver who had received multiple gunshot wounds to the head, all of which exited.

February 2005

State of Washington vs Jerry Bartlett Jones—Homicide
Snohomish County Superior Court

Testimony involved the examination of clothing, old crime scene documentation and data and bloodstain patterns from a 17 year old stabbing homicide. Crime scene reconstruction was based on the examination and testing of original photos, suspects' statements and newly examined evidence. This case was reviewed and presented on the CBS television show 48 Hours.

ADDITIONAL RECENT TESTIMONY

The following testimonies were presented in various courts since 2006:

2/13/2006 State of WA v Paul Nunn
3/1/2006 State of WA v Mario Sanchez
3/27/2006 State of WA v Elmore
6/12/2006 State of WA v Schreiber
8/7/2006 State of WA v Pearson
2/6/2007 State of WA v Brightman
3/15/2007 State of WA v Holloway
10/30/2007 State of WA v Moi
11/7/2007 State of WA v Hunter
12/11/2007 State of Nevada vs Hartzog—(Las Vegas NV)

5/5/2008 State of WA-vs Tony Smith—Triple Homicide—5/5/2008
King County Superior Court

5/8/08 Las Vegas, NV Superior court: State of Nevada v Victor Anthony
Ramos... LVMPD event 07 1007 0044

6/10-11/08
Event 07-0203-0334 and 07-0203-0669
State of NV vs Frank Macias

10/21/08
State of WA vs Fortier, Bryce D.
GSR on white coat—Snohomish County

11/7/08
State of WA vs O'Reilley
Officer involved shooting reconstruction—Snohomish County, WA

5/22/09
State of WA vs Roy Clark
Walla Walla, WA
Officer Involved Shooting Reconstruction-Columbia County WA

10/1/09
State of KS-v- Kim Hudson
District 5 Judge S. R. Tatum
Officer Involved Shooting, Olathe, KS



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ADDITIONAL RECENT TESTIMONY CONTINUED

11/3/09

State of CA-v-Threats
Superior Court-Vista, CA Dept 22
Judge Kirkman (Death Penalty Case)
San Diego, CA
San Diego County Public Defenders Office
Tool Mark case/homicide

11/19/09

State of WA-v-Besabe
Seattle, WA
King County Prosecutor's Office
Firearm/Shooting Reconstruction

12/17/09

State of WA-v-Hedgcoth
Everett, WA
Snohomish County Public Defender's Assn.
Homicide case/Reconstruction/Bloodstain pattern exam

2/2/2010

State of Alabama-v-Benjamin
Dothan, AL
Judge Menheim, Houston County
Dothan AL
Shooting reconstruction and distance determination in death penalty case

3/10/2010

State of WA-v-Steele
Tacoma, WA
Judge Culpepper, Pierce County, WA
Pre-Trial Motions involving trajectory analysis and documentation

3/23/2010

State of WA-v-Steele
Tacoma, WA
Judge Culpepper, Pierce County, WA
Criminal trial involving trajectory analysis and documentation

3/31/2010

State of WA-v- Weens
Seattle, WA
Judge Yu, King County WA
Firearm operability and recognition, Robbery/FA Enhancement

ADDITIONAL RECENT TESTIMONY CONTINUED

5/10/2010

State of WA-v-Steele

Tacoma, WA

Judge Flemming, Pierce County, WA

Criminal trial involving trajectory analysis and documentation

6/15/2010

State of NV v Carvell Roots

Las Vegas, NV

Dept. 4 Judge Hardcastle

Criminal Trial—Firearm exam and comparison

8/26/2010

State of WA vs Moore

Seattle, WA

Judge Cahan-King County Superior Court

Assault case/firearm properties

2/23/2011

Utah County Sheriff Case # 06UC04447

Sieloff-v-Overson et. al

Salt Lake City, Utah

District Court #S35 Lee A. Dever Judge

Civil case-reconstruction of a long range fired bullet trajectory

5/30-31/2011

Australia Testimony via Video Link

Western Australia-v- Mikhail

Examination of shotgun components and scene reconstruction relative to a double homicide

6/2/2011

State of Texas v Charles Payne

Dallas, TX

Superior court testimony in an Officer Involved Shooting

6/21/2011

Las Vegas, NV

Grand Jury testimony reference forensic firearms examinations conducted at the Las Vegas Metro Crime Lab

10/26-27/2011

Tacoma, WA

State of WA v. Kitsap Rifle and Revolver Club

Deposition 10/7/11; testimony 10/26-27/11

Reconstruction of long range trajectories in relation to the Kitsap Rifle Club

ADDITIONAL RECENT TESTIMONY CONTINUED

11/22/2011

State of WA-vs-Rance Cox
Criminal, Hired by Prosecution
Tacoma, WA
Superior Court Judge Grant
Re-trial 1992 era examination of Cocaine

1/6/2012

William Ostling et al. v City of Bainbridge Island et al.
Deposition; Civil; Hired by Plaintiff
Federal-United States District Court Western Washington
Judge Leighton
Civil case involving Officer delivering shots through a door resulting in death to the person inside

3/8/2012

State of NV-vs-McFarland and Hill
Elko, NV
Criminal; Hired by Prosecution
Washoe County SO L0042-12-3
No gun-fired bullet exam and testimony via phone

5/7/2012

State of Washington v Joshua D. Monson
Snohomish County Superior Court
Defense consultation reference bloodstain patterns and shooting reconstruction single shot to victim in apartment.

5/14-15/2012

Jeremiah D. O'Sullivan-v-Bruce Gosnell
Civil; Hired by Plaintiff
Circuit Court State of Oregon
Linn County-Albany, Or
Civil case for plaintiff on wrong death from homeowner shooting through a window at victim.

5/18/2012; 5/21/2012

William Ostling et al. v City of Bainbridge Island et al.
Civil; Hired by Plaintiff
Federal-United States District Court Western Washington-Judge Leighton
Civil case involving Officer delivering shots through a door resulting in death to the person inside

ADDITIONAL RECENT TESTIMONY CONTINUED

6/20/2012

State of NV-v-Davis

Criminal; hired by Prosecution

Shooting scene and shotgun performance evaluations in homicide case.

Second Judicial District—Washoe County

8/2012 State of NV case

Criminal; Hired by Prosecution

Examination of Air Soft replica pistol used in hold-ups around Reno, NV

Stege Amos Prosecutor

9/10-11/2012

State of IL—v—Christopher Vaughan

Criminal; hired by Prosecution

Quadruple homicide trial in Joliet, IL involved trajectory, shooting scene reconstruction and other aspects of scene reconstruction

1/24/2013

Deposition-Civil case-Hired by Plaintiff

Estate of Burgs-vs- Chicago Police Department

Officer involved shooting incident

1/28/2013

Deposition-Criminal Case Hired by Plaintiff

State of Florida vs- Reed

Shooting reconstruction involving single shot from revolver. Trajectory and operation of Serrifile revolver with mis-matched ammunition

2/22/2013

Civil Trial Testimony-Federal Court-Portland, Or

Salanitro v Beaverton Police

Officer involved shooting reconstruction

3/8/2013

Criminal Trial Testimony

State of WA-v-Richard Peters

Snohomish, CO, WA

Forensic exam and reconstruction involving unintentional discharge claim via a Colt Double Eagle 45 caliber pistol.

3/21/2013

State of NV-v-Matthew Deacon

Judge Al Kacin

Elko, NV

Criminal Prosecution-Examination and reconstruction of single shotgun wound involving firearm and distance testing.



13002 151st Street East, Puyallup, WA 98374
mnoedel@att.net (253) 227-5880
www.noedelscientific.com

ADDITIONAL RECENT TESTIMONY CONTINUED

3/27/2013

Criminal Trial Testimony-Judge Lyons

State of IL-v-Blake Irby

Peoria, IL

Criminal Defense-Reconstruction of double homicide involving cross-fire within a mini-van.

5/1/2013 Criminal Trial Testimony

State of Florida v Larry Reed

Clearwater, Florida

Criminal Prosecution-Indoor shooting scene reconstruction and firearm examination

10/10/2013

State of Nevada v Rodriguez, Evaristo et al.

Reno, NV

Criminal prosecution of a shooting incident in a parking garage

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EXHIBIT D

Piotr A. Kubiczek, M.D.
10 Kirman Ave.
Reno, NV 89502
Phone: (775) 785-6114
Citizenship: USA

EDUCATION:

Medical Postgraduate Education:

Forensic Pathology Fellowship: (2004-2005)
Montgomery County Coroner's Office, Dayton, OH
Residency in Pathology (1999-2004)
Ball Memorial Hospital, Muncie, IN
Clinical Internship (Graduation: 02/97)
Medical School of Warsaw, Poland (02/96 – 02/97)

Medical School:

Medical Doctor (Graduation: 06/95)
Medical School of Warsaw, Poland (1990 – 1995)
University of Maryland School of Medicine, Baltimore, MD (1988-1989)

Undergraduate:

Bachelor of Arts GPA 3.5 (Graduation: 06/88)
University of Maryland, College Park, MD (06/83 – 06/88)
University of Pomerania/Dept. of Biology, Szczecin, Poland (10/81 – 05/82)

HONORS AND ACHIEVEMENTS:

"The Fire in the Desert", publication presenting my work in a very difficult forensic case
in Las Vegas, NV
Commendation Diploma for Volunteer Work at George Washington University Hospital (03/98)

Medical School:

Medical School of Warsaw Scholarship (1994 – 1995)
Individual Track of Study (1994 – 1995)
Vice President of 1995 Class (1993 – 1995)
President (1993 – 1995) of International Medical
Student Union at Medical School of Warsaw
University of Maryland School of Medicine Scholarship (1988 – 1989)

Undergraduate:

University of Maryland, Semester Academic Honors (Fall 1985, Fall 1986 – Spring
1988)
University of Maryland Scholarship (Fall 1983 – Spring 1988)

RESEARCH EXPERIENCE:

2001 - 2003 Ball Memorial Hospital/Employee Health Services and Infectious Diseases
Committee, Research coordinator: Michael Langona, Director of Employee Health Services
Project: "Occupational Exposures of Pathology Residents at Ball Memorial Hospital"

RESEARCH EXPERIENCE:

1985 - 1988 University of Maryland/Department of Biochemistry, College Park, MD
Research Director: Dr Joseph Sampugna
Project: "A Study to Assess the Influence of Various Diets on the Fatty Acid Tissue Composition"

TEACHING EXPERIENCE:

Autopsy demonstrations to Police Officers of Washoe County, Nevada
Autopsy demonstrations to residents and medical students, University of Nevada
Autopsy demonstrations to residents and medical students, Wright State University
Autopsy demonstrations to Nursing Students, Ball State University
Autopsy demonstrations to Police Officers of Delaware and surrounding counties, Indiana
Clinical Correlation Lectures for med. Students, Indiana Univ. Schl. Of Medicine
Lectures for Pathology Residents, Ball Memorial Hospital

PUBLICATIONS AND PRESENTATIONS:

"Occupational Injuries in a Pathology Residency Program-Letter to Editor", Archives of Pathology and Laboratory Medicine, Feb. 2006, Kubiczek, P., Mellen, P., Langona, M.

"Case Report: Over-the-Counter Cold Medications Postmortem Findings in Infants and the Relationship to Cause of Death", Journal of Analytical Toxicology, Oct. 2005, Laureen Marinetti, Lee Lehman, Brian Casto, Kent Harshbarger, Piotr Kubiczek, and James Davis

"Occupational Exposures of Pathology Residents at Ball Memorial Hospital 2000-2002"
Poster Presentation, ASCP Annual Meeting, New Orleans, 09/2003

WORK AND COMITEE EXPERIENCE:

04/08-present: Assistant Chief Medical Examiner, Washoe County ME and Coroner's Office, Reno, Nevada
09/05 - 04/08: Medical Examiner, Clark County Coroner's Office, Las Vegas, Nevada
06/04 - 08/05: Deputy Coroner, Montgomery County Coroner's Office, Dayton, Ohio
04/00 - 06/04: Elective Specimen Grossing, Ball Memorial Hospital, Muncie, Indiana
05/01 - 06/04: Elective Autopsy Service, Ball Memorial Hospital and Coroner Offices of Central Indiana
06/01 - 01/04: Infection Control Committee, Ball Memorial Hospital
06/97 - 02/98: Volunteer, George Washington University Hospital, Washington, DC
08/92 - 02/97: Translator of medical texts, Medical School of Warsaw Translation Services, Warsaw, Poland
09/95 - 02/96: Translator and Administrative Assistant, US Embassy USDA Division in Warsaw, Poland
05/85 - 04/88: Laboratory & Research Assistant, University of Maryland Department of Biochemistry, College Park, MD

WORK AND COMITEE EXPERIENCE:

Number of Autopsy cases: about 2900 (including in-custody deaths, abuse and neglect cases)
Number of Court appearances: over 100 (including grand jury, preliminary hearings, trials)
Consultations with Police Departments of Reno, Sparks, Washoe County, Carson City, Elko, Lyon County, Douglas County, Humboldt County, Las Vegas, North Las Vegas, Lincoln County, Henderson, Nevada, Dayton, Ohio, Nye County, Nevada

MASS FATALITY EXPERIENCE:

09/2011-IHOP Shooting, Carson City, Nevada
09/2011-Air Races Accident, Reno, Nevada

ORGANIZATIONS:

06/99 – 04/04: Resident Member, College of American Pathologists
06/99 – 04/04: Member and Liaison of Resident Section (since 2001), American Society of Clinical Pathologists
01/01- Present: Member, National Association of Medical Examiners

CERTIFICATION AND LICENSURE:

American Board of Pathology: Anatomic Pathology Board Examination passed in Fall 2008
American Board of Pathology: Forensic Pathology Board Examination passed in Fall 2009
Permanent License to Practice Medicine in State of Nevada
Permanent License to Practice Medicine in State of Maryland (06/04-present)
License, Human Research Subjects Protection Program (01/02)
ECFMG Certificate (03/97)

FOREIGN LANGUAGES:

Fluently spoken, read and written:
Polish and Russian

HOBBIES AND INTERESTS:

Modelling, miliary history, history of literature, philosophy, bicycling

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EXHIBIT E

CURRICULUM VITAE

FBI Expert Witness



FE Brian R. Poole

Federal Bureau of Investigation

Operations Technology Division

Computer Analysis Response Team – Forensic Analysis Unit

Pocatello Laboratory

3975 Pole Line Road

Pocatello, ID 83201

Phone: 208-238-5110

Employment: Federal Bureau of Investigation - Pocatello Service Center

Started (EOD): October 25, 1987

Current Assignment: Information Technology Specialist / Computer Forensic Examiner / Laboratory Manager. Computer Analysis Response Team - Forensic Analysis Unit (CART-FAU)

Education:

September 1986 – May 1988 Idaho State University, A.A.S. Degree in Data Processing

September 1988 – May 1993 Idaho State University, B.B.A. Degree with major in
Computer Information Systems

April 1996 & 1998 International Association of Computer Investigative Specialists
 (IACIS) training.
 IACIS Certified Forensic Examiner - 1998

April 1996 Certified by FBI CART as a Computer Forensic Examiner

February 2002 Certified A+ Professional
August 2005 Certified Net+ Professional

Present Certified Windows, Linux, MAC, PDA, digital camera, and cell
 phone Forensic Examiner by FBI CART.

Employment:

October 1987 - June 1991 Main-Frame Computer Operator for the FBI.

June 1991 - August 1996 Communications Network Controller / Computer Specialist
 for the FBI

August 1996 - November 1999 Computer Specialist / CART Forensic Examiner for
 the FBI

November 1999 – Present Full-Time Certified FBI CART Computer Forensic
 Examiner

September 2007 - Present FBI Pocatello Digital Forensic Laboratory Manager

Certifications:

1996-04-01 CART Forensic Examiner
1998-02-17 International Association of Computer Investigative Specialists (IACIS)
Certified Forensic Computer Examiner (CFCE)
2000-01-10 FBI CART Unix Exam Certification
2002-02-28 CompTIA - A+
2004-02-01 FBI CART PDA Certification
2004-02-02 FBI CART EnCase Certified
2004-04-19 FBI FTK Certified
2004-09-28 FBI CART Macintosh Certification
2006-04-12 CompTIA - Network+
2007-07-20 FBI CART Cell Phone Certification
2012-05-22 Digital Camera Forensics Certification

Professional Training Record:

1996-04-01 International Association of Computer Investigative Specialists (IACIS)
1996-08-15 CART Boot Camp
1999-01-14 Linux Media Forensics
2000-01-28 Linux Media Forensics
2000-11-27 ACES Training
2001-05-07 AS/400 Forensics
2001-06-11 NW3C Advanced Data Recovery and Analysis (ADRA)
2002-02-05 A+ PC Hardware
2002-05-14 ILook Forensics
2002-10-01 Windows 2000 Networking - GETA FY03
2002-10-01 Visual Basic - GETA FY03
2003-04-21 Microsoft Exchange
2003-07-01 CART Quality Training 2003
2003-07-07 Linux Media Forensics
2003-09-23 Paraben PDA Seizure
2003-10-28 AccessData FTK Boot Camp
2004-02-02 EnCase Intermediate Analysis and Reporting
2004-02-23 FBI PDA Forensics
2004-05-14 Microsoft Advanced Forensics
2004-08-06 CART-RCFL Conference 2004
2004-08-13 Senior Moot Court - Oxford, MS
2004-09-24 Macintosh Forensics
2005-02-10 CART Storage Area Network (CARTSAN)
2005-06-17 Advanced Macintosh
2005-06-23 Internet Processing
2005-06-30 RAID - Imaging and Processing
2005-07-18 CD-DVD Forensics (CD/DVD Inspector)
2005-08-19 Network+
2006-01-19 CART Coordinator's Workshop
2006-01-23 Cyber Invest. Tech. & Resources (Cyber 101)
2006-02-01 OTD Quality Assurance Manual Self-paced
2006-03-02 AccessData FTK (Advanced)
2006-05-03 CART Coordinator's Workshop
2006-05-19 Macintosh Practicals
2006-08-01 Linux Boot CD v5 for FEs

2006-08-01	CAIR Computer Based Training
2006-08-25	CART/RCFL Web Crime Workshop
2006-09-29	SANS 401 Network Security
2006-10-02	SANS 401: Security Essentials
2006-12-01	Proficiency Test Grading Workshop
2007-04-12	Windows Registry: Basic Concepts (Self-Paced)
2007-07-20	FBI Cell Phone Forensics
2007-09-10	Windows Server 2003
2007-12-20	AccessData Vista and Advanced Topics
2008-02-29	EnCase Intermediate Analysis and Reporting
2008-04-03	CART/RCFL Conference 2008
2008-06-13	Macintosh Forensic Survival Course - Forward Discovery
2008-07-31	Getting Things Done
2008-08-01	CART Test Data Set Workshop
2008-08-22	Influence Skills: Getting Results Without Direct Authority
2008-09-12	DAG/PIRL Self-Paced Training
2008-11-07	Image Scan 3 for FEs
2009-03-12	Forensic Networks
2009-03-20	FBI HQ Evidence Training
2009-05-28	CART Supervisor Workshop
2009-06-07	DEL REX Self-Paced Training
2009-08-28	Cellebrite / SecureView Cell Phone Forensics
2009-09-18	Learning Tree - Mgmt Skills for an IT Environment
2009-10-30	Virtual Forensics for Linux Classroom
2009-11-18	DEL SOP CART MSC-05 Preview
2009-12-01	CAR Computer Forensics (Senior Research Project)
2009-12-09	Virtualization Self-Paced
2010-02-16	Deleted Files vs. Residue Training
2010-04-01	Forensic Networks and FTK Lab Classroom
2010-04-30	Quality Assurance Self-Paced
2010-05-28	Unix Forensics Classroom
2010-07-26	Nintendo Wii Forensics - Sr. Research Project
2010-08-24	Centra - Computer Intrusion Forensics
2010-09-02	Live Capture Training Classroom
2010-12-15	FTK Version 3 Self-Paced Training
2010-12-30	Live Capture Self-Paced Training
2011-02-17	X-Ways Forensics
2011-03-17	Introduction to Malware Analysis
2011-03-30	Basic Malware Behavioral Analysis
2011-04-01	FTK v3 for Mac Self-Paced Training
2011-04-11	New CART SOP Self-Paced Training
2011-06-03	CD/DVD Inspector
2012-05-22	Digital Camera Forensics
2012-06-14	Advanced AccessData Lab/Case Agent Investigative Review (CAIR)
2012-08-30	Digital Evidence Evolution Workshop
2012-09-12	Cellebrite UFED Python Training
2012-12-13	File System Basics
2013-04-11	Sumuri Macintosh Forensics
2014-03-14	Field Audio Video Program (FAVP) Digital Video Recorder Training

Total 84

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

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EXHIBIT F



LAWRENCE WAYNE
Forensic Analytical Laboratories, Inc.
Senior Research Microscopist
Supervisor, Applied Microscopy Lab

EDUCATION

B.S., Physics, Michigan Technological University, 1985

CERTIFICATIONS AND REGISTRATIONS

NIOSH 582 Certification, 1996

Health Physics Technician, Level 1, 1994

Applied Sciences Technician, United States Air Force, 1988

SUPPLEMENTAL PROFESSIONAL COURSES

Gem Identification (lab class), Gemological Institute of America, Carlsbad, CA, 2014

Applications of Raman Spectroscopy Workshop, AAFS conference, Seattle, WA, 2014

Raman Microscopy, McCrone Research Institute, Chicago, IL, 2013

Postmortem Root Banding of Hair Workshop, AAFS conference, Washington DC, 2013

Forensic Soil Examination (Part 2), MEI616, Hooke College of Applied Sciences, Westmont, IL 2012

Mineralogy for Microscopists Workshop, McCrone Research Institute, Chicago, IL, 2012

Admissibility of Scientific Evidence in Court Workshop, San Diego, CA, 2012

Gun Shot Residue (GSR) analysis by Scanning Electron Microscopy (Method ASTM E1588 – 10e1), McCrone Associates, Westmont, IL 2011

Food Microscopy Workshop, McCrone Research Institute, Chicago, IL, 2011

Forensic Soil Examination (Part 1), MEI615, Hooke College of Applied Sciences, Westmont, IL 2010

OMNIC Software Operations, Thermo Fisher Scientific, Madison, WI, 2010

Forensic Fiber Analysis: Advanced Microscopy and Microchemistry, McCrone Research Institute, Chicago, 2006

Confectionary Technology, Richardson Researches, UC Davis, Davis, CA, 2004



Lawrence Wayne (cont'd.)

Chocolate Technology, Richardson Researches, UC Davis, Davis, CA, 2004

Forensic Microscopy of Glass, McCrone Research Institute, Chicago, IL, 2003

Indoor Air Quality: Identification of House Dust and Indoor Particles, McCrone Research Institute, Chicago, 2003

Microscopy of White Powders, McCrone Research Institute, Chicago, IL, 2003

TEM Asbestos Analysis, MVA, Inc., Norcross, GA, 2000

Advanced FTIR Microscopy, McCrone Research Institute, Chicago, IL, 1998

Hotstage Methods and Polymorphism, McCrone Research Institute, Chicago, IL, 1997

Advanced Pollen and Spore Identification, McCrone Research Institute, Chicago, IL, 1997

NIOSH 582, Sampling and Evaluating Airborne Asbestos Dust, PSI, Concorde, CA, 1996

Hazardous Waste Management, United States Air Force, McClellan AFB, CA, 1995

Health Physics, Radiation Protection Associates, Hebron, CT, 1994

Advanced Applied Microscopy, McCrone Research Institute, Chicago, IL, 1993

Microchemical Methods, McCrone Research Institute, Chicago, IL, 1993

Statistical Process Control, United States Air Force, McClellan AFB, CA, 1993

Total Quality Management Awareness Course, United States Air Force, McClellan AFB, CA, 1992

Advanced Applied Polarized Light Microscopy, McCrone Research Institute, Chicago, IL, 1992

Advanced Small Particle/Fiber Identification, McCrone Research Institute, Chicago, IL, 1990

Photomicrography, McCrone Research Institute, Chicago, IL, 1989

PROFESSIONAL EXPERIENCE

Twenty five years of experience in particulate analysis using various techniques of light microscopy, electron microscopy, infrared microspectroscopy and Raman spectroscopy.



Lawrence Wayne (cont'd.)

Court qualified as an expert witness, Superior Court, States of California, Nevada.

- Gunshot Residue (GSR) (CA, NV)
- Trace Evidence (CA)

7/1996-Present: Senior Research Microscopist, Applied Microscopy Laboratory, Forensic Analytical Laboratories, Hayward, CA

- Supervisor in charge of special project work involving polarized light microscopy (PLM), scanning electron microscopy (SEM), Fourier transform infrared (FTIR) and Raman microspectroscopy.
- Principal Investigator in combustion product examination and analysis studies.
- Primary trainer for the Applied Microscopy Laboratory.
- Provides analysis of samples on a wide variety of projects, including:
 - plant and synthetic fiber comparison and identification
 - gunshot residue (GSR) by SEM (method ASTM e1588-10e1)
 - unknown white powder analysis and identification
 - mineral identification
 - glass comparison and analysis
 - electronic component failure
 - paint comparison and analysis
 - analysis of air and bulk samples for asbestos content by phase contrast microscopy (PCM), PLM, and transmission electron microscopy (TEM)
 - microchemical and crystallographic analysis by PLM

12/87- 01/96: Microscopist, SSgt., United States Air Force

Primary Duties:

- Isolate and characterize particles of interest in support of AFTAC unit mission and objectives.
- Immediate supervisor to 2 lower ranking airmen.
- Primary radiation protection technician for the Applied Physics Laboratory.
- Primary contact in systems acquisition for new equipment purchases.
- Experienced in class 100 clean room operations.
- Trainer for class in techniques of optical microscopy.
- Develop specialized microchemical tests for the detection of specific chemical compounds.

PROFESSIONAL AFFILIATIONS

American Society of Trace Evidence Examiners, Board of Directors
Microscopy Society of America, Member
Royal Microscopical Society, Member (UK)
San Francisco Microscopical Society, Member (past vice president)
State Microscopical Society of Illinois, Member
European Microscopy Society, Member (EU)
Queckett Microscopical Club (UK)



Lawrence Wayne (cont'd.)

PRESENTATIONS/PUBLICATIONS

"Relativistic Correction Terms in a Many-Body Theory of Atomic Structure" Society of Physics Students Zone Conference, Ripon College, October 1985

"Optical Characterization of Uranium Compounds" - Inter/Micro '93, Chicago, July 1993

"Optical Microchemistry" - Nuclear Plant Program Conference, Patrick AFB, October 1993

"Trinitite" - Inter/Micro '94, Chicago, July 1994

"Internet Resources for Microscopists" - Inter/Micro '95, Chicago, July 1995

"Chemistry Resources on the Internet" - ACS Regional Newsletter (Sacramento Region), 1995

"Detection and Isolation of Fissionable Materials Using Optical Microscopy" - San Francisco Microscopical Society, 1997

"Small Particle Isolation and Manipulation: Tools and Techniques" - San Francisco Microscopical Society, 1997

"Errors in Compact Disc Manufacturing" - Inter/Micro 2008, Chicago, July, 2008

"New Sampling Methods Update: Comprehensive Dust Analysis for Indoor Air Quality Surveys" (with Baxter, Dan) - AIHce conference, Portland, May, 2011 (peer-reviewed presentation)

"An Evaluation of Methodologies for Assessing Particulate Emissions from Wildfires" - Inter/Micro 2011, Chicago, July, 2011

"Evaluating Wildfire Smoke Impact" lecture (with Rosales, Michelle) - Indoor Air Quality Association (IAQA) meeting, Los Angeles, July 2011

"Light and Electron Microscopy Methodologies for Characterization of Particulate Emissions from Wildfires" - 22nd Annual International Conference on Soil, Water, Energy, and Air and AEHS Foundation Annual Meeting, San Diego, March 2012 (peer-reviewed presentation)

"Basics of Gunshot Residue (GSR) Analysis" - Instructor of course for San Francisco Public Defender's Office, San Francisco, CA, April, 2012

"Evaluating Wildfire Smoke Impact" Workshop (with Rosales, Michelle) - Instructor of lab methods section, Abatix Corp., Santa Fe Springs, CA, January 2013

"Basics of Gunshot Residue (GSR) Analysis" - Instructor of course for San Joaquin County Public Defender's Office, Stockton, CA, July 2013

1 Case No. 14-CR-

2 Dept No. II

3 DA 14-343G

4 This document does not contain personal information of any person

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

11 Plaintiff,

12 vs.

CERTIFICATE OF SERVICE

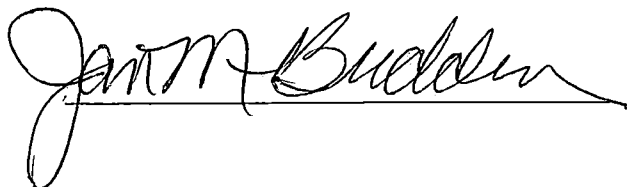
13 TATIANA LEIBEL,

14 Defendant.
15 _____/

16 Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for
17 Douglas County, Nevada, and that I deposited for delivery a true copy of Notice of Non-Capital
18 Proceeding, addressed to: Kris Brown, Esq.,
19 1190 High School, Suite A
20 Gardnerville, Nevada 89410

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

23 DATED this ~~18th~~ day of December, 2014.

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RECEIVED

FILED

1 Case No. 14-CR-0062

DEC 19 2014

2 Dept. No. II

Douglas County
District Court Dept. 2

2014 DEC 19 PM 1:36

BOBBIE R. WILLIAMS
CLERK

BY W. Blag DEPUTY

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

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9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 TATIANA LEIBEL,

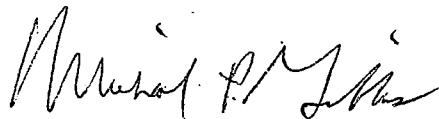
13 Defendant.
14 _____/

ORDER TRANSFERRING CASE TO
DEPARTMENT I, VACATING THE
HEARING SET FOR DECEMBER 22, 2014
AND CONFIRMING THE TRIAL DATE OF
JANUARY 27, 2015 AT 9:00 A.M.

15 IT IS HEREBY ORDERED that this case be transferred to
16 Department I of the Ninth Judicial District Court for all further
17 proceedings. Judge Gibbons has been appointed to the Appellate
18 Court of the State of Nevada and will no longer be the sitting
19 Judge in Department II. The trial date of January 27, 2015 at
20 9:00 a.m. will continue. The parties will be contacted by the
21 Judicial Assistant in Department I to set a new Pre-Trial
22 Conference/Motions Hearing. See NJDCR 2(b).

23 IT IS SO ORDERED.

24 DATED this 19 day of December, 2014.

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MICHAEL P. GIBBONS
District Judge

27
28 Copies served by hand delivery this 19 day of December, 2014,
addressed to: Douglas County District Attorney & Kristine L.
Brown, Esq.



Vicki Barrett

414

Case No. 14-CR-0062

RECEIVED

Dept. No. I

DEC 23 2014

Douglas County
District Court Dept. 2

2014 DEC 23 PM 2:02

BOBBIE R. WILLIAMS
CLERK

BY M. Blay DEPUTY

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

THE STATE OF NEVADA,

Plaintiff,

v.

TATIANA LEIBEL,

Defendant.

ORDER CONFIRMING TRIAL
DATES AND SETTING
PRE-TRIAL CONFERENCE

The above-entitled matter is set for:

(XX) Trial by Jury

TO COMMENCE on: Tuesday, January 27, 2015 at 9:00 a.m. - FIRM setting

TIME ALLOWED: Eight (8) days

NOTE: This trial will not be in session on Tuesday, February 3, 2015, due to the Court's Law and Motion Calendar. Trial dates: January 27-30, February 2, and February 4-6, 2015.

Pre-Trial Conference/Motions Hearing set for Monday, January 12, 2015 at 1:30 p.m.

The parties shall submit jury instructions and verdict forms to the court and each other by January 12, 2015. Any pre-trial motions shall be filed with the court and exchanged between the parties by January 5, 2015. Oppositions to the motions are due within five (5) days from service of the motion. No replies will be necessary.

DATED this 23 day of December, 2014.


NATHAN TOD YOUNG
DISTRICT JUDGE

1 Copies served by hand delivery this 23 day of December, 2014 to: Douglas County District
2 Attorney's Office; and Kristine L. Brown, Esq.

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4 Menda Holzman
5 Judicial Assistant

RECEIVED

DEC 26 2014

Case No. 14-CR-0062

Dept. No. I

Douglas County
District Court Dept. 2

2014 DEC 26 AM 9:33

This document does not contain personal information of any person.

BARBARA K. WILLIAMS
CLERK
Barbara Williams
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

RESPONSE TO MOTION IN LIMINE
REGARDING CRIME SCENE AND
AUTOPSY PHOTOGRAPHS

Tatiana Leibel, by and through counsel, Kristine L. Brown, is, at this point, without sufficient information to respond to the state's motion. Although crime scene and autopsy photographs are generally admissible at trial if they are relevant and aid in ascertaining the truth, the admissibility of each photo must be judges individually. The defense has been provided with over 150 autopsy photos and at least 50 photos of Mr. Leibel at the scene. There are hundreds of other "scene" photos. Without more specificity, it is impossible to say what, if any, photographs the state intends to introduce are objectionable. The defendant offers the following Points and Authorities for the court's consideration.

Dated this 26th day of December, 2014.

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

POINTS AND AUTHORITIES

Generally, relevant evidence is admissible. NRS 48.025. However, even relevant evidence can be excluded if its probative value is outweighed by other factors. NRS 48.035 provides:

- “1. Although relevant, evidence is not admissible if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury.
2. Although relevant, evidence may be excluded if its probative value is substantially outweighed by considerations of undue delay, waste of time or needless presentation of cumulative evidence.”

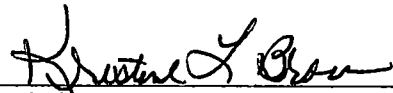
Generally, the Nevada Supreme Court has held that gruesome photographs, such as those depicting crime scenes and autopsies, are admissible if they aid in ascertaining the truth. *Byford v. State*, 116 Nev. 215; 994 P.2d 700 (2000). The reviewing court, however, is generally discussing a limited number of photographs. In *Byford*, six photographs of the victim were admitted. In *Sonner v. State*, 112 Nev. 1328; 930 P.2d 707 (1996), one autopsy photograph and one item of evidence were discussed. In *Williams v. State*, 113 Nev. 1008; 945 P.2d 438 (1997), the court found it wasn't an abuse of discretion to admit two crime scene photographs, one of each victim. There is no carte blanche rule that all autopsy and crime scene photographs are admissible. They must be examined individually, then as a group (cumulative) under the balancing factors set out in 48.035.

The same would be true of the manner of presentation. In *Doyle v. State* 116 Nev. 148; 995 P.2d 465 (2000), the court found that the use of a projector to display autopsy photos was not error. It should be noted, however, that the court described that the photos were “briefly projected onto the screen” to aid the medical examiner in testifying. *Id.* at 161. So the defense would preserve the right to object if the manner in which the projection is used becomes overbearing.

Based on the foregoing, the defense submits that the admissibility of the photographs would have to be addressed individually and then as a group to determine

1 whether or not it is a cumulative presentation of similar evidence.
2

3
4 Dated this 26th day of December, 2014.

5 
6 Kristine L. Brown
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9 Suite A
10 Gardnerville, Nv. 89410
11 775-783-8642
12 Attorney for Defendant
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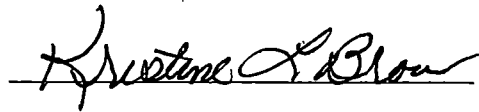
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CERTIFICATE OF SERVICE

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 the () to:

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

Dated this 26th day of December, 2014.



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CLERK
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

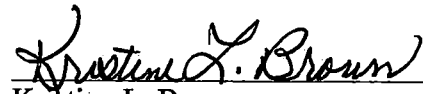
Defendant

RESPONSE TO MOTION IN LIMINE
REGARDING JUROR-QUESTIONING
OF WITNESSES

Tatiana Leibel, by and through counsel, Kristine L. Brown, concurs with and joins in the motion in limine regarding juror-questioning of witnesses filed by the state. In exercising its discretion in deciding whether or not to allow the jurors to submit questions, the court should also consider the time that would be consumed by the practice and the disruption to the court proceedings. In *Flores v State* 114 Nev. 910; 965 P.2d 901 (1998), the Supreme Court mandated that the hearing concerning the admissibility of the juror questions must be held outside the presence of the jury and that counsel must have the opportunity to object to the questions outside the jury's presence. In *Knipes v. State*, 124 Nev. 927; 192 P.3d 1178 (2008), the court held that hearings concerning the admissibility of juror questions must be held on the record to preserve any issues for appellate review. *Id at 931*. In order to meet these requirements, the jury could end up being excused at the conclusion of each witness' testimony so the hearing could be conducted. The other option would be to move counsel, the defendant, the court reporter, the judge and court staff to a separate location for such a hearing. In addition to the disadvantages of the practice noted in *Flores* set out in the states motion, the requirement that the hearing

1 concerning the admissibility of the questions be held on the record could be disruptive to the
2 proceedings and consume a large amount of time just moving people around. In a short trial
3 where only a few witnesses are expected to testify, this might not be a serious consideration. In a
4 trial that is anticipated to be of considerable length with numerous witnesses, it is a factor that
5 should be seriously considered in determining whether or not jury questions should be allowed.
6 The defendant submits that the advantages gained by allowing jury questions in this matter
7 would be outweighed by the disadvantages articulated in *Flores* but, perhaps most important, the
8 time consuming logistics of holding the hearing out of the jury's presence but on the record.

9 Dated this 26th day of December, 2014.

10 
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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 the RESPONSE TO MOTION IN LIMINE REGARDING JUROR-QUESTIONING OF WITNESSES to:

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

Dated this 26th day of December, 2014.

Kristine L. Brown