

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

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Electronically Filed  
Aug 30 2022 02:57 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

RECORD ON APPEAL

VOLUME 4B

COPIES OF ORIGINAL PLEADINGS  
PAGES 631-693

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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**Shooting Scene Reconstruction Report**Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

The second shot that struck Harry Leibel was the "four stacked 000 pellets in a plastic wad" shotgun shot. This shot consisted of a linear stack of four pellets surrounded by a white plastic wad. After perforating the back of Harry Leibel's left hand (a portion of the plastic wad was retained in his left hand) the stack of pellets eclipsed the top of his left shoulder, continued into and through the back of the couch, exited and re-entered into the wall (see figure 9).

- By connecting the hole through the couch with the fixed perforation in the wall behind the couch, the path of this shot can be measured. The measured path reveals that the horizontal aspect of this shot (that is the left/right angle) was approximately 55 degrees (out from the left as one faces the couch). The vertical aspect (that is the up/down angle) was approximately 25 degrees downward.
- Because the seat occupied by Harry Leibel was a recliner (the seat back moved up and down to sit up or recline), the straight line path of this shot could only be connected when the seat was reclined approximately half way back. Therefore, at the time of the second shot, the recliner was neither sitting up-right nor lying flat; it was approximately in the middle position of the reclining range (see figures 10, 11 and 12).

**Reconstruction Elements**

The report prepared by Douglas County Sheriff's Office Officer B. Williamson included a summary of the information provided by Tatiana Leibel in response to what had happened at the residence as follows:

*"While she was in the kitchen, Tatiana said she heard a loud "boom" which she described as a gunshot. Tatiana returned to the living room and saw Harry holding the rifle while he was seated on the couch. She said Harry was holding the stock and trigger of the rifle with his right hand. With his left hand, Harry was directing the barrel of the gun toward his torso. Tatiana said she could not remember exactly where he was aiming it. Harry then looked at Tatiana, Tatiana said she covered her eyes with her hands. While her hands were over her eyes, she heard another "boom". Tatiana said when she opened her eyes, the gun had fallen across Harry's lap and it was evident he had shot himself."*

This description of events indicates that Harry Leibel shot himself two times--first into his right side and a second time through his left hand, shoulder and couch. For this to be true the following considerations must be evaluated:

The first shot entered Harry Leibel's right side through his robe when the end of the rifle was a distance of approximately 2 to 6 inches away from the robe. To achieve this stature, Harry Leibel would have had to extend his right arm to its approximate maximum extension while accessing the trigger with his right thumb. While extended, his left arm would have to be elevated along the path of the angle (see figure 13). In this orientation, his left hand cannot be used to stabilize or support the firearm. In addition, because the shot into his side maintains an upward path, Harry would have to be leaning toward his left so as to NOT be obstructed by objects on the side table or the arm of the chair.

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**Shooting Scene Reconstruction Report**Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

- The distance from Harry Leibel's right armpit to his right thumb was measured at autopsy to be approximately 22 inches. Measuring the actual rifle reveals that the distance between the end of the gun and the trigger is approximately 22 inches (see figure 14). However, adding approximately 3 inches (for the distance between the robe and the end of the gun) would require Harry to reach approximately 25 inches away to discharge the rifle. This distance, while not anatomically impossible, is just beyond the normal reach for Harry Leibel to have delivered this shot into himself (see figure 15).

The second shot entered Harry Leibel's left hand when the end of the rifle was approximately 3 inches away from the back of his hand. The same reach considerations of Harry Leibel's right arm must still be maintained (that is the shot must occur at or just beyond Harry Leibel's maximum reach). In addition, this shot must be delivered along the path known to be associated with the shotgun round (approximately 55 degree horizontal and 25 degree downward). Therefore, the top of Harry Leibel's left shoulder must be just at the entry point into the back of the couch identifying that he cannot be sitting "upright" rather he must be slouched down to keep his shoulder low enough for the shot to eclipse his shoulder and continue downward (see figure 16).

- It is important to note that for this shot (as with the first shot) the left hand cannot be used to support or stabilize the end of the firearm. For the two shots to be self-inflicted, Harry Leibel would have to extend his right arm to its maximum, hold and operate the shotgun, change position between the two shots and manually re-cock the firearm after the second shot.
- In addition, the distance between Harry Leibel's left hand and shoulder remains unknown for the second shot. The farther away the left hand is from the shoulder, the more unreasonable the shot becomes as the left hand can remain "in-line" and be far enough away from the shoulder to make the trigger unreachable by his right hand.
- This design of firearm (the Rossi/Taurus Circuit Judge) has a revolving cylinder that can be a source of gunshot residue that ejects sideways out of the gun. If the gun were parallel to Harry Leibel's right arm at the time of either discharge, these cylinder gap residues could be deposited onto his forearm approximately 4 to 5 inches up from his wrist. No such residues were apparent on Harry Leibel's arm.
- When the firearm was recovered, it was identified that the gun had been manually cocked to single action after the second shot. If the first two shots were self-inflicted then Harry Leibel would have to have cocked the gun after already receiving the fatal first shot, and after the second shot.

*Alternative Consideration*

Provided that **only** Harry and Tatiana Leibel were present in the residence at the time of the two shots, the only alternative to Harry Leibel having shot himself was for him to have been shot by Tatiana Leibel. Considering that Harry Leibel was located in the left recliner chair during the entire event

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**Shooting Scene Reconstruction Report**

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

requires the shooter to have been positioned with the end of the gun approximately 2 to 6 inches from Harry's side for the first shot (while his left arm was elevated) and approximately 3 inches away from his left hand, pointing downward and from left to right for the second shot. Figures 17, 18 and 19 show the orientation that fits with these descriptions.

- For both shots to be delivered from a person forward of Harry requires that either the person must move, Harry must move or a combination of both moving at the same time had occurred.
- The downward angle documented for the second shot can be easily achieved by an individual holding the gun from a standing (or generally upright) position.
- The distances required for both shots can easily be achieved by an individual holding the gun from a standing (or generally upright) position in front of Harry Leibel.

**Conclusions**

Harry Leibel was shot twice from close range while he was seated on the left recliner of the upstairs couch.

After the second shot, the rifle was manually cocked which would have allowed a third shot to be delivered in single action (but no third shot was delivered).

The sequence of the two shots can be identified as follows:

- the first shot traveled right to left originating at the right belt loop of his robe when the end of the rifle was approximately 2-6 inches away
- the second shot traveled generally front to back and downward originating when the end of the gun was approximately 3 inches from the back of his left hand

Harry Leibel's left arm must be elevated and in-line with path of the projectile for the first shot and elevated between his left shoulder and the end of the rifle for the second shot.

Harry Leibel's left hand was not used to support or control the end of the rifle for either shot.

Given the length of the rifle and the documented length of his right arm and hand, the trigger would be located just beyond the maximum extension of Harry Leibel's reach for each shot.

For a shooter other than Harry Leibel to deliver the two shots they can achieve the required distances and angles by shooting first when Harry Leibel was positioned reclined and with his left hand supporting his head and then having Harry Leibel rotate to his left while bringing his left hand forward during the second shot.


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Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

The physical evidence (including the length of the rifle, the length of Harry Leibel's right arm, the distance of each shot, the angle of each shot, the orientation required for each shot and the re-cocking of the hammer after the second shot) best supports that Harry Leibel did not shoot himself during this event.



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Matthew Noedel, Forensic Scientist

January 15, 2015

Date

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

452 Kent Way: Upstairs Living Area

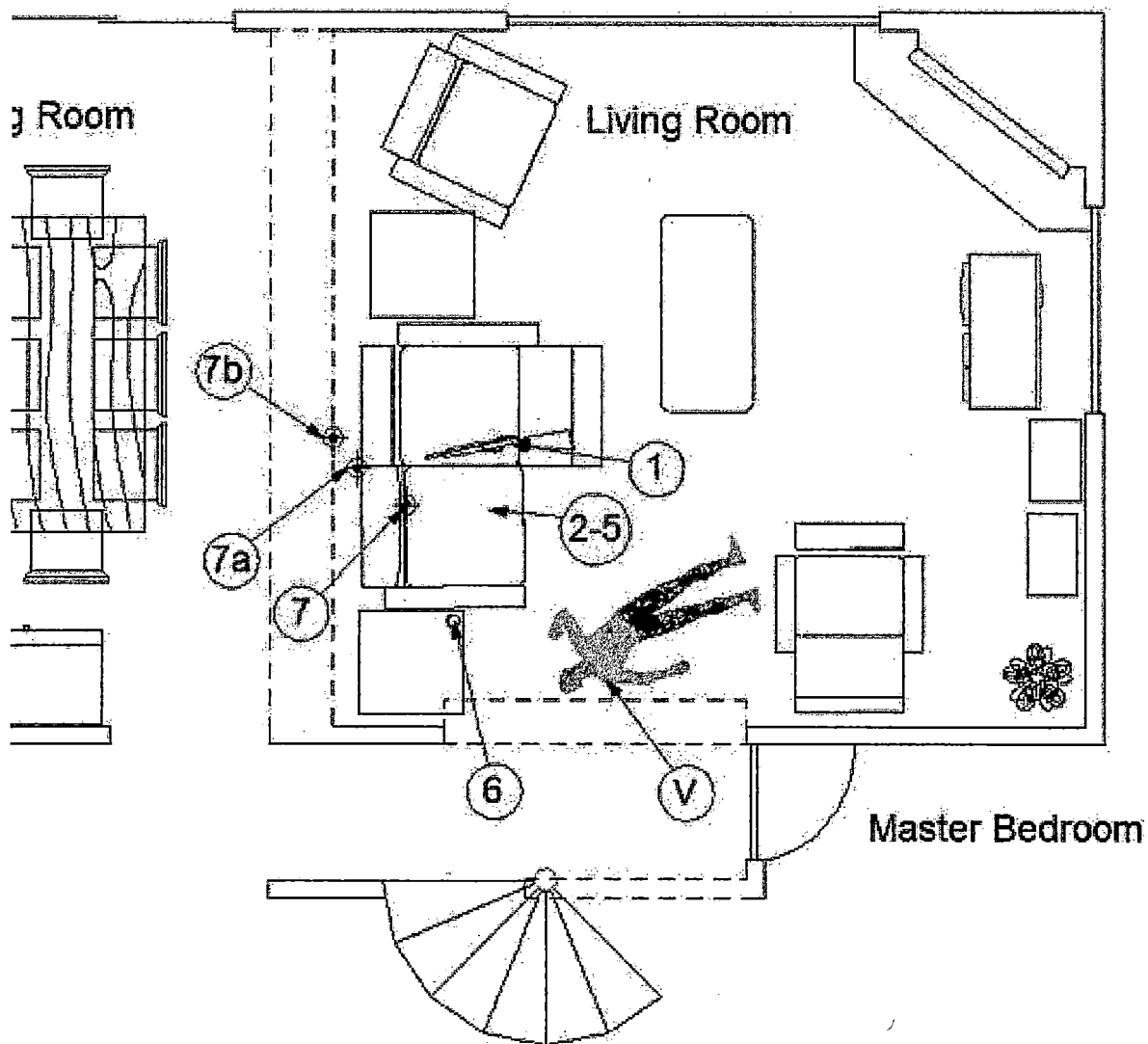


Figure 1: Sketch of the living room area as documented by initial scene responders.

**Shooting Scene Reconstruction Report**

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

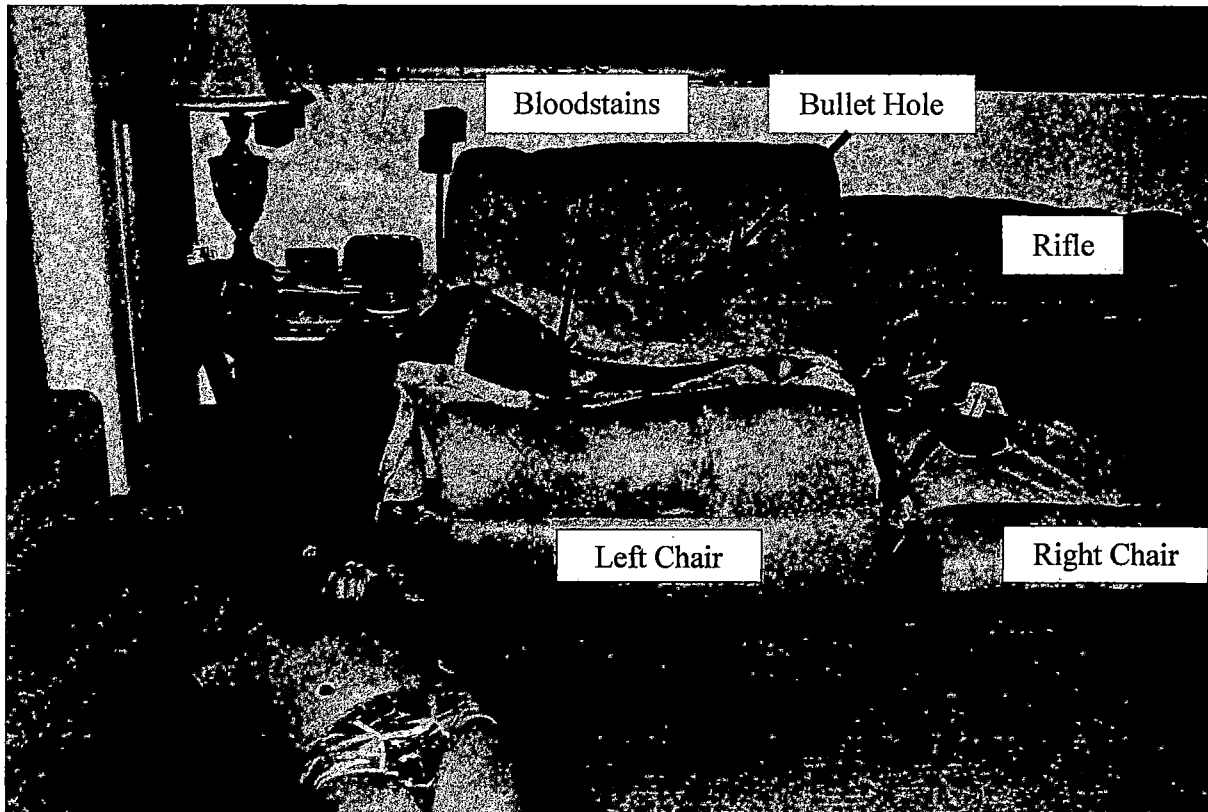


Figure 2: Scene photograph depicting the appearance of the scene upon initial investigation. Note the location of the rifle, blood on the blanket, a hole through the seat back and objects on the side table.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

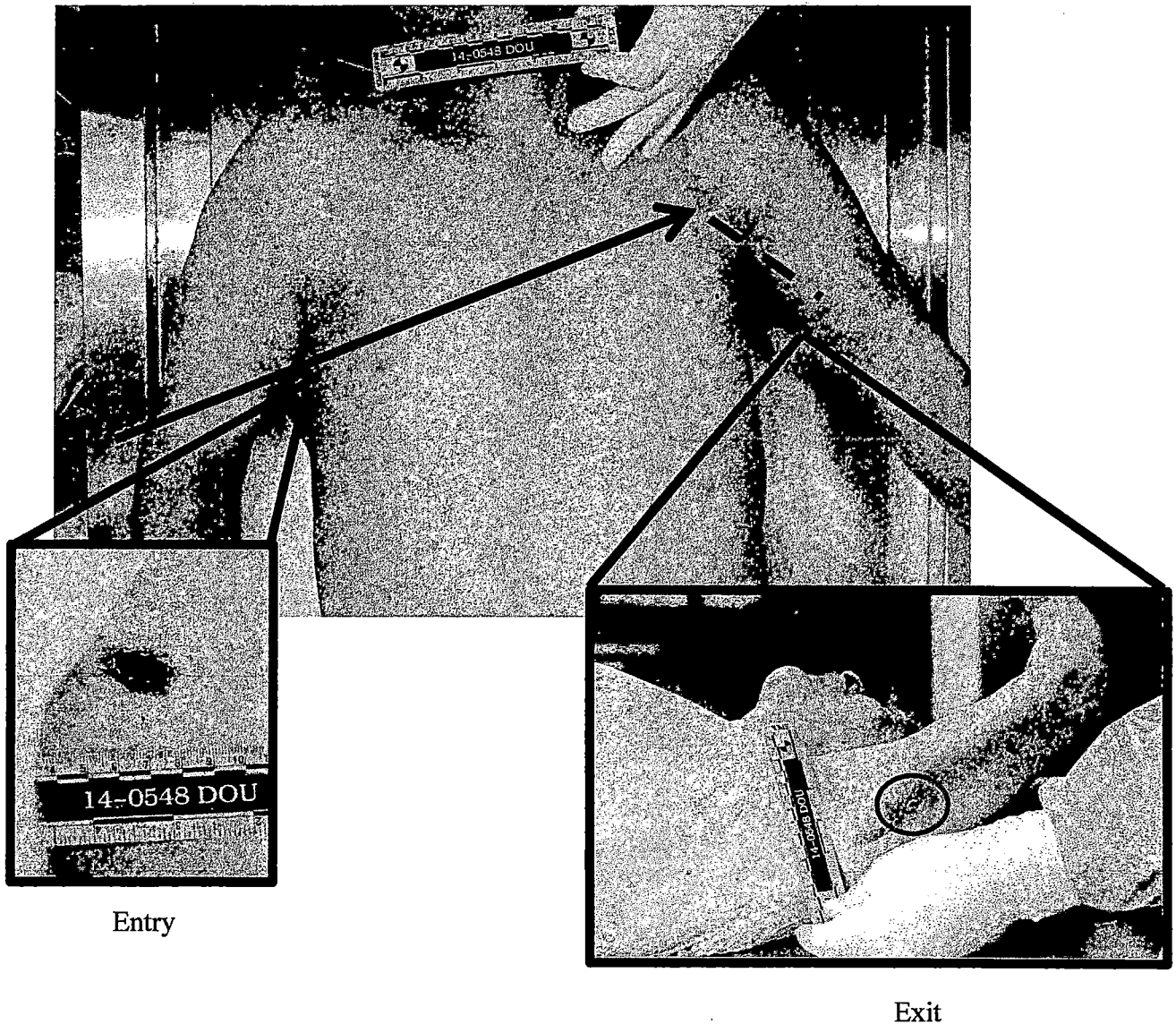


Figure 3: First gunshot wound path entered at the right side (right arm was not struck) and traversed upward through the body and into the left arm. A small exit of a fragment occurred out the upper left arm.



Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

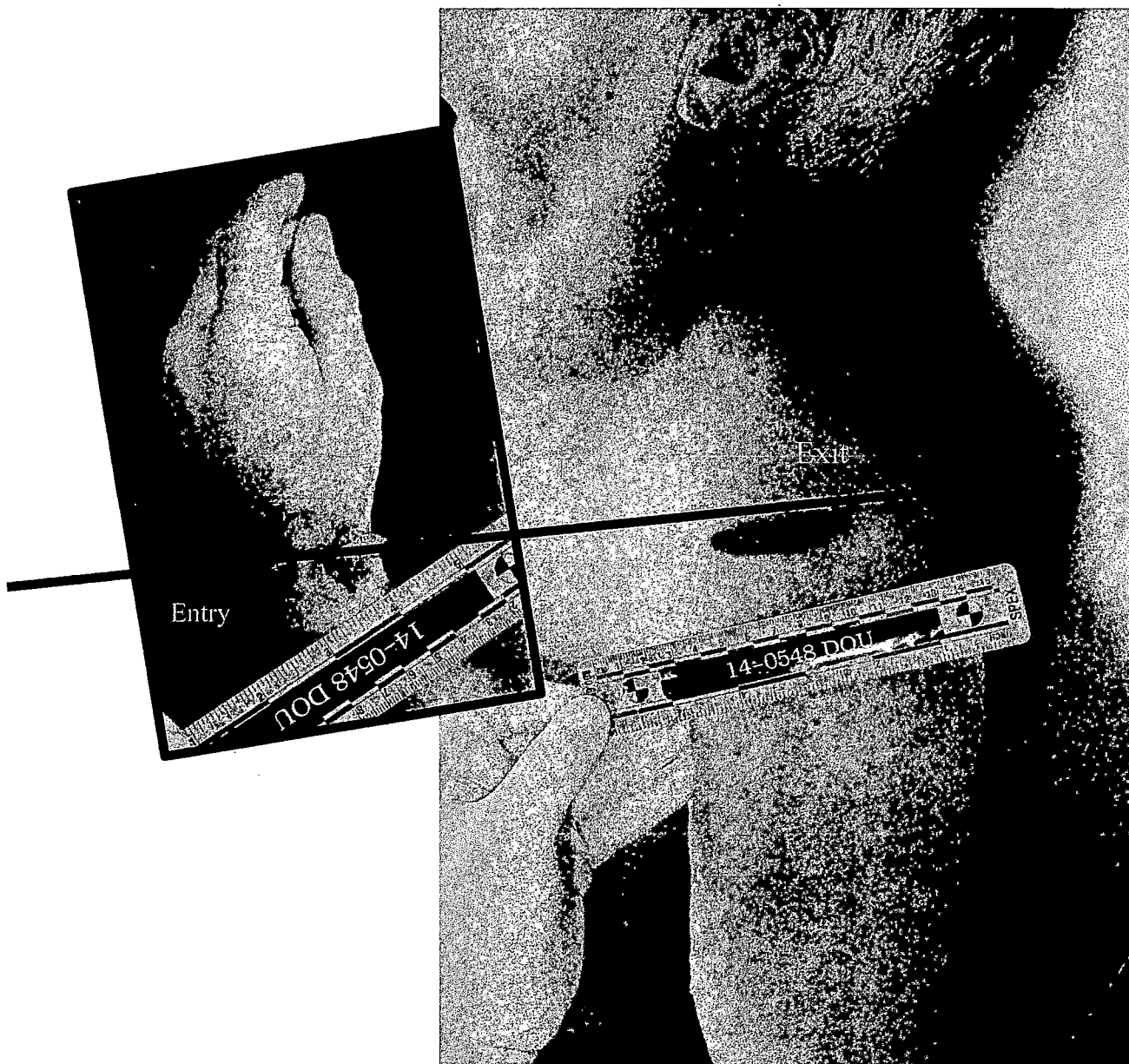


Figure 4: Second gunshot wound from a 4 pellet shotgun load—through the left hand, eclipsing the left shoulder and continuing into the couch behind Harry Leibel.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015



Figure 5: Close up image of the left hand showing the heavy soot and portion of plastic wad. The plastic wad identifies this shot as having been from the shotgun load.

**Shooting Scene Reconstruction Report**Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

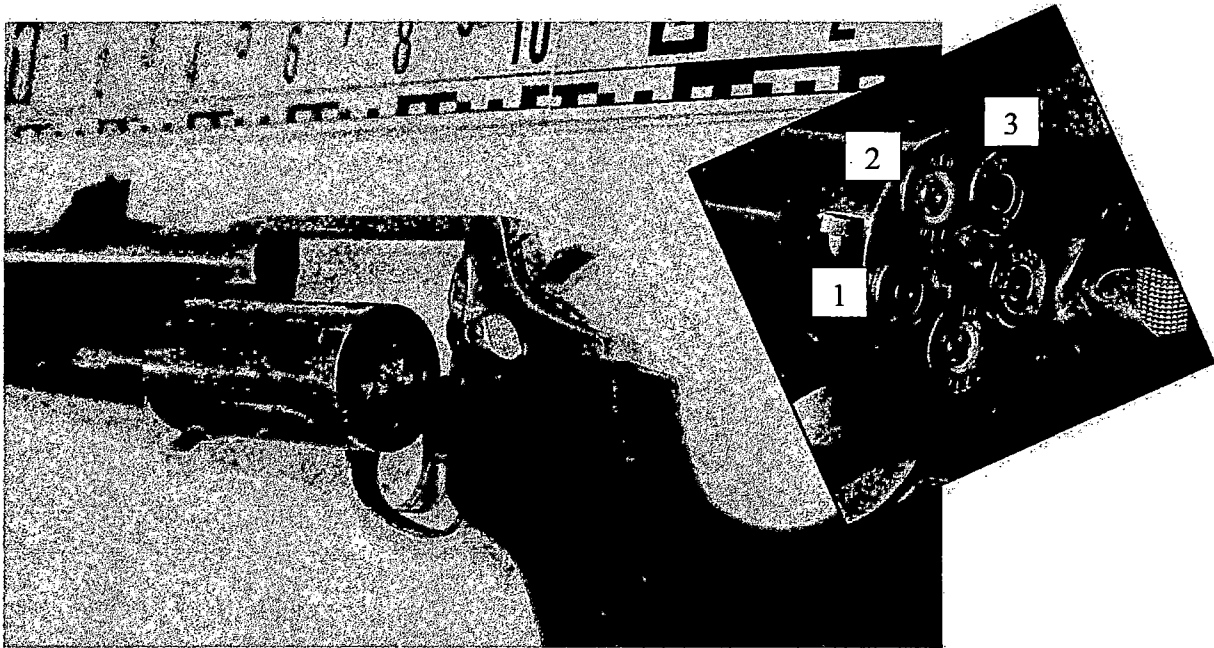


Figure 6: Image of revolving Rossi/Taurus rifle with the inset demonstrating the appearance of the cylinder while unloading at the scene. This firearm cylinder revolves counterclockwise which identified the sequence of the shots:

1. First shot—"Extreme Shock" 45 Colt
2. Second shot—"410 shotshell; 4 pellet of 000 Buck
3. Next round (not fired) —"Extreme Shock" 45 Colt

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015



Figure 7: Diagram depicting the approximate path of the first shot into Harry Leibel. This shot entered his right side and travelled upward through his body into his left arm.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

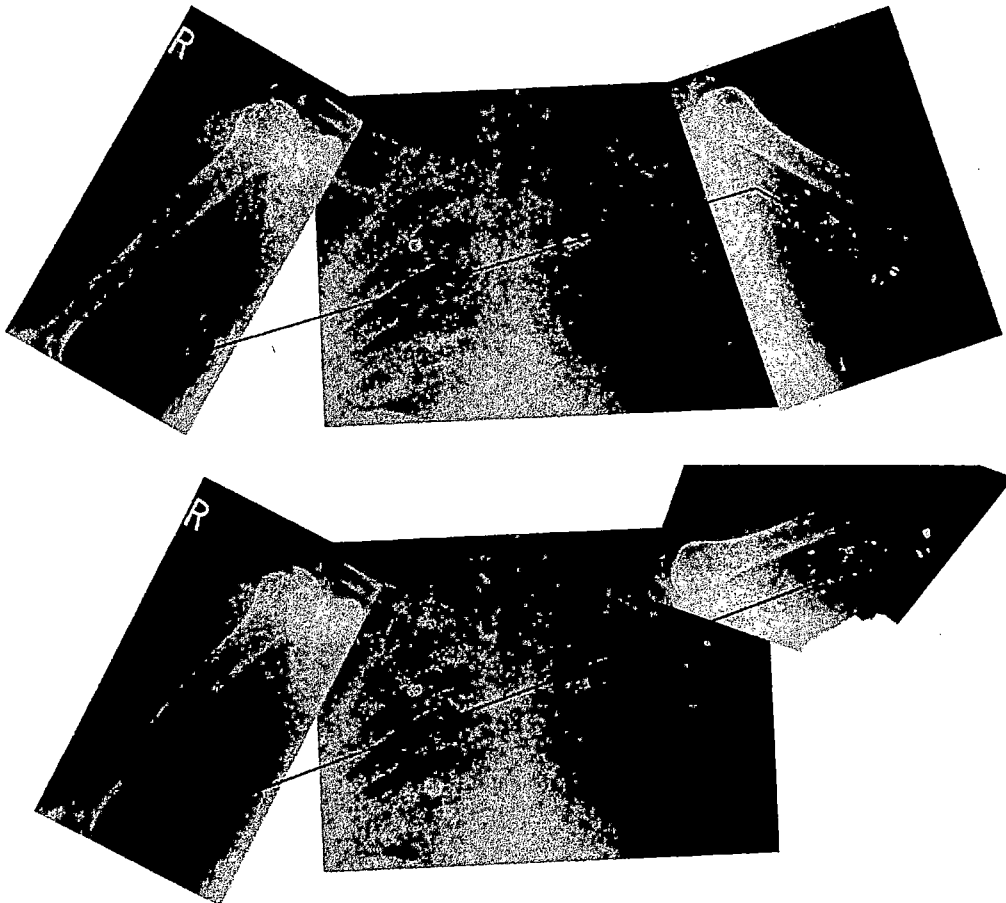


Figure 8: Three x-rays aligned in approximate anatomical positions. The upper series shows the left arm down; the lower series shows the left arm up. Because the projectile fragments are not expected to make a 90 degree turn while in the body, the lower image (arm up) best fits with the position of Harry Leibel's arm at the time of the first shot.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015



Figure 9: Diagram depicting the approximate path of the second shot into Harry Leibel. This shot entered the back of his left hand, exited and continued to eclipse the top of his left shoulder. The pellets continued through the couch and into the wall behind the couch.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

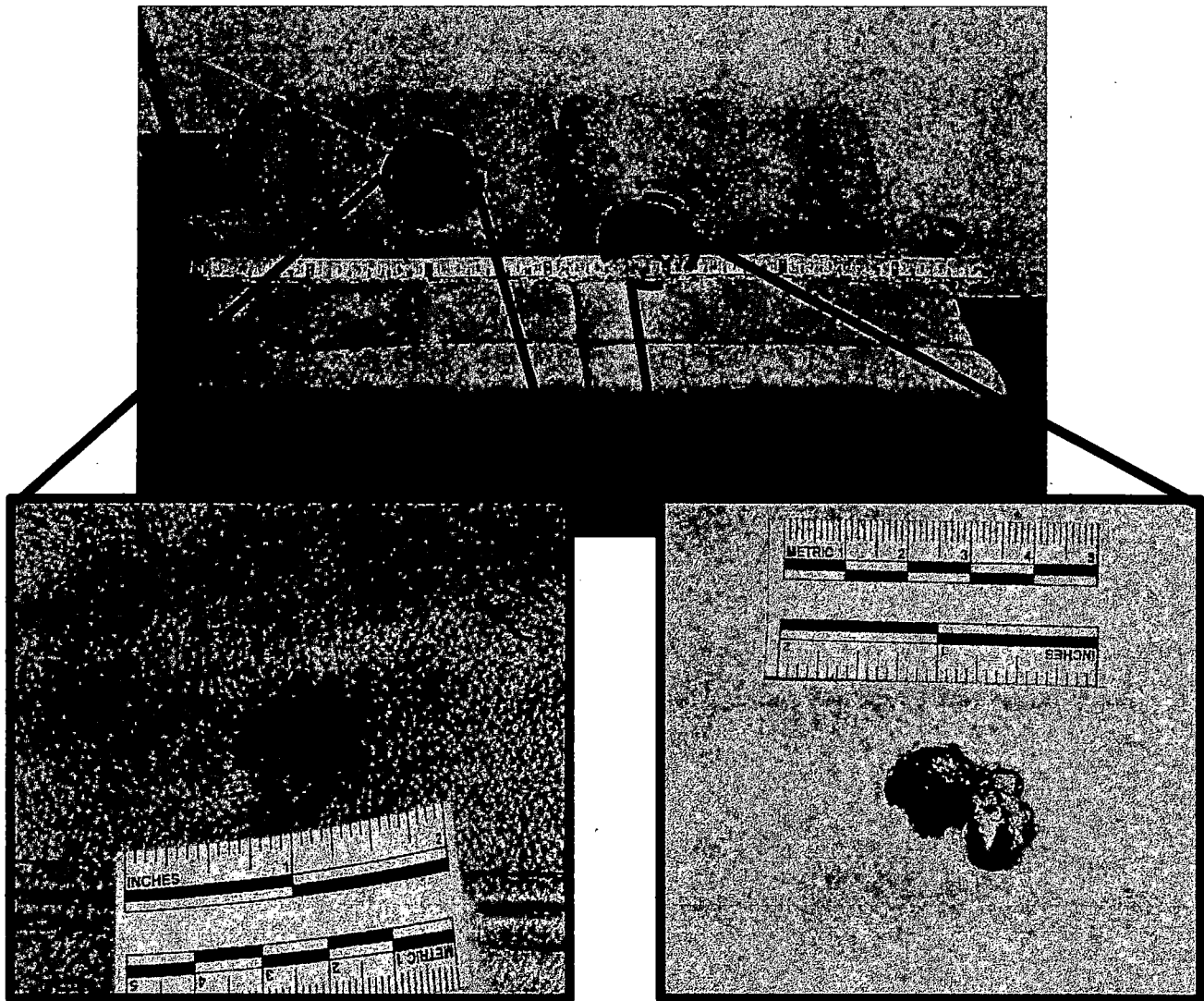


Figure 10: The couch and associated defects. Note the fibers from the robe and shirt displaced around the entry hole in the seat back of the couch. The image on the right shows the entry into the wall behind the couch by the four pellets from this shot.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

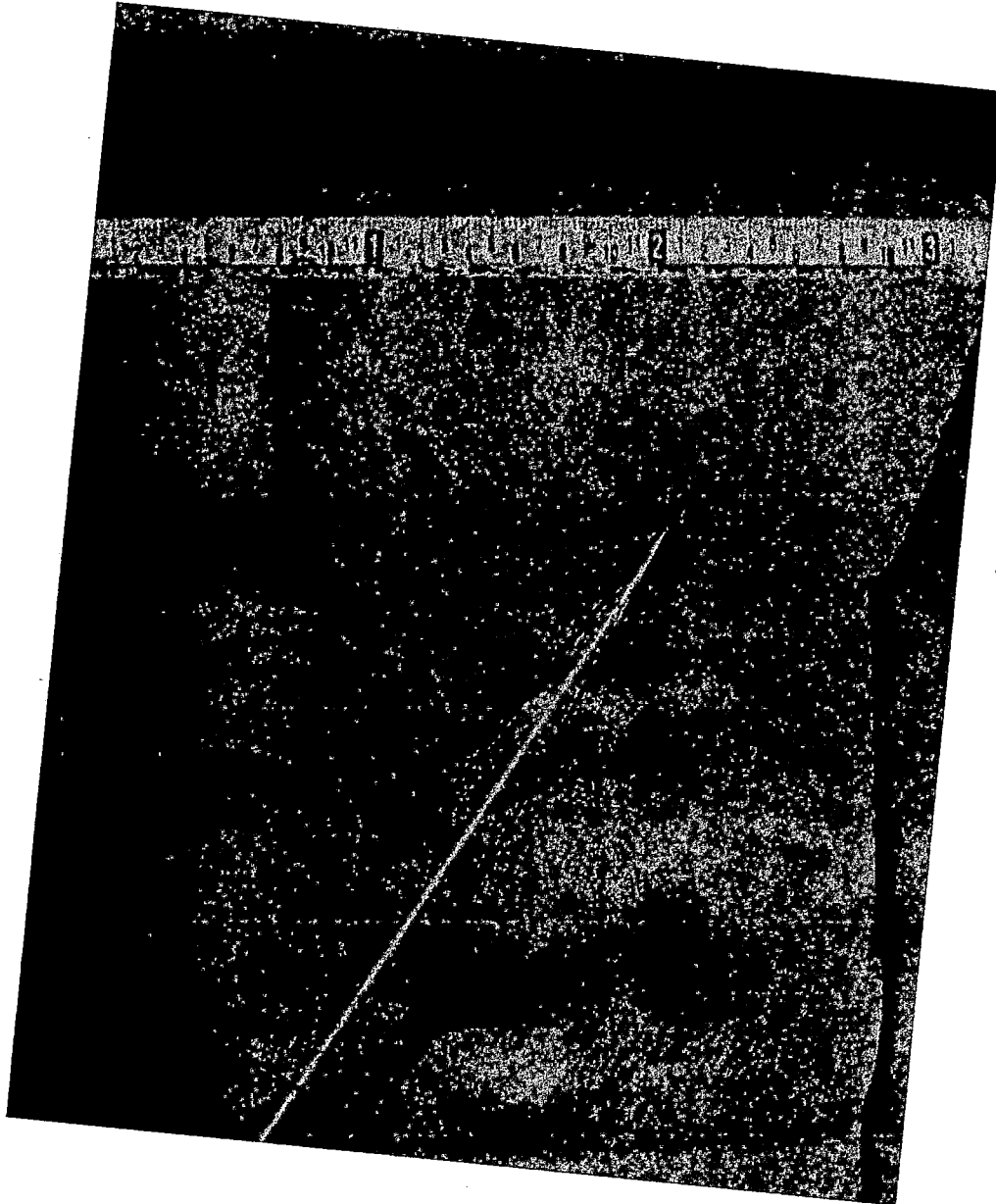


Figure 11: Top down view of the left recliner with a yellow rod inserted depicting the horizontal (left/right) path the shotgun pellets achieved during the second shot. Harry Leibel must have his left hand and shoulder along this line at the time of the second shot. (Note the blue overlay depicts a +/- 5 degree range to incorporate measurement error).



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**Shooting Scene Reconstruction Report**Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

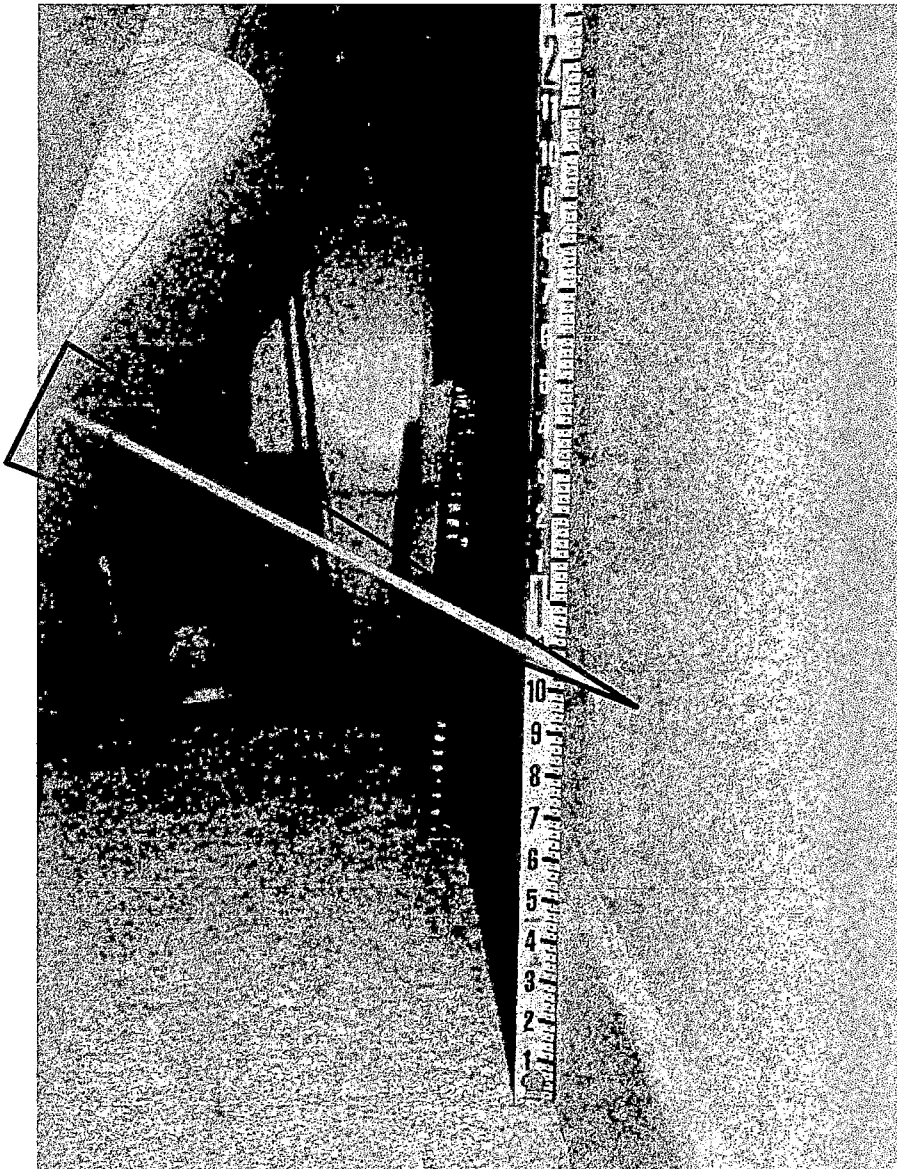


Figure 12: Side view of the exit from the left recliner continuing into the wall. The yellow rod demonstrates the vertical angle (up/down) that the shotgun pellets achieved during the second shot. (Note the blue overlay depicts a +/- 5 degree range to incorporate measurement error).

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

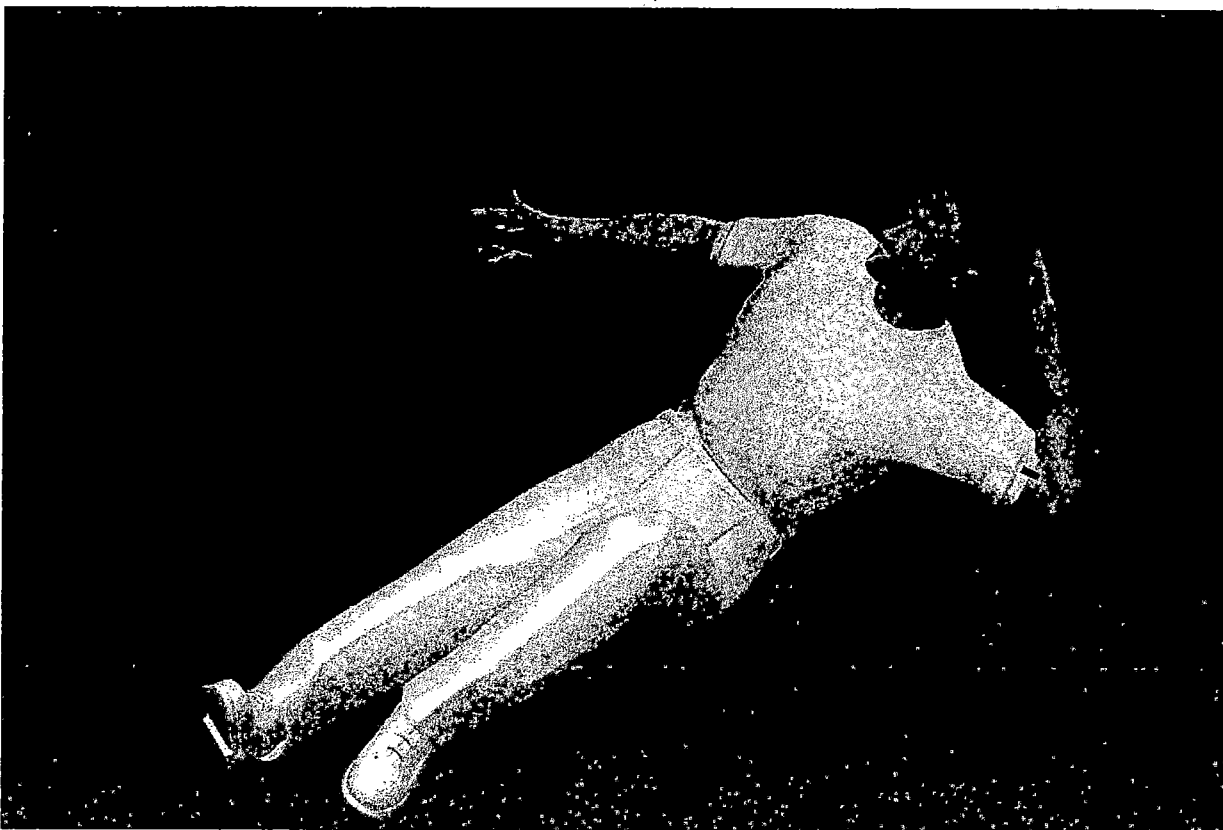


Figure 13: Diagram representing the approximate orientation Harry Leibel would have to achieve to self-inflict the first shot (not to scale) assuming he can reach the trigger.

**Shooting Scene Reconstruction Report**Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

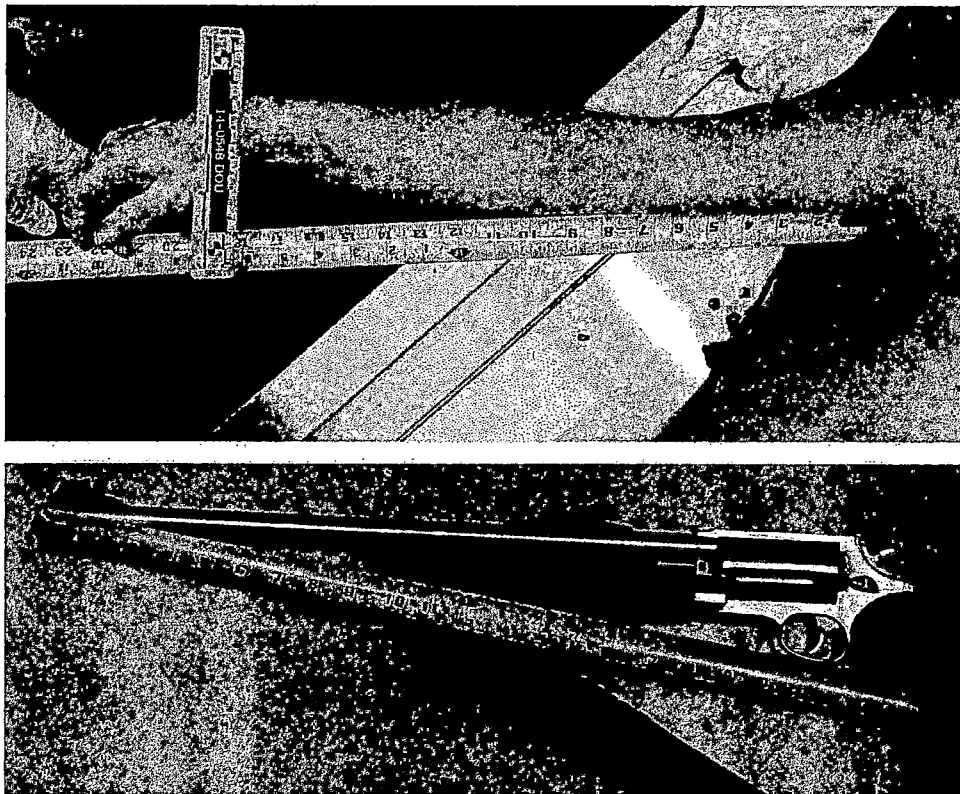


Figure 14: The upper two images were taken at two different times. First, the length of Harry Leibel's rifle was measured during his autopsy and photographed. Later, the image of the Rossi/Taurus rifle was taken at the forensic laboratory and photographed with a scale.

These two images were scaled together (so the tape measure distance match each other) and the rifle was positioned with a 3 inch offset (as determined by the laboratory distance testing) to the entry wound to create Figure 15.

## Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

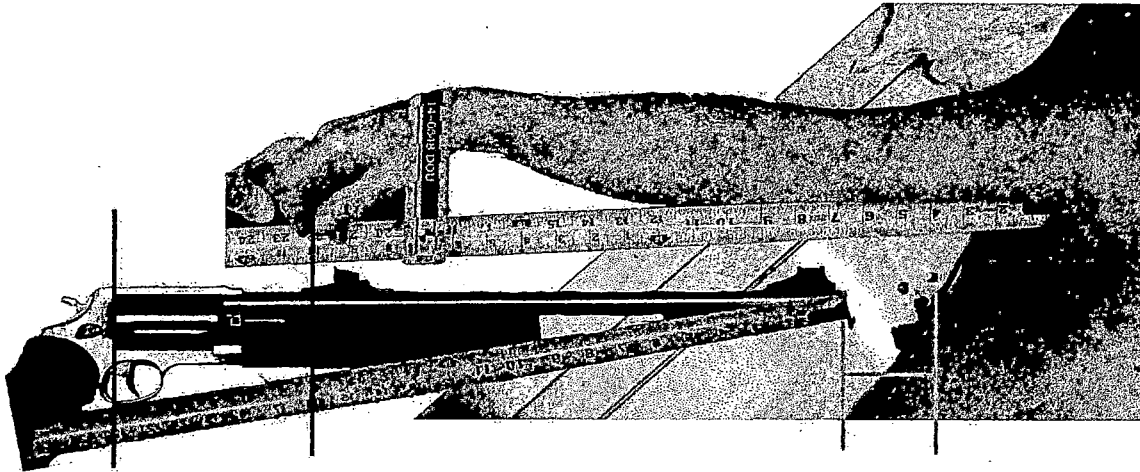


Figure 15: The scaled and repositioned images of the rifle and arm length of Harry Leibel. The green zone represents approximately 3 inch of off-set and the red zone represents the approximate distance beyond the reach of Harry Leibel to self-inflict the gunshot wound to his side.

Because these are “static” images it cannot be conclusively eliminated that Harry Leibel could not stretch, twist or contort his body to reach the trigger of the rifle; however, such contortions would be difficult to obtain while keeping the gun muzzle 3 inches away from the entry side of the robe and his left arm elevated.

(Note: The left arm must be elevated at the time this shot was delivered so the left hand cannot be used to support the firearm during this shot).

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

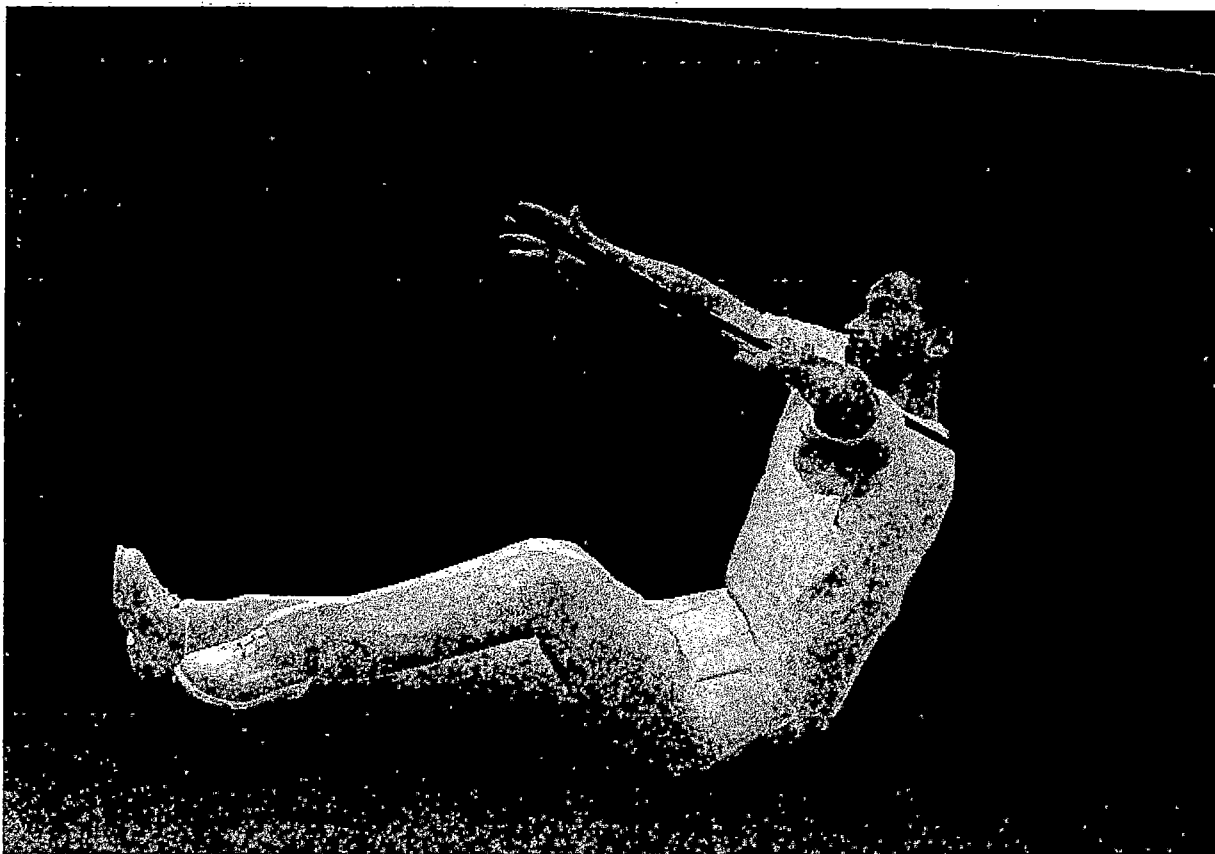


Figure 16: Diagram representing the approximate orientation Harry Leibel would have to achieve to self-inflict the second shot (not to scale) assuming he can reach the trigger. (Note- the farther his left hand is moved away from his body, the more unlikely a self-inflicted shot becomes because of the limits of his reach with his right arm).

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015

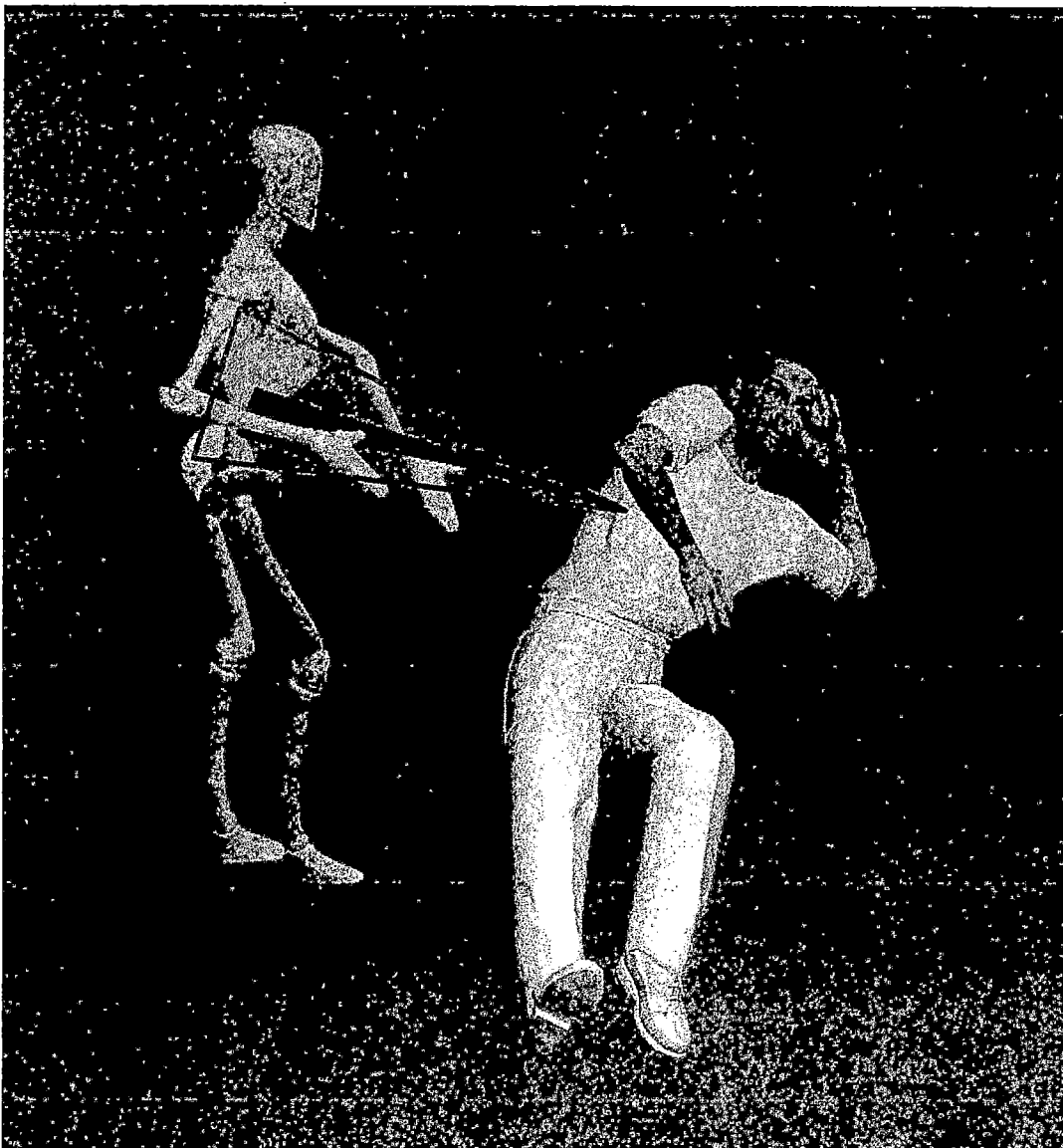


Figure 17: Diagram representing the approximate orientation of a shooter delivering the first shot to Harry Leibel (not to scale). Note-The triangular region represents the areas the rifle can be held and still maintain the appropriate angles.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015



Figure 18: Diagram representing the approximate orientation of a shooter delivering the second shot to Harry Leibel (not to scale). Note-The triangular region represents the areas the rifle can be held and still maintain the appropriate angles.

Shooting Scene Reconstruction Report

Douglas County Sheriff #14-SO-05132  
State of NV v Tatiana Leibel

January 15, 2015



Figure 19: A replica rifle was positioned along the required angle to deliver the second shot. Harry Leibel would have to be between the rifle and the hole in the couch back with the back of his left hand elevated between the rifle and his left shoulder. Note-The triangular region represents the areas the rifle can be held and still maintain the appropriate angles.



## EXHIBIT 4

054

L0644-14-1

WASHOE COUNTY SHERIFF'S OFFICE  
MICHAEL HALEY, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512  
PHONE (775) 328-2800  
FAX (775) 328-2831



FORENSIC REPORT

LABORATORY NUMBER: L0644-14-1  
AGENCY: DOUGLAS CO. S.O.  
AGENCY CASE #: 14SO05132  
SUSPECT: LEIBEL, TATIANA  
VICTIM: LEIBEL, HARRY  
PERSON REQUESTING: INV. ED GARREN  
DATE OF SUBMISSION: 3/13/2014  
OFFENSE: HOMICIDE

SCENE:  
LOCATION OF SCENE: 452 Kent Way  
DATE: 02/23/14  
TIME NOTIFIED: 14:45 HOURS  
TIME BEGAN: 17:03 HOURS  
TIME COMPLETED: 20:32 HOURS

CASE SUMMARY:

On February 23, 2014, at approximately 1703 hours, Investigator M. Margritier and I arrived at the above location, where we met with Douglas County Captain Milby in relation to a Death Investigation. Captain Milby requested assistance with a crime scene diagram and photographic documentation for trajectory analysis.

Measurements were obtained and the corresponding two (2) page computer aided diagram is attached to this report. Photographs and measurements were obtained for future trajectory analysis.

Joeey Lear 3319  
JOEY LEAR  
FORENSIC INVESTIGATOR  
FORENSIC INVESTIGATION SECTION

3-28-14  
Date

Marci Margritier #0013  
MARCI MARGRITIER  
FORENSIC INVESTIGATOR  
FORENSIC INVESTIGATION SECTION

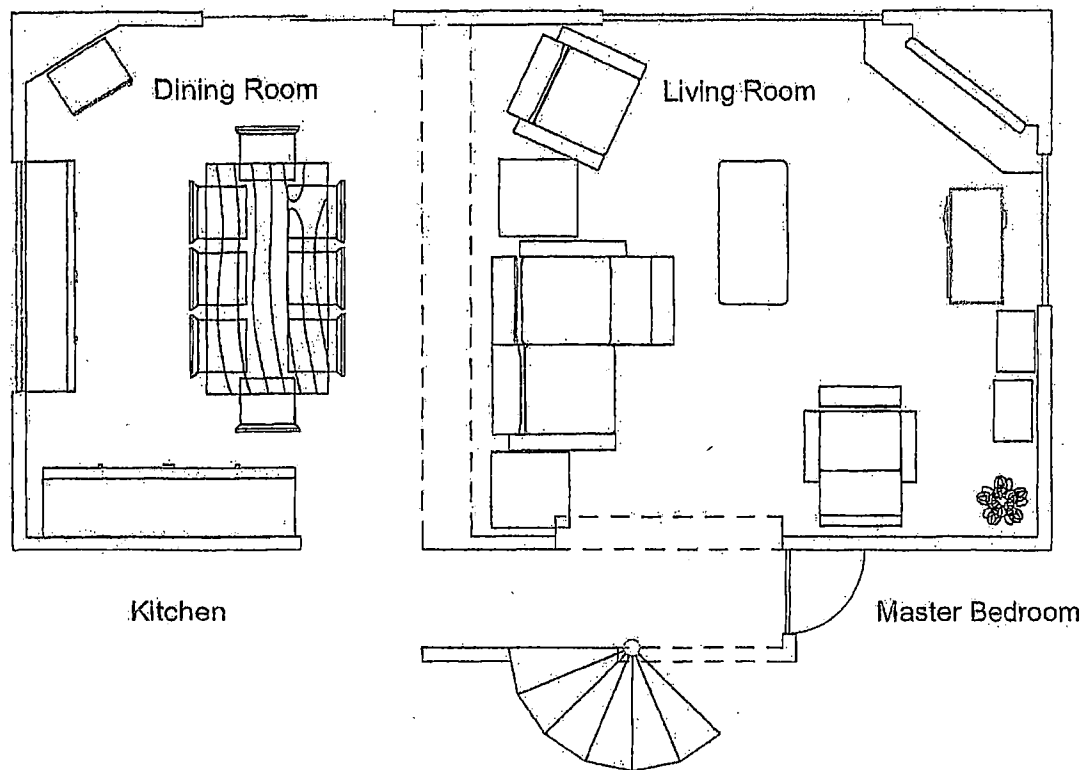
03-28-14  
Date

L0644-14-1

Page 1 of 3

055

452 Kent Way: Upstairs Living Area



February 23, 2014  
Douglas County 14SO05132  
By J. Lear #3319  
Approximate North

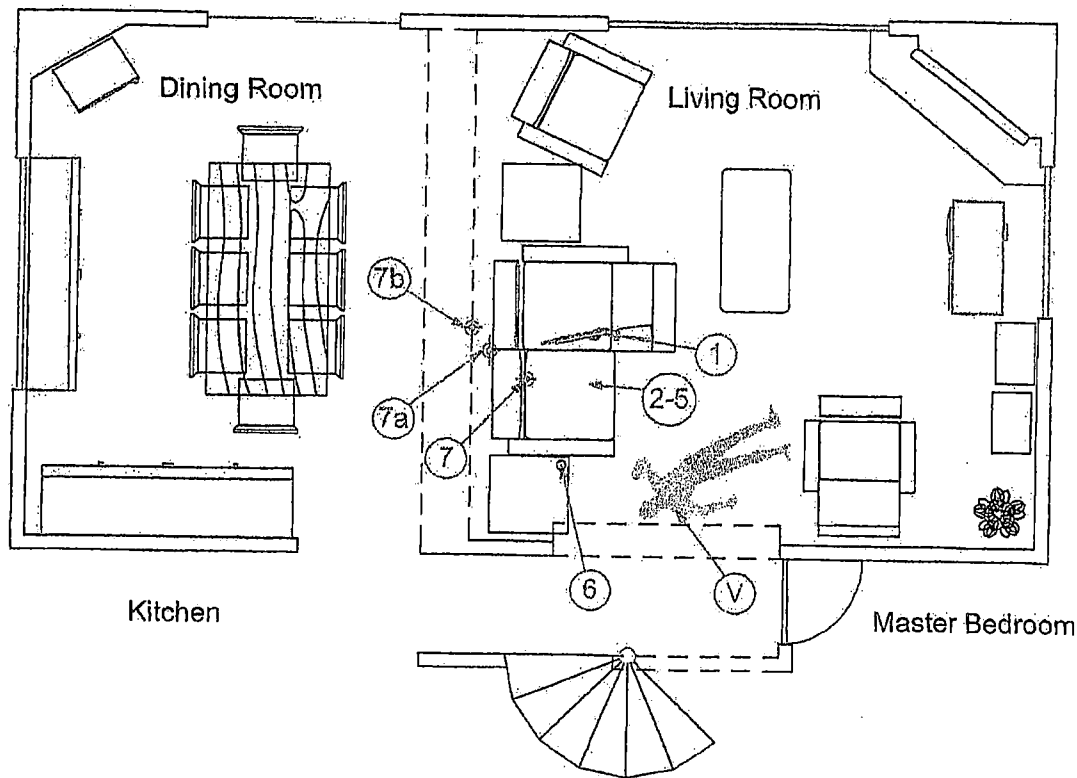


Not to Scale

0 2 ft

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452 Kent Way: Upstairs Living Area



February 23, 2014  
Douglas County 14SO05132  
By J. Lear #3319:  
Approximate North



Not to Scale

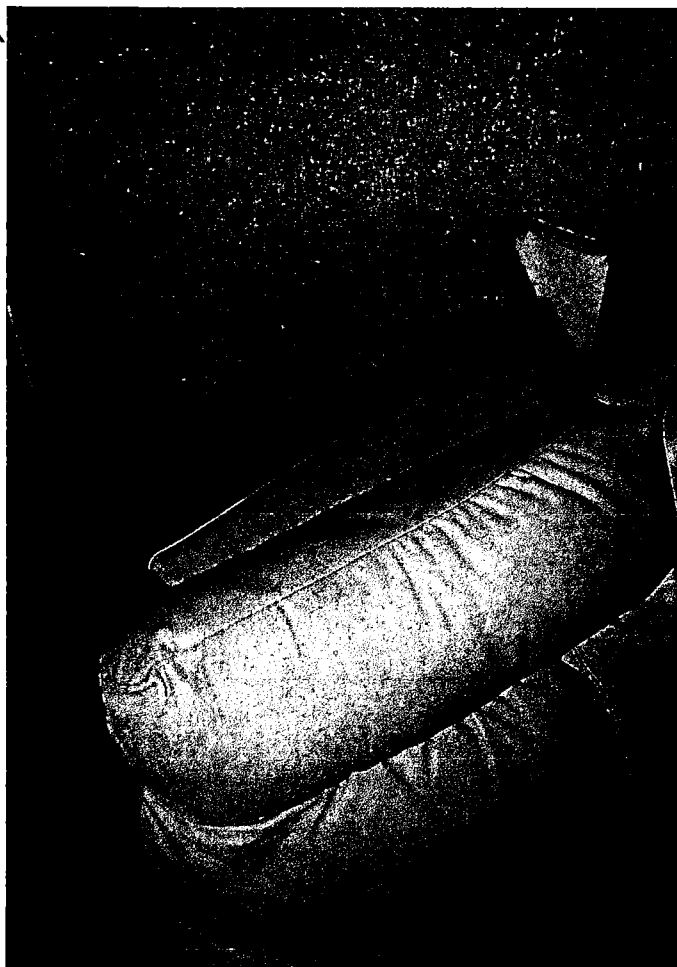
0 2 ft

- Douglas County Evidence Placards
- 1. Gun: Circuit Judge S/N ES5416
  - 2 - 4. Blankets/Pillow collected from top of loveseat
  - 5. Cell phone collected from top of loveseat
  - 6. Glass on coffee table
  - 7. Defect (referred to for Diagram purposes as 7, 7a and 7b)
  - V. Victim Harry Leibel

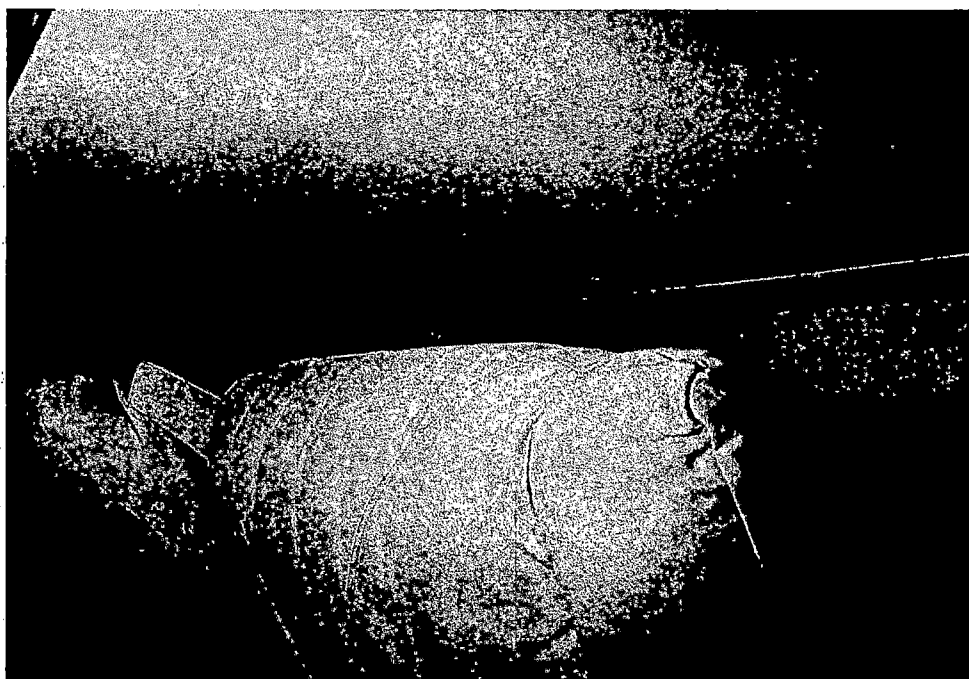
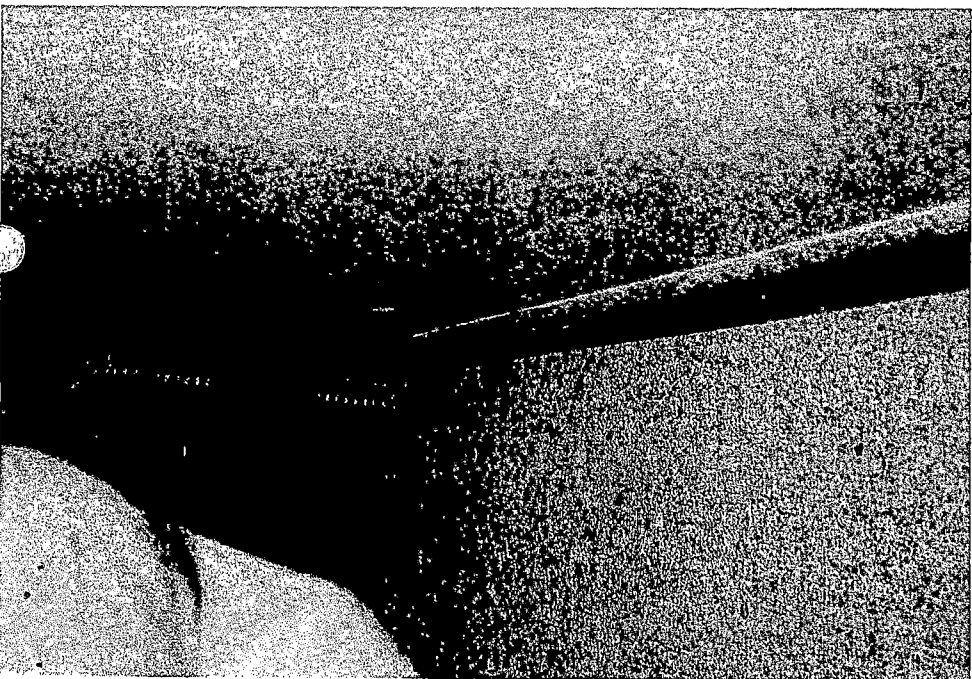
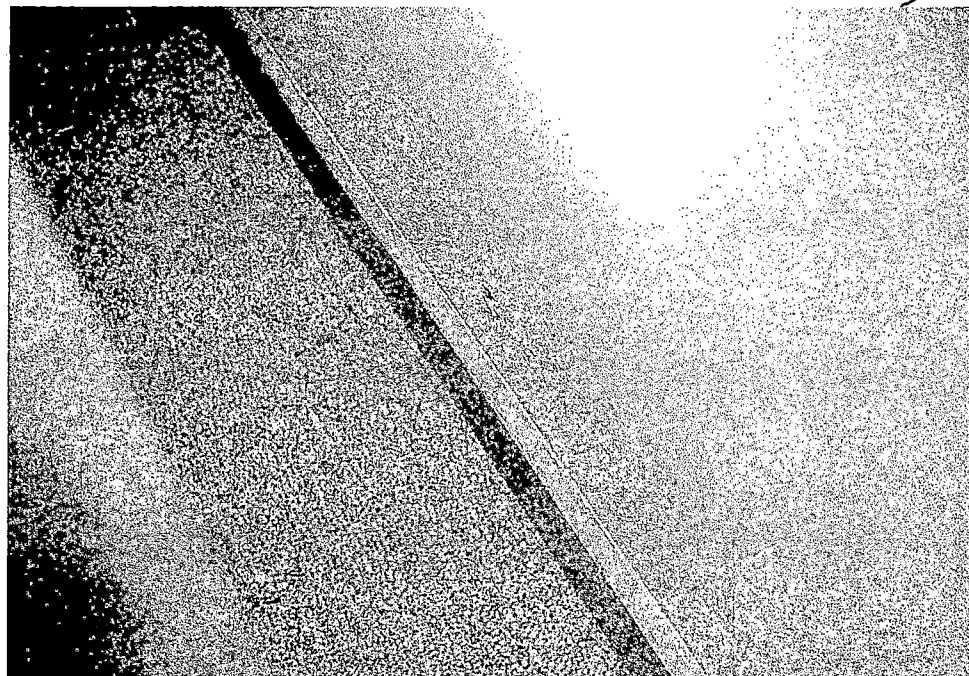
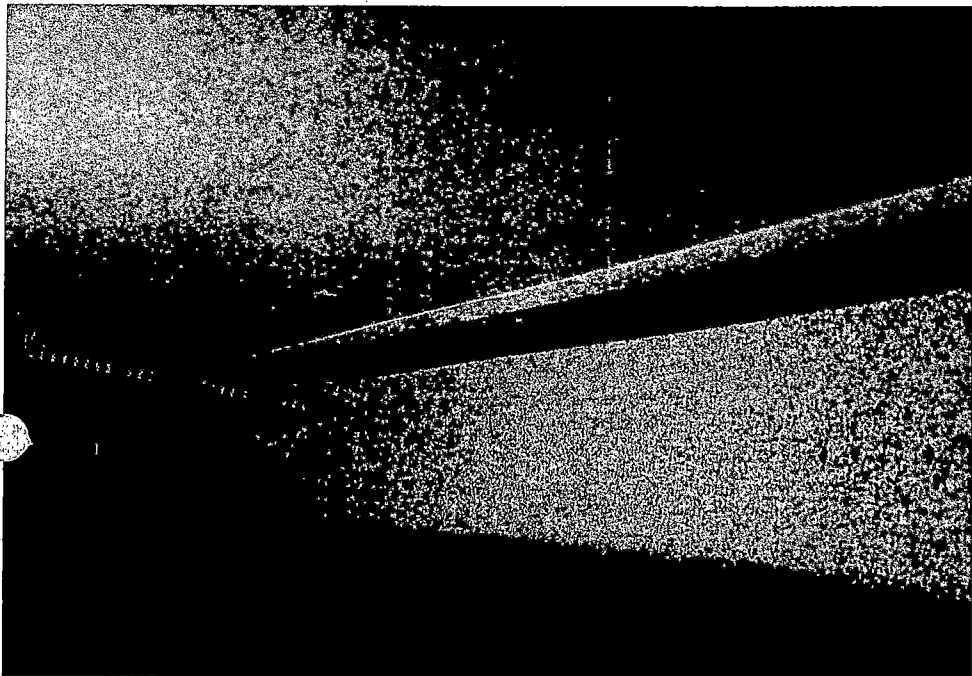
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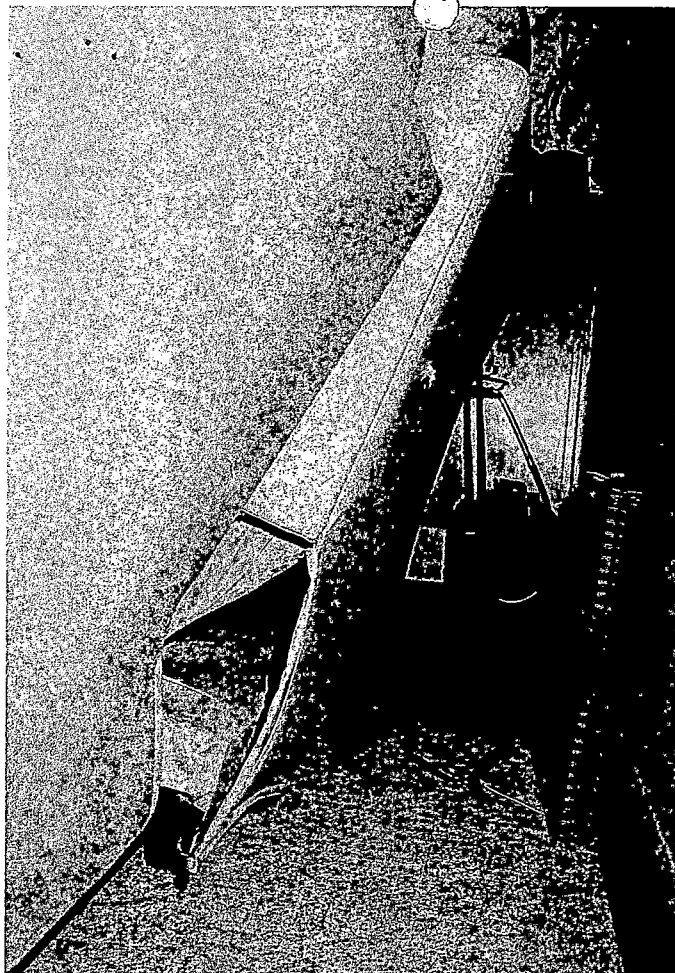
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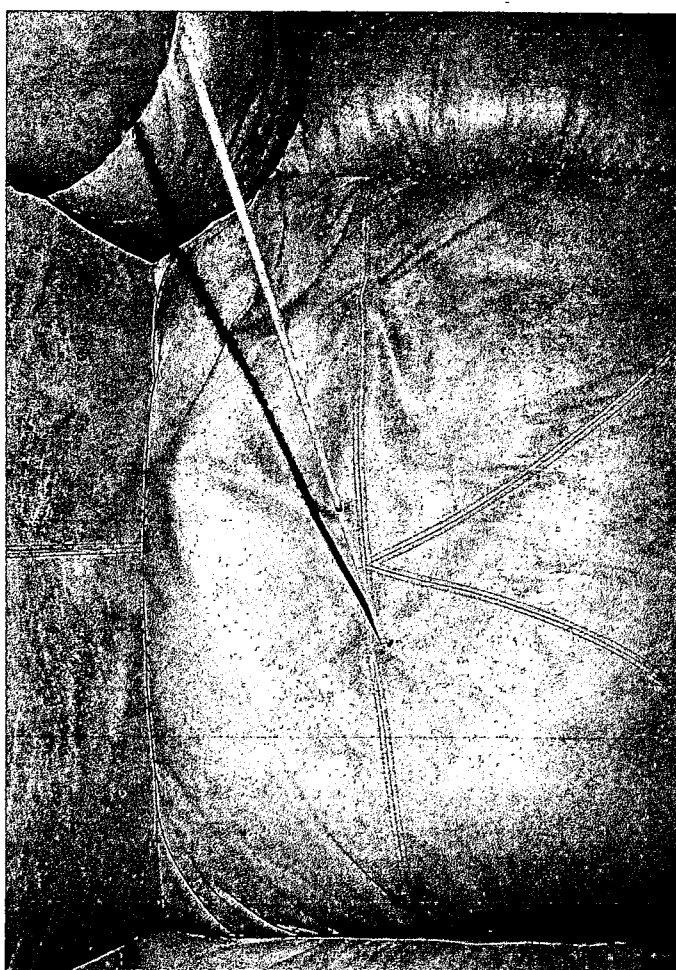
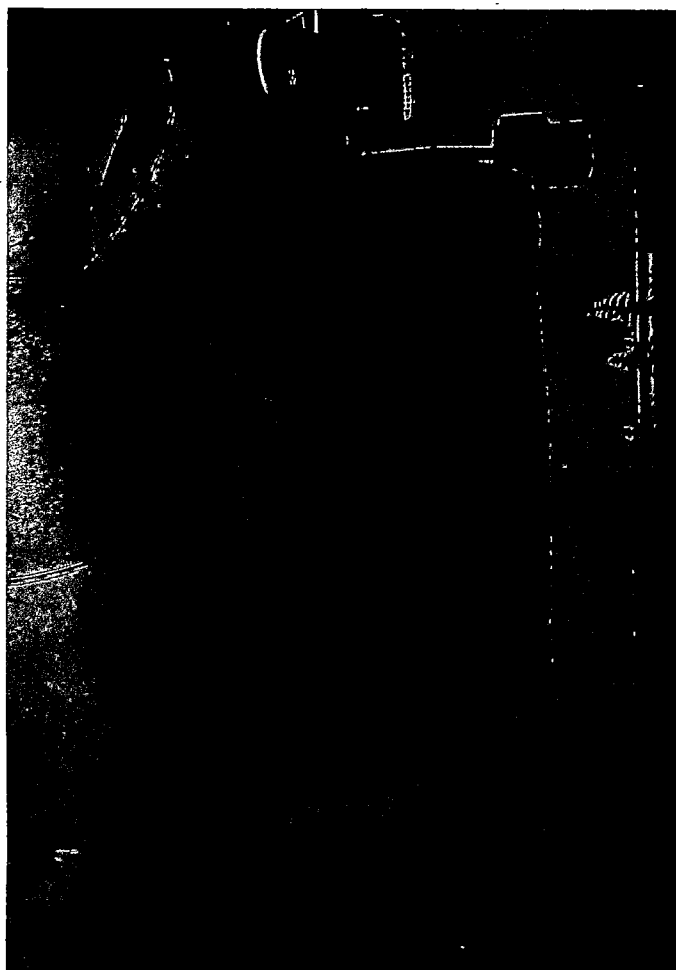
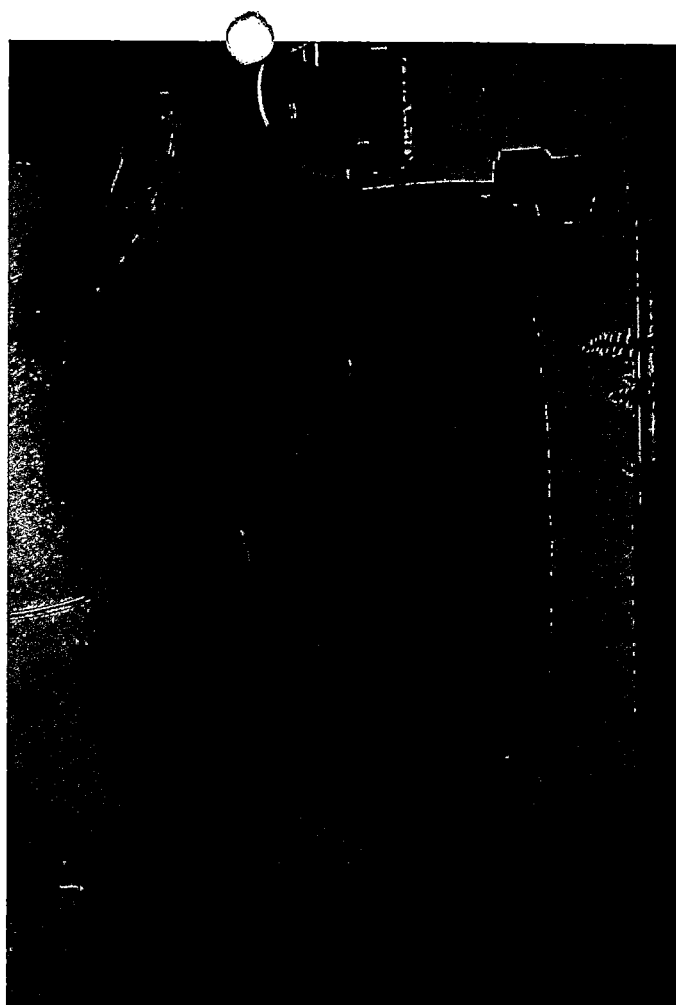
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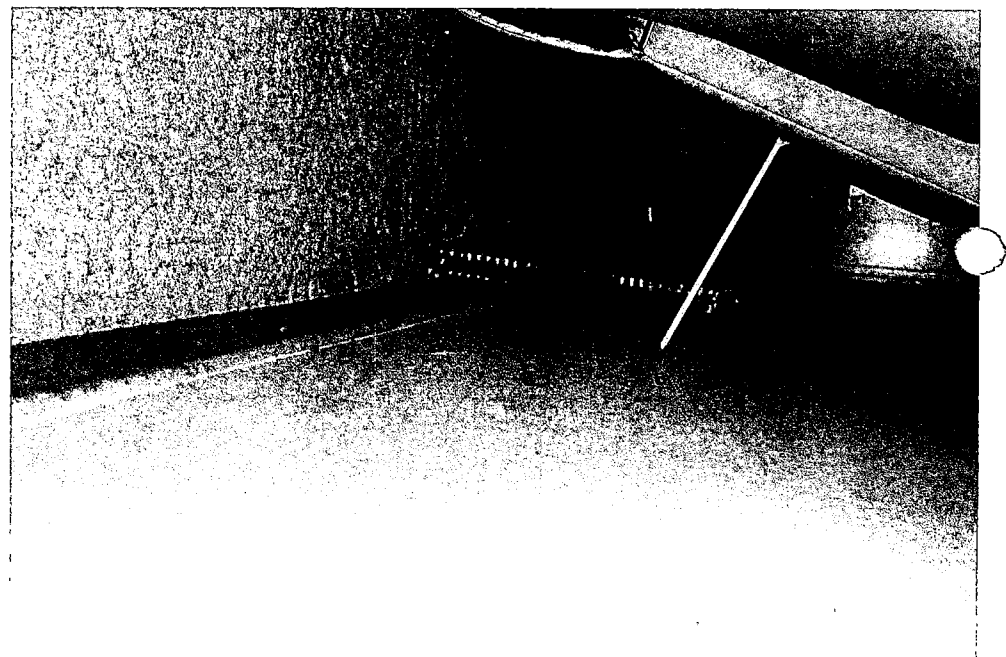
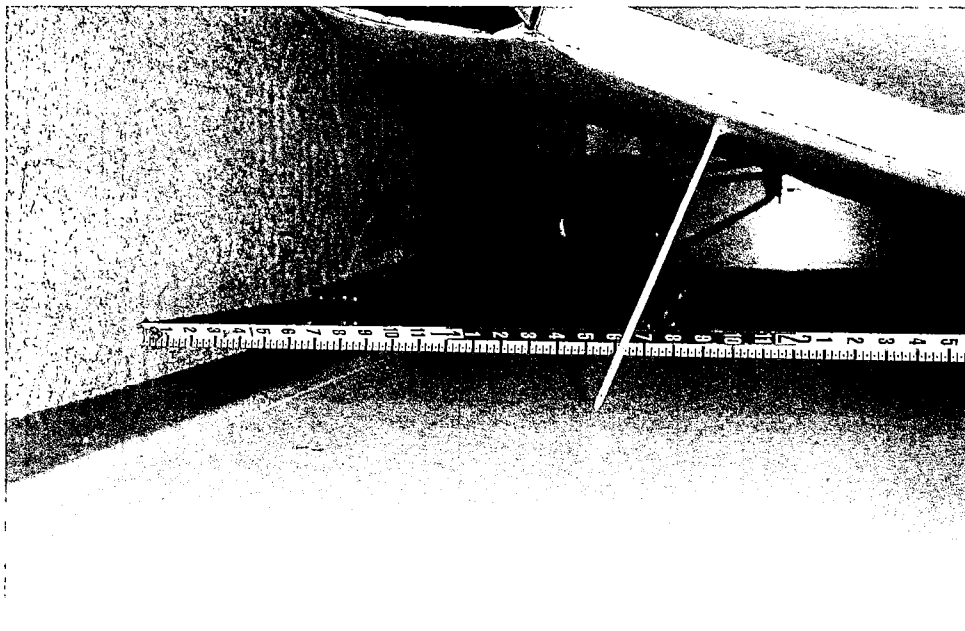
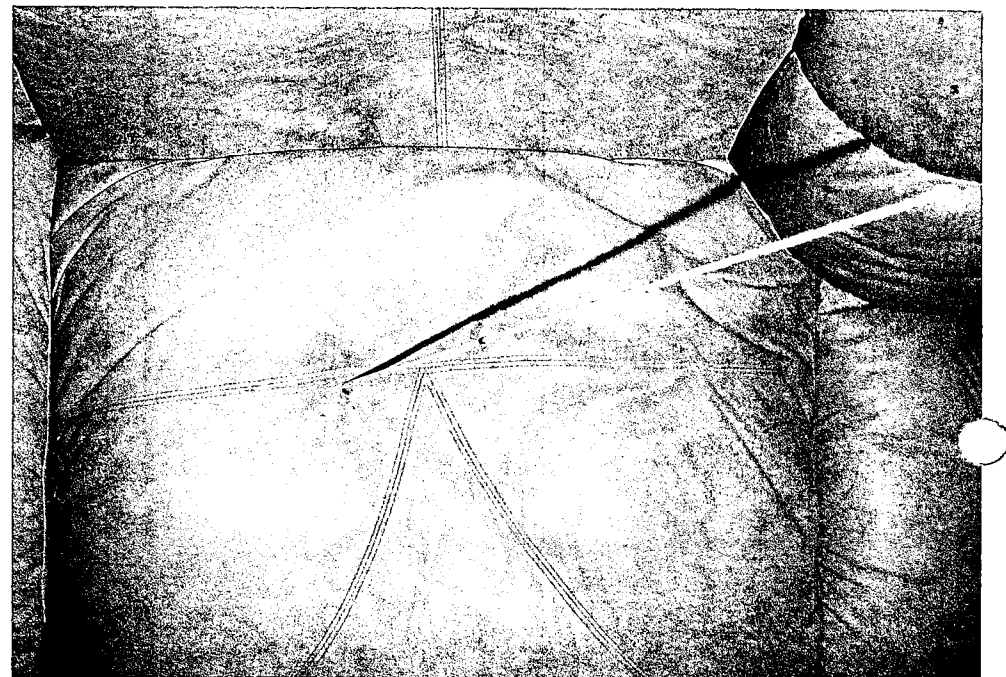
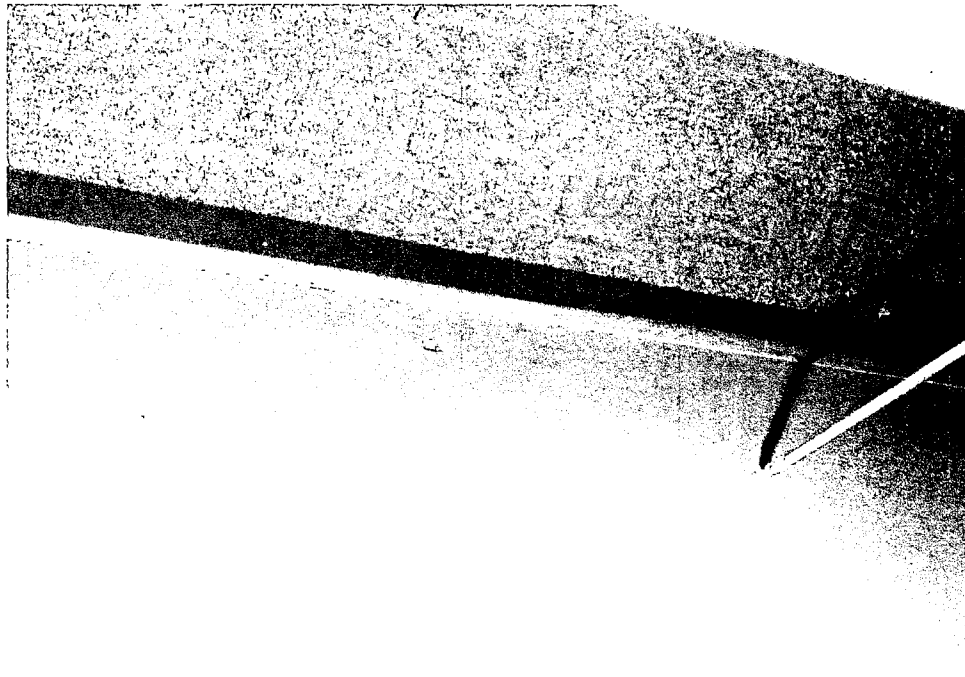


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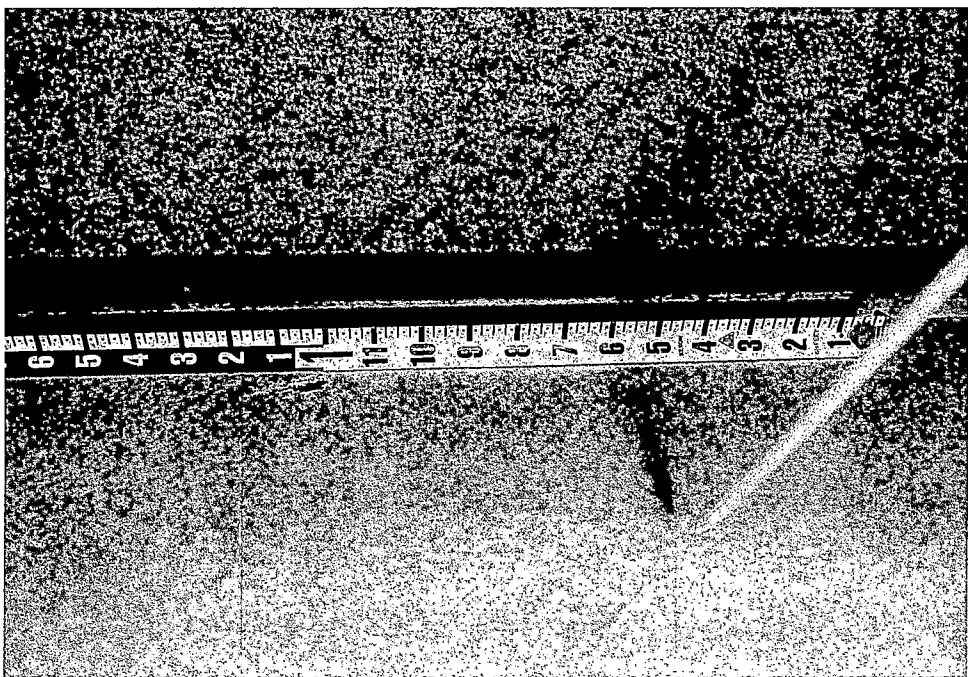
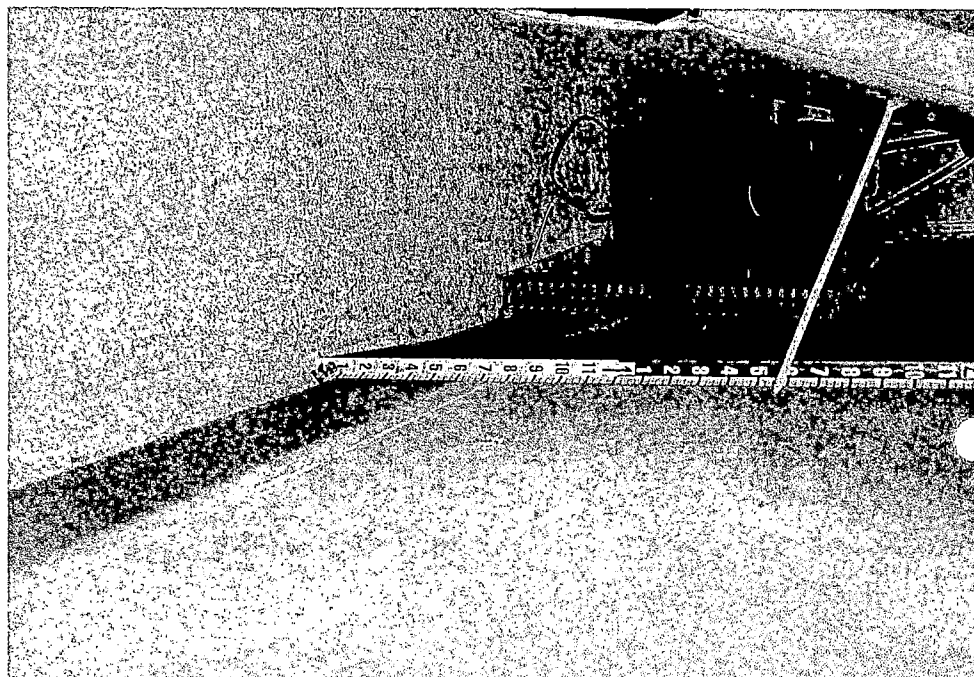
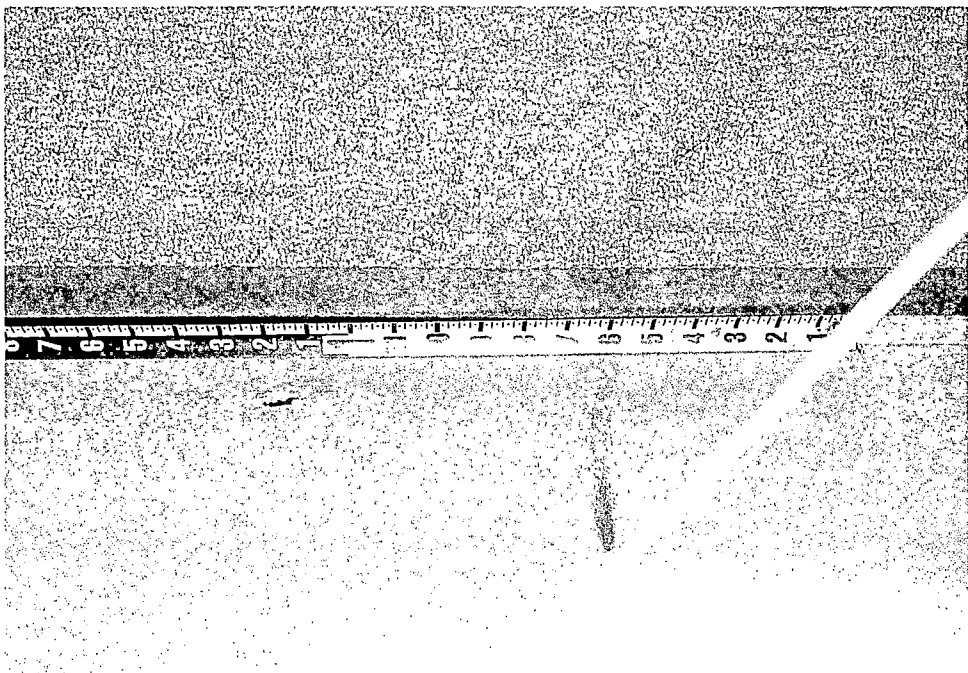




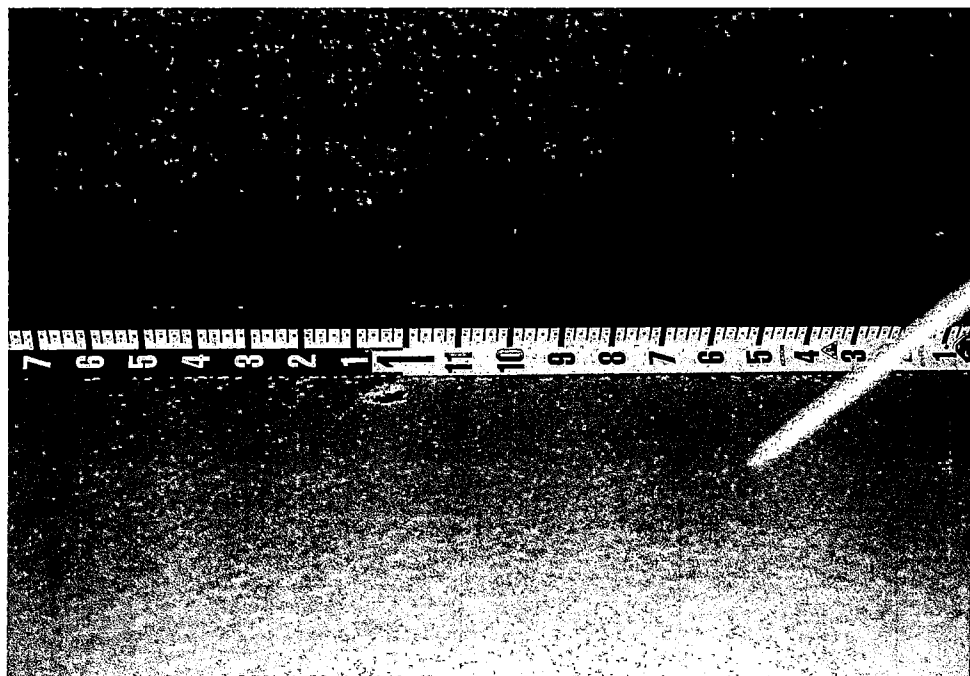
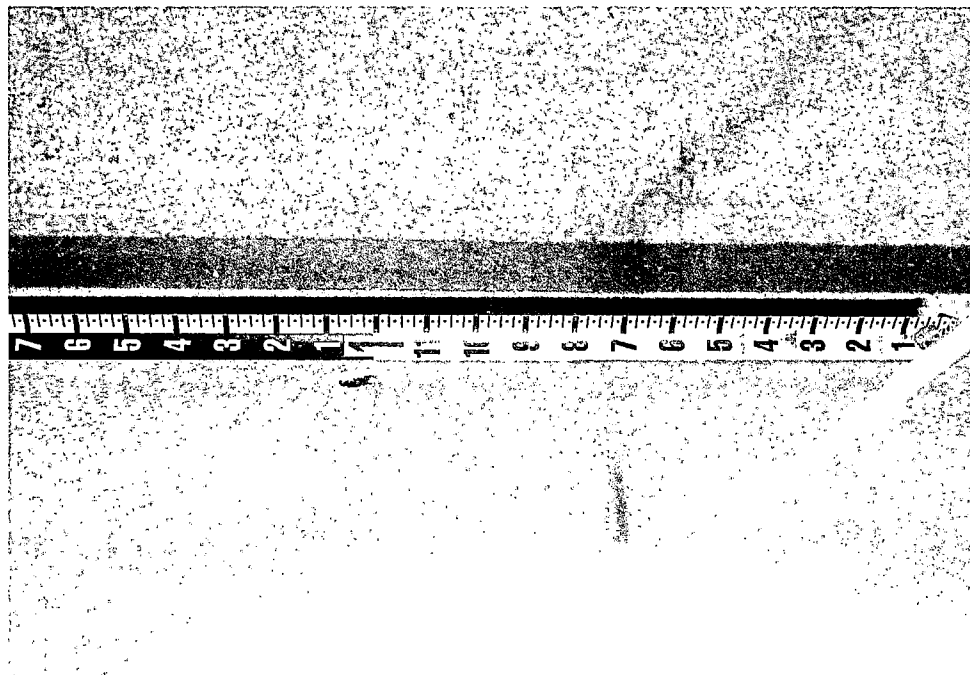
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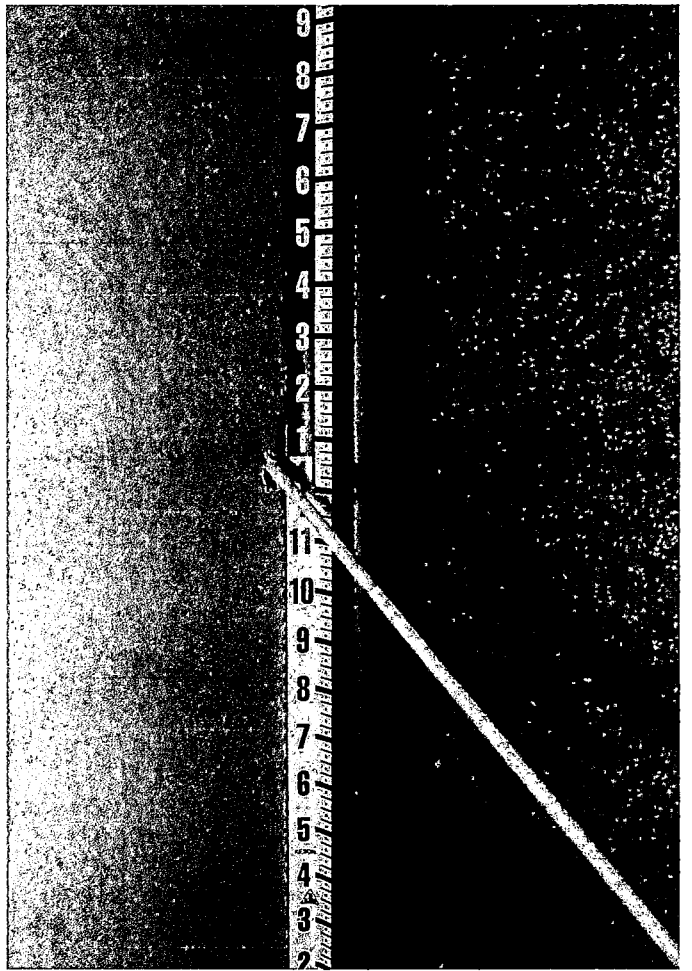
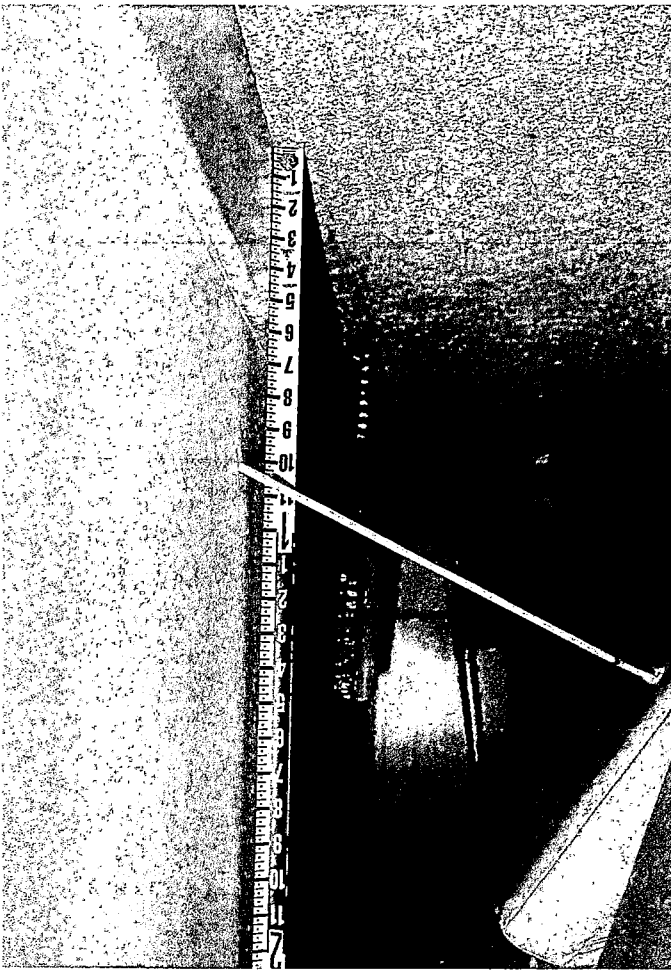
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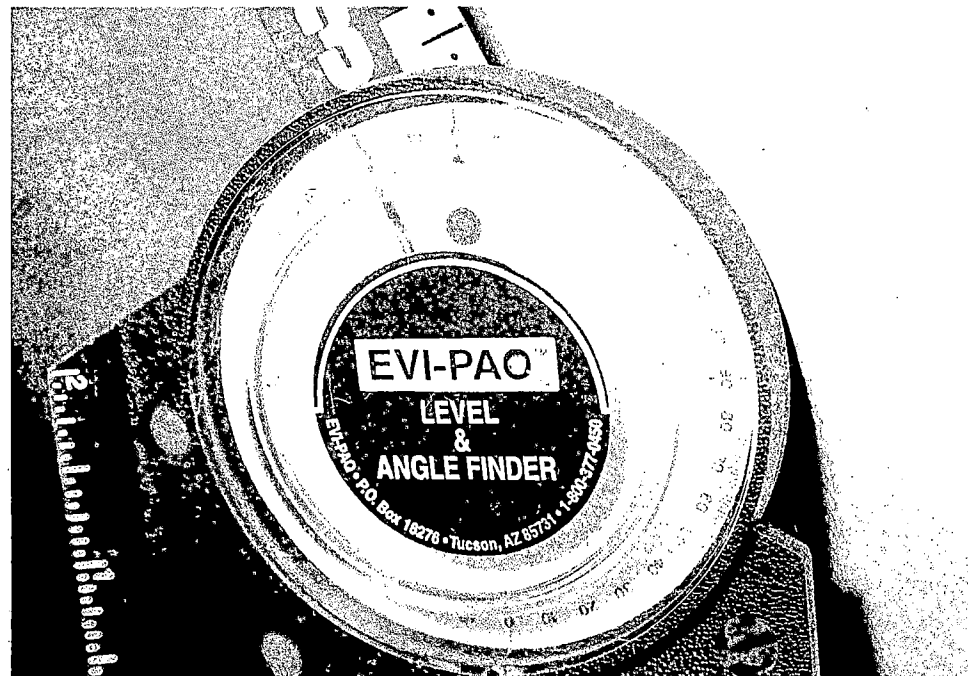
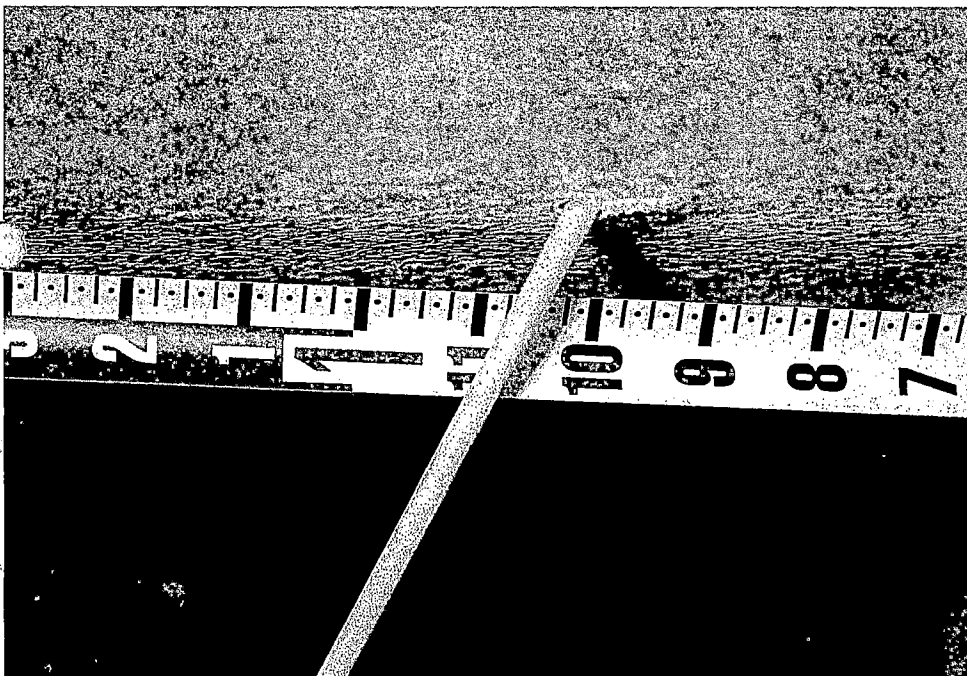
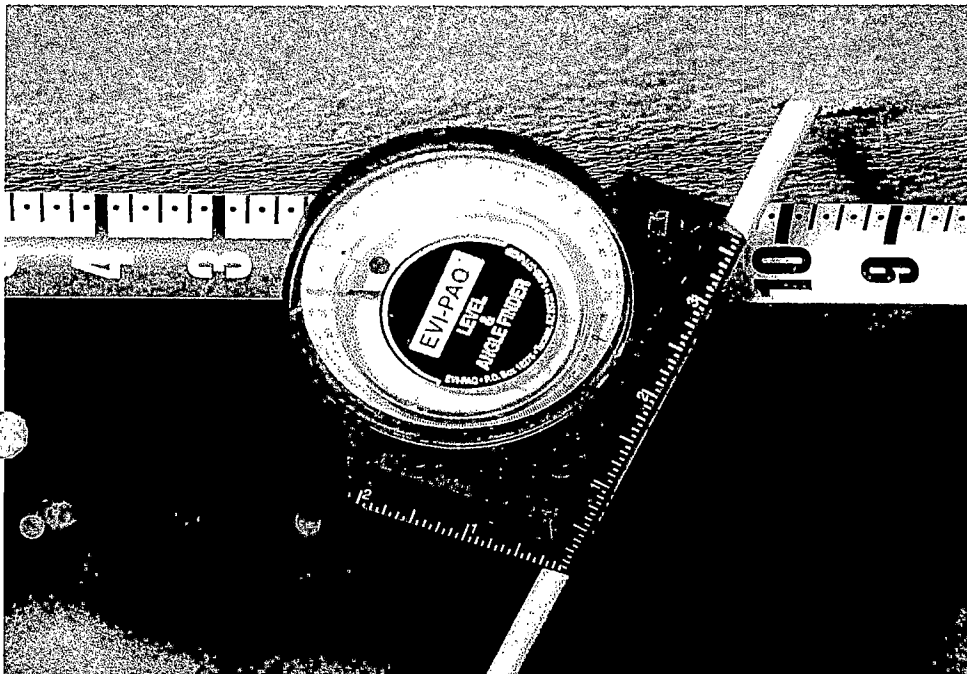
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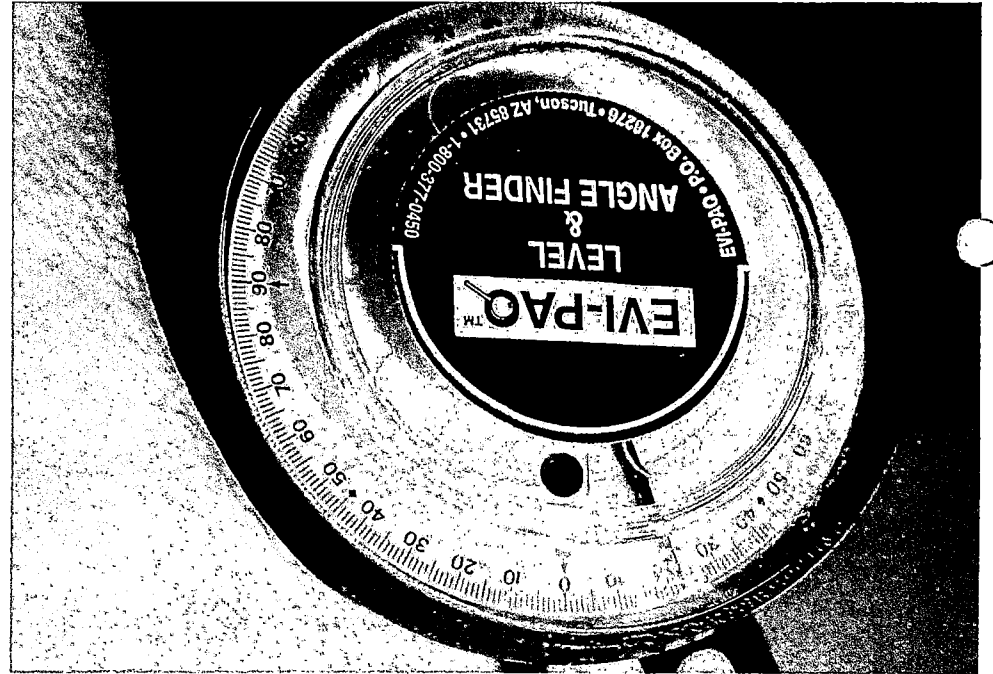
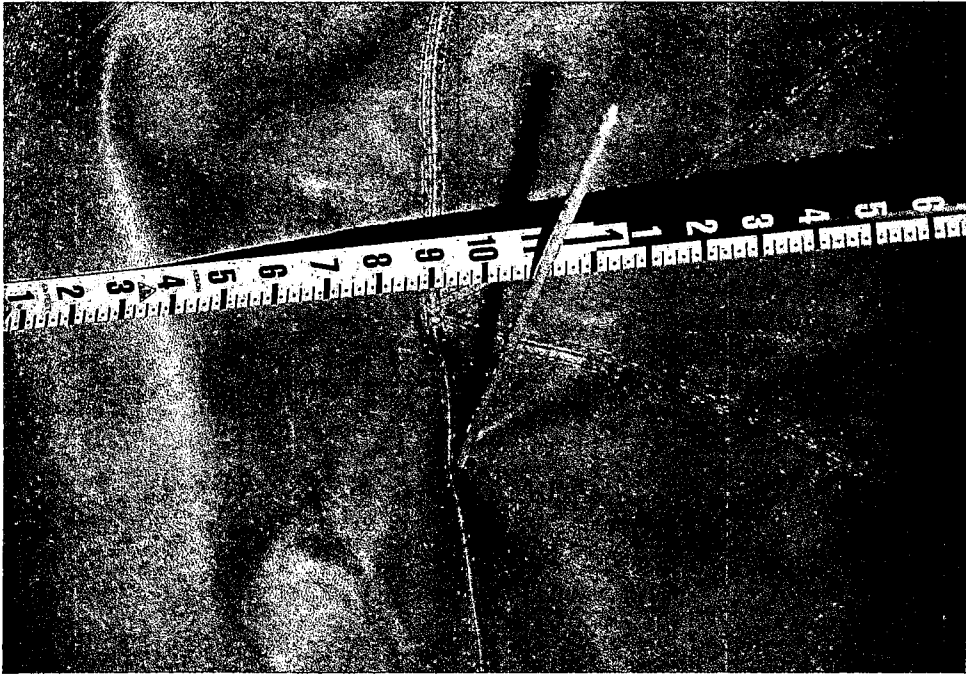
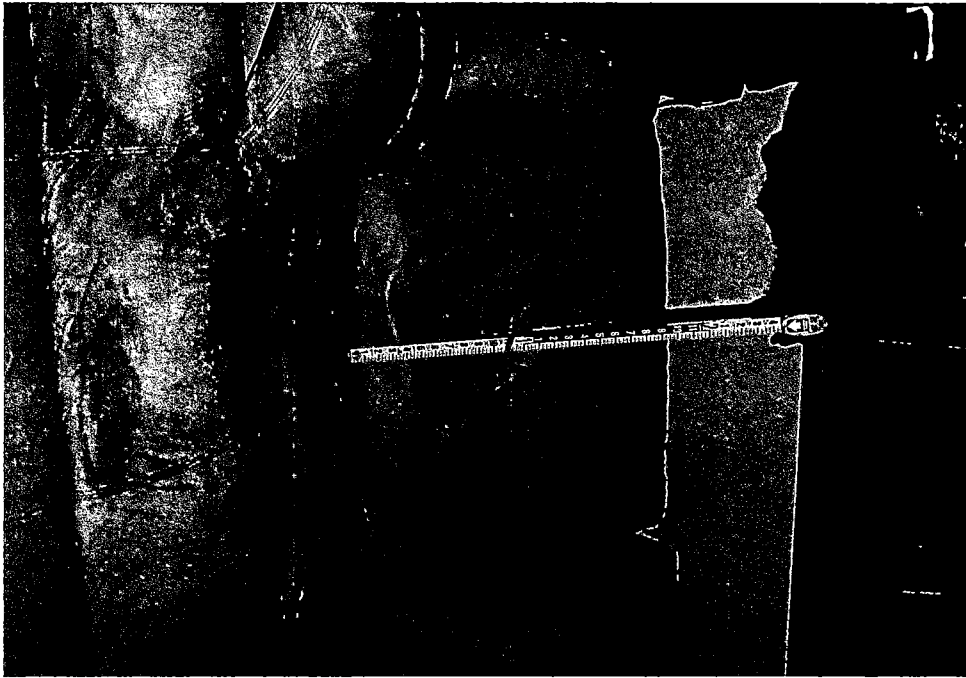


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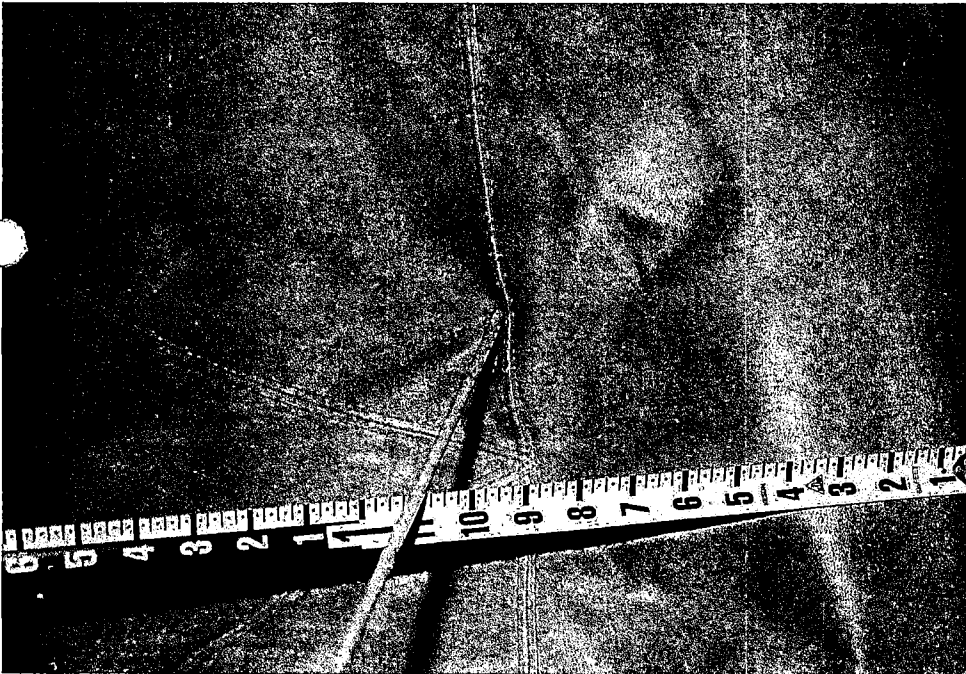
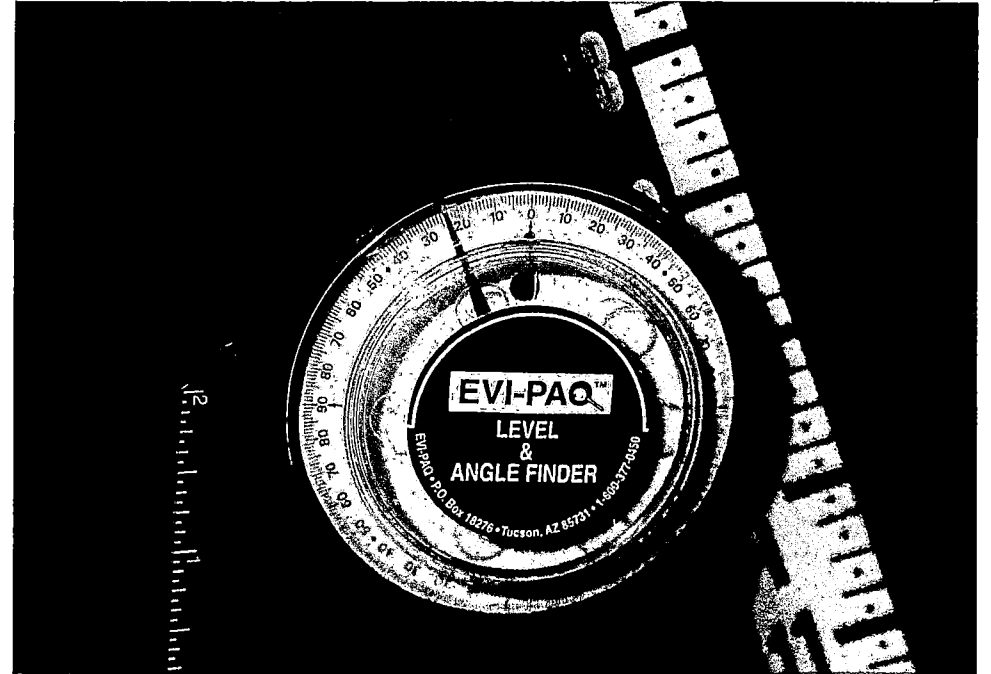
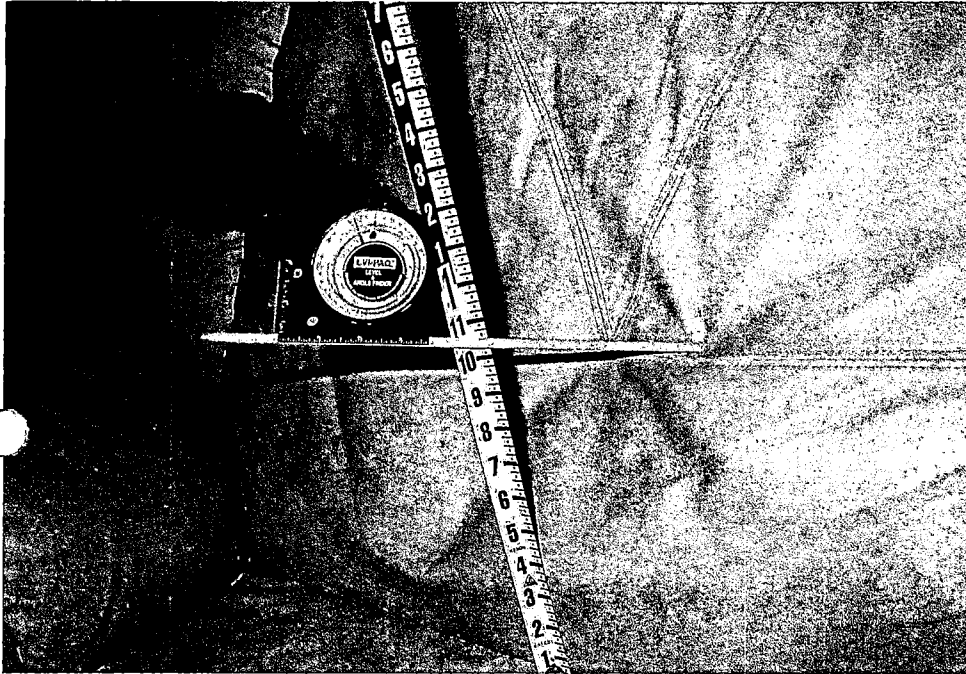


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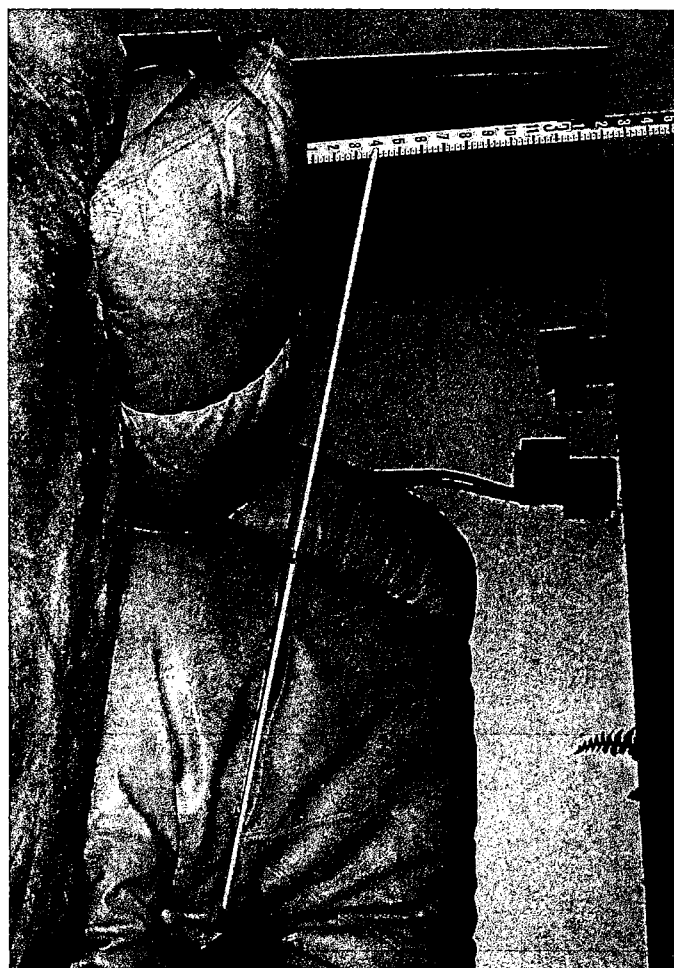
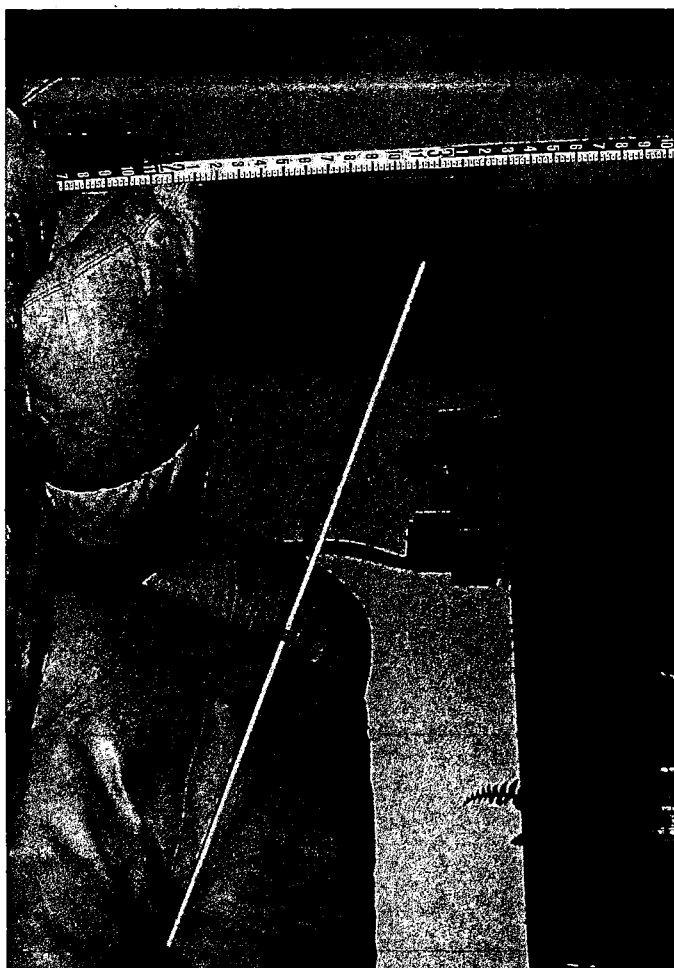
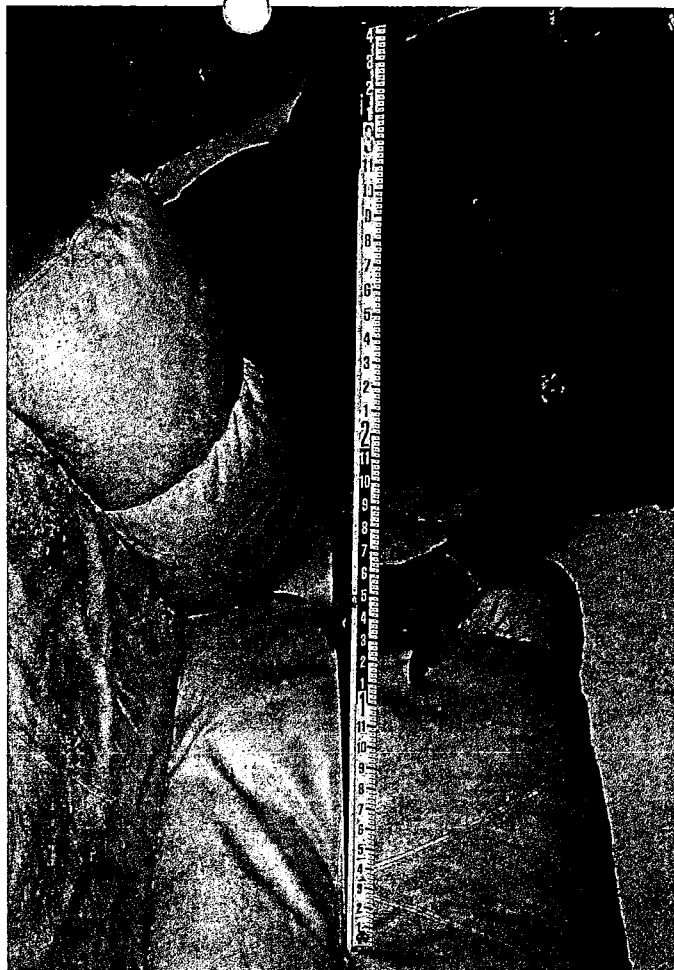
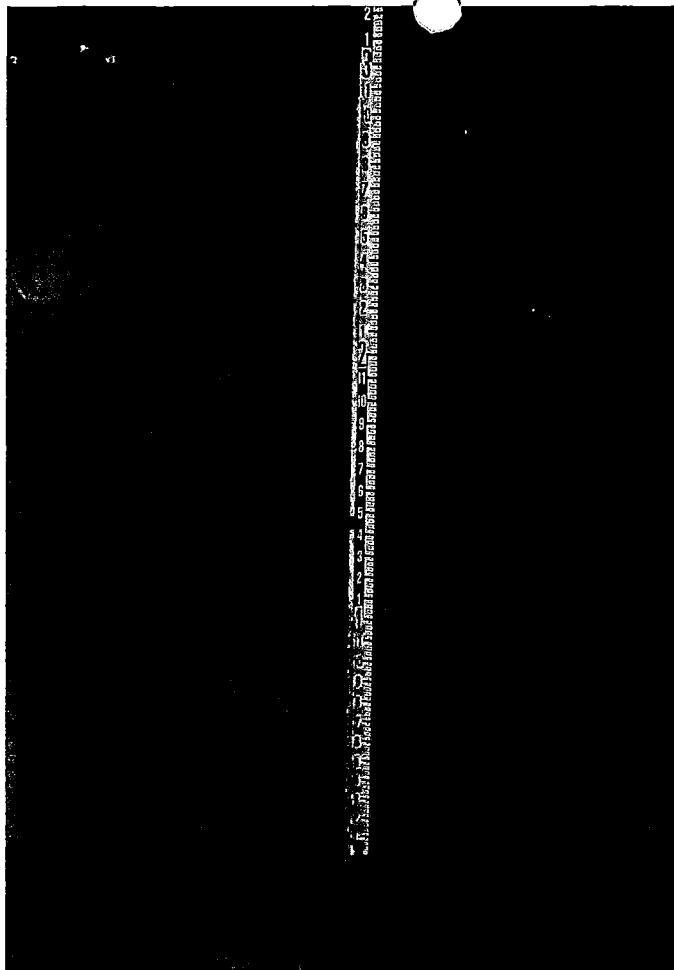


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1070

## EXHIBIT 6



Kristine Brown <klbesquire@gmail.com>

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**State v. Tatiana Leibel , Douglas County Sheriff's Office  
case number 14SO05132**

1 message

---

**Kristine Brown** <klbesquire@gmail.com>

Thu, Jan 15, 2015 at 4:12  
PM

To: mlyford@washoecounty.us, mmargritier@washoecounty.us,  
jlear@washoecounty.us

Hi,

This is Kris Brown. I represent Tatiana Leibel, the defendant in the above case. Harry Leibel is the deceased. We received the attached scene diagram as part of discovery and the report mentions the measurements that were obtained. Was there a report prepared concerning the measurements that were taken?

I believe we have all the photographs.

Thanks,  
Kristine L. Brown

---

 **Scene Diagram.pdf**  
690K

U72



Kristine Brown <klbesquire@gmail.com>

---

**RE: State v. Tatiana Leibel , Douglas County Sheriff's  
Office case number 14SO05132**

1 message

---

**Lyford, Mike** <MLyford@washoecounty.us>

Thu, Jan 15, 2015 at  
8:37 PM

To: Kristine Brown <klbesquire@gmail.com>, "Margritier, Marci"  
<MMargritier@washoecounty.us>, "Lear, Joey" <JLear@washoecounty.us>

The diagram is based on the measurements that were taken. There is no separate report for measurements.

Sgt. Lyford

**From:** Kristine Brown [mailto:klbesquire@gmail.com]

**Sent:** Thursday, January 15, 2015 4:13 PM

**To:** Lyford, Mike; Margritier, Marci; Lear, Joey

**Subject:** State v. Tatiana Leibel , Douglas County Sheriff's Office case number 14SO05132

Hi,

This is Kris Brown. I represent Tatiana Leibel, the defendant in the above case. Harry Leibel is the deceased. We received the attached scene diagram as part of discovery and the report mentions the measurements that were obtained. Was there a report prepared concerning the measurements that were taken?

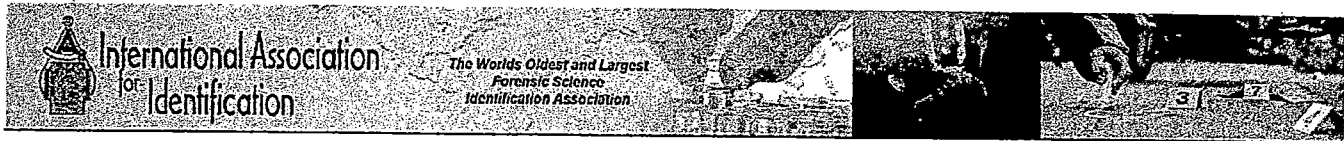
I believe we have all the photographs.

Thanks,

u73

## EXHIBIT 7

U74



Home
Advertising
By-Laws & Constitution
Centennial
Certifications
Conference
Contacts/ Committees
Current Affairs
Disciplines
Divisions
Exhibitor Info
Foundation
History
IAI Merchandise
IAI Research Library
JFI Articles
Job Listings
Links
Member Area
Member Info Update
Membership/ Awards
Publications
SWG Guidelines
Training

# Requirements for the Certification of Crime Scene Reconstruction

Crime Scene Certification home page

## I. REQUIREMENTS FOR IAI CRIME SCENE RECONSTRUCTION CERTIFICATION

### A. General Qualifications

1. An applicant for certification must be of good moral character, high integrity, and good repute and must possess high ethical professional standing.
2. An applicant must be employed full time in an occupation that includes crime scene related activities.
  - a. "Crime scene related activities" is understood to mean responding to crime scenes, and having a significant role in locating, documenting, recovering and analyzing physical evidence.
  - b. Processing or enhancing physical evidence solely in a laboratory or evidence warehouse environment does not meet this description.
  - c. "Crime scene related activities" will normally be conducted by personnel employed by law enforcement agencies, but may occasionally be performed by non-government personnel acting in an adjunct or advisory role.

### B. Certified Crime Scene Reconstructionist (CCSR)

Applicant must:

1. Have a minimum of five (5) years experience as a crime scene investigator involved in crime scene reconstruction.
2. Have completed a minimum of 120 hours of Crime Scene Certification Board approved instruction in crime scene and crime scene reconstruction related courses within the last five (5) years. NOTE:

This training **MUST** include the following courses:

- a. The time frame on the acceptance of bloodstain analysis courses and shooting reconstruction courses for the CCSR has been changed from 5 years to 10 years. Training in these two courses can take place up to 10 years prior to application for

U75

certification. This only applies to the CCSR certification and it only applies to those specific courses of instruction.

- b. A Bloodstain Pattern Interpretation course that is a minimum of 40 hours in length.
- c. Shooting Incident Reconstruction courses that total 40 hours

Additional elective courses must total a minimum of 40 hours. The topics that qualify in the area of crime scene approved training are:

Alternate Light Source Training  
Arson Investigations\*  
Blood Pattern Analysis\*  
Clandestine Lab Training  
Collection & Preservation of Evidence\*  
Courtroom Testimony\*  
Crime Scene Documentation\*  
Crime Scene Investigations\*  
Crime Scene Photography and Evidence Photography\*  
Crime Scene Reconstruction\*  
Death Investigations\*  
Footwear and Tire Tread  
Forensic Anthropology  
Forensic Archeology  
Forensic Odontology  
Latent Print Detection  
Post Blast Investigations  
Report Writing  
Rules of Evidence  
Sex Crime Investigations\*  
Traffic Accident Investigations\*  
Underwater/Subsurface search and recovery  
Wound Dynamics\*

\*Recommended for reconstruction training

The Crime Scene Certification Board, on request, will consider other topics.

- 3. AND one of the following;
  - a. Must have authored or coauthored an article on some phase of crime scene reconstruction published in a professional journal OR;
  - b. Made a presentation on some phase of crime scene reconstruction to a professional organization, OR;
  - c. Be an active instructor in some phase of crime scene reconstruction who is currently teaching at least once a year, OR;
  - d. Submit a court transcript from an actual crime scene reconstruction case in which the applicant gave

testimony on the reconstruction.

C. Initial In-house Training:

Upon approval by the Crime Scene Certification Board, an agency's structured and specialized training program hours may be reciprocated for portions of the amount of required hours of instruction for the certification.

D. Testing:

In addition to the listed requirements the applicant must successfully pass a written test with a minimum score of 75%. All written tests are graded and recorded on a pass/fail basis only. (Numerical scores will not be provided)

The tests will be created from the following publications and may not be changed for a period of three years. The tests may be updated to reflect newer technology that may be addressed in newer editions of the same text.

The applicant is responsible for the entire text.

These texts supersede any practice or agency directives for certification testing purposes.

II. TEST MATERIAL PUBLICATIONS

*Bloodstain Pattern Analysis: With an Introduction to Crime Scene Reconstruction*, 3rd Edition by Tom Bevel, Ross M. Gardner, CRC Press 2008

*Cold Case Homicides: Practical Investigative Techniques*, Richard H. Walton, CRC Press, 2006

*Shooting Incident Reconstruction*, By Lucien C. Haag - Elsevier Academic Press (2006)

III. CRIME SCENE RECONSTRUCTION TESTING METHODOLOGIES

1. Comprehensive test

- a. Comprised of multiple choice questions
- b. The questions may contain scenarios based on the text books
- c. 300 questions with a time limit of 4½ hours
- d. All crime scene certification tests are proctored.
- e. Throughout the comprehensive written testing process you may not have/use any supporting/reference material/textbooks or have internet access.

2. Practical Questions



- a. Practical questions will now be sent with the written portion of the test and will be taken at the same time
- b. 3 additional hours are now added for the completion of the practical questions

3. Failures

- a. If the applicant fails the comprehensive portion of the test the applicant may reapply after 60 days by submitting a new application and the appropriate fees.
  - b. If the applicant passes the comprehensive test and fails the practical test the applicant may request to take the practical portion again by submitting a letter to the Secretary of the CSCB within 30 days after notification of the failure without incurring additional fees.
  - c. If the applicant fails either portion of the certification test for a second time, the applicant must wait 12 months from the date of the failure to reapply.
4. Crime Scene Certification shall be issued for a period of five (5) years.
  5. Applicant procedures for certification are subject to revision by the Crime Scene Certification Board (CSCB). The latest official version is always available from the CSCB Secretary.

IV. RECERTIFICATION TESTING METHODOLOGIES

1. Applicants must meet the recertification requirements as of the date of the recertification application.
2. Reconstruction recertification testing will be a "Complete Case Analysis" with a reconstruction opinion report submitted.

V. APPLICATION PROCEDURES

Application procedures for certification are subject to revision by the Crime Scene Certification Board (CSCB). The latest official version is always available from the CSCB Secretary.

For additional information contact the Crime Scene Certification Board

Send e-mail to Crime Scene Certification Board

## EXHIBIT 8

07/21/14  
15:49

Douglas County

District Attorney

399

Law Supplemental Narrative:

Page: 1

Details

Incident Number: 14SO05132  
Sequence Number: 17

Name: Halsey J  
Date: 14:06:06 04/03/14

Narrative

(See below)

=====

Narrative:

Douglas County Sheriff's Department  
Supplemental Narrative  
Case# 14-SO-05132

PURPOSE

The purpose of this supplemental report is to provide details regarding my involvement in searching for and recovering evidence in this case, as well as to document those items I took into custody for safekeeping.

DETAILS:

SUNDAY (02/23/14):

On Sunday, 02/23/14, DCSO Investigators responded to investigate a suspicious death/possible homicide incident believed to have occurred at 452 Kent Wy, Zephyr Cove, NV.

During the course of that investigation, a search and seizure warrant was applied for and granted. The warrant authorized law enforcement officers to search the location, and seize the following items of evidence: any human remains; firearms and ammunition, bullets, projectiles, casings, and gunshot residue; clothing; computers, towers, hard drives, external drives, and any electronic items which could contain, save or store information and the data therein; cell phones; hair, blood, and trace evidence to include DNA; fingerprints; prescription medications, controlled substances and/or dangerous drugs; any and all evidence related to a possible crime of violence, and indicia of ownership or occupancy of the residence.

DCSO Investigators began service of the warrant that evening.

MONDAY (02/24/14):

On Monday, February 24th, 2014, I assisted in continuing service of the above referenced search and seizure warrant at the location. I was also tasked with collecting for safekeeping any firearms located at the residence.

I began by locating six firearms displayed openly on a rifle rack mounted on the wall in the living room. I collected the firearms for safekeeping. The firearms

1080

consisted of the following:

- Rifle, bolt-action, Ruger, model:M77 Hawkeye, .308 caliber, ser#711-20746
- Rifle, lever-action, Taurus/Rossi, model:unk, .38-.357 cal, ser#5GM000182
- Rifle, semi-auto, Magnum Research, model:MLR1722M, .22 cal, ser#074122
- Rifle, semi-auto, Marlin, model: 60SS, .22 cal, ser#91442285
- Rifle, semi-auto, Bushmaster, model: XM15-E2S, .223 cal, ser#ARB28609
- Shotgun, dbl barrel side x side, Stoeger, model:Coachgun, 20 ga, ser#604151-08

I was advised by assisting personnel that there was what appeared to be a gun safe located in a loft in the garage. I located the gun safe, and tried to open it, but discovered that it was locked with a padlock. I searched for a key to unlock the padlock, but found none. I then used a pair of bolt cutters to cut the lock from the safe. I opened the safe, and found that it contained several firearms and some loose jewelry and coins. I collected the firearms for safekeeping, but left the jewelry and coins inside the safe. I then re-secured the safe with a separate padlock found at the residence. The firearms I located and secured from the safekeeping consisted of the following:

- Handgun, revolver, Colt, model: Frontier Scout, .22 cal, ser#7G90GS
- Handgun, revolver, Ruger, model: GP100, .357 cal, ser#170-34163
- Handgun, revolver, Ruger, model: Vaquero, .45 cal, ser#56-87960
- Handgun, revolver, Beretta, model: unk, .45 cal, ser#B01733
- Handgun, revolver, Smith & Wesson, model: 686-6, .357 cal, ser#DAT5714
- Handgun, revolver, Smith & Wesson, model: 10, .38 cal, ser#12303
- Handgun, semi-auto, Smith & Wesson, model: MMP, 9mm, ser#unk
- Handgun, semi-auto, Taurus, model PT-22, .22 cal, ser#Y112314
- Handgun, semi-auto, Jennings, model: Bryco 38, .380 cal, ser#424433
- Handgun, derringer-style, Cobra Intl, model: CB38, .38 cal, ser#CT042131
- Handgun, derringer-style, Masterpiece Arms, model: Legend, .45 cal, ser#D0518
- Rifle (disassembled), Henry, model: US Survival, .22 cal, ser#U572900

I then assisted DCSO Evidence Tech J. Barden by examining a short wall (pony wall) separating the living room from the dining room of the residence. In the particular area of the wall that we examined there was a defect hole in the sheetrock that we believed was possibly caused by a projectile/s being fired from the suspect weapon. It was believed a projectile/s had struck the victim while he was seated on the couch, then passed through the couch, exiting out the back of the couch, and ultimately entering the sheetrock on the pony wall directly behind the couch. We believed a projectile/s was possibly still inside the wall as evidenced by the fact that there was no hole on the opposite side of the wall to indicate an object had exited.

I assisted Tech Barden by cutting out an approximately 5" x 6" section of the drywall around the defect hole, in order to examine the interior of the wall. Inside the wall, lying on the wooden sill plate at the base of the wall, I found two spherical-shaped metal projectiles believed to be .000 buckshot pellets.

I also noted behind the area in the where the projectiles had entered the sheetrock was an end of one of the wooden floor joists that support the raised formal dining room floor in the adjacent room. I saw a defect in the wooden end of the joist which led me to believe the two metal pellets I had located inside the wall had first struck the end of the joist, then fallen down into the hollow space of the wall.

I examined the defect in the end of the joist further, and saw a third

spherical-shaped metal projectile embedded in it. I dug the projectile out with a knife, and found it to be similar in composition, size and shape to the two previously recovered projectiles (believed to be .000 buckshot pellets).

I then examined the defect further, and found a fourth similar projectile buried even further into the wood. I also dug this pellet out and recovered it. I found no additional pellets or projectiles within the wall.

DCSO Evidence Tech Barden subsequently took custody of the recovered pellets and the piece of sheetrock (complete with defect hole) that was cut from the wall. He later booked these items into evidence.

After assisting Tech Barden, I noticed a camera bag lying on the living room floor, adjacent to a recliner chair near the west wall. I opened the bag and saw that it contained a digital camera. I collected the memory card from the camera, and later booked it as evidence for further examination.

TUESDAY (02/25/14):

On Tuesday, February 25th, 2014, I returned to the residence to continue execution of the search warrant. On this day, a second search and seizure warrant had been applied for and granted in this case. The second warrant authorized the search and seizure of financial records, banking records, credit/debit card documents, loan receipts, insurance policy information, estate planning documents, and writings/journals/letters belonging to Tatiana Leibel or Harry Leibel.

I first searched the master bathroom of the residence for a hairbrush and/or toothbrush belonging to Tatiana Leibel as these could possibly be needed for DNA comparison (collection of DNA evidence authorized in first warrant). In the bathroom I located and collected a hairbrush and toothbrush from the bathroom sink counter located along the east wall. I also located and collected a separate toothbrush from the bathroom sink counter located along the north wall. I collected the hairbrush and toothbrushes separately, and packaged them separately, to avoid possible cross-contamination of DNA.

I then assisted DCSO Captain J. Milby with searching a room that appeared to be the home office of the Leibel's. This room was located adjacent to the informal kitchen dining room. This office had two desks, two chairs, and several file drawers and cabinets. The office appeared to be divided in half, with the left side of the office appearing to be primarily used by Harry Leibel, and the right side of the office appearing to be primarily used by Tatiana Leibel, as evidenced by pictures and documents present at each desk.

During my search of this office, I located and collected pawn slips, Western Union money transfer receipts, vehicle title loan documents and notices of collection issued to Tatiana Leibel. I found these items in the file drawers of what appeared to be Tatiana's desk.

I then collected a brown paper bag from a workbench in a tool room located in the back of the garage. The bag was filled with numerous Western Union money transfer receipts, most of which appeared to be transfers of money from Harry Leibel to Tatiana Leibel, consisting of various amounts. I had been notified by Capt Milby of the presence of this bag and its contents the previous day, however because that type of property had not been listed in the original search warrant, it was not collected at the time. Because this type of property was

listed in the second search warrant, I collected it.

I then searched the formal dining room of the residence. On the dining room table I located a black-colored 'Logitech' brand portable device driver. Based on appearance, I believed this to be a flash drive (aka: "digital data memory stick") so I collected it. It was later found that this device was merely a portable device driver to operate a remote keyboard or computer mouse, and therefore has no evidentiary value.

Also in the formal dining room, in a corner curio cabinet, I located and collected a green plastic can containing a clear plastic baggie containing a green vegetable substance resembling marijuana.

Additionally in the formal dining room, on top of the pony wall separating the dining room from the living room, I located and collected a beige-colored glass smoking pipe containing residue of burned marijuana.

I then assisted with searching the kitchen of the residence. On the center island counter I located three pages of medical paperwork pertaining to Tatiana Leibel. I later learned that DCSO Deputy J. Fricke had located this paperwork in the house the previous day, but because it was not listed on the original warrant, he did not seize it. As this type of documentation was granted in the second warrant, I collected it.

Also in the kitchen I located and collected the home telephone answering machine, which was sitting on the northeast kitchen counter.

Because the second warrant also granted permission to search the Leibel's vehicles for evidence, I then searched their green Jaguar sedan (parked in the driveway) and gold Hummer H3 SUV (parked in the garage).

Inside the Jaguar sedan, on the front passenger-side floorboard and under the front passenger seat, I located and collected vehicle title loan paperwork and overdue billing notices issued to Tatiana Leibel.

Inside the Hummer SUV, in the driver-side door panel pocket I located a red metal cardholder/wallet containing: 1 US Bank ATM Card, 2 Wells Fargo Debit/Charge Cards, 1 Discover Card, 1 AAA Membership Card, 1 Douglas County CCW Card and 4 Insurance ID Cards. All cards and identification were issued to Harry Leibel. I collected this wallet and contents for safekeeping.

I also collected the below items of evidence from a purse sitting on an entry table in the foyer of the residence:

- Gaming/Players Card from El Dorado Casino in Reno, card# 1793922 issued to Tatiana Leibel
- Gaming/Players Card from Silver Legacy Casino in Reno, card# 1848375 issued to Tatiana Leibel
- Debit/Charge Card from Bank of America, acct# 4744-8900-1759-7789, issued to Tatiana Leibel
- Debit/Charge Card from Wells Fargo Bank, acct#4342-5740-0835-4915, issued to Chaya-Anna Leibel
- Receipt from Reno Metropawn, issued 05/31/14 to Tatiana Leibel for pawning a Taurus .22 cal revolver
- 4 Western Union money transfer receipts, recording money wired from Harry Leibel to Tatiana Leibel
- 3 Wells Fargo Bank transaction (withdrawal) receipts

THURSDAY (02/27/14):

During his interview with Tatiana Leibel on Sunday, 02/23/14, Investigator Garren received information from Tatiana in which she described Harry Leibel as controlling and opposed to ever letting her travel to Southern California to see her daughters. I remembered that on 02/25/14, during my search of the Leibel's Jaguar sedan, I saw a traffic citation issued to Tatiana Leibel. I remembered reading on the citation that it had been issued by a California Highway Patrol Trooper to Tatiana Leibel near the city of Shafter, Ca, sometime in October 2013.

Because I believed this citation proved that as recently as October 2013 Tatiana had driven at least once from her home in Zephyr Cove, Nevada to a location at least as far Shafter, California (just outside of Bakersfield, Ca.) I decided to return and collect the citation.

On Thursday, 02/27/14, I returned to the Leibel's residence with Investigator Garren. I recovered the citation from the center console of the Jaguar, and examined it. I saw the citation was California Highway Patrol citation (#97840) issued on 10/13/13 to Tatiana Leibel. The location where Tatiana was cited was listed as Interstate 5, although I could not discern the cross street or mile marker. I confirmed that the jurisdictional courthouse listed on the citation was listed with an address in Shafter, Ca.

I later booked this citation as evidence.

DISPOSITION:

Attach to case file

Date, Reporting Officer:

04/02/14, Sgt J. Halsey #326

684

09/16/14  
07:04

Douglas County Sheriff      Minden, Nevada  
Law Supplemental Narrative:

Page: 232  
1

Details

Incident Number: 14SO05132  
Sequence Number: 35

Name: Barden J  
Date: 10:53:31 08/11/14

Narrative  
(See below)

=====

Narrative:

Douglas County Sheriff's Department  
Supplemental Narrative  
DCSO Case# 14SO05132

EVIDENCE:

- #1. 14EV00858; .45LC/410 gauge rifle.
- #1a. 14SO00866; Ammunition removed from above rifle.
- #2. 14EV00868; Couch Blanket.
- #3. 14EV00869; Couch Pillow.
- #4. 14EV00870; Couch Pillow.
- #5. 14EV00872; Motorola Cell phone.
- #6. 14EV00873; Plastic cup.
- #7. 14EV00874; Foreign material collected from defect in couch.
- #8. 14EV01010; Double recliner couch.
- #9. 14EV01011; Five inch by 6 inch cut out piece of sheetrock with hole in it.
- #10. 14EV01012; Four shotgun pellets.
- #11. 14EV01013; Red stain swab taken from couch.
- #12. 14EV01015; Nortriptyline medication for Tatiana Leibel.
- #13. 14EV01104; Concealed Weapon Card for Tatiana Leibel.
- #14. 14EV01106; Lexar Camera Card.
- #15. 14EV00971; Day 1 Crime Scene Photos.
- #16. 14EV01108; Day 2 Crime Scene Photos.
- #17. 14EV03250; Photos of suspect's clothing.
- #18. 14EV03249; Crime Scene photos and Autopsy photos from WCCL.
- #19. 14EV03251; Photos of ammunition removed from above rifle.
- #20. 14EV03252; Photos of Suspect taken at time clothing was collected.
- #21. 14EV00972; Suspect's slippers.
- #22. 14EV00973; Suspect shirt.
- #23. 14EV00974; Suspect pants.
- #24. 14EV00975; Suspect jacket.

PERSONNEL INVOLVED:

Deputy Williamson  
Investigator Ed Garren

685



Captain John Milby  
Sergeant James Halsey  
Investigator Ted Jasperson  
Deputy Justine Fricke  
Deputy Geoff Marshall

Carson Valley Movers;  
3039 Research Way #102. Carson City, Nevada, PH: 775 883-3322  
Perry Jones  
Steve Shipworth  
Clifford Gazarek

NARRATIVE:

On 02/23/14 DCSO Sheriff's Evidence Volunteer Debra Schambra and I were requested to respond to a Death Investigation at 452 Kent Way, Zephyr Cove, Nv. We responded and arrived at 1540 hours.

Investigator Garren was on the scene when we arrived. Deputy Williamson was standing guard at the crime scene tape in front of the driveway. I was informed that a male subject was inside the residence, deceased from a gunshot wound. I was also informed that the call came into the Douglas County Dispatch Center at approximately 1100 hours.

I was then tasked with photographing the scene and collecting evidence at the request of DCSO Investigators. I first photographed the outside of the residence and then entered. This residence is wood framed family dwelling located in a residential neighborhood. It is a two story residence with a garage and three rooms downstairs. Upstairs contains the master bedroom, living room, kitchen, 2 dining rooms, and an office.

The decedent was laying in a supine position on the living room floor, near the couch. The decedent had a defect on the back of his left hand and had what appeared to be a large amount of gunshot residue around the defect. The decedent also had what appeared to be a defect into his right side of his chest area. There was red stain believed to be blood around the defect and onto his clothing around this area.

There was a rifle on the couch. This rifle appeared to be a revolver as it had a hammer as well as a five round cylinder for bullets. The rifle had the end of the barrel pointing toward the back of the couch. The hammer to this rifle was in the cocked position. This rifle had a shoulder strap on it.

At this time, Investigator Garren opened the cylinder of the rifle while I photographed it. I noted at this time that there were two rounds that appeared to have been discharged (evidenced by the primers having been struck) and three rounds appeared unfired. The cylinder was then closed with the same configuration as before it was opened, with an unfired round under the hammer.

Investigator Garren requested that I take overall photos of the inside of the residence. The first room photographed was the living room where the decedent was located.

The two seat recliner couch was covered with a blanket over the seat cushions.

There were two small pillows on the couch as well as one cell phone. The red stain, believed to be blood spatter was on the couch side closest to the end table. On this side of the couch, the back rest had a defect in it. The defect hole was approximately one-quarter inch in diameter. It appeared to have a blackened substance around the hole, as well as some cloth fiber. The defect was approximately 10 inches above the top of the seat cushion.

The end table contained a plastic glass which bore a dried orange substance on the bottom. The mechanism used for reclining the couch on the side next to the end table was broken, while the mechanism on the other side was intact.

I then completed taking overall photographs of the interior of the residence, both upstairs and downstairs.

At 1820 hours, I assisted DCSO Deputy Coroner Geoff Marshall with the overall examination and photographs of the decedent's body. I documented the condition of the body through photos at this time before it was removed to the Coroner's Office.

During this time the Washoe County Crime Lab arrived to assist with the bullet trajectory and diagramming the scene. Refer to their report and photos.

At 1840 hours I marked the items I was directed to collect with placards and then photographed them again. I then collected the following items of evidence:

- (#1) Rifle
- (#2) blanket from the couch
- (#3-4) two pillows from the couch
- (#5) cell phone
- (#6) cup from the end table
- (#7) foreign material from around the defect in the couch

After securing this evidence we then left for the evening at about 2030 hours. We then drove to the DCSO Stateline Sheriff's sub-station and contacted DCSO Investigations Division Commander, Captain Milby, and Investigator Garren. Sheriff's Evidence Volunteer Schambra was requested to collect the clothing which Tatianna Leibel was wearing.

Volunteer Schambra collected the clothing at about 2100 hours after a change of clothes was provided to Tatianna Leibel. Schambra also took overall photos of Tatiana Leibel.

#### ADDITIONAL INFORMATION:

On 02/24/14 at about 0852 hours I took the rifle to the DCSO Investigations Division Lab for photographs. I noted that the cylinder in the rifle rotated in a counter clockwise direction. I then removed the rounds from the cylinder and noted them by numbers 1 through 5.

The #1 round was identified as the unfired round which was under the hammer. This was a .45 caliber round.

The #2 round was identified as a discharged .410 gauge shotgun shell.

The #3 round was identified as a discharged .45 caliber round.

The #4 round was identified as an unfired .410 gauge shotgun shell.

The #5 round was identified as an unfired .45 caliber round.

The ammunition was first photographed inside the cylinder and then on the counter with the corresponding numbers. A Cartridge Placement Guide was completed and is attached to this report in Spillman files.

The rifle and ammunition were then booked into the DCSO evidence system. Each round was booked into a small envelope with the corresponding number on it, then all five rounds were placed into one evidence envelope.

At approximately 1100 hours I returned to the Kent Way residence during an additional search for evidence. I arrived at the scene and contacted Captain Milby, Sergeant Halsey, Investigator Jasperson and Deputy Fricke.

Sergeant Halsey and I retrieved the fired bullet which was embedded in the wall behind the couch. After photographing the hole in the wall behind the couch, Sergeant Halsey cut a five inch by six inch square around the hole in the sheetrock.

From this opening we were able to locate four shotgun round pellets inside the wall. Two of the pellets were embedded into a wooden brace inside the wall. Two other pellets were located on the open space within the wall. All rounds were collected after photos were taken.

I was requested to take additional photographs of the garage, and also a workshop that was behind a closed door in the back of the garage. I was also requested to take photographs of the contents of a purse which was sitting on an entryway table, inside the residence, adjacent to the front door. At the request of Captain Milby, I collected a bottle of Nortriptyline medication and a Concealed Weapons Permit belonging to Tatiana Leibel. These were located on the entryway table adjacent to the front door.

I also took photographs of the interior of the washing machine and dryer at the residence.

I also collected a Lexar brand memory card which was given to me by Sergeant Halsey. This card had been located by Sergeant Halsey inside a camera located in a camera bag in the living room.

At 1255 hours, Carson Valley Movers arrived to move the couch to evidence storage. Perry Jones, Steve Shipworth and Clifford Gazarek packaged the couch and moved it from the residence. Prior to packaging the couch I took a swab of the red stain on the seat of the couch. They placed the couch into a moving van and I followed them to the evidence storage facility where it was unloaded and secured at 1415 hours.

On 03/01/14 at 1500 hours I took the clothes that had been worn by and collected from Tatiana Leibel to the DCSO Investigations Lab for photographs and examination. Each piece of clothing had been collected and stored separately. The clothing items consisted of: one pair of cloth shoes, one woman's top, one pair of pants, and one jacket. All items were examined and photographed, both front and back.

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Inside the jacket pocket I found two (2) name address cards from Bruce and Barbara Steger. I also found four (4) receipts.

One was a purchase receipt from Carson City Raley's dated 01/24/13 at 0939 hours for \$29.52.

One was a purchase receipt from Carson City Raley's dated 01/24/13 at 0944 hours for \$14.97.

One was a Bank of America ATM Credit Card advance dated 01/23/13 at 0947 hours for \$462.00 from Carson City Raley's.

One was a Bank of America ATM deposit receipt dated 01/24/14 at 1423 hours. The deposit was for \$200.00.

All of the receipts and the address cards were photographed. They were then returned to the jacket pocket. The clothes were then packaged separately, sealed and booked into evidence.

No further action at this time.

DISPOSITION:

Attach to case file.

Copy to District Attorney's Office.

Reporting Officer:

J. Barden ID#458

## EXHIBIT 9

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1  
2 Exhibit 6 are true and accurate copies of that email exchange.

3 Dated this 19<sup>th</sup> day of January, 2015.

4 Kristine L. Brown  
5 Kristine L. Brown  
6 State Bar No. 3026  
7 1190 High School Street  
8 Suite A  
9 Gardnerville, Nv. 89410  
10 775-783-8642  
11 Attorney for Defendant  
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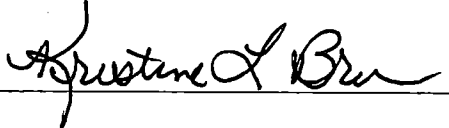
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**CERTIFICATE OF SERVICE**

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 **MOTION IN LIMINE REGARDING TESTIMONY CONCERNING CRIME SCENE RECONSTRUCTION BY MATHEW NOEDEL** to:

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

Dated this 20th day of January, 2015.

  
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