

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

\_\_\_\_\_ /

Electronically Filed  
Aug 30 2022 02:59 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

RECORD ON APPEAL

VOLUME 5

COPIES OF ORIGINAL PLEADINGS  
PAGES 694-815

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

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

1  
2 INDEX OF PLEADINGS

3 <u>DESCRIPTION</u>	4 <u>PAGE NO.</u>	5 <u>VOL. NO.</u>
6 CERTIFICATE OF SERVICE 7 (FILED MAY 25'18)	8 2430	9 (VOL. 18)
10 CERTIFICATE OF SERVICE 11 (FILED SEP 29'14)	12 280	13 (VOL. 2)
14 CERTIFICATE OF SERVICE 15 (FILED APRIL 18'14)	16 227	17 (VOL. 2)
18 CERTIFICATE OF SERVICE 19 (FILED APRIL 18'14)	20 232	21 (VOL. 2)
22 CERTIFICATE OF MAILING 23 (FILED NOV 14'16)	24 1510	25 (VOL. 11)
26 CERTIFICATE PF MAILING 27 (FILED NOV 9'20)	28 3366-3367	(VOL. 25)
29 CERTIFICATE OF MAILING 30 (FILED MAR 21'22)	31 4019-4020	(VOL. 31)
32 CERTIFICATE OF MAILING 33 (FILED FEB 11'21)	34 3907-3910	(VOL. 30)
35 CERTIFICATE OF MAILING 36 (FILED NOV 23'20)	37 3372-3375	(VOL. 25)
38 CERTIFICATE OF SERVICE 39 (FILED AUG 4'14)	40 269	(VOL. 2)
41 CERTIFICATE OF MAILING 42 (FILED APR 21'21)	43 3929-3930	(VOL. 30)
44 CERTIFICATE OF THAT NO TRANSCRIPT 45 IS BEING REQUESTED 46 (FILED JAN 18'19)	47 3013-3014	(VOL. 22)
48 CLERK'S CERTIFICATE 49 (FILED JUL 22'20)	50 3049	(VOL. 22)
51 CLERKS CERTIFICATE (SUPREME COURT) 52 (FILED JAN 14'16)	53 1485	(VOL. 11)
54 EVIDENCE IN MITIGATION 55 (FILED APR 14'15)	56 999-1003	(VOL. 6)

28

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

1  
2 INDEX OF PLEADINGS

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

25  
26  
27  
28

1  
2 INDEX OF PLEADINGS

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

26  
27  
28



INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

1  
2 INDEX OF PLEADINGS

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

26  
27  
28



1  
2 INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INDEX OF PLEADINGS

<u>DESCRIPTION</u>	<u>PAGE NO.</u>	<u>VOL. NO.</u>
TRANSCRIPT OF PROCEEDINGS (ARRAIGNMENT) (FILED MAY 21 '14)	262-266	(VOL. 2)
ORDER SETTING TRIAL (FILED AUG 4 '14)	267-268	(VOL. 2)
TRANSCRIPT OF PROCEEDINGS (MOTIONS HRG.) (FILED SEP 28 '18)	2511-2519	(VOL. 18)
TRANSCRIPT OF PROCEEDINGS (POST CONVICTION HEARING 11/15/18) (PART 2) (FILED DEC 5 '18)	2797-2968	(VOL. 21)
TRANSCRIPT OF JURY TRIAL 1/30/2015 (FILED JUNE 18 '15)	1286-1350	(VOL. 10)
TRANSCRIPT OF PROCEEDINGS (MOTION HEARING) (FILED FEB 5 '15)	759-785	(VOL. 5)
VICTIM IMPACT STATEMENTS AND PHOTOGRAPH OF VICTIM (FILED APR 20 '15)	1004-1010	(VOL. 6)



FILED

NO

Case No. 14-CR-0062

RECEIVED

2015 JAN 22 PM 1:14

Dept. No. I

JAN 22 2015

BOBBIE R. WILLIAMS  
CLERK

DA 13-343G

Douglas County  
District Court Clerk

BY msl 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.

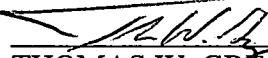
OPPOSITION TO DEFENDANT'S  
MOTION IN LIMINE RE: CRIME  
SCENE RECONSTRUCTION

TATIANA LEIBEL,

Defendant.

The State of Nevada, by and through Thomas W. Gregory, Chief Deputy District Attorney, hereby opposes the Defendant's Motion in Limine Regarding Testimony Concerning Crime Scene Reconstruction by Matthew Noedel. The State's opposition is based upon the attached point and authorities.

DATED this 22 day of January, 2015.

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

Points and Authorities

I. Nevada law does not require, as a standard for admissibility, that scientific and non-scientific expert testimony be couched in terms of a reasonable degree of probability or certainty.

The defendant cites *Morsicato v. Sav-On Drug Stores, Inc.*, 121 Nev. 153 (2005), for the proposition that pursuant to Nevada law no expert testimony is admissible unless the expert opinion is couched in terms of a reasonable degree of probability or certainty. *Morsicato* and its predecessors, *Brown v. Capanna*, 105 Nev. 665 (1989), *Banks v. Sunrise Hosp.*, 120 Nev. 822, at 834 (2004) and *Fernandez v. Admirand*, 108 Nev. 963, at 972-73 (1992), are all medical malpractice cases brought pursuant to NRS 41A. Importantly, each case deals with expert medical testimony. Just as important, there can be no liability under NRS 41A in the absence of expert medical testimony. NRS 41A.100.

Obviously, this is not a medical malpractice case and Matthew Noedel is not offering medical testimony. The State will be offering expert medical testimony through the medical examiner, Piotr Kubiczek, M.D. The defendant claims that *Las Vegas Metro v. Yeghiazarian*, 129 Adv.Op. 81, 312 P.3d 503 (2013, corrected 2014), extended *Morsicato* and now “requires testimony concerning causation be stated to a reasonable degree of medical or scientific probability or certainty.” Defendant’s Motion, page 13, lines 11-13. If that were true, *Yeghiazarian* would be a landmark case overturning *Hallmark* and *Higgs*, the sentinel cases for the admissibility of expert witness testimony in Nevada. *Yeghiazarian* cannot plausibly be read in such a manner. *Hallmark* and *Higgs* are discussed below.

///

///

1       **II.     NRS 50.275 governs the admissibility of expert testimony in Nevada.**

2            “We give Nevada trial judges wide discretion, within the parameters of NRS 50.275, to  
3 fulfill their gatekeeping duties. We determine that the framework provided by NRS 50.275 sets  
4 a degree of regulation upon admitting expert witness testimony, without usurping the trial  
5 judge’s gatekeeping function.” *Higgs v. State*, 126 Nev.Adv.Op. 1, 222 P.3d 648, 658-59  
6 (2010). “We hold that NRS 50.275 provides the standard for admissibility of expert witness  
7 testimony in Nevada.” *Id.* at 659. “If scientific, technical or other specialized knowledge will  
8 assist the trier of fact to understand the evidence or to determine a fact in issue, a witness  
9 qualified as an expert by special knowledge, skill, experience, training or education may testify  
10 to matters within the scope of such knowledge.” NRS 50.275.  
11

12            Interpreting NRS 50.275, the Nevada Supreme Court has identified three  
13 requirements for the admissibility of expert witness testimony. They are, (1) qualification; (2)  
14 assistance; and (3) limited scope.” *Higgs*, 222 P.3d at 658, citing *Hallmark v. Eldridge*, 124  
15 Nev. ----, 189 P.3d 646, at 650 (2008). The Court listed non-exhaustive factors for each  
16 requirement, *Hallmark*, 189 P.3d at 650-52, but has emphasized a flexible approach, indicating,  
17 “We see no reason to limit the factors that trial judges in Nevada may consider when  
18 determining expert witness testimony admissibility. *Higgs* at 658. Further, the requirements  
19 are based on “legal, rather than scientific principles,” and are meant to “ensure reliability and  
20 relevance, while not imposing upon a judge a mandate to determine scientific falsifiability and  
21 error rate for each case.” *Higgs* at 659.  
22

23        ///  
24

25        ///  
26

27        ///  
28

1 **III. Mr. Noedel's testimony is admissible pursuant to NRS 50.275 as interpreted in**  
2 ***Hallmark and Higgs.***

3 The defendant does not contest Mr. Noedel's qualifications or the scope of his  
4 testimony. Rather, the defendant contests only the second of the three prongs, assistance to the  
5 jury. Expert testimony assists the trier of fact "when it is relevant and the product of reliable  
6 methodology." *Higgs* at 660.  
7

8 In this case, the victim was shot with a gun two times in his residence at a time when  
9 the victim and the defendant were the only ones present. Mr. Noedel's proposed testimony is  
10 relevant in that it will assist the jury in making use of the measurements and photographs taken  
11 by FIS at the crime scene and applying the same to the injuries sustained by the victim as  
12 attested by the medical examiner. The measurements relied upon by Mr. Noedel were  
13 obtained by forensic investigators with the likes of tape measures, rulers and an instrument that  
14 determines angles; hardly unaccepted methodology. As indicated by the defendant, "the  
15 science of trajectory is based in math, measurements and angles, and is generally accepted."  
16 Defendant's Motion, p. 7, lines 20-21.  
17

18 The measurements have been provided to the defense along with photographs of the  
19 measurements. The defense posits that the measurements are unreliable. For instance, the  
20 defendant points out that the victim's arm is slightly bent in the photograph depicting the  
21 measurement of his arm. While the defense is certainly welcome to cross-examine Mr. Noedel  
22 on that point, the observation does not impact the admissibility of Mr. Noedel's testimony. The  
23 same goes for the Defendant's contention the Mr. Noedel is wrong in his conclusion that the  
24 victim's left arm was up at the time of the first shot. Recall, NRS 50.275 allows for expert  
25  
26  
27  
28

1 testimony to assist the trier of fact "to determine a fact in issue..." NRS 50.275. The  
2 defendant will have an opportunity to offer a different point of view at trial.

3 The defendant also claims that the scene is not "reconstrucable" and takes issue with the  
4 fact that Mr. Noedel was not present on scene on the date of the shooting. Mr. Noedel did visit  
5 the home prior to rendering his opinions. The defense was also given an opportunity to view  
6 the home. The couch, the gun, and the end table were preserved in evidence following the  
7 shooting. Mr. Noedel worked with the gun and the couch in applying the measurements  
8 obtained by FIS which ultimately led to his conclusions. With all of this information, the scene  
9 is absolutely "reconstructable," perhaps more so than in more complex scenes such as vehicle  
10 accidents.  
11

12  
13 The defendant also takes issues with Mr. Noedel's usage of Photoshop or other  
14 computer programs to generate images for demonstrative purposes. In *Rudin v. State*, 120 Nev.  
15 121, 86 P.3d 572 (2004), expert testimony regarding the trajectory of a bullet based upon blood  
16 spatter analysis was upheld as was the use of a software program by the expert. *Id.* at 135-136.  
17 The Court was satisfied that through cross-examination, the jury was "presented with reasons to  
18 either accept or reject" the expert's opinions. *Id.* at 136.  
19

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

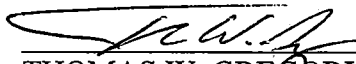
27 ///

28

Conclusion

The Defendant is wrong regarding the applicability of *Morsicato* and *Yeghiazarian* to Mr. Noedel's testimony. NRS 50.245 and the Nevada Supreme Court cases of *Hallmark* and *Higgs* provide the standard to be applied. Mr. Noedel's testimony is both relevant and the product of reliable methodology. That the defendant does not care for Mr. Noedel's opinions can be addressed in cross-examination. The State respectfully requests denial of the defendant's motion.

DATED this 22 day of January, 2015.

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

1  
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Douglas County District  
4 Attorney's Office, and that on this day I deposited for mailing in Minden a copy of the  
5 foregoing Opposition to the Defendant's Motion in Limine re: Crime Scene Reconstruction  
6 addressed to:  
7

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

12 DATED this 22~~nd~~ day of January, 2015.

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

Case No. 14-CR-0062

Dept. No. 1

This document does not contain personal information of any person.

RECEIVED

JAN 23 2015

Douglas County  
District Court Clerk

FILED

2015 JAN 23 AM 8:36

BOBBIE R. WILLIAMS  
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

ADDENDUM TO  
NOTICE OF WITNESSES

Tatiana Leibel, by and through counsel, Kristine L. Brown provides notice of the names and last known addresses of the additional witnesses the defense intends to call in its case in chief (if not called by the state) pursuant to NRS 174.234.

Sergeant Michael Lyford  
Washoe County Crime Lab  
911 Parr Blvd  
Reno, NV.

Joey Lear  
Washoe County Crime Lab  
911 Parr Blvd  
Reno, NV.

Dated this 22<sup>nd</sup> day of January, 2015.



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



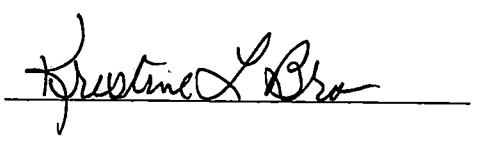
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 **ADDENDUM TO NOTICE OF WITNESSES** to:

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

Dated this 23rd day of January, 2015.

  
\_\_\_\_\_

1 Case No. 14-CR-0062

2 Dept. No. I

RECEIVED

JAN 26 2015

Douglas County  
District Court Clerk

FILED

2015 JAN 26 AM 11:19

BOBBIE R. WILLIAMS  
CLERK

BY M. Laury 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 v.

ORDER

12 TATIANA LEIBEL,

13 Defendant.  
14 \_\_\_\_\_/

15 THIS MATTER came before the court on Friday, January 23, 2015, at the time set for  
16 a final pre-trial conference. Among other things, the court addressed a request from the local  
17 newspaper, *The Record-Courier*, to allow Jim Grant to serve as the media pool photographer  
18 during the opening day of trial. The court granted permission for Jim Grant to be present within  
19 the courtroom and take pictures during the opening day of trial on behalf of any designated media  
20 pool, so long as the photographer does not take pictures of jurors or prospective jurors or the  
21 juror box and remains in his assigned seat in order to complete his task in an unobstructive  
22 manner.  
23

25 IT IS SO ORDERED.

26 Dated this 26 day of January, 2015.

27  
28  
NATHAN TOD YOUNG  
District Judge

NATHAN TOD YOUNG  
DISTRICT JUDGE  
DOUGLAS COUNTY  
P.O. BOX 218  
MINDEN, NV 89423

703

Copies served by mail this 26 day of January, 2015, to: Thomas Gregory, Esq., Chief Deputy District Attorney (hand delivered); Kristine Brown, Esq. (Clerk's mail); Jamie Henry, Esq. (Clerk's mail); *The Record-Courier* (hand delivered).

Brenda Holzer  
Judicial Assistant

RECEIVED

FILED

Case No. 14-CR-0062

Dept. No. I

JAN 28 2015

Douglas County  
District Court Clerk

2015 JAN 28 PM 4:40

BOBBIE R. WILLIAMS

CLERK

DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA

Plaintiff,

SUBPOENA

vs.

TATIANA LEIBEL

Defendant

THE STATE OF NEVADA SENDS GREETINGS TO:

CHRIS HEADRICK  
1936 E. F. ST.  
CAVEVIEW CA 95341

You are commanded to appear and attend before the Ninth Judicial District Court, in the County of Douglas, State of Nevada at 1038 Buckeye Road, Minden, Nevada on **February 2-4 at 9:00 a.m.**, then and there to testify in a criminal matter prosecuted by the State of Nevada against the above named defendant.

Given under my hand this  
11 day of December, 2014.  
Clerk of the District Court.

By: [Signature], Deputy Clerk

I hereby certify that I served the witness subpoena, by showing the within original to a person named CHRIS HEADRICK and informing him/her of the contents thereof on the 26 day of

January, 2015.

Dated: 1-28-15

[Signature]  
Signature

Case No. 14-CR-0062

Dept. No. I

RECEIVED

JAN 29 2015

Douglas County  
District Court Clerk

FILED

2015 JAN 29 AM 8:54

BOBBIE R. WILLIAMS  
CLERK

BY *[Signature]*  
DEPUTY 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

SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO:

*Sgt. Mike [Signature]*  
*WCSO*

You are commanded to appear and attend before the Ninth Judicial District Court, in the County of Douglas, State of Nevada at 1038 Buckeye Road, Minden, Nevada on ~~February 24~~ *9-6* at 9:00 a.m., then and there to testify in a criminal matter prosecuted by the State of Nevada against the above named defendant.

Given under my hand this  
*11* day of *December*, 2014.  
Clerk of the District Court.

By: *[Signature]* Deputy Clerk

I hereby certify that I served the witness subpoena, by showing the within original to a person named *Civil WCSO* and informing him/her of the contents thereof on the *27* day of

*January*, 20 *15*.  
Dated: *1-15-20*

*[Signature]*  
Signature

RECEIVED

FILED

Case No. 14-CR-0062

Dept. No. I

JAN 29 2015

Douglas County  
District Court Clerk

2015 JAN 29 AM 8:54

BOBBIE R. WILLIAMS  
CLERK

*[Signature]*  
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

SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO:

CARRIE RATAJIC  
2335 SOLITUDE DR  
RENO NV 89511

You are commanded to appear and attend before the Ninth Judicial District Court, in the County of Douglas, State of Nevada at 1038 Buckeye Road, Minden, Nevada on ~~February 24~~ <sup>4</sup> ~~at 9:00 a.m.~~, then and there to testify in a criminal matter prosecuted by the State of Nevada against the above named defendant.

Given under my hand this  
19 day of December, 2014.  
Clerk of the District Court.

By: *[Signature]*, Deputy Clerk

I hereby certify that I served the witness subpoena, by showing the within original to a person named CARRIE RATAJIC and informing him/her of the contents thereof on the 25 day of

January, 2015.  
Dated: 1-25-15

*[Signature]*  
Signature

RECEIVED

FILED

Case No. 14-CR-0062

JAN 29 2015

2015 JAN 29 AM 8:54

Dept. No. I

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

DEPUTY

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

THE STATE OF NEVADA

Plaintiff,

SUBPOENA

vs.

TATIANA LEIBEL

Defendant

THE STATE OF NEVADA SENDS GREETINGS TO:

SEBY LEAL  
WCC

You are commanded to appear and attend before the Ninth Judicial District Court, in the


County of Douglas, State of Nevada at 1038 Buckeye Road, Minden, Nevada on ~~February 24~~  
~~4-2~~  
at 9:00 a.m., then and there to testify in a criminal matter prosecuted by the State of Nevada  
against the above named defendant.

Given under my hand this  
19 day of December, 2014.  
Clerk of the District Court.

By:  Deputy Clerk

I hereby certify that I served the witness subpoena, by showing the within original to a person  
named Lil' WSC and informing him/her of the contents thereof on the 23 day of

January, 2015.  
Dated: 1-23-15

  
Signature

708

RECEIVED

JAN 29 2015

Douglas County  
District Court Clerk

FILED

2015 JAN 29 PM 12:53

BOBBIE R. WILLIAMS  
CLERK

BY: [Signature] DEPUTY

Case No. 14-CR-0062

Dept. No. I

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

SUBPOENA

THE STATE OF NEVADA SENDS GREETINGS TO:

Jim Ante  
Tahoe Douglas Fire Protection District  
193 Elks Point Road  
Zephyr Cove, Nevada

You are commanded to appear and attend before the Ninth Judicial District Court, in the County of Douglas, State of Nevada at 1038 Buckeye Road, Minden, Nevada on **February 4-6, 2015, at 9:00 a.m.**, then and there to testify in a criminal matter prosecuted by the State of Nevada against the above named defendant.

Given under my hand this  
29 day of January, 2015.  
Clerk of the District Court.

By: [Signature] Deputy Clerk

I hereby certify that I served the witness subpoena, by showing the within original to a person named Jim Ante and informing him/her of the contents thereof on the 29 day of January, 2015.

Dated: 1-29-15

[Signature]  
Signature



1 CASE NO. 14-CR-0062

RECEIVED

FILED

2 DEPT. NO. II

FEB - 5 2015

2015 FEB -5 PM 10:05

3 Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

4 BY *[Signature]* DEPUTY

5  
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 COUNTY OF DOUGLAS, STATE OF NEVADA  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

VERDICT

12 TATIANA LEIBEL,

13 Defendant.  
14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel, GUILTY of  
16 the crime of SECOND DEGREE MURDER.

17 DATED this 5 day of February, 2015.

18  
19 Was a firearm used in the commission of the offense? (check one)

20 Yes X

No \_\_\_\_\_

21  
22  
23 *[Signature]*  
FOREPERSON *Russ Morlettaro*

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_ /

15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel,  
16 NOT GUILTY of the crime of SECOND DEGREE MURDER.

17 DATED this \_\_\_\_ day of February, 2015.

18  
19  
20 \_\_\_\_\_  
FOREPERSON  
21  
22  
23  
24  
25  
26  
27  
28

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_ /  
15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel, GUILTY of  
16 the crime of FIRST DEGREE MURDER.

17 DATED this \_\_\_\_\_ day of February, 2015.

18  
19 Was a firearm used in the commission of the offense? (check one)

20 Yes \_\_\_\_\_

No \_\_\_\_\_

21  
22  
23 \_\_\_\_\_  
24 FOREPERSON  
25  
26  
27  
28

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel,  
16 NOT GUILTY of the crime of FIRST DEGREE MURDER.

17 DATED this \_\_\_\_ day of February, 2015.

18  
19  
20 \_\_\_\_\_  
FOREPERSON  
21  
22  
23  
24  
25  
26  
27  
28

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel, GUILTY of  
16 the crime of VOLUNTARY MANSLAUGHTER.

17 DATED this \_\_\_\_ day of February, 2015.

18  
19 Was a firearm used in the commission of the offense? (check one)

20 Yes \_\_\_\_\_

No \_\_\_\_\_

21  
22  
23 \_\_\_\_\_  
24 FOREPERSON  
25  
26  
27  
28

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_ /  
15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel,  
16 NOT GUILTY of the crime of VOLUNTARY MANSLAUGHTER.

17 DATED this \_\_\_\_ day of February, 2015.

18  
19  
20 \_\_\_\_\_  
FOREPERSON  
21  
22  
23  
24  
25  
26  
27  
28

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_ /  
15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel,  
16 GUILTY of the crime of INVOLUNTARY MANSLAUGHTER.

17 DATED this \_\_\_\_ day of February, 2015.  
18  
19

20 \_\_\_\_\_  
FOREPERSON  
21  
22  
23  
24  
25  
26  
27  
28

1 CASE NO. 14-CR-

2 DEPT. NO. II

3  
4  
5  
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**  
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

**VERDICT**

12 TATIANA LEIBEL,

13 Defendant.

14 \_\_\_\_\_ /  
15 We, the jury in the above-entitled matter, find the defendant, Tatiana Leibel,  
16 NOT GUILTY of the crime of INVOLUNTARY MANSLAUGHTER.

17 DATED this \_\_\_\_ day of February, 2015.

18  
19  
20 \_\_\_\_\_  
FOREPERSON  
21  
22  
23  
24  
25  
26  
27  
28



**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 hand-delivered in Minden a copy of the foregoing prosecution's proffered special jury instructions with and without citations, addressed to:

Kristine Brown, Esq.  
Attorney at Law  
1489 Highway 395 South  
Gardnerville, NV 89410

DATED this \_\_\_\_ day of January, 2015.

\_\_\_\_\_  
JAN BUDDEN

RECEIVED

FEB - 5 2015

Douglas County  
District Court Clerk

FILED

2015 FEB -5 PM 10:05

BOBBIE R. WILLIAMS  
CLERK

BY *[Signature]* DEPUTY

1 Case No. 14-CR-0062

2 Dept. No. I

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

7 IN AND FOR THE COUNTY OF DOUGLAS

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

INSTRUCTIONS TO THE JURY

11 TATIANA LEIBEL,

12 Defendant.

14 MEMBERS OF THE JURY:

15 It is now my duty as Judge to instruct you in the law that applies to this case. It is your  
16 duty as jurors to follow these instructions and to apply the rules of law to the facts as you find  
17 them from the evidence.

28 Jury Instruction 1

1           You must not be concerned with the wisdom of any rule of law stated in these  
2 instructions. Regardless of any opinion you may have as to what the law ought to be, it would  
3 be a violation of your oath to base a verdict upon any other view of the law than that given in  
4 the instruction of the Court.

5           If in these instructions any rule, direction or idea is repeated or stated in different ways,  
6 no emphasis thereon is intended by me and none may be inferred by you. For that reason you  
7 are not to single out any certain sentence or any individual point or instruction and ignore the  
8 others, but you are to consider all the instructions as a whole and regard each in the light of all  
9 the others.

10           The order in which the instructions are given has no significance as to their relative  
11 importance.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Jury Instruction 2

1 If during this trial I have said or done anything which has suggested to you that I am  
2 inclined to favor the claims or position of either party, you will not suffer yourself to be  
3 influenced by any such suggestion.

4 I have not expressed, nor intended to express, nor have I intended to intimate, any  
5 opinion as to which witnesses are, or are not, worthy of belief; what facts are, or are not,  
6 established; or what inferences should be drawn from the evidence. If any expression of mine  
7 has seemed to indicate an opinion relating to any of these matters, I instruct you to disregard it.

Two classes of issues or questions have arisen for determination and decision in this case, that is: First, questions of law; second, questions of fact. It is the duty and exclusive province of the court to decide these questions of law, and the jury must receive as law what is laid down as such by the court. However, as to the second class of issues, or questions, that is questions of fact, it is the exclusive province of the jury to decide and determine.

Jury Instruction 4

1           An information is a formal method of accusing a defendant of a crime. It is not  
2 evidence of any kind against the accused, and does not create any presumption or permit any  
3 inference of guilt.

1 The Defendant in this case is being tried upon an Information which has been duly and  
2 regularly filed by the Chief Deputy District Attorney of Douglas County, Nevada, charging the  
3 defendant, Tatiana Leibel, with committing the crime of Open Murder with the Use of a Firearm,  
4 a violation of sections 200.010(1) through 200.090 and 193.165 of the Nevada Revised Statutes,  
5 a felony, on or about February 23, 2014, or thereabouts, in Douglas County, Nevada, in the  
6 following manner:

7 That the defendant did willfully, unlawfully and with malice  
8 aforethought, kill a human being, Harry Leibel, with the use of a  
9 firearm, a deadly weapon, thereby inflicting mortal wounds from  
10 which he died, to wit: did kill Harry Leibel by using a firearm and  
11 shooting him in the torso.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Instruction No. 6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The elements of the crime of Murder are:

1. The defendant did willfully and unlawfully;
2. Kill a human being;
3. With malice aforethought, either express or implied.

Instruction No. 7



1 Express malice is that deliberate intention to unlawfully take away the life of a fellow  
2 creature, which is manifested by external circumstances capable of proof.

3 Malice may be implied when no considerable provocation appears or when all the  
4 circumstances of the killing show an abandoned and malignant heart.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 Instruction No. 8

1 Malice aforethought, as used in the definition of murder, means the intentional doing of a  
2 wrongful act without legal cause or excuse, or what the law considers adequate provocation. The  
3 condition of mind described as malice aforethought may arise, not alone from anger, hatred,  
4 revenge or from particular ill will, spite or grudge toward the person killed, but may also result  
5 from any unjustifiable or unlawful motive or purpose to injure another, which proceeds from a  
6 heart fatally bent on mischief, or with reckless disregard of consequences and social duty.

7 "Aforethought" does not imply deliberation or the lapse of considerable time. It only  
8 means the required mental state must precede rather than follow the act.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Instruction No. 9

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Murder is divided into two degrees:

Murder of the first degree is murder which is willful, deliberate and premeditated.

Murder of the second degree is all other kinds of murder.

Instruction No. 10

1 Murder of the first degree is murder which is perpetrated by means of any kind of willful,  
2 deliberate, and premeditated killing. All three elements – willfulness, deliberation, and  
3 premeditation – must be proven beyond a reasonable doubt before an accused can be convicted  
4 of first-degree murder.

5 Willfulness is the intent to kill. There need be no appreciable space of time between  
6 formation of the intent to kill and the act of killing.

7 Deliberation is the process of determining upon a course of action to kill as a result of  
8 thought, including weighing the reasons for and against the action and considering the  
9 consequences of the action.

10 A deliberate determination may be arrived at in a short period of time. But in all cases the  
11 determination must not be formed in passion, or if formed in passion, it must be carried out after  
12 there has been time for the passion to subside and deliberation to occur. A mere unconsidered  
13 and rash impulse is not deliberate, even though it includes the intent to kill.

14 Premeditation is a design, a determination to kill, distinctly formed in the mind by the time  
15 of the killing.

16 Premeditation need not be for a day, an hour, or even a minute. It may be as instantaneous  
17 as successive thoughts of the mind. For if the jury believes from the evidence that the act  
18 constituting the killing has been preceded by and has been the result of premeditation, no matter  
19 how rapidly the act follows the premeditation, it is premeditated.

20 The law does not undertake to measure in units of time the length of the period during  
21 which the thought must be pondered before it can ripen into an intent to kill which is truly  
22 deliberate and premeditated. The time will vary with different individuals and under varying  
23 circumstances.

24 The true test is not the duration of time, but rather the extent of the reflection. A cold,  
25 calculated judgment and decision may be arrived at in a short period of time, but a mere  
26 unconsidered and rash impulse, even though it includes an intent to kill, is not deliberation and  
27 premeditation as will fix an unlawful killing as murder of the first degree.

28 Instruction No. 11

1 Intent to kill, as well as premeditation, may be ascertained or deduced from the facts and  
2 circumstances of the killing, such as use of a deadly weapon calculated to produce death, the  
3 manner of its use, and the attendant circumstances characterizing the act.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 Instruction No. 12

1 Manslaughter is the unlawful killing of a human being without malice express or implied,  
2 and without a mixture of deliberation. Manslaughter may be voluntary, upon a sudden heat of  
3 passion, caused by a provocation apparently sufficient to make the passion irresistible; or,  
4 involuntary, in the commission of the unlawful act, or a lawful act without due caution or  
5 circumspection.

1 In cases of voluntary manslaughter, there must be a serious and highly provoking injury  
2 inflicted upon the person killing, sufficient to excite an irresistible passion in a reasonable  
3 person, or an attempt by the person killed to commit a serious personal injury on the person  
4 killing.

5 The killing must be the result of that sudden, violent impulse of passion supposed to be  
6 irresistible, for, if there should appear to have been an interval between the assault or  
7 provocation given for the killing, sufficient for the voice of reason and humanity to be heard, the  
8 killing shall be attributed to deliberate revenge and punished as murder.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Instruction No. 14

1 If you find the defendant committed the offense of First Degree Murder, Second Degree  
2 Murder, or Voluntary Manslaughter, then you must further determine whether the defendant used  
3 a firearm during the commission of the offense. You should indicate your finding by checking  
4 the appropriate box on the verdict form.

5 The burden is on the State to prove beyond a reasonable doubt that a firearm was used  
6 during the commission of the offense. However, the State is not required to prove what specific  
7 type of firearm was used, nor is the State required to produce the subject firearm at trial.

8 A deadly weapon is defined as follows:

9 1. Any instrument which, if used in the ordinary manner contemplated by its design and  
10 construction, will or is likely to cause substantial bodily harm or death; or

11 2. Any weapon, device, instrument, material or substance which, under the  
12 circumstances in which it is used, attempted to be used or threatened to be used, is readily  
13 capable of causing substantial bodily harm or death.

14 A loaded and operable firearm is a deadly weapon.

15  
16 12/  
17 ✓  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 Instruction No. 15



1 The Information in this case charges Open Murder with the Use of a Firearm. The Open  
2 Murder charge includes the offense of Murder in the First Degree and also necessarily includes  
3 the lesser included offenses of Murder in the Second Degree and Voluntary Manslaughter. The  
4 defendant may only be convicted of one of these offenses.

5 You should first examine the evidence as it applies to Murder in the First Degree. If  
6 you unanimously agree that the defendant is guilty of Murder in the First Degree, you should  
7 sign the appropriate Verdict form and request the bailiff to return you to court.

8 If you cannot unanimously agree that the defendant is guilty of Murder in the First  
9 Degree, you should then examine the evidence as it applies to Murder in the Second Degree. If  
10 you unanimously agree that the defendant is guilty of Murder in the Second Degree, you should  
11 sign the appropriate Verdict form and ask the bailiff to return you to court.

12 If you cannot unanimously agree that the defendant is guilty of Murder in the Second  
13 Degree, then you should examine the evidence as it applies to Voluntary Manslaughter. If you  
14 unanimously agree that the defendant is guilty of the crime of Voluntary Manslaughter, you  
15 should sign the appropriate Verdict form and request the bailiff to return you to court.

16 If you find the State has not proven the elements of the crimes of Murder or Voluntary  
17 Manslaughter beyond a reasonable doubt, you must find the defendant not guilty of all the  
18 offenses enumerated.

1 To constitute the crime charged, there must exist a union or joint operation of an act  
2 forbidden by law and an intent to do the act.

3 The intent with which an act is done is shown by the facts and circumstances  
4 surrounding the case.

1 The law recognizes two classes of evidence; one is direct evidence, and the other is  
2 circumstantial evidence.

3 Direct evidence consists of the testimony of every witness who, with any of his or her  
4 own physical senses, perceived an act or occurrence, and who relates what was perceived.

5 All evidence that is not direct evidence is circumstantial evidence, and, insofar as it  
6 shows any act or occurrence or any circumstance or fact tending to prove or disprove by  
7 reasonable inference one side or the other of an issue, it may be considered by you in arriving at  
8 a verdict.

9 The law makes no distinction between direct and circumstantial evidence, but respects  
10 each for such convincing force as it may carry and accepts each as a reasonable method of  
11 proof.

1           However, a finding of guilt as to any crime may not be based on circumstantial evidence  
2 unless the proved circumstances are not only (1) consistent with the theory that the defendant is  
3 guilty of the crime, but (2) cannot be reconciled with any other rational conclusion.

4           Further, each fact which is essential to complete a set of circumstances necessary to  
5 establish the defendant's guilt must be proved beyond a reasonable doubt. In other words,  
6 before an inference essential to establish guilt may be found, it must be found to have been  
7 proved beyond a reasonable doubt.

8           If one interpretation of such evidence appears to you to be reasonable and the other  
9 interpretation to be unreasonable, it would be your duty to accept the reasonable interpretation  
10 and to reject the unreasonable.

1 The defendant is presumed to be innocent until the contrary is proved. This  
2 presumption places upon the State the burden of proving beyond a reasonable doubt every  
3 material element of the crime charged and that the defendant is the person who committed the  
4 offense.

5 A reasonable doubt is one based on reason. It is not mere possible doubt, but is such a  
6 doubt as would govern or control a person in the more weighty affairs of life. If the minds of  
7 the jurors, after the entire comparison and consideration of all the evidence, are in such a  
8 condition that they can say they feel an abiding conviction of the truth of the charge, there is not  
9 a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

10 If you have a reasonable doubt as to the guilt of the defendant, he or she is entitled to a  
11 verdict of not guilty.

1           If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the  
2 offense charged, he or she may, however, be found guilty of any lesser offense, the commission  
3 of which is necessarily included in the offense charged, if the evidence is sufficient to establish  
4 his or her guilt of such lesser offense beyond a reasonable doubt.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Jury Instruction 21

1           The degree of credibility due a witness should be determined by his or her manner upon  
2 the stand, his or her fears, motives, interest, or feelings, his or her opportunity to have observed  
3 the matter to which he or she testified, the reasonableness or unreasonableness of the statements  
4 he or she makes, and the strength or weakness of his or her recollections.

1 A witness willfully false in one material part of his testimony is to be distrusted in others.  
2 You may reject the whole testimony of a witness who willfully has testified falsely as to a  
3 material point, unless from all the evidence, you shall believe the probability of truth favors his  
4 testimony in other particulars.

5 However, discrepancies in a witness' testimony or between his testimony and that of  
6 others, if there were any, do not necessarily mean that the witness should be discredited. Failure  
7 of recollection is a common experience, and innocent mis-recollection is not uncommon. It is a  
8 fact, also, that two persons witnessing an incident or transaction often will see or hear it  
9 differently. Whether a discrepancy pertains to a fact of importance or only to a trivial detail  
10 should be considered in weighing its significance.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Instruction No. 23



1  
2 Under the Federal and State Constitutions and the laws of this State, a defendant in a  
3 criminal proceeding has the option to take the witness stand in her own behalf. A defendant also  
4 has the absolute right not to testify in her own behalf. Instead the defendant may rely on the state  
5 of the evidence and argue that the State has failed to prove the charges against her beyond a  
6 reasonable doubt. Thus, the decision as to whether a defendant should testify is left solely to the  
7 defendant, acting with the advice, assistance and counsel of her attorney(s). If the defendant  
8 chooses not to testify in her own behalf, this circumstance must not be discussed by you in your  
9 deliberations or be considered by you in any way in determining the defendant's guilt or  
10 innocence.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 Jury Instruction 24

1           The evidence which you are to consider in this case consists of the testimony of the  
2 witnesses, the exhibits, and any facts admitted or agreed to by counsel.

3           Statements, arguments and opinions of counsel are not evidence in the case. However,  
4 if the attorneys stipulate or agree as to the existence of a fact, you must accept the stipulation as  
5 evidence, and regard that fact as proved.

1           You must not speculate to be true any insinuations suggested by a question asked a  
2 witness. A question is not evidence and may be considered only as it supplies meaning to the  
3 answer.

4           Any evidence as to which an objection was sustained by the Court, and any evidence  
5 ordered stricken by the Court, must be entirely disregarded.

6           Anything you may have seen or heard outside the Courtroom is not evidence, and must  
7 also be disregarded.

1           Although you are to consider only the evidence in the case in reaching a verdict, you  
2 must bring to the consideration of the evidence your everyday common sense and judgment as  
3 reasonable men and women. Thus, you are not limited solely to what you see and hear as the  
4 witnesses testify. You may draw reasonable inferences which you feel are justified by the  
5 evidence, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

1 In your deliberation you may not discuss or consider the subject of punishment, as that  
2 is a matter which lies solely with the Court.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Jury Instruction 29

1 It is your duty as jurors to consult with one another and to deliberate with a view toward  
2 reaching an agreement, if you can do so without violence to your individual judgment. Each of  
3 you must decide the case for yourself, but should do so only after a consideration of the case  
4 with your fellow jurors, and you should not hesitate to change an opinion when convinced that  
5 it is erroneous. However, you should not be influenced to vote in any way on any question  
6 submitted to you by the single fact that a majority of the jurors, or any of them, favor such a  
7 decision. In other words, you should not surrender your honest convictions concerning the  
8 effect or weight of evidence for the mere purpose of returning a verdict or solely because of the  
9 opinion of the jurors. Whatever your verdict is, it must be the product of a careful and impartial  
10 consideration of all the evidence in the case under the rules of law as given you by the court.

1 Do not confuse intent with motive. Motive is what prompts a person to act. Intent  
2 refers only to the state of mind with which the act is done.

3 Motive is not an element of the crime charged and the State is not required to prove a  
4 motive on the part of the defendant in order to convict. However, you may consider evidence  
5 of motive or lack of motive as a circumstance in the case.



1 In considering this case, you should not indulge in any mere conjectures, surmises or  
2 suppositions as to what may or may not have occurred, but you must decide the case upon the  
3 evidence offered and admitted in open Court.

1 A statement made by a defendant other than at this trial may be an admission or a  
2 confession. An admission is a statement by a defendant, which by itself is not sufficient to  
3 warrant an inference of guilt, but which tends to prove guilt when considered with the rest of  
4 the evidence. A confession is a statement by a defendant which discloses his or her intentional  
5 participation in the criminal act for which he or she is on trial and which discloses his or her  
6 guilt of that crime.

1           You are the exclusive judges as to whether an admission or a confession was made by  
2 the defendant, and if so, whether such statement is true in whole or in part. If you should find  
3 that any such statement is entirely untrue, you must reject it. If you find it is true in part, you  
4 may consider that part which you find to be true. Evidence of an oral admission or confession  
5 of the defendant ought to be viewed with caution.

1 Before the jury may consider a statement made by the defendant at a time other than at  
2 this trial, the jury must first determine whether there is some proof of each element of the crime  
3 charged. If the jury determined that there is some proof of each element of the crime charged,  
4 then the jury may use the statements of the defendant in determining whether the defendant is  
5 guilty.

1 A person is qualified to testify as an expert if he has special knowledge, skill,  
2 experience, training, or education sufficient to qualify him as an expert on the subject to which  
3 he testimony relates.

4 Duly qualified experts may give their opinions on questions in controversy at a trial. To  
5 assist you in deciding such questions, you may consider the opinion with the reasons given for  
6 it, if any, by the expert who gives the opinion. You may also consider the qualifications and  
7 credibility of the expert.

8 You are not bound to accept an expert opinion as conclusive, but should give to it the  
9 weight to which you find it to be entitled. You may disregard any such opinion if you find it to  
10 be unreasonable.

1 A witness who has special knowledge, skill, experience, training or education in a  
2 particular science, profession or occupation is an expert witness. An expert witness may have  
3 his opinion as to any matter in which he is skilled.

4 You should consider such expert opinion and weigh the reasons, if any, given for it.  
5 You are not bound, however, by such an opinion. Give it the weight to which you deem it  
6 entitled, whether that be great or slight, and you may reject it, if in your judgment the reasons  
7 given for it are unsound.

Neither the prosecution nor the defense is required to call as witnesses all persons who may appear to have some knowledge of the matters in question in this trial.

1 When you retire to consider your verdict, you must select one of your number to act as  
2 foreperson, who will preside over your deliberation and will be your spokesperson here in  
3 Court.

4 During your deliberation you will have all the exhibits which were admitted into  
5 evidence, these written instructions, and forms of verdict which have been prepared for your  
6 convenience.

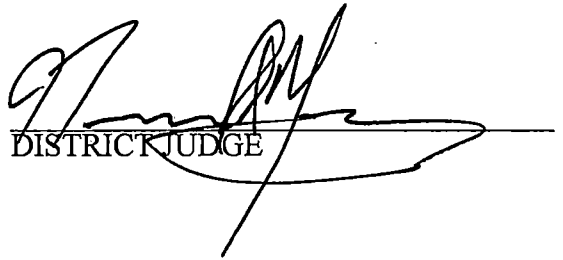
7 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it  
8 signed and dated by your foreperson, and then request that the bailiff return you to Court.



1 Now you will listen to the argument of counsel, who will endeavor to aid you to reach a  
2 proper verdict by refreshing in your minds the evidence, and by showing the application thereof  
3 to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be  
4 governed in your deliberation by the evidence as you understand it and remember it to be, and  
5 by the law as given you in these instructions, with the sole, fixed and steadfast purpose of doing  
6 equal and exact justice between the defendant and the State of Nevada.

7  
8  
9 GIVEN:

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

  
DISTRICT JUDGE

RECEIVED

FEB - 5 2015

CRIMINAL

CASE NO. 14-CR-0062

Douglas County  
District Court Clerk

2015 FEB - 5 PM 1:50

DEPT. NO. 1

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS  
ROBERT R. WILLIAMS  
CLERK  
C. O. Williams  
DEPUTY

BEFORE THE HONORABLE DISTRICT COURT JUDGE, NATHAN TOD YOUNG

THE STATE OF NEVADA,

Plaintiff,

vs.

TATIANA LEIBEL,

Defendant.

TRANSCRIPT OF PROCEEDINGS

MOTIONS HEARING

FRIDAY, JANUARY 23, 2015

APPEARANCES:

For the State:

TOM GREGORY  
Chief Deputy District Attorney  
Minden, Nevada

For the Defendant:

KRIS BROWN  
Attorney at Law  
Minden, Nevada

JAMIE HENRY  
Attorney at Law

Reported By:

Kathy Jackson CSR  
Nevada CCR #402  
California CCR #10465

CAPITOL REPORTERS (775) 882-5322

1 FRIDAY, JANUARY 23, 2015, MINDEN, NEVADA

2 -oOo-

3 THE COURT: Good morning, everyone. This is case  
4 14CR62, State of Nevada versus Tatiana Leibel. Ms. Leibel is  
5 present, together with her attorneys, Ms. Henry and  
6 Ms. Brown. The State is represented this morning by  
7 Mr. Gregory of the District Attorney's office.

8 We're here on a pretrial. This matter is  
9 scheduled to go to trial next week, beginning Tuesday and  
10 before I proceed any further, I'm going to put an interpreter  
11 on the line.

12 THE INTERPRETER: Hello.

13 THE COURT: Hello, is this Ms. Sosnovskoya?

14 THE INTERPRETER: Yes.

15 THE COURT: Good morning. This is Judge Young.

16 THE INTERPRETER: Good morning, Your Honor.

17 THE COURT: How are you, ma'am?

18 THE INTERPRETER: I'm fine. How are you?

19 THE COURT: I'm well. Thank you. We appreciate  
20 your participation this morning, and we will all try to  
21 remember to speak in very short sentences or short verse so  
22 that you may translate.

23 THE INTERPRETER: I appreciate it. Thank you.

24 THE COURT: At any time that you cannot hear us,

1 please advise me of that.

2 THE INTERPRETER: Okay.

3 THE COURT: And the last time that I had to be on  
4 the phone in your position and speak to people in this  
5 courtroom, I got an echo of my voice. Are you receiving that  
6 or do you hear clearly?

7 THE INTERPRETER: Yes, I am hearing clear.

8 THE COURT: Okay. All right. Thank you, ma'am.

9 A number of things that we need to discuss today.  
10 The first issue that I want to take up has to do with  
11 something that neither of these parties raise but that the  
12 Record Courier raised for us, and so I have been advised by  
13 Mr. Hildebrand, who sits in the courtroom this morning, that  
14 the Record Courier would like permission to have a pool  
15 photographer in the courtroom during the course of the trial.  
16 I don't know if they intend to be here through the entire  
17 trial or through part of it. It's not a video recording. It  
18 seems to be still photography, and so I want to hear first  
19 from the State.

20 Do you have any objection to that?

21 MR. GREGORY: No objection, Your Honor.

22 THE COURT: Thank you.

23 Ms. Brown?

24 MS. BROWN: Your Honor, I have no objection if it

1       could possibly begin after the jury selection. I think it  
2       might make jurors uncomfortable if there were a photographer  
3       in the courtroom.

4               THE COURT: Okay. Mr. Hildebrand, did you have  
5       opportunity to hear that?

6               MR. HILDEBRAND: I did, Your Honor.

7               THE COURT: Do you feel it's necessary for the  
8       Record Courier to be able to photograph the jury selection?

9               MR. HILDEBRAND: I don't think we have any  
10      interest in the jury selection.

11              THE COURT: Okay. Then it will be the order of  
12      the Court that the Record Courier will have permission to  
13      have a photographer in the courtroom. Now --

14              MS. BROWN: Where is our interpreter?

15              THE COURT: Oh, I'm sorry. I'm talking way too  
16      much for the interpreter.

17              THE INTERPRETER: That was quite a big --

18              THE COURT: That was way too much. How about if  
19      I start over.

20              THE INTERPRETER: I got some.

21              THE COURT: Okay. I'll be quiet and see what you  
22      can do.

23              Mr. Hildebrand, it's the order of the Court that  
24      the Record Courier will be allowed to have a photographer

1 present. I'm going to slow down here. I'm going to stop  
2 right there. However, that photographer is expressly  
3 prohibited from taking any photographs of the jurors or  
4 prospective jurors. The photographer may photograph the  
5 attorneys, witnesses and the defendant and the Court.

6 The photographer is not to move about the  
7 courtroom. There is a chair to the north side of the  
8 courtroom and at any time the photographer wishes to take a  
9 photograph of the proceedings, photographs are to be taken  
10 from that location. We'll make certain that a chair remains  
11 in that area for the duration of the trial.

12 As with the rest of the public, the photographer  
13 is permitted to come and go from the courtroom.

14 Does that meet the press' requirement, sir?

15 MR. HILDEBRAND: I believe it does, Your Honor.

16 THE COURT: Thank you, sir.

17 THE INTERPRETER: I didn't hear.

18 THE COURT: He said he believes it does.

19 The Court will produce a written order.

20 Some other issues, we will have two interpreters  
21 for the course of the trial. The Court intends to confer  
22 with those interpreters before the trial begins.

23 THE INTERPRETER: I'm sorry, Your Honor?

24 THE COURT: The Court intends to confer with

1 those interpreters before the trial begins.

2 THE INTERPRETER: Thank you.

3 THE COURT: There are two interpreters so that  
4 the interpreters can switch out because it's very taxing to  
5 interpret this much and for long periods of time. I have  
6 asked the justice court judge how long he kept an interpreter  
7 on duty during the course of the preliminary hearing, and  
8 that judge advises me that he changed every 20 minutes. That  
9 seems to be a little too frequent, and I'm going to ask the  
10 interpreters if they can work for an hour at a time or at  
11 least 45 minutes.

12 During the course of the trial, it's been my  
13 practice to take a break after about an hour and a half,  
14 mostly for the benefit of the court reporter and the court  
15 clerk. So you can anticipate that there will be a mid  
16 morning break and a mid afternoon break.

17 I want the trial to proceed promptly and both  
18 parties are advised to make certain that you have witnesses  
19 available whenever it's time to call another witness. I've  
20 received the parties' offered special jury instructions and  
21 didn't really want to settle instructions today. I asked to  
22 have them early so that I could study them and have time with  
23 them, and the parties would have time well in advance to look  
24 at the other side's instructions. So we'll address the

1 granting and the denial of instructions at a later date after  
2 we have time to listen to whatever evidence is presented.

3 I'm looking for a specific pleading. Just give  
4 me a second. I had it last night. Here it is. The Court  
5 has received a stipulation to waive penalty hearing by jury.  
6 It appears that there's one typo in this that I would just  
7 point out that may have a little bit different meaning so I  
8 want to address that.

9 Ms. Brown, do you have the pleading in front of  
10 you, ma'am?

11 MS. BROWN: I do, Your Honor.

12 THE COURT: On page two, the first line, third  
13 word says face. It says in the first face in the trial.

14 MS. BROWN: It should be phase.

15 THE COURT: Yes, ma'am, that's how I took it.  
16 Let's wait a minute.

17 MS. BROWN: Thank you.

18 THE COURT: I want -- because this is a  
19 substantive right of your client, I want you to show that  
20 pleading to your client, and I'm going to ask you to explain  
21 to her that the word face should actually be phase.

22 Ms. Leibel, do you understand the correction of  
23 the word?

24 THE DEFENDANT: Yes, Your Honor. Thank you.



1 THE COURT: Does anyone have an objection to me  
2 changing the original by striking the word face and writing  
3 the word phase?

4 MS. BROWN: No, Your Honor.

5 MR. GREGORY: No, Your Honor.

6 THE COURT: I have done so, and I have initialed  
7 that. I'm going to hand my copy of the pleading to the  
8 defense and ask them to have one of the attorneys sign it and  
9 have Ms. Leibel sign it and then give it to Mr. Gregory, and  
10 I have received the original back with all of those initials  
11 on it, and I am returning it to the Court file.

12 Ms. Leibel?

13 THE DEFENDANT: Yes.

14 THE COURT: With that change in the stipulation,  
15 is it still your intention to have the Court sentence you if  
16 are convicted instead of a jury sentencing you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And have you had adequate opportunity  
19 to discuss that issue with your lawyers?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you have any questions about  
22 that -- that issue?

23 THE DEFENDANT: No, Your Honor. Thank you.

24 THE COURT: And did you make that decision freely

1 and voluntarily?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. Thank you, ma'am.

4 THE DEFENDANT: Thank you.

5 THE COURT: That having been concluded, it seems  
6 to me that the next and probably one of the biggest issues  
7 for today is the motion in limine.

8 THE INTERPRETER: I'm sorry, there's a motion?

9 THE COURT: There's a motion in limine,  
10 l-i-m-i-n-e, so it's a motion in limitation. I have read the  
11 motion and the opposition thereto, and I understand that the  
12 audio, visual system is set up in case the parties wanted to  
13 display something to me, and I'm certainly prepared to hear  
14 argument on this issue today.

15 However, as I read through this, it occurred to  
16 me that it may benefit the Court to hear the testimony of the  
17 witness outside of the presence of the jury because a  
18 substantial part of this argument has to do with methodology.  
19 And if we were to do that, I would schedule a hearing outside  
20 the presence of the jury at some point during the course of  
21 the trial, whether we did it in the morning before the jury  
22 showed up or took an extended lunch hour and did it during  
23 then or even on a Saturday. Now, I'm not sure whether the  
24 attorneys believe that I need to do that in order to resolve

1 this issue, and I'm certainly willing to hear your arguments  
2 this morning.

3 Ms. Brown?

4 MS. BROWN: Your Honor, I would have no problem  
5 with hearing -- scheduling a hearing where the witness could  
6 actually testify. It might be helpful. As to the actual  
7 trajectory itself, we since the motion was filed have  
8 received some actual numbers for measurements that had not  
9 been given to us yet.

10 THE INTERPRETER: I could not understand that.

11 THE COURT: Okay. Would you repeat that, please,  
12 ma'am.

13 MS. BROWN: Is it okay if I sit down, Your Honor?

14 THE COURT: Through the course of trial, I -- let  
15 me make this clear, I have two very skilled -- three very  
16 skilled and professional attorneys here, and I appreciate  
17 that you stand when you speak to the Court. Go ahead  
18 interpreter. And generally the Court requires that but while  
19 we're using someone on the telephone, they can't hear you and  
20 just keep your seats and relax. Unless you're ready to wear  
21 one of these devices and then you can be heard throughout the  
22 room.

23 MS. BROWN: Do those devices have clip-on  
24 devices?

1 THE COURT: Yes, ma'am. This clips onto a belt  
2 or whatever you would like. It clips onto your lapel, and  
3 you can wear it inside your coat or if you don't have a coat,  
4 we'll put it somewhere behind you or something like that so  
5 it doesn't get in your way. We'll help you figure that out.

6 MS. BROWN: Thank you.

7 THE COURT: So, Ms. Brown, go ahead.

8 MS. BROWN: Your Honor, as I was saying, I don't  
9 have any objection to scheduling a hearing where the witness  
10 could testify outside the presence of the jury.

11 THE COURT: Mr. Gregory, what do you think of  
12 that idea?

13 MR. GREGORY: It's fine, Your Honor. I would  
14 just let Your Honor know that the witness is from out of  
15 state and so that would have to be during the course of trial  
16 rather than before trial or --

17 THE COURT: And I anticipated that and we can  
18 schedule. Can you tell me when your witness is scheduled to  
19 be here?

20 MR. GREGORY: I have him coming in I believe on  
21 the 28th. I would hope to have him on the stand between the  
22 28th and the 30th. I'm doubtful he will be on the stand the  
23 28th, more likely the 29th, 30th.

24 THE COURT: We can hear him the very first thing

1 on the 29th, allow the jury to come in a little bit later  
2 that day.

3 What do you think of that, Mr. Gregory?

4 MR. GREGORY: That should be fine. I would like  
5 to check with the witness just to make sure that is  
6 consistent with his travel plans, but I think that should be  
7 fine.

8 THE COURT: Ms. Brown?

9 MS. BROWN: That would be fine, Your Honor.

10 THE COURT: One of the things that we'll also  
11 afford you the opportunity to do, Ms. Brown, is since you  
12 have some numbers now, you might want to refine your motion.  
13 You can do that orally.

14 MS. BROWN: Okay. And, Your Honor, I'm having  
15 Mr. Billau to review those numbers to see if it's a question  
16 of reliability or just arguing about what they mean.

17 THE COURT: Mr. Gregory, there is at least one  
18 depiction in something that was attached to Ms. Brown's  
19 pleading that I have great concern about. Could I ask you to  
20 turn to page 12 of that pleading, sir.

21 MR. GREGORY: Yes, Your Honor.

22 THE COURT: Do you have that, sir?

23 MR. GREGORY: I do.

24 THE COURT: There are two photographs that depict

1 a skeleton with a weapon. That may be so that it appears to  
2 be gender neutral, but it's very unlikely that I'm going to  
3 allow the introduction of any photographs of skeletons  
4 shooting anybody. I think it has a ghoulish and prejudicial  
5 impact far beyond its probative value. Now, it may be  
6 there's some reason that your witness tells me it has to be a  
7 skeleton so there's some anatomical issue.

8 MR. GREGORY: No, no reason, Your Honor. He was  
9 trying to make it as neutral as possible. I can see the  
10 Court's concerns. He might very well be able to put a  
11 different type of image in.

12 THE INTERPRETER: I did not hear the last word.

13 THE COURT: Would you repeat that, sir.

14 MR. GREGORY: The expert was making every effort  
15 to make the representation as neutral as possible. I believe  
16 he can change or modify the image and I can understand the  
17 Court's concern.

18 THE INTERPRETER: Thank you.

19 THE COURT: The Court's concern is that a  
20 skeleton, one, appears to be ghoulish and, two, I'll pause  
21 for the interpreter. In our culture it's not unusual to see  
22 death depicted as a skeleton wearing a black cloak. It seems  
23 to me to be inappropriate. I'm not ruling on the general  
24 admissibility of any of this, but I'm telling you photographs

1 of skeletons shooting people are not going to come in to  
2 evidence.

3 MR. GREGORY: Thank you for that guidance.

4 THE COURT: So I think it's wise to hear the  
5 witness testify before I require anybody to make any further  
6 argument.

7 So with that having been said, do you want to  
8 address this issue any further, Ms. Brown?

9 MS. BROWN: Your Honor, not at this time.

10 MR. GREGORY: No, Your Honor.

11 THE COURT: The courtroom is going to be fairly  
12 crowded when we begin the jury selection. I intend to seek  
13 two alternates for this jury. You'll each have eight  
14 peremptories and an additional peremptory for the alternate.

15 THE INTERPRETER: I'm sorry, Your Honor, I did  
16 not hear that.

17 THE COURT: They will each have eight peremptory  
18 strikes, eight challenges for potential jurors and one  
19 additional for the alternative.

20 So we'll have a number of chairs out here in the  
21 front of the courtroom, and it may be that we'll find some  
22 necessity to pull the counsel tables back just a little bit.

23 Are both counsel comfortable with the layout of  
24 the room, including the audio, visual system where it happens

1 to be?

2 MR. GREGORY: I like the idea of pushing counsel  
3 table back a little bit, Your Honor. The couch is something  
4 I intend to introduce during the course of the trial so  
5 having a little bit more area in the well would be helpful.

6 THE COURT: Yes, sir.

7 MS. BROWN: Your Honor, if during jury selection,  
8 if nobody is going to be using the audio, video visual  
9 equipment, if we can move that because it does block our view  
10 of a lot of the jurors.

11 THE COURT: I think there's no reason to have it  
12 up at all during jury selection, and I'll talk to Mr. Bates  
13 about seeing if we can make it convenient to maybe collapse  
14 it or at least portions of it when it's not in use.

15 Have you arranged for clothing for your client?

16 MS. BROWN: Your Honor, clothing has been  
17 brought. I've been trying to make arrangements for her to  
18 try it on to make sure it fits and hopefully we'll -- we can  
19 inspire someone to do that today.

20 THE COURT: Historically, the Douglas County  
21 Sheriff's Office has been very cooperative in that issue. If  
22 you have a problem, I'm going to ask you to talk to  
23 Mr. Gregory and Mr. Gregory make a phone call down there, if  
24 you would, please, sir, but I don't anticipate a problem.



1 MS. BROWN: I think it's just scheduling. I  
2 don't think it's reluctance on their part.

3 THE COURT: What about her confinement during the  
4 course of the trial? Let's deal with that issue. Are we  
5 aware of how the sheriff's office intends to engage in  
6 security?

7 Mr. Gregory, do you know anything about that?

8 MR. GREGORY: I do not.

9 THE COURT: I have a bailiff here who is in  
10 charge of security. My bailiff is Deputy Eric Lindsey, who  
11 has some expertise in courtroom security. Deputy Lindsey?

12 DEPUTY LINDSEY: It's our intention to leave the  
13 defendant in regular clothing without any type of handcuffs  
14 or shackles during the course of the trial.

15 THE COURT: Go ahead, interpreter, and I'm aware  
16 that the sheriff's office has taken other security measures  
17 and those are not public, and you don't need to address  
18 those.

19 I'm aware that there is a representative of the  
20 Russian Federation that wants to observe trial.

21 Ms. Brown?

22 MS. BROWN: Your Honor, my last -- my last e-mail  
23 from him said he would like to be here on the first day, the  
24 27th.

1 THE COURT: Does he intend to stay throughout the  
2 trial?

3 MS. BROWN: No, he would be here on the 27th and  
4 then he anticipates coming back another day in early  
5 February.

6 THE COURT: The Court will ensure that there is a  
7 seat available for that representative in the audience, but  
8 he will be subject to the same security measures as anyone  
9 else.

10 MS. BROWN: And, Your Honor, he has -- he also  
11 requested to be able to have a visit with Ms. Leibel on  
12 Monday, and the jail is totally willing to accommodate that,  
13 so that has been arranged.

14 THE COURT: Thank you, ma'am.

15 Are there other issues you want to raise today,  
16 ma'am?

17 MS. BROWN: Your Honor, one thing that's  
18 concerning the trial scheduling, when I last talked to  
19 Mr. Gregory, he anticipated their case going through the end  
20 of the 4th, Wednesday. Dr. Omalu is available on Wednesday  
21 but not on the 5th and 6th, Thursday and Friday so that  
22 creates an issue.

23 THE COURT: Of course, if we take a morning out  
24 to take evidence on your expert, that could move it a little

1 further.

2 MR. GREGORY: I really feel like that Wednesday  
3 should be fine that we would be done with the State's case by  
4 then.

5 THE COURT: In time for the defense witness to  
6 testify?

7 MR. GREGORY: To testify on Wednesday, yes.

8 THE COURT: Okay. All right. We'll try to move  
9 it along to make sure that happens.

10 One moment. Ms. Brown and Ms. Henry are  
11 conferring. I want to let them get that done.

12 THE INTERPRETER: I'm sorry, Your Honor?

13 THE COURT: The attorneys were talking to each  
14 other. I want to give them a moment to finish their  
15 conversation.

16 THE INTERPRETER: Thank you very much.

17 MS. BROWN: The other thing, Your Honor, is maybe  
18 have a book shelf or table back here because the binders are  
19 growing in numbers and it would be convenient to have them  
20 off counsel table.

21 THE COURT: John? Well, if we move you back and  
22 then we put a book shelf behind you, you won't have a lot of  
23 room, but I will see what I can do about accommodating that  
24 request.

1 MS. BROWN: Thank you.

2 MR. GREGORY: Your Honor, I would offer that

3 carts are pretty helpful for that. I believe the D.A.'s

4 office has one that I could have. There might be another one

5 around the courthouse.

6 THE COURT: We'll look around.

7 Ms. Brown, Ms. Henry, anything else?

8 MS. BROWN: We want a printer under our desk.

9 THE COURT: No.

10 MS. BROWN: Close by?

11 THE COURT: A printer?

12 MS. BROWN: A printer.

13 THE COURT: What would you want to print?

14 MS. BROWN: Snips.

15 THE COURT: Huh?

16 MS. BROWN: When you snip things off your

17 computer.

18 THE INTERPRETER: I couldn't hear that.

19 THE COURT: Well, I heard it, and I didn't

20 understand it. She said when you snip something off your

21 computer. I'm not sure what that means.

22 MS. BROWN: That little scissor icon where you

23 can outline something and it will make a photograph of

24 whatever is on -- it's like a screen shot.

1 THE COURT: Okay. So if you have a necessity to  
2 snip something, I assume it will be from a laptop in front of  
3 you.

4 MS. BROWN: Yes.

5 THE COURT: Which you are providing yourself.

6 MS. BROWN: Yes.

7 THE COURT: You may e-mail that to my judicial  
8 assistant with a request that she print it and she will do  
9 so.

10 MS. BROWN: Thank you.

11 THE COURT: You're welcome.

12 MS. BROWN: Do you have a color printer?

13 THE COURT: No. What else do you need?

14 MS. BROWN: I think that's it, Your Honor.

15 THE COURT: Do you have other issues for today?

16 MS. BROWN: No, Your Honor.

17 THE COURT: Let's turn to Mr. Gregory. What kind  
18 of equipment do you require here, sir?

19 MR. GREGORY: No equipment, Your Honor. We did  
20 have the issue of the State's motion in limine regarding  
21 photographs.

22 MS. BROWN: The reason we're here.

23 THE INTERPRETER: I'm sorry. The interpreter  
24 could not hear.

1 MR. GREGORY: We did also have the issue of the  
2 State's motion in limine regarding photographs.

3 THE COURT: Okay. Let's address that.

4 MR. GREGORY: I met with the pathologist  
5 yesterday and identified which photos of the decedent that  
6 the State would like to use during the course of the trial.

7 THE INTERPRETER: I'm very sorry. The  
8 interpreter can hardly hear.

9 THE COURT: Is your microphone on, sir?

10 MR. GREGORY: It is.

11 THE COURT: Tap it for a couple of times, okay.  
12 It seems to be on.

13 MR. GREGORY: I met with the pathologist  
14 yesterday and we identified which photographs of the decedent  
15 we would like to use at trial. I printed out a copy of those  
16 photos and gave Ms. Brown an opportunity to see them just  
17 prior to court this morning.

18 THE COURT: Would you like to review them with  
19 the Court now?

20 MR. GREGORY: If I could just speak a moment with  
21 Ms. Brown to identify which photographs there might be  
22 arguments about, it might expedite it.

23 THE COURT: Absolutely, go ahead.

24 MS. BROWN: Your Honor, I was given a chance to

1 review them before court today, and I'm not objecting to the  
2 series of photographs.

3 THE COURT: I believe that resolves that issue.  
4 Anything else, Mr. Gregory?

5 MR. GREGORY: No, Your Honor.

6 THE COURT: I want to remind everyone that we're  
7 on a fairly tight schedule so it's my hope that when we take  
8 a break or we break for lunch or something like that, when I  
9 tell you how long the break is going to be, that at the end  
10 of the break, you'll be back in your chair, not coming back  
11 into the room.

12 I have a genuine desire to run court on time and,  
13 of course, things come up where maybe, you know, on occasion  
14 or so, we're not able to start exactly when I said. I know  
15 things come up for you, and I assure you that once I step  
16 back through that door, I never know exactly what I'm going  
17 to find, but I want everyone to please recall that the time  
18 of the jurors is very very valuable to them.

19 In fact, in any jury survey, the one thing that  
20 jurors tend to complain more than anything else is wasted  
21 time, and I just ask you to keep that issue in your mind.

22 If either side needs some accommodation during  
23 the trial, you're certainly welcome to let me know.

24 While we're on the topic of time and

1 accommodations, have the parties met with the clerk to  
2 address the numbering of exhibits?

3 MR. GREGORY: The State has not, Your Honor. I  
4 would offer that Monday would be a fine time to do that.

5 THE COURT: Okay. Ms. Brown?

6 MS. BROWN: I could -- we could try to get things  
7 ready, except a lot of our -- we don't know what the State  
8 has to mark that would be a repeat of what we want,  
9 photograph wise, maybe.

10 THE COURT: Uh-huh. Well, if you mark something  
11 and then you don't offer it because it's already been offered  
12 and you're not out anything, okay.

13 And I'll let you both know because you have not  
14 done a trial in front of me, the exhibits are going to be  
15 numbered numerically, all of them and -- go ahead,  
16 interpreter. So we'll -- if the State estimates for example  
17 that they have 50 exhibits, we'll probably give them numbers  
18 1 through 75 or so, so they will have some extras if they  
19 need them, and your numbers would pick up after that.

20 Exhibits aren't referred to as State's Exhibit 1  
21 or Defense Exhibit 1 because it's the Court's belief that  
22 assigning a name or a party to an exhibit tend to bolster the  
23 credibility of that particular exhibit inappropriately and,  
24 in fact, and in law, the exhibit belongs to the Court once



1 offered, so they are all of the Court's exhibits. And that  
2 way when the jury examines them or considers them, they are  
3 considering the Court's exhibits, not the State's exhibits or  
4 the defense exhibits.

5 Any question about that process?

6 MR. GREGORY: No.

7 MS. BROWN: No, Your Honor.

8 THE COURT: Okay. With that, if there's nothing  
9 else to be addressed today, I look forward to seeing you all  
10 on Tuesday morning. If there are issues that arise, please  
11 let me know, and we will proceed with this very very serious  
12 matter.

13 MS. BROWN: One more question.

14 THE COURT: Yes, ma'am.

15 MS. BROWN: Are you going to call up a certain  
16 number of jurors at the start?

17 THE COURT: Yes.

18 MS. BROWN: And what is that number?

19 THE CLERK: 32.

20 MS. BROWN: 32?

21 THE COURT: My clerk is preparing -- and you can  
22 do whatever you want to do but my clerk is preparing a  
23 diagram that has 32 different boxes in it that you can use if  
24 it assists you in jury selection.

1 Any other questions, ma'am?  
2 MS. BROWN: No, Your Honor.  
3 THE COURT: Mr. Gregory?  
4 MR. GREGORY: No, Your Honor.  
5 THE COURT: Go ahead. Ms. Sosnovskoya, thank you  
6 so much for your assistance today. The Court genuinely does  
7 appreciate your help.  
8 THE INTERPRETER: You're very welcome. My  
9 pleasure.  
10 THE COURT: We are in recess.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24


STATE OF NEVADA,       )  
                              ) ss.  
CARSON CITY.            )

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

That I was present in the District Court in Minden, in  
and for the State of Nevada, on January 23, 2015, for the  
purpose of reporting in verbatim stenotype notes the  
within-entitled Hearing;

That the foregoing transcript, consisting of pages 1  
through 28, is a full, true and correct transcription of said  
Hearing.

Dated at Carson City, Nevada, this 29th day  
of January, 2015.

  
\_\_\_\_\_  
KATHY JACKSON, CCR  
Nevada CCR #402

1 CAPITOL REPORTERS  
2 515 W. Fourth Street, Suite B  
3 Carson City, Nevada 89703  
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-0062  
8 Plaintiff, Dept. No. 1  
9 Vs.  
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) Hearing -- 1/23/15

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)

1) \_\_\_\_\_  
2) \_\_\_\_\_

20 (Your signature) Kathy Jackson (Date) 1/29/15  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 14-CR-0062

Department No. H-I

This document does not contain personal information of any person.

RECEIVED

FEB - 6 2015

Douglas County  
District Court Clerk

FILED

2015 FEB -6 PM 12:52

BOBBIE R. WILLIAMS  
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 )

EX PARTE REQUEST FOR PAYMENT

On December 7, 2014 this court entered an order authorizing the defense to spend sums not to exceed \$3000 (three thousand dollars) to employ a Forensic Pathologist to testify at trial. The attached Billing Statement is submitted for payment.

Dated this 12<sup>th</sup> day of Feb, 2015.

*[Signature]*

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

## BENNET OMALU PATHOLOGY

1132 Junewood Court  
Lodi, CA 95242  
Phone: 209-712-9092  
Fax: 866-402-6875  
E-mail: [bennetomal@comcast.net](mailto:bennetomal@comcast.net)

Public Health Management  
Anatomic Pathology  
Clinical Pathology and Toxicology  
Forensic Pathology  
Neuropathology  
Epidemiology  
Medico-legal Consultations

### INVOICE

### MEDICO-LEGAL CONSULTATION

February 5, 2015

Kristine L. Brown, Esq.  
The Law Office of Kristine L. Brown, LLC  
1190 High School Street, Suite A  
Gardnerville, NV 89410

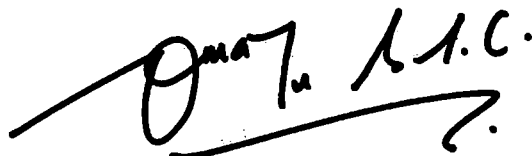
#### **RE: PEOPLE VS. TATIANA LEIBEL EXPERT WITNESS CONSULTATIONS**

Review/analysis of case materials and preparation for trial	3.5 hrs	02/02/15
Review/analysis of case materials and preparation for trial	2.0 hrs	02/03/15
Meetings/conferences with attorney and preparation for trial	2.0 hrs	01/31-02/04/15
One day court room testimony	8 hrs	01/04/15

Total number of hours: 15.5 hours  
Total number of hours billed: 15 hours  
Hourly rate for this case: \$200 per hour

**Total Amount Due: \$3000.00**

PLEASE MAKE CHECK PAYABLE TO BENNET OMALU, MD



Bennet I. Omalu, MD, MBA, MPH, CPE, DABP-AP, CP, FP, NP

FILED

Case No. 14-CR-0062

Department No. H-I

RECEIVED

2015 FEB -9 PM 4:10

This document does not contain personal information of any person.

FEB 6 2015

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
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

ORDER FOR PAYMENT

It is hereby ordered that payment of \$3000.00(three thousand dollars) be made to:

Bennet Omalu  
1132 Junewood Court  
Lodi, CA 95242

for the cost the Medico-Legal consultation and testimony in this matter.

Dated this 9 day of February, 2015.

District Court Judge

Submitted by:  
Kristine L. Brown  
1190 High School Street, Suite A  
Gardnerville, Nv. 89410  
775-783-8642  
Counsel for Defendant

RECEIVED

FILED

Case No. 14-CR-0062.

FEB 18 2015

2015 FEB 18 PM 1:00

Department No. I

Douglas County  
District Court Clerk

This document does not contain personal information of any person.

BOBBIE R. WILLIAMS  
CLERK  
*B. 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

REQUEST FOR PAYMENT

Chaya Anna was subpoenaed as a witness in the above captioned case. Although not called as a witness, she was available pursuant to her subpoena February 2-4, 2015. The cost of her flight from San Diego was \$370.70. The cost of lodging was \$320.42. All costs were paid by Nancy Strayern. The attached billing statements are submitted for payment.

Dated this 17<sup>th</sup> day of February, 2015.

*Kristine L. Brown*

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



2/17/2015

Gmail - Fwd: Flight reservation (FFC3FS) | 01FEB15 | SAN-RNO | Leibel/Chaya Anna



Kristine Brown <klbesquire@gmail.com>

## Fwd: Flight reservation (FFC3FS) | 01FEB15 | SAN-RNO | Leibel/Chaya Anna

1 message

Strayer, Nancy <strayem@aol.com>

Wed, Feb 11, 2015 at 11:01 AM

To: klbesquire@gmail.com

**Below** is Chaya-Anna's airfare for the "subpoena" week and attached is the hotel receipt for 3 nights.

Please let me know if you need anything further, and thanks for any financial assistance the court can provide

Sincerely,

Nancy Strayer, MBA, CMPE  
Strayer Consulting Services  
775 721-6322  
775 201-0452 fax

—Original Message—

From: Southwest Airlines <SouthwestAirlines@luv.southwest.com>

To: STRAYERN <STRAYERN@AOL.COM>

Sent: Tue, Jan 27, 2015 9:42 pm

Subject: Flight reservation (FFC3FS) | 01FEB15 | SAN-RNO | Leibel/Chaya Anna

You're all set for your trip!

# Southwest

[My Account](#) | [View My Itinerary Online](#)

Check In  
Online

Check Flight  
Status

Change  
Flight

Special  
Offers

Hotel  
Offers

Car Offers

## Ready for takeoff!



Thanks for choosing Southwest® for your trip! You'll find everything you need to know about your reservation below. Happy travels!



AIR Itinerary

**AIR Confirmation: FFC3FS**

Confirmation Date: 01/27/2015

**Save up to 30%**  
**Plus earn up to 2,400**  
**Rapid Rewards® points.**

Let's go!

**Budget**

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
LEIBEL/CHAYA AN NA	20267008193	5262478197359	Apr 29, 2015	

Rapid Rewards points earned are only estimates. Visit your (MySouthwest, Southwest.com or Rapid Rewards) account for the most accurate totals - including A-List & A-List Preferred bonus points.

Date	Flight	Departure/Arrival
Sun Feb 1	167	Depart <b>SAN DIEGO, CA (SAN)</b> on Southw est Airlines at <b>4:55 PM</b>

790

Arrive in LAS VEGAS, NV (LAS) at 6:05 PM

1114 Change planes to Southwest Airlines in LAS VEGAS, NV (LAS)  
at 7:35 PM  
Arrive in RENO/TAHOE, NV (RNO) at 8:55 PM  
Travel Time 4 hrs 0 mins

Fri Feb 6 677 Depart RENO/TAHOE, NV (RNO) on Southwest Airlines at 7:20 PM  
Stops: Las Vegas, NV  
Arrive in SAN DIEGO, CA (SAN) at 10:15 PM  
Travel Time 2 hrs 55 mins

**What you need to know to travel:**

- Don't forget to check in for your flight(s) 24 hours before your trip on southwest.com or your mobile device. This will secure your boarding position on your flights.
- Southwest Airlines does not have assigned seats, so you can choose your seat when you board the plane. You will be assigned a boarding position based on your checkin time. The earlier you check in, within 24 hours of your flight, the earlier you get to board.
- WiFi, TV, and related services and amenities may vary and are subject to change based on assigned aircraft. Learn more.

**Remember to be in the gate area on time and ready to board:**

- 30 minutes prior to scheduled departure time: We may begin boarding as early as 30 minutes prior to your flight's scheduled departure time. We encourage all passengers to plan to arrive in the gate area no later than this time.
- 10 minutes prior to scheduled departure time: All passengers must obtain their boarding passes and be in the gate area available for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.
- If you do not plan to travel on your flight: In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 370.70

Carryon Items: 1 Bag + small personal item are free. See full details. Checked Items: First and second bags fly free. Weight and size limits apply.

Fare Rule(s): 5262478197359: 1234.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase.



Learn About Our  
Boarding Process ➔



Get EarlyBird  
Check-In® Details ➔

**Cost and Payment Summary****AIR - FFC3FS**

Base Fare	\$ 306.98
Excise Taxes	\$ 23.02
Segment Fee	\$ 16.00
Passenger Facility Charge	\$ 13.50
September 11th Security Fee	\$ 11.20
<b>Total Air Cost</b>	<b>\$ 370.70</b>

**EARLYBIRD  
CHECK-IN®**

Let us take  
care of  
Check-in  
for you

ONLY  
**\$12.50**  
ONE-WAY

**Get It Now****NEED A HOTEL?**

Best Rate Guarantee

Flexibility to Pay Later

Earn up to  
**750 Rapid Rewards Points**

**Book a Hotel****NEED A CAR?**

Guaranteed Low Rates

14 Car Companies

Earn Rapid Rewards Points

**Book a Car****CLICK 'N SAVE**

Join over 17 million  
email subscribers saving big  
on travel each week.

Sign Up

**ENROLL NOW!  
IT'S FREE!**

**Southwest**  
Rapid Rewards



## Flight Status Alerts

Stay on your way with flight departure or arrival status via text message or e-mail.

**Subscribe Now** ➔

## Fly Southwest To International Destinations

You can now book travel from select cities to Mexico & The Caribbean at southwest.com.



**Learn More** ➔

### Useful Tools

[Check In Online](#)  
[Early Bird Check-In](#)  
[View/Share Itinerary](#)  
[Change Air Reservation](#)  
[Cancel Air Reservation](#)  
[Check Flight Status](#)  
[Flight Status Notification](#)  
[Book a Car](#)  
[Book a Hotel](#)

### Know Before You Go

[In the Airport](#)  
[Baggage Policies](#)  
[Suggested Airport Arrival Times](#)  
[Security Procedures](#)  
[Customers of Size](#)  
[In the Air](#)  
[Purchasing and Refunds](#)

### Special Travel Needs

[Traveling with Children](#)  
[Traveling with Pets](#)  
[Unaccompanied Minors](#)  
[Baby on Board](#)  
[Customers with Disabilities](#)

### Legal Policies & Helpful Information

[Privacy Policy](#)    [Customer Service Commitment](#)    [Contact Us](#)  
[Notice of Incorporated Terms](#)    [FAQs](#)

[Book Air](#) | [Book Hotel](#) | [Book Car](#) | [Book Vacation Packages](#) | [See Special Offers](#) | [Manage My Account](#)

This is a post-only mailing from Southwest Airlines. Please do not attempt to respond to this message. Your privacy is important to us, Please read our [Privacy Policy](#).

<sup>1</sup> All travel involving funds from this Confirmation Number must be completed by the expiration date.

<sup>2</sup> Security Fee is the government-imposed September 11th Security Fee.

See [Southwest Airlines Co. Notice of Incorporation](#)  
 See Southwest Airlines Limit of Liability

Southwest Airlines  
 P.O. Box 36647-1CR  
 Dallas, TX 75235

[Contact Us](#)

Copyright 2015 Southwest Airlines Co. All Rights Reserved.



RESORT • CASINO • RENO

P.O. BOX 3399

FOURTH AND VIRGINIA STREETS

RENO, NEVADA 89505

PAGE 1

RESERVATIONS (800) 648-5966

eldoradoreno.com

GUEST INFORMATION (775) 786-5700

Name STRAYER, NANCY  
Address San Diego CA 921073823  
VMF/013015  
Company Name EXED15  
Convention Code  
J#VMF013015  
Thank you for staying with us

Room 339  
Rate  
Arrive 02/01/15  
Depart 02/04/15  
Persons 1

Res ID420335401788  
Fol ID042041453482

Date	Reference	Description	Split	Amount
02/01/15	9101433	CITY CAPITAL PROJECT FEE		2.00
		CITY CAPITAL PROJECT FEE		
02/01/15	9101434	RESORT FEE \$10+\$1.35 TAX		11.35
		RESORT FEE		
02/01/15	9001651	ROOM CHARGE 339		99.99
		TAX		13.50
02/02/15	9100599	CITY CAPITAL PROJECT FEE		2.00
		CITY CAPITAL PROJECT FEE		
02/02/15	9100600	RESORT FEE \$10+\$1.35 TAX		11.35
		RESORT FEE		
02/02/15	9000920	ROOM CHARGE 339		49.99
		TAX		6.75
02/03/15	9100580	CITY CAPITAL PROJECT FEE		2.00
		CITY CAPITAL PROJECT FEE		
02/03/15	9100561	RESORT FEE \$10+\$1.35 TAX		11.35
		RESORT FEE		
02/03/15	9000873	ROOM CHARGE 339		49.99
		TAX		6.75
02/03/15	5478274	MILLIES24		6.87
02/03/15	5482927	THE BREW BROTHERS		48.53

TOTAL 320.42

I AGREE THAT MY LIABILITY FOR THIS BILL IS NOT WAIVED AND  
AGREE TO BE HELD PERSONALLY LIABLE IN THE EVENT THAT THE  
INDICATED PERSON, COMPANY, OR ASSOCIATION FAILS TO PAY FOR  
ANY PART OR THE FULL AMOUNT OF THESE CHARGES.

SIGNATURE

MONEY OR ITEMS OF VALUE MUST BE PLACED IN IN-ROOM SAFE  
WHICH IS PROVIDED WITHOUT CHARGE IN EACH ROOM. OTHERWISE  
THE ELDORADO WILL NOT BE LIABLE OF ANY LOSS.

CHECK-OUT TIME IS 12NOON

794

Case No. 14-CR-0062

Department No. I

This document does not contain personal information of any person.

RECEIVED

FEB 18 2015

Douglas County  
District Court Clerk

FILED

2015 FEB 18 PM 1:06

BOBBE R. WILLIAMS <  
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.

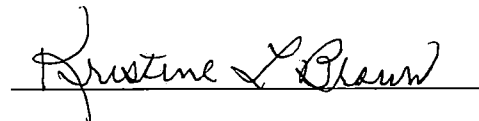
TATIANA LEIBEL

Defendant

REQUEST FOR PAYMENT

On January 29, 2015, defense counsel paid via credit card for travel expenses for expert witness, Dr. Omalu. The attached Billing Statement is submitted for payment.

Dated this 17<sup>th</sup> day of February, 2015.



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



Confirmation Code:  
**NBKEMO**

**Flight****Departs****Arrives**

~~Alaska~~ Alaska 2250  
Operated by Horizon Air as Alaska Airlines  
Check in with Alaska Airlines  
Coach (Y) | Nonstop  
Distance: 188 mi | Duration: 1h 5m

San Jose, CA (SJC)  
7:40 am Wed, Feb 4

Reno (RNO)  
8:45 am Wed, Feb 4

~~Alaska~~ Alaska 2253  
Operated by Horizon Air as Alaska Airlines  
Check in with Alaska Airlines  
Coach (Y) | Nonstop  
Distance: 188 mi | Duration: 1h 0m

Reno (RNO)  
8:50 pm Wed, Feb 4

San Jose, CA (SJC)  
9:50 pm Wed, Feb 4

**Flight Total for 1 Traveler: \$464.20**

The VISA ending with \*\*\*\*\*0248 has been charged a total of USD \$464.20.

<b>Total per Traveler</b>	<b>\$464.20</b>
Fare	\$405.58
Base Fare	\$405.58
Taxes and Fees	\$58.62
US Flight Segment Tax	\$8.00
US Psgr. Facility Charge	\$9.00
US Sept. 11 Security Fee	\$11.20
US Transportation Tax	\$30.42

Each ticket and any booking or change fees will be a separate charge on your credit card statement.  
For additional assistance with your reservation, call Alaska Airlines Reservations at 1-800-ALASKAAIR  
(1-800-252-7522).

**Bank of America**

THE LAW OFFICE OF KRISTINE L BROWN

4339 9317 8372 0444

January 10, 2015 - February 09, 2015

Page 3 of 4

Account Number	Credit Limit	Total Activity	Payments and Other Credits	Balance Transfer Activity	Cash Advance Activity	Purchases and Other Charges	Fees Charged
BROWN, KRISTINE L							
0248							
2,500		964.80	0.00	0.00	0.00	964.80	0.00

Posting Date	Transaction Date	Description	Reference Number	Amount
		THE LAW OFFICE OF KRISTINE L BROWN		
		Account Number: 0444		
		Payments and Other Credits		
01/12	01/12	Online payment from CHK 6	01206005710030066008563	- 1,756.78
		TOTAL PAYMENTS AND OTHER CREDITS FOR THIS PERIOD		-\$1,756.78
		Finance Charge		
02/09	02/09	CASH * FINANCE CHARGE *		0.01
		TOTAL FINANCE CHARGE FOR THIS PERIOD		\$0.01

BROWN, KRISTINE L  
Account Number: 0248

		Purchases and Other Charges		
01/27	01/26	[REDACTED] X	24692165012000915331771	
02/02	01/29	[REDACTED] # GARDNERVILLE NV	24226385027400002309759	
		ALASKA AIR 0272163161144SEATTLE WA	24431065030824501678741	464.20
		OMALU/BENNET		
		0272163161144		
		Departure Date: 02/04/15 Airport Code: SJC		
		AS Y RNO		
		Departure Date: 02/04/15 Airport Code: RNO		
		AS Y SJC		
		TOTAL PURCHASES AND OTHER CHARGES FOR THIS PERIOD		\$964.80

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

	Annual Percentage Rate	Balance Subject to Interest Rate	Finance Charges by Transaction Type
PURCHASES	16.24% V	\$0.00	\$0.00
CASH	19.99% V	\$0.22	\$0.01

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.

Your credit card now has an added security feature. To learn more about EMV chip card technology, visit [bankofamerica.com/businesschipcard](http://bankofamerica.com/businesschipcard).

YOUR FINANCE CHARGES IN 2014 WERE \$58.79.

Beginning Balance	21,362	Monthly Bonus	498
Earned	1,462	Transferred In	0
Redeemed	0	Transferred Out	0
Adjustments	0	Ending Balance	23,278

Redeem your points for cash, gift cards and travel  
by calling 1.800.673.1044, or visit [www.bankofamerica.com/worldpoints](http://www.bankofamerica.com/worldpoints)

797

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 14-CR-0062

Department No. I

This document does not contain personal information of any person.

**RECEIVED**

**FEB 18 2015**

Douglas County  
District Court Clerk

**FILED**

**2015 FEB 18 PM 1:08**

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 PAYMENT**

On December 30, 2014, this Court entered an order authorizing the defense to hire a forensic investigator at the county's expense. The attached Billing Statement is submitted for payment.

Dated this 17<sup>th</sup> day of February, 2015.

*Kristine L Brown*

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



# Forensic Technical Alliance

P.O. Box 10798  
Reno, Nevada 89510

(775) 848-0594



February 04, 2015

**The Law Office of Kristine L. Brown, LLC**  
1190 High School Street  
Gardnerville, Nevada 89410

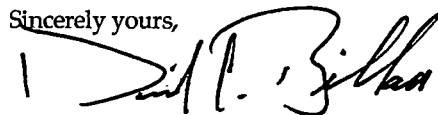
**Subject: State v Leibel, Tatiana**

Description	Quantity	Unit Price	TOTAL
Case Brief / Spencer Investigations (12/19/14)	2 hrs	\$ 50.00	\$ 100.00
Receive Reports/Photos - Spencer Inv. (12/31/14)	.5 hr	\$ 25.00	\$ 25.00
Case-in-Chief / Atty. Brown- telephone (01/02/15)	.5 hr	\$ 25.00	\$ 25.00
Case Review (01/03,05,06,07/15)	7 hrs	\$ 50.00	\$ 350.00
Scene Attendance - 452 Kent Way (01/08/15)	6 hrs	\$ 50.00	\$ 300.00
E-mail Reply(s) - (01/15,18,/15) Atty. Brown	1 hr	\$ 50.00	\$ 50.00
Atty. Conference (Jamie Henry) (01/21/15)	3 hrs	\$ 50.00	\$ 150.00
Pre-Trial Conference (01/26,28,31/15)	8.5 hrs	\$ 50.00	\$ 425.00
Evidence Viewing and Reconstruction at Douglas Co. S.O. Evidence Section (5 hrs)			\$ 250.00
District Court Trial Testimony @ \$200.00 per hour at 5 hours			\$ 1,000.00
<b>Total</b>			<b>\$ 2675.00</b>

Please make check(s) payable to: Forensic Technical Alliance, PO Box 10798 , Reno, Nevada 89510

Thank You for Choosing Forensic Technical Alliance

Sincerely yours,



David C. Billau

Owner/Consultant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 14-CR-0062

Department No. I

This document does not contain personal information of any person

**RECEIVED**

**FEB 18 2015**

Douglas County  
District Court Clerk

**FILED**

**2015 FEB 18 PM 1:07**

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 PAYMENT**

On January 5, 2015, this Court entered an order authorizing the defense to purchase a firearm of the same make/model as the one used in the death of Harry Leibel at the county's expense. The attached Billing Statement is submitted for payment.

Dated this 17<sup>th</sup> day of February, 2015.

*[Signature: Kristine L. Brown]*

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

SPORTSMAN'S WAREHOUSE  
3306 Kietzke Lane  
Reno, NV 89502  
775-828-1500

CUSTOMER ID: 0123-785358

GRATE

1252487 ROSSI CIRCUIT J 549.99 T

SERIAL: FS5463

1393692 AGUILA 45 ACP 2 24.99 T

SUBTOTAL 574.98

SALES TAX 44.42

TOTAL 619.40

VISA (619.40)

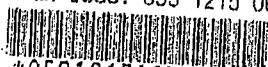
VISA SALE \$619.40

XXXXXXXXXXXX7746 SWIPED

APPR: 013506

JOURNAL: 0123072050123960

Tran Code: 053 1215 007 05M6



\*053121500705M6\*

508 # 142

(REPRINT #1)

Register: REG7 Jan 5 2015 3:39 PM

Thank you for shopping at  
SPORTSMAN'S WAREHOUSE!  
30-day return policy with receipt  
only. Merchandise must be resaleable.  
For the safety of our customers, all  
sales of firearms, ammunition, powder,  
primers, thermal underwear, and  
swimwear are FINAL.

We value your opinion - visit  
[www.sportsmanswarehouse.com/opinion](http://www.sportsmanswarehouse.com/opinion)  
to complete a survey about your  
recent shopping experience.

For your time,  
you will be entered into our  
monthly drawing for a chance  
to win 1 of 5

**\$100.00 gift cards**

which can be redeemed in store  
or online at

[www.sportsmanswarehouse.com](http://www.sportsmanswarehouse.com)

SPORTSMAN'S WAREHOUSE  
3306 Kietzke Lane  
Reno, NV 89502  
775-828-1500

330002 NV PDS CHECK 25.00

SUBTOTAL 25.00

TOTAL 25.00

VISA (25.00)

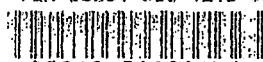
VISA SALE \$25.00

XXXXXXXXXXXX7746 SWIPED

APPR: 081156

JOURNAL: 0123082049936277

Tran Code: 053 1215 008 04KM



\*053121500804KM\*

509 # 116

Register: REG8 Jan 5 2015 3:08 PM

Thank you for shopping at

SPORTSMAN'S WAREHOUSE!

30-day return policy with receipt  
only. Merchandise must be resaleable.  
For the safety of our customers, all  
sales of firearms, ammunition, powder,  
primers, thermal underwear, and  
swimwear are FINAL.

We value your opinion - visit  
[www.sportsmanswarehouse.com/opinion](http://www.sportsmanswarehouse.com/opinion)  
to complete a survey about your  
recent shopping experience.

For your time,  
you will be entered into our  
monthly drawing for a chance  
to win 1 of 5

**\$100.00 gift cards**

which can be redeemed in store  
or online at

[www.sportsmanswarehouse.com](http://www.sportsmanswarehouse.com)

*Background  
Check*



Online Banking

Business Economy Checking - 6546: Account Activity Transaction Details

Check number: 00000001732

Post date: 01/09/2015

Amount: -600.00

Type: Check

Description: Check

THE LAW OFFICE OF KRISTINE L BROWN LLC  
1190 HIGH SCHOOL ST STE A  
GARDNERVILLE, NV 89410-4150

1732

94-72/1224 NV  
61286

Jan 5, 2015 Date

Pay To The Order Of Quentin Grate \$ 600.00  
Six hundred and 00/100 Dollars

Bank of America

ACH R/T 122400724

For Heidel: Purchase of Gun Kristine L. Brown  
15 1 2240072412

CONFIDENTIAL PUBLIC USE  
TO NRS 239B.030

Seq: 76

Batch: 473833

Date: 01/09/15

Seq: 00076 01/09/15

RAT: 473833 CC: 3350000071

WT: 01 LTPS: Dallas, TX

BC: Mill Freeway BC NV2-127

802

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 14-CR-0062

Department No. I

This document does not contain personal information of any person.

**RECEIVED**

**FEB 18 2015**

Douglas County  
District Court Clerk

**FILED**

**2015 FEB 18 PM 1:09**

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 PAYMENT**

In April, 2014 and January, 2015, this Court entered an order authorizing the defense to hire an investigator at the county's expense. The attached Billing Statement is submitted for payment.

Dated this 17<sup>th</sup> day of February, 2015.

*[Signature]*

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

2/19/2015

Invoice: Dustin Grate

Spencer Investigations  
 1325 Airmotive Way# 209  
 Reno NV 89502  
 United States



20-4696239

Kristine Brown  
 1190 High School Street  
 Suite A  
 Gardnerville Nevada 89410

Invoice # 00227  
 Invoice Date December 30, 2014  
 Amount Due \$28,054.22 USD

Task	Time Entry Notes	Rate	Hours	Line Total
General	2014-4-187 03-02-2014 review case file with new discovery with Kay Armstrong.	90.00	7	630.00
General	03-10-2014 review of dvd/cd reports discovery	90.00	6	540.00
	04-03-2014 preliminary hearing in Gardnerville	90.00	8	720.00
	04/04/2014 additional discovery review photos etc	90.00	3	270.00
	04/17/2014 reading of all discovery provided to date	90.00	9	810.00
	04/21/2014 paramedics reports review.	90.00	2	180.00
	05/22/2014 New supplemental reports print and review	90.00	4	360.00
	06/03/2014 meeting with Kris Brown regarding case review	90.00	6	540.00
	06/09/2014 New supplemental reports print and review	90.00	4	360.00
	06/23/2014 New supplemental reports print and review	90.00	2	180.00
	07/16/2014 speaking with Nancy Strayer about case and updates	90.00	1	90.00
	07/23/2014 New supplemental reports print and review	90.00	1	90.00
	08/29/2014	90.00	1	90.00

## additional Autopsy report review and print out

10/27/2014	90.00	3	270.00
copy of all dvd cd (x2) for Jamie Henry drop At her office			
10/28/2014	90.00	3	270.00
initial discovery review and synopsis of science And Evidence for Kris to review of thoughts and findings.			
11-12-2014	90.00	6	540.00
Tons of new supplemental reports print and review			
11-19-2014	90.00	12	1,080.00
Interviews with Chaya-Anna in San Diego			
11-22-2014	90.00	1	90.00
follow up with Chaya-anna and emails reviews			
11-23-2014	90.00	3	270.00
meeting with client dcso jail talk about case and meetings to come.			
11-24-2014	90.00	8	720.00
meeting with attorneys regarding case and Discovery Lots of new discovery printed and reviewed			
11-24-2014	90.00	6	540.00
Lots of new supplemental reports print and review Paramedics, text etc. time lines			
11-25-2014	90.00	1	90.00
New supplemental reports print and review – coroner request to speak with for interviews			
11-28-2014	90.00	2	180.00
email reviews from kris and Dr. Omalu Discovery Review of all his documents and reports			
11-30-2014	90.00	6	540.00
Trail binder make up and organize - file comparison with emails etc.			
12-03-2014	90.00	3	270.00
Tatiana cell phone review of time and dates Timeline New Supplemental report reviews			
12-05-2014	90.00	3	270.00
New supplemental reports print and review – Harry's letter etc			
12-14-2014	90.00	4	360.00
meeting with Dave Billau for interpretation of			

case			
12-18-2014	90.00	3	270.00
phone conference with attorneys on case			
12-16-2014	90.00	1	90.00
death certificate review and prints			
12-23-2014	90.00	3	270.00
Coroner meeting with attorneys			
Lots of New supplemental reports print and review			
12-26-2014	90.00	1	90.00
New supplemental reports print and review – motions			
12-29-2014	90.00	3	270.00
New supplemental reports print and review –			
12-30-2014	90.00	4	360.00
Pros and cons report and mind map of interviews.			
12-31-2014 / 00-05-2015	90.00	7	630.00
Interviews with Lana regarding Harry and Tatiana, Events, phone calls, relationship, meetings, money etc.			
01/05/2015	9.00	5	45.00
meeting with computer guy to go over data provided by cell phone etc.			
01-06-2015	90.00	7	630.00
Meeting with Leeann Brook interview about incident that took place and conversations that night when client spent the night at the residence.			
01-08-2015	90.00	8	720.00
house review and meeting regarding evidence and what took place. Meeting regarding case files and site. Gun review and working trajectories at house.			
01-11-2015	90.00	4	360.00
gun testing and shot testing, recoil and power testing, video and photos of shooting weapon with recoil			
01-14-2015	90.00	5	450.00
meeting with attorneys talk about gun review and videos of shooting for test fires, review case file with them and go over questions etc. follow up report and updates			
01-16-2015	90.00	4	360.00
meeting with Dave Billau talk about findings,			



shooting, ballistics and reports.

01-20-2015	90.00	9	810.00
interviews with Joe and Carrie Rajacic regarding both Tatiana and Harry. full history of event with subjects and character. Reports and client updates. follow up interviews with Rajacic's to be included in this time line			
01-25-2015	90.00	19	1,710.00
Interview with Chris Headrick in California. Report follow up and updates with Attorneys. All phone and contact interviews to be included in this time line			
01-26-2015	90.00	9	810.00
trial prep for trial stating on 01-27-2015 review and updates with attorneys regarding case file.			
01-27-2015 Thru 01-30-2015 Trial week	90.00	60	5,400.00
Trial for Leibel, to include trial, trial support, serving subpoenas, and continued interviews. After court meetings and trial prep for following day. (12 hours a day)			
02-02-2015 Thru 02-04-2015	90.00	24	2,160.00
Trail week with attorney support and follow up for trail prep during week.			
Discount given by not charging for after hours research, conversations with attorney's and further fact gathering.	0.00	0	0.00

Item	Description	Unit Cost	Quantity	Line Total
	miles 04/03/2014 - 114	0.75	114	85.50
	miles 06/03/2014 - 114	0.75	114	85.50
	miles 10/27/2014 - 12	0.75	12	9.00
	miles 11/19/2014 - one way miles 542	0.75	542	406.50
	miles 11/23/2014 - 114	0.75	114	85.50
	miles 01-06-2015 - 152	0.75	152	114.00
	miles 01-08-2015 - 148	0.75	148	111.00
	miles for 01-25-2015 - 325	0.75	325	243.75
	miles 01-27 thru 02-24 - 100 miles each day to include sub service during the week	0.75	579	434.25
	miles 02-02-2015 - 100	0.75	100	75.00
	copy fees for documents	574.82	1	574.82
	invoice numbers			
	42436 - \$37.62			
	42561 - \$21.65			

2/9/2015

Invoice: Dustin Grate

52498 - \$305.63

42625 - \$20.36

42708 - \$7.27

41329 - \$43.13

Fedex - \$108.81

misc - \$30.36

Gun charges above \$600 check by Kris Brown for ammo and background check	44.40	1	44.40
------------------------------------------------------------------------------	-------	---	-------

<b>Total</b>	<b>28,054.22</b>
--------------	------------------

Amount Paid	-0.00
-------------	-------

<b>Amount Due</b>	<b>\$28,054.22 USD</b>
-------------------	------------------------

**FRESHBOOKS**

SPORTSMAN'S WAREHOUSE  
3306 Kietzke Lane  
Reno, NV 89502  
775-828-1500

CUSTOMER ID: 0123-785358  
GRATE

1252487	ROSSI CIRCUIT J	549.99	T
	SERIAL: FS5463		
1393692	AGUILA 45 ACP 2	24.99	T
	SUBTOTAL	574.98	
	SALES TAX	44.42	
	TOTAL	619.40	
	VISA	(619.40)	

VISA SALE \$619.40  
XXXXXXXXXXXX7746 SWIPED  
APPR: 01350G  
JOURNAL: 0123072050123960  
Tran Code: 053 1215 007 05M6



\*053121500705M6\*

508 # 142

(REPRINT #1)

Register: REG7 Jan 5 2015 3:39 PM

Thank you for shopping at  
SPORTSMAN'S WAREHOUSE!  
30-day return policy with receipt  
only. Merchandise must be resaleable.  
For the safety of our customers, all  
sales of firearms, ammunition, powder,  
primers, thermal underwear, and  
swimwear are FINAL.

We value your opinion - visit  
[www.sportsmanswarehouse.com/opinion](http://www.sportsmanswarehouse.com/opinion)  
to complete a survey about your  
recent shopping experience.

For your time,  
you will be entered into our  
monthly drawing for a chance  
to win 1 of 5  
**\$100.00 gift cards**  
which can be redeemed in store  
or online at  
[www.sportsmanswarehouse.com](http://www.sportsmanswarehouse.com)

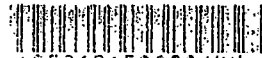
SPORTSMAN'S WAREHOUSE  
3306 Kietzke Lane  
Reno, NV 89502  
775-828-1500

330002 NV POS CHECK 25.00

SUBTOTAL	25.00
TOTAL	25.00
VISA	(25.00)

VISA SALE \$25.00  
XXXXXXXXXXXX7746 SWIPED  
APPR: 08115G  
JOURNAL: 0123082049936277

Tran Code: 053 1215 008 04KM



\*053121500804KM\*

509 # 116

Register: REG8 Jan 5 2015 3:08 PM

Thank you for shopping at  
SPORTSMAN'S WAREHOUSE!  
30-day return policy with receipt  
only. Merchandise must be resaleable.  
For the safety of our customers, all  
sales of firearms, ammunition, powder,  
primers, thermal underwear, and  
swimwear are FINAL.

We value your opinion - visit  
[www.sportsmanswarehouse.com/opinion](http://www.sportsmanswarehouse.com/opinion)  
to complete a survey about your  
recent shopping experience.

For your time,  
you will be entered into our  
monthly drawing for a chance  
to win 1 of 5  
**\$100.00 gift cards**  
which can be redeemed in store  
or online at  
[www.sportsmanswarehouse.com](http://www.sportsmanswarehouse.com)

*BackGround  
Check*

SPORTSMAN'S WAREHOUSE  
3306 Kietzke Lane  
Reno, NV 89502  
775-828-1500

CUSTOMER ID: 0123-785358

GRATE

1252487 ROSSI CIRCUIT J 549.99 T

SERIAL: FS5463

1393692 AGUILA 45 ACP 2 24.99 T

SUBTOTAL 574.98

SALES TAX 44.42

TOTAL 619.40

VISA (619.40)

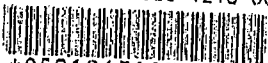
VISA SALE \$619.40

XXXXXXXXXXXX7746 SWIPED

APPR: 013506

JOURNAL: 0123072050123960

Tran Code: 053 1215 007 05M6



\*053121500705M6\*

508 # 142

(REPRINT #1)

Register: REG7 Jan 5 2015 3:39 PM

Thank you for shopping at  
SPORTSMAN'S WAREHOUSE!

30-day return policy with receipt  
only. Merchandise must be resaleable.  
For the safety of our customers, all  
sales of firearms, ammunition, powder,  
primers, thermal underwear, and  
swimwear are FINAL.

We value your opinion - visit  
[www.sportsmanswarehouse.com/opinion](http://www.sportsmanswarehouse.com/opinion)  
to complete a survey about your  
recent shopping experience.

For your time,  
you will be entered into our  
monthly drawing for a chance  
to win 1 of 5

**\$100.00 gift cards**  
which can be redeemed in store  
or online at  
[www.sportsmanswarehouse.com](http://www.sportsmanswarehouse.com)

SPORTSMAN'S WAREHOUSE  
3306 Kietzke Lane  
Reno, NV 89502  
775-828-1500

330002 NV POS CHECK 25.00

SUBTOTAL 25.00

TOTAL 25.00

VISA (25.00)

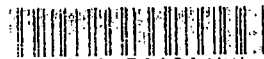
VISA SALE \$25.00

XXXXXXXXXXXX7746 SWIPED

APPR: 081156

JOURNAL: 0123082045936277

Tran Code: 053 1215 008 04KM



\*053121500804KM\*

509 # 116

Register: REG8 Jan 5 2015 3:08 PM

Thank you for shopping at  
SPORTSMAN'S WAREHOUSE!

30-day return policy with receipt  
only. Merchandise must be resaleable.  
For the safety of our customers, all  
sales of firearms, ammunition, powder,  
primers, thermal underwear, and  
swimwear are FINAL.

We value your opinion - visit  
[www.sportsmanswarehouse.com/opinion](http://www.sportsmanswarehouse.com/opinion)  
to complete a survey about your  
recent shopping experience.

For your time,  
you will be entered into our  
monthly drawing for a chance  
to win 1 of 5

**\$100.00 gift cards**  
which can be redeemed in store  
or online at  
[www.sportsmanswarehouse.com](http://www.sportsmanswarehouse.com)

*Background  
check*

2/17/2015

Bank of America | Online Banking | Accounts | Account Details | Account Activity



Online Banking

## Business Economy Checking - 6546: Account Activity Transaction Details

**Check number:** 00000001732

**Post date:** 01/09/2015

**Amount:** -600.00

**Type:** Check

**Description:** Check

<b>THE LAW OFFICE OF KRISTINE L BROWN LLC</b> 1190 HIGH SCHOOL ST STE A GARDNERVILLE, NV 89410-4150		<b>1732</b> 01/09/2015 NV 01200
<i>Jan 9, 2015</i> Date		
Pay To The Order Of	<i>Dustin Grate</i>	\$ <i>600.00</i>
	<i>Six hundred and 00/100</i>	Dollars
<b>Bank of America</b>		
ACH R/T 102/400724		
For	<i>Leibel: Purchase of Gun</i>	<i>Kristine L. Brown</i>
1: 122400724: 2 TO NRS 239B.073		
Seq: 76 Batch: 473833 Date: 01/09/15		
Seq: 00076 01/09/15 RAY: 473833 CC: 3350000071 WT: 01 LTFS: Dallas PT BC: Mill Freeway BC NV2-137		

811

FILED

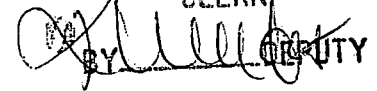
RECEIVED

2015 FEB 23 PM 1:44

FEB 18 2015

BOBBIE R. WILLIAMS  
CLERK

Douglas County  
District Court Clerk

BY  DEPUTY

Case No. 14-CR-0062

Department No. I

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

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

ORDER FOR PAYMENT

It is hereby ordered that payment of \$691.12 (six hundred ninety one dollars and twelve cents) be made to:

Nancy Strayern  
4604 Point Loma Ave  
San Diego, CA 92107

for reimbursement for costs of making travel arrangements for witness Chaya Anna Leibel.

Dated this 23 day of February, 2015.

  
District Court Judge

Submitted by:  
Kristine L. Brown  
1190 High School Street, Suite A  
Gardnerville, Nv. 89410  
775-783-8642  
Counsel for Defendant

FILED

Case No. 14-CR-0062

Department No. I

RECEIVED

2015 FEB 23 PM 1:49

This document does not contain personal information of any person.

FEB 18 2015

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

BY  DEPUTY

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

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

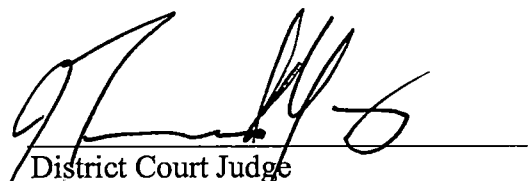
ORDER FOR PAYMENT

It is hereby ordered that payment of \$2675.00 (two thousand six hundred seventy five dollars) be made to:

Forensic Technical Alliance  
P.O. Box 10798  
Reno, Nevada 89501

for the cost the forensic investigation conducted in this case and trial testimony.

Dated this 23 day of February, 2015.

  
District Court Judge

Submitted by:  
Kristine L. Brown  
1190 High School Street, Suite A  
Gardnerville, Nv. 89410  
775-783-8642  
Counsel for Defendant

RECEIVED

FILED

Case No. 14-CR-0062

FEB 18 2015

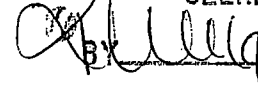
Department No. I

Douglas County  
District Court Clerk

2015 FEB 23 PM 1:42

This document does not contain personal information of any person.

BOBBIE R. WILLIAMS  
CLERK

BY  DEPUTY

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

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

ORDER FOR PAYMENT

It is hereby ordered that payment of \$464.20 (four hundred sixty four dollars and twenty cents) be made to:

The Law Office of Kristine L. Brown, LLC  
1190 High School Street, Suite A  
Gardnerville, NV 89410

for reimbursement for costs of making travel arrangements for expert witness, Dr. Omalu.

Dated this 23 day of February, 2015.

  
District Court Judge

Submitted by:  
Kristine L. Brown  
1190 High School Street, Suite A  
Gardnerville, Nv. 89410  
775-783-8642  
Counsel for Defendant



FILED

1 Case No. 14-CR-0062

2 Dept. No. 1

RECEIVED

2015 MAR -6 AM 10:43

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

MAR 06 2015

Douglas County  
District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

*[Signature]*  
BY *[Signature]* DEPUTY

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

9 STATE OF NEVADA )

10 Plaintiff, )

11 vs. )

12 TATIANA LEIBEL )

13 Defendant )

**MOTION TO WITHDRAW REQUEST  
FOR PAYMENT (FIREARM)**

14 Tatiana Leibel, by and through counsel, Kristine L. Brown, withdraws the Request for  
15 Payment for the Firearm filed on February 18, 2015.

17 Dated this 5<sup>th</sup> day of March, 2015.

19 *[Signature]*  
20 Kristine L. Brown  
21 Bar No. 3026  
22 1190 High School Street, Suite A  
23 Gardnerville, Nv. 89410  
24 775-783-8642  
25 Attorney for the Defendant