

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

_____ /

Electronically Filed
Aug 30 2022 03:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

RECORD ON APPEAL

VOLUME 11B

COPIES OF ORIGINAL PLEADINGS
PAGES 1479-1584

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 INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

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		

1
2 INDEX OF PLEADINGS

3 <u>DESCRIPTION</u>	4 <u>PAGE NO.</u>	5 <u>VOL. NO.</u>
6 OFFENSE		
7 (FILED JAN 12'15)	546-547	(VOL. 3)
8		
9 OPPOSITION TO STATE'S MOTION TO		
10 INCREASE BAIL		
11 (FILED APRIL 11'14)	71-80	(VOL. 1)
12		
13 OPPOSITION TO DEFENDANTS		
14 MOTION TO LIMINE RE: CRIME SCENE		
15 RECONSTRUCTION		
16 (FILED JAN 22'15)	694-700	(VOL. 5)
17		
18 ORDER OF AFFIRMANCE		
19 (FILED FEB 8'22)	3947-3949	(VOL. 31)
20		
21 ORDER FOR PAYMENT		
22 (FILED 24'17)	1571	(VOL. 11)
23		
24 ORDER DENYING REHEARING		
25 (FILED JAN 14'22)	3943	(VOL. 31)
26		
27 ORDER		
28 (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)

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

INDEX OF PLEADINGS

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

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)

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)

1
2 INDEX OF PLEADINGS

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

27
28

1
2 INDEX OF PLEADINGS

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

24
25
26
27
28

RECEIVED

DEC 21 2015

Douglas County
District Court Clerk

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

2015 DEC 21 AM 10:36

TATIANA LEIBEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

BOBBIE R. WILLIAMS

CLERK

BY *[Signature]*

DEPUTY

No. 68113

FILED

DEC 18 2015

TRACEE K. FROELICH
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of second-degree murder with the use of a firearm. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.


First, appellant contends that the prosecutor committed misconduct during closing argument when he referenced O.J. Simpson's criminal trial, pointing out that the defense in Simpson's case focused on inadequacies in the police investigation. She further argues that this misconduct was exacerbated by the prosecutor's comment that a defense expert had a low opinion of local law enforcement. The district court overruled appellant's objection to the reference to Simpson's trial. To the extent the prosecutor's comments suggested that appellant's argument regarding the allegedly sub-par performance by law enforcement in this case was a ploy used by all defendants to escape liability since the Simpson verdict, they were inappropriate. *See Valdez v. State*, 124 Nev. 1172, 1191, 196 P.3d 465, 478 (2008); *Williams v. State*, 103 Nev. 106, 110, 734 P.2d 700, 703 (1987). However, any misconduct was harmless. *See Valdez*, 124 Nev. at 1189, 196 P.3d at 476 (describing non-constitutional harmless error). To the extent appellant independently challenges the prosecutor's comment regarding the defense expert, she did not object, and

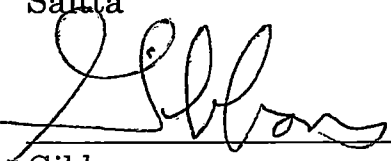
1479

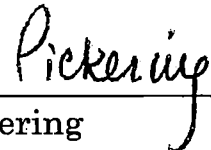
15-38786

has not demonstrated plain error affecting her substantial rights.¹ *See id.* at 1190, 196 P.3d at 477. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Saitta

_____, J.
Gibbons

_____, J.
Pickering

cc: Hon. Nathan Tod Young, District Judge
Jamie C. Henry
Kristine L. Brown
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹Appellant also contends that the district court erred by “allow[ing] expert testimony on causation that did not rise to a level of reasonable scientific certainty.” No relief is warranted because the expert testified at trial that his conclusions were to a reasonable degree of scientific certainty.

RECEIVED

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAN 14 2016
Douglas County
District Court Clerk

2016 JAN 14 PM 4:28

TATIANA LEIBEL,
Appellant,

BOBBIE R. WILLIAMS
CLERK

No. 68113

vs.

THE STATE OF NEVADA,
Respondent.

DEPUTY

FILED

DEC 18 2015

TACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a jury verdict, of second-degree murder with the use of a firearm. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

First, appellant contends that the prosecutor committed misconduct during closing argument when he referenced O.J. Simpson's criminal trial, pointing out that the defense in Simpson's case focused on inadequacies in the police investigation. She further argues that this misconduct was exacerbated by the prosecutor's comment that a defense expert had a low opinion of local law enforcement. The district court overruled appellant's objection to the reference to Simpson's trial. To the extent the prosecutor's comments suggested that appellant's argument regarding the allegedly sub-par performance by law enforcement in this case was a ploy used by all defendants to escape liability since the Simpson verdict, they were inappropriate. *See Valdez v. State*, 124 Nev. 1172, 1191, 196 P.3d 465, 478 (2008); *Williams v. State*, 103 Nev. 106, 110, 734 P.2d 700, 703 (1987). However, any misconduct was harmless. *See Valdez*, 124 Nev. at 1189, 196 P.3d at 476 (describing non-constitutional harmless error). To the extent appellant independently challenges the prosecutor's comment regarding the defense expert, she did not object, and

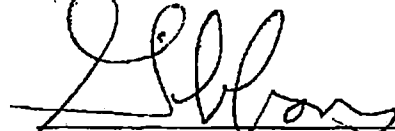
1481
15-38786

has not demonstrated plain error affecting her substantial rights.¹ *See id.*
at 1190, 196 P.3d at 477. Accordingly, we

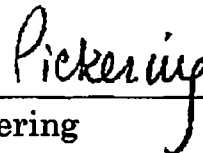
ORDER the judgment of conviction AFFIRMED.

_____, J.

Saitta

_____, J.

Gibbons

_____, J.
Pickering

cc: Hon. Nathan Tod Young, District Judge
Jamie C. Henry
Kristine L. Brown
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹Appellant also contends that the district court erred by "allow[ing] expert testimony on causation that did not rise to a level of reasonable scientific certainty." No relief is warranted because the expert testified at trial that his conclusions were to a reasonable degree of scientific certainty.

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: January 12th, 2016
Supreme Court Clerk, State of Nevada

By [Signature] Deputy

RECEIVED ✓

JAN 14 2016

Douglas County
District Court Clerk

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

TATIANA LEIBEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

2016 JAN 14 PM 4:30

Supreme Court No. 68113
District Court Case No. 14-CR-0062

BOBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

REMITTITUR

TO: Bobbie Williams, Douglas County Clerk ✓

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: January 12, 2016

Tracie Lindeman, Clerk of Court

By: Joan Hendricks
Deputy Clerk

cc (without enclosures):
Kristine L. Brown
Jamie C. Henry
Douglas County District Attorney/Minden
Attorney General/Carson City
Hon. Nathan Tod Young, District Judge

RECEIPT FOR REMITTITUR

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on January 14, 2016.

[Signature]
District Court Clerk

RECEIVED

JAN 14 2016

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

TATIANA LEIBEL,
Appellant,

2016 JAN 14 PM 4: 30

Supreme Court No. 68113
District Court Case No. 14-CR-0062

vs.

THE STATE OF NEVADA,
Respondent.

BOBBIE R. WILLIAMS
CLERK

[Signature]
BY *[Signature]* DEPUTY

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 18th day of December, 2015.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
January 12, 2016.

Tracie Lindeman, Supreme Court Clerk

By: Joan Hendricks
Deputy Clerk

RECEIVED

OCT 06 2016

FILED

Tatiana Leibel 437908
Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

Douglas County
District Court Clerk

2016 OCT -6 AM 10:47

In The 9 Judicial District Court of the State of Nevada
In and For the County of Douglas

In the Matter of:

The State of Nevada
Plaintiff/Petitioner

Tatiana Leibel
Defendant/Respondent

Case No.: 14-CR-0062

Dept No.: 1

MOTION TO WITHDRAW COUNSEL

COMES NOW, Defendant, Tatiana Leibel
proceeding in Proper Person, moves this Honorable Court for an ORDER granting her permission to
withdraw her present counsel of record in the proceeding action.

This Motion is made based on all papers and pleadings on file with the Clerk of the Court
which are hereby incorporated by this reference, the Points and Authorities herein, and attached
Affidavit of Defendant.

Dated this 26 day of September, 2016

In Propria Persona
Respectfully Submitted By:

Signature

Print Name

POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. ...If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprison him until contempt purged. If the Court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees.

WHEREFORE, Defendant prays this Honorable Court, **GRANT** her Motion to Withdraw Counsel and that counsel deliver Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served.

Dated this 26 day of September, 20 16

In Propria Persona
Respectfully Submitted By:

Signature

Print Name

RECEIVED

FILED

Tatiana Heibel # 1137908
Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

OCT 06 2016
Douglas County
District Court Clerk

2016 OCT -6 AM 10:47

In The 9 Judicial District Court of the State of Nevada
In and For the County of Douglas

In the Matter of:

The State of Nevada
Plaintiff/Petitioner

Tatiana Heibel
Defendant/Respondent

Case No.: 14-CR-0062

Dept No.: 1

AFFIDAVIT

STATE of NEVADA

COUNTY of Clark ss

I, Tatiana Heibel, In Proper Person,
does hereby swear under penalty of perjury that the assertions of this Affidavit are true:

1. I am the [] Plaintiff/ [] Defendant in the above-entitled action. I have personal knowledge of the facts contained in above-entitled case and am competent to testify to these facts. The statements in this Affidavit are true and correct to the best of my knowledge.

2. My personal knowledge or personal observations of the situation is/are as follows:

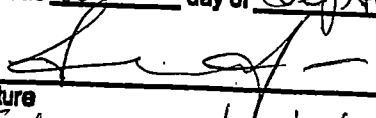
I was convicted in a jury trial sentenced to 10-25 years at FMCWCC/ NDOC. On or about April 2015 my case went to direct appeal under SC68113 - appeal denied judgment affirmed (Dec. 2015 - Jan. 2016). To date I have not been able to get my trial file and transcripts from attorney. To date my due process is being disturbed by lack of trial/ appeal files. Motion to withdraw counsel filed.

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

3. I, the undersigned, do hereby acknowledge that I executed the above and/or foregoing of my free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America and the State of Nevada, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge. See NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 26 day of September, 2016


Signature
Tatiana Heibel
Print Name

1137908
NDOC#

RECEIVED

FILED

Tatiana Heibel # 1137908

OCT 06 2016

Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

Douglas County 2016 OCT -6 PM 2:37
District Court Clerk

LOUISE R. WILLIAMS
CLERK

In The 9 Judicial District Court of the State of Nevada
In and For the County of Douglas

In the matter of:

The State of Nevada
Plaintiff/Petitioner

v. Tatiana Heibel
Defendant/Respondent

Case No.: 1A-CR-0062

Dept No.: 1

ORDER
TO WITHDRAW COUNSEL

The Proper Person Motion of Defendant, requesting an Order to Withdraw Counsel in the above-entitled action having moved the Court on this day, and in good cause appearing.

IT IS HEREBY ORDERED, that Defendant's Motion to Withdraw Counsel is **GRANTED**.

IT IS HEREBY FURTHER ORDERED that Counsel deliver to Defendant at her address, all documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

Dated this 26 day of September 2016

Dated this 6 day of October, 2016

In Propria Persona
Respectfully Submitted By:

Signature

Print Name

[Signature]
DISTRICT COURT JUSTICE

Tatiana Leibel # 1137908

Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

DATE: September 26, 2016

TO: ATTORNEY AT LAW

Kristine L. Brown
1190 High School Street
Suite A
Gardnerville, NV 89410

RE: Termination of Counsel and Transfer of Records

Case No.: 14 - CR - 0062

Department No.: 1

Case Name: The State of Nevada vs Tatiana Leibel

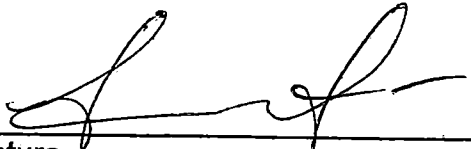
Please be advised that from this date forward, your authority as Attorney of Record in the above-entitled action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter in your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,


Signature

CERTIFICATE OF MAILING

STATE of NEVADA

COUNTY OF CLARK

} ss

I, Tatiana Heibel, do hereby certify that I am the
DEFENDANT in this matter and I am representing myself, In Propria
Persona, Case No.: 1A-CR-0062.

On this 26 day of September, 2016, I mailed a copy of the following document(s):

1. Motion to Withdraw Counsel

2. _____

3. _____

4. _____

5. _____

By United States First Class Mail, Postage Prepaid to the following addresses:

Clerk of Court
Ninth Judicial District
Court, P.O. BOX 218
Minden, NV 89423

Kristine L. Brown
190 High School Street
Suit A, Gardnerville, NV 89410

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby acknowledge that I executed the above and/or foregoing of my free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 26 day of September, 2016

Signature

Tatiana Heibel

Print Name

1137908
NDOC#

NRS 171.102 (2) Declaration made subject to penalty of perjury.
NRS 208.165 A prisoner may execute any instrument by signing his name immediately following a declaration "under penalty of perjury" with the same legal effect as if he had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

Page _____ of _____

1492

RECEIVED

APR 11 2018

Douglas County
District Court Clerk

FILED

2018 APR 11 AM 10:55

BOBBIE R. WILLIAMS
CLERK

BY W. Blagov DEPUTY

Case No. 14-CR-0062

Dept. 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

TATIANA LEIBEL,

Petitioner,

vs.

**MOTION FOR ENLARGEMENT OF
TIME**

THE STATE OF NEVADA,

Respondent.

Respondent, the State of Nevada, by and through the Douglas County District Attorney's Office, moves this Court for an enlargement of time to respond to Tatiana Leibel's (Leibel) *pro se* petition and supplemental petition. This motion is based on the following points and authorities and the attached affidavit of counsel. The motion is made in good faith and not for the purposes of delay.

STATEMENT OF THE CASE

On November 28, 2016 this Court appointed post-conviction counsel for Leibel and issued a scheduling order for Leibel to file a supplemental petition within thirty days and for respondent to respond within 45 days. After Leibel was given a number of extensions, her supplemental petition was filed on February 26, 2018. Respondent's response to that petition is currently due tomorrow, April 12, 2018. Respondent is requesting an additional 45 days to respond to Leibel's post-conviction petition.

Nevada Rule of Civil Procedure 6(b), made applicable to this proceeding by NRS 34.780 permits this Court to grant respondent an enlargement of time for cause shown. Counsel for respondent was assigned this case in January of 2018. The attorneys in the

1 Douglas County District Attorney's Office who handled the trial and the direct appeal are no
2 longer with our office. Counsel for respondent has diligently worked to prepare a response to
3 Leibel's petition within the 45 day period originally provided by this Court's November 28,
4 2016 scheduling order. However, because of my obligations in other cases, the length of the
5 trial court record, and the nature of the claims raised by Leibel, counsel has not been able to
6 finish the response before April 12, 2018. Accordingly, respondent is requesting an additional
7 45 days within which to complete an answer to Leibel's post-conviction petition. Counsel for
8 respondent emailed Leibel's counsel on April 9, 2018 to find out his position on an extension
9 and Leibel's counsel responded that he was not opposed to an extension on April 11, 2018.
10 This request for an enlargement of time is made in good faith and not for the purposes of delay.
11 Respondent submits that based on the circumstances set out in this motion, sufficient cause
12 exists to justify an enlargement of time in this case.

13 DATED this 11 day of April, 2018.

14 MARK B. JACKSON
15 DISTRICT ATTORNEY

16
17 By: 

18 Matthew Johnson
19 Deputy District Attorney
20 Post Office Box 218
21 Minden, Nevada 89423
22 (775) 782-9800
23
24
25
26
27
28

1 Case No. 14-CR-0062

2 Dept. No. I

3 This document does not contain personal information of any person

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

8 TATIANA LEIBEL,

9 Petitioner,

10 vs.

AFFIDAVIT

11 THE STATE OF NEVADA,

12 Respondent.
13 _____ /

14 STATE OF NEVADA)
15 : ss.
16 COUNTY OF DOUGLAS)

17 I, Matthew Johnson, being duly sworn, state the following under penalty of perjury:

18 I am a Deputy District Attorney with the Douglas County District Attorney's Office and
19 am the assigned attorney in the captioned matter.

- 20 1. Leibel filed a supplemental petition on February 26, 2018.
21 2. Respondent's response is currently due April 12, 2018.
22 3. I was assigned to handle this case in January of 2018.
23 4. The attorneys in the Douglas County District Attorney's Office who handled the
24 trial and the direct appeal are no longer with our office.
25 5. Because of my obligations in other cases, the length of the trial court record, and the
26 nature of the claims raised by Leibel, I have not been able to finish the response
27 before April 12, 2018.
28

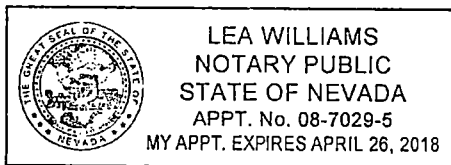
1 6. I emailed counsel for Leibel on Monday, April 9, 2018 about my request for a
2 continuance and received a response on April 11, 2018 indicating that Leibel was
3 not opposed to this request for a 45 day extension.

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

5 DATED this 11 day of April, 2018.

6
7
8 SUBSCRIBED and SWORN to before me by
9 Matthew Johnson, this 11 day of April, 2018.

10
11 NOTARY PUBLIC



Case No. 14-CR-0062

Dept. 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

TATIANA LEIBEL,

Petitioner,

vs.

CERTIFICATE OF SERVICE

THE STATE OF NEVADA,

Respondent.


I certify that I am an employee of the District Attorney for Douglas County, Nevada,
and that I deposited for delivery with U.S. Mail, a true copy of the Motion for Enlargement of
Time, addressed to:

John E. Malone, Esq.

411 Mill St.

Reno, Nevada 89502

DATED this 11th day of April, 2018.



RECEIVED

FEB - 2 2022

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

FILED

2014-CR-00002
2022 FEB -2 PM 1:49

TATIANA LEIBEL,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84156
District Court Case No. NONE

[Signature]
DEPUTY

RECEIPT FOR DOCUMENTS

TO: Tatiana Leibel
Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney
Bobbie W. Williams, Douglas County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

01/31/2022 Petition Filing Fee waived. Criminal. (SC)

01/31/2022 Filed Proper Person Petition for Writ. Motion a Petition for a Writ of Certiorari. (SC)

DATE: January 31, 2022

Elizabeth A. Brown, Clerk of Court
lh

1498

RECEIVED

JUN 27 2022

Douglas County
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

TATIANA LEIBEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

2022 JUN 27 PM 12:08
Supreme Court No. 84926
District Court Case No. 14-CR-000623

CLERK
BY *[Signature]* DEPUTY

RECEIPT FOR DOCUMENTS

TO: Tatiana Leibel
Douglas County District Attorney/Minden \ Mark B. Jackson
Bobbie W. Williams, Douglas County Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

06/24/2022 Appeal Filing Fee waived. Criminal. (SC)
06/24/2022 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day. (SC)

DATE: June 24, 2022

Elizabeth A. Brown, Clerk of Court
lh

FILED

2014-CR-00062
RECEIVED
AUG - 1 2022
Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY TATIANA LEIBEL,
DEPUTY

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 84920

FILED

JUL 28 2022

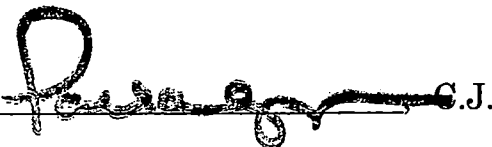
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER DIRECTING TRANSMISSION OF RECORD
AND REGARDING BRIEFING**

This court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Appellant has filed an informal brief. NRAP 28(k). Respondents need not file a response to the brief unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

 P.J.

cc: Tatiana Leibel
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

14CR0062B

FINANCIAL CERTIFICATE

RECEIVED

FMWCC

I request that an authorized officer of the Institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) If I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the current account balance (line #1 below), or the average account balance (line #2 below), or the average deposits to my account (line #3), whichever is greater, is \$20.00 or more;

(2) If I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$350.00, which I must pay in full; and

(a) If my current account balance (line #1 below) is \$350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$350.00 before I will be allowed to proceed with the action;

(b) If I do **NOT** have \$350.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement.

TYPE OF ACTION (CHECK ONE) >>>>

☐ CIVIL RIGHTS

☒ HABEAS CORPUS

SOUTHERN NEVADA WOMENS CORRECTIONAL CENTER (SNWCC)

Leibel Taliana
INMATE NAME (PRINT)

1137908
INMATE ID NUMBER

[Signature]
INMATE SIGNATURE

1 CURRENT ACCOUNT BALANCE

\$ 1.60

2 AVERAGE MONTHLY BALANCE*

\$ 94.72

3 AVERAGE MONTHLY DEPOSITS*

\$ 181.93

4 FILING FEE (BASED ON #1, #2, OR #3, WHICHEVER IS GREATER) \$ 5.00

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

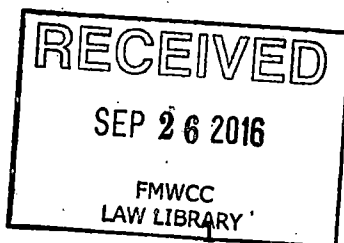
I hereby certify that as of this date, the above financial information is accurate for the above named inmate. (Please sign in ink in a color other than black.)

[Signature]
AUTHORIZED OFFICER

SEPT 28 2016
DATE

Act Asst III
TITLE

PAGE ONE (1) OF ONE(1).



REVISED SEP 01 2006 AD.

1502

PIFP

(Your Name) Tatiana Leibel 1137908

(Address) FMWC

4370 Smiley Road

(Telephone) Las Vegas, NV 89115

(Email Address) _____

**DISTRICT COURT
CLARK COUNTY, NEVADA**

The State of Nevada
Plaintiff,

vs.

Tatiana Leibel
Defendant.

CASE NO.: 14-CR-0062

DEPT NO.: _____

Application to Proceed in Forma Pauperis

Pursuant to NRS 12.015, and based upon the information contained in this Application and Affidavit, I request permission from this Court to proceed without paying filing fees, or other costs and fees as provided in NRS 12.015 because I lack sufficient financial ability.

I understand that if approved, the order allowing me to proceed in forma pauperis will be valid for one year. I will be required to file a new Application to Proceed in Forma Pauperis if I need further filing fees and court costs and fees waived after one year.

EMPLOYMENT: (☒ check one)

☒ I am unemployed.

☐ I am employed. My employer is _____ and my job title is _____.

☐ I am self-employed. The name of my business is _____.

Personal Income		
Write "0.00" for any income you do not have.		
A	Monthly Income Before Taxes: (If unemployed, write your monthly unemployment benefits)	\$ 0
B	Money Received Each Month from Tips:	\$
C	Money Received Each Month from Public Benefits/Assistance (TANF, SSD, SSI, etc.)	\$
D	Monthly Rental Income Received	\$
E	Monthly Child Support Received	\$
F	Amount of Money Received from other Sources of Income:	\$
Total Income (Add lines A-F)		

Household Information		
A	How Many Adults (over 18) Live in Your Home (include yourself)?	N/A
B	How Many Children (under 18) Live with You?	
Total Number of People Living in the Home (Add A&B)		

Monthly Expenses		
Write "0.00" for any expense you do not have.		
	Type of Expense	Amount Spent per Month
A	Rent/Mortgage	\$ 0
B	Utilities (electricity, gas, phone, other utilities)	\$
C	Food	\$
D	Child Care	\$
E	Medical Expenses (including health insurance)	\$
F	Transportation (insurance, gas, bus fare, etc...)	\$
G	Other _____	\$
Total Monthly Expenses (Add lines A-G)		\$

Assets			
Each blank must be completed. If you do not have an asset listed, write "none" in the Type/Make/Model column and "\$0.00" in the Value and Loan Balance columns.			
Description of Asset	Type/ Make/Model	Value	Loan Balance
Home/Property		\$	\$ 0
Bank Account		\$	\$
Bank Account		\$	\$
Automobile		\$	\$
Other		\$	\$

CREDIT CARDS.

Do you have a credit card that you can use to charge the filing fee?

☒ No

☐ Yes

☐ Yes, but my current balance is \$ _____

Declaration in Support of Request to Proceed In Forma Pauperis

Briefly explain your current financial situation and why you are unable to pay the filing fee. For example, if you are unemployed explain why, for how long, and what efforts you are making to obtain employment. If you are temporarily living with a friend or relative explain for how long and how they help you financially.

I am incarcerated at NDOC / FmWCC.

I am unemployed and lack resources
or finances to obtain counsel.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

11-08-16
Date

Tatiana Heibel
Printed Name

[Signature]
Signature

1 OIFP

2 (Your Name) Tatiana Leibel 1137902-FMWCC

3 (Address) 4370 Smiley Road

4 Las Vegas, NV 89115

5 (Telephone) _____

6 (Email Address) _____

7 In Proper Person

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10
11 The State of Nevada
12 **Plaintiff,**

13 v.

14 Tatiana Leibel
15 **Defendant.**

CASE NO.: 14-CR-0062

DEPT NO.: _____

16
17
18 **Order to Proceed in Forma Pauperis**

19 Upon consideration of the ☐ Plaintiff's / ☒ Defendant's / ☐ Joint Petitioners'
20 Application to Proceed in Forma Pauperis and it appearing that there is not sufficient income,
21 property, or resources with which to maintain the action and good cause appearing therefore:

22 **IT IS HEREBY ORDERED** that (name) Tatiana Leibel
23
24 shall be permitted to proceed In Forma Pauperis with this action pursuant to the terms of this
25 Order.

26 **IT IS FURTHER ORDERED** that if the above-named party prevails in this action,
27 the Court shall enter an order pursuant to NRS 12.015 requiring the opposing party to pay the
28

1 Court, within five (5) days, the costs which would have been incurred by the prevailing party,
2 and those costs must then be paid as provided by law.

3 **IT IS FURTHER ORDERED that:**

4 ☐ The above-named party shall be permitted to commence or defend the action
5 without costs. The Clerk of Court shall file or issue any necessary writ, process,
6 pleading, or paper without charge.

7 ☐ The Sheriff or other appropriate officer within this State shall make personal
8 service of any necessary writ, pleading, or paper without charge.

9 ☐ Subsequent filing fees (for motions, oppositions, etc.) for the above-named party
10 shall be waived.

11 **IT IS FURTHER ORDERED** that this Order shall not apply to costs for transcripts
12 or recordings of court proceedings. A separate application and order shall be required to waive
13 any such fees.

14 **IT IS FURTHER ORDERED** that this Order shall expire one year from the date the
15 Order is filed. The party shall be required to reapply for any further waiver after this Order
16 expires.

17 DATED this _____ day of _____, 20__.

18 _____
19 **DISTRICT COURT JUDGE**

20 Respectfully Submitted;

21 (Signature) _____

22 (Printed Name) Tatiana Leibel

23 In Proper Person

Tatiana Leibel 1137908

RECEIVED

FILED

Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

NOV 14 2016

Douglas County
District Court Clerk

2016 NOV 14 PM 12:38

BOBBIE R. WILLIAMS

CLERK

In The 9 Judicial District Court of the State of Nevada

In and For the County of Douglas

BY [Signature] DEPUTY

In the matter of:

The State of Nevada

Plaintiff/Petitioner

Tatiana Leibel

Defendant/Respondent

Case No.: 14-CR-0062B

Dept No.: I

MOTION FOR APPOINTMENT OF COUNSEL

NOW comes Petitioner, Tatiana Leibel, In Proper Person hereby moves this Honorable Court for an Order to Appoint Counsel in the above-entitled action, pursuant to NRS 34.720, with the Fundamental Provisions of Art. I, Sec.'s 8 and 10, of the Nevada Constitution, and the U.S. 1st Amendment (Right to Petition for the Redress of Constitutional Grievances); and the 14th Amendment (Right to Due Process Clause) in the Constitution of these United States.

This Motion is made and based upon all Papers, Pleadings and Exhibits within Court records, the Application to Proceed In Forma Pauperis and upon Oral Arguments, if this Court deems it proper, and necessary for the disposition of the Instant Motion.

Dated this 8 day of November, 2016.

In Propria Persona
Respectfully Submitted By:

Signature

Tatiana Leibel

Print Name

1 Tatiana Leibel 1137908

2 Florence McClure Womens Correctional Center
3 4370 Smiley Road
4 Las Vegas, NV 89115

5 In The 9 Judicial District Court of the State of Nevada
6 In and For the County of Douglas

7 In the matter of:

8 The State of Nevada
9 Plaintiff/Petitioner

10 Tatiana Leibel
11 Defendant/Respondent

Case No.: 14-CR-0062

Dept No.: _____

12 **ORDER APPOINTING COUNSEL**

13 The Proper Person Motion of Petitioner, requesting an Order for the Appointment of Counsel
14 to represent her in the above-entitled action having moved the Court on this day, and in good cause
15 appearing.

16 Now, therefore, **IT IS HEREBY ORDERED**, that _____
17 is hereby Appointed to represent the above-entitled Petitioner in said proceedings at the expense of
18 the State of Nevada.

19 Dated this _____ day of _____, 20____

Dated this _____ day of _____, 20____

20 In Propria Persona
21 Respectfully Submitted By:

22 [Signature]
23 Signature

24 _____
25 DISTRICT COURT JUSTICE

26 Tatiana Leibel
27 Print Name

RECEIVED

NOV 14 2016

Douglas County
District Court Clerk

14CR0062B

FILED

CERTIFICATE OF MAILING

2016 NOV 14 PM 12:42

STATE of NEVADA

COUNTY OF

CLARK

} ss

BOBBIE R. WILLIAMS
CLERK

BY B. Williams DEPUTY

I, Tatiana Leibel, do hereby certify that I am the
Defendant in this matter and I am representing myself, In Propria
Persona, Case No.: 14-CR-0062.

On this 8 day of November, 2016, I mailed a copy of the following document(s):

1. TEP (IFP)

2. Motion for Appointment of Counsel

3. Writ of Habeas Corpus

4.

5.

By United States First Class Mail, Postage Prepaid to the following addresses:

Clerk of Court
Ninth Judicial District Court

P.O. Box 218

Minden, NV 89423

District Attorney

c/o Ninth Judicial District Court

P.O. Box 218

Minden, NV 89423

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby acknowledge that I executed the above and/or foregoing of my free will and that I am of sound mind to do so. I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8 day of November, 2016.

Signature

Tatiana Leibel

Print Name

1137908

NDOC#

NRS 171.102 (2) Declaration made subject to penalty of perjury.

NRS 208.165 A prisoner may execute any instrument by signing his name immediately following a declaration "under penalty of perjury" with the same legal effect as if he had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

Page _____ of _____

11310

RECEIVED

NOV 14 2016

Douglas County
District Court Clerk

FILED

2016 NOV 14 PM 12:42

Tatiana Leibel 1137908

Florence McClure Womens Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

In The 9 Judicial District Court of the State of Nevada
In and For the County of Douglas

DOBBIE R. WILLIAMS
CLERK

BY [Signature] DEPUTY

In the matter of:

The State of Nevada
Plaintiff/Petitioner

Case No.: 14-CR-0061B

Dept No.: I

Tatiana Leibel
Defendant/Respondent

PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: Florence McClure Womens Correctional Center
2. Name and location of court which entered the judgment of conviction under attack:
The Ninth Judicial District Court, Douglas County, Nevada
3. Date of judgement of conviction: April 20, 2015
4. Case number: 14-CR-0062
5. (a) Length of sentence: Second Degree Murder with the Use of a Firearm(A)
(b) If sentence is death, state any date upon which execution is scheduled:

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes _____ No X
If "yes," list crime, case number and sentence being served at this time: N/A
7. Nature of offense involved in conviction being challenged: _____
8. What was your plea? (check one)
(a) Not guilty X
(b) Guilty _____
(c) Guilty but mentally ill _____
(d) Nolo contendere _____

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details:

N/A

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

(a) Jury ☒
(b) Judge without a jury ☐

11. Did you testify at the trial? Yes ☐ No ☒

12. Did you appeal from the judgment of conviction? Yes ☒ No ☐

13. If you did appeal, answer the following:

(a) Name of court: Nevada Supreme Court
(b) Case number or citation: No 68113
(c) Result: Affirmed
(d) Date of result: January 30, 2016

(Attach a copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: N/A

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ☐ No ☒

16. If your answer to No. 15 was "yes" give the following information:

(a) (1) Name of court: N/A
(2) Nature of proceeding: N/A

(3) Grounds raised:

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

- (b) As to any second petition, application or motion, give the same information:

(1) Name of court:

(2) Nature of proceeding:

(3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

- (c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

Page _____ of _____

1512

16 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ___ No ___ N/A

Citation or date of decision: _____

(2) Second petition, application or motion? Yes ___ No ___

Citation or date of decision: _____

(3) Third petition, application or motion? Yes ___ No ___

Citation or date of decision: _____

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other post-conviction proceeding? If so, identify:

(a) Which of the grounds is the same: N/A

(b) The proceedings in which these grounds were raised: _____

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23 (a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court state or federal, list briefly what ground were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on Direct Appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) NO

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes ___ No X
If yes, state what court and the case number: N/A

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: _____

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes ___ No X

If yes, specify where and when it is to be served, if you know: N/A

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating grounds and facts supporting same.

(a) Ground one: _____

Supporting FACTS (Tell your story briefly, without citing cases or law.): _____

(b) Ground two: _____

Supporting FACTS (Tell your story briefly, without citing cases or law.): _____

(c) Ground three: _____

Supporting FACTS (Tell your story briefly, without citing cases or law.): _____

(d) Ground four: _____

Supporting FACTS (Tell your story briefly, without citing cases or law.): _____

WHEREFORE, Petitioner prays that the court grant Petitioner relief to which he may be entitled in this proceeding.

Dated this 8 day of November, 2016

In Propria Persona
Respectfully Submitted By:

Signature

Print Name

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge executed within the terms of NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8 day of November, 2016.

Signature

Tatiana Leibel

Print Name

1137908

NDOC#

NRS 171.102 (2) Declaration made subject to penalty of perjury.

NRS 208.165 A prisoner may execute any instrument by signing his name immediately following a declaration "under penalty of perjury" with the same legal effect as if he had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

NRS 208.165 Execution of instrument by prisoner. A prisoner may execute any instrument by signing his or her name immediately following a declaration "under penalty of perjury" with the same legal effect as if he or she had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

(Added to NRS by 1985, 1643)

GROUND I
(continued)

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Amendment Right to ~~Ineffective Assistance of Counsel~~ based on these facts:

My RIGHTS have been VIOLATED from the beginning when law enforcement concluding that a case is a "homicide" before an autopsy is even done, that's something critically wrong. Letter, after six month has autopsy description - "MULTIPLE GUNSHOT WOUNDS", performed by Dr. Kubiczer - forensic pathologist employed by the Washoe County Coroner's:

a. - He did NOT mention the fracture;

b. - He did NOT describe the soot that was around the wound;

c. - He did NOT take any section of the liver, any sections of brain;

d. - He did NOT describe the fatty liver.

There was so many things wrong with his report.

- According by expert witness Dr. Omalu - forensic pathologist:

- "Harry is a 65-year-old white male, died as a result of a "SINGLE GUNSHOT WOUND" of his chest. The manner of DEATH is "SUICIDE". (Trial Feb. 4, 2015, page 64).

- "...was only ONE SHOT that killed him. The second shot is what we call incidental findings."

(Trial Feb. 4, 2015, page 98)

• "Dr. Kubiczek was NOT the ONE who determined this to be a homicide. In fact, in the report, it says the manner of death would be determined by the Douglas County Sheriff's Coroner. WHY did do that I don't know. He's pretty much deferring a MEDICAL DUTY to a police officer." (Trial Feb. 4, 2015, page 122)

• "I'm simply here with my training, expertise and experience. I looked at scientific evidence and I'm telling you this is NOT a homicide, Tatiana DID NOT kill Harry. THIS IS SUICIDE." (Trial Feb. 4, 2015, page 120).

- The other expert witness that testified was Mr. David Billau. He was employed as a criminalist in the Washoe County Crime Lab. He testified concerning numerous mistakes that were made during the initial investigation of the crime scene:

• "Q. (by Ms. Brown): ... I'm showing you Exhibit Number 100 and Number 101, was there any reporting that you were aware of provided by the crime lab that had information concerning how the sofa was manipulated in order to get the difference between Exhibit Number 27 and Number 28?"

• A. (by Mr. Billau): Well, IF you MANIPULATE EVIDENCE, then obviously you're going to

1 come up with various answers."

2 (Trial Feb. 2, 2015, pages 81-82)

3 He testified concerning numerous mistakes that
4 the first responding officer has a duty to secure
5 the scene:

6 • "The first responders have one of the most critical jobs. In
7 law enforcement, naturally, what's paramount is officer safety.
8 You have to remember that. Officer number one has to get there.
9 Same thing with paramedic units and fire departments, they
10 have to get there first, and there have been incidents where
11 they get into traffic accidents and they don't get their first
12 so you still have a victim that's at a scene. So the first thing
13 is officer safety, and you have got to get there.

14 The second thing is upon arrival, you still have to be exte-
15 mely aware of your surroundings and how are you going
16 to approach this? What we teach is that if you can
17 limit the entry and exit to a crime scene, you have one
18 way in, one way out. So if an officer gets to the scene
19 first, naturally, he's concerned about his safety, but
20 he also has to think about the safety of there's a
21 victim inside. So he needs to be get to the victim. Now,
22 how does he do that? How does he or she do that? It's
23 difficult because now they are responsible for crime scene
24 security, plus on top of their own security and the security
25 of an individual inside that scene. A lot of responsibility right
26 now, especially if they are working by themselves."

27 (Trial Feb. 2, 2015, p. 53)

28 In this case, for example, the PARAMEDICS should

1 have left after performing their medical duties
2 NOT wandered about examining evidence. He
3 stressed the importance of documenting every-
4 thing that is done at the scene. If an item is
5 moved, it should be noted in a report. Also,

6 Mr. Billau testified that NO ONE SHOULD BE IN A
7 crime scene that didn't have a SPECIFIC PURPOSE

8 - The investigator, Ed Gatten, made many
9 errors during his investigation; such as he tes-
10 tified to-PUTTING EVERYONE OUTSIDE-and was
11 by HIMSELF in the house for almost twenty
12 minutes. He also admitted that during his
13 first entry into the residence (he didn't exa-
14 mine the weapon-OR NOTE its exact position.

15 • "I don't really -- I didn't spend a lot of time
16 looking at the weapon when I was first in
17 the house." (trial Jan. 28, 2015, page 134).

18 In the photograph taken by Deputy William-
19 son at the time the deputies first entered the
20 residence, the rifle strap covers most of the
21 cylinder, hammer, and trigger. However, in a
22 photograph taken four hours later by the
23 evidence technician, the cylinder hammer
24 and trigger are clearly visible and the ham-
25 mer is cocked.

26 • "Q. (by Ms. Brown): And it was at that
27 point then you - So close to 4:00 o'clock, like you
28 said, you went over and examined the rifle

1 that was laying on the couch and at that point
2 you noticed it was cocked?

3 • A. Yes.

4 Q. And this was the first time this had been no-
5 ticed and documented?

6 A. By me, yes.

7 Q. Who else had documented it?

8 A. I don't know that anybody else had documented.

9 I wasn't there with THEM. I don't know WHAT

10 THEY SAW. It was never told to me. I didn't see

11 it until around the 4:00 o'clock time when I

12 went there." (trial Jan. 28, 2015, page 181)

13 During the trial, photographs were presented in
14 court that the strap on the gun had been moved

15 - Mr. Billau also concerning trace evidence

16 because - dog in the house. Now, the dog "dober-

17 man" had been in the house the whole time after

18 "shot", a dog that was affectionate with Harry

19 would have been in and around Harry, and there

20 would have been tracks of blood. But NOTHING

21 WAS EVER DONE to look at dog to see if there

22 was some support for evidence.

23 • "Q. (by Ms. Brown): And in your review of the labora-

24 tory report, did you see any documentation that any trace

25 evidence was looked at for this dog?

26 • A. (by Mr. Billau): NO.

27 Q. And, again, what - what type of trace evi-

28 dence would you - if a dog was present when there

1 was a blood-letting, what type of evidence would you be
2 looking for?

3 A. To see if the animal was in the blood. Again, it
4 would be paw print footprint. Dog hair would be another
5 here were that would be trace evidence, even saliva in
6 the animal...

7 A. Again, that would be red staining, most likely
8 blood. You would look at the paws, even look at the
9 mouth.

10 Q. In your training and experience, when dogs or even
11 possibly cats are present in a room where there's
12 bloodletting, are they attracted to it?

13 A. Oh, absolutely. (trial Feb. 2, 2015, pages 69-70)

14 - Mr. Billau testified that based on his review
15 of the DOCUMENTS and PHOTOGRAPHS prepared by the
16 Washoe County Crime Lab, there was insufficient in-
17 formation to conclude concerning TRAJECTORY:

18 "Q. (by Ms. Brown): And in your past training and experience,
19 have you become familiar with process of figuring trajectory?

20 A. (by Mr. Billau): Yes.

21 Q. And what is TRAJECTORY?

22 A. Well, it's an angle basically is what it is. It gives us
23 certain degrees of angles, that's a trajectory. It's a
24 path of an object will give you a trajectory...

25 A. Well, I mean, the trajectory, it's a path. It's a path
26 that was taken by an object, whether it be a projectile,
27 whether it be liquid blood. We're looking at it as a
28 trajectory, in other words, of a travel area...

1 Q. What basic principles is the science of trajectory
2 based on?

3 A. Mathematics... Trigonometry...

4 Q. Were you asked to review the trajectory of a pro-
5 jectile in this case?

6 A. Yes (trial Feb. 2, 2015, pages 70-72)

7 - The prosecution's expert witness Mr. Noedel did
8 an INACCURATE TRAJECTORY REPORT because he based
9 his reports off of pictures given to him by the Washoe
10 County Office. He said that "I did this" because of his
11 report, but if the couch-sofa was moved, then his
12 trajectory was wrong. Mr. Noedel using that trajec-
13 tory and gave the opinion that the evidence "best sup-
14 ports".

15 SEVERAL QUESTIONS have been raised concer-
16 wing the HANDLING OF THE EVIDENCE:

- 17 a). The autopsy was done incorrectly;
18 b). Those photographs are taken late;
19 c). Movements of furniture, there's lack of documentation.
20 d). That trajectory comes from the couch-sofa itself
21 that is movable - there's testimony of witnesses who
22 indicate they saw that couch-sofa being moved;
23 e). The measurement of the arm - positioning some-
24 thing against a static arm;
25 f). The investigator made many errors during
26 investigation... (see other grounds).

27 - The PROSECUTOR, THOMAS GREGORY (assigned to
28 my case was placed on the bench, replacing Judge ~~EST~~

1 Gibbons after my conviction) manipulated the jury
2 in his closing statements, made a terrible remark
3 about how defense was trying to misrepresent
4 the law enforcement much like "OJ Simpson's case"
5 did - rather than evidence. The statements were made
6 in final closing when my attorneys had no
7 chance to respond. Comments on the evidence
8 could have been made without reference to the
9 Simpson case; the memory of that case was
10 used to inflame the prejudices of the jury -
11 to convict based ON EMOTION.

12 - Also according testimony by Mr. Billau:

13 "Q. (by Ms. Brown): And in approaching an investigation
14 like this, is there dangers in reaching conclusions
15 too quickly?

16 A. Oh, of course.

17 Q. Why is that?

18 A. Give a wrong answer.

19 Q. What would be one of the main reasons?

20 A. Main reason would be, you know, if you didn't have
21 enough information, then you couldn't provide
22 a proper answer. I'm trying to grasp the
23 question. You know, the end result would be if
24 you had an individual that was accused of a
25 crime and you don't have enough evidence and
26 you give the wrong conclusion, that individual
27 could, you know, lose their FREEDOM.

28 Q. And when you're doing -- in working with

1 a death investigation, what are you trying to determine?

2 • A. Well, again, you're trying to determine the
3 cause and then if there is -- if there is a se-
4 quence of events, you try to prove that through
5 your evidence, and then you try to provide an
6 answer as to, you know, how this person, you
7 know, again, expired.

8 Q. Have you seen in your background and expe-
9 rience SUICIDE cases where there's been
10 multiple gunshot wounds?

11 A. Yes.

12 Q. How many times?

13 A. Just a handful.

14 Q. So it's an unusual circumstance; is
15 that correct?

16 A. It is. (trial Feb. 2, 2015, pages 51-52)

17 However, the jury seemed BIAS toward any
18 of my expert witnesses' testimonies. I have
19 been wrongly ACCUSED for a crime that I
20 did NOT commit under circumstantial evidence,
21 I am tired of my INNOCENCE being SILENCED
22 and my RIGHTS being taken away.

23 I have two daughters and three wonderful grand-
24 children. Korry and I taught them to be honest
25 people no matter what.

GROUND II
(continued)

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Amendment Right to ~~Due Process~~ - Actual Innocence, based on these facts:

My Miranda Rights have been violated. I was taken into questioning by the Douglas County Sheriff's office with NO interpreter - where I spent eight hours being questioned. Throughout the interviews, I always maintained my innocence.

I have been falsely accused of murdering my husband, Harry Leibel, due to an unfair and unjust trial. By being an American citizen, I was never worried about going to prison for a crime I did NOT commit because I had faith in the United States Justice System in proving my innocence. During the course of the trial, my innocence seems to have been reasonably proven, however, despite the great freedom I have been given while living in the United States, the same things that plague the civilized world hurt my natural given rights - prejudice and corruption.

At the time of my arrest for "murder" two days after my husband's death, on

February 23, 2014 (11:15 AM) my rights have been violated from beginning.

- There was a warrant out for my arrest because investigator Ed Garren was made a Affidavit, on February 24, 2014, that there were cameras outside of the house that "proved" how I killed my husband. When the cameras were later analyzed - they were NEVER ON and I was arrested UNDER FALSE EVIDENCE, but was NEVER released.

- There was NO AUTOPSY report, NO BALLISTICS testing had been done, NO Fingerprint OR DNA analysis had been completed, and NO CRIME SCENE RECONSTRUCTION had been done.

Q. (By Ms. Brown): And on February 24th, the day after Mr. Leibel's death, you obtained an arrest warrant for Mrs. Leibel; is that correct?

A. (By investigator Ed Garren): That's correct.

Q. And as part of that, getting that arrest warrant, you prepared an affidavit that contains facts as you know them to be?

A. Correct.

Q. And this affidavit contained facts concerning the investigation up to this point?

A. Yes.

Q. And at this point the crime lab had been to the house the previous evenings but there was no reporting from their -- from

1 their analysis of the scene; is that correct?

2 A. No official reports had come in yet.

3 Q. And there was nothing concerning that re-
4 porting included in your affidavit?

5 A. Correct.

6 Q. And there had been no ballistics testing
7 done?

8 A. No.

9 Q. And there had been no fingerprint eviden-
10 ce analyzed at this point?

11 A. No.

12 Q. And there had been no DNA processing
13 done at this point?

14 A. No.

15 Q. And as I said, there had been even though
16 the crime lab had been at the scene, had
17 done some measurements, there was no
18 trajectory reported yet?

19 A. Correct. (trial Jan. 28, 2015, pages 195-196).

20 - On April 13, 2014, District Attorney Thomas
21 Gregory asked the court for the bail to be raised
22 on the grounds that it was too low and that
23 this was a "murder" case. MR. Gregory did NOT
24 state what degree of murder I was being char-
25 ged for, just that it was "OPEN MURDER". Also,
26 the district attorney did NOT PROVIDE ONE SINGLE
27 PIECE OF EVIDENCE against me and could NOT pro-
28 vide any evidence of me violating my release.

1 District attorney only provided his OWN PERSONAL
2 OPINION that the bail be raised and that
3 I could potentially flee to Russia. Prior to the
4 preliminary hearing, on March 17, 2014, Judge
5 Gibbons was put in charge of my civil case on
6 the estate, which Gibbons had ruled to put a hold
7 on, meaning that I was unable to use any of
8 the estate's money to provide me with any legal
9 representation or bail money. Also, the same
10 judge, Judge Gibbons, who put me back
11 in jail with no evidence to prove I was guilty,
12 recently denied my appeal Supreme Court.

13 - At the preliminary hearing, Justice Richard
14 Glasson heard both sides of the criminal
15 case and after hearing that both sides presented,
16 he reduced my bail and stated that I
17 could only be released on bail if my passport
18 was given to the court and the money be
19 paid. After Judge Glasson's decision, my criminal
20 case was moved to the court in Minden, NV. Judge
21 Gibbons ruled that my bail
22 be raised based on only two circumstances,
23 one being the bail was too low and the
24 second that I may flee to Russia even
25 though the court had my passport. I
26 was put back in jail with no DNA results
27 or any AUTOPSY OR FORENSIC reports. Both
28 of my arrests were only the beginning

1 of how my life was being destroyed UNDER
2 FALSE EVIDENCE and with NO physical evidence
3 to prove that I did this.

4 I am applying for Habeas Corpus because
5 I was wrongly convicted. I should NOT
6 have been 'proven' guilty since clearly there
7 is REASONABLE DOUBT. With the possibility
8 of a certain medical condition being
9 what's responsible for the deceased (my
10 husband, Harry Leibel), I feel that I meet
11 the requirements for this RETRIAL.

GROUND III
(continued)

VI XIV I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Amendment Right to ~~Equal~~ witness - Right to Confrontation based on these facts:

Many FALSE STATEMENTS as well as errors occurred DURING INVESTIGATION:

- the autopsY was DONE INCORRECTLY - there was so many things wrong with forensic pathologist REPORT;
- the manner of death - is "SINGLE GUNSHOT WOUND" instead "multiple";

- those photographs are taken late;
- movements of furniture - there's lack of documentation;

- the TRAJECTORY report was done incorrectly - there's testimony of witnesses who indicate they saw that couch-sofa being moved;

- the measurement of the ARM - positioning something against a static arm;

- the investigator made many errors during investigation.

1) - According testimony Mr. Devin Maffat - the public safety dispatcher 911:

• "Q. (by Ms. Henry): And did you listen to the call before you gave it to the District Attorney's Office?"

A. Yes.

Q... And did you hear the gaps in the recording of this call?

1 A. Yes

2 Q. There were approximately **FOUR OF THEM**; is that correct?

3 A. I wasn't counting best...

4 Q. Okay. Were those **CAPS** part of the actual 911 CALL?

5 A. **NO**. (trial Jan. 27, 2015, page 11).

6 In the preliminary hearing on March 17, 2014, **NOT EVEN ONE**
7 **CAPS** in the recording of this call. **WHY** in the **TRIAL** have **"FOUR OF THEM"**?

8 2) - According testimony by investigator Ed Carren:

9 A. We have extraction device for cell phones. It's
10 called a cell write. The name of the device is a **UFED**
11 (trial Jan. 28, 2015, page 150).

12 A. UTC is coordinated **UNIVERSAL TIME**. It's sy-
13 nonymous with Greenwich me time. And using
14 world time server dot.com, I entered the date and
15 time to reflect what the time would be in our
16 time zone, the Pacific time zone, and it comes up
17 during daylight savings time as minus eight hours. So
18 there's a feature on the device where you can-
19 set all the reports to indicate UTC time minus
20 eight hours, which would give you the accurate
21 time in our time zone.

22 Q. (by Mr. Gregory): So that 9:56:27 am would be accurate?

23 A. Correct. Pacific standard time.

24 (trial Jan. 28, 2015, page 156).

25 In the event of my **PHONE RECORDS** being converted to **UNIVER-**
26 **SAL TIME**, my family have found that according to a compaany
27 "**VERIZON**" tech. representative, not only was this **CONVER-**
28 **SION UNNECESSARY** but it has also left **PLENTY** of room for

1 **ERROR.** The feature used on the device REQUI-
2 RES A MANUAL INPUT. For whatever reason the
3 time deduction entered was a "MINUS OF EIGHT
4 HOURS" I feel that evidence has been tampered
5 with, making it now an unusable part of my
6 case.

7 3).- As I was reviewing my recorded interview
8 which took place on February 23rd, 2014 - NOTICED
9 a TIME GLITCH towards the end of the video
10 and would like to know WHY that HAPPENED

11 • "Q. (by Ms. Brown): And there's a time clock
12 on the video - there's one that keeps track of
13 just the length of time but there's also a
14 clock in the left-hand corner of the video?"

15 A. (by Ed Carren): The screen, I believe the time
16 clock...

17 Q. In any event, did you notice the time
18 clock starts over at 19:00 a COUPLE OF
19 TIMES, is that correct?

20 A. I'm NOT AWARE OF THAT."

21 (Trial Jan. 28, 2015, page 187).

22 During the trial, Ed Carren's mother was seen
23 talking to one of the jury members. When the jury
24 member was asked why, she said that the mot-
25 her told her that she was there to see her son
26 testify. The question is WHY, WHY would a pro-
27 fessional investigator's mother be there to watch
28 her son simply testify and why would his

1 mother be talking to a jury member about this:

2 "THE COURT": ... it came to my attention that
3 perhaps you had a conversation with Mr.
4 Garren's mother.

5 A. JUROR No. 3: I didn't know it was Mr. Garren's
6 mother at the time" (trial Jan. 30, 2015, page 4).

7 - According by my attorney Kris Brown in
8 the preliminary hearing she conclude about
9 investigator Ed Garren - "he is NOT a professional
10 investigator." Same time he testified that I remain
11 ed cooperative throughout the investigation.

12 On the day of my husband's Harry death,
13 I was interviewed by three different investigators
14 for more than eight hours. I was allowed to leave
15 and knowing I was suspected, but I returned the
16 next day to be re-interviewed. Also, I consented to
17 a search of my residence and my phone. In
18 examining my husband's phone, Investigator Garren
19 found a text message and an e-mail that both
20 indicated that "Mr. Leibel might be suicidal." I
21 have been wrongly accused for a crime that
22 I did NOT commit - there has been no physical
23 evidence to prove that I am guilty for this
24 crime - from the beginning my case was setup.

GROUND _____
(continued)

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my Amendment Right to _____, based on these facts:

REQUEST TO EXUME Harry Leibels' body from his grave to RE-EXAMINE "BRAIN TISSUE", because AUTOPSY was done INCORRECTLY by the Washoe County Coroner's. The autopsy showed that Harry had CANCER and LIVER-DISEASE, but Dr. Kubiczek failed to take ANY ORGAN SAMPLES. Dr. Kubiczek testified in trial:

"Cause of death is autopsy dependent, meaning we perform the FULL AUTOPSY as a post-mortem examination to determine cause of death. "In most of the cases, we are able to determine lesion or injury that caused the decedent's death."

(Trial Jan. 29, 2015, page 102).

BUT Dr. Kubiczek DID NOT: mention the fracture; describe the spot that was around the wound; take any section of the liver, any sections of the brain; also describe the fatty liver. In the report autopsy it says the manner of death would be determined by the Douglas County Sheriff's Coroner. WHY?

"Q. (by Ms. Brown): And it was indicated

1 to you that the Sheriff's department suspec-
2 ted homicide?

3 A. I don't remember that.

4 Q. They requested a homicide protocol in the case?

5 A. Yes. (trial Jan. 29, 2015, page 40).

6 - According NEW WITNESS is NANCY STRAYER-
7 who is willing to testified about conversation (also
8 has e-mail correspondance) between Darla Burrow
9 and her. Darla Burrow is former wife - she
10 spoke with Harry by phone almost two hours:

11 • Q. (for Ms. Henry): So it dwindled. During the last
12 five years of his life, how much did you have
13 contact with him?

14 A. Well, the last five years, probably a half a
15 dozen times. There was a four-year space whe-
16 re I never heard from him, and then out of the
17 blue, about a week before his death.

18 Q. Let's talk about that out-of-the blue com-
19 munication. How did that happen?

20 A. I got a message on Facebook from Harry..."
21 (trial Jan. 30, 2015, page 25)

22 • Q. When he contacted you on Facebook, were
23 you surprised?

24 A. Yes...

25 Q. ...So you spoke with him about a week before
26 he had passed -- (A. Yes)

27 Q. -- but you made contact with you. (A. Uh-huh)

28 Q. ...And then after that, you spoke for a couple

of hours? (A. Uh-huh) (Trial Jan 30, 2015, pages 31-32)
But according investigation NOT have prove about
Facebook and phone-record, WHY?

~~So~~ However, Darla Burrows told Nancy Strayer
back in August of 2014 that the investigator
Ed Carren told Cheron Bastea that the "ALLTOPSY
HAD REVEALED" that there was SOME PROBLEM
in Harry's BRAIN. Cheron Bastea is Harry's daugh-
ter from previous marriage - she NOT spoke with
her father almost six years, also she was remo-
ved from executor of the ESTATE of Harry on
April 18, 2016, she sold everything - and collected
only CASH-money. WHY? This above information
assumes of WHY NO BRAIN TISSUE was provided
to Dr. Omalu when he requested it.

- Dr. Omalu is recognized as one of the lea-
ding experts in brain disease. Also, he been
invited to advise the United States congressional
Judicial committee on matters relating to trau-
matic "BRAIN INJURY". Dr. Omalu is a forensic
pathologist, a medical examiner, an clinical
professor. Also, a movie has been made sho-
wing his discoveries called Concussion. Dr. Omalu
testified that my husband was suffering
from LIVER DISEASE because of his yellowish
LIVER, which he saw from an autopsy picture.
He thought it was very strange that Dr. Ku-
bierak failed to take any samples at all

1536

1 when liver disease was clearly present. Dr. Omalu
2 testified that when the LIVER MALFUNCTIONS, le-
3 vels of ammonia in the blood increase, which
4 can poison the brain leading to episodes of
5 irrationality and hallucinations:

6 "I was surprised. I requested tissues. I was told there
7 was none taken. And the brain, you should see if
8 you take microscopic sections of the brain, you
9 should see a specific change in the brain, you
10 should see cells that would explain the irrationality.
11 It affects a specific type of set in the human
12 brain, we will call astrocytes. They will become
13 balloon because of ammonia toxicity and it
14 affects the functioning of your different
15 regions of your brain that would manifest
16 with irrationality. (trial Feb. 4, 2015, page 57)

17 "...In the toxicology report, it showed that
18 Harry used marijuana less than two hours
19 before he died. Why do I know it's less than
20 two hours, because of the types of canna-
21 binoid found in his blood and the levels.

22 If you smoke marijuana, your Delta-9
23 THC which is the active component of marijuana
24 Delta-9 THC after two hours should drop less than
25 two micrograms, but Harry's THC level was 20.
26 So it tells you will be used marijuana within
27 two hours of his death. Unfortunately, ma-
28 rijuana is a psychedelic drug. It's a halluci-

1 nogen. So if you're suffering from a disease like hepatic
2 hepatic encephalopathy and then you smoke marijuana,
3 you are at the much greater risk of engaging
4 in irrational behavior, including **SUICIDAL BE-**
5 **HAVIOR**." (trial Feb. 4, 2015, pages 57-58)

6 "...He shoots himself in the chest. He's not yet
7 dead and just like some very famous people, they
8 try cyanide, they are NOT yet dead. They are
9 waiting for minutes and then they use se-
10 condary mechanism." (trial Feb. 4, 2015, page 62).

11 "...He's becoming a bit confused because he is ble-
12 eding, and he's trying to shoot himself again, try-
13 ing to manipulate and he is confused and, I mean,
14 he fell backwards." (trial Feb. 4, 2015, page 63).

15 "...That Taliana did NOT shoot Harry. Harry is a
16 65-year-old white male died as a result of a SING-
17 LE GUNSHOT wound of his chest. The manner
18 of death is SUICIDE." (trial Feb. 4, 2015, page 64).

19 However, the jury seemed bias toward Dr. Omaha's testi-
20 mony because he had a strong African American accent and
21 a different skin color than white-all jury-white. Also,
22 the court did not recognize Dr. Omaha's testimony as scien-
23 tific evidence, but he is more than worthy of being
24 recognized as being correct because of all of his achievements.

25 These needs to be **ANOTHER AUTOPSY** conducted being that the
26 initial one give by the State was NOT DONE THOROUGHLY. In the event
27 of the **RE-EXAMINATION**, the findings will reveal **SUICIDE**; a pos-
28 sible result of Harry Liebel, my husband, **BRAIN-DISEASE**.

11538

GROUND IV
(continued)

XIV I allege that my state court conviction and/or sentence are unconstitutional, in violation of my
V E VIII Amendment Right to Cumulative Error, based on these facts:

Petitioner firmly believes that the totality
of errors as stated in her Habeas Corpus
petition:

. Ineffective Assistance of Counsel

. Due Process - Actual Innocence

. Expert witness - Right to Confrontation.

. Cumulative Error

resulted in harm to her and due process.

Due to the complexity of this case and the
gravity of the sentence, in the interest of
judicial economy and fundamental fairness
Petitioner requests an evidentiary hearing and
appointment of proper, zealous, and competent
counsel.

1 Case No. 14-CR-0062-B

2
3 Dept. No. I

RECEIVED
NOV 28 2016
Douglas County
District Court Clerk

FILED
2016 NOV 28 AM 9:29
BOBBI E. WILLIAMS
CLERK
BY [Signature] DEPUTY

4
5
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 TATIANA LEIBEL,

10 Petitioner,

11
12 v.

ORDER

13 THE STATE OF NEVADA,

14 Respondent.
15 _____/

16 THIS MATTER comes before the court upon Tatiana Leibel's Petition for Writ of
17 Habeas Corpus (post-conviction) and a Motion for Appointment of Counsel. Based upon a
18 review of the current record, John E. Malone, Esq. is hereby appointed to represent Petitioner
19 Tatiana Leibel in this matter. Pursuant to NRS 34.750(3), counsel for the petitioner may file
20 and serve supplemental pleadings, among other things, within thirty days after the date of this
21 Order. Respondent shall then have forty-five days from the date of this Order to answer or
22 otherwise respond to the petition and file a return in accordance with the provisions of NRS
23 34.360 to 34.830, inclusive. The court will then review the record again after the forty-five
24

25 / / /

26 / / /

27 / / /

28 / / /

1 days has expired to determine whether an evidentiary hearing is required pursuant to NRS
2
3 34.770.

4 IT IS SO ORDERED.

5 Dated this 28 day of November, 2016.

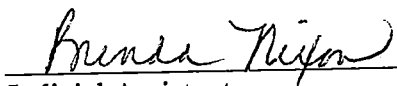
6
7 
NATHAN TOB YOUNG
District Judge

8
9 Copies served by mail this 28 day of November, 2016, to:

10 John E. Malone, Esq.
11 411 Mill St.
12 Reno, NV 89502

13 Douglas County District Attorney
(via hand delivery)

14 Tatiana Leibel, #1137908
15 Florence McClure Womens Correctional Center
16 4370 Smiley Road
Las Vegas, NV 89115

17 
18 Brenda Nelson
Judicial Assistant

1 JOHN E. MALONE
2 State Bar No. 5706
3 1865 Monte Vista Dr.
4 Reno, Nevada 89511
5 (775) 830-2307
6 jmalonelaw@gmail.com

RECEIVED

DEC 27 2016
Douglas County
District Court Clerk

FILED

2016 DEC 27 PM 12:43

GOBBIE R. WILLIAMS
CLERK
BY [Signature] DEPUTY

7 **IN THE NINTH JUDICIAL DISTRICT COURT**

8 **IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA**

10 TATIANA LEIBEL,
11 Petitioner

12 vs.

13 STATE OF NEVADA,
14 Respondent.

) Case No. 14 CR 00062 B
)
) Dept. 4

) **STIPULATION TO EXTEND**
) **THE TIME TO FILE A**
) **SUPPLEMENTAL PETITION**
) **FOR WRIT OF HABEAS**
) **CORPUS**

15 Petitioner Tatiana Leibel, through her attorney John E. Malone, and the State of
16 Nevada, through the Douglas County District Attorney, stipulate and agree, petitioner shall have
17 an extension of time of 90 days, up to and including March 28, 2017, to file and serve a
18 supplemental petition for a writ of habeas corpus.

19 Dated: 12-27-16

20 [Signature]
21 Brian Filter
22 Deputy District Attorney
23 Douglas County

Dated: 12-27-16

20 [Signature]
21 John E. Malone
22 1865 Monte Vista Dr.
23 Reno, Nevada 89511
24 (775) 830-2307
25 Attorney for Tatiana Leibel

FILED

2017 JAN -3 AM 11: 54

BOBBIE R. WILLIAMS
CLERK

IN THE NINTH JUDICIAL DISTRICT COURT

BY WILL DEPUTY

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

Case No. 14 CR 00062 B
Dept. F

VS.

STATE OF NEVADA,
Respondent.

ORDER

Pursuant to the stipulation of the parties and cause appearing, petitioner shall have an extension of 90 days, up to and including March 28, 2017, to file and serve a supplemental petition for a writ of habeas corpus.

IT IS SO ORDERED.

DATED: 1-3-17

By: /s/ [Signature]
Judge

1543

RECEIVED

MAR 28 2017

Douglas County
District Court Clerk

FILED

2017 MAR 28 AM 11:16

BOBBIE R. WILLIAMS
CLERK

BY: John E. Malone DEPUTY

JOHN E. MALONE
State Bar No. 5706
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.

STATE OF NEVADA,
Respondent.

) Case No. 14 CR 00062 B
)
) Dept. I

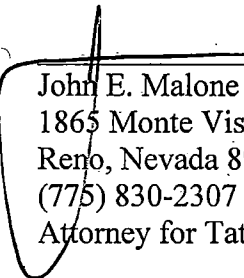
) **STIPULATION TO EXTEND**
) **OF TIME TO FILE**
) **SUPPLEMENTAL PETITION**
) **FOR WRIT OF HABEAS**
) **CORPUS - SECOND REQUEST**

PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney John E. Malone, and the State of Nevada through Douglas County Deputy District Attorney Brian Filter stipulate to a second extension of time of 90 days to file and serve a supplemental petition for a writ of habeas corpus.

Dated: 3/28/17


Brian Filter
Deputy District Attorney
Douglas County
P.O. Box 218
Minden, NV 89423

Dated: 3-28-17


John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

RECEIVED

MAR 28 2017

Douglas County
District Court Clerk

FILED

2017 MAR 30 PM 10:17

BOBBIE R. WILLIAMS
CLERK

BY ANOMAS DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY, STATE OF NEVADA

TATIANA LEIBEL

Petitioner

vs.

STATE OF NEVADA,

Defendant.

) Case No. 14 CR 00062 B

) Dept. I

ORDER

Having considered the stipulation of the parties and cause appearing,

IT IS HEREBY ORDERED that the request for a second extension of time of 90 days is approved. Petitioner's supplemental petition shall be due on or before June 26, 2017.

DATED: 3-30-17

By 

Judge

FILED

RECEIVED

APR 03 2017

Douglas County
District Court Clerk

2017 APR -3 AM 10:55

LOUISE R. WILLIAMS
CLERK

[Signature]

JOHN E. MALONE
State Bar No. 5706
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,)	Case No. 14 CR 00062 B
Petitioner)	Dept.
)	
vs.)	EX PARTE INVOICE
)	AND REQUEST FOR
STATE OF NEVADA,)	PAYMENT
Respondent.)	

John E. Malone, appointed counsel for petitioner Tatiana Leibel, hereby submits the attached billing statement and invoice for services rendered in the district court proceedings for the dates **December 6, 2016 through March 7, 2017**. I affirm that this document does not contain the social security number of any person. NRS 239B.030.

DATED: 3-30-17

[Signature]
John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

1 Tatiana Leibel was convicted of murder and has filed a timely postconviction petition for
2 a writ of habeas corpus. The following charges have been incurred in the preparation of a
3 supplemental petition.
4

5 **BILLING STATEMENT**

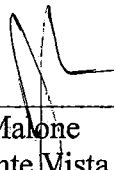
6 12/6/16	Received appointment as counsel; contact trial counsel to 7 obtain the trial file; review pro per petition	1.5	\$150
8 12/7/16	Review pro per petition and appeal, order, and 9 documents, briefs	3.0	\$300
10 12/2016	numerous phone calls, letter to trial counsel for file	NC	
11 12/27/16	draft and file motion for extension	.75	\$75
12 1/2017	additional calls to trial counsel	NC	
13 1/11/17	Travel to Minden to retrieve trial file boxes, met 14 with trial counsel re: defense strategy, issues, etc. 15 <i>Mileage</i>	4.0 <i>94 miles</i>	\$400 \$50.29
16 1/12/17	Initial review and organization of trial file	6.0	\$600
17 1/13/7	analysis of need for interpreter, research re: Russian 18 translations; research re: expert testimony regarding self-inflicted shooting, suicide	5.0	\$500
19 2/22/17	Letter to client	.5	\$50
20	Review trial transcripts	5.0	\$500
21 2/23/17	Research re: expert testimony, firearms analysis	3.0	\$300
22 2/24/17	research and analysis of file re: interpreter 23 and effectiveness of communication; review trial transcripts	5.5	\$550
24 3/7/17	second motion for extension, analyze possible 25 motion for funds, motion for interpreter; extended t/c with Nancy Strayer (friend	5.5	\$550

of client) re: trial, background of Tatiana and husband.
Contact investigator, discuss case

HOURS	39.75	\$3975.00
<i>Mileage</i>	<i>94 miles</i>	<i>\$50.29</i>
TOTAL		\$4025.29

Respectfully submitted:

DATED: 3-30-17



John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

NO

APR 03 2017

17 APR -4 A10:21

**Douglas County
District Court Clerk**

BOBBIE R. WILLIAMS
CLERK

BY TINWIT DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

DOUGLAS COUNTY, STATE OF NEVADA

TATIANA LEIBEL
Petitioner

Case No. 14 CR 00062 B
Dept. I

VS.

STATE OF NEVADA,
Defendant.

ORDER FOR PAYMENT

Having reviewed and considered the billing statement submitted *ex parte* by John E. Malone, appointed counsel for petitioner Tatiana Leibel, and good cause appearing, the court hereby orders payment of \$4025.29 to:

John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 895011

for services rendered between **December 6, 2016 through March 7, 2017.**

IT IS SO ORDERED.

DATED: 4-4-17

RECEIVED

APR 07 2017

Douglas County
District Court Clerk

FILED

NO

17 APR -7 P3:38

BOBBIE R. WILLIAMS
CLERK

BY ANNA DEPUTY

JOHN E. MALONE
State Bar No. 5706
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.


STATE OF NEVADA,
Respondent.

) Case No. 14 CR 00062 B.
)
) Dept.

) **EX PARTE MOTION FOR**
) **FUNDS FOR INVESTIGATOR**

PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney John E. Malone, respectfully requests the court to release funds to hire Jeffrey T. Partyka, a licensed investigator in good standing in the State of Nevada, to provide investigative services at public expense. The motion is based on NRS 7.135, the following memorandum of points and authorities, the papers and pleadings on file with the court, and any argument of counsel at the time of the hearing.

Dated: 4-5-17


John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

are indigent and show a need for the services); *see also State v. Burns*, 4 P. 3d 795 (Utah 2000) (in which the Utah Supreme Court noted the history of the rights to due process and to counsel and other services to indigent defendants in light of the Sixth and Fourteenth Amendments to the United States Constitution). In *State v. Burns*, after discussing the right to counsel, the court noted that these services are additionally mandated by the guarantee of equal protection of the law for indigent prisoners:

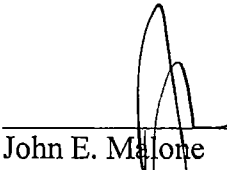
In furtherance of this premise, the Court in *Britt v. North Carolina* held that as a matter of equal protection, a state must "provide indigent prisoners with the basic tools of an adequate defense or appeal, when those tools are available for a price to other prisoners." 404 U.S. 226, 227 (1971); *see also Ake v. Oklahoma*, 470 U.S. 68, 76-77 (1985) (holding that to provide effective defense, indigent defendants must have access to basic tools of defense).

State v. Burns, 4 P.3d at 799.

CONCLUSION

For the foregoing reasons, Tatiana Leibel respectfully requests the Court issue an order allowing counsel to employ the services of Jeffrey T. Partyka, and authorize an initial payment from public funds for those services in the amount of up to \$5,000 upon documentation and without additional approval of the Court.

Dated: 4-5-17



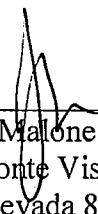
John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

AFFIRMATION PURSUANT TO 239B.030

I affirm that this document does not contain the social security number of any person.

NRS 239B.030.

DATED: 4-5-17



John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Daniel Lease

RECEIVED

APR 14 2017

Douglas County
District Court Clerk

FILED

2017 APR 14 PM 3:21

BOBBIE R. WILLIAMS
CLERK

BY: ANOM DEPUTY

JOHN E. MALONE
State Bar No. 5706
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.

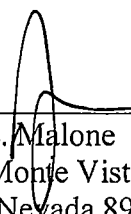
STATE OF NEVADA,
Respondent.

Case No. 14 CR 00062 B
Dept.

**EX PARTE MOTION FOR
LEAVE TO HIRE
INVESTIGATOR**

PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney John E. Malone, respectfully submits this motion for leave to hire Jeffrey T. Partyka, a licensed investigator in good standing in the State of Nevada, to provide investigative services at public expense. The motion is based on NRS 7.135, the following memorandum of points and authorities, the papers and pleadings on file with the court, and any argument of counsel at the time of the hearing.

Dated: 4-12-17



John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

1 **MEMORANDUM OF POINT AND AUTHORITIES**

2 Tatiana Leibel was convicted by a jury of murder with use of a deadly weapon in
3 2015. She pursued a direct appeal, and has filed a timely postconviction petition for a writ of
4 habeas corpus. NRS 34.726. Attorney John Malone was appointed to represent her in her
5 postconviction proceedings.
6

7 Counsel has obtained the case files, and has done an initial review. After that
8 review, it is apparent that investigation is necessary to interview witnesses who may have
9 testified at trial, or who should have testified at trial, including experts for both the prosecution
10 and the defense who testified at trial, and to conduct additional discovery.
11

12 **LEGAL AUTHORITY**

13 NRS 7.135 provides in relevant part that:

14 The attorney appointed by a magistrate or district court to represent
15 a defendant is entitled, in addition to the fee provided by NRS
16 7.125 for his services, to be reimbursed for expenses reasonably
17 incurred by him in representing the defendant, and may employ,
18 subject to the prior approval of the magistrate or the district court
in an *ex parte* application, such investigative, expert or other
services as may be necessary for an adequate defense.

19 Additionally, statutes such as NRS 7.135 have been interpreted as instruments to
20 implement the Sixth and Fourteenth Amendment rights of defendants to effective assistance of
21 counsel, to an adequate defense, and to due process and a fair trial. *See, e.g., Widdis v. Second*
22 *Judicial District Court*, 114 Nev. 1224, 968 P.2d 1165 (1998) (holding that even defendants who
23 have retained private counsel are entitled to reasonable defense service at public expense if they
24
25

are indigent and show a need for the services); *see also State v. Burns*, 4 P. 3d 795 (Utah 2000) (in which the Utah Supreme Court noted the history of the rights to due process and to counsel and other services to indigent defendants in light of the Sixth and Fourteenth Amendments to the United States Constitution). In *State v. Burns*, after discussing the right to counsel, the court noted that these services are additionally mandated by the guarantee of equal protection of the law for indigent prisoners:

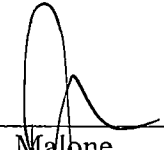
In furtherance of this premise, the Court in *Britt v. North Carolina* held that as a matter of equal protection, a state must "provide indigent prisoners with the basic tools of an adequate defense or appeal, when those tools are available for a price to other prisoners." 404 U.S. 226, 227 (1971); *see also Ake v. Oklahoma*, 470 U.S. 68, 76-77 (1985) (holding that to provide effective defense, indigent defendants must have access to basic tools of defense).

State v. Burns, 4 P.3d at 799.

CONCLUSION

For the foregoing reasons, Tatiana Leibel respectfully moves for an order granting her leave to hire investigator Jeffrey T. Partyka.

Dated: 4-12-17



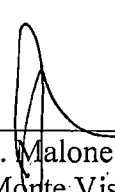
John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

AFFIRMATION PURSUANT TO 239B.030

I affirm that this document does not contain the social security number of any person.

NRS 239B.030.

DATED: 4-12-17



John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Daniel Lease

RECEIVED

APR 14 2017

Douglas County
District Court Clerk

FILED

2017 APR 17 AM 11:24

BOBBIE R. WILLIAMS
CLERK

BY [Signature] DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.

STATE OF NEVADA,
Respondent.

) Case No. 14 CR 00062 B

) Dept. I

) **ORDER GRANTING MOTION**
) **FOR LEAVE TO HIRE**
) **INVESTIGATOR**

Having considered the motion of petitioner Tatiana Leibel, through her attorney John E. Malone, for leave to hire a licensed investigator pursuant to NRS 7.135, and cause appearing, the motion is granted.

IT IS SO ORDERED.

Dated: April 17, 2017

[Signature]
Judge

FILED

2017 MAY -9 PM 2:48

BOBBIE R. WILLIAMS
CLERK

BY ANNA DEPUTY

JOHN E. MALONE
State Bar No. 5706
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.

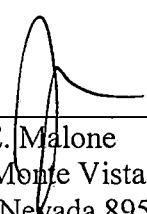
STATE OF NEVADA,
Respondent.

Case No. 14 CR 00062 B
Dept. I

**MOTION FOR PRODUCTION
OF JAVS RECORDINGS**

PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney John E. Malone, respectfully requests the production of the JAVS video recordings from the entire trial, sentencing, and all pretrial hearings. The motion is based on the following memorandum of points and authorities, the papers and pleadings on file with the court, and any argument of counsel at the time of the hearing.

Dated: 5-8-17




John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

- 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

Counsel has the transcripts of the trial, but seeks to see and hear the testimony to assess the performance of Ms. Leibel's trial counsel, the demeanor of the witnesses, and evaluate the full impact of the testimony and evidence.

Tatiana Leibel requests the release and production of the JAVS recordings, and for the payment of any costs of such by the Office of the State Public Defender. NRS 7.135; NRS 34.750; NRS 34.780.



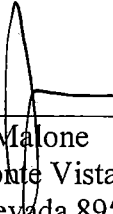
John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

AFFIRMATION PURSUANT TO 239B.030

I affirm that this document does not contain the social security number of any person.

NRS 239B.030.

DATED: 5-8-17



John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307

RECEIVED

MAY 09 2017

Douglas County
District Court Clerk

FILED

2017 MAY -9 PM 2:47

BOBBIE R. WILLIAMS
CLERK

BY: ANOMAS DEPUTY

1 JOHN E. MALONE
2 State Bar No. 5706
3 1865 Monte Vista Dr.
4 Reno, Nevada 89511
5 (775) 830-2307
6 jmalonelaw@gmail.com

7 IN THE NINTH JUDICIAL DISTRICT COURT

8 IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

9
10 TATIANA LEIBEL,
11 Petitioner

12 vs.

13 STATE OF NEVADA,
14 Respondent.

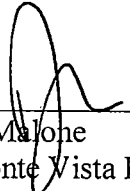
) Case No. 14 CR 00062 B

) Dept. F

) **MOTION FOR FUNDS FOR**
) **INTERPRETER**

15 PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney
16 John E. Malone, respectfully requests approval by the court for funds to hire a Russian
17 interpreter. NRS 50.0545. The motion is based on the following memorandum of points and
18 authorities, the papers and pleadings on file with the court, and any argument of counsel at the
19 time of the hearing.

20 Dated: 5-8-17

21
22 
23 John E. Malone
24 1865 Monte Vista Dr.
25 Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

MEMORANDUM OF POINT AND AUTHORITIES

Tatiana Leibel was convicted by a jury of second degree murder with use of a deadly weapon in 2015. She pursued a direct appeal, and has filed a timely postconviction petition for a writ of habeas corpus. NRS 34.726.

Ms. Leibel is of Russian descent and her English abilities are limited. She was provided an interpreter during the trial proceedings. Postconviction counsel has met with her at Florence McClure Correctional Facility and has determined that it will assist in his preparation of the supplemental petition for an interpreter to be present in his subsequent meetings and communications with Ms. Leibel.

LEGAL AUTHORITY

NRS 50.0545(1) provides that:

An interpreter must be appointed at public expense for a person with a language barrier who is a defendant or a witness in a criminal proceeding.

Additionally, statutes such as NRS 7.135 have been interpreted as instruments to implement the Sixth and Fourteenth Amendment rights of defendants to effective assistance of counsel, to an adequate defense, and to due process and a fair trial. *See, e.g., Widdis v. Second Judicial District Court*, 114 Nev. 1224, 968 P.2d 1165 (1998) (holding that even defendants who have retained private counsel are entitled to reasonable defense service at public expense if they are indigent and show a need for the services); *see also State v. Burns*, 4 P. 3d 795 (Utah 2000) (in which the Utah Supreme Court noted the history of the rights to due process and to counsel and other services to indigent defendants in light of the Sixth and Fourteenth Amendments to the

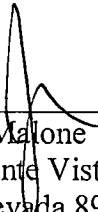
1 United States Constitution). In *State v. Burns*, after discussing the right to counsel, the court
2 noted that these services are additionally mandated by the guarantee of equal protection of the
3 law for indigent prisoners:
4

5 In furtherance of this premise, the Court in *Britt v. North Carolina*
6 held that as a matter of equal protection, a state must "provide
7 indigent prisoners with the basic tools of an adequate defense or
8 appeal, when those tools are available for a price to other
9 prisoners." 404 U.S. 226, 227 (1971); *see also Ake v. Oklahoma*,
470 U.S. 68, 76-77 (1985) (holding that to provide effective
defense, indigent defendants must have access to basic tools of
defense).

10 *State v. Burns*, 4 P.3d at 799.

11 Counsel seeks the approval of funds pursuant to NRS 7.135, NRS 34.750, and
12 NRS 34.780 to hire a Russian interpreter to ensure that all communications are completely
13 mutually understood, and for the payment of any costs of such by the Office of the State Public
14 Defender. NRS 7.135; NRS 34.750; NRS 34.780.

15 Dated: 5-8-17

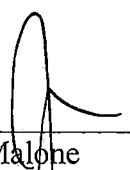
16
17 
18 John E. Malone
1865 Monte Vista Dr.
19 Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel
20
21
22
23
24
25

AFFIRMATION PURSUANT TO 239B.030

I affirm that this document does not contain the social security number of any person.

NRS 239B.030.

DATED: 5-8-12



John E. Malone
1865 Monte Vista Dr.
Reno, Nevada 89511
(775) 830-2307

RECEIVED

MAY 09 2017

Douglas County
District Court Clerk

FILED

2017 MAY 11 AM 9:57

BOBBIE R. WILLIAMS
CLERK

IN THE NINTH JUDICIAL DISTRICT COURT BY ANW DEPUTY

DOUGLAS COUNTY, STATE OF NEVADA

TATIANA LEIBEL

Petitioner

vs.

STATE OF NEVADA,
Defendant.

) Case No. 14 CR 00062 B

) Dept. 1

ORDER

Having considered the motion of the petitioner, Tatiana Leibel, for production of the
JAVS video recordings, and cause appearing,

IT IS HEREBY ORDERED that the motion is granted. The district court shall
have 30 days from the date of this order to produce the JAVS recordings. Billing for any costs of
production shall be submitted to the ^{District Court for approval.} ~~Office of the State Public Defender.~~ NRS 7.135; NRS
34.750; NRS 34.780.

DATED: May 11, 2017

By: [Signature]

Judge

Douglas County
District Court Clerk

FILED

2017 MAY 11 AM 9:57

BOBBIE R. WILLIAMS
CLERK

BY ZINOW DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner,

VS.

STATE OF NEVADA,
Respondent.

Case No. 14 CR 00062 B

Dept. I

ORDER

Having considered the motion of the petitioner, Tatiana Leibel, and cause appearing,

IT IS HEREBY ORDERED that Ms. Leibel's motion for funds for an interpreter is granted.

DATED: May 11, 2017

By:

Judge

RECEIVED

FILED

1 JOHN E. MALONE
2 State Bar No. 5706
3 1865 Monte Vista Dr.
4 Reno, Nevada 89511
(775) 830-2307
jmalonelaw@gmail.com

JUN 22 2017
Douglas County
District Court Clerk

2017 JUN 22 PM 4:10

BOBBIE R. WILLIAMS
CLERK
BY ANWAR DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

10 TATIANA LEIBEL,
11 Petitioner

12 vs.

13 STATE OF NEVADA,
14 Respondent.

) Case No. 14 CR 00062 B
) Dept. I
)

) STIPULATION TO EXTEND
) TIME TO FILE
) SUPPLEMENTAL PETITION
) FOR WRIT OF HABEAS
) CORPUS

15 PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney
16 John E. Malone, and respondent, through the Douglas County District Attorney, stipulate to
17 extend the time for petitioner to file her supplemental petition for writ of habeas corpus. The
18 parties agree that petitioner shall have until September 26, 2017, to file and serve the
19 supplemental petition.

20 Dated: 6-22-17

21
22 John E. Malone
23 1865 Monte Vista Dr.
24 Reno, Nevada 89511
(775) 830-2307
Attorney for Tatiana Leibel

Dated: 6-22-17

[Signature]
Douglas County District Attorney

JUN 22 2017

FILED

2017 JUN 23 AM 10:30

BOBBIE R. WILLIAMS
CLERK

BY ANWAR DEPUTY

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

Case No. 14 CR 00062 B
Dept. I

Dept. I

IT IS HEREBY ORDERED that petitioner Tatiana Leibel shall have until September 26, 2017, to file and serve the supplemental petition for a writ of habeas corpus.

DATED: June 23, 2017

By: [Signature]
Judge

1568

RECEIVED

FILED

JOHN E. MALONE
State Bar No. 5706
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
jmalonelaw@gmail.com

JUL 24 2017

2017 JUL 24 PM 3:14

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

BY MS Lagana DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.

STATE OF NEVADA,
Respondent.

Case No. 14 CR 00062 B
Dept. I

EX PARTE INVOICE
AND REQUEST FOR
PAYMENT

John E. Malone, appointed counsel for petitioner Tatiana Leibel, hereby submits the attached billing statement and invoice for services rendered in the district court proceedings for the dates **May 8, 2017 through July 17, 2017**. I affirm that this document does not contain the social security number of any person. NRS 239B.030.

DATED: 7-20-17

John E. Malone
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
Attorney for Tatiana Leibel

1 Tatiana Leibel was convicted of murder and has filed a timely postconviction petition for
2 a writ of habeas corpus. The following charges have been incurred in the preparation of a
3 supplemental petition.
4

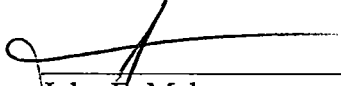
5 **BILLING STATEMENT**

6 4/5/17	Meet with investigator and prepare motion for investigator Jeff Partyka	3.0 hr
7 4/11/17	prepare for client visit	2.0 hrs
8 4/13/17- 9 4/15/17	Travel Reno to Las Vegas. Meet with client at Florence McClure Detention Center. (Travel plus meeting.)	22.0 hrs
10 5/8/17	Draft/file motion for JAVS of trial, sentencing, hearings	.5 hr
11 5/26/17	Review trial video JAVS	2.0 hrs
12 5/27/17	Review trial video JAVS	3.0 hrs

13			
14	HOURS	32.5	\$3,250.00
15	COSTS	Motel	\$133.34
16	<i>Mileage</i>	<i>1036 miles</i>	<i>\$554.26</i>
17	TOTAL		\$3937.60
18			
19			

20 Respectfully submitted:

21 DATED: 7-20-17

22 
23 John E. Malone
24 209 N. Pratt Ave..
25 Carson City, Nevada 89701
(775) 830-2307
Attorney for Tatiana Leibel

RECEIVED

SEP 25 2017

FILED

JOHN E. MALONE, ESQ.
Nevada State Bar No. 5706
209 N. Pratt Ave.
Carson City, NV 89701
(775) 461-0254
jmalonelaw@gmail.com

Douglas County
District Court Clerk

2017 SEP 25 PM 3:56

BOBBIE R. WILLIAMS
CLERK

BY ANAP DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,

Petitioner,

CASE NO. 14 CR 00062 B

vs.

DEPT NO. I

STATE OF NEVADA,

Respondent.

**STIPULATION TO EXTEND TIME TO FILE SUPPLEMENTAL
PETITION FOR WRIT OF HABEAS CORPUS**

PLEASE TAKE NOTICE that Petitioner Tatiana Leibel, through her attorney John E. Malone, Esq., and Respondent, through the Douglas County District Attorney, stipulate to extend the time for Petitioner to file her supplemental petition for Writ of Habeas Corpus. The parties agree that Petitioner shall have until January 25, 2018, to file and serve the supplemental petition.

DATED this 27th day of September, 2017.

DATED this ____ day of September, 2017.

John E. Malone
209 N. Pratt Ave.
Carson City, NV 89701
775-461-0254
Attorney for Tatiana Leibel

ANAP Douglas County District Attorney

1572

RECEIVED

SEP 25 2017

FILED

Douglas County
District Court Clerk

IN THE NINTH JUDICIAL DISTRICT COURT

2017 SEP 27 AM 10:59

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

JOHN E. ADAMS
CLERK
BY  DEPUTY

TATIANA LEIBEL,

Petitioner,

CASE NO. 14 CR 00062 B

vs.

DEPT NO. I

STATE OF NEVADA,

Respondent.

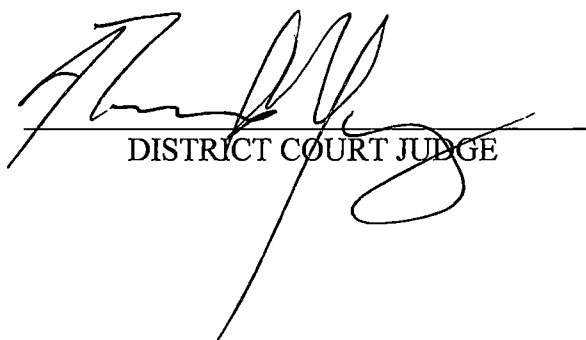
ORDER

Having considered the stipulation of the parties and cause appearing,

IT IS HEREBY ORDERED that the request for an extension of time is approved.

Petitioner's supplemental petition shall be due on or before January 25, 2018.

DATED this 27 day of September, 2017.


DISTRICT COURT JUDGE

RECEIVED

JAN 24 2018

Douglas County
District Court Clerk

FILED

2018 JAN 24 PM 4:04

BOBBIE R. WILLIAMS
CLERK

BY *msclaggett*

JOHN E. MALONE
State Bar No. 5706
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
jmalonelaw@gmail.com

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

TATIANA LEIBEL,
Petitioner

vs.

STATE OF NEVADA,
Respondent.

Case No. 14 CR 00062 B
Dept. I

**MOTION FOR EXTENSION
OF TIME TO FILE
SUPPLEMENTAL PETITION
FOR WRIT OF HABEAS
CORPUS**

PLEASE TAKE NOTICE that petitioner Tatiana Leibel, through her attorney John E. Malone, respectfully requests and extension of time of 90 days to file and serve a supplemental petition for a writ of habeas corpus. The motion is based on the following memorandum of points and authorities, the papers and pleadings on file with the court, and any argument of counsel at the time of the hearing.

Dated: 1-24-18

malone

John E. Malone
209 N. Pratt Ave.
Carson City, Nevada 89701
(775) 830-2307
Attorney for Tatiana Leibel

MEMORANDUM OF POINTS AND AUTHORITIES

Tatiana Leibel was convicted by a jury of second degree murder with use of a deadly weapon in 2015. She pursued a direct appeal, and has filed a timely postconviction petition for a writ of habeas corpus. NRS 34.726. Attorney John Malone was appointed to represent Ms. Leibel in November 2016, in the postconviction proceedings. The supplemental petition is currently due January 25, 2018. Ms. Leibel is asking this court for an extension of time of 90 days to file the supplemental petition in order to give counsel sufficient time to conduct a final review of the case files and to prepare the supplemental petition.

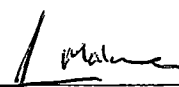
Counsel concedes that significant time has passed since he was appointed, but submits respectfully to the court that this case is complex and requires close evaluation. Ms. Leibel was convicted of murder with use of a deadly weapon and is serving consecutive sentences. There are numerous areas of the investigation, preparation, trial, and representation which bear analysis.

Counsel was unable to obtain the complete case file from trial counsel until March of 2017. The file consists of over 3750 pages, not including the transcripts from the trial, motion hearings, and sentencing; approximately 750 photographs; expert reports; and the JAVS DVDs of the trial, motions, and sentencing. Counsel has been working diligently to absorb and analyze the materials, but has also needed to contact certain outside experts and to conduct outside research regarding the issues that affect the fairness of the trial and the effectiveness of Ms. Leibel's trial counsel. A postconviction evaluation requires not only assessing how the investigation preparation, and trial was conducted, but also how all aspects of the representation were in fact conducted. In addition,

1 although counsel has been in contact with Ms. Leibel over the course of his representation and has
2 visited her at Florence McClure Women's facility outside Las Vegas once, counsel anticipates
3 needing to make at least one more personal visit before finalizing the supplemental petition.
4

5 In order to provide the necessary representation, counsel respectfully requests an extension
6 of 90 days. This request is made not for the purpose of delay or obstruction, but to ensure that
7 counsel is able to provide the representation necessary to evaluate the effectiveness of trial counsel.

8 Dated: 1-24-18

9
10 
11 John E. Malone
12 209 N. Pratt Ave.
13 Carson City, Nevada 89701
14 (775) 830-2307
15 Attorney for Tatiana Leibel
16
17
18
19
20
21
22
23
24
25

- 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

I, John E. Malone, affirm as follows:

2. I have been appointed by the district court to review and investigate Ms. Leibel's case, and Ms. Leibel has personally authorized me to file a supplemental postconviction petition for a writ of habeas corpus.

4. I have been in the process of reviewing the complete file for Ms. Leibel, which consists of over 3750 pages, not including the trial transcripts, motions hearings, and sentencing; approximately 750 photographs, expert reports, and the JAVS DVDs of the trial, motions, and

///

1 sentencing. I have been working diligently to absorb the materials, but have also needed to contact
2 certain outside experts and conduct outside research regarding the issues that affect the fairness of
3 the trial and effectiveness of Ms. Leibel's trial counsel.

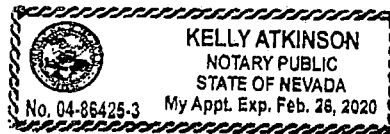
4 I affirm that the foregoing is true and correct.

5
6 By: John E. Malone
7 John E. Malone

8 Subscribed and Sworn to before me

9 this 24 day of January, 2018.

10 Kelly Atkinson
11 Notary Public (Seal)



12
13
14
15
16
17 **AFFIRMATION PURSUANT TO 239B.030**

18 I affirm that this document does not contain the social security number of any person. NRS
19 239B.030.

20 Dated: 1-24-18


21
22 John E. Malone
23 John E. Malone
24 209 N. Pratt Ave.
25 Carson City, Nevada 89701
(775) 830-2307
Attorney for Petitioner
Tatiana Leibel

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing MOTION FOR
EXTENSION OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS
CORPUS was made this date by depositing a true copy of the same for mailing and/or hand
delivery in Carson City, Nevada, addressed to each of the following:

Douglas County District Attorney's Office
PO Box 218
Minden, NV 89423

DATED this 24th day of January, 2018.


Kelly Atkinson

RECEIVED

JAN 30 2018

FILED

Case No. 14-CR-0062 B

Douglas County
District Court Clerk

2018 JAN 30 AM 9:41

Dept. No. I

BOBBIE R. WILLIAMS
CLERK

BY M. R. Adams DEPUTY

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

TATIANA LEIBEL,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

**RESPONSE TO MOTION FOR
EXTENSION OF TIME TO FILE
SUPPLEMENTAL PETITION FOR
WRIT OF HABEAS CORPUS
(POST-CONVICTION)**

Respondent, the State of Nevada, by and through the Douglas County District Attorney's Office, responds to Tatiana Leibel's (Leibel) motion for extension of time to file a supplemental petition for writ of habeas corpus. This response is based on the following memorandum of points and authorities and all other pleadings and documents on file.

STATEMENT OF THE CASE

Leibel filed a *pro se* state post-conviction petition for a writ of habeas corpus on November 14, 2016, along with a motion for appointment of counsel on the same date. Two weeks later, this Court ordered John E. Malone to be appointed as post-conviction counsel on November 28, 2016. Since then, more than 14 months have elapsed and Leibel still has not filed a supplemental petition. Instead, she requests this Court to grant her an additional 90-day extension of time.

1 Even though this Court granted Leibel more than 426 days to file a supplemental
2 petition, counsel admits he still has not conducted a “final review of the case files” or
3 “prepar[ed] the supplemental petition.” Motion at 2. Counsel admits he has had the complete
4 file from trial counsel for more than 10 months but he complains that the size of the record
5 requires him to request an additional 3 months to review all of the record and complete his
6 investigation of an 8-day jury trial. *Id.* After stipulating to 4 extensions of time over the past
7 14 months, the State asks this Court to require counsel to demonstrate “cause” for any further
8 extension of time in this matter. NRCp 6(b).

10 ARGUMENT

11 Fourteen months ago this Court ordered Leibel’s counsel to file a supplemental pleading
12 “within thirty days after the date of this order.” This timeframe corresponds with NRS
13 34.750(3) which permits counsel for petitioner to file “supplemental pleadings, exhibits,
14 transcripts and documents within 30 days” after counsel’s appointment. The Nevada Rules of
15 Civil Procedure, made applicable to this proceeding by NRS 34.780, only permits an
16 enlargement of time by stipulation or “for cause shown.” NRCp 6(b). Because the State will
17 no longer stipulate to an extension of time for Leibel, she must demonstrate “cause” for why
18 she should be granted an additional 90 days to file her supplemental petition. *Id.*

21 Leibel’s motion, without more, does not establish cause for this Court granting her an
22 additional 90 days to file her supplemental petition. Leibel’s counsel has had trial counsel’s
23 complete file for more than 10 months, counsel has had funds to retain an investigator for more
24 than 9 months, and the record has been available from the district court clerk’s office for more
25 than 14 months. By comparison, less than 14 months elapsed between the filing of a criminal
26 complaint in this case and the issuance of a judgment of conviction. A little more than 7
27
28

1 months elapsed between the filing of Leibel's notice of appeal and the issuance of an order of
2 affirmance by the Nevada Supreme Court on direct appeal. Leibel fails to demonstrate that the
3 14 months she has already been given was not an adequate amount of time to file a
4 supplemental petition or that she needs an additional 90 days to file a supplemental petition.
5 Surely a final review of the case files can be completed and a supplemental petition can be
6 drafted in less than the 90 days Leibel asks for. This Court should hold Leibel to her burden to
7 demonstrate "cause" for an additional extension of time in this matter. NRCP 6(b).
8

9 Dated this 30 day of January, 2018.

10 MARK B. JACKSON
11 DISTRICT ATTORNEY

12 By: 

13 Matthew Johnson
14 Deputy District Attorney
15 P. O. Box 218
16 Minden, Nevada 89423
17 (775)782-9800
18
19
20
21
22
23
24
25
26
27
28

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

TATIANA LEIBEL,

Petitioner,

vs.

CERTIFICATE OF SERVICE

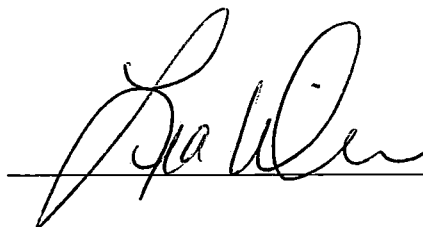
THE STATE OF NEVADA,

Respondent.

Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for Douglas County, Nevada, and that I deposited for delivery with Reno Carson Messenger/U.S. Mail, a true copy of the Response to Motion for Extension of time to File Supplemental Petition for Writ of Habeas Corpus, addressed to:

John E. Malone, Esq.
209 N. Pratt Ave.
Carson City, Nevada 89701

DATED this 30th day of January, 2018.



RECEIVED

JAN 24 2018

FILED

IN THE NINTH JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF DOUGLAS, STATE OF NEVADA

DOBBIE R. WILLIAMS
CLERK

BY *mb* *mb*

Case No. 14 CR 00062-B
Dept. I

TATIANA LEIBEL,
Petitioner

vs.

STATE OF NEVADA,
Respondent.

ORDER GRANTING EXTENSION OF TIME

Cause appearing, petitioner's motion for an extension of time to file a supplemental postconviction petition for a writ of habeas corpus is granted. Petitioner shall have until February 26, 2018, to file the supplemental petition.

IT IS SO ORDERED.

Dated: 1-30-18

[Signature]
Judge