

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

Electronically Filed
Aug 30 2022 04:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

RECORD ON APPEAL

VOLUME 27

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PAGES 3445-3539

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

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

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RECEIVED

FILED

Tatiana Leibel

JAN 04 2021
113908

Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115
Douglas County
District Court Clerk

2021 JAN -4 AM 10:58

In the 9th Judicial District Court of the State of Nevada
In and for the County of Douglas

ROBBIE K. WILLIAMS
CLERK
BY [Signature] DEPUTY

In the matter of:

Tatiana Leibel

Plaintiff/Petitioner

V.

The State of Nevada

Defendant/Respondent

Case No: 2014-CR-0006240

Dept. No: 1

NOTICE OF MOTION

Please take notice that the Petitioner, Tatiana Leibel, a pro se litigant, will bring on for hearing the above named Motion for Petition for Writ of Habeas Corpus (second post conviction) of this Court as soon as the matter maybe heard by the Court.

Please take notice that your failure to oppose and/or to otherwise respond to Petitioner's motion will be deemed as the consenting to and/or the granting of Petitioner's motion.

MOTION FOR PETITION FOR WRIT OF HABEAS CORPUS
(second post conviction)

Now Comes Petitioner, Tatiana Leibel, a pro se

1 litigant in the above-captioned matter and sub-
2 mits to this Honorable Court a Petition for
3 Writ of Habeas Corpus (second post conviction)
4 based on papers and pleadings on FILE herein
5 and the Petitioner's attached Petition to
6 Establish Factual Innocence, Affidavits and
7 Exhibits.
8
9

10
11 Dated this 28 day of December, 2020
12

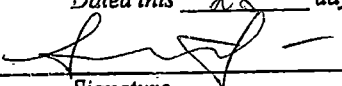
13 Respectfully submitted,
14 
15 Tatiana Leibel
16

17 **DECLARATION UNDER PENALTY OF PERJURY**

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

20 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
21 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

22 Dated this 28 day of December, 2020

23 
24 Signature

25 1137908
26 Nevada Department of Corrections #

27 ¹ NRS 171.102

28 ² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

RECEIVED

JAN 04 2021

FILED

Tatiana Leibel
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

2021 JAN -4 AM 10:58

In the 9th Judicial District Court of the State of Nevada
In and for the County of Douglas
D. S. WILLIAMS
CLERK
DEPUTY

In the matter of:

Tatiana Leibel

Plaintiff/Petitioner

V.

The State of Nevada

Defendant/Respondent

Case No: 2014-CR-00062BO

Dept. No: 1

NOTICE OF MOTION

Please take notice that the Petitioner, Tatiana Leibel, a pro se litigant, will bring on for hearing the above-named Motion for Petition to Establish Factual Innocence of this Court as soon as the matter may be heard by the Court.

Please take notice that your failure to oppose and/or to otherwise respond to Petitioner's motion will be deemed as the consenting to and/or the granting of Petitioner's motion.

MOTION FOR PETITION TO ESTABLISH FACTUAL INNOCENCE

Now Comes Petitioner, Tatiana Leibel, a pro se litigant in the above-captioned matter and submits to this Honorable Court a Petition

1 to Establish Factual Innocence based on papers
2 and pleadings on FILE herein and the Petitioner's
3 attached Petition for Writ of Habeas Corpus
4 (second post conviction), Affidavits and
5 Exhibits.
6

7
8
9 Dated this 28 day of December, 2020
10

11 Respectfully submitted,
12

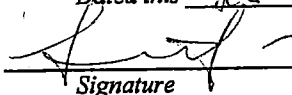
13 
14 Tatiana Leibel
15
16

17 DECLARATION UNDER PENALTY OF PERJURY

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

20 I declare, under the penalty of perjury under the laws of the United States of America, that the above
21 and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of
22 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 28 day of December, 2020

24 
25 Signature

26 1137908
27 Nevada Department of Corrections #
28

¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

RECEIVED

JAN 04 2021

FILED

Tatiana Leibel 1137908

Florence McClure Women's Correctional Center
4370 Smiley Rd.
Las Vegas, NV 89115

Douglas County
District Court Clerk

2021 JAN -4 AM 10:58

BOBBIE R. WILLIAMS

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:

Tatiana Leibel

Plaintiff/Petitioner

Case No: 14-CR-0062 BD

Dept No.: 1

The State of Nevada

Defendant/Respondent

AFFIDAVIT

1

STATE OF NEVADA

COUNTY OF Douglas

1. I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent in the above entitled action. I have personal knowledge of the facts contained in the above-entitled case and am competent to testify to these facts.
2. My personal knowledge or personal observations of the situation is/are as follows:

On February 23, 2014 I have been falsely accused of murdering my husband, Harry Leibel, due to an unfair and unjust trial. The State of Nevada our Constitutional Rights are broken, because of the corrupted system even in 21st Century, when have new technology, still put in prison innocent people include my self. Which after-wards, the damage has affected and ruined all my lives and my FAMILY for the this last almost seven years incarcerated. Also, this years I learning more english vocabulary.

However, I was never worried going to prison for a crime I did not commit, because I still had faith in the

1 United States Justice System in proving my Innocence.
2 During my arrest and the course of my trial my inno-
3 cence was not reasonably proven. My belief is that
4 through the freedom in the United States I wouldn't
5 be plagued with prejudice and corruption.

6
7 Due to the corruption within the Justice System I
8 have now lost many my family members, including
9 recently my younger daughter, Chaya-Anna Leibel (she
10 in the hospital for my hearing-habeas corp.) I could
11 have been there for her if the system had not
12 FAILED me and given us Justice.

13
14 The suffering caused so much turmoil. By Judge
15 M. Gibbons handing over the estate put Chaya-Anna
16 on the "streets". She was a student at San Diego
17 University and had two years left with no way to
18 pay because judge denied any further payments be
19 made. Not only did Chaya-Anna, 19 years old this
20 time, she loose her father, now possibly her mother,
21 her education and her only home when she grew up.
22 She was young, also alone, and left with nothing. The
23 corruption within the system has taken my daughters
24 life.

25 The suffering consumed her, now I need to STAND
26 in my husband and her HONOR and Fight back against
27 the LIES and FAILING JUSTICE SYSTEM. I'm very ho-
28 pe full that the my appeal will be acknowledge

1 the pattern of BIAS and conflict of Interest with
2 regard to the UNFAIRNESS.

3
4 The almost seven years ago my LIFE CHANGE FOREVER
5 That was the day my husband died, at a time when
6 I have been grieving, I voluntarily went to the station
7 police to talk to three investigators. For the next eight
8 hours I answered their questions over and over and
9 over again. Since that time, I continued to protest
10 my innocence. And at that time I cooperated fully
11 with those officers. When they asked me for consent
12 to search my house, I gave it. I gave consent to search
13 my phone because I knew there were text messages
14 on there that were important which I had been trying
15 to tell the police. (see exhibit B.)

16
17 My Harry has suffered from many different cancers
18 in which required surgery. In 2005 he was diagnosed
19 with bladder cancer, and went into surgery for twelve
20 hours. After two weeks surgery it was discovered, he
21 had a blood infection. This surgery by new technology,
22 bladder remove and replace by colon. After many
23 year diagnosed with colon cancer and after skin
24 cancer. I stay together with him in hospital 24
25 hours every day. His own daughter from previous
26 marriages never visit him, from this first surgery
27 he start suffering not only his pain, but also he
28 is suffer imotional distress.

1 Throughout the years following he was diagnosed
2 with colon and after skin cancer as well. Other pain
3 and other imotional distress. No matter the challenge
4 God is witness, I was by his side to comfort him
5 and to nurse him back to health. It takes alot of
6 hard work, compassion and strength to be seere he
7 heated appropriately. I did this out of the Love
8 I have for him.

10 Unfortunately, Harry was never the same after
11 that, he start more and more smoked weed. After
12 his cences, his attitude changed, he was more gru-
13 mpy, but it was understandable because he was always
14 in pain and needed to be by a bathroom at all times.
15 He always had pain because his kidney stons accor-
16 ding autopsy he have many stons. I even start col-
17 lect stons put in my jewelry small heart box in
18 my nightstand, I mention in my interview first day.

20 Harry was constantly using the bathroom. He always
21 be up by three or four am and after he couldn't
22 sleep because of the pain. Harry's best friends
23 sadly past away from lives cences. My daughter
24 Chaya-Anna and I see how much it affected him.
25 Harry spent most of his time at home, watching
26 TV with our dog (doberman) name Beau.

28 Before Harry's cancer we would go on trips, but

1 after that it became hard for him to travel. He always
2 deny his trips to visit his family from Israel. We had a boat
3 that he never wanted to take out. We had a trailer, but
4 long distance for Harry became more and more harder
5 travel to. Last cancer he has on his nose and had to get it re-
6 moved, so he try not be out in the sun too much. When he did-
7 n't have anymore weed, he become more depressed and be
8 a different mood. (see exhibit B1)

10 According a witness Harry's friend Chris who sold regu-
11 larly drugs to Harry, this day Chris come very late to
12 give Harry weed. Also, according Dr. Omaha Harry smoke
13 last time two hours before he past away. For Harry wait
14 two hours very long time.

16 Also, make him more depress his daughter Cheron, from
17 previous marriages. She send him a terrible letter that
18 broke his heart (he read this letter to me and to Chaya-Anna).
19 He never met Cheron two daughters, his grandbaby's, be-
20 cause of how much she hurt him.

22 I try explain to my trial counsel about his beha-
23 vior, but she thing this not important. I even give
24 to her contact information about this surgery, but
25 my counsel never bring Harry's medical information
26 to the trial jury. Before this surgery doctor explain
27 to us about complications for the further. After sur-
28 gery Harry and I move to South Lake Tahoe - Zephyre Cove,

1 Nevada from Los Angeles, California.

2
3 In 2006 Harry and I buy house together and my younger
4 daughter Chaya-Anna after graduate high school in Douglas
5 County. Also, Harry and I transfer our business name "TLA
6 & Group" (Technology Liaison Application). For invent our
7 product need alot time and challenge.

8
9 In Los Angeles Harry have only one gun, but where move
10 to Nevada he started to buy gun's when became an obse-
11 ssion. Harry had guns in every room of the house, he
12 had many cabinets to store them in. According at
13 trial, the state provided a summary of its investi-
14 gative interview with Mr. Oren explained about the
15 guns he had sold to Harry. Harry has many collectors
16 guns, when Oren always makes comment one day Harry
17 willing go to shores with him. After Oren's false testimo-
18 ny on trial to an outrageous series of statements, Che-
19 ron Barte sold every guns very-low price to Oren, ac-
20 cording estate statement.

21
22 My younger daughter, Chaya-Anna was writing letter
23 to the trial Judge:

24 "Dear Honorable Judge Young. On the morning of Sunday,
25 February 23, 2014, I received a phone call that scared me
26 for a lifetime. My mother called me hysterically crying
27 unable to make out any words that I could understand.
28 After continuously asking her what had happened, but not

1 being able to understand what she was saying, a deputy
2 took over and told me that my father had taken his life
3 and was found dead on the scene. I dropped to the floor,
4 unable to comprehend what was just said to me. After
5 hearing that I had lost my father, I came home to
6 Lake Tahoe the next day to be with my mother. I ar-
7 rived early the next morning and I was surprised to
8 find my mother still being questioned at the sheriff's
9 station. When she was finally released from questioning,
10 for the first time since that horrific phone call, I was
11 able to finally hug my mother. I was finally able to
12 cry with her from the terrible loss of my father. We
13 both could not understand how my father's death
14 happened and were just in shock. For the rest of the day,
15 my mother tried to make arrangements for his funeral since
16 in the Jewish faith, my father's body needed to be buried
17 within a certain time frame. Her actions did not mirror
18 those of someone who had just shot her husband. Her
19 actions were those of a loving wife who had just witnes-
20 sed her husband committing suicide.

21
22 After being able to be in my mother's arms for that
23 entire day, the next morning we were told to go to our
24 home by Deputy Garren. We were told that our home was
25 going to be released to us. However, Deputy Garren
26 lied and tricked us in order to get us there. Once we
27 arrived at the house, Garren pulled my mother out of
28 the car and put her in hand cuffs. Deputy Garren was

1 taking my mother away after I had just lost my fat-
2 her two mornings before. Now both of my parents
3 had been stripped from my life, and the second time
4 I actually had to witness it happen. At that moment
5 I had become an orphan. I was a child at 19 years
6 old who had not only lost her father, but had wit-
7 nessed her mother being ripped away from her life.

8
9 Since that day, I have had to grieve my father's death
10 on my own. Since that day, I have had to cry my-
11 self to sleep without having my mother's arms wrapped
12 around me. It has been terrible and torturous enough
13 that my father has not been in my life, but my
14 mother has been held in jail and I have not been able
15 to grieve with her. I have been alone through the loss
16 of my dad and my mom too. My parents and I
17 were extremely close. Even though I left for college
18 and live in San Diego, I visited home every break and
19 holiday. I talked to my parents on the phone everyday
20 or every other day. Unfortunately for the past year
21 I have had no phone everyday or no one to visit,
22 and no one to call. Some how I have managed to
23 stay in school, but after every good grade I get
24 on a fest, there has been no one to tell. My mom
25 calls me from jail every day, but I can't call her,
26 it is not even close to being the same. We get a
27 fifteen minute time limit a day and then I am left
28 alone again still the next phone call.

The loss of both my parents from my life has been extremely hard, but what has made it even harder are the lies and facades that Cheron Baste and Justin Leibel have painted for the court. I have read both of their letters and although these are no direct lies, there are definitely misconceptions that I would like the court to be aware of. To begin, both of their letters have pictures of my father with them, however those pictures were taken many years ago. As much as Cheron and Justin would have liked to have been close with their father, they were not, especially Cheron. Just so you are aware, Harry was initially my stepfather. Before him, there was no man who I ever considered calling my dad. He came into my life when I was eight years old and married my mother a year later. After that, I considered him to be my daddy as I was his little girl. Together, he and my mother raised me from a young girl to an adult.

Cheron however stopped speaking to her father five years before his death. She sent him a hate-fuel and mean letter telling him that she no longer considered him her father and that he was not part of her life anymore. It hurt him deeply, but they did not speak even once since that letter was given to him which would now be six years ago. In Cheron's letter, she stated Harry would not be a part of his grandchildren's lives. The only reason my father knew

1 that Cheron had her first child was because I
2 saw a picture on Facebook. After telling him that she
3 gave birth to a little girl, he said that he did not care
4 to even know his granddaughter's name because Cheron
5 was her daughter and that was not his grandchild.
6 As sad as that was, Cheron should not be painting this
7 picture of her and Harry being close at all since they
8 were the exact opposite.

9
10 Since my father's death, Cheron has given away
11 or sold all of his personal things. She had no care
12 for any of his things that are sentimental to me,
13 they were just tossed away to strangers, I wasn't
14 even asked. Cheron may have been close to her father
15 when she was younger, but the truth is that they
16 had not spoken one word to each other for over
17 five years. Cheron definitely has the right to be emo-
18 tional about her father's death, but she does not
19 have the right to be able to paint these misconcep-
20 tions to the courtroom. In regards to Justin Leibert,
21 he was still occasionally present in Harry's life even
22 though Cheron was not. Once a year, twice if stretch-
23 ing it, he would visit our home in Lake Tahoe and
24 stay for a short period of time. In court, he told
25 the courtroom that they spoke about once a month.
26 To me this does not resemble a close child and parent
27 relationship, definitely not like the one I had with
28 my parents.

The last time I remember seeing Cheron was when I was in middle school, I am now a junior in college. As for Justin, I saw him twice when I was in high school and when he visited after Cheron gave birth to her first child, he tried telling my father about it but my dad refused to listen. Cheron and Justin are asking to have my mother, the only parent I have left, to be sentenced even though they barely spoke to each other. Instead of acting like my mother, and have tossed away all of my parents things. My mom's jewelry, her fur-coats, all are gone. These were mom's personal things not part of "Harry's estate". Cheron was appointed the executor of the estate without the court knowing the truth about her nonexistent relationship with her father and she chose to give away all of our family's possessions. Even though she took away my parents things, she cannot take away the memories I have with my father, the memories that she never made with him. On top of losing both my parents, Cheron and Justin have made this past year unbearable for me.

My mother is the most loving, sweet, kind-hearted woman that I have been so lucky enough to have in my life. Unfortunately this nurturing mother has been wrongly accused and has been sentenced to prison. I cannot even put into words

on how terrible this makes me feel. My mom did not
kill my dad!

This past year, I lost my father, my mother was been
taken away from me, and my home has been left
an empty place of memories, so I beg you Judge
Young, please do not leave me with a life of
feeling like an orphan. Do not ever having my
father be at my college graduation, or my wedding,
or seeing him hold his future grand-children. Plea-
se do not let those moments be left without my
mother being there as well. My mother already has
three grandchildren that she will miss years of see-
ing them grow older, please do not take away from
her being a part of their lives too. Please do not leave
me with the absent memories of my mother not
being a part of my adulthood. I haven't even tur-
ned 21 yet and I already have to deal with losing
them both, please do not let me go on living my
life without my mother. I beg of you to please gi-
ve my mother the lowest sentencing possible. Since
day one she has claimed her innocence because she
has been wrongly accused of my father's murder.

My parents loved each other. This has been the
hardest year for me, please do not have me keep
alone. Please let me know what it feels like again
to be in my mother's arms and to at least have

1 one parents present in my life". (letter from Chaya Anna)
2 (see Exhibit A14)

3
4 On post hearing conviction my trial counsel testify:

5 "Q. (by Ms. Malone): During your preparation for
6 trial, you did learn that Harry Heibel did not
7 like to be left alone. Correct?

8 A: (by Ms. Brown): Yes.

9 Q: He wanted Tatiana to be with him (A: Yes)

10 Q: And that he would get agitated or upset if
11 she were to leave for a trip, say? (A: Yes)

12 Q: ... And he wasn't allowed - he wasn't able to
13 go on, say a drive to San Diego?

14 A: I don't know about abilities so much as not
15 wanting.

16 Q: Not wanting to. And it's your understanding
17 that part of that not wanting to was based on
18 his medical conditions?

19 A: That's a possibility, yes.

20 Q: ... you learned that he had bloody stool. Correct?

21 A: Yes.

22 Q: That he had bloody urine?

23 A: I don't recall the bloody urine.

24 Q: No? Do you recall the statement by Lana Payne?

25 Q: And you knew he had kidney stones? (A: Yes)

26 Q: And you knew he was in what's been described
27 by other - by potential witnesses as constant pain,
28 that he was in constant pain? (A: Yes)

1 Q: You learned during your preparation for trial
2 that Harry had not had contact with his biological
3 daughter.

4 A: For a period of time, yes.

5 Q: About five years? (A: Yes)

6 Q: ...And he had grandchildren by that daughter?

7 A: I believe so.

8 Q: And what was your understanding on the
9 basis for that - there was a break at some point.

10 Is it your understanding that there was an break
11 five years before his death? (A: Yes)

12 Q: ...Do you recall learning that a letter had been writ-
13 ten by Cheron - his daughter's name - his biological
14 daughter's name was Cheron Barlee, correct? (A: Yes)

15 Q: Do you recall receiving information that she
16 had written him a letter saying she HOPED
17 HE DIED? (A: I remember a letter.)

18 A: Like that? (A: Yes)

19 Q: And then it's your - is it your understanding
20 that they did not have any communication for
21 the next five years? (A: Yes)

22 Q: And did you learn that he objected to her mar-
23 rying a person of African American descent?
24 (A: Yes)

25 Q: It would be fair to say he was isolated
26 from his biological children. Correct? Somewhat?
27 (A: Somewhat, yes)

28 (see Exhibit B3)

Cheron is LAPD, the Judge Gibbons gave control of our estate to her. She signed an agreement that she not be able to sell or liquidate any of the estate until the conviction. But she sold everything before conviction and after one year was removed from executor of the Estate. Cheron and investigator Garren become very close friends; he even ESCORT her to the civil court hearing to influence the Judge decisions. According witness he told Cheron "secretly" that the "autopsy had revealed" that there was some problem in Harry's brain. But Dr. Kubiczek who make autopsy failed to take any samples of the body and brain from Harry.

Investigator Garren obtained an arrest warrant Affidavit for arrest alleging that there were cameras outside of the house that proved crime, according his falsified evidence:

Q (by Mr. Gregory): Looking at items 3 through 14, were those photographs of the crime scene?

A (by Mr. Garren): Yes. One is the outside of the residence.

Q: Don't tell me what they are right now. I'm just asking if those are photographs of the crime scene.

A: Yes, they are.

(see trial p. 125, Jan 28, 2015)

Q (By Mr. Gregory): So first, Investigator Garren, can you describe the outside of the home?

1 A: It's a two story single family residence, a
2 brown wood covering on the house.

3 Q: And looking at Exhibit Number 3, does that
4 photograph accurately depict the way that the
5 residence looked that day from the outside?

6 A: Yes, it does. (see trial p. 126, Jan 28, 2015)

7
8 Well, photo exhibit Number 3 only describe house outside
9 and 4 through 14 in inside;

10 "Mr. Gregory: To clarify, your Honor, 3 through
11 14 he's testified are at the scene"

12 (see trial p. 127, Jan 28, 2015)

13 Mr. Garren was injured my innocence because his af-
14 fidavit was is false and fictitious.

15
16 Also, investigator admitted that during his first
17 entry into the residence he did not examine the
18 weapon or note it's exact position. He could not
19 confirm that it was in the same position as it was
20 when it was photographed almost four hours later,
21 the evidence was clear that the scene had been dis-
22 rupted and contaminated. Also he testified to "putting
23 everyone outside and was by him self in the house
24 for almost twenty minutes. In the photograph ta-
25 ken by deputies first entered the residence, the
26 rifle strap covers most to the cylinder, hammer,
27 and trigger. However, in a photograph taken four
28 hours later by the evidence technician, the cylin-

1 der hammer is cocked. (see Affidavit "2")

2
3 During the trial, Mr. Garren's mother was seen talk-
4 ing to one of the Jury members. When the jury mem-
5 ber was asked why, she said that the mother told
6 her that she was there to see her son testify. The
7 question is why, why would a "professional" investiga-
8 tor's mother be there to watch her son simply testify
9 and why would his mother be talking to a jury me-
10 mber about this:

11 " (Terror #3): I didn't know it was Mr. Garren's
12 mother".

13 Mr. Garren's mother try influence within trial court
14 proceedings by communicating with the jury. My
15 case for investigator was a first case like me, he would
16 and did do anything at any cost to put personal effort
17 for his gain to find me convicted of a crime. I did
18 not commit.

19
20 Investigator Garren was insured my innocence, he
21 belived that his affidavit "Establishes probable cause".
22 However Mr. Garren lead to my "premature arrest"
23 using premature request for warrants by his "best"
24 resources. He applied this warrants by his which
25 "minimize" his professional judgment and "maxi-
26 mize" his personal opinion. This means his affida-
27 vit was insufficient to establish probable cause.

28 (see exhibit B.)

1 Mr. Garren applying for warrants for my arrest, vio-
2 lated my Rights under the Fourth and Fourteenth
3 Amendment. In preliminary hearing the Judge belie-
4 ves that the facts stated in an affidavit in support of
5 an arrest warrant are true, but this affidavit
6 not sufficient to establish probable cause. Mr.
7 Garren falsified Affidavit arrest and coached
8 witnesses to lie.

9
10 Mr. Garren has interview together with witness Leanne
11 Brooks, when he brought up subject about drugs, her
12 last statement changed against me. She was testi-
13 fy in trial "I tell her about what time did this happen
14 morning around 9:30 or 10:00". But I'm never talked
15 to her about what happened this day. When she came
16 to station to pick me up and take me to her place, sa-
17 me time Mr. Garren warned me "I'm not aloud to talk
18 to any body about what happen", because of his ar-
19 rangement to see me the next day. She is not credi-
20 table the witness, she lied under oath and has previous
21 drug addiction. She call her self my friend but she ne-
22 ver contact or visit me after arrest.

23
24 Also, in the event of my phone records being conver-
25 ted to "Universal time" by investigator Mr. Garren.
26 When my family was found that try contact to the
27 technical representative my phone company "Verizon".
28 Surprisingly, not only was this conversion unne-

cessary, but it was has also left plenty of room for
ALOT ERRORS, because this is a manual input.

If put two pages together is closing arguments by
prosecutor Mr. Gregory, any professional experts recog-
nized fraudulently alter:

on page 6 (10:03) & on page 7 (11:03)

(see exhibit A10)

Only one hour diferent, but minute same and second
same. I clearly remember, I call to 911 immediately.

I have many questions about my case, because - many
fabricated evidence. When person use words "HYPOTHETI-
CAL", this means, is true, according by psychoanalyticals.

Also, according closing arguments by prosecutor Mr.
Gregory about "Real Time":

"So let me give a HYPOTHETICAL and it's based on
testimony is this case. Tatiana shoots Harry Leibel
at approximately 11:03. She immediately goes to
the phone and call 911. They are on scene within
minutes and within approximately 13 minu-
tes, the paramedics pronounce him dead..."

(trial p.96, Feb 4, 2015)

Well, but this is not a HYPOTHETICAL this is a truth
statement about (time). But prosecutor try convinced
to jury this happen "at 9:30 or 10:00 in the morning".
He try to manipulate jury by his power.

Prosecutor Mr. Gregory VIOLATED the "Nevada Rules of Professional Conduct" because he not reporting his election be new Judge. He start his election together other 38 prosecutors before my trial, present my trial, and after my trial he become new Judge same facility in Douglas County. He was promoted to Judge position Mr. Gibbons who was my former Judge for the criminal and civil cases.

Also, my trial counsel violated the "Nevada Rules of Professional Conduct" be not reported. I try learned my self about Rules US and Nevada Constitution, because my counsels failed under rules and regulation to talk to client about the most troubling aspects of my case when has many Conflict of Interest and Falsifying / Altering evidences. Prosecutor Mr. Gregory and investigator Mr. Carren would and did do anything at any cost to put personal effort for their gain to find me convicted of a crime I did not commit.

The trial counsel called two experts during my trial. The first was Mr. Billar when he testified concerning the numerous mistakes made during the initial investigation and the CORRUPTION OF THE CRIME scene. He testified that based on his review of the documents and photographs was insufficient information:

1 Q: (By Ms. Brown): And other than those documen-
2 tations, was there any documentation in officer's
3 report or any evidence that you saw concerning
4 that dog?

5 A: (by Mr. Billau): Not with the reports that I had
6 received. (see trial p. 66, Feb 2, 2015)

7
8 Q: And in your review of the laboratory report,
9 did you see any documentation that any trace
10 evidence was looked at for this dog? (A: No.)

11 Q: And, again, what - what type of trace eviden-
12 ce would you - if a dog was present when the-
13 re was a bloodletting, what type of evidence
14 would you be looking for?

15 A: To see if the animal was in the blood. Again
16 it would be paw print, footprint. Dog hair
17 would be another one that would be trace evi-
18 dence, even saliva in the animal.

19 Q: What type of evidence might be viewed on
20 the dog?

21 A: Again, that would be red staining, most li-
22 kely blood. You would look at the paws, even
23 look at the mouth.

24 (see trial p. 69, Feb 2, 2015)

25 According photos every room in the house missing
26 the dog present.

27 (see Affidavit "2")
28

1 As well, Dr. Omalu is recognized as one of the leading
2 experts in brain disease. He testified that my Harry
3 was suffering from liver disease because of his
4 yellowish liver, he saw ~~from~~ an autopsy picture.
5 He thought it was very strange that Dr. Kubicek
6 failed to take any samples at all when liver disease
7 was clearly present. Dr. Omalu testified that when
8 the liver malfunctions, levels of ammonia in the
9 blood increase, which can poison the brain leading
10 to episodes of irrationality and hallucinations (more
11 photos see Affidavit "2"):

12 "I was surprised. I requested tissues. I was told
13 there was none taken. And the brain, you should
14 see if you take microscopic sections of the brain,
15 you should see a specific change in the brain cells
16 that would explain the irrationality. It affects
17 a specific type of cell in the human brain, we
18 will call astrocytes. They will become balloon
19 because of ammonia toxicity and it affects
20 the functioning of your different regions of
21 your brain that would manifest with irrationality."
22 (see trial p. 57, Feb 4, 2005)

23
24 "In the toxicology report, it showed that Harry
25 used marijuana less than two hours before
26 he died. Unfortunately, marijuana is a psychodelic
27 drug. It's a hallucinogen. So if you're
28 suffering from a disease like that hepatic

1 encephalopathy and then you smoke marijuana,
2 you are at the much greater risk of engaging
3 in irrational behaviors, including suicidal be-
4 havior." (see trial p. 58, Feb. 4, 2015)

5
6 "...He shoots him self in the chest. He's not yet
7 dead and just like some very famous people,
8 they try cyanide, they are not yet dead. They
9 are waiting for minutes and then they use se-
10 condary mechanism." (see trial p. 62, Feb. 4, 2015)

11
12 "...He's becoming a bit confused because he is
13 bleeding, and he's trying to shoot him self
14 again, trying to manipulate and he is confu-
15 sed and, I mean, he fell back wards."

16 (see trial p. 63, Feb. 4, 2015)

17 "...That Tatiana DID NOT shoot Harry, Harry
18 is a 65 year-old white male, died as a result
19 of a single gunshot wound of his chest. The
20 manner of death is suicide... was only ONE
21 shot that killed him. The second shot is what
22 we call incidental findings."

23 (see trial p. 64, Feb. 4, 2015)

24 "...I'm simply here with my training, experti-
25 se and experience. I looked at scientific evi-
26 dence and I'm telling you this is not a homi-
27 cide, Tatiana, DID NOT KILL HARRY. This is
28 suicide". (see trial p. 120, Feb. 4, 2015)

1 "So this case is suicide..." ATYPICAL SUICIDE"
2 were erroneously classified as homicides and pro-
3 secuted". (see exhibit B6)

4
5 In other words, no forensic evidence connected to
6 me. Swabs taken from the hammer, trigger and
7 strap of the rifle for DNA testing that there at
8 least "FOUR INDIVIDUALS" who has a low level DNA
9 so no DNA match could be made. The gun had been
10 moved by some "individuals" and the crime scene
11 had been contaminated.

12
13 There was one print found on the cylinders, again
14 not belong to me. For comparison of the forensic
15 evidence on trial transcript pages 61-64 and other
16 four pages the names of filing the information
17 presented by prosecutor Mr. Gregory. However, no
18 forensic evidence connected to me, when I has
19 always maintained my innocence.

20 (see Exhibit A12)

21 The photographs crime scene was taken by the depu-
22 ties first entered the residence in the morning very
23 different from the photographs crime scene taken
24 by the technician in the afternoon, furniture and
25 many object be moved.

26 (see Affidavit "2")

27 The state has never brought forward any logical
28 and physical evidences to prove my guilt beyond

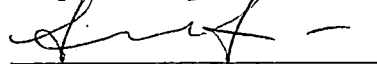
1 a reasonable doubt.

2
3 I'm suffering for my Liberty Rights because every
4 thing used against me - fabrication of evidence and
5 malicious prosecution without probable cause.

6
7 I have still now FAITH in the United States
8 Justice System to proving my innocence.

9
10
11 Dated this 28 day of December, 20 10.

12 Respectfully submitted,

13 

14 Signature

15 Tatiana Leibel

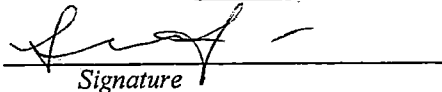
16 Printed Name

17 DECLARATION UNDER PENALTY OF PERJURY

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

20 I declare, under the penalty of perjury under the laws of the United States of America,
21 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed
22 within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 28 day of December, 20 10

24 
25 Signature

26 1037908
27 Nevada Department of Corrections ID #

28 ¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury
18 U.S.C.

§ 1621. Perjury generally

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BOBBIE R. WILLIAMS

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:

Tatiana Leibel

Plaintiff/Petitioner

Case No.: 2014-CR-00062BD

The State of Nevada

Defendant/Respondent

Dept No.: 1

AFFIDAVIT "g"

STATE OF NEVADA)

COUNTY OF DOUGLAS)

1. I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent in the above entitled action. I have personal knowledge of the facts contained in the above-entitled case and am competent to testify to these facts.
2. My personal knowledge or personal observations of the situation is/are as follows:

In my case the law enforcement was made the numerous mistakes during the initial investigation and the CORRUPTION OF THE CRIME scene and the documents and PHOTOGRAPHS when insufficient information, many falsifying and altering evidences. Under violation NRS 199.210-199.250 and ~~199.120~~ 199.120-199.200.

I'd like to demonstrate of the crime scene photographs by Exhibits:

EXHIBIT 1

This is the first photo of (picture #1) the sofa where Harry took his life. Take notice of the position of the rifle. The butt of the rifle is laying on the extended foot rest of the seat next to Harry's. The body of said rifle is slightly

1 diagonal to the left, ending with the barrel of the gun on Harry
2 seat and the tip of the barrel resting snug against the back
3 of Harry's seat. Also, the carrying strap of the gun is laying
4 on top of the stock of the rifle without any part of it han-
5 ging or dangling of the sofa.

6 Other details of this photo include a brown colored
7 blanket draped across both seats of the sofa and under
8 neath the rifle. There is also a cell phone resting partially
9 in the crack of Harry's seat, between the arm and seat
10 cushion near the edge of sofa.

11
12 Picture #2 on to the second photo. The first thing to jump
13 out at me is the carrying strap which is hanging (or dan-
14 gling) off the edge of the extended foot rest. If you will
15 recall this was not the case in the 1st photo. Now, please
16 look closely at the tip of the barrel it has been moved
17 to the right and is now resting much closer to the
18 crack between the back rest of the sofa which again is
19 different from photo number 1.

20 Before I go any further please note that the only objects
21 (besides pillow and blanket) on the couch in photo #1
22 are the rifle and a cell phone. Photo #2 is slightly closer
23 up so can only see the rifle not the cell phone. Now,
24 take a mental picture of the crack in the sofa bet-
25 ween the arm rest and seat in photograph #1. Again
26 the only object there is a cell phone. I will come back
27 to this shortly, but right now I move on to the next
28 photo.

Picture #3 the bottom of the left corner. The rifle is again diagonal with the butt on the extended foot rest and the tip of the barrel up against the back of Harry's seat, not in the crack between the seats. This photo is similar to the rifle's position in photo #1. However, the carrying strap is not laying across the stock as in #1 nor is it hanging or dangling off the extended foot rest as in picture #2. The strap is just laying on the extended foot rest.

Now, look at picture #3 as a whole (except the one where the officer is holding the gun) the hammer of the rifle is cocked back. This is not the position of the hammer in photos #1, 2 or 4.

In photograph #4 both top and bottom section show the rifle in once again another position. The butt of the gun is still on the extended foot rest, but it is no longer in a diagonal position it is now at the edge of the foot rest, with the body laying more aligned to the crack between the sofa seats. The barrel tip is now pushed into the back crack of sofa seats. Notice once again the strap is hanging or dangling off the edge.

Now, I want to pull up that mental image of photo #1 (the crack). In the bottom section of photo #4, clearly see a red object near the arm of the sofa and above the cell phone. This object does not appear anywhere else in Exhibit #1. However, it makes another appearance in Exhibit #2.

1 However, ~~if comparing~~ before I move on to Exhibit #2, need
2 take notice of the absence, appearance, placement and
3 displacement of evidence markers. In Exhibit #1 four
4 different photos and four different rifle positions, not
5 to mention the appearance or disappearance of that red
6 object.

8 EXHIBIT #2

9 This diagram show the upstairs living area, however it is
10 in correct. The coffee table in the living room is not in its
11 rightful place. It should be centered in front of the sofa.

12 Also, when entering living room and immediate left in the
13 corner is table up against the wall. In the first photograph #1
14 to call my attention to the end table, notice the papers
15 or booklets on the table where they are and in what position.
16 In the second photograph #2 when laid side by side with the
17 first photo can clearly see the stack of papers or booklets
18 has been moved or repositioned.

19 The proof and/or reason for the evidence looking like
20 it has been moved is very apparent in photograph #3.

22 EXHIBIT #3

23 This exhibit is about trajectory. First of all in order to
24 make any of these trajectories true, notice the officer
25 had to completely move the end table. Be cause its
26 impossible for a person to stand between the steps
27 and table. Now the trajectory of the actual shot
28 goes from lower right to upper left. As its plac

1 ne to see. ~~On this case is~~ in the x-ray. The law enfor-
2 cement not only manipulated the furniture, but all of their
3 theories have the shot being fired from upper right to lower
4 left. Again, take a look at the x-ray will see that there
5 is no way the trajectory in the photo theories are
6 possible.

7 The x-ray #2 clearly shows that the second shot,
8 broke the left clavicle. This is why the left was
9 NOT pliable. NOT rigor mortis, that is another
10 wrong assumption of the law enforcement.

11 EXHIBIT #4

12 In this exhibit contains two blocks of photos. All
13 photos are of the upstairs living room. I want to
14 bring attention to the fire place that appears
15 in 3 of these sections of the photos. In the first pho-
16 to you can see that the area right in front of the
17 fire place is neatly put together with a few can-
18 dles. Now, at the bottom section of photo #2, the
19 candles are still there, but so is a bunch of other
20 stuff. One of the things that stands out the most
21 is a starbucks coffee cup. This NOT mine or Harry's,
22 I don't know who it belongs to.

23 EXHIBIT #5

24 There are office photos. The bottom portion of the
25 first picture shows how Harry kept his desk. He
26 had a family photo on the adding machine.
27
28

1 The top and bottom sections of photo #2 show the adding
2 machine with not only the FAMILY photo (Harry, Chaya-
3 Anna and I), but also Harry's driver license. One again
4 evidence has been moved and/or manipulated.
5

6 EXHIBIT #6

7 This photos from the master bedroom. Photograph #1 shows
8 the room from four different angles. In all four views all
9 of the dressers and end tables are closed. In the upper left
10 photo see a rifle and Harry's night stand. If can't see
11 the objects on the night stand clearly, need look at
12 photo #2.

13 On to the bottom of photo #3 the difference in the night
14 stand is plain to see the drawer is open and the items
15 on top of the table have been moved around. Also, notice
16 the Rifle is in this photo too.

17 Take note of where on the wall the rifle is leaning
18 and the tennis shoe on the floor in photo #3. Now,
19 take note that the gun is missing from that spot
20 in photo #4. The shoes are still there.
21

22 EXHIBIT #7

23 This upper photo is give validity to the fact that
24 Harry suffered from bladder incontinence, due to his
25 bladder cancer. There are soiled clothes on the floor of the
26 bathroom. From an accident Harry had the morning of
27 his suicide.
28

EXHIBIT #8

This photo when Harry and I loved each other, he never planning for divorce or sepesation. The proof is the heart box of candy and cards on the table are gifts from Harry to me on Valentines day.

Approximately 9 days before the took his own life.

The day before Harry's death, we participated in our routine Sabbath meal. I had not even changed the white table cloth, notice in photo #2.

People who are going to divorce do not buy each other gifts or share sacred meals together.

EXHIBIT #9

These are pictures of our home, our belongings and everything we purchased together as a couple. We had a Jaguar, a hummer, a boat, a harley davidson, camp trailer and so many other nice things. We both contributed to the paying for of these possessions. All titles and deeds bare the names of Harry and mine.

Also, we have a dog, a doberman, his name is Beau (his AKC papered name is Mr. Beau Tangles). He also passed away not too long ago.

The day Harry committed suicide, I didn't just lose my Harry I lost after many my members family.

1 My appointed counsels never showed me or
2 the coast any of these photos. Make me suf-
3 fers for my liberty Rights because everything
4 used against me - fabrication of evidence and
5 malicious prosecution without probable cause.
6
7
8
9
10

11 Dated this 28 day of December, 2020.

12 Respectfully submitted,

13 

14 Signature

15 Tatiana Seibel

16 Printed Name

17 DECLARATION UNDER PENALTY OF PERJURY

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

20 I declare, under the penalty of perjury under the laws of the United States of America,
21 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed
22 within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 28 day of December, 2020

24 
25 Signature

26 1137908

27 Nevada Department of Corrections ID #

28 ¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

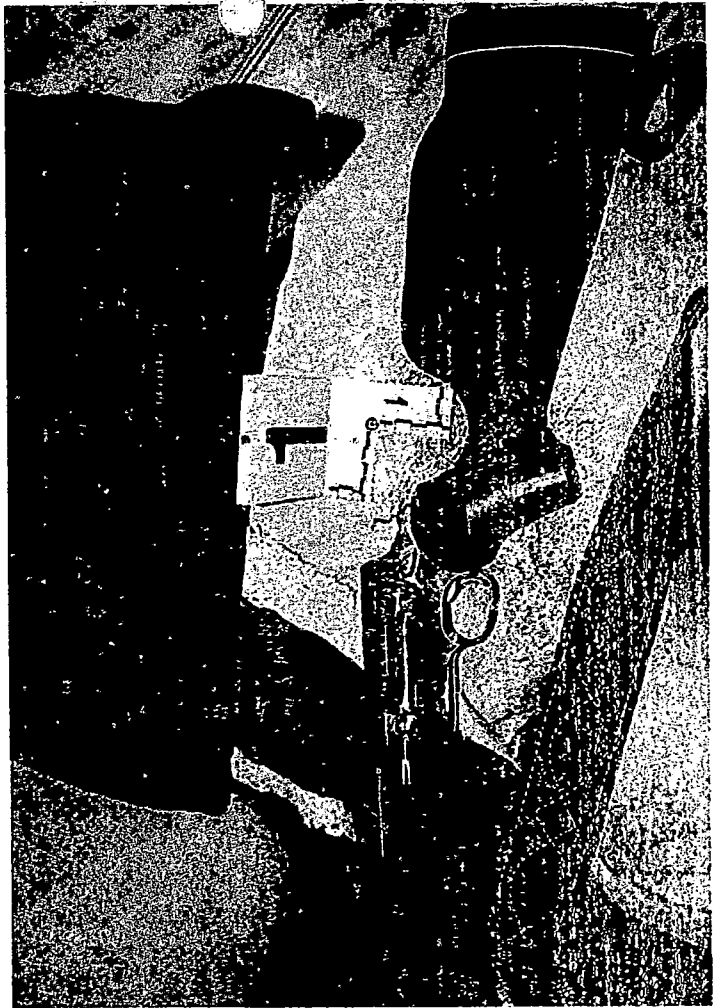
CASE NUMBER 2014-CR-00062

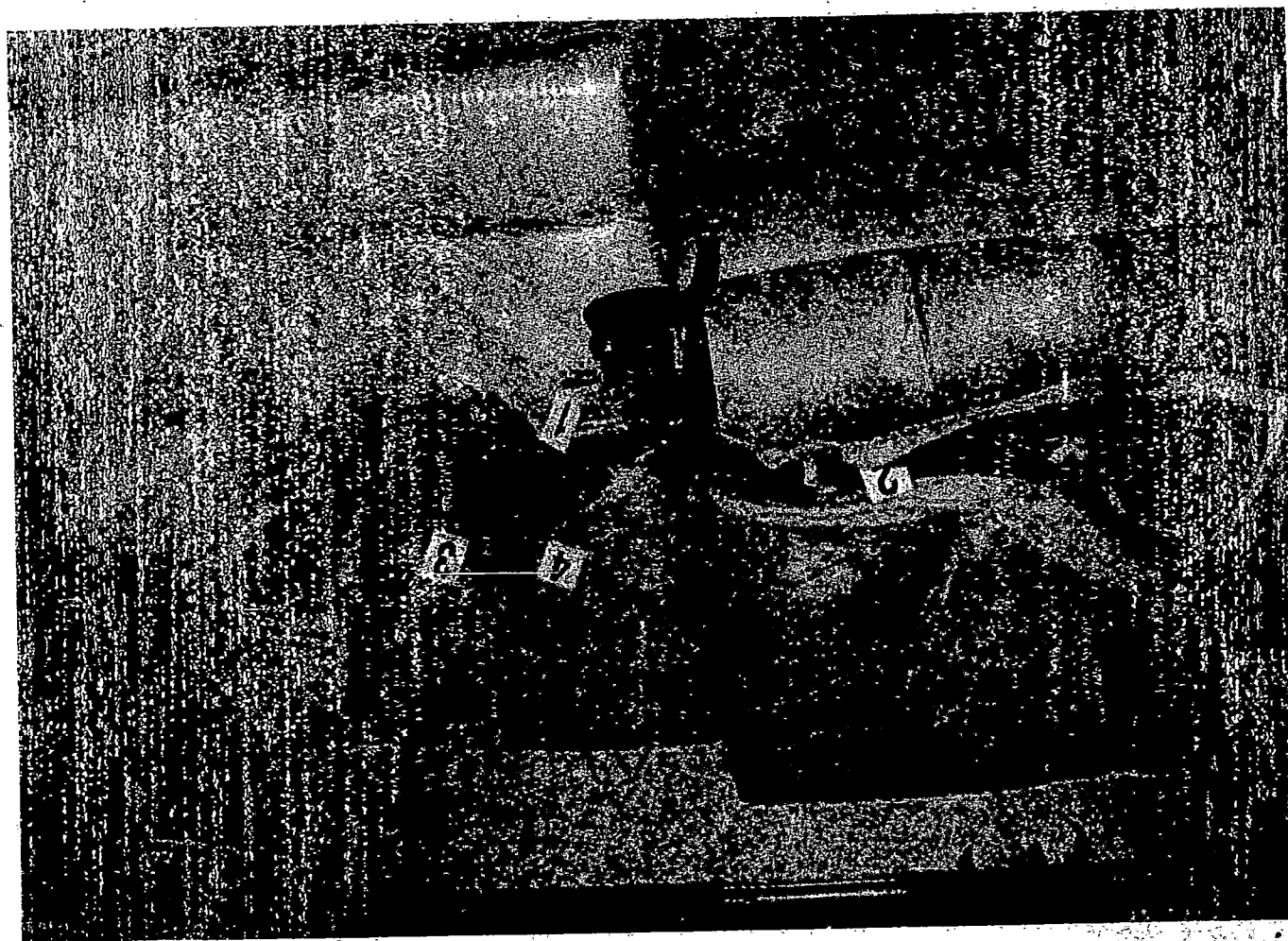
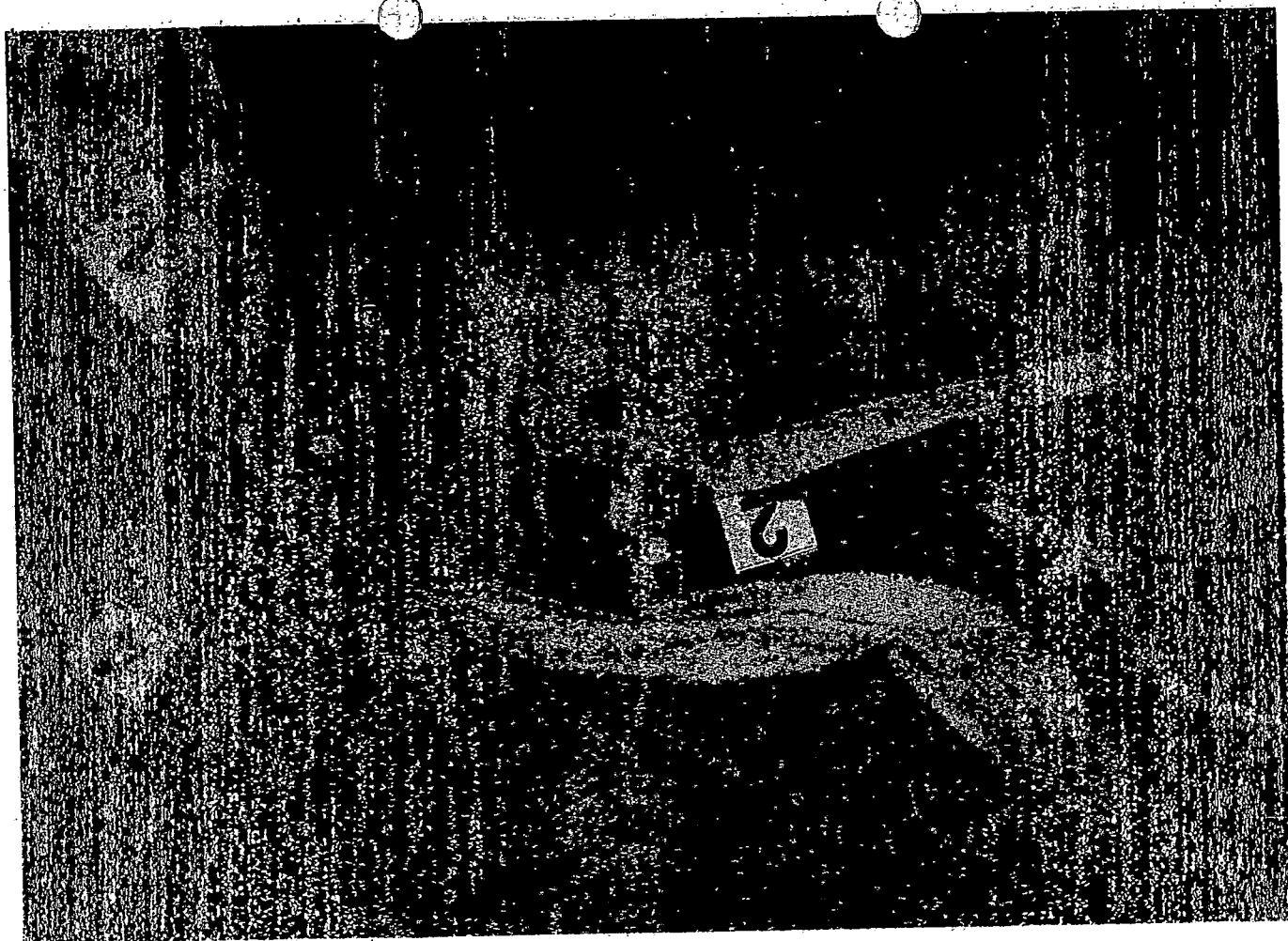
EXHIBIT 1

Four different position of the rifle.





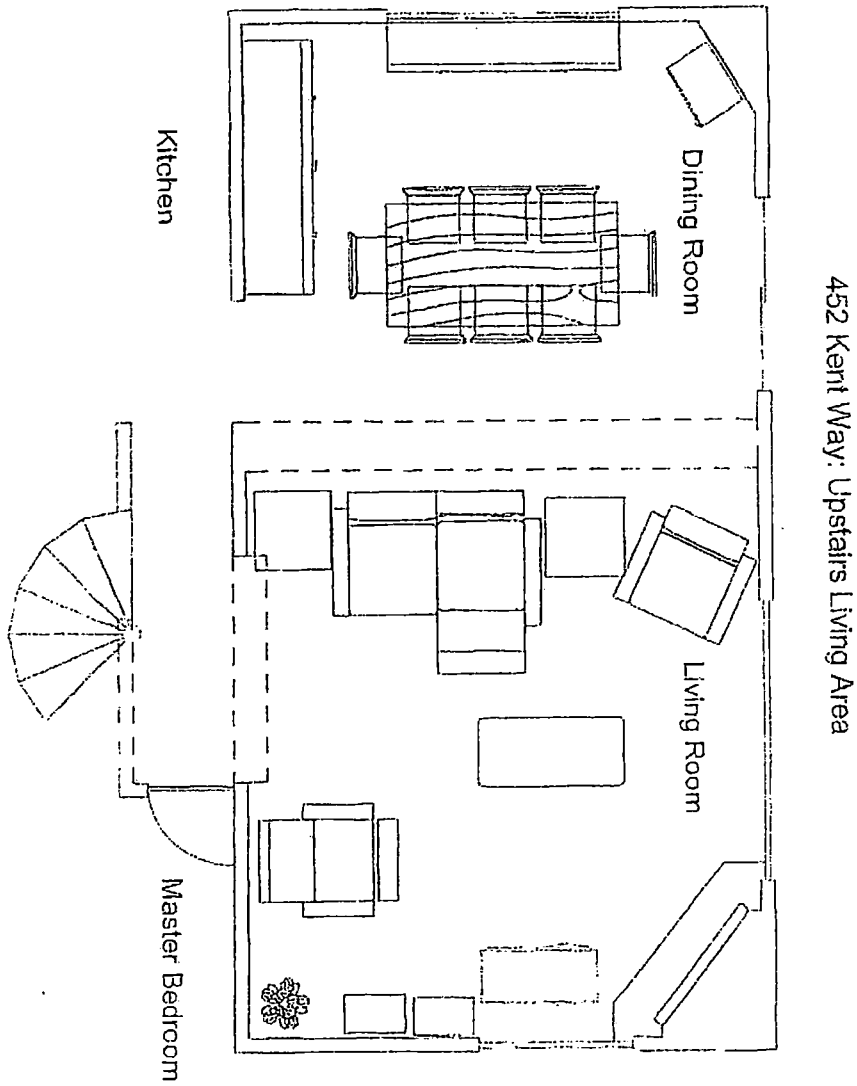




CASE NUMBER 204-CR-00062

EXHIBIT 2

Diagram living room

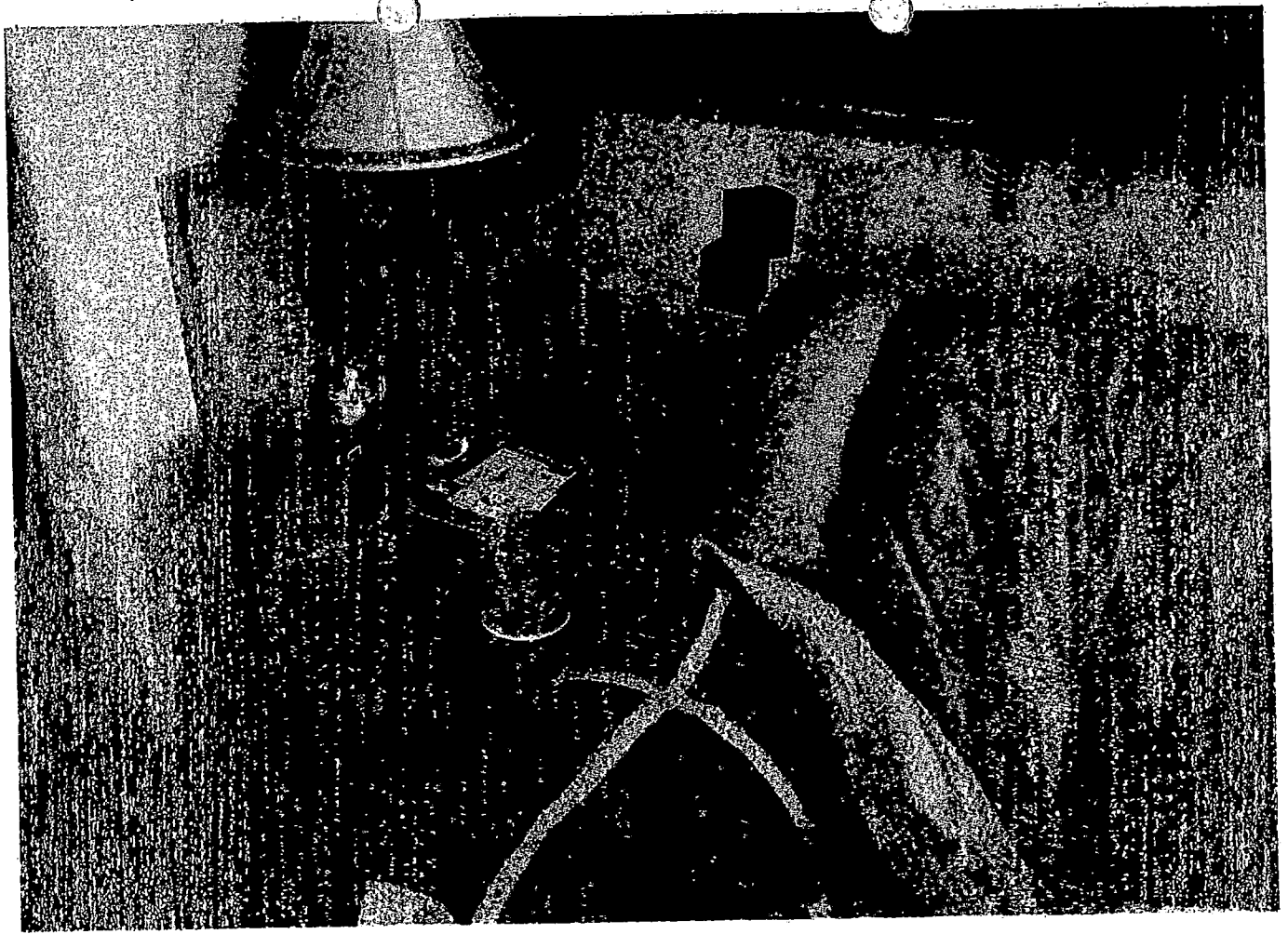


February 23, 2014
 Douglas County 14SC05132
 By J. Lear #3319
 Approximate North

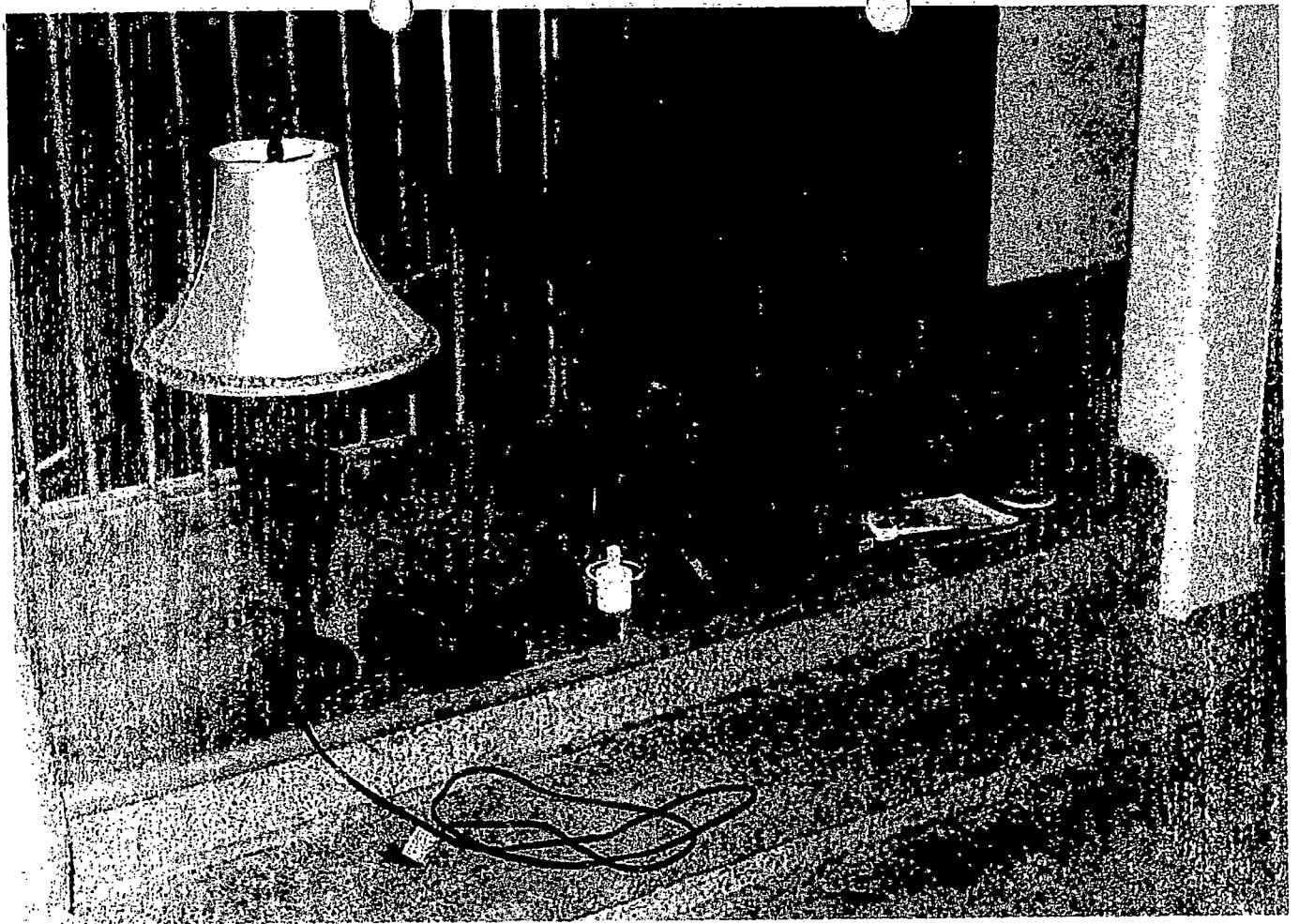


Not to Scale
 0 2 ft

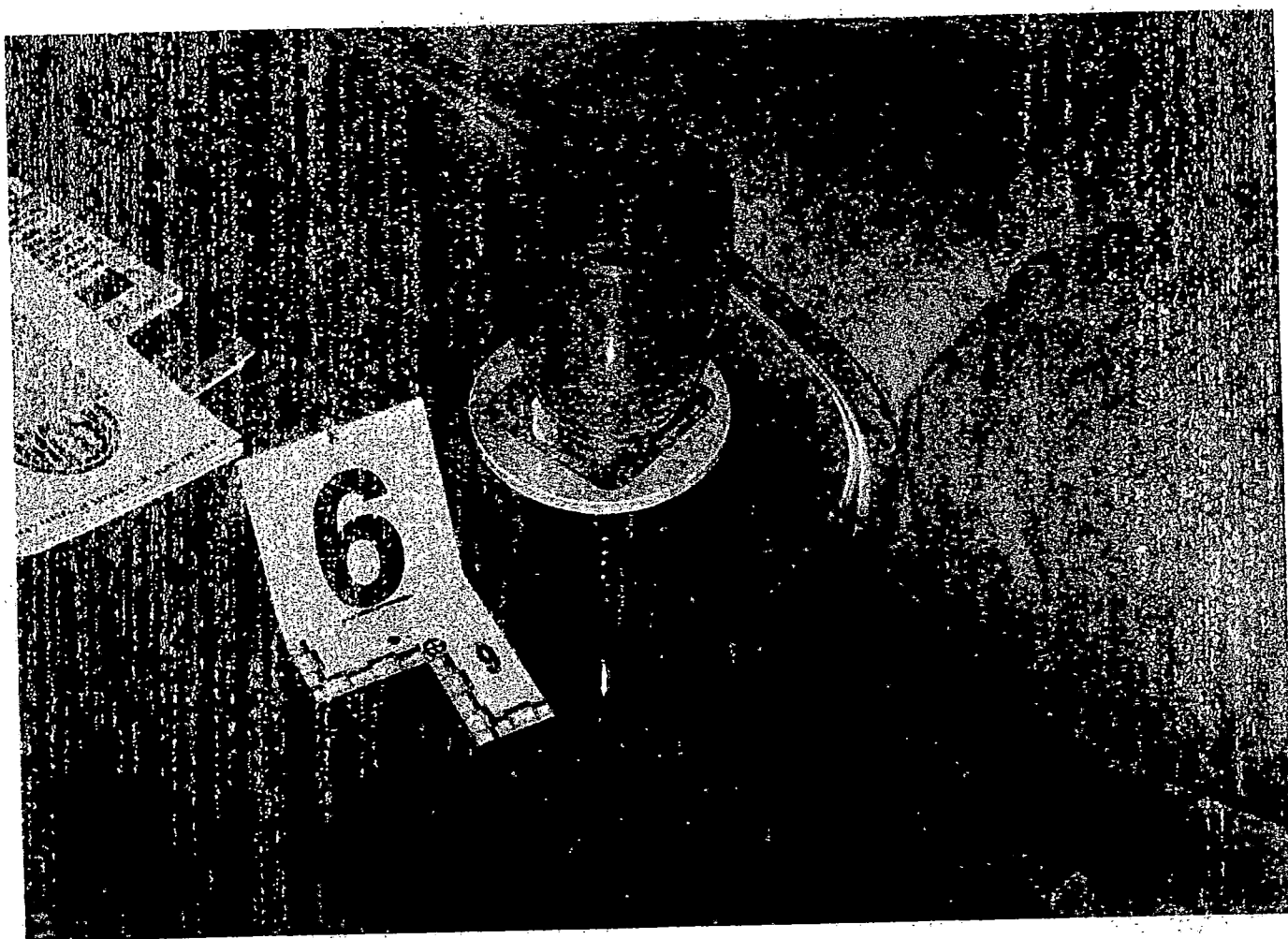




349C



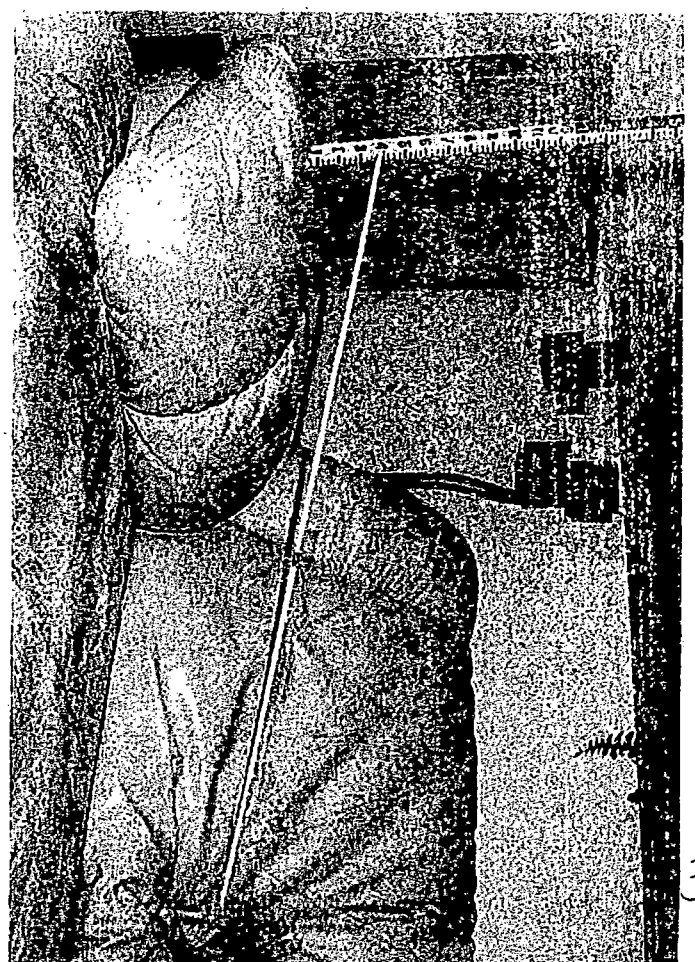
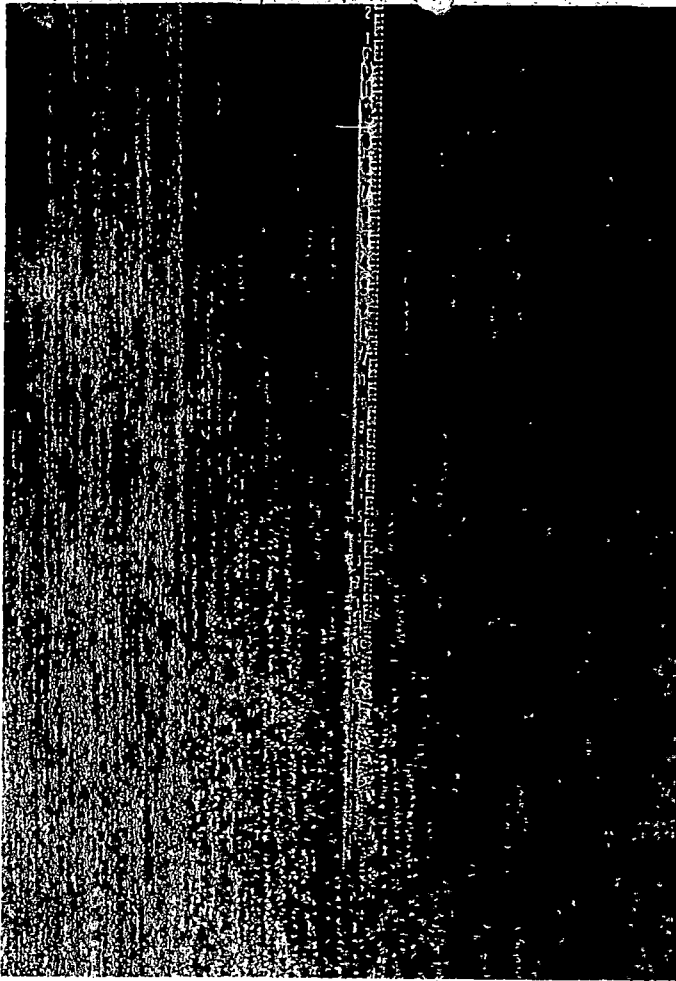
3491



CASE NUMBER 2014-CR-00062

EXHIBIT 3

Trajectory / X-ray



3494
88

Shooting Scene Reconstruction Report

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

January 15, 2015

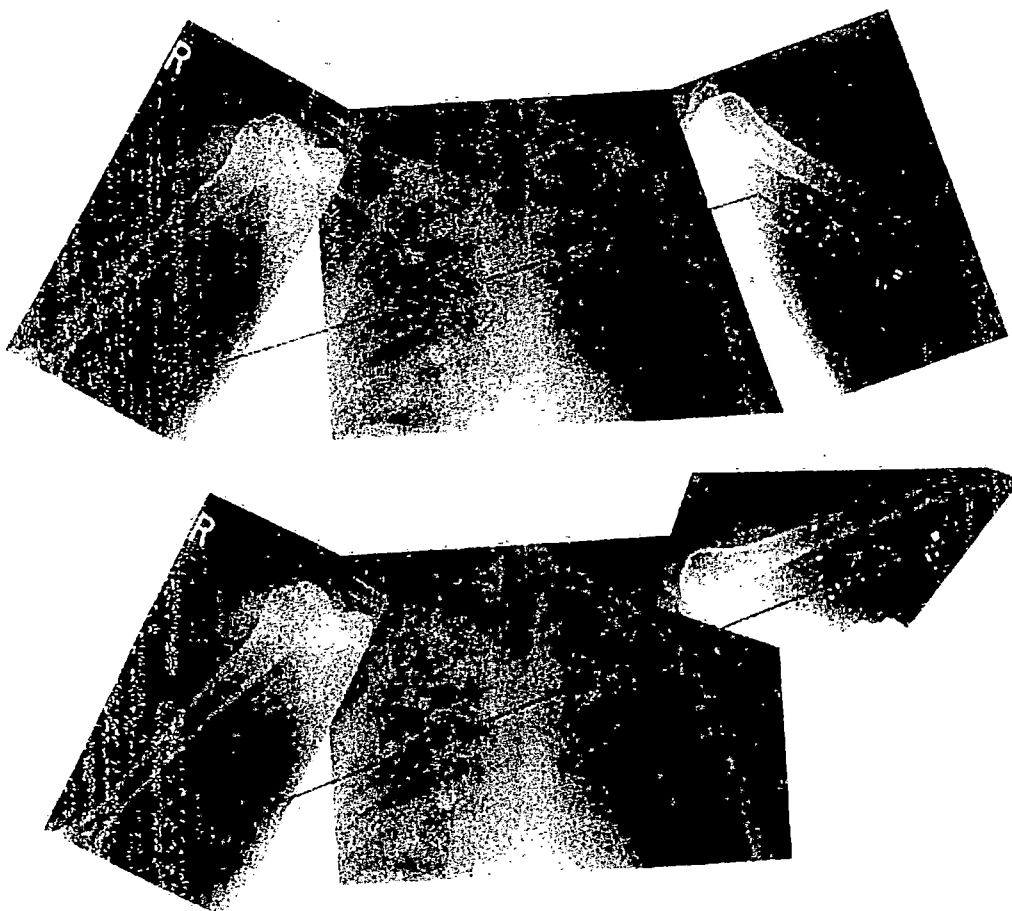


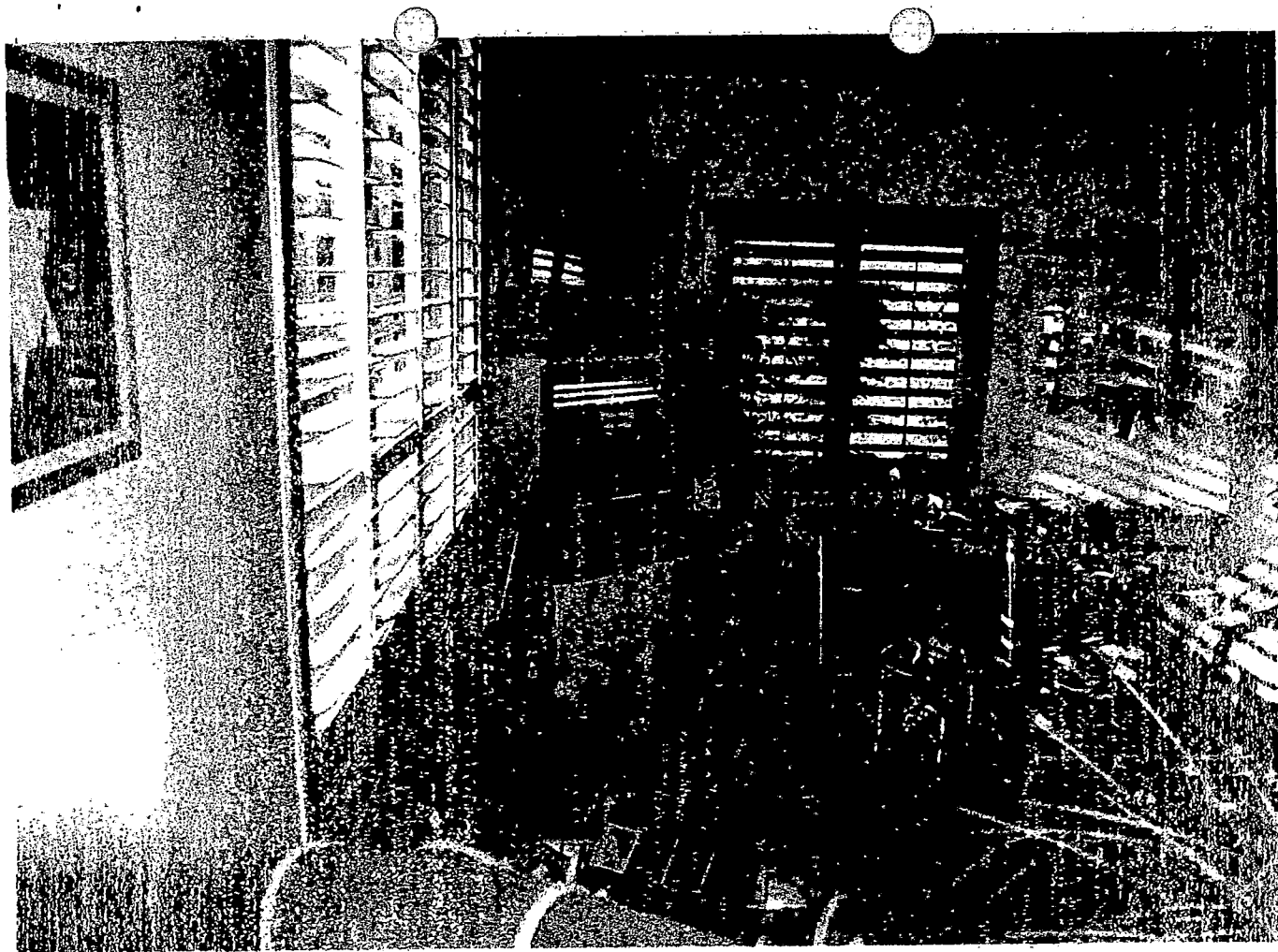
Figure 8: Three x-rays aligned in approximate anatomical positions. The upper series shows the left arm down; the lower series shows the left arm up. Because the projectile fragments are not expected to make a 90 degree turn while in the body, the lower image (arm up) best fits with the position of Harry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

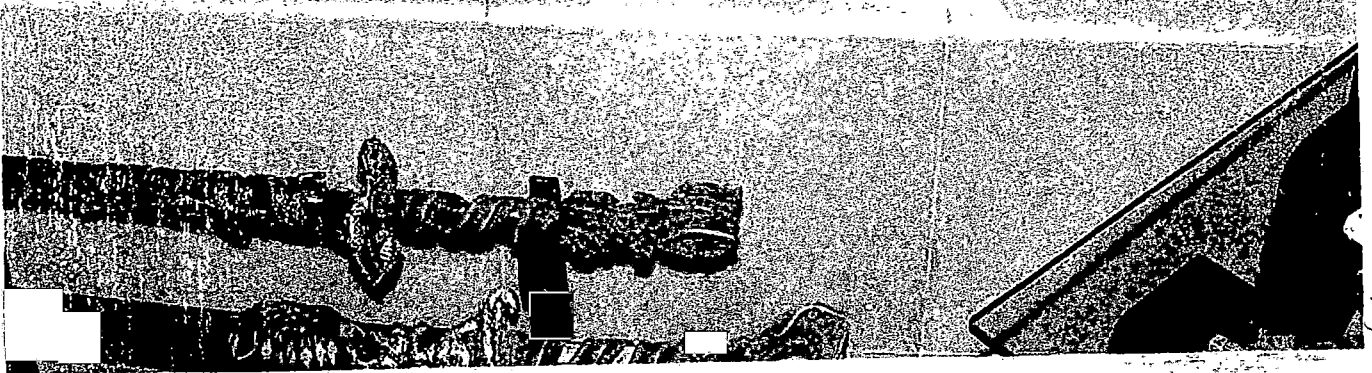
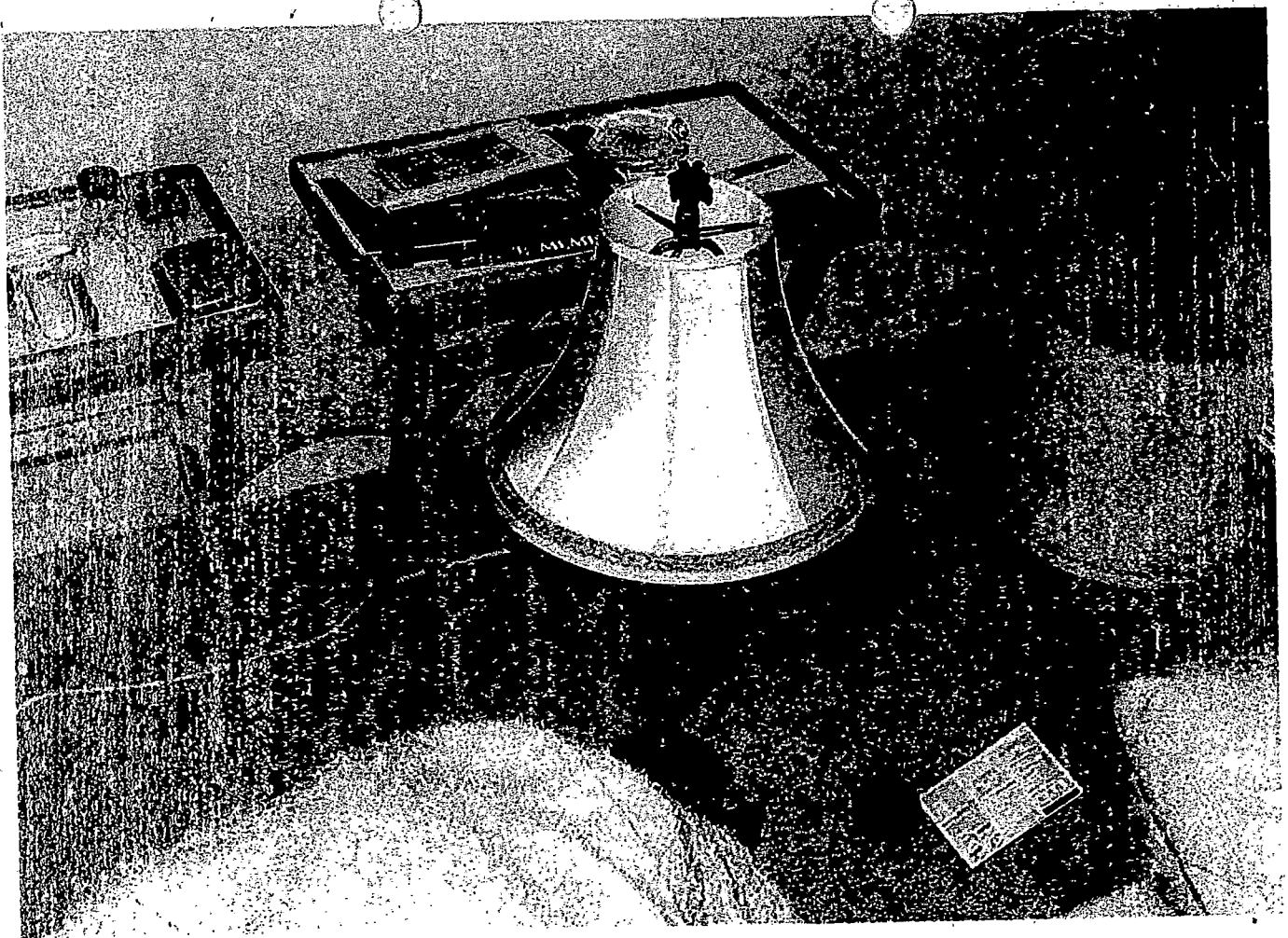
L

CASE NUMBER 1014-CR-00062

EXHIBIT E4

move - objects - living room

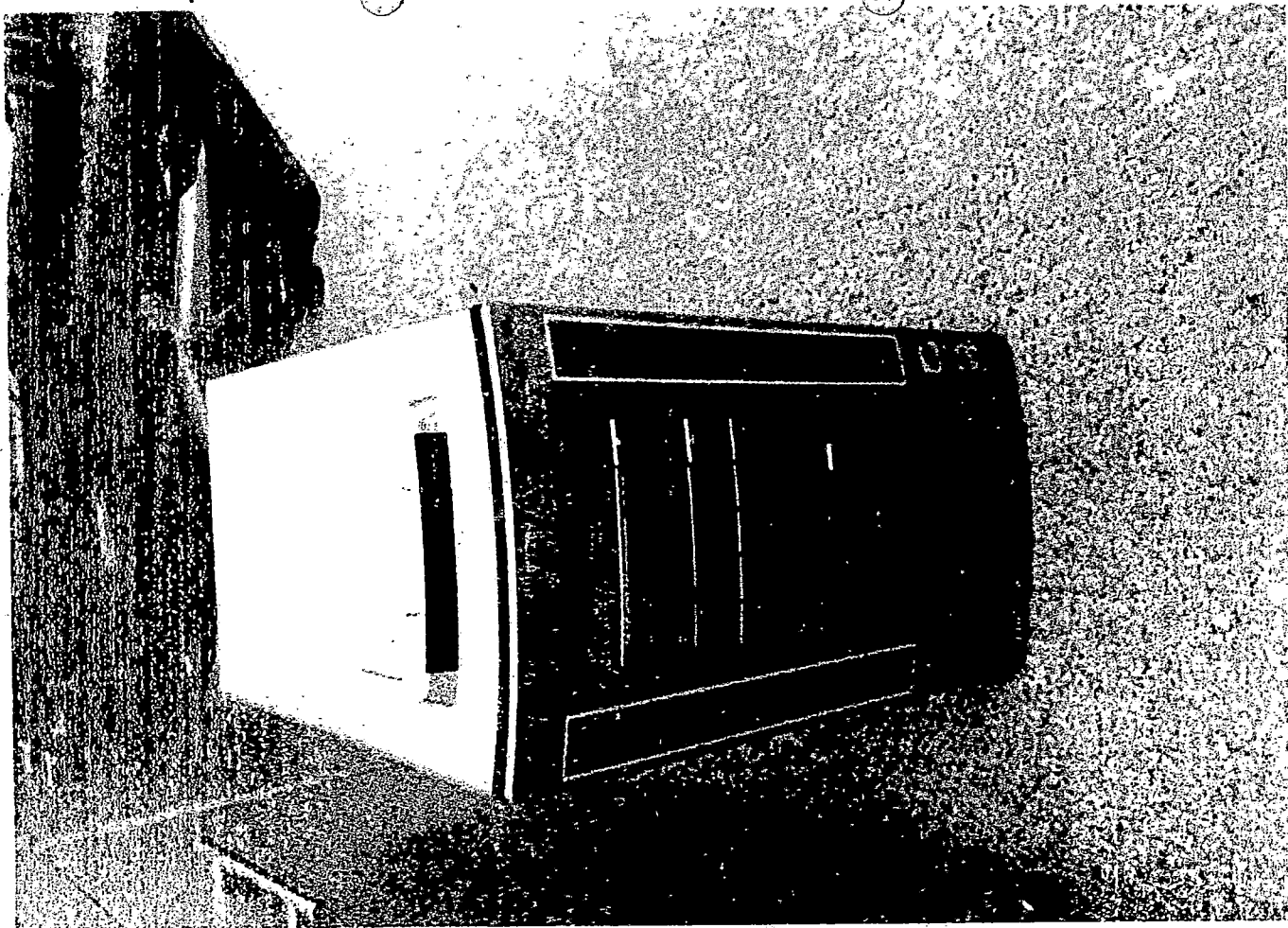


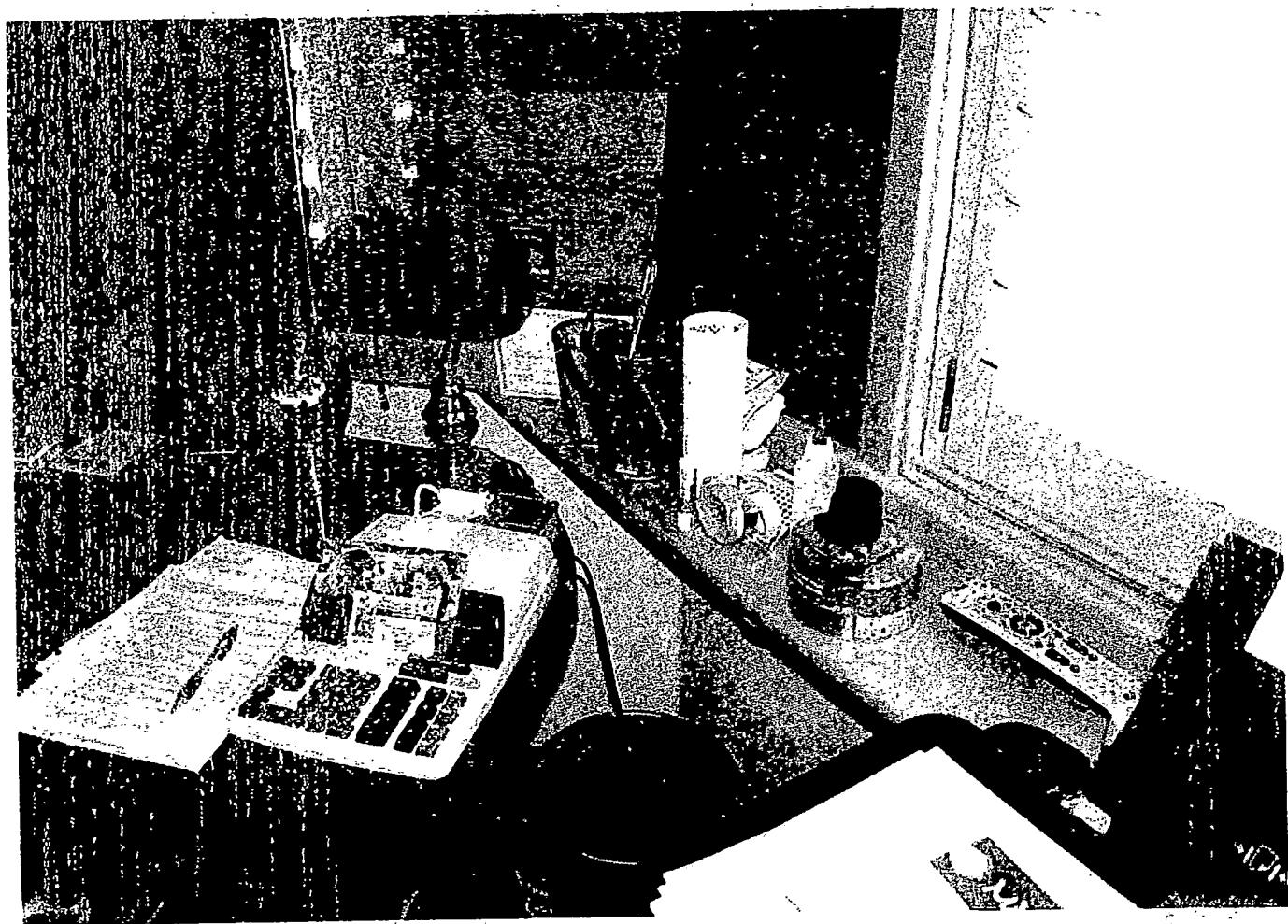
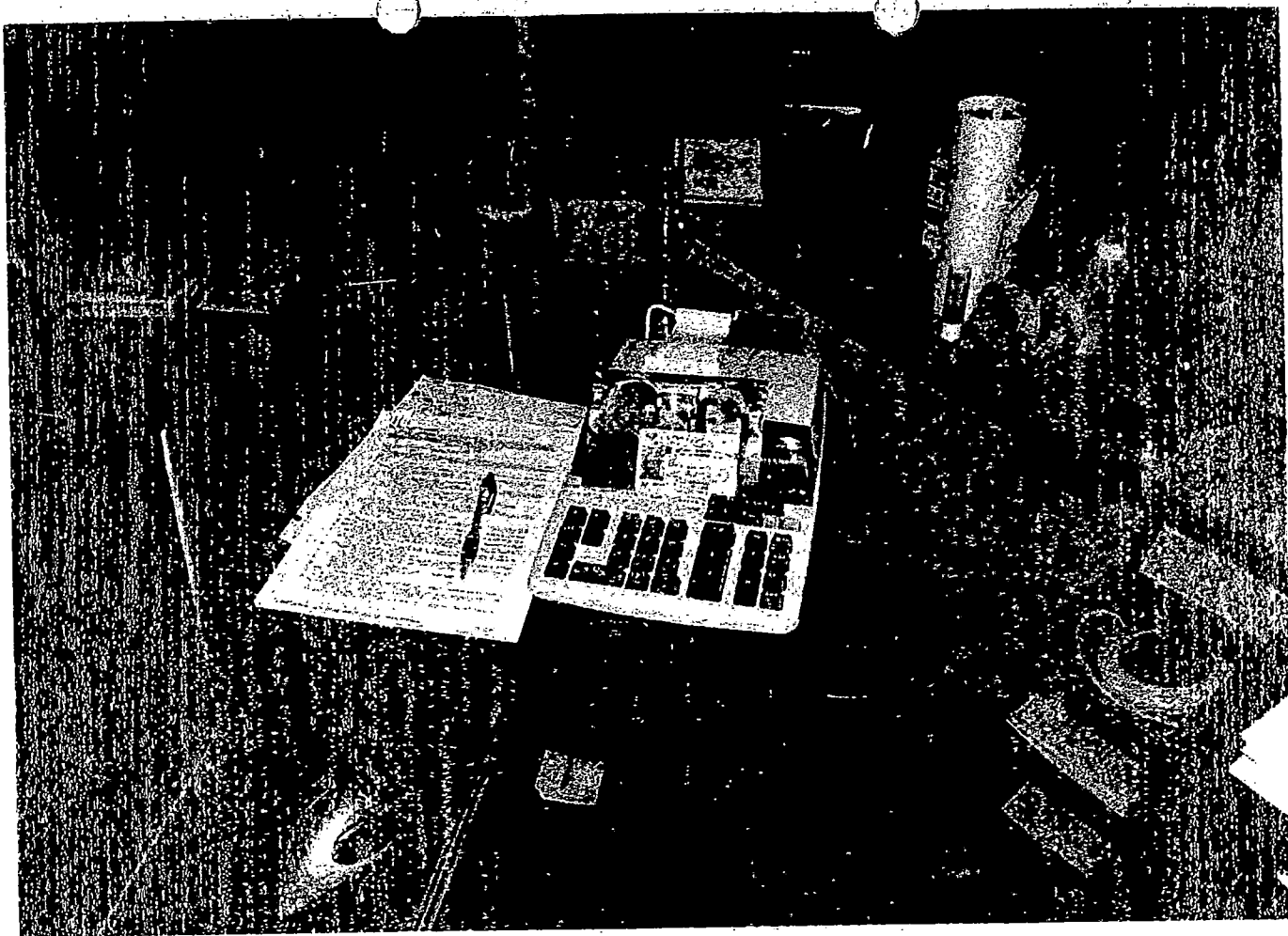


CASE NUMBER 2014-CR-00052

EXHIBIT 5

Add - object - office

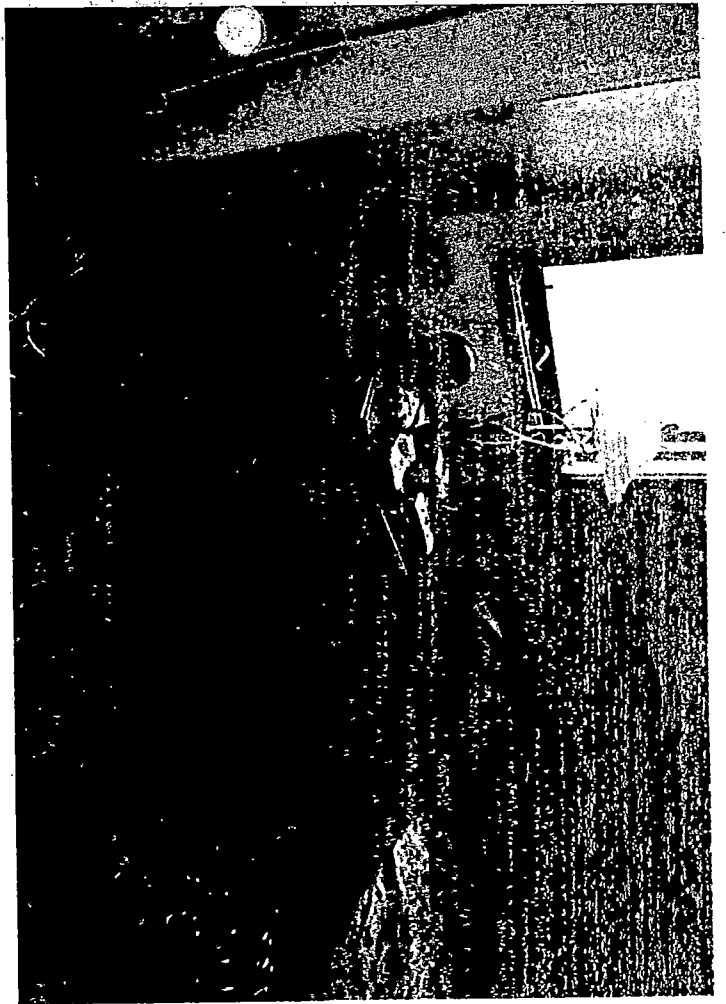


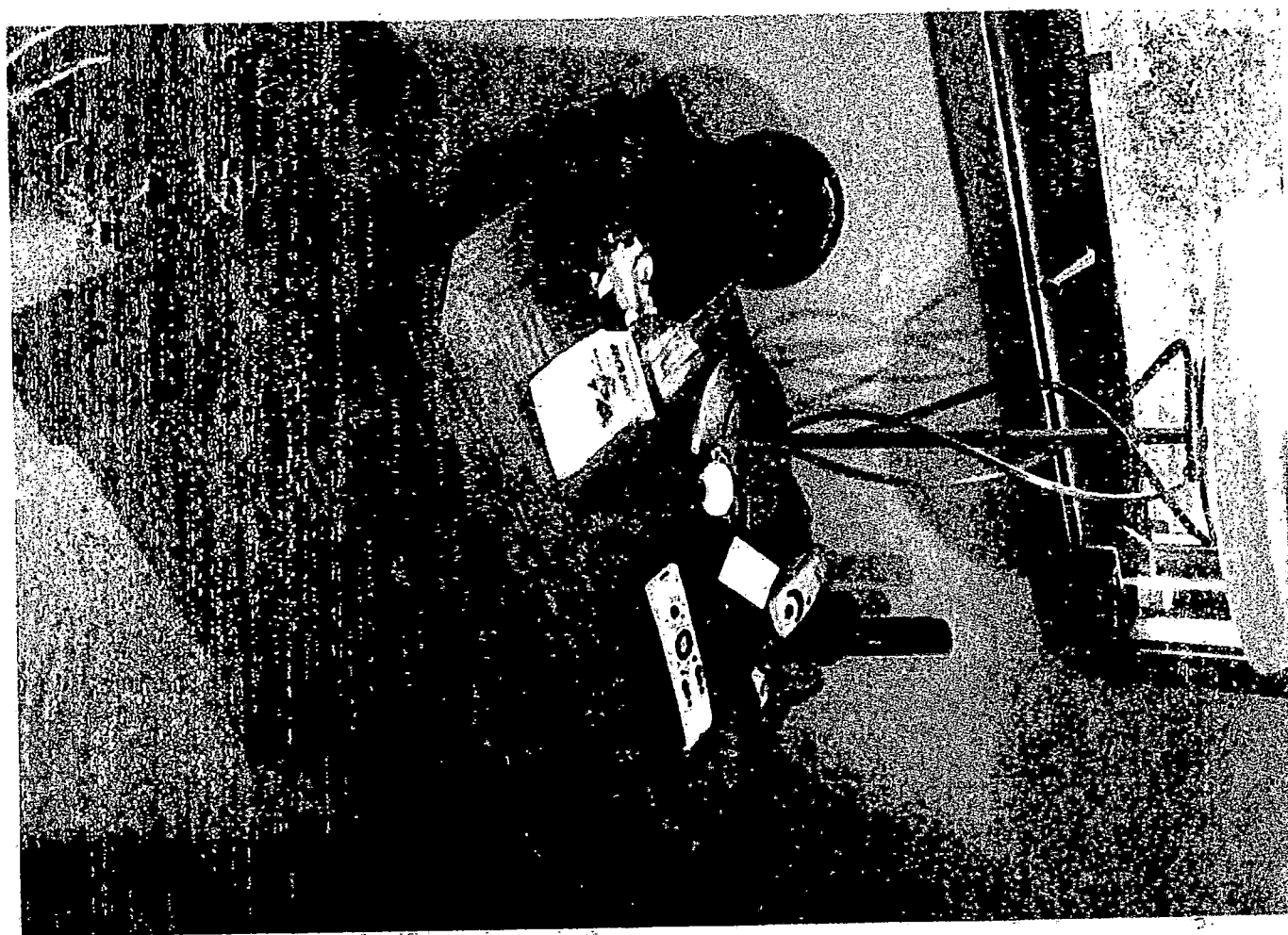


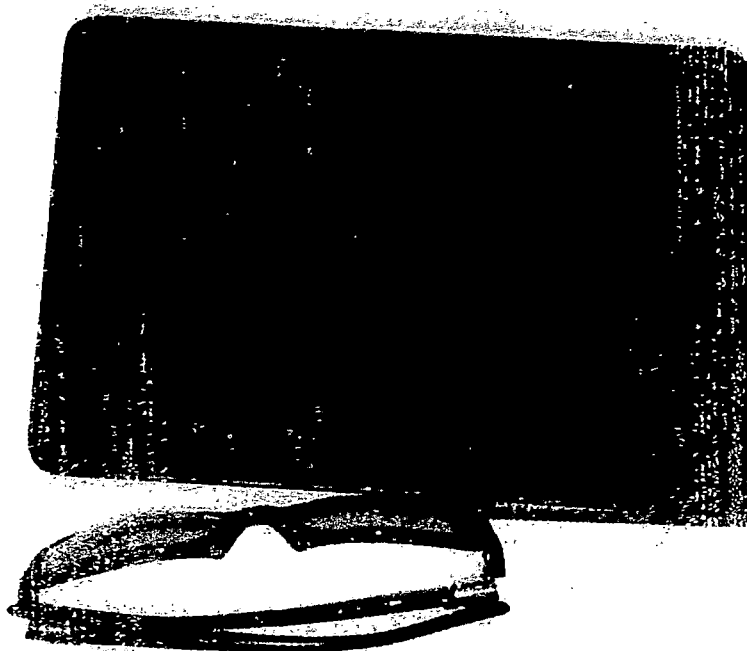
CASE NUMBER 1014-CR-00062

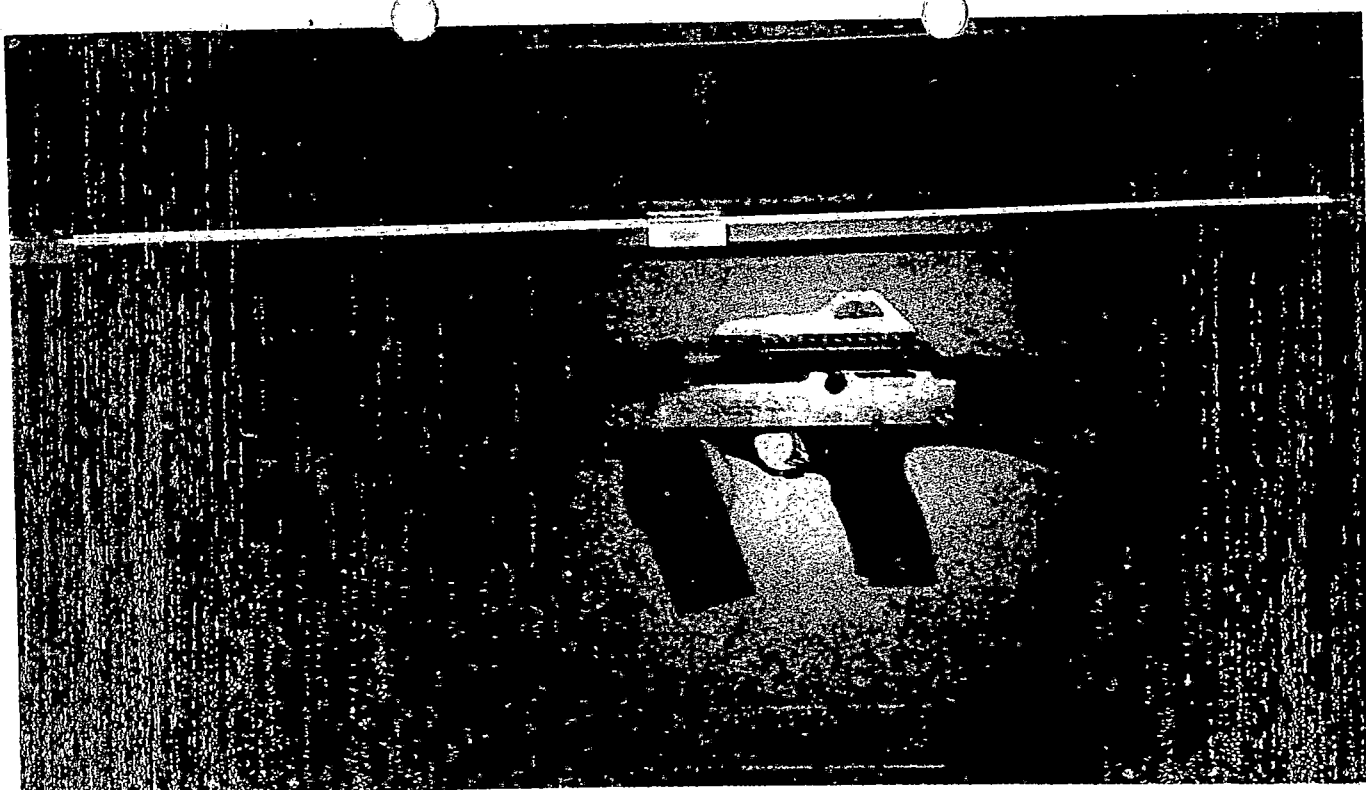
EXHIBIT 6

move-object-master bedroom









CASE NUMBER 2014-CR-00062

EXHIBIT 7

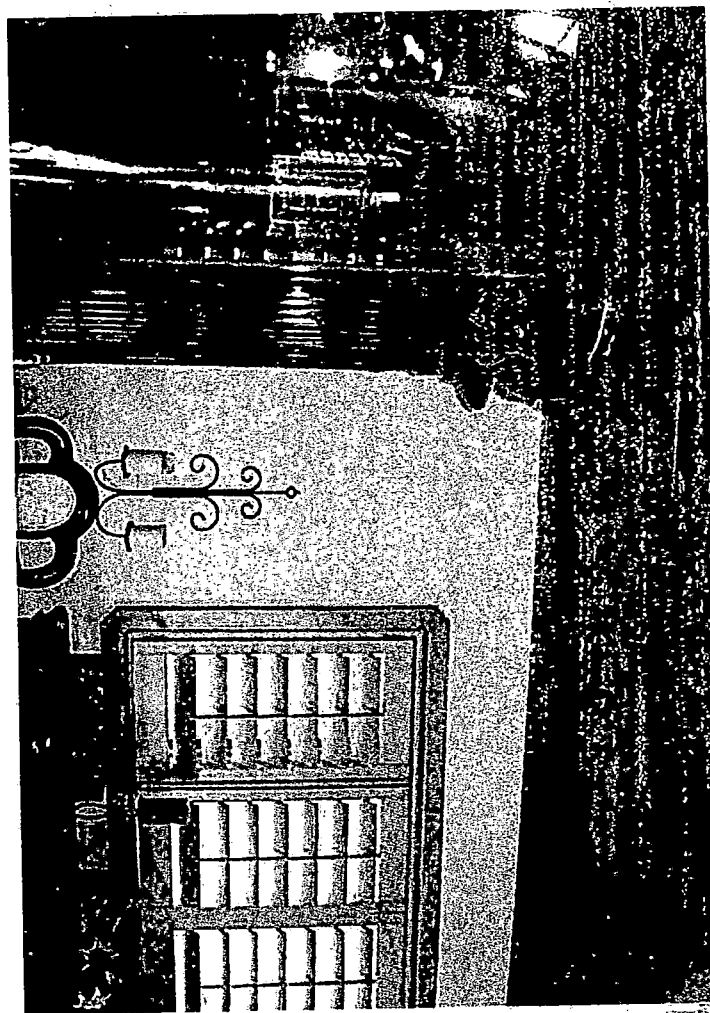
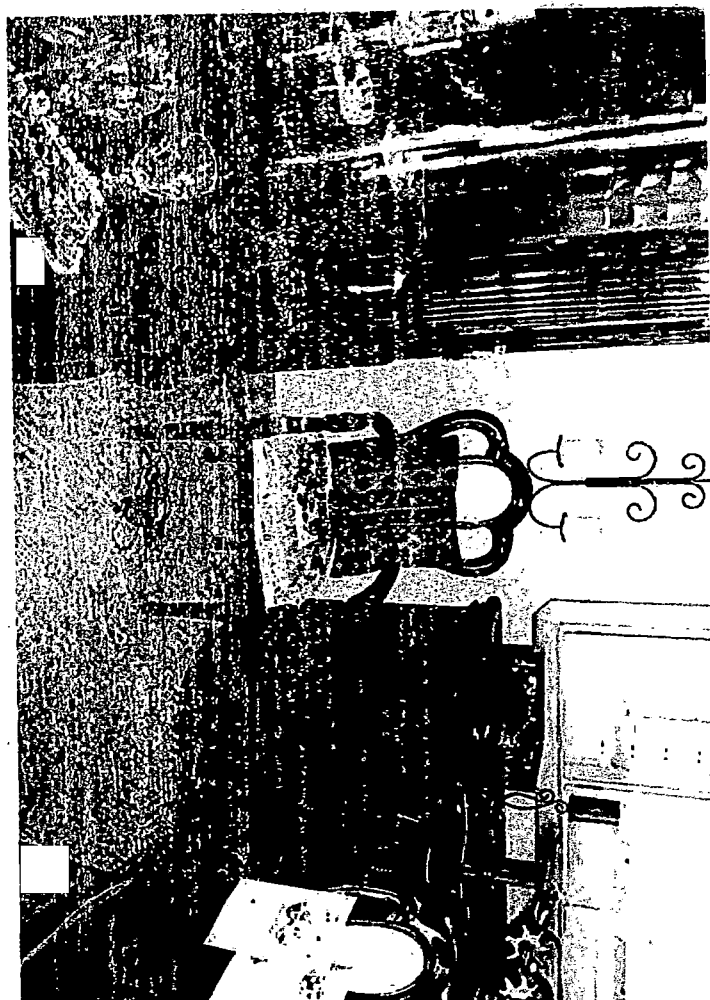
sorted clothes



CASE NUMBER 2014-CR-00062

EXHIBIT 8

Gift from Harry

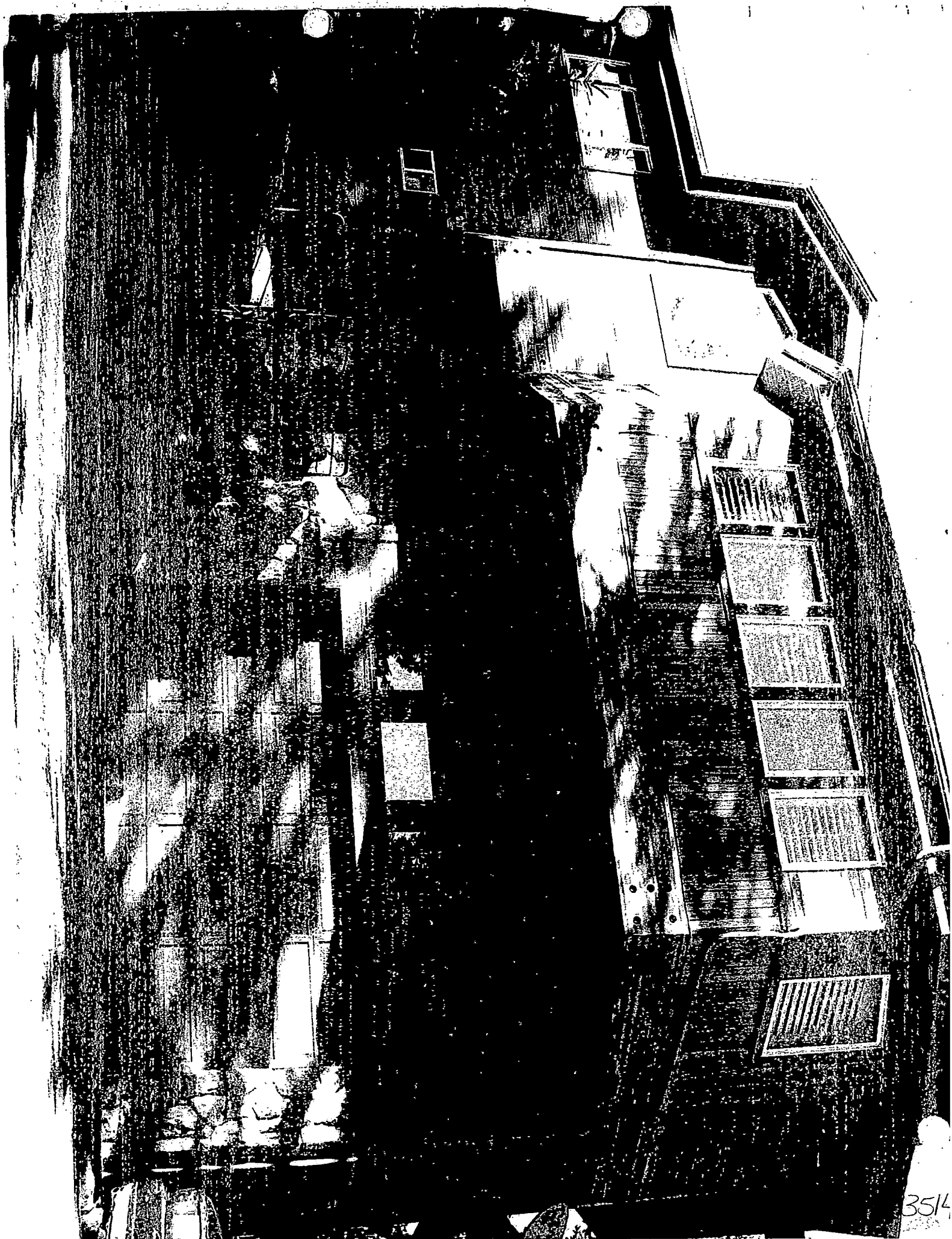


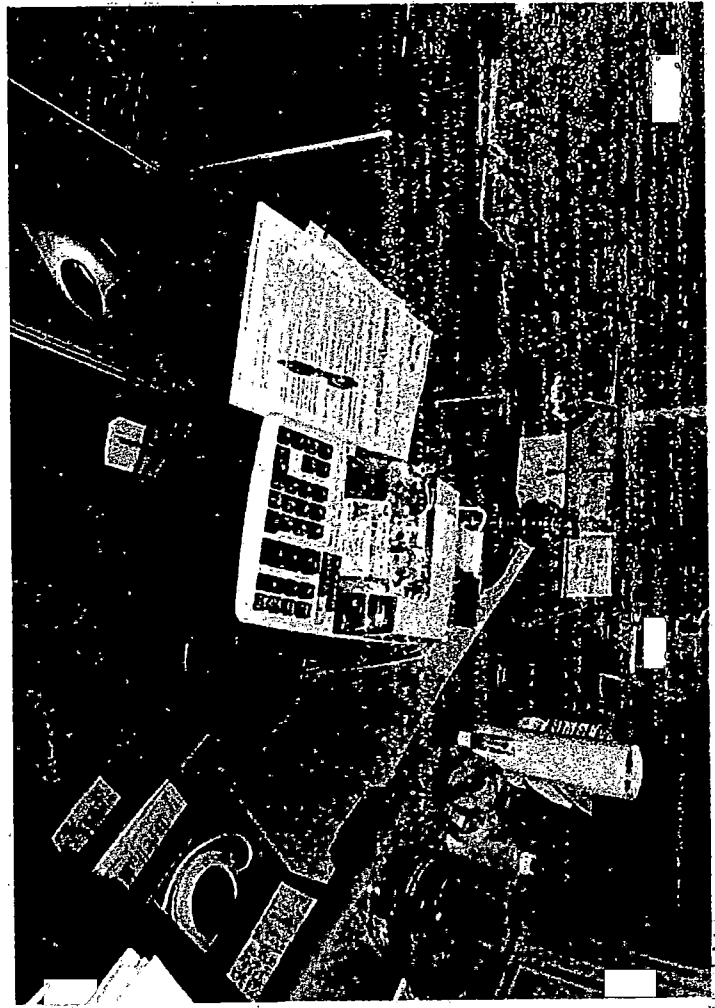
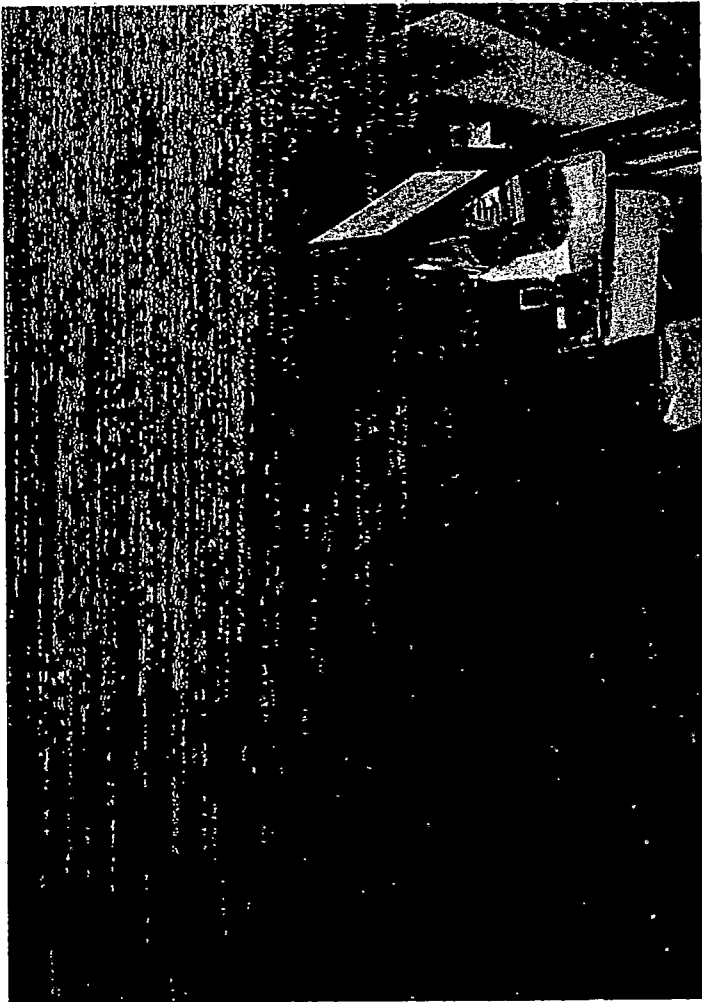
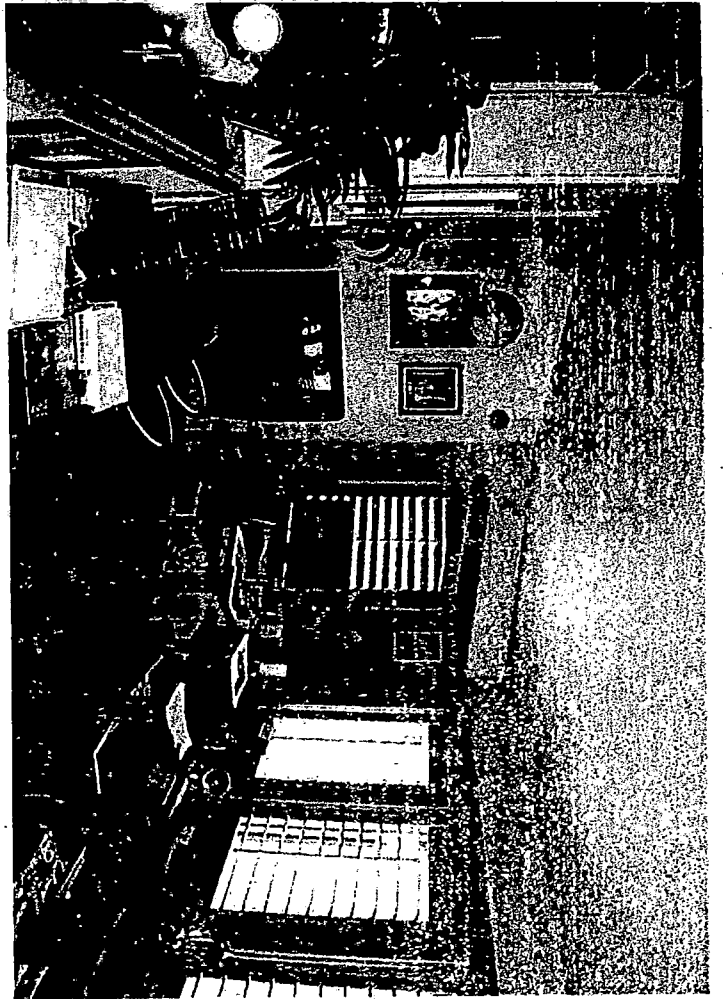
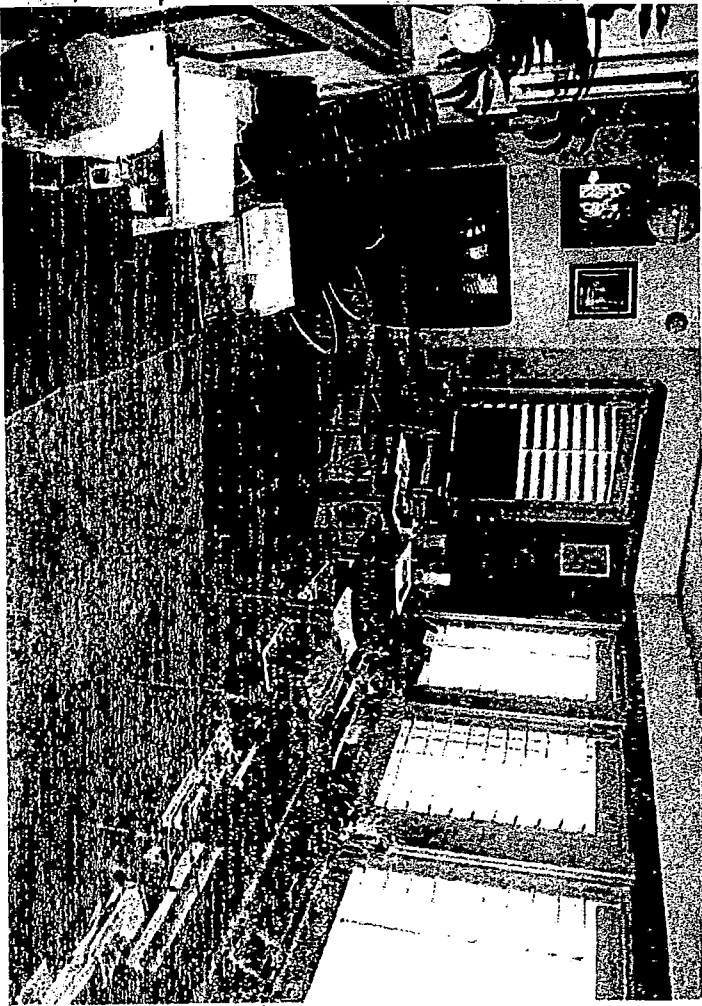


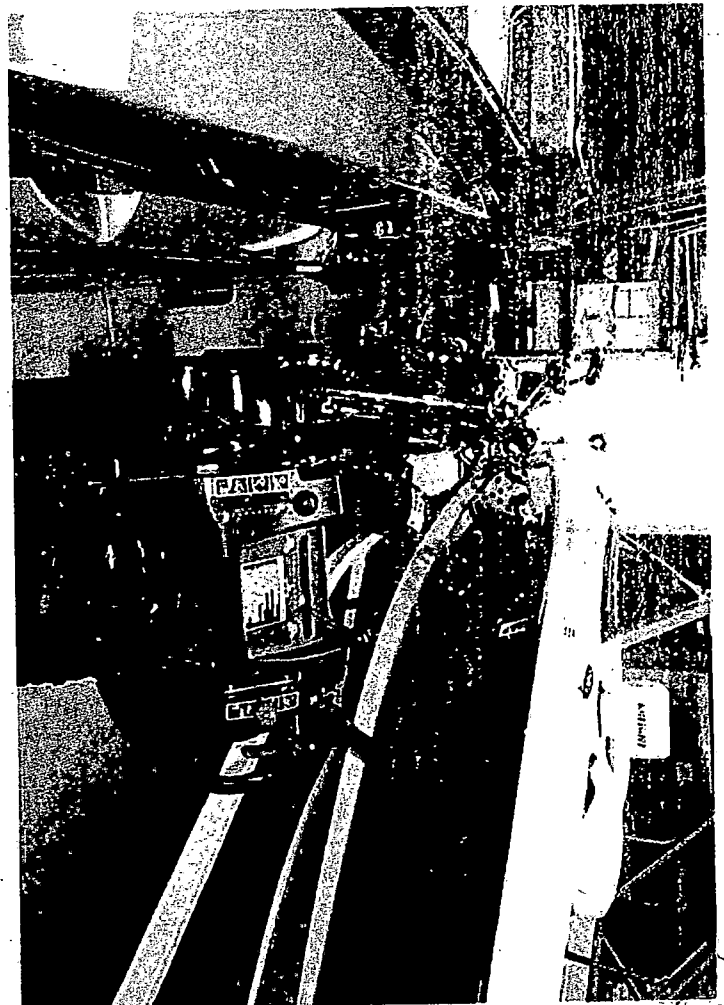
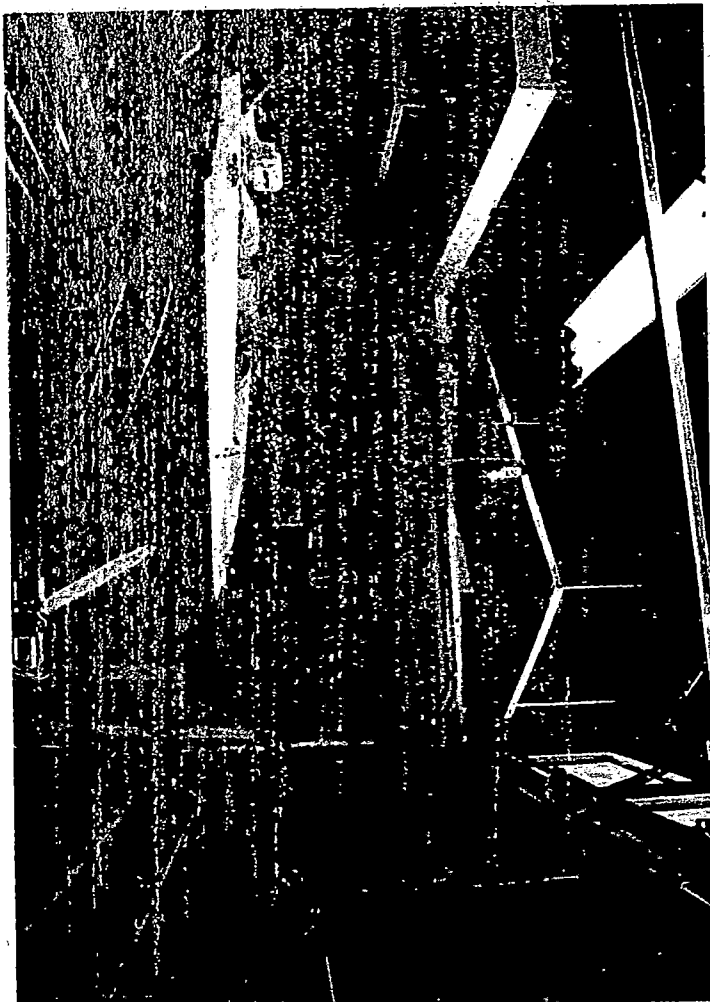
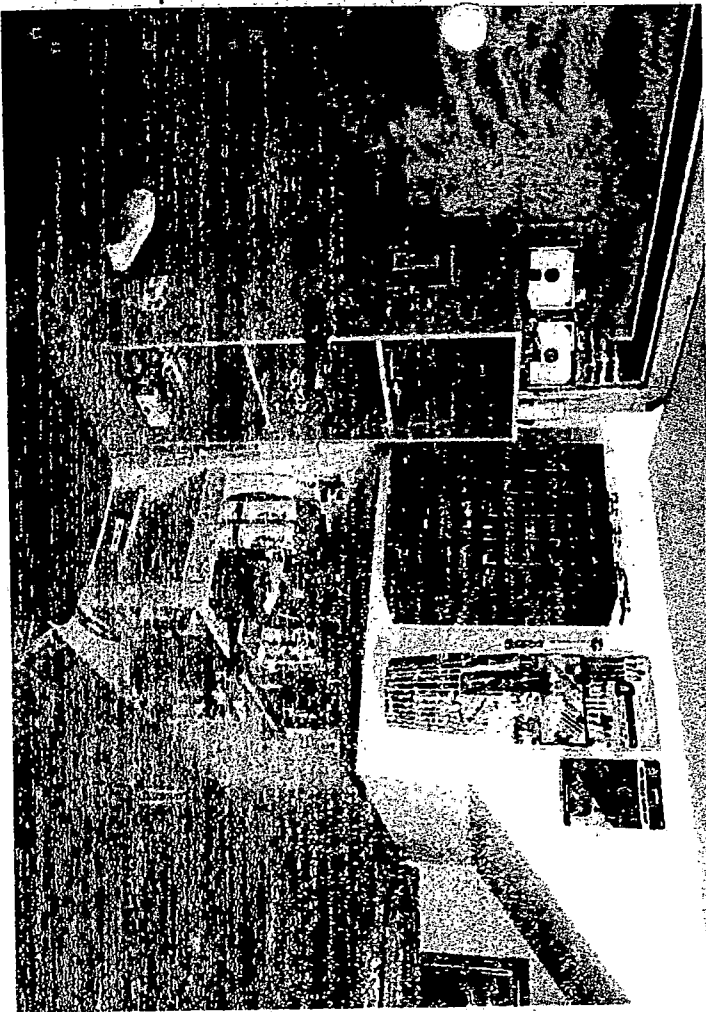
CASE NUMBER 2014-CR-00062

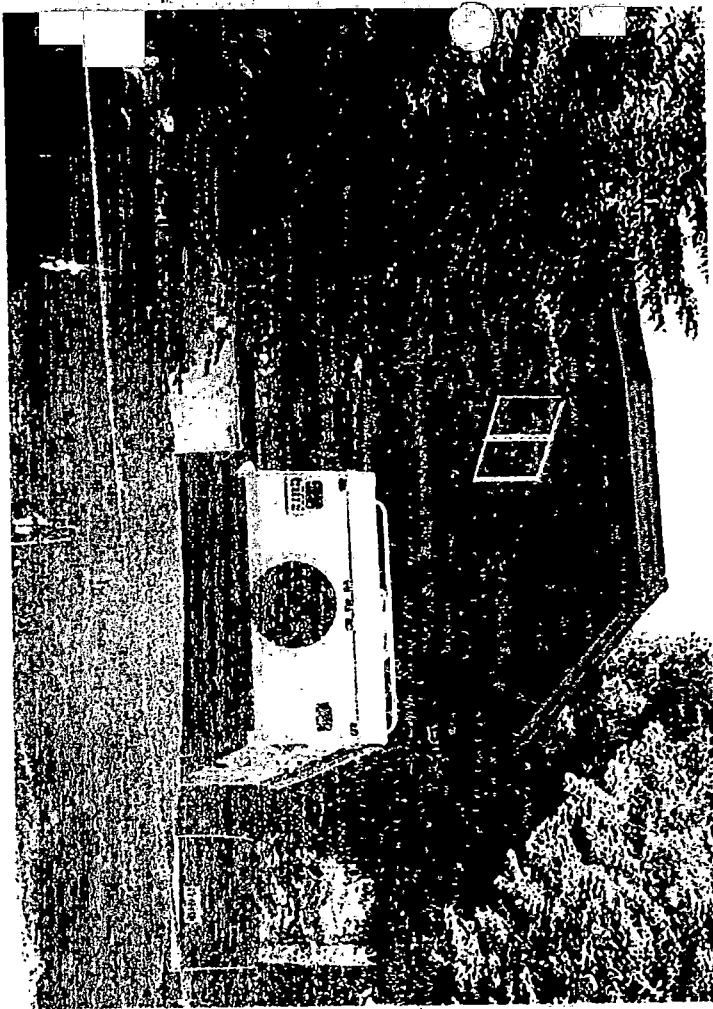
EXHIBIT 9

purchased together



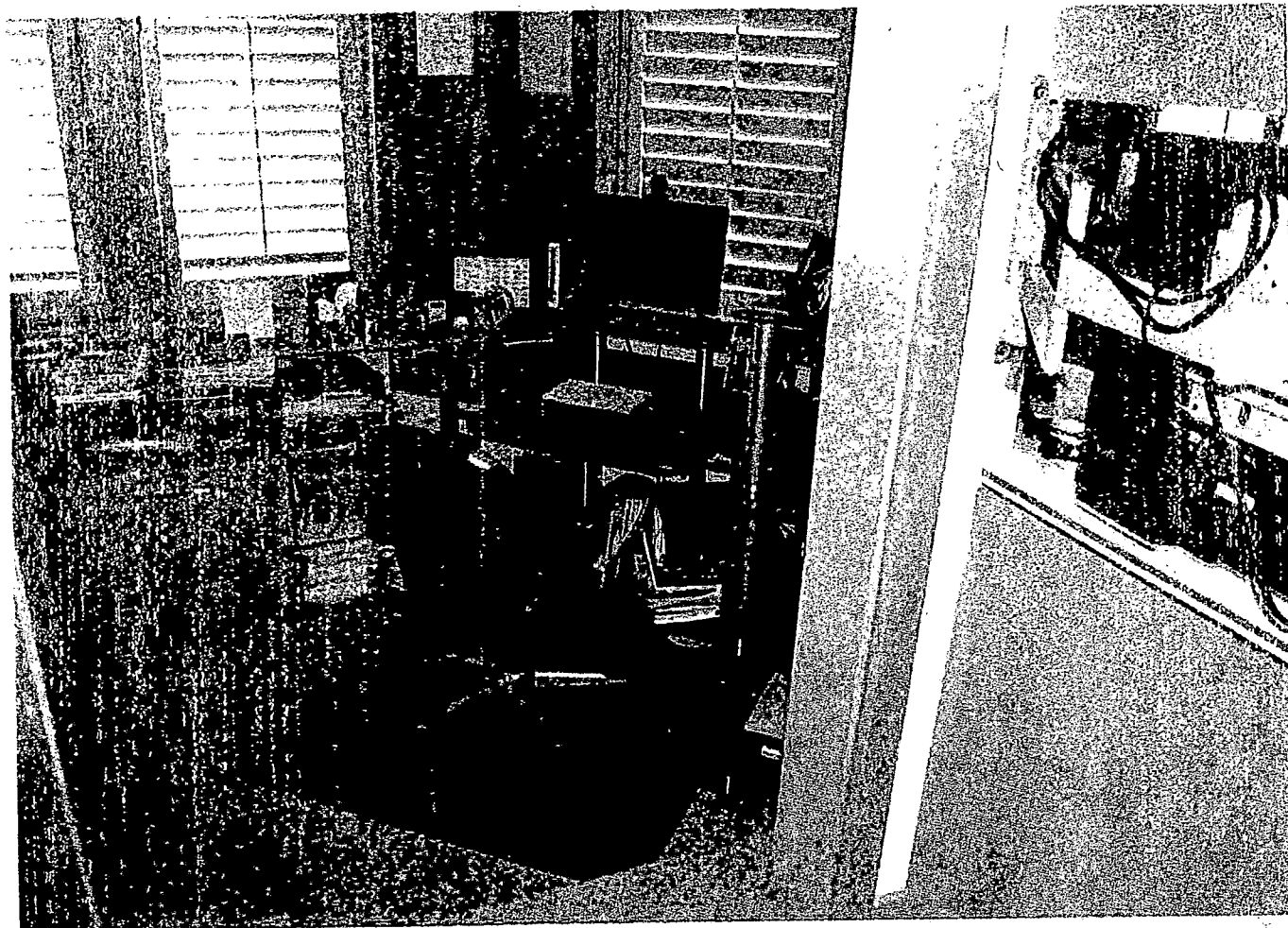
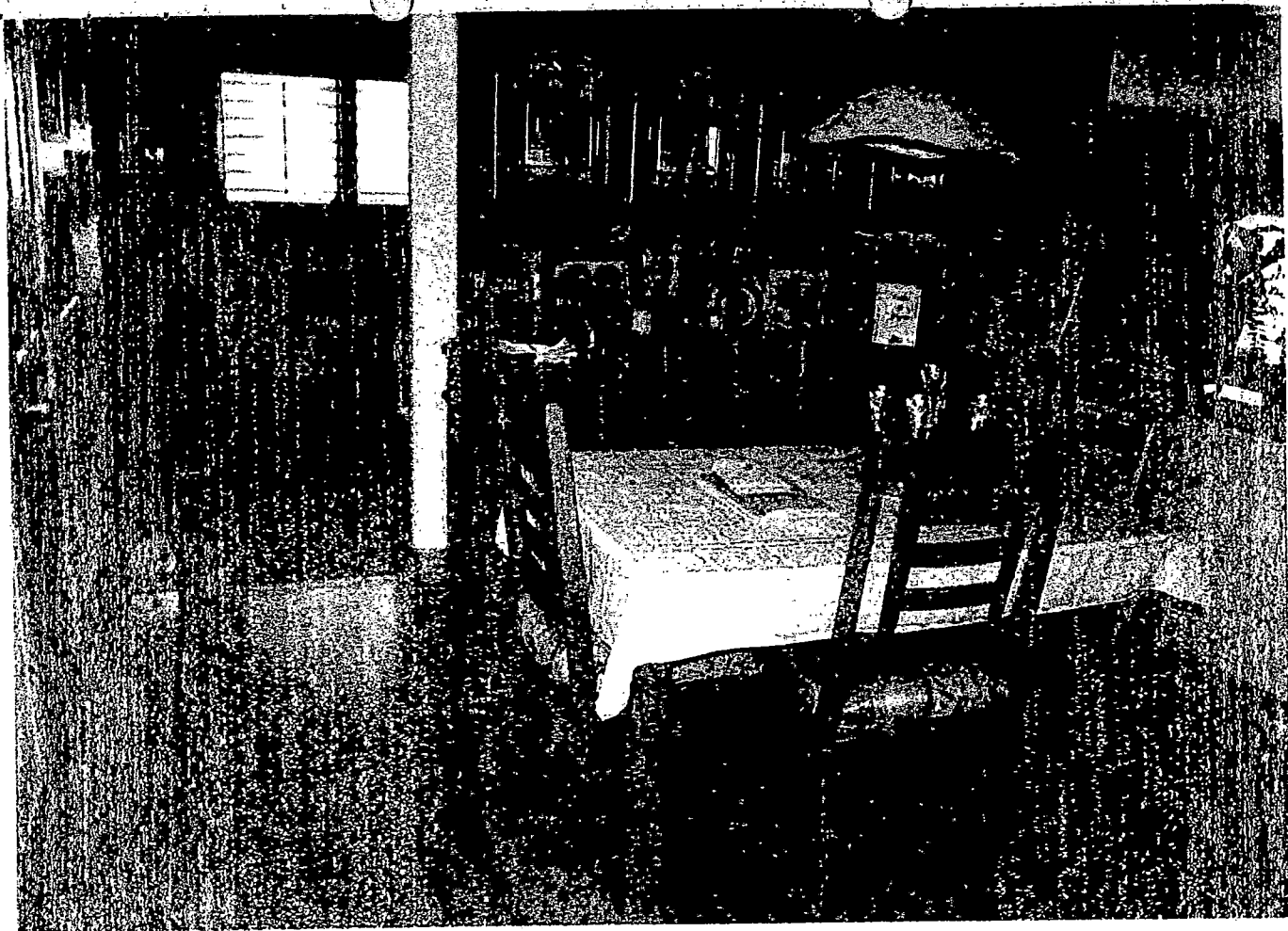


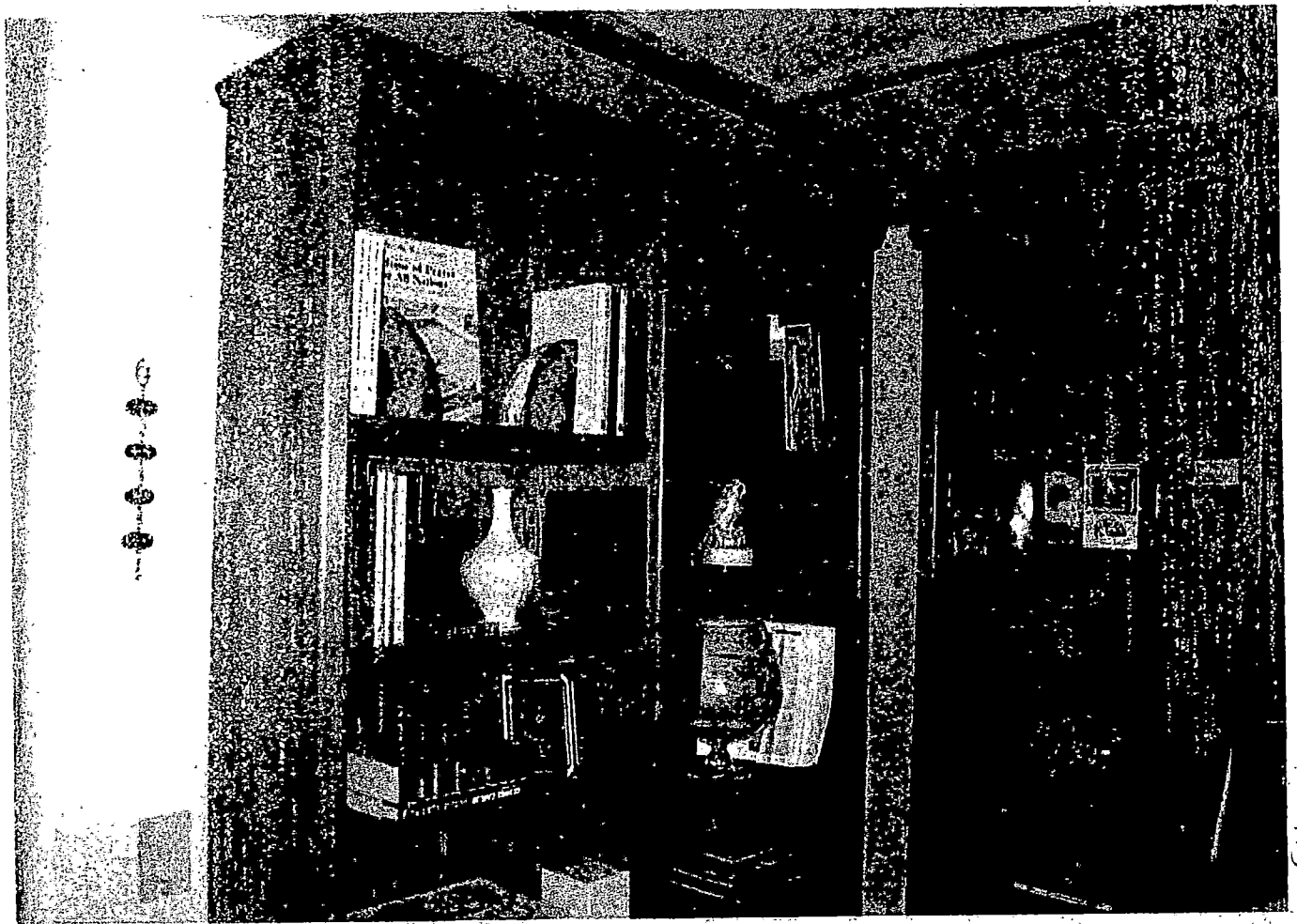
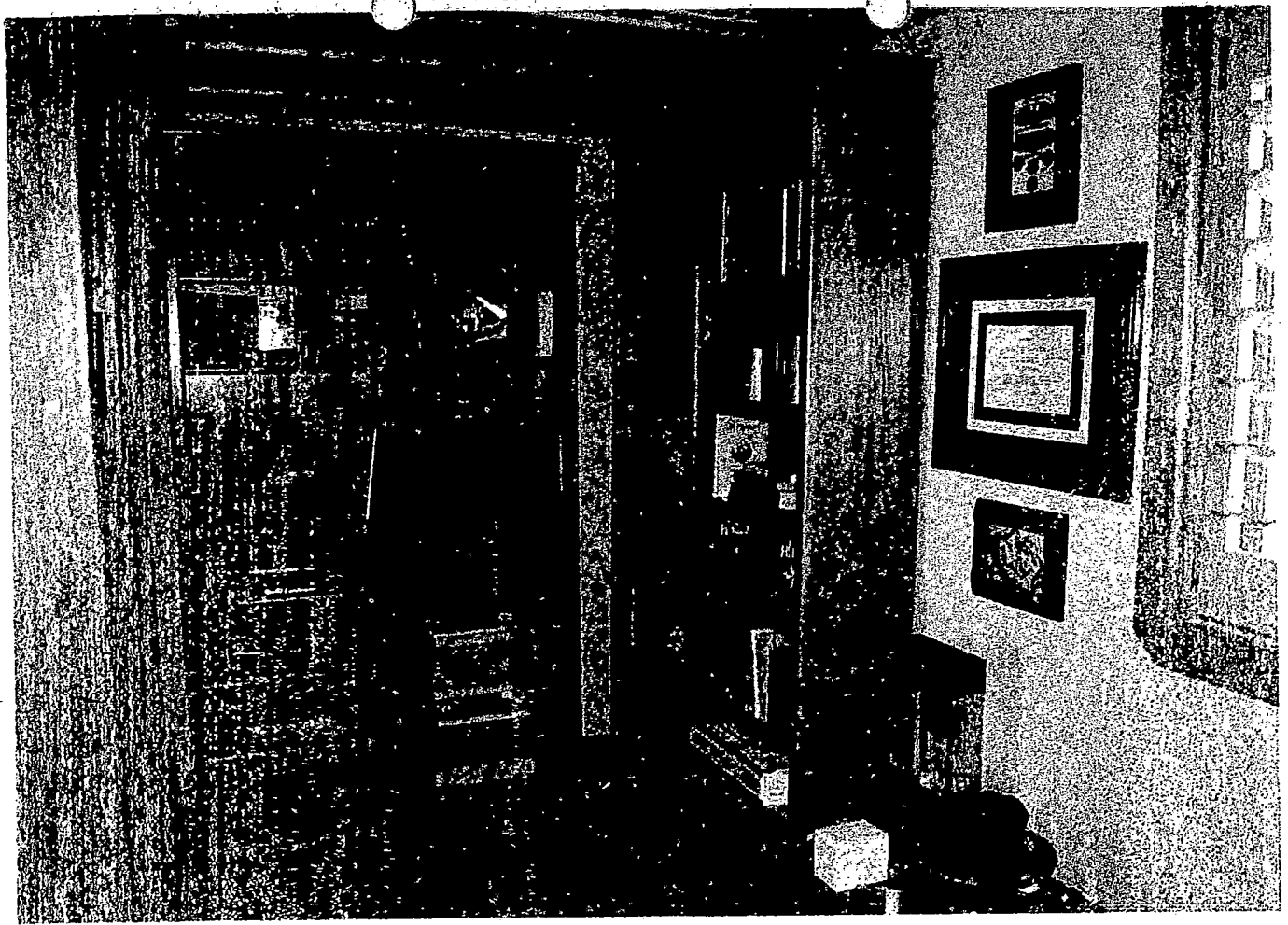




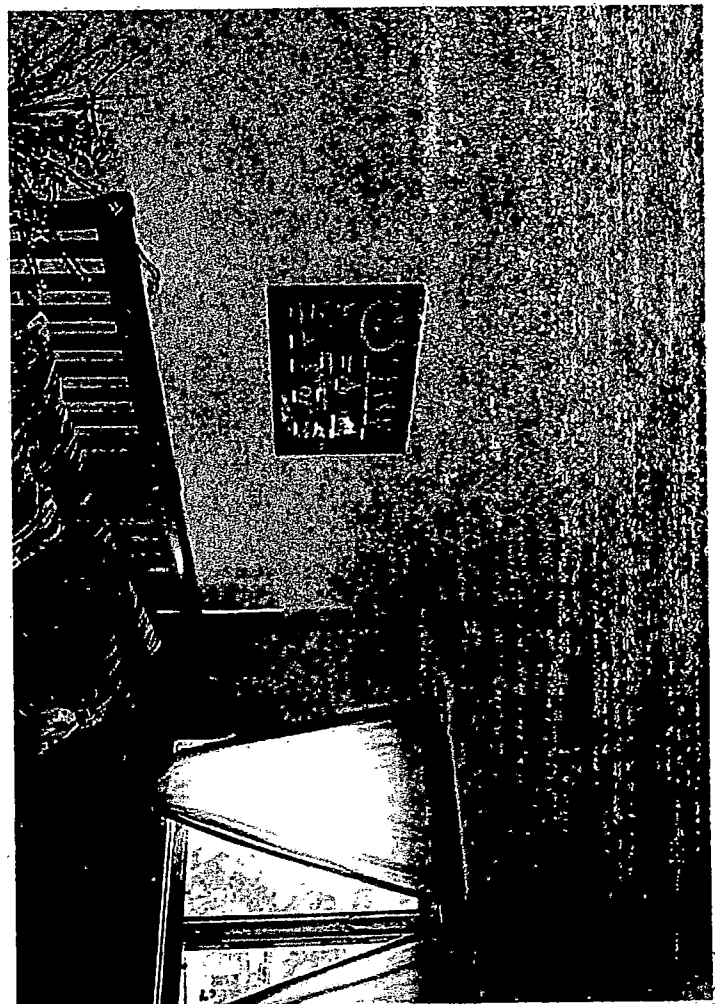
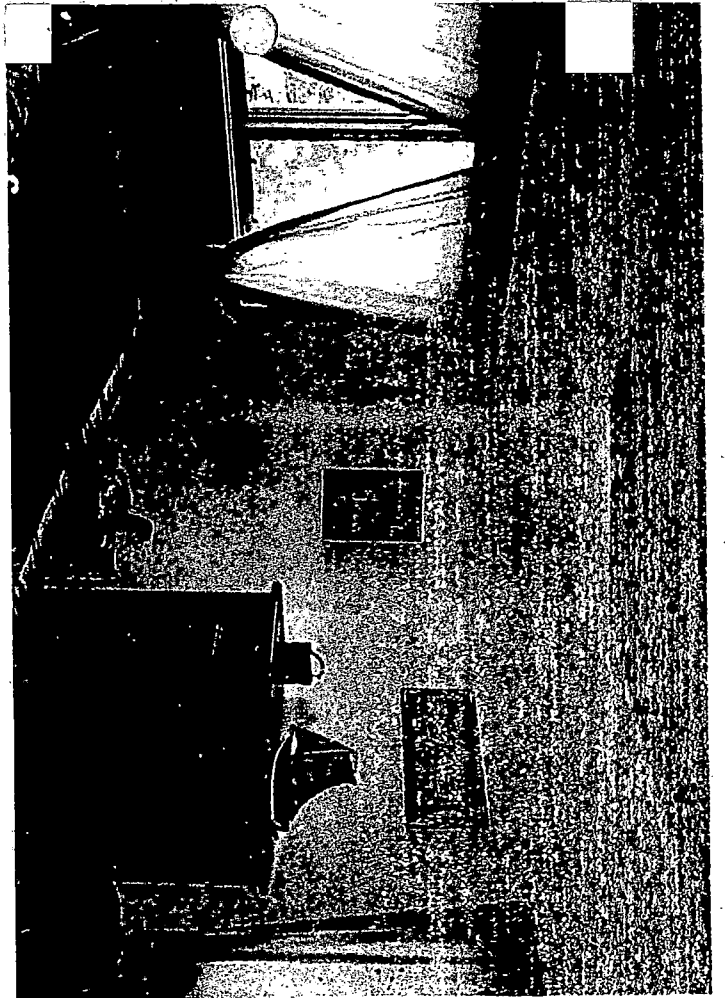
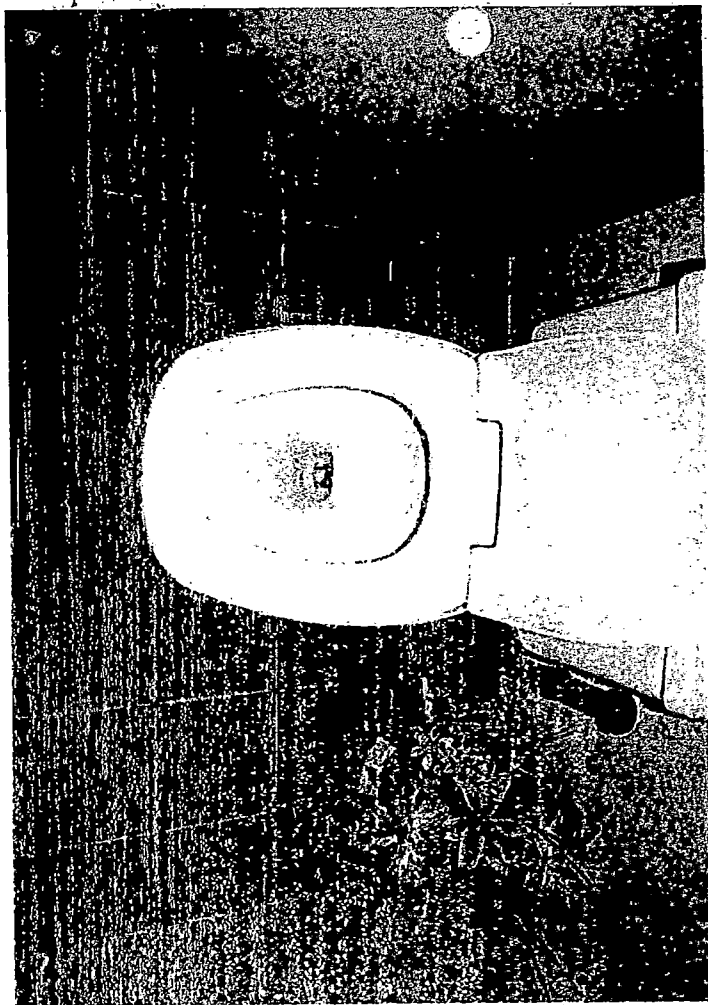


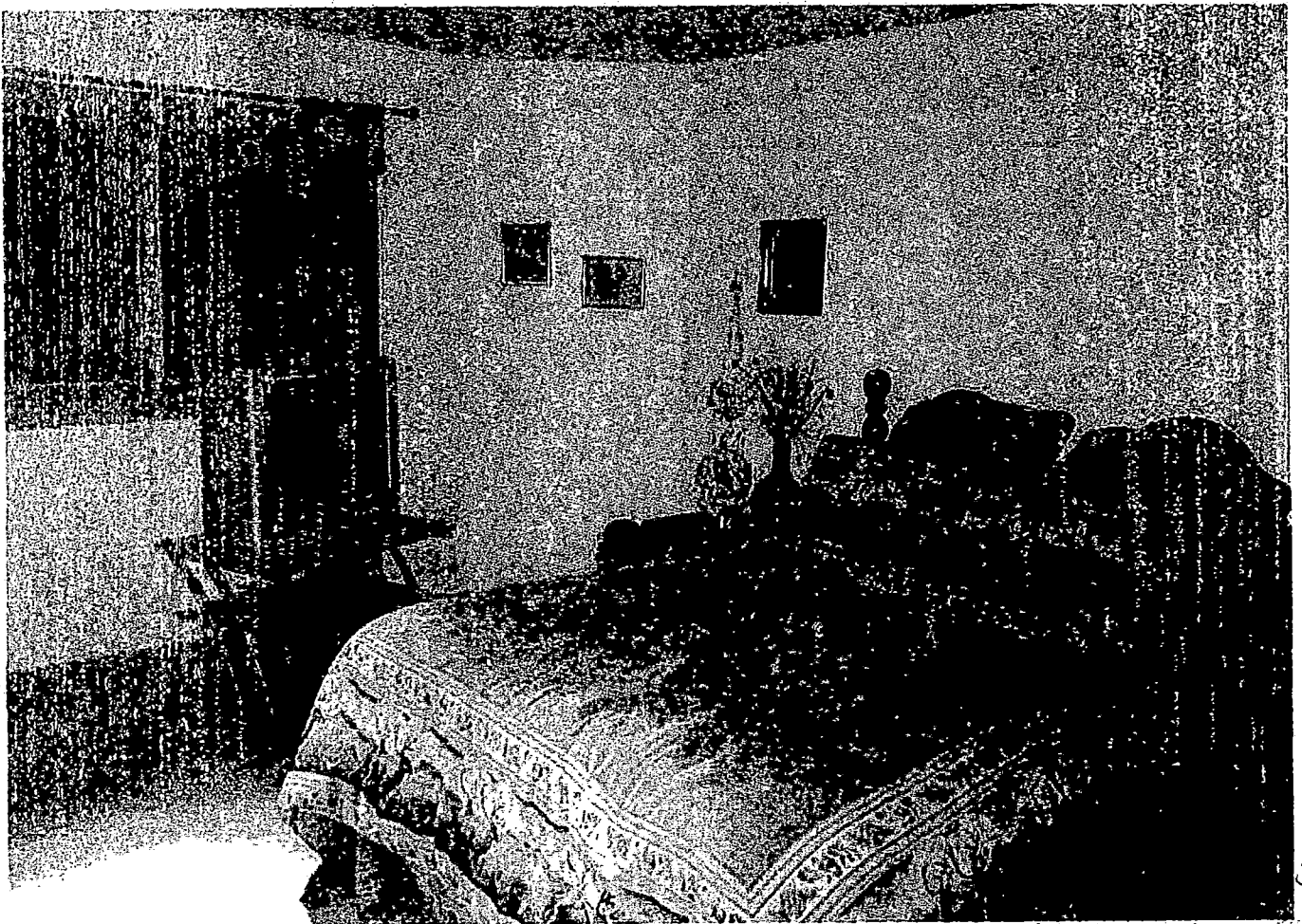
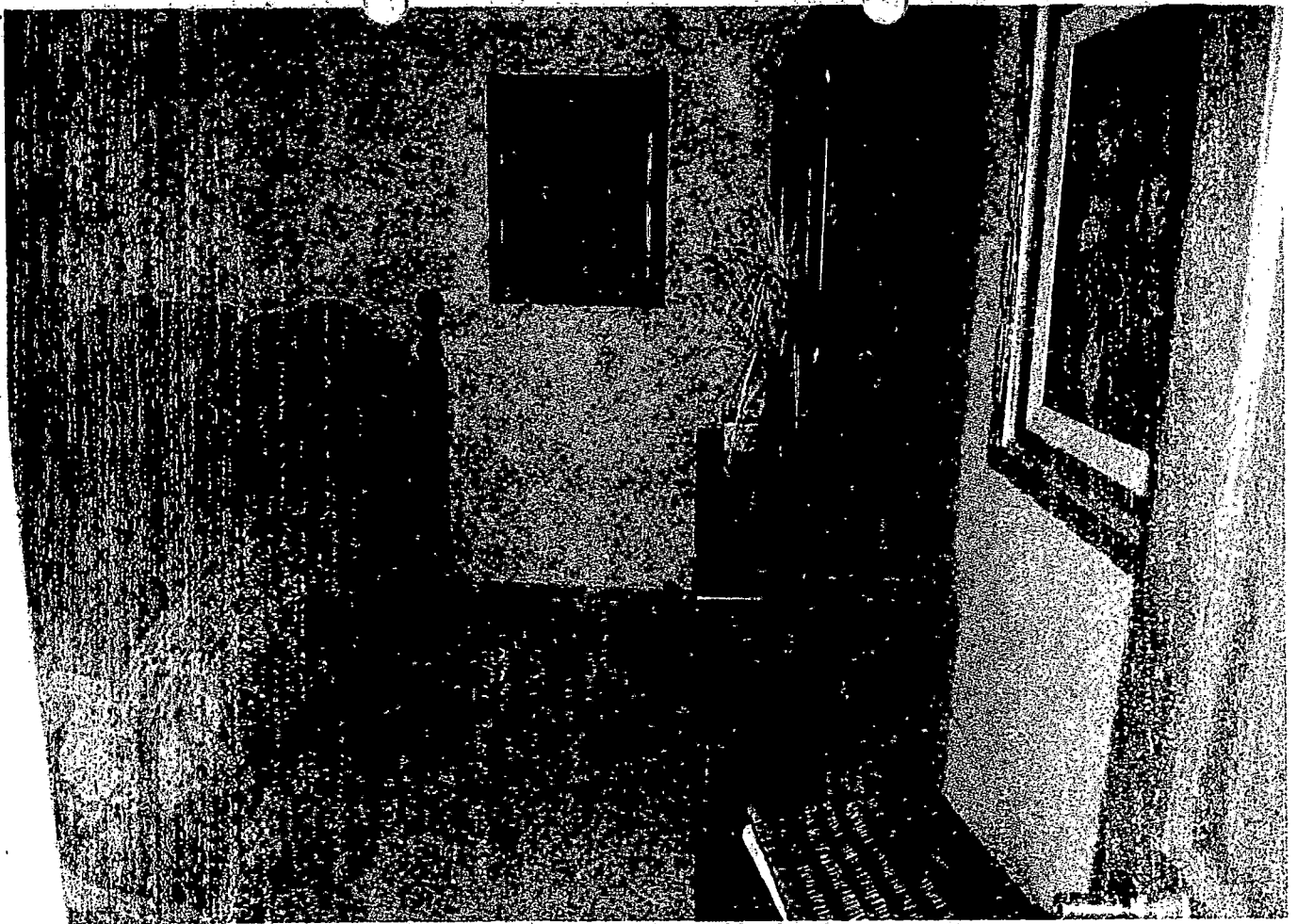


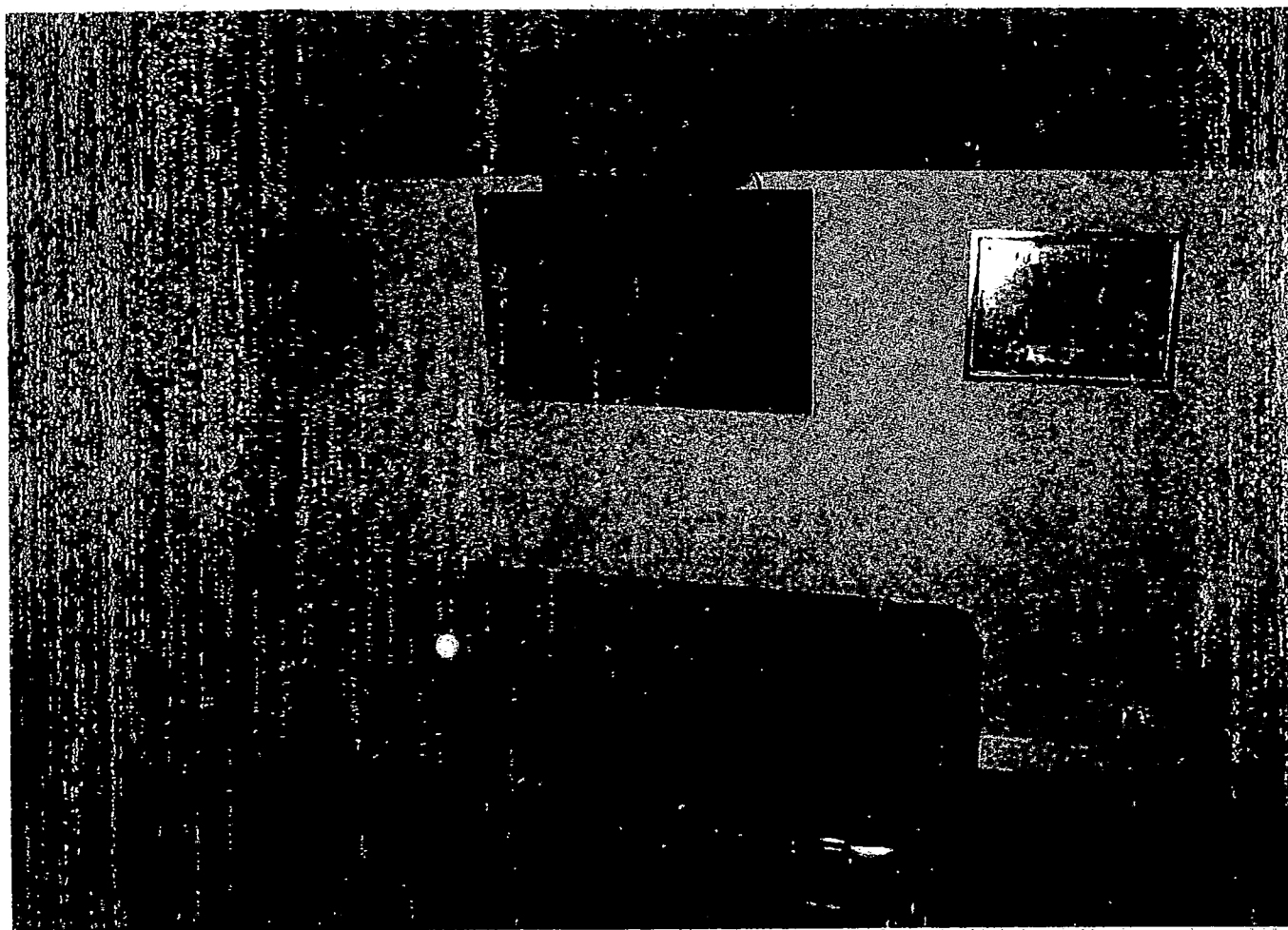
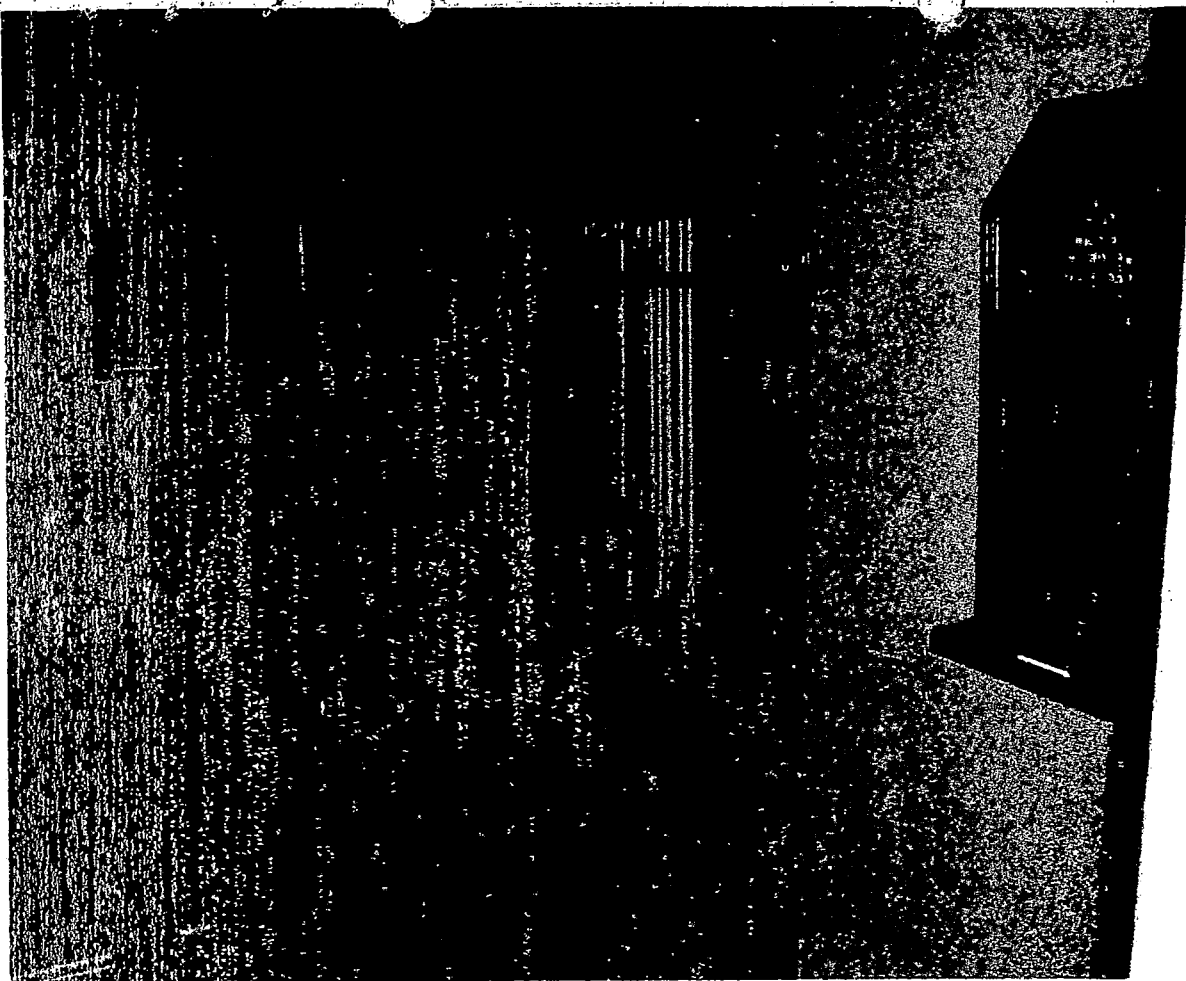




3521







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JAN 04 2021

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Florence McClure Women's Correctional Center
4370 Smiley Rd.
Las Vegas, NV 89115
Douglas County
District Court Clerk

2021 JAN -4 AM 10:58

In the 9th Judicial District Court of the State of Nevada

In and the County of DOUGLAS

BOBBIE R. WILLIAMS
CLERK

In the matter of:

Tatiana Leibel

Plaintiff/Petitioner

Case No: 2014-CR-0006230

Dept No.: 1

v. The State of Nevada

Defendant/Respondent

AFFIDAVIT "A"

STATE OF NEVADA)

COUNTY OF Douglas)

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

I am the Petitioner in the above entitled action. I have personal knowledge of the facts contained in the above entitled case and am competent to those facts.

According of the Nevada Constitution under NRS 34.900-34.990, I write this Affidavit "A" for support of the Petition to Establish Factual Innocence. This Affidavit "A" under NRS 176.09112 ("Biological specimen" means a biological sample, tissue, fluid or other bodily sample suitable for genetic marker analysis, obtained from a person or from physical evidence);

1) This Affidavit "A" is reliable for the degree of scientific certainty in the Modern Pathology by the trial testimony Dr. Omale on February 4, 2015.

a). "ATYPICAL SUICIDE is a suicide that looks irregular. Frequently a suicide that would resemble a homi-

1 side. A suicide is an irrational act that could only be explained
2 ned by the irrational mind". (p.21)

3
4 "So this case is suicide, atypical that resembles homicide and
5 the medical literature that the cases of atypical suicide
6 were erroneously classified as homicides and prosecuted" ~~(p.22)~~
7 (p.23)

8 b). "The autopsy said Mr. Leibel died as a result of multiple
9 gunshot wounds. I strongly disagree with that Mr. Leibel,
10 Harry died as a result of a SINGLE GUNSHOT wound.
11 And this is an example of the BIAS I have told you earlier,
12 stating that Harry died as a result of multiple gunshot
13 wounds subconsciously is to support the allegation as a
14 homicide". (p.40)

15
16 c) "The CHEST INJURY was the single and only fatal shot.
17 It was only one, so the cause of death is not multiple gunshot
18 wound. The cause of death is a GUNSHOT WOUND
19 OF THE CHEST". (p.40) "The gunshot wound of his trunk
20 will NOT BE immediately FATAL. He could have survived that
21 wound for up to five to ten minutes, and he would have
22 been able to engage in activities". (p.49) "People who shoot
23 themselves in the chest or even if you're shot in the chest, you
24 don't die immediately because the MECHANISM OF DEATH
25 is BLEEDING". (p.25)

26
27 d). We can draw imaginary lines that serve to orient the injuries
28 or other findings better. And so the line starts from

1 the armpit and continues down the middle of the side aspect of the
2 chest. That's the middle line. And then you have anterior chest.
3 That's the middle line. And then you have anterior line, which
4 is frontal to the middle axillary line, and then you have
5 posterior line, which is in the back of the middle line. And
6 those are just imaginary lines used for better orientation
7 of position of the injury or other findings on decedent's
8 body." (p. 148) (see Affidavit "2")

9
10 e). That's a NONFATAL wound. It's survivable wound.
11 Not every injury would kill you. So that should not
12 be considered in the cause of death. That was not
13 what killed him." (p. 41) (second - wound).

14
15 f). It was a loose contact to close range and by close range,
16 I'm looking at maybe one or two inches to the muzzle actual-
17 ly touching the skin because there are large amounts
18 of soot accretion, and these are born artifacts, the
19 ball of fire behind a bullet. So this muzzle was - the HAND
20 was in intimate contact with the MUZZLE, and the WO-
21 UND on the CHEST too was a CONTACT WOUND.

22 But you if you notice in the autopsy it says it was not a
23 contact wound, that there was no soot but if you look
24 at the pictures of the autopsy, there is SOOT." (p. 41)

25
26 (Exhibit Number 51):

27 "So where I have circled the circumference of the soot
28 deposits and if you notice, it is eccentric, telling you

1 the muzzle was closer to one side and if you notice around
2 the emergence of the wound here are barn artifacts, the ball
3 of fire that were in the bullet. Even here, you can see the accen-
4 tuation of the soot in a pinpoint fashion. So this is a typical
5 pattern of wound you would see in a muzzle of the gun
6 that is touching the skin in a loose fashion on close
7 range of about half an inch, one inch to two inches at most.
8 (pp. 42-43)

9 (Exhibit Number 41, 42, 45):

10 "So, again, this is an entrance wound which was describing
11 the autopsy report of not having soot, but you can see a ga-
12 le, an eccentric marginal soot and then an artifact of the wo-
13 und margins.

14 And in this one, you will actually see splaying of the wound
15 margin, indicating the bowl of gas coming behind the bullet.
16 So, actually, this one, I examined the autopsy report, Harry,
17 was wearing a thick winter housecoat, winter house-coat
18 and a t-shirt.

19 So if you have the muzzle contacting his body, that will be
20 about one, two or three inches of clothing between the muz-
21 zle and the skin. So although it is a contact wound on the
22 clothing, you will see eccentric soot because the clothing
23 will take some of the soot from the skin but remember,
24 the autopsy said there was no soot." (p. 45)

25
26 "You know, when we see this suit I'm wearing, with
27 our naked eye, the resolution, it looks smooth and
28 clean. But if you - if you place it under a micros-

1 cope, you see big holes in it because it's fabric that is knitted
2 together. All of our clothes, including leather, they have
3 big holes in it.

4 Now, soot from the muzzle of a gun is particular mat-
5 ter. It's very fine. It's like fine sand, even finer than fine
6 sand. These are still particles. The particles of soot are
7 smaller than the holes in the clothing. Soot is probably
8 about 1,200 feet per second and it is hot. So, soot if
9 it's closer to the clothing than one foot and it's fired
10 from a muzzle of a gun can pass through layers of
11 clothing in which the skin". (p.47)

12
13 "Yes, the muzzle was contacting his body but because
14 he had clothing on his body, the muzzle was touching
15 the clothing, so this will qualify also as a contact wound,
16 loose contact because mets is not absolute science. If
17 you ask me, I can stretch it back maybe half an inch,
18 one inch but the half an inch one, inch to two inches
19 will account for the thickness of the clothing. So esse-
20 ntially, it is a contact wound". (p.48).

21
22 "The human brain has the ability to respond to stimulus
23 in one over 10,000 of a second. That is why if somebody
24 touches you, the moment that person touches you, you
25 know he touched you. So the muzzle of a gun, if an
26 individual nudges you with the muzzle of a gun, you
27 don't even have to think. You will respond, and
28 the response is to knock it out. It's primitive relief

1 we, as human beings, have. Something, not just response to
2 hit it out to look. So if somebody had nudged him with
3 a muzzle of a gun, he would have responded in a mat-
4 ter of milliseconds. (pp. 48-49)

5
6 (Exhibit Number 4a):

7 "This is Harry's left arm, inner surface, showing the
8 gunshot wound of exit and showing contusions of the
9 inner aspect of the left arm... This is the focal contusion
10 and the under part to laceration or exit wound." (p. 49)

11
12 "The gunshot wound of his trunk will not be immediately
13 fatal." (p. 50)

14
15 (Exhibit Number 134):

16 "This is the X-ray of Harry after death, and it shows splin-
17 tered fragments of a metal projectile, rarely projectiles
18 inside the chest and extending into the left shoulder and
19 the left inner, this is important, inner aspect of the
20 left arm." (p. 50)

21
22 (Exhibit Number 140):

23 "This is, again, an X-ray of the left arm on the left
24 shoulder. You could actually see a fracture of the left
25 shoulder joint. You see the space up above the space
26 between the scapula and the clavicle." (p. 50)

27
28 "This is a fracture of the acromio clavicle joint.

1 ...Is a fracture, and such a pattern of trauma, you would see if
2 his arm received such a kinetic energy with it, factually
3 extended close to the body, like in this position I'm pla-
4 cing it. His hand was not fully extended because the
5 force of the bullet pushed away the arm and fractured the
6 acromio clavicle joint.

7 So given the pattern I just see here, I can tell you reasonably
8 that his hand was not fully extended when he was shot.
9 His hand was flexed, slightly extended, like somebody ma-
10 nipulating something. His hand was in this way. So when
11 the bullet - the force of the bullet, the bullet traveled at
12 about 1,200 feet per second. It had a force. So he moved
13 the hand within millisecond and caused a fracture... Joint,
14 the acromio, a-c-r-o-m-i-o clavicle joint, meaning the joint
15 between the clavicle and scapula." (p. 51)

16
17 "The fracture dislocation of a joint would in a big motion
18 but if you try to move, you may hear what we call cre-
19 pitus, c-r-e-p-i-t-u-s, and I've actually done cases whereby
20 at the scene, law enforcement interpreted a fractured sho-
21 ulder to be rigor mortis because you try to move the
22 shoulder, the fracture in the base, the motion, soon
23 after, death, fracture, spasm. If you've ever had a frac-
24 ture, spasm of the muscle, it's pain. So the muscle
25 is spastic. If you die, the spasm of the muscles with
26 time will relax slowly. So this is such a fracture cou-
27 ld simulate rigor mortis and misinterpreted as rigor
28 mortis, and I've actually seen it in several cases

of mine. (pp. 53-54)

(Exhibit Number 45):

"This is a picture of the liver. The human liver and the liver of all mammals has a red, brown color - like muscle. But if you notice, this liver is yellow. It's yellowish, and it's diffusely yellowish. This is a specific disease we call steato, s-t-e-a-t-o, steato, hepatitis.

What this simply means is a group of diseases where you start having accumulation of fat in the liver and a specific type of fat is what we call a triglyceride fat.

There are so many things that could cause hepatitis. It could kill you suddenly. Many people who suffer it do not know they suffer from it until they do a liver enzyme panel. Common causes of it, alcohol, drugs of all types and sometimes even drugs of abuse. It depends on your genetic make up. Even drugs as common as marijuana can cause hepatitis. Some people, it's something you may be able to - it's a very very ubiquitous disease.

In this case, what you should do if you don't believe it, it is to take microscopic section and look at it in the microscope. You will see the large globules of fat in the liver. What is the significance of this? The liver is the organ, it's the largest organ in the body only second to the skin. Why is it a large organ? It supplies - it's the only organ that has three independent sources of blood because it's a big organ that plays a very important function in the human body.

1 It is the organ that detoxifies your blood. It removes toxins
2 and chemicals from your blood to clean it up. Why does it
3 do that? The human brain is a very sensitive organ. The
4 brain does not do well if specific chemicals in the body are
5 elevated, specifically ammonia, and your body turns out
6 large amounts of ammonia in the urine. That is actually
7 what gives urine the smell. So the liver takes it out and
8 it becomes excreted in the urine.

9 When you have a disease, if you see, this is diffuse. There
10 is impairment of detoxification of the liver. Ammonia levels
11 will be high. If I did this autopsy myself, I would have per-
12 formed all of the analysis. What is the significance? When
13 ammonia levels are high in the blood, it causes a specific di-
14 sease. We'll call hepatic encephalopathy. Hepatic encephalo-
15 pathy will make it to manifest episodes of IRRATIONAL-
16 LITY." (pp 54-55)

17
18 "Sometimes you could have a LIVER episodes of irratio-
19 nality where you act out of character and some people
20 that even engage in activities that are simply irrational
21 that you and I as rational beings would never under-
22 stand why.

23 And in doing my review, having this, I look at the toxico-
24 logy which, again, showed us a very significant finding
25 that further confirms that this case is not a homicide".
26 (p. 56).

27 "I was surprised. I requested TISSUES. I was told
28 there was none taken. And the BRAIN, you should

1 see if you take microscopic sections of the brain, you should
2 see a specific change in the brain cells that would explain
3 the irrationality. It affects a specific type of self in the
4 human brain, we will call astrocytes. They will become ba-
5 lloon because of ammonia toxicity and it affects the
6 functioning of your different regions of your brain
7 that would manifest with irrationality". (p.57)

8
9 "In the toxicology report, it showed that Harry used ma-
10 rijuana less than two hours before he died. Why do
11 I know it's less than two hours, because of the types
12 of cannabinoid found in his blood and the levels.

13 If you smoke marijuana, your Delta-9 THC which
14 is the active component of marijuana Delta-9 THC
15 after two hours should drop less than two micrograms,
16 but Harry's THC level was 10. So it tells you will he used
17 marijuana within two hours of his death. Unfortun-
18 tely, marijuana is a psychedelic drug. It's a hallucino-
19 gen. So if you're suffering from a DISEASE like hat
20 hepatic encephalopathy and then you smoke marijuana,
21 you are at the much greater risk of engaging in irration-
22 al behavior, including suicidal behavior. (pp 57-58)

23
24 (Exhibit Number 149):

25 "Actually, the measurement, the way they measure it from
26 the axilla to the tip of the finger is inaccurate. If you
27 want to measure range, you start from the neck to
28 the tip of the FINGER, NOT from the axilla. Why, be-

1 cause if I'm manipulating a gun or any object, I'm usi-
2 ng my whole body. I can put my body in different con-
3 coctions and different convolutions. I can - I can do
4 things that when I'm standing stationery, someone
5 watching me will assume I cannot do.

6 So, again this is one of the patterns of erroneous as-
7 sumption of things in this case, Measuring the ridge
8 from the axilla is wrong. If you want to measure the
9 Ridge, you start from the neck, actually from the midline
10 of the body and then meaning that somebody cannot per-
11 form a specific act because of the length of the upper
12 extremity is erroneous, it's wrong, it's a wrong determin-
13 tion because human beings can concert your body and
14 twist your body in unimaginable ways. Even some of
15 us who have the talent can roll your body into a ball.
16 So this is totally wrong, and so assumptions remaining
17 in this based on such an erroneous scientific metho-
18 dology. (pp. 59-60)

19
20 (Exhibit Number 120):

21 "He shoots himself in the chest. He's not yet dead
22 and just like some very famous people, they try cy-
23 anide, they are not yet dead, they are waiting for
24 minutes and then they use secondary mechanism. (p. 62)

25
26 "Raises the shoulder. This illustration shows that
27 ATYPICAL SUICIDE was actually what happened here.
28 ... No, the second shot, he was trying to position it.

1 Remember, he is beginning to bleed inside.

2 ... He's becoming a bit confused because he is bleeding,
3 and he's trying to shoot himself again, trying to mani-
4 pulate and he is confused and, I mean, he fell back-
5 wards. (p.63)

6
7 "Yes. That will tie everything together. The evidence of he-
8 patic encephalopathy combined with the psychedelic ha-
9 llucinogenic effect of the marijuana, the cannabinoids,
10 there is no reasonable degree of certainty to rule this
11 a homicide. This is a SUICIDE. The most you can stre-
12 tch it is ATYPICAL SUICIDE. (p.63)

13
14 "...based on a reasonable degree of medical certainty
15 is.

16 That Tatiana DID NOT SHOOT Harry. Harry is a 65-year-
17 old white male, died as a result of a single gunshot wo-
18 und of his chest. The manner of death is SUICIDE. What
19 type of suicide, an ATYPICAL SUICIDE" (p.64)

20
21 THE NEED ABLE TO CALCULATE TO A REASONABLE DEGREE
22 OF SCIENTIFIC CERTAINTY COMBINE ALL OF THAT ABOVE
23 QUATATION INTO A USABLE THOUGHT PROCESS -
24 - ATYPICAL SUICIDE.

25
26 2) The subsequent scientific testing was largely
27 inconclusive. When, taken swabs from the ham-
28 mer, trigger and strap of the rifle for DNA

1 testing, NO FORENSIC EVIDENCE CONNECTED TO ME.

2 But, "there were at least four individuals" who
3 wiped the gun.

4
5 The State has never brought forward any logical
6 and physical evidences was reliable for the degree
7 of scientific certainty to prove me guilty beyond
8 A REASONABLE DOUBT;

9 - ATYPICAL SUICIDES are often mistaken
10 for homicides;

11 - autopsy was done incorrectly;

12 - NO any tissue samples were taken;

13 - NOT take any section of the brain;

14 - NOT take any section of the liver;

15 - NOT describe the fatty liver;

16 - NOT have description the soot that was
17 around the wound;

18 - NOT a static measurement of the arm;

19 - single gunshot vs multiple;

20 - first single gunshot wound to the chest
21 would not have been immediately FATAL;

22 - second gunshot wound to the left hand
23 have black powder was a misfire -
24 strenght failed;

25 - not even mentioned in autopsy pro-
26 tocol a fracture in his left shoulder;

27 - analysis showed that arm was not
28 extended but was flexed or bend;

- the force of the bullet entering the body would have caused the fracture;
- the fracture could have caused the inflexibility in the left arm that was mistaken for rigor mortis;
- the photograph of liver showed that was liver disease yellow instead reddish brown;
- the liver malfunctions, levels of ammonia in the blood increase can poison the brain;
- no tissue slides were taken this diagnosis not be confirmed;
- no description about cancer;
- the levels amount of marijuana become irrational behavior;
- qualify as a contact wound;
- the brain does not do well if specific chemicals in the body are elevated large amounts of ammonia;
- when ammonia levels are high in the blood, it causes a specific disease - hepatic encephalopathy will make - IRRATIONALITY;
- specific change in the brain cells that explain the irrationality;
- marijuana is a psychedelic drug - hallucinogen;

-suffering from a Disease - hepatic encephalopathy and smoke marijuana become irrational behavior - SUICIDAL.

In my case the law enforcement made the numerous mistakes during the initial investigation and the CORRUPTION OF THE CRIME scene and the documents and photographs when insufficient information.

Need to calculate to a reasonable degree of scientific certainty combine All of that sufficient evidence.

Dated this 28 day of December, 2020.

Respectfully submitted,



Signature

Tatiana Seibel

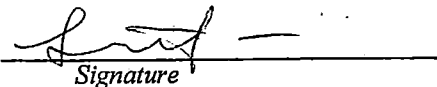
Printed Name

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 28 day of December, 2020


Signature

1137908
Nevada Department of Corrections ID #

¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally