

Steven D. Grierson

1 SALLY D. VILLAYERDE #81701
2 defendant. In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Jul 19 2022 09:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6
7 IN AND FOR THE COUNTY OF CLARK

9 STATE OF NEVADA
10 Plaintiff,

11 vs.

12 SALLY D. VILLAYERDE
13 Defendant.

Case No. 03C191012-2

Dept. No. X

Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 SALLY D. VILLAYERDE, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 MOTION TO CORRECT AN ILLEGAL SENTENCE

22 _____
23 ruled on the 20 day of June, 2022.

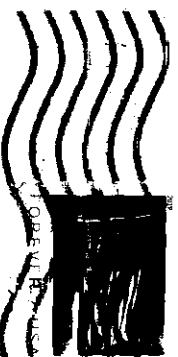
25 Dated this 4th day of July, 2022.

26 Respectfully Submitted,

27 Sally D. Villaverde #81701
28

From: Sally D. Villaverde #81701
Spec P.O. Box 288
Indian Springs, NV 89070

LAS VEGAS NV 890
5 JUL 2022 PM 4 L



To: Clerk of the Court, eighth Judicial
District Court,

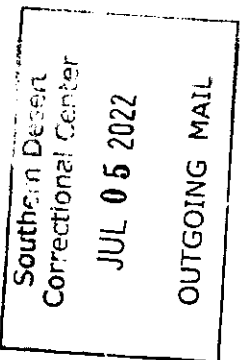
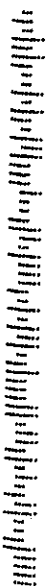
200 Lewis Ave, 3rd Floor
Las Vegas NV 89155

RECEIVED

JUL 11 2022

CLERK OF THE COURT

69101-630000





1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 SALLY VILLAVERDE
14 aka SALLY DORIAN VILLAVERDE,

15 Defendant(s),

Case No: 03C191012-2

Dept No: X

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Sally D. Villaverde

20 2. Judge: Tierra Jones

21 3. Appellant(s): Sally D. Villaverde

22 Counsel:

23 Sally D. Villaverde #81701
24 P.O. Box 208
25 Indian Springs, NV 89070

26 4. Respondent: The State of Nevada

27 Counsel:

28 Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: March 25, 2003

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 43443, 45166, 48521, 51000, 53887, 78725, 84026

12. Child Custody or Visitation: N/A

Dated This 13 day of July 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Sally D. Villaverde

Steven D. Grierson

SALLY D. VILLAVERDE , ID NO. 81701
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

STATE OF NEVADA

Plaintiff,

vs.

SALLY D. VILLAVERDE

Defendant.

CASE No. 03C191012-2

DEPT.No. X

DESIGNATION OF RECORD ON APPEAL

TO:

?

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 4th day of July, 2022.

RESPECTFULLY SUBMITTED BY:

SALLY D. VILLAVERDE #81701

Sally D. Villaverde # 81701

Plaintiff/In Propria Persona

CERTIFICATE OF SERVICE BY MAILING

I, SALLY D. VILLAVARDE, hereby certify, pursuant to NRCP 5(b), that on this 4th day of July, 2022, I mailed a true and correct copy of the foregoing, "

NOTICE OF APPEAL

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

clerk of the 8th Judicial District Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV 89155

District Attorney Office
200 Lewis Ave
LV, NV 89155

CC:FILE

DATED: this 4th day of July, 2022.

Sally D. Villaverde # 81701
SALLY D. VILLAVARDE # 81701
Defendant /In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Appeal

(Title of Document)

filed in District Court Case number 03 CR1012-2

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Sally D. Villaverde #81701
Signature

7/4/22
Date

SALLY D. Villaverde #81701
Print Name

defendant
Title

CASE SUMMARY**CASE NO. 03C191012-2****The State of Nevada vs Sally Villaverde**

§ Location: **Department 10**
 § Judicial Officer: **Jones, Tierra**
 § Filed on: **03/25/2003**
 § Case Number History:
 § Cross-Reference Case **C191012**
 § Number:
 § Defendant's Scope ID #: **1433466**
 § Lower Court Case # Root: **03F02357**
 § Lower Court Case Number: **03F02357B**
 § Supreme Court No.: **78725**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BURGLARY	205.060	F	01/01/1900	Subtype:	Homicide
2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON	200.010	F	01/01/1900	Case Status:	06/15/2021 Closed
3. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/01/1900		

Related Cases

03C191012-1 (Multi-Defendant Case)

03C191012-3 (Multi-Defendant Case)

A-18-780041-W (Writ Related Case)

Statistical Closures

06/15/2021	Other Manner of Disposition - Criminal
06/14/2021	Other Manner of Disposition - Criminal
07/23/2007	USJR Reporting Statistical Closure
06/09/2004	USJR Reporting Statistical Closure
09/17/2009	USJR Reporting Statistical Closure
06/17/2008	USJR Reporting Statistical Closure
04/18/2005	USJR Reporting Statistical Closure
01/10/2008	USJR Reporting Statistical Closure

DATE**CASE ASSIGNMENT****Current Case Assignment**


Case Number	03C191012-2
Court	Department 10
Date Assigned	09/08/2020
Judicial Officer	Jones, Tierra

PARTY INFORMATION

		Lead Attorneys
Defendant	Villaverde, Sally	
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)


DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

03/25/2003

 Information
 [1] Information

Index #1

















03/26/2003

 Criminal Bindover
 [3] Criminal Bindover (Confidential)

Index #3




CASE SUMMARY

CASE NO. 03C191012-2

04/01/2003	 Reporters Transcript <i>[4] Transcript of Hearing Held on March 21, 2003</i>	Index #4
04/14/2003	 Order Appointing Counsel <i>[5] Order Appointing Counsel</i>	Index #5
04/16/2003	 Order <i>[6] Order Appointing Investigator, Order for Excess Fees, and Order for Investigator Contact Visits</i>	Index #6
04/16/2003	 Ex Parte Motion <i>[7] Ex Parte Motion for Appointment of Investigator, for Excess Fess, and for Investigator Contact Visits</i>	Index #7
04/30/2003	 Petition for Writ of Habeas Corpus <i>[8] Petition for Writ of Habeas Corpus</i>	Index #8
05/02/2003	 Stipulation and Order <i>[9] Stipulation and Order to Extend Time to File Writ of Habeas Corpus</i>	Index #9
05/06/2003	 Amended <i>[10] Amended Ex Parte Motion for Appointment of Investigator, for Excess Fees, and for Investigator Contact Visits</i>	Index #10
05/07/2003	 Amended Order <i>[12] Amended Order Appointing Investigator, Order for Excess Fees, and Order for Investigator Contact Visits</i>	Index #12
05/08/2003	 Motion to Dismiss Counsel <i>[11] Motion to Dismiss Counsel and Appointment of Alternate Counsel</i>	Index #11
05/13/2003	 Return to Writ of Habeas Corpus <i>[13] Return to Writ of Habeas Corpus</i>	Index #13
06/04/2003	 Reply <i>[14] Reply to State's Return to Defendant's Writ of Habeas Corpus</i>	Index #14
06/11/2003	 Order Denying <i>[16] Order Denying Defendant's Petition for Writ of Habeas Corpus</i>	Index #16
07/11/2003	 Motion to Release <i>[17] Sally Villaverde's Motion for Release Without Bail or, in the Alternative, for a Reduction of Bail</i>	Index #17
07/11/2003	 Receipt of Copy <i>[18] Receipt of Copy</i>	Index #18
07/23/2003	 Opposition to Motion <i>[19] Opposition to Villaverde's Motion for Release Without Bail or, in the Alternative, for Reduction of Bail</i>	Index #19
07/31/2003	 Order	Index #20














CASE SUMMARY

CASE NO. 03C191012-2

	<i>[20] Order for Transcript</i>	
08/01/2003	 Order Appointing Counsel <i>[21] Order Appointing Counsel at the Court Appointed Hourly Rate</i>	Index #21
08/05/2003	 Motion to Dismiss Counsel <i>[22] Motion to Dismiss Counsel and Appointment of Alternate Counsel</i>	Index #22
08/07/2003	 Reporters Transcript <i>[23] Transcript of Hearing Held on July 25, 2003</i>	Index #23
08/25/2003	 Order Denying Motion <i>[24] Order Denying Defendant's Pro Per Motion to Dismiss Counsel and Appointment of Alternate Counsel</i>	Index #24
10/02/2003	 Notice of Witnesses and/or Expert Witnesses <i>[30] Notice of Witnesses and Expert Witnesses [NRS 174.234(1)(b)(2)]</i>	Index #30
10/03/2003	 Notice of Motion <i>[25] Notice of Motion and Motion for Discovery</i>	Index #25
10/03/2003	 Motion to Exclude <i>[26] Motion to Exclude Other Bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>	Index #26
10/03/2003	 Motion to Sever <i>[27] Motion to Sever Trials</i>	Index #27
10/03/2003	 Motion to Compel <i>[28] Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>	Index #28
10/03/2003	 Motion in Limine <i>[29] Motion in Limine to Exclude Accomplice Testimony</i>	Index #29
10/06/2003	 Notice of Motion <i>[31] Notice of Motion and Motion for Discovery</i>	Index #31
10/06/2003	 Motion in Limine <i>[32] Motion in Limine to Exclude Prior Felony Convictions</i>	Index #32
10/06/2003	 Notice of Motion <i>[33] Notice of Motion and Motion in Limine</i>	Index #33
10/06/2003	 Motion <i>[34] Defendant's Motion for Disclosure for Information Regarding State Witness Expectation of Benefits for Testimony</i>	Index #34
10/06/2003	 Receipt of Copy <i>[35] Receipt of Copy</i>	Index #35
10/06/2003	 Receipt of Copy	Index #36


















CASE SUMMARY

CASE NO. 03C191012-2

	<i>[36] Receipt of Copy</i>	
10/06/2003	 Receipt of Copy <i>[37] Receipt of Copy</i>	Index #37
10/06/2003	 Receipt of Copy <i>[38] Receipt of Copy</i>	Index #38
10/07/2003	 Notice <i>[39] Notice of Joinder in Motions Filed by Co-Defendants</i>	Index #39
10/07/2003	 Receipt of Copy <i>[40] Receipt of Copy</i>	Index #40
10/08/2003	 Notice <i>[41] Notice of Joinder in Motions Filed by Co-Defendants</i>	Index #41
10/08/2003	 Subpoena Duces Tecum <i>[42] Subpoena</i>	Index #42
10/10/2003	 Supplemental Witness List <i>[43] Supplemental Notice of Witnesses [NRS 174.234(1)(b)]</i>	Index #43
10/17/2003	 Notice of Motion <i>[44] Notice of Motion and Motion to Admit Evidence of Other Crimes, Wrongs or Acts</i>	Index #44
10/17/2003	 Supplemental Witness List <i>[45] Supplemental Notice of Witnesses [NRS 174.234(1)(b)]</i>	Index #45
10/20/2003	 Response <i>[46] State's Response to Motion to Sever Trials</i>	Index #46
10/20/2003	 Response <i>[47] State's Response to Notice of Motion and Motion for Discovery</i>	Index #47
10/20/2003	 Response <i>[48] State's Response to Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>	Index #48
10/20/2003	 Opposition to Motion in Limine <i>[50] State's Opposition to Motion in Limine to Exclude Accomplice Testimony</i>	Index #50
10/22/2003	 Ex Parte Petition <i>[51] Ex Parte Petition for Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #51
10/22/2003	 Order for Issuance of Writ of Habeas Corpus ad Prosequendum <i>[52] Order for Issuance of Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #52
10/27/2003	 Ex Parte Petition <i>[53] Ex Parte Petition for Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #53






CASE SUMMARY

CASE NO. 03C191012-2

10/30/2003	 Ex Parte Motion <i>[54] Ex Parte Motion for Appointment of Expert Witness for Fingerprint Examination, Motion for Release of Evidence for Examination, and Motion for Excess Fees</i>	Index #54
10/30/2003	 Order for Issuance of Writ of Habeas Corpus ad Prosequendum <i>[55] Order for Issuance of Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #55
11/04/2003	 Order Granting <i>[56] Order Granting Appointment of Expert Witness for Fingerprint Examination, Order for Release of Evidence for Examination, and Order for Excess Fees</i>	Index #56
11/24/2003	 Motion to Withdraw As Counsel <i>[57] Receipt of Copy</i>	Index #57
11/24/2003	 Receipt of Copy <i>[58] Receipt of Copy</i>	Index #58
12/04/2003	 Writ of Habeas Corpus <i>[60] Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #60
12/12/2003	 Order Nunc Pro Tunc <i>[61] Nunc Pro Tunc Order of Appointment</i>	Index #61
12/12/2003	 Ex Parte Motion <i>[62] Ex Parte Motion to Appoint Investigator and for Fees in Excess of Statutory Limit</i>	Index #62
12/15/2003	 Ex Parte Motion <i>[63] Ex Parte Motion for Polygraph Examination</i>	Index #63
12/15/2003	 Ex Parte Order <i>[64] Ex-Parte Order to Appoint Private Investigator</i>	Index #64
12/15/2003	 Ex Parte Motion <i>[65] Ex Parte Motion to Appoint Investigator and for Fees in Excess of Statutory Limit</i>	Index #65
12/16/2003	 Ex Parte Order <i>[66] Ex Parte Order to Transport Defendant to Western Security for Polygraph Examination</i>	Index #66
12/17/2003	 Ex Parte Order <i>[67] Ex-Parte Order to Appoint Polygraph Examiner</i>	Index #67
12/29/2003	 Motion <i>[68] Motion to Allow Private Investigator Jim Kramer into Clark County Detention Center</i>	Index #68
12/29/2003	 Receipt of Copy <i>[69] Receipt of Copy</i>	Index #69
01/14/2004	 Order <i>[70] Order Allowing Private Investigators in to Detention Center</i>	Index #70
01/22/2004	 Petition <i>[75] Petition</i>	Index #75

CASE SUMMARY

CASE NO. 03C191012-2

01/22/2004	 Application <i>[76] Application for Production of Inmate Leonel Garcia</i>	Index #76
01/23/2004	 Order <i>[72] Order for Issuance of Writ of Habeas Corpus Ad Testificandum for a Prisoner</i>	Index #72
01/26/2004	 Writ of Habeas Corpus <i>[71] Writ of Habeas Corpus ad Testificandum</i>	Index #71
01/27/2004	 Ex Parte Petition <i>[74] Ex Parte Petition for Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #74
01/27/2004	 Order for Issuance of Writ of Habeas Corpus ad Prosequendum <i>[77] Order for Issuance of Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #77
02/02/2004	 Jury List <i>[206] Jury List</i>	Index #206
02/09/2004	 Writ of Habeas Corpus <i>[78] Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #78
02/10/2004	 Opposition to Motion <i>[79] Opposition to Motion to Admit Evidence of Other Crimes, Wrongs or Bad Acts in State's Case in Chief & Request for Evidentiary Hearing</i>	Index #79
02/10/2004	 Receipt of Copy <i>[80] Receipt of Copy</i>	Index #80
02/13/2004	 Motion to Continue Trial <i>[81] Motion to Continue Trial; Motion for Reimbursement of Expenses</i>	Index #81
02/13/2004	 Receipt of Copy <i>[82] Receipt of Copy</i>	Index #82
02/25/2004	 Order Granting Motion <i>[86] Order Granting Defendants Gato and Villaverde's Motion to Sever</i>	Index #86
02/25/2004	 Order Denying Motion <i>[87] Order Denying Defendant Villaverde's Motion in Limine Regarding His Prior Felony Conviction</i>	Index #87
02/25/2004	 Order Granting Motion <i>[88] Order Granting Defendant Villaverdi's Motion in Limine Regarding His Immigration Status</i>	Index #88
02/26/2004	 Motion to Sever <i>[85] Motion to Sever Trials</i>	Index #85
02/26/2004	 Order Nunc Pro Tunc <i>[89] Nunc Pro Tunc Order of Appointment</i>	Index #89


















CASE SUMMARY

CASE NO. 03C191012-2

03/01/2004	 Receipt of Copy <i>[91] Receipt of Copy</i>	Index #91
03/03/2004	 Order for Production of Inmate <i>[90] Order for Production of Inmate Leonel Garcia, BAC #64137</i>	Index #90
03/05/2004	 Notice of Motion <i>[92] Notice of Motion and Motion to Admit Preliminary Hearing Testimony</i>	Index #92
03/05/2004	 Opposition to Motion <i>[93] State's Opposition to Defendant's Motion to Sever Trials</i>	Index #93
03/08/2004	 Supplemental Witness List <i>[94] Supplemental Notice of Witnesses and Expert Witnesses [NRS 174.234(1)(b)(2)]</i>	Index #94
03/08/2004	 Ex Parte Application <i>[95] Ex Parte Application for Order Requiring Material Witness to Post Bail</i>	Index #95
03/08/2004	 Order <i>[96] Order Requiring Material Witness to Post Bail or be Committed to Custody</i>	Index #96
03/09/2004	 Receipt of Copy <i>[97] Receipt of Copy</i>	Index #97
03/15/2004	 Ex Parte Petition <i>[99] Ex Parte Petition for Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #99
03/15/2004	 Ex Parte Petition <i>[100] Ex Parte Petition for Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #100
03/15/2004	 Order for Issuance of Writ of Habeas Corpus ad Prosequendum <i>[101] Order for Issuance of Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #101
03/15/2004	 Order for Issuance of Writ of Habeas Corpus ad Prosequendum <i>[102] Order for Issuance of Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #102
03/17/2004	 Order for Production of Inmate <i>[103] Order for Production of Inmate Leonel Garcia, #ID 1228620</i>	Index #103
03/17/2004	 Supplemental Witness List <i>[104] Supplemental Notice of Witnesses and Expert Witnesses [NRS 174.234(1)(b)(2)]</i>	Index #104
03/18/2004	 Writ of Habeas Corpus <i>[105] Writ of Habeas Corpus ad Prosequendum for Federal Prisoner</i>	Index #105
03/23/2004	 Memorandum <i>[107] Sentencing Memorandum Re: Petrocelli Hearing</i>	Index #107
03/24/2004	 Reporters Transcript <i>[108] Transcript of Hearing Held on March 19, 2004</i>	Index #108
		Index #110


















CASE SUMMARY

CASE NO. 03C191012-2

03/25/2004	 Amended <i>[110] Amended State's Memorandum Re: Petrocelli Hearing</i>	
03/25/2004	 Supplemental Witness List <i>[112] Supplemental Notice of Witnesses [NRS 174.234(1)(b)]</i>	Index #112
03/25/2004	 Motion in Limine <i>[113] Motion in Limine</i>	Index #113
03/29/2004	 Order Appointing Counsel <i>[114] Order Appointing Counsel</i>	Index #114
03/29/2004	 Amended Information <i>[116] Amended Information</i>	Index #116
03/30/2004	 Jury List <i>[115] Jury List</i>	Index #115
04/01/2004	 Amended Jury List <i>[117] Amended Jury List</i>	Index #117
04/02/2004	 Motion <i>[118] Motion to Prepare Transcript</i>	Index #118
04/02/2004	 Order <i>[119] Order to Prepare Transcripts</i>	Index #119
04/02/2004	 Order <i>[120] Order for Transcript</i>	Index #120
04/02/2004	 Notice of Motion <i>[121] Notice of Motion and Motion in Limine</i>	Index #121
04/02/2004	 Order <i>[122] Order to Prepare Trial Testimony Transcripts</i>	Index #122
04/02/2004	 Motion for Order <i>[123] Motion for Order in Limine Prohibiting the State from Attempting to Introduce Published Testimony of Teresa Gamboa Regarding Possibility of Robbery by Co-Defendants at Trial</i>	Index #123
04/02/2004	 Motion <i>[124] Motion to Prepare Transcript</i>	Index #124
04/05/2004	 Reporters Transcript <i>[125] Transcript of Hearing Held on March 25, 2004</i>	Index #125
04/05/2004	 Reporters Transcript <i>[126] Transcript of Hearing Held on March 30, 2004</i>	Index #126
04/05/2004	 Reporters Transcript <i>[127] Transcript of Hearing Held on March 29, 2004</i>	Index #127













CASE SUMMARY

CASE NO. 03C191012-2

04/05/2004	 Certificate of Service <i>[128] Certificate of Service</i>	Index #128
04/07/2004	 Ex Parte Motion <i>[132] Ex Parte Motion for Additional Fees for Investigator</i>	Index #132
04/08/2004	 Verdict <i>[133] Verdict</i>	Index #133
04/08/2004	 Instructions to the Jury <i>[134] Instructions to the Jury</i>	Index #134
04/15/2004	 Motion for Order <i>[136] Motion for Order to Enlarge Time for Filing Motion for a New Trial</i>	Index #136
04/15/2004	 Receipt of Copy <i>[137] Receipt of Copy</i>	Index #137
04/19/2004	 Ex Parte Order <i>[138] Ex Parte Order for Additional Fees for Investigator</i>	Index #138
04/19/2004	 Order Nunc Pro Tunc <i>[139] Nunc Pro Tunc Order of Appointment</i>	Index #139
04/28/2004	 Motion for New Trial <i>[140] Motion for a New Trial</i>	Index #140
05/18/2004	 Reporters Transcript <i>[141] Transcript of Hearing Held on April 1, 2004</i>	Index #141
05/18/2004	 Reporters Transcript <i>[142] Transcript of Hearing Held on April 2, 2004</i>	Index #142
05/18/2004	 Reporters Transcript <i>[143] Transcript of Hearing Held on April 5, 2004</i>	Index #143
05/18/2004	 Reporters Transcript <i>[144] Transcript of Hearing Held on April 6, 2004</i>	Index #144
05/18/2004	 Reporters Transcript <i>[145] Transcript of Hearing Held on March 31, 2004</i>	Index #145
05/25/2004	 PSI <i>[333] Pre-Sentence Investigation Report (Unfiled) Confidential</i>	Index #333
06/07/2004	 Notice of Appeal (Criminal) <i>[146] Notice of Appeal</i>	Index #146
06/07/2004	 Case Appeal Statement <i>[147] Case Appeal Statement</i>	Index #147














CASE SUMMARY

CASE NO. 03C191012-2

06/07/2004	 Designation of Record on Appeal <i>[148] Designation of Record on Appeal</i>	Index #148
06/08/2004	 Notice of Appeal (Criminal) <i>[152] Notice of Appeal</i>	Index #152
06/08/2004	 Notice of Appeal (Criminal) <i>[153] Notice of Appeal</i>	Index #153
06/08/2004	 Designation of Record on Appeal <i>[154] Designation of Record on Appeal</i>	Index #154
06/08/2004	 Case Appeal Statement <i>[155] Case Appeal Statement</i>	Index #155
06/08/2004	 Case Appeal Statement <i>[156] Case Appeal Statement</i>	Index #156
06/10/2004	 Judgment of Conviction <i>[157] Judgment of Conviction (Jury Trial)</i>	Index #157
06/10/2004	 Notice of Appeal (Criminal) <i>[158] Notice of Appeal</i>	Index #158
06/11/2004	 Case Appeal Statement <i>[159] Case Appeal Statement</i>	Index #159
06/15/2004	 Ex Parte Motion <i>[160] Ex Parte Motion for Payment of Attorney Fees</i>	Index #160
06/15/2004	 Order <i>[161] Order for Payment of Attorney Fees</i>	Index #161
06/30/2004	 Case Appeal Statement <i>[162] Case Appeal Statement</i>	Index #162
07/27/2004	 Notice of Motion <i>[165] Notice of Motion and Motion to Continue</i>	Index #165
07/30/2004	 Ex Parte Motion <i>[166] Ex Parte Motion for Payment of Excess Attorney's Fees</i>	Index #166
08/04/2004	 Order <i>[167] Order for Payment of Attorney Fees</i>	Index #167
08/09/2004	 Order Granting <i>[168] Order Granting Payment of Excess Attorney's Fees</i>	Index #168
09/10/2004	 Order <i>[169] Order for Preparation of Transcript</i>	Index #169














CASE SUMMARY

CASE NO. 03C191012-2








09/21/2004	 Notice of Motion <i>[170] Notice of Motion and Motion to Place on Calendar</i>	Index #170
09/21/2004	 Receipt of Copy <i>[171] Receipt of Copy</i>	Index #171
10/28/2004	 Reporters Transcript <i>[175] Transcript of Hearing Held on March 31, 2004</i>	Index #175
10/28/2004	 Reporters Transcript <i>[176] Transcript of Hearing Held on March 30, 2004</i>	Index #176
10/28/2004	 Reporters Transcript <i>[177] Transcript of Hearing Held on April 8, 2004</i>	Index #177
10/28/2004	 Reporters Transcript <i>[178] Transcript of Hearing Held on June 3, 2004</i>	Index #178
10/28/2004	 Reporters Transcript <i>[179] Transcript of Hearing Held on April 6, 2004</i>	Index #179
10/28/2004	 Reporters Transcript <i>[180] Transcript of Hearing Held on March 29, 2004</i>	Index #180
10/28/2004	 Order <i>[181] Order for Transcripts</i>	Index #181
10/28/2004	 Reporters Transcript <i>[182] Transcript of Hearing Held on April 7, 2004</i>	Index #182
11/01/2004	 Order Granting Motion <i>[184] Order Granting Motion to Withdraw</i>	Index #184
11/02/2004	 Order Nunc Pro Tunc <i>[183] Nunc Pro Tunc Order</i>	Index #183
12/22/2004	 Ex Parte Motion <i>[185] Ex Parte Motion for Order to Appoint Investigator</i>	Index #185
12/27/2004	 Order <i>[186] Order Allowing Contact Visit</i>	Index #186
12/27/2004	 Order Granting Motion <i>[187] Order Granting Ex Parte Motion to Appoint Private Investigator</i>	Index #187
12/28/2004	 Order Appointing Counsel <i>[188] Order of Appointment</i>	Index #188
01/18/2005	 Order <i>[190] Order Allowing Contact Visit</i>	Index #190

CASE SUMMARY

CASE NO. 03C191012-2


















01/20/2005	 Order for Production of Inmate <i>[191] Order for Production of Inmate Sally Villaverde, BAC #81701</i>	<i>Index #191</i>
01/20/2005	 Supplemental Witness List <i>[192] Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>	<i>Index #192</i>
01/21/2005	 Order for Production of Inmate <i>[193] Order for Production of Inmate Kami Lynn Carlson, aka Teresa Anna Gamboa, BAC #638395</i>	<i>Index #193</i>
01/21/2005	 Order for Production of Inmate <i>[194] Order for Production of Inmate Sally Villaverde, BAC #81701</i>	<i>Index #194</i>
01/21/2005	 Warrant <i>[195] Warrant to Arrest</i>	<i>Index #195</i>
01/25/2005	 Order <i>[197] Order for Issuance of Writ of Habeas Corpus ad Testificandum for a Prisoner</i>	<i>Index #197</i>
01/25/2005	 Application <i>[198] Application for Production of Inmate Leonel Garcia</i>	<i>Index #198</i>
01/26/2005	 Notice of Witnesses <i>[199] Defendant's Notice of Witnesses [NRS 174.234 (1)(b)]</i>	<i>Index #199</i>
01/28/2005	 Writ of Habeas Corpus <i>[201] Writ of Habeas Corpus ad Testificandum</i>	<i>Index #201</i>
01/31/2005	 Notice of Witnesses <i>[202] Notice of Witnesses</i>	<i>Index #202</i>
01/31/2005	 Amended Information <i>[203] Amended Information</i>	<i>Index #203</i>
01/31/2005	 Guilty Plea Agreement <i>[204] Guilty Plea Agreement</i>	<i>Index #204</i>
01/31/2005	 Amended Information <i>[205] Amended Information</i>	<i>Index #205</i>
02/07/2005	 Notice of Motion <i>[207] Notice of Motion and Motion to Admit Prior Testimony of Loenel Garcia</i>	<i>Index #207</i>
02/08/2005	 Order <i>[209] Order for Transcript</i>	<i>Index #209</i>
02/09/2005	 Reporters Transcript <i>[210] Transcript of Hearing Held on February 3, 2005</i>	<i>Index #210</i>
02/09/2005	 Proposed Jury Instructions Not Used At Trial <i>[211] Proposed Jury Instructions Not Used At Trial</i>	<i>Index #211</i>

CASE SUMMARY**CASE NO. 03C191012-2**

02/09/2005	 Reporters Transcript <i>[212] Transcript of Hearing Held on February 4, 2005</i>	Index #212
02/11/2005	 Instructions to the Jury <i>[213] Instructions to the Jury</i>	Index #213
02/11/2005	 Verdict <i>[215] Verdict</i>	Index #215
03/29/2005	 Judgment of Conviction <i>[218] Judgment of Conviction (Plea of Guilty)</i>	Index #218
04/13/2005	 Ex Parte Order <i>[221] Ex Parte Order Granting Attorney's Fees in Excess of the Statutory Limit</i>	Index #221
04/18/2005	 Judgment of Conviction <i>[222] Judgment of Conviction (Jury Trial)</i>	Index #222
04/27/2005	 Case Appeal Statement <i>[223] Case Appeal Statement</i>	Index #223
04/27/2005	 Notice of Appeal (Criminal) <i>[224] Notice of Appeal</i>	Index #224
04/28/2005	 Order Appointing Counsel <i>[225] Order of Appointment</i>	Index #225
05/10/2005	 Subpoena Duces Tecum <i>[226] Subpoena</i>	Index #226
08/30/2005	 Reporters Transcript <i>[227] Transcript of Hearing Held on March 12, 2004</i>	Index #227
08/30/2005	 Reporters Transcript <i>[228] Transcript of Hearing Held on February 20, 2004</i>	Index #228
08/30/2005	 Reporters Transcript <i>[229] Transcript of Hearing Held on October 21, 2003</i>	Index #229
08/30/2005	 Reporters Transcript <i>[230] Transcript of Hearing Held on January 27, 2003</i>	Index #230
08/30/2005	 Reporters Transcript <i>[231] Transcript of Hearing Held on February 7, 2005</i>	Index #231
08/30/2005	 Reporters Transcript <i>[232] Transcript of Hearing Held on January 21, 2005</i>	Index #232
08/30/2005	 Reporters Transcript <i>[233] Transcript of Hearing Held on April 7, 2005</i>	Index #233

CASE SUMMARY

CASE NO. 03C191012-2

08/30/2005	 Reporters Transcript <i>[234] Transcript of Hearing Held on February 11, 2005</i>	Index #234
08/30/2005	 Reporters Transcript <i>[235] Transcript of Hearing Held on February 9, 2005</i>	Index #235
08/30/2005	 Reporters Transcript <i>[236] Transcript of Hearing Held on February 10, 2005</i>	Index #236
08/30/2005	 Reporters Transcript <i>[237] Transcript of Hearing Held on February 4, 2005</i>	Index #237
08/30/2005	 Reporters Transcript <i>[238] Transcript of Hearing Held on February 3, 2005</i>	Index #238
08/30/2005	 Reporters Transcript <i>[239] Transcript of Hearing Held on January 31, 2005</i>	Index #239
08/30/2005	 Reporters Transcript <i>[240] Transcript of Hearing Held on February 1, 2005</i>	Index #240
08/30/2005	 Reporters Transcript <i>[241] Transcript of Hearing Held on February 8, 2005</i>	Index #241
08/30/2005	 Reporters Transcript <i>[242] Transcript of Hearing Held on February 2, 2005</i>	Index #242
03/17/2006	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[244] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	Index #244
03/21/2006	 Motion for Appointment of Attorney <i>[245] Motion for the Appointment of Counsel</i>	Index #245
03/21/2006	 Motion for Leave to Proceed in Forma Pauperis <i>[246] Motion for Leave to Proceed in Forma Pauperis (Confidential)</i>	Index #246
03/21/2006	 Affidavit in Support of Application Proceed Forma Pauperis <i>[247] Affidavit in Support of Motion to Proceed in Forma Pauperis (Confidential)</i>	Index #247
03/24/2006	 Ex Parte Application <i>[248] Ex Parte Application and Ex Parte Order for Attorney's Fees in Excess of Statutory Allowance</i>	Index #248
03/30/2006	 Opposition to Motion <i>[249] State's Opposition to Motion for Appointment of Counsel</i>	Index #249
04/03/2006	 Petition for Writ of Habeas Corpus <i>[250] Petition for Writ of Habeas Corpus (Postconviction)</i>	Index #250
04/05/2006	 Order for Petition for Writ of Habeas Corpus <i>[252] Order for Petition for Writ of Habeas Corpus</i>	Index #252

















CASE SUMMARY

CASE NO. 03C191012-2

04/11/2006	 Order for Petition for Writ of Habeas Corpus <i>[253] Order for Petition for Writ of Habeas Corpus</i>	Index #253
04/12/2006	 Motion <i>[254] Motion for Leave to File Amended Petition</i>	Index #254
04/18/2006	 Response <i>[255] State's Response to Defendant's Motion for Leave to File Amended Petition</i>	Index #255
04/20/2006	 Motion <i>[256] Petitioner's Motion to Withdraw Petition for Writ of Habeas Corpus (Post-Conviction) Without Prejudice</i>	Index #256
04/25/2006	 Response <i>[258] State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #258
04/26/2006	 Order Denying Motion <i>[259] Order Denying Defendant's Motion for Appointment of Counsel</i>	Index #259
05/03/2006	 Request <i>[260] Request for Submission</i>	Index #260
05/03/2006	 Reply <i>[261] Petitioner's Reply to State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #261
05/11/2006	 Notice of Withdrawal <i>[262] Notice of Withdrawal as Attorney of Record</i>	Index #262
05/31/2006	 Supplemental <i>[263] (Supplemental) Petition for Writ of Habeas Corpus (Postconviction)</i>	Index #263
05/31/2006	 Memorandum of Points and Authorities <i>[264] Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #264
05/31/2006	 Motion <i>[265] Petitioner's Motion for Leave to File Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #265
05/31/2006	 Certificate <i>[266] Financial Certificate on a Motion to Proceed in Forma Pauperis (Confidential)</i>	Index #266
05/31/2006	 Appendix <i>[267] Appendix to Exhibits in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #267
05/31/2006	 Motion for Leave to Proceed in Forma Pauperis <i>[268] Motion for Leave to Proceed in Forma Pauperis (Confidential)</i>	Index #268
05/31/2006	 Affidavit in Support of Application Proceed Forma Pauperis <i>[269] Affidavit in Support of Motion to Proceed in Forma Pauperis (Confidential)</i>	Index #269

CASE SUMMARY

CASE NO. 03C191012-2


05/31/2006	 Motion for Appointment of Attorney <i>[270] Motion for the Appointment of Counsel Request for Evidentiary Hearing</i>	Index #270
08/11/2006	 Request <i>[271] Request for Submission</i>	Index #271
10/16/2006	 Motion for Order <i>[273] Motion for Court Order to Reschedule Calendar Call</i>	Index #273
10/30/2006	 Response <i>[274] State's Response to Defendant's Motion for Court Order to Reschedule Calendar Call</i>	Index #274
11/08/2006	 Order Denying Motion <i>[275] Order Denying Defendant's Motion for Court Order to Reschedule Calendar Call</i>	Index #275
11/28/2006	 Motion for Order <i>[276] Motion for Court Order Complete Rough Draft Transcript</i>	Index #276
12/04/2006	 Notice of Appeal (Criminal) <i>[277] Notice of Appeal</i>	Index #277
12/04/2006	 Case Appeal Statement <i>[278] Case Appeal Statement</i>	Index #278
12/07/2006	 Opposition to Motion <i>[279] State's Opposition to Defendant's Motion for Court Order for Complete Rough Draft Transcripts</i>	Index #279
12/21/2006	 Order Denying Motion <i>[280] Order Denying Defendant's Motion for Court Order for Complete Rough Draft Transcripts</i>	Index #280
02/05/2007	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[281] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	Index #281
02/21/2007	 Order <i>[282] Order</i>	Index #282
02/21/2007	 Receipt for Release of Exhibits <i>[283] Receipt of Exhibits</i>	Index #283
02/21/2007	 Ex Parte Motion <i>[284] Ex Parte Motion for Release of Evidence</i>	Index #284
02/23/2007	 Motion for Clarification <i>[285] Motion for Clarification and Correction of Judicial Record Herein Relevant to Status of Counsel</i>	Index #285
03/07/2007	 Motion <i>[286] Motion for Production of Prisoner</i>	Index #286

CASE SUMMARY

CASE NO. 03C191012-2














03/12/2007	 Opposition to Motion <i>[287] State's Opposition to Defendant's Motion for Clarification and Correction of Judicial Record Herein Relevant to Status and Counsel</i>	Index #287
04/12/2007	 Order Appointing Counsel <i>[291] Order Appointing Counsel at the Court Approved Hourly Rate</i>	Index #291
07/02/2007	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[293] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	Index #293
07/06/2007	 Ex Parte Order <i>[294] Ex Parte Order Granting Attorney's Fees in Excess of the Statutory Limit</i>	Index #294
07/24/2007	 Motion for Appointment of Attorney <i>[295] Motion for Appointment of Counsel</i>	Index #295
08/27/2007	 Supplement <i>[296] Supplement to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #296
09/12/2007	 Stipulation and Order <i>[297] Stipulation and Order to Extend Briefing Schedule and Reschedule Argument</i>	Index #297
09/13/2007	 Order Appointing Counsel <i>[298] Order Appointing Counsel</i>	Index #298
09/13/2007	 Order Appointing Counsel <i>[305] Order Appointing Counsel</i>	Index #305
11/06/2007	 Response <i>[299] State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #299
01/28/2008	 Notice of Appeal (Criminal) <i>[300] Notice of Appeal</i>	Index #300
01/29/2008	 Case Appeal Statement <i>[301] Case Appeal Statement</i>	Index #301
02/07/2008	 Case Appeal Statement <i>[302] Case Appeal Statement</i>	Index #302
02/26/2008	 Findings of Fact, Conclusions of Law and Order <i>[303] Findings of Fact, Conclusions of Law and Order</i>	Index #303
02/28/2008	 Notice of Entry of Decision and Order <i>[304] Notice of Entry of Decision and Order</i>	Index #304
06/19/2008	 Amended Order <i>[308] Amended Order Appointing Counsel and Allowing Interim Billing</i>	Index #308
06/26/2008	 Order Appointing Counsel <i>[309] Order Appointing Counsel</i>	Index #309

CASE SUMMARY**CASE NO. 03C191012-2**

07/02/2008	 Petition for Writ of Habeas Corpus <i>[310] Petition for Writ of Habeas Corpus - Post Conviction</i>	<i>Index #310</i>
07/16/2008	 Response <i>[311] State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus</i>	<i>Index #311</i>
08/21/2008	 Ex Parte Order <i>[312] Ex Parte Order Allowing Fees in Excess of Statutory Maximum for Attorney on First Interim Billing on Court Appointed Case.</i>	<i>Index #312</i>
08/21/2008	 Ex Parte Motion <i>[313] Ex Parte Motion to Allow Fees in Excess of Statutory Maximum for Attorney for first Interim Billing on Court Appointed Case</i>	<i>Index #313</i>
08/28/2008	 Receipt of Copy <i>[314] Receipt of Copy</i>	<i>Index #314</i>
08/28/2008	 Opposition to Motion to Dismiss <i>[315] Opposition to State's Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus</i>	<i>Index #315</i>
09/24/2008	 Reporters Transcript <i>[316] Transcript of Hearing Held on January 10, 2008</i>	<i>Index #316</i>
11/24/2008	 Supplemental <i>[317] State's Supplemental Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	<i>Index #317</i>
02/06/2009	 Receipt of Copy <i>[318] Receipt of Copy</i>	<i>Index #318</i>
02/06/2009	 Reply <i>[319] Defendant's Reply to State's Supplemental Response to Defendant's Petition for Writ of Habeas Corpus - Post Conviction</i>	<i>Index #319</i>
04/27/2009	 Findings of Fact, Conclusions of Law and Order <i>[320] Findings of Fact, Conclusions of Law and Order</i>	<i>Index #320</i>
04/30/2009	 Notice of Entry of Decision and Order <i>[321] Notice of Entry of Decision and Order</i>	<i>Index #321</i>
05/21/2009	 Ex Parte Order <i>[322] Ex Parte Order Allowing Fees in Excess of Statutory Maximum for Attorney on Court Appointed Case, Last Interim Billing</i>	<i>Index #322</i>
05/26/2009	 Notice of Appeal (Criminal) <i>[323] Notice of Appeal (Post-Conviction Habeas Corpus)</i>	<i>Index #323</i>
06/29/2009	 Reporters Transcript <i>[324] Transcript of Hearing Held on February 26, 2009</i>	<i>Index #324</i>
06/29/2009	 Reporters Transcript	<i>Index #325</i>














CASE SUMMARY

CASE NO. 03C191012-2

	<i>[325] Transcript of Hearing Held on February 12, 2009</i>	
06/29/2009	 Reporters Transcript <i>[326] Transcript of Hearing Held on September 2, 2008</i>	Index #326
06/29/2009	 Reporters Transcript <i>[327] Transcript of Hearing Held on March 26, 2009</i>	Index #327
06/08/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[328] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	Index #328
06/08/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[329] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	Index #329
06/29/2018	 Notice of Motion Filed By: Defendant Villaverde, Sally <i>[330] Notice of Motion</i>	Index #330
06/29/2018	 Motion Filed By: Defendant Villaverde, Sally <i>[331] Motion Requesting Preliminary Hearing Within (14) Days or Dismissal of Charges</i>	Index #331
08/14/2018	 Order Denying Motion <i>[332] Order Denying Defendant's Pro Per Motion Requesting Preliminary Hearing within 14 Days or Dismissal of Charges</i>	Index #332
03/26/2019	 Notice of Motion Filed By: Defendant Villaverde, Sally <i>[334] Notice of Motion Motions for Modification of Sentence</i>	Index #334
04/17/2019	 Opposition to Motion <i>[335] State's Opposition to Defendant's Motion for Modification of Sentence</i>	Index #335
05/01/2019	 Notice of Appeal (Criminal) <i>[336] Notice of Appeal</i>	Index #336
05/01/2019	 Case Appeal Statement <i>[337] Case Appeal Statement</i>	Index #337
05/07/2019	 Order Denying Motion <i>[338] Order Denying Defendant's Pro Per Motion for Modification of Sentence</i>	Index #338
06/02/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[339] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Petition Denied</i>	Index #339
09/08/2020	Case Reassigned to Department 10 <i>Case Reassignment from Judge Douglas W. Herndon to Judge Tierra Jones</i>	
05/19/2021	 Motion to Amend Judgment Filed By: Defendant Villaverde, Sally <i>[340] Motion for Amended Judgment of Conviction to Include Jail Time Credits</i>	Index #340

CASE SUMMARY

CASE NO. 03C191012-2

05/19/2021	 Notice of Motion Filed By: Defendant Villaverde, Sally <i>[341] Notice of Motion</i>	<i>Index #341</i>
05/19/2021	 Affidavit Filed By: Defendant Villaverde, Sally <i>[342] Affidavit</i>	<i>Index #342</i>
06/08/2021	 Non Opposition <i>[343] State's Non-Opposition to Defendant's Motion for Amended Judgment of Conviction to Include Jail Time Credit</i>	<i>Index #343</i>
06/08/2021	 Notice <i>[344] State's Notice of Exhibits for State's Non-Opposition to Defendant's Motion for Amended Judgment of Conviction to Include Jail Time Credits</i>	<i>Index #344</i>
06/14/2021	 Amended Judgment of Conviction <i>[345] Amended Judgment of Conviction (Jury Trial)</i>	<i>Index #345</i>
06/15/2021	 Order <i>[346] Order</i>	<i>Index #346</i>
12/21/2021	 Findings of Fact, Conclusions of Law and Order <i>[347] Findings of Fact, Conclusions of Law, and Order</i>	<i>Index #347</i>
12/23/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[348] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	<i>Index #348</i>
05/26/2022	 Motion to Correct Sentence Filed by: Defendant Villaverde, Sally <i>[349] Motion to Correct Illegal Sentence</i>	<i>Index #349</i>
06/10/2022	 Opposition <i>[350] State's Opposition to Defendant's Motion to Correct Illegal Sentence</i>	<i>Index #350</i>
07/12/2022	 Notice of Appeal (Criminal) <i>[351] Notice of Appeal</i>	<i>Index #351</i>
07/12/2022	 Designation of Record on Appeal <i>[352] Designation of Record on Appeal</i>	<i>Index #352</i>
07/13/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	<i>Index #353</i>
<u>DISPOSITIONS</u>		
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. BURGLARY Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON	

CASE SUMMARY

CASE NO. 03C191012-2

	Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:
06/03/2004	Disposition (Judicial Officer: User, Conversion) 1. BURGLARY Guilty PCN: Sequence:
06/03/2004	Disposition (Judicial Officer: User, Conversion)
06/03/2004	Disposition (Judicial Officer: User, Conversion) 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
06/03/2004	Disposition (Judicial Officer: User, Conversion)
06/03/2004	Disposition (Judicial Officer: User, Conversion) 3. ROBBERY WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
06/03/2004	Disposition (Judicial Officer: User, Conversion)
06/03/2004	Adult Adjudication (Judicial Officer: User, Conversion) 1. BURGLARY 01/01/1900 (F) 205.060 (205.060) PCN: Sequence:
	<hr/> Converted Disposition: Sentence# 0001: Minimum 22 Months to Maximum 96 Months Placement: NSP Converted Disposition: Sentence# 0002: RESTITUTION Amount: \$3000.00 Converted Disposition: Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0004: ADMINISTRATION FEE Amount: \$25.00
06/03/2004	Adult Adjudication (Judicial Officer: User, Conversion) 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON 01/01/1900 (F) 200.010 (200.010) PCN: Sequence:
	<hr/> Converted Disposition: Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE Converted Disposition: Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE

CASE SUMMARY

CASE NO. 03C191012-2

	<p>Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001</p>
06/03/2004	<p>Adult Adjudication (Judicial Officer: User, Conversion) 3. ROBBERY WITH USE OF A DEADLY WEAPON 01/01/1900 (F) 200.380 (200.380) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: Minimum 35 Months to Maximum 156 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001</p> <p>Converted Disposition: Sentence# 0002: Minimum 35 Months to Maximum 156 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0005 and Sentence#: 0001</p>
06/09/2021	<p>Amended Adult Adjudication (Judicial Officer: User, Conversion) Reason: Amended 3. ROBBERY WITH USE OF A DEADLY WEAPON 01/01/1900 (F) 200.380 (200.380) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: Minimum 35 Months to Maximum 156 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001</p> <p>Converted Disposition: Sentence# 0002: Minimum 35 Months to Maximum 156 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0005 and Sentence#: 0001</p> <p>Comment (Amended 06/09/2021; COURT ORDERED: FOUR HUNDRED SIXTY-NINE (469) DAYS credit for time served.)</p>
	<p><u>HEARINGS</u></p>
04/08/2003	<p>Initial Arraignment (9:00 AM) <i>INITIAL ARRAIGNMENT Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: VIVIAN WRIGHT Heard By: Michael Cherry</i></p> <p>MINUTES Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: VIVIAN WRIGHT Heard By: Michael Cherry Journal Entry Details: <i>DEFTS. ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE. COURT ORDERED, matter SET for TRIAL. CUSTODY (ALL) 10-23-03 9:00 AM CALENDAR CALL (ALL) 10-27-03 10:00 AM JURY TRIAL ;</i></p>
05/15/2003	<p>Petition for Writ of Habeas Corpus (9:00 AM) Events: 04/30/2003 Petition for Writ of Habeas Corpus <i>PTN FOR WRIT OF HABEAS CORPUS/04 Relief Clerk: April Watkins Reporter/Recorder: Debbie Van Blaricom Heard By: Gibbons, Michael P</i> Matter Continued; PTN FOR WRIT OF HABEAS CORPUS/04 Relief Clerk: April Watkins</p>

CASE SUMMARY

CASE NO. 03C191012-2

Reporter/Recorder: Debbie Van Blaricom Heard By: Gibbons, Michael P

Journal Entry Details:

Mr. Walton stated he would prefer Judge Cherry to hear this matter since he will be the trial judge. Mr. Lalli stated it is the State's position Deft. is not entitled to file a reply to the writ and would like this matter to go forward today. COURT ORDERED, matter CONTINUED. CUSTODY ;

05/20/2003

Motion to Dismiss (9:00 AM)

Events: 05/08/2003 Motion to Dismiss Counsel

DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINTMNT CNSL/5 Heard By: Michael Cherry

06/05/2003

Petition for Writ of Habeas Corpus (9:00 AM)

PTN FOR WRIT OF HABEAS CORPUS/04 Heard By: Michael Gibbons

06/05/2003

Motion to Dismiss (9:00 AM)

DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINTMNT CNSL/5 Heard By: Michael Cherry

06/05/2003

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 6-05-03 Court Clerk: Penny Wisner Reporter/Recorder: Dick Kangas Heard By: Michael Cherry

Matter Heard; ALL PENDING MOTIONS 6-05-03 Court Clerk: Penny Wisner Reporter/Recorder: Dick Kangas Heard By: Michael Cherry

Journal Entry Details:

PETITION FOR WRIT OF HABEAS CORPUS (CASTRO)...DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINT COUNSEL (VILLAVERDE) COURT ORDERED, Villaverde's motion to dismiss counsel is DENIED. Mr. Walton presented argument on the writ of habeas corpus stating the key issue was whether or not Teresa Gamboa was an accomplice in this case and went over Ms. Gamboa's participation in the incident. Mr. Walton concluded the State had chosen not to charge Ms. Gamboa because they wanted to use her as a witness to prosecute this case. Mr. Lalli objected to some of Mr. Walton's representations as they were not contained in the preliminary hearing transcript. Further argument by Mr. Walton. Mr. Lalli responded stating Ms. Gamboa was never privy to what was going to happen, she was approached and given money to rent a room and that was all she did in this case. Case law cited to support the State's position concluding these were not legal questions but were factual questions for a jury to decide. Court stated Gamboa would not be the first to testify and then went over her testimony for counsel. Gamboa's testimony corroborates other testimony and the test here is if you take her testimony out is there a scintilla of evidence -- the Court has determined that when you do there is. Mr. Walton is entitled to a jury instruction as to whether or not Ms. Gamboa was an accomplice. COURT ORDERED, WRIT OF HABEAS CORPUS DENIED and DISCHARGED. ;

07/17/2003

Motion (9:00 AM)

Events: 07/11/2003 Motion to Release

DEFT'S MTN FOR RE LEASE WITHOUT BAIL OR FOR A REDUCTION OF BAIL/07 Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A Matter Continued; DEFT'S MTN FOR RE LEASE WITHOUT BAIL OR FOR A REDUCTION OF BAIL/07 Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

Mr. Lalli stated there is no bail set by Justice Court and has never been requested by the Deft. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED and the State to respond in writing. CUSTODY ;

07/25/2003

Motion (9:00 AM)

DEFT'S MTN FOR RE LEASE WITHOUT BAIL OR FOR A REDUCTION OF BAIL/07 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Granted in Part; DEFT'S MTN FOR RE LEASE WITHOUT BAIL OR FOR A REDUCTION OF BAIL/07 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Journal Entry Details:

Argument by Ms. Wildeveld requesting reasonable bail or release on O.R. or House Arrest. Ms. Wildeveld stated the Deft. had limited family in the area but his family was supportive of

CASE SUMMARY

CASE No. 03C191012-2

him. Additionally, the evidence adduced at the preliminary hearing was the Deft. was not the shooter, that his participation was that he lured a person into a drug deal. Mr. Lalli corrected an error that appeared in the State's opposition stating it was not true that the Deft. was responsible for two other murders; however, the State's position was no bail should be made available to the Deft. due to the strong case against him for first degree murder. If the Court is inclined to set bail, the State believes a minimum of \$250,000 would be appropriate and nothing less. **COURT ORDERED, BAIL SET AT \$250,000 TOTAL BAIL.** This is set due to the nature of the crime, the Deft.'s prior failures to appear, and his prior record. **CUSTODY ;**

08/19/2003	<p>Motion to Dismiss (9:00 AM) Events: 08/05/2003 Motion to Dismiss Counsel DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINTMENT OF ALTERNATE COUNSEL/08 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Denied; DEFT'S PRO PER MTN TO DISMISS COUNSEL & APPOINTMENT OF ALTERNATE COUNSEL/08 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: COURT ORDERED, motion DENIED. Court informed the Deft. his present counsel was a very able and competent attorney and he was fortunate to have her as his attorney. CUSTODY ;</p>
10/21/2003	<p>Motion for Discovery (9:00 AM) Events: 10/03/2003 Notice of Motion DEFT'S NTC OF MTN & MTN FOR DISCOVERY /9 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion to Exclude (9:00 AM) Events: 10/03/2003 Motion to Exclude DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion to Sever (9:00 AM) Events: 10/03/2003 Motion to Sever DEFT'S MTN TO SEVER TRIALS/11 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion to Compel (9:00 AM) Events: 10/03/2003 Motion to Compel DEFT'S MTN TO COMPEL DISCLOSURE/12 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion in Limine (9:00 AM) Events: 10/03/2003 Motion in Limine DEFT'S MTN IN LIMINE ACCOMPLICE TESTIMONY /13 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion for Discovery (9:00 AM) Events: 10/06/2003 Notice of Motion DEFT'S MTN FOR DISCOVERY /14 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion in Limine (9:00 AM) Events: 10/06/2003 Motion in Limine DEFT'S MTN IN LIMINE PRIOR FELONY CONVICTIONS/15 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion in Limine (9:00 AM) Events: 10/06/2003 Notice of Motion DEFT'S MTN IN LIMINE /16 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion (9:00 AM) Events: 10/06/2003 Motion DEFT'S MTN DISCLOSURE INFORMATION/17 Heard By: Michael Cherry</p>
10/21/2003	<p>Motion (9:00 AM) STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</p>

CASE SUMMARY

CASE No. 03C191012-2

10/21/2003	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10-21-03 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Mario Torres Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS 10-21-03 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Mario Torres Heard By: Michael Cherry Journal Entry Details: DEFT. VILLAVERDE'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY...DEFT. VILLAVERDE'S MOTION IN LIMINE TO EXCLUDE PRIOR FELONY CONVICTIONS...DEFT VILLAVERDE'S MOTION IN LIMINE...DEFT. VILLAVERDE'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE...DEFT GATO'S MOTION IN LIMINE TO EXCLUDE ACCOMPLICE TESTIMONY...DEFT. GATO'S MOTION TO SEVER TRIALS...DEFT. GATO'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS As Deft. Castro was not transported, COURT ORDERED, matter CONTINUED to 1:30 PM. 1:30 PM Court reconvened with all parties present. Court stated counsel had met with the Court in chambers and the Court informed counsel that he had a penalty hearing that was set for 10-27-03, the same time as this trial date; therefore, a continuance was necessary. Counsel informed the Court that addition information had been brought forward that would require additional time to prepare for trial. COURT ORDERED, TRIAL date VACATED and RESCHEDULED; motions CONTINUED. CUSTODY (ALL) 1-27-04 9:00 AM DEFT. VILLAVERDE'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY...DEFT. VILLAVERDE'S MOTION IN LIMINE TO EXCLUDE PRIOR FELONY CONVICTIONS...DEFT VILLAVERDE'S MOTION IN LIMINE...DEFT. VILLAVERDE'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE...DEFT GATO'S MOTION IN LIMINE TO EXCLUDE ACCOMPLICE TESTIMONY...DEFT. GATO'S MOTION TO SEVER TRIALS...DEFT. GATO'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS 3-11-04 9:00 AM CALENDAR CALL 3-15-04 10:00 AM JURY TRIAL ;</p>
10/23/2003	<p>CANCELED Calendar Call (9:00 AM) <i>Vacated</i></p>
10/23/2003	<p>Motion (9:00 AM) Events: 10/17/2003 Notice of Motion <i>STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</i></p>
10/27/2003	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>
12/04/2003	<p>Motion to Withdraw as Counsel (9:00 AM) Events: 11/24/2003 Motion to Withdraw As Counsel <i>KOHN'S MTN TO WITHDRAW AS COUNSEL /22 Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Michael Cherry</i> Granted; KOHN'S MTN TO WITHDRAW AS COUNSEL /22 Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: <i>Statement by counsel. COURT ORDERED, motion GRANTED and Randall Pike, Esq. APPOINTED. FURTHER ORDERED, matter set for confirmation of counsel. CUSTODY 12/11/03 9:00 AM CONFIRMATION OF COUNSEL (PIKE) CLERK'S NOTE: Mr. Pike appeared and was advised of the next court date. aw ;</i></p>
12/11/2003	<p>Motion for Confirmation of Counsel (9:00 AM) <i>CONFIRMATION OF COUNSEL (PIKE) Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry</i> Granted; CONFIRMATION OF COUNSEL (PIKE) Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: <i>Mr. Pike CONFIRMED AS COUNSEL for the Deft. and stated he was aware of all future</i></p>

CASE SUMMARY

CASE NO. 03C191012-2

dates. ;

01/13/2004	<p>Motion (9:00 AM) Events: 12/29/2003 Motion DEFT'S MTN TO ALLOW INVESTIGATOR INTO CLARK COUNTY DETENTION CENTER/24 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Granted; DEFT'S MTN TO ALLOW INVESTIGATOR INTO CLARK COUNTY DETENTION CENTER/24 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: Argument by Mr. Pike. State had no objection to the motion. COURT ORDERED, motion GRANTED. ;</p>
01/27/2004	<p>Motion for Discovery (9:00 AM) DEFT'S NTC OF MTN & MTN FOR DISCOVERY /9 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion to Exclude (9:00 AM) DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion to Sever (9:00 AM) DEFT'S MTN TO SEVER TRIALS/11 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion to Compel (9:00 AM) DEFT'S MTN TO COMPEL DISCLOSURE/12 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion in Limine (9:00 AM) DEFT'S MTN IN LIMINE ACCOMPLICE TESTIMONY /13 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion for Discovery (9:00 AM) DEFT'S MTN FOR DISCOVERY /14 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion in Limine (9:00 AM) DEFT'S MTN IN LIMINE PRIOR FELONY CONVICTIONS/15 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion in Limine (9:00 AM) DEFT'S MTN IN LIMINE /16 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion (9:00 AM) DEFT'S MTN DISCLOSURE INFORMATION/17 Heard By: Michael Cherry</p>
01/27/2004	<p>Motion (9:00 AM) STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</p>
01/27/2004	<p>All Pending Motions (9:00 AM) ALL PENDING MOTIONS (1/27/04) Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Matter Heard; ALL PENDING MOTIONS (1/27/04) Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: DEFT'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY (VILLAVARDE)...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE (GATO)...DEFT'S MOTION IN LIMINE ACCOMPLICE TESTIMONY (GATO)...DEFT'S MOTION IN LIMINE PRIOR FELONY CONVICTIONS (VILLAVARDE)...DEFT'S MOTION IN LIMINE (VILLAVARDE)...DEFT'S MOTION TO SEVER TRIALS (GATO)...DEFT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY (GATO)... DEFT'S MOTION FOR DISCOVERY (VILLAVARDE)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS Statements by counsel regarding pending motions. Court instructed counsel to have all motions and joinders</p>

CASE SUMMARY

CASE No. 03C191012-2

filed by close of business on February 17, 2004. Mr. Schieck stated the State has informed counsel there are two new witnesses and requested appropriate discovery. Mr. Mitchell stated he provided scope to counsel and advised the State has not taken statements from either due to one being in custody in New York and one in custody here in Nevada. COURT ORDERED, matters CONTINUED. CUSTODY (BOTH) CONTINUED TO: 2/20/04 9:00 AM ;

- 02/20/2004 **Motion for Discovery** (9:00 AM)
DEFT'S NTC OF MTN & MTN FOR DISCOVERY /9 Heard By: Michael Cherry
- 02/20/2004 **Motion to Exclude** (9:00 AM)
DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry
- 02/20/2004 **Motion to Sever** (9:00 AM)
DEFT'S MTN TO SEVER TRIALS/11 Heard By: Michael Cherry
- 02/20/2004 **Motion to Compel** (9:00 AM)
DEFT'S MTN TO COMPEL DISCLOSURE/12 Heard By: Michael Cherry
- 02/20/2004 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE ACCOMPLICE TESTIMONY /13 Heard By: Michael Cherry
- 02/20/2004 **Motion for Discovery** (9:00 AM)
DEFT'S MTN FOR DISCOVERY /14 Heard By: Michael Cherry
- 02/20/2004 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE PRIOR FELONY CONVICTIONS/15 Heard By: Michael Cherry
- 02/20/2004 **Motion in Limine** (9:00 AM)
DEFT'S MTN IN LIMINE /16 Heard By: Michael Cherry
- 02/20/2004 **Motion** (9:00 AM)
DEFT'S MTN DISCLOSURE INFORMATION/17 Heard By: Michael Cherry
- 02/20/2004 **Motion** (9:00 AM)
STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry
- 02/20/2004 **All Pending Motions** (9:00 AM)
ALL PENDING MOTIONS 2-20-04 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry
Matter Heard; ALL PENDING MOTIONS 2-20-04 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry
Journal Entry Details:

DEFT'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY (VILLAVARDE)...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE (GATO)...DEFT'S MOTION IN LIMINE REGARDING ACCOMPLICE TESTIMONY (GATO)...DEFT'S MOTION IN LIMINE REGARDING PRIOR FELONY CONVICTIONS (VILLAVARDE)...DEFT'S MOTION IN LIMINE (VILLAVARDE)...DEFT'S MOTION TO SEVER TRIALS (GATO)...DEFT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY (GATO)...DEFT'S MOTION FOR DISCOVERY (VILLAVARDE).....DEFT'S MOTION TO SEVER TRIALS (GATO)...DEFT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS Mr. Fattig advised there was new evidence affecting the severance motion and presented argument stating this new witness would testify as to statements made by Deft. Villaverde to Deft. Gato and that evidence has Bruton issues. The State will not oppose severance of Villaverde from Gato and Castro at this point based upon the Bruton issue that has arisen from the statements by this witness. Mr. Fattig advised the State would prefer that the trial with Deft. Villaverde go forward first with the remaining Defts. following shortly if not immediately thereafter. Mr. Schieck had no objection to the Gato severance and agreed that he would like this Deft.'s trial to go quickly after Deft. Villaverde's trial. COURT ORDERED, Deft. VILLAVARDE will be SEVERED out

CASE SUMMARY

CASE NO. 03C191012-2

from the other Co-Defts. and trial will begin following the Lugo Hernandez trial that begins on 3-15-04. Mr. Fattig advised the information Mr. Alvarez was to have had has been determined to be heresay and inadmissible; therefore, Mr. Pike will be withdrawing his motion to continue trial. Mr. Pike agreed but reserved his right to hire an investigator out of New York to interview Mr. Alvarez to confirm the representations made as to heresay evidence. Colloquy between Court and counsel. Upon Court's inquiry, Mr. Walton stated he would file his motion to sever Deft. Castro by next Friday. Additionally, Mr. Walton will be requesting an evidentiary hearing regarding Mr. Martinez based on Petrocelli. Colloquy. COURT ORDERED, Villaverde's motion in limine regarding his immigration status is GRANTED. Mr. Pike stated there was an additional motion to exclude testimony of the federal witness. Mr. Fattig responded that the State was informed by the Federal Public Defender, Art Allen, that there was a document, which the State has not seen, that was created by the homicide detective regarding Alfredo Martinez only, which stated they would agree to attempt to assist Mr. Martinez in his Federal case. Mr. Fattig stated he had not been able to speak to anyone regarding this. FURTHER ORDERED, Deft. Villaverde's motion for DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY is GRANTED. Mr. Pike advised that with regard to his motion for discovery, he was going to meet with Mr. Fattig on Monday and go through the file so that motion could be taken off calendar at this point. COURT ORDERED, Deft. Villaverde's motion for DISCOVERY is OFF CALENDAR; motion in limine regarding PRIOR FELONY CONVICTIONS is DENIED. Mr. Fattig informed the Court there was one other issue that might come up with regard to the main witness, Teresa Gamboa, who was in Drug Court but has since had a bench warrant issued for her. The State would like to use the preliminary hearing transcript if she could not be located for trial; the State believes they will be able to find her but wants counsel put on notice. COURT SO ORDERED. Mr. Schieck advised he also would be filing a motion to exclude the testimony of Teresa Gamboa and briefly addressed the testimony as to what she said to the police, concluding her testimony, and that of others, would be a factor as to whether or not she was an accomplice. Colloquy between Court and counsel regarding an evidentiary hearing on this issue. Mr. Pike stated Mr. Schieck may want to file an additional writ of habeas corpus based on the outcome of the evidentiary hearing. Counsel advised witness Lionel Garcia and Teresa Gamboa would be witnesses for the Petrocelli hearing. COURT ORDERED, all remaining motions will be heard on 3-12-04 at 9:00 AM; Evidentiary/Petrocelli hearing will be heard on 3-19-04 at 1:30 PM; Trial date for Villaverde will stand for 3-15-04 with the understanding that it would trail the Lugo Hernandez trial and if for some reason that trial is continued or resolved, this trial would go first. CUSTODY (ALL) 3-12-04 9:00 DEFT'S MOTION TO DISCLOSE EXISTENCE (GATO)...DEFT'S MOTION IN LIMINE REGARDING ACCOMPLICE TESTIMONY (GATO)...DEFT'S MOTION TO SEVER TRIALS (GATO)...DEFT'S MOTION FOR DISCOVERY (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS 3-15-04 10:00 AM JURY TRIAL (VILLAVERDE) 3-19-04 1:30 PM EVIDENTIARY/PETROCELLI HEARING ;

02/24/2004

Motion to Continue (9:00 AM)

Events: 02/13/2004 Motion to Continue Trial

DEFT'S MTN TO CONTINUE TRIAL/MTN FOR REIMBURSEMENT/26 Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry

Off Calendar; DEFT'S MTN TO CONTINUE TRIAL/MTN FOR REIMBURSEMENT/26 Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry

Journal Entry Details:

Counsel advised this motion was previously resolved. COURT ORDERED, matter OFF CALENDAR. CUSTODY (ALL) ;

03/11/2004

Calendar Call (9:00 AM)

CALENDAR CALL Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: SILVIA PAGE Heard By: Cherry, Michael A

Matter Continued; CALENDAR CALL Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: SILVIA PAGE Heard By: Cherry, Michael A

Journal Entry Details:

Mr. Schieck requested this matter be continued to Friday when the motions would be heard. COURT SO ORDERED. ;

03/12/2004

Motion (1:30 AM)

CASE SUMMARY

CASE No. 03C191012-2

	<i>STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</i>
03/12/2004	Motion for Discovery (9:00 AM) <i>DEFT'S NTC OF MTN & MTN FOR DISCOVERY /9 Heard By: Michael Cherry</i>
03/12/2004	Motion to Sever (9:00 AM) <i>DEFT'S MTN TO SEVER TRIALS/11 Heard By: Michael Cherry</i>
03/12/2004	Motion to Compel (9:00 AM) <i>DEFT'S MTN TO COMPEL DISCLOSURE/12 Heard By: Michael Cherry</i>
03/12/2004	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE ACCOMPLICE TESTIMONY /13 Heard By: Michael Cherry</i>
03/12/2004	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
03/12/2004	Motion to Sever (9:00 AM) Events: 02/26/2004 Motion to Sever <i>DEFT'S MTN TO SEVER TRIALS/29 Heard By: Michael Cherry</i>
03/12/2004	Motion (9:00 AM) Events: 03/05/2004 Notice of Motion <i>STATE'S MTN TO ADMIT PRELIMINARY HEARINGTESTIMONY/30 Heard By: Michael Cherry</i>
03/12/2004	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS FOR 3/12/04 Relief Clerk: Barbara Blankenship/bb Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS FOR 3/12/04 Relief Clerk: Barbara Blankenship/bb Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry Journal Entry Details: <i>STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO) COURT ORDERED, these two motions will be CONTINUED to 3/19/04 to be heard the same time as the Evidentiary Hearing. STATE'S MOTION TO ADMIT PRELIMINARY HEARING TESTIMONY (ALL) After argument by counsel, COURT ORDERED, motion GRANTED with the condition the State is to continue to look for Gamboa. DEFT'S MOTION TO COMPEL DISCLOSURE (GATO)...DEFT'S MOTION FOR DISCOVERY (GATO) COURT ORDERED, both motions GRANTED. DEFT'S MOTION IN LIMINE ACCOMPLICE TESTIMONY (GATO) Counsel argued per pleadings. COURT ORDERED, motion DENIED Without Prejudice. DEFT CASTRO'S MOTION TO SEVER TRIALS (GATO) After hearing argument, COURT ORDERED, matter taken Under Advisement. CUSTODY (ALL) 3/19/04 1:30 PM STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...EVIDENTIARY HEARING (ALL) ;</i>
03/12/2004	Motion to Exclude (1:30 PM) <i>DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry</i>
03/15/2004	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
03/19/2004	Motion to Exclude (9:00 AM) <i>DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry</i>
03/19/2004	Motion (9:00 AM) <i>STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</i>

CASE SUMMARY

CASE NO. 03C191012-2

03/19/2004	Hearing (1:30 PM) <i>EVIDENTIARY HEARING</i>
03/19/2004	All Pending Motions (1:30 PM) <i>ALL PENDING MOTIONS (3/19/04) Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Court Interpreter: MICHELLE ROTH Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS (3/19/04) Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Court Interpreter: MICHELLE ROTH Heard By: Michael Cherry Journal Entry Details: <i>EVIDENTIARY HEARING (ALL)...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO) Counsel advised severance issue as to Deft. Castro is still pending. Colloquy between Court and counsel. Mr. Walton stated he listened to tape and it was so bad and the guys english is horrible. Further, Mr. Walton stated he would like to take tape to interpreter for more understanding. CONFERENCE AT BENCH. Mr. Fattig stated there are two witnesses. First, Mr. Garcia previously made statements Gato and Castro approached him prior to the murder. Mr. Garcia will be offering bad acts testimony. The second witness will establish relationship between Villaverde and victim, Enrique Caminero. Further statements by counsel. Testimony and exhibits presented. (See worksheets.) CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED. CUSTODY (ALL) CONTINUED TO: 3/25/04 10:30 AM ;</i>
03/24/2004	Motion to Exclude (1:30 PM) <i>DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry</i>
03/24/2004	Motion (1:30 PM) <i>STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</i>
03/24/2004	Hearing (1:30 PM) <i>EVIDENTIARY HEARING</i>
03/25/2004	CANCELED Jury Trial (10:30 AM) <i>Vacated</i>
03/25/2004	Motion to Exclude (1:30 PM) <i>DEFT'S MTN TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE/10 Heard By: Michael Cherry</i>
03/25/2004	Motion (1:30 PM) <i>STATE'S MTN TO ADMIT EVID OF OTHER CRIMES WRONGS OR ACTS/18 Heard By: Michael Cherry</i>
03/25/2004	Hearing (1:30 PM) <i>EVIDENTIARY HEARING</i>
03/25/2004	All Pending Motions (1:30 PM) <i>ALL PENDING MOTIONS (3/25/04) Relief Clerk: April Watkins Reporter/Recorder: Dick Kangas Court Interpreter: LAURA VILLAR Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS (3/25/04) Relief Clerk: April Watkins Reporter/Recorder: Dick Kangas Court Interpreter: LAURA VILLAR Heard By: Michael Cherry Journal Entry Details: <i>Leland Page, Maria Gomez and Yul Haasman, Court Interpreters, present. Art Allen, Esq. present. EVIDENTIARY HEARING...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO) Motion in Limine FILED IN OPEN COURT. Mr. Fattig stated bad acts only goes to Defts' Gato and Castro and will only prove conspiracy on Deft. Villaverde. Further, witness Martinez offers bad acts testimony as to Deft. Villaverde. Court stated he will hear the bad acts testimony regarding Defts' Gato and Castro but will</i>

CASE SUMMARY

CASE NO. 03C191012-2

hear nothing in regards to Deft. Villaverde. Mr. Allen stated he will be out of the jurisdiction Monday through Wednesday of next week. Statement by Mr. Pike. Mr. Fattig advised witness Martinez cannot take fifth amendment. Further statements by counsel. Mr. Allen advised he will make arrangements as to providing counsel on behalf of witness Martinez. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented. (See worksheets.) Mr. Fattig stated, the State has a stipulation with Mr. Schieck and Mr. Wentworth that Ms. Camorena may sit in this hearing and trial even though she will be a witness. Court stated Ms. Camorena may stay and so may Mr. Allen during the trial of Deft. Villaverde. Mr. Wentworth requested if the witness Garcia is released from federal custody that a address be made available to Defts' counsel. Mr. Schieck requested that the witness not be released until after this case is done. Mr. Fattig stated that is a federal issue. Mr. Schieck requested a material witness warrant be issued if witness Gomez is released. Court stated witness will not go anywhere. Mr. Mitchell stated he has provided a letter from the United States Attorney and wants counsel to acknowledge receipt. Defts' counsel acknowledged receipt. Mr. Pike stated he has filed a motion in limine in regards to the bloody palm print. Further, report indicates swabs taken from the bathroom indicate blood but the other swabs did not. Mr. Fattig stated all along there have been unknown finger prints. The State met with the Crime Scene Analyst about a week and a half ago and learned of two prints described as bloody prints. Further arguments by counsel. COURT ORDERED, Motion In Limine UNDER ADVISEMENT. FURTHER ORDERED, State's Motion and Deft's Motion as to Deft. Gato UNDER ADVISEMENT and Evidentiary Hearing regarding Deft. Villaverde CONTINUED. CONTINUED TO: 3/29/04 3:45 PM (VILLAVERDE) ;

03/29/2004

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS: Colloquy between Court and Mr. Pike regarding palm print evidence and testimony. Mr. Pike outlined his efforts to trying to meet this evidence and stated he felt that he had obtained sufficient knowledge to go forward with this and cross examination with regard to the palm print. COURT ORDERED, motion in limine regarding palm print DENIED. Mr. Pike stated there was a motion to exclude the testimony of Teresa Gamboa as she had not been located to testify. Mr. Mitchell advised there were efforts in place to try and apprehend her but as yet he had not been informed whether she had been located or not. FURTHER ORDERED, that Court will defer ruling on that issue until later to see if she will be located. Jury selection will begin at 1:30 PM. During voir dire, as well as opening statements, either side may feel free to say what they can show with regard to the palm print. Amended Information FILED IN OPEN COURT. State and Deft. stipulated that should the jury find the Deft. guilty of first degree murder that the Judge would determine the sentence rather than the jury. COURT SO ORDERED. IN THE PRESENCE OF PROSPECTIVE JURORS: Court and counsel examined prospective jurors. Court recessed to reconvene on 3-30-04 at 2:00 PM. ;

03/29/2004

Hearing (3:45 PM)

EVIDENTIARY HEARING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; EVIDENTIARY HEARING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

Chip Segal, representing Witness, Alfredo Martinez, present. Court stated Art Alan, the potential witness Alfredo Martinez's federal public defender, had to withdraw due to a conflict; therefore, requested this Court appoint counsel for Mr. Martinez in this action. COURT ORDERED, Chip Segal appointed to represent Mr. Martinez in this action. Alfredo Martinez sworn but would not agree to testify. Mr. Segal stated the witnesses was not comfortable testifying as he was not sure how this would impact his federal case and since the appointment was just made Mr. Martinez would like to request a two week continuance. Mr. Mitchell advised the State was not willing to wait, if Mr. Martinez was not willing to testify the State would withdraw their offer. Colloquy. Court allowed the witness and Mr. Segal to confer outside the presence of Court and counsel prior to continuing. After conferring with his counsel, Mr. Martinez determined he would testify. Mr. Martinez resworn and testified. Court recessed to resume at 10:15 AM on 3-30-04. ;

03/30/2004

Jury Trial (10:15 AM)

CASE SUMMARY

CASE No. 03C191012-2

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

Continued examination of prospective jurors. Twelve jurors sworn to try the case. OUTSIDE THE PRESENCE OF THE JURY: Mr. Wentworth advised he was waiving his right to double jeopardy but was making a challenge to the array of the prospective jury panel based on the fourteenth amendment, due process, and the sixth amendment, the right to jury by peers. There were no peers in the array nor on the jury. Court held a Batson hearing with regard to the State's challenge of prospective juror #44 Esquivel and #75 Washington. Mr. Mitchell presented the State's position when challenging those prospective jurors. COURT FOUND the challenge to Washington was racially neutral and had everything to do with his answers to voir dire questions. As to Esquivel, that challenge was ethnically neutral and based on the answer that she would be thinking about her business during the trial and not giving full attention to these proceedings; therefore, the challenge was not racially motivated. IN THE PRESENCE OF THE JURY: Two alternates selected and sworn. Court presented a brief introduction to the trial and Clerk read the Amended Information filed herein and stated the Deft.'s pleas of not guilty. Court recessed. OUTSIDE THE PRESENCE OF THE JURY: Mr. Fattig requested clarification on the Court's ruling with regard to the transcript of Teresa Gamboa's testimony. Mr. Pike requested the transcript be redacted. COURT ORDERED, counsel are to meet, confer, and redact the transcript. Nothing regarding Co-Defts. Gato and Castro is to come in but anything that has to do with Deft. Villaverde will come in. Mr. Fattig stated that much of what come out of the Petrocelli hearing with witness Martinez had nothing to do with the bad acts motion and requested a formal ruling on which bad acts were admissible. FURTHER ORDERED, anything to do with drug dealing will come in. Mr. Mitchell advised the State intended to file a motion in limine regarding self serving for Villaverde through Martinez. COURT ORDERED, counsel to supply briefs on that issue. ;

03/30/2004

Hearing (10:15 AM)

EVIDENTIARY HEARING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Matter Heard; EVIDENTIARY HEARING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Journal Entry Details:

Renee Gascon, Court Interpreter, and Chip Segal, representing witness Alfredo Martinez, present. Further testimony presented. Hearing concluded and COURT ORDERED, matter to proceed to trial. ;

03/31/2004

Jury Trial (1:30 PM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike requested the Court reconsider the ruling with regard to the transcript testimony of Teresa Gamboa and presented argument. The cross examination that was conducted by other attorneys at the time is such that a reasonably competent attorney would not have allowed. By having a joint preliminary hearing would render the attorney ineffective and if this is brought out during the opening statements it would be detrimental to Deft. Villaverde. Court stated opening arguments are not evidence and if the State cannot prove the things they present in opening statements, the defense would be able to bring that up and rebut against it. The defense would be allowed to take the State to task on what they did or didn't prove. The Court doesn't want to have any great impact on what counsels trial strategy is--on either side. Court reconvened and counsel stipulated to the presence of the jury. Opening statements by counsel. Testimony and exhibits presented. (See worksheets.) Court Interpreter, Vivian Wright, present for witness Rogelia Lopez, the mother of another witness, Rogelia Lopez, her daughter. Court recessed to resume on 4-01-04 at 1:30 PM. ;

04/01/2004

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

CASE SUMMARY

CASE NO. 03C191012-2

Journal Entry Details:

Court reconvened and counsel stipulated to the presence of the jury. Testimony and exhibits presented. (See worksheets.) Michelle Roth, Court Interpreter, present for witness Leonel Garcia. OUTSIDE THE PRESENCE OF THE JURY: After Leonel Garcia refused to testify Court stated it had ordered Garcia to testify and he refused; therefore, was inclined to declare him unavailable, he may want to speak with his attorney to determine what he wants to do. Mr. Mitchell advised Garcia had already been sentenced and there had been nothing pending for some time, he did not have an attorney when the agreement was signed, only himself, the State and an interpreter. Garcia has no fifth amendment rights in this case. Court stated there was nothing further the Court could do but would allow counsel time to speak with him and then determine what to do. Mr. Pike raised the issue that while Crime Scene Analyst, Mr. Holstein, was testifying he mentioned a sexual assault kit, the defense did not go into it at the time but does not know if that negatively prejudiced the jury and suggested some kind of stipulation or instruction be read to the jury on that point. COURT FOUND there was nothing intentional on behalf of the prosecution nor the witness to prejudice the jury, the witness simply stated what things he did at the crime scene. COURT ORDERED, counsel may provide a stipulation and the Court would read it to the jury. Mr. Mitchell addressed a legal matter stating the defense would try to elicit statements made by Villaverde to Martinez that were not inculpatory and were not admissible. These were self-interest hearsay statements that could not come in. The State will use inculpatory statements as a party opponent which are excluded by hearsay. The State does not want the defense to ask Martinez anything about Villaverde telling him he backed out of the thing because that is hearsay. COURT ORDERED, what Mr. Mitchell said was black letter law but the Court would allow counsel to brief the issue. The defense can't get into those self-serving statements unless Villaverde testifies. Argument by Mr. Pike. COURT FURTHER ORDERED, as long as there is an exception to hearsay statements may come in, otherwise, they will be excluded. Mr. Wentworth stated Martinez said certain statement under oath and if that is contrary to his examination at time of trial would like to go over that. COURT ORDERED, this Court will abide by the evidence code. Mr. Fattig stated one of the State's next witnesses is the Teresa Gamboa transcript and it is the State's position that the entire transcript should be read; to do anything less would be not to give the jury the full story. Quillin v. State of Nevada cited to support the State's position. The transcript should not be dissected. Response by Mr. Wentworth and request for the Court to defer ruling until points and authorities could be provided. COURT ORDERED, the Court will allow points and authorities to be presented on this issue. Court recessed until 4-02-04 at 10:15 AM. ;

04/02/2004

Jury Trial (10:15 AM)

TRIAL BY JURY Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen/Liz Garcia Court Interpreter: Mario Torres Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen/Liz Garcia Court Interpreter: Mario Torres Heard By: Cherry, Michael A

Journal Entry Details:

Renee Gascon, Court Interpreter present. Order for Transcript; Notice of Motion and Motion in Limine FILED IN OPEN COURT. JURY PRESENT: Further testimony and exhibits. (See worksheets.) Proposed exhibits from the Petrocelli Hearing heard on March 19, 2004, marked as exhibits in this trial. OUTSIDE THE PRESENCE OF THE JURY: Motion For Order In Limine Prohibiting The State From Attempting to Introduce Published Testimony of Teresa Gamboa Regarding Possibility of Robbery by Co-Defendants at Trial FILED IN OPEN COURT. Court stated he read all of Teresa Gamboa's testimony from the Preliminary Hearing and ORDERED, objection OVERRULED. Further the Court stated, you cannot ignore testimony to date. Statements by counsel. Mr. Fattig stated they had received information regarding the whereabouts of Teresa Gamboa and the Criminal Apprehension Team from the Metropolitan Police Department was sent to the location which was found to be the home of Ms. Gamboa's parents. Further, the parents provided an address for Ms. Gamboa which was not correct. Further statements by counsel. Court DECLARED Teresa Gamboa unavailable and will ALLOW the Preliminary Hearing transcript of her testimony to be read into the record. JURY PRESENT: Further testimony and exhibits. Exhibits from the Preliminary Hearing used in this trial. Court recessed to resume testimony on April 5, 2004, at 10:15 a.m. ;

04/05/2004

Jury Trial (10:15 AM)

TRIAL BY JURY Court Clerk: Sharon Coffman Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Sharon Coffman Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

Court convened at 10:30 a.m.. OUTSIDE THE PRESENCE OF THE JURY, Officer Rob Wilson advised the witness Alfredo Martinez has stated he does not trust anyone and does not

CASE SUMMARY

CASE No. 03C191012-2

wish to come in the courtroom. Mr. Mitchell inquired whether the witness could be brought against his will. COURT ORDERED, it will not bring the witness against his will. Parties went to confer with the witness and returned to report he will not testify. Jury present at 10:45 a.m. Testimony continued. OUTSIDE THE PRESENCE OF THE JURY, Mr. Fattig requested the transcript of the Petrocelli hearing be allowed in as evidence. Court noted it had read the transcript and ORDERED, request is DENIED. Following lunch break, JURY PRESENT. Testimony and exhibits continued. Parties stipulated to play the video tape of the interview between Officer Wilson and the Defendant without laying foundation. COURT SO ORDERED. Following the videotape, COURT ORDERED, matter continued and recessed for the evening at 4:10 p.m. ;

04/06/2004

Jury Trial (9:30 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

Court reconvened and counsel stipulated to the presence of the jury. Further testimony and exhibits. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding purported hearsay statements by Teresa Gamboa. Court stated the statements were not being offered for the truth of the matter but as likely probable cause. COURT ORDERED, objection OVER RULED on hearsay and either side may submit whatever jury instruction they feel necessary. Mr. Mitchell advised the State intended to introduce such an instruction. Mr. Pike advised counsel had stipulated that the witness of the drivers license was located in New York and would not have to appear and testify. COURT SO ORDERED. Mr. Wentworth made an oral motion to suppress any and all statements by the Deft. and presented argument. COURT ORDERED, motion DENIED. Deft. advised of his right to testify. IN THE PRESENCE OF THE JURY: Further testimony and exhibits presented. State and defense rested. OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike moved for mistrial based on a statement made by Detective Wilson while testifying. COURT ORDERED, motion DENIED; if there was error it was harmless error. Court and counsel settled jury instructions. Court recessed to reconvene on 4-07-05 at 9:30 AM. ;

04/07/2004

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Cherry, Michael A

Journal Entry Details:

Court reconvened and counsel stipulated to the presence of the jury. Court read instructions to the jury. Closing arguments by counsel. Bailiff and Matron sworn to take charge of jury and alternates. Jury retired to begin deliberations at 1:59 PM. ;

04/08/2004

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Matter Heard; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Journal Entry Details:

Jury resumed deliberations at 9:00 AM. Jury returned with a verdict at 10:49 AM. Foreperson, Barry Blackburn, read the verdict on file herein of COUNT I - Burglary - GUILTY; COUNT II - First Degree Murder with use of a deadly weapon - GUILTY; COUNT III - Robbery with use of a deadly weapon - GUILTY. Jury polled. COURT ORDERED, Deft. REMANDED to custody and matter SET for SENTENCING. Court thanked and excused the jury and alternates. CUSTODY 6-1-04 9:00 AM SENTENCING ;

04/13/2004

Status Check (9:00 AM)

STATUS CHECK: TRIAL DATE Heard By: Michael Cherry

04/13/2004

Status Check (9:00 AM)

STATUS CHECK: TRIAL DATE

04/13/2004

All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 4-13-04 Court Clerk: Penny Wisner Reporter/Recorder: Janie

CASE SUMMARY

CASE No. 03C191012-2

	<p><i>Olsen Court Interpreter: SILVIA PAGE Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS 4-13-04 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: SILVIA PAGE Heard By: Michael Cherry Journal Entry Details: <i>STATUS CHECK: TRIAL DATE (GATO)...STATUS CHECK: TRIAL DATE (CASTRO)</i> <i>Colloquy between Court and counsel trying to find a trial date that would meet all counsels availability. COURT ORDERED, matter SET for TRIAL. CUSTODY (BOTH) 7-29-04 9:00 AM CALENDAR CALL 8-02-04 10:00 AM JURY TRIAL ;</i></p>
04/29/2004	<p>Motion (9:00 AM) Events: 04/15/2004 Motion for Order <i>DEFT'S MTN FOR ORD TO ENLARGE TIME/46 Court Clerk: Penny Wisner</i> Reporter/Recorder: Elizabeth Garcia Heard By: Michael Cherry Denied; DEFT'S MTN FOR ORD TO ENLARGE TIME/46 Court Clerk: Penny Wisner Reporter/Recorder: Elizabeth Garcia Heard By: Michael Cherry Journal Entry Details: <i>Mr. Mitchell argued in opposition to the motion on the basis that the Deft. had seven days to file a motion for a new trial, unless it was on the grounds of new evidence, and that time had been exceeded. Court stated it could not enlarge the time for a new trial. COURT ORDERED, motion DENIED. Mr. Wentworth stated there was no new evidence, that was not part of the motion being filed. ;</i></p>
06/01/2004	<p>Sentencing (9:00 AM) <i>SENTENCING Heard By: Michael Cherry</i></p>
06/03/2004	<p>Sentencing (9:00 AM) <i>SENTENCING Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Michael Cherry</i> Matter Continued; SENTENCING Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: <i>DEFT. VILLAVERDE ADJUDGED GUILTY as to COUNT 1 BURGLARY (F), as to COUNT 2 MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)(F) and as to COUNT 3 ROBBERY WITH USE OF A DEADLY WEAPON (F). Degna Ortega sworn and testified. Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, submission to testing to determine genetic markers and pay \$150.00 DNA Analysis fee to the Clark County Clerk and \$3,000.00 RESTITUTION, Deft. SENTENCED as to COUNT 1 to a MAXIMUM of NINETY-SIX (96) MONTHS and a MINIMUM of TWENTY-TWO (22) MONTHS in the Nevada Department of Corrections (NDC), as to COUNT 2 to a term of LIFE imprisonment without the possibility of parole in the Nevada Department of Corrections (NDC), plus an EQUAL and CONSECUTIVE term for Use of A Deadly Weapon and as to COUNT 3 to a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS and a MINIMUM of THIRTY-FIVE (35) MONTHS in the Nevada Department of Corrections (NDC), plus an EQUAL and CONSECUTIVE term for the Use of A Deadly Weapon; COUNT 3 CONSECUTIVE to COUNT 2. FURTHER ORDERED, Mr. Pike APPOINTED as appellant counsel. BOND, if any, EXONERATED. ;</i></p>
07/27/2004	<p>Calendar Call (9:00 AM) <i>CALENDAR CALL</i></p>
07/27/2004	<p>Calendar Call (9:00 AM) <i>CALENDAR CALL</i></p>
07/27/2004	<p>All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 7-27-04 Court Clerk: Penny Wisner/pw Relief Clerk: Elaine York Reporter/Recorder: Janie Olsen Court Interpreter: DIEGO TRUJILLO Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS 7-27-04 Court Clerk: Penny Wisner/pw Relief Clerk: Elaine York Reporter/Recorder: Janie Olsen Court Interpreter: DIEGO TRUJILLO Heard By: Michael Cherry Journal Entry Details: <i>CALENDAR CALL (GATO)...CALENDAR CALL (CASTRO) Mr. Fattig advised he had filed a Hill motion this morning with regard to the unavailability of witness Matvey. COURT ORDERED, TRIAL date VACATED and RESET. CUSTODY (BOTH) 11-04-04 9:00 AM</i></p>

CASE SUMMARY

CASE No. 03C191012-2

CALENDAR CALL 11-08-04 10:00 AM JURY TRIAL ;

07/29/2004	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
07/29/2004	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
08/02/2004	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
08/02/2004	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/05/2004	Motion (8:30 AM) Events: 09/21/2004 Notice of Motion <i>DEFT'S MTN TO PLACE ON CALENDAR/52 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry</i> Matter Heard; DEFT'S MTN TO PLACE ON CALENDAR/52 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: <i>Mr. Schieck advised that since his office had hired Mr. Pike a conflict had been created and they could no longer represent the Deft. COURT ORDERED, Mr. Schieck's office allowed to withdraw and Chris Oram appointed as counsel for the Deft.; matter set for confirmation of counsel. CUSTODY 10-19-04 8:30 AM CONFIRMATION OF COUNSEL ;</i>
10/19/2004	Motion for Confirmation of Counsel (8:30 AM) <i>CONFIRMATION OF COUNSEL (ORAM) Heard By: Michael Cherry</i>
10/19/2004	Request (8:30 AM) <i>STATE'S REQUEST RESET TRIAL DATE</i>
10/19/2004	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 10-19-04 Court Clerk: Penny Wisner/pw Relief Clerk: Michelle Jones Reporter/Recorder: Liz Garcia Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS 10-19-04 Court Clerk: Penny Wisner/pw Relief Clerk: Michelle Jones Reporter/Recorder: Liz Garcia Heard By: Michael Cherry Journal Entry Details: <i>STATE'S REQUEST TO RESET TRIAL DATE (CASTRO)...CONFIRMATION OF COUNSEL (ORAM) (GATO) Mr. Oram confirmed as counsel for Deft. Gato. Court stated it had to appoint new counsel as his prior counsel, David Schieck, was appointed as the Special Public Defender. Due to Deft. Gato just obtaining new counsel the Court is going to vacate the trial date and reset it in order to allow counsel to be prepared for trial. COURT ORDERED, TRIAL date VACATED and RESET. CUSTODY (BOTH) 10-27-05 8:30 AM CALENDAR CALL ;</i>
11/04/2004	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
11/04/2004	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>
11/08/2004	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
11/08/2004	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
01/21/2005	Bench Warrant Return (1:00 PM) <i>BENCH WARRANT RETURN FOR MATERIAL WITNESS GAMBOA Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry</i> Granted; BENCH WARRANT RETURN FOR MATERIAL WITNESS GAMBOA Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

CASE SUMMARY

CASE NO. 03C191012-2

	<p>Journal Entry Details: <i>Material witness Gamboa present. Mr. Fattig requested the witness remain in custody until the trial was finished based on her unavailability and resistance to testifying. She is also being held on other matters. COURT ORDERED, motion GRANTED; the Deft. is remanded to the custody of the Sheriff to be held pending trial in this matter. CUSTODY ;</i></p>
01/25/2005	<p>Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: Michael Cherry</i></p>
01/25/2005	<p>Calendar Call (8:30 AM) <i>CALENDAR CALL</i></p>
01/25/2005	<p>All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 1-25-05 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry</i> Matter Heard; ALL PENDING MOTIONS 1-25-05 Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Heard By: Michael Cherry Journal Entry Details: <i>CALENDAR CALL (GATO)...CALENDAR CALL (CASTRO) State and defense announced ready. COURT ORDERED, matter to begin trial on Monday at 1:30 PM. CUSTODY (BOTH) ;</i></p>
01/27/2005	<p>Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: Michael Cherry</i></p>
01/27/2005	<p>Calendar Call (8:30 AM) <i>CALENDAR CALL</i></p>
01/31/2005	<p>Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A</i> Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A Journal Entry Details: <i>Court Interpreter, Maria Gomez, also present. OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS: Mr. Oram advised Deft. Gato was not given the same negotiation as Deft. Castro of voluntary manslaughter but rather was offered second degree murder with a possible penalty of ten years to life. Deft. Gato has declined this offer and was ready to proceed to trial. COURT SO ORDERED. IN THE PRESENCE OF PROSPECTIVE JURORS: Court and counsel examined prospective jurors. Court recessed to resume jury selection on 2-1-05 at 1:30 PM. ;</i></p>
01/31/2005	<p>Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: JEFFREY HANKS Heard By: Michael Cherry</i> Matter Heard; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: JEFFREY HANKS Heard By: Michael Cherry Journal Entry Details: <i>Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS are as contained in Guilty Plea Agreement. DEFT. CASTRO ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO VOLUNTARY MANSLAUGHTER (F). Mr. Fattig made a factual statement as to what the State could prove should this matter go to trial. Mr. Walton informed the Court the Deft. was assisted by the Court Interpreter in reading and explaining the Guilty Plea Agreement in this matter. COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. CUSTODY 3-8-05 8:30 AM SENTENCING ;</i></p>
02/01/2005	<p>Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Maria Peralta De Gomez Heard By: Cherry, Michael A</i> Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Maria Peralta De Gomez Heard By: Cherry, Michael A Journal Entry Details: <i>Court Interpreter, Jeff Hanks, present. OUTSIDE THE PRESENCE OF PROSPECTIVE</i></p>

CASE SUMMARY**CASE NO. 03C191012-2**

JURORS: Counsel discussed an issue with the witness that was the manager of the motel at the time of the murder as she had a baby yesterday and would not be available for two weeks to travel. Colloquy between Court and counsel regarding possible solutions as Mr. Oram wanted live testimony in order to bring out the inconsistencies between preliminary hearing and trial testimony. COURT ORDERED, counsel to travel to Phoenix, Arizona, and conduct a video deposition to be used at trial. Court and counsel conducted a Petrocelli hearing. Teresa Gamboa sworn and testified. Mr. Oram presented argument on the lack of clear and convincing evidence. Response by Mr. Mitchell. Court agreed with the State and ORDERED, the jury will be allowed to hear about the drug dealing through witness Gamboa but nothing to do with gang involvement. The Court believes this evidence is more probative than prejudicial and is appropriate for the jury. Mr. Mitchell addressed the issue of the testimony of Leonel Garcia and inquired if he would be allowed to testify in this trial as he did in the Co-Deft., Sally Villaverde, trial. Mr. Oram advised he had anticipated he would testify and was prepared. COURT ORDERED, Leonel Garcia may testify in this trial. IN THE PRESENCE OF PROSPECTIVE JURORS: Court and counsel resumed examination of prospective jurors. Twelve jurors and two alternates sworn to try the case at issue. Court presented a brief introduction and Clerk read the Amended Information on file herein and stated the Deft.'s plea of not guilty. Court recessed to reconvene on 2-2-05 at 10:00 AM. ;

02/02/2005

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: ALEXANDRA ANDRADE Heard By: Cherry, Michael A
 Matter Continued; *TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: ALEXANDRA ANDRADE Heard By: Cherry, Michael A*
 Journal Entry Details:
Court Interpreters, Jeff Hanks and Maria Gomez, present. Opening statements by counsel. Testimony and exhibits presented. (See worksheets.) ;

02/03/2005

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: RENEE OCOUGNE DE GASCON Heard By: Cherry, Michael A
 Matter Continued; *TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: RENEE OCOUGNE DE GASCON Heard By: Cherry, Michael A*
 Journal Entry Details:
Court interpreters Manuel Calvillo, Maria Gomez, and Jeff Hanks present. Court reconvened and counsel stipulated to the presence of the jury. Further testimony and exhibits presented. OUTSIDE THE PRESENCE OF THE JURY: Court made a record with regard to witness Gamboa's testimony as it went towards the conspiracy part of the incident and ORDERED, after the murder takes place the witness will no longer be able to testify as to conversations. Mr. Oram objected on the basis of a Bruton violation as he would not have the opportunity to cross examine Sally Villaverde and cited case law Crawford v. Washington to support his position. Court stated it had read Crawford many times and Mr. Oram may be right but this Court could not overrule the hearsay rule based on Crawford. COURT ORDERED, witness Gamboa will be allowed the hearsay exception and testify. Statements by Mr. Mitchell. Mr. Oram stated anything further up to the death was a sixth amendment violation. COURT ORDERED, OVERRULED and TESTIMONY ADMISSIBLE. Mr. Mitchell advised that after the death, the State would be introducing conversations that Gato participated in after the homicide in California and addressed adoptive admissions. Court stated it would recognize Mr. Oram's continuing objection to this testimony. Mr. Oram made a record of his objection regarding the statement by Gamboa "because I know Gato". COURT ORDERED, objection noted and OVERRULED. IN THE PRESENCE OF THE JURY: Further testimony and exhibits presented. ;

02/04/2005

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Maria Peralta De Gomez Heard By: Cherry, Michael A
 Matter Continued; *TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Maria Peralta De Gomez Heard By: Cherry, Michael A*
 Journal Entry Details:
Court Interpreter, Jeff Hanks, present. Court reconvened with all parties present and counsel stipulated to the presence of the jury. Further testimony and exhibits presented. OUTSIDE THE PRESENCE OF THE JURY: Mr. Mitchell advised an endorsed witness, Lionel Garcia, who testified at Co-Deft. Sally Villaverde's trial, was refusing to testify and had made claims that his life and that of his family had been threatened; therefore, would like to use the transcript of his testimony in the previous trial. Mr. Oram objected on the basis he had the right to confront

CASE SUMMARY

CASE No. 03C191012-2

a witness and that would be denied him by using the transcript. Further arguments by counsel. COURT ORDERED, counsel are to submit briefs on this issue complete with case law to support their position. IN THE PRESENCE OF THE JURY: Court excused the jury for the weekend to resume trial on Monday, 2-7-05, at 10:00 AM. ;

02/07/2005

Jury Trial (1:30 PM)

TRIAL BY JURY Relief Clerk: April Watkins Reporter/Recorder: Janie Olsen Court

Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Relief Clerk: April Watkins Reporter/Recorder: Janie

Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A

Journal Entry Details:

Maria Gomez, Court Interpreter, present. Notice of Motion and Motion to Admit Prior Testimony of Leonel Garcia FILED IN OPEN COURT. JURY PRESENT: Continued testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Randall Pike, Esq. present on behalf of Co-Def. Villaverde. Mr. Pike advised Def. Villaverde has been convicted at trial and has an appeal pending. Offers have been made by the State and the State had Def. transported from Ely State Prison to Clark County Detention Center (CCDC) with the knowledge and consent of counsel. Further, Def. was transported into the courtroom without Def. Gato being present and was addressed by the state and reiterated he does not want to testify or accept negotiations. Therefore, Def. is unavailable for trial. Additionally, Def. requested counsel invoke his 5th Amendment rights. Mr. Fattig stated Def's alias' have been redacted from exhibits and will not be mentioned during testimony. JURY PRESENT: Continued testimony and exhibits. Mr. Fattig stated a stipulation has been entered into to read the voluntary statements and Preliminary Hearing testimony of Rogelia Lopez and transcript of trial of Sally Villaverde. Court recessed. ;

02/08/2005

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court

Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie

Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A

Journal Entry Details:

Maria Gomez, Court Interpreter, present. Court reconvened and counsel stipulated to the presence of the jury. Further testimony and exhibits. OUTSIDE THE PRESENCE OF THE JURY: Mr. Oram addressed his concern over a hearsay statement that could come in through State's witness, Robert Wilson, which was made by a maintenance man at the Capri Motel. COURT ORDERED, no hearsay statements are to come into the record and the State is to so advise their witness. IN THE PRESENCE OF THE JURY: Further witness and exhibits presented. OUTSIDE THE PRESENCE OF THE JURY: Mr. Mitchell advised it had come to the point in the trial where a ruling regarding Leonel Garcia was necessary. Colloquy. Mr. Oram advised he was prepared to present extensive argument on that point. Court stated it was inclined to allow the testimony in that was presented in the Petrocelli hearing with Leonel Garcia. Court stated this was an issue of first impression and allowed counsel to argue. Argument by Mr. Oram citing case law to support his position. COURT ORDERED, there is no way that the Court can prevent the State from bringing this testimony in. The Court is not sure if there is a difference between a Petrocelli Hearing and a prior proceeding but we have a witness whose credibility is up in the air. The Court would also allow some of Mr. Garcia's testimony from the Villaverde trial to be used. Mr. Oram requested the Court tell the jurors that Garcia had refused to testify. State had no objection as long as the Court also tells the jury that he was in prison. COURT SO ORDERED. Mr. Mitchell made a record with regard to Mr. Oram's argument regarding Mr. Schieck's opportunity to cross-examine Leonel Garcia. Mr. Oram requested any deals or Giglio information from the State. Mr. Mitchell went over that information. COURT ORDERED, that information will be presented to the jury. Mr. Fattig also requested that the jury be told that there have been no further deals offered. COURT SO ORDERED. Court recessed. ;

02/09/2005

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court

Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A

Matter Continued; TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie

Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A

Journal Entry Details:

Court Interpreters, Richard Evans and Rene Gascon, present. OUTSIDE THE PRESENCE OF THE JURY: Court and counsel went over the anticipated testimony of Detective Wilson and addressed possible hearsay issues. Mr. Oram requested that this witness also not go into when

CASE SUMMARY

CASE No. 03C191012-2

the Deft. was arrested and whether or not a statement was made. Court agreed and so ordered. *IN THE PRESENCE OF THE JURY*: Court reconvened and counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. *OUTSIDE THE PRESENCE OF THE JURY*: Court advised the Deft. of his right to testify. Counsel went over the stipulation they had reached with regard to the transcript testimony of Leonel Garcia. *IN THE PRESENCE OF THE JURY*: Mr. Oram read the stipulation between the State and defense with regard to witness Leonel Garcia, who had refused to testify in this trial. Further testimony presented. State and defense rested. *OUTSIDE THE PRESENCE OF THE JURY*: Court and counsel settled jury instructions. *IN THE PRESENCE OF THE JURY*: Court read instructions to the jury. Court recessed to reconvene on 2-10-05 at 9:45 AM. ;

02/10/2005

Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A
Matter Continued; *TRIAL BY JURY* Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: JEFFREY HANKS Heard By: Cherry, Michael A
Journal Entry Details:
Court Interpreters, Sylvia Page and Maria Gomez, present. *OUTSIDE THE PRESENCE OF THE JURY*: Mr. Oram advised the woman that testified on behalf of Motel 6 was going to go back and verify the date on the receipt and has not done that as yet as far as he knew. State advised they had not received any further information as yet. *COURT ORDERED*, the case is now over and Mr. Oram was free to argue that point. *IN THE PRESENCE OF THE JURY*: Court reconvened and counsel stipulated to the presence of the jury. Closing arguments by counsel. Bailiff and matron sworn to take charge of the jury and alternates. Jury retired to begin deliberations at 1:58 PM. ;

02/11/2005

Jury Trial (10:00 AM)

TRIAL BY JURY Relief Clerk: Carole D'Aloia Reporter/Recorder: Debbie Van Blairicom Court Interpreter: SILVIA PAGE Heard By: Michael Cherry
Matter Heard; *TRIAL BY JURY* Relief Clerk: Carole D'Aloia Reporter/Recorder: Debbie Van Blairicom Court Interpreter: SILVIA PAGE Heard By: Michael Cherry
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY, Court advised counsel it received a note from the Jury, had it marked Court's Exhibit and because this is a homicide case, it wanted to get counsel's input. Following arguments by counsel, Court advised its response will be "The answer to your question is contained in the instructions previously given by the Court." At the hour of 11:15 AM Jury returned with the following verdicts. Count 1 - Burglary (F) - Guilty Count 2 - First Degree Murder With Use of a Deadly Weapon (F) - Guilty Count 3 - Robbery With Use of a Deadly Weapon (F) - Guilty Jury polled at request of Mr. Oram. Court thanked and exused the jury and, *ORDERED*, matter referred to the Division of Parole and Probation (P&P) for a Presentence Investigative Report (PSI Report) and set for *SENTENCING*. *CUSTODY 4/7/05 8:30 AM SENTENCING CLERK'S NOTE: AFTER TRIAL CLERK WAS NOTIFIED BY COURT THAT THE MATERIAL WITNESS WARRANT ON TERESA GAMBOA IS QUASHED, INSTRUCTED CLERK TO FAX A COPY OF THIS MINUTE ORDER TO THE JAIL, AND, ORDERED, TERESA GAMBOA TO BE RELEASED FORTHWITH. cd ;*

03/08/2005

Sentencing (8:30 AM)

SENTENCING Court Clerk: Penny Wisner Relief Clerk: Michelle Jones/mj Reporter/Recorder: Debbie VanBlaricom Heard By: Cherry, Michael A
Matter Continued; *SENTENCING* Court Clerk: Penny Wisner Relief Clerk: Michelle Jones/mj Reporter/Recorder: Debbie VanBlaricom Heard By: Cherry, Michael A
Journal Entry Details:
Mr. Walton advised he has not received the Pre-Sentence Investigation (PSI) report and requested a continuance. Mr. Fattig noted, the presence of the victim's mother and requested matters be rescheduled as to her availability. *COURT ORDERED*, matters continued. *CUSTODY ;*

03/22/2005

Sentencing (8:30 AM)

SENTENCING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry
Matter Continued; *SENTENCING* Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry
Journal Entry Details:
DEFT. CASTRO ADJUDGED GUILTY OF VOLUNTARY MANSLAUGHTER (F). Argument by the State. Statement by the Deft. Argument by Mr. Walton. *COURT ORDERED*, in addition

CASE SUMMARY

CASE No. 03C191012-2

to the \$25 Administrative Assessment Fee, the Deft. is SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) with 741 days Credit For Time Served. ;

04/07/2005

Sentencing (8:30 AM)

SENTENCING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry

Granted; SENTENCING Court Clerk: Penny Wisner Reporter/Recorder: Janie Olsen Court Interpreter: Anita D'Angelo Heard By: Michael Cherry

Journal Entry Details:

Court Interpreter Laura Villar present for speaker Degna Ortega. DEFT. GATO ADJUDGED GUILTY OF COUNT 1 - BURGLARY (F); COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)(F); AND COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Mother of the victim, Degna Ortega, sworn and testified. Argument by the State. Statement by the victim. Argument by Mr. Oram. COURT ORDERED, in addition to the \$25 Administrative Assessment Fee, submission to testing to determine genetic markers and pay the \$150 DNA Analysis Fee, the Deft. is SENTENCED as to COUNT 1 to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in Nevada Dept. of Corrections; COUNT 2 to LIFE WITHOUT THE POSSIBILITY OF PAROLE PLUS an EQUAL and CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use of a deadly weapon to run CONSECUTIVE to Count 1; COUNT 3 to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS PLUS an EQUAL and CONSECUTIVE term of a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS for use of a deadly weapon to run CONSECUTIVE to COUNTS 1 and 2. Deft. to receive 770 days Credit For Time Served. FURTHER ORDERED, Christopher Oram is APPOINTED to handle the Deft's appeal in this case. ;

04/04/2006

Motion for Appointment of Attorney (8:30 AM)

Events: 03/21/2006 Motion for Appointment of Attorney

DEFT'S PRO PER MTN FOR THE APPOINTMENT OF COUNSEL /64 Heard By: Michael Cherry

04/04/2006

Petition to Proceed in Forma Pauperis (8:30 AM)

Events: 03/21/2006 Motion for Leave to Proceed in Forma Pauperis

DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /65 Heard By: Michael Cherry

04/18/2006

Motion for Appointment of Attorney (8:30 AM)

DEFT'S PRO PER MTN FOR THE APPOINTMENT OF COUNSEL /64 Heard By: Michael Cherry

04/18/2006

Petition to Proceed in Forma Pauperis (8:30 AM)

DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /65 Heard By: Michael Cherry

04/18/2006

All Pending Motions (8:30 AM)

ALL PENDING MOTIONS (4/18/06) Court Clerk: Theresa Lee Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Matter Heard; ALL PENDING MOTIONS (4/18/06) Court Clerk: Theresa Lee Reporter/Recorder: Janie Olsen Heard By: Michael Cherry

Journal Entry Details:

DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL COURT ORDERED, motion to proceed in forma pauperis and motion for appointment of counsel, Chris Oram is still counsel of record and was appointed to handle the appeal, both motions are DENIED. NDC CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to deft, ID#81701, Ely State Prison, P.O. Box 1989, Ely, NV 89301 ;

04/25/2006

Motion (8:30 AM)

Events: 04/12/2006 Motion

DEFT'S PRO PER MOTION FOR LEAVE TO FILE AMENDED PETITION/68 Court Clerk:

CASE SUMMARY

CASE No. 03C191012-2

	<p><i>Theresa Lee Reporter/Recorder: Dick Kangas Heard By: Cherry, Michael A</i> Matter Continued; DEFT'S PRO PER MOTION FOR LEAVE TO FILE AMENDED PETITION/68 Court Clerk: Theresa Lee Reporter/Recorder: Dick Kangas Heard By: Cherry, Michael A Journal Entry Details: <i>Mr. Pike moved to WITHDRAW AS COUNSEL for deft., SO ORDERED, motion GRANTED. FURTHER ORDERED, deft's motion for leave to file Amended Petition is CONTINUED to 6/8/06. NDC ;</i></p>
06/08/2006	<p>CANCELED Petition for Writ of Habeas Corpus (8:00 AM) Events: 04/11/2006 Order for Petition for Writ of Habeas Corpus <i>Vacated</i></p>
06/08/2006	<p>Motion (8:30 AM) <i>DEFT'S PRO PER MOTION FOR LEAVE TO FILE AMENDED PETITION/68 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i> Off Calendar; DEFT'S PRO PER MOTION FOR LEAVE TO FILE AMENDED PETITION/68 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry Journal Entry Details: <i>Court noted deft filed a motion to withdraw his Post Conviction Petition and file an Amended Petition. COURT ORDERED, at the request of the deft, matter taken OFF CALENDAR. NDC ;</i></p>
06/13/2006	<p>CANCELED Petition for Writ of Habeas Corpus (8:30 AM) <i>Vacated</i></p>
10/31/2006	<p>Motion (8:30 AM) Events: 10/16/2006 Motion for Order <i>DEFT'S PRO PER MTN FOR COURT ORDER TO RESCHEDULE CALENDAR CALL/71 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i> Denied; DEFT'S PRO PER MTN FOR COURT ORDER TO RESCHEDULE CALENDAR CALL/71 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry Journal Entry Details: <i>COURT ORDERED, motion DENIED. NDC CLERK'S NOTE: A copy of this minute order was placed in the U S Mail to deft; ID#81701, Ely State Prison, P.O. Box 1989, Ely, NV 89301 ;</i></p>
11/02/2006	<p>Further Proceedings (8:30 AM) <i>FURTHER PROCEEDINGS Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i> Off Calendar; FURTHER PROCEEDINGS Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry Journal Entry Details: <i>COURT ORDERED, matter taken OFF CALENDAR, this matter was decided on Tuesday, 10/31/06. NDC ;</i></p>
12/12/2006	<p>Motion (8:30 AM) Events: 11/28/2006 Motion for Order <i>DEFT'S PRO PER MTN FOR COURT ORDER COMPLETE ROUGH DRAFT TRANSCRIPT /72 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i> Denied; DEFT'S PRO PER MTN FOR COURT ORDER COMPLETE ROUGH DRAFT TRANSCRIPT /72 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry Journal Entry Details: <i>COURT ORDERED, motion DENIED. State to prepare the Order. NDC CLERK'S NOTE: A copy of the Minute Order was placed in the U.S. Mail to deft ID#81701; Ely State Prison, P.O. Box 1989, Ely, Nevada 89301 ;</i></p>
03/13/2007	<p>Motion (9:00 AM) Events: 02/23/2007 Motion for Clarification <i>DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL</i></p>

CASE SUMMARY

CASE No. 03C191012-2

	<p><i>RECORD/73 Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i></p> <p>Matter Continued; DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL RECORD/73 Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</p> <p>Journal Entry Details:</p> <p><i>Court noted that Defendant is not present as she is in the Nevada Department of Corrections. Written opposition given to the Court by Mr. Hendricks. COURT ORDERED, matter CONTINUED for review of opposition. NDC ;</i></p>
03/15/2007	<p>Motion (9:00 AM)</p> <p><i>DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL RECORD/73 Court Clerk: Carol Donahoo Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i></p> <p>Matter Continued; DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL RECORD/73 Court Clerk: Carol Donahoo Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</p> <p>Journal Entry Details:</p> <p><i>Deft. Villaverde incarcerated in Nevada Department of Corrections and not present. Colloquy regarding Deft's Motion. Court provided a brief history of the case and noted Petitioner's Petition for Writ of Habeas Corpus was never addressed. Therefore, COURT ORDERED, Motion GRANTED IN PART as the Court will appoint Amy Chelini, Esq., as counsel of record; the remaining issues are continued. NDC 03/29/07 9:00 AM STATUS CHECK: CONFIRMATION OF COUNSEL CLERK'S NOTE: Court Clerk notified Ms. Chelini of her appointment telephonically. ;</i></p>
03/29/2007	<p>Motion (9:00 AM)</p> <p><i>DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL RECORD/73 Heard By: Douglas Herndon</i></p>
03/29/2007	<p>Status Check (9:00 AM)</p> <p><i>STATUS CHECK: CONFIRMATION OF COUNSEL Heard By: Douglas Herndon</i></p>
03/29/2007	<p>All Pending Motions (9:00 AM)</p> <p><i>ALL PENDING MOTIONS 3/29/07 Court Clerk: Carol Green Reporter/Recorder: Angela Lee Heard By: David Wall</i></p> <p>Matter Heard; ALL PENDING MOTIONS 3/29/07 Court Clerk: Carol Green Reporter/Recorder: Angela Lee Heard By: David Wall</p> <p>Journal Entry Details:</p> <p><i>DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL RECORD...STATUS CHECK: CONFIRMATION OF COUNSEL (AMY CHELINI) COURT ORDERED, presence of Defendant is WAIVED as he is in the Nevada Department of Corrections. Court stated that on March 15, Judge Herndon indicated that the Petition had never been heard and a that time appointed Ms. Chelini. Court inquired and Ms. Chelini CONFIRMED. COURT ORDERED, matter CONTINUED 90 days for Ms. Chelini to review Defendants motions and determine what needs to be done. 6/28/07 9:00 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/ MOTION FOR CLARIFICATION ;</i></p>
06/28/2007	<p>Status Check (9:00 AM)</p> <p><i>STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/MTN FOR CLARIFICATION Court Clerk: Denise Trujillo Reporter/Recorder: Laurie Hafen Court Interpreter: Mariella Lopez Heard By: Douglas Herndon</i></p> <p>Matter Heard; STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/MTN FOR CLARIFICATION Court Clerk: Denise Trujillo Reporter/Recorder: Laurie Hafen Court Interpreter: Mariella Lopez Heard By: Douglas Herndon</p> <p>Journal Entry Details:</p> <p><i>Ms. Chelini advise she needs 30 days to supplement petition. COURT ORDERED, briefing schedule as follows: Deft. to have until 8/2/07 to file supplement to petition; State has until 9/27/07 to reply, and Deft. will have until 10/11/07 to respond, with matter SET for hearing thereafter. NDC 10/18/07 9:00 AM HEARING: WRIT OF HABEAS CORPUS/CLARIFICATION & CORRECTION OF RECORDS ;</i></p>
08/07/2007	<p>Motion for Appointment of Attorney (9:00 AM)</p> <p>Events: 07/24/2007 Motion for Appointment of Attorney</p>

CASE SUMMARY

CASE No. 03C191012-2

	<p><i>DEFT'S MTN FOR APPOINTMENT OF COUNSEL/78 Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i></p> <p>Granted; <i>DEFT'S MTN FOR APPOINTMENT OF COUNSEL/78 Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i></p> <p>Journal Entry Details:</p> <p><i>Mr. Oram stated that counsel needs to be appointed and he suggested Cynthia Dustin. COURT ORDERED, Cynthia Dustin APPOINTED to represent Defendant in post conviction; Mr. Oral to transfer appropriate portions of his file to Ms. Dustin. NDC ;</i></p>
10/18/2007	<p>Hearing (9:00 AM)</p> <p><i>HEARING:DEFT'S WRIT OF HABEAS CORPUS...CCLARIFICATION & CORRECTION OF RECORD Heard By: Douglas Herndon</i></p>
01/10/2008	<p>Hearing (9:00 AM)</p> <p><i>HEARING:DEFT'S WRIT OF HABEAS CORPUS...CCLARIFICATION & CORRECTION OF RECORD Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i></p> <p>Denied; <i>HEARING:DEFT'S WRIT OF HABEAS CORPUS...CCLARIFICATION & CORRECTION OF RECORD Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i></p> <p>Journal Entry Details:</p> <p><i>Argument by Mr. Long and Mr. Mitchell. Court stated findings and based on everything, COURT ORDERED, Defendant's Writ is DENIED. Findings of Fact and Conclusions of Law to be prepared by the State. NDC ;</i></p>
05/22/2008	<p>Request of Court (9:00 AM)</p> <p><i>AT THE REQUEST OF THE COURT: APPT COUNSL Court Clerk: Carol Green Reporter/Recorder: Kim Tuchman Heard By: Douglas Herndon</i></p> <p>Granted; <i>AT THE REQUEST OF THE COURT: APPT COUNSL Court Clerk: Carol Green Reporter/Recorder: Kim Tuchman Heard By: Douglas Herndon</i></p> <p>Journal Entry Details:</p> <p><i>Court noted that matter is on calendar because of a Remand by the Supreme Court to appoint Appellate Counsel. COURT ORDERED, Dan Albregts APPOINTED. NDC CLERK'S NOTE: 5/23/08 - A copy of this Minute Order was placed in the Attorney Folder of Dan Albregts, Esq. ;</i></p>
06/17/2008	<p>Request (9:00 AM)</p> <p><i>DEFT'S REQUEST STATUS CHECK-APPT OF COUNSEL/80 Court Clerk: Carol Green Heard By: Douglas Herndon</i></p> <p>MINUTES</p> <p>Matter Heard; <i>DEFT'S REQUEST STATUS CHECK-APPT OF COUNSEL/80 Court Clerk: Carol Green Heard By: Douglas Herndon</i></p> <p>Journal Entry Details:</p> <p><i>Mr. Albregts advised that he can accept appointment as Appellate counsel for Defendant Villaverde. At request of Mr. Albregts, COURT ORDERED, Law Clerk is to advise Mr. Albregts who previous counsel was for Defendant. NDC ;</i></p>
09/02/2008	<p>Petition for Writ of Habeas Corpus (9:00 AM)</p> <p>Events: 07/02/2008 Petition for Writ of Habeas Corpus</p> <p><i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i></p> <p>Matter Continued; <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i></p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, State's Motion to Dismiss is DENIED, as under Chapter 34, Court has to look at good cause for untimeliness, and Ms. Dustin represented that she was going by the date in Blackstone, not the date on the remittur. Therefore, Court is requesting a substantial opposition by the State. COURT ORDERED, matter CONTINUED; State to file opposition by 12/2/08; Defense to file reply by 2/5/09. NDC ;</i></p>
02/12/2009	<p>Petition for Writ of Habeas Corpus (9:00 AM)</p> <p><i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green Reporter/Recorder: Mary Beth Cook Heard By: Herndon, Douglas W</i></p>

CASE SUMMARY

CASE NO. 03C191012-2

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green
Reporter/Recorder: Mary Beth Cook Heard By: Herndon, Douglas W
Journal Entry Details:

Ms. Dustin advised that argument is needed and as Ms. Ferreira is not familiar enough with this case to argue, matter needs to be continued. Ms. Ferreira concurred. COURT ORDERED, matter CONTINUED. ;

02/26/2009

Petition for Writ of Habeas Corpus (9:00 AM)

PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green Reporter/Recorder:
Sharon Howard Heard By: Herndon, Douglas W

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green
Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W

Journal Entry Details:

Court stated it received information from the District Attorney's Office that Mr. Fattig will be handling this Petition and as he has not reviewed everything, he is requesting that matter be continued. Court notified Ms. Dustin that her presence would be waived. COURT ORDERED, matter CONTINUED. Law Clerk to notify Ms. Dustin of continuance date. NDC ;

03/26/2009

Petition for Writ of Habeas Corpus (9:00 AM)

PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green Reporter/Recorder:
Sharon Howard Heard By: Douglas Herndon

Denied; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Carol Green
Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon

Journal Entry Details:

Argument by Ms. Dustin as to improper instructions given, noting Sharma instruction was not given and also citing Bolden. Argument by Mr. Fattig, stating that proper instructions were given. Court stated findings and advised there is no need for an Evidentiary Hearing. COURT ORDERED, Petition is DENIED; State to prepare Findings of Fact and Conclusions of Law. Upon inquiry by Ms. Dustin, Court thinks it would be appropriate for Ms. Dustin to continue on appeal of these matters and Court will speak with Mr. Christensen. NDC ;

07/31/2018



Motion (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Defendant's Pro Per Motion Requesting Preliminary Hearing Within 14 Days or Dismissal of Charges

Denied;

Journal Entry Details:

Def't. not present in custody with the Nevada Department of Corrections. Based on pleadings, without argument, COURT ORDERED, motion DENIED, noting Court has no jurisdiction. NDC CLERK'S NOTE: A copy of this Minute Order has been mailed to Sally Villaverde # 1187297, HDSP, P.O. Box 650, Indian Springs, NV 89070. dm.;

04/23/2019



Motion to Modify Sentence (1:00 PM) (Judicial Officer: Herndon, Douglas W.)

Motion for Modification of Sentence

Denied; Motion for Modification of Sentence

Journal Entry Details:

Defendant not present, in the Nevada Department of Corrections. COURT NOTED Defendant had been convicted of murder in 2005, and had thereafter filed a number of post-conviction motions addressing a variety of thing, the instant motion request a Modification to Defendant's Sentence, claiming there were mistakes that occurred that were not known to the Court at the time of sentencing. COURT FURTHER NOTED any allegation that the Pre-Sentence Investigation Report (PSI) was incorrect, there is no relief that can be afforded, as the Court does not have the ability to modify the PSI after sentencing nor were there any issues raised with the PSI at the time of sentencing. COURT ADDITIONALLY STATED, the Court does not have jurisdiction to modify the sentence once imposed and there had not been showing of any mistakes of fact that the court relied upon to the Defendant's deterrent at the time of sentencing. The Court which sentenced Defendant had sat through Defendant's trial and was aware of the facts involved in the case, FURTHER the allegations made by Defendant regarding the theories of first degree murder and what Defendant's culpability was, has nothing to do with the modification of Defendant's sentence request as the jury decided what Defendant was guilty of, which was 1st degree murder, therefore, Defendant's motion DENIED. NDC CLERK'S NOTE: A copy of this minute order was mailed to: Sally Villaverde, ID NO. 81701, High Desert State Prison, 22010 Cold Creek Rd, PO Box 650, Indian Springs, NV 89070 (4/24/19 ks);

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 03C191012-2

06/09/2021



Motion to Amend Judgment (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Motion for Amended Judgment of Conviction to Include Jail Time Credits

Motion Granted; Motion for Amended Judgment of Conviction to Include Jail Time Credits

Journal Entry Details:

Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney Jake Merback present on behalf of the State; Daniel Albregts Esq. not present. COURT STATED there was a Notice of Non-Opposition filed by the State, and ORDERED, Motion GRANTED; Defendant shall receive credit from February 18, 2003 and shall receive FOUR HUNDRED SIXTY-NINE (469) DAYS credit for time served. COURT STATED an Amended Judgement of Conviction will be prepared. NDC CLERK'S NOTE: A copy of this Minute Order has been mailed to: Sally Villaverde #81701, PO BOX 650, Indian Springs, Nevada 89018. (6/23/2021 ks);

06/20/2022

Motion to Correct Sentence (8:30 AM) (Judicial Officer: Jones, Tierra)

Motion to Correct Illegal Sentence

Denied;

DATE

FINANCIAL INFORMATION

Defendant Villaverde, Sally

Total Charges

191.00

Total Payments and Credits

18.41

Balance Due as of 7/13/2022

172.59

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 08, 2003**

03C191012-2

The State of Nevada vs Sally Villaverde

April 08, 2003**9:00 AM****Initial Arraignment****INITIAL
ARRAIGNMENT
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Court
Interpreter: VIVIAN
WRIGHT Heard By:
Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daskas, Robert J.

Attorney

Villaverde, Sally

Defendant

Wildeveld, Kristina M.

Attorney

JOURNAL ENTRIES

- DEFTS. ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE. COURT
ORDERED, matter SET for TRIAL.

CUSTODY (ALL)

10-23-03 9:00 AM CALENDAR CALL (ALL)

10-27-03 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2003

03C191012-2

The State of Nevada vs Sally Villaverde

May 15, 2003

9:00 AM

Petition for Writ of Habeas
Corpus

**PTN FOR WRIT OF
HABEAS
CORPUS/04 Relief
Clerk: April Watkins
Reporter/Recorder:
Debbie Van Blaricom
Heard By: Gibbons,
Michael P**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Lalli, Christopher J.

Attorney

JOURNAL ENTRIES

- Mr. Walton stated he would prefer Judge Cherry to hear this matter since he will be the trial judge. Mr. Lalli stated it is the State's position Deft. is not entitled to file a reply to the writ and would like this matter to go forward today. COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 05, 2003**

03C191012-2

The State of Nevada vs Sally Villaverde

June 05, 2003**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6-05-03
Court Clerk: Penny
Wisner
Reporter/Recorder:
Dick Kangas Heard
By: Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lalli, Christopher J.

Attorney

Villaverde, Sally

Defendant

Wildeveld, Kristina M.

Attorney

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS (CASTRO)...DEFT'S PRO PER MOTION TO DISMISS COUNSEL/ APPOINT COUNSEL (VILLAVERDE)

COURT ORDERED, Villaverde's motion to dismiss counsel is DENIED.

Mr. Walton presented argument on the writ of habeas corpus stating the key issue was whether or not Teresa Gamboa was an accomplice in this case and went over Ms. Gamboa's participation in the incident. Mr. Walton concluded the State had chosen not to charge Ms. Gamboa because they wanted to use her as a witness to prosecute this case. Mr. Lalli objected to some of Mr. Walton's representations as they were not contained in the preliminary hearing transcript. Further argument by Mr. Walton. Mr. Lalli responded stating Ms. Gamboa was never privy to what was going to happen, she was approached and given money to rent a room and that was all she did in this case. Case law cited to support the State's position concluding these were not legal questions but were factual questions for a jury to decide. Court stated Gamboa would not be the first to testify and then

went over her testimony for counsel. Gamboa's testimony corroborates other testimony and the test here is if you take her testimony out is there a scintilla of evidence -- the Court has determined that when you do there is. Mr. Walton is entitled to a jury instruction as to whether or not Ms. Gamboa was an accomplice. COURT ORDERED, WRIT OF HABEAS CORPUS DENIED and DISCHARGED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 17, 2003**

03C191012-2

The State of Nevada vs Sally Villaverde

July 17, 2003**9:00 AM****Motion****DEFT'S MTN FOR
RE LEASE
WITHOUT BAIL OR
FOR A
REDUCTION OF
BAIL/07 Relief
Clerk: April Watkins
Reporter/Recorder:
Janie Olsen Heard
By: Cherry, Michael
A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Lalli, Christopher J.
Villaverde, SallyAttorney
Defendant**JOURNAL ENTRIES**

- Mr. Lalli stated there is no bail set by Justice Court and has never been requested by the Deft.
CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED and the State to respond in
writing.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2003

03C191012-2

The State of Nevada vs Sally Villaverde

July 25, 2003

9:00 AM

Motion

DEFT'S MTN FOR
RE LEASE
WITHOUT BAIL OR
FOR A
REDUCTION OF
BAIL/07 Court Clerk:
Penny Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Lalli, Christopher J.

Attorney

Villaverde, Sally

Defendant

Wildeveld, Kristina M.

Attorney

JOURNAL ENTRIES

- Argument by Ms. Wildeveld requesting reasonable bail or release on O.R. or House Arrest. Ms. Wildeveld stated the Deft. had limited family in the area but his family was supportive of him. Additionally, the evidence adduced at the preliminary hearing was the Deft. was not the shooter, that his participation was that he lured a person into a drug deal. Mr. Lalli corrected an error that appeared in the State's opposition stating it was not true that the Deft. was responsible for two other murders; however, the State's position was no bail should be made available to the Deft. due to the strong case against him for first degree murder. If the Court is inclined to set bail, the State believes a minimum of \$250,000 would be appropriate and nothing less. COURT ORDERED, BAIL SET AT \$250,000 TOTAL BAIL. This is set due to the nature of the crime, the Deft.'s prior failures to appear,

and his prior record.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 19, 2003**

03C191012-2

The State of Nevada vs Sally Villaverde

August 19, 2003**9:00 AM****Motion to Dismiss****DEFT'S PRO PER
MTN TO DISMISS
COUNSEL &
APPOINTMENT OF
ALTERNATE
COUNSEL/08 Court
Clerk: Penny Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Daskas, Robert J.

Attorney

Villaverde, Sally

Defendant

Wildeveld, Kristina M.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion DENIED. Court informed the Deft. his present counsel was a very able and competent attorney and he was fortunate to have her as his attorney.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2003

03C191012-2

The State of Nevada vs Sally Villaverde

October 21, 2003

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-21-03**
**Court Clerk: Penny
Wisner**
**Reporter/Recorder:
Janie Olsen Court**
Interpreter: Mario
**Torres Heard By:
Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Villaverde, Sally	Defendant
Wildeveld, Kristina M.	Attorney

JOURNAL ENTRIES

- DEFT. VILLAVERDE'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY...DEFT. VILLAVERDE'S MOTION IN LIMINE TO EXCLUDE PRIOR FELONY CONVICTIONS...DEFT VILLAVERDE'S MOTION IN LIMINE...DEFT. VILLAVERDE'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE...DEFT GATO'S MOTION IN LIMINE TO EXCLUDE ACCOMPLICE TESTIMONY...DEFT. GATO'S MOTION TO SEVER TRIALS...DEFT. GATO'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS

As Deft. Castro was not transported, COURT ORDERED, matter CONTINUED to 1:30 PM.
1:30 PM Court reconvened with all parties present. Court stated counsel had met with the Court in chambers and the Court informed counsel that he had a penalty hearing that was set for 10-27-03, the same time as this trial date; therefore, a continuance was necessary. Counsel informed the Court that addition information had been brought forward that would require additional time to prepare for trial. COURT ORDERED, TRIAL date VACATED and RESCHEDULED; motions CONTINUED.
CUSTODY (ALL)

1-27-04 9:00 AM DEFT. VILLAVERDE'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY...DEFT. VILLAVERDE'S MOTION IN LIMINE TO EXCLUDE PRIOR FELONY CONVICTIONS...DEFT. VILLAVERDE'S MOTION IN LIMINE...DEFT. VILLAVERDE'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE...DEFT GATO'S MOTION IN LIMINE TO EXCLUDE ACCOMPLICE TESTIMONY...DEFT. GATO'S MOTION TO SEVER TRIALS...DEFT. GATO'S MOTION FOR DISCOVERY...DEFT. GATO'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS

3-11-04 9:00 AM CALENDAR CALL

3-15-04 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 04, 2003**

03C191012-2

The State of Nevada vs Sally Villaverde

December 04, 2003**9:00 AM****Motion to Withdraw as
Counsel**

**KOHN'S MTN TO
WITHDRAW AS
COUNSEL/22 Relief
Clerk: April Watkins
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hart, Marty

Attorney

Villaverde, Sally

Defendant

Wildeveld, Kristina M.

Attorney

JOURNAL ENTRIES

- Statement by counsel. COURT ORDERED, motion GRANTED and Randall Pike, Esq. APPOINTED.
FURTHER ORDERED, matter set for confirmation of counsel.

CUSTODY

12/11/03 9:00 AM CONFIRMATION OF COUNSEL (PIKE)

CLERK'S NOTE: Mr. Pike appeared and was advised of the next court date. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 11, 2003**

03C191012-2

The State of Nevada vs Sally Villaverde

December 11, 2003**9:00 AM****Motion for Confirmation of
Counsel****CONFIRMATION
OF COUNSEL (PIKE)
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Bauer, Elizabeth B.
Pike, Randall H.
Villaverde, SallyAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- Mr. Pike CONFIRMED AS COUNSEL for the Deft. and stated he was aware of all future dates.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 13, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

January 13, 2004**9:00 AM****Motion**

**DEFT'S MTN TO
ALLOW
INVESTIGATOR
INTO CLARK
COUNTY
DETENTION
CENTER/24 Court
Clerk: Penny Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Mitchell, Scott S.
Pike, Randall H.
Villaverde, Sally

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Argument by Mr. Pike. State had no objection to the motion. COURT ORDERED, motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 27, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

January 27, 2004**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS (1/27/04)
Relief Clerk: April
Watkins
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Mitchell, Scott S.
Pike, Randall H.
Villaverde, Sally

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- DEFT'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY (VILLAVERDE)...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE (GATO)...DEFT'S MOTION IN LIMINE ACCOMPLICE TESTIMONY (GATO)...DEFT'S MOTION IN LIMINE PRIOR FELONY CONVICTIONS (VILLAVERDE)...DEFT'S MOTION IN LIMINE (VILLAVERDE)...DEFT'S MOTION TO SEVER TRIALS (GATO)...DEFT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY (GATO)... DEFT'S MOTION FOR DISCOVERY (VILLAVERDE)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS

Statements by counsel regarding pending motions. Court instructed counsel to have all motions and joinders filed by close of business on February 17, 2004. Mr. Schieck stated the State has informed counsel there are two new witnesses and requested appropriate discovery. Mr. Mitchell stated he

provided scope to counsel and advised the State has not taken statements from either due to one being in custody in New York and one in custody here in Nevada. COURT ORDERED, matters CONTINUED.

CUSTODY (BOTH)

CONTINUED TO: 2/20/04 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

February 20, 2004

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 2-20-04**
**Court Clerk: Penny
Wisner**
**Reporter/Recorder:
Janie Olsen Court**
**Interpreter: Anita
D'Angelo Heard By:
Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T
Pike, Randall H.
Villaverde, Sally

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- DEFT'S MOTION FOR DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS
EXPECTATION OF BENEFITS FOR TESTIMONY (VILLAVERDE)...DEFT'S MOTION TO COMPEL
DISCLOSURE OF EXISTENCE (GATO)...DEFT'S MOTION IN LIMINE REGARDING ACCOMPLICE
TESTIMONY (GATO)...DEFT'S MOTION IN LIMINE REGARDING PRIOR FELONY
CONVICTIONS (VILLAVERDE)...DEFT'S MOTION IN LIMINE (VILLAVERDE)...DEFT'S MOTION
TO SEVER TRIALS (GATO)...DEFT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY
(GAT0)...DEFT'S MOTION FOR DISCOVERY (VILLAVERDE).....DEFT'S MOTION TO SEVER
TRIALS (GATO)...DEFT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY (GAT0)...DEFT'S
MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...STATE'S
MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS

Mr. Fattig advised there was new evidence affecting the severance motion and presented argument stating this new witness would testify as to statements made by Deft. Villaverde to Deft. Gato and that evidence has Bruton issues. The State will not oppose severance of Villaverde from Gato and Castro at this point based upon the Bruton issue that has arisen from the statements by this witness. Mr. Fattig advised the State would prefer that the trial with Deft. Villaverde go forward first with the remaining Defts. following shortly if not immediately thereafter. Mr. Schieck had no objection to the Gato severance and agreed that he would like this Deft.'s trial to go quickly after Deft. Villaverde's trial. COURT ORDERED, Deft. VILLAVERDE will be SEVERED out from the other Co-Defts. and trial will begin following the Lugo Hernandez trial that begins on 3-15-04. Mr. Fattig advised the information Mr. Alvarez was to have had has been determined to be hearsay and inadmissible; therefore, Mr. Pike will be withdrawing his motion to continue trial. Mr. Pike agreed but reserved his right to hire an investigator out of New York to interview Mr. Alvarez to confirm the representations made as to hearsay evidence. Colloquy between Court and counsel. Upon Court's inquiry, Mr. Walton stated he would file his motion to sever Deft. Castro by next Friday. Additionally, Mr. Walton will be requesting an evidentiary hearing regarding Mr. Martinez based on Petrocelli. Colloquy. COURT ORDERED, Villaverde's motion in limine regarding his immigration status is GRANTED. Mr. Pike stated there was an additional motion to exclude testimony of the federal witness. Mr. Fattig responded that the State was informed by the Federal Public Defender, Art Allen, that there was a document, which the State has not seen, that was created by the homicide detective regarding Alfredo Martinez only, which stated they would agree to attempt to assist Mr. Martinez in his Federal case. Mr. Fattig stated he had not been able to speak to anyone regarding this. FURTHER ORDERED, Deft. Villaverde's motion for DISCLOSURE OF INFORMATION REGARDING STATE'S WITNESS EXPECTATION OF BENEFITS FOR TESTIMONY is GRANTED. Mr. Pike advised that with regard to his motion for discovery, he was going to meet with Mr. Fattig on Monday and go through the file so that motion could be taken off calendar at this point. COURT ORDERED, Deft. Villaverde's motion for DISCOVERY is OFF CALENDAR; motion in limine regarding PRIOR FELONY CONVICTIONS is DENIED. Mr. Fattig informed the Court there was one other issue that might come up with regard to the main witness, Teresa Gamboa, who was in Drug Court but has since had a bench warrant issued for her. The State would like to use the preliminary hearing transcript if she could not be located for trial; the State believes they will be able to find her but wants counsel put on notice. COURT SO ORDERED. Mr. Schieck advised he also would be filing a motion to exclude the testimony of Teresa Gamboa and briefly addressed the testimony as to what she said to the police, concluding her testimony, and that of others, would be a factor as to whether or not she was an accomplice. Colloquy between Court and counsel regarding an evidentiary hearing on this issue. Mr. Pike stated Mr. Schieck may want to file an additional writ of habeas corpus based on the outcome of the evidentiary hearing. Counsel advised witness Lionel Garcia and Teresa Gamboa would be witnesses for the Petrocelli hearing. COURT ORDERED, all remaining motions will be heard on 3-12-04 at 9:00 AM; Evidentiary/Petrocelli hearing will be heard on 3-19-04 at 1:30 PM; Trial date for Villaverde will stand for 3-15-04 with the understanding that it would trail the Lugo Hernandez trial and if for some reason that trial is continued or resolved, this trial would go first. CUSTODY (ALL)

3-12-04 9:00 DEFT'S MOTION TO DISCLOSE EXISTENCE (GATO)...DEFT'S MOTION IN LIMINE REGARDING ACCOMPLICE TESTIMONY (GAT0)...DEFT'S MOTION TO SEVER TRIALS

(GATO)...DEFT'S MOTION FOR DISCOVERY (GATO)...DEFT'S MOTION TO EXCLUDE OTHER
BAD ACTS, CHARACTER EVIDENCE (GATO)...STATE'S MOTION TO ADMIT EVIDENCE OF
OTHER CRIMES, WRONGS OR ACTS

3-15-04 10:00 AM JURY TRIAL (VILLAVARDE)

3-19-04 1:30 PM EVIDENTIARY/PETROCELLI HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 24, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

February 24, 2004**9:00 AM****Motion to Continue****DEFT'S MTN TO
CONTINUE
TRIAL/MTN FOR
REIMBURSEMENT/2
6 Relief Clerk: April
Watkins
Reporter/Recorder:
Janie Olsen Court
Interpreter: Anita
D'Angelo Heard By:
Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Pike, Randall H.
Villaverde, SallyAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- Counsel advised this motion was previously resolved. COURT ORDERED, matter OFF
CALENDAR.
CUSTODY (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

March 11, 2004**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Court****Interpreter: SILVIA****PAGE Heard By:****Cherry, Michael A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Mitchell, Scott S.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Mr. Schieck requested this matter be continued to Friday when the motions would be heard.
COURT SO ORDERED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 12, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

March 12, 2004**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS FOR
3/12/04 Relief Clerk:
Barbara
Blankenship/bb
Reporter/Recorder:
Janie Olsen Court
Interpreter: Anita
D'Angelo Heard By:
Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Villaverde, Sally	Defendant
Wentworth, Andrew S.	Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO) COURT ORDERED, these two motions will be CONTINUED to 3/19/04 to be heard the same time as the Evidentiary Hearing.

STATE'S MOTION TO ADMIT PRELIMINARY HEARING TESTIMONY (ALL)

After argument by counsel, COURT ORDERED, motion GRANTED with the condition the State is to continue to look for Gamboa.

DEFT'S MOTION TO COMPEL DISCLOSURE (GATO)...DEFT'S MOTION FOR DISCOVERY (GATO)

COURT ORDERED, both motions GRANTED.

DEFT'S MOTION IN LIMINE ACCOMPLICE TESTIMONY (GATO)

Counsel argued per pleadings. COURT ORDERED, motion DENIED Without Prejudice.

DEFT CASTRO'S MOTION TO SEVER TRIALS (GATO)

After hearing argument, COURT ORDERED, matter taken Under Advisement.

CUSTODY (ALL)

3/19/04 1:30 PM STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)...EVIDENTIARY HEARING (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

March 19, 2004**1:30 PM****All Pending Motions**

**ALL PENDING
MOTIONS (3/19/04)
Relief Clerk: April
Watkins
Reporter/Recorder:
Janie Olsen Court
Interpreter:
MICHELLE ROTH
Heard By: Michael
Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Pike, Randall H.	Attorney
Villaverde, Sally	Defendant
Wentworth, Andrew S.	Attorney

JOURNAL ENTRIES

- EVIDENTIARY HEARING (ALL)...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE (GATO)

Counsel advised severance issue as to Deft. Castro is still pending. Colloquy between Court and counsel. Mr. Walton stated he listened to tape and it was so bad and the guys english is horrible. Further, Mr. Walton stated he would like to take tape to interpreter for more understanding.

CONFERENCE AT BENCH. Mr. Fattig stated there are two witnesses. First, Mr. Garcia previously

made statements Gato and Castro approached him prior to the murder. Mr. Garcia will be offering bad acts testimony. The second witness will establish relationship between Villaverde and victim, Enrique Caminero. Further statements by counsel. Testimony and exhibits presented. (See worksheets.) CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED.

CUSTODY (ALL)

CONTINUED TO: 3/25/04 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 25, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

March 25, 2004

1:30 PM

All Pending Motions

**ALL PENDING
MOTIONS (3/25/04)**
**Relief Clerk: April
Watkins**
**Reporter/Recorder:
Dick Kangas Court**
**Interpreter: LAURA
VILLAR Heard By:
Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Pike, Randall H.	Attorney
Wentworth, Andrew S.	Attorney

JOURNAL ENTRIES

- Leland Page, Maria Gomez and Yul Haasman, Court Interpreters, present. Art Allen, Esq. present.
 EVIDENTIARY HEARING...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES,
 WRONGS OR ACTS (GATO)...DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER
 EVIDENCE (GATO)

Motion in Limine FILED IN OPEN COURT. Mr. Fattig stated bad acts only goes to Defts' Gato and Castro and will only prove conspiracy on Deft. Villaverde. Further, witness Martinez offers bad acts testimony as to Deft. Villaverde. Court stated he will hear the bad acts testimony regarding Defts' Gato and Castro but will hear nothing in regards to Deft. Villaverde. Mr. Allen stated he will be out of the jurisdiction Monday through Wednesday of next week. Statement by Mr. Pike. Mr. Fattig

advised witness Martinez cannot take fifth amendment. Further statements by counsel. Mr. Allen advised he will make arrangements as to providing counsel on behalf of witness Martinez. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented. (See worksheets.) Mr. Fattig stated, the State has a stipulation with Mr. Schieck and Mr. Wentworth that Ms. Camorena may sit in this hearing and trial even though she will be a witness. Court stated Ms. Camorena may stay and so may Mr. Allen during the trial of Deft. Villaverde. Mr. Wentworth requested if the witness Garcia is released from federal custody that a address be made available to Defts' counsel. Mr. Schieck requested that the witness not be released until after this case is done. Mr. Fattig stated that is a federal issue. Mr. Schieck requested a material witness warrant be issued if witness Gomez is released. Court stated witness will not go anywhere. Mr. Mitchell stated he has provided a letter from the United States Attorney and wants counsel to acknowledge receipt. Defts' counsel acknowledged receipt. Mr. Pike stated he has filed a motion in limine in regards to the bloody palm print. Further, report indicates swabs taken from the bathroom indicate blood but the other swabs did not. Mr. Fattig stated all along there have been unknown finger prints. The State met with the Crime Scene Analyst about a week and a half ago and learned of two prints described as bloody prints. Further arguments by counsel. COURT ORDERED, Motion In Limine UNDER ADVISEMENT. FURTHER ORDERED, State's Motion and Deft's Motion as to Deft. Gato UNDER ADVISEMENT and Evidentiary Hearing regarding Deft. Villaverde CONTINUED. CONTINUED TO: 3/29/04 3:45 PM (VILLAVARDE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

March 29, 2004

10:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Penny
Wisner

Reporter/Recorder:

Janie Olsen Heard

By: Cherry, Michael
A**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS: Colloquy between Court and Mr. Pike regarding palm print evidence and testimony. Mr. Pike outlined his efforts to trying to meet this evidence and stated he felt that he had obtained sufficient knowledge to go forward with this and cross examination with regard to the palm print. COURT ORDERED, motion in limine regarding palm print DENIED. Mr. Pike stated there was a motion to exclude the testimony of Teresa Gamboa as she had not been located to testify. Mr. Mitchell advised there were efforts in place to try and apprehend her but as yet he had not been informed whether she had been located or not. FURTHER ORDERED, that Court will defer ruling on that issue until later to see if she will be located. Jury selection will begin at 1:30 PM. During voir dire, as well as opening statements, either side may feel free to say what they can show with regard to the palm print. Amended Information FILED IN

OPEN COURT. State and Deft. stipulated that should the jury find the Deft. guilty of first degree murder that the Judge would determine the sentence rather than the jury. COURT SO ORDERED. IN THE PRESENCE OF PROSPECTIVE JURORS: Court and counsel examined prospective jurors. Court recessed to reconvene on 3-30-04 at 2:00 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

March 29, 2004

3:45 PM

Hearing

**EVIDENTIARY
HEARING Court
Clerk: Penny Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Cherry, Michael
A**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Pike, Randall H.	Attorney
Villaverde, Sally	Defendant
Wentworth, Andrew S.	Attorney

JOURNAL ENTRIES

- Chip Segal, representing Witness, Alfredo Martinez, present.

Court stated Art Alan, the potential witness Alfredo Martinez's federal public defender, had to withdraw due to a conflict; therefore, requested this Court appoint counsel for Mr. Martinez in this action. COURT ORDERED, Chip Segal appointed to represent Mr. Martinez in this action. Alfredo Martinez sworn but would not agree to testify. Mr. Segal stated the witnesses was not comfortable testifying as he was not sure how this would impact his federal case and since the appointment was just made Mr. Martinez would like to request a two week continuance. Mr. Mitchell advised the State was not willing to wait, if Mr. Martinez was not willing to testify the State would withdraw their offer. Colloquy. Court allowed the witness and Mr. Segal to confer outside the presence of Court and counsel prior to continuing. After conferring with his counsel, Mr. Martinez determined

he would testify. Mr. Martinez resworn and testified. Court recessed to resume at 10:15 AM on 3-30-04.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 30, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

March 30, 2004**10:15 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Heard****By: Cherry, Michael
A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Continued examination of prospective jurors. Twelve jurors sworn to try the case.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Wentworth advised he was waiving his right to double jeopardy but was making a challenge to the array of the prospective jury panel based on the fourteenth amendment, due process, and the sixth amendment, the right to jury by peers. There were no peers in the array nor on the jury. Court held a Batson hearing with regard to the State's challenge of prospective juror #44 Esquivel and #75 Washington. Mr. Mitchell presented the State's position when challenging those prospective jurors. COURT FOUND the challenge to Washington was racially neutral and had everything to do with his answers to voir dire questions. As to Esquivel, that challenge was ethnically neutral and based on the answer that she would be thinking about her business during the trial and not giving full attention to these proceedings; therefore, the challenge

was not racially motivated.

IN THE PRESENCE OF THE JURY: Two alternates selected and sworn. Court presented a brief introduction to the trial and Clerk read the Amended Information filed herein and stated the Deft.'s pleas of not guilty. Court recessed.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Fattig requested clarification on the Court's ruling with regard to the transcript of Teresa Gamboa's testimony. Mr. Pike requested the transcript be redacted. COURT ORDERED, counsel are to meet, confer, and redact the transcript. Nothing regarding Co-Defts. Gato and Castro is to come in but anything that has to do with Deft. Villaverde will come in. Mr. Fattig stated that much of what come out of the Petrocelli hearing with witness Martinez had nothing to do with the bad acts motion and requested a formal ruling on which bad acts were admissible. FURTHER ORDERED, anything to do with drug dealing will come in. Mr. Mitchell advised the State intended to file a motion in limine regarding self serving for Villaverde through Martinez. COURT ORDERED, counsel to supply briefs on that issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 30, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

March 30, 2004**10:15 AM****Hearing**

**EVIDENTIARY
HEARING Court
Clerk: Penny Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Pike, Randall H.	Attorney
Villaverde, Sally	Defendant
Wentworth, Andrew S.	Attorney

JOURNAL ENTRIES

- Renee Gascon, Court Interpreter, and Chip Segal, representing witness Alfredo Martinez, present. Further testimony presented. Hearing concluded and COURT ORDERED, matter to proceed to trial.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 31, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

March 31, 2004**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:
Janie Olsen Heard****By: Cherry, Michael
A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike requested the Court reconsider the ruling with regard to the transcript testimony of Teresa Gamboa and presented argument. The cross examination that was conducted by other attorneys at the time is such that a reasonably competent attorney would not have allowed. By having a joint preliminary hearing would render the attorney ineffective and if this is brought out during the opening statements it would be detrimental to Deft. Villaverde. Court stated opening arguments are not evidence and if the State cannot prove the things they present in opening statements, the defense would be able to bring that up and rebut against it. The defense would be allowed to take the State to task on what they did or didn't prove. The Court doesn't want to have any great impact on what counsels trial strategy is--on either side.

Court reconvened and counsel stipulated to the presence of the jury. Opening statements by counsel.

Testimony and exhibits presented. (See worksheets.) Court Interpreter, Vivian Wright, present for witness Rogelia Lopez, the mother of another witness, Rogelia Lopez, her daughter. Court recessed to resume on 4-01-04 at 1:30 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 01, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

April 01, 2004**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Heard****By: Cherry, Michael
A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Court reconvened and counsel stipulated to the presence of the jury. Testimony and exhibits presented. (See worksheets.) Michelle Roth, Court Interpreter, present for witness Leonel Garcia. OUTSIDE THE PRESENCE OF THE JURY: After Leonel Garcia refused to testify Court stated it had ordered Garcia to testify and he refused; therefore, was inclined to declare him unavailable, he may want to speak with his attorney to determine what he wants to do. Mr. Mitchell advised Garcia had already been sentenced and there had been nothing pending for some time, he did not have an attorney when the agreement was signed, only himself, the State and an interpreter. Garcia has no fifth amendment rights in this case. Court stated there was nothing further the Court could do but would allow counsel time to speak with him and then determine what to do. Mr. Pike raised the issue that while Crime Scene Annalist, Mr. Holstein, was testifying he mentioned

a sexual assault kit, the defense did not go into it at the time but does not know if that negatively prejudiced the jury and suggested some kind of stipulation or instruction be read to the jury on that point. COURT FOUND there was nothing intentional on behalf of the prosecution nor the witness to prejudice the jury, the witness simply stated what things he did at the crime scene. COURT ORDERED, counsel may provide a stipulation and the Court would read it to the jury.

Mr. Mitchell addressed a legal matter stating the defense would try to elicit statements made by Villaverde to Martinez that were not inculpatory and were not admissible. These were self-interest hearsay statements that could not come in. The State will use inculpatory statements as a party opponent which are excluded by hearsay. The State does not want the defense to ask Martinez anything about Villaverde telling him he backed out of the thing because that is hearsay. COURT ORDERED, what Mr. Mitchell said was black letter law but the Court would allow counsel to brief the issue. The defense can't get into those self-serving statements unless Villaverde testifies.

Argument by Mr. Pike. COURT FURTHER ORDERED, as long as there is an exception to hearsay statements may come in, otherwise, they will be excluded. Mr. Wentworth stated Martinez said certain statement under oath and if that is contrary to his examination at time of trial would like to go over that. COURT ORDERED, this Court will abide by the evidence code.

Mr. Fattig stated one of the State's next witnesses is the Teresa Gamboa transcript and it is the State's position that the entire transcript should be read; to do anything less would be not to give the jury the full story. Quillin v. State of Nevada cited to support the State's position. The transcript should not be dissected. Response by Mr. Wentworth and request for the Court to defer ruling until points and authorities could be provided. COURT ORDERED, the Court will allow points and authorities to be presented on this issue. Court recessed until 4-02-04 at 10:15 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 02, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

April 02, 2004**10:15 AM****Jury Trial****TRIAL BY JURY****Relief Clerk: April
Watkins****Reporter/Recorder:****Janie Olsen/Liz****Garcia Court****Interpreter: Mario****Torres Heard By:****Cherry, Michael A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Renee Gascon, Court Interpreter present.

Order for Transcript; Notice of Motion and Motion in Limine FILED IN OPEN COURT.

JURY PRESENT: Further testimony and exhibits. (See worksheets.) Proposed exhibits from the Petrocelli Hearing heard on March 19, 2004, marked as exhibits in this trial.

OUTSIDE THE PRESENCE OF THE JURY: Motion For Order In Limine Prohibiting The State From Attempting to Introduce Published Testimony of Teresa Gamboa Regarding Possibility of Robbery by Co-Defendants at Trial FILED IN OPEN COURT. Court stated he read all of Teresa Gamboa's testimony from the Preliminary Hearing and ORDERED, objection OVERRULED. Further the Court

stated, you cannot ignore testimony to date. Statements by counsel. Mr. Fattig stated they had received information regarding the whereabouts of Teresa Gamboa and the Criminal Apprehension Team from the Metropolitan Police Department was sent to the location which was found to be the home of Ms. Gamboa's parents. Further, the parents provided an address for Ms. Gamboa which was not correct. Further statements by counsel. Court DECLARED Teresa Gamboa unavailable and will ALLOW the Preliminary Hearing transcript of her testimony to be read into the record.

JURY PRESENT: Further testimony and exhibits. Exhibits from the Preliminary Hearing used in this trial. Court recessed to resume testimony on April 5, 2004, at 10:15 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 05, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

April 05, 2004

10:15 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Sharon
Coffman

Reporter/Recorder:

Janie Olsen Heard

By: Cherry, Michael
A**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Court convened at 10:30 a.m.. OUTSIDE THE PRESENCE OF THE JURY, Officer Rob Wilson advised the witness Alfredo Martinez has stated he does not trust anyone and does not wish to come in the courtroom. Mr. Mitchell inquired whether the witness could be brought against his will. COURT ORDERED, it will not bring the witness against his will. Parties went to confer with the witness and returned to report he will not testify. Jury present at 10:45 a.m. Testimony continued. OUTSIDE THE PRESENCE OF THE JURY, Mr. Fattig requested the transcript of the Petrocelli hearing be allowed in as evidence. Court noted it had read the transcript and ORDERED, request is DENIED. Following lunch break, JURY PRESENT. Testimony and exhibits continued. Parties stipulated to play the video tape of the interview between Officer Wilson and the Defendant without laying foundation. COURT SO ORDERED. Following the videotape, COURT ORDERED, matter

continued and recessed for the evening at 4:10 p.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 06, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

April 06, 2004

9:30 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Penny
Wisner

Reporter/Recorder:

Janie Olsen Heard

By: Cherry, Michael
A**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Court reconvened and counsel stipulated to the presence of the jury. Further testimony and exhibits. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding purported hearsay statements by Teresa Gamboa. Court stated the statements were not being offered for the truth of the matter but as likely probable cause. COURT ORDERED, objection OVER RULED on hearsay and either side may submit whatever jury instruction they feel necessary. Mr. Mitchell advised the State intended to introduce such an instruction. Mr. Pike advised counsel had stipulated that the witness of the drivers license was located in New York and would not have to appear and testify. COURT SO ORDERED. Mr. Wentworth made an oral motion to suppress any and all statements by the Deft. and presented argument. COURT ORDERED, motion DENIED. Deft. advised of his right to testify. IN THE PRESENCE OF THE JURY: Further testimony and exhibits presented. State and defense

rested.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pike moved for mistrial based on a statement made by Detective Wilson while testifying. COURT ORDERED, motion DENIED; if there was error it was harmless error. Court and counsel settled jury instructions. Court recessed to reconvene on 4-07-05 at 9:30 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 07, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

April 07, 2004**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:
Janie Olsen Heard****By: Cherry, Michael
A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

Pike, Randall H.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Court reconvened and counsel stipulated to the presence of the jury. Court read instructions to the jury. Closing arguments by counsel. Bailiff and Matron sworn to take charge of jury and alternates. Jury retired to begin deliberations at 1:59 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 08, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

April 08, 2004

9:00 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Penny Wisner
Reporter/Recorder: Janie Olsen Heard
By: Michael Cherry

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T	Attorney
Mitchell, Scott S.	Attorney
Pike, Randall H.	Attorney
Villaverde, Sally	Defendant
Wentworth, Andrew S.	Attorney

JOURNAL ENTRIES

- Jury resumed deliberations at 9:00 AM. Jury returned with a verdict at 10:49 AM. Foreperson, Barry Blackburn, read the verdict on file herein of COUNT I - Burglary - GUILTY; COUNT II - First Degree Murder with use of a deadly weapon - GUILTY; COUNT III - Robbery with use of a deadly weapon - GUILTY. Jury polled. COURT ORDERED, Deft. REMANDED to custody and matter SET for SENTENCING. Court thanked and excused the jury and alternates.

CUSTODY

6-1-04 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 13, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

April 13, 2004**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS 4-13-04
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Court
Interpreter: SILVIA
PAGE Heard By:
Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T

Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL DATE (GATO)...STATUS CHECK: TRIAL DATE (CASTRO)
Colloquy between Court and counsel trying to find a trial date that would meet all counsels
availability. COURT ORDERED, matter SET for TRIAL.
CUSTODY (BOTH)
7-29-04 9:00 AM CALENDAR CALL
8-02-04 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 29, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

April 29, 2004

9:00 AM

Motion

DEFT'S MTN FOR
ORD TO ENLARGE
TIME/46 Court
Clerk: Penny Wisner
Reporter/Recorder:
Elizabeth Garcia
Heard By: Michael
Cherry

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Mitchell, Scott S.

Attorney

Villaverde, Sally

Defendant

Wentworth, Andrew S.

Attorney

JOURNAL ENTRIES

- Mr. Mitchell argued in opposition to the motion on the basis that the Deft. had seven days to file a motion for a new trial, unless it was on the grounds of new evidence, and that time had been exceeded. Court stated it could not enlarge the time for a new trial. COURT ORDERED, motion DENIED. Mr. Wentworth stated there was no new evidence, that was not part of the motion being filed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 03, 2004

03C191012-2

The State of Nevada vs Sally Villaverde

June 03, 2004

9:00 AM

Sentencing

SENTENCINGRelief Clerk: April
WatkinsReporter/Recorder:
Janie Olsen Heard

By: Michael Cherry

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**Mitchell, Scott S.
Pike, Randall H.
Villaverde, SallyAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- DEFT. VILLAVERDE ADJUDGED GUILTY as to COUNT 1 BURGLARY (F), as to COUNT 2 MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)(F) and as to COUNT 3 ROBBERY WITH USE OF A DEADLY WEAPON (F). Degna Ortega sworn and testified. Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, submission to testing to determine genetic markers and pay \$150.00 DNA Analysis fee to the Clark County Clerk and \$3,000.00 RESTITUTION, Deft. SENTENCED as to COUNT 1 to a MAXIMUM of NINETY-SIX (96) MONTHS and a MINIMUM of TWENTY-TWO (22) MONTHS in the Nevada Department of Corrections (NDC), as to COUNT 2 to a term of LIFE imprisonment without the possibility of parole in the Nevada Department of Corrections (NDC), plus an EQUAL and CONSECUTIVE term for Use of A Deadly Weapon and as to COUNT 3 to a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS and a MINIMUM of THIRTY-FIVE (35) MONTHS in the Nevada Department of Corrections (NDC), plus an EQUAL and CONSECUTIVE term for the Use of A Deadly Weapon; COUNT 3 CONSECUTIVE to COUNT 2.

FURTHER ORDERED, Mr. Pike APPOINTED as appellant counsel. BOND, if any, EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 27, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

July 27, 2004**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 7-27-04
Court Clerk: Penny
Wisner/pw Relief
Clerk: Elaine York
Reporter/Recorder:
Janie Olsen Court
Interpreter: DIEGO
TRUJILLO Heard
By: Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T

Attorney

JOURNAL ENTRIES

- CALENDAR CALL (GATO)...CALENDAR CALL (CASTRO)

Mr. Fattig advised he had filed a Hill motion this morning with regard to the unavailability of witness Matvey. COURT ORDERED, TRIAL date VACATED and RESET.

CUSTODY (BOTH)

11-04-04 9:00 AM CALENDAR CALL

11-08-04 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 05, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

October 05, 2004**8:30 AM****Motion****DEFT'S MTN TO
PLACE ON
CALENDAR/52
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

JOURNAL ENTRIES

- Mr. Schieck advised that since his office had hired Mr. Pike a conflict had been created and they could no longer represent the Deft. COURT ORDERED, Mr. Schieck's office allowed to withdraw and Chris Oram appointed as counsel for the Deft.; matter set for confirmation of counsel.

CUSTODY

10-19-04 8:30 AM CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 2004**

03C191012-2

The State of Nevada vs Sally Villaverde

October 19, 2004**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10-19-04
Court Clerk: Penny
Wisner/pw Relief
Clerk: Michelle Jones
Reporter/Recorder:
Liz Garcia Heard By:
Michael Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T

Attorney

JOURNAL ENTRIES

- STATE'S REQUEST TO RESET TRIAL DATE (CASTRO)...CONFIRMATION OF COUNSEL (ORAM) (GATO)

Mr. Oram confirmed as counsel for Deft. Gato. Court stated it had to appoint new counsel as his prior counsel, David Schieck, was appointed as the Special Public Defender. Due to Deft. Gato just obtaining new counsel the Court is going to vacate the trial date and reset it in order to allow counsel to be prepared for trial. COURT ORDERED, TRIAL date VACATED and RESET.

CUSTODY (BOTH)

10-27-05 8:30 AM CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 21, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

January 21, 2005**1:00 PM****Bench Warrant Return****BENCH WARRANT
RETURN FOR
MATERIAL
WITNESS GAMBOA
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Pike, Randall H.Attorney
Attorney**JOURNAL ENTRIES**

- Material witness Gamboa present. Mr. Fattig requested the witness remain in custody until the trial was finished based on her unavailability and resistance to testifying. She is also being held on other matters. COURT ORDERED, motion GRANTED; the Deft. is remanded to the custody of the Sheriff to be held pending trial in this matter.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

January 25, 2005**8:30 AM****All Pending Motions****ALL PENDING
MOTIONS 1-25-05
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Heard
By: Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

JOURNAL ENTRIES**- CALENDAR CALL (GATO)...CALENDAR CALL (CASTRO)**State and defense announced ready. COURT ORDERED, matter to begin trial on Monday at 1:30 PM.
CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 31, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

January 31, 2005**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Court****Interpreter: JEFFREY****HANKS Heard By:****Cherry, Michael A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Court Interpreter, Maria Gomez, also present.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS: Mr. Oram advised Deft. Gato was not given the same negotiation as Deft. Castro of voluntary manslaughter but rather was offered second degree murder with a possible penalty of ten years to life. Deft. Gato has declined this offer and was ready to proceed to trial. COURT SO ORDERED.

IN THE PRESENCE OF PROSPECTIVE JURORS: Court and counsel examined prospective jurors. Court recessed to resume jury selection on 2-1-05 at 1:30 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 31, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

January 31, 2005**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Court****Interpreter: JEFFREY****HANKS Heard By:****Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS are as contained in Guilty Plea Agreement. DEFT. CASTRO ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO VOLUNTARY MANSLAUGHTER (F). Mr. Fattig made a factual statement as to what the State could prove should this matter go to trial. Mr. Walton informed the Court the Deft. was assisted by the Court Interpreter in reading and explaining the Guilty Plea Agreement in this matter. COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

3-8-05 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 01, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

February 01, 2005**10:00 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Court
Interpreter: Maria
Peralta De Gomez
Heard By: Cherry,
Michael A**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Court Interpreter, Jeff Hanks, present.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS: Counsel discussed an issue with the witness that was the manager of the motel at the time of the murder as she had a baby yesterday and would not be available for two weeks to travel. Colloquy between Court and counsel regarding possible solutions as Mr. Oram wanted live testimony in order to bring out the inconsistencies between preliminary hearing and trial testimony. COURT ORDERED, counsel to travel to Phoenix, Arizona, and conduct a video deposition to be used at trial.

Court and counsel conducted a Petrocelli hearing. Teresa Gamboa sworn and testified. Mr. Oram presented argument on the lack of clear and convincing evidence. Response by Mr. Mitchell. Court agreed with the State and ORDERED, the jury will be allowed to hear about the drug dealing through witness Gamboa but nothing to do with gang involvement. The Court believes this evidence is more

probative than prejudicial and is appropriate for the jury. Mr. Mitchell addressed the issue of the testimony of Leonel Garcia and inquired if he would be allowed to testify in this trial as he did in the Co-Deft., Sally Villaverde, trial. Mr. Oram advised he had anticipated he would testify and was prepared. COURT ORDERED, Leonel Garcia may testify in this trial.

IN THE PRESENCE OF PROSPECTIVE JURORS: Court and counsel resumed examination of prospective jurors. Twelve jurors and two alternates sworn to try the case at issue. Court presented a brief introduction and Clerk read the Amended Information on file herein and stated the Deft.'s plea of not guilty. Court recessed to reconvene on 2-2-05 at 10:00 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 02, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

February 02, 2005**10:30 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Court
Interpreter:
ALEXANDRA
ANDRADE Heard
By: Cherry, Michael
A**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Court Interpreters, Jeff Hanks and Maria Gomez, present.

Opening statements by counsel. Testimony and exhibits presented. (See worksheets.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 03, 2005

03C191012-2

The State of Nevada vs Sally Villaverde

February 03, 2005

10:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Penny
Wisner

Reporter/Recorder:

Janie Olsen Court

Interpreter: RENEE

OCOUGNE DE

GASCON Heard By:

Cherry, Michael A

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

JOURNAL ENTRIES

- Court interpreters Manuel Calvillo, Maria Gomez, and Jeff Hanks present.

Court reconvened and counsel stipulated to the presence of the jury. Further testimony and exhibits presented.

OUTSIDE THE PRESENCE OF THE JURY: Court made a record with regard to witness Gamboa's testimony as it went towards the conspiracy part of the incident and ORDERED, after the murder takes place the witness will no longer be able to testify as to conversations. Mr. Oram objected on the basis of a Bruton violation as he would not have the opportunity to cross examine Sally Villaverde and cited case law Crawford v. Washington to support his position. Court stated it had read Crawford many times and Mr. Oram may be right but this Court could not overrule the hearsay rule based on Crawford. COURT ORDERED, witness Gamboa will be allowed the hearsay exception and testify. Statements by Mr. Mitchell. Mr. Oram stated anything further up to the death was a sixth

amendment violation. COURT ORDERED, OVERRULED and TESTIMONY ADMISSIBLE. Mr. Mitchell advised that after the death, the State would be introducing conversations that Gato participated in after the homicide in California and addressed adoptive admissions. Court stated it would recognize Mr. Oram's continuing objection to this testimony. Mr. Oram made a record of his objection regarding the statement by Gamboa "because I know Gato". COURT ORDERED, objection noted and OVERRULED.

IN THE PRESENCE OF THE JURY: Further testimony and exhibits presented.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

February 04, 2005**10:00 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Penny
Wisner
Reporter/Recorder:
Janie Olsen Court
Interpreter: Maria
Peralta De Gomez
Heard By: Cherry,
Michael A**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Court Interpreter, Jeff Hanks, present.

Court reconvened with all parties present and counsel stipulated to the presence of the jury. Further testimony and exhibits presented.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Mitchell advised an endorsed witness, Lionel Garcia, who testified at Co-Def. Sally Villerde's trial, was refusing to testify and had made claims that his life and that of his family had been threatened; therefore, would like to use the transcript of his testimony in the previous trial. Mr. Oram objected on the basis he had the right to confront a witness and that would be denied him by using the transcript. Further arguments by counsel. COURT ORDERED, counsel are to submit briefs on this issue complete with case law to support their position.

IN THE PRESENCE OF THE JURY: Court excused the jury for the weekend to resume trial on Monday, 2-7-05, at 10:00 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2005

03C191012-2

The State of Nevada vs Sally Villaverde

February 07, 2005

1:30 PM

Jury Trial

TRIAL BY JURY**Relief Clerk: April
Watkins****Reporter/Recorder:****Janie Olsen Court****Interpreter: JEFFREY****HANKS Heard By:****Cherry, Michael A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Maria Gomez, Court Interpreter, present.

Notice of Motion and Motion to Admit Prior Testimony of Leonel Garcia FILED IN OPEN COURT.

JURY PRESENT: Continued testimony and exhibits presented. (See worksheets.) OUTSIDE THE

PRESENCE OF THE JURY: Randall Pike, Esq. present on behalf of Co-Deft. Villaverde. Mr. Pike

advised Deft. Villaverde has been convicted at trial and has an appeal pending. Offers have been

made by the State and the State had Deft. transported from Ely State Prison to Clark County

Detention Center (CCDC) with the knowledge and consent of counsel. Further, Deft. was

transported into the courtroom without Deft. Gato being present and was addressed by the state and

reiterated he does not want to testify or accept negotiations. Therefore, Deft. is unavailable for trial.

Additionally, Deft. requested counsel invoke his 5th Amendment rights. Mr. Fattig stated Deft's

alias' have been redacted from exhibits and will not be mentioned during testimony. JURY

PRESENT: Continued testimony and exhibits. Mr. Fattig stated a stipulation has been entered into to

read the voluntary statements and Preliminary Hearing testimony of Rogelia Lopez and transcript of trial of Sally Villaverde. Court recessed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2005

03C191012-2

The State of Nevada vs Sally Villaverde

February 08, 2005

10:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Penny
Wisner

Reporter/Recorder:

Janie Olsen Court

Interpreter: JEFFREY

HANKS Heard By:

Cherry, Michael A

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Maria Gomez, Court Interpreter, present.

Court reconvened and counsel stipulated to the presence of the jury. Further testimony and exhibits.
 OUTSIDE THE PRESENCE OF THE JURY: Mr. Oram addressed his concern over a hearsay statement that could come in through State's witness, Robert Wilson, which was made by a maintenance man at the Capri Motel. COURT ORDERED, no hearsay statements are to come into the record and the State is to so advise their witness.

IN THE PRESENCE OF THE JURY: Further witness and exhibits presented.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Mitchell advised it had come to the point in the trial where a ruling regarding Leonel Garcia was necessary. Colloquy. Mr. Oram advised he was prepared to present extensive argument on that point. Court stated it was inclined to allow the testimony in that was presented in the Petrocelli hearing with Leonel Garcia. Court stated this was an issue of first impression and allowed counsel to argue. Argument by Mr. Oram citing case law to

support his position. COURT ORDERED, there is no way that the Court can prevent the State from bringing this testimony in. The Court is not sure if there is a difference between a Petrocelli Hearing and a prior proceeding but we have a witness whose credibility is up in the air. The Court would also allow some of Mr. Garcia's testimony from the Villaverde trial to be used. Mr. Oram requested the Court tell the jurors that Garcia had refused to testify. State had no objection as long as the Court also tells the jury that he was in prison. COURT SO ORDERED. Mr. Mitchell made a record with regard to Mr. Oram's argument regarding Mr. Schieck's opportunity to cross-examine Leonel Garcia. Mr. Oram requested any deals or Giglio information from the State. Mr. Mitchell went over that information. COURT ORDERED, that information will be presented to the jury. Mr. Fattig also requested that the jury be told that there have been no further deals offered. COURT SO ORDERED. Court recessed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2005

03C191012-2

The State of Nevada vs Sally Villaverde

February 09, 2005

10:00 AM

Jury Trial

TRIAL BY JURYCourt Clerk: Penny
Wisner

Reporter/Recorder:

Janie Olsen Court

Interpreter: JEFFREY

HANKS Heard By:

Cherry, Michael A

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Court Interpreters, Richard Evans and Rene Gascon, present.

OUTSIDE THE PRESENCE OF THE JURY: Court and counsel went over the anticipated testimony of Detective Wilson and addressed possible hearsay issues. Mr. Oram requested that this witness also not go into when the Deft. was arrested and whether or not a statement was made. Court agreed and so ordered.

IN THE PRESENCE OF THE JURY: Court reconvened and counsel stipulated to the presence of the Jury. Further testimony and exhibits presented.

OUTSIDE THE PRESENCE OF THE JURY: Court advised the Deft. of his right to testify. Counsel went over the stipulation they had reached with regard to the transcript testimony of Leonel Garcia.

IN THE PRESENCE OF THE JURY: Mr. Oram read the stipulation between the State and defense with regard to witness Leonel Garcia, who had refused to testify in this trial. Further testimony presented. State and defense rested.

OUTSIDE THE PRESENCE OF THE JURY: Court and counsel settled jury instructions.

IN THE PRESENCE OF THE JURY: Court read instructions to the jury. Court recessed to reconvene on 2-10-05 at 9:45 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

February 10, 2005**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Court****Interpreter: JEFFREY****HANKS Heard By:****Cherry, Michael A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Fattig, John T
Mitchell, Scott S.Attorney
Attorney**JOURNAL ENTRIES**

- Court Interpreters, Sylvia Page and Maria Gomez, present.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Oram advised the woman that testified on behalf of Motel 6 was going to go back and verify the date on the receipt and has not done that as yet as far as he knew. State advised they had not received any further information as yet. COURT ORDERED, the case is now over and Mr. Oram was free to argue that point.

IN THE PRESENCE OF THE JURY: Court reconvened and counsel stipulated to the presence of the jury. Closing arguments by counsel. Bailiff and matron sworn to take charge of the jury and alternates. Jury retired to begin deliberations at 1:58 PM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2005

03C191012-2

The State of Nevada vs Sally Villaverde

February 11, 2005

10:00 AM

Jury Trial

TRIAL BY JURYRelief Clerk: Carole
D'AloiaReporter/Recorder:
Debbie Van

Blairicom Court

Interpreter: SILVIA

PAGE Heard By:

Michael Cherry

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

Mitchell, Scott S.

Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY, Court advised counsel it received a note from the Jury, had it marked Court's Exhibit and because this is a homicide case, it wanted to get counsels' input. Following arguments by counsel, Court advised its response will be "The answer to your question is contained in the instructions previously given by the Court."

At the hour of 11:15 AM Jury returned with the following verdicts. Count 1 - Burglary (F) - Guilty
Count 2 - First Degree Murder With Use of a Deadly Weapon (F) - Guilty Count 3 - Robbery With Use of a Deadly Weapon (F) - Guilty

Jury polled at request of Mr. Oram. Court thanked and exused the jury and, ORDERED, matter referred to the Division of Parole and Probation (P&P) for a Presentence Investigative Report (PSI Report) and set for SENTENCING.

CUSTODY

4/7/05 8:30 AM SENTENCING

CLERK'S NOTE: AFTER TRIAL CLERK WAS NOTIFIED BY COURT THAT THE MATERIAL WITNESS WARRANT ON TERESA GAMBOA IS QUASHED, INSTRUCTED CLERK TO FAX A COPY OF THIS MINUTE ORDER TO THE JAIL, AND, ORDERED, TERESA GAMBOA TO BE RELEASED FORTHWITH. cd

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

March 08, 2005**8:30 AM****Sentencing****SENTENCING****Court Clerk: Penny****Wisner Relief Clerk:****Michelle Jones/mj****Reporter/Recorder:****Debbie VanBlaricom****Heard By: Cherry,****Michael A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Fattig, John T

Attorney

JOURNAL ENTRIES

- Mr. Walton advised he has not received the Pre-Sentence Investigation (PSI) report and requested a continuance. Mr. Fattig noted, the presence of the victim's mother and requested matters be rescheduled as to her availability. COURT ORDERED, matters continued.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 22, 2005**

03C191012-2

The State of Nevada vs Sally Villaverde

March 22, 2005**8:30 AM****Sentencing****SENTENCING****Court Clerk: Penny
Wisner****Reporter/Recorder:****Janie Olsen Court****Interpreter: Anita****D'Angelo Heard By:****Michael Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Mitchell, Scott S.

Attorney

JOURNAL ENTRIES

- DEFT. CASTRO ADJUDGED GUILTY OF VOLUNTARY MANSLAUGHTER (F). Argument by the State. Statement by the Deft. Argument by Mr. Walton. COURT ORDERED, in addition to the \$25 Administrative Assessment Fee, the Deft. is SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) with 741 days Credit For Time Served.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 07, 2005

03C191012-2

The State of Nevada vs Sally Villaverde

April 07, 2005

8:30 AM

Sentencing

SENTENCINGCourt Clerk: Penny
Wisner

Reporter/Recorder:

Janie Olsen Court

Interpreter: Anita

D'Angelo Heard By:

Michael Cherry

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Fattig, John T

Attorney

JOURNAL ENTRIES

- Court Interpreter Laura Villar present for speaker Degna Ortega.

DEFT. GATO ADJUDGED GUILTY OF COUNT 1 - BURGLARY (F); COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER)(F); AND COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Mother of the victim, Degna Ortega, sworn and testified. Argument by the State. Statement by the victim. Argument by Mr. Oram. COURT ORDERED, in addition to the \$25 Administrative Assessment Fee, submission to testing to determine genetic markers and pay the \$150 DNA Analysis Fee, the Deft. is SENTENCED as to COUNT 1 to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in Nevada Dept. of Corrections; COUNT 2 to LIFE WITHOUT THE POSSIBILITY OF PAROLE PLUS an EQUAL and CONSECUTIVE term of LIFE WITHOUT THE POSSIBILITY OF PAROLE for use of a deadly weapon to run CONSECUTIVE to Count 1; COUNT 3 to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS PLUS an EQUAL and CONSECUTIVE term of a MAXIMUM of ONE HUNDRED EIGHTY (180)

MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS for use of a deadly weapon to run CONSECUTIVE to COUNTS 1 and 2. Deft. to receive 770 days Credit For Time Served. FURTHER ORDERED, Christopher Oram is APPOINTED to handle the Deft's appeal in this case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 18, 2006

03C191012-2

The State of Nevada vs Sally Villaverde

April 18, 2006

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS (4/18/06)**
**Court Clerk: Theresa
Lee**
**Reporter/Recorder:
Janie Olsen Heard**
By: Michael Cherry

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.

Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL

COURT ORDERED, motion to proceed in forma pauperis and motion for appointment of counsel, Chris Oram is still counsel of record and was appointed to handle the appeal, both motions are DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to deft, ID#81701, Ely State Prison, P.O. Box 1989, Ely, NV 89301

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 25, 2006**

03C191012-2

The State of Nevada vs Sally Villaverde

April 25, 2006**8:30 AM****Motion****DEFT'S PRO PER
MOTION FOR
LEAVE TO FILE
AMENDED
PETITION/68 Court
Clerk: Theresa Lee
Reporter/Recorder:
Dick Kangas Heard
By: Cherry, Michael
A****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Brian, Kam
Pike, Randall H.Attorney
Attorney**JOURNAL ENTRIES**

- Mr. Pike moved to WITHDRAW AS COUNSEL for deft., SO ORDERED, motion GRANTED.
FURTHER ORDERED, deft's motion for leave to file Amended Petition is CONTINUED to 6/8/06.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 08, 2006**

03C191012-2

The State of Nevada vs Sally Villaverde

June 08, 2006**8:30 AM****Motion****DEFT'S PRO PER
MOTION FOR
LEAVE TO FILE
AMENDED
PETITION/68 Court
Clerk: Theresa Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Fattig, John T

Attorney

JOURNAL ENTRIES

- Court noted deft filed a motion to withdraw his Post Conviction Petition and file an Amended Petition. COURT ORDERED, at the request of the deft, matter taken OFF CALENDAR.
NDC

**ISTRIC COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 31, 2006**

03C191012-2

The State of Nevada vs Sally Villaverde

October 31, 2006**8:30 AM****Motion**

**DEFT'S PRO PER
MTN FOR COURT
ORDER TO
RESCHEDULE
CALENDAR
CALL/71 Court
Clerk: Theresa Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was placed in the U S Mail to deft; ID#81701, Ely State Prison, P.O. Box 1989, Ely, NV 89301

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2006

03C191012-2

The State of Nevada vs Sally Villaverde

November 02, 2006

8:30 AM

Further Proceedings

**FURTHER
PROCEEDINGS
Court Clerk: Theresa
Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Keeler, Brett O.

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter taken OFF CALENDAR, this matter was decided on Tuesday, 10/31/06.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 12, 2006**

03C191012-2

The State of Nevada vs Sally Villaverde

December 12, 2006**8:30 AM****Motion****DEFT'S PRO PER
MTN FOR COURT
ORDER
COMPLETE ROUGH
DRAFT
TRANSCRIPT /72
Court Clerk: Theresa
Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- COURT ORDERED, motion DENIED. State to prepare the Order.
NDC

CLERK'S NOTE: A copy of the Minute Order was placed in the U.S. Mail to deft ID#81701; Ely State
Prison, P.O. Box 1989, Ely, Nevada 89301

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 13, 2007**

03C191012-2

The State of Nevada vs Sally Villaverde

March 13, 2007**9:00 AM****Motion****DEFT'S PRO PER
MOTION FOR
CLARIFICATION
AND CORRECTION
OF JUDICIAL
RECORD/73 Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hendricks, Craig L.

Attorney

JOURNAL ENTRIES

- Court noted that Defendant is not present as she is in the Nevada Department of Corrections. Written opposition given to the Court by Mr. Hendricks. COURT ORDERED, matter CONTINUED for review of opposition.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 15, 2007**

03C191012-2

The State of Nevada vs Sally Villaverde

March 15, 2007**9:00 AM****Motion**

**DEFT'S PRO PER
MOTION FOR
CLARIFICATION
AND CORRECTION
OF JUDICIAL
RECORD/73 Court
Clerk: Carol
Donahoo
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.
Pike, Randall H.

Attorney
Attorney

JOURNAL ENTRIES

- Deft. Villaverde incarcerated in Nevada Department of Corrections and not present.
Colloquy regarding Deft's Motion. Court provided a brief history of the case and noted Petitioner's Petition for Writ of Habeas Corpus was never addressed. Therefore, COURT ORDERED, Motion GRANTED IN PART as the Court will appoint Amy Chelini, Esq., as counsel of record; the remaining issues are continued.

NDC

03/29/07 9:00 AM STATUS CHECK: CONFIRMATION OF COUNSEL

CLERK'S NOTE: Court Clerk notified Ms. Chelini of her appointment telephonically.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2007

03C191012-2

The State of Nevada vs Sally Villaverde

March 29, 2007

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 3/29/07**
**Court Clerk: Carol
Green**
**Reporter/Recorder:
Angela Lee Heard**
By: David Wall

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.
Chelini, Amy

Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR CLARIFICATION AND CORRECTION OF JUDICIAL RECORD...STATUS CHECK: CONFIRMATION OF COUNSEL (AMY CHELINI)
 COURT ORDERED, presence of Defendant is WAIVED as he is in the Nevada Department of Corrections. Court stated that on March 15, Judge Herndon indicated that the Petition had never been heard and at that time appointed Ms. Chelini. Court inquired and Ms. Chelini CONFIRMED.
 COURT ORDERED, matter CONTINUED 90 days for Ms. Chelini to review Defendants motions and determine what needs to be done.
 6/28/07 9:00 AM STATUS CHECK; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS/
 MOTION FOR CLARIFICATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 28, 2007

03C191012-2

The State of Nevada vs Sally Villaverde

June 28, 2007

9:00 AM

Status Check

STATUS CHECK:
DEFT'S PETITION
FOR WRIT OF
HABEAS
CORPUS/MTN FOR
CLARIFICATION
Court Clerk: Denise
Trujillo
Reporter/Recorder:
Laurie Hafen Court
Interpreter: Mariella
Lopez **Heard By:**
Douglas Herndon

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brierly, Tracey J.
 Chelini, Amy

Attorney
 Attorney

JOURNAL ENTRIES

- Ms. Chelini advise she needs 30 days to supplement petition. COURT ORDERED, briefing schedule as follows: Deft. to have until 8/2/07 to file supplement to petition; State has until 9/27/07 to reply, and Deft. will have until 10/11/07 to respond, with matter SET for hearing thereafter.

NDC

10/18/07 9:00 AM HEARING: WRIT OF HABEAS CORPUS/CLARIFICATION & CORRECTION OF
 RECORDS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 07, 2007**

03C191012-2

The State of Nevada vs Sally Villaverde

August 07, 2007**9:00 AM****Motion for Appointment of
Attorney**

**DEFT'S MTN FOR
APPOINTMENT OF
COUNSEL/78 Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Douglas
Herndon**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hendricks, Craig L.

Attorney

JOURNAL ENTRIES

- Mr. Oram stated that counsel needs to be appointed and he suggested Cynthia Dustin. COURT ORDERED, Cynthia Dustin APPOINTED to represent Defendant in post conviction; Mr. Oral to transfer appropriate portions of his file to Ms. Dustin.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2008

03C191012-2

The State of Nevada vs Sally Villaverde

January 10, 2008

9:00 AM

Hearing

**HEARING:DEFT'S
WRIT OF HABEAS
CORPUS...CCLARIFI
CATION &
CORRECTION OF
RECORD Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Douglas
Herndon**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Long, Kenneth W.
Mitchell, Scott S.

Attorney
Attorney

JOURNAL ENTRIES

- Argument by Mr. Long and Mr. Mitchell. Court stated findings and based on everything, COURT ORDERED, Defendant's Writ is DENIED. Findings of Fact and Conclusions of Law to be prepared by the State.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 22, 2008**

03C191012-2

The State of Nevada vs Sally Villaverde

May 22, 2008**9:00 AM****Request of Court****AT THE REQUEST
OF THE COURT:
APPT COUNSL
Court Clerk: Carol
Green
Reporter/Recorder:
Kim Tuchman Heard
By: Douglas Herndon****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Nyikos, Noreen

Attorney

JOURNAL ENTRIES

- Court noted that matter is on calendar because of a Remand by the Supreme Court to appoint Appellate Counsel. COURT ORDERED, Dan Albregts APPOINTED.

NDC

CLERK'S NOTE: 5/23/08 - A copy of this Minute Order was placed in the Attorney Folder of Dan Albregts, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 17, 2008**

03C191012-2

The State of Nevada vs Sally Villaverde

June 17, 2008**9:00 AM****Request****DEFT'S REQUEST
STATUS CHECK-
APPT OF
COUNSEL/80 Court
Clerk: Carol Green
Heard By: Douglas
Herndon****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Albregts, Daniel J.
Ferreira, Amy L.Attorney
Attorney**JOURNAL ENTRIES**

- Mr. Albregts advised that he can accept appointment as Appellate counsel for Defendant Villaverde. At request of Mr. Albregts, COURT ORDERED, Law Clerk is to advise Mr. Albregts who previous counsel was for Defendant.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 02, 2008**

03C191012-2

The State of Nevada vs Sally Villaverde

September 02, 2008 9:00 AM**Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Carol
Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Iscan, Ercan E

Attorney

JOURNAL ENTRIES

- COURT ORDERED, State's Motion to Dismiss is DENIED, as under Chapter 34, Court has to look at good cause for untimeliness, and Ms. Dustin represented that she was going by the date in Blackstone, not the date on the remittur. Therefore, Court is requesting a substantial opposition by the State. COURT ORDERED, matter CONTINUED; State to file opposition by 12/2/08; Defense to file reply by 2/5/09.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2009**

03C191012-2

The State of Nevada vs Sally Villaverde

February 12, 2009**9:00 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Carol
Green
Reporter/Recorder:
Mary Beth Cook
Heard By: Herndon,
Douglas W****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ferreira, Amy L.

Attorney

JOURNAL ENTRIES

- Ms. Dustin advised that argument is needed and as Ms. Ferreira is not familiar enough with this case to argue, matter needs to be continued. Ms. Ferreira concurred. COURT ORDERED, matter CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 26, 2009**

03C191012-2

The State of Nevada vs Sally Villaverde

February 26, 2009**9:00 AM****Petition for Writ of Habeas
Corpus**

**PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Carol
Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Morton, Carrie A.

Attorney

JOURNAL ENTRIES

- Court stated it received information from the District Attorney's Office that Mr. Fattig will be handling this Petition and as he has not reviewed everything, he is requesting that matter be continued. Court notified Ms. Dustin that her presence would be waived. COURT ORDERED, matter CONTINUED. Law Clerk to notify Ms. Dustin of continuance date.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 26, 2009

03C191012-2

The State of Nevada vs Sally Villaverde

March 26, 2009

9:00 AM

**Petition for Writ of Habeas
Corpus**

**PTN FOR WRIT OF
HABEAS CORPUS
Court Clerk: Carol
Green
Reporter/Recorder:
Sharon Howard
Heard By: Douglas
Herndon**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Fattig, John T

Attorney

JOURNAL ENTRIES

- Argument by Ms. Dustin as to improper instructions given, noting Sharma instruction was not given and also citing Bolden. Argument by Mr. Fattig, stating that proper instructions were given. Court stated findings and advised there is no need for an Evidentiary Hearing. COURT ORDERED, Petition is DENIED; State to prepare Findings of Fact and Conclusions of Law. Upon inquiry by Ms. Dustin, Court thinks it would be appropriate for Ms. Dustin to continue on appeal of these matters and Court will speak with Mr. Christensen.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 31, 2018**

03C191012-2

The State of Nevada vs Sally Villaverde

July 31, 2018**9:00 AM****Motion****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**Pandukht, Taleen R
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Deft. not present in custody with the Nevada Department of Corrections. Based on pleadings, without argument, COURT ORDERED, motion DENIED, noting Court has no jurisdiction.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to Sally Villaverde # 1187297, HDSP, P.O. Box 650, Indian Springs, NV 89070. dm.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 23, 2019

03C191012-2

The State of Nevada vs Sally Villaverde

April 23, 2019

1:00 PM

Motion to Modify Sentence

**Motion for
Modification of
Sentence**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES**PRESENT:**

Keach, Eckley M.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Defendant not present, in the Nevada Department of Corrections. COURT NOTED Defendant had been convicted of murder in 2005, and had thereafter filed a number of post-conviction motions addressing a variety of thing, the instant motion request a Modification to Defendant's Sentence, claiming there were mistakes that occurred that were not known to the Court at the time of sentencing. COURT FURTHER NOTED any allegation that the Pre-Sentence Investigation Report (PSI) was incorrect, there is no relief that can be afforded, as the Court does not have the ability to modify the PSI after sentencing nor were there any issues raised with the PSI at the time of sentencing. COURT ADDITIONALLY STATED, the Court does not have jurisdiction to modify the sentence once imposed and there had not been showing of any mistakes of fact that the court relied upon to the Defendant's determent at the time of sentencing. The Court which sentenced Defendant had sat through Defendant's trial and was aware of the facts involved in the case, FURTHER the allegations made by Defendant regarding the theories of first degree murder and what Defendant's culpability was, has nothing to do with the modification of Defendant's sentence request as the jury decided what Defendant was guilty of, which was 1st degree murder, therefore, Defendant's motion DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to: Sally Villaverde, ID NO. 81701, High Desert State Prison, 22010 Cold Creek Rd, PO Box 650, Indian Springs, NV 89070 (4/24/19 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 09, 2021**

03C191012-2

The State of Nevada vs Sally Villaverde

June 09, 2021**8:30 AM****Motion to Amend
Judgment****Motion for Amended
Judgment of
Conviction to
Include Jail Time
Credits****HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Kory Schlitz**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney Jake Merback present on behalf of the State; Daniel Albregts Esq. not present.

COURT STATED there was a Notice of Non-Opposition filed by the State, and ORDERED, Motion GRANTED; Defendant shall receive credit from February 18, 2003 and shall receive FOUR HUNDRED SIXTY-NINE (469) DAYS credit for time served. COURT STATED an Amended Judgement of Conviction will be prepared.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Sally Villaverde #81701, PO BOX 650, Indian Springs, Nevada 89018. (6/23/2021 ks)

State's EXHIBITS

CASE NO. C1910128

Date Offered OBJ Admitted Date

1- Diagram of 3245 East Fremont (aerial)	3/31	✓	NO	✓	3/31
2- Diagram of 3245 East Fremont + Mountain Vista	3/31	✓	SEP	✓	3/31
3- Diagram of 3245 East Fremont + Roxella	3/31	✓	SEP	✓	3/31
4- Photocopy of registration from Capri Motel	3/31	✓	SEP	✓	3/31
5- Photo of Gato's Car	3/31	✓	NO	✓	3/31
6- Photo of Gato's Car	3/31	✓	NO	✓	3/31
7- Photo of Caminero's Car at Mountain Vista	3/31	✓	SEP	✓	3/31
8- Photo of Caminero's Car at Mountain Vista	3/31	✓	NO	✓	3/31
9- Photo of Caminero's Car sealed at Mountain Vista	3/31	✓	SEP	✓	3/31
10- Photo of Caminero's Car sealed at Mountain Vista		✓		✓	
11- Photo of Caminero's Car sealed at Lab		✓		✓	
12- Photo of Caminero's Car sealed at Lab		✓		✓	
13- Photo of Caminero's Car back area		✓		✓	
14- Photo of Caminero's Car back seat		✓		✓	
15- Photo of Caminero's Car Center Console		✓		✓	
16- Photo of Caminero's Car - lift tape from seat belt		✓		✓	
17- Photo of Caminero's Car - lift tape on apt. Guide		✓		✓	
18- Photo of tissue w/ blood on it from Caminero's car	✓	✓	✓	✓	✓
19- Photo of steering wheel of Caminero's Car w/ reddish stain	3/31	✓	SEP	✓	3/31
20- Photo of Capri Motel	3/31	✓	NO	✓	3/31
21- Photo of view from office toward room 10	3/31	✓	NO	✓	3/31
22- Photo of outside of room 10	3/31	✓	NO	✓	3/31
23- Photo of outside of room 10	3/31	✓	NO	✓	3/31

State's EXHIBITS

CASE NO. C1910128

Date Offered OBJ Admitted Date

24-Photo Looking out of room front door	3/31	✓	NO	✓	3/31
25-Photo of bed	↓	✓	↓	↓	↓
26-Photo of wall above body	↓	✓	↓	↓	↓
27-Photo of body laying on the floor	3/31	✓	NO	✓	3/31
28-Photo of body with face plate on floor	↓	↓	↓	✓	↓
29-Photo of feet with base of Light Pole	↓	↓	↓	✓	↓
30-Photo of body	↓	↓	↓	✓	↓
31-Photo of face plate and blood on carpet	3/31	✓	NO	✓	3/31
32-Photo of blood on carpet	↓	✓	↓	✓	↓
33-Photo of steps up to Jacuzzi	↓	✓	↓	✓	↓
34-Photo of TV, credenza, and heater	↓	✓	↓	✓	↓
35-Photo of TV with cable cord ripped out	↓	✓	↓	✓	↓
36-Photo of face plate of cable broken out	↓	✓	↓	✓	↓
37-Photo of back of heater blood	↓	✓	↓	✓	↓
38-Photo of bathroom (pre lev)	↓	✓	↓	✓	↓
39-Photo of bathroom (pre lev)	↓	✓	↓	✓	↓
40-Photo of bathroom (pre lev)	↓	✓	↓	✓	↓
41-Photo of Cigarette butt in toilet	↓	✓	↓	✓	↓
42-Photo of empty/wet trash can	↓	✓	↓	✓	↓
43-Photo of dime and cigarette butt on floor	↓	✓	↓	✓	↓
44-Photo of dime and cigarette butt on floor w/markers	↓	✓	↓	✓	↓
45-Photo of dime And cigarette butt on floor (close-up)	↓	✓	↓	✓	↓
46-Photo of Cartridge Case on floor	3/31	✓	NO	✓	3/31

State's EXHIBITS

CASE NO. C1910128

Date Offered OBJ Admitted Date

47-Photo of Cartridge case on floor w/ marker	3/31	✓	SEP	✓	3/31
48-Photo of closet area showing cartridge case		✓		✓	
49-Photo of wall with bullet hole		✓		✓	
50-Photo of wall with bullet hole (close-up)		✓		✓	
51-Photo of wall with hole and heater		✓		✓	
52-Photo of close-up of bullet hole (after attempted recovery)		✓		✓	
53-Photo of fragment on floor (with marker)		✓		✓	
54-Photo of fragment on floor (close-up)		✓		✓	
55-Photo of floor/wall after chemical applied		✓		✓	
56-Photo of carpet in room after chemical applied		✓		✓	
57-Photo of carpet in room after chemical applied		✓		✓	
58-Photo of carpet in closet area after chemical applied		✓		✓	
59-Photo of red stain on wall in closet area		✓		✓	
60-Photo of chemical on far wall (bullet fragment found)		✓		✓	
61-Photo of chemical on wall in closet area		✓		✓	
62-Photo of bathroom showing Swab recovery evidence		✓		✓	
63-Photo of chemical on floor of bathroom		✓		✓	
64-Photo of chemical on floor of bathroom		✓		✓	
65-Photo of chemical on floor of bathroom		✓		✓	
66-Photo of footprint on floor in chemical		✓		✓	
67-Photo of fingerprint tape on toilet		✓		✓	
68-Photo of fingerprint tape on Sink	✓	✓	✓	✓	✓
69-Photo of fingerprint tape on toilet lid	3/31	✓	SEP	✓	3/31

State's EXHIBITS

CASE NO. C191012B

Date Offered OBJ Admitted Date

70- Photo of fingerprint tape on faucet in bath	3/31	✓	Scp	✓	3/31
71- Photo of fingerprint tape on light pole		✓		✓	
72- Photo of blood on carpet (where head was laying)		✓		✓	
73- Photo of Seal on room door		✓		✓	
74- Photo of seal on room Window		✓		✓	
75- Photo of body at Coroner's office		✓		✓	
76- Photo of right hand		✓		✓	
77- Photo of left hand		✓		✓	
78- Photo of Shirt		✓		✓	
79- Photo of Shirt (holes where bullet traveled)		✓		✓	
80- Photo of Pants with drugs by pocket		✓		✓	
81- Photo of Pants with duct tape on leg		✓		✓	
82- Photo of Duct tape (close-up)		✓		✓	
83- Photo of Pants with bullet holes		✓		✓	
84- Photo of underwear with bullet holes		✓		✓	
85- Photo of right side of face		✓		✓	
86- Photo of left side of face		✓		✓	
87- Photo of injuries to top of head		✓		✓	
88- Photo of injuries to underarm		✓		✓	
89- Photo of injury to arm		✓		✓	
90- Photo of elbow injury		✓		✓	
91- Photo of injury to left side of back	✓	✓	✓	✓	✓
92- Photo of bullet hole in butt	3/31	✓	Scp	✓	3/31

State's EXHIBITS

CASE NO. 01910126

Date Offered OBJ Admitted Date

93-Photo-of bullet hole on side of butt	3/31	✓	SEP	✓	3/31
94-Photo of closeup of bullet hole to side of butt	3/31	✓	SEP	✓	3/31
95- DMV Records of Roberto Castro for Chrysler Auto	3/31	✓	SEP	✓	3/31
96- CD + documentation of 911 call from Capri motel	3/31	✓	SEP	✓	3/31
97- 8 1/2 x 11 Crime Scene Diagram	3/31	✓	NO	✓	3/31
98- Evidence Bag	3/31	✓	SEP	✓	3/31
98A- White cable cord w/one damaged end Connector	3/31	✓	SEP	✓	3/31
98B- Broken white wall Plate with blood	3/31	✓	SEP	✓	3/31
98C- Broken wall Plate And cable connection	✓	✓	SEP	✓	3/31
99- Small Evidence bag	3/31	✓	SEP	✓	
99A- Federal 40 S+W Cartridge Case					
99B- Copper Jacket fragment					
100- Small evidence bag + contents					
101- Small evidence bag					
101A- Brown used Cigarette filter (located in toilet)					
101B- Brown used Cigarette filter (located by front door)					
102- Small evidence bag + contents					
103- Small evidence bag + contents					
104- Small evidence Bag					
104A- Black wallet + contents in name of Enrique Caminero					
105- Evidence Bag	✓				✓
105A- 2 Pieces of blue colored duct Tape	3/31	✓	SEP	✓	3/31
106 - Latent fingerprint Cards (Enrique Caminero)	3/31	✓	NO	✓	3/31
107- Latent fingerprint Cards (Enrique Caminero)	3/31	✓	NO	✓	3/31

State's EXHIBITS

CASE NO. C191012B

Date Offered OBJ Admitted Date

108 - Evidence Bag & Contents	4/1	✓	NO	✓	4/1
109 - Evidence Bag & Contents	4/1	✓	NO	✓	4/1
110 - Evidence envelope containing latent print cards	4/1	✓	NO	✓	4/1
111 - Latent Fingerprint Card	4/1	✓	obj	✓	4/1
112 - Latent Fingerprint Card	4/1	✓	obj	✓	4/1
113 - Latent Fingerprint Card	4/1	✓	obj	✓	4/1
114 - Latent Fingerprint Card	4/1	✓	obj	✓	4/1
115 - Latent Fingerprint Card (Palm Print)	4/1	✓	obj	✓	4/1
116 - Latent Fingerprint Card (Palm Print)	4/1	✓	obj	✓	4/1
117 - LVM PD Forensic Lab Report - Cocaine 10.72g	4/1	✓	obj	✓	4/1
118 - LVM PD Forensic Lab Report - Cartridge + jacket fragment	4/1	✓	obj	✓	4/1
119 - Receipt from Motel 6 Printed date 10-17-03	4/2	✓	obj	✓	4/2
120 - Photo of Robert Castro	4/2	✓	NO obj	✓	4/2
121 - Photo of Rene Gato	4/2	✓	NO obj	✓	4/2
122 - Photo of Victim Enrique Cammerero	4/2	✓	NO obj	✓	4/2
123 - Photo of FRANK Samora	4/2	✓	NO obj	✓	4/2
124 - Agreement with Witness Garcia in English	4/2	✓	NO obj	✓	4/2
125 - Agreement with witness Garcia in Spanish	4/2	✓	NO obj	✓	4/2
126 - Letter dated 3-24-04 from the U.S. Atty	4/2	✓	NO obj	✓	4/2
127 - Photo of Victim Enrique Cammerero	4/2	✓	NO obj	✓	4/2
128 - Photo of victim w/ a female & a puppy	4/2	✓	NO obj	✓	4/2
129 - Photo of Victim w/ a dog	4/2	✓	NO obj	✓	4/2
130 LVM PD Latent fingerprints - Antonio Agileto aka Eric, Rene	4/5	✓	NO obj	✓	4/5

CASE NO. C191012B

[illegible]

STATE'S EXHIBITS

CASE NO. C191012A

Date Offered OBJ Admitted Date

1- Diagram of 3245 East Fremont (aerial)	2/2	✓	No	✓	2/2
2- Diagram of 3245 East Fremont + Mountain Vista	2/2	✓	No	✓	2/2
3- Diagram of 3245 East Fremont + Hopalea					
4- Photocopy of Registration from Capri Motel	2/3	✓	No	✓	2/3
5- Photo of Gato's Car	2/3	✓	No	✓	2/3
6- Photo of Gato's Car	2/3	✓	No	✓	2/3
7- Photo of Caminero's car at Mountain Vista	2/2	✓	No	✓	2/2
8- Photo of Caminero's car at Mountain Vista	2/2	✓	No	✓	2/2
9- Photo of Caminero's car Sealed at Mountain Vista	2/2	✓	No	✓	2/2
10- Photo of Caminero's car Sealed at Mountain Vista	2/2	✓	No	✓	2/2
11- Photo of Caminero's car Sealed at Lab	2/2	✓	No	✓	2/2
12- Photo of Caminero's car Sealed at Lab	2/2	✓	No	✓	2/2
13- Photo of Caminero's car back area	2/2	✓	No	✓	2/2
14- Photo of Caminero's car back seat	2/2	✓	No	✓	2/2
15- Photo of Caminero's car Center Console	2/2	✓	No	✓	2/2
16- Photo of Caminero's car - lift tape from Seat Belt	2/2	✓	No	✓	2/2
17- Photo of Caminero's car - lift tape on apartment Guide	2/2	✓	No	✓	2/2
18- Photo of tissue w/ blood on it from Caminero's car	2/2	✓	No	✓	2/2
19- Photo of Steering wheel of Caminero's car w/ redish stain	2/2	✓	No	✓	2/2
20- Photo of Capri Motel	2/2	✓	Stop	✓	2/2
21- Photo of view from office toward room 10	2/2	✓	Stop	✓	2/2
22- Photo of view outside Room 10	2/2	✓	Stop	✓	2/2
23- Photo of outside Room 10	2/2	✓	Stop	✓	2/2

STATE'S EXHIBITS

CASE NO. C191012A

Date Offered OBJ Admitted Date

24-Photo looking out of room front door	7/2	✓	Step	✓	7/2
25-Photo of bed	✓	✓	✓	✓	✓
26-Photo of wall above body	✓	✓	✓	✓	✓
27-Photo of body laying on floor	✓	✓	✓	✓	✓
28-Photo of body with face plate on floor	✓	✓	✓	✓	✓
29-Photo of feet with base of light pole	✓	✓	✓	✓	✓
30-Photo of body	✓	✓	✓	✓	✓
31-Photo of face plate and blood on Carpet	7/2	✓	Step	✓	7/2
32-Photo of blood on Carpet	✓	✓	✓	✓	✓
33-Photo of steps up to Jacuzzi	✓	✓	✓	✓	✓
34-Photo of TV, Credenza, and heater	✓	✓	✓	✓	✓
35-Photo of TV with cable cord ripped out	✓	✓	✓	✓	✓
36-Photo of face plate of broken out	✓	✓	✓	✓	✓
37-Photo of back of heater blood	✓	✓	✓	✓	✓
38-Photo of bathroom (pre LCV)	7/2	✓	Step	✓	7/2
39-Photo of bathroom (pre LCV)	7/2	✓	Step	✓	7/2
40-Photo of bathroom (pre LCV)	✓	✓	✓	✓	✓
41-Photo of cigarette butt in toilet	✓	✓	✓	✓	✓
42-Photo of empty/wet trash can	✓	✓	✓	✓	✓
43-Photo of dime and cigarette butt on floor	✓	✓	✓	✓	✓
44-Photo of dime and cigarette butt on floor w/markers	✓	✓	✓	✓	✓
45-Photo closeup of dime + cigarette butt on floor	✓	✓	✓	✓	✓
46-Photo of cartridge case on floor	7/2	✓	Step	✓	7/2

47-Photo of Cartridge Case on floor w/marker	3/2	✓	SEP	✓	3/2
48-Photo of closet area showing Cartridge Case	1	✓	1	✓	1
49-Photo of wall w/bullet hole	1	✓	1	✓	1
50-Photo of wall w/bullet hole (close-up)	1	✓	1	✓	1
51-Photo of wall with hole And heater	1	✓	1	✓	1
52-Photo of close-up of bullet hole (after Attempted ^{Recovery})	1	✓	1	✓	1
53-Photo of fragment on floor (with marker)	1	✓	1	✓	1
54-Photo of fragment on floor (close-up)	1	✓	1	✓	1
55-Photo of floor/wall after chemical applied	1	✓	1	✓	1
56-Photo of Carpet in Room after chemical applied	1	✓	1	✓	1
57-Photo of Carpet in Room after chemical applied	1	✓	1	✓	1
58-Photo of Carpet in closet area after chemical applied	1	✓	1	✓	1
59-Photo of Red stain on wall in closet area	1	✓	1	✓	1
60-Photo of chemical on far wall (bullet fragment found)	1	✓	1	✓	1
61-Photo of chemical on wall in closet area	1	✓	1	✓	1
62-Photo of bathroom showing swab recovery evidence	1	✓	1	✓	1
63-Photo of chemical on floor of bathroom	1	✓	1	✓	1
64-Photo of chemical on floor of bathroom	1	✓	1	✓	1
65-Photo of chemical on floor of bathroom	1	✓	1	✓	1
66-Photo of foot print on floor in chemical	1	✓	1	✓	1
67-Photo of fingerprint tape on toilet	1	✓	1	✓	1
68-Photo of fingerprint tape on sink	1	✓	1	✓	1
69-Photo of fingerprint on toilet lid	3/2	✓	SEP	✓	3/2

STATE'S EXHIBITS

CASE NO. C191012A

Date Offered OBJ Admitted Date

70-Photo of fingerprint tape on faucet in bath	3/2	✓	SEP	✓	3/2
71-Photo of fingerprint tape on Light Pole	↓	✓	↓	✓	↓
72-Photo of blood on Carpet (where head was laying)	↓	✓	↓	✓	↓
73-Photo of Seal on room door	↓	✓	↓	✓	↓
74-Photo of Seal on room Window	3/2	✓	SEP	✓	3/2
75-Photo of body at Coroner's office	3/2	✓	NO	✓	3/2
76-Photo of right hand	↓	✓	↓	✓	↓
77-Photo of Left hand	↓	✓	↓	✓	↓
78-Photo of Shirt	↓	✓	↓	✓	↓
79-Photo of Shirt (holes where bullet traveled)	↓	✓	↓	✓	↓
80-Photo of Pants with drugs by Pocket	↓	✓	↓	✓	↓
81-Photo of Pants with dust tape on leg.	↓	✓	↓	✓	↓
82-Photo of dust tape (close-up)	↓	✓	↓	✓	↓
83-Photo of Pants with bullet holes	↓	✓	↓	✓	↓
84-Photo of underwear with bullet holes	↓	✓	↓	✓	↓
85-Photo of right side of face	↓	✓	↓	✓	↓
86-Photo of left side of face	↓	✓	↓	✓	↓
87-Photo of injuries to top of head	↓	✓	↓	✓	↓
88-Photo of injuries to underarm	↓	✓	↓	✓	↓
89-Photo of injury to arm	↓	✓	↓	✓	↓
90-Photo of elbow injury	↓	✓	↓	✓	↓
91-Photo of injury to left side of back	↓	✓	↓	✓	↓
92-Photo of bullet hole in butt	3/2	✓	NO	✓	3/2

STATE'S EXHIBITS

CASE NO. C191012A

Date Offered OBJ Admitted Date

93- Photo of bullet hole on side of butt	2/2	✓	NO	✓	2/2
94- Photo of close-up of bullet hole to side of butt	2/2	✓	NO	✓	2/2
95- DMV Records of Robert Castro for Chrysler Auto	2/3	✓	Exp	✓	2/3
96- CD + documentation of 911 Call from Capri Motel	2/7	✓	NO	✓	2/7
97- 942411 Crime Scene diagram	2/7	✓	NO	✓	2/7
98- Evidence Bag	2/7	✓	NO	✓	2/7
98A- White Cable Cord w/damaged End Connector	2/7	✓	NO	✓	2/7
98B- Broken White Wall Plate with Blood	2/7	✓	NO	✓	2/7
98C- Broken Wall Plate And Cable Connection	2/7	✓	NO	✓	2/7
99- Small evidence bag	2/7	✓	NO	✓	2/7
99A- Federal 40 Saw Cartridge Case	2/7	✓	NO	✓	2/7
99B- Copper Jacket Fragment	2/7	✓	NO	✓	2/7
100- Small Evidence Bag + Contents	2/7	✓	NO	✓	2/7
101- Small Evidence Bag	2/7	✓	NO	✓	2/7
101A- Brown used cigarette filter (Located in toilet)	2/7	✓	NO	✓	2/7
101B- Brown used Cigarette filter (Located by front door)	2/7	✓	NO	✓	2/7
102- Small evidence bag + Contents	2/7	✓	NO	✓	2/7
103- Small evidence bag + Contents	2/7	✓	NO	✓	2/7
104- Small evidence bag	2/7	✓	NO	✓	2/7
104A- Black Wallet + Contents in name of Enrique Caminero	2/7	✓	NO	✓	2/7
105- Evidence Bag	2/7	✓	NO	✓	2/7
105A- 2 Pieces of blue colored duct tape	2/7	✓	NO	✓	
106- Latent Fingerprint Cards (Enrique Caminero)	2/7	✓	NO	✓	2/7

STATE'S EXHIBITS

CASE NO. C191012A

Date Offered OBJ Admitted Date

107- Latent Fingerprint Cards Enrique Caminero	2/7	✓	NO	✓	2/7
108- Evidence Bag & Contents	2/2	✓	NO	✓	2/2
109- Evidence Bag & Contents	2/2	✓	NO	✓	2/2
110- Evidence Envelope containing latent Print Cards	2/2	✓	NO	✓	2/2
111- Latent fingerprint Card	2/2	✓	NO	✓	2/2
112- Latent fingerprint Card	2/2	✓	NO	✓	2/2
113- Latent fingerprint Card	2/2	✓	NO	✓	2/2
114- Latent fingerprint Card	2/2	✓	NO	✓	2/2
115- Latent fingerprint card (Palm Print)	2/2	✓	NO	✓	2/2
116- Latent fingerprint Card (Palm Print)	2/2	✓	NO	✓	2/2
117- LVMPD forensic Lab Report- Cocaine 10.72gm	2/2	✓	NO	✓	2/2
118- LVMPD forensic Lab Report- Cartridge & Bullet Fragment	2/7	✓	Obj	✓	2/7
119- Receipt from Motel 6 Printed date 10-17-03	2/4	✓	Obj	✓	2/4
120- Photo of Robert Castro	2/3	✓	NO	✓	2/3
121- Photo of Rene Gato					
122- Photo of Victim Enrique Caminero	2/3	✓	NO	✓	2/3
123- Photo of Frank Samora	2/3	✓	NO	✓	2/3
124- Agreement with witness Garcia in English	2/9	✓	NO	✓	2/9
125- Agreement with witness Garcia in Spanish	2/9	✓	NO	✓	2/9
126- Letter dated 3-24-04 from the U.S. Attorney					
127- Photo of Victim Enrique Caminero	2/4	✓	Obj	✓	2/4
128- Photo of Victim with A female & Puppy	2/4	✓	Obj	✓	2/4
129- Photo of Victim with A Dog	2/4	✓	Obj	✓	2/4

STATE'S EXHIBITS

CASE NO. 0191012A

Date Offered OBJ Admitted Date

130- LUMPD latent Print Card for Antonio Agiled AKA Rene Gato					
131- LUMPD Fingerprint Card for Sally Villaverde	2/7	✓	NO	✓	2/7
132- LUMPD Fingerprint Card for Sally Villaverde	2/7	✓	NO	✓	2/7
133- " " " " Sally Villaverde	2/7	✓	NO	✓	2/7
134- " " " " Sally Villaverde	2/7	✓	NO	✓	2/7
135- " " " " Rene Gato	2/7	✓	NO	✓	2/7
136- " " " " Rene Gato	2/7	✓	NO	✓	2/7
137- " " " " Rene Gato	2/7	✓	NO	✓	2/7
138- Blow-up of DNA chart	2/8	✓	SEP	✓	2/8
139- Pawn slip for jewelry from Super Pawn	2/2	✓	NO	✓	2/2
140- Super Pawn Item history sheet for Link Bracelet	2/2	✓	NO	✓	2/2
141- " " " " for Gold Bracelet	2/2	✓	NO	✓	2/2
142- Face & Skull diagram from the Coroner	2/8	✓	SEP	✓	2/8
143- 2/15/08 Video of Sally Villaverde (redacted)					
144- Signed Miranda Card for Sally Villaverde					
145- Diagram of Homicides scenes	2/2	✓	NO	✓	2/2
146- Diagram of Whole Body used by Coroner	2/3	✓	NO	✓	2/3
147- Photo of Sally Villaverde	2/3	✓	NO	✓	2/3
148 Photo of bed	2/7	✓	NO	✓	2/7
149 Photo of Armore	2/7	✓	NO	✓	2/7
150 Photo of Night Stand	2/7	✓	NO	✓	2/7
151 Photo of duck tape	2/7	✓	NO	✓	2/7
152 Photo of Motel (Prelim Exhibit #7)	2/7	✓	NO	✓	2/7

EXHIBITS

CASE NO. C191012A

Date	Offered	OBJ	Admitted	Date
------	---------	-----	----------	------

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

SALLY D. VILLAVERDE #81701
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: July 13, 2022
CASE: 03C191012-2

RE CASE: STATE OF NEVADA vs. SALLY VILLAVERDE aka SALLY DORIAN VILLAVERDE

NOTICE OF APPEAL FILED: July 12, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION FOR
RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES;
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

SALLY VILLAVERDE
aka SALLY DORIAN VILLAVERDE,

Defendant(s).

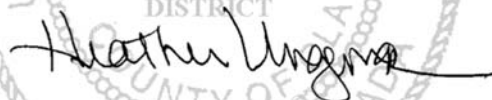
Case No: 03C191012-2

Dept No: X

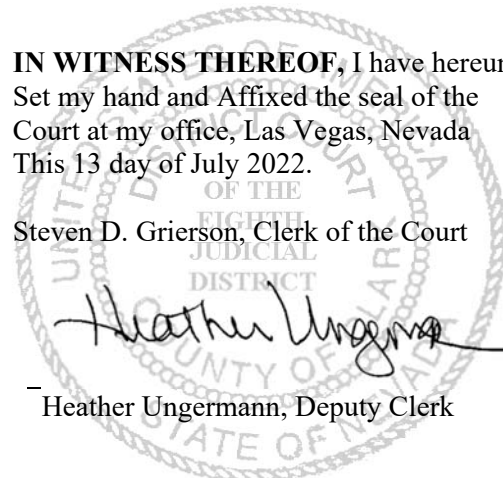
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 13 day of July 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

July 13, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. SALLY VILLAVERDE aka SALLY DORIAN VILLAVERDE
D.C. CASE: 03C191012-2

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed July 13, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

June 20, 2022

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk