

1 KEVIN GIPSON #1082776

2 In Propria Personam  
3 Post Office Box 208, S.D.C.C.  
4 Indian Springs, Nevada 89018

Electronically Filed  
Jul 28 2022 01:03 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5 IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

7  
8 STATE OF NEVADA

9  
10 Plaintiff,

11 vs.

12 KEVIN GIPSON

13 Defendant.

A-22-85184-W  
Case No. 10C264079  
Dept. No. 3  
Docket \_\_\_\_\_

14  
15  
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
18 KEVIN GIPSON, 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 PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

22  
23 ruled on the 27TH day of JUNE, 20 22

24  
25 Dated this 18TH day of JULY, 20 22

26  
27 RECEIVED

28 JUL 25 2022

CLERK OF THE COURT

Respectfully Submitted,

Kevin Gipson

**CERTIFICATE OF SERVICE BY MAILING**

I, KEVIN GIPSON, hereby certify, pursuant to NRCP 5(b), that on this 18<sup>th</sup>  
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:

STEVEN B. WOLFSON  
DISTRICT ATTORNEY  
200 LEWIS AVE  
LAS VEGAS, NV 89155-2212

STEVEN B. GRIERSON  
CLERK OF THE COURT II  
200 LEWIS AVE, 3RD FLOOR  
LAS VEGAS, NV 89155-1160

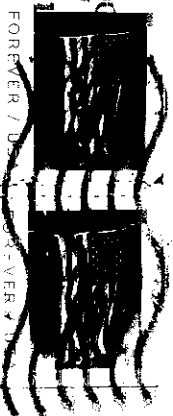
CC: FILE

DATED: this 18<sup>th</sup> day of JULY, 2022.

Kevin Gipson  
KEVIN GIPSON # 1882776  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

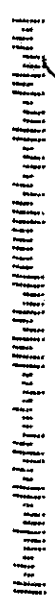
Hevin #1082716  
J.A.C.C.  
P.O. Box 208  
Indian Springs, NV 89120

LAS VEGAS NV 89120  
19 JUL 2022 PM 4 1

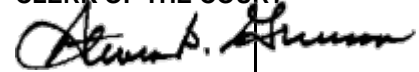


Sharon B. Shivers  
Clerk of the Court  
200 Nevada Ave 3<sup>rd</sup> Floor  
Las Vegas NV 89105-1165

89101-630000



Southern Desert  
Correctional Center  
JUL 19 2022  
OUTGOING MAIL



1 ASTA  
2  
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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 KEVIN MARQUETTE GIPSON,

14 Defendant(s),  
15

Case No: 10C264079

Dept No: III

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Kevin Gipson

20 2. Judge: Monica Trujillo

21 3. Appellant(s): Kevin Gipson

22 Counsel:

23 Kevin Gipson #1082776  
24 P.O. Box 208  
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 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: April 28, 2022

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

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 62071, 69174, 73307

12. Child Custody or Visitation: N/A

Dated This 26 day of July 2022.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Kevin Gipson

**CASE SUMMARY****CASE No. 10C264079****The State of Nevada vs Kevin M Gipson**§  
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§

Location: **Department 3**  
 Judicial Officer: **Trujillo, Monica**  
 Filed on: **04/28/2010**  
 Case Number History:  
 Cross-Reference Case Number: **C264079**  
 Defendant's Scope ID #: **1582343**  
 ITAG Booking Number: **1000016823**  
 ITAG Case ID: **1139062**  
 Lower Court Case # Root: **10F05796**  
 Lower Court Case Number: **10F05796X**  
 Supreme Court No.: **62071**  
**69174**  
**73307**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER WITH USE OF A DEADLY WEAPON	200.010	F	01/01/1900	Case Status:	<b>02/21/2012 Closed</b>
1. DEGREES OF MURDER	200.030	F	01/01/1900		
1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	193.165	F	01/01/1900		

**Related Cases**

A-22-851824-W (Writ Related Case)

**Statistical Closures**

02/21/2012 Guilty Plea with Sentence (before trial) (CR)

**Warrants**

Bench Warrant - Gipson, Kevin M (Judicial Officer: Barker, David )

05/04/2010 Quashed

04/28/2010 Issued

Fine: \$0

Bond: \$0

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

Case Number 10C264079  
 Court Department 3  
 Date Assigned 01/04/2021  
 Judicial Officer Trujillo, Monica














**PARTY INFORMATION****Defendant** **Gipson, Kevin Marquette***Lead Attorneys***Pro Se****Plaintiff** **State of Nevada****Wolfson, Steven B**  
702-671-2700(W)**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**04/28/2010  Indictment*[1]**In #1*

**CASE SUMMARY****CASE NO. 10C264079**

04/28/2010	 Indictment <i>[7] Indictment Warrant</i>	In #7
04/30/2010	 Indictment Warrant Return <i>[4]</i>	In #4
05/04/2010	 Media Request and Order <i>[8] Media Request and Order for Camera Access to Court Proceedings</i>	In #8
05/13/2010	 Reporters Transcript <i>[11] Transcript of Hearing Held on April 27, 2010</i>	In #1
05/18/2010	 Receipt for Grand Jury Transcript <i>[12] Receipt for Grand Jury Transcript(s)</i>	In #1
05/25/2010	 Media Request and Order <i>[13] Media Request and Order for Camera Access to Court Proceedings</i>	In #1
06/04/2010	 Order Filed By: Defendant Gipson, Kevin Marquette <i>[14]</i>	In #1
01/02/2011	 Motion Filed By: Defendant Gipson, Kevin Marquette <i>[15] NRS 7.055 / 7.40 Motion Seeking Dismissal of Court Appointed Counsel Where Attorney Has Been in Non-Compliance With ADKT 4-1, 4-7, 4-8(a); Nor the Nevada Rules of Professional Conduct Rule 1.4.(3), 3.2 (a) Rendering Counsel Ineffective:</i>	In #1
04/13/2011	 Motion to Compel Filed By: Defendant Gipson, Kevin Marquette <i>[16] Motion to Compel Discovery</i>	In #1
04/13/2011	 Motion to Suppress Filed By: Defendant Gipson, Kevin Marquette <i>[17] Motion to Suppress or in the Alternative a Jackson V Denno</i>	In #1
04/15/2011	 Notice of Expert Witnesses Filed By: Defendant Gipson, Kevin Marquette <i>[18] Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2)</i>	In #1
04/19/2011	 Notice of Expert Witnesses <i>[19] Notice of Expert Witnesses [NRS 174.234(2)]</i>	In #1
04/19/2011	 Notice of Motion <i>[20] State's Notice of Motion and Motion in Limine to Admit Bad Acts and Other Acts of the Defendant Against the Victim</i>	In #2
04/19/2011	 Filed Under Seal	In #2

# CASE SUMMARY

CASE NO. 10C264079

	<i>[21] Request to File Order Under Seal (Sealed)</i>	
04/19/2011	 Request Filed by: Defendant Gipson, Kevin Marquette <i>[24] Request to File Ex Parte Order Under Seal</i>	In #2
04/19/2011	 Filed Under Seal Filed By: Defendant Gipson, Kevin Marquette <i>[25] Ex Parte Order (Sealed)</i>	In #2
04/19/2011	 Filed Under Seal Filed By: Defendant Gipson, Kevin Marquette <i>[26] Order (Sealed)</i>	In #2
04/21/2011	 Notice of Motion <i>[22] State's Notice of Motion and Motion in Limine Regarding the Defendant's Expert Witnesses and Request for Discovery</i>	In #2
04/22/2011	 Notice of Expert Witnesses Filed By: Defendant Gipson, Kevin Marquette <i>[23] Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2)</i>	In #2
04/26/2011	 Supplemental <i>[27] Supplemental Notice of Expert Witnesses [NRS 174.234(2)]</i>	In #2
04/27/2011	 Opposition to Motion <i>[28] State's Opposition to Defendant's Motion to Suppress</i>	In #2
04/27/2011	 Supplement to Opposition <i>[29] Supplement to Opposition to Defendant's Motion to Suppress</i>	In #2
04/28/2011	 Notice of Witnesses <i>[30] Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #2
04/29/2011	 Supplemental <i>[31] Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #2
04/29/2011	 Notice of Witnesses <i>[32] Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>	In #2
05/02/2011	 Reply to Motion Filed By: Attorney Public Defender <i>[33] Defense Reply to State's Motion in Limine to Admit Prior Bad Acts</i>	In #2
05/03/2011	 Supplemental <i>[34] Second Supplemental Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #2
05/03/2011	 Reply to Motion	In #2







# CASE SUMMARY

CASE NO. 10C264079

	Filed By: Defendant Gipson, Kevin Marquette <i>[35] Defendant's Reply to State's Motion in Limine Regarding Defendant's Expert Witness</i>	
05/03/2011	 Motion in Limine  Filed By: Defendant Gipson, Kevin Marquette <i>[36] Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause</i>	In #2
05/03/2011	 Motion in Limine  Filed By: Defendant Gipson, Kevin Marquette <i>[37] Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson</i>	In #2
06/28/2011	 Notice of Motion  <i>[38] Notice of Motion and Motion to Move Trial Date</i>	In #2
10/12/2011	 Opposition to Motion  <i>[39] State's Opposition to Defendant's Motion to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause</i>	In #2
10/12/2011	 Opposition to Motion  <i>[40] State's Opposition to Defendant's Motion in Limine to Preclude the State from Moving to Admit Into Evidence Photographs Prejudicial to Kevin Gibson</i>	In #4
11/09/2011	 Certificate  Filed By: Defendant Gipson, Kevin Marquette <i>[42] Certificate of the Eighth Judicial District Court of Nevada</i>	In #4
11/09/2011	 Motion  Filed By: Defendant Gipson, Kevin Marquette <i>[43] Motion to Secure the Attendance of an Out of State Witness and for Issuance of a Certificate Under Seal of the Court</i>	In #4
11/09/2011	 Motion  Filed By: Defendant Gipson, Kevin Marquette <i>[44] Motion for Witness List and Evidence in Support of Allegations of Prior Bad Acts</i>	In #4
11/10/2011	 Motion  Filed By: Defendant Gipson, Kevin Marquette <i>[41] Motion for in Camera Review of Personnel Records</i>	In #4
11/10/2011	 Certificate for Attendance of Out-Of-State Witness  <i>[45] Certificate of the Eighth Judicial District Court of Nevada</i>	In #4
11/10/2011	 Motion  Filed By: Defendant Gipson, Kevin Marquette <i>[46] Motion to Secure the Attendance of an Out of State Witness and for Issuance of a Certificate Under Seal of the Court</i>	In #4
11/15/2011	 Supplemental	In #4














# CASE SUMMARY

CASE NO. 10C264079

	<i>[47] State's Supplemental Motion in Limine to Admit Bad Acts and Other Acts of the Defendant</i>	
11/15/2011	 Opposition to Motion <i>[48] State's Opposition to Defendant's Motion for in Camera Review of Personal Records</i>	In #4
11/30/2011	 Notice of Motion <i>[49] Notice of Motion and Motion in Limine Regarding Jail Phone Call</i>	In #4
11/30/2011	 Order Filed By: Defendant Gipson, Kevin Marquette <i>[50]</i>	In #5
12/02/2011	 Motion Filed By: Defendant Gipson, Kevin Marquette <i>[51] Motion to Limit the Testimony of Det. Long</i>	In #5
12/05/2011	 Notice of Witnesses Party: Defendant Gipson, Kevin Marquette <i>[52] Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>	In #5
12/07/2011	 Guilty Plea Agreement <i>[53]</i>	In #5
02/02/2012	 PSI <i>[84] Pre-Sentence Investigation Report (Unfiled) Confidential</i>	In #8
02/21/2012	 Criminal Order to Statistically Close Case <i>[54]</i>	In #5
03/13/2012	 Judgment of Conviction <i>[55] Judgment of Conviction (Plea of Guilty)</i>	In #5
09/05/2012	 Motion to Withdraw Plea Filed By: Defendant Gipson, Kevin Marquette <i>[56]</i>	In #5
09/21/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[57] State's Opposition to Defendant's Pro Per Motion to Withdraw Plea</i>	In #5
09/27/2012	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[58] Order Denying Defendant's Pro Per Motion to Withdraw Plea</i>	In #5
10/15/2012	 Motion for Leave to Proceed in Forma Pauperis Filed By: Defendant Gipson, Kevin Marquette <i>[59] Motion to Proceed in Forma Pauperis (Sealed)</i>	In #5
		In

# CASE SUMMARY

CASE NO. 10C264079

10/15/2012	 Ex Parte Motion Filed By: Defendant Gipson, Kevin Marquette <i>[60] Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>	#C
11/02/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[61] State's Opposition to Defendant's Motion to Appoint Counsel and Request for Evidentiary Hearing</i>	In #C
11/05/2012	 Memorandum of Points and Authorities Filed By: Defendant Gipson, Kevin Marquette <i>[62] Memorandum of Points and Authorities Facts of the Case</i>	In #C
11/08/2012	 Case Appeal Statement Filed By: Defendant Gipson, Kevin Marquette <i>[63]</i>	In #C
01/17/2013	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[64] Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>	In #C
01/07/2014	 Stipulation and Order Filed by: Defendant Gipson, Kevin Marquette <i>[65]</i>	In #C
02/06/2014	 Stipulation and Order Filed by: Defendant Gipson, Kevin Marquette <i>[66]</i>	In #C
05/19/2014	 Stipulation and Order Filed by: Plaintiff State of Nevada <i>[67]</i>	In #C
05/21/2014	 Recorders Transcript of Hearing <i>[68] Transcript of Hearing Held on February 11, 2013</i>	In #C
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[69] Transcript of Hearing Held on April 25, 2011</i>	In #C
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[70] Transcript of Hearing Held on May 2, 2011</i>	In #7
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[71] Transcript of Hearing Held on May 4, 2011</i>	In #7
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[72] Transcript of Hearing Held on August 17, 2011</i>	In #7

**CASE SUMMARY****CASE No. 10C264079**

05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[73] Transcript of Hearing Held on October 24, 2011</i>	In #7
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[74] Transcript of Hearing Held on November 21, 2011</i>	In #7
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[75] Transcript of Hearing Held on December 7, 2011</i>	In #7
05/23/2014	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[76] Transcript of Hearing Held on September 26, 2012</i>	In #7
06/06/2014	 Petition for Writ of Habeas Corpus Filed by: Defendant Gipson, Kevin Marquette <i>[77] Petition for Writ of Habeas Corpus (Post-Conviction) (Post-Conviction)</i>	In #7
06/06/2014	 Points and Authorities Filed by: Defendant Gipson, Kevin Marquette <i>[78] Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post Conviction)</i>	In #7
06/13/2014	 Response Filed by: Plaintiff State of Nevada <i>[79] State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #7
08/07/2014	 Reply Filed by: Defendant Gipson, Kevin Marquette <i>[80] Reply to State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #8
12/15/2014	 Supplemental Filed by: Defendant Gipson, Kevin Marquette <i>[81] Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #8
12/15/2014	 Supplemental Filed by: Defendant Gipson, Kevin Marquette <i>[82] Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #8
01/05/2015	Case Reassigned to Department 19 <i>District Court Case Reassignment 2015</i>	
02/24/2015	 Response Filed by: Plaintiff State of Nevada <i>[83] State's Response to Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>	In #8
03/24/2015		In

# CASE SUMMARY

CASE NO. 10C264079

	 Reply Filed by: Defendant Gipson, Kevin Marquette <i>[85] Defendant's Reply to State's Response to Defendant's Supplemental Points and Authorities</i>	#8
03/25/2015	 Stipulation and Order Filed by: Defendant Gipson, Kevin Marquette <i>[86]</i>	In #8
06/18/2015	 Order for Production of Inmate <i>[87] Order for Production of Inmate Kevin Marquette Gipson, aka, Kevin Marquette Gipson, BAC #1082776</i>	In #8
07/14/2015	 Stipulation and Order Filed by: Defendant Gipson, Kevin Marquette <i>[88]</i>	In #8
08/03/2015	 Order for Production of Inmate <i>[89] Order for Production of Inmate Kevin Marquette Gipson, aka, Kevin Marquett Gipson, BAC #1082776</i>	In #8
10/22/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>[90]</i>	In #9
10/26/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[91] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #9
11/12/2015	 Notice of Appeal (Criminal) Party: Defendant Gipson, Kevin Marquette <i>[92] Notice of Appeal</i>	In #9
11/13/2015	 Case Appeal Statement Filed By: Defendant Gipson, Kevin Marquette <i>[93]</i>	In #9
03/01/2016	 Recorders Transcript of Hearing <i>[94] Transcript of Hearing Held on September 10, 2015</i>	In #9
01/30/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[95] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>	In #9
02/28/2017	 Petition for Writ of Habeas Corpus Filed by: Defendant Gipson, Kevin Marquette <i>[96] Petition for Writ of Habeas Corpus (Postconviction)</i>	In #9
03/06/2017	 Order for Petition for Writ of Habeas Corpus <i>[98]</i>	In #9
04/27/2017	 Response	In #9

# CASE SUMMARY

CASE NO. 10C264079

	Filed by: Plaintiff State of Nevada <i>[99] State's Response to Defendant's Petition for Writ of Habeas Corpus</i>	
06/08/2017	 Response <i>[100] Response to States Opposition to Petitioner's Writ of Habeas Corpus (Post-Conviction) Filed March 6th 2017</i>	In #1
06/14/2017	 Notice of Appeal (Criminal) Party: Defendant Gipson, Kevin Marquette <i>[101] Notice of Appeal</i>	In #1
06/16/2017	 Case Appeal Statement <i>[102]</i>	In #1
08/21/2017	 Findings of Fact, Conclusions of Law and Order <i>[103]</i>	In #1
08/24/2017	 Notice of Entry <i>[104] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #1
06/21/2018	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[105] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>	In #1
01/04/2021	Case Reassigned to Department 3 <i>Judicial Reassignment to Judge Monica Trujillo</i>	
05/04/2022	 Order Filed By: Plaintiff State of Nevada <i>[106] Order for Transcript</i>	In #1
05/19/2022	 Motion Filed By: Defendant Gipson, Kevin Marquette <i>[107] Motion for Evidentiary Hearing</i>	In #1
05/19/2022	 Motion for Appointment of Attorney Filed By: Defendant Gipson, Kevin Marquette <i>[108] Motion to Appoint Counsel</i>	In #1
06/15/2022	 Recorders Transcript of Hearing <i>[109] Recorder's Transcript Re: Sentencing - February 10, 2012</i>	In #1
07/25/2022	 Notice of Appeal (Criminal) <i>[110] Notice of Appeal</i>	In #1
07/26/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	In #1
	<b><u>DISPOSITIONS</u></b>	
12/07/2011	<b>Plea</b> (Judicial Officer: Barker, David) 1. MURDER WITH USE OF A DEADLY WEAPON . Guilty	

**CASE SUMMARY****CASE No. 10C264079**

PCN: Sequence:

02/10/2012

**Disposition** (Judicial Officer: Barker, David)

1. MURDER WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

1. DEGREES OF MURDER

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

02/10/2012

**Adult Adjudication** (Judicial Officer: Barker, David)

1. MURDER WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.010 (200.010)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Life with the possibility of parole after:20 yrs Year

Consecutive Enhancement:for Use of Deadly Weapon, Minimum:96 Months, Maximum:240 Months

Credit for Time Served: 686 Days

## Fee Totals:

Administrative

Assessment Fee

25.00

\$25

Indigent Defense

Civil Assessment

250.00

Fee - ASK

Fee Totals \$

275.00

\$150 DNA Fee waived as previously imposed

**HEARINGS**

04/28/2010

**Grand Jury Indictment** (11:45 AM)*GRAND JURY INDICTMENT Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Linda Bell**Bench Warrant Issued; GRAND JURY INDICTMENT Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent**Heard By: Linda Bell**Journal Entry Details:**Duane Schlismann, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury case number 09AGJ167X to the Court. COURT ORDERED, the Indictment may be filed and is assigned case number C264079, Department 18. Ms. Clowers requested a warrant and argued bail. COURT ORDERED, ARREST WARRANT WILL ISSUE, NO BAIL. Matter set for initial arraignment. Exhibit(s) 1-18 lodged with Clerk of District Court. WARRANT (CUSTODY) 5-5-10 8:15 AM INITIAL ARRAIGNMENT (DEPT. 18) ;*

05/05/2010

**Initial Arraignment** (8:15 AM)*INITIAL ARRAIGNMENT*

05/05/2010

**Bench Warrant Return** (8:15 AM)*Events: 04/30/2010 Indictment Warrant Return**INDICTMENT WARRANT RETURN/03*

05/05/2010

**All Pending Motions** (8:15 AM)*ALL PENDING MOTIONS (5/5/10) Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker**Matter Heard; ALL PENDING MOTIONS (5/5/10) Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas**Heard By: David Barker**Journal Entry Details:*


# CASE SUMMARY

CASE No. 10C264079

INITIAL ARRAIGNMENT...BENCH WARRANT RETURN Deft present in custody. DEFT. GIPSON ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial in ordinary course. Mr. Bolenbaker noted that the State may be seeking the Death Penalty and COURT ORDERED, matter SET for status check. At request of Ms. Craig, COURT ORDERED, Ms. Craig has 21 days from filing of the transcript to file a Writ. CUSTODY (B.W.) 5/21/10 8:15 AM STATUS CHECK: STATE'S REQUEST RE DEATH PENALTY ;

05/21/2010 **Status Check** (8:15 AM)

STATUS CHECK: STATE'S REQUEST RE DEATH PENALTY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker  
Matter Heard; STATUS CHECK: STATE'S REQUEST RE DEATH PENALTY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker  
Journal Entry Details:  
Ms. Clowers informed the Court a decision has been made and the State will not be seeking the death penalty in this case. Ms. Craig advised this case will still carry the potential penalty of life without the possibility of parole and due to the significant mental health issues with defendant and his family she may need to request a continuance of the trial. Court stated parties should work toward the current trial date at this time; however, should the need arise for the Court to make a decision to place the matter on calendar. CUSTODY ;

09/15/2010  **Calendar Call** (8:15 AM) (Judicial Officer: Barker, David)


Reset;  
Journal Entry Details:  
Ms. Craig requested the trial continued and a briefing schedule set, because of a discovery issue. The State had no opposition, as well as to Deft filing its Writ. COURT ORDERED the 9/20/10 trial VACATED and RESET. CUSTODY 5/4/11 8:15 AM CALENDAR CALL 5/9/11 10:00 AM TRIAL BY JURY;

09/20/2010 **CANCELED Jury Trial** (10:00 AM)

Vacated - per Judge  
Vacated At Request of Defense

11/19/2010 **Further Proceedings** (8:15 AM) (Judicial Officer: Barker, David)

Further Proceedings: Reset Trial/Case Dismissal  
Matter Heard;  
Journal Entry Details:  
Following representations by counsel, COURT ORDERED, calendar call and trial date STANDS. CUSTODY 5/4/11 8:15 A.M. CALENDAR CALL 5/9/11 10:00 A.M. JURY TRIAL ;

01/19/2011  **Motion** (8:15 AM) (Judicial Officer: Barker, David)

Events: 01/02/2011 Motion  
Pro Per Motion Seeking Dismissal of Court Appointed Counsel Where Attorney Has Been in Non-Compliance With ADKT 4-1, 4-7, 4-8(a); Nor The Nevada Rules of Professional Conduct Rule 1.4. (3), 3.2 (a) Rendering Counsel In Effective:  
Off Calendar;  
Journal Entry Details:  
Upon inquiry by the Court, the Deft. states he would like to withdraw his motion as the issues within the motion are no longer true. Therefore, COURT ORDERED, motion WITHDRAWN and OFF CALENDAR at the request of the Defendant; trial STANDS. CUSTODY ;

04/25/2011 **Motion to Compel** (8:15 AM) (Judicial Officer: Barker, David)

**04/25/2011, 05/02/2011**

Events: 04/13/2011 Motion to Compel  
Motion to Compel Discovery  
Matter Continued;  
Moot;  
Matter Continued;  
Moot;

04/25/2011 **Motion to Suppress** (8:15 AM) (Judicial Officer: Barker, David)

**04/25/2011, 05/02/2011, 05/04/2011**

Events: 04/13/2011 Motion to Suppress  
Motion to Suppress or in the Alternative A Jackson V Denno  
Matter Continued;  
Matter Continued;



# CASE SUMMARY

CASE No. 10C264079

Matter Continued;  
Matter Continued;

04/25/2011



**All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

*DEFT'S MOTION TO COMPEL DISCOVERY...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO.*

Matter Heard;

Journal Entry Details:

*DEFT'S MOTION TO CMPEL DISCOVERY...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V. DENNO. Colloquy between parties regarding charts, grafts and reports as it relates to this matter.*

*Following representations by counsel, COURT ORDERED, matter CONTINUED with there being no opposition.*

*CUSTODY 5/2/11 8:15 A.M. DEFENDENTS MOTION TO COMPEL DISCOVERY...DEFENDANTS MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V. DENNO. ;*

05/02/2011

**Motion in Limine** (8:15 AM) (Judicial Officer: Barker, David)

**05/02/2011, 05/04/2011, 10/07/2011, 10/24/2011, 11/09/2011, 11/16/2011**

Events: 04/19/2011 Notice of Motion

*Motion in Limine to Admit Bad Acts and Other Acts of the Defendant Against the Victim*

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Withdrawn;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Withdrawn;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Withdrawn;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Withdrawn;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Withdrawn;

05/02/2011

**Motion in Limine** (8:15 AM) (Judicial Officer: Barker, David)

**05/02/2011, 05/04/2011, 10/07/2011, 10/24/2011, 12/07/2011**

Events: 04/21/2011 Notice of Motion

*State's Motion In Limine Regarding The Defendant's Expert Witnesses And Request For Discovery*

Matter Heard;

Matter Continued;

Matter Continued;

Moot; State's Motion In Limine Regarding The Defendant's Expert Witnesses And Request For Discovery

Matter Heard;

Matter Continued;

Matter Continued;

Moot; State's Motion In Limine Regarding The Defendant's Expert Witnesses And Request For Discovery

Matter Heard;

Matter Continued;

Matter Continued;

Moot; State's Motion In Limine Regarding The Defendant's Expert Witnesses And Request For Discovery

Matter Heard;

# CASE SUMMARY

CASE No. 10C264079

Matter Continued;  
Matter Continued;  
Moot; State's Motion In Limine Regarding The Defendant's Expert Witnesses And Request For Discovery

05/02/2011



**All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

*STATES MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFENDANT AGAINST THE VICTIM...DEFT'S MOTION TO COMPEL DISCOVERY...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY. Attorney Clowers argued, there is an issue regarding the defense motion to suppress that may affect the trial date in this matter. Attorney Craig advised, the State has provided defense with everything requested as it pertains to discovery. Therefore, the motion is moot. Court advised, the parties are still in the process of addressing other motions. This Court will hold to the calendar call date that has been set. All pending motions are to be properly noticed. Therefore, there will be no decisions made as to the motions at this time; motions CONTINUED to the calendar call date. Further the Motion to Compel is MOOT/OFF CALENDAR as stated on the record. CUSTODY 5/4/11 8:15 A.M. STATES MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFENDANT AGAINST THE VICTIM.....DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY CLERK'S NOTE: Minute order modified to reflect the Motion to Compel being MOOT/OFF CALENDAR. (rm 8/16/11) ;*

05/04/2011

**Calendar Call** (8:15 AM) (Judicial Officer: Barker, David)

05/04/2011



**All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

*CALENDAR CALL...DEFT'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY.*

Matter Heard;

Journal Entry Details:

*CALENDAR CALL...DEFT'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY. Attorney's Craig and Turner argued, the person needed for the Jackson Denno hearing will not be available for 13 weeks. Following representations by counsel, COURT ORDERED, matter CONTINUED at the request of counsel without there being opposition; Defense oral request to continue trial GRANTED; trial VACATED and RESET. Matter set for hearing regarding all pending motions. CUSTODY 8/17/11 8:15 A.M. HEARING ( ALL PENDING MOTIONS) 9/7/11 8:15 A.M. CALENDAR CALL 9/12/11 10:00 A.M. JURY TRIAL ;*

05/09/2011

**CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Barker, David)

*Vacated - per Clerk*

*Trial reset on 5/4/11*

05/16/2011

**Motion in Limine** (8:15 AM) (Judicial Officer: Barker, David)

**05/16/2011, 08/17/2011, 10/07/2011, 10/24/2011, 12/07/2011**

Events: 05/03/2011 Motion in Limine

*Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause*

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Moot; Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Moot; Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause

Matter Continued;

Matter Continued;

# CASE SUMMARY

CASE NO. 10C264079

Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause


05/16/2011 **Motion in Limine** (8:15 AM) (Judicial Officer: Barker, David)

**05/16/2011, 08/17/2011, 10/07/2011, 10/24/2011, 12/07/2011**

Events: 05/03/2011 Motion in Limine

*Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson*

Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Matter Continued;  
Moot; Motion in Limine to Preclude the State from Moving to Admit into Evidence Photographs Prejudicial to Kevin Gipson

05/16/2011  **All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

*DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON.*

Matter Continued;

Journal Entry Details:

*DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON. Court advised, both parties are requesting a continuance in this matter. Therefore, COURT ORDERED, matter CONTINUED at the request of counsel. CUSTODY 8/17/11 8:15 A.M. DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF*

# CASE SUMMARY

CASE No. 10C264079

*CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE/DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON. ;*

07/11/2011



**Motion** (8:15 AM) (Judicial Officer: Barker, David)

Events: 06/28/2011 Notice of Motion

*Notice of Motion and Motion to Move Trial Date*

Granted;

Journal Entry Details:

*Following a conference at the bench, Court advised, there is a scheduling conflict with the State. Therefore, COURT ORDERED, motion GRANTED; trial VACATED and RESET. CUSTODY 11/9/11 8:15 A.M. CALENDAR CALL 11/14/11 10:00 A.M. JURY TRIAL ;*

08/17/2011

**CANCELED Hearing** (8:15 AM) (Judicial Officer: Barker, David)

*Vacated - On In Error*

08/17/2011



**All Pending Motions** (8:15 AM) (Judicial Officer: Smith, Douglas E.)

*DEFENDANT'S NOTICE OF MOTION AND MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT PANEL EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON.*

Matter Heard;

Journal Entry Details:

*DEFENDANT'S NOTICE OF MOTION AND MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT PANEL EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON. Court advised, this matter is on calendar today specifically to set dates regarding the pending motions and the denno hearing. Therefore, COURT SO ORDERED. 10/7/11 1:00 P.M. DEFENDANT'S NOTICE OF MOTION AND MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT PANEL EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...STATES MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFENDANT AGAINST THE VICTIM...STATES MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY. 11/9/11 8:15 A.M. CALENDAR CALL 11/14/11 10:00 A.M. JURY TRIAL 11/14/11 10:00 A.M. HEARING (JACKSON v DENNO) CLERK'S NOTE: The pending motions from 5/4/11 were not heard on 8/17/11 due to a clerical error of not being entered into Odyssey. (rm 8/16/11) ;*

10/07/2011



**All Pending Motions** (8:30 AM) (Judicial Officer: Barker, David)

Matter Continued;

Journal Entry Details:

*STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE COURT ORDERED, matters CONTINUED at request of counsel. CUSTODY CONTINUED TO: 10/24/11 8:15 AM ;*

10/24/2011



**All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

Matter Heard;


Journal Entry Details:

*STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE Statement by Ms. Craig regarding State's request to continue trial date due to missing witnesses. Colloquy regarding pending motions. Upon Court's inquiry, Mr. Turner stated he does not believe motions will have a impact on trial date. Colloquy regarding Jackson v. Denno hearing. COURT ORDERED, trial date VACATED and RESET. FURTHER ORDERED, State's Motion in Limine to Admit Bad Acts and Jackson v. Denno Hearing date VACATED and RESET; Def't's motions and State's Motion in Limine Regarding the Def't's Expert Witnesses CONTINUED. CUSTODY 11/9/11 8:15 AM STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...JACKSON V. DENNO HEARING 12/7/11 8:15 AM CALENDAR CALL...STATE'S MOTION IN LIMINE*

**CASE SUMMARY****CASE No. 10C264079**

REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE 12/12/11 10:00 AM JURY TRIAL ;

11/09/2011 **CANCELED Calendar Call** (8:15 AM) (Judicial Officer: Barker, David)  
Vacated - per Judge

11/09/2011  **Hearing** (8:15 AM) (Judicial Officer: Barker, David)  
**11/09/2011, 12/02/2011**

**HEARING: JACKSON DENNO HEARING - Motion to Suppress DENIED on 12/2/11**

Matter Continued;


Matter Heard;

Journal Entry Details:

*Deft's Motion to Limit the Testimony of Detective Long FILED IN OPEN COURT. Ms. Craig advised she is objecting to some of the testimony from Detective Long. Further, Ms. Craig objected to any hearsay testimony including discussions between Deft. and Mr. Flohr, argued clear hearsay and no exceptions. Additionally, Ms. Craig requested State to provide identifiers for Mr. Flohr, advised he has been found in Michigan, counsel has spoken to Judge Schrock in Michigan, they know where he is, know where he is working in Michigan and they have no problem enforcing this Court's order. Colloquy. Ms. Craig further requested Detective Long's testimony be limited and advised there was a second statement given by Deft. on March 25th, argued Detective Long makes ten comments, none are questions, just comments. Further, interview conducted by Mr. Flohr, counsel argued hearsay and inappropriate, cannot testify as to what Mr. Flohr said. Mr. Turner argued motion is untimely, have to establish Deft. was mirandized and have to establish statement was voluntary. Court inquired if Detective Long was present during process. Mr. Turner stated he was, he will testify he was there directly with Mr. Flohr or just outside observing and could hear everything. Court stated objection to hearsay is noted. Detective Long and Linda Jackson, sworn and testified. Ms. Craig requested to bifurcate hearing so Mr. Flohr can be present and testify. Colloquy. Ms. Craig requested anything after March 25th not come in and argued Detective Long did not participate in the polygraph testing done by Mr. Flohr. Mr. Turner argued Mr. Flohr is not here to discuss CIT test, if it was performed properly, argued here today to determine if Deft. was there voluntarily and if Miranda was violated. COURT ORDERED, Oral Motion to Bifurcate DENIED as the Court has an understanding of interaction between Deft. and police. Mr. Turner argued Deft. was never in custody by any indicia, never told he was in custody, never told he was arrested, took him into custody after Deft. confessed, Detective picked up Deft. in a unmarked vehicle, no handcuffs, no admissions by Deft. in first interview and door was never locked. Further, second interview, Deft. not in custody and argued Las Vegas Metropolitan Police Department's (Metro) policy is to mirandize Deft. Colloquy. Mr. Turner stated Court has to determine if Deft. was in custody at that time. Additionally, Mr. Turner argued Deft. did not have right to counsel in second interview, could of done CIT test since Deft. was not in custody, Deft. said lets do it but Detective decided to take Deft. home, advised him to speak to who he needed to and picked him up at 11:30 a.m. Further, Mr. Turner argued Deft. given Miranda again, did not invoke right to counsel and testing was performed. Additionally, Mr. Turner stated when Deft. was told he failed test, then he confessed. Mr. Turner further stated on March 25th, Deft. said he wanted to talk to counsel, if the Court finds Deft. was in custody and if there is a break in custody between interviews, argued sufficient time State has right to re-mirandize Deft. Ms. Craig argued Deft. expressed concerns about the testing, did not volunteer, did not bring up, the police brought it up, Deft. waits in a room for a couple of hours, Deft. under video taped surveillance and argued not sure if door was locked or not locked. Further, Mr. Flohr mirandized Deft. during second interview and explained Miranda to Deft. Additionally, Ms. Craig stated police willing to bring Deft. a telephone, willing to bring him telephone book and argued Deft. not free to leave. Colloquy. Ms. Craig further argued Deft. was in custody, being interrogated, under Edwards, Detective and police were to stop interrogating Deft. once he asked for counsel. As to mental illness, Ms. Craig argued Mr. Flohr should of been told about Deft's long history of mental illness. Court FINDS based on the totality of circumstances, cannot find this was a custodial interrogation, Deft. voluntarily participated in the questioning and examination and ORDERED, motion to suppress DENIED. CUSTODY ;*

Matter Continued;

Matter Heard;

11/09/2011  **All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)  
Matter Heard;  
Journal Entry Details:

*Deft's Motion for Witness List and Evidence in Support of Allegations of Prior Bad Acts FILED IN OPEN COURT. Court stated he has read other bad acts motion. Ms. Clowers stated she is doing this as a precautionary measure. Further, when pretrialing other witnesses, came across other information that was presented in motion. Additionally, Ms. Clowers stated she can provide names of witnesses for Petrocelli Hearing. Ms. Craig argued she does not believe Petrocelli Hearing standard has been met. Further, Ms. Craig argued she does not have names of witnesses and advised she has requested dates and what will be used to support. Ms. Clowers stated she believed information was provided and argued Deft. went to victim's place of business demanding money, do not have employees name who witnessed, but will provide. Further, Ms. Clowers stated she was also advised victim's father, Charles Lavall, observed*





**CASE SUMMARY****CASE No. 10C264079**

incidents and will be calling him as a witness. COURT ORDERED, State of Nevada has ONE (1) WEEK to produce names, dates and interviews. Ms. Clowers stated she does not have interviews. Ms. Clowers stated as to the former Las Vegas Metropolitan Police Department (LVMPD) employee, believes he has been located and believes if he is served with order, he will appear. CONFERENCE AT THE BENCH. Colloquy. FURTHER ORDERED, State's Motion and Deft's Motion CONTINUED. Additional colloquy. COURT ORDERED, Jackson v. Denno hearing CONTINUED. Motion to Secure the Attendance of an Out of State Witness and for Issuance of a Certificate Under Seal of the Court and Certificate of the Eighth Judicial District Court of Nevada FILED IN OPEN COURT. Colloquy. COURT ORDERED, motion to secure GRANTED. Order and Certificate signed in open court. CUSTODY 11/16/11 State's Motion in Limine to Admit Bad Acts and Other Acts of the Deft. Against Victim...Deft's Motion for Witness List and Evidence in Support of Allegations of Prior Bad Acts 12/2/11 1:00 PM JACKSON V. DENNO HEARING ;


11/14/2011 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Barker, David)  
Vacated - per Judge

11/16/2011 **Motion** (8:15 AM) (Judicial Officer: Barker, David)  
Deft's Motion for Witness List and Evidence in Support of Allegations of Prior Bad Acts  
Moot;

11/16/2011  **All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)  
Matter Heard;  
Journal Entry Details:  
*STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF DEFT. AGAINST THE VICTIM...DEFT'S MOTION FOR WITNESS LIST AND EVIDENCE IN SUPPORT OF ALLEGATIONS OF PRIOR BAD ACTS* Court stated he has received information the State would be withdrawing motion. Ms. Clowers stated she has gone through everything as well as meeting with witnesses and the State does not have anything at this point to qualify as a bad act. Further, the State will present evidence regarding the relationship they had. COURT ORDERED, State's Motion WITHDRAWN. Ms. Craig stated she is concerned as to the body of the motion which list things the State believes they can get in which the State is now withdrawing and argued all is hearsay. Further, Ms. Craig stated she believes there are Crawford problems. Ms. Clowers stated issue will be brought up at time of trial and the Court can rule at that time. Further, Ms. Clowers stated she has noticed all witnesses the State intends on calling. Colloquy. Ms. Clowers advised she has prepare a list of things the State wants to present which she will provide to Deft's counsel. Court stated he will require proffer from the State. As to the motion for in camera review of personnel records, Ms. Clowers argued State filed opposition. Further, Ms. Clowers advised Charlotte Bible, counsel for the Las Vegas Metropolitan Police Department is not available on the day that was determined. Colloquy. Ms. Craig stated she did send notice to Mr. Flohr who did interviews with Deft. FURTHER ORDERED, Deft's Motion MOOT. CUSTODY ;

11/21/2011  **Motion** (8:15 AM) (Judicial Officer: Barker, David)  
Events: 11/10/2011 Motion  
*Motion For In Camera Review of Personnel Records*  
Motion Granted;  
Journal Entry Details:  
*Ms. Craig requested the Court do a in camera review of Mr. Flohr's civilian file while employed with the Las Vegas Metropolitan Police Department (Metro). Further, Ms. Craig argued Mr. Flohr conducted the interrogation of Deft., advised she wants the Court to determine if he was disciplined regarding Miranda Rights and if his separation from Metro had to do with any of this as well as accommodations he said he has. Mr. Turner argued speculation, nothing shown from Deft's counsel, no nexus between Miranda violation and the fact there will be records to help impeach. Court stated in camera review is appropriate. Mr. Turner advised everything was done on video. Further, Mr. Turner stated if Mr. Flohr violated Miranda in another case, does not mean it was violated here. COURT ORDERED, motion GRANTED. Court will determine if there are issues of veracity that would impact Deft. and if anything else needs to be determined as to Mr. Flohr's veracity. CUSTODY ;*

12/07/2011 **Calendar Call** (8:15 AM) (Judicial Officer: Barker, David)  
Matter Heard;

12/07/2011  **All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)  
Matter Heard;  
Journal Entry Details:  
*STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE... CALENDAR CALL NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. Ms.*


# CASE SUMMARY


CASE NO. 10C264079

*Craig requested to enter plea of guilty but mentally ill. Court noted all agree this decision is not reflected in guilty plea agreement. Mr. Turner stated the State agrees to that but the Court needs to make finding. DEFT. GIPSON ARRAIGNED AND PLED GUILTY BUT MENTALLY ILL to MURDER WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. FURTHER ORDERED, State's Motion, Deft's Motions MOOT and trial date VACATED. CUSTODY 2/10/12 1:30 PM SENTENCING ;*

12/12/2011 **CANCELED Motion in Limine** (8:15 AM) (Judicial Officer: Barker, David)  
*Vacated - per Judge*


12/12/2011 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Barker, David)  
*Vacated - per Judge*

02/10/2012  **Sentencing** (1:30 PM) (Judicial Officer: Barker, David)  
Defendant Sentenced;  
Journal Entry Details:  
*Robert Turner, DDA, and Shanon Clowers, DDA, present for State of Nevada. Christy Craig-Rohan, DPD, and Timothy O'Brien, DPD, present with Defendant. DEFT GIPSON ADJUDGED GUILTY of MURDER WITH USE OF A DEADLY WEAPON (F). Arguments by counsel and statement of Deft read on the record. Victim Speakers Mechele Lavoll, Charles Lavoll, and Shaena Lavoll sworn and gave victim impact statement. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$250.00 Civil Indigent Defense Assessment fee, Deft. SENTENCED to LIFE in the Nevada Department of Corrections (NDC) with a MINIMUM PAROLE ELIGIBILITY of TWENTY (20) YEARS; COURT made FACTUAL FINDINGS and ORDERED, pursuant to NRS 193.165 a CONSECUTIVE term of a MAXIMUM of TWO-HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in NDC for the weapons enhancement, with 686 DAYS credit for time served. COURT FURTHER ORDERED, DNA Analysis fee WAIVED as previously imposed. CUSTODY BOND, if any, EXONERATED. ;*

09/26/2012  **Motion** (8:15 AM) (Judicial Officer: Barker, David)  
*Deft's Pro Per Motion to Withdraw Plea*  
Motion Denied; Deft's Pro Per Motion to Withdraw Plea  
Journal Entry Details:  
*Ms. Craig stated she has reviewed motion, given the fact Deft. plead and sentenced to a significant sentence, counsel believes someone should be appointed to see if Deft. has grounds. Court stated Deft. sentenced in manner consistent with stipulation, have not followed Chapter 34 rules, action under Chapter 176, Deft. has to follow the rules and the Court is treating this as a fugitive document. Ms. Craig requested to withdraw as counsel, will mail copy of motion to Deft. and also advised Deft. suffers from mental illness which is a legitimate grounds for the Court to look into consideration to see if counsel did what she was suppose to do. COURT ORDERED, oral request to withdraw GRANTED and motion DENIED under Chapter 176, no factual or legal basis to support. NDC CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson #1082776, Ely State Prison, 4569 North State Route 490, P.O. Box 1989, Ely, NV 893041. aw ;*

11/07/2012 **Motion** (8:15 AM) (Judicial Officer: Barker, David)  
*Deft's Pro Per Motion To Proceed In Forma Pauperis*  
Motion Granted;

11/07/2012 **Motion** (8:15 AM) (Judicial Officer: Barker, David)  
**11/07/2012, 01/09/2013, 01/28/2013**  
*Deft's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing*  
Matter Continued;  
Matter Continued;  
Granted in Part;  
Matter Continued;  
Matter Continued;  
Granted in Part;  
Matter Continued;  
Matter Continued;  
Granted in Part;

11/07/2012  **All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)  
Matter Heard;  
Journal Entry Details:  
*DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS: COURT ORDERED, motion GRANTED.*

# CASE SUMMARY

CASE No. 10C264079

**DEFT'S PRO PER MOTION TO APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING:**  
Court stated Deft. needs to articulate basis or reason for appointment of counsel, motion broad, does not factually state why Deft. needs counsel and **ORDERED**, matter **CONTINUED** forty-five (45) days for Deft. to supplement motion for appointment of counsel. NDC 1/9/13 8:15 AM **DEFT'S PRO PER MOTION TO APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING CLERK'S NOTE:** The above minute order has been distributed to: Kevin Marquette Gipson BAC# 1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw ;

11/26/2012



**Motion** (8:15 AM) (Judicial Officer: Barker, David)

**11/26/2012, 01/09/2013, 01/28/2013, 02/11/2013**

Events: 11/05/2012 Memorandum of Points and Authorities

*Deft's Pro Per Motion for Direct Appeal / Memorandum of Points and Authorities Facts of the Case*

Matter Continued; Motion for Direct Appeal / Memorandum of Points and Authorities Facts of the Case

Matter Continued;

Matter Continued;

Off Calendar;

Matter Continued; Motion for Direct Appeal / Memorandum of Points and Authorities Facts of the Case

Matter Continued;

Matter Continued;

Off Calendar;

Matter Continued; Motion for Direct Appeal / Memorandum of Points and Authorities Facts of the Case

Matter Continued;

Matter Continued;

Off Calendar;

Matter Continued; Motion for Direct Appeal / Memorandum of Points and Authorities Facts of the Case

Matter Continued;

Matter Continued;

Off Calendar;

Journal Entry Details:

**COURT ORDERED**, matter **CONTINUED** to be heard with motion for appointment of counsel that is currently set for January 9, 2013. NDC **CONTINUED TO:** 1/9/13 8:15 AM **CLERK'S NOTE:** The above minute order has been distributed to: Kevin Marquette Gipson, BAC #1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw ;

01/09/2013



**All Pending Motions** (8:15 AM) (Judicial Officer: Cory, Kenneth)

Matter Heard;

Journal Entry Details:

**DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF POINTS AND AUTHORITIES FACTS OF CASE...DEFT'S PRO PER EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING COURT ORDERED**, matter **CONTINUED** for the presence of Judge Barker. NDC **CONTINUED TO:** 1/28/13 8:15 AM **CLERK'S NOTE:** The above minute order has been distributed to: Kevin Marquette Gipson, BAC #1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw ;

01/28/2013



**All Pending Motions** (8:15 AM) (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

**DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF POINTS AND AUTHORITIES FACTS OF THE CASE...DEFT'S PRO PER EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING** Court noted Deft. filed a motion to file out of time appeal which the Clerk's Office may have construed as a notice of appeal on or about first week of November, 2012. Further, at the same time, case appeal statement was filed which triggered Supreme Court review and on December 20, 2012, more than thirty (30) days after, Supreme Court dismissed appeal indicating Deft. has thirty (30) days to file that appeal which Deft. did not do and it was dismissed. Further, Supreme Court also indicated that the deprivation of appellate rights needs to be raised in post conviction context, petition for writ of habeas corpus. Court believe there was no appeal in the first instance and under Lozada, **COURT ORDERED**, Deft's motion for appointment of counsel **GRANTED**. **FURTHER ORDERED**, Deft's motion for evidentiary hearing **DENIED**, motion for direct appeal **CONTINUED** and matter **SET** for confirmation of counsel. NDC 2/11/13 8:15 AM **DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF POINTS AND AUTHORITIES FACTS OF THE CASE...CONFIRMATION OF COUNSEL CLERK'S NOTE:** Mr. Christensen notified as to the appointment of counsel. aw 1/28/13 **CLERK'S NOTE:** The above minute order has been distributed to: Kevin Gipson #1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw ;

02/11/2013





**Confirmation of Counsel** (8:15 AM) (Judicial Officer: Barker, David)

Matter Heard; Confirmation of Counsel (Colucci)



# CASE SUMMARY


CASE No. 10C264079

02/11/2013	 <b>All Pending Motions</b> (8:15 AM) (Judicial Officer: Barker, David) Matter Heard; Journal Entry Details: <b>CONFIRMATION OF COUNSEL (COLUCCI)...DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF POINTS AND AUTHORITIES FACTS OF THE CASE</b> Mr. Colucci <b>CONFIRMED</b> as counsel and requested matter be set for status check in for months for him to have time to review file. <b>COURT ORDERED</b> , matter <b>SET</b> for status check and Deft's Pro Per Motion <b>OFF CALENDAR</b> . NDC 6/17/13 8:15 AM <b>STATUS CHECK: SET BRIEFING SCHEDULE CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson BAC #1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw ;</b>
06/17/2013	 <b>Status Check</b> (8:15 AM) (Judicial Officer: Barker, David) Status Check: Set Briefing Schedule Briefing Schedule Set; Status Check: Set Briefing Schedule Journal Entry Details: Ms. Nelson advised all documents have been received and requested 180 days to file initial brief. <b>COURT ORDERED</b> , the following briefing schedule set: initial brief due by December 16, 2013; State's Opposition due by February 17, 2014; Deft's Reply due by March 17, 2014, and matter <b>SET</b> thereafter for hearing. NDC 3/31/14 8:15 AM <b>HEARING ;</b>
06/23/2014	<b>CANCELED Petition for Writ of Habeas Corpus</b> (8:15 AM) (Judicial Officer: Barker, David) Vacated - Duplicate Entry Deft's Petition for Writ of Habeas Corpus
09/15/2014	<b>Petition for Writ of Habeas Corpus</b> (8:15 AM) (Judicial Officer: Kephart, William D.) <b>09/15/2014, 03/30/2015, 04/13/2015, 09/10/2015</b> Deft's Petition for Writ of Habeas Corpus (Post Conviction) Matter Continued; Denied in Part; Denied; Matter Continued; Denied in Part; Denied; Matter Continued; Denied in Part; Denied;
09/15/2014	<b>Response and Countermotion</b> (8:15 AM) (Judicial Officer: Barker, David) State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) Motion Denied;
09/15/2014	 <b>All Pending Motions</b> (8:15 AM) (Judicial Officer: Barker, David) Matter Heard; Journal Entry Details: <b>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...STATE'S RESPONSE AND MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)</b> Court stated he is inclined to allow action to be decided on merits and <b>ORDERED</b> , State's Motion to Dismiss <b>DENIED</b> . Mr. Colucci submitted. Colloquy. <b>COURT ORDERED</b> , the following briefing schedule: Deft's Supplemental Petition due by December 15, 2014, State's Opposition due by February 17, 2015, Deft's Reply due by March 17, 2015, and matter <b>SET</b> for hearing. <b>FURTHER ORDERED</b> , Deft's petition <b>CONTINUED</b> . NDC <b>CONTINUED TO: 3/30/15 8:15 AM 3/30/15 8:15 AM HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) &amp; SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ;</b>
03/30/2015	<b>Hearing</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>03/30/2015, 04/13/2015</b> Hearing: Deft's Petition and Supplemental Petition for Writ of Habeas Corpus Matter Heard;
03/30/2015	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Continued; Journal Entry Details:

# CASE SUMMARY

CASE No. 10C264079

*PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...HEARING: DEFT'S PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS Deputy District Attorney Christopher Laurent present. Defendant not present. COURT ORDERED, above matter CONTINUED. The State inquired if defendant needed to be present, which the Court advised no he need not be present. CONFERENCE AT THE BENCH. NDC CONTINUED TO: 4/13/15 8:30 AM ABOVE MATTERS ;*

04/13/2015  **All Pending Motions** (8:30 AM) (Judicial Officer: Kephart, William D.)

## MINUTES

Matter Heard;

Journal Entry Details:

*PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ... HEARING: DEFT S PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS Defendant not present. Argument by counsel. COURT ORDERED, an Evidentiary Hearing regarding the mental health investigation and prior counsel's advice SHALL be SET and Request to Withdraw Plea DENIED. Court DIRECTED the State to prepare a Transport Order. NDC 6-26-15 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ... EVIDENTIARY HEARING RE MENTAL ISSUE & PRIOR COUNSEL'S ADVICE ;*

## SCHEDULED HEARINGS


**Evidentiary Hearing** (09/10/2015 at 9:30 AM) (Judicial Officer: Kephart, William D.)

*Evidentiary Hearing re Mental Issue & Prior's Counsel's Advice*

09/10/2015 **Evidentiary Hearing** (9:30 AM) (Judicial Officer: Kephart, William D.)

*Evidentiary Hearing re Mental Issue & Prior's Counsel's Advice*


Matter Heard;

09/10/2015  **All Pending Motions** (9:30 AM) (Judicial Officer: Kephart, William D.)

Matter Heard;

Journal Entry Details:

*PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION...EVIDENTIARY HEARING: HEARING RE: MENTAL HEALTH ISSUE & PRIOR COUNSEL'S ADVICE Court noted hearing is limited to Deft's mental issues and prior counsel's advice. Mr. Colucci stated he believes coercion come into this if Deft. had mental issues at time of plea. Statement by Mr. MacDonald regarding petition. Deft. Gipson and Christy Craig, Esq., sworn and testified. CONFERENCE AT THE BENCH. Matter submitted by counsel. Court FINDS sufficient information or investigation into Deft's mental health background, counsel did what she had to and to the extent she could. As to the claim Deft. was coerced into taking plea, Court FINDS Deft. was not coerced into plea, believes Deft. understood and Ms. Craig did not coerce Deft. into taking plea. Further, the Court FINDS Ms. Craig was highly effective, counsel addressed Deft. with good advice, Deft. knowingly, freely and voluntarily entered into plea. As to the issue of Deft. withdrawing plea, Court FINDS counsel addressed any issue coming to light, counsel would have informed the Court if there was any question of competency at time of plea, believes issue is satisfied at this point and does not believe any counsel would be able to bring another issue with that under those circumstances. COURT ORDERED, petition DENIED. State to prepare order. NDC ;*

01/13/2016  **Further Proceedings** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Further Proceedings Re: Appointment of Counsel for Purposes of Appeal Pursuant to Supreme Court Order of Limited Remand*

Matter Heard;

Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. Upon Court's inquiry, Mr. Laurent advised Findings of Fact was sent to Mr. Colucci. COURT ORDERED, Matter CONTINUED. RECALLED. Court noted Mr. Colucci present. Upon Court's inquiry, Mr. Colucci confirmed as counsel for purposes of appeal. Court so noted.;*

06/05/2017  **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Kephart, William D.)

Events: 03/06/2017 Order for Petition for Writ of Habeas Corpus

*Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)*

## MINUTES


 Order for Petition for Writ of Habeas Corpus

[98]

Denied;

In  
#5

**CASE SUMMARY****CASE No. 10C264079**

	<p>Journal Entry Details:</p> <p><i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court finds petition barred pursuant to NRS 34.726 and Defendant has failed to show good cause to overcome the bar; therefore, COURT ORDERED, Petition DENIED as it challenges the validity of the conviction and DENIED WITHOUT PREJUDICE as to claims 2 and 3. State to prepare an order consistent with their opposition. NDC CLERK'S NOTE: The above minute order has been distributed to: KEVIN MARQUETTE GIPSON # 1082776 HIGH DESERT STATE PRISON PO BOX 650 INDIAN SPRINGS, NV 89070;</i></p>
06/13/2022	<p><b>Motion</b> (9:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Motion for Evidentiary Hearing</i></p> <p>Motion Denied;</p>
06/13/2022	<p><b>Motion for Appointment of Attorney</b> (9:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Motion to Appoint Counsel</i></p> <p>Motion Denied;</p>
06/13/2022	<p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>MOTION TO APPOINT COUNSEL....MOTION FOR EVIDENTIARY HEARING Defendant not present, in the Nevada Department of Corrections. Court understands Defendant was already appointed appellate counsel so it was not sure what Defendant was asking; therefore, COURT ORDERED, Motion to Appoint Counsel DENIED. COURT FURTHER ORDERED, Motion for Evidentiary Hearing DENIED. Ms. Heap to prepare Order. NDC;</i></p>
06/13/2022	<p><b>CANCELED All Pending Motions</b> (9:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Vacated - Duplicate Entry</i></p>

**DATE****FINANCIAL INFORMATION**

**Defendant** Gipson, Kevin Marquette

Total Charges

Total Payments and Credits

**Balance Due as of 7/26/2022**

310.00

35.00

**275.00**

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 28, 2010**

10C264079

The State of Nevada vs Kevin M Gipson

**April 28, 2010****11:45 AM****Grand Jury Indictment****GRAND JURY  
INDICTMENT****Court Clerk: Tina  
Hurd****Reporter/Recorder:  
Renee Vincent****Heard By: Linda Bell****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Clowers, Shanon  
Schubert, DavidAttorney  
Attorney**JOURNAL ENTRIES**

- Duane Schlismann, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury case number 09AGJ167X to the Court. COURT ORDERED, the Indictment may be filed and is assigned case number C264079, Department 18. Ms. Clowers requested a warrant and argued bail. COURT ORDERED, ARREST WARRANT WILL ISSUE, NO BAIL. Matter set for initial arraignment. Exhibit(s) 1-18 lodged with Clerk of District Court.

**WARRANT (CUSTODY)**

5-5-10 8:15 AM INITIAL ARRAIGNMENT (DEPT. 18)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 05, 2010**

10C264079

The State of Nevada vs Kevin M Gipson

**May 05, 2010****8:15 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (5/5/10)  
Court Clerk: Sharon  
Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Bolenbaker, Mike R.	Attorney
Craig-Rohan, Christy L.	Attorney
Gipson, Kevin M	Defendant
Public Defender	Attorney

**JOURNAL ENTRIES**

- INITIAL ARRAIGNMENT...BENCH WARRANT RETURN

Deft present in custody. DEFT. GIPSON ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial in ordinary course. Mr. Bolenbaker noted that the State may be seeking the Death Penalty and COURT ORDERED, matter SET for status check. At request of Ms. Craig, COURT ORDERED, Ms. Craig has 21 days from filing of the transcript to file a Writ.

CUSTODY (B.W.)

5/21/10 8:15 AM STATUS CHECK: STATE'S REQUEST RE DEATH PENALTY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2010**

10C264079

The State of Nevada vs Kevin M Gipson

**May 21, 2010****8:15 AM****Status Check**

**STATUS CHECK:  
STATE'S REQUEST  
RE DEATH  
PENALTY Relief  
Clerk: Tia Everett/te  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Clowers, Shanon

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

Public Defender

Attorney

**JOURNAL ENTRIES**

- Ms. Clowers informed the Court a decision has been made and the State will not be seeking the death penalty in this case. Ms. Craig advised this case will still carry the potential penalty of life without the possibility of parole and due to the significant mental health issues with defendant and his family she may need to request a continuance of the trial. Court stated parties should work toward the current trial date at this time; however, should the need arise for the Court to make a decision to place the matter on calendar.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 15, 2010**

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10C264079

The State of Nevada vs Kevin M Gipson

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**September 15, 2010    8:15 AM            Calendar Call****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Craig-Rohan, Christy L.

Attorney

Public Defender

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Craig requested the trial continued and a briefing schedule set, because of a discovery issue. The State had no opposition, as well as to Deft filing its Writ. COURT ORDERED the 9/20/10 trial VACATED and RESET.

**CUSTODY**

5/4/11 8:15 AM CALENDAR CALL

5/9/11 10:00 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 19, 2010**

10C264079

The State of Nevada vs Kevin M Gipson

**November 19, 2010 8:15 AM**

**Further Proceedings**

**HEARD BY:** Barker, David

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

**PRESENT:**

Craig-Rohan, Christy L.  
Gipson, Kevin M

Attorney  
Defendant

**JOURNAL ENTRIES**

- Following representations by counsel, COURT ORDERED, calendar call and trial date STANDS.

CUSTODY

5/4/11 8:15 A.M. CALENDAR CALL

5/9/11 10:00 A.M. JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 19, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**January 19, 2011****8:15 AM****Motion****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon  
Gipson, Kevin M  
Khamisi, Bitu  
State of Nevada

Attorney  
Defendant  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Upon inquiry by the Court, the Deft. states he would like to withdraw his motion as the issues within the motion are no longer true. Therefore, COURT ORDERED, motion WITHDRAWN and OFF CALENDAR at the request of the Defendant; trial STANDS.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 25, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**April 25, 2011****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO COMPEL DISCOVERY...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V. DENNO.

Colloquy between parties regarding charts, graphs and reports as it relates to this matter. Following representations by counsel, COURT ORDERED, matter CONTINUED with there being no opposition.

**CUSTODY**

5/2/11 8:15 A.M. DEFENDENTS MOTION TO COMPEL DISCOVERY...DEFENDANTS MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V. DENNO.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 02, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**May 02, 2011****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- STATES MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFENDANT AGAINST THE VICTIM...DEFT'S MOTION TO COMPEL DISCOVERY...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY.

Attorney Clowers argued, there is an issue regarding the defense motion to suppress that may affect the trial date in this matter.

Attorney Craig advised, the State has provided defense with everything requested as it pertains to discovery. Therefore, the motion is moot.

Court advised, the parties are still in the process of addressing other motions. This Court will hold to the calendar call date that has been set. All pending motions are to be properly noticed. Therefore, there will be no decisions made as to the motions at this time; motions CONTINUED to the calendar

call date. Further the Motion to Compel is MOOT/OFF CALENDAR as stated on the record.

CUSTODY

5/4/11 8:15 A.M. STATES MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFENDANT AGAINST THE VICTIM.....DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY

CLERK'S NOTE: Minute order modified to reflect the Motion to Compel being MOOT/OFF CALENDAR. (rm 8/16/11)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 04, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**May 04, 2011****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFT'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION TO SUPPRESS OR IN THE ALTERNATIVE A JACKSON V DENNO...STATE'S MOTION IN LIMINE REGARDING THE DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY.

Attorney's Craig and Turner argued, the person needed for the Jackson Denno hearing will not be available for 13 weeks. Following representations by counsel, COURT ORDERED, matter CONTINUED at the request of counsel without there being opposition; Defense oral request to continue trial GRANTED; trial VACATED and RESET. Matter set for hearing regarding all pending motions.

**CUSTODY**

8/17/11 8:15 A.M. HEARING ( ALL PENDING MOTIONS)

PRINT DATE: 07/26/2022

Page 10 of 46

Minutes Date: April 28, 2010

**10C264079**

9/7/11 8:15 A.M. CALENDAR CALL

9/12/11 10:00 A.M. JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 16, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**May 16, 2011****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Avants, Lynn

Attorney

Gipson, Kevin M

Defendant

**JOURNAL ENTRIES**

- DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON.

Court advised, both parties are requesting a continuance in this matter. Therefore, COURT ORDERED, matter CONTINUED at the request of counsel.

**CUSTODY**

8/17/11 8:15 A.M. DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE/DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 11, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**July 11, 2011****8:15 AM****Motion****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Following a conference at the bench, Court advised, there is a scheduling conflict with the State. Therefore, COURT ORDERED, motion GRANTED; trial VACATED and RESET.

**CUSTODY**

11/9/11 8:15 A.M. CALENDAR CALL

11/14/11 10:00 A.M. JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 17, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**August 17, 2011****8:15 AM****All Pending Motions****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S NOTICE OF MOTION AND MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT PANEL EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON.

Court advised, this matter is on calendar today specifically to set dates regarding the pending motions and the denno hearing. Therefore, COURT SO ORDERED.

10/7/11 1:00 P.M. DEFENDANT'S NOTICE OF MOTION AND MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT PANEL EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...STATES MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFENDANT AGAINST THE VICTIM...STATES MOTION IN LIMINE REGARDING THE

DEFENDANT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY.

11/9/11 8:15 A.M. CALENDAR CALL

11/14/11 10:00 A.M. JURY TRIAL

11/14/11 10:00 A.M. HEARING (JACKSON v DENNO)

CLERK'S NOTE: The pending motions from 5/4/11 were not heard on 8/17/11 due to a clerical error of not being entered into Odyssey. (rm 8/16/11)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 07, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**October 07, 2011****8:30 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Gipson, Kevin M

Defendant

**JOURNAL ENTRIES**

- STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

COURT ORDERED, matters CONTINUED at request of counsel.

CUSTODY

CONTINUED TO: 10/24/11 8:15 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 24, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**October 24, 2011****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

Statement by Ms. Craig regarding State's request to continue trial date due to missing witnesses. Colloquy regarding pending motions. Upon Court's inquiry, Mr. Turner stated he does not believe motions will have a impact on trial date. Colloquy regarding Jackson v. Denno hearing. COURT ORDERED, trial date VACATED and RESET. FURTHER ORDERED, State's Motion in Limine to Admit Bad Acts and Jackson v. Denno Hearing date VACATED and RESET; Deft's motions and State's Motion in Limine Regarding the Deft's Expert Witnesses CONTINUED.

**CUSTODY**

PRINT DATE: 07/26/2022

Page 17 of 46

Minutes Date: April 28, 2010

11/9/11 8:15 AM STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF THE DEFT. AGAINST THE VICTIM...JACKSON V. DENNO HEARING

12/7/11 8:15 AM CALENDAR CALL...STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

12/12/11 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**November 09, 2011     8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft's Motion for Witness List and Evidence in Support of Allegations of Prior Bad Acts FILED IN OPEN COURT.

Court stated he has read other bad acts motion. Ms. Clowers stated she is doing this as a precautionary measure. Further, when pretrialing other witnesses, came across other information that was presented in motion. Additionally, Ms. Clowers stated she can provide names of witnesses for Petrocelli Hearing. Ms. Craig argued she does not believe Petrocelli Hearing standard has been met. Further, Ms. Craig argued she does not have names of witnesses and advised she has requested dates and what will be used to support. Ms. Clowers stated she believed information was provided and argued Deft. went to victim's place of business demanding money, do not have employees name who witnessed, but will provide. Further, Ms. Clowers stated she was also advised victim's father, Charles Lavall, observed incidents and will be calling him as a witness. COURT ORDERED, State of Nevada has ONE (1) WEEK to produce names, dates and interviews. Ms. Clowers stated she does not have interviews.

Ms. Clowers stated as to the former Las Vegas Metropolitan Police Department (LVMPD) employee, believes he has been located and believes if he is served with order, he will appear. CONFERENCE AT THE BENCH. Colloquy. FURTHER ORDERED, State's Motion and Deft's Motion CONTINUED. Additional colloquy. COURT ORDERED, Jackson v. Denno hearing CONTINUED.

Motion to Secure the Attendance of an Out of State Witness and for Issuance of a Certificate Under Seal of the Court and Certificate of the Eighth Judicial District Court of Nevada FILED IN OPEN COURT.

Colloquy. COURT ORDERED, motion to secure GRANTED. Order and Certificate signed in open court.

CUSTODY

11/16/11 State's Motion in Limine to Admit Bad Acts and Other Acts of the Deft. Against Victim...Deft's Motion for Witness List and Evidence in Support of Allegations of Prior Bad Acts

12/2/11 1:00 PM JACKSON V. DENNO HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 16, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**November 16, 2011     8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Attorney

Craig-Rohan, Christy L.

Attorney

Gipson, Kevin M

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- STATE'S MOTION IN LIMINE TO ADMIT BAD ACTS AND OTHER ACTS OF DEFT. AGAINST THE VICTIM...DEFT'S MOTION FOR WITNESS LIST AND EVIDENCE IN SUPPORT OF ALLEGATIONS OF PRIOR BAD ACTS

Court stated he has received information the State would be withdrawing motion. Ms. Clowers stated she has gone through everything as well as meeting with witnesses and the State does not have anything at this point to qualify as a bad act. Further, the State will present evidence regarding the relationship they had. COURT ORDERED, State's Motion WITHDRAWN. Ms. Craig stated she is concerned as to the body of the motion which list things the State believes they can get in which the State is now withdrawing and argued all is hearsay. Further, Ms. Craig stated she believes there are Crawford problems. Ms. Clowers stated issue will be brought up at time of trial and the Court can rule at that time. Further, Ms. Clowers stated she has noticed all witnesses the State intends on calling. Colloquy. Ms. Clowers advised she has prepare a list of things the State wants to present which she will provide to Deft's counsel. Court stated he will require proffer from the State. As to



the motion for in camera review of personnel records, Ms. Clowers argued State filed opposition. Further, Ms. Clowers advised Charlotte Bible, counsel for the Las Vegas Metropolitan Police Department is not available on the day that was determined. Colloquy. Ms. Craig stated she did send notice to Mr. Flohr who did interviews with Deft. FURTHER ORDERED, Deft's Motion MOOT.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 21, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**November 21, 2011      8:15 AM              Motion****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

<b>PRESENT:</b>	Clowers, Shanon	Attorney
		Attorney
	Craig-Rohan, Christy L.	Attorney
	Gipson, Kevin M	Defendant
	State of Nevada	Plaintiff
	Turner, Robert B.	Attorney

**JOURNAL ENTRIES**

- Ms. Craig requested the Court do a in camera review of Mr. Flohr's civilian file while employed with the Las Vegas Metropolitan Police Department (Metro). Further, Ms. Craig argued Mr. Flohr conducted the interrogation of Deft., advised she wants the Court to determine if he was disciplined regarding Miranda Rights and if his separation from Metro had to do with any of this as well as accommodations he said he has. Mr. Turner argued speculation, nothing shown from Deft's counsel, no nexus between Miranda violation and the fact there will be records to help impeach. Court stated in camera review is appropriate. Mr. Turner advised everything was done on video. Further, Mr. Turner stated if Mr. Flohr violated Miranda in another case, does not mean it was violated here. COURT ORDERED, motion GRANTED. Court will determine if there are issues of veracity that would impact Deft. and if anything else needs to be determined as to Mr. Flohr's veracity.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 02, 2011**

10C264079

The State of Nevada vs Kevin M Gipson

**December 02, 2011      8:30 AM      Hearing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins  
Christine Erickson**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

<b>PRESENT:</b>	Craig-Rohan, Christy L.	Attorney
	Gipson, Kevin M	Defendant
	State of Nevada	Plaintiff
	Turner, Robert B.	Attorney

**JOURNAL ENTRIES**

- Deft's Motion to Limit the Testimony of Detective Long FILED IN OPEN COURT.

Ms. Craig advised she is objecting to some of the testimony from Detective Long. Further, Ms. Craig objected to any hearsay testimony including discussions between Deft. and Mr. Flohr, argued clear hearsay and no exceptions. Additionally, Ms. Craig requested State to provide identifiers for Mr. Flohr, advised he has been found in Michigan, counsel has spoken to Judge Schrock in Michigan, they know where he is, know where he is working in Michigan and they have no problem enforcing this Court's order. Colloquy. Ms. Craig further requested Detective Long's testimony be limited and advised there was a second statement given by Deft. on March 25th, argued Detective Long makes ten comments, none are questions, just comments. Further, interview conducted by Mr. Flohr, counsel argued hearsay and inappropriate, cannot testify as to what Mr. Flohr said. Mr. Turner argued motion is untimely, have to establish Deft. was mirandized and have to establish statement was voluntary. Court inquired if Detective Long was present during process. Mr. Turner stated he was, he will testify he was there directly with Mr. Flohr or just outside observing and could hear

everything. Court stated objection to hearsay is noted. Detective Long and Linda Jackson, sworn and testified. Ms. Craig requested to bifurcate hearing so Mr. Flohr can be present and testify. Colloquy. Ms. Craig requested anything after March 25th not come in and argued Detective Long did not participate in the polygraph testing done by Mr. Flohr. Mr. Turner argued Mr. Flohr is not here to discuss CIT test, if it was performed properly, argued here today to determine if Deft. was there voluntarily and if Miranda was violated. COURT ORDERED, Oral Motion to Bifurcate DENIED as the Court has an understanding of interaction between Deft. and police. Mr. Turner argued Deft. was never in custody by any indicia, never told he was in custody, never told he was arrested, took him into custody after Deft. confessed, Detective picked up Deft. in a unmarked vehicle, no handcuffs, no admissions by Deft. in first interview and door was never locked. Further, second interview, Deft. not in custody and argued Las Vegas Metropolitan Police Department's (Metro) policy is to mirandize Deft. Colloquy. Mr. Turner stated Court has to determine if Deft. was in custody at that time. Additionally, Mr. Turner argued Deft. did not have right to counsel in second interview, could of done CIT test since Deft. was not in custody, Deft. said lets do it but Detective decided to take Deft. home, advised him to speak to who he needed to and picked him up at 11:30 a.m . Further, Mr. Turner argued Deft. given Miranda again, did not invoke right to counsel and testing was performed. Additionally, Mr. Turner stated when Deft. was told he failed test, then he confessed. Mr. Turner further stated on March 25th, Deft. said he wanted to talk to counsel, if the Court finds Deft. was in custody and if there is a break in custody between interviews, argued sufficient time State has right to re-mirandize Deft. Ms. Craig argued Deft. expressed concerns about the testing, did not volunteer, did not bring up, the police brought it up, Deft. waits in a room for a couple of hours, Deft. under video taped surveillance and argued not sure if door was locked or not locked. Further, Mr. Flohr mirandized Deft. during second interview and explained Miranda to Deft. Additionally, Ms. Craig stated police willing to bring Deft. a telephone, willing to bring him telephone book and argued Deft. not free to leave. Colloquy. Ms. Craig further argued Deft. was in custody, being interrogated, under Edwards, Detective and police were to stop interrogating Deft. once he asked for counsel. As to mental illness, Ms. Craig argued Mr. Flohr should of been told about Deft's long history of mental illness. Court FINDS based on the totality of circumstances, cannot find this was a custodial interrogation, Deft. voluntarily participated in the questioning and examination and ORDERED, motion to suppress DENIED.

## CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 07, 2011**

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10C264079

The State of Nevada vs Kevin M Gipson

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**December 07, 2011      8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins  
Christine Erickson**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

<b>PRESENT:</b>	Craig-Rohan, Christy L.	Attorney
	Gipson, Kevin M	Defendant
	State of Nevada	Plaintiff
	Turner, Robert B.	Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION IN LIMINE REGARDING THE DEFT'S EXPERT WITNESSES AND REQUEST FOR DISCOVERY...DEFT'S MOTION IN LIMINE TO PRECLUDE THE STATE FROM MOVING TO ADMIT INTO EVIDENCE PHOTOGRAPHS PREJUDICIAL TO KEVIN GIPSON...DEFT'S MOTION IN LIMINE TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE... CALENDAR CALL

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. Ms. Craig requested to enter plea of guilty but mentally ill. Court noted all agree this decision is not reflected in guilty plea agreement. Mr. Turner stated the State agrees to that but the Court needs to make finding. DEFT. GIPSON ARRAIGNED AND PLED GUILTY BUT MENTALLY ILL to MURDER WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. FURTHER ORDERED, State's Motion, Deft's Motions MOOT and trial date VACATED.

**10C264079**

CUSTODY

2/10/12 1:30 PM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2012**

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10C264079

The State of Nevada vs Kevin M Gipson

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**February 10, 2012****1:30 PM****Sentencing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Tiffany Lawrence**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Robert Turner, DDA, and Shanon Clowers, DDA, present for State of Nevada. Christy Craig-Rohan, DPD, and Timothy O'Brien, DPD, present with Defendant. DEFT GIPSON ADJUDGED GUILTY of MURDER WITH USE OF A DEADLY WEAPON (F). Arguments by counsel and statement of Deft read on the record. Victim Speakers Mechele Lavoll, Charles Lavoll, and Shaena Lavoll sworn and gave victim impact statement. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$250.00 Civil Indigent Defense Assessment fee, Deft. SENTENCED to LIFE in the Nevada Department of Corrections (NDC) with a MINIMUM PAROLE ELIGIBILITY of TWENTY (20) YEARS; COURT made FACTUAL FINDINGS and ORDERED, pursuant to NRS 193.165 a CONSECUTIVE term of a MAXIMUM of TWO-HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in NDC for the weapons enhancement, with 686 DAYS credit for time served. COURT FURTHER ORDERED, DNA Analysis fee WAIVED as previously imposed.

**CUSTODY****BOND, if any, EXONERATED.**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 26, 2012**

10C264079

The State of Nevada vs Kevin M Gipson

**September 26, 2012****8:15 AM****Motion****Deft's Pro Per Motion  
to Withdraw Plea****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Clowers, Shanon

Attorney

Attorney

Craig-Rohan, Christy L.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Craig stated she has reviewed motion, given the fact Deft. plead and sentenced to a significant sentence, counsel believes someone should be appointed to see if Deft. has grounds. Court stated Deft. sentenced in manner consistent with stipulation, have not followed Chapter 34 rules, action under Chapter 176, Deft. has to follow the rules and the Court is treating this as a fugitive document. Ms. Craig requested to withdraw as counsel, will mail copy of motion to Deft. and also advised Deft. suffers from mental illness which is a legitimate grounds for the Court to look into consideration to see if counsel did what she was suppose to do. COURT ORDERED, oral request to withdraw GRANTED and motion DENIED under Chapter 176, no factual or legal basis to support.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson #1082776, Ely State Prison, 4569 North State Route 490, P.O. Box 1989, Ely, NV 893041. aw



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 07, 2012**

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10C264079

The State of Nevada vs Kevin M Gipson

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**November 07, 2012 8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Cooper, Jonathan  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS:

COURT ORDERED, motion GRANTED.

DEFT'S PRO PER MOTION TO APPOINTMENT OF COUNSEL AND REQUEST FOR  
EVIDENTIARY HEARING:

Court stated Deft. needs to articulate basis or reason for appointment of counsel, motion broad, does not factually state why Deft, needs counsel and ORDERED, matter CONTINUED forty-five (45) days for Deft. to supplement motion for appointment of counsel.

NDC

1/9/13 8:15 AM DEFT'S PRO PER MOTION TO APPOINTMENT OF COUNSEL AND REQUEST  
FOR EVIDENTIARY HEARING

CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson BAC#

PRINT DATE: 07/26/2022

Page 30 of 46

Minutes Date: April 28, 2010

**10C264079**

1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 26, 2012**

10C264079

The State of Nevada vs Kevin M Gipson

**November 26, 2012****8:15 AM****Motion****Motion for Direct  
Appeal /  
Memorandum of  
Points and  
Authorities Facts of  
the Case****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Burns, J Patrick  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED to be heard with motion for appointment of counsel that is currently set for January 9, 2013.

NDC

CONTINUED TO: 1/9/13 8:15 AM

CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson, BAC #1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 09, 2013**

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10C264079

The State of Nevada vs Kevin M Gipson

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**January 09, 2013****8:15 AM****All Pending Motions****HEARD BY:** Cory, Kenneth**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Burns, J Patrick  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF POINTS AND  
AUTHORITIES FACTS OF CASE...DEFT'S PRO PER EX PARTE MOTION FOR APPOINTMENT OF  
COUNSEL AND REQUEST FOR EVIDENTIARY HEARING

COURT ORDERED, matter CONTINUED for the presence of Judge Barker.

NDC

CONTINUED TO: 1/28/13 8:15 AM

CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson, BAC  
#1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2013**

10C264079

The State of Nevada vs Kevin M Gipson

**January 28, 2013****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Burns, J Patrick  
State of NevadaAttorney  
Plaintiff

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF POINTS AND AUTHORITIES FACTS OF THE CASE...DEFT'S PRO PER EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING

Court noted Deft. filed a motion to file out of time appeal which the Clerk's Office may have construed as a notice of appeal on or about first week of November, 2012. Further, at the same time, case appeal statement was filed which triggered Supreme Court review and on December 20, 2012, more than thirty (30) days after, Supreme Court dismissed appeal indicating Deft. has thirty (30) days to file that appeal which Deft. did not do and it was dismissed. Further, Supreme Court also indicated that the deprivation of appellate rights needs to be raised in post conviction context, petition for writ of habeas corpus. Court believe there was no appeal in the first instance and under Lozada, COURT ORDERED, Deft's motion for appointment of counsel GRANTED. FURTHER ORDERED, Deft's motion for evidentiary hearing DENIED, motion for direct appeal CONTINUED and matter SET for confirmation of counsel.

NDC

2/11/13 8:15 AM DEFT'S PRO PER MOTION FOR DIRECT APPEAL / MEMORANDUM OF  
POINTS AND AUTHORITIES FACTS OF THE CASE...CONFIRMATION OF COUNSEL

CLERK'S NOTE: Mr. Christensen notified as to the appointment of counsel. aw 1/28/13

CLERK'S NOTE: The above minute order has been distributed to: Kevin Gipson #1082776, Ely State  
Prison, P.O. Box 1989, Ely, NV 89301. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2013**

10C264079

The State of Nevada vs Kevin M Gipson

**February 11, 2013****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

Edwards, Michelle

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- CONFIRMATION OF COUNSEL (COLUCCI)...DEFT'S PRO PER MOTION FOR DIRECT APPEAL  
/ MEMORANDUM OF POINTS AND AUTHORITIES FACTS OF THE CASE

Mr. Colucci CONFIRMED as counsel and requested matter be set for status check in for months for him to have time to review file. COURT ORDERED, matter SET for status check and Deft's Pro Per Motion OFF CALENDAR.

NDC

6/17/13 8:15 AM STATUS CHECK: SET BRIEFING SCHEDULE

CLERK'S NOTE: The above minute order has been distributed to: Kevin Marquette Gipson BAC #1082776, Ely State Prison, P.O. Box 1989, Ely, NV 89301. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 17, 2013**

10C264079

The State of Nevada vs Kevin M Gipson

**June 17, 2013****8:15 AM****Status Check****Status Check: Set  
Briefing Schedule****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Nelson, Catherine L.  
State of Nevada  
Trippiedi, HagarAttorney  
Plaintiff  
Attorney**JOURNAL ENTRIES**

- Ms. Nelson advised all documents have been received and requested 180 days to file initial brief. COURT ORDERED, the following briefing schedule set: initial brief due by December 16, 2013; State's Opposition due by February 17, 2014; Deft's Reply due by March 17, 2014, and matter SET thereafter for hearing.

NDC

3/31/14 8:15 AM HEARING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 15, 2014**

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10C264079

The State of Nevada vs Kevin M Gipson

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**September 15, 2014 8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.  
Duncan, Wesley K.  
State of Nevada

Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...STATE'S RESPONSE AND MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Court stated he is inclined to allow action to be decided on merits and ORDERED, State's Motion to Dismiss DENIED.

Mr. Colucci submitted. Colloquy. COURT ORDERED, the following briefing schedule: Deft's Supplemental Petition due by December 15, 2014, State's Opposition due by February 17, 2015, Deft's Reply due by March 17, 2015, and matter SET for hearing. FURTHER ORDERED, Deft's petition CONTINUED.

NDC

CONTINUED TO: 3/30/15 8:15 AM

3/30/15 8:15 AM HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) & SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 30, 2015**

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10C264079

The State of Nevada vs Kevin M Gipson

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**March 30, 2015****8:30 AM****All Pending Motions****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Billie Jo Craig**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...HEARING: DEFT'S  
PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS

Deputy District Attorney Christopher Laurent present. Defendant not present.

COURT ORDERED, above matter CONTINUED. The State inquired if defendant needed to be  
present, which the Court advised no he need not be present. CONFERENCE AT THE BENCH.

NDC

CONTINUED TO: 4/13/15 8:30 AM ABOVE MATTERS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 13, 2015**

10C264079

The State of Nevada vs Kevin M Gipson

**April 13, 2015****8:30 AM****All Pending Motions****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Ying Pan**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

MacDonald, Ryan J, ESQ

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ... HEARING: DEFT S  
PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS

Defendant not present.

Argument by counsel. COURT ORDERED, an Evidentiary Hearing regarding the mental health investigation and prior counsel's advice SHALL be SET and Request to Withdraw Plea DENIED. Court DIRECTED the State to prepare a Transport Order.

NDC

6-26-15 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ...  
EVIDENTIARY HEARING RE MENTAL ISSUE & PRIOR COUNSEL'S ADVICE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 10, 2015

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10C264079

The State of Nevada vs Kevin M Gipson

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September 10, 2015 9:30 AM

All Pending Motions

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 03E

COURT CLERK: April Watkins

RECORDER: Christine Erickson

REPORTER:

**PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

Gipson, Kevin M

Defendant

MacDonald, Ryan J, ESQ

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION...EVIDENTIARY HEARING:  
HEARING RE: MENTAL HEALTH ISSUE & PRIOR COUNSEL'S ADVICE

Court noted hearing is limited to Deft's mental issues and prior counsel's advice. Mr. Colucci stated he believes coercion come into this if Deft. had mental issues at time of plea. Statement by Mr. MacDonald regarding petition. Deft. Gipson and Christy Craig, Esq., sworn and testified. CONFERENCE AT THE BENCH. Matter submitted by counsel. Court FINDS sufficient information or investigation into Deft's mental health background, counsel did what she had to and to the extent she could. As to the claim Deft. was coerced into taking plea, Court FINDS Deft. was not coerced into plea, believes Deft. understood and Ms. Craig did not coerce Deft. into taking plea. Further, the Court FINDS Ms. Craig was highly effective, counsel addressed Deft. with good advice, Deft. knowingly, freely and voluntarily entered into plea. As to the issue of Deft. withdrawing plea, Court FINDS counsel addressed any issue coming to light, counsel would have informed the Court if there was any question of competency at time of plea, believes issue is satisfied at this point and does not

**10C264079**

believe any counsel would be able to bring another issue with that under those circumstances.  
COURT ORDERED, petition DENIED. State to prepare order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 13, 2016**

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10C264079

The State of Nevada vs Kevin M Gipson

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**January 13, 2016****8:30 AM****Further Proceedings****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

Laurent, Christopher J.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Upon Court's inquiry, Mr. Laurent advised Findings of Fact was sent to Mr. Colucci. COURT ORDERED, Matter CONTINUED. RECALLED. Court noted Mr. Colucci present. Upon Court's inquiry, Mr. Colucci confirmed as counsel for purposes of appeal. Court so noted.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 05, 2017**

10C264079

The State of Nevada vs Kevin M Gipson

**June 05, 2017****8:30 AM****Petition for Writ of Habeas  
Corpus****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Dickerson, Michael  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court finds petition barred pursuant to NRS 34.726 and Defendant has failed to show good cause to overcome the bar; therefore, COURT ORDERED, Petition DENIED as it challenges the validity of the conviction and DENIED WITHOUT PREJUDICE as to claims 2 and 3. State to prepare an order consistent with their opposition.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

KEVIN MARQUETTE GIPSON # 1082776  
HIGH DESERT STATE PRISON  
PO BOX 650  
INDIAN SPRINGS, NV 89070



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 13, 2022**

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10C264079

The State of Nevada vs Kevin M Gipson

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**June 13, 2022****9:30 AM****All Pending Motions****HEARD BY:** Trujillo, Monica**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Louisa Garcia**RECORDER:** Grecia Snow**REPORTER:****PARTIES****PRESENT:**Heap, Hilary  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- MOTION TO APPOINT COUNSEL....MOTION FOR EVIDENTIARY HEARING

Defendant not present, in the Nevada Department of Corrections. Court understands Defendant was already appointed appellate counsel so it was not sure what Defendant was asking; therefore, COURT ORDERED, Motion to Appoint Counsel DENIED. COURT FURTHER ORDERED, Motion for Evidentiary Hearing DENIED. Ms. Heap to prepare Order.

NDC

**GRAND JURY INDICTMENTS RETURNED IN OPEN COURT APRIL 28, 2010**  
**(From Grand Jury sessions held on April 6 & 27, 2010)**

**JUDGE LINDA MARIE BELL**

**FOREPERSON DUANE SCHLISMANN**

**CHIEF DEPUTY DISTRICT ATTORNEY DAVID SCHUBERT**  
**DEPUTY DISTRICT ATTORNEY SHANON CLOWERS**  
**DEPUTY DISTRICT ATTORNEY PETER THUNELL**  
**CHIEF DEPUTY DISTRICT ATTORNEY STACY KOLLINS**

**CASE NO.** *C264079*  
**DEPT. NO.** *XVIII*  
**DDA SHANON CLOWERS**

**Defendant(s):** KEVIN MARQUETTE GIPSON, aka Kevin Marquett Gipson  
**Case No(s):** 09AGJ167X (RANDOM TRACKS TO DEPTS XII AND XVIII)  
**Charge(s):** (1) *CT – MURDER WITH USE OF A DEADLY WEAPON (Felony)*  
**Def. Counsel(s):** CHRISTY CRAIG, Deputy Public Defender

**WARRANT:**  
**DEFT IS IN CUSTODY @ CCDC**

**Exhibits:**

- |                        |           |
|------------------------|-----------|
| 1. Proposed Indictment | 10. Photo |
| 2. Instructions        | 11. Photo |
| 3. Photo               | 12. Photo |
| 4. Photo               | 13. Photo |
| 5. Photo               | 14. Photo |
| 6. Photo               | 15. Photo |
| 7. Photo               | 16. Photo |
| 8. Photo               | 17. Photo |
| 9. Photo               | 18. Photo |

**Exhibits 1-18, to be lodged with the Clerk of the Court.**

## 'S EXHIBIT LIST

HEARING DATE DEC 02 2011

Case No. <u>C264079</u>	Clerk: <u>April Watkins</u>
Dept. <u>XVIII</u> Judge: <u>DAVID BARKER</u>	Recorder: <u>Cheryl Carpenter</u>
Pltf(s): <u>The State of Nevada</u>	Pltf's Counsel: <u>Brad Turner</u>
Def(s): <u>Kevin Marquett Gipson</u>	Def's Counsel: <u>Christy Craig</u>

[illegible]



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

KEVIN GIPSON #1082776  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

DATE: July 26, 2022  
CASE: 10C264079

**RE CASE:** STATE OF NEVADA vs. KEVIN MARQUETTE GIPSON

NOTICE OF APPEAL FILED: July 25, 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

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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; DISTRICT COURT  
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

KEVIN MARQUETTE GIPSON,

Defendant(s).

Case No: 10C264079

Dept No: III

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 26 day of July 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk