

No. 86694

IN THE NEVADA SUPREME COURT

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Elizabeth A. Brown
Clerk of Supreme Court

John Seka,

Petitioner-Appellant,

v.

State of Nevada, et al.

Respondents-Appellees.

**Petitioner-Appellant's Appendix
Volume 11 of 15**

Rene L. Valladares
Federal Public Defender,
District of Nevada
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Dated October 4, 2023.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Jonathan M. Kirshbaum

Jonathan M. Kirshbaum
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2023, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system.

Participants in the case who are registered users in the appellate electronic filing system will be served by the system and include:
Alexander G. Chen and Aaron D. Ford.

I further certify that some of the participants in the case are not registered appellate electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

John Joseph Seka, #69025 High Desert State Prison P.O. Box 650 Indian Springs, NV 89070	
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/s/ Kaitlyn O'Hearn
An Employee of the Federal
Public Defender, District of
Nevada

1 I declare under penalty of perjury that the foregoing is true and correct.

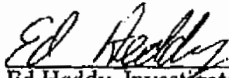
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Ed Heddy, Investigator

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EXHIBIT 13

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

EVENT #: 981116-0443

MURDER WITH DEADLY WEAPON/DISCOVERY OF
LIMANNI'S BODY

SUBJECT

DIVISION REPORTING:

ISD

DIVISION OF OCCURRENCE:

PD

DATE AND TIME OCCURRED:

12/23/88 APPROX. 0815
HRS.

LOCATION OF OCCURRENCE:

1 MILE EAST OF I-15 ON
NIPTON RD.,
MOUNTAIN PASS,
CALIFORNIA 92366
(SCENE NO. 4)

DICTATING OFFICER:

DET. T. THOWSEN, P#1467
HOMICIDE SECTION

VICTIM:

LIMANNI, PETER PAUL
WMA,
SS#:
LVMPD ID#1229386

SUSPECT:

SEKA, JOHN JOSEPH
AKA: JACK
WMA, DOB:
SS#:
FBI#: 118012KA6

I. SYNOPSIS:

On 12/23/98 at approximately 0815 hours, Peter Borden was driving east on Nipton Road approximately one mile east of I-15 when he observed a dog tugging on a corpse. Borden notified the San Bernardino County Sheriff's Office and the body of a white male identified by fingerprints as Peter Paul Limanni was discovered in a shallow grave.

and Time of Report:

01/11/99 0930 HOURS

Officer:

DET. T. THOWSEN

P#: 1467

Approved:

Sgt. K. Hayner

Officer:

T. Thow

P#:

LVMPD 82 (REV. 1-91) - AUTOMATED

SIGNATURE:

SEKA000203

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IV. OTHER JURISDICTIONS CONTACTED:

1. SOUTH LAKE TAHOE POLICE DEPARTMENT
SGT. ALEX SCHUMACHER
Business Phone: 530-542-6100

V. INTERVIEW OF WITNESSES FROM SCENE #1:

1. MICHAEL FELIX STANISH
(Taped statement by Detective T. Thowsen)

Stanish is a truck driver working on the Mandalay Bay project. He said he was driving his truck on Las Vegas Boulevard South at approximately 6 A.M. when he saw what appeared to be a body on the side of the road. When he arrived at his job site at the Circus Circus stockpile (located approximately a mile from the body), he borrowed a cell phone from another driver to call 9-1-1. He went back to the scene of the body with the other driver (Jeffrey Lowery) and waited for police.

For further details, see the transcribed taped statement and written statement of Michael Felix Stanish.

2. JEFFREY WAYNE LOWERY
(Taped statement by Detective T. Thowsen)

Lowery is a truck driver working on the Mandalay Bay project. He said that at approximately 6:15 or 6:30, he was dumping at his work site located on Las Vegas Boulevard when a water truck driver named Mike told him he had seen a body of a black male lying near Las Vegas Boulevard. Lowery said Mike phoned the police, called his boss, Dan O'Donnell, then drove back to the location of the dead body and waited for the police to arrive.

For further details, see the transcribed taped statement or written statement of Jeffrey Wayne Lowery.

3. KEVIN BANKS
(Written statement witnessed by Detective E. Landino at the Southwest Substation on 11/18/98)

According to his statement, Mr. Banks indicates he was driving north on the old Las Vegas Highway when he saw a brown van stop at the side of the road and observed a man 5-9 to 6 foot tall walking to the van. He described

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the van as brown in color and said that it was five or eight miles from where he works at the Gold Strike Hotel and Casino. He indicated that he observed the vehicle at approximately 1:20 A.M.

For further details, see the written statement of Kevin Banks.

VI. INTERVIEW OF SUSPECT

JOHN JOSEPH SEKA

(Taped statement by Detective T. Thowsen on 11/17/98 at approximately 1525 hours)

I responded to 1933 Western on 11/17/98 at approximately 1430 hours. I had been contacted by Sgt. Hefner and apprised of a Malicious Destruction of Private Property call at the adjacent business of 1929 Western Avenue. Sgt. Hefner explained that blood and evidence of a shooting were discovered inside the building. I told Sgt. Hefner that the cell phone information concerning the note found in the victim's pocket returned to a cellular telephone from Cinergi HVACR, Inc. at 1933 Western Avenue.

Upon arriving at 1933 Western Avenue, I spoke briefly with Sgt. Hefner and Detective Buczek. Sgt. Hefner explained that John Joseph Seka, also known as Jack, was identified as the only employee working inside 1933 Western. Sgt. Hefner told me that Seka had provided a Consent to Search for 1933 Western.

As a result of the search that was underway, Sgt. Hefner pointed out that several locations had been discovered with apparent droplets of blood on the interior walls of the business. In a back office area, Sgt. Hefner pointed out a couch that had an apparent gunshot hole from the front through the back with stuffing protruding from the rear of the couch and a bullet hole through one piece of drywall and a bullet recovered in a second piece of drywall directly behind the couch and in line with the apparent bullet hole.

I learned that Patrol officers that had contacted Seka prior to the notification of the homicide observed a cartridge on Seka's desk inside the business. When the Homicide detectives began their search, they noticed the cartridge was missing. When Seka had been asked about it, he gave conflicting answers.

Sgt. Hefner gave information that the Patrol officers upon initially checking the area after arriving the scene at 1929 Western, checked the rear dumpster area and noted nothing of interest. After the arrival of Homicide, several items of clothing

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and checks in the name Peter Limanni were found partially burned in the dumpster area.

I asked Seka if he would voluntarily accompany me to the Detective Bureau so that I could speak with him about the damage to the next-door business and the blood that had been found in that business and in his business. Seka agreed and accompanied me to the LVMPD Detective Bureau. At approximately 1450 hours, I explained to Seka that he was not under arrest but I wished him to read a Rights of Person Arrested card aloud so that he might be apprised of the rights due to the nature of the crime being investigated. Seka read the card aloud, signed it, indicated that he was wanting to cooperate and speak with me without an attorney being present. He signed and returned the card.

During my conversation with Seka, he explained that the business at 1933 Western is owned by a man that is a friend of his named Peter Limanni. According to Seka, there were two men that were business partners in the Cinergi business that put up the money. He described them as silent partners and said they both live in L.A. He identified them as Tak Kato and Kaz Toe. Seka said that the two men had not been in Las Vegas for approximately a month to five weeks. Seka said he left town to go to Philadelphia for his daughter's birthday leaving on the 29th of October and returning to Las Vegas on the 3rd of November. He said Limanni picked him up at the airport the night he came back and spent the following day with him and the next morning, Limanni got up and left on his own and did not wake him. Seka said he had not seen or heard from Peter Limanni since. There was a white Jack Russell Terrier named Jake that was at the Cinergi office. Seka said that the dog belonged to Peter Limanni.

Seka explained that the business had two white Dodge vans and a Toyota pickup truck that they utilized. He said that there was an additional Dodge van that Peter Limanni had taken to Lake Tahoe for a business that he was going to start there. Seka said the Las Vegas business had a telephone number of [REDACTED] 5993, however, it had been turned off and he was currently using his cell phone which has the number [REDACTED] 5957. Seka was wearing the cell phone at the time of the interview.

Seka was asked if he was familiar with a black male that may have been around the business. He explained that other officers had told him that there was a black male homicide victim that had his name and phone number. Seka said that the black male was named Seymore and that in the past he had done some odd jobs for the construction company. He said he last saw Seymore about a month ago and told him to call in about a month to see if there was work.

I mentioned to Seka that a cardboard box was observed in front of 1933 Western with a drop of apparent blood on it. He explained that he was walking Jake when

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he found the box under one of the vans parked in front. He said he pulled the box out from underneath the bumper and flipped it onto the corner before he was leaving. When asked about the blood inside the business at 1933 Western, Seka explained that he had cut himself and Peter had cut himself there at different times when they were working. He pointed out that he had banged his knuckles. In speaking with Seka, I noticed that he had some cuts and scrapes on his hands. When I asked about a particular knuckle that was cut, he explained that he just bit it off (referring to the scab), that there was a scrape and he had picked off the scab because he's one of those kind of people that hate scabs.

Seka explained that Peter Limanni owns guns, however, he had never seen any in Las Vegas. Seka claimed that he did not own any guns and had not ever fired a gun. I asked Seka about the cartridge in question that had been seen by officers on his desk earlier in the day. Seka denied any knowledge of the bullet and claimed that he did not pick it up. In my conversation and in the taped statement that I took from Seka from approximately 1525 through 1548 hours, he explained that he was the only person that had been at the 1933 Western address in the last few weeks and claimed that he did not know what happened to the black male whom he called Seymore and said that he did not do anything to Seymore.

Upon documenting the taped statement of Seka, I left him in the interview room and contacted Sgt. Hefner via telephone. Sgt. Hefner was in the process of securing a search warrant for 1933 Western and was speaking with Deputy D.A. Dave Wall. I explained my conversation with Seka and asked Sgt. Hefner to review the evidence in the case to Deputy D.A. Wall and determine if he would approve of a P.C. arrest of Seka for the homicide of John "Lumber" Doe. (Eric Hamilton had not been identified at that point.) Sgt. Hefner explained that per Deputy D.A. Wall, we were to wait until additional evidence from processing the scene confirmed a connection between John "Lumber" Doe and the two scenes located at 1929 Western and 1933 Western.

Upon finishing my phone call with Sgt. Hefner, I returned to the interview room and explained to Seka that the evidence did not support his statement. I explained that I believed he killed the black male that had been dumped, that the blood and bullet evidence linked the victim, that the lumber in his business was similar to the lumber found at the scene where the body was located, and that his story was inconsistent. Seka sat back in his chair and smiled. He said, "You're really starting to scare me now. I think you better arrest me or take me home. Do you have enough to arrest me at this point?" I explained to Seka that I would not arrest him until all of the processing and forensic testing could be done. Seka asked to be returned to his home located inside 1933 Western. I drove him back to the Western location and requested that he wait outside until the scene was finished being processed. I asked Seka if he would give consent to have his photographs and fingerprints taken. Seka agreed and said he was wanting to cooperate. I asked if he would

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give consent to having a Buccal swab sample taken in order that we could test his DNA. Seka once again agreed. At approximately 1615 hours on 11/17/98, Seka read then signed a Consent to Search card for his DNA and fingerprints. In the parking lot of 1933 Western, photographs were taken of Seka showing his overall appearance as well as close-ups of several cuts and scrapes on his hands. Seka explained that he had a dinner engagement and that if he was not under arrest, he would like to leave in one of his vehicles and would return in a few hours.

I told Seka that we were going to impound the brown Toyota pickup truck to have it processed for evidence. While Seka was present at the scene, Crime Scene Analysts discovered apparent blood spots in and around the bed of the truck that tested positive for blood with presumptive testing. Seka reached into his pocket and removed the key for the Toyota truck. He explained that he wanted to take one of the vans and asked if he could go inside the business himself to get the keys. I explained that he needed to wait outside and I returned with two sets of Dodge keys. I handed Seka one set of keys. He remarked that the keys I gave him were for the unmarked white van. He seemed perplexed as though he was expecting or wanting to leave in the second van that was marked with large Cinergi decals.

I told Seka that it might be better for him to drive the van with the Cinergi decals thinking the vehicle would be easier to locate if he fled the area. I asked Seka if he minded if I looked in the vans before he drove one of them from the area. Seka agreed. He unlocked the marked van having Nevada license 514JME. Upon looking inside, I observed that it had a driver and passenger seat and that the back of the van was completely empty with no seats. Upon looking at the floor and the wall area, I noted several areas of what appeared to be blood or blood that had been partially washed out. I requested the Crime Scene Analyst conduct a presumptive test for blood. The test was completed with positive results. I then checked the plain white van bearing no license plates (VIN listed above) and could not observe anything that appeared to be of evidentiary value.

Prior to releasing the vehicle to Seka, I went to the Toyota pickup truck and with the use of a flashlight, observed with the Crime Scene Analysts the front undercarriage area looking for any evidence of off-road use and/or possible vegetation that could have been deposited there when the body of the victim was dumped in the desert. In viewing the front undercarriage area, several areas were identified as being consistent with being in contact with brush or similar shaped or designed objects that would cause scratches in the dust and oil areas. No vegetation was observed or collected. The undercarriage was photographed prior to the vehicle being towed to the Crime Lab for processing.

Detective Buczek and I consulted with Sgt. Hefner concerning the additional evidence discovered at the scene. However, it was determined that we would still

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allow Seka to leave the scene as we had samples of his fingerprints, ph and DNA for later identification and location.

Seka drove from the scene in the unmarked vehicle and failed to return as he had promised to secure the business. The business and dog were later turned over to the property manager, Michael Cerda, upon completion of all processing.

For further details, see the transcribed taped statement of John Joseph Seka.

VII. FOLLOW-UP:

On 11/17/98, I spoke with Michael Cerda, the property manager for 1933 Western Avenue. Cerda gave a taped statement and explained that Peter Limanni had a lease for 1933 Western and had originally been doing business as a heating and air conditioning repair service. Cerda said that the business started off well but had died off and that Limanni had been in the process of converting a portion of the business into a smoke shop with a cigar humidor. Cerda said that the business had been occupied for approximately six months and that Tak Kato, a California businessman, was also on the lease. Cerda said that Kato had not been at the business for more than a month. He said Peter Limanni had been staying at the business along with his friend or partner named Jack. Cerda had been allowed to view photographs that were taken from the business and identified one of the photographs as Peter Limanni and another photograph as Peter Limanni and Jack standing together.

According to Cerda, he believed he last saw Peter Limanni in the late afternoon on Friday, the 6th of November, in front of 1933 Western. They discussed the rent and Limanni showed Cerda approximately \$2000.00 or \$3000.00 in cash and was going to be participating in a show at Cashman Field. Limanni said he would pay the rent on the following Monday. Cerda said he called on Monday and did not get a response and came to the site throughout the week. He said no one answered the door but Jake, the dog, was inside. He said on Wednesday, the 11th or 12th, he posted a five day notice on one of the vehicles for the business which he described as the Toyota. Cerda said Jack called the day he posted the five day notice and told him that he had just come back to town and he was going to pay the rent. According to Cerda, Jack said he did not know where Peter was.

Cerda said that on today's date he was asked to come down by the tenant in the trophy business when he saw that there was a break-in with broken glass and blood on the front door of unit 1929 Western. Cerda said 1929 had been vacant for approximately a month and a half.

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Cerda explained that earlier in the day when the police officers were at the scene, they asked if they could go inside 1933 to see if there was any damage inside of that building. He said when they all went inside, the officer was with Jack in the foyer area. He said while in the office, the officer was looking around the room and found an open knife on the table and saw a shell (cartridge) on the top of the table. Cerda said it looked like the size of a .38 or a .357 magnum. He described it as a complete cartridge and said it looked like it was a full metal jacket with a brass case. Cerda said when the officer saw the cartridge and knife, he temporarily handcuffed Cerda for safety reasons. According to Cerda, when the officers asked Jack if he had a weapon, Jack answered "no." When they questioned what the bullet was doing here, Cerda thought Jack answered "I think Peter has a weapon and he has a permit for it."

For further details, see the transcribed taped statement of Michael Kirk Cerda.

On 11/18/98 I made telephone contact with Lydia Gorzoch. A purse had been recovered in the attic at 1933 Western having I.D. in Gorzoch's name. Investigation revealed that the purse had been taken out of her vehicle when it was parked near the Crazy Horse Too on Industrial after someone fired a bullet through the window to gain entry. The report was taken on 11/06/98 at 0952 hours reported under Event 981106-0539. Gorzoch said she did not know Limanni or Jack Seka. It should be noted that a bullet was recovered from her vehicle and is being submitted for comparison to the bullets recovered in the homicide investigation.

On 11/24/98 at approximately 1040 hours, I received a telephone call from Michelle Hamilton. Hamilton explained that she is the sister of the victim, Eric Hamilton. (Identified via the Coroner's Office through fingerprint identification.) Hamilton refused to give any of her personal information as to her date of birth, social security number or home address. She gave the home phone number of area code [REDACTED] 1497. She explained that her brother Eric had been treated in the past for paranoid schizophrenia. She said that her cousin, Carl Bell, drove Eric from Los Angeles to Las Vegas on the date that she believed was October 11, 1998. She said she last spoke with Eric on 11/13/98 and said at one point, he had been staying in room 171 at an unknown hotel with a phone number of area code [REDACTED] 1441. She said Eric commonly smoked Marlboro cigarettes and that he had been at a half-way house in Long Beach and provided the phone number [REDACTED] 1033. She said she thought the name of the half-way house was the American Flag. Hamilton provided a phone number for Carl Bell of [REDACTED] 4273.

At approximately 1600 hours that same date, I responded to the Downtowner Motel after learning that the phone number [REDACTED] 1441 returned to their address. I spoke with Desk Clerk Ellsworth Kekua and explained that I was attempting to locate the room of a homicide victim identified as Eric Hamilton. Kekua checked his files and

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could find no record under the name Eric Hamilton. In looking for records on room 171, Kekua determined that an individual named Thelya Wilson was currently in the room and had moved in on 11/02/98. I later spoke with Thelya Wilson, black male, DOB: [REDACTED] 73, SS#: [REDACTED] 5541 and learned that he had no knowledge of Eric Hamilton.

On 11/30/98 at approximately 1000 hours, I contacted the LVMPD Pawn Detail and requested a gun registration check for Eric Hamilton, John Seka and Peter Limanni. The results were negative, however, the Pawn Detail determined a .40 caliber Sig Sauer handgun registered to a Tiffany Limanni with a date of birth of [REDACTED] /68 and an address of [REDACTED]. In checking phone records for the Osborne address, I ultimately made contact with Joseph Brizzi. Brizzi explained that he was Tiffany Limanni's father. He said Tiffany had been separated from Peter Limanni for more than a year and had moved to an unknown location in California.

A check of pawn tickets revealed that John Seka using social security number [REDACTED] 5812 and date of birth: [REDACTED] /68 had three entries beginning on 11/07/98. The first entry dated 11/07/98 was for a wire feed welder. The second entry dated 11/10/98 was for a Milwaukee metal saw and the third entry dated 11/10/98 was for a Hitachi disk grinder and sander. These are items that are commonly associated with construction companies and it should be noted that while Seka is purported to be an employee of Cinergi Incorporated, it is also apparent from the investigation that he has no known ownership of the company or equipment.

On 11/30/98 at approximately 1400 hours, I made telephone contact with Steven Limanni, the brother of Peter Limanni. In speaking with Steven, I learned that he last spoke with Peter three years ago. He explained that he was not close with his brother, however, his brother would stay in touch with their mother. Steven said that Peter had a white dog named Jake and took the dog everywhere with him. He did not feel that Limanni would leave the dog under any circumstances.

On 12/01/98 at approximately 1000 hours, I spoke with Diane Tomasevich, the sister of Peter Limanni. She said she had a telephone call on October 4th from Peter and in the beginning portion of November, she had attempted to phone Peter and spoke with Jack. She said Jack told her Peter was in Reno with his girlfriend, Jennifer. Tomasevich said that her mother, Sylvia Cappella had not spoken with Peter since the first part of November. She explained that her mother was in poor health and requested that I not contact her to question her about her brother indicating that she and her brother Steven would speak with her about it further. Tomasevich said that Peter was extremely close with his dog and took the dog everywhere with him. She said he would even try to sneak it into restaurants at times and that if he went out of town, he would take the dog with him. I explained my concerns to Tomasevich that the evidence and information at hand indicated there was a strong likelihood that her brother Peter may have become the victim of

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Spanish Trails and approximately two weeks ago, an individual in a white van was seen by security as assisting Mohamed moving items from his residence. Mignone went on to explain that she was owed money by Mohamed and was involved in civil litigation with him and was attempting to locate him.

On 12/07/98 at approximately 0900 hours, I telephoned Takeo Kato. Mr. Kato explained that he was the investor in Peter Limanni's business along with his business partner named Kaz Toe. Kato said he and Toe owned a company in California called International Trading. Kato said Limanni's Las Vegas business was started in the end of April or beginning of May, 1998. They invested approximately \$100,000.00 in the business. According to Kato, the air conditioning business was failing and on October 15th, he was supposed to get the money he invested returned as well as the four vans and Toyota pickup truck that he had leased for the business. On October 13th, Limanni went to California and met with Kato and attempted to get Kato to invest in the cigar business.

Kato said on October 26th, he came to Las Vegas and told Limanni that he decided he would not invest in the business. He said Limanni explained that if there was a problem with bad credit, he knew how they could get false identification to access a fresh credit line. Kato said Limanni showed false ID with Limanni's photograph and said that he could become another person. Kato refused to become involved in the business deal and took one of the Dodge vans from Cinergi and drove it back to California leaving three vans and one pickup truck in the custody of Limanni. Kato said that on October 27th, he talked briefly on the phone to Limanni. On November 5th or 6th, he called to speak with Limanni and spoke with Jack. Jack said that he had not seen Peter. Kato later learned that Peter Limanni's cell phone of [REDACTED]-7433 was turned off as of November 17th. Kato said Limanni had one of the Dodge vans at a business he was starting in Tahoe. He said the VIN number to the Tahoe van was 2B7JB21Z8WK134379. The only further information Kato could offer was that Limanni mentioned having a business on an island south of Florida in which he could purchase cigars for the cigar business. I have not been able to substantiate the existence of this business with any of the friends or family members of Peter Limanni.

Kato said he recovered a note pad from the property left inside the 1933 Western address. The top page was a list dated 11/12/98. Number 14 on the list was a notation to find a home for Jake (Limanni's dog). I asked Kato to mail the pad and note prior to leaving on his month long trip to Japan. I told him I would need to take a statement from him upon his return to the U.S.A.

On 12/07/98 at approximately 1230 hours, I met with Jennifer Harrison at the LVMPD Homicide Office. Harrison provided a taped statement in which she explained that she was the current girlfriend of Peter Limanni. She said they met July 31, 1998 and she last saw him at her home on November 4, 1998. She

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explained that their relationship had been on a downturn because Limanni was wanting to move his business to Tahoe and she wanted to remain in Las Vegas. According to Harrison, in September or the first part of October, Peter Limanni and Jack, his friend, drove one of the Cinergi vans to Tahoe to leave it at the business and returned to Las Vegas in a second van. She said the business had a total of four vans and one small truck.

Harrison said on the morning of November 5th, she attempted to call Peter Limanni on his cell phone and could get no response. She thought this was unusual because his cell phone was always turned on. She then utilized the radio portion of her Nextel telephone and alerted the telephone of Jack Seka. She said the alert was successfully sent indicating that his phone would have been turned on. She said his phone then was turned off. Harrison called Jack Seka's cell phone number knowing that he did not have Caller ID. When he answered the phone, she questioned him as to the whereabouts of Limanni. Jack told her that Limanni had spent the night at the Western address and had gotten up early in the morning, showered and had left in the pickup truck and he had no idea where he could be located.

Harrison said she left her work around noon and went to the 1933 Western address in an attempt to locate Peter Limanni. When she arrived, she noticed the pickup truck was parked near the back door. She knocked at the door with no response and felt that Limanni was inside with another woman. She said she utilized her key to open the front door and found the door leading to the back office was locked. She said that door was never locked and she again felt that Limanni was with another woman. Upon opening this door, she observed a white female sleeping on the couch and Jack Seka passed out in the middle of the floor. She went to the back bedroom that was utilized by Limanni and Seka and found that door to be locked. Feeling that Limanni was inside with another woman, she began beating on the door. She said the female that had been sleeping on the couch woke up and asked her what she was doing. Harrison said that she knew Peter was inside with another woman and she was going to get inside. The woman remarked "Peter? Jack told me Peter's dead." Harrison said she blew it off thinking that they were trying to cover for Limanni in stopping her from seeing him with another woman. She said she ultimately opened the door and discovered that no one was inside the bedroom. She searched through the bedroom and found a cartridge on the floor. Harrison remarked that she saw all of the shoes that Peter owned as well as a pair of pants with a belt that she believed he was wearing when she last saw him at the residence. She said she kicked at Jack trying to wake him up to find out where Peter was, however, he was so intoxicated or high on drugs that he would not wake up. She noticed that on a table, there was approximately \$200.00 in cash as well as some marijuana. Harrison said she gave the female a ride to a nearby bar at Western and Oakey and learned that the woman was a dancer that had gotten off work at Cheetah's at 5:00 in the morning and was walking down the road when Jack

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Seka drove up in the pickup truck and asked her if she wanted to have a drink. The woman claimed that they had bought a six pack and returned to the business at 1933 Western when Seka passed out on the floor and she went to sleep on the couch. Harrison said she could not recall the woman's name although she could provide a description as listed in her statement.

Throughout her statement, Harrison stopped and started several times and ultimately asked if I thought the murder was mob connected and if her life was in danger. I explained that there was no mob connection that was apparent to the police and I did not believe her life to be in danger. She explained that Jack had called her after being interviewed by the police and told her about the interview. Harrison said he asked her if he could use her car because the police were watching for the van he was driving. He claimed that he wanted to go back to the business to pick up some items. Harrison said she refused and later received other phone calls from Jack in which he attempted to persuade her that Peter owed money to the Japanese businessman and they were perhaps the one's that had killed him. Jack told her that he was wanted for other crimes from his home state and was hiding out because he would be arrested for charges unrelated to the homicide investigation. It should be noted that a check through NCIC revealed no warrants for John Joseph Seka although it does list a criminal record that includes Robbery.

Jennifer Harrison said Limanni had bank accounts with Wells Fargo, Nevada State Bank and Silver State Bank. She believed there was an additional Nevada State Bank account strictly for the Rabbit's Smoke Shop.

According to Harrison, Jack never had any money. Any money he got, he had to ask Peter Limanni for. She said Peter Limanni would constantly degrade Seka and referred to him as "his nigger." Harrison said that when Jack would get drunk, he would get very friendly with her and it would make Limanni take notice and inform Seka that he should not look at her like he wants to "fuck her."

Harrison said she was told by Seka that when he went home for his daughter's birthday, he walked in and found his girlfriend in bed with another man. She said he was extremely upset because of this.

For further details, see the transcribed taped statement of Jennifer Hamilton.

On 12/08/98 at approximately 0900 hours, I once again telephoned the South Lake Tahoe Police Department. I explained that I had received no call back from my first request to check the Lake Tahoe location of Limanni's business. I made contact with Detective Sgt. Alex Schumacher and I was advised that a check of the location would be made and I would be re-contacted.

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On 12/09/98 I received a voice mailbox message from Sgt. Schumacher indicating that the business was vacant and locked and that the van in question bearing Nevada license 113JME was parked at the business location.

On 12/09/98 I made contact via telephone with Peggy Eichhorn, a realtor with Coldwell Banker-McKinney and Associates, Incorporated in South Lake Tahoe, California. She explained that she is the realtor that had arranged for Peter Limanni to rent his office space for his business in South Lake Tahoe. She said Limanni was in her office on September 22, 1998 to sign the lease for 2494 Lake Tahoe Blvd. and the check bounced. She said he returned on October 5th with another check. On that date he was with a young looking male whom she did not know. She said Limanni had paid for three months on the lease. When the rent became overdue, she sent a three day notice to pay the rent as well as registered letters asking him to move his van. She said the letters were all returned to her unopened.

Eichhorn said she had been in contact with Limanni's mother, his girlfriend Jennifer, a real estate broker in Santa Monica and his bank and that they had not heard from Limanni. Eichhorn faxed a brief statement indicating what she had told me as well as the rental agreement signed by Peter Limanni and a credit report.

In a telephone conversation with South Lake Tahoe Police Department Sgt. Schumacher, I was advised that his department would conduct a welfare check of the interior of the business and contact me with any pertinent information. At the time of this report on 12/10/98, there has been no further contact from the South Lake Tahoe Police Department.

VIII. FORENSIC LABORATORY EXAMINATION:

On 11/17/98, a request was submitted for the latent print processing of a Skoal Tobacco container, two Beck's empty beer bottles and seven pieces of lumber that were recovered from the Las Vegas Boulevard South scene. Two Marlboro cigarette butts from the scene were submitted for DNA analysis. As a result of the initial latent print processing request, latent prints found on lumber at the Las Vegas Boulevard South scene have been matched to Jack Seka and Peter Limanni.

On 11/23/98, a DNA request was submitted for samples recovered at the Las Vegas Boulevard South scene, the 1929 Western Avenue scene and the 1933 Western Avenue scene as well as the above listed Dodge van and Toyota pickup truck.

Forensic requests have been submitted on the firearms evidence to determine if possible what type of weapon they may have been fired from and if they were fired

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from the same weapon. A request has been submitted to determine if hairs found on the clothing of victim Hamilton are consistent with hair recovered from the dog inside 1933 Western. A request has been submitted for a comparison with the tire impressions recovered from the Toyota pickup truck with cast impressions recovered at the scene on Las Vegas Boulevard.

At the time of this report, the DNA results, firearms results and tire impression results have not been completed.

IX. CONCLUSION:

John Joseph (Jack) Seka remains at large. Records from Nextel Communications via indicate that the cell phone was turned off on 11/30/98. Peter Limanni remains a missing person and it is believed that blood evidence recovered in the investigation will support the assertion that Peter Limanni was killed by Jack Seka and transported in one of the vehicles, possibly the Dodge van containing the recovered blood samples.

For further information, please refer to any and all reports under Event numbers 981116-0443, 981106-0539, 981120-0699 and 981117-0730.

TT/kb
9801019

SEKA000216

APP2091

EXHIBIT 14

SEKA000217

APP2092

1 transcript.

2 So this is somebody who had been admonished
3 in another courtroom. Your Honor admonished him after the
4 first time when he tried to spit out something about
5 Mr. Seka's legal problems back east.

6 Now, the truth of the fact, Jack Seka had no
7 problems back east. Detective Thowsen ran this gentleman.
8 He had no warrant or arrests or anything else. There's an
9 old conviction, but the jury is now left with the
10 impression that Jack Seka had some criminal activity back
11 east.

12 And that is especially harmful in a case
13 where one of the jurors in voir dire expressed his disdain
14 for the legal system in Colorado when he found out
15 something along those lines about a defendant on a jury he
16 sat as the foreman on. So that is the first problem.

17 The second is, when Mr. Creamer, in response
18 to a question by the State, claimed that in his
19 confrontation with Mr. Seka in January of 1999, he felt
20 threatened, that he thought that he was a loose end, and
21 that Jack was going to tie up a loose end, and that Jack
22 was a threat to him. That, again, came in response to a
23 question by the State.

24 There has been no notice to us that
25 Mr. Creamer was ever going to allege that he had been

1 show you what's been marked for identification purposes as
2 Defense Proposed Exhibit K. Is that a picture of the back
3 of 1933 as you've drawn it on the board?

4 A Yes.

5 Q And does that fairly and accurately depict
6 how it appeared to you back in 1998?

7 A As far as I can recall, yes.

8 MR. CHRISTIANSEN: I move for the
9 admission of Defense Proposed Exhibit K.

10 MR. FATTIG: No objection.

11 THE COURT: It is received. Thank you.

12 Q (By Mr. Christiansen) Officer Nogues, the
13 gentleman that was in the chain link area that you
14 believed was the manager, did you ever secure his name?

15 A No, sir.

16 Q And, specifically, on the day in question
17 you didn't secure his name, that being November the 17th
18 '98?

19 A No, sir.

20 Q And even when called upon by homicide to do
21 a report about 20 days later, as we've talked about on
22 December the 5th, you never went back and secured that
23 gentleman's name?

24 A No, sir.

25 Q And that was the gentleman that told you

1 there were parties going on in 1933, and people were there
2 at nighttime on a regular basis?

3 A Yes, sir. I don't recall that he was
4 telling me specifically, or if he was just telling Officer
5 Kroll. I remember he was telling us that there had been
6 parties there on a nightly basis; yes, sir.

7 Q So everybody is clear, you've drawn for the
8 jury a model of what the building, 1933 and 27 and 37
9 looks like they're on Western Avenue; is that right?

10 A As far as I can recall, yes.

11 Q And that's not to scale by any engineering
12 or construction standards, is it?

13 A No, sir.

14 Q But does that fairly and accurately depict
15 the building and the location of the dumpster, and the
16 location of that chain link fence as it relates to Western
17 back in November of 1998?

18 A Yes, sir.

19 MR. CHRISTIANSEN: Judge, I would move
20 for the admission of -- and I don't have it marked yet,
21 but I think the next one would be Defense Proposed Exhibit
22 O, and I will have it marked.

23 MR. FATTIG: No objection.

24 THE COURT: It is received.

25 MR. CHRISTIANSEN: Thank you. I have

1 walk in.

2 The work was either completed or just
3 nearing the stages of completion on that. So there was a
4 lot of wood and other objects laying around in the
5 northwest office toward the front of the storefront.
6 There was also in the southwest office a lot of cedar
7 wood, specifically on the floor here.

8 Additionally, there was damage to the wall
9 where I'm not sure if construction was going on and there
10 was some kind of damage to the wall, but the wall board
11 was missing behind the couch here in the south central
12 office.

13 And this wall here used to be a doorway and
14 they were, apparently, in the process of making an archway
15 that opened into this southeast office area. So there was
16 a lot of construction and construction materials laying
17 around.

18 We found several firearms evidence.
19 Perhaps, I don't want to get out --

20 Q You didn't find any firearms, correct?

21 A No firearms, meaning guns?

22 Q You found some firearms-related evidence?

23 A Yes.

24 Q Go ahead and describe that.

25 A First of all, I have to kind of give you the

1 nomenclature on the firearms. We've all been watching TV
2 and they show you a bullet, and a bullet can mean anything
3 from the thing that comes out of a gun, a lead piece that
4 hits somebody, to the whole contraption, which would
5 include the base and everything.

6 So I just wanted to kind of explain our
7 nomenclature on this. For us a complete cartridge is the
8 whole thing. It's composed of the cartridge case, which
9 is a metal cup. The metal cup is usually made out of a
10 chrome-colored metal or brass. It holds the powder or
11 propellant.

12 And then on top of that metal cup is the
13 actual bullet. The bullet also has a couple of
14 components. It has a core and it's lead, and oftentimes
15 it will have a jacket over it fully covering it, or
16 partially covering it with the bullet. And then it has a
17 primer somehow on the cartridge case.

18 Anyway, we found a cartridge case, it was a
19 357 magnum size in the false ceiling near the center of
20 the north wall in the northeast office -- northwest
21 office, I'm sorry.

22 We also found a cartridge case 357 magnum
23 size on the light fixture that was in front of the double
24 doors leading to the humidor. We also found another
25 cartridge case near the center of this south wall in that

1 northwest office, and they were all 357 magnum size.

2 Additionally, firearms evidence would
3 include a bullet that was lodged inside the wall, the
4 drywall of the south central office in the west wall. The
5 bullet had apparently traveled through the couch, the back
6 of the couch gathering up stuffing material as it went,
7 and lodged itself in the wall. When I recovered this, I
8 pulled the stuffing material out to get the bullet out,
9 and that's how that was found.

10 Additionally, there was a .32 caliber
11 cartridge, complete cartridge that had everything in it
12 that could have been fired, put into a gun and fired. It
13 was located inside the toilet in the restroom area in the
14 bottom of the bowl.

15 There was an additional .24 caliber
16 cartridge up in that false ceiling above his chair in the
17 northeast corner of the northeast office.

18 Q If you just go through the list of items
19 that you have on your diagram, I'll show the physical
20 items later. But if you could briefly go through them at
21 this point.

22 A Okay. We found numerous items out there.
23 I'll start with the dumpster in the back area. There were
24 numerous items out there, including photos and personal
25 papers in the name of Peter Limanni. There was also a

1 front side of the business, so we're looking at the west
2 side of the business. And it also has three vehicles in
3 front; a Cinergi van, a 1998 Toyota pickup truck, golden
4 in color, and an additional van.

5 No. 51, again, same shot, but it has more of
6 the other side, so it shows a different van in front of
7 the business.

8 No. 52 is showing the south central office.
9 Once again, this would be the east wall. It's showing the
10 location of the calendar that was collected or recovered.

11 And No. 53, that would be the south central
12 office again.

13 No. 54 is showing a picture of the toilet
14 bowl with the cigarette butt inside of it, and .32 caliber
15 cartridge complete.

16 No. 55 is showing the rear side of the
17 business just to the south of the door that was in here.
18 So it's just this area here, the southeast office area on
19 the exterior east side of the building.

20 No. 56 is a view of the couch in south
21 central office against the west wall. And there's a scale
22 in there showing where a bullet hole is in the top cushion
23 of the couch.

24 No. 57 shows the bullet hole going through
25 the couch and into the wall. And you can see a mass of

1 material in the wall, and that's what the bullet had
2 enshrouded itself in as it traveled through the couch.

3 No. 58 is showing a complete cartridge that
4 was a .32 caliber. That was in that northeast office
5 above the chair in the northeast corner of the office.

6 No. 59 shows a view of the rear side of the
7 business. It shows where the dumpster is, the pile of
8 wood that was in one of these other photos also that we
9 talked about earlier.

10 No. 60 shows the overall condition of the
11 dumpster, showing the beer bottles inside, clothing items,
12 burnt items, and the items in that bag that we talked
13 about earlier.

14 No. 61 is a photo of a birth certificate and
15 social security card, other cards in the name of Peter
16 Limanni. And it would also have the shoe that was
17 recovered from -- I believe it's a left shoe, so that
18 would be from the office, the inside office, not the
19 dumpster. The dumpster had the right shoe in it.

20 No. 77 has the gaming cards we opened up
21 here, and they were located just on the north side of the
22 dumpster near the side of the building.

23 And No. 78 shows the burnt clothing items
24 that we just pulled out of the bag.

25 Q Now, in addition to the crime scene sketch

1 A Yes, it does.

2 Q And were they?

3 A Yes.

4 Q And from what location or locations?

5 A The only place we got fingerprints were on
6 beer bottles that were located inside the trash can in the
7 south central office. There's an additional trash can in
8 the southeast office that had beer bottles inside of it,
9 and there was beer bottles in the dumpster in the back.

10 I tried other areas, and that's why I
11 couldn't remember the walls and stuff that I tried proved
12 negative, but the beer bottles I took back to the lab we
13 did get prints on those bottles.

14 Q Now, the jury has heard the way that
15 fingerprint processing is done, is that any of those
16 latents that you lifted that are later examined by a
17 fingerprint technician, would be then retained by that
18 technician. Is that the way you understand the procedure?

19 A If we get fingerprints and turn them in, the
20 latent print section does retain and store those
21 fingerprints for evaluation. Is that what you're asking?

22 Q Right. And on each of the latents that you
23 recovered, did you note on the card that you affixed the
24 latent to where it was recovered from?

25 A Right.

EXHIBIT 15

SEKA000228

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1

DISTRICT COURT

FILED IN OPEN COURT

CLARK COUNTY, NEVADA

February 22, 2001

SHIRLEY B. PARRAGUIRRE, CLERK

BY Linda Skinner

THE STATE OF NEVADA,

LINDA SKINNER DEPUTY

Plaintiff,

vs.

No. C159915

Dept No: XIV

JOHN JOSEPH SEKA,

Defendant.

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME I

February 21, 2001

1:07 p.m.

Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE

MR. TIMOTHY FATTIG

Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY

MR. PETER CHRISTIANSEN

Attorneys-at-Law

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Certified Court Reporter

Dino Vegno (702) 455-3452

SEKA000229

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1 A. 2:02, yes.

2 Q. 2:02. When you arrived, your supervisor,
3 Mr. Kabralis was there?

4 A. Yes.

5 Q. Mr. Ruffino, another crime scene analyst,
6 he was there?

7 A. Yes.

8 Q. Homicide Detectives Buczek, Thowsen,
9 Hefner were also there?

10 A. Correct.

11 Q. So there are at least five members of the
12 Las Vegas Metropolitan Police Department at this location
13 when you arrived?

14 A. That and more, because there's some patrol
15 officers actually watching the back end of the business,
16 to make sure nothing got disturbed in the rear open side
17 of the business.

18 Q. When you arrived your report indicates
19 there were two vans in front of the business, both
20 bearing a business logo of Sinergi?

21 A. Yeah, I noticed that in the report.
22 Looking back at the photos, I see one van with Sinergi
23 and one plain van.

24 I, somehow, became confused when I wrote
25 that report. There is a plain white van with no logo on

1 the side and a Sinergi van and the keys to both vans were
2 inside the business and accessed from the business, the
3 business itself.

4 Q. Were you the individual that took the
5 photographs of Mr. Seka there at 1933?

6 A. Yes, I was.

7 Q. And if I showed you some photographs would
8 you be able to tell the Ladies and Gentlemen of the Jury
9 if those were the pictures that you took?

10 A. Yes.

11 MR. CHRISTIANSEN: May I approach?

12 THE COURT: You may.

13 BY MR. CHRISTIANSEN:

14 Q. I'm going to show you what has been marked
15 as Defense proposed exhibits Q and R and ask you if those
16 are a fair and accurate depiction of Mr. Seka on the day
17 or evening of November 17, 1998.

18 A. Yes.

19 Q. Is one of those pictures a frontal picture
20 of Mr. Seka?

21 A. Yes.

22 Q. And the other a side picture?

23 A. Correct.

24 Q. They are taken there at 1933 Western by
25 yourself?

1 gone through one of these couches, and I'll - -

2 A. Yes, the south central office, on the west
3 wall.

4 Q. Is that correct where I'm pointing, the
5 one on the west wall?

6 A. Yes.

7 Q. You told the jury that part of the
8 stuffing from the couch had actually been carried with
9 the bullet into the drywall?

10 A. That's correct.

11 Q. Was there any blood on that bullet?

12 A. I didn't observe any, no.

13 Q. You also told Mr. Kane yesterday that all
14 of the other samples that you took appeared to be either
15 a rubbing against the wall or like a hand or something of
16 that nature or a dripping like under the sink where you
17 found it?

18 A. That's correct.

19 Q. Could all of those have been consistent
20 with the injuries on Mr. Seka's hands?

21 A. I don't know. I don't know how much blood
22 was on Mr. Seka's hands from the injury. At the time I
23 saw it and photographed it.

24 To determine whether it actually dripped
25 that much would be impossible for me to say right now.

1 Q. How long had that blood in the 14 or 15
2 samples you took inside 1933, how long had those samples
3 been on the various areas from which you removed them?

4 A. I don't know.

5 Q. Now I am done with 1933. I'll thank you.
6 I'm almost finished with you.

7 To the van that you processed at the crime
8 laboratory, I forgot where - -

9 A. Criminalistics bureau.

10 Q. That van had footprints in the back of it;
11 is that correct?

12 A. Yes, that's true.

13 Q. Were those footprints ever compared to Mr.
14 Seka's?

15 A. I really don't know. We gathered the
16 evidence and turned it in. What happens beyond that is
17 really out of our control.

18 Q. In the inside of the van did you already
19 tell me how many samples, apparent samples you took?

20 A. I think there was 13, no, 14, if you count
21 the Sinergi magnetic business cards, yes.

22 Q. Explain to me. As I read your reports I
23 see it says control and apparent sample.

24 A. Um-hum.

25 Q. What is control and apparent sample?

1 Q. Explain that to the jury.

2 A. The particular characteristic I'm thinking
3 of is one in a semi-automatic pistol where the cartridge,
4 the live cartridge is loaded actually into the back of
5 the barrel and fired from that position.

6 The bullet always hits the rifling
7 straightaway and it usually has very crisp markings.

8 With a revolver, which is a firearm which
9 has a cylinder that revolves to bring the new cartridge
10 into line with the barrel, if that cylinder doesn't
11 rotate to exactly the right place the bullet leaves the
12 front of the cylinder and then has to sort of make a
13 little turn to get into the barrel. They don't line up.

14 When that happens you get sort of the side
15 of the bullet is scraped off and that's very
16 characteristic of revolvers, and that was what I observed
17 on some of the bullets here.

18 Q. Now, the four, .357 cartridges that you
19 said appeared to have been fired from a single firearm,
20 first of all, what indicated to you that they had been
21 fired from the same firearm?

22 A. They all bore markings on the primer that
23 are picked up during firing and those markings were
24 identified too each other. That is to say they matched.
25 So those markings came from the same gun.

1 Q. And of those four did any of those come
2 from State's exhibit 19, the package that was recovered
3 from 1929 Western?

4 A. No, they did not.

5 Q. Did any of them come from the package that
6 has been marked or has been admitted as State's exhibit
7 42 recovered from 1933 South Western?

8 A. Yes. Three of them do.

9 Q. Where did the fourth one come from?

10 A. It was in the third package that is not
11 present, but was referred to a few moments ago.

12 Q. The one that I said Mr. Ruffino recovered
13 in December of 1998?

14 A. That's correct.

15 Q. So those three from 1933, in November, and
16 the one recovered from 1933, in December, all appear to
17 have been fired from the same firearm?

18 A. Yes.

19 Q. Were you able to tell in any kind of a
20 useful way what type or brand of firearm may have fired
21 any of these bullets?

22 A. Well, type would be whether it was a
23 pistol or a revolver and the answer is sort of a
24 qualified yes on that.

25 And in terms of the other part of the

1 question, whether, what brand of that, I did prepare a
2 list of weapons that mark bullets as the bullets, in
3 exhibit 19, are marked.

4 Q. Would it be fair to say that that list is
5 rather wide ranging? There's no way to pin these bullets
6 down to a particular brand of firearm?

7 A. That's correct.

8 There is a number of brands and each of
9 those brands make many, many firearms so I couldn't
10 narrow it down.

11 Q. How about narrowing design down the types
12 of firearm?

13 A. You can narrow it down, at least in
14 general, in that the .357 Magnum cartridge is generally
15 fired in a revolver and that's the most likely type of
16 firearm to use for that, though that's not to say that
17 it's the only type.

18 It's just the most common.

19 Q. With respect to the four, .357 Magnum
20 cartridge cases that you've said were fired from a single
21 firearm was there anything else that you observed about
22 those?

23 A. Just the fact that there was a variety of
24 head stamps which is the identifying marks that the
25 manufacturer places on there to identify their brand,

1 Q. Can you tell these people in the jury
2 there's been more than one primer strike on each of these
3 cartridges?

4 A. I don't recall seeing more than one.
5 I couldn't say that there weren't.

6 Q. Just so I'm clear, the primer is the very
7 bottom part of the bullet where - - I misspoke.

8 A. The cartridge.

9 Q. The very bottom part, the cartridge, the
10 primer is in there which is the explosive that sends the
11 bullet out of the top of the cartridge?

12 A. The primer is in the center of the flat
13 part of the cartridge which we call the head, and that's
14 kind of the sparkplug that lights the powder that sends
15 the bullet out. It's

16 the part that is actually hit by the
17 firing pin.

18 Q. The firing pin for us non-experts is the
19 hammer that falls on the back of the bullet?

20 A. It can be a hammer or it can actually be a
21 firing pin, but it's what hits the back of the cartridge
22 case, yes.

23 Q. If those bullets were re-loads and had
24 been fired from more than one gun there would have been
25 different primer - - different marks from the other

1 Q. Would looking at your report refresh your
2 recollection?

3 A. It will.

4 Q. Would you do that?

5 A. That is bullet item 22 in Exhibit 42.

6 MR. KANE: Nothing further.

7 THE COURT: Re-cross.
8
9

10 RE-EXAMINATION

11 BY MR. CHRISTIANSEN:

12 Q. Mr. Johnson, as I read your report I see
13 you to use two different terms. You either say they are
14 class consistent or consistently barrel class
15 characteristics are consistent or you say they are
16 conclusive identification?

17 A. That's right. Those are the two levels of
18 comparisons.

19 Q. In this case all you've been able to tell
20 this jury is the lower level of comparison, the least
21 reliable, which is class characteristics?

22 A. Right.

23 I'm limited because the class
24 characteristics are characteristics that are common to a
25 class of objects.

1 That is to say there could be a number of
2 firearms out there that would have very similar or the
3 same types of characteristics.

4 Q. Right.

5 You've been so honest as to even in these
6 three reports, as I count it, list more than 10 different
7 types of ammunition and numerous different types of guns
8 that could have been associated with the things you
9 examined?

10 A. That's correct.

11 Q. And what bullets go into can affect their
12 appearance, correct?

13 A. Oh, definitely.

14 Q. If a bullet goes through a couch in a wall
15 and hits some type of hard metal object and causes a
16 scrape on the right side that could be mistaken or as a
17 class characteristic from a misaligned cylinder?

18 A. It probably wouldn't be mistaken for that
19 but it certainly could obliterate marks, I would want to
20 say.

21 Q. You tested those items in a vacuum.

22 You get them and look at them to try to
23 make comparisons, correct?

24 A. That's correct.

25 MR. CHRISTIANSEN: Nothing further. Thank

1 Carl Low.

2 The second one was a John Seka and there
3 were prints on a Peter Limanni.

4 Q. Now, were you provided with latent
5 fingerprints that were recovered by crime scene analysts
6 so that you could compare those to those known exemplars?

7 A. Yes, I was.

8 Q. In addition to that, were you provided
9 with items of physical evidence from which you yourself
10 tried to recover latent fingerprints?

11 A. Yes, I was.

12 Q. And let's start with those.

13 What items did you receive that you
14 yourself as opposed to some crime scene analyst attempted
15 to recover latent fingerprints from?

16 A. I received seven pieces of wood, I
17 received a beer bottle. I received some cartridge cases
18 and the latent print lifts.

19 Q. Were you successful in your attempts to
20 secure latent fingerprints from any of these items?

21 A. I need to add one more. I did receive a
22 plaster cast also.

23 Q. Okay. Were you successful in your
24 attempts to recover latents from any of these items?

25 A. Yes, I was.

1 Q. From what?

2 A. The - - a beer bottle, I received, I
3 obtained a latent print. I obtained latent prints off of
4 pieces of wood that I had processed.

5 Q. I'd ask you to look next to you at what
6 has been admitted into evidence as State's exhibit 71.

7 Do you recognize that?

8 A. May I get up?

9 Q. If you would, please.

10 A. Yes, I do.

11 Q. Does that bear your signature or other
12 markings?

13 A. Yes, it has my markings, FNB1 on the
14 outside label, plus it bears my signature.

15 Q. Is this the lumber that you've been
16 talking about?

17 A. Yes, it was.

18 Q. At my request did you bring to my office
19 earlier today all of the lift cards containing the latent
20 fingerprints that you'd examined in this case?

21 A. Yes.

22 Q. And did you and I divide those up into
23 groups in anticipation of your testimony?

24 A. Yes, you did, or we did.

25 Q. Show you what have been marked for

1 identified to John Seka and the last one behind the
2 driver's door exterior from the 1998 Toyota pickup there
3 was a right thumb that was identified to John Seka.

4 These were all - - these were submitted by
5 Gary Reed.

6 Q. If you'd replace those, I want to talk to
7 you about State's exhibit 83 and where were the latents
8 in 83 recovered?

9 A. State's exhibit 83 contains five
10 fingerprint lifts. These are by crime scene analyst
11 Randy McPhail and these were obtained from Miller Lite
12 bottles found some in a trash can and one in a dumpster.

13 Q. So the jury is not confused, I think that
14 you mentioned that you developed a latent fingerprint
15 from a beer bottle, correct?

16 A. There was a Beck beer bottle that was
17 booked in as evidence and that is different and separate
18 from these.

19 Q. Okay. Would you go ahead with these and
20 then indicate what comparisons you were able to effect?

21 A. Yes.

22 Like I mentioned, they would be the five
23 print lifts; they were all submitted to me by crime scene
24 analyst McPhail. One fingerprint lift from Miller Lite,
25 the bottle located in the dumpster on the east rear side

1 of 1933 South Western Avenue.

2 That's the label on the card. I was able
3 to identify this as belonging to the left index finger of
4 John Seka.

5 The next lift was a - - from a Miller Lite
6 bottle located in the trash can inside the southeast
7 office. This was identified to the left index finger of
8 John Seka.

9 Another lift also labeled Miller Lite from
10 the trash can in the south east office was identified to
11 the left index of John Seka.

12 Q. And a third fingerprint lift also labeled
13 Miller Lite located in the trash can in the southeast
14 office were identified as belonging to John Seka.

15 Again, these are not labeled one, two,
16 three as far as bottles. I don't know if these are from
17 the same bottle or if we're talking about three bottles.

18 The last latent fingerprint lift also
19 labeled Miller Lite bottle located in the trash can in
20 the southeast office.

21 This was identified as belonging to the
22 left middle finger of Eric Hamilton.

23 Q. If you'd replace those in the envelope,
24 please.

25 In addition to the examination that you

EXHIBIT 16

SEKA000244

APP2119

1 **ORIGINAL**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

FILED IN OPEN COURT

FEB 22 2001

19

CHARLEY B. PARRAGUIRRE, CLERK

Linda Skinner
LINDA SKINNER DEPUTY

5 STATE OF NEVADA,)

6 Plaintiff,)

7 vs.)

8 JOHN JOSEPH SEKA,)

9 Defendant.)

Case No. C159915

Dept. XIV

10
11 VOLUME II

12 REPORTER'S TRANSCRIPT
13 OF
14 JURY TRIAL

15 BEFORE THE HONORABLE DONALD M. MOSLEY

16 DISTRICT JUDGE

17 Taken on Wednesday, February 21, 2001

18 At 3:00 p.m.

19 APPEARANCES:

20 For the State:

EDWARD KANE, ESQ.

TIM FATTIG, ESQ.

21 Deputy District Attorneys

22 For the Defendant:

KIRK T. KENNEDY, ESQ.

23 PETER S. CHRISTIANSEN, ESQ.

24
25 Reported by: Maureen Schorn, CCR No. 496, RPR

MAUREEN SCHORN, CCR NO. 496, RPR

SEKA000245

APP2120

1 Q You've been doing that for 20-some-odd
2 years, right?

3 A Full time; yes, sir.

4 Q You can't tell the people in this jury how
5 long any of the items had been in a particular area before
6 they were taken by the crime scene analyst and then
7 subsequently given to you to examine?

8 A No, sir, I cannot.

9 Q Similarly, you can't tell the jury how long
10 it was before the items, be it this wood or the beer
11 bottles, had been touched by some person and a print left
12 on them prior to them being left in a certain place?

13 A No, sir, I cannot.

14 Q You never went to the 1933 Western, correct?

15 A That is correct. I was never to the crime
16 scene.

17 Q Nobody from homicide ever asked you to go
18 out and process areas of the inside of 1933 or 1929
19 Western?

20 A No, sir. That's normally the job of the
21 crime scene analyst, although we are subject to be called
22 if they find some problem out there and they need our
23 assistance. But normally they do a pretty good job and
24 they don't need us.

25 Q You looked, I think you told the folks in

1 the jury, at a Skoal can and a Becks beer bottle from the
2 area around where Mr. Hamilton's body was found November
3 the 16th, 1998?

4 A That's correct.

5 Q Did you have the opportunity to review
6 pictures of those items taken by the crime scene analyst?

7 A Not right from the scene. I did -- there
8 was a beer bottle that was booked in as evidence, and I
9 had processed that myself for latent print comparison. If
10 it's the same one we're speaking of, then I did process
11 that, did come up with a latent print, a value for
12 identification, and I was unable to identify it.

13 MR. CHRISTIANSEN: May I approach the
14 witness, Your Honor?

15 THE COURT: You may.

16 Q (By Mr. Christiansen) Does Defense Proposed
17 Exhibits X and Y appear to be the Skoal can and the Becks
18 bottle that you examined?

19 A It appears to be. I can't say definitely it
20 is, but I assume that if this is the evidence that was at
21 the scene and that it was booked in that, this was
22 what -- maybe I looked at it at the lab.

23 MR. CHRISTIANSEN: Judge, the Defense
24 would offer Proposed Exhibits X and Y. I believe the
25 crime scene analyst sufficiently --

1 MR. KANE: No objection.

2 THE COURT: Those items are received.

3 Thank you.

4 Q (By Mr. Christiansen) Now, if I understand
5 you correctly, this Becks beer bottle you found a print?

6 A Yes, sir, there was.

7 Q And that was a latent identifiable print,
8 which means that had somebody handed you a known print,
9 you could have compared the two?

10 A That is correct.

11 Q Did you compare that print to the known
12 print of Jack Seka?

13 A Yes, sir; in addition to the two other
14 people, and there was no match.

15 Q And it wasn't Jack Seka, right?

16 A No. I did not ID it.

17 Q You can't tell the people in this jury how
18 the beer bottle, the Skoal can, or the wood that was
19 across Mr. Hamilton's body got to be in that location
20 south of town?

21 A No, sir.

22 Q And I thought I heard you say that on the
23 seven boards that you examined that's right there to the
24 right of you, sir, that on five of the boards you found
25 latent identifiable prints; is that accurate?

1 A Yes, sir.

2 Q And on three of those boards you found
3 prints -- two boards you found prints of Mr. Seka,
4 correct?

5 A Yes.

6 Q And on one board you found prints of
7 Mr. Limanni, correct?

8 A Yes, sir.

9 Q And on two other boards you found latent
10 identifiable prints that did not belong to Mr. Seka or
11 Mr. Limanni?

12 A That's correct.

13 Q Did you ever compare on those two boards
14 that had prints that didn't belong to Mr. Seka or
15 Mr. Limanni, did you ever compare those prints to the
16 prints on the Becks bottle?

17 A No, sir. I never did that.

18 Q Nobody ever asked you to do that, right?

19 A No. That would be a latent-to-latent
20 comparison. Normally, latent-to-latent comparisons
21 routinely are not done, unless it's specifically
22 requested, and that's due to the nature of the prints
23 themselves.

24 Q I just want to be clear, nobody asked you to
25 do that, right?

1 looked at what he had also observed, it appeared unique.

2 Q How long would you say you were at that
3 location on that day November 17th of '98?

4 A Quite some time, eight or nine hours.

5 Q Was Detective Buczek with you that entire
6 duration?

7 A I believe so. I think Detective Thowsen
8 left to do an interview. I'm pretty sure Buczek was there
9 the whole time.

10 Q And just so I'm clear, when you arrived the
11 first time you arrived at that site, did Buczek come with
12 you, or in a separate car?

13 A That I don't recall. He may have ridden
14 with me that day, I just don't know.

15 Q And you were shown a copy of the search
16 warrant. The address of 1933 Western, did you have
17 permission to search that address? Absent the search
18 warrant that you obtained, was there permission to enter
19 that premises from Jack Seka?

20 A When we initially arrived and contacted
21 Mr. Seka, he provided a consent to search, yes.

22 MR. KENNEDY: Pass the witness, Your
23 Honor.

24 THE COURT: Anything further?

25 MR. KANE: No, Your Honor.

1 Q Could you please point to him and identify a
2 piece of clothing that he's wearing today?

3 A He's the gentleman seated directly before me
4 wearing the multicolored brown and greyish sweater.

5 MR. FATTIG: May the record reflect the
6 identification of the defendant?

7 THE COURT: It may.

8 MR. FATTIG: Thank you.

9 Q (By Mr. Fattig) Could you describe your
10 initial contact with the defendant that day?

11 A Yes. After speaking with Sergeant Hefner
12 and Detective Buczek, I spoke with Mr. Seka and asked if
13 he would be willing to speak with me, and to accompany me
14 to the Detective Bureau where we could sit and talk and
15 try and see if he could assist us in our investigation.

16 Q And did the defendant agree to do that?

17 A Yes, he did.

18 Q And so did both of you go to the Detective
19 Bureau?

20 A Yes.

21 Q And where is that located at?

22 A At 400 East Stewart Avenue.

23 Q When you got to the Detective Bureau, what
24 happened?

25 A We went to an interview room which is

1 individual. At that point, he kind of smiled and sat back
2 in his chair, and said something to the effect of: You're
3 really starting to scare me now. I think you'd better
4 arrest me or take me back home. Do you have enough to
5 arrest me right now?

6 And at that point I explained to him that we
7 would not arrest him at this point, that we would wait
8 until all the forensic evidence was back before any such
9 arrest would be made.

10 Q When you said this individual, who were you
11 referring to in terms of who you thought he was a suspect
12 in killing?

13 A The person that was found on Las Vegas
14 Boulevard south of State Route 146, who was later
15 identified as Eric Hamilton. At the time of the statement
16 with Mr. Seka, we didn't know the person's true name.

17 Q And at that point, did you take the
18 defendant back to 1933 Western?

19 A Yes, I did.

20 Q Did you obtain samples of evidence from the
21 defendant?

22 A Yes, I did.

23 Q What did you obtain?

24 A We had the crime scene analyst take
25 photographs showing his overall face, injuries to his

1 hand. He was fingerprinted, and we obtained a DNA sample
2 via a buckle swab, which is for like a little tooth brush
3 that rubs inside the cheek of your mouth.

4 Q And did you, in fact, take that buckle swab
5 and impound that into evidence?

6 A Yes.

7 Q Did the defendant eventually leave the
8 business there on Western?

9 A Yes, he did.

10 Q And, again, he wasn't under arrest at that
11 point?

12 A No, he was not.

13 Q How did that come about?

14 A While we were back at the scene on Western,
15 I explained to Mr. Seka that he could not go back inside
16 because the scene was being processed by the crime scene
17 analyst.

18 At one point he said that he had a dinner
19 appointment and he needed to take a vehicle and leave.
20 And I explained to him that we were impounding the brown
21 truck that was there as evidence, and that would be
22 processed and he wouldn't be able to take it.

23 At that point, he took out the key to the
24 brown truck and handed it to me, and asked if he could go
25 inside the business to retrieve keys to one of the two

1 vans that were parked in the front. There was a white van
2 and a van with large decals advertising the Cinergi
3 business.

4 I explained that he could not go inside the
5 scene because it was being protected and processed, but if
6 he will tell me where the keys were I would get the keys
7 and bring them out for them.

8 Q Did the defendant do that?

9 A Yes, he did.

10 Q The brown truck you're talking about, is
11 that the Toyota pickup truck?

12 A Yes, it is.

13 Q And did the defendant have the key to that
14 in his pocket?

15 A Yes, he did.

16 Q Did you, in fact, go inside and retrieve the
17 Dodge van keys?

18 A Yes. I retrieved two different sets of keys
19 to Dodge vans.

20 Q And where you retrieved them, were they in
21 the place the defendant described?

22 A Yes. He directed me to an area near a water
23 heater, and that's where I found them.

24 Q When you obtained the keys, did you have
25 additional contact with the defendant out in the back?

1 A Yes, I did.

2 Q Could you explain that?

3 A I went to hand him the keys, and he
4 commented that the key I gave him was to the white van,
5 like he was expecting that he wanted to take the van with
6 the decals on it.

7 And after thinking about it, my feeling was
8 that if he was to try and leave town, he would be easier
9 to find if he was in a vehicle with large decals on it
10 than a solid white vehicle. I asked him if he minded if I
11 look inside the vehicles prior to him taking one of them,
12 and he agreed that that would be okay.

13 Q And did you look inside the van with the
14 Cinergi decals on it?

15 A Yes, I did.

16 Q And what did you see?

17 A I found it to be a van that had a front
18 driver's seat and a front passenger's seat, and the entire
19 back of it was open. You could clearly see some areas
20 that looked like possible blood droplets, or where blood
21 may have been diluted as if it was cleaned out.

22 Q And were you present when any tests may have
23 been conducted on that?

24 A Yes, I was.

25 Q And what was the result of those?

1 A The crime scene analyst did a test, a
2 presumptive test for blood, and the test was positive.

3 Q What happened next?

4 A Next I looked into the solid white van and
5 was unable to find anything that appeared to be of
6 evidentiary connection to any of the cases.

7 Q So did the defendant obtain the keys and
8 then leave in that solid white van?

9 A Yes, he did.

10 Q Did he indicate whether or not he was coming
11 back to the business?

12 A Yes, he did.

13 Q What did he say?

14 A He said that he would be going out to have
15 dinner, and that he would return. Because we had the keys
16 to the business, and we were going to have him come back
17 and we would turn the keys over to him if he was going to
18 be back at a later time when the processing was finished.
19 He agreed that he would come back and take charge of the
20 business.

21 Q And did he, in fact, come back to the
22 business that night?

23 A No, he did not.

24 Q Approximately when was the next time you saw
25 him?

1 the forceful taking of property from another person,
2 correct?

3 A That's correct.

4 Q Did you know that Mr. Hamilton was arrested
5 and placed in the City Jail on November the 6th, 1998?

6 A I knew of some of his arrests in the past.
7 I don't recall, specifically, that date or circumstances.

8 MR. CHRISTIANSEN: Judge, may I
9 approach?

10 THE COURT: You may.

11 MR. CHRISTIANSEN: For the record, I
12 provided the State a copy of these documents that I just
13 received late yesterday afternoon.

14 MR. KANE: Acknowledged.

15 THE COURT: Thank you.

16 Q (By Mr. Christiansen) You're familiar with
17 booking sheets and sheets kept in detention centers about
18 how long somebody is kept, and what their name is, and
19 things of that like, correct?

20 A Yes.

21 Q If I handed you a group of such sheets
22 related to the November 6th arrest of Mr. Hamilton, could
23 you perhaps answer some questions?

24 A Certainly.

25 MR. CHRISTIANSEN: May I approach,

1 Judge?

2 THE COURT: Yes.

3 Q (By Mr. Christiansen) Handing you what's
4 been marked for identification purposes Defense Proposed
5 Exhibit AA. See if you can take a look at that and tell
6 me what it appears to be?

7 A This appears to be an arrest of an
8 individual on November 6th, 1998 at 10:25 in the evening,
9 where he was booked as a John Doe.

10 Q What does it mean when somebody is booked as
11 a John Doe?

12 A It means that they have no identification
13 and are not providing an actual name of who they are.

14 Q So it's twofold: A, no identification, and
15 they are unwilling, or unable, I guess at times if
16 somebody was hurt, to give their name?

17 A That's my understanding, yes.

18 Q Would you flip the page there, if you would,
19 and I'm not interested in the underlying facts. It
20 appears that he was arrested on a trespass charge; is that
21 correct?

22 A Yes.

23 Q And another charge was false information to
24 a police officer?

25 A Yes.

1 Q And those are both by their event number,
2 November the 6th, 1998?

3 A That's correct.

4 Q I'm showing you what's about ten pages down
5 of that, for counsel's purposes, a piece of paper that
6 came from the Las Vegas City Jail. Does that reflect when
7 it was Mr. Hamilton was released from the City Jail?

8 A It says Thursday, November 12th at 1915,
9 which will be 7:15 in the evening.

10 Q So he was released four days before he was
11 found, correct?

12 A Correct.

13 Q And I'm showing you now the following page.
14 It appears to be a booking photo. Does that seem to
15 indicate that might be Mr. Hamilton?

16 A Yes, it does.

17 Q It looks like Mr. Hamilton?

18 A Yes.

19 Q And is he still listed here as John Doe in
20 the booking photograph?

21 A Yes; without the top portion.

22 Q At some point it appears that he's able to
23 be identified as Eric Hamilton by the City Jail?

24 A It appears that way.

25 Q Whether he gave it, or fingerprints

1 identified it, I can't seem to tell on here. When
2 somebody is taken into custody, is an inventory taken of
3 what they have on their person?

4 A Yes.

5 Q And is that to make sure that when somebody
6 is released, they get back what they had?

7 A Yes.

8 Q Look on that piece of paper and see if you
9 can tell for me if that is the inventory of John Doe,
10 which is later identified to be Eric Hamilton?

11 A That's what it says, yes.

12 Q Does he have a wallet when he is booked?

13 A Looking at the line they use, I understand
14 that would be a no.

15 Q Does he have any money, any currency?

16 A It does not appear to be, no.

17 Q And it appears that he does not have any
18 jewelry either when he was booked on November the 6th,
19 1998?

20 A No.

21 Q So you don't get money and/or jewelry in
22 any of the jails here in Las Vegas, do you?

23 A Not that I'm aware of.

24 Q So when he was released November the 12th,
25 he didn't have a wallet, currency, or any jewelry on

1 November the 12th at 7:00-something p.m.?

2 A Based on that document, no.

3 Q Does it also show here that Mr. Hamilton
4 used multiple names and social security numbers?

5 A According to the City Hall information, the
6 City Jail information, yes.

7 Q Now, in fairness to you, Detective, this is
8 the first time you've seen this material, correct?

9 A Correct.

10 Q In fact, during your investigation, you
11 never went and obtained this on your own?

12 A Not the City Jail information, no.

13 Q In connection with Mr. Hamilton, I'm going
14 to try and go one to the other so we stay focused. You
15 had occasion to interview by telephone his sister; is that
16 accurate?

17 A Yes.

18 Q And a cousin, a gentleman by the name of
19 Carl Bell?

20 A That's correct.

21 Q And the information you received from the
22 sister was that Mr. Hamilton had been a paranoid
23 schizophrenic in California?

24 A Yes.

25 Q And that he had been institutionalized at

1 some point in time?

2 A Yes.

3 Q And that he had at some point left
4 California to come to Las Vegas to try to get a clean
5 start, so to speak?

6 A That is correct.

7 Q And you spoke to Carl Bell, his cousin, and
8 Mr. Bell told you, and the sister I think told you this as
9 well, that Mr. Hamilton had a drug problem?

10 A Yes.

11 Q And that he had some problems in LA that he
12 was trying to get away from coming here? Mr. Bell told
13 you that information?

14 A That's correct.

15 Q And Mr. Bell told you that he, in fact,
16 brought Mr. Hamilton here, and they were staying together
17 at the Downtowner Hotel sometime around October 25th,
18 1998?

19 A I don't believe they were staying together.
20 He just had got the room for Mr. Hamilton.

21 Q There came a time when in trying to identify
22 Mr. Hamilton you sort of back-tracked yourself to the
23 Downtowner Hotel, correct?

24 A Correct.

25 Q There was no entry for Eric Hamilton at that

1 Q I will offer to you, and I will allow you to
2 look in your reports, and in your reports it reflects
3 there's no license plate on the plain van with no decals.

4 A Okay.

5 Q So if following your logic, somebody that is
6 innocent would take a plain van with no decals and no
7 license plate, over one that's easily identifiable and has
8 a license plate. That's what you're telling these folks
9 in the jury?

10 A If they were going out for a dinner, and
11 probably not realizing that there was no plate on it at
12 that time as we walked outside to that area.

13 Q What if they like to advertise?

14 A Then I guess they would take one that had a
15 sticker on it.

16 Q Now, we just got to hear the statement of
17 Mr. Seka, and I'll point you to the page if you want to
18 look, what does he tell you?

19 A That he likes to advertise.

20 Q And so he drives the one with the decals on
21 the side, doesn't he?

22 A Yes.

23 Q So what you have spun for the jury as
24 something a little hinkey, is very much consistent with
25 what he told you in his statement that he drives the van

1 with the decals because he likes to advertise, right?

2 A The only problem with that, is that the air
3 conditioning business was defunct at that point and he was
4 trying to open the cigar store, so there would be no point
5 in advertizing it.

6 Q I just want to know, is that the van he told
7 you he liked to drive?

8 A That's the van he told me that he was
9 wanting to drive that night, yes.

10 Q Now, you've talked about the business being
11 defunct, correct?

12 A Correct.

13 Q And did you ever go check the bank accounts
14 that the various witnesses gave you for Peter Limanni?

15 A I believe we had information from the bank
16 accounts.

17 Q Did your information show that on a regular
18 basis from September through the closure of the accounts
19 in November 2nd of 1998, Mr. Limanni removed money in
20 large sums and on a regular basis?

21 A I don't recall off the top of my head.

22 MR. CHRISTIANSEN: May I approach,
23 Judge?

24 THE COURT: You may.

25 MR. CHRISTIANSEN: Your Honor, these

1 are records I received yesterday in return to a subpoena
2 to the bank accounts of Mr. Peter Limanni.

3 Q (By Mr. Christiansen) Now, Jennifer
4 Harrison told you what bank Mr. Limanni banked at,
5 correct?

6 A Yes. She told us several.

7 Q And one of them was Nevada State Bank, was
8 it not?

9 A I believe so, yes.

10 MR. CHRISTIANSEN: May I approach?

11 THE COURT: You may.

12 Q (By Mr. Christiansen) Detective Thowsen,
13 showing you what's been marked for identification purposes
14 as Defense Proposed Exhibit BB, and ask to you take a look
15 at that and see if I was correct that the bank account was
16 closed November the 2nd, and that prior to that sums of
17 monies were removed for a period of three months until
18 there was no money and there were overdrafts?

19 A Yes.

20 Q That appears to be correct?

21 A Yes.

22 Q Did you run a background check on
23 Mr. Limanni?

24 A Depends what kind of background check that
25 you're referring to.

EXHIBIT 17

SEKA000266

APP2141

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 07/13/93)

EVENT: 981116-0443

STATE OF NEVADA)
) ss: SEKA, JOHN JOSEPH "JACK"
COUNTY OF CLARK) FBI# 118012KA6

Det. T. Thowsen, being first duly sworn, deposes and says:

That he is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 21 years, assigned to investigate the crime(s) of MURDER WITH DEADLY WEAPON, 2 CTS and ROBBERY WITH DEADLY WEAPON, 2 CTS committed on or about 11/15/98 to 11/16/98, which investigation has developed SEKA, JOHN JOSEPH "JACK" as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:

That on 11/16/98 at approximately 0600 hours, Michael Stanish was driving southbound on Las Vegas Boulevard approximately two miles south of State Route 146 when he observed a body laying in the west side of the road in the desert. Stanish notified Metro police of the incident and Resident Officer G. Kapp responded to the scene and requested General Assignment detectives. General Assignment Detectives Flynn and Hnatuick arrived the scene and determined that Homicide detectives should be notified.

That at approximately 0730 hours declarant arrived the scene and met with Det. Buczek and Sgt. Hefner. A homicide investigation was initiated under event# 981116-0443. The victim, documented as John "Lumber" Doe, was observed to be a black male with apparent gunshot wounds. Various pieces of lumber were laying across the body. The wood consisted of various lengths of lumber that appeared to be new and not stained or weathered.

That upon examination by Coroner Investigator Stallings, a gunshot wound was located to the victim's back beneath the left shoulder blade, a second gunshot wound was to the lower abdomen, and a third gunshot wound was located in the chest.

That a piece of scrap paper was located in the victim's right front pocket. The name Jack and the telephone number [REDACTED] 5957 were written on the paper.

That tire impressions were observed, photographed, and cast in plaster. The tire impressions led from the roadway to the position the body was dumped and back to the roadway. The impressions indicated that the vehicle drove over small desert vegetation and had a narrow wheelbase and narrow tires.

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DECLARATION OF WARRANT/SUMMONS CONTINUATION
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That the phone number found in the victim's pocket, [REDACTED] 5957", was researched through Recom Wireless. The telephone number returned to a cell phone to Cinergi Hvacar (heating ventilation and air conditioning) Inc. at 1933 Western Avenue to an employee named Jack. Your declarant checked through Business License and determined that 1933 Western was licensed by Peter Limanni as both a heating and air conditioning business and a smoke shop.

That a check through Scope revealed that Peter Paul Limanni, under LVMPD ID#1229386, is a white male, DOB: [REDACTED] 54, listing his home address as 1933 Western Avenue, Las Vegas, Nevada.

That on 11/17/98 Rick Ferguson of R&M Trophies located at 1937 Western Avenue telephoned Metro dispatch at approximately 1007 hours. Mr. Ferguson reported that the glass was broken out at the front of a vacant business at 1929 Western and pools of blood were visible on the sidewalk and inside the business. Metro Patrol Officers R. Nogues and R. Kroll arrived the scene at 1929 Western and observed what appeared to be marks in blood that were consistent with dragging of a heavy object, possibly a body. Inside the business, the officers found three spent bullets, a jacket, a hat, and a bracelet. The jacket was later determined to have three apparent gunshot holes. The bullet holes in the jacket were consistent with the gunshot holes in John "Lumber" Doe.

That while investigating the incident, Officer Nogues requested Criminalistics and began to check the area. At the rear of the business, Officer Nogues observed a dumpster. Being concerned that somebody or something may be in the dumpster, Nogues checked and observed that the dumpster had been emptied and only a small amount of miscellaneous papers were stuck to the bottom.

That while at the scene, Officers Nogues and Kroll observed a white male later identified as John Joseph Seka pull up to the business at 1933 Western in a small brown Toyota pickup.

That Officer Kroll made contact with Seka to see if he had heard anything or knew what might have happened in the business next to his. In the conversation Seka had with the patrol officers which lasted between fifteen to thirty minutes, he was noted to be cooperative but seemed very nervous.

That Seka told Officer Kroll that he had just returned from New Jersey within a week and had not seen anything suspicious in the area. Seka explained that his business partner, Peter Limanni, had not been around since November 5th.

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DECLARATION OF WARRANT/SUMMONS CONTINUATION
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That when Officer Kroll asked Seka where Limanni might be, Seka stated that he thought Limanni was in South Lake Tahoe or Reno with his girlfriend.

That Officer Kroll asked Seka if he could have permission to look inside his business at 1933 Western to make sure there was no one else in there that was hurt. Seka agreed and Officer Kroll checked the business.

That Officer Kroll saw a cartridge approximately two and a half inches long sitting on top of a desk as well as several knives that were in the office area. Officer Kroll temporarily handcuffed Seka for his safety and patted him down. Officer Kroll continued to look through the business and did not find any other suspects or victims or anything that he felt was out of the ordinary. Kroll released Seka from the handcuffs and cleared the scene.

That Crime Scene Analyst D. Ruffino responded to 1929 Western to process the scene. After realizing that the bullets, blood, and jacket could be related to the homicide from the previous day involving the body dump on Las Vegas Boulevard South, Ruffino contacted Sgt. Hefner.

That Sgt. Hefner and Det. Buczek responded to 1929 Western and were briefed by Crime Scene Analyst Ruffino. Sgt. Hefner contacted Mr. Seka at 1933 Western and requested the original Patrol Officers Kroll and Nogues to return to the scene.

That Seka gave Sgt. Hefner a written consent to search 1933 Western Avenue. While searching the business, it was noted that the cartridge described by Officers Nogues and Kroll was now missing. Officer Kroll asked Seka where the cartridge was. Seka told Kroll that he did not know what happened and felt that he may have knocked it over or somebody may have taken it from the area.

That while officers were searching the area, the same dumpster Officer Kroll had previously checked behind 1933 Western was examined. Several items of clothing that were partially burned were discovered inside. Some of the items of clothing had the name Limanni written on them and a checkbook in the name Peter Limanni was discovered.

That new lumber being used to build a walk-in humidor for the smoke shop under construction inside 1933 Western was similar to the wood found on top of John "Lumber" Doe at the Las Vegas Boulevard South scene.

That the wood found on Las Vegas Boulevard South was processed for latent fingerprints. The latent fingerprints recovered were matched to John Joseph Seka and Peter Limanni.

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DECLARATION OF WARRANT/SUMMONS CONTINUATION
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That your declarant responded to 1929 Western on 11/17/98 at approximately 1430 hours and spoke with Sgt. Hefner and Det. Buczek. Sgt. Hefner explained that John Joseph Seka also known as "Jack" was identified as the only employee working inside 1933 Western.

That Sgt. Hefner explained pursuant to the consent to search for 1933 Western, several locations had been discovered with droplets of apparent blood on the interior walls of the business. In the back office area, Sgt. Hefner pointed out a couch that had an apparent gunshot hole from the front through the back with stuffing protruding from the rear of the couch and a bullet hole through one piece of drywall and a bullet recovered in a second piece of drywall directly behind the couch and in line with the apparent bullet hole.

That declarant asked Seka if he would voluntarily come to the Detective Bureau and be interviewed about the damage to the next door business and blood that had been found in that business and his business.

That Seka agreed and your declarant drove him to the LVMPD Detective Bureau.

That at approximately 1450 hours declarant explained to Seka that he was not under arrest, however, he was requested to read a Rights of Person Arrested out loud so that he would be apprised of his rights due to the nature of the crime being investigated. Seka read the card aloud, signed it, and indicated that he was wanting to cooperate and speak to declarant without an attorney being present.

That Seka explained that the business at 1933 Western is owned by a friend of his named Peter Limanni. According to Seka, there were two other men that were business partners in the Cinergi business that had put up the money. He described them as silent partners and said they both live in L.A. He identified them as Tak Kato and Kaz Toe. Seka said the two men had not been in Las Vegas for approximately five weeks.

That Seka said he left town to go to Philadelphia for his daughter's birthday leaving on the 29th of October and returning to Las Vegas on the 3rd of November. He said Limanni picked him up at the airport the night he came back and spent the following day with him. The next morning, Limanni got up and left on his own and did not wake him. Seka said he had not seen or heard from Peter Limanni since.

That there was a white Jack Russell Terrier named Jake that was in the Cinergi office. Seka explained that the dog belonged to Peter Limanni.

That white hair consistent with dog hair was recovered on the victim's clothing.

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That Seka explained that the business had two white Dodge vans and a brown Toyota pickup truck that they utilized. He said there was an additional Dodge van that Peter Limanni had previously taken to Lake Tahoe for a business he was going to start there.

That Seka said the Las Vegas business had a telephone number of [REDACTED]-5993, however, it had been turned off and he was currently using his cell phone with number [REDACTED]-5957". Seka was wearing the cell phone and displayed it to declarant during the interview. This is the same phone number found in the pocket of victim John "Lumber" Doe.

That Seka was asked if he was familiar with a black male that may have been around the business. Seka explained that other officers had told him there was a black male homicide victim that had his name and phone number. Seka said the black male was named Seymour and that in the past he had done some odd jobs at 1933 Western.

That Seka claimed he last saw Seymour about a month ago and told him to call in about a month to see if there was any work available.

That declarant asked Seka if he could explain the blood inside the business at 1933 Western. Seka said that he had cut himself and Peter Limanni had cut himself there at different times when they were working. Seka pointed out that he had injuries to his knuckles. When questioned about a cut on one knuckle, Seka explained that the injury had a scab but he bit it off because he is one of those kind of people that hate scabs.

That declarant asked Seka if he or Limanni owned any guns. Seka explained that Limanni owns guns, however, he had not seen any in Las Vegas. When asked about the cartridge that was seen by officers on his desk earlier in the day, Seka denied any knowledge of the cartridge and claimed he did not pick it up.

That Seka explained that he was the only person that had been at the 1933 Western address in the last few weeks and claimed he did not know what happened to the black male whom he called Seymour and that he did not do anything to Seymour.

That Seka said Limanni's business had originally been an air conditioning business, however, they were recently attempting to open a smoke shop. Seka said even though he had not seen or heard from Limanni in several weeks, he was continuing to work on the business himself to get the smoke shop open.

That your declarant briefly left Seka in the interview room and made telephone contact with Sgt. Hefner to explain what had been learned from the interview. Declarant learned that Sgt. Hefner was in the process of seeking a search warrant for the 1933 Western address and vehicles. He advised that per the D.A.'s office, we were to wait prior to arresting Seka

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until additional evidence linked our victim John "Lumber" Doe and the two scenes located at 1929 Western and 1933 Western. The whereabouts of Limanni needed to be determined also.

That upon returning to the interview room, declarant explained to Seka that the evidence did not support his statement. Declarant explained to Seka that it was believed that he killed the black male that had been dumped and that the blood and bullet evidence linked the victim and that the lumber in Seka's business was similar to the lumber found at the scene where the body was located as well as inconsistencies in Seka's story.

That Seka sat back in his chair and smiled. He said, "You're really starting to scare me now. I think you better arrest me or take me home. Do you have enough to arrest me at this point?"

That declarant explained to Seka that he would not be arrested until processing and forensic testing could be done. Declarant drove Seka back to the 1933 Western location where Seka had been living and working.

That Seka gave consent to have his photographs, fingerprints, and a buccal swab taken while at 1933 Western.

That crime scene analysts at the scene discovered apparent blood spots around the bed of the same brown Toyota pickup truck which tested positive for blood. Declarant advised Seka that the truck would be impounded and processed as evidence. Seka reached into his pocket and removed the key for the Toyota truck. He then explained that he wanted to take one of the vans to go have dinner and asked if he could go into the business to get the keys.

That declarant refused to allow Seka into the business because it was being processed. Declarant obtained two sets of Dodge keys from inside the residence and returned to Seka. One of the Dodge vans was an unmarked white van, the second was marked with large Cinergi decals. Upon handing one of the sets of keys to Seka, he remarked that the keys declarant gave him were for the unmarked white van. He seemed perplexed as though he was expecting or wanting to leave in the second van that was marked in the large Cinergi decals. Declarant asked Seka if he would grant permission to search inside the vans before they left the area. Seka agreed and unlocked the marked van having Nevada license 514JME. Upon looking inside, declarant observed on the back of the van was completely empty. Upon looking at the floor and wall area, declarant noted several areas of what appeared to be blood or blood that had been partially washed out.

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That declarant requested crime scene analysts to conduct a presumptive test for blood. The test was completed with positive results.

That declarant checked the plain white van bearing no license plates and could not observe anything that appeared to be of evidentiary value.

That Seka left the area in the unmarked white van and said he would return to the business to secure it when he finished with his dinner.

That declarant and the crime scene analysts checked the undercarriage of the Toyota pickup truck looking for any evidence of off-road use and/or a possible vegetation that could have been deposited there when the body of the victim was dumped in the desert. In viewing the front of the undercarriage, several areas were identified as being consistent with being in contact with brush or similar shaped or designed objects that would cause scratches in the dust and oil areas. No vegetation was observed or collected. The undercarriage was photographed prior to the vehicle being towed to the crime lab for processing.

That your declarant and Det. Buczek remained at the scene for several hours with crime scene analysts and Seka never returned. The property manager, Michael Serta, was contacted to secure the business and take charge of the white Jack Russell Terrier.

That other items of evidence located inside 1933 Western included a wallet located in the false ceiling belonging to Peter Limanni. The wallet contained his drivers license, social security card, birth certificate, and various credit cards. A .32 caliber cartridge was recovered from the toilet bowl. A .32 caliber cartridge was located in the northeast corner of the false ceiling and three .357 shell casings were recovered in the false ceiling above the northwest desk.

That your declarant interviewed Michael Cerda, the property manager for 1933 Western Avenue. Cerda explained that Peter Limanni had a lease for 1933 Western and had been originally doing business as a heating and air conditioning repair service. Cerda said the business started off well but had died off and Limanni had been in the process of converting a portion of the business into a smoke shop with a cigar humidor. Cerda said the business had been occupied for approximately six months and that Tak Kato, a California business man, was also on the lease.

That Cerda said Kato had not been at the business for more than a month. He said Peter Limanni had been staying at the business with his friend or partner named Jack.

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That Cerda was shown photographs that were taken from the business and identified one of the photographs as Peter Limanni and another photograph as Peter Limanni and Jack standing together.

That according to Cerda, he believed he last saw Peter Limanni in the late afternoon on Friday, the 6th of November in front of 1933 Western. They discussed the rent and Limanni showed Cerda approximately two or three thousand dollars in cash and said he was going to be participating in a cigar show at Cashman Field. Limanni said he would pay the rent on the following Monday.

That Cerda said he called on Monday and did not get a response. He came to the site throughout the week. He said no one answered the door but Jake the dog was inside. Cerda said on Wednesday, the 11th or 12th, he posted a five day notice on one of the vehicles for the business which he described as the Toyota pickup truck.

That Cerda said Jack called the day he posted the five day notice and told him that he had just come back to town and he was going to be paying the rent even though he did not know where Peter was.

That Cerda said on 11/17/98 he was asked to come down by the tenant in the trophy business when the break-in was discovered with broken glass and blood on the front door of unit 1929 Western. Cerda said 1929 had been vacant for approximately a month and a half.

That Cerda explained that he was inside 1933 Western earlier with the police and observed a cartridge that appeared to be a .38 or .357 magnum. He described it as a full metal jacket with a brass case. According to Cerda, when the officers asked Jack if he had a weapon, Jack answered no. When they asked what the bullet was doing there, Cerda thought Jack answered, "I think Peter has a weapon and he has a permit for it."

That in addition to the other items found in 1933 Western, a purse was discovered in the false ceiling having ID in the name Lydia Gorzch. Investigation revealed that the purse had been taken out of her vehicle as it was parked near the Crazy Horse II on Industrial after someone fired a bullet through the window to gain entry on 11/6/98.

That on 11/17/98, an autopsy was performed on the body of John "Lumber" Doe at the office of the Clark County Coroner/Medical Examiner's Office. Det. Buczek attended the autopsy and noted that the victim had one entry gunshot wound to the left lower abdomen, one exit gunshot wound to the right buttocks, one entry gunshot wound to the back left midline, one exit gunshot wound to the chest, one entry gunshot wound to the right rear thigh, one exit gunshot wound to the right inner thigh, and one gunshot wound grazing the

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right rear thigh. After a complete autopsy, Dr. G. Sheldon Green ruled the cause of death to be a gunshot wound to the back, manner of death - homicide.

That on 11/24/98 declarant received a telephone call from Michelle Hamilton. Hamilton explained that she is the sister of the victim, Eric Hamilton (Eric Hamilton, previously mentioned as John "Lumber" Doe, had been identified by fingerprints by the Clark County Coroner's Office). Hamilton explained that Eric Hamilton had been treated in the past for paranoid schizophrenia. She said her cousin, Carl Bell, drove Eric from Los Angeles to Las Vegas on a date that she believed was October 11, 1998. Michelle Hamilton said she last spoke with Eric on 11/13/98 and at one point he'd been staying in room 171 at an unknown hotel with a phone number of (702) 384-1441.

That declarant researched the telephone number and learned it returned to the Downtowner Motel. Declarant responded to the Downtowner Motel and spoke with desk clerk Elsworth Kekua. Kekua checked the files and could not find any record under the name Eric Hamilton. In looking for records on room 171, Kekua determined that an individual named Thelya Wilson was currently in the room and had moved in on 11/2/98. Declarant later spoke with Thelya Wilson, black male, DOB: [REDACTED] 73, and learned that he had no knowledge of Eric Hamilton.

That on 11/30/98 declarant contacted the LVMPD Pawn Detail and requested a gun registration check for Eric Hamilton, John Seka, and Peter Limanni. The results were negative, however, the Pawn Detail determined a .40 caliber Sig Sauer handgun was registered to a Tiffany Limanni with a date of birth of [REDACTED] 68 and address on [REDACTED].

That upon investigating further, declarant made contact with Joseph Brizzi. Brizzi explained that he was Tiffany Limanni's father. He said Tiffany had been separated from Peter Limanni for more than a year and had moved to an unknown location in California.

That a check of pawn tickets revealed that John Seka using social security number [REDACTED] 5812, and date of birth [REDACTED] 68, had three entries beginning on 11/7/98. The first entry dated 11/7/98 was for a wire feed welder. The second entry dated 11/10/98 was for a Milwaukee metal saw and the third entry dated 11/10/98 was for a Hitachi disk grinder and sander.

That on 11/30/98 declarant spoke with Steven Limanni, brother of Peter Limanni. Declarant learned that Steven last spoke with Peter three years ago and explained that he was not close, however, his brother would stay in touch with their mother. Steven said Peter had a dog named Jake and took the dog everywhere with him. He did not feel that Peter would leave the dog under any circumstances.

SEKA000275

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That on 12/1/98 declarant spoke with Diane Tomasevich, the sister of Peter Limanni. She explained that she had a telephone call on October 4th from Peter. She said in the beginning portion of November, she attempted to phone Peter and spoke with Jack. She said Jack told her Peter was in Reno with his girlfriend Jennifer. Tomasevich said Jack worked for Peter but did not own any equipment in the business.

That Tomasevich said her mother, Sylvia Copella, had not spoken with Peter since the first part of November.

That Tomasevich said Peter was extremely close to his dog and took the dog everywhere with him.

That declarant explained concerns that Peter Limanni may have become a victim of homicide and requested Tomasevich contact the LVMPD and complete a missing persons report.

That on 12/1/98 declarant spoke with Carl Bell, the cousin of Eric Hamilton. Bell said that his cousin had been under house arrest and wanted to leave Los Angeles for a fresh start in Las Vegas. Bell said he drove Hamilton to Las Vegas on 10/25/98 and got a room at the Downtowner Motel under the name Carl Bell. Bell confirmed that Hamilton had a dark navy blue jacket, a black brimmed hat, and an unknown logoed dark baseball cap as part of his belongings when he came to Las Vegas. He believed that Hamilton had approximately a thousand dollars or more with him when he arrived in town.

That on 12/2/98 Tomasevich contacted declarant by telephone and explained that her brother Steven had been in contact with a Mr. Polsky at a business called Motor Works in New Jersey, with a business phone of (609) 251-0050. She claimed Polsky said he was to pick up Jack from the airport in October when he was coming back home. According to Polsky, Jack was not on the plane but showed up the next day. He said the following day, Jack returned to Las Vegas. After returning to Las Vegas, Polsky allegedly received a phone call from Jack claiming that Pete had vanished and had taken all the money from three accounts.

That on 12/7/98 declarant made telephone contact with Takeo Kato. Mr. Kato explained that he was the investor in Limanni's business along with his partner, Kaz Toe. Kato said Limanni's business was started at the end of April or beginning of May 1998. He said they invested approximately one hundred thousand dollars in the business. According to Kato, the air conditioning business was failing and October 15th he was suppose to get the money he invested returned as well as the four vans and Toyota pickup truck he had leased for the business. On October 13th, Limanni went to California and met with Kato and attempted to get Kato to invest in the cigar business.

SEKA000276

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That on October 26th, Kato came to Las Vegas and told Limanni that he would not invest in the business. He said Limanni explained that if there's a problem with bad credit, he knew how they could get false identification to access a fresh credit line. Kato said Limanni showed false I.D. with Limanni's photograph and said that he could become another person.

That Kato refused to become involved in the business deal and took one of the Dodge vans from Cinergi and drove it back to California leaving three vans and one pickup truck in the custody of Limanni. Kato said that on October 27th, he talked briefly on the phone to Limanni.

That on November 5th or 6th, Kato called to speak with Limanni and spoke with Jack. Jack said he had not seen Peter.

That Kato said he recovered a note pad from the property left inside 1933 Western. The top page was a list dated 11/12/98. Number 14 on the list was a notation to find a home for Jake.

That declarant asked Kato to mail the pad to the Metro Homicide Section and requested Kato make contact for a statement upon returning to the U.S. following his upcoming trip to Japan.

That on 12/7/98 declarant interviewed Jennifer Harrison, the girlfriend of Peter Limanni. Harrison said she met Limanni July 31, 1998 and the last time she saw him was at her home on November 4, 1998. Harrison explained that their relationship had been in a downturn because Limanni was wanting to move his business to Tahoe and she wished to remain in Las Vegas.

That according to Harrison, in September or the first part of October, Peter Limanni and his friend Jack drove one of the Cinergi vans to Tahoe to leave it at the business and returned to Las Vegas in a second van.

That Harrison said on the morning of November 5th, she attempted to call Peter Limanni on his cell phone and could get no response. She thought this was unusual because his cell phone was always turned on. Harrison then utilized the radio portion of her Nextel telephone to alert the telephone of Jack Seka. She said the alert was successfully sent indicating that his phone would have been turned on. She said his phone was then turned off. Harrison called Jack Seka's cell phone number knowing that he did not have caller I.D. When he answered the phone, she questioned him as to the whereabouts of Limanni.

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
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That Jack told Harrison, Limanni had spent the night at the Western address and had gotten up early in the morning, showered, and left in the pickup truck and he had no idea where he could be located.

That Harrison said she left her work around noon and went to the 1933 Western address in an attempt to locate Peter Limanni. When she arrived, she noticed the pickup truck was parked near the back door. Harrison said she knocked at the door with no response and felt that Limanni was inside with another woman. She utilized her key to open the front door and found the door leading to the back office locked. Upon opening this door, Harrison observed a white female sleeping on the couch and Jack Seka passed out in the middle of the floor. Harrison went to the back bedroom that was utilized by Limanni and Seka and found that door to be locked. Feeling that Limanni was inside with another woman, she began beating on the door.

That Harrison said the female that had been sleeping on the couch woke up and asked her what she was doing. Harrison said that she knew Peter was inside with another woman and she was going to get inside.

That the woman remarked, "Peter, Jack told me Peter's dead." Harrison said she blew it off thinking that they were trying to cover for Limanni and stop her in seeing him with another woman.

That Harrison ultimately opened the door and discovered that no one was inside the bedroom. She searched through the bedroom and found a cartridge on the floor.

That Harrison said she saw all of the shoes that Peter owned as well as a pair of pants with a belt that she believed he was wearing when she last saw him at her residence.

That Harrison said she kicked Jack trying to wake him up to find out where Peter was, however, Jack was so intoxicated or high on drugs that he would not wake up. She noticed on a table there was approximately two hundred dollars in cash as well as some marijuana.

That Harrison gave the female a ride to a nearby bar at Western and Oakey and learned that the woman was a dancer that had gotten off work at Cheetah's at five o'clock in the morning and was walking down the road when Seka drove up in the pickup truck and asked her if she wanted to have a drink. The woman claimed they bought a six pack and returned to the business. When Seka passed out on the floor, she went to sleep on the couch.

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That in her conversation with declarant, Harrison stopped and started several times. She ultimately asked if the police thought the murder was mob connected and if her life was in danger. She explained that Jack had called her after being interviewed by the police and told her about the interview. Harrison said he asked her if he could use her car because the police were watching for the van he was driving. He claimed he wanted to get back to the business to pick up some items.

That Harrison said she refused and later received other phone calls from Jack in which he attempted to persuade her that Peter owed money to the Japanese business men and they were perhaps the ones that had him killed.

That Jack told Harrison he was wanted for other crimes in his home state and was hiding out because he would be arrested for charges unrelated to the homicide investigation.

That a check through NCIC revealed no warrants for John Joseph Seka.

That according to Harrison, Jack never had any money. She said any money he got, he had to ask Peter Limanni for. Harrison said Limanni would constantly degrade Seka and refer to him as "his nigger". Harrison said that when Jack would get drunk, he would get very friendly with her. It would make Limanni take notice and inform Seka that he should not look at Harrison like he wants to "fuck her".

That declarant contacted Cheetah's manager Mark Rodney in an attempt to I.D. the dancer described by Harrison. Rodney explained that the dancers are private contractors so they do not keep any kind of record or schedule. Rodney said he would post a flyer with a request for anyone with information to contact Homicide.

That on 12/8/98 declarant telephoned the South Lake Tahoe Police Department in a second attempt to have detectives check the location of Limanni's business. Declarant made contact with Sgt. Alex Schumacher.

That on 12/9/98 declarant received a message from Sgt. Schumacher indicating that the business was vacant and locked and that the van inquired about was parked at the business location bearing Nevada license 113JME.

That on 12/9/98 declarant made telephone contact with Peggy Eichhorn, a realtor with Caldwell Banker McKinney and Associates, Inc. in South Lake Tahoe, California. Eichhorn explained that she is the realtor that arranged for Peter Limanni to rent the office space in South Lake Tahoe. She said Limanni was in her office on September 22, 1998 to sign the lease for 2494 Lake Tahoe Boulevard and the check bounced. She said that he returned on October 5th with another check. On that date he was with a young looking

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male whom she did not know. She said Limanni had paid for three months on his lease. When the rent became overdue, Eichhorn sent a three day notice to pay the rent as well as a registered letter asking him to move his van. Eichhorn said the letters were all returned to her unopened.

That on 12/23/98 at approximately 0815 hours, Peter Bordon was driving east on Nipton Road approximately one mile east of I-15 in California when he observed a dog tugging on a corpse. Bordon notified the San Bernardino County Sheriff's Department and the body of a white male identified by fingerprints as Peter Paul Limanni was discovered in a shallow grave.

That on 12/24/98 declarant received a telephone call in reference to members of the San Bernardino Sheriff's Office discovering the body of Peter Limanni.

That declarant spoke with Det. Wolfe and learned that the body was partially mummified and clad in only underpants.

That on 12/29/98 at approximately 0930 hours, declarant and Det. Buczek attended the autopsy of Peter Limanni at the San Bernardino County Medical Examiner's Office. The autopsy was conducted by Dr. S. Trenkle, Deputy Medical Examiner of the San Bernardino Medical Examiner's Office. Declarant explained that Limanni had vanished in the early portion of November. Dr. Trenkle confirmed that the condition of the body was consistent with that time period.

That Limanni's body was viewed and it was observed that the head, neck, shoulders, and upper torso were mutilated due to post mortem animal feeding and insect activity. The remainder of the body was mummified, decomposed and clad with dirt and stones. The left little finger is missing from below the middle knuckle and the left ring finger is missing from above the upper knuckle.

That Dr. Trenkle labeled ten wounds as follows:

- #1 An apparent gunshot wound located in the left rib cage.
- #2 An apparent gunshot wound in the left side rib cage.
- #3 A non-penetrating gunshot wound to the base of the skull.
- #4 An apparent gunshot wound to the left of #3 in the skull.
- #5 An apparent gunshot wound above the left ear in the skull.
- #6 An apparent gunshot wound located on the top of the skull.
- #7 An indented skull fracture on top of the skull.
- #8 A small hole on top of the skull.
- #9 An apparent gunshot wound in the right temple.

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#10 A presumed gunshot wound in the left shoulder.

A total of nine bullets or fragments were recovered from Limanni's body.

That examination of firearms evidence by Firearms Examiner Torrey Johnson revealed that the four .357 magnum cartridge cases recovered from 1933 Western were fired from a single firearm and the cases appeared to have been reloaded. The lead bullet recovered inside the drywall at 1933 Western was determined by Torrey Johnson to be a nominal .32 caliber bullet which appears to have been fired from a revolver.

That DNA testing conducted by David P. Welch of the LVMPD Forensic Laboratory determined that Eric Hamilton cannot be excluded as a source of the human blood found on glass fragments from 1929 Western and two swabs of apparent blood recovered from the bed of the Toyota pickup truck registered to Cinergi Hvacar Inc. bearing Nevada license 720JJM. John J. Seka cannot be eliminated as the source of human blood for a sample of apparent blood on the wall east of the front door at 1933 Western approximately 49 inches above the floor.

That the blood samples recovered from the 1998 Dodge van with Cinergi logos and Nevada license 514JME were examined by David P. Welch of the LVMPD Forensic Laboratory. As a result, Peter Limanni cannot be excluded as the source of human blood on the magnetic cards located in the interior pocket area of the right rear door as well as a sample of blood from the interior side of the removed plastic threshold cover to the right side doors and a sample of blood recovered from the interior side of the right wall of the rear cargo area above and to the rear of the right rear wheel well. In addition, John J. Seka cannot be excluded as the source of human blood recovered on a pair of jeans inside 1933 Western.

That as a result of the investigation, it is believed that on or about 11/5/98 John Joseph Seka, otherwise known as Jack, killed Peter Paul Limanni shooting him with an apparent .32 caliber handgun and disposing of the body off of Nipton Road in California utilizing the 1998 Dodge van bearing Nevada license 514JME. It appears that Seka was attempting to continue with the construction on the cigar shop as a future source of income and was involved in a series of crimes in order to obtain money which included the theft of the purse from the parking lot of the Crazy Horse II, the pawning of construction equipment believed to belong to Peter Limanni and the murder and apparent robbery of Eric Hamilton in which Hamilton was shot to death with a .38/.357 handgun and transported to Las Vegas Boulevard near Lake Mead in the 1998 brown Toyota pickup truck bearing Nevada license 720JJM on or about 11/16/98. Following his interview by Homicide, Seka abandoned the business at 1933 Western and fled the state.

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That the above occurred in the County of Clark, State of Nevada.

Wherefore, declarant prays that a Warrant of Arrest be issued for suspect JOHN JOSEPH "JACK" SEKA on a charge(s) of MURDER WITH DEADLY WEAPON, 2 CTS; ROBBERY WITH DEADLY WEAPON, 2 CTS.

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

Executed on this 26nd day of FEBRUARY, 1999.

DECLARANT: J. Thouse

WITNESS:

James J. Buehl

DATE:

02/26/99

TT/dfk
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EXHIBIT 18

SEKA000283

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DISTRICT COURT
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
FEB 20 2001 19
SHIRLEY B. PARRAGUIRRE, CLERK
BY *Linda Skinner*
DEPUTY
LINDA SKINNER
No. C159915
Dept No: XIV

THE STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME II

February 16, 2001
2:15 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17

Lino Vegas (702) 388-2973

Joseph A. D'Amato
Certified Court Reporter

Lino Vegas (702) 455-3452

SEKA000284

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1 witness.

2 THE COURT: You may.

3 BY MR. KENNEDY:

4 Q. Let me show you what has been marked as
5 Defendant's proposed exhibit I. This document appears to
6 be from the Bankruptcy Court in the Central District of
7 California.

8 Is that your name on the filing for
9 Chapter 7 bankruptcy?

10 A. Yes.

11 MR. KENNEDY: At this time move for
12 admission of Defendant's proposed exhibit I.

13 MR. KANE: No objection.

14 THE COURT: Received. Thank you.

15 BY MR. KENNEDY:

16 Q. Mr. Kato, in January 1999, just two to
17 three months after you last saw Mr. Limanni, you had to
18 file for Chapter 7 bankruptcy; is that right?

19 A. Yes, actually, but I was - - that was the
20 process to finish that day, but I was doing for about
21 three months.

22 Q. In this bankruptcy you had certain debts
23 that you had incurred, including the leases on the
24 vehicles for Sinergi; is that right?

25 A. Yes, I did.

EXHIBIT 19

SEKA000286

APP2161

JIM THOMAS & ASSOCIATES

Investigations & Process Service

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March 13, 2006

Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA
Our File No. 05-I-150
Your Case No. 3:05-CV-0409-HDM (VCP)

Dear Ms. Bookout:

One of my assignments in the Seka case was to locate and interview Amir Mohamed who you advised owned Panorama Italy. The deceased, Peter Limanni, was in the process of starting a cigar business with Amir Mohamed at the time of his death.

During my initial interview with Marilyn Mignone on February 8, 2006, Mignone advised me that she had overheard Mohamed speaking on the telephone to an unknown party in Arabic and had also overheard Amir express sentiments of hatred against the United States. Mignone advised that she felt that Amir Mohamed could possibly have been part of a terrorist cell in the United States and may even have been connected to the September 11th incident.

My locate work on Amir Mohamed provided little information concerning him and no information as to his current location. The Clark County Clerk's Office did register a fictitious business name, Panorama Italy, Inc., to Amir Mohamed. This fictitious business name had an expiration date of May 31, 2003. The same business name under the same file number, 0225782, was also issued to a man named J.D. Dobson.

An inquiry was made through the database Faces of the Nation for Amir Mohamed. I found one subject by this name in Clark County, NV. That subject had a partial social security number of [REDACTED] XXXX and only one address showing, that being [REDACTED] Blvd., Las Vegas, NV 89103. This report also indicated that this same social security number was issued to a man named J.D. Dobson. I ran a complete

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personal history report through Faces of the Nation on Amir Mohamed however there was very little information concerning this subject. The report indicated that Mohamed resided at 3859 S. Valley View Blvd., #4 from April 2000 through July 2001. The report provided none of the usual information that would be expected to be found in one of these reports which includes vehicle registrations, business names, other addresses, financial information or relatives.

I next attempted to locate Amir Mohamed through an account that I have with TransUnion Credit Corporation. This particular account allows me to enter a name and a last known address and in turn have that address updated as well as being supplied with the full social security number. In this case I entered the name Amir Mohamed with the address [REDACTED] Las Vegas, NV 89103. In return I received a social security number [REDACTED] 3224, but no other addresses showed up for this subject. As part of the answer to this same inquiry, I was notified that J.D. Dobson, last known to be at [REDACTED] Las Vegas, NV 89119, also was using this social security number. At this point I began to suspect that J.D. Dobson and Amir Mohamed were one and the same person. I felt this in spite of the fact that the social security number had been issued in the State of Utah and the name Dobson is not Arabic.

At this time I recalled Marilyn Mignone to see if she could settle any light on the Mohamed/Dobson relationship. Mignone indicated that she had met both men and that they were two separate people. She further advised that she had observed both men at the same time, so she knew they were two separate people. She described J.D. Dobson as being a "hick" from Utah who had come to Las Vegas to start a vitamin business. She advised that Dobson had somehow gotten together with Amir Mohamed and that Mohamed had talked him into starting the jewelry store, Panorama Italy. Mignone further stated that Amir Mohamed had gone on to bleed J.D. Dobson dry and that all of this was part of a federal investigation of which she had been a subject of interest at one time. Mignone advised that she did not know exactly what it was that the federal government was investigating, but she went on to state that Amir Mohamed, as well as his partner, Sam Akaad, appeared to be very dangerous people. I advised Mignone that the name Sam Akaad was new to me and she advised that Akaad was the "jeweler" for Panorama Italy. I advised Mignone that I had been given the name Ben Boyed as being the jeweler who worked with Amir at Panorama Italy and her response was that she had never heard of Ben Boyed and that Sam Akaad was the jeweler.

Having struck out in my efforts to locate Amir Mohamed, I attempted to locate J.D. Dobson in the hope that I could possibly get a current location for Mohamed as well as background information on Mohamed. I determined that the social security number previously provided, [REDACTED] 3224, was actually issued by the Social Security Administration to J.D. Dobson. A personal profile check through Faces of the Nation revealed that the initial J in J.D. Dobson's name actually stands for the first name Jay.

The Clark County Clerk's Office revealed that in addition to Panorama Italy, Inc., J.D. Dobson had obtained a fictitious business name for a business named Wahsatch Nutrition and that this fictitious business name expired on May 31, 2003. The address for this fictitious business was 3305 Spring Mountain Rd., Suite 60, Las Vegas, NV 89102 which was the same address that the fictitious business name Panorama Italy, Inc. was issued to. I determined that neither business is still located at 3305 Spring Mountain Rd., Suite 60.

I obtained a comprehensive report on J.D. Dobson through Accurant. This report indicated that J.D. Dobson has a date of birth of [REDACTED] 1948 and holds the social security number previously given. Dobson was originally from the Provo, UT area and has been back and forth over the years. His last address shows as [REDACTED] Las Vegas, NV 89103. An inquiry with Experian Subscriber Services indicated that Jay D. Dobson has a last known address of 3750 Arville St., Las Vegas, NV 89103-5945. Experian confirms his social security number as [REDACTED] 3224 but also gives a second social security number [REDACTED] 3221. I ran this second social security number through TransUnion Credit Corporation on a social security number trace and the result was that the social security number has not been issued by the Social Security Administration.

An inquiry was made through the Las Vegas Metropolitan Police Department on both J.D. Dobson and Amir Mohamed. There was no record on Mohamed. Dobson is LVMPD ID #1514868. He is listed in SCOPE for a misdemeanor citation that he received on April 11, 1998 for Annoying a Minor under event number 980411-1903. He also received an alcohol awareness certification on February 9, 2000. This card expired February 9, 2005 and has not been renewed.

Because Dobson was originally from the Provo, UT area, I contacted a source who is high up in Utah law enforcement. This source advised that Dobson has no criminal history in the State of Utah. He further advised that the last address they have for Dobson is over 10 years old and was in Provo, UT.

An inquiry was made through the Nevada Department of Motor Vehicles for J.D. Dobson and Amir Mohamed. There was no record on Mohamed. There was an expired driver's license issued to J.D. Dobson, date of birth [REDACTED] 1948, social security number [REDACTED] 3224, however this license expired on May 9, 2002. The last address shown was [REDACTED], Las Vegas, NV 89103.

This morning I drove to the Arville address in an attempt to contact J.D. Dobson. I made contact with the current occupants, who are a Spanish speaking family. They had no knowledge of J.D. Dobson. An inquiry at the apartment office failed to locate anybody who remembered J.D. Dobson.

Debra Bookout, Esq.

March 13, 2006

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Upon returning to my office I rechecked the Nevada Secretary of State and determined that Panorama Italy International, Inc. is the only Nevada corporation in which Amir S. Mohamed has been involved. The address listed was the same 3305 Spring Mountain Rd., Suite 60, Las Vegas, NV 89102 as on the fictitious business name. Amir Mohamed was the president, treasurer and secretary for this corporation.

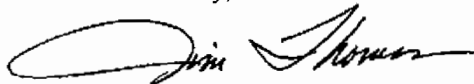
Both Amir Mohamed and J.D. Dobson were checked through PACER for federal criminal, federal civil, federal court of appeals and federal bankruptcy filings. There was no record for Amir Mohamed. There were two records for Jay Dobson, both bankruptcy cases, however it was determined that neither was the same person who is involved in this case. I also checked Amir Mohamed and J.D. Dobson through the Nevada prison system however neither one is an inmate.

I made inquiries on Sam Akaad however was unable to obtain any information whatsoever on him.

At this point I have examined all sources available to me and it appears that I will be unable to locate either Amir Mohamed or J.D. Dobson. Amir Mohamed appears to be very elusive in that other than the business Panorama Italy and the home address of Valley View, there is no record of Amir Mohamed anywhere in the United States that I could locate. I believe that Mohamed is a possible alternate suspect in these slayings and is someone who should have been looked into by the Las Vegas Metropolitan Police Department at the time of the original investigation.

My investigation is continuing.

Sincerely,



Jim Thomas

JT:lt

SEKA000290

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EXHIBIT 20

SEKA000291

APP2166

JIM THOMAS & ASSOCIATES

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March 7, 2006

Debra Bookout, Esq.

Law Offices of the Federal Public Defender

411 E. Bonneville Ave., #250

Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA

Our File No. 05-I-150

Your Case No. 3:05-CV-0409-HDM (VCP)

Dear Ms. Bookout:

I am in receipt of your letter dated March 2, 2006. I have in fact been tracing and interviewing witnesses and among those you name are Marilyn Mignone and Kaz Toe. The Mignone interview was completed on February 8, 2006. This was not a recorded interview however a report was made concerning the conversation I had with Ms. Mignone. You should have that report in your file. If you do not, please advise and I will send a copy.

I interviewed Kaz Toe this afternoon. His true name is Kazutoshi Toe. His story, while similar to Takeo Kato's, does differ in the total amount of money which was invested with Peter Limanni. Kato advised that the total sum neared \$300,000 while Mr. Toe is of the opinion that they had invested \$1 million. Toe has never before been interviewed in this case. Also during the interview with Toe I determined that there was another investor who may not have put money into the air conditioning business, but did provide professional services and materials for the construction of the business in Las Vegas. This man's last name was given to me as Paquette. Toe believes that Paquette was originally from Massachusetts and that he is a licensed general contractor in California. Please advise if you wish me to try to locate and interview Paquette.

To date I have had no luck in locating Ken Bates, Justin Nguyen, Jeanette or Misty, who apparently were waitresses at the Peppermill, Amir Mohamed or Ben Boyed. I am continuing my search in an attempt to find these people. Mohamed in particular appears to be a "ghost". I have tried several different spellings of his name but as yet have found

SEKA000292

APP2167

Debra Bookout, Esq.

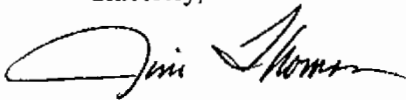
March 7, 2006

Page 2

nothing. It may be that Mohamed is a fraud himself and that the identity he presented to Limanni and Seka was fictitious.

At any rate, the investigation is continuing and further reports will be forthcoming.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Thomas", with a large, stylized initial "J" and a long, sweeping underline.

Jim Thomas

JT:lt

SEKA000293

APP2168

***Jim Thomas & Associates
Investigations & Process Service
601 South Tenth Street, Suite 104
Las Vegas, NV 89101***

MAR - 7 2006

**Debra Bookout, Esq.
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SEKA000294

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EXHIBIT 21

SEKA000295

APP2170

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July 30, 2008

Debra Bookout, Esq.
Law Offices of the Federal Public Defender
411 E. Bonneville Avenue, Suite 250
Las Vegas, NV 89101

RE: JOHN JOSEPH SEKA
Our File No. 05-I-150

Dear Ms. Bookout:

On Monday, July 28, 2008, I was contacted by your assistant, who requested that I provide a synopsis of my investigation that was completed between December 26, 2005 and May 3, 2006. My records indicate that there were 13 potential witnesses that I was to locate and interview. This report is to advise you of my efforts to do so.

Thomas Creamer was a prosecution witness against Seka at trial. The defense attempted to show that Creamer had a grudge against John Seka, and that this was his reason for testifying. I completed locate work on Creamer and the last known address was dated July 2001 at 39 Springfield Avenue, Flourtown, PA 19031. I was unable to locate a telephone number and contact with Creamer was not made.

Margie Daly McConnell was found at [REDACTED] Cinnaminson, NJ 08077. McConnell advised that Thomas Creamer was a former boyfriend. McConnell advised that Creamer was on drugs and extremely violent. He was abusing Percocet and Xanax, eating them by the handful. McConnell recalled a situation when Creamer, who was living at his grandmother's house, was high on drugs and extremely violent. He was threatening McConnell and his grandmother. She telephoned Seka and requested that he come over to talk to Creamer, as they were good friends. She advised that this backfired because Creamer accused her and Seka of having an affair. She became afraid and called her sister, and one of them, either herself or her sister, then called the police. McConnell left the residence and Jack stayed there. When the police arrived, it was Jack who let them into the house. The police took Creamer into custody and transported him to a mental facility. Creamer blamed Seka for his being locked up.

SEKA000296

APP2171

Debra Bookout, Esq.

July 30, 2008

Page 2

Lee Polsky was somebody who worked with John Seka in New Jersey and also knew the victim, Peter Limanni. Polsky resides at 627 Queen Street, Woodbury, NJ 08096. He was interviewed via telephone. Polsky advised that he was brought out to Las Vegas by the defense to testify at Seka's trial, however, he does not recall if he actually testified. Polsky advised that Jack was "likeable", and "not violent". Polsky further stated that Limanni was good at heating and plumbing, but that he had an "extremely bad temper". Polsky recalled Limanni getting into a fight with a person who was much bigger and beating the guy up pretty bad. This occurred in Paulsboro, New Jersey. Polsky indicated that the guy who was beaten up came back and shot Limanni in the shoulder stating that "he blew his shoulder away". When asked who would win a fight between Jack Seka and Peter Limanni, Polsky advised that Limanni would have won such a fight easily.

Amir Mohamed was somebody reported to have business dealings with the victim, Peter Limanni. My investigation found very little about Amir Mohamed. He was using a social security number that actually belonged to another person named J. D. Dobson. It appeared that Dobson and Mohamed were involved in business dealings together. I was unable to locate either Mohamed or Dobson. It appeared that Amir Mohamed may have been an assumed name. In an interview with Marilyn Mignone, she advised that she felt that Amir Mohamed may have been part of a terrorist cell residing in the United States. In her mind, he was possibly connected to the 9-11 tragedy.

Ben Boyed was listed as an associate of Amir Mohamed, working for Mohamed at a jewelry store called "Panorama Italy". I could find no record of anybody named Ben Boyed anywhere in the United States. Marilyn Mignone, who also worked at Panorama Italy, stated that Boyed was not a jeweler at Panorama Italy. She advised that the jeweler's name was Sam Akaad.

Another subject I was to locate and interview was Ken Bates. The name Kenneth Bates is too common, and I was unable to locate the correct one. I would need more information such as a previous address, social security number, or date of birth to contact Bates.

Marilyn Mignone was somebody who did office work at Panorama Italy, and was acquainted with Amir Mohamed, Peter Limanni, and John Seka. I completed a non-recorded interview with Mignone. She claimed that the Federal Government was investigating herself, Amir Mohamed, Peter Limanni, and John Seka. She was represented by a local attorney, Michael Cristalli, and all of her records are in the possession of Cristalli. I had been told that she had drawn up an agreement between Limanni and two investors, Kaz Toe and Takeo Kato. Marilyn Mignone denied drawing up such an agreement and claimed that she had never heard of Toe or Kato. Mignone advised that Amir Mohamed was an extremely suspicious person of Arab decent, who

SEKA000297

APP2172

Debra Bookout, Esq.
July 30, 2008
Page 3

she thought may be part of a terrorist cell. She had heard Mohamed voice his hatred for the United States, and had also heard him carrying on conversations in Arabic with unknown parties. She believed that Amir Mohamed was involved with an oriental subject in the State of California producing tee shirts for Evel Knievel. Mohamed and the victim Limanni were supposed to open a cigar shop together. She considered Mohamed to be very shady and very dangerous.

Kaz Toe was given to me as an investor with Peter Limanni. I determined that his true name is Kazutoshi Toe. Toe resides at 650 Tamarack Avenue, Apartment #4406, Brea, California 92821. I conducted a telephonic interview with Toe. He advised that he and Takeo Kato had invested one million dollars with the victim Peter Limanni. He further stated that they had lost all of their money, and he thought that they had been defrauded by Limanni. He denied knowing anything about Limanni's death. He identified another previously unknown investor whose last name was Paquette. He could provide no further information about Paquette.

Takeo Kato was a business partner with Kazutoshi Toe, who invested a large sum of money with Peter Limanni. Kato resides at 1528 Franklin Street, Santa Monica, California 90404. A telephonic interview was completed with Takeo Kato. Kato claimed that he had been defrauded of three hundred thousand dollars that he invested with Limanni. This differs from the amount of one million dollars that Kazutoshi Toe says they invested. It was possible that Kato was referring to money that he personally put into the partnership, three hundred thousand dollars, and that the remaining seven hundred thousand dollars may have been Toe's investment. They were both difficult to communicate with, so I was unable to clarify. Kato also denied knowing anything about Peter Limanni's death.

Jeanette and Misty were cocktail waitresses at the Peppermill on Las Vegas Boulevard South, who John Seka offers as potential alibi witnesses. In early 2006, Jeanette and Misty were no longer cocktail waitresses at the Peppermill. With only their first names, I was unable to identify them further. They may have been available at the time of trial if the defense team had attempted to interview them at that time.

Lynn Cheryl Lightfoot was another alibi witness for Seka. During the time up through early 2002, Lightfoot was an active prostitute in Las Vegas, who was coming into contact with police officers. She also had a number of work cards up through early 2002, and should have been fairly easy to find at that time. However, since early 2002, she has disappeared and I was unable to locate her.

SEKA000298

APP2173

Debra Bookout, Esq.

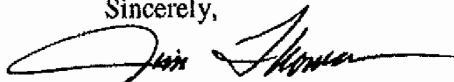
July 30, 2008

Page 4

Jennifer Harrison was reported to be Limanni's girlfriend at the time of his death. According to the investigation request you sent me, Harrison was a prosecution witness who testified that she had talked with Seka on the morning of November 6th, during the early morning hours. The client had claimed that the first call he received from Harrison was 11:13 AM, and apparently has no records to show that. Jennifer Harrison is a very common name, and without further identifiers, I was unable to locate her.

I believe that this is a complete summary of my investigation into this matter. If I can be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Thomas", with a stylized flourish at the end.

Jim Thomas

JT:se

SEKA000299

APP2174

EXHIBIT 22

SEKA000300

APP2175

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DISTRICT COURT
CLARK COUNTY, NEVADA
THE STATE OF NEVADA,
Plaintiff,
vs.
JOHN JOSEPH SEKA,
Defendant.

1
FILED IN OPEN COURT
February 23, 2001
SHIRLEY B. PARRAGUIRRE, CLERK
BY *Linda Skinner*
LINDA SKINNER DEPUTY
No. C159915
Dept No: XIV
ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME I

February 22, 2001
1:10 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17

1 THE COURT: You may.

2 BY MR. CHRISTIANSEN:

3 Q. Show you what's been entered as Defense
4 exhibit Q. Does that appear to be a picture of Jack Seka
5 on November 17, 1998?

6 A. Yes, it does.

7 Q. And in his belt area there is a pack of
8 cigarettes, correct?

9 A. That's correct.

10 Q. What kind of cigarettes are they?

11 A. It appears to be Marlboro, with the red
12 packaging.

13 Q. In one of his hands there's even a lit
14 cigarette that appears; is that correct?

15 A. That's correct.

16 Q. What color is the filter on that
17 cigarette?

18 A. I think it's tan, but it's hard to say if
19 it's the filter or his finger.

20 Q. If I showed you a pack of Marlboro
21 cigarettes and all the filters were tan, would that clear
22 it up for you?

23 A. That would clear it up, yes. I wouldn't
24 dispute that.

25 Q. So the type of cigarettes Mr. Seka was

1 smoking, 36 hours after the Hamilton body was found, was
2 different than the type of cigarette filters surrounding
3 or around the body of Eric Hamilton, correct?

4 A. Than the one filter, yes.

5 Q. Yes.

6 Now, are you familiar or do you have have
7 knowledge that there were fingerprints identifiable,
8 latent fingerprints found on the boards on top of Mr.
9 Hamilton?

10 A. Yes.

11 Q. And I'll proffer to you that Mr. Boyd, we
12 were just discussing, Mr. Boyd testified that on three of
13 those boards there were prints from Peter Limanni and
14 Jack Seka, not on all three, but in between the three.

15 Does that comport to your knowledge?

16 A. Yes.

17 Q. He also testified that there were two
18 boards with identifiable latent fingerprints on the top
19 of them that were not matches to any of the known
20 fingerprints he had, Mr. Seka's, Mr. Hamilton's or Mr.
21 Limanni's.

22 Does that sound familiar to you?

23 A. It's not familiar to me, but that's not
24 something I would remember, if it was not specific to a
25 person.

1 Q. Are you familiar with two doors down was a
2 telemarketing room with 30 or so employees?

3 A. No.

4 Q. Would it surprise you to know that there
5 was a federal indictment that came down as to that
6 telemarketing room?

7 MR. FATTIG: Objection. Relevance.

8 THE COURT: What is the relevance?

9 MR. CHRISTIANSEN: All suspects that
10 weren't investigated by the officer.

11 THE COURT: What makes them a suspect?

12 MR. CHRISTIANSEN: May we approach, judge?

13 THE COURT: Yes.

14 (Discussion off the record.)

15 THE COURT: Thank you.

16 Pursue another area, please.

17 BY MR. CHRISTIANSEN:

18 Q. As we sit here today you can't tell
19 anybody in the jury who occupied every space in that one
20 office building, correct?

21 A. That's correct.

22 Q. Okay. Now, Mr. Seka also told Officer
23 Nogues that he hadn't been staying at 1933, but with a
24 friend in Spanish Trails, correct?

25 That's in Officer Nogues's report; is it

1 not?

2 MR. FATTIG: Objection.

3 Mischaracterization of the report.

4 THE COURT: In what regard?

5 MR. CHRISTIANSEN: I don't know if he can
6 answer for the detective.

7 THE COURT: Is it in the report or isn't
8 it?

9 MR. CHRISTIANSEN: I believe it is, judge.
10 Detective Thowsen can tell me, if he
11 knows.

12 THE WITNESS: I don't recall that portion,
13 Your Honor. If somebody has it, I'd like to look at it.
14 BY MR. CHRISTIANSEN:

15 Q. If he had testified here in Court that was
16 his recollection of a conversation he had with Mr. Seka
17 would you have any reason to disagree with him?

18 A. If the officer testified in Court I
19 wouldn't have any reason to disagree with what he said,
20 no.

21 Q. You also found during the course of your
22 investigation information about a white van being in
23 Spanish Trails from a woman known as Marilyn Mignone; is
24 that right?

25 A. That's correct. I think that's correct.

1 Q. She's listed as one of the witnesses in
2 your officer's report; is that accurate?

3 A. No.

4 She was listed as a person contacted. She
5 was not a witness.

6 Q. She told you that there was an individual
7 or she was looking for Peter Limanni, correct?

8 A. She was trying to find someone else and
9 trying to find Peter Limanni and where to locate the
10 other person she was looking for.

11 Q. She told you that a white van had been at
12 Spanish Trails about two weeks before you interviewed her
13 at that individual's house and you interviewed her on the
14 2nd of December; is that correct?

15 A. Correct.

16 It would have been the 18th of the month
17 before that she was referring to.

18 Q. Approximately two weeks before would be
19 the 18th?

20 A. Approximately two weeks before.

21 Q. Okay. You had some discussion yesterday
22 with Mr. Fattig about Mr. Seka fleeing or not coming back
23 to 1933 Western.

24 Do you remember that discussion?

25 A. I remember that was discussed, yes.

1 Q. I'll be specific.

2 Was there a warrant for his arrest arising
3 out of the investigation that you were involved in at
4 1933 or 1925 Western prior to February 26 or 27th, 1999?

5 A. I'm not exactly sure on the date, but
6 prior to that area, no, there was not.

7 Q. If your declaration for an arrest warrant
8 is dated February 26, 1999 and signed by yourself, there
9 would have been no warrant prior to that, correct?

10 A. That's correct.

11 Q. All right. So he was - - as far as you
12 were concerned in your investigation, he was free to go
13 anywhere he wanted in this country?

14 A. Yes, he was.

15 Q. And, in fact, in his statement Jack told
16 you that he had been back east to see his daughter for
17 her birthday between October 29 and November 3rd, right?

18 A. Yes.

19 Q. And he told you his parents' address back
20 in Philadelphia, correct?

21 A. He told me a couple addresses.

22 I don't recall specifically if it was
23 parents or who, but he did give me some addresses back
24 there.

25 Q. He told you he was from Philadelphia; is

1 is uncomfortable becomes more uncomfortable when they are
2 asked to go down to homicide or to the bureau and give a
3 statement, correct?

4 A. That would be correct.

5 Q. And then when somebody such as yourself, a
6 homicide detective with all your years of experience,
7 says "I don't believe you. I think you killed another
8 person", that could cause an individual to become even
9 more uncomfortable, right?

10 A. That might make them uncomfortable, yes.

11 Q. And you don't suppose to tell this jury
12 that you knew Jack Seka and how he reacted and that his
13 reaction was somehow based on your experience with him,
14 inconsistent with his general personality?

15 A. I can only say that based on my experience
16 with many, many suspects and many, many witnesses over
17 the years that that's what I felt from his behavior.

18 Q. And just so we're clear, that's from your
19 experience with other people, not with Jack Seka?

20 A. That's correct.

21 Q. Okay. Now, you caused or at some point
22 you were able to obtain contact with the family of Peter
23 Limanni; is that accurate?

24 A. Yes.

25 Q. You instructed, I think it was his sister,

1 Diane, and I'm going to butcher her last name, Tomzivich
2 (phonetic) - -

3 A. It's a difficult one and I would do as
4 badly.

5 Q. - - to file a missing person's report?

6 A. Correct.

7 Q. And she did that on or about the 2nd of
8 December 1998, correct?

9 Does that sound right?

10 A. I don't remember the specific date.

11 MR. CHRISTIANSEN: May I approach?

12 THE COURT: You may.

13 BY MR. CHRISTIANSEN:

14 Q. I'm showing you - - you tell me if it
15 seems you recognize that document or have seen something
16 like it before.

17 A. The report date in this box here is
18 December 1, 1998. The event number which also reflects
19 the date is 11.20.1998.

20 Q. The event number would reflect what date,
21 the date that you talked to her or the date she called
22 in?

23 A. The date the event was created.

24 Q. Then in your report it should indicate In
25 relation to your interview of her what day you talked to

1 her, right?

2 A. Yes.

3 Q. And would you mind looking up - - if I
4 asked you to look at your report would it help you
5 refresh your recollection?

6 A. Yes, it would.

7 Q. Would you please do it for me? It's in
8 the big notebook, I imagine.

9 Maybe I can help you out. If you look on
10 page 15 of 20 of your 11.16 - - I'm sorry, your 12.10.98
11 report, it's about the third paragraph from the bottom.

12 It might be even a little bit before
13 there.

14 A. It's actually on the day before. It's on
15 December 1, I spoke with her. That's on page 14.

16 Q. Thank you. I was pointing.

17 A. So I'd say yeah, the December 2nd date
18 would be accurate for that report.

19 Q. According to your support of a declaration
20 an arrest warrant, you believed Mr. Limanni was killed on
21 or about November 5, 1998; is that accurate?

22 A. That's accurate, yes.

23 Q. Now, you spoke to his sister on December
24 1, 1998 and prior to that nobody in his family filed a
25 missing person's report; is that correct?

EXHIBIT 23

SEKA000311

APP2186

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ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * *

FILED IN OPEN COURT

FEB 27 2001 19

SHIRLEY B. PARRAGUIRRE, CLERK

BY Judy Norman
JUDY NORMAN DEPUTY

STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

Case No. C159915
Dept. XIV

VOLUME II

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE DONALD M. MOSLEY

DISTRICT JUDGE

Taken on Friday, February 23, 2001

At 1:30 p.m.

APPEARANCES:

For the State:

EDWARD KANE, ESQ.
TIM FATTIG, ESQ.
Deputy District Attorneys

For the Defendant:

KIRK T. KENNEDY, ESQ.
PETER S. CHRISTIANSEN, ESQ.

RECEIVED

FEB 27 2001

COUNTY CLERK

Reported by: Maureen Schorn, CCR No. 496, RPR

CE
MAUREEN SCHORN, CCR NO. 496, RPR

SEKA000312

APP2187

1 And Jack needs money. Through a stipulation
2 we've entered the pawn shop tickets that demonstrate from
3 the time of November the 7th through about November the
4 12th, Jack is pawning various items that were used in
5 conjunction with the air conditioning business.

6 He's broke. He's telling his friends he's
7 broke, he doesn't know how he's getting back east. He's
8 pawning the stuff. If he's pawning stuff, why does he
9 leave the one item of value on Eric Hamilton's body? Why?

10 And there is such a thing as being called
11 felony stupid, but why in the world would you take
12 somebody's jacket off, you take their bracelet, you take
13 their hat, all the things that were left in 1929, but you
14 leave your own stinking name and phone number in his front
15 pocket?

16 The State may argue that's felony stupid. I
17 submit to you that it's a very good way to have the police
18 go down the wrong trail and never come to LA to question
19 you if you're Mr. Kato.

20 The time frame for which Mr. Hamilton is
21 killed is about, like Mr. Fattig said, sometime November
22 the 15th, or early morning November the 16th. That's
23 about between 48 and 72 hours between the time when Jack
24 is seen in the vehicle.

25 And are Jack's fingerprints in the Toyota?

1 there to take, and he tries to take the one that is later
2 found to have Peter Limanni's blood in the back, and Pete
3 Limanni's blood-stained business cards in the side pocket
4 of one of the doors.

5 And it's a coincidence that Pete Limanni's
6 ID is found up in the ceiling of 1933 Western. And it's a
7 coincidence that Tom Creamer, and I'll talk about him a
8 little later, is right about both the method of killing,
9 that it was done by gun, and that Pete Limanni was killed
10 by multiple gunshot wounds.

11 Are all of these coincidences? No. There
12 are things that fit in, because Jack Seka killed Pete
13 Limanni, Jack Seka killed Eric Hamilton, Jack Seka tried
14 to dispose of the evidence tying him to both of those
15 crimes, and was unsuccessful in doing so. And there's
16 nothing coincidental about this. It's all part of a
17 logical series of events.

18 You did get an instruction on flight, and
19 the flight instruction says that when a person leaves
20 after the commission of a crime, or during some
21 significant event in the investigation, not after he's
22 been charged, but just when he knows there's an
23 investigation, you may consider that as evidence of guilt.
24 That's up to you.

25 You have to decide if the circumstances

1 They're going to make a smoke shop. They're going to
2 build a humidor, and they're both going to get well and
3 have money again, and everything is going to be okay.
4 Except, now he finds out that Pete Limanni is running out
5 on him.

6 Peter Limanni, a guy who he thought was his
7 friend, and who was going to be his financial salvation at
8 a time when his girl has betrayed him, at a time when he's
9 got no money, he finds out that Pete is planning to clean
10 him out.

11 He's going to leave, he's going to leave
12 Jack holding the bag with all the business problems, or
13 just leave him to twist in the breeze with no money, no
14 job, no prospects, thousands of miles from his home that
15 he left to start up this business with Peter Limanni.

16 And he snaps and he kills him. And the one
17 thing that I agree with Mr. Christiansen on, is Eric
18 Hamilton probably was an innocent bystander, maybe not to
19 innocent. He may have walked in in the middle of the
20 altercation that resulted in Pete Limanni's death.

21 He may have helped dispose of the body, and
22 then just become one of those lose ends that needed to be
23 cleaned up. But he certainly was around and involved to
24 the extent that that formed a motive for his murder.

25 But the last thing I want to say to you

EXHIBIT 24

SEKA000316

APP2191

55

DISTRICT COURT
CLARK COUNTY, NEVADA
FILED IN OPEN COURT
FEB 15 2001 19

THE STATE OF NEVADA,

Plaintiff,

vs.

JOHN JOSEPH SEKA,

Defendant.

SHIRLEY B. PARRAGUIRRE, CLERK
BY *Judy Norman*
JUDY NORMAN DEPUTY

No. C159915
Dept No: XIV

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME II

February 14, 2001
3:40 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIM FATTIG
Deputy District Attorney

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law
Deputy Public Defender

Reported by:
Joseph A. D'Amato
Nevada CCR #17



1 Q. Where did you work at?

2 A. Molycor Mine.

3 Q. Where was that located at?

4 A. Mountain Pass, California.

5 Q. Can you be a little bit more specific?

6 Where, in California, was it at?

7 A. Maybe about eight miles past Stateline or
8 so, right at Mountain Pass on Route 15.

9 Q. On December 23, 1998 were you working that
10 day?

11 A. Yes.

12 Q. What were your general duties?

13 A. I worked in the utility carpenter shop at
14 the mine and one of my responsibilities was to monitor
15 the waste water lines and fresh water lines that service
16 the mine.

17 Q. And how would you do that?

18 A. By truck, drive along side the roads that
19 they went along, parallel to.

20 Q. What roads do they go off?

21 A. Semere Road (phonetic) and Nipton Road.
22 Basically, those were the main areas.

23 Q. On December 23, 1998, did you work that
24 day?

25 A. Yes, I did.

1 Q. Did you see anything unusual?

2 A. Yes.

3 Q. Where were you at?

4 A. I was on Nipton Road.

5 Q. And what did you see?

6 A. I saw a dog on the side of the road
7 chewing on something, and to see a dog on that road was
8 out of place, so I turned around to go back and see what
9 the dog was doing there.

10 Q. And did you turn around and get a closer
11 look?

12 A. Yes.

13 Q. What did you see?

14 A. I saw what appeared to be a body.

15 I wasn't sure what it was, at first, and
16 the dog had been on top of the body, chewing on it.

17 Q. How much of the body did you see?

18 A. About from the waist up.

19 Q. Was there anything obstructing the view of
20 the body between the body and the road?

21 A. Yes. There was a berm there.

22 Q. Berm made out of what, dirt?

23 A. Dirt.

24 I wouldn't have seen it had the dog not
25 been there.

1 involved in the incidents that we're going to be talking
2 about?

3 A. Yes, yes, there were.

4 Q. With the understanding that they will be
5 testifying and bringing in the various items of physical
6 evidence, I do want to go through just a brief overview
7 of how this investigation got started and we'll start on
8 November 16, a little after 7:30 in the morning.

9 Were you contacted by Sergeant Ken Hefner
10 at that point?

11 A. Yes, I was.

12 Q. And what information were you given?

13 A. Sergeant Hefner told me to respond to Las
14 Vegas Boulevard South and it would be approximately two
15 miles south of Route 146, which at that time was called
16 Lake Mead.

17 Currently it's St. Rose Parkway.

18 Q. And did you respond to that scene?

19 A. Yes, I did.

20 Q. And again your responsibility here was
21 primarily processing the scene with Detective Thowsen
22 primarily interviewing witnesses; is that correct?

23 A. That is correct.

24 Q. Would you describe the scene as you
25 observed it?

1 A. As I arrived to park my vehicle, I got out
2 and I saw the body of an individual laying - - it was
3 west of Las Vegas Boulevard South and east of I-15.

4 The body was covered with a variety of
5 lumber, different sizes. Some were cedarwood, others
6 were 2x4's, 1x4's, 1x6's and I believe it was also 1x3's
7 of various lengths.

8 The body you could still see beneath the
9 wood, without any difficulties from the roadway.

10 MR. KANE: May I approach?

11 THE COURT: You may.

12 BY MR. KANE:

13 Q. I want to show you what have been marked
14 for identification as State's proposed exhibits 2 through
15 6.

16 Without describing them would you tell me
17 first if you recognize them?

18 A. Yes, I do.

19 Q. Are those photographs that were taken of
20 the scene that you've just been talking about back on
21 November 16 of 1998?

22 A. Yes, they were.

23 Q. Do they fairly and accurately depict the
24 scene as you saw it in that morning?

25 A. Without a doubt, yes.

1 A. The body was that of a black male. He was
2 laying face down.

3 His head was to the north and his feet
4 were to the south. His arms were extended over his head
5 in this position (indicating).

6 He was wearing a charcoal grey T-Shirt.
7 He also had on a pair of black Levi jeans and black
8 athletic shoes.

9 MR. KANE: Can the record reflect when
10 Detective Buczek said he was in this position, he raised
11 his hands about shoulder width apart?

12 THE COURT: Do you concede?

13 MR. KENNEDY: Yes.

14 THE COURT: The record will reflect that.

15 BY MR. KANE:

16 Q. Was there any identification on the body?

17 A. No.

18 Q. Was there anything on the body in the way
19 of personal effects?

20 A. The victim had a ring on.

21 There was also just a rubberband around
22 his wrist and also in his, I believe it was his front
23 pocket was a piece of paper and on the piece of paper was
24 the name Jack and a telephone number.

25 Q. Now, from what you saw at the scene were

1 you able to fix an identity to this person?

2 A. No.

3 Q. And in cases like that the person is
4 treated initially as a John Doe?

5 A. Yes, that is correct.

6 Q. And because of the wood piled on top of
7 the body this victim was initially referred to as John
8 Lumber Doe; is that correct?

9 A. That's correct, yes.

10 Q. What did you do with respect to the phone
11 number that was found in his pockets?

12 A. My partner, Tom Thowsen, did a check on
13 it, and I can't recall what company it was, but the
14 number, I believe, was [REDACTED] 5957, and it came back to
15 Sinergi which is a business located at 1933 Western
16 Avenue.

17 My understanding is that the person who
18 was supposed to use that phone was a person by the name
19 of Jack.

20 Q. Now, on the next day, that is November 17,
21 1998, was there an investigation in progress at 1929
22 Western Avenue?

23 A. Yes, there was.

24 Q. And how did - - how were you made aware of
25 that?

1 A. The crime scene analyst had contacted my
2 sergeant again, Ken Hefner, and told him that we probably
3 would be interested in responding to that location, that
4 there was a scene there, there were some bullets and also
5 some blood located there, so we headed down.

6 My sergeant instructed me to go down
7 there. I went down and upon my arrival I noticed that
8 the front window just south of the front door had been
9 broken and inside, inside the business - - the business
10 was vacant and it was - - I believe there are five rooms
11 and two bathrooms in the business.

12 However, the front room where you would go
13 through the doorway, the glass was inside and there was
14 also quite a bit of blood on the carpeting and also on
15 the glass and we also located, I believe it was at that
16 scene, three bullets and also three fragments of bullets
17 there.

18 There was also in the northwest corner of
19 the room a dark blue jacket with quite a bit of blood on
20 it. The jacket had some holes in it and the holes were
21 consistent with bullet holes.

22 We later compared the bullet holes and
23 they were similar to the bullet holes that Eric Hamilton
24 had in his body.

25 Q. And Eric Hamilton is what John Lumber Doe

1 was eventually identified as?

2 A. That's correct.

3 And when I'm saying similar, I mean its
4 positioning, where they were positioned on the body in
5 the jacket.

6 Q. Now, in addition to the scene at 1929
7 Western Avenue was your attention directed eventually to
8 1933 Western Avenue on that same day, November 17?

9 A. Yes, it was.

10 Q. For what reason?

11 A. The patrol officers that had arrived there
12 had contacted Jack Seka and they felt that he was a bit
13 nervous. They also had seen a bullet in front of Mr.
14 Seka on the desk and then related that to us.

15 There was also some burned clothing and
16 personal items to Peter Limanni that were located in a
17 dumpster in the back.

18 Q. And all of that had happened before your
19 attention was drawn over to that premise?

20 A. Yes.

21 Q. Did you enter and view the premises at
22 1933 Western?

23 A. Yes, I did.

24 We had contacted Mr. Seka and talked to
25 him and he gave permission to Sergeant Hefner to allow us

1 The couch had a bullet hole in the couch
2 and the bullet had passed through the couch into the wall
3 behind it and the bullet was recovered out of that wall.

4 We also found in the toilet, in the water
5 portion of the toilet in the bathroom was a .32 cartridge
6 which would be the bullet and shell casing in full. It
7 was submerged in water.

8 We also found in the ceiling - - it had a
9 false ceiling and we went up and looked around in the
10 ceiling. We found some .357 ammunition, I believe it was
11 maybe three cartridges, and a couple .32 cartridges also
12 in the ceiling.

13 Also found a wallet belonging to Peter
14 Limanni in the ceiling. The wallet contained a driver's
15 license of Peter - -

16 MR. KENNEDY: Objection.

17 Assumes facts not in evidence as to who
18 owned the wallet.

19 MR. KANE: I'm not saying it was
20 truthfully his identification. He can say what it said
21 on the identification.

22 MR. KENNEDY: He can say that, but he
23 can't say it's Peter Limanni's wallet.

24 THE COURT: All right.

25 BY MR. KANE:

1 Q, You found a wallet, correct?

2 THE COURT: The characterization that it's
3 Peter Limanni's wallet will be stricken.

4 Proceed.

5 BY MR. KANE:

6 Q. It bore identification; is that correct?

7 A. That's correct.

8 Q. What forms of identification?

9 A. It had a Nevada driver's license. I
10 believe it was in the name of Peter Limanni. It had A
11 Social Security number in the name of Peter Limanni, had
12 a birth certificate in the name of Peter Limanni and I
13 believe there was also some credit cards.

14 Q. And what else of significance did you
15 observe in 1933 Western Avenue?

16 A. There was also a purse, okay.

17 Q. Not important.

18 Q. In any event, in processing these scenes
19 as the homicide detective do you actually take possession
20 of any of the items of evidence and put them in the
21 evidence vault?

22 A. No, I do not.

23 Q. Who does that?

24 A. That would have been the crime scene
25 analysts who respond out there and there was crime scene

1 A. I'm not saying that.

2 Q. But you don't recall going back to the
3 scene twice?

4 A. No, I really don't.

5 Q. Would you have made a report indicating
6 that you had returned to the scene, later in the day?

7 A. We stayed there constantly, continually,
8 as you can see. It shows that we're there.

9 If I may have been - - I don't believe I
10 did leave, but if I did I - - there would have been other
11 detectives there or my sergeant.

12 Q. The items that were in the dumpster
13 itself, you testified they were burnt or they appeared
14 burnt; is that right?

15 A. That's correct, yes.

16 Q. You're saying that because they had
17 perhaps a black charring around them?

18 A. That's correct.

19 Q. Were they physically - - you testified you
20 didn't see anybody remove them, but could you identify
21 what the pieces of burnt evidence there were in that
22 dumpster and could you peer inside of it and see what was
23 in there?

24 A. Yes, I did.

25 Q. Is that in one of your reports, as well,

1 Q. What type of scene were you there to
2 investigate?

3 A. I had received a call as a malicious
4 destruction of private property/suspicious circumstances.

5 So when I arrived there that's the type of
6 scene that I was called to.

7 Q. Would you describe how the scene at 1929
8 Western looked at you first observed it?

9 A. Okay. Basically with my 23 years
10 experience as a crime scene analyst it looked like a
11 murder scene, but let me be more specific.

12 There was a point of entry into the scene
13 that was broken glass. There was blood all over it.

14 There was a piece of the molding from that
15 particular window that was out in the parking lot. It
16 appeared to have a bullet hole in through that molding.

17 There was a bullet, actually a lead
18 projectile apparently from a bullet on the sidewalk
19 outside that business. As you go inside the business
20 there's bloody glass all over.

21 There's apparent blood on the floor,
22 starting from about two feet from the south wall in the
23 reception area and it arched about eight feet on the rug
24 itself within that front of the business, whereas at the
25 end of the eight feet there was a large blood spot,

1 besides the blood that went up to it and then there was a
2 blood pattern coming back towards that point of entry
3 window that was busted.

4 Aside from that there was bullets inside
5 on the floor, which is not a normal thing to see on any
6 malicious property. There was a security guard jacket
7 that had blood on it and apparent bullet holes through
8 it.

9 I've seen things like this before on
10 hundreds of murder scenes and so it was more than a
11 malicious destruction of private property, in my view.

12 At the time I had 22 years experience. To
13 me, my own professional opinion at the time was this
14 could be a murder scene.

15 Q. Did the location itself have any
16 significance to you, the fact that it was Western Avenue?

17 A. Initially, no.

18 As the scene progressed I contacted my
19 supervisor at the time was Al Kabralis, and he contacted
20 homicide for me, because I had personal information that
21 there was a body discovered just the day before.

22 They did not know where the crime scene
23 was, but they found where a body was located. That body
24 at the time was called John Lumber Doe.

25 So in talking with homicide Al Kabralis,

1 This was an address photographed at that
2 location on Western that day.

3 State's proposed exhibit 8, this is a more
4 distant shot of the business, the front of the business
5 which looks west.

6 It includes part of the address number as
7 well as the broken window and apparent blood that's
8 located outside the business at that location.

9 State's proposed exhibit 9, this is a
10 photograph of the interior of the business showing the
11 apparent blood type drag marks, the broken glass and
12 other blood as well as the hat that was located inside
13 the point of entry window, which was a broken window, at
14 the west front side of the business.

15 State's proposed exhibit 10 is also a
16 photograph of the interior of the business. This is
17 showing part of that apparent blood type drag marks, the
18 pooling of blood I spoke about earlier as well as the
19 security coat I spoke about earlier that had the apparent
20 bullet-type holes through the coat.

21 State's proposed exhibit 11, also another
22 view of the blood drag type marks showing some broken
23 glass on the interior of this scene as well as I believe
24 the pamphlet that I recovered, advertisement of sort
25 sorts that I impounded as evidence.

EXHIBIT 25

SEKA000332

APP2207

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DISTRICT COURT
CLARK COUNTY, NEVADA
FILED IN OPEN COURT
FEB 21 2001 19

THE STATE OF NEVADA,

SHIRLEY B. PARRAGUIRRE, CLERK

BY: Judy Norman
JUDY NORMAN DEPUTY

Plaintiff,

vs.

No. C159915
Dept No: XIV

JOHN JOSEPH SEKA,

Defendant.

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD M. MOSLEY

VOLUME I

February 20, 2001
1:10 p.m.
Department XIV

APPEARANCES:

For the State:

MR. EDWARD KANE
MR. TIMOTHY FATTIG
Deputy District Attorneys

For the Defendant:

MR. KIRK KENNEDY
MR. PETER CHRISTIANSEN
Attorneys-at-Law

Reported by:
Joseph A. D'Amato
Nevada CCR #17



Dino Vegas (702) 388-2973

Joseph A. D'Amato
Certified Court Reporter

Dino Vegas (702) 455-3452

SEKA000333

APP2208

1 Like he got in trouble with the law.

2 I testified for him.

3 MR. CHRISTIANSEN: Objection. Your Honor.

4 It's irrelevant, non-responsive to the
5 prosecutor's question.

6 THE WITNESS: I'm trying to explain.

7 THE COURT: Just a minute. All right.

8 MR. KANE: I did not seek to elicit that
9 response. I simply wanted to establish they were arguing
10 over their personal relationship.

11 MR. CHRISTIANSEN: Move to strike.

12 THE COURT: No objection?

13 MR. KANE: No objection.

14 THE COURT: It is stricken.

15 Next question.

16 BY MR. KANE:

17 Q. Without going into the details of what you
18 were arguing about in the course of the argument did the
19 name of Pete Limanni come up?

20 A. Yes.

21 Q. By yourself or by Mr. Seka?

22 A. By Mr. Seka.

23 Q. And what did he say?

24 A. He - - the argument got very heated. I
25 got up and he was standing at the top of the steps in my

1 room. We were upstairs.

2 I got up in his face and he said to me "Do
3 you want me to do to you what I did to Pete Limanni?"

4 At that point I looked in his eyes and
5 never saw anything. I never looked in - - I never saw -
6 -

7 MR. CHRISTIANSEN: Objection, Your Honor.

8 THE WITNESS: - - I never saw anything
9 like it.

10 THE COURT: Just a minute.

11 MR. CHRISTIANSEN: I don't believe the
12 witness is going to be able to give statements of that
13 type.

14 MR. KANE: He's known him for 12, 13
15 years. It explains what happens next in the course of
16 the altercation.

17 THE WITNESS: And why I did what I did.

18 THE COURT: Just a moment. All right.

19 Are you offering the response to give some
20 basis for the next response or responses or are you
21 asking the individual here to indicate what look he saw
22 in his eyes.

23 MR. KANE: I'm offering it for two
24 reasons: to reflect Mr. Seka's attitude and demeanor at
25 the time he said this and to explain Mr. Cramer's

1 varying side effects, including confusion, loss of
2 memory, delusions, hallucinations, erratic behavior?

3 Are you aware those medications have all
4 those side effects?

5 A. I never experienced them from that.

6 The only thing I experienced from the
7 Paxil was it made me feel sort of violent, it really did.

8 When I was in building 50, they can
9 validify that because they gave me an 80-milligram dose
10 one night.

11 I could not sit still and I didn't know
12 what to do. I wanted to kill myself in the hospital.

13 Finally, somebody took me to the desk and
14 they gave me a shot and calmed me down.

15 Q. You told us in the past at the preliminary
16 hearing and you told us here today that you are a
17 recovering alcoholic?

18 Are you recovering - - are you in a
19 treatment program for alcoholism?

20 A. I go to three or four AA meetings a day.
21 I worked hard for it. I'm in therapy twice a week.

22 I have a therapist, a psychiatrist and I
23 make three groups a day, twice a week. I have two
24 sponsors and I worked real hard to get this - - just what
25 I got today.

1 Tender the witness.

2 THE COURT: Cross-examination

3

4

5

EXAMINATION

6

BY MR. KENNEDY:

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10

Q. Mr. Roberts, the scene itself when you got out there you had a chance to walk around and basically take a look and get a handle on the scene; is that correct?

11

A. Yes.

12

13

14

Q. Around the body area where the body of John Lumber Doe was found you didn't see any footwear impression, did you?

15

A. No, I did not.

16

17

Q. If you had you would have taken impressions of that footwear; is that correct?

18

A. Yes, we would have.

19

20

Q. On your evidence impound report it says you found two empty Beck's beer bottles; is that right?

21

A. Yes.

22

23

Q. You're certain they were Beck's beer bottles as opposed to Heinekin beer bottles?

24

A. Yes, just because of the label.

25

Q. You collected those items of evidence

1 yourself?

2 A. Yes.

3 MR. CHRISTIANSEN: Pass the witness.

4 THE COURT: Anything further?

5 MR. KANE: Just one further thing.

6 BY MR. KANE:

7 Q, Is it a part of your responsibility at
8 crime scenes to process the scenes for latent prints as
9 well?

10 A. Yes.

11 Q. Do you recall if you did that at this
12 time?

13 A. Not at this particular time.

14 MR. KANE: Nothing further.

15 THE COURT: Anything further?

16 BY MR. CHRISTIANSEN:

17 Q. To the best of your knowledge were the
18 beer bottles submitted for processing at later time?

19 A. Yes, they were.

20 Q. You didn't do the processing, did you?

21 A. No, I did not.

22 MR. CHRISTIANSEN: Pass the witness.

23 THE COURT: Anything further?

24 MR. KANE: No.

25 THE COURT: Thank you, very much, Mr.

1 Q. How long have you been so employed?

2 A. Approximately three and a half years now
3 I've been so employed.

4 Q. Were you on duty back on November 17,
5 1998?

6 A. I was.

7 Q. And did you have the same assignment at
8 that point?

9 A. I did.

10 Q. Did you get a call to go out to 1929
11 Western here in Las Vegas, Clark County, Nevada?

12 A. I did.

13 Q. What was the nature of the call?

14 A. I believe the business owner at a trophy
15 shop said he believed he saw a suspicious situation.

16 That's the way the call came into me and
17 my partner.

18 Q. Who is your partner?

19 A. Officer Rick Noguez.

20 Q. Are you guys in separate vehicles?

21 A. Yes.

22 Q. Did you each of you respond to the scene?

23 A. We did.

24 Q. What did you do upon responding?

25 A. Upon arrival we made contact with the

1 owner of the trophy store and he brought us to a
2 storefront a couple doors down from his building, from
3 his business, and he showed us a plate glass window next
4 to a doorway which had been broken and there was what we
5 now know to be blood on the ground and inside of that,
6 the entryway to that business inside of the broken glass.

7 Q. What did you do after you saw that?

8 A. We thought that maybe there was somebody
9 that might be injured inside or in the area, because of
10 the blood there, so my partner and I entered the business
11 through the broken glass.

12 We checked out the interior of this
13 business. It was vacant at that time and unoccupied, but
14 we checked the other rooms inside the business to make
15 sure there was nobody in there that needed medical
16 attention.

17 Q. What did you generally see inside the
18 business?

19 A. Generally we saw I believe more blood on
20 the carpet inside of that window and we also saw a dark
21 colored, dark blue jacket rolled up off to one side
22 inside of the business and a baseball cap as well, dark
23 colored baseball cap.

24 Q. Did you see any bodies or any people
25 there?

1 MR. FATTIG: May the record reflect the
2 identification of the Defendant?

3 THE COURT: It may.

4 BY MR. FATTIG:

5 Q. When the Defendant came up with the Toyota
6 pickup truck what did you do?

7 A. I believe that I informed him of why we
8 were there, the reason we were at the business, because
9 we had the suspicious situation next door with the blood,
10 and I asked him if he had been in the area, if he had
11 been around.

12 Q. What did the Defendant tell you?

13 A. I think that he told me at that time he
14 had just gotten back from somewhere back east, maybe New
15 Jersey or Philadelphia.

16 I really don't recall at this time.

17 Q. Do you remember whether or not he
18 indicated to you he had seen anything or heard anything
19 suspicious in the area?

20 A. I know that I asked him him if he had seen
21 or heard anything suspicious and he said that he had not.

22 Q. Did he indicate whether or not he worked
23 with anyone there at the business?

24 A. He did.

25 He said he had a partner at the business

1 Q. I want you to - - do you recognize this
2 document?

3 A. I do.

4 Q. And what is it?

5 A. This is an officer's report which I
6 dictated reference this incident.

7 Q. If you can refer to the second page and
8 read it to yourself and indicate to me after you've read
9 the middle paragraph there whether or not it refreshes
10 your recollection.

11 A. It does.

12 Q. What did Mr. Seka indicate in terms of the
13 last time he saw Peter Limanni?

14 A. He said that he hadn't seen him since
15 November 5.

16 Q. What happened next?

17 A. At the time - - I know it was late morning
18 and my partner and I, there were several different things
19 going on. We saw a dog inside this heating and air
20 conditioning business.

21 We had asked the owner on the trophy store
22 if this was unusual, that the business hadn't been opened
23 yet this morning, he indicated it was.

24 When Mr. Seka arrived I explained to him
25 why we were there and I wanted to make sure there was

1 nobody inside his business that also may need medical
2 attention, in light of the circumstances.

3 Q. Did you eventually go into the business?

4 A. I did.

5 Q. And was that with the consent of the
6 Defendant?

7 A. It was.

8 Q. And what did you see upon entering?

9 A. Upon entering the business I didn't see
10 anything unusual in the very front area.

11 I remember looking off to the left and
12 seeing some wood laying around and I believe Mr. Seka
13 explained that they had changed the business; they were
14 going to start a cigar humidor business and there was
15 some cedarwood and other things laying around.

16 It was obvious they were constructing a
17 humidor in there.

18 Q. Did you see anything unusual that struck
19 your attention?

20 A. Not in that immediate area, I didn't.

21 Q. Did you continue back into the office?

22 A. I did.

23 I continued past the reception area where
24 the desk was. There was a doorway that entered into the
25 back of the business and upon entering that area there

1 were two desks to my left and in the middle of the left
2 most desk there was a bullet that was standing on its
3 end, on its base, standing straight up in the middle of
4 the desk.

5 Q. Can you describe what the bullet looked
6 like?

7 A. It was about two, two and a half inches in
8 length and it had a rounded top.

9 Q. After seeing the bullet did you see any
10 other weapons or guns or anything?

11 A. I saw some knives in there as well.

12 Q. What did you do?

13 A. At that point I explained to Mr. Seka that
14 for my safety and the safety of my partner that I was
15 going to Pat him down to make sure he didn't have any
16 weapons that could be used against us.

17 I believe I also handcuffed him at that
18 point of time and informed him he was not under arrest,
19 but we needed to look further into what was going on
20 inside of that business.

21 Q. And after you placed him in handcuffs what
22 did you do?

23 A. I had him sit down on a couch which is in
24 the reception area, then I continued back into the
25 business to see if there was anybody in there that needed

1 Q. What did you see inside the dumpster?

2 A. I saw some miscellaneous papers on the
3 bottom of the dumpster, not very many papers, enough so
4 that I could see the bottom of the dumpster at several
5 different points within the dumpster.

6 Q. Did it look like the dumpster had been
7 actually dumped out at some point?

8 A. Yes.

9 Actually, the business owner of business
10 number four came out and I believe he told me that it had
11 just been emptied either that morning or the night prior.
12 So he didn't expected to see anything in the dumpster

13 Q. Was that the trophy shop guy?

14 A. Yes.

15 Q. Did you look elsewhere throughout that
16 back area?

17 A. Yes, just basically a peripheral, you
18 know, there wasn't a lot of obstructed views besides the
19 dumpster, so just in that general area in the back.

20 Q. Did you notice anything unusual in that
21 back area?

22 A. Not that I can recall.

23 Q. After you surveyed the area around the
24 businesses there what did you do next?

25 A. We decided that we didn't have a victim,

1 Q. You went back to the same dumpster you had
2 looked at earlier?

3 A. Yes.

4 Q. Was that the only dumpster in that back
5 area there?

6 A. Yes.

7 Q. And what did you see in the dumpster this
8 time?

9 A. I immediately noticed that there was some
10 clothing, maybe a few pieces of clothing, a shoe and a
11 number of inches worth of papers, probably four to six
12 inches worth of papers, that were now filled, that now
13 filled the bottom of the dumpster and miscellaneous
14 papers, I guess, clothing.

15 Q. All that stuff you were describing, none
16 of that was there earlier when you looked in the
17 dumpster?

18 A. Well, no, nothing that - - I mean, the
19 papers that were on the bottom of the dumpster the first
20 time I saw it were miscellaneous and still strewn about.

21 I could see the bottom. I didn't
22 specifically look at items, but the things that were
23 there when I came back most obviously were the clothing
24 and the shoes and then a large amount of paper,
25 identification, things like that that I know that I

1 didn't see the first time I was there.

2 Q. Were you looking - - did those types of
3 things, the identification, the clothing, the burnt
4 items, did that strike you as unusual?

5 A. It did, just because I knew that it wasn't
6 there when I was there hours earlier.

7 MR. FATTIG: May I approach the witness?

8 THE COURT: You may.

9 BY MR. FATTIG:

10 Q. Showing you proposed exhibit 60, a
11 photograph, do you recognize that?

12 A. It appears to be the dumpster that I came
13 back to.

14 Q. And is that in the condition it was the
15 second time when you observed it?

16 A. As far as I can recall, yes.

17 Q. Is that a fair and accurate reflection of
18 what it looked like when you looked in there?

19 A. Yes.

20 MR. FATTIG: Move for admission of Exhibit
21 60.

22 MR. CHRISTIANSEN: No objection.

23 THE COURT: Received. Thank you.

24 BY MR. FATTIG:

25 Q. Did you notice any cards in the area, the

EXHIBIT 26

SEKA000348

APP2223

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ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
FEB 20 2001 19

* * * *

SHIRLEY B. PARRAGUIRRE, CLERK
BY *Linda Skinner*
LINDA SKINNER, DEPUTY

STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
JOHN JOSEPH SEKA,)
)
Defendant.)
)

Case No. C159915
Dept. XIV

VOLUME I
REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE DONALD M. MOSLEY
DISTRICT JUDGE

Taken on Friday, February 16, 2001

At 10:50 a.m.

APPEARANCES:

For the State: EDWARD KANE, ESQ.
TIM FATTIG, ESQ.
Deputy District Attorneys
For the Defendant: KIRK T. KENNEDY, ESQ.
PETER S. CHRISTIANSEN, ESQ.

Reported by: Maureen Schorn, CCR No. 496, RPR

MAUREEN SCHORN, CCR NO. 496, RPR

SEKA000349



APP2224

1 you either can clip it on or wear it around your neck.

2 Q The scene itself outside 1929, was there any
3 evidence of blood or blood droplets outside the entrance
4 of 1929?

5 A Yes, there was.

6 Q Was there any pattern from those droplets to
7 inside the building; in other words, a trail of droplets
8 leading into the building?

9 A I wouldn't say there was a trail of
10 droplets, but there was a couple of droplets outside. I
11 don't think I determined direction or anything at that
12 particular time, but there was a couple droplets out on
13 the sidewalk. The majority of the apparent blood was at
14 that point of entry and, of course, inside on the floor.

15 Q There was no blood leading to the back of
16 building where the door was secured; is that correct?

17 A Not that I saw.

18 Q And you looked over the whole area?

19 A Yes.

20 MR. KENNEDY: Pass the witness, Your
21 Honor.

22 THE COURT: Anything further, counsel?

23 MR. KANE: No redirect. Thank you,
24 Your Honor.

25 THE COURT: Thank you, sir. Next

1 A Right.

2 Q Which was from the 1998 Dodge van?

3 MR. CHRISTIANSEN: Your Honor, may I
4 approach to see better?

5 THE COURT: Yes, you may.

6 Q (By Mr. Fattig) Could you get into your
7 conclusions regarding this first piece of evidence booked
8 by Mr. McPhail from the Dodge van?

9 A Again, the middle portion of the chart or
10 the typing results, and then the side portion of the chart
11 has the conclusion. So the conclusion was, Mr. McPhail
12 called it apparent blood. It was determined that it was
13 human blood.

14 Q You conducted the test?

15 A I conducted the test to determine it was
16 human blood. The next part of the conclusion says who is
17 included as a source of the human blood. Well, Mr. Peter
18 Limanni. So what that means is, if you look it means that
19 he can't be excluded. In other words, this DNA type is
20 the same as Mr. Limanni. And if you look over here and
21 you look at the first one, you will see a B, B, A, A, A,
22 A, 1.2, 18, 25.

23 In this particular case, there was an NR put
24 up there. What that means is no results. Sometimes in
25 the DNA typing there are things that we encounter that

1 prohibit us from doing the typing. In other words,
2 remember, these are not pristine samples. These are
3 samples that are found at crime scenes.

4 There are things that can be found on
5 clothes like dyes that sometimes interfere with the DNA
6 testing. There are chemicals that are used on rugs that
7 may interfere with the DNA testing. So sometimes we hope
8 we get all the DNA results, but sometimes that just
9 doesn't happen.

10 In this case, there was some kind of
11 reaction where I did not get a result as far as whether
12 the DNA was male or female. So in those cases we just put
13 an NR there, meaning no results were obtained.

14 Q Does that affect your ability to make a
15 probability?

16 A No. The antigen is not taken into account
17 as far as the probability. It's just additional
18 information that says whether the blood was male or
19 female, but it's not taken into these numbers at all.

20 Q And what was the probability on that first
21 piece of evidence that it was Peter Limanni's blood, if I
22 were to tell you Peter Limanni was a Caucasian man?

23 A Then the probabilities are one in 1.8
24 million, meaning that you would have to test 1.8 million
25 people in order to find one person with that DNA type, and

1 the DNA matches Mr. Limanni.

2 Q Let's go on to the second piece of evidence
3 here which is listed as glass fragments with apparent
4 blood booked by Crime Scene Analyst Ruffino, Item No. 9
5 which he actually testified about.

6 What were your results on that test?

7 A Well, again, on the glass fragments we
8 generated the DNA type with probabilities. It was human
9 blood, and the included source is Eric Hamilton, which if
10 we look over here at Eric Hamilton's -- and I apologize
11 for having to write this in, but I hope you can see that
12 all the DNA types match Mr. Hamilton's, so the type is the
13 same.

14 Q And with regards to Mr. Hamilton, if I were
15 to tell you that Mr. Hamilton is an African American male,
16 what was the probability that that was his blood?

17 A If he was an African American male, then the
18 probability is one in 2.8 million, meaning you would have
19 to sample 2.8 million people to find one person that has
20 this type.

21 Q Would you have to sample 2.8 million African
22 Americans?

23 A Yes. If you want to talk specifically about
24 African Americans, right.

25 Q And let's move on to the third item on the

1 chart, which is just listed as magnetic cards with
2 apparent blood, again, booked by Mr. McPhail, Item No. 14
3 which is from --

4 MR. CHRISTIANSEN: Objection, Your
5 Honor. May we approach, briefly?

6 THE COURT: You may.

7 (Whereupon, counsel conferred with the Court.)

8 THE COURT: Proceed, counsel.

9 Q (By Mr. Fattig) And, sir, on the third
10 piece of evidence that you tested, Item 14 which is the
11 magnetic cards that I was talking about, what were your
12 results based on testing of that?

13 A Well, the magnetic cards, again, it was
14 human blood. The included source is Peter Limanni. So if
15 you look at Peter Limanni, you look at the results of the
16 typing there and the typing here, and they're the same.
17 And, again, Mr. Limanni is a Caucasian and one in 1.8
18 million people have that typing.

19 Q And how about the fourth piece of evidence?
20 Looks like Mr. McPhail, Package 14, Item 37. Again, what
21 were your conclusions on that one?

22 A On this particular swab it was human blood,
23 the included source is John Seka. Now, on this particular
24 swab you can see or focus in on the numbers, and you can
25 see that they're different.

1 The reason that the numbers are different on
2 this particular swab, there was -- when I do not put any
3 results in the block, what that indicates is that it was a
4 small amount of blood there. I was not able -- I was only
5 able to do a certain amount of DNA typing, and then the
6 blood simply ran out so I couldn't do anymore.

7 So in this particular swab item, I was able
8 to type the DNA in these six areas, but I was not able to
9 do D1S80 or antigen. So, again, because I didn't examine,
10 I wasn't able to do as much DNA typing as I had on the
11 reference standards, well, the probability is lower now.
12 The less types I do, the lower the number.

13 So in this case, the number I came up with
14 for Mr. Seka on this particular source, John Seka was one
15 in 17,200.

16 Q So the fact that you were unable to a
17 conduct those particular tests affected the probability
18 that you were able to reach in the end?

19 A I couldn't. The more testing do you, the
20 more probably it is that you can identify the blood. If
21 the blood runs out, that's it. You just have what you
22 have.

23 Q And that was blood that was found inside of
24 1933 Western on the wall?

25 A I don't know where it was found.

1 Q There will be later testimony on that. The
2 last item there looks like a swab with apparent blood
3 booked by Mr. Reed, crime scene analyst.

4 A Mr. Reed. And, again, same thing, blood
5 sample identified as human blood. The included source is
6 Eric Hamilton. If you look at the DNA types in the
7 standard and compare it to that swab, you see that they
8 are the same. Again, the probability of finding that
9 type -- Mr. Hamilton is an African American?

10 Q Yes.

11 A Would be one in 2.8 million.

12 Q And you were able to -- I see on the chart
13 you have excluded and included?

14 A Right. We also exclude people. In other
15 words, the included source would be a possible suspect
16 whose blood this could be. Excluded means that we have
17 excluded those people from being possible donors.

18 Just like if we were to find Type A blood at
19 a crime scene and you're a Type B person, then you're
20 excluded as a source. You couldn't have deposited that
21 blood because you're a different blood type. So excluded
22 sources are people that we can exclude and say they cannot
23 be the donor of this blood.

24 Q And I see on this last piece of evidence you
25 have excluded source John Joseph Seka?

1 A Yes.

2 Q That can't be John Seka's blood in this
3 particular case that was found in the back of the 1998
4 Toyota pickup?

5 A No, it could not be.

6 Q Could it be Peter Limanni's blood?

7 A The excluded source -- no, it couldn't be
8 Peter Limanni's blood either.

9 Q And you don't have Peter Limanni on there as
10 an excluded source, and could you explain that?

11 A The reason for that is, is that the evidence
12 sort of trickled into the laboratory. We process evidence
13 when we get a request from a detective. In this
14 particular case, Detective Thowsen submitted a request
15 sometime December and wanted us to look at certain pieces
16 of evidence.

17 A month or two later more evidence was
18 generated, or more evidence was deemed to be important in
19 this case, and a second request was sent through saying:
20 Would you now examine this evidence.

21 So at that time when this chart was
22 generated we didn't have Mr. Limanni's blood standard, so
23 that's why it doesn't appear on this particular chart.

24 Q But you were able to compare it to the
25 reference standard, the known sample of Mr. Limanni?

1 A Yeah. If we were to just look at the
2 standard here of the last one, just look at one number in
3 particular, this is a 1.1, 4.1. Mr. Limanni is a 1.2, so
4 that can't be his blood.

5 Q And, again, we can do the same thing with
6 the fourth item of evidence, you have excluded source,
7 Mr. Eric Hamilton?

8 A Right.

9 Q Can you say that also Peter Limanni can be
10 an excluded source of the blood found on the wall?

11 A 1.33, Mr. Limanni a 1.2. So, again, he can
12 be excluded. If you were to look at the types you could
13 see that he would be excluded.

14 Q And you can say that to an absolute
15 certainty?

16 A Yes.

17 Q It's just the included part is when we have
18 the ratios?

19 A Right.

20 Q And, again, the second piece of evidence,
21 the glass fragments with apparent blood which was located
22 inside of 1929 Western, you have excluded source, John
23 J. Seka. Can we also exclude Peter Limanni from that?

24 A Again, the type here if we just focus in on
25 the DQ81, this type is a 1.1 and 4.1. Mr. Limanni is a

1 1.2, so it can't be his blood.

2 Q To an absolute certainty?

3 A Yes.

4 Q If you could take your seat back. At this
5 point I'm going to ask you, do you have a copy of your
6 reports there?

7 A Yes. I do have copies of my reports.

8 Q Did you test some other items in this case
9 that we haven't talked about yet?

10 A Yes, I did.

11 Q Referring to an item that's listed on your
12 report as swab with blood booked by Mr. Reed, 37, 31,
13 Package 1, Item 2, could you find that?

14 A Yes, I can.

15 MR. CHRISTIANSEN: What's the date of
16 the report?

17 MR. FATTIG: The date of the report is
18 December 28th of '98 -- excuse me, December 18th, '98.

19 THE WITNESS: Yes.

20 Q (By Mr. Fattig) What were the results of
21 that particular --

22 A In summary, that swab with blood turned out
23 to be human blood, and Eric Hamilton could not be excluded
24 as the source of the blood.

25 Q And you were able to exclude Mr. Limanni and

1 Mr. Seka?

2 A Yes.

3 Q And what was the ratio on that particular
4 piece of evidence?

5 A The ratio? The probability?

6 Q The probability.

7 A It would be the same as the -- well, excuse
8 me. Mr. Hamilton is the African American?

9 Q Yes.

10 A One in 2.8 million.

11 Q You had occasion to test some hairs with
12 blood. Again, that's off of the report, that same report,
13 I believe, booked by Mr. McPhail, Item No. 6, 33, 26-5,
14 hairs with blood.

15 A Yes. I see that.

16 Q And those were hairs that were found
17 underneath Mr. Hamilton's finger. What was your analysis
18 on that?

19 A That Mr. Hamilton can't be excluded as the
20 source of the hair.

21 Q And, again, is that one in 2.8 million?

22 A Yes. The numbers are consistently the same.

23 Q And how about fingernail clippings with
24 blood, again taken from Mr. Hamilton?

25 A Eric Hamilton cannot be excluded as the

1 source of the blood found under the fingernail clippings.

2 Q And in that particular analysis, I believe
3 on your report it states that the ratio or probability is
4 one in 5700, and that's from the --

5 A Yes.

6 Q And is that, again, are the numbers
7 lower? Why are the numbers lower?

8 A The numbers are lower in this case, again,
9 because there was only a certain amount of blood present
10 and I could only do so much DNA typing. I wasn't able to
11 do the full complement.

12 Q And how about Mr. Reed booked Item No. 3
13 there, 37, 31-1, Item 3, again, swab with apparent blood
14 taken from the back of the Toyota truck, a separate swab.

15 What was the analysis on that?

16 A Again, Eric Hamilton cannot be excluded as
17 the source of that blood.

18 Q And, again, that was one in 5700?

19 A Yes, that was.

20 Q And Mr. McPhail booked 33, 26, Package 1,
21 Item 1, again, a swab of apparent blood taken out of the
22 1998 Dodge van. What was the analysis on that?

23 A Could you please refer to the report?

24 Q Yes. It's off of --

25 A Is that the same report, or a separate

1 report?

2 Q It is a separate report. That is the second
3 report you generated on February 8th of 1999.

4 A Okay.

5 Q And referring to Item 1, Package 1 from
6 Mr. McPhail.

7 A Item 1, Package 1. Okay, I see that.

8 Q Swab with apparent blood?

9 A Yes. The results are Peter Limanni cannot
10 be excluded as a source of that blood.

11 Q That was from the back of the Dodge van.
12 What was the ratio or findings on that in terms of the
13 numbers?

14 A One in -- Mr. Limanni is Caucasian, one in
15 35,500.

16 Q And you also had occasion, again, referring
17 to that same report on the next page, Mr. McPhail booked
18 Package 14, Item 40, again, a swab of apparent blood off
19 of a sink counter inside 1933 Western.

20 What were the findings on that one?

21 A That John Seka cannot be excluded as a
22 source of that blood.

23 Q And since Mr. Seka is Caucasian, that would
24 be one in 1.9 million?

25 A Yes.

1 Q And you also had occasion to, again, right
2 below that Mr. McPhail booked some blue jeans with
3 apparent blood found inside of 1933 Western.

4 What was the conclusion on that one? That
5 would be Item 33, Package 11.

6 A On the blue jeans, John Seka cannot be
7 excluded as the source of the blood on the blue jeans.

8 Q And that would be one in 17,200 on that
9 particular test?

10 A Yes.

11 Q Did you also have occasion to test a piece
12 of fabric that was submitted and it was described as a
13 stained piece of fabric?

14 A Yes.

15 Q What was the test on that that you did?

16 A Testing on the fabric, I described it as
17 having reddish/brownish stains. The tests were negative
18 for the presence of blood, so they were brown stains but
19 they weren't blood.

20 Q And did you also have occasion to conduct
21 DNA analysis on two Marlboro cigarette butts that were
22 recovered by Vince Roberts near the body of where Eric
23 Hamilton was found?

24 A Yes, I did.

25 Q And what were the results of that?

1 A No typing, DNA typing results were obtained
2 on the cigarette butts.

3 Q And why is that?

4 A Sometimes on cigarettes butts we can get DNA
5 types because, as I mentioned, DNA can be obtained from
6 all the cells in your body, including the cells in your
7 mouth.

8 Generally speaking, if a person has wet lips
9 and smokes the entire cigarette and the filter would be
10 wet, the chances are very good that we could get a DNA
11 type off of that. If a person just takes one drag of the
12 cigarette and puts it down and didn't smoke much of it and
13 his lips were dry, or her lips were dry, the chances are
14 we couldn't get DNA typing results.

15 And in this case I can't tell you why we
16 didn't. There could be other reasons, we just didn't get
17 any type of results off the cigarette butts.

18 Q And to the best of your knowledge, have we
19 now covered all the items that you conducted tests on?

20 A I believe so.

21 Q And who decided which items for you to
22 conduct tests on?

23 A It's generally decided by the investigating
24 officer in charge. In this case it was Tommy Thowsen.
25 Oftentimes, the detective will call the DNA laboratory and

1 A On DNA typing and testing, no. On DNA in
2 general, yes.

3 Q Now, that changed, if I count seven classes
4 you've been to in 1996, when you started going to these
5 classes for DNA analysis, correct?

6 A Correct.

7 Q And that would be about five years ago?

8 A Yes.

9 Q Now, five years ago there was a prevalent
10 type of DNA testing that was done, and what was that
11 called?

12 A I am not sure. Are you trying to ask about
13 RFLP?

14 Q Yes.

15 A Okay. I refer to this technology as an
16 older technology, and it's more specifically what we call
17 an older PCR technology. There was a DNA technology that
18 was around before this, because the technology changes
19 very rapidly. Every couple of years what was deemed state
20 of the art becomes obsolete.

21 And what you're referring to is, there was a
22 technology called RFLP. Is that what you're referring to?
23 It was predated PCR technology, and was the original old
24 DNA technology that people first started working with.

25 Q Was this RFLP testing, or was this PCR

1 testing?

2 A This was PCR testing.

3 Q And what type of testing do you do today at
4 your lab?

5 A PCR testing.

6 Q Is it a new type of PCR testing?

7 A Yes. It's a more advanced type of PCR
8 testing than what we were doing in 1998.

9 Q I understand science moves quickly and
10 you're oftentimes called upon to testify for now three
11 years, two-and-a-half years out from when you performed
12 most of these tests?

13 A Yes.

14 Q Nobody ever called you up and said: Hey,
15 Mr. Welch, why don't you test those cigarette butts under
16 the new PCR testing, the most sophisticated we have as of
17 today at the time of trial?

18 You were never called upon to do anything
19 after February of 1999, correct?

20 A That's correct.

21 Q And you understand during this trial, my
22 client is on trial for his life?

23 A Yes. I understand that.

24 Q And you told the jury one of the most
25 important things for you to do when you get blood samples

EXHIBIT 27

SEKA000367

APP2242

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

Copy all
EVENT #: 981116-0443

MURDER WITH DEADLY WEAPON
SUBJECT

DIVISION REPORTING: ISD - HOMICIDE

DIVISION OF OCCURRENCE: PD

DATE AND TIME OCCURRED: 11-16-98 / 0617 HRS

LOCATION OF OCCURRENCE: APPROX 2 MI
SO OF STATE RTE 146 ON
LVBS

DICTATING OFFICER:

DET. J. BUCZEK
HOMICIDE SECTION

VICTIM:

HAMILTON, ERIC
BMA DOB: 11-16-64
SSN:
LVMPD ID#: 1590973

SUSPECT:

SEKA, JOHN JOSEPH (JACK)
WMA DOB: 11-16-64
SSN:
FBI#: 118012KA6
ADDRESS:
1933 WESTERN AVE.
LAS VEGAS, NV 89103
CELL PH#: 5957

I. SYNOPSIS

On 11-16-98, Michael Stanish was driving his vehicle southbound on Las Vegas Boulevard South and observed a dead body laying on the west side of the road in the desert. The body had various sizes of lumber laying across it. Stanish drove to a nearby work site and called on Jeffery Lowery's cellular telephone to the Las Vegas Metropolitan Police Department to report his find.

Date and Time of 9

12-1-98

Officer: DET. J. BUCZEK

PH: 3702

Approved: Sgt. K. Hefner

Officer:

PH:

VMPD 82 (REV. 1-91) - AUTOMATED

SIGNATURE: James J. Buczek

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II. PERSON AT THE SCENE

A. LVBS 2 MILES SOUTH OF STATE RTE 146

1. PATROL DIVISION - RESIDENT SECTION

A. OFF. G. KAPP, P#2136

2. GENERAL ASSIGNMENT DETAIL

A. DET. M. HNATUICK, P#3582

B. DET. D. FLYNN, P#3028

3. HOMICIDE SECTION

A. LT. W. PETERSEN, P#1913

B. SGT. K. HEFNER, P#2185

C. DET. T. THOWSEN, P#1467

D. DET. J. BUCZEK, P#3702

4. CRIMINALISTIC PERSONNEL

A. CSA SUPERVISOR G. REED P#3731

B. CSA D. LEMASTER, P#4243

C. CSA V. ROBERTS, P#5714

5. CLARK COUNTY CORONER AND MEDICAL EXAMINER'S OFFICE

A. CORONER'S INVESTIGATOR J. STALLINGS
PRONOUNCED THE VICTIM DEAD AT 0920 HOURS

6. DAVIS MORTUARY

A. ATTENDANT M. HARDICK

B. ATTENDANT B. BALLARD

7. CLARK COUNTY FIRE DEPARTMENT RESCUE 87

A. FIRE FIGHTER UPTON

B. FIRE FIGHTER LEARY

B. 1929 WESTERN AVENUE AND 1933 WESTERN AVENUE

1. PATROL DIVISION

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- A. OFF. R. KROLL, P#4850
- B. OFF. R. NOGUES, P#5622

2. HOMICIDE SECTION

- A. SGT. K. HEFNER, P#2185
- B. DET. T. THOWSEN, P#1467
- C. DET. J. BUCZEK, P#3702

3. CRIMINALISTICS PERSONNEL

- A. CSA SUPERVISOR A. CABRALES, P#2045
- B. CSA D. RUFFINO, P#1502
- C. CSA R. MCPHAIL, P#3326

III. WITNESSES INTERVIEWED

REFER TO DET. T. THOWSEN'S OFFICER'S REPORT

IV. PERSON REPORTING

STANISH, MICHAEL FELIX
WMA DOB: 02-01-55
SSN: -
ADDRESS:
4081 RIGHT DR
LAS VEGAS, NV. 89117
PH#: 243-4053
WORK ADDRESS:
6120 W. TROPICANA #A-16,
LAS VEGAS, NV. 89103
WK PH#: 880-0660

V. DETAILS

Upon receiving Stanish's call, Resident Off. G. Kapp was dispatched to the scene. Off. Kapp arrived, determined that the victim was dead, and requested that General Assignment detectives respond. Det. D. Flynn and Det. M. Hnatuick arrived, viewed the scene, and requested that Homicide detectives be notified and respond.

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VI. CRIME SCENE INVESTIGATION

A. NOTIFICATION OF HOMICIDE SECTION

On 11-16-98, at approximately 0733 hours, I was contacted by Sgt. K. Hefner while I was at the office. Sgt. Hefner instructed me to respond to Las Vegas Boulevard South, two miles south of State Route 146. I responded and arrived at approximately 0807 hours.

I met with my partner, Det. T. Thowsen, and Sgt. K. Hefner. It was determined that Det. Thowsen would be responsible for interviewing the witnesses and that I would be responsible for the crime scene investigation.

Crime Scene Analysts LeMaster, Reed, and Roberts arrived. They photographed the scene, completed a crime scene sketch, and processed the scene for evidence.

Coroner's Investigator J. Stallings arrived and pronounced the victim dead at 0920 hours. Davis Mortuary attendants arrived the scene, removed the victim's body and transported the victim to the Clark County Coroner and Medical Examiner's office pending an autopsy.

B. DESCRIPTION OF THE SCENE

The scene was located in the desert area west of Las Vegas Boulevard South and east of the fence that is between Las Vegas Boulevard South and I-15 North. A compound for Lucky's food store transport trailers is north of the scene.

The victim is laying in the middle of two tire-tracks. The tracks enter the desert north of the victim from Las Vegas Boulevard South and exit the desert south of the victim returning onto the paved roadway. Northeast of the victim is a white filtered cigarette butt. A white filtered cigarette butt is also located southeast of the victim on the shoulder of the road.

A blue can of Skoal is east of the victim's body on the shoulder of the road. An empty Heineken beer bottle is located southeast of the victim. Another set of tire-tracks pull into the desert and appear to back out, northeast of the victim. The GPS coordinates are north 35 degrees 56.268 and west 115 degrees 11.216.

C. DESCRIPTION OF THE BODY

The victim is a black male adult. He is laying face-down on the ground. The victim's head of pointing to the north and his feet are to the south. His arms

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are extended over his head. The victim has a rubber band around his left wrist and has a yellow-colored metal ring with numerous clear stones on his right ring finger.

He is wearing a charcoal-colored short-sleeved shirt and there is apparent blood stain on the front of the victim's shirt. He is also wearing black Levis jeans which are size 34/30, and black athletic shoes. There is a tear in the right leg of the Levis beneath the right rear pocket. There are seven pieces of various sized lumber, including a panel of cedar, laying across of and on top of the victim's body. The wood consisted of various lengths of 2 1x4's, a 1x6, a 1x3, a 2x4, and a 5 1/2"x1/2" piece of OBS plywood. The cedar panel measured 4'x15" x1/4". A 3/4" x 1 1/2" tag was stapled to the end of a 1"x6" and has a bar code and Plum Creek printed on it. The 1"x6" board has the number 2 and < inscribed on it with an orange crayon. The wood appeared to be relatively new and was not stained nor weathered.

The victim's body is laying approximately 48 feet 6 inches west of the center line of Las Vegas Boulevard South. Coroner's Investigator Stallings moved the victim's body and it was learned that there was one gunshot wound to the victim's back beneath the left shoulder-blade. There is a second gunshot wound to the lower left abdomen. A third gunshot wound was located in the chest.

A piece of scrap paper was located in the victim's right front pocket. The name "Jack" and the telephone number [REDACTED] 5957 were written on the paper.

D. DESCRIPTION OF 1929 WESTERN AVENUE

On 11-17-98, at approximately 1007 hours, Officer R. Noguez and Officer R. Kroll were dispatched to 1929 Western Avenue under event #981117-0730, in reference to a glass window that had been broken out in a vacant business. Upon their arrival they discovered a large amount of apparent blood stains inside the vacant business. They requested that Criminalistics respond to process the scene. Criminalistics personnel arrived and contacted Sgt. K. Hefner in the Homicide office. Sgt. Hefner was informed that they were at 1929 Western Avenue and that the scene contained apparent blood stains, spent bullets and a broken window. Sgt. Hefner and I responded to 1929 Western Avenue.

The front door of the business of 1929 Western Avenue faces west and is located between 1925 Western Avenue and 1933 Western Avenue. 1929 Western Avenue consists of five empty rooms, one storage area and two bathrooms. The room containing the crime scene is the southwest room of the vacant business.

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The entryway consists of a glass wall facing west, a glass wall facing south, and a cinder block wall facing south. The west glass wall consists of two glass panels and a glass door. The door swings out and to the north. The glass panel which is located south of the door is broken and most of the broken glass is laying on the floor inside. There is apparent blood stain on the glass inside of the building and on the floor.

There are drag marks across the green carpet, consisting of apparent blood, which starts at the bloodied and broken glass and arches to the north to another apparent blood stain on the carpet. There is another set of drag marks from the second stain returning to the broken window. A dark-blue jacket stained with apparent blood is located in the northwest corner of the room. The jacket also had some holes in it that were consistent with holes made by bullets. The location of the holes in the jacket are consistent with the location of the wounds found in victim Eric Hamilton's body. A gold-colored bracelet was found on the glass near the doorway. A black hat with the logo JC Penny Construction/ Arcadia in white lettering, was located just inside the front door.

A spent bullet was located on the floor next to the south wall. A second spent bullet was located on the carpet next to the east wall. Two bullet fragments were located on the carpet between the arching drag marks and the east wall. A third spent bullet was located on the carpet, just inside of the front door. An unopened boxed toothbrush was just inside of the front door. A fourth spent bullet was located on the sidewalk, just south of the entryway, in front of 1929 Western Avenue. There are apparent blood stains on the sidewalk and carpet directly in front of the entry to 1929 Western Avenue.

E. DESCRIPTION OF 1933 WESTERN AVENUE

The front of the business is constructed of glass. The glass has a mirrored tint applied to it. The address 1933 Western Avenue is located above the front door in white letters and numbers. In front of 1933 Western Avenue is a large brown box with apparent blood stains on it. The interior is undergoing extensive remodeling. The front door pulls out and swings to the north. There is an apparent blood stain on the outside handle of the door. There is another apparent blood stain on the south portion of the door jam. Upon entering the business there are two small rooms.

The north room connects to a walk-in humidor which is entered through French doors in the east wall. The walls of the humidor are constructed of cedar, however a section measuring 31"x15" is not covered with cedar. A piece of OBS plywood that occupies the 31"x15" space was removed and impounded by crime scene analysts. The size of the missing piece of cedar is somewhat similar in size with the piece of cedar measuring 4'x15" that was recovered at the Las Vegas Blvd. South crime scene. The north room

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contains various sizes of lumber including 2x4's, 1x6's, 1x4's, cedar tongue and groove planks, and OSB plywood. One piece of lumber has a 2 and < written on it with an orange crayon. A 1x4 had a 1 1/2"x3/4" tag stapled to the end. The tag has a bar code and Plum Creek printed on it. This tag is similar to the tag that was found on a piece of lumber at the Las Vegas Blvd. South crime scene. A handbag belonging to Lydia Gorzoch was located in the false ceiling above the French doors. The handbag and contents were reported stolen under Event Number 981106-0539. Gorzoch's window in her unoccupied vehicle was shot out with a firearm and her handbag was removed.

The room to the south contains a couch against the east wall and various sizes of cedar lumber are piled against the front window. A door in the southeast corner of the east wall offers access into the office area. Two desks are against the south wall and are cluttered with various items. A desk is against the northwest corner of the north wall.

A pair of blue jeans stained with apparent blood was draped over an open desk drawer of the desk against the north wall. A shredder and file cabinet are also against the north wall. A grey couch is against the west wall and a bullet hole travels through it. Two pieces of sheet-rock are behind the couch and the bullet traveled through the first sheet of sheet-rock and was lodged in the second sheet of sheet-rock. Three .357 shell-casings were recovered in the false ceiling above the northwest desk.

Also located in the ceiling was a wallet belonging to Peter Limanni. The wallet contained his driver's license, Social Security card, birth certificate, and various credit cards. A high-back chair is in the middle of the room. The entire room is cluttered. A large opening, approximately 7 feet by 7 feet, is located in the east wall and accesses a storage room which is quite cluttered.

A door is in the northeast corner of the east wall and offers access to the rear parking area. Just west of the door on the northwest wall is an apparent blood smear. In the northwest corner of the west wall is a counter and sink. There is an apparent blood stain on the counter. A red plastic ammunition packaging with 25 empty slots is located on the hot water heater south of the counter. A copy machine is located against the north wall.

A doorway is in the northwest corner of the north wall and accesses a small hallway. The north wall of the hallway accesses two bathrooms. The west bathroom contains a sink and a toilet. A .32 caliber cartridge is located in the water of the toilet bowl. The east bathroom contains a sink and a makeshift shower.

A doorway in the east part of the hallway accesses a room. The room contains a chair and ottoman in the northeast corner, a white desk against

SEKA000374

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the south wall, and a partition near the southwest corner. A mattress and bag of clothing are on the floor. A .32 caliber cartridge was located in the northeast corner of the false ceiling. An ironing board is located in the middle of the room. An athletic shoe is located on the ironing board. A blood smear is located on the east wall of the room, over the electrical box, nearest the northeast corner.

A dumpster located to the rear of the business contained burnt clothing. There were also burnt personal items that belonged to Peter Limanni in the dumpster.

A 1998 Toyota pickup truck, bearing Nevada license plates 720JJM, and a 1998 Dodge van, bearing Nevada license plates 514JME were located in the parking lot in front of the business. Apparent blood was located in the rear cargo area of the van and in the bed of the pickup truck. Presumptive testing was conducted and it was determined that the stains were human blood. The vehicles were sealed and towed to the LVMPD Crime Lab where they were later processed for evidence.

F. VISIBLE EVIDENCE AT THE SCENE

1. LAS VEGAS BOULEVARD SOUTH, 2 MILES SOUTH OF STATE ROUTE 146

Refer to CSA Roberts' evidence impound report.

2. 1929 WESTERN AVENUE AND 1933 WESTERN AVENUE

Refer to CSA McPhail's evidence impound report.

VII. INTERVIEW OF WITNESSES

Refer to Det. T. Thowsen's Officer's Report.

VIII. AUTOPSY

The autopsy of the body of Eric Hamilton was conducted at the Clark County Coroner and Medical Examiner's office on 11-17-98 at approximately 0930 hours.

A. PERSONS IN ATTENDANCE

1. DR. S. GREEN - MEDICAL EXAMINER
2. K. MORRIS - FORENSIC ASSISTANT
3. DET. J. BUCZEK, P#3702

SEKA000375

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4. CSA R. MCPHAIL, P#3326

B. LOCATION OF INJURIES

1. One entry gunshot wound to the left lower abdomen.
2. One exit gunshot wound to the right buttocks.
3. One entry gunshot wound to the back left of midline.
4. One exit gunshot wound to the chest.
5. One entry gunshot wound to the right rear thigh.
6. One exit gunshot wound to the right inner thigh.
7. One gunshot wound grazing the right rear thigh.
8. Abrasions to the chest.
9. Abrasions and contusions on the nose, left cheek, and above the left eye.
10. Abrasions on the left elbow.
11. Abrasions on the right palm and thumb.
12. A laceration on the right forearm.

C. ITEMS IMPOUNDED

Refer to CSA McPhail's Evidence Impound Report.

D. CAUSE OF DEATH

After a complete autopsy, Dr. Green ruled the cause of death to be a gunshot wound to the back. The manner of death was homicide.

JB/smb
984163

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APP2251

EXHIBIT 28

SEKA000377

APP2252

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CRIME SCENE REPORT

SECTOR/BEAT C2

INCIDENT HOMICIDE - FOLLOW-UP		EVENT # 981116-0443	
REQUESTING OFFICER THOWSEN, P# 1467 BUCZEK, P# 3702		DIVISION ISD	DATE 11-17-98 TIME 1132
VICTIM JOHN "LUMBER" DOE		LOCATION 1929 WESTERN AVENUE	
RESULTS OF INVESTIGATION <input type="checkbox"/>		NO ACTION TAKEN <input type="checkbox"/> NO EVIDENCE RECOVERED <input type="checkbox"/>	

1. PHOTOGRAPHY

- ☐ black and white negatives exposed
☒ color negatives exposed
☐ _____

2. LATENT PRINT PROCESSING

- ☒ latent processing conducted
☒ latent fingerprints lifted
☒ latent palm prints lifted
☐ negative results
☐ _____

3. FIREARMS EVIDENCE

- ☒ projectile(s) recovered
☐ casing(s) recovered
☐ cartridge(s) recovered
☐ weapon(s) recovered
☐ _____

4. FOOTWEAR AND TIRE IMPRESSIONS

- ☐ footwear ☐ tire impression(s)
☐ casting ☐ original surface
☐ photographed ☐ _____

5. POSSIBLE BODY FLUIDS RECOVERED

- ☒ bloodlike substance(s) ☒ control(s)
☐ _____

6. TOOLMARK EVIDENCE

- ☐ original surface recovered ☐ casting
☐ tools recovered
☐ _____

7. OTHER

☒ Refer Property Report

VEHICLES

ADDITIONAL INFORMATION

On 11-17-98 at 1132 hours, I, Senior Crime Scene Analyst (CSA) D. Ruffino, P# 1502, arrived at the listed location, initially to investigate a malicious destruction of private property/suspicious circumstances call under Event #981117-0730. After evaluation of the scene and additional information was obtained, the scene was investigated as a follow-up call under Event #981116-0443. CSA Supervisor A. Cabrales, P# 2045, arrived at the scene at approximately 1230 hours, and Homicide Detectives were contacted and they arrived a short time later.

APPROVED	<i>[Signature]</i>	P#	2045	ID OFFICER	David Ruffino <i>[Signature]</i>	1502
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H:\FRONTOFF\SHIRLEY\WORK AREA\RUFFINO\RUFFINO\CSR

Page 1 of 3

SEKA000378

APP2253

SCENE:

The scene was located at 1929 Western Avenue at a vacant, unrented business suite in a building shared by other businesses, which is physically located on the east side of Western Avenue with the front of the building facing in a westerly direction.

A broken point-of-entry window was located on the front west side of the business with apparent blood located on the ground, glass fragments, and on the sidewalk outside the point-of-entry.

A large lead, possible bullet fragment was located on the front sidewalk four (4) feet south of the location. The apparent lower point-of-entry window molding, with an apparent bullet hole through it, was found just west of the businesses' front sidewalk.

Upon entering the front west door of the vacant business, the point-of-entry west front broken window was located just south of the entrance, with several broken glass fragments located on the floor inside the point-of-entry, with apparent blood on the floor and several glass fragments inside the point-of-entry. A gold colored nugget-type bracelet was found on the floor inside the point-of-entry just one (1) inch east of the south wall. A J. C. Penney construction cap and a packaged beige toothbrush were located on the floor inside the west front door.

An apparent blood trail was observed in the center of the room, starting two (2) feet from the south wall of the office, arcing northward for about eight (8) feet, where a large apparent blood spot is located, before it arcs back toward the initial point-of-entry window in a southerly direction.


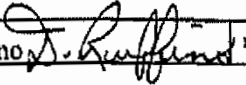
A blue winter security-type jacket, with apparent blood on it and bullet-type holes in it, was found lying on the floor in the northwest corner of the room.

Two (2) small pieces of paper were found on the floor, one (1) with "GSI Thunderbird Hotel" printed on it, and the second one with "1149 Feet" printed on one side and "Security" printed on the other side. An escort-type advertisement publication was also located on the floor.

Five (5) more pieces of firearms-type evidence was located on the floor inside the business on the office floor. A copper-jacketed bullet was found adjacent to the south wall of the office. A second copper-jacketed bullet was found adjacent to the east wall of the office. The third copper-jacketed bullet was found lying on a broken glass fragment inside the west front door. Two (2) additional lead/copper bullet-type fragments were found on the center/east side floor of the office.

The rest of the business contained additional empty offices, men's and women's bathrooms, and a secured rear east door.

No victim for this incident was located on the premises.

APPROVED		IN	2015	ID OFFICER	David Ruffino		1502
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H:\FRONT OFFSHIRLEY\WORK AREA\RUFFINO\RUFFINO.CSR

PHOTOGRAPHY:

I exposed color negatives of the scene showing the address location; overall views of the sidewalk; the exterior of the location; the west point-of-entry broken window; overall views of the interior front west empty reception/office area; the apparent victim's hat, coat, and toothbrush; and close-up views of firearms and other evidence recovered.

EVIDENCE:

I recovered the above mentioned lead bullet and possible blood sample from the front sidewalk, a glass fragment with possible blood on it from the ground outside the west point-of-entry window, the three (3) copper-jacketed bullets, and two (2) fragments from the office floor, as well as the coat, cap, toothbrush, glass samples with and without possible blood, hair samples, carpet standard, two (2) pieces of paper with printing, an escort-type advertisement, and a gold colored nugget-type bracelet. Please refer to my Evidence Impound Report under this event number for a complete description and exact locations of the items recovered.

LATENT PRINTS:


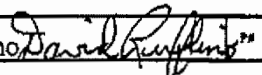
I processed the scene for latent fingerprints, with latents being recovered from the exterior north vertical metal frame edge to the west front point-of-entry window, the interior front west door on the glass pane, and from a glass fragment inside the point-of-entry on the office floor.

CRIME SCENE DIAGRAM:

I prepared a sketch of the scene, including the sidewalk in front of the location, the point-of-entry window, the front reception area/office, and the location of evidence recovered showing pertinent relationships and measurements.

No further action taken.

REC'D
NOV 13 10 51 AM '82

APPROVED		PI	2011-04-10	ID OFFICER	David Ruffino 	1502
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H:\FRONT OFFSHIRLEY\WORK AREA\RUFFINO\RUFFINO\CSR

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EXHIBIT 29

SEKA000381

APP2256

OFFICER'S REPORT

Las Vegas Metropolitan Police

Records Distribution

Dist. EVENT #: 981117-0730
8-981116-044

Dissemination is restricted to Criminal
Agencies ONLY. Secondary
information to Non-Criminal Justice
Agencies is PROHIBITED.

Date: 12/10/98
Las Vegas Metropolitan Police DepartmentB.

HOMICIDE

SUBJECT

DIVISION REPORTING:

DTAC PATROL

DIVISION OF OCCURRENCE:

DTAC

DATE AND TIME OCCURRED:

11-17-98/1007

LOCATION OF OCCURRENCE:

1929 WESTERN
AVENUE, LAS VEGAS
NEVADA 89102

PERTINENT SUBJECT(S):

OFFICER R. KROLL, P#4850
OFFICER R. NOGUES, P#5622
ID TECHNICIAN D. RUFFINO, P#1502
HOMICIDE DETECTIVE J. BUCZEK

SUSPECT:

SEKA, JOHN JOSEPH, DOB/
SSN/1

PERSON INVOLVED:

LIMANNI, PETER

PERSON REPORTING:

FERGUSON, RICK

DETAILS:

On November 17, 1998, I, Officer R. Kroll was working as marked patrol unit 2C12 at approximately 1007 hours, I was dispatched to a suspicious situation call at 1929 Western Avenue. Upon arrival at the scene, I was met by the Person Reporting the incident, Rick Ferguson who works at R&M Trophies located at 1937 Western Avenue. Mr. Ferguson directed me to 1929 Western Avenue, where there was a plate glass window next to a door, which had been shattered and there was a substantial amount of blood around, some dried and some appeared to be wet. It was on both the outside and the inside of this vacant office.

Upon closer examination we found several bullet slugs, which were inside of that vacant business. Inside the office we also found a hat and a jacket. We looked

Date and Time of Report:

12-10-98/1124

Officer:

R. KROLLP#: 4850

Approved:

Officer:

P#: SIGNATURE:

SEKA000382

APP2257

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

IC Incident Number: 981117-0730
&981116-0443

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around to make sure that there was no one inside that was injured, but we did not find anyone inside.

At this time, we decided to check the other businesses within that strip mall, but we were not able to find anybody at 1933 Western Avenue, which is heating, ventilation and air conditioning business. We spoke with the Person Reporting the incident Mr. Ferguson, who said it would be unusual that somebody wasn't at the business at that hour. He said normally there was somebody there.

We checked around the entire perimeter of the strip mall and were unable to find anyone needing medical assistance. At this point, we requested an ID Specialist respond to our location to photograph the scene. Shortly thereafter, ID Specialist D. Ruffino, P#1502 arrived at the scene. After a cursory inspection of the scene, I believe Mr. Ruffino would contact the Homicide Detectives.

At this point, a person arrived at 1933 Western Avenue at the heating, ventilation and air conditioning business. I spoke with a man who identified himself John Joseph Sica. I explained to him that there was some suspicious circumstances in the vacant business next door to his. I then began questioning him as to if there were some people around the business the night before, or if there was some sort of altercation that he could have heard. He indicated to me that he had just returned from New Jersey within a week and that he had not seen or heard anything suspicious in the area. I asked him if there was anyone else at the business and he said that his partner Peter Limanni who is also a partner at the business had not been around since November 5, 1998. When I asked Mr. Sica where Mr. Limanni might be, Sica stated that he thought Limanni was in South Lake Tahoe or the Reno area with his girlfriend. At this time, I went into the business with Mr. Sica asking him if I could take a look around to make sure that there was no one else in there that was hurt. He indicated in the affirmative that I could take a look around the business.

As I entered the back area of the business at 1933 Western Avenue, I saw a complete bullet shell approximately 2 1/2 inches long sitting on top of the counter. I also observed several knives that were in the office area. At that point, I handcuffed Mr. Sica for my own safety as patted down. I gave him a cursory pat first to make sure that he wasn't in possession of any weapons that could be used against me during my investigation. I continued to look around the business. I found nothing else out of the ordinary inside of the business. It did appear however, that somebody had been living in there. I asked Mr. Sica and he indicated that he did in fact live inside of the business, but that he also spent some time down in the Spanish Trails area with a friend of his. It was at this time that Officer Nogues and I cleared from the call. The time was approximately an hour to an hour and a half later when we were recalled to the scene by a Homicide Detective Jim Buczek. As we returned to

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

Report Number: 981117-0730
&981116-0443

Page 3 of

the scene, Detective Buczek asked me about the bullet that I had seen on top of one desk in the back area of the business at 1933 Western Avenue. I explained to Detective Buczek what the bullet looked like and where it was at and as I went back into the business to look for it, I realized that the bullet was no longer there. I asked Mr. Sica if he had seen the bullet and he had indicated that he had seen it there earlier, but he didn't know what had happened to it. He said he may have knocked it over or somebody else may have taken it from the area, because he felt that the man that actually owns the building may have been in the area and taken it.

I did call the man that owns the building and asked him about the missing bullet and he indicated that he had never been into the back area of the business and he certainly didn't touch a bullet that was sitting there. It should also be noted that in speaking with Mr. Sica, I remember at one point, that he indicated that he had spoken with Limanni's girlfriend earlier that same morning on 11-17-98. I asked Mr. Sica if he remember having told me that he thought Limanni was with his girlfriend or South Lake Tahoe or the Reno area. At this point, Mr. Sica indicated that he told that Limanni had a girlfriend here in town in Las Vegas and that he also had a girlfriend in the Lake Tahoe, Reno areas.

RK/tjg(03)
Job# 65221
Dict: 120598/1120
Tran: 121098/0949

cc: Detective J. Buczek/Homicide

SEKA000384

APP2259

EXHIBIT 30

SEKA000385

APP2260

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONSENT TO SEARCH CARD

Date: 8/11/17/98

Event #: 981116 0443

I, JOHN SEKA, having been informed
of my right not to have a search made of the premises/property listed hereafter
without a search warrant issued by a court of jurisdiction, and of my right to refuse
to consent to a search for items directly or indirectly related to the investigation of
MURDER W/DW

do hereby voluntarily consent to a search of Address/Description
1733 WESTERN AVENUE

Signature: [Signature]

Witness: [Signature]

LVMPD 79 A (REV. 2-97)

SEKA000586

APP2261

EXHIBIT 31

SEKA000387

APP2262

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 1

EVENT #: 981116-0443

SPECIFIC CRIME: MURDER WITH A DEADLY WEAPON

DATE OCCURRED: 11-16-98

TIME OCCURRED: _____

LOCATION OF OCCURRENCE: _____

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: MICHAEL KIRK CERDA

DOB: 11-22-46

SOCIAL SECURITY # _____

RACE: _____

SEX: _____

HEIGHT: _____

WEIGHT: _____

HAIR: _____

EYES: _____

WORK SCHEDULE: _____

DAYS OFF: _____

HOME ADDRESS: 3111 WESTERN AVENUE

HOME PHONE: _____

WORK ADDRESS: NEVADA PROPERTIES
630 LAS VEGAS BLVD. SOUTH
LAS VEGAS, NV 89101

WORK PHONE: 382-6022

BEST PLACE TO CONTACT: _____

BEST TIME TO CONTACT: _____

The following is the transcription of a tape-recorded interview conducted by DETECTIVE TOM THOWSEN, P# 1467, LVMPD HOMICIDE SECTION, on 11-17-98 at 2135 hours.

Q: Michael, first off, are you aware this statement is being tape recorded?

A: Yes.

Q: And can you tell me if in your duties with Nevada Properties you have anything to do with the property at 1933 Western Avenue?

A: Yes. I'm the property manager there.

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 2

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

Q: And are you familiar with the, uh, people that are on the lease?

A: Yes, I am.

Q: Can you tell me who is on the lease?

A: Uh, Tak Kato and, uh, Peter Limanni.

Q: Do you know how Peter spells his last name?

A: Yes, it's, uh, L-I-M-A-N-N-I.

Q: And how long has Peter been in that business?

A: Uh, they've been leased here about, uh, six months now.

Q: And does, uh, Tak, does he stay here also and work out of this business or is he someplace else?

A: No, Tak is, uh, moved to California and he's planning to go to Japan. He's left, uh, the business side about a year— I meant, a month and a half ago.

Q: So he was here about a month and a half ago?

A: Yes.

Q: Okay. Who has been here most recently in that business?

A: Uh, Peter Limanni's been the, uh, the primary, uh, leasee there and also he has a friend or a partner, uh, named Jack and I don't know his last name.

Q: You were looking at some photographs that my partner had a few minutes ago. And he showed you a picture of a man and a woman. Did you recognize the picture of the man?

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 3

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

A: Yes.

Q: And who is that man?

A: Peter Limanni.

Q: And did you recognize the woman that was in the picture?

A: Yes, I'd seen her once before?

Q: With Peter?

A: Yes.

Q: And did you notice any pictures, uh, in the ones that you were looking at of Jack?

A: Yes. I noticed one picture is.

Q: And who was shown in the pictures?

A: Uh, Jack and Peter were standing together.

Q: Okay. The, uh, business was supposed to be an air conditioning business? Is that correct, originally?

A: Yes.

Q: And did it operate as an air conditioning business or did it change somehow?

A: It, uh, they'd asked for a request for a new business, uh, small business, uh, with regard to retail cigars and I had given 'em permission providing they got the, uh, license and the codes from the, uh, City.

Q: And did it look like they'd stop doing business as an air conditioning company?

A: Yes, it did.

SEKA000390

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 4

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

Q: And what did you base that on?

A: Uh, non-movement of the vehicles. They were parked in front of the, the shop and their phone number had been discontinued as far as Cinergy.

Q: Okay. And that was their business name for air conditioning?

A: Yes.

Q: And what type of vehicles did they have?

A: Uh, they had some vans. They had the markings of their company on the side for the, uh, air conditioning units and then they had a Toyota, brown pickup, small pickup.

Q: Okay. And which vehicle did, uh, Peter normally drive?

A: The Toyota, the smaller, uh, pickup.

Q: Okay. When is the last time that you spoke with Peter?

A: It was, uh, late in the afternoon on Friday the, uh, the 6th of, uh, November.

Q: And where was that?

A: It was in front of the building at 1933 Western.

Q: Did you discuss the rent at that time?

A: Yes, I did.

Q: And what did he do or say?

A: He'd asked me if he could, uh, hold on to the, uh, the rent money until the following Monday 'cause he was going to, uh, be participating in a, uh, show at Cashman

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 5

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

Field and he demonstrated he had the money to pay me. He pulled out, uh, approximately two thousand dollars, maybe three thousand dollars, in cash.

Q: And who was with him at that point?

A: A blond headed gal, a shapely blond headed gal, nice looking.

Q: What time of day was it when you had this conversation?

A: It was late in the afternoon about two, two or three o'clock in the afternoon.

Q: And did you ever see him leave the building or did you leave?

A: No. I left the building. He was still in the building when I left.

Q: Did you ever see or hear from him after that?

A: No, I haven't.

Q: Did you have to take, uh, some action at a certain point?

A: Yes. I had called on Monday morning when he promised to pay me. Didn't get a response. I came to the site, uh, throughout the week. Then on, uh...

Q: Did you find anybody here at all?

A: No. No one answered the door. The dog, uh, I saw Jake, their dog, was inside but no one answered the door. I saw the vehicle around the back, so I went ahead and, uh, posted a five-day notice on the, uh, Wednesday. It'd be the, uh, I think it was the 11th. I'm not sure what day it was. The 12th, I think it was. I posted a five-day notice.

Q: On the vehicle?

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 6

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

A: No, on the front door.

Q: On the front door. What vehicle is in the back?

A: Uh, the, uh, Toyota.

Q: Was it normally parked in the back or in the front?

A: In the front.

Q: And did you see anybody driving it?

A: No, I didn't.

Q: Have you seen anybody back in the business since that time?

A: No. Jack called, the day I posted the, uh, the five-day, Jack called me up that afternoon and told me that he'd just come back into town and he was gonna be payin' the rent. I told him that, uh, he only had five days before I'd have to lock out.

Q: And did he say anything about Peter? Where Peter was?

A: No, he said that he didn't know where Peter was. He said that, uh, he was sure that Peter had the money but he didn't know where he was but, uh, he was gonna take care of the rent.

Q: Okay. Had, had you been by here in the last few days?

A: Yes. I'd been her almost every day.

Q: And did you notice if, if you talked to, uh, Jack or seen Jack?

A: No. I hadn't seen Jack since that, uh, last conversation I had when he called after I delivered the five-day until, uh, today when, uh, I was asked to come down by the

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 7

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

tenant in the, uh, Trophy, uh, business. He said that we had a break-in. There was broken glass and, uh, blood on the front door of the, uh, unit 1929.

Q: And how long has 1929 been vacant?

A: About a month and a half.

Q: Did anybody have the key to that?

A: No. There's only one key and I have it.

Q: Okay. Do you know when that, when the glass would have been broken?

A: It would have had to been broken Monday night 'cause, uh, I have tenants that go back and forth in front of the building. They would have, uh, somebody would have said something to me if it'd been noticed by Monday. Or during the day Monday.

Q: Okay. Is there, uh, anything you can tell me about the, uh, the vehicles as far as, uh, what condition they're in? The, the Toyota truck, do you know if it's normally kept clean or normally dirty or do you know?

A: No. I, I couldn't say. It's normally kept clean. I've never seen it that it had mud on it and like that. It's normally kept fairly clean.

Q: Is there any other information you have that might, uh, help us at this point that you can think of?

A: No. No. Just that I'm not really familiar who Jack is. He's just a partner of, uh, Pete but I dealt mostly with Pete for money.

SEKA000394

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 8

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

Q: Are you familiar with a black man with a slight beard that, uh, would have been by here at different times working for them?

A: No. Never seen a black man here.

Q: Okay. Were you in 1933 at all today when the officers were here after they discovered the, or responded to the broken glass next door?

A: Uh, yes. I had a chance to go inside when Jack showed up, the officers were here and, uh, they asked if they could go inside 'cause they wanted to see if there might have been damage to the inside of his building. We all went inside, uh, the officer was with Jack. He went into the, uh, front part of foyer area and then into the office area with Jack. I stayed in the foyer area. Uh, while in the office, the officer was looking around the room and noticed an open knife on the table and then he saw a, uh, a shell on top of a table. As soon as he saw the, uh, the items he, uh, asked Jack to turn around and face the wall and he proceeded to hand cuff him because he informed him, he said, by seeing a shell in the office and the knife he assumed that there was a weapon someplace and he didn't want take any chances.

Q: So for everyone's safety he handcuffed him?

A: Yes, he did.

Q: Did you see him later release Jack?

A: Yes, I saw him released later.

Q: Okay. Uh, what kind of shell is it that you're describing?

SEKA000395

APP2270

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 9

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

A: It looks like a, uh, brass casing, looked like the size of a .38 or a .357 magnum.

Q: Was it just the shell casing or was it a cartridge with a bullet and everything?

A: Cartridge, cartridge and the shell. The bullet, the whole thing.

Q: Okay. For like you said .38 or .357?

A: It looked like it. I've, I've got a .357 and it looked like the same type shell.

Q: Do you remember what kind of bullet it was. If it was lead or full metal jacket or semi _____ cutter or...

A: It looked like a full metal jacket.

Q: Okay. And was the casing itself, was it like nickel colored or brass or what color was it?

A: Liked like it might have been brass.

Q: Okay. Which table, which desk was that on?

A: As you face the, uh, comin' from foyer into the office, it'd be to your left and it sits against the wall. And there was other items on there, but the, the shell, the bullet itself was just sitting straight up on the end.

Q: And you saw that clearly?

A: Yes.

Q: No doubt about it?

A: Yes.

SEKA000396

APP2271

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT**

PAGE 10

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

Q: Was there any other persons, uh, in there at that point after you got done other than Jack?

A: Well, there was, uh, the officer wanted to ask him additional questions, sat him down in the, uh, sofa in the foyer area. I stayed there with him and the officer wanted to go out the door and he asked if I'd stay there and I said, yes. And he left for about a minute and a half. Jack was still on the foy--on the, uh, couch and I was in the same position that I was. I never went into the office.

Q: Okay. So as far as you know nobody else would have been available to do anything with that cartridge?

A: Not that I know of. Not unless there was somebody back in there, but I, I didn't see anybody else.

Q: Did it appear that the officer checked the rest of the, the business for any other occupants initially?

A: He went back into, into the back part of the office, into the back part of the building, but I wasn't sure if he really examined it carefully or if he was just, just, uh, searching out where the dog was. The dog was running back and forth.

Q: Okay. Is there anything else you can add?

A: No. That's about it.

Q: Do you know if, uh, Peter had any guns or if Jack had any guns?

SEKA000397

APP2272

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 11

EVENT #: 981116-0443

STATEMENT OF: MICHAEL KIRK CERDA

A: No. They asked Jack if he had a weapon and he said, "No." They says, "Well, what's the bullet doing here?" And he said that, at that time he said, "I think that Peter has a weapon and he has a permit for it." And, uh, again, they asked him if he had any weapons. He then again said, no, he didn't have any weapon at all.

Q: But he acknowledged that he saw the cartridge, also, and that it was possibly Peter's?

A: Yes.

Q: And you heard him say that?

A: Yes.

Q: Anything else you can think of?

A: No, that's about it.

Q: Okay.

A: That'll be the end of the statement. The time is 2150. That's all.

98V0966 /TT:lr

I HAVE READ THIS STATEMENT CONSISTING OF 11 PAGES AND AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS VOLUNTARY STATEMENT WAS COMPLETED AT 1933 WESTERN ON THE 17th DAY OF NOVEMBER, 1998, AT 2150 HOURS.

WITNESS: _____

MICHAEL KIRK CERDA

SEKA000398

APP2273

EXHIBIT 32

SEKA000399

APP2274

CRIME SCENE REPORT

SECTOR/BEAT C-2

INCIDENT	Homicide	EVENT #	981116-0443
REQUESTING OFFICER	Buczek #3702/ Thowsen #1467	DIVISION	ISD
		DATE	11-17-98
		TIME	1402
VICTIM	John "Lumber" Doe	LOCATION	1933 S. Western Avenue

RESULTS OF INVESTIGATION ☐ NO ACTION TAKEN ☐ NO EVIDENCE RECOVERED

1. PHOTOGRAPHY

- ☐ black and white negatives exposed
- ☒ color negatives exposed
- ☐ _____

2. LATENT PRINT PROCESSING

- ☒ latent processing conducted
- ☒ latent fingerprints lifted
- ☒ latent palm prints lifted
- ☐ negative results
- ☐ _____

3. FIREARMS EVIDENCE

- ☒ projectile(s) recovered
- ☒ casing(s) recovered
- ☒ cartridge(s) recovered
- ☐ weapon(s) recovered
- ☐ _____

4. FOOTWEAR AND TIRE IMPRESSIONS

- ☐ footwear
- ☐ casting
- ☐ photographed
- ☐ tire impression(s)
- ☐ original surface recovered
- ☐ Tire prints

5. POSSIBLE BODY FLUIDS RECOVERED

- ☒ bloodlike substance(s)
- ☒ control(s)
- ☐ _____

6. TOOLMARK EVIDENCE

- ☐ original surface recovered
- ☐ tools recovered
- ☐ casting
- ☐ _____

7. OTHER

- ☒ Refer Property Report

VEHICLES

- 1) 1998 Toyota Pick-up truck; Nv. 720 JJM; VIN. 4TANL42N1WZ148638.
- 2) 1998 Dodge Van; Nv. 514 JME; VIN. 2B7JB21Z6WK102143.

ADDITIONAL INFORMATION

On Tuesday, November 17th at approximately 1402 hours, I arrived at the above location. Also present upon my arrival was Crime Scene Analyst Supervisor A. Cabrales #2045, Senior Crime Scene Analyst D. Ruffino #1502, and Homicide Detectives Buczek #3702, Thowsen #1467, and Hefner #2185.

The Scene

The scene was located inside the business, "Cinergi Refrigeration" at the above address. "Cinergi Refrigeration" was located on the south side of 1929 S. Western which was a vacant business suite described in detail by Senior Crime Scene Analyst D. Ruffino. Upon my arrival, the front door to Cinergi was unlocked and a white male adult subject (John Joseph Seka DOB [REDACTED] 58) was inside. Also inside the business was a small white colored dog. Numerous vehicles were parked on the front, west, side of the business including two vans bearing the business

(Continued)

APPROVED	<i>K. Adkins</i>	IN	900	ID OFFICER	Randy M. McPhail	IN	3326
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Randy M. McPhail
SEKA000400

go "Cinergi" and a gold colored 1998 Toyota Pick-up truck which were located directly in front of the business. There was a large cardboard box located on the cement against the exterior side of the front west windows of the southwest office, near the south wall. The box was empty and had folded flaps of cardboard forming the lid which was stained with apparent blood near the southeast corner. The interior of the business was composed of several offices, a newly built cigar humidor, a shower room, a restroom, and a room that appeared to be used as a bedroom.

The northwest office had a large amount of new and cut lengths of wood inside, primarily located on the floor near the center of the room, and along the west wall. A cigar humidor appeared to have been recently constructed on the east side of the room and was entered through two wood/ glass doors. The humidor was paneled in Cedar wood and had several containers of cigars on the floor area. Also on the floor of the humidor was a humidifier that was connected to a power cord that lead out the dual entry doors to the northwest office. A wood framed box, approximately 31 inches wide by 16 inches high, was located in the top north corner of the east wall inside the humidor. The box was constructed with press board. Several ceiling tiles were disturbed on the east side of the northwest office, above the cigar humidor. A ladies purse was located on a disturbed ceiling tile, above the doors to the humidor. Also located in the ceiling area were three 357 Magnum cartridge cases, one near the center of the north wall, one near the southeast corner of the room, and the third on the ceiling light west of the entry to the humidor. The front, west, entry door opened into the northwest office, near the southeast corner of the room. There was a drop of apparent blood on the wall east of the front entry door, approximately 49 inches from the floor.

The southwest office had a large amount of cut lengths of cedar wood located on the floor along the west side of the room. A piece of glass was located on the floor near the northwest entry to the room. There was a couch along the east wall that extended from the north wall to near the southwest entry to the south/ central office area.

The south/ central office appeared to be under renovation with several disturbed ceiling tiles, damage to the door/ jamb in the southwest corner of the room, and a large opening cut into the east wall near the south end. There were several desks in the room, one in the northwest corner and two other desks on the south side, one east of the front entry door, and one partially in the southeast office area. There was a couch located on the west side of the room, north of the front entry door. The couch had a bullet hole on the left top cushion that went through and through into a piece of drywall that was located behind it. A pair of "Levis" blue jeans with apparent blood on the front/ right pocket was located on the north arm of the couch. A small amount of apparent blood was located on the doorjamb (north side) of the southwest door and on the 2X4 wall support located north of the door. The apparent blood was approximately 51 inches from the floor. A calendar was located on the east wall, near the north side. There was a black leather business card holder located in the ceiling above the northwest desk. The holder had numerous cards inside and a birth certificated in the name of Peter Paul Limanni.

The southeast office had a sink/ counter along the west wall beginning in the northwest corner. Apparent blood was located on the counter south of the north wall, and on the cupboard below the counter. Apparent blood was also located on the north wall, west of the northeast exit door, approximately 60 inches from the floor. The room had a divider on the south side near the center of the wall that formed a southeast tool and storage area. The southwest side had a large amount of debris and construction materials on the floor and a trash can with numerous "Miller" beer bottles inside.

(Continued)

APPROVED	<i>K. Adkins</i>	FW	<i>gpc</i>	ID OFFICER	Randy M. McPhail	FR	3326
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Randy M. McPhail
SEKA000401

APP2276

The rear hallway joined the restroom, located in the northwest corner, the north/central shower room, the northeast bedroom, and the southeast office areas. There was a drinking fountain on the south side, west of the entryway to the southeast office. Apparent blood was located on the south wall east of the drinking fountain approximately 50 inches from the floor. Apparent blood was also located on the doorjamb (east side) of the southeast office's northwest door, approximately 53 inches from the floor.

The restroom was located in the northwest corner of the rear hallway. It consisted of a toilet, a sink, and a trash can along the east wall. There was a 32 caliber cartridge case located inside the toilet bowl in the northeast corner of the room.

The shower room was located centrally on the north side of the rear hallway.

The northeast bedroom was untidy. A mattress with a pile of clothing items on top of it and numerous small white hairs was located on the floor near the west entry. There was an ironing board set up on the floor near the center of the room with a black colored nylon suit cover, a "K-Swiss" left athletic shoe, and an iron on top of it. An arm chair was located near the northeast corner of the room. Apparent blood was located on the front side, below the seat of the chair and a reddish/ brown stain was located on the front side of the top/ back cushion. There was an exit door located on the east wall, near the southeast corner of the room. The ceiling tile above the armchair in the northeast corner of the room was disturbed. There was a 32 caliber cartridge located inside the ceiling, on the tile west of the disturbed tile.

The exterior, east, side of the business was partially fenced in and had a dumpster against the east exterior wall, approximately 20 feet north of the south side. Several items appeared to have been burned inside the dumpster, including photos and personal papers in the name of peter Limanni. Also inside the dumpster was a checkbook labeled "Limanni Mechanical Services, several keys, an appointment book, a "K-Swiss" right athletic shoe, a green shirt and a blue shirt labeled "Limanni Mechanical Services". Three casino gaming cards appeared to have been damaged/ burned and were located on the pavement between the rear exit door of the southeast office and the dumpster.

Color Photography

Color negatives were exposed showing the scene location and the overall condition of the business, including the locations of recovered evidence, the locations of recovered apparent blood samples, and the locations of the 1998 Dodge Van and the 1998 Toyota Pick-up truck. Color negatives were also exposed of the subject John Joseph Seka (DOB [REDACTED]-68), showing injuries to his hands, and for identification purposes.

Fingerprint processing

The north wall of the south/ central office, near the rear exit door, and the east wall of the northeast bedroom, near the disturbed ceiling tile were processed for latent prints with negative results. Multiple beer bottles, located inside the rear dumpster, and the trash cans in the south/ central and southeast offices were also processed for latent prints with positive results on bottles from all three locations. Finger and palm exemplars were taken at the scene of John Joseph Seka by Senior Crime Scene Analyst D. Ruffino #1502.

(Continued)

APPROVED	K. Adkins	IN	900	10 OFFICER	Randy M. McPhail	IN	3326
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Randy M. McPhail
SEKA000402

APP2277

Evidence Recovered

Numerous evidence items were recovered from inside the business and inside and around the dumpster at the rear of the business. Numerous samples of apparent blood were also recovered from inside, and on the exterior front side of the business. See the Evidence Impound Report for a complete description of the impounded evidence.

* The 1998 Dodge van and the 1998 Toyota Pick-up truck were sealed at the scene and towed to the LVMPD Criminalistics Bureau for further examination. The vehicles were followed to the lab by R. McPhail and D. Ruffino.

** The samples of apparent blood were tested using the Phenolphthalein presumptive test for blood with positive results on all samples except for the reddish/ brown stain on the top/ back cushion of the armchair (Item #46).

REC'D
10 16 AM '98

APPROVED	<i>K. Adkins</i>	FW	900	ID OFFICER	Randy M. McPhail	FW	3326
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Randy M. McPhail

SEKA000403

APP2278

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CRIME SCENE REPORT

SECTOR/BEAT

INCIDENT	Homicide Follow-up			EVENT #	981116-0443	
REQUESTING OFFICER	Buczek #3702/ Thowsen #1467		DIVISION	ISD	DATE	11-18-98
					TIME	1402
VICTIM	John "Lumber" Doe		LOCATION	LVMPD Criminalistics Bureau		

RESULTS OF INVESTIGATION

☐ NO ACTION TAKEN☐ NO EVIDENCE RECOVERED

1. PHOTOGRAPHY

- ☐ black and white negatives exposed
☒ color negatives exposed
☐ _____

2. LATENT PRINT PROCESSING

- ☒ latent processing conducted
☒ latent fingerprints lifted
☐ latent palm prints lifted
☐ negative results
☐ _____

3. FIREARMS EVIDENCE

- ☐ projectile(s) recovered
☐ casing(s) recovered
☐ cartridge(s) recovered
☐ weapon(s) recovered
☐ _____

4. FOOTWEAR AND TIRE IMPRESSIONS

- ☒ footwear
☐ casting
☐ photographed
☐ tire impression(s)
☐ original surface recovered
☐ Tire prints

5. POSSIBLE BODY FLUIDS RECOVERED

- ☒ bloodlike substance(s)
☐ _____
☒ control(s)

6. TOOLMARK EVIDENCE

- ☐ original surface recovered
☐ tools recovered
☐ casting
☐ _____

7. OTHER

☒ Refer Property Report

VEHICLES

1998 Dodge Van; Nv. 514 JME; VIN. 2B7JB217Z6WK102143.

ADDITIONAL INFORMATION

Color negatives were exposed showing the overall condition of the van including apparent blood located under the plastic threshold covers of the right/ side doors, on the right/ side (rear) door, and apparent blood also located in the cargo area on the right wall, on the floor, and on the left/ rear door. Color negatives were also exposed showing the following: the locations of footwear prints in the rear cargo area and under the front/ left door, on the front/ left wheel well; the "Cinergi" magnetic business cards with apparent blood, located inside the left/ rear door; the "Caesars Tahoe claim stub, located inside the drink holder in the interior enginecover; the multiple cigarette butts, located inside the ashtray in the interior engine cover; the acetate lifts on the four tires of the van; and the locations of recovered latent prints.

(Continued)

APPROVED	<i>K. Adkins</i>	FW	900	ID OFFICER	Randy M. McPhail	FW	3326
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SEKA000404

APP2279

The vehicle was processed for latent prints by Senior Crime Scene Analyst D. Ruffino with positive results on the interior rearview mirror, and on the exterior side of the left/ front door.

Multiple samples of apparent blood were recovered from the following areas: the threshold covers for the right/ side doors; the left/ rear door; the interior right wall, above the right/ rear wheel well; the floor of the cargo area near the right/ rear wheel well, near the center of the cargo area, and near the right/ side doors; on the recessed step area, below the plastic threshold covers for the right/ side doors; and on the interior side of the right/ side doors (rear door). The samples were impounded as evidence.

Taped lifts were made of the footwear prints located in the rear cargo area of the van and on the front/ left wheel well.

Acetate lifts were made of the four tires on the van for identification purposes.

The Caesars Tahoe claim stub, the cigarette butts, the acetate lifts of the four tires of the van, the taped lifts of the footwear prints, and the apparent blood were recovered and impounded as evidence.

*The areas on the van where apparent blood samples were collected were tested using Phenolphthalein, with positive results. The apparent blood on the "Cinergi" magnetic business cards were also tested using Phenolphthalein, with positive results.

Nov 13 10 30 AM '98

APPROVED	<i>K. Adkins</i>	FW	<i>900</i>	ID OFFICER	Randy M. McPhail	FW	3326
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Randy M. McPhail

SEKA000405

APP2280

EXHIBIT 33

SEKA000406

APP2281

INVESTIGATION MEMORANDUM	
TO: Debra Bookout, AFD / Pam Ramage	FROM: Ed Heddy, Investigator
CLIENT: John Seka	DATE: 06/20/06
PRISON/ID#: 69025	DATE DUE:

STATUS OF INVESTIGATION
<p>Locating Potential Witness: Lydia Frances Gorzoch 870-4312 308 Covent Garden Ct. Las Vegas, NV 89145</p> <p>06/20/06 - After our meeting last week and being informed that a lady's purse had been seized along with the victims (Limanni) wallet and identification which were located in the ceiling. I researched the LMPD EVIDENCE IMPOUND REPORTS 981116-0443. I was able to locate listed as Package #3326-5, Item #15; one (1) brown colored "express" purse with wallet and other personal items, including ID in the name of "Lydia Frances Gorzoch" and Package #3326-6, Item #16; \$36.06 in U.S. Currency found in the purse Item #15.</p> <p>Utilizing Accurant data base I was able to locate a Lydia Gorzoch, d/o/b/ [REDACTED] 1973, social security [REDACTED] 5839 residing at 308 Covent Garden CT., Las Vegas, Nevada 89145. I then ran a SCOPE and found that Lydia Gorzoch was issued a duplicate work permit on 12/22/1998 as a dancer at the Crazy Horse Too.</p> <p>Furthermore, after reviewing the DECLARATION OF WARRANT page 8 second paragraph from the bottom of the page it mentions the purse having been discovered in the false ceiling having ID in the name of Lydia Gorzoch. "Investigation revealed that the purse had been taken out of her vehicle as it was parked near the Crazy Horse II on Industrial after someone fired a bullet through the window to gain entry on 11/06/98".</p> <p>I'm a little suspicious of her statement to the police because she said someone gained entry by firing a bullet through the window and stole her purse. However her purse was found in the false ceiling still containing \$36.06 in U.S. Currency. I suspect if someone wanted the purse they probably was after the money or credit cards. Furthermore, after reviewing the discovery and statements of Michael Cerda, Property Manager for 1933 Western Ave. Mr. Cerda told police he last saw the victim, Peter Limanni, on Friday 11/06/1998 in front of 1933 Western Ave. They discussed the rent and Limanni showed him two or three thousand dollars in cash telling him was going to participate in a Cigar Show at Cashman Field.</p> <p>Mr. Cerda also told the police that he had tried to call Limanni on Monday but didn't get any answer and he stopped by throughout the week. He, Cerda, stopped by at 1933 Western Ave. on Wednesday 11/11/1998 and posted a five day notice on the one of the vehicles a Toyota Pickup.</p>

INVESTIGATION MEMORANDUM

TO: Debra Bookout, AAFP / Pam Ramage

FROM: Ed Heddy, Investigator

CLIENT: John Seka

DATE: 06/20/06

PRISON/ID#: 69025

DATE DUE:

STATUS OF INVESTIGATION

I also called Randy McPhail, Crime Scene Analyst, LVMPD Crime Lab, 229-3471, in an attempt to locate the whereabouts of the evidence. Mr. McPhail told me that once the evidence is gathered and processed in the lab that it is then booked into the LVMPD Evidence Vault. He told me that I would have to contact the lead investigator in the case to make arrangements to see the evidence.

No further information at this time, investigation continuing.


SEKA000408

APP2283

EXHIBIT 34

SEKA000409

APP2284

INVESTIGATION MEMORANDUM	
TO: Debra Bookout, AFPD Pam Ramage, Paralegal	FROM: Ed Heddy, Investigator 
CLIENT: John Seka	DATE: 02/21/07
PRISON/ID#: 69025	DATE DUE:

STATUS OF INVESTIGATION
<p>Interview of: Lydia Gorzoch cell.</p> <p>02/21/07 - Lydia is currently in the process of moving but wouldn't give me her new address. She is currently self employed as a personal trainer and goes to her clients homes. She graduated from UNLV with a degree in Political Science.</p> <p>As instructed I located and met with Lydia Gorzoch. Lydia allegedly had worked as a dancer at Crazy Horse Too Gentlemen's club located at 2476 Industrial Rd in November 1998. Furthermore, she had filed a police report on 11/06/1998 saying that someone had shot out the window of her car and stole her purse. (LVMPD Event # 981106-0539) while she was working at Crazy Horse Too Gentlemen's Club.</p> <p>On 02/08/2007 I went to the Crazy Horse Too Gentlemen's Club and spoke with the club manager. I was able to determine that Lydia had in fact worked at the Crazy Horse Too in 1998, however, she wasn't hired until 12/21/1998. I was able to obtain a print out of Lydia's employee information. Lydia explained that although she didn't have a work permit to be a dancer that often they would allow dancers to work without a card if they were only working a couple of hours or nights per week. She said she was going to UNLV and didn't want any records of her being a dancer. After the incident of the shooting out of her window she decided to go sown and get her work permit.</p> <p>I finally made contact with Lydia and she agreed to meet me at Montesano's Pizza on W. Sahara. According to Lydia she was working at Crazy Horse Too and when she got off work she noticed that someone had shot out her window of her car and stole her purse. She said she drove home and called the police. She recalls the police coming and processing the car and finding a bullet lodged in the rear seat. When asked if an investigator ever interviewed her, she said no one ever spoke to her. She did recall that someone called her and told her that they had found her wallet at a murder scene. She recalls going down to the police station and retrieving her wallet which she though still had the money in it.</p>

INVESTIGATION MEMORANDUM	
TO: Debra Bookout, AFPD Pam Ramage, Paralegal	FROM: Ed Heddy, Investigator
CLIENT: John Seka	DATE: 02/21/07
PRISON/ID#: 69025	DATE DUE:

STATUS OF INVESTIGATION
<p>I asked Lydia if she knew Peter Limanni or John Seka, she denied knowing or ever meeting them. I also explained that there were two witnesses, Mr. Cerda , had seen Limanni with a female before his disappearance and Jennifer Harrison had given a female a ride from 1933 Western Ave. I explained to Lydia that I was attempting to get photo of her so that I could show it tow these two witness'. Lydia offered to get me a photo of herself from back in 1988 time period. I showed her a photo of Seka and Hamilton but she didn't recognize them. I did not show her a photo of Limanni as I have been unable to obtain a photo of him LVMPD Photo Lab as they say they need to retrieve it from archives.</p> <p>Lydia assured me that she was not the female that the witness's saw.</p> <p>No further information at this time, investigation continuing.</p>

EXHIBIT 35

SEKA000412

APP2287

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY REPORT OF EXAMINATION**

NAME:	SEKA, John (S)	CASE:	98 1106-0539
	LIMINNI, Peter (S)	AGENCY:	LVMPD
	HAMILTON, Eric (a.k.a. Earl Lowe) (S)	DATE:	March 4, 1999
INCIDENT:	Burglary/Illegal Shooting	REQUESTED BY:	Hom/Thowsen

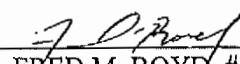
MAR 9 1999

Fingerprint examinations were conducted with the following determination(s):

- ☐ There are no latent prints in file under this event number.
- ☐ All latent prints recovered are of insufficient quality for comparison. No further action is warranted.
- ☐ There are no known fingerprints on file for the above subject(s) _____.
- ☐ There are no known palm prints on file for the above subject(s) _____ which are necessary for a complete examination.
- ☐ The known fingerprints of the above subject are of insufficient quality for comparison purposes. Better quality inked fingerprints are necessary for a complete examination.
- ☐ No victim/witness fingerprints were submitted with this case.
- ☐ Victim(s)/witness(es) known fingerprints have been compared with all latent prints associated with this case with the following results:
 - ☐ Negative comparison to all subjects.
 - ☐ Positive. Name: _____ was identified to _____
 - ☐ Some latents remain unidentified.
 - ☐ All latent prints have been identified. No further action is warranted.
- ☐ Fingerprint cards from the above listed subjects were compared with the following results:
 - ☐ The known fingerprints were made by the same individual.
 - ☐ The known fingerprints were made by different individuals.
- ☒ **NEGATIVE** latent print comparison for Seka, Limanni, and Hamilton under **DOB: 12-30-68, ID # 1229386 and 1590973.**
All *latent* prints on file to date on this case have been examined, evaluated and those of value were compared to the above listed subject(s) with negative results. The latent prints were *not* identified to the above subject(s).
- ☐ AFIS entry:
 - ☐ No AFIS quality prints present.
 - ☐ Searched, no identification made.

The known fingerprints are maintained in the normal course of business by the LVMPD. Latent prints are maintained in the Forensic Laboratory secured latent file.

Executed on: 3-5-99



FRED M. BOYD, #5216
Latent Print Examiner

SEKA000413 *JA*

APP2288

EXHIBIT 36

SEKA000414

APP2289

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY REPORT OF EXAMINATION

NAME:	CASE:	98 1106-0539
		98 1116-0443
	AGENCY:	LVMPD
	DATE:	4-27-99
	BOOKED BY:	J4793S
INCIDENT: Auto Burg./Illegal Shooting	REQUESTED BY:	Det. T. Thowsen

I, TORREY D. JOHNSON, do hereby declare:

APR 28 1999

That I am a Criminalist employed by the Las Vegas Metropolitan Police Department;

That on November 16, 1995, I qualified in the Eighth Judicial Court of Clark County, Nevada, as an expert witness to testify regarding firearms and toolmark examinations and comparisons;

That I received evidence from the Evidence Vault in the above case and that I completed an examination of the following evidence:

TJ1 A sealed envelope (pkg 4793-1 of 1 from "4650 W. Oakey #45-2179") containing:
Item 1 a damaged lead bullet.

That the results of the examination are as follow:

The bullet in TJ1 - item 1 is a nominal 38 / 357 caliber bullet weighing in excess of 140 grains. Common firearms known to possess class characteristics as found on this bullet include but are not necessarily limited to the following:

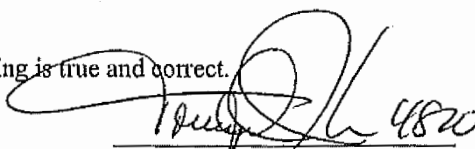
Revolvers in caliber 357 magnum by Arminius, Charter Arms, Rohm and Ruger;
Revolvers in caliber 38 Special by Arminius, Burgo, Charter Arms, Cheyenne,
Dickson, BIG, Gecado, Herbert Schmidt, Liberty Arms, Omega, PIC, RG
Industries, Rohm and Ruger; Derringers in 38 special by FIE.

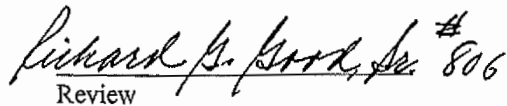
The class characteristics on this bullet are consistent with those found on bullets TJ1 - items 2 and 3 booked under event number 98 1116-0443 but the condition of the bullet booked under 98 01106-0539 is too poor to allow a meaningful comparison.

I returned the evidence to the Evidence Vault.

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

Executed on: 4-27-99


TORREY D. JOHNSON # 4820
Criminalist


Review

SEKA000415

APP2290

EXHIBIT 37

SEKA000416

APP2291

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

FORENSIC LABORATORY REPORT OF EXAMINATION

NAME: SEKA, John Joseph "Jack" (susp) CASE: 98 1116-0443
HAMILTON, Eric AGENCY: LVMPD
DATE: 12-17-98
BOOKED BY: D1502R; R3326M
INCIDENT: Murder REQUESTED BY: Det. T. Thowsen

I, TORREY D. JOHNSON, do hereby declare:

DEC 18 1998

That I am a Criminalist employed by the Las Vegas Metropolitan Police Department;

That on November 16, 1995, I qualified in the Eighth Judicial Court of Clark County, Nevada, as an expert witness to testify regarding firearms and toolmark examinations and comparisons;

That I received evidence from the Evidence Vault in the above case and that I completed an examination of the following evidence:

TJ1 A sealed envelope (pkg 1502-1 of 11 from "1929 Western") containing:

- Item 1 - a heavily damaged bullet fragment,
- Item 2 - a plated-jacket, flat point round nosed bullet,
- Item 3 - a damaged, plated-jacket bullet,
- Item 4 - a small, angular bullet fragment,
- Item 5 - a plated-jacket bullet fragment and
- Item 6 - the base portion of a plated-jacket bullet.

TJ2* A sealed envelope (pkg 3326-7 of 15 from "1933 S. Western Av.") containing:

- Item 17 - a "W-W 32 S&W" round nosed lead cartridge,
- Item 18 - a "W-W 32 S&W" round nosed lead cartridge,
- Item 19 - a "R•P 357 MAGNUM" cartridge case,
- Item 20 - a "WINCHESTER 357 MAG" cartridge case,
- Item 21 - a "NEVINS 357 MAG" cartridge case and
- Item 22 - a round nosed lead bullet.

TJ3* A sealed envelope (pkg 1502-1 of 1 from "1933 Western Avenue") containing:

- Item 1 - a "NEVINS 357 MAG" cartridge case.

*released to Latent Print Examiner F. Boyd, P#5216 for latent print processing; received back in a sealed condition.

That the results of the examination are as follow:

The four (4) 357 Magnum cartridge cases (TJ2 - items 19, 20, 21 and TJ3 - item 1) were fired in a single firearm. These cases appear to have been reloaded.

SEKA000417

APP2292

TJ1 - items 2, 3, 4, 5 and 6 represent at least three (3) nominal 38/357 caliber bullets which have a plated copper jacket. This type of bullet is found in many commercial reloads though it was not possible to positively associate these bullets with the recovered 357 Magnum cartridge cases (TJ2 - items 19, 20, 21 and TJ3 - item 1). These bullets/ bullet fragments have consistent class characteristics and could have been fired from a single firearm. A more positive statement was not possible due to a lack of matching individual characteristics. Firearms known to possess class characteristics as found on these items include but are not necessarily limited to the following:

In 357 Magnum caliber - revolvers by Arminius, Charter Arms, Rohm, Ruger and a four barrel derringer by Cop, Inc.

In 38 Special caliber - revolvers by Arminius, Burgo, Charter Arms, Cheyenne, Dickson, Gecado, Liberty Arms, Omega, PIC, and RG Industries and derringers by BJT (Bellmore Johnson Tool Co.)

The round-nosed lead bullet in TJ2 - item 22 is a nominal 32 caliber bullet which appears to have been fired from a revolver. Revolvers in .32 caliber which are known to possess class characteristics as found on this bullet include but are not limited to the following manufacturers:

Colt, FIE, Fiel, Galef, H&R, Iver Johnson, Kimel, Regent and Rossi.

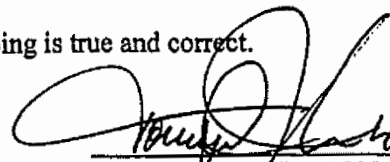
The .32 caliber bullet in TJ2- item 22 is slightly different in style and weight from the bullets in the 32 S&W cartridges in TJ2 - items 17 and 18. There is some likelihood that the revolver that fired TJ2 - item 22 would probably also chamber and fire TJ2 - items 17 and 18.

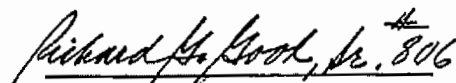
Item TJ1 - item 1 is a bullet fragment that is a different style bullet from any others examined in this case. No conclusions regarding caliber or barrel rifling characteristics were possible due to damage and the small portion of the bullet recovered.

I returned the evidence to the Evidence Vault.

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

Executed on: 12-17-98


TORREY D. JOHNSON # 4820
Criminalist


Review

SEKA000418

APP2293

EXHIBIT 38

SEKA000419

APP2294

PROPERTY RECEIPT FORM

Date: 11-23-98

Event #: 981116-0443

ONE (1) BROWN PURSE WITH WALLET, PERSONAL ITEMS AND
ID IN THE NAME OF "LYDIA FRANCES GORZUCH

\$ 36.06 IN U.S. CURRENCY

Released to: LYDIA GORZUCH

Address: 4650 W. OAKLEY #2179

Received by: _____

Witness: _____

(EVIDENCE CUSTODIAN)

The Evidence Custodian is NOT responsible for the contents of sealed evidence containers which are unopened at the time of release.

RELEASED BY AUTHORITY

Officer Assigned: J. Ho

Rank: POI

Division: ISD

Section Sergeant: Clark

Rank: Agt

Division: "

Section Lieutenant: W PETERSEN

Rank: LT

Division: ISD

LVMPD 133 (REV. 1-81)

SEKA000420

APP2295

EXHIBIT 39

SEKA000421

APP2296

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 1

EVENT #: 981116-0443

SPECIFIC CRIME: MURDER WITH DEADLY WEAPON

DATE OCCURRED: 11/18/98

TIME OCCURRED: 0517

LOCATION OF OCCURRENCE: LVBS 2 MILES SOUTH OF SR 148

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: JENNIFER HARRISON

DOB: 5/4/85

SOCIAL SECURITY:

RACE: W

SEX: F

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS:

HOME PHONE: 658-6535

WORK ADDRESS: FRONTIER DIRECTORY,
6455 S. INDUSTRIAL RD.,
LAS VEGAS, NV 89118

WORK PHONE: 897-4442,
PAGER 696-2348

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE T. THOWSEN, P# 1467, LVMPD HOMICIDE SECTION, on 12/7/98 at 1252 hours.

Q: Jennifer, first off you're aware this statement is being tape recorded?

A: Yes.

Q: Can you tell me if you're familiar with a person named Peter Lamonte?

A: Yes.

Q: And how long have you known Peter?

**MARKED FOR IDENTIFICATION
DEFT'S PROPOSED**

B

C

SEKA000422

APP2297

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 2

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: I knew Peter from August, July 31, August 1, whatever that Thursday was till November 4.

Q: And how did you come to meet him?

A: Through advertising.

Q: And you work for Frontier Directory does that...

A: I work for Frontier Directory, I'm the sales manager.

Q: Okay.

A: And he, and actually no it wasn't him, it was, um, some other guy that's selling the contract to do advertising and there was a problem with the ad so I had to follow up on it and when I did, I talked to Peter and we up sized the smaller ad to a larger ad and I had to go in and get everything taken care of.

Q: Okay.

A: And that's when I first met him.

Q: Did you end up starting a relationship after meeting him?

A: Uh, not that day, but yes after that.

Q: Okay, and, uh, in that relationship did he happen to show you where he was living, where he was working?

A: On that Western address.

Q: That would be 1933 Western?

A: I don't know the number but...

SEKA000423

APP2298

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 3

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: Do you, do you know the name of the company that he had?

A: CInergi Air Conditioning and Heating.

Q: And how did he tell you that the air conditioning/heating business was going for him?

A: It was going good when I first met him 'cause that's what we were talking about, how good business was. He took out a full page ad with me. He had pages in the Sprint, Review Journal 'cause I got the Review Journal ad to, um, get the Ideas for his yellow page ad.

Q: Okay.

A: And it was good at the time when I met him.

Q: And he was living in that business also?

A: Yes and I found that out after.

Q: After you got to know him for awhile?

A: Right.

Q: Was he living alone?

A: We always met there, but we always met there, so.

Q: You did met there.

A: We always met there that's why I started wondering, you know.

Q: What did he tell you as far as his home and life and things like that?

SEKA000424

APP2299

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 4

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: That he was just living there while, you know, he didn't want to rent, didn't want to waste the money. He's working all the time. He has a nice little place set up where he had a kitchen and a bathroom and was just staying back there until he built his home.

Q: Okay, um, did he say where he was gonna build his home?

A: No.

Q: Just that one day he was planning to do that.

A: One day he was gonna build it, right.

Q: And was there anybody else that was living there at the business also with him?

A: Jack.

Q: You know Jack's last name?

A: Uh, Seka.

Q: And a few minutes ago I showed you some pictures, um, the top picture shows two people standing together and you recognize the people in those pictures?

A: Yes I do.

Q: And who's that?

A: Jack Seka and Peter Lamonte.

Q: And which one has the cigar in his mouth?

A: Peter has the cigar in his mouth.

Q: And then the other picture shows, uh, looks like somebody in a cigar store?

SEKA000425

APP2300

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 5

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

- A: Peter, that's, and I took the picture, um, that's in Lake Tahoe at a smoke shop.
- Q: And that's not one owned by Peter that's just one you were visiting?
- A: No, we were just visiting yeah.
- Q: Okay.
- A: And they were just, you know, buying some cigars.
- Q: Where did, uh, Jack and Peter stay in the business? Did they have separate rooms or was there just one bedroom?
- A: One room in the back.
- Q: Okay. What sort of vehicles did, uh, Peter have at the business?
- A: He had three or four which I don't recall exact many of vans, work vans and a Toyota truck, a brown Toyota truck.
- Q: Do you recall if any of the vans had the Cinergi markings on it.
- A: They all did except for one.
- Q: All but one?
- A: All but one.
- Q: And what did the one look like? What color was it?
- A: White, they were all white.
- Q: Okay. Do you know if Peter was in the process of trying to start up a new business?
- A: At Cinergi, yes. Cigar.

SEKA000426

APP2301

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 6

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: Cigar?

A: Uh-huh, Rapids Cigar and Smoke Shop.

Q: Okay, did he ever get that finished up where he was in business and working?

A: No.

Q: What was the last stage it was in when you saw it?

A: Last stage, they had got the carpet and couches and, uh, the lighting put in, the humidor was built as far as the cedar, they didn't have the shelves _____ they, uh, he had the doors and all that up and the carpeting.

Q: Okay. Did they have other workers that would hang around the business there or if they had a job to do would they just go directly to the job site or do you know?

A: I only knew of one worker I ever met and I remem-- it was a little Korean guy.

Q: Do you know his name?

A: I don't, I don't remember his name.

Q: Okay.

A: But he's just a little, little Korean guy.

Q: And where did you see him?

A: At the store and I remember once at the shop.

Q: And was he an air conditioning person?

A: He was a technician, yeah.

Q: He was a technician.

SEKA000427

APP2302

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 7

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: An air conditioning tech, yep.

Q: Do you know if Peter had any guns?

A: I never saw any guns.

Q: Did he ever talk about guns or?

A: Uh-uh (negative).

Q: Anything like that?

A: Uh-uh (negative).

Q: Which vehicle was it that Peter would normally choose to drive?

A: The Toyota truck.

Q: Do you know if Peter was starting up a business some place else for the smoke shop?

A: Just in-- oh, in Tahoe, yeah.

Q: How far did he get with that?

A: I don't know. I know, I don't know for a fact but I have a woman that called me that was looking for him about the lease so he, there's a good chance he probably signed a lease.

Q: And when did she call you?

A: She called me, uh, December, in November.

Q: Some time in November?

A: Some time after November 4.

SEKA000428

APP2303

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 8

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: Okay. And you mentioned earlier that Peter and Jack drove one of the vans to Tahoe for that store?

A: Yes they did and they left a vehicle there.

Q: So did they, did they drive up together in one or did they take two vans when they went up there?

A: No, they took two vans, Jack drove one and Peter and his dog went in the other one and they left one of the vans there and then came back together.

Q: And they were gonna leave that van there to be at the business so it could be available?

A: Just to leave it, yeah, so they, 'cause they were planning, I believe, on doing air conditioning and heating or not air conditioning, heating in Tahoe in the winter time.

Q: Was it gonna be air conditioning/heating or a cigar place or both?

A: No they had a cigar place open, the plan was to open a cigar shop but to supplement the income of course, do heating, you know, on the side while they were getting the cigar going.

Q: Okay, so he got the cigar store was already up and running in Tahoe?

A: No, I don't, well I don't know for a fact but I doubt it was up and running.

Q: Okay. I misunderstood that's what you said.

A: Oh no.

SEKA000429

APP2304

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 9

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: Okay. Do you know the date that they would have taken that van up and left it in Tahoe?

A: I would say it was in October.

Q: The early part or the last part?

A: End of-- no, probably early part, it was probably the end of September.

Q: Okay.

A: And beginning of October. Like I say October, I remember Christ-- or, um, Halloween, October 31, I was with him and then I was with him the Labor Day weekend in Tahoe so it was sometime toward probably the later part of September, first of October.

Q: Okay. How many vans did Pete have all together?

A: Three or four and then I say, um, three or, three, two or three of them have Cinergi on there, then there's a white one.

Q: Okay.

A: But I don't remember if there was three or four.

Q: Okay and then the one Toyota truck?

A: And the Toyota truck, right.

Q: And you say that was brown?

A: Right.

SEKA000430

APP2305

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 10

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: You mentioned earlier that Pete had a dog and can you describe the dog and, and tell me how Peter was about that dog?

A: Yeah, his name was Jake and it was a Jack Russell and, uh, he was two and a half years old and I remember I saw it when I first met Peter, I think the day that I went in talking about the advertisement, um, Jake was right there with him sitting on his lap and he has pictures of, uh, professional photography with him and Jake. And you know what I just remember too is one time he said something about Jake how it's his, you know, his best friend or his only friend, I wanted-- maybe he said his only friend.

Q: Did he try to take Jake with him when he would go to jobs or go places?

A: I don't know about jobs, I know that he took him to Tahoe and that usually he always brought him to my home. Whenever he came over watch a movie, he would bring Jake.

Q: When you guys when to Tahoe on your vacation he took Jake?

A: Oh no, no he didn't take him then. When we went to Tahoe, he did not take him.

Q: Okay. When he went to Tahoe with...

A: Jack.

Q: Jack.

A: And drove to Tahoe.

Q: Yeah.

SEKA000431

APP2306

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 11

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: We flew.

Q: Okay.

A: Yeah when he drove...

Q: So when he drove, he'd take Jake.

A: Hm-hmm. Yeah all the time, we'd go to the store, he'd take Jake and he'd leave him in the truck and Jake would sleep, you know.

Q: Would you say he had a pretty strong bond with the dog?

A: Oh yeah, oh definitely.

Q: Do you think he would ever just abandon the dog and not worry about him?

A: Never, never, that's why I was, that's what disturbs me.

Q: Okay, when was the last time that you actually saw and talked with Pete?

A: November 4, approximately 10:30 in the evening. He came over, watched a movie, he left and he was standing at the bottom of my stairs and I was at my doorway and he said, um, "You gonna call me tomorrow?" and I was like, "Yeah" said, "Well you can call me you know" and I was laughing 'cause he had been acting, like I said, kind of distant and, uh, he said, "Will I see you tomorrow?" and I was like, "Definitely, yeah, we'll have lunch or something", he goes, "Okay".

Q: So as far as that went, your relationship was still okay.

A: Yeah.

Q: It hadn't officially nobody said I don't want to see you anymore or...

SEKA000432

APP2307

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 12

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: No.

Q: ...anything like that.

A: Nothing, no.

Q: What happened on November 5?

A: November 5, I called him in the morning 'cause I wanted to go have lunch and tell him that, you know, things just, 'cause I was already feeling this-- things weren't right so I wanted to tell him that you know, this is what I need from the relationship and if you can give it great, and if not, you know, it's time to back off and when I called him, his, uh, he didn't answer the phone, his voice mail came on and I never heard from him again. I went by the shop around 11:30 and, uh...

Q: In the morning.

A: ...It was all locked up. In the morning, yeah, locked up and I've never seen him again.

Q: Have you seen or talked to Jack since then?

A: I talked to Jack and I saw Jack, yeah, since then, uh, I kept calling, um, the office and the office numbers were disconnected but I have Jack's cellular phone number.

Q: And so what did Jack say when you talked to Jack and asked him about...

A: He says, "I don't know dear." And I even asked him about the missing persons, you know, if _____. No, he obviously wants to be missing.

Q: That's what Jack said?

SEKA000433

APP2308

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 13

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: Yeah, and that's when I was like man, I just need to get, get out of all this craziness and that's when I kind of just, phew.

Q: So he offered no explanation about where Pete was...

A: Nothing.

Q: ...or when he's gonna come back.

A: No.

Q: And said that he definitely wasn't gonna file a missing persons report because...

A: Nope.

Q: ...he felt...

A: 'Cause he said that Peter obviously wants to be missing and that's why he's missing.

Q: Okay.

A: Which didn't really surprise me because of just the way Peter was, I don't know, just I'm trying to think of anything-- I think it was just my gut, I mean just, you know, like I say he didn't talk about anyone in his family. He's not close, I mean he talked about them but he hadn't talked to his sisters in years, he hadn't talked to his brother in ten years. He was close to his father, his father died and, so he tells me, and, uh, he was close to his mother and that was it.

Q: Do you know if he called his mother occasionally?

SEKA000434

APP2309

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 14

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: Yeah he used to call his mom, actually he called her from Tahoe and, uh, I've seen him call her many times.

Q: So he did seem close with her.

A: Hm-hmm.

Q: Did, uh, Jack ever say what he was gonna do with the business since Pete wasn't around anymore and wasn't showing up.

A: Never said anything about that. I don't think they were doing a lot of work toward the end. I think that's when business was slowing down 'cause I don't think they weren't doing any business.

Q: Did, do you know if they were having any...

A: I don't think Jack ever worked. I don't know if Jack ever really worked, worked, worked, I mean.

Q: Yeah, what, what was he suppose to do for work, do you know?

A: Well Peter referred to Jack as his nigger. He just, 'cause I said one time, I was like, you know what you could be a little bit nicer. He's like that's what I'm paying him for. He's my nigger and he'll do what I need him to do. So now...

Q: Okay, did, did, did he treat, uh, Jack in a, in a way like he just wanted him to go do things for him didn't really care about him?

A: Occasionally.

Q: In front of Jack or.

SEKA000435

APP2310

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 15

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: Occasionally.

Q: Did Jack ever seem like he resented that or was jealous?

A: Yeah he said that but he said but that's the way Peter is.

Q: Did he say anything else?

A: And Peter did say, um, he said that Jack wouldn't even have a life, it's me, I'm giving him more than he's ever had in his whole life, that's what he would say.

Q: Do you know if he ever said that to Jack also?

A: I never heard him say that to Jack.

Q: But he said that to you.

A: To me. 'Cause I don't know the exact words but I know at one time he was just kind of disrespectful, you know, just like belittling Jack, you know, and I was like man, I said why are you, you know, you're so, look at the, your ego or I said something like that, it's cruel, you know, you don't treat someone like that. He said Jack's my nigger, that's why I pay, I pay him for it to do everything...

Q: That's, that's the words that he used.

A: Oh yeah. But I never heard him refer to that, um, word to Jack.

Q: In front of Jack.

A: Yeah.

Q: Do you know what, what he actually had Jack do for work?

SEKA000436

APP2311

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 16

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: Just everything like going to the bank and going to get coffee, you know, just anything he needed done.

Q: Okay.

A: And when they were building, uh, that, the, um, cigar shop, he had a list of things to go, just running errands. But you know what, I just remember when we went to Tahoe and we got to the airport and that's when I was like, why, why am I even in this situation, just little things, uh, you know getting our suitcases out of the car and, uh, Peter just stood there and made Jack get his suitcase out and carry it.

Q: Is that right.

A: Uh-huh.

Q: So it was like obviously he was waiting, expecting Jack to do this for him.

A: Yeah, Jack said what, and he goes carry 'em, he goes you do it yourself, he goes, carry my bags and Jack did.

Q: Anything else come to mind?

A: Uh-uh (negative).

Q: Do you know if, uh, Pete had any other businesses going in any other cities or countries?

A: Not that I know of, just the acting in California.

Q: Did he ever talk about some island country near Florida for buying cigars and having a business there?

SEKA000437

APP2312

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 17

EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: (Inaudible)

Q: Is that no?

A: No, no, no, nothing else.

Q: Did you ever see anybody with a gun at the business at Cinergi?

A: Never.

Q: Did you ever see any bullets laying around?

A: I did see a bullet, I just thought of that. I saw one little bullet in the back bedroom just when we were packing. As we were packing to go to Tahoe, or we were doing, don't know, getting some stuff together and I remember I saw one. I didn't say anything, I just swept it under the carpet, you know.

Q: Was it like a complete cartridge where it had the bullet and the case like you could put it in the gun and shoot it.

A: Yes, yes. It was, it was definite, I would say it was a-- it wasn't an empty, what do you call it, shell.

Q: It was in a case...

A: It wasn't empty, it had a, it was a little skinny one about that long.

Q: About an inch long.

A: About that long and real skinny.

Q: Okay.

A: It was copper.

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STATEMENT OF: JENNIFER HARRISON

Q: Is that the only one you ever saw there?

A: Yeah, but I remember seeing that, yup.

Q: Can you think of anything else that might help us?

A: Yup, you know what, I asked Jack, uh, I said let me ask you this, he left Jake, and that's what throws me, and then I thought for sure something happened but I didn't feel it and like I say, I mean I don't know but I just thought, you know, he's just on the run, he's probably just a con and he's on the run in another city. I didn't know Peter was married before so if he told me that he had married some woman, don't know her name, probably California maybe Arizona 'cause those were the two cities he talked about Arizona, California and, um, he had this one case that had, uh, a picture of him with his family with his baby and a picture of him going to prom and it was with this girlfriend from, um, school and that's the only picture that he had but he also had a bottle of Crown, a big, big, old, old bottle of Crown but he kept it all in a case.

Q: A wooden case?

A: I don't know, if I saw it I'd recognize it.

Q: Okay.

A: _____ some kind of case and it had that and it had a, uh, logo of his dad's restaurant and he kept all that together and I asked Jack, I asked Jack if that was there. He said it's gone. I says oh he did plan it, he took it with him. He goes yup, he took

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STATEMENT OF: JENNIFER HARRISON

that so that's whe-- that's how I know that he took off. And I was like well that's the only thing that-- that's what convinced me that he somehow had a plan, 'cause he would, that's what he would mention that, that he traveled light, you know, and he, but that's something that he would always carry and I know he would take that 'cause it's something, you know with his father and he had been carrying it around.

Q: And he cared about his father.

A: Oh yeah, he talked about his dad, and, uh, but that bottle of Crown and was that-- what else was in there. There was something else that just had a lot of meaning that he kept it locked up and hidden.

Q: And you specifically asked Jack about it and Jack told you...

A: He said it's gone.

Q: ... that Pete took it and it was gone.

A: And it's not gone. But he said it was gone.

Q: Anything else come to mind?

A: Yeah, um, Jack called me. He called me about two weeks ago and paged me and said to call him at this number and I don't even have it saved but it was a local number and he said he was in Arizona, and I said what is going on. Peter's picture is all over the paper, he goes that's what I've heard. I'm just calling 'cause I knew that you would know. I said have you heard anything from him and said no.

Q: He called you from a local number?

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STATEMENT OF: JENNIFER HARRISON

A: He called me, I don't know where he called me from. He told me he was in Arizona.

Q: Okay.

A: And that he still hadn't heard anything. Then I said, stay in touch, let me know if you hear anything.

Q: Anything else said?

A: That was the last time that I heard from, um, Jack.

Q: Okay and how long ago was that?

A: That was I think two weeks but it was not even two weeks, probably last week.

Q: Was it before or after...

A: It's been...

Q: ...his picture's been in the paper.

A: It's been since then, that's right, it has, it has been since, uh, not the newspaper but the television.

Q: Okay, since the television showed the picture of Pete.

A: It shows a picture of Peter and then Jack called, left me a page and it was in the evening, when was that, I don't know, it was in the evening, 855 number and it was just a pager, please enter your number and then press the pound and I put in my cellular number and he called me back and I said what is going on. Have you heard anything from Peter, his picture is all over the newspaper or, um— all over the T.V. and, uh, he said no I haven't heard anything. I'm just calling 'cause that's what I

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STATEMENT OF: JENNIFER HARRISON

heard and of course now, that you tell me all this, I wonder, no but evidently he was in Arizona.

Q: Do you know if he knows anybody in Arizona where he would be?

A: Not that I know of. Jack never knew, honestly, they never talked about anybody, it was always just Jack and Peter, never anybody else around, one worker, it was real weird, you know.

Q: Okay, anything else you can think of?

A: Oh wait, you know what, and Jack told me that, um, didn't you all call Jack in for questioning?

Q: Hm-hmm.

A: Oh you did, okay, so he told me that, that was the day, he called me that day and said I don't know what's going on but there was a guy murdered next door they're questioning me and I didn't really think anything about it because just I didn't think anything about it, 'cause that's a bad area anywhere. And supposedly the guy was shot four times through the door, the glass door next door.

Q: And...

A: But Jack did tell me that.

Q: When did he tell you that?

A: He told me that, um, I think that night.

Q: The night that he was questioned?

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STATEMENT OF: JENNIFER HARRISON

A: The night he had been questioned.

Q: Do you know how come he decided to call you?

A: No he didn't call me for any particular reason just to tell me that, like I don't know what's going on, you know, they haven't heard from Peter and then I got questioned as to the murder down here. Oh, I know what it was, 'cause they found a piece of wood. He told me that, that they called. I was like why did they call you in and, 'cause honestly Jack, well both of them seemed, maybe sneaky but nothing that abnormal, you know, and, um, I asked him though why they called him and they had, he said that there was a piece of cedar found with the body or something, so.

Q: Had he not spoken to you for awhile prior to calling you that night?

A: Yeah I hadn't talked to him at all.

Q: And you're not sure why, he just out of the blue decided to call you.

A: He just called, and that wasn't that long though, that wasn't that long afterwards because I talked to, I talked to, uh, you know Jack everyday the first few days, like what's going on, you haven't heard from him, then I just kind of just forgot about it and then, uh, I don't remember what he called for nothing, nothing big that I can remember, but then the next time he called I was at the gym, yup, and he told me that.

Q: What did he call you like at your home or on your cell phone or what?

A: He never called me at home, my pager.

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EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: Your pager?

A: Hm-hmm, yup.

Q: So then he called you the night he got questioned and then you...

A: That night.

Q: ...did not hear from you again until just recently.

A: Until Arizona.

Q: When he says he's in Arizona.

A: ___ yeah.

Q: Did, uh, after...

A: No, no, you know what, he called me one time in between that 'cause he said that--
I said what are you doing, where are you staying and he said he was underground.

Q: Why did he say he was underground?

A: I don't know, that's what I'm wondering now and honestly it was just like, I'd, I finally
woke up and knew that I just need to stay out of it, and I was like oh, just need to
let it go.

Q: When he would call you was he, um, just calling to tell you information or was he
asking you questions about what was going on?

A: Well this last time that he called he had asked me just that he had heard, so he
heard from somebody else that Peter's, um, photo was all over T.V. and so he
called me 'cause he knew that I would know.

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STATEMENT OF: JENNIFER HARRISON

Q: To confirm whether it was or not?

A: Yup, and I did, I was like yeah, I said I don't know what's going on.

Q: And at what point...

A: Oh and I said they found a body out in the desert.

Q: At what point did he call you that he told you that he was underground?

A: That was right after the questioning so it was in between the questioning and last week.

Q: Okay.

A: The call from Arizona or wherever.

Q: It would have been the same night as the questioning or sometime after that?

A: No it was sometime after that like maybe, you know, a week in between 'cause it was quite a few days and then I know for a fact it was way before, um, Thanksgiving that I had heard from him last week.

Q: What words did he use to tell you that he was underground?

A: He said I'm underground, that's all, that's just the words I remember him using.

Q: And what did you take that to mean?

A: Hiding out.

Q: From?

A: From who knows what. I know I've heard things, not facts but I guess he's gotten in some trouble in, uh, New Jersey.

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STATEMENT OF: JENNIFER HARRISON

Q: So do— could you tell from talking to him whether he was hiding out from the police here in Las Vegas or from somebody some place else?

A: I don't know we didn't...

Q: Just in general terms he just told you he was hiding, he was underground.

A: Underground, he just said, he didn't say hiding out, he just said I'm underground, you know, just waiting to hear what happens.

Q: Did he say where he was, what city he was at that point?

A: No, and at the time he had his cellular phone, which I did try calling it, was it before or after I heard from him last week and it was just a busy signal.

Q: And when he called you last, it wasn't from his cell phone?

A: I don't think so, I mean I don't know, I didn't have caller I.D.

Q: Okay.

A: So, he had just called my pager, left me a message to page him at this number, he's gonna have it, and it was a local number 665 or 655, so I paged it and then he called me back and he said he was in Arizona.

Q: Do you still have that number some place?

A: I don't.

Q: Okay, anything else that you can think of?

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APP2321

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EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

A: I'm trying-- I'm thinking that he even said that, uh, see that concerns me 'cause I think he said that, you know, Peter's shoes were there, right, 'cause I know how many shoes, pairs of shoes Peter had.

Q: How do you know that?

A: Well just from being around him and just from seeing that room they had nothing else anywhere else so I know that he had _____ shoes and he lost one of them somewhere 'cause I remember he never wore them again, he could never find it. Then again maybe they found _____ in the room, boots and sneakers and flip flops and I think I remember Jack saying that, uh, all of his shoes were there.

Q: Oh the shoes were there at the CInergi?

A: Hm-hmm.

Q: So Pete had the shoes that you're seeing in this picture here which are like a, like a loafers.

A: Yeah, it was the leather ones.

Q: And what other kind did he have?

A: He had some black boots, you know, the lace up boots and, uh.

Q: Kind of like combat boots.

A: Yeah combat boots, that style yeah, those, um, some black flip flops just the ones with the one big strap that you slide your foot into, and, uh, sneakers that were really dirty and painted, like with paint and dirty ones, you know.

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APP2322

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EVENT #: 981116-0443

STATEMENT OF: JENNIFER HARRISON

Q: Do you know what brand they were?

A: Um, his sneakers were Addidas, bluish and gray colored.

Q: Okay.

A: And, uh, I remember 'cause when we went to Tahoe, he still had those. I was like you can't go with those, you have to get hiking boots so we bought a pair of Hi-Techs.

Q: Hi-Tech.

A: He got them at the Hi-Tech outlet but you know I don't know if the, the boots were Hi-Tech.

Q: Okay.

A: Or some other brand, they were black with some brown.

Q: Now is that the black boots you're talking about?

A: Yeah.

Q: And they were all-- mostly all black.

A: All black but they had a brown like tongue part was brown.

Q: Okay.

A: Yup, but I remember I asked Jack...

Q: And so Jack...

A: ...what do you think he had on? And he just said he didn't know.

Q: Did Jack say if all of Pete's shoes were there at the store?

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EVENT #: 981115-0443

STATEMENT OF: JENNIFER HARRISON

A: He said they were there.

Q: He said all of his shoes were there?

A: Yeah. I believe he said his sneakers, I don't know, that was just something I was thinking of.

Q: Was it something that he pointed out to you or?

A: No just me asking questions.

Q: You were asking questions about what shoes he had there?

A: 'Cause I was curious, yeah. I was trying to figure out like what, what did he have on, you know, 'cause when he left my apartment I remember that night he had on is a pair of jeans, boots and, uh, this gray, uh, sweater, _____ a sweatshirt, a gray sweatshirt, matter of fact, he had on his little combat shirt...(TAPE ENDS)

Q: The tape has been turned over and we're continuing, the time is 1322. You were saying that Pete had on a shirt underneath his gray sweatshirt.

A: Hm-hmm.

Q: What shirt was that?

A: It was like a combat shirt.

Q: What do you mean by a combat shirt?

A: Like, um, army.

Q: Like a camouflage?

A: Camouflage right.

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