

1 Richard Abdiel Silva
2 Petitioner In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
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Electronically Filed
Aug 07 2023 02:30 PM
Elizabeth A. Brown
Clerk of Supreme Court

9 RICHARD ABDIEL SILVA,
10 Petitioner,
11 vs.
12 GABRIELA NAWERA, Warden,
13 Defendant.
14

Case No. CR18-1135B
Dept. No. 15
Docket _____

NOTICE OF APPEAL

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Richard Abdiel Silva, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the
21 Order Dismissing Petition For Writ of Habeas Corpus (Post-Con-
22 viction
23 ruled on the 5th day of July, 2023.

24
25 Dated this 3rd day of July AUGUST, 2023.

26 Respectfully Submitted,

27 * [Signature]
28

CERTIFICATE OF SERVICE BY MAILING

I, Richard Ardiel Silva, hereby certify, pursuant to NRCP 5(b), that on this 3rd
day of July August, 2023, I mailed a true and correct copy of the foregoing, "

NOTICE OF APPEAL"

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

District Attorney
Washoe County
State of Nevada
One South Sierra Street
Reno NV 89501
Attorney for Respondent

CC:FILE

DATED: this 3rd day of July August, 2023.

RICHARD ARDIEL SILVA #1236297
Petitioner /In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

Case No. CR18-1135B

vs.

Dept. No. 15

RICHARD ABDIEL SILVA,

Defendant.

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is Richard Abdiel Silva.
2. This appeal is from an order entered by the Honorable Judge David A. Hardy.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:
Richard Abdiel Silva #1236297
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:
Jennifer P. Noble, Esq., SBN: 9446
P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: NA
6. Appellant is represented by appointed counsel in District Court.

7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed July 3rd, 2018.
10. This is a criminal proceeding and the Appellant is appealing the Order Dismissing
Petition for Writ of Habeas Corpus (Post-Conviction) filed July 5th, 2023.
11. The case has been the subject of a previous appeal to the Supreme Court.
Supreme Court No.: 81627
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 3rd day of August, 2023.

Alicia L. Lerud
Clerk of the Court
By: /s/ Y.Viloria
Y.Viloria
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR18-1135B

DEPT. D15

HON. DAVID A. HARDY

Report Date & Time

8/3/2023

9:15:39AM

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Kevin P. Naughton, Esq. - 12834
DA	Jennifer P. Noble, Esq. - 9446
DA	Michael Vieta-Kabell, Esq. - 11401
DA	Matthew Lee, Esq. - 10654
DEFT	RICHARD ABDIEL SILVA GUZMAN - @1290075
DATY	Theresa Ristenpart, Esq. - 9665
CAA	Victoria Thimmesch Oldenburg, Esq. - 4770
CAA	Thomas Qualls, Esq. - 8623
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50001	7/3/2018	INF MURDER WITH THE USE OF A DEADLY WEAPON

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50001	7/9/2018	PLED NOT GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
8/3/2020	1	Nevada State Prison		LIFE WITH THE POSSIBILITY OF PAROLE AFTER A MINIMUM 20 YEARS HAVE BEEN SERVED PLUS A CONSECUTIVE TERM OF 60-240 MONTHS IN NDOC FOR THE DEADLY WEAPON ENHANCEMENT; FEES

Release Information

Custody Status

8/3/2020	CUSTODY - WCJ	DEFT SENTENCED
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Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D15	ARRAIGNMENT	7/9/2018 09:00:00	7/9/2018

Event Extra Text:

Disposition:
D725 7/9/2018
TO THE INFORMATION

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D15	STATUS HEARING	10/8/2018 11:00:00	10/8/2018

Event Extra Text:

Disposition:
D445 10/8/2018
TO 12/12/18 AT 9:00 A.M.

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID: CR18-1135B

Case Type: CRIMINAL

Initial Filing Date:

6/29/2018

	Department	Event Description	Sched. Date & Time		Disposed Date
3	D15	STATUS HEARING	12/12/2018	09:00:00	12/11/2018
	Event Extra Text:		Disposition: D844 12/11/2018 STATUS HEARING VACATED AND RESET PER ORDER		
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D15	STATUS HEARING	12/17/2018	09:00:00	12/17/2018
	Event Extra Text:		Disposition: D260 12/17/2018		
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D15	STATUS HEARING	2/6/2019	08:45:00	2/6/2019
	Event Extra Text: *** 8:45 AM START ***		Disposition: D260 2/6/2019		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D15	MOTION TO CONFIRM TRIAL	4/1/2019	09:00:00	4/1/2019
	Event Extra Text: SET EXHIBIT MARKING + CONFIRM 2 WEEK TRIAL		Disposition: D355 4/1/2019 MTC - DENIED; TRIAL VACATED AND RESET		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D15	Request for Submission	4/15/2019	11:01:00	5/10/2019
	Event Extra Text: REQUEST FOR SUBMISSION OF MOTION FOR SEVERANCE OF DEFENDANTS		Disposition: S200 5/10/2019 REQUEST FOR SUBMISSION OF MOTION FOR SEVERANCE OF DEFENDANTS		
	Department	Event Description	Sched. Date & Time		Disposed Date
8	D15	ORAL ARGUMENTS	4/18/2019	14:00:00	4/1/2019
	Event Extra Text:		Disposition: D844 4/1/2019 ORAL ARGUMENTS - VACATED AND RESET		
	Department	Event Description	Sched. Date & Time		Disposed Date
9	D15	TRIAL - JURY	4/29/2019	09:00:00	4/1/2019
	Event Extra Text: DAY 1 7-10 DAYS		Disposition: D844 4/1/2019 JURY TRIAL - VACATED AND RESET		
	Department	Event Description	Sched. Date & Time		Disposed Date
10	D15	ORAL ARGUMENTS	9/4/2019	14:00:00	9/4/2019
	Event Extra Text:		Disposition: D445 9/4/2019 TO 9/10/19 AT 11:00 AM FOR ORAL ARGS		

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
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	Department	Event Description	Sched. Date & Time		Disposed Date
11	D15	ORAL ARGUMENTS	9/10/2019	11:00:00	9/10/2019
	Event Extra Text: SUPPRESS; MIL; OTHER ACTS		Disposition: D840 9/10/2019 SUBMITTED PRETRIAL MOTION WORK - UNDER ADVISEMENT; A WRITTEN ORDER WILL BE ENTERED		
	Department	Event Description	Sched. Date & Time		Disposed Date
12	D15	EVIDENTIARY HEARING	9/20/2019	16:00:00	9/20/2019
	Event Extra Text: RE: STATE'S MT TO CONTINUE TRIAL		Disposition: D840 9/20/2019 STATE'S MT TO CONTINUE - UNDER ADVISEMENT; C/O: DDA LEE TO PREPARE AND SUBMIT PROPOSED ORDER TO D15 NLT 9/27/19		
	Department	Event Description	Sched. Date & Time		Disposed Date
13	D15	MOTION TO CONFIRM TRIAL	11/18/2019	09:00:00	11/14/2019
	Event Extra Text: SET GUZMAN FOR TRIAL		Disposition: D843 11/14/2019 MTC VACATED TO BE RESET		
	Department	Event Description	Sched. Date & Time		Disposed Date
14	D15	TRIAL - JURY	12/2/2019	09:00:00	10/3/2019
	Event Extra Text: DAY 1 10 DAYS		Disposition: D843 10/3/2019 TO FEBRAURY 24, 2019 OR MARCH 30, 2019		
	Department	Event Description	Sched. Date & Time		Disposed Date
15	D15	MOTION TO CONFIRM TRIAL	2/10/2020	09:00:00	2/10/2020
	Event Extra Text: SET X MARKING + CONFIRM 5 DAY TRIAL?		Disposition: D425 2/10/2020 MTC - GRANTED.		
	Department	Event Description	Sched. Date & Time		Disposed Date
16	D15	EXHIBITS TO BE MARKED W/CLERK	2/21/2020	11:00:00	2/21/2020
	Event Extra Text: IMMEDIATELY FOLLOWING ORAL ARGS		Disposition: D596 2/21/2020 JURY TRIAL EXHIBITS - MARKED.		
	Department	Event Description	Sched. Date & Time		Disposed Date
17	D15	ORAL ARGUMENTS	2/21/2020	09:00:00	2/21/2020
	Event Extra Text: ALL MT WORK NOT REQUIRING SPANISH INTERPRETER EXPERT		Disposition: D840 2/21/2020 STATE'S MIL RE: AT&T + 7-ELEVEN BUSINESS RECORDS - GRANTED; A WRITTEN ORDER WILL BE ENTERED DEFT'S MT TO PROHIBIT UNCORROBORATED ACCOMPLICE TESTIMONY - RULING RESERVED UNTIL PRESENTATION OF EVIDENCE AT TRIAL STATE'S MIL RE: ADMISSION OF TRANSLATED STATEMENT OF DEFT - UNDER ADVISEMENT; A WRITTEN ORDER WILL BE ENTERED DEFT'S MOTION TO COMPEL - GRANTED IN PART/DENIED IN PART; A WRITTEN ORDER WILL BE ENTERED		

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
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	Department	Event Description	Sched. Date & Time	Disposed Date
18	D15	ORAL ARGUMENTS	2/24/2020 08:30:00	2/24/2020

Event Extra Text: RE: SPANISH INTERPRETER EXPERT

Disposition:
D430 2/24/2020

	Department	Event Description	Sched. Date & Time	Disposed Date
19	D15	TRIAL - JURY	2/24/2020 10:00:00	2/24/2020

Event Extra Text: SET FOR 10 DAYS BUT MAY BE DONE IN 5

Disposition:
D832 2/24/2020
DAY 1

	Department	Event Description	Sched. Date & Time	Disposed Date
20	D15	TRIAL ONGOING	2/25/2020 08:45:00	2/25/2020

Event Extra Text: DAY 2

Disposition:
D832 2/25/2020
DAY 2

	Department	Event Description	Sched. Date & Time	Disposed Date
21	D15	TRIAL ONGOING	2/26/2020 08:45:00	2/26/2020

Event Extra Text: DAY 3

Disposition:
D832 2/26/2020
DAY 3

	Department	Event Description	Sched. Date & Time	Disposed Date
22	D15	TRIAL ONGOING	2/27/2020 09:30:00	2/27/2020

Event Extra Text: DAY 4

Disposition:
D832 2/27/2020
DAY 4

	Department	Event Description	Sched. Date & Time	Disposed Date
23	D15	TRIAL ONGOING	2/28/2020 09:00:00	2/28/2020

Event Extra Text: DAY 5

Disposition:
D895 2/28/2020
FIRST DEGREE MURDER W/ USE OF DEADLY WEAPON -
GUILTY.

	Department	Event Description	Sched. Date & Time	Disposed Date
24	D15	PENALTY HEARING- JURY	3/2/2020 11:00:00	3/2/2020

Event Extra Text:

Disposition:
D121 3/2/2020
FIRST DEGREE MURDER ? LIFE WITH THE POSSIBILITY OF
PAROLE IN NDOC W/ ELIGIBILITY FOR PAROLE
BEGINNING WHEN A MINIMUM OF 20 YEARS HAS BEEN
SERVED.
PENALTY PHASE.

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)							
Case ID:	CR18-1135B		Case Type:	CRIMINAL		Initial Filing Date: 6/29/2018	
25	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	SENTENCING		5/6/2020	09:00:00		4/17/2020
	Event Extra Text: TAKE LAST				Disposition:		
					D844 4/17/2020 CONTINUED SPECIAL SET JUNE 30, 2020 AT 2:00 P.M.		
26	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	SENTENCING		6/30/2020	14:00:00		6/25/2020
	Event Extra Text: SPECIAL SET SENTENCING MURDER				Disposition:		
					D875 6/25/2020 SPECIAL SET SENTENCING - VACATED; COURT NOTIFIED COUNSEL WCJ IS NOT CONDUCTING IN-PERSON TRANSPORTS		
27	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	STATUS HEARING		7/13/2020	09:00:00		7/10/2020
	Event Extra Text: TO DISCUSS THE LOGISTICS OF THE SPECIAL SET SENTENCING				Disposition:		
					D844 7/10/2020 STATUS HEARING VACATED AND RESET TO 7/15/20 AT 1:00 PM PER APP FOR SETTING		
28	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	STATUS HEARING		7/15/2020	13:00:00		7/15/2020
	Event Extra Text: RE: IN-PERSON PROCEEDINGS + RESET SENT??				Disposition:		
					D260 7/15/2020		
29	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	SENTENCING		7/30/2020	09:00:00		7/15/2020
	Event Extra Text: ALT DATE; VACATE IF 6/30 IS A GO				Disposition:		
					D844 7/15/2020 SENTENCING VACATED AND RESET TO 8/3/20 AT 10:45 AM PER STATUS HEARING		
30	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	SENTENCING		8/3/2020	10:45:00		8/3/2020
	Event Extra Text: TAKE LAST				Disposition:		
					D766 8/3/2020		
31	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	Tickle Start Code		5/3/2021	09:00:00		5/3/2021
	Event Extra Text: DEALINE TO APPOINT COUNSEL IS THURSDAY - E-MAIL KRISTA MEIER OF NO REPLACEMENT COUNSEL HAS BEEN APPOPINTED				Disposition:		
					T200 5/3/2021 DEALINE TO APPOINT COUNSEL IS THURSDAY - E-MAIL KRISTA MEIER OF NO REPLACEMENT - emailed Krista Meier		
32	Department		Event Description		Sched. Date & Time		Disposed Date
	D15	Request for Submission		5/26/2021	07:31:00		6/4/2021

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
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Event Extra Text: REQUEST FOR SUBMISSION OF EX PARTE
MOTION FOR
TRANSCRIPTS AT PUBLIC EXPENSE

Disposition:
S200 6/4/2021
ORDER FILED ON JUNE 4, 2021 ON MOTION FOR
TRANSCRIPTS AT PUBLIC EXPENSE

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
33	D15	Request for Submission	11/21/2022	16:10:00	12/7/2022

Event Extra Text: MOTION TO WITHDRAWL COUNSEL/MOTION
FOR PRODUCTION

Disposition:
S200 12/7/2022
ORDER DENYING PRO SE MOTION TO WITHDRAW
COUNSEL/MOTION FOR PRODUCTION OF DOCUMENTS,
PAPERS, PLEADINGS AND TANGIBLE PROPERTY DATED
NOVEMBER 4, 2022. DEFENDANT SILVA CANNOT APPEAR
ON HIS OWN BEHALF IN THIS CASE WITHOUT CONSENT
OF THE COURT.

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
34	D15	Request for Submission	1/17/2023	08:43:00	2/7/2023

Event Extra Text: MOTON TO WITHDRAW COUNSE/ MOTION FOR
PRODUCTION

Disposition:
S200 2/7/2023
ORDER DENYING MOTIONS ENTERED FEBRUARY 7, 2023.

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
35	D15	Request for Submission	3/15/2023	19:43:00	4/10/2023

Event Extra Text: WRIT OF HABEAS CORPUS FILED FEB. 23, 2023

Disposition:
S200 4/10/2023
ORDER STRIKING REQUEST FOR SUBMISSION - STATE'S
RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
DUE WITHIN 45 DAYS. THE STATE SHALL RESUBMIT THIS
MATTER UPON THE FILING OF ITS RESPONSE ENTERED
APRIL 10, 2023.

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
36	D15	Request for Submission	5/15/2023	14:29:00	7/5/2023

Event Extra Text: MOTION TO DIMISS

Disposition:
S200 7/5/2023
ORDER DISMISSING PETITION FOR WRIT OF HABEAS
CORPUS (POST CONVICTION) ENTERED JULY 5, 2023.

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
37	D15	Request for Submission	5/25/2023	10:14:00	5/30/2023

Event Extra Text: OPPOSITION TO MOTION

Disposition:
S200 5/30/2023
ORDER STRIKING SUBMISSION - REQUEST FOR SUBMISSION
FILED MAY 23, 2023.

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA1713507
PC	PCN number	PCNRPD0015200C
RJ	Reno Justice's Court	RCR2017094324A
RP	Reno Police Department	RPDRP17023530
SC	Supreme Court	SCN 81627

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
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Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
6/29/2018	1250E	Application for Setting eFile	ARRAIGNMENT - JULY 9, 2018, 9:00 AM - Transaction 6755808 - Approved By: NOREVIEW : 06-29-2018:17:0		
6/29/2018	2522	Notice of Bindover	Transaction 6755776 - Approved By: YVILORIA : 06-29-2018:16:59:57		
6/29/2018	NEF	Proof of Electronic Service	Transaction 6755809 - Approved By: NOREVIEW : 06-29-2018:17:03:00		
6/29/2018	3700	Proceedings	Transaction 6755776 - Approved By: YVILORIA : 06-29-2018:16:59:57		
6/29/2018	NEF	Proof of Electronic Service	Transaction 6755816 - Approved By: NOREVIEW : 06-29-2018:17:04:24		
7/2/2018	NEF	Proof of Electronic Service	Transaction 6757011 - Approved By: NOREVIEW : 07-02-2018:13:11:06		
7/2/2018	1491	Pretrl Srves Assessment Report	Transaction 6756967 - Approved By: YVILORIA : 07-02-2018:13:10:10		
7/3/2018	4105	Supplemental ...	PROCEEDINGS		
7/3/2018	NEF	Proof of Electronic Service	Transaction 6760120 - Approved By: NOREVIEW : 07-03-2018:15:53:47		
7/3/2018	1800	Information	Transaction 6760078 - Approved By: NMASON : 07-03-2018:15:51:55		
7/3/2018	3870	Request	REQUEST FOR DISCOVERY PURSUANT TO NRS 174.245 - Transaction 6760078 - Approved By: NMASON :		
7/3/2018	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1-18 IN EVIDENCE ROOM		
7/9/2018	1280	** 60 Day Rule - Waived			
7/9/2018	COC	Evidence Chain of Custody Form			
7/9/2018	4105	Supplemental ...	RJC TRANSCRIPTS OF PRELIMINARY HEARING DATED JUNE 29, 2018		
7/10/2018	NEF	Proof of Electronic Service	Transaction 6769247 - Approved By: NOREVIEW : 07-10-2018:16:10:55		
7/10/2018	MIN	***Minutes	7/9/18 ARRAIGNMENT - Transaction 6769214 - Approved By: NOREVIEW : 07-10-2018:16:07:44		
8/9/2018	4185	Transcript	Entry of Pleas - July 9, 2018 - Transaction 6822878 - Approved By: NOREVIEW : 08-09-2018:20:42:13		
8/9/2018	NEF	Proof of Electronic Service	Transaction 6822879 - Approved By: NOREVIEW : 08-09-2018:20:43:12		
9/27/2018	NEF	Proof of Electronic Service	Transaction 6901454 - Approved By: NOREVIEW : 09-27-2018:14:41:41		
9/27/2018	3020	Ord Granting Continuance	ORDER CONTINUING HEARING - Transaction 6901442 - Approved By: NOREVIEW : 09-27-2018:14:40:23		
10/16/2018	MIN	***Minutes	10/8/18 STATUS HEARING - Transaction 6931252 - Approved By: NOREVIEW : 10-16-2018:15:24:55		
10/16/2018	NEF	Proof of Electronic Service	Transaction 6931265 - Approved By: NOREVIEW : 10-16-2018:15:26:29		
11/26/2018	4185	Transcript	Status Hearing - Oct. 8, 2018 - Transaction 6990617 - Approved By: NOREVIEW : 11-26-2018:11:44:46		
11/26/2018	NEF	Proof of Electronic Service	Transaction 6990626 - Approved By: NOREVIEW : 11-26-2018:11:45:45		
12/10/2018	NEF	Proof of Electronic Service	Transaction 7015100 - Approved By: NOREVIEW : 12-10-2018:10:05:37		
12/10/2018	3937	SJDC Hearing	Transaction 7015090 - Approved By: NOREVIEW : 12-10-2018:10:04:34		
12/11/2018	3366	Ord Vacating	RESETTING STATUS HEARING DECEMBER 17, 2018 AT 9:00 A.M. - Transaction 7017579 - Approved By: NC		
12/11/2018	NEF	Proof of Electronic Service	Transaction 7017581 - Approved By: NOREVIEW : 12-11-2018:10:43:16		
12/27/2018	NEF	Proof of Electronic Service	Transaction 7042131 - Approved By: NOREVIEW : 12-27-2018:16:20:24		
12/27/2018	MIN	***Minutes	12/17/18 STATUS HEARING - Transaction 7042126 - Approved By: NOREVIEW : 12-27-2018:16:19:22		
1/21/2019	NEF	Proof of Electronic Service	Transaction 7077248 - Approved By: NOREVIEW : 01-21-2019:15:59:43		
1/21/2019	4185	Transcript	12/17/18 - Status Hearing - Transaction 7077245 - Approved By: NOREVIEW : 01-21-2019:15:58:43		
2/15/2019	NEF	Proof of Electronic Service	Transaction 7121346 - Approved By: NOREVIEW : 02-15-2019:12:12:59		
2/15/2019	MIN	***Minutes	2/6/19 STATUS HEARING - Transaction 7121337 - Approved By: NOREVIEW : 02-15-2019:12:11:53		
3/11/2019	NEF	Proof of Electronic Service	Transaction 7159425 - Approved By: NOREVIEW : 03-11-2019:14:26:12		
3/11/2019	1520	Declaration	OF SERVICE, WCSO 03/04/2019 - Transaction 7159365 - Approved By: BVIRREY : 03-11-2019:14:23:26		
3/12/2019	4075	Substitution of Counsel	SUBSTITUTION OF COUNSEL FOR THE STATE: MATTHEW LEE DA IN PLACE OF BRITTANY BISHOP DA -		
3/12/2019	NEF	Proof of Electronic Service	Transaction 7162314 - Approved By: NOREVIEW : 03-12-2019:15:18:54		

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
3/28/2019	3937	SJDC Hearing	Transaction 7189589 - Approved By: NOREVIEW : 03-28-2019:08:48:13	
3/28/2019	NEF	Proof of Electronic Service	Transaction 7189595 - Approved By: NOREVIEW : 03-28-2019:08:49:08	
3/29/2019	NEF	Proof of Electronic Service	Transaction 7193705 - Approved By: NOREVIEW : 03-29-2019:16:58:36	
3/29/2019	NEF	Proof of Electronic Service	Transaction 7192950 - Approved By: NOREVIEW : 03-29-2019:12:36:25	
3/29/2019	2470	Mtn to Sever	MOTION FOR SEVERANCE OF DEFENDANTS - Transaction 7193572 - Approved By: SACORDAG : 03-29-20	
3/29/2019	4185	Transcript	2/6/19 - Status Hearing - Transaction 7192944 - Approved By: NOREVIEW : 03-29-2019:12:35:15	
4/2/2019	MIN	***Minutes	4/1/19 MOTION TO CONFIRM TRIAL - Transaction 7197083 - Approved By: NOREVIEW : 04-02-2019:12:38:10	
4/2/2019	NEF	Proof of Electronic Service	Transaction 7197092 - Approved By: NOREVIEW : 04-02-2019:12:39:15	
4/10/2019	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S MOTION FOR SEVERANCE OF DEFENDANTS - Transaction 7210876 - Approved	
4/10/2019	NEF	Proof of Electronic Service	Transaction 7211009 - Approved By: NOREVIEW : 04-10-2019:10:44:05	
4/15/2019	3860	Request for Submission	REQUEST FOR SUBMISSION OF MOTION FOR SEVERANCE OF DEFENDANTS - Transaction 7218125 - Ap	
4/15/2019	NEF	Proof of Electronic Service	Transaction 7218337 - Approved By: NOREVIEW : 04-15-2019:11:00:39	
4/15/2019	3790	Reply to/in Opposition	REPLY TO DEFENDANT SILVA'S OPPOSITION TO STATE'S MOTION FOR SEVERANCE OF DEFENDANTS .	
5/5/2019	4185	Transcript	040119.MOTION.CONFIRM.2 - Transaction 7253432 - Approved By: NOREVIEW : 05-05-2019:11:55:18	
5/5/2019	NEF	Proof of Electronic Service	Transaction 7253433 - Approved By: NOREVIEW : 05-05-2019:11:57:58	
5/10/2019	S200	Request for Submission Complet	REQUEST FOR SUBMISSION OF MOTION FOR SEVERANCE OF DEFENDANTS	
5/10/2019	3060	Ord Granting Mtn ...	TO SEVER - Transaction 7263527 - Approved By: NOREVIEW : 05-10-2019:08:44:28	
5/10/2019	NEF	Proof of Electronic Service	Transaction 7263529 - Approved By: NOREVIEW : 05-10-2019:08:45:16	
7/31/2019	2490	Motion ...	MOTION TO ADMIT OTHER-ACT EVIDENCE; REQUEST FOR A HEARING - Transaction 7404537 - Approved	
7/31/2019	NEF	Proof of Electronic Service	Transaction 7404702 - Approved By: NOREVIEW : 07-31-2019:15:12:40	
8/7/2019	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S MOTION TO ADMIT OTHER-ACT EVIDENCE - Transaction 7417923 - Approved By	
8/8/2019	2490	Motion ...	MOTION FOR LEAVE TO EXCEED PAGE LIMITATION - Transaction 7418496 - Approved By: YVILORIA : 08-01	
8/8/2019	2480	Mtn to Suppress...	Motion to Suppress - Transaction 7418171 - Approved By: NOREVIEW : 08-08-2019:09:13:17	
8/8/2019	NEF	Proof of Electronic Service	Transaction 7418157 - Approved By: NOREVIEW : 08-08-2019:09:08:53	
8/8/2019	NEF	Proof of Electronic Service	Transaction 7418552 - Approved By: NOREVIEW : 08-08-2019:10:38:02	
8/8/2019	2245	Mtn in Limine	MOTION IN LIMINE PROHIBITING IRRELEVANT EVIDENCE - Transaction 7418150 - Approved By: NOREVIEW	
8/8/2019	NEF	Proof of Electronic Service	Transaction 7418178 - Approved By: NOREVIEW : 08-08-2019:09:14:17	
8/8/2019	NEF	Proof of Electronic Service	Transaction 7417945 - Approved By: NOREVIEW : 08-08-2019:08:18:49	
8/21/2019	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO SUPPRESS - Transaction 7443081 - Approved By: YVILORIA : 08-21-2019:15:4	
8/21/2019	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE PROHIBITING IRRELEVANT EVIDENCE - Transaction 7443565 - Appro	
8/21/2019	NEF	Proof of Electronic Service	Transaction 7443580 - Approved By: NOREVIEW : 08-21-2019:16:56:29	
8/21/2019	NEF	Proof of Electronic Service	Transaction 7443123 - Approved By: NOREVIEW : 08-21-2019:15:44:01	
8/26/2019	3790	Reply to/in Opposition	REPLY TO STATE'S OPPOSITION TO DEFENSE MOTION IN LIMINE PROHIBITING IRRELEVANT EVIDENCE	
8/27/2019	3790	Reply to/in Opposition	REPLY TO STATE'S OPPOSITION TO DEFENSE MOTION TO SUPPRESS - Transaction 7453796 - Approved	
8/27/2019	NEF	Proof of Electronic Service	Transaction 7451150 - Approved By: NOREVIEW : 08-27-2019:08:48:48	
8/28/2019	NEF	Proof of Electronic Service	Transaction 7453838 - Approved By: NOREVIEW : 08-28-2019:08:07:05	
8/30/2019	3790	Reply to/in Opposition	REPLY IN SUPPORT OF MOTION TO ADMIT OTHER - ACT EVIDENCE - Transaction 7461032 - Approved By:	
8/30/2019	NEF	Proof of Electronic Service	Transaction 7461041 - Approved By: NOREVIEW : 08-30-2019:16:11:38	
9/4/2019	1695	** Exhibit(s) ...	9/4/19 ORAL ARGS	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
9/4/2019	NEF	Proof of Electronic Service	Transaction 7464895 - Approved By: NOREVIEW : 09-04-2019:10:26:25	
9/4/2019	2280	Mtn to Continue	Transaction 7464890 - Approved By: NOREVIEW : 09-04-2019:10:25:23	
9/5/2019	MIN	***Minutes	9/4/19 ORAL ARGUMENTS - DAY 1 + EXHIBIT LIST - Transaction 7467878 - Approved By: NOREVIEW : 09-05-	
9/5/2019	NEF	Proof of Electronic Service	Transaction 7467883 - Approved By: NOREVIEW : 09-05-2019:11:27:25	
9/9/2019	4105	Supplemental ...	SUPPLEMENT TO MOTION TO CONTINUE TRIAL - Transaction 7475134 - Approved By: NOREVIEW : 09-09:-	
9/9/2019	NEF	Proof of Electronic Service	Transaction 7475136 - Approved By: NOREVIEW : 09-09-2019:17:17:49	
9/12/2019	MIN	***Minutes	9/10/19 ORAL ARGUMENTS DAY 2 + EXHIBIT LIST - Transaction 7480483 - Approved By: NOREVIEW : 09-12	
9/12/2019	NEF	Proof of Electronic Service	Transaction 7480494 - Approved By: NOREVIEW : 09-12-2019:09:55:55	
9/12/2019	NEF	Proof of Electronic Service	Transaction 7482351 - Approved By: NOREVIEW : 09-12-2019:17:04:14	
9/12/2019	3242	Ord Setting Hearing	EVIDENTIARY HEARING ON MOTION TO CONTINUE 9/20 AT 3:00 - Transaction 7482345 - Approved By: NO	
9/12/2019	NEF	Proof of Electronic Service	Transaction 7480613 - Approved By: NOREVIEW : 09-12-2019:10:28:05	
9/12/2019	1696	Hrg Exhibits Maintnd in File	9/4 + 10/19 ORAL ARGUMENTS EXHIBITS - Transaction 7480612 - Approved By: NOREVIEW : 09-12-2019:10	
9/18/2019	3242	Ord Setting Hearing	RESETTING 9/20 EVIDENTIARY HEARING TO 4:00 P.M. - Transaction 7491072 - Approved By: NOREVIEW :	
9/18/2019	NEF	Proof of Electronic Service	Transaction 7491078 - Approved By: NOREVIEW : 09-18-2019:13:46:12	
9/19/2019	NEF	Proof of Electronic Service	Transaction 7494562 - Approved By: NOREVIEW : 09-19-2019:16:39:50	
9/19/2019	3060	Ord Granting Mtn ...	TO SUPPRESS - Transaction 7494559 - Approved By: NOREVIEW : 09-19-2019:16:39:00	
9/23/2019	4185	Transcript	Transaction 7498199 - Approved By: NOREVIEW : 09-23-2019:13:07:08	
9/23/2019	NEF	Proof of Electronic Service	Transaction 7498207 - Approved By: NOREVIEW : 09-23-2019:13:08:17	
9/23/2019	2682	Ord Addressing Motions	Transaction 7498285 - Approved By: NOREVIEW : 09-23-2019:13:28:15	
9/23/2019	NEF	Proof of Electronic Service	Transaction 7498289 - Approved By: NOREVIEW : 09-23-2019:13:29:07	
9/26/2019	MIN	***Minutes	9/20/19 EVIDENTIARY HEARING - Transaction 7505999 - Approved By: NOREVIEW : 09-26-2019:11:50:54	
9/26/2019	NEF	Proof of Electronic Service	Transaction 7506007 - Approved By: NOREVIEW : 09-26-2019:11:51:51	
10/3/2019	NEF	Proof of Electronic Service	Transaction 7518873 - Approved By: NOREVIEW : 10-03-2019:13:09:02	
10/3/2019	3366	Ord Vacating	TRIAL - COUNSEL TO RESET 2/24/20 OR 3/30/20 - Transaction 7518866 - Approved By: NOREVIEW : 10-03:-	
10/28/2019	3242	Ord Setting Hearing	TRIAL TO BEGIND 2/24/20 AT 9:00 - Transaction 7558163 - Approved By: NOREVIEW : 10-28-2019:09:04:32	
10/28/2019	NEF	Proof of Electronic Service	Transaction 7558167 - Approved By: NOREVIEW : 10-28-2019:09:05:52	
11/19/2019	NEF	Proof of Electronic Service	Transaction 7596643 - Approved By: NOREVIEW : 11-19-2019:14:13:20	
11/19/2019	3242	Ord Setting Hearing	MOTION TO CONFIRM 2/10/20 - Transaction 7596601 - Approved By: NOREVIEW : 11-19-2019:14:06:59	
2/3/2020	2592	Notice of Witnesses	Transaction 7718729 - Approved By: NOREVIEW : 02-03-2020:15:52:41	
2/3/2020	NEF	Proof of Electronic Service	Transaction 7718745 - Approved By: NOREVIEW : 02-03-2020:15:54:27	
2/4/2020	2245	Mtn in Limine	Transaction 7721687 - Approved By: NOREVIEW : 02-04-2020:17:50:42	
2/4/2020	2490	Motion ...	MOTION IN LIMINE SEEKING ADMISSION OF AT&T AND 7-ELEVEN BUSINESS RECORDS, AND NOTICE O	
2/4/2020	2592	Notice of Witnesses	Transaction 7721681 - Approved By: NOREVIEW : 02-04-2020:17:34:20	
2/4/2020	NEF	Proof of Electronic Service	Transaction 7721688 - Approved By: NOREVIEW : 02-04-2020:17:53:32	
2/4/2020	NEF	Proof of Electronic Service	Transaction 7721684 - Approved By: NOREVIEW : 02-04-2020:17:35:21	
2/5/2020	NEF	Proof of Electronic Service	Transaction 7721876 - Approved By: NOREVIEW : 02-05-2020:08:16:35	
2/7/2020	2592	Notice of Witnesses	Transaction 7727363 - Approved By: NOREVIEW : 02-07-2020:08:09:14	
2/7/2020	NEF	Proof of Electronic Service	Transaction 7727365 - Approved By: NOREVIEW : 02-07-2020:08:10:04	
2/10/2020	NEF	Proof of Electronic Service	Transaction 7732017 - Approved By: NOREVIEW : 02-10-2020:14:56:41	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
2/10/2020	3696	Pre-Trial Order	REGARDING JURY SELECTION VOIR DIRE - Transaction 7732004 - Approved By: NOREVIEW : 02-10-2020:	
2/11/2020	NEF	Proof of Electronic Service	Transaction 7733756 - Approved By: NOREVIEW : 02-11-2020:12:03:51	
2/11/2020	NEF	Proof of Electronic Service	Transaction 7733516 - Approved By: NOREVIEW : 02-11-2020:11:14:23	
2/11/2020	NEF	Proof of Electronic Service	Transaction 7734776 - Approved By: NOREVIEW : 02-11-2020:15:28:56	
2/11/2020	2490	Motion ...	MOTION TO COMPEL STATE PRODUCTION OF EVIDENCE - Transaction 7734687 - Approved By: YVILORIA	
2/11/2020	2490	Motion ...	MOTION TO PROHIBIT UNCORROBORATED ACCOMPLICE TESTIMONY - Transaction 7735469 - Approved By: NOREVIEW : 02-11-2020:11:10:0	
2/11/2020	MIN	***Minutes	2/10/20 MOTION TO CONFIRM TRIAL - Transaction 7733507 - Approved By: NOREVIEW : 02-11-2020:11:10:0	
2/11/2020	4105	Supplemental ...	SUPPLEMENT TO STATE'S MOTION IN LIMINE SEEKING ADMISSION OF TRANSLATED STATEMENT OF T	
2/12/2020	NEF	Proof of Electronic Service	Transaction 7735559 - Approved By: NOREVIEW : 02-12-2020:08:03:41	
2/13/2020	NEF	Proof of Electronic Service	Transaction 7741024 - Approved By: NOREVIEW : 02-13-2020:23:24:46	
2/13/2020	2592	Notice of Witnesses	NOTICE OF WITNESS PURSUANT TO NRS 174.234 - Transaction 7741023 - Approved By: NOREVIEW : 02-1	
2/14/2020	2592	Notice of Witnesses	NOTICE OF WTINESSES PURSUANT TO NRS 174.234 - Transaction 7742990 - Approved By: NOREVIEW : 0	
2/14/2020	NEF	Proof of Electronic Service	Transaction 7743004 - Approved By: NOREVIEW : 02-14-2020:16:15:21	
2/17/2020	4210	Trial Statement - Defendant	Transaction 7743295 - Approved By: BBLOUGH : 02-18-2020:08:42:26	
2/17/2020	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S MOTION IN LIMINE SEEKING ADMISSION OF TRANSLATED STATEMENT OF TH	
2/17/2020	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION TO COMPEL PRODUCTION OF EVIDENCE - Transaction 7743325	
2/17/2020	2645	Opposition to Mtn ...	REPONSE TO DEFENDANT'S MOTION TO PROHIBIT UNCORROBORATED ACCOMPLICE TESTIMONY - Tr	
2/18/2020	NEF	Proof of Electronic Service	Transaction 7743525 - Approved By: NOREVIEW : 02-18-2020:08:44:40	
2/18/2020	NEF	Proof of Electronic Service	Transaction 7743530 - Approved By: NOREVIEW : 02-18-2020:08:45:18	
2/18/2020	NEF	Proof of Electronic Service	Transaction 7743544 - Approved By: NOREVIEW : 02-18-2020:08:48:37	
2/18/2020	NEF	Proof of Electronic Service	Transaction 7743519 - Approved By: NOREVIEW : 02-18-2020:08:43:25	
2/20/2020	2592	Notice of Witnesses	Supplemental Notice of Witnesses - Transaction 7749156 - Approved By: NOREVIEW : 02-20-2020:02:04:05	
2/20/2020	3937	SJDC Hearing	Transaction 7749230 - Approved By: NOREVIEW : 02-20-2020:08:20:01	
2/20/2020	NEF	Proof of Electronic Service	Transaction 7749157 - Approved By: NOREVIEW : 02-20-2020:02:05:05	
2/20/2020	NEF	Proof of Electronic Service	Transaction 7749180 - Approved By: NOREVIEW : 02-20-2020:07:44:43	
2/20/2020	3790	Reply to/in Opposition	REPLY TO DEFENDANT'S OPPOSITION TO THE MOTION IN LIMINE SEEKING ADMISSION OF TRANSLATE	
2/20/2020	NEF	Proof of Electronic Service	Transaction 7749233 - Approved By: NOREVIEW : 02-20-2020:08:20:51	
2/21/2020	NEF	Proof of Electronic Service	Transaction 7753207 - Approved By: NOREVIEW : 02-21-2020:13:01:08	
2/21/2020	1696	Hrg Exhibits Maintnd in File	2/21/20 ORAL ARGUMENTS EXHIBIT - Transaction 7753647 - Approved By: NOREVIEW : 02-21-2020:14:45:2	
2/21/2020	NEF	Proof of Electronic Service	Transaction 7753729 - Approved By: NOREVIEW : 02-21-2020:15:09:15	
2/21/2020	MIN	***Minutes	2/21/20 ORAL ARGUMENTS + EXHIBIT LIST - Transaction 7753723 - Approved By: NOREVIEW : 02-21-2020:	
2/21/2020	NEF	Proof of Electronic Service	Transaction 7753655 - Approved By: NOREVIEW : 02-21-2020:14:46:29	
2/21/2020	1930	Letters ...	LETTER PROVIDED AT 2/21/20 ORAL ARGUMENTS - Transaction 7753204 - Approved By: NOREVIEW : 02-2	
2/21/2020	1695	** Exhibit(s) ...	ORAL ARGUMENTS	
2/24/2020	1695	** Exhibit(s) ...	EVIDENTIARY HEARING /// ORAL ARGUMENTS	
2/24/2020	NEF	Proof of Electronic Service	Transaction 7754594 - Approved By: NOREVIEW : 02-24-2020:08:55:20	
2/24/2020	2700	Ord After Hearing...	ADDRESSING MOTIONS IN LIMINE - Transaction 7754589 - Approved By: NOREVIEW : 02-24-2020:08:54:12	
2/25/2020	4185	Transcript	Partial Transcript of Oral Arguments - Testimony of Arturo Manzo-Ramirez 9-4-19 - Transaction 7758061 - Appro	
2/25/2020	2175	Mtn for Reconsideration	MOTION TO RECONSIDER ORAL PRONOUNCEMENT REGARDING THE RULE OF COMPLETENESS AS IT	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
2/25/2020	1520	Declaration	DECLARATION OF SERVICE CUSTODIAN OF RECORDS CHARLES PALIAN - Transaction 7757472 - Approv	
2/25/2020	NEF	Proof of Electronic Service	Transaction 7759415 - Approved By: NOREVIEW : 02-25-2020:16:02:36	
2/25/2020	NEF	Proof of Electronic Service	Transaction 7758827 - Approved By: NOREVIEW : 02-25-2020:14:16:53	
2/25/2020	1696	Hrg Exhibits Maintnd in File	2/24/20 EVIDENTIARY HEARING /// ORAL ARGUMENTS EXHIBIT - Transaction 7759397 - Approved By: NOR	
2/25/2020	MIN	***Minutes	2/24/20 EVIDENTIARY HEARING /// ORAL ARGUMENTS + EXHIBIT LIST - Transaction 7758818 - Approved B	
2/25/2020	NEF	Proof of Electronic Service	Transaction 7758072 - Approved By: NOREVIEW : 02-25-2020:11:26:38	
2/25/2020	NEF	Proof of Electronic Service	Transaction 7757488 - Approved By: NOREVIEW : 02-25-2020:09:37:31	
2/26/2020	NEF	Proof of Electronic Service	Transaction 7759952 - Approved By: NOREVIEW : 02-26-2020:08:42:48	
2/28/2020	3755	Refused Instructions-Deflt	Transaction 7767606 - Approved By: NOREVIEW : 02-28-2020:22:01:30	
2/28/2020	NEF	Proof of Electronic Service	Transaction 7767612 - Approved By: NOREVIEW : 02-28-2020:22:05:50	
2/28/2020	NEF	Proof of Electronic Service	Transaction 7767610 - Approved By: NOREVIEW : 02-28-2020:22:04:40	
2/28/2020	NEF	Proof of Electronic Service	Transaction 7767608 - Approved By: NOREVIEW : 02-28-2020:22:02:30	
2/28/2020	NEF	Proof of Electronic Service	Transaction 7767607 - Approved By: NOREVIEW : 02-28-2020:22:01:40	
2/28/2020	NEF	Proof of Electronic Service	Transaction 7767604 - Approved By: NOREVIEW : 02-28-2020:22:00:00	
2/28/2020	4245	Verdict(s)...	FIRST DEGREE MURDER WITH USE OF DEADLY WEAPON - GUILTY. - Transaction 7767611 - Approved By:	
2/28/2020	3760	Refused Instructions-Pltf	Transaction 7767605 - Approved By: NOREVIEW : 02-28-2020:22:00:40	
2/28/2020	1885	Jury Instructions	1-49 - Transaction 7767609 - Approved By: NOREVIEW : 02-28-2020:22:03:40	
2/28/2020	1892	Jury Question, No Response	DURING TRIAL - Transaction 7767603 - Approved By: NOREVIEW : 02-28-2020:21:59:00	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7770390 - Approved By: NOREVIEW : 03-02-2020:18:26:56	
3/2/2020	1885	Jury Instructions	JURY INSTRUCTIONS PENALTY PHASE; 1-11 - Transaction 7770388 - Approved By: NOREVIEW : 03-02-202	
3/2/2020	4245	Verdict(s)...	PENALTY VERDICT; LIFE W/ POSS. OF PAROLE IN NDOC WHEN A MIN. 20 YEARS HAS BEEN SERVED - 1	
3/2/2020	3373	Other ...	CONFIDENTIAL EMAIL RE: JUROR #1; PENALTY PHASE - Transaction 7770384 - Approved By: NOREVIEW :	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7770399 - Approved By: NOREVIEW : 03-02-2020:18:31:57	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7770394 - Approved By: NOREVIEW : 03-02-2020:18:29:51	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7770391 - Approved By: NOREVIEW : 03-02-2020:18:27:21	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7770389 - Approved By: NOREVIEW : 03-02-2020:18:26:56	
3/2/2020	1890	Jury Question, Court Response	DURING PENALTY DELIBERATIONS; 1 - Transaction 7770392 - Approved By: NOREVIEW : 03-02-2020:18:28	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7770385 - Approved By: NOREVIEW : 03-02-2020:18:25:41	
3/2/2020	3373	Other ...	CONFIDENTIAL EMAIL TO JUROR #1 - Transaction 7770387 - Approved By: NOREVIEW : 03-02-2020:18:25:5	
3/2/2020	3373	Other ...	CONFIDENTIAL EMAIL CORRESPONDENCE TO JUROR #13 - Transaction 7770386 - Approved By: NOREVIEW	
3/6/2020	3373	Other ...	CORRECTED CONFIDENTIAL CORRESPONDENCE W/ JUROR #14 - Transaction 7778656 - Approved By: N	
3/6/2020	NEF	Proof of Electronic Service	Transaction 7778662 - Approved By: NOREVIEW : 03-06-2020:09:39:11	
3/6/2020	NEF	Proof of Electronic Service	Transaction 7778699 - Approved By: NOREVIEW : 03-06-2020:09:55:45	
3/6/2020	MIN	***Minutes	2/24-3/2/20 JURY TRIAL + PENALTY HEARING + EXHIBIT LIST - Transaction 7778695 - Approved By: NOREVIEW	
4/14/2020	NEF	Proof of Electronic Service	Transaction 7834263 - Approved By: NOREVIEW : 04-14-2020:12:43:16	
4/14/2020	4500	PSI - Confidential	Transaction 7834260 - Approved By: NOREVIEW : 04-14-2020:12:42:17	
4/16/2020	4045	Stipulation to Continuance	DFX: MISSING INDEX OF EXHIBITS	
4/16/2020	NEF	Proof of Electronic Service	Transaction 7837529 - Approved By: NOREVIEW : 04-16-2020:09:16:42	
4/17/2020	3020	Ord Granting Continuance	SENTENCING CONTINUED TO JUNE 30 AT 2:00 P.M. - Transaction 7839516 - Approved By: NOREVIEW : 04	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
4/17/2020	NEF	Proof of Electronic Service	Transaction 7839519 - Approved By: NOREVIEW : 04-17-2020:09:50:57	
6/1/2020	NEF	Proof of Electronic Service	Transaction 7902048 - Approved By: NOREVIEW : 06-01-2020:14:25:12	
6/1/2020	1250E	Application for Setting eFile	Transaction 7902046 - Approved By: NOREVIEW : 06-01-2020:14:24:22	
6/11/2020	3242	Ord Setting Hearing	JULY 13, 2020 - Transaction 7920714 - Approved By: NOREVIEW : 06-11-2020:12:43:52	
6/11/2020	NEF	Proof of Electronic Service	Transaction 7920717 - Approved By: NOREVIEW : 06-11-2020:12:44:49	
6/30/2020	3366	Ord Vacating	HEARING AND SETTING A STATUS HEARING - Transaction 7950045 - Approved By: NOREVIEW : 06-30-2020:15:26:15	
6/30/2020	NEF	Proof of Electronic Service	Transaction 7950063 - Approved By: NOREVIEW : 06-30-2020:15:26:15	
7/9/2020	3937	SJDC Hearing	Transaction 7962077 - Approved By: NOREVIEW : 07-09-2020:08:52:03	
7/9/2020	NEF	Proof of Electronic Service	Transaction 7962083 - Approved By: NOREVIEW : 07-09-2020:08:53:06	
7/10/2020	1250E	Application for Setting eFile	Transaction 7964531 - Approved By: NOREVIEW : 07-10-2020:09:12:16	
7/10/2020	NEF	Proof of Electronic Service	Transaction 7964534 - Approved By: NOREVIEW : 07-10-2020:09:13:16	
7/17/2020	NEF	Proof of Electronic Service	Transaction 7976270 - Approved By: NOREVIEW : 07-17-2020:11:01:30	
7/17/2020	MIN	***Minutes	7/15/20 STATUS HEARING - Transaction 7976264 - Approved By: NOREVIEW : 07-17-2020:11:00:31	
8/3/2020	COLL	Sent to Collections		
8/6/2020	NEF	Proof of Electronic Service	Transaction 8006686 - Approved By: NOREVIEW : 08-06-2020:11:59:50	
8/6/2020	4500	PSI - Confidential	Transaction 8006681 - Approved By: NOREVIEW : 08-06-2020:11:56:45	
8/6/2020	1695	** Exhibit(s) ...	JURY TRIAL EXHIBITS	
8/7/2020	1850	Judgment of Conviction	Transaction 8009200 - Approved By: NOREVIEW : 08-07-2020:13:29:10	
8/7/2020	NEF	Proof of Electronic Service	Transaction 8009210 - Approved By: NOREVIEW : 08-07-2020:13:30:20	
8/11/2020	NEF	Proof of Electronic Service	Transaction 8014195 - Approved By: NOREVIEW : 08-11-2020:15:43:56	
8/11/2020	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 8014191 - Approved By: NOREVIEW : 08-11-2020:15:42:57	
8/11/2020	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8014191 - Approved By: N	
8/11/2020	NEF	Proof of Electronic Service	Transaction 8013551 - Approved By: NOREVIEW : 08-11-2020:13:25:31	
8/11/2020	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - 8/7/2020 DEFT - Transaction 8013535 - Approved By: YVILORIA : 08-11-2020:13:23:41	
8/12/2020	MIN	***Minutes	8/3/20 SENTENCING - Transaction 8016769 - Approved By: NOREVIEW : 08-12-2020:19:29:32	
8/12/2020	NEF	Proof of Electronic Service	Transaction 8016770 - Approved By: NOREVIEW : 08-12-2020:19:30:23	
8/14/2020	1187	**Supreme Court Case No. ...	SUPREME COURT NO. 81627 - SILVA	
8/20/2020	NEF	Proof of Electronic Service	Transaction 8029959 - Approved By: NOREVIEW : 08-20-2020:14:24:50	
8/20/2020	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 81627 / RECEIPT FOR DOCUMENTS - Transaction 8029946 - Approved By: NOREVII	
8/26/2020	4125	Supreme Court Order...	SUPREME COURT NO. 81627 / ORDER OF LIMITED REMAND FOR DESIGNATION OF COUNSEL - Transac	
8/26/2020	NEF	Proof of Electronic Service	Transaction 8038848 - Approved By: NOREVIEW : 08-26-2020:14:49:43	
8/26/2020	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT NO. 81627 / ORDER OF LIMITED REMAND FOR DESIGNATION OF	
8/27/2020	NEF	Proof of Electronic Service	Transaction 8040419 - Approved By: NOREVIEW : 08-27-2020:11:31:53	
8/27/2020	NEF	Proof of Electronic Service	Transaction 8041896 - Approved By: NOREVIEW : 08-27-2020:16:48:53	
8/27/2020	2715	Ord Appointing Counsel	ORDER FOR APPOINTMENT OF COUNSEL BY ACA - Transaction 8040415 - Approved By: NOREVIEW : 08-2	
8/27/2020	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORDER APPOINTING COUNSEL - Transaction 8041886 - Ap	
8/31/2020	2520	Notice of Appearance	THOMAS QUALLS, ESQ OBO THOMAS ABDIEL SILVA - Transaction 8046461 - Approved By: BBLOUGH : 09-1	
9/1/2020	NEF	Proof of Electronic Service	Transaction 8046518 - Approved By: NOREVIEW : 09-01-2020:08:05:12	
9/1/2020	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEARANCE OF COUNSEL - Transaction 8046	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
9/1/2020	NEF	Proof of Electronic Service	Transaction 8046848 - Approved By: NOREVIEW : 09-01-2020:09:48:13		
9/7/2020	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 8055494 - Approved By: BBLOI		
9/8/2020	NEF	Proof of Electronic Service	Transaction 8055570 - Approved By: NOREVIEW : 09-08-2020:08:00:57		
9/10/2020	NEF	Proof of Electronic Service	Transaction 8060607 - Approved By: NOREVIEW : 09-10-2020:09:46:54		
9/10/2020	3000	Ord Trial Transcript/Public\$	ORDER FOR TRANSCRIPT AT PUBLIC EXPENSE - Transaction 8060600 - Approved By: NOREVIEW : 09-10-		
9/27/2020	2610	Notice ...	NOTICE APPROVING PAYMENT OF TRANSCRIPTS - Transaction 8087235 - Approved By: YVILORIA : 09-28-		
9/28/2020	NEF	Proof of Electronic Service	Transaction 8087421 - Approved By: NOREVIEW : 09-28-2020:08:44:03		
9/30/2020	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8093069 - Approved By: YVILORIA : 09-30-2020:12:58:55		
9/30/2020	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8093068 - Approved By: YVILORIA : 09-30-2020:12:58:39		
9/30/2020	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8093067 - Approved By: YVILORIA : 09-30-2020:12:58:23		
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093101 - Approved By: NOREVIEW : 09-30-2020:12:59:56		
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093105 - Approved By: NOREVIEW : 09-30-2020:13:00:54		
9/30/2020	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8093072 - Approved By: YVILORIA : 09-30-2020:12:59:46		
9/30/2020	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8093076 - Approved By: YVILORIA : 09-30-2020:13:00:01		
9/30/2020	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8093066 - Approved By: YVILORIA : 09-30-2020:12:58:05		
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093097 - Approved By: NOREVIEW : 09-30-2020:12:59:04		
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093106 - Approved By: NOREVIEW : 09-30-2020:13:01:03		
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093100 - Approved By: NOREVIEW : 09-30-2020:12:59:34		
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093099 - Approved By: NOREVIEW : 09-30-2020:12:59:24		
12/14/2020	NEF	Proof of Electronic Service	Transaction 8203253 - Approved By: NOREVIEW : 12-14-2020:12:24:30		
12/14/2020	1670	Ex-Parte Mtn...	CASE NUMBER ON DOCUMENT IS INCORRECT - EX PARTE CLAIM FOR ATTORNEY COMPENSATION - Ti		
12/30/2020	2610	Notice ...	NOTICE APPROVING PAYMENT OF ATTORNEY FEES - Transaction 8225400 - Approved By: AZAMORA : 12-		
12/31/2020	NEF	Proof of Electronic Service	Transaction 8225566 - Approved By: NOREVIEW : 12-31-2020:08:11:19		
3/2/2021	4185	Transcript	Appeal.Trial.Day 5 - Transaction 8321840 - Approved By: NOREVIEW : 03-02-2021:16:37:53		
3/2/2021	NEF	Proof of Electronic Service	Transaction 8321843 - Approved By: NOREVIEW : 03-02-2021:16:38:44		
3/8/2021	NEF	Proof of Electronic Service	Transaction 8330613 - Approved By: NOREVIEW : 03-08-2021:14:17:01		
3/8/2021	4185	Transcript	2/27/20 - Trial - Day 4 - Transaction 8330604 - Approved By: NOREVIEW : 03-08-2021:14:15:57		
3/16/2021	4185	Transcript	Jury Trial - Day 1 2-24-20 - Transaction 8345597 - Approved By: NOREVIEW : 03-16-2021:14:44:38		
3/16/2021	4185	Transcript	Jury Trial - Day 3 - Feb. 26, 2020 - Transaction 8345499 - Approved By: NOREVIEW : 03-16-2021:14:12:58		
3/16/2021	4185	Transcript	Jury Trial - Penalty Phase 3/2/20 - Transaction 8343884 - Approved By: NOREVIEW : 03-16-2021:07:48:31		
3/16/2021	NEF	Proof of Electronic Service	Transaction 8345599 - Approved By: NOREVIEW : 03-16-2021:14:49:14		
3/16/2021	NEF	Proof of Electronic Service	Transaction 8345504 - Approved By: NOREVIEW : 03-16-2021:14:14:00		
3/16/2021	NEF	Proof of Electronic Service	Transaction 8343890 - Approved By: NOREVIEW : 03-16-2021:07:49:32		
3/25/2021	NEF	Proof of Electronic Service	Transaction 8360381 - Approved By: NOREVIEW : 03-25-2021:09:34:28		
3/25/2021	4185	Transcript	2-25-2020 Jury Trial Day 2 - Transaction 8360379 - Approved By: NOREVIEW : 03-25-2021:09:33:28		
4/1/2021	1670	Ex-Parte Mtn...	DFX: CASE NUMBER ON DOCUMENT IS INCORRECT - EX PARTE CLAIM FOR ATTORNEY COMPENSATIC		
4/1/2021	NEF	Proof of Electronic Service	Transaction 8373745 - Approved By: NOREVIEW : 04-01-2021:15:47:41		
4/6/2021	2610	Notice ...	NOTICE REGARDING PAYMENT OF INTERIM ATTORNY FEES - Transaction 8381551 - Approved By: YVILOF		
4/7/2021	NEF	Proof of Electronic Service	Transaction 8381792 - Approved By: NOREVIEW : 04-07-2021:08:33:46		

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
4/8/2021	4129	Supreme Ct Order Granting ...	SUPREME COURT NO. 81627 / ORDER GRANTING MOTION TO WITHDRAW AND REMANDING TO APPOIN	
4/8/2021	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT NO. 81627 / ORDER GRANTING MOTION TO WITHDRAW AND REM	
4/8/2021	NEF	Proof of Electronic Service	Transaction 8385867 - Approved By: NOREVIEW : 04-08-2021:14:59:03	
4/12/2021	NEF	Proof of Electronic Service	Transaction 8390304 - Approved By: NOREVIEW : 04-12-2021:14:02:04	
4/12/2021	2715	Ord Appointing Counsel	ORDER REFERRING TO ACA FOR APPOINTMENT OF COUNSEL - Transaction 8390289 - Approved By: NOF	
4/13/2021	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORDER - Transaction 8391416 - Approved By: NOREVIEW : (
4/13/2021	NEF	Proof of Electronic Service	Transaction 8391419 - Approved By: NOREVIEW : 04-13-2021:08:48:04	
5/3/2021	T200	Tickle End Code	DEALINE TO APPOINT COUNSEL IS THURSDAY - E-MAIL KRISTA MEIER OF NO REPLACEMENT - emailc	
5/4/2021	NEF	Proof of Electronic Service	Transaction 8426653 - Approved By: NOREVIEW : 05-04-2021:12:09:56	
5/4/2021	2715	Ord Appointing Counsel	Transaction 8426648 - Approved By: NOREVIEW : 05-04-2021:12:08:54	
5/7/2021	NEF	Proof of Electronic Service	Transaction 8433686 - Approved By: NOREVIEW : 05-07-2021:12:02:49	
5/7/2021	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECOMMENDATION AND ORDER - Transaction 8433683 - A	
5/16/2021	3870	Request	REQUEST FOR TRANSCRIPTS (corrected) - Transaction 8446804 - Approved By: YVILORIA : 05-17-2021:08:3	
5/16/2021	3870	Request	REQUEST FOR TRANSCRIPTS (corrected) - Transaction 8446805 - Approved By: YVILORIA : 05-17-2021:08:3	
5/16/2021	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 8446810 - Approved By: YVILOR	
5/16/2021	3870	Request	REQUEST FOR TRANSCRIPTS (corrected) - Transaction 8446803 - Approved By: YVILORIA : 05-17-2021:08:3	
5/16/2021	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8446802 - Approved By: YVILORIA : 05-17-2021:08:31:59	
5/16/2021	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8446800 - Approved By: YVILORIA : 05-17-2021:08:30:25	
5/16/2021	3870	Request	REQUEST FOR TRANSCRIPTS - Transaction 8446801 - Approved By: YVILORIA : 05-17-2021:08:31:40	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446979 - Approved By: NOREVIEW : 05-17-2021:08:32:38	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446980 - Approved By: NOREVIEW : 05-17-2021:08:32:59	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446984 - Approved By: NOREVIEW : 05-17-2021:08:34:09	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446986 - Approved By: NOREVIEW : 05-17-2021:08:34:39	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446978 - Approved By: NOREVIEW : 05-17-2021:08:31:18	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446981 - Approved By: NOREVIEW : 05-17-2021:08:33:19	
5/17/2021	NEF	Proof of Electronic Service	Transaction 8446982 - Approved By: NOREVIEW : 05-17-2021:08:33:39	
5/26/2021	NEF	Proof of Electronic Service	Transaction 8463921 - Approved By: NOREVIEW : 05-26-2021:07:36:34	
5/26/2021	3860	Request for Submission	Ex Parte Motion for Payment of Transcripts at Public Expense - Transaction 8463918 - Approved By: NOREVIEW	
6/4/2021	3000	Ord Trial Transcript/Public\$	Transaction 8478832 - Approved By: NOREVIEW : 06-04-2021:09:20:13	
6/4/2021	S200	Request for Submission Complet	ORDER FILED ON JUNE 4, 2021 ON MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE	
6/4/2021	NEF	Proof of Electronic Service	Transaction 8478842 - Approved By: NOREVIEW : 06-04-2021:09:23:30	
6/7/2021	NEF	Proof of Electronic Service	Transaction 8481369 - Approved By: NOREVIEW : 06-07-2021:10:11:21	
6/7/2021	3000	Ord Trial Transcript/Public\$	Transaction 8481036 - Approved By: NOREVIEW : 06-07-2021:08:28:42	
6/7/2021	4185	Transcript	2-21-2020 Oral Arguments - Transaction 8481364 - Approved By: NOREVIEW : 06-07-2021:10:10:24	
6/7/2021	4185	Transcript	2-10-2020 Motion to Confirm Trial - Transaction 8481364 - Approved By: NOREVIEW : 06-07-2021:10:10:24	
6/7/2021	NEF	Proof of Electronic Service	Transaction 8481042 - Approved By: NOREVIEW : 06-07-2021:08:29:43	
6/10/2021	NEF	Proof of Electronic Service	Transaction 8488410 - Approved By: NOREVIEW : 06-10-2021:07:46:23	
6/10/2021	4185	Transcript	evidentiary hearing - Transaction 8488409 - Approved By: NOREVIEW : 06-10-2021:07:45:33	
6/28/2021	4185	Transcript	Sentencing 8-3-20 - Transaction 8514915 - Approved By: NOREVIEW : 06-28-2021:08:33:22	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
6/28/2021	NEF	Proof of Electronic Service	Transaction 8514920 - Approved By: NOREVIEW : 06-28-2021:08:34:22	
6/29/2021	NEF	Proof of Electronic Service	Transaction 8519143 - Approved By: NOREVIEW : 06-29-2021:18:29:46	
6/29/2021	4185	Transcript	Oral Arguments 9-4-19 - Transaction 8519142 - Approved By: NOREVIEW : 06-29-2021:18:28:57	
7/27/2021	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 8563713 - Approved By: `	
7/27/2021	NEF	Proof of Electronic Service	Transaction 8563814 - Approved By: NOREVIEW : 07-27-2021:13:09:37	
8/8/2021	2610	Notice ...	RECOMMENDATION APPROVING PAYMENT OF ATTORNEY FEES - Transaction 8583909 - Approved By: YV	
8/9/2021	NEF	Proof of Electronic Service	Transaction 8584111 - Approved By: NOREVIEW : 08-09-2021:08:28:50	
9/27/2021	NEF	Proof of Electronic Service	Transaction 8666300 - Approved By: NOREVIEW : 09-27-2021:09:16:41	
9/27/2021	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 8666037 - Approved By: `	
9/29/2021	2610	Notice ...	RECOMMENATION APPROVING PAYMENT OF ATTORNEY FEES - DIRECT APPEAL - Transaction 8673643 -	
9/30/2021	NEF	Proof of Electronic Service	Transaction 8673891 - Approved By: NOREVIEW : 09-30-2021:08:48:50	
12/16/2021	4133	Supreme Court Notice	SUPREME COURT NO. 81627 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 8801915 - A	
12/16/2021	NEF	Proof of Electronic Service	Transaction 8801920 - Approved By: NOREVIEW : 12-16-2021:16:21:46	
1/11/2022	NEF	Proof of Electronic Service	Transaction 8837770 - Approved By: NOREVIEW : 01-11-2022:13:41:33	
1/11/2022	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 81627 / ORDER DIRECTING TRANSMISSION OF EXHIBITS - Transaction 8837762 -	
1/12/2022	NEF	Proof of Electronic Service	Transaction 8839117 - Approved By: NOREVIEW : 01-12-2022:08:57:50	
1/12/2022	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORIGINA EXHIBITS - Transaction 8839116 - Approved By: NC	
3/1/2022	NEF	Proof of Electronic Service	Transaction 8920510 - Approved By: NOREVIEW : 03-01-2022:09:38:05	
3/1/2022	4134	Supreme Court Order Affirming	SUPREME COURT NO. 81627 / ORDER OF AFFIRMANCE - Transaction 8920508 - Approved By: NOREVIEW	
3/22/2022	4145	Supreme Court Remittitur	SUPREME COURT NO. 81627 / REMITTITUR - Transaction 8959522 - Approved By: NOREVIEW : 03-22-2022	
3/22/2022	4134	Supreme Court Order Affirming	SUPREME COURT NO. 81627 / ORDER OF AFFIRMANCE - Transaction 8959522 - Approved By: NOREVIEW	
3/22/2022	NEF	Proof of Electronic Service	Transaction 8959523 - Approved By: NOREVIEW : 03-22-2022:16:03:20	
3/22/2022	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 81627 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 8959522 - Approved By:	
7/24/2022	1670	Ex-Parte Mtn...	DFX: EXHIBIT MISSING, ONLY COVER PAGE - EX-PARTE MOTION FOR PAYMENT OF INTERIM ATTORNE'	
7/25/2022	NEF	Proof of Electronic Service	Transaction 9165997 - Approved By: NOREVIEW : 07-25-2022:08:07:34	
10/5/2022	NEF	Proof of Electronic Service	Transaction 9297824 - Approved By: NOREVIEW : 10-05-2022:17:25:11	
10/5/2022	2610	Notice ...	Transaction 9297823 - Approved By: NOREVIEW : 10-05-2022:17:24:31	
10/6/2022	2777	Ord Approving ...	Order Approving Attorney's Fees (Appeal) - Transaction 9299291 - Approved By: NOREVIEW : 10-06-2022:13:4	
10/6/2022	NEF	Proof of Electronic Service	Transaction 9299294 - Approved By: NOREVIEW : 10-06-2022:13:48:03	
11/4/2022	2050	Mtn Discovery & Production	Transaction 9348404 - Approved By: NOREVIEW : 11-04-2022:17:08:30	
11/4/2022	NEF	Proof of Electronic Service	Transaction 9348406 - Approved By: NOREVIEW : 11-04-2022:17:09:09	
11/4/2022	1356	Certificate of Mailing	Transaction 9348404 - Approved By: NOREVIEW : 11-04-2022:17:08:30	
11/5/2022	1356	Certificate of Mailing	Transaction 9348564 - Approved By: NOREVIEW : 11-05-2022:11:08:22	
11/5/2022	2260	Mtn to Relieve Counsel	to Withdraw Counsel - Transaction 9348564 - Approved By: NOREVIEW : 11-05-2022:11:08:22	
11/5/2022	NEF	Proof of Electronic Service	Transaction 9348565 - Approved By: NOREVIEW : 11-05-2022:11:09:02	
11/18/2022	1360	Certificate of Service	The Clerk of the Court hereby strikes the CERTIFICATE OF SERVICE filed by RICHARD ABDIEL SILVA GUZM	
11/18/2022	3860	Request for Submission	Transaction 9371298 - Approved By: NOREVIEW : 11-18-2022:16:10:29	
11/18/2022	NEF	Proof of Electronic Service	Transaction 9371302 - Approved By: NOREVIEW : 11-18-2022:16:11:12	
11/21/2022	NEF	Proof of Electronic Service	Transaction 9371848 - Approved By: NOREVIEW : 11-21-2022:09:02:53	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
11/21/2022	2589	Notice of Stricken Document	DOCUMENT DOES NOT HAVE A DISTRICT COURT CASE NUMBER, DOCUMENT DOES NOT HAVE AFFIRM	
11/30/2022	NEF	Proof of Electronic Service	Transaction 9384177 - Approved By: NOREVIEW : 11-30-2022:11:27:41	
11/30/2022	3725	Proof ...	DFX: DOCUMENT IS AFFIRMATION PAGE ONLY	
11/30/2022	3720	Proof of Service	DA, ATTYS THOMAS QUALLS, THERESA RISTENPART, VICTORIA OLDENBURG 11/8/2022 VIA EFLEX - Tr	
12/7/2022	2842	Ord Denying Motion	ORDER DENYING MOTION TO WITHDRAW COUNSEL/MOTION FOR PRODUCTION OF DOCUMENTS, PAF	
12/7/2022	S200	Request for Submission Complet	ORDER DENYING PRO SE MOTION TO WITHDRAW COUNSEL/MOTION FOR PRODUCTION OF DOCUMENI	
12/7/2022	NEF	Proof of Electronic Service	Transaction 9396222 - Approved By: NOREVIEW : 12-07-2022:09:59:55	
12/9/2022	NEF	Proof of Electronic Service	Transaction 9400984 - Approved By: NOREVIEW : 12-09-2022:06:03:21	
12/9/2022	2590	Notice Withdrawal of Attorney	Transaction 9400983 - Approved By: NOREVIEW : 12-09-2022:06:02:51	
12/29/2022	2050	Mtn Discovery & Production	Transaction 9432704 - Approved By: NOREVIEW : 12-29-2022:18:06:33	
12/29/2022	2260	Mtn to Relieve Counsel	Transaction 9432701 - Approved By: NOREVIEW : 12-29-2022:17:59:23	
12/29/2022	1356	Certificate of Mailing	Transaction 9432701 - Approved By: NOREVIEW : 12-29-2022:17:59:23	
12/29/2022	NEF	Proof of Electronic Service	Transaction 9432705 - Approved By: NOREVIEW : 12-29-2022:18:07:12	
12/29/2022	NEF	Proof of Electronic Service	Transaction 9432702 - Approved By: NOREVIEW : 12-29-2022:18:00:02	
12/29/2022	1356	Certificate of Mailing	Transaction 9432704 - Approved By: NOREVIEW : 12-29-2022:18:06:33	
1/13/2023	3860	Request for Submission	Transaction 9457042 - Approved By: NOREVIEW : 01-13-2023:20:11:26	
1/13/2023	NEF	Proof of Electronic Service	Transaction 9457043 - Approved By: NOREVIEW : 01-13-2023:20:12:06	
1/13/2023	1356	Certificate of Mailing	Transaction 9457042 - Approved By: NOREVIEW : 01-13-2023:20:11:26	
1/18/2023	2589	Notice of Stricken Document	CERTIFICATE OF MAILING FILED 29 DEC 2022 - Transaction 9460167 - Approved By: NOREVIEW : 01-18-20	
1/18/2023	2589	Notice of Stricken Document	CERTIFICATE OF MAILING FILED 5 NOV 2022 - Transaction 9460167 - Approved By: NOREVIEW : 01-18-202	
1/18/2023	2589	Notice of Stricken Document	CERTIFICATE OF MAILING FILED 4 NOV 2022 - Transaction 9460167 - Approved By: NOREVIEW : 01-18-202	
1/18/2023	NEF	Proof of Electronic Service	Transaction 9460170 - Approved By: NOREVIEW : 01-18-2023:08:35:30	
1/18/2023	2589	Notice of Stricken Document	CERTIFICATE OF MAILING FILED 13 JAN 2023 - Transaction 9460167 - Approved By: NOREVIEW : 01-18-20;	
1/18/2023	2589	Notice of Stricken Document	CERTIFICATE OF MAILING FILED 29 DEC 2022 - Transaction 9460167 - Approved By: NOREVIEW : 01-18-20	
1/20/2023	1356	Certificate of Mailing	DFX: MISSING DISTRICT COURT & CAUSE COVER PAGE - Transaction 9467549 - Approved By: NOREVIEW	
1/20/2023	1360	Certificate of Service	DFX: MISSING DISTRICT COURT & CAUSE COVER PAGE - Transaction 9467549 - Approved By: NOREVIEW	
1/20/2023	NEF	Proof of Electronic Service	Transaction 9467554 - Approved By: NOREVIEW : 01-20-2023:16:23:13	
1/20/2023	1356	Certificate of Mailing	DFX: MISSING DISTRICT COURT & CAUSE COVER PAGE - Transaction 9467549 - Approved By: NOREVIEW	
2/7/2023	S200	Request for Submission Complet	ORDER DENYING MOTIONS ENTERED FEBRUARY 7, 2023.	
2/7/2023	2842	Ord Denying Motion	Transaction 9498001 - Approved By: NOREVIEW : 02-07-2023:17:51:54	
2/7/2023	NEF	Proof of Electronic Service	Transaction 9498003 - Approved By: NOREVIEW : 02-07-2023:17:52:34	
2/20/2023	4325	Writ of Habeas Corpus	The Clerk of the Court hereby strikes the WRIT OF HABEAS CORPUS filed by RICHARD ABDIEL SILVA GUZM	
2/20/2023	1356	Certificate of Mailing	Transaction 9518100 - Approved By: NOREVIEW : 02-20-2023:11:27:35	
2/20/2023	NEF	Proof of Electronic Service	Transaction 9518101 - Approved By: NOREVIEW : 02-20-2023:11:28:13	
2/20/2023	NEF	Proof of Electronic Service	Transaction 9518099 - Approved By: NOREVIEW : 02-20-2023:11:27:13	
2/20/2023	4325	Writ of Habeas Corpus	The Clerk of the Court hereby strikes the WRIT OF HABEAS CORPUS filed by RICHARD ABDIEL SILVA GUZM	
2/20/2023	4325	Writ of Habeas Corpus	The Clerk of the Court hereby strikes the WRIT OF HABEAS CORPUS filed by RICHARD ABDIEL SILVA GUZM	
2/20/2023	4325	Writ of Habeas Corpus	The Clerk of the Court hereby strikes the WRIT OF HABEAS CORPUS filed by RICHARD ABDIEL SILVA GUZM	
2/20/2023	4325	Writ of Habeas Corpus	The Clerk of the Court hereby strikes the WRIT OF HABEAS CORPUS filed by RICHARD ABDIEL SILVA GUZM	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)				
Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date: 6/29/2018
2/20/2023	4325	Writ of Habeas Corpus	The Clerk of the Court hereby strikes the WRIT OF HABEAS CORPUS filed by RICHARD ABDIEL SILVA GUZM	
2/21/2023	2589	Notice of Stricken Document	DOCUMENT DOES NOT HAVE A DISTRICT COURT CASE NUMBER, DOCUMENT DOES NOT HAVE AFFIRM	
2/21/2023	NEF	Proof of Electronic Service	Transaction 9518719 - Approved By: NOREVIEW : 02-21-2023:10:02:44	
2/23/2023	4325	Writ of Habeas Corpus	Transaction 9524056 - Approved By: NOREVIEW : 02-23-2023:09:12:08	
2/23/2023	NEF	Proof of Electronic Service	Transaction 9524062 - Approved By: NOREVIEW : 02-23-2023:09:13:06	
3/15/2023	3720	Proof of Service	Transaction 9562104 - Approved By: NOREVIEW : 03-15-2023:19:43:19	
3/15/2023	NEF	Proof of Electronic Service	Transaction 9562105 - Approved By: NOREVIEW : 03-15-2023:19:43:56	
3/15/2023	3860	Request for Submission	Transaction 9562104 - Approved By: NOREVIEW : 03-15-2023:19:43:19	
3/16/2023	NEF	Proof of Electronic Service	Transaction 9563527 - Approved By: NOREVIEW : 03-16-2023:13:33:07	
3/16/2023	3370	Order ...	Transaction 9563522 - Approved By: NOREVIEW : 03-16-2023:13:32:26	
4/10/2023	3250	Ord Striking ...	ORDER STRIKING REQUEST FOR SUBMISSION - Transaction 9602965 - Approved By: NOREVIEW : 04-10-2	
4/10/2023	NEF	Proof of Electronic Service	Transaction 9602967 - Approved By: NOREVIEW : 04-10-2023:08:31:03	
4/10/2023	S200	Request for Submission Complet	ORDER STRIKING REQUEST FOR SUBMISSION - STATE'S RESPONSE TO PETITION FOR WRIT OF HABE	
4/28/2023	1356	Certificate of Mailing	CORRECTED MAILING ADDRESS - Transaction 9640034 - Approved By: NOREVIEW : 04-28-2023:12:32:06	
4/28/2023	2315	Mtn to Dismiss ...	PETITION FOR WRIT OF HABEAS CORPUS - Transaction 9638730 - Approved By: MSALAZAR : 04-28-2023:1	
4/28/2023	2520	Notice of Appearance	KEVIN NAUGHTON - Transaction 9638730 - Approved By: MSALAZAR : 04-28-2023:08:41:21	
4/28/2023	NEF	Proof of Electronic Service	Transaction 9638806 - Approved By: NOREVIEW : 04-28-2023:08:42:07	
4/28/2023	NEF	Proof of Electronic Service	Transaction 9640041 - Approved By: NOREVIEW : 04-28-2023:12:32:56	
5/15/2023	3860	Request for Submission	Transaction 9667626 - Approved By: NOREVIEW : 05-15-2023:14:29:47	
5/15/2023	NEF	Proof of Electronic Service	Transaction 9667629 - Approved By: NOREVIEW : 05-15-2023:14:30:42	
5/15/2023	NEF	Proof of Electronic Service	Transaction 9666587 - Approved By: NOREVIEW : 05-15-2023:09:23:39	
5/15/2023	2645	Opposition to Mtn ...	Transaction 9666556 - Approved By: MSALAZAR : 05-15-2023:09:20:50	
5/25/2023	NEF	Proof of Electronic Service	Transaction 9687656 - Approved By: NOREVIEW : 05-25-2023:09:44:16	
5/25/2023	3860	Request for Submission	Transaction 9687644 - Approved By: NOREVIEW : 05-25-2023:09:41:20	
5/30/2023	S200	Request for Submission Complet	ORDER STRIKING SUBMISSION - REQUEST FOR SUBMISSION FILED MAY 23, 2023.	
5/30/2023	NEF	Proof of Electronic Service	Transaction 9693787 - Approved By: NOREVIEW : 05-30-2023:14:26:28	
5/30/2023	1501	Cure Order - Filing Deficiency	Transaction 9693784 - Approved By: NOREVIEW : 05-30-2023:14:25:50	
7/5/2023	NEF	Proof of Electronic Service	Transaction 9755747 - Approved By: NOREVIEW : 07-05-2023:11:24:14	
7/5/2023	NEF	Proof of Electronic Service	Transaction 9756021 - Approved By: NOREVIEW : 07-05-2023:12:22:46	
7/5/2023	S200	Request for Submission Complet	ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) ENTERED JULY 5,	
7/5/2023	2540	Notice of Entry of Ord	Transaction 9756016 - Approved By: NOREVIEW : 07-05-2023:12:22:04	
7/5/2023	2922	Ord Dismiss Post Conviction	ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) WITH PREJUDICE	
7/21/2023	NEF	Proof of Electronic Service	Transaction 9786840 - Approved By: NOREVIEW : 07-21-2023:08:49:14	
7/21/2023	2490	Motion ...	Transaction 9786783 - Approved By: MSALAZAR : 07-21-2023:08:46:23	
7/26/2023	NEF	Proof of Electronic Service	Transaction 9794819 - Approved By: NOREVIEW : 07-26-2023:09:40:35	
7/26/2023	2645	Opposition to Mtn ...	Transaction 9794798 - Approved By: MSALAZAR : 07-26-2023:09:39:50	
7/31/2023	NEF	Proof of Electronic Service	Transaction 9805228 - Approved By: NOREVIEW : 07-31-2023:18:27:12	
7/31/2023	3860	Request for Submission	Transaction 9805227 - Approved By: NOREVIEW : 07-31-2023:18:26:30	
8/3/2023	NEF	Proof of Electronic Service	Transaction 9810920 - Approved By: NOREVIEW : 08-03-2023:09:12:21	

Case Description: STATE VS RICHARD ABDIEL SILVA (D15)

Case ID:	CR18-1135B	Case Type:	CRIMINAL	Initial Filing Date:	6/29/2018
8/3/2023	2515	Notice of Appeal Supreme Court	Transaction 9810848 - Approved By: YVILORIA : 08-03-2023:08:56:32		
8/3/2023	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 9810918 - Approved By: NOREVIEW : 08-03-2023:09:11:31		
8/3/2023	2515	Notice of Appeal Supreme Court	Transaction 9810848 - Approved By: YVILORIA : 08-03-2023:08:56:32		
8/3/2023	NEF	Proof of Electronic Service	Transaction 9810882 - Approved By: NOREVIEW : 08-03-2023:08:57:23		
8/3/2023	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9810918 - Approved By: N		

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

v.

Case No. CR18-1135B

Dept. No. 15

RICHARD ABDIEL SILVA,

Defendant.

**ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)**

Before this Court is Mr. Silva's pro se petition for writ of habeas corpus (post-conviction), the State's motion to dismiss, and Mr. Silva's response. This Court has reviewed the moving papers, points, and related authorities. It now orders as follows.

I. Procedural History

On February 28, 2020 a jury found Mr. Silva guilty of one count of first-degree murder with the use of a deadly weapon. This Court sentenced Mr. Silva on August 3, 2020, to imprisonment in the Nevada Department of Corrections for a mandatory consecutive term of a minimum of 60 months to a maximum of 240 months, with no credit for time served with an aggregated sentence of imprisonment for a minimum term of 25 years to a maximum term of life. The judgment of conviction was entered on August 7, 2020.

At the request of Mr. Silva, a Notice of Appeal was filed by his original trial counsel, Theresa Ristenpart, Esq. on August 11, 2020. The notice informed the Court that

1 Mr. Silva was representing himself in proper person. On August 24, 2022, the Nevada
2 Supreme Court remanded the case to the district court for the limited purpose of
3 appointing counsel for Mr. Silva. On August 31, 2022, this Court appointed Thomas L.
4 Qualls, Esq. to represent Mr. Silva on appeal. Subsequently, on April 6, 2021, the Nevada
5 Supreme Court granted Mr. Qualls' motion to withdraw from the case and once again
6 remanded this matter to the district court for the purpose of appointing new counsel. On
7 May 4, 2021, Victoria T. Oldenburg, Esq. was appointed to represent Mr. Silva. The
8 Nevada Supreme Court then transferred Mr. Silva's appeal to the Court of Appeals. On
9 February 24, 2022 the Court of Appeals affirmed Mr. Silva's judgment of conviction.
10 Pursuant to Nevada Supreme Court Rule 46, Ms. Oldenburg filed a notice of withdrawal
11 on December 9, 2022.

12 On December 29, 2022, Mr. Silva filed a motion for production of documents,
13 papers, pleading and tangible property of Defendant. On February 7, 2023, this Court
14 denied Mr. Silva's motion and directed Mr. Silva to contact his former counsel in writing
15 to request a copy of his client file. On February 23, 2023, Mr. Silva filed the present
16 petition for writ of habeas corpus (post-conviction). In response, the State filed a motion to
17 dismiss Mr. Silva's petition on April 28, 2023.

18 II. Law and Analysis

19 Mr. Silva challenges the constitutionality of the 1951 legislative Act SB 182, alleging
20 "the law is unconstitutional in all of its applications" and alleges his counsel was
21 ineffective.

22 "A petitioner for post-conviction relief is entitled to an evidentiary hearing only if
23 he supports his claims with specific factual allegations that if true would entitle him to
24 relief." Browning v. State 120 Nev. 347, 353-54, 91 P.3d 39, 45 (2004). Petitioner is not
25 entitled to a hearing if the factual allegations are belied or repelled by the record. Id. at
26 354, 45. The petitioner has the burden of establishing the factual allegations in support of
27 the petition. Id.
28

1 Ineffective assistance of counsel is evaluated using a two-prong test where a
2 petitioner must demonstrate, by a preponderance of evidence, that his counsel's
3 performance: 1) fell below an objective standard of reasonableness; and 2) defendant
4 suffered prejudice. Means v. State, 120 Nev. 1001, 1011-1013, 103 P.3d 25, 32-33 (2004);
5 Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994); see also Kirksey v. State, 112 Nev.
6 980, 987, 923 P.2d 1102, 1107 (1996); Strickland v. Washington, 466 U.S. 668 (1984). When
7 evaluating whether counsel's performance fell below an objective standard of
8 reasonableness, courts must consider prevailing professional norms and the totality of the
9 circumstances. Strickland, 466 U.S. at 688; accord Homick v. State, 112 Nev. 304, 913 P.2d
10 1280 (1996).

11 To prove prejudice, a petitioner must demonstrate "a reasonable probability that
12 but for counsel's errors, the result of the trial would have been different." Kirksey, 112
13 Nev. at 988, 923 P.2d at 1107. "A reasonable probability is a probability sufficient to
14 undermine confidence in the outcome." Strickland, 466 U.S. at 694. This Court need not
15 consider both elements of the Strickland standard if the petitioner makes an insufficient
16 showing of either element. Kirksey, 112 Nev. at 988, 923 P.2d at 1107.

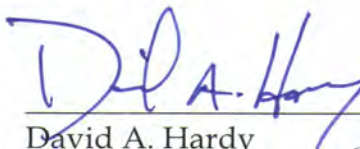
17 Mr. Silva contends various errors and unconstitutional committee assignments
18 invalidate the Nevada Revised Statutes and make them entirely void. Mr. Silva asserts
19 this Court lacked subject matter jurisdiction over his case because Mr. Silva was not
20 charged under the "Nevada Compiled Laws." This Court finds Mr. Silva's argument to be
21 without merit.

22 Mr. Silva asserts he requested his counsel investigate the 1951 enactment of the laws
23 of Nevada and the failure to do so rendered his counsel ineffective. Mr. Silva contends no
24 "reasonable" juror would have convicted him if they had knowledge that the laws under
25 which Mr. Silva was convicted were "unconstitutional, and thereby do not constitutionally
26 exist." This Court, in accordance with the Nevada Supreme Court, concludes the statutes
27 which Mr. Silva was convicted are constitutionally valid. See Taylor v. State, 472 P.3d 195
28 (Nev. 2020); State v. Rogers, 10 Nev. 250 (1875).

1 This Court finds counsel's performance did not fall below the objective standard of
2 reasonableness. Further, this Court finds Mr. Silva did not suffer prejudice due to his
3 counsel's performance. Cause appearing, Mr. Silva's petition is dismissed with prejudice.

4 **IT IS SO ORDERED.**

5 Dated: June 30, 2023.

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9 David A. Hardy
10 District Judge
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CERTIFICATE OF ELECTRONIC SERVICE

VICTORIA OLDENBURG, ESQ.
JENNIFER NOBLE, ESQ.
DIV. OF PAROLE & PROBATION
KEVIN NAUGHTON, ESQ.
THERESA RISTENPART, ESQ.
MATTHEW LEE, ESQ.
MICHAEL VIETA-KABELL, ESQ.

5

1 **CODE 2540**

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4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**

7
8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No: CR18-1135B

10 **vs.**

Dept. No: 15

11
12 **RICHARD ABDIEL SILVA,**

13 **Defendant.**

14 _____ /
15 **NOTICE OF ENTRY OF ORDER**

16
17 PLEASE TAKE NOTICE that on July 5, 2023, the Court entered a decision or order
18 in this matter, a true and correct copy of which is attached hereto.

19 Dated July 5, 2023.

20
21 _____
22 **ALICIA LERUD**

Clerk of the Court

23 _____
24 **/s/N. Mason**

N. Mason-Deputy Clerk

1 **CERTIFICATE OF SERVICE**

2 Case No. CR18-1135B

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on July 5, 2023, I electronically filed the Notice of Entry of Order
5 with the Court System which will send a notice of electronic filing to the following:

6
7 KEVIN P. NAUGHTON, ESQ. for STATE OF NEVADA
8 DIV. OF PAROLE & PROBATION
9 JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA
10 VICTORIA THIMMESCH OLDENBURG, ESQ. for RICHARD ABDIEL SILVA GUZMAN
11 THERESA RISTENPART, ESQ. for RICHARD ABDIEL SILVA GUZMAN
12 MATTHEW LEE, ESQ. for STATE OF NEVADA
13 MICHAEL VIETA-KABELL, ESQ. for STATE OF NEVADA

14 I further certify that on July 5, 2023, I deposited in the Washoe
15 County mailing system for postage and mailing with the U.S. Postal Service in Reno,
16 Nevada, a true copy of the attached document, addressed to:

17 Attorney General's Office
18 100 N. Carson Street
19 Carson City, NV 89701-4717

20 Richard Abdiel Silva (#1236297)
21 S. Desert Correctional Center
22 P.O. Box 208
23 Indian Springs, Nevada 89070

24 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the
25 preceding document does not contain the personal information of any person.

26 Dated July 5, 2023.

27 /s/N. Mason
28 N. Mason- Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

v.

Case No. CR18-1135B

Dept. No. 15

RICHARD ABDIEL SILVA,

Defendant.

**ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)**

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26 354, 45. The petitioner has the burden of establishing the factual allegations in support of
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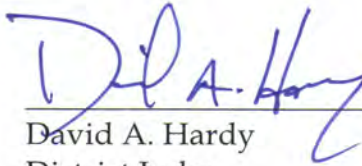
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4 **IT IS SO ORDERED.**

5 Dated: June 30, 2023.

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10 David A. Hardy
11 District Judge
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CERTIFICATE OF ELECTRONIC SERVICE

VICTORIA OLDENBURG, ESQ.
JENNIFER NOBLE, ESQ.
DIV. OF PAROLE & PROBATION
KEVIN NAUGHTON, ESQ.
THERESA RISTENPART, ESQ.
MATTHEW LEE, ESQ.
MICHAEL VIETA-KABELL, ESQ.

5

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

7/9/18	<u>ARRAIGNMENT</u>	
HONORABLE	Deputy District Attorney Matthew Lee represented the State.	October 8, 2018
DAVID A. HARDY	Defendant was present, in custody, represented by Theresa	9:00 a.m.
Dept. No. 15	Ristenpart, Esq. Specialist Morgan Barnreiter was present on	Status Hearing
A. Dick	behalf of the Division of Parole and Probation.	
(Clerk)	TRUE NAME: RICHARD ABDIEL SILVA	
R. Walker	Defendant previously in receipt of a copy of the Information;	April 1, 2019
(Reporter)	waived reading.	9:00 a.m.
	Defendant entered a plea of not guilty to:	Motion to Confirm
	MURDER WITH THE USE OF A DEADLY WEAPON, a violation	
	of NRS 200.010, NRS 200.030, NRS 193.165 and NRS 195.020,	
	a category A felony, as contained in the Information.	April 29, 2019
	Defendant WAIVED the 60-day rule.	9:00 a.m.
HEARD WITH	COURT ORDERED: Matter continued for status hearing, motion	Jury Trial (10 days)
CR18-1135A	to confirm trial, and trial by jury.	
	Defendant remanded to the custody of the Sheriff.	

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/8/18

STATUS HEARING

HONORABLE

DDA Matthew Lee represented the State. Defendant was

Dec. 12, 2018

DAVID A. HARDY

present, in custody, represented by Theresa Ristenpart, Esq.

9:00 a.m.

Dept. No. 15

Specialist Adrienne Phillips was present on behalf of the Division of Parole and Probation.

Status Hearing

A. Dick

Counsel Ristenpart addressed the Court requested an additional status hearing be scheduled; no objection stated.

April 1, 2019

J. Kernan

Counsel each confirm discovery is currently on-track.

9:00 a.m.

(Reporter)

COURT ORDERED: Matter continued for further status hearing.

Motion to Confirm Trial

Defendant remanded to the custody of the Sheriff.

HEARD WITH
CR18-1135A

April 29, 2019

9:00 a.m.

Jury Trial (7-10 days)

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/17/18

HONORABLE

DAVID A. HARDY

Dept. No. 15

A. Dick

(Clerk)

L. Urmston

(Reporter)

STATUS HEARING

DDA Matthew Lee represented the State. Defendant was present, in custody, represented by Theresa Ristenpart, Esq. Specialist Sara Currence was present on behalf of the Division of Parole and Probation.

Counsel Ristenpart addressed the Court requested an additional status hearing be set as she has a pending federal case and would like to keep this Court apprised of her spring 2019 schedule; no objection stated.

COURT ORDERED: Matter continued for further status hearing, motion to confirm trial, and trial by jury.

Defendant remanded to the custody of the Sheriff.

Feb. 6, 2019

8:45 a.m.

Status Hearing

April 1, 2019

9:00 a.m.

Motion to Confirm Trial

**HEARD WITH
CR18-1135A**

April 29, 2019

9:00 a.m.

Jury Trial (7-10 days)

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

2/6/19

HONORABLE

DAVID A. HARDY

Dept. No. 15

A. Dick

(Clerk)

C. Eisenberg

(Reporter)

STATUS HEARING

DDA Matthew Lee represented the State. Defendant was present, in custody, represented by Theresa Ristenpart, Esq. Counsel Ristenpart addressed the Court indicated her federal trial was continued and a flurry of motion work is expected in this case. Counsel inquired if she should reach out to co-counsel William Routsis regarding his availability for oral arguments – **DENIED**; Court indicated counsel Routsis may move for rescheduling through the proper motion work, if deemed necessary.

COURT ORDERED: Matter continued for motion to confirm trial, oral arguments, and trial by jury.

Defendant remanded to the custody of the Sheriff.

April 1, 2019

9:00 a.m.

Motion to Confirm Trial

April 18, 2019

2:00 p.m.

Oral Arguments

HEARD WITH

CR18-1135A

April 29, 2019

9:00 a.m.

Jury Trial (7-10 days)

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

4/1/19
HONORABLE
DAVID A. HARDY
Dept. No. 15
A. Dick
(Clerk)
D. Cecere
(Reporter)

MOTION TO CONFIRM TRIAL
DDA Matthew Lee and DDA Sean Alexander represented the State. Defendant Silva was present, in custody, represented by Theresa Ristenpart, Esq. Defendant Guzman was present, in custody, represented by William Routsis, Esq. Specialists Robert Glass and Thomas Wilson were present on behalf of the Division of Parole and Probation.
Counsel Ristenpart addressed and advised the Court Defendant Silva is not prepared to confirm trial today as a significant amount of new discovery was recently delivered to her office. Additionally, counsel requested time to allow full briefing of the State's recently filed motion to sever.
Counsel Routsis addressed and advised the Court Defendant Guzman stipulates to the State's motion to sever and anticipates his trial to be scheduled to commence sometime after the conclusion of Defendant Silva's trial and waives time thereto. Counsel further advised a conflict may exist between himself and a proposed witness for the State; however, the conflict is avoidable should he not cross examine said witness.
Counsel Lee addressed and advised the Court State does not object to a trial continuance. Counsel indicated a portion of the discovery provided to opposing counsel may likely be duplicative.
Counsel Ristenpart indicated she will efile an opposition to the State's motion to sever within the next 10 days.
Discussion ensued regarding trial setting.
Court stated it will make itself available before December 2019 but it yields to trial counsel at this time.
Counsel Ristenpart indicated all pretrial motion work will be fully briefed and submitted before oral arguments. In the interest of efficiency, counsel requested a list from the State identifying which discovery may be duplicative.
Counsel Lee indicated he will work with opposing counsel regarding her request today.
COURT ORDERED: Motion to confirm trial DENIED; stipulation to continue trial GRANTED.
COURT FURTHER ORDERED: Oral arguments scheduled for April 18, 2019, VACATED AND RESET to September 4, 2019,

September 4, 2019
2:00 p.m.
Oral Arguments
(nte 3 hours)

November 18, 2019
9:00 a.m.
Motion to Confirm Trial

December 2, 2019
9:00 a.m.
Jury Trial (10 days)

HEARD WITH
CR18-1135A

at 2:00 p.m. All motion work shall be submitted 5 days prior to September 4, 2019.

COURT FURTHER ORDERED: Motion to confirm trial scheduled for November 18, 2019, at 9:00 a.m. Depending on decisions rendered from oral arguments, Defendant Guzman's separate trial, if applicable, may be scheduled at this hearing. Additionally, trial by jury scheduled for April 29, 2019, VACATED AND RESET to December 2, 2019, at 9:00 a.m. Defendant remanded to the custody of the Sheriff.

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

<p>9/4/19 HONORABLE DAVID A. HARDY Dept. No. 15 A. Dick (Clerk) C. Wolden (Reporter)</p>	<p><u>ORAL ARGUMENTS – DAY 1</u> DDA Matthew Lee represented the State. Defendant was present, in custody, represented by Theresa Ristenpart, Esq. <i>Prior to commencement of Court, State's Exhibits 1 through Exhibit 4 marked for identification.</i> 2:01 p.m. – Court convened with counsel and Defendant present. COURT inquired as to Defendant Guzman's participation today. DDA Lee addressed and advised Defendant Guzman's presence and participation not required today as these trials have previously been severed. COURT ORDERED: Defendant Guzman excused and escorted from courtroom. DATY Ristenpart addressed and advised the Court opposing counsel brought this continuance request to her attention approximately 1 month ago, at that time, she informed the State Defendant intends to oppose said request. Counsel further orally opposed said motion today. COURT inquired DDA Lee as to how to balance criminal justice and scheduling inconvenience of witnesses, etc. DDA Lee advised the subject of State's motion to continue is a Tier 1 witness. Counsel indicated prior to rescheduling trial at the previous motion to confirm hearing April 2019 he did not contact potential witnesses regarding their vacation plans. Counsel further indicated said witness is the only person to have conducted DNA testing in this case. COURT further inquired DDA Lee as to possible remedies for absences within the laboratory to include other employees' ability to review results and/or possibly reperforming testing. DDA Lee expressed concern review may lead to a potential hearsay issue and the amount of DNA material remaining to possibly reperform tests which usually takes 1 year to complete. Counsel indicated at this time State has not subpoenaed any trial witnesses and more scheduling conflicts may arise. DATY Ristenpart expressed concern the State has not issued subpoenas. Counsel indicated 3 months is ample time for State to remedy the witness' scheduling conflict.</p>	<p>September 10, 2019 11:00 a.m. Oral Arguments Day 2 November 18, 2019 9:00 a.m. Motion to Confirm Trial December 2, 2019 9:00 a.m. Jury Trial (10 days)</p>
--	---	---

COURT inquired DATY Ristenpart as to possible remedies for absences within the laboratory to include other employees' ability to review results and/or possibly reforming testing. DATY Ristenpart indicated a supervisor did not "sign-off" on witness' laboratory testing/results.

COURT stated it may be important for it to understand the specifics of witness' vacation plans.

DDA Lee requested to take witness testimony out-of-order regarding State's motion to admit other act evidence.

DATY Ristenpart **INVOKED THE RULE OF EXCLUSION.**

State's Exhibit 5 marked for identification.

DATY Ristenpart stipulated to the admissibility of Exhibit 5 for the purposes of this hearing only.

COURT ORDERED: State's Exhibit 5 ADMITTED INTO EVIDENCE.

Portion of Exhibit 5 played.

SULI SCHEHER, sworn, testified under direct examination conducted by DDA Lee; cross examination conducted by DATY Ristenpart; DDA Lee waived redirect examination. Witness thanked and excused.

Court stated its initial, preliminary inclinations regarding Defendant's motion to suppress.

Defendant's Exhibit 6 marked for identification, stipulated; ADMITTED; portions played as DATY Ristenpart provided narrative.

2:57 p.m. – Brief recess.

3:20 p.m. – Court reconvened with counsel and Defendant present.

Portions of Exhibit 6 continued to play as DATY Ristenpart provided narrative.

Defendant's Exhibit 7 and Exhibit 8 marked for identification, no objection; ADMITTED.

REED THOMAS, sworn, testified under direct examination conducted by DDA Lee, identified Defendant; cross examination conducted by DATY Ristenpart; redirect examination conducted by DDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

4:12 p.m. – Brief recess.

Sidebar conducted among Court, counsel, and State's investigator, off the record.

4:23 p.m. – Court reconvened with counsel and Defendant present.

LOUISE ROBERTS, sworn, testified under direct examination conducted by DDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by DDA Lee; recross

examination conducted by DATY Ristenpart. Witness thanked and excused.

Exhibit 1 offered, objection overruled; ADMITTED.

Exhibit 2 offered, objection overruled; ADMITTED.

JESSICA MACIAS, sworn, testified under direct examination conducted by DDA Lee; DATY Ristenpart waived cross examination. Witness thanked and excused.

ARTURO MANZO-REYES, sworn, testified under direct examination conducted by DDA Lee; cross examination conducted by DATY Ristenpart; DDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 3 offered, no objection; ADMITTED.

REED THOMAS, heretofore sworn, testified under direct examination conducted by DDA Lee; cross examination conducted by DATY Ristenpart; DDA Lee waived redirect examination. Witness thanked and excused.

COURT ORDERED: Matter continued for further oral arguments scheduled for September 10, 2019, at 11:00 a.m. relating to Defendant's suppression motion and MIL as well as State's other acts motion.

4:56 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

Exhibits

HEARING: **ORAL ARGUMENTS**

TITLE: **STATE OF NEVADA VS. RICHARD ABDIEL SILVA**

PLTF: **STATE OF NEVADA**

DDA: **Matthew Lee**

DEFT: **RICHARD ABDIEL SILVA**

DATY: **Theresa Ristenpart**

Case No: **CR18-1135B**

Dept. No: **15**

Clerk: **A. Dick**

Date: **9/4/19**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	STATE	Search Log DMV	9/4/19	OBJECTION OVERRULED	9/4/19
2	STATE	Search Log DMV	9/4/19	OBJECTION OVERRULED	9/4/19
3	STATE	Photo	9/4/19	NO OBJECTION	9/4/19
4	STATE	Photo	9/4/19	---	---
5	STATE	Flashdrive	9/4/19	STIPULATED	9/4/19 FOR PURPOSES OF TODAY'S HEARING ONLY
6	DEFT	Flashdrive; duplicate of Exhibit 5	9/4/19	STIPULATED	9/4/19 FOR PURPOSES OF TODAY'S HEARING ONLY
7	DEFT	Photo	9/4/19	NO OBJECTION	9/4/19
8	DEFT	Photo	9/4/19	NO OBJECTION	9/4/19

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

<p>9/10/19 HONORABLE DAVID A. HARDY Dept. No. 15 A. Dick (Clerk) T. Amundson (Reporter)</p>	<p><u>ORAL ARGUMENTS – DAY 2</u> DDA Matthew Lee represented the State. Defendant was present, in custody, represented by Theresa Ristenpart, Esq. 11:20 a.m. – Court convened with counsel and Defendant present. DATY Ristenpart addressed and advised the Court State efiled a supplement to its motion to continue trial late yesterday evening. COURT stated it will review said supplement after court. DATY Ristenpart argued in support of Defendant’s motion to suppress. COURT inquired counsel Ristenpart. DATY Ristenpart answered this Court’s questioning. DDA Lee argued in opposition of said motion. DATY Ristenpart provided rebuttal arguments in support of said motion. DDA Lee argued in support of State’s other acts motion. 11:58 a.m. – Brief recess. 12:21 p.m. – Court reconvened with counsel and Defendant present. DDA Lee further argued in support of said motion. DATY Ristenpart argued in opposition of said motion as well as argued in support of Defendant’s MIL. DDA Lee argued in support of State’s motion to continue trial and the supplement recently filed thereto. COURT inquired counsel Lee. DDA Lee answered the Court’s questioning and further argued in support of said motion. COURT stated it is not sure if all options have been exhausted and it is considering the necessity for an evidentiary hearing relating to the content for the motion to continue. DATY Ristenpart concurred it does not appear all options have been exhausted, to include, skyping the witness at trial, retesting – perhaps defense retains its own expert to conduct said retesting. Counsel requested the motion be held in abeyance or denied without prejudice; noting the Defendant intends to file a written opposition. COURT directed counsel Lee to increase the State’s efforts to figure it out.</p>	<p>Sept. 20, 2019 3:00 p.m. Evidentiary Hearing November 18, 2019 9:00 a.m. Motion to Confirm Trial December 2, 2019 9:00 a.m. Jury Trial (10 days)</p>
---	--	---

COURT ORDERED: Evidentiary hearing scheduled TBD; court clerk shall communicate, via email, to counsel the date and time, regarding the content of the State's motion to continue trial.

Defendant's Exhibit 9 marked for identification.

12:47 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

After session correspondence:

From: Dick, Amanda

Sent: Thursday, September 12, 2019 9:02 AM

To: Theresa Ristenpart <theresa@ristenpartlaw.com>; Lee, Matthew <mlee@da.washoecounty.us>

Cc: Dick, Amanda <Amanda.Dick@washoecourts.us>

Subject: Evidentiary Hearing - CR18-1135B / SILVA

Importance: High

Good morning,

The evidentiary hearing in the above case is scheduled for Friday, September 20th at 3:00 p.m.

Thank you!

Amanda Dick
Courtroom Clerk
Department 15
Second Judicial District Court
75 Court St.
Reno, NV 89501
(775) 325-6651
www.washoecourts.com

The Nevada Judiciary is one of three branches of government; the other two are the Executive and Legislative branches. The Nevada Judiciary has the responsibility to provide impartial, efficient, and accessible dispute resolution in legal matters and to operate as an equal, independent, and effective branch of government.

The mission of the Second Judicial District Court is to provide timely, fair and efficient administration of justice under the law, in a manner that instills and sustains the public's confidence in the judicial system. The mission of the Second Judicial District Court's Family Division is to provide fair, efficient, accessible justice under the law, which encourages alternative and non-adversarial dispute resolution in a manner that serves the public and sustains confidence in the judicial branch of government.



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After session correspondence; clerk correction - Exhibit marked as 9:

From: Theresa Ristenpart [mailto:theresa@ristenpartlaw.com]

Sent: Tuesday, September 10, 2019 1:08 PM

To: Dick, Amanda <Amanda.Dick@washoecourts.us>; Lee, Matthew <mlee@da.washoecounty.us>

Subject: Exhibit 7 [sic should be 9] State v. Richard Silva Motion Hearing

[**NOTICE:** This message originated outside of Second Judicial District Court, State of Nevada -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

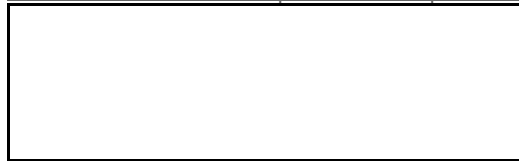
Good Afternoon Amanda,

I want to clarify that I only used slides 1-10 on the powerpoint. Those are the only ones that should be printed out. Slides 11-16 were not used and not argued.

Thank you in advance,
Theresa

--

Theresa Ristenpart, Esq.



(775) 200-1699 * 464 South Sierra Street * Reno, NV 89501

https://protect-
us.mimecast.com/s/SlidCkRV8xhk5lvFJSvSK?domain=ristenpartlaw.co
m

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Exhibits

HEARING: **ORAL ARGUMENTS**

TITLE: **STATE OF NEVADA VS. RICHARD ABDIEL SILVA**

PLTF: **STATE OF NEVADA**

DDA: **Matthew Lee**

DEFT: **RICHARD ABDIEL SILVA**

DATY: **Theresa Ristenpart**

Case No: **CR18-1135B**

Dept. No: **15**

Clerk: **A. Dick**

Date: **9/4/19 + 9/10/19**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	STATE	Search Log DMV	9/4/19	OBJECTION OVERRULED	9/4/19
2	STATE	Search Log DMV	9/4/19	OBJECTION OVERRULED	9/4/19
3	STATE	Photo	9/4/19	NO OBJECTION	9/4/19
4	STATE	Photo	9/4/19	---	---
5	STATE	Flashdrive	9/4/19	STIPULATED	9/4/19 FOR PURPOSES OF TODAY'S HEARING ONLY
6	DEFT	Flashdrive; duplicate of Exhibit 5	9/4/19	STIPULATED	9/4/19 FOR PURPOSES OF TODAY'S HEARING ONLY
7	DEFT	Photo	9/4/19	NO OBJECTION	9/4/19
8	DEFT	Photo	9/4/19	NO OBJECTION	9/4/19
9	DEFT	Flashdrive PP Presentation	9/10/19	---	---

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

9/20/19

HONORABLE

DAVID A. HARDY

Dept. No. 15

A. Dick

(Clerk)

C. Hummel

(Reporter)

EVIDENTIARY HEARING

DDA Matthew Lee represented the State. Defendant was present, in custody, represented by Theresa Ristenpart, Esq. Court convened with counsel and Defendant present. DATY Ristenpart addressed the Court **INVOKED THE RULE OF EXCLUSION.**

KINDRA BAUM, sworn, testified under direct examination conducted by DDA Lee; cross examination conducted by DATY Ristenpart; COURT inquired the witness; redirect examination conducted by DDA Lee; recross examination conducted by DATY Ristenpart; COURT inquired the witness. Witness thanked and excused, permitted to remain in the gallery.

LISA SMITH-ROWAN, sworn, testified under direct examination conducted by DDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by DDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

DDA Lee addressed the Court argued in support of State's motion to continue trial, to include, KINDRA BAUM's testimony at trial is favorable and argued in support thereto.

DATY Ristenpart advised proposed cross examination questioning of witness present at jury trial who reviewed KINDRA BAUM's DNA test results.

Brief recess for DATY Ristenpart to confer privately with Defendant.

Reconvened.

DATY Ristenpart advised Defendant waives his right of confrontation for a limited purpose and stated the parameters thereto. Counsel further advised if she oversteps said parameters then a mistrial shall immediately be declared.

COURT ORDERED: No later than close of business next Wednesday, DDA Lee shall prepare and provide a proposed order to DATY Ristenpart detailing Defendant's waiver of right to confrontation as described today; said proposed order shall include language noting consultation, knowing waiver, and remedy for violations, if any, for DATY Ristenpart's review. Further, whether DATY Ristenpart responds to DDA Lee's proposed order or not, it shall be submitted to D15 staff for this

November 18, 2019

9:00 a.m.

Motion to Confirm Trial

December 2, 2019

9:00 a.m.

Jury Trial (10 days)

Court's consideration no later than close of business next Friday (9/27/19).

4:40 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

2/10/20

HONORABLE

DAVID A. HARDY

Dept. No. 15

A. Dick

(Clerk)

S. Kiger

(Reporter)

MOTION TO CONFIRM TRIAL

DDA M. Lee represented State. Defendant present represented by DATY T. Ristenpart. SPEC W. Brown present obo the Division of Parole and Probation.

DATY Ristenpart addressed CT confirmed jury trial. Counsel advised State informed Defendant last Thursday regarding possible accomplice testimony as co-Defendant may be taking a plea contingent on testifying "truthfully" at trial; counsel indicated a motion relating to accomplice testimony may be efiled tomorrow. Counsel further advised Defendant requested to review discovery relating to said accomplice testimony prior to trial; a motion to compel discovery may be forthcoming.

COURT expressed concern regarding Defendant's reference as to "late" disclosure of accomplice testimony.

DATY Ristenpart indicated approximately 1 month ago she received notification co-Defendant may be entering into negotiations with State and last Thursday she received notification co-Defendant may have accepted a resolution CR18-1135A.

DDA Lee addressed CT presented timeline of negotiations in co-Defendant's case; counsel advised no deal is officially executed but State hopes co-Defendant may be scheduled for a change of plea hearing next week. Counsel further advised negotiations with co-Defendant contemplate him entering a plea prior to trial and sentencing to be scheduled sometime after the conclusion of trial in this case. Counsel further advised State provides any exculpatory discovery to Defendant; however, opposing counsel requested information relating to State's work product, i.e., counsel's notes, etc.; State denied this request and invited opposing counsel to provide authority supporting said request. Counsel confirmed jury trial.

COURT inquired if any party may be contemplating a trial continuance.

Counsel each confirmed a request for trial continuance is unlikely.

DDA Lee indicated length of trial may likely be 5+ days; as of now, 30 witnesses are noticed to testify.

Feb. 21, 2020

9:00 a.m.

Oral Arguments

Feb. 21, 2020

Immediately Following

Oral Arguments

Exhibit Marking with

Courtroom Clerk

Feb. 24, 2020

8:30 a.m.

Evidentiary Hearing ///

Oral Arguments re:

Spanish Interpretation

Expert

Feb. 24, 2020

10:00 a.m.

Jury Trial (10 days)

Discussion ensued regarding timing and logistics of scheduling pretrial oral arguments.

COURT ORDERED: Motion to confirm trial GRANTED.

COURT FURTHER ORDERED: Oral arguments scheduled for Friday, Feb. 21, 2020, at 9:00 a.m. to address any and all ripe and available pretrial motion work. Exhibit marking with courtroom clerk shall immediately follow.

COURT FURTHER ORDERED: Evidentiary hearing///oral arguments scheduled for Monday, Feb. 24, 2020, at 8:30 a.m. to address any motion work relating to Spanish Interpretation Expert.

COURT FURTHER ORDERED: Trial by jury shall commence at 10:00 a.m. on Monday, Feb. 24, 2020.

COURT noticed counsel prospective jurors will be provided a lunch break sometime during jury selection.

COURT FURTHER ORDERED: Trial statements shall be efiled 5 days prior to the first day of trial.

COURT FURTHER ORDERED: Counsel shall meet and confer to create a packet of proposed stipulated stock jury instructions. Defendant remanded to the custody of the Sheriff.

After session correspondence:

From: Dick, Amanda <Amanda.Dick@washoecourts.us>

Sent: Monday, February 10, 2020 11:27 AM

To: Lee, Matthew <mlee@da.washoecounty.us>; 'Theresa Ristenpart' <theresa@ristenpartlaw.com>

Cc: Dawson, Gracie <Gracie.Dawson@washoecourts.us>; Dick, Amanda <Amanda.Dick@washoecourts.us>

Subject: Exhibit List - CR18-1135B / SILVA

Hello Counsel,

Attached is a blank exhibit list for your convenience. Please complete the first 3 columns and return to me as a Word Doc prior to the scheduled exhibit marking. We will mark exhibits immediately following oral arguments scheduled for Friday, Feb. 21st at 9:00 a.m.

I know this is not your first jury trial; for my convenience, I am copying and pasting these instructions from another case:

Regarding jury instructions: All stipulated jury instructions shall be compiled into a single Microsoft Word document.

Additionally, each party shall compile all of their individual/disputed proposed jury instructions into a single Word document. Proposed instructions shall be written using Courier New 12 point font. Instructions shall have 22.75 point line spacing and be written on a page with 28 numbered lines. Paragraphs shall be indented ½". The designation "Instruction No. _____" shall be written on the last line, lower left hand corner of the last page of each instruction. Parties shall submit two copies of each disputed instruction, one after the other, in the same Word document. Please omit any reference to law firms contained in headers/margins.

Please email me proposed jury instruction packets as Word Documents no later than 4:00 p.m. Thursday, Feb. 20th.

Defense, you may submit your proposed jury instructions to me in-camera.

If there is any disagreement/concerns regarding 2/20/20 4:00 p.m. deadline, please default to local rules regarding jury instructions.

*If you have any questions, I am happy to help.
Thank you,*

Amanda Dick
Courtroom Clerk
Second Judicial District Court
Department 15
75 Court St.
Reno, NV 89501
(775) 325-6651
www.washoecourts.com



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CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

2/21/20

HONORABLE

DAVID A. HARDY

Dept. No. 15

A. Dick

(Clerk)

S. Kiger

(Reporter)

ORAL ARGUMENTS

CDDA M. Lee represented State. Defendant present

represented by DATY T. Ristenpart.

9:01 a.m. – Court convened with counsel and Defendant present.

DATY Ristenpart addressed and advised CT Defendant did not file a written opposition to State's MIL seeking admission of AT&T and 7-Eleven Business; Defendant reviewed said records; submitted said motion for decision.

COURT ORDERED: State's MIL seeking admission of AT&T and 7-Eleven business records GRANTED; a written order will be entered.

DATY Ristenpart requested permission to forward a letter to courtroom clerk, via email; no objection – **GRANTED**.

CDDA Lee address and advised CT State does not object to this Court reading said letter.

Whereupon, said letter efiled to case docket.

DATY argued in support of Defendant's motion to compel State production of evidence. Counsel advised the previously provided letter indicates Defendant's attempt to obtain possible impeachment evidence.

COURT inquired CDDA Lee regarding State's possible possession of WCJ call(s) during which GUZMAN may discuss negotiations in CR18-1135A.

CDDA Lee answered Court's questioning to include all exculpatory evidence has been produced and provided to opposing counsel. Counsel advised said WCJ call(s) are not exculpatory evidence, argued in support thereto.

COURT further inquired CDDA Lee.

CDDA Lee answered Court's questioning to include Defendant did not specifically request said WCJ call(s) in his motion and opposing counsel could have called and requested production prior to today's hearing. Counsel indicated it may be possible for GUZMAN to have discussed negotiations in CR18-1135A during a WCJ call(s).

COURT indicated it is inclined to order State to produce and provide to opposing counsel a public log of GUZMAN's WCJ call(s).

Feb. 24, 2020

8:30 a.m.

Evidentiary Hearing ///
Oral Arguments re:
Spanish Interpretation

Feb. 24, 2020

10:00 a.m.

Jury Trial (8 days)

CDDA Lee argued in support of this Court reconsidering its oral pronouncement to include limiting the amount of WCJ call(s) to be produced; recommended State producing by close of business today to opposing counsel GUZMAN's WCJ call(s) during the past 60 days as reasonable. Counsel argued in opposition of Defendant's motion to compel; advised only GUZMAN's guilty plea deal itself as relevant at trial.

DATY Ristenpart further argued in support of said motion. COURT stated its initial, preliminary inclinations regarding Defendant's motion to prohibit uncorroborated accomplice testimony, in that, this may be an issue to be decided during trial. DATY Ristenpart advised said motion may be held in abeyance pending the presentation of trial evidence, specifically, immediately before/during GUZMAN testifies at trial.

COURT ORDERED: Defendant's motion to prohibit uncorroborated accomplice testimony HELD IN ABEYANCE pending the presentation of trial evidence. Further, immediately prior to GUZMAN testifying at trial a hearing on the record and outside the presence of the Jury shall be conducted regarding said motion; a written order will be entered.

CDDA Lee argued in support of State's MIL re: seeking admission of translated statement of Defendant.

DATY Ristenpart argued in opposition of said motion.

COURT inquired counsel Ristenpart.

DATY Ristenpart answered Court's questioning further argued in opposition of said motion.

COURT inquired counsel Lee.

CDDA Lee answered Court's questioning further argued in support of said motion.

COURT ORDERED: After session, counsel shall provide courtroom clerk a copy of video played during today's hearing. *Defendant's Exhibit 1 marked for identification, offered, no objection; ADMITTED FOR PURPOSES OF THIS HEARING ONLY.*

CDDA Lee further argued in support of said motion.

COURT stated its preliminary inclination is to grant State's MIL re: seeking admission of translated statement of the Defendant.

COURT ORDERED: State's MIL re: seeking admission of translated statement of the Defendant UNDER ADVISEMENT; a written order will be entered.

Discussion ensued regarding the necessity/purpose of an evidentiary hearing Monday morning.

COURT ORDERED: Monday, February 24, 2020, 8:30 a.m. evidentiary hearing shall remain on calendar as previously scheduled.

DATY Ristenpart objected to translated captions contained in State's video; objections stated.

COURT ORDERED: Spanish translated to English captions shall be PERMITTED within State's video; however, any editorializing of said captions PROHIBITED.

COURT ORDERED: Defendant's motion to compel production of evidence GRANTED IN PART/DENIED IN PART. Further, State shall not be required to produce its work product to opposing counsel. Further, State shall be required to produce by close of business today to opposing counsel GUZMAN's WCJ call(s); the timeframe of said WCJ call(s) to be produced shall be within the past 60 days from today and/or beginning upon GUZMAN entering into negotiations with State in CR18-1135A. Further, prior to presenting any information, if obtained, from said WCJ call(s) counsel each shall be responsible to request a hearing being conducted outside the presence of the Jury; a written order will be entered.

DATY Ristenpart requested production of full WCJ visitation log(s).

CDDA Lee indicated State will provide said log(s) to opposing counsel. Counsel noted possible perception of impropriety given his visitation(s) with GUZMAN at WCJ.

COURT stated it will likely not prohibit the facts of said log(s) to be presented at trial.

DATY Ristenpart requested Defendant be permitted to try-on trial clothing immediately following today's hearing – **GRANTED.**

Discussion ensued regarding trial scheduling; Court noted it intends to balance efficiency and fairness.

COURT encouraged counsel to seek leave from its Pretrial Order re: Voir Dire entered 2/10/20; counsel each declined to do so at this time.

10:29 a.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

After session Clerk's note: Defendant's Exhibit 1 marked for identification.

After session correspondence:

From: Dick, Amanda <Amanda.Dick@washoecourts.us>

Sent: Friday, February 21, 2020 2:08 PM

To: Theresa Ristenpart <theresa@ristenpartlaw.com>; Lee, Matthew <mlee@da.washoecounty.us>

Cc: Dick, Amanda <Amanda.Dick@washoecourts.us>

Subject: RE: Recording of Today's Video Evidence

Received, thank you!

From: Theresa Ristenpart <theresa@ristenpartlaw.com>
Sent: Friday, February 21, 2020 1:19 PM
To: Dick, Amanda <Amanda.Dick@washoecourts.us>; Lee, Matthew <mlee@da.washoecounty.us>
Subject: Recording of Today's Video Evidence

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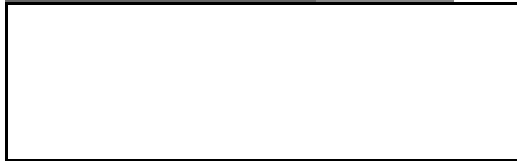
Good Afternoon Amanda,

My assistants will be dropping off the clipped video which was shown in court this morning per the Court's instruction in the next 30 minutes.

In addition, they will be dropping off some more clothing for client.

Thank you in advance,
Theresa

Theresa Ristenpart, Esq.



(775) 200-1699 * 464 South Sierra Street * Reno, NV 89501

<https://protect-us.mimecast.com/s/ijTDCmZVOzT1q0OfQY9X7?domain=ristenpartlaw.com>

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Exhibits

HEARING: **ORAL ARGUMENTS**

TITLE: **STATE OF NEVADA VS. RICHARD ABDIEL SILVA**

PLTF: **STATE OF NEVADA**

DDA: **M. Lee**

DEFT: **RICHARD ABDIEL SILVA**

DATY: **T. Ristenpart**

Case No: **CR18-1135B**

Dept. No: **15**

Clerk: **A. Dick**

Date: **2/21/20**

Exhibit No	Party	Description	Marked	Offered	Admitted
1	DEFT	Flash Drive	2/21/20	NO OBJECTION	2/21/20 FOR THE PURPOSE OF THIS HEARING ONLY

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

2/24/20	<u>EVIDENTIARY HEARING ///</u> ORAL ARGUMENTS	
HONORABLE	CDDA M. Lee represented State. Defendant present	Feb. 24, 2020
DAVID A. HARDY	represented by DATY T. Ristenpart.	10:00 a.m.
Dept. No. 15	9:01 a.m. – Court convened with counsel and Defendant	Jury Trial (8 days)
A. Dick	present.	
(Clerk)	OFFICER HERRERA, sworn, testified under direct examination	
C. Wolden	conducted by DATY Ristenpart; cross examination conducted by	
(Reporter)	CDDA Lee; DATY Ristenpart waived redirect examination.	
	Witness thanked and excused.	
	<i>State's Jury Trial Exhibit 96 played for the purpose of this hearing only.</i>	
	DATY Ristenpart addressed CT argued in opposition of State's MIL seeking admission of translated statement, emphasized rule of completeness.	
	CDDA Lee addressed CT argued in support of said motion; counsel advised State omitted irrelevant material.	
	COURT ORDERED: The 11-16-17 video exchange between Defendant and Bernard Silva-Guzman and shall be played in its entirety to the Jury if admitted into evidence at trial.	
	CDDA Lee indicated said video in its entirety does not contain captions. Counsel requested State's Spanish translation expert be permitted to testify this morning as to the captions contained in said video.	
	COURT stated the video presentation should be consistent to the Jury.	
	CDDA Lee argued in support of reconsideration as Defendant was noticed 1/23/20 of State's intention to present said video to Jury during trial. Counsel requested said video be permitted to be displayed to the Jury with captions while State's Spanish translation expert translates in real-time as testifying during trial.	
	DATY Ristenpart argued in opposition of State's request.	
	COURT ORDERED: State's Spanish translation expert shall translate said video in real-time at trial; text captions contained in said video shall be PROHIBITED during presentation of evidence; text captions contained in said video shall be PERMITTED during closing arguments.	

COURT FURTHER ORDERED: The aforementioned oral pronouncement shall also apply to the presentation of WCJ calls video evidence during trial.

CDDA Lee requested courtroom clerk omit reading YIOVANNIE GUZMAN in case caption contained in the Information efiled in this case. Counsel further requested courtroom clerk read aloud the Information tailored in accordance with State's proposed jury instructions, argued in support thereto.

COURT inquired counsel Lee.

CDDA Lee answered Court's questioning argued in opposition of the necessity of State preparing and efileing an Amended Information.

COURT ORDERED: State may efile an Amended Information prior to empaneling the Jury.

COURT FURTHER ORDERED: Courtroom clerk shall read aloud the charging document as efiled into this case to the Jury.

DATY Ristenpart **INVOKED THE RULE OF EXCLUSION.**

COURT ORDERED: Counsel shall monitor members of the gallery in accordance with said rule.

DATY Ristenpart requested permission to walk Defendant to-and-from the courtroom.

COURT stated it defers courtroom security matters to Deputy Coss.

COURT ORDERED: Matter continued for trial by jury to commence at 10:00 a.m. today.

9:12 a.m. – Court stood in recess.

Exhibits

HEARING: **EVIDENTIARY HEARING///ORAL ARGUMENTS**

TITLE: **STATE OF NEVADA VS. RICHARD ABDIEL SILVA**

PLTF: **STATE OF NEVADA**

DDA: **M. Lee**

DEFT: **RICHARD ABDIEL SILVA**

DATY: **T. Ristenpart**

Case No: **CR18-1135B**

Dept. No: **15**

Clerk: **A. Dick**

Date: **2/24/20**

Exhibit No	Party	Description	Marked	Offered	Admitted
1	DEFT	Thumb Drive Richard/Bernard; Jury Trial Exhibit Number 96	2/21/20	---	---

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

2/24/20 JURY TRIAL – DAY 1
HONORABLE CDDA M. Lee represented State. Defendant present, in custody, represented by T.
DAVID A. HARDY Ristenpart, Esq.
Dept. No. 15 *Prior to commencement of court, Jury Trial Exhibits marked for identification.*
A. Dick *Defendant's Exhibit 104 through Exhibit 115 and Exhibit 117 through Exhibit 120*
(Clerk) *marked for identification.*
C. Wolden 9:57 a.m. – Court convened with counsel and Defendant present.
(Reporter) Outside presence of prospective jurors, discussion ensued regarding Defendant's
proposed jury instructions.
DATY Ristenpart addressed and advised CT Defendant intends to submit 3 unique
proposed jury instructions; Defendant will mostly object/modify State's proposed jury
instructions.
COURT ORDERED: Defendant shall submit, in-camera, to Department 15 his unique
proposed jury instructions no later than 8:00 a.m. on February 25, 2020.
COURT indicated Department 15 creates a proposed jury instruction matrix.
COURT ORDERED: Upon provided a proposed jury instruction matrix, Defendant shall
list/identify without argument which State's proposed jury instructions he intends to
object.
10:03 a.m. – Brief recess.
10:11 a.m. – Court reconvened with counsel and Defendant present.
10:11 a.m. – At the direction of Court, courtroom clerk summoned, via email,
prospective jurors into the courtroom.
Outside presence of prospective jurors, discussion ensued regarding logistics of sidebar
conferences.
10:17 a.m. – Prospective jurors entered the courtroom.
COURT greeted prospective jurors and set forth the nature of the trial process.
Courtroom clerk called roll; 55 names present.
All prospective jurors were sworn to answer questions touching upon their qualifications
to serve as jurors in this case.
COURT conducted general and specific voir dire examination of prospective jurors.
At the direction of the Court, 32 names were drawn, consisting of 12 jurors and 2
alternates, called, and seated in the box.
Sidebar conference re: prospective juror SANDRA FAWCETT conducted between
Court and counsel; off record.
COURT ORDERED: Prospective juror SANDRA FAWCETT thanked and excused to
serve on another jury replaced by GUY CORDRAY.
COURT conducted general and specific voir dire examination of prospective jurors
seated in the box.

Introductions of counsel, Defendant, and Court presented to the prospective jurors. COURT further conducted general and specific voir dire examination of prospective jurors seated in the box.

11:30 a.m. – Prospective jurors admonished and excused; brief recess.

Outside the presence of prospective jurors, prospective juror TONY JENSEN remained in courtroom.

COURT disclosed its knowledge and relationship with prospective juror TONY JENSEN. CDDA Lee addressed CT declined to conduct voir dire examination of said prospective juror.

DATY Ristenpart conducted voir dire examination of said prospective juror.

Prospective juror TONY JENSEN escorted from courtroom.

Outside the presence of all prospective jurors, Court identified potential and possible prospective jurors who may be subject to excusal, if stipulated to by counsel.

Counsel each stipulated to excuse prospective juror JANIE DICE, prospective juror AIME LAMABURU, and prospective juror TONY JENSEN.

DATY Ristenpart argued in opposition of excusing prospective juror MARIA RUIZ and argued in support of excusing prospective juror PAMELA KNAB. Counsel then stated content of sidebar conference regarding prospective juror SANDRA FAWCETT.

CDDA Lee declined to supplement opposing counsel's summary of said conference on the record; argued in opposition of excusing prospective juror PAMELA KNAB.

COURT admonished counsel regarding length of noticed witness list to be read aloud to prospective jurors.

11:44 a.m. – Brief recess.

11:53 a.m. – Court reconvened with counsel and Defendant present.

Outside the presence of prospective jurors, **COURT ORDERED:** A witness list will not be displayed and read aloud to prospective jurors. Further, this Court will instruct Jurors to immediately notify Deputy Coss if s/he identifies a witness during trial.

11:54 a.m. – Prospective jurors escorted into courtroom.

COURT ORDERED: Prospective juror JANIE DICE thanked and excused to serve on another jury replaced by PAUL OXBORROW. Prospective juror AIME LAMDABURU thanked and excused to serve on another jury replaced by JASON COWLES.

Prospective juror TONY JENSEN thanked and excused to serve on another jury replaced by JAMES MORSBERGER.

COURT conducted general and specific voir dire examination of newly seated prospective jurors in the box.

COURT ORDERED: Prospective juror PAUL OXBORROW thanked and excused to serve on another jury replaced by ANTHONY DYER.

COURT further conducted general and specific voir dire examination of prospective jurors seated in the box.

1:08 p.m. – Prospective jurors admonished and excused; lunch recess.

Outside the presence of other prospective jurors, prospective juror ALEXANDER MARKLEY remained in courtroom; Court conducted voir dire examination; counsel each waived voir dire examination.

Prospective juror ALEXANDER MARKLEY excused from courtroom.

Outside the presence of other prospective jurors, prospective juror CODY JAMES escorted into courtroom; Court conducted voir dire examination; CDDA Lee waived voir dire examination; DATY Ristenpart conducted voir dire examination.

Prospective juror CODY JAMES excused from courtroom.

Outside the presence of all prospective jurors, DATY Ristenpart moved to remove prospective juror JAMES MORSBERGER; no objection stated.

COURT stated its observation and concern regarding prospective juror RACHEL SEED. DATY Ristenpart moved to remove prospective juror RACHEL SEED; no objection stated.

CDDA Lee indicated State intends to present a PowerPoint Presentation containing 4 slides in its opening statement.

DATY Ristenpart indicated Defendant has not reviewed said presentation. Counsel advised no evidence has been stipulated to.

CDDA Lee advised State intends in its opening statement to talk about evidence anticipated to be presented at trial but not display any evidence to the Jury.

COURT ORDERED: State shall immediately disclose its opening statement PowerPoint Presentation to Defendant.

COURT admonished counsel regarding purpose of closing arguments; specifically, **COURT ORDERED:** State shall not present any new evidence during rebuttal argument.

1:23 p.m. – Lunch recess.

2:11 p.m. – Court reconvened with counsel and Defendant present.

Outside the presence of prospective jurors, CDDA Lee disclosed an interaction with prospective juror JAMES MORSBERGER during the break.

2:12 p.m. – Prospective jurors escorted into courtroom.

COURT ORDERED: Prospective juror JAMES MORSBERGER thanked and excused to serve on another jury replaced by THOMAS CHRISTECK. Prospective juror RACHEL SEED thanked and excused to serve on another jury replaced by JOSEPH ESPOSITO.

COURT conducted general and specific voir dire examination of newly seated prospective jurors in the box.

Sidebar conference re: prospective juror THOMAS CHRISTECK conducted between Court and counsel; off record.

COURT ORDERED: Prospective juror THOMAS CHRISTECK thanked and excused to serve on another jury replaced by TAYLOR PEARCE.

COURT conducted specific voir dire examination of newly seated prospective jurors in the box; further conducted general voir dire examination of all prospective jurors seated in the box.

CDDA Lee, obo State, conducted general and specific voir dire examination of prospective jurors seated in the box; counsel advised State may pass for cause after moving to remove prospective juror JOSEPH ESPOSITO for cause.

DATY Ristenpart, obo Defendant, conducted general and specific voir dire examination of prospective jurors seated in the box; passed panel for cause subject to a sidebar conference.

3:22 p.m. – Prospective jurors admonished and excused; brief recess.

Outside presence of prospective jurors, CDDA Lee argued in support of removing prospective juror JOSEPH ESPOSITO for cause; objection(s) stated.

CDDA Lee disclosed an interaction with a prospective juror as she left the courtroom; Court noted its observation of said interaction.

DATY Ristenpart argued in support of removing prospective juror ANGELA SMITH for cause; objection(s) stated. Counsel argued in support of removing prospective juror RICHARD TIGER for cause; no objection stated.

Discussion ensued regarding exploring prospective juror TAYLOR PEARCE's belief towards imposing penalty.

COURT ORDERED: State's motion to remove prospective juror JOSEPH ESPOSITO for cause DENIED; stipulation to remove prospective juror RICHARD TIGER for cause GRANTED; Defendant's motion to remove prospective juror ANGELA SMITH for cause DENIED.

Outside the presence of other prospective jurors, TAYLOR PEARCE escorted into courtroom; Court conducted specific voir dire examination; counsel each declined voir dire examination.

Prospective juror TAYLOR PEARCE excused from courtroom.

Outside the presence of all prospective jurors, **COURT ORDERED:** Prospective juror RICHARD TIGER thanked and excused to serve on another jury replaced by ESPERANZA BELTRAN.

Prospective juror RICHARD TIGER invited into courtroom; thanked and excused; and escorted from the courtroom.

Outside the presence of other prospective jurors, ESPERANZA BELTRAN escorted into courtroom; Court conducted specific voir dire examination; counsel each stipulated to excusing prospective juror ESPERANZA BELTRAN to serve on another jury.

Prospective juror ESPERANZA BELTRAN excused from courtroom.

COURT ORDERED: Prospective juror ESPERANZA BELTRAN thanked and excused to serve on another jury replaced by DENIS MARIANO.

Outside the presence of other prospective jurors, DENIS MARIANO escorted into courtroom; Court conducted specific voir dire examination; CDDA Lee conducted specific voir dire examination and passed for cause; DATY Ristenpart conducted specific voir dire examination and passed for cause.

3:46 p.m. – Prospective jurors escorted into courtroom.

COURT thanked and excused unreached prospective jurors.

3:49 p.m. – Prospective jurors admonished and excused; brief recess.

4:03 p.m. – Court reconvened with counsel and Defendant present to conduct peremptory challenge. Outside the presence of prospective jurors, peremptory challenges were exercised, 8 plus 1 alternate per side, and the following panel selected and stipulated to:

- (1) GAMALIER GONZALEZ ESCOBAR
- (2) PAMELA KNAB
- (3) RAYMOND TORRES
- (4) JESSIE CHAMBERS
- (5) CHARLOTTE MACLUCAS
- (6) DENA SHELDON

- (7) TAYLOR PEARCE
- (8) CHARLES JONES
- (9) PAUL DENSON
- (10) MARIA DENZLER
- (11) DENNIS MARIANO
- (12) BILLY SANTIAGO
- (13 Alt.) MARIA RUIZ
- (14 Alt.) ANTHONY DYER

4:10 p.m. – Prospective jurors escorted into courtroom, Court seated selected panel, and thanked and excused prospective jurors removed by peremptory challenges.

4:16 p.m. – At the direction of Court, courtroom clerk administered Oath to Jury. COURT presented introductions of court staff and preliminary instructions and admonishments to Jury.

At the direction of Court, courtroom clerk read aloud the Information efiled 7/3/2018 in this case to Jury.

COURT further presented and preliminary instructions and admonishments to Jury, specifically relating to witness recognition.

4:34 p.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, DATY Ristenpart stated content of sidebar conference relating to prospective juror THOMAS CHRISTECK on the record. Counsel **INVOKED THE RULE OF EXCLUSION**; DATY Ristenpart indicated YIOVANNIE GUZMAN's family is seated in the gallery and counsel may have overheard family members communicating courtroom happenings to individuals outside the courtroom. COURT admonished members seated in gallery not to discuss this case.

4:42 p.m. – Jury escorted into courtroom.

CDDA Lee, obo State, addressed Jury presented an opening statement.

DATY Ristenpart, obo Defendant, addressed Jury presented an opening statement.

5:01 p.m. – Jury admonished and excused to return 2/25/20 at 8:45 a.m.

Outside the presence of Jury, DATY Ristenpart objected to State's use of the word "moniker" in its opening statement, requested State not to further use said word during trial; no objection sated.

5:05 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

2/25/20 JURY TRIAL – DAY 2

HONORABLE CDDA M. Lee represented State. Defendant present, in custody, represented by T. Ristenpart, Esq.

DAVID A. HARDY 8:29 a.m. – *Jury Question During Trial #1 RECEIVED.*

Dept. No. 15 *Prior to commencement of Court, Defendant's Exhibit 116 marked for identification.*

A. Dick 8:44 a.m. – Court convened with counsel and Defendant present.

(Clerk) Outside presence of Jury, Court read aloud said question and provided counsel copies.

S. Kiger *Whereupon, said question efiled to case docket.*

(Reporter) 8:47 a.m. – Jury escorted into courtroom.

JOSE PONCE, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 1 offered, no objection; ADMITTED.

Exhibit 100 offered, no objection; ADMITTED.

VINCENT VASQUEZ, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 2 offered, no objection; ADMITTED.

KIMBERLY VASQUEZ, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

JUAN GONZALEZ, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

Exhibit 33 offered, no objection; ADMITTED.

ANDREW MASSEY, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 74 offered, no objection; ADMITTED.

Exhibit 77 offered, no objection; ADMITTED.

Exhibit 78 offered, no objection; ADMITTED.

KATHERINE CALLAHAN, sworn, testified under direct examination conducted by CDDA Lee.

Sidebar conference re: KATHERINE CALLAHAN conducted between Court and counsel; off record.

9:35 a.m. – Jury admonished and excused; brief recess.

Outside presence of Jury, Court stated content of sidebar conference re: KATHERINE CALLAHAN on the record; counsel each declined to supplement.

COURT ORDERED: During the break, State shall remind and instruct KATHERINE CALLAHAN regarding the parameters of her testimony.

9:37 a.m. – Brief recess.

9:45 a.m. – Court reconvened with counsel, Defendant, and Jury present.

KATHERINE CALLAHAN, heretofore sworn, resumed witness stand continued to testify under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 6 through Exhibit 19 offered, objection(s) overruled; ADMITTED.

KEVIN COLLINS, sworn, testified under direct examination conducted by CDDA Lee; DATY Ristenpart waived cross examination. Witness thanked and excused.

Exhibit 72 offered, no objection; ADMITTED.

Exhibit 73 offered, no objection; ADMITTED.

EVAN THOMAS, sworn, testified under direct examination conducted by CDDA Lee; DATY Ristenpart conducted cross examination; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 48 offered, no objection; ADMITTED.

Exhibit 49 offered, no objection; ADMITTED.

Exhibit 50 offered, no objection; ADMITTED.

JOHN SILVER, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

Exhibit 63 through Exhibit 69 offered, no objection; ADMITTED.

Sidebar conference conducted between Court and Deputy Coss; off record.

10:46 a.m. – Jury admonished and excused; brief recess.

Outside presence of Jury, **COURT ORDERED:** Courtroom CLOSED; members seated in the gallery excused.

Sidebar conference conducted between Court and counsel; off record.

10:50 a.m. – Brief recess.

11:04 a.m. – Court reconvened with counsel, Defendant, and Jury present.

SHAUN BRALY, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 4 offered, no objection; ADMITTED.

Exhibit 5 offered, no objection; ADMITTED.

ASHLYN BURKE, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart.

Exhibit 51 through Exhibit 62 offered, no objection; ADMITTED.

Exhibit 81 offered, no objection; ADMITTED.

Exhibit 70 offered, no objection; ADMITTED.

Exhibit 71 offered, no objection; ADMITTED.

DATY Ristenpart provided witness Exhibit 110 and Exhibit 109; objection stated.

11:34 a.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, CDDA Lee addressed CT objected to the admissibility of Exhibit 110 and Exhibit 109.

DATY Ristenpart addressed CT argued in support of the admissibility of said exhibits.
COURT ORDERED: State's objection(s) to Exhibit 110 and Exhibit 109 OVERRULED.
11:38 a.m. – Jury escorted into courtroom.

ASHLYN BURKE, heretofore sworn, resumed witness stand continued to testify under cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

Exhibit 110 offered, objection(s) overruled; ADMITTED.

Exhibit 109 offered, objection(s) overruled; ADMITTED.

State's Exhibit 121 and Exhibit 122 marked for identification.

BEN RHODES, sworn, testified under direct examination conducted by CDDA Lee.

Exhibit 75 offered, objection(s) overruled; ADMITTED.

Exhibit 76 offered, no objection; ADMITTED.

Exhibit 79 offered, no objection; ADMITTED.

Exhibit 80 offered, objection(s) overruled; ADMITTED.

Exhibit 85 offered, no objection; ADMITTED.

Exhibit 121 offered, no objection; ADMITTED.

Exhibit 122 offered, no objection; ADMITTED.

Exhibit 40 through Exhibit 45 offered, no objection; ADMITTED.

Exhibit 37 offered, no objection; ADMITTED.

Exhibit 38 offered, no objection; ADMITTED.

Exhibit 39 offered, no objection; ADMITTED.

Exhibit 34 offered, no objection; ADMITTED.

Exhibit 35 offered, no objection; ADMITTED.

Exhibit 36 offered, no objection; ADMITTED.

12:30 p.m. – Jury admonished and excused; lunch recess.

1:47 p.m. – Court reconvened with counsel, Defendant, and Jury present.

State's Exhibit 123 through Exhibit 125 marked for identification.

BEN RHODES, heretofore sworn, resumed witness stand continued to testify under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused; subject to recall.

Exhibit 123 offered, objection(s) overruled; ADMITTED.

Exhibit 124 offered, objection(s) overruled; ADMITTED.

Exhibit 125 offered, objection(s) overruled; ADMITTED.

Defendant's Exhibit 126 marked for identification, offered, no objection; ADMITTED.

Defendant's Exhibit 127 marked for identification, offered, objection(s) overruled; ADMITTED.

Exhibit 108 offered, no objection; ADMITTED.

Exhibit 107 offered, no objection; ADMITTED.

Exhibit 106 offered, no objection; ADMITTED.

MIKE BARNES, sworn, testified under direct examination conducted by CDDA Lee; DATY Ristenpart waived cross examination. Witness thanked and excused; subject to recall.

Exhibit 82 offered, no objection; ADMITTED.

Exhibit 94 offered, no objection; ADMITTED.

RAMAN ARORA, sworn, testified under direct examination conducted by CDDA Lee; DATY Ristenpart waived cross examination. Witness thanked and excused.

Exhibit 95 offered.

DATY Ristenpart requested specific voir dire examination regarding said Exhibit – **GRANTED.** Counsel objected to admissibility of said Exhibit.

Exhibit 95 reoffered, objection(s) overruled; ADMITTED.

2:47 p.m. – Jury admonished and excused; brief recess.

2:57 p.m. – Court reconvened with counsel, Defendant, and Jury present.

STEVE SHINMEI, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness thanked and excused.

Exhibit 103 offered, no objection to demonstrative purposes only; ADMITTED FOR DEMONSTRATIVE PURPOSES ONLY.

Sidebar conference conducted between Court and counsel re: Exhibit 103; off record.

Exhibit 20 through Exhibit 32 offered, no objection; ADMITTED.

State's Exhibit 128 marked for identification, offered, no objection; ADMITTED.

ERNIE KAZMAR, sworn, testified under direct examination conducted by CDDA Lee, identified Defendant.

3:44 p.m. – Jury admonished and excused; brief recess.

4:02 p.m. – Court reconvened with counsel and Defendant present.

Outside the presence of Jury, CDDA Lee advised the video (Exhibit 96) contains reference to victim's pregnancy which is inadmissible by pretrial order.

DATY Ristenpart requested State recut said video and proffer to Defendant for review.

COURT ORDERED: CDDA Lee's examination of ERNIE KAZMAR shall extend until the cusp of offering said video then this Court will shall rearrange witness order.

COURT summarized the content off sidebar conference re: Exhibit 103 on the record; counsel each declined to supplement.

4:13 p.m. – Jury escorted into courtroom.

COURT addressed jury regarding rearrangement of witnesses due to scheduling.

ERNIE KAZMAR, heretofore sworn, resumed witness stand continued to testify under direct examination conducted by CDDA Lee. Witness excused to return tomorrow (2/26/20) morning.

REGINA ROSE, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 86 offered, no objection; ADMITTED.

NICHOLAS SMITH, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

4:38 p.m. – Jury admonished and excused to return 2/26/20 at 8:45 a.m.

Outside the presence of other Jurors, Juror #1 remained in courtroom.

COURT inquired Juror #1 regarding Jury Question #1 during trial.

Juror #1 answered Court's questioning.

Counsel each waived questioning.

COURT ORDERED: Confirmed admonishment(s) and instruction(s) of trial participants and staff.

COURT further inquired Juror #1 regarding said question.

Juror #1 answered Court's questioning.

CDDA Lee questioned said Juror.

DATY Ristenpart waived questioning.

COURT FURTHER ORDERED: Confirmed admonishment(s) and instruction(s) of trial participants, staff, and members of the gallery.

Juror #1 excused from courtroom.

Outside the presence of Jury, Court stated its inclination for Juror #1 to remain a seated Juror; no objection stated.

Defendant excused from courtroom.

Discussion ensued between Court and counsel regarding trial scheduling; off record.

4:57 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

2/26/20 JURY TRIAL – DAY 3
HONORABLE CDDA M. Lee represented State. Defendant present, in custody, represented by T.
DAVID A. HARDY Ristenpart, Esq.
Dept. No. 15 8:43 a.m. – Court convened with counsel and Defendant present.
A. Dick Outside presence of Jury, Court stated it will not be bound by yesterday's after session
(Clerk) scheduling discussions. Court indicated it is in receipt of a courtesy copy of State's
J. Kernan motion to reconsider; copy of said motion provided to Defendant.
(Reporter) **COURT ORDERED:** State's said motion HELD IN ABEYANCE until pertinent
presentation of trial evidence.
CDDA Lee addressed CT indicated State emailed Defendant redacted version of
Bernard/Richard video (Exhibit 96); requested this Court instruct the Jury prior to
viewing provided a proposed instruction.
DATY Ristenpart addressed CT stated Defendant is not in receipt of said motion;
additionally, objected to State's proposed instruction to be read aloud to the Jury prior to
viewing Bernard/Richard video.
State's Exhibit 129 marked for identification.
8:51 a.m. – Jury escorted into courtroom.
COURT addressed and instructed Jury regarding redaction contained in Exhibit 129.
ERNIE KAZMAR, heretofore sworn, resumed witness stand continued to testify under
direct examination conducted by CDDA Lee.
Exhibit 129 offered, no objection; ADMITTED.
9:31 a.m. – Jury admonished and excused; brief recess.
Outside the presence of Jury, Court inquired DATY Ristenpart if Defendant would like
copies of unpublished cases contained in State's motion to reconsider.
DATY Ristenpart stated Defendant is unprepared to argued said motion.
9:33 a.m. – Brief recess.
Court provided Defendant copies of unpublished cases contained in said motion.
9:38 a.m. – Court reconvened with counsel, Defendant, and Jury present.
ERNIE KAZMAR, heretofore sworn, resumed witness stand continued to testify under
direct examination conducted by CDDA Lee; cross examination conducted by DATY
Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.
10:41 a.m. – Jury admonished and excused; brief recess.
10:57 a.m. – Court reconvened with counsel, Defendant, and Jury present.
ARTURO MANZO-RAMIREZ, sworn, testified under direct examination conducted by
CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination
conducted by CDDA Lee; DATY Ristenpart waived recross examination. Witness
thanked and excused; subject to recall.
LOUISE ROBERTS, sworn, testified under direct examination conducted by CDDA Lee;
cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect
examination. Witness thanked and excused.
Exhibit 87 offered, no objection; ADMITTED.

JOSH WATSON, sworn, testified under direct examination conducted by CDDA Lee. *Exhibit 88 through Exhibit 91 offered, no objection; ADMITTED. Exhibit 92 offered.*

DATY Ristenpart requested specific voir dire examination regarding said Exhibit – **GRANTED**. Counsel objected to admissibility of said Exhibit. *Exhibit 92 reoffered, objection(s) overruled; ADMITTED.*

12:16 p.m. – Jury admonished and excused; lunch recess.

Outside the presence of Jury, discussion ensued regarding scheduling.

12:17 p.m. – Lunch recess.

State's Exhibit 130 marked for identification.

1:45 p.m. – Court reconvened with counsel, Defendant, and Jury present.

JOSH WATSON, heretofore sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 93 offered, no objection; ADMITTED.

Defendant's Exhibit 131 marked for identification.

CDDA Lee requested specific voir dire examination regarding said Exhibit – **GRANTED**. Counsel objected to demonstration of said Exhibit – **OVERRULED**.

Defendant's Exhibit 132 marked for identification offered, no objection; ADMITTED.

Sidebar conference conducted between Court and counsel; off record.

2:27 p.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, DATY Ristenpart advised YIOVANNIE GUZMAN's right to counsel trumps the rule of exclusion; therefore, William Routsis, Esq. should be permitted to remain in the courtroom if said witness is permitted to testify. Counsel argued in support of Defendant's motion to prohibit uncorroborated accomplice testimony.

CDDA Lee argued in opposition of said motion.

COURT ORDERED: Defendant's motion to prohibit uncorroborated accomplice testimony DENIED.

DATY Ristenpart identified WCJ calls involving YIOVANNIE GUZMAN Defendant requests to cross examination said witness regarding content of said calls.

COURT ORDERED: Defendant PERMITTED to cross exam YIOVANNIE GUZMAN regarding aforementioned identified WCJ calls.

COURT inquired counsel Ristenpart regarding Defendant's objection to State's proposed jury instruction regarding meeting with witness(es).

DATY Ristenpart preemptively disclosed Defendant's objection(s) to said State's proposed jury instruction.

CDDA Lee requested opposing counsel reframe from non-verbal communication with the Jury suggesting impropriety obo the State.

COURT stated it will not restrain counsels' personalities; counsel will present to the Jury balancing the risks and rewards in doing so. Court further indicated it may likely instruct the Jury regarding counsel meeting with witness(es).

2:51 p.m. – Brief recess.

2:57 p.m. – Court reconvened with counsel, Defendant, and Jury present.

YIOVANNIE GUZMAN, sworn, testified under direct examination conducted by CDDA Lee, identified Defendant.

3:45 p.m. – Jury admonished and excused; brief recess.

3:59 p.m. – Court reconvened with counsel, Defendant, and Jury present.

YIOVANNIE GUZMAN, heretofore sworn, resumed witness stand continued to testify under direct examination conducted by CDDA Lee.

State's Exhibit 133 marked for identification, offered, no objection; ADMITTED.

State's Exhibit 134 marked for identification, offered, no objection; ADMITTED.

State's Exhibit 135 marked for identification, offered, no objection; ADMITTED.

Sidebar conducted between Court and counsel re: scheduling; off record.

4:41 p.m. – Jury admonished and excused to return 2/27/20 at 9:30 a.m.

Outside the presence of Jury, Court directed counsel to arrive early to argue State's motion to reconsider and provided counsel some guidance for arguments it may find intriguing. Court stated the content of the sidebar conference on the record; counsel declined to supplement.

Discussion ensued regarding Juror #13's schedule.

COURT ORDERED: Tomorrow morning Juror #13 shall be invited into the courtroom outside the presence of other Jurors to inquire about her schedule.

5:05 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

2/27/20 JURY TRIAL – DAY 4

HONORABLE CDDA M. Lee represented State. Defendant present, in custody, represented by T. Ristenpart, Esq.

DAVID A. HARDY 8:32 a.m. – Court convened with counsel and Defendant present.

Dept. No. 15 Outside the presence of Jury, DATY Ristenpart addressed CT argued in opposition of State's motion to reconsider; counsel recited State's proffered captions contained in BERNARD/RICHARD video.

A. Dick CDDA Lee addressed CT argued in support of said motion.

(Clerk) COURT inquired counsel Ristenpart regarding Defendant's ability to choose his statement to present to the Jury.

L. Urmston DATY Ristenpart advised due to BERNARD SILVA's unavailability at trial Defendant is unsure how State will introduce BERNARD/RICHARD video pursuant to 6th Amendment rights.

(Reporter) *Discussion ensued regarding counsels' each understanding of this Court's pretrial translation oral pronouncement(s).*

CDDA Lee conceded during State's case-in-chief it should not display captions identifying who may be talking in said video; however, it may be appropriate for closing arguments.

COURT stated its findings.

COURT ORDERED: State's motion to reconsider GRANTED; video caption transcription in BERNARD/RICHARD video PROHIBITED during State's case-in-chief; demonstrative video caption transcription PERMITTED during closing arguments.

DATY Ristenpart argued in support of introducing BERNARD SILVA's statement "I am the guilty one" during Defendant's case-in-chief.

COURT ORDERED: Defendant's request to introduce BERNARD SILVA's statement "I am the guilty one" during his case UNDER ADVISEMENT to be revisited at the appropriate time during trial.

CDDA Lee requested State be permitted to display caption transcription contained in WOMAN/SILVA WCJ call recording as voices are easily distinguishable.

DATY Ristenpart identified the woman in the recording as Defendant's mother argued in opposition of said statement introduced at trial pursuant to 6th Amendment rights; counsel indicated Defendant's mother has been present, seated in the gallery during trial. Counsel objected to the recorded jailhouse admonishment being played for the Jury.

COURT summarized the issues before it and its oral pronouncements:

COURT reaffirmed State's motion to reconsider GRANTED; video caption transcription in BERNARD/RICHARD video PROHIBITED during State's case-in-chief; demonstrative video caption transcription in said video PERMITTED during closing arguments;

COURT reaffirmed Defendant's request to introduce BERNARD SILVA's statement "I am the guilty one" during his case UNDER ADVISEMENT to be revisited at the appropriate time during trial;

COURT ORDERED: WCJ recorded admonishment contained in jail call(s) PERMITTED to be played to the Jury.

COURT indicated it is inclined to prohibit BERNARD SILVA's statement and Defendant's mother's statement(s) pursuant to 6th Amendment rights unless an exception exists. Court further indicated Defendant may revisit BERNARD SILVA's statement prior to his case-in-chief.

CDDA Lee indicated the WCJ call Exhibit omits reference to Defendant's inmate status; however, testimony from a witness will likely disclose Defendant's inmate status.

Outside the presence of other Jurors, Juror #13 invited into the courtroom; discussion ensued regarding her weekend schedule.

State's Exhibit 136 marked for identification.

State's Exhibit 137 marked for identification.

9:25 a.m. – Brief recess.

Defendant's Exhibit 138 marked for identification.

9:31 a.m. – Court reconvened with counsel, Defendant, and Jury present.

YIOVANNIE GUZMAN, heretofore sworn, resumed witness stand testified under cross examination conducted by DATY Ristenpart.

Exhibit 138 offered, no objection; ADMITTED.

10:03 a.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, CDDA Lee argued in opposition of Defendant's cross examination questioning.

DATY Ristenpart argued in support of Defendant's cross examination questioning.

COURT ORDERED: BERNARD SILVA's statement "I am the guilty one" shall not be presented to Jury; said statement does not control cross examination questioning; Defendant permitted to revisit this issue should corroboration evidence arises.

10:09 a.m. – Brief recess.

COURT ORDERED: State's objection to Defendant's cross examination questioning SUSTAINED.

10:19 a.m. – Jury escorted into courtroom.

YIOVANNIE GUZMAN, heretofore sworn, resumed the witness stand continued to testify under cross examination conducted by DATY Ristenpart.

10:25 a.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, DATY Ristenpart argued in support of Defendant's cross examination questioning relating to 3 people in the vehicle.

COURT ORDERED: Courtroom CLEARED public and YIOVANNIE GUZMAN excused; YIOVANNIE GUZMAN's attorney William Routsis, Esq. permitted to remain seated in the gallery.

COURT inquired counsel Ristenpart as to how Defendant's cross examination questioning links to direct examination or in the alternate invited Defendant to present a proffer of evidence.

DATY Ristenpart presented a proffer and argue in support of Defendant's questioning.

CDDA Lee argued in opposition of said questioning and request this Court instruct the Jury.

DATY Ristenpart further argued in support of said questioning.

COURT ORDERED: Public and YIOVANNIE GUZMAN invited into courtroom.

COURT FURTHER ORDERED: Defendant's cross examination questioning shall be confined to direct examination questioning.

10:36 a.m. – Jury escorted into courtroom.

YIOVANNIE GUZMAN, heretofore sworn, resumed witness stand continued to testify under cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; recross examination conducted by DATY Ristenpart. Witness thanked and excused; subject to recall.

Sidebar conducted between Court and counsel re: DEBORA MORENO; off record.

DEBORA MORENO, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 98 offered, no objection; ADMITTED.

KINDRA BAUM, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; recross examination waived. Witness thanked and excused.

Exhibit 102 offered, no objection; ADMITTED FOR DEMONSTRATIVE PURPOSES ONLY.

11:42 a.m. – Jury admonished and excused; lunch recess.

Outside the presence of Jury, trial scheduling discussed.

CDDA Lee memorialized sidebar conference regarding DEBORA MORENO on the record; DATY Ristenpart clarified/supplemented State's rendition.

COURT noticed counsel it may be possibly considering discharging Juror #13 should her schedule impact other jurors and trial participants.

11:50 a.m. – Lunch recess.

1:25 p.m. – Court reconvened with counsel, Defendant, and Jury present.

REED THOMAS, sworn, testified under direct examination conducted by CDDA Lee, identified Defendant.

Exhibit 46 offered; OBJECTION SUSTAINED.

Exhibit 137 offered; objection(s) stated.

1:53 p.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, DATY Ristenpart argued in opposition of admissibility of Exhibit 137.

CDDA Lee argued in support of admissibility of said Exhibit.

COURT ORDERED: Defendant's objection re: Exhibit 137 OVERRULED.

CDDA Lee argued in support of admissibility of Exhibit 136.

DATY Ristenpart argued in opposition of admissibility of said Exhibit.

COURT ORDERED: Defendant's objection re: Exhibit 136 OVERRULED.

2:02 p.m. – Jury escorted into courtroom.

COURT ORDERED: Exhibit 137 ADMITTED INTO EVIDENCE.

REED THOMAS, heretofore sworn, resumed witness stand continued to testify under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; redirect examination conducted by CDDA Lee; recross examination conducted by DATY Ristenpart.

Defendant's Exhibit 139 marked for identification, offered, no objection; ADMITTED.

Defendant's Exhibit 140 marked for identification, offered, no objection; ADMITTED.

2:27 p.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, CDDA Lee argued in support of State's redirect examination questioning.

DATY Ristenpart argued in opposition of State's form of questioning; moved to strike. CDDA Lee requested opportunity to reframe State's questioning if Court is inclined to stike.

2:33 p.m. – Jury escorted into courtroom.

COURT orally instructed Jury.

REED THOMAS, heretofore sworn, resumed witness testified under further redirect examination conducted by CDDA Lee; further recross examination conducted by DATY Ristenpart. Witness thanked and excused.

SULI SCHEHR, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused.

Exhibit 97 offered, objection overrule; ADMITTED.

Exhibit 99 offered, objection overrule; ADMITTED.

Exhibit 136 offered, objection overrule; ADMITTED.

Upon reviewing and approving accuracy of jury trial exhibit list, CDDA Lee, obo, State rested its case-in-chief.

3:04 p.m. – Jury admonished and excused; brief recess.

Outside presence of Jury, DATY Ristenpart renewed Defendant's motion to introduce and present longer BERNARD/RICHARD video to Jury.

CDDA Lee argued in opposition of said motion.

COURT stated its findings.

COURT ORDERED: Defendant's renewed oral motion to introduce and present longer BERNARD/RICHARD video to Jury DENIED.

COURT addressed and advised Defendant of his 5th Amendment Constitutional Rights and canvassed him thereto.

DEFT obo addressed CT answered its questioning.

DATY Ristenpart advised there is no impeachment evidence relating to Defendant.

3:09 p.m. – Brief recess.

3:33 p.m. – Court reconvened with counsel, Defendant, and Jury present.

ALLISON JENKINS, sworn, testified under direct examination conducted by DATY Ristenpart; cross examination conducted by CDDA Lee; redirect examination conducted by DATY Ristenpart; CDDA Lee waived recross examination. Witness thanked and excused.

JAMES HAMMERSTONE, sworn, testified under direct examination conducted by DATY Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused.

Defendant's Exhibit 141 marked for identification, offered, no objection; ADMITTED.

Sidebar conference conducted with Court and counsel; off record.

4:12 p.m. – Jury admonished and excused to return 2/28/20 at 9:00 a.m.

Outside presence of other Jurors, Juror #13 invited into courtroom.

COURT identified Juror #13 as an alternate and inquired regarding her fixed weekend plans.

Juror #13 answered Court's questioning.

Counsel each declined to question Juror #13.

Juror #13 excused from courtroom.

COURT stated its preliminary inclination to discharge Juror #13.

CDDA Lee did not object to Court's inclination.

DATY Ristenpart objected to Court's inclination; argued in support thereto.

Juror #13 invited into courtroom.

COURT ORDERED: Juror #13 thanked, excused, and discharged from service; admonishment shall be release; however, Court admonished said Juror not to speak with any other remaining empaneled Jurors for the duration of trial.

4:31 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

2/28/20 JURY TRIAL – DAY 5
HONORABLE CDDA M. Lee represented State. Defendant present, in custody, represented by T.
DAVID A. HARDY Ristenpart, Esq.
Dept. No. 15 9:01 a.m. – Court convened with counsel, Defendant, and Jury present.
A. Dick COURT addressed Jury regarding discharging Juror #13.
(Clerk) **COURT ORDERED:** Juror #14 shall sit in Juror #13's seat.
D. Cecere KIMBERLY HODGE, sworn, testified under direct examination conducted by DATY
(Reporter) Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused.
BEN RHODES, sworn, testified under direct examination conducted by DATY
Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused.
Defendant Exhibit 142 marked for identification, offered, no objection; ADMITTED.
DATY Ristenpart, obo Defendant, rested his case-in-chief.
9:14 a.m. – Jury admonished and excused; brief recess.
Outside the presence of Jury, Court and counsel met, with Defendant present, to settle
jury instructions and verdict form, objections identified and argued thereto.
10:45 a.m. – Brief recess.
1:13 p.m. – Court reconvened with counsel, Defendant, and Jury present.
COURT addressed Jury apologized for the delay.
1:16 p.m. – Jury admonished and excused; brief recess.
2:40 p.m. – Court reconvened with counsel and Defendant present.
Outside the presence of Jury, Jury Instructions 1-49 settled; offered and rejected jury
instructions identified and subject to further argument thereto.
Whereupon, said offered and rejected instruction(s) efiled to case docket.
2:43 p.m. – Jury escorted into courtroom.
COURT instructed Jury; 1-49.
Whereupon, said instructions efiled to case docket.
CDDA Lee, obo State, presented closing arguments.
4:01 p.m. – Jury admonished and excused; brief recess.
4:13 p.m. – Court reconvened with counsel, Defendant, and Jury present.
CDDA Lee, obo State, resumed presenting closing arguments.
DATY Ristenpart, obo Defendant, presented closing arguments.
5:21 p.m. – Jury admonished and excused; brief recess.
Defendant's Exhibit 143 marked for identification.
5:43 p.m. – Court reconvened with counsel, Defendant, and Jury present.
CDDA Lee, obo State, presented closing rebuttal arguments.
Alternate Juror #14 identified, thanked by Court, admonished, excused, and directed to
provide his notes and contact information to Deputy Coss; until further order from this
Court
5:57 p.m. – Deputy Coss sworn and charged with Jury.
5:59 p.m. – Jury escorted into Jury Room; deliberations commenced.

Outside the presence of Jury, Court addressed and acknowledged members seated in the gallery.

6:02 p.m. – Brief recess.

Court reconvened with counsel present.

Outside the presence of Jury, DATY Ristenpart waived Defendant's appearance.

COURT ORDERED: Courtroom CLEARED.

DATY Ristenpart objected to State's closing arguments.

6:05 p.m. – Court stood in recess.

State's Exhibit 144 marked for identification.

8:38 p.m. – Deputy Coss notified courtroom clerk a verdict reached; counsel notified.

9:07 p.m. – Court reconvened with counsel and Defendant present.

Outside the presence of Jury, Court addressed and acknowledged members seated in the gallery.

9:10 p.m. – Jury escorted into courtroom.

Juror #4 identified as Foreperson.

At the direction of Court, courtroom clerk read aloud the verdict as follows:

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR18-1135B

v.

Dept. No. D15

RICHARD ABDIEL SILVA,

Defendant.

VERDICT

We, the jury in the above entitled case, find the Defendant

RICHARD ABDIEL SILVA, as follows:

(Select only one box)

- ☐ Not Guilty of MURDER WITH THE USE OF A DEADLY WEAPON
- ☒ Guilty of FIRST DEGREE MURDER
- ☐ Guilty of SECOND DEGREE MURDER
- ☐ Guilty of VOLUNTARY MANSLAUGHTER
- ☐ Guilty of INVOLUNTARY MANSLAUGHTER

Question 1: If you find **RICHARD ABDIEL SILVA** guilty of FIRST DEGREE MURDER or SECOND DEGREE MURDER or VOLUNTARY MANSLAUGHTER, do you find that **RICHARD ABDIEL SILVA** used a deadly weapon?

(Select only one box)



Yes



No

DATED this 29 day of FEBRUARY, 2020.


FOREPERSON

Whereupon, said verdict efiled to case docket.

At the direction of Court, courtroom clerk polled Jury; unanimous verdict confirmed.

9:18 p.m. – Jury excused; brief recess.

Outside the presence of Jury, Court recited NRS relating to penalty phase.

9:25 p.m. – Brief recess.

9:30 p.m. – Court reconvened with counsel and Defendant present.

Outside the presence of Jury, DATY Ristenpart advised Defendant elects proceeding to Jury penalty phase.

CDDA Lee advised Defendant's custodial status should not be disclosed to Jury at this time.

9:36 p.m. – Jury escorted into courtroom.

Jury admonished and excused to return 3/20/20 at 11:00 a.m.

Outside the presence of Jury, **COURT ORDERED:** Counsel and Defendant shall arrive at 8:30 a.m. on 3/2/20.

9:44 p.m. – Court stood in recess.

Defendant remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

3/2/20 PENALTY HEARING JURY – DAY 6

HONORABLE CDDA M. Lee represented State. Defendant present, in custody, represented by T. Ristenpart, Esq.

DAVID A. HARDY 8:31 a.m. – Court convened with counsel and Defendant present.

Dept. No. 15 Outside the presence of Jury, discussion ensued regarding communication regarding SPD interaction with Juror #1 over the weekend.

A. Dick ROBERT COOK, sworn, Court inquired; CDDA Lee waived examination; DATY (Clerk) Ristenpart conducted examination. Witness thanked and excused.

E. Ferretto ALICIA LERUD, sworn, Court inquired; CDDA Lee waived examination; DATY (Reporter) Ristenpart conducted examination. Witness thanked and excused.

COURT ORDERED: ALICIA LERUD shall forward SPD email communication to courtroom clerk; copies provided to counsel.

Whereupon, said email efiled to case docket CONFIDENTIALLY.

CDDA Lee addressed CT recited an email State received from SPD 2/28/20 at 10:30 p.m. into the record.

DATY Ristenpart addressed CT indicated Defendant was not noticed of said communication; further indicated it appears information may be missing. Counsel requested Juror #1 be questioned separately from other Jurors. Counsel further requested JAMES HAMMERSTONE's body camera footage, if he spoke with Juror #1. COURT stated its preliminary disinclined to excuse Juror #1 at this time. Court recited communication to Deputy Coss to deliver to Juror #1 and Juror #13 (Juror #14).

Whereupon, said email correspondence efiled to case docket CONFIDENTIALLY.

(Clerk's note: Corrected correspondence efiled to case docket 3/6/20)

DATY Ristenpart objected to State's penalty presentation argued in support thereto. CDDA Lee clarified State's penalty presentation; argued in opposition of Defendant's objection(s).

Discussion ensued regarding logistics of presentation of penalty phase.

COURT ORDERED: Defendant's misdemeanor conviction with the addition of minutes shall be ADMISSIBLE during penalty phase; information relating to victim's pregnancy shall be ADMISSIBLE during penalty phase; however, additional information that Defendant was not knowledgeable of victim's pregnancy shall presented in conjunction; State may present information regarding Defendant's activity after the instant offense during penalty phase; information relating gang affiliation of the Defendant shall be INADMISSIBLE during penalty phase.

COURT stated logistics of presentation of penalty phase.

CDDA Lee objected pursuant to Marsy's Law; advised VIS should be presented last; argued in support thereto.

DATY Ristenpart argued in opposition of State' objection.

COURT ORDERED: Logistics of presentation of penalty phase UNDER ADVISEMENT; it will orally pronounce.

Penalty Phase Jury Instructions settled; objections identified and subject to argument thereto; Penalty Verdict form settled.

9:39 a.m. – Brief recess.

10:26 a.m. – Court reconvened with counsel and Defendant present.

Outside the presence of the Jury, Penalty Phase Jury Instructions 1-11 and Penalty Verdict form settled on the record.

COURT announced the logistics of penalty hearing presentation.

CDDA Lee further objected pursuant to Marsy's Law.

Discussion ensued regarding presentation of penalty phase exhibits.

DATY Ristenpart indicated Defendant has not received any information from the State regarding SPD's case relating to Juror #1. Counsel stated concerns regarding content of SPD communication provide from ALICIA LERUD.

CDDA Lee indicated State is not in receipt of SPD's case and the attempts to contact JAMES HAMMERSTONE have been unsuccessful.

Outside the presence of other Jurors, Juror #1 escorted into courtroom; Court conducted voir dire examination; CDDA Lee conducted voir dire examination; DATY Ristenpart conducted voir dire examination.

Juror #1 excused from courtroom.

Outside the presence of all Jurors, CDDA Lee did not object to Juror #1 continuing to serve on the Jury panel.

DATY Ristenpart challenged Juror #1 for cause argued in support thereto.

10:52 a.m. – Brief recess.

State's Exhibit 145 through Exhibit 156 marked for identification.

Defendant's Exhibit 157 marked for identification.

11:07 a.m. – Court reconvened with counsel and Defendant present.

COURT ORDERED: *State's Exhibit 145 through Exhibit 156 ADMITTED INTO EVIDENCE; Defendant's Exhibit 157 ADMITTED INTO EVIDENCE.*

COURT FURTHER ORDERED: Juror #1 shall remain on the Jury panel.

COURT stated its observations and findings relating to Juror #1; recited communication to Juror #13 (Juror #14) awaiting in jury commissioner's office.

Whereupon, said communication efiled to case docket.

State's Exhibit 158 marked for identification; ADMITTED INTO EVIDENCE.

Discussion ensued regarding rule of exclusion.

DATY Ristenpart INVOKED THE RULE OF EXCLUSION.

COURT ORDERED: RULE OF EXCLUSION LIFTED during penalty phase of trial.

11:15 a.m. – Jury escorted into courtroom.

COURT instructed Jury; 1-11.

Whereupon, said instructions efiled to case docket.

PEARLA MARTINEZ, sworn, testified under direct examination, presented character evidence obo Defendant, conducted by DATY Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused to return to her seat in the gallery.

NANCY MASON, sworn, testified under direct examination, presented character evidence obo Defendant, conducted by DATY Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused to return to her seat in the gallery.

PABLO SILVA, sworn, testified under direct examination, presented character evidence obo Defendant, conducted by DATY Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused to return to her seat in the gallery.

OSCAR MARTINEZ, sworn, testified under direct examination, presented character evidence obo Defendant, conducted by DATY Ristenpart; cross examination conducted by CDDA Lee; DATY Ristenpart waived redirect examination. Witness thanked and excused to return to his seat in the gallery.

JANETH SILVA-GUZMAN, sworn, testified under direct examination, presented character evidence obo Defendant, conducted by DATY Ristenpart; CDDA Lee waived cross examination. Witness thanked and excused to return to her seat in the gallery.

LUIZ CRUZ, sworn, testified under direct examination, presented character evidence obo Defendant, conducted by DATY Ristenpart; cross examination conducted by CDDA Lee; DATY Ristenpart waived redirect examination. Witness thanked and excused to return to his seat in the gallery.

CHRIS ROWE, sworn.

12:00 p.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, Court addressed and advised Defendant of his 5th Amendment Constitutional Rights and canvassed him thereto.

DEFT obo addressed CT answered its questioning; INVOKED his 5th Amendment Constitutional Rights to remain silent; declined to present statement of allocution.

12:02 p.m. – Brief recess.

12:10 p.m. – Court reconvened with counsel, Defendant, and Jury present.

CHRIS ROWE, heretofore sworn, resumed witness stand testified under direct examination conducted by CDDA Lee, identified Defendant; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused to return to his seat in the gallery.

REED THOMAS, sworn, testified under direct examination conducted by CDDA Lee; cross examination conducted by DATY Ristenpart; CDDA Lee waived redirect examination. Witness thanked and excused to return to his seat in the gallery.

Victim Advocate GENEVIEVE SEFCHICK, sworn, read aloud VIS obo ROXANDA CASTILLO. Advocate thanked and excused to return to her seat in the gallery.

12:39 p.m. – Jury admonished and excused; brief recess.

Outside the presence of Jury, DATY Ristenpart indicated Defendant's Penalty PowerPoint Presentation contains family photos and certificates not previously disclosed to State; no objection(s) stated.

12:40 p.m. – Brief recess.

1:00 p.m. – Court reconvened with counsel, Defendant, and Jury present.

DATY Ristenpart addressed Jury argued in support of a sentence consisting of 20 years in NDOC with a definite term of 50 years in NDOC as appropriate punishment.

CDDA Lee addressed Jury argued in support of a sentence consisting of Life Without the Possibility of Parole in NDOC as appropriate punishment.

1:36 p.m. – Jury escorted into Jury Room; penalty deliberations commenced.

Outside the presence of Jury, DATY Ristenpart objected to State's sentencing presentation.

1:37 p.m. – Court stood in recess.

4:04 p.m. – *Jury Question #1 during penalty deliberations RECEIVED; copies provided to counsel.*

4:24 p.m. – Court reconvened with counsel and Defendant present.

Outside the presence of Jury, discussion ensued regarding proposed written answer to said question.

COURT ORDERED: Defendant's Penalty PowerPoint Presentation shall be marked as a demonstrative exhibit.

COURT admonished counsel Ristenpart regarding content of said presentation.

Discussion further ensued regarding proposed written answer to said question.

4:36 p.m. – Brief recess.

COURT provided written answer to Jury Question #1 during penalty deliberations to Deputy Coss to deliver to Jury.

4:44 p.m. – Deputy Coss notified a verdict reached.

4:56 p.m. – Court reconvened with counsel and Defendant present.

COURT recited Jury's written response to Court's answer to Jury Question #1 during penalty deliberations.

Whereupon, said question/answer efiled to case docket.

Discussion further ensued regarding proposed written answer to said question.

DATY Ristenpart advised this issue may be moot due to the Jury's written response on said question/answer and notice of a verdict.

5:24 p.m. – Court stood in recess.

Deputy Coss provide Court's written answer to Jury Jury Question #1 during penalty deliberations.

Whereupon, said question/answer efiled to case docket.

5:27 p.m. – Deputy Coss notified a verdict reached.

5:30 p.m. – Court reconvened with counsel and Defendant present.

Outside the presence of Jury, Court noted the time space between Deputy Coss delivering the written answer to Jury and notification that a verdict reached; approximately 3 minutes.

DATY Ristenpart request to be present at every interaction between Defendant and the Division – **GRANTED.**

5:33 p.m. – Jury escorted into courtroom.

Juror #4 identified as Foreperson.

At the direction of Court, courtroom clerk read aloud penalty verdict as follows:

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR18-1135B

v.

Dept. No. D15

RICHARD ABDIEL SILVA,

Defendant.

PENALTY VERDICT

The Defendant, **RICHARD ABDIEL SILVA**, having been previously found guilty by jury verdict of MURDER OF THE FIRST DEGREE WITH THE USE OF A DEADLY WEAPON. We the Jury empaneled to decide and set penalty, now set the penalty to be imposed, as follows:

(Select only one box)

- ☐ Life in the Nevada Department of Corrections Without the Possibility of Parole.
- ☒ Life With the Possibility of Parole in the Nevada Department of Corrections, With Eligibility for Parole Beginning When a Minimum of 20 Years Has Been Served.
- ☐ Definite Term of 50 Years in the Nevada Department of Corrections, With Eligibility for Parole Beginning When a Minimum of 20 Years Has Been Served.

DATED this 2ND day of MARCH, 2020.


FOREPERSON

Whereupon, said penalty verdict efiled to case docket.

At the direction of Court, courtroom clerk polled Jury; unanimous verdict confirmed.
COURT ORDERED: The preparation of a Presentence Investigation Report and matter continued for entry of judgment and imposition of sentence.

Courtroom clerk provided Defendant with a presentence investigation report questionnaire.

COURT FURTHER ORDERED: Entry of judgment and imposition of sentence scheduled for **5/6/2020, 9:00 a.m.**

COURT FURTHER ORDERED: Admonishment released and Jury discharged from service.

Court stood in recess.

Defendant remanded to the Sheriff.

Clerk's note: Juror #13 was discharged from service the evening of 2/27/20; any reference to Juror #13 thereafter relates to emplaned Juror #14. Corrected confidential correspondence efiled to case docket.

After session correspondence:

From: Laura Pappas < >

Sent: Tuesday, March 03, 2020 6:20 AM

To: Dick, Amanda < >; Jarrod M. Williams < >; Jennifer Iveson < >; Lori Lukl < >

Cc: 'Theresa Ristenpart' < >; Lee, Matthew < >

Subject: RE: PSI ORDER FORM - CR18-1135B SILVA

[NOTICE: This message originated outside of Second Judicial District Court, State of Nevada -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Thank you

Lori – Please made sure this email is printed for the file so the assigned investigator knows counsel wants to be present during the interview.

Laura Pappas
Parole & Probation Supervisor
Northern Command/Reno
(775) 684-2384 voice
(775) 684-2397 fax



Confidentiality Statement: This e-mail and any attachment(s) are intended only for those to which it is addressed and may contain information which is privileged, confidential and prohibited from disclosure and unauthorized use under applicable law. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon, this information by anyone other than the intended recipient is not authorized. If you are not the intended recipient and/or you are not entitled to receive attorney client privileged material including attorney work product, the release to you of this privileged information is inadvertent, and the release is not intended to waive the attorney client privilege or the subject matter thereof. If you have received this transmission in error, please return the material received to the sender and delete all copies from your system.

From: Dick, Amanda < >

Sent: Monday, March 02, 2020 5:48 PM

To: Jarrod M. Williams <>; Jennifer Iveson <>; Laura Pappas <>; Lori Lukl <>
Cc: Dick, Amanda <>; 'Theresa Ristenpart' <>; Lee, Matthew <>
Subject: PSI ORDER FORM - CR18-1135B SILVA

Hello,

Please see the attached PSI Order Form; Deft was handed a PSI questionnaire.

Court Ordered: Ms. Ristenpart shall be present at all interactions between the Division and Defendant.

Sentencing date is 5/6/20 at 9:00 a.m.

Please confirm receipt of this correspondence.

Amanda Dick
Courtroom Clerk
Second Judicial District Court
Department 15
75 Court St.
Reno, NV 89501
(775) 325-6651
www.washoecourts.com



message.

NOTICE: This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the recipient is strictly prohibited by the electronic Communications Privacy Act, 18 U.S.C. 2510-2521. If you are not the intended recipient, please contact the sender by reply email, delete and destroy all copies of the original

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	STATE	Map – Parkview	2/21/20	NO OBJECTION	2/25/20
2	STATE	Map – Parkview Broader	2/21/20	NO OBJECTION	2/25/20
3	STATE	Map – Reno/Sparks	2/21/20	---	---
4	STATE	Diagram – Parkview	2/21/20	NO OBJECTION	2/25/20
5	STATE	Diagram – Parkview Broad	2/21/20	NO OBJECTION	2/25/20
6	STATE	Autopsy Photo – tag	2/21/20	OBJECTION OVERRULED	2/25/20
7	STATE	Autopsy Photo – ID	2/21/20	OBJECTION OVERRULED	2/25/20
8	STATE	Autopsy Photo – A	2/21/20	OBJECTION OVERRULED	2/25/20
9	STATE	Autopsy Photo – C & D	2/21/20	OBJECTION OVERRULED	2/25/20
10	STATE	Autopsy Photo – B	2/21/20	OBJECTION OVERRULED	2/25/20
11	STATE	Autopsy Photo – Trajectory	2/21/20	OBJECTION OVERRULED	2/25/20
12	STATE	Autopsy Photo – E	2/21/20	OBJECTION OVERRULED	2/25/20
13	STATE	Autopsy Photo – F, G, & H	2/21/20	OBJECTION OVERRULED	2/25/20
14	STATE	Photo – bullet from cranial	2/21/20	OBJECTION OVERRULED	2/25/20
15	STATE	Photo – bullet from tongue	2/21/20	OBJECTION OVERRULED	2/25/20
16	STATE	Photo – bullet from rt cheek	2/21/20	OBJECTION OVERRULED	2/25/20
17	STATE	Photo – bullet from clavicle	2/21/20	OBJECTION OVERRULED	2/25/20
18	STATE	Photo – bullet from back #1	2/21/20	OBJECTION OVERRULED	2/25/20
19	STATE	Photo – bullet from back #2	2/21/20	OBJECTION OVERRULED	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
20	STATE	Lab Photo - casings	2/21/20	NO OBJECTION	2/25/20
21	STATE	Lab Photo – casings; bullets	2/21/20	NO OBJECTION	2/25/20
22	STATE	Lab Photo – bullets	2/21/20	NO OBJECTION	2/25/20
23	STATE	Lab Photo – pg 90	2/21/20	NO OBJECTION	2/25/20
24	STATE	Lab Photo – pg 91	2/21/20	NO OBJECTION	2/25/20
25	STATE	Lab Photo – pg 92	2/21/20	NO OBJECTION	2/25/20
26	STATE	Lab Photo – pg 93	2/21/20	NO OBJECTION	2/25/20
27	STATE	Lab Photo – pg 94	2/21/20	NO OBJECTION	2/25/20
28	STATE	Lab Photo – pg 95	2/21/20	NO OBJECTION	2/25/20
29	STATE	Lab Photo – pg 96	2/21/20	NO OBJECTION	2/25/20
30	STATE	Lab Photo – pg 97	2/21/20	NO OBJECTION	2/25/20
31	STATE	Lab Photo – pg 98	2/21/20	NO OBJECTION	2/25/20
32	STATE	Lab Photo – pg 99	2/21/20	NO OBJECTION	2/25/20
33	STATE	Internet Photo - Sequoia	2/21/20	NO OBJECTION	2/25/20
34	STATE	Photo – Sequoia	2/21/20	NO OBJECTION	2/25/20
35	STATE	Photo – Sequoia	2/21/20	NO OBJECTION	2/25/20
36	STATE	Photo – Sequoia Registr.	2/21/20	NO OBJECTION	2/25/20
37	STATE	Photo – Lexus “Willo”	2/21/20	NO OBJECTION	2/25/20
38	STATE	Photo – Lexus Registr.	2/21/20	NO OBJECTION	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
39	STATE	Photo – Lexus Cigarette	2/21/20	NO OBJECTION	2/25/20
40	STATE	Photo – Sbraggia Way	2/21/20	NO OBJECTION	2/25/20
41	STATE	Photo – Sbraggia Mail	2/21/20	NO OBJECTION	2/25/20
42	STATE	Photo – Sbraggia gray jacket	2/21/20	NO OBJECTION	2/25/20
43	STATE	Photo – Sbraggia gray jacket	2/21/20	NO OBJECTION	2/25/20
44	STATE	Photo – Sbraggia DMV ID	2/21/20	NO OBJECTION	2/25/20
45	STATE	Photo – Sbraggia Marriage	2/21/20	NO OBJECTION	2/25/20
46	STATE	Photo – Silva	2/21/20	OBJECTION SUSTAINED	---
47	STATE	Photo - Guzman	2/21/20	---	---
48	STATE	Scene – Casings	2/21/20	NO OBJECTION	2/25/20
49	STATE	Scene – Casings	2/21/20	NO OBJECTION	2/25/20
50	STATE	Scene – Placards 5-10	2/21/20	NO OBJECTION	2/25/20
51	STATE	Scene – placard 5	2/21/20	NO OBJECTION	2/25/20
52	STATE	Scene – Placard 5 bullet	2/21/20	NO OBJECTION	2/25/20
53	STATE	Scene – Placard 6	2/21/20	NO OBJECTION	2/25/20
54	STATE	Scene – Placard 6 bullet	2/21/20	NO OBJECTION	2/25/20
55	STATE	Scene – Placard 7	2/21/20	NO OBJECTION	2/25/20
56	STATE	Scene – Placard 7 bullet	2/21/20	NO OBJECTION	2/25/20
57	STATE	Scene – Placard 8	2/21/20	NO OBJECTION	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
58	STATE	Scene – Placard 8 bullet	2/21/20	NO OBJECTION	2/25/20
59	STATE	Scene – Placard 9	2/21/20	NO OBJECTION	2/25/20
60	STATE	Scene – Placard 9 bullet	2/21/20	NO OBJECTION	2/25/20
61	STATE	Scene – Placard 10	2/21/20	NO OBJECTION	2/25/20
62	STATE	Scene – Placard 10 bullet	2/21/20	NO OBJECTION	2/25/20
63	STATE	Scene – Placards 1-4	2/21/20	NO OBJECTION	2/25/20
64	STATE	Scene – Placards 1-4	2/21/20	NO OBJECTION	2/25/20
65	STATE	Scene – Placards 1-2	2/21/20	NO OBJECTION	2/25/20
66	STATE	Scene – Placard 1 cigarette	2/21/20	NO OBJECTION	2/25/20
67	STATE	Scene – Placard 2 cigarette	2/21/20	NO OBJECTION	2/25/20
68	STATE	Scene – Placard 3 cigarette	2/21/20	NO OBJECTION	2/25/20
69	STATE	Scene – Placard 4 cigarette	2/21/20	NO OBJECTION	2/25/20
70	STATE	Scene – Placard 13	2/21/20	NO OBJECTION	2/25/20
71	STATE	Scene – Placard 13 cigarette	2/21/20	NO OBJECTION	2/25/20
72	STATE	Photo – Charger-Collins	2/21/20	NO OBJECTION	2/25/20
73	STATE	Photo – Charger window	2/21/20	NO OBJECTION	2/25/20
74	STATE	Photo – Charger overall	2/21/20	NO OBJECTION	2/25/20
75	STATE	Photo – Charger License	2/21/20	OBJECTION OVERRULED	2/25/20
76	STATE	Photo – Charger bullet holes	2/21/20	NO OBJECTION	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
77	STATE	Photo – Victim driver side	2/21/20	NO OBJECTION	2/25/20
78	STATE	Photo – Victim pass. side	2/21/20	NO OBJECTION	2/25/20
79	STATE	Photo - tooth	2/21/20	NO OBJECTION	2/25/20
80	STATE	Photo - tooth	2/21/20	OBJECTION OVERRULED	2/25/20
81	STATE	Photo – bullet in charger	2/21/20	NO OBJECTION	2/25/20
82	STATE	Photo - bullet	2/21/20	NO OBJECTION	2/25/20
83	STATE	Photo – Victim purse content	2/21/20	---	---
84	STATE	Photo – Victim license	2/21/20	---	---
85	STATE	Photo – Victim address	2/21/20	NO OBJECTION	2/25/20
86	STATE	Caliber Collision Estimate	2/21/20	NO OBJECTION	2/25/20
87	STATE	DMV Search Logs	2/21/20	NO OBJECTION	2/26/20
88	STATE	Cell Tower Dump Data	2/21/20	NO OBJECTION	2/26/20
89	STATE	Cell Tower Map	2/21/20	NO OBJECTION	2/26/20
90	STATE	Cell Tower Map	2/21/20	NO OBJECTION	2/26/20
91	STATE	Cell Tower Photo	2/21/20	NO OBJECTION	2/26/20
92	STATE	Yiovannie Phone download	2/21/20	OBJECTION OVERRULED	2/26/20
93	STATE	Silva Phone download	2/21/20	NO OBJECTION	2/26/20
94	STATE	7-Eleven receipt	2/21/20	NO OBJECTION	2/25/20
95	STATE	THUMB DRIVE: 7-11 Surveillance	2/21/20	OBJECTION OVERRULED	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
96	STATE	THUMB DRIVE: Richard/Bernard	2/21/20	---	---
97	STATE	Translation–Richard/Bernard	2/21/20	OBJECTION OVERRULED	2/27/20
98	STATE	Jail Call Log	2/21/20	NO OBJECTION	2/27/20
99	STATE	THUMB DRIVE: Jail Calls	2/21/20	OBJECTION OVERRULE	2/27/20
100	STATE	THUMB DRIVE: Shooting Audio	2/21/20	NO OBJECTION	2/25/20
101	STATE	THUMB DRIVE: Silva 11/8 Interview	2/21/20	---	---
102	STATE	THUMB DRIVE: Baum PPT Demo purposes only	2/21/20	NO OBJECTION	2/27/20 DEMO PURPOSES ONLY
103	STATE	THUMB DRIVE: Shinmei PPT Demo purposes only	2/21/20	NO OBJECTION	2/25/20 DEMO PURPOSES ONLY
104	DEFENSE	Photo Camel Cigarette	2/24/20	---	--
105	DEFENSE	Photo Scene Camel Cigarette	2/24/20	---	--
106	DEFENSE	Close Up NXT cigarette	2/24/20	OBJECTION OVERRULED	2/25/20
107	DEFENSE	Close Up NXT and Camel cigarette	2/24/20	OBJECTION OVERRULED	2/25/20
108	DEFENSE	Far away NXT and Camel cigarette	2/24/20	OBJECTION OVERRULED	2/25/20
109	DEFENSE	Manzo Vest	2/24/20	OBJECTION OVERRULED	2/25/20
110	DEFENSE	RR poster	2/24/20	OBJECTION OVERRULED	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
111	DEFENSE	11-3-17 Manzo interview still photo	2/24/20	---	---
112	DEFENSE	THUMB DRIVE: Full Video 11-16-17 Bernard and Richard	2/24/20	---	---
113	DEFENSE	THUMB DRIVE: Translation of Full 11-16-17 Bernard/Richard Video	2/24/20	---	---
114	DEFENSE	THUMB DRIVE: Full Video Yiovanne Guzman Interview 11-16-17	2/24/20	---	---
115	DEFENSE	THUMB DRIVE: Arturo Manzo Interview 11-3-17	2/24/20	---	---
116	DEFENSE	THUMB DRIVE: Bernard/Richard full conversation 11-16-17	2/25/20	---	---
117	DEFENSE	Email Correspondence Routsis	2/24/20	---	---
118	DEFENSE	Original Information 7-3-18	2/24/20	---	---
119	DEFENSE	Amended Information 2-14-20	2/24/20	---	---
120	DEFENSE	Guilty Plea Memorandum 2-20-20	2/24/20	---	---
121	STATE	Photo	2/25/20	NO OBJECTION	2/25/20
122	STATE	Photo	2/25/20	NO OBJECTION	2/25/20
123	STATE	Photo	2/25/20	OBJECTION OVERRULED	2/25/20
124	STATE	Photo	2/25/20	OBJECTION OVERRULED	2/25/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
125	STATE	Photo	2/25/20	OBJECTION OVERRULED	2/25/20
126	DEFENSE	Photo	2/25/20	NO OBJECTION	2/25/20
127	DEFENSE	Photo	2/25/20	OBJECTION OVERRULED	2/25/20
128	STATE	Photo	2/25/20	NO OBJECTION	2/25/20
129	STATE	THUMB DRIVE: Bernard/Richard Redacted Video	2/26/20	NO OBJECTION	2/26/20
130	STATE	Opening PP Presentation; Demo Purposes Only	2/26/20	---	---
131	DEFENSE	THUMB DRIVE: Demo Purposes Only	2/26/20	---	---
132	DEFENSE	Photo	2/26/20	NO OBJECTION	2/26/20
133	STATE	Map	2/26/20	NO OBJECTION	2/26/20
134	STATE	Amended Information GUZMAN	2/26/20	NO OBJECTION	2/26/20
135	STATE	GPM GUZMAN	2/26/20	NO OBJECTION	2/26/20
136	STATE	Translation transcript Silva/Woman	2/27/20	OBJECTION OVERRULED	2/27/20
137	STATE	THUMB DRIVE: Bernard/Richard 2 mins	2/27/20	OBJECTION OVERRULED	2/27/20
138	DEFENSE	Photo	2/27/20	NO OBJECTION	2/27/20
139	DEFENSE	Photo	2/27/20	NO OBJECTION	2/27/20
140	DEFENSE	Photo	2/27/20	NO OBJECTION	2/27/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
141	DEFENSE	Photo	2/27/20	NO OBJECTION	2/27/20
142	DEFENSE	Photo	2/28/20	NO OBJECTION	2/28/20
143	DEFENSE	Closing PP Presentation; DEMO PURPOSES ONLY	2/28/20	---	---
144	STATE	Closing PP Presentation; DEMO PURPOSE ONLY	2/28/20	---	---
145	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
146	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
147	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
148	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
149	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
150	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
151	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
152	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
153	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
154	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
155	STATE	Photo – Penalty Phase	3/2/20	NO OBJECTION	3/2/20
156	STATE	Penalty Phase Deft Prior Conviction	3/2/20	NO OBJECTION	3/2/20
157	DEFENSE	Penalty Phase Mitigation Letters 23 pages	3/2/20	NO OBJECTION	3/2/20
158	STATE	Phone download – Penalty Hearing document	3/2/20	NO OBJECTION	3/2/20

JURY TRIAL EXHIBITS

PLTF: STATE OF NEVADA

CDDA: M. LEE

DEFT: RICHARD ABDIEL SILVA

DATY: T. RISTENPART

Case No: CR18-1135B

Dept. No: 15

Clerk: A. Dick

Date: 3/2/20

Exhibit No.	Party	Description	Marked	Offered	Admitted
159	DEFENSE	Defendant's Penalty PP Presentation DEMO PURPOSES ONLY	3/2/20	---	--

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

7/15/20

STATUS HEARING

HONORABLE

DDA M. Lee represented State. Defendant present represented
by DATY T. Ristenpart.

Aug. 3, 2020

DAVID A. HARDY

10:45 a.m.

Dept. No. 15

Sentencing

A. Dick

*Pursuant to the national and local COVID-19 emergency response that
caused temporary closure of the courthouse located at 75 Court Street in
Reno, Washoe County, NV, this hearing was conducted remotely. This
Court and all participants appeared electronically via Zoom Webinar.*

(Clerk)

L. Shaw

(Reporter)

ZOOM WEBINAR

DDA Lee addressed and advised CT State is prepared to
proceed to sentencing as currently scheduled. Counsel
indicated State does not intend to call any witnesses at
sentencing.

DATY Ristenpart addressed and advised CT Defendant also
does not intend to call any witnesses at sentencing; however,
public interest is high in this matter and she anticipates many
family members would like to view the proceeding which Zoom
may not be able to accommodate.

COURT indicated Zoom Webinar provides the ability for
members of the public to view or listen to proceedings on their
personal electronic devices. Court inquired as to how long
sentencing may go.

DATY Ristenpart anticipated the entire sentencing proceeding
may go a half hour.

COURT ORDERED: Sentencing VACATED AND RESET as
WCJ's special Zoom Room is unavailable 7/30/20; further,
sentencing rescheduled for Monday, 8/3/20, at 10:45 a.m.
Given WCJ time restrictions, this case will need to be called no
later than 11:00 a.m. on 8/3/20.

Defendant remanded to the custody of the Sheriff.

Clerk's note: Zoom Webinar links may be found:

*<https://www.washoecourts.com/OnlineHearings/GeneralJurisdiction> and
courtroom clerk will also email the specific 8/3/20 Zoom Webinar to counsel
the Thursday preceding sentencing.*

CASE NO. CR18-1135B

STATE OF NEVADA VS. RICHARD ABDIEL SILVA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

8/3/20 ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE DDA M. Lee represented State. Defendant present represented by DATY T. Ristenpart.

DAVID A. HARDY Specialist J. Berryman present obo the Division of Parole and Probation.

Dept. No. 15

A. Dick *Pursuant to the national and local COVID-19 emergency response that caused temporary closure of the courthouse located at 75 Court Street in Reno, Washoe County, NV, this hearing was conducted remotely. This Court and all participants appeared electronically via Zoom Webinar. This Court was physically located in Washoe County, NV.*

(Clerk)

C. Wolden

(Reporter)

ZOOM WEBINAR

Counsel each did not object to proceeding via Zoom Webinar for the purposes of today's hearing.

DEFT addressed CT declined to present a statement of allocution.

DATY Ristenpart addressed CT stated the following corrections to the PSI Report: on page 4 relating to "institutional adjustments" counsel requested this entire paragraph be stricken as the Division failed to provide any documentation; counsel objected to the entire offense synopsis; specifically, requested to strike suppressed statements contained on page 7, 2nd sentence of the 3rd paragraph through the entire 4th paragraph ending with "oh, sh*t." Counsel objected to the dollar amount contained on page 8 as no restitution documentation was provided to Defendant. On page 9, counsel noted CTS needs to be updated reflecting today's sentencing date. Additionally, on page 9 counsel objected to any duplicate entry of fees and assessments.

COURT ORDERED: Defendant's request to strike the "institutional adjustments" paragraph on page 4 of the PSI Report DENIED.

DDA Lee addressed and advised CT State stipulates to Defendant's request to strike suppressed statements contained on page 7 of the PSI Report.

COURT ORDERED: The 3rd and 4th paragraph on page 7 of the PSI Report shall be stricken in their entirety. Further, the Division shall prepare and efile an Amended PSI Report.

SPECIALIST Berryman addressed CT requested 1 week to allow time to prepare and efile an Amended PSI Report. Specialist provided updated CTS in the amount of 992 days; no objection stated.

DDA Lee advised State does not intend to request restitution be imposed.

DATY Ristenpart argued in support of a mandatory consecutive term of 12-36 months in NDOC as appropriate punishment for the deadly weapon enhancement. Counsel identified family members present and viewing today's hearing in support of Defendant; indicated they wish to also address this Court.

JANETH SILVA, sworn, presented character evidence obo Defendant. Thanked and excused to return to attendee role in Zoom Webinar.

IRMA SILVA-GUZMAN, sworn, presented character evidence obo Defendant. Thanked and excused to return to attendee role in Zoom Webinar.

PERLA MARTINEZ, sworn, presented character evidence obo Defendant. Thanked and excused to return to attendee role in Zoom Webinar.

DDA Lee argued in support of the maximum mandatory consecutive term of 8-20 years in NDOC as appropriate punishment for the deadly weapon enhancement. Counsel indicated the victim's mother is not present today due to fear of retaliation as she has been prohibited from seeing her grandchildren.

COURT inquired counsel Lee how it reconciles the Division's recommendation of 36 months in NDOC on the bottom end as appropriate punishment.

DDA Lee advised the Division's notes in preparation of the PSI Report did not provide an explanation for their recommendation; however, this Court is in a better position to reconcile than the PSI writer as it was present throughout trial.

COURT further inquired counsel Lee.

DDA Lee answered Court's questioning and further argued in support of the maximum mandatory consecutive term of 8-20 years in NDOC as appropriate punishment for the deadly weapon enhancement.

DATY Ristenpart argued in opposition of the maximum sentence to include this Court should consider the Jury's position as they did not impose the maximum punishment in the penalty phase.

DDA Lee advised the Jury's decision and this Court's decision are wholly independent; however, the Jury was informed by Defendant during the penalty phase of the specific punishment relating to the deadly weapon enhancement. Counsel urged this Court to enter an independent decision based upon the factors of this case.

DATY Ristenpart urged this Court to consider all facts of this case when entering a decision.

COURT ORDERED: Fees and assessments shall be imposed only once; the courtroom clerk will verify fees and assessments are entered correctly.

COURT FURTHER ORDERED: Entry of the written JOC shall be held in abeyance pending the preparation and e-filing of an Amended PSI Report by the Division.

COURT FURTHER ORDERED: [See JOC entered 8/7/20].

Defendant remanded to the custody of the Sheriff.

After session correspondence:

From: Lee, Matthew <mlee@da.washoecounty.us>
Sent: Friday, August 07, 2020 1:16 PM
To: Dick, Amanda <Amanda.Dick@washoecourts.us>
Subject: RE: Amended PSI - CR18-1135B / SILVA

Works for me



Matt Lee
Chief Deputy District
Attorney | Washoe
County District
Attorney's Office
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| Office: 775.325.6709 |
Fax: 775.325.6703
Mills B. Lane Justice
Center
One South Sierra Street,
4th Floor
Reno, NV 89501



From: Dick, Amanda <Amanda.Dick@washoecourts.us>
Sent: Friday, August 7, 2020 12:54 PM
To: Theresa Ristenpart <theresa@ristenpartlaw.com>
Cc: Lee, Matthew <mlee@da.washoecounty.us>
Subject: RE: Amended PSI - CR18-1135B / SILVA

[NOTICE: This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Perfect, thank you!

From: Theresa Ristenpart <theresa@ristenpartlaw.com>
Sent: Friday, August 07, 2020 12:09 PM
To: Dick, Amanda <Amanda.Dick@washoecourts.us>
Cc: Lee, Matthew <mlee@da.washoecounty.us>
Subject: Re: Amended PSI - CR18-1135B / SILVA

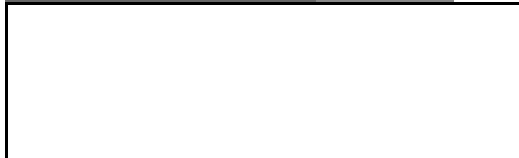
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Good Morning Amanda,

I have reviewed the amended PSI. This has removed the two paragraphs as ordered by the Court. My other objections have already been noted on the record.

Thank you in advance,
Theresa

Theresa Ristenpart, Esq.



(775) 200-1699 * 464 South Sierra Street * Reno, NV 89501
<http://www.ristenpartlaw.com>

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delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited.

On Thu, Aug 6, 2020 at 3:49 PM Dick, Amanda <Amanda.Dick@washoecourts.us> wrote:

Hello Counsel,

An Amended PSI was filed in the above case today, when you have a moment will you review it?

I checked my notes and, to me, the Amended PSI does not look quite right.

I think the Division may have removed an extra paragraph.

Thank you,

Amanda Dick

Courtroom Clerk

Second Judicial District Court

Department 15

75 Court St.

Reno, NV 89501

(775) 325-6651

www.washoecourts.com

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message.

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Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

Case No. CR18-1135B

vs.

Dept. No. 15

RICHARD ABDIEL SILVA,

Defendant.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 3rd day of August, 2023, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 3rd day of August, 2023.

Alicia L. Lerud
Clerk of the Court
By /s/Y.Viloria
Y.Viloria
Deputy Clerk