

42

FILED

APR 12 1 51 PM '06

Shirley S. Pangione
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

No. 47130

The State of Nevada,

Plaintiff,

vs.

Brendan Nasby,

Defendant

) Case No.: C154293
) Department No. XVIII
)
) NOTICE OF APPEAL
)
)
)
)
)

FILED

APR 18 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Alvarado*
DEPUTY CLERK

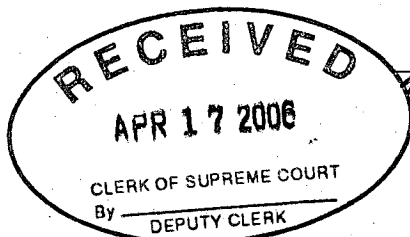
TO: STATE OF NEVADA;

Chris J. Owens, Chief Deputy District Attorney, Clark County, Nevada,
and Department XVIII, Honorable Nancy M. Saitta, of the Eighth Judicial
District Court of the State of Nevada, in and for the County of Clark.

Pursuant to the order of the Honorable Nancy M. Saitta, entered on
March 27, 2006, denying Defendant's Writ of Habeas Corpus (Post-Conviction);
NOTICE is hereby given that Defendant, hereby appeals to the Supreme Court of
the State of Nevada from the judgment entered against said Defendant.

Dated this 7th day of April 2006

Respectfully Submitted By:



Brendan Nasby
Brendan Nasby, Pro-Per

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APR 12 2006
COUNTY CLERK

01-08093

1 ASTA

FILED

2006 APR 13 A 11:42

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

Shirley S. Sanchez
CLERK

7 STATE OF NEVADA,

8 Plaintiff(s),

9 vs.

10 BRENDAN NASBY,

11 Defendant(s),

) Case No: C154293

) Dept No: XVIII
)
)
)
)
)
)
)

13
14 CASE APPEAL STATEMENT

15 1. Appellant(s): BRENDAN NASBY

16 2. Judge: NANCY M. SAITTA

17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), JERIMIAH DESKIN; BRENDAN NASBY; TOMMIE BURNSIDE, JR.; JOTEE
20 BURNSIDE

21 4. All Parties, Appeal:

22 Appellant(s), BRENDAN NASBY

23 Respondent, THE STATE OF NEVADA

24 5. Appellate Counsel:

25 *Appellant/Proper Person*
26 Brendan Nasby #63618
27 P.O. Box 650
28 Indian Springs, NV 89018

Respondent
David Roger, District Attorney
200 Lewis Ave.
Las Vegas NV 89101
(702) 671-2700

1 6. District Court Attorney, Retained

2 7. On Appeal, N/A

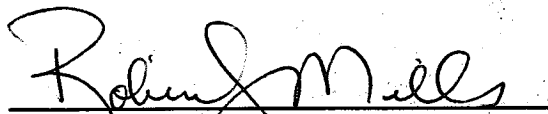
3 8. Forma Pauperis, N/A

4 9. Date Commenced in District Court: 10/21/98

5 Dated This 13 day of April 2006.

6 Shirley B. Parraguirre, Clark County Clerk

7
8 By:



9 Robin J. Mills, Deputy Clerk

10 200 Lewis Ave

11 PO Box 551601

12 Las Vegas, Nevada 89155-1601

13 (702) 671-0512

4

FILED

APR 12 1 51 PM '06

Shirley B. Paraguirre
CLERK

1 Brendan Nasby
I.D. No. 63618
2 P.O. Box 650 (High Desert State Prison)
Indian Springs, NV 89070-0650

3
4 DISTRICT COURT
CLARK COUNTY, NEVADA

5
6 The State of Nevada,) Case No.: C154293
7) Department No. XVIII
Plaintiff,)
8) CASE APPEAL STATEMENT
vs.)
9)
Brendan Nasby,)
10)
Defendant)
11)

12
13 This is an appeal of a denial of a Writ of Habeas Corpus proceeding,
14 filed in the Eighth Judicial District Court, before the Honorable Nancy M.
15 Saitta, in Department XVIII. The State of Nevada was represented by Chris J.
16 Owen, Chief Deputy District Attorney, of Clark County, Nevada. The Honorable
17 said Court appointed Anthony P. Sgro, to represent the Defendant in that
18 proceeding. At this time no motion for Counsel to withdraw as Counsel of
19 Record has been filed. Thus, it is not known whether Counsel of Record will
20 execute this pertinent Appeal.

21
22 Dated this 7th day of April 2006
23

24 Respectfully Submitted By:

Brendan Nasby
Brendan Nasby, Pro-Per

RECEIVED

APR 12 2006

COUNTY CLERK

CERTIFICATE OF MAILING

I do hereby certify that on this 7th day of April 2006, I deposited a copy of the foregoing: Notice of Appeal and Case Appeal Statement, into the United States mail addressed to the following:

Shirley B. Parraguirre

County Clerk

200 Lewis Ave.

P.O. Box 551601

Las Vegas, NV 89155-1601

Chris J. Owens, Esq.

Chief Deputy D.A.

200 S. Third St.

Las Vegas, Nevada 89155-2212

(Attorney for Plaintiff)

Anthony P. Sgro, Esq.

Attorney at Law

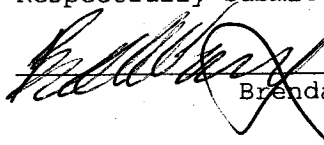
720 S. Seventh St. Ste. 300

Las Vegas, Nevada 89101

(Attorney for Defendant)

Dated this 7th day of April 2006

Respectfully Submitted By:



Brendan Nasby, Pro-Per

DATE: 04/13/06
CASE NO. 98-C-154293-C

I N D E X

TIME 9:18 AM
JUDGE:Saitta, Nancy M

STATE OF NEVADA

[] vs Deskin, Jerimiah J

[E]

0001 D1 Jerimiah J Deskin

005331 Golightly, Chad M.
NO. 1 8560 S. Eastern Ave Ste 150
Las Vegas, NV 89123

0002 D Brendan J Nasby
P O Box 1989
Ely, NV 89301

003811 Sgro, Anthony P.
NO. 1 Patti & Sgro
720 S Seventh Street 3rd Floor
Las Vegas, NV 89101

0003 D Tommie C Burnside Jr

Pro Se

0004 D Jotee Burnside

Pro Se

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	10/21/98	INFO/INFORMATION Fee \$0.00			10/21/98	
0002	10/21/98	ARRN/INITIAL ARRAIGNMENT	0001		10/27/98	
0003	10/22/98	CBO /CRIMINAL BINDOVER	0001			
0004	10/23/98	CBOR/CRIMINAL BINDOVER RECEIPT	0001			
0005	10/23/98	AGRE/AGREEMENT TO APPEAR IN COURT AND TO WAIVE EXTRADITION AFTER ADMISSION TO	0001			Y
BAIL NRS 176.484						
0006	10/27/98	ARRN/ARRAIGNMENT CONTINUED	0001		11/12/98	
0007	11/09/98	ARRN/INITIAL ARRAIGNMENT	0002		11/24/98	
0008	11/09/98	INFO/INFORMATION	0002		11/09/98	
0009	11/12/98	SENT/SENTENCING	0001	GR	10/28/99	
0010	11/13/98	CBO /CRIMINAL BINDOVER	0002			
0011	11/12/98	AGRE/AGREEMENT TO TESTIFY	0001			
0012	11/12/98	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0001			
0013	11/16/98	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			11/13/98	
0014	11/24/98	CALC/CALENDAR CALL	0002		01/29/99	
0015	11/24/98	JURY/TRIAL BY JURY (VJ 1/29/99)	0002	VC	02/01/99	
0016	12/04/98	ARRN/INITIAL ARRAIGNMENT	0003		12/10/98	
0017	12/04/98	ARRN/INITIAL ARRAIGNMENT	0004		12/10/98	
0018	12/04/98	CBO /CRIMINAL BINDOVER	0003			
0019	12/04/98	CBO /CRIMINAL BINDOVER	0004			
0020	12/06/98	INFO/INFORMATION	0003		12/03/98	
0021	12/03/98	INFO/INFORMATION	0004		12/03/98	
0022	12/10/98	MOT /DEFT'S MOTION FOR O.R. RELEASE OR HOUSE ARREST	0004	DN	12/15/98	
0023	12/10/98	MOT /ALL PENDING MOTIONS 12/10/98	AL		12/10/98	
0024	12/10/98	MOT /DEFT'S REQUEST FOR O.R. RELEASE OR BAIL REDUCTION	0003	DN	12/15/98	
0025	12/10/98	SENT/SENTENCING	0003	GR	03/04/99	
0026	12/10/98	SENT/SENTENCING	0004	GR	02/25/99	
0027	12/10/98	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	0002		11/05/98	
0028	12/10/98	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0003			
0029	12/10/98	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0004			
0030	12/14/98	TRAN/REPORTER'S TRANSCRIPT OF WAIVER OF PRELIMINARY HEARING	0003		12/02/98	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0031	12/14/98	TRAN/REPORTER'S TRANSCRIPT OF WAIVER OF PRELIMINARY HEARING	0004			12/02/98	
0032	12/16/98	MOT /ALL PENDING MOTIONS 12/15/98	0004			12/15/98	
0033	12/18/98	LIST/NOTICE OF WITNESSES	0002				
0034	12/21/98	ORDR/ORDER DENYING DEFENDANTS MOTION FOR OWN RECOGNIZANCE RELEASE OR HOUSE ARREST	0003			12/21/98	
0035	12/21/98	ORDR/ORDER DENYING DEFENDANTS MOTION FOR OWN RECOGNIZANCE RELEASE OR HOUSE ARREST	0003			12/21/98	
0036	12/18/98	LIST/NOTICE OF EXPERT WITNESSES	0004				
0037	01/06/99	MOT /STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION	0002	GR		02/02/99	
0038	01/05/99	LIST/SUPERCEDING NOTICE OF WITNESSES	0002				
0039	01/06/99	REQT/NOTICE OF MOTION AND MOTION TO REVOKE DEFENDANT NASBYS JAIL PRIVILEGES AND TO PLACE HIM IN ISOLATION	0002			01/08/99	Y
0040	01/07/99	ORDR/ORDER FOR TRANSCRIPT	0002				
0041	01/07/99	ORDR/ORDER FOR TRANSCRIPT	0001				
0042	01/07/99	ORDR/ORDER FOR TRANSCRIPT	0003				
0043	01/21/99	SUBP/SUBPOENA	0004				
0044	01/29/99	OCAL/STATUS CHECK: TRIAL SETTING	0002	SC		01/22/99	
0045	01/29/99	MOT /ALL PENDING MOTIONS 1/29/99	0002	SV		01/21/99	
0046	02/01/99	MOT /ALL PENDING MOTIONS 2/1/99	0002			02/02/99	
0047	01/28/99	SUBP/SUBPOENA	0002	VC		01/29/99	
0048	02/02/99	CALC/CALENDAR CALL	0002	SV		01/28/99	
0049	02/02/99	JURY/TRIAL BY JURY (OVERFLOW FROM DEPT III) (VJ-5/3/99)	0002			04/29/99	
0050	02/02/99	MOT /ALL PENDING MOTIONS 2/2/99	0002	VC		05/03/99	
0051	02/08/99	HEAR/AT THE REQUEST OF THE COURT	0002				
0052	02/24/99	ORDR/ORDER FOR VISITATION OF INMATE BY PARENT CHILD AND FINANCE	0002	OC		02/12/99	
0053	02/26/99	JUDG/JUDGMENT OF CONVICTION - PLEA	0002				
0054	02/26/99	JMNT/ADMINISTRATION/ASSESSMENT FEE	0004			02/26/99	
0055	03/09/99	LIST/NOTICE OF WITNESSES	0004			03/01/99	
0056	03/09/99	LIST/NOTICE OF EXPERT WITNESSES	0002				
0057	03/15/99	JUDG/JUDGMENT OF CONVICTION - PLEA	0002				
0058	02/24/99	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0003			03/15/99	
0059	02/24/99	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0003			12/10/98	
0060	03/15/99	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001			11/12/98	
0061	04/29/99	CALC/CALENDAR CALL (OVERFLOW FROM DEPT III) COUMOU/SCISCENTO-17 WIT/2 OUTSTATE/5DAYS	0003			03/18/99	
0062	05/03/99	OCAL/TRIAL SETTING	0002			05/03/99	
0063	05/06/99	CALC/CALENDAR CALL	0002			05/06/99	
0064	05/06/99	JURY/TRIAL BY JURY (VJ 7/15/99)	0002			07/15/99	
0065	06/09/99	LIST/NOTICE OF EXPERT WITNESSES	0002	VC		07/19/99	
0066	06/09/99	LIST/NOTICE OF WITNESSES	0002				
0067	07/09/99	MOT /DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF WITNESS INTIMIDATION	0002				
0068	07/12/99	NOTC/NOTICE OF ALIBI WITNESSES	0002	DN		10/07/99	
0069	07/15/99	CALC/CALENDAR CALL	0002			10/07/99	
0070	07/15/99	JURY/TRIAL BY JURY	0002			10/19/99	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0071	07/13/99	LIST/NOTICE OF WITNESSES	0002			
0072	07/14/99	RSPN/RESPONSE TO MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS	0002			Y
INTIMIDATION						
0073	07/13/99	NOTC/SUPPLEMENTAL NOTICE OF ALIBI WITNESSES	0002			
0074	07/19/99	MOT /ALL PENDING MOTIONS 7/15/99	0002		07/15/99	
0075	07/20/99	MOT /DEFT'S MOTION FOR DISCOVERY	0002		07/29/99	
0076	07/27/99	MOT /DEFT'S MOTION IN LIMINE PRECLUDE EVID OF OTHER GUNS NOT USED IN THE CRIME	0002	GR	10/07/99	
0077	07/28/99	ERR /ERRATA TO MOTION AND NOTICE OF MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME	0002			Y
0078	07/28/99	ROC /RECEIPT OF COPY	0002		07/28/99	
0079	07/29/99	ORDR/ORDER GRANTING MOTION FOR DISCOVERY	0002			
0080	08/03/99	MOT /ALL PENDING MOTIONS 7/29/99	0002		07/29/99	
0081	08/16/99	RSPN/RESPONSE TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME	0002			Y
0082	08/19/99	RPLY/DEFENDANTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME	0002			Y
0083	08/25/99	MOT /DEFT'S MOTION FOR ORDER TO TAKE VIDEO DEPOSITION AT TRIAL	0002	GR	09/09/99	
0084	08/31/99	ASSC/NOTICE OF ASSOCIATION OF COUNSEL	0002			
0085	08/31/99	ROC /RECEIPT OF COPY	0002		08/31/99	
0086	08/31/99	LIST/NOTICE OF WITNESSES	0002			
0087	09/02/99	RSPN/RESPONSE TO DEFENDANTS MOTION FOR ORDER TO TAKE VIDEO DEPOSITION OF WITNESS AND TO USE VIDEO DEPOSITION AT TRIAL	0002			Y
0088	09/03/99	RPLY/REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION FOR ORDER TO TAKE VIDEO DEPOSITION OF WITNESS AND TO USE VIDEO DEPOSITION AT TRIAL	0002			Y
0089	09/07/99	LIST/NOTICE OF EXPERT WITNESSES	0002			
0090	09/07/99	LIST/NOTICE OF WITNESSES	0002			
0091	09/07/99	ASSG/REASSIGNMENT OF JUDGE Pavlikowski TO JUDGE Gibbons				
0092	09/16/99	ORDR/ORDER FOR PRODUCTION OF INMATE JOTEE BURNSIDE BAC #60729	0002	HG	10/11/99	
0093	09/16/99	ORDR/ORDER FOR PRODUCTION OF INMATE TOMMIE BURNSIDE BAC #60772	0002	HG	10/11/99	
0094	09/28/99	SUBT/SUBSTITUTION OF ATTORNEY	0002			
0095	10/01/99	NOTC/SUPPLEMENTAL NOTICE OF ALIBI WITNESSES	0002			
0096	10/04/99	LIST/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	0002			
0097	10/07/99	MOT /ALL PENDING MOTIONS 10-7-99	0002		10/07/99	
0098	10/12/99	CRJL/CRIMINAL JURY LIST			10/12/99	Y
004380D FC						
D 004380						
0099	10/13/99	ORDR/ORDER	0002			
0100	10/12/99	LIST/JURY LIST	0002			
0101	10/18/99	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL - CONDENSED TRANSCRIPT - VOLUME V	0002		10/15/99	
0102	10/15/99	ORDR/ORDER FOR TRANSCRIPT	0002			
0103	10/19/99	SENT/SENTENCING	0002	GR	11/29/99	

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0104	10/13/99	TRAN/REPORTER'S TRANSCRIPT VOLUME II	0002		10/12/99	
		EVIDENTIARY HEARING JURY TRIAL CONDENSED	0002			
0105	10/14/99	TRAN/REPORTER'S TRANSCRIPT VOLUME III JURY	0002		10/13/99	
		TRIAL CONDENSED	0002			
0106	10/15/99	TRAN/REPORTER'S TRANSCRIPT VOLUME IV JURY	0002		10/14/99	
		TRIAL CONDENSED	0002			
0107	10/12/99	TRAN/REPORTER'S TRANSCRIPT VOLUME I JURY	0002		10/11/99	
		TRIAL CONDENSED	0002			
0108	10/19/99	TRAN/REPORTER'S TRANSCRIPT VOLUME VI	0002		10/18/99	
0109	10/21/99	NOTC/NOTICE OF TRANSCRIPTS ON THE SHELVES				
0110	10/19/99	INST/INSTRUCTIONS TO THE JURY	0002			
0111	10/19/99	VER /VERDICT	0002		10/19/99	
0112	10/19/99	VER /VERDICT	0002		10/19/99	
0113	10/22/99	LIST/LETTERS IN SUPPORT OF DEFENDANT	0001			
0114	10/27/99	HEAR/HEARING	0002		10/12/99	
0115	11/08/99	JUDG/JUDGMENT OF CONVICTION - PLEA	0001		11/08/99	
0116	11/08/99	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		11/09/99	
0117	11/08/99	JMNT/FINE	0001		11/09/99	
0118	11/16/99	ORDR/ORDER ADMITTING DEFENDANT TO PROBATION	0001		11/16/99	
		AND FIXING THE TERMS THEREOF	0001			
0119	12/02/99	JUDG/JUDGMENT OF CONVICTION JURY TRIAL	0002	GR	12/02/99	
0120	12/02/99	JMNT/ADMINISTRATION/ASSESSMENT FEE	0002		12/06/99	
0121	12/08/99	ORDR/ORDER APPOINTING COUNSEL	0002			
0122	12/08/99	ORDR/ORDER WAIVING COSTS INSUFFICIENT	0002			Y
		PROPERTY OF INCOME WITH WHICH TO PAY	0002			
COSTS OF FILING						
0123	12/14/99	NOAS/NOTICE OF APPEAL	0002	AP		
0124	12/14/99	STAT/CASE APPEAL STATEMENT	0002			
0125	12/14/99	CASO/CASE (RE)ACTIVATED ON				
0126	12/15/99	CERT/CERTIFICATE OF MAILING	0002		12/15/99	
0127	12/15/99	CERT/CERTIFICATE OF MAILING	0002		12/15/99	
0128	12/21/99	ORDR/ORDER FOR TRANSCRIPT	0002			
0129	01/13/00	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	0001		10/28/99	
0130	01/26/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			10/12/99	
0131	01/26/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			11/29/99	
0132	01/28/00	TRAN/REPORTER'S TRANSCRIPT OF OCTOBER 19, 1999	0002		10/19/99	
			0002			
0133	04/26/00	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			10/11/99	
0134	12/02/00	ASSG/Reassign Case From Judge Gibbons To Judge Saitta				
0135	05/31/01	PET /PETITION FOR RELEASE OF EVIDENCE	0002			
0136	05/31/01	ORDR/ORDER RELEASING EVIDENCE	0002			
0137	05/31/01	PET /PETITION FOR RELEASE OF EVIDENCE	0002			
0138	03/19/01	JMNT/REMITTITUR JUDGMENT AFFIRMED	0002		08/03/01	
0139	09/07/01	MOT /DEFT'S PRO PER MTN TO DISCOVERY	0002	DN	09/17/01	
		PRODUCTION/TRANSMISSION OF DOCUMENTS/38	0002			
0140	09/07/01	AFFD/AFFIDAVIT IN SUPPORT OF MOTION FOR	0001			Y
		DISCOVERY PRODUCTION AND TRANSMISSION	0001			
OF DOCUMENTS						
0141	09/14/01	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	0002			Y
		FOR DISCOVERY PRODUCTION AND	0002			
TRANSMISSION OF DOCUMENTS						

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0142	09/21/01	ORDR/ORDER DENYING DEFENDANT'S PRO PER MOTION FOR DISCOVERY PRODUCTION AND TRANSMISSION OF DOCUMENTS	0002 0002		09/20/01	Y
0143	09/26/01	RPLY/REPLY TO STATES OPPOSITION TO PETITIONERS MOTION FOR DISCOVERY PRODUCTION AND DISCOVERY PRODUCTION AND TRANSMISSION OF DOCUMENTS	0002 0002			Y
0144	01/30/02	PET /PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION	0002 0002			
0145	01/30/02	REQT/MOTION FOR APPOINTMENT OF COUNSEL	0002			
0146	01/30/02	PTAT/MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS	0002 0002			Y
0147	01/30/02	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0002 0002			
0148	02/01/02	PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39	0002 0002		07/01/02	
0149	02/01/02	MOT /DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40	0002 0002	GR	06/24/02	
0150	02/01/02	MOT /DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41	0002 0002		07/01/02	
0151	02/01/02	ORDR/ORDER RE PETITION FOR WRIT OF HABEAS CORPUS	0002 0002	HG	04/04/02	
0152	02/04/02	MOT /DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42	0002 0002		07/01/02	
0153	02/04/02	AFFD/AFFIDAVIT IN SUPPORT OF MOTION FOR DISCOVERY PRODUCTION AND TRANSMISSION OF DOCUMENTS	0002 0002			Y
0154	02/11/02	MOT /DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43	0002 0002		07/01/02	
0155	04/01/02	MOT /FREDERICK SANTACROCE'S MTN TO WITHDRAW AS COUNSEL /44	0002 0002	GR	04/08/02	
0156	04/01/02	ROC /RECEIPT OF COPY	0002		04/01/02	
0157	04/03/02	MOT /DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45	0002 0002		07/01/02	
0158	04/03/02	CERT/CERTIFICATE OF MAILING	0002		03/21/02	
0159	04/05/02	RSPN/STATES RESPONSE TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION	0002 0002			Y
0160	04/05/02	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR EVIDENTIARY HEARING	0002 0002			
0161	04/05/02	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR APPOINTMENT OF COUNSEL	0002 0002			
0162	04/09/02	MOT /ALL PENDING MOTIONS 4/8/02	0002		04/08/02	
0163	04/08/02	ORDR/ORDER	0002			
0164	04/19/02	RPLY/PETITIONERS REPLY TO STATES OPPOSITION TO WRIT OF HABEAS CORPUS - POST CONVICTION	0002 0002			Y
0165	05/06/02	MOT /ALL PENDING MOTIONS 5/6/02	0002		05/06/02	
0166	05/23/02	ORDR/ORDER FOR PRODUCTION OF INMATE	0002		05/23/02	
0167	06/24/02	HEAR/CONFIRMATION OF COUNSEL (L. TEICHER)	0002	CM	07/01/02	
0168	06/25/02	MOT /ALL PENDING MOTIONS 6/24/02	0002		06/24/02	
0169	07/01/02	OCAL/STATUS CHECK: PENDING MOTIONS	0002		08/19/02	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0170	07/01/02	MOT /ALL PENDING MOTIONS 7/1/02	0002		07/01/02	
0171	08/07/02	ORDR/ORDER APPOINTING COUNSEL	0002	HG	07/01/02	
0172	08/16/02	ORDR/NUNC PRO TUNC ORDER APPOINTING COUNSEL	0002	HG	07/01/02	
0173	08/19/02	ARGU/ARGUMENT: POST-CONVICTION WRIT (SAO 2/26/03)	0002	VC	06/25/03	
0174	10/31/02	REQT/EX-PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND EXCESS FEES	0001			
0175	11/06/02	ORDR/ORDER	0002			
0176	12/05/02	MOT /DEFT'S MTN FOR EXTENSION OF TIME/53 VR 12/11	0002	VC	12/18/02	
0177	12/19/02	ORDR/STIPULATION AND ORDER	0002		12/19/02	
0178	02/26/03	ORDR/STIPULATION AND ORDER SECOND DEFENSE REQUEST	0002		02/26/03	
0179	04/08/03	SUBT/SUBSTITUTION OF ATTORNEY	0002			
0180	05/29/03	ORDR/ORDER AUTHORIZING FIRST INTERIM PAYMENT	0002		05/29/03	
0181	01/21/04	MOT /DEFT'S PRO PER MTN FOR SUBSTITUTION COUNSEL/54	0002	GR	02/02/04	
0182	01/28/04	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR SUBSTITUTION OF ATTORNEYS	0002			
0183	02/02/04	OCAL/STATUS CHECK: BRIEFING SCHEDULE	0002		03/01/04	
0184	02/04/04	NOTC/NOTICE OF CONFIRMATION OF APPOINTMENT OF COUNSEL	0002			
0185	02/04/04	ORDR/ORDER APPOINTING COUNSEL	0002		02/04/04	
0186	03/01/04	ARGU/ARGUMENT: POST-CONVICTION WRIT	0002		05/02/05	
0187	11/02/04	ORDR/ORDER HONORABLY DISCHARGING PROBATIONER	0001		11/02/04	
0188	11/03/04	REQT/EX PARTE MOTION FOR EXTENSION OF TIME TO FILE POST CONVICTION MEMORANDUM OF POINTS AND AUTHORITIES	0002			Y
0189	11/03/04	AFFD/AFFIDAVIT IN SUPPORT OF EX PARTE MOTION FOR EXTENSION OF TIME TO FILE POST CONVICTION MEMORANDUM OF POINTS AND AUTHORITIES	0002			Y
0190	11/05/04	ORDR/ORDER GRANTING EX PARTE MOTION FOR EXTENSION OF TIME TO FILE POST CONVICTION MEMORANDUM OF POINTS AND AUTHORITIES	0002		11/05/04	Y
0191	11/10/04	ORDR/STIPULATION AND ORDER	0002		11/10/04	
0192	11/17/04	PTAT/MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITIONERS POST CONVICTION RELIEF	0002			Y
0193	11/24/04	CERT/CERTIFICATE OF MAILING	0002		11/24/04	
0194	02/01/05	ORDR/STIPULATION AND ORDER	0002		03/02/05	
0195	02/04/05	OPPS/STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS	0002			Y
0196	02/22/05	RPLY/DEFENDANTS REPLY TO STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0002			Y
0197	02/28/05	ROC /RECEIPT OF COPY	0002		02/28/05	
0198	03/25/05	ORDR/STIPULATION AND ORDER	0002		03/25/05	
0199	05/02/05	HEAR/EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL)	0002		11/09/05	
0200	05/04/05	ORDR/ORDER FOR PRODUCTION OF INMATE	0002	SH	06/10/05	
0201	06/16/05	ORDR/STIPULATION AND ORDER	0002	SH	08/11/05	

(Continued to page 7)

NO. FILED/REC CODE

REASON/DESCRIPTION

FOR

OC SCH/PER C

0202	08/10/05	ORDR/STIPULATION AND ORDER	0002	08/10/05	
0203	08/12/05	CERT/CERTIFICATE OF FACSIMILE AND MAILING	0002	08/12/05	
0204	11/09/05	ARGU/ARGUMENT	0002	MH 03/27/06	
0205	11/28/05	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY	0002	11/09/05	Y
		HEARING RE INEFFECTIVE ASSISTANCE	0002		
OF COUNSEL					
0206	02/14/06	BREF/DEFENDANTS SUPPLEMENTAL REPLY BRIEF TO	0002		Y
		STATES OPPOSITION TO DEFENDANTS	0002		
PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION					

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Deskin, Jerimiah J

10/27/98 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
 JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
 004577 Coumou, Frank

 0001 D1 Deskin, Jerimiah J
 005331 Golightly, Chad M.

N
Y

Y
Y

Mr. Coumou requested continuance until 11/10 to finalize negotiations. No objection by Mr. Golightly. COURT ORDERED, matter CONTINUED.

BOND

11/12/98 8:30 AM ARRAIGNMENT CONTINUED

11/12/98 08:30 AM 00 ARRAIGNMENT CONTINUED

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN/cg, Court Clerk
 PAULA GOODELL, Relief Clerk
 JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
 004577 Coumou, Frank

 0001 D1 Deskin, Jerimiah J
 005331 Golightly, Chad M.

N
Y

Y
Y

AGREEMENT TO TESTIFY FILED IN OPEN COURT. NEGOTIATIONS are as contained in the GUILTY PLEA AGREEMENT FILED IN OPEN COURT. Defendant DESKIN ARRAIGNED AND PLED GUILTY TO ACCESSORY TO MURDER (F). COURT ACCEPTED plea, ADJUDGED DEFENDANT GUILTY and ORDERED, matter referred to Parole and Probation and set for sentencing.

BOND

2/8/99 8:30 AM SENTENCING

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Deskin, Jerimiah J

CONTINUED FROM PAGE: 001

02/08/99 08:30 AM 00 SENTENCING

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank0001 D1 Deskin, Jerimiah J
005331 Golightly, Chad M.

Y

Y

N

Y

Dawn Williams from the Division of Parole and Probation present. CONFERENCE
AT BENCH. Pursuant to that conference, COURT ORDERED, matter CONTINUED.

BOND

CONTINUED TO: 05/13/99 08:30 AM 01

05/13/99 08:30 AM 01 SENTENCING

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank0001 D1 Deskin, Jerimiah J
005331 Golightly, Chad M.

N

Y

N

Y

Tom Tatten of the Division of Parole and Probation present. Mr. Golightly
advised that State is aware that Defendant is out of the jurisdiction.
Further, State is requesting a continuance and he has no objection. Mr.
Coumou requested continuance until after July 19. COURT ORDERED, matter
CONTINUED.

BOND

CONTINUED TO: 07/29/99 08:30 AM 02

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Deskin, Jerimiah J

CONTINUED FROM PAGE: 002

07/29/99 08:30 AM 02 SENTENCING

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0001 D1 Deskin, Jerimiah J
005331 Golightly, Chad M.

Y

Y

N

Y

Larry Scott from the Division of Parole and Probation present. Mr. Golightly advised Deft is out of State and requested a continuance until after co-deft's trial, which is October 11. There being no objection, COURT SO ORDERED.

BOND

CONTINUED TO: 10/28/99 08:30 AM 03

10/28/99 09:00 AM 03 SENTENCING

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0001 D1 Deskin, Jerimiah J
005331 Golightly, Chad M.

Y

Y

Y

Y

Susan Bowler of Parole and Probation present. DEFENDANT DESKIN ADJUDGED GUILTY of ACCESSORY TO MURDER (F). Statements by counsel and defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Defendant SENTENCED to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Prisons SUSPENDED; placed on PROBATION for a FIXED period of FIVE (5) YEARS. CONDITIONS:

1. Search clause for the detection of weapons and evidence of gang affiliation.
2. Complete 40 hours of community service work each month of probation not to exceed the provisions of NRS 176.087 unless employed full time.
3. Have no association with Brendan Nasby, Tommie Burnside and Jotee Burnside during probation.
4. Have no contact or association with any member of a gang during probation.

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Deskin, Jerimiah J

CONTINUED FROM PAGE: 003

5. Pay a \$10,000.00 fine during the term of probation on a monthly basis.

Defendant ORDERED to report to P & P immediately upon leaving the courtroom or a bench warrant will issue. BOND, if any, EXONERATED.

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

11/24/98 08:30 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER/lr, Court Clerk
CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
005398 Lalli, Christopher J.

0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

Y
Y

Y
Y

DEFT ARRAIGNED, PLED NOT GUILTY AND INVOKED THE 60 DAY RULE. COURT ORDERED, matter set for trial. Court advised this date is a few days past the 60 day rule. All parties agreed. Mr. Sciscento will have 21 days from the filing of the transcript to file a writ.

CUSTODY

1/28/99 8:30 AM CALENDAR CALL

2/1/99 9:00 AM JURY TRIAL

01/08/99 08:30 AM 00 STATE'S MOTION TO REVOKE DEFT NASBY'S
JAIL PRIVILEGES AND PLACE IN ISOLATION

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank

0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

N
Y

Y
Y

Mr. Sciscento advised that Defendant will stipulate to isolation until matter can be set for and Evidentiary hearing and Defendant would only request contact with his parents, daughter and two attorneys. Mr. Coumou stated no objection to contact with close family members. COURT ORDERED, matter CONTINUED for hearing; Defendant, having stipulated to being placed in isolation, will be allowed contact with parents, daughter and two attorneys.

CUSTODY

CONTINUED TO: 01/22/99 08:30 AM 01

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J
CONTINUED FROM PAGE: 001

01/22/99 08:30 AM 01 STATE'S MOTION TO REVOKE DEFT NASBY'S
JAIL PRIVILEGES AND PLACE IN ISOLATION

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Court Clerk
CONNIE KALSKI/CK, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004577 Coumou, Frank	Y
	0002 D Nasby, Brendan J	Y
	004380 Sciscento, Joseph S.	Y

Mr. Sciscento advised that the allegations made against Defendant will require him to call witnesses. Mr. Sciscento, therefore, requested matter be continued and be put at the end of the court's calendar. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 01/29/99 09:00 AM 02

01/28/99 08:30 AM 00 CALENDAR CALL

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006240 Brown, Philip H.	Y
	0002 D Nasby, Brendan J	Y
	004380 Sciscento, Joseph S.	Y

Mr. Brown appeared for Mr. Coumou and upon Court's inquiry, Mr. Sciscento advised he would not be ready for trial as he has a civil matter going on Monday. COURT ORDERED, matter CONTINUED with Motion set for Friday.

CUSTODY

CONTINUED TO: 01/29/99 08:30 AM 01

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 002

01/29/99 09:00 AM 00 ALL PENDING MOTIONS 1/29/99

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y
004252	Duffy, John L.	Y

CALENDAR CALL...STATE'S MOTION TO REVOKE DEFT'S JAIL PRIVILEGES AND TO PLACE HIM IN ISOLATION

Argument by Mr. Coumou and Mr. Sciscento. Regarding Jury Trial, Mr. Sciscento advised that as he will be in another trial on Monday, he would request a continuance. Defendant had no objection to continuance of trial. COURT ORDERED, Trial Date VACATED; matter CONTINUED for Decision and Status Check on trial setting. Defendant's custody status will remain status quo.

CUSTODY

2/1/99 8:30 AM STATUS CHECK: TRIAL SETTING...STATE'S MOTION TO REVOKE DEFT'S JAIL PRIVILEGES AND TO PLACE HIM IN ISOLATION

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 003

02/01/99 08:30 AM 00 ALL PENDING MOTIONS 2/1/99

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
006240 Brown, Philip H.N
Y0002 D Nasby, Brendan J
004252 Duffy, John L.Y
YSTATUS CHECK: TRIAL SETTING...STATE'S MOTION TO REVOKE DEFT'S JAIL
PRIVILEGES AND TO PLACE HIM IN ISOLATIONMr. Duffy advised that Mr. Sciscento is in Los Angeles and is requesting
that matter be continued until tomorrow. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 2/2/99 8:30 AM

02/02/99 08:30 AM 00 ALL PENDING MOTIONS 2/2/99

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, FrankN
Y0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.Y
YSTATUS CHECK: TRIAL SETTING...STATE'S MOTION TO REVOKE DEFT'S JAIL
PRIVILEGES AND PLACE HIM IN ISOLATIONCOURT ORDERED, Deft's request to be released from isolation is DENIED;
Defendant to remain in isolation, with contact only by Mr. Duffy, Mr.
Sciscento, fiance, mother and child. Further, COURT ORDERED, matter set for
Trial.

CUSTODY

4/29/99 8:30 AM CALENDAR CALL

5/3/99 9:00 AM JURY TRIAL

CONTINUED ON PAGE: 005

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 004

02/10/99 08:30 AM 00 AT THE REQUEST OF THE COURT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
004252 Duffy, John L.Y
Y
Y
Y
Y

Mr. Coumou advised he had no objection to Deft's fiancée being allowed to visit Deft. Mr. Sciscento to prepare Order adding her name, Colleen Warner, to the list of visitors.

CUSTODY

CLERK'S NOTE: After calendar, Secretary advised an issue was not addressed and requested matter be put back on calendar for Friday. ls.

CONTINUED TO: 02/12/99 08:30 AM 01

02/12/99 08:30 AM 01 AT THE REQUEST OF THE COURT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan JY
Y
Y

Court advised there was a question regarding correspondence to and from Deft. Mr. Coumou advised he did not have a problem with Deft receiving or sending correspondence as long as it is monitored. COURT SO ORDERED and Mr. Coumou advised he would prepare the Order.

DURING CALENDAR: Mr. Sciscento appeared and was apprised of what happened. Mr. Sciscento advised he would speak with Mr. Coumou as he wanted the Order to also contain the information regarding visitation.

CUSTODY

CONTINUED ON PAGE: 006

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

CONTINUED FROM PAGE: 005

04/29/99 08:30 AM 00 CALENDAR CALL

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
004252 Duffy, John L.

N
Y

Y
Y
Y

Mr. Coumou advised that State is ready, with 17 witnesses, with two out-of-State witnesses. Mr. Sciscento stated that he is ready, but co-counsel, Mr. Duffy may be in another trial beginning next week. COURT ORDERED, matter sent to OVERFLOW.

CUSTODY

4/30/99 9:00 AM CALENDAR CALL IN DEPT XIV (OVERFLOW FROM DEPT III)

04/30/99 09:00 AM 00 CALENDAR CALL (OVERFLOW FROM DEPT III)
COUMOU/SCISCENTO-17 WIT/2 OUTSTATE/5DAYS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: RITA LOPEZ, Court Clerk
JOE D'AMATO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
004252 Duffy, John L.

Y
Y

Y
Y
Y

Mr. Sciscento advised the Court Mr. Duffy is co-counsel in this matter. Colloquy between Court and Counsel regarding the length of trial and number of witnesses. Due to the Judge's Conference next week, COURT ORDERED, MATTER CONTINUED IN DEPARTMENT XIV TO SEE IF THE TRIAL CAN BE ENTERTAINED.

CUSTODY

CONTINUED TO: 05/03/99 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

CONTINUED FROM PAGE: 006

05/03/99 09:00 AM 01 CALENDAR CALL (OVERFLOW FROM DEPT III)
COUMOU/SCISCENTO-17 WIT/2 OUTSTATE/5DAYS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: JUDY NORMAN, Court Clerk
MAUREEN SCHORN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y
004252	Duffy, John L.	Y

Mr. Sciscento advised Mr. Duffy would be setting second chair in this matter. There not being a Courtroom available, COURT ORDERED, matter referred back to Dept. III for Trial setting; TRIAL DATE VACATED.

CUSTODY

5/6/99 8:30 AM TRIAL SETTING

05/06/99 08:30 AM 00 TRIAL SETTING

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y

CONFERENCE AT BENCH. Pursuant to that conference, COURT ORDERED, matter set for trial. Mr. Sciscento inquired if the Order for visit of Deft's mother, could also include Deft's father. Mr. Coumou had no opposition. COURT SO ORDERED.

CUSTODY

7/15/99 8:30 AM CALENDAR CALL

7/19/99 9:00 AM JURY TRIAL

CONTINUED ON PAGE: 008

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 007

07/15/99 08:30 AM 00 ALL PENDING MOTIONS 7/15/99

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.Y
Y
Y
YCALENDAR CALL...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS
INTIMIDATION

Upon Court's inquiry, Mr. Coumou advised he is not ready for trial as the witness that examined the gun and cassings will be unavailable. Further, Mr. Coumou advised Mr. Sciscento served an Amended Notice of Witnesses within 10 days of trial and two of these witnesses live out of State and there will not be enough time before trial to interview them. For these reasons, Mr. Coumou requested a continuance. Mr. Sciscento had no objection to a short continuance. COURT ORDERED, trial date VACATED and RESET and Motion set for today will be CONTINUED to calendar call.

CUSTODY

10/7/99 8:30 AM CALENDAR CALL

10/11/99 9:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 008

07/29/99 08:30 AM 00 ALL PENDING MOTIONS 7/29/99

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

Y
Y
Y
YDEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE
OF OTHER GUNS NOT USED IN THE CRIME

CONFERENCE AT BENCH. Upon Court's inquiry, Mr. Coumou had no objection to
Deft's Motion for Discovery. COURT ORDERED, Motion GRANTED. Pursuant to
conference, Mr. Sciscento to prepare Order to reproduce file. Mr. Coumou
requested time to respond to Deft's second motion. Court directed Mr.
Coumou to answer by 5 pm on 8/13 and Mr. Sciscento to reply by 5 pm on 8/20.
Further, matter will be CONTINUED for argument to calendar call.

CUSTODY

10/7/99 8:30 AM DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS
NOT USED IN THE CRIME

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 009

09/07/99 08:30 AM 00 DEFT'S MOTION FOR ORDER TO TAKE VIDEO
DEPOSITION AT TRIAL

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

Y

Y

Y

Y

CONFERENCE AT BENCH. Pursuant to that conference, COURT ORDERED, matter
CONTINUED and TRANSFERED TO DEPT. 7

CUSTODY

CONTINUED TO: 09/09/99 09:00 AM 01

09/09/99 09:00 AM 01 DEFT'S MOTION FOR ORDER TO TAKE VIDEO
DEPOSITION AT TRIAL

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

Y

Y

Y

Y

Court advised he has read the pleadings. Mr. Sciscento advised the witness, Nina Hoque, is getting married and moving out of the country to Bangladesh or Thailand and may not be available for trial. Mr. Coumou advised there are too many questions regarding the availability of the witness. Court advised Ms. Hoque can be placed under subpoena and, if she is available, the deposition will not be used. Mr. Coumou objected to the video deposition and argued there is no authority for it and he does not want the other witnesses to decide not to appear and have their depositions taken as well. Mr. Coumou advised it is the State's position this is a concocted story and if this deposition is on tape, it can be shared with the other witnesses to solidify their story; these witnesses have been extremely uncooperative with the State. Mr. Coumou further argued there is no attached affidavit from this witness stating she is not going to be available. Mr. Sciscento advised he became aware of this recently and wants to preserve her

CONTINUED ON PAGE: 011

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 010

testimony; further, he gave the witnesses names and phone numbers to the State and it is not his responsibility if they do not cooperate with the State. Mr. Sciscento advised these witnesses have also received threats. COURT ORDERED, motion GRANTED and the video deposition will be taken in this courtroom at a time mutually convenient for both counsel; if the witness is available, the tape will not be used and the witness will be subpoenaed to be here, however, the deposition may be used for impeachment. At request of Mr. Coumou, COURT FURTHER ORDERED, this testimony is not to be shared with anyone and admonished deft. not to share the testimony he hears during the deposition. Counsel to contact the Court for a time.

CUSTODY

10/07/99 09:00 AM 00 ALL PENDING MOTIONS 10-7-99

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y

AS TO DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME...Court FINDS the probative value is outweighed by the prejudicial effect, however, this would be proper for rebuttal if it comes up. COURT ORDERED, motion GRANTED.

AS TO DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS INTIMIDATION.. COURT ORDERED, motion DENIED as this is relevant if deft. is shown to be the source of the intimidation. Colloquy regarding a pre-trial evidentiary hearing. Mr. Coumou advised he has a handwriting expert that states deft. Nasby is the source of these letters. Mr. Sciscento advised he is not prepared for trial at this time as he got the report of the firearms expert, Tory Johnson, a little late. Mr. Coumou objected to a continuance and advised this case has been continued countless times. AS to the discovery motion, Mr. Coumou advised it is speculative and Mr. Sciscento had ample time to do this as the motion was granted on July 29 and all paperwork requested had been photocopied previously as the State had no objection. Further, Mr. Coumou advised defense counsel has a duty to provide notice of an expert which he has not received. Mr. Sciscento advised his request was for Mr. Johnson's personal notes and when his office called, they were told by Mr. Johnson's office that they would get to it when they got to it. COURT ORDERED, motion to continue is DENIED and trial will go forward Monday afternoon.

CONTINUED ON PAGE: 012

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 011

CUSTODY

10-11-99 1:30 PM JURY TRIAL

10/11/99 01:30 PM 00 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y
005121	Santacroce, Frederick A.	Y

OUTSIDE THE PRESENCE OF THE JURY. Mr. Sciscento stated there was a motion granted regarding guns not used and he was concerned that witness Johnson would mention them. Mr. Coumou stated he has already spoken to the witness regarding that issue and they will not be mentioned. Colloquy regarding the removal of clips from the gun used outside the presence of the jury and the assault rifle not being admitted but released back to the crime scene analyst. Mr. Sciscento addressed the issue of a letter intercepted by the District Attorney's office as well as an audio tape. Court noted the letter was provided to the Court and it was reviewed. Mr. Coumou advised that the letter was obtained by search warrant, but he has found nothing of evidentiary value on the audio tape. Colloquy as to an evidentiary hearing on the issue of the letter. Court stated jury selection would begin and the hearing can be held tomorrow. IN THE PRESENCE OF THE JURY PANEL. Conference at the bench. Jury selection proceeded. Prospective panel admonished and excused for the evening. OUTSIDE THE PRESENCE OF THE JURY. Court permitted the State to make its first peremptory challenge, juror #137 McNeal. Batson objection by Mr. Sciscento. Arguments by counsel. Court found the State had a rational basis for the challenge and, ORDERED, CHALLENGE APPROVED. Court in recess.

CONTINUED TO: 10/12/99 11:00 AM 01

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 012

10/12/99 11:00 AM 01 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
005121 Santacroce, Frederick A.Y
Y
Y
Y
Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Jury and alternates selected and sworn. Conference at the bench. Information ready by the Clerk of the Court. EXCLUSIONARY RULE INVOKED BY THE COURT. Opening statements by Mr. Coumou and Mr. Sciscento. Jury admonished and excused for the evening. OUTSIDE THE PRESENCE OF THE JURY. Mr. Santacroce moved for a mistrial based on the State's opening statement regarding the letter which was the basis for the hearing this date. Following arguments by counsel, COURT ORDERED motion is DENIED. Court in recess.

CONTINUED TO: 10/13/99 11:00 AM 02

10/12/99 11:00 AM 00 HEARING

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
005121 Santacroce, Frederick A.Y
Y
Y
Y
Y

Court noted this is a hearing regarding the intimidation of witnesses. Testimony and exhibits presented. (See worksheets.) Mr. Sciscento moved to exclude testimony under the Fifth Amendment as well as the letter received after November 4. He stated that any statements made prior to that date are not a part of this motion. Opposition by Mr. Coumou who argued that this is a motion in limine and should have been brought before the Court 10 days prior to the calendar call. Arguments of counsel regarding witness Holmes being an agent of the State. Court stated it will reserve decision until after reviewing the transcript of this hearing which the Court Reporter is ORDERED

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 013

to prepare and submit to the Court. Court advised counsel the transcript will be reviewed to determine when the letters were delivered and when the witness spoke to the police. COURT ORDERED, RULING RESERVED on the Fifth Amendment issue and witness Holmes working as an agent of the State. Mr. Santacroce moved to exclude testimony and conclusions of Kelly Daubert regarding handwriting comparisons. Court stated the defense can cross examine on that issue and ORDERED, motion is DENIED.

CUSTODY

10/13/99 11:00 AM 02 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y
005121	Santacroce, Frederick A.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Jury admonished and excused for lunch recess. Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony continued. Exhibits admitted. Jury admonished and excused. Evening recess.

CONTINUED TO: 10/14/99 01:30 PM 03

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 014

10/14/99 01:30 PM 03 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y
005121	Santacroce, Frederick A.	Y

Court reconvened with all present as before. Counsel stipulated to the PRESENCE OF THE JURY. Testimony and exhibits presented. (See worksheets.) Counsel stipulated to the chain of custody of exhibits 52, 52A, 52B and 52C. Counsel further stipulated to exhibit 52 being WITHDRAWN AND RETURNED TO Officer McPhail of Metro. Jury admonished and excused. Evening recess.

CONTINUED TO: 10/15/99 11:00 AM 04

10/15/99 11:00 AM 04 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
Renee Silvaggio, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004577	Coumou, Frank	Y
0002 D	Nasby, Brendan J	Y
004380	Sciscento, Joseph S.	Y
005121	Santacroce, Frederick A.	Y

11:15 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Court advised records from the jail have been subpoenaed and he has reviewed them with Mitchell Cohen, DDA, and there are two possible names that may pertain to this case. Court advised he has asked Mr. Cohen to make copies of those two possibilities and provide those to counsel. Mr. Sciscento advised there is an issue regarding the visitation records. Off record conference between Court and Mr. Cohen. On the record, Court advised he did not see any names of anyone involved in this case on the records except Mr. Buczek. 11:20 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented per worksheets. 12:42 p.m.--Jury admonished and excused for lunch, to return at 2:00 p.m. OUTSIDE THE PRESENCE OF THE JURY, Court admonished deft. Nasby regarding his right not to be compelled to testify. Upon Court's inquiry, counsel and deft. stipulated to WAIVE the penalty phase if there is a

CONTINUED ON PAGE: 016

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 015

conviction and deft. is to be sentenced by the Court. COURT SO ORDERED.

2:05 P.M.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. 3:41 p.m.--OUTSIDE THE PRESENCE OF THE JURY, Court addressed the issue of John Holmes' testimony. Colloquy regarding when John Holmes spoke with law enforcement. State advised there was no interrogation going on, however, there may be a Sixth Amendment issue; John Holmes subsequently received a letter with names and addresses of people deft. wanted intimidated or killed and that is a separate crime. Court advised that sounds like a Petrocelli issue. Court stated his findings and ORDERED, the letter will be EXCLUDED as the prejudice outweighs the probative value. Brief recess taken. 4:08 p.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. Court admonished the Jury and excused them for the weekend at 5:10 p.m. to return at 1:30 p.m. Monday afternoon. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding scheduling. Mr. Sciscento requested the State bring back Jeremiah Deskin. COURT SO ORDERED. Court adjourned for the weekend.

CUSTODY

CONTINUED TO: 10/18/99 01:30 PM 05

10/18/99 01:30 PM 05 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD/th, Court Clerk
Blanca Madrigal, Relief Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

Y
Y
Y
Y

11:28 A.M.--Deft's presence waived. Counsel stipulated instructions may be settled on the record before both sides rest on the record with counsel having the right to additional instructions if further issues arise. Jury Instructions settled on the record. Off the record at 11:38 a.m.

1:30 P.M.--Counsel stipulated to the presence of the Jury. State rested. Conference at the bench. 1:33 p.m.--OUTSIDE THE PRESENCE OF THE JURY, Mr. Sciscento moved to dismiss on the grounds the State did not prove their case beyond a reasonable doubt and argued. State argued this should be argued to the Jury as an issue of fact. Court FINDS the State has set forth a prima facie case and ORDERED, motion DENIED. 1:36 p.m.--IN THE PRESENCE OF THE JURY, Defense rested. Court instructed the Jury. Closing arguments by counsel. 3:25 p.m.--Bailiff sworn to take charge of the Jury. Court

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CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 016

explained the scheduling to the Jury. At the hour of 3:28 p.m. this date, Jury retired to commence deliberations. Court in recess.

5:00 P.M.--Jury admonished and excused for the evening to return at 9:00 a.m. tomorrow morning.

CUSTODY

CONTINUED TO: 10/19/99 09:00 AM 06

10/19/99 09:00 AM 06 TRIAL BY JURY

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD/th, Court Clerk
Blanca Madrigal, Relief Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
004380 Sciscento, Joseph S.

Y

Y

Y

Y

9:00 A.M.--Jury retired to continue deliberations.

1:34 P.M.--Counsel stipulated to the presence of the Jury. Jury returned with VERDICTS of GUILTY OF COUNT I - CONSPIRACY TO COMMIT MURDER (F) and GUILTY OF COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Jury polled at request of Mr. Sciscento; 12 affirmed. Court thanked and excused the Jury at 1:38 p.m. OUTSIDE THE PRESENCE OF THE JURY, deft. Nasby having been found guilty, COURT ORDERED, matter REFERRED to P&P and set for sentencing; deft. REMANDED TO CUSTODY.

CUSTODY

11-29-99 9:00 AM SENTENCING

CONTINUED ON PAGE: 018

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 017

11/29/99 09:00 AM 00 SENTENCING

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004577 Coumou, Frank	Y
	0002 D Nasby, Brendan J	Y
	004380 Sciscento, Joseph S.	Y
	005121 Santacroce, Frederick A.	Y

Tom Tatten of Parole and Probation present. Mr. Sciscento requested a brief continuance as he received the PSI report late Wednesday afternoon at which time he was out of state; further, he has received additional letters over the weekend. Mr. Sciscento stated he understands there are speakers and suggested a bifurcated hearing, allowing the speakers to speak today and continuing the rest of the sentencing. State objected to bifurcating as the victim's family has travelled a great distance and want to see deft. sentenced so they can have closure; however, he would have no objection to trailing the matter so Mr. Sciscento can go over the PSI report with deft. Colloquy. COURT ORDERED, matter TRAILED until 2:00 p.m. this afternoon.

2:20 P.M.--Matter recalled with all present as before. DEFT. NASBY ADJUDGED GUILTY OF COUNT I - CONSPIRACY TO COMMIT MURDER (F) and COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Sworn statements made by victim's grandmother and mother, ELLEN BEAVER-JONES and VELMA BEASLEY, and deft's mother, BRENDA NASBY. Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, deft. is SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in the Nevada Department of Prisons for Count I and SENTENCED to LIFE WITH THE POSSIBILITY OF PAROLE plus an equal and CONSECUTIVE term of LIFE WITH THE POSSIBILITY OF PAROLE for use of a deadly weapon. for Count II, CONSECUTIVE to Count I, with 480 DAYS credit for time served. BOND, if any, EXONERATED. Mr. Sciscento advised deft's visitors have been restricted to his mother, fiancée and child by court order and requested that be lifted. State advised he moved for that when he found all his witnesses were being intimidated and threatened; deft. is obviously not in isolation now or he would not have these new charges for Battery on a Corrections Officer. COURT ORDERED, the Court order restricting visitation is LIFTED and matter is left to the discretion of the jail commander. Mr. Sciscento advised, as to the appeal, he believes there will be a conflict as the Special Public Defender represented one of the co-defts. and requested the Court appoint Mr. Santacroce. State took no position. COURT ORDERED, Mr. Santacroce is APPOINTED to represent deft. Nasby on appeal. Off the record at 3:16 p.m.

CONTINUED ON PAGE: 019

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

CONTINUED FROM PAGE: 018

09/17/01 09:00 AM 00 DEFT'S PRO PER MTN TO DISCOVERY
PRODUCTION/TRANSMISSION OF DOCUMENTS/38

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Denise Husted, Court Clerk

PARTIES: STATE OF NEVADA
007288 Brower, Keith

Y
Y

COURT noted Defendant has failed to file a writ and is not entitled to the documents, therefore ORDERED, motion DENIED.

NDC

02/25/02 09:00 AM 00 DEFT'S PRO PER MTN FOR DISCOVERY
PRODUCTION AND TRANSMISSIONS OF DOCUM/42

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Denise Husted, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES: STATE OF NEVADA
006316 Goettsch, Becky S.

Y
Y

COURT noted no opposition from the State and ORDERED, motion CONTINUED to 4/8/02; State to file response.

NDC

CONTINUED TO: 04/08/02 09:00 AM 01

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 019

04/08/02 09:00 AM 00 ALL PENDING MOTIONS 4/8/02

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
005121 Santacroce, Frederick A.Y
Y
N
Y

F. SANTACROCE'S MOTION TO WITHDRAW AS COUNSEL

Mr. Santacroce stated he took this case on the appeal, the appeal was denied and the conviction was affirmed. COURT ORDERED, Motion GRANTED, order signed in open court.

DEFT'S PRO PER MOTION FOR DISCOVERY PRODUCTION...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ...DEFTS PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR POST CONVICTION RELIEF...DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING

Mr. Coumou stated he doesn't believe an evidentiary hearing is needed and that the motions can be ruled on. Court indicated that it will continue this matter for thirty days to ensure that everything has been fully reviewed, and SO ORDERED.

NDC

ABOVE MOTIONS CONTINUED TO: 5/6/02 9:00 AM

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 020

05/06/02 09:00 AM 00 ALL PENDING MOTIONS 5/6/02

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Debra Vanblaricom, Reporter/RecorderPARTIES: STATE OF NEVADA
006029 Lawson, Tamara F.Y
Y

DEFT'S PRO PER MOTION FOR DISCOVERY PRODUCTION...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL
...DEFTS PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR POST CONVICTION RELIEF...DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING

COURT ORDERED, Mr. Christiansen appointed as counsel. Neither Defendant nor Mr. Christiansen present, COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 6/24/02 9:00 AM

CLERK'S NOTE: Minute Order AMENDED to reflect the Court's appointment of counsel. /af 5/10/02

06/24/02 09:00 AM 00 ALL PENDING MOTIONS 6/24/02

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/RecorderPARTIES: STATE OF NEVADA
006029 Lawson, Tamara F.Y
Y0002 D Nasby, Brendan J
006914 Brown, David T.Y
Y

DEFT'S PRO PER MOTION FOR DISCOVERY PRODUCTION AND TRANSMISSION OF DOCUMENTS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR POST CONVICTION RELIEF... DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING

MATTERS CONTINUED to 7/1/02.

DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL

CONTINUED ON PAGE: 022

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 021

Conference at bench. Pursuant to same, Mr. Christiansen's office is REMOVED from the case and Lori Teicher is APPOINTED. Matter set for confirmation of counsel.

NDC

7/1/02 9:00 AM CONFIRMATION OF COUNSEL (L. TEICHER)

07/01/02 09:00 AM 00 ALL PENDING MOTIONS 7/1/02

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Amber Farley, Court Clerk
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA
002805 Wall, David T.
0002 D Nasby, Brendan J
006143 Teicher, Lori C.

N
Y

N
Y

DEFT'S PRO PER MOTION FOR DISCOVERY PRODUCTION AND TRANSMISSION OF DOCUMENTS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR POST CONVICTION RELIEF... DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING...CONFIRMATION OF COUNSEL (L. TEICHER)

Ms. Teicher confirmed as counsel. COURT ORDERED, counsel to work out a briefing schedule and ORDERED, matter set for a status check in forty-five days.

NDC

8/19/02 9:00 AM STATUS CHECK: PENDING MOTIONS

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

CONTINUED FROM PAGE: 022

08/19/02 09:00 AM 00 STATUS CHECK: PENDING MOTIONS

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES: STATE OF NEVADA
002805 Wall, David T.

Y
Y

0002 D Nasby, Brendan J
006143 Teicher, Lori C.

Y
Y

Ms. Teicher stated she has met with the Defendant and now has the file; requested a briefing schedule be set. COURT SO ORDERED, as follows:

Opening due 11/22/02
Response due 12/20/02
Reply due 1/24/02

Matter set for hearing.

NDC

2/5/03 9:00 AM ARGUMENT: POST-CONVICTION WRIT

02/02/04 09:00 AM 00 DEFT'S PRO PER MTN FOR SUBSTITUTION
COUNSEL/54

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES: STATE OF NEVADA
004352 Owens, Steven S.

Y
Y

Court noted that prior appointed counsel, Ms. Teicher, has gone to the Federal Public Defender's office, and ORDERED, new counsel is appointed.

NDC

CLERK'S NOTE: The Clerk contacted Tony Sgro, who stated he would accept the appointment, and confirmed as counsel. Status check date set in court for confirmation is changed to a status check on the setting of a briefing schedule.

3/1/04 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

CONTINUED ON PAGE: 024

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 023

03/01/04 09:00 AM 00 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Dick Kangas, Reporter/RecorderPARTIES: STATE OF NEVADA
004352 Owens, Steven S.Y
Y0002 D Nasby, Brendan J
003811 Sgro, Anthony P.N
Y

Mr. Sgro stated the writ was filed in July 2002 and never litigated, and recounted the procedural history regarding the writ. Mr. Sgro stated the writ was filed 1/30/02, which cures the one-year time bar. Mr. Owens requested that issue be argued, stating that good cause must be shown for the delay. Bench conference. The Court set a briefing schedule, as follows:

Opening due 9/3/04;
Response due 11/12/04;
Reply due 11/17/04;

and matter set for argument.

NDC

1/10/05 9:00 AM ARGUMENT: WRIT

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 024

03/02/05 09:00 AM 02 ARGUMENT: POST-CONVICTION WRIT

HEARD BY: Ken Cory, Judge; Dept. 1

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank0002 D Nasby, Brendan J
003811 Sgro, Anthony P.Y
Y
N
Y

At the request of counsel, COURT ORDERED, matter CONTINUED to be heard in front of Judge Saitta.

NDC

CONTINUED TO: 03/14/05 09:00 AM 03

05/02/05 09:00 AM 05 ARGUMENT: POST-CONVICTION WRIT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Jennifer Kimmel, Relief Clerk
Jo Anne Pierpont, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank0002 D Nasby, Brendan J
003811 Sgro, Anthony P.Y
Y
N
Y

Argument by counsel. COURT NOTED, an Evidentiary Hearing shall be conducted to ascertain if the conduct of the trial attorney rises to a level of effectiveness in this matter. Court additionally STATED that ineffectiveness at the appellate level may or may not be the result of certain issues not being raised. COURT directed counsel to limit testimony to Mr. Santacroce and Mr. Sciscento at the upcoming hearing. Discussion regarding tactical decisions for trial. COURT ORDERED, Evidentiary Hearing set.

NDC

6/10/05 9:00 A.M. EVIDENTIARY HEARING: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL)

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 025

09/02/05 11:00 AM 02 EVIDENTIARY HEARING RE: TRIAL STRATEGY
(INEFFECTIVE ASSISTANCE OF COUNSEL)

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Theresa Lee, Relief Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J
005425 Michaelides, Thomas C.

Y
Y
N
Y

(Witnesses present, Joseph Sciscento, Esq. and Frederick Santacroce, Esq.)

Deft not present. Mr. Michaelides contacted Mr. Sgro whom he is appearing for and was informed he wanted the deft present for the hearing. COURT ORDERED, hearing CONTINUED, State to prepare a new Order to Transport. Counsel believed the hearing could take one hour.

NDC

CONTINUED TO: 09/26/05 11:00 AM 03

09/26/05 10:30 AM 03 EVIDENTIARY HEARING RE: TRIAL STRATEGY
(INEFFECTIVE ASSISTANCE OF COUNSEL)

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
0002 D Nasby, Brendan J

Y
Y
Y

Court advised the deft. that it received information that the deft. was not transported and called off Mr. Sciscento, therefore, ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 11/02/05 10:30 AM 04

CONTINUED ON PAGE: 027

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

CONTINUED FROM PAGE: 026

11/09/05 10:30 AM 05 EVIDENTIARY HEARING RE: TRIAL STRATEGY
(INEFFECTIVE ASSISTANCE OF COUNSEL)

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004577 Coumou, Frank	Y
	0002 D Nasby, Brendan J	Y
	005425 Michaelides, Thomas C.	Y

Frederick Santacroce, Esq. and Joseph Sciscento, Esq., sworn and testified. Argument by Mr. Coumou. Mr. Michaelides requested to file a written response. Court stated it will give Mr. Michaelides 30 days to file a written response and will give the State 30 days to file a reply. COURT ORDERED, matter set for argument.

NDC

1/11/06 11:00 AM ARGUMENT

01/11/06 11:00 AM 00 ARGUMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
	004577 Coumou, Frank	Y
	0002 D Nasby, Brendan J	Y

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 02/15/06 11:00 AM 01

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA vs Nasby, Brendan J

CONTINUED FROM PAGE: 027

02/15/06 11:00 AM 01 ARGUMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

Y

Y

0002 D Nasby, Brendan J

Y

005425 Michaelides, Thomas C.

Y

Mr. Coumou advised the Court that he just received deft's supplemental pleading and is prepared to respond. COURT ORDERED, matter CONTINUED for oral argument.

NDC

CONTINUED TO: 02/27/06 11:00 AM 02

02/27/06 11:00 AM 02 ARGUMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

Y

Y

0002 D Nasby, Brendan J

Y

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 03/27/06 10:30 AM 03

CONTINUED ON PAGE: 029

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 028

03/27/06 10:30 AM 03 ARGUMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Cynthia Georgilas, Relief Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

0002 D Nasby, Brendan J

003811 Sgro, Anthony P.

Y

Y

Y

Y

Mr. Sgro summarized the facts of the case. Argument by Mr. Sgro regarding counsel's representation at the time of trial. Argument by Mr. Coumou regarding potential alibi witness and handwriting expert, and requested the Court deny Defendant's Post Conviction for Writ of Habeas Corpus. Court FINDS, the decisions by counsel were reasonable and within the discretion of decision making and the evidence does not support ineffective assistance of counsel and therefore counsels' actions were effective. Mr. Coumou to prepare the Order.

NDC

04/13/06

E X H I B I T S

9:18 AM

CASE NO. 98-C-154293-C

CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Deskin, Jerimiah J

[E]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P	/JUSTICE COURT EXHIBITS	S	/	11/13/98	V
0002	P-1	/HANDWRITTEN NOTES	S	AD/NO	10/12/99	V
0003	P-2	/HANDWRITTEN STATEMENT	S	AD/NO	10/12/99	V
0004	P-01	/SMALL PHOTO	S	AD/NO	11/29/99	V
0005	P--1	/1 THRU 3 BLOW-UPS	S	AD/NO	10/13/99	V
0006	P-4	/SEALED EVIDENCE ENVELOPE & CONTENTS	S	AD/NO	10/13/99	V
0007	P-5	/EVIDENCE ENVELOPE W/ 5A-D CONTENTS	S	AD/NO	10/13/99	V
0008	P-6	/6 THRU 12 PHOTOS	S	AD/NO	10/13/99	V
0009	P-13	/13 & 14 NOT PROVIDED	S	/	99/99/99	
0010	P-15	/PHOTO	S	AD/NO	10/13/99	V
0011	P-16	/16 THRU 19 NOT PROVIDED	S	/	99/99/99	
0012	P-20	/20 THRU 40 PHOTOS	S	AD/	10/13/99	V
0013	P-41	/EVIDENCE ENVELOPE W/ 41A-G CONTENTS	S	AD/NO	10/13/99	V
0014	P-42	/42 THRU 51 PHOTOS	S	AD/OB	10/13/99	V
0015	P-52	/EVIDENCE BAG (RELEASED BY CLERK)	S	/	99/99/99	
0016	P-52A	/52A THRU 52C CONTENTS OF BAG	S	AD/NO	10/14/99	V
0017	P-53	/PHOTO	S	AD/NO	10/14/99	V
0018	P-54	/54 & 55 WITHDRAWN	S	/	99/99/99	V
0019	P-56	/56 THRU 58 PHOTOS	S	AD/NO	10/14/99	V
0020	P-59	/COPY OF "THE GIRL'S" STATEMENT	S	/	99/99/99	V
0021	P-60	/COPY OF LIST OF NAMES & ADDRESSES	S	/	99/99/99	V
0022	P-61	/NOT PROVIDED	S	/	99/99/99	
0023	P-62	/62 THRU 65 PHOTOS	S	AD/NO	10/14/99	V
0024	P-66	/66 & 67 FORENSIC REPORTS	S	AD/ST	10/14/99	V
0025	P-68	/68 & 69 JUDGMENT OF CONVICTIONS	S	AD/NO	10/15/99	V
0026	P-70	/LETTER	S	/	99/99/99	V
0027	D/A	/AUTOPSY REPORT	0001	AD/NO	10/13/99	V
0028	D/B	/B & C 0CARTRIDGE CASE WORKSHEETS	0001	AD/OB	10/15/99	V
0029	D/D	/D & E HANDWRITTEN NOTES	0001	AD/NO	10/15/99	V
0030	D/F	/F THRU I COPY OF VIDEOPRINTS OF BULLET	0001	AD/NO	10/15/99	V
0031	D/J	/J & K HANDWRITTEN NOTES	0001	AD/NO	10/15/99	V

eff: 9/1/96

**COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**BRENDAN NASBY #63618
P.O. BOX 650
INDIAN SPRINGS, NV 89070**

DATE: April 13, 2006

CASE: C154293

RE CASE: STATE OF NEVADA VS BRENDAN NASBY

NOTICE OF APPEAL FILED: 04/12/06

RULE 3(e) DOCUMENTS TRANSMITTED: 04/13/06

RULE 3(e) DOCUMENTS **NOT** TRANSMITTED/MISSING:
ORDER

NOTICE OF ENTRY OF ORDER

**FURTHER EXPLANATION OF
DOCUMENTS/FEEs:**

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

\$24.00 District Court Filing Fee
(if applicable).

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:

Lists information necessary for
docketing in the supreme court:
district court case number; party
names; counsel names; trial judge;
whether trial or appellate counsel was
appointed; whether appellant is
proceeding in forma pauperis; date the
proceedings commenced in the district
court {NRAP Form 2}.

State of Nevada

County of Clark

SS:

I, Shirley B. Parraguirre, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

VS.

BRENDAN NASBY,

Defendant(s),


Case No: C154293

Dept No: XVIII

now on file and of record in this office.

**IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
this 13 day of April 2006.**

Shirley B. Parraguirre, Clark County Clerk


Robin J. Mills, Deputy Clerk

Robin J. Mills, Deputy Clerk