

Brendan Nasby
I.D. No. 63618
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
(Petitioner In Pro Se)

25

Electronically Filed
05/18/2015 12:01:18 PM

Ann K. Lindeman

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
May 21 2015 09:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

BRENDAN NASBY,
Petitioner,
vs.
The State Of Nevada,
Respondents.

Case No.: 98C154293-2

Dept. No.: XIX

NOTICE OF APPEAL

Notice is hereby given that, Brendan Nasby, Petitioner above named, hereby appeals to the Supreme Court of the State of Nevada from the final judgment/order Denying Motion To Disqualify Judge entered in this action on the 28th day of April, 2015.

Dated this 11th day of May, 2015.

By:

[Signature]
Brendan Nasby #63618
LCC; 1200 Prison Rd.
Lovelock, NV 89419
(Petitioner In Pro Se)

RECEIVED 5/1
MAY 18 2015

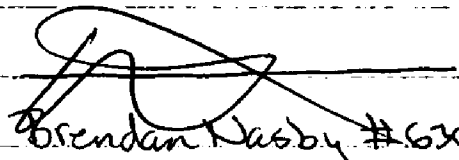
CLERK OF THE COURT

Certificate of Mailing

I, Brendan Nasby, hereby certify pursuant to Rule 5(b) of NRCP, that on this 11th day of May, 2015, I served a true and correct copy of the above-entitled Notice of Appeal postage prepaid and addressed as follows:

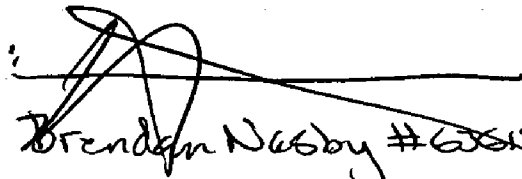
1) Clark County, DA
P.O. Box 552212
Las Vegas, NV 89155-2212

2) State Of Nevada
Attorney General's Office
Attorney General
Suite # 3100
555 Washington Ave.
Las Vegas, NV 89101

By: 
Brendan Nasby #63618
(Petitioner In Pro Se)

Affirmation Pursuant To: NRS. 239 B.010

I, hereby certify that I am the undersigned individual and that the attached Document that is entitled: Notice Of Appeal, does not contain the social security number of any person, under the pains and penalties of perjury, this 11th day of May, 2015.

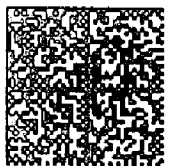
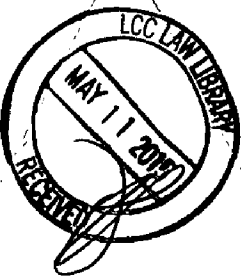
By: 
Brenden Nesby #60818
Lovelock Correctional Center
1600 Prison Rd.
Lovelock, NV 89419
(Petitioner In ProSe)

Brendan Mackey #63618
Loveck Correctional Center
1200 Prison Rd.
Loveck, NV 89419

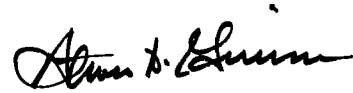
INMATE LEGAL
MAIL CONFIDENTIAL

89101\$6300

Steven D. Grierson
Clerk Of the Court
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155-1160



UNITED STATES POSTAGE
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CLERK OF THE COURT

ASTA

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

STATE OF NEVADA,

Plaintiff(s),

vs.

BRENDAN J. NASBY,

Defendant(s),

Case No: 98C154293-2

Dept No: XIX

CASE APPEAL STATEMENT

1. Appellant(s): Brendan Nasby

2. Judge: David Barker

3. Appellant(s): Brendan Nasby

Counsel:

Brendan Nasby #63618
1200 Prison Rd.
Lovelock, NV 89419

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: October 21, 1998

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 35319, 47130, 58579, 67476, 67580, 67704

12. Child Custody or Visitation: N/A

Dated This 20 day of May 2015.

Steven D. Grierson, Clerk of the Court



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

cc: Brendan Nasby

DEPARTMENT 19
CASE SUMMARY
CASE NO. 98C154293-2

State of Nevada
vs
Brendan Nasby

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Location: **Department 19**
Judicial Officer: **Kephart, William D**
Filed on: **10/21/1998**
Case Number History:
Cross-Reference Case Number: **C154293**
Defendant's Scope ID #: **1517690**
Lower Court Case # Root: **98F11168**
Lower Court Case Number: **98F11168B**
Supreme Court No.: **58579**
67476
67580
67704

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT MURDER.	F	01/01/1900	Case Flags: Bail Set
2. MURDER WITH A DEADLY WEAPON	F	01/01/1900	<i>Bail Set at \$300000.00</i> Appealed to Supreme Court Custody Status - Nevada Department of Corrections

Related Cases

98C154293-1 (Multi-Defendant Case)
98C154293-3 (Multi-Defendant Case)
98C154293-4 (Multi-Defendant Case)

Statistical Closures

12/13/1999 USJR Reporting Statistical Closure
05/13/2009 USJR Reporting Statistical Closure

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	98C154293-2
Court	Department 19
Date Assigned	01/05/2015
Judicial Officer	Kephart, William D

PARTY INFORMATION

Defendant **Nasby, Brendan J**


Plaintiff **State of Nevada**

Wolfson, Steven B
702-671-2700(W)

DATE








EVENTS & ORDERS OF THE COURT

INDEX

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. MURDER WITH A DEADLY WEAPON Not Guilty
10/21/1998	 Information
10/21/1998	Hearing










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CASE SUMMARY
CASE No. 98C154293-2

INITIAL ARRAIGNMENT





10/22/1998	 Criminal Bindover
10/23/1998	Conversion Case Event Type <i>AGREEMENT TO APPEAR IN COURT AND TO WAIVE EXTRADITION AFTER ADMISSION TO BAIL NRS 176.484 BAIL NRS 176.484</i>
10/27/1998	Initial Arraignment (9:00 AM) Events: 10/21/1998 Hearing <i>INITIAL ARRAIGNMENT Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
10/27/1998	Hearing <i>ARRAIGNMENT CONTINUED</i>
11/09/1998	Hearing <i>INITIAL ARRAIGNMENT</i>
11/09/1998	 Information
11/12/1998	Arraignment Continued (8:30 AM) Events: 10/27/1998 Hearing <i>ARRAIGNMENT CONTINUED Court Clerk: CAROL GREEN/cg Relief Clerk: PAULA GOODELL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
11/12/1998	Conversion Case Event Type <i>SENTENCING</i>
11/12/1998	 Agreement <i>Agreement to Testify</i>
11/12/1998	 Guilty Plea Agreement
11/13/1998	 Criminal Bindover
11/24/1998	Initial Arraignment (8:30 AM) Events: 11/09/1998 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: LINDA SKINNER/ls Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
12/03/1998	 Information
12/04/1998	Hearing <i>INITIAL ARRAIGNMENT</i>
12/04/1998	Hearing <i>INITIAL ARRAIGNMENT</i>
12/04/1998	 Criminal Bindover
12/10/1998	Initial Arraignment (8:30 AM) Events: 12/04/1998 Hearing <i>INITIAL ARRAIGNMENT</i>
12/10/1998	Initial Arraignment (8:30 AM) Events: 12/04/1998 Hearing

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INITIAL ARRAIGNMENT

12/10/1998	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 12/10/98 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
12/10/1998	 Motion <i>Motion for Own Recognizance Release or House Arrest</i>
12/10/1998	Motion <i>ALL PENDING MOTIONS 12/10/98</i>
12/10/1998	Motion <i>DEFT'S REQUEST FOR O.R. RELEASE OR BAIL REDUCTION</i>
12/10/1998	Conversion Case Event Type <i>SENTENCING</i>
12/10/1998	Conversion Case Event Type <i>SENTENCING</i>
12/10/1998	 Guilty Plea Agreement
12/10/1998	 Guilty Plea Agreement
12/10/1998	 Reporters Transcript <i>Transcript of Hearing Held on November 5, 1998</i>
12/14/1998	 Reporters Transcript <i>Transcript of Hearing Held on December 2, 1998</i>
12/15/1998	Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM) Events: 12/10/1998 Motion <i>DEFT'S MOTION FOR O.R. RELEASE OR HOUSE ARREST Heard By: Joseph Pavlikowski</i>
12/15/1998	Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM) Events: 12/10/1998 Motion <i>DEFT'S REQUEST FOR O.R. RELEASE OR BAIL REDUCTION Heard By: Joseph Pavlikowski</i>
12/15/1998	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 12/15/98 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
12/18/1998	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234 (1)(b)]</i>
12/18/1998	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234 (2)]</i>
12/21/1998	 Order <i>Order Denying Defendants Motion for Own Recognizance Release or House Arrest</i>
01/05/1999	 Notice of Witnesses <i>Superceding Notice of Witnesses [NRS 174.234 (1)(b)]</i>








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01/06/1999	 Motion <i>Notice of Motion and Motion to Revoke Defendant Nasby's Jail Privileges and to Place him in Isolation</i>
01/07/1999	 Order <i>Order for Transcript</i>
01/08/1999	Motion to Revoke Own Recognizance Release (8:30 AM) Events: 01/06/1999 Motion <i>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
01/21/1999	 Subpoena <i>Subpoena Regular</i>
01/22/1999	Motion to Revoke Own Recognizance Release (9:00 AM) <i>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Court Clerk: CAROL GREEN Relief Clerk: CONNIE KALSKI/CK Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
01/28/1999	Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
01/28/1999	 Subpoena <i>Subpoena Regular</i>
01/29/1999	Calendar Call (8:30 AM) <i>CALENDAR CALL</i>
01/29/1999	Motion to Revoke Own Recognizance Release (8:30 AM) <i>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Heard By: Joseph Pavlikowski</i>
01/29/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 1/29/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
01/29/1999	Hearing <i>STATUS CHECK: TRIAL SETTING</i>
01/29/1999	Motion <i>ALL PENDING MOTIONS 1/29/99</i>
02/01/1999	Motion to Revoke Own Recognizance Release (8:30 AM) <i>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Heard By: Joseph Pavlikowski</i>
02/01/1999	Status Check (8:30 AM) Events: 01/29/1999 Hearing <i>STATUS CHECK: TRIAL SETTING Heard By: Joseph Pavlikowski</i>
02/01/1999	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 2/1/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
02/01/1999	CANCELED Jury Trial (9:00 AM) <i>Vacated</i>








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CASE No. 98C154293-2

02/01/1999	Motion <i>ALL PENDING MOTIONS 2/1/99</i>
02/02/1999	Motion to Revoke Own Recognizance Release (8:30 AM) <i>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Heard By: Joseph Pavlikowski</i>
02/02/1999	Status Check (8:30 AM) <i>STATUS CHECK: TRIAL SETTING Heard By: Joseph Pavlikowski</i>
02/02/1999	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 2/2/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
02/02/1999	Motion <i>ALL PENDING MOTIONS 2/2/99</i>
02/08/1999	Sentencing (8:30 AM) Events: 11/12/1998 Conversion Case Event Type <i>SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
02/08/1999	Hearing <i>AT THE REQUEST OF THE COURT</i>
02/10/1999	Request of Court (8:30 AM) Events: 02/08/1999 Hearing <i>AT THE REQUEST OF THE COURT Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
02/12/1999	Request of Court (8:30 AM) <i>AT THE REQUEST OF THE COURT Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
02/24/1999	 Order <i>Order for Visitation of Inmate by Parent, Child and Finance</i>
02/24/1999	 Reporters Transcript <i>Transcript of Hearing Held on November 12, 1998</i>
02/24/1999	 Reporters Transcript <i>Transcript of Hearing Held on December 10, 1998</i>
02/25/1999	Sentencing (8:30 AM) Events: 12/10/1998 Conversion Case Event Type <i>SENTENCING Court Clerk: LINDA SKINNER/LS Relief Clerk: CONNIE KALSKI Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
02/25/1999	Sentencing (8:30 AM) Events: 12/10/1998 Conversion Case Event Type <i>SENTENCING Court Clerk: LINDA SKINNER/LS Relief Clerk: CONNIE KALSKI Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
02/26/1999	 Judgment of Conviction <i>Judgment of Conviction (Plea)</i>
02/26/1999	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>

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CASE NO. 98C154293-2

03/04/1999	Sentencing (8:30 AM) <i>SENTENCING Court Clerk: CAROL GREEN Relief Clerk: SHARRY FRASCARELLI/sf Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
03/09/1999	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234 (1)(b)]</i>
03/09/1999	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234 (2)]</i>
03/15/1999	 Judgment of Conviction <i>Judgment of Conviction (Plea)</i>
03/15/1999	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>
04/29/1999	Calendar Call (8:30 AM) <i>CALENDAR CALL Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
04/30/1999	Calendar Call (9:00 AM) <i>CALENDAR CALL (OVERFLOW FROM DEPT III) COUMOU/SCISCENTO-17 WIT/2 OUTSTATE/5DAYS Court Clerk: RITA LOPEZ Reporter/Recorder: JOE D'AMATO Heard By: Mosley, Donald M.</i>
05/03/1999	Calendar Call (9:00 AM) <i>CALENDAR CALL (OVERFLOW FROM DEPT III) COUMOU/SCISCENTO-17 WIT/2 OUTSTATE/5DAYS Court Clerk: JUDY NORMAN Reporter/Recorder: MAUREEN SCHORN Heard By: Donald Mosley</i>
05/03/1999	CANCELED Jury Trial (1:00 PM) <i>Vacated</i>
05/03/1999	Hearing <i>TRIAL SETTING</i>
05/06/1999	Conversion Hearing Type (8:30 AM) <i>Events: 05/03/1999 Hearing TRIAL SETTING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
05/13/1999	Sentencing (8:30 AM) <i>SENTENCING Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
06/09/1999	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234 (2)]</i>
06/09/1999	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234 (1)(b)]</i>
07/09/1999	 Motion <i>Motion and Notice of Motion in Limine to Preclude Evidence of Witness Intimidation</i>
07/12/1999	 Notice <i>Notice of Alibi Witnesses</i>








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CASE SUMMARY
CASE NO. 98C154293-2

07/13/1999	 Notice of Witnesses
07/13/1999	 Notice <i>Supplemental Notice of Alibi Witnesses</i>
07/14/1999	 Response <i>Response to Motion in Limine to Preclude Evidence of Witness Intimidation</i>
07/15/1999	Calendar Call (8:30 AM) <i>CALENDAR CALL</i>
07/15/1999	Motion in Limine (8:30 AM) Events: 07/09/1999 Motion <i>DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF WITNESS INTIMIDATION Heard By: Joseph Pavlikowski</i>
07/15/1999	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 7/15/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>
07/19/1999	CANCELED Jury Trial (9:00 AM) <i>Vacated</i>
07/19/1999	Motion <i>ALL PENDING MOTIONS 7/15/99</i>
07/20/1999	 Motion <i>Motion and Notice of Motion for Discovery</i>
07/27/1999	 Motion <i>Motion and Notice of Motion in Limine to Preclude Evidence of Other Guns Not Used in the Crime</i>
07/28/1999	 Errata <i>Errata to Motion and Notice of Motion in Limine to Preclude Evidence of Other Guns Not Used in the Crime</i>
07/28/1999	 Receipt of Copy
07/29/1999	Sentencing (8:30 AM) <i>SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
07/29/1999	Motion for Discovery (8:30 AM) Events: 07/20/1999 Motion <i>DEFT'S MOTION FOR DISCOVERY</i>
07/29/1999	Motion in Limine (8:30 AM) Events: 07/27/1999 Motion <i>DEFT'S MOTION IN LIMINE PRECLUDE EVID OF OTHER GUNS NOT USED IN THE CRIME Heard By: Joseph Pavlikowski</i>
07/29/1999	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 7/29/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i>

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07/29/1999	 Order <i>Order Granting Motion for Discovery</i>
08/03/1999	Motion <i>ALL PENDING MOTIONS 7/29/99</i>
08/16/1999	 Response <i>Response to Defendant's Motion in Limine to Preclude Evidence of Other Guns Not Used in the Crime</i>
08/19/1999	 Reply <i>Defendants Reply to State's Opposition to Motion in Limine to Preclude Evidence of Other Guns Not Used in the Crime</i>
08/25/1999	 Motion <i>Motion for Order to Take Video Deposition of Witness and to Use Video Deposition at Trial</i>
08/31/1999	 Association of Counsel <i>Notice of Association of Counsel</i>
08/31/1999	 Receipt of Copy
08/31/1999	 Notice of Witnesses
09/02/1999	 Response <i>Response to Defendant's Motion for Order to take Video Deposition of Witness and to Use Video Deposition at Trial</i>
09/03/1999	 Reply <i>Reply to State's Opposition to Defendant's Motion for Order to Take Video Deposition of Witness and to Use Video Deposition at Trial</i>
09/07/1999	Motion (8:30 AM) Events: 08/25/1999 Motion <i>DEFT'S MOTION FOR ORDER TO TAKE VIDEO DEPOSITION AT TRIAL Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i>
09/07/1999	 Notice of Expert Witnesses <i>Notice of Expert Witnesses [NRS 174.234 (2)]</i>
09/07/1999	 Notice of Witnesses <i>Notice of Witnesses [NRS 174.234 (1)(b)]</i>
09/09/1999	Motion (9:00 AM) <i>DEFT'S MOTION FOR ORDER TO TAKE VIDEO DEPOSITION AT TRIAL Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>
09/16/1999	 Order for Production of Inmate <i>Order for Production of Inmate Jotee Burnside, BAC #60729</i>
09/16/1999	 Order for Production of Inmate <i>Order for Production of Inmate Tommie Burnside, BAC #60772</i>
09/28/1999	 Substitution of Attorney

DEPARTMENT 19
CASE SUMMARY
CASE NO. 98C154293-2










	<i>Substitution of Attorneys</i>
10/01/1999	 Notice <i>Supplemental Notice of Alibi Witnesses</i>
10/04/1999	 Notice of Expert Witnesses <i>Supplemental Notice of Expert Witnesses [NRS 174.234 (2)]</i>
10/07/1999	Motion in Limine (9:00 AM) <i>DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF WITNESS INTIMIDATION Heard By: Joseph Pavlikowski</i>
10/07/1999	Calendar Call (9:00 AM) <i>CALENDAR CALL</i>
10/07/1999	Motion in Limine (9:00 AM) <i>DEFT'S MOTION IN LIMINE PRECLUDE EVID OF OTHER GUNS NOT USED IN THE CRIME Heard By: Joseph Pavlikowski</i>
10/07/1999	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 10-7-99 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>
10/07/1999	Motion <i>ALL PENDING MOTIONS 10-7-99</i>
10/11/1999	Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>
10/12/1999	Jury Trial (11:00 AM) <i>TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>
10/12/1999	Hearing (11:00 AM) <i>HEARING Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>
10/12/1999	 Jury List
10/12/1999	 Reporters Transcript <i>Transcript of Hearing Held on October 11, 1999</i>
10/13/1999	Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>
10/13/1999	 Order
10/13/1999	 Reporters Transcript <i>Transcript of Hearing Held on October 12, 1999</i>
10/14/1999	Jury Trial (11:00 AM) <i>TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>
10/14/1999	 Reporters Transcript

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Transcript of Hearing Held on October 13, 1999

10/15/1999	Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark</i>
10/15/1999	 Order <i>Order for Transcript</i>
10/15/1999	 Reporters Transcript <i>Transcript of Hearing Held on October 14, 1999</i>
10/18/1999	Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD/th Relief Clerk: Blanca Madrigal Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>
10/18/1999	 Reporters Transcript <i>Transcript of Hearing Held on October 15, 1999</i>
10/19/1999	Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD/th Relief Clerk: Blanca Madrigal Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>
10/19/1999	 Reporters Transcript <i>Transcript of Hearing Held on October 18, 1999</i>
10/19/1999	 Instructions to the Jury
10/19/1999	 Verdict <i>Verdict - Count I</i>
10/19/1999	 Verdict <i>Verdict - Count II</i>
10/22/1999	 Filing <i>Letters in Support of Defendant</i>
10/28/1999	Sentencing (9:00 AM) <i>SENTENCING Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>
11/08/1999	 Judgment of Conviction <i>Judgment of Conviction (Plea)</i>
11/16/1999	 Order Admitting Defendant to Probation & Fixing Terms <i>Order Admitting Defendant to Probation and Fixing the Terms Thereof</i>
11/29/1999	Sentencing (9:00 AM) <i>SENTENCING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>
11/29/1999	Disposition (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER. Guilty
11/29/1999	Disposition (Judicial Officer: User, Conversion)











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11/29/1999	Disposition (Judicial Officer: User, Conversion) 2. MURDER WITH A DEADLY WEAPON Guilty
11/29/1999	Disposition (Judicial Officer: User, Conversion)
11/29/1999	Sentence (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 48 Months to Maximum 120 Months Placement: NSP Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 480 Days to Maximum 480 Days Converted Disposition: Sentence# 0003: ADMINISTRATION FEE Amount: \$25.00
11/29/1999	Sentence (Judicial Officer: User, Conversion) 2. MURDER WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001
12/02/1999	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
12/08/1999	 Order <i>Order Appointing Counsel</i>
12/08/1999	 Order <i>Order Waiving Costs (Insufficient Property of Income with Which to Pay Costs of Filing)</i>
12/14/1999	 Notice of Appeal
12/14/1999	 Case Appeal Statement
12/15/1999	 Certificate of Mailing
12/15/1999	 Certificate of Mailing
12/21/1999	 Order <i>Order for Transcript</i>
01/13/2000	 Reporters Transcript <i>Transcript of Hearing Held on October 28, 1999</i>


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01/28/2000	 Reporters Transcript <i>Transcript of Hearing Held on October 19, 1999</i>
03/19/2001	 Judgment <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
05/31/2001	 Petition <i>Petition for Release of Evidence</i>
05/31/2001	 Order <i>Order Releasing Evidence</i>
05/31/2001	 Petition <i>Petition for Release of Evidence</i>
09/07/2001	 Motion <i>Motion for Discovery Production and Transmission of Documents</i>
09/07/2001	 Affidavit in Support <i>Affidavit in Support of Motion for Discovery Production and Transmission of Documents</i>
09/14/2001	 Opposition <i>State's Opposition to Defendant's Motion for Discovery Production and Transmission of Documents</i>
09/17/2001	Motion (9:00 AM) Events: 09/07/2001 Motion <i>DEFT'S PRO PER MTN TO DISCOVERY PRODUCTION/TRANSMISSION OF DOCUMENTS/38 Court Clerk: Denise Husted Heard By: Nancy Saitta</i>
09/21/2001	 Order <i>Order Denying Defendant's Pro Per Motion for Discovery Production and Transmission of Documents</i>
09/25/2001	 Reply <i>Reply to State's Opposition to Petitioner's Motion for Discovery Production and Transmission of Documents</i>
01/30/2002	 Petition <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/30/2002	 Request <i>Motion for Appointment of Counsel</i>
01/30/2002	 Points and Authorities <i>Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction N.R.S. 34.720)</i>
01/30/2002	 Request <i>Motion for Leave to Proceed in Forma Pauperis</i>
02/01/2002	Petition <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>

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02/01/2002	Motion <i>DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40</i>
02/01/2002	 Motion <i>Order Re Petition for Writ of Habeas Corpus</i>
02/01/2002	 Order <i>Order Re Petition for Writ of Habeas Corpus</i>
02/04/2002	 Motion <i>Motion for Discovery Production and Transmission of Documents</i>
02/04/2002	 Affidavit in Support <i>Affidavit in Support of Motion for Discovery Production and Transmission of Documents</i>
02/11/2002	 Motion <i>Motion to Attach Supplemental Exhibit to Petition for Post Conviction Relief</i>
02/25/2002	Motion (9:00 AM) Events: 02/04/2002 Motion <i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42 Court Clerk: Denise Husted Reporter/Recorder: Kristine Cornelius Heard By: Saitta, Nancy M</i>
04/01/2002	 Motion <i>Motion to Withdraw as Attorney of Record</i>
04/01/2002	 Receipt of Copy
04/03/2002	 Motion <i>Motion for Evidentiary Hearing</i>
04/03/2002	 Certificate <i>Certificate of Mailing</i>
04/04/2002	Petition for Writ of Habeas Corpus (9:00 AM) Events: 02/01/2002 Petition <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>
04/04/2002	Motion for Appointment (9:00 AM) Events: 02/01/2002 Motion <i>DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40 Heard By: Nancy Saitta</i>
04/04/2002	Petition to Proceed in Forma Pauperis (9:00 AM) Events: 02/01/2002 Motion <i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>
04/04/2002	Motion (9:00 AM) Events: 02/11/2002 Motion <i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i>
04/05/2002	 Response <i>State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>

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04/05/2002	 Response <i>State's Response to Defendant's Motion for Evidentiary Hearing</i>
04/05/2002	 Response <i>State's Response to Defendant's Motion for Appointment of Counsel</i>
04/08/2002	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>
04/08/2002	Motion for Appointment (9:00 AM) <i>DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40 Heard By: Nancy Saitta</i>
04/08/2002	Petition to Proceed in Forma Pauperis (9:00 AM) <i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>
04/08/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42</i>
04/08/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i>
04/08/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 4/8/02 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i>
04/08/2002	Motion to Withdraw as Counsel (1:00 PM) Events: 04/01/2002 Motion <i>FREDERICK SANTACROCE'S MTN TO WITHDRAW AS COUNSEL /44 Heard By: Nancy Saitta</i>
04/08/2002	Motion (1:00 PM) Events: 04/03/2002 Motion <i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i>
04/08/2002	 Order
04/09/2002	Motion <i>ALL PENDING MOTIONS 4/8/02</i>
04/19/2002	 Reply <i>Petitioner's Reply to State's Opposition to Writ of Habeas Corpus (Post Conviction)</i>
05/06/2002	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>
05/06/2002	Motion for Appointment (9:00 AM) <i>DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40 Heard By: Nancy Saitta</i>
05/06/2002	Petition to Proceed in Forma Pauperis (9:00 AM) <i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>
05/06/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42</i>
05/06/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i>

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05/06/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i>
05/06/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 5/6/02 Court Clerk: Amber Farley Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta</i>
05/06/2002	Motion <i>ALL PENDING MOTIONS 5/6/02</i>
05/23/2002	 Order <i>Order for Production of Inmate Brendan James Nasby, BAC #63618</i>
06/24/2002	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>
06/24/2002	Motion for Appointment (9:00 AM) <i>DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40 Heard By: Nancy Saitta</i>
06/24/2002	Petition to Proceed in Forma Pauperis (9:00 AM) <i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>
06/24/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42</i>
06/24/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i>
06/24/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i>
06/24/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 6/24/02 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i>
06/24/2002	Hearing <i>CONFIRMATION OF COUNSEL (L. TEICHER)</i>
06/25/2002	Motion <i>ALL PENDING MOTIONS 6/24/02</i>
07/01/2002	Petition for Writ of Habeas Corpus (9:00 AM) <i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>
07/01/2002	Petition to Proceed in Forma Pauperis (9:00 AM) <i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>
07/01/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42</i>
07/01/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i>
07/01/2002	Motion (9:00 AM) <i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i>
07/01/2002	Motion for Confirmation of Counsel (9:00 AM) Events: 06/24/2002 Hearing

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CASE No. 98C154293-2

CONFIRMATION OF COUNSEL (L. TEICHER) Heard By: Nancy Saitta

07/01/2002	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 7/1/02 Court Clerk: Amber Farley Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle</i>
07/01/2002	Hearing <i>STATUS CHECK: PENDING MOTIONS</i>
07/01/2002	Motion <i>ALL PENDING MOTIONS 7/1/02</i>
08/07/2002	 Order <i>Order Appointing Counsel</i>
08/16/2002	 Order <i>Nunc Pro Tunc Order Appointing Counsel</i>
08/19/2002	Status Check (9:00 AM) Events: 07/01/2002 Hearing <i>STATUS CHECK: PENDING MOTIONS Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i>
08/19/2002	Conversion Case Event Type <i>ARGUMENT: POST-CONVICTION WRIT (SAO 2/26/03)</i>
10/31/2002	 Request <i>Ex-Parte Motion for Appointment of Investigator and Excess Fees</i>
11/06/2002	 Order
12/05/2002	 Motion <i>Motion for Extension of Time to File Supplemental Petition</i>
12/18/2002	CANCELED Motion (9:00 AM) Events: 12/05/2002 Motion <i>Vacated</i>
12/19/2002	 Order <i>Stipulation and Order</i>
02/05/2003	Hearing (9:00 AM) Events: 08/19/2002 Conversion Case Event Type <i>ARGUMENT: POST-CONVICTION WRIT (SAO 2/26/03) Heard By: Nancy Saitta</i>
02/26/2003	 Order <i>Stipulation and Order (Second Degree Request)</i>
04/08/2003	 Substitution of Attorney <i>Substitution of Attorneys</i>
05/29/2003	 Order <i>Order Authorizing First Interim Payment</i>
06/25/2003	Hearing (10:00 AM) <i>ARGUMENT: POST-CONVICTION WRIT (SAO 2/26/03) Heard By: Nancy Saitta</i>

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01/21/2004	 Motion <i>Motion for Substitute Counsel</i>
01/28/2004	 Response <i>State's Response to Defendant's Motion for Substitution of Attorneys</i>
02/02/2004	Motion for Substitution (9:00 AM) Events: 01/21/2004 Motion <i>DEFT'S PRO PER MTN FOR SUBSTITUTION COUNSEL/54 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i>
02/02/2004	Hearing <i>STATUS CHECK: BRIEFING SCHEDULE</i>
02/04/2004	 Notice <i>Notice of Confirmation of Appointment of Counsel</i>
02/04/2004	 Order <i>Order Appointing Counsel</i>
03/01/2004	Status Check (9:00 AM) Events: 02/02/2004 Hearing <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Amber Farley Reporter/Recorder: Dick Kangas Heard By: Nancy Saitta</i>
03/01/2004	Conversion Case Event Type <i>ARGUMENT: POST-CONVICTION WRIT</i>
11/02/2004	 Order <i>Petition and Order for Honorable Discharge from Probation</i>
11/03/2004	 Request <i>Ex Parte Motion for Extension of Time to File Post Conviction Memorandum of Points and Authorities</i>
11/03/2004	 Affidavit in Support <i>Affidavit in Support of Ex Parte Motion for Extension of Time to File Post Conviction Memorandum of Points and Authorities</i>
11/05/2004	 Order <i>Order Granting Ex Parte Motion for Extension of Time to File Post Conviction Memorandum of Points and Authorities</i>
11/10/2004	 Order <i>Stipulation and Order</i>
11/17/2004	 Points and Authorities <i>Memorandum of Points and Authorities in Support of Petitioner's Post Conviction Relief</i>
11/24/2004	 Certificate <i>Certificate of Mailing</i>
01/10/2005	Hearing (9:00 AM) Events: 03/01/2004 Conversion Case Event Type

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ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta

02/01/2005



Order

Stipulation and Order

02/04/2005



Opposition

State's Opposition to Defendant's Petition for Writ of Habeas Corpus Post-Conviction

02/09/2005

Hearing (9:00 AM)

ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta

02/22/2005



Reply

Defendant's Reply to State's Opposition to Defendant's Petition for Writ of Habeas Corpus Post-Conviction

02/28/2005



Receipt of Copy

03/02/2005

Hearing (9:00 AM)

ARGUMENT: POST-CONVICTION WRIT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Cory, Ken

03/14/2005

Hearing (9:00 AM)

ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta

03/25/2005



Order

Stipulation and Order

03/28/2005

Hearing (9:00 AM)

ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta

05/02/2005

Hearing (9:00 AM)

ARGUMENT: POST-CONVICTION WRIT Relief Clerk: Jennifer Kimmel Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta

05/02/2005

Hearing

EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL)

05/04/2005



Order

Order for Production of Inmate Brendan J. Nasby, BAC #63618

06/10/2005

Evidentiary Hearing (9:00 AM)

Events: 05/02/2005 Hearing

EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Heard By: Nancy Saitta

06/16/2005



Order

Stipulation and Order

08/10/2005



Order

Stipulation and Order








08/11/2005

Evidentiary Hearing (11:00 AM)

EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Heard By: Nancy Saitta

08/12/2005

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	 Certificate <i>Certificate of Facsimile and Mailing</i>
09/02/2005	Evidentiary Hearing (11:00 AM) <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Relief Clerk: Theresa Lee Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</i>
09/26/2005	Evidentiary Hearing (10:30 AM) <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</i>
11/02/2005	Evidentiary Hearing (10:30 AM) <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Heard By: Nancy Saitta</i>
11/09/2005	Evidentiary Hearing (10:30 AM) <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i>
11/09/2005	Conversion Case Event Type <i>ARGUMENT</i>
11/28/2005	 Reporters Transcript <i>Reporter's Transcript of November 9, 2005</i>
01/11/2006	Hearing (11:00 AM) Events: 11/09/2005 Conversion Case Event Type <i>ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Pavlikowski, Joseph S.</i>
02/14/2006	 Brief <i>Defendant's Supplemental Reply Brief to State's Opposition to Defendant's Petition for Writ of Habeas Corpus Post-Conviction</i>
02/15/2006	Hearing (11:00 AM) <i>ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</i>
02/27/2006	Hearing (10:30 AM) <i>ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</i>
03/27/2006	Hearing (10:30 AM) <i>ARGUMENT Relief Clerk: Cynthia Georgilas Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i>
04/12/2006	 Notice of Appeal
04/12/2006	 Statement <i>Case Appeal Statement</i>
04/13/2006	 Statement <i>Case Appeal Statement</i>
04/26/2006	 Judgment
















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Findings of Fact, Conclusions of Law and Order








04/27/2006	 Notice of Entry of Decision and Order
05/05/2006	 Request <i>Ex Parte Motion for Authorization of Payment of Fees</i>
05/08/2006	 Order <i>Order Authorizing Payment of Fees</i>
05/24/2006	 Notice of Appeal <i>Notice of Appeal to Supreme Court</i>
05/24/2006	 Statement <i>Case Appeal Statement</i>
06/16/2006	 Request <i>Request for Rough Draft Transcripts</i>
06/20/2006	 Reporters Transcript <i>Reporter's Transcript of March 27, 2006</i>
06/20/2006	 Request <i>Request for Rough Draft Transcripts</i>
01/29/2007	 Request <i>Ex Parte Motion for Authorization of Payment of Fees</i>
02/12/2007	 Order <i>Order Authorizing Payment of Fees</i>
07/16/2007	 Judgment <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
02/18/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Nasby, Brendan J <i>Petition for Writ of Habeas Corpus (PostConviction)</i>
02/18/2011	 Motion for Leave to Proceed in Forma Pauperis Filed By: Defendant Nasby, Brendan J
02/18/2011	 Affidavit in Support Filed By: Defendant Nasby, Brendan J <i>Affidavit in Support of Motion to Proceed in Forma Pauperis</i>
02/18/2011	 Motion Filed By: Defendant Nasby, Brendan J <i>Motion for Evidentiary Hearing</i>
02/18/2011	 Memorandum of Points and Authorities Filed By: Defendant Nasby, Brendan J <i>Memorandum of Points and Authorities in Support of Petitioner's Petition for Writ of Habeas</i>

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Corpus (Post-Conviction N.R.S. 34.720)

02/18/2011	 Motion for Appointment of Attorney Filed By: Defendant Nasby, Brendan J <i>Motion for Appointment of Counsel</i>
02/28/2011	 Order for Petition for Writ of Habeas Corpus
04/08/2011	 Response <i>State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus</i>
04/27/2011	 Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Barker, David) 04/27/2011, 05/11/2011 Events: 02/28/2011 Order for Petition for Writ of Habeas Corpus
04/29/2011	 Reply Filed by: Defendant Nasby, Brendan J <i>Petitioner's Reply to State's Response and Motion to Dismiss Petitioner's Petition for Writ of Habeas Corpus</i>
06/06/2011	 Motion Filed By: Defendant Nasby, Brendan J <i>Notice to the Court and Motion Requesting Update</i>
06/13/2011	 Notice of Appeal (criminal) Party: Defendant Nasby, Brendan J <i>Notice of Appeal</i>
06/16/2011	 Case Appeal Statement
06/17/2011	 Finding of Fact and Conclusions of Law Filed By: Plaintiff State of Nevada <i>Findings of Fact, Conclusions of Law and Order</i>
06/20/2011	 Motion (8:15 AM) (Judicial Officer: Barker, David) Events: 06/06/2011 Motion <i>Notice to the Court and Motion Requesting Update</i>
06/27/2011	 Notice of Entry of Decision and Order
03/12/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed
07/01/2014	 Motion <i>Motion to Expand the Record</i>
07/11/2014	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition To Defendant's Pro Per Motion To Expand The Record</i>
07/14/2014	 Motion (8:15 AM) (Judicial Officer: Barker, David) <i>Def't's Pro Per Motion to Expand the Record</i>
08/14/2014	

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	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion To Expand The Record</i>
12/09/2014	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Defendant Nasby, Brendan J <i>Petition for Writ of Habeas Corpus</i>
12/16/2014	 Motion Filed By: Defendant Nasby, Brendan J <i>Motion for Evidentiary Hearing</i>
12/17/2014	 Order for Petition for Writ of Habeas Corpus
12/18/2014	 Application to Proceed in Forma Pauperis Filed By: Defendant Nasby, Brendan J <i>Application to Proceed in Forma Pauperis</i>
12/18/2014	 Motion Filed By: Defendant Nasby, Brendan J <i>Motion for Appointment of Counsel</i>
01/02/2015	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for an Evidentiary Hearing</i>
01/05/2015	Case Reassigned to Department 19 <i>District Court Case Reassignment 2015</i>
01/07/2015	 Motion (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Pro Per Motion for Evidentiary Hearing</i>
01/09/2015	 Opposition <i>State's Opposition to Defendant's Motion for Appointment of Counsel</i>
01/12/2015	 Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
01/12/2015	CANCELED Motion (8:30 AM) (Judicial Officer: Barker, David) <i>Vacated - On in Error</i> <i>Motion for Hearing to Remove Unconstitutional "Pre-Trial Punishment Stipulation"</i>
01/27/2015	 Motion for Appointment of Attorney Filed By: Defendant Nasby, Brendan J <i>Renewed Motion for Appointment of Counsel</i>
01/27/2015	 Motion Filed By: Defendant Nasby, Brendan J <i>Motion for Leave of Court to File Renewed Motion for Appointment of Counsel</i>
01/27/2015	 Application to Proceed in Forma Pauperis Filed By: Defendant Nasby, Brendan J <i>Application to Proceed in Forma Pauperis</i>










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02/04/2015	 Response Filed by: Plaintiff State of Nevada <i>State's Response And Motion To Dismiss To Defendant's Pro Per Petition For Writ Of Habeas Corpus</i>
02/05/2015	 Opposition <i>State's Opposition To Defendant's Renewed Pro Per Motion For Appointment Of Counsel</i>
02/11/2015	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion For Evidentiary Hearing</i>
02/11/2015	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion For Appointment Of Counsel</i>
02/18/2015	 Motion for Leave (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Pro Per Motion for Leave of Court to File Renewed Motion for Appointment of Counsel</i>
02/23/2015	 Affidavit <i>Affidavit/Declaration for Entry of Default</i>
02/23/2015	 Application Filed By: Defendant Nasby, Brendan J <i>Application for A Judgment by Default</i>
02/23/2015	 Affidavit Filed By: Defendant Nasby, Brendan J <i>Affidavit/Declaration for Entry of Default</i>
02/23/2015	 Application Filed By: Defendant Nasby, Brendan J <i>Application for Default Judgment and Sanctions</i>
02/23/2015	 Reply to Opposition Filed by: Defendant Nasby, Brendan J <i>Reply to State's Opposition to Defendant's Renewed Motion for Appointment of Counsel and Petitioner's Request for Sanctions</i>
02/24/2015	 Notice of Appeal (criminal) Party: Defendant Nasby, Brendan J <i>Notice of Appeal</i>
02/25/2015	Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
02/25/2015	Motion to Dismiss (8:30 AM) (Judicial Officer: Kephart, William D) <i>State's Response and Motion to Dismiss to Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
02/25/2015	 All Pending Motions (8:30 AM) (Judicial Officer: Kephart, William D)
02/25/2015	 Case Appeal Statement

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	Filed By: Defendant Nasby, Brendan J <i>Case Appeal Statement</i>
02/25/2015	 Reply Filed by: Defendant Nasby, Brendan J <i>Reply and Motion to Strike State's Response and Motion to Dismiss</i>
02/26/2015	 Motion Filed By: Defendant Nasby, Brendan J <i>Renewed Motion for Evidentiary Hearing and Motion to Produce Inmate</i>
02/26/2015	 Motion Filed By: Plaintiff State of Nevada <i>Motion for Leave of Court to File Renewed Motion for Evidentiary Hearing</i>
03/13/2015	 Notice of Appeal (criminal) Party: Defendant Nasby, Brendan J <i>Notice of Appeal</i>
03/16/2015	 Case Appeal Statement Filed By: Defendant Nasby, Brendan J <i>Case Appeal Statement</i>
03/16/2015	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion For Leave Of Court To File Renewed Motion For Appointment Of Counsel</i>
03/18/2015	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition To Defendant's Pro Per Motion For Leave Of Court To File Renewed Motion For Evidentiary Hearing And Motion For Evidentiary Hearing And Production Of Inmate</i>
03/23/2015	Motion (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Pro Per Renewed Motion for Evidentiary Hearing and Motion to Produce Inmate</i>
03/23/2015	Motion (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Pro Per Motion for Leave of Court to File Renewed Motion for Evidentiary Hearing</i>
03/23/2015	 All Pending Motions (8:30 AM) (Judicial Officer: Kephart, William D)
03/30/2015	 Certificate of Service <i>Certificate of Service</i>
03/30/2015	 Notice of Appeal (criminal) <i>Amended Notice of Appeal</i>
03/30/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
03/31/2015	 Case Appeal Statement Filed By: Defendant Nasby, Brendan J <i>Case Appeal Statement</i>

DEPARTMENT 19
CASE SUMMARY
CASE NO. 98C154293-2

04/03/2015	 Motion to Disqualify Judge Filed By: Defendant Nasby, Brendan J <i>Motion to Disqualify Judge</i>
04/06/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
04/21/2015	 Notice Filed By: Defendant Nasby, Brendan J <i>Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>
04/22/2015	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
04/28/2015	 Order <i>Order Denying Motion to Disqualify Judge</i>
04/28/2015	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition To Defendant's Pro Per Motion To Disqualify Judge; Notice To The Court And Motion To Attach Supplemental Exhibit To Motion To Disqualify Judge</i>
04/30/2015	CANCELED Motion to Disqualify Judge (3:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i> <i>Pro Per's Motion to Disqualify Judge</i>
05/11/2015	 Motion Filed By: Defendant Nasby, Brendan J <i>Second Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>
05/14/2015	CANCELED Motion (3:00 AM) (Judicial Officer: Barker, David) <i>Vacated - Superseding Order</i> <i>Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>
05/18/2015	 Notice of Appeal (criminal) Party: Defendant Nasby, Brendan J <i>Notice of Appeal</i>
05/20/2015	 Case Appeal Statement Filed By: Defendant Nasby, Brendan J <i>Case Appeal Statement</i>
06/01/2015	Motion (8:30 AM) (Judicial Officer: Kephart, William D) <i>Defendant's Second Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>
DATE	FINANCIAL INFORMATION
	Defendant Nasby, Brendan J
	Total Charges 49.00
	Total Payments and Credits 24.00
	Balance Due as of 5/20/2015 25.00


CLERK OF THE COURT

1 ORDR
2
3
4

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7
8

9 STATE OF NEVADA
10

11 Plaintiff,

12 vs.

CASE NO. C154293-2
DEPT NO. XIX

13 BRENDAN J. NASBY,
14

Defendant.
15

16 **ORDER DENYING MOTION TO DISQUALIFY JUDGE**

17 This Court, having reviewed Defendant's Motion to Disqualify Judge and all related
18 pleadings, finds the matter is appropriately decided on the pleadings and without oral argument
19 pursuant to EDCR 2.23.

20 Defendant Brendan J. Nasby filed a Motion to Disqualify Judge on April 3, 2015, set on the
21 Court's chamber calendar for April 30, 2015. Defendant subsequently filed a document entitled
22 Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge, set
23 on the Court's chamber calendar for May 14, 2015. In the subsequent Motion to Attach
24 Supplemental Exhibit, Defendant asserts that a letter from Thomas C. Michaelides dated April 11,
25 2006, was supposed to be attached as an exhibit to his Motion to Disqualify Judge, but it was not in
26 the copy of the motion received back from the Clerk's Office.
27
28

1 As an initial matter, the copy of Defendant's Motion to Disqualify Judge filed with the Clerk
2 of the Court includes as exhibit A the Michaelides letter dated April 11, 2006. Therefore,
3 Defendant's Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to
4 Disqualify Judge is moot and the matter ordered off calendar.
5

6 Next, the instant case is one of many included in a case reassignment arising out of the 2014
7 judicial elections. On January 5, 2015, this case was reassigned to District Court Department 19,
8 the Honorable William Kephart presiding. Judge Kephart has ruled on numerous matters.
9 Defendant has appealed Judge Kephart's denial of his post-conviction petition for writ of habeas
10 corpus and the appeal remains pending.¹ A timely notice of appeal divests the district court of
11 jurisdiction to act on issues pending before the Nevada Supreme Court, but the district court retains
12 jurisdiction to enter orders on matters collateral to and independent from the appealed order.²
13 Defendant's Motion to Disqualify requests the disqualification of "Judge Nancy Saitta," which is
14 collateral to the appealed order. This Court retains jurisdiction to rule on Defendant's Motion to
15 Disqualify Judge.
16

17 Finally, Defendant's Motion to Disqualify seeks two different forms of relief. Defendant
18 requests that "Judge Nancy Saitta" be formally disqualified, and he also requests that all of her
19 actions in his case be deemed void.³ Defendant contends that his due process rights were violated
20 when Nancy Saitta, as a district court judge, did not recuse herself from hearing Defendant's initial
21 post-conviction habeas petition in 2006.⁴ Defendant's Motion to Disqualify must be denied as to
22 both issues.
23

24 ///
25

26
27 ¹ Notice of Appeal filed Mar. 13, 2015.

² *Foster v. Dingwall*, 228 P.3d 453, 454-55 (Nev. 2010).

³ Mot. to Disqualify Judge p. 14 (Apr. 3, 2015).

⁴ *Id.* at p. 1-2.

1 Regarding disqualification, Nancy Saitta currently sits as a Justice in the Nevada Supreme
2 Court, and Defendant recognizes this in one of his certificates of mailing.⁵ Pursuant to NRS
3 1.225(4), a hearing on disqualification of a justice of the Nevada Supreme Court or a judge of the
4 Court of Appeals "shall be had before the other justices of the Supreme Court or, if the charge
5 concerns a judge of the Court of Appeals, the justices of the Supreme Court." This Court lacks
6 jurisdiction to hear a motion to disqualify Justice Saitta.
7


8 Regarding Defendant's request to void Justice Saitta's actions in this case while she was a
9 district court judge, NRS 1.235 only authorizes the Chief Judge to rule on the instant Motion to
10 Disqualify. The requested relief of voiding actions is not properly before this Court.
11

12 It is hereby ORDERED that Defendant's Motion to Disqualify Judge is DENIED, and

13 It is further ORDERED that Defendant's Notice to the Court and Motion to Attach
14 Supplemental Exhibit to Motion to Disqualify Judge is MOOT, and

15 It is further ORDERED that the hearing on Defendant's Notice to the Court and Motion to
16 Attach Supplemental Exhibit to Motion to Disqualify Judge on calendar for May 14, 2015, is
17 VACATED.
18

19 DATED this 28th day of April, 2015.

20
21
22 
23 DAVID BARKER
24 CHIEF DISTRICT COURT JUDGE (F)
25
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28

⁵ The certificate of mailing for Defendant's Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge states that a copy was mailed to Justice Nancy Saitta at the Nevada Supreme Court in Carson City.

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I hereby certify that on the date filed, a copy of this Order was hand delivered and mailed as follows:

William Kephart
District Court Judge
Department XIX
Las Vegas, NV 89155

Brendan Nasby
I.D. No. 63618
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419


CHERYL CARPENTER, Dept. 18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 27, 1998**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 27, 1998**9:00 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 12, 1998**

98C154293-2

State of Nevada

vs

Brendan Nasby

November 12, 1998**8:30 AM****Arraignment Continued**

**ARRAIGNMENT
CONTINUED Court
Clerk: CAROL
GREEN/cg Relief
Clerk: PAULA
GOODELL
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 24, 1998**

98C154293-2

State of Nevada

vs

Brendan Nasby

November 24, 1998**8:30 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: LINDA
SKINNER/Is Relief
Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lalli, Christopher J.
Nasby, Brendan J
Sciscento, Joseph S.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 10, 1998**

98C154293-2

State of Nevada

vs

Brendan Nasby

December 10, 1998**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 12/10/98
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- ARRAIGNMENT (TOMMIE BURNSIDE JR and JOTEE BURNSIDE)

Defendant TOMMIE BURNSIDE, JR.: GUILTY PLEA AGREEMENT FILED IN OPEN COURT.

NEGOTIATIONS: Deft. waived right to a Preliminary Hearing to enter plea of guilty to Information; State retains right to argue, but will not oppose with Defendant's other case. Defendant TOMMIE BURNSIDE, JR. 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. Further, COURT ORDERED, Police Report will be made a part of this plea.

Defendant JOTEE BURNSIDE: GUILTY PLEA AGREEMENT FILED IN OPEN COURT.

NEGOTIATIONS: Deft. waived right to a Preliminary Hearing to enter plea of guilty to Information;

State retains right to argue. Defendant JOTEE BURNSIDE 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. Further, COURT ORDERED, Police Report will be made a part of this plea.

Regarding request for O.R. Release on behalf of Deft. Jotee Burnside, Court advised counsel to file written motion and get something from Intake Services and matter will be put on 12/15 calendar. Counsel advised that Deft. Tommie Burnside would join in motion. Matter will be on calendar as to both Defendants.

CUSTODY (BOTH)

12/15/98 8:30 AM DEFTS' REQUEST FOR O.R. RELEASE (BOTH)

2/25/99 8:30 AM SENTENCING (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 15, 1998**

98C154293-2

State of Nevada

vs

Brendan Nasby

December 15, 1998**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 12/15/98
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR OWN RECOGNIZANCE RELEASE OR HOUSE ARREST (JOTEE)...DEFT'S REQUEST FOR O.R. RELEASE (TOMMIE)

Mr. Brooks advised the Intake Services Report denies an O.R. release, but would request house arrest as Deft's mother has a full time job and can afford the fees. Mr. Figler stated this applies to Tommie as well. Mr. Coumou opposed both motions because of Deft's gang affiliation and their records. COURT ORDERED, both Motions are DENIED, however, reduced the bail to \$10,000 for each Deft. CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 08, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

January 08, 1999**8:30 AM****Motion to Revoke Own
Recognizance Release**

**STATE'S MOTION
TO REVOKE DEFT
NASBY'S JAIL
PRIVILEGES AND
PLACE IN
ISOLATION Relief
Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Nasby, Brendan J
Sciscento, Joseph S.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 22, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

January 22, 1999**9:00 AM****Motion to Revoke Own
Recognizance Release**

**STATE'S MOTION
TO REVOKE DEFT
NASBY'S JAIL
PRIVILEGES AND
PLACE IN
ISOLATION Court
Clerk: CAROL
GREEN Relief Clerk:
CONNIE
KALSKI/CK
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Nasby, Brendan J

Sciscento, Joseph S.

Attorney

Defendant

Attorney

JOURNAL ENTRIES

- 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

PRINT DATE: 05/20/2015

Page 10 of 93

Minutes Date: October 27, 1998

98C154293-2

calendar. COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 28, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

January 28, 1999**8:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brown, Philip H.
 Nasby, Brendan J
 Sciscento, Joseph S.

Attorney
 Defendant
 Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 29, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

January 29, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 1/29/99
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Duffy, John L.

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 01, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 01, 1999**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 2/1/99
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brown, Philip H.

Attorney

Duffy, John L.

Attorney

Nasby, Brendan J

Defendant

JOURNAL ENTRIES

- STATUS CHECK: TRIAL SETTING...STATE'S MOTION TO REVOKE DEFT'S JAIL PRIVILEGES
AND TO PLACE HIM IN ISOLATION

Mr. 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 02, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 02, 1999**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 2/2/99
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL SETTING...STATE'S MOTION TO REVOKE DEFT'S JAIL PRIVILEGES
AND PLACE HIM IN ISOLATION

COURT 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 08, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 08, 1999**8:30 AM****Sentencing****SENTENCING****Court Clerk: LINDA
SKINNER****Reporter/Recorder:
JAMES HELLESO****Heard By:
Pavlikowski, Joseph
S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Coumou, Frank

Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 10, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 10, 1999**8:30 AM****Request of Court**

**AT THE REQUEST
OF THE COURT
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Duffy, John L.

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 12, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 12, 1999**8:30 AM****Request of Court**

**AT THE REQUEST
OF THE COURT
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Nasby, Brendan J

Attorney
Defendant

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 25, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 25, 1999**8:30 AM****Sentencing**

SENTENCING
Court Clerk: LINDA
SKINNER/LS Relief
Clerk: CONNIE
KALSKI
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- J.R. Haggerty from the Division of Parole and Probation present. Speaker Helen Jones tried to address the Court. Court directed Mr. Coumou to have Ms. Jones prepare a written statement and ORDERED, matter CONTINUED.
 CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 25, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 25, 1999**8:30 AM****Sentencing****SENTENCING****Court Clerk: LINDA****SKINNER/LS Relief****Clerk: CONNIE****KALSKI****Reporter/Recorder:****JAMES HELLESO****Heard By: Joseph****Pavlikowski****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- J.R. Haggerty from the Division of Parole and Probation present. Mr. Brooks advised Deft did not want to proceed with sentencing, but would like this continued for several months so that he might bail out. Upon Court's inquiry, Court DENIED this request. Parties argued and submitted. Statement by Deft. Having been ADJUDGED GUILTY of ACCESSORY TO MURDER (F), COURT ORDERED, in addition to the \$25 Administrative Assessment Fee, DEFT JOTEE BURNSIDE SENTENCED to the Nevada Department of Prisons for a MAXIMUM term of (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS with 121 days credit for time served. BOND, if any, EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 04, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

March 04, 1999**8:30 AM****Sentencing****SENTENCING****Court Clerk: CAROL****GREEN Relief Clerk:****SHARRY****FRASCARELLI/sf****Reporter/Recorder:****JAMES HELLESO****Heard By: Joseph****Pavlikowski****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- Roy Stuart from the Division of Parole and Probation present. Statement by Mr. Coumou. Ms. Dickinson argued her case (C152990) be treated as a gross misdemeanor and Mr. Figler argued for boot camp and continuance of sentencing in this case. Defendant made statement. DEFENDANT BURNSIDE, having been ADJUDGED GUILTY of ACCESSORY TO MURDER (F), COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Defendant SENTENCED to a MAXIMUM term of THIRTY SIX (36) MONTHS in the Nevada Department of Prisons with a MINIMUM parole eligibility of TWELVE (12) MONTHS with 139 DAYS credit for time served.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 29, 1999**

98C154293-2

State of Nevada
vs
Brendan Nasby

April 29, 1999**8:30 AM****Calendar Call**

CALENDAR CALL
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Duffy, John L.

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 30, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

April 30, 1999**9:00 AM****Calendar Call**

**CALENDAR CALL
(OVERFLOW FROM
DEPT III)
COUMOU/SCISCEN
TO-17 WIT/2
OUTSTATE/5DAYS
Court Clerk: RITA
LOPEZ
Reporter/Recorder:
JOE D'AMATO
Heard By: Mosley,
Donald M.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Duffy, John L.

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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

98C154293-2

CAN BE ENTERTAINED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 03, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

May 03, 1999**9:00 AM****Calendar Call**

**CALENDAR CALL
(OVERFLOW FROM
DEPT III)
COUMOU/SCISCEN
TO-17 WIT/2
OUTSTATE/5DAYS
Court Clerk: JUDY
NORMAN
Reporter/Recorder:
MAUREEN
SCHORN Heard By:
Donald Mosley**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Duffy, John L.

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

98C154293-2

CUSTODY

5/6/99 8:30 AM TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 06, 1999**

98C154293-2

State of Nevada
vs
Brendan Nasby

May 06, 1999**8:30 AM****Conversion Hearing Type**

TRIAL SETTING
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Nasby, Brendan J
Sciscento, Joseph S.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 13, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

May 13, 1999**8:30 AM****Sentencing**

SENTENCING
Relief Clerk: CAROL
GREEN
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Coumou, Frank

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 15, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

July 15, 1999**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 7/15/99
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- CALENDAR 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.

98C154293-2

CUSTODY

10/7/99 8:30 AM CALENDAR CALL

10/11/99 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 29, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

July 29, 1999**8:30 AM****Sentencing**

SENTENCING
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Coumou, Frank

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 29, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

July 29, 1999**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 7/29/99
Court Clerk: LINDA
SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By: Joseph
Pavlikowski**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- DEFT'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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 07, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

September 07, 1999**8:30 AM****Motion**

**DEFT'S MOTION
FOR ORDER TO
TAKE VIDEO
DEPOSITION AT
TRIAL Court Clerk:
LINDA SKINNER
Reporter/Recorder:
JAMES HELLESO
Heard By:
Pavlikowski, Joseph
S.**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 09, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

September 09, 1999**9:00 AM****Motion**

**DEFT'S MOTION
FOR ORDER TO
TAKE VIDEO
DEPOSITION AT
TRIAL Court Clerk:
TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 07, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 07, 1999**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 10-7-99
Court Clerk: TINA
HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

CUSTODY

10-11-99 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 11, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 11, 1999**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk:****JOSEPHINE BOHN****Reporter/Recorder:****RENEE SILVAGGIO****Heard By: Gibbons,****Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 12, 1999**11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk:****JOSEHINE BOHN****Reporter/Recorder:****RENEE SILVAGGIO****Heard By: Gibbons,****Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 12, 1999**11:00 AM****Hearing**

**HEARING Court
Clerk: JOSEPHINE
BOHN
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 13, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 13, 1999**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk:****JOSEPHINE BOHN****Reporter/Recorder:****RENEE SILVAGGIO****Heard By: Gibbons,****Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 14, 1999**11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk:****JOSEPHINE BOHN****Reporter/Recorder:****RENEE SILVAGGIO****Heard By: Gibbons,****Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 15, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 15, 1999**1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk: TINA****HURD****Reporter/Recorder:****Renee Silvaggio****Heard By: Gibbons,****Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 18, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 18, 1999**9:00 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: TINA
HURD/th Relief
Clerk: Blanca
Madrigal
Reporter/Recorder:
PATSY SMITH
Heard By: Gibbons,
Mark

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 19, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 19, 1999**9:00 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: TINA
HURD/th Relief
Clerk: Blanca
Madrigal
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

98C154293-2

CUSTODY

11-29-99 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 28, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

October 28, 1999**9:00 AM****Sentencing****SENTENCING****Court Clerk:****JOSEPHINE BOHN****Reporter/Recorder:****RENEE SILVAGGIO****Heard By: Mark****Gibbons****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Coumou, Frank

Attorney

JOURNAL ENTRIES

- 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. 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

98C154293-2

will issue. BOND, if any, EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 29, 1999**

98C154293-2

State of Nevada

vs

Brendan Nasby

November 29, 1999**9:00 AM****Sentencing****SENTENCING****Court Clerk: TINA****HURD****Reporter/Recorder:****PATSY SMITH****Heard By: Mark****Gibbons****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Sciscento, Joseph S.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 17, 2001**

98C154293-2

State of Nevada

vs

Brendan Nasby

September 17, 2001**9:00 AM****Motion**

**DEFT'S PRO PER
MTN TO
DISCOVERY
PRODUCTION/TRA
NSMISSION OF
DOCUMENTS/38
Court Clerk: Denise
Husted Heard By:
Nancy Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brower, Keith

Attorney

JOURNAL ENTRIES

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

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 25, 2002**

98C154293-2 State of Nevada
 vs
 Brendan Nasby

February 25, 2002**9:00 AM****Motion**

**DEFT'S PRO PER
MTN FOR
DISCOVERY
PRODUCTION AND
TRANSMISSIONS
OF DOCUM/42
Court Clerk: Denise
Husted
Reporter/Recorder:
Kristine Cornelius
Heard By: Saitta,
Nancy M**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Goettsch, Becky S.

Attorney

JOURNAL ENTRIES

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

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 08, 2002**

98C154293-2

State of Nevada

vs

Brendan Nasby

April 08, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 4/8/02
Court Clerk: Amber
Farley
Reporter/Recorder:
Kristine Cornelius
Heard By: Nancy
Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Santacroce, Frederick A.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 06, 2002**

98C154293-2

State of Nevada

vs

Brendan Nasby

May 06, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 5/6/02
Court Clerk: Amber
Farley
Reporter/Recorder:
Debra Vanblaricom
Heard By: Nancy
Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lawson, Tamara F.

Attorney

JOURNAL ENTRIES

- 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

98C154293-2

5/10/02

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 24, 2002**

98C154293-2

State of Nevada

vs

Brendan Nasby

June 24, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 6/24/02
Court Clerk: Amber
Farley
Reporter/Recorder:
Kristine Cornelius
Heard By: Nancy
Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brown, David T.

Attorney

Lawson, Tamara F.

Attorney

Nasby, Brendan J

Defendant

JOURNAL ENTRIES

- 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

Conference at bench. Pursuant to same, Mr. Christiansen's office is REMOVED from the case and

98C154293-2

Lori Teicher is APPOINTED. Matter set for confirmation of counsel.

NDC

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 01, 2002**

98C154293-2

State of Nevada

vs

Brendan Nasby

July 01, 2002**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 7/1/02
Court Clerk: Amber
Farley
Reporter/Recorder:
Tina Smith Heard
By: Kathy Hardcastle**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Teicher, Lori C.
Wall, David T.

Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 19, 2002**

98C154293-2

State of Nevada

vs

Brendan Nasby

August 19, 2002**9:00 AM****Status Check****STATUS CHECK:****PENDING****MOTIONS Court****Clerk: Amber Farley****Reporter/Recorder:****Kristine Cornelius****Heard By: Nancy****Saitta****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Nasby, Brendan J

Defendant

Teicher, Lori C.

Attorney

Wall, David T.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C154293-2

State of Nevada

vs

Brendan Nasby

February 02, 2004**9:00 AM****Motion for Substitution**

**DEFT'S PRO PER
MTN FOR
SUBSTITUTION
COUNSEL/54 Court
Clerk: Amber Farley
Reporter/Recorder:
Kristine Cornelius
Heard By: Nancy
Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C154293-2

State of Nevada

vs

Brendan Nasby

March 01, 2004**9:00 AM****Status Check**

STATUS CHECK:
BRIEFING
SCHEDULE Court
Clerk: Amber Farley
Reporter/Recorder:
Dick Kangas Heard
By: Nancy Saitta

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

Sgro, Anthony P.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 02, 2005**

98C154293-2

State of Nevada

vs

Brendan Nasby

March 02, 2005**9:00 AM****Hearing**

**ARGUMENT: POST-
CONVICTION
WRIT Court Clerk:
Kristen Brown
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Cory, Ken**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Sgro, Anthony P.

Attorney
Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 02, 2005**

98C154293-2

State of Nevada

vs

Brendan Nasby

May 02, 2005**9:00 AM****Hearing**

**ARGUMENT: POST-
CONVICTION
WRIT Relief Clerk:
Jennifer Kimmel
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Nancy
Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Sgro, Anthony P.

Attorney
Attorney

JOURNAL ENTRIES

- 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)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 02, 2005**

98C154293-2

State of Nevada

vs

Brendan Nasby

September 02, 2005**11:00 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING RE:
TRIAL STRATEGY
(INEFFECTIVE
ASSISTANCE OF
COUNSEL) Relief
Clerk: Theresa Lee
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Saitta,
Nancy M**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Michaelides, Thomas C.

Attorney

JOURNAL ENTRIES

- (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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 26, 2005**

98C154293-2

State of Nevada

vs

Brendan Nasby

September 26, 2005**10:30 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING RE:
TRIAL STRATEGY
(INEFFECTIVE
ASSISTANCE OF
COUNSEL) Court
Clerk: Kristen Brown
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Saitta,
Nancy M**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Nasby, Brendan J

Attorney
Defendant

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2005**

98C154293-2

State of Nevada

vs

Brendan Nasby

November 09, 2005**10:30 AM****Evidentiary Hearing**

**EVIDENTIARY
HEARING RE:
TRIAL STRATEGY
(INEFFECTIVE
ASSISTANCE OF
COUNSEL) Court
Clerk: Kristen Brown
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Nancy
Saitta**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coulmou, Frank

Attorney

Michaelides, Thomas C.

Attorney

Nasby, Brendan J

Defendant

JOURNAL ENTRIES

- Frederick Santacroce, Esq. and Joseph Sciscento, Esq., sworn and testified. Argument by Mr. Coulmou. 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

98C154293-2

1/11/06 11:00 AM ARGUMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2006

98C154293-2

State of Nevada

vs

Brendan Nasby

January 11, 2006

11:00 AM

Hearing

**ARGUMENT Court
Clerk: Kristen Brown
Reporter/Recorder: Jo
Anne Pierpont
Heard By:
Pavlikowski, Joseph
S.**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Coumou, Frank
Nasby, Brendan J

Attorney
Defendant

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 15, 2006**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 15, 2006**11:00 AM****Hearing**

**ARGUMENT Court
Clerk: Kristen Brown
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Saitta,
Nancy M**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Michaelides, Thomas C.

Attorney

Nasby, Brendan J

Defendant

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 27, 2006**

98C154293-2 State of Nevada
 vs
 Brendan Nasby

February 27, 2006**10:30 AM****Hearing**

**ARGUMENT Court
Clerk: Kristen Brown
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Saitta,
Nancy M**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Nasby, Brendan J

Attorney
Defendant

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 27, 2006**

98C154293-2

State of Nevada
vs
Brendan Nasby

March 27, 2006**10:30 AM****Hearing**

ARGUMENT Relief
Clerk: Cynthia
Georgilas
Reporter/Recorder: Jo
Anne Pierpont
Heard By: Nancy
Saitta

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank
Nasby, Brendan J
Sgro, Anthony P.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 27, 2011

98C154293-2 State of Nevada
vs
Brendan Nasby

April 27, 2011 8:15 AM Petition for Writ of Habeas Corpus

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Phyllis Irby

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT: Raman, Jay Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft not present. Mr. Sgro Deft's counsel not present. COURT ORDERED, MATTER CONTINUED. Mr. Sgro needs to be present next date to make representations.

NDC

5-11-11 8:00 AM SAME (DEPT. XVIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

98C154293-2 State of Nevada
 vs
 Brendan Nasby

**May 11, 2011 8:15 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES**

PRESENT: Raman, Jay Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court advised, Defense counsel is not present for today's matter. This matter has been passed twice for counsel to provide additional information. The State has filed a response and defense counsel has failed to file documents. Therefore, this Court will render a decision based upon what has been presented to the Court. COURT ORDERED, petition DENIED under NRS 34.726 and NRS 34.810 as being excessively time barred. The State is to prepare the order of Conclusions of Law and/or the Procedural Grounds.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 20, 2011**

98C154293-2 State of Nevada
 vs
 Brendan Nasby

June 20, 2011 8:15 AM Motion

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Billie Jo Craig**RECORDER:** Richard Kangas**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Deputy District Attorney Frank Ponticello present for the State. Kevin Leik appearing for Anthony Sgro representing defendant. Defendant not present.

Colloquy regarding status of case. COURT ORDERED, Defendant's Pro Per Motion is DENIED. At request of Mr. Leik, COURT ORDERED, Sgro allowed to WITHDRAW as Counsel of Record. RECALLED LATER. The State advised the Findings of Facts and Conclusions of Law were previously filed and forwarded to defendant at Ely.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 14, 2014**

98C154293-2

State of Nevada

vs

Brendan Nasby

July 14, 2014**8:15 AM****Motion****Deft's Pro Per Motion
to Expand the Record****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Burton, Chris
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Per review, Supreme Court Remittitur, over two years ago, order of affirmance of the denial of post-conviction petition noting certain procedurally aspects that Deft. did not meet in the first instance as a result of the jury verdict from 1999. Deft. request to expand record even though Deft. has not persuaded any Court during the time he has been in custody on this first degree murder conviction and wishes to expand the record regarding aggregation of consecutive sentences. Court FINDS no basis under Chapter 34 by which this relief could be remotely granted, no basis therefore to expand record, no basis to spend tax payer monies in that fashion and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Brendan James Nasby #63618, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 07, 2015**

98C154293-2

State of Nevada

vs

Brendan Nasby

January 07, 2015**8:30 AM****Motion****Defendant's Pro Per
Motion for
Evidentiary Hearing****HEARD BY:** Kephart, William D**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Ying Pan**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Overly, Sarah
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present.

COURT FINDS, the motion is premature, and ORDERED, Motion DENIED. State to prepare a proposed Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 12, 2015**

98C154293-2 State of Nevada
 vs
 Brendan Nasby

January 12, 2015	8:30 AM	Motion for Appointment of Attorney	Defendant's Pro Per Motion for Appointment of Counsel
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HEARD BY: Kephart, William D**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Ying Pan**RECORDER:** Christine Erickson**REPORTER:****PARTIES**

PRESENT:	Burton, Chris	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present.

COURT FINDS, Defendant did not meet the prerequisite, and ORDERED, Motion DENIED. State to prepare a proposed Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 18, 2015**

98C154293-2

State of Nevada

vs

Brendan Nasby

February 18, 2015**8:30 AM****Motion for Leave**

**Defendant's Pro Per
Motion for Leave of
Court to File
Renewed Motion for
Appointment of
Counsel**

HEARD BY: Kephart, William D**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Ying Pan**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**

Keeler, Brett O.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Defendant not present.

Court NOTED, this Motion was heard previously, Defendant has not established anything overcoming the prerequisites. COURT ORDERED, Motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed via U.S. Regular Mail to: Defendant:

Brendan Nasby #63618
Lovelock Correctional Center

PRINT DATE: 05/20/2015

Page 89 of 93

Minutes Date: October 27, 1998

98C154293-2

1200 Prison Road
Lovelock, NV 89419
- YP 2-24-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 25, 2015

98C154293-2 State of Nevada
 vs
 Brendan Nasby

February 25, 2015 8:30 AM All Pending Motions

HEARD BY: Kephart, William D

COURTROOM: RJC Courtroom 03E

COURT CLERK: Ying Pan

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Benedict, Susan M Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S RESPONSE
AND MOTION TO DISMISS TO DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS
CORPUS

Defendant not present.

COURT ORDERED, State's Motion to Dismiss to Defendant's Petition GRANTED and Defendant's
Petition for Writ of Habeas Corpus DENIED. State to prepare a proposed Order including finding of
facts and conclusion of law.

CLERK'S NOTE: The above minute order has been distributed via U.S. Regular Mail to: Defendant:

BRENDAN JAMES NASBY #63618
LOVELOCK CORRECTIONAL CENTER
1200 PRISON ROAD
LOVELOCK, NV 89419

98C154293-2

- YP 2-26-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 23, 2015**

98C154293-2 State of Nevada
 vs
 Brendan Nasby

March 23, 2015 8:30 AM All Pending Motions

HEARD BY: Kephart, William D **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Kristen Brown

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Keeler, Brett O. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFT'S PRO PER RENEWED MOTION FOR EVIDENTIARY HEARING AND MOTION TO PRODUCE INMATE...DEFT'S PRO PER MOTION FOR LEAVE OF COURT TO FILE RENEWED MOTION FOR EVIDENTIARY HEARING

Court stated that as the deft. has appealed the Court prior denial of the Deft's Petition for Writ of Habeas Corpus, it divests jurisdiction of this Court, therefore, ORDERED, Motions OFF CALENDAR.

NDC

[illegible]

OFFERED ADMITTED

1. Poster - Areal	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/99
2. Poster - Crime scene diagram	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13
3. Poster - Autopsy photos	<input checked="" type="checkbox"/> obj OK	<input checked="" type="checkbox"/> 10/13
4. Package (cigarette butts) - Evidence envelope	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/99
5. Package - Evidence envelope	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 10/13
5 A - Cartridge Case	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
5 B - " "	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
5 C - " "	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
5 D - " "	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> "
6. Photo	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/99
7. "	<input type="checkbox"/>	<input type="checkbox"/>
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21. Photo	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/99

DO NOT REMOVE

OFFERED ADMITTED

22	Photo	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/99
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31	Photo	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/99
32	"	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/99
33	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	
34	"	<input checked="" type="checkbox"/>	obj OR	<input checked="" type="checkbox"/>	
35	"	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
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40	"	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
41	Package - Evidence envelope	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/99
41.A	- Casings	<input checked="" type="checkbox"/>	obj OR	<input checked="" type="checkbox"/>	
41.B	- Bullet	<input checked="" type="checkbox"/>	obj OR	<input checked="" type="checkbox"/>	
41.C	- Bullet	<input checked="" type="checkbox"/>	obj OR	<input checked="" type="checkbox"/>	
41.D	- Bullet fragments	<input checked="" type="checkbox"/>	obj OR	<input checked="" type="checkbox"/>	
41.E	- Bullet	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	

	OFFERED	ADMITTED
41 F - Bullet + Fragments	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/99
41 G - Bullet Fragments	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/99
42 Photo	<input checked="" type="checkbox"/> OK	<input checked="" type="checkbox"/> 10/13/99
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50	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
51	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
52 Evidence Bag Released to Mitro	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14/99
52A Gun - (hand)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 10/14/99
52B Clips	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
52C Blue gym bag	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
53 Photo	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14/99
54 Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>
55 Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>
56 Photo	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14/99
57	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58 "	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
59 - Copy of "The Girls' statement"	<input type="checkbox"/>	<input type="checkbox"/>
60 - Copy of List of Names + Addresses, Photos.	<input type="checkbox"/>	<input type="checkbox"/>
61 - NOT PROVIDED	<input type="checkbox"/>	<input type="checkbox"/>

OFFERED ADMITTED

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☒ *no* ☒ *10/15*

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Page 10 of 10

OFFERED ADMITTED

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VII

MARK GIBBONS

Tina Hurst

RATSU SMITH

FRANK Common

JOSEPH SCISCUNTO / FREDRICK SANTACROCE
COUNSEL FOR THE DEFENDANT

PLAINTIFF,

VS.

BROWAN JAMES NABBY

DEFENDANT.

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#1 - Small photograph of Sept. w/ gun

☒

me
fly

☒ $\sqrt{29}$



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

BRENDAN NASBY #63618
1200 PRISON RD.
LOVELOCK, NV 89419

DATE: May 20, 2015
CASE: C154293-2

RE CASE: STATE OF NEVADA vs. BRENDAN J. NASBY

NOTICE OF APPEAL FILED: May 18, 2015

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; ORDER DENYING MOTION TO DISQUALIFY JUDGE; DISTRICT COURT
MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

BRENDAN J. NASBY,

Defendant(s).

Case No: 98C154293-2

Dept No: XIX

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 20 day of May 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk