

Brendan Nasby #63618
DDCC
P.O. Box 208
Indian Springs, NV 89070
(Movant In Pro Se)

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Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

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

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Elizabeth A. Brown
Clerk of Supreme Court

* * * * *

Brendan Nasby,
Movant,
VS
State Of Nevada, et al.,
Respondents.

Case No. 98C154293-2

Dept. No. III

NOTICE OF APPEAL

Notice is hereby given that, Brendan Nasby, Movant in Pro Se, hereby appeals to the Supreme Court of the State of Nevada, from the final order "Order Denying Motion To Correct Clerical Mistake" entered on the 22nd day of February, 2023.

Dated this 14th day of March, 2023.

By: *[Signature]*
Brendan Nasby #63618
(Movant In Pro Se)

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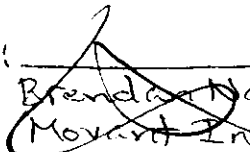
MAR 20 2023

CLERK OF THE COURT

Affirmation Pursuant To NRS ~~2~~ 239B.030.

The undersigned does hereby affirm that the preceeding "Notice of Appeal" does not contain the social security number of any person.

Dated this 14th day of March ~~February~~, 2023.

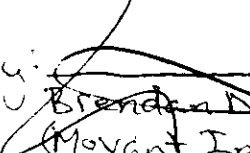
By: 
Brendan Nasby #63618
(Movant In Prose)

Certificate Of Service.

I, Brendan Nasby, hereby certify that on this 14th day of March, 2023, I mailed to the clerk, and caused to be served by the Clerk's Electronic Filing/Service, the foregoing "Notice of Appeal" to:

1) Clark Co. Dist. Attorney
200 Lewis Ave.
P.O. Box 552212
Las Vegas, NV 89155-2212

2) Brendan Nasby #63618
SDCC
P.O. Box 208
Indian Springs, NV 89070

By: 
Brendan Nasby #63618
(Movant In Prose)

Brendan Nasby #63618

SDCC

P.O. Box 208

Indian Springs, NV 894070

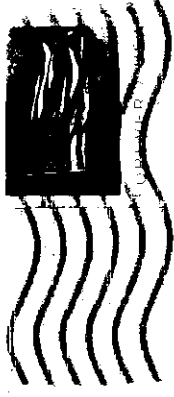
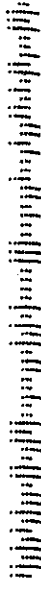
LAS VEGAS NV 890

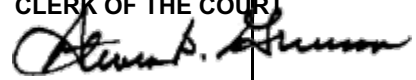
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5th Jud. Dist. Ct.
Clerk of the Court
200 Lewis Ave, 3rd Floor
Las Vegas, NV 89145-1160

000000-10158

*Legal Mail *





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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 BRENDAN JAMES NASBY,

14 Defendant(s),
15

Case No: 98C154293-2

Dept No: III

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Brendan Nasby

20 2. Judge: Monica Trujillo

21 3. Appellant(s): Brendan Nasby

22 Counsel:

23 Brendan Nasby #63618
24 P.O. Box 208
Indain Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

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

7. Appellant Represented by Appointed Counsel On Appeal: Yes

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, 68039,
70626, 73412, 80443, 81484

12. Child Custody or Visitation: N/A

Dated This 21 day of March 2023.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Brendan Nasby

CASE No. 98C154293-2

~~~~~

### CASE INFORMATION

| DATE | CASE ASSIGNMENT |
|------|-----------------|
|------|-----------------|

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PARTY INFORMATION

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
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# CASE SUMMARY

CASE NO. 98C154293-2

|            |                                                                                                                                                                                                                    |           |
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| 11/13/1998 |  Criminal Bindover<br>[9] Criminal Bindover (Confidential)                                                                        | Index #9  |
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| 12/04/1998 |  Criminal Bindover<br>[14] Criminal Bindover (Confidential)                                                                       | Index #14 |
| 12/10/1998 |  Motion for Own Recognizance Release/Settng Reasonable Bail<br>[18] Motion for Own Recognizance Release or House Arrest           | Index #18 |
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# CASE SUMMARY

















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| 03/09/1999 |  Notice of Expert Witnesses<br>[50] Notice of Expert Witnesses [NRS 174.234 (2)]                     | Index #50 |
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| 07/09/1999 |  Motion<br>[58] Motion and Notice of Motion in Limine to Preclude Evidence of Witness Intimidation | Index #58 |
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| 07/13/1999 |  Notice of Witnesses<br>[60]                                                                       | Index #60 |
| 07/13/1999 |  Supplemental<br>[62] Supplemental Notice of Alibi Witnesses                                       | Index #62 |
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| 08/31/1999 |  Receipt of Copy<br><i>[74]</i>                                                                                                                                          | Index #74 |
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| 09/03/1999 |  Reply to Opposition<br><i>[77] 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> | Index #77 |
| 09/07/1999 |  Notice of Expert Witnesses<br><i>[78] Notice of Expert Witnesses [NRS 174.234 (2)]</i>                                                                                  | Index #78 |
| 09/07/1999 |  Notice of Witnesses<br><i>[79] Notice of Witnesses [NRS 174.234 (1)(b)]</i>                                                                                             | Index #79 |
| 09/16/1999 |  Order for Production of Inmate<br><i>[80] Order for Production of Inmate Jotee Burnside, BAC #60729</i>                                                                 | Index #80 |
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# CASE SUMMARY

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|            |                                                                                                                                                                         |            |
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| 10/01/1999 |  Supplemental<br><i>[83] Supplemental Notice of Alibi Witnesses</i>                    | Index #83  |
| 10/04/1999 |  Supplemental<br><i>[84] Supplemental Notice of Expert Witnesses [NRS 174.234 (2)]</i> | Index #84  |
| 10/12/1999 |  Jury List<br><i>[86]</i>                                                              | Index #86  |
| 10/12/1999 |  Reporters Transcript<br><i>[95] Transcript of Hearing Held on October 11, 1999</i>    | Index #95  |
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| 10/15/1999 |  Reporters Transcript<br><i>[94] Transcript of Hearing Held on October 14, 1999</i>  | Index #94  |
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| 10/19/1999 |  Instructions to the Jury<br><i>[98]</i>                                             | Index #98  |
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| 10/22/1999 |  Miscellaneous Filing<br><i>[101] Letters in Support of Defendant</i>                | Index #101 |
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| 11/18/1999 |  PSI<br><i>[228] Presentence Investigation Report (Unfiled) Confidential</i>                                                                       | Index #228 |
| 12/02/1999 |  Judgment of Conviction<br><i>[107] Judgment of Conviction (Jury Trial)</i>                                                                        | Index #107 |
| 12/08/1999 |  Order Appointing Counsel<br><i>[109]</i>                                                                                                          | Index #109 |
| 12/08/1999 |  Order<br><i>[110] Order Waiving Costs (Insufficient Property of Income with Which to Pay Costs of Filing)</i>                                     | Index #110 |
| 12/14/1999 |  Notice of Appeal (Criminal)<br><i>[111] Notice of Appeal</i>                                                                                      | Index #111 |
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| 12/15/1999 |  Certificate of Mailing<br><i>[114]</i>                                                                                                          | Index #114 |
| 12/21/1999 |  Order<br><i>[115] Order for Transcript</i>                                                                                                      | Index #115 |
| 01/13/2000 |  Reporters Transcript<br><i>[116] Transcript of Hearing Held on October 28, 1999</i>                                                             | Index #116 |
| 01/28/2000 |  Reporters Transcript<br><i>[117] Transcript of Hearing Held on October 19, 1999</i>                                                             | Index #117 |
| 03/19/2001 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[121] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i> | Index #121 |
| 05/31/2001 |  Petition for Release of Evidence<br><i>[118]</i>                                                                                                | Index #118 |
| 05/31/2001 |  Order<br><i>[119] Order Releasing Evidence</i>                                                                                                  | Index #119 |
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# CASE SUMMARY

CASE NO. 98C154293-2
















|            |                                                                                                                                                                                                                                                              |            |
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| 09/21/2001 |  Order Denying Motion<br><i>[125] Order Denying Defendant's Pro Per Motion for Discovery Production and Transmission of Documents</i>                                       | Index #125 |
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| 01/30/2002 |  Memorandum of Points and Authorities<br><i>[129] Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction N.R.S. 34.720)</i> | Index #129 |
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| 02/01/2002 |  Order for Petition for Writ of Habeas Corpus<br><i>[133] Order Re Petition for Writ of Habeas Corpus</i>                                                                 | Index #133 |
| 02/01/2002 |  Order for Petition for Writ of Habeas Corpus<br><i>[134] Order Re Petition for Writ of Habeas Corpus</i>                                                                 | Index #134 |
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**CASE SUMMARY****CASE NO. 98C154293-2**

|            |                                                                                                                                                                                                           |                   |
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| 04/03/2002 |  Certificate of Mailing<br><i>[141]</i>                                                                                  | <i>Index #141</i> |
| 04/05/2002 |  Response<br><i>[142] State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>           | <i>Index #142</i> |
| 04/05/2002 |  Response<br><i>[143] State's Response to Defendant's Motion for Evidentiary Hearing</i>                                 | <i>Index #143</i> |
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# CASE SUMMARY

CASE NO. 98C154293-2
















|            |                                                                                                                                                                                                                                                   |            |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 01/21/2004 |  Motion for Substitution<br><i>[164] Motion for Substitute Counsel</i>                                                                                           |            |
| 01/28/2004 |  Response<br><i>[165] State's Response to Defendant's Motion for Substitution of Attorneys</i>                                                                   | Index #165 |
| 02/04/2004 |  Notice<br><i>[167] Notice of Confirmation of Appointment of Counsel</i>                                                                                         | Index #167 |
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| 11/03/2004 |  Affidavit in Support<br><i>[172] Affidavit in Support of Ex Parte Motion for Extension of Time to File Post Conviction Memorandum of Points and Authorities</i> | Index #172 |
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| 02/01/2005 |  Stipulation and Order<br><i>[177]</i>                                                                                                                         | Index #177 |
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# CASE SUMMARY

CASE NO. 98C154293-2

|            |                                                                                                                                                                                                                                                   |                   |
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| 08/10/2005 |  Stipulation and Order<br><i>[185]</i>                                                                                                                           | <i>Index #185</i> |
| 08/12/2005 |  Certificate of Facsimile<br><i>[186] Certificate of Facsimile and Mailing</i>                                                                                   | <i>Index #186</i> |
| 11/28/2005 |  Reporters Transcript<br><i>[188] Transcript of Hearing Held on November 9, 2005</i>                                                                             | <i>Index #188</i> |
| 02/14/2006 |  Supplemental Brief<br><i>[189] Defendant's Supplemental Reply Brief to State's Opposition to Defendant's Petition for Writ of Habeas Corpus Post-Conviction</i> | <i>Index #189</i> |
| 04/12/2006 |  Notice of Appeal (Criminal)<br><i>[190] Notice of Appeal</i>                                                                                                    | <i>Index #190</i> |
| 04/12/2006 |  Case Appeal Statement<br><i>[191]</i>                                                                                                                           | <i>Index #191</i> |
| 04/13/2006 |  Case Appeal Statement<br><i>[192]</i>                                                                                                                         | <i>Index #192</i> |
| 04/26/2006 |  Findings of Fact, Conclusions of Law and Order<br><i>[193]</i>                                                                                                | <i>Index #193</i> |
| 04/27/2006 |  Notice of Entry of Decision and Order<br><i>[194]</i>                                                                                                         | <i>Index #194</i> |
| 05/05/2006 |  Ex Parte Motion<br><i>[195] Ex Parte Motion for Authorization of Payment of Fees</i>                                                                          | <i>Index #195</i> |
| 05/08/2006 |  Order<br><i>[196] Order Authorizing Payment of Fees</i>                                                                                                       | <i>Index #196</i> |
| 05/24/2006 |  Notice of Appeal (Criminal)<br><i>[197] Notice of Appeal to Supreme Court</i>                                                                                 | <i>Index #197</i> |
| 05/24/2006 |  Case Appeal Statement<br><i>[198]</i>                                                                                                                         | <i>Index #198</i> |
| 06/16/2006 |  Request<br><i>[199] Request for Rough Draft Transcripts</i>                                                                                                   | <i>Index #199</i> |
| 06/20/2006 |  Reporters Transcript<br><i>[200] Transcript of Hearing Held on March 27, 2006</i>                                                                             | <i>Index #200</i> |















**CASE SUMMARY****CASE NO. 98C154293-2**

|            |                                                                                                                                                                                                                                                                                                                         |            |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 06/20/2006 |  Request<br><i>[201] Request for Rough Draft Transcripts</i>                                                                                                                                                                           | Index #201 |
| 01/29/2007 |  Ex Parte Motion<br><i>[202] Ex Parte Motion for Authorization of Payment of Fees</i>                                                                                                                                                  | Index #202 |
| 02/12/2007 |  Order<br><i>[203] Order Authorizing Payment of Fees</i>                                                                                                                                                                               | Index #203 |
| 07/16/2007 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[204] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                                                                                       | Index #204 |
| 02/18/2011 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Nasby, Brendan James<br><i>[205] Petition for Writ of Habeas Corpus (Postconviction)</i>                                                                                    | Index #205 |
| 02/18/2011 |  Motion for Leave to Proceed in Forma Pauperis<br>Filed By: Defendant Nasby, Brendan James<br><i>[206] Motion for Leave to Proceed In Forma Pauperis (Confidential)</i>                                                                | Index #206 |
| 02/18/2011 |  Affidavit in Support of Application Proceed Forma Pauperis<br>Filed By: Defendant Nasby, Brendan James<br><i>[207] Affidavit in Support of Motion to Proceed in Forma Pauperis (Confidential)</i>                                     | Index #207 |
| 02/18/2011 |  Motion<br>Filed By: Defendant Nasby, Brendan James<br><i>[208] Motion for Evidentiary Hearing</i>                                                                                                                                    | Index #208 |
| 02/18/2011 |  Memorandum of Points and Authorities<br>Filed By: Defendant Nasby, Brendan James<br><i>[209] Memorandum of Points and Authorities in Support of Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction N.R.S. 34.720)</i> | Index #209 |
| 02/18/2011 |  Motion for Appointment of Attorney<br>Filed By: Defendant Nasby, Brendan James<br><i>[210] Motion for Appointment of Counsel</i>                                                                                                    | Index #210 |
| 02/28/2011 |  Order for Petition for Writ of Habeas Corpus<br><i>[211]</i>                                                                                                                                                                        | Index #211 |
| 04/08/2011 |  Response<br><i>[212] State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus</i>                                                                                                                      | Index #212 |
| 04/29/2011 |  Reply<br>Filed by: Defendant Nasby, Brendan James<br><i>[213] Petitioner's Reply to State's Response and Motion to Dismiss Petitioner's Petition for Writ of Habeas Corpus</i>                                                      | Index #213 |
| 06/06/2011 |  Notice<br>Filed By: Defendant Nasby, Brendan James<br><i>[214] Notice to the Court and Motion Requesting Update</i>                                                                                                                 | Index #214 |
| 06/13/2011 |  Notice of Appeal (Criminal)                                                                                                                                                                                                         | Index #215 |






# CASE SUMMARY







CASE NO. 98C154293-2

|            |                                                                                                                                                                                                                                                                                        |            |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | Party: Defendant Nasby, Brendan James<br><i>[215] Notice of Appeal</i>                                                                                                                                                                                                                 |            |
| 06/16/2011 |  Case Appeal Statement<br><i>[216]</i>                                                                                                                                                                | Index #216 |
| 06/17/2011 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada<br><i>[217]</i>                                                                                                | Index #217 |
| 06/27/2011 |  Notice of Entry of Decision and Order<br><i>[218]</i>                                                                                                                                                | Index #218 |
| 03/12/2012 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[219] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                                                      | Index #219 |
| 07/01/2014 |  Motion<br><i>[220] Motion to Expand the Record</i>                                                                                                                                                   | Index #220 |
| 07/11/2014 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>[221] State's Opposition to Defendant's Pro Per Motion to Expand the Record</i>                                                    | Index #221 |
| 08/14/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[222] Order Denying Defendant's Pro Per Motion to Expand the Record</i>                                                            | Index #222 |
| 12/09/2014 |  Inmate Filed - Petition for Writ of Habeas Corpus<br>Party: Defendant Nasby, Brendan James<br><i>[223] Petition for Writ of Habeas Corpus (Post-Conviction Relief - NRS 34.735 Petition: Form)</i> | Index #223 |
| 12/16/2014 |  Motion<br>Filed By: Defendant Nasby, Brendan James<br><i>[224] Motion for Evidentiary Hearing</i>                                                                                                  | Index #224 |
| 12/17/2014 |  Order for Petition for Writ of Habeas Corpus<br><i>[225] Order for Petition for Writ of Habeas Corpus (Post-Conviction Relief - NRS 34.735 Petition: Form)</i>                                     | Index #225 |
| 12/18/2014 |  Motion for Appointment of Attorney<br>Filed By: Defendant Nasby, Brendan James<br><i>[226] Motion for Appointment of Counsel</i>                                                                   | Index #226 |
| 12/18/2014 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Nasby, Brendan James<br><i>[227] Application to Proceed in Forma Pauperis (Confidential)</i>                                       | Index #227 |
| 01/01/2015 |  Filed Under Seal<br><i>[268] Application to Proceed in Forma Pauperis (Filed Under Seal)</i>                                                                                                       | Index #268 |
| 01/02/2015 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>[229] State's Opposition to Defendant's Motion for an Evidentiary Hearing</i>                                                    | Index #229 |

**CASE SUMMARY****CASE NO. 98C154293-2**

|            |                                                                                                                                                                                                                                                                                                 |                   |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 01/09/2015 |  Opposition to Motion<br><i>[230] State's Opposition to Defendant's Motion for Appointment of Counsel</i>                                                                                                      | <i>Index #230</i> |
| 01/27/2015 |  Motion for Appointment of Attorney<br>Filed By: Defendant Nasby, Brendan James<br><i>[231] Renewed Motion for Appointment of Counsel</i>                                                                      | <i>Index #231</i> |
| 01/27/2015 |  Motion<br>Filed By: Defendant Nasby, Brendan James<br><i>[232] Motion for Leave of Court to File Renewed Motion for Appointment of Counsel</i>                                                                | <i>Index #232</i> |
| 01/27/2015 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Nasby, Brendan James<br><i>[233] Application to Proceed In Forma Pauperis (Confidential)</i>                                                  | <i>Index #233</i> |
| 02/04/2015 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[234] State's Response and Motion to Dismiss to Defendant's Pro Per Petition for Writ of Habeas Corpus</i>                                              | <i>Index #234</i> |
| 02/05/2015 |  Opposition to Motion<br><i>[235] State's Opposition to Defendant's Renewed Pro Per Motion for Appointment of Counsel</i>                                                                                      | <i>Index #235</i> |
| 02/11/2015 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[236] Order Denying Defendant's Pro Per Motion for Evidentiary Hearing</i>                                                                 | <i>Index #236</i> |
| 02/11/2015 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[237] Order Denying Defendant's Pro Per Motion for Appointment of Counsel</i>                                                             | <i>Index #237</i> |
| 02/23/2015 |  Affidavit<br>Filed By: Defendant Nasby, Brendan James<br><i>[238] Affidavit/Declaration for Entry of Default</i>                                                                                            | <i>Index #238</i> |
| 02/23/2015 |  Application<br>Filed By: Defendant Nasby, Brendan James<br><i>[239] Application for Default Judgment and Sanctions</i>                                                                                      | <i>Index #239</i> |
| 02/23/2015 |  Reply to Opposition<br>Filed by: Defendant Nasby, Brendan James<br><i>[240] Reply to State's Opposition to Defendant's Renewed Motion for Appointment of Counsel and Petitioner's Request for Sanctions</i> | <i>Index #240</i> |
| 02/23/2015 |  Application<br>Filed By: Defendant Nasby, Brendan James<br><i>[241] Application for a Judgment by Default</i>                                                                                               | <i>Index #241</i> |
| 02/23/2015 |  Affidavit<br><i>[242] Affidavit/Declaration for Entry of Default</i>                                                                                                                                        | <i>Index #242</i> |
| 02/24/2015 |  Notice of Appeal (Criminal)                                                                                                                                                                                 | <i>Index #243</i> |













**CASE SUMMARY****CASE NO. 98C154293-2**

|            |                                                                                                                                                                                                                                                                                                                                                |                   |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|            | Party: Defendant Nasby, Brendan James<br><i>[243] Notice of Appeal</i>                                                                                                                                                                                                                                                                         |                   |
| 02/25/2015 |  Case Appeal Statement<br>Filed By: Defendant Nasby, Brendan James<br><i>[244]</i>                                                                                                                                                                            | <i>Index #244</i> |
| 02/25/2015 |  Reply<br>Filed by: Defendant Nasby, Brendan James<br><i>[245] Reply and Motion to Strike State's Response and Motion to Dismiss</i>                                                                                                                          | <i>Index #245</i> |
| 02/26/2015 |  Motion<br>Filed By: Defendant Nasby, Brendan James<br><i>[246] Renewed Motion for Evidentiary Hearing and Motion to Produce Inmate</i>                                                                                                                       | <i>Index #246</i> |
| 02/26/2015 |  Motion<br>Filed By: Plaintiff State of Nevada<br><i>[247] Motion for Leave of Court to File Renewed Motion for Evidentiary Hearing</i>                                                                                                                       | <i>Index #247</i> |
| 03/13/2015 |  Notice of Appeal (Criminal)<br>Party: Defendant Nasby, Brendan James<br><i>[248] Notice of Appeal</i>                                                                                                                                                        | <i>Index #248</i> |
| 03/16/2015 |  Case Appeal Statement<br>Filed By: Defendant Nasby, Brendan James<br><i>[249]</i>                                                                                                                                                                            | <i>Index #249</i> |
| 03/16/2015 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[250] Order Denying Defendant's Pro Per Motion for Leave of Court to File Renewed Motion for Appointment of Counsel</i>                                                                  | <i>Index #250</i> |
| 03/18/2015 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>[251] 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> | <i>Index #251</i> |
| 03/30/2015 |  Amended Notice of Appeal (Criminal)<br><i>[252] Amended Notice of Appeal</i>                                                                                                                                                                               | <i>Index #252</i> |
| 03/30/2015 |  Certificate of Service<br><i>[253]</i>                                                                                                                                                                                                                     | <i>Index #253</i> |
| 03/30/2015 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada<br><i>[254]</i>                                                                                                                                                      | <i>Index #254</i> |
| 03/31/2015 |  Case Appeal Statement<br>Filed By: Defendant Nasby, Brendan James<br><i>[255]</i>                                                                                                                                                                          | <i>Index #255</i> |
| 04/03/2015 |  Motion to Disqualify Judge<br>Filed By: Defendant Nasby, Brendan James                                                                                                                                                                                     | <i>Index #256</i> |

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|            |                                                                                                                                                                                                                                                                                                                                 |            |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | [256]                                                                                                                                                                                                                                                                                                                           |            |
| 04/06/2015 |  Notice of Entry<br>Filed By: Plaintiff State of Nevada<br><i>[257] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                                                                      | Index #257 |
| 04/21/2015 |  Notice<br>Filed By: Defendant Nasby, Brendan James<br><i>[259] Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>                                                                                | Index #259 |
| 04/22/2015 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>[258] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>                                                                                             | Index #258 |
| 04/28/2015 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>[260] 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> | Index #260 |
| 04/28/2015 |  Order Denying Motion<br><i>[261] Order Denying Motion to Disqualify Judge</i>                                                                                                                                                                 | Index #261 |
| 05/11/2015 |  Motion<br>Filed By: Defendant Nasby, Brendan James<br><i>[262] Second Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>                                                                                                 | Index #262 |
| 05/18/2015 |  Notice of Appeal (Criminal)<br>Party: Defendant Nasby, Brendan James<br><i>[263] Notice of Appeal</i>                                                                                                                                       | Index #263 |
| 05/20/2015 |  Case Appeal Statement<br>Filed By: Defendant Nasby, Brendan James<br><i>[264]</i>                                                                                                                                                           | Index #264 |
| 05/27/2015 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>[265] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>                                                                                           | Index #265 |
| 08/11/2015 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>[266] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>                                                                                           | Index #266 |
| 10/12/2015 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[267] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                                                                                             | Index #267 |
| 01/05/2016 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Nasby, Brendan James<br><i>[269] Petition for Writ of Habeas Corpus (Post-Conviction Relief - NRS 34.735 Petition: Form) (Actual Innocence)</i>                                   | Index #269 |
| 01/05/2016 |  Motion for Appointment of Attorney<br>Filed By: Defendant Nasby, Brendan James<br><i>[270] Motion for Appointment of Counsel</i>                                                                                                            | Index #270 |
| 01/05/2016 |  Motion<br>Filed By: Defendant Nasby, Brendan James                                                                                                                                                                                          | Index #271 |

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|            |                                                                                                                                                                                                                                                                                                                                                                                                 |            |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | <i>[271] Motion to Extend Prison Copywork Limit</i>                                                                                                                                                                                                                                                                                                                                             |            |
| 01/05/2016 |  Memorandum of Points and Authorities<br>Filed By: Defendant Nasby, Brendan James<br><i>[272] Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction-Actual Innocence)</i>                                                                                     | Index #272 |
| 01/05/2016 |  Affidavit in Support<br>Filed By: Defendant Nasby, Brendan James<br><i>[273] Affidavit in Support of Petition for Writ of Habeas Corpus (Post-Conviction-Actual Innocence)</i>                                                                                                                                | Index #273 |
| 01/05/2016 |  Notice<br>Filed By: Defendant Nasby, Brendan James<br><i>[274] Notice to the Clerk, the Court, and all Interested Parties</i>                                                                                                                                                                                 | Index #274 |
| 01/05/2016 |  Supplemental<br>Filed by: Defendant Nasby, Brendan James<br><i>[275] Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post- Conviction-Actual Innocence)</i>                                                                                               | Index #275 |
| 01/14/2016 |  Order for Petition for Writ of Habeas Corpus<br><i>[276]</i>                                                                                                                                                                                                                                                  | Index #276 |
| 02/01/2016 |  Motion for Order<br>Filed By: Defendant Nasby, Brendan James<br><i>[277] Motion for Order to Produce Prisoner</i>                                                                                                                                                                                             | Index #277 |
| 02/23/2016 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[278] State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus, Memorandum of Points and Authorities in Support, and Supplemental Memorandum and Opposition to Defendant's Motion for Appointment of Counsel</i>            | Index #278 |
| 03/10/2016 |  Reply<br>Filed by: Defendant Nasby, Brendan James<br><i>[279] Reply to State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus, Memorandum of Points and Authorities in Support, and Supplemental Memorandum and Opposition to Defendant's Motion for Appointment of Counsel</i> | Index #279 |
| 04/04/2016 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[280] Order Denying Defendant's Pro Per Motion to Produce Prisoner</i>                                                                                                                                                                    | Index #280 |
| 04/13/2016 |  Order to Proceed In Forma Pauperis<br><i>[290] Order to Proceed In Forma Pauperis (Confidential)</i>                                                                                                                                                                                                        | Index #290 |
| 05/09/2016 |  Findings of Fact, Conclusions of Law and Order<br><i>[281]</i>                                                                                                                                                                                                                                              | Index #281 |
| 05/10/2016 |  Certificate of Service<br>Filed by: Plaintiff State of Nevada<br><i>[282]</i>                                                                                                                                                                                                                               | Index #282 |
| 05/12/2016 |                                                                                                                                                                                                                                                                                                                                                                                                 | Index #283 |

# CASE SUMMARY

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|            |                                                                                                                                                                                                                                                                                 |                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|            |  Notice of Entry<br>Filed By: Plaintiff State of Nevada<br><i>[283] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                      |                   |
| 05/18/2016 |  Motion to Amend<br>Filed By: Defendant Nasby, Brendan James<br><i>[284] Motion to Alter or Amend a Judgment N.R.Civ.P. 59(e)</i>                                                              | <i>Index #284</i> |
| 06/02/2016 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[285] State's Response to Defendant's Pro Per Motion to Alter or Amend Judgment N. R. CIV. P. 59(e)</i>                                 | <i>Index #285</i> |
| 06/14/2016 |  Notice of Appeal (Criminal)<br>Party: Defendant Nasby, Brendan James<br><i>[286] Notice of Appeal</i>                                                                                         | <i>Index #286</i> |
| 06/15/2016 |  Case Appeal Statement<br><i>[287]</i>                                                                                                                                                         | <i>Index #287</i> |
| 07/06/2016 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[288] Order Denying Defendant's Pro Per Motion to Alter or Amend Judgment N.R. CIV.P.59 (E)</i>                             | <i>Index #288</i> |
| 08/16/2016 |  Order<br>Filed By: Defendant Nasby, Brendan James<br><i>[289] Order Transferring Petition</i>                                                                                                | <i>Index #289</i> |
| 03/16/2017 |  Order for Petition for Writ of Habeas Corpus<br><i>[292]</i>                                                                                                                                | <i>Index #292</i> |
| 04/04/2017 |  Motion to Reconsider<br>Filed By: Defendant Nasby, Brendan James<br><i>[293] Motion for Reconsideration ( NRCP 60(b))</i>                                                                   | <i>Index #293</i> |
| 04/19/2017 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[294] State's Response to Defendant's Pro Per Motion for Reconsideration (NRCP 60(B))</i>                                             | <i>Index #294</i> |
| 04/25/2017 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[295] State's Response to Defendant's Petition for Writ of Habeas Corpus (NRS 34.360 - Constitutional Questions/Questions of Law)</i> | <i>Index #295</i> |
| 05/10/2017 |  Reply<br>Filed by: Defendant Nasby, Brendan James<br><i>[296] Reply to State's Response to Petition for Writ of Habeas Corpus (NRS 34.306 - Constitutional Questions/ Questions of Law)</i> | <i>Index #296</i> |
| 06/14/2017 |  Notice<br><i>[297] Notice to the Court, Clerk, and Respondent</i>                                                                                                                           | <i>Index #297</i> |
| 06/20/2017 |  Order Denying Motion                                                                                                                                                                        | <i>Index #298</i> |

# CASE SUMMARY

CASE NO. 98C154293-2

|            |                                                                                                                                                                                                                                                                    |                   |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|            | Filed By: Plaintiff State of Nevada<br><i>[298] Order Denying Defendant's Pro Per Motion for Reconsideration</i>                                                                                                                                                   |                   |
| 06/20/2017 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada<br><i>[299]</i>                                                                            | <i>Index #299</i> |
| 06/27/2017 |  Notice of Entry<br><i>[300] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                                                | <i>Index #300</i> |
| 06/27/2017 |  Notice of Appeal (Criminal)<br><i>[301] Notice of Appeal</i>                                                                                                                     | <i>Index #301</i> |
| 06/29/2017 |  Case Appeal Statement<br><i>[302]</i>                                                                                                                                            | <i>Index #302</i> |
| 05/22/2018 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[303] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied; Review Denied</i> | <i>Index #303</i> |
| 11/20/2018 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[304] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>                | <i>Index #304</i> |
| 06/29/2020 |  Findings of Fact, Conclusions of Law and Order<br><i>[305]</i>                                                                                                                   | <i>Index #305</i> |
| 07/01/2020 |  Notice of Entry<br>Filed By: Plaintiff State of Nevada<br><i>[306] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                       | <i>Index #306</i> |
| 01/04/2021 | Case Reassigned to Department 1<br><i>Judicial Reassignment to Judge Bita Yeager</i>                                                                                                                                                                               |                   |
| 01/04/2021 | Case Reassigned to Department 3<br><i>Judicial Reassignment to Judge Monica Trujillo</i>                                                                                                                                                                           |                   |
| 12/22/2022 |  Motion to Correct Clerical Mistake<br>Filed By: Defendant Nasby, Brendan James<br><i>[307] Motion to Correct Clerical Mistake</i>                                              | <i>Index #307</i> |
| 12/29/2022 |  Opposition<br><i>[308] STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CORRECT CLERICAL MISTAKE (NRS 176.565)</i>                                                                  | <i>Index #308</i> |
| 02/01/2023 |  Notice<br>Filed By: Defendant Nasby, Brendan James<br><i>[309] Notice to the Court</i>                                                                                         | <i>Index #309</i> |
| 02/01/2023 |  Reply to Opposition<br>Filed by: Defendant Nasby, Brendan James<br><i>[310] Reply to Opposition to Nasby's Motion to Correct Clerical Mistake</i>                              | <i>Index #310</i> |
| 03/02/2023 |  Order Denying Motion                                                                                                                                                           | <i>Index #311</i> |

# CASE SUMMARY

CASE NO. 98C154293-2

[311] Order Denying Defendant's Motion to Correct Clerical Mistake (Nrs 176.565)

03/20/2023



Notice of Appeal (Criminal)

[312] Notice of Appeal

Index #312

03/21/2023



Case Appeal Statement

Case Appeal Statement

Index #313

## DISPOSITIONS

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

1. CONSPIRACY TO COMMIT MURDER.

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

2. MURDER WITH A DEADLY WEAPON

Not Guilty

PCN: Sequence:

11/29/1999

**Disposition** (Judicial Officer: User, Conversion)

1. CONSPIRACY TO COMMIT MURDER.

Guilty

PCN: Sequence:

11/29/1999

**Disposition** (Judicial Officer: User, Conversion)

11/29/1999

**Disposition** (Judicial Officer: User, Conversion)

2. MURDER WITH A DEADLY WEAPON

Guilty

PCN: Sequence:

11/29/1999

**Disposition** (Judicial Officer: User, Conversion)

11/29/1999

**Adult Adjudication** (Judicial Officer: User, Conversion)

1. CONSPIRACY TO COMMIT MURDER.

01/01/1900 (F) C200.010 (C200.010)

PCN: Sequence:

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

**Adult Adjudication** (Judicial Officer: User, Conversion)

2. MURDER WITH A DEADLY WEAPON

01/01/1900 (F) 200.010\*165 (200.010\*165)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Consecutive



# CASE SUMMARY

CASE NO. 98C154293-2

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

## HEARINGS

10/27/1998

### Initial Arraignment (9:00 AM)

*INITIAL ARRAIGNMENT* Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Matter Heard; INITIAL ARRAIGNMENT Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Journal Entry Details:  
*Mr. Coumou requested continuance until 11/10 to finalize negotiations. No objection by Mr. Golightly. COURT ORDERED, matter CONTINUED. BOND 11/12/98 8:30 AM ARRAIGNMENT CONTINUED ;*

11/12/1998

### Arraignment Continued (8:30 AM)

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

11/24/1998

### Initial Arraignment (8:30 AM)

*INITIAL ARRAIGNMENT* Court Clerk: LINDA SKINNER/ls Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Matter Heard; INITIAL ARRAIGNMENT Court Clerk: LINDA SKINNER/ls Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Journal Entry Details:  
*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 ;*

12/10/1998

### Initial Arraignment (8:30 AM)

*INITIAL ARRAIGNMENT*

12/10/1998

### Initial Arraignment (8:30 AM)

*INITIAL ARRAIGNMENT*

12/10/1998

### All Pending Motions (8:30 AM)

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

# CASE SUMMARY

CASE No. 98C154293-2

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) ;

12/15/1998

## Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM)

Events: 12/10/1998 Motion for Own Recognizance Release/Setting Reasonable Bail  
DEFT'S MOTION FOR O.R. RELEASE OR HOUSE ARREST Heard By: Joseph Pavlikowski

12/15/1998

## Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM)

DEFT'S REQUEST FOR O.R. RELEASE OR BAIL REDUCTION Heard By: Joseph Pavlikowski

12/15/1998

## All Pending Motions (8:30 AM)

ALL PENDING MOTIONS 12/15/98 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Matter Heard; ALL PENDING MOTIONS 12/15/98 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski  
Journal Entry Details:  
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) ;

01/08/1999

## Motion to Revoke Own Recognizance Release (8:30 AM)

Events: 01/06/1999 Notice of Motion  
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.  
Matter Continued; 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.  
Journal Entry Details:  
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 ;

01/22/1999

## Motion to Revoke Own Recognizance Release (9:00 AM)

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

01/28/1999

## Calendar Call (8:30 AM)

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

# CASE SUMMARY

CASE No. 98C154293-2

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|            | <p>Matter Continued; CALENDAR CALL Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</p> <p>Journal Entry Details:</p> <p><i>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 ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 01/29/1999 | <p><b>Calendar Call (8:30 AM)</b></p> <p>CALENDAR CALL</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 01/29/1999 | <p><b>Motion to Revoke Own Recognizance Release (8:30 AM)</b></p> <p>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Heard By: Joseph Pavlikowski</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 01/29/1999 | <p><b>All Pending Motions (9:00 AM)</b></p> <p>ALL PENDING MOTIONS 1/29/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p> <p>Matter Heard; ALL PENDING MOTIONS 1/29/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p> <p>Journal Entry Details:</p> <p>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 ;</p> |
| 02/01/1999 | <p><b>Motion to Revoke Own Recognizance Release (8:30 AM)</b></p> <p>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Heard By: Joseph Pavlikowski</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 02/01/1999 | <p><b>Status Check (8:30 AM)</b></p> <p>STATUS CHECK: TRIAL SETTING Heard By: Joseph Pavlikowski</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 02/01/1999 | <p><b>All Pending Motions (8:30 AM)</b></p> <p>ALL PENDING MOTIONS 2/1/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p> <p>Matter Heard; ALL PENDING MOTIONS 2/1/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p> <p>Journal Entry Details:</p> <p>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 ;</p>                                                                                                                                                                                                                                                                                                                |
| 02/01/1999 | <p><b>CANCELED Jury Trial (9:00 AM)</b></p> <p>Vacated</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02/02/1999 | <p><b>Motion to Revoke Own Recognizance Release (8:30 AM)</b></p> <p>STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION Heard By: Joseph Pavlikowski</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 02/02/1999 | <p><b>Status Check (8:30 AM)</b></p> <p>STATUS CHECK: TRIAL SETTING Heard By: Joseph Pavlikowski</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 02/02/1999 | <p><b>All Pending Motions (8:30 AM)</b></p> <p>ALL PENDING MOTIONS 2/2/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p> <p>Matter Heard; ALL PENDING MOTIONS 2/2/99 Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p> <p>Journal Entry Details:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

# CASE SUMMARY

CASE No. 98C154293-2

*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, fiancée, 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 ;*

02/08/1999

**Sentencing (8:30 AM)**

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

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

*Journal Entry Details:*

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

02/10/1999

**Request of Court (8:30 AM)**

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

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

*Journal Entry Details:*

*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. Is. ;*

02/12/1999

**Request of Court (8:30 AM)**

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

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

*Journal Entry Details:*

*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 ;*

02/25/1999

**Sentencing (8:30 AM)**

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

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

*Journal Entry Details:*

*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 ;*

02/25/1999

**Sentencing (8:30 AM)**

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

*Granted; SENTENCING Court Clerk: LINDA SKINNER/LS Relief Clerk: CONNIE KALSKI Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski*

*Journal Entry Details:*

*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. ;*

# CASE SUMMARY

CASE NO. 98C154293-2

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| 03/04/1999 | <p><b>Sentencing (8:30 AM)</b><br/> <i>SENTENCING Court Clerk: CAROL GREEN Relief Clerk: SHARRY FRASCARELLI/sf Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i><br/> Matter Continued; SENTENCING Court Clerk: CAROL GREEN Relief Clerk: SHARRY FRASCARELLI/sf Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski<br/> Journal Entry Details:<br/> <i>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. ;</i></p> |
| 04/29/1999 | <p><b>Calendar Call (8:30 AM)</b><br/> <i>CALENDAR CALL Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i><br/> Matter Heard; CALENDAR CALL Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski<br/> Journal Entry Details:<br/> <i>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) ;</i></p>                                                                                                                                                                                                                                                                                                                                                                       |
| 04/30/1999 | <p><b>Calendar Call (9:00 AM)</b><br/> <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><br/> Matter Continued; 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.<br/> Journal Entry Details:<br/> <i>Mr. Sciscento advised the Court Mr. Duffy is co-counsel in this matter. Colloquy between Court and Counsel regarding the length of trial and number of witnesses. Due to the Judge's Conference next week, COURT ORDERED, MATTER CONTINUED IN DEPARTMENT XIV TO SEE IF THE TRIAL CAN BE ENTERTAINED. CUSTODY ;</i></p>                                                                                                                                                                                                                                                         |
| 05/03/1999 | <p><b>Calendar Call (9:00 AM)</b><br/> <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><br/> Matter Heard; 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<br/> Journal Entry Details:<br/> <i>Mr. Sciscento advised Mr. Duffy would be setting second chair in this matter. There not being a Courtroom available, COURT ORDERED, matter referred back to Dept. III for Trial setting; TRIAL DATE VACATED. CUSTODY 5/6/99 8:30 AM TRIAL SETTING ;</i></p>                                                                                                                                                                                                                                                                                                                        |
| 05/03/1999 | <p><b>CANCELED Jury Trial (1:00 PM)</b><br/> <i>Vacated</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 05/06/1999 | <p><b>Conversion Hearing Type (8:30 AM)</b><br/> <i>TRIAL SETTING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i><br/> Matter Heard; TRIAL SETTING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski<br/> Journal Entry Details:<br/> <i>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 ;</i></p>                                                                                                                                                                                                                                                                                                                                                                              |

# CASE SUMMARY

CASE NO. 98C154293-2

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| 05/13/1999 | <p><b>Sentencing (8:30 AM)</b><br/> <i>SENTENCING Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i><br/> Matter Continued; SENTENCING Relief Clerk: CAROL GREEN Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.<br/> Journal Entry Details:<br/> <i>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 ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 07/15/1999 | <p><b>Calendar Call (8:30 AM)</b><br/> <i>CALENDAR CALL</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 07/15/1999 | <p><b>Motion in Limine (8:30 AM)</b><br/> Events: 07/09/1999 Motion<br/> <i>DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF WITNESS INTIMIDATION Heard By: Joseph Pavlikowski</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 07/15/1999 | <p><b>All Pending Motions (8:30 AM)</b><br/> <i>ALL PENDING MOTIONS 7/15/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i><br/> Matter Heard; ALL PENDING MOTIONS 7/15/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski<br/> Journal Entry Details:<br/> <i>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. CUSTODY 10/7/99 8:30 AM CALENDAR CALL 10/11/99 9:00 AM JURY TRIAL ;</i></p> |
| 07/19/1999 | <p><b>CANCELED Jury Trial (9:00 AM)</b><br/> <i>Vacated</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 07/29/1999 | <p><b>Sentencing (8:30 AM)</b><br/> <i>SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.</i><br/> Matter Continued; SENTENCING Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.<br/> Journal Entry Details:<br/> <i>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 ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 07/29/1999 | <p><b>Motion for Discovery (8:30 AM)</b><br/> Events: 07/20/1999 Motion for Discovery<br/> <i>DEFT'S MOTION FOR DISCOVERY</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 07/29/1999 | <p><b>Motion in Limine (8:30 AM)</b><br/> Events: 07/27/1999 Motion in Limine<br/> <i>DEFT'S MOTION IN LIMINE PRECLUDE EVID OF OTHER GUNS NOT USED IN THE CRIME Heard By: Joseph Pavlikowski</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 07/29/1999 | <p><b>All Pending Motions (8:30 AM)</b><br/> <i>ALL PENDING MOTIONS 7/29/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</i><br/> Matter Heard; ALL PENDING MOTIONS 7/29/99 Court Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

# CASE SUMMARY

CASE No. 98C154293-2

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|            | <p>Journal Entry Details:</p> <p><i>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 ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 09/07/1999 | <p><b>Motion (8:30 AM)</b></p> <p>Events: 08/25/1999 Motion for Order</p> <p><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. Matter Continued; 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></p> <p>Journal Entry Details:</p> <p><i>CONFERENCE AT BENCH. Pursuant to that conference, COURT ORDERED, matter CONTINUED and TRANSFERED TO DEPT. 7 CUSTODY ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 09/09/1999 | <p><b>Motion (9:00 AM)</b></p> <p><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></p> <p>Matter Continued; DEFT'S MOTION FOR ORDER TO TAKE VIDEO DEPOSITION AT TRIAL Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</p> <p>Journal Entry Details:</p> <p><i>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 ;</i></p> |
| 10/07/1999 | <p><b>Motion in Limine (9:00 AM)</b></p> <p><i>DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF WITNESS INTIMIDATION Heard By: Joseph Pavlikowski</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10/07/1999 | <p><b>Calendar Call (9:00 AM)</b></p> <p>CALENDAR CALL</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10/07/1999 | <p><b>Motion in Limine (9:00 AM)</b></p> <p><i>DEFT'S MOTION IN LIMINE PRECLUDE EVID OF OTHER GUNS NOT USED IN THE CRIME Heard By: Joseph Pavlikowski</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 10/07/1999 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS 10-7-99 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

# CASE SUMMARY

CASE No. 98C154293-2

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

Journal Entry Details:

*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 ;*

10/11/1999

## Jury Trial (1:30 PM)

*TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark*

Matter Continued; TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark

Journal Entry Details:

*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. ;*

10/12/1999

## Jury Trial (11:00 AM)

*TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark*

Matter Continued; TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark

Journal Entry Details:

*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. ;*

10/12/1999

## Hearing (11:00 AM)

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

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

Journal Entry Details:



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CASE No. 98C154293-2

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. Counou 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 ;

10/13/1999

## Jury Trial (1:30 PM)

TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO  
Heard By: Gibbons, Mark

Matter Continued; TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder:  
RENEE SILVAGGIO Heard By: Gibbons, Mark

Journal Entry Details:

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. ;

10/14/1999

## Jury Trial (11:00 AM)

TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO  
Heard By: Gibbons, Mark

Matter Continued; TRIAL BY JURY Court Clerk: JOSEPHINE BOHN Reporter/Recorder:  
RENEE SILVAGGIO Heard By: Gibbons, Mark

Journal Entry Details:

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. ;

10/15/1999

## Jury Trial (1:30 PM)

TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: Renee Silvaggio Heard By:  
Gibbons, Mark

Matter Continued; TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: Renee  
Silvaggio Heard By: Gibbons, Mark

Journal Entry Details:

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

# CASE SUMMARY

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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** ;

10/18/1999

## Jury Trial (9:00 AM)

**TRIAL BY JURY** Court Clerk: TINA HURD/th Relief Clerk: Blanca Madrigal  
Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark  
Matter Continued; **TRIAL BY JURY** Court Clerk: TINA HURD/th Relief Clerk: Blanca Madrigal Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark  
Journal Entry Details:  
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** ;

10/19/1999

## Jury Trial (9:00 AM)

**TRIAL BY JURY** Court Clerk: TINA HURD/th Relief Clerk: Blanca Madrigal  
Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons  
Matter Heard; **TRIAL BY JURY** Court Clerk: TINA HURD/th Relief Clerk: Blanca Madrigal Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons  
Journal Entry Details:  
9:00 A.M.--Jury retired to continue deliberations. 1:34 P.M.--Counsel stipulated to the presence of the Jury. Jury returned with **VERDICTS** of **GUILTY OF COUNT I - CONSPIRACY TO COMMIT MURDER (F)** and **GUILTY OF COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F)**. Jury polled at request of Mr. Sciscento; 12 affirmed. Court thanked and excused the Jury at 1:38 p.m. **OUTSIDE THE PRESENCE OF THE JURY**, deft. Nasby having been found guilty, **COURT ORDERED**, matter **REFERRED** to P&P and set for sentencing; deft. **REMANDED TO CUSTODY**. **CUSTODY 11-29-99 9:00 AM SENTENCING** ;

10/28/1999

## Sentencing (9:00 AM)

**SENTENCING** Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons  
Matter Continued; **SENTENCING** Court Clerk: JOSEPHINE BOHN Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons  
Journal Entry Details:  
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 will issue. **BOND**, if any, **EXONERATED**. ;

11/29/1999

## Sentencing (9:00 AM)

**SENTENCING** Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons  
Granted; **SENTENCING** Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons

**CASE SUMMARY****CASE NO. 98C154293-2****Journal Entry Details:**

*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. ;*

09/17/2001

**Motion (9:00 AM)**

Events: 09/07/2001 Motion for Discovery

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

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

**Journal Entry Details:**

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

02/25/2002

**Motion (9:00 AM)**

Events: 02/04/2002 Motion for Discovery

*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*

*Matter Continued; 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*

**Journal Entry Details:**

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

04/04/2002

**Petition for Writ of Habeas Corpus (9:00 AM)**

*DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39*

04/04/2002

**Motion for Appointment (9:00 AM)**

*DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40 Heard By: Nancy Saitta*

04/04/2002

**Petition to Proceed in Forma Pauperis (9:00 AM)**

Events: 02/01/2002 Order for Petition for Writ of Habeas Corpus

*DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41*

04/04/2002

**Motion (9:00 AM)**

Events: 02/11/2002 Motion

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

EIGHTH JUDICIAL DISTRICT COURT


**CASE SUMMARY**

**CASE No. 98C154293-2**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 05/06/2002 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/06/2002 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 5/6/02 Court Clerk: Amber Farley Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta</i><br><i>Matter Heard; ALL PENDING MOTIONS 5/6/02 Court Clerk: Amber Farley Reporter/Recorder: Debra Vanblaricom Heard By: Nancy Saitta</i><br><i>Journal Entry Details:</i><br><i>DEFT'S PRO PER MOTION FOR DISCOVERY PRODUCTION...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ...DEFTS PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR POST CONVICTION RELIEF...DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING COURT ORDERED, Mr. Christiansen appointed as counsel. Neither Defendant nor Mr. Christiansen present, COURT ORDERED, matters CONTINUED. NDC CONTINUED TO: 6/24/02 9:00 AM CLERK'S NOTE: Minute Order AMENDED to reflect the Court's appointment of counsel. /af 5/10/02 ;</i>                |
| 06/24/2002 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 06/24/2002 | <b>Motion for Appointment (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR APPOINTMENT CNSL/40 Heard By: Nancy Saitta</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 06/24/2002 | <b>Petition to Proceed in Forma Pauperis (9:00 AM)</b><br><i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 06/24/2002 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 06/24/2002 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 06/24/2002 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 06/24/2002 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 6/24/02 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i><br><i>Matter Heard; ALL PENDING MOTIONS 6/24/02 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i><br><i>Journal Entry Details:</i><br><i>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 Lori Teicher is APPOINTED. Matter set for confirmation of counsel. NDC 7/1/02 9:00 AM CONFIRMATION OF COUNSEL (L. TEICHER) ;</i> |
| 07/01/2002 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /39</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 07/01/2002 | <b>Petition to Proceed in Forma Pauperis (9:00 AM)</b><br><i>DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /41</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 07/01/2002 | <b>Motion (9:00 AM)</b><br><i>DEFT'S PRO PER MTN FOR DISCOVERY PRODUCTION AND TRANSMISSIONS OF DOCUM/42</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

# CASE SUMMARY

CASE NO. 98C154293-2

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| 07/01/2002 | <p><b>Motion (9:00 AM)</b><br/> <i>DEFT'S PRO PER MTN TO ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR/43</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 07/01/2002 | <p><b>Motion (9:00 AM)</b><br/> <i>DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/45</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 07/01/2002 | <p><b>Motion for Confirmation of Counsel (9:00 AM)</b><br/> <i>CONFIRMATION OF COUNSEL (L. TEICHER) Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/01/2002 | <p><b>All Pending Motions (9:00 AM)</b><br/> <i>ALL PENDING MOTIONS 7/1/02 Court Clerk: Amber Farley Reporter/Recorder: Tina Smith<br/> Heard By: Kathy Hardcastle<br/> Matter Heard; ALL PENDING MOTIONS 7/1/02 Court Clerk: Amber Farley<br/> Reporter/Recorder: Tina Smith Heard By: Kathy Hardcastle<br/> Journal Entry Details:<br/> DEFT'S PRO PER MOTION FOR DISCOVERY PRODUCTION AND TRANSMISSION OF<br/> DOCUMENTS...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S<br/> PRO PER MOTION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO<br/> ATTACH SUPPLEMENTAL EXHIBIT TO PETITION FOR POST CONVICTION RELIEF...<br/> DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING...CONFIRMATION OF<br/> COUNSEL (L. TEICHER) Ms. Teicher confirmed as counsel. COURT ORDERED, counsel to<br/> work out a briefing schedule and ORDERED, matter set for a status check in forty-five days.<br/> NDC 8/19/02 9:00 AM STATUS CHECK: PENDING MOTIONS ;</i></p>                                                                                                                    |
| 08/19/2002 | <p><b>Status Check (9:00 AM)</b><br/> <i>STATUS CHECK: PENDING MOTIONS Court Clerk: Amber Farley Reporter/Recorder:<br/> Kristine Cornelius Heard By: Nancy Saitta<br/> Matter Heard; STATUS CHECK: PENDING MOTIONS Court Clerk: Amber Farley<br/> Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta<br/> Journal Entry Details:<br/> Ms. Teicher stated she has met with the Defendant and now has the file; requested a briefing<br/> schedule be set. COURT SO ORDERED, as follows: Opening due 11/22/02 Response due<br/> 12/20/02 Reply due 1/24/02 Matter set for hearing. NDC 2/5/03 9:00 AM ARGUMENT:<br/> POST-CONVICTION WRIT ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12/18/2002 | <p><b>CANCELED Motion (9:00 AM)</b><br/> Events: 12/05/2002 Motion<br/> <i>Vacated</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 02/05/2003 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT (SAO 2/26/03) Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 06/25/2003 | <p><b>Hearing (10:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT (SAO 2/26/03) Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 02/02/2004 | <p><b>Motion for Substitution (9:00 AM)</b><br/> Events: 01/21/2004 Motion for Substitution<br/> <i>DEFT'S PRO PER MTN FOR SUBSTITUTION COUNSEL/54 Court Clerk: Amber Farley<br/> Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</i></p> <p><b>MINUTES</b></p> <p> Motion for Substitution</p> <p><i>[164] Motion for Substitute Counsel</i></p> <p>Granted; DEFT'S PRO PER MTN FOR SUBSTITUTION COUNSEL/54 Court Clerk: Amber Farley Reporter/Recorder: Kristine Cornelius Heard By: Nancy Saitta</p> <p>Journal Entry Details:</p> <p><i>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 ;</i></p> |

Index #164

# CASE SUMMARY

CASE NO. 98C154293-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 03/01/2004 | <p><b>Status Check (9:00 AM)</b><br/> <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Amber Farley Reporter/Recorder: Dick Kangas Heard By: Nancy Saitta</i><br/> Matter Heard; STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Amber Farley Reporter/Recorder: Dick Kangas Heard By: Nancy Saitta<br/> Journal Entry Details:<br/> <i>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 ;</i></p>                                                                                                                       |
| 01/10/2005 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 02/09/2005 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 03/02/2005 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Cory, Ken</i><br/> Matter Continued; ARGUMENT: POST-CONVICTION WRIT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Cory, Ken<br/> Journal Entry Details:<br/> <i>At the request of counsel, COURT ORDERED, matter CONTINUED to be heard in front of Judge Saitta. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 03/14/2005 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 03/28/2005 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 05/02/2005 | <p><b>Hearing (9:00 AM)</b><br/> <i>ARGUMENT: POST-CONVICTION WRIT Relief Clerk: Jennifer Kimmel Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i><br/> Matter Heard; ARGUMENT: POST-CONVICTION WRIT Relief Clerk: Jennifer Kimmel Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta<br/> Journal Entry Details:<br/> <i>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) ;</i></p> |
| 06/10/2005 | <p><b>Evidentiary Hearing (9:00 AM)</b><br/> <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/11/2005 | <p><b>Evidentiary Hearing (11:00 AM)</b><br/> <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 09/02/2005 | <p><b>Evidentiary Hearing (11:00 AM)</b><br/> <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><br/> Matter Continued; EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Relief Clerk: Theresa Lee Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

# CASE SUMMARY

CASE NO. 98C154293-2

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|            | <p>Journal Entry Details:<br/> <i>(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 ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 09/26/2005 | <p><b>Evidentiary Hearing (10:30 AM)</b><br/> <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><br/> Matter Continued; EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M<br/> Journal Entry Details:<br/> <i>Court advised the deft. that it received information that the deft. was not transported and called off Mr. Sciscento, therefore, ORDERED, matter CONTINUED. NDC ;</i></p>                                                                                                                                                                                     |
| 11/02/2005 | <p><b>Evidentiary Hearing (10:30 AM)</b><br/> <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Heard By: Nancy Saitta</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11/09/2005 | <p><b>Evidentiary Hearing (10:30 AM)</b><br/> <i>EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i><br/> Matter Heard; EVIDENTIARY HEARING RE: TRIAL STRATEGY (INEFFECTIVE ASSISTANCE OF COUNSEL) Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta<br/> Journal Entry Details:<br/> <i>Frederick Santacroce, Esq. and Joseph Sciscento, Esq., sworn and testified. Argument by Mr. Coumou. Mr. Michaelides requested to file a written response. Court stated it will give Mr. Michaelides 30 days to file a written response and will give the State 30 days to file a reply. COURT ORDERED, matter set for argument. NDC 1/11/06 11:00 AM ARGUMENT ;</i></p> |
| 01/11/2006 | <p><b>Hearing (11:00 AM)</b><br/> <i>ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Pavlikowski, Joseph S.</i><br/> Matter Continued; ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Pavlikowski, Joseph S.<br/> Journal Entry Details:<br/> <i>COURT ORDERED, matter CONTINUED. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 02/15/2006 | <p><b>Hearing (11:00 AM)</b><br/> <i>ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</i><br/> Matter Continued; ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M<br/> Journal Entry Details:<br/> <i>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 ;</i></p>                                                                                                                                                                                                                                                                                                                                  |
| 02/27/2006 | <p><b>Hearing (10:30 AM)</b><br/> <i>ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M</i><br/> Matter Continued; ARGUMENT Court Clerk: Kristen Brown Reporter/Recorder: Jo Anne Pierpont Heard By: Saitta, Nancy M<br/> Journal Entry Details:<br/> <i>COURT ORDERED, matter CONTINUED. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 03/27/2006 | <p><b>Hearing (10:30 AM)</b><br/> <i>ARGUMENT Relief Clerk: Cynthia Georgilas Reporter/Recorder: Jo Anne Pierpont Heard By: Nancy Saitta</i><br/> Matter Heard; ARGUMENT Relief Clerk: Cynthia Georgilas Reporter/Recorder: Jo Anne</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



# CASE SUMMARY

CASE No. 98C154293-2

Pierpont Heard By: Nancy Saitta

Journal Entry Details:

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

04/27/2011



**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

Matter Continued;

Denied;

Journal Entry Details:

*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 ;*

Matter Continued;

Denied;

Journal Entry Details:

*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) ;*

06/20/2011



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

Events: 06/06/2011 Notice

*Notice to the Court and Motion Requesting Update*

Denied;

Journal Entry Details:

*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 ;*

07/14/2014



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

*Deft's Pro Per Motion to Expand the Record*

Motion Denied; Deft's Pro Per Motion to Expand the Record

Journal Entry Details:

*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 ;*

01/07/2015



**Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Defendant's Pro Per Motion for Evidentiary Hearing*

Motion Denied; Defendant's Pro Per Motion for Evidentiary Hearing

Journal Entry Details:

*Defendant not present. COURT FINDS, the motion is premature, and ORDERED, Motion DENIED. State to prepare a proposed Order. ;*

# CASE SUMMARY




CASE NO. 98C154293-2

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| 01/12/2015 |  <b>Motion for Appointment of Attorney</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Pro Per Motion for Appointment of Counsel</i><br>Motion Denied; Defendant's Pro Per Motion for Appointment of Counsel<br>Journal Entry Details:<br><i>Defendant not present. COURT FINDS, Defendant did not meet the prerequisite, and ORDERED, Motion DENIED. State to prepare a proposed Order.;</i>                                                                                                                                                                                                                                                                                                                                    |
| 01/12/2015 | <b>CANCELED Motion</b> (8:30 AM) (Judicial Officer: Barker, David)<br><i>Vacated - On in Error</i><br><i>Motion for Hearing to Remove Unconstitutional "Pre-Trial Punishment Stipulation"</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 02/18/2015 |  <b>Motion for Leave</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Pro Per Motion for Leave of Court to File Renewed Motion for Appointment of Counsel</i><br>Motion Denied; Defendant's Pro Per Motion for Leave of Court to File Renewed Motion for Appointment of Counsel<br>Journal Entry Details:<br><i>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 1200 Prison Road Lovelock, NV 89419 - YP 2-24-15 ;</i>                              |
| 02/25/2015 | <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Pro Per Petition for Writ of Habeas Corpus</i><br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 02/25/2015 | <b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>State's Response and Motion to Dismiss to Defendant's Pro Per Petition for Writ of Habeas Corpus</i><br>Motion Granted;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 02/25/2015 |  <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br>Matter Heard;<br>Journal Entry Details:<br><i>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 - YP 2-26-15;</i> |
| 03/23/2015 | <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Pro Per Renewed Motion for Evidentiary Hearing and Motion to Produce Inmate Off Calendar;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 03/23/2015 | <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Pro Per Motion for Leave of Court to File Renewed Motion for Evidentiary Hearing</i><br>Off Calendar;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 03/23/2015 |  <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br>Off Calendar;<br>Journal Entry Details:<br><i>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</i>                                                                                                                                                                                                                                                                                                                                                                                                     |

# CASE SUMMARY

CASE NO. 98C154293-2

*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 ;*

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/30/2015 | <b>CANCELED Motion to Disqualify Judge</b> (3:00 AM) (Judicial Officer: Barker, David)<br><i>Vacated - per Judge</i><br><i>Pro Per's Motion to Disqualify Judge</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/14/2015 | <b>CANCELED Motion</b> (3:00 AM) (Judicial Officer: Barker, David)<br><i>Vacated - Superseding Order</i><br><i>Notice to the Court and Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 06/01/2015 |  <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Second Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i><br><i>Off Calendar; Defendant's Second Motion to Attach Supplemental Exhibit to Motion to Disqualify Judge</i><br><i>Journal Entry Details:</i><br><i>Defendant not present. Court NOTED, this matter was addressed and the Supreme Court denied Defendant's motion previously. COURT ORDERED, matter OFF CALENDAR. NDC</i><br><i>CLERK'S NOTE: The above minute order has been distributed via U.S. Regular Mail to:</i><br><i>Defendant, Brendan Nasby #63618 Love Lock Correctional Center 1200 Prison Road Lovelock, NV 89419;</i> |
| 02/22/2016 |  <b>Motion for Order</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Defendant's Pro Per Motion to Produce Prisoner</i><br><i>Denied;</i><br><i>Journal Entry Details:</i><br><i>COURT ORDERED, motion DENIED and noted Defendant continuously files motions of the same nature. NDC;</i>                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/16/2016 | <b>Motion for Appointment of Attorney</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><b>03/16/2016, 04/04/2016</b><br><i>Defendant's Pro Per Motion for Appointment of Counsel</i><br><i>Matter Continued;</i><br><i>Denied;</i><br><i>Matter Continued;</i><br><i>Denied;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 03/16/2016 | <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><b>03/16/2016, 04/04/2016</b><br><i>Defendant's Pro Per Motion to Extend Prison Copy Work Limit</i><br><i>Matter Continued;</i><br><i>Denied;</i><br><i>Matter Continued;</i><br><i>Denied;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 03/16/2016 | <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><b>03/16/2016, 04/04/2016</b><br><i>Events: 01/14/2016 Order for Petition for Writ of Habeas Corpus</i><br><i>Defendant's Pro Per Petition for Writ of Habeas Corpus Post-Conviction</i><br><i>Matter Continued;</i><br><i>Denied;</i><br><i>Matter Continued;</i><br><i>Denied;</i>                                                                                                                                                                                                                                                                                                                                                                                                       |
| 03/16/2016 |  <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)<br><i>Matter Heard;</i><br><i>Journal Entry Details:</i><br><i>DEFENDANT S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ... DEFENDANT S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT DEFENDANT S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court noted he has not</i>                                                                                                                                                                                                                                      |

# CASE SUMMARY

CASE No. 98C154293-2

received a written response by the State. Ms. Thomson advised a response was filed on 2/23/2016. COURT ORDERED, matter CONTINUED in order to review the response. NDC CONTINUED TO: 4/04/2016 8:30 AM ;

04/04/2016



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

Matter Heard;

Journal Entry Details:

*DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION): Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court FINDS the petition to be successive as well as untimely pursuant to NRS 34 and Defendant has failed to show good cause for the delay; therefore, COURT ORDERED, Petition DENIED. DEFENDANT'S PRO PER MOTION FOR MOTION TO EXTEND PRISON COPY WORK LIMIT: COURT ORDERED, Motion DENIED. DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL: COURT ORDERED, Motion DENIED. Court directed State to prepare the appropriate order. CLERK'S NOTE: The above minute order has been distributed to: BRENDAN JAMES NASBY #63618 LOVELOCK CORRECTIONAL CENTER 1200 PRISON ROAD LOVELOCK, NEVADA 89419 ;*

06/08/2016



**Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Defendant's Pro Per Motion to Alter or Amend a Judgment*

Denied;

Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Defendant's 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 ;*

04/26/2017



**Motion For Reconsideration** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Defendant's Pro Per Motion for Reconsideration*

Denied;

Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court noted Defendant is seeking reconsideration of the Court's denial of Defendant's writ. Court reviewed Defendant's claims for the record and stated he shall consider the motion pursuant to NRS 34. Court FINDS, Defendant has failed to show good cause to overcome the procedural bars and COURT ORDERED, Motion DENIED. State to prepare an order consistent with the Court's order and the State's Opposition. NDC CLERK'S NOTE: The above minute order has been distributed to: BRENDAN NASBY #63618 LOVELOCK CORRECTIONAL CENTER 1200 PRISON ROAD LOVELOCK, NV 89419;*

05/15/2017



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

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

Denied;

Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court stated this is Defendant's fifth or sixth petition which has previously addressed by the Court. Further, Court stated Defendant previously filed a petition in another jurisdiction; however, the jurisdiction was transferred to this Court as they believed this to be a post conviction petition. Additionally, Court noted Defendant is challenging his conviction based on the evidence presented at the trial and seeking the Court's advisory opinion. Court FINDS the petition is procedurally barred as well as successive and COURT ORDERED, Petition DENIED. State to prepare the appropriate order. 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 ;*

01/18/2023



**Motion to Correct Clerical Mistake** (9:30 AM) (Judicial Officer: Trujillo, Monica)

*Motion to Correct Clerical Mistake*

## MINUTES



Decision Pending;

Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE No. 98C154293-2**

| 02/22/2023 | <p><i>Defendant not present, in the Nevada Department of Corrections (NDC).. Court noted it had reviewed the Motion and Opposition, however it needed to order the transcript. COURT ORDERED, transcript to be prepared and matter CONTINUED for decision. NDC 2/22/2023 9:30 AM DECISION: MOTION TO CORRECT CLERICAL MISTAKE;</i></p> <p><b>SCHEDULED HEARINGS</b></p> <p> <b>Decision</b> (02/22/2023 at 9:30 AM) (Judicial Officer: Trujillo, Monica)<br/><i>Decision: Motion to Correct Clerical Mistake</i></p> <p> <b>Decision</b> (9:30 AM) (Judicial Officer: Trujillo, Monica)<br/><i>Decision: Motion to Correct Clerical Mistake</i><br/>Motion Denied;<br/>Journal Entry Details:<br/><i>Court advised motion reviewed with state's opposition; Court was unable to get a transcript COURT ORDERED, motion DENIED; State to prepare order with their opposition. ;</i></p> |  |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| DATE       | FINANCIAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|            | <p><b>Defendant</b> Nasby, Brendan James</p> <p>Total Charges 49.00</p> <p>Total Payments and Credits 24.00</p> <p><b>Balance Due as of 3/21/2023 25.00</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
HALEY JARAMILLO  
Deputy District Attorney  
Nevada Bar #015506  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

BRENDAN NASBY,  
#1517690

Defendant.

CASE NO: 98C154293-2

DEPT NO: III

**ORDER DENYING DEFENDANT'S MOTION TO CORRECT  
CLERICAL MISTAKE (NRS 176.565)**

DATE OF HEARING: February 22, 2023  
TIME OF HEARING: 09:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 22nd day of February, 2023, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HALEY JARAMILLO, Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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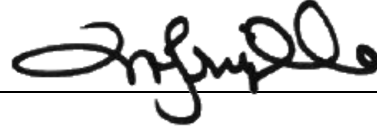
///

///

1 Court advised motion reviewed with State's Opposition. Court was unable to obtain a  
2 transcript.

3 IT IS HEREBY ORDERED that the Defendant's Motion to Correct Clerical Mistake  
4 (NRS 176.565), shall be, and it is DENIED in accordance with State's Opposition.

5 Dated this 2nd day of March, 2023

6   
7

8 STEVEN B. WOLFSON  
9 Clark County District Attorney  
Nevada Bar #001565

BB9 42B 0AB4 EF29  
Monica Trujillo  
District Court Judge

10  
11 BY /s/ HALEY JARAMILLO  
12 HALEY JARAMILLO  
13 Deputy District Attorney  
Nevada Bar #015506

14 CERTIFICATE OF SERVICE

15 I certify that on the 1st day of March, 2023, I mailed a copy of the foregoing Order to:

16 BRENDAN NASBY, BAC #63618  
17 LOVELOCK CORRECTIONAL CENTER  
18 1200 PRISON ROAD  
19 LOVELOCK, NEVADA 89419

20 BY /s/ Janet Hayes  
21 Secretary for the District Attorney's Office  
22  
23  
24  
25  
26  
27

28 98F11168A/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: 98C154293-2

7 vs

DEPT. NO. Department 3

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Brendan Nasby

**AUTOMATED CERTIFICATE OF SERVICE**

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order Denying Motion was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 3/2/2023

TALEEN PANDUKHT

Taleen.Pandukht@clarkcountyda.com

Jonathan. Vanboskerck

Jonathan.vanboskerck@clarkcountyda.com

Dept 3 Law clerk

dept03lc@clarkcountycourts.us



**October 27, 1998**

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

Minutes Date: October 27, 1998

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

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98C154293-2      State of Nevada  
                         vs  
                         Brendan Nasby

---

|                          |                |                              |                                                                                                                                                                                        |
|--------------------------|----------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>November 12, 1998</b> | <b>8:30 AM</b> | <b>Arraignment Continued</b> | <b>ARRAIGNMENT<br/>CONTINUED Court<br/>Clerk: CAROL<br/>GREEN/cg Relief<br/>Clerk: PAULA<br/>GOODELL<br/>Reporter/Recorder:<br/>JAMES HELLESO<br/>Heard By: Joseph<br/>Pavlikowski</b> |
|--------------------------|----------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**HEARD BY:****COURTROOM:** No Location**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:** No Location**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

PRINT DATE: 03/21/2023

Page 3 of 115

Minutes Date: October 27, 1998



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98C154293-2      State of Nevada  
vs  
Brendan Nasby

|                          |                |                            |                                                                                                                                                         |
|--------------------------|----------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>December 10, 1998</b> | <b>8:30 AM</b> | <b>All Pending Motions</b> | <b>ALL PENDING<br/>MOTIONS 12/10/98<br/>Relief Clerk: CAROL<br/>GREEN<br/>Reporter/Recorder:<br/>JAMES HELLESO<br/>Heard By: Joseph<br/>Pavlikowski</b> |
|--------------------------|----------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|

**HEARD BY:****COURTROOM:** No Location**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;

PRINT DATE: 03/21/2023

Page 5 of 115

Minutes Date: October 27, 1998

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**

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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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

Nasby, Brendan J

Defendant

Sciscento, Joseph S.

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

PRINT DATE: 03/21/2023

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Minutes Date: October 27, 1998



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:** No Location**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

PRINT DATE: 03/21/2023

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Minutes Date: October 27, 1998

witnesses. Mr. Sciscento, therefore, requested matter be continued and be put at the end of the court's 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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Counou, 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. Counou 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**

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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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                      |           |
|-----------------|----------------------|-----------|
| <b>PRESENT:</b> | 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

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

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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:** No Location**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:** No Location**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:** No Location**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:** No Location**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:** No Location**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:** No Location**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:** No Location**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:** No Location**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

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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:** No Location**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.

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**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

|                     |                |                                |                                         |
|---------------------|----------------|--------------------------------|-----------------------------------------|
| <b>May 06, 1999</b> | <b>8:30 AM</b> | <b>Conversion Hearing Type</b> | <b>TRIAL SETTING</b>                    |
|                     |                |                                | <b>Court Clerk: LINDA SKINNER</b>       |
|                     |                |                                | <b>Reporter/Recorder: JAMES HELLESO</b> |
|                     |                |                                | <b>Heard By: Joseph Pavlikowski</b>     |

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

|                 |                      |           |
|-----------------|----------------------|-----------|
| <b>PRESENT:</b> | Coumou, Frank        | Attorney  |
|                 | Nasby, Brendan J     | Defendant |
|                 | Sciscento, Joseph S. | 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:** No Location**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:** No Location**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.

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**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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

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

Attorney  
Defendant  
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**

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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:** No Location**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:** No Location**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.

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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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

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

Attorney  
Defendant  
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.

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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:** No Location**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

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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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | 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 DD, 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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coulmou, Frank

Attorney

Nasby, Brendan J

Defendant

Santacroce, Frederick A.

Attorney

Scisciento, Joseph S.

Attorney

**JOURNAL ENTRIES**

- Court noted this is a hearing regarding the intimidation of witnesses. Testimony and exhibits presented. (See worksheets.) Mr. Scisciento 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. Coulmou 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

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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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | 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:** No Location**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

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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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                      |           |
|-----------------|----------------------|-----------|
| <b>PRESENT:</b> | 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

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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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                      |           |
|-----------------|----------------------|-----------|
| <b>PRESENT:</b> | 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.

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**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:** No Location**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

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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:** No Location**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.

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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**

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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:** No Location**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:** No Location**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:** No Location**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

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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:** No Location**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

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**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

|                      |                |                            |                                                                                                                                                                         |
|----------------------|----------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>June 24, 2002</b> | <b>9:00 AM</b> | <b>All Pending Motions</b> | <b>ALL PENDING<br/>MOTIONS 6/24/02</b><br><b>Court Clerk: Amber<br/>Farley</b><br><b>Reporter/Recorder:<br/>Kristine Cornelius</b><br><b>Heard By: Nancy<br/>Saitta</b> |
|----------------------|----------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

|                 |                   |           |
|-----------------|-------------------|-----------|
| <b>PRESENT:</b> | 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

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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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Nasby, Brendan J  
Teicher, Lori C.  
Wall, David T.

Defendant  
Attorney  
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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.  
Sgro, Anthony P.

Attorney  
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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**      Coumou, Frank      Attorney  
                         Sgro, Anthony P.      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:** No Location**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)

PRINT DATE: 03/21/2023

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Minutes Date: October 27, 1998





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

98C154293-2      State of Nevada  
                         vs  
                         Brendan Nasby

|                           |                 |                            |                                                                                                                                                                                                                   |
|---------------------------|-----------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>September 02, 2005</b> | <b>11:00 AM</b> | <b>Evidentiary Hearing</b> | <b>EVIDENTIARY<br/>HEARING RE:<br/>TRIAL STRATEGY<br/>(INEFFECTIVE<br/>ASSISTANCE OF<br/>COUNSEL) Relief<br/>Clerk: Theresa Lee<br/>Reporter/Recorder: Jo<br/>Anne Pierpont<br/>Heard By: Saitta,<br/>Nancy M</b> |
|---------------------------|-----------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

|                 |                        |          |
|-----------------|------------------------|----------|
| <b>PRESENT:</b> | 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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**      Coumou, Frank      Attorney  
                         Nasby, Brendan J      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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                        |           |
|-----------------|------------------------|-----------|
| <b>PRESENT:</b> | Coumou, 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. Coumou. Mr. Michaelides requested to file a written response. Court stated it will give Mr. Michaelides 30 days to file a written response and will give the State 30 days to file a reply. COURT ORDERED, matter set for argument.

NDC

PRINT DATE: 03/21/2023

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Minutes Date: October 27, 1998

**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:** No Location**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:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                        |           |
|-----------------|------------------------|-----------|
| <b>PRESENT:</b> | 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:** No Location**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:** No Location**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  
State of NevadaAttorney  
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 Attorney  
State of Nevada 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****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Ying Pan**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**Burton, Chris  
State of NevadaAttorney  
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

**98C154293-2**

Lovelock Correctional Center  
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

**98C154293-2**

LOVELOCK, NV 89419

- 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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 01, 2015**

98C154293-2

State of Nevada

vs

Brendan Nasby

**June 01, 2015****8:30 AM****Motion**

**Defendant's Second  
Motion to Attach  
Supplemental Exhibit  
to Motion to  
Disqualify Judge**

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

Beverly, Leah C  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Defendant not present.

Court NOTED, this matter was addressed and the Supreme Court denied Defendant's motion previously. COURT ORDERED, matter OFF CALENDAR.

NDC

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

Brendan Nasby #63618  
Love Lock Correctional Center

PRINT DATE: 03/21/2023

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Minutes Date: October 27, 1998

**98C154293-2**

1200 Prison Road  
Lovelock, NV 89419



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 22, 2016**

---

98C154293-2            State of Nevada  
                              vs  
                              Brendan Nasby

---

**February 22, 2016        8:30 AM            Motion for Order**

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

**COURT CLERK:**   Tia Everett

**RECORDER:**   Christine Erickson

**REPORTER:**

**PARTIES**

|                 |                 |           |
|-----------------|-----------------|-----------|
| <b>PRESENT:</b> | State of Nevada | Plaintiff |
|                 | Thomson, Megan  | Attorney  |

**JOURNAL ENTRIES**

- COURT ORDERED, motion DENIED and noted Defendant continuously files motions of the same nature.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 16, 2016**

98C154293-2      State of Nevada  
                         vs  
                         Brendan Nasby

**March 16, 2016      8:30 AM      All Pending Motions**

**HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- DEFENDANT S PRO PER MOTION FOR APPOINTMENT OF COUNSEL ... DEFENDANT S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT DEFENDANT S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Court noted Defendant not present and in custody with the Nevada Department of Corrections.

Court noted he has not received a written response by the State. Ms. Thomson advised a response was filed on 2/23/2016. COURT ORDERED, matter CONTINUED in order to review the response.

NDC

CONTINUED TO: 4/04/2016 8:30 AM

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

# COURT MINUTES

April 04, 2016

98C154293-2                      State of Nevada  
vs  
Brendan Nasby

April 04, 2016      8:30 AM      All Pending Motions

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

## PARTIES

**PRESENT:** State of Nevada Plaintiff  
Thomson, Megan Attorney

## JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION):

Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court FINDS the petition to be successive as well as untimely pursuant to NRS 34 and Defendant has failed to show good cause for the delay; therefore, COURT ORDERED, Petition DENIED.

DEFENDANT'S PRO PER MOTION FOR MOTION TO EXTEND PRISON COPY WORK LIMIT:

COURT ORDERED, Motion DENIED.

DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL:

COURT ORDERED, Motion DENIED.

Court directed State to prepare the appropriate order.

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

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

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

## COURT MINUTES

June 08, 2016

98C154293-2                      State of Nevada  
vs  
Brendan Nasby

**June 08, 2016**                      **8:30 AM**                      **Motion**

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

## PARTIES

**PRESENT:**      Dickerson, Michael                      Attorney  
                         State of Nevada                              Plaintiff

## JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Defendant's 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

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

# COURT MINUTES

April 26, 2017

98C154293-2                      State of Nevada  
vs  
Brendan Nasby

**April 26, 2017      8:30 AM      Motion For  
Reconsideration**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

## PARTIES

**PRESENT:** Scow, Richard H. Attorney  
State of Nevada Plaintiff

## JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court noted Defendant is seeking reconsideration of the Court's denial of Defendant's writ. Court reviewed Defendant's claims for the record and stated he shall consider the motion pursuant to NRS 34. Court FINDS, Defendant has failed to show good cause to overcome the procedural bars and COURT ORDERED, Motion DENIED. State to prepare an order consistent with the Court's order and the State's Opposition.

NDC

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

BRENDAN NASBY #63618  
LOVELOCK CORRECTIONAL CENTER  
1200 PRISON ROAD

PRINT DATE: 03/21/2023

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Minutes Date: October 27, 1998

**98C154293-2**

LOVELOCK, NV 89419

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

# COURT MINUTES

**May 15, 2017**

98C154293-2                      State of Nevada  
vs  
Brendan Nasby

|              |         |                                    |
|--------------|---------|------------------------------------|
| May 15, 2017 | 8:30 AM | Petition for Writ of Habeas Corpus |
|--------------|---------|------------------------------------|

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

## PARTIES

**PRESENT:** Derjavina, Ekaterina Attorney  
State of Nevada Plaintiff

## JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court stated this is Defendant's fifth or sixth petition which has previously addressed by the Court. Further, Court stated Defendant previously filed a petition in another jurisdiction; however, the jurisdiction was transferred to this Court as they believed this to be a post conviction petition. Additionally, Court noted Defendant is challenging his conviction based on the evidence presented at the trial and seeking the Court's advisory opinion. Court FINDS the petition is procedurally barred as well as successive and COURT ORDERED, Petition DENIED. State to prepare the appropriate order.

NDC

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

BRENDAN JAMES NASBY # 63618

PRINT DATE: 03/21/2023

Page 112 of 115

Minutes Date: October 27, 1998



**98C154293-2**

LOVELOCK CORRECTIONAL CENTER  
1200 PRISON ROAD  
LOVELOCK,NV 89419

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 18, 2023**

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98C154293-2            State of Nevada  
                              vs  
                              Brendan Nasby

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**January 18, 2023            9:30 AM            Motion to Correct Clerical  
                                                                 Mistake**

**HEARD BY:** Trujillo, Monica**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:**  
                              Samantha Albrecht

**RECORDER:** Grecia Snow**REPORTER:****PARTIES**

**PRESENT:**            Evans, Ronald James            Attorney  
                              State of Nevada                Plaintiff

**JOURNAL ENTRIES**

- Defendant not present, in the Nevada Department of Corrections (NDC)..

Court noted it had reviewed the Motion and Opposition, however it needed to order the transcript.  
COURT ORDERED, transcript to be prepared and matter CONTINUED for decision.

NDC

2/22/2023 9:30 AM DECISION: MOTION TO CORRECT CLERICAL MISTAKE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 22, 2023**

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98C154293-2      State of Nevada  
                         vs  
                         Brendan Nasby

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**February 22, 2023      9:30 AM      Decision**

**HEARD BY:** Trujillo, Monica**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Katrina Ross**RECORDER:** Grecia Snow**REPORTER:****PARTIES**

**PRESENT:**      Jaramillo, Haley Ann      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court advised motion reviewed with state's opposition; Court was unable to get a transcript  
COURT ORDERED, motion DENIED; State to prepare order with their opposition.

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 6/1 | <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"/>                     |
| 8. "                                             | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 9. "                                             | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 10. "                                            | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 11. "                                            | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 12. "                                            | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| (13) "                                           | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| (14) "                                           | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 15. "                                            | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| (16) "                                           | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| (17) "                                           | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| (18) "                                           | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| (19) "                                           | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 20. "                                            | <input type="checkbox"/>                    | <input type="checkbox"/>                     |
| 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"/> 20/24  | <input checked="" type="checkbox"/> 10/13/99 |
| 23 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 24 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 25 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 26 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 27 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 28 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 29 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 30 Photo                        | <input checked="" type="checkbox"/> no obj | <input checked="" type="checkbox"/> 10/13/99 |
| 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"/>          |
| 36 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 37 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 38 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 39 "                            | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 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 |
| 43                                              | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 44                                              | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
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| 46                                              | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 47                                              | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
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| 49                                              | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/>          |
| 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 |
| <del>54 Withdrawn</del>                         | <input type="checkbox"/>                   | <input type="checkbox"/>                     |
| <del>55 Withdrawn</del>                         | <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

☒ no ☒ yes

☒ no ☒ dy

[illegible]

☒ *dy* ☒ *dy*

☒ *Step* ☒ *1/14/99*

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10/10/2016

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| <input type="checkbox"/> | <input type="checkbox"/> |

10/10/2016





[illegible]

CASE NO. C/54293  
DEPT. NO. VII

SENTENCING  
TRIAL DATE: 11-29-99  
JUDGE: MARK GIBBONS

STATE OF NEVADA  
PLAINTIFF

CLERK: TINA HURD

REPORTER: PATSY SMITH

FRANK COUNMAN  
COUNSEL FOR THE PLAINTIFF

VS.  
BRENDAN JAMES NABBY  
DEFENDANT

JOSEPH SCISCENTO / FREDERICK SANTACROCE  
COUNSEL FOR THE DEFENDANT

### STATE'S EXHIBITS

OFFERED ADMITTED

#1 - Small photograph of Sept. w/gun



no  
Hy



1/29





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

BRENDAN NASBY #63618  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

DATE: March 21, 2023  
CASE: 98C154293-2

RE CASE: STATE OF NEVADA vs. BRENDAN JAMES NASBY

NOTICE OF APPEAL FILED: March 20, 2023

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 *For Order filed 03/02/2023*

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO CORRECT CLERICAL MISTAKE (NRS 176.565); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

BRENDAN JAMES NASBY,

Defendant(s).

Case No: 98C154293-2

Dept No: III

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 21 day of March 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk