

ORIGINAL

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DEC 14 3 51 PM '99

Shirley B. Pangione
CLERK

NOTC

FREDERICK A. SANTACROCE, ESQ.
Nevada Bar No. 5121
330 S. Third Street #860
Las Vegas, Nevada 89101
(702) 598-1666
Attorney for NASBY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

BRENDAN JAMES NASBY,

Defendants.

No. 35319

CASE NO: C154293

DEPT NO: VII

DOCK NO: M

FILED

DEC 20 1999

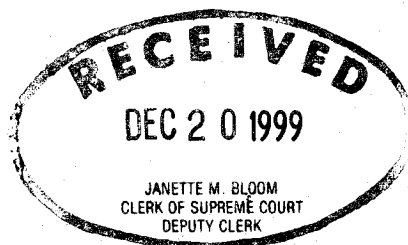
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Alvarado*
DEPUTY CLERK

NOTICE OF APPEAL

Notice is hereby given that BRENDAN JAMES NASBY,
Defendant above named, hereby appeals to the Supreme Court of
Nevada on the Judgement on the conviction entered in this
action on the 29th day of November, 1999.

DATED this 14th day of December, 1999.

[Signature]
FREDERICK A. SANTACROCE, ESQ.
Attorney for Defendant
NASBY



1 NOTC

2 FREDERICK A. SANTACROCE, ESQ.
3 Nevada Bar No. 5121
330 S. Third Street #860
4 Las Vegas, Nevada 89101
(702) 598-1666
Attorney for NASBY

FILED

DEC 14 3 50 PM '99

Shirley B. Rungius
CLERK

5
6 DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8)
Plaintiff,) CASE NO: C154293
9) DEPT NO: VII
vs.) DOCK NO: M
10)
BRENDAN JAMES NASBY,)
11)
Defendants.)
12)

13 CASE APPEAL STATEMENT

14 1. Name of judge who entered the order or judgment appealed
15 from:

16 Mark Gibbons, Conviction, November 29, 1999.

17 2. Name of all parties to the appeal:

18 Brendan James Nasby, appellant;

19 State of Nevada, respondent;

20 3. Names of all counsel and the party or parties they
21 represent:

22 Frederick A. Santacrocce, Esq.
330 S. Third Street #860
23 Las Vegas, Nevada 89101

24 Joseph S. Sciscento, Esq.
330 S. Third St., #860
25 Las Vegas, NV 89101

26 Frank Coumou, Esq.
200 S. Third Street
27 Las Vegas, NV 89155

1 4. Whether appellant was represented by appointed counsel in
2 the district court:

3 No.

4 5. Whether appellant was represented by appointed counsel on
5 appeal:

6 Yes.


7 6. Whether appellant was granted leave to proceed in forma
8 pauperis and if so, the date of entry of the district court
9 order granting such leave:

10 Yes, Filed on 12/8/99.

11 7. The date the proceeding commenced in the district court:

12 August 11, 1998.

13 DATED this 14th day of December, 1999.

14 
15 _____
16 FREDERICK A. SANTACROCE, ESQ.
17 Attorney for Appellant
18 NASBY
19
20
21
22
23
24
25
26
27
28

DATE: 12/15/99
CASE NO. 98-C-154293-C

I N D E X

TIME 7:46 AM
JUDGE:Gibbons, Mark

STATE OF NEVADA

[] vs Deskin, Jerimiah J

[E]

001 D1 Jerimiah J Deskin

005331 Golightly, Chad M.
NO. 1 6025 W. Flamingo #215
Las Vegas, NV 89103-0000

002 D Brendan J Nasby

004380 Sciscento, Joseph S.
NO. 2 Treitler Montisano
608 S Sixth
Las Vegas, NV 89101

005121 Santacroce, Frederick A.
229 Las Vegas Blvd. S.
Las Vegas, NV 89101

003 D Tommie C Burnside Jr

Pro Se

004 D Jotee Burnside

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	10/21/98	INFO/INFORMATION	Fee \$0.00			10/21/98	
0002	10/21/98	ARRN/INITIAL ARRAIGNMENT		001		10/27/98	
0003	10/22/98	CBO /CRIMINAL BINDOVER		001			
0004	10/23/98	CBOR/CRIMINAL BINDOVER RECEIPT		001			
0005	10/23/98	AGRE/AGREEMENT TO APPEAR IN COURT AND TO WAIVE EXTRADITION AFTER ADMISSION TO		001			Y
0006	10/27/98	ARRN/ARRAIGNMENT CONTINUED		001		11/12/98	
0007	11/09/98	ARRN/INITIAL ARRAIGNMENT		002		11/24/98	
0008	11/09/98	INFO/INFORMATION		002		11/09/98	
0009	11/12/98	SENT/SENTENCING		001	GR	10/28/99	
0010	11/13/98	CBO /CRIMINAL BINDOVER		002			
0011	11/12/98	AGRE/AGREEMENT TO TESTIFY		001			
0012	11/12/98	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT		001			
0013	11/16/98	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT				11/13/98	
0014	11/24/98	CALC/CALENDAR CALL		002		01/29/99	
0015	11/24/98	JURY/TRIAL BY JURY (VJ 1/29/99)		002	VC	02/01/99	
0016	12/04/98	ARRN/INITIAL ARRAIGNMENT		003		12/10/98	
0017	12/04/98	ARRN/INITIAL ARRAIGNMENT		004		12/10/98	
0018	12/04/98	CBO /CRIMINAL BINDOVER		003			
0019	12/04/98	CBO /CRIMINAL BINDOVER		004			
0020	12/06/98	INFO/INFORMATION		003		12/03/98	
0021	12/03/98	INFO/INFORMATION		004		12/03/98	
0022	12/10/98	MOT /DEFT'S MOTION FOR O.R. RELEASE OR HOUSE ARREST		004	DN	12/15/98	
0023	12/10/98	MOT /ALL PENDING MOTIONS 12/10/98		AL		12/10/98	
0024	12/10/98	MOT /DEFT'S REQUEST FOR O.R. RELEASE OR BAIL REDUCTION		003	DN	12/15/98	
0025	12/10/98	SENT/SENTENCING		003	GR	03/04/99	
0026	12/10/98	SENT/SENTENCING		004	GR	02/25/99	
0027	12/10/98	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING		002		11/05/98	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0028	12/10/98		MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	003			
0029	12/10/98		MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	004			
0030	12/14/98		TRAN/REPORTER'S TRANSCRIPT OF WAIVER OF PRELIMINARY HEARING	003		12/02/98	
0031	12/14/98		TRAN/REPORTER'S TRANSCRIPT OF WAIVER OF PRELIMINARY HEARING	004		12/02/98	
0032	12/16/98		MOT /ALL PENDING MOTIONS 12/15/98	AL		12/15/98	
0033	12/18/98		LIST/NOTICE OF WITNESSES	002			
0034	12/21/98		ORDR/ORDER DENYING DEFENDANTS MOTION FOR OWN RECOGNIZANCE RELEASE OR HOUSE ARREST	003		12/21/98	
0035	12/21/98		ORDR/ORDER DENYING DEFENDANTS MOTION FOR OWN RECOGNIZANCE RELEASE OR HOUSE ARREST	004		12/21/98	
0036	12/18/98		LIST/NOTICE OF EXPERT WITNESSES	002			
0037	01/06/99		MOT /STATE'S MOTION TO REVOKE DEFT NASBY'S JAIL PRIVILEGES AND PLACE IN ISOLATION	002	GR	02/02/99	
0038	01/05/99		LIST/SUPERCEDING NOTICE OF WITNESSES	002			
0039	01/06/99		REQT/NOTICE OF MOTION AND MOTION TO REVOKE DEFENDANT NASBYS JAIL PRIVILEGES AND TO PLACE HIM IN ISOLATION	002		01/08/99	Y
0040	01/07/99		ORDR/ORDER FOR TRANSCRIPT	001			
0041	01/07/99		ORDR/ORDER FOR TRANSCRIPT	003			
0042	01/07/99		ORDR/ORDER FOR TRANSCRIPT	004			
0043	01/21/99		SUBP/SUBPOENA	002	SC	01/22/99	
0044	01/29/99		OCAL/STATUS CHECK: TRIAL SETTING	002	SV	01/21/99	
0045	01/29/99		MOT /ALL PENDING MOTIONS 1/29/99	002		02/02/99	
0046	02/01/99		MOT /ALL PENDING MOTIONS 2/1/99	002		01/29/99	
0047	01/28/99		SUBP/SUBPOENA	002	VC	02/01/99	
0048	02/02/99		CALC/CALENDAR CALL	002	SC	01/29/99	
0049	02/02/99		JURY/TRIAL BY JURY (OVERFLOW FROM DEPT III) (VJ-5/3/99)	002	SV	01/28/99	
0050	02/02/99		MOT /ALL PENDING MOTIONS 2/2/99	002		04/29/99	
0051	02/08/99		HEAR/AT THE REQUEST OF THE COURT	002	VC	05/03/99	
0052	02/24/99		ORDR/ORDER FOR VISITATION OF INMATE BY PARENT CHILD AND FINANCE	002		02/02/99	
0053	02/26/99		JUDG/JUDGMENT OF CONVICTION - PLEA	002	OC	02/12/99	
0054	02/26/99		JMNT/ADMINISTRATION/ASSESSMENT FEE	004			
0055	03/09/99		LIST/NOTICE OF WITNESSES	002		02/26/99	
0056	03/09/99		LIST/NOTICE OF EXPERT WITNESSES	002		03/01/99	
0057	03/15/99		JUDG/JUDGMENT OF CONVICTION - PLEA	003		03/15/99	
0058	02/24/99		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	003		12/10/98	
0059	02/24/99		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	001		11/12/98	
0060	03/15/99		JMNT/ADMINISTRATION/ASSESSMENT FEE	0003		03/18/99	
0061	04/29/99		CALC/CALENDAR CALL (OVERFLOW FROM DEPT III) COUMOU/SCISCENTO-17 WIT/2 OUTSTATE/5DAYS	002		05/03/99	
0062	05/03/99		OCAL/TRIAL SETTING	002		05/06/99	
0063	05/06/99		CALC/CALENDAR CALL	002		07/15/99	
0064	05/06/99		JURY/TRIAL BY JURY (VJ 7/15/99)	002	VC	07/19/99	
0065	06/09/99		LIST/NOTICE OF EXPERT WITNESSES	002			
0066	06/09/99		LIST/NOTICE OF WITNESSES	002			
0067	07/09/99		MOT /DEFT'S MOTION IN LIMINE PRECLUDE EVIDENCE OF WITNESS INTIMIDATION	002	DN	10/07/99	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0068	07/12/99	NOTC/NOTICE OF ALIBI WITNESSES	002			
0069	07/15/99	CALC/CALENDAR CALL	002		10/07/99	
0070	07/15/99	JURY/TRIAL BY JURY	002		10/19/99	
0071	07/13/99	LIST/NOTICE OF WITNESSES	002			
0072	07/14/99	RSPN/RESPONSE TO MOTION IN LIMINE TO PRECLUDE EVIDENCE OF WITNESS	002			Y
INTIMIDATION						
0073	07/13/99	NOTC/SUPPLEMENTAL NOTICE OF ALIBI WITNESSES	002			
0074	07/19/99	MOT /ALL PENDING MOTIONS 7/15/99	002		07/15/99	
0075	07/20/99	MOT /DEFT'S MOTION FOR DISCOVERY	002		07/29/99	
0076	07/27/99	MOT /DEFT'S MOTION IN LIMINE PRECLUDE EVID OF OTHER GUNS NOT USED IN THE CRIME	002	GR	10/07/99	
0077	07/28/99	ERR /ERRATA TO MOTION AND NOTICE OF MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME	002			Y
0078	07/28/99	ROC /RECEIPT OF COPY	002		07/28/99	
0079	07/29/99	ORDR/ORDER GRANTING MOTION FOR DISCOVERY	002			
0080	08/03/99	MOT /ALL PENDING MOTIONS 7/29/99	002		07/29/99	
0081	08/16/99	RSPN/RESPONSE TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME	002			Y
0082	08/19/99	RPLY/DEFENDANTS REPLY TO STATES OPPOSITION TO MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER GUNS NOT USED IN THE CRIME	002			Y
0083	08/25/99	MOT /DEFT'S MOTION FOR ORDER TO TAKE VIDEO DEPOSITION AT TRIAL	002	GR	09/09/99	
0084	08/31/99	ASSC/NOTICE OF ASSOCIATION OF COUNSEL	002			
0085	08/31/99	ROC /RECEIPT OF COPY	002		08/31/99	
0086	08/31/99	LIST/NOTICE OF WITNESSES	002			
0087	09/02/99	RSPN/RESPONSE TO DEFENDANTS MOTION FOR ORDER TO TAKE VIDEO DEPOSITION OF WITNESS AND TO USE VIDEO DEPOSITION AT TRIAL	002			Y
0088	09/03/99	RPLY/REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION FOR ORDER TO TAKE VIDEO DEPOSITION OF WITNESS AND TO USE VIDEO DEPOSITION AT TRIAL	002			Y
0089	09/07/99	LIST/NOTICE OF EXPERT WITNESSES	002			
0090	09/07/99	LIST/NOTICE OF WITNESSES	002			
0091	09/07/99	ASSG/REASSIGNMENT OF JUDGE Pavlikowski TO JUDGE Gibbons				
0092	09/16/99	ORDR/ORDER FOR PRODUCTION OF INMATE JOTEE BURNSIDE BAC #60729	002	HG	10/11/99	
0093	09/16/99	ORDR/ORDER FOR PRODUCTION OF INMATE TOMMIE BURNSIDE BAC #60772	002	HG	10/11/99	
0094	09/28/99	SUBT/SUBSTITUTION OF ATTORNEY	002			
0095	10/01/99	NOTC/SUPPLEMENTAL NOTICE OF ALIBI WITNESSES	002			
0096	10/04/99	LIST/SUPPLEMENTAL NOTICE OF EXPERT WITNESSES	002			
0097	10/07/99	MOT /ALL PENDING MOTIONS 10-7-99	002		10/07/99	
0098	10/12/99	CRJL/CRIMINAL JURY LIST			10/12/99	Y
004380D FC						
D 004380						
0099	10/13/99	ORDR/ORDER	002			
0100	10/12/99	LIST/JURY LIST	002			
0101	10/18/99	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL - CONDENSED TRANSCRIPT - VOLUME V	002		10/15/99	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0102	10/15/99	ORDR/ORDER FOR TRANSCRIPT	002			
0103	10/19/99	SENT/SENTENCING	002	GR	11/29/99	
0104	10/13/99	TRAN/REPORTER'S TRANSCRIPT VOLUME II	002		10/12/99	
		EVIDENTIARY HEARING JURY TRIAL CONDENSED	002			
0105	10/14/99	TRAN/REPORTER'S TRANSCRIPT VOLUME III JURY	002		10/13/99	
		TRIAL CONDENSED	002			
0106	10/15/99	TRAN/REPORTER'S TRANSCRIPT VOLUME IV JURY	002		10/14/99	
		TRIAL CONDENSED	002			
0107	10/12/99	TRAN/REPORTER'S TRANSCRIPT VOLUME I JURY	002		10/11/99	
		TRIAL CONDENSED	002			
0108	10/19/99	TRAN/REPORTER'S TRANSCRIPT VOLUME VI	002		10/18/99	
0109	10/21/99	NOTC/NOTICE OF TRANSCRIPTS ON THE SHELVES				
0110	10/19/99	INST/INSTRUCTIONS TO THE JURY	002			
0111	10/19/99	VER /VERDICT	002		10/19/99	
0112	10/19/99	VER /VERDICT	002		10/19/99	
0113	10/22/99	LIST/LETTERS IN SUPPORT OF DEFENDANT	001			
0114	10/27/99	HEAR/HEARING	002		10/12/99	
0115	11/08/99	JUDG/JUDGMENT OF CONVICTION - PLEA	001		11/08/99	
0116	11/08/99	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		11/09/99	
0117	11/08/99	JMNT/FINE	0001		11/09/99	
0118	11/16/99	ORDR/ORDER ADMITTING DEFENDANT TO PROBATION	001		11/16/99	
		AND FIXING THE TERMS THEREOF	001			
0119	12/02/99	JUDG/JUDGMENT OF CONVICTION JURY TRIAL	002	GR	12/02/99	
0120	12/02/99	JMNT/ADMINISTRATION/ASSESSMENT FEE	0002		12/06/99	
0121	12/08/99	ORDR/ORDER APPOINTING COUNSEL	002			
0122	12/08/99	ORDR/ORDER WAIVING COSTS INSUFFICIENT	002			Y
		PROPERTY OF INCOME WITH WHICH TO PAY	002			
COSTS OF FILING						

JOC
STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477
200 S. Third Street
Las Vegas, Nevada 89155
(702) 455-4711
Attorney for Plaintiff

FILED

DEC 2 9 54 AM '99

Shirley C. Rungione
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

BRENDAN JAMES NASBY,
#1517690

Defendant.

Case No. C154293
Dept. No. VII
Docket P

JUDGMENT OF CONVICTION (JURY TRIAL)

WHEREAS, on the 24th day of November, 1998, the Defendant BRENDAN JAMES NASBY, entered a plea of not guilty to the crimes of CONSPIRACY TO COMMIT MURDER and MURDER WITH USE OF A DEADLY WEAPON, committed on the 17th day of July, 1998, in violation of NRS 199.480, 200.010, 200.030, and the matter having been tried before a jury, and the Defendant being represented by counsel and having been found guilty of the crimes of COUNT I - CONSPIRACY TO COMMIT MURDER and COUNT II - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; and

WHEREAS, thereafter, on the 29th day of November, 1999, the Defendant being present in Court with his counsel JOSEPH SCISCENTO, Esq., and FRANK JOHAN COUMOU, Deputy District Attorney also being present; the above entitled Court did adjudge Defendant guilty thereof by reason of said trial and verdict and, in addition to the \$25.00 Administrative Assessment Fee, sentenced Defendant to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in the

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COUNTY CLERK

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1 Nevada Department of Prisons for Count I and SENTENCED to LIFE WITH THE
2 POSSIBILITY OF PAROLE plus an equal and CONSECUTIVE term of LIFE WITH THE
3 POSSIBILITY OF PAROLE for use of a deadly weapon. for Count II, CONSECUTIVE to
4 Count I, with 480 DAYS credit for time served.

5 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this
6 Judgment of Conviction as part of the record in the above entitled matter.

7 DATED this 1 day of ^{December} ~~November~~, 1999, in the City of Las Vegas, County of Clark,
8 State of Nevada.

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11 DISTRICT JUDGE
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27 DA#98-154293A/msr
28 LVMPD EV#9807170541
CONSP MURD; MWDW-F
(TK3)

CRIMINAL COURT MINUTES

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

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

HEARD BY: Joseph S. Pavlikowski

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

PARTIES: STATE OF NEVADA
005398 Lalli, Christopher J.

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

Y
Y

Y
Y

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

CUSTODY

1/28/99 8:30 AM CALENDAR CALL

2/1/99 9:00 AM JURY TRIAL

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

HEARD BY: Joseph S. Pavlikowski

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

PARTIES: STATE OF NEVADA
004577 Coumou, Frank

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

N
Y

Y
Y

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

CUSTODY

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 001

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

HEARD BY: Joseph S. Pavlikowski

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

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

Y
Y
Y
Y

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

CUSTODY

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

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

HEARD BY: Joseph S. Pavlikowski

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

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

Y
Y
Y
Y

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

CUSTODY

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 002

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

HEARD BY: Joseph S. Pavlikowski

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

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

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

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

CUSTODY

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

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 003

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

HEARD BY: Joseph S. Pavlikowski

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

CUSTODY

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

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

HEARD BY: Joseph S. Pavlikowski

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

CUSTODY

4/29/99 8:30 AM CALENDAR CALL

5/3/99 9:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 004

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

HEARD BY: Joseph S. Pavlikowski

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

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

002 D Nasby, Brendan J

004380 Sciscento, Joseph S.

004252 Duffy, John L.

Y
Y
Y
Y
Y

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

CUSTODY

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

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

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

HEARD BY: Joseph S. Pavlikowski

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

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

002 D Nasby, Brendan J

Y
Y
Y

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

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

CUSTODY

CONTINUED ON PAGE: 006

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 005

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

HEARD BY: Joseph S. Pavlikowski

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
004252 Duffy, John L.N
Y
Y
Y
Y

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

CUSTODY

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

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

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

OFFICERS: RITA LOPEZ, Court Clerk
JOE D'AMATO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
004252 Duffy, John L.Y
Y
Y
Y
Y

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

CUSTODY

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 006

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

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

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

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

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

CUSTODY

5/6/99 8:30 AM TRIAL SETTING

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

HEARD BY: Joseph S. Pavlikowski

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

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

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

CUSTODY

7/15/99 8:30 AM CALENDAR CALL

7/19/99 9:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 007

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

HEARD BY: Joseph S. Pavlikowski

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

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

CUSTODY

10/7/99 8:30 AM CALENDAR CALL

10/11/99 9:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 008

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

HEARD BY: Joseph S. Pavlikowski

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
002 D Nasby, Brendan J
004380 Sciscento, Joseph S.Y
Y
Y
YDEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE
OF OTHER GUNS NOT USED IN THE CRIME

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

CUSTODY

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 009

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

HEARD BY: Joseph S. Pavlikowski

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

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

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

CUSTODY

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

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

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

CONTINUED ON PAGE: 011

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 010

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

CUSTODY

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

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

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

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CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 011

CUSTODY

10-11-99 1:30 PM JURY TRIAL

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

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

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 012

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

002 D Nasby, Brendan J

004380 Sciscento, Joseph S.

005121 Santacroce, Frederick A.

Y

Y

Y

Y

Y

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

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

10/12/99 11:00 AM 00 HEARING

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

002 D Nasby, Brendan J

004380 Sciscento, Joseph S.

005121 Santacroce, Frederick A.

Y

Y

Y

Y

Y

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

CONTINUED ON PAGE: 014

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 013

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

CUSTODY

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

002 D Nasby, Brendan J

004380 Sciscento, Joseph S.

005121 Santacroce, Frederick A.

Y

Y

Y

Y

Y

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

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 014

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

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

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
Renee Silvaggio, Reporter/RecorderPARTIES: STATE OF NEVADA
004577 Coumou, Frank
002 D Nasby, Brendan J
004380 Sciscento, Joseph S.
005121 Santacroce, Frederick A.Y
Y
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Y

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

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 015

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

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

CUSTODY

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

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

Y

Y

Y

Y

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

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

CONTINUED ON PAGE: 017

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 016

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

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

CUSTODY

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

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

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

Y
Y
Y
Y

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

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

CUSTODY

11-29-99 9:00 AM SENTENCING

CRIMINAL COURT MINUTES

98-C-154293-C STATE OF NEVADA

vs Nasby, Brendan J

CONTINUED FROM PAGE: 017

11/29/99 09:00 AM 00 SENTENCING

HEARD BY: Mark Gibbons, Judge; Dept. 7

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

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

Y
Y
Y
Y
Y

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

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

CASE NO.

C154293

DEPT. NO.

VII

SUBVENING

TRIAL DATE:

11-29-99

JUDGE:

MARK GIBBONS

CLERK:

TINA HURD

REPORTER:

PATSY SMITH

STATE OF NEVADA

PLAINTIFF

VS.

BROWDAN JAMES NABBY

DEFENDANT

FRANK COUNMAN

COUNSEL FOR THE PLAINTIFF

JOSEPH SCISCONTO / FREDRICK SANTACROCE

COUNSEL FOR THE DEFENDANT

STATE'S EXHIBITS

OFFERED

ADMITTED

#1 - Small photograph of Sept. w/gun

no
thg

11/29



- | | | | |
|-------------------------------------|----|-------------------------------------|----------|
| <input checked="" type="checkbox"/> | no | <input checked="" type="checkbox"/> | 10/12/99 |
| <input checked="" type="checkbox"/> | by | <input checked="" type="checkbox"/> | 10/12/99 |
| <input checked="" type="checkbox"/> | " | <input checked="" type="checkbox"/> | 10/12/99 |

OFFERED ADMITTED

1. <u>Poster - Anal</u>	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/9
2. <u>Poster - Crime scene diagram</u>	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/1/9
3. <u>Poster - Autopsy photos</u>	<input checked="" type="checkbox"/> obj 6/1	<input checked="" type="checkbox"/> 10/1/9
4. <u>Package (cigarette butts) - Evidence envelope</u>	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/9
5. <u>Package - Evidence envelope</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 10/1/9
5 A - <u>Cartridge Case</u>	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1/9
5 B - " "	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1/9
5 C - " "	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1/9
5 D - " "	<input checked="" type="checkbox"/> "	<input checked="" type="checkbox"/> 1/9
6 <u>Photo</u>	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/9
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 <u>Photo</u>	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/13/9

DO NOT WRITE

OFFERED ADMITTE

22 Photo	<input checked="" type="checkbox"/>	22	<input checked="" type="checkbox"/>	10/13/9
23 "	<input type="checkbox"/>		<input type="checkbox"/>	
24 "	<input type="checkbox"/>		<input type="checkbox"/>	
25 "	<input type="checkbox"/>		<input type="checkbox"/>	
26 "	<input type="checkbox"/>		<input type="checkbox"/>	
27 "	<input type="checkbox"/>		<input type="checkbox"/>	
28 "	<input type="checkbox"/>		<input type="checkbox"/>	
29 "	<input type="checkbox"/>		<input type="checkbox"/>	
30 Photo	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/9
31 Photo	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/9
32 "	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/9
33 "	<input checked="" type="checkbox"/>	"	<input 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 type="checkbox"/>	
38 "	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
39 "	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
40 "	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
41. Package - Evidence envelope	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/13/9
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"/> 9/13
41 G - Bullet Fragments	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 1
42 Photo	<input checked="" type="checkbox"/> ok OK	<input checked="" type="checkbox"/> 10/19
43	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
44	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
45	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
46	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
47	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
48	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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 Metro	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14/9
52A Gun - (hand)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 1
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"/> 10/14/9
54 Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>
55 Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>
56 Photo	<input checked="" type="checkbox"/> no obj	<input checked="" type="checkbox"/> 10/14/9
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 ☒ 19/11/11

☒ no ☒ 9/14

☒ no ☒ 10/14/17


☒ *no* ☒ *10/14*

☒ *Stp* ☒ *10/14*

☒ *step* ☒ *9/14*

☒ *me* ☒ 19/11

☒ 11 ☒ 11



☐ ☐

[illegible]

Certification of Copy

**STATE OF NEVADA,
COUNTY OF CLARK,**

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBIT LISTS;

THE STATE OF NEVADA,

Plaintiff,

vs.

BRENDAN JAMES NASBY,

Defendant,

**D.C. CASE C154293
DEPARTMENT VII**

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto set my hand this 15th day of December, 1999 A.D. and Affixed the seal of the Court at my office, Las Vegas, Nevada,

**SHIRLEY B. PARRAGUIRRE
CLARK COUNTY CLERK**


ELAINE YORK

Deputy Clerk