IN THE SUPREME COURT OF THE STATE OF NEVADA

VITALY ZAKOUTO, A/K/A WILLIAM V. MOR,
Appellant(s),

vs.

STATE OF NEVADA,
Respondent(s),

Case No: 01C173183

Docket No: 73489

RECORD ON APPEAL
VOLUME
16

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10	09/10/2003	TRANSCRIPT OF HEARING HELD ON SEPTEMBER 19, 2002	2179 - 2180
10	09/10/2003	TRANSCRIPT OF HEARING HELD ON SEPTEMBER 20, 2001	2181 - 2185
10	09/10/2003	TRANSCRIPT OF HEARING HELD ON SEPTEMBER 26, 2002	2186 - 2191
10	09/10/2003	TRANSCRIPT OF HEARING HELD ON SEPTEMBER 4, 2001	2192 - 2194
10	06/02/2011	UNSIGNED DOCUMENT(S) - ORDER APPOINTING COUNSEL	2219 - 2219
4	04/16/2003	VERDICT	871 - 873
4	04/17/2003	VERDICT	885 - 885
2	05/22/2001	WRIT	245 - 245
2	05/16/2002	WRIT OF HABEAS CORPUS AD PROSEQUENDUM FOR FEDERAL PRISONER	438 - 439

ORIGINAL

36

0001
Paul M. Gaudet, Esq.
Nevada Bar No. 4612
630 South Third Street
Las Vegas, Nevada 89101
Attorney for Plaintiff / Counterdefendant

OCT 3 11 00 AM '00
CLERK

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MARINA CANNON-ZAKOUTO,
Plaintiff,
vs.
VITALY C. ZAKOUTO,
Defendant.

Case No. D241076
Dept. No. H

VITALY C. ZAKOUTO,
Counterclaimant,
vs.
MARINA CANNON-ZAKOUTO,
Counterdefendant.

Date of Hearing: 11-22-00
Time of Hearing: 10AM

MOTION TO HOLD DEFENDANT IN CONTEMPT AND FOR ATTORNEY'S FEES

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

CE24

COMES NOW, Plaintiff, Marina Cannon-Zakouto, by and through her attorney, Paul M. Gaudet, Esq. , who moves the Court for orders pertaining to the following:

1. Holding Defendant in contempt of court for his willful violation of the Court Orders;

2. For attorney's fees; and

3. For such other and further relief as this Court deems appropriate.

This motion is made and based upon the points and authorities which follow, and all papers and pleadings on file herein.

DATED this 28 day of Sept, 2000.

PAUL M. GAUDET, ESQ.
Nevada Bar No. 4612
630 South Third Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

///

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///

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PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

NOTICE OF HEARING OF MOTION

PLEASE TAKE NOTICE that the foregoing Motion will be heard before the above entitled court on the 22 day of Nov, 2000, at the hour of 10AM.

Dated this 28 day of September, 2000.

PAUL M. GAUDET, ESQ.
Nevada Bar No. 4612
630 South Third Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

POINTS AND AUTHORITIES

NRS 1.210 provides that every Court shall have power to compel obedience with its lawful judgments, orders, and process.

NRS 125.240 provides that a final judgment or order may be enforced by the Court by such orders as are deemed necessary.

NRS 22.010(3) describes contempt as disobedience to any lawful order. NRS 22.110 authorizes imprisonment for the omission to perform an act which is yet in the power of the person to perform.

EDCR Rule 7.060 authorizes the Court to impose fines or attorneys fees when a party refuses to comply with any order of a Judge or the Court.

In this case, a Protection Order Against Domestic Violence was filed in Open Court on June 6, 2000 and an additional Court Order entered on June 14, 2000. Both Orders required Defendant to stay 100 yards away from the

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

Plaintiff, and 100 yards away from all locations set forth in the Temporary Order filed in Open Court on May 18, 2000. Defendant was further Order to obey all of the orders, terms and conditions of the Temporary Order issued previously on May 18, 2000. Vitaly C. Zakouto has failed to obey this Court Orders.

On September 19, 2000 Defendant made a telephone call to the residence of Plaintiff on her father's telephone line. On September 20, 2000 Defendant's son, Oren M. Moore, placed two (2) seperate phone calls to Plaintiff's residence on Defendant's behalf. It should be noted that this is a new residence and telephone number which Defendant and his son should be unaware of. Those phone calls were placed to Plaintiff's new non-published number from Oren's cell phone. Additionally, Defendant's son, Oren, apparently obtained Plaintiff's new number by coercing a construction worker who was doing repairs at the Plaintiff's residence located at 6545 Coley Ave. Oren further attempted to gain entry at that time into the Coley residence by stating to the worker that he needed to get the rest of his father's possessions.

On September 21, 2000 at 9:55 a.m., Oren M. Moore, placed another phone call to Plaintiff's residence. A copy of Plaintiff's caller ID screen is attached hereto as Exhibit 1.

Finally, on the night of September 25, 2000, the Coley residence was once again broken into and vandalized. Windows and toilets were destroyed, the ceiling was busted, and equipment of the contractors performing repairs was

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

stolen. The incident was reported to the police, and is being investigated at this time.

Defendant has demonstrated a repeated unwillingness to follow Court Orders. He should be held in contempt, jailed again and sanctioned accordingly. Lastly, attorney fees in the amount of $1,500.00 should be awarded for the necessity of Plaintiff having to bring this motion.

DATED this 28 day of Sept, 2000.

PAUL M. GAUDET, ESQ.
Nevada Bar No. 4612
630 South Third Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

AFFIDAVIT OF MARINA CANNON-ZAKOUTO

State of Nevada)
) ss.
County of Clark)

MARINA CANNON-ZAKOUTO first being duly sworn, deposes and states that:

1. She is the Plaintiff / Counterdefendant herein; She is a resident of Clark County, Nevada; She is above the age of majority; and She is competent to testify to the facts contained in this affidavit.

2. Affiant was awarded a Temporary Protective Order on May 18, 2000.

3. Affiant was awarded a Protective Order against Domestic Violence on June 6, 2000.

4. The Court Ordered Defendant to stay 100 yards away from Plaintiff and 100 yards away from all locations from which Defendant was excluded in the Temporary Protective Order by Order entered on June 14, 2000.

5. On September 19, 2000 Vitaly Zakouto made a telephone call to my father, on his phone line, at my residence.

6. On September 20, 2000 Vitaly Zakouto's son, Oren M. Moore, placed two separate phone calls to my residence, on my new nonpublished number, from his cell phone number 702-521-4056, on behalf of his father.

7. I have learned that Oren M. Moore obtained my nonpublished number by coercing a construction worker doing repairs at the Coley residence. Oren further attempted to gain access to the Coley residence stating he needed to get the rest of his father's possessions.

8. On September 21, 2000 at 9:55 a.m. Oren M. Moore, placed another phone call to my residence. That the attached photocopy is a copy of the Caller ID Screen of my phone showing this call from Oren.

9. On the night of September 25, 2000, the Coley residence was once again broken into and vandalized. Windows and toilets were destroyed, the ceiling was busted, and equipment of the contractors performing repairs was stolen. The incident was reported to the police, and is being investigated at this time.

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

10. Affiant is fearful for her safety and the safety of her family.

11. Affiant respectfully asks the Court for Orders holding Defendant in contempt.

DATED this 2 day of Oct, 2000.

Marina Cannon-Zakouto

Subscribed and Sworn to before me
this 2 day of September, 2000.

NOTARY PUBLIC

OFFICIAL SEAL
KELLEY SMITH
NOTARY PUBLIC - STATE OF NEVADA
CLARK COUNTY
99-49959-1 My Appt. Expires December 11, 2002

CERTIFICATE OF MAILING

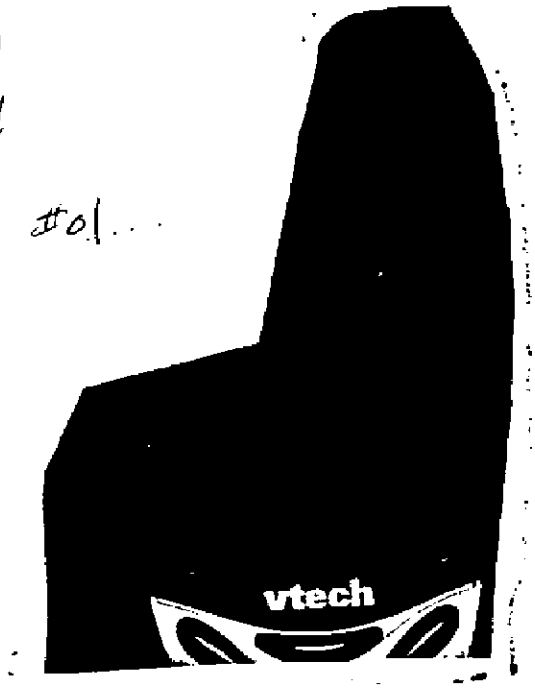
The undersigned hereby certifies that the foregoing was served on the 3 day of Oct, 2000, by depositing the same, first class postage prepaid, in the U.S. mail addressed as follows:

Donn W. Prokopius, Esq.
931 South Third Street
Las Vegas, Nevada 89101

An employee of Paul M. Gaudet, Esq.

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

Moore, Oren, M
702-314-2154
9:55 A.M. Sep 21 #01...



***

Paul M. Gaudet, Esq.
Nevada Bar No. 4612
630 South Third Street
Las Vegas, Nevada 89101
(702) 383-8332
Attorney for Plaintiff / Counterdefendant

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MARINA CANNON-ZAKOUTO,

Plaintiff,

vs.

VITALY C. ZAKOUTO,

Defendant.

Case No. D241076
Dept. No. H

VITALY C. ZAKOUTO,

Counterclaimant,

vs.

MARINA CANNON-ZAKOUTO,

Counterdefendant.

RECEIVED
OCT 25 2000
COUNTY CLERK

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

NOTICE OF CHANGE OF ADDRESS

TO: All Interested Parties:

PLEASE TAKE NOTICE that Paul M. Gaudet, Esq., will be relocating his office. Beginning October 30, 2000, Paul M. Gaudet, Esq., can be contacted as follows:

Paul M. Gaudet, Esq.
715 South Fourth Street
Las Vegas, Nevada 89101
(702) 385-7475
(702) 385-9703 Facsimile

Dated this 4 day of Oct, 2000.

Paul M. Gaudet, Esq.
Nevada Bar No.: 4612
630 South Third Street
Las Vegas, Nevada 89101
(702) 383-8332

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing was served 26 day of Oct, 2000 by depositing the same, first class prepaid, in the U.S. mail addressed as follows:

Donn W. Prokopius, Esq.
931 South Third Street
Las Vegas, Nevada 89101

An employee of Paul M. Gaudet, Esq

PAUL M. GAUDET
ATTORNEY AT LAW
630 SOUTH THIRD ST.
LAS VEGAS, NV 89101

ORIGINAL

11/22

MOT 125

DONN W. PROKOPIUS, CHTD.
DONN W. PROKOPIUS, ESQ.
State Bar No. 6460
931 South Third Street
Las Vegas, Nevada 89101
(702) 474-0500
Attorney for Defendant:
VITALY ZAKOUTO

FILED
NOV 14 2000
SHIRLEY B. PARRAGUIRRE, CLERK
BY Reuben Butz DEPUTY
REUBEN BUTZ

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * * * * *

MARINA CANNON-ZAKOUTO

Plaintiff,

vs.

VITALY C. ZAKOUTO,

Defendant.

CASE NO.: D241076
DEPT. NO.: H

11-22-00
10AM

OPPOSITION TO MOTION TO HOLD DEFENDANT IN COMTEMPT AND FOR ATTORNEY'S FEES AND COUNTERMOTION FOR ATTORNEY'S FEES

Defendant, VITALY C. ZAKOUTO, by and through his attorney, DONN W. PROKOPIUS, ESQ., of the law firm of DONN W. PROKOPIUS, CHARTERED, herewith files this Opposition To Motion To Hold Defendant In Contempt and For Attorney's Fees and Countermotion for Attorney's Fees.

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RECEIVED
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COUNTY CLERK
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This Motion is made and based upon the Points and Authorities and Exhibits, attached hereto together with all other pleadings on file herein and the arguments of Counsel at the time of hearing on this matter.

DATED this 14 day of November, 2000.

DONN W. PROKOPIUS, CHARTERED

By: _____

DONN W. PROKOPIUS, ESQ.
Nevada Bar #006460
DONN W. PROKOPIUS, CHTD.
931 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendant

I.

POINTS AND AUTHORITIES

NRS 22.010(3) describes contempt as disobedience to any lawful order. In the present case the Plaintiff has failed to show that the Defendant violated the TPO that was entered by this Court.

They allege that on September 19, 2000 the Defendant made a telephone call to the residence on her father's phone line. At no time does the order state that he cannot contact the Defendant's father. As the Court is aware there is a community business that was renting space from Mr. Cannon, Vitaly's father-in-law. In September, the business was evicted from this property. There was a large amount of property left in and around the building. Much of the property belongs to his customers and is not his to leave there. The Defendant contacted his former landlord and asked to be allowed to enter the property to retrieve items that belonged to him personally and to his business patrons. At no time did he attempt to speak about the Plaintiff or ask to speak to Marina. He called for business purposes only. Marina's father was never included in the Temporary Protective Order and since he did not contact her father in effort to contact her it cannot be considered a violation of the Order.

Next, the Plaintiff alleges that Vitaly's son contacted Marina and shows a caller ID screen with Oren's name on it. The Court must note that the caller ID screen does not state the Defendant's name and the Defendant had no idea that his son was calling the Plaintiff. Oren was not calling on Vitaly's behalf. In fact, Vitaly didn't even know that his son was calling Marina. He does not have any desire to contact Marina and only wishes to finish this divorce, move on with his life, and rebuild the business that has been destroyed by this court action.

Finally, the Plaintiff attempts to blame the Defendant for damage done to the property on September 25, 2000. They allege that the property was again vandalized but again show know evidence that the vandalism was caused by the Defendant. The Court must be aware that the

Defendant claims an interest in the marital residence and has put years of his own labor and money into the residence. He does not have any desire to see the property destroyed. This coupled with the lack of evidence supporting the allegation shows that again the Plaintiff is attempting to harass the Defendant and cause him to incur great expense and misery in his life.

In addition, the Plaintiff has requested attorney's fees for being forced to bring this motion. In reality the Defendant should be awarded attorney's fees for being forced to defend such a frivolous motion. The Defendant again has had to incur attorney's fees to defend himself against naked allegations and bold face lies. The Plaintiff has filed a motion that is so devoid of proof that this Court should not hesitate to deny the motion and award the Defendant $1,000.00 in attorney's fees.

II.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Defendant respectfully requests that the Plaintiff's motion be denied and that he be awarded attorney's fees for being forced to defend himself against such harrassment.

DATED this 14 day of November, 2000.

Respectfully submitted,
DONN W. PROKOPIUS, CHARTERED

By: 

DONN W. PROKOPIUS, ESQ.
Nevada Bar #006460
DONN W. PROKOPIUS, CHTD.
931 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendant

VERIFICATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

VITALY ZAKOUTO, being first duly sworn, deposes and says:

That she is the Plaintiff in the above entitled action; that he has read the above and foregoing OPPOSITION and that he knows the contents thereof; that the same is true of his own personal knowledge, except for those matters therein stated upon information and belief and, as to those matters, he believes them to be true.

VITALY ZAKOUTO

SUBSCRIBED and SWORN to before me this 14 day of November 2000.

NOTARY PUBLIC of said county and state

Notary Public - State of Nevada
County of Clark
SUSAN K. NORRIS
My Appointment Expires
May 11, 2002
No: 98-2259-1

ORIGINAL

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AFFT
Paul M. Gaudet, Esq.
Nevada Bar No. 4612
715 South Fourth Street
Las Vegas, Nevada 89101
(702) 385-7475
Attorney for Plaintiff / Counterdefendant

FILED
Dec 13 10 11 AM '00
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

MARINA CANNON-ZAKOUTO,

Plaintiff,

vs.

VITALY C. ZAKOUTO,

Defendant.

Case No. D241076
Dept. No. H

VITALY C. ZAKOUTO,

Counterclaimant,

vs.

MARINA CANNON-ZAKOUTO,

Counterdefendant.

AFFIDAVIT OF JAMES DAVID EVANS IN SUPPORT OF ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT OF COURT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

James David Evans, being first duly sworn, deposes and states that:

1. He is a resident of Clark County, Nevada; he is above the age of majority; and he is competent to testify to the facts contained in this affidavit.

PAUL M. GAUDET
ATTORNEY AT LAW
715 SOUTH FOURTH ST.
LAS VEGAS, NV 89101

CE50

2. On November 15, 2000, Affiant was residing in the residence located at 6545 Coley Ave., Las Vegas, Nevada, 89146.

3. At approximately 11:30 that morning, Affiant was inside the residence and heard the dogs barking outside in the back yard of the residence. Affiant went out the back of the residence and around the side of the house, and saw Vitaly C. Zakouto attempting to gain entry into the residence through the side door. Affiant questioned Vitaly C. Zakouto as to what he was doing with Vitaly C. Zakouto responding with a questions as to whether Affiant had seen Vaughn Cannon. Affiant responded no and Vitaly C. Zakouto left the property through the gate located on the west side of the residence.

4. That attached to this affidavit as Exhibit 1 is a copy of the voluntary statement which Affiant provided to the Metropolitan Police Department at approximately noon on November 15, 2000. That Affiant was aware that Vitaly C. Zakouto was prohibited from entering the Coley property by Order of this Court as of November 15, 2000.

DATED this 12th day of Dec., 2000.

James D. Evans

James David Evans

Subscribed and Sworn to before me
this 12 day of ~~November~~ December, 2000.

Notary Public, State of Nevada

OFFICIAL SEAL
KELLEY SMITH
NOTARY PUBLIC - STATE OF NEVADA
CLARK COUNTY
99-49959-1 My Appt. Expires December 11, 2002

PAUL M. GAUDET
ATTORNEY AT LAW
715 SOUTH FOURTH ST.
LAS VEGAS, NV 89101

CASE NO: D241076

DEPT. NO. H

Cannon-Zakouto, Marina

PLAINTIFF,

VS.

Zakouto, Vitaly C.

DEFENDANT,

TRIAL DATE: AUG 10 2000 / AUG 11 2000

JUDGE: T. ART RITCHIE, JR.

CLERK: ~~JANET DEAVER~~

REPORTER: VIDEO TAPE

P. Gaudet, Esq.
COUNSEL FOR THE PLAINTIFF

D. Prokopius, Esq.
COUNSEL FOR THE DEFENDANT

TRIAL BEFORE THE COURT

PLAINTIFF'S WITNESSES:

1. DAMON JAEGER 8/10/00 3:02 PM - 3:13 PM
2. Jason JAEGER 8/10 3:13 pm 3:25 pm
3. MARINA Cannon-ZAKouto 8/10 3:25 pm 4:16 PM
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20.

DEFENDANT'S WITNESSES:

1. Patricia Besse 8/10/00 4:18 PM - 4:24 PM
2. Ohannes GHARIBian 8/10/00 4:24 PM - 4:29 PM
3. Oran Moore 8/10/00 4:30 PM - 4:52 PM
4. Sara Moore 8/10/00 4:54 PM - 5:00 PM
5. Vitaly C. Moore 8/11/00 8:28 AM - 9:09 AM
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17.
18.

PLAINTIFF'S EXHIBITS CASE NO. D241076

	OFFERED	ADMITTED
1. Photos of Damage - 40 Pictures	☑ No 063	☑ 8-10-DC
2.	☐	☐
3.	☐	☐
4.	☐	☐
5.	☐	☐
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DOMESTIC COURT MINUTES

99-D-241076-D Cannon-Zakouto, Marina vs Zakouto, Vitaly C

08/02/99 10:00 AM 00 PLTF'S MOTION FOR EXCLUSIVE POSSESSION OF RESIDENCE AND VEHICLE/SUPPORT/FEES

HEARD BY: JAMES BRENNAN, Visiting Judge; Dept. VJ6

OFFICERS: KRISTA EPPS, Court Clerk

PARTIES: NO PARTIES PRESENT

No appearance, COURT ORDERED, OFF CALENDAR.

06/06/00 10:00 AM 00 PLTF'S RENOTICE OF MOTION FOR EXCLUSIVE PSSN AND VEHICLE/TEMP SPPT/ATTY'S FEES

HEARD BY: T. Arthur Ritchie, Jr., Judge; Dept. H

OFFICERS: KRISTA EPPS, Court Clerk

PARTIES: 001 P1 Cannon-Zakouto, Marina N
004291 Hoskin, Charles J. Y

Colloquy between Court and counsel. Court was advised plaintiff was presently living in the marital residence and would request the TEMPORARY PROTECTIVE ORDER #T-42301 be extended.

COURT ORDERED, the following:

Plaintiff shall have EXCLUSIVE POSSESSION of the marital residence located on Coley Avenue.

Plaintiff shall have exclusive possession of the Mercedes in her possession.

The TEMPORARY PROTECTIVE ORDER #T-42301 shall be extended to 5/18/01.

Plaintiffs request for TEMPORARY SUPPORT and ATTORNEY'S FEES shall be DENIED, based upon the fact there was no Affidavit of Financial Condition on file.

Mr. Hoskin shall prepare the Order.

DOMESTIC COURT MINUTES

99-D-241076-D Cannon-Zakouto, Marina vs Zakouto, Vitaly C

CONTINUED FROM PAGE: 001

08/01/00 10:00 AM 00 ALL PENDING MOTIONS - 8/1/00

HEARD BY: T. Arthur Ritchie, Jr., Judge; Dept. H

OFFICERS: KRISTA EPPS, Court Clerk

PARTIES:
001 P1 Cannon-Zakouto, Marina Y
004612 Gaudet, Paul M. Y

002 D1 Zakouto, Vitaly C Y
000181 Crawford, Douglas C. Y

PLAINTIFF'S MOTION FOR CONTEMPT AND RENOTICE OF MOTION FOR TEMPORARY SPOUSAL SUPPORT, ATTORNEY'S FEES...DEFENDANT'S MOTION TO SET ASIDE ENTRY OF DEFAULT

Colloquy between Court and counsel. Argument by counsel. Court advised it could not find CONTEMPT based on the alleged incidents against defendant that happened in July; that the Court would have to set a hearing on the matter. Based on Mr. Gaudet's argument that METRO would do nothing to honor the TEMPORARY PROTECTIVE ORDER on file (T-42301), Court would enter a Bench Order modifying same.

COURT ORDERED, the following:

Under the TEMPORARY PROTECTIVE ORDER #T-42301, which had been extended to 5/18/01, defendant (adverse party) shall be arrested for any violation of the terms of the extended protective order filed 7/5/00.

Court shall set an EVIDENTIARY HEARING as to whether defendant shall be held in CONTEMPT for violation of the PROTECTIVE ORDER. Both parties shall honor and follow the Temporary Protective Orders in effect. Court shall notify counsel when the date was determined.

Plaintiff shall have EXCLUSIVE POSSESSION of the marital residence. Defendant shall be required to maintain the community expenses, as well as the residence. Defendant shall pay $250.00 per week to plaintiff as temporary SPOUSAL SUPPORT pending the parties' return to Court. (Defendant had not filed an AFFIDAVIT OF FINANCIAL CONDITION and the income of the parties were not clear to the Court.) Therefore, TEMPORARY SPOUSAL SUPPORT shall be GRANTED.

Plaintiff's MOTION FOR CONTEMPT shall be DEFERRED pending the hearing.

Defendant's MOTION TO SET ASIDE ENTRY OF DEFAULT shall be GRANTED.

The motion set on the Court's calendar for 8/15/00 shall be VACATED.

Mr. Gaudet shall prepare the Order and Mr. Crawford shall sign off.

CONTINUED ON PAGE: 003

DOMESTIC COURT MINUTES

99-D-241076-D Cannon-Zakouto, Marina vs Zakouto, Vitaly C

CONTINUED FROM PAGE: 002

CLERK'S NOTE: After the proceedings, COURT ORDERED, EVIDENTIARY HEARING set for 8/10/00 at 2:00 p.m. for two (2) hours.

8/10/00 2:00 P.M. EVIDENTIARY HEARING - 2 HOURS

08/10/00 02:00 PM 00 EVIDENTIARY HEARING - 2 HOURS

HEARD BY: T. Arthur Ritchie, Jr., Judge; Dept. H

OFFICERS: JANET DEAVER, Court Clerk

PARTIES:	001 P1	Cannon-Zakouto, Marina	Y
	004612	Gaudet, Paul M.	Y
	002 D1	Zakouto, Vitaly C	Y
	006460	Prokopius, Don	Y

Testimony and exhibits presented. (See worksheets.) Defendant offered NO EXHIBITS. Plaintiff INVOKED EXCLUSIONARY RULE. COURT SO ORDERED.

COURT ORDERED, CONTINUED to hear testimony of Defendant

CONTINUED TO: 08/11/00 08:30 AM 01

08/11/00 08:30 AM 01 EVIDENTIARY HEARING - 2 HOURS

HEARD BY: T. Arthur Ritchie, Jr., Judge; Dept. H

OFFICERS: JANET DEAVER, Court Clerk

PARTIES:	001 P1	Cannon-Zakouto, Marina	Y
	004612	Gaudet, Paul M.	Y
	002 D1	Zakouto, Vitaly C	Y
	006460	Prokopius, Don	Y

Plaintiff INVOKED EXCLUSIONARY RULE. COURT SO ORDERED.

Court heard Defendant's sworn testimony. Closing arguments by Counsel.

Court noted this hearing was set to hear testimony on Plaintiff's allegations of indirect contempt of violating temporary protective order T43201, filed 5/18/00 with supporting affidavit. On 6/6/00 Temporary protective order was extended to 5/18/2001. Personal service was made on 6/23/2000. Confirmation of service is in T43201 File. Defendant was informed of the terms and conditions of the extended protective order. Plaintiff's Affidavit and Affidavit from Damon Jaeger alleged the temporary protective order was violated on 7/3/00 breaking into the home; 7/10/00 went

CONTINUED ON PAGE: 004

DOMESTIC COURT MINUTES

99-D-241076-D Cannon-Zakouto, Marina vs Zakouto, Vitaly C

CONTINUED FROM PAGE: 003

to the residence with a knife and had confrontation with Plaintiff; About 7/16-17-18/2000 destruction of personal property including Plaintiff's vehicle and the residence. Court finds the extended protective order was clear and unambiguous. Court finds from testimony there was violations of the protective order on 7/3/00 and 7/10/00. There was not sufficient evidence that Defendant committed the acts of destruction of real and personal property sometime around July 16, 17, and 18, 2000. Court ADMONISHED DEFENDANT that HE CANNOT go ANYWHERE NEAR PLAINTIFF. Cannot make phone calls to Plaintiff.

COURT ORDERED, Defendant is in CONTEMPT on TWO COUNTS of violating the protective order and is sentenced to 25 days for each contempt for a total of 50 days to be served CONSECUTIVELY in the Clark County Detention Center. Defendant taken into CUSTODY.

Mr. Gaudet to prepare order. Mr. Prokopius will review and sign.

09/05/00 10:00 AM 00 DEFT'S MOTION TO RECONSIDER SENTENCE FOR CONTEMPT OF COURT

HEARD BY: T. Arthur Ritchie, Jr., Judge; Dept. H

OFFICERS: KATHLEEN PROCK, Court Clerk

PARTIES:

001 P1	Cannon-Zakouto, Marina	Y
004612	Gaudet, Paul M.	Y
002 D1	Zakouto, Vitaly C	Y
006460	Prokopius, Don	Y

Defendant appeared in custody. Colloquy between Court and counsel. Court noted today was the 25th day of Defendant's incarceration on the first charge of contempt. Argument by counsel concerning Defendant's early release to take care of his business and Defendant's family threatening Plaintiff. Mr. Gaudet noted Plaintiff has exclusive possession of the residence but is moving out for fear of Defendant getting out of jail and needs more time to secure a residence. COURT FINDS, good cause to consider suspension of this sentence.

Following arguments by counsel and statements from the parties, COURT ORDERED, motion GRANTED. Defendant's LAST FIFTEEN (15) DAYS of the sentencing for the second contempt charge, beginning 9/16/00, shall be SUSPENDED. Defendant has served the twenty-five (25) days for the first contempt charge and will SERVE TEN (10) DAYS on the second charge. Court advised the sentence can still be imposed subject to continuing violations.

Mr. Prokopius shall prepare the Order and Mr. Gaudet will sign off.

DOMESTIC COURT MINUTES

99-D-241076-D Cannon-Zakouto, Marina vs Zakouto, Vitaly C

CONTINUED FROM PAGE: 004

11/22/00 10:00 AM 00 ALL PENDING MOTIONS - 11/22/00

HEARD BY: T. Arthur Ritchie, Jr., Judge; Dept. H

OFFICERS: KRISTA EPPS, Court Clerk

PARTIES:

001	P1	Cannon-Zakouto, Marina	Y
004612		Gaudet, Paul M.	Y
002	D1	Zakouto, Vitaly C	Y
006460		Prokopius, Don	Y

PLAINTIFF'S MOTION TO HOLD DEFENDANT IN CONTEMPT, ATTORNEY'S FEES... DEFENDANT'S OPPOSITION AND COUNTERMOTION FOR ATTORNEY'S FEES

Court reviewed the issues. Argument by Mr. Gaudet citing the incidents violating the TEMPORARY PROTECTIVE ORDER, by defendant, on 9/19/00, 9/21/00 and the vandalism on 9/25/00. Mr. Gaudet further argued the incident on 11/15/00, wherein, defendant attempted to break into the home again. Mr. Prokopius disputed the argument and requested attorney's fees, stating plaintiff was harassing defendant with the allegations.

COURT ORDERED, the following:

Court found cause to set matter for an EVIDENTIARY HEARING for contempt. Plaintiff shall submit an Ex-Parte Application, to include the incident of 11/15/00, for an Order to Show Cause, whereby the Court shall set a one (1) hour hearing. Defendant shall be required to show cause, at the hearing, why he should not be held in Contempt of Court for violation of the Court's Orders.

Plaintiff's MOTION TO HOLD DEFENDANT IN CONTEMPT shall be DEFERRED.

Statements by plaintiff regarding her concern for her safety.

C1D3183
MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT
219



2

ORIGINAL

FILED IN OPEN COURT
August 1, 2000
SHIRLEY B. PARRAGUIRRE, CLERK
BY: Kristie Cox DEPUTY

DISTRICT COURT
Family Division
CLARK COUNTY, NEVADA

Marina C. Zakorcto
Applicant,
vs
Vitaly C. Zakorcto
Adverse Party.

Case No. T 42301
Dept. H

Having considered the filings, testimony and evidence presented this day, before the Honorable,

J. Charles Thompson
District Court Judge

it is hereby **ORDERED** that the **Order of Protection Against Domestic Violence** in the above entitled case is:

____ **ISSUED** until _____.

____ **EXTENDED**, under the same terms and conditions, **until** 5/18/2001.

X **MODIFIED** as follows; Adverse Party shall be arrested for any violation of the terms of the Extended Protective Order filed 7/5/2000.

____ **DISSOLVED** completely.

____ Request for Order of Protection Against Domestic Violence is **DENIED.**

____ Fees in the amount of $_____ are assessed against the Adverse Party.

It is so ordered this date August 1, 2000.

Shirley B. Parraguirre
CLERK

J. Charles Thompson
District Court Judge

White - Clerk
Canary - TPO Office
Pink - Applicant
Goldenrod-Adverse Party

MAY 29 4 26 PM '02
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DOCUMENT ATTACHED IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE

✓ Applicant attended this hearing and is aware of the Court's order.

✓ Adverse Party attended this hearing and is aware of the Court's order.

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C173183
MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT
920

Shirley B. Pennycuff
CLERK
MAY 29 4 18 PM '02

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DOCUMENT ATTACHED IS A
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2

DISTRICT COURT

Family Division
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
5-18-, 2000
SHIRLEY B. PARRAGUIRRE, CLERK
BY: A. Hogan
ANNETTA HOGAN DEPUTY

Marina C. Zakouto
Applicant,

vs.

Vitaly C. Zakouto
Adverse Party

Case No. T423O1

PROTECTION ORDER AGAINST DOMESTIC VIOLENCE

Having considered the filings, testimony and evidence presented this day, and finding acts of domestic violence have occurred, the court hereby orders as follows:

_____ That the Temporary Protection Order issued in this case is *CONTINUED* in effect until the hearing date specified below, under the same terms and conditions as it was originally issued, subject to any exceptions noted below.

_____ That the Temporary Protection Order issued in this case is *EXTENDED* until _____. The adverse party is ordered to stay 100 yards away from the applicant, and 100 yards away from all locations the adverse party is excluded from in the Temporary Order. This Extended Order is otherwise issued under, and the adverse party is ordered to continue to obey, all of the orders, terms and conditions of the Temporary Order issued in this case subject to any exceptions noted below.

JW That the court finds good cause to ISSUE the Temporary Protection Order immediately. That the adverse party stay 100 yards away from the applicant at all times, including those places noted below, having no contact whatsoever with the applicant.

_____ That the Protection Order issued in this case on _____ is DISSOLVED.

JW The parties are ordered to appear at a RETURN HEARING TO BE HELD:
On 6/6/00, 2000, at 10:00 a.m./p.m. at: Pgt "H"
Department: ~~FPC~~ 17, Family Court and Services Center, 601 N. Pecos Rd., Las Vegas, Nevada 89101

_____ That the ☐APPLICANT ☐ADVERSE PARTY shall have temporary physical custody of the minor child[ren] of the parties, subject to the visitation of the other party outlined below. The parties shall have temporary joint legal custody of said child[ren].

_____ That the ☐APPLICANT ☐ADVERSE PARTY is ordered to pay to the other party the sum of $_____, beginning _____, for the temporary support of the minor child[ren] of the parties, payable ½ on _____ and _____ of the month.

_____ That the ☐APPLICANT ☐ADVERSE PARTY is ordered to submit to drug testing at ATI, 3330 Sunrise Ave., Las Vegas, NV.

_____ That the ☐APPLICANT ☐ADVERSE PARTY is ordered to immediately pay an Administrative Fee of $50.00 to the District Court Clerk.

_____ Other Orders of the Court regarding: ☐Visitation ☐Terms of Protection Order ☐Property Exchange ☐Other matters

SO ORDERED 5-18-00

DISTRICT COURT JUDGE/COMMISSIONER
FRANK P. SULLIVAN

CE06

(Judge's or Commissioner's initials will appear next to all orders that apply)

MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT

C173/183

222

Shirley B. Pangilinan
CLERK

MAY 29 4 18 PM '02

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OF THE ORIGINAL ON FILE

2

FILED

JUN 26 12 49 PM '00

RET

DISTRICT COURT,
FAMILY DIVISION
CLARK COUNTY, NEVADA

MARINA C. ZAKOUTO,
Applicant,

vs.

Case No. T42301

VITALY C. ZAKOUTO,
Adverse Party.

Dept. No. TPO

RETURN OF SERVICE

I hereby certify that on JUNE 23, 2000 (Date) I received:

- ☐ Emergency Temporary Protection Order
- ☐ Temporary Protection Order
- ☐ Application and Attachment
- ☐ Temporary Stalking/Harassment Order
- ☐ Extended Stalking/Harassment Order
- ☒ Extended Protection Order
- ☐ Order for Hearing to Extend, Modify or Dissolve the Protection Order
- ☐ Order for Hearing to Obtain a Protection Order
- ☐ Foreign Order (describe in terms of State/County/City & Court Issued from) _____
- ☐ Other (describe): _____

I FURTHER CERTIFY THAT I:

☒ PERSONALLY SERVED the same upon the Adverse Party. _____,

on JUNE 23, 2000 (Date), who identified him/herself by or with, INMATE #478265 (Type of Identification)

at (location): CCDC, 330 S. CASINO CENTER BLVD., City of LAS VEGAS, Clark County, Nevada.

☐ ATTEMPTED TO SERVE same on: _____ occasions. The Adverse Party was not found and service was NOT effected.

☒ INFORMED THE ADVERSE PARTY of the specific terms and conditions of the order and that a violation of the order will result in his/her arrest and the location of the court that issued the order and the hours during which he/she may obtain a copy of the order.

SIGNATURE (Officer/Person Serving Order) 1630	SIGNATURE (Witness, if applicable)
Print Name and Address DSD EARNEST SMITH	Print Name and Address

(METRO RECORDS NOTIFIED.)

3

RET

FILED

MAY 15 9 39 AM '00

CLERK

DISTRICT COURT,
FAMILY DIVISION
CLARK COUNTY, NEVADA

MARINA CANNON ZAKOUTO

_____,
Applicant,

vs.

VITALY C ZAKOUTO

_____,
Adverse Party.

Case No. T 42301

Dept. No. TPO

RETURN OF SERVICE

I hereby certify that on _____ (Date) I received

RECEIVED
2000 MAY -4 P 3:55
CLARK COUNTY SHERIFF

- ☐ Emergency Temporary Protection Order
- ☐ Temporary Protection Order
- ☒ Application and Attachment
- ☐ Order for Hearing to Extend, Modify or Dissolve the Protection Order
- ☒ Order for Hearing to Obtain a Protection Order
- ☐ Foreign Order (describe in terms of State/County/City & Court Issued from) _____
- ☐ Temporary Stalking/Harassment Order
- ☐ Extended Stalking/Harassment Order
- ☐ Extended Protection Order
- ☐ Other (describe): _____

I FURTHER CERTIFY THAT I:

☐ PERSONALLY SERVED the same upon the Adverse Party, VITALY C ZAKOUTO,

on _____ (Date), who identified him/herself by or with, _____ (Type of Identification),

at (location): _____, City of _____, Clark County, Nevada.

☑ ATTEMPTED TO SERVE same on: 2 occasions. The Adverse Party was not found and service was NOT effected.

☐ INFORMED THE ADVERSE PARTY of the specific terms and conditions of the order and that a violation of the order will result in his/her arrest and the location of the court that issued the order and the hours during which he/she may obtain a copy of the order.

SIGNATURE (Office/Person Serving Order)	SIGNATURE (Witness, if applicable)
RB	
Print Name and Address RB SCOTT	Print Name and Address

C173183
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STATE'S PROPOSED EXHIBIT
342

CE06

Exhibit (A)

CLARK COUNTY DETENTION, STAFF OPERATIONS BUREAU
CIVIL PROCESS SECTION

Case No. T42301

05/08/00, 1306 hrs, 6545 Coley Ave, Las Vegas, NV. No contact, left notice card.

05/08/00, 1319 hrs, 6545 Coley Ave, Las Vegas, NV. No contact. Applicant was served by a private process server on 5/5/00 whom was hired by her Attorney, Chuck Hoskins.

Shirley B. Parraguirre
CLERK

APR 10 8 41 AM '03

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DOCUMENT ATTACHED IS A
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OF THE ORIGINAL ON FILE

ORIGINAL

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STATE'S PROPOSED EXHIBIT
343

FILED
DISTRICT COURT
MAY 9 12 14 PM 00
CLARK COUNTY, NEVADA
Shirley B. Parraguirre
CLERK

MARINA CANNON-ZAKOUTO,

Plaintiff,

v.

VITALY C. ZAKOUTO,

Defendant.

CASE NO. T 42301
DEPT. NO.
DOCKET

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)
COUNTY OF CLARK)

Norman Atherley, being first duly sworn deposes and says: That affiant received the within Order, on the 3rd day of May, 2000, and personally served the same upon VITALY C. ZAKOUTO, by leaving one copy(ies) with said defendant, a person of suitable age and discretion, at 6545 Coley Avenue, in the City of Las Vegas, County of Clark, State of Nevada, on the 4th day of May, 2000.

Norman Atherley

Subscribed and sworn to before me this 6th day of May, 2000.

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RUTH S. KIZER
Appt. No. 94-0903-1
My Appt. Expires July 10, 2002

NOTARY PUBLIC

ATTORNEY: Charles Hoskin, Esq.

CE06

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MAY 09 2000
COUNTY CLERK

Shirley B. Longmire
CLERK

APR 10 8 41 AM '03

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DOCUMENT ATTACHED IS A
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OF THE ORIGINAL ON FILE

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

FILED

JUN 14 4 45 PM '02

CLERK

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MARINA CANNON-ZAKOUTO,

Plaintiff,

-vs-

VITALY C. ZAKOUTO,

Defendant.

Case No. D241076
Dept. No. K

ORDER FOR RELEASE OF EVIDENCE

Upon the ex parte application and representation of STEWART L. BELL, Clark County District Attorney, by and through EDWARD R.J. KANE, Chief Deputy District Attorney, that certain evidence held in the custody of the Clark County Clerk under Case No. D241076 consisting of all physical evidence, to be released to a representative of the District Attorney's Office for the purpose of being introduced as evidence in the pending murder trial in the case of *State of Nevada v. Vitaly Zakouto*, Case No. C173183 scheduled for September 3, 2002.

IT IS HEREBY ORDERED that the evidence in the custody of the Clark County Clerk under Case No. D241076 consisting of all physical evidence, to be released to a representative of the District Attorney's Office.

DATED this 13 day of June, 2002.

James Brennan / RFN
DISTRICT JUDGE

STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477

BY
EDWARD R.J. KANE
Chief Deputy District Attorney
Nevada Bar #001438

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MARKED FOR IDENTIFICATION
STATE'S PROPOSED EXHIBIT
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DATE 05-02 NO. 3333

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AMT. OF ACCOUNT			CASH		
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BALANCE DUE			MONEY ORDER		

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BY [illegible]

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

FILED
JUN 14 4 44 PM '02
Shirley B. Parraguirre
CLERK

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MARINA CANNON-ZAKOUTO,
Plaintiff,
-vs-
VITALY C. ZAKOUTO,
Defendant.

Case No. D241076
Dept. No. K

EX PARTE MOTION FOR RELEASE OF EVIDENCE

COMES NOW, the State of Nevada, by STEWART L. BELL, District Attorney, through EDWARD R.J. KANE, Chief Deputy District Attorney, and moves this Honorable Court for an Order Releasing certain evidence held in the custody of the Clark County Clerk under Case No. D241076 consisting of all physical evidence, to be released to a representative of the District Attorney's Office for the purpose of being introduced as evidence in the pending murder trial in the case of *State of Nevada v. Vitaly Zakouto*, Case No. C173183 scheduled for September 3, 2002.

DATED this 11 day of June, 2002.

STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477

BY _____
EDWARD R.J. KANE
Chief Deputy District Attorney
Nevada Bar #001438

CASE NO. D241076

DEPT. NO. H

Cannon-Zakouto, Marina

PLAINTIFF,

VS.

Zakouto, Vitaly C.

DEFENDANT,

TRIAL DATE: AUG 10 2000 / AUG 11 2000

JUDGE: T. ART RITCHIE, JR.

CLERK: ~~JANET DEAVER~~

REPORTER: Video TAPE

P. Gaudet, Esq.
COUNSEL FOR THE PLAINTIFF

D. Prokopius, Esq.
COUNSEL FOR THE DEFENDANT

TRIAL BEFORE THE COURT

PLAINTIFF'S WITNESSES:

1. DAMON JAEGER 8/10/00 3:02 PM - 3:13 PM
2. Jason JAEGER 8/10 3:13 PM 3:25 PM
3. MARINA Cannon - ZAKouto 8/10 3:25 PM - 4:16 PM
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DEFENDANT'S WITNESSES:

1. Patricia Besse 8/10/00 4:18 PM - 4:24 PM
2. Ohannes GHARIBian 8/10/00 4:24 PM - 4:29 PM
3. Oran Moore 8/10/00 4:30 PM - 4:52 PM
4. Sara Moore 8/10/00 4:54 PM - 5:00 PM
5. Vitaly C. Moore 8/11/00 8:28 AM - 9:09 AM
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REBUTTAL WITNESSES:

1.
2.
3.

SUR-REBUTTAL WITNESSES:

1.
2.
3.

PLAINTIFF'S EXHIBITS

CASE NO. D241076

	OFFERED	ADMITTED
1. Photos of Damage - 40 Pictures	✓ No Obj	✓ 8-10-26
2.	☐	☐
3.	☐	☐
4.	☐	☐
5.	☐	☐
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C173183
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STATE'S PROPOSED EXHIBIT
374

17

JIM THOMAS & ASSOCIATES

Investigations and Process Service

718 South Eighth Street
Las Vegas, Nevada 89101
(702) 388-7175
Fax (702) 388-7376

March 23, 2001

William B. Terry, Esq.
William B. Terry, Chtd.
530 S. Seventh Street
Las Vegas, NV 89101

RE: STATE VS VITALY ZAKOUTO
Our File No. 01-I-030
Interview with Nava Cohen

The following is a tape-recorded interview between Jim Thomas (JT) and Nava Cohen (NC). The date is March 22, 2001 and the time is 2:45 PM. The interview is taking place at 3180 El Robel Circle, Las Vegas, NV 89121.

JT: Nava, do you understand this interview is being tape-recorded?

NV: Yes.

JT: And do I have your permission to do that?

NV: Yes.

JT: And I'm going to have to ask you to speak up a little bit because my secretary has to type a transcript off this, okay? I'll put this right in front of you. You are the sister of Vitaly Zakouto, is that correct?

NV: Yes.

JT: You are his natural sister?

NV: Yes.

JT: Older or younger?

NV: I'm younger than him by two years.

JT: I can't shut it off, once we start it we have to go all the way through, okay? And of course you are aware that Vitaly has been accused of killing his wife or ex-wife Marina and that he is currently in the Clark County Detention Center?

NV: Yes, he didn't do it though.

JT: Okay. Are you alright?

NV: Yeah, I'm okay.

JT: Okay. I'm here today to do an interview with you. I want to get some information regarding Marina and also I want to talk to you about an incident that happened on Thursday, December 21st during the evening hours. Are you aware that some people that live near Marina are saying that they saw Vitaly's Mercedes over there on that Thursday night?

NV: Yes.

JT: Okay. And while they described the vehicle and they got the license plate, nobody could see into the vehicle because of the dark windows?

NV: They're not so dark really.

JT: Were you aware of that?

NV: They could see me if they want to.

JT: Okay. And you say they could see you if they wanted to. Was that you over there that night?

NV: Yeah.

JT: Okay. Why were you over at Marina's house?

NV: Well I'd been there but maybe, four or five times the last two months. I tried to talk with the father. I did not talk to him. I did not want to talk to Marina. I wanted to wait until she leave the house and then knock on the door and talk to the father. Wednesday I didn't go there purposely when they go to the Orleans to gamble so and then I go, my father-in-law brother live on Rainbow and Tropicana, right in that neighborhood. I find out where she live because one day I was driving there, I went to visit him and I saw her driving with her father in the car. So I just, it's right there so I kept going and I knew where the street they live. I wasn't sure of the house though. I never was sure on the house that's why I was waiting to see again.

JT: Okay. And the father's name is Vaughan Cannon, is that correct?

NC: He's a nice man.

JT: What did you want to speak to Vaughan about?

NC: Just, he promised me that they would not cheat my brother. He promised me and he told me, he closed the garage when he was in jail. That was probably because Marina wanted him to. She couldn't stand the fact that he's back with Sarah I guess. And uh, I said, fine but he owe him money from the house. This was my brother house and I wanted to tell him to just leave him alone, give him his money, let him get the clothes. Let him go in a different way and that's it.

JT: Okay.

NC: He promised he would do that too. He told me, next to me he told me that he would.

JT: Okay.

NC: I would never cheat your brother, that's his words. I just wanted to ask him, you told me so. That's why I didn't want to talk to Marina at all.

JT: Okay. Prior to that –

NC: I wasn't sure where they were living. That's why I didn't, I know that street. I know the neighborhood because I was looking for a house over there with my ex-husband. And even recently this is by the way the realtor over here. I was looking at that neighborhood.

JT: Okay. Prior to living at 7186 Purple Shadow, which is where the murder happened, Vaughan and Marina lived in Vitaly's house on –

NC: On Coley.

JT: - Coley, is that correct?

NC: Yeah, that's where he promised me.

JT: And she moved out of Coley supposedly to a house that nobody knew about because she was telling the Family Court judge she was afraid of Vitaly?

NC: She already moved when she told him. That's been proven. I know she moved there she told me because that's about the time that I saw the first time over there.

JT: Okay. You stumbled onto Marina and Mr. Cannon by accident. Did Vitaly know where they lived?

NC: I never told him, never, never, never, told him because I didn't want him to go close to them. Never, not even close to the father. Never, I never told him.

JT: You were smart enough to keep him away just not even tell him where she was?

NC: I didn't want to tell him because then they're going to do something and they're going to say he did it. I didn't want to tell him. That day my brother just make the license for the car. He couldn't drive the car. The ten days expired. The car was parked right here. He used my car. That was Thursday, that's the same day he make the license.

JT: Okay.

NC: I think it's the day or the day before the 20th. I think it's close to the same day he came back and he put the plates on. And then I told him, do you mind to change my tire? Just change my tire because I can not drive the car to work like that. He took the car with him and I went to go get the plates on my day off and my day off was Thursday.

JT: Okay. So he had your car and you had his Mercedes?

NC: Yes.

JT: Okay.

NC: He picked up the car. I'll tell you when he picked up the car, while I was asleep. He picked up the car but I went to sleep around eight thirty that day.

JT: Okay.

NC: Nine o'clock at night because on my way out I go a ways there and then I came home.

JT: Okay.

NC: I don't remember exactly the time. I know it's eight after the morning. It wasn't so dark as she said it was.

JT: I'd like to talk about Marina and what kind of woman she was. She was married to Vitaly for quite awhile wasn't she?

NC: Yeah, I think seven years, six years, something like that.

JT: Okay. And did they get along for awhile? Was it a stormy relationship all along?

NC: No, it wasn't stormy. I don't know, that's what I said about Jason, I said that uh, I liked Marina in the beginning a lot. She was a very convincing, nice woman, very convincing. Three years ago, I had a problem with my husband and then I remember that she did, I, he went with another woman and how much it hurt me. And then Marina tried to interfere with it. Don't you dare interfere because I remember what she did to Sarah with Vitaly, she did the same thing. And my brother just told me she remind me of Marina. That's all that woman, so that's why he like her.

JT: Okay. You said what she did to who?

NC: Sarah, she use to give her a nasty mess who used to race to –

JT: Is that her prior husband?

NC: Yeah. Sarah's the prior wife of Vitaly.

JT: Okay.

NC: When they were married, she was their neighbor and she used to go out with Sarah's brother and then she went and become Sarah's friend. And then she went with the husband and she used to give him – she used her newspaper addressing Marina Mor. You know, just to upset Sarah. She used to give her this flyer, wanted, just like they put – oh, that's one of the reason I went to talk to, I don't remember, to the father. To tell Marina to stop harassing my brother because she put the flier wanted on the garage that's supposed to open a week after the incident. So she want to discourage him from opening the garage over there. So that's what I remember I went to because I know in a week the garage would be open and I didn't want, I just ask him, let him go. I remember that, that's why I went.

JT: Okay. She went through a period of time in the year 2000, maybe even 1999, I don't know when it started, where she started accusing Vitaly of doing a lot of things to her.

NC: Like what?

JT: Well, all the Family Court stuff. She claimed he was ruining the property and he was damaging her car and –

NC: No, he didn't damage nothing. I don't know, I never saw anything that she claimed that he did, never. See all these things that she, the furniture that she put outside that's the only thing he has. He has

nothing else. Like she said he took a TV, never took a TV. Jason stole his TV by the way.

JT: Okay.

NC: All this stereo system, all this stuff, Jason always wanted them and now he got them I guess.

JT: She claimed that she was so afraid of Vitaly. Are you aware, did Vitaly ever hit her? Did he ever strike her?

NC: Never, never.

JT: He loved her, correct?

NC: He loved her up to the lately and he didn't like her anymore. I mean he didn't want to be married to her. It just, as you see in the Family Court it said, I want it over with.

JT: Enough is enough.

NC: Before he loved her. He said, he may be too old but after that he just close to his ex-wife. He decide to make a life with her and Marina knew that. That's when she decided to close the garage because it really hurt her.

JT: Okay. Vitaly told me about an incident that happened –

NC: And I'm telling you as much as I know.

JT: Okay.

NC: I know, I wasn't as far as Marina, she lied to me a lot.

JT: Vitaly was telling me about an incident that happened at Spanish Trail and that would have been at the sister-in-law's house, right?

NC: Mm hmm (affirmative).

JT: What was her name?

NC: Patty.

JT: Patty. And this was May 11th or May 12th and Vitaly tells me that Marina actually beat you up?

NC: Yes, she did, in that house.

JT: How did that happen?

NC: Well, in that time, she didn't file for a divorce in that time. She was just upset so he tried to reconcile. And uh, I, and then before, two days before that she talked to him on the phone and they and put him in jail. I don't want to give him the house, I don't want to do that, this is my house. I got insurance money. I didn't know anything about it, she told me. It was recorded by accident. Something, if you pick up the phone, she called me, if you pick up the phone late so the recorder -

JT: The recorder started and you didn't know it?

NC: It was an accident, I swear. I would never do it on purpose. And she told me that scheme, that's my money. She liked a meeting. I think if you remember, the family called.

JT: Speak up.

NC: Do you remember the family called?

JT: Mm hmm (affirmative)

NC: And Vitaly asked her what your sister threatening with. So then my brother said, he never asked anymore question about it. He just been

quiet. Because he couldn't ask anymore questions because it would incriminate Marina. So he just kept quiet. Anyway we meet and she said, you are going to use this against me? But she kept start talking about I wouldn't do that to your brother this and my brother that. And then she started talking. And then she said he'll use it against me and she hang up the phone because the admission. I let my brother listen and I didn't know until I called him. And then I see, our, messages so I listen and I hear it. And then I let my brother hear it and I let my sister hear it. I said this is nothing for you. And I told my brother, listen. I don't know what she told me the phone number and charging for taking my father watch, because I never did. You see she never charged it but she told, she said things like that. And I'm going to go to the police about the car, he took the car. This is his car. I remember I told you, you saw the evidence. So, uh, then my brother went there and told her listen, it was a mistake. I don't know if he said it's been recorded. And then she come out, you record it and she beat me up. That uh, patrol of the Spanish Trail was there. They ask me, you want me to call Metro? I wanted to call Metro but my brother said, don't do that. I still love her and I want to reconcile with her.

JT: Okay.

NC: I said, fine and went home.

JT: Did you know if Spanish Trails security did a report of their own?

NC: I think so.

JT: Okay. Is that the only time she ever beat you up?

NC: Well, yeah, I guess so. She calls me one day with very nasty name. I can't even repeat it. I'm embarrassed of being that. I don't talk like that. And I called her later and I told her that's your talking about verbal abuse. I have never been talked to like that in my life, never.

JT: Okay.

NC: And then she went back to my brother and they live in the house together and my brother like stupid, he called her and give it to her.

JT: So she got the tape?

NC: Yeah. He's so stupid. I also have a tape of her with other woman and taking drugs. He took that to her too.

JT: Okay. When she beat you up, was she punching you or kicking you or what?

NC: She's strong. You know how big she is, did you see her measurements?

JT: Yeah, she looks like a big woman.

NC: She's like you, she's like you. She's strong. I mean one punch and I was down. She's strong.

JT: Okay.

NC: I mean she's real big. She's big build.

JT: Did she ever hit Vitaly do you know?

NC: One day she told me that. I wasn't there but she told me. She put something, a knife at his throat.

JT: Did she threaten to kill him?

NC: Not kill him, I don't believe she would kill him but I think to show how crazy she is or something, I don't know. One day she took him to the garage and throw stone over there and I was there. She threw stone on him. She took her shirt off and she said even, no more. Things like that you know, she took stone out of the garden and throw it at him. And this other people saw it so I'm sure we could get.

JT: Did she do any bad things to Vitaly's ex-wife besides the wanted poster?

NC: Uh, I don't know. I don't know about that. You have to talk to Sarah about it. And you have to talk to her brother, Sarah's brother, he went out with her.

JT: Would you spell her name for me?

NC: Sara, you could call her at work.

JT: Sara, S-A-R-A?

NC: S-A-R-I-T, I think, I think she called herself Sarah. And her phone number at work is 733 – I don't know if you have it – 733-0111.

JT: Okay.

NC: She was with him the night of the murder. They were in Boulder Stations.

JT: His wife was?

NC: Yeah, that's what he told, he took the car for me and I took it. He went and come in here. I was asleep so if he came here it's around nine o'clock. He took the car and he left my car and took his car.

JT: Okay. So you actually had his Mercedes that night of the murder?

NC: Until, as far as I know until at least eight thirty in the evening.

JT: Okay.

NC: Because when I left there I came straight home. I just look, I wasn't sure of the house.

JT: Okay. He was at one of the Station Casino's right?

NC: Yeah, Boulder Station.

JT: Boulder Station?

NC: Yeah.

JT: And he was there quite late at night wasn't he?

NC: Yeah and valet parking and it's funny because there was an incident that evening because Sarit told me that the valet parking changed the cars by mistake. He started twelve o'clock to work. He had been there awhile. Now I don't know if you remember exactly the day but he was sure it was in the weekend and if you find out what his days off or something. I never knew, I don't know this guy. Vitaly doesn't even know this guy. He just knows Sarit by hi because she plays there a lot when she takes the car.

JT: Okay. Do you believe your brother had anything to do with the murder of Marina?

NC: No, he would never do that. My brother have a big mouth but you know, he's like a dog bark, it doesn't mean anything, ever.

JT: Okay. He loved her, he would never hurt her?

NC: Well, I don't know if he loved her a lot before. I don't know if it was a lot. I guess he was thinking she was nice and point. But she was very evil, the other one. There's two faces for people you know. And I believe as soon as she realized and oh, she even told Oren, so your father lived with your mother huh? And then so she become to be very, very hateful, very hateful. I didn't like her because she lied to me a lot. She caused a lot of arguments between me and my brother, between me and his son. Between my brother and his son. Nonsense, you could see video, they went to Israel a couple of times. They was lovebirds for years but she was sex freak though. In that case.

JT: What about the business, Marinello's Mercedes, was she a partner in that?

NC: They both, it's in both their names. I guess that she was a partner. That's what she did and then she put things up and she told the Family Court, I need a place to stay. She already had a place to stay but she wanted time to close the business before he get out.

JT: Okay. And was the father, Vaughan Cannon, was he part owner of that?

NC: No, he just do what his daughter do, say. And he would not go against his daughter.

JT: He owned the shopping center where everything was located?

NC: Yes, he does. That's why they show you the agreement and then when the son says it is not confidential to say the decision. So all the decision come from Marina.

JT: Is there anything else I haven't asked you about that you feel would be important in my investigation?

NC: I just want, no, I just don't want my name in the newspaper. I don't want my name in the media. That's why I didn't say nothing so far because I am working at the Venetian and that's, it's my job. Nobody knows it's my brother. I don't want to be answering question and I just don't want to harassed over there. It's my, I pay my house out it. I pay my daughter college out of it. I can't afford that.

JT: You won't be in a newspaper until the trial, after the trial, I can't say.

NC: What about the primary, the writ?

JT: The what?

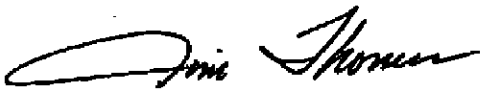
NC: The writ.

JT: The writ? I don't know that this interview will be used in the writ. I think the writ is going to based on something else. So this interview is geared towards the trial if we go to trial, okay?

NC: Anything you do now can go to the writ. I just want him out of there. I don't care if he gets on bail because I believe he didn't do it and I know he didn't do it and I don't care if it's in a trial. We're not scared of a trial. It's not fair to keep him in lock for so long.

JT: Okay. With that we'll go ahead and end the interview at this time. It is now 3:05 PM and I want to thank you very much.

Submitted by:



Jim Thomas

JT:vh

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 20, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

February 20, 2001	**9:00 AM**	**Initial Arraignment**	**INITIAL ARRAIGNMENT Relief Clerk: CONNIE KALSKI Reporter/Recorder: SHIRLEE PRAWALSKY Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Berrett, Bill A.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Court advised Mr. Kane is not present and because of this court's present trial, COURT ORDERED, matter CONTINUED. Court and Mr. Terry discussed Justice Court assignments.
Matter RECALLED when Mr. Kane appeared and Court advised Mr. Kane of the continuance date.
CUSTODY
2/27/01 9:00 AM ARRAIGNMENT CONTINUED

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 27, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

February 27, 2001	**9:00 AM**	**Arraignment Continued**	**ARRAIGNMENT CONTINUED Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE PRAWALSKY Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT ZAKOUTO ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE. COURT ORDERED, MATTER SET FOR TRIAL. Upon Mr. Terry's request, Court GRANTED 21 days from the filing of the Preliminary Hearing transcript for the filing of a writ. Mr. Kane advised Court at this point, this is not a capital case, but the forensic information could change this.
CUSTODY
10/16/01 9:00 A.M. CALENDAR CALL
10/22/01 10:00 A.M. JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 12, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

June 12, 2001	**9:00 AM**	**Petition for Writ of Habeas Corpus**	**DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE PRAWALSKY Heard By: Sobel, Jeffrey**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Court directed the State's opposition by filed by 7/10/01; Mr. Terry to file a reply by 7/24/01 and matter CONTINUED. Court advised Counsel there will be no oral argument.
CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 31, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

July 31, 2001	**9:00 AM**	**Motion**	**DEFT'S MOTION TO PRESERVE AND INSPECT ALLEGED CRIME SCENE Relief Clerk: Keith Reed Reporter/Recorder: Janie Olsen Heard By: Michael Cherry**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Mr. Kane advised the Court the motion is moot as the house was sold to a third party. Counsels further advised the Court of a stipulation to continue the August 2 motion for Writ of Habeas Corpus until September 4 with the briefing schedules to be worked out amongst themselves. COURT ORDERED, motion to Preserve and Inspect Alleged Crime Scene OFF CALENDAR; Petition for Writ of Habeas Corpus CONTINUED.
CUSTODY
9-4-01 9:00 AM DEFT'S PETITION FOR WRIT OF HABEAS CORPUS.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**September 04, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

September 04, 2001	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 9/4/01 Court Clerk: Alona Candito Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS . . . DEFENDANT'S MOTION TO SEVER . . . DEFENDANT'S MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS . . . DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS
Court directed Mr. Terry's reply to be filed by 9/7/01 and matter CONTINUED.
CUSTODY
CONTINUED TO: 9/20/01 9:00 A.M.
CLERK'S NOTE: Clerk telephoned Jane at Mr. Terry's office and advised briefing schedule and continuance date. ac

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**September 20, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

September 20, 2001	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 9/20/01 Court Clerk: Alona Candito Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Claus, C. Conrad	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS . . . DEFENDANT'S MOTION TO SEVER . . . DEFENDANT'S MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS . . . DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

Mr. Terry advised Court Mr. Kane is in trial and requested a continuance. Court directed Mr. Terry file replies to the Motions by 9/21/01 with courtesy copies to chambers; State to respond by 9/27/01 to the Motions; Mr. Terry to reply by 10/8/01 and matter CONTINUED.

Statements by Court and counsel regarding the Ex Parte Motion for Public Funds. Court directed the State file an answer to this Motion by 9/27/01 and matter CONTINUED. Court noted the Writ and the Ex Parte Motion will be heard on 10/4/01 and the remaining motions will be heard on 10/11/01.

CUSTODY

10/4/01 9:00 A.M. DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS / DEFENDANT'S

EX PARTE MOTION FOR PUBLIC FEES
10/11/01 9:00 A.M. DEFENDANT'S MOTION TO SUPPRESS / MOTION TO SEVER / MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	October 04, 2001

01C173183 The State of Nevada vs Vitaly Zakouto

October 04, 2001	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 10/4/01 Court Clerk: Alona Candito Reporter/Recorder: Debra Van Blaricom Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Nelsen, Kristen	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S PETITION FOR WRIT HABEAS CORPUS . . . DEFENDANT'S EX-PARTE MOTION FOR FUNDS
COURT ORDERED, matter CONTINUED to 10/11/01.
CONTINUED TO: 10/11/01 9:00 A.M.
CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	October 11, 2001

01C173183 The State of Nevada vs Vitaly Zakouto

October 11, 2001	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 10/11/01 Court Clerk: Alona Candito Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS . . . DEFENDANT'S EX-PARTE MOTION FOR FUNDS . . . DEFENDANT'S MOTION TO SUPPRESS . . . DEFENDANT'S MOTION TO SEVER . . . DEFENDANT'S MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS

Decision and Order FILED IN OPEN COURT. COURT ORDERED, Pursuant to the Decision and Order filed in open court, Petition for Writ of Habeas Corpus is DENIED. Mr. Terry advised Court he would like to supplement the motions. Court directed Mr. Terry file his supplement by 10/18/01. Mr. Kane requested the trial date be reset. Court directed Mr. Kane file a reply by 11/15/01; Mr. Terry to file a reply, if necessary by 11/21/01 and matter CONTINUED. Statements by Court and Mr. Terry regarding the Ex-Parte Motion for Funds. Court advised it will review the motion and

prepare an appropriate order. COURT ORDERED, TRIAL DATE VACATED AND RESET. CUSTODY
11/29/01 9:00 A.M. DEFENDANT'S MOTION TO SUPPRESS/ DEFENDANT'S MOTION TO SEVER
3/19/02 9:00 A.M. CALENDAR CALL
3/25/02 10:00 A.M. JURY TRIAL
CLERK'S NOTE: Minutes amended 10/11/01 to reflect the correct continuance date of the Defendant's Motion to Suppress and Sever.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**November 29, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

November 29, 2001	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 11/29/01 Court Clerk: Alona Candito Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Berrett, Bill A.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS . . . DEFENDANT'S MOTION TO SEVER . . . DEFENDANT'S MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS
Court noted that it spoke with Mr. Kane and Mr. Terry yesterday and these motions are not ready to be decided today.
Briefing schedule set as follows: State to respond by 12/13/01; Defense to reply by 1/10/02; Decision set for 1/17/02.
CONTINUED TO: 1/17/02 9:00 A.M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**December 13, 2001**

01C173183 The State of Nevada vs Vitaly Zakouto

December 13, 2001	**9:00 AM**	**Motion**	**DEFT'S MTN FOR BAIL/18 Court Clerk: Alona Candito Reporter/Recorder: Liz Garcia Heard By: Sobel, Jeffrey**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Court directed Mr. Kane file a reply with a courtesy copy by noon on 12/17/01. COURT ORDERED, MATTER CONTINUED.
CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	December 18, 2001

01C173183 The State of Nevada vs Vitaly Zakouto

December 18, 2001	**9:00 AM**	**Motion**	**DEFT'S MTN FOR BAIL/18 Court Clerk: Alona Candito Relief Clerk: Billie Jo Craig/BJC Reporter/Recorder: Shirlee Prawalsky Heard By: Sobel, Jeffrey**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Mr. Terry requested House Arrest or $50,000.00 bail. COURT ORDERED, $500,000.00 BAIL. Mr. Terry took issue that the Court would not accept oral argument to the contrary. The Court inquired if Mr. Terry would like to submit a written response for the Court to reconsider the issue. Mr. Terry advised he would like to make a written response, the $500,000.00 bail remain, and matter to be continued for decision. COURT ORDERED, matter CONTINUED for decision of final amount of bail after reviewing Mr. Terry's response and the State's reply which will be due 12/31/01 by noon. CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **January 03, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

January 03, 2002 **9:00 AM** **Motion**

DEFT'S MTN FOR BAIL/18 Relief
Clerk: Billie Jo Craig
Reporter/Recorder: Shirlee Prawalsky
Heard By: Jeffrey Sobel

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Nelsen, Kristen	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Upon review, COURT ORDERED, BAIL REDUCED TO $350,000.00. If defendant makes bail, he is to surrender his passport to the Clerk of this Court and be on House Arrest. Mr. Terry advised there may be a federal matter that will require defendant to surrender his passport. The Court confirmed. CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	January 17, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

January 17, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 1/17/02 Court Clerk: Alona Candito Relief Clerk: Billie Jo Craig/BJC Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
O'Neale, Lawrence J.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS...DEFENDANT'S MOTION TO SEVER...DEFENDANT'S MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS
Counsel requested a briefing schedule. COURT ORDERED, a briefing schedule as follows: State's Response Due: 1/25/02 Defense Reply Due: 2/8/02 Decision/Set Evidentiary Hearing: 2/19/02 9:00 AM
COURT ORDERED, the 1/22/02 date for Defendant's Motion to Exclude Lay Opinion is VACATED.
CUSTODY
CONTINUED TO: 2/19/02 9:00 AM ABOVE MOTIONS...STATUS CHECK: SET EVIDENTIARY HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	February 19, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

February 19, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 2/19/02 Court Clerk: Alona Candito Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS . . . DEFENDANT'S MOTION TO SEVER . . . DEFENDANT'S MOTION TO SUPPRESS PRE-ARREST AND POST-ARREST STATEMENTS . . . STATUS CHECK: SET EVIDENTIARY HEARING
Court directed Mr. Terry to file a reply by 3/1/02. Both counsel advised an Evidentiary Hearing will be needed. COURT ORDERED, MATTER SET FOR HEARING.
CUSTODY
3/14/02 10:00 A.M. EVIDENTIARY HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	March 14, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

March 14, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS FOR 3/14/02 Relief Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO CONTINUE TRIAL...EVIDENTIARY HEARING
Court noted counsel was having some witness problems. The State was ready for Trial but counsel requested a September Trial date and the Evidentiary Hearing to be continued to the end of March. COURT ORDERED, the Trial date is VACATED and RESET; Evidentiary Hearing is CONTINUED. CUSTODY
3/29/02 1:00 PM EVIDENTIARY HEARING
9/3/02 9:00 AM CALENDAR CALL
9/9/02 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 30, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

April 30, 2002	**10:15 AM**	**Hearing**	**EVIDENTIARY HEARING Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Sobel, Jeffrey**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Owens, Steven S.	Attorney

JOURNAL ENTRIES

- Court Services advised defendant picked up by Immigration. COURT ORDERED, matter CONTINUED.
CUSTODY
CLERK'S NOTE: The Clerk left a Voice Mail for Mr. Kane and advised Linda in Mr. Terry's office of the next Court date. (BJC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	May 21, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

May 21, 2002	**10:15 AM**	**Hearing**	**EVIDENTIARY HEARING Relief** **Clerk: Denise Husted** **Reporter/Recorder: Shirlee Prawalsky** **Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Exclusionary rule invoked. Testimony presented per worksheet. COURT ORDERED, blind filings to be prepared by 5/28/02 with a courtesy copy to the Court and matter CONTINUED for Decision. CONFERENCE AT BENCH.
BOND
6/4/02 9:00 AM DECISION: MOTION TO EXCLUDE LAY WITNESS OPINION

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES **June 04, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

June 04, 2002 **9:00 AM** **Decision** **DECISION:MOTION TO EXCLUDE LAY WITNESS OPINION**
Court Clerk: Billie Jo Craig
Reporter/Recorder: Shirlee Prawalsky
Heard By: Sobel, Jeffrey

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bawa, Ravindar N.	Attorney
Bell, Stewart L.	Attorney
Rosenberg, Donna	Attorney

JOURNAL ENTRIES

- COURT ORDERED, EVERYBODY'S PRESENCE WAIVED TODAY and matter CONTINUED. BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

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

01C173183 The State of Nevada vs Vitaly Zakouto

June 06, 2002	**9:00 AM**	**Decision**	**DECISION:MOTIO N TO EXCLUDE LAY WITNESS OPINION Court Clerk: Billie Jo Craig Reporter/Recorder: Debra Van Blaricom Heard By: Sobel, Jeffrey**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Monroe, Vicki J.	Attorney

JOURNAL ENTRIES

- As Court needed to review additional documents, COURT ORDERED, matter CONTINUED. Mr. Terry had been notified.
BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 13, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

June 13, 2002	**9:00 AM**	**Decision**	**DECISION:MOTION TO EXCLUDE LAY WITNESS OPINION** **Court Clerk: Billie Jo Craig** **Reporter/Recorder: Shirlee Prawalsky** **Heard By: Sobel, Jeffrey**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED. Mr. Terry advised defendant in federal custody and requested defendant's PRESENCE BE WAIVED today. COURT SO ORDERED.
BOND (COC-FED)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	June 20, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

June 20, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 6/20/02 Relief Clerk: Denise Husted Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- DECISION: MOTION TO EXCLUDE LAY WITNESS OPINION...MOTION TO SEVER
COURT noted that the Motion to Sever should have been put on the calendar and was not, and ORDERED, motion DENIED for the reasons set forth by the State. As to the Motion to Exclude Lay Witness Opinion, COURT FINDS, matter needs to come before the jury, and is supported by law, therefore ORDERED, motion DENIED. Mr. Terry requested that the original tape be made available and COURT SO ORDERED; the State to prepare the order. Pursuant to the CONFERENCE AT BENCH, COURT ORDERED, matter set for a status check regarding setting of additional motion(s). BOND(COC-FED)
6/25/02 9:00 AM STATUS CHECK:SETTING MOTION(S)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	June 25, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

June 25, 2002	**9:00 AM**	**Status Check**	**STATUS CHECK: SETTING MOTION** **Court Clerk: Billie Jo Craig** **Reporter/Recorder: Shirlee Prawalsky** **Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter SET for Evidentiary Hearing for two Motions to Suppress and regarding a Search Warrant.
BOND (COC-FED)
7/2/02 10:15 AM EVIDENTIARY HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 02, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

July 02, 2002	**10:15 AM**	**Evidentiary Hearing**	**EVIDENTIARY HEARING Court Clerk: Billie Jo Craig Reporter/Recorder: Debra Van Blaricom Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- CONFERENCE AT BENCH as defendant not transported. RECALLED LATER. Detective Mesinar also present. Court noted defendant in federal custody. Court inquired if a special order was needed to transport defendant. Mr. Kane advised he only needed to call defendant's Immigration Attorney and apologized as he thought defendant would be present. This morning Mr. Kane requested the exhibit of the tool recovered at the crime scene be opened and presented to the Court. After viewing, the exhibit to be returned to Detective Mesinar, re-sealed, and returned to the Evidence Vault. Counsel to stipulate the object was present, the envelope was opened by the Clerk, and testimony would be presented at the hearing. Mr. Terry had no objection. Court noted the object was described as an awl. Mr. Terry inquired about a video tape. The Court did not know where it was. COURT ORDERED, matter SET for a Status Check: Set Evidentiary Hearing.
BOND (COC-FED)
7/23/02 9:00 AM STATUS CHECK: SET EVIDENTIARY HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	July 11, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

July 11, 2002	**9:00 AM**	**Motion to Exonerate**	**SIGNATURE BAIL BOND'S MTN TO EXONERATE OF BOND/37 Court Clerk: Billie Jo Craig Reporter/Recorder: Debra Van Blaricom Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney

JOURNAL ENTRIES

- Mr. Bingham representing the Bonding Company present. COURT ORDERED, matter OFF CALENDAR as this should be on the Bond Calendar.
BOND (COC-FED)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 23, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

July 23, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS FOR 7/23/02 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...STATUS CHECK: SET EVIDENTIARY HEARING

The State to give Mr. Terry a copy of the new charges. As Defendant's Motion in Limine had not been answered, COURT ORDERED, the State to Answer by 8/6/02. Defense to reply by 8/13/02. Matter CONTINUED for Decision on 8/27/02. FURTHER, COURT ORDERED, matter SET for Evidentiary Hearing. The Court to keep the file.
BOND (COC-FED)
7/30/02 10:30 AM EVIDENTIARY HEARING
CONTINUED TO: 8/27/02 9:00 AM DECISION: DEFENDANT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 30, 2002**

01C173183 The State of Nevada vs Vitaly Zakouto

July 30, 2002	**10:30 AM**	**Evidentiary Hearing**	**EVIDENTIARY HEARING Court Clerk: Billie Jo Craig Reporter/Recorder: Tom Mercer Heard By: Joseph Bonaventure**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT: Zakouto, Vitaly Defendant

JOURNAL ENTRIES

- COURT ORDERED, the Evidentiary Hearing VACATED and matter SET for Reset Evidentiary Hearing Date.
BOND (COC-FED)
8/1/02 9:00 AM RESET EVIDENTIARY HEARING DATE
CLERK'S NOTE: The Judicial Executive Assistant notified counsel of the next Court date. (BJC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	August 01, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

August 01, 2002	**9:00 AM**	**Conversion Hearing Type**	**RESET EVIDENTIARY HEARING DATE** **Court Clerk: Billie Jo Craig** **Reporter/Recorder: Shirlee Prawalsky** **Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- COURT ORDERED, a tentative Evidentiary Hearing date is SET. It is the intention of both counsel to keep the Trial date. CONFERENCE AT BENCH. Mr. Kane to verify with Mr. Terry the Hearing date and time. If not acceptable, matters will be re-scheduled at 9:00 AM on the next Court date.
BOND (COC-FED)
8/6/02 10:30 AM EVIDENTIARY HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	August 06, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

August 06, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS 8/6/02 Relief Clerk: Denise Husted Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO PRODUCE EVIDENCE PURSUANT TO NRS 48.045...DEFENDANT'S MOTION TO REVEAL RAP SHEETS, NCIC REPORTS, AND JUVENILE CRIMINAL RECORDS...DEFENDANT'S MOTION FOR DISCOVERY...EVIDENTIARY HEARING EVIDENTIARY HEARING: Testimony presented per worksheet. COURT ORDERED, matter UNDER ADVISEMENT as the Court needs to review the file. FURTHER, matter set for Decision with Defendant's presence waived at that time. Mr. Terry advised he will be out of the jurisdiction on the date given, but will send a representative in his place.
Mr. Kane advised that the Deft's Motion to Reveal Rap Sheets, NCIC Reports, and Juvenile Criminal Records pertains only to two of the witnesses. There being no opposition, COURT ORDERED, motion GRANTED. FURTHER, Deft's Motion to Produce Evidence Pursuant to NRS 48.045 and Deft's Motion for Discovery are OFF CALENDAR.

Mr. Kane advised the State is prepared to file an amended information. Mr. Terry requested time to object in writing. COURT ORDERED, opposition is due by 8/26/02. Mr. Kane requested that he be allowed to respond orally on date of calendar call which is 8/27/02. COURT SO ORDERED.
BOND (COC-FED)
8/22/02 9:00 AM DECISION: EVIDENTIARY HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	August 22, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

August 22, 2002 **9:00 AM** **Decision**

DECISION: EVIDENTIARY HEARING Court Clerk: Billie Jo Craig Reporter/Recorder: Carrie Hansen Heard By: Sobel, Jeffrey

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Court noted there were hairs of defendant in the bath tub at decedent's house that are being analyzed and defendant was not supposed to know where she lived. The State advised it has approximately 20 witnesses. The Court was inclined to deny the Motion to Suppress two statements in its entirety. The Court stated its findings. COURT ORDERED, the defense to submit a supplemental brief by 9/5/02. The State to answer by 9/13/02. The Motion to Suppress is CONTINUED for Decision. Defendant's Motion in Limine to Exclude Hearsay Statements scheduled for 8/27/02 is also CONTINUED to the same date with the same briefing schedule: The State to answer by 9/5/02. Defense reply due 9/13/02. The Trial date is VACATED and RESET. Defendant's Motion to Strike State's Notice of Expert Witnesses and Supplemental Notice of Expert Witnesses scheduled for 8/29/02 is CONTINUED to the same date with the State's reply due 9/13/02. Mr.

Terry to review his schedule and advise of any conflicts.
BOND (COC-FED)
9/19/02 9:00 AM DECISION: DEFENDANT'S MOTION TO SUPPRESS...DEFENDANT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...DEFENDANT'S MOTION TO STRIKE STATE'S NOTICE OF EXPERT WITNESSES AND SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
10/8/02 9:00 AM CALENDAR CALL
10/14/02 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

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

01C173183 The State of Nevada vs Vitaly Zakouto

September 19, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS FOR 9/19/02 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Adams, Danae	Attorney
Bell, Stewart L.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...DEFT'S MOTION TO STRIKE STATE'S NOTICE OF EXPERT WITNESSES AND SUPPLEMENTAL NOTICE OF EXPERT WITNESSES...DECISION: EVIDENTIARY HEARING
As Mr. Kane not present, COURT ORDERED, matters CONTINUED. Mr. Terry to have a reply filed by tomorrow with a copy to the Court by 9/23/02 at 10:30 AM.
BOND (COC-FED)
CONTINUED TO: 9/26/02 9:00 AM ABOVE MATTERS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	September 26, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

September 26, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS FOR 9/26/02 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...DEFT'S MOTION TO STRIKE STATE'S NOTICE OF EXPERT WITNESSES AND SUPPLEMENTAL NOTICE OF EXPERT WITNESSES...DECISION: EVIDENTIARY HEARING
Ben Bingham representing the Signature Bail Bonds present. COURT ORDERED, matter to be renoticed to the Bail Bond Calendar. The 10/8/02 date is VACATED in this Courtroom. Amended Information FILED IN OPEN COURT. COURT ORDERED, all Motion to Suppress are DENIED. The Court stated its findings. COURT ORDERED, State's Oral Motion to Amend Information is GRANTED. Mr. Terry advised once the Amended Information was filed, it increased the scope of the charging document. Opposition noted. COURT ORDERED, Defendant's Motion for Severance is DENIED. Defendant's Motion to Strike State's Notice of Expert Witnesses is OFF CALENDAR. As to Defendant's Motion in Limine to Exclude Hearsay Statements, as Mr. Terry

requested time to reply, COURT ORDERED, reply due to the Court by 10/7/02 at 9:30 AM and matter CONTINUED to the Calendar Call date. There will be no oral argument. As the Court will be unavailable on 10/8/02, COURT ORDERED, the Calendar Call date is CONTINUED.
CONFERENCE AT BENCH.
BOND (COC-FED)
10/10/02 9:00 AM DEFT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...CALENDAR CALL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	October 10, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

October 10, 2002	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS FOR 10/10/02 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bell, Stewart L.	Attorney
Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...CALENDAR CALL

Court noted a brief discussion in chambers regarding the juvenile records which Mr. Terry has not seen. Court noted Mr. Terry's Motion to Continue Trial. As the State had no objection to a short continuance as parties wish to try case as quickly as possible, COURT ORDERED, Trial date is VACATED and RESET to February 2003. Defendant's Motion in Limine to Exclude Hearsay Statements is CONTINUED to December 2002. Mr. Terry has one month to file a Motion in Limine regarding the admissibility of convictions of the State's Witnesses which will be due 11/14/02. The State's Reply due 11/21/02. There will be no oral argument, and matter SET for Decision in

December 2002. Mr. Kane requested permission to stay in contact with the Clerk in case a November date became available. Court advised he could.
Arguments by Mr. Terry that he be entitled to view all of the juvenile records rather than have this Court decide what documents should be made available. The Court advised some documents he may not be entitled to and some documents may have absolutely nothing to do with this case. Mr. Kane noted these records have been expunged and the original records have been shredded because of the age of the case. The Court will review all documents before deciding which documents will be viewed by Mr. Terry.
BOND (COC-FED)
12/5/02 9:00 AM DEFT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS... DEFT'S MOTION IN LIMINE REGARDING ADMISSIBILITY OF CONVICTIONS OF THE STATE'S WITNESSES
1/28/03 9:00 AM CALENDAR CALL
2/3/03 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	November 14, 2002

01C173183 The State of Nevada vs Vitaly Zakouto

November 14, 2002	**9:00 AM**	**Motion to Exonerate**	**SIGNATURE BAIL BOND'S MOTION FOR EXONERATION OF BOND/59 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Prawalsky Heard By: Jeffrey Sobel**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Adams, Danae	Attorney
Bell, Stewart L.	Attorney
Robinson, Lynn M.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter OFF CALENDAR as it should be on the Bond Calendar.
BOND (COC-FED)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	January 09, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

January 09, 2003	**9:00 AM**	**Motion**	**SIGNATURE BAIL BONDS MTN EXONERATION BOND/60 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirley Parawalsky Heard By: Jackie Glass**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bingham, Ben J.	Attorney
Kane, Edward R.	Attorney
Roger, David J.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Mr. Bingham present representing the Bonding Company. Mr. Kane advised Judge Sobel set bail for $350,000.00 which defendant posted. Because there was an Immigration hold, defendant was not released. He noted if Bond is exonerated, the State would request a no bail bench warrant issue. COURT ORDERED, BOND EXONERATED and COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL.
B.W. (NIC (COC-FED))

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	January 13, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

January 13, 2003	**10:00 AM**	**Hearing**	**HEARING Relief** **Clerk: Melissa Davis** **Reporter/Recorder: Shirley Parawalsky** **Heard By: Jackie Glass**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bingham, Ben J.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Mr. Bingham present on behalf of Signature Bail Bonds. Court noted that Mr. Terry was not present last Thursday because he was not notified of the hearing. COURT RESCINDS ITS PREVIOUS ORDER AND RECALLED THE BENCH WARRANT AND REINSTATED THE BOND. COURT FURTHER ORDERED, matter to be placed on the bond calendar.
NIC (COC-FED)
CLERK'S NOTE: After court it was determined that the bond was exonerated on 1/10/03 and cannot be reinstated./md

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**January 21, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

January 21, 2003	**9:00 AM**	**Motion in Limine**	**DEFT'S MTN IN LIMINE TO ALLOW EVDNC JVNLCONVCTN/64** **Court Clerk: Billie Jo Craig** **Reporter/Recorder: Shirlee Parawalsky** **Heard By: Glass, Jackie**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Roger, David J.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- Mr. Terry requested defendant's presence be WAIVED today. COURT SO ORDERED. Court noted counsel requested Motion be continued. Mr. Kane requested Motions be filed under seal. As there was no objection, COURT ORDERED, this Motion and the 1/28/03 Decision on Defendant's Motion in Limine to Exclude Hearsay Statements are CONTINUED to the Calendar Call date for defendant to be present. Defendant's oral Motion to Continue Trial is SET for the same date.
NIC (COC-FED)
1/28/03 9:00 AM DEFT'S MOTION IN LIMINE TO ALLOW EVIDENCE OF JUVENILE CONVICTIONS OF JASON JAEGER AND DAMON JAEGER...DECISION: DEFT'S MOTION IN LIMINE TO EXCLUDE HEARSAY STATEMENTS...DEFT'S ORAL MOTION TO CONTINUE TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	January 28, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

January 28, 2003	**9:00 AM**	**All Pending Motions**	**ALL PENDING MOTIONS FOR 1/28/03 Court Clerk: Billie Jo Craig Reporter/Recorder: Shirlee Parawalsky Heard By: Jackie Glass**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Kane, Edward R.	Attorney
Roger, David J.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION IN LIMINE TO ALLOW EVIDENCE OF JUVENILE CONVICTIONS OF JASON JAEGER AND DAMON JAEGER...DEFT'S MOTION IN LIMINE REGARDING ADMISSIBILITY OF CONVICTIONS OF THE STATE'S WITNESS...DEFT'S REQUEST TO CONTINUE TRIAL...CALENDAR CALL

State's Opposition to Defendant's Motion in Limine to Allow Evidence of Juvenile Convictions of Jason Jaeger and Damon Jaeger FILED IN OPEN COURT UNDER SEAL. Arguments by counsel regarding the juvenile records. COURT ORDERED, Motion to Admit Juvenile Records based on adjudication is DENIED. Court noted both counsel received all records this Court received. Mr. Kane advised the difference between the first documents received and the second documents received was seven pages. Parties agreed proof before witness testifies best handled outside the presence of the

Jury before each witness testifies. COURT ORDERED, Trial date is VACATED and RESET. The 2/4/03 Motion to Continue Trial is VACATED. The Motion to be FILED UNDER SEAL. Counsel advised Trial will be at least one week with 30 witnesses for the State and 8 witnesses for the defense. NIC (COC-FED)
4/1/03 9:00 AM CALENDAR CALL
4/7/03 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 07, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

February 07, 2003	**9:30 AM**	**Status Check**	**STATUS CHECK: BOND STATUS** **Relief Clerk: Kristen Brown** **Reporter/Recorder: Janice Liston Heard** **By: Gene Porter**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT: Van De Pol, Karen L. Attorney

JOURNAL ENTRIES

- Mr. Bingham advised the Court that Judge Glass had exonerated the bond on January 9, 2003. There being no opposition, COURT ORDERED, BOND EXONERATED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 01, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

April 01, 2003	**9:00 AM**	**Calendar Call**	CALENDAR CALL **Court Clerk:** **Georgette Byrd** **Reporter/Recorder:** **Shirlee Prawalsky** **Heard By: Jackie Glass**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Counsel answered ready for week and a half trial, COURT SO ORDERED. FURTHER ORDERED, Deft. REMANDED to the custody of the Metropolitan Police Department.
CUSTODY(COC-FED)
04/07/03 10:00 AM TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 07, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

April 07, 2003	**10:00 AM**	**Jury Trial**	**TRIAL BY JURY** **Court Clerk:** **Georgette Byrd** **Reporter/Recorder:** **Shirlee Prawalsky** **Heard By:** **Pavlikowski, Joseph S.**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY, Mr. Terry renewed his argument as to severing defendants stalking charge from the murder charge. Additionally during the Justice Court proceedings, the State was allowed to play the tape of the victim and there was an agreement that the Defense would not raise the argument again in District Court. However, Defense is requesting to continue their objections to the State using that tape. Arguments by the State. COURT ORDERED, Deft's request to sever counts is DENIED. FURTHER ORDERED, Deft's request to not allow the State to use the tape in District Court is DENIED. JURY PRESENT-Clerk read the Information and State's witnesses to the jury and stated the defendant's plea thereto. At the hour of 4:00 PM jury sworn and excused for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 08, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

April 08, 2003	**9:00 AM**	**Jury Trial**	**TRIAL BY JURY** **Court Clerk:** **Georgette Byrd** **Reporter/Recorder:** **Shirlee Prawalsky** **Heard By:** **Pavlikowski, Joseph S.**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY, arguments by Mr. Terry as to State's preemptory challenge of juror Stampley. Mr. Terry stated there were three African-American jurors on the panel and only two made the panel. Defense objects to the State excusing Mr. Stampley, Defense feels he was race mutual to his client. Objections by Mr. Kane, indicating four African-American jurors were on the panel, one was excused by the judge for good cause. Mr. Stampley was dismissed by the State due to his statement that he was in a nasty divorce and that there were no domestics until this time. State chose to use their preemptory challenge and he was excused. COURT ORDERED, there is no showing of discriminatory actions by the State, therefore Defendant's request is DENIED. JURY PRESENT-Testimony and exhibits presented. (See worksheets.) At the hour of 4:28 PM jury excused for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **April 09, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

April 09, 2003 **10:00 AM** **Jury Trial**

TRIAL BY JURY
Court Clerk:
Georgette Byrd
Reporter/Recorder:
Shirlee Prawalsky
Heard By:
Pavlikowski, Joseph S.

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- JURY PRESENT-Testimony and exhibits presented. (See worksheets.) At the hour of 4:40 PM, jury excused for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **April 10, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

April 10, 2003 **9:30 AM** **Jury Trial**

TRIAL BY JURY
Court Clerk:
Georgette Byrd
Reporter/Recorder:
Shirlee Prawalsky
Heard By:
Pavlikowski, Joseph S.

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY-Colloquy by Mr. Terry regarding previous testimony by Mr. Lings that his air compressor was stolen from the address of Ms. Zakouto. Counsel approached, Defense requested a mistrial and the Court passed the matter for argument. Mr. Terry argued the witnesses inferenced that it was Mr. Zakuto who stole the compressor and the state should have cautioned thier witness on what not to say. Mr. DiGiacomo stated the defendant did commit vandalisim and stole items from the house on 9/26/00. That evidence may be excuplitory and the vandalism was done. COURT ORDERED, there was no inference that the defendant took the compressor, therefore there are no grounds for a mistrial.
Mr. DiGiaomo requested divorce proceedings to be marked for identification, it will not go to the jury, however the State requests the Court to take judicial notice of the exhibit. Court noted the State

will not offer it for prejudicial purposes, however they need to get with Mr. Terry and redact certain areas. Mr. Terry advised the Defense will object to any reference to that document to the jury. Further arguments by Mr. Terry as to the Family Court tape going to the jury. Mr. DiGiacomo advised the State will offer the TPO documents during Mr. Damon Jager's testimony, however he will only testify to the fact there were Family Court proceedings. Arguments by Mr. Terry concerned that there will be testimony of when the TPO was given. Mr. Terry requested counsel to stipulate the TPO was served on a specific date. Counsel stipulated on June 23, 2000 date and that Mr. Jaeger will testify of a court proceedings, not Family Court proceeding.

JURY PRESENT-Testimony and exhibits presented. (See worksheets.) At the hour of 4:30 AM jury excused for the evening.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 11, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

April 11, 2003	**9:30 AM**	**Jury Trial**	**TRIAL BY JURY** **Court Clerk:** **Georgette Byrd** **Reporter/Recorder:** **Shirlee Prawalsky** **Heard By:** **Pavlikowski, Joseph S.**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- At the hour of 9:45 AM JURY PRESENT-Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY-Arguments by Mr. Terry as to the State calling Jason Jaeger. At the time of the evidentiary hearing the State advised they would not be calling Jason Jaeger as an expert, that they would call him as a lay witness. If the Court allows Mr. Jaeger to testify he is a chiropractor then the jury will think he is an expert and requested the Court to preclude that evidence from the jury. Mr. Kane advised the State are not offering him as an expert, he is a chiropractor and he looks at how some one walks and moves because he is a chiropractor, not because he is an expert. Mr. Terry argued the inference is that he has some type of expertise. The jury may draw an opinion that he is some type of expert and requested he not testify that he is a chiropractor. Mr. Kane stated Mr. Jaeger testified that he was a chiropractor at the last hearing.

Court noted Judge Sobel allowed the fact that Mr. Jaeger is a chiropractor in and based on prior ruling will allow the witness to testify that to the jury. COURT ORDERED, State's request to allow Mr. Jaeger to testify as a chiropractor is GRANTED.
JURY PRESENT-Testimony and exhibits presented. (See worksheets.) At the hour of 1:05 State rested. Jury excused for the weekend.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 14, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

April 14, 2003	**9:00 AM**	**Jury Trial**	**TRIAL BY JURY** **Court Clerk:** **Georgette Byrd** **Reporter/Recorder:** **Shirlee Prawalsky** **Heard By:** **Pavlikowski, Joseph S.**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY-Mr. Terry requested a mistrial based upon the testimony that the defendant threatened Jason Jaeger. Mr. Terry advised that is a bad acts and there was no Petrocelli Hearing outside the presence of the jury. Mr. DiGiacomo stated the charging documents indicate the victim and/or family, and Jason Jaeger is family. Mr. Terry argued the document asserted an inference to the fact of the stalking was to the victim only. COURT ORDERED, Defense request for mistrial is DENIED.
Court's inquiry as to playing of the tape where the victim said the defendant was in custody. Mr. Terry stated that information was not to be given to the jury, it should of been redacted from the tape. Mr. Kane argued that if the prior Judge ruled the tape could come into evidence, then Mr. Terry should have asked to have portions of the tape redacted before trial. Mr. Terry requested Court to

strike the testimony of the Family Court proceedings. COURT ORDERED, DENIED.

Mr. Kane argued that Mr. Terry had some recorded statements taken back in

March and April of 2001 and the State just received them last night. The State is not asking for a continuance of the trial, however may ask for a

break in the trial to look at the tapes. Mr. Terry advised those names were provided to the State, however the defense is late giving the tapes to the

State. COURT SO NOTED.

Court advised the defendant of his right to testify during trial.

At the hour of 9:35 AM JURY PRESENT-Testimony and exhibits presented. (See worksheets.) Parties stipulated to the reading of Joel Gellis, latent finger print examiners report to the jury. At the hour of 1:00 PM Defense rested. Jury excused for the day.
OUTSIDE THE PRESENCE OF THE JURY-Counsel went over jury instructions, objections by Mr. Terry as to instruction No. 8, 10, 11, and 30. COURT ORDERED, Defense request DENIED; instructions will be allowed in. Further objections by Mr. Terry as to the jury verdict forms. COURT ORDERED, verdict forms will be given however Mr.Terry's arguments may pertain to sentencing. Mr. Terry provided three extra defense instructions. COURT ORDERED, additional defense instructions will not be used. Mr. Kane advised the Second Degree Murder Count was removed from the verdict form and stipulated to by all counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **April 15, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

April 15, 2003 **8:30 AM** **Jury Trial**

TRIAL BY JURY
Court Clerk:
Georgette Byrd
Reporter/Recorder:
Shirlee Prawalsky
Heard By:
Pavlikowski, Joseph S.

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- JURY PRESENT-Colloquy regarding verdict forms and purposed exhibits. Court read jury instructions followed by closing arguments. At the hour of 12:46, the jury retired to deliberate.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 16, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

April 16, 2003	**8:30 AM**	**Jury Trial**	**TRIAL BY JURY** **Court Clerk:** **Georgette Byrd** **Reporter/Recorder:** **Shirlee Prawalsky** **Heard By: Joseph Pavlikowski**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- At the hour of 2:45 PM, the jury returned with a verdict of GUILTY ALL COUNTS. COUNT I-FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNT II-BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNT III-INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNT IV-AGGRAVATED STALKING (F), COUNT V-AGGRAVATED STALKING (divorce proceedings)(F).
COURT ORDERED, matter set for penalty hearing.
CUSTODY
04/17/03 8:30 AM PENALTY HEARING
CLERK'S NOTE: Minutes changed to reflect correct Count I charge. gb

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	April 17, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

April 17, 2003	**8:30 AM**	**Penalty Hearing**	**PENALTY HEARING Court Clerk: Georgette Byrd/Dorothy Kelly Reporter/Recorder: Shirlee Prawalsky Heard By: Joseph Pavlikowski**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- JURY PRESENT-Counsel waived opening arguments. Testimony and exhibits presented. (See worksheets.) At the hour of 9:22 AM State rests. At the hour of 9:30 AM Defense rests. OUTSIDE THE PRESENCE OF THE JURY-Counsel stipulated to the verdict and instructions. JURY PRESENT-Closing arguments by counsel. Jury retired to deliberate. Jurors returned at 12:15 P.M. Verdict read by the Foreperson. Jury IMPOSED the sentence of LIFE in the Nevada State Prison WITHOUT THE POSSIBILITY OF PAROLE. Jury POLLED at the request of Mr. Terry. Court thanked and excused the Jury. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, No Bail for Defendant. Court adjourned at 12:20 P.M.
CUSTODY

05-29-03 1:00 P.M. SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	May 29, 2003

01C173183 The State of Nevada vs Vitaly Zakouto

May 29, 2003	**1:00 PM**	**Sentencing**	**SENTENCING** **Court Clerk: Nora Pena** **Reporter/Recorder: James A. Helloso** **Heard By: Joseph Pavlikowski**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Di Giacomo, Marc P.	Attorney
Kane, Edward R.	Attorney
Terry, William B.	Attorney
Zakouto, Vitaly	Defendant

JOURNAL ENTRIES

- Gilbert Glass of Parole and Probation (P & P) present. Upon inquiry by the Court, P&P advised Count V should a gross misdemeanor. COURT SO ORDERED. Argument by Mr. Kane on the sentencing guidelines. Argument by Mr. Terry and requested concurrent time. Colloquy between Court and counsel. Response by Mr. Terry. Statement by defendant. Jason Yeager and Vaughan Morris Cannon sworn and testified. Jury having found the DEFENDANT ZAKOUTO GUILTY of COUNT I - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNT III - INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNT IV - AGGRAVATED STALKING (F) AND COUNT V - AGGRAVATED STALKING (DIVORCE PROCEEDINGS) (GM). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA fee and submit to testing to determine genetic markers, Defendant SENTENCED to COUNT I - a term of Life

in the Nevada Department of Corrections WITHOUT the possibility of parole plus an equal and consecutive term of Life WITHOUT the possibility of parole for the use of a deadly weapon;
COUNT II - a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections to run CONCURRENT with COUNT I;
COUNT III - a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections to run CONCURRENT with Count I and II;
COUNT IV - a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections to run CONCURRENT with Count I, II and III;
COUNT V - to ONE (1) YEAR in the Clark County Detention Center (CCDC) to run CONCURRENT with COUNT I, II, III, and IV. Defendant to receive 493 DAYS credit for time served and REMANDED TO CUSTODY.
NDC
BOND, if any, EXONERATED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 08, 2003**

01C173183 The State of Nevada vs Vitaly Zakouto

July 08, 2003	**9:00 AM**	**Motion**	**DEFT'S MTN TO PROCEED IN FORMA PAUPERIS/74 Court Clerk: Georgette Byrd Relief Clerk: Carole D'Aloia/cd Reporter/Recorder: Shirlee Prawalsky Heard By: Jackie Glass**

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Bawa, Ravindar N.	Attorney
Terry, William B.	Attorney

JOURNAL ENTRIES

- Upon inquiry of the Court, Mr. Terry requested that for purposes of payment on transcripts and appendix, Court grant Defendant's motion. COURT ORDERED, motion GRANTED; Mr. Terry to prepare appropriate Order.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	March 22, 2005

01C173183 The State of Nevada vs Vitaly Zakouto

March 22, 2005 **8:30 AM** **Request of Court**

AT THE REQUEST OF THE SUPREME COURT STATUS CHECK Court Clerk: Sandra Jeter Reporter/Recorder: Dick Kangas Heard By: Jackie Glass

HEARD BY: **COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT: Kane, Edward R. Attorney

JOURNAL ENTRIES

- Defendant not present and in custody at the Nevada Department of Corrections. Mr. Kane stated the home invasion count is to be dismissed. Pursuant to Supreme Court Order, COURT ORDERED, COUNT III - INVASION OF THE HOME WHILE IN POSSESSION OF A DEADLY WEAPON (F), DISMISSED. Order signed in open court.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 21, 2011**

01C173183 The State of Nevada vs Vitaly Zakouto

June 21, 2011	**8:15 AM**	**Motion**	**Deft.'s Motion for Appointment of Counsel**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Amy Ferreira, Dep DA, present on behalf of the State; Deft. Zakouto is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on Deft.'s Motion for Appointment of Counsel. Court noted that Deft. has a Petition for Writ of Habeas Corpus set for August 11, 2011. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 08/11/11 8:15 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 30, 2011**

01C173183 The State of Nevada vs Vitaly Zakouto

June 30, 2011	**8:15 AM**	**Motion**	**Petitioner's Motion for Leave to Amend Petition for Writ of Habeas Corpus Pursuant to Nevada Rules Civ. Proc. Rule 15(a) and Dist. Ct Rule 2.3**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Daniel Westmeyer, Dep DA, present on behalf of the State; Deft. Zakouto is incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted that the Deft. is seeking leave to file an Amended Petition for Writ of Habeas Corpus. Deft.'s original Petition is scheduled for August 11, 2011, for argument. COURT ORDERED, Motion GRANTED and set the following briefing schedule:
07/28/11 - Deft. 's Amended Petition Due
09/27/11 - State's Response

COURT ORDERED matter set for hearing.

NDC

10/27/11 8:15 AM HEARING: AMENDED PETITION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: A copy of this minute order mailed to Vitaly Zakouto #77564, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419.

DISTRICT COURT
CLARK COUNTY, NEVADA

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

01C173183 The State of Nevada vs Vitaly Zakouto

August 11, 2011	**8:15 AM**	**Motion**	**Motion for Appointment of Counsel**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S MOTION FOR APPOINTMENT OF COUNSEL . . . DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS

Carrie Morton, Dep DA, present on behalf of the State; Deft. is incarcerated in the Nevada Department of Corrections (NDC) and not present.

Deft.'s Petition for Writ of Habeas Corpus is set for hearing on August 16, the Court will hear no oral argument, it will base its decision on the pleadings submitted by the parties and issue its decision at this time. The Judgment of Conviction (JOC) was filed June 16, 2003, the appeal on March 3, 2005. An Amended JOC was filed on March 24, 2005. COURT FINDS, that Deft.'s Petition for Writ of Habeas Corpus is untimely, pursuant to NRS 34.726, no good cause has been shown for Deft.'s delay in filing this matter. COURT ORDERED, Petition DENIED; the October 27, 2011, hearing date on the Amended Petition is VACATED.

With regard to Deft.'s Motion for Appointment of Counsel, COURT ORDERED, Motion DENIED.

State to prepare Finding of Fact and Conclusions of Law. COURT ORDERED, matter set for status check.

NDC

09/01/11 8:15 AM STATUS CHECK: ORDER (08/11/11)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 16, 2011**

01C173183 The State of Nevada vs Vitaly Zakouto

August 16, 2011 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Billie Jo Craig

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT'S MOTION TO PLACE ON CALENDAR FOR CONFIRMATION OF COUNSEL AND TO SET A BRIEFING SCHEDULE FOR SUPPLEMENT TO WRIT OF HABEAS CORPUS...ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS

Deputy District Attorney Tom Carroll present for the State. Al Lasso appearing for Defendant. Defendant not present.

Colloquy regarding status of case. COURT ORDERED, Al Lasso CONFIRMED as Counsel of Record. The Court's previous ruling on Petition for Writ of Habeas Corpus is VACATED for counsel to file a Supplement Brief. A briefing schedule set as follows:
Defendant's Supplemental Brief Due: 10/18/11
State's Supplemental Response Due: 12/20/11
ARGUMENT/DECISION: 1/20/12 10:00 AM

COURT ORDERED, Argument/Decision SET for Defendant's Supplemental Petition for Writ of Habeas Corpus. Upon inquiry of the Clerk, COURT ORDERED, the 9/1/11 Status Check: Order and the 10/27/11 Hearing are VACATED.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

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

01C173183 The State of Nevada vs Vitaly Zakouto

October 20, 2011	**8:15 AM**	**Motion**	**Defendant's Motion to Place on Calendar to Continue Briefing Schedule for Thirty Days**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Dena Rinetti, Dep DA, present on behalf of the State and Albert Lasso, Esq., present on behalf of Deft. Zakouto, who is not present; Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Mr. Lasso advised the evidence in this case is voluminous and is being electronically formatted; therefore, he filed the above-named motion as he needs a additional time. COURT ORDERED, Motion GRANTED; the briefing schedule is as follows:
11/21/11 - Deft.'s supplement
01/21/12 - State's supplement

COURT FURTHER ORDERED, matter set for hearing; the January 20, 2012, date is VACATED. Mr. Lasso to prepare an Order.

NDC

02/24/12 10:00 AM ARGUMENT/DECISION: SUPPLEMENTAL PETITION FOR WRIT OF

HABEAS CORPUS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 21, 2012**

01C173183 The State of Nevada vs Vitaly Zakouto

February 21, 2012 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S MOTION TO NOTICE THE COURT NOT TO TRANSPORT THE DEFT, AND TO CORRECT TYPOS NUNC PRO TUNC ON PREVIOUSLY FILED WRIT OF HABEAS CORPUS . . . ALBERT LASSO, ESQ.'S MOTION TO WITHDRAW AS COUNSEL

Daniel Westmeyer, Dep DA, present on behalf of the State and Albert Lasso, Esq., present on behalf of Deft. Zakouto, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Court noted that an irreconcilable difference has developed between Deft. and counsel and, therefore, Mr. Lasso is requesting to withdraw. Mr. Lasso inquired as to whether or not the Court wanted to hear argument on the Motion not to Transport the Deft. before he withdraws. Mr. Westmeyer advised that this matter is being handled by Marc DiGiacomo, Chf Dep DA, and he could not be present today. Since Mr. Westmeyer is not familiar with this matter, he would prefer not to argue at this time.

COURT ORDERED, Lasso's Motion to Withdraw is GRANTED. Mr. Lasso to prepare the Order. Ms. Lasso advised he visited with Deft. at Lovelock and there are several boxes of files in this matter; he is happy to turn same over to new counsel. COURT FURTHER ORDERED, matter set for status check; Court Clerk to contact Drew Christensen.

With regard to the Motion not to Transport the Deft. and the argument on the Deft.'s Petition set for February 24, 2012, COURT ORDERED, matters CONTINUED to March 8, 2012.

NDC

03/08/12 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL

CLERK'S NOTE: Court Clerk telephonically notified Drew Christensen of the above.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 08, 2012**

01C173183 The State of Nevada vs Vitaly Zakouto

March 08, 2012 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S MOTION TO COMPEL THE TRANSFER OF OFFENDER'S TO FOREIGN COUNTRIES ACT TO HIS COUNTRY OF ISRAEL . . . ARGUMENT/DECISION: SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS . . . DEFT.'S MOTION TO NOTICE THE COURT NOT TO TRANSPORT THE DEFT. AND TO CORRECT TYPOS NUNC PRO TUNC ON PREVIOUSLY FILED WRIT OF HABEAS CORPUS . . . STATUS CHECK: CONFIRMATION OF COUNSEL

Michael Radovcic, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Zakouto. Deft. is incarcerated in the Nevada Department of Corrections (NDC) and not present.

Ms. Allen CONFIRMED as counsel of record; she advised that, due to her schedule, she will need some time to get the file from Al Lasso, Esq., and to review it. Ms. Allen is requested thirty (30) days. COURT ORDERED, matter set for status check with regard to the file.

Court noted the following:
1. Petition for Writ of Habeas Corpus was filed by Mr. Lasso on November 21, 2011; Response by the State on December 21, 2011.
2. Deft.'s Motion to Correct Typos Nunc Pro Tunc was filed by Mr. Lasso February 15, 2012; Response by the State February 23, 2012.
3. Deft.'s Motion to Compel was filed by Deft. pro se on February 16, 2012; Response by the State was filed on February 22, 2012.

COURT ORDERED, the above-named motions will also be set for a status check. If Ms. Allen wishes to supplement the record, she may and a briefing schedule will be discussed next date.

NDC

04/12/12 8:15 AM STATUS CHECK: FILE/MOTIONS (03/08/12)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 12, 2012**

01C173183 The State of Nevada vs Vitaly Zakouto

April 12, 2012 **8:15 AM** **Status Check** **File/Motion (03/08/12)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Michael Radovcic, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Zakouto, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Ms. Allen advised that she has reviewed the Writ in this case but does not have the file yet. Therefore, Ms. Allen is requesting the matter be set out sixty (60) days; she will file a Stipulation and Order to put the matter out further is she needs to. COURT ORDERED, matter set for hearing. If more time is needed, Ms. Allen shall file a Stipulation and Order setting forth an agreed upon briefing schedule.

07/13/12 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS/PENDING MOTIONS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 19, 2012**

01C173183 The State of Nevada vs Vitaly Zakouto

July 19, 2012 **8:15 AM** **Hearing**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Foley

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Daniel Westmeyer, DDA, and Wendy Leik, Esq. present. Deft. at NDC.

Ms. Leik advised Ms. Allen is attorney of record and she requests 120 days to meet with her client and supplement the writ, 60 days for the State to respond, and 30 days to reply. COURT ORDERED, briefing schedule set and hearing date CONTINUED. Supplement due 11/20, response due 1/23.

NDC

CONTINUED TO: 2/22/13 9:00 AM

Clerk's note: Clerk gave counsel 2/23 hearing date in court but that is a Saturday. Correct hearing date is Friday, 2/22/13. A copy of this minute order to be placed in the attorney folder(s) of Ms. Allen and Mr. Simon.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 24, 2013**

01C173183 The State of Nevada vs Vitaly Zakouto

January 24, 2013 **8:15 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Tia Everett

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Travis Hayes, Deputy District Attorney, present on behalf of the State. Defendant not present in custody with the Nevada of Department of Corrections and represented by Betsy Allen Esq.

Ms. Allen advised he believes the normal practice is to have the Defendant present during the evidentiary hearing and this matter can be taken off calendar as she will speak with the Defendant regarding this issue. Colloquy regarding current hearing date of 3/21/2013. COURT ORDERED, motion DENIED and hearing date RESET from 3/21/2013 to 3/22/2013 at 9:30 AM.

NDC

3/22/2013 9:30 AM HEARING RE: DEFENDANT'S PEITITON FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**March 22, 2013**

01C173183 The State of Nevada vs Vitaly Zakouto

March 22, 2013	**9:30 AM**	**Hearing**	**Petition for Writ of Habeas Corpus/Motions From 03/08/12**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Erika Wiborg, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Zakouto, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Ms. Allen advised that she just received the file in this matter; it is voluminous, nine (9) banker's boxes. Due to Ms. Allen's schedule, she is requesting six (6) months to file any supplements in this matter. Court set the following briefing schedule:
09/19/13 - Ms. Allen's Supplemental Briefs
12/19/13 - State's Response

COURT ORDERED, matter set for hearing.

NDC

01/10/14 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS/MOTIONS FROM 03/08/12

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 22, 2013**

01C173183 The State of Nevada vs Vitaly Zakouto

October 22, 2013	**8:15 AM**	**Motion**	**Deft.'s Motion to Expand Briefing Schedule**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Hamner, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Zakouto, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for hearing on Deft.'s Motion to Expand Briefing Schedule. Conference at the Bench. Pursuant to said conference, COURT ORDERED, Motion GRANTED. Court set the following briefing schedule:

02/25/14 - Supplemental Brief
04/25/14 - State's Response

COURT FURTHER ORDERED, matte set for hearing.

NDC

05/30/14 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 30, 2014**

01C173183 The State of Nevada vs Vitaly Zakouto

May 30, 2014	**9:30 AM**	**Hearing**	**Petition for Writ of Habeas Corpus/Motions from 03/08/12**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- No appearances. Court set the following briefing schedule:
08/29/14 - Supplemental Briefs
10/29/14 - State's Response

COURT ORDERED, hearing CONTINUED.

NDC

CONTINUED TO: 11/14/14 9:30 AM

CLERK'S NOTE: A copy of this minute order was placed in the attorney folders of the District Attorney and Betsy Allen, Esq.

DISTRICT COURT
CLARK COUNTY, NEVADA

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

01C173183 The State of Nevada vs Vitaly Zakouto

November 14, 2014	**9:30 AM**	**Hearing**	**Petition for Writ of Habeas Corpus/Motions from 03/08/12**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- No appearances; at the conclusion of the calendar the Court prepared the following minute order:

Deft.'s Petition for Writ of Habeas Corpus and the Motion to Compel came before this Court on the November 14, 2014, Oral Calendar. The Court continued the hearing to provide Deft. the opportunity to file Supplemental Briefing. Therefore, COURT ORDERED Deft.'s counsel to supplement her briefing by no later than December 19, 2014. The State may then file its Supplemental Response by February 6, 2015. The hearing will be set on this Court's Oral Calendar for February 20, 2015, for argument.

NDC

02/20/15 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS & MOTION TO COMPEL

CLERK'S NOTE: This Court's Law Clerk notified counsel of the above via e-mail.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 20, 2015**

01C173183 The State of Nevada vs Vitaly Zakouto

February 20, 2015	**9:30 AM**	**Hearing**	**Petition for Writ of Habeas Corpus/Motions from 03/08/12**

HEARD BY: Estes, Robert **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Nicole Cannizzaro, Dep DA, present on behalf of the State and Betsy Allen, Esq., present on behalf of Deft. Zakouto, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction) and Deft.'s Motion to Retest DNA Evidence. Court called Case: Ms. Cannizzaro is present for the State but Ms. Allen is not. COURT ORDERED, and Order so Show Cause shall issue for Betsy Allen as to why she is not here. Court trailed matter.

MATTER RECALLED: Ms. Cannizzaro and Ms. Allen are present. Ms. Allen apologized for being late; additionally, she advised that she did not receive a copy of the State's Response. This matter was set for hearing at 9:30 a.m. and it is now 10:10 a.m., Court inquired as to why Ms. Allen was not present at 9:30 a.m. Ms. Allen responded that she miscalendared this matter. COURT FINDS, Ms. Allen in CONTEMPT of Court and ORDERED, her to pay $250.00 to the Clark County Law Library. COURT FURTHER ORDERED, matter set for status check; if the sanction has been paid, the status check will be vacated.

Ms. Allen requested that the matter be continued to March 13, 2015, as she is not prepared to argue this matter today and as stated above, she has not seen the State's Response. Ms. Cannizzaro advised she has no objection to a continuance if the Court is so inclined. COURT ORDERED, matter shall proceed as scheduled; Ms. Cannizzaro provided Ms. Allen with a copy of the Response.

Augment by Ms. Cannizzaro; the Petition is time barred pursuant to NRS 34.726; no good cause exists to overcome the time bar; application of the procedural bar is mandatory; the State pleads Statutory laches; and Deft. is not entitled to an Evidentiary Hearing. Deft.'s Motion to Retest DNA Evidence is without merit and should be denied.

Argument by Ms. Allen; she advised that she made a cursory review of the State's Response. Defense believes the DNA testing should have been redone for the reasons stated on the record and would request that a hearing be held.

Court stated its findings on the record and now rules as follows: none of the trial level allegations of ineffective assistance of counsel are supported by the Strickland test so the Court could on that basis alone, DENY Deft.'s Petition for Writ of Habeas Corpus. Additionally, pursuant to NRS 34.726 and Hogan v. Warden, the Deft. has the burden of pleading and proving specific facts that demonstrate good cause for failure to present the claim within the one (1) year and he has failed to do so. Pursuant to Clem v. State, to establish good cause, appellants must show that an impediment external to the defense prevented their compliance with the applicable procedural rule; this was not done. The Court also notes that pursuant to State vs. District Court, the imposition on the District Court from the Supreme Court is that the District Court must apply the procedural bars if warranted and again, the Court notes there has been no showing nor even mention of good cause as to why the Petition was not timely filed.

This COURT FINDS that the Law of the State of Nevada binds this Court to finding that the Petition was untimely. Likewise, NRS 34.800 and Groesback v. Warden clearly notes that the State must argue laches if a period exceeding five (5) years elapses between the filing of the Judgment of Conviction or an Order imposing a sentencing of imprisonment because of the unreasonable burden and the State is prejudiced by that time. Therefore, the Petition and Supplemental Petition are time barred. COURT ORDERED, Deft.'s Petitions are DENIED.

Regarding the Deft.'s Motion to Reset DNA evidence, pursuant to NRS 176.0918 there must be a showing for a rationale for why a reasonable possibility exists that the Deft. would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence. The Court, from the questions posed to counsel, was informed that the Jury did not convict the Deft. because of the DNA evidence and in fact the DNA evidence, or more specifically, the lack of DNA evidence of the Deft. at the scene of the crime was argued to the Jury. Therefore, the DNA evidence presented at trial was as beneficial to the Deft. as further testing of the DNA would be. Therefore, COURT ORDERED, the Deft.'s Motion to Retest DNA Evidence is DENIED.

Ms. Cannizzaro to prepare the Order.

NDC

03/19/15 8:30 AM STATUS CHECK: PAYMENT OF CONTEMPT SANCTION AND ORDER (02/20/15)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 25, 2017**

01C173183 The State of Nevada vs Vitaly Zakouto

May 25, 2017 **8:30 AM** **All Pending Motions**

HEARD BY: Hardcastle, Kathy **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Rose, Steven	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, as follows:

DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL: Motion DENIED.

DEFENDANT'S PRO PER MOTION FOR EVIDENTIARY HEARING: Motion DENIED.

DEFENDANT'S PRO PER MOTION TO RETEST DNA EVIDENCE: Motion DENIED.

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS: Motion DENIED.

DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) Court stated the Writ for Habeas Corpus was time barred pursuant to NRS 34.762, there had been no good cause shown to overcome the time barred. Court stated its findings and FURTHER ORDERED, petition DENIED; Status Check SET for State to prepare Order.

NDC

06/22/17 8:30 AM STATUS CHECK: FILING OF ORDER

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

VITALY ZAKOUTO #77564
P O BOX 7000
CARSON CITY, NV 89702 //ob/05/31/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 22, 2017**

01C173183 The State of Nevada vs Vitaly Zakouto

June 22, 2017 **8:30 AM** **Status Check**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Graham, Elana L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted it did receive the Order. COURT ORDERED, matter OFF CALENDAR.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 01, 2017**

01C173183 The State of Nevada vs Vitaly Zakouto

August 01, 2017 **8:30 AM** **Objection**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

State of Nevada		Plaintiff
Zadrowski, Bernard	B.	Attorney

JOURNAL ENTRIES

- Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. Court further noted Defendant filed an appeal on July 11th and jurisdiction was with the Nevada Supreme Court. Court noted as soon as the Court received a remittitur on this matter Defendant can re-notice his motion. COURT ORDERED, matter OFF CALENDAR.

NDC

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

VITALY ZAKOUTO # 77564
P O BOX 7000
CARSON CITY, NV 89702 //ob/08/02/17

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } **SS:**

Pursuant to the Supreme Court order dated August 18, 2017, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises sixteen volumes with pages numbered 1 through 3601.

STATE OF NEVADA,

Plaintiff(s),

vs.

VITALY ZAKOUTO aka WILLIAM V. MOR,

Defendant(s),

Case No: 01C173183

Dept. No: XVII

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 5 day of September 2017.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk