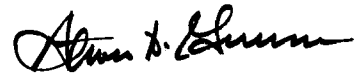


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2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant



CLERK OF THE COURT

DISTRICT COURT

Electronically Filed  
Mar 18 2015 03:52 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA, )  
8 )  
9 Plaintiff, )  
10 v. )  
11 BENNETT GRIMES, )  
12 Defendant. )

CASE NO. C-11-276163-1

DEPT. NO. XII

NOTICE OF APPEAL

13 TO: THE STATE OF NEVADA

14 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,  
15 NEVADA and DEPARTMENT NO. XII OF THE EIGHTH JUDICIAL  
16 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
17 COUNTY OF CLARK.

18 NOTICE is hereby given that Defendant, Bennett Grimes,  
19 presently incarcerated in the Nevada State Prison, appeals to the  
20 Supreme Court of the State of Nevada from the judgment entered  
21 against said Defendant on the 26th day of February, 2015 whereby  
22 the Motion to Correct Illegal Sentence was denied.

23 DATED this 16<sup>th</sup> day of March, 2015.

24 PHILIP J. KOHN  
25 CLARK COUNTY PUBLIC DEFENDER

26 By: /s/ Deborah L. Westbrook  
27 DEBORAH L. WESTBROOK, #9285  
28 Deputy Public Defender  
309 S. Third Street, Ste. 226  
Las Vegas, Nevada 89155  
(702) 455-4685



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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing  
was made this 16<sup>th</sup> day of March, 2015, by Electronic Filing to:

District Attorneys Office  
E-Mail Address:  
PDMotions@ccdandv.com

Jennifer.Garcia@ccdandv.com

Eileen.Davis@ccdandv.com

/s/ Carrie M. Connolly  
Secretary for the  
Public Defender's Office

  
CLERK OF THE COURT

1 CAS  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

8	THE STATE OF NEVADA,	)	
9		)	
	Plaintiff,	)	CASE NO. C-11-276163-1
10		)	
	v.	)	DEPT. NO. XII
11		)	
	BENNETT GRIMES,	)	
12		)	
	Defendant.	)	
13		)	

CASE APPEAL STATEMENT

15 1. Appellant filing this case appeal statement:  
16 Bennett Grimes.

17 2. Judge issuing the decision, judgment, or order  
18 appealed from: Michelle Leavitt.

19 3. All parties to the proceedings in the district  
20 court (the use of et al. To denote parties is prohibited): The  
21 State of Nevada, Plaintiff; Bennett Grimes, Defendant.

22 4. All parties involved in this appeal (the use of  
23 et. al. to denote parties is prohibited): Bennett Grimes,  
24 Appellant; The State of Nevada, Respondent.

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CERTIFICATE OF ELECTRONIC FILING

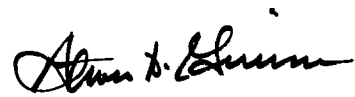
I hereby certify that service of the above and foregoing  
was made this 16<sup>th</sup> day of March, 2015, by Electronic Filing to:

District Attorneys Office  
E-Mail Address:  
PDMotions@ccdandv.com

Jennifer.Garcia@ccdandv.com

Eileen.Davis@ccdandv.com

/s/ Carrie M. Connolly  
Secretary for the  
Public Defender's Office



CLERK OF THE COURT

1 **REQT**  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

7	THE STATE OF NEVADA,	)	
8		)	
9	Plaintiff,	)	CASE NO. C-11-276163-1
10	v.	)	DEPT. NO. XII
11	BENNETT GRIMES,	)	
12	Defendant.	)	

**REQUEST FOR ROUGH DRAFT TRANSCRIPT**

13 TO: Kristine Cornelius, Court Recorder  
14 District Court, Department No. XII

15 BENNETT GRIMES, Defendant named above, requests a  
16 preparation of a rough draft transcript of certain portions of the  
17 proceedings before the District Court, as follows:

18 Dates or dates of proceedings: 02/10/15.

19 Portion of the transcript requested: 02/10/15 (Kristine  
20 Cornelius) - Any and all proceedings, all transcripts to include  
21 word index.  
22

23 This Notice requests a transcript of only those portions  
24 of the District Court proceedings which counsel reasonably and in  
25 good faith believes are necessary to determine whether appellate  
26 issues are present. Voir dire examination of jurors, opening  
27 statements and closing arguments of trial counsel and the reading  
28

1 of jury instructions shall not be transcribed unless specifically  
2 requested above.

3 I recognize that I must personally serve a copy of this  
4 form on the above-named court reporter and opposing counsel.

5 That the above-named court reporter shall have twenty  
6 ~~(20) days from the date of service of this document to prepare an~~  
7 original plus two copies at State expense and file with the  
8 District Court Clerk the original rough draft transcript(s)  
9 requested herein.  
10

11 Further, pursuant to NRAP 3C(d)(3)(iii), the court  
12 reporter shall also deliver copies of the rough draft transcript  
13 to appellant's counsel and respondent counsel no more than twenty  
14 (20) days after the date of the appellant's request.  
15

16 DATED this 16<sup>th</sup> day of March, 2015.

17 PHILIP J. KOHN  
18 CLARK COUNTY PUBLIC DEFENDER

19 By: /s/ Deborah L. Westbrook  
20 DEBORAH L. WESTBROOK, #9285  
21 Deputy Public Defender  
22 309 S. Third Street, Ste. #226  
23 Las Vegas, Nevada 89155  
24 (702) 455-4685  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 20, 2012**

C-11-276163-1      State of Nevada  
   vs  
   Bennett Grimes

**March 20, 2012      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Diefenbach, Lauren R	Attorney
	Grimes, Bennett	Defendant
	Public Defender	Attorney
	Schifalacqua, Marc M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFENDANT'S MOTION TO CONTINUE TRIAL DATE

COURT ORDERED, Motion GRANTED as unopposed; trial date VACATED AND RESET.

CUSTODY

6/12/12 8:30 A.M. CALENDAR CALL

6/19/12 1:30 P.M. TRIAL BY JURY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

June 07, 2012      8:30 AM      Motion for Discovery

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Hojjat, Nadia	Attorney
	Imlay, Darin F.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. not present. Mr. Hillman advised Deft. refused to be transported to Court today. SO NOTED. Statements by counsel. COURT ORDERED, as follows:

As to: 1. Any and all notes and records of any physical examinations, scientific tests, or specific experiments done in connection with this case.

Motion GRANTED to the extent that the material exists, as State has already handed over all of this discovery to the defense.

As to: 2. Any and all records and notes regarding any benefits or assistance given to any informant or witness related to the case, as well as any other evidence of bias of State informants or witnesses.

Motion GRANTED.

As to: 3. Any and all notes of interviews of any witnesses and any potential witnesses in the case.

Motion GRANTED to the extent the material exists, as the State filed a response to this issue stating they have complied with the request.

As to: 4. Any evidence that any State informant or witness was intoxicated or impaired at the time of the incident about which the witness will testify.

Motion GRANTED. Court NOTED, State is not aware of the information, however, the State will provide this discovery to defense, if available.

As to: 5. Any information that the alleged victim or any State witness was or is a police informant.

Motion GRANTED. Court NOTED, State is not aware of the information, however, the State will provide this discovery to defense, if available.

As to: 6. Any information related to the case given by anyone to any police department or crime tip organization such as Crime Stoppers, and any reward or benefit received for such tip.

Motion GRANTED.

As to: 7. The State must disclose whether its attorneys, officers or any other witnesses have cooperated with or been interviewed by any media organizations, the extent of the cooperation, and whether the cooperation is ongoing or planned for the future.

Motion GRANTED to the extent that the material exists.

Ms. Hojjat argued in support of relief requested on any information regarding criminal history of the alleged victim, citing Brady and the Kyles case law. Further arguments as to admissibility and relevancy. Following colloquy, counsel advised defense is seeking to have the State run the NCIC scope on the alleged victim, pursuant to the Kyles and Giglio cases.

As to: 8. Any information regarding criminal history of the alleged victim and / or any material witness in the case.

Motion GRANTED IN PART only as to prior felonies or crimes involving honesty, including truthful or untruthfulness, to the extent that the material exists; Motion DENIED IN PART on the remaining relief.

As to: 9. Any notes of any statements by the Deft. to include any notes of patrol officers or other agents of the State who have had contact with the Deft. in this case.

Motion DENIED as the State had informed the Court these notes do not exist.

As to: 10. All relevant reports of chain of custody and all reports of any destruction of evidence or failure to collect and / or preserve evidence in the case.

Motion GRANTED to the extent that the material exists.

As to: 11. All statements made by any material witnesses in the case, and any inconsistent statements made by a material witness.

Motion GRANTED. Following arguments by counsel, COURT FURTHER ORDERED, Motion No. 11 DENIED as to the State having to issue a subpoena for this material, as the defense may issue one.

As to: 12. Any information tending to show the unreliability of a State informant or witness in the case.

Motion GRANTED.

As to: 13. Any and all notes and reports of any experts in the case, to include mental health workers and crime scene investigators.

Motion GRANTED only to the extent it is required by statute only.

As to: 14. All updated witness contact information in the case, including the witnesses' last known address and phone number.

Motion DENIED; the defense may contact the witness through the State, and schedule an appointment to have an interview with the witness, if necessary.

As to: 15. Any and all books, papers, documents, and tangible objects related to the case.

Motion GRANTED.

As to: 16. Any and all electronic communications in the case, as well as any reports related to those communications.

Motion GRANTED.

As to: 17. Any and all photographs, video recordings, and / or audio recordings related to the case within the possession, control, or control of the State.

Motion GRANTED to the extent that the material exists.



**C-11-276163-1**

As to: 18. Any and all documents and notes pertaining to the identification of Deft. as a suspect.

Motion GRANTED.

Moving counsel to prepare the orders.

CUSTODY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

June 12, 2012      8:30 AM      Calendar Call

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Hillman requested the trial date be continued. Deft's Motion To Continue Trial Date FILED IN OPEN COURT. Arguments by State in opposition to the continuance. Mr. Hillman argued as to additional discovery being sought on Deft's medical condition, text messages being sought, and self-defense scenario. Mr. Morgan argued no mitigation evidence was submitted. Following further arguments, COURT ORDERED, Deft's Motion GRANTED; trial date VACATED AND RESET. Court advised Deft. to let his attorney know where to obtain the medical records being sought. Deft. acknowledged.

**CUSTODY**

8/21/12 8:30 A.M. CALENDAR CALL

**C-11-276163-1**

8/28/12 1:30 P.M. TRIAL BY JURY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 19, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

July 19, 2012      8:30 AM      Motion to Dismiss

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich  
Sharon Coffman  
Aaron Carbajal  
Vanessa Ward  
Ying Pan

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Hillman requested an opportunity to file a Reply and review the Opposition filed by the State. Court ORDERED, matter CONTINUED.

**CUSTODY**

7/31/2012 8:30 AM DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO GATHER EVIDENCE

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

July 31, 2012      8:30 AM      Motion to Dismiss

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich  
Sharon Coffman  
Vanessa Ward  
Aaron Carbajal  
Ying Pan

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Diefenbach, Lauren R	Attorney
	Grimes, Bennett	Defendant
	Morgan, Shawn A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Diefenbach advised parties stipulated to continue this matter. COURT SO ORDERED.

CUSTODY

8/9/12 8:30 AM DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO GATHER EVIDENCE

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2012

C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

August 14, 2012      8:30 AM      Motion to Dismiss

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hojjat, Nadia	Attorney
	Imlay, Darin F.	Attorney
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Based on representations made by counsel at the Bench, COURT ORDERED, matter CONTINUED for determination to be made to the Court as to whether or not the defense is seeking to have the alleged weapon tested. FURTHER, trial date VACATED AND RESET on the next criminal stack, due to Mr. Hillman being assigned to this case, and currently out of the office.

**CUSTODY**

8/23/12 8:30 A.M. DEFENDANT'S MOTION TO DISMISS OR FAILURE TO GATHER EVIDENCE

**C-11-276163-1**

10/02/12 8:30 A.M. CALENDAR CALL

10/09/12 1:30 P.M. TRIAL BY JURY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 23, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

August 23, 2012      8:30 AM      Motion to Dismiss

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Diefenbach, Lauren R	Attorney
	Grimes, Bennett	Defendant
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Diefenbach advised this case is assigned to Ms. Hojjat, who is seeking to be present to handle these proceedings, and requested a continuance. Additionally, Mr. Hillman is currently out of the office. Statements by Deft. Colloquy. Mr. Morgan advised State is seeking to discuss the issues with opposing counsel, and also requested a continuance. COURT SO ORDERED.

**CUSTODY**

9/13/12 8:30 A.M. DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO GATHER EVIDENCE





the defense wanted to test the weapon, they could have done so. Further arguments by counsel regarding Brady evidence State has obligation to collect. COURT ORDERED, Motion DENIED. State to prepare the order. Ms. Hojjat requested to make a record on this issue for preservation; and COURT SO ORDERED. Counsel noted, defense had no knowledge that the knife was available, and that testing was not done on this knife, as the defense was under the impression that testing was already completed on all of the items collected, based on the evidence list report. SO NOTED.

CUSTODY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 02, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

October 02, 2012      8:30 AM      Calendar Call

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant's Motion in Limine To Preclude Introduction Of Temporary Protective Order At Trial FILED IN OPEN COURT. Ms. Botelho announced ready for trial on behalf of State, and estimated 3-4 days, with 12-14 witnesses. Upon Court's inquiry, Ms. Botelho advised this case is Overflow eligible. Mr. Hillman indicated the Motion in limine can be heard at time of trial. SO ORDERED. Court TRAILED matter to hear the remaining cases on for Calendar Call. RECALLED. Ms. Botelho clarified there are 2 out-of-state witnesses in this case. Following colloquy, COURT ORDERED, trial date RESET.

**CUSTODY**

10/10/12 10:30 A.M. TRIAL BY JURY...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE INTRODUCTION OF TEMPORARY PROTECTIVE ORDER AT TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

October 10, 2012      10:30 AM      All Pending Motions

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION IN LIMINE TO PRECLUDE INTRODUCTION OF TEMPORARY PROTECTIVE ORDER AT TRIAL...JURY TRIAL

OUTSIDE PRESENCE OF JURY: Ms. Botelho advised State has not filed an Opposition to Deft's Motion, further noting she spoke with Mr. Hillman during file review, and State is in agreement to not bring in underlined facts of the temporary restraining order (TPO). Ms. Hojjat argued in support of Motion, stating defense is not seeking to have the Jury hear about the TPO, as it is prejudicial. Following additional arguments, Court stated it is just an enhancement. Upon Court's inquiry, Mr. Botelho advised Deft. and alleged victim were married, but separated at time of alleged incident. Further arguments. Ms. Hojjat argued there is a dispute on facts of what Deft's intension was, while

at the apartment. COURT ORDERED, Motion DENIED. Both parties stipulated that the facts that led up to the TPO will not be allowed to be presented to the Jury.  
SO NOTED.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by Counsel. Clerk called roll. Prospective Jury Panel sworn. Voir Dire commenced.

Lunch recess.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court admonished Deft. to stand when jury members appear in the Courtroom. Mr. Hillman requested Court to remind the Jury members that trial attorneys are not permitted to speak to the members of the jury venire, during trial, as one of the Jury members was ignored by defense counsel, during the lunch break, while waiting for the elevators. Mr. Hillman stated that nothing happened, and he just wanted to make the Court aware.  
SO NOTED. Court stated it will be sure to remind the Jury members.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continues. CONFERENCE AT BENCH. During the conference, State made a Batson challenge. Further discussions at the Bench. JURY SELECTED. Court thanked and excused the remaining jury panel members. Court instructed the Jury. Clerk read the Third Amended Information. Further instructions were given by the Court.

OUTSIDE PRESENCE OF JURY: Court stated it amended the Third Amended Information, to reflect Steven B. Wolfson as the District Attorney, and not David Roger. Parties acknowledged and agreed. Court admonished Deft. to cooperate with directives from Court Services, and to not give Court Services staff members a hard time, due to not wanting to get up early in the mornings. Court stated it received notification from the jail, that Deft. complained about not wanting to get up early in the mornings for transport. Deft. acknowledged.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/11/12 10:30 A.M. TRIAL BY JURY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 11, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

October 11, 2012      10:30 AM      Jury Trial

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Ms. Botelho placed a stipulation on the record, stating both parties agreed to not have bad acts presented in this case, without having a Petrocelli hearing, and no details of the TPO will be discussed during trial. SO NOTED.

JURY PRESENT: Opening statements by Ms. Botelho and Ms. Hojjat. Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Colloquy regarding witness line up. Upon Court's inquiry, Mr. Hillman advised he will speak with Deft. further regarding the case, including his rights to testify, and this Court may canvass the Deft. tomorrow morning on those rights. SO NOTED. Ms. Botelho

**C-11-276163-1**

requested a Hernandez hearing. Following colloquy, Mr. Hillman provided stipulations made by parties regarding specific witnesses to not be called to testify, including the witness who took the DNA sample from Deft, through search warrant, as State will make representations to the Jury that a DNA sample was taken in this case. SO NOTED. Deft. concurred on the stipulations.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/12/12 8:15 A.M. TRIAL BY JURY





testimony and exhibits.

Lunch recess.

Court and counsel met in chambers to discuss jury instructions.

OUTSIDE THE PRESENCE OF THE JURY: Court informed Deft. of his right not to testify.

Mr. Hillman noted when Court and counsel were reviewing jury instructions and came across self-defense proposed instruction Court indicated there was no evidence shown of that. Court asked Mr. Hillman to put on the record theory of how Ms. Grimes received wounds. Mr. Hillman and Ms. Hojjat advised what the argument would be. Court stated its findings regarding state of the record and advised it is not going to give self-defense instruction.

Court and counsel met in chambers to continue discussing jury instructions.

Jury released for the weekend, to return Monday, 10/15 at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Jury instructions settled on the record.

CUSTODY

CONTINUED TO: 10/15/12 10:30 AM

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2012

C-11-276163-1      State of Nevada  
   vs  
   Bennett Grimes

October 15, 2012      10:30 AM      Jury Trial

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: State and defense rested. Instructions To The Jury FILED IN OPEN COURT. Court instructed Jury on the law. Closing arguments by Mr. Burns, Mr. Hillman, and by Ms. Botelho. Court Marshal and Matron sworn by Clerk, and took charge of Jury. Alternate identified, and instructed by Court. At the hour of 11:52 a.m., Jury retired to deliberate.

JURY DELIBERATING.

2:55 P.M.--JURY PRESENT: Court reconvened with all parties present from before. JURY RETURNED VERDICTS as follows: COUNT 1 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); COUNT 2 -

GUILTY OF BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); AND, COUNT 3 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL BODILY HARM IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F).

Jury polled at request of Mr. Hillman. Court thanked and excused the Jury from trial proceedings.

OUTSIDE PRESENCE OF JURY: COURT ORDERED, current bail setting REVOKED; Deft. REMANDED into CUSTODY WITHOUT BAIL. FURTHER, matter REFERRED to Division of Parole and Probation (P&P), and SET for Sentencing. Court advised parties Juror Foreperson submitted a note to the Court Marshal for the Court, during deliberations. Court stated it did not respond to the note, as the Jury needed to review their Instructions on finding the answer, during their deliberations. Parties acknowledged, and made no objections. Court read the note as follows: "Does criminal intent have to be established before entering the structure, or can intent change during the chain of events, for the charge of burglary?" Court Exhibit 13 MARKED AND ADMITTED. Court adjourned.

TRIAL ENDS.

CUSTODY

12/18/12 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 06, 2012**

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C-11-276163-1      State of Nevada  
   vs  
   Bennett Grimes

---

**November 06, 2012    8:30 AM                    Motion for New Trial**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cooper, Jonathan	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Matter submitted on the pleadings. COURT ORDERED, Motion DENIED. State to prepare the order.

CUSTODY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2012

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

December 18, 2012      8:30 AM      Sentencing

HEARD BY: Barker, David      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Diefenbach, Lauren R	Attorney
	Grimes, Bennett	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff
	Trippiedi, Hagar	Attorney

**JOURNAL ENTRIES**

- Ms. Botelho not present. Ms. Diefenbach requested a continuance, further noting this case is assigned to Mr. Hillman and Ms. Hojjat, who handled trial proceedings. Following colloquy, Court TRAILED and RECALLED matter for all parties to appear. Ms. Botelho now present. Statements by counsel. At request of State, COURT ORDERED, victim impact statements will be given today. COURT FURTHER ORDERED, Deft's sentencing will be continued at a later date, for Judge Leavitt to handle the proceedings, as she heard the entire trial, and she knows the factual basis of the case. Court NOTED, Judge Leavitt can review the victim impact statements on JAVS video, prior to sentencing Deft. Earl Newman provided sworn statements. COURT ORDERED, matter CONTINUED.

**CUSTODY**

**C-11-276163-1**

2/07/13 8:30 A.M. SENTENCING (JURY VERDICT)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2013

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

February 07, 2013      8:30 AM      Sentencing

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Hojjat advised the Pre Sentence Investigation (PSI) report indicates P&P is recommending that Deft. receive large habitual treatment, and the PSI is incorrect, as Deft. is not qualified for large habitual treatment. Ms. Botelho responded State is only seeking small habitual criminal treatment. Deft. provided a written statement to the Court, for review, and inquired if the proposition 36 halfway house program is available for him. Following colloquy between Court and Deft, Court stated it will not impose the program in this case. DEFT. GRIMES ADJUDGED GUILTY of COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); and COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL BODILY HARM IN VIOLATION OF A TEMPORARY



PROTECTIVE ORDER (F). Ms. Botelho argued as to imposition of sentence, and requested small habitual criminal treatment be imposed, for use of deadly weapon enhancement, on Counts 2 and 3. State's Exhibits presented (See Worksheets.). Ms. Hojjat made no objections to the Exhibits. Court reviewed Deft s written statements. Ms. Hojjat objected to adjudication of Count 3, based on trial proceedings. Ms. Botelho argued in support of adjudication; and provided case law from Jackson vs. State, to the Court. Upon review, Court stated it needs more time to finish reviewing the supporting case law, before making a decision. COURT ORDERED, matter CONTINUED. Court provided a copy of the case law to Ms. Hojjat. CASE RECALLED. Ms. Hojjat requested to a transcript from trial, to verify if a record was made on dismissal of Count 3, as State may have agreed to it. Court advised counsel to request a CD recording of the trial from the Recorder, and listen to the trial proceedings, to verify.

CUSTODY

2/12/13 8:30 A.M. SENTENCING

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2013

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

February 12, 2013      8:30 AM      Sentencing

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Colloquy regarding case law from the Jackson matter, and discussions made during settlement of jury instructions at time of trial, on Count 3 merging. Arguments by counsel regarding law from various cases, including Strickland and Morales. Mr. Burns further argued quantum of punishment has not changed. Following further colloquy, Court stated it needs to sentence Deft. today, prior to any additional claims on appeal being filed with the Nevada Supreme Court. DEFT. GRIMES ADJUDGED GUILTY of COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); and COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL BODILY HARM IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F). Arguments by State. Statements by Deft. Arguments by counsel.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED on COUNT 1 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of FIVE (5) YEARS and a MAXIMUM of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC), for use of deadly weapon, and Court considered the factors outlined in NRS 193.165 Subsection 1; COUNT 2 - DEFT. SENTENCED UNDER THE SMALL HABITUAL CRIMINAL STATUTE to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), COUNT 2 to run CONCURRENT to COUNT 1; and COUNT 3 - DEFT. SENTENCED UNDER THE SMALL HABITUAL CRIMINAL STATUTE to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), COUNT 3 to run CONSECUTIVE to COUNT 2 and COUNT 1, with FIVE HUNDRED EIGHTY ONE (581) DAYS CREDIT FOR TIME SERVED. BOND, if any, EXONERATED.

NDC



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 03, 2013

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

October 03, 2013      8:30 AM      All Pending Motions

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Sandra Pruchnic

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Burns, J Patrick	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff
	Westbrook, P. David	Attorney

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC).

Deft's Reply In Support Of Motion To Correct Illegal Sentence FILED IN OPEN COURT.

DEFT'S MOTION TO STRIKE AS UNTIMELY THE STATE'S OPPOSITION TO DEFT'S MOTION TO CORRECT ILLEGAL SENTENCE

Mr. Westbrook objected to State's Opposition having been filed untimely, and argued as to Rule 3.20 (c). Court stated it will consider the issue, based on substance. Mr. Westbrook advised he did not receive the written response from State. COURT ORDERED, Motion to strike DENIED.

DEFT'S MOTION TO CORRECT ILLEGAL SENTENCE

Arguments by counsel in support of Motion. Further arguments regarding DCR 13, Jackson and Edwards cases, NRS 176.555, dicta in Edwards, Anderson vs. State, foreseeability, ex post facto, Blockburger case, redundancy no longer being applicable in double jeopardy, and fundamental of fairness. Mr. Westbrook additionally argued as to the Salazar Skiba case, Barton case, Stevens vs. Warden standard, and there being prejudice on an illegal sentence. Arguments regarding Calder vs. Bull. Mr. Westbrook requested the Battery with Use of Deadly Weapon felony charge be dismissed, and argued as to the 5th Amendment Due Process clause. Colloquy as to Judgment of Conviction. Mr. Burns opposed the Motion, and argued regarding jurisprudence. Thereafter, Mr. Burns submitted on the pleadings. Mr. Westbrook made reply arguments. Upon Court's inquiry, Mr. Westbrook requested Count 3 be dismissed, as illegal. COURT ORDERED, the Reply will be reviewed, and a decision by Minute Order will issue from Chambers. Mr. Westbrook objected to consecutive time being imposed on Count 3, and not concurrent time. Court stated it reviewed the Judgment of Conviction, and Count 3 is to run consecutive, therefore, the Judgment of Conviction was correct.

NDC

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 10, 2015

C-11-276163-1      State of Nevada  
   vs  
   Bennett Grimes

February 10, 2015      8:30 AM      Request

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich  
   Keri Cromer

RECORDER: Kristine Cornelius

REPORTER:

**PARTIES**

PRESENT:      Schwartz, Michael J.      Attorney  
   State of Nevada      Plaintiff  
   Westbrook, P. David      Attorney

**JOURNAL ENTRIES**

- Defendant not present. Colloquy regarding what specific motion was to be addressed. Mr. Westbrook requested a continuance. COURT SO ORDERED.

NDC

2/17/15; 8:30 AM: DEFENDANT'S STATUS CHECK ON COURT'S ORDER (DEFENDANT'S MOTION TO CORRECT ILLEGAL SENTENCE)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 17, 2015

C-11-276163-1      State of Nevada  
   vs  
   Bennett Grimes

February 17, 2015      8:30 AM      Request

HEARD BY: Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Cornelius

REPORTER:

**PARTIES**

PRESENT:      State of Nevada      Plaintiff  
   Trippiedi, Hagar      Attorney

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Westbrook not present. COURT ORDERED, matter OFF CALENDAR. Court to issue a decision by written order or minute order.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 26, 2015**

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C-11-276163-1      State of Nevada  
   vs  
   Bennett Grimes

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**February 26, 2015      3:00 AM      Minute Order**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Minute Order Re: Deft s Motion To Correct Illegal Sentence

The Court, having reviewed the Motion To Correct Illegal Sentence, hereby DENIES the Motion. The State to prepare the order.

CLERK'S NOTE: A copy of the above minute order has been provided to Deputy District Attorney Patrick Burns, Esq., and Deputy Public Defender P. David Westbrook, Esq. /// sj

# Exhibit List

Case: C-11-276163-1 Party: Sort Order: Status Defendant Name: Grimes, Bennett DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
JC	Plaintiff	Admitted 09/21/2011	** Destroy ** 09/21/2013	Document JC Documents & proceedings		Roger, David J.		
1	Plaintiff	Admitted 10/11/2012	Destroy 10/17/2015	Photograph Apt Exterior		Wolfson, Steven B		
<b>Comment:</b> see complete list in events tab								
2	Plaintiff	Admitted 02/07/2013	Destroy 02/12/2016	Document JOC's		Wolfson, Steven B		

**STATE'S EXHIBIT LIST**

TRIAL DATES: 10/10/12 thru 10/

Case No. C-11-276163-1	Clerk: Susan Jovanovich
Dept. 12 Judge: Michelle Leavitt	Recorder: Kerry Esparza
Pltf(s): State of Nevada	Pltf's Counsel: Agnes Botelho and Patrick Burns
Def(s): Bennett Grimes	Def's Counsel: Roger Hillman and Nadia Hojjat

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
1	Photo: 9325 W. Desert Inn #173 - Exterior	10-11-12	no	✓	10-11-12
2	Photo: 9325 W. Desert Inn #173 - Walkway to Front Entrance	10-11-12	no	✓	10-11-12
3	Photo: 9325 W. Desert Inn #173 - Exterior Balcony/Patio	10-11-12	no	✓	10-11-12
4	Photo: 9325 W. Desert Inn #173 - Walkway to Front Entrance	10-11-12	no	✓	10-11-12
5	Photo: 9325 W. Desert Inn #173 - Front Door and Underside Stairwell	10-11-12	no	✓	10-11-12
6	Photo: 9325 W. Desert Inn #173 - Patio Area	10-11-12	no	✓	10-11-12
7	Photo: 9325 W. Desert Inn - Parking Lot w/ Patrol Vehicles	10-11-12	no	✓	10-11-12
8	Photo: 9325 W. Desert Inn - Parking Lot w/ Patrol Vehicles and Shoes	10/12/12	no	✓	10/12/12
9	Photo: Bennett Grimes's Shoes, Socks and Puddle of Blood	10/12/12	no	✓	10/12/12
10	Photo: 9325 W. Desert Inn #173 - Interior Balcony/Patio w/ Patrol Cars	10-11-12	no	✓	10-11-12
11	Photo: 9325 W. Desert Inn #173 - Interior Balcony/Patio	10-11-12	no	✓	10-11-12
12	Photo: 9325 W. Desert Inn #173 - Dining Room and Patio Sliding Glass	10-11-12	no	✓	10-11-12
13	Photo: 9325 W. Desert Inn #173 - Front Walkway w/ Blood Drops	10-12-12	no	✓	10/12/12
14	Photo: 9325 W. Desert Inn #173 - Blood Drops Near Front Door	10/12/12	no	✓	10/12/12
15	Photo: 9325 W. Desert Inn #173 - Front Door w/ Blood Drops	10-11-12	no	✓	10-11-12
16	Photo: 9325 W. Desert Inn #173 - Front Door Cracked	10-11-12	no	✓	10-11-12
17	Photo: 9325 W. Desert Inn #173 - Interior Living Room and Kitchen	10/12/12	no	✓	10/12/12
18	Photo: 9325 W. Desert Inn #173 - Living Room, Dining, Blue Cooler	10/12/12	no	✓	10/12/12
19	Photo: 9325 W. Desert Inn #173 - Kitchen, Front Entrance, Cooler, Fruit	10-11-12	no	✓	10-11-12

STATE'S EXHIBIT LIST

CASE NO.: C-11-276163-1

TRIAL DATES: 10/10/12 thru

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
20	Photo: 9325 W. Desert Inn #173 – Interior Doorway, Wig, Blood	10/12/12	no	✓	10/12/12
21	Photo: 9325 W. Desert Inn #173 – Wig, Entrance and Carpet Blood, Towel	10/12/12	no	✓	10/12/12
22	Photo: 9325 W. Desert Inn #173 – View from Doorway	10/12/12	no	✓	10/12/12
23	Photo: 9325 W. Desert Inn #173 – Entrance, Blood, Wig, Knife, Towel	10-11-12	no	✓	10-11-12
24	Photo: “ Detail – Entrance, Blood, Wig, Towel, Knife, Remote	10/12/12	no	✓	10/12/12
25	Photo: “ Front Entrance Closet w/ Blood	10/12/12	no	✓	10/12/12
26	Photo: “ View of Living Room, Buffet, Cooler, and Interior of Front Door	10-11-12	no	✓	10-11-12
27	Photo: “ Living Room, Back of Chaise Lounge, Knife, Blood, Wig,	10/12/12	no	✓	10/12/12
28	Photo: “ Detail of Blood Pooled on Carpet	10/12/12	no	✓	10/12/12
29	Photo: “ Blood Transfer on Chaise, Knife, and Remote	10-11-12	no	✓	10-11-12
30	Photo: Knife Detail w/ Ruler	10/12/12	no	✓	10/12/12
31	Photo: Knife Detail “Stainless Steel, China”	10-11-12	yes	✓	10-11-12
32	Photo: Knife Detail – Non-Engraved Side	10-11-12	yes	✓	10-11-12
33	Photo: Knife Detail – Bend in Knife Blade	10-11-12	yes	✓	10-11-12
34	Photo: Knife Tip Detail w/ Partial Bloody Fingerprint	10/12/12	no	✓	10/12/12
35	Photo: Knife Detail – Apparent Partial Fingerprint Near Hilt	10/12/12	no	✓	10/12/12
36	Photo: Blue Cooler – Opened w/ Pens, Etc. Visible	10/12/12	no	✓	10/12/12
37	Photo: Blue Cooler – Opened w/ DVDs and Bus Schedule Visible	10/12/12	no	✓	10/12/12
38	Photo: Wal-Mart New Associate Schedule in Name of Bennett Grimes	10/12/12	no	✓	10/12/12
39	Photo: Aneka Grimes Undergoing Surgery	10-11-12	no	✓	10-11-12
40	Photo: Detail Aneka Grimes’s Face During Surgery	10-11-12	no	✓	10-11-12
41	Photo: Aneka Grimes’s Injuries to Back/Side of Head	10-11-12	Stip	✓	10-11-12
42	Photo: Detail – Aneka Grimes’s Injuries to Back/Side of Head	10-11-12	no	✓	10-11-12
43	Photo: Aneka Grimes – Injuries to Left Arm Near Elbow	10-11-12	Stip	✓	10-11-12
44	Photo: Aneka Grimes – Injuries to Left Arm Near Elbow	10-11-12	Stip	✓	10-11-12
45	Photo: Aneka Grimes – Injuries to Left Forearm	10-11-12	Stip	✓	10-11-12
46	Photo: Detail – Aneka Grimes – Injuries to Left Forearm	10-11-12	Stip	✓	10-11-12
47	Photo: Aneka Grimes – Injury	10-11-12	no	✓	10-11-12
48	Photo: Aneka Grimes – Injury	10-11-12	no	✓	10-11-12
49	Photo: Aneka Grimes – Injuries to Left Arm Near Forearm and Elbow	10-11-12	no	✓	10-11-12
50	Photo: Detail Aneka Grimes – Injuries to Left Arm Near Elbow/Forearm	10-11-12	Stip	✓	10-11-12

51	Photo: Detail Aneka Grimes – Injuries to Left Arm Near Elbow/Forearm	10-11-12	Stip	✓	10-11-12
52	Photo: Orientation Shot of Aneka Grimes Left Upper Body/Arm Injuries	10-11-12	No	✓	10-11-12
53	Photo: Aneka Grimes – Injuries to Neck, Chest, Shoulder, and Face	10-11-12	No	✓	10-11-12
54	Photo: Detail – Aneka Grimes – Injuries to Neck, and Chest	10-11-12	Stip	✓	10-11-12
55	Photo: Detail – Aneka Grimes – Injuries to Chest	10-11-12	Stip	✓	10-11-12
56	Photo: Detail – Aneka Grimes – Injuries to Neck	10-11-12	Stip	✓	10-11-12
57	Photo: Detail – Aneka Grimes – Injury to Shoulder/Neck Area	10-11-12	No	✓	10-11-12
58	Photo: Detail – Aneka Grimes – Injuries to Arm Pit Area	10-11-12	No	✓	10-11-12
59	Photo: Bennett Grimes’s Cargo Pants – Front Side	10/12/12	No	✓	10/12/12
60	Photo: Bennett Grimes’s Cargo Pants – Back Side	10/12/12	No	✓	10/12/12
61	Photo: Bennett Grimes’s Tank Top – Front Side	10/12/12	No	✓	10/12/12
62	Photo: Bennett Grimes’s Tank Top – Back Side	10/12/12	No	✓	10/12/12
63	Photo: Aneka Grimes’s Blue Jumper and Underwear – Front Side	10/12/12	No	✓	10/12/12
64	Photo: Aneka Grimes’s Blue Jumper and Underwear – Back Side	10/12/12	No	✓	10/12/12
65	Photo: Aneka Grimes’s Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
66	Photo: Detail – Aneka Grimes’s Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
67	Photo: Detail – Aneka Grimes’s Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
68	Photo: Detail – Aneka Grimes’s Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
69	Photo: Detail – Aneka Grimes’s Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
70	Photo: Bennett Grimes in Hospital	10-11-12	No	✓	10-11-12
71	Photo: Close-Up Bennett Grimes’s Face	10-11-12	No	✓	10-11-12
72	Photo: Detail – Bennett Grimes – Hand <del>with</del> <b>withdrawn 10/12</b>				
73	Photo: Laceration to Bennett Grimes’s Right Index Finger	10-11-12	No	✓	10-11-12
74	Photo: Laceration to Bennett Grimes’s Right Index Finger	10/12/12	No	✓	10/12/12
75	Photo: Stephanie Newman – Front	10-11-12	No	✓	10-11-12
76	Photo: Stephanie Newman – Back	10-11-12	No	✓	10-11-12
77	Photographic Diagram from Julie Marschner’s DNA Analysis	10/12/12	No	✓	10/12/12
78	Audio CD: Earl Newman’s 911 Call – 7/22/11				
79	Audio CD: Stephanie Newman’s 911 Call – 7/22/11	10-11-12	No	✓	10-11-12
80	Audio CD: Aneka Grimes’s 911 Call – 7/22/11	10-11-12	No	✓	10-11-12
81	Knife Recovered from 9325 W. Desert Inn Road #173 <b>and box (knife strapped into box) - one exhibit</b>	10/12/12	No	✓	10/12/12
82	<b>Photo of victim</b>	10/11/12	No	✓	10/11/12
83	<b>Photo - Withdrawn (marked &amp; withdrawn 10/12) <sup>cf</sup></b>				

85					
86					
87					
88					
89					
90					

T:\DEPT 18\EXHIBIT LIST FORMS-GENERIC.doc



COURT'S EXHIBITS

CASE NO. C276163

	Date Offered	Objection	Date Admitted
1. Voir Dire Jury List	10-10-12	no	10-10-12
2. Note from Juror	10-11-12	no	10-11-12
3. Note from Juror	10-11-12	no	10-11-12
4. Note from Juror	10-11-12	no	10-11-12
5. Note from juror	10/12/12	"	10/12/12
6. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
7. Instructions offered by Defense & Rejected	10/12/12	"	10/12/12
8. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
9. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
10. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
11. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
12. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
13. Note from Jury foreperson	10/15/12	no	10/15/12
14. Note from Jury foreperson	10/15/12	no	10/15/12







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

PHILIP J. KOHN, PUBLIC DEFENDER  
309 S. THIRD ST., SUITE 226  
LAS VEGAS, NV 89155

DATE: March 17, 2015  
CASE: C276163

RE CASE: STATE OF NEVADA vs. BENNETT GRIMES

NOTICE OF APPEAL FILED: March 16, 2015

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR  
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT  
MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

BENNETT GRIMES,

Defendant(s).

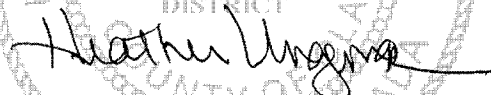
Case No: C276163

Dept No: XII

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 17 day of March 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

