

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Sep 10 2019 07:37 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JACK LEAL,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-17-322664-2

Docket No: 79243

RECORD ON APPEAL VOLUME 4

ATTORNEY FOR APPELLANT

JACK LEAL #1183500,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT

AARON D. FORD
ATTORNEY GENERAL
555 E. WASHINGTON AVE., STE. 3900
LAS VEGAS, NV 89101

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2018

C-17-322664-2 State of Nevada
 vs
 Jack Leal

June 05, 2018 8:30 AM Motion

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

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Kovac, Michael C.	Attorney
	Leal, Jack	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Weiner not present. COURT ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2018

C-17-322664-2 State of Nevada
 vs
 Jack Leal

June 26, 2018 8:30 AM Motion

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

COURT CLERK: Natalie Ortega

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Kovac, Michael C.	Attorney
	Leal, Jack	Defendant
	Mueller, Craig A	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Mueller argued in support of the motion requesting a \$100,000.00 cash bail and noting there was a property to be liquidated and the amount could applied to the restitution owed. Argument by Mr. Kovac. COURT NOTED at the time of sentencing the issue was whether or not Defendant had paid the restitution as the negotiations were joint and several. Defendant had four months from the entry of plea to the time of sentencing and had only attempted the day before and was unsuccessful. Furthermore, there was not a conflict of situation, it was a simple question. It was a reality that Defendant did not pay the restitution. COURT FURTHER NOTED, the State retained the right to argue. Additionally, this was not conditional plea to give either Defendants probation. The Court reviewed eleven victims in the amount of \$750,000.00. They were victims of the fraudulent conduct of the two defendants. Furthermore, Defendant had a record of fraud in the past in two other cases. Defendant was a danger to the community; other unsuspecting individuals could be victims of his conduct. COURT ORDERED, motion DENIED pending appeal.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 28, 2019

C-17-322664-2 State of Nevada
 vs
 Jack Leal

February 28, 2019 8:30 AM Motion

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

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Dunn, Ann Marie Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, matter OFF CALENDAR as it was a fugitive document.

NDC

CLERK'S NOTE: Subsequent to Court, upon further review, Court stated the document wasn't a fugitive document. Court further stated it appeared on January 3, 2019, COURT ORDERED, Motion to Withdraw Counsel GRANTED. Court stated Defendant did not serve the Attorney General's Office and must served the Attorney Generals Office thereafter re-notice the motion. A copy of this minute order was placed in the attorney folder(s) of the Attorney General and distributed to:

JACK NEAL #1183500
SOUTHERN DESERT CORRECTIONAL
20825 COLD CREEK ROAD
PO BOX 208
INDIAN SPRINGS, NV 89070 //ob/02/28/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2019

C-17-322664-2 State of Nevada
 vs
 Jack Leal

April 25, 2019 8:30 AM Status Check

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

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Engler, Alissa Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, matter CONTINUED; State to prepare a Transport Order for Defendant's presence.

NDC

CONTINUED TO: 05/23/19 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2019

C-17-322664-2 State of Nevada
vs
Jack Leal

May 07, 2019 8:30 AM Petition for Writ of Habeas Corpus

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

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Bongard, Michael J.	Attorney
	Gersten, Joseph Z	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Mr. Gersten argued Defendant stated the Information, the charging document was unclear under the Hancock case, it did not delineate as to what Defendant did, as it lumped both Co- Defendants in. Mr. Gersten further argued under Hancock the statutes require a clear and concise delineation of the charges that was in error and had run a foul of the law. Additionally, Mr. Gersten argued there was a Strickland violation, the waiver that was necessary as Mr. Weiner was representing both Defendants until four days before deal was struck. Mr. Gersten further argued the Co- Defendant had an extensive history of domestic violence against Defendant and he believed the Co- Defendant was in lead with her attorney to coerce Defendant into the deal that was made. Mr. Gersten argued this was a package deal and the Court didn't know about it when it happened. Mr. Gersten further argued Defendant did not plea knowingly and intelligently. Court noted the Court of Appeals affirmed the Court's decision on not allowing Defendant to withdraw. Upon Court's inquiry, Mr. Gersten was uncertain if same issues were brought up. Further argument by Mr. Gersten. Mr. Bongard argued the first claim should be procedural defaulted pursuant NRS 34.810 (1A), there was nothing in the original petition that talked about there was an unknowingly,

unintelligently or involuntary plea, the claim should be defaulted. Mr. Bongard further argued two Waivers of Conflict were executed, one in Justice Court and the second in District Court at the time of Entry of Plea. As to the coercion, Mr. Bongard argued the record doesn't contain any facts Counsel knew of any domestic violence or encouraged it to coerce a plea. Further argument by Mr. Gertsen. COURT stated its FINDINGS and ORDERED, Petition DENIED; Mr. Gertsen to prepare the Order.

Court noted the upcoming hearing on May 23rd, the Court requested clarification of the restitution. COURT FURTHER ORDERED, Judgment of Conviction AMENDED; Restitution to be paid Joint and Severally with Co- Defendant; Court's Request for Clarification of Restitution to Include Jointly and Severally with Co- Defendant ADVANCED and VACATED.

NDC

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated August 30, 2019, 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 four volumes with pages numbered 1 through 727.

STATE OF NEVADA,

Plaintiff(s),

vs.

JACK LEAL,

Defendant(s),

Case No: C-17-322664-2

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 10 day of September 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

