

1 NOAS

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

FILED

JUN 19 9 57 AM '07

CLERK OF THE COURT

FILED

JUN 26 2007

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 FREDDY A. MARTINEZ,

14 Defendant.

No. 49608

CASE NO. C226586X

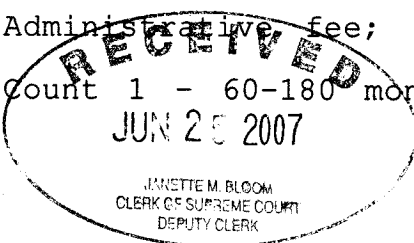
DEPT. NO. VII

15 NOTICE OF APPEAL

16 TO: THE STATE OF NEVADA

17 DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
18 DEPARTMENT NO. VII OF THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

19 NOTICE is hereby given that Defendant, Freddy A.
20 Martinez, presently incarcerated in the Nevada State Prison,
21 appeals to the Supreme Court of the State of Nevada from the
22 judgment entered against said Defendant on the 31st day of May,
23 2007, whereby he was convicted of Count 1 - Burglary While in
24 Possession of a Weapon; Count 2 - Battery With Use of a Deadly
25 Weapon; Count 3 - First Degree Kidnapping With Use of a Deadly
26 Weapon; Count 4 - Not Guilty and sentenced to \$25.00
27 Administrative fee; \$150.00 DNA Analysis fee; genetic testing;
28 Count 1 - 60-180 months in prison; Count 2 - 48-120 months in



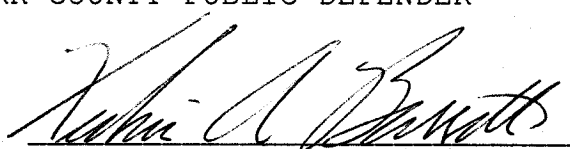
07-13908

1 prison; Count 3 - 60-Life in prison, plus an equal and consecutive
2 term of 60-Life for the Use of a Deadly Weapon; Counts 1, 2, and 3
3 to run concurrent; 281 days credit for time served.

4 DATED this 18th day of June, 2007.

5 PHILIP J. KOHN
6 CLARK COUNTY PUBLIC DEFENDER

7
8 By:

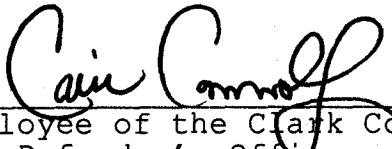

KEDRIC A. BASSETT, #4214
Deputy Public Defender
309 S. Third Street, Ste. 226
Las Vegas, Nevada 89155
(702) 455-4685

1 DECLARATION OF MAILING

2 Carrie Connolly, an employee with the Clark County
3 Public Defender's Office, hereby declares that she is, and was
4 when the herein described mailing took place, a citizen of the
5 United States, over 21 years of age, and not a party to, nor
6 interested in, the within action; that on the 18th day of
7 June, 2007, declarant deposited in the United States
8 mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the
9 case of the State of Nevada v. Freddy A. Martinez, Case No.
10 C226586X, enclosed in a sealed envelope upon which first class
11 postage was fully prepaid, addressed to Freddy A. Martinez, c/o
12 High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018.
13 That there is a regular communication by mail between the place of
14 mailing and the place so addressed.

15 I declare under penalty of perjury that the foregoing is
16 true and correct.

17 EXECUTED on the 18th day of June, 2007.

18
19 
20 An employee of the Clark County
21 Public Defender's Office

22 RECEIPT OF COPY of the foregoing Notice of Appeal is
23 hereby acknowledged this 19 day of June, 2007.

24 DAVID ROGER
25 CLARK COUNTY DISTRICT ATTORNEY

26
27 By: MARGIE ENGLISH
28

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

FILED

JUN 19 9 58 AM '07

Chris [Signature]
CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA
10
11
12
13

14 THE STATE OF NEVADA,)	
)	
15 Plaintiff,)	CASE NO. C226586X
)	
16 v.)	DEPT. NO. VII
)	
17 FREDDY A. MARTINEZ,)	
)	
18 Defendant.)	
)	

19 CASE APPEAL STATEMENT

20 1. Appellant filing this case appeal statement:
21 Freddy A. Martinez.

22 2. Judge issuing the decision, judgment, or order
23 appealed from: Stewart L. Bell.

24 3. All parties to the proceedings in the district
25 court (the use of et al. To denote parties is prohibited): The
26 State of Nevada, Plaintiff; Freddy A. Martinez, Defendant.

27 4. All parties involved in this appeal (the use of et.
28 al. to denote parties is prohibited): Freddy A. Martinez,
Appellant; The State of Nevada, Respondent.

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///

1 5. Name, law firm, address, and telephone number of
2 all counsel on appeal and party or parties whom they represent:

3 PHILIP J. KOHN
4 Clark County Public Defender
309 South Third Street, #226
Las Vegas, Nevada 89155-2610

DAVID ROGER
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

6 Attorney for Appellant

CATHERINE CORTEZ MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

10 6. Whether appellant was represented by appointed or
11 retained counsel in the district court: Appointed.


12 7. Whether appellant is represented by appointed or
13 retained counsel on appeal: Appointed.

14 8. Whether appellant was granted leave to proceed in
15 forma pauperis, and the date of entry of the district court order
16 granting such leave: N/A.

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Grand jury indictment filed 09/29/06.

20 DATED this 18th day of June, 2007.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: 
25 KEDRIC A. BASSETT, #4214
26 Deputy Public Defender
309 S. Third Street, Ste. 226
Las Vegas, Nevada 89155
(702) 455-4685

1 RECEIPT OF COPY of the foregoing Case Appeal Statement
2 is hereby acknowledged this 19 day of June, 2007.

3 DAVID ROGER
4 CLARK COUNTY DISTRICT ATTORNEY

5
6 **MARGIE ENGLISH**

7 By: _____
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DATE: 06/19/07
CASE NO. 06-C-226586-C

I N D E X

TIME 1:34 PM
JUDGE: Bell, Stewart L.

STATE OF NEVADA

[] vs Martinez, Freddy

[]

0001 D1 Freddy Martinez

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	09/29/06	IND	/(GRAND JURY) INDICTMENT Fee \$0.00				
0002	09/29/06	ARRN	/INITIAL ARRAIGNMENT	0001		10/05/06	
0003	09/29/06	WARR	/INDICTMENT WARRANT	0001		09/29/06	
0004	09/29/06	HEAR	/GRAND JURY INDICTMENT	0001	BW	09/29/06	
0005	10/03/06	BNCH	/BENCH WARRANT ISSUED	0001	QU	09/28/06	
0006	10/03/06	ORDR	/ORDER OF INTENT TO FORFEIT	0001		09/28/06	
0007	10/03/06	EIE	/ENTRY IN ERROR				
0008	10/03/06	BNCH	/INDICTMENT WARRANT RETURN	0001	QU	09/29/06	
0009	10/05/06	CALC	/CALENDAR CALL	0001		11/09/06	
0010	10/05/06	JURY	/TRIAL BY JURY (RV 11/9/06)	0001	VC	11/13/06	
0011	10/11/06	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 1	0001		09/21/06	
0012	10/13/06	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 2	0001		09/28/06	
0013	10/30/06	NOEV	/NOTICE OF EXHIBITS IN THE VAULT			09/28/06	
0014	11/09/06	CALC	/CALENDAR CALL	0001		11/30/06	
0015	11/09/06	JURY	/TRIAL BY JURY VJ 11/30/06	0001	VC	12/04/06	
0016	11/17/06	MOT	/DEFT'S MTN TO COMPEL DISCLOSURE/10	0001	GP	11/30/06	
0017	11/20/06	LIST	/NOTICE OF EXPERT WITNESSES	0001			
0018	11/20/06	LIST	/NOTICE OF WITNESSES	0001			
0019	11/28/06	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION TO COMPEL EXCULPATORY EVIDENCE	0001		11/30/06	
0020	11/30/06	CALC	/CALENDAR CALL VO 12/22/06	0001	VC	01/18/07	
0021	11/30/06	JURY	/TRIAL BY JURY VO 12/22/06	0001	VC	01/25/07	
0022	11/28/06	ORDR	/ORDER RELEASING MEDICAL RECORDS	0001		11/28/06	
0023	11/28/06	REQT	/EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS	0001			
0024	12/16/06	ASSG	/Reassign Case From Judge Bell To Judge BIXLER				
0025	12/23/06	JURY	/TRIAL BY JURY (VJ/1/25/07)	0001	VC	01/29/07	
0026	12/23/06	CALC	/CALENDAR CALL	0001		01/25/07	
0027	12/23/06	ORDR	/ORDER RE SETTING CRIMINAL JURY TRIALS PRESENTLY SCHEDULED ON JANUARY 25 2007	0001		12/23/06	Y
IN DEPT XXIV							
0028	01/18/07	LIST	/DEFENDANTS NOTICE OF WITNESSES	0001			
0029	01/25/07	ARRN	/ENTRY OF PLEA	0001	MT	02/08/07	
0030	02/15/07	CALC	/CALENDAR CALL (PREFERENTIAL)	0001		04/05/07	
0031	02/15/07	JURY	/TRIAL BY JURY (PREFERENTIAL) (VJ/4/5/07)	0001	VC	04/09/07	
0032	11/30/06	MOT	/ALL PENDING MOTIONS 11/30/06	0001		11/30/06	
0033	04/05/07	JURY	/OVERFLOW (24) NYIKOS / BATEMAN / HAMERS 2 DAYS / 8-10 WITNESSES/ NO OUT OF STATE	0001		04/06/07	
0034	04/06/07	JURY	/TRIAL BY JURY	0001		04/12/07	
0035	04/11/07	TRB	/TRIAL BEGINS	0001			
0036	04/11/07	JLST	/DISTRICT COURT JURY LIST	0001			
0037	04/12/07	SENT	/SENTENCING	0001	GR	05/24/07	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0038	04/12/07	TRE	/TRIAL ENDS	0001			
0039	04/12/07	PINU	PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	0001			
0040	04/12/07	ACJL	AMENDED CRIMINAL JURY LIST	0001			
0041	04/12/07	INST	INSTRUCTIONS TO THE JURY	0001			
0042	04/11/07	ASSG	REASSIGNMENT OF JUDGE Bixler TO JUDGE Bell				
0043	04/12/07	JMNT	VERDICT (COUNTS 1, 2, AND 3)	0001		04/17/07	
0044	04/12/07	JMNT	VERDICT (COUNT 4)	S		04/17/07	
0045	04/24/07	NOEV	NOTICE OF EXHIBITS IN THE VAULT			04/11/07	
0046	05/31/07	CSCL	CASE CLOSED			05/24/07	
0047	05/31/07	JMNT	JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0001		06/01/07	
0048	05/31/07	JMNT	JUDGMENT OF CONVICTION/GENETIC TESTING	0001		06/01/07	
0049	06/04/07	NOAS	DESIGNATION OF RECORD ON APPEAL	0001			
0050	06/05/07	NOAS	NOTICE OF APPEAL (SC 49608)	0001	AP	06/04/07	
0051	06/06/07	STAT	CASE APPEAL STATEMENT	0001			

JOC

FILED

MAY 31 2 25 PM '07

ORIGINAL

C. R. Smith
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C226586

-vs-

DEPT. NO. VII

FREDDY MARTINEZ
aka Fredys A. Martinez
#1361243

Defendant.

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060, COUNT 2 – BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS 200.481, COUNT 3 – FIRST DEGREE KIDNAPING WITH USE OF A DEADLY WEAPON (Category A Felony), in violation of NRS 193.165, 200.310, 200.320, COUNT 4 – SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.364, 200.366, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – BURGLARY WHILE IN

CLERK OF THE COURT

RECEIVED
MAY 31 2007

1 POSSESSION OF A WEAPON (Category B Felony), in violation of NRS 205.060,
2 COUNT 2 – BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony), in
3 violation of NRS 200.481, COUNT 3 – FIRST DEGREE KIDNAPING WITH USE OF A
4 DEADLY WEAPON (Category A Felony), in violation of NRS 193.165, 200.310,
5 200.320, COUNT 4 – FOUND NOT GUILTY; thereafter, on the 24TH day of May, 2007,
6 the Defendant was present in court for sentencing with his counsel, KATHLEEN
7 HAMERS, Deputy Public Defender, and good cause appearing,
8

9 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
10 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee
11 including testing to determine genetic markers, the Defendant is SENTENCED to the
12 Nevada Department of Corrections (NDC) as follows: AS TO COUNT 1 - TO A
13 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole
14 Eligibility of SIXTY (60) MONTHS; AS TO COUNT 2 - TO A MAXIMUM of ONE
15 HUNDRED TWENTY (120) with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)
16 MONTHS; AS TO COUNT 3 - TO LIFE with the MINIMUM Parole Eligibility of SIXTY
17 (60) MONTHS, plus an EQUAL and CONSECUTIVE term of LIFE with the MINIMUM
18 Parole Eligibility of SIXTY (60) MONTHS for the Use of a Deadly Weapon; COUNTS 1,
19 2, and 3 to run CONCURRENT; with TWO HUNDRED EIGHTY-ONE (281) DAYS credit
20 for time served.
21
22
23
24

25 DATED this 30 day of May, 2007

26
27
28

STEWART L. BELL
DISTRICT JUDGE

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA vs Martinez, Freddy

09/29/06 08:30 AM 00 GRAND JURY INDICTMENT

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Richard Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
 001802 Jorgenson, Eric G.

Y
Y

At this time, the State informed the Court that the Clark County Grand Jury had certain matters to present to the Court. Mr. Jorgenson stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. Court queried Mr. Ratzlaff re same, he concurred. The State presented Grand Jury Case Number #05BGJ145X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C226586, Department VII. State requested a warrant issued and \$500,000 BAIL set. COURT ORDERED, BENCH WARRANT WILL ISSUE, \$500,000 BOND. Mr. Jorgenson further stated deft is in custody. Exhibit(s) 1-3 lodged with Clerk of District Court. COURT ORDERED, matter set in Courtroom 1-A for Arraignment before Kevin Williams.

B.W. (CUSTODY)

10/5/06 1:30 P.M. INITIAL ARRAIGNMENT

10/05/06 01:30 PM 00 INITIAL ARRAIGNMENT

HEARD BY: Kevin V Williams, Hearing Master; Dept. AA

OFFICERS: Pamela Humphrey/pdh, Court Clerk
Kiara Schmidt, Reporter/Recorder
VERONICA PELAS, Court Interpreter

PARTIES: STATE OF NEVADA
 005873 Benedict, Susan M.

 0001 D1 Martinez, Freddy
 PUBDEF Public Defender
 009049 Hamers, Kathleen M.

Y
Y

Y
Y
Y

DEFT. MARTINEZ ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days after the filing of the Preliminary Hearing Transcript to file writ.

CUSTODY

11/9/06 8:30 AM CALENDAR CALL - DEPT. VII

11/13/06 9:30 AM JURY TRIAL - DEPT. VII

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA vs Martinez, Freddy
CONTINUED FROM PAGE: 001

11/09/06 08:30 AM 00 CALENDAR CALL

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Sharon Chun, Relief Clerk
Renee Vincent, Reporter/Recorder
HECTOR VAZQUEZ-MENA, Court Interpreter

PARTIES:	STATE OF NEVADA	Y
	001648 Barker, David B.	Y
	0001 D1 Martinez, Freddy	Y
	PUBDEF Public Defender	Y
	009049 Hamers, Kathleen M.	Y

Ms. Hamers requested a trial continuance as she needs a statement from the Police. COURT SO ORDERED, jury trial of 11/13/06 VACATED and RESET.

CUSTODY

11/30/06 8:30 AM CALENDAR CALL

12/04/06 9:30 AM TRIAL BY JURY

11/30/06 08:30 AM 00 ALL PENDING MOTIONS 11/30/06

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Carole D'Aloia, Relief Clerk
Renee Vincent, Reporter/Recorder
DIEGO TRUJILLO, Court Interpreter

PARTIES:	STATE OF NEVADA	Y
	008213 Nyikos, Noreen	Y
	0001 D1 Martinez, Freddy	Y
	PUBDEF Public Defender	Y
	009049 Hamers, Kathleen M.	Y

DEFENDANT'S MOTION TO COMPEL DISCLOSURE...CALENDAR CALL

Following arguments by counsel, COURT ORDERED, motion GRANTED as to any compensation or favorable treatment received by any State witness in exchange for their cooperation; DENIED as to providing S.C.O.P.E. on any of the State's witnesses, unless they have run it for themselves, then they are instructed to share them with the defense; GRANTED as to any and all statements made by any State witness or any other person that is in any manner inconsistent with the written and/or recorded statements previously provided to the defense; and GRANTED as to any compensation a State's

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA

vs Martinez, Freddy

CONTINUED FROM PAGE: 002

witness may have received. Ms. Hamers advised she just received the taped interview of the Defendant from the Las Vegas Metropolitan Police Department (LVMPD), advised it is inaudible and for that reason, she is not ready to proceed to trial and requested a continuance. Upon Court's inquiry, Ms. Nyikos advised the State does not object to the continuance. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

1/18/07 8:30 AM CALENDAR CALL

1/22/07 9:30 AM JURY TRIAL

01/25/07 08:30 AM 00 CALENDAR CALL

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Jackie Nelson, Reporter/Recorder
MARIA U PETERS, Court Interpreter

PARTIES: STATE OF NEVADA
007439 Martinovsky, Charles
0001 D1 Martinez, Freddy
PUBDEF Public Defender
009424 Landis, Casey

Y
Y
Y
Y
Y

Mr. Landis advised case negotiated. The Guilty Plea Agreement is missing some pertinent information. Deft is ready to sign, and requested matter CONTINUED for entry of plea and vacate trial date, SO ORDERED.

CUSTODY

1/30/07 8:30 A.M. ENTRY OF PLEA

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA vs Martinez, Freddy

CONTINUED FROM PAGE: 003

01/30/07 08:30 AM 00 ENTRY OF PLEA

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Jackie Nelson, Reporter/Recorder
Maria Peralta De Gomez, Court Interpreter

PARTIES: STATE OF NEVADA
009755 Bauman, Eric A.

0001 D1 Martinez, Freddy
PUBDEF Public Defender
009049 Hamers, Kathleen M.

Y
Y

Y
Y
Y

Two (2) Guilty Plea Agreements (English and Spanish) FILED IN OPEN COURT. NEGOTIATIONS: Deft will plead guilty to one count of Sexual Assault (F), State retains right to argue. Amended Indictment FILED IN OPEN COURT. DEFT. MARTINEZ ARRAIGNED AND PLED GUILTY TO CT 1 of the Amended Information, CT 1 - SEXUAL ASSAULT (F). Upon examination of deft., COURT ORDERED, based upon the deft's answers to the questions, the Court cannot accept his plea. Deft is indicating he is not guilty, and the Court needs a factual basis for his plea. COURT ORDERED, matter CONTINUED.

LATER, Court recalled matter. Ms. Hamers stated deft had a change of heart and requested matter continued to speak with her client and see where they are at with this case. COURT ORDERED, matter CONTINUED at the request of Ms. Hamers. Court inquired if counsel want to take this as an Alford plea. Ms. Hamers requested the continuance, SO ORDERED.

CUSTODY

CONTINUED TO: 02/08/07 08:30 AM 01

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA

vs. Martinez, Freddy

CONTINUED FROM PAGE: 004

02/08/07 08:30 AM 01 ENTRY OF PLEA

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Bill Nelson, Reporter/Recorder
M. BERRY, Court Interpreter

PARTIES: STATE OF NEVADA

008213 Nyikos, Noreen

0001 D1 Martinez, Freddy

PUBDEF Public Defender

009049 Hamers, Kathleen M.

Y
Y
Y
Y
Y

Ms. Hamers stated the case was negotiated, but in speaking with deft, he is requesting a trial date. Ms. Nyikos stated her offer is revoked. Upon Court's directive, Ms. Hamers put the offer on the record, State offered one count of Sexual Assault without the use of a deadly weapon, possible sentence 2-10 years. Upon Court's directive, Ms. Nyikos stated the possible sentence deft could receive on all four counts, including a possible life sentence. Court informed deft, before he rejects the offer, the Court wants to make sure he understands what he is doing. Deft stated he absolutely wants a trial date. COURT ORDERED, trial date set. Ms. Nyikos requested the trial date preferential, SO ORDERED.

CUSTODY

4/5/07 8:30 A.M. CALENDAR CALL (PREFERENTIAL)

4/9/07 10:00 A.M. TRIAL BY JURY (PREFERENTIAL)

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA

vs Martinez, Freddy

CONTINUED FROM PAGE: 005

04/05/07 08:30 AM 00 CALENDAR CALL (PREFERENTIAL)

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Lee Bahr, Reporter/Recorder
MARIA U PETERS, Court Interpreter

PARTIES: STATE OF NEVADA

008213 Nyikos, Noreen

Y

Y

0001 D1 Martinez, Freddy

Y

PUBDEF Public Defender

Y

009424 Landis, Casey

Y

State answered ready for trial, 3 days, 8-10- witnesses, one (1) out-of-state witness. Court noted with an out-of-state witness, the case cannot go to Overflow. Ms. Nyikos stated she spoke to Judge Bell and Charmaine, his JEA, and they will make an exception if the out-of-state witnesses do not create scheduling problems with setting the trial. COURT ORDERED, this case is TRANSFERRED to the Overflow Dept. for trial. Mr. Landis stated Kathleen Hamers is trial counsel. Ms. Nyikos stated Sam Bateman is co-counsel with her. Ms. Nyikos further stated in Dept. VII the case should be done in two days. Also she is looking for a Wednesday start date next week.

CUSTODY

4/6/07 9:00 A.M. OVERFLOW JURY TRIAL from Dept. 24, NYIKOS, BATEMAN, DDAs, K. HAMERS, DPD / 2 DAYS / 8-10 WITNESSES, 1 OUT-OF-STATE

04/06/07 09:00 AM 00 OVERFLOW (24) NYIKOS / BATEMAN / HAMERS
2 DAYS / 8-10 WITNESSES/ NO OUT OF STATE

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Teri Braegelmann, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES: STATE OF NEVADA

008213 Nyikos, Noreen

Y

Y

0001 D1 Martinez, Freddy

Y

PUBDEF Public Defender

Y

009049 Hamers, Kathleen M.

Y

COURT ORDERED, matter SET for trial on Wednesday.

CUSTODY

CONTINUED ON PAGE: 007

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA

vs Martinez, Freddy

CONTINUED FROM PAGE: 006

04/11/07 9:00 AM JURY TRIAL (DEPT 7)

04/11/07 09:30 AM 00 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
 Renee Vincent, Reporter/Recorder
 DIVA REALMUTO, Court Interpreter

PARTIES: STATE OF NEVADA
 008213 Nyikos, Noreen
 008764 Bateman, Samuel G.
 0001 D1 Martinez, Freddy
 PUBDEF Public Defender
 009049 Hamers, Kathleen M.
 009280 Paulson, Ronald S.

Y
 Y
 Y
 Y
 Y
 Y
 Y

Court Interpreters also present throughout trial: Leland Page and Anita D'Angelo with Deft. Martinez; Sylvia Page with witnesses.

9:15 A.M.--OUTSIDE THE PRESENCE OF THE JURY VENIRE, Mr. Bateman advised they have witness availability issues. Ms. Nyikos advised they have a nurse that absolutely cannot be here until tomorrow, however, the case will be over tomorrow. 9:34 a.m.--Jury venire present. Introductions by Court and counsel. Clerk called roll of the venire; voir dire oath administered. Jury selection commenced. 11:05 a.m.--Thirteen (13) jurors selected and sworn. Court thanked and excused the remaining venire. Court read the opening charge to the Jury. Opening statements by Ms. Nyikos and Mr. Paulson. 11:47 a.m.--Jury admonished and excused for lunch, to return at 12:45 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, Court ADMONISHED Deft. Martinez regarding his right to not be compelled to testify. 11:50 a.m.--Court adjourned for lunch.

12:48 P.M.--Court reconvened OUTSIDE THE PRESENCE OF THE JURY. State's proposed exhibit 24 opened in the presence of all counsel and contents marked. 12:51 p.m.--Jury present. Testimony and exhibits presented. (See worksheets.) 3:17 p.m.--OUTSIDE THE PRESENCE OF THE JURY, Ms. Hamers advised, during the testimony of Jose Castillo and Bianca Hernandez statements were made regarding Deft. being in jail and being high on the day in question. Ms. Hamers stated she believes these statements have prejudiced the Jury against Deft. and moved for a mistrial. COURT ORDERED, DENIED. Ms. Hamers advised, when riding the elevator up after lunch, a juror rode up with them and commented the lunch hour was over too quickly. Ms. Hamers stated she advised the juror they could not talk to her. Court acknowledged. Mr. Bateman advised CSA Grover brought the exhibit packages in today and lodged them with the Clerk, however, they were booked in by

CRIMINAL COURT MINUTES

06-C-226586-C STATE OF NEVADA

vs Martinez, Freddy

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Officer Goddard who cannot come in today. Mr. Bateman advised defense counsel has stipulated to the chain of custody. Ms. Hamers concurred. Conference at the bench. 3:22 p.m.--Jury present. Further testimony and exhibits presented. 4:39 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Mr. Paulson addressed an issue regarding witness William McPheeters. Court advised the bailiff saw one of the jurors chatting with this witness and brought it to the Court's attention, however, the issue was resolved and Mr. McPheeters testified. Mr. Paulson advised he spoke with Mr. McPheeters who advised, as far as he was concerned, the juror did not know he was a witness and he did not know she was a juror. Mr.

Paulson advised Mr. McPheeters indicated the conversation was only about how cold it was in the building and about Las Vegas in general. Colloquy regarding Jury Instructions. COURT ORDERED, counsel to return at 8:45 a.m. to settle Instructions and they will continue with the testimony of Detective Chavez. 4:45 p.m.--Court adjourned.

CUSTODY

CONTINUED TO: 04/12/07 09:00 AM 01

04/12/07 09:00 AM 01 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder
DIVA REALMUTO, Court Interpreter

PARTIES: STATE OF NEVADA
008213 Nyikos, Noreen
008764 Bateman, Samuel G.

0001 D1 Martinez, Freddy
PUBDEF Public Defender
009049 Hamers, Kathleen M.
009280 Paulson, Ronald S.

Y
Y
Y

Y
Y
Y
Y

Court Interpreter Anita D'Angelo also present with Deft. Martinez.

8:47 A.M.--Court reconvened with all present as before OUTSIDE THE PRESENCE OF THE JURY. Jury Instructions settled on the record. 9:21 a.m.--Jury

CRIMINAL COURT MINUTES

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present. Further testimony and exhibits presented. (See worksheets.) Court instructed the Jury. Closing arguments by counsel. Bailiff sworn to take charge of the Jury. Clerk selected the alternate by random drawing: Juror #11 - Laura Rodriguez. 11:53 a.m.--Jury retired to deliberate.

5:43 P.M.--Court reconvened with all present as before. Court Interpreter Sylvia Page present with Deft. Martinez. Jury returned with VERDICTS as follow:

GUILTY of Count 1 - BURGLARY WHILE IN POSSESSION OF A WEAPON (F);

GUILTY of Count 2 - BATTERY WITH USE OF A DEADLY WEAPON (F);

GUILTY of Count 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F);

Count 4 - NOT GUILTY.

Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY, COURT ORDERED, Deft. Martinez REMANDED TO CUSTODY WITHOUT BAIL; matter set for sentencing.

CUSTODY

5-24-07 8:30 AM SENTENCING

05/24/07 08:30 AM 00 SENTENCING

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder
Guillermo Palomo, Court Interpreter

PARTIES: STATE OF NEVADA
009662 Rickert, David J.
0001 D1 Martinez, Freddy
PUBDEF Public Defender
009049 Hamers, Kathleen M.

Y
Y
Y
Y
Y

DEFT. MARTINEZ ADJUDGED GUILTY OF COUNT 1 - BURGLARY WHILE IN POSSESSION OF A WEAPON (F), COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON (F) and COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee and submit to Genetic Marker testing, Deft. SENTENCED to the Nevada Department of Corrections (NDC) as follows:

Count 1 - to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS;

Count 2 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS;

Count 3 - to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM term of LIFE plus an equal and CONSECUTIVE MINIMUM of SIXTY (60) MONTHS and a MAXIMUM

CONTINUED ON PAGE: 010

CRIMINAL COURT MINUTES

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term of LIFE for use of a deadly weapon.

Counts 1, 2 & 3 to all be served CONCURRENTLY with each other with 281
DAYS credit for time served.

BOND, if any, EXONERATED.

CASE CLOSED

06/19/07

E X H I B I T S

1:35 PM

CASE NO. 06-C-226586-C

CASE STATUS: INACTIVE

STATE OF NEVADA

[] vs Martinez, Freddy

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	PG	/GRAND JURY 1-3		/	10/31/06	V
0002	P1	/PHOTO		/	99/99/99	V
0003	P2	/PHOTO		/	99/99/99	V
0004	P3	/PHOTO		/	99/99/99	V
0005	P4	/PHOTO		/	99/99/99	V
0006	P5	/PHOTO		/	99/99/99	V
0007	P6	/PHOTO		/	99/99/99	V
0008	P7	/PHOTO		/	99/99/99	V
0009	P8	/PHOTO		/	99/99/99	V
0010	P9	/PHOTO		/	99/99/99	V
0011	P10	/PHOTO		/	99/99/99	V
0012	P11	/PHOTO		/	99/99/99	V
0013	P12	/PHOTO		/	99/99/99	V
0014	P13	/PHOTO		/	99/99/99	V
0015	P14	/PHOTO		/	99/99/99	V
0016	P15	/PHOTO		/	99/99/99	V
0017	P16	/PHOTO (CAR)		AD/NO	04/11/07	V
0018	P17	/PHOTO (CAR W/LIC PL)		AD/NO	04/11/07	V
0019	P18	/PHOTO (GAS CAN)		AD/NO	04/11/07	V
0020	P20	/BUCCAL SWABS (SEALED)		AD/NO	04/11/07	V
0021	P21	/SEX ASSAULT KIT (SEALED)		AD/NO	04/11/07	V
0022	P22	/EVID BAG CONT CD-22A (SEALED)		/	99/99/99	V
0023	P23	/EVID BAG CONT VIC CLTHNG (SEALED)		/	99/99/99	V
0024	P24	/EVID BOX		/	99/99/99	V
0025	P24A	/SHOES & SOCKS (INSIDE BAG)		/	99/99/99	V
0026	P24B	/UNDERWEAR (INSIDE BAG)		/	99/99/99	V
0027	P24C	/SHIRT (GRAY & WHITE) TANKTOP (IN BAG)		/	99/99/99	V
0028	P24D	/JEANS/BELT/BASEBALL CAP (BAG)		/	99/99/99	V
0029	P24E	/EVID ENV & CONTENTS (BLACK FOLDING KNFE)		AD/NO	04/11/07	V
0030	P25	/EVID BAG		/	99/99/99	V
0031	P25A	/BLACK & GRAY FLIP FLOPS		/	99/99/99	V
0032	P26	/LG COLOR PHOTO		AD/NO	04/12/07	V
0033	P27	/LG COLOR PHOTO		AD/NO	04/12/07	V
0034	P28	/LG COLOR PHOTO		AD/NO	04/12/07	V
0035	P29	/LG COLOR PHOTO		AD/NO	04/12/07	V
0036	P30	/LG COLOR PHOTO		AD/NO	04/12/07	V
0037	P31	/LG COLOR PHOTO		AD/NO	04/12/07	V
0038	P32	/LG COLOR PHOTO		AD/NO	04/12/07	V
0039	P33	/DVD		AD/ST	04/12/07	V
0040	P34	/TRANSCRIPT		AD/ST	04/12/07	V
0041	PCT1	/QUEST FROM JUROR #10		AD/NO	04/11/07	V
0042	PCT2	/QUEST FROM JUROR #6		AD/NO	04/12/07	V
0043	PCT3	/QUEST FROM JUROR #6		AD/NO	04/12/07	V
0044	PCT4	/QUEST FROM JUROR ?		AD/NO	04/12/07	V
0045	PCT5	/QUEST FROM JUROR #4		AD/NO	04/12/07	V
0046	PCT6	/NOTE FROM JURY DURING DELIBERATIONS		AD/NO	04/12/07	V
0047	PCT7	/NOTE FROM JURY DURING DELIBERATIONS		AD/NO	04/12/07	V
0048	PCT8	/NOTE FROM JURY DURING DELIBERATIONS		AD/NO	04/12/07	V

Certification of Copy

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

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

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

STATE OF NEVADA,

Plaintiff(s),

VS.

FREDDY A. MARTINEZ,

Defendant(s),

Case No: C226586

Dept N^o: VII

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 19 day of June 2007.

Charles J. Short, Clerk of the Court

~~Robin J. Mills, Deputy Clerk~~